

Warren County Board of Supervisors

RESOLUTION No. 97 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, LEGGETT, BEATY, DIAMOND, DRISCOLL, McDEVITT AND SHEPLER

AUTHORIZING A RESOLUTION IN SUPPORT OF EFFORTS TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION IN NEW YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE RELIANCE ON PRISONS, JAILS AND DETENTION

WHEREAS, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act, and

WHEREAS, it is the mission of probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change, and

WHEREAS, State funding for probation was drastically reduced between 1990 and 2015 from a 46.5 percent (46.5%) State share in 1990 to less than 10 percent (10%) in 2020, putting a huge strain on counties and new costs to county property taxpayers, and

WHEREAS, at the same time there have been increases in the number of mandated programs and services that County Probation Departments are required to provide, and

WHEREAS, the New York State Council of Probation Administrators, representing New York State Probation Directors, Administrators and Commissioners has diligently worked with Warren County and State leaders to bring more awareness to the important work that probation does to protect the public, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- Raise the minimum age that a youth can be charged as a Juvenile Delinquent from

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- seven to twelve years old;
- Mandate that the state's evidence-based criteria should account for existing local best practice programs;
- Allow local probation departments the ability to make an application for a temporary order of protection as a part of the adjustment process;
- Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when Adolescent Offenders and Juvenile Offenders are charged with most D felonies;
- Allow law enforcement agencies to deliver Adolescent Offenders and Juvenile Offenders to detention facilities after hours without a securing order until the Youth Part is in session;
- Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with Raise the Age Legislation;
- Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment;
- Ensure local probation departments or other appropriate agency receive 100% of all pre-trial services costs including but not limited to probation personnel associated with Bail Reform; and
- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated,

and be it further

RESOLVED, that a copy of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senator Elizabeth O'C. Little, Assemblyman Daniel G. Stec, the New York State Association of Counties and any others deemed necessary and proper.