

WARREN COUNTY
PROPOSAL
FOR
COUNSEL AT
ARRAIGNMENT COVERAGE

Respectfully Submitted by:

Hon. Gary C. Hobbs,
Glens Falls City Court Judge
Supervising Judge for Warren County
Town and Village Justices

[Revision Date: 09/06/17]

I. Background of Efforts to Provide Counsel at Initial Arraignments.¹

Pursuant to County Law Article 18-B, the County of Warren is responsible to created a county-based system of delivering mandated legal services to indigent defendants to ensure that they receive meaningful and effective assistance of counsel.

It is the desire and goal of all judges, prosecutors and public defenders and/or assigned counsel in Warren County to ensure that legal counsel is available to represent all criminal defendants at the initial arraignment pursuant to the Court of Appeals' decision in *Hurrell-Harring v. State*, 15 N.Y.3d 8, 930 N.E.2d 217 (2010), while being fiscally responsible to the residents of Warren County.

From approximately November of 2016 to the present, with the advantage of Office of Indigent Legal Services grant funds, the County of Warren has attempted to meet its legal obligations of providing Counsel at all arraignments. Upon receipt of the grant funding, the Warren County Public Defender's Office began sending members of its office to every single arraignment in the County. Since that time, Warren County is slightly below one hundred percent compliance. However, this result requires a herculean effort from Public Defender Marcy I. Flores and her staff. While this effort is commendable, such effort is unsustainable as a permanent resolution for having counsel for the defendants at all arraignments. In addition, there has been a substantial roll-over of staff within the Office of the Warren County Public Defender.

In an attempt to limit the arraignment costs, while still ensuring that the public defender can be available to appear at court for all defendants at after-hour and weekend arraignments [i.e.; evening, weekend, and holiday arraignments], Warren County will provide courtroom space for the Warren County After-Hours Central Arraignment Part (CAFA Part), which shall be open to the general public, and shall be located at the former Warren County Jail facility, located in the Warren County Municipal Center, 1340 State Route 9, Lake George, New York 12845. The local town and city court judges will preside at the centralized arraignments for all after-hours, weekend, evening and holiday arrests occurring in Warren County. To ensure that no defendant is held for a period of more than twelve (12) hours without an arraignment with counsel present, the Warren County After-Hours Central Arraignment Part (CAFA Part) will convene every day, as needed (including weekends and holidays), once at 7:00 a.m. and again at 7:00 p.m. for the purpose of conducting local criminal court arraignments. On Call Judges, Public Defender's Office and District Attorney's Office will be available for arraignments for a

¹ This proposal has been developed with the generous cooperation and assistance of Hon. Kathleen Hogan, Warren County District Attorney; Marcy I. Flores, Esq., Warren County Public Defender; Hon. Michael Muller, Queensbury Town Court Justice and Warren County Magistrates' Association President; Nathan [Bud] York, Warren County Sheriff; C. Shawn Lamouree, Warren County Undersheriff; Anthony Lydon, Chief of Police, Glens Falls Police Department; and Matthew Chivers, Esq.

period of 2 hours after the above stated times to ensure that defendants, who are arrested at or near the commencement time of the CAFA Part, can be arraigned with counsel. In addition, the judges will cover, pursuant to a set schedule, as Conflict or Emergency Judges in the event that the scheduled On Call Judge is unexpectedly unavailable to preside at the CAFA Part or has a conflict of interest in presiding for an arraignment.

The use of the Warren County CAFA facility would allow all of the local court judges to participate in the centralized arraignments for all arrests occurring in Warren County. In addition, this facility is located in the same building as the Public Defender's Office and the District Attorney's Office, which would allow attorneys from those offices to easily attend all arraignments. The facility is located in a building adjacent to the current Warren County Jail and holding facilities of the Jail, which should save the County substantial transportation time and expense.

II. Issues Involving Counsel at Initial Arraignment In Warren County

The local courts in Warren County, in cooperation with the Warren County Public Defender's Office and the Warren County District Attorney's Office, have been attempting to provide criminal defendants with legal counsel at after-hour arraignments since November of 2015. There are, however, practical impediments to obtaining counsel for all after-hours arraignments that are needed in the County of Warren.

Warren County encompasses a total area of 932 square miles. There are twelve (12) local courts located throughout Warren County with eighteen (18) judges presiding in those local courts.² Driving time between these respective local courts can exceed one hour each way. There are often occasions where arraignments are needed in several different courts at the same time. As a result of the significant distance between the Warren County local courts, it is difficult [if not impossible] to have public defenders and prosecutors available at all of these courts for required after-hour arraignments.

In addition, multiple after-hour arraignments at several different courts require difficult coordination of transportation services of the defendants. Presently, the arresting police agency [State Police, Warren County Sheriff's Department, Glens Falls or Bolton Landing Police Department] must provide transportation of its arrested defendants to and from the holding cells located at the Warren County Correctional Facility to the local courthouse. This process unnecessarily increases personnel and transportation costs for all of the Police Agencies.

It would be much more efficient for the judges, prosecutors and the public

² The local courts in Warren County are Bolton Town Court, Chester Town Court, Glens Falls City Court, Hague Town Court, Horicon Town Court, Johnsbury Town Court, Lake George Town Court, Lake Luzerne Town Court, Queensbury Town Court, Stony Creek Town Court, Thurman Town Court and Warrensburg Town Court. There are a total of 18 judges/justices in Warren County.

defenders to appear at one centralized court location for all arraignments that may be needed within the county during after-hours, holidays or weekends. The public defender and prosecutor would only have to travel to one court for all of the after-hours and weekend arraignments needed for the entire county.

III. The Proposed Warren County Centralized Arraignment Plan - the following is the proposed permanent plan for the County of Warren to provide counsel to defendants at all after hours, weekend and holiday arraignments:

- A. Hours of Arraignment-** The Warren County After-Hours Central Arraignment Part (CAFA Part) will convene to conduct arraignments, as needed, every day, including weekends and holidays, commencing at 7:00 a.m. and shall reconvene at 7:00 p.m., if necessary, for the purpose of conducting local criminal court arraignments. The Warren County CAFA Part will not handle juvenile arraignments. The Warren County CAFA Part will not have a designated ORI Number.
- B. Judges Presiding at the CAFA Part** - the local judges of the Glens Falls City Court and the Justices from the respective Town Courts located within the County of Warren will preside over all after-hours arraignments pursuant to an on-call rotation schedule, approved by the Warren County Magistrates' Association. Under this system, the Glens Falls City Court Judges and the Town Court Justices in Warren County will share serving as the Warren County CAFA Part judge. The On-Call Judge will be responsible for presiding over any arraignments for defendants arrested anywhere in the county during that judge's designated period of time. The on-call rotation schedule will be revised annually by the Warren County Magistrates' Association and the Supervising Judge for Warren County Magistrates. Under this system, the Town Court Justices and City Court Judges in Warren County will share serving as the Warren County CAFA Part judge. The On-Call Judge will be responsible for presiding over any arraignments for defendants arrested anywhere in the county during that judge's designated period of coverage. Once the "On-call Judge" has completed his/her designated on-call arraignments, the judge would not be required to take on-call arraignments, unless that judge is needed to cover an arraignment as the "Conflict On-call Judge," when the assigned On-call Judge has a conflict of interest or is unexpectedly unavailable. A copy of the proposed on-call rotation is annexed as **Schedule A**.
- C. Location of After-hour Arraignments** – After-hours, weekend and holiday arraignments will take place at the **Warren County Municipal Center, located at 1340 State Route 9, Lake George, New York 12845**. The County of Warren is presently constructing courtroom space at the former Warren County Jail facility. The Warren County CAFA Part courtroom will include a separate judge's chambers, the courtroom, a

bathroom, fixed seating bench for defendants awaiting arraignment, lockers for the storage of handbags, backpacks, etc. for visitors, and a separate secure conference room for the Public Defender to meet with their clients. The Warren County CAFA Part Courtroom has an entrance for defendants being transported directly into the CAFA Part Courtroom. The Warren County CAFA Part Courtroom also has a separate entrance for the general public, which has a functional magnetometer. During operation of the CAFA part arraignments, the court will be open to the public, provided that the visitor subject himself or herself to search and/or passes through the magnetometer. All after hours, weekend and holiday arraignments, including emergency arraignments, will be conducted at the CAFA Part Courtroom to ensure that counsel can be present for the arraignment, together with security. The Warren County CAFA Part courtroom will be owned and operated by the County of Warren. (Photographs of the Warren County CAFA Part Courtroom, together with plans are annexed hereto as **Schedule B**).

- D. Scheduling of Arraignments** - to ensure that the judge, public defender and district attorney do not appear at the CAFA Part Courtroom when arraignments are not needed, the On-Call Judges will have contact telephone numbers for the Warren County Sheriff's Office, the Glens Falls Police and the NYS Police to determine, in advance, if any of these agencies have a defendant waiting for an arraignment. The On-call Judge will then contact the On-Call Assistant District Attorney and On-Call Public Defender to advise whether the attorney is or is not needed to appear at the CAFA Part Court. The District Attorney's Office and the Public Defender's Office have already supplied the On-call judges with phone numbers for their on-call attorneys. In turn, the On-call Judges have also provided their telephone numbers to the Warren County Sheriff's Office, the Glens Falls Police, NYS Police, District Attorney's Office and Public Defender's Office to allow these agencies to contact the On-call Judge in the case of an emergency. On Call Judges, Public Defender's Office and District Attorney's Office will be available for arraignments for a period of 2 hours after the above stated times to ensure that defendants, who are arrested at or near the commencement time of the CAFA Part, can be arraigned with counsel.
- E. Emergency Arraignments** - The On-Call Judges will be available for emergency arraignments at times other than during the set arraignment times. These emergency arraignments include occasions when the Sheriff's Department's regulations do not permit the defendant to be held in the holding cells (i.e.; a suicidal defendant; an injured defendant; etc.).
- F. On Call Judge Unavailable** - In the event that the On-call Judge is unexpectedly unavailable to preside at the CAFA Part or the On Call Judge has a conflict of interest in presiding at the arraignment, then an assigned

“Conflict On-call Judge” will preside at the arraignment. The Conflict On-Call judges will be listed on the On-call Rotation Schedule (**Schedule A**), which will be provided to the arresting agencies, so the arresting agencies can contact the Conflict On-Call judge, in the event that the regular On-Call Judge is unavailable for the arraignment.

- G. Appearance of District Attorney and Public Defender** - The Warren County Public Defender will develop a schedule of assignments for assistant public defenders to cover the CAFA Part and circulate it to the Warren County Magistrates, the City Court Judges, Warren County District Attorney, Warren County Sheriff and Warren County Supervising Town and Village Judge. Defense counsel will appear in person at all arraignments. The Warren County District Attorney will develop policies governing prosecutorial presence at the CAFA Part and will circulate them to the Warren County Magistrates, City Court Judges, Warren County Public Defender, Warren County Sheriff and Warren County Supervising Town and Village Judge. With approval of the On-call Judge, the Warren County District Attorney’s office may waive their personal appearance entirely and/or appear by telephone.
- H. Arresting Agencies** - Following an arrest, the Arresting Agency will enter fingerprint information using the *ORI number of the court that has geographic jurisdiction of the offense*. Upon arriving at the CAFA Part, the Arresting Agency will secure the defendant per the protocols developed and circulated by the Warren County Sheriff’s Department. The Arresting Agency will provide the on-duty judge with two hard copies of the fingerprint-based response (or the repository if the fingerprint-based response is not available), together with the accusatory instruments and supporting depositions, if any. The CAFA Part Judge will have no ability to print a fingerprint-based RAP sheet for a defendant. The CAFA Part Judge will provide defense counsel with copies of the accusatory instruments, supporting depositions (if any) and a copy of the fingerprint-based RAP sheet for the defendant.³
- I. Security** – The Arresting Agency will provide an officer to secure the defendant(s) transported by the arresting agency to the CAFA part for an arraignment. The County of Warren shall provide one security officer to operate the magnetometer during any arraignments at the CAFA Part and a second security officer to be stationed at the Bench during all arraignments.

³ In the event that the On-call Judge is provided with a Repository RAP sheet for the defendant, then defense counsel shall be allowed to review, but not copy, the Repository RAP sheet. Defense counsel shall be provided with a copy of the defendant’s fingerprint based RAP sheet at the next court appearance.

The security officer stationed at the Bench shall provide security for the judge, attorneys and any visitors attending the CAFA part arraignments. The County of Warren presently does not have an x-ray machine for the examination of handbags, purses, backpacks, etc., which may be brought to an arraignment by a person seeking to attend the arraignment proceedings. Any person wishing to attend an arraignment at the CAFA part will be subject to a search of any possessions of said person, pursuant to regular courtroom rules, and all persons seeking to attend the arraignment proceedings will be required to enter through the magnetometer. During the court proceedings, handbags, purses, backpacks, and bags shall be secured in lockers and returned to the person when he or she exits the facility. Defendants will be allowed to meet, in private, with the Public Defender prior to the commencement of the arraignment. The attorney conference room for the Public Defender to meet with his/her client is located within a secured area of the CAFA Part courtroom. The area of the entrance to the CAFA Part courtroom, the magnetometer area, the courtroom area and the conference room area will be monitored *via* closed circuit television. There will be a "panic button" installed at the bench area monitored by the Warren County Sheriff's Department for the judge to summon additional officers, if needed.

- J. Pre-Arraignment Holding** - defendants awaiting arraignment may be held at the Warren County Correctional Facility, pursuant to a Memorandum of Understanding between the Warren County Sheriff's Department and the various arresting agencies operating within Warren County (Glens Falls Police Department, New York State Police, Bolton Town Police). In the event that the defendant is being temporarily housed at the holding cells of the Warren County Correctional Facility, when the arraignment is scheduled to occur, then the Arresting Police Agency shall transport the defendant(s) from the Warren County Correctional Facility holding cells to the CAFA part courtroom. In the event the defendant is held after the arraignment, in lieu of bail, then the CAFA Part Judge will provide the Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original jurisdiction at the next available date and time. If the defendant is released on his or her own recognizance, then the defendant will be provided with an opportunity to make a call or calls to obtain transportation to his/her residence. The defendant will also be able to remain in the heated indoor waiting area of the Warren County Correctional Facility, which is staffed by the Sheriff's Department, while he/she awaits being picked up by family or friends. This facility is also within walking distance to a gas station/convenience store, hotel and a local restaurant facility. A copy of the MOU is attached as **Schedule C**.
- K. Courtroom Equipment and Inventory** -The CAFA Part's courtroom

will be furnished with the following equipment, supplies and inventory, which will be secured in a locked cabinet when not in session.

The **State of New York, Office of Court Administration** is requested to provide and maintain the following at the CAFA Part Courtroom:

- a. a laptop computer equipped with the SEI program and Liberty recording software, and Web DVS software for the electronic filing of Orders of Protection. Each on-duty judge will be able to access the SEI program for his or her court directly from this computer; and
- b. microphone(s) compatible with the recording software sufficient to record the court proceedings.

The **County of Warren** shall provide the CAFA Part Court with the following equipment and inventory:

- c. a multi-function copy machine, scanner and printer;
- d. a telephone with speaker phone capability
- e. use of LanguageLine Solutions ® Telephonic Interpretation Services for non-English speaking defendants;
- f. Internet service;
- g. seating for the judge and visitors;
- h. cameras and monitors for the security to observe the facility;
- i. a “panic button” at the judge’s bench, which shall notify Warren County Sheriff’s Department dispatch or Sargent on Duty in the event of an emergency;
- j. inventory of supplies sufficient for the operation of the CAFA Part Court such as copy paper, toner, pens, pencils, stapler and staples, staple remover, paperclips, scissors, rubber bands, arraignment log book, envelopes, etc.
- k. McGill’s Manuals for New York Penal Law, Vehicle and Traffic Law and Environmental Conservation Law.

The **Warren County Magistrates’ Association** shall provide the CAFA Part Court with:

- a. standardized arraignment forms and documents, such as the Record of Arraignment, Order of Protection, Adjournment Notice, Securing Orders, Notice of Fine and Surcharge, Waiver of Preliminary Hearing, etc.
- b. judicial robe.

L. Judicial Training - The State of New York, Office of Court

Administration, shall provide the judges with training necessary to operate the laptop and software, including the SEI program, Liberty recording software and Web DVS program.

M. Arraignment Procedures –

- a. Mechanical Recording. All arraignments will be mechanically recorded using the Liberty recording software, which will be supplied by the State of New York, Office of Court Administration.
- b. The recordings of the arraignment proceedings will be manually archived in a CD format, on a quarter annual basis, and the CD will be marked with the dates of the arraignments. The CDs will be maintained in the locked cabinet located at the CAFA Part courtroom. On-call Judges shall be assigned the responsibility to archive the proceedings pursuant to the On-call Rotation Schedule.
- c. Creating a Data Record. The on-duty judge will create a data record of the arraignment in his/her SEI database and, in addition, will complete a written arraignment report.⁴ A copy of this report will be supplied to the court of original jurisdiction of the case.

N. Collection of Bail – In the event that the On-Call Judge secures the defendant's appearance upon payment of bail, then the Warren County Sheriff's Department will collect the bail and transfer the bail to the court of original jurisdiction, which is the present practice in Warren County. The On-call Judge shall provide the Warren County Sheriff's Department with the required Securing Order.

O. Transfer of Arraignment Documents – After the arraignments have concluded, the On-call Judge will scan and email copies of the arraignment documents - including copies of the charges, supporting deposition, arraignment memorandum, order of protection, securing order, notice of adjournment, Parker admonishment, etc. - to the court of original geographic jurisdiction. The on-call judge will also mail the original arraignment documents to the court of original jurisdiction, and keep a copy of the charging and arraignment documents for its records. On-Call Judges will maintain an arraignment log to keep a record of the arraignments that are conducted by each judge. The Arraignment log shall be maintained at the CAFA Part courtroom.

⁴ Where arraignments are processed for the Glens Falls City Court at the CAFA Part, the clerk of the Glens Falls City Court shall input the required arraignment and charging information into the ADBM program within the next available business day.

- P. Payment of Fines and Surcharges** - While infrequent, guilty pleas are sometimes entered at the time of the arraignment. The creation of a Centralized Arraignment Court is not intended to change this procedure but, in the rare event that a guilty plea does occur, the CAFA Part Judge may issue an appropriate sentence, which may include a fine, mandatory surcharge and DNA fee, if required. The CAFA Part Court will not collect the fine, surcharge or DNA fee. The On-call Judge shall provide the defendant with a Notice of Fine and Surcharge for the defendant to pay the fine, surcharge and DNA fee to the court of original geographic jurisdiction, and the Notice shall provide the defendant with a reasonable period of time to make the payment.
- Q. Release on Own Recognizance** - Defendants released on their own recognizance will be given a Notice of Adjournment with his/her next appearance date in the court of original geographical jurisdiction. The on-duty judge will consult the schedule chart for the court of original jurisdiction to determine when that court is in session, and will set the next appearance date in the court of original jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAFA Part Court. The defendant should be allowed to stay in the waiting area of the Warren County Correctional Facility, which is a heated, public facility, while waiting for his or her ride/transportation.
- R. Orders of Protection** - If the on-call judge issues an order of protection, he or she will immediately enter it into Web DVS system.
- S. Pleas of Guilty and Not Guilty**
- a. **Not Guilty Pleas.** In the case of a not guilty plea, the on-call judge will compile and mail all original arraignment paperwork, e.g., the accusatory instrument, fingerprint response RAP sheet, order of protection, bail order, to the judge(s) in the court of geographic jurisdiction. A copy of the arraignment sheet and the accusatory instrument(s) will be immediately scanned and emailed to the email address of the judge(s) of the court of geographic jurisdiction. The original arraignment paperwork can be mailed to the geographic court the following business day.
- b. **Guilty Pleas.** In the case of a guilty plea:
1. If a pre-sentence investigation (PSI) is required, one should be ordered and sentencing adjourned to allow its completion.
 2. If no PSI is required, the judge may sentence in accordance with the statute and issue a fine/surcharge/fee notice, which provides the defendant with a reasonable period of time to pay

to the court of original jurisdiction.

3. If DNA collection is required, an appropriate DNA collection order will be issued.
4. On-call judges who accept guilty pleas or plea bargains in the CAFA Part shall provide the defendant with a notice of any fine and surcharge to be paid to the court of original jurisdiction, with a reasonable period of time to pay, and shall notify the court of original jurisdiction of the disposition, so the court of original jurisdiction can properly record and dispose of the filing on its CDR or TSLED docket.

T. Approvals and/or Consents - Approvals and consents to this Plan have been sought from the County of Warren, City of Glens Falls, Warren County Sheriff's Department, Warren County District Attorney's Office, Warren County Public Defender's Office, Warren County Magistrates' Association, Glens Falls Police Department, New York State Police, Office of Indigent Legal Services, and various local municipalities. Attached as **Schedule C** are the approvals and/or consents from the various stakeholders, together with a list of agencies or local governmental agencies that have not responded to a request for approval and copies of the correspondence requesting input from the non-responding agencies.

U. Judicial Compensation – This plan requires the participating judges to perform duties at a location other than their own courthouse, and during hours when their respective court is not in session. The judges will be spending approximately 14-21 hours per on-call week to preside at the CAFA part, exclusive of travel. Many of the participating judges must take time from their jobs or professions to serve on the CAFA Part. The enabling statute requires compensation for the judges participating in the CAFA part courts. This Plan anticipates compensation for the participating judges pursuant UJCA § 106(2) at a rate of compensation to be approved by the Office of Court Administration, together with the appropriate mileage rates. Compensation of the participating judges would require the judges to complete vouchers for payment on such forms as are approved by the Office of Court Administration.

V. Budget for CAFA Part - the County of Warren has prepared a capital improvement budget for the start-up costs and expenses for construction and commencement of the CAFA Part courtroom, together with an operational budget for the cost and expenses to operate the CAFA Part Courtroom. The County of Warren will be seeking reimbursement from the State of New York of its costs and expenses incurred with the CAFA Part Courtroom pursuant to County Law § 722-e. A copy of the proposed capital improvement budget and operational budget for the CAFA Part are annexed

hereto as **Schedule D**.

W. Conclusion

I would respectfully request approval of this after-hours arraignment plan for Warren County.

Respectfully submitted,
Hon. Gary C. Hobbs
Glens Falls City Court Judge
Supervising Judge for Warren County
Town and Village Justices

Schedule A

Budgetary Items for Centralized Arraignment

I. INITIAL CAPITAL IMPROVEMENT COSTS

A. Construction/Renovation of Courtroom Facility

1.	Electric	\$ 750.00
2.	HVAC	\$ 250.00
3.	Plumbing	\$ 1500.00
4.	Sheetrock/Wall Covering	\$ 250.00
5.	Rough/Finish Carpentry	\$ 500.00
6.	Painting	\$ 200.00
7.	Flooring	
	a. Carpet	\$ 200.00 <i>walk off mats</i>
	b. Tile	\$
8.	Cabling	
	a. Internet	\$ 100.00
	b. Security	\$ 100.00
9.	Install Security Cameras	\$ 100.00

B. Initial Equipment Acquisition Costs

1.	Judge's Bench	\$ 300.00
2.	Judge's Chair	\$ 350.00
3.	Locking Cabinet @ Bench	\$ 100.00
4.	DA's Secured/Fixed Table	\$ 250.00
5.	PD's Secured/Fixed Table	\$ 250.00
6.	Signing Table - in front of bench	\$ 250.00
7.	Spectators' chairs	\$ 400.00
8.	Chamber's Furniture	
	a. Desk	\$ 500.00
	b. Chair	\$ 300.00
	c. Locking Cabinet	\$ 100.00
9.	Multifunction Scanner/Printer/Fax	\$ 2000.00
10.	Security Cameras	\$ 350.00
11.	Monitors for Security Cameras	\$ -
12.	Panic/Emergency Button @ Bench	\$ 150.00
13.	Speaker Phone @ Bench	\$ 300.00
14.	Judge's Laptop with Software	\$ -
15.	Magnetometer	\$ -
16.	Lockers for Storage of Visitors' items	\$ -

C. Initial Startup Supplies Cost

1.	Copy paper, pens, pencils, stapler, staples Toner, Court Forms, etc.	\$ 1000.00
2.	McGills - Traffic/Penal/EnCon	\$ 150.00

TOTAL CAPITAL COSTS \$ 10,700

I. **ANNUAL OPERATIONAL BUDGET** - This Budget assumes 2 court sessions per day @ 365 days/year = 730 sessions/year with an average court session length of 2.5 hours per session = 730 sessions x 2.5 hours = 1,825 operational hours per year.

A. **Security Cost** - Courtroom Security pay ranges from \$ 16.00 /hr to \$ 20.00 /hr for an average hourly rate of \$ 18.00 /hour, plus a _____ % add-on for fringe benefits cost for a total cost per court security officer of \$ 16.00 per hour + \$ _____ [for fringe benefits] = total of \$ 29.200 per hour cost per security officer needed.

1.	Security at Magnetometer (1825 hours per year)	\$ <u>29.200</u>
2.	Security at Judge's Bench (1825 hours per year)	\$ <u>29.200</u>
3.	Security for Defendant (1825 hours per year)	\$ <u>-</u>
	TOTAL SECURITY COST	\$ <u>58.400</u>

B. **Public Defender Cost** - Average Assist. Public Defender Salary = \$ _____ per hour + _____ % for fringe benefits = average hourly salary/pay with benefits of \$ _____ per hour x 1825 hours per year.

1.	TOTAL PUBLIC DEFENDER COSTS	\$ <u>22.500</u>
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C. **District Attorney's Cost** - Assistant District Attorney is not required to appear at all arraignments. Can appear by telephone. Assumes DA's Office is personally appearing at 50% of court sessions. Average Assist. District Attorney Salary = \$ _____ per hour + _____ % for fringe benefits = average hourly salary/pay with benefits of \$ _____ per hour x 913 hours per year.

1.	TOTAL DISTRICT ATTORNEY COSTS	\$ <u>69.300</u>
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D. **LanguageLine Solutions Interpretation Services** - Assumes one call per month with an average call length of 30 minutes rate/minute = \$3.95 per minute or \$118.50/month

1.	Total LanguageLine Costs	\$ <u>1,422.00</u>
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E.	Annual Office Supply Costs	\$ <u>500.00</u>
F.	Utilities - Heat/Electric	\$ <u>2500.00</u>
G.	Cleaning/Maintenance	\$ <u>2500.00</u>
H.	Equipment Lease/Maintenance Costs	\$ <u>1500.00</u>
I.	Internet connection	\$ <u>40.00</u>
J.	Telephone Service Costs	\$ <u>300.00</u>

	TOTAL OPERATIONAL COSTS	\$ <u>158.900</u>
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Preliminary Budget for Washington County Centralized Arraignment Court

Costs to Establish Centralized Arraignment Court (initial):

• Locking Cabinet for Laptop and Phone:	\$1,000
• Telephone with Speaker Phone Capability:	\$100
• Printer/Scanner/Copier:	\$2,000
• Office Supply Cabinet:	\$350
• Budget for general Office Supplies (initial):	\$1,000
• New Chair for Justices	<u>\$350</u>

Total Estimated Costs to Establish Court: \$4,800

Preliminary Budget Summary:

Estimated Establishment Costs:	\$4,800
• Office Supplies & Furnishings	
Estimated Operational Costs:	\$172,121.63
• 3 CO's for Security	
• 1 Public Defender at all sessions	
• 1 Assistant DA at half of all sessions	
• Office Supplies	
• Internet Connection	
• Translation Services	
Total Estimated Cost:	\$176,921.63

Preliminary Budget for Washington County Centralized Arraignment Court

Costs for Operation of Centralized Arraignment Court (annual):

- Assume 2 sessions 365 days/year = 730 sessions/year
- Assume Average session length = 1.5 hours
- 730 sessions * 1.5 hours = 1,095 hours per year/CO
- CO Wages range from \$15.42/hr to \$20.55/hr
 - Yields an average hourly rate of \$17.985/hour
 - County uses 50% as average fringe cost
 - $\$17.985 + 50\% = \26.98 average CO hourly rate
- Average Full Time Public Defender Salary = \$69,699.28
 - 40 hours/wk for 52 weeks = 2080 hours/year
 - Average Salary/Hours per Year = \$33.51/hr.
 - $\$33.51 + 50\%$ fringe = **\$50.27/hr.**
- Average Full Time Assistant DA Salary = \$64,785.40
 - 40 hours/wk for 52 weeks = 2080 hours/year
 - Average Salary/Hours per Year = \$31.15/hr.
 - $\$31.15 + 50\%$ fringe = **\$46.73/hr.**
- Corrections Officer to run Magnetometer: \$29,543.10
 - $\$26.98/\text{hr} * 1,095$ hours
- Corrections Officer for Judge and Attorney Security: \$29,543.10
 - $\$26.98/\text{hr} * 1,095$ hours
- Corrections Officer for Defendant Transport: \$29,543.10
 - $\$26.98/\text{hr} * 1,095$ hours
- Public Defender's Office Attorney \$55,045.65
 - $\$50.27/\text{hr} * 1,095$ hours
- District Attorney's Office Attorney \$25,584.68
 - DA Represented at 50% of court sessions
 - $\$46.73/\text{hr} * 547.5$ hours
- Internet Connection:
 - \$20/month for 12 months: \$240
- Office Supplies:
 - \$100/month for 12 months: \$1,200
- LanguageLine Solutions Interpretation Services:
 - Estimating 1 call per month
 - Average Call length = 30 minutes
 - Rate/minute = \$3.95 (\$118.50/month) \$1,422

Total Estimated Annual Operational Costs: \$172,121.63

Preliminary Court System Budget for Washington County Centralized Arraignment Court

Town & Village Judges

\$250/day x 365 days \$91,250

Mileage for Judges

Assume 40 miles/day roundtrip x 365 x .535 \$7811

Licensing Fees for SEI

\$5000¹

Estimated Court Costs: \$104,061

County Estimated Costs: \$91,491.30

Total: \$195,552.30

¹ Note this will not be a recurring expense due to the upcoming purchase of the SEI Program by the State.

DA Salaries:

\$93,000

\$75,000

\$73,000

\$64,500

\$57,000

\$51,500

\$49,500

Total: \$463,500

$\$463,500 / 7 \text{ attorneys} = \$66,214 \text{ average}$

$35 \text{ hours} \times 52 = 1820 \text{ annual hours per salaried attorney}$

Average salary of \$66,214

Average per hour \$36.4

Average of 3 hours per day x 251 (non-holiday work days) = 753

$753 \times 36.4 = \$27,409.20 + 1.50 \text{ fringe} = \$41,113.80$

Weekend / holiday arraignments = \$28,500

Total workday and weekend = \$69,613.80

WARREN COUNTY ATTORNEY'S OFFICE

WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

BRIAN S. REICHENBACH
COUNTY ATTORNEY

MARY ELIZABETH KISSANE
BENJAMIN M. BOTELHO
ASSISTANT COUNTY ATTORNEYS

TELEPHONE NO.
(518)761-6483

FAX NO.
(518)761-6377

September , 2017

Town Supervisor and Town Justices
Town of XX
Street Address
Warren County Town, NY 12XXX

RE: Warren County Counsel At First Appearance Plan

Dear Mr.(Ms.) (Supervisor) and Justice XXX:

As you may be aware, the New York Court of Appeals ruled in *Hurrell-Harring v. State*, 15 NY3d 8 (2010) that criminal defendants are entitled to legal representation at their first appearance in town and village courts throughout New York. In an effort to comply with this requirement, Warren County's Public Defender's Office, District Attorney and Sheriff's Department have been expending tremendous resources to ensure that a qualified lawyer from the Public Defender's Office is present to advise and represent all criminal defendants at "off-hours" arraignments. Such arraignments currently take place in Glens Falls City Court and any of the town courts in the county at night and on weekends.

To relieve the pressure on all involved, Glens Falls City Court Judge Gary Hobbs, the supervising judge for town justices in Warren County, in cooperation with Public Defender Marcy Flores, District Attorney Jason Carusone, Sheriff Bud York, the Board of Supervisors (acting through Supervisor Ron Montesi) and the Warren County Magistrates' Association have prepared a plan for centralized arraignments in a remodeled courtroom at the Warren County Municipal Center. Under the plan, "off-hours" arraignments would occur not at local courts, with the attendant need for three agencies to travel to each court involved, rather at the central facility in the Municipal Center, allowing the county agencies and the defendant to make the short trip and meet the assigned city judge or town justice for arraignments for all courts in the county that are needed that morning or evening. The state Judiciary Law has been amended to allow the sitting judge, from whatever town court is "up" on the rotation, to preside at the arraignment for any other local court in the county.

In consideration of the justice's additional authority and workload, each judge who agrees to preside at such arraignment sessions will be compensated by the State at a rate of \$250 per day. There will be no additional cost to the city, the towns or the town courts.

I have enclosed a DRAFT version of the plan that Judge Hobbs intends to submit to the State Office of Court Administration for approval. If the State approves the plan, the statute requires and Judge Hobbs advises that all costs for implementation will be reimbursed to the County by the State.

To implement this important plan, Judge Hobbs, the Public Defender, the District Attorney, the Sheriff and the Board of Supervisors need to know that each participating town is agreeable with the plan.

To that end, I am writing to each of you to ask for an expression of support for the plan, either by letter or enacted resolution of your governing board or council.

If you have questions about the implementation or consequences, please contact Judge Hobbs, Marcy Flores, Jason Carusone or me.

Thank you for your attention.

Very truly yours,

Brian S. Reichenbach

BSR/abm

enc.

CENTRAL ARRAIGNMENT COURT ON-CALL ROTATION

THE JUDGES WILL BE ON CALL FOR ARRAIGNMENTS AFTER REGULAR COURT HOURS AND ON WEEKENDS AS FOLLOWS:

Coverage Begins at 8:00 a.m. on Monday and Ends at 8:00 a.m. on Monday as Follows:

Glens Falls	Monday, February 27, 2017 until Monday, March 13, 2017
Queensbury	Monday, March 13, 2017 until Monday, March 27, 2017
Lake George	Monday, March 27, 2017 until Monday, April 10, 2017
Glens Falls	Monday, April 10, 2017 until Monday, April 24, 2017
Queensbury	Monday, April 24, 2017 until Monday, May 8, 2017
Lake George	Monday, May 8, 2017 until Monday, May 22, 2017
Glens Falls	Monday, May 22, 2017 until Monday, June 5, 2017
Queensbury	Monday, June 5, 2017 until Monday, June 19, 2017
Lake George	Monday, June 19, 2017 until Monday, July 3, 2017
Glens Falls	Monday, July 3, 2017 until Monday, July 17, 2017
Queensbury	Monday, July 17, 2017 until Monday, July 31, 2017
Lake George	Monday, July 31, 2017 until Monday, August 14, 2017
Warrensburg	Monday, August 14, 2017 until Monday, August 28, 2017
Bolton Landing	Monday, August 28, 2017 until Monday, September 11, 2017
Chestertown	Monday, September 11, 2017 until Monday, September 18, 2017
Thurman	Monday, September 18, 2017 until Monday, September 25, 2017
Hague	Monday, September 25, 2017 until Monday, October 2, 2017
Lake Luzerne	Monday, October 2, 2017 until Monday, October 16, 2017
Johnsburg	Monday, October 16, 2017 until Monday, October 23, 2017
Horicon	Monday, October 23, 2017 until Monday, October 30, 2017
Stony Creek	Monday, October 30, 2017 until Monday, November 6, 2017
Glens Falls	Monday, November 6, 2017 until Monday, November 20, 2017
Queensbury	Monday, November 20, 2017 until Monday, December 4, 2017
Lake George	Monday, December 4, 2017 until Monday, December 18, 2017
Glens Falls	Monday, December 18, 2017 until Monday, January 1, 2018