

**2018 NYSAC Legislative Conference  
Standing Committee on Public Safety  
Resolution #2**

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

**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 2017, 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 NYS Probation Directors, Administrators and Commissioners has diligently worked with 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 the New York State Association of Counties (NYSAC) supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

In response to Raise the Age legislation:

- \* Raise the minimum age that a youth can be charged as a juvenile delinquent from seven to twelve years old.
- \* Increase the maximum time frame for diversion services from four to six months for juvenile delinquents.
- \* Mandate that the state's evidence- based criteria should account for existing local best programs.

\* Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process.

\* Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence based programming associated with Raise the Age legislation.

\* 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.

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be sent to member counties for their consideration; and

**BE IT FURTHER RESOLVED THAT** NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, Deputy Secretary for Public Safety Letizia Tagliaferro, the New York State Legislature and all others deemed necessary and proper.