

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JULY 31, 2014

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS DICKINSON
KENNY
MONROE
VANSELOW
BROCK
SEEBER
SIMPSON

ROBERT IUSI, DIRECTOR OF THE PROBATION DEPARTMENT
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Dickinson called the meeting of the Criminal Justice Committee to order at 11:30 a.m.

Motion was made by Mr. Simpson, seconded by Mr. Brock, 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 requested authorization to allow Samantha Mason, Probation Assistant, to enroll in the job-related course of "Data Utilization in Criminal Justice" from August 14, 2014 until December 14, 2014 at total cost of \$1,500. He explained Ms. Mason was working on her Master's Degree in Criminal Justice and planned on a continued career with the Warren County Probation Department. He noted Ms. Mason currently had a Bachelor's Degree in Criminal Justice and he anticipated that she would be promoted to a Probation Officer at some point in the future. He stated Ms. Mason understood that she needed to obtain a grade of "C" or better to qualify for reimbursement and that it was necessary to remain employed by Warren County for at least eighteen months following the course.

Ms. Seeber entered the meeting at 11:32 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Monroe and carried unanimously to approve the request to enroll in a job-related course as outlined above and to forward same to the Personnel Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi stated the Probation Department collected DWI (Driving While Intoxicated) Supervision Fees from anyone requiring supervision as a result of a DWI conviction. He noted this was the only service for which New York State allowed the Probation Department to collect fees. This year, he continued, the Probation Department had revised their DWI Supervision Fee policy in order to make one employee, Ms. Mason, responsible for the collection of all of the fees. He said in the past all of the Probation Officers had collected the fees which led to inconsistencies. He added that since the collection of fees was subject to audit by the State Comptroller's Office, it was preferable to have a solid policy with one employee responsible for all of the collections. He explained that when people failed to pay their DWI Supervision Fees, a series of four reminder letters were sent from the Probation Department. He said if payments were still not received the matter was referred to the County Attorney's Office where two additional reminder letters were sent to the involved parties.

Mr. Iusi explained the last step was to bring the matter to a local court for collection proceedings. He said the new policy was started around January of 2014 and there were currently four individuals who had ignored all attempts to collect the debt. He pointed out that during the series of reminder letters, if an involved party made an attempt to pay the outstanding debt, the entire process was started over again. He noted the revenues collected through the DWI Supervision Fees were added to the County Budget and he pointed out that last year the collections had totaled approximately \$16,000. He commented that it had never been necessary in the past to pursue litigation in Small Claims Court. He mentioned the County Attorney's Office had been accommodating and helpful with this process. Mr. Iusi stated the Probation Department had a very good success rate in collecting the DWI Supervision Fees and he said there had been 120 people subjected to the fees this year and only 4 required action in Small Claims Court.

Mr. Iusi requested authorization to allow the commencement of Small Claims Action in Glens Falls City Court against Kevin R. Chudyk, Jr., in the amount of \$1,175; Derek Linehan in the amount of \$735; William Canale in the amount of \$225; and Todd Cook in the amount of \$80 for unpaid DWI Supervision Fees pursuant to Local Law No. 3 of 2003. He noted Glens Falls City Court was selected because they were authorized to handle all claims within Warren County and had a higher threshold for judgement. He commented the filing fees were minimal but were lower for the City Court.

Martin Auffredou, County Attorney, explained he felt this program was important to the Probation Department and the County. He noted the integrity of the program was important and mentioned that while most people were making the required payments, those who were not should be held accountable. He said it was not difficult to initiate the action in Small Claims Court and he stated there were mechanisms for collections within Local Law No. 3 of 2003.

Mr. Auffredou explained County Law required that any time the County Attorney's Office initiated an action, it required the adoption of a resolution by the Board of Supervisors. He advised Mr. Iusi was seeking Committee approval for a resolution to be presented to the Board of Supervisors at the August 15, 2014 Board Meeting. He agreed with Mr. Iusi that the program was working well and he said there was a good rate of return on the collection letters which were sent. Mr. Iusi pointed out the first course of action at Glens Falls City Court would be an attempt at mediation.

Motion was made by Mr. Monroe and seconded by Mr. Simpson to authorize the commencement of Small Claims Action in Glens Falls City Court against four individuals for non-payment of DWI Supervision Fees as outlined above.

Mr. Vanselow asked the next step if Small Claims Court was unsuccessful in securing payments and Mr. Iusi responded a copy of the court transcript would be forwarded to the County to be filed with the County Clerk's Office and the matter of non-payment would be added to the individual's credit report. Mr. Auffredou commented there was the possibility of placing a lien on any real property owned by the involved party or collection proceedings could be commenced. He stated there was the possibility the County would not collect all of the outstanding fees but he was confident they would receive judgments from Glens Falls City Court. He opined the collection of the fees was secondary to the integrity of the program.

Mr. Dickinson requested a periodic report on how the DWI Supervision Fee collections were going and Mr. Iusi said he would comply. Mr. Iusi apprised that the Information Technology Department had redesigned the Probation Department's computer program to make it more user friendly and reports, such as the one requested, were fairly easy to generate.

Mr. Dickinson called the question and the motion was carried unanimously to authorize the commencement of Small Claims Action in Glens Falls City Court against four individuals for non-payment of DWI Supervision Fees as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the August 15, 2014 Board Meeting.*

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. Kenny and seconded by Ms. Seeber, Mr. Dickinson adjourned the meeting at 11:42 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist