



**Resolution**  
**Board of Supervisors**  
**County of Columbia**  
**New York**

RESOLUTION NO.

DATE: February 8, 2012

BY SUPERVISOR \_\_\_\_\_

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PUBLIC SAFETY COMMITTEE

CHAIRMAN: ROY BROWN

**RESOLUTION CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE TO ENACT LEGISLATION THAT WILL BRING MANDATE RELIEF TO PROBATION DEPARTMENTS**

WHEREAS, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked on mandate relief issues, and

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 has been drastically cut from a 46.6 percent State share in 1990 to less than 12 percent in 2010, putting a huge strain on counties to fund the remaining 88 percent at a cost to real property tax payers of \$340 million state-wide and a cost of \$729,000 to Columbia County residents in 2010; and

WHEREAS, little to no mandate relief has been provided to Probation in these tough fiscal times, and

WHEREAS, continual cuts have been made in Probation funding by NYS, while at the same time increasing unfunded mandates, and

WHEREAS, counties can no longer afford to sustain these cuts, leaving Probation departments with less staff, more work and no mandate relief in sight,

**NOW THEREFORE BE IT RESOLVED THAT NYSAC CALL UPON THE GOVERNOR AND STATE LEGISLATURE TO IMMEDIATELY ENACT LEGISLATION AND /OR RULE /REGULATION REVISIONS THAT:**

1. Enact a moratorium on all new legislation that impacts the workload of Probation without 100% funding being attached up front.
2. Modify the Criminal Procedure Law to streamline Presentence Investigations (PSI) by eliminating the requirement for a PSI to be ordered when a defendant is to be sentenced to time served, is convicted of a crime that occurred while an inmate in a state correctional facility, and where the sole purpose is to determine Youthful Offender status.
3. Order a moratorium on all new policies and guidelines issued by regulatory agencies that do not directly relate to mandate relief.

4. **Direct Office of Probation Correctional Alternatives (OPCA) to allow Probation the flexibility to use the Probation Officer Trainee or Probation Officer eligible civil service list at their discretion. Currently a directive from Office of Probation and Correctional Alternatives, directs departments to exhaust Probation Officer list before using Probation Officer Trainee list.**
5. **Direct that funding be attached to all new initiatives, and that all counties, regardless of their size, receive proportionate reimbursement.**
6. **Direct that Office of Children and Family Services (OCFS) funding be transferred directly to Probation when Probation is providing the direct service. Probation should have direct access to funds related to juvenile services where Probation provides those services.**
7. **Amend the Penal Law so that DNA is taken from the offender at the time of arrest in all criminal cases or return to the counties 1/2 of the fee paid by the offender for the taking of their DNA.**

**BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this Resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary, the Columbia County Attorney and the Columbia County Treasurer.**

**Approved:**

\_\_\_\_\_  
 County Attorney

**Resolution  
 Committee**

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