

APR 08 2019

Greene Co Legislature

**ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY  
PUBLIC DEFENDER FOR THE CALENDAR YEAR 2018**

In 2018, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1911 new cases. There were 466 cases involving family court matters and 1445 cases dealing with criminal matters. The Office had a total of 376 felony cases, 843 misdemeanor cases and 58 cases dealing solely with non-criminal violations. The remaining cases were comprised of other violations and miscellaneous matters. **See Figure 1 and Figure 2 annexed hereto below.**

The Office continued to represent clients in support violation proceedings, parole violation hearings and appeals, Habeas Corpus petitions, Article 81 guardianship cases, Sexual Offender Registration Act (SORA) hearings, applications for an early termination of probation, and applications for a certificate of relief from disabilities. In addition, the Office advocated on behalf of clients who have been sentenced to prison, and whose cases are technically closed, but who have discovered errors in their criminal record or who have not been given credit for time served in local jail.

The number of cases handled by the Office in the year 2018 saw an increase from the previous year by 39 cases or 2.08%. The increase during the year 2018 was primarily due to the increased levels from all type of cases that this office handles and the trend in amount of criminal activity appears to be rising. The total number of criminal court cases increased from 1264 cases in 2017 to a total of 1445 cases in 2018. The number of felony increased by 36 cases or almost 10.6%. The number of misdemeanor cases decreased by 14 cases or almost 1.6%. The total number of family court cases increased by 9 cases or almost 2%. **See Figure 3 and Figure 4 annexed hereto below.**

The year 2018 saw a decrease in the number of jury trials and bench trials from the previous year. One possible explanation for this is that there was a reorganization of attorneys assigned to specific courts with the mindset of reducing caseload per attorney. This enabled the attorneys of the Office to spend more time on cases and with clients. The additional time allowed for better preparation of cases, discovery of inconsistencies with evidence and police work and more time to discuss with clients the specific circumstances surrounding a case. All of this permitted the attorneys to argue more zealously for their clients, potentially resulting in better plea bargains.

The Office continued to be a member of Greene County's Drug Court where the Office appeared on a weekly basis as a community stakeholder. The Office provided valuable insight throughout the drug court process and protected the rights of drug court participants. Additionally, there were times when the Office's clients were not appropriate or selected for Drug Court, but had a desire to begin the process of

recovery. When these clients are incarcerated or facing exposure to significant incarceration, the Office provided hands-on assistance that in other counties is handled by social workers. The Office initiated contact with treatment facilities and insurance companies and the Office arranged for the transfer of medical records. The Office set up treatment screening interviews at the county jails and made applications to courts for clients to be released to treatment, both of which require a Judicial Order written by the Office for those clients that are incarcerated. The Office remained the liaison between the facility, the Court, and the client for the duration of the case.

The Greene County Public Defender's Office experienced a new burden in year 2018 with the closing of the Greene County Jail. Clients previously incarcerated in Greene County Jail were relocated to either the Ulster County Jail or Columbia County Jail. This provided an increased obstacle for attorneys to have regular face to face contact with their clients. It is expected that the construction and completion of a new Greene County Jail will ease the burden on this office both in travel expenses and time expenses.

An additional burden on this Office created as a result of the closing of the Greene County Jail is increased court appearances for alleged parole violators. Prior to the closing of the jail, hearings involving parole violations occurred monthly at the Greene County Jail. After the closure of the jail, the hearings occur weekly at the Ulster County Jail and monthly at the Columbia County Jail. As a result, this Office appears four (4) additional times per month for parole violation hearings. This additional burden is being accommodated by this Office with its current staff. However, it is anticipated that additional staff will become necessary to provide representation at these additional court dates.

As a result of a new grant that became available, the Office began appearing on October 1, 2018 at all arraignments both during business hours and after business hours, in the towns of Athens, Cairo, Catskill, Coxsackie and the village of Catskill. This grant is part of a statewide initiative to increase the amount and quality of representation that Public Defender's Offices provide. Attorneys are now provided to counsel and represent clients from the first appearance in court and are able to advocate for the release of clients. The Office has successfully argued for the release of clients so that they may continue working, receive mental health and drug/alcohol abuse treatment, care for family members and continue paying their expenses. There is an additional benefit of saving a considerable expense to the county who bears the cost of those incarcerated in the county jail. The Office expects that by having representation at every possible stage of a criminal prosecution, all of our clients will benefit from the continuity of representation and ultimately there will be less individuals inappropriately incarcerated in Greene County.

During the year 2018, the Greene County Public Defender's Office represented clients for a total of 131 arraignments. Of these, 59 were felony arraignments, 69 were misdemeanor arraignments, 2 were non-criminal violation arraignments, and 1 was family court related arraignment. For the felony arraignments 37 clients had bail set during the arraignment, 20 clients were released on their own recognizance and 2 clients were remanded to jail without bail. For the misdemeanor arraignments 29 clients had bail set and 40 clients were released on their own recognizance. For the non-criminal violation arraignments both were released on their own recognizance. Finally for the family court related arraignment that client was released on their own recognizance. **See Figure 5 and Figure 6 annexed hereto below.**

In light of the grant allowing for counsel at first appearance, this Office noticed a trend showing a decrease in the amount of arraignments that occurred in the covered courts since the inception of the program. For October, there were 51 arraignments of which 22 dealt with felony matters and 28 dealt with misdemeanor matters. For November, there were 37 arraignments of which 11 dealt with felony matters and 25 dealt with misdemeanor matters. For December, there were 43 arraignments of which 26 dealt with felony matters and 16 dealt with misdemeanor matters. What is significant with these numbers is the decrease in the amount of misdemeanors being arraigned. One possible explanation for this decrease is due to increased advocacy that is available to clients now that they have representation at the arraignments. In being present at the arraignment, the court hears arguments from both the prosecution as well as from the defense which permits a more informed decision by the court and furthers justice. This more informed decision appears to be resulting in more released clients than in the past. It is the Office's belief that due to the increase in the amount of clients that are released at arraignment law enforcement may be issuing more appearance tickets requiring clients to appear at court at a later date rather than be arraigned immediately by a local Justice.

Every year the Office experiences a challenge with our Assigned Counsel cost. Ethics rules that govern all attorneys require outside assignment of counsel whenever a conflict of interest arises and the Office has no method to predict when and how often such a conflict will arise. As such, this makes the cost of Assigned Counsel difficult to project or limit. In year 2018, the cost of Assigned Counsel increased from the previous year by just above 15%. Despite the increase, the cost in 2018 did not return to the high level of Assigned Counsel cost experienced by the Office in 2016. The Office continues to look at options for reducing this cost such as sharing services with neighboring counties or by utilizing a conflict defender program.

The Office continues to improve the contact that it has with clients that are incarcerated in county jail and state prison. The Office has ensured that clients are able to contact their attorneys now that they are located in different county jails. Clients are

able to make free telephone calls to their attorneys to discuss case updates and concerns. In addition, public defender investigators travel to interview clients face to face at the outset of their case and on an as needed basis. This is in addition to any regular contact that the attorneys have with clients. The Office strongly feels that it is vital to the attorney client relationship to have regular in person contact and will continue to so despite clients being located outside of the county.

Attorneys have a requirement to receive continuing legal education to remain abreast of the latest case law developments and trial techniques. The Office's attorneys receive training on material that is relevant to criminal and family law which allows the Office to provide the most effective services and representation.

As your Public Defender, my goal is to provide quality and effective representation for all persons utilizing the services of the Office. While it is my belief that the Office has made great strides and is succeeding in this goal, I encourage the public to provide any suggestions so that the Office may continue to improve.

Respectfully submitted,

Angelo F. Scaturro, Esq.  
Greene County Public Defender

Figure 1:

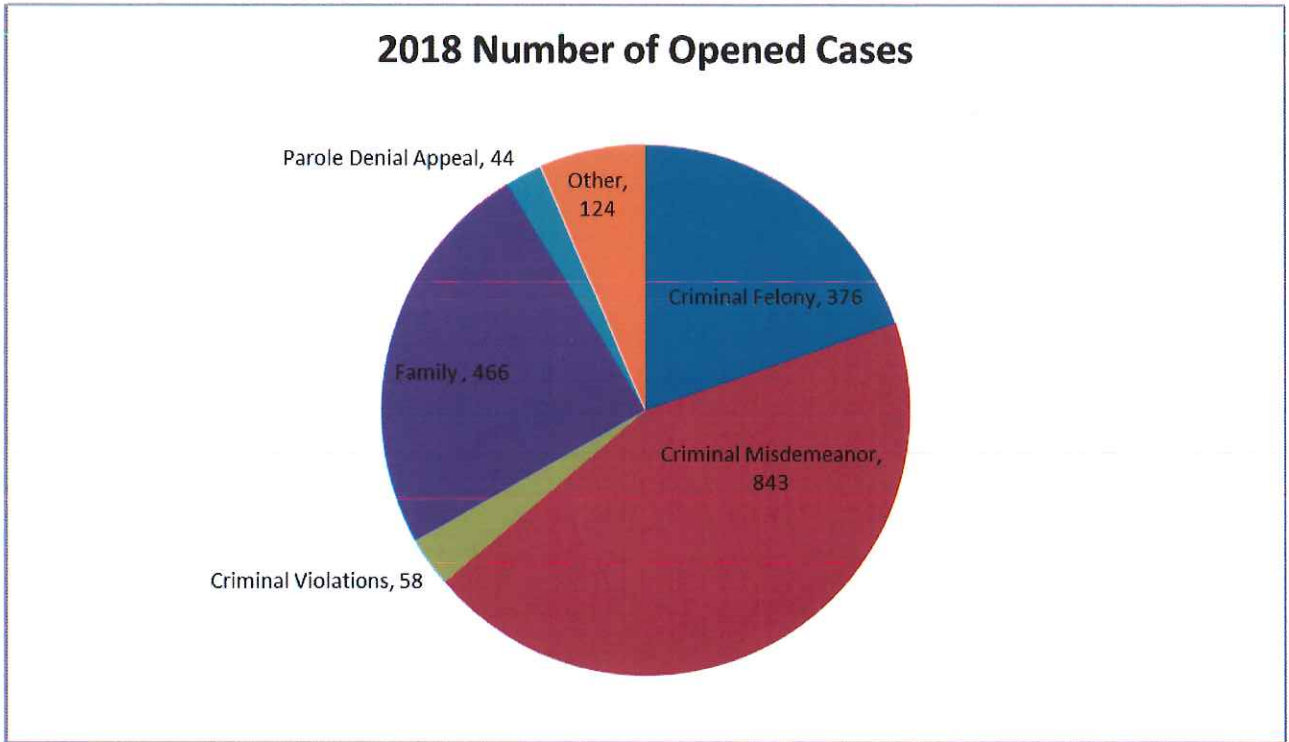


Figure 2:

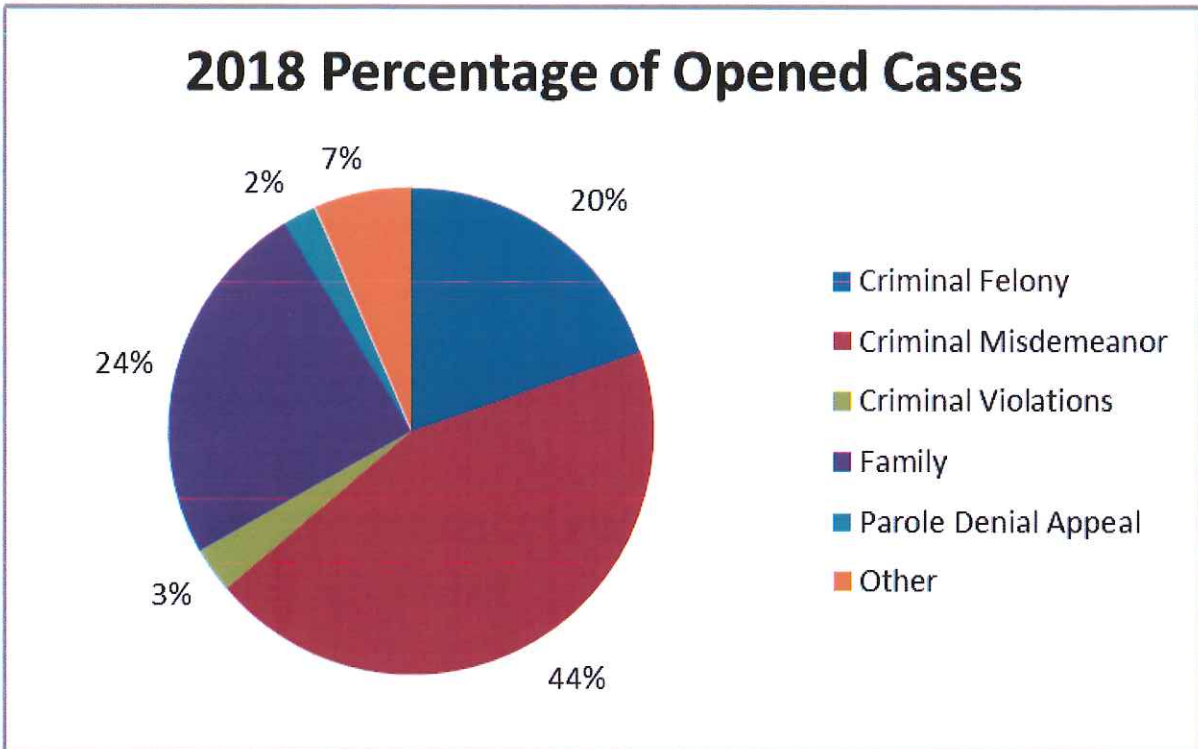


Figure 3:

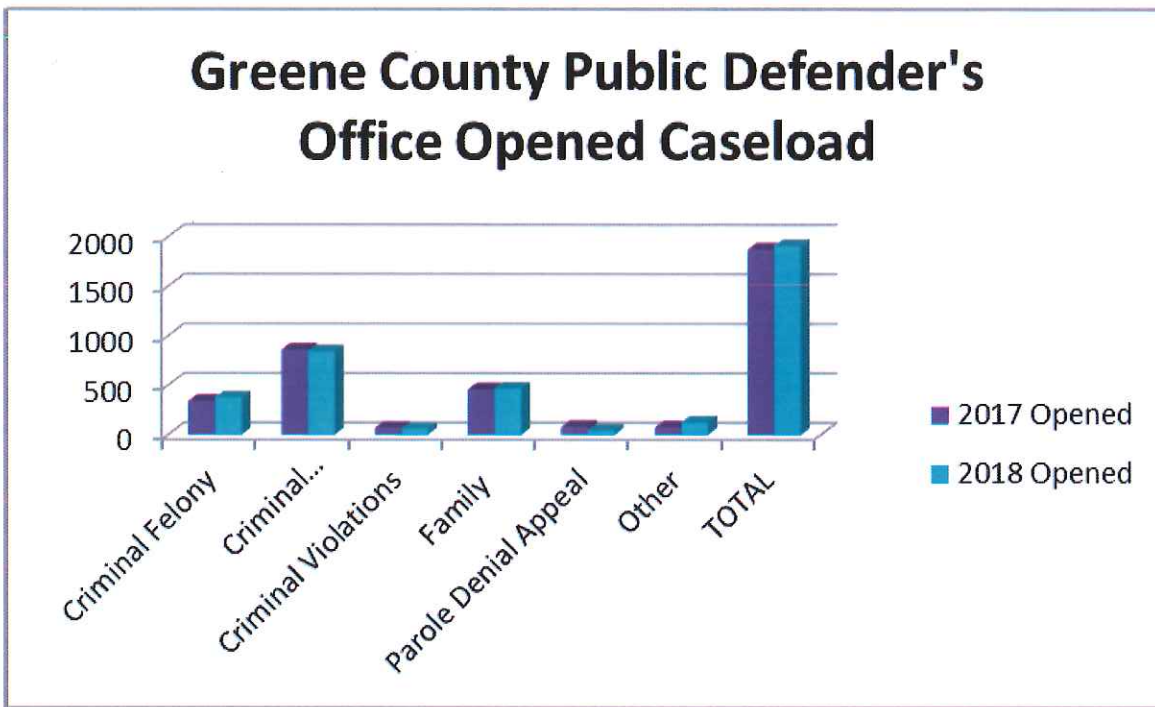


Figure 4:

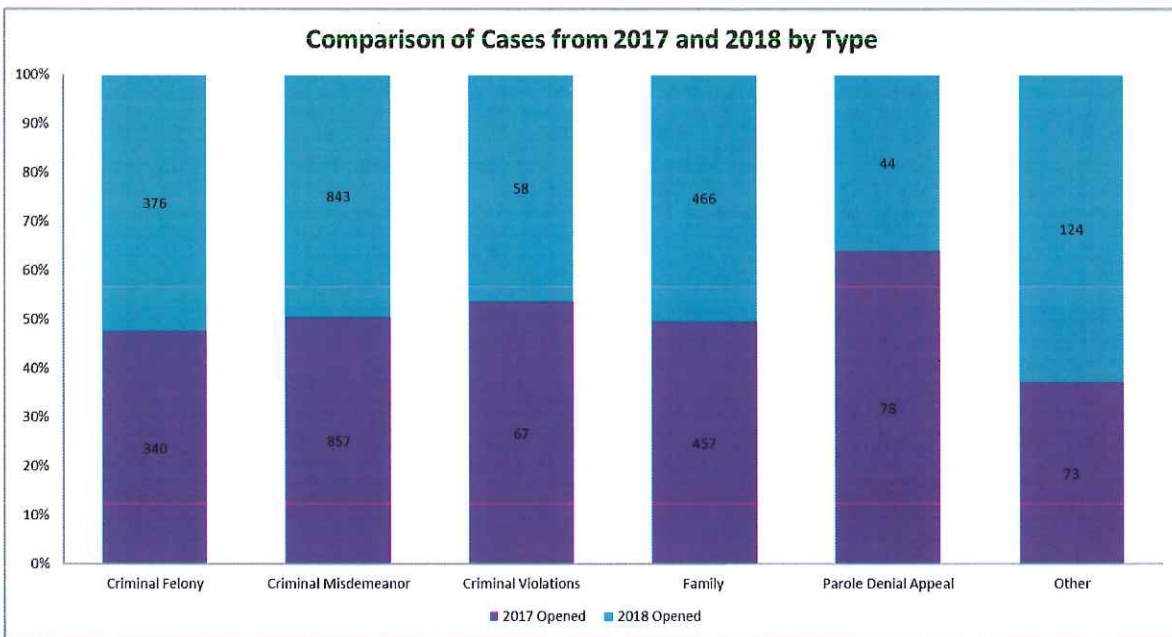




Figure 5:

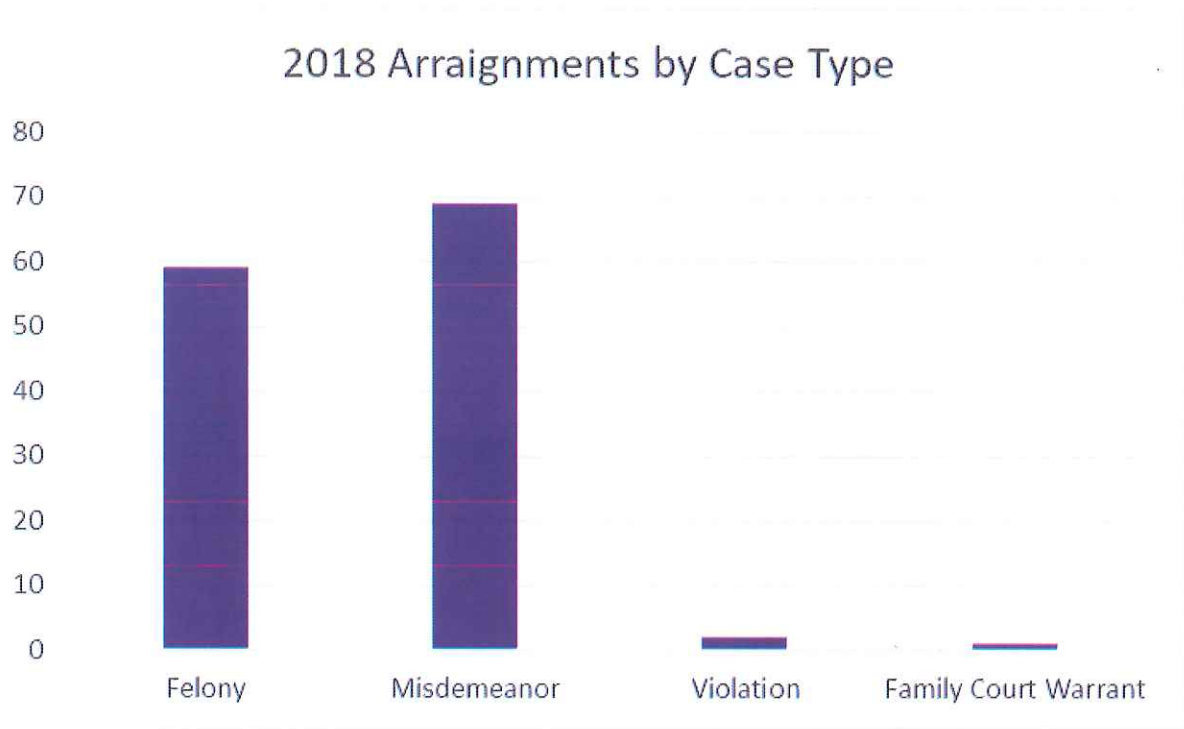


Figure 6:

