

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE
PUBLIC DEFENDER
AGENDA
August 2016

Committee Members: Supervisors Wood, Dickinson, Girard, Frasier, Brock, Seeber, Simpson, Vanselow, Montesi, Braymer, MacDonald

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting
- III. Action Agenda/New Business Items:
 - I. Request: follow up from last meeting/ request authorization to hire additional staff of 2 attorneys and 1 secretary

Rationale: to authorize request for additional staff due to the anticipated increase in cases due to new lower application standards for clients along with the addition of a new family court judge.

IV. Referrals/Pending Items:
None

V. Discussion Items:
None

VI. Privilege of the floor to discuss any additional item to come before the Committee

VII. Motion to adjourn

Attachments:

Warren County Public Defender

Arraignments

April 2016

Court	3/31/2016-4/2/2016				4/3/2016-4/9/2016				4/10/2016-4/16/2016				4/17/2016-4/23/2016				4/24/2016-4/30/2016			
	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl
Bolton Town Court																				
Chester Town Court																				
Glens Falls City Court			1	1	2	3	3	8	1	1	4	6	2	1	1	4	1			1
Hague Town Court																				
Horicon Town Court					1			1				0				0				0
Johnsburg Town Court																				
Lake George Town Court	1		2	3									1							
Lake Luzerne Town Court																	1			1
Queensbury Town Court	2	1	1	4	8		2	10	4	1		5	1	5	1	7	1			1
Stony Creek Town Court																	4		5	9
Thurman Town Court																				
Warrenburg Town Court			1	1																
County Court					2			2				0								0
Grand Totals	3	1	5	9	13	3	5	21	5	2	4	11	5	6	2	12	7	0	5	12

Day Total:	33
After Hrs Total:	12
Wkd Total:	21
Monthly Total:	65

Warren County Public Defender

Arraignments

May 2016

Court	5/1/2016-5/7/2016				5/8/2016-5/14/2016				5/15/2016-5/21/2016				5/22/2016-5/28/2016				5/29/2016-5/31/2016				Day Total:	After Hrs Total:	Wkd Total:	Monthly Total:				
	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl								
Bolton Town Court																												
Chester Town Court											1	1																
Glens Falls City Court	2	1		3	1		1	2		1		1																
Hague Town Court					1		3	4	1		2	3					4		2	6	1			1				
Horicon Town Court																												
Johnsburg Town Court																												
Lake George Town Court									1								1			1								
Lake Luzerne Town Court																					1			1				
Queensbury Town Court	4		3	7	12		3	15	3	3	1	7	3	1	2	6												
Stony Creek Town Court									1																			
Thurman Town Court																												
Warrensburg Town Court					1			1											1	1	1			1				
County Court															1	1					1			1				
Grand Totals	6	1	3	10	15	0	7	22	6	4	4	12	9	1	5	15	4	0	0	4	40	6	19	63				

Warren County Public Defender

Arraignments

June 2016

Court	6/1/2016-6/4/2016				6/5/2016-6/11/2016				6/12/2016-6/18/2016				6/19/2016-6/25/2016				6/26/2016-6/30/2016				Day Total:						
	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl	Day	After Hrs	Wkd	Wkly Ttl							
Bolton Town Court								0																			
Chester Town Court	1			1				0																			
Glens Falls City Court				0	1			1																			
Hague Town Court									2	2		4	1		1	2							0				
Horicon Town Court								0								0							0				
Johnsburg Town Court																0							0				
Lake George Town Court				0	4		4	8			4	4	1			1							0				
Lake Luzerne Town Court																											
Queensbury Town Court				0	1	1	1	3	1		4	5			1	1			4		2	6					
Stony Creek Town Court																											
Thurman Town Court																											
Warrensburg Town Court	1			1			1	1			1	1															
County Court	1			1				0				0				0			1			1					
								0				0				0			1			1					
Grand Totals	3	0	0	3	6	1	6	13	1	2	11	14	2	0	2	4	6	0	2	8							
																							Day Total:	18			
																								After Hrs Total:	3		
																									Wkd Total:	21	
																										Monthly Total:	42

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Public Defender

DATE: 8-24-16

- (a) Title of Requested Position: **Assistant Public Defender #7**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$45,000.00**
- (c) Effective Date for New Position:* **As soon as possible, 9-19-16**
*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
none
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:
There are no source of funding in the budget for this position
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)
Yes *PO 8/24/16*
- (g) Is this a mandated position? If so, please explain:
no
- (h) Is there expected revenue from this position? If so, please explain:
no

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels defendants at every stage of proceedings following arrest;
Initiates such proceedings as are necessary to protect the rights of the accused;
Assists the Public Defender in the preparation of various court proceedings;
Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
Investigates respondent's financial status in family court support matters;
Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State and Federal criminal law, New York family court act and court proceedings; good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Possession of a license to practice law in the State of New York. AND six (6) months of full-time paid experience as a licensed attorney practicing law in the State of New York.

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

Adopted, Warren County Civil Service, 11/6/03

Amended, Warren County Civil Service, 6/17/15, 8/24/15.9/23/15.

JC; Exempt, #1,2,3,4, Competitive PJC as Exempt Class Positions #5,6.

WARREN COUNTY DEPARTMENT OF CIVIL SERVICE ADMINISTRATION

REQUEST FOR ADDITIONAL POSITIONS IN AN ALREADY ESTABLISHED CLASSIFICATION

Agency: Public Defender

ACTION BY DEPARTMENT HEAD:

Title of Requested New Position: Assistant Public Defender #7 Number of Positions 1
If Temporary, indicate length of appointment: _____
If Permanent _____
For competitive titles only indicate: Full-Time PJC, _____
_____ Less than Full-time (Hours/week) _____

I affirm that the duties, responsibilities and qualification requirements of the new position(s) requested below conform to the class specification of the *attached Civil Service position description* for Assistant Public Defender already established by Warren County Civil Service for the Agency.

Signature of Department Head: [Signature] Date: 8-24-16

ACTION BY APPOINTING AUTHORITY:

Creation of described position(s):
I agree that the duties and responsibilities conform to the attached Warren County Civil Service position description and approve the creation of this position(s).

Signature of Appointing Authority: [Signature] Date: 8-24-16

ACTION BY WARREN COUNTY CIVIL SERVICE ADMINISTRATION:

In accordance with the provisions of Civil Service Law, Section 22, the Warren County Department of Civil Service Administration certifies that the appropriate civil service title for the position described is Assistant Public Defender #7, and the appropriate classification is Exempt - Pending Jurisdictional Classification

Signature of Personnel Officer: [Signature] Date: 8/24/16

This original document will remain in the Civil Service Office, a copy signed by the Personnel Officer will be returned to the Agency.

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: **Public Defender** Payroll Dept. No: **6.01 A.1171**
Title of Position: **Assistant Public Defender #7** Base Salary of Position: **\$45,000.00** Grade:
Filling at Step # (If Known): **none new** Request to Backfill Due to Promotion: Yes No
Budget code and title: **none at this time but will be A.1171 110** Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other **new position**
Employee No.: **none** Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal % State % Other %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other provisional pending rules resolution

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring.

Human Resources Director has approved this form when initialed. AF 8-25-16

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.
 The Administrator objects to the filling of the vacancy.

Administrator Signature *B. M. [Signature]* Date 8/30/16

BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.
 The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature *Frank E. Thomas* Date 8/31/16

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee *Criminal Justice & Public Safety*

- The committee has no objection to the filling of the vacancy.
 The committee objects to the filling of the vacancy.
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature *Evelyn M Wood* Date 9/1/16

Finance Committee:

RESOLUTION NO. _____

**URGING GOVERNOR CUOMO TO SIGN INTO LAW
PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706)**

By Mr. Donald Hooper, Chair, Finance Committee

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State, and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter, and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832], and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010, and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State, and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation, and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems

would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly,

NOW, THEREFORE, BE IT RESOLVED, that the St. Lawrence County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to him, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of St. Lawrence County and the other counties of the State and New York City to fund this State mandate, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader Flanagan, Assembly Speaker Heastie, Senator Patty Ritchie, Assemblywoman Addie J. Russell, Senator Joseph Griffo, Senator Betty Little, Assemblyman Ken Blankenbush, Assemblyman Marc Butler, Assemblywoman Janet Duprey, the New York State Office of Indigent Legal Services (ILS), the New York State Defenders Association (NYSDA), the Chief Defenders Association of New York (CDANY), and the New York State Association of Counties (NYSAC).