

Inter-County Association of Western New York

Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylers, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.

RESOLUTION NO. 2022-16-IC

A RESOLUTION OF SUPPORT FROM INTER-COUNTY ASSOCIATION OF WESTERN NEW YORK TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION PROGRAMS IN NEW YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE RELIANCE ON PRISONS, JAILS AND DETENTION – PROBATION DEPARTMENT

Motioned by: Mark Rondinaro (*Schuylers*)

Seconded by: David Godfrey (*Niagara*)

WHEREAS, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act, and

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

WHEREAS, state funding for probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2022, putting a huge strain on counties and cost to county property taxpayers, and

WHEREAS, at the same time there have been increases in the number of mandated programs and services county probation departments are required to provide, and

WHEREAS, the New York State Council of Probation Administrators, representing New York State Probation Directors, Administrators, and Commissioners has diligently worked with the New York State Association of Counties (NYSAC) and State leaders to bring more awareness to the important work that Probation does to protect the public.

NOW, THEREFORE, BE IT RESOLVED, that Inter-County Association of Western New York supports proposals put forward to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

1. In response to raise the age legislation:
 - A. Mandate that the state's evidence- based criteria should account for existing local best practice programs.
 - B. Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process.
 - C. Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when adolescent offenders and juvenile offenders are charged with most D felonies.
 - D. Allow law enforcement agencies to deliver adolescent offenders and juvenile offenders to be held in detention facilities after hours without a securing order until the youth part is in session.
2. Establish a dedicated funding stream through Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) for 100 percent of all local

probation costs including but not limited to probation personnel and evidence-based programming associated with raise the age legislation.

3. Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. That local probation departments receive 100 percent of all pre-trial services cost including but not limited to probation personnel associated with bail reform.
5. Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.

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

BE IT FUTHER RESOLVED, that the Secretary of the Inter-County Association of Western New York shall forward copies of this resolution to New York State Governor Kathy Hochul, NYS Deputy Commissioner and Director, Probation and Correctional Alternatives, New York State Attorney General, Senator George M. Borrello, Senator Edward Rath, Assemblyman Stephen Hawley, New York State Association of Counties (NYSAC), and the Inter-County Association of Western New York (ICAWNY).

This is to Certify that I, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 19th day of August 2022 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated August 19, 2022.



Lisa K. Casey, Secretary
Inter-County Association of Western New York

Sponsored by: Schuyler County, Moved by: Mark Rondinaro (*Schuyler*) and Seconded by: David Godfrey (*Niagara*).

