

1 **2021 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

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

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

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

13 **WHEREAS**, State funding for Probation was drastically reduced between 1990 and
14 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2021, putting a
15 huge strain on counties and cost to county property taxpayers; and

16 **WHEREAS**, at the same time there have been increases in the number of mandated
17 programs and services County Probation Departments are required to provide; and

18 **WHEREAS**, the New York State Council of Probation Administrators, representing
19 NYS Probation Directors, Administrators and Commissioners has diligently worked
20 with NYSAC and State leaders to bring more awareness to the important work that
21 Probation does to protect the public.

22 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
23 Counties (NYSAC) supports proposals put forward by the Governor to immediately
24 enact statutory and regulatory changes that improve Probation and Alternatives to
25 Incarceration in the following ways:

26 In response to Raise the Age Legislation:

27 a. Raise the minimum age that a youth can be charged as a Juvenile
28 Delinquent from seven to twelve years old.

29 b. Mandate that the state's evidence-based criteria should account for
30 existing local best practice programs.

31 c. Allow Probation the ability to make an application for a temporary order
32 of protection as a part of the adjustment process.

33 d. Authorize law enforcement agencies to issue appearance tickets if deemed
34 appropriate by the arresting officer, instead of physical arrest, when
35 Adolescent Offenders and Juvenile Offenders are charged with most D
36 felonies.

- 1 e. Allow law enforcement agencies to deliver Adolescent Offenders and
2 Juvenile Offenders to be held in detention facilities after hours without a
3 securing order until the Youth Part is in session.
- 4 2. Establish a dedicated funding stream through DCJS/OPCA for 100% of all local
5 probation costs including but not limited to probation personnel and evidence-
6 based programming associated with the Raise the Age law.
- 7 3. Eliminate the requirement of a sentence of a conditional discharge or probation
8 for Leandra Law cases when a defendant has been sentenced to a definite jail term or
9 a term of imprisonment.
- 10 4. That local probation departments receive 100% of all Pre-Trial Services costs,
11 including but not limited to probation personnel associated with bail reform.
- 12 5. Eliminate the mandate that pre-sentence investigations must be conducted when
13 a sentence of up to one year in jail has been negotiated.
- 14 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
15 of New York State encouraging member counties to enact similar resolutions; and
- 16 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
17 the Governor Andrew M. Cuomo, the New York State Legislature, Deputy Secretary for
18 Public Safety Jeremy Shockett, and all others deemed necessary and proper.