

## NYC Police Challenge to be Decided

A judge's decision in a pending traffic ticket case is considered critical by both sides in determining whether New York City Department of Environmental Protection police can wield authority over residents anywhere in the state.

Arguments are scheduled for 3:30 p.m. Oct. 12 in front of Hurley Town Justice John Parker, who was assigned after a lawyer for defendant Hugh Searles argued that a previous judge had improper discussions with Ulster County District Attorney Donald Williams' office about the case.

Williams has disagreed about whether the discussions would have affected the case, and said it is a distraction from questions that have brought his office into court on a traffic ticket issue.

"This office does not prosecute minor vehicle and traffic offenses because I would have to triple my staff to do that," Williams said.

"But it is my responsibility if I do not prosecute the cases to supervise or be sure that they are prosecuted properly," he said. "My policy is if there is a death, if there is a serious injury, if there is alcohol involved, or if there is a complicated legal issue, we will prosecute or assist in the prosecution. In this particular case the defense attorney has filed a very complicated legal issue concerning whether (New York City Department of Environmental Protection police) are legally empowered to issue traffic tickets."

Searles, a Lake Katrine resident, was ticketed Nov. 25, 2003, for passing another vehicle in a no-passing zone on state Route 28.

Williams said other cases could be impacted if New York City Department of Environmental Protection police are found to not have authority to issue tickets.

"Should there be a ruling that is adverse, that members of the DEP are not permitted to issue these traffic tickets, that potentially could have a far-reaching impact on much more serious cases," he said. "If the DEP is found to not have the power to make a stop and issue a traffic ticket, then if they were to make a stop and issue a ticket, and later find a body in the car or find evidence of substantial drug dealing, the admissibility of that evidence at a subsequent much more serious proceeding could be tremendously impacted."

Searles' attorney Mathew Tully said state law limits the type of law enforcement actions that can be taken by police.

"I'm not disputing that they can make an arrest for murder," he 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."

Williams said discussions have been conducted with New York City officials after concerns have been raised by area residents about the impact of a growing police presence due to security measures taken at the reservoir.

"They have expressed their concern ... that there were too many police officers in a small area and secondly that perhaps the DEP was overly aggressive in its ticketing of people in the area," he said. "I have met with representatives of the DEP from the top all the way to the chief and the chief's officers with that concern ... and I have been assured that they will make every effort to supervise the activities of the officers in the community."