

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JANUARY 22, 2009

**Committee Members Present:**

Supervisors Tessier  
Bentley  
Kenny  
VanNess  
Taylor

**Others Present:**

Robert Iusi, Director of Probation  
Joy LaFountain, Assigned Counsel Administrator  
John Wappett, Public Defender  
Amy Bartlett, First Assistant County Attorney  
JoAnn McKinstry, Deputy Commissioner of  
Administrative & Fiscal Services  
Joan Sady, Clerk of the Board  
Supervisor Geraghty  
Supervisor Stec  
Supervisor Thomas  
Supervisor Strainer  
Supervisor Pitkin  
Bud York, Sheriff  
Shane Ross, Chief Deputy  
Cameron Tessier  
Thom Randall, *Adirondack Journal*  
Joanne Collins, Legislative Office Specialist

**Committee Members Absent:**

Supervisors O'Connor  
Goodspeed

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Mr. Tessier called the meeting of the Criminal Justice Committee to order at 9:35 a.m.

Motion was made by Mr. Bentley, seconded by Mr. VanNess, and carried unanimously to approve the minutes from the December 4, 2008 Committee meeting, subject to correction by the Clerk of the Board.

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

Commencing the agenda review, Mr. Iusi presented a request to extend the contract with the New York State Division of Probation and Correctional Alternatives for Probation Eligible Diversion (PED) funding commencing January 1, 2009 and terminating December 31, 2009 in the amount of \$25,200. He noted that the \$25,200 reflected the 2008 figure and he expected a decrease in the 2009 figure following enactment of the State Budget.

Motion was made by Mr. Taylor, seconded by Mr. VanNess and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. VanNess inquired about the effect of the expected decrease in State funding at the local level and Mr. Iusi expounded that the Governor's Budget with regard to Probation would likely see an overall decrease of approximately 6% in funding streams. Mr. VanNess noted the result of the State funding cuts necessitated program eliminations at the County level, and he stated that the responsibility for the same should belong to the State. Mr. Iusi apprised that the Drug Court Program, which was a State program, consisted of members on felony probation and represented

the most serious individuals on probation. Further, he stated, if the County continued to lose funding he would appeal to the State, as a reduction in funding would make it prohibitive for the County to remain involved with the State Courts. Mr. Iusi noted that the number of individuals on probation had increased which was an expected outcome in a declining economy. He said a decrease in funding would necessitate a decrease in services that the County provided to the State. In summary, he stated that the State Budget would dictate the final outcome, and Mr. Iusi would initiate any necessary communication required between Warren County Probation and the Courts following the State Budget enactment.

The next item presented by Mr. Iusi was a request to extend the contract with Warren/Hamilton Counties Action Committee for Economic Opportunity, Inc., for a total amount not to exceed \$27,000 and he noted the 2008 amount was \$28,900. The funding was used for Alternative Sentencing for Adults in Warren County and he stated, this funding stream was one of several used to support the Warren County Community Services Program. He added that approximately \$7,000 was received from the State Division of Probation last year.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to approve the request to extend the contract as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Pertaining to the decrease or elimination of various funding streams for the Community Action Center, Mr. Iusi apprised the Committee of the probable elimination of \$9,000 in funding from the Youth Bureau. He noted that although this would not present an issue with this Committee, it was noteworthy, and he said that he had spoken with Lynn Ackershoek, Executive Director, Warren-Hamilton Community Action Agency, who cited that the loss of funding would significantly impact the Program.

Next, Mr. Iusi presented a request to extend the contract with the New York State Division of Criminal Justice Services (NYS DCJS) regarding the Warren/Washington Sex Offender Collaboration grant, for a total amount not to exceed \$15,000, through December 31, 2009. He stated that an extension would be necessary in order to use the remaining balance of approximately \$6,000.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. Iusi presented a request to extend the contract with Forensic Mental Health Associates for Sex Offender Services provided by Dr. Richard Hamill, PhD., through December 31, 2009, for a total amount not to exceed \$15,000. He stated that Dr. Hamill provided sex offender services to registered sex offenders in Warren County and, he noted, the NYS DCJS Sex Offender grant supported Dr. Hamill's services.

Motion was made by Mr. Kenny, seconded by Mr. Bentley and carried unanimously to approve the request to extend the contract as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

The next Agenda item was a request to amend the 2009 County Budget to increase estimated

revenues and appropriations in the amount of \$1,000 to reflect a donation from the Warren/Washington Victim Impact Panel for Warren County Juvenile Treatment Court to contract for Outdoor Wilderness Leadership training for the Juvenile Drug Treatment Court participants. Mr. Lusi asserted the positive impact of this program and noted the shared ideology with the Council for Prevention whereby the belief that programming aimed at youth would have preventative significance as the population matured.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the request as outlined above and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Prior to presenting the final request, Mr. Lusi apprised that the Warren County Youth Court had various funding streams and had lost approximately \$40,000 of State funds due to the elimination of a Community Optional Preventative Services Funding Stream (COPS) through the Department of Social Services (DSS), where the Probation Department referred low risk Persons In Need of Supervision (PINS) cases to Youth Court. He added that there was a contingency plan in place which ensured programming through June 2009; however, with over 30 cases served last year, there was a great need to seek alternative funding for this program, as the effectiveness of the program was evidenced by low numbers of returning participants which directly served the goals of Juvenile Justice Services.

This concluded the Probation portion of the Criminal Justice Committee meeting and privilege of the floor was extended to Joy LaFountain, Administrator of Assigned Counsel, who apprised the Committee that the Assigned Counsel Department had exhausted funding. Mrs. LaFountain cited her previous request of \$100,000, whereby \$50,000 was received. She said an additional \$88,101 had been submitted for payment and an additional \$10,000 was yet to be submitted and, she noted, the cost for appeals was not accounted for in this request. JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, noted that the 2008 Department Budget would be closed with a negative balance.

This concluded the Assigned Counsel portion of the Criminal Justice Committee meeting and privilege of the floor was extended to John Wappett, Public Defender, who distributed copies of the Budget Worksheet Report for the Department. Mr. Wappett explained that due to an oversight, an insufficient Budget figure had been submitted which had caused concern and that a transfer of funds would be necessary.

Mr. Geraghty recommended the approval of a transfer of funds for the 2009 Budget, from the Contingent Fund to resolve the matter. He explained that during the Budget process, it was critical that revenue reimbursement levels be retained and consequently the figure should have been restored to the original/full amount.

Mr. Wappett requested to transfer funds from the Contingent Fund (A.1990 469) to Code A.1171 426, Public Defender - Subscriptions, in the amount of \$17,197, which was necessary in order to sustain funding for next year.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously to approve the request for a Contingent Fund transfer as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Wappett asserted that the Youth Court benefited the County in two ways; one was the individuals served as a result of issues with the Juvenile Justice System, and the second was the recognizable educational benefit provided to the Youth Court participants.

This concluded the Public Defender portion of the Criminal Justice Committee. Privilege of the floor was extended to Amy Bartlett, First Assistant County Attorney, who presented a request on behalf of the Assigned Counsel, to extend the contract with Stancliff Law Firm to provide Conflict Defender representation for indigent defendants in Glens Falls City Court and the Northern Warren County Justice Courts, for the period April 1, 2009 through March 31, 2010, for a total amount of \$96,500.

Motion was made by Mr. Taylor, seconded by Mr. VanNess and carried unanimously to approve the request to extend the contract as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. VanNess and seconded by Mr. Kenny, Mr. Tessier adjourned the meeting at 9:54 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist