

1 2007 Fall Seminar
2 Standing Committee on Public Safety
3 Resolution #04
4

5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE**
6 **LEGISLATURE TO ASSUME FULL STATE RESPONSIBILITY OF PUBLIC**
7 **DEFENSE PROGRAMS AS RECOMMENDED BY THE COMMISSION ON THE**
8 **FUTURE OF INDIGENT DEFENSE SERVICES**
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10 **WHEREAS**, since 1965 counties have been the providers and in large part, the
11 financiers of public defense in New York State; and
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13 **WHEREAS**, many states fund 100% of their public defense programs and do not
14 burden their counties with this financial hardship; and
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16 **WHEREAS**, counties shoulder 64% of public defense expenditures in New York
17 State, equating \$280 million annually; and
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19 **WHEREAS**, the State, through the creation of new specialty courts, as well as the
20 unfunded expansion of mandated representation to assure fairness in our courts, has placed
21 an increasing fiscal strain on county governments and the property tax payers of this State;
22 and
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24 **WHEREAS**, in June of 2006, a report to the Chief Judge of the State of New York,
25 on the Future of Indigent Defense Services, highlights numerous shortcomings and
26 inequities of the current public defense system, citing the lack of a single, independent
27 body responsible for statewide public defense oversight and administration; and
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29 **WHEREAS**, the report also states that New York's public defense system is in a
30 state of crisis and suffers from a chronic and acute lack of funding; and
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32 **WHEREAS**, a more coordinated, state funded public defense system will provide
33 improved services, while alleviating other costly strains on local justice systems and
34 property tax payers; and
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36 **WHEREAS**, significant reform of the current system cannot happen without a full
37 State takeover of the public defense program as counties have only limited resources
38 available and must fund an array of other state mandated programs; and
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40 **WHEREAS**, the State continues to increase the compensation and workload of
41 public defense attorneys by criminalizing more behavior without increasing funding to
42 meet those defense responsibilities;
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1 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association
2 of Counties (NYSAC) urges Governor Spitzer and the Legislature to work with the Office
3 of Court Administration to develop and pass legislation authorizing a full state takeover of
4 all public defense services and expenses in New York State; and

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6 **BE IT FURTHER RESOLVED**, that the New York State Association of
7 Counties shall forward copies of this Resolution to Governor Spitzer, the New York State
8 Legislature and all others deemed necessary and proper.