

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: AUGUST 24, 2006

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Kenny
Mason
VanNess

Others Present:

Kate Hogan, District Attorney
Robert Iusi, Probation Director
John Wappett, Public Defender
Joy LaFountain, Assigned Counsel Coordinator
Amy Bartlett, First Assistant County Attorney
Joan Sady, Clerk of the Board
Larry Cleveland, Sheriff
Nicole Livingston, Second Deputy Clerk

Committee Member Absent:

Supervisor Stec

Mr. Tessier called the meeting to order at 9:30 a.m

Motion was made by Mr. Bentley seconded by Mr. Mason, and carried unanimously to approve the minutes of the July 27, 2006 meeting, subject to correction by the Clerk.

District Attorney

Kate Hogan, District Attorney, distributed the proposed 2007 Budget packets to each of the Committee members, a copy of which is on file with the minutes.

Ms. Hogan explained the first item to review was Asset Forfeiture, which was not a budget item. She further explained that Frank O'Keefe, County Treasurer, had worked with her to make sure the County was compliant with the Law, therefore it was not a budget item. She noted that it had been delineated in a separate account and they were compliant with both the Federal and State regulations on Asset Forfeiture.

Mr. Tessier asked how much money was in the Asset Forfeiture and Ms. Hogan replied there was approximately \$35,000 in the Federal and approximately \$12,000 in the State.

Ms. Hogan apprised that the proposed 2007 District Attorney (A.1165) Budget request was \$678,039, as compared to the 2006 appropriations of \$736,362, a decrease of \$58,323. She noted the 200 Equipment Code for 2006 appropriations was \$65,750 and explained that was Road to Recovery grant monies that had inadvertently been put into that code. She further explained that if that money was taken out, the actual budget amount would be an increase of approximately \$2,000.

Ms. Hogan stated she had three personnel items to discuss. She said that she received \$55,000 in Stop DWI money and out of that money, she has had a part-time position

filled by Justine Cording (Employee No. 11062), with an annual salary of \$10,000, as well as a 20 hour position filled by Yvette Derbyshire (Employee No. 9263), that she would like to increase to a 30 hour position. She expounded she could use the Stop DWI money to fully fund the part-time position to full time next year, as well as to fund the increased word processing position from 20 to 30 hours. She noted that the aggregate effect of that would be \$41,359 out of the total of \$55,000. She added that would leave a remaining balance of \$13,641. Ms. Hogan stated that she had Aid to Prosecution money from fiscal year 2003 left over totaling approximately \$5,000. She said with the remaining balance of the Stop DWI money and the 2003 Aid to Prosecution money totaling \$18,641, she would like to fund another Assistant District Attorney (ADA) position, a 7th ADA. She noted the base salary for that position would be \$39,655 and would cost the County \$20,959.

Mr. Kenny questioned if the proposed budget included the personnel changes that Ms. Hogan was requesting, to which Ms. Hogan responded it did not. She stated she could cover two of the personnel changes, but not the cost of the 7th ADA.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the District Attorney Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Continuing, Ms. Hogan expounded the Communities that Care (A.1166) Budget indicated the same request for 2007 as for 2006 of \$8,435.

Ms. Hogan said the Crime Victims Assistance (A.1168) Budget reflected a 2007 request of \$70,482 in comparison to the 2006 appropriations of \$48,241.78, an increase of \$22,240.22. She explained that she had applied for a grant for three year funding for the Crime Victim Assistance position and a part-time position which would be fully funded by the Crime Victim Board. She noted that she had included a resolution request with the budget packet to create a new position of a Part-Time Crime Victim Specialist with a base salary of \$21,750.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the Crime Victims Assistance Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan apprised that the Child Advocacy Center (A.1169) Budget reflected a 2007 request of \$75,196 in comparison to the 2006 appropriations of \$96,758.94, a decrease of \$21,562.94. She added that an Empire Development Corporation, which was part of the Governor's Office, would be giving them \$100,000 to purchase a house for the Child Advocacy Center. She further explained that this funding would eventually make the Center completely on its own.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the Child Advocacy Center Budget as presented; authorize the Committee

chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan stated the Narcotics Control (A.4220) Budget listed a 2007 request of \$95,819 in comparison to the 2006 appropriations of \$52,243, an increase of \$43,576. She explained that she had applied for Impact Funding and had been denied. She said it was a 'rolling' application and she would be applying again and anticipated \$70,000 in revenue for 2007.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to approve the Narcotics Control Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Ms. Hogan expounded she had a resolution request to reclassify the position of Part-Time Typist, base salary of \$10,000, Employee No. 11062, to Full-Time Typist, base salary of \$22,259, effective September 18, 2006. She explained she was permitted under Federal guidelines to pay the employee out of the Asset Forfeiture money. She clarified that there would be no cost to the County for this reclassification.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the request as outlined above and to forward the same to the Personnel Committee. A copy of the resolution request form is on file with the minutes.

Continuing, Ms. Hogan stated the next resolution request was to authorize the acceptance of the funds from the 2007 Crime Victim Assistance Program grant in the amount of \$245,016 which reflected the budget for three years. She noted that the grant money would fund the positions of a Full-Time Crime Victim Specialist and the Part-Time Crime Victim Specialist at 29 hours.

Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously to approve the request as outlined and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Ms. Hogan said she had a request to create a new position of Part-Time Crime Victim Specialist, base salary of \$21,750, effective October 1, 2006.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the request as outlined and to forward the same to the Personnel Committee. A copy of the resolution request form is on file with the minutes.

Ms. Hogan apprised she had a resolution request for out-of-state travel for Kevin Donlon, 3rd Assistant District Attorney, and Emilee Davenport, 6th Assistant District Attorney, to attend a training at the National Institute on the Prosecution of Sexual Violence in Denver, Colorado on September 26 through September 29, 2006. She further explained that the Warren County Rape Crisis Agency would be reimbursing the County for all costs associated with the training.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Probation

Robert Iusi, Probation Director, distributed a Warren County Probation Department 2007 Budget packet to each of the Committee members, a copy of which is on file with the minutes.

Mr. Iusi began the review with Agenda Item 1. He expounded that the Prober Web Based Automation System had been installed. He said he wanted to thank the Information Technology Department for their assistance with installing this program.

Item 2 on the Agenda, Mr. Iusi stated, was a resolution request for a new contract with the New York State Division of Probation and Correctional Alternatives for State Aid for Probation Services for a total amount not to exceed \$193,200 which would be paid quarterly by State Aid Vouchers. He noted it required the signature of the Chairman of the Board of Supervisors.

Motion was made by Mr. Mason, seconded by Mr. O'Connor and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Iusi apprised he had another resolution request for a new contract with the New York State Division of Probation and Correctional Alternatives. He explained this funding would provide resources to Probation to expedite the collection of DNA samples from the retroactive pool of probationers whose profiles were to be maintained in the convicted offender index. He added that the lump sum amount of the contract was \$5,308 to be paid by State Aid Vouchers. He noted this required the signature of the Chairman of the Board of Supervisors, as well.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Iusi said Item 3 on the Agenda was an update on the Hamilton County Probation Department. He stated he had been communicating with Hamilton County's Chairman of the Board of Supervisors, William Farber, in regard to merging with Warren County's Probation Department. He noted the financial cost to Warren County had not been discussed yet and if the collaboration were to begin in 2006 a figure would need to be decided. He added if the services were continued for the following year, then the budget he was presenting today would need to be adjusted.

Continuing, Mr. Iusi began the 2007 proposed budget review. He explained that the Probation Department had three budgets: the Probation Budget, the Pre-trial Budget and the Day Reporting Budget.

Mr. Iusi expounded the Probation (A.3140) Budget listed a 2007 request of \$918,059 in comparison to the 2006 appropriations of \$931,481, a decrease of \$13,422. He noted that he had included in the budget packet a request for a new position of a Probation Officer. He said this position would be a Specialized Sex Offender Probation Officer to handle the supervision and investigation of all sex offenders under Probation. He added that he had also requested a Legislative Award grant in the amount of \$20,000.

Motion was made by Mr. VanNess, seconded by Mr. O'Connor and carried unanimously to approve the Probation Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Mr. Iusi stated the Pre-Trial (A.3143) Budget reflected a 2007 request of \$ 54,375 as compared to the 2006 appropriations of \$46,233, an increase of \$8,142.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the Pre-Trial Budget as presented; and authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

In conclusion, Mr. Iusi said the Day Reporting (A.3144) Budget showed a 2007 request of \$47,948 as compared to the 2006 appropriations of \$56,343, a decrease of \$8,395.

Motion was made by Mr. Kenny, seconded by Mr. O'Connor and carried unanimously to approve the Day Reporting Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Public Defender

John Wappett, Public Defender, distributed the proposed 2007 Public Defender Budget to each of the Committee members, a copy of which is on file with the minutes.

Mr. Wappett apprised the only change he was looking for in the proposed budget was his request to increase the salaries for the staff in his Office. He explained the request for the increases was due to the need to maintain retention of experienced and trained personnel, as well as the increase in caseloads. He further explained he had thought he could cover the raises from September 2006 through the end of the year, but after looking at his present budget, that was not possible.

Mr. Tessier questioned if the \$20,000 to cover the increase in salaries was included in the 2007 proposed budget and Mr. Wappett replied it was not included and he had been directed not to include it at this time. Mr. Wappett stated he needed to provide documentation to the Treasurer's Office that the Indigent Services funds would be at

least what they received last year, which was \$168,000 and he would then be able to use those funds to cover the salaries. Mr. Wappett clarified the total amount needed to cover the salary increases was \$21,068.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to authorize the additional \$21,068 to be included in the 2007 proposed budget to cover the increase in salaries once the documentation was provided to the County Treasurer proving that the Indigent Services funds would be forthcoming.

Mr. Wappett said the Public Defender (A.1171) Budget listed a 2007 request of \$343,108 as compared to the 2006 appropriations of \$341,008, an increase of \$2,100.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the Public Defender's Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

Privilege of the floor was extended to Amy Bartlett, First Assistant County Attorney, who requested an executive session in order to discuss matters pertaining to possible litigation.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 10:50 a.m. to 11:05 a.m.

Committee reconvened and Mr. Tessier stated no action was needed pursuant to the executive session.

Assigned Counsel

Joy LaFountain, Assigned Counsel Coordinator, distributed the proposed 2007 Assigned Counsel Budget to each of the Committee members, a copy of which is on file with the minutes.

Mrs. LaFountain stated the Assigned Counsel (A.1170) Budget reflected a 2007 request of \$519,334 as compared to the 2006 appropriations of \$288,074, an increase of \$231,260.

Motion was made by Mr. O'Connor, seconded by Mr. Mason and carried unanimously to approve the Assigned Counsel Budget as presented; authorize the Committee chairman to sign it; and submit the same to the Budget Officer.

There being no further business to come before the Committee, on motion by Mr. VanNess and seconded by Mr. Bentley, Mr. Tessier adjourned the meeting at 11:10 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk

