

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: FEBRUARY 26, 2009

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**Committee Members Present:**

Supervisors Tessier  
Bentley  
O'Connor  
Kenny  
VanNess  
Taylor  
Goodspeed

**Others Present:**

Kate Hogan, District Attorney  
John Wappett, Public Defender  
Frederick Monroe, Chairman  
Hal Payne, Commissioner of Administrative & Fiscal  
Services  
Joan Sady, Clerk of the Board  
Supervisor Geraghty  
Supervisor Girard  
Supervisor Pitkin  
Bud York, Sheriff  
Shane Ross, Chief Deputy  
Brian LaFlure, Director, Office of Emergency Services  
Amy Manney, Deputy Director, Office of Emergency  
Services  
Joanne Collins, Legislative Office Specialist

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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. Kenny, seconded by Mr. VanNess, and carried unanimously to approve the minutes from the January 22, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to John Wappett, Public Defender, who presented a request to fill the vacant position of part-time Investigator, due to a resignation, base salary of \$20,028. He noted that the Department had seen unprecedented caseload numbers and he asserted that the position was critical to both the criminal and family court areas. He apprised that the cost to hire an independent contractor would far exceed the cost of the part-time salary and he stated their office handled four felony cases last year, following a history of one case per year. Mr. Wappett added that he had identified two qualified candidates.

Responding to a question from Mr. O'Connor, Mr. Wappett stated that the employee had previously retired from the Sheriff's Office, subsequently returning to work part-time for the Public Defender's Office two days per week, and recently had decided to return to the Sheriff's Office on a part-time basis.

Motion was made by Mr. Goodspeed, seconded by Mr. VanNess and carried unanimously to approve the request to fill the vacant position of Investigator, as outlined above, and to forward same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed copies of the Agenda to the Committee members, *a copy of which is on file with the minutes.*

Pertaining to Crime Victims Rights Week, Ms. Hogan presented a request for permission to host the Annual Crime Victims Day Ceremony to be held on April 27, 2009 at the Queensbury Hotel, to include

breakfast, at a total cost of \$1,700, which was funded by the Crime Victims Budget, which was 85% grant funded. She noted that the event had been held since 2002; whereby Warren and Washington Counties held separate ceremonies. She apprised that two years ago, in an effort to join services, the Counties combined the event and alternated the hosting responsibilities on an annual basis.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the request to host the Annual Crime Victims Day Ceremony, as outlined above. *A copy of the Request to Host Meeting or Conference is on file with the minutes.*

With respect to the reporting of federal asset forfeiture funds, Ms. Hogan presented a request to extend the contract for the Federal Equitable Sharing Program, for a one year period which had formerly been a three year contract and she noted that County funds were not required. She said the contract enabled the County to remain compliant with Federal regulations with regard to Asset Forfeiture.

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

Presenting the third and final item, Ms. Hogan requested to enter into a contract for the "Alive at 25" (Saving Lives Through Education) Program, which provided professional services to increase driver safety among individuals aged 16 to 25. She said that as a result of the significant proposed State budget reductions, the prevention and detention portions of the programming had been merged, with a 24% reduction in funding. She stated that it was her understanding that the funds for the prevention component would be redirected.

Ms. Hogan explained that Margaret Sing-Smith, Director of the Youth Bureau, had discovered the program which addressed conditions such as traffic violations and DWI offenses. Regarding the latter, she stated, that the program would not replace the Victim Impact Panel but would work in conjunction with it. Ms. Hogan apprised that a program presentation had been given by an individual trained in traffic safety, and those that attended included members of the Warren County law enforcement staff, Sheriff York, and local school Superintendents. Ms. Hogan reported that there were 1,240 personal injury accidents last year for those aged 16 to 25 in Washington County.

Continuing, Ms. Hogan stated that the Washington County program fee per participant was \$25 and based on that fee amount, Warren County could implement a fee whereby a portion could be diverted back to the County, and ultimately to the Youth Court program, for which funding would terminate in June. According to Ms. Hogan, a \$50 fee would be both substantive and reasonable. With 20,000 tickets per year, Ms. Hogan stated that by imposing the conditions, the County and Youth Court would benefit while promoting public safety through more education.

Following a question from Mr. Taylor, Ms. Hogan cited the case of a driver who was ticketed for traveling at a speed of 92 mph in a 65 mph speed zone in Bolton Landing. She stated that without the program in place, the driver must serve 24 hours of community service and successfully complete the defensive driving course before a violation reduction would be discussed. She added that any moving violation received during the probationary period would result in the loss of a drivers license until age 21. Tickets issued for driving slightly over the speed limit such as 70 mph in a 65 mph zone, she noted, were neither typical nor warranted for that age group.

A discussion ensued.

Ms. Hogan reiterated that the funds generated from the program could be earmarked for Youth Court, which she said was a very worthy program and cautioned that the funds generated may not be sufficient to fund all of the Youth Court program needs.

Mr. Goodspeed asked where the traffic court would be located and Ms. Hogan responded that it had not been determined and suggested the use of various Municipal Center meeting spaces, such as the Sheriff's training room, and she noted, the course would be held at a specified time on a monthly basis. Mr. Goodspeed conveyed his support for the program and suggested that it be offered at a second site, located in the northern part of the County in order to better serve populations in Chestertown and the vicinity, to which Ms. Hogan agreed. She stated that once approval was received, the program would be presented to the Magistrate and made a condition of the plea whereby the Judge would make final approval of any fee changes.

Motion was made by Mr. Bentley, seconded by Mr. VanNess and carried unanimously to approve the request for the District Attorney to enter into a contract for the "Alive at 25" Program, as outlined above, and the necessary resolution was authorized for the March 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Pitkin raised the issue of the lack of County office space and he asked the Committee to consider the use of space at various Town offices, such as Bolton and Chester. He suggested that the appropriate Committee consider pursuing dialogue with the Court system to consider using the viable existing space versus building new structures. He stated that this idea resembled the former circuit court system whereby space was used for the visiting Judges Chambers. Mr. Tessier said that the Committee could refer the issue to the County Facilities Committee. Mr. VanNess noted that security was the critical consideration for the Judges and that he would address the issue at the County Facilities Committee meeting. Mr. Taylor added that there were other issues and expenses to consider such as accommodations sufficient for all the necessary staff.

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 9:52 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist