

Law Enforcement Committee  
10/06/2020

Present: D. Lape (Chair), J. Leavitt, S. Weinhofer, P. Hait, H. Vroman  
Also Present: W. Federice, M. Hartzel, I. Jaycox, R. Stevens, S. Wilson, S. Haverly, S. Graulich,  
S. Mallery, D. Minton, D. Tillapaugh, B. Baker, C. Ellis, R. Richards, P. Hults, W. Cook, P.  
Harrison, R. Kerley.

Called to Order: 5:00 pm

**LE REVIEW SUB-COMMITTEE**

**CHAIRMAN OF THE BOARD, Bill Federice**

Read Opening Marks (attached) and thanked everyone for their time.

**OFFICE FOR THE LEGAL DEFENSE OF INDIGENTS:**

**Suzanne Graulich, Esq., Administrator**

Legal Defense of Indigents is responsible for being the mandated provider for indigent defense. We have a 25 Attorney panel that have a specialty in Family and/or Criminal Law. Those Attorney's are assigned to represent clients who are unable to afford an Attorney. Example: If someone is charged with a crime or is to appear in family court and cannot afford an attorney, they can apply for assigned council.

We also assist the county in meeting the mandates of indigent defense reform. One of the reform topics was meeting needs at Arraignments. There are 16 local courts as well as county courts, so it was difficult.

Two types:

1. Appearance Ticket Arraignment: Subject given a ticket to appear at a later date.
2. Custodial Arraignment: Subject is in police custody and appears in court immediately.

Started Pilot Program in town of Cobleskill last July. It went well and then went into effect in all courts January 2020. The DA Office, Indigent Defense and the Courts work together to ensure this works.

Q: How does one get either ticket/custodial?

A: Subject receives a ticket from police, goes home and comes back to a court at a later date. For more serious crimes, subject remains in police custody and is immediately arraigned.

Q: Was this an issue prior to COVID? Why?

A: Yes, with the number of courts it was difficult to coordinate and there was no plan. Now there is.

## **DISTRICT ATTORNEY: Susan Mallery**

The District Attorney's Office is tasked with setting policy, staffing, budgets, administrative tasks, and Prosecution of Cases.

One (1) F/T DA (Susan), Two (2) P/T Assistant DA. We prosecute cases in 21 Total Courts (16 Towns, 1 Village, and 4 County Courts). In larger areas, there are attorney's that represent specialties, but in rural areas, our attorneys must know all types of law.

So what happens in our county, when we have a major felony, we receive a phone call from one of the 50-60 local officers. They can ask legal advice, and/or request a DA to the scene to assist with the investigation, draft search warrants, etc.

We attend as many arraignments as possible but are currently unable to meet all. If it is a felony case, we have 120-144 hours to conduct a preliminary hearing to see if there is enough evidence to hold the subject for Grand Jury. Once Judge has determined we do have enough evidence, we have 6 months to present to Grand Jury.

During this time, we have 20 days (in custody) or 35 days (not in custody) to interview witnesses, law enforcement, etc. and provide documents to council. We have always had an open discovery process, but with the new legislation that went into effect January 1<sup>st</sup> of this year, everyone is required to provide all the documents up front, which includes preparing for trial, providing counsel with an exhibit list, witness list, and all documents that would be/could be used against the defendant. We then discuss possible plea bargains, hearings and go to a jury trial if necessary.

We do not look at race as any criteria. We look at if there is an addiction issue, what the victim wants, criminal history, what are the charges, how strong is our evidence, etc.

We carry 300-400 misdemeanors, 75-150 felonies, plus appeals, plus post judgements, plus probation violations. In the past 2 years we have prosecuted over 2,000 cases.

Q: In conversations around the world, I've heard discussion on parity of prosecution versus defense. How to you think this would integrate in a rural area?

A: Not currently able to do this. My budget is much lower than the defense attorneys budgets.

Q: Do you receive Bias Training?

A: Yes. We are trained each year on Bias Training as well as 24 CEU's.

## **PROBATION:**

**Director: Denise Minton**

Read overview (attached).

Q: As a Peace Officer, are you required to undergo the same training and rules as the Sheriff's Office?

A: Yes, as far as using force. However, the entire manual does not apply to Peace Officers.

Q: How many do you currently have on PINS? JD?

A: Due to COVID, schools are not requesting our services at this time, so we have ~20 individuals.

**LE Committee Chairman Dick Lape:**

Thank you all. We will conclude this sub-committee meeting. Our next sub-committee meeting will be October 20<sup>th</sup> at the Public Safety Facility at 5pm. We will have DSS Commissioner Donna Becker, and Mental Health Director Bonnie Post as key speakers.

**BOS Chairman Bill Federice:**

We are making a few improvements to be sure that we have good awareness and participation to those interested in the sub-committee. ITS will put together a better web page for members of the committee as well as the public. If you have any ideas on how we can improve, please let us know.

**REGULAR LAW COMMITTEE**

**PROBATION:**

**Director: Denise Minton**

Requesting permission to declare a Kyocera copy machine unusable.

**\*MOTION** by Steve Weinhofer to declare Tag #13692 Kyocera copy machine unusable; 2<sup>nd</sup> by Harold Vroman. All in favor, None opposed. **CARRIED.**

**COUNTY CLERK: Indy Jaycox**

The SUNY, NYS Education Department and the NYS Archives have issued a new Records Retention & Disposition Schedule for all levels of local government, which became effective as of August 1, 2020. This must be adopted by governing boards with a resolution. Information and sample resolution attached.

**\*MOTION** by Harold Vroman to send sample resolution to Mike West to create the resolution for Schoharie County adopting new Records Retention and Disposition Schedule, to approve at the next board meeting; 2<sup>nd</sup> by Steve Weinhofer. All in favor, None Opposed; **CARRIED.**

Chief Judge of NYS has mandated that Schoharie County electronically file court documents (Civil and Criminal) as of October 24<sup>th</sup>, 2020. We are having conference call tomorrow because our program is very limited in what we are able to do as an in-house program. We may have to do this manually for now but will need to look toward doing it in the future.

Harold Vroman: Do towns have to adopt this resolution as well?

Indy: I believe the county resolution will cover all.

**SHERIFF's OFFICE:**  
**Sheriff Ron Stevens**

Last month's board meeting there was a hard-hiring freeze. Want to remind you that the Sheriff's Office is the only department required to cover positions 24/7/365.

We are currently experiencing the following vacancies (11):

Dispatch: 1 F/T & 2 P/T

Corrections/Court Security: 5 F/T

Road Patrol: 2 Deputy Sheriff positions

Civil Division: 1 Civil Clerk (Pistol)

I am currently requesting to backfill Court Security Officer and Corrections Sargant, which were approved prior to the hiring freeze.

**\*MOTION** made by Dick Lape to approve backfilling both positions and send to Personnel/Finance; 2<sup>nd</sup> by John Leavitt; All in favor, Harold Vroman Opposed. **CARRIED.**

Everything at the new PSF is going well.

Meeting adjourned at 5:45 pm.

Respectfully submitted: Colleen Flynn, 10/13/2020