

1 **2023 NYSAC Fall Seminar**
2 **Standing Committee on Public Safety**
3 **Resolution #3**

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5 **Resolution in Support of Efforts to Improve Probation and Alternatives to**
6 **Incarceration in New York State in Order to Protect the Public and Reduce**
7 **Reliance on Prisons, Jails and Detention**

8
9 **WHEREAS**, county probation departments are an integral part of the criminal justice
10 system and operate within the legal framework of the Criminal Procedure Law, the
11 Penal Law and the Family Court Act; and

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

16
17 **WHEREAS**, State funding for Probation was drastically reduced between 1990 and
18 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2023, putting a
19 huge strain on counties and cost to county property taxpayers; and

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21 **WHEREAS**, at the same time there have been increases in the number of mandated
22 programs and services county probation departments are required to provide from the
23 1990's where core services of Intake, Pre-Sentence/Pre-Dispositional Investigations and
24 Supervision were the norm to the current enhanced services that are provided by local
25 probation departments including but not limited to the following:

- 26 • Specialized caseloads to handle specific types of individuals such as sex offenders,
27 DWI, mental health, domestic violence, and gang members;
- 28 • Probation department's involvement with specialized treatment courts (drug,
29 domestic violence, mental health, veterans);
- 30 • Community service programming;
- 31 • School-based probation officers;
- 32 • Warrant squads for apprehension and return of offenders;
- 33 • DNA collection;
- 34 • Ignition interlock device monitoring;
- 35 • Expanded pretrial release programs to deal with the increased RUS cases
36 resulting from bail reform;
- 37 • Expanded electronic monitoring to deal with both bail reform and lack of
38 detention beds caused by increased juvenile crime;
- 39 • Increased probation officer time to search for specialized detention beds
40 occurring from RTA;
- 41 • Increased administrative tasks that probation staff are now responsible for
42 including populating case management system and various risk assessments;
- 43 • Increased responsibilities for collections and disbursement of funds in
44 connection to financial obligations including restitution, fines and fees;
- 45 • Sex offender verification;

- 1 • Administering cognitive behavioral interventions;
- 2 • Increased training regarding the delivery of evidence-based programs;
- 3 • Increased time and cost resulting from new hires completing the basic course for
- 4 peace officers (BCPO);
- 5 • Increased protocol for GIVE counties including higher supervision levels and
- 6 GPS for a minimum of 6 months; and

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8 **WHEREAS**, the New York State Council of Probation Administrators, representing
9 NYS probation directors, administrators and commissioners, has diligently worked with
10 NYSAC and State leaders to bring more awareness to the important work that Probation
11 does to protect the public.

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13 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
14 Counties (NYSAC) supports proposals put forward by the Governor to immediately
15 enact statutory and regulatory changes that improve probation and alternatives to
16 Incarceration in the following ways:

- 17 1. In response to Raise the Age Legislation:
 - 18 • Mandate that the state’s evidence-based criteria should account for existing
 - 19 local best practice programs;
 - 20 • Allow probation the ability to make an application for a temporary order of
 - 21 protection as a part of the adjustment process;
 - 22 • Authorize law enforcement agencies to issue appearance tickets if deemed
 - 23 appropriate by the arresting officer, instead of physical arrest, when
 - 24 Adolescent Offenders and Juvenile Offenders are charged with most D
 - 25 felonies; and
 - 26 • Allow law enforcement agencies to deliver Adolescent Offenders and Juvenile
 - 27 Offenders to be held in detention facilities after hours without a securing
 - 28 order until the Youth Part is in session.
- 29 2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of all
- 30 local probation costs including but not limited to probation personnel and
- 31 evidence-based programming associated with Raise the Age Legislation.
- 32 3. Eliminate the requirement of a sentence of a conditional discharge or probation
- 33 for Leandra Law cases when a defendant has been sentenced to a definite jail
- 34 term or a term of imprisonment.
- 35 4. That local probation departments receive 100 percent of all Pre-Trial Services
- 36 cost including but not limited to probation personnel associated with Bail
- 37 Reform.
- 38 5. That the Executive Chamber and the Office of Children and Families (OCFS)
- 39 work towards transitioning some of the closed OCFS or Department of
- 40 Correctional and Community Supervision facilities to accommodate the lack of
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1 specialized secure detention beds as well as allowing county consortiums to open
2 specialized secure detention facilities if desired.

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4 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
5 of New York State encouraging member counties to enact similar resolutions; and

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7 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this Resolution to
8 Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the
9 New York State Legislature and all others deemed necessary and proper.