

**PROTECTIVE SERVICES COMMITTEE MEETING  
PUTNAM COUNTY OFFICE BUILDING  
ROOM #318  
CARMEL, NEW YORK 10512**

**Members: Chairman Gross & Legislators LoBue & Oliverio**

**Monday**

**December 16, 2013**

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The meeting was called to order at 6:30p.m. by Chairman Gross who requested Legislator LoBue lead in the Pledge of Allegiance. Upon roll call, Chairman Gross and Legislators Oliverio and LoBue were present.

**Item #3) Approval/Protective Services Committee Meeting Minutes:  
November 12, 2013**

The minutes were approved as submitted.

**Item #4) Approval/Re-Appointment Putnam County Traffic Safety Board/**

- Sheriff Donald Smith, William Bertram, Dennis Illuminate – Members
- Sergeant William Meyer, Rich Pepe & John Tully – Alternate Members

Legislator Oliverio made a motion to approve the Re-Appointments to the Putnam County Traffic Safety Board; Seconded by Legislator LoBue. All in favor.

**Item #5) Discussion/Putnam County Emergency Response Team (ERT)**

- Memo From: Chair of Protective Gross To: County Attorney Bumgarner Date 11/19/13
- Memo From: Sr. Deputy County Attorney for Risk and Compliance Spadaccini To: Chair of Protective Gross Date: 12/16/13

Chair Gross stated that he requested that a representative from the County Law Department be present this evening to speak to the matter of the Intermunicipal Agreement (IMA) for the Putnam County Emergency Response Team. He read from the IMA a portion that addresses the matter of a participating Officer getting injured while operating in their capacity of a member of the ERT. He stated currently the workers compensation cost would be covered by the Town Police Department that they are employed by.

Sr. Deputy County Attorney for Risk and Compliance Spadaccini stated that the IMA was created in 2006 during the inception of the ERT. She stated that the IMA lays out each party's responsibilities, how workers compensation will be handled, reimbursement, costs and expenses, training and the like. She stated that she is aware that there has been some current correspondence between Sheriff Smith, County Executive Odell and the Town of Carmel. She stated that the Law Department sent a copy of the existing IMA for their review.

Legislator Oliverio inquired if the current IMA is still standing.

Sr. Deputy County Attorney for Risk and Compliance Spadaccini stated that yes it is. She stated that to date, the Law Department has not received any correspondence requesting that an amendment be made to the document.

Legislator LoBue stated that all parties are on board. She stated that she will speak on behalf of Chairman Othmer, since he is not present this evening. She stated that Chairman Othmer is the one who brought forward the questions about liability in terms of someone getting hurt; who would be responsible the Town or the County. The concern is who would be responsible to pay the Workers Compensation costs.

Sr. Deputy County Attorney for Risk and Compliance Spadaccini stated according to the Agreement it is the employer of the Officer that would be responsible for the compensation.

Undersheriff Convery stated that this was originally formulated in 2004. The idea of using the Homeland Security Funding that Putnam County receives to form an ERT to protect the County. It is made up of the Sheriff's Department, Town of Carmel and the Town of Kent. He stated that this is a long standing agreement that has been working very well.

Sr. Deputy County Attorney for Risk and Compliance Spadaccini stated that the Homeland Security funding is used to reimburse each agency for their Training Costs.

Undersheriff Convery stated that in the 2014 County Budget there has been \$90,000 allocated to be utilized in reference to the ERT.

Legislator Nacerino stated that she believes that Chairman Othmer's concern was regarding if a situation when a member of the ERT was injured while responding to a matter in one of the towns that does not have their own Police Department, such as Patterson.

Legislator LoBue reiterated that the IMA states that the employer, the Town where the Officer is employed is responsible for the costs, regardless of where an injury occurs.

Legislator Oliverio stated that it makes sense to him.

Lou Tartaro, Town of Kent Councilman, stated that they are concerned about the 207C costs and impact on the financial situation of the Town. An injured Officer can be out of work, receiving full salary and benefits, for a long length of time.

Legislator LoBue stated that basically all of the Towns who are participants of the ERT agreed to this and signed the ERT IMA in 2006.

Lou Tartaro Town of Kent Councilman stated that he understands that the agreement was signed in 2006. He stated that the Town hoped that this issue would be revisited. He stated that there is great concern about the potential costs that could be incurred due to the way this current IMA is written.

Legislator LoBue questioned if an officer has been hurt while responding to an ERT matter.

Lou Tartaro Town of Kent Councilman stated no.

Legislator Nacerino stated that due to the economic climate, this ERT IMA that was written up and agreed to in 2006, may need to be revisited.

Legislator Oliverio compared this cost equity issue to the residents who pay school taxes and have no children.

Legislator LoBue questioned Sr. Deputy County Attorney for Risk and Compliance Spadaccini, in her legal opinion does she believe that the IMA addresses this matter.

Sr. Deputy County Attorney for Risk and Compliance Spadaccini stated that the reference to 207C; it is burdensome financially. The County works very diligently to stay on top of the 207C matter and keeps track of those costs. She stated that it is a cost that is borne by the mere fact that you are an employer of a Police Officer and 207C is required by Law. She stated that she does believe that the IMA does address the issue. She stated that the Law Department, nor, as far as she is aware of, the County Executive, Sheriff's Department or the Legislature have received correspondence from any of the agencies requesting any alternate or change to the agreement.

Legislator LoBue stated that the Town of Carmel did ask for the breakdown of the costs that they are responsible to cover. She stated that based on the information that they receive they will need to make the decision as to stay as a part of the ERT or not.

Lou Tartaro Town of Kent Councilman stated as an "fyi" the Town of Kent had three Officers on 207C for an excess of ten years. He stated a considerable amount of money was spent on this over the ten years. He stated that something needs to change with this policy. He stated that the State is reluctant to amend this policy. If the Officer goes from being employed to retired, then they become a financial impact on the State. He stated that this is an ongoing concern. He stated that he understands that all of the Towns agreed to sign the agreement in 2006.

Legislator LoBue stated that her suggestion is if the Towns want this matter to be revisited, they need to send a correspondence requesting that. At this time there has been no formal request or complaints made on this matter.

**Item #6) Discussion/Jail Overtime**

Undersheriff Convery stated that he would like to begin by congratulating two members of the Sheriff's Department who are with him this evening who have received promotions: Captain Patrick O'Malley and Lieutenant Sheila Hanley.

Captain O'Malley stated that he has been with the Corrections Division for twenty –nine (29) years. He stated that he is very familiar with the expansion over the years and watching the Corrections Facility become a mental health facility for the County. He stated that the costs associated with the Corrections Facility are mandated by the New York State Corrections. They come and do an evaluation of the facility and they then dictate the staffing we must have on duty. He explained if a prisoner is evaluated and found to require constant watch. That means that there needs to be an officer observing that person 24/7. He stated as of December 11, 2013 there were 95 constant watches. He stated that the most one Officer can be assigned to at a time is two inmates.

Undersheriff Convery stated that you must also consider the fact that a jail is a 24/7 operation. He stated that there are people brought into the jail at all times, and if someone is brought in who is said to require constant watch, that needs to be done.

Captain O'Malley stated that it is tough to plan for. You sometimes have to call people in from home, and they will call an Officer in from off duty that Officer will be on Overtime to fill this requirement. He stated if they cannot get an Officer off duty then an Officer who is already there and on duty, cannot go home at the end of their shift. They will be asked to stay and fill the requirement. Again it would be overtime. He stated on the average Correctional Personnel salary it is \$51.00 an hour. He stated that they manage and do all that they can to keep the costs down when it is possible.

Legislator LoBue questioned if they believe that this has always been the case or has the changes in mental health laws impacted the increase in cases.

Captain O'Malley stated that it is a combination.

Undersheriff Convery stated that a large contributing factor is that there is no State Hospital.

Captain O'Malley stated that he was at a magistrates meeting where a judge stated that he had sentenced a female to jail because he knew she would receive treatment she needed.

Undersheriff Convery stated they are a correctional facility that is now being utilized as a mental health hospital.

Legislator Oliverio questioned in the case that someone is psychotic are they transported to the Psych ward of Putnam Hospital.

Captain O'Malley stated once a person is committed to the custody of the Sheriff's Department a person must be kept in a secure facility. He stated that there are two in the State of New York. He stated that one is in Rockland County Psychiatric Center and one in Central New York, Utica.

Legislator Oliverio questioned if the Sheriff's Department is responsible to provide transportation to those locations when it is warranted.

Captain O'Malley stated yes they are. It is a 4.30 hour drive one way. He stated that those two hospitals will only accept a person from the jail if they determine that individual to be suicidal or homicidal. He stated after an individual is transported to the facility the Sheriff's Department is responsible to provide transportation to bring them back, when they are considered ready to return to the jail environment.

Chair Gross requested an explanation of a constant watch.

Captain O'Malley stated that an officer is assigned one to one or one to two, at the maximum. The officer sits outside of the prison cell with a set of keys ready to intervene if he deems it necessary. He stated that the transportation costs to the courts have increased dramatically over the past few years. He provided a verbal overview of a recent day's transportation duty performed by the Sheriff's Department.

Legislator LoBue questioned the status of the Video Appearance Process.

Captain O'Malley stated that it is up and ready for use at the Town(s) of Carmel, Patterson and Southeast. He stated unfortunately it has not been used. The fact that the existing law which allows the inmate to decide if they want to use the Video Appearance option or to get out of the jail and be transported to the Town Court is an obstacle. He stated that as long as the inmate has the option to make the choice, in the majority of cases they will choose to be taken to court.

Undersheriff Convery stated that the Sheriff's Department is ready to support and facilitate the Video Appearance Process program.

Legislator Oliverio questioned if there has been any inmate that has opted to do the Video Appearance vs. go to the Courtroom.

Captain O'Malley stated no.

Undersheriff Convery stated that the Sheriff's Department is currently working with Personnel Director Eldridge to see if School Patrol Officers could be used as part-time Correction Officers. He stated that there would be no legacy costs and the hourly rate would be approximately \$21/per hour. He stated that Orange and Rockland County have instituted this program and it has been working out.

Captain O'Malley stated that he would like to have Lieutenant Hanely provide some information on the mental health portion of the jail.

Lieutenant Sheila Hanley stated that as the Captain and Undersheriff have stated the jail has become a mental health hospital. She stated 70 – 75 inmates are seen weekly by the licensed clinical social worker. She stated that 80% of those inmates receive psych medications and 65% are Mentally Ill and Chemically Addicted (MICA).

Chairman Gross questioned how many counselors are on staff.

Lieutenant Sheila Hanley stated two (2).

Captain O'Malley stated that they did just renegotiate the medical contract for the Correctional Facility and in that contract they increased the hours for the Social Worker to 40 hours.

Legislator LoBue stated that she believes that the down turn of the economy must be a contributing factor to the increase in crime.

Captain O'Malley stated that he believes that better law enforcement on the street is a critical piece as well.

Lieutenant Sheila Hanley stated that some of the inmates have never received such good medical care as they do while in the Putnam County Jail.

Chair Gross facilitated further conversation on the causes of the increase in the population in the jail.

Lieutenant Sheila Hanley stated that the Drug Treatment Court is an integral program in the assistance of managing the population in the jail. She stated that there are 80 people in the Drug Treatment Court program and there are 20% who take psychotropic medication. She stated that the County did not have the treatment court and the assistance of the department all of those people would need to be in the jail, creating the need to board out, which is very expensive.

Undersheriff Convery stated that without the jail this County would be facing some tough times. He stated that everyone involved is doing a phenomenal job. He stated from the medical staff, the psychiatric staff the Sheriff's staff and the Correctional Staff.

Legislator Oliverio stated that the increase of inmates with an addiction issue has him very concerned. He stated that the young people in his town, it is awful, there are so many of them whose lives are being destroyed or even worse they are losing their lives.

Legislator LoBue questioned what the percentage of addiction is in the female population of the jail.

Lieutenant Sheila Hanley stated that out of ten (10) female inmates approximately eight (8) are on a psychotropic medication. She stated that also creates difficulty in boarding out, when that is necessary. He stated that the social workers are so overwhelmed that often she and another officer work as the inmates' liaison to try to get them into a rehab facility.

Captain O'Malley said to date in 2013 they have spent \$107,695 on board-outs, that includes both male and female. He stated that the board-in revenue to date in 2013 is \$253,000.

Legislator Nacerino questioned if there is a need to hire interpreters to get the inmates the services that they need.

Captain O'Malley stated that has not been a cost factor. The majority of time the language other than English is Spanish. He stated that they do have staff members who speak Spanish. He stated that throughout the County they can reach out to employees who have volunteered to help with languages if we need it. He stated that the overview of overtime for the jail, which includes 207C and vacations and all, it is about \$155,939.00 the medical is at \$119,245 and in transports at about \$282,895. He stated that they have met with the Commissioner of Finance and have all of these costs covered through the use of other departmental lines. He stated that when the numbers are looked at individually it appears that overtime is out of control, but these are the facts. He stated during the last evaluation from the New York State Commissioner of Corrections they reported that the Putnam County Jail facility, built in 1995, would never be approved today. It does not meet New York State's classifications policy. He explained the specific issues that were in violation. Generally it was issues with how the inmates were grouped. He stated that they have submitted a plan with the Sheriff to subdivide the existing units that they have. He stated that they had an architect come in from the Highway and Facilities Department, who was phenomenal. The plans were approved by the Commissioner. He stated by subdividing the units it will also result in facilitating flexibility to move inmates around.

Legislator Oliverio stated that there was talk about adding on to the jail, specifically the women's prison, in responses to the increase in the female population in the prison.

Chair Gross stated that he has been speaking with the Sheriff's Department on that matter. He stated that he has seen the plans and the expansion can be done within the current footprint of the jail. It could also result in the ability to generate revenue with expansion.

Undersheriff Convery stated that going forward with the part-time transportation team will have a real positive impact on the overtime budget.

Legislator Oliverio stated that he attended the Youth Court Graduation. He stated that the majority of the participants stated that their favorite event was the jail tour.

Lieutenant Sheila Hanley shared a story of a young person who came through the jail for a tour. She stated that it is one thing to hear about jail, it is another thing when you go through a prison and realize that your most basic rights and belongings are taken away from you. She stated that it allows them to see if they make choices that will lead them to jail it is a really poor choice.

**Item #7) Other Business**

### **7b. Discussion/Sheriff Support for the 2014 Cycle Event**

Legislator LoBue stated that she had a question. She stated that she was at a meeting where the topic of next year's, 2014, Putnam Cycle Event that is to take place in the Village of Brewster was brought up. She stated that she is curious because she is aware that the Sheriff's Department is looking to cut costs and there was discussion that the Sheriff's Department would be participating in the 2014 event. She questioned if there is any projection of what it would cost in providing the police support for this event.

Undersheriff Convery stated that they have not been approached on this matter as yet.

Legislator LoBue stated that she will request that this matter be brought up at the 2014 Economic Development & Energy Committee.

Legislator Oliverio stated that he was at a Putnam Valley Town Board meeting where he was asked why the cycle event was being taken out of Philipstown. He stated that he had not been aware that the venue for the 2014 cycle event had changed. He stated that a person in the meeting pulled out a newspaper article that reported that the event would be held in the Village of Brewster.

### **7a. Update/Coroners**

Chair Gross stated that it has been brought to his attention that one of the three Coroners has retired.

Legislator Oliverio stated that the Legislature has not been notified.

Chair Gross stated that is correct. However he is hearing that there is a concern with the case load. He stated that in 2014 he believes that we need to address this. This is a problem and it needs to be addressed. He stated that we may need to look at an appointment.

Legislator Oliverio requested that Legal Counsel VanRoss please explain the process.

Legal Counsel VanRoss stated that the County Clerk needs to be notified that there is a vacancy, the County Clerk would provide notification to the Legislature, and then the Legislature would appoint to the position to be filled for a year, to fill an unexpired term.

### **Item #8) Adjournment**

There being no further business, at 7:30p.m., Legislator Oliverio made a motion to adjourn; Seconded by Legislator LoBue. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.