

1 **2022 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #3**

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 2022, 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 New York State probation directors, administrators, and commissioners has diligently
20 worked with the New York State Association of Counties (NYSAC) and State leaders to
21 bring more awareness to the important work that Probation does to protect the public.

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

- 25 1. In response to raise the age legislation:
- 26 A. Mandate that the state’s evidence- based criteria should account for
27 existing local best practice programs.
 - 28 B. Allow probation the ability to make an application for a temporary
29 order of protection as a part of the adjustment process.
 - 30 C. Authorize law enforcement agencies to issue appearance tickets if
31 deemed appropriate by the arresting officer, instead of physical
32 arrest, when adolescent offenders and juvenile offenders are
33 charged with most D felonies.
 - 34 D. Allow law enforcement agencies to deliver adolescent offenders and
35 juvenile offenders to be held in detention facilities after hours
36 without a securing order until the youth part is in session.

- 1 2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent
2 of all local probation costs including but not limited to probation
3 personnel and evidence-based programming associated with raise the age
4 legislation.
- 5 3. Eliminate the requirement of a sentence of a conditional discharge or
6 probation for leandra law cases when a defendant has been sentenced to a
7 definite jail term or a term of imprisonment.
- 8 4. That local probation departments receive 100 percent of all pre-trial
9 services cost including but not limited to probation personnel associated
10 with bail reform.
- 11 5. Eliminate the mandate that pre-sentence investigations must be
12 conducted when a sentence of up to one year in jail has been negotiated.

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

15 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
16 Governor Kathy Hochul, the State Legislature and all others deemed necessary and
17 proper.