

PUBLIC SAFETY COMMITTEE MEETING MINUTES  
JUNE 1, 2021

PUBLIC SAFETY COMMITTEE MEMBERS PRESENT: Ward, Hogan, Haff, Hicks, O'Brien, Clary

PUBLIC SAFETY COMMITTEE MEMBERS ABSENT: Rozell

SUPERVISORS: Hall, Henke, Fedler, Ferguson, Shaw, Griffith

Debra Prehoda, Clerk

Al Nolette, County Treasurer

Roger Wickes, County Attorney

Melissa Fitch, County Administrator

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

1. Call to Order
2. Accept Minutes – April 27, 2021
3. Department Reports/Requests:
  - A. District Attorney
    - 1) Discovery Law & Developing Trends/Staffing Needs
  - B. Probation
    - 1) Department Updates
  - C. Sheriff
    - 1) Staffing
      - a) Road & Jail
      - b) Secretary to the Sheriff
  - D. Public Defender
  - E. 1) Department Updates
4. Other Business – Slow Moving Vehicles Reflectors
5. Adjournment

Chairman Ward called the meeting to order at 1:00 P.M. via teleconference.

A motion to accept the minutes of the April 27, 2021 meeting was moved by Mr. O'Brien, seconded by Mrs. Clary, and adopted.

**DEPARTMENT REPORTS /REQUESTS:**

DISTRICT ATTORNEY – Tony Jordan, DA, addressed the following items with the committee:

- Discovery Law & Developing Trends – They are seeing some things that are either having or could have some pretty dramatic impacts on their workload. They do not have a caseload cap so they do not have that pressure release available. Two issues on the horizon are from the Discovery Law relating to the area of personnel records: one area is founded and unfounded personnel complaints – it is not enough to say they asked and what they said they said or what they didn't say they didn't say because the consequence is dismissal of cases and that falls on the District Attorney's Office and that is their responsibility and the second area is making DA's offices repositories for all personnel folders for all law enforcement who do work in the county. Also, with the roll out of the State Police body cameras they are seeing an increase of 140% in footage to be reviewed and edited for redaction and that would have a significant impact on the office. The more you provide, the more litigation that follows and that is something they are monitoring. Seeing an increase in motion practice in terms of post-conviction motions and appeals some of that driven by the change in the criminal procedure law. On a positive note have avoided the significant increase in violent crimes being experienced nationally and in New York State. Proposed legislation on early parole is a concern and the clean slate bill would completely do away with what are some of our predicate indicators for criminal behavior and no carve out for domestic violence and legislators need to understand the difference between sealed files and expungement.

PROBATION – Dan Boucher, Director, addressed the following items with the committee:

- Department Update:
  - Probation has been receiving notices about expungements of charges in their office so it goes along with what the District Attorney was discussing with the new legislation. They do not have case files but have person files so for expungement it is a little more complicated because they will not get rid of the file because they may have seven other cases but need to get it off the case or show it is expunged inside the person file so they have figured out how to mark the entry to show an expunged charge. This is the focus of the department right now.

SHERIFF – Sheriff Murphy addressed the following items with the committee:

- Staffing:
  - Secretary to the Sheriff – Requesting to backfill due to employee moving out of state and also raise the grade from a 13 to a 15. This is an exempt position not a civil service position, appointed position. He thinks it will be difficult to find somebody to do this volume of work that is involved in this position due to the size of the agency with many divisions and the different tasks that are related to this position. Going from a grade 13 to a grade 15 is what the current secretary makes now due to her longevity so the 2021 budget would not increase. A motion to move request to backfill Secretary to the Sheriff and increase grade to the Personnel Committee for consideration was moved by Mr. O'Brien, seconded by Mr. Hicks, and adopted.
  - Jail – Having significant difficulties filling positions within the jail and are short staffed with Correction Officers and they are routinely getting stuck on shifts due to call offs and it affects morale. They are just starting negotiations with the Corrections union. Praised the work of the men and woman in the jail and nursing staff for their diligent work during COVID and going all thorough 2020 with rates going up without a positive inmate until about a month ago. They did have a small outbreak a month ago and this past Friday the testing results stated zero. Also thanked maintenance staff with cleaning and Public Health with vaccinations. Staffing concerns also includes nursing and kitchen staff. They will plan to do some media/social media type advertising for staff. The County Administrator had a discussion with the Personnel Director about the need to do all they can to help with recruitment of more staff at the Jail. The Sheriff stated people are not signing up for the civil service tests for these positions; upcoming Correction Officer test had nine people sign up and it used to be over 100 and Deputy Sheriff/patrol had about 55 sign up and previously 155.
  - Road – In next year's budget, he is looking to add more patrols due to more traffic related incidents/accidents/concerns. They looked at how can they have dedicated traffic patrols and they still have to respond to criminal activity calls and they need more people to cover 876 miles with currently only four patrol cars. Cases are increasing as well. They are short on the road side down three deputies, one deployed and one in academy and three deputies that are going into the next academy. Very seldom are they fully staffed.
  - Annual Report issued today and also created a personalized report with statistics for each town. Please review the annual report and the Sheriff will answer any questions at the next meeting and it will also be posted on the website.
  - Slow moving vehicles – The vehicle and traffic laws are set by the State of New York and there are requirements for vehicles under 25 miles an hour that are requirements to display the triangle and at night a light and white reflective tape for visibility. Different sects of the Amish have varying viewpoints regarding the signage. The County does

- have the authority to erect signage with carriages/wagons and residents are going to have to get used to seeing these vehicles on the road. Mr. Griffith stated there is a safety concern and should let the State know there is a need to add more safety for those vehicles. The County Attorney stated many counties have drafted requests to the State to increase those requirements and there is currently a requirement on the books. Mr. O'Brien mentioned concerns in his area with buggies on Rt. 4 and most drivers are passing through/trucking traffic not residents and not aware these buggies travel Rt. 4. The Sheriff is looking at setting up a meeting the Amish and try to get ahead of this and have some dialogue. Hopefully working together can make it safer for the Amish along with speed enforcement. He also posted information on slow moving vehicles on his website. Chairman Ward stated he talked with the Sheriff about adding some traffic enforcement into next year's budget. Mr. O'Brien also stated building permits are an issue. Mr. Henke would like to discuss and supports the idea of additional dedicated traffic work. He also noted that with the Amish communities that there are three or four different sects represented in the County and each one is a little bit different.
- Boat Patrol - The Sheriff's office is doing boat patrols this summer and the State does provide some funding.

PUBLIC DEFENDER – Mike Mercure, Public Defender, provided the following update:

- Department Updates – Family court is returning to in person for all matters. There was an ILS competitive grant for a model family court representation office upstate with only one award available and he believes it is going to be awarded to a metropolitan area. He has discussed this grant with the Hurrell-Herring settlement team and does not believe this is a grant the County should apply for as it would be a poor use of our resources since it is going to a metropolitan area. The team did indicate that there will be future funding available to all counties with respect to family court and will be looking for that information. Caseload is going up and returning to more normal. Revenue year to date \$460,048.

OTHER BUSINESS:

ALTERNATIVE SENTENCING – Mike Gray, Director, addressed the following items with the committee: The annual ATI plan needs to be approved by the Criminal Justice Advisory Board, next month he plans to present with the Sheriff on the pre-arrest program that they have been working on and the community service program is in full swing mowing, garden and painting projects.

CORONERS – Discuss last month Coroners collecting blood samples and the County Attorney has looked at the legal and liability issues. The County Attorney stated there is a liability issue. Right now, we have no obligation to collect this kind of information and this would be a new service undertaking obligations we do not have now in terms of preservation, storage, properly collecting samples and if we were unable to fulfill that obligation there would be liability and or possible damages as a result. New obligations come with those kind of things. Another consideration is this going to be a generalized thing in terms of every person that comes through the Coroner's office or done in specific instances where death may be unexplained or not easily explained right away and this sample would be available for some future study. Creating a database, repository of information, of every person that comes through the Coroner's office is inadvisable. To maintain the repository of information it must be secure, safe from access, safe from damage and not just purchasing a few cards to take samples and putting them in an

envelope; it is more than that. Would need a policy and procedure for accessing this information. With risk you can do what you can to minimize it, transfer it or you cannot assume it in the first place. A policy and procedures will help attempt to minimize liability. Coroner Lemieux stated Dr. Sikirica could not make the meeting today but has indicated that taking a blood sample is a trend throughout the country. Coroner Lemieux stated a sample is a sample and they are not collecting any type of DNA profile just a blood spot on a card and nothing can be done with that until it is processed. This would serve when needed and it may never be needed and they are looking at it as part of their everyday practices. He has had three requests for a DNA sample for someone who has passed and that is disheartening on his end to not have this available. From the Coroners perspective it is a service if necessary that they could provide. He stated the majority of people are being cremated today and feels they have to do their due diligence out of fear that they have these samples available. He re-emphasized this is not a DNA profile that they are keeping on anybody just providing a sample if it is requested by a subpoena in a family. Saratoga and Warren counties collect and store samples; first year at the hospital and then in the Coroner's office and Fulton County is in the process of doing it. A sample card is 2 x 4 inches approximately and the blood sample goes on these cards and it is sealed and put in a plastic sealed envelope. County Administrator stated they are looking for office space for the Coroners, suggesting possibly at Burgoyne, and gathering information on their equipment needs. Coroner Lemieux stated typically blood and tissue samples are stored for twenty years. Cost for sample cards and envelopes totals approximately \$600 for two years. No committee action taken.

The meeting adjourned at 2:17 P.M.

*Debra Prehoda, Clerk  
Washington County Board of Supervisors*