

CSEA expands legal services to members carrying firearms for work

CSEA is pleased to announce an expansion of its Legal Assistance Program to provide legal services to all our CSEA members who carry firearms as part of their CSEA covered job requirements, for certain job-related incidents requiring legal counsel.

This new Legal Assistance Program coverage was approved by the CSEA Board of Directors at the Board's January 2009 meeting. Numerous CSEA members carry firearms in the course of their jobs, including those who work in investigations, probation, and other areas of law enforcement.

There are times during the course of an employee's duties when physical force, including the discharge of a firearm,

may be used to affect arrests.

Sometimes these events come into question by others, including the District Attorney covering the county in which the incident occurs. If such an investigation should arise, our Legal Assistance Program will now be able to provide expert legal representation.

As part of our Legal Assistance Program, CSEA-provided representation to a CSEA member involved in the use of force will be available 24 hours a day, seven days a week. Our pilot program coverage is as follows:

1. Covered Incidents: Gun discharge, use of baton or other weapon

dispensed by, or at the employer's direction, or other use of force in the line of duty in such fashion as to result in the commencement of a law enforcement agency investigation that could result in criminal charges against the employee.

2. Attorney Contact:

Covered employees can contact the CSEA funded attorney for advice and appearance on their behalf. The attorneys assigned to each region are as follows:

Regions 1, 2, 3:

Jim Moschella, Esq.,
Karasyk & Moschella, LLP
225 Broadway, 32nd Floor
New York, N.Y. 10007
(212) 233-3800
(24 hours)

Region 4:

Eugene Grenz, Esq.
113 Great Oaks Office
Park, Albany, N.Y. 12203
(518) 464-1700
(24 hours)

Region 5:

Edward Dunn, Esq. Dunn
Law Office
333 East Onondaga St.,
2nd Floor, Syracuse, N.Y.
13202
(315) 474-4648 (Office)
or (315) 427-5881
(After hours)

Region 6:

Dan Henry, Esq.
Villarini & Henry
16 Main Street Hamburg,
N.Y. 14075
(716) 648-0510 (Office)
or (716) 361-3520
(After hours)

3. Scope of Coverage:

Attorney would be available to respond to a "call out" by an employee

facing the initial phase of an incident investigation that occurs immediately after a "covered incident."

Upon receiving a "call out," the attorney would determine whether his/her presence is necessary and, if so, proceed to the site of the initial investigation.

Attorney would also appear at subsequent meetings, if any, with district attorney while matter is being considered for presentation to grand jury. Attorney would also appear at any grand jury convened to consider criminal charges against the employee.

If criminal charges are issued, CSEA funded representation would cease. Employee would be responsible for his/her costs of continued representation by the attorney and/or securing other representation for his/her defense.

CSEA funded attorney would be permitted to represent employee, at employee's request, with the cost of such continued representation being agreed to in writing by the employee and the attorney under terms clearly providing that once criminal charges are issued, the employee is fully responsible for the costs of his/her representation.

If there are any questions or comments regarding this program, please feel free to contact CSEA Legal Assistance Program at 1-800-342-4146 extension 1443.