

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: NOVEMBER 23, 2020

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: SEEBER
LEGETT
DIAMOND
DRISCOLL
MCDEVITT
SHEPLER

COMMITTEE MEMBER ABSENT:

SUPERVISOR: BEATY

OTHERS PRESENT:

REPRESENTING THE ASSIGNED COUNSEL OFFICE:

JOY LAFOUNTAIN, ADMINISTRATOR
ROBERT GREGOR, SUPERVISING ATTORNEY

ROBERT IUSI, PROBATION DIRECTOR

REPRESENTING THE PUBLIC DEFENDER'S OFFICE:

MARCY FLORES, PUBLIC DEFENDER
ERIN BROTHERS, DATA OFFICER

FRANK THOMAS, CHAIRMAN OF THE BOARD

RYAN E. MOORE, COUNTY ADMINISTRATOR

MARY E. KISSANE, COUNTY ATTORNEY

AMANDA ALLEN, CLERK OF THE BOARD

KEVIN B. GERAGHTY, BUDGET OFFICER

SUPERVISORS BRAYMER

HOGAN

MAGOWAN

SIMPSON

TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR

DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS

TOSHA BROWNELL, COMPUTER HELP DESK TECHNICIAN

MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

Please note, the following contains a summarization of the, November 23, 2020 meeting of the Criminal Justice Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://www.warrencountyny.gov/gov/comm/Archive/2020/criminal/>

Note: As per Governor Cuomo's Executive Order 202.1: "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed". Supervisors Seeber, Leggett, Diamond, McDevitt and Shepler were physically present for the meeting, while Supervisor Driscoll participated by videoconference.

Ms. Seeber called the meeting of the Criminal Justice Committee to order at 9:01 a.m

Motion was made by Mr. McDevitt, seconded by Ms. Shepler and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Assigned Counsel, Probation and Public Defender agendas were distributed to those in attendance and those participating virtually accessed the agenda via the Warren County website; *copies of the agendas are on file with the meeting minutes.*

Privilege of the floor was extended to Joy LaFountain, *Assigned Counsel Administrator*, who began by announcing she had additional items to be approved by the Committee which had come up after her agenda was submitted, but her request to add them for consideration today was denied; therefore, she said, she was requesting an emergency

meeting within the first week of December to address them in time for approval at the December 18th Board meeting. Ms. Seeber acknowledged that she had denied Ms. LaFountain's request to add items to her agenda because the deadline for doing so had passed. She noted she had spoken out about such last minute agenda additions allowed by other Committee Chairs and felt it would be hypocritical for her to do so. Ms. Seeber assured Ms. LaFountain that she would meet with her to determine how best to address the additional items she required approval for.

Commencing her agenda review, Ms. LaFountain presented a request to re-approve the Assigned Counsel Plan (*previously authorized by Resolution No. 27 of 2019*) to include minor corrections required by the NYS Office of Indigent Legal Services and made by the County Attorney's Office.

Motion was made by Mr. McDevitt, seconded by Mr. Leggett and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Hogan inquired what the difference was between arraignment and first appearance and Robert Gregor, *Supervising Attorney*, explained arraignment was the first appearance unless civil liberties were in jeopardy then counsel would be appropriate.

There being no further Assigned Council business to discuss, privilege of the floor was extended to Robert Iusi, *Probation Director*, who commenced his agenda review with a request to authorize a new contract with Warren-Hamilton Counties for Economic Opportunity, Inc. in an amount not to exceed \$60,000 for an Alternative Sentencing Program to commence January 1, 2021 and terminate December 31, 2021. He indicated this year he released a proposal to discover if there was any other interest in the contract and Community Action replied with a higher bid, but after discussion they agreed to a contract for \$60,000. Mr. Leggett asked if this was a diversion program and Mr. Iusi replied in the negative, adding the program was for young low-level offenders. He said there were an average of around two hundred individuals involved in the program per year and he noted the program was supported mainly by County funding, with some monies being provided by the State.

Motion was made by Ms. Shepler, seconded by Mr. McDevitt and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. Iusi presented a request to authorize a new contract with WAIT House in an amount not to exceed \$10,000 for an independent living skills program for a term to commence January 1, 2021 and continue based upon receipt of funding from the Supervision & Treatment Services for Juveniles Program. He noted this contract came as a result of a recent meeting with the Department of Social Services. Mr. Leggett inquired how many individuals could be helped and Mr. Iusi replied eight would be assisted with these funds.

Motion was made by Ms. Shepler, seconded by Mr. Leggett and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Diamond entered the meeting at 9:12 a.m.

Mr. Iusi then introduced a request to authorize a new contract with Big Brothers & Big Sisters of the Southern Adirondacks in an amount not to exceed \$22,140 for the continuation of an agreement to provide mentoring services for youth under the age of eighteen for a term commencing January 1, 2021 and continuing based upon receipt of funding from Supervision & Treatment Services for Juvenile Program. He advised the program was used for all at-

risk youth.

Motion was made by Mr. Diamond, seconded by Mr. McDevitt and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Concluding his agenda review, Mr. Iusi spoke regarding Bail Reform stating his staff was prepared and able to see individuals and he noted this was not a burden to his Department.

Ms. Seeber asked if there were any public comments and Don Lehman, *Director of Public Relations*, replied in the negative.

There being no further Probation business to discuss, privilege of the floor was extended to Marcy Flores, *Public Defender*, who commenced her agenda review with a request to amend Resolution No. 33 of 2020, which authorized agreements with outside counsel to provide mentoring services to staff attorneys on cases for the Public Defender's Office, to include a commencement date of February 1, 2020 and a termination date upon exhaustion of grant funds, at an hourly rate of \$150.

Motion was made by Mr. Driscoll, seconded by Mr. Diamond and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Ms. Flores introduced a request to amend Resolution No. 273 of 2020, which authorized agreements or private investigation on cases for the Public Defender's Office, to allow for additional expenses, including but not limited to mileage, documents, records and photos, to commence December 1, 2020 and terminate upon exhaustion of grant funds.

Motion was made by Mr. McDevitt, seconded by Mr. Leggett and carried unanimously to approve the request as presented and the necessary resolution was authorized for the December 18, 2020 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Concluding her agenda review, Ms. Flores thanked the Committee for discussions regarding office space, advising she was still looking for space as a result of COVID-19 pandemic which limited the number of people she could place in one area. She indicated she had two open positions to fill, but advised they were no longer holding Grand Jury or continuing any other court trials. She informed she had a candidate for the 8th Public Defender position and she could hold off on filling the other position. Mr. Leggett inquired if the overnight arraignment area could be turned into office space and Ms. Flores replied this would meet her needs. She explained other space had been shown to her in the basement of the Municipal Center, but this was not a viable option as there was no security and it was not a very professional setting. A discussion ensued with regard to possibly moving the overnight arraignment area to the Sheriff's Office to free up space and reduce security costs, during which Mr. Leggett agreed to broach the matter with the Sheriff in his Public Safety Committee meeting.

Ms. Seeber called for any public comment and Mr. Lehman indicated there was none.

As there was no further business to come before the Criminal Justice & Public Safety Committee, on motion made by Ms. Shepler and seconded by Mr. Diamond, Ms. Seeber adjourned the meeting at 9:35 a.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist