

**PUBLIC SAFETY COMMITTEE**  
**MAY 4, 2016**  
**NOT APPROVED**

**Committee Members Present:** P. Curran, D. Healy, S. Burt, J. Hopkins, K. LaForge, C. Crandall (Absent: A. McGraw)

**Others Present:** L. Ballengee, C. Brown, H. Budinger, S. Dewey, D. Fanton, K. Graves, S. Grusendorf, R. Hollis, C. Ivers, B. Kelley, C. Knapp, J. Luckey, J. Margeson, T. Miner, K. Monroe, B. Riehle, T. Ross, K. Slep, R. Starks, R. Swarthout, R. Whitney

**Media Present:** B. Quinn, *Wellsville Daily Reporter*

**Call to Order:** The meeting was called to order at 11:04 a.m. by Public Safety Committee Chairman Phil Curran.

**Approval of Minutes**

A motion was made by Legislator Healy, seconded by Legislator Hopkins, and carried to approve the Public Safety Committee minutes of April 6, 2016.

**Public Defender**

**Monthly Report**

Public Defender Barbara Kelley, after attending a meeting in Albany last week, wanted to explain to the legislators about the new eligibility standards. The presumptive eligibility for assignment of counsel in criminal cases effective October 3, 2016, is going to go from 125 percent of poverty level to 250 percent. It is a major increase and what it means for Allegany County is that almost anyone who applies is going to be presumptively eligible. Even if your income is over the 250 percent of poverty level, the standards go on and are designed to increase eligibility. For example, we will not consider a spouse's income; they will be considered in the household for household size but it's only the defendant whose income will be included. You do not look at the parent's income for children to be included. Also, a lot of assets are exempt such as real estate and retirement accounts. A potential problem will come for Allegany County if a lot more people will apply because they will now be eligible. We will have to wait to see how this plays out. Right now the standards are only mandatory for criminal court cases, but Attorney Kelley believes that we need to include family court as well, and there are two reasons for that; one is that the family court standards are just not here yet. They are coming and they are going to be similar, and the second reason is that we handle family court as well as criminal court and it is often the same people.

Legislator Graves asked what agency is promulgating these rules. Ms. Kelley stated that Indigent Legal Services is the company, and it is part of the Hurrell-Harring vs. State of New York lawsuit. This lawsuit gives ILS (Indigent Legal Services) the authority to come up with the standards. In order to override these standards it would

take another court decision to change it. There is funding for the five counties to comply, but not for the rest of the state.

The other big issue is counsel on arraignment which we are not doing. Case law states that criminal defendants are entitled to and are supposed to have counsel at arraignment. Ms. Kelley understands they will be issuing a new RFP with funding attached. So once that comes out, she will take a look at it, and try to come up with proposals that will bring us into compliance.

## **Emergency Management and Fire**

### **Monthly Report**

Director Jeff Luckey said that he was a guest speaker along with Emergency Management personnel from Erie and Niagara County at a Home Health Care Association meeting with a topic of "Collaborating on Emergency Preparedness," what home health care workers need to know and working with ICS structure.

We provided an Active Shooter Program at the Genesee Valley High School auditorium with Emergency Manager from Cattaraugus County Chris Baker along with NYS Police Emergency Management Sergeant Tom Kelly, and Medical Director Dr. Brian Walters. We had about 85 people in attendance, and everyone felt it was well worth it and wanted it to come back again. This was the first time this program has been offered in Western New York.

We also have a "Prom Drill" coming up this Friday, working with Arkport and Canaseraga Schools. This is a demonstration where we have a motor vehicle accident where the students have been drinking. They go through the whole scenario from the start of it where the Fire and EMS come in and remove the people. We usually have one person that passes away and is taken away by the coroner. On the Sheriff's, side we have state police representative come in and make an arrest and take away the people. Stop DWI Coordinator Linda Edwards will put on a speech in the beginning about "do not drink and drive" with a follow-up session later on after the drill. These are put on for juniors and seniors.

## **District Attorney**

### **Monthly Report**

District Attorney Keith Slep said that State Attorney General is no longer allowing a car as a weapon in New York State as a qualifying offense.

Mr. Slep has also heard that the newest plan in Albany is that prisoners will be on Medicaid from the time they are incarcerated. How that gets paid for was not talked about, but usually what DOCS does is they usually send people back to the county of origin, and he is assuming that the billing will go back to that county also. He has not received anything to confirm this yet.

## **Probation**

### **Monthly Report**

Probation Director Bob Starks stated what he read regarding Medicaid is that 30 days prior to the prisoner's release they want the coverage to go into effect so when the prisoner is released, and they go into treatment right away, they would be covered with Medicaid.

There seems to be an increase in bad behavior in kids now. This time of the year we see a lot of truancy problems; the schools tend to wait until the referrals build up and send them in at the end of the school year. We try to work with the kids throughout the summer to try to get them prepared for the next school year.

Mr. Starks asked the committee permission to fill a Probation Officer Trainee position in his department due to a retirement. The position and benefits are 100 percent funded by the County. Legislator Burt asked if this position really needed to be filled at this time. Mr. Starks stated yes, he is also filling in and doing some of the duties of that officer. Legislator Healy asked Acting County Administrator John Margeson if he felt this position needed to be filled, in which he answered yes.

Approval was granted on a motion by Legislator Healy, seconded by Legislator Hopkins, and carried to fill the Probation Officer Trainee position. **Refer to Ways & Means**

## **Sheriff's Office**

### **Monthly Report**

Sheriff Rick Whitney stated they had the working inmates out along Route 19 picking up garbage. He said they picked up 100 garbage bags between the Jail and Riverside Drive.

Sheriff Whitney said that last Saturday they held their two pill drops in Wellsville and Cuba. They had about 104 cars go through and collected about 272 pounds of drugs and 5,414 narcotic pills between the two drops. He then stated they take the pills up to Erie County and put it thru the incinerator. He also stated that the goal is to get the pills off the street so it is "No Questions Asked" when dropping off the pills. Since there are only two pill drops per year, they can also be dropped off throughout the year in drop boxes at the Sheriff's Office, Wellsville Police Department, Cuba Police Department, SUNY Alfred at their Security Office, Fillmore Pharmacy, and Jones Memorial Hospital is in the process of getting one also.

Sheriff Whitney asked permission to fill a Corrections Officer position. The opening occurred when a Deputy Sheriff resigned. Failure to fill this position will put us out of compliance with the New York State Commission of Correction's minimum staffing requirements. The position and benefits are 100 percent funded by the County.

Approval was granted on a motion by Legislator Burt, seconded by Legislator Healy, and carried to fill the Corrections Officer position. **Refer to Ways & Means**

Sheriff Whitney asked the committee permission to accept and appropriate \$6,825 from Accord Corporation for the continuation of the ACT II Batters Program. This grant is a renewal of an existing grant funded program. Approval was granted on a motion by Legislator Healy, seconded by Legislator Burt, and carried to accept this grant. **Refer to Ways & Means**

### **Adjournment**

There being no further business to come before the committee, the meeting was adjourned at 11:37 a.m. following a motion by Legislator Hopkins, seconded by Legislator Burt, and carried.

Respectfully submitted,  
Stella L. Dewey  
Allegany County Board of Legislators