

LOCAL LAW 8 OF 2016

Passed July 27, 2016

Local Law 8 of 2016 created the position of Town Constable. In the year preceding the adoption of this law, the Town of Cicero Courts had started utilizing officers from the Police Department, who were working overtime, to provide courtroom security. This practice was effective, as armed security with arrest powers was necessary, but it was also quite expensive. The position of Town Constable was created to save the taxpayers money without sacrificing skills, capability, or professionalism. Cicero Town Constables save the taxpayers of Cicero approximately 40% off of what they were paying previously for courtroom security. This position is part-time and Constables do not receive benefits.

NEW LAW

§ 14-1 Legislative intent.

It is the purpose and intent of this chapter to create the office of Town Constable, which shall be a part-time position and as authorized by the Criminal Procedure Law and the Town Law of New York, to perform such special duties for the Justice Court of the Town of Cicero as allowed by law.

§ 14-2 Establishment of office.

The Town of Cicero hereby establishes the part-time office of Town Constable, who shall be authorized to act in the capacity of uniformed court officer and shall have the responsibilities generally associated with such position in and about the Town Court as hereinafter set forth. Town Constables shall be appointed by the Town Board but shall work under the direct supervision of the Town Justices. The Town Board may appoint as many Town Constables as it desires and shall provide for the amount and manner of payment for their services.

§ 14-3 Qualifications.

All persons appointed as Town Constable shall be at least 21 years or older, shall have a high school diploma and a valid New York State driver's license, shall be authorized pursuant to the laws of the State of New York to possess and carry a handgun, and shall be certified as a police officer as defined in Subdivision 34 of § 1.20 of the New York Criminal Procedure Law, or a peace officer as defined by § 2.10 of the New York Criminal Procedure Law.

§ 14-4 Term.

Town Constables shall serve at the pleasure of the Town Board.

§ 14-5 Powers and duties of Town Constables.

Town Constables shall have, in addition to the powers granted hereinabove, those special duties, powers and responsibilities consistent and generally associated with a court officer in the State of New York, including but not necessarily limited to:

- A.** Attending sessions of the Town Court to maintain order and decorum in the courtroom;
- B.** Calming disruptive individuals;

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- C. Barring entry into secure areas of and about the courtroom;
- D. Addressing and attending to disruptive: prisoners, litigants and spectators involved in court proceedings;
- E. Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom;
- F. Escorting, guarding and delivering the judge and/or clerk to and from the courtroom, as may be required;
- G. Delivering materials to sequestered juries;
- H. Escorting court clerks with bank deposits to and from the court offices and courthouse to the bank if required;
- I. Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom;
- J. Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law;
- K. Effecting arrests as required and authorized pursuant to the rules and regulations of the Town of Cicero Police Department.

§ 14-6 Training.

All persons appointed as Town Constable shall undergo annual firearm and use of force training. In the case of Town Constables otherwise employed as police or peace officers, the training required as part of their other employment shall satisfy this section. In the case of a retired police officer or other police or peace officer who is not otherwise employed with another agency, such individuals shall attend annual firearm and use of force training with the Town of Cicero Police.

§ 14-7 Equipment.

- A. The Town Board shall, by separate resolution, designate the equipment that shall be carried and/or worn by Town Constables while on duty, and shall establish which of such equipment shall be supplied by the Town and which shall be supplied by Town Constables at their personal expense.
- B. The Town Board may, by separate resolution, establish standards and requirements for that equipment which shall be supplied by Town Constables at their personal expense.

§ 14-8 Severability.

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

§ 14-9 Supersession.

It is the intent of this chapter that the Town, pursuant to its Municipal Home Rule powers, hereby supersedes the requirements of Town Law §20 and any other law of the State of New York requiring a Constable as appointed herein to be a resident of the Town.

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§ 14-10 When effective.

This chapter shall take effect upon the filing thereof with the Secretary of State of the State of New York.