

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PROBATION AGENDA
January 23, 2023

COMMITTEE MEMBERS:

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Privilege of the floor and public comment
- IV. Action Agenda/New Business Items:
- V. Discussion Items: Specialized Secure Detention Issue/Temporary Jail Placement -Oneida County Jail. Cost \$1,645 per day -total 2022 costs \$110,215, payment and RTA reimbursement. Thoughts and plan moving forward including Sheriff's Office transportation costs.
- VI. Referrals/Pending Items: None
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments: 1. NYSAC and Office of Children and Family Services letters.
2. Oneida County Jail Invoices



NYSAC

— NEW YORK STATE —
ASSOCIATION OF COUNTIES



August 8, 2022

The Hon. Kathy C. Hochul
Governor
State of New York

VIA: Electronic Mail

Dear Governor Hochul:

We write to express our concern that the ineffective implementation of New York's Raise the Age (RTA) law has reached a crisis level, and the lack of specialized secure detention beds across the state is putting our communities, effected youth, and the public at risk.

On October 1, 2018, New York's Raise the Age (RTA) law went into effect, creating a new "adolescent offender" status for 16-and 17-year-olds who commit a felony-level crime. Under the law the most serious offenders could be sent to a specialized secure detention facility rather than jail. In addition, Section 104 of the Tax Law includes a provision ensuring costs associated with raising the age were funded entirely by the State of New York. However, we are nearly four years into its implementation, and we are seeing severely negative consequences.

Despite mandating, pursuant to Executive Law 503 and County Law 218-A, that counties operate or have access to specialized secure detention facilities (which never existed before the RTA legislation), the scarcity of these facilities certified by the state to house 16-and-17 years-olds accused of serious felonies has led to unintended consequences and has led to inequities to counties and the youths and families involved in the system. Today, counties either have to transport youth far from home while they await trial, or the youth remains free in their community after having been charged with serious crimes that include murder, attempted murder, rape, and robbery—many of which included the use of guns. Both scenarios, which are common occurrences in many jurisdictions, are a direct result of the state not being fully prepared for this hastily implemented legislation and its mandate that counties be solely responsible for detention.

Throughout New York State, the majority of local probation departments are the agency responsible for locating specialized detention beds when needed. The process to find beds is time consuming. Facilities require counties to complete a multipage application prior to approval of accepting a youth, and even

after this is done, departments are often met with a denial or a delayed response for approval upon receipt of a court order while the matter is proceeding. This process is tying up resources in the court, county agencies, and law enforcement officers. When secure detention space is not available, the Adolescent Offender, which is often a high-risk individual alleged to have committed a serious and violent crime, is released to be supervised by the probation department.

According to the attached research conducted by the Council of Probation Administrators (COPA), there are numerous instances of serious crimes, many conducted with guns, were alleged to have been committed and detention was not available anywhere in the state. In these instances, the individuals were released into the community, even some without electronic monitoring or release conditions, posing real risk to themselves and the public. This defies the principals of a sound public safety policy. You will note that inappropriate releases occurred in several counties regardless of size, population, community definition (urban, suburban, or rural) or geographic location.

The data in the attached spreadsheet presents the following identifiable categories:

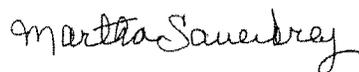
- the seriousness of the crime,
- whether a weapon was involved,
- if a detention bed was available and if not, what was the alternative.

To begin to resolve this crisis, counties strongly urge the state to transition some of the closed OCFS or Department of Correctional and Community Supervision facilities to accommodate the lack of specialized secure detention beds, similar to the Hudson Correctional Facility model. We also suggest the state allow the Finger Lakes Consortium to open a specialized secure detention facility and being to keep the daily specialized secure detention census up to date in real time.

The time is now to deal with this escalating problem, if we desire to keep New York one of the safest big states in the country.

We appreciate your time and attention to these matters of concern. Should you have any questions, please contact Luci Welch at Luci.Welch@orleanscountyny.gov or Ryan Gregoire at rgregoire@nysac.org.

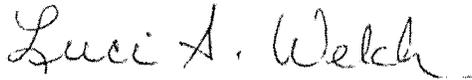
Sincerely,



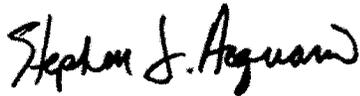
Hon. Martha C. Sauerbrey
President
New York State Association of Counties



Hon. Marcus J. Molinaro
President
New York State County Executives' Association



Luci Welch
President
New York State Council of Probation Administrators



Stephen J. Acquario, Esq.
Executive Director
New York State Association of Counties

CC: Sheila Poole, Commissioner, OCFS
Rossana Rosado, Commissioner, DCJS
Amit Bagga, Deputy Secretary for Intergovernmental Affairs
Dr. Nina Aledort, Deputy Commissioner, OCFS
Robert Maccarone, Deputy Commissioner & Director, DCJS – Office of Probation &
Correctional Alternatives (OPCA)
Bob Iusi, Warren County Probation Director

The New York County Executives' Association is an affiliate of the New York State Association of Counties.

NYSAC has remained committed to counties since 1925

Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Queens, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates



**Office of Children
and Family Services**

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

August 18, 2022

RECEIVED
AUG 23 2022

Hon. Martha C. Sauerbrey, President
Stephen J. Acquario, Esq., Executive Director
New York State Association of Counties
515 Broadway, Suite 402
Albany, NY 12207

Hon. Marcus J. Molinaro, President
New York State County Executives' Association
515 Broadway, Suite 402
Albany, NY 12207

Ms. Luci Welch, President
New York State Council of Probation Administrators
272 Broadway
Albany, NY 12203

Dear Presidents Sauerbrey, Molinaro and Welch, and Executive Director Acquario:

The August 8, 2022 letter you sent to Gov. Kathy Hochul regarding specialized secure detention has been referred to my office for review. The Office of Children and Family Services (OCFS) shares many of your concerns regarding the challenges faced by county and facility staff, and particularly by the youth who experience delays before receiving appropriate youth-based services.

As you note, detention has been a county responsibility for many years prior to the implementation of Raise the Age. That notwithstanding, OCFS continually assists counties, courts, and law enforcement to locate detention beds for youth, often late at night and on weekends. Unfortunately, the COVID-19 global pandemic has created significant staffing shortages across the entire human services sector and detention centers were not spared this impact. Additionally, delays in court proceedings, coupled with the seriousness of the charges faced by many of the youth in detention, have resulted in a doubling of average lengths of stay for youth in detention, exacerbating bed capacity challenges.

The state recognized the need early on for investments in capital projects to increase bed capacity and modernize facilities. Planning began in 2018, and Albany, Monroe, Suffolk and Westchester Counties are in the process of major capital construction projects to increase both secure and specialized secure detention capacity by approximately 150 beds. The state and counties had anticipated that several of these projects would have been nearing completion, however the COVID-19 pandemic set the work back. Additional capacity was successfully added in Westchester in 2019 but a series of unanticipated problems with the housing units that did not meet basic security requirements took those thirty (30) beds permanently offline. Despite these setbacks, OCFS anticipates that the expansions across the state over the next 3 years will be sufficient to meet the needs of the consortium counties as well as statewide.

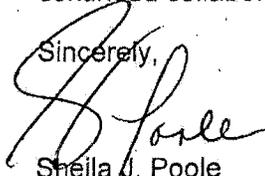
COVID-related and post-COVID staffing challenges have also impacted the number of beds in the existing system that can be utilized at any given time. Because insufficient staffing creates security and safety issues,

local detention centers must make determinations regarding their ability to safely program on a daily basis. In response to these challenges, OCFS has been in constant contact with our county partners and has taken proactive steps to improve the ability of detention facilities to attract and retain employees, including by providing additional flexibility in hiring, addressing salary levels and supporting incentives for staff retention.

Finally, OCFS reviewed the spreadsheet provided with the letter. The data show that since 2019 there have been unfortunate instances where a bed was not available for a youth with very serious charges. However, for the vast majority of data on the spreadsheet we are unable to determine if detention was requested, needed or unavailable and if the alternatives to detention were or were not successful in maintaining a youth in the community. OCFS is working hard to eliminate the barriers to bed accessibility through regulatory flexibility, hands-on assistance, and support and through capital planning. During the remaining interim period before new capacity is online OCFS is exploring ways to expedite and streamline the process for county detention administering agencies to locate detention beds. To that end, OCFS is working on an automated feed from the juvenile detention automated system (JDAS), which will eventually be available on the OCFS website.

OCFS welcomes a deeper conversation about the difficulties experienced by counties in locating available detention beds and to identify additional resources to ameliorate these challenges. OCFS remains committed to its mission of promoting the safety and well-being of youth and of their communities. I look forward to our continued collaboration in these matters.

Sincerely,



Sheila J. Poole
Commissioner

cc: Rossana Rosado, Commissioner
Dr. Nina Aledort, Deputy Commissioner
Willow Baer, General Counsel
Robert Maccarone

ONEIDA COUNTY CORRECTIONAL FACILITY

6075 JUDD ROAD
ORISKANY, NEW YORK 13424
(315) 768-7804

INVOICE

Adolescent Inmate Housing Charges For the Period 10/01/2022 Through 10/31/2022

Billed To:
WARREN COUNTY DSS
1340 State Route 9
LAKE GEORGE, NEW YORK 12845
ADOLESCENT OFFENDER TEMPORARY JAIL PLACEMENTS

Invoice Date: 11/03/2022
Invoice No: 1000005088
Contract Number: 0
Tax ID Number: 156000460

Invoice For:

| Name | Booking Number | CHN | Start Date | End Date | Days Billed | Rate | Amount | U.S. Marshal #: | Alien #: |
|------------|----------------|------------|------------|------------|-------------|------------|------------|-----------------|----------|
| [REDACTED] | [REDACTED] | [REDACTED] | 10/26/2022 | 10/31/2022 | 6 | \$1,645.00 | \$9,870.00 | 10/18/2006 | |

Total Days Billed: 6

Total Invoice Amount: \$9,870.00

ONEIDA COUNTY CORRECTIONAL FACILITY

6075 JUDD ROAD
ORISKANY, NEW YORK 13424
(315) 768-7804

INVOICE

Adolescent Inmate Housing Charges For the Period 10/01/2022 Through 10/31/2022

Billed To:
WARREN COUNTY DSS
1340 State Route 9
LAKE GEORGE, NEW YORK 12845
ADOLESCENT OFFENDER TEMPORARY JAIL PLACEMENTS

Invoice Date: 12/01/2022
Invoice No: 1000005116
Contract Number: 0
Tax ID Number: 156000460

Invoice For:

| Name | Booking Number | CHN | Start Date | End Date | Days Billed | Rate | Amount | DOB | Alien #: |
|------------|----------------|------------|------------|------------|-------------|------------|-------------|------------|----------|
| [REDACTED] | [REDACTED] | [REDACTED] | 11/01/2022 | 11/30/2022 | 30 | \$1,645.00 | \$49,350.00 | 10/18/2006 | |

Total Days Billed: 30

Total Invoice Amount: \$49,350.00

ONEIDA COUNTY CORRECTIONAL FACILITY

6075 JUDD ROAD
ORISKANY, NEW YORK 13424
(315) 768-7804

INVOICE

Adolescent Inmate Housing Charges For the Period 12/01/2022 Through 12/31/2022

Billed To:
WARREN COUNTY DSS
1340 State Route 9
LAKE GEORGE, NEW YORK 12845
ADOLESCENT OFFENDER TEMPORARY JAIL PLACEMENTS

Invoice Date: 01/03/2023
Invoice No: 1000005161
Contract Number: 0
Tax ID Number: 156000460

Invoice For:

| Name | Booking Number | CHN | Start Date | End Date | Days Billed | Rate | Amount | DOB | Alien #: |
|------------|----------------|------------|------------|------------|-------------|------------|-------------|------------|----------|
| [REDACTED] | [REDACTED] | [REDACTED] | 12/01/2022 | 12/31/2022 | 31 | \$1,645.00 | \$50,995.00 | 10/18/2006 | |

Total Days Billed: 31

Total Invoice Amount: \$50,995.00