

**CRIMINAL JUSTICE MEETING
PROBATION AGENDA
4/30/12**

- I. Committee Meeting called to Order by Chairman
- II. Motion to approve minutes prior to Committee Meetings
- III. Action Agenda

- **Request** – Resolution Request to appoint the following to the Criminal Justice Advisory Board pursuant to Article 13-A of the Executive Law (Alternatives to Incarceration Service Plan): Paul Dusek, County Administrator, Will Valenza, Chief; Glens Falls Police Department; Ralph Bentley, Chair, Criminal Justice Committee, Nathan York, Sheriff, Warren County Sheriff's Office, Lori Donahue, ASP Director, Community Action Center, John Wappett, Public Defender, Robert York, Director, Community Service, Amy Bartlett, 1st Assistance County Attorney, Debra Holderman, Victim of Crime, Frank Rock, Ex-Offender. -10

Rational – Chapter 907 of the Laws of 1984, effective August 6, 1984, provides funding for counties to develop Alternative to Incarceration (ATI) plans. To qualify for state funding, counties are required to designate an Advisory Board which shall prepare and submit ATI Plan to the NYS Division of Criminal Justice Services.

Request – Resolution Request to develop a drug testing service agreement with National Toxicology Center in Schuylerville, NY.

Rational – Agreement will stipulate responsibilities between National Toxicology Center and Warren County Probation Department regarding on-site urine collection, collection supplies, availability of collection services and secure reporting of results by fax or internet. All fees are paid for by probationers directly to National Toxicology Center. 1st Assistant County Attorney Amy Bartlett is drafting agreement.

Request – Authorization for Probation Officers Mark Murray and Martha DeLarm to attend 2012 NYS Police Sex Offender Seminar at NYSP Academy in Albany, NY from 5/21 to 5/25/12.

Rational – Excellent training opportunity for Probation Department Sex Offender officers. This training is no cost to County.

Request: Authorization for Director of Probation Robert Iusi, Jr., to attend 2012 NYS COPA Summer Conference and training Seminar in Lake Placid, NY from 6/25 to 6/27/12.

Rational: Excellent opportunity for Direct to attend conference that focuses on training, state wide probation issues including funding and the opportunity to interact with Deputy Secretary for Public Safety Liz Glacier and State Director of Probation Robert Maccarone. Cost of conference is included in annual dues.

IV. OLD BUSINESS

NONE

V. TOPICS TO BE REPORTED ON/DISCUSSIONS/UPDATE

- Community Corrections Plan and State Aid Application
- Expanded DNA testing for all felony and misdemeanor penal law offenses effective August 1, 2012.

RESOLUTION REQUEST FORM NO. 1

Request to Appoint or Reappoint Member of Committee, Board or Agency*

****If more than one person is being appointed, please attach additional sheets***

DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Paul Dusek
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Office of the County Administrator, County Administrator.
- (e) Address of Appointee: 1340 State Route 9, Lake George, NY 12845
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): N/A
- (j) Reason for Replacement: N/A

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Lori Donahue
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Community Action Center, Director - Alternative Sentencing Program.
- (e) Address of Appointee: 190 Maple Street, Glens Falls, NY 12801
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): Vicki Tagg
- (j) Reason for Replacement: Change of Director of ASP

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Robert York
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title Warren/Washington Counties Office of Community Services, Director
- (e) Address of Appointee: 230 Maple Street Suite 1, Glens Falls, NY 12801
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable):
- (j) Reason for Replacement:

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Frank Rock
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Ex-Offender
- (e) Address of Appointee: 18 Newcomb Street, Queensbury, NY 12804
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): N/A
- (j) Reason for Replacement: N/A

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Amy Bartlett
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title : Warren County Attorney's Office, 1st Assistant County Attorney
- (e) Address of Appointee: 1340 State Route 9, Lake George, NY 12845
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): N/A
- (j) Reason for Replacement: N/A

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****If more than one person is being appointed, please attach additional sheets***

DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: John Wappett
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title Warren County Public Defender's Office, Public Defender
- (e) Address of Appointee: 1340 State Route 9, Lake George, NY 12845
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): Sterling Goodspeed
- (j) Reason for Replacement: Change in Public Defender.

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Nathan York
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Warren County Sheriff's Office, Sheriff
- (e) Address of Appointee: 1400 State Route 9, Lake George, NY 12845
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): Larry Cleveland
- (j) Reason for Replacement: change in Sheriff

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Request to Appoint or Reappoint Member of Committee, Board or Agency*

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Ralph Bentley
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Chairman, Criminal Justice Committee, Board of Supervisors
- (e) Address of Appointee: 6604 State Route 8, PO Box 90, Brant Lake, NY 12815
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): Louis Tessier
- (j) Reason for Replacement: change in Chair of Criminal Justice Committee.

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DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Debra S. Holderman
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Victim
- (e) Address of Appointee: 26 Fox Hollow Lane, Queensbury, NY 12804
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): N/A
- (j) Reason for Replacement: N/A

RESOLUTION REQUEST FORM NO. 1

Request to Appoint or Reappoint Member of Committee, Board or Agency*

****If more than one person is being appointed, please attach additional sheets***

DEPARTMENT NAME: Probation

DATE: April 27, 2012

- (a) Name of Appointee: Will Valenza
- (b) Is this a Reappointment? No If so, please provide the Resolution No. which authorized the last appointment of this individual
- (c) If a Certificate of Appointment applies, please provide a copy of the prior certificate of appointment, if possible.
- (d) If person is being Appointed as a Representative of a Specific Group/Agency, please list their Affiliation and Title - Glens Falls Police Department, Chief of Police
- (e) Address of Appointee: 42 Ridge Street, Glens Falls, NY 12801
- (f) Title of Appointment: Warren County Criminal Justice Advisory Board
- (g) Effective Date of Appointment: ASAP
- (h) Termination Date of Appointment: Shall serve at pleasure of Board of Supervisors.
- (i) Name of Person Being Replaced (if applicable): Joseph Bethel
- (j) Reason for Replacement: change in Chief of Police

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Probation Department

DATE: 4/27/2012

- (a) Is this a Result of a Bid or Request for Proposal? No

- (b) Purpose of Contract: Drug Testing Service Agreement

- (c) Name of Contractor: National Toxicology Center

- (d) Address of Contractor: 12 Spring Street, Schuylerville, NY 12871

- (e) Contractor's Contact Person and Telephone Number: Thomas Rosano, 695-5227

- (f) Has or will the Contract be provided, if so, please attach:

- (g) Commencement Date of Contract: ASAP

- (h) Termination Date of Contract: Open

- (i) Payment Provisions:
 - i) lump sum amount N/A
 - ii) hourly rate amount
 - iii) total amount not to exceed
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

- (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: OR Capital Project OR Capital Reserve Project Number, Title, and Amount: N/A

Sample: A.1010 470 Legislative Board – Contract \$xx.xx

Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS



National Toxicology Center

Laboratory Director

12 Spring Street, Schuylerville New York 12871

Laboratory Manager

Thomas G. Rosano, PhD, DABFT Ph:518-695-5227 Fax:518-695-3784 email: Drugtest@ntclab.com

John J. LeQue, MT

Center of Excellence for Clinical and Forensic Drug Testing and Interpretation

Drug Testing Service Fee Schedule

Revised 4/16/12 for Warren County

Urine Testing Program:

- **Alcohol Metabolite Screen with Confirmation \$35** – Ethylglucuronide screening and confirmation testing for both Ethylglucuronide and Ethylsulfate. Also includes specimen validity tests for pH, creatinine and specific gravity with confirmation.
- **Drug Screen with Confirmation \$35** – Expanded drug screen for Opiates, Cocaine, Cannabinoids, Amphetamines, Buprenorphine and Benzodiazepines with confirmation for Amphetamine, Methamphetamine, Cocaine metabolite, Cannabinoid metabolite, Morphine, Codeine, 6-acetylcodeine (herion metabolite), Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone, Buprenorphine, Norbuprenorphine, Diazepam, Oxazepam, Temazepam, Alprazolam, Lorazepam, Clonazepam metabolite, Flurazepam metabolite, Midazolam, Triazolam metabolite. Also includes specimen validity tests for pH, creatinine and specific gravity with confirmation.
- **Synthetic Cannabinoid (K2) Screen \$65** – Initial testing for JWH-018, JWH-017, JWH-250 and corresponding metabolites.

Hair Testing Program:

- **Hair 5-Panel \$70** – Amphetamines/Methamphetamine, Cocaine, Opiates, THC and PCP.
- **Hair Panel-5 with Extended Opiates \$80** – Amphetamine/Methamphetamine, Cocaine, Codeine, Morphine, 6AM (heroin metabolite), Hydrocodone, Hydromorphone, Oxycodone, THC and PCP.

Service Agreement:

NTC testing services include on-site urine collection training, collection supplies, availability of collection services at NTC's collection center, and secure reporting of results by fax or internet. Courier pick-up of specimens and payments will be provided at no charge twice a week between 12-1pm, preferably not Mondays. Confirmation testing will be performed within 3-5 business days of screening. Consultation on test results available by a forensic toxicologist at no additional charge except for expert report and court-related expert services. Pricing for the drug and alcohol screens with confirmation is based on providing all send-out testing for Warren County, combined drug and alcohol confirmation rate of less than 10% and may be re-negotiated if actual confirmation rate is higher.

Proposed Board Resolution

The Warren County Public Defender's office has begun to handle appeals for indigent defendants in felony matters before the Appellate Division, Third Department.

The Warren County Public Defender's Office receives a stipend from the Office of Indigent Legal Services for handling these Appeals.

It appears that indigent defendants whose appeal is assigned to a public defender's office routinely object to the assignment of a public defender's office, usually claiming a conflict of interest.

These objections are usually specious and disingenuous, being made in hopes that their appeal will be reassigned to a private attorney, who the appellant hopes will do a better job.

The Appellate Division, Third Department is routinely responding to these objections by reassigning appeals without considering the merits of the objection.

That the direct result is that Warren County is required to pay, at statutory rates, for the perfection of an appeal by an assigned attorney, rather than having the Warren County Public Defenders Office handle the matter.

That OILS does not pay its stipend to the Warren County Public Defender's Office in such a case.

As a result, Warren County will realize an unnecessary financial burden that can easily be thousands of dollars for a single appeal.

The Warren County Board of Supervisors requests that the Appellate Division, Third Department henceforth review appellant's objections and only honor those objections that have merit, after considering input from the Warren County Public Defender's Office.

CRIMINAL JUSTICE COMMITTEE AGENDA - ASSIGNED COUNSEL

By: County Administrator

Action Agenda/New Business

1. Civil Service Appointment Requirements for Administrator

Pending Items/Old Business

None

Topics for Discussion/Information

None