

Urging New York State to Fund Probation Departments 100% for Costs Related to Raising the Age of Criminal Responsibility to 18 Years of Age

WITHDRAWN BY SPONSORS

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Provenzano, Ronk, and Wishnick)

Chairman of the Law Enforcement and Public Safety Committee, Thomas J. Briggs, and Deputy Chairman Kenneth J. Ronk offer the following:

WHEREAS, Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS, the Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS, the Council of Probation Administrators supports the Commission's report and believes that youth will be better served by raising the age of criminal responsibility to age 18 and that the diversion services provided by Probation will provide positive benefit; and

WHEREAS, the Division of Criminal Justice Statistics lists the number of arrests among 16 and 17 year olds statewide in calendar year 2013 was 33,347 and that under the proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and

WHEREAS, the Governor's proposal recommends that the violation level offenses of Harassment 2nd and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Diversion services, thus adding a previously unseen population to the workload of Probation staff; and

WHEREAS, the Governor's proposal recommends Probation Departments hire Family Engagement Specialists and provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

Resolution No. 127 March 17, 2015

Urging New York State to Fund Probation Departments 100% for Costs Related to Raising the Age of Criminal Responsibility to 18 Years of Age

WHEREAS, Probation Departments will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and

WHEREAS, Counties cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor's proposal; and

WHEREAS, the Governor's proposed language of funding for Probation citing "The Commissioner (DCJS) shall, subject to an appropriation made available for such purpose, establish and provide funding to probation departments"; now, therefore, be it

RESOLVED, the Council of Probation Administrators calls on the State Legislature to support the Commission's recommendations to use state resources to cover 100% of all new costs associated with changing the age of criminal responsibility to avoid financial burden on counties; and, be it further

RESOLVED, that language in the Governor's proposal be changed to reflect the state's commitment to fund 100% of all costs that will be incurred by county Probation Departments associated with raising the age of criminal responsibility; and, be it further

RESOLVED, that language be included to set aside designated funds from which counties can draw, eliminating the need for counties to exceed their 2% tax cap; and, be it further

RESOLVED, that copies of this resolution be delivered to the Governor, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders, NYSAC, and County Chairs,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Law Enforcement and Public Safety on _____.

FINANCIAL IMPACT: NONE