

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JANUARY 25, 2007

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Stec

Committee Member Absent:

Supervisor VanNess

Others Present:

Robert Iusi, Director, Probation Department
Joan Sady, Clerk, Board of Supervisors
Hal Payne, Administrator, Westmount Health
Facility/Countryside Adult Home
Supervisor Caimano
Tucker Sstanclift, Esq.,
Katy Goodman, Secretary to the Clerk

Mr. Tessier called the Criminal Justice Committee meeting to order at 10:36 a.m.

Motion was made by Mr. Bentley, seconded by Mr. VanNess, and carried unanimously, that the minutes of the previous meeting be approved, subject to correction by the Clerk.

Privilege of the floor was extended to Robert Iusi, Director of the Probation Department, who distributed copies of his agenda for the meeting, a copy of which is on file with the minutes.

Pursuant to Agenda Item No. 1, Resolution Renewals, Mr. Iusi outlined requests for approval of the necessary resolutions to authorize extensions of some of the Department's contracts. The Committee members concurred that they would approve all the requests with one motion.

Mr. Iusi said the first extension was of the current contract with the New York State Division of Probation and Correctional Alternatives for the Probation Eligible Diversion Program. Mr. Iusi apprised the amount of the contract was \$27,200. He explained this was the Day Reporting portion of the Program and that the drug portion of the program was handled by the Department. The second request, he said, was to extend the current contract with the Warren-Hamilton Counties Action Committee for Economic Opportunity, Incorporated, for the Alternative Sentencing Program for Adults. Mr. Iusi apprised the amount of the contract was \$28,900.

Mr. Iusi stated the next request was to extend the current contract with the New York State Division of Probation and Correctional Alternatives for PreTrial Release services in the amount of \$11,400. He advised this contract also included \$7,635 for services for the aforementioned Alternative Sentencing Program with the Action Committee for Economic Opportunity, Incorporated. The last request, Mr. Iusi presented, was to extend the current Memorandum of Understanding (MOU) with the Warren County Department of Social Services for preventive services to children and families. He apprised the extension was for an amount not to exceed \$75,841. Mr. Iusi noted these were 65/35 funds and the amount increased somewhat each year. He added the reimbursement rate through Social Services was better than what it would be through Probation.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously to approve the aforementioned requests, as presented, and to authorize the necessary resolutions for the next board meeting. Copies of the resolution request forms and prior resolutions are on file with the minutes.

Pursuant to Agenda Item No. 2, Sex Offender Treatment, Mr. Iusi referred the Committee members to copies of a handout that had been distributed to them which outlined a proposal for a Sex Offender Management Program at the Warren County Municipal Center. A copy of the proposal is on file with the minutes.

Mr. Iusi reviewed the proposal with the Committee members. He stated the Probation Department supervised 30 - 35 registered sex offenders as well as a small number of others who should be in that category. However, he noted, they were not because of the type of charges they had pleaded to. Mr. Iusi explained that for a long time these offenders were treated by the Warren/Washington Counties Association of Mental Health's Caleo Center. However, he advised, in December 2006 the Center discontinued that treatment program and that left a backlog of those offenders on probation without the necessary treatment services. Mr. Iusi stated as these offenders were on probation they were treated in the community (instead of an institution), so the objective of the proposal would be to provide intensive treatment in order to reduce their risk of being repeat offenders. He noted it is a known fact that without treatment the risk of an offender re-offending was 60%.

Continuing, Mr. Iusi advised, relative to the loss of the treatment services for the past two months some of the Probation staff had been in contact with Dr. Richard Hamill, of Forensic Mental Health Services of Albany, to see if he would be interested in providing such services in a satellite office in Warren County. Dr. Hamill is a nationally renowned therapist in the field of treatment and management of sex offenders, he said. Mr. Iusi advised Dr. Hamill was interested in this proposal; however, there were some problems with it. He outlined that the proposal would be for Dr. Hamill to evaluate all the offenders and then provide group and individual treatment services with two groups either weekly or every other week depending on his schedule. Martha DeLarm, a Probation Officer, would co-facilitate the services with Dr. Hamill, he said.

Mr. Iusi stated the issue he wanted to discuss with the Committee members was the location of where the services would take place. He pointed out as outlined in the proposal (Page 2), their plan was to provide the services in the training room in the basement of the Municipal Center. He advised that location would provide the participants access into the building through the secured entrance to the Public Defender's Office and they would be under the constant supervision of the Probation staff; therefore contact with the public would be minimal. Mr. Iusi stated as Dr. Hamill did not have an office in Warren County he would have to find office space and that would probably be very difficult to do since he would be treating sex offenders. In addition, Mr. Iusi noted, that because the offenders were on probation they were required to report to the Department anyways.

Mr. Kenny asked what the costs would be and Mr. Lusi responded the defendants would cover the costs and no County funds would be required. The costs would be \$300 for the evaluations and approximately \$30 - \$40 per session for the group sessions, he said. Mr. Lusi stated in their research into the issue they had found that Albany County provided the treatment services in their Probation Department.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the aforementioned request to authorize a contract with Dr. Richard Hamill for the provision of treatment services for Warren County sex offenders. A copy of a resolution request form is on file with the minutes.

Mr. Lusi spoke on Agenda Item No. 3, Hamilton County Probation Department. He reminded the Committee that the issue of Warren County working with Hamilton County on probation services was discussed at the last meeting. Pursuant to the discussion, Mr. Lusi stated Amy Bartlett, 1st Assistant County Attorney, and he were asked to continue to look into the process of developing an intermunicipal agreement with Hamilton County concerning the services. He noted Ms. Bartlett would also speak on the issue. However, Mr. Lusi said, the issue was a little more complicated than they had thought it would be relative to some particular issues, so they wanted to discuss those issues with the Committee members for their input.

Privilege of the floor was extended to Ms. Bartlett, and she advised a major problem with the intermunicipal agreement was that the two employees of the Hamilton County Probation Department were not unionized and Warren County's Probation staff were unionized. Secondly, she explained the law required that a joint Probation Office be created so the staffs would become employees of Warren/Hamilton Probation instead of the individual Counties. Ms. Bartlett advised that would create huge problems with insurance issues. She stated Warren County also had local laws in place relative to its Department that Hamilton County did not have in place. She advised if the Committee members approved an intermunicipal agreement they would try to discuss the matter with William Farber (Chairman, Hamilton County Board of Supervisors) at next week's NYSAC (New York State Association of Counties) Conference.

Mr. Lusi advised that another problem with the intermunicipal agreement was that the State Division of Probation, which regulated Probation Offices, was basing the language of an agreement on State Executive Law regarding joint probation departments which would make the agreement spell out what the State Division would want for the joint office. He noted in addition to the issues mentioned by Ms. Bartlett, Warren County had a DWI Law and Hamilton County did not. Therefore, Mr. Lusi said, that law would have to be changed to incorporate the other County.

Discussion ensued. Mr. Lusi stated in view of these complications, they had decided to stop working on the matter and to bring it to the Committee members. Mr. VanNess suggested they advise Hamilton County that an intermunicipal agreement could not be worked out due to the State regulations and the additional issues that would be involved. Mr. Mason concurred. Mr. Lusi

said it would take Ms. Bartlett considerable time to draw up an agreement. Mr. VanNess said if Ms. Bartlett wanted to continue to discuss the matter that would not be a problem. Ms. Bartlett clarified the issue was about the possibility of discussing the matter with Hamilton County; however she did not want to put any more time into researching the aforementioned issues that would be involved in working out an agreement. Mr. Tessier stated a resolution would not be needed to disregard the issue. Mr. Iusi advised he would notify the State and Hamilton County that the County was not interested in pursuing the matter. The Committee members concurred that he should do that.

District Attorney, Kathleen Hogan, confirmed for Mr. Tessier that she did not have any items to bring to the Committee members today.

Privilege of the floor was extended to John Wappett, Public Defender, who stated he had some personnel requests to present today. He announced the requests were due to the forthcoming resignation of 2nd Assistant Public Defender, William Davidson, who would be leaving the position on February 2nd to accept a position with the New York State Office of Children and Family Services. He advised he had been interviewing some possible candidates for a position in the Office and he thought he was close to hiring someone. However, Mr. Wappett stated, he wished to request approval to promote the current 3rd Assistant Public Defender, Timothy Tyree, to fill the 2nd Assistant Public Defender position, and to promote the current part-time 4th Assistant Public Defender, John Nichols, to fill the full-time 3rd Assistant Public Defender position. He requested and to fill the 4th Assistant Public Defender position with an outside hire on a part-time basis (35 hours/week) with no longevity. He stated he would like to make these changes as quickly as possible due to the current volume of the Office's calendar. Mr. Wappett confirmed that in accordance with the County's Personnel Policy, the requests had been approved by Joan Parsons, Commissioner of Administrative & Fiscal Services.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve the aforementioned requests, as presented, and to refer them to the Personnel Committee. Copies of Notices of Intent to Fill Vacant Position forms for the items are on file with the minutes.

Privilege of the floor was extended to John Silvestri, Esquire, who introduced himself to the Committee members. He stated he had been an attorney in Chestertown since 1984 and he had recently opened up a partnership with Attorney Tucker Stancliff and their office was located at 100 Glen Street in Glens Falls.

Mr. Silvestri explained the issue he wished to discuss with the Committee members concerned the firm's contract with the County to provide Conflict Defender services. He requested approval to have the contract awarded to them for a one-month term of February 16 through March 16, 2007, in order to allow them to maintain their current level of malpractice insurance at \$500,000 to \$1 million. Mr. Silvestri explained they had asked their insurance carrier if they could change the amount of their coverage in the middle of their insurance contract, but found it would be cost-prohibitive for the firm. He apprised at this time their coverage cost \$4,000 per month and it would

cost \$10,000 to change the coverage mid-stream. Mr. Silvestri stated that when the contract with the County expired on March 16th they would be able to get the million dollar coverage without having to pay the high premium for changing the coverage in the middle of the contract.

Mr. Tessier advised he did not know what the policy would be on the request, therefore it would have to be discussed with the County Attorney.

Ms. Bartlett requested an executive session to discuss the employment history of a particular person.

Motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to declare executive session pursuant to Section 105(f) of the Public Officers Law.

Executive session was declared from 11:50 a.m. to 11:55 a.m.

Committee reconvened.

Pursuant to the Executive Session, Ms. Bartlett requested approval to amend Resolution No. 734 of 2006, which had authorized the aforementioned contract with Silvestri and Stanclift, LLP, for the term of March 16, 2007 to March 15, 2008. She noted the contract was for the provision of Conflict Counsel services in Northern Warren County Town Courts.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A copy of a resolution request form is on file with the minutes.

Ms. Bartlett requested approval to rescind Resolution No. 355 of 2006 that had authorized a contract with the William V. Canale Law Firm for Conflict Defender services for Glens Falls City Court conflict cases.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A copy of a resolution request form is on file with the minutes.

Ms. Bartlett advised that Joy LaFountain, Assigned Counsel Coordinator, was not able to attend the meeting today; however on her behalf she would request approval to authorize one notary public in the Assigned Counsel Department and that the County pay the filing fees. Ms. Bartlett apprised the cost of the filing fees was approximately \$60 per year. She stated she had found some statutory law that said the Board of Supervisors could pay the fees even if the funds for a particular Department were not in its budget. Mrs. LaFountain was unaware that she had to budget for the fees and they were not covered in her budget, she added.

Motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously to approve

Criminal Justice
January 25, 2007
Page 6

the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A copy of a resolution request form is on file with the minutes.

There being no further business, on motion by Mr. Kenny and seconded by Mr. Stec, Mr. Tessier adjourned the meeting at 12:00 noon.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk