

Strategic Planning and Government Committee  
Monday, August 25, 2008  
10:00 A.M.

PRESENT: Arthur Ospelt, Chairman; Legislators Milferd Potter, Lee B. Walker, James Bryant, Jack Proud

EXCUSED: Legislators Mike Kunzwiler and James Oldenburg

GUESTS AND  
STAFF: Legislator Margaret Kastler, Stephen Loadwick, Judge Walter Hafner, District Attorney Donald Dodd, Mr. & Mrs. Pringle, Teresa Somers

The meeting was called to order at 10:05 A.M. by Chairman Ospelt.

MINUTES – The minutes of the July 28, 2008 meeting were approved upon motion by Legislator Walker, seconded by Legislator Potter with all in favor except Legislator Bryant who abstained as he was absent for the meeting.

#### PRE-TRIAL PROCESS – JUDGE HAFNER:

Judge Hafner stated that since the last meeting of this committee, he heard there were some things stated that he felt the committee should at least have the judicial perspective on cases moving through the Court. He reviewed the minutes and noted that Mr. Dodd stated that Judge Hafner is the only one that does the pre pleas investigations and it seemed that most of the cases that move through the correctional facility due to over crowding was judge Hafner. He brought some of the different reports that he receives for the committee to review so they could see exactly who is holding the persons currently that are in the correctional facility and to give the committee a clear perspective on how the cases move through the system. He provided a list as of last Friday of individuals who are not sentenced being held at the Oswego County Correctional Facility. He stated that you will see on the jail list which judges are holding those inmates at the facility, and there are only seven names on the list that have his name(as a securing order. 7 individuals of all of the current numbers that are there and these are pre-sentenced it does not show sentenced. The Judge then proceeded to explain the process to the members.

Some of the cases date back to 2005. One shows the attorney as one who is now an employee of the DA's Office. The judge stated that as Judge – he does not get to determine who gets arrested, who gets indicted when they get indicted or what charges they get indicted for. The prosecuting attorney's office does that, the Attorney General or the DA. He takes what is brought to him.

He stated that by reading the minutes it states that he is the only judge in Oswego County that orders a pre sentence report. If the person is incarcerated in Oswego County Jail the Probation Department needs 2 weeks, if outside 6 weeks, and 8 weeks if they are not in custody and they are outside of the County. The judge stated that he cannot sentence anyone to Probation or Incarceration if it is less than 60 days unless he has a pre--sentence report. Whether the individual comes to court and pleads guilty and then I order the report or I get it up front it makes no difference. It helps the Judge because he gets so little information. The facts and circumstances of a case are completely different when he gets the report as it gives history of the individual. He sentences almost all defendants on the same day they plead guilty because he has the report. So whether he gets it up front or waits it makes no difference and he stated that he is surprised that that was given as a reason for bottleneck because it is not.

The judge gave an example of an individual who is in jail for 224 days. Nothing has happened yet. At 114.00 a day it has cost \$25,536 to house this individual. Legislator Walker asked why there is no indictment the Judge stating you need to ask the DA.

Following further information from Judge Hafner, the Committee thanked him for attending.

A motion was made to adjourn by Legislator Walker, seconded by Legislator Proud with all in favor at 10:35 A.M.

Chairman Ospelt once again thanked both Judge Hafner and DA Dodd for their attendance.