

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE  
MINUTES**

**THURSDAY, APRIL 18, 2019  
3:30 P.M.**

PRESENT: Kevin W. Hines, Chairman  
Thomas Faggione, **Kevindaryán Luján**, Rob Sassi,  
Kathy A. Stegenga, John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairmanm  
Antoinette Reed, Legislative Counsel  
Robert Conflitti, Executive Assistant District Attorney  
Karen Edelman-Reyes, Senior Assistant County Attorney  
Steven M. Gross, Commissioner, Human Resources  
Alison Tyack, Director of Personnel Management, Human Resources  
Carl DuBois, Sheriff  
Anthony Weed, Assistant Undersheriff  
Lawrence Catletti, Jail Administrator  
Gretchen Riordan, Budget Analyst

Chairman Hines opened the meeting at 3:30 p.m. and asked everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Sierra who was absent.

Mr. Sassi moved to discuss the Corrections Report, seconded by Ms. Stegenga.

Mr. Catletti stated that the facility head count is 663 and 160 are ICE detainees. There are also 48 Marshall boarders and the boarder revenue is \$2,351,914.00.

Mr. Hines asked if the issue of not posting bail and the significant impact it will have on the facility along with the staffing has been discussed.

Sheriff DuBois replied that it will not affect the staffing right now because it is based on the number of beds the facility has.

Mr. Hines stated that he understands that but would like to know if there is a push by the Sheriff's Association or whether the legislature can help move this along because it is not right to have to pay overtime for positions when there are portions of the facility not open.

Sheriff DuBois responded that there has been some discussion regarding Bail Reform. The latest he heard was that it was passed, but there is still some editing that needs to be done; therefore, he is waiting to see the final product. This law does not go into effect until January 1, 2020 and he feels that it was forced through because the State failed to speak with prosecutors and district attorneys.

Mr. Hines clarified that the staffing is set by the Department of Criminal Justice.

Sheriff DuBois stated that it is set by the Commissioner of Corrections and it is based on the number of beds.

Mr. Hines commented that this should be a facility specific situation because at the jail all areas can be closed off.

Sheriff DuBois stated that they can close off all areas depending on the population.

Mr. Hines asked the Sheriff if he has any projections on what the population would be like if the new law comes into play.

Sheriff DuBois replied that will take place January 1<sup>st</sup> and anyone that falls under the new law will be released. It is something they will evaluate when the time comes and is hoping the law is re-evaluated.

Mr. Lujan commented that he would like to hear more about the Bail Reform Law and the thoughts and/or concerns the Sheriff might have.

Sheriff DuBois pointed out that the District Attorney's Office would have more of an expertise discussing the topic and what they are looking at as far as specific crimes.

Chairman Brescia commented that this committee should do a memorialization next month, so they are ahead of the game.

Mr. Lujan moved to discuss the Sheriff's Report, seconded by Ms. Stegenga.

Sheriff DuBois stated that it has been a steady and quiet month. There have been 126 arrests and several grants awarded.

Mr. Hines mentioned that one of the deputies was involved in saving the life of a county employee.

Sheriff DuBois stated that it was Deputy Andy Eberhardt who was an army reservist and assigned to the County Executive's Office. The story is a success story and he will be receiving something on behalf of the Sheriff's Office.

Chairman Brescia commented that they would like to honor him at the legislative session in May along with Mary Pat Smith.

Mr. Lujan moved the request to reclassify thirty-one (31) positions ADA I Grade 21; ADA II Grade 22, ADA III Grade 23 and ADA IV Grade 24 to a sole classification of Assistant District Attorney Grade 24. Request to abolish all thirty-six (36) vacant positions of Assistant District Attorney I, Assistant District Attorney II, Assistant District Attorney III and Assistant District Attorney IV. Request to create thirty-six (36) Assistant District Attorney Grade 24 position and two (2) Senior Assistant District Attorney, Grade 25 positions, seconded by Ms. Stegenga.

Mr. Conflitti stated that the point of this proposal is to simplify administratively the salary structure in the District Attorney's Office. Currently, with the Assistant District Attorney position broken up into four different grades, they find themselves in a position of being forced to promote someone to a higher grade before they are ready just to make a position at a lower grade. In addition, administratively when they would like to promote someone within the existing structure, three or four different county departments must get involved. Simplifying the salary structures under one grade makes all of that easier on the District Attorney's Office as well as other county departments.

Mr. Gross added that this also directly mirrors the structure in the County Attorney's Office.

Mr. Conflitti continued on to say that the legislature budgets 45 Assistant District Attorney positions of all grades plus the District Attorney every year which they are not looking to change. This request collapses ADA's I, II, III, and IV into one grade at Grade 24 rather than spread out across Grades 21 through 24. The only immediate budget impact is the \$23,547.74 which is required because eight of the ADA's in a Grade I are below the floor of what the new consolidated grade would be. As far as next year's budget is concerned, the only difference would be those same eight people would be at a higher salary, but they will see how it plays out.

Mr. Gross reiterated that the legislature has only authorized 45 positions to be filled at any time in the District Attorney's Office. The position count remains the same, this request just simplifies them having to shuffle around.

Mr. Hines asked if they are having turnover issues.

Mr. Conflitti replied they have five openings and have lost a couple of people within the last month or so.

Mr. Lujan clarified that the ADA's must complete the BAR exam before starting the position.

Mr. Conflitti stated they can begin working in the office pending the results of the exam.

Mr. Lujan then clarified that if they did not pass, they can still work.

Mr. Conflitti stated that is correct. The Appellate Division, Second Department, has issued an order for several District Attorney Offices, Legal Aid, and Public Defender Offices that permit non-attorneys who have taken the BAR exam to practice as Assistant District Attorneys or Criminal Defense Attorneys at lower levels until they pass the exam. They get two tries and after two failures, they can no longer practice. It is a special rule designed to get people out of law school into practice in government type services. He added they have had several people taking the exam, but he is unsure of whether they passed.

Mr. Vero commented that Mr. Conflitti and Mr. Borek attended the Personnel and Compensation Committee this past Monday and made a good presentation. Several questions were answered, and the request passed unanimously.

Motion carried. All in favor.

Before adjourning, Mr. Hines asked Mr. Conflitti if he would like to add anything about the Criminal Justice Reform.

Mr. Conflitti stated that he is happy to answer any questions but does not have anything to add.

Mr. Hines mentioned that they are looking for a resolution and would like the Sheriff and Mrs. Reed to assist in drafting one.

Mr. Conflitti commented that the points that Sheriff DuBois made earlier are well taken. There are a number of criminal offenses that people are charged with where the courts can no longer entertain bail applications. The primary concern has been with major drug traffickers and retaining bail.

Mr. Hines asked if drug dealing would have to be changed to a violent crime.

Mr. Conflitti replied that he would not expect that to happen but continued to discuss different crimes where defendants cannot be held on bail.

Mr. Hines commented that Mr. Hoovler sent he and Chairman Brescia an email about there being no money in the budget for criminal justice reform and asked if they will need more personnel to handle centralized arrangements.

Mr. Conflitti replied that remains to be seen, but yes. The bail reform will complicate structure for reviewing bail with hearings that ADA's are going to have to cover along with the regimen of discovery of disclosure of information from the District Attorney's Office to defense lawyers and defendants which will take a lot more resources in order to litigate the issues. He stated that this will be a whole different world for criminal justice in this state and the county.

The meeting adjourned at 4:03 p.m.