

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with and agreement of the Administrative Board of the Courts, I hereby adopt, effective April 14, 2020, the Proposed Pilot Plan for Centralized Arraignments in Orleans County (Exhibit A), and establish an off- hours arraignment part as described therein. Pursuant to Judiciary Law §212(1)(w), the off- hours arraignment part shall be held in such courts for the conduct of arraignments and other preliminary proceedings incidental thereto, and for arrest warrant returns in criminal cases, where the use of such parts will facilitate the availability of public defenders or assigned counsel for defendants in need of legal representation at such proceedings. Judges and justices shall be temporarily assigned to the court on a rotating basis in accordance with a schedule to be published as soon as practicable and then, starting May 14, 2020, at least 30 days in advance.



Chief Administrative Judge of the Courts

Dated: 4-14-2020

AO/93/20

EXHIBIT A

PROPOSAL FOR ORLEANS COUNTY CENTRALIZED OFF-HOUR ARRAIGNMENT PLAN

Proposal for Review by the Office of Court Administration
April 10, 2020

I. History.

There are 10 Town Justice Courts and currently no Village Justice Courts nor City Courts in Orleans County. The Justice Courts comprise the following towns: Albion, Barre, Carlton, Clarendon, Gaines, Kendall, Murray, Ridgeway, Shelby and Yates. The County had an estimated population of 40,983 in 2017. The Town of Albion had the largest population of 8,468 pursuant to the 2010 census. The Town of Albion is 25.35 sq. miles, it is our County Seat and is the location of the Albion Correctional Facility, the Orleans Correctional Facility and the Orleans County Jail. A map of Orleans County is attached as Exhibit 1.

Historically, the local criminal court justices and judges were authorized to preside over arraignments for defendants facing charges in each justice's/judge's municipality or in any adjoining municipality (see CPL Sections 100.55 and 140.20). Arraignments took place at any time during the day or night. Law enforcement officers who were unable to reach a justice or judge faced challenges in getting the defendant before a local criminal court for arraignment.

In 2017 the Orleans County Jail was permitted to be used for the detention of persons under arrest being held for arraignment in any court located in Orleans County (see New York Corrections Law Sections 500-A and 500-C).

After the passage of the law permitting the Orleans County Jail to hold persons for arraignment, some significant changes in the process of arraignments were made:

The Administrative Judge of the Eighth Judicial District obtained permission to do arraignments at the Orleans County Jail, located at 26 Platt Street, Albion, New York, seven (7) days a week, including holidays; and any other times it is deemed necessary.

The intra-county jurisdictional barriers for arraignments by Village/Town Court Justices evaporated with the passage of the new centralized, off-hour arraignment law. Effective March 1, 2017, any Village/Town Justice in Orleans County can perform arraignments for misdemeanor/felony charges originated in any township within Orleans County, provided that the arraignment is pursuant to an approved Plan.

II. The Proposed Orleans County Centralized Arraignment Plan.

This Plan is being submitted for approval of centralized, off-hour arraignments in Orleans County and constitutes the proposed permanent plan for the County of Orleans to provide counsel to defendants at all after hours, weekend and holiday arraignments.

1. Hours of Arraignment – The Orleans County Counsel at Arraignment Part (CAP) morning session will convene to conduct arraignments, as needed, every day, including weekends and holidays, commencing at 8:30 A.M., Sunday through Saturday, for the purpose of conducting

local criminal court arraignments. The evening session will convene to conduct arraignments, as needed, every day, including weekends and holidays, commencing at 7:30 P.M. Sunday through Saturday. The On-Call Judge will be available for a 2.5 hour period (the morning session from 8:30 A.M. to 11:00 A.M. and the evening session Sunday through Saturday from 7:30 P.M. to 10:00 P.M.) following each regular arraignment part in case there are new incoming cases so the defendant will not be secured in holding cells without an arraignment for a period in excess of 12 hours. Current law permits Orleans County to hold a detained suspect overnight and that practice will continue. The Orleans County CAP will not handle juvenile arraignments. The On-Call Judge will also be available to conduct emergency arraignments, which may be requested to occur during his or her period of on-call coverage, at any time of the day or night. See Section 3 below. However, and notwithstanding anything to the contrary in this Plan, if an arrest is made by any arresting agency while a local Village/Town Court is in session, the arresting agency may bring the defendant(s) to the local Village/Town Court for arraignment. The Village/Town Court must have original jurisdiction over or alternate jurisdiction pursuant to CPL Sections 120.30 and 140, and defense counsel must be available. If an arresting agency takes a defendant to the local Village/Town Court for arraignment that is in session (outside the hours of the CAP arraignment) the Village/Town justice will not be financially compensated by the State.

2. Conflicts and Emergencies – The On-Call Judge will be available for emergency arraignments at times other than during the set arraignment times. An emergency arraignment shall include those occasions when the Sheriff's Department's regulations do not permit the defendant to be held in the holding cells (ie: a suicidal defendant, an injured defendant, etc.). In the event of an emergency arraignment, the arraignment will be conducted at the CAP to ensure that counsel can be present for the arraignment, together with security. In the event that the scheduled On-Call Judge has a conflict of interest in conducting the arraignment, then the On-Call Judge will reach out to the back-up Judge from the calendar to attempt to find coverage. It is the responsibility of the On-Call Judge, if he or she is not available to handle the arraignment, to contact the back-up Judge from the on-call schedule to cover the arraignment for that time period. In addition, in the event the On-Call Judge is unexpectedly unavailable to preside during his or her scheduled on-call, then the same process will be followed. The on-call schedule of the On-Call Judges will be provided before Plan implementation.

3. Judges Presiding at the CAP – The judges from the respective Village/Town Courts located within the County of Orleans will preside over all after-hour arraignments pursuant to an on-call rotation schedule, approved by the Orleans County Magistrates' Association. Under this system, the Village/Town Court Justices will share serving as the Orleans County CAP judge. The On-Call Judge will be responsible for presiding over any arraignments for defendants arrested anywhere in the county during that judge's designated period of time. The on-call rotation schedule will be revised periodically or, if so preferred, annually by the Orleans County Magistrates' Association and approved by the Supervising Judge for the Orleans County Magistrates' Association. The Orleans County Magistrates' Association shall also devise, with approval by the Supervising Judge, a system so that all eligible judges will participate in the Plan. Under this system, the Village/Town Court Justices will share serving as the Orleans County CAP judge. The On-Call Judge will be responsible for presiding over any arraignments for defendants arrested anywhere in the county during that judge's designated period of coverage.

The judges will be compensated for presiding over arraignments at the CAP. The judges will not be compensated for merely being available during the judge's scheduled on-call period or when the judge is not required to appear at the CAP to conduct arraignments. The rate of compensation will be in conformity with UJCA Section 106(2) as approved by the Office of Court Administration, together with the approved mileage rates. The Chief Administrative Judge adopted a new rule, Rule 126.3, to compensate local judges who provide "judicial functions in the off-hours part." The participating judges will be required to complete and submit vouchers for payment on such forms as are approved by the Office of Court Administration. Voucher forms will be available at CAP to be completed and submitted by the Village/Town Judge once the arraignments have been completed for the day. A Voucher form (Judicial Salary Reimbursement Form) is attached as Exhibit 2.

All On-Call Judges shall have the following duties:

- a. Prepare the agreed schedule for On-Call Judges annually, as detailed in this Plan and maintain a list of available judges and their current telephone contact numbers and e-mail addresses.
- b. Participate in the On-Call arraignments provided in this Plan, assist the filing of vouchers for compensation and maintain a roster of dates and times that the local criminal courts will be in session with a District Attorney and Public Defender available to allow the On-Call Judge to properly refer any defendant to the next available local criminal court date for further prosecution.
- c. Be available to be contacted by any police agency seeking an arraignment under this Plan and making sure that the Orleans County Jail Control Center alert the District Attorney, the Public Defender or other concerned parties of the need for an arraignment pursuant to this Plan. The Orleans County Jail Control Center will send a text message between the hours of 6:00 A.M. and 7:00 A.M. for the morning session and the hours of 5:00 P.M. and 6:00 P.M. for the evening session to the On-Call Judge, the District Attorney and Public Defender scheduled for that day, to notify them that an arraignment is necessary. Each person who receives a text message will promptly reply to all acknowledging receipt of the text message.
- d. Each On-Call Judge and/or the arresting agency shall be responsible for ensuring that all necessary original paperwork from the arraignments pursuant to this Plan is timely forwarded to the appropriate local jurisdiction for continuing prosecution, if required, and copies are provided to all interested parties.

4. Location of Central Arraignments - All after-hours, weekend and holiday arraignments will take place at the Orleans County Jail, located at 26 Platt Street, Albion, New York 14411. The Jail facility is located in the Village of Albion, which is the County Seat and the location of the Orleans County Courthouse. The Orleans County Jail is centrally located in the County of Orleans and approximately 16 miles from all Village/Town Justice Courts.

The County of Orleans currently provides, and will for the duration of this Plan, provide an adequate courtroom space at the Jail. The Orleans County CAP courtroom space(s) will include a judge's chambers, the courtroom, an accessible bathroom for men and women, fixed seating bench for defendants awaiting arraignment, lockers in the front lobby for handbags, backpacks, etc. for visitors, and a separate secure and monitored private area for the Public Defender/Assigned Counsel or Private Retained Counsel (hereinafter referred to as "Public Defender") to meet with their clients. The Orleans County CAP Courtroom space(s) will have an entrance for defendant(s) being transported directly into the CAP Courtroom. The Orleans County CAP Courtroom space(s) also will have a separate entrance for the general public, which will have a functional magnetometer. During operation of the CAP arraignments, the Court will be open to the public, provided that the visitor subject himself or herself to search and/or passes through the magnetometer. All after hours, weekend and holiday arraignments, including emergency arraignments, will be conducted at the CAP Courtroom space(s) to ensure that counsel can be present for the arraignment, together with security. The Orleans County CAP Courtroom space(s) will be owned and operated by the County of Orleans. Photographs of the Orleans County CAP Courtroom space(s) are annexed hereto as Exhibit 3.

5. Scheduling of Arraignments - To ensure that the Judge, Public Defender and District Attorney do not appear at the CAP Courtroom space(s) when arraignments are not needed, the Orleans County Jail Control Room will send a text message between the hours of 6:00 A.M. and 7:00 A.M. for the morning session and the hours of 5:00 P.M. and 6:00 P.M. for the evening session, in advance, if any of these agencies have a defendant waiting for an arraignment. The arresting agency will be responsible to contact the Orleans County Jail Control Room to advise whether the attorney is or is not needed to appear at the CAP Court. The District Attorney's Office and the Public Defender's Office phone numbers for their on-call attorneys will be supplied to the On-Call Judges and shall be updated periodically as required.

In turn, the On-Call Judges have also provided their current telephone numbers to the Orleans County Jail Control Room, Orleans County Sheriff's Office, the local police agencies, NYS Police, NYS Park Police, District Attorney's Office and Public Defender's Office to allow these agencies to contact the On-Call Judge in the case of an emergency. On-Call Judges, District Attorney's Office and Public Defender's Office will be available for arraignments for a period of 2.5 hours after the above stated times to ensure that defendants, who are arrested at or near the commencement time of the CAP, can be arraigned with counsel.

6. Appearance of District Attorney and Public Defender - The Orleans County Public Defender will develop a schedule of assignments for assistant public defenders or assigned counsel to cover the CAP and circulate it to the Orleans County Magistrates' Association, the District Attorney, Orleans County Sheriff and Orleans County Supervising Village/Town Judge. Defense counsel will appear in person at all arraignments. The Orleans County District Attorney, currently plans to attend all arraignments, however, will develop policies governing prosecutorial presence at the CAP and will circulate them to the Orleans County Magistrates' Association, Public Defender, Orleans County Sheriff and Orleans County Supervising Village/Town Judge. With approval of the On-Call Judge scheduled to preside at an arraignment, the Orleans County District Attorney's office may waive their personal appearance entirely and/or appear by telephone.

7. Arresting Agency – Following an arrest and before arraignment at the CAP Court, the Arresting Agency will enter fingerprint information using the ORI number of the Court that has geographic jurisdiction of the offense. Upon arriving at the CAP, the Arresting Agency will secure the defendant per the protocols developed and circulated by the Orleans County Sheriff's Department. The Arresting Agency will provide the Orleans County Jail with two (2) hard copies of the fingerprint-based response which will be forwarded to the On-Call Judge prior to the arraignment proceeding, together with the accusatory instruments and supporting depositions, if any. The On-Call Judge will have no ability to print a fingerprint-based RAP sheet for a defendant. The On-Call Judge will provide defense counsel with copies of the accusatory instruments, supporting depositions (if any) and a copy of the fingerprint-based RAP sheet for the defendant prior to arraignment.

8. Security – The Arresting Agency or the Sheriff will provide an officer to secure the defendant(s) transported by the Arresting Agency or the Sheriff to the CAP for an arraignment. The County of Orleans shall provide one security officer to operate the magnetometer during any arraignments at the CAP and a second security officer to be stationed at the bench space(s) during all arraignments. The security officer stationed at the bench space(s) shall provide security for the judge, attorneys and any visitors attending the CAP arraignments. Any person wishing to attend an arraignment at the CAP will be subject to a search of any possessions of said person, pursuant to regular courtroom rules, and all persons seeking to attend the arraignment proceedings will be required to enter through the magnetometer. During the Court proceedings, handbags, purses, backpacks and bags shall be secured in lockers or other secure space and returned to the person when he or she exits the facility. Defendants will be allowed to meet, in private, with the Public Defender or their private counsel prior to the commencement of the arraignment. The area of the entrance to the public CAP Courtroom, the magnetometer area, the courtroom area and the conference room area will be monitored via closed circuit television, if available. There are "panic buttons" installed at any bench area and in the attorney/client rooms which are monitored by the Orleans County Sheriff's Department for the judge and/or attorneys to summon additional officers, if needed.

9. Pre-Arraignment Holding – Defendants awaiting arraignment may be held at the Orleans County Jail, pursuant to a Memorandum of Understanding between the Orleans County Sheriff's Department and the various arresting agencies operating within Orleans County. In the event that the defendant is being temporarily housed at the holding cells of the Orleans County Jail, when the arraignment is scheduled to occur, then the Arresting Police Agency or the County Sheriff shall transport the defendant(s) from the Orleans County Jail holding cells to the CAP Courtroom. In the event the defendant is held after the arraignment, in lieu of bail, then the On-Call Judge will provide the Sheriff's Department with a securing order. The securing order shall have the defendant returned to the Court of original geographic jurisdiction at the next available date and time that the Public Defender will be present. If the defendant is released on his or her own recognizance, then the defendant will be provided with an opportunity to make a call or calls to obtain transportation to his/her residence. The defendant will also be able to remain in the heated indoor waiting area of the Orleans County Jail, which is staffed by the Sheriff's Department,

while he/she awaits being picked up by family or friends. A copy of the proposed Memorandum of Understanding is attached as Exhibit 4.

10. Courtroom Equipment and Inventory – The CAP's Courtroom space(s) will be furnished with the following equipment, supplies and inventory, which will be secured in a locked cabinet when not in session. The following entities will provide the equipment, supplies and inventory as follows:

a. The State of New York, Office of Court Administration is requested to provide and maintain the following at the CAP courtroom:

A laptop computer equipped with Liberty recording software and microphone(s) compatible with the Liberty recording software and the appropriate computer programs and software as mandated and approved by the Division of Technology of the Office of Court Administration and shall include, but not be limited to, the WebDVS software for the electronic filing of Orders of Protection; a multi-function copy machine, scanner and printer; and an appropriate locking cabinet to store these devices; inventory of supplies sufficient for the operation of the CAP Court such as compact disk for the recording of the proceeding, thumb drive to back up the electronic equipment, copy paper, toner, blue pens, pencils, stapler and staples, staple remover, paperclips, scissors, rubber bands, envelopes, stamps and/or postage meter, etc; McGills' Manuals for New York Penal Law, Vehicle and Traffic Law and Environmental Conservation Law, LanguageLine Solutions ® Telephonic Interpretation Services for non-English speaking defendants.

b. The County of Orleans shall provide the CAP Court with the following equipment and inventory:

An appropriate bench for the Judge; a telephone with speaker phone capability for the use of LanguageLine Solutions ® Telephonic Interpretation Services for non-English speaking defendants; internet service; seating for the Judge and visitors; cameras and monitors for security to observe the facility; a "panic button" at the Judge's bench; which shall notify Orleans County Sheriff's Department dispatch or Sergeant on Duty in the event of an emergency.

c. The Orleans County Public Defender's Office shall provide the CAP Court with the following:

Not Applicable.

d. The Orleans County Magistrates' Association shall provide the CAP Court with:

Standardized arraignment forms and documents, such as the Record of Arraignment, Order of Protection, Adjournment Notice, Securing Orders, Notice of Fine and Surcharge, Waiver of Preliminary Hearing, etc.; and an extra robe to be kept at the CAP Court.

11. Judicial Training – The State of New York, Office of Court Administration shall provide the judges with training necessary to operate the laptop and software, including Liberty recording, and WebDVS program. Judges will be required to obtain training prior to being allowed to preside at the CAP.

12. Arraignment Procedures –

a. *Mechanical Recording.* All arraignments will be mechanically recorded using Liberty recording software (when provided), which will be supplied by the State of New York, Office of Court Administration. These recordings will be archived by transferring the data to a compact disk on a quarterly basis and storing those disks in the lockable portion of the bench which will be created by the County.

b. *Creating a Data Record.* The On-Call Judge will enter pertinent data into the WebDVS system for matters requiring an Order of Protection. The On-Call Judge will also be able to fax the relevant court documents (accusatory instrument, RAP sheet, supporting depositions, arraignment notes, etc.) directly to the Court of original jurisdiction, the 8th Judicial District Office, the district attorney's office and the public defender's office. The Division of Technology will set up/program the fax machine to accommodate the transmission of the documents to the Court of original jurisdiction and to the 8th Judicial District Office simultaneously. The documents will be transmitted to the Court of original jurisdiction via a pdf document, thereby eliminating the need for the Court of original jurisdiction to make sure their fax machine is always in working order. It is intended that the Division of Technology will create an additional e-mail address for each Town/Village Court in the County to have access to this information which will allow them to receive the case files and arraignment log data instantaneously. The Division of Technology will also program the fax machine with the fax numbers for the district attorney's office and the public defender's office. The documents sent to the district attorney's office and the public defender's office will be received by their respective offices using their fax machines. The documents will not be converted to a pdf document.

Thereafter, the Court of original jurisdiction will retrieve the documents from the general e-mail mailbox and process the case on their own CourtRoom Program and take such steps to continue processing of the matter consistent with the guidance and assistance of Division of Technology personnel. The Court of original jurisdiction will submit the appropriate information to TSLED and/or complete the CDR.

13. Collection of Bail at Arraignment – In the event that the On-Call Judge secures the defendant's appearance upon payment of bail, then the Orleans County Sheriff's Department will collect the bail and transfer the bail to the Court of original jurisdiction. The On-Call Judge shall provide the Orleans County Sheriff's Department with the required Securing Order.

14. Transfer of Arraignment Documents – After the arraignments have concluded, the On-Call Judge will fax copies of the arraignment documents, including copies of the supporting deposition, arraignment memorandum, order of protection, securing order, Parker admonishment, etc., to the Court of original jurisdiction and the 8th Judicial District Office on the same day as the

arraignment. A representative of the Orleans County Court will retrieve the original documents from the Centralized Arraignment Court on a daily basis and mail the original documents to the Court of original jurisdiction on the same day as the arraignment. The Court of original jurisdiction will receive copies of the arraignment documents by facsimile and the original documents by mail. If an arraignment occurs at the evening session, weekend session and/or holiday session, then a representative of the Orleans County Court will retrieve the documents on the next business day and immediately forward them to the Court of original jurisdiction by mail.

The On-Call Judge will keep a copy of the charging and arraignment documents for their records. On-Call Judges will maintain an arraignment log to keep a record of the arraignments that are conducted by each Judge. In addition, the Orleans County Jail will maintain a log on their "day sheet" which will include the name of the On-Call Judge, District Attorney and Public Defender who handled the arraignment(s), the time On-Call Judge, District Attorney and Public Defender entered and exited the Orleans County Jail and the name(s) of the defendants who were arraigned.

15. Payment of Fines and Surcharges – While infrequent, guilty pleas are sometimes entered at the time of the arraignment. The creation of a Centralized Arraignment Court is not intended to change this procedure but, in the rare event that a guilty plea does occur, the On-Call Judge may issue an appropriate sentence, which may include a fine, mandatory surcharge and DNA fee, if required. The CAP Court will not collect the fine, surcharge or DNA fee. The On-Call Judge shall provide the defendant with a Notice of Fine and Surcharge for the defendant to pay the fine, surcharge and DNA fee to the Court of original geographic jurisdiction, and the Notice shall provide the defendant with a reasonable period of time to make the payment.

16. Release on Own Recognizance – Defendants released on their own recognizance will be given a Notice of Adjournment with his/her next appearance date in the Court of original geographic jurisdiction. The On-Call Judge will consult the schedule calendar for the court of original geographic jurisdiction to determine when that Court is in session, with a District Attorney and Public Defender present and will set the next appearance date in the Court of original geographical jurisdiction. The On-Call Judge will issue an Order for Bail or Release on Own Recognizance for each defendant from the CAP Court and provide a copy of the appropriate Order to the Orleans County Jail. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant should be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

17. Orders of Protection – If the On-Call Judge issues an Order of Protection, he or she will immediately enter it or insure its entry into WebDVS system. Orders of Protection will be immediately served upon the defendant and the On-Call Judge will place a copy of the Order of Protection in an envelope addressed to the complaining witness. A representative of the Orleans County Court will pick up the mail on a daily basis (see mailing procedure listed in 14. above) and mail the copy of the Order of Protection to the complaining witness.

18. Pleas of Guilty and Not Guilty

a. *Not Guilty Pleas.* In the case of a not guilty plea, the On-Call Judge will compile all the documents and a representative of the Orleans County Court will retrieve all original arraignment paperwork (ie: the accusatory instrument, fingerprint response RAP sheet, Order of Protection, bail order) and mail to the judge(s) in the Court of original geographic jurisdiction. A copy of the arraignment sheet and the accusatory instrument(s) will be immediately faxed to the Court of original geographic jurisdiction. A representative of the Orleans County Court will retrieve the original documents from the Centralized Arraignment Court on a daily basis and mail the original documents to the Court of original jurisdiction on the same day as the arraignment. If an arraignment occurs at the evening session, weekend session and/or holiday session, then a representative of the Orleans County Court will retrieve the documents on the next business day and immediately forward them to the Court of original geographic jurisdiction.

b. *Guilty Pleas.* In the case of a guilty plea:

i. If a pre-sentence investigation (PSI) is required, the Court of original jurisdiction will take the appropriate steps to order the PSI and sentencing will be adjourned to allow its completion;

ii. If no PSI is required, the On-Call Judge may sentence in accordance with the statute and issue a fine/surcharge/fee notice, which provides the defendant with a reasonable period of time to pay to the Court of original jurisdiction;

iii. If DNA collection is required, an appropriate DNA collection order will be issued. The Orleans County Jail will be provided with a copy of the DNA collection order; and

iv. On-Call Judges who accept guilty pleas or plea bargains in the CAP shall provide the defendant with a notice of any fine and surcharge to be paid to the Court of original geographic jurisdiction, with a reasonable period of time to pay, and shall notify the Court of original geographic jurisdiction of the disposition, so the Court of original geographic jurisdiction can properly record and dispose of the filing on its CDR or TSLED docket.

19. Approvals and/or Consents – Approvals and consents to this Plan will be sought from the County of Orleans, Orleans County Sheriff's Department, Orleans County District Attorney's Office, Orleans County Public Defender's Office, Orleans County Magistrates' Association, local police departments, New York State Police and various local municipalities. Once the concept plan is approved by the Office of Court Administration, the stakeholders, with the assistance of personnel in the Eighth Judicial District, shall seek the approvals from the above-listed agencies before the Plan is fully implemented. The approvals shall be obtained within thirty (30) days of any tentative approval by Office of Court Administration of the proposed plan.

20. Stakeholders – The following persons contributed to the preparation of this Plan: The following CAP Committee Members: Hon. Debra L. Kluth; Hon. Dawn Keppler; Hon. Gary Moore; Hon. Bruce Schmidt; Hon. David Gaudio; and Stacy Silker, Ridgeway Court Clerk;

Orleans County Magistrate's Association; Hon. Sara Sheldon, Niagara County Court Justice, Former Supervising Judge, Eighth Judicial District; Hon. James J. Faso, Jr., Niagara Falls City Court Justice, Supervising Judge, Joseph Cardone, Esq. Orleans County District Attorney; Joanne Best, Esq. Orleans County Public Defender; Randall Bower, Former Orleans County Sheriff; Christopher Bourke, Orleans County Sheriff; Superintendent Scott Wilson, Orleans County Jail.

This Plan will become effective immediately on the first day of the month following approval by the administrative board of the Courts.

Respectfully Submitted,

Orleans County Magistrate's Association

**ORLEANS COUNTY MAGISTRATES ASSOCIATION
CENTRALIZED ARRAIGNMENT PLAN
RESOLUTION**

WHEREAS, the New York State Legislature passed legislation that was signed by Governor Andrew Cuomo on November 28, 2016, requiring the establishment of Centralized Arraignment Parts in each county; and

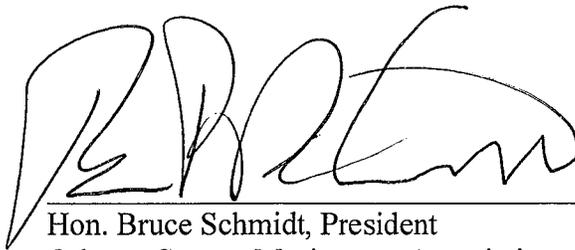
WHEREAS, the Orleans County Magistrates Association in consultation with the Orleans County Sheriff's Department, District Attorney's Office and Public Defender's Office have developed the Orleans County Centralized Arraignment Plan; and

WHEREAS, the Orleans County Magistrates Association is required to submit the Centralized Arraignment Plan to the Hon. Paula L. Feroleto, Administrative Judge for the Eighth Judicial District and the Office of Court Administration for approval; and

NOW, THEREFORE, it is

RESOLVED, that the Orleans County Magistrates Association hereby approves and supports the Centralized Arraignment Plan and authorizes the President of the Association to submit the Plan for Approval.

Dated: January 4, 2020

A handwritten signature in black ink, appearing to read 'Bruce Schmidt', is written over a horizontal line. The signature is stylized and cursive.

Hon. Bruce Schmidt, President
Orleans County Magistrates Association

EXHIBIT 1

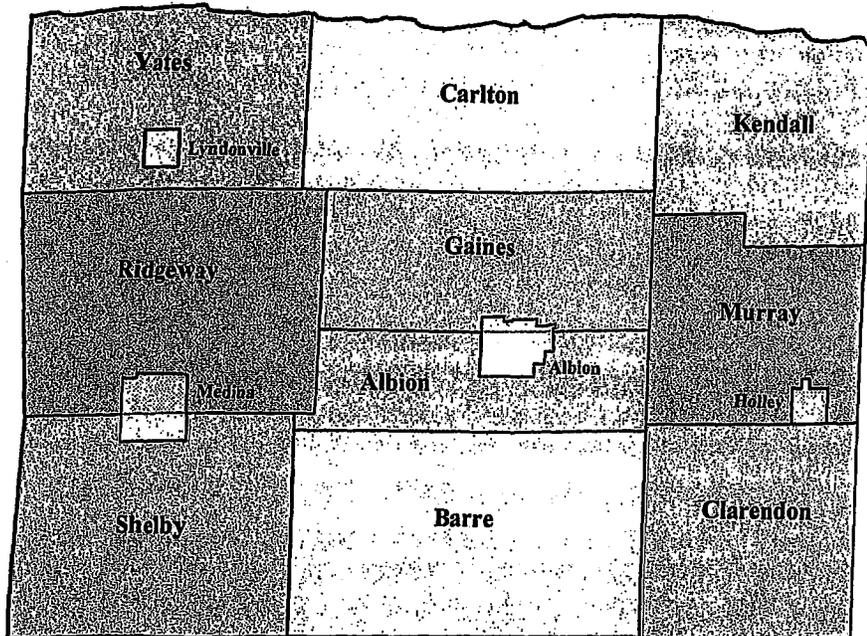


EXHIBIT 2

**Section 126.3 Off-hour Arraignment Parts
Centralized Arraignment Parts
Judicial Salary Reimbursement Form**

SECTION 1 - FULL TERM: COMPLETE THIS SECTION ONLY FOR ASSIGNMENTS WHERE SERVICE WAS FOR A FULL TERM
*I hereby certify that I have been temporarily assigned to _____ and have served
 for the full term # _____* (Name of Court and Location)

SECTION 2 - FULL DAYS: COMPLETE THIS SECTION ONLY FOR ASSIGNMENTS WHICH WERE LESS THAN A FULL TERM
 AND INDICATE ONLY THOSE DAYS WHERE SERVICE WAS FULL-TIME.
*I hereby certify that I have been temporarily assigned full-time to _____ and have
 served full-time on the following days:* (Name of Court and Location)

Date	Order # / Case Name	Date	Order # / Case Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECTION 3 - HALF DAYS: COMPLETE THIS SECTION ONLY FOR ASSIGNMENTS WHICH WERE LESS THAN A FULL TERM
 AND INDICATE ONLY THOSE DAYS WHERE SERVICE WAS LESS THAN FULL-TIME (i.e. ONE HALF DAY OR LESS.)
I hereby certify that I have been temporarily assigned less than full-time to _____ and have served less than full-time on the following days: (Name of Court and Location)

Date	Order # / Case Name	Date	Order # / Case Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____	_____
(Signature of Assigned Judge)	(Date)

(Please Print Name of Assigned Judge)	
_____	_____
(Signature of Chief Clerk)	(Date)

Approved:

 (District Administrative Judge or Designee)

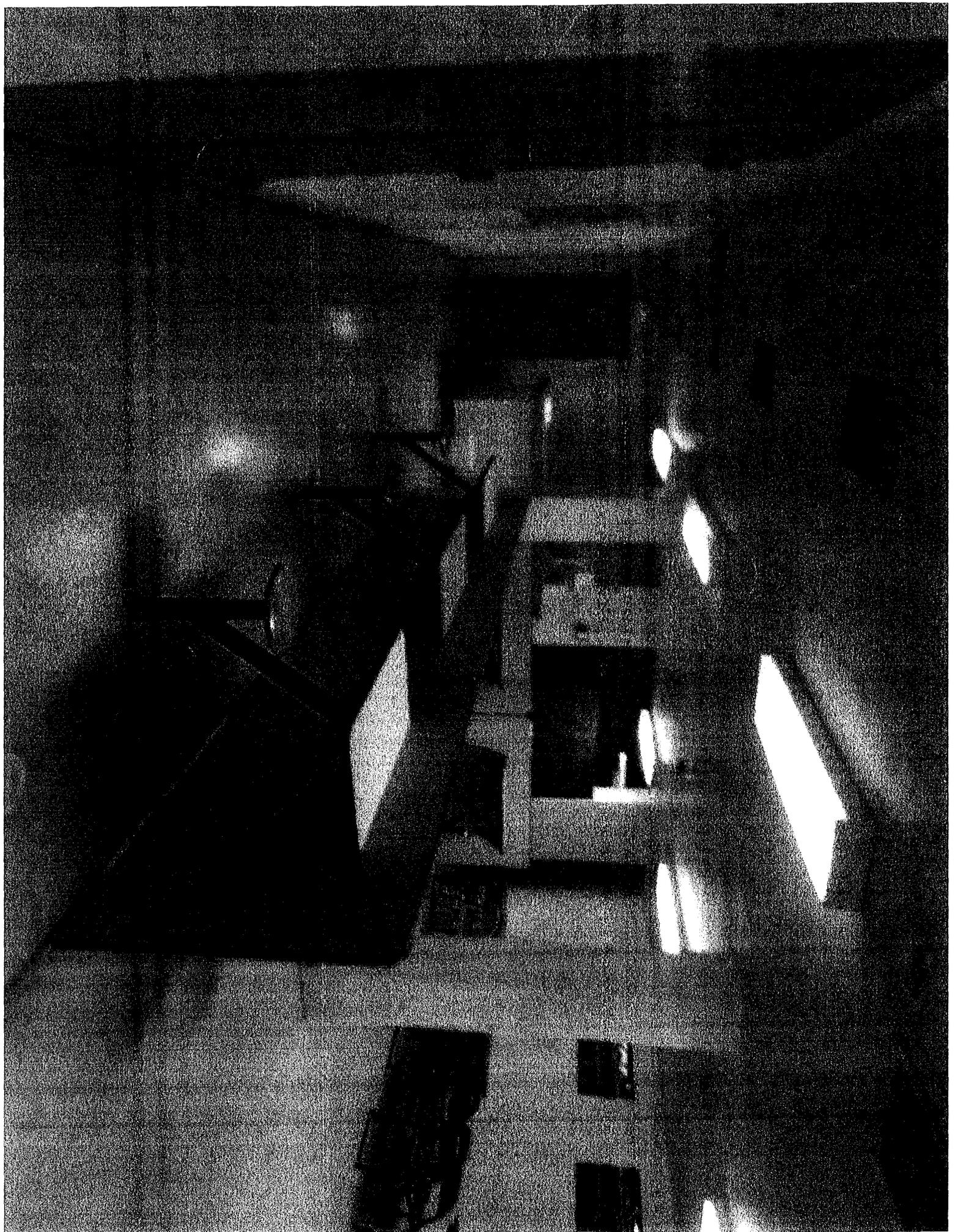
 (Date)

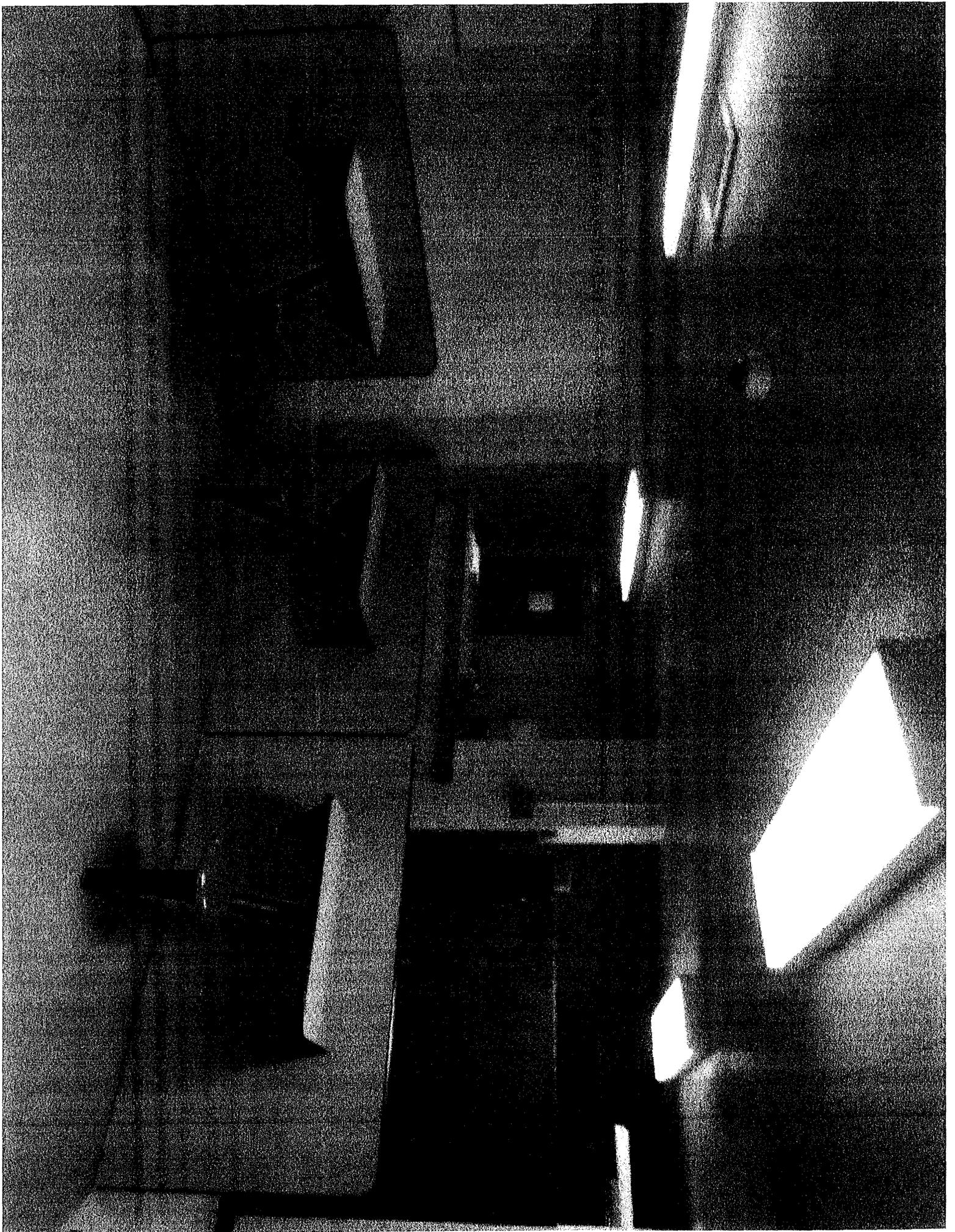
To be completed by the Payroll Agency

Pursuant to Section 224 of the Judiciary Law as added by Section 13 of Chapter 986, Laws of 1984, payment is due in the following amount as reimbursement for the judicial service assignments for the periods indicated above.

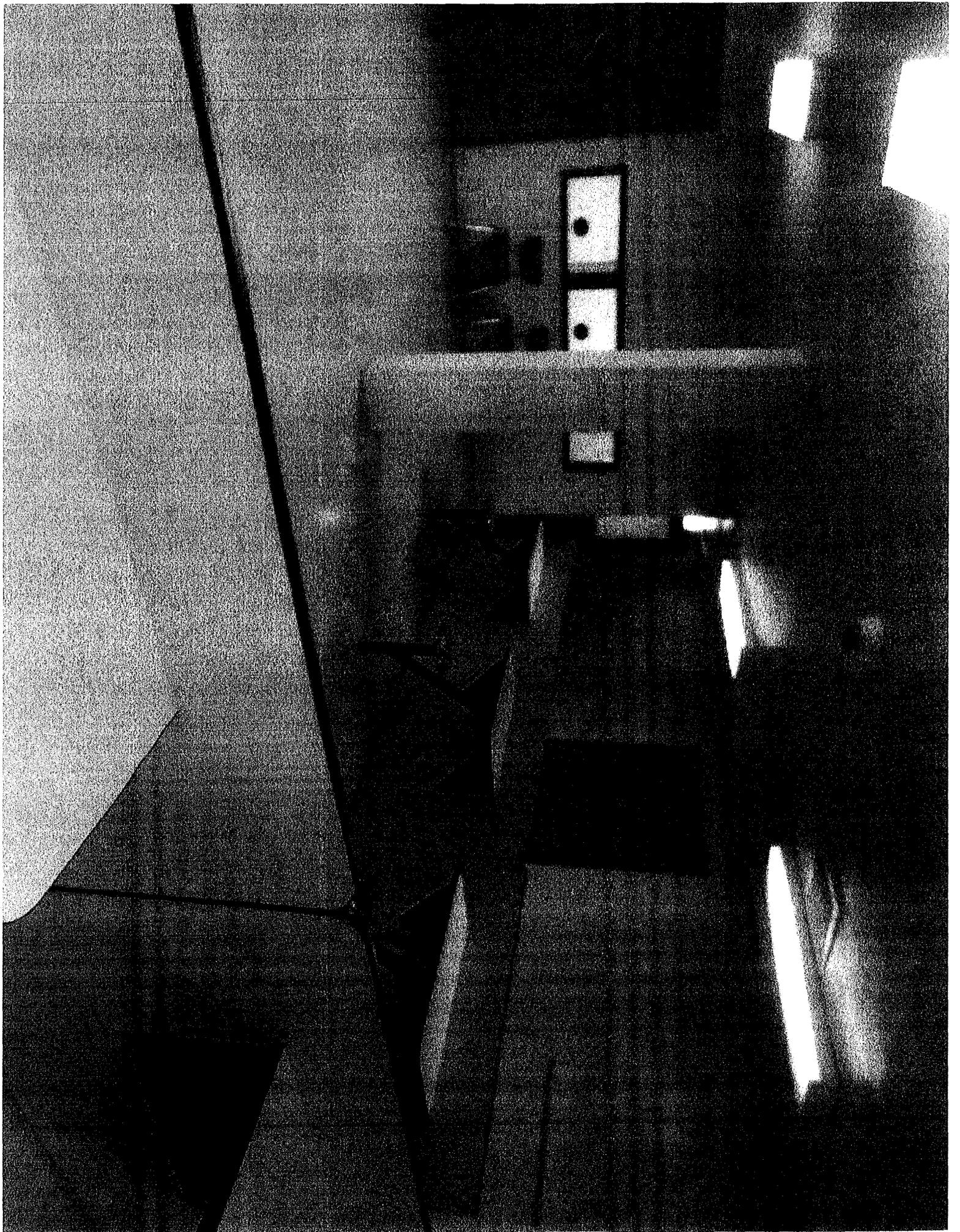
\$ _____ PER TERM (AND/OR) \$ _____ PER DIEM FOR # _____ DAYS
 \$ _____ TOTAL REIMBURSEMENT DUE

EXHIBIT 3









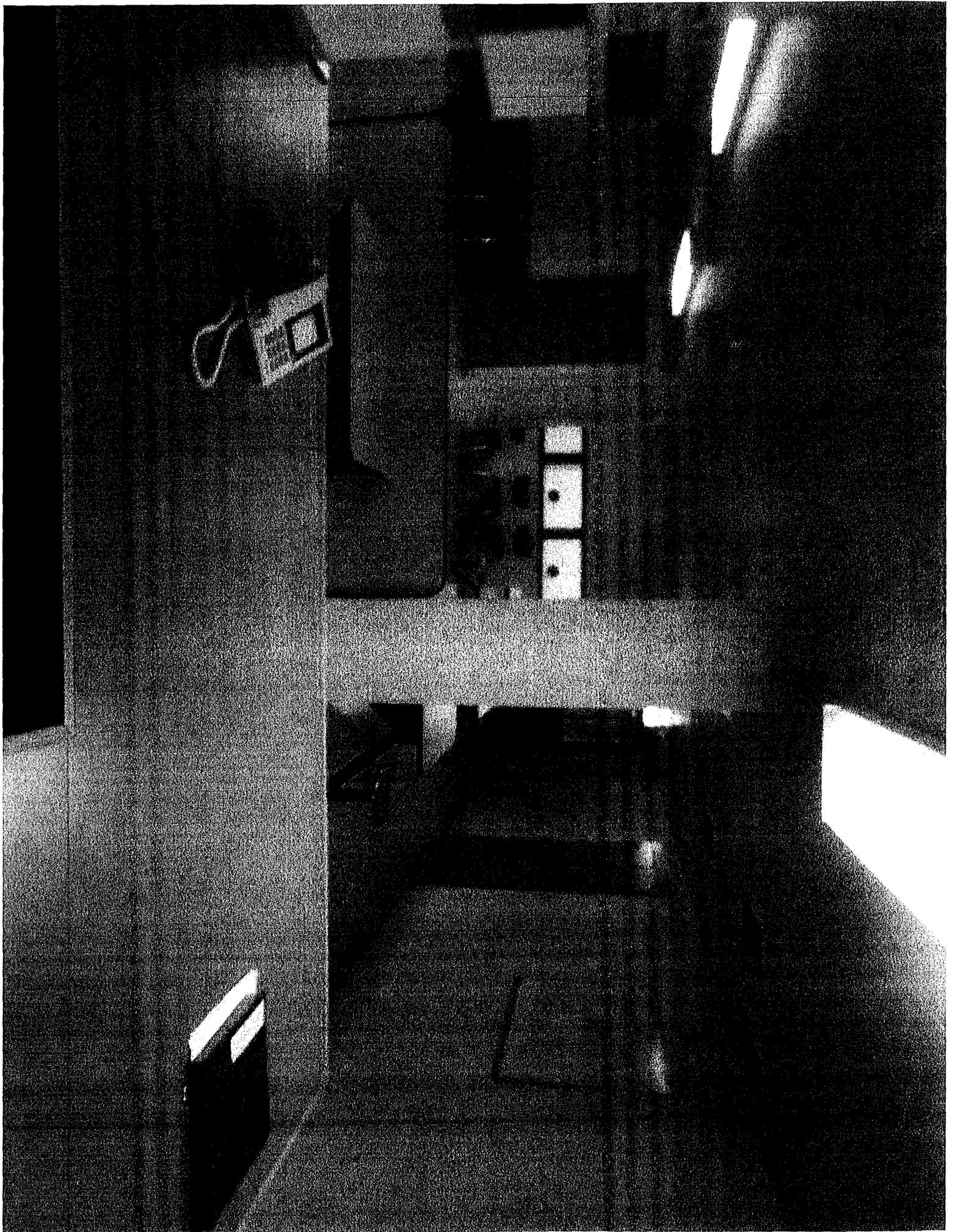






EXHIBIT 4

ON-CALL ROTATION SCHEDULE

2020 CENTRAL ARRAIGNMENT COURT ON-CALL ROTATION

The following Judges will be on call for arraignments for the morning sessions commencing Sunday through Saturday at 8:30 A.M. and on call for arraignments for the evening sessions commencing Sunday through Saturday at 7:30 P.M.

ON-CALL JUDGE	BACK UP JUDGE	DATES OF COVERAGE	MORNING	EVENING
J. Fuller		1/1/20 to 1/4/20	X	X
T. DiFante		1/5/20 to 1/11/20	X	
J. Fuller		1/5/20 to 1/11/20		X
D. Gaudio		1/12/20 to 1/18/20	X	
G. Moore		1/12/20 to 1/18/20		X
P. Russell		1/19/20 to 1/25/20	X	
J. Kujawa		1/19/20 to 1/25/20		X
D. Gaudio		1/26/20 to 2/1/20	X	
D. Gaudio		1/26/20 to 2/1/20		X
D. Kluth		2/2/20 to 2/8/20	X	
D. Kluth		2/2/20 to 2/8/20		X
J. Fuller		2/9/20 to 2/15/20	X	
J. Fuller		2/9/20 to 2/15/20		X
R. Root		2/16/20 to 2/22/20	X	
G. Moore		2/16/20 to 2/22/20		X
R. Russell		2/23/20 to 2/29/20	X	
D. Kluth		2/23/20 to 2/29/20		X
T. Spada	G. Passarell	3/1/20 to 3/7/20	X	
D. Kluth		3/1/20 to 3/7/20		X
T. Spada	G. Passarell	3/8/20 to 3/14/20	X	
D. Kluth		3/8/20 to 3/14/20		X
T. Spada	G. Passarell	3/15/20 to 3/21/20	X	
D. Kepler		3/15/20 to 3/21/20		X
T. Spada	G. Passarell	3/22/20 to 3/28/20	X	
G. Moore		3/22/20 to 3/28/20		X
T. Spada	G. Passarell	3/29/20 to 4/4/20	X	
D. Kepper		3/29/20 to 4/4/20		X
T. DiFante		4/5/20 to 4/11/20	X	
G. Moore		4/5/20 to 4/11/20		X
B. Schmidt		4/12/20 to 4/18/20	X	
J. Kujawa		4/12/20 to 4/18/20		X
P. Russell		4/19/20 to 4/25/20	X	
D. Gaudio		4/19/20 to 4/25/20		X
B. Schmidt		4/26/20 to 5/2/20	X	
D. Grabowski		4/26/20 to 5/2/20		X

J. Fuller		5/3/20 to 5/9/20	X	
G. Moore		5/3/20 to 5/9/20		X
R. Root		5/10/20 to 5/16/20	X	
R. Root		5/10/20 to 5/16/20		X
P. Russell		5/17/20 to 5/23/20	X	
K. Hurley		5/17/20 to 5/23/20		X
T. DiFante		5/24/20 to 5/30/20	X	
T. DiFante		5/24/20 to 5/30/20		X
B. Schmidt		5/31/20 to 6/6/20	X	
B. Schmidt		5/31/20 to 6/6/20		X
D. Gaudio		6/7/20 to 6/13/20	X	
D. Gaudio		6/7/20 to 6/13/20		X
G. Passarell	T. Spada	6/14/20 to 6/20/20	X	
D. Kluth		6/14/20 to 6/20/20		X
G. Passarell	T. Spada	6/21/20 to 6/27/20	X	
G. Moore		6/21/20 to 6/27/20		X
G. Passarell	T. Spada	6/28/20 to 7/4/20	X	
D. Keppler		6/28/20 to 7/4/20		X
G. Passarell	T. Spada	7/5/20 to 7/11/20	X	
D. Kluth		7/5/20 to 7/11/20		X
J. Kujawa		7/12/20 to 7/18/20	X	
J. Kujawa		7/12/20 to 7/18/20		X
D. Keppler		7/19/20 to 7/25/20	X	
D. Keppler		7/19/20 to 7/25/20		X
D. Grabowski		7/26/20 to 8/1/20	X	
D. Grabowski		7/26/20 to 8/1/20		X
J. Fuller		8/2/20 to 8/8/20	X	
G. Moore		8/2/20 to 8/8/20		X
R. Root		8/9/20 to 8/15/20	X	
R. Root		8/9/20 to 8/15/20		X
P. Russell		8/16/20 to 8/22/20	X	
K. Hurley		8/16/20 to 8/22/20		X
T. DiFante		8/23/20 to 8/29/20	X	
T. DiFante		8/23/20 to 8/29/20		X
B. Schmidt		8/30/20 to 9/5/20	X	
B. Schmidt		8/30/20 to 9/5/20		X
D. Gaudio		9/9/20 to 9/15/20	X	
D. Gaudio		9/9/20 to 9/15/20		X

LYNNE M. JOHNSON
Chairman
WILLIAM H. EICK
Vice Chairman
JOHN C. WELCH, JR.
Chief Administrative Officer
NADINE P. HANLON
Clerk of the Legislature
KATHERINE BOGAN
County Attorney



ORLEANS COUNTY LEGISLATURE
14016 Route 31 W, Suite 201, Albion, New York 14411
Phone: (585) 589-7053
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www.orleansny.com

LEGISLATORS

Donald J. Allport - At Large
E. John DeFilippis - At Large
Merle L. Draper - At Large
William H. Eick - District 1
Lynne M. Johnson - District 2
Fred Miller - District 3
Kenneth DeRoller - District 4

April 9, 2020

Dear Honorable Judge Kluth,

I have been advised of the particulars with respect to the Orleans County Centralized Arraignment Plan (CAP). On behalf of the Orleans County legislature we are in full support of the plan and its implementation.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Lynne M. Johnson".

Lynne M. Johnson, Chairman
Orleans County Legislature

cc: District Attorney Joe Cardone



OFFICE OF THE DISTRICT ATTORNEY

County of Orleans

JOSEPH V. CARDONE
District Attorney

Public Safety Building
13925 State Route 31, Suite 300
Albion, New York 14411
Phone: (585) 590-4130
Fax: (585) 590-4129

December 31, 2019

HON. DEBRA L. KLUTH
Orleans County Magistrate Association
Town of Kendall Justice Court
P.O. Box 474
Kendall, New York 14476

RE: Orleans County Centralized Arraignment Plan

Dear Judge Kluth:

Please accept this letter of support regarding the proposed Orleans County Centralized Arraignment Plan. As the Orleans County District Attorney, I approve of the plan and look forward to working with the Orleans County Magistrate Association to deliver mandated legal services to indigent defendants to ensure they receive meaningful and effective assistance of counsel.

Should you have any questions, please feel free to contact me.

Very truly yours,

JOSEPH V. CARDONE
Orleans County District Attorney

JOHN C. GAVENDA
Assistant District Attorney

JOHN S. SANSONE
Assistant District Attorney

SUSAN M. HOWARD
Assistant District Attorney



ORLEANS COUNTY PUBLIC DEFENDER

1 South Main Street, Suite 5
Albion, New York 14411
Phone: (585) 589-7335
Fax: (585) 589-2592

Patricia D. Pope, Esq.
Dominic Saraceno, Esq.
Nathan D. Pace, Esq.
Christopher T. Wilcox, Esq.
Assistant Public Defenders

Joanne L. Best, Esq.
Public Defender

January 15, 2020

Hon. Debra L. Kluth
Secretary of Orleans County Magistrate Association
Town of Kendall Justice Court
P.O. Box 474
Kendall, New York 14476

RE: Orleans County Centralized Arraignment Plan

Dear Judge Kluth:

Please accept this letter of support regarding the proposed Orleans County Centralized Arraignment Plan. As the Public Defender of Orleans County, I approve of the plan and look forward to working with the Orleans County Magistrate Association to deliver mandated legal services to indigent defendants to ensure they receive meaningful and effective assistance of counsel.

Should you have any questions, please feel free to contact me.

Very truly yours,

Joanne L. Best
Orleans County Public Defender

JLB

MEMORANDUM OF UNDERSTANDING

I, the undersigned, being the Chief of the Village of Medina Police Department, a law enforcement agency in the County of Orleans, State of New York, hereby indicates my understanding, pursuant to Correction Law Section 500-a and pursuant to the Orleans County Centralized Arraignment Plan (CAP):

1. Defendants awaiting arraignment may be held at the Orleans County Jail;
2. Since all of the arraignments will be held at the Orleans County Jail, the Orleans County Sheriff shall transport the defendant from the holding cells to the CAP Courtroom in the Orleans County Jail;
3. In the event a defendant is held after arraignment, in lieu of bail, then the On-Call Judge will provide the Orleans County Jail/Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original geographic jurisdiction at the next available date and time; and
4. In the event the defendant is released on his or her own recognizance, then the On-Call Judge will provide the Orleans County Jail and the defendant with a Notice of Adjournment with the defendant's next court appearance date in the court of original geographic jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant shall be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

Dated: 12/31/2019

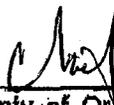
Village of Medina Police Department

By:



Chad Kenward, Chief

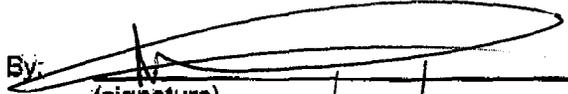
MEMORANDUM OF UNDERSTANDING

I, the undersigned, being the  of the New York State Park Police, a law enforcement agency in the County of Orleans, State of New York, hereby indicates my understanding, pursuant to Correction Law Section 500-a and pursuant to the Orleans County Centralized Arraignment Plan (CAP):

1. Defendants awaiting arraignment may be held at the Orleans County Jail;
2. Since all of the arraignments will be held at the Orleans County Jail, the Orleans County Sheriff shall transport the defendant from the holding cells to the CAP Courtroom in the Orleans County Jail;
3. In the event a defendant is held after arraignment, in lieu of bail, then the On-Call Judge will provide the Orleans County Jail/Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original geographic jurisdiction at the next available date and time; and
4. In the event the defendant is released on his or her own recognizance, then the On-Call Judge will provide the Orleans County Jail and the defendant with a Notice of Adjournment with the defendant's next court appearance date in the court of original geographic jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant shall be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

Dated: 1/14/2020

New York State Park Police

By: 

(signature)

Mark Van Wic
(print name)

MEMORANDUM OF UNDERSTANDING

I, the undersigned, being the Constable of the Village of Lyndonville Police Department, a law enforcement agency in the County of Orleans, State of New York, hereby indicates my understanding, pursuant to Correction Law Section 500-a and pursuant to the Orleans County Centralized Arraignment Plan (CAP):

1. Defendants awaiting arraignment may be held at the Orleans County Jail;
2. Since all of the arraignments will be held at the Orleans County Jail, the Orleans County Sheriff shall transport the defendant from the holding cells to the CAP Courtroom in the Orleans County Jail;
3. In the event a defendant is held after arraignment, in lieu of bail, then the On-Call Judge will provide the Orleans County Jail/Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original geographic jurisdiction at the next available date and time; and
4. In the event the defendant is released on his or her own recognizance, then the On-Call Judge will provide the Orleans County Jail and the defendant with a Notice of Adjournment with the defendant's next court appearance date in the court of original geographic jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant shall be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

Dated: 1/6/20

Village of Lyndonville Police Department

By:


~~Constable~~ Chief of Police

MEMORANDUM OF UNDERSTANDING

I, the undersigned, being the Sheriff of the Orleans County Sheriff's Department, a law enforcement agency in the County of Orleans, State of New York, hereby indicates my understanding, pursuant to Correction Law Section 500-a and pursuant to the Orleans County Centralized Arraignment Plan (CAP):

1. Defendants awaiting arraignment may be held at the Orleans County Jail;
2. Since all of the arraignments will be held at the Orleans County Jail, the Orleans County Sheriff shall transport the defendant from the holding cells to the CAP Courtroom in the Orleans County Jail;
3. In the event a defendant is held after arraignment, in lieu of bail, then the On-Call Judge will provide the Orleans County Jail/Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original geographic jurisdiction at the next available date and time; and
4. In the event the defendant is released on his or her own recognizance, then the On-Call Judge will provide the Orleans County Jail and the defendant with a Notice of Adjournment with the defendant's next court appearance date in the court of original geographic jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant shall be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

Dated: 1-10-2020

Orleans County Sheriff's Department

By: 

MEMORANDUM OF UNDERSTANDING

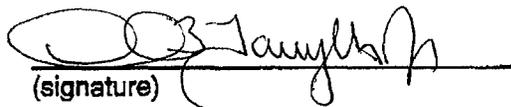
I, the undersigned, being the CAPTAIN of the New York State Police Department, a law enforcement agency in the County of Orleans, State of New York, hereby indicates my understanding, pursuant to Correction Law Section 500-a and pursuant to the Orleans County Centralized Arraignment Plan (CAP):

1. Defendants awaiting arraignment may be held at the Orleans County Jail;
2. Since all of the arraignments will be held at the Orleans County Jail, the Orleans County Sheriff shall transport the defendant from the holding cells to the CAP Courtroom in the Orleans County Jail;
3. In the event a defendant is held after arraignment, in lieu of bail, then the On-Call Judge will provide the Orleans County Jail/Sheriff's Department with a securing order. The securing order shall have the defendant returned to the court of original geographic jurisdiction at the next available date and time; and
4. In the event the defendant is released on his or her own recognizance, then the On-Call Judge will provide the Orleans County Jail and the defendant with a Notice of Adjournment with the defendant's next court appearance date in the court of original geographic jurisdiction. If necessary, the defendant will be allowed to make a call, free of charge, to obtain a ride or transportation from the CAP. The defendant shall be allowed to stay in the waiting area of the Orleans County Jail, which is a heated, public facility, while waiting for his or her ride/transportation.

Dated: 01/07/2020

New York State Police Department

By:


(signature)

DAVID B FORSYTH, JR
(print name)