

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

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

**Wednesday**

**March 13, 2013**

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

**Item #3) Approval/Appointment/Traffic Safety Board/Sergeant Meyer- Alternate Member**

Legislator LoBue made a motion to approve Traffic Safety Board Appointment/Sergeant Meyer-Alternate Member; Seconded by Legislator Oliverio. All in favor.

**Item #4) Update/Putnam County Schools Safety Plan**

Chair Gross stated that he and Chairman of the Legislature Richard Othmer had a couple of meetings with representatives from the Putnam County Sheriff's Department, Mahopac School District, Putnam Valley School District, the County Executive, the Deputy County Executive and representatives from the Administration and Putnam County Department Heads, to discuss some of the issues surrounding school safety. He stated that data was collected in reference to costs and training. The data is being compiled from the meetings and the plan is to meet with the County Executive to finalize a plan to move forward. He stated that the School Districts are working on their budget right now and will be voted on in May 2013.

**Item #5) Discussion/NYSAC Resolution #2 Calling on Governor Cuomo To Improve Probation and Alternatives To Incarceration in New York State In Order To Protect the Public and Reduce Reliance on Prisons and Jails**

Director of Probation, Gene Funicelli stated that this NYSAC Resolution came through the Standing Committee on Public Safety. He stated that there are Probation Directors from New York State that are members of that committee. He stated that Elizabeth Glaser, Deputy Secretary for Public Safety and the Division of Criminal Justice Services, enlisted the help of the Council of State Governments Justice Center to examine the problems New York's Probation Departments face and generate solutions to promote better public safety through more effective probation. He stated that a very thorough investigation was done. He stated that the two main functions of a Probation Office are to 1. Prepare pre-sentence investigations and reports that are part of the investigation. 2. Supervise people who have been sentenced to probation. He stated that the Probation Office is responsible for a lot of other functions; however these two items are the main functions. He stated that at this time the Law requires a pre-sentenced investigation on any misdemeanor and felonies that will be sentenced to probation or a jail sentence up to 180 days. He stated that one of the items addressed in the referenced resolution is to extend the time to 365 days to be able to waive the presentenced report. He stated it allows the judge the authority to say there is no need for a pre-sentenced

investigation report if the person is going to serve a sentence of up to 365 days. He provided further insight to this amendment.

Legislator LoBue questioned in regards to the “Now, Therefore, Be It Resolved Item #1 which would allow judges to tailor a sentence of probation for felonies from 3-5 years and for misdemeanors from 2-3 years” what constitutes a felony and a misdemeanor.

Director of Probation, Gene Funicelli stated that a felony is a crime that can be sentenced to over a year in jail. He stated that a misdemeanor is a crime that you can be sentenced 365 days or less. He stated the time of sentencing are the main distinction between the two. He stated that there are different types of felonies: larceny, sex offender all the way up to homicide and murder. He stated the thinking on that amendment (Item #1) is to allow the judge to choose a comparable probation. Currently the Law requires five (5) year probation for a Felony, regardless of the crime. He stated that this amendment will allow the Judge the discretion to grant the 3, 4 or 5 year sentence. He stated that the research behind this proposal shows that most people who are on probation, if they are going to break their probation, it will happen within the first 3 years of their probation. He stated this would allow a probation sentence to be tailored based on the Felony Offense. He stated that this would also apply to Misdemeanors. Currently the Law requires a three (3) year probation for a Misdemeanor. He stated this will allow a sentence of 2 or 3 years of probation based on the Misdemeanor offense. He stated currently there is a Class “B” Misdemeanor that allows one (1) year probation. That is the lowest level criminal offense that can be committed. These initiatives are based on research. He stated that ultimately these initiatives allow the Judge discretion, which currently a Judge does not have.

Legislator Oliverio stated lets recall that Governor Rockefeller’s Drug Laws became onerous to the court system to the jail system and to probation departments especially. He stated that has been corrected. He stated that there is research that shows that these proposed initiatives can work.

Director of Probation, Gene Funicelli noted that also in the Resolution (item #5.) it states that any savings that are generated by these policy changes will go into the Probation and ATI programming. He stated that the Probation Directors have an organization entitled “NYS Counsel Probation Administrators”, he stated that currently he is the president of this organization. He stated that they made it clear that they did not want to support legislation or regulatory changes that would penalize Probation Department and Counties. The intent is to redistribute the workload of the Probations Departments; it is not to cut staffing.

Legislator Gross stated that this is an effort to streamline the work done by the Probation Departments. He requested some clarification on the item #3c “Enable probation to administratively modify conditions of probation as required”.

Director of Probation, Gene Funicelli stated that this initiative would allow a Probation Department to add conditions to a Probation Sentence, without having to go back to Court to do so. He stated that the need to modify the conditions of a probation sentence would be based on evidence and justification.

Legislator Gross questioned if he is receiving positive feedback from other Probation Directors in New York State.

Director of Probation, Gene Funicelli stated yes, and these initiatives, as stated earlier, have the support of the NYS Counsel Probation Administrators.

Legislator LoBue questioned if the Governor supports this resolution.

Director of Probation, Gene Funicelli stated that the Governor does support this resolution. He stated that these are not in the Governor's Budget. This resolution will be proposed by the Senate and the Assembly as legislation.

Legislator Oliverio made a motion to approve NYSAC Resolution #2 Calling on Governor Cuomo To Improve Probation and Alternatives To Incarceration in New York State In Order To Protect the Public and Reduce Reliance on Prisons and Jails; Seconded by Legislator LoBue. All in favor.

**Item #6) Discussion/NYSAC Resolution #1 Calling for the State Legislature and The Governor to Allocate 9-1-1 Surcharge Funds To Counties To Support 9-1-1 and Public Safety Communications**

Legislator Oliverio stated that he would like to see the 9-1-1 Surcharge eliminated altogether. He stated that now we are asking that the surcharge funds be reallocated to the appropriate County. He stated if this resolution is in support of the Counties receiving some of the funding then he will support that.

Commissioner of Bureau of Emergency Services Stiebelling stated that he requested that County Executive Odell forward this to the Legislature for consideration to memorialize it. He stated that the New York State \$1.20 surcharge on cell phones funding does not come back to the County. He stated that it goes to the State. He stated that there has been a great deal of pressure put onto the State to share the surcharge funds with the Counties. He stated that over the past ten (10) years some of the funding has trickled down to the Counties in the form of Statewide interoperable communication grants. He stated that overall after reviewing statistics over a number of years Cell Phone usage in the County has gone up and use of land lines has gone down. He stated that the County does benefit from the .30 that local legislation allows. He stated that this NYSAC Resolution proposes that the \$1.20 surcharge and the .30 on prepaid wireless cards and prepaid wireless phones go to the County that provides the 9-1-1 service. Currently if you purchase a prepaid wireless phone in Westchester County and you live in Putnam County and access the services of Putnam County there is no tracking that revenue. However the full services of dialing 9-1-1 are provided by the local office. He stated that the resolution addresses that. He stated that he would like the Legislature to memorialize this resolution and support it along with our local and state representatives.

Legislator Oliverio made a motion to approve NYSAC Resolution #1 Calling for the State Legislature and The Governor to Allocate 9-1-1 Surcharge Funds To Counties To Support 9-1-1 and Public Safety Communications; Seconded by Legislator LoBue. All in favor.

**Item #7) Update/Homeland Grants**

Commissioner of Bureau of Emergency Services Stiebelling stated that our local tax dollars should not be a requirement to update future technologies that are coming out. He stated that Steuben County went live with Verizon Wireless to receive text messages in their 911 Center. He stated that he anticipates by mid Spring or Summer that there will be information that will demonstrate the results of the receipt of text messages. He stated that Putnam County is currently on the horizon of upgrading the emergency communications systems. He stated that they are currently looking at the use of texting, video capabilities and chat options.

Legislator LoBue questioned if there is a grant that the County is looking to apply for, based on the title of this agenda item.

Commissioner of Bureau of Emergency Services Stiebelling stated that he approached Chair Gross to address this Committee to provide an over view of the value of the Homeland Grants. He stated that the 2013 Grant Application is not ready yet. He stated that the funding from the Homeland Grants have been put to very good use in Putnam County. He stated that the Homeland Security Grants started in 1998. He stated that some of the grant funding has come in with a targeted focus. The enhancements to the Bureau of Emergency Operations have been numerous. He stated that the generating facilities used during the times of prolonged power outages came about and have been enhanced through the funding that came from the Homeland Grant funds. The Communications System have been enhanced, the EMS Training Facility has been enhanced. He stated that a "Sim Man" has been purchased. It is an automated human body that takes on real life trauma. It provides excellent training scenarios for rescue workers training. He stated that message boards are used to provide valuable information to the residents in time of trouble. He stated that in closing he believes that the Homeland Grant Funding has been spot on, and always utilized to improve the bureaus' ability to serve the residents of Putnam County. He stated that the management of the grant funds has always been very thorough. He stated that all grant funding has been used in its entirety, not allowing for any of the funding to be reneged, which will happen if of the requirements are not adhered to.

Legislator Albano stated that the new Courthouse has a generator. Are there plans to get one for this County Building?

Commissioner of Bureau of Emergency Services Stiebelling stated that it is being looked into. He is in communication with Commissioner Pena on that matter.

Legislator Scuccimarra stated that she is very intrigued with the report on the "Sim Man". She stated that she believes that it must be tremendously valuable in the training process of Emergency Response Workers.

**Item #8) Other Business: NONE**

**Item #10) Adjournment**

There being no further business, at 7:05P.M., Legislator Oliverio made a motion to adjourn; Seconded by Legislator LoBue. All in favor.

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