

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: APRIL 30, 2013

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS BENTLEY
KENNY
STRAINER
DICKINSON
VANSELOW
MASON

ROBERT IUSI, DIRECTOR OF PROBATION
MARCY FLORES, 1ST ASST. PUBLIC DEFENDER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS LOEB

COMMITTEE MEMBER ABSENT:

SUPERVISOR MONROE

TAYLOR
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. Bentley called the meeting of the Criminal Justice Committee to order at 9:30 a.m.

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

Mr. Bentley explained that a request was presented on behalf of Assigned Counsel to extend the existing contract with the Legal Aid Society for a term commencing May 1, 2013 and terminating April 30, 2014 for an amount not to exceed \$84,718. Mr. Bentley noted there was an increase of \$4,000 compared to the previous contract.

Motion was made by Mr. Kenny, seconded by Mr. Strainer and carried unanimously to authorize the extension of the contract with the Legal Aid Society as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the May 17, 2013 Board meeting.*

This concluded the Assigned Counsel portion of the Committee meeting and the Public Defender portion of the meeting commenced at 9:31 a.m.

Privilege of the floor was extended to Marcy Flores, 1st Asst. Public Defender, who presented a request to extend the existing contract with the New York State Office of Indigent Legal Services (NYS OILS) for a term commencing April 1, 2013 and terminating March 31, 2014 for a total amount not to exceed \$23,455. She noted this contract permitted their office to deal with appeals which saved the County a substantial amount of money, as their Office fee was considerably less than the \$75 per hour rate for a private attorney.

Ms. Flores indicated that as of the end of February, the Public Defenders Office had spent approximately \$2,442 of the \$21,084 budgeted for indigent legal services appeals. She said that last month new laptops and monitors had been purchased in the amount of \$6,447 which allowed them to perform legal research while they were attending trials at local courts.

Ms. Flores advised that the contract was necessary to sustain the administration of private practice appeals. She pointed out one of the Attorneys in their office had requested that he not be required to manage appeals; therefore, they had transferred a portion of the funds to Continuing Legal Education in the amount of \$2,788 and \$100 was allocated for the copying of the paperwork for

appeals. She noted that they were required to have Continuing Education and this permitted them to complete it at no cost to the County. She explained the appeals process required a specific number of documents to be copied, for which she estimated a cost of approximately \$200; however, she continued, their office was able to use the Print Shop copier which lowered the cost to approximately \$20.

Motion was made by Mr. Kenny, seconded by Mr. Vanselow and carried unanimously to authorize the extension of the contract with the NYS OILS as outlined above. A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the May 17, 2013 Board meeting.

This concluded the Public Defender portion of the Committee meeting and the Probation portion of the meeting commenced at 9:35 a.m.

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 requested a transfer of funds in the amount of \$100 from Supplies to Office Equipment to reflect the purchase of a calculator. He explained the calculator had an estimated cost of \$40 and the remaining funds would be used to purchase equipment on an as needed basis, preventing him from having to return and make additional transfers.

Mr. Mason questioned why a calculator was not categorized as an office supply, as this had been the case in his experience. JoAnn McKinstry, Assistant to the County Administrator, replied since a calculator had a useful life of more than one year, it was classified as office equipment.

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

Mr. Iusi requested authorization for Martha DeLarm, Probation Officer, to attend the New York State Police Sex Offender Seminar at the New York State Police Academy in Albany, NY on May 6-10, 2013 using a County Fleet vehicle. He advised that this travel would incur no cost to the County.

Motion was made by Mr. Dickinson, seconded by Mr. Strainer and carried unanimously to authorize attendance at the Seminar as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Iusi requested authorization to attend the 2013 New York State Council of Probation Administrators Summer Conference and Training at the Lake Placid Crown Plaza Conference Center on June 24-26, 2013. He explained there would be no cost to the County, as the cost for the Conference was included in the annual dues.

Motion was made by Mr. Dickinson, seconded by Mr. Strainer and carried unanimously to authorize attendance at the Conference as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Iusi updated the Committee on some changes that were being made to the New York State Juvenile System, the first of which pertained to the New York State Detention Risk Assessment Instrument (DRAI). He said this applied to juvenile delinquents, who were individuals under the age

of 16 that had committed a criminal offense. He explained that typically, when a Police Officer picked up a juvenile delinquent for a crime and they were perceived to be serious enough to require detention, they would bring the individuals directly to court if the offense occurred during business hours. If the offense occurred during non business hours, he continued, the Officer would drop the individuals off at a detention facility and place the offense on the court calendar for the next business day and ensure legal representation for the juvenile.

According to Mr. Iusi, to reduce the number of individuals in need of detention and placement, New York State had created the DRAI, which consisted of 4 questions to determine the risk level of the juvenile and whether detention was necessary or other alternatives could be utilized. He said the Judge had to put the DRAI on the record in case the juvenile deviated from the assessment. He noted an issue occurred with the after hours cases, as a DRAI was now required before a child could be detained; however, he estimated, Warren County only had one case every two years, so it would not have a significant impact on the County.

Mr. Iusi explained he felt that since there were so few after hours cases in Warren County, it was not necessary to pay an on-call service, as he had developed an alternate plan. He remarked that he had approached KMG, who had an existing contract with the Probation Department for electronic monitoring of juveniles, to determine if they would provide the on-call service at no additional charge to the County, due to the minimal amount of occurrences, on a provisional basis.

Mr. Iusi advised he sent the plan to the County Attorney to review, as he had been notified that the Saratoga County's Assistant Attorney had circulated the legal opinion that the DRAI was in violation of the juvenile's constitutional rights. He said this plan did not require the signature of the Chairman of the Board or the County Administrator; however, he continued, due to the possibility of future legal issues with the DRAI, he referred the plan to the County Attorney's Office for further review.

With the revamping of the New York State Juvenile System Mr. Iusi apprised that the State had sent out a Request for Proposals which divided the State into ten different regions. He added that a consortium of regions would exchange information with the State rather than County by County. He said there was no money involved at this time; however, he added, future funding would be sorted through the Consortiums. He noted that Warren County was included in the Capital District Region with the Schenectady County Probation Department acting as the lead agency. He indicated that he would be involved and participate in meetings and would bring any pertinent information to the County.

Mr. Iusi requested that the Committee enter into an executive session in order to discuss the employment history of a particular person.

Motion was made by Mr. Kenny, seconded by Mr. Vanselow and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive Session was declared from 9:45 a.m. to 9:55 a.m.

The Committee reconvened and Mr. Bentley noted no action was taken during the executive session.

As there was no further business to come before the Criminal Justice Committee on motion made by Mr. Kenny and seconded by Mr. Strainer, Mr. Bentley adjourned the meeting at 9:56 a.m.

Respectfully Submitted,
Sarah McLenithan, Legislative Office Specialist