

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: JOINT MEETING - CRIMINAL JUSTICE; PUBLIC SAFETY AND SOCIAL SERVICES

DATE: MARCH 26, 2009

CRIMINAL JUSTICE

COMMITTEE MEMBERS PRESENT:

SUPERVISORS TESSIER
O'CONNOR
KENNY
VANNESS
TAYLOR
GOODSPEED

COMMITTEE MEMBER ABSENT:

SUPERVISOR BENTLEY

PUBLIC SAFETY

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
GIRARD
THOMAS

COMMITTEE MEMBER ABSENT:

SUPERVISOR SOKOL

OTHERS PRESENT:

KATE HOGAN, DISTRICT ATTORNEY
SHEILA WEAVER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES
REPRESENTING THE WARREN COUNTY SHERIFF'S OFFICE:
BUD YORK, SHERIFF
BOB SWAN, UNDERSHERIFF
SHANE ROSS, CHIEF DEPUTY
STEVE STOCKDALE, SERGEANT

FREDERICK MONROE, CHAIRMAN OF THE BOARD OF SUPERVISORS
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD

SUPERVISORS GERAGHTY

PITKIN

STEC

ROBERT IUSI, DIRECTOR OF PROBATION
THOM RANDALL, *THE ADIRONDACK JOURNAL*

AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

SOCIAL SERVICES

COMMITTEE MEMBER PRESENT:

SUPERVISOR STRAINER

COMMITTEE MEMBERS ABSENT:

SUPERVISORS SHEEHAN
MERLINO

Mr. VanNess called the joint meeting of the Criminal Justice, Public Safety and Social Services Committees to order at 9:34 a.m.

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed copies of an informational packet to the Committee members, a copy of which is on file with the minutes. Ms. Hogan began by thanking all of the Committee members for attending the joint meeting and she noted that both she and Bud York, Warren County Sheriff, were very impressed with the way in which Sheila Weaver, Commissioner of the Department of Social Services (DSS), had been cooperating with their operations. She said that the joint meeting had been called to alert the Supervisors to a situation that was alarming to them in terms of both public safety and the financial impact to the County. Ms. Hogan explained that regular monthly narcotics meetings were being held between herself, Sheriff York and other area law enforcement agents to discuss issues with respect to ongoing narcotics investigations throughout the region. She advised that during the March 2nd meeting of this group, they had been informed of the growing number of people receiving DSS assistance services who were selling drugs received through their Medicaid prescription benefits, such as Oxycontin and Hydrocodone, both of which were forms of synthetic heroin. She added that by allowing recipients of DSS assistance to use their benefits to assist with the drug trade, Warren County was collectively supporting the inventory for such drug sales. In addition, Ms. Hogan apprised that they were seeing an increasing number of people selling drugs from hotel rooms funded by DSS temporary housing programs. She further noted that the Secretarial staff employed within her Office made less than what these drug

dealers were receiving from the County through DSS programs, such as temporary housing assistance and food stamp benefits.

Ms. Hogan introduced Warren County Sheriff Sergeant (Sgt.) Steven Stockdale who had been asked to brief the Committee members on his experiences in investigating some of these cases. Sgt. Stockdale stated that they had been aggressively investigating these issues over the past 14 months since Sheriff York had taken office in January of 2008. He added that a number of investigative sources had been used to point them in the direction of the high volume of drug activity taking place at local hotels, specifically targeting those individuals placed by the County who were inviting purveyors of narcotics from other parts of the State, particularly from the Capital District and the Metropolitan New York City area, to Warren County to sell from their County funded housing. Sgt. Stockdale said that the majority of the people coming to the area were transients who were staying for short periods of time to pedal narcotics, which did not allow the Sheriff's Office sufficient time to develop quality intelligence on those individuals. However, he noted, they had a good idea who was inviting them into the area. Sgt. Stockdale stated that they knew in advance that an influx in narcotics cases would occur around the 1st and 15th of each month because that was when DSS benefits were received.

Mr. VanNess questioned whether the influx of gang related activity in the area was directly related to illegal Oxycontin and Hydrocodone sales and Sgt. Stockdale replied that there was absolutely a connection to the tri-city area gangs through these drug sales. He added that gangs from the Rutland, VT area were starting to spread into Washington County and they had information that there was a contingent of previously warring criminal street gangs that were working together to increase the drug trade in the area as the business was paramount to the success of their criminal organizations. Sgt. Stockdale stated that these gangs now used the expression "green surpasses blue or red", meaning that the money was more important than the gang colors they wore. He advised that they had very reliable intelligence confirming that rival gangs were working together to facilitate drug sales in the area and actually had photographs picturing members of warring gangs meeting together.

Ms. Hogan said that essentially, the County was funding a portion of the area drug trade through DSS benefits distributed to both drug sellers and users. She said that the users participated in the drug trade by allowing transient sellers to use their County funded hotel rooms as a base for drug transactions in order to get more drugs for themselves, while others were selling drugs themselves from the County funded dwellings. Ms. Hogan said that they were able to charge offenders with a nuisance charge for dealing drugs from area hotels and they were trying to do this as often as possible; she added that whenever her Office received such information they were using it to prosecute the offender. Ms. Hogan apprised that the informational handout distributed portrayed the increase in felony arrests, as well as how the arrestees were being charged. She noted that the packet also included a copy of a recent New York Times newspaper article which announced that the State Legislature had reduced the sentencing parameters on drug cases allowing treatment instead of prosecution. She then asked Ms. Weaver to explain how the DSS benefits offered by the County, some of which were funding the illegal activity, were distributed.

Ms. Weaver announced that they were currently approving approximately 25 applications per week from eligible people seeking temporary housing assistance benefits. She stated that applicants who had secured housing in a boarding room or an apartment building received about \$30 to \$50 in cash benefits per month while homeless individuals placed in hotels received a cash benefit of \$68.50 bi-weekly, totaling \$137 per month, plus the costs of their housing, food stamps and Medicaid benefits, all of which was paid for by the County. Ms. Hogan asked what the cost for a typical hotel stay was and Ms. Weaver replied that the per day rate varied depending on the season and ranged from \$30 to \$50 per night. Ms. Weaver added that the informational packet distributed included a listing of which hotels were currently being used to house homeless benefit recipients and reflected the number of people being housed, as well.

Mr. Tessier entered the meeting at 9:42 a.m.

Mr. Taylor asked what period of time the listing of homeless individuals covered and Ms. Weaver advised that the list included all of the people who had requested renewal of their housing benefits during the prior week.

Sheriff York stated that in this situation the fact that was most startling to him was that recipients who secured housing in an apartment or a boarding room received a lesser cash benefit than those who continued to maintain the more expensive hotel housing. Therefore, he stated, there was more incentive for recipients to remain in the hotel lodging, which was what they appeared to be doing, increasing costs to the County. Sheriff York said that many of the people maintaining hotel lodging were those using their County benefits to purchase drugs and selling, or allowing others to sell, drugs from their County-funded dwellings.

Mr. Girard noted that permanent placement for these individuals must be tremendously difficult to achieve and he questioned how long temporary housing assistance was offered. Ms. Weaver replied that the length of housing assistance offered varied depending on the individual and she noted there were sex offenders who had been residing in County-funded hotel lodging for as long as 19 months because appropriate housing could not be found for them; she added that there were other recipients for whom the County funded hotel stays of a week or less. Ms. Weaver reiterated that the length of stay depended on each situation.

Mr. VanNess asked if the County had any control over the length of time housing was available and Ms. Weaver replied there were specific guidelines and requirements that each temporary assistance recipient was required to abide by. She advised that each recipient was required to perform a housing search consisting of at least 10 apartment visits per week, and had to prove that they had actually contacted the landlords for availability in order to maintain housing assistance; she said that recipients were also required to perform 10 job searches per week to be reported in the same fashion. In addition, Ms. Weaver stated that temporary assistance recipients were required to partake of drug and alcohol screenings if substance abuse issues were identified, and were required to follow treatment steps, if recommended. She said that weekly visits to the DSS Offices for self-sufficiency classes were another requirement to maintain housing assistance. Ms. Weaver apprised that during any given week they were denying at least five requests for renewal of benefits based on non-compliance with these guidelines and requirements.

Ms. Hogan apprised that after the investigators had alerted herself, Ms. Weaver and Sheriff York of the housing and drug sale issues, she had contacted the Medicaid Inspector General and the Temporary Assistance Point Guard and had subsequently met with them to discuss the issues in an effort to become more strategic in red-flagging these fraud occurrences. She said that Rob Metthe, Director of Information Technology, had also been involved in these meetings to determine a better way in which to computerize and track the fraud occurring in connection with the receipt of DSS benefits. For example, Ms. Hogan explained, if there was a person filling three Hydrocodone prescriptions per week this would signal DSS to a potential fraud issue as no one should be taking that much of this medication during any given week. She said that if they could track these occurrences by computer, it would enable them to determine possible fraud cases electronically. Alternatively, she noted, if a person selling drugs turned up in this system as having the potential to have been selling prescription drugs received through Medicaid benefits, they might be able to charge and prosecute them for fraud also and seek restitution to the County.

Chairman Monroe entered the meeting at 9:49 a.m.

Ms. Hogan stated that many steps had already been taken to reduce DSS fraud, such as Department Heads working together as herself, Sheriff York and Ms. Weaver had; Department Heads reaching out to State Agencies for as many

resources as possible to assist with this issue; development of a plan to deal with the issue which included the assistance of the Information Technology Department for a new tracking system; the work of experienced Narcotics Investigators and a new Commissioner of Social Services who was willing to do whatever she was able to eradicate fraud, and a District Attorney willing to prosecute these cases. The problem, Ms. Hogan apprised, was that they did not have anyone to coordinate these efforts; she added that the purpose of the joint Committee meeting had been to explain the issues, advise what they had done thus far in an effort to fix the problem and to present their proposal on how to implement their plan, which included the addition of a part-time Investigator position.

Ms. Hogan advised that the part-time Investigator position would interface exclusively with DSS narcotics, working with Ms. Weaver and the Narcotics Unit to try to eradicate these people who are using DSS benefits to foster a drug enterprise. She said that because they understood the budget constraints the County faced, they planned to initially seek grant funds to support the costs of the position; however, she added, if grant funds were not available they sought to fund the position through the Sheriff's Budget and would maintain a report of savings to reflect that the cost of the position was balanced by savings to the County through a reduction in fraudulent DSS benefit cases.

Mr. Belden questioned if the part-time Investigator position would be filled by contract or if a new employee would be hired and paid hourly to assume the position. Sheriff York replied that an employee would be hired to fill the new position and would be paid by the hour but would not receive any fringe benefits. He added that they felt it was important that a person with a criminal justice background who was experienced in performing criminal investigations be chosen for the position. Mr. VanNess interjected that although there was not a tremendous amount available, there was the possibility of funding the position with Drug Asset Forfeiture monies which could also support the salary of the position while grant funding was sought, or in the event that grant funding was exceeded. Mr. VanNess then stated that sufficient monies were available currently within the Sheriff's Budget to fund the part-time Investigator position and he suggested that they implement it for at least six months to determine if the position would assist in the efforts to reduce DSS fraud cases.

Mr. Goodspeed commented that in addition to the penalization of County taxpayers caused by the DSS fraud cases, there were people that legitimately required the temporary assistance services who were not involved in drug trafficking but were suffering the consequences of the illegal activity, as well. He then stated that he supported the creation of the part-time Investigator position as put forth by Ms. Hogan, Ms. Weaver and Sheriff York.

Mr. Thomas stated that the County should demand funding from the Federal Government and the State of New York to assist with the costs of the part-time Investigator position as he faulted the State and Government directly for the fraud issues faced. Mr. VanNess said he agreed with Mr. Thomas' assessment but stated that although they intended to seek grant funds for the position wherever possible, there was no guarantee that they would be received.

Discussion ensued.

Motion was made by Mr. Belden and seconded by Mr. Girard on behalf of the Public Safety Committee to approve the request to create the new position of a part-time Investigator to be paid a salary of \$15.26 per hour effective April 20, 2009.

The same motion was then made by Mr. Goodspeed and seconded by Mr. Tessier on behalf of the Criminal Justice Committee and by Mr. O'Connor and seconded by Mr. Tessier on behalf of the Social Services Committee.

Mr. Taylor advised that he had recently read an article which indicated that the City of Glens Falls intended to hire

two additional Police Officers to be funded with Federal Stimulus monies and he asked if a similar procedure could be used to fund the part-time Investigator position. Mr. VanNess replied that they had been wary of using the Stimulus funds because it was only a two year grant. Shane Ross, Chief Deputy, added that the Federal Stimulus grant Mr. Taylor eluded to was the COPS (Community Oriented Policing Services)grant which would fund new full-time positions, including fringe benefits, for three years, at which point the County would be required to retain the position and fund it locally on a full-time basis. He added that due to budgetary issues, they had not submitted for funding under this grant as they were not sure that the positions could be retained and funded in the fourth year as required.

Mr. VanNess called the question and the motions to approve the request to create the new position of part-time Investigator with a salary of \$15.26 per hour effective April 20, 2009 was approved unanimously by all three Committees and the same was referred to the Personnel Committee. *A copy of the request to create new position is on file with the minutes.*

Joan Sady, Clerk of the Board of Supervisors, questioned if the six month time-frame to determine the effectiveness of the position was to be attached and Mr. VanNess replied in the negative, noting that the Committees would expect an update on the efforts of the position in six months to determine if it had served its purpose.

Mr. O'Connor questioned who the part-time Investigator would report to and Sheriff York replied that the person would report directly to him.

Mr. Geraghty asked if someone would be following up with Mr. Thoms' suggestion that the State be advised of issues with drug sales in connection with DSS temporary assistance benefits and Ms. Weaver stated that she had contacted everyone available but had received no promise of grant assistance for the position. Mr. VanNess then suggested that the matter be referred to the Legislative Committee to authorize a letter to the State Legislature advising of their concerns.

Mr. Stec entered the meeting at 9:59 a.m.

Sheriff York apprised that during his upcoming Public Safety Committee meeting he intended to discuss the fact that in 2008 New York State had collected \$174 million in 911 surcharge revenues from cellular phone usage and he noted that these revenues were intended for enhancements to 911 Centers across the State. He stated that pursuant to a FOIL (Freedom of Information Law) request, it had been determined that of the \$174 million collected, the State had shared only \$9.8 million with the rest of the Counties for 911 enhancements, which he felt was criminal because the law had been written to fund 911 Centers and not other State operations. Sheriff York concluded that he would be presenting a request at his Committee meeting to ask the Legislative Committee to draft a letter in opposition to these practices to be forwarded to State Legislators; he added that many other Counties would be forwarding a similar letter as encouraged by the Sheriff's Association.

As there was no further business to come before the Committees, on motion made by Mr. Belden and seconded by Mr. Girard, Mr. VanNess adjourned the meeting at 10:01 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist

