

GENERAL SERVICES COMMITTEE
September 19, 2023

Present: Ian Gilbert, Chair; Richard Chartrand, Vice-Chair; Josh Leviker; and Andrea Moroughan. Legislator Hathway had been excused.

Others present: Legislators Larry Dolhof, Thomas Osborne, Lisa Virkler, Jessica Moser, and Jeffrey Nellenback; County Manager, Ryan Piche; County Treasurer, Eric Virkler; Human Resources Director, Caitlyn Smith; and County Attorney, Joan McNichol.

Committee Chair, Ian Gilbert, called the meeting to order at 1:04 p.m.

Legislator Chartrand moved to approve the August 15, 2023 committee meeting minutes, seconded by Legislator Leviker, and carried.

Probation Safety – Matt Morrow, Director of Probation

Matt Morrow, Director of Probation stated that the mission of the Lewis County Probation Department is to provide community protection and public safety, in conjunction with the delivery of rehabilitative services to clients. He believes these offenders should be held accountable to their victims, to the community and at the same time develop skills to become responsible, law-abiding members of society. The Probation Department clients are already convicted which is one difference from the Sheriff's Office. Currently there are five sworn probation officers: Matt Morrow, Probation Director; Sarah Bush, Senior Probation Officer; Lisa Rennie, Marcus Spaulding, and Kylie Simpson, all Probation Officers.

According to the NYS Department of Criminal Justice System (DCJS) Integrated Probation Registrant System (IPRS), as of 8/1/2023, Lewis County has a total of 199 active probation cases. There are 169 adult probationers, some have more than one active case; 48 of those probationers are DWI cases. In addition, there are 20 conditional discharge ignition interlock cases, 6 Drug Court participants, 11 Juvenile Delinquent (JD) cases, 2 pre-trial release cases, and 15 pre-sentence investigations for the courts.

In New York State Criminal Procedure Law - CPL §2.10 Persons designated as peace officers; item 24 is Probation officers. CPL §2.20 explains the powers a peace officer has, a few are the power to make warrantless arrests pursuant to section 140.25 of this chapter; the power to use physical force and deadly physical force in making an arrest or preventing an escape pursuant to section 35.30 of the penal law; the power to carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties; and the power to possess and take custody of firearms not owned by the peace officer, for

the purpose of disposing, guarding, or any other lawful purpose, consistent with his duties as a peace officer.

New York State Office of Probation and Correctional Alternatives Rules and Regulations states under part 355 Probation Officers are Peace Officers. Section §355.3 lists the following requirements for policies and procedures for probation officers acting as peace officers: Each director of probation shall, in accordance with law, develop, implement and maintain a peace officer policy in writing specifying: when such officers, acting as peace officers, are to be considered performing their official duties as employees of the probation department; and if and when such officers may use, carry or possess a firearm while on duty; and when and under what conditions such officers may carry out arrest, search, and seizure functions and execute warrants. Just this year the departments warrant policy was required to be updated.

Out of the 58 County Probation Departments in NYS, 37 of them carry firearms. St. Lawrence and Livingston counties are working on becoming armed. Currently Jefferson, Oswego, Oneida, and Herkimer counties are all armed, which are surrounding Lewis County. According to statistics reported to the FBI, 93 law enforcement officers were killed in the line-of-duty incidents in 2020. Of these, 46 officers died because of felonious acts, and 47 officers died in accidents. Offenders used firearms to kill 41 of the 46 victim officers; 21 were slain with handguns; 10 with rifles; and 10 with firearms in which the types of firearms were unknown or not reported.

Mr. John Pignone, of the Lewis County Drug Task Force gave statistics from September 8, 2016 to June, 15, 2023 showing that Lewis County does have a gun problem. In that time period the following weapons were confiscated: 3 – 9mm Glock style ghost pistols (ghost guns are non-traceable weapons without serial numbers); 2 pistols; 3 revolvers; 6 rifles (2 loaded and 1 sawed off rifle); 8 shotguns (3 loaded and 3 sawed off); 1 assault weapon; 1 muzzleloader; 1 kung fu throwing star; 4 large capacity assault weapon magazines; 3 metal knuckles; 1 metal knuckle knife; and 2 bludgeon. There were slides showing some of the firearms.

Currently Probation Officers carry peppers spray, handcuffs, county radios, and wear body armor for protection. A year or so ago the county radio was used in a situation with a very angry client by holding the talk button on so Dispatch could hear the situation and then send someone out without the Probation Officer alerting the client. Over this summer when Probation Officer Marcus Spaulding was out checking on a client, someone shot out the back window of his county vehicle. Luckily no one was hurt in either situation.

The cost to arm the Lewis County Probation Officers would be roughly \$400.00 to \$500.00 per firearm depending on the make and model; \$80.00 to \$100.00 per holster depending on the make and model; and \$50.00 per magazine

carrier. This would add up to be approximately \$530.00 to \$650.00 per officer or \$2,650.00 to \$3,250.00 for the entire department. Mr. Morrow then showed a picture of his family stating that it was a price he thinks is worth him coming home safely each night to his wife and girls.

If the legislators approve of this policy change for the Probation Department, a firearm policy will be drafted in accordance with state law and adopted. The Probation Director will then implement and maintain that policy which details if and when officers may use, carry or possess a firearm while on duty. The Probation officers will all have to participate in initial firearms training and become certified by NYS to carry a firearm. Initial Firearms training is seven full days and can be done for free by Jefferson County Probation, who the Lewis County Department already pairs with for other trainings, as well as any future trainings like firearm recertification, range, weapon retention, defensive tactics, etc.

It was discussed that the Lewis County Sheriff's Department could also assist with trainings, so splitting up the Probation Officers between Jefferson County and the Sheriff's Department might work best. The Probation Officers are trained very well in many different tactics, especially talking their way out of a situation, or diffusing a problem verbally. There was further discussion on those who supported this action, as well as past practices. The General Services Committee was in support to create a firearm policy for adoption.

The following dockets were reviewed:

1. Authorizing an agreement between the Count of Lewis and Chimera Integrations, LLC for upgrades to existing card access controls at the PSB at a cost of \$39,630.00 with a completion date of December 31, 2023.
AYE 4 NAY 0
2. Authorizing a renewal agreement with J. Arthur Sealcoating & Contracting for snow plowing, lawn care, and related services at nine emergency 911 tower sites at a cost of \$48,900.00 per year, with a term of October 1, 2023 through September 30, 2025.
AYE 4 NAY 0
3. Directing the demolition and removal of an unsafe building pursuant to Local Law No. 2-2007, at 6314 East Main Street, Village of Turin.
AYE 4 NAY 0
4. Appointing Kenneth Johnson of Carthage, NY to fill the unexpired term of Joseph Chaisson on the Junkyard Review Board effective September 5, 2023 through December 31, 2027.
AYE 4 NAY 0
5. Authorizing a 2023 budget transfer in the amount of \$85,000.00 from Legislative Special Contingency to Jail Inmate Board account line due to high costs of boarding out inmates during the Jail HVAC project and the new MAT program.
AYE 4 NAY 0

6. Appropriating funds in the amount of \$83,226.06, received from the sale of the Champion gravel pit property, into the Capital HAL reserve fund for environmental projects and cleanups.

AYE 4 NAY 0

There being no other business to come before the committee, Legislator Chartrand moved to adjourn at 1:30 p.m., seconded by Legislator Moroughan, and carried.

Respectfully submitted,
Cassandra Moser, Clerk of the Board