

Watershed Police Face Court Test

The State Court of Appeals is reviewing whether the New York City Department of Environmental Protection Police had the authority to issue speeding tickets in Delaware County last year.

Delaware County District Attorney Richard Northrup so far has failed to convince town and county judges that the agency has law enforcement authority outside of reservoir property. The case has now gone to the state's highest court.

"Our position is that the geographical area of their jurisdiction is anything that's inside the watershed," he said. "The watershed is clearly defined as a particular geographic area, and it's not just on property owned by the city of New York."

The two speeding charges in question were initially heard by Hamden Town Justice Duane Merrill, who dismissed the tickets that had been issued in January 2003 on state Route 10. The justice court ruling was supported by Delaware County Judge Carl Becker in July.

"It's an issue that needs to be addressed because it has implications beyond this county and this is the most definite way to get a resolution of the issue by the highest court in the state," Northrup said. "Right now the DEP officers have very little authority in this county."

Critics of the city agency issuing tickets contend its jurisdiction is limited because residents have no ability to make leadership changes in the government responsible for actions of the officers.

Attorney Mathew Tully, who represents a Lake Katrine resident whose November 2003 ticket for improper passing was issued by Department of Environmental Protection Police in Hurley, said law enforcement actions against local residents has been excessive.

"I'm not disputing that they can make an arrest for murder," Tully said. "What I'm disputing is that under the law, they have to be within their geographical area of employment to give out a petty offense ticket such as a traffic infraction."

Northrup said questions about the authority have been addressed by state legislators.

"I think the law, as it is written, supports the position that they do have full police powers," Northrup said. "Section 1.20, subdivision 34 of the Criminal Procedure Law that says the following persons are police officers and it includes sworn officers of the water supply police of the city of New York."

Officials with the Court of Appeals said it will be about six months before arguments are heard and another six weeks before a decision is made.

Tully said if there is still action pending in the Hurley case, which is scheduled to be heard beginning Oct. 12, a decision on the Delaware County tickets would be binding.

"If that ticket is thrown out, every other one will get thrown out," he said.

