

Public Safety Committee Minutes
September 8, 2020– 3:00 p.m.

Present: Vice Chairman Matt Veitch; Committee Members John Lant, Jack Lawler, Darren O'Connor, Jean Raymond; Supervisors Phil Barrett, Ed Kinowski, Tara Gaston and Chairman of the Board Preston Allen; Chad Cooke, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Karen Heggen, District Attorney; Michael Zurlo, Rick Castle, Sheriff; Carl Zeilman, Ed Tremblay, Emergency Services; Penny Heritage, Animal Shelter; J. Wes Carr, STOP DWI.

Vice Chairman Veitch called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Lant, seconded by Mr. Lawler, the minutes of the August 5, 2020 meeting were approved unanimously.

A motion was made by Mr. Lawler, seconded by Mr. O'Connor, to proclaim October as Domestic Violence Awareness Month in Saratoga County. Unanimous.

Ms. Heggen said that this is an annual item. Ms. Heggen said that the pandemic has really shone a light on how significant and pervasive domestic violence cases are in our community. From an anecdotal standpoint, those cases were the ones that they saw frequently and regularly throughout the pandemic, particularly when everyone was home. Those cases are now making their way through the courts because the local courts are now just opening up to handle the cases that hit pause in March. Ms. Heggen said that her office will be trying to do some coordinated things with the two primary agencies in this County that handle domestic violence support, Wellspring and the Mechanicville Community Center.

A motion was made by Mr. Lant, seconded by Mr. O'Connor, to authorize the acceptance of a NYS Homeland Security State Law Enforcement Terrorism Prevention grant in the amount of \$69,500 and amending the budget in relation thereto. Unanimous.

Mr. Zurlo said that this is a 3 year grant running from 9/1/2020 to 8/31/2023. The funds will be used for enhanced counter terrorism response capabilities, equipment, Lexipol policy development, and operation overtime for security of polling places and election related materials.

A motion was made by Mr. Lawler, seconded by Mr. Lant, to authorize a 1-year agreement with the Department of the Navy in the amount of \$4,500 for the Sheriff's use of night vision equipment. Unanimous.

Mr. Zurlo said that the equipment will be supplied by the Department of the Navy for the period of August 4th, 2020 to August 4th, 2021. Funding for the equipment will be from a previously accepted 2018 Homeland Security Counterterrorism Grant. The cost of purchasing this equipment would be \$49,500.

A motion was made by Mr. Lant, seconded by Mr. O'Connor, to authorize a contract with the Saratoga Springs City School District for the provision of a Deputy Sheriff to serve as a School Resource Officer for the 2020-2021 School Year. Unanimous.

Mr. Zurlo said that this is a renewal agreement. The contract will include a 2% increase as well as modification to some language that the amount to be paid by the School District would be reduced by 4% each 10 day period that there is no classes due to COVID-19 school closure.

Mr. Castle gave an overview/summary of Executive Order 203. Mr. Castle said that in reading through it, it is really written toward Police agencies and not Sheriff's offices, which complicates it a little bit due to the diversity of our operation with the various Towns and Cities in other municipalities. Mr. Castle said that the good news is that Saratoga County is in very good shape. This process has to be followed and they hope to learn from the process. Mr. Castle said that the Saratoga County Sheriff's office is one of only 183 police agencies in NYS that are accredited by NYS Division of Criminal Justice Services. That's from a total of over 600 agencies. Mr. Castle said that they have been accredited continuously since the very beginning in 1989. The accreditation program includes a couple of provisions, one of which is to promote increased cooperation, coordination of law enforcement agencies, to ensure the appropriate training of law enforcement personnel, and to promote public confidence of law enforcement agencies. Over the years Saratoga County has met or exceeded all of the standards as set forth by the State. Mr. Castle said that the Lexipol project has been ongoing for 4 years now. The Lexipol project was for the Sheriff's Department to evaluate, review, and update all of their policies and procedures. This is an approximate 700 page document that is near completion. The Lexipol corporation provides staff and a set of model policies which meet all statutory and case law requirements. It also includes best practices from police agencies across the country. Each of the policies were reviewed line by line, and modified the parts that could be changed to meet Saratoga County's needs. Mr. Castle said that the policies are comprehensive and meet all the requirements.

Mr. Castle said that they have already instituted a reality based training. They have both simulated ammunitions for simulated line of fire exercises, as well as a computerized system which allows for interaction by the officers with the computer in various scenarios. They have been using this for a few years now with great success. Mr. Castle said that they also added Tasers to their use of force continuum over the past few years. They went almost 2 years without a deployment. They reviewed and updated their use of force policies, they are one of the first police agencies in NYS to have a use of force reporting form, and this goes back over a decade. Many other agencies forces use this form as a model. Mr. Castle said that they are in compliance with NYS's requirements that all use of force be reported within 48 hours. Mr. Castle said that in looking at the statistics, over the last 4 years they have averaged less than 20 uses of force per year for 140 sworn officers in the force. This includes all use of force, pepper spray, batons, firearms, and soft arm techniques. Mr. Castle said that they are very judicious in their use of force.

Mr. Castle said that he believes no one can argue with the level of community engagement that the Sheriff undertakes himself, as well as staff being involved in community events.

Mr. Castle said that they have 12 School Resource Officers in the school districts. Contrary to what goes on in other parts of the Country, our SROs make very few arrests. To date they have not made any arrests in the school. The enforcement of the law in the school districts is not the primary job of the SRO, they are there for the safety and security of the school.

Personnel complaints is another issue that comes up under 203. Mr. Castle said that they have a reporting form for personnel complaints. The form is available on the website and in the Sheriff's building. All cases are investigated. The average number of personnel complaints received per year, for the past 4 years, is approximately 6. In the last 4 years they have had 1 complaint of excessive force and 1 complaint of racial bias reported to the agency. Mr. Castle said that they have also undertaken steps for any employees that were terminated for cause, or who resigned while they were under investigation. They are decertified as officers and cannot move onto other agencies.

Finally, unlike police chiefs in municipal police departments who are either appointed by their board or through Civil Service, the Saratoga County Sheriff is elected. This means that every 4 years, the people decide if they believe their Sheriff's office is operating effectively and in their best interest. Mr. Castle said that they intend to meet individually with a list of identified stakeholders in accordance with Executive Order 203. The discussions will take place and results released when completed.

Mr. O'Connor thanked Mr. Castle and asked if there were any concerns regarding changes that would need to be negotiated with unions. Mr. Castle said that as they start to look at things as far as staffing or equipment such as body cameras for example, all of these have issues that go along with them, whether the Sheriff decides to implement it as a policy, or the Board chooses to adopt something, it still has to go through the Unions.

Ms. Gaston said that it is her understanding under the reading of the Executive order, it is the responsibility of the Government entity, and not the Sheriff's Department, to run this and deal with the stakeholders. Ms. Gaston said that this would presumably be the Board. Ms. Gaston said that her concern is if the Sheriff's Department does this entirely, and the Board of Supervisors is not part of overseeing it, she said it is her understanding there are pretty significant penalties as a result of not fulfilling the requirements of the Executive Order. Mr. Dorsey said that he would assume what is being done now is a preliminary review by the Sheriff's Department and ultimately there will be something coming through Public Safety Committee, as Undersheriff Castle is doing now, in presenting the recommendations. Mr. Dorsey said that he believes that ultimately there will be Board approval of the Sheriff's Department recommendations to satisfy the requirements. Ms. Gaston questioned if it was the intention for the Sheriff's department to present recommendations to the Board, which will be approved or not, with the Board not having any role in the actual review of the policies or discussions from the onset. Ms. Gaston said that this is not to indicate that the Sheriff's Department is not doing what they need to do, but if the Board is not getting anything until January, if they have any questions or concerns and this is due April 1st, she would like to register her concern with this. Mr. Veitch said that it is his understanding that somewhere in here there is a place where the Chief Elected Officer has to appoint a committee, and if that is the stakeholder group, they would need to know how they get appointed and who they are. Ms. Gaston said that it specifically states that the political subdivision, in coordination with the police agency, must consult with stakeholders. Mr. Veitch said that Chairman Allen may at some point respond to this or talk about how the committee would be appointed.

Mr. O'Connor asked if there was a state law that incorporates the terms of this Executive Order. Mr. O'Connor said that a one man Governor is imposing requirements on all localities and threatening economic sanctions if they don't comply with his order. Mr. O'Connor asked if this was legal. Mr. Dorsey said that Executive Orders are generally good for 30 days and he's not really sure how this is staying in effect as long as it is. He said that they can look at it further, and ask the Chairman to appoint a committee of identified stakeholders at the next meeting. At that

point they can look at whether or not this is something that maybe we want to challenge compliance with at a future date.

A motion was made by Mr. Lant, seconded by Mr. Lawler, to authorize the acceptance of an Emergency Management Performance Grant from FEMA on behalf of the NYS Division of Homeland Security and Emergency Services in the amount of \$85,844. Unanimous.

Mr. Zeilman said that this is a FY2020 Emergency Management Performance Grant, it's a 50/50 grant and funds go towards operational expenses in the Office of Emergency Services.

A motion was made by Mr. Lawler, seconded by Mr. Lant, to authorize an amendment to the agreement with Kyran Nigro in the amount of \$23,645 for administrative assistant costs associated with Conflict Defender services from April 1, 2019 through December 31, 2019. Unanimous.

Mr. Cooke said that last year the Board accepted a grant package from Indigent Legal Services totaling over \$7M. A portion of those grant funds was identified for the Conflict Defenders office. The funds were accepted, and earlier this year an amended agreement with the State was approved. Part of the amended agreement was for funds for year 2, which was last year's services for the Conflict Defender's office. At that time the County had contracted with Attorneys, one of which was Attorney Nigro. Included in the grant package was an amount to pay his Administrative Assistant for their services while he was the Contracted Conflict Defender. The budget was already amended earlier this year. This is simply amending the contract with Mr. Nigro in order to increase the contract to pay the amount. Mr. Lawler questioned how the figure was calculated. Mr. Cooke said that the number was discussed and negotiated with ILS by Oscar Schreiber when he was the Public Defender. Mr. Nigro will need to submit payroll records as well as records regarding the cases that this person worked as his Administrative Assistant on. Mr. Lawler questioned why the AA is not paid on an hourly basis. Mr. Cooke said that this was the amount ILS agreed to pay, he is unsure what the basis of the negotiations a few years ago was, and how it was established, but can find out. The cost will be fully funded by ILS.

Ms. Heritage said that she previously emailed all of the Committee members a background on Intermunicipal Agreements, redemption fees and ACO Backup. Ms. Heritage said that regarding the redemption fees, currently the shelter charges residents a \$10 impoundment fee for the first offense of a dog running at large, which is the minimum required by Ag. and Markets law. There is a \$50 fee for subsequent offences. The shelter collects the fees and then remits them to the Towns. The Town pays the Shelter a Shelter Services Fee for services rendered to stray and owned animals that are delivered by the Towns. That is \$40 per dog, \$20 per cat and \$20 for kittens and puppies. For this shelter services fee, the Shelter provides 24/7 access to the facility, posts photos of the animal brought in on the Facebook page, there are over 22K followers on this page, the animals are examined, provide necessary treatment, feed, clean kennels and walk the dogs while they are in their care. Ms. Heritage said that a question was raised over the summer by Malta Supervisor Darren O'Connor about whether the impoundment fees, which are remitted to the Town, should be increased to cover the Shelter's services fees which are paid by the Towns. Malta does have a Local Law to charge it's residents to recoup the difference between those two fees, but Ms. Heritage said she does not believe any other Towns do. The question is if the fees should

be raised or kept the same. In Ms. Heritage's opinion, while the impoundment fee itself seems reasonable, she is concerned on the impact of raising it on some residents who cannot afford the charges that are due at the time of redemption. The other fees can include board fees @ \$10/day, rabies vaccination if there is no proof the animal is current with the vaccine @ \$15, and a NYS Dog License fee ranging from \$6 to \$13. Mr. O'Connor said that the County charges the Town \$40 and only charges the owner of the animal, who is responsible for the development anyway, \$10. So the Town has to seek recoupment from the owner without leverage because the dog has already been returned. Mr. O'Connor said that there is a \$10 minimum in the Statute but that does not mean that fee cannot be higher than that. Mr. O'Connor said that the full fee should be paid for by the owner of the animal that made this boarding necessary, and that other taxpayers should not have to pay for it. Mr. Veitch said that he believes the City does not try to recoup any difference, but pays the bill directly to the Shelter. Mr. O'Connor noted that if they don't try to recoup it, it's therefore paid for by the taxpayers. Basically an animal owner imposing the cost of that animal ownership on the taxpayers. Mr. Kinowski suggested submitting an inquiry and getting feedback from each Town to get a better perspective to make a decision on, and bring it back to the Committee for further discussion. Ms. Heritage said that she will send it out immediately in order to bring it back for next month's meeting. As a note, to give the committee an idea of the fees, in 2019 the Town of Malta was charged \$1,120 and the Shelter remitted \$240.

Ms. Heritage said that regarding Animal Control Officer back up, although this is something the Animal Shelter has provided historically, it really is not feasible for the Shelter to continue to provide this service. It is beyond the capacity of the services that they offer in terms of staffing, training. A survey was sent out recently to municipalities to ask what their animal control arrangement is and what they do for back up. Most reported that they are already working with adjoining Towns, either through an agreement or informally, to provide ACO back up. Ms. Heritage said that this may be the best solution. Another solution would be a County agreement with an Animal Control Officer to two, to provide some back up coverage. Ms. Heritage said that she is asking for thoughts on this as it relates to the intermunicipal agreement. Mr. Kinowski said that they make arrangements with other Towns when their ACO is not available, for vacations and such. Ms. Heritage said that most of the Towns have such an agreement. Mr. Kinowski suggested that the feedback received, summarized, and brought back to the Committee would be helpful on making the decision for the Animal Shelter to drop the service. Ms. Heritage said that not all Towns responded to the survey but a summary of those that did was emailed to the Committee members. Mr. O'Connor said that they have an informal arrangement with the Town of Milton and have drafted up an intermunicipal agreement that may be signed providing for details of services that may be necessary. This would cover situations when an ACO may be out for a longer term. Ms. Heritage said that she will bring this back at next month's meeting.

Ms. Heritage said that at the next meeting they will be requesting to an amendment to Resolution 254-2017 Adopting revisions for the Administration of the Animal Shelter Trust and Agency Fund. Currently this Resolution allows for an annual disbursement of up to 80% of the donations received by the Trust Fund in the prior fiscal year. Due to 2020 COVID delays and the time required to issue RFP's and receive project bids, she will be asking to allow for a one time roll over of the funds available in 2020 into 2021. They will not be using any funds in 2020, and the funds used in 2021 for a large project they have in mind would include up to 80% of the donations received in 2019 and up to 80% of the donations received in 2020. Ms. Heritage said that the donations

received in 2019 were \$96,663.70 and 80% of that is \$77,330.96 to be rolled over and accessible in 2021. Ms. Heritage said that she will bring this back to the committee for a resolution next month.

A motion was made by Mr. Lant, seconded by Mr. O'Connor, to authorize a transfer from the DWI Reserve in the amount of \$1,700 and amending the budget in relation thereto. Unanimous.

Mr. Carr said that funds will be used towards the refurbishment of a school bus to turn into a mobile education unit to be used by the School Resource Officers, not only in the schools, but at various community events such as the County Fair, Community days etc. Mr. Carr said that the Saratoga Springs School District is doing the body work and painting the bus. The total cost is \$4,900 and there is currently \$3,200 in the budget.

On a motion made by Mrs. Raymond, seconded by Mr. O'Connor, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board