WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: OCTOBER 26, 2006

Committee Members Present:	Others Present:
Supervisors Tessier	John Adams, Probation Supervisor
Bentley	Kathleen B. Hogan, District Attorney
O'Connor	Joy LaFountain, Assigned Counsel Coordinator
Stec	Amy Bartlett, First Assistant County Attorney
Kenny	William Thomas, Chairman
Mason	Joan Sady, Clerk
VanNess	JoAnn McKinstry, Confidential Secretary to the Commissioner of Administrative & Fiscal Services
	Supervisor F. Thomas
	Supervisor Geraghty
	Supervisor Belden
	Matt Sokol, Queensbury
	Madeline Farbman, *The Post-Star*
	Carlene A. Ramsey, Sr. Legislative Office Specialist

Mr. Tessier called the meeting to order at 10:04 a.m.

Motion was made by Mr. Mason, seconded by Mr. Stec, and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

District Attorney

Kathleen Hogan, District Attorney, distributed an Agenda packet to each of the committee members and a copy is on file with the minutes.

Ms. Hogan reported on Agenda Item 1, and she explained the County was in line to receive a grant from the National Children's Alliance, in the amount of $10,000 for the Child Advocacy Center (CARE Center). She presented a resolution request to authorize submission of the grant application. She noted that a request to amend the County Budget would be needed as well.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to: 1) authorize submission of the grant application to the National Children's Alliance and to authorize the necessary resolution be prepared for the November 17th Board meeting; and 2) to authorize the Request to Amend County Budget to accept funds for the CARE Center from the National Children's Alliance and to forward same to the Finance Committee. A copy of the resolution request forms are on file with the minutes.

Ms. Hogan moved to Agenda Item 2, and she explained the Crime Victim Specialist's salary was funded by a three-year grant program. When the original application was submitted, she noted, the grade level and salary level were out of cinque and the Commissioner of Administrative & Fiscal Services had recently advised her to amend the salary schedule accordingly. Therefore, she presented a Resolution Request to Increase the Salary of *Non-Union* Position from $21,750 to $23,580 in order to remedy the situation. She verified the amendment would be at no cost to the County.

Motion was made by Mr. Kenny, seconded by Mr. Mason and carried unanimously to approve the request as presented, and to forward same to the Personnel Committee. A copy of the request form is on file with the minutes.

Ms. Hogan returned to the Agenda review at Item 3, regarding the days available for committee meetings. She noted that County Court hearings were held on Wednesdays, although she would make it work if that was the best day for the Committee.

Following a brief discussion, it was determined the current Thursday format was most convenient for the Committee members and District Attorney's Office.

For information purposes only, Ms. Hogan reported the CARE Center had been approved for a $100,000 grant through the Empire Development Corporation. She noted the CARE Center intended to purchase a home at 24 Dix Avenue, in the City of Glens Falls, and the OCFS (Office of Children and Family Services) would fund all of the renovations.

Ms. Hogan commented the permanent home would help the CARE Center to be financially viable. Even though the City property would now be tax exempt, she said, she felt the improvements to the neighborhood would actually enhance the immediate area.

Mr. Tessier thanked Ms. Hogan for her report.

Probation
Privilege of the floor was extended to Probation Supervisor, John Adams, and he mentioned the Probation Director, Robert Iusi, was attending the Annual State Director's Meeting. He further noted that Mr. Iusi had been invited as a guest speaker, at the meeting, to discuss Judge Hall's initiatives in the area of adult treatments in Warren County's specialty courts.

Mr. Adams distributed an Agenda packet to each of the Committee members and a copy is on file with the minutes. He noted Agenda Item 1 was a request to extend a contract with the New York State Division of Probation and Correctional Alternatives (DPCA) through December 31, 2011, for annual funding in the amount of $11,400 for Pre-trial Release Services and $7,635 for the Alternative Sentencing Program.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve the request as presented, and to authorize the necessary resolution to be prepared for the November 17, 2006 Board meeting. A copy of the request form is on file with the minutes.

Mr. Adams reported Agenda Item 2 related to State Aid for the enhanced probation supervision for Level 3 Sex Offenders registered in the County. He presented a resolution request for a contract with DPCA in the amount of $8,000 for services from January 1, 2006 through December 31, 2006.

Motion was made by Mr. Stec, seconded by Mr. Kenny and carried unanimously to approve the request as presented and to authorize the necessary resolution be prepared for the November 17th Board meeting. A copy of the resolution request form is on file with the minutes.

Responding to Mr. Stec's questions, Mr. Adams explained the funding would be used to offset the expenses of one Probation Officer (in the adult unit) who would supervise all of the County's registered sex offenders. He pointed out the use of specialized Probation Officers would enhance, not only the County's service to the Community, but also the County's future funding from the State.

Mr. Stec asked if the County had taken an official stand on the issue of civil confinement. Ms. Bartlett pointed out the County had passed a local law which stated a violation of such would result in a misdemeanor. (See Local Law No. 8 of 2006.)

Following a brief discussion, it was the consensus of the Committee to refer the question of civil confinement to the Legislative Committee for consideration.

Mr. Adams returned to the Agenda review at Item 3, a Request to Amend the County Budget to accept $5,308 in funding for DNA (deoxyribo nucleic acid) testing. He said the Probation staff would need to collect DNA samples for approximately 100 probationers, during evening hours. Therefore, he said, Director Iusi would like to appropriate $1,000 for overtime (A.3140.120) and $4,308 for supplies (A.3140.410).

Responding to questions from various Supervisors, Ms. Hogan explained the Court imposed a DNA fee, at the time of sentencing, which was paid to the Court System. However, she said the samples were collected as follows: for those incarcerated - Sheriff's Office; those on probation - Probation Office; all others - District Attorney's Office.

Continuing, Ms. Hogan mentioned that she had recently been asked to serve on the Law Enforcement Council, as a representative of the State's northern counties. Consequently, she said, she attended a meeting where the Law Enforcement Council met with the Council for the Majority of both the Senate and Assembly to discuss legislative agenda items. She reported the Law Enforcement Council was seeking legislation for better distribution of the court imposed fees. Currently, she noted, the fees go into the General Fund. Although they were earmarked for Criminal Justice issues, she said, the fees were not directly returned to the County who processed the DNA sample.

A brief discussion ensued.

Mr. Adams further explained the resolution request pertained to funds that would cover expenses related to the collection of DNA samples from the retroactive pool of probationers. (See the letter dated September 26, 2006 from NYS Division of Probation and Correctional Alternatives included with the agenda packet.)

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the request to Amend the County Budget to increase estimated Revenues (A.3140) in the amount of $5,308; estimated Appropriations of Salary-Overtime (A.3140.120) by $1,000 and Office Supplies (A.3140.410) by $4,308; and to forward same to the Finance Committee. A copy of the request form is on file with the minutes.

Mr. Adams explained Agenda Item 4, Shared Municipal Service Grant, was related to the Sex Offender Collaboration between Warren and Washington Counties. Mr. Adams explained the grant application deadline had been October 23, 2006, therefore, the application had already been submitted to the New York Department of State. He presented a resolution request to ratify the actions of the Probation Director relative to the submission of the grant application.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to approve the request as presented and to authorize the necessary resolution be prepared for the November 17th Board meeting. A copy of the resolution request form is on file with the minutes.

Next, Mr. Adams reported on Agenda Item 5, Hamilton County Probation. He noted that he and Director Iusi had recently met with Hamilton County's Chairman of the Board of Supervisors, William Farber. He said he understood that Hamilton County's Probation Office had asked the Warren County Probation Department for assistance with the administrative functions of the Office. Specifically, he said, Hamilton County needed help with an automation project and completion of several State surveys.

Mr. Adams acknowledged the arrangement needed to be approved by the Warren County Board of Supervisors and the DPCA Director. He said the estimated 2007 revenue was $10,000.

Mr. Mason said he was concerned that Warren County's Probation Department may be stretched too thin. Mr. Kenny concurred, and said he would prefer this to be a temporary arrangement.

Ms. Hogan and Mr. Geraghty left the meeting at 10:30 a.m.

Responding to Mr. VanNess's questions, Amy Bartlett, Second Assistant County Attorney, reported her Department was currently working on an inter-municipal agreement with Hamilton County.

Ms. LaFountain entered the meeting at 10:31 a.m.

Mr. Tessier turned to Agenda Item 6, Committee Meeting Days 2007, and he confirmed the Committee members had decided upon Thursday for its regular meetings.

Mr. Geraghty returned to the meeting at 10:32 a.m.

Assigned Counsel
Ms. Bartlett reported the Silvestri and Stanclift law firm had agreed to handle Conflict Defender cases for the County's northern towns.

Motion was made by Mr. Stec, seconded by Mr. Kenny and carried unanimously to authorize a contract with Silvestri and Stanclift LLP as conflict defender for representation in the northern towns of Warren County, with terms of the contract to be determined; and to authorize the necessary resolution be prepared for the November 17th Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Tessier requested an executive session in order to discuss matters specific to the employment history of a particular individual; and motion was made by Mr. Stec, seconded by Mr. Kenny, and carried unanimously, that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Ms. McKinstry exited the meeting at 10:34 a.m.

Executive session was declared from 10:34 a.m. to 10:39 a.m.

Committee reconvened. Mr. Tessier noted no action was taken pursuant to the executive session.

Privilege of the floor was extended to Joy LaFountain, Assigned Counsel Coordinator, who reported her Department's Budget was 99.4% expended, as of October 26, 2006. She expressed her concerns that two months worth of billing had yet to be processed and she said she wanted to be sure the Committee members were aware of the financial dilemma.

Mrs. LaFountain confirmed the majority of assigned counsel offices were already in compliance with the County's policy, and submitted their vouchers within 45 days of settlement. However, she noted, that a number of cases remained open for quite a few months, and may not be settled before December 31st. At that point, she said, the vouchers would be due 45 days later.

In response to Mr. Tessier's question, Mrs. LaFountain explained the Assigned Counsel Plan - Policies (R.392/2006) required annual billing on lengthy matters.

Following a brief discussion, Ms. Bartlett suggested the County could amend the policy to stipulate interim billing be submitted for cases beyond a six month duration.

Ms. McKinstry re-entered the meeting at 10:44 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to amend the Assigned Counsel Plan - Policies to stipulate matters that go beyond a six month duration shall have vouchers submitted by June 30th and December 31st; and to authorize the necessary resolution be prepared for the November 17th Board meeting. (No resolution request form was submitted.)

There being no further business to come before the Committee, on motion by Mr. VanNess and seconded by Mr. Stec, Mr. Tessier adjourned the meeting at 10:45 a.m.

Respectfully submitted,
Carlene A. Ramsey, Sr. Legislative Office Specialist