

WARREN COUNTY CRIMINAL JUSTICE/
PUBLIC SAFETY COMMITTEE MEETING
FEBRUARY 29, 2016
PROBATION AGENDA BY ROBERT F. IUSI, JR.

- I. Committee Meeting called to Order by Chairman
- II. Motion to Approve Minutes from Prior Committee
- III. ACTION AGENDA/NEW BUSINESS

REQUEST RESOLUTION- To Amend the Probation Department's Table of Organization to decrease the salary of Probation Supervisor #1 from \$65,155 to \$60,000.

RATIONALE - Resolution Request to amend our Department's Table of Organization to decrease the Probation Supervisor #1 salary. This was not done at the time the Notice of Intent to fill the Probation Supervisor #1 was completed.

REQUEST RESOLUTION – To transfer \$53,297 from Probation A.3140.110 to Probation - Pre-Trial A.3143.110

RATIONALE- Probation Officer #13 was initially removed from the 2016 Budge due to a budgeting error. This position was re-instated in December 2015 through Resolution 619 of 2015 and we are transferring funds from A.3140.110 where Probation Officer #7 was deleted to A.3143.110.

IV. PENDING ITEMS

There are no pending items

V. INFORMATION AND DISCUSSION

Raise the Age of Criminal Responsibility for 16 of 18.

ATTACHMENTS

#1 Resolution Requests #10

#2 NYSAC RTA Info

#3 PARC Report on RTA

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: AMANDA ALLEN, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

DEPARTMENT NAME: Probation Department

SIGNED:

DATE: 2/29/16

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.3140.110	Salaries - Regular	A.3143.110	Salaries-Regular	\$53,797.00
A.3140.810	Retirement	A.3143.810	Retirement	\$8,876.00
A.3140.830	Social Security	A.3143.830	Social Security	\$3,335.00
A.3140.831	Medicare Contribution	A.3143.831	Medicare Contribution	\$780.00
A.3140.860	Hospitalization	A.3143.860	Hospitalization	\$13,724.00
A.3140.865	Dental Insurance	A.3143.865	Dental Insurance	\$288.00

Please state reason for transfers requested: Probation Officer #13 Position was initially removed from the 2016 Budget due to a budgeting error. This position was re-instated in December 2015 through Resolution 619 of 2015 and we are transferring funds from A.3140.110 where Probation Officer #7 was deleted to A.3143.110.

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request:

Warren County Board of Supervisors

RESOLUTION NO. 619 OF 2015

Resolution introduced by Supervisors Taylor, Kenny, Sokol, Merlino, Dickinson, Girard, Vanselow, Wood and Simpson

AMENDING TABLE OF ORGANIZATION AND WARREN COUNTY SALARY AND COMPENSATION PLAN FOR 2015

RESOLVED, that the Table of Organization and the Warren County Salary and Compensation Plan for 2015 are hereby amended as follows:

<u>COUNTY CLERK/MOTOR VEHICLES</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
Reducing Salary From: <u>A.1410 110 Dept. No. 3.00</u> TITLE: 1 st Deputy County Clerk	January 1, 2016	\$50,907
Reducing Salary To: <u>A.1410 110 Dept. No. 3.00</u> TITLE: 1 st Deputy County Clerk	<u>EFFECTIVE DATE</u> January 1, 2016	<u>ANNUAL SALARY</u> \$49,665
<u>PROBATION</u> Creating Position: <u>A.3140 110 Dept. No. 29.00</u> TITLE: Probation Officer Trainee #2	<u>EFFECTIVE DATE</u> January 20, 2016	<u>BASE SALARY</u> \$39,979 Grade 16
<u>PROBATION</u> Creating Position: <u>A.3140 110 Dept. No. 29.00</u> TITLE: Probation Officer Trainee #3	<u>EFFECTIVE DATE</u> April 1, 2016	<u>BASE SALARY</u> \$39,979 Grade 16
<u>PROBATION</u> Creating Position: <u>A.3140 110 Dept. No. 29.00</u> TITLE: Probation Officer Trainee #4	<u>EFFECTIVE DATE</u> April 1, 2016	<u>BASE SALARY</u> \$39,979 Grade 16

RESOLUTION No. 619 OF 2015

PAGE 2 OF 2

<u>MENTAL HEALTH</u> <u>Reducing Salary From:</u> <u>A.4310.110 Dept. No. 39.00</u> <u>TITLE:</u> Program Analyst	<u>EFFECTIVE DATE</u> Retroactive to December 7, 2015	<u>ANNUAL SALARY</u> \$53,000
<u>Reducing Salary To:</u> <u>A.4310.110 Dept. No. 39.00</u> <u>TITLE:</u> Program Analyst	<u>EFFECTIVE DATE</u> Retroactive to December 7, 2015	<u>ANNUAL SALARY</u> \$51,000
<u>MENTAL HEALTH</u> <u>Increase Salary From:</u> <u>A.4310.110 Dept. No. 39.00</u> <u>TITLE:</u> Children and Youth SPOA Coordinator	<u>EFFECTIVE DATE</u> January 1, 2016	<u>ANNUAL SALARY</u> \$53,500
<u>Increase Salary To:</u> <u>A.4310.110 Dept. No. 39.00</u> <u>TITLE:</u> Children and Youth SPOA Coordinator	<u>EFFECTIVE DATE</u> January 1, 2016	<u>ANNUAL SALARY</u> \$55,500
<u>CLERK OF THE BOARD</u> <u>Reducing Salary From:</u> <u>A.1040 110 Dept. No. 3.00</u> <u>TITLE:</u> Secretary to the Clerk of the Board	<u>EFFECTIVE DATE</u> December 21, 2015	<u>ANNUAL SALARY</u> \$37,000
<u>Reducing Salary To:</u> <u>A.1040 110 Dept. No. 3.00</u> <u>TITLE:</u> Secretary to the Clerk of the Board	<u>EFFECTIVE DATE</u> December 21, 2015	<u>ANNUAL SALARY</u> \$34,000
<u>PROBATION</u> <u>Deleting Position:</u> <u>A.3140 110 Dept. No. 29.00</u> <u>TITLE:</u> Probation Officer #7	<u>EFFECTIVE DATE</u> January 1, 2016	<u>BASE SALARY</u> \$53,797
<u>Creating Position:</u> <u>A.3143 110 Dept. No. 29.00</u> <u>TITLE:</u> Probation Officer #13	<u>EFFECTIVE DATE</u> January 1, 2016	<u>BASE SALARY</u> \$53,297

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Probation Department

DATE: 2/29/16

- (a) Employee Name, Title and Employee No.: **Amy Secor, Probation Supervisor, 11526**
- (b) Current Annual **Base** Salary (and Grade if Applicable): **\$60,000-Non-Union Position**
- (c) Former Annual **Base** Salary (and Grade if Applicable): **\$65,155-Non-Union Position**
- (d) Effective Date for Salary Change:* **1/19/16**
*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:
No
- (f) Justification of Request:
To amend the Probation Department's Table of Organization to decrease the salary of Probation Supervisor #1 from \$65,155 to \$60,000. A resolution request was not presented to reflect the above at the time a Notice of Intent to fill the Probation Supervisor #1 position was approved. Ms. Secor is currently being paid \$60,000.

Iusi, Robert

From: Kathryn Hohman <khohman@nysac.org>
Sent: Wednesday, January 13, 2016 2:42 PM
To: Joy Bennett (bennettj@co.tioga.ny.us); Iusi, Robert; Perretta, Francine; Rocco Pozzi
Subject: FYI Governor's Budget Proposal - Raise the Age - Language to follow

Part N - Raise the Age of Juvenile Jurisdiction

Purpose: This bill would raise the age of juvenile jurisdiction in New York State from 16 to 18 years of age and establish the services necessary to improve outcomes for youth.

Summary of Provisions and Statement in Support: New York is one of only two states (North Carolina) that sets its age of juvenile jurisdiction at 16 years of age. This means that all 16 and 17 year olds are processed in the criminal justice system, and not through the Family Courts, no matter their offense. All other states set the age at 17 or 18 years old. Research has shown that incarcerating adolescents in adult jails and prisons has significant negative impacts including higher suicide rates and increased recidivism. Experience in other states, such as Connecticut and Illinois, has shown that raising the age of juvenile jurisdiction can lower recidivism and juvenile crime rates through evidence based interventions designed specifically for adolescents.

In 2014, the Governor established the Commission on Youth, Public Safety and Justice to make recommendations on how best to raise the age of juvenile jurisdiction to age 18, improve outcomes for youth, and promote community safety. The 2016-17 Executive Budget would take the most integral steps to implement the Commission's recommendations to plan, create and expand services, including but not limited to diversion and probation services for 16 and 17 year old youth who will be involved in the juvenile justice system. The age of juvenile jurisdiction will be raised to age 17 on January 1, 2018 and to age 18 on January 1, 2019.

The major provisions of this bill would:

- Raise the age of juvenile jurisdiction from age 16 to age 17 on January 1, 2018 and to age 18 on January 1, 2019; raise the lower age of juvenile jurisdiction from age 7 to age 12 on January 1, 2018 for all offenses except homicide; and expand Family Court jurisdiction to include youth ages 16 and 17 charged with non-violent felonies, misdemeanors, or harassment or disorderly conduct violations;
- Create Youth Parts in the Superior Court to process Juvenile Offender cases and allow the Youth Parts to hear cases removed to Family Court under the provisions of the Family Court Act;
- Originate cases for the following crimes committed at age 16 and 17 in the Youth Parts: all violent felony offenses, class A crimes, homicide offenses, sexually motivated felonies, crimes of terrorism, felony vehicular assaults, aggravated criminal contempt, and conspiracy to commit any of these offenses or tampering with a witness related to any of these offenses;
- Provide current capacity for removal of Juvenile Offender cases to Family Court for 16 and 17 year old cases in the Youth Part;

- Allow for removal to Family Court, upon consent of the District Attorney, for the current Juvenile Offender crime of second degree robbery and for any violent felony offense that is not a Juvenile Offender crime for youth age 15 and under;
- Prohibit confinement of any minor in adult jail or prison;
- Prohibit detention and placement for youth who are low risk (per risk assessment) if they are adjudicated for first or second-time misdemeanors that do not involve harm to another person, and for youth who have technical violations of probation and who do not pose an imminent risk to public safety;
- Expand the current juvenile practice regarding parental notification of arrest and the use of Office of Court Administration approved rooms for questioning by police to 16 and 17 year olds;
- Mandate diversion attempts for low-risk (per risk assessment) misdemeanor cases;
- Allow for additional time for probation adjustment in order to access necessary services, and create the capacity for probation to obtain an order of protection while adjusting a case;
- Establish probation family engagement specialists to facilitate adjustment; and a continuum of evidenced-based diversion services;
- Establish Family Support Centers to provide comprehensive services to children at risk of person in need of supervision (PINS) adjudications and their families, as well as for very young children who are no longer subject to jurisdiction as juvenile delinquents;
- Effective January 1, 2019, prohibit the use of detention in PINS proceedings and only authorize PINS foster care placements, if appropriate, for sexualized exploited youth who may be in need of specialized services;
- Provide access to weekend arraignment for Family Court cases;
- Use determinate sentencing for youth sentenced under Juvenile Offender or Youthful Offender statuses, including 16 and 17 year olds;
- Require post-release supervision provided for Juvenile Offender youth coming out of the Office of Children and Family Services (OCFS) facilities to facilitate better re-entry;
- Expand the presumption for granting Youthful Offender status and provide for confidentiality of felony filings that are eligible for Youthful Offender status;
- Provide for the sealing of records of certain convictions upon application and meeting certain required criteria;
- Authorize state reimbursement of 100 percent for foster care, aftercare and independent living services, detention and Close to Home for 16 and 17 year old youth newly placed as a result in the change of age of juvenile jurisdiction;
- Authorize state reimbursement of 100 percent for increased probation costs as a result of the change of the age of juvenile jurisdiction; and

- Waive reimbursement from Local Social Service Districts for placement with OCFS for 16 and 17 year old youth placed as a result of the change of age of juvenile jurisdiction.

Budget Implications: The five year State financial plan includes full State funding for all State and Local responsibilities associated with the legislation. It is possible that savings that are not currently assumed may occur as a result of this legislation that would substantially mitigate these costs.

Effective Date: This bill would take effect immediately except as otherwise noted.

*Katie Hohman
Program Specialist
New York State Association of Counties
540 Broadway
Albany, New York 12207
(518) 465-1473 p
(518) 465-0506 f
www.nysac.org*

SAVE THESE DATES!

Legislative Conference 2016

Feb. 1-2-3, 2016
The Desmond Hotel, Albany

50th County Finance School

May 18-19-20, 2016
Sheraton Syracuse University Hotel, Syracuse

Fall Seminar 2016

Sept. 19-20-21, 2016
Niagara Falls Conference Center & Sheraton Hotel, Niagara Falls, NY

PARC REPORT ON RAISE THE AGE LEGISLATION

Proposed in Part N of the Governor's Budget bill

Senate # 6406/Assembly # 9006

The Council Of Probation Administrators (COPA) has reviewed the Governor's 2016 proposal for Raising the Age of Criminal Responsibility (RTA) in NYS in Part N of the Budget Bill.

Since the beginning of the discussion 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 applaud the Governor for the significant changes he has made to this proposal. While we are in favor of many of the points contained in the legislation, there are still a few troubling issues that we feel we need to raise.

Most importantly, we strongly agree with the language that guarantees 100% funding for all probation services for this new population including intake, and evidenced based intervention services. (Section 108, page 149)

We also agree with:

- The ability of Probation to make an application for a temporary order of protection as part of the adjustment (Section 66, page 121)
- The extension of intake from 120 to 180 days (Section 66, page 122)
- Raising the age for juvenile delinquency from 7 to 12 (section 56, page 117)

Of concern to us are the following:

- **Disorderly Conduct and Harassment 2nd:** The inclusion of Disorderly Conduct and Harassment 2nd degree in the definition of a Juvenile Delinquent. (Section 56, page 117) Since both of these offenses do not require the taking of fingerprints under current law, there is no way to determine the exact impact of including these in the new JD definition except to say that it will add many thousands of new crimes. This will widen the net of offenses considered under the definition of JD, while in reality the purpose of the new legislation is to keep low risk youth out of the court system. A violation of Disorderly Conduct and Harassment 2nd are low risk offenses and should not be included with misdemeanors and non-violent felonies.
- **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. (Section 38, page 103) This is very confusing. If we believe a 16 and 17 year old should be treated as juveniles, then it should also apply to the VTL.

We do not understand why the arrests under the VTL would be removed from 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.

- **Non Secure Detention:** Detention is precluded for all PINS youth under section 720 of the FCA (Section 720, page 133)). 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 legislation's desire to have no PINS youth in non-secure detention, we must also carefully weigh what is best for the safety and wellbeing 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. Is that really the intention of the legislation? 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.

- **Family Support Centers:** While we applaud the concept of Family Support Centers we are concerned that only pre adjudicated PINS are eligible for services. Any pre adjudicated JD or adjudicated JD or PINS are not included in the definition of who may receive services. This limits the services available to deal with these populations of youths and likely will result in increased placements when services are unavailable.

Family Support Centers should be made available to all counties not just a few.

We look forward to working with the Governor and Legislature in raising the age of criminal responsibility in NYS. This is the right thing to do and we look forward to being part of the solution to make it happen.

Respectfully submitted:

Joy Bennett

President

NYSCOPA

January 28, 2016

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Probation Department

DATE: 2/29/16

- (a) Employee Name, Title and Employee No.: **Amy Secor, Probation Supervisor, 11526**
- (b) Current Annual **Base** Salary (and Grade if Applicable): **\$60,000-Non-Union Position**
- (c) Former Annual **Base** Salary (and Grade if Applicable): **\$65,155-Non-Union Position**
- (d) Effective Date for Salary Change:* **1/19/16**
*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:
No
- (f) Justification of Request:
To amend the Probation Department's Table of Organization to decrease the salary of Probation Supervisor #1 from \$65,155 to \$60,000. A resolution request was not presented to reflect the above at the time a Notice of Intent to fill the Probation Supervisor #1 position was approved. Ms. Secor is currently being paid \$60,000.

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: AMANDA ALLEN, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

DEPARTMENT NAME: Probation Department

SIGNED: 

DATE: 2/29/16

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.3140.110	Salaries - Regular	A.3143.110	Salaries-Regular	\$53,797.00
A.3140.810	Retirement	A.3143.810	Retirement	\$8,876.00
A.3140.830	Social Security	A.3143.830	Social Security	\$3,335.00
A.3140.831	Medicare Contribution	A.3143.831	Medicare Contribution	\$780.00
A.3140.860	Hospitalization	A.3143.860	Hospitalization	\$13,724.00
A.3140.865	Dental Insurance	A.3143.865	Dental Insurance	\$288.00

Please state reason for transfers requested: Probation Officer #13 Position was initially removed from the 2016 Budget due to a budgeting error. This position was re-instated in December 2015 through Resolution 619 of 2015 and we are transferring funds from A.3140.110 where Probation Officer #7 was deleted to A.3143.110.

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request: