

PERSONNEL COMMITTEE MEETING MINUTES
SEPTEMBER 10, 2019

PERSONNEL COMMITTEE MEMBERS PRESENT: Hicks, Campbell, LaPointe, Fedler

PERSONNEL COMMITTEE MEMBERS ABSENT: Hogan

SUPERVISORS: Henke, Moore, Ferguson, Shaw, Middleton, Idleman, O'Brien, Skellie, Clary, Rozell

Debra Prehoda, Clerk

Al Nolette, County Treasurer

Chris DeBolt, County Administrator

Lt. Lemery

Christian Morris, 1st Assistant District Attorney

Tim Hardy, Deputy Director Public Safety

Mike Gray, Director Alternative Sentencing

Melissa Fitch, Personnel Officer

Roger Wickes, County Attorney

Sheriff Murphy

Tony Jordan, District Attorney

Glen Gosnell, Director Public Safety

Teri McNall, CIO Information Technology

Public

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

1) Call to Order

2) Accept Minutes August 8, 2019

3) Department Staffing Requests/Staffing Pattern Changes:

A. Department of Public Works

1) Highway Worker II – Backfill

2) Deputy Superintendent of Public Works – Backfill

B. Sheriff – Sr. Typist – Increase Hours from 35 to 40 *Staffing Pattern Change*

C. District Attorney, Sheriff & Public Safety – Discuss Adding Staff in 2019 – Discovery Compliance

4) Other Business

A. Creating Healthy Schools & Communities Grant – GF Hospital

5) Adjournment

Chairman Hicks called the meeting to order at 10:15 A.M.

A motion to accept the minutes of the August 8, 2019 meeting was moved by Mr. LaPointe, seconded by Mrs. Fedler and adopted.

STAFFING REQUESTS: The Personnel Officer addressed the following staffing requests, handout attached.

PUBLIC WORKS:

- Highway Worker II – Backfill – This position has been vacant since the spring and they have been utilizing their summer staff. A motion to approve backfill, full time Highway Worker II, was moved by Mr. LaPointe, seconded by Mrs. Fedler and adopted.
- Deputy Superintendent of Public Works – Backfill – The Deputy Superintendent position was occupied for a short period of time and that position is now vacant and the Superintendent is requesting to backfill. A motion to approve backfill, Deputy Superintendent of Public Works, was moved by Mrs. Fedler and seconded by Mr. LaPointe. Discussion. Chairman Henke asked if this request needed to come to committee and the Personnel Director stated yes because it has been vacant longer than the normal probationary period. The motion to approve backfill, Deputy Superintendent of Public Works, was moved by Mrs. Fedler, seconded by Mr. LaPointe and adopted.

SHERIFF:

- Sr. Typist – Increase Hours from 35 to 40 – Staffing Pattern Change – The Sheriff already has approval to backfill this position but is requesting to increase from 35 hours per week to 40 hours per week. The Personnel Director stated the Sheriff is requesting the increase in hours due to the workload because the department went from two full time positions to one full time and one part time. A motion to approve amending the Staffing Pattern to increase hours from 35 hours per week to 40 hours per week for a Senior Typist position in the

Sheriff's Department was moved by Mrs. Fedler, seconded by Mr. LaPointe and adopted.

OTHER BUSINESS:

- Creating Healthy Schools & Communities Grant – Glens Falls Hospital for Stand Up Desks– The Personnel Office has received calls from employees about their ergonomic wellbeing sitting at a desk all day and have asked for stand up desks. Glens Falls Hospital has a Creating Healthy Schools and Communities grant which would allow the County to spend up to \$20,000 for stand up desks and mats for County employees. This is a reimbursement grant; the County would purchase the stand up desks and mats and submit the receipt to Glens Falls Hospital for reimbursement. The Personnel Director believes about 100 stand up desks and mats can be purchased for \$20,000. She would recommend that these desks first go to employees with medical/doctor notes and then get them out to employees to try. The County has been approved for this grant. A motion to amend the budget to appropriate \$20,000 to purchase stand up desks and mats and recognize the grant revenue and forward to the Finance Committee for consideration was moved by Mr. LaPointe and seconded by Mrs. Fedler. Discussion. Chairman Henke inquired about our future commitment because will more have to be purchased to accommodate all employees. These will first go to employees with medical notes and then to employees who want them. Are we obligated to provide one to everyone that would like one? The County Attorney recommended that an employee who does not have a medical note but wants a stand up desk should have to document the usage; how often do they use it, how long do you stand, providing feedback to determine if more are needed, get some health benefit information. The Personnel Director does not want to store these desks but utilize them. The motion to amend the budget to appropriate \$20,000 to purchase stand up desks and mats and recognize the grant revenue and forward to the Finance Committee for consideration was moved by Mr. LaPointe, seconded by Mrs. Fedler and adopted.

JOINT PERSONNEL AND FINANCE COMMITTEE MEETING MINUTES

FINANCE COMMITTEE MEMBERS PRESENT: Shaw, O'Brien, LaPointe, Campbell, Hicks, Fedler, Skellie, Middleton, Clary

FINANCE COMMITTEE MEMBERS ABSENT: Haff, Hogan

PERSONNEL COMMITTEE MEMBERS PRESENT: Hicks, Campbell, LaPointe, Fedler

PERSONNEL COMMITTEE MEMBERS ABSENT: Hogan

SUPERVISORS: Henke, Moore, Ferguson, Shaw, Middleton, Idleman, O'Brien, Skellie, Clary, Rozell

Chairman Shaw called the Finance Committee to order at 10:24 A.M. for a Joint Personnel and Finance Committee meeting.

2020 PERSONNEL REQUESTS - Handouts distributed listing Department's personnel staffing requests, attached. Please review for discussion at budget workshops. Chairman Shaw, Budget Officer, stated the total dollar amount of these requests if approved would break the tax cap.

DISTRICT ATTORNEY, SHERIFF, PUBLIC SAFETY & INFORMATION TECHNOLOGY:

- Discuss Adding Staff in 2019 – Discovery Compliance/Evidentiary Changes Made by the State – Tony Jordan, District Attorney, provided an overview of the evidentiary changes and how they impact the budget, handout attached. The NYS Budget adopted effective April 1st passed criminal justice changes but no funds were budgeted to institute these changes. The

impact of these changes statewide for compliance is about \$200M. Over the past four and a half months, these department have spent time on how to comply and continue to deliver public safety in the manner we have been; areas impacted and how they are linked together. This will impact all areas of public safety in Washington County and across the State. The areas most impacted are bail, discovery and speedy trial. This applies to typical crimes you might expect and traffic offenses. They have been focused on how they are going to do this for the 2000 misdemeanors and felonies cases each year. How this change will impact Washington County. Currently Judges set bail based on public safety risk, consider connections to community, and previous history of appearing or not. In 2020 the court must release defendants on their own recognizance or set bail – the least restrict means necessary. Three forms of bail: cash, secured bail bond or partially and unsecured bail bond. Defendants can now use a credit card. Very few will have bail set. Discovery – 95% of cases settle before trial and resolved at a very early phase. Only a fraction of the information that is going to be required now is ever delivered to the defendant during the current process. Last year the DA received from Public Safety ninety dispatch logs/911 call logs and that number estimated to be 2000 in 2020. After January 1, 2020 everything that exists in any law enforcement agency that relates to the case, anything and everything, must be turned over to the defendant within 15 days of arraignment. The law triggers – compile and deliver all material/documents from law enforcement to the District Attorney for review and redact and then deliver to defendant and court. The personnel requests are related to this. A significant change puts urgency over the process – cannot declare readiness for trial until all documents have been turned over. Explained the concept of a virtual complaint desk – police officers can have a meeting with an ADA to review information and documents for the case to ensure they have everything. This would be an extra four hours a day for ADA's.

County Budget Impact – The attached handout details the impacts to County's 2019 and 2020 budgets due to the changes made in the 2019-2020 State budget in the criminal justice system; an unfunded mandate. Fringe benefits costs are factored in. Information Technology costs include hardware and software costs including the Axon Taser for body cams/tasers/cameras for investigative rooms and evidence.com. (cloud-based system for data storage) for the Sheriff. The costs on this handout are for the all-in costs in terms of compliance. Not included is Alternative Sentencing for pre-trial services for notification (need to be a certified agency and exploring how to become one) – notice of appearance. The County Attorney stated there should be a revenue line because this is a local town court responsibility and if those duties are to be performed by the county then there should be corresponding revenue. Mike Gray, Director of Alternative Sentencing/Youth Bureau, stated electronic monitoring is going to be allowable. They currently do that and will be able to continue to provide that option. The District Attorney stated they are going to try to resolve vehicle and traffic tickets on first appearance in court.

Informing the Board today of the changes made through the NYS budget and how they impact the District Attorney and other departments. The District Attorney has planned several public meetings and will also address this at his budget workshop meeting on the need for these personnel requests. He would like to institute these changes by November 1st to be ready for January 1, 2020 having systems and people in place and trained to do this work. He would like a decision today on his proposed plan.

Information Technology needs thirty to sixty days to implement the Axon hardware/software. The Sheriff stated his most important need is the Axon hardware/software and would be willing to hold off until January 2020 with his personnel requests and the Deputy position could be cut.

The technology is critical to his department and is needed prior to January 1st. The County Administrator recommends general fund fund balance or general fund contingency to fund the IT costs now. Upon review of the general fund contingency amount there is not enough in that budget line to cover this approximate \$100,000 IT request.

IT technology request forwarded to the Finance Committee meeting scheduled for Thursday, September 12th at 9:30 AM. The Treasurer stated he plans to work with the District Attorney and County Administrator and develop a budget to present Thursday that breaks down the necessary personnel and information technology needs for this year.

The Personnel Committee adjourned at 11:53 A.M.

EXECUTIVE SESSION – A motion to enter an executive session to discuss the medical, financial, credit or employment history of a particular person was moved by Mrs. Fedler, seconded by Mr. Campbell and adopted. A motion to return to regular session was moved by Mr. O'Brien, seconded by Mrs. Fedler and adopted. No action taken in the executive session.

The meeting adjourned at 12:00 P.M.

Debra Prehoda, Clerk
Washington County Board of Supervisors



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Personnel Committee Mtg. September 10, 2019
Chairman Hicks, Supervisors: Campbell, LaPointe, Fedler, Hogan

STAFFING:

DPW-

Backfill Highway Worker II

Backfill Deputy Superintendent of Public Works

SHERIFF -

Senior Typist 35 to 40 hrs/week
*Staffing Pattern Change

OTHER -

Creating Healthy Schools & Communities Grant- Glens Falls Hospital

**Personnel Committee
Position Fill Request Form**

8/28/2019

DPW

Is the Request for a Backfill or New Position?

Backfill

Title of Civil Service Position:

Highway worker 2

Civil Service Competitive or Non-Competitive?

non

Pay Rate/Salary of Last Person in Position:

18.54/hr

Base Rate/Salary if Filled:

18.54/hr

Number of Hours/Week:

40

Reason Position is Being Vacated:

resignation

Date the Position will be Vacated:

March 2019

How Many Positions of the Same Title are in the Unit/Department?

38

What is the source of the funding?

County Road

***If the request is for a NEW position that will change your departments staffing pattern please provide an explanation why the position is needed.**

Position Fill Request Form

8/30/2019

DPW

Is the Request for a Backfill or New Position?

BackFill

Title of Civil Service Position:

Deputy Superintendent

Civil Service Competitive or Non-Competitive?

Pay Rate/Salary of Last Person in Position:

\$70,000.00

Base Rate/Salary if Filled:

\$70,000.00

Number of Hours/Week:

35

Reason Position is Being Vacated:

Resignation

Date the Position will be Vacated:

currently vacant

How Many Positions of the Same Title are in the Unit/Department?

1

What is the source of the funding?

DPW budget

*If the request is for a NEW position that will change your departments staffing pattern please provide an explanation why the position is needed.

**Personnel Committee
Position Fill Request Form**

Date: 09/03/2019 Department: Sheriff

Is the Request for a Backfill or New Position?

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Title of Civil Service Position:

Sr. Typist

Civil Service Competitive or Non-Competitive?

CS

Pay Rate/Salary of Last Person in Position:

\$17.08

Base Rate/Salary if Filled:

Grade 9 / \$17.08

Number of Hours/Week:

*40

Reason Position is Being Vacated:

Retirement

Date the Position will be Vacated:

Vacant

How Many Positions of the Same Title are in the Unit/Department?

0

What is the source of the funding?

Budgeted

*If the request is for a NEW position that will change your departments staffing pattern please provide an explanation why the position is needed.

* currently 35 hrs/wk

Requesting Pass through for the GF Hospital - Creating Healthy Schools & Communities Grant

- Purchase Stand Up Desks and Standing Mats
- Reimbursed through the grant up to the amount of \$20,000 .
- The invoice and receipt must be dated prior to Sept. 30th in order to be eligible for reimbursement by GFH



Staffing Changes included in the 2020 Tentative Budget

Fund	Department	Change Requested	Salary	Reimbursement	Net Salary	Fringe	Total Impact	
General Fund	1165 - District Attorney	Title Change Senior Clerk to Legal Assistant	\$ 4,236.54	\$ -	\$ 4,236.54	\$ 932.04	\$ 5,168.58	
		Title Change Senior Typist to Legal Assistant	\$ 4,841.76	\$ -	\$ 4,841.76	\$ 1,065.19	\$ 5,906.95	
		Add Stipend for ADA's	\$ 52,400.00	\$ -	\$ 52,400.00	\$ 11,528.00	\$ 63,928.00	
		Add 2 Legal Assistants	\$ 86,103.68	\$ -	\$ 86,103.68	\$ 38,746.66	\$ 124,850.34	
		Secretary to District Attorney, Grade 13 to Grade 15	\$ 4,527.36	\$ -	\$ 4,527.36	\$ 996.02	\$ 5,523.38	
	1170 - Public Defender	Salary Increase for Public Defender	\$ 5,384.00	\$ -	\$ 5,384.00	\$ 1,184.48	\$ 6,568.48	
		Add Supervising Attorney, Family Court	\$ 78,158.00	\$ -	\$ 78,158.00	\$ 35,171.10	\$ 113,329.10	
	1230 - County Admin	Title Change Jr. Purchasing Clerk to Purchasing Clerk, 35 to 37.5 hrs	\$ 7,932.05	\$ -	\$ 7,932.05	\$ 1,745.05	\$ 9,677.10	
	1325 - Treasurer	Title Change Account Clerk to Sr. Account Clerk, 2 positions (Jul-Dec)	\$ 3,622.08	\$ -	\$ 3,622.08	\$ 796.86	\$ 4,418.94	
		Treasurer Stipend - LCLGRPB	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 660.00	\$ 3,660.00	
	1355 - Real Property	Salary Increase for Director	\$ 6,000.00	\$ -	\$ 6,000.00	\$ 1,320.00	\$ 7,320.00	
	1410 - County Clerk	Add Motor Vehicle License Clerk	\$ 34,407.15	\$ -	\$ 34,407.15	\$ 15,483.22	\$ 49,890.37	
	1430 - Personnel	Title Change Personnel Clerk to Civil Service Technician, 2 positions	\$ 10,165.60	\$ -	\$ 10,165.60	\$ 2,236.44	\$ 12,402.04	
		Title Change Account Clerk to Personnel Clerk Trainee	\$ 3,353.60	\$ -	\$ 3,353.60	\$ 737.79	\$ 4,091.39	
	1620 - B&G	Add Building Maintenance Helper	\$ 31,523.84	\$ -	\$ 31,523.84	\$ 14,185.73	\$ 45,709.57	
		Title Change Building Maintenance Worker to Building Maintenance Mechanic	\$ 4,106.08	\$ -	\$ 4,106.08	\$ 903.34	\$ 5,009.42	
	3110 - Sheriff	Add Deputy	\$ 31,230.40	\$ -	\$ 31,230.40	\$ 14,053.68	\$ 45,284.08	
		Secretary to Sheriff, Grade 12 to Grade 14	\$ 4,569.28	\$ -	\$ 4,569.28	\$ 1,005.24	\$ 5,574.52	
		Add Sergeant	\$ 47,264.80	\$ -	\$ 47,264.80	\$ 21,269.16	\$ 68,533.96	
	3150 - Jail	Title Change Account Clerk to Senior Account Clerk	\$ 3,833.06	\$ -	\$ 3,833.06	\$ 843.27	\$ 4,676.33	
	3640 - Public Safety	Add Typist, 2 positions	\$ 63,047.68	\$ -	\$ 63,047.68	\$ 28,371.46	\$ 91,419.14	
		Add Deputy Coordinator, \$5000 Stipend Reimbursed 100%	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	
	4004 - Public Health	Add Preschool Service Coordinator	\$ 41,668.48	\$ -	\$ 41,668.48	\$ 18,750.82	\$ 60,419.30	
	6010 - DSS	Title Change Account Clerk to Sr. Account Clerk, Reimbursed at 75%	\$ 4,380.64	\$ 3,285.48	\$ 1,095.16	\$ 240.94	\$ 1,336.10	
		Add Social Service Division Director, Reimbursed at 75%	\$ 66,735.00	\$ 50,051.25	\$ 16,683.75	\$ 7,507.69	\$ 24,191.44	
		Add Caseworker, 2 positions, Reimbursed at 75%	\$ 95,242.24	\$ 71,431.68	\$ 23,810.56	\$ 10,714.76	\$ 34,525.32	
	6510 - Veterans	Add Caseworker, 2 positions, Reimbursed at 75%	\$ 4,566.64	\$ -	\$ 4,566.64	\$ 1,004.66	\$ 5,571.30	
		Change Deputy Director from Title by Grade to Exempt	\$ 8,455.54	\$ -	\$ 8,455.54	\$ 1,860.22	\$ 10,315.76	
	6772 - OFA	Title Change Account Clerk to Sr. Account Clerk, 40 hrs	\$ 13,403.92	\$ 10,052.94	\$ 3,350.98	\$ 737.22	\$ 4,088.20	
	7310 - Youth/ Alt. Sent	Change Meal Site Manger PT to FT, Reimbursed at 75%	\$ 9,192.75	\$ 5,699.51	\$ 3,493.25	\$ 1,571.96	\$ 5,065.21	
				\$ 738,352.17	\$ 145,520.86	\$ 592,831.32	\$ 235,623.00	\$ 828,454.32

Salary \$ 738,352.17
 Reimbursement \$ 145,520.86
 Fringe \$ 235,623.00
General Fund Impact \$ 828,454.32

Fund	Department	Change Requested	Salary	Reimbursement	Salary	Fringe	Total Impact
Sewer District	GB 8110 - Sewer District II	Add Laborer	\$ 34,101.92	\$ -	\$ 34,101.92	\$ 15,345.86	\$ 49,447.78
		Grade Change	\$ 1,540.56	\$ -	\$ 1,540.56	\$ 338.92	\$ 1,879.48
			\$ 35,642.48	\$ -	\$ 35,642.48	\$ 15,684.78	\$ 51,327.26

Salary \$ 35,642.48
 Fringe \$ 15,684.78
Sewer District Impact \$ 51,327.26

Total All Funds	Salary	Reimbursement	Salary	Fringe	Total Impact
	\$ 773,994.65	\$ 145,520.86	\$ 628,473.80	\$ 251,307.78	\$ 879,781.58

2020 Staffing Change Requests

District Attorney

- Title Change - Senior Clerk to Legal Assistant; Remove Snr. Clerk
- Title Change – Senior Typist to Legal Assistant; Remove Senior Typist
- Add Stipend for ADA's (\$200/day to cover 20 hrs/wk)
- Add 2 Legal Assistants (Discovery)
- Secretary to DA, Grade 13 to Grade 15

Public Defender

- Add Supervising Attorney (Fam. Court) Promote Assistant Public Defender & backfill that position.
- Public Defender Salary Increase on base \$89,940.00 to \$95,324.00 to mirror County Attorney

County Admin.

- Title Change Jr. Purchasing Clerk to Purchasing Clerk; 35 to 37.5 hrs/wk; remove Jr. Purchasing Clerk from Staffing Pattern

Treasurer

- Title Change two Account Clerks to Senior Account Clerks in July 2020 due to retirement and absorbing additional duties; 2 Acct Clerk positions will be removed from staffing pattern in July.
- Treasurer – Lake Champlain-Lake George Regional Planning Board Stipend for Bookkeeping Services of \$3,000/yr

Real Property

- Director of Real Property Tax Services Salary Increase \$6,000

County Clerk

- Add Motor Vehicle License Clerk (grade 9, 37.5 hrs/wk)

Personnel

- Title Change Personnel Clerks to Civil Service Technicians (remove Pers.Clerks); Grade 12 to Grade 15; 2 positions
- Title Change Account Clerk to Personnel Clerk Trainee; Grade 8 to Grade 11

Buildings & Grounds

- Add Building Maintenance Helper (to assist with workload in municipal bldg.); not eliminating a position
- Title Change Building Maintenance Worker to Building Maintenance Mechanic (duties & responsibilities in LEC); Remove Bldg Mnt. Worker from Staffing Pattern

Sheriff

- Add Deputy Sheriff
- Change Grade of Secretary to Sheriff from Grade 12 to Grade 14
- Title Change Account Clerk to Senior Account Clerk; Gr 8 to Gr 10 (Jail)
- Create Deputy Sheriff Sergeant; backfill Deputy position

Public Safety

- Add Two Typist Positions
- Add Deputy Coordinator (currently outside contractor; \$5,000 fully grant funded, no additional cost to County; Employee contingent on grant funding)

Public Health

- Add Preschool Service Coordinator (grade 14)

Social Services

- Title Change Account Clerk to Senior Account Clerk
- Add Social Service Division Director (Exempt Salary Schedule)
- Add Two Caseworker positions

Veterans

- Change Deputy Director from Title by Grade to Exempt Salary Schedule; salary of \$43,000
- Title Change Account Clerk to Senior Account Clerk; Gr 7 to Gr 9; upon obtaining accreditation training will request title change to Veteran Service Officer in 2021 at grade to be determined)

OFA

- Change Meal Site Manager from Part-Time to Full-Time, 40 hrs/wk

Youth/Alt Sentencing

- Add Alternative Sentencing Program Assistant; not eliminating a position (temporary summer season only)

Sewer District II

- Add Laborer
- Grade Change Senior Account Clerk; Grade 10 to Grade 11

WASHINGTON COUNTY

IMPACT OF THE 2019-20 NYS BUDGET ON PROSECUTIONS

The 2019-20 NYS budget included transformative changes Criminal Justice effective January 1, 2020 including dramatic changes to Bail, Discovery/Speedy and new requirements on local court magistrates.

These reforms create another "unfunded mandate" for Counties and will impact the District Attorney, Sheriff, Public Safety, Information Technology, Alternative Sentencing, Probation, local courts and local and State law enforcement organizations

Current County Impact:

Sheriff-Increased duties of Deputies for the maintaining of a repository for all arrest and case documents with additional staff to insure all documents are present and ready for submission to the District Attorney.

Public Safety-Additional Staff to listen to and segregate out several potential hours of 911 and telephone traffic related to a specific case and depositing into the District Attorney's repository for review.

District Attorney-Additional duties to existing staff along with the need for new staff to review all documents in the repository in order to certify compliance with the new discovery/timing requirements and ability to declare readiness for trial.

Probation, I.T., and Alternative Sentencing are currently taking a "wait and see" approach but may find the need for additional resources as well.

	2019(2months)	2020
District Attorney:		
Title Change to Legal Asst.	\$861.43 ¹	\$5,168.58
Title Change to Legal Asst.	\$984.49 ²	\$5,906.95
Legal Assistant-new	\$10,404.20	\$62,425.17
Legal Assistant-new	\$10,404.20	\$62,425.17
ADA Stipend for LE arrest/complaint/discovery compliance desk	\$10,654.67	\$63,928.00
Secretary to D.A upgrade	\$920.56	\$5,523.38
	<hr/>	<hr/>
	\$34,229.54	\$205,377.25
Sheriff:		
Deputy - New	\$7,547.35	\$45,284.08
Sergeant-new	\$11,422.33	\$68,533.96
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	\$18,969.67	\$113,818.04
Public Safety:		
Typist - new	\$7,618.26	\$45,709.57
Typist - new	\$7,618.26	\$45,709.57
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	\$15,236.52	\$91,419.14
Information Technology:		
Hardware & Software only	\$112,570.00	\$58,369.00
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	<u>\$181,005.73</u>	<u>\$468,983.43</u>

¹ Please note these changes are necessary to have duties performed currently match Civil Service Description but the Criminal Justice Changes for 2020 compound the problem

² Please note these changes are necessary to have duties performed currently match Civil Service Description but the Criminal Justice Changes for 2020 compound the problem

Item	qty	cost	total
monitors for each person but I show 19 computers on the solarwinds dashboard that seems like too many	10	\$175.00	\$1,750
laptops - cost is difference to replace with xps	7	\$500.00	\$3,500
DEMS for this year with up to 1tb storage (it sounds like they bill annually which I assume is for 12 months and not a calendar year	12	\$110.00	\$1,320
New computers for new hires, Workstation with monitor (if laptops needed will need to adjust)	6	\$1,000.00	\$6,000
Total			\$12,570

Axon				
year 1			\$38,858	Body Cams and Taser
			\$38,067	Processing/Interview Rooms - Ft. Edward (5)
			\$23,075	Processing/Interview Rooms - Salem (2)
			\$100,000	Total for first year
year 2,3,4,5			\$48,653	Body Cams and Taser
			\$6,640	Processing/Interview Rooms - Ft. Edward (5)
			\$3,076	Processing/Interview Rooms - Salem (2)
			\$58,369	Total for each subsequent year

COMMENTS TO JOINT MEETING
OF
PERSONNEL AND FINANCE

- 1) The 2019/20 NYS Budget has legislated transformative changes to Criminal Justice. These sweeping changes incorporated into the budget bill were hastily approved by legislators facing a looming artificial deadline of April 1. Despite being in the Budget Bill no funds were budgeted or allocated to assist Counties comply with these new laws.
- 2) For Washington County to comply with these sweeping changes and continue to deliver Public Safety consistent with current practices, the impacted departments will require significant additional resources including staffing and investment in IT services.
- 3) In summary the legislation impacted three areas of Criminal Justice in a profound and far reaching manner. Each of the impacted areas become inextricably linked and that linkage will change significantly how law enforcement handles investigations and decisions on whether and when to arrest and how cases are prosecuted. These areas impacted are:
 - a. Bail
 - b. Discovery
 - c. Speedy Trial
- 4) Furthermore, these new laws apply to everything from a Vehicle and Traffic Ticket for a headlight out to Murder.
- 5) For the past 4 plus months we have analyzed the law to determine the extent of the impact, the consequences to public safety for non-compliance and then developing plans to insure compliance with both the spirit and content of the law.
- 6) Based on our experience we know what the demands will be for compliance with the law for our approximate 2,000 Misdemeanor and Felony cases each year. It is based on that known that we have focused our efforts and based our staffing and IT requests on. What we do not know is how will the public respond to this law regarding Vehicle and Traffic tickets and Violations and how much discovery demands will be placed on the prosecution of V&T tickets and violations; and ultimately how that will impact the resolution of those tickets. Keep in mind that represents over 10,000 tickets alone not to mention violations.
- 7) So, what has changed and how will that impact us in Washington County?
 - a. BAIL
 - i. Currently when Judges (both Local Court and County Court) set bail they focus on the following key factors:
 1. Public safety risk posed by the defendant both by looking at their current charge and criminal history;
 2. Connections to the community and how that will bare on their likelihood of appearing at future court appearances;
 3. Previous history of appearing, or not, in Court for previous arrests

- ii. After January 1, 2020 what will Bail look like?
 1. Unless the Defendant is charged with a *Qualifying Offense* the Court *MUST* release the Defendant on his/her own recognizance;
 2. If the charge is a *Qualifying Offense*, then the court can either ROR the defendant or set bail, but bail selected *MUST* be the *least restrictive means necessary* that will reasonably assure the defendant's return to Court.
 3. What are the *Qualifying Offenses*?
 - a. Class A Felonies *except* Drug Offenses
 - b. Violent Felony Offenses *except* Burglary 2nd (when the building is a Dwelling/home) and Robbery 2nd when defendant is aided by another person
 - c. Crimes involving witness intimidation or witness tampering
 - d. Felony or Misd. Sex Crimes
 - e. Conspiracy 2nd when underlying crime is an A felony homicide offense
 - f. Money laundering to support terrorism in the 1st or 2nd
 - g. All felony terrorism offenses *except* Making a Terroristic Threat
 - h. Certain Criminal Contempt Charges but not all.
 - i. Facilitating Sexual performance by a child with a controlled substance or alcohol, use of child in a sexual performance or luring a child.
 4. If the Court decides to set bail:
 - a. The Judge must now offer the Defendant 3 forms of bail, one of which must be an unsecured or partially secured bail bond;
 - b. The Defendant will now be able to use a credit card to post bail;
 - c. The Court must put in writing or on the record its rationale as to why the method selected is the least restrictive means necessary as defendant is entitled to an immediate right to appeal this determination; and
 - d. So, given the limitation on when bail can be set and the nature of the 3rd form of bail it is expected that the number of defendants held on bail will drop considerably. Especially when you factor in a new requirement for a Judge to consider when setting bail and that is if *monetary bail is authorized* and the Court is going to set bail the Judge *MUST* consider the principal's financial condition and ability to post bail without posing an undue financial hardship and his ability to obtain a bond.

5. The above coupled with the volume of discovery mandated and speed at which it must be delivered, will fundamentally change how we process arrests and prosecute cases.

b. DISCOVERY

- i. Currently 95% of our Misd. and Felony cases are resolved without trial. A significant portion of those are resolved in the early phases of the case. This simple reality means most cases are resolved with the production of only a fraction of the potential evidence that exists. Furthermore, items now required to be obtained and turned over have seldom ever been obtained by our office or turned over to defense; this includes 911 calls and dispatch logs. These two (2) items alone will go from perhaps 90-100 requests a year (that generally have no urgent timeline attached to production or review) to requiring the production of these items in all 2,000 cases and turned over to defense within 15 days of arraignment;
- ii. After January 1, 2020 a completely new law will take effect that both expands what must be obtained and turned over in each criminal case but also creates an extraordinarily short time frame to obtain, review, and turn over to defense. What must be turned over?
 1. EVERYTHING in the possession of ANY law enforcement agency in NYS that *relates* to the incident and *must* be turned over to the defendant within 15 days of arraignment;
 2. What is everything?
 - a. Read from Rossi list and state that this is not exhaustive but illustrative;
 - b. Some of the new motions that will now be required within the first 15 days include:
 - i. Motion for extension of time for compulsory discovery (various statutory reasons)
 - ii. Protective Order Motion
 - iii. Motion for Court to issue subpoena or order to laboratory to provide results
 - iv. Motion to Accept Stipulated Protective Order
 - v. Response to Defendant's Protective Order Motion
 - vi. Order to Show Cause, etc. in the Appellate Division to Review Protective Order
 - vii. Response to Order to Show Cause for AD Review of Protective Order
 - viii. Response to motion to preserve evidence
 - ix. Response to motion to grant access to premises
 - x. Response to motion for third party discovery
 - xi. Response to motion for DNA Comparison Order
 - xii. Motion for non-testimonial evidence from defendant

3. Furthermore, unlike current law we can not enter into plea agreements with defendants unless and until we certify that we have turned over EVERYTHING 3 days prior to plea to Misd. and 7 days prior to plea to a Felony. Although defense can waive discovery there are strong legal reasons that I doubt they will in the vast majority of instances. Furthermore, because we must have all this done within 15 days of arraignment, doubtful that waiver will be accomplished that quickly. Therefore, compliance with this law **demand**s that we have systems in place to insure:
 - a. compilation and delivery of ALL material by Law Enforcement to our office;
 - b. receipt in a useable format by our office to facilitate review and understanding of what has been received and an ability to effectively and appropriately redact and otherwise manage the flow of information; and
 - c. Deliver to defense and Court.
4. Once received the Prosecution must:
 - a. Certify that they have turned over EVERYTHING to defense;
 - b. Certify that the Complaint is sufficient and supported by sufficient evidence; and
 - c. ONLY then can we declare readiness for trial which will now be subject to inquiry from both the court and defense as to validity. Why is this significant?

c. **SPEEDY TRIAL**

- i. This amendment has now tied Discovery to Speeding Trial and linked it to not only crimes and penal law violations but also vehicle and traffic tickets.
- ii. What does this mean?
 1. Failure to comply with the demands of the new discovery bill brings with it various sanctions that the court can impose including DISMISSAL of the entire action;
 2. When coupled with the changes to Bail outlined above, Law Enforcement will now have to make all new determinations as to when to actually arrest the defendant. Furthermore, the level of investigation, thoroughness of investigation and documentation and consideration of ALL possible witnesses, evidence etc. *must* all be factored into the decision of when and whether to arrest defendant or continue with the investigation. To be truly successful this must occur with guidance from an ADA;
 3. This reality, and extensive consultation with offices both large and small around the state, is what led to the creation of the proposal for a *Virtual Complaint Desk* which really is a Law Enforcement

arrest/complaint/discovery compliance desk. Far too often over the past 5 plus years we have negotiated resolution of criminal cases through reduced sentences based solely on the quality of information we had, not the nature of the crime. These new laws will all but eliminate our ability to accomplish that. As a result, and given that we have 9 different LE agencies in Washington County each with very different levels of training, the only way to manage this process is to be able to offer immediate assistance prior to arrest. Because of the varied shifts this can only be accomplished by a 12 hour a day 5 days-a-week program. Given the current case load of each of the ADA's in the office, without the benefit of a built-in caseload limitation, we can not utilize a swing shift method to accomplish this so I have requested the stipend to address the additional time demands.

- d. So, what does all of this mean for Washington County?
- i. For the past 4 ½ months impacted departments have been meeting to discuss impact, develop plans for compliance and work to access technology that will assist in compliance both effectively and efficiently to reduce costs of compliance;
 - ii. Identify areas of weakness both internally and externally (other agencies and delivery methods) and address those early on to prevent compliance issues;
 - iii. Develop ideal plans for compliance and then adjust those based on financial constraints/reality of the County Budget. As an example, our true needs and ideal plan to insure no drop in Public Protection would include creation of a new Discovery Department consisting of:
 1. Two new lawyers to handle discovery related compliance issues and all new motion practices that will be required in the first 15-45 days of every misd. and felony case after January 1, 2020;
 2. Liaisons with each law enforcement agency in the County to insure acquisition and delivery of all related information to the case (6 people)
 3. Two (2) new investigators to work with and assist witnesses and victims dealing with the new and early disclosure of names, addresses and contact information to defense and assist in obtaining evidence and outstanding items from law enforcement.
 4. AS YOU CAN SEE THE ABOVE IS SIMPLY UNWORKABLE IN THE REAL WORLD
 - iv. Ultimately what we did as a team is work together as a team and develop what each of us believe is our bare minimum needs to comply with this new law. Those plans are set forth on the attached sheet and spelled out in greater detail in each of our Departments Personnel Request forms. In each instance these requests focused solely on compliance with

prosecution of Misd. and Felonies. These are cases that we know of and have a certainty in what will be required.

- v. What is not included but will be an issue:
1. Alternative Sentencing may have a critical function in assisting local and county courts in complying with the all new notification requirements contained in the law. Law Enforcement will have to get contact information from each defendant and then deliver this to the Court as the Court will have to notify the defendant by the defendant's chosen method of communication all court dates;
 2. Once we have more experience with how the public adapts to this new law as to V&T tickets and violations, we may need additional resources. This will be especially true for Public Safety;
 3. Although there is no way to predict how these changes will impact the actual resolution of cases as to plea negotiations, I would anticipate both an increase in probation sentences and utilization of split bids (a combination of jail sentences and probation) versus prison sentences. Thus, it is likely that there will be increases impacting that department as well;
 4. IT has been involved from the beginning and instrumental in developing these plans. Until we begin actual compliance and experience the increase in delivery of large quantities of audio/video evidence heretofore not delivered we will not know for sure whether there is adequate processing capabilities and trunk speed to handle the demands
 5. Lastly, as this is legislatively created, and in large part a completely new area of law, until the Courts have ruled on many of these new areas and appeals completed, there may be new and different requirements necessary for compliance.

On behalf of each of the Departments impacted by these new laws, I would like to thank you for the assistance in our efforts to ensure that these new laws do not impact Public Safety in Washington County.