WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: AUGUST 20, 2007

Committee Members Present:		**Others Present:**
Supervisors	Tessier	John Wappett, Public Defender
	Bentley	Kathleen B. Hogan, District Attorney
	O'Connor	Robert F. Iusi, Jr., Director, Probation
	Stec	William H. Thomas, Chairman
	Kenny	Hal Payne, Commissioner of Administrative & Fiscal Services
	Mason	
	VanNess	JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services
		Joan Sady, Clerk of the Board
		Nicholas Caimano, Budget Officer
		Amy Bartlett, First Assistant, County Attorney
		Debra L. Schreiber, Legislative Office Specialist

In the absence of the Committee Chairman, Mr. Bentley, Vice Chairman, called the meeting to order at 9:37 a.m.

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

PUBLIC DEFENDER

John Wappett, Public Defender, distributed the proposed 2008 Budget packets to each of the Committee members, *a copy of which is on file with the minutes*.

Mr. Wappett apprised that the proposed 2008 Public Defender (A.1171) Budget request was $371,803, as compared to the 2007 appropriations of $362,130, an increase of $9,673. He requested to adjust the Office Equipment and Travel/Education/Conference codes back to the amounts originally removed from his 2007 Budget. He explained that he had not budgeted any sick leave incentive in 2007; however, he requested $2,350 for 2008. He further explained an additional revenue code would be added to his Budget as they anticipated being reimbursed by New York State (NYS) for parole hearings currently funded by the County. Mr. Wappett said his Department submitted a request for reimbursement from New York State in the amount $13,000 for parole hearing expenditures this past year; however, he said, the amount they would receive was based upon the percentage of submissions from the previous year.

Mr. Wappett stated their caseload continued to increase from a total of 1,400 cases in 2006 to 1,200 in July of 2007. While he did not notice a significant increase in the number of caseloads by jurisdiction, he said, there appeared to be an increase due to the change in the qualification guidelines. He stated that he previously requested a County vehicle for their part-time Department

Investigator to perform services for the Public Defender's Office; however, he said, the request was denied.

Mr. Wappett reviewed the Public Defender Budget Performance Report through August 20, 2007. Mr. O'Connor suggested increasing the 4^{th} Assistant Public Defender position from part-time to full-time, as it appeared their 2007 caseload would exceed the total number of cases in 2006. Due to the removal of some 2007 Budget requests, Mr. Wappett said he anticipated a shortfall by year-end.

Motion was made by Mr. O'Connor, seconded by Mr. Mason and carried unanimously authorizing the reclassification of the 4^{th} Assistant Public Defender position from part-time to full-time, and to refer same to the Budget Officer.

Motion was made by Mr. O'Connor, seconded by Mr. Stec and carried unanimously approving the Public Defender Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

That concluded the Public Defender portion of the Criminal Justice Committee and Mr. Wappett exited the meeting at 10:12 a.m.

Assigned Counsel
Joan Sady, Clerk of the Board, distributed the proposed 2008 Legal Defense - Indigents Budget packets to each of the Committee members, *a copy of which is on file with the minutes*.

Mrs. Sady apprised that the proposed 2008 Legal Defense - Indigents (A.1170) Budget request was $497,850, as compared to the 2007 appropriations of $395,368, an increase of $102,482. Mr. VanNess stated that if the Assigned Counsel Administrator was not present to answer any questions of the Committee as it related to the Budget, perhaps the 2007 Budget requests should be submitted for 2008 to the Budget Officer.

Mrs. Sady said she understood the increase of $96,500 in the contractual (470) portion of the Legal Defense - Indigents Budget was a result of two contracts for conflict defender services.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously approving the 400 Code **only** of the 2008 Legal Defense - Indigents Budget and keep the remaining codes (.1's and .2's) at the same level as was approved for 2007; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

That concluded the Assigned Counsel portion of the Criminal Justice Committee.

District Attorney
Kate Hogan, District Attorney, distributed the proposed 2008 Budget packets to each of the Committee members, *a copy of which is on file with the minutes*.

Ms. Hogan apprised that the proposed 2008 Narcotics Control (A.4220) Budget request was $83,301, as compared to the 2007 appropriations of $83,570, a decrease of $269.

Motion was made by Mr. O'Connor, seconded by Mr. Mason and carried unanimously approving the Narcotics Control Budget as presented; authorize the Committee Chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan said the Crime Victims-Assistance (A.1168) Budget reflected a 2008 request of $89,316 in comparison to the 2007 appropriations of $85,078, an increase of $4,238. She stated the 2008 County allocation from the Crime Victim Board was $81,587, an increase of $4,238 from the 2007 allocation of $77,349.

Mr. Tessier entered the meeting at 10:32 a.m. and continued chairing the Committee.

Ms. Hogan apprised that any County funds that supplemented the Crime Victims-Assistance (A.1168) Budget would be reimbursed by the Crime Victims Board. She further stated that there were significant funds that remained in her Budget due to the duration of the vacant part-time Crime Victim Specialist position in her Department. Ms. Hogan said she was requesting a transfer of funds in the amount of $8,500 for the new part-time Crime Victim Specialist to attend training.

Motion was made by Mr. VanNess, seconded by Mr. O'Connor and carried unanimously:

- approving the Crime Victims-Assistance Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer; and
- approving the request to transfer funds as outlined above; and to refer same to the Finance Committee for consideration. *A copy of the resolution request form is on file with the minutes.*

Ms. Hogan said she had a resolution request for out-of-state travel for Emilee Davenport and Kevin Donlon to attend the New England Conference on Child Sexual Abuse in Burlington, Vermont on October 1 through 2, 2007. She further requested permission for Manon Affinito and Joy Savoie to attend the Crime Victims Board 2007 Statewide Conference in Liverpool, New York on October 1 through 3, 2007; and for Manon Affinito, Joy Savoie and Emily Davenport to attend the Tomorrow Begins Today Conference in Lake Placid, New York on October 11 through 12, 2007. Ms. Hogan noted these conferences were all grant funded.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously authorizing the requests to travel as presented; and the necessary resolution to travel out-of-state was authorized for the September 21, 2007 Board Meeting. *A copy of the resolution request form and the Authorizations to Attend Meeting or Convention are on file with the minutes.*

According to the Crime Victims Assistance (A.1168) Budget, Mr. Caimano stated the 2007 estimated revenues were $77,349, and he queried whether Warren County had received those funds. Ms. Hogan responded her grant administrator verified the New York State account with the County account. Mr. Caimano noted the report from the Treasurer dated August 16, 2007 reflected a 15%

County reimbursement of the 2007 estimated revenues, or $11,977. Ms. Hogan replied that perhaps the funds were incorrectly appropriated. She explained $10,000 of these grant funds were given to the Glens Falls Police Department and $50,000 to their District Attorney Investigators for the purpose of targeting high crime areas within the City of Glens Falls.

Ms. Hogan apprised that there were no changes to the proposed 2008 Legal Lives Communities that Care (A.1166 0010) Budget.

Motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously approving the Legal Lives Communities that Care Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan stated that the proposed 2008 District Attorney (A.1165) Budget request was $703,651, as compared to the 2007 appropriations of $710,675, a decrease of $7,024. She apprised there was a one-time grant, *Doe versus Pataki*, that the County received as reimbursement funds expended for the hearings that were conducted as a result of federal litigation. She commented the Regional Child Fatality grant was superceded by the Child Advocacy Center, resolving those two Budget lines.

Ms. Hogan said she anticipated NYS Governor Eliot Spitzer to be generous when funding criminal justice and suspected an increase in the 2008 estimated revenues. Mr. Caimano commented the District Attorney Budget reflected a one percent decrease in expenditures, as well as a nine percent decrease in revenues. She explained the three year traffic safety grant expired in 2006 and she was uncertain about the 2008 revenue projections. She stated there was a $5,000 increase in Stop DWI funds and she recommended creating two part-time positions that were grant funded which would supplement the current DWI employees. According to the report from the Treasurer, Mr. Caimano indicated that as of August 16, 2007, the District Attorney received only 13% of the anticipated revenues.

Ms. Hogan expounded the cost of legal/transcript fees (440) expended by their Department in 2006 was $50,645.94. She noted that every case presented to the Grand Jury required a transcript and she was attempting to effectively reduce that expense.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously approving the District Attorney Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan stated the Child Advocacy Center (A.1169) Budget reflected a 2008 request of $182,000 in comparison to the 2007 appropriations of $132,450, an increase of $49,550. She explained this program had been funded by the Office of Children & Family Services (OCFS); however, she said, effective September 30, 2008 this line item would no longer appear in the County Budget. She said the County created the 501(c)(3) as the Grant contractee with the Office of Children & Family Services disbursing the funds through the County Treasurer. Upon the expiration of this contract on September 30, 2008, she said the President of the Board of Directors for the 501(c)(3) would become the next contractee for the Office of Children & Family Services.

Ms. Hogan said the part-time salary (130) in the Child Advocacy Center Budget reflected the transfer of $12,000 effective October 1, 2008. She stated the funding for 2007 increased $27,000. She further stated every line throughout the Child Advocacy Center Budget was 100% funded by New York State. Mr. Caimano said the report from the Treasurer indicated the County was only reimbursed 26%, as of August 16, 2007.

Ms. Hogan requested a transfer of funds to pay for engineering services at 26 Dix Avenue in Glens Falls, the future home of the Warren/Washington Counties Child Advocacy Center. She said this program was 100% funded by NYS and anticipated it to be a stand alone agency by October 1, 2008.

Ms. Hogan explained the 2008 Budget proposal for the Child Advocacy Center was $182,000, which included the Care Center Coordinator salary for the full year, less a part-time reduction when it became its own entity. She said a majority of the funds within the 200 and 400 Codes would be dedicated to the renovation of the Dix Avenue location. Mr. Caimano replied he was unsure the Child Advocacy Center should be charged with a $182,000 Budget. She indicated OCFS authorized her Department to hire Rist Frost for engineering services required for building renovations and the funds would be expended from Miscellaneous Fees & Expenses (439) of the Child Advocacy Center Budget.

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Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously:

- approving the Child Advocacy Center Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer; and
- authorizing the transfer of funds in the amount of $4,762.49, for engineering services, and to refer same to the Finance Committee for consideration. *A copy of the resolution request form is on file with the minutes.*

That concluded the District Attorney portion of the Criminal Justice Committee at 11:10 a.m.

PROBATION

Robert Iusi, Probation Director, distributed the proposed 2008 Budget packets to each of the Committee members, *a copy of which is on file with the minutes*.

Mr. Iusi requested permission to fill a part-time Probation Officer position due to resignation.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously approving the request to fill the vacant position of part-time Probation Officer, and to refer same to the Personnel Committee. A *copy of the Notice of Intent to Fill Vacant Position Form is on file with the minutes*.

Mr. Iusi apprised that the proposed 2008 Probation (A.3140) Budget request was $1,025,825, compared to the 2007 appropriations of $960,942, an increase of $65,000. He explained the contract with New York State had increased to a total of $65,000; $50,000 for a mental health grant and $15,000 for a sex offender grant; however, he said, revenue was generated to offset this cost.

Mr. Iusi stated a majority of the expenses within the Probation Department Budget were attributable to personnel. He said their automated caseload program had user/maintenance fees that had increased and were reflected in the Repair/Maint-Equipment Code (422). He noted the increase in the Repair/Maint-Equipment Code from $806 in 2006 to $4,000 to 2007 was the cost associated with the purchase of a new copier.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the Probation Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Mr. Iusi stated the proposed 2008 Probation - Pretrial (A.3143) Budget request was $50,751, compared to the 2007 appropriations of $53,250, a decrease of $2,499, due to the retirement of their Senior Probation Officer.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously to approve the Probation - Pretrial Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Mr. Iusi said the Probation - Day Reporting (A.3144) 2008 proposed Budget requested $47,958, as compared to the 2007 appropriations of $57,198, a decrease of $9,240. He stated the $10,000 difference between the 2007 and 2008 revenues ($37,200 and $27,200 respectively) were grant funds received from NYS in previous years; however, he said, he expected to be awarded these funds for 2008, but did not expect to be notified until November of 2007.

Motion was made by Mr. Kenny, seconded by Mr. Bentley and carried unanimously approving the Probation - Day Reporting Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Mr. Iusi briefly reviewed the Revenue Budget Performance Report for his Department through August 17, 2007. According to this Budget Performance Report, Mr. Caimano noted that Warren County had only received 39% of the reimbursement funds from New York State. Mr. Iusi apprised that the County Treasurer had informed him the second quarter reports had just been completed and forwarded on to New York State; however, he said, he anticipated meeting the projected expectations.

There being no further business to come before the Committee, on motion by Mr. Bentley and seconded by Mr. VanNess, Mr. Tessier adjourned the meeting at 11:29 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office Specialist