

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: JANUARY 24, 2008

Committee Members Present:

Supervisors Tessier
Bentley
Stec
Kenny
VanNess
Taylor

Others Present:

Robert Iusi, Probation Director
Joy LaFountain, Assigned Counsel Administrator
Frederick H. Monroe, Chairman
Hal Payne, Commissioner of Administrative & Fiscal
Services
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Haskell
Debra L. Schreiber, Sr. Legislative Office Specialist

Committee Member Absent:

Supervisor O'Connor

Mr. Tessier called the Criminal Justice Committee meeting to order at 9:33 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Stec, and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Robert Iusi, Probation Director, who distributed copies of his agenda, *a copy of which is on file with the minutes.*

Mr. Iusi requested permission to fill the two part-time vacant positions of Probation Assistant and Word Processor Operator, due to resignations. He said the part-time Probation Assistant position was partially funded by the Department of Social Services (DSS) and this individual assisted with the drug court/juvenile programs. In response to an inquiry by Mr. VanNess, Mr. Iusi stated these Probation Department positions were established approximately five years ago and the necessary funds had been appropriated in the 2008 County Budget. While a majority of the probation officers entered their own data into the management system, he apprised that 3 of the 19 employees within their Department performed clerical duties.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously approving the following requests:

- to Fill the Vacant Position of Word Processor (part-time), with a base salary of \$12,240, due to resignation; and
- to Fill the Vacant Position of Probation Assistant (part-time), with a base salary of \$14,516, due to resignation;

and to refer same to the Personnel/Human Resources Committee for consideration. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Mr. Bentley entered the meeting at 9:35 a.m.

Continuing on with Item 2 of the agenda, Mr. Iusi requested permission for the following:

- for the Probation Director to travel out-of-state to Phoenix, Arizona to attend the American Probation and Parole Association (APPA) Conference from February 10, 2008 to February 13, 2008, with all expenses to be paid by the New York State (NYS) Council of Probation Administration (COPA); and

- for Steven R. Bayle, Sr. Probation Officer, to attend the NYS Drug Court Conference in Buffalo, New York from March 4, 2008 to March 7, 2008. He stated the necessary funds had been appropriated in the 2008 Probation Department Budget for training purposes.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously approving the requests as outlined above; and the necessary resolution to attend the out-of-state conference was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form, as well as the Authorization to Attend Meeting or Convention are on file with the minutes.*

Referring to Item 3, Mr. Iusi requested a contract with Forensic Mental Health Associates (Dr. Richard Hamill), commencing January 1, 2008 and terminating December 31, 2008, for a total amount not to exceed \$15,000. He stated that Warren County had received \$15,000 in grant funds in 2007 from the New York State Division of Criminal Justice Services to be utilized for sex offender services. He said they anticipated utilizing these funds for those eligible individuals that could not afford to pay for the necessary evaluations and polygraph services.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi requested permission to extend the contract with the Warren-Hamilton Counties Action Committee for Economic Opportunity (A.C.E.O.), Inc., commencing January 1, 2008 and terminating December 31, 2008, for a total amount not to exceed \$28,900.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously approving the request as presented; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi asked to extend the contract with the Warren County Department of Social Services (DSS), commencing January 1, 2008 and terminating December 31, 2008, for a total amount not to exceed \$78,246. He stated this contract essentially funded three positions within the Probation Department with NYS contributing 65 percent, while the County contributed 35 percent. Mr. Iusi apprised that Governor Spitzer recently proposed to increase the State Aid for Probation to approximately \$4 million; however, he said, they anticipated increasing the County contribution from 35 percent to 100 percent.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously approving the request as presented; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi requested to extend the contract with the NYS Division of Probation and Correctional Alternatives, commencing January 1, 2008 and terminating December 31, 2008, for a total amount not to exceed \$27,200.

Motion was made by Mr. Kenny, seconded by Mr. Taylor and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

The Probation Department portion of the Criminal Justice Committee meeting concluded at 9:42 a.m.

In the absence of Kate Hogan, District Attorney, Mr. Tessier stated it was his understanding that the two personnel requests submitted by Ms. Hogan were necessary to adjust the hourly work schedule for the two part-time investigators due to a reduction in funding for the positions in the 2008 Budget.

Motion was made by Mr. Stec and seconded by Mr. VanNess approving the following requests:

- to decrease the base salary for the position of Investigator, Employee No. 7502, from \$30,965 to \$25,802, a decrease of \$5,163, and to reduce the number of hours from 24 to 20; and
- to increase the base salary for the position of Investigator, Employee No. 10493, from \$30,965 to \$36,123, an increase of \$5,158, and to increase the number of hours from 20 to 28.

In response to an inquiry by Mr. VanNess, Hal Payne, Commissioner of Administrative & Fiscal Services, indicated that an employee who worked thirty hours or less received only pro-rated sick and vacation time and no health insurance benefits.

A brief discussion ensued.

After discussion, Mr. Tessier called the question and the motion was carried unanimously approving the requests as outlined above; and to refer same to the Personnel/Human Resources Committee for consideration. *Copies of the resolution request forms are on file with the minutes.*

Joan Sady, Clerk of the Board, explained that Ms. Hogan further requested a resolution to apply for a Byrne/Jag Grant, for a total amount not to exceed \$10,000, from the Department of Criminal Justice Services (DCJS).

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously approving the request as presented; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

That concluded the District Attorney portion of the Criminal Justice Committee meeting at 9:47 a.m.

Privilege of the floor was extended to Joy LaFountain, Assigned Counsel Administrator, who reminded the Committee that in October of 2007 she requested \$150,000 to cover a shortfall within the Legal Defense of Indigents (A.1170) Budget. She said she attributed the shortfall to the significant increase in caseload, as well as the overturned or appealed cases. She said she estimated \$136,000 was currently outstanding, and anticipated an additional \$40,000 would be needed to cover the total expenses for 2007.

Mrs. Sady explained that she had been advised by the Treasurer's Office that the deadline to amend the 2007 County Budget had passed; therefore, she said, the 2007 Assigned Counsel (A.1170) Budget would close for the year with a negative balance. She noted there was approximately \$156,500 in the contract code, which should be transferred to the 440 (Legal/Transcript Fees) Code. In response to an inquiry by Mrs. LaFountain, Mrs. Sady stated those funds that were not expended by February 7, 2008 would revert to the General Fund. Mrs. Sady asked if the conflict defender

contracts were paid from the 470 (Contract) Code, as it currently reflected a \$156,500 balance and Mrs. LaFountain answered that most of the vendors that submitted quarterly reports were paid from that Code. Mrs. Sady suggested utilizing the funds in the 470 Code to pay the conflict defenders and transfer the remaining funds to the 440 Code, thereby reducing the 2007 negative balance.

Mr. Kenny queried about the 2008 Assigned Counsel Budget and Mrs. Sady stated there were three conflict defender contracts which totaled approximately two hundred thousand dollars. She further explained that if a Judge granted a defendant's request for an appeal, the County was responsible for those legal costs, the amount of which they had no control.

Mr. VanNess asked whether the legal representation of a Defendant ceased upon the conclusion of their case and Mrs. LaFountain replied affirmatively; however, she said, the County contract did not include appeals. Mrs. Sady suggested Mrs. LaFountain provide to the Committee for their review a quarterly report of the cases handled within her Department. In addition, she suggested reviewing the Assigned Counsel Plan, as she recently learned that should one Public Defender recuse themselves due to a conflict, then all Public Defenders were recused. From a legal standpoint, Mrs. LaFountain replied that any attorney within the Public Defender Office had access to the file and therefore could not legally represent the defendant.

Mrs. Sady stated the last report her Office received from the Public Defender's Office was in 2007 for 2006 and it was her belief that these reports were required to be submitted quarterly, as all County departments provided budget performance reports quarterly. She further stated the Indigent Services report determined the amount of funding Warren County received from NYS.

After a brief discussion, the general consensus of the Committee was to request that the Public Defender and Assigned Counsel Administrator appear at the next Committee Meeting to review the rules/guidelines of the two offices, as well as present a quarterly report of the caseloads handled by each office.

In response to an inquiry by Mr. VanNess, Mrs. Sady answered that according to the Public Defender/Assigned Counsel program, they were required to submit periodic reports to the Committee.

A brief discussion ensued.

Mr. Payne questioned who set the guidelines that determined whether an individual was indigent and qualified for Public Defender representation. Mrs. LaFountain responded the standards were set by the State of New York and revised each year.

Mr. Tessier asked Mrs. LaFountain to provide a list of the qualified conflict defenders.

There being no further business to come before the Committee, on motion by Mr. Stec and seconded by VanNess, Mr. Tessier adjourned the meeting at 10:05 a.m.

Respectfully submitted,

Debra L. Schreiber, Sr. Legislative Office Specialist