

RESOLUTION NO. - 2026

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2026 entitled "A LOCAL LAW repealing the authorization for the County Attorney to Present Criminal Proceedings related to Violations of Probation in the Criminal Courts in conjunction with the Department of Probation." The public hearing will be held at m. on the day of , 2026 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of Local Law that, if adopted by your Honorable Board, would repeal the authorization for the County Attorney to present criminal proceedings related to Violations of Probation in the Criminal Courts in conjunction with the Department of Probation.

Your Committee is informed that pursuant to the New York State Criminal Procedure Law, criminal defendants serving a sentence of probation are in the custody of the Criminal Court that imposed the original sentence and can be ordered by that Court to appear before it at any time. Probation Officers, in supervising probationers, notify the Courts of alleged violations of the conditions of their probation and these matters come before the Courts to determine the validity of those allegations. Where a hearing occurs, the probation officer is typically one of the witnesses. These violation of probation proceedings are part of the important task of monitoring probationers throughout the County of Westchester.

Your Committee is aware that the District Attorney is charged with the responsibility to conduct all prosecutions for crimes and offenses in the County of Westchester. Such prosecutions are deemed to be "criminal actions." Prior to March 1, 2003, the District Attorney, through the various Assistant District Attorneys assigned to the numerous Criminal Courts located throughout the Westchester County, handled all court appearances and presented evidence with respect to the aforementioned violations of probation. However, in 2003, the then District Attorney informed the County that due to the reduction in the District Attorney's operating budget, the District Attorney's Office would no longer present violation of probation proceedings, effective March 1,

2003. In the absence of the District Attorney and in an effort to continue the presentation of violation of probation proceedings to the Criminal Courts in conjunction with Department of Probation, the then-County Executive recommended that the County Attorney's Office participate in these proceedings.

Your Committee is informed that, in order to accommodate that recommendation, the Laws of Westchester County were amended to authorize the County Attorney to take such action. While Section 158.11(1) of the Laws of Westchester County provides that the "County Attorney of the County of Westchester ... shall have charge of and conduct all of the civil law business of the County of Westchester and its departments," violations of probation are criminal proceedings, and therefore not covered by that provision. Instead, a sentence was added to the end of that section allowing the County Attorney to appear in these limited criminal proceedings. This grant of authority to the County Attorney did not preclude the District Attorney from handling violations of probation. Based upon this grant of authority in 2003, the County Attorney, rather than the District Attorney, presented violations of probation in the criminal Courts for several years. During that period, the County Attorney's Office had several attorneys whose primary role was presenting these cases. Eventually, the District Attorney's Office did resume handling these matters and continued to do so until 2026. The County Attorney ceased handling any of these matters until 2025.

Your Committee is aware that the current District Attorney, who was elected in 2024, had been a sitting County Court Judge for over 20 years. As a result, some violations of probation are for defendants that came before her when she was a sitting Judge, which has led the District Attorney to declare conflicts of interest. In an effort to assist the Court and the Department of

Probation, and based upon the authorization contained in the Laws of Westchester County, the County Attorney's Office has been handling the conflict violations of probation matters since early 2025. These matters require multiple court appearances and hearings, requiring significant resources from the County Attorney's Office.

Your Committee is informed that the District Attorney recently indicated that her office would no longer handle any violations of probation beginning in 2026. If the County Attorney's Office is tasked with handling all of the violations of probation in the County, it would place a tremendous burden on the Office. The County Attorney's Office simply does not have the adequate resources or expertise to continue to handle these criminal matters. Unlike lawyers in the District Attorney's Office, most lawyers in the County Attorney's Office have little to no experience handling criminal matters. Further, adding hundreds of additional cases a year, which are located in both county and local courts all across Westchester, would require a significant amount of attorney hours, and would reduce the Office's ability to handle the civil litigation that is its primary function. As such, the County Attorney's Office cannot handle these violations of probation.

Your Committee believes that the language added to Section 158.11 of the Laws of Westchester County in 2003, allowing the County Attorney's Office to handle violations of probation, may create an unrealistic expectation that the Office will do so, even though it is not a mandatory obligation of the County Attorney. Therefore, this Local Law will amend the Laws of Westchester County to repeal the authorization for the County Attorney to handle violations of probation. This will ensure that the County Attorney continues to effectively carry out the legally mandated duties of handling all civil legal matters involving the County of Westchester, and will

remove any confusion over whether the County Attorney will handle violations of probation when the District Attorney declines to present these criminal proceedings.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee after careful consideration recommends that the attached Local Law be adopted to repeal the authorization for the County Attorney to present criminal matters related to Violations of Probation in the criminal courts.

Dated: May 18, 2026  
White Plains, New York

*[Handwritten signature]*  
Coti O'H  
Aurora  
Young & Seun  
Vedat Gashi

*[Handwritten signature]*  
Coti O'H  
Vedat Gashi

COMMITTEES ON

Legislation

Public Safety & Veterans

Dated: May 18, 2026  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

*Emiliana Ulag*

*Jenna Pujar*

**COMMITTEE ON**

**Legislation**

# FISCAL IMPACT STATEMENT

SUBJECT: Amendment of Section 158.11  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$                     -

Total Current Year Revenue \$                     -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations  Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A local law repealing the authorization for the County Attorney to present criminal proceedings related to Violations of Probation in the Criminal Courts in conjunction with the Department of Probation.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: February 4, 2026

Reviewed By: 

PH  
Budget Director

Date: 2/4/26

LOCAL LAW NO. – 2026

A LOCAL LAW repealing the authorization for the County Attorney to present criminal proceedings related to Violations of Probation in the Criminal Courts in conjunction with the Department of Probation.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. Subdivision 1 of Section 158.11 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 158.11. Powers and duties.

1. The County Attorney of the County of Westchester when appointed as provided in section 158.01 of this act shall have charge of and conduct all of the civil law business of the County of Westchester and its departments. ~~They~~He shall have charge of and conduct all legal proceedings instituted for and on behalf of or against the county and shall prepare and approve as to form, all leases, deeds and contracts of the county which are to be executed by the county executive or on behalf of the county board, also all contract bonds and/or undertakings executed to the county, and certify that the same are in proper form and properly executed. ~~In addition, the County Attorney shall also have the authority to present criminal proceedings relating to Violations of Probation to the Courts in conjunction with the Westchester County Probation Department.~~

Section 2. This local law shall take effect immediately, except that it shall not apply to violations of probation for which the County Attorney's Office has an active appearance as of the date of this enactment.