

# WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JANUARY 21, 2010

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**Committee Members Present:**

Supervisors Bentley  
Goodspeed  
Kenny  
VanNess  
Strainer  
Taylor  
McCoy

**Others Present:**

Kate Hogan, District Attorney  
Robert Iusi, Director of Probation  
Frederick Monroe, Chairman  
Amy Bartlett, First Assistant County Attorney  
Joan Sady, Clerk of the Board  
Kevin Geraghty, Budget Officer  
Supervisors Conover  
Sokol  
McDevitt  
Pitkin  
Stec  
Loeb  
Bud York, Sheriff  
Shane Ross, Chief Deputy  
Don Lehman, *The Post Star*  
Joanne Collins, Legislative Office Specialist

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In the absence of the Committee Chair and Vice-Chair, Mr. Kenny called the meeting of the Criminal Justice Committee to order at 9:00 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Taylor and carried unanimously to approve the minutes of the November 24, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Mr. Bentley entered the meeting at 9:01 a.m.

Privilege of the floor was extended to Amy Bartlett, First Assistant County Attorney, who apprised that the County Attorney's Office was notified of a recent ruling by the State Appeals Court which deemed the process by which counties utilized the services of Conflict Defenders to be unconstitutional. She explained that the current process which involved Conflict Defenders commenced several years ago for the purpose of cost savings, and was successful to that end. The ruling, she stated, would not allow contracts with Conflict Defenders thus necessitating a return to the former system carried out by the Assigned Counsel Office. She expounded that the largest contract would be unaffected by the change, which was with the Legal Aid Society. However, she said, two other contracts which involved the Criminal Court systems were expected to lose funding thereby necessitating the return to the Assigned Counsel system.

Referring to the Governor's Proposed Budget, Ms. Bartlett stated that the Governor recommended indigent representation on a State-wide level in the form of a panel. She stated that it appeared the changes would affect twenty-five counties in New York State and she cautioned of unfunded mandates which would increase County expenses. She further stated that the estimated costs for the Family Court contract and the two separate Criminal Court contracts were estimated at \$75,000 and \$50,000 each, respectively. She noted the current expenses for Warren County were

approximately \$100,000, and the total fiscal impact could not yet be forecast due to many unknown fees and additional costs. Cost savings, she reiterated, was the primary reason for contracting for Conflict Defenders services. In closing, Ms. Bartlett stated that she could provide copies of the decision letter for Committee members as requested.

Chairman Monroe entered the meeting at 9:05 a.m.

Privilege of the floor was extended to Kate Hogan, District Attorney, who pointed out that the Governor's budget reflected \$90 million dollars for indigent services for which some of those funds might be used toward the increasing expenditures for Assigned Counsel.

Ms. Hogan welcomed the new Supervisors to the Committee. She presented a travel request for Emilee Davenport to attend the DAASNY (District Attorney's Association of New York) Winter Conference in New York, New York from January 27 to 29, 2010, via train travel. She noted there was no cost to the County.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to approve the travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Privilege of the floor was extended to Robert Lusi, Director of Probation, who distributed copies of his agenda to the Committee members, a copy of which is on file with the minutes.

Mr. Lusi presented a request to extend the contract with Community Action Agency for services provided to County Court and the local criminal courts, for the period January 1, 2010 through December 31, 2010, for a total amount not to exceed \$27,000 plus an additional amount estimated at \$7,033 anticipated from the New York State Division of Probation and Correctional Alternatives.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 19, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Lusi requested approval to develop a Memorandum of Understanding (MOU) between the Probation and Social Services Departments regarding confidentiality in the workplace. He explained that the Juvenile Justice Unit which consisted of five staff members, had been relocated to the new Human Services Building in proximity to the Department of Social Services (DSS) to attain improved levels of service, as the two Departments served the same families. He stated that Sheila Weaver, DSS Commissioner, agreed that one point of entry would be optimum. With two entities in the same building, he said, the MOU would provide a safeguard relative to the confidentiality of information. He noted that although there had not been confidentiality issues to date, as the new structure evolved this would ensure that such issues did not occur.

Motion was made by Mr. VanNess, seconded by Mr. McCoy and carried unanimously to approve the request to develop an MOU as outlined above and the necessary resolution was authorized for the February 19, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regard to the need for the MOU, Ms. Bartlett stated that she had a discussion with a

supervisory staff member of the Juvenile Justice Unit and she apprised that the MOU would address individuals, thereby making the employee responsible versus the Department Head.

Relative to the Governor's budget, Mr. Lusi stated that preliminary reports for Probation indicated a 10% reduction in funding. He informed that an association was in place. The Counsel of Probation Administrators (COPA), for which he served as President, which compensated lobbyists to advocate on their behalf. Additionally, he stated, State level discussions had been held relative to changes in funding streams for which voucher processing could be simplified. He apprised that COPA was in the process of dissecting those changes to prepare to lobby against the 10% reduction. Furthermore, he underscored the need to attain acceptable funding levels for Probation, which was exacerbated by increasing demands resulting from additional State mandates and laws. He stated that the admission interlock program which would go into effect later this year, could further raise the pool of probationers.

Appreciable support for Warren County Probation, Mr. Lusi stated, resulted from Ms. Hogan's understanding and advocacy for the Probation Department's roles and responsibilities. Mr. Lusi noted that as President of the District Attorney's Association of New York State, Ms. Hogan was heavily involved with the legislation effecting the Probation Department. On the State level, he stated, there was the potential for an increase in the number of Probation cases by 20,000 to 30,000. In closing, Mr. Lusi noted that he would keep the Committee apprised of developments relative to the budget.

There being no further business to come before the Criminal Justice Committee, on motion by Mr. McCoy and seconded by Mr. Kenny, Mr. Bentley adjourned the meeting at 9:15 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist