

1 **2023 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

4
5 **Resolution in Support of Efforts to Improve Probation and Alternatives to**
6 **Incarceration in New York State to Protect the Public and Reduce Reliance**
7 **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

12
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

20
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; and

23
24 **WHEREAS**, the New York State Council of Probation Administrators, representing
25 Probation Directors, Administrators, and Commissioners has diligently worked with the
26 New York State Association of Counties (NYSAC) and state leaders to bring more
27 awareness to the important work that Probation does to protect the public.

28
29 **NOW, THEREFORE, BE IT RESOLVED**, NYSAC supports proposals put forward
30 by the Governor to immediately enact statutory and regulatory changes that improve
31 Probation and Alternatives to Incarceration in the following ways:

- 32 1. In response to Raise The Age legislation:
- 33
 - 34 A. Mandate that the state’s evidence-based criteria should account for
 - 35 existing local best practice programs.
 - 36 B. Allow probation the ability to make an application for a temporary
 - 37 order of protection as a part of the adjustment process.
 - 38 C. Authorize law enforcement agencies to issue appearance tickets if
 - 39 deemed appropriate by the arresting officer, instead of physical
 - 40 arrest, when adolescent offenders and juvenile offenders are
 - 41 charged with most d felonies.
 - 42 D. Allow law enforcement agencies to deliver adolescent offenders and
 - 43 juvenile offenders to be held in detention facilities after hours
 - 44 without a securing order until the youth part is in session.
 - 45
 - 46 2. Establish a dedicated funding stream through DCJA/OPCA for 100
 - 47 percent of all local probation costs including but not limited to probation

1 personnel and evidence-based programming associated with Raise The
2 Age legislation.

- 3
4 3. Eliminate the requirement of a sentence of conditional discharge or
5 probation for leandra law cases when a defendant has been sentenced to a
6 definite jail term or a term of imprisonment.
7
8 4. Local probation departments receive 100 percent state reimbursement of
9 all pre-trial services costs including but not limited to probation personnel
10 associated with bail reform.
11
12 5. That the executive chamber and the Office of Children and Families
13 services (OCFS) work towards transitioning some of the closed OCFS or
14 department of correctional and community supervision facilities to
15 accommodate the lack of specialized secure detention beds as well as
16 allowing county consortiums to open specialized secure detention facilities
17 if desired.
18

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

21
22 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
23 Governor Kathy Hochul, Deputy Secretary For Public Safety Marcos Gonzalez Soler, the
24 New York State Legislature and all others deemed necessary and proper.