

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE - PROBATION

DATE: MAY 27, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
GOODSPEED
KENNY
STRAINER
TAYLOR
MCCOY

OTHERS PRESENT:

ROBERT IUSI, DIRECTOR OF PROBATION
KATE HOGAN, DISTRICT ATTORNEY
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS CHAMPAGNE
LOEB
MCDEVITT
MERLINO
STEC
THOMAS
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR VANNESS

In the absence of both Messrs Bentley and Goodspeed, Mr. Kenny called the meeting of the Criminal Justice Committee to order at 9:37 a.m.

Motion was made by Mr. McCoy, seconded by Mr. Strainer and carried unanimously to approve the minutes of the prior Committee meeting, subject to approval by the Clerk of the Board.

Mr. Bentley entered the meeting at 9:38 a.m. and assumed the role of Committee Chairman.

Privilege of the floor was extended to Robert Iusi, Director of Probation, who distributed copies of the meeting agenda. *A copy of the agenda is also on file with the minutes.*

The agenda review began with discussion of Item 4, which referred to a request to submit the Ignition Interlock Plan to the New York State Division of Probation and Correctional Alternative (NYSDPCA). Kate Hogan, District Attorney, noted that the Ignition Interlock Plan would serve as the monitoring program associated with the implementation of Leandra's Law, which would make it a felony to drive while intoxicated with a child in the vehicle. She reminded the Committee that a resolution had been adopted at the April 16th Board meeting urging the State to delay the implementation of the Ignition Interlock provisions of Leandra's Law, as it was an unfunded mandate that could not be supported due to the current financial state of the County. Ms. Hogan announced that she and Mr. Iusi were in attendance to apprise of funding that had become available since the resolution was adopted.

Mr. Iusi advised the NYSDPCA was working with the New York State Department of Motor Vehicles (NYSDMV) to develop a \$3 million grant which would be distributed to the Counties of New York for implementation and monitoring costs associated with Leandra's Law. He noted that Warren County would receive approximately \$26,000 in grant funding for the first year of the program and these monies would be split between the Probation Department and the District Attorney's Office to increase monitoring efforts without incurring additional costs to the County. Mr. Iusi said a determination of funding for subsequent program years had yet to be determined, although he anticipated the State would identify additional grant funding in the future. He suggested that the monitoring program be implemented using the available grant funding for the first year in order to make a proper

evaluation and determine whether it should be continued in the future if additional grant funding was not available.

Ms. Hogan explained the Ignition Interlock Plan would require the installation of a device in each vehicle registered within the household of the DWI offender; she added that the driver would have to blow into the device and register a blood alcohol level below the specified threshold in order to start the vehicle. Ms. Hogan said she was concerned that civil liability exposure might be imposed upon the County for any deaths caused by a DWI repeat offender if they maintained their position of refraining from implementing the Interlock units under the justification that this was an unfunded mandate, especially when State grant funding was available.

Mr. Taylor questioned whether the Ignition Interlock Plan would cause additional expenses to the Sheriff's Office for enforcement and Ms. Hogan replied in the negative. She explained that the use of the Interlock unit would be a condition either of the offender's probation, which would be monitored and enforced by the Probation Department, or of the discharge arrangement for those offenders who served a full sentence and were not subject to probationary supervision, in which case the District Attorney's Office would provide for the monitoring and enforcement. Ms. Hogan noted that the offender was required to purchase the Interlock unit; therefore, she said, the County would not be paying for the units themselves, only the costs associated with monitoring use. She added that if the unit was not used as directed, the offender would be brought back to Court for violation of their discharge or probation orders.

Mr. Iusi pointed out that in some cases, when an offender had submitted proper financial paperwork certifying their inability to fund the purchase of the Interlock unit, the Court had the ability to waive the fee associated with its purchase and the vendor selling the unit was actually responsible for the charge, not the County. He said that in light of such occurrences, the State had authorized the vendor to include a 10% surcharge on the units sold to compensate for the indigent cases. Mr. Iusi advised the problem with this approach was that if the cost to the vendor became too high, they may choose to refrain from offering the units as had occurred in other States. In order to avoid these issues, he said they needed to request that the Courts refrain from waiving the fees. Mr. Iusi concluded that the responsibility of the County in this matter was to approve and submit an Ignition Interlock Plan which would describe the steps to be taken in terms of monitoring; he added the deadline for submission of the Plan was June 15th and that a resolution request to authorize submission was included in the agenda.

Discussion ensued.

Mr. Thomas stated that while he appreciated the explanation provided on the Interlock Plan and available funding, the opposing resolution had been approved by the Board of Supervisors pursuant to review of a Fulton County resolution which indicated the costs to implement the Plan would be in the range of \$500,000 to \$800,000, which was an exorbitant cost. Mr. Iusi replied that this figure might reflect the equipment, Court and administration costs associated with the program, rather than just the amount that would be attributed to the County. Ms. Hogan added that she felt Fulton County representatives had misunderstood the basis of the Plan which would require the offender to purchase the necessary monitoring equipment, leaving only the monitoring costs to the County. She said that she would contact the Fulton County District Attorney to clarify the issue, but noted there was no possibility that monitoring costs would accumulate to \$500,000.

Motion was made by Mr. Goodspeed, seconded by Mr. Kenny and carried unanimously to approve the request to submit the Ignition Interlock Plan to the NYSDPCA and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Returning to Agenda Item 1, Mr. Iusi presented a request for a resolution ratifying the actions of the Probation

Director in applying to the NYSDCJS (New York State Division of Criminal Justice Services) for grant funding in the amount of \$5,000 and authorizing an agreement with NYSDCJS for same. He noted that no Local Share would be required in connection with this grant opportunity.

Motion was made by Mr. Goodspeed, seconded by Mr. Strainer and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Iusi apprised that Agenda Item 2 included a request to authorize submission of a grant application to the NYSDPCA for grant funds in the amount of \$22,238 which would be used to assist probationers with mental illnesses and authorizing an agreement with NYSDPCA for same.

Motion was made by Mr. McCoy, seconded by Mr. Strainer and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Iusi presented Item 3 which consisted of a request to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$5,000 to reflect the receipt of unanticipated revenues. He noted that these funds had been received through a legislative award provided by the NYSDCJS.

Motion was made by Mr. Strainer, seconded by Mr. McCoy and carried unanimously to approve the request to amend the 2010 County Budget as previously noted and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

As there was no further business to come before the Committee, on motion made by Mr. Strainer and seconded by Mr. McCoy, Mr. Bentley adjourned the meeting at 10:08 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist