

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JUNE 30, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS DICKINSON
KENNY
MONROE
VANSELOW
BROCK
SEEBER
SIMPSON

OTHERS PRESENT:

ROBERT IUSI, DIRECTOR OF THE PROBATION DEPARTMENT
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISOR WESTCOTT
BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES
DON LEHMAN, *THE POST STAR*
SAMANTHA HOGAN, LEGISLATIVE OFFICE SPECIALIST

Mr. Dickinson called the meeting of the Criminal Justice Committee to order at 10:01 a.m.

Motion was made by Mr. Vanselow, seconded by Mr. Simpson, and carried unanimously to approve the minutes from the previous Committee 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, Mr. Iusi presented a request to fill a vacant Probation Officer position (Grade 19, Annual Salary \$41,881) due to retirement. Mr. Iusi stated that this position was necessary to assume responsibilities relating to the Warren County Drug Treatment Court, supervision of defendants released under supervision from the Warren County Court, as well as to conduct presentence investigations.

Chairman Geraghty stated that the retiring employee, Katherine Johnston, had been a great asset to the Probation Department; he added that she would be greatly missed and very hard to replace.

Motion was made by Mr. Monroe, seconded by Mr. Kenny and carried unanimously to approve the request to fill the vacant Probation Officer position which will be reported on the July 9th Personnel Committee agenda. A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.

Moving on, Mr. Iusi presented a request to submit a Supervision and Treatment Services for the Juvenile Program Plan (STSJP) for New York State fiscal year 2014 - 2015. He added that this was an annual plan submitted by the Department of Social Services and the Probation Department to the New York State Office of Children and Family Services which detailed how funds would be allocated for those at risk of detention or placement. Mr. Iusi explained that the allocations included funding for placement of preventative Probation Officers in the schools, electronic monitoring through KMG Monitoring, Waite House (homeless shelter for ages 16-21, Glens Falls, NY) and Captain Youth & Family Services (homeless shelter for ages 12-16, Clifton Park, NY).

Ms. Seeber inquired as to whether the preventative Probation Officer services were only for the Glens Falls school district. Mr. Iusi replied that they were primarily placed in Glens Falls schools, but added that these preventative Probation Officers spent time visiting other schools throughout Warren County, as well.

Motion was made by Mr. Monroe, seconded by Mr. Simpson and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 18th Board meeting; *a copy of the request is on file with the minutes.*

Continuing to the Old Business section of the Agenda, Mr. Iusi provided an update on the installation of radio equipment in the vehicles used by the Probation Officer staff that conduct home visits in areas with no cellular phone service. He stated that Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services, was in attendance to further explain the vehicle radio equipment.

Privilege of the floor was extended to Mr. LaFlure, who explained that the radios they would like to install would be identical to those used for the Sheriff's Patrol vehicles. He explained there were areas in the County where even the larger watt radios were unable to connect to the radio towers. Mr. LaFlure stated that this was a safety issue for the Officers in the field and he explained the radios being installed worked by sending a signal to the vehicle from the hand-held device and then re-broadcasting the message to the towers. He stated that State Contract pricing had been used to purchase the radios and that the Sheriff's Office had offered to perform for the installation work.

Mr. Vanselow pointed out that these were 110 watt radios and questioned if they differed from the radios used by the Emergency Medical Services (EMS) squads. Mr. LaFlure answered that the vehicles used in areas with radio service typically used 45 watt radios, while those vehicles that traveled in the northern parts of the County used the 110 watt radios. Mr. Vanselow stated that it had been some time since he had heard of any difficulties with communication for the EMS squads.

Mr. Dickinson asked if a resolution was needed to complete this work and Mr. Iusi replied in the negative, advising that at the last Criminal Justice Committee meeting he had requested a transfer of funds within his existing budget to cover the costs of the radio installations.

Mr. Kenny asked if Attorney Cohen would be attending the Committee meeting to explain the situation that had led to a three-year delay in submission of a voucher to the Assigned Counsel Department. Paul Dusek, County Administrator, responded it was his understanding that a memo sent by Martin Auffredou, County Attorney, to Attorney Cohen had resolved the issue. Mr. Kenny stated that he would still like to meet with Attorney Cohen to receive an explanation for the delay and Mr. Dusek advised he would invite Mr. Cohen to the next Committee meeting.

Privilege of the floor was then extended to Mr. Dusek, who presented a budget amendment on behalf of the Assigned Counsel Department to include grant funds from the Office of Indigent Legal Services a caseload reduction grant. He added that in order to apply for the grant the Public Defenders Office, for the Assigned Counsel Administrator and representatives from Northeastern Legal Aid Services needed to meet and discuss their needs. Mr. Dusek stated that the grant funding awarded would be used to create another paralegal position within the Legal Aid Society of Northeastern New York as part of the caseload reduction initiative aimed at providing better legal services to indigents by reducing the caseload assigned to each attorney. He advised that Committee action would be necessary to amend the County Budget in the amount of \$29,690 to reflect the receipt of this grant funding, as well as to approve a contract between Warren County and the Legal Aid Society of Northeastern New York to assign the grant monies awarded. Mr. Dusek noted there was no expense to the County for this grant funding and this would actually be a passthrough of grant funding to the Legal Aid Society of Northeastern New York.

Motion was made by Mr. Simpson, seconded by Mr. Kenny and carried unanimously to approve the necessary agreement and authorize the appropriate resolution for the July 18th Board Meeting, as well as to approve the request to amend the County budget as presented and refer same to the Finance Committee; *a copy of the request is on file with the minutes. Note: subsequent to the meeting it was determined that the necessary agreement between Warren County and the Legal Aid Society of*

Northeastern New York was previously approved at the June 20, 2014 Board of Supervisors Meeting by Resolution No. 322 of 2014.

Mr. Monroe inquired as to what was being reduced through this grant and Mr. Dusek replied that the per attorney caseloads would be reduced by hiring additional paralegal staff to assume some of the work.

Ms. Seeber expressed concern at the frustration level that she had noted from Joy LaFountain, Assigned Counsel Administrator, at the last Criminal Justice meeting regarding Attorney Cohen's delay in submitting vouchers to her for services rendered and she asked if something was being done to clarify the issue of timely submission of vouchers to be paid for indigent legal services. Mr. Dusek replied that when he was County Attorney he remembered having the same type of issue and he noted that upon his recommendation, Attorney Cohen's voucher had been paid. He added that it was determined that in order to be paid, a voucher could not exceed three years and should be filed within 45 days of the services rendered. Mr. Dusek explained that by law, there were two classifications these guidelines could fall under, being either directory or mandatory. Directory rules, he stated, had to be abided by or there could be penalties, while mandatory rules needed to be followed without exception. Mr. Dusek explained that the 45-day submission deadline was a directory rule and he noted that the attorneys were usually very good about submitting vouchers in a timely manner. Mr. Dusek further explained that Mr. Auffredou had reviewed the New York State Statute of Limitations, which indicated vouchers could be submitted for payment up to six years after services were provided.

Mr. Monroe stated the New York State Statute of Limitations allowed for many different interpretations and he would be concerned that a lawsuit might be brought against the County for non-payment if the voucher was not honored.

Discussion ensued as Mr. Dusek responded to questions from the Supervisors on various aspects of the issue regarding the late voucher submission and the Statute of Limitations regarding payment of said voucher.

Mr. Vanselow suggested the possibility of approving a resolution addressing this issue in recurring instances where the vouchers could be paid from the County's contingent fund; however, following further discussion, it was the consensus of the Committee that a resolution was not necessary.

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. Simpson and seconded by Ms. Seeber, Mr. Dickinson adjourned the meeting at 10:40 a.m.

Respectfully submitted,
Samantha Hogan, Legislative Office Specialist