

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: FEBRUARY 23, 2012

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
KENNY  
STRAINER  
MONROE  
DICKINSON  
VANSELOW  
MASON

**OTHERS PRESENT:**

KATE HOGAN, DISTRICT ATTORNEY  
DANIEL G. STEC, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISORS WOOD  
TAYLOR  
MERLINO  
FRASIER  
SOKOL  
WESTCOTT  
JOHN WAPPETT, PUBLIC DEFENDER  
POLICE CHIEF WILLIAM VALENZA, CITY OF GLENS FALLS  
LISA SAVARD, VICTIM IMPACT PANEL  
LARRY WAIMON, VICTIM IMPACT PANEL  
DON LEHMAN, *THE POST STAR*  
THOM RANDALL, *ADIRONDACK JOURNAL*  
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

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Mr. Bentley called the meeting of the Criminal Justice Committee to order at 10:15 a.m.

Motion was made by Mr. Strainer, seconded by Mr. Mason, and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Kate Hogan, District Attorney (DA), who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Hogan informed that Supervisor Westcott was engaged in a Distracted Driving Program with Victim Impact Panel (VIP) members, Larry Waimon and Lisa Savard, who were present today to speak about the program following the regular agenda.

Commencing her agenda review, Ms. Hogan advised that in past years, the District Attorney's Office had been the recipient of Crimes Against Revenue Prosecution (CARP) grant funding and Ms. Hogan noted funding for this grant would be continued for 2012. Ms. Hogan presented a request to extend the CARP grant application for the term commencing January 1, 2012 and terminating December 31, 2012, for a total amount not to exceed \$70,000.

Motion was made by Mr. Kenny, seconded by Mr. Strainer and carried unanimously to approve the request to extend the CARP grant through the New York State Department of Criminal Justice Services (NYS DCJS) as outlined and the necessary resolution was authorized for the March 16, 2012 Board Meeting. A copy of the resolution request form is on file with the minutes.

Ms. Hogan further advised that funding for the Department of Criminal Justice Services (DCJS) Edward Byrne Justice Assistance Grant (BYRNE JAG) had ceased in 2010; however, she was recently notified by Senator Little that funding was being restored for 2012. She presented a request to

apply to the NYS DCJS for the 2012 Edward Byrne JAG Award, for the term commencing January 1, 2012 and terminating December 31, 2012, for a total amount not to exceed \$15,000. Concurrently, Ms. Hogan presented a request to amend the 2012 County Budget to increase estimated revenues and appropriations in the amount of \$15,000, to reflect the receipt of BYRNE JAG funding. She advised the intent was to use the funds to create a Part-time Investigator position, contingent upon the receipt of Byrne JAG funding.

Motion was made by Mr. Strainer and seconded by Mr. Vanselow to approve the request to apply for the Edward Byrne Memorial Justice Assistance Grant funding and to amend the 2012 County Budget to reflect the receipt of Byrne JAG funding.

Paul Dusek, County Administrator, said it was his understanding that the part-time investigator position already existed and Ms. Hogan confirmed that the investigator had been employed by the DA's Office. Mr. Dusek further explained the Investigator was employed under a position that would have been abolished without a continued funding source and he advised he would resolve the matter prior to the Personnel Committee meeting.

Mr. Bentley called the question and the motion was carried unanimously to approve both the submission of the grant application; and the request to amend the 2012 County Budget as outlined above, thereby authorizing the necessary resolution for the March 16, 2012 Board Meeting, and to refer the request to amend the 2012 County Budget to the Finance Committee. *A copy of the resolution request form and the request to Amend County Budget are on file with the minutes.*

Ms. Hogan presented two Personnel requests as follows:

- Request to create the position of Investigator (part-time), a annual salary not to exceed \$15,000, contingent upon the receipt of Byrne grant funds in the amount of \$15,000; and
- Request to fill the position of Investigator, annual salary not to exceed \$15,000, Employee No. 7502, due to creation.

Motion was made by Mr. Strainer, seconded by Mr. Monroe and carried unanimously to approve the requests to create and fill the position of Investigator (part-time) as outlined and to refer same to the Personnel Committee. *A copy of the request to Create New Position and the Notice of Intent to Fill Vacant Position are on file with the minutes.*

With regard to National Crime Victims' Rights Week, Ms. Hogan presented a request to host the Annual Crime Victim's Breakfast to be held on April 23, 2012 at B & B On The Green, Hudson Falls, for a total cost not to exceed \$1,500. She advised the annual event was jointly hosted by Warren and Washington Counties and paid for with Crime Victims' Board (CVB) grant funds.

It was the consensus of the Committee to approve the request to host the Annual Crime Victim's Breakfast as outlined. *A copy of the Request to Host Meeting or Conference is on file with the minutes.*

Privilege of the floor was extended to Lisa Savard, VIP member, who advised of the rise in automobile accidents since 2005 as the result of cell phone use and texting while driving and she compared the hazards to driving while intoxicated. She said statistics showed accidents caused by texting while driving exceeded those caused by drunk drivers with a blood alcohol of .08, and she cautioned that the increased number of collisions involved some fatalities. Outreach efforts, she said,

included presentations in the local schools as teens represented the core group (ages 16 to 23) at risk. She explained that attaching a stigma such as that of drunk driving would impact behavior. Ms. Savard reviewed the staggering texting frequency figures for the core group. Mr. Vanselow conveyed his support for the initiative and said he felt the requirements for violations could be more rigorous.

Ms. Hogan stated that ticketing and surcharges were not enough to cause or motivate a change in behavior, and she cited cigarette smoking and the use of seatbelts for which behavior had evolved via new information and stigmas. Mr. Westcott asserted that the stigma for cell phone use must be raised to the level of that of Driving While Intoxicated in order to begin to manifest change.

Privilege of the floor was extended to Larry Waimon, VIP member, who likened the cell phone addiction to drug addiction. Mr. Westcott apprised he met Mr. Waimon at a course for DWI violators, which included a compelling movie, and he pointed out that appearing in public with other drunk drivers created an inherent stigma. Mr. Westcott stated the intent of the Distracted Driving initiative was to raise the level of the stigma for non-compliant behaviors.

Ms. Hogan explained that the National Highway Safety Council had recommended a ban on all cell phone use by operators, both handheld and blue tooth, due to study results which evidenced a cognitive disconnect for those engaged in such communications. Because the issue was controversial, she said, a public hearing was held on February 13<sup>th</sup> which included highway safety and law enforcement professionals thereby resulting in changes to the statute to prohibit only hand held devices while driving.

Privilege of the floor was extended to Police Chief William Valenza, Glens Falls Police Department (GFPD) and VIP session facilitator, who invited all to attend the Victims' Impact Panel. He noted the sessions were held on the last Monday of each Month and had been effective in reducing the number of DWI occurrences from 90 to 40 per month. He said enforcement and education were the critical components of a successful program and he reported that a two-hour detail road study involving only one Patrol Officer had issued six tickets for cell phone use and seven other violations which included one drug related violation and one suspended license violation. Mr. Waimon noted that a study at the corner of Bay and Quaker Roads in Queensbury showed 24 cell phone violations in several minutes which evidenced the magnitude of the problem and he urged support for the initiative. Ms. Savard added that she planned to incorporate the safety presentation into the pre-prom program and would visit all schools.

Ms. Hogan thanked Ms. Savard, Mr. Waimon and Mr. Westcott for their time and dedication to the program.

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. Mason and seconded by Mr. Strainer, Mr. Bentley adjourned the meeting at 10:48 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist