

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: JUNE 21, 2007

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Stec
Kenny
Mason
VanNess

Others Present:

Kathleen B. Hogan, District Attorney
Robert F. Iusi, Jr., Director, Probation
Amy C. Bartlett, First Assistant, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Todd Lunt, Director, Human Resources
Debra L. Schreiber, Legislative Office Specialist

Mr. Tessier called the meeting to order at 10:00 a.m.

Motion was made by Mr. Mason, seconded by Mr. Stec, and carried unanimously to approve the minutes of the May 24, 2007 Committee meeting, subject to correction by the Clerk.

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

Mr. Iusi distributed copies of the Probation Department Budget Performance Report, which he said he attempted to email to members of the Committee but was unsuccessful.

With respect to Item 2 of the agenda, Mr. Iusi requested permission to apply for a sex offender grant through the New York State Division of Criminal Justice Services, in the amount of \$15,000, in support of the Warren/Washington Counties Sex Offender Collaboration Program.

Motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Continuing on with Item 3 of the agenda, Mr. Iusi requested authorization to enter into a contract with the New York State Division of Probation and Correctional Services for sex offender funds, commencing April 1, 2007 and terminating March 31, 2008, in an amount not to exceed \$27,300 for enhanced probation supervision services (Part A), as well as \$6,300 (Part B) for polygraph examinations.

Motion was made by Mr. Kenny, seconded by Mr. Mason and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Relative to Item 4, Mr. Iusi indicated he was requesting authorization to enter into a contract with the Warren/Washington Counties Council for Prevention of Alcohol/Substance Abuse, commencing June 13, 2007 and terminating August 31, 2007, in an amount not to exceed \$365. He stated the Council for Prevention, through the Wilderness Youth Leadership Development Program, was providing outdoor adventure activities for the participants of the Juvenile Treatment Court.

Motion was made by Mr. Bentley, seconded by Mr. Mason and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi requested Committee approval to allow him as Director of Probation, to be an officer in the New York State Council of Probation Administrators (COPA) and grant him permission to travel to meetings and training at no expense to the County.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

In reviewing the Probation Department Budget Performance Report, Mr. VanNess queried whether Mr. Iusi had sufficient funds in the Probation - Custody Investigation Code (1581). Mr. Iusi responded they typically expended approximately \$4,000 per year on custody investigations with \$1,500 being the County share. He said he did not anticipate any difficulties adhering to that budgeted amount.

Mr. Iusi concluded his portion of the Criminal Justice Committee Meeting at 10:05 a.m.

Amy Bartlett, First Assistant, County Attorney, entered the meeting at 10:05 a.m.

Privilege of the floor was extended to Ms. Bartlett who requested that the law firm of Tucker Stanclift be assigned all conflict defender cases for the City of Glens Falls. Furthermore, she informed the Committee that Jeffrey McMorris had joined the Stanclift Law Firm, P.C.

Motion was made by Mr. Stec and seconded by Mr. Bentley approving the request as outlined above.

In response to an inquiry by Mr. O'Connor, Ms. Bartlett apprised that Mr. Stanclift had recently withdrew his nomination in the upcoming election.

After discussion, Mr. Tessier called the question and the motion was carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Bartlett exited the meeting at 10:07 a.m.

Privilege of the floor was extended to Kathleen B. Hogan, District Attorney. Pursuant to the recent Department Head meeting, Ms. Hogan explained there were a few requests that necessitated Committee approval. As Second Vice President of the New York State District Attorney's Association, Ms. Hogan asked the Committee to approve her request to hold such position within that organization.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Hogan requested authorization to attend meetings and conventions, as well as overnight travel relating to the New York State Prosecutor's Training Institution (NYSPTI), which was a not-for-profit organization that operated under the auspices of the New York State District Attorney's Association. There was a legal requirement for continuing education to prosecutors throughout New York State, she said, which was provided by this organization at no cost to the prosecutor. On July 14, 2007, she informed the Committee she was scheduled to instruct a course at the NYSPTI; therefore, she asked that she be granted permission to teach such course, as well as allow the prosecutors within her Department permission to attend the required training.

Motion was made by Mr. Mason, seconded by Mr. Kenny and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the July 20, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

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

Executive session was declared from 10:10 a.m. to 10:18 a.m.

Committee reconvened.

Pursuant to executive session, motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously approving the request to fill the vacant position of 6th Assistant District Attorney, and refer same to the Personnel Committee for consideration. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Mr. Kenny said he had recently read articles in the newspaper relating to “Social Hosting” and queried whether Warren County had considered such a law. Currently there was a criminal charge of unlawfully dealing with a child that specifically stated that anyone over 21 years of age who provided alcohol to an individual under that age could be arrested with a Class A Misdemeanor, responded Ms. Hogan. According to the article he read, Mr. Kenny said an individual could only be charged if there were an injury and Ms. Hogan responded that was not correct. In many cases, she said, proof becomes an issue and this “Social Hosting” made it a broader party as opposed to who actually provided the alcohol. Mr. Kenny asked Ms. Hogan to research “Social Hosting” as it related to underage drinking/driving within Warren County.

There being no further business to come before the Committee, on motion by Mr. Mason and seconded by Mr. Bentley, Mr. Tessier adjourned the meeting at 10:21 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office Specialist