



Onondaga County Legislature

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PUBLIC SAFETY COMMITTEE MINUTES – MAY 14, 2014 BRIAN MAY, CHAIRMAN

MEMBERS PRESENT: Mr. Dougherty, Mr. Ryan

MEMBERS ABSENT: Mr. Holmquist, Mr. Jordan

ALSO PRESENT: See attached list

Chairman May called the meeting to order at 12:03 p.m. *A motion was made by Mr. Dougherty, seconded by Mr. Ryan to waive the reading and approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

1. **HISCOCK LEGAL AID SOCIETY:** Susan Horn, President

a. **Amending the 2014 County Budget to Accept New York State Office of Indigent Legal Services Grant Funds for the Upstate Quality Improvement and Caseload Reduction Project, and Authorizing the Execution of Agreements to Implement this Resolution (\$299,529)**

- Received grant which allows adding a new attorney to appeals program; appellate defender for Onondaga County – do all assigned appeals for criminal and family court
- Back log of cases; portion of money for attorney position to reduce backlog and portion to support staff

Ms. Horn agreed with Mr. Dougherty that the \$300,000 is for three years. Mr. Dougherty asked if this is a grant that they expect to receive again in the future. Ms. Horn responded there are no guarantees. Mr. Dougherty asked what they will do to the lawyer that is hired. Ms. Horn replied they hire the person with the understanding it is a three year grant. They always try to get other funds for the position, and hopefully the state office will extend these grants in the future. The attorney hired is aware that it is a three year position. Typically there is turn over, so they can take a different position on staff. Ms. Horn answered Mr. Dougherty that this is a full time position, and they have received these types of grants before. There are people on staff being paid for with money from the NYS Office of Indigent Legal Services.

Mr. May would like to make it clear for the record that the position and the funding is contingent on the grant coming in. Mr. May is not sure that it is clear in the resolution, but it is certainly common practice.

A motion was made by Mr. Dougherty, seconded by Mr. Ryan, to approve this item. Passed unanimously; MOTION CARRIED.

2. **PROBATION:** Phil Galuppi, Principal Probation Officer

a. **Amending the 2014 County Budget to Accept Grant Funds to Support an Initiative to Reduce Youth Gang-Related Activity and Violence within the City of Syracuse, and Authorizing the County Executive to Enter into Agreements (\$48,063)**

- Accept \$48,000 from City of Syracuse based on Syracuse Comprehensive Gain model - city awarded grant; three year period; no positions; based on probation officer doing suppression work and working with service providers as well
- Money goes to working with law enforcement agencies and City of Syracuse Police Department

Mr. Dougherty stated that works out to be \$16,000 per year, and asked what they do with it. Mr. Galuppi responded the \$16,000 is cut into three ways: the probation officer working directly with the people in the program, the efforts with the city police (i.e. detail from 6 – 11 p.m. focusing on problem areas), and the supervisors involved with the project. It is not a lot of money, but it is not an added position. They will be working

with gang related kids. The probation officer and supervisors are doing above and beyond their normal work. Mr. Dougherty stated he will support this, and asked if this helps. Mr. Galuppi replied yes, it has been proven to be affective. The grant itself spreads out to the Salvation Army, and is over \$1 million. The County itself is only a small piece of the overall grant. Mr. Dougherty commented this is great work, and wish there was more there. Mr. May agrees with Mr. Dougherty, and stated he had a tour of the facility. They are very strategic in how things are set up. There is a need for more security (discuss more at budget), and staffing is down considerably. Anything they can do to improve the public safety equation is a great thing.

Mr. Galuppi agreed with Mr. Dougherty that this targets gang related activity. Mr. Dougherty asked if it was improving in the city. Mr. Galuppi replied recent data shows gang related shootings are down slightly from where they were one, two or three years ago. There is progress fighting gang activity. Mr. Ryan asked why that is. Mr. Galuppi responded it is the efforts that they make with various law enforcement agencies working together, and also working with Truce. They are not going to stop every shooting or every killing. Mr. Ryan stated there is a lot of collaboration on gang activity, and anything they can do to reduce crime, probation and recitivism rates is always a good thing. The fact that it is down is good, and that is normally not in the paper. Mr. Galuppi is not talking about a fifty percent reduction, but the numbers are going down slightly; which is progress. Although one event tomorrow could change everything.

A motion was made by Mr. Dougherty, seconded by Mr. Ryan, to approve this item. Passed unanimously; MOTION CARRIED.

3. **SHERIFF:** Captain Jim Rinella; Captain Dan Brogan; Chief Roy Gratien

Monthly Update on Status of:

- a. **New Mental Health Unit at Justice Center** - Removed per Chairman May
- b. **Special Operations Facility**

Capt. Rinella:

- This Friday meeting with Chief Balloni, Capt. Brogan and people from airport; looking at locations at airport for a new special ops facility; VIP structures will be there as well; two viable locations out there

Chairman May asked if they are on track with the appropriations made. Capt. Rinella responded last time they met with VIP Structures they were on track. Capt. Rinella commented this has to be done sooner than later.

c. Pistol Permits

Capt. Rinella:

- Booking into mid-late August; able to reduce wait time from 15 months to 3 months
- Working with two vendors: MorphoTrust and GunKeeper; importing data, testing software, training personnel and evaluating software; weekly meetings with GunKeeper and working with software; progressing nicely

Mr. Dougherty commented that is a great improvement. Capt. Rinella stated once this is fully up and running with the kiosk (people able to do some of the process on a web base), then it could improve even more.

Chairman May asked if it is three months until receipt or three months until the interview. Capt. Rinella replied the appointments are three months out. Capt. Rinella responded to Chairman May that the length of time after the appointment depends on how quickly the information comes in (including references). After reviewing, it goes to a judge to be signed based on their court calendar. The representative at the County Clerk's office has been a tremendous asset; Chief Balloni worked that out. Capt. Rinella responded to Chairman May that the information turned in by the people is quite a stack, and the amount of people wanting pistol permits has gone up exponentially.

d. Correctional Health

- Moving forward and opening an infirmary; contract administrator stated they are not completely staffed but working towards goal; hoping to open mid-June; less transports to get things done in house, and cost savings

Chairman May asked how many beds (understanding it's a fluid arrangement based on who needs what). Capt. Rinella replied until it is open, he will not know how many beds it will hold. Chairman May would

like an idea. Capt. Rinella is not sure he was given a number. Mr. Ryan did not remember the number, but said it was not much. Capt. Rinella stated sometimes an infirmary is nothing more than some stitches and being sent back to the cell as opposed having to go to Upstate. An infirmary does not necessarily mean they are taken out of their cell; some medical care can be handled out of the facility.

e. INFORMATIONAL - License Plate Reader

Capt. Rinella:

- 13 license plate readers; assigned to patrol; great law enforcement tool; download information through DMV
- i.e. suspended registration; currently have missing adult; this information would be downloaded to License Plate Reader
- Used for amber alerts, suspended registration, registered owner with warrant - would set off alarm in vehicle and give deputy opportunity to follow up; confirm warrant is active, etc.
- DMV downloads information; information for legitimate law enforcement purposes; data stored for one year

Capt. Rinella responded to Mr. Dougherty that there are 13 total for the north and south stations. Mr. Dougherty asked if there are plans to buy more. Chief Gratien responded no. Capt. Rinella stated the patrol station did not want more. Mr. Dougherty asked where the data gets stored. There was an article reference this, and there was a lot of concern about people getting access to the information. Capt. Rinella responded reading a quote from the policy signed by Chief Botsford, "All LPR information in Onondaga County is downloaded to the plate reader server, which is shared by all contributing agencies as well as the Onondaga County Crime Analysis Center (OCCAC). LPR data may only be accessed by members for legitimate law enforcement purposes." As Mr. Rinella said earlier, the plate reader server information is retained for one year. Mr. Dougherty asked if there was an example of a case that turned out well because of the LPR. Chief Gratien responded that Emergency Management and the city did a mock drill last year on terrorism, and information put out for a terror alert to test the system. The information is sent out on a daily hot list and is downloaded to plate reader. If they had an actual event, two or three people would have hit that car, and knew it was wanted. They would have stopped the person based on the information. In this case they called a hotline, and were told it was a practice session. It verified that it can work.

Capt. Rinella commented that they have found people with warrants, suspended registrations, laps in registration and stolen vehicles. Mr. Dougherty asked if this is during a normal patrol. Capt. Rinella responded it is routine patrol. If they are a traffic car and have the LPR, then they are dedicated to traffic. Capt. Rinella replied to Mr. Dougherty that they have to keep the LPR on.

Chairman May asked if it is grabbing every plate it reads and storing it. Capt. Rinella answered that it is grabbing every plate. Chairman May asked why not only store the numbers necessary on the LPR. For example: if John Dougherty drives and there is no need to stop him, then what is the purpose of capturing what it reads? Capt. Rinella responded if there is a trigger for something (i.e. terrorism, Amber Alert), then there is documentation in the system; available for investigating. Capt. Brogan commented that the DMV downloads the information for suspended licenses, etc. They need to get the read to compare it in the program, and it does not compare throughout; it has to be saved to compare. Chairman May asked if something is triggered, and are they flagged instantly. Capt. Brogan replied as quickly as the computer works. A lot of times a person is two blocks away, so they have to turn around to see what hit.

Mr. Dougherty stated it seems that it happens all the time based on how they are talking about this. Capt. Brogan responded that it does happen all the time. If an officer is driving through a parking lot and hits license plates, then they may or may not look into it those hits (depends if there is something more important to do). An officer could pass fifty plates on the way to a call, but has to go to the call first. Mr. Dougherty stated he is surprised to hear that, and assumed this would be something triggering once every couple weeks. Capt. Rinella stated people that stole credit cards to use at Walmart might have vehicle information downloaded; which is pretty common. It is an investigative tool.

Chairman May asked about the issue of storing data and using it. Capt. Rinella replied based on their policy it is only for law enforcement personnel. Capt. Rinella responded to Mr. Dougherty that any officer has access, but there has to be rational. It is monitored, so if someone is checking something they should not be checking, then they would hear from the Chief. Capt. Rinella responded to Mr. Dougherty that the new policy was signed

by Chief Botsford on the twelfth, and it is a living document. Chief Gratien stated that portion is a new policy. Capt. Rinella responded to Mr. Dougherty that he is not aware of any abuse of the policy.

Capt. Brogan replied to Chairman May that every database the law enforcement has (state, local, etc.) are all covered under the same computer policy. Mr. Dougherty commented that this is probably not any more valuable as other things stored for the Sheriff's Department all the time. Chairman May agreed, and thinks there are different mind sets out there.

Mr. Ryan stated it must be a tremendous amount of data. Every plate passed is stored for a year, so they can go back to do investigatory work. Capt. Brogan commented that there are individual databases; two sides. One is the DMV putting in info to get a hit, and the other is growing data (local). Anything going through Onondaga County is being stored locally. Once it is compared, it is gone. Not every plate is stored, as the County only has access to its own plates (i.e. not those in Montauk). Capt. Brogan responded to Mr. Ryan that the 365 rule was established because they cannot afford more storage space. Recent arguments are about storing data forever, but ultimately the County cannot have a bigger database, so they cannot afford storing more than 365 days.

Mr. Dougherty asked if the FBI or State has access to the local database. Capt. Brogan answered that they only send out information on request, and it would have to be a legitimate law enforcement request. Mr. Dougherty is glad he asked the questions, and stated they are all good answers.

Chairman May wanted to know how many records are stored on an average daytime patrol. Chief Gratien responded on a busy call day it could be sixty reads, and on a slow call day it might be 4,000 reads. It really depends on the amount of calls, etc. Chief Gratien replied to Chairman May that the LPR stores the plate number and a snap shot of the plate. Chairman May asked if it stores the GPS location. Capt. Brogan responded if it is functioning properly (60%), then it stores the GPS location of where it was read. In total it stores the GPS location and the plate; nothing else. Mr. Cuffy stated it does not give the actual address. It shows the longitude, latitude and law enforcement agency that hit it. Chairman May asked if the Village of Baldwinsville had one, then it would show them. Capt. Rinella responded that they are a contributing member. Capt. Brogan agreed with Chairman May that everyone does this.

f. INFORMATIONAL - CSI Van

Onondaga County Sheriff's Office Crime Scene Vehicle Presentation



Investigating the Evidence

Forensic Science disciplines at the
Illinois State Police Crime Labs

Drug Chemistry – Determines the presence of controlled substances and the identification of marijuana

Trace Chemistry - Identification and comparison of materials from fires, explosions, paints, and glass.

Microscopy – Microscopic identification and comparison of evidence, such as hairs, fibers, woods, soils, building materials, insulation and other materials.

Biology/DNA – Analysis of body fluids and dried stains such as blood, semen, and saliva.

Toxicology – Tests body fluids and tissues to determine the presence of drugs and poisons.

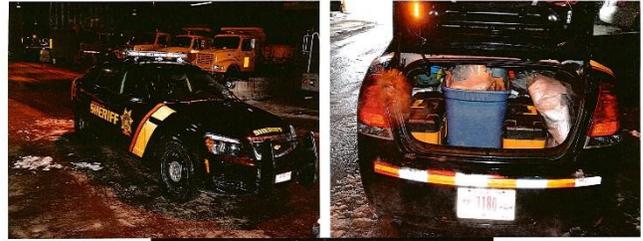
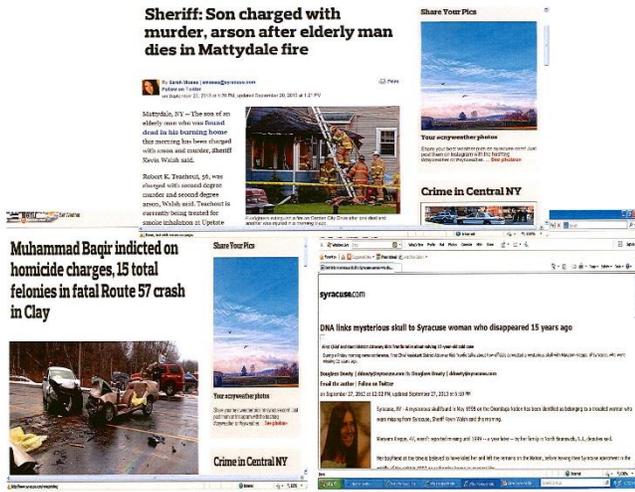
Latent Prints - Identification and comparison of fingerprints or other hidden impressions from sources like feet, shoes, ears, lips or the tread on vehicle tires.

Ballistics (Firearms) – Study of bullets and ammunition through the comparison of fired bullets, cartridges, guns, and gunpowder patterns on people and objects.

Toolmarks – Examines marks left by tools on objects at a crime scene or on a victim, such as a hammer used to break a door or a screwdriver used to pick a lock.

Questioned Documents - Examination of documents to compare handwriting, ink, paper, writing instruments, printers, and other characteristics that would help to identify its origin.

Source: <http://www.isp.state.il.us/forensics/>



Current Crime Scene Vehicles



Current Crime Scene Vehicles



Current Large Crime Scene Vehicles



Types & Sizes

Onondaga County Sheriff's Office
Proposed Crime Scene Vehicle
MCL900/14





Capt. Brogan:

- Crime scene vehicles, collection of evidence: drugs, DNA, prints, toxicology, etc.; evidence is huge
- Everyone expects DNA, smoking gun, etc. at scene; spend lots of time at crime scenes; not always major crime scene
- For every 6 homicides, there are 15 or 20 others that aren't classified until they go through initial investigation
- Fatal or near fatal accidents – don't know if person will expire; go through full course to find out they survive; but still have to run all the motions for crime scenes
- Cars are used for smaller crime scenes; vans using for last 10-15 years for major crime scenes
- Evidence contamination and integrity of police evidence for prosecutors is a huge problem
- Don't need the biggest and best vehicle; Onondaga County midsize county; not Miami or Chicago
- One van out and one on the way out and one completely nonfunctional (frame rotted out – non-repairable by garage)
- Proposing MCL 900; upgraded van; little less than double the cost to outfit a regular van; full complete crime scene van
- Comes with evidence lockers, and is made professionally; currently ad hoc stuff – buy vehicle and send to lowest bidder to put shelving in aftermarket, which is not put in properly or secure; doesn't keep things uncontaminated
- Crime Scene Reconstruction – done digitally; \$100,000 of equipment in backseat of car or on a shelf bouncing around
- All technology digital; tons of computers, handheld devices, temp sensitive – need to be stored in controlled environment
- Propose to spend asset forfeit money for upgrade; normally would buy one but want upgraded version

Capt. Brogan responded to Mr. Dougherty that the last time the van was specked out, it was \$122,800. Chairman May asked if this was fully equipped. Capt. Brogan replied yes. They would transfer their equipment over, and there are new items such as evidence lockers. Capt. Brogan gave an example:

- Going to a crime scene outdoors with freezing rain or snow; trying to find a smidgen of DNA that could prove someone was at the crime scene; throwing it in a bag in the backseat of a car without proper storage
- Vans not equipped for this; new van has the lockers, can seal it right at the scene and has additional power sources

Capt. Rinella said in East Syracuse there was a body found behind Bristol Labs, which looked to be a homicide; the weather was brutal. Capt. Brogan commented it was fifteen below zero, and guys were out there for almost forty-eight hours. Capt. Rinella said there's equipment that is temperature sensitive, the snow was coming, and they were losing evidence with the storm. This piece of equipment enhances the ability to store evidence. Capt. Brogan commented this is not far beyond what any other police department would have. It is what they need, will use, and will make last to be productive.

Chairman May stated they are not approving this. It is informational, and the decision is for Vehicle Use Review Board. The preference of Mr. Liedka and Chairman McMahon was to receive the information here and to get an understanding. Chairman May would like to find out if there are any strong objections for this, the rational behind it, the rational for the purchase and the justification.

Mr. Dougherty asked if there is more than one car being used for this. Capt. Brogan responded there are several cars. Mr. Dougherty wanted to know if they were to get a van like this, then how many cars or vans would be unnecessary. Can a car be put back into regular patrol if they buy the van? Capt. Brogan replied no; they are replacing a van, not adding one. There are always two guys on service for crime scene investigation, which is

twenty-four hours; have to staff it. They are constantly called out for evidence collection (including evidence collection for towns and villages). In Solvay a guy was stabbed twenty times and shot, but he was still alive. The County did all of the evidence processing for that, and it was four different outdoor crime scenes. If there are big ticket items and/or a major crime scene with hundreds of pieces of evidence, then the van gets sent out. Capt. Brogan agreed with Mr. Dougherty that the van is replacing one. Capt. Brogan replied to Chairman May that they try to staff two people at all times. There are separate units that are both busy. Sometimes with scheduling there is only one or none, and in that case they have to call people in. Capt. Brogan stated next to the Crime Burglary Unit, it is the busiest because of how crimes are being prosecuted. No prosecutor will say they need less evidence or that the crime scene investigators need to do worse. Capt. Rinella would like the record to show that the County Attorney is nodding in agreement.

Chairman May stated that VURB authorizes this, and it will be a long time before the van comes in. The Sheriff's request is being made point blank, because in their perspective, it is the right thing to do. If the decision is put off a year, then they may be using other squad cars. Capt. Brogan does not believe that anyone in office would say they do not want this. Chairman May commented this is a long term purchase, so the Legislature wants to make sure this meets the needs the Sheriff's Office has now, and down the road.

Mr. Dougherty stated if there are hundreds of thousands of dollars of equipment that is thrown in the backseat of a car or a trunk and the car gets hit, then the car is lost as well as the evidence and equipment in the back (or at least it will be damaged). Mr. Dougherty does not see that happening with this van, and would feel different if it was a patrol car full of equipment that is easily more expensive than the car itself. They have to take reasonable precautions. Capt. Brogan stated the City of Syracuse has a crime scene vehicle about twice this size, but they have a higher case need. The city is busy all the time, but they do not do the major accidents. Crime scene reconstruction is time consuming, expensive, temperature sensitive and everything has gone digital. They have to keep up with the times, and have better mechanics to operate.

Mr. Ryan commented they are always looking for the justification, and sometimes they receive requests with a big need. Mr. Ryan is sold on this, and sees the need. Capt. Brogan responded to Mr. Ryan that winter took one of the vans out of service. Capt. Rinella stated the bottom fell out. This vehicle is replacing one, so there is no additional car. Capt. Brogan replied to Mr. Ryan that they always have two crime scene technicians on, but do not need two new vans. Chairman May asked if they anticipate another van. Capt. Brogan answered that they will eventually need to replace another van. Capt. Brogan Responded to Mr. Dougherty that the van they are replacing is over ten years old. The newer one had the bottom fall out, but they are only a year apart.

Capt. Brogan responded to Mr. Ryan that the vans are always on patrol. If there are houses that are broken into, then they do fingerprint collection. The smaller crime scenes can be handled by the cars, so they do not have the higher mileage on the vans. When there is a bigger crime scene or bigger evidence that cannot be put in a patrol car (i.e. bicycle in evidence), then the van is used (item has to be contained so it does not get damaged or contaminated).

Mr. Ryan asked if this will be seen by VURB at budget time, or will it be reviewed before that. Capt. Brogan believes it was put in the budget. Chairman May responded that they are proposing to use asset forfeiture money, so it is not in the budget, but it is in the plan. Capt. Brogan stated they planned on replacing the van. It is above and beyond what they would normally spend, so they would like to use asset forfeiture money.

Chairman May supports this, and pointed out that Mr. Ryan also does.

g. INFORMATIONAL - Asset Forfeiture

Capt. Brogan:

- Money comes during drug investigations; the mission is to apply federal, state and local seizure laws available to the County, and conduct seizures in line with legislative intent of local laws and nationally established guidelines
- Purpose – each piece of legislation has own wording, but each share common goals and objectives: put bad guys in jail, and don't let them profit from crimes; return profits to public; asset forfeiture is through equitable and federal sharing
- Purpose of seizure program is to give back; specific guidelines on what it can be spent on, and the intent on how the money is captured; whole civil proceeding once money taken from drug dealer – they are entitled to rights and hearings
- There are guidelines on spending it (published by the Dept. of Justice), and dividing up (investigatory participation)

- Fed seizure (equitable sharing) – can't take real property unless over \$20,000; aircraft or vessels over \$10,000 including a mechanically orchestrated trap to hide drugs; most have to have an arrest or drug nexus
- There has to be an investigation in drug trafficking or proceeds from drug trafficking; they have right to fight and appeal
- County doesn't bare responsibility of litigations which can be quite extensive; US Attorney's Office handles through equitable sharing program

Chairman May stated in respect to the evidence van, they cannot use this money to supplant the operations. They cannot take "x" number of asset forfeiture money to cover overtime or health benefits. It has to be used for purposes such as this that enhance the operations or expand them. Capt. Brogan commented that they cannot use it to buy something that they are supposed to provide (i.e. uniforms). It is above and beyond; maybe something new or innovative. Mostly it is for the priorities of the program, which are to support the very program itself like drug investigations and continue building assets. The Sheriff's Department has always used it to buy vehicles for the drug unit, since they are not buying police cars (on state bid). They do not want to drive around in a Ford Taurus with the antenna on it, since everyone would know it was a police car. They buy non-traditional vehicles with asset forfeiture to support drug investigations. Capt. Rinella stated if they do supplant, there are penalties.

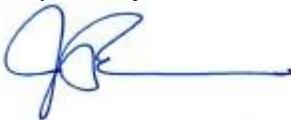
Chairman May stated they must have a running tally on what they have (understanding it changes over time), but how does the Legislature have awareness of what's out there. Capt. Brogan responded:

- Good question, but difficult; guidelines say not to budget or look for it, because it could be tied up
- Only way to do it is based on how much is taken in, but there is no guarantee they win it; lot of the money is given back
- i.e.: case where the guy is convicted, but the girlfriend was not involved, department would give her the car back
- When the money is deposited, then the process is over; they have a running tally, it is a separate account, and they do report the expenditures
- i.e.: litigation over a case in Skaneateles lasted over six years, and they are just determining what the house is worth; department will only get a small split of it
- If someone asks the question specifically, then they can have an answer at that time for what's in the account, and what has been spent

Mr. Dougherty stated they cannot count on it or budget for it. Chairman May responded it is more of a curiosity, and it is nice to know what's happening to put things into perspective.

The meeting was adjourned at 1:09 p.m.

Respectfully submitted,



JAMIE M. MCNAMARA, Assistant Clerk
Onondaga County Legislature

ATTENDANCE	
COMMITTEE: Public Safety	
DATE: 5/14/14	
NAME (Please Print)	DEPARTMENT/AGENCY
Jennifer Fricano	Fin. Oper.
JUSAN HORN	Hiscock Legal Aid Society
EMILIE FISCH	DMB
Darcie Lesniak	Leg
BILL KIMME	LEG
Roy GRATTEN	Sheriff's
Dw Brogan	sheriff's
Phil Gavepp	Probation
Jim Rinella	OCSO
Amy McQuiskey	DMB
MARINA CHRISTIANO	DMB