

RESOLUTION NO. 146

Offered by Public Safety Committee

Relating to Urging the State of New York to Take Over the Defense of Indigent Persons

WHEREAS: New York State currently has a fragmented system of county operated and nearly exclusive county financed indigent defense systems, which is made up of a patchwork of varying schemes that are endeavoring to be compliant with Article 19-B of the County Law; and

WHEREAS: There currently exists no agreement on standards of what is required or what would be effective as a structure for the representation of indigent defendants; and

WHEREAS: The amount of moneys currently allocated by the State of New York for the provisions of constitutionally-mandated indigent defense is wholly inadequate and leads to: 1) excessive caseloads, 2) deprives defense providers inadequate access to investigators, social workers and other support services, 3) has lead to nonexistent or inadequate public defender training and 4) contributes to the defense provider having minimal contact with clients and families of clients; and

WHEREAS: There is no comprehensive system to collect and analyze data that can accurately define which elements of the indigent defense system are working well or not working well, leading to a lack of information on which decision makers and administrators can make judgments and plan improvements to indigent defense; and

WHEREAS: The Commission on Indigent Defense appointed by the Chief Judge of the State of New York has said that the delivery system for the defense of the indigent which is most likely to guarantee quality representation to those entitled to it is a statewide defender system that is truly independent, is entirely and adequately state funded, and is one in which those providing indigent defense services are employees of entities within the defender system or are participants in an assigned counsel plan that has been approved by the body established to administer that statewide defender system; NOW, THEREFORE, BE IT

RESOLVED: That based on the foregoing the crisis in indigent defense is well documented and the time for further study is over and the Franklin County Legislature does hereby urge the State of New York to establish, administer, monitor and fund a statewide defender system; and, be it

FURTHER RESOLVED: That copies shall be transmitted to Governor Spitzer, Senator Little, Assemblywoman Duprey and the New York State Association of Counties.

STATE OF NEW YORK
SS
COUNTY OF FRANKLIN

This is to certify that I, Gloria J. Valone, the undersigned Clerk of the Franklin County Legislature, have compared the foregoing copy of the resolution with the original on file in this office and which was adopted by the said Franklin County Legislature on the 21st day of June, 2007 and that the same is a correct and true transcript of the original resolution and of the whole thereof

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Franklin County Legislature this 21st day of June, 2007.


Clerk of the Franklin County Legislature