

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Criminal Justice & Safety Committee

DATE: January 27, 2009

TIME: 4:45 PM

PLACE: Library Conference Room, 6th Floor
County Office Building

LEGISLATORS PRESENT: Chairman Frank Dart, Deputy Chairman Paul Hansut, Legislator Thomas J. (TJ) Briggs, Legislator James Maloney, Legislator Richard Parete, Legislator Kenneth Ronk Jr., Legislator Susan Zimet

LEGISLATORS ABSENT: None

OTHERS ATTENDING: Deputy Co. Executive Marshall Beckman, Director of Probation Robert Sudlow, Legislative Counsel Daniel Heppner, Tom Kadgen, Deputy Clerk Meg Dellay, Sherriff Paul VanBlarcum, Lt. Dennis Young, Asst. DA William Weishaupt, Tana Agostini (Horizon Center)

ACCEPTANCE OF NOVEMBER 25, 2008 MINUTES:

Motion offered by Legislator Maloney, Seconded by Legislator Ronk, All in Favor, Carried.

Sheriff's Department:

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division of Criminal Justice Services For A Federal Byrne JAG Grant To Purchase Seventeen Portable Radios - Amending The 2009 Ulster County Budget)

Motion offered by Legislator Hansut, Seconded by Legislator Zimet, All in Favor, Carried.

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division of Criminal Justice Services For The Purchase of All Terrain Vehicles (ATV) And ATV Overtime - Amending The 2009 Ulster County Budget)

Motion offered by Legislator Parete, Seconded by Legislator Maloney, All in Favor, Carried.

District Attorney:

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment With New York State Division of Criminal Justice Services For A Domestic Violence Program - Amending The 2009 Ulster County Budget)

Motion offered by Legislator Parete, Seconded by Legislator Zimet, All in Favor, Carried.

Probation:

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Sign A Memorandum Of Agreement With The New York State Coalition Against Sexual Assault (NYSCASA) In The Amount of \$4,963.00 - Amending the 2009 Ulster County Budget)

Motion offered by Legislator Briggs, Seconded by Legislator Zimet, All in Favor, Carried.

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Extend The Current Agreement With The With New York State Department of Health For The Continuation Of The Rape Crisis Program)

Motion offered by Legislator Briggs, Seconded by Maloney, All in Favor, Carried.

Resolution (Authorizing The Chairman Of The Ulster County Legislature To Amend The Agreement With The New York State Division Of Probation And Correctional Alternatives For Ulster County Alternatives Community Corrections Project)

Motion offered by Legislator Hansut, Seconded by Legislator Ronk, All in Favor, Carried.

Local Laws:

Introductory Local Law Number 1 Of 2009 (A Local Law Establishing Sex Offender Free Zones In The County Of Ulster)

Motion offered by Legislator Maloney, Seconded by Legislator Ronk, Opposed by Legislators Parete, Zimet, Briggs, and Dart, Defeated.

Discussion regarding the Local Law:

Heppner: Addressed the committee and gave details to the decision made by Judge Kelly on the rulings of the Rockland County case. Rockland County passed Local Law No. 1 of 2007; the intent of the Law is identical to what Ulster County is trying to propose. Many municipalities have passed similar Laws. The defendant, having violated his probation submitted about fifteen addresses as to where he sought to live. In each instance the Probation Officer had to consider what the Local Law said about geographical location and was unable to identify a place where he could live. The issue came to the court as to whether the utilization of the Local Law was constitutionally proper. The case came down to whether there was a clear intent on the part on New York State to occupy the field of community regulation on sex offenders. Judge Kelly declared the Law unconstitutional and dismissed the probation violation against this defendant. In light of this the committee will have to decide whether it is prudent to pass a Local Law in the face of this law suit. If this case is appealed it could be over a year before any decisions are made. The Intent of all the Local Laws was to control where convicted Sex offenders could reside and to give more authority to the Probation Officers and to use discretion as to where they live.

Sudlow: Updated the committee on new regulations concerning the Sex Offender Registration Act (SORA) and new training policies that are now in effect. Bob also briefly explained the Sex Offender Registration Act, its requirements, registration, types of offenders and offences that are required to register, how often people are required to register, risk assessments (Level 1, 2, 3), and most importantly, the Law requires that those on probation and parole can not live within a 1,000 feet of a certain type of population. Most of the Laws that have been

passed in localities deal with that very issue, some have made them smaller (500 ft.) and others have banned all sex offenders from their Counties, much like Rockland County. The Orange County Local Law No. 1 of 2008 establishes child safety zones and prohibits certain sexual offenders from loitering within 300 feet of specified locations, making such violation a class "B" misdemeanor and subject to imprisonment and/or fines. (Local Law handed out)

Beckman: Social Services has an absolute requirement to find housing. The State law sets these regulations and requirements and Ulster County is in a real housing crisis. This is an issue that requires actions beyond the County level, County Government cannot fix this problem, we can put patches on it but the number of sex offenders being released to the communities is going to increase, not decrease. At this point the real issue is to prevent sex offenders from going underground. You would lose the one piece of control you have which is supervision. This is really one of the most significant policy issues facing not just New York but the entire country.

Briggs: Discussed what part the NYS Department of Corrections plays in the releasing of sex offenders and the fact that residency has to be issued and the problem that arises is that they ultimately go under ground unless they register.

Lt. Young: Gave the committee a run down on his job and how the Ulster County Sheriff's Department deals with sex offenders and the day to day role they take as a department. He discussed Meghan's Law and how the department keeps track of the different level sex offenders and their residency through the use of change of address forms. It's a long process and movement of the offenders is hard to keep track of when there is movement everyday. A change of address can take up to 15 to 20 days to receive, by the time you check they could have moved again. A sex offender has 10 days to indicate a change of address. Time is against the department. He also explained the different ways in which the community is notified of different level sex offenders. Not all agencies notify their communities. The NYS Police does not get involved at all with sex offenders. It would be a huge undertaking for the Sheriff's Department to take on all of Ulster County; more manpower would definitely be needed.

Weishaupt: Updated the committee on the rise of the conviction rates in Ulster County. He talked about the fact that Internet crimes are also on the rise and how the Sherriff's Department is monitoring this. The issue of residency is hard when dealing with internet crimes because you are not just dealing with Ulster County, your dealing with other States and their Laws on residency are different. This creates more than a County problem. Once a sex offender gets off Parole or Probation and is still on the Registry for life or another 10 years it is totally on their initiative whether they are going to continue to register. If they chose to not register and disappear then that is a problem.

Committee: The following ideas were discussed.

- Look at the Residency Law and how best to improve it (People have a false sense of security)
- Uniformity throughout the County is needed
- More manpower is needed and the possibilities of grants to fund the extra manpower
- Possibility of modeling the Orange County Local Law
- Move forward in a proactive way

- Sex Offender Management Programs
- Look at other programs that County's are using and use what is already working
- Educate kids, teach kids how not to be a victim
- Get all the counties on board, put pressure on the state
- Agreed to meet with other experts & counties to create a plan to move forward
- Ultimate goal is to keep kids safe

In conclusion, the committee agreed that in order to move forward with the Local Law more information is needed and at this time they will not proceed with a Public Hearing. Experts are going to be invited to a future meeting and the committee will then decide how to proceed. Possible invites would be Sharon Doane from Dutchess County and someone from Orange County.

Motion to adjourn meeting @ 6:30 PM

Motion offered by Legislator Dart, Seconded by Legislator Maloney, All in Favor.

Respectfully Submitted,

Tammy Wilson
Senior Legislative Employee