

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JANUARY 27, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS DICKINSON
MONROE
VANSELOW
BROCK
SEEBER
SIMPSON

OTHERS PRESENT:

ROBERT IUSI, DIRECTOR OF THE PROBATION DEPARTMENT
JOHN WAPPETT, PUBLIC DEFENDER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS CONOVER

COMMITTEE MEMBER ABSENT:

SUPERVISOR KENNY

FRASIER
MERLINO
SOKOL
WOOD
GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
SAMANTHA HOGAN, LEGISLATIVE OFFICE SPECIALIST

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

Motion was made by Mr. Vanselow, seconded by Mr. Simpson, and carried unanimously to approve the minutes from the previous meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Robert Iusi, Director of the Probation Department, 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 with Item III, Mr. Iusi presented a request to fill a vacant Probation Officer position, due to termination. He explained that the litigation surrounding said position had concluded and that he was looking forward to having a full staff.

Motion was made by Mr. Monroe, seconded by Mrs. Seeber, and carried unanimously to approve the request as outlined above and refer same to the Personnel Committee; *copy of the Notice of Intent to Fill Vacant Position Form is on file with the minutes.*

Moving on to Item IV, Mr. Iusi informed the Committee that on January 10th Governor Cuomo had signed Bill S.4664-A/A.4582-B which established flexible terms of probation; *additional information on Bill S.4664A is on file with the minutes.* He explained that for the better part of forty (40) years probation terms had been fixed, and the logic behind this change, he continued, was that not every situation was the same. He advised the impacts would be minimal and would allow them to use more of their resources for high risk offenders. Mr. Iusi said he believed that Governor Cuomo signed this Bill with the understanding that additional Legislation would be needed in the form of a Chapter Amendment which he expected to be taken care of this month, following which Bill S.4664-A/A.4582-B would become effective.

Moving on, Mr. Iusi advised that Governor Cuomo had created the Commission on Youth, Public Safety and Justice to help New York State "raise the age" of criminality to seventeen (17) years old. He added that the current age of criminality in New York State was sixteen (16), meaning that anyone arrested over the age of sixteen (16) was treated as an adult. Mr. Iusi mentioned that the Office of Court Administration (OCA) had suggested the age be brought up to eighteen (18) and he noted that the

change from sixteen to seventeen would alter the dynamics of the Probation Department. He apprised that in 2010 there were about 160 kids between the ages of 16 and 17 facing charges in Criminal Courts for misdemeanors and felonies; he added that excluding violent felony cases, the Probation Department would handle these minors when the age was raised. He acknowledged that this would dramatically increase the Departments workload and that the fiscal impact to New York State would be in the neighborhood of forty million dollars (\$40,000,000). Mr. Iusi apprised that in light of the effects that this would have, the OCA had submitted a bill in 2013, active in both the New York State Senate and the Assembly, identifying the increase in cost to the Probation Departments, as well as to the Department of Social Services, calling for additional funding when the Bills changing the criminality age were passed. Mr. Iusi indicated that the Governor had created a task force to address these issues, but said he was not sure how they related to the current bills. Mr. Iusi advised he would keep the Committee informed of the situation..

Mr. Monroe asked if the change in legislation would cause those being charged as juveniles to be charged as adults. Mr. Iusi replied that the current piece of legislation referred to a hybrid court and he said he did not believe cases would be transferred to the Family Courts due to the cost increase. He further explained the OCA Bill stated that with a hybrid Court, the County Court Judge would have special terms or sessions to deal with juveniles and when an arrest was made, the case would be assessed by the Probation Department to divert low risk cases out of the system. Mr. Iusi advised the Probation Department would probably need another Probation Assistant who would focus on diverting cases, as well as another Probation Officer to deal with the increased caseload.

Mr. Dickinson inquired as to whether there would be an increase in the number of cases seen by the Courts and Mr. Iusi replied affirmatively, stating that County Court Judge Hall would have to establish a Youth Division, based on the specifications of the OCA Bill.

Mrs. Seeber asked if there had been any discussion by the Association of Probation Officers relative to the possibility of charging fines to offset the costs. Mr. Iusi replied that he would check to see if this had been introduced, but noted that New York State had been reluctant to charge fees to probationers.

Mr. Vanselow stated that he hoped New York State could follow the pattern established by the forty-eight (48) other states that had already made the change. Mr. Iusi noted that the State of Connecticut had spent three to five years researching the impact this would have on the Probation and Court systems, as well as the financial implications that would be imposed, and he hoped that New York would do the same.

Privilege of the floor was extended to John Wappett, Public Defender, who distributed copies of two requests to the Committee members.

Mr. Wappett informed the Committee that they had received approval from the State Office of Indigent Legal Services Office for a grant application that he had submitted, allowing him to add a secretary to his Office. He advised the additional staff was long overdue and he noted, the current staffing ratio was six (6) attorney's to one (1) secretary in the Public Defender's Office. He then outlined the two following requests:

1. Request to amend the County Budget to reflect the receipt of unanticipated revenues in the amount of \$53,406 to accept grant funding; and
2. Request to create and fill the new position of Confidential Secretary to the First Assistant Public Defender, Base Salary of \$34,500, effective February 24, 2014.

Motion was made by Mr. Monroe, seconded by Mr. Vanselow and carried unanimously to approve the requests as outlined above and refer same to the Personnel and Finance Committee's; copies of the requests are on file with the minutes.

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. Simpson and seconded by Mrs. Seeber, Mr. Dickinson adjourned the meeting at 9:48 a.m.

Respectfully submitted,
Samantha Hogan, Legislative Office Specialist