

Criminal Justice Committee

District Attorney Office

AGENDA

March 2, 2015

Committee Members: DICKINSON, Kenny, Monroe, Vanselow, Brock, Seeber, Simpson

- I. Committee meeting called to order by Chairman
 - II. Motion to approve minutes of prior Committee meeting
 - III. Action Agenda/New Business
 1. Request to fill vacant position.
Rationale: To fill vacant position and any vacant positions created due to resignation and promotions.
 2. Request to change salary schedule of positions due to resignation.
Rationale: To re-appropriate salaries to compensate for experience.
 3. Request to retain the services of Kevin Donlon as an independent consultant not to exceed six months.
Rationale: This will be paid for by Asset Forfeiture funds with no cost to the county.
 - IV. Referral/Pending Items
 1. ...
 2. ...
 3. ...
 - V. Information for Discussion/Review

(List here budget reports, annual reports, project reports, business activity, updates, photos of projects, etc. - whatever you normally report on to Committee)
 - VI. Privilege of the Floor to discuss any additional items to come before the Committee
 - VI. Motion to adjourn
-

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No.: 5.0

Title of Position: 2nd Assistant District Attorney Base Salary of Position: \$81,633.92 Grade:

Filling at Step # (If Known): Request to Back Due to Promotion: Yes No

Budget code and title: A.1165 110 District Attorney Salaries Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No: 10380 Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal % State % Other %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other Exempt

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring.

Human Resources Director has approved this form when initialed. GS 2/27/15

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature]

Date 3/4/15

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature [Signature]

Date 3/4/15

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice - District Attorney

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature [Signature]

Date 3/3/15

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: District Attorney

DATE: 3-2-15

- (a) Purpose of Request: **To retain the services of Kevin Donlon Employee # 10380 as an independent consultant not to exceed six months.**
- (b) Details: **To retain the services of Kevin Donlon Employee # 10380 as an independent consultant not to exceed six months. This position will be paid out of Asset Forfeiture funds so there will be no cost to the County.**
- (c) Previous Resolution Number: **N/A**
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: **A. 1164 110 Asset Forfeiture Salary Code**

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: District Attorney

DATE: 3-2-15

- (a) Employee Name, Title and Employee No.: **Matthew Burin 2nd Assistant District Attorney Emp # 10929**
- (b) Current Annual **Base** Salary (and Grade if Applicable): **\$78,477.04**
- (c) Former Annual **Base** Salary (and Grade if Applicable): **\$81,633.92**
- (d) Effective Date for Salary Change:* **March 23, 2015**
*Please do not backdate request unless the purpose is to correct an error.
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position? List Budget Code (with title), Object Code (with title), and Amount:
A.1165 110 District Attorney Full Time Salaries
- (f) Justification of Request: **Reappropriate salaries due to resignation.**

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: District Attorney

DATE: 3-2-15

- (a) Employee Name, Title and Employee No.: **Travis Brown 4th Assistant District Attorney, Emp # 12193**

- (b) Current Annual Base Salary (and Grade if Applicable): **\$65,279.94**

- (c) Former Annual Base Salary (and Grade if Applicable): **\$69,279.94**

- (d) Effective Date for Salary Change:* **March 23, 2015**
*Please do not backdate request unless the purpose is to correct an error.

- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position? List Budget Code (with title), Object Code (with title), and Amount:
A.1165 110 District Attorney Full Time Salaries

- (f) Justification of Request: **Reappropriate salaries due to resignation.**

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: District Attorney

DATE: 3-2-15

- (a) Employee Name, Title and Employee No.: **Emilee Davenport 3rd Assistant District Attorney, Emp # 11049**

- (b) Current Annual **Base** Salary (and Grade if Applicable): **\$77,456.93**

- (c) Former Annual **Base** Salary (and Grade if Applicable): **\$70,300.05**

- (d) Effective Date for Salary Change:* **March 23, 2015**
*Please do not backdate request unless the purpose is to correct an error.

- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position? List Budget Code (with title), Object Code (with title), and Amount:
A.1165 110 District Attorney Full Time Salaries

- (f) Justification of Request: **Reappropriate salaries due to resignation.**

Criminal Justice Committee Meeting

March , 2015

Public Defender's Office

Agenda

- 1. Submission of Request to Amend County Budget. See attached Request Form 7.**

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: Public Defender

DATE: February 5, 2015

(a) Purpose of Amendment: **To authorize expenditure of 2014 and 2015 portion of Distribution #4 from Office of Indigent Legal Services. Reference: Contract C000552, Resolution 58 of 2014.**

(b) Appropriation Code, Object Code, Full Title and Amount

A1171 110 Public Defender-Salaries-Regular	36,000.00
A1171 830 Social Security	2,232.00
A1171 831 Medicare	522.00

A1171 210 Furniture	2,522.00
A1171 220 Office Equipment	2,929.00

(c) Revenue Code (with title), and Amount:

A1171.3045 Public Defender-Office of Indigent Legal Services Distribution	44,205.00
--	------------------

WARREN COUNTY CRIMINAL JUSTICE COMMITTEE MEETING

MARCH 4, 2015

PROBATION AGENDA BY ROBERT F. IUSI, JR. DIRECTOR

ACTION AGENDA/NEW BUSINESS

NONE

PENDING ITEMS

Resolution regarding funding for proposed Raised the Age Legislation

INFORMATION OF DISCUSSION

Governor Cuomo's 30 Day Amendment to Raise the Age: commencing January 1, 2016, such additional state aid shall be made in an amount necessary to pay one hundred percent of the expenditures for evidence-based practices and juvenile risk and evidence based intervention services provided to youth aged sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of 2015 that increased the age of juvenile jurisdiction.

ATTACHMENTS

#1 NYS Council of Probation Administrator Testimony to the New York State Legislative Budget Committee

#2 Email from Terence J. O'Leary, Deputy Secretary for Public Safety

#3 Editorial from Alphonso David, Counsel to Gov. Andrew Cuomo

#4 Proposed Resolution

WARREN COUNTY

Resolution Urging New York State to Fund Probation Departments 100% for Costs Related to Raising the Age of Criminal Responsibility to 18 Years of Age

WHEREAS, Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS, the Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS, Warren County supports the Commission's report and believes that youth will be better served by raising the age of criminal responsibility to age 18 and that the diversion services provided by Probation will provide positive benefit; and

WHEREAS, Division of Criminal Justice Statistics reveal the number of arrests among 16 and 17 year olds statewide in calendar year 2013 was 33,347 and that under the proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and

WHEREAS, the Governor's proposal recommends that the violation level offenses of Harassment 2nd and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Diversion services, thus adding a previously unseen population to the workload of Probation staff; and

WHEREAS, the Governor's proposal recommends Probation Departments hire Family Engagement Specialists and provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

WHEREAS, Warren County will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and

WHEREAS, Warren County cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor's proposal; and

WHEREAS, the Governor's proposed language in his 30 Day Amendment cites; commencing January 1, 2016, such additional state aid shall be made in an amount necessary to pay one hundred percent of the expenditures for evidence-based practices

and juvenile risk and evidence based intervention services provided to youth aged sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of 2015 that increased the age of juvenile jurisdiction.

WHEREAS, the New York State Council of Probation Administrators has been assured by Terence J. O'Leary, Deputy Secretary for Public Safety and Michael Green, NYS Division of Criminal Justice Services, Commissioner, that the language put forth in the 30 Day Amendment reflects the Governor's commitment to cover 100% of any and all expenditures incurred by probation for intake, adjustment service provisions, and supervision of 16 and 17 year olds that will result as a part of the Raise the Age legislation implementation;

NOW, THEREFORE, BE IT RESOLVED, the Warren County calls on the State Legislature to support the Governor's legislation and to use State resources to cover 100% of all new costs associated with changing the age of criminal responsibility to avoid financial burden on counties; and

BE IT FURTHER RESOLVED, that copies of this resolution be delivered to the Governor, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders, NYSAC, and County Chairs.



WIDRICK Outer Washington!
 Watertown, NY
AUTO SALES (315) 788-1913
www.widrickautosales.com

Serving the communities of Jefferson, St. Lawrence and Lewis counties, New York
 In print daily. Online always.

Turn **KNOWLEDGE** Into **COLLEGE CREDIT**
[Find Out How](#)

Car Companies
FXCaprara
 Click Here

Related Stories

LETTERS TO THE EDITOR

- Pipelines are the safest way to transport oil
- Family appreciates support at difficult time
- Cuomo waging war on educational system
- Officials make empty promises to get elected

The stakes are too high to gamble with high blood pressure

Gambling with high blood pressure is not a chance anyone should take. Get your blood pressure checked yesterday.

DR. KHURRAM MUMTAZ,
 Nephrologist,
 specializes in Hypertension;
 along with Diabetic Kidney Disease,
 Lupus Kidney Disease, Chronic Kidney
 Disease, and Dialysis.

Everyday
 making a difference.

To make an appointment
 or for more information, please call
315-842-3043

Massena Memorial Hospital
 Quality Healthcare in the Heart of the Valley
 One Hospital Drive, Massena
 315-769-4200
www.massenahospital.org

Car Companies
FXCaprara
 Click Here

CHENEY TIRE
 Since 1954
 Click For More Info!
BRIDGESTONE
FIRESTONE

State will cover all costs for juvenile justice

PUBLISHED: THURSDAY, FEBRUARY 26, 2015 AT 12:30 AM

This letter is in response to inaccuracies included in your newspaper's Feb. 23 editorial, "Check is in the mail: State's commitment to fund juvenile justice system doubted," as well as its Feb. 19 article "State's plan for juvenile law breakers could carry hefty price tag for counties," the latter of which I addressed directly in your Feb. 20 story "State insists it will cover all costs for juvenile criminal changes."

ARTICLE OPTIONS
 A A
 SHARE

I would like to set the record straight once and for all:

Gov. Andrew Cuomo's proposal to raise the age of minors prosecuted as adults will be fully funded by the state with no cost whatsoever to local governments.

Specifically, the state's obligation to pay for 100 percent of the cost of the raise the age program would be set in statute unlike a few other state-run programs mentioned in your editorial, which are negotiated annually.

The governor's proposal includes a state commitment of \$25 million in the 2015-16 fiscal year to create the program, with an increase in funding for the program over the next five years to a total of \$375 million in the 2020-21 fiscal year.

As you know, New York is one of only two states in the nation that still tries 16- and 17-year-olds as adults.

Gov. Cuomo is committed to changing that paradigm in order to break the cycle of recidivism and help troubled young people become engaged, law-abiding members of society.

As your editorial quoted me saying, "The bottom line is the state is assuming all of the costs for every single responsibility associated with this (initiative)."

This is as true today as it was last week.

It will remain true.

Alphonso David

Albany

The writer is incoming counsel to Gov. Andrew M. Cuomo.

Commenting rules:

1. Stick to the topic of the article/letter/editorial.
2. When responding to issues raised by other commenters, do not engage in personal attacks or name-calling.
3. Comments that include profanity/obscenities or are libelous in nature will be removed without warning.

Violators' commenting privileges may be revoked indefinitely. By commenting you agree to our full Terms of Use.

Search...

WIDRICK
 OUTER WASH
 788-1913 • WA

Caskin
 STORE
 L O F
 RTE 26, CARTHAGE

Water
5th Year A
MORTG

Connect with

 Like 20,617 people
 friends like.

WATERTOWN
AUTO SALES
www.Wa

THE YAM
SA
EV
 AS LOW AS
3.99
 FOR 36 MONTHS*

GROW-UP
 FROM GARDEN
 NOW AGRIUM

To: Perretta, Francine

Subject: Fw: Governor's proposed budget re: Probation and Raise the Age

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Terence O'Leary <Terence.O'Leary@exec.ny.gov>

Sent: Wednesday, February 25, 2015 2:39 PM

To: Pozzi, Rocco

Subject: Governor's proposed budget re: Probation and Raise the Age

Good afternoon,

I want to thank you for taking the time to talk with Mike Green earlier today. Your concerns about funding for the increased probation-related activities as a result of the Governor's Raise the Age proposal are of importance to us. I want to re-affirm for the New York State Council of Probation Administrators that the language put forth in the 30 day amendment reflects the Governor's commitment to cover 100% of any and all expenditures incurred by probation for intake, adjustment, service provision and supervision of 16 and 17 year olds that will result as part of the Raise the Age legislation's implementation.

I look forward to partnering with you on this important endeavor. Please do not hesitate to contact me or Mike should you have any questions.

Thanks,

Terry

Terence J. O'Leary

Deputy Secretary for Public Safety

Office of Governor Andrew M. Cuomo

State Capitol, Albany, New York 12224

518-474-3522 | Terence.OLeary@exec.ny.gov

www.governor.ny.gov

Written Testimony by the New York State Council of Probation Administrators to the
New York State Legislative Budget Committee

February 26, 2015

This written testimony is being provided by the New York State Council of Probation Administrators (COPA), who represents all the County Probation Directors in NYS.

We appreciate the opportunity to provide written testimony on the Governor's proposed budget and its ramifications on local government, in particular on County Probation Departments.

This testimony will speak to the Governor's new proposal to Raise the Age of Criminal Responsibility and will speak directly about the language of the bill contained in Education, Labor and Family Assistance, Article VII Bill (ELFA) in Part J.

Since the beginning of the discussions on raising the age of criminal responsibility, COPA has been at the forefront in supporting the concept of raising the age of criminal responsibility in NYS. We have testified before the Governor's Commission, we have provided written testimony on at least three occasions and have been proactive in our support of this concept.

We have been clear that we could only take on this new state mandate with 100% funding for personnel and services. Based on conversations with the Governor's office and the briefing book each of you have received, the state also agrees to this 100% funding. We thank the Governor for acknowledging that Probation will be a key player in making this proposal work and we thank him for his 100% financial commitment.

We believe there are many positive aspects of this proposal that we have lobbied for and are hopeful they will pass with this legislation. A few specific ones are:

- The option for Probation to assist in obtaining an order of protection from the court through the diversion process thus saving the need to file JD petitions solely for that purpose.
- Increasing the time for diversion services from 120 to 180 days will allow us the needed time to successfully adjust a case.

While we are supportive of this proposal and know that raising the age of criminal responsibility is the right thing to do, there are a few programmatic issues that we believe need to be amended.

1. In the proposed legislation 16 and 17 year olds will no longer to be confined in any county jail or state prison. (Page 250 of the ELFA and Section 83 sub 1 of Section 500-e of the Corrections Law). While we support this concept, the bill does not appear to address how the current secure detention facilities operated in NYS will accommodate this new population. Those counties who operate detention facilities will need to address updates to their current facilities. 100% state funding will need to be made available to those counties.

We believe youth 16 and 17 should not be housed in county jails or state prisons. We believe juvenile detention facilities can provide for their safety, the safety of the community and also provide needed evaluations, assessments and services to those youth while they are detained. However in order to do this, counties who run facilities, will need 100% state funding to increase their capacity and services. Also the state will need to increase beds for those counties who do not run their own detention facilities and make them regionally located for more convenient transportation for county sheriff/police while assuring bed availability for smaller counties.

2. Detention is precluded for all PINS youth under section 720 of the FCA (Page 172 of the ELFA). Currently PINS youth can be held in non-secure detention if the court feels it is in the best interest of the youth and the public. The current proposal does not outline what will happen if the court issues a PINS warrant for a runaway or if the youth needs to be detained for their own protection. Any current LDSS respite placements are voluntary and do not address the runaway youth. Upon the effective date of the legislation, what happens to those PINS being held in non-secure detention?

While understanding the Commission's desire to have no PINS youth in non-secure detention, we must also carefully weigh what is best for the safety and well-being of the youth. Some youth need to be detained/placed for their own protection. Runaways are by definition PINS. It appears the wording in this legislation would prohibit the Courts from issuing warrants for runaways, which then gives no one the authority to look for and provide for their safety. We do not believe that is good public policy. We recommend the Court still have the authority to place PINS in non-secure detention if the Court feels it is in the best interest of the youth and the community.

3. Family Support Centers are established under Title 12, section 458-m of the Social Service Law (Page 190-91 of the ELFA) which provides services to PINS youth and their families. However the funding for such programs: quote "to the extent funds are available for such purposes" and quote "OCFS shall distribute funding to the highest need SS districts ..." This will leave smaller counties without services and unless the wording is amended, leave local counties footing the bill if funds are not available.

The concept of Family Support Centers is very good. However, we recommend that they be available to all counties.

4. **VTL Issues: A person 16 or 17 is criminally responsible for acts constituting an offense set forth in the VTL and shall be considered a person over 18 for prosecution of such acts. This is very confusing. If we believe a 16 and 17 year old should be treated as a juvenile then it should also apply to the VTL.**

We believe arrests under the VTL should be included in the pending raise the age list of eligible crimes. A youth could be arrested for DWI and be in a stolen car. In this case part of his/her case would be treated as a juvenile delinquent while the DWI would be treated as an adult offense. The basis of much of the change in the age for criminal responsibility has to do with the development of the brain and its effects on the reasoning of youth. We submit that driving under the influence, or other VTL arrests fall into this category. We recommend that all VTL arrests be considered under this new proposal.

We hope these issues can be addressed to make this proposal successful.

In a recent article in the New York Law Journal, Henry Scudder wrote "Local probation departments, aptly described as the "workhorse" of the juvenile justice system, will surely bear the brunt of responsibility for the influx of young offenders. Probation departments cannot be expected to screen the cases at intake, determine if they should be diverted or sent to Family Court, prepare investigation reports, monitor compliance with court ordered services, and provide supervision, without a significant infusion of dollars. The state must reimburse counties for their additional probation and detention expenses, and not simply shift the new costs to county taxpayers." We could not have said it any better ourselves.

Probation is the expert in juvenile justice issues. We handle more cases than any other agency. We can make this new proposal work if we are given the proper resources.

We thank you for the opportunity to provide you testimony on this very important matter.

Respectfully submitted,

**New York State Council of Probation Administrators
Lorraine Wilmot, President**