

**BUDGET
PROTECTIVE SERVICES COMMITTEE MEETING
Held In Room #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

**Members:
Chairman Gross, Legislators LoBue & Oliverio**

Monday

October 7, 2013

The meeting was called to order at 7:10p.m. by Chairman Gross. He requested that Eric Gross, Putnam County Resident, lead in the Pledge of Allegiance. Upon roll call Legislators LoBue, Oliverio & Chairman Gross were present.

Item #3) 2014 Budget Review

District Attorney Levy stated that during the budget process he had requested to hire an additional full-time Investigator for the District Attorney's Office. This person would work and coordinate efforts with the Child Advocacy Center. He stated that the majority of the Investigator's time, if the position is approved, would be spent investigating and assisting my District Attorneys and prosecuting allegations of child abuse cases; both physical and sexual. He stated that he did ask Executive Director of Child Advocacy Center Marla Behler to join him tonight to provide an overview of the work that they do and how this position could work seamlessly with her department.

Executive Director of Child Advocacy Center(CAC) Marla Behler stated that they provided a coordinated response to child abuse allegations. She stated that they have a multi-disciplinary team approach. She stated that there is a Law Enforcement Investigator, a Child Protective Service Worker, Prosecutor, Medical Provider, and Therapist. She stated that they work to build strong cases, so the children do not have to testify in court and face their abusers. She stated that every child is entitled to the best possible response. She continued to articulate the benefits of the Child Advocacy Center to the County and to the victims. She stated that if there was a child, close to you, and they were diagnosed with a rare disease, you would do everything you possibly could to ensure that an expert would be providing care to that child. She correlated that to having a child that is sexually abused. You would want an Investigator assigned to the case whose level of expertise is in Child Abuse cases. She stated that the Investigators who have the special skills and work with them continuously are the Investigators that you want. She stated that since 2007 they have seen almost 2,000 children. 54% of them were female, 46% were males and 20% of the caseload were Hispanic. She stated during that same time period there were thirty-four (34) Law Enforcement Investigators work on those cases. She stated that only one (1) of them was bi-lingual and bi-cultural. That investigator is no longer working in Putnam County. She stated that it is not feasible to provide training to thirty-four (34) investigators, who come across these cases from time to time. She stated that it is more cost effective to train an expert. She stated that we need to consistently provide a coordinated team effort and we need to recognize that in order to meet the 20% of our population in Putnam County we should have an Investigator who can interview children and

caretakers in their primary language. She stated that in her opinion Putnam County is missing an essential part of the direct response, and the children of Putnam County deserve better.

Legislator LoBue questioned if the District Attorney is suggesting that this Criminal Investigator will be bilingual and Spanish.

District Attorney Levy confirmed and added he would want the person to be a female.

Legislator Oliverio questioned who currently investigates these cases.

District Attorney Levy stated by the agency in the jurisdiction of where the crime was committed. If it occurs in the County wide jurisdiction, then it can be handled by the Sheriff's Department or the State Police. He stated that there are some really terrific Investigators in those agencies. He stated some really excel in white collar crime, and some that really excel in child abuse cases. He stated he began prosecuting child abuse cases in 1992. He stated investigating child abuse cases requires discussion of very difficult topics with young children. An investigator of these cases needs to have a certain comfort level. If the investigator does not possess that quality, then they will put that unease feeling onto the child. He stated that the statistics show that 54% of the total cases in Putnam County involve little girls. He stated the fact is that there is not one investigator in Putnam County to investigate Child Sex Cases that is a female.

Legislator Oliverio clarified an earlier statement that there are other agencies investigating these cases currently; he questioned what District Attorney Levy is proposing. He questioned if the new investigator would be assigned to all of these cases carte blanche.

District Attorney Levy stated that he is looking to put this Investigator position out of his Office, out of his Office's control. He stated that this Investigator will be primarily responsible for responding first to any allegation to child abuse, specifically child sex abuse. He stated if the position is approved and his Investigator is not available, for whatever reason, obviously each of the other departments, they already have their forensically trained people, who according their own rules and procedures, continue to be trained, and that would continue to be done through the Child Advocacy Center. He stated that the thought of having thirty-four (34) separate Investigators with no specifically set standard of interview techniques really does a disservice.

Legislator Oliverio stated that his confusion stems from the responsibility of the offices. The Law Enforcement Agencies are the law enforcing agencies. He questioned how would this mix, having the District Attorney's Office overseeing a law enforcement Agent. He stated that he does not see the District Attorney's Office as a law enforcement agency.

District Attorney Levy stated that many of the Prosecutors' Offices have similar set ups, where they have district Attorney Investigators who are specially assigned to investigate child abuse cases out of the District Attorney's Office. He stated when he worked in Suffolk, that is how it worked, and it worked very well. He continued to provide his reasoning behind supporting this method. He stated when he came into office as the District Attorney for Putnam County in 2008, it was his hope that the other law enforcement agencies in Putnam County would have

recognized the overwhelming need for a female spanish speaking Investigator to work with these children. However for reasons, above his pay grade, it did not happen. Instead of waiting another day, instead of allowing another child to suffer he has decided to take the political hit by putting this position on his department's budget line. He stated who wants to see their budget increase by \$60,000, and that does not include benefits; however he sees this as a necessary item. He stated he wanted to make sure if the next child victim was his own, he wanted to make sure that there is someone capable of doing this.

Legislator Oliverio questioned who would have the jurisdiction over a case that, let's say occurred in Putnam Valley. He question who would be assigned to investigate the case.

District Attorney Levy stated that his District Attorney Investigator would.

Legislator Oliverio questioned not the Sheriff's Department, not the State Police.

District Attorney Levy stated not unless his District Attorney's Office needed assistance.

Legislator Oliverio questioned since when does the District Attorney become the law enforcement provider. He explained that is where he is getting blurred.

District Attorney Levy stated that there is currently an Investigator in the District Attorney's Office. The Investigator currently investigates crimes, interviews witnesses, takes statements, and that Investigator has been instrumental in political corruption cases. He stated just because an Investigator is being run out of the District Attorney's Office does not mean that law enforcement agencies cannot have concurrent jurisdiction; they can. However when there is a situation, such as we have now in Putnam County where 50% of all children sexually assaulted are female and 20% of the entire amount of cases are Hispanic, and there is not one female spanish speaking bi-lingual Investigator in Putnam County. He stated that he finds that fact embarrassing and it fails to take into account the best interest and needs of the children. He stated the law enforcement agencies were not addressing this matter, and the law does not prohibit him, as the Countywide Chief Law Enforcement Officer, to take on this responsibility.

Legislator Oliverio questioned if a situation occurs who does the notifying party call, the District Attorney's Office.

District Attorney Levy stated if there is a report of child abuse, many of these cases are reported to teachers. He explained that a school official is a mandated to reporter, they must report this information to their contact in Albany, Albany notifies the Putnam County Law Enforcement, Child Protective Services and the CAC. The District Attorney's Office will be the primary Law Enforcement Agency notified. He stated if they are not available it will go to the next agency.

Legislator Oliverio stated he would like confirmation that this is how it currently happens, the District Attorney's Office is always called first, on these cases.

Executive Director of Child Advocacy Center(CAC) Marla Behler explained that there is State Law mandating a joint response on these kinds of cases. As soon as the report comes in whether it goes through Law Enforcement or Child Protective Services it is mandatory that they

coordinate response together: Child Protective Services, Law Enforcement and the District Attorney's Office.

Legislator Gross stated that he sees this proposal addressing the need to have a person who is sensitive, can speak the language, and a female. He agrees that it is critical, he supports the introduction of this proposed position.

Legislator DiCarlo questioned for clarity, that District Attorney Levy is requesting that the Legislature approve to fund this position in his department, because, currently it is not funded in the tentative budget prepared by the County Executive.

District Attorney Levy confirmed that is correct.

Legislator DiCarlo stated that as an Administrator in the School System who speaks Spanish, he recognizes that importance of speaking to people in their language. He stated that it is magnified when we speak of a child.

Legislator Nacerino stated as Legislator Oliverio states frequently and she agrees with, the primary job of government is to protect the health, safety, and welfare of our constituents what is more fragile and vulnerable than children. She stated it behooves us to fund this position. She stated that the Legislature must be cognizant that the demographics of Putnam County are changing and we must embrace that change and be proactive rather than reactive. She stated in her opinion this is long overdue and she supports this request.

Legislator Albano stated that he agrees, he sees the importance of this proposed position and it is priority, in his opinion, in that this involves children. He stated that he is totally in support of this request.

Legislator LoBue stated that she would like to thank District Attorney Levy for bringing this forward. She stated that the Town of Carmel has had some heated discussions amongst their Police Force, regarding the increase in crime in the Latino areas, specifically to children and that they do not have anyone who is bilingual. She stated that this is moving something forward that needs to be put in place. She stated that she believes it is money well spent a hundred times over.

Chair Gross stated that he recently has heard from guidance counselors and one who retired early because of what is going on in this area, it is more important than ever. As Legislator Nacerino stated the demographics are changing we need this position now. He stated for proper procedural purposes, this item would come out of the Personnel Committee.

Legislator Oliverio stated that he needs clarity, he supports the position 100%, but his issue is one of governance.

District Attorney Levy stated that by the time Legislator Oliverio leaves the meeting tonight, he wants him to be crystal clear on this matter in respect to the legitimacy and his request. He stated in Putnam County, just because something has been done a certain way for hundred (100) years, does not mean that it is the best or most effective or efficient way to do it. He stated that when he sees something that is not working as well as it could and he sees what is

not working has an adverse effect on children; he will step up and say we can do it better and we should do it better.

Legislator Oliverio questioned that has District Attorney he has the ability to do that.

District Attorney Levy stated absolutely.

Legislator Oliverio stated that is all that he needed to clarify, he stated that he is good with it.

District Attorney Levy stated that he would like everyone to know that he believes the Investigators who work in Carmel, Kent, State Police and Sheriff's Department, for the most part, do a fantastic job at investigating cases; serious felony cases. He reiterated that it takes a special person to investigate sex crimes.

Legislator Oliverio stated that he believes the proposed position is excellent. He stated he needed to be sure that this was in the domain and purview of the District Attorney's Office.

Legislator Oliverio stated that the language issue is important, but he believes that the gender matter is equally as important. He stated he would certainly have wanted his own daughter, when she was in school, to be interviewed by a female, and he believes that a girl would share more information with a female.

Director of Consumer Affairs Jean Noel stated that this is long overdue in Putnam County. She stated that she had a circumstance in her family, twenty-five years ago, without share in any details; she stated that she is a tenacious person and she took it to the end. She stated that she took it, herself, to the District Attorney's Office, she stated that the man did end up in jail. She stated she had to begin the Kent Police Department, no disrespect she loves and has supported them, the person who had to interview this young child was the Building Inspector. Because, at the time, the Building Inspector was also the Police Matron, because she was a woman. She stated that the Building Inspector had no training in this field, although very well intended; she agrees gender and language are important, however she believes that the training is crucial. She stated that in her mind she does not see how effectively all of the State Police, Kent Police, Carmel Police, Cold Spring Police and Sheriff's Department can be trained in the same way, on the same venue, on the same platform at the same time. She stated this is so far overdue.

Undersheriff Convery stated that the Kent Police Department has a very well trained Police Department. They have excellent Investigators and they have all gone through the Investigators Schooling. He stated that the Town of Carmel has three bilingual Police Officers, and they are very very well trained. He stated the State Police Investigators are trained as well as the Sheriff's Department Investigators. He stated that every one of these Investigators have gone through the Schooling and have worked with Executive Director of Child Advocacy Center(CAC) Marla Behler, so whatever the Legislature decides to do is fine, however he wanted to clearly state that all of the people who work on these cases currently are very qualified, well trained and professional.

District Attorney Levy stated that is one of the reasons that he wanted to make it very clear, for this record, that I am in no way disparaging any of the Investigators at all. He stated to speak

directly to Undersheriff Convery's point , there is a certain philosophy in law enforcement. He stated that in law enforcement everyone needs to be trained, regardless of your affinity to a certain subject matter of what they are going to training for. He stated based on no fault of the Investigators themselves, they do go to school and pass their class, take their exams and if necessary they will sit down, once in a blue moon, with a six (6) or ten (10) year old girl and talk about how she was anally sodomized. He questioned if that Investigator, who only does this a couple of times a year, who is not very comfortable with it to begin with, is going to instill in the child the comfort and security or will there be something else. He stated that is why he said to have the position under his umbrella, which is completely legal and lawful. He stated that he is not taking anything away from the other Investigators in other departments; they will have lots of other crimes to Investigate. He stated that they are not looking to step on anyone's toes. He stated with his experience and his top Prosecutors experience in selecting the right individual with the right background and the right temperament and he stated he does not like to say with the right gender, but based upon statistics, they know what they are looking for who speaks spanish. He stated that he has control of that and knows of someone that they would be getting who is right up to speed and would be jumping right in to protect our kids, it is his pleasure.

Chair Gross questioned under the Sheriff's Department budget line 1031100054560 Equipment Rental, he sees that amount was reduced.

Sheriff's Department Fiscal Manager Pat Butler stated that they have negotiated a better rate for their copiers.

Legislator Albano stated that overtime is in several different departments of the Sheriff's Department and his hope is that number can be reduced.

Chair Gross stated that the Video Appearance program is projected as a program that will help to reduce the overtime.

Undersheriff Convery stated that the Jail overtime is mandated. However they have met with the County Executive on the Video Appearance program and its implementation in some of the local courts (Patterson, Carmel & Southeast). He stated that they are also looking at a program being used in Rockland County. It was discussed at the Jail Administrators Conference that they attended. There is thought of utilizing personnel, similar to those placed in the capacity of School Patrol Officers (SPO), to do transportation. It is continuing to be researched.

Legislator Oliverio stated that any money that is saved in the general Overtime line goes back into the general fund.

Chair Gross inquired about the Homeland Security line.

Commissioner of Finance Carlin explained that line is strictly driven by the grant funding received. He explained that as funding is received it is added to the budget line.

Legislator Oliverio confirmed with Commissioner of Bureau of Emergency Services Stiebeling that the Homeland Security line is empty, due to the fact that there are no actual funding dollars currently.

Commissioner of Bureau of Emergency Services Stiebeling stated that is correct.

Chair Gross stated that the next budget line is the Jail Account #3150. He stated that most of the funding is mandated. He stated unfortunately the crime rate is increasing and he believes that in the future the County must look at expanding the size of the women's jail. He stated that currently we are paying to board-out women in surrounding jails. He stated that he has seen some very preliminary drawings for an expansion that would not require any additional real estate, it shows a second floor.

Chair Gross addressed the Probation Department. He questioned if Probation Director Funicelli had any comments he would like to make in regards to his department's budget.

Probation Director Funicelli stated that they are asking for a position, which he knows will be addressed by Personnel Committee. However he took the opportunity to explain that last year they had a Receptionist retire. To keep their budget to the bottom line, they hired a person Part- Time. He explained that it has not worked out. It is a very hectic position and the Probation Department has taken on the Alternatives to Incarceration (ATI) Program; that has generated more traffic in and out of the office. He stated that they are requesting to bring the Part-Time Receptionist position back to a Full-Time Receptionist position.

Legislator Oliverio stated that he is thankful to Director Funicelli that he has waited for the Budget Process to make his proposal. He stated that he appreciates and supports that.

Chair Gross requested an explanation under Bureau of Emergency Services, subtitle EMS - Indian Point budget line 54634 Telephones.

Commissioner Stiebeling stated that the requested amount of \$19,000. There has been research done on the Telephones, there is an increase because it is a reflection of the true costs of the 911 Operations Phone Lines.

Item #4) Other Business - NONE

Item #9) Adjournment

There being no further business, at 7:55P.M., Legislator Oliverio made a motion to adjourn; Seconded by Legislator LoBue. All in favor.

Respectfully submitted by, Deputy Clerk of the Legislature- Diane E. Trabulsky