

1 **2024 NYSAC Fall Seminar**
2 **Standing Committee on Public Safety**
3 **Resolution #3**

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 2024, putting a
19 huge strain on counties and additional costs 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, from the
23 1990's where core services of intake, pre-sentence/pre-dispositional investigations and
24 supervision were the norm, to the current enhanced services that are provided by local
25 probation departments including but not limited to the following.

- 26
- 27 • Specialized caseloads to handle specific types of individuals such as sex
 - 28 offenders, DWI, mental health, domestic violence and gang members.
 - 29 • Probation departments' involvement with specialized treatment courts
 - 30 (drug, domestic violence, mental health, veterans).
 - 31 • Community service programming.
 - 32 • School-based probation officers.
 - 33 • Warrant squads for apprehension and return of offenders.
 - 34 • DNA collection.
 - 35 • Ignition interlock device monitoring.
 - 36 • Expanded pretrial release programs to deal with the increased RUS cases
 - 37 resulting from bail reform.
 - 38 • Expanded electronic monitoring to deal with both bail reform and lack of
 - 39 detention beds caused by increased juvenile crime.
 - 40 • Increased probation officer time to search for specialized detention beds
 - 41 occurring from Raise the Age.

- 1 • Increased administrative tasks that probation staff are now responsible for
2 including populating case management system and various risk
3 assessments.
- 4 • Increased responsibilities for collections and disbursement of funds in
5 connection with financial obligations including restitution, fines and
6 fees.
- 7 • Sex offender verification.
- 8 • Administering cognitive behavioral interventions.
- 9 • Increased training regarding the delivery of evidenced-based programs.
- 10 • Increased time and cost resulting from new hires completing the basic
11 course for peace officers (BCPO).
- 12 • Increased protocol for GIVE counties including higher supervision levels
13 and GPS for at least 6 months.

14
15 **WHEREAS**, the New York State Council of Probation Administrators, representing
16 NYS probation directors, administrators and commissioners, has diligently worked with
17 the New York State Association of Counties (NYSAC) and state leaders to bring more
18 awareness to the important work that Probation does to protect the public.

19
20 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC supports proposals put
21 forward by the Governor to immediately enact statutory and regulatory changes that
22 improve probation and alternatives to incarceration in the following ways.

- 23
24 1. In response to Raise the Age Legislation:
 - 25 a. Mandate that the state’s evidence-based criteria should account for existing
26 local best practice programs;
 - 27 b. Let probation apply for a temporary protection order as part of the
28 adjustment process;
 - 29 c. Authorize law enforcement agencies to issue appearance tickets if deemed
30 appropriate by the arresting officer when Adolescent Offenders and Juvenile
31 Offenders are charged with most D felonies; and
 - 32 d. Allow law enforcement agencies to deliver Adolescent Offenders and Juvenile
33 Offenders to be held in detention facilities after hours without a securing
34 order until the Youth Part is in session.
- 35
36 2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of
37 all local probation costs including, but not limited to, probation personnel and
38 evidence-based programming associated with Raise the Age Legislation.
- 39
40 3. Eliminate the monitoring of ignition interlock devices by local probation
41 departments or monitors in all cases where a term of state prison has been
42 imposed.

- 1 4. That local probation departments receive 100 percent funding for all pre-trial
2 services costs associated with bail reform, including, but not limited to,
3 probation personnel expenses.
4
- 5 5. That the Executive Chamber and the Office of Children and Families (OCFS)
6 work towards transitioning some of the closed OCFS and/or Department of
7 Correctional and Community Supervision facilities to accommodate the lack
8 of specialized secure detention beds as well as allowing county consortiums to
9 open specialized secure detention facilities if desired.
10
- 11 6. The Division of Budget should be required to expeditiously reimburse
12 counties for expanded or new specialized secure detention facilities, as the
13 current capacity statewide is inadequate to meet our youth's detention rates.
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15 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
16 of New York State encouraging member counties to enact similar resolutions; and
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18 **BE IT FURTHER RESOLVED that** NYSAC shall forward copies of this resolution to
19 Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the
20 New York State Legislature and all others deemed necessary and proper.