



Judiciary & Public Safety Committee

Committee Meeting

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

~ Minutes ~

Tuesday, October 18, 2022

8:15 AM

Room 302

CALL TO ORDER

The meeting was called to order at 8:15 AM by Committee Chair Kelly L. Fairchild-Preston

Attendee Name	Organization	Title	Status	Arrived
Christopher Newell	Cortland County, NY	Committee Member	Present	
Douglas Bentley	Cortland County, NY	Committee Member	Late	8:21 AM
Kelly L. Fairchild-Preston	Cortland County, NY	Committee Chair	Present	
Cathy Bischoff	Cortland County, NY	Committee Member	Late	8:18 AM
Susan Wilson	Cortland County, NY	Committee Member	Present	
Joseph Nauseef	Cortland County, NY	Committee Vice Chair	Excused	
Eugene Waldbauer	Cortland County, NY	Committee Member	Present	
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Present	
Rob Corpora	Cortland County, NY	County Administrator	Present	
Savannah Hempstead	Cortland County, NY	Clerkof the Legislature	Present	
Victoria J. Monty	Cortland County, NY	County Attorney	Present	
George Wagner	Cortland County, NY	Board Member	Present	
Denise Bushnell	Cortland County, NY	Coroner	Present	
Nicole Albro	Cortland County, NY	Probation Director	Present	
Mark Helms	Cortland County, NY	Sheriff	Present	
Budd Rigg	Cortland County, NY	Undersheriff	Present	
Michael Cardinale	Cortland County, NY	Assigned Counsel Plan Administrator	Present	
Elizabeth Larkin	Cortland County, NY	County Clerk	Present	
John Conlon	Cortland Standard	Reporter	Remote	
Andrea Herzog	Cortland County, NY	Director of Finance	Remote	

MINUTES

1. Judiciary & Public Safety Committee - Committee Meeting - Sep 13, 2022 9:00 AM

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Christopher Newell, Committee Member
SECONDER:	Eugene Waldbauer, Committee Member
AYES:	Christopher Newell, Kelly L. Fairchild-Preston, Susan Wilson, Eugene Waldbauer
EXCUSED:	Joseph Nauseef
AWAY:	Douglas Bentley, Cathy Bischoff

RESOLUTIONS

AGENDA ITEM NO. 1 – Amend Resolution No. 188-22 for Jail Physician, Physician's Assistant and Registered Nursing Services - Sheriff's Office

RESULT:	APPROVED [5 TO 0]
	Next: 10/18/2022 10:00 AM
MOVER:	Eugene Waldbauer, Committee Member
SECONDER:	Christopher Newell, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Wilson, Waldbauer
EXCUSED:	Joseph Nauseef
AWAY:	Douglas Bentley

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

Amend Resolution No. 188-22 for Jail Physician, Physician's Assistant and Registered Nursing Services - Sheriff's Office

WHEREAS, New York State Correction Law § 501 requires the County to appoint a reputable physician duly authorized to practice medicine as the physician to the jail of the County, AND

WHEREAS, Resolution No. 188-22 was approved August 25, 2022, which appointed Marshall M. Trabout, M.D. as the Cortland County Jail Physician to serve at the pleasure of the County Legislature, and authorized an agreement to pay the Jail Physician an additional monthly rate of \$11,109 for services rendered by a Registered Nurse(s) (RN(s)) at the Cortland County Jail from January 1, 2023 through December 31, 2025, AND

WHEREAS, the Physician has requested a higher rate as follows:

“Doctor Trabout, Jail Physician, has just informed the Sheriff’s Office that, due to the increase of RN salaries in our region, he will not be able to sign the contract as it is. He had based the rate at \$35.00 per hour and the current rate is \$45.00 an hour. Based on that the monthly RN rate would need to be \$15,600.00 for two RN positions.”

, NOW THEREFORE BE IT

RESOLVED, that the current Physician’s contract as approved by Resolution No. 188-22 be amended as follows:

“The County hereby agrees to pay the Physician an additional monthly rate of \$15,600 for services rendered by a RN(s) at the Cortland County Jail. Such RN(s) will be an employee of the physician and will work 80-hours per workweek at Cortland County jail. The Sheriff and the Physician will determine the work schedules for this position, including, but not limited to, scheduling of days off and the RN’s

shift assignment. The physician agrees to provide RN(s) who will be acceptable to both him and the Sheriff. This Contract does not provide for compensation for relief coverage during the absence of an RN(s).”

AGENDA ITEM NO. 2 – Authorize/Accept Funds from New York State Office of Indigent Legal Services - Distribution 13 - Public Defender's Office

RESULT:	APPROVED [5 TO 0]
	Next: 10/18/2022 10:00 AM
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Eugene Waldbauer, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Wilson, Waldbauer
EXCUSED:	Joseph Nauseef
AWAY:	Douglas Bentley

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

Authorize/Accept Funds from New York State Office of Indigent Legal Services - Distribution 13 - Public Defender's Office

WHEREAS, the New York State Office of Indigent Legal Services has awarded the Cortland County Public Defender's Office \$150,522.00 for the multi-year period from January 1, 2023, to December 31, 2025, payable \$50,174.00 in year 1 (2023), \$50,174.00 in year 2 (2024) and \$50,174.00 in year 3 (2025) to improve the quality of mandated indigent legal representation, AND

WHEREAS, this grant money shall be used to continue to provide salary and fringe benefits funding for Paralegal services within the Public Defender's Office, AND

WHEREAS, as required by the County or NYS Office of Indigent Legal Services, the Public Defender shall collect and report data annually, in statistical and narrative form, to measure this project and shall continuously analyze and evaluate case outcomes to ensure effective use of the funds, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval of the County Attorney or designee, is hereby authorized and directed to sign an agreement with New York State Office of Indigent Legal Services.

AGENDA ITEM NO. 3 – Resolution in Opposition to New York State's Actions Restricting Second Amendment Rights

Ms. Bischoff MADE A MOTION TO AMEND the resolution to replace the entire resolution with the language drafted by Ms. Bischoff, Ms. Preston SECONDED THE MOTION TO AMEND, and upon voice vote of members present, MOTION CARRIED. Mr Waldbauer VOTED NO.

Ms. Bischoff MADE A MOTION TO AMEND the resolution, as amended to remove the last WHEREAS clause and to include the language taken from the original resolution in its place, and remove the word punish and replace with the word impede as follows:

WHEREAS, on July 1, 2022 Governor Hochul, in response to the Bruen Opinion, signed into law Senate Bill S.51001 (Assembly Bill A.41001) during an Extraordinary Session, AND

WHEREAS, these laws were drafted and passed by the New York State Legislature and signed by the Governor without input or conference with any of the parties who are commissioned with implementing these laws thereby producing laws that are unclear, conflicting, and in some instances, unenforceable, AND

WHEREAS, the new laws restrain and impede law-abiding citizens who wish to exercise their Second Amendment Rights, AND

WHEREAS, the newly enacted Concealed Carry Improvement Act presents procedural roadblocks in the form of privacy violations, subjective standards, financial burdens and overt restrictions on individuals seeking to exercise a fundamental right, NOW THEREFORE BE IT

Ms. Preston SECONDED THE MOTION TO AMEND, and upon unanimous voice vote of members present, MOTION CARRIED.

RESULT: APPROVED [UNANIMOUS]

Next: 10/27/2022 6:00 PM

MOVER: Eugene Waldbauer, Committee Member

SECONDER: Kelly L. Fairchild-Preston, Committee Chair

AYES: Newell, Bentley, Fairchild-Preston, Bischoff, Wilson, Waldbauer

EXCUSED: Joseph Nauseef

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

Resolution in Opposition to New York State's Actions Restricting Second Amendment Rights

WHEREAS, the Supreme Court held in the *N.Y. State Rifle & Pistol Association, Inc. vs. Bruen, Superintendent of New York State Police, et al.*, that New York's law requiring anyone seeking a concealed carry license demonstrate they had a special need for self-defense was subject to arbitrary interpretation and enforcement, and a violation of a **citizen's constitutional rights**, AND

WHEREAS, the Supreme Court also held in *Bruen* that a state did have the authority to impose objective licensing requirements to include background checks, firearms training, a check of mental health records, and fingerprinting, requirements not necessarily prone to subjective interpretation, AND

WHEREAS, the Supreme Court also affirmed in *Bruen* Justice Antonin Scalia's opinion for the court in *District of Columbia v. Heller*, (2008) which stated, "[N]othing in our opinion," Scalia wrote, "should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms", AND

WHEREAS, the subsequently passed New York *Concealed Carry Improvement Act* was recently temporarily blocked by NY Federal District Judge Suddaby because, in part, it imposed standards such as "good moral character" and "three years' worth of social media accounts" no less subjective than the previous self-defense special need standard, and expanded the list of "sensitive areas" to include areas way beyond the scope likely to be inferred from the opinions in both *Heller* and *Bruen*, leaving in place restrictions for those areas that do conform to those decisions such as schools, courts and polling places, AND

WHEREAS, on July 1, 2022 Governor Hochul, in response to the Bruen Opinion, signed into law Senate Bill S.51001 (Assembly Bill A.41001) during an Extraordinary Session, AND

WHEREAS, these laws were drafted and passed by the New York State Legislature and signed by the Governor without input or conference with any of the parties who are commissioned with implementing these laws thereby producing laws that are unclear, conflicting, and in some instances, unenforceable, AND

WHEREAS, the new laws restrain and impede law-abiding citizens who wish to exercise their Second Amendment Rights, AND

WHEREAS, the newly enacted Concealed Carry Improvement Act presents procedural roadblocks in the form of privacy violations, subjective standards, financial burdens and overt restrictions on individuals seeking to exercise a fundamental right, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature demands that the New York State Legislature rewrite the NY *Concealed Carry Improvement Act* such that it is found to be in conformance with the Supreme Court decisions articulated in ***District of Columbia v. Heller*** and ***N.Y. State Rifle & Pistol Association, Inc. vs. Bruen, Superintendent of New York State Police, et al.***

DISCUSSION ITEMS

1. Bath Salts Local Law

RESULT: TABLED

Next: 11/8/2022 9:00 AM

2. Bail Reform

RESULT: TABLED

Next: 11/8/2022 9:00 AM

MONTHLY REPORTS

1. Coroner Monthly Report

RESULT: COMPLETED

2. Probation Monthly Statistics

RESULT: COMPLETED

3. District Attorney Monthly Statistics

RESULT: COMPLETED

4. Assigned Counsel Monthly Report

RESULT: COMPLETED

5. October 2022 Report - DOERC

RESULT: COMPLETED

6. Public Defender Monthly Report September 2022

RESULT: COMPLETED

7. Inmate Total Day Report September 2022

RESULT: COMPLETED

EXECUTIVE SESSION

It was MOVED by Ms. Preston, seconded by Ms. Bischoff, and unanimously approved by voice vote of members present, to enter into an executive session to discuss the employment history of a particular person or corporation. MOTION CARRIED.

An executive session was held from 9:53 a.m. to 10:09 a.m., at which time on motion of Mr. Waldbauer, seconded by Ms. Bischoff, it was unanimously approved by voice vote to exit executive session.

ADJOURNMENT

The meeting was closed at 10:09 AM



Judiciary & Public Safety Committee

Committee Meeting

~ Minutes ~

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

1.1

Tuesday, September 13, 2022

9:00 AM

Board Room

CALL TO ORDER

The meeting was called to order at 9:00 AM by Committee Chair Kelly L. Fairchild-Preston

Attendee Name	Organization	Title	Status	Arrived
Christopher Newell	Cortland County, NY	Committee Member	Present	
Douglas Bentley	Cortland County, NY	Committee Member	Absent	
Kelly L. Fairchild-Preston	Cortland County, NY	Committee Chair	Present	
Cathy Bischoff	Cortland County, NY	Committee Member	Present	
Susan Wilson	Cortland County, NY	Committee Member	Excused	
Joseph Nauseef	Cortland County, NY	Committee Vice Chair	Present	
Eugene Waldbauer	Cortland County, NY	Committee Member	Present	
Rob Corpora	Cortland County, NY	County Administrator	Present	
Victoria J. Monty	Cortland County, NY	County Attorney	Present	
Savannah Hempstead	Cortland County, NY	Clerkof the Legislature	Present	
Scott Roman	Cortland County, NY	Director of Emergency Response and Communications	Present	
Mark Helms	Cortland County, NY	Sheriff	Present	
Budd Rigg	Cortland County, NY	Undersheriff	Present	
Sandra Price	Cortland County, NY	Board Member	Present	
Keith Dayton	Cortland County, NY	Public Defender	Present	
George Wagner	Cortland County, NY	Board Member	Present	
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Remote	
Andrea Herzog	Cortland County, NY	Director of Finance	Remote	
Eddie Velazquez	Cortland Voice	Reporter	Remote	

Minutes Acceptance: Minutes of Sep 13, 2022 9:00 AM (MINUTES)

MINUTES

1. Judiciary & Public Safety Committee - Committee Meeting - Aug 16, 2022 9:00 AM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Joseph Nauseef, Committee Vice Chair
SECONDER:	Christopher Newell, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Nauseef, Waldbauer
ABSENT:	Douglas Bentley
EXCUSED:	Susan Wilson

RESOLUTIONS

AGENDA ITEM NO. 1 – Authorize Agreement with K&A Radiologic Technology Services, Inc. - Sheriff's Department

RESULT:	APPROVED [UNANIMOUS]
	Next: 9/22/2022 6:00 PM
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Christopher Newell, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Nauseef, Waldbauer
ABSENT:	Douglas Bentley
EXCUSED:	Susan Wilson

ON MOTION OF FAIRCHILD-PRESTON**RESOLUTION NO.****Authorize Agreement with K&A Radiologic Technology Services, Inc. - Sheriff's Department**

WHEREAS, K&A Radiologic Technology Services, Inc., of 6400 Collamer Road, East Syracuse, New York 13057, has agreed to enter into an agreement to furnish Cortland County Jail with portable x-ray, Ultrasound Services, 12-lead EKG, and Holter monitor services as prescribed by the doctor for inmates housed in the Cortland County Jail, AND

WHEREAS, the Cortland County Sheriff has determined this is a professional service which is exempt under General Municipal Law, Section 103, AND

WHEREAS the cost for each service is as follows:

X-Ray services shall be \$130.00 for first exam and \$65 for each additional exam
 Minimum STAT charge \$140
 Holter monitoring \$150 per patient
 Ultrasound exams \$170 per exam

, AND

WHEREAS, the funds to cover this contract are available in account number A31505.54615- Contracted Medical Svcs, NOW THEREFORE BE IT

RESOLVED, that the County Administrator and the Sheriff of Cortland County, upon review and approval by the County Attorney or designee, be and herby are authorized to contract with K&A Radiology Technology Services, Inc., of 6400 Collamer Road, East Syracuse, New York 13057, for the period of September 1, 2022 to August 31, 2024 for said purposes.

AGENDA ITEM NO. 2 – Cortlandville Tower Rental Agreement with New York State Police

Minutes Acceptance: Minutes of Sep 13, 2022 9:00 AM (MINUTES)

RESULT:	APPROVED [UNANIMOUS]
	Next: 9/22/2022 6:00 PM
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Eugene Waldbauer, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Nauseef, Waldbauer
ABSENT:	Douglas Bentley
EXCUSED:	Susan Wilson

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

Cortlandville Tower Rental Agreement with New York State Police

WHEREAS, the County of Cortland (County) and the New York State Police (NYSP) entered into a contract in 2012 whereby the NYSP purchased the generator in lieu of rent at the Cortlandville Tower Site, and that contract expired on October 18, 2017, AND

WHEREAS, the County and the NYSP entered into a rental contract in 2017 with Resolution No. 291-17, whereby the NYSP rented space at, and on, the Cortlandville Tower Site in the amount of \$1,500 yearly, and that contract expires on October 18, 2022, AND

WHEREAS, the County and the NYSP are desirous of entering into a five (5) year renewal agreement, AND

WHEREAS, the revenue will be credited to account A302046.42410, Rental of Radio Towers, AND

WHEREAS, previously Resolution No. 194-16 was amended to include this additional yearly revenue deposited into Account No. A386300.ETWR, for the purpose of unexpected repairs and maintenance of all towers in the County's radio system, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, be and hereby is authorized to sign the contract with the New York State Police for a period of five (5) years.

AGENDA ITEM NO. 3 – Accept 2022 Emergency Management Performance Grant & Authorize Contract - DOERC

RESULT:	APPROVED [UNANIMOUS]
	Next: 9/22/2022 6:00 PM
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Christopher Newell, Committee Member
AYES:	Newell, Fairchild-Preston, Bischoff, Nauseef, Waldbauer
ABSENT:	Douglas Bentley
EXCUSED:	Susan Wilson

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

Accept 2022 Emergency Management Performance Grant & Authorize Contract - DOERC

WHEREAS, the New York State Department of Homeland Security and Emergency Services (NYS DHSES) has awarded the Cortland County Department of Emergency Response and Communications a grant in the amount of \$23,603, in support of the Emergency Management Performance Grant (EMPG), AND

Minutes Acceptance: Minutes of Sep 13, 2022 9:00 AM (MINUTES)

WHEREAS, the fiscal period for this grant is October 1, 2021 to September 30, 2024, AND

WHEREAS there is a required County match of \$23,603 which has been budgeted as the salary of the Assistant Director of the Department of Emergency Response & Communications, NOW THEREFORE BE IT

RESOLVED, that the 2022 budget is amended as follows:

		Current	Change	Revised
INCREASE REVENUE BUDGET:				
A341043.43306.24EMP	DHSES Grant	0	\$23,603	\$23,603
INCREASE EXPENDITURE BUDGET:				
A34105.51005.24EMP	Personnel	0	\$23,603	\$23,603

, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$23,603, AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

DISCUSSION ITEMS

1. DOERC - 22 West Court Street

RESULT: COMPLETED

2. Bath Salts Local Law

RESULT: TABLED

Next: 10/18/2022 9:00 AM

3. Resolution to Oppose Bail Reform

RESULT: TABLED

Next: 11/8/2022 9:00 AM

MONTHLY REPORTS

1. Probation Monthly Report

RESULT: COMPLETED

2. District Attorney Monthly Statistics

RESULT: COMPLETED

3. Assigned Counsel Monthly Report

RESULT: COMPLETED

4. Public Defender Monthly Report and Budget July and August 2022

RESULT: COMPLETED

5. DOERC - September 2022 Report

RESULT: COMPLETED

6. Coroner Monthly Report

RESULT: COMPLETED

7. August 2022 Jail Inmate Count

RESULT: COMPLETED

ADJOURNMENT

The meeting was closed at 9:58 AM

ON MOTION OF

RESOLUTION NO.

Authorize Agreement/Accept Funds
Distribution #13

WHEREAS, the New York State Office of Indigent Legal Services has awarded the Cortland County Public Defender's Office \$150,522.00 for the multi-year period from January 1, 2023, to December 31, 2025, payable \$50,174.00 in year 1 (2023), \$50,174.00 in year 2 (2024) and \$50,174.00 in year 3 (2025) to improve the quality of mandated indigent legal representation, AND

WHEREAS, this grant money shall be used to continue to provide salary and fringe benefits funding for Paralegal services within the Public Defender's Office, AND

WHEREAS, as required by the County or NYS Office of Indigent Legal Services, the Public Defender shall collect and report data annually, in statistical and narrative form, to measure this project and shall continuously analyze and evaluate case outcomes to ensure effective use of the funds.

NOW THEREFORE, BE IT

RESOLVED, that the Chairman of the Cortland County Legislature or the County Administrator, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with New York State Office of Indigent Legal Services.

State of New York) ss:
County of Cortland)

This is to certify that I, the undersigned, Clerk of the County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the ____ day of _____, 2022 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my
hand and the official seal of the Cortland County
Legislature, this ____ day of _____, 2022.

Savannah Hempstead, Clerk of the Legislature
Cortland County

Whereas the Supreme Court held In the ***N.Y. State Rifle & Pistol Association, Inc. vs Bruen, Superintendent of New York State Police, et al.***, that New York's law requiring anyone seeking a concealed carry license demonstrate they had a special need for self-defense was subject to arbitrary interpretation and enforcement, and a violation of a citizen's constitutional rights,

Whereas the Supreme Court also held in ***Bruen*** that a state did have the authority to impose objective licensing requirements to include background checks, firearms training, a check of mental health records, and fingerprinting, requirements not necessarily prone to subjective interpretation,

Whereas the Supreme Court also affirmed in ***Bruen*** Justice Antonin Scalia's opinion for the court in ***District of Columbia v. Heller***, (2008) which stated "[N]othing in our opinion," Scalia wrote, "should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.

Whereas the subsequently passed New York *Concealed Carry Improvement Act* was recently temporarily blocked by NY Federal District Judge Suddaby because, in part, it imposed standards such as "good moral character" and "three years' worth of social media accounts" no less subjective than the previous self-defense special need standard, and expanded the list of "sensitive areas" to include areas way beyond the scope likely to be inferred from the opinions in both ***Heller*** and ***Bruen***, leaving in place restrictions for those areas that do conform to those decisions such as schools, courts and polling places,

And whereas the Cortland County Legislature finds itself in general agreement with the decision rendered by Judge Suddaby in (THE CASE NAME) and therefore,

The Cortland County Legislature demands the New York State Legislature rewrite the NY *Concealed Carry Improvement Act* such that it is found to be in conformance with the Supreme Court decisions articulated in ***District of Columbia v Heller*** and ***N.Y. State Rifle & Pistol Association, Inc. vs. Bruen, Superintendent of New York State Police, et al.***

New York State Rifle & Pistol Association Inc. v. Bruen

scotusblog.com/case-files/cases/new-york-state-rifle-pistol-association-inc-v-bruen/



Holding: New York's proper-cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

Judgment: Reversed and remanded, 6-3, in an opinion by Justice Thomas on June 23, 2022. Justice Alito filed a concurring opinion. Justice Kavanaugh filed a concurring opinion, in which Chief Justice Roberts joined. Justice Barrett filed a concurring opinion. Justice Breyer filed a dissenting opinion, in which Justices Sotomayor and Kagan joined.

SCOTUSblog Coverage

- From constitutional orphan to treasured heirloom: The Second Amendment is no longer a second-class right (Theresa Inacker, July 11, 2022)
- The *Bruen* majority ignores decision's empirical effects (Lisa Vicens and Samuel Levander, July 8, 2022)
- The right to fear, in public: Our town square after *Bruen* (Esther Sanchez-Gomez, June 29, 2022)
- Restoring the Founders' right to bear arms (Joseph Greenlee, June 29, 2022)
- Cherry-picked history and ideology-driven outcomes: *Bruen*'s originalist distortions (Saul Cornell, June 27, 2022)
- A minor impact on gun laws but a potentially momentous shift in constitutional method (Randy Barnett, June 27, 2022)
- In 6-3 ruling, court strikes down New York's concealed-carry law (Amy Howe, June 23, 2022)
- Announcement of opinions for Thursday, June 23 (complete) (Angie Gou, June 23, 2022)
- Majority of court appears dubious of New York gun-control law, but justices mull narrow ruling (Amy Howe, November 3, 2021)
- We read all the amicus briefs in *New York State Rifle* so you don't have to (Ellena Erskine, November 2, 2021)
- In our federalist system, states can regulate public carry (Jeremy Feigenbaum, November 2, 2021)
- In our constitutional republic, freedom demands sticking to your guns (Mark Brnovich, November 2, 2021)

- The court must consider the national security and public safety threats posed by concealable weapons (Mary B. McCord and Annie L. Owens, October 30, 2021)
- In *New York State Rifle*, the court should look to text, history, and tradition (Stephen P. Halbrook, October 30, 2021)
- To help stop domestic violence, uphold concealed-carry regulations that utilize local knowledge (Rachel Graber and Ruth Glenn, October 28, 2021)
- We are public defenders. New York's gun laws eviscerate our clients' Second Amendment rights. (Avinash Samarth, Aimee Carlisle, Christopher Smith, Michael Thomas, and Meghna Philip, October 28, 2021)
- In major Second Amendment case, court will review limits on carrying a concealed gun in public (Amy Howe, October 27, 2021)
- New York Second Amendment case headlines November argument calendar (Amy Howe, August 16, 2021)
- Court to take up major gun-rights case (Amy Howe, April 26, 2021)
- Sovereign immunity, legislative censure and another habeas question (John Elwood, April 21, 2021)
- Two Sixth Amendment claims and an ERISA lawsuit (John Elwood, April 15, 2021)
- An important right-to-carry case, and another close look at a Sixth Circuit decision granting habeas relief (John Elwood, March 31, 2021)
- Petitions of the week: Three Second Amendment petitions and a Wiretap Act claim against Facebook (Andrew Hamm, January 15, 2021)

Date Proceedings and Orders (key to color coding)

Dec 17 2020 Petition for a writ of certiorari filed. (Response due January 22, 2021)

Dec 23 2020 Blanket Consent filed by Petitioner, New York State Rifle & Pistol Association, Inc., et al.

Jan 08 2021 Motion to extend the time to file a response from January 22, 2021 to February 22, 2021, submitted to The Clerk.

Jan 11 2021 Motion to extend the time to file a response is granted and the time is extended to and including February 22, 2021.

ON MOTION OF CHAIRMAN

RESOLUTION NO.: XX-21

Local Law number ____ of 2021 A LAW TO PROSCRIBE AS UNLAWFUL THE SALE AND POSSESSION WITHIN THE COUNTY OF CORTLAND, NEW YORK, OF INTOXICATING CHEMICAL COMPOUNDS OR DANGEROUS SUBSTANCES, THAT ARE MISLABELED OR UNLABELED, WHOSE INTENDED PURPOSE IS TO BE INGESTED, INHALED, OR INJECTED, TO MIMIC THE EFFECTS OF CONTROLLED SUBSTANCES OR MARIHUANA AND THAT HAVE NO OTHER LEGITIMATE THERAPEUTIC USE OR PURPOSE.

SECTION I: TITLE

The Title of this Local Law shall be: “County of Cortland Synthetic Intoxicants and Dangerous Substances Law.”

SECTION II: INTENT

A. Findings

The County Legislature of the County of Cortland, New York, finds that the potential or actual harm to residents from certain intoxicating chemical compounds or dangerous substances to be such that these chemical compounds or dangerous substances should be proscribed as unlawful.

B. Statement of Purpose

1. It is the purpose of this local law to promote public health, safety, and general welfare, and to minimize public and private injury to the citizens for the County of Cortland due to the permissive availability of certain intoxicating chemical compounds or dangerous substances; thus, requiring the prohibition of such chemical compounds or dangerous substances;
2. to protect human life and health; and,
3. to aid in the interdiction of such chemical compounds or dangerous substances along with other narcotics and illicit intoxicants, and to aid in the prosecution of such related offenses.

SECTION III: AUTHORITY

Municipal Home Rule Law, §§ 10 (2), (4) (b), and (4) (c); and Op Atty Gen 85-23,

SECTION IV: LAW

- A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly

display for sale, attempt to sell, give, trade, or barter any one or more of the following chemical compounds or substances, to include its salts, isomers, homologues, and salts of their isomers and homologues:

It shall be unlawful for any person to sell, possess, or use mislabeled or unlabeled dangerous substances whose intended purpose is to be ingested so as to mimic the effects of controlled substances and / or marihuana and that have no other legitimate, medical, or therapeutic purpose.

- (1) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts,
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU-210,
- (3) Naphthalen-1-yl-(1-pentylindol-3-yl) methanone (also known as 1 Pentyl-3-(1-naphthoyl) indole, some trade or other name: JWH-018,
- (4) Naphthalen-1-yl-(1-butyldiol-3-yl) methanone (also known as 1-Butyl-3-(1-naphthoyl) indole, some trade or other name: JWH-073,
- (5) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, some trade or other name: CP 47,497 and its C6, C7, C8, and C9 homologues,
- (6) 1-(3-[trifluoromethylphenyl]) piperazine, some trade or other name: TFMPP,
- (7) (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN 55,2-212,
- (8) 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl) phenol, some trade or other name: CP 55,940,
- (9) 6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo [c]chromen-1-ol, some trade or other name: Dimethylheptylpyran 1, 2-dimethylheptyl-[Δ]3THC, or DMHP, or A-40824, or EA-1476,
- (j) [(6S,6aR,9R,10aR)- 9-hydroxy- 6-methyl- 3-[(2R)-5-phenylpentan- 2-yl]oxy- 5,6,6a,7,8,9,10,10a-octahydrophenanthridin- 1-yl] acetate, some trade or other name: Levonantradol, or CP 50,556-1,

- (10) -1-(4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4-methylephedrone
- (11) any similar structural analogs that are intended to mimic the effects of intoxicating controlled substance.

B. Exceptions:

- 1. It is not an offense under subsection “A” of this section if the person was acting at the direction of an authorized agent of the County of Cortland to enforce or ensure compliance with this law prohibiting the sale or possession of the aforementioned chemical compounds or dangerous substances.
- 2. This section does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician, dentist, or pharmacist authorized to direct or prescribe such act.
- 3. This section likewise does not apply to the inhalation of anesthesia for medical or dental purposes.

SECTION V: PENALTIES

- A. Confiscation -- if any of the aforementioned intoxicating chemical compounds or dangerous substances are found in the possession of any person, such may be confiscated and destroyed by Law Enforcement Officials.
- B. Any person found to be in violation of this section will be guilty of a Class “B” misdemeanor and subject to a definite term of imprisonment not to exceed three (3) months, or a fine not to exceed five hundred (\$ 500), or both such definite term of imprisonment and fine. Each day during which violation of Section IV, subsection A of this act occurs shall constitute a separate offense.
- C. The County of Cortland shall have the authority to seek an injunction to compel the compliance by any business that fails or refuses to comply with this section.

SECTION VI: CONSTRUCTION AND CONFLICT WITH OTHER LAWS

- A. This Local Law augments New York Penal Law, Articles 220 and 222 *et seq.*, and New York Public Health Law, §§ 3302 and 3306.
- B. In its interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or

ordinances, the most restrictive, or that imposing the higher standard, shall govern.

SECTION VII: SEVERABILITY

If any provision of this law is held invalid, such invalidity shall not affect the remaining provisions of this section, which shall remain effective less the invalid provision, and to this end, the provisions of this section are declared to be severable.

SECTION VIII: EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State as provided by Municipal Home Rule Law, § 27.

Legislator	Ayes	Nays	Absent
Chrm. Paul R. Heider			
Maj. Ldr. George Wagner			
Min. Ldr. Beau A. C. Harbin			
Mr. Douglas Bentley			
Ms. Cathy Bischoff			
Mr. Ronald Van Dee			
Ms. Susan Wilson			
Mr. Richard Stock			
Ms. Ann L. Homer			
Mr. Kevin J. Fitch			
Ms. Linda K. Jones			
Ms. Kelly L. Preston			
Mr. Christopher B. Newell			
Mr. Joseph Nauseef			
Mr. Eugene Waldbauer			
Ms. Sandra L. Price			
Mr. Mitchel D. Eccleston			

STATE OF NEW YORK)
COUNTY OF CORTLAND) ss:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the XXth day of Month,

2021 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my
hand and the official seal of the CORTLAND
COUNTY LEGISLATURE, this XXth day of Month, 2021

Savannah Hempstead,
Clerk of the Cortland County Legislature

Attachment: Local Law 2021_rev2 - Bath Salts (10861 : Bath Salts Local Law)

ON MOTION OF CHAIRMAN

RESOLUTION NO.: **XX-22**

Local Law number ____ of 2021 A LAW TO PROSCRIBE AS UNLAWFUL THE SALE AND POSSESSION **OF SYNTHETIC DRUGS, INCLUDING THOSE COMMONLY KNOWN AS “BATH SALTS,”** WITHIN THE COUNTY OF CORTLAND, NEW YORK, ~~OF INTOXICATING CHEMICAL COMPOUNDS OR DANGEROUS SUBSTANCES, THAT ARE MISLABELED OR UNLABELED, WHOSE INTENDED PURPOSE IS TO BE INGESTED, INHALED, OR INJECTED, TO MIMIC THE EFFECTS OF CONTROLLED SUBSTANCES OR MARIHUANA AND THAT HAVE NO OTHER LEGITIMATE THERAPEUTIC USE OR PURPOSE.~~

SECTION I: LEGISLATIVE INTENT**A. Findings**

~~The County Legislature of the County of Cortland, New York, finds that the potential or actual harm to residents from certain intoxicating chemical compounds or dangerous substances to be such that these chemical compounds or dangerous substances should be proscribed as unlawful.~~

The County Legislature of the County of Cortland, New York, finds that the use of Synthetic Drugs, including those commonly referred to as “Bath Salts” poses a distinct risk to the life, health, and safety of users and the public at large. These chemicals are being marketed as plant food, glass cleaner, insect repellant, and stain remover and are readily available at storefront retailers, online retailers, and indirectly through other individuals. These products are composed of chemical compounds capable of producing a hallucinogenic effect when ingested or consumed by human beings.

Human consumption of Synthetic Drugs, including “Bath Salts” and such other similar products containing these chemicals, can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea, and vomiting. Use of these chemicals has also been linked to multiple suicides in the United States.

The County Legislature of the County of Cortland hereby determines that it is necessary to ban, within Cortland County, the sale and possession of Synthetic Drugs, including “Bath Salts” and any products containing these chemicals, to protect the life, health, safety and welfare of Cortland County residents.

B. Statement of Purpose

1. It is the purpose of this local law to promote public health, safety, and general welfare, and to minimize public and private injury to the citizens of the County of Cortland due to the permissive availability of certain intoxicating chemical compounds or dangerous substances; thus, requiring the prohibition of such chemical compounds or dangerous substances;
2. It is the purpose of this local law to protect human life and health; and,
3. It is the purpose of this local law to aid in the interdiction of such chemical compounds or dangerous substances along with other narco

and illicit intoxicants, and to aid in the prosecution of such related offenses.

4. It is the purpose of this local law to aid in the prosecution of such offenses through the sanctions and penalties imposed herein as an additional and appropriate response to the proliferation of the described “synthetic drugs.” Such sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Cortland.

C. DEFINITIONS

1. **“Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.**
2. ~~“Possession” shall mean to possess on one’s own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, snowmobile, dwelling, building, or structure, or whether upon public or private property.~~
3. **“Possess” means to have physical possession or otherwise to exercise dominion or control over tangible property. New York State Penal Law, § 10.00 (8).**
4. ~~“Sale” shall mean and cover the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange, or give, to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.~~
5. **“Sale” means to sell, exchange, give, or dispose of to another, or to offer or agree to do the same. New York State Penal Law, § 220.00 (1).**
6. **“Synthetic Drug” shall mean the following:**
 - I. **Any substance or product which contains a chemical which under the circumstances in which it is sold, possessed, or used indicates or demonstrates the intent that it be ingested or consumed in an attempt to replicate the effects of controlled substances and is substantially similar in chemical makeup to a controlled substance or is a structural analog to a controlled substance or is a synthetic chemical compound, which is a cannabinoid receptor agonist, or mimics the physical or pharmacological effects of controlled substances or is not a drug approved by the FDA.**

- II. Any substance prohibited in an Order for Summary Action in the Matter of the Sale and Distribution of Synthetic Cannabinoids issued by the New York State Department of Health dated March 28, 2012, and any similar Order subsequently issued by the State of New York Department of Health.
- III. Any substance prohibited in the federal “Synthetic Drug Abuse Prevention Act of 2012”
- IV. The substance has no legitimate commercial or private use or purpose.

7. ~~“Synthetic Drug” shall mean the following:~~

- ~~I. 3,4-Methylenedioxymethcathinone, commonly known as Methydone~~
- ~~II. 3,4-Methylenedioxypyrovalerone, commonly known as MDPV~~
- ~~III. 4-Methylmethcathinone, commonly known as Mephedrone~~
- ~~IV. 3-Methoxymethcathinone~~
- ~~V. 3-Fluoromethcathinone~~
- ~~VI. 4-Fluoromethcathinone~~
- ~~VII. 1-Pentyl 3-(1-naphthoyl) indole; some trade or other names: JWH-018~~
- ~~VIII. 1-Butyl 3-(1-naphthoyl) indole; same trade or other names: JVVH-073~~
- ~~IX. 1-[2-(4-morpholinyl) ethyl]-3-(1-naphthoyl) indole; some trade or other names: JWH-200~~
- ~~X. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol; some trade or other names: CP47,497~~
- ~~XI. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol; some trade or other names: cannabicyclohexanol; CP-47,497-C8 homologue~~
- ~~XII. Any products containing the foregoing chemicals, or any sale, isomer, or salt of isomer of the substances set forth in paragraph I-XI above.~~
- ~~XIII. Any substance prohibited in an Order for Summary Action in the Matter of the Sale and Distribution of Synthetic Cannabinoids issued by the New York State Department of Health dated March 28, 2012, and any similar Order subsequently issued by the State of New York Department of Health~~
- ~~XIV. Any substances prohibited in the federal “Synthetic Drug Abuse Prevention Act of 2012”~~
- ~~XV. Any synthetic drug analog which shall mean a substance:~~
 - ~~a. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above~~
 - ~~b. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system~~

~~of a Synthetic Drug as described above~~
~~c. Which such person represents or intends to have a~~
~~stimulant, depressant, or hallucinogenic effect on~~
~~the central nervous system that is substantially~~
~~similar to or greater than the stimulant, depressant,~~
~~or hallucinogenic effect on the central nervous~~
~~system of a synthetic drug as described above.~~

SECTION II: AUTHORITY

Municipal Home Rule Law, §§ 10 (2), (4) (b), and (4) (c); and Op Atty Gen 85-23,

SECTION III: LAW

~~A. It shall be unlawful for any person, including a corporation or other entity, to~~
~~manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly~~

display for sale, attempt to sell, give, trade, or barter any one or more of the following chemical compounds or substances, to include its salts, isomers, homologues, and salts of their isomers and homologues:

It shall be unlawful for any person to sell, possess, or use mislabeled or unlabeled dangerous substances whose intended purpose is to be ingested so as to mimic the effects of controlled substances and/or marijuana and that have no other legitimate, medical, or therapeutic purpose.

- (1) — ~~Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts,~~
- (2) — ~~(6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU-210,~~
- (3) — ~~Naphthalen-1-yl-(1-pentylindol-3-yl)-methanone (also known as 1-Pentyl-3-(1-naphthoyl)-indole, some trade or other name: JWH-018,~~
- (4) — ~~Naphthalen-1-yl-(1-butylyndol-3-yl)-methanone (also known as 1-Butyl-3-(1-naphthoyl)-indole, some trade or other name: JWH-073,~~
- (5) — ~~2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)-phenol, some trade or other name: CP-47,497 and its C6, C7, C8, and C9 homologues,~~
- (6) — ~~1-(3-[trifluoromethylphenyl])piperazine, some trade or other name: TFMPP,~~
- (7) — ~~(R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN-55,2-212,~~
- (8) — ~~2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)-phenol, some trade or other name: CP-55,940,~~
- (9) — ~~6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: Dimethylheptylpyran-1,2-dimethylheptyl-[Δ]3THC, or DMHP, or A-40824, or EA-1476,~~
- (j) — ~~[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate, some trade or other name: Levonantradol, or CP-50,556-1,~~

(10) ~~1 (4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4-methylephedrone~~

(11) ~~any similar structural analogs that are intended to mimic the effects of intoxicating controlled substance.~~

B. ~~Exceptions:~~

1. ~~It is not an offense under subsection "A" of this section if the person was acting at the direction of an authorized agent of the County of Cortland to enforce or ensure compliance with this law prohibiting the sale or possession of the aforementioned chemical compounds or dangerous substances.~~
2. ~~This section does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician, dentist, or pharmacist authorized to direct or prescribe such act.~~
3. ~~This section likewise does not apply to the inhalation of anesthesia for medical or dental purposes.~~

- A. No person shall sell or offer to sell, exchange, give or otherwise dispose of to another any Synthetic Drug in Cortland County.
- B. No person shall be in possession of any Synthetic Drug unless said Synthetic Drug is expressly prescribed by a physician or person otherwise licensed to prescribe such medication within the State of New York, and at the time of the alleged violation, the person in possession of the synthetic drug is able to provide written proof to the law enforcement officer(s) that the synthetic drug was so prescribed.
- C. In order to prevent the creation, possession, and use of the drug commonly known as "Water," the unauthorized use of Embalming Fluid or similar compounds is hereby prohibited within the County of Cortland, with such unauthorized use of embalming fluid or similar item defined herein and pursuant to Section 3400 of the New York State Public Health Law and any applicable provision of federal law. For the purposes of this local law, embalming fluid means any chemicals or substances manufactured primarily for the use by licensed funeral directors, undertakers, or embalmers, or registered residents, to prepare, disinfect, or preserve, either hypodermically, arterially, or by any other recognized means the body of a deceased person for burial, cremation or other final disposition. In particular, such unauthorized use shall include dipping a marijuana or regular cigarette in embalming fluid.

SECTION IV: PENALTIES

- A. Confiscation -- if any of the aforementioned intoxicating chemical compounds or dangerous substances are found in the possession of any person, such may be confiscated and destroyed by Law Enforcement

Officials.

- B. Any person found to be in violation of this section will be guilty of a Class “B” misdemeanor and subject to a definite term of imprisonment not to exceed three (3) months, or a fine not to exceed five hundred dollars (\$ 500.00), or both such definite term of imprisonment and fine. Each day during which violation of Section IV, subsection A of this act occurs shall constitute a separate offense.
- C. The County of Cortland shall have the authority to seek an injunction to compel the compliance by any business that fails or refuses to comply with this section.

SECTION V: ENFORCEMENT

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law, § 1.20(34) within the County of Cortland.

SECTION ~~V~~ VI: CONSTRUCTION AND CONFLICT WITH OTHER LAWS

- A. This Local Law augments New York Penal Law, Articles 220 and 222 *et seq.*, and New York Public Health Law, §§ 3302 and 3306.
- B. In its interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

SECTION ~~VI~~ VII: SEVERABILITY

If any provision of this law is held invalid, such invalidity shall not affect the remaining provisions of this section, which shall remain effective less the invalid provision, and to this end, the provisions of this section are declared to be severable.

SECTION ~~VII~~ VIII: EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State as provided by Municipal Home Rule Law, § 27.

ON MOTION OF ~~7**~~ RESOLUTION NO.: ~~**~~

Local Law No. ~~_____~~ of 2022: **A LOCAL LAW PROHIBITING THE SALE, POSSESSION, AND/OR USE OF DANGEROUS SUBSTANCES, WHICH ARE MISLABELED OR UNLABELED, WHOSE INTENDED PURPOSE IS TO BE INGESTED, INHALED, OR INJECTED, TO MIMIC THE EFFECTS OF CONTROLLED SUBSTANCES AND/OR MARIHUANA AND THAT HAVE NO OTHER LEGITIMATE THERAPEUTIC USE OR PURPOSE.**

SECTION I: LEGISLATIVE INTENT

A. Findings

The County Legislature of the County of Cortland, New York, finds that the potential or actual harm to residents from certain intoxicating chemical compounds or dangerous substances to be such that these chemical compounds or dangerous substances should be proscribed as unlawful.

B. Statement of Purpose

1. It is the purpose of this local to prohibit the sale, possession, and/or use of mislabeled dangerous substances ("synthetic drugs"), which substances are mislabeled or unlabeled, whose intended purpose is to be consumed or ingested in order to mimic the effects of controlled substances and/or marihuana and which have no other legitimate use or purpose.
2. It is the purpose of this local law to promote public health, safety, and general welfare, and to minimize public and private injury to the citizens of the County of Cortland due to the permissive availability of certain intoxicating chemical compounds or dangerous substances; thus, requiring the prohibition of such chemical compounds or dangerous substances.
3. It is the purpose of this local law to protect human life and health.
4. It is the purpose of this local law to aid in the interdiction of such chemical compounds or dangerous substances along with other narcotics and illicit intoxicants.
5. It is the purpose of this local law to aid in the prosecution of such offenses through the sanctions and penalties imposed herein as an additional and appropriate response to the proliferation of the described "synthetic drugs." Such sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Cortland.

C. DEFINITIONS

1. "Person" shall mean any natural person, individual, corporation,

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Deleted: use of Synthetic Drugs, including those commonly referred to as "Bath Salts" poses a risk to the life, health, and safety of users and public at large. These chemicals are being marketed as plant food, glass cleaner, insect repellent, a remover and are readily available at storefront retailers, online retailers, and indirectly through individuals. These products are composed of chemical compounds capable of producing a hallucinogenic effect when ingested or consumed by human beings. ¶

Human consumption of Synthetic Drugs, including "Bath Salts" and such other similar products containing these chemicals, can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea, and vomiting. These chemicals have also been linked to multiple suicides in the United States. ¶

The County Legislature of the County of Cortland hereby determines that it is necessary to ban, within Cortland County, the sale and possession of Synthetic Drugs, including "Bath Salts" and any products containing these chemicals, to protect the life, safety and welfare of Cortland County residents.

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Attachment: Bath Salts Local Law REVISED Accepted Changes Merged with Draft (10861 : Bath Salts Local Law)

unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

2. "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property, as that term is defined in New York State Penal Law, § 10.00 (8).
3. "Sale" shall mean to sell, exchange, give, or dispose of to another, or to offer or agree to do the same, as that term is defined in New York State Penal Law, § 220.00 (1).
4. "Misabeled Dangerous Substance" or "Synthetic Drugs" shall mean any substance or product which contains a chemical which under the circumstances in which it is sold, possessed or used indicates or demonstrates the intent that it be ingested or consumed in an attempt to replicate the effects of controlled substances or marihuana; and either (a) is substantially similar in chemical makeup to a controlled substance or marihuana, or is a structural analog to a controlled substance or marihuana, or shares similar structural analogs, salts or isomers to a controlled substance or marihuana, or is a synthetic chemical compound which is a cannabinoid receptor agonist, or mimics the physical or pharmacological effects of controlled substances or marihuana, or is not a drug approved by the FDA; or (b) the substance has no other legitimate commercial or private use or purpose.
5. "Possession of Controlled Substance Presumptions" as set forth in Article 220 of the New York State Penal Law shall apply to mislabeled dangerous substances and synthetic drugs.

SECTION II: AUTHORITY

Municipal Home Rule Law, §§ 10 (2), (4) (b), and (4) (c).

SECTION III: LAW

- A. No person shall sell or offer to sell, exchange, give or otherwise dispose of to another any Synthetic Drug or Misabeled or Unlabeled Dangerous Substance in Cortland County.
- B. No person shall be in possession of any Synthetic Drug unless said Synthetic Drug is expressly prescribed by a physician or person otherwise licensed to prescribe such medication within the State of New York, and at the time of the alleged violation, the person in possession of the synthetic drug is able to provide written proof to the law enforcement officer(s) that the synthetic drug was so prescribed.

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Any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012". ¶
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- C. In order to prevent the creation, possession, and use of the drug commonly known as “Water,” the unauthorized use of Embalming Fluid or similar compounds is hereby prohibited within the County of Cortland, with such unauthorized use of embalming fluid or similar item defined herein and pursuant to Section 3400 of the New York State Public Health Law and any applicable provision of federal law. For the purposes of this local law, embalming fluid means any chemicals or substances manufactured primarily for the use by licensed funeral directors, undertakers, or embalmers, or registered residents, to prepare, disinfect, or preserve, either hypodermically, arterially, or by any other recognized means the body of a deceased person for burial, cremation or other final disposition. In particular, such unauthorized use shall include dipping a marijuana or regular cigarette in embalming fluid.

SECTION IV: PENALTIES

- A. Confiscation -- if any of the aforementioned intoxicating chemical compounds or dangerous substances are found in the possession of any person, such may be confiscated and destroyed by Law Enforcement Officials.
- B. Any person found to be in violation of this section will be guilty of a Class ~~“A”~~ misdemeanor and subject to a definite term of imprisonment not to exceed ~~One (1) year, a term of probation not to exceed three (3) years,~~ or a fine not to exceed ~~one-thousand dollars (\$1,000),~~ or both such ~~fine and either a~~ definite term of imprisonment ~~, or term of probation.~~ Each day during which violation of Section ~~III,~~ subsection A of this ~~local law~~ occurs shall constitute a separate offense.
- C. The County of Cortland shall have the authority to seek an injunction to compel the compliance by any business that fails or refuses to comply with this section.

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SECTION V: ENFORCEMENT

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law, § 1.20(34) within the County of Cortland.

SECTION VI: CONSTRUCTION AND CONFLICT WITH OTHER LAWS

- A. This Local Law augments New York Penal Law, Articles 220 and 222 *et seq.*, and New York Public Health Law, §§ 3302 and 3306.
- B. In its interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

SECTION VII: SEVERABILITY

If any provision of this law is held invalid, such invalidity shall not affect the

remaining provisions of this section, which shall remain effective less the invalid provision, and to this end, the provisions of this section are declared to be severable.

SECTION VIII: EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State as provided by Municipal Home Rule Law, § 27.

New York's Reformed Bail Law

What is it? What are its Effects?

Krystal Rodriguez & Michael Rempel
(krrodriguez@jjay.cuny.edu & mrempel@jjay.cuny.edu)
Data Collaborative for Justice at John Jay College

Presented via Zoom:

Before and After: Data on the Impact of Bail Reform
Wednesday, September 21, 2022

New York State Historical Context

Legal Rationale for bail: Ensure court appearance

Pretrial Options Pre-Reform:

- Release on Recognizance (ROR)
- Money Bail
 - No charge based criteria
 - No clear limits on use of amounts, BUT....
 - Alternative forms of bail were included
 - Surety and Appearance bonds
- Detained without Bail (Remand)
(for felonies)

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New York Reformed Bail Statute

Limits the use of money bail. But, how?

1. By Charge
 - a. Qualifying offenses
3. By Considering Finances
 - a. Ability to pay provision
 - b. Alternative forms of Bail
2. By Factual Circumstances
 - a. Allows for judicial discretion to use bail
4. By Prioritizing Release
 - a. Presumption of Release
 - b. Risk of Flight
 - c. Least Restrictive Condition

1. By Charge

Qualifying offenses

- **Violent Felony Offenses**
 - *Exceptions:*
 - Robbery 2nd Degree(1);
 - Burglary 2nd Degree(2)
- **Felony Witness Tampering**
- **Felony Witness Intimidation**
- **Class A Felonies**
 - *Exceptions:* Drug Offenses
 - *Exception to the Exception:* Penal Law 220.77
- **Felony & Misdemeanor Sex Offenses**
- **Conspiracy to Commit Murder**
- **Specific Felony Terrorism Charges**
- **Felony & Misdemeanor DV Criminal Contempt**
- **Specific felonies involving children**

1. By charge

Qualifying offenses, continued

- Specific Vehicular Assault Offenses
- Assault and Arson as Hate Crimes
- Aggravated Assault of a Child
 - Less than 11 years old
- Specific Gun offenses
- Specific Financial Crimes
- Failure to Register as a Sex Offender
- Bail jumping and Escaping Custody Offenses

2. By Factual Circumstances

Categories allowing for judicial discretion to use bail

- Felony charge and on probation or post release supervision
- Felony charge and potentially a persistent felony offender
- “Harm to Harm Provision”, Pending Felony or Class A misdemeanor involving:
 - Harm to an identifiable person or property, OR
 - Criminal Possession of a Firearm, as defined in 265.01-b, AND
 - Re-arrested for similar offense.

3. By Considering Finances

a. Ability to pay provision

- If monetary bail is authorized,....the principal's **individual financial circumstances**, and, in cases where bail is authorized, the principal's **ability to post bail** without posing **undue hardship**, as well as his or her ability to obtain a **secured, unsecured, or partially secured bond**;

b. Alternative forms of Bail

- The court shall direct that the bail be posted in any **one of three or more** of the forms....designated in the alternative, and may designate different amounts varying with the forms, **except that one** of the forms **shall be** either an **unsecured or partially secured surety bond**, as selected by the court.

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4. By prioritizing release

- a. **Presumption of Release**
 - Creates default of release with no conditions, UNLESS....
- b. **Risk of Flight**
 - The court can make an individualized determination of risk of flight
- c. **Least Restrictive Condition**
 - Once determination is made, the least restrictive condition should be applied to ensure court appearance and compliance with court orders.
 - Non-monetary conditions include:
 - Contact with, supervision by pretrial service agencies
 - Mental health assessments
 - Mandatory programming (Counseling, treatment, IPV intervention programs)
 - Refrain from firearms possession
 - Maintain employment or educational enrollment

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Bail Reform & Pretrial Decisions

1. **Less Bail & Detention:** 19,000 fewer cases detained in 2020 (DCJ)
2. **Significant Variability by Region & County** (*multiple studies*):
 - ▶ NYC: ↓ Bail, ↑ Supervised Release, ↓ ROR (75% → 67%, DCJS).
 - ▶ Non-NYC: ↓ Bail, ↑ Supervised Release, ↑ ROR (52% → 61%, DCJS).
3. **Low ROR for Violent Felonies** (*required absent “risk of flight”*):
 - ▶ NYC: 37% → 24% (DCJS)
 - ▶ Non-NYC: 10% → 13% (DCJS)

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Bail Reform & Pretrial Decisions

4. More Bail-Setting Starting Spring 2020:

Bail + remand rates in felony cases, Quarters 1 vs. 4, 2020 (DCJ):

- ▶ **NYC:** 25% → 38%.
- ▶ **Suburbs:** 32% → 37%.
- ▶ **Upstate:** 48% → 56%.

5. Less Bail Payment *(despite affordability provisions)*:

- ▶ **Cash Bail Amounts:** No change or increase (multiple studies).
- ▶ **Bail Payment Rates:** Lower in 2020 & 2021 (multiple studies).
 - ▶ **2021 Payment at Arraignment:** 10% NYC, ~11% Non-NYC (DCJS).
 - ▶ **2021 Payment within 5 Days:** Just over 20% statewide (DCJS).

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Bail Reform & Crime: Larger Context

[Studies with Matched Samples & Tracking Periods]

- ▶ **Consistent Negative Effect of Pretrial Detention:**
 - ▶ **Step 1:** Modest pretrial recidivism ↓
 - ▶ **Step 2:** Modest post-disposition recidivism ↑
 - ▶ **Net:** No study supports detention ([NYC](#), [Houston](#), [Miami](#), [Pittsburgh](#), [Philadelphia](#), [Kentucky](#)).
- ▶ **Bail Reform Elsewhere: No Link to Recidivism:**
 - [Cook County \(IL\)](#), [Harris County \(TX\)](#), [New Jersey \(statewide\)](#), [Philadelphia](#).

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DCJS Re-Arrest Data: What Stands Out?

- ▶ **Overall Pretrial Re-Arrest Rates:**
 - ▶ Pretrial Re-Arrest Rates ~20% (16%-22% based on year or region)
 - ▶ Violent Felony Re-Arrest Rates $\leq$ 5% (1%-5%)
 - ▶ Firearm Re-Arrest Rates $\leq$ 1% (0%-1%)
 - ▶ Firearms Re-Arrest Rates on Initial Firearms Cases $\leq$ 3% (2%-3%)

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Future Research: Key Requirements

- ▶ **True Apples-to-Apples Comparisons:**
 - ▶ Matched charge & criminal history composition.
 - ▶ Equal tracking periods (e.g., average pretrial period is longest in 2020).
- ▶ **Pretrial AND Post-Disposition Recidivism.**
- ▶ **Data Transparency:** DCJS & OCA data sharing.

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Available Resources

Resource Page on the May 2022 Bail Convening Website: <https://www.ijay.cuny.edu/bail-reform-conference>

- ▶ Explainers (About the 2019 Reforms; 2020 & 2022 Amendments)
- ▶ Valid New York Bail Reform Research
- ▶ Links to NY Data Dashboards & Tools
- ▶ Relevant Research from Other Jurisdictions

Sources of Valid Research (*not exhaustive*): Brennan Center for Justice, Center for Court Innovation, Criminal Justice Agency, Data Collaborative for Justice, Envision Freedom, NYC Comptroller, Vera Institute of Justice.

Public Data & Dashboard Sources: CJA, DCJS, MOCJ, OCA.

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Justice Services

Supplemental Pretrial Release Data Summary Analysis: 2019 - 2021

September 21, 2022

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Timeline of Pretrial Procedure Reforms

2019 bail law (eff. Jan 1, 2020) – Release required, except for certain qualifying offenses. Non-monetary conditions added as an option for defendants charged with release required or bail qualifying offenses.

2020 amendments (eff. July 2, 2020) - Expanded the list of qualifying offenses/circumstances

- New Qualifying Offenses: Burglary 2nd *in the living area of a dwelling* (PL 140.25 02), several Class A felony PL 220 offenses, Level 3 sex offender failure to register, bail jumping, escaping from custody, strangulation, and unlawful imprisonment
- Felony Arraign while on Probation/Parole: Defendant under probation or parole supervision charged with any felony
- Harm to Identifiable Persons or Property while on ROR or Released Under Conditions: Charged with a felony or Class A misdemeanor involving harm to an identifiable person or property while awaiting trial on a similar pending arrest
- Possible Persistent Felony Offender: Felony defendant who, if convicted of a felony, would be eligible for sentencing as a persistent felony offender per PL 70.10 qualifies for remand under the amendments.

2022 amendments (eff. May 9, 2022)

- Considerations for Securing Order: listed specific information to consider (e.g., current charges, firearm history, violation of OP, alleged harm to others)
- New Qualifying Offenses: Crim. Possess. Firearm (PL 265.01-b) while ROR, NMR or DAT pending arraignment for felony or A misdemeanor involving harm; CPW 3 (PL 265.02); Crim. Sale Firearm to Minor (PL 265.16)
- Defining "harm": including non-negligible theft of or damage to property
- New Release Conditions: mental health assessment and evaluation, involuntary assessment pending release

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Attachment: NY Reformed Bail Law - Sept 21, 2022 (11004 : Bail Reform)

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Pretrial Release Data Development

- State law requires the Division of Criminal Justice Services (DCJS) and the Office of Court Administration (OCA) to provide detailed information to the public that describes pretrial release decisions made by *judges upon arraignment, including release on recognizance, bail, or non-monetary conditions, as well as remand to custody.*
- DCJS and OCA coordinated and compiled one comprehensive data file to meet the statutory reporting *obligations because neither agency maintains all the data necessary to fulfill the requirements under the bail reform law.*
 - Data within the file include the sex, race, and ethnicity of the individual arrested; the most serious arrest charge; the number and type of charges the individual has faced previously; and if the individual failed to appear in court or was re-arrested while the case was pending, among other data. The information provided does not identify the individuals charged.
- DCJS and OCA also coordinated to develop a supplemental data file containing information on pretrial release outcomes in 2019, 2020 and 2021. The supplemental data file will be available today on DCJS's website, providing the public and policymakers with additional information about the impact of bail reform. This presentation provides a preliminary analysis of the supplemental data file.

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Description of Supplemental Data File

	Supplemental DCJS Pretrial Release Data File (Criminal Arrest Cycle-Based)
Unit of Analysis	• Top charge CCH adult criminal arrest cycles • May include multiple arraignments per person per court per day
Count and Time Period	• 560,000 criminal cycles • Arraignments held Jan 1, 2019, through Dec 31, 2021
Charges	• Fingerprintable felonies and misdemeanors • File shows most serious charge at arrest, arraignment and conviction
Courts	• NYC Criminal Courts • Non-NYC City and District Courts • NYC Supreme Criminal Courts (beginning 2021) • Non-NYC County Courts (beginning 2021)
Dispositions	• Final case disposition based on arrest cycles in CCH data

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Trends in Pretrial Release

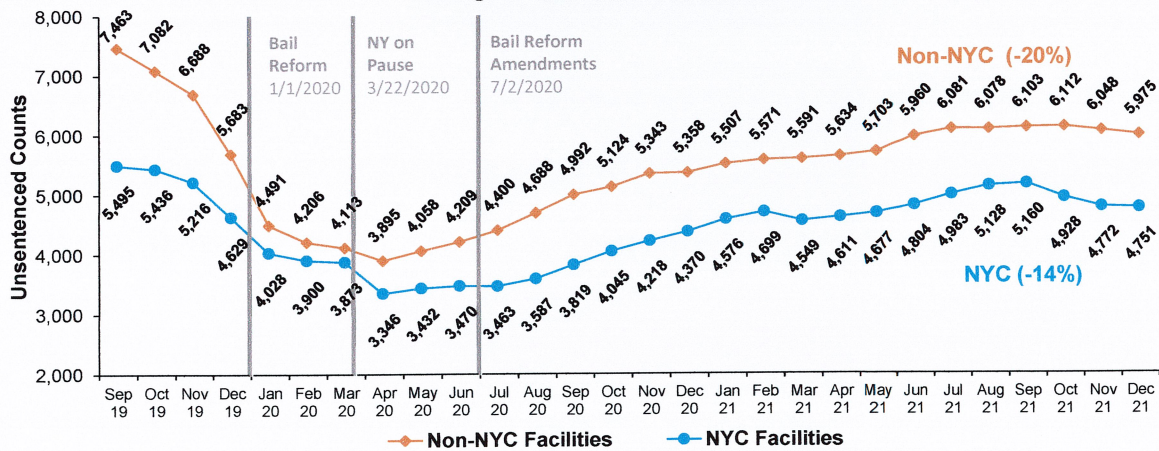


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Jail populations back to pre-pandemic levels

NYC and Non-New York City Jail Population Census
Average Unsented by Month



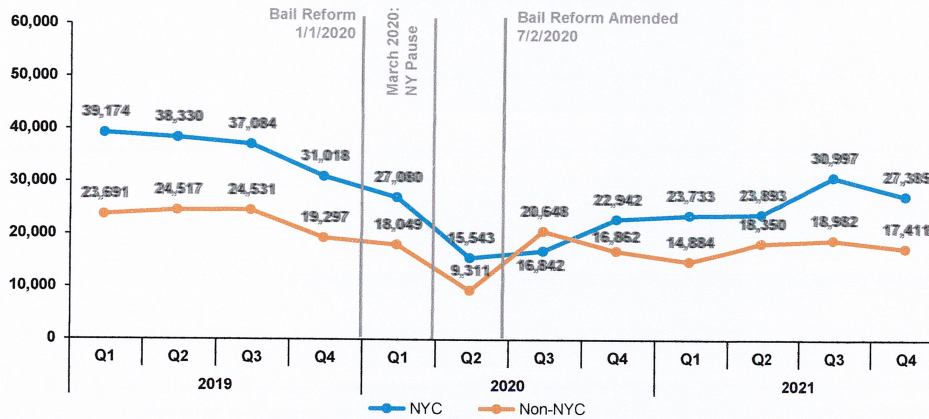
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Arraignment volume back to pre-pandemic levels

Lower Court Arraignments in NYS
NYC vs Non-NYC



Notes:

Arraignments in DCJS CCH that were not matched to OCA pretrial release information are not included.

Non-NYC lower court arraignments limited to City and District Courts.

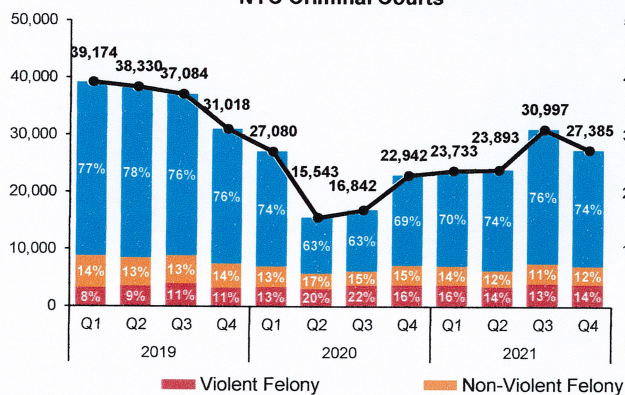
DCJS, Computerized Criminal History system (as of May 20, 2022)

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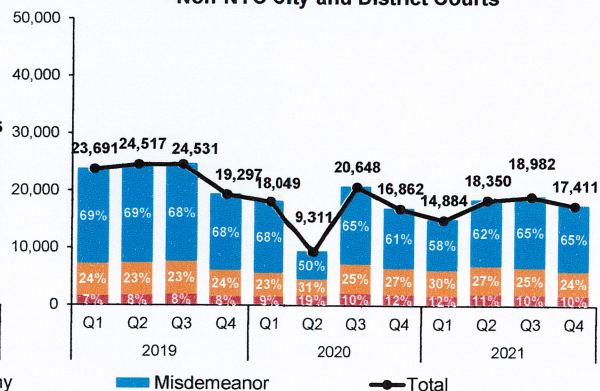
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Most arraignments are for misdemeanors

Lower Court Arraignments by Severity
NYC Criminal Courts



Lower Court Arraignments by Severity
Non-NYC City and District Courts



Notes:

Percentages are based on Total Arraignments.

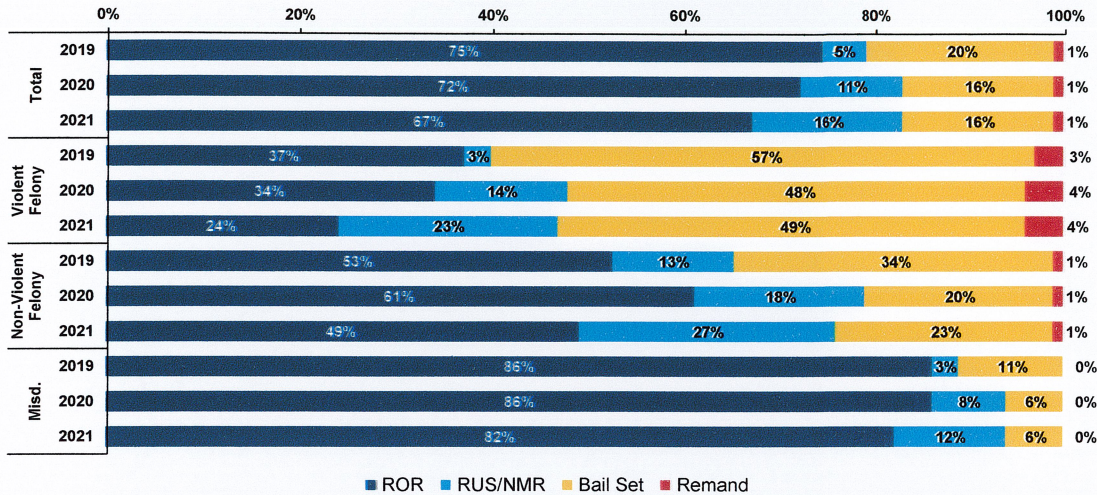
DCJS, Computerized Criminal History system (as of May 20, 2022)

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NYC: More ROR pre-reform than post, even VFOs



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

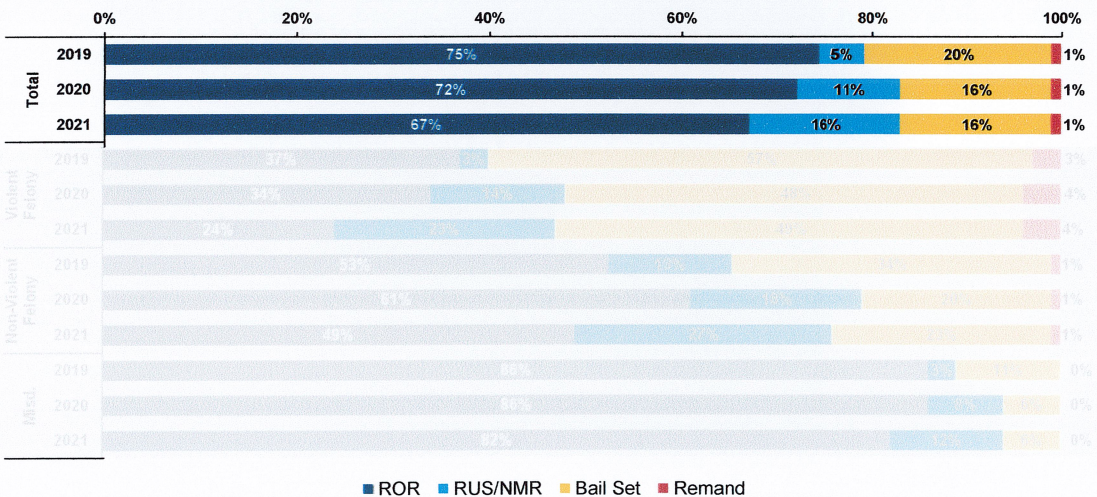
Cases disposed at arraignment or with unknown pretrial release decisions are not included.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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NYC: More ROR pre-reform than post



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

Cases disposed at arraignment or with unknown pretrial release decisions are not included.

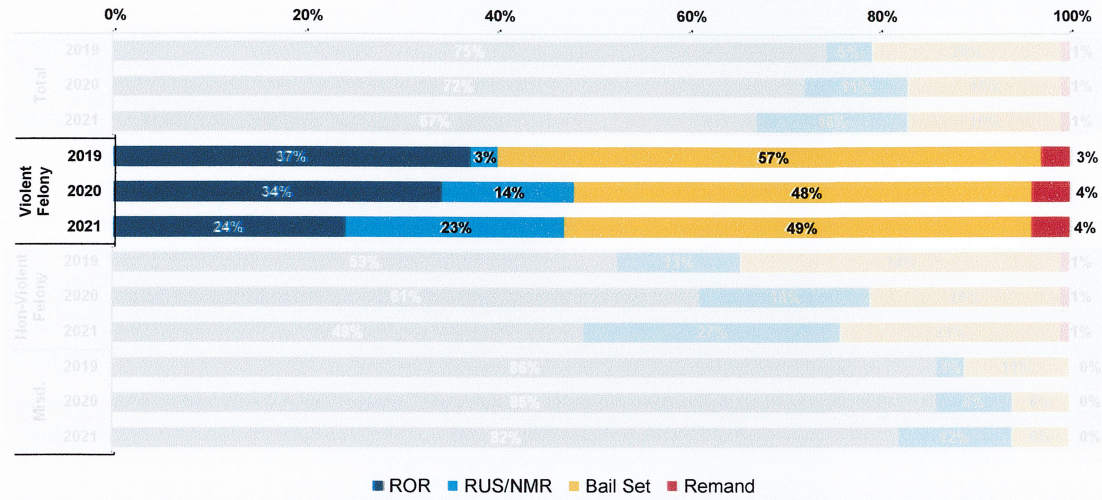
DCJS, Computerized Criminal History system (as of May 20, 2022)

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NYC: Significant increases in RUS/NMR post-reform



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

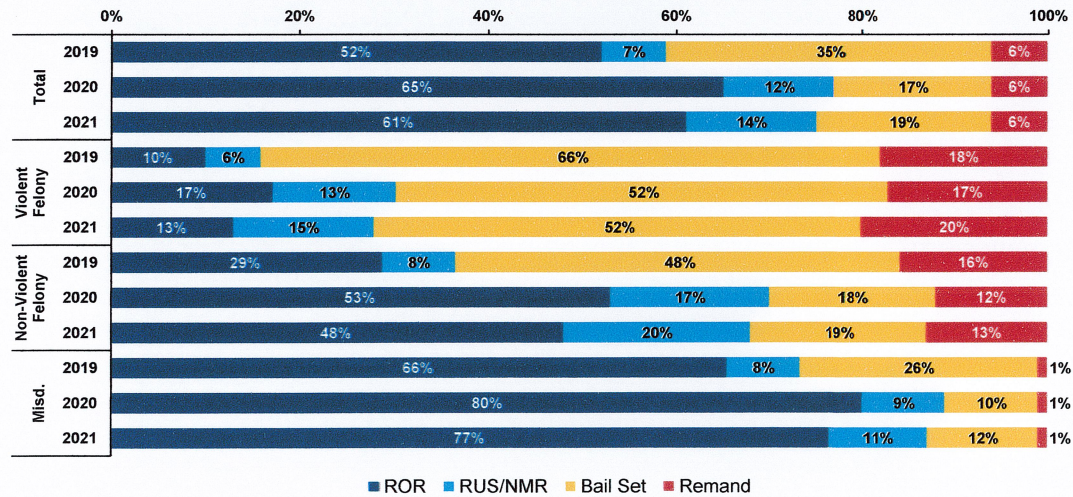
Cases disposed at arraignment or with unknown pretrial release decisions are not included.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Non-NYC: More ROR post-reform, including VFOs



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

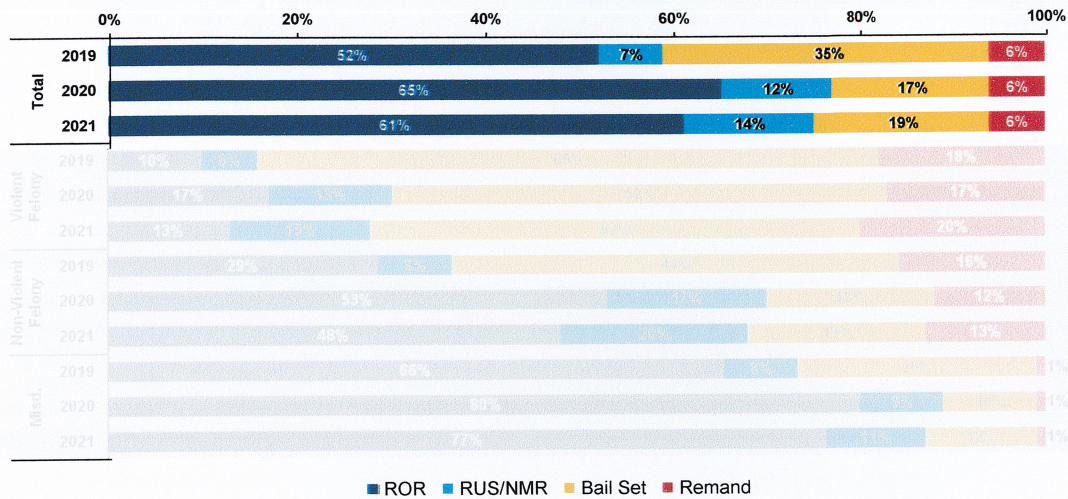
Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Non-NYC: More ROR post-reform than pre; less bail set



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

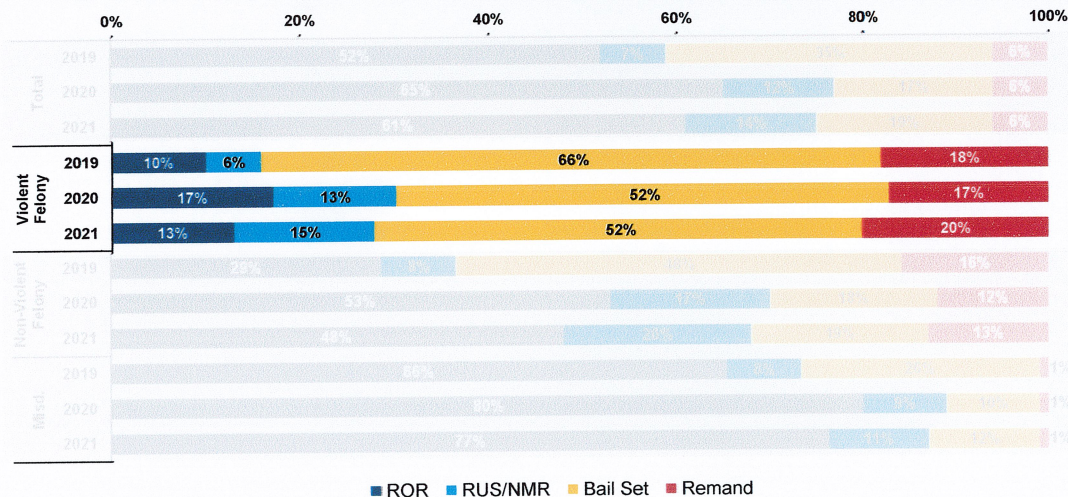
Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Non-NYC VFO: Increase in NMR, decrease in bail set



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

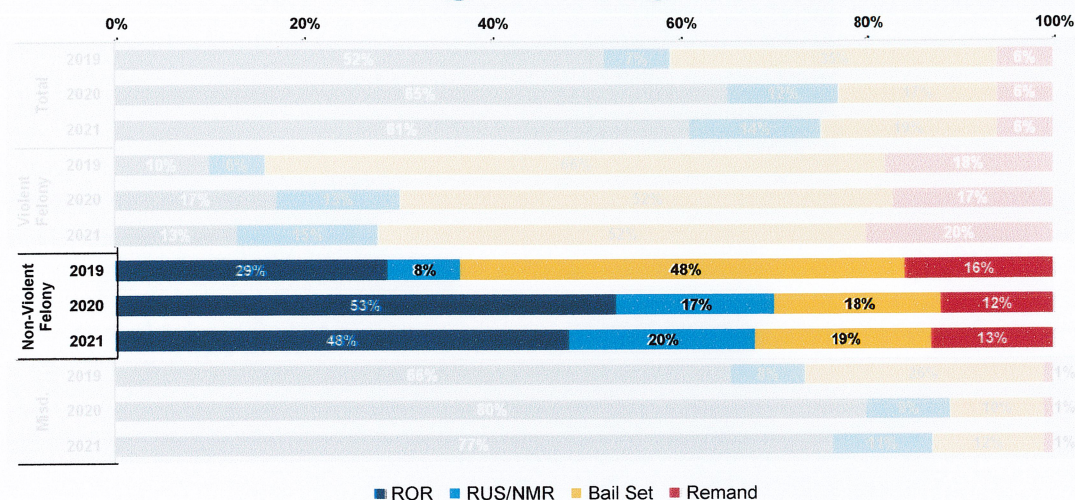
Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Non-NYC: Most change among non-violent felonies



Notes:

Percentages are based on Total Arraignments with Pretrial Release Decisions.

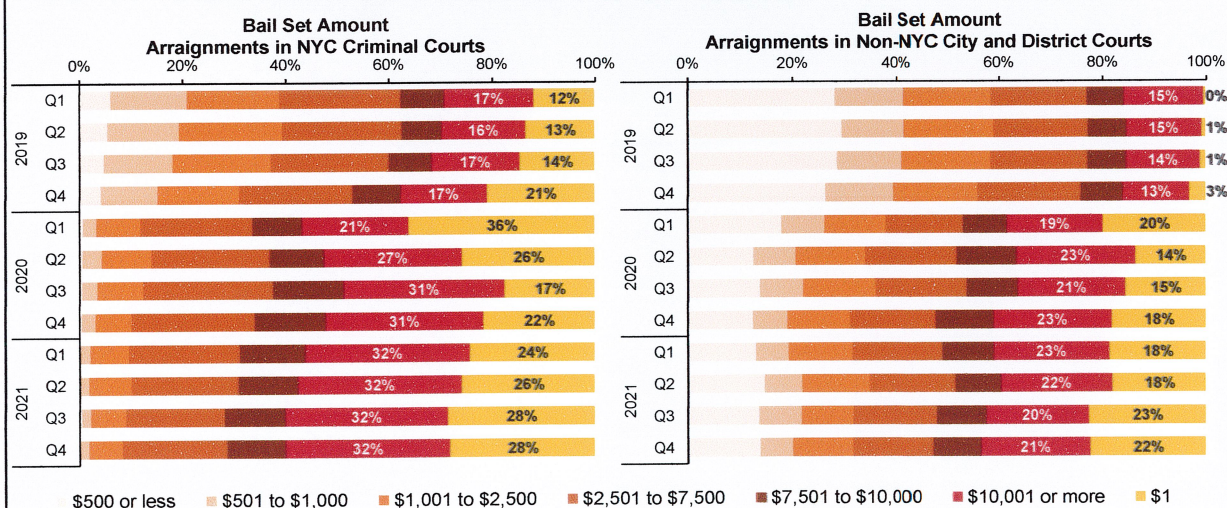
Cases disposed at arraignment or with unknown pretrial release decisions are not included in the table.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Cash bail set increased over time



Notes:

Percentages are based on Total Arraignments with Bail-Set at Arraignment.

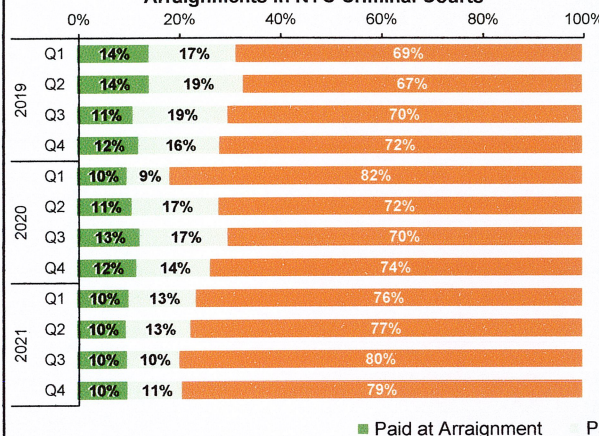
DCJS, Computerized Criminal History system (as of May 20, 2022)

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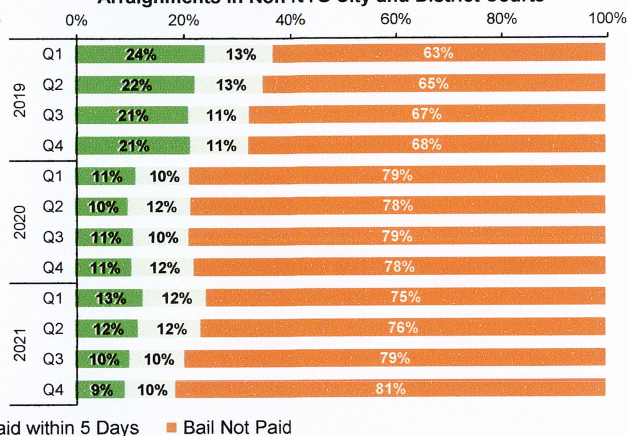
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Fewer cases pay bail post-reform

Percent of Bail Not Paid Among Bail-Set Cases
Arraignments in NYC Criminal Courts



Percent of Bail Not Paid Among Bail-Set Cases
Arraignments in Non-NYC City and District Courts



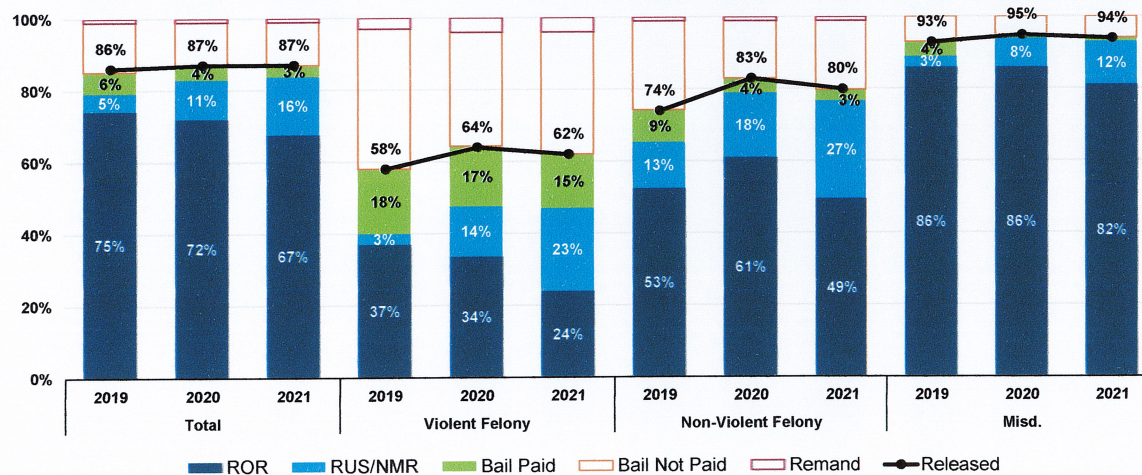
■ Paid at Arraignment ■ Paid within 5 Days ■ Bail Not Paid

Notes:
Percentages are based on Total Arraignments with Bail Set at Arraignment.
DCJS, Computerized Criminal History system (as of May 20, 2022)

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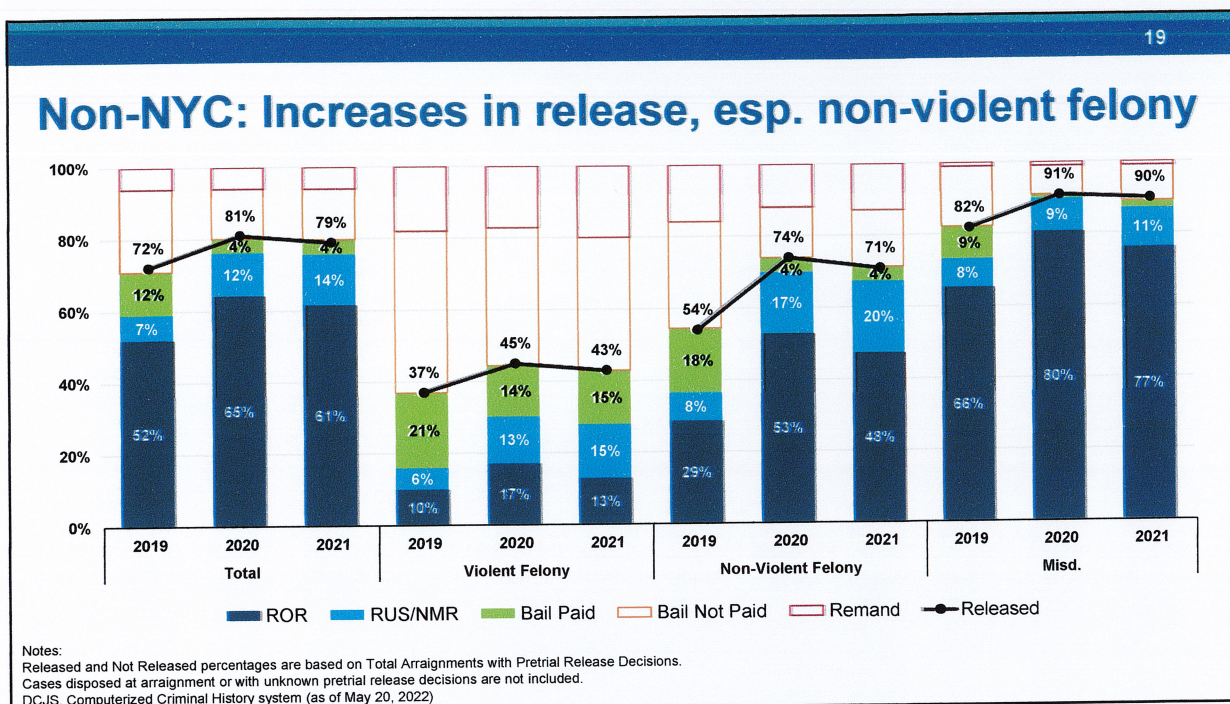
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NYC: Marginal increases in release; bigger changes in release type

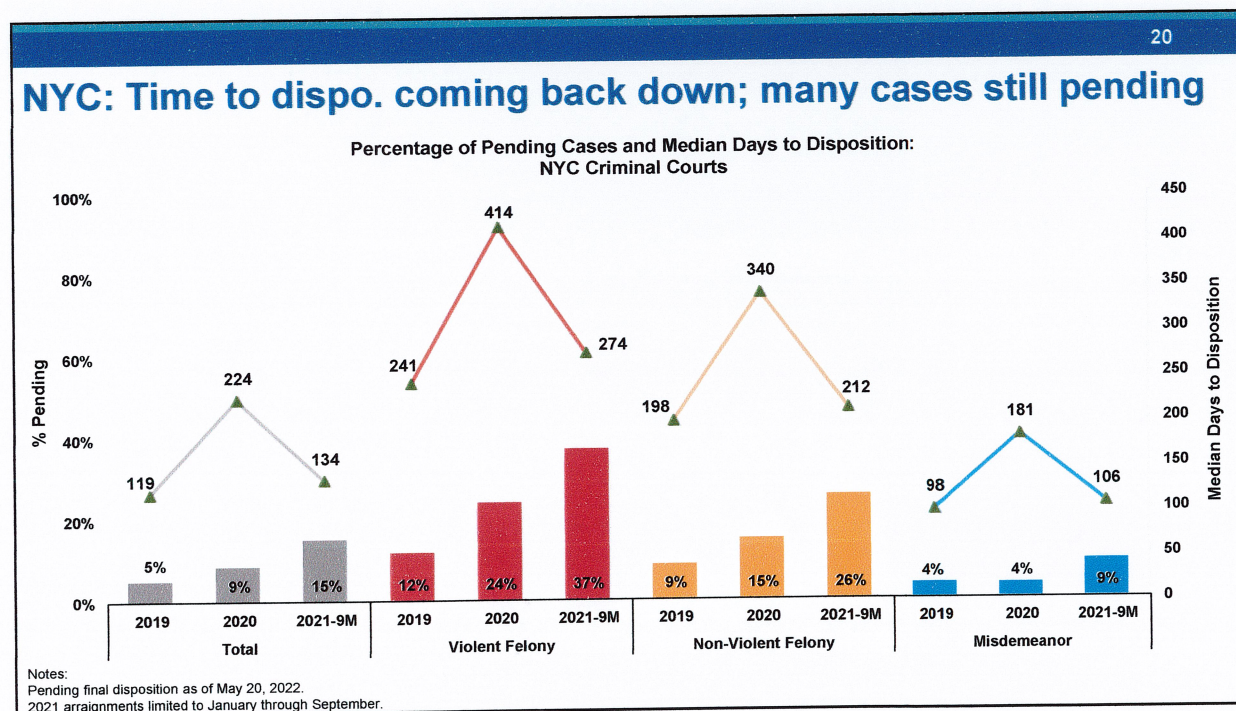


Notes:
Released and Not Released percentages are based on Total Arraignments with Pretrial Release Decisions.
Cases disposed at arraignment or with unknown pretrial release decisions are not included.
DCJS, Computerized Criminal History system (as of May 20, 2022)

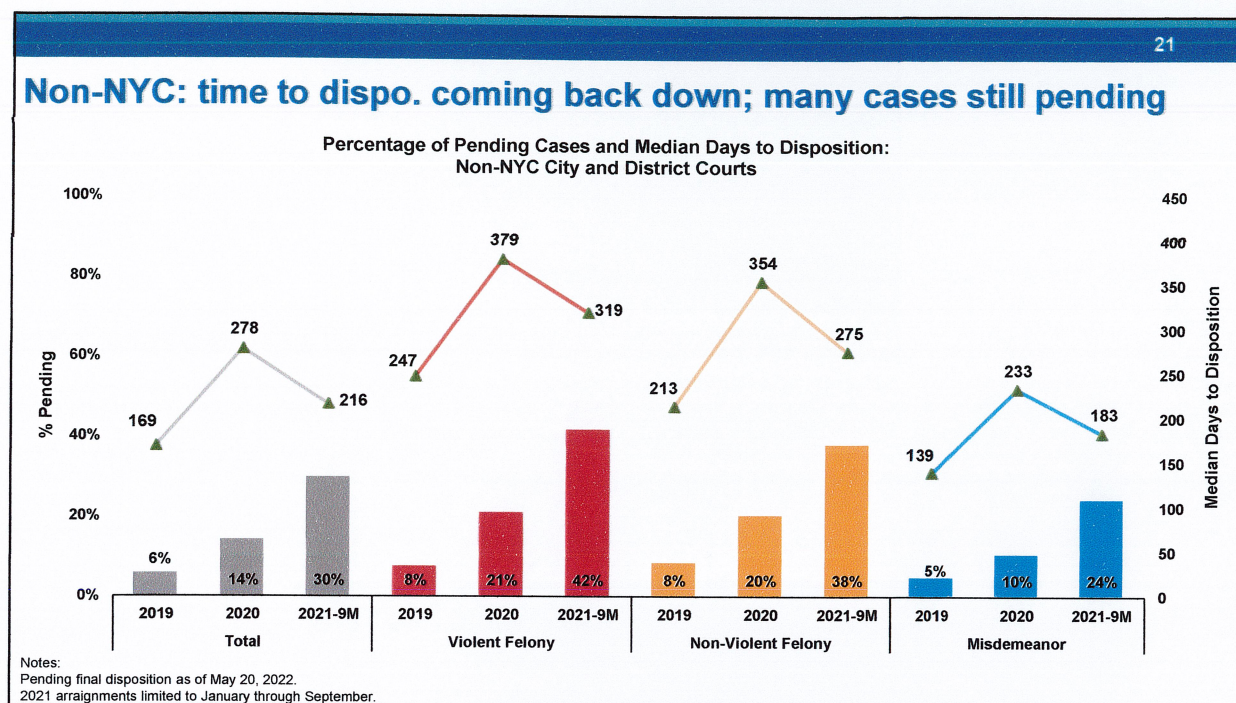
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Failures to Appear and Rearrests



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FTA declined in NYC; remained stable in Non-NYC

Failure to Appear (FTA) Before Final Case Disposition

	Release Type	NYC Criminal Courts			Non-NYC City and District Courts		
		Total Releases	Failure to Appear		Total Releases	Failure to Appear	
		#	#	%	#	#	%
2019	Any Release Type	97,286	14,750	15%	61,587	10,202	17%
	ROR	85,242	12,177	14%	44,865	7,323	16%
	RUS	5,133	1,754	34%	6,386	1,545	24%
	Bail Paid	6,911	819	12%	10,336	1,334	13%
2020	Any Release Type	63,574	4,770	8%	47,886	9,004	19%
	ROR	52,608	3,125	6%	38,662	7,082	18%
	NMR	7,879	1,472	19%	6,999	1,673	24%
	Bail Paid	3,087	173	6%	2,225	249	11%
2021-9M	Any Release Type	57,160	5,132	9%	38,176	6,811	18%
	ROR	44,701	3,067	7%	29,567	5,025	17%
	NMR	10,062	1,972	20%	6,531	1,584	24%
	Bail Paid	2,397	93	4%	2,078	202	10%

Notes:

Percentages based on arraignments releasing through ROR, RUS/NMR, or Bail Paid.
 2021 Total Releases limited to January through September.
 DCJS, Computerized Criminal History system (as of May 20, 2022)



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FTA highest among RUS/NMR

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NYC: Rearrests decreased for ROR and bail paid

	NYC Criminal Courts								
	Total Releases	Any Rearrest		Rearrest Severity					
				Violent Felony		Non-Violent Felony		Misdemeanor	
				#	%	#	%	#	%
Total Releases									
2019	97,286	18,913	19%	3,048	3%	7,884	8%	7,981	8%
2020	63,574	13,972	22%	3,411	5%	6,325	10%	4,236	7%
2021-9M	57,160	11,684	20%	2,568	4%	5,368	9%	3,748	7%
ROR									
2019	85,242	15,239	18%	2,384	3%	6,252	7%	6,603	8%
2020	52,608	10,163	19%	2,432	5%	4,572	9%	3,159	6%
2021-9M	44,701	7,215	16%	1,517	3%	3,286	7%	2,412	5%
RUS/NMR									
2019	5,133	1,994	39%	329	6%	844	16%	821	16%
2020	7,879	3,162	40%	781	10%	1,469	19%	912	12%
2021-9M	10,062	4,004	40%	904	9%	1,878	19%	1,222	12%
Bail Paid									
2019	6,911	1,680	24%	335	5%	788	11%	557	8%
2020	3,087	647	21%	198	6%	284	9%	165	5%
2021-9M	2,397	465	19%	147	6%	204	9%	114	5%

Notes:

Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.

2021 Total Releases limited to January through September.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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NYC: Rearrests highest and stable for RUS/NMR

	NYC Criminal Courts								
	Total Releases	Any Rearrest		Rearrest Severity					
				Violent Felony		Non-Violent Felony		Misdemeanor	
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2021 Total Releases limited to January through September.

DCJS, Computerized Criminal History system (as of May 20, 2022)

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Non-NYC: Rearrests highest for RUS/NMR and bail paid

	Non-NYC City and District Courts								
	Total Releases	Any Rearrest		Rearrest Severity					
				Violent Felony		Non-Violent Felony		Misdemeanor	
	#	#	%	#	%	#	%	#	%
Total Releases									
2019	61,587	9,601	16%	907	1%	3,062	5%	5,632	9%
2020	47,886	11,128	23%	1,546	3%	4,081	9%	5,501	11%
2021-9M	38,176	8,201	21%	1,182	3%	2,994	8%	4,025	11%
ROR									
2019	44,865	6,326	14%	548	1%	1,824	4%	3,954	9%
2020	38,662	8,314	22%	1,109	3%	2,933	8%	4,272	11%
2021-9M	29,567	5,719	19%	785	3%	2,009	7%	2,925	10%
RUS/NMR									
2019	6,386	1,414	22%	165	3%	520	8%	729	11%
2020	6,999	2,257	32%	342	5%	914	13%	1,001	14%
2021-9M	6,531	1,950	30%	304	5%	774	12%	872	13%
Bail Paid									
2019	10,336	1,861	18%	194	2%	718	7%	949	9%
2020	2,225	557	25%	95	4%	234	11%	228	10%
2021-9M	2,078	532	26%	93	4%	211	10%	228	11%

Notes:

Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.

2021 Total Releases limited to January through September.

DCJS, Computerized Criminal History system (as of May 20, 2022)

27

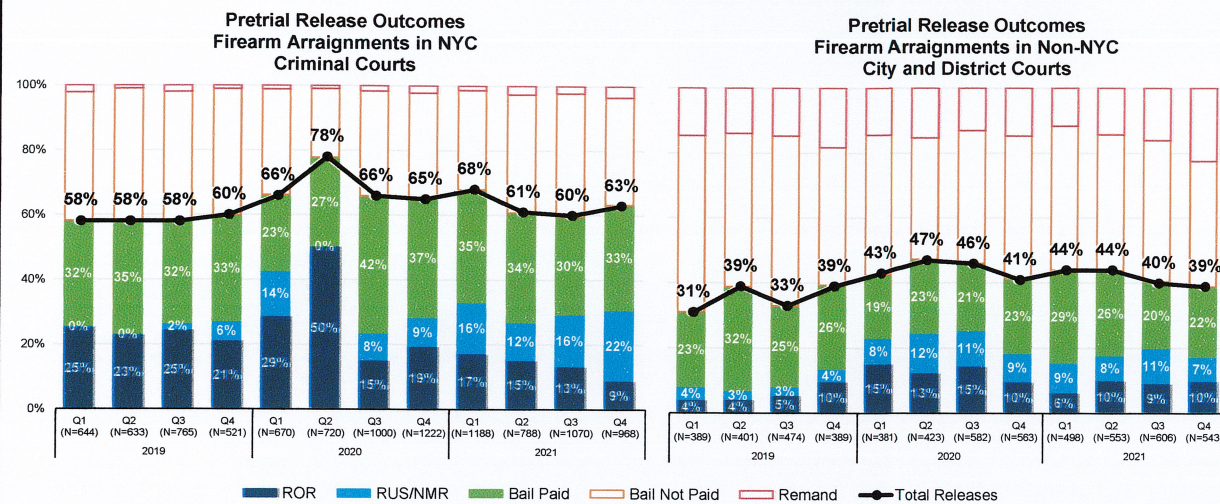
28

Firearm Arraignments

28

29

Firearm arraignments: More likely released, esp. RUS/NMR



Notes:
Cases disposed at arraignment or with unknown pretrial release decisions are not included.
DCJS, Computerized Criminal History system (as of May 20, 2022)

29

30

Rearrests lower among firearm than other arraignments; marginally more likely to be rearrested for firearm offense

	NYC Criminal Courts						Non-NYC City and District Courts					
	Total Arraignments			Top Charge Firearm Arraignments			Total Arraignments			Top Charge Firearm Arraignments		
	2019	2020	2021-9M	2019	2020	2021-9M	2019	2020	2021-9M	2019	2020	2021-9M
Total Releases	97,286	63,574	57,160	1,500	2,461	1,923	61,587	47,886	38,176	586	863	706
Any Rearrest	19%	22%	20%	15%	16%	14%	16%	23%	21%	15%	16%	15%
Rearrest Severity												
Violent Felony	3%	5%	4%	5%	5%	5%	1%	3%	3%	3%	5%	5%
Non-Violent Felony	8%	10%	9%	6%	6%	5%	5%	9%	8%	6%	4%	4%
Misdemeanor	8%	7%	7%	5%	5%	4%	9%	11%	11%	6%	7%	6%
Top Charge Firearm Rearrest	0%	1%	1%	2%	3%	3%	0%	0%	1%	2%	3%	3%

Notes:
Counts rearrests within 180 days of arraignment or final case disposition, whichever came first.
Rearrest percentages based on arraignments released through ROR, RUS/NMR, or Bail Paid.
2021 Total Releases limited to January through September.
Top charge firearm arraignments/rearrests include offenses involving the use, display, possession, or sale of a firearm, as well as displaying what appears to be a firearm. Most arraignments and rearrests for firearm offenses are violent felonies.
DCJS, Computerized Criminal History system (as of May 20, 2022)

30

Supplemental Pretrial Release Data File

Data will be available at: www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm

- [Supplemental Pretrial Release Data File](#)
- [Supplemental Pretrial Release Data File Source Notes](#)
- [Supplemental Pretrial Release Data Dictionary](#)
- [Supplemental Pretrial Release Summary Tables](#)



From: [Victoria J. Monty](#)
To: [Kelly L. Preston](#)
Cc: [Savannah Hempstead](#)
Subject: plead_decision-order_judgment_20220920.pdf
Date: Friday, September 23, 2022 11:24:56 AM
Attachments: [plead_decision-order_judgment_20220920.pdf](#)

Hi Kelly –

I know you are interested in including specific examples of how the bail “reform” is working/not working so I wanted to share this recent case with you. In this case, the defendant (principal) has at least two (2) prior convictions and charged with a Class B Felony here in Cortland County. He also has felony charges pending in Ontario and Seneca Counties. Ontario County had to have him extradited back to NYS from Georgia due to his failures to appear to answer his charges there. His criminal history also shows that he has a pending Escape charge in Seneca County. Nonetheless, the new statute does not permit bail to be set on a “non-qualifying offense” and removes all discretion from the Courts and, frankly, it defies common sense and logic.

If I come across anything else, I will share it with you.

Victoria

Victoria J. Monty
COUNTY ATTORNEY
County of Cortland
County Office Building
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Phone: (607) 753-5095
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Attachment: plead_decision-order_judgment_20220920 (11004 : Bail Reform)

At a Special Term of the Supreme Court of the State of New York, held in and for the Sixth Judicial District, at the Cortland County Courthouse, in the City of Cortland, New York, on the 20th day of September 2022.

PRESENT: HON. MARK G. MASLER
Justice Presiding

STATE OF NEW YORK
SUPREME COURT: COUNTY OF CORTLAND

People of the State of New York, Ex. Rel
BRANDON C. GREGORY,

Petitioner,

v

**MARK HELMS, Cortland County Sheriff, and
PATRICK PERFETTI, Cortland County
District Attorney,**

Respondents.

**DECISION, ORDER,
AND JUDGMENT**

Index No. 22-395
RJI No. 2022-0243-M

APPEARANCES:

CORTLAND COUNTY PUBLIC
DEFENDER'S OFFICE
Attorneys for Petitioner
By: Kayla Hardesty, Esq.
60 Central Avenue
Cortland, New York 13045
khardesty@cortland-co.org

VICTORIA J. MONTY, ESQ.,
Cortland County Attorney
Attorney for Respondents
60 Central Avenue
Cortland, New York 13045
vjmonty@cortland-co.org

Attachment: plead_decision-order_judgment_20220920 (002) (11004 : Bail Reform)

MARK G. MASLER, J.S.C.

On September 7, 2022, petitioner Brandon C. Gregory was arrested and charged with, among things, criminal possession of a controlled substance in the third degree (Penal Law § 220.16 [1]). Petitioner has two prior felony convictions. Accordingly, when he was arraigned in Cortland City Court he was remanded to the Cortland County Jail pending bail review in County Court. On September 13, 2022, County Court conducted a bail review and set bail at \$10,000 cash, \$20,000 insurance company bail bond, and 10% of \$100,000 partially secured surety bond. Petitioner commenced this proceeding on September 14, 2022 seeking his immediate release based solely on the assertion that he is not charged with a qualifying offense which permits bail to be set. Respondents submitted the affidavit of counsel, who asserted that CPL 510.10 (1) authorizes a court to fix bail and commit the principal to the custody of the sheriff upon an individualized finding that the principal poses a risk of flight to avoid criminal prosecution. She averred that County Court made such a finding with respect to petitioner based on the following: (1) petitioner has a pending charge for escape in the third degree (Penal Law § 205.05) in Seneca County, New York; (2) Ontario County, New York had to retrieve petitioner from the State of Georgia to answer charges pending in that County; and (3) petitioner has no contacts with Cortland County.

At oral argument, respondents' counsel acknowledged that petitioner is not charged with a qualifying offense. Accordingly, resolution of the petition turns entirely on whether County Court is authorized to fix bail and commit petitioner to the custody of the Cortland County Sheriff based on its well-founded individualized determination that he poses a risk of flight to avoid criminal prosecution. CPL 510.10 (3) is dispositive in this case. It provides that:

"In cases other than as described in subdivision four of this section [defining qualifying offenses] the court shall release the principal pending trial on the

principal's own recognizance, unless the court finds on the record or in writing that release on the principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the principal under non-monetary conditions, selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court. The court shall explain its choice of alternative and conditions on the record or in writing" (emphasis added).

Thus, where, as here, a principal who is not charged with a qualifying offense is found to be a flight risk, the statute limits the court conducting bail review to a single option: releasing the principal under the least restrictive non-monetary conditions; the statute prohibits the court from fixing bail even if release on non-monetary conditions is unlikely to result in the principal returning to court. Although the court understands County Court's determination that the imposition of bail was necessary in this case to reasonably assure petitioner's return to court, it is constrained to conclude that County Court had no authority to set bail. Accordingly, the matter is remitted to the County Court for the purpose of considering petitioner's application for bail review in accordance with this decision, order, and judgment (see e.g. People ex rel. Steinagle v Howard, 204 AD3d 1491, 1492 [2022] [where a bail-setting court has failed to comply with the statutory mandate of CPL 510.10, the matter is properly remitted to that court for further proceedings]).

This decision constitutes the order and judgment of the court. The filing of this decision, order, and judgment, or transmittal of copies hereof, by the court shall not constitute notice of entry (see CPLR 5513).

Dated: September 20, 2022
Cortland, New York

ENTER

MGML

Digitally signed by Hon.
Mark G. Masler
DN: C=US, OU=Cortland
County Supreme Court,
O=Sixth Judicial District,
CN=Hon. Mark G. Masler,
E=crtmasler_chambers@
nycourts.gov
Date: 2022.09.20
14:10:18-04'00'

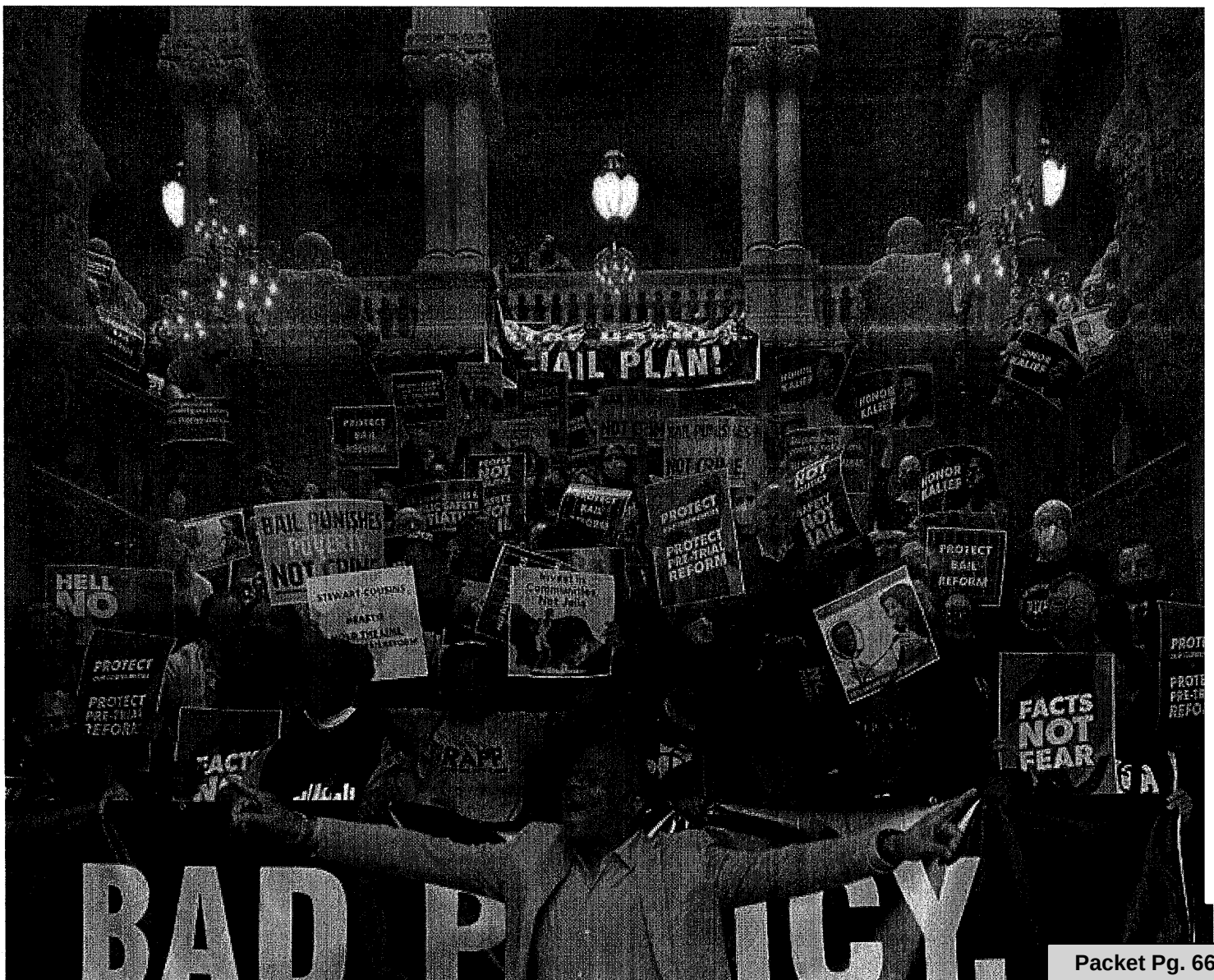
HON. MARK G. MASLER
Supreme Court Justice

Brooklyn Daily Eagle

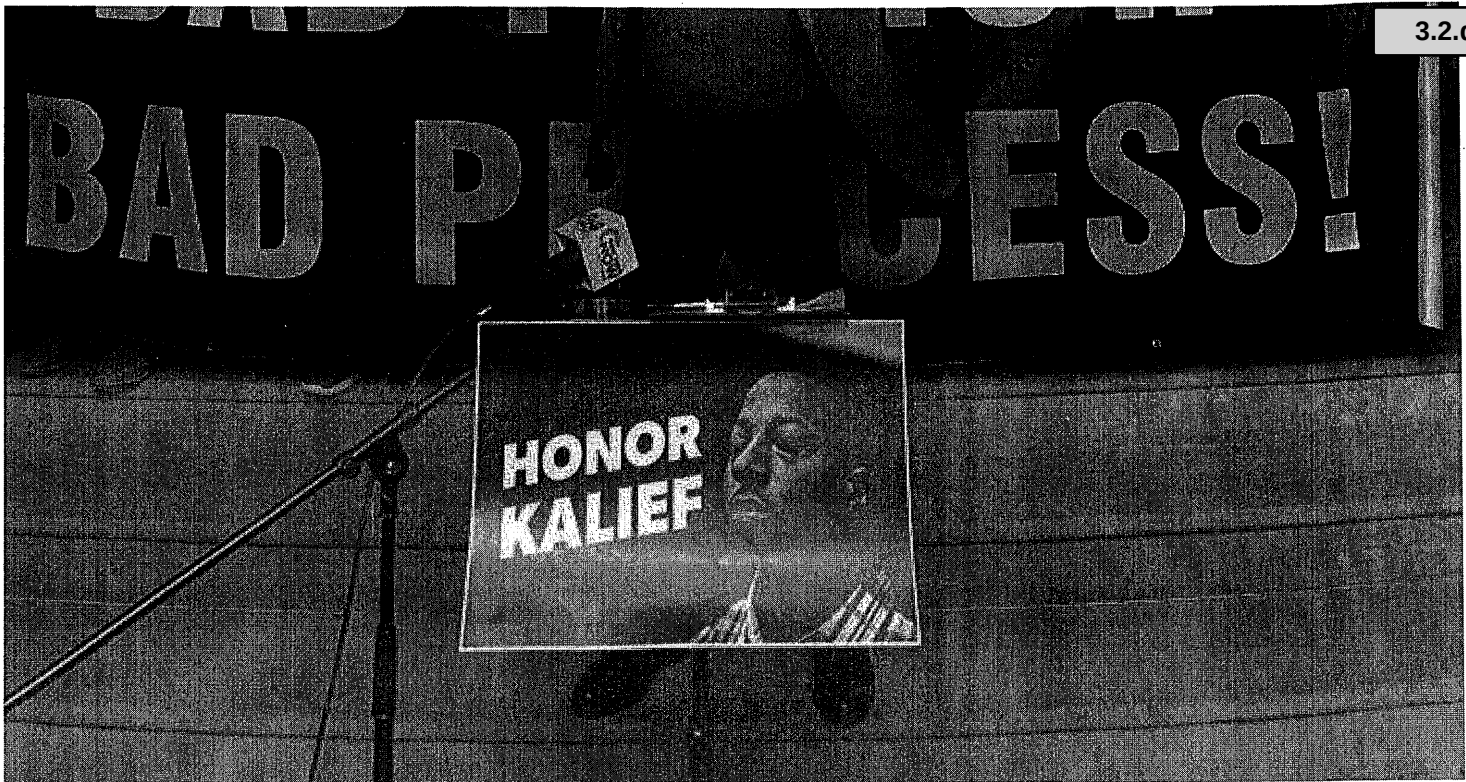
| SUNSET PARK MAN SENTENCED TO LIFE FOR FATAL SHOOTING | AMAZON WORKER

Bail reform advocates: 'Statistics are proving us right'

September 21, 2022 Rob Abruzzese



Attachment: Brooklyn Daily Eagle - Bail Reform Article 9-21-22 (11004 : Bail Reform)



Marvin Mayfield on March 28th, 2022 in Albany, speaking at a rally calling on elected leaders to follow the evidence on reforms and resist calls for rollbacks. Photo courtesy of Center for Community Alternatives, Inc.

Share this:

The Department of Criminal Justice Services (DCJS) issued a report on Wednesday and the numbers it showed are being cheered by bail-reform advocates.

“The data released today by DCJS confirms what we have seen in other data sets and directly disproves the talking points of opponents who have sought to score political points from intentionally spreading misinformation,” said Marvin Mayfield, director of organizing at the Center for Community Alternatives.

Critics of bail reform, which emphasized no cash bail, or bail alternatives in non-violent cases, to bring our local bail laws more in line with the rest of the country, have sounded the alarm that the reforms and made claims that the reforms created a revolving door for criminals who are likely to reoffend.

The statistics released by the DCJS on Wednesday showed that in 2019, prior to bail reform, a total of 19 percent of the jail population were re-arrested, and in 2021 that number stood at 20 percent post reform. Among the arrested who received an ROR (release on recognizance), 18 percent were re-arrested in 2019, but just 16 percent were re-arrested in 2021.

In New York State, and under the system of innocent-until-proven-guilty, the system of bail is not meant to be a punishment for people. Instead, it is merely supposed to be a system that ensures people return to court. Advocates have long insisted that there are viable alternatives to cash-bail that ensures people return to court.

According to the data released by the DCJS on Wednesday, people are returning to court for their trials more often now than they were prior to reforms with 15 percent of the population failing to appear in 2019, and only nine percent failing to appear in 2021.

Bail reform is working,” Mayfield said. “More New Yorkers have had their constitutional rights protected, benefiting rather than undermining safety and wellbeing. Re-arrest rates, while a faulty measure, have remained the same pre- and post-bail reform and have decreased on firearm charges. Failure to appear rates have decreased remarkably in New York City, meaning more people are making all their court dates post-bail reform than they did pre-bail reform.

One of the biggest impacts bail-reform seems to have had is on the number of times bail is set under \$500, and under \$1,000, which advocates claimed to have disproportionately impacted poor people.

According to the DCJS, in 2019, six percent of arraignments ended with bail being set at \$500 or less, and bail was set at \$1,000 or less 15 percent of the time. In 2021, those numbers dropped to zero percent and two percent, respectively.

Bail reform was urgently needed to address the criminalization of poverty and it has done just that,” Mayfield said.

“There has been a dramatic decrease in the number of people incarcerated on bail amounts under \$500 or \$1,000 and many fewer people charged with low-level misdemeanors are in jail pre-trial, particularly in upstate counties.”

0 Comments

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Cortland County Coroner

2022 Death Report

<u>January</u> 10 deaths 3 autopsies	<u>February</u> 10 deaths 3 autopsies	<u>March</u> 11 deaths 5 autopsies
<u>April</u> Deaths 10 3 Autopsies	<u>May</u> Deaths 5 Autopsies 3	<u>June</u> Deaths 7 Autopsies 5
<u>July</u> Deaths 5 Autopsies 1	<u>August</u> Deaths 9 Autopsies 4	<u>September</u> Deaths 4 Autopsies 1
<u>October</u> deaths autopsies	<u>November</u> deaths autopsies	<u>December</u> deaths autopsies

PROBATION STATISTICS March 2022

CRIMINAL COURT

	Jan		Feb		March		April		May		June		July		August		Sept		Oct		Nov		Dec	
Year 20'	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22
On Probation	412	379	412	377	416	370	414	365	410	362	407	364	391	363	397	353	410	354	379		381		381	
Reports Completed	28	28	23	27	26	32	27	31	33	36	27	43	46	30	33	34	9	34	19		18		18	

FAMILY COURT

	Jan		Feb		March		April		May		June		July		August		Sept		Oct		Nov		Dec	
Year 20'	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22	21	22
Adult Probation	15	18	15	19	17	19	17	18	16	23	15	27	16	26	16	28	20	28	21		21		17	
Youth Probation	14	8	14	9	14	9	14	7	15	7	15	6	15	6	15	4	15	4	10		10		11	
PINS in Diversion	23	31	25	29	29	30	33	32	33	34	32	31	26	30	23	28	25	28	30		33		32	
JD in Diversion	3	2	2	1	1	1	4	4	3	5	3	2	5	5	3	7	6	8	4		2		3	
Reports Completed	0	1	2	0	0	2	1	1	0	1	2	1	0	1	0	1	0	1	0		3		1	

TOTAL ON PROBATION ALL COURTS and receiving Diversion Services:

2021 – Jan. 441, Feb. 441, Mar. 447, April 445, May 477, June 472, July 422, August 443, Sept. 445, Oct. 435, Nov. 445, Dec. 431

2022 – Jan. 438, Feb. 435, March 449, April 426, May 431, June 430, July 430, August 420, **Sept. 422**

RELEASED TO ATI (Pre-trial):

2021 – January 71, February 73, March 65, April 59, May 71, June 71, July 77, August 89, Sept. 89, Oct. 89, Nov. 85, Dec. 90

2022 – January 109, February 110, March 120, April 126, May 136, June 123, July 127, August 101, **Sept. 93**

2022 DA Statistics

	Jan 2021	Jan 2022	Feb 2021	Feb 2022	Mar 2021	Mar 2022	Apr 2021	Apr 2022	May 2021	May 2022	June 2021	June 2022
Fel-County & City	14	15	17	24	28	25	22	25	35	26	22	29
Misd City	23	23	18	20	26	26	36	21	40	30	24	42
Misd County	37	43	30	36	22	29	27	37	30	46	35	43
Violations City	6	9	2	4	9	6	11	12	9	8	7	5
Violations County	16	3	6	5	10	1	4	1	0	2	5	1
Sealed Indictments	0	0	0	0	0	4	0	0	0	0		1
TOTALS:	96	93	73	89	95	91	100	96	114	112	93	121
Vehicle and Traffic	277	277	222	240	283	293	319	225	153	260	120	297
DWI's	13	13	4	13	16	20	8	14	15	15	19	14
	July 2021	July 2022	Aug 2021	Aug 2022	Sep 2021	Sep 2022	Oct 2021	Oct 2022	Nov 2021	Nov 2022	Dec 2021	Dec 2022
Fel-County & City	18	24	16	26	16	13	13		22		33	
Misd City	30	17	43	26	36	20	17		25		25	
Misd County	32	50	40	33	46	31	25		30		48	
Violations City	11	8	2	14	16	16	25		7		19	
Violations County	3	5	4	6	3	10	4		6		5	
Sealed Indictments			0	0	0	0	0		0		0	
TOTALS:	94	104	105	105	117	90	84	0	90	0	130	0
Vehicle and Traffic	684	260	377	272	293	338	203		385		353	
DWI's	16	15	13	12	19	6	6		11		23	



CORTLAND COUNTY ASSIGNED COUNSEL OFFICE

CORTLAND COUNTY OFFICE BUILDING, SUITE B27
60 CENTRAL AVENUE, CORTLAND NY 13045

STEPHANIE A. OLIVER
SECRETARY

MICHAEL R. CARDINALE
ADMINISTRATOR

CASEY K. NEVILLE
CASE MANAGER

JPS Meeting –September 2022 Report

DENIALS: 0 financially ineligible
4 type of case

CONFLICT

Family Court:	38
Criminal:	
Felonies	10
Misdemeanors	44
Violations	2
Infractions	0
Appeals	0
Total	94

PUBLIC DEFENDER ASSIGNMENTS

Family Court	20
Criminal	
Felonies	7
Misdemeanors	25
Violations	1
Infractions	0
Appeals	0
Total	53

Total PD cases assigned: Assigned by AC- 94
Assigned by Courts: 53
147

Total Cases Assigned
94+147 = **241**

COUNSEL AT FIRST ARRAIGNMENT		
AFTER hours	18B	PD
September 2022	21	12
August 2022	29	11
July 2022	34	7
June 2022	27	6
May 2022	32	7
April 2022	17	14
March 2022	21	15
NOT After hours		
September 2022	11	40
August 2022	8	52
July 2022	10	55
June 2022	12	73
May 2022	6	98
April 2022	14	79
March 2022	10	75

ILS Hurrell-Harring Grant Money

\$57,021.06 received 3/19/20
\$52,941.00 received 10/28/20
\$160,282.95 requested reimbursement

Money Saved-Grant Paid

04/2021 \$161.28	02/2022 \$197.49
05/2021 \$263.20	03/2022 \$582.22
06/2021 \$2432.00	04/2022 \$200.07
08/2021 \$54.90	05/2022 \$263.18
09/2021 \$653.02	06/2022 \$821.66
10/2021 \$2078.57	07/2022 \$629.50
11/2021 \$248.08	08/2022 \$593.94
12/2021 \$797.10	09/2022 \$1069.12

Attachment: JPS Sept 2022 (10962 : Assigned Counsel Monthly Report)

October 2022

911

- Staffing issues
 - 1 current opening
 - Civil service list results are no longer valid; less than 3 people
- Radio system upgrades scheduled for November
- Auto discovery recordings work continues
- Vesta (911 telephone) software upgrade – November
- Researching best approach to 911 telephone systems refresh

Emergency Management

- Work is progressing on obtaining NYS accreditation
- Training center is getting heavily used in the fall months – schedule is avail online

Fire Service

- Using NYS State fire for Fire investigations
- Still supporting repairs to radios under grant funding

Conferences – trainings

- Completed - NYS TIMS training, Sept 26
- NYS Regional Grants workshop – October 13
- NYS 911 Coordinators conference, October 17-21
- Regional Fire Administrators – November 9 & 10

Grants Awarded

- 2023 SHSP - \$51,215 Detective canine, data access fees, tactical LE equipment
- 2023 EMPG - \$23,603 Partial salary – Deputy Director
- 2022 PSAP - \$197,805 Operational costs related to 911
- 2022 SICG – \$1,572,808 22 West Court Street; PM on the radio system
- 2022 DVT - \$172,413 Combating Domestic Terrorism

Grants Awaiting

- SICG targeted

10/04/22
14:33DEPARTMENT OF EMERGENCY RESPONSE AND COMMUNICATION
Total CAD Calls Received, by Nature of Call4402
Page: 1

Nature of Call	Total Calls Received	% of Total
-----	-----	-----
911 HANG UP	150	1.94
911 NOT DISPATCHED	96	1.24
911 OPEN LINE	46	0.59
ABDOMINAL PAIN	8	0.10
ABDOMINAL PAIN II	11	0.14
ADMINISTRATIVE	184	2.38
POLICE ALARM	65	0.84
ALCOHOL OFFENSE	22	0.28
ALLERGIC REACTION	6	0.08
ANIMAL PROBLEM	131	1.69
ARREST VI	3	0.04
ARREXT X	4	0.05
ASSAULT	8	0.10
ASSAULT VI	2	0.03
ASSIST	348	4.49
ATTEMPT TO LOCATE	38	0.49
FIRE ALARM	62	0.80
BACK PAIN	3	0.04
BACK PAIN II	7	0.09
BAR CHECK	27	0.35
TROUBLE BREATHING	45	0.58
TROUBLE BREATHING III	1	0.01
BURGLARY	21	0.27
CARBON MONOXIDE	6	0.08
CHEST PAIN	22	0.28
CHEST PAIN II	1	0.01
CHIMNEY FIRE	1	0.01
CHOKING	3	0.04
CITY CODE VIOLATION	8	0.10
CIVIL ONLY	285	3.68
CRIMINAL MISCHIEF	26	0.34
SPECIAL DETAIL	102	1.32
DIABETIC PROBLEM	6	0.08
DIABETIC PROBLEM II	3	0.04
DIABETIC PROBLEM III	1	0.01
DISORDERLY CONDUCT	67	0.86
DISPATCHER DUTY	1	0.01
DISTURBANCE	95	1.23
DOMESTIC	91	1.17
DRUG INVESTIGATION	18	0.23
DSS ASSIST/HOME VISIT	36	0.46
DSS NOTIFICATION	72	0.93
ILLEGAL DUMPING	6	0.08
EMOTIONALLY DISTURBED PERSON	56	0.72
EMS	3	0.04
EXPLOSION	1	0.01
FALL	6	0.08
FALL II	83	1.07
FALL IX	3	0.04
FIELD INVESTIGATION	90	1.16
OUTSIDE FIRE	13	0.17
FOLLOW UP INVESTIGATION/ACTIO	550	7.10
FOUND PROPERTY	55	0.71
FRAUD	41	0.53
HARASSMENT	111	1.43

Attachment: CAD calls 092022 (10971 : October 2022 Report - DOERC)

10/04/22
14:33DEPARTMENT OF EMERGENCY RESPONSE AND COMMUNICATION
Total CAD Calls Received, by Nature of Call4402
Page: 2

Nature of Call -----	Total Calls Received -----	% of Total -----
HAZARDOUS CONDITION	24	0.31
HAZARDOUS MATERIALS INCIDENT	1	0.01
HEADACHE	1	0.01
HEADACHE II	1	0.01
HEART	6	0.08
HEMORRHAGE	4	0.05
HEMORRHAGE II	10	0.13
INFORMATION	1	0.01
INVESTIGATION	68	0.88
JUVENILE PROBLEM	31	0.40
LARCENY	92	1.19
LIFTING ASSISTANCE	5	0.06
LOST PROPERTY	24	0.31
MISSING PERSON	9	0.12
NOISE COMPLAINT	47	0.61
NOTIFICATION	17	0.22
OVERDOSE/POISONING II	1	0.01
OVERDOSE/POISONING III	3	0.04
OVERDOSE/POISONING V	1	0.01
OVERDOSE/POISONING VII	3	0.04
OVERDOSE/POISONING X	2	0.03
OPEN DOOR	8	0.10
COMMUNITY OUTREACH INTERACTIO	90	1.16
PARKING COMPLAINT	65	0.84
PROPERTY DAMAGE MVA	157	2.03
PERSONAL INJURY MVA	26	0.34
PREGNANCY	4	0.05
PROCESSING	4	0.05
PROPERTY CHECK	1728	22.31
REPOSSESSION	10	0.13
ROAD FLOODING/CLOSURE	2	0.03
SEIZURES	19	0.25
SEIZURES II	10	0.13
SEND	42	0.54
SERVICE CALL	13	0.17
SEX CRIME	15	0.19
SEX OFFENDER	12	0.15
SHOTS FIRED	7	0.09
SICK PERSON	39	0.50
SICK PERSON II	47	0.61
STOLEN VEHICLE	9	0.12
STROKE	7	0.09
STRUCTURE FIRE	8	0.10
SUSPICIOUS	113	1.46
TEST CALL	13	0.17
TRAFFIC PROBLEM	54	0.70
TRANSFER	1	0.01
TRANSPORT	124	1.60
TRAUMATIC II	5	0.06
TREE DOWN	18	0.23
TRESPASSING	63	0.81
TRAFFIC STOP	1150	14.84
UNCONSCIOUS/FAINTING	28	0.36
UNCONSCIOUS/FAINTING II	7	0.09
UNKNOWN PROBLEM	18	0.23

Attachment: CAD calls 092022 (10971 : October 2022 Report - DOERC)

10/04/22 DEPARTMENT OF EMERGENCY RESPONSE AND COMMUNICATION 4402
 14:33 Total CAD Calls Received, by Nature of Call Page: 3

Nature of Call	Total Calls Received	% of Total
VEHICLE COMPLAINT	144	1.86
WARRANT ARREST	18	0.23
WATER PROBLEM/PUMPING DETAIL	1	0.01
PERSON WITH A WEAPON	8	0.10
WELFARE CHECK	152	1.96
WIRES DOWN	7	0.09

Total Calls:	7747	

Report Includes:

All dates between `00:00:00 09/01/22` and `23:59:59 09/30/22`

All nature of incidents

All cities

All types

All priorities

All agencies

*** End of Report /tmp/rptDjWPRw-rpcdtccr.r1_4 ***

Attachment: CAD calls 092022 (10971 : October 2022 Report - DOERC)

Project Plan Outline

Cortland E911 Communication Center - Phase 4
 K+K Job # 23-11-7806
 Draft 1, 10/6/22

Abbreviation Legend

CC - Cortland County E911 Staff
 K+K - King + King Architects
 SGA - St. Germain & Aupperle (Structural)
 KFA - Keplinger Freeman Assoc (Site)
 AE - Argus Engineering (MEP)

Date:**Activity:****Goals:**

8/30/22	PO Issued to start design phase (full agreement still required)	
9/1 - 10/15	Collect Vendor Information for Coordination	
8/17 and 9/22/2022	Work Session #1 + #2 Attendees: CC, K+K, KFA, AE	Confirm revised layouts, scope and vendor items.
TENT 10/13/22 9:00am	Design Team Coordination Meeting K+K, KFA, AE, SGA	Attendees: Coordinate rooftop, site, MEP, and utility information.
TENT 10/25/22 9:00am	Work Session #3	Review project schedule and confirm phasing approach. Confirm site renovation scope of work. Review MEP questions and vendor coordination items. Attendees: CC, K+K, KFA, AE
TENT 11/1/22 9:00am	Design Team Coordination Meeting K+K, KFA, AE, SGA	Attendees: Coordinate rooftop, site, MEP, and utility information.
TENT 11/8/22 9:00am	Work Session #4 (if necessary)	Review Arch and MEP questions and vendor coordination items. Confirm finishes. Confirm bid schedule, and coordinate front end bid docs with County procurement. Attendees: CC, K+K, KFA, AE
11/18/22	Issue Bid Package - Phase 4 (int. fit out + select site items)	
12/16/22	CONSTRUCTION BIDS DUE	
1/16/23	EST. CONSTRUCTION START DATE	



CORTLAND COUNTY PUBLIC DEFENDER

KEITH D. DAYTON

Chief Asst. Public Defender

Anita Ribeiro

Investigator

Michael J. Bidwell

Paralegals

Sabrina M. Clark

Bethann M. Pelsang

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Angela C. VanDeWeert, Case Manager

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Assistant Public Defenders

Kevin A. Jones

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Melissa L. Ballowe Smith

Amanda S. Wadsworth

Frank B. Scibilia

October 7, 2022

Kelly Preston, Chair

Judiciary & Public Safety Committee

Cortland County Office Building

Third Floor, 60 Central Avenue

Cortland, NY 13045

Re: Public Defender Office Update

Dear JPS Chair Preston:

1. Comparing the first three-fourths of 2022 to the first three-fourths of 2021:
 - a. Total Cases are down slightly.
 - b. Family Court Cases are down 18%.
 - c. Counsel at Arraignments (including arraignments on bench warrants) are up compared to last year.
2. In 2022 so far, we are within our budget.
3. We continue to pursue and collect grant revenues.
4. We are currently fully staffed.

Thank you for your consideration and interest in our Department.

Very truly yours,

Keith D. Dayton

Public Defender

Attachment: JPS September 2022 (11001 : Public Defender Monthly Report September 2022)

Chart PD1 - Cases represented by Public Defender's Office (opened)

2022

		Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Year-to-date
Family Court	2018	17	25	47	40	46	49	37	44	45				350
	2019	38	28	46	59	45	38	63	41	48				406
	2020	39	31	32	18	13	22	25	20	43				243
	2021	36	40	33	27	27	19	38	22	43				285
	2022	17	24	32	29	30	17	28	26	29				232
Felonies	2018	12	18	27	25	14	15	16	24	28				179
	2019	13	21	24	13	20	20	30	14	22				177
	2020	13	19	8	4	6	17	22	15	25				129
	2021	9	10	23	13	24	16	12	16	24				147
	2022	14	7	11	22	11	11	20	7	10				113
Misdemeanors	2018	31	69	75	85	64	53	63	57	63				560
	2019	58	54	66	55	64	45	60	61	70				533
	2020	34	32	28	8	6	36	44	53	55				296
	2021	32	36	52	65	76	59	44	60	64				488
	2022	60	56	37	63	79	33	61	26	36				451
Violations	2018	4	3	7	7	3	1	7	9	9				50
	2019	7	2	7	3	10	7	6	4	11				57
	2020	7	6	6	0	1	5	5	4	7				41
	2021	3	9	12	7	11	7	10	5	14				78
	2022	9	10	3	10	13	8	6	7	1				67
Arraignments/Advice Only	2018	14	15	15	14	13	8	10	12	14				115
	2019	10	10	11	9	13	12	10	7	11				93
	2020	8	10	7	4	8	15	22	21	19				114
	2021	17	15	17	16	22	25	20	16	21				169
	2022	24	19	27	25	26	28	31	30	27				237
Supreme Court Integrated Domestic Violence (IDV) or Matrimonial	2018	1	0	2	2	3	2	1	1	0				12
	2019	2	4	2	7	2	1	4	7	4				33
	2020	2	0	0	0	2	3	1	2	4				14
	2021	1	1	4	0	0	0	0	0	1				7
	2022	0	3	0	0	3	0	0	0	0				6
Parole	2018	6	5	9	3	3	3	8	5	12				54
	2019	9	1	4	2	1	4	5	3	9				38
	2020	6	4	8	1	0	1	2	4	1				27
	2021	2	2	4	3	0	0	1	0	2				14
	2022	2	1	0	0	0	0	1	0	0				4
Fugitive	2018	0	0	0	0	1	1	1	1	0				4
	2019	0	0	0	0	0	0	1	0	1				2
	2020	0	1	1	0	0	0	0	0	0				2
	2021	1	0	0	0	1	0	0	0	0				2
	2022	0	0	0	0	0	0	0	1	0				1
Appeal & Post-conviction Motion	2018	0	0	0	0	0	0	1	0	0				1
	2019	0	0	0	1	0	0	0	0	0				1
	2020	1	0	0	0	0	0	0	0	0				1
	2021	0	0	0	0	0	0	0	0	0				0
	2022	0	0	0	0	0	0	0	0	0				0
Total per month	2018	85	135	182	176	147	132	144	153	171				1325
	2019	137	120	160	149	155	127	179	137	176				1340
	2020	110	103	90	35	36	99	121	119	154				867
	2021	101	113	145	131	161	126	125	119	169				1190
	2022	126	120	110	149	162	97	147	97	103				1111
Total month-to-date	2018	85	220	402	578	725	857	1001	1154	1325				
	2019	137	257	417	566	721	848	1027	1164	1340				
	2020	110	213	303	338	374	473	594	713	867				
	2021	101	214	359	490	651	777	902	1021	1190				
	2022	126	246	356	505	667	764	911	1008	1111				
Average Cases per Month	2018	85	110	134	145	145	143	143	144	147				
	2019	137	129	139	142	144	141	147	146	149				
	2020	110	106.5	101	85	75	79	85	89	96				
	2021	101	107	120	123	130	130	129	128	132				
	2022	126	123	119	126	133	127	130	126	123				

Cortland County Jail

4.7.a

Total Inmate Day Report

From Period 09/01/2022 Through 09/30/2022

All County/Non-County Inmates

Date	Male		Female		Total Days	
09/01/2022	55		8		63	
09/02/2022	56		8		64	
09/03/2022	52		8		60	
09/04/2022	51		8		59	
09/05/2022	51		8		59	
09/06/2022	52		8		60	
09/07/2022	56		8		64	
09/08/2022	56		8		64	
09/09/2022	58		8		66	
09/10/2022	57		8		65	
09/11/2022	57		8		65	
09/12/2022	56		7		63	
09/13/2022	54		6		60	
09/14/2022	56		7		63	
09/15/2022	55		7		62	
09/16/2022	55		8		63	
09/17/2022	52		9		61	
09/18/2022	53		8		61	
09/19/2022	53		8		61	
09/20/2022	52		8		60	
09/21/2022	52		8		60	
09/22/2022	50		8		58	
09/23/2022	52		8		60	
09/24/2022	51		7		58	
09/25/2022	50		7		57	
09/26/2022	54		8		62	
09/27/2022	53		7		60	
09/28/2022	52		7		59	
09/29/2022	54		7		61	
09/30/2022	52		7		59	
Totals	1,607	Males	230	Females	1,837	Da

Attachment: TotalInmateDayReport10132022074427 (11003 : Inmate Total Day Report September 2022)