

## **RESOLUTION SUPPORTING FULLTIME DEFENDER OFFICES**

**WHEREAS** the State of New York has established a program of state aid to help counties pay for the salaries of fulltime district attorneys; and

**WHEREAS** the Legislature created section 183-a of the Judiciary Law which requires the district attorney of each county having a population greater than 500,000 to receive an annual salary at least equivalent to that of a justice of the State Supreme Court; and

**WHEREAS** Judiciary Law section 183-a requires the district attorney of each county having a population greater than 100,000 but less than 500,000 to receive an annual salary at least equivalent to that of the county court judge in the county of the district attorney's election or appointment; and

**WHEREAS** that same section requires the district attorney of each county with a population less than 100,000 that chooses to have a fulltime district attorney to receive an annual salary at least equivalent to that of the county court judge in the county of the district attorney's election or appointment; and

**WHEREAS** this economic incentive for counties to maintain fulltime district attorneys and offset the costs of the county prosecution mandate is supported by a public policy which favors, among other things, eliminating the potential for conflicts of interest, providing a foundation for prosecutorial career service, and statutorily elevating the prosecutorial function; and

**WHEREAS** the standards of the American Bar Association [ABA Standards for Criminal Justice, The Prosecution Function: Standard 3-2.3 (b) (3d ed. 1991)]; the National Advisory Commission on Criminal Justice Standards and Goals [NAC, Courts: Standard 12.1 (1973)], and the National District Attorneys Association [National Prosecution Standards, The Prosecutor: Responsibilities: Standard 1.3 (NDAA 1977)] support fulltime prosecutors; and

**WHEREAS** the standards of the Prosecutors Council of the State of New York (see L. 1974 Ch. .9) [Professional Standards for the Prosecution of Criminal Cases in the State of New York: "Fulltime Prosecutors" (June 1975 Draft)] support fulltime prosecutors ["The prosecution function in the state of New York should be performed by county district attorneys who are required and permitted to devote to it their full professional time and complete professional talent."]; and

**WHEREAS** as early as 1977 the New York State Division of Criminal Justice Services at the request of the Crime Control Planning Board explored eliminating federal Department of Justice funding to any county that used even part-time assistant district attorneys in New York; and

**WHEREAS** the New York State Association of Counties has been on record since 1993 supporting similar aid to be provided to chief defenders in the counties of this state; and

**WHEREAS** the ABA Standards for Criminal Justice [ABA Standards for Criminal Justice, Providing Defense Services: Standard 5-4.2 (3d ed. 1990)], the National Advisory Commission on Criminal Justice Standards and Goals [NAC, COURTS: Standard 13.7 (1973)], the National Study Commission on Defense Services, Report of the National Study Commission on Defense Services, Guidelines for Legal Defense Systems in the United States (NLADA 1976): Recommendation 2.9, and the standards of the National Legal Aid and Defender Association, Standards for Defender Services, National Legal Aid and Defender Association (1976): Standard I.2; III.3, all support the concept of fulltime defenders;

**NOW THEREFORE BE IT HEREBY RESOLVED** that the New York State Defenders Association respectfully requests that the Governor of the State of New York introduce legislation in the 2001 Legislative Session and that the Legislature pass such legislation requiring state aid to counties with fulltime chief defenders.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor of the State of New York, the Majority Leader of the New York State Senate, the Speaker of the New York State Assembly, the Chairs of the Codes Committees of the New York State Senate and Assembly, and the New York State Association of Counties.

**ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS OF THE NEW YORK STATE DEFENDERS ASSOCIATION.**

**July 27, 2000**  
**Kerhonkson, New York**