

SAUGERTIES NEWS

COMMUNITY

ALMANAC

OPINION

CLASSIFIEDS

ABOUT US

ULSTER PUBLISHING



CRIME / GOVERNMENT

Civil liberties groups outraged by DSS warrant checks

by JESSE J. SMITH on Nov 7, 2014 • 6:30 am



Debra Miller and Joseph Barbarito of Kingston, Jay Wenk of Woodstock, Nic Abramson of Shady protest outside of the Ulster County Department of Social Services on October 29. Their ire is directed at the Ulster County Sheriff's Department's new policy of requiring those, including case workers, clients and family members, who enter the Social Services department to present identification and be checked for outstanding warrants. (photo by Phyllis McCabe)

The Ulster County Sheriff's Office's new policy of running warrant checks on visitors to the county's Department of Social Services office has drawn harsh criticism from a pair of civil liberties groups. While objections led County Executive Mike Hein to request a review of the policy by county lawmakers, legislative leaders said this week they have no control over police operations.

Under the policy instituted by Sheriff Paul VanBlarcum last month, all visitors to DSS headquarters on Ulster Avenue in the Town of Ulster must present identification to deputies at a security checkpoint. The names are then checked against a nationwide database of active arrest warrants. If a visitor is found to have a warrant, they are detained while deputies contact the agency which issued the order to ask if they want to initiate an arrest. During the first week the policy was in effect, five people were arrested on outstanding warrants there; another 10 were found to have active warrants, but released when police agencies declined to come and take them into custody.

VanBlarcum has described the warrant checks as a common sense solution. Visitors to DSS with outstanding warrants would either be arrested or be encouraged to clear up their legal issues before



845-679-5361 woodstock, n.y. DOWNLOAD OUR FREE MOBILE APP

LOWEST PRICED KITCHEN CABINETS



Highest design talent and lower prices than the box stores for semi-custom and custom cabinetry.

FUNCTIONAL SCULPTURE CABINETS & TILES

literally **HUNDREDS** of things to do every week in the print edition of calendar & almanac

<SUBSCRIBE>

applying for benefits, the sheriff argues.

The New York Civil Liberties Union and the National Center for Law and Economic Justice, however, see things differently. In an Oct. 30 letter addressed to Hein, VanBlarcum and county legislative leaders, attorneys for both groups asked the county to rescind what they termed a “misguided and unlawful policy.”

The letter from NYCLU staff attorney Mariko Hirose and NCLEJ senior attorney Laura Redman included 13 citations of case law. It pointed to three legally suspect issues with the warrant checks. First, the letter argues, the warrant checks would “deter and discourage” people from seeking assistance from DSS and thus violates the spirit of state and federal benefits law. Second, the attorneys call the warrant checks a constitutionally impermissible overreach of police powers. They write that the warrant checks do not appear to be intended to enhance safety at the facility and note that while courts have approved metal detector searches for the purpose of maintaining security in government buildings, the checkpoints cannot be used for “general criminal control.” Last, the letter points out, visitors to other county buildings are not subject to warrant checks. By singling out visitors to DSS, they argue, the policy violates a legal tenet which holds that the government cannot treat classes of citizens differently without showing some legitimate state interest. If a policy has a greater impact on racial minority groups, it must pass a stricter “compelling interest” test.

“Here, we cannot discern even a reasonable basis for subjecting visitors to DSS, but not other visitors to county buildings, to this discriminatory treatment, much less a compelling basis,” the attorneys wrote.

Redmond, whose group routinely deals with cases involving access to benefits, said she had never come across policy of blanket warrant checks at a DSS facility. Instead, Redmond said, she often saw more subtle policies that had the effect of deterring people seeking access to benefits. She cited a case in Columbia County where officials limited hours at a DSS facility, making it more difficult for working single parents to make appointments.

“Irrespective of motive, policies and practices that deter people from going to DSS and applying for benefits that they are legally entitled to is something that concerns us,” said Redmond. “Often it’s just very well-meaning agency staff making a decision sitting in their office without thinking about the impact on low-income working families.”

It’s up to the sheriff

Redmond and Hirose said that they hoped the letter would encourage county leaders to rethink the policy. But it remains unclear whether anybody, save VanBlarcum, has the power to change it. In a letter to legislative leaders written one week before the attorneys’ missive, County Executive Hein suggested they take up the issue at their next meeting. Hein wrote that the legal review conducted by DSS staff focused on a very narrow question: whether the warrant checks violated the agency’s confidentiality rules. Hein added that he did not want to second-guess VanBlarcum’s judgment when it came to providing security at county buildings. But, Hein wrote; “I believe this new protocol raises a series of much larger policy issues that should be reviewed and discussed by the applicable legislative committees and that an overall policy must be set by the county legislature.”

Legislative Chairman John Parete, meanwhile, expressed disbelief at the notion that county lawmakers had the means to change police practices.

“Can I tell [VanBlarcum] that I don’t want him writing tickets on Route 28, or 9W too?” said Parete. “I don’t know that the legislature has the authority to tell the sheriff how to conduct law enforcement operations. I’ve never heard of that.”

Parete added that he knew VanBlarcum well and did not believe the sheriff would have instituted the warrant checks without a sound reason based on his decades of police experience. Parete, though, said that he had at least some reservations about the potential impact of the new policy on children. He said he was concerned that kids could be traumatized seeing their parents arrested at the security checkpoint, or that they would not receive food stamps or other benefits because their parents feared going to DSS.

“If kids are losing their benefits for things that are totally beyond their control,” said Parete, “then maybe we have to find another way to track warrants.”

HUDSON VALLEY RESTAURANT WEEK

RESERVE FIRST

NOV 3-16

14 DAYS | \$20.95 LUNCH | \$29.95 DINNER

HudsonValleyRestaurantWeek.com

Here's looking at you, kid

KIDS' ALMANAC

In other news



House candidates pull no punches in raucous second debate



That's the ticket!



Are Saugerties police giving village short shrift?




Ready for anything



Ulster deputies running warrant checks at social services

Comments

0



Add a comment...

Also post on Facebook

Posting as Laura Redman
(Change)
Comment

Facebook social plugin

Only a fraction of the material published in each week's Saugerties Times makes it to our website. To read all about local government, schools, people of interest, arts and entertainment, classifieds and the region's best calendar, [subscribe](#) today for just \$30 a year.

Previous post

The cost of garbage removal keep spiraling upward

Next post

Town noise ordinance seeks to put a number on annoyance