

**CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE**  
**PUBLIC DEFENDER**  
**AGENDA**  
**January 26, 2018**

Committee Members: Supervisors Leggett, Geraghty, Simpson, Wild, Magowan, Diamond, Sokol, Hogan, Braymer, Dirscoll, VACANT

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting
- III. Action Agenda/New Business Items:
  1. Resolution Request to Obtain Contract with Various Transcriptionists for Court Related Transcripts
  2. Resolution Request in support of After Hour Arraignment Proposal
- 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

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Attachments:

Form 3 – Request for New Contract

Form 20 – Miscellaneous

## ***RESOLUTION REQUEST FORM NO. 3***

### ***Request for New Contract***

**DEPARTMENT NAME:** Warren County Public Defenders Office

**DATE:** 01/26/2018

- (a) Is this a Result of a Bid or Request for Proposal? **no, see similar resolution 556 of 2003**
- (b) Purpose of Contract: **To obtain contracts with various transcriptionists for court related transcripts and do so at rates agreed upon by the department and available transcriptionists.**
- (c) Name of Contractor: **n/a**
- (d) Address of Contractor: **n/a**
- (e) Contractor's Contact Person and Telephone Number: **n/a**
- (f) Has or will the Contract be provided, if so, please attach: **no**
- (g) Commencement Date of Contract: **n/a**
- (h) Termination Date of Contract: **n/a**
- (i) Payment Provisions:
  - i) lump sum amount **rate agreed upon by the department**
  - ii) hourly rate amount
  - iii) total amount not to exceed
  - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc. **upon submission of invoice**)
- (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title\* and Amount: **OR Capital Project OR Capital Reserve Project Number, Title, and Amount: **A.1171 440 Legal/Transcript Fees****

Sample: A.1010 470 Legislative Board – Contract \$xx.xx  
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

\*as listed in budget and LOGOS

AUTHORIZING WARREN COUNTY PUBLIC DEFENDER TO RETAIN  
THE SERVICES OF VARIOUS TRANSCRIBERS AS AGREED  
UPON FOR A PRICE WITH THE TRANSCRIBER AND THE DEPARTMENT HEAD.

WHEREAS, the Warren County Public Defender is desirous of obtaining the services of various transcribers to provide legal transcripts to the Public Defender's office.

WHEREAS, the Warren County Public Defender shall negotiate rates with the various transcribers, now, therefore, be it

RESOLVED, that the Warren County Public Defender is authorized to obtain the services of a various transcriber to provide legal transcripts to the Public Defender's office whenever the need arises, and be it further

RESOLVED, that the Warren County Public Defender is authorized to negotiate rates with transcribers and compliance with any applicable State, Local and Federal Laws, and it be further

RESOLVED, that the Warren County Public Defender be, and hereby is, authorized to enter into an agreement with various transcribers, to provide legal transcripts to the Public Defender's office in the form approved by the County Attorney.

# ***RESOLUTION REQUEST FORM NO. 20***

## ***MISCELLANEOUS***

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME: Warren County Public Defender's Office**

**DATE: 01/26/2018**

- (a) Purpose of Request: **Request a resolution in support of the Warren County Permanent Centralized Arraignment Plan to be submitted to the New York Office of Court Administration by Hon. Gary C. Hobbs, Glens Falls City Court Judge, Supervising Judge for Warren County Town Courts.**
- (b) Details:
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS

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: 12/29/17]

## **I. Background of Efforts to Provide Counsel at Initial Arraignments.<sup>1</sup>**

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 Counsel At Arraignment Part (CAP), 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 Counsel At Arraignment Part (CAP) will convene every day, as needed (including weekends and holidays), once starting at 7:00 a.m. through 9:30 a.m., if necessary and again starting at 5:30 p.m. through 9:30 p.m., if necessary, for the purpose of conducting

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<sup>1</sup> This proposal has been developed with the generous cooperation and assistance of Hon. Kathleen Hogan; Hon. Jason M. Carusone, 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; Warren County Supervisor Ron Montesi and the Board of Supervisors, and Matthew Chivers, Esq., Special Counsel to the 4<sup>th</sup> Judicial District.

local criminal court arraignments. On Call Judges, Public Defender's Office and District Attorney's Office will be available for arraignments for the periods of time set forth above to ensure that defendants, who are arrested at or near the commencement time of the CAP, 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 CAP 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.<sup>2</sup> 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.

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<sup>2</sup> 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.

It would be much more efficient for the judges, prosecutors and the public 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 hours of the arraignments are scheduled for the purpose of ensuring that defendants awaiting arraignment will be secured in holding cells for the shortest period possible and that no defendant will be held, without an arraignment for a period in excess of 12 hours. The Warren County Counsel At Arraignment Part (CAP) will convene to conduct arraignments, as needed, every day, including weekends and holidays, commencing at 7:00 a.m. to 9:30 a.m., and shall reconvene at 5:30 p.m. through 9:30 p.m., as necessary. In addition, when the Glens Falls City Court is in session, Monday through Friday, (8:30 a.m. to 4:30 p.m.), defendants awaiting arraignment may be brought to the Glens Falls City Court for an arraignment. Nothing in this plan will prohibit a judge from conducting an arraignment in his or her court, during normal court hours, provided that an attorney or public defender is present at court to represent the defendant at the arraignment. The Warren County CAP will not handle juvenile arraignments. The On-Call Judge and/or Conflict On-Call Judge will also be available to conduct emergency arraignments, which are requested to occur during his or her period of on-call coverage, at any time of the day or night.
  
- B. Conflicts and Emergencies** - The On-Call Judges will be available for emergency arraignments at times other than during the set arraignment times. An emergency arraignment shall include those 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.). In the event of an emergency arraignment, the arraignment will be conducted at the CAP to ensure that counsel can be present for the arraignment, together with security. In the event that the Scheduled On-Call Judge has a conflict of interest in conducting the arraignment, then the Conflict On-Call Judge will be available to preside at the arraignment, which shall occur at CAP. In addition, in the event the On-call Judge is unexpectedly unavailable to preside during his or her scheduled on-call, then the Conflict On-Call Judge will preside for the Scheduled On-Call Judge at the CAP arraignments. The on-call schedule of the On-Call Judges and Conflict On-Call Judges is attached as **Schedule A**.

- C. **Judges Presiding at the CAP** - 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, which is approved by the Supervising Judge and 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 CAP 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 CAP 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.
- D. **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 CAP 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 CAP Courtroom has an entrance for defendants being transported directly into the CAP Courtroom. The Warren County CAP Courtroom also has a separate entrance for the general public, which has a functional magnetometer. During operation of the CAP 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 CAP Courtroom to ensure that counsel can be present for the arraignment, together with security. The Warren County CAP courtroom will be owned and operated by the County of Warren. (Photographs of the Warren County CAP Courtroom, together with plans are annexed hereto as **Schedule B**).
- E. **Notification of Arraignments** - to ensure that the judge, public defender and district attorney do not appear at the CAP 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 N.Y.S. 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 CAP 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 ½ hours for the morning and evening sessions to ensure that defendants, who are arrested at or near the commencement time of the CAP, can be arraigned with counsel.

- F. **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 CAP 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 CAP 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.
  
- G. **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 CAP, 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 CAP Judge will have no ability to print a fingerprint-based RAP sheet for a defendant. The CAP 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.<sup>3</sup>

- H. Security** – The Arresting Agency will provide an officer to secure the defendant(s) transported by the arresting agency to the CAP for an arraignment. The County of Warren shall provide one security officer to operate the magnetometer during any arraignments at the CAP and a second security officer to be stationed at the Bench during all arraignments. The security officer stationed at the Bench shall provide security for the judge, attorneys and any visitors attending the CAP 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 CAP 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 CAP courtroom. The area of the entrance to the CAP 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.
- I. 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 CAP courtroom. In the event the defendant is held after the arraignment, in lieu of bail, then the CAP Judge will provide the Sheriff’s Department with a securing order. The securing order shall have the

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<sup>3</sup> 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.

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 for the holding facilities is attached as **Schedule C**.

- J. Courtroom Equipment and Inventory** -The CAP'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 CAP Courtroom:

- a. a laptop computer equipped with the SEI program, Liberty or similar recording software. The laptop shall also have 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 CAP 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 CAP Court such as copy paper, toner, pens, pencils, stapler and staples, staple remover, paperclips, scissors, rubber bands, 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 CAP 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.; and
- b. an extra robe to be kept at the CAP.

**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, and Web DVS program. Judges will be required to obtain training prior to being allowed to preside at the CAP.

**M. Arraignment Procedures** –

- a. **Mechanical Recording.** All arraignments will be mechanically recorded using Liberty recording software, which will be supplied by the State of New York, Office of Court Administration. These recordings will be archived by transferring the data to a compact disk on a quarterly basis and storing those disks in the lockable portion of the bench which will be created by the County.
- b. **Creating a Data Record.** The on-duty judge will enter pertinent data into a digital logbook created by District Staff via the SEI software. The generated Docket Number can then be used to enter the case into the WebDVS system for matters requiring an Order of Protection. The CAP Judge will also be able to scan the relevant court documents (accusatory instrument, rap sheet, supporting depositions, arraignment noted, etc.) and email those documents directly into the originating court. Thereafter, the court of original jurisdiction will print and open/report the case on their own SEI program.

**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 copies of the arraignment

documents - including copies of the charges, supporting deposition, arraignment memorandum, order of protection, securing order, *Parker* admonishment, etc., emailed to the court of original 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.

- 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 CAP Judge may issue an appropriate sentence, which may include a fine, mandatory surcharge and DNA fee, if required. The CAP 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 CAP 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 CAP 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 D** 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** – The judges will be compensated for presiding over arraignments at the CAP. The judges will not be compensated for merely being available during the judge's scheduled on-call period or when the judge is not required to appear at the CAP to conduct arraignments. The rate of compensation will be in conformity with UJCA § 106(2) as approved by the Office of Court Administration, together with the approved mileage rates. The participating judges are required to complete and submit vouchers for payment on such forms as are approved by the Office of Court Administration.

V. **Budget for CAP** - the County of Warren has prepared a capital improvement budget for the start-up costs and expenses for construction

and commencement of the CAP courtroom, together with an operational budget for the cost and expenses to operate the CAP Courtroom. The County of Warren will be seeking reimbursement from the State of New York of its costs and expenses incurred with the CAP Courtroom pursuant to County Law § 722-e. A copy of the proposed capital improvement budget and operational budget for the CAP are annexed hereto as **Schedule E**.

**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

# Schedule B