

Town of Olive

Resolution #14 of 2023

A RESOLUTION TO AUTHORIZE THE SUPERVISOR FOR THE TOWN OF OLIVE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ULSTER COUNTY SHERIFF'S OFFICE PERTAINING TO THE TRANSFER OF CUSTODY OF ARRESTEES FOR ARRAIGNMENT BEFORE THE ULSTER COUNTY CENTRALIZED ARRAIGNMENT PART LOCATED AT THE ULSTER COUNTY LAW ENFORCEMENT CENTER

WHEREAS, New York State law allows counties to create off-hours, centralized arraignment parts ("CAP courts") to facilitate timely court processing and an individual's right to counsel at first appearance after arrest; and

WHEREAS, CAP courts aim to foster efficiency and ease logistical and administrative burdens by assigning off-hours arraignments to local criminal court judges according to a rotating, predetermined schedule; and

WHEREAS, CAP courts ensures that a judge within the county is always available to handle an arraignment; and

WHEREAS, the Ulster County Magistrate's Association ("UCMA") has approved the creation of a CAP court in Ulster County ("Ulster CAP court") and submitted a proposal to the Hon. Gerald W. Connolly, Administrative Judge New York State Third Judicial District for approval; and

WHEREAS, the Third Judicial District is in the process of approving both the plans and the protocol for the Ulster CAP court to be located at the Ulster County Law Enforcement Center ("UCLEC"); and

WHEREAS, the Ulster County Legislature has approved the funding for the assignment of Court Clerks and a public defender to be available for the Ulster CAP court; and

WHEREAS, a Memorandum of Understanding, ("MOU"), attached as Exhibit A, is now required to be executed between each municipality with a police agency located in Ulster County ("police agency") and the Ulster County Sheriff's Office ("UCSO"); and

WHEREAS, the MOU has been reviewed and approved by the Ulster County Attorney's Office and will be presented to the Ulster County Legislature for formal approval; and

WHEREAS, the MOU will permit the UCSO to take custody of the arrestees of a police agency and temporarily house the arrestee within the UCLEC; and

WHEREAS, the USCO agrees to safely, and securely, maintain custody of these individuals under the terms and conditions of MOU; and

WHEREAS, the Ulster County CAP court shall assure consistency in representation as well as the after-hours schedules of the city, town and village justices; and

WHEREAS, the Ulster County CAP court will result in a more efficient and effective police agency by removing the burdensome and time-consuming task of attempting to recruit a local Judge and public defender to perform an afterhours arraignment; and

WHEREAS, the Ulster County CAP court will allow the members of a police agency to more quickly return to other duties once the arrestee has been processed and transferred to the UCSO; now

THEREFORE, BE IT RESOLVED, that the Town of Olive hereby authorizes the Supervisor to execute the MOU.

AND MOVES ITS ADOPTION

Motion made by:

Seconded By:

A Vote was Duly Taken:

	Aye	Nay	Absent
Jim Sofranko, Supervisor	_____	_____	_____
Andrew Boggess, Board Member	_____	_____	_____
Scott Kelder, Board Member	_____	_____	_____
David Edinger, Board Member	_____	_____	_____
Victoria Read, Board Member	_____	_____	_____

Dated this 9th day of October, 2023

Dawn Giuditta, Town Clerk