

Criminal Justice Committee
District Attorney Office
AGENDA
July 29, 2019

Committee Members: LEGGETT, Geraghty, Simpson, Wild, Magowan, Sokol, Hogan, Braymer, Driscoll, Merlino, Vacant

- I. Committee meeting called to order by Chairman

- II. Motion to approve minutes of prior Committee meeting

- III. Action Agenda/New Business
 1. Request to discuss the new 2020 Legislation: Discovery reform and Bail reform.
Rationale: Provide an overview of the criminal justice reform passed by the State.
 2. Request to discuss the grant award for The Crime Victim Assistance Program.
Rationale: Discuss the impact of the new grant award.
 3. Request to create and fill four full-time legal clerk positions, and delete Secretary position and defund word processing operator, clerk, and keyboard specialist positions.
Rationale: Address changing work assignments related to state criminal justice reforms.
 4. Request to transfer funds from Source of funds to be determined to A.1165 110 Salaries-Regular in the amount of \$ 2,712.01.
Rationale: To cover resolutions for legal clerk positions.

- IV. Referral/Pending Items

- V. Information for Discussion/Review

(List here budget reports, annual reports, project reports, business activity, updates, photos of projects, etc. - whatever you normally report on to Committee)

- VI. Privilege of the Floor to discuss any additional items to come before the Committee

- VI. Motion to adjourn

Attachments

1. NYSAC Criminal Justice Reforms
New York Law Journal Bail Discovery and Speedy Trial: The New Legislation

The New York Post, NY District Attorneys protest lack of funding for criminal justice reform.

2. NYS Office of Victim Services – Grant Award Notice
3. 4 Resolution Forms No. 11 Request to Create New Position
4 Resolution Forms No. 12 Notice of Intent to Fill Vacant Position
Spreadsheet reflecting the cost conversion for September 2019-December 2019 and 2020 for 4 employees.
4. Resolution Form No. 10 Request for transfer of funds.



NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

CRIMINAL JUSTICE REFORMS



Cashless Bail and Criminal Justice Reforms

APRIL 2019

CHARLES H. NESBITT, JR.
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Executive Director

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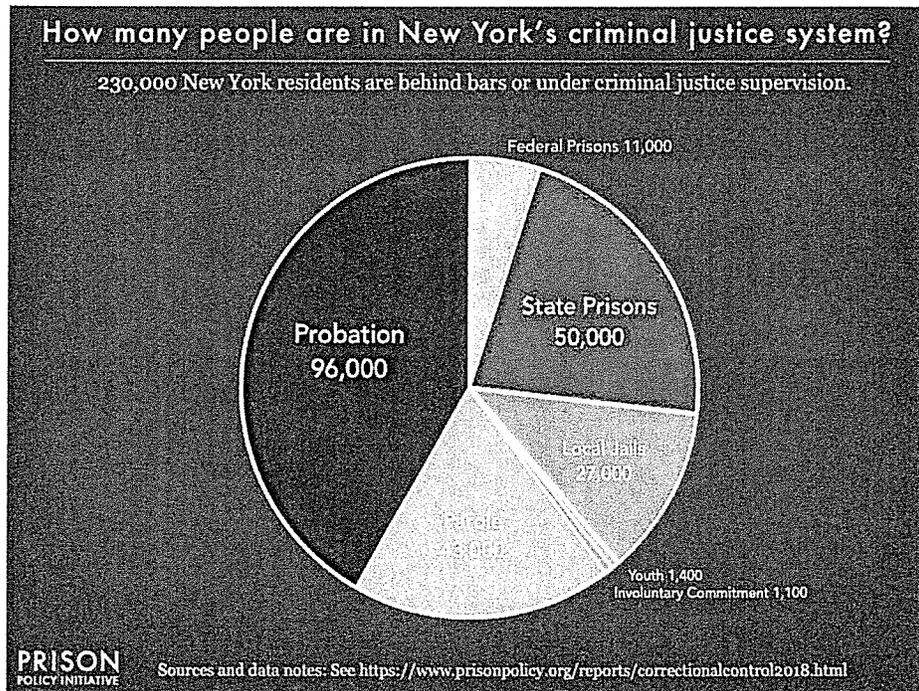
Introduction

The 2019-20 New York State Budget includes criminal justice reforms that limit bail, amend the discovery and speedy trial process, change civil asset forfeiture, and improve the community reentry process. This report provides a review of the reforms that will need to be implemented at the county level. The material has been adapted from budget language, memos, and other documents used to explain these new provisions.

Current Landscape

In a February 2019 report published by the New York State Division of Criminal Justice Services (DCJS), 66% of the New York State jail census are un-sentenced inmates (15,067 out of 22,828). In New York City, 77% of the jail population remains un-sentenced (6,463 out of 8,346) compared to the rest of NYS, where 59% of the jail population remains un-sentenced (8,605 out of 14,482).

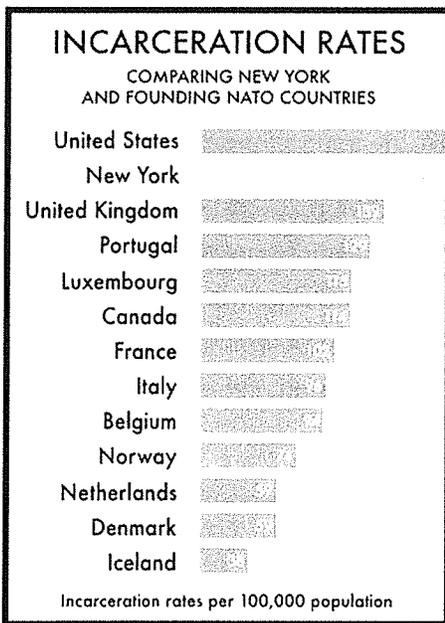
Recently, NYC has reduced the total number of un-sentenced inmates. However, outside of NYC, 22 out of the 57 counties showed an increase in the percentage of un-sentenced inmates from 2009 to 2018. The counties that showed an increase include: Broome, Cattaraugus, Chautauqua, Chenango, Clinton, Cortland, Delaware, Dutchess, Fulton, Genesee, Jefferson, Livingston, Madison, Orange, Oswego, Rensselaer, Saratoga, Schuyler, St. Lawrence, Steuben, Tioga, and Wyoming. This data is representative of the current landscape, prior to the state enacting these reforms.





“The cost of housing New Yorkers in county jails is nearly \$2.5 billion per year—\$1.3 billion per year in New York City, and \$1.15 billion per year in county jails across the rest of New York State. This is in addition to the \$3.7 billion per year New Yorkers spend annually on state prisons,” *JustLeadershipUSA* (2017).

New York State has a lower incarceration rate compared to the average U.S. state. However, when comparing the landscape in New York State internationally, the incarceration rate in our state alone (includes local, state and federal inmates) exceeds that of many industrialized countries (see graph below).



Furthermore, in addition to the 27,000 individuals incarcerated in county jails and 50,000 in state prisons, over 230,000 New York State residents are under a form of supervision (parole or probation).

The Vera Institute of Justice has provided a comprehensive report showing various statistics of county jails.

vera.org/state-of-incarceration/solutions



The 2019-20 Adopted Budget

Elimination of Monetary Bail for Certain Offenses ¹

The SFY 2019-20 Adopted Budget eliminates monetary bail for people facing misdemeanors and non-violent felony offenses. This new law is effective January 1, 2020.

This measure replaces the current statute which was adopted in 1970, when it was designed to “reduce the un-convicted portion of our jail population.” Under the statute, bail was authorized in the current ways: cash bail; an insurance company bail bond; a surety bond; a secured appearance bond; a partially secured surety bond; a partially secured appearance bond; an unsecured surety bond; an unsecured appearance bond; or with a credit card (CPL 520.10).

Ending Cash Bail

Beginning January 2020, bail will only be available to a limited cohort of crimes deemed “qualifying offenses.” A qualifying offense includes but is not limited to: all violent felonies (except Burglary 2nd, Robbery 2nd), all Article 130 (sex related) offenses, all non-drug class A felonies, all felony terrorism offenses, all incest offenses, domestic violence-related contempt’s, as well as witness intimidation, witness tampering, operating as a major trafficker, conspiracy to violate Article 124, child sexual performances and luring a child. If a qualifying offense is charged, the court will make a determination for bail if the accused poses a flight risk.

For the non-qualifying offenses, this legislation mandates that police issue appearance tickets only (therefore not place in custody) in misdemeanor and class E felony cases with enumerated exceptions. Some exceptions include but are not limited to: a charge with a crime between members of the same household; charged with a crime or offense involving sexual misconduct; a person is in such distress that he or she would face harm without immediate medical or mental health care.

Non-qualifying offenses, which are largely comprised of misdemeanors and non-violent felonies, will be governed under a system of pre-trial release services that include release on recognizance (ROR) or release under the least-restrictive non-monetary conditions (LRNMC) as options for a court. Pre-trial service agencies (PTSAs) are mandated to exist in every county in order to assist with individuals that have been released (both ROR and LRNMC). All forms of pre-arraignment bail will be abolished and there will be restrictions established on law enforcement detaining individuals pending arraignment.

In a case that involves a qualifying offense and the judge determines that the defendant is a flight risk, then the defendant can be released under non-monetary conditions. These can include electronic monitoring, and/or mandated check-ins with a “pre-trial services agency.”



The State's Office of Court Administration (OCA) shall certify and regularly review for recertification one or more pretrial services agencies in each court to monitor principals released under non-monetary conditions. Every such agency shall be a public entity under the supervision and control of a county or municipality or a non-profit entity under contract to the county, municipality or the state. A county or municipality can enter into a contract with another county or municipality in the state to monitor principals under non-monetary conditions of release in its county, but counties, municipalities and the state shall not contract with any private for-profit entity for such purposes.

The supervision by a pre-trial services agency may be ordered as a non-monetary condition if the court finds that no other realistic non-monetary conditions will assure the principal's return to court. The court or a certified pretrial services agency shall notify all principals released under non-monetary conditions and on ROR of all court appearances in advance by text message, telephone call, electronic mail or first-class mail.

Each pretrial service agency certified by the OCA shall at the end of each year prepare, file, and publish with such office an annual report on its pretrial services and make available upon request to members of the public on its website.

Defendant's will be entitled to representation by counsel at any point where conditional release, bail, detention, or release from detention is being considered.

Key Components

Pre-Trial Services (PTSA)
Counties must have PTSAs in-house or on contract
PTSAs must be OCA certified and reviewed
PTSAs are an option for monitoring defendants at liberty
Court appearance reminders are mandated

Least Restrictive Non-Monetary Conditions (LRNMC)
LRNMCs may include any "condition reasonable under the circumstances," and specifically may include restrictions on travel related to flight from jurisdiction, restrictions on weapons possession, PTSA monitoring, and, where applicable, electronic monitoring.
Electronic Monitoring: Only available for felonies, DV misdemeanors, Article 130 offenses, misdemeanors where the defendant has prior Violent Felony Override in the past 4 years and "530.60(2)(b) scenarios."

Appearance Tickets
Required on Misdemeanors & Class E Felonies
Stationhouse bail is repealed entirely
Returnable ASAP (20-day outside limit), unless diversion
AT Exceptions: open warrant; FTAs within 2 years
OP or DMV restriction; Art. 130 or DV offense; Escape 3rd
Bail Jumping 2 nd ; need court assistance with a medical issue

Presumptions and Process
In every case, a court shall ROR unless the court makes "individualized determination" of flight risk. A court may progress to a higher level of securing order only when such a finding has been made, with its explanation on the record or in writing.
In every case, the court must utilize the least restrictive terms to ensure a defendant's return to court. A bail review may be launched on grounds the court did not use the least restrictive means.

Bail Review

The law eliminates three existing considerations determining bail, including (1) the defendant's family ties and length of residence in the community; (2) the weight of evidence against the defendant; (3) the sentence that may be imposed upon conviction. These are no longer to be considered. In various places of the revised statute, it is noted that the purpose of any securing order is solely to ensure a defendant's return to court.

At the same time, superior court reviews of local criminal court bail determinations will be expanded to allow an enumerated standard of review where the lower court "has set a securing order of release under non-monetary conditions which are more restrictive than necessary to reasonably assure the defendant's return to court," (CPL 530.20). Additionally, as a court must always use the least restrictive terms to ensure a defendant's return and must always explain its determination on the record or in writing, there will be a record for any superior court review.

Finally, under any conditions of release, courts are encouraged to consider a "lessening of conditions" to a less burdensome form as the case progresses "based on the defendant's compliance with the conditions of release." Additional conditions may be imposed on the record or in writing only after notice and a hearing. All conditions of release must be in writing in an "individualized written document" and explained "in plain language and a manner sufficiently clear and specific."

*Promoting Bail Alternatives**

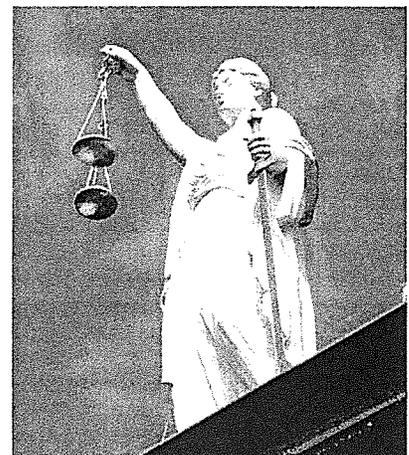
A judge must provide three different mechanisms, for a list of alternatives, for a defendant to post bail. Among those three, they must include an unsecured or partially secured surety bond.

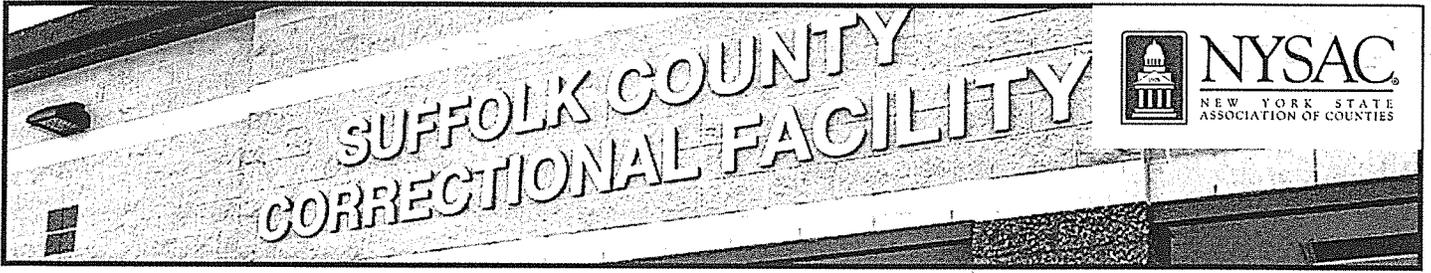
* The authorized alternatives of bail include cash bail, an insurance company bail bond, a secured surety bond, a secured appearance bond, a partially secured surety bond, a partially secured appearance bond, an unsecured surety bond, an unsecured appearance bond, and a credit card or similar device.

Discouraging Bench Warrants

Courts may no longer issue bench warrants immediately, but must instead delay the issuance of a bench warrant for a period of 48 hours after notice is provided to the defendant or defense counsel.

Exceptions: A new arrest or production of relevant, credible evidence demonstrating the failure to appear was willful.





Additional Criminal Justice Reforms Included in the Adopted Budget

In addition to reshaping bail and pretrial detention services, the enacted budget includes additional proposals.

Criminal Trial Discovery²

Criminal discovery is the process that governs when, how, and what information the District Attorney's (DA) Office must share with the criminal accused and their counsel. The enacted 2019-20 state budget requires prosecutors and the police to share more information, and more quickly, with the defense before a trial takes place. This includes disclosure of evidence and information favorable to the defense; intended exhibits; expert opinion evidence; witnesses' criminal history information; and search warrant information will be made available to defendants in a timely and consistent manner. The law provides prosecutors the ability to petition a court for a protective order, shielding identifying information when necessary to ensure the safety of those witnesses.

Under the new law, prosecutors must perform "automatic" discovery obligations no later than fifteen days after the defendant arraignment on an indictment, superior court information, prosecutor's information, and misdemeanor complaint or felony complaint. "Automatic discovery" means "all items and information that relate to the subject matter of the case and are in the possession, custody, or control of the prosecution." This includes material in possession of the police. The prosecutor must disclose this material "as soon as practicable" within the 15 day window.

The prosecution must disclose statements of the defendant to any defendant who has been arraigned in a local criminal court upon a currently undisposed felony complaint charging an offense which is the subject of a prospective or pending grand jury proceeding no later than 48 hours before the time scheduled for the defendant to testify at a grand jury proceeding.

The prosecutors must disclose the information expeditiously to the defendant upon its receipt and shall not delay if it is obtained earlier than the time period for disclosure in subdivision one of CPL 245.10.

Sanctions for non-compliance of discovery can now range from preclusion of the evidence up to dismissal of charge.

² Part LLL of the Revenue Bill



Speedy Trial Access³

Affording the criminally-accused a speedy trial is a constitutional right. In New York, the DA must be ready for trial within six months of the arraignment for a felony, within ninety days when the case is a Class A misdemeanor and within sixty days for a Class B misdemeanor. The difference in time allotted to the DA is in recognition that higher level charges may involve more witnesses and preparation. If the DA fails to declare they are ready for trial on such deadlines, the charges must be dropped. However, delays not caused by the DA and/or agreed to by defense counsel can allow for these speedy trial deadlines to be extended.

This legislation will obligate courts to take a more proactive role in actively advising litigants regarding how time will be charged and will not take at face value an assertion that the prosecutor is ready to proceed with trial. The prosecutor must declare readiness and the defense must be afforded opportunity to be heard on the record to affirm disclosure requirements have been met. The legislation outlines that the court must ask the DA for “actual readiness” for trial. If the court determines that the district attorney is not ready, the statement of readiness is not valid.

The effective date for this legislation is January 1, 2020.

Transforming Civil Asset Forfeiture⁴

The enacted budget limits asset forfeiture proceedings to cases that have reached conviction. It also expands reporting requirements for local law enforcement and district attorneys. New York’s current reporting procedure only requires these groups to report the total value of assets seized and the distribution of those assets. The State Division of Criminal Justice Services will expand reporting requirements to include additional information, such as demographic and geographic data, to better understand how civil asset forfeiture is used in NYS. Once a more comprehensive data set is created, New York will then evaluate the asset forfeiture systems and make changes to fix any identified issues.

The new legislation will take effect 180 days after it shall have become law and shall only apply to crimes which were committed on or after such date.

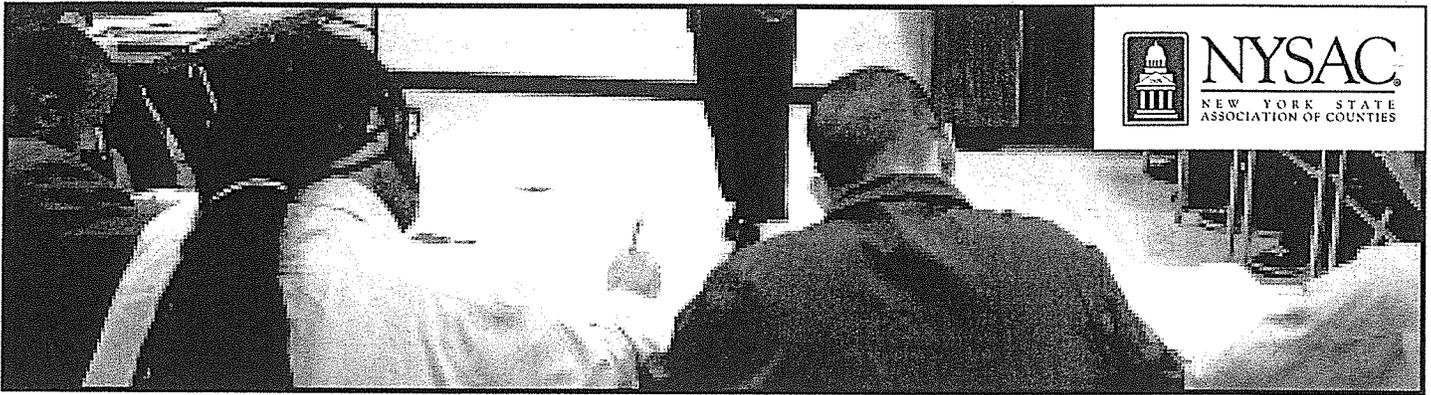
Improving Re-entry Process⁵

Finally, the budget also removes outdated statutory bans on occupational licensing for professionals outside law enforcement, and instead, applicants will be assessed on an individual basis. The mandatory suspension of driver’s licenses following a drug conviction will also be removed to allow people to travel to work and attend drug treatment, if the crimes did not involve driving.

³ Part KKK of the Revenue Bill

⁴ Part PP of the PPGG Bill

⁵ Part II of the PPGG Bill



Prohibiting Distribution of Mugshots

This legislation also prohibits disclosure of mugshots and arrest information, and allows for increased probability of parole for incarcerated individuals over the age of 55 who have incapacitating medical conditions exacerbated by age.

The State Budget amends New York's Public Officer's Law 89(2)(b), which is the Freedom of Information Laws (FOIL) section that governs and lists what is to be considered "an unwarranted invasion of personal privacy..." The State budget adds language regarding arrest or booking photographs. These photographs are commonly taken by arresting agencies (State and local police/Sheriff) as well as the booking agency (Sheriff and/State prison). Prior to this State Budget arrest/booking photographs were considered subject to FOIL laws and therefore, typically, available to the public upon request or proactively distributed to the public by the arresting or booking agency.

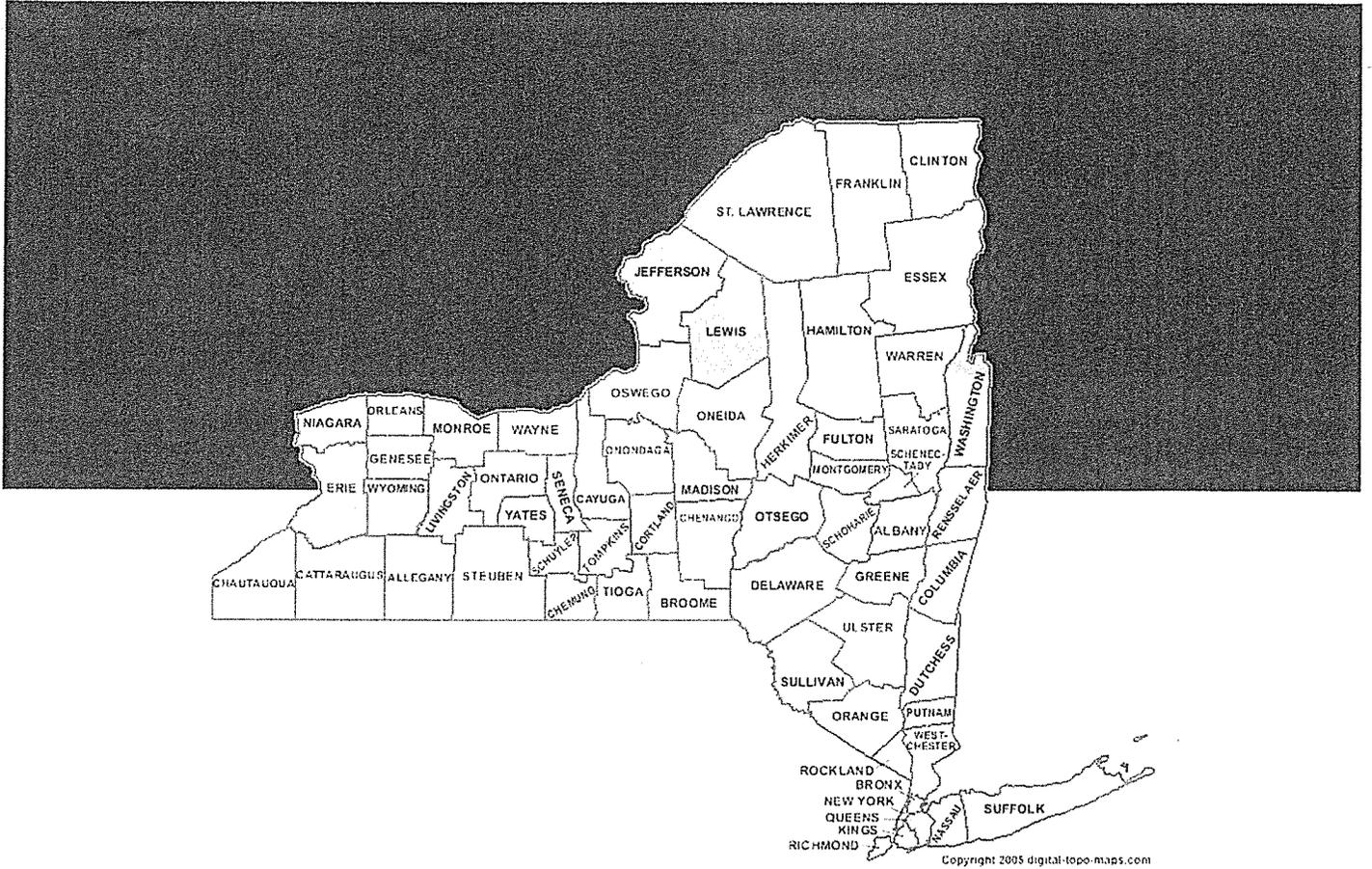
The new legislation amends FOIL law by adding the following: "...disclosure of law enforcement arrest or booking photographs of an individual, unless public release of such photographs will serve a specific law enforcement purpose and disclosure is not precluded by any state or federal laws." Opinion/Guidance from the State's Committee on Open Government is expected in the near future regarding this change in the law.

NYSAC Recommendations & Policy Positions

Counties support the reforms outlined in the 2019-20 Adopted Budget. However, there will be increased costs to County Sheriffs, Probation Departments, and District Attorney offices. These added costs should be considered and accounted for by the state.

In addition, the State Commission on Corrections should revise the minimum staffing requirement for each local correctional facility as set forth in 9 CRR-NY 7041.2 NY-CRR upon implementation of this legislation to adjust for expected reductions in local jail census. Otherwise, counties will not see a reduction in county jail costs.

NYSAC urges the Governor and State Legislature to create a taskforce to understand the true costs of implementing these criminal justice reforms. This taskforce must work to determine the full impact to the criminal justice system, and recommend appropriate state funding support to assist counties with continued effective implementation.



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Analysis (/neworklawjournal/analysis/)

Bail, Discovery and Speedy Trial: The New Legislation

In his Criminal Law and Procedure column, Barry Kamins writes: For the first time in a half century, New York has approved a set of sweeping reforms to the state's criminal justice system that will limit the setting of monetary bail, expand discovery in criminal cases, and enhance the right to a statutory speedy trial. These reforms will be effective Jan. 1, 2020. This column reviews the most significant aspects of this legislation.

By Barry Kamins | May 31, 2019 at 12:30 PM

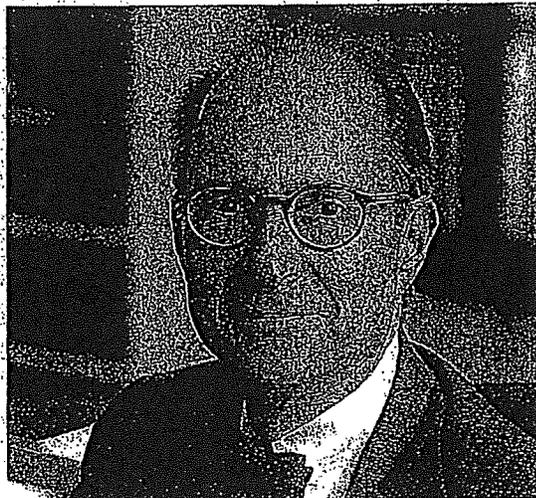
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Barry Kamins. Photo by Rick Kopstein

For the first time in a half century, New York has approved a set of sweeping reforms to the state's criminal justice system that will limit the setting of monetary bail, expand discovery in criminal cases, and enhance the right to a statutory speedy trial (L. 2019, Chapters 55, and 59). These reforms will be effective on Jan. 1, 2020. This column will review the most significant aspects of this legislation and the reader is advised to read it in full in order to appreciate its scope and breadth.

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Bail

The new bail bill drastically reduces the use of monetary bail and, according to a statement made by Gov. Andrew Cuomo, under the new statute, approximately 90 percent of people who are arrested will be subject to mandatory release. Under the new law, unless a person is charged with a "qualifying offense" (see below), a court has no authority to set monetary bail, and must release the person on his or her own recognizance (ROR) (CPL 510.10(1)).

If a defendant is not charged with a qualifying offense but, in the opinion of the judge, poses a flight risk, the court still cannot set monetary bail but can select the least restrictive non-monetary alternative conditions to ROR that will reasonably assure the defendant's return to court. (CPL 500.10(3-a)). These conditions include supervision by a pretrial services agency, reasonable restrictions on association or travel or, as a last resort, electronic monitoring.

Electronic monitoring can only be imposed, however, if the defendant is charged with a felony, and certain specified misdemeanors and no other non-monetary condition will suffice to assure reasonably a defendant's return to court. (CPL 510.40(4)). When a court imposes this condition, it can be imposed for a maximum of 60 days with the option of continuing only upon a de novo review before a court. Finally, a person released on electronic monitoring is deemed to be "in custody" for purposes of release for an untimely conversion to a misdemeanor information (CPL 170.70), or an untimely felony hearing (CPL 180.80). (CPL 510.40(4)).

Monetary bail can still be set by a court when a defendant is charged with a "qualifying offense." That term is defined as a "violent felony" under Penal Law 70.02 (except for robbery in the second degree (aiding another) and burglary in the second degree (in a dwelling) although an *attempt* to commit these crimes would still appear to constitute a "qualifying offense"; any Class A (non-drug felony) except Penal Law 220.77 (operating as a major trafficker); any felony sex offense (PL 70.80) or misdemeanor sex offense (Article 130); and about a dozen other specified crimes (CPL 510.10). When the qualifying offense is a felony, a court can also remand the defendant.

When bail is set for these offenses, a court must set *three* forms of bail, one of which must be either an unsecured or partially secured surety bond (CPL 520.10). In determining the appropriate amount of bail, the new law eliminates certain criteria that a court previously had to consider, and enumerates certain new criteria. For example, instead of a defendant's reputation, employment, family ties, and length of residence in any community, a court must now take into account a defendant's "activities and history." Instead of a defendant's "criminal history," a court must now consider the defendant's "criminal conviction record." While a court can still consider the defendant's record of flight to avoid prosecution, it can no longer consider a defendant's record "in responding to court appearances when required to." And a court must now consider a defendant's individual financial circumstances including his ability to post bail without it being "a hardship" (CPL 510.30).

Desk Appearance Tickets

New procedures have also been adopted for desk appearance tickets (DAT) to divert people from the formal arrest process (and the police precinct). In the past, the issuance of a DAT for certain offenses was discretionary. Under the new law, a police officer *must* issue a DAT when a defendant is charged with an E felony (with the

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exception of certain escape-related offenses and sex offenses), or a misdemeanor unless one of eight exceptions apply. For example, a police officer is not obligated to issue a DAT when the defendant has an outstanding bench warrant; has failed to appear in court in the last two years; cannot provide a verifiable method of identity, including a driver's license, passport, or public benefit card; has been charged with a domestic violence crime, sex offense or a crime for which a court can revoke or suspend a driver's license; or appears to need medical or mental health care (CPL 150.20).

Although the issuance of a DAT is not permitted if the above exceptions exist, a police officer will later, under certain circumstances, have the *discretion* to issue a DAT. Thus, for example, if one of the exceptions mentioned above precludes the issuance of a DAT at the scene, a police officer must detain the defendant and take him to the stationhouse; while there, however, the officer may resolve the disqualifying factor by, for example, obtaining sufficient identification of the defendant. Although this procedure requires the initial warrantless arrest of the defendant, it does permit the issuance of a DAT at the stationhouse in lieu of bringing the defendant through the court system to appear at arraignment.

A DAT must now be returnable no later than 20 days from the date it is issued (CPL 150.40). If the return date is more than 72 hours after its issuance, a court must have "appearance reminders" sent to any defendant who gave his contact information to the police officer. The court can delegate a pretrial services agency to issue these reminders (CPL 150.80). The problem, however, is that there is no legislative mandate that counties have such agencies in place and no funding is provided in the state budget to support their establishment. In addition, the court is given the responsibility of notifying a defendant of any future court appearance by "text message, telephone call, electronic or first-class mail"; the defendant has the option of selecting the method of notification (CPL 510.43). Each year there are approximately four million appearances by defendants in criminal cases; the burden placed on the court to notify defendants may well be unmanageable.

Discovery

The new discovery law is even more sweeping. The current discovery statute is one of the most regressive in the nation, and it has now been repealed—a new CPL Article 245 will supersede it. Initially, the obligation to disclose information is no longer timed to the date of trial—it is timed to the date of arraignment. Thus, the prosecutor's "initial discovery obligations" must be performed within fifteen calendar days of a defendant's arraignment date. If the discoverable material is "exceptionally voluminous," the prosecutor can take an additional thirty calendar day period to disclose. The prosecution must also disclose any statements made by the defendant no later than 48 hours before the defendant testifies in the Grand Jury (CPL 245.10).

In general, the prosecutor has a duty to make a "diligent good faith effort to ascertain the existence" of discoverable material, and any discoverable material in the possession of law enforcement, is "deemed to be in possession" of the prosecution for disclosure purposes (a codification of case law) (CPL 245.20(2)). Although the Court of Appeals had previously held that New York courts lack inherent authority to compel pretrial discovery (*People v. Colavito*, 87 N.Y.2d 423), the new statute overrules that doctrine. Upon the defendant's application that he or she cannot obtain certain discovery "without undue hardship," a court may *order* the prosecution to disclose certain material (CPL 245.30(3)).

The initial discovery obligation consists of approximately twenty-one categories of information, including material that the prosecution had not previously been required to disclose automatically. This includes the Grand Jury testimony of the victim, and the defendant; police reports; the names of witnesses (other than confidential informants) and "adequate contact information," although "physical addresses" do not have to be disclosed; search warrants and affidavits in support of the warrants; a record of the defendant's convictions and prosecution witnesses; the existence of any pending criminal action against prosecution witnesses; and electronically stored information from computers, cell phones, social media accounts seized by or obtained on behalf of law enforcement (CPL 245.20).

The prosecution is now required to disclose *Rosario* material as part of the "initial discovery obligation" (CPL 245.10(e)). This new and earlier deadline for *Rosario* material dramatically changes the timeline for disclosure by timing it to the arraignment instead of the date of trial. The failure of the prosecutor, however, to disclose the information shall not constitute grounds to set aside or reverse a conviction unless the defendant can establish that there is "reasonable possibility that the non-disclosure materially contributed to the result of the trial" (CPL 245.80(3)).

The prosecution also has a "supplemental discovery obligation" to disclose, no later than fifteen calendar days before trial, the defendant's prior bad acts that will be offered under either *Molineux* or *Sandoval* (CPL 245.20(3)).

The prosecution has two other new disclosure deadlines. When a defendant is charged with a felony, and the prosecution makes a pre-indictment plea offer to a crime (not a violation), the prosecutor must disclose all discoverable items not less than three calendar days prior to the expiration date of any plea offer or any deadline imposed by the court for acceptance of the plea offer. This shorter period is designed to accommodate CPL 180.80 deadlines. If a prosecutor does not comply with this requirement, the defendant can file a motion alleging a violation of this requirement. If the court finds that the violation "materially affected" the defendant's decision to accept or reject a plea offer, the court can order the prosecution to reinstate the lapsed or withdrawn plea offer. If the prosecution refuses, the court must preclude the admission at trial of any evidence disclosed (CPL 245.25). A guilty plea offer may not be conditioned on a defendant's waiver of these rights.

After a defendant has been indicted, and a plea offer has been made to a crime (not a violation), the prosecution must disclose all discoverable information not less than seven calendar days prior to the expiration date of any plea offer or any deadline by the court for acceptance of the guilty plea offer. A violation of this requirement can result in the sanctions for discovery violations relating to pre-indictment guilty pleas (CPL 245.25).

After the filing of an accusatory instrument under the new statute, a prosecutor can now make a motion for a defendant to provide certain non-testimonial evidence, e.g., requiring the defendant to appear in a lineup, be fingerprinted, provide samples of blood, hair, etc. This section comports with *Matter of Abe A.*, 56 N.Y.2d 288 (1982) (CPL 245.40).

After the People have complied with their discovery obligations, the prosecutor must file a certificate of compliance upon the defendant and the court. The certificate must contain a statement that the prosecutor has exercised due diligence, and made

reasonable inquiries to "ascertain the existence of material and information subject to discovery." The certificate must also identify the items that were disclosed to defense counsel. The court cannot sanction a prosecutor for filing a certificate in good faith when the certificate is inaccurate. The court, however, can impose certain sanctions, including the ordering of a mistrial; dismissal of charges; excluding evidence or giving an adverse inference instruction (CPL 245.50). The People shall not be deemed ready for trial for purposes of CPL 30.30, until a proper certificate of compliance has been filed.

Under a reciprocal discovery doctrine, the defendant is required to disclose certain information (previously required under the prior discovery statute) within 30 calendar days after service of the People's certificate of compliance. In addition, the defense must now also disclose the name, address and birthdate of witnesses the defense intends to call, including any prior witness' statements. The defendant is not required, however, to disclose the name and address of a witness being called solely to impeach a prosecution witness until after the People's witness has testified at trial. When disclosure is complete, the defense must file a certificate of compliance upon the prosecution and court (CPL 245.10).

Flow of Information

The new law also addresses the "flow of information" between the prosecutor handling a case and the police agency generating the arrest. Absent a court order, the police *must* make a complete copy of its file available for the prosecution. The arresting officer or assigned detective shall notify the prosecution *in writing* of the existence of all known 911 call recordings or video or audio recordings from a police body-worn camera; the prosecution shall then take steps to preserve these recordings. If a defendant makes a specific request regarding a recording, the prosecutor must take reasonable steps to ensure that it is preserved (CPL 245.55).

Over the years, prosecutors had opposed discovery reform because of concerns that witnesses, and victims, would not cooperate if their identities were disclosed at early stages of the proceedings; concerns were raised that witnesses would be intimidated or harmed to prevent them from cooperating. The new discovery law provides broad authority for a court to issue a protective order to address these concerns. Thus, prosecutors can request a protective order to deny the disclosure of any information provided under the new discovery law. A court must conduct a hearing within three business days to determine whether "good cause" has been established to issue the order.

In determining whether good cause has been shown, a court may consider, among other factors, the risk of physical harm or intimidation to any person; the danger to any witness stemming from factors such as an affiliation with a criminal enterprise; and whether the defendant has a history of witness intimidation. Either party may appeal an adverse ruling; an appeal must be sought within two business days of the ruling by filing an order to show cause at the Appellate Division. This type of interlocutory appeal is a rarity in criminal cases and the statute is silent on the procedures that will be followed at the appellate level—the return date for the motion, the timing of the decision, etc.

In order to address the concerns of the prosecution, a court also has the discretion to impose conditions upon the disclosure of information by the prosecution. For example, the court can order that material be disclosed only to counsel for the

defendant (in which case the defendant must be so advised on the record). In addition, a court may order that counsel cannot disclose physical copies of documents to the defendant but that the defendant can inspect redacted copies of the documents at a prosecutor's office (CPL 245.70).

Subpoena Duces Tecum

Finally, there has been a change in the procedure for obtaining a subpoena duces tecum on government agencies. The new law dispenses with the requirement of a 24 hour notice on the agency as well as any requirement of service on the prosecutor. The agency will have three days to produce the documents, but a court can dispense with the three day period in cases of an emergency. Upon a motion to quash, a defendant need only show that the item sought is "reasonably likely to be relevant and *material* to the proceedings." Previously, defense counsel had to establish that the material was likely to be "relevant and *exculpatory*." See *People v. Kozlowski*, 11 N.Y.3d 223 (2008).

Speedy Trial

The speedy trial statute has been amended significantly. Initially, when the People state that they are ready for trial under the new law, a court must make an inquiry on the record as to the prosecution's actual readiness. If the court finds the statement to be illusory, the court can reject it. Any statement of readiness must be accompanied or preceded by a certificate of compliance with the discovery requirement, described above. Finally, in misdemeanor cases, a prosecutor can no longer state that he is ready on only some of the charges. In addition, a statement of readiness is only valid if the prosecutor certifies that all charges have been converted, or he dismisses those charges that have not been converted (CPL 30.30(5)).

The speedy trial statute will now apply to Vehicle and Traffic Law Infractions although the new law does not set a time period by which the People must be ready. Thus, this amendment will address cases in which certain VTL infractions have remained after charges of VTL 1192 or VTL 509 were dismissed (CPL 30.30(1)).

In the past, a dismissal motion pursuant to the speedy trial statute could not be appealed after a plea of guilty. Under the new law, the denial can now be appealed, unless there has been a valid waiver of appeal (CPL 30.30(5)).

Finally, when a defendant seeks his release pursuant to CPL 30.30(2), the motion can now be made *orally* without prior notice to the prosecutor. Although the statute requires a court to "promptly conduct a hearing" when periods of readiness are in dispute, the statute is silent on certain procedural issues, e.g., whether the People's response can be oral, and whether the People must be given, or are entitled, to an adjournment to respond to a motion for which they received no notice. In addition, oral motions will be difficult to track for purposes of establishing an orderly record for appeal. The lack of sworn allegations to support the motion will undermine the reliability of the record.

Conclusion

There is no question that the new legislation, described above, will make sweeping and dramatic changes to New York's law on discovery, bail and the right to a speedy trial. At the same time, certain provisions do not provide sufficient procedural

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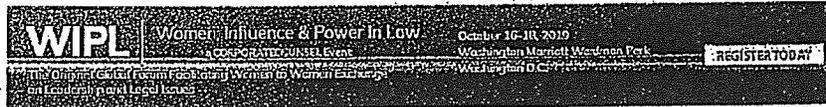
guidelines while others create burdens for the court that seem difficult if not impossible to manage. It is hoped that the Legislature can address these issues by the end of this legislative session.

Barry Kamins is a partner at Aldala, Bertuna & Kamins and author of New York Search and Seizure (Lexis/Nexis 2019); he is a former state Supreme Court Judge.

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MURRAY RICHMAN | JUNE 20, 2019

Linda Fairstein is no more guilty of what she is portrayed to have done, in the film, as the exonerated were in reality.

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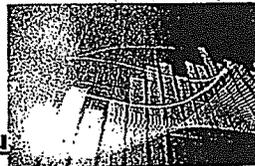
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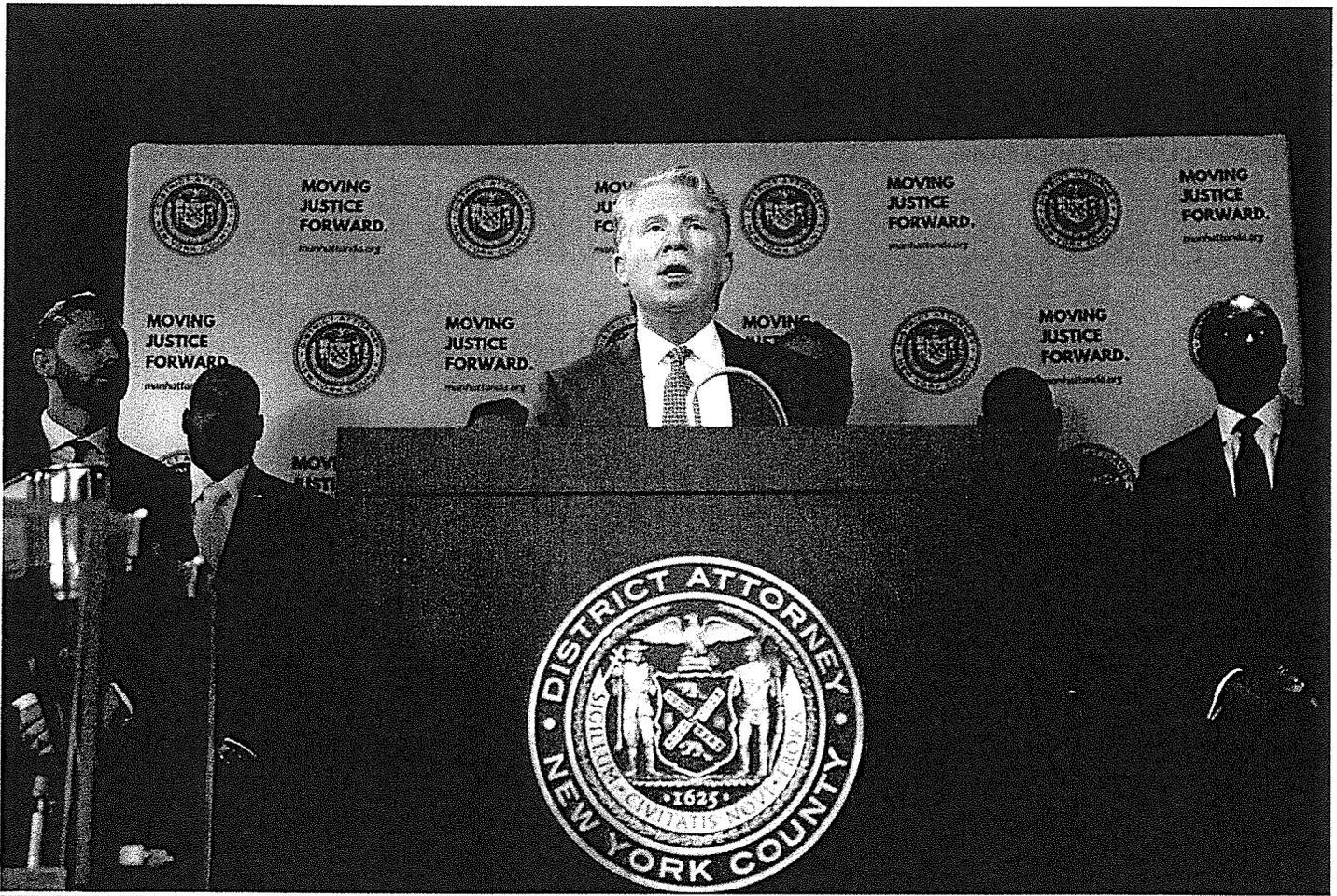
DAN M. CLARK (/AUTHOR/PROFILE/DAN-M.-CLARK/) | JUNE 21, 2019

NEWS

NY district attorneys protest lack of funding for criminal justice reform

By Bernadette Hogan

July 8, 2019 | 6:59pm | Updated



Manhattan DA Cyrus Vance

Getty Images

The head of the District Attorneys Association of New York slammed Gov. Andrew Cuomo and the Legislature for leaving prosecutors in the lurch — saying they approved an overhaul of criminal justice laws without providing adequate funding.

Albany approved new laws this year that end cash bail for 90% of low-level crimes, reduce the length of time before cases are brought to trial and bar prosecutors from withholding evidence until the day a trial begins.

“There is no money in the New York State budget for criminal justice reform. The process by which they brought about their ‘reform’ was reckless and irresponsible and now this idea that the state is providing the county with resources is just insulting,” seethed David Soares, president of the NYS District Attorneys Association and the Albany County DA.

“What is remarkable is our lawmakers passed what they considered to be historic criminal justice reforms without speaking to anyone besides the activists. No chiefs of police, or the DA’s association, or the Sheriff’s Association,” the Democrat grouched.

He estimated the district attorneys office would need a 50% budget increase to account for extra staff, updated software, expedited transcripts, body camera storage, etc.

Manhattan DA Cyrus Vance’s office estimates the changes require “millions.”



AD

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“Lawmakers did not provide any funding for the new mandates. This was a missed opportunity to transform New York’s criminal justice system into a national model. Without adequate funding, the patchwork of reforms simply will not be as successful as they intended to be,” Vance said in testimony before the City Council in May on the funding issue.

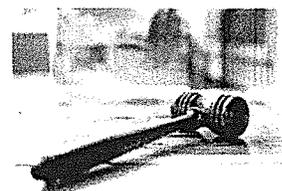
The nonprofit Vera Institute of Justice estimates pretrial services will cost the state an annual \$75 million. New Jersey spent \$62 million on 33,741 cases last year.

Cuomo’s budget office insisted there’s adequate funds in the budget for DA’s offices and said prosecutors would derive savings by diverting many defendants from jail pending trial.

“The FY 2020 Enacted Budget includes groundbreaking legislation going into effect next year that dramatically reforms New York’s bail system, ensuring that approximately 90% of cases where people are charged, but not yet convicted, will remain out [of] jail before their day in court,” state Division of Budget spokesman Freeman Klopott said.

“This will provide savings for local governments, which have always supported pretrial services, as the Enacted Budget delivers more than \$200 million to county governments through new revenue sources.”

SEE ALSO



DAs warn City Council that bail-reform laws will be a major fail

He added, New York State is spending \$7 billion on criminal justice this year, and the resources for the implementation of these critical reforms will be available.

Yet Soares blasted the figures as misleading, saying county governments can spend their share of the funds in any way they please — such as diverting the funds to roads or bridges ahead of law enforcement needs.

The state Senate and Assembly declined comment.

Additional reporting by Emily Saul

REPORTER ANDREW CUOMO, DISTRICT ATTORNEYS

Recommended by



Office of
Victim Services

ANDREW M. CUOMO
Governor

ELIZABETH CRONIN
Director

June 28, 2019

Warren County of (District Attorney's Office)
1340 STATE RTE 9
LAKE GEORGE, NY 12845

RE: VOCA Grant Program Application Number OVS01-VOCA-2019-00033

Funding Source: Federal VOCA Victim and Witness Assistance Grant Program

Dear Applicant:

It is my pleasure to inform you that the New York State Office of Victim Services (OVS) has awarded your Victim Assistance Program funding for the period October 1, 2019 through September 30, 2022 under the Victim and Witness Assistance Grant Program. Your tentative award amounts are:

2019-2020	\$146,162.20
2020-2021	\$150,150.46
2021-2022	\$155,606.40

All award amounts are tentative pending successful contract negotiations and are dependent on the availability of funds. Funding is not guaranteed.

The response to this RFA was overwhelming, with requests for funding far exceeding the amount specified as available. Given this significant demand, OVS identified additional funding. Even with that increase, however, the agency could not bridge the gap between the funding available and funding requested by victim assistance programs. To address this, OVS reduced all awards to ensure sufficient funding for the contract period and access to victim services throughout the state.

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: District Attorney

DATE: July 29, 2019

- (a) Title of Requested Position: **Legal Clerk**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$30,520.00 Grade 5**
- (c) Effective Date for New Position:* **August 19, 2019**
*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):
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount: **A.1165 110 Salary Regular-Clerk Position to be defunded but kept in salary schedule. \$28,495.00.**
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.) **Yes**
- (g) Is this a mandated position? If so, please explain: **No**
- (h) Is there expected revenue from this position? If so, please explain: **No**

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: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk # 1 Base Salary of Position: \$31,100.00 3050 Grade: 5 Step 1
Filling at Step # (If Known): 1
Budget code and title: A.1165 110 Salaries Regular Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: 13122/Fox Date of Vacancy: August 19, 2019
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 _____
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. OCN 7/19/19
Human Resources Director has approved this form when initialed. 13-7-19-19

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 [Signature] Date 7/29/19

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 7/29/19

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 [Signature] Date 7-29-19

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: District Attorney

DATE: July 29, 2019

- (a) Title of Requested Position: **Legal Clerk**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$30,520.00 Grade 5**
- (c) Effective Date for New Position:* **August 19, 2019**
*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):
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount: **A.1165 110 Salary Regular-Keyboard Specialist position to be defunded but kept in salary schedule. \$29,595.00.**
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.) **Yes**
- (g) Is this a mandated position? If so, please explain: **No**
- (h) Is there expected revenue from this position? If so, please explain: **No**

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: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk #2 Base Salary of Position: \$39,038.00 30,520 Grade: 5 Step 16
Filling at Step # (If Known): 16
Budget code and title: A.1165 110 Salaries Regular Union [X] Non-Union []
This position is vacated due to: [] Retirement [] Resignation [] Termination [] Promotion [] Other [X]
Employee No./Last Name: 9263/Derbyshire Date of Vacancy: August 19, 2019
Is this position mandated? [] Yes [X] No Is the position reimbursable? [] Yes [X] No
Source of reimbursement: [] Federal [] State [] Other

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[] Competitive-active eligible list [X] Competitive-no list (hiring would be provisional) [] Non-Competitive [] Other
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. PCP 7/19/19
Human Resources Director has approved this form when initialed. 7-19-19

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[X] The Administrator has no objection to the filling of the vacancy.
[] The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 7/29/19

BUDGET OFFICER COMPLETES THIS SECTION

[X] 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 7/29/19

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice + Public Safety
[X] 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 [Signature] Date 7.29.19

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: District Attorney

DATE: July 29, 2019

- (a) Title of Requested Position: **Legal Clerk**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$30,520.00 Grade 5**
- (c) Effective Date for New Position:* **August 19, 2019**
*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):
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount: **A.1165 110 Salary Regular-Word Processor position to be defunded but kept in salary schedule. \$37,694.00.**
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.) **Yes**
- (g) Is this a mandated position? If so, please explain: **No**
- (h) Is there expected revenue from this position? If so, please explain: **No**

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: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk #3 Base Salary of Position: \$32,177.00 30520 Grade: 5 Step 3
Filling at Step # (If Known): 3
Budget code and title: A.1165 110 Salaries Regular Union [X] Non-Union []
This position is vacated due to: [] Retirement [] Resignation [] Termination [] Promotion [] Other [X]
Employee No./Last Name: 12870/Troelstra Date of Vacancy: August 19, 2019
Is this position mandated? [] Yes [X] No Is the position reimbursable? [] Yes [X] No
Source of reimbursement: [] Federal [] State [] Other []

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[] Competitive-active eligible list [X] Competitive-no list (hiring would be provisional) [] Non-Competitive [] Other
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.

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[X] The Administrator has no objection to the filling of the vacancy.
[] The Administrator objects to the filling of the vacancy.
Administrator Signature [Signature] Date 7/29/19

BUDGET OFFICER COMPLETES THIS SECTION

[X] 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 7/29/19

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice + Public Safety
[X] 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 [Signature] Date 7-29-19

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: District Attorney

DATE: July 29, 2019

- (a) Title of Requested Position: **Legal Clerk**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$30,520.00 Grade 5**
- (c) Effective Date for New Position:* **August 19, 2019**
*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): **Secretary \$30,426.00 Grade 4**
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount: **A.1165 110 Salary Regular \$30,030.00.**
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.) **Yes**
- (g) Is this a mandated position? If so, please explain: **No**
- (h) Is there expected revenue from this position? If so, please explain: **No**

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: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk #4 Base Salary of Position: \$31,635.00 30520 Grade: 5 Step 2
Filling at Step # (If Known): 2
Budget code and title: A.1165 110 Salaries Regular Union [X] Non-Union []
This position is vacated due to: [] Retirement [] Resignation [] Termination [] Promotion [X] Other
Employee No./Last Name: 12977/Graham Date of Vacancy: August 19, 2019
Is this position mandated? [] Yes [X] No Is the position reimbursable? [] Yes [X] No
Source of reimbursement: [] Federal [] State [] Other

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[] Competitive-active eligible list [X] Competitive-no list (hiring would be provisional) [] Non-Competitive [] Other
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.

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[X] The Administrator has no objection to the filling of the vacancy.
[] The Administrator objects to the filling of the vacancy.
Administrator Signature [Signature] Date 7/29/19

BUDGET OFFICER COMPLETES THIS SECTION

[X] 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 7/29/19

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice + Public Safety
[X] 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 [Signature] Date 7.29.19

Current Positions Grade/ Step	2019 Earnings	2019 Taxes	2019 Benefits	2019 Total	Law Clerk 2019 Salary- Grade 5	2019 Total with Grade 5 Salary
Clerk- Grade 2, Step 2 (M.G.)	\$ 28,495.00	\$ 2,180.00	\$ 2,622.00	\$ 33,297.00	\$ 31,635.00	\$ 36,437.00
Keyboard Specialist- Grade 3, Step 3 (L.T.)	\$ 29,595.00	\$ 2,264.00	\$ 24,235.00	\$ 56,094.00	\$ 32,177.00	\$ 58,676.00
Word Processor- Grade 4 Step 16 (Y.D.)	\$ 37,694.00	\$ 2,884.00	\$ 13,379.00	\$ 53,957.00	\$ 39,038.00	\$ 55,301.00
Secretary I- Grade 4 Step 1 (M.F.)	\$ 30,030.00	\$ 2,297.00	\$ 9,597.00	\$ 41,924.00	\$ 31,100.00	\$ 42,994.00

2020 Total Difference	
\$	2,651.00
\$	2,582.00
\$	1,344.00
\$	1,070.00

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: AMANDA ALLEN, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

DEPARTMENT NAME: District Attorney

SIGNED:

DATE: July 29, 2019

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
Source of funds to be determined		A.1165 110	Salaries Regular	\$2,712.01

Please state reason for transfers requested:

Difference in Salary and benefits for Legal Clerk position for September 2019 - December 2019 for the following employees: Mark Graham \$1,046.67, Laura Troelstra \$860.67, Yvette Derbyshire \$448.00, and Megan Fox \$356.67.

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request:

Please file original request with Clerk of the Board and retain copy for your records.