

# **PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE**

**February 4, 2016 – 9:15 a.m.**

**Committee Members: Terri Ward, Chair; Mark McCarthy, Vice-Chair;  
Catherine Owens, Nadia Rasjz, Alan Sorensen**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

**PRESENTATIONS: None**

## **DISCUSSIONS:**

- 1. Sullivan Legal Aid Panel, Inc. - Tim Havas, Executive Director**

## **RESOLUTIONS:**

- 1. To authorize a contract with Sullivan Legal Aid Panel, Inc. for the fiscal years 2016 through 2018.**
- 2. In support of NYS Assembly Bill A 6202-A, Calling on the State to assume the costs of Indigent Legal Defense Services and for the complete reimbursement to all counties for expenses associated with the Indigent Legal Defense Unfunded Mandate.**
- 3. To Enter into an Agreement with the Association of Public Safety Communications Officials International, Inc. (APCO) for use of their Emergency Medical Dispatch Program and Associated Software.**

## **REPORTS:**

- **Update: Public Safety/Emergency Management**      **Richard Martinkovic, Commissioner**
  - **Alex Rau**      **E-911**
- **Update: Law Enforcement**
  - **District Attorney's Office**      **Jim Farrell, District Attorney**
  - **Probation Department**      **Jeffrey Mulinelli, Director**
  - **Sullivan County Sheriff's Office**      **Michael A. Schiff, Sheriff**
- **Update: Sullivan County Coroner's Office**

## **PUBLIC COMMENT**

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Richard Martinkovic, Commissioner

**Re:** Request for Consideration of a Resolution: To authorize a contract with Legal Aid, Inc.

**Date:** 1/29/16

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

TO AUTHORIZE A CONTRACT WITH SULLIVAN LEGAL AID PANEL, INC. FOR  
THE FISCAL YEARS 2016 THROUGH 2018

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**Is subject of Resolution mandated? Explain:**

Yes

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**Does Resolution require expenditure of funds? Yes  No**

**If "Yes, provide the following information:**

Amount to be authorized by Resolution: \$ 741,658.00

Are funds already budgeted? Yes  No

If "Yes" specify appropriation code(s): A1170-40-4008

If "No", specify proposed source of funds: \_\_\_\_\_

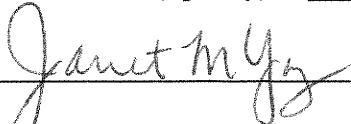
**Estimated Cost Breakdown by Source:**

County	\$ <u>741,658.00</u>	Grant(s)	\$ _____
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State	\$ _____	Other	\$ _____
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Federal Government	\$ _____	(Specify)	_____
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**Verified by Budget Office:** \_\_\_\_\_



**Does Resolution request Authority to Enter into a Contract? Yes  No**

**If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.**

Request for Authority to Enter into Contract with [Sullivan Legal Aid Panel, Inc.] of  
\_\_\_\_\_

Nature of Other Party to Contract: Professional \_\_\_\_\_ Other: \_\_\_\_\_

Duration of Contract: From 01/01/2016 To 12/31/2018

Is this a renewal of a prior Contract? Yes  No \_\_\_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From 01/01/2013 To 12/31/2015

Amount authorized by prior contract(s): 741,658.00

Resolutions authorizing prior contracts (Resolution #s): 447-12

Future Renewal Options if any:

N/A

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes  No \_\_\_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

Section 262 or Section 1120 of the Family Court Act Article 6-c fo the Correction Law or  
Section 407 of the Surrogate's Court Procedure Act

If "No" provide other justification for County to enter into this Contract: [County does not  
have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state  
maximum potential cost): \$741,658 per year for 3 years

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

N/A

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

Not Applicable

Person(s) responsible for monitoring contract (Title): Richard Martinkovic

**Pre-Legislative Approvals:**

- A. Director of Purchasing: *[Signature]* Date 2/1/16
- B. Management and Budget: *[Signature]* Date 2/1/16
- C. Law Department: *[Signature]* Date 2/2/16
- D. County Manager: *[Signature]* Date 2/3/16
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_ INTRODUCED BY THE PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO AUTHORIZE A CONTRACT WITH SULLIVAN LEGAL AID PANEL, INC. FOR THE FISCAL YEARS 2016 THROUGH 2018**

**WHEREAS**, pursuant to County Law Section 722, Sullivan County is required to provide counsel to persons charged with a crime or who are entitled to counsel pursuant to Section 262 or Section 1120 of the Family Court Act, Article 6-C of the Correction Law or Section 407 of the Surrogate's Court Procedure Act, who are financially unable to obtain counsel; and

**WHEREAS**, Sullivan Legal Aid Panel, Inc., a not-for-profit corporation, has provided, under an existing contract, such services and legal representation of indigents in all matters in Sullivan County which are mandated by statute or case law; and

**WHEREAS**, the contract with Sullivan Legal Aid, Inc. expired on December 31, 2015 and both parties are desirous of renewing said contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is hereby authorized to execute a contract with Sullivan Legal Aid Panel, Inc. for three (3) years commencing January 1, 2016 through December 31, 2018, in an amount not to exceed Seven Hundred Forty-One Thousand and Six Hundred and Fifty-Eight Dollars (\$741,658) per year, said contract be in such form as the County Attorney shall approve.

**BE IT FURTHER RESOLVED**, that the Sullivan Legal Aid Panel, Inc. deliver a document of financial guarantee to the County Attorney.

**Moved by,  
Seconded by,  
and adopted on motion, 2016**

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Joshua Potossek, County Manager

**Re:** Request for Consideration of a Resolution: Calling on the State of New York

**Date:** 1/29/16

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

CALLING ON THE STATE TO ASSUME THE COSTS OF INDIGENT LEGAL DEFENSE SERVICES AND FOR THE COMPLETE REIMBURSEMENT TO ALL COUNTIES EXPENSES ASSOCIATED WITH THE INDIGENT LEGAL DEFENSE UNFUNDED MANDATE

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**Is subject of Resolution mandated? Explain:**

No

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**Does Resolution require expenditure of funds? Yes \_\_\_ No**

**If "Yes", provide the following information:**

Amount to be authorized by Resolution: \$ \_\_\_\_\_

Are funds already budgeted? Yes \_\_\_ No \_\_\_

If "Yes" specify appropriation code(s): \_\_\_\_\_

If "No", specify proposed source of funds: \_\_\_\_\_

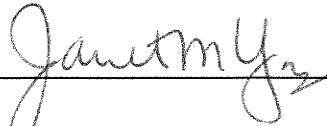
**Estimated Cost Breakdown by Source:**

County \$ \_\_\_\_\_ Grant(s) \$ \_\_\_\_\_

State \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

Federal Government \$ \_\_\_\_\_ (Specify) \_\_\_\_\_

**Verified by Budget Office:** \_\_\_\_\_



**Does Resolution request Authority to Enter into a Contract? Yes \_\_\_ No**

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [ \_\_\_\_\_ ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No \_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \_\_\_\_\_

Efforts made to find Less Costly alternative:

\_\_\_\_\_  
\_\_\_\_\_

Efforts made to share costs with another agency or governmental entity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

Not Applicable *[Signature]*

Person(s) responsible for monitoring contract (Title): \_\_\_\_\_

**Pre-Legislative Approvals:**

- A. Director of Purchasing: *Gary Jones* Date *2/1/16*  
B. Management and Budget: *Janet Myers* Date *2/1/16*  
C. Law Department: *[Signature]* Date *2/2/16*  
D. County Manager: *[Signature]* Date *2/3/16*  
E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_



**RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE CALLING ON THE STATE TO ASSUME THE COSTS OF INDIGENT LEGAL DEFENSE SERVICES AND FOR THE COMPLETE REIMBURSEMENT TO ALL COUNTIES EXPENSES ASSOCIATED WITH THE INDIGENT LEGAL DEFENSE UNFUNDED MANDATE**

**WHEREAS**, in 1963 the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

**WHEREAS**, in 1965 the State of New York delegated this STATE responsibility to counties, adding another unfunded mandated expense to the counties; and

**WHEREAS**, the decision to entrench responsibility at the county level by the State of New York has resulted in a system in which the county and local property tax payers are burdened with the vast majority of cost for this State responsibility; and

**WHEREAS**, public defense services are inadequately financed by the State of New York; and

**WHEREAS**, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared the New York State System of County-Delivered Indigent Services to be in crisis, and urged the expeditious establishment of an Independent Public Defense Commission overseeing a STATE-FUNDED, statewide defender system; and

**WHEREAS**, the State of New York settled the *Matter of Hurrell-Harring, et al v. State of New York*, a systemic lawsuit seeking to transform the indigent defense system into a statewide defender system consistent with the State's responsibility under *Gideon v. Wainwright*; and

**WHEREAS**, in settlement of *Hurrell-Harring*, the State accepted its responsibility to ensure that each person charged with a crime in the five (5) counties names in the lawsuit, is represented by counsel at arraignment; that Indigent Legal Services (ILS) caseload/workload standards are implemented; that dedicated funding be provided to implement specific quality improvements; and that the State will undertake its best efforts to pay in full for these long-needed measures; and

**WHEREAS**, the settlement of the *Hurrell-Haring* matter has resulted in disparity between the five named counties of the lawsuit and the remaining fifty-seven (57) counties with respect to the financial benefit provided by the State to individual county indigent legal defense plans; and

**WHEREAS**, Assemblywoman Patricia Fahy has introduced legislation (A6202-a) designed to address the inequity created by the *Hurrell-Harring* settlement, through a phase-in indigent legal defense funding model that would ultimately see the State assume its responsibility to fund indigent defense and reimburse all Counties for their indigent legal defense expenditures delegated to them in 1965; and

**WHEREAS**, State Senator Joseph Griffo and other Senators are working in the State Senate toward a Bill designed to address this inequity and unfunded mandate delegated to the Counties; and

**WHEREAS**, the Sullivan County Legislature seeks to support these efforts and proposed Bills.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature supports the efforts of Assemblywoman Patricia Fahy and Senator Griffo in their respective efforts to bring forth legislation designed to alleviate the financial burdens imposed upon the fifty-seven (57) counties by the continued unfunded mandate of indigent legal defense; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature calls upon the State Assembly and Senate to enact legislation as Assemblywoman Fahy has proposed, to address the inequity created by the *Hurrell-Harring* settlement through a phase-in funding model for indigent legal defense that would ultimately have the State reimburse all counties for indigent legal defense expenditures, thereby having the State assume its responsibility to fully fund indigent legal defense; and

**BE IT FURTHER RESOLVED**, that the Sullivan County Legislature declares that the State funding of indigent criminal defense will relieve the financial strain on county governments for these unfunded mandates, and will provide proper justice to indigent defendants, and the fair and appropriate fiscal responsibility for same; and

**BE IT FURTHER RESOLVED**, that the Clerk to the Legislature is hereby directed to forward a copy of this resolution to Governor Andrew M. Cuomo, Members of the New York State Senate and New York State Assembly, New York State Defenders' Association, New York State Office of Indigent Legal Services, New York State Association of Counties (NYSAC), and all others deemed necessary and proper.

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Alex Rau, E911 Coordinator

**Re:** Request for Consideration of a Resolution: **TO ENTER INTO AGREEMENT WITH APCO FOR EMD PROGRAM AND SOFTWARE**

**Date:** 1/25/16

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

Use of the APCO EMD system will establish a consistent protocol for Fire, EMS and Law Enforcement Dispatch, replacing our our existing Medical Priorities dispatch system which only accomodates medical dispatch response. The APCO system is more cost effective and will provide a standardized dispatch system among all disciplines.

**Is subject of Resolution mandated? Explain:**

No

**Does Resolution require expenditure of funds? Yes  No**

**If "Yes, provide the following information:**

**Amount to be authorized by Resolution:** \$ 30,000.00

**Are funds already budgeted? Yes  No**

**If "Yes" specify appropriation code(s):** \_\_\_\_\_

**If "No", specify proposed source of funds:** 100% NYS DHSES GRANT FUNDED

**Estimated Cost Breakdown by Source:**

County	<u>\$0.00</u>	Grant(s)	<u>\$30,000.00</u>
State	<u>\$</u>	Other	<u>\$</u>
Federal Government	<u>\$</u>	(Specify)	<u>PSAP FY13</u>

**Verified by Budget Office:** \_\_\_\_\_

*Janet Myga*

**Does Resolution request Authority to Enter into a Contract? Yes  No**

**If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.**

Request for Authority to Enter into Contract with [ APCO ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: National Vendor **Other:**

Duration of Contract: From 01/28/2016 To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): 0.00

Resolutions authorizing prior contracts (Resolution #s): 0

Future Renewal Options if any:

N/A

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Sullivan 911 currently utilizes Medical Priorities which only provides medical dispatch protocol and pre-arrival instructions. The APCO system will include Fire and PD as well medical calls in a more cost effective means.

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \$30,000

Efforts made to find Less Costly alternative:

This system will replace a more costly system being currently utilized.

Efforts made to share costs with another agency or governmental entity:

N/A

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

Proposal - Purchase Order w/ subsequent Res. 14f

Person(s) responsible for monitoring contract (Title): E911 Coordinator

**Pre-Legislative Approvals:**

- A. Director of Purchasing: Nancy Jones Date 2/1/16
- B. Management and Budget: Janet Myers Date 2/1/16
- C. Law Department: [Signature] Date 2/2/16
- D. County Manager: [Signature] Date 2/3/16
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_

Resolution No. \_\_\_\_\_

**RESOLUTION INTRODUCED TO PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO ENTER INTO AN AGREEMENT WITH THE ASSOCIATION OF PUBLIC SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC (APCO) FOR USE OF THEIR EMERGENCY MEDICAL DISPATCH PROGRAM AND ASSOCIATED SOFTWARE.**

**WHEREAS**, Sullivan County 911 has been utilizing the Priority Dispatch Inc. emergency medical dispatch system for many years, and

**WHEREAS**, the APCO dispatch system provides a more robust solution which includes EMS, Fire and Law Enforcement dispatch protocols in a more flexible and cost effective manner, and

**WHEREAS**, the APCO dispatch system is a nationally used and recognized dispatch system, and

**WHEREAS**, the County has received grant funding for 100% of the costs associated with the transition to the APCO dispatch system, and

**WHEREAS**, it is in the County's best interest to utilize the APCO dispatch system and associated software, and

**WHEREAS**, the total cost of the APCO system agreement shall not exceed \$30,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is authorized to execute an agreement with the Association of Public-Safety Communications Officials International, Inc. for the use of their Emergency Medical Dispatch System and associated software (9-1-1 Advisor Software) at a cost not to exceed \$30,000.00. Such agreement is to be in a form as approved by the County Attorney's Office.

Moved by \_\_\_\_\_,  
Seconded by \_\_\_\_\_,  
and adopted on motion \_\_\_\_\_, 2016.