

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Special Meeting

Monday, May 23, 2016

9:30 a.m.

Legislative Committee Room
Steuben County Office Building
Bath, New York

****MINUTES****

COMMITTEE:	Dan C. Farrand, Chair Kelly H. Fitzpatrick	Aaron I. Mullen, Vice Chair Steven P. Maio	Eric T. Booth
STAFF;	Jack Wheeler Brooks Baker Cheryl Crocker	Mitchell Alger Alan Reed	Phil Roche Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Robert V. Nichols Gary D. Swackhamer	Carol A. Ferratella Robin K. Lattimer Gary B. Roush Scott J. Van Etten	K. Michael Hanna John V. Malter Brian C. Schu Randolph J. Weaver

I. CALL TO ORDER

Mr. Farrand called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

A. Public Defender

1. **Memorializing Resolution Re: Off-Hours Arraignments at Local Courts** – Mr. Roche informed the committee that Steuben County has 49 local judges overseeing 36 local courts and trying to get individuals to arraignments 24/7 is not possible absent spending a significant amount of money for staffing for both the District Attorney’s Office and the Public Defender’s Office. Arraignments must be done in the town where the arrest is made, or in an adjoining town. They may also be done by a Supreme Court or City Court Judge. There is legislation being proposed that would allow you to set up an arraignment part. You could have the option to go to one, two or three different courts, which could be staffed by a Public Defender and District Attorney on a rotating basis. Mr. Roche commented there is an advantage to having localized arraignments as the judges are now available 24/7, 365 days a year. With a program like this, a judge would be on-call two or three weeks a year. Any arraignment part would need to be approved by the State Legislature. Then the County, Magistrate’s Association, Sheriff, District Attorney and Public Defender would need to come up with a plan that would be submitted for approval by the State. This legislation was proposed by the Office of Court Administration and has a lot of support.

MOTION: MEMORIALIZING THE GOVERNOR AND STATE LEGISLATURE IN SUPPORT OF BILL NO. S07209, ALLOWING FOR FLEXIBILITY IN OFF-HOUR ARRAIGNMENTS AT LOCAL COURTS MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. District Attorney

1. **Residency Requirements for Part-Time Assistant District Attorneys** – Mr. Baker requested the adoption of a local law waiving the residency requirements for part-time Assistant District Attorneys. There is a provision in Judiciary Law that prosecutors live within the County. The pool of qualified attorneys is shrinking. With the Local Law, it would allow us to look at the option of entering into an inter-municipal

agreement with Schuyler County to share an Assistant District Attorney. This would be one full-time position with each County paying half of the salary and half of the benefits.

Mr. Wheeler stated this agreement would be considered a shared service and is a good idea. The first step in the process is the presentation of this local law. Mr. Mullen asked what is the purpose of the residency requirement? Mr. Wheeler replied it is a provision of both Public Officer's Law and Judiciary Law. You do have the ability to waive that requirement by Local Law. We have done this in the past for the Deputy Finance Commissioner and the Deputy Clerk of the Legislature. Mr. Booth asked is the purpose of the residency requirement to invest in the County and keep tax dollars in the County? Mr. Wheeler replied in part, yes. The biggest problem is finding qualified and interested candidates. Mr. Reed commented this Local Law expands the residency requirement to any contiguous county within the State and also limits this to part-time Assistant District Attorney positions.

MOTION: AUTHORIZING THE PRESENTATION OF A LOCAL LAW ESTABLISHING THE RESIDENCY REQUIREMENTS FOR PART-TIME ASSISTANT DISTRICT ATTORNEYS MADE BY MR. MULLEN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature