

ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE CALENDAR YEAR 2019

In 2019, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1890 new cases. There were 437 cases involving family court matters and 1453 cases dealing with criminal matters. The Office had a total of 344 felony cases, 875 misdemeanor cases and 151 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 2019 saw a decrease from the previous year by 21 cases or 1.1%. The total number of criminal court cases increased from 1445 cases in 2018 to a total of 1453 cases in 2019 or almost .7%. The number of felony decreased by 32 cases or almost 8.5%. The number of misdemeanor cases increased by 32 cases or 3.8%. The number of non-criminal violation cases increased by 93 cases or almost 160.3%. The total number of family court cases decreased by 29 cases or almost 6.2%. **See Figure 3 and Figure 4 annexed hereto below.**

The Office was able to hire 4 additional employees for year 2019. They were one full time attorney, one part time attorney, one full time paralegal, and one part time data officer. These positions are entirely funded by a New York State grant and are of no additional cost to the county. This grant was issued as a result of New York's desire to better fund public defense to provide fair and effective representation to the indigent. This grant required creating additional positions in the office to decrease workload per employee. It is expected that this grant will continue for at least 5 years.

The year 2019 saw a decrease in the number of jury trials and bench trials from the previous year. One possible explanation for this is that due to the additional employees hired, there was a reorganization of attorneys assigned to specific courts with the mindset of reducing client 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 aforementioned clients were 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 continuing burden in year 2019 with the closing of the Greene County Jail. Clients previously incarcerated in Greene County Jail were relocated to the Albany 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, in the future, 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 occurred twice weekly at the Albany County. As a result, this Office appeared up to ten (10) additional times per month for parole violation hearings. This additional burden was accommodated by the two additional attorneys hired during year 2019 at no additional cost to the county.

As a result of a separate grant that became available in 2018, the Office continued appearing in 2019 at all arraignments both during business hours and after business hours, in the towns of Athens, Cairo, Catskill, Coxsackie and the village of Catskill. We also were available to appear at arraignments on appearance tickets at all courts within Greene County. This grant, along with the other grants afforded to the Office, is part of a long term 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, and/or care for family members. Releasing clients creates 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. An added benefit of appearing at arraignments is that the Office can be more efficient by potentially getting inappropriate and/or errant charges dismissed at arraignment reducing future workload.

As expected, the implementation of appearing at the outset of criminal cases had multiple positive benefits. Proper review of criminal charges by an attorney at the outset of a case ensured that people were properly charged. This potentially explains why the Office saw an increase in misdemeanor charges and a decrease in felony charges. The Office worked and continues to work zealously to ensure that clients are not overcharged for potential criminal actions. Additionally, having legal representation at the outset of a criminal case potentially explains why the Office saw a decrease in the number of trials for year 2019. Having attorneys involved in the case earlier ensured that our clients had their legal rights protected and dispositions were reached quicker and more efficiently resulting in decreased cost to the county.

During the year 2019, the Office represented clients for a total of 809 arraignments. These included arraignments that resulted from an arrest and from the issuance of an appearance ticket. Of these, 418 arraignments were a direct result of a client being arrested and immediately arraigned by a judge while they were in police custody. These arraignments can occur at any time, both during and after business hours. The Office received funding from a state grant to appear at these arraignments. Out of the 418 arraignments, 215 were felony arraignments, 176 were misdemeanor arraignments, 8 were non-criminal violation arraignments, and 19 were family court related arraignments. These 418 arraignments resulted in 157 clients having bail set, 220 clients released on their own recognizance and 58 clients remanded to jail without bail. New York State law requires that individuals charged with certain high level felonies be remanded without bail and those who are arrested who have 2 prior felony convictions must be remanded without bail at the initial arraignment. This potentially explains why certain clients did not receive bail. At this point, the Office is unable to discuss any monthly trends for arraignments as the program is too new but the Office is expecting to do so in upcoming years. **See Figure 5 and Figure 6 annexed hereto below.**

The Office voluntarily expanded, at the request of multiple local court judges, its arraignment program to cover all arraignments in the county. This resulted in 391 additional arraignments which included 36 were felony arraignments, 316 were misdemeanor arraignments, 31 were non-criminal violation arraignments and 8 were

arraignments on other matters. Having an attorney present is vital to protect rights of the client all possible stages of a criminal action. Attorneys from the Office are able to provide an application for our services to the individual immediately following the arraignment. Having contact at the initial stage helped the individual gain trust in the system and the Office which overall makes the representation more efficient and effective.

Every year the Office experiences a challenge with the Assigned Counsel cost. Attorney's Ethics rules require an outside assignment of counsel whenever a conflict of interest arises. 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 2019, the cost of Assigned Counsel decreased from the previous year by approximately 12.7%. One possible explanation for the decreases is that there has been a push to utilize mediation to resolve conflicts that may otherwise end up in family court. This could explain why there were fewer family court cases in 2019 and a decreased need for conflict attorneys for family court cases. 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 continued 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 do 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 provided a free Continuing Legal Education (CLE) class to the Office's attorneys and conflict attorneys to better improve the representation of clients' who were veterans. This was an in depth, 4 hour long, training and approximately 15 attorneys attended this training. The Office's attorneys also received further training on material that is relevant to criminal and family law which allows the Office to provide the most effective services and client 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:

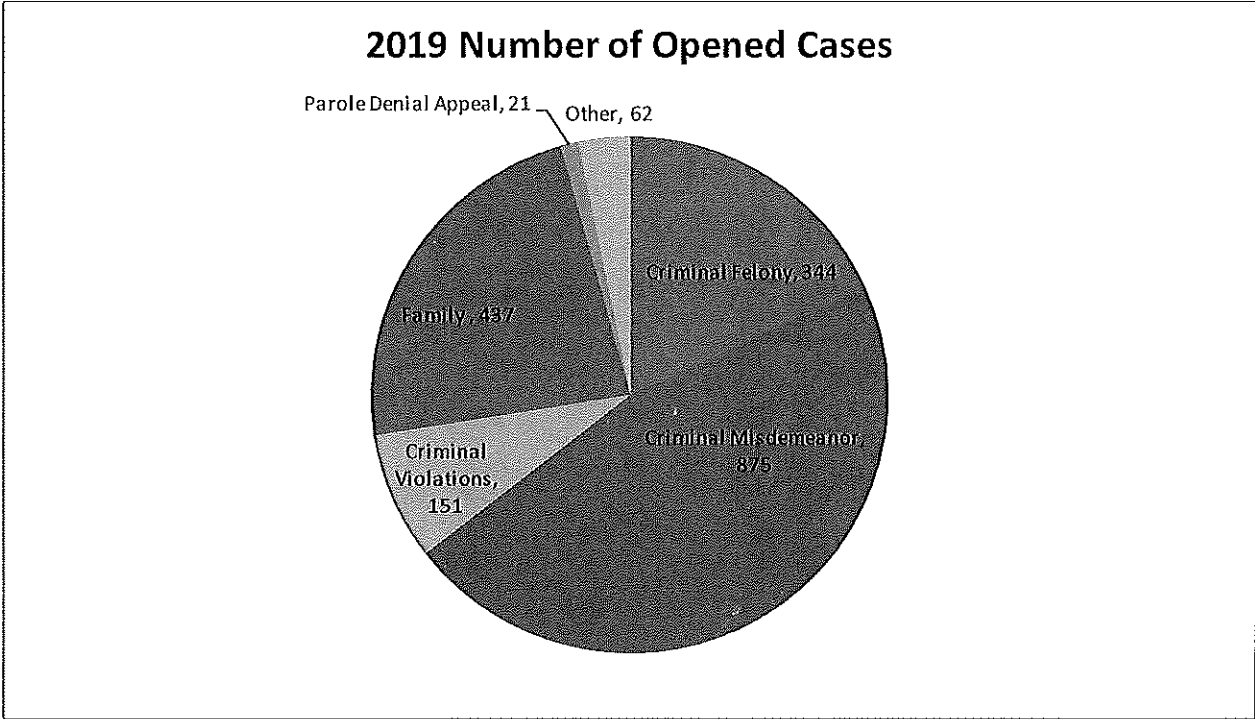


Figure 2:

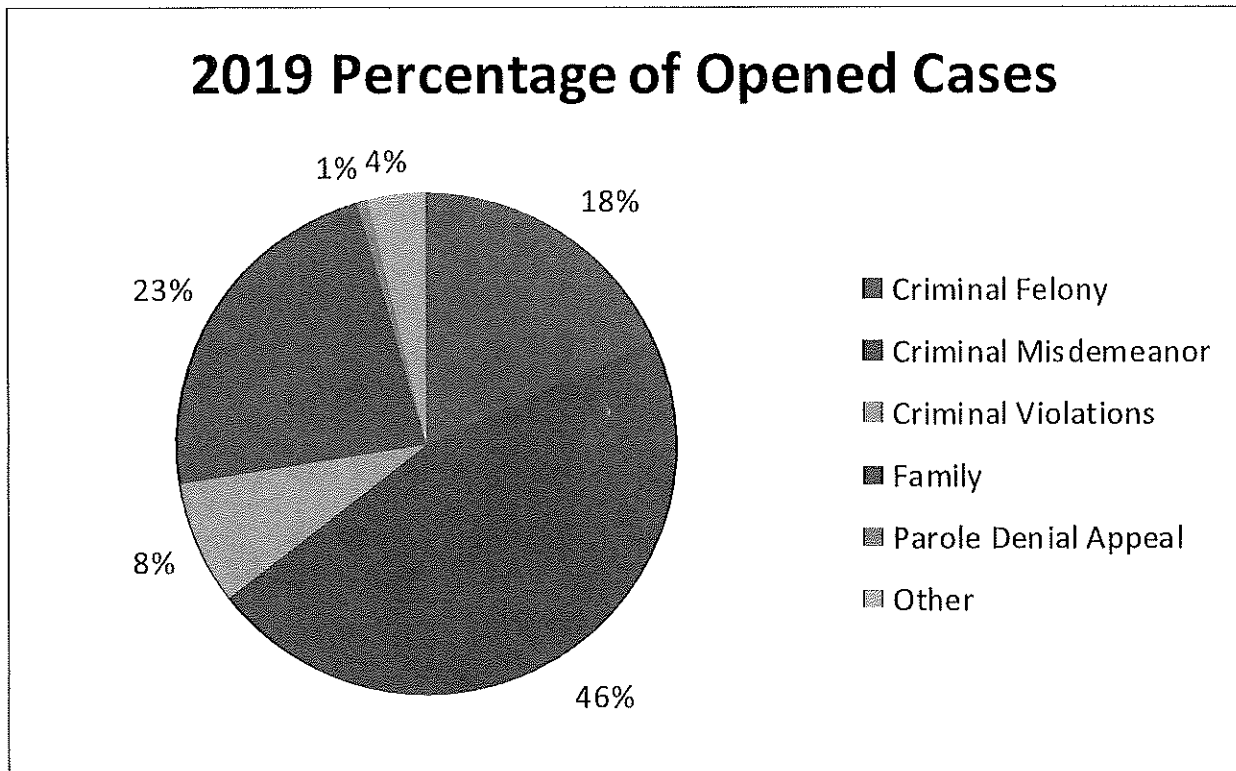


Figure 3:

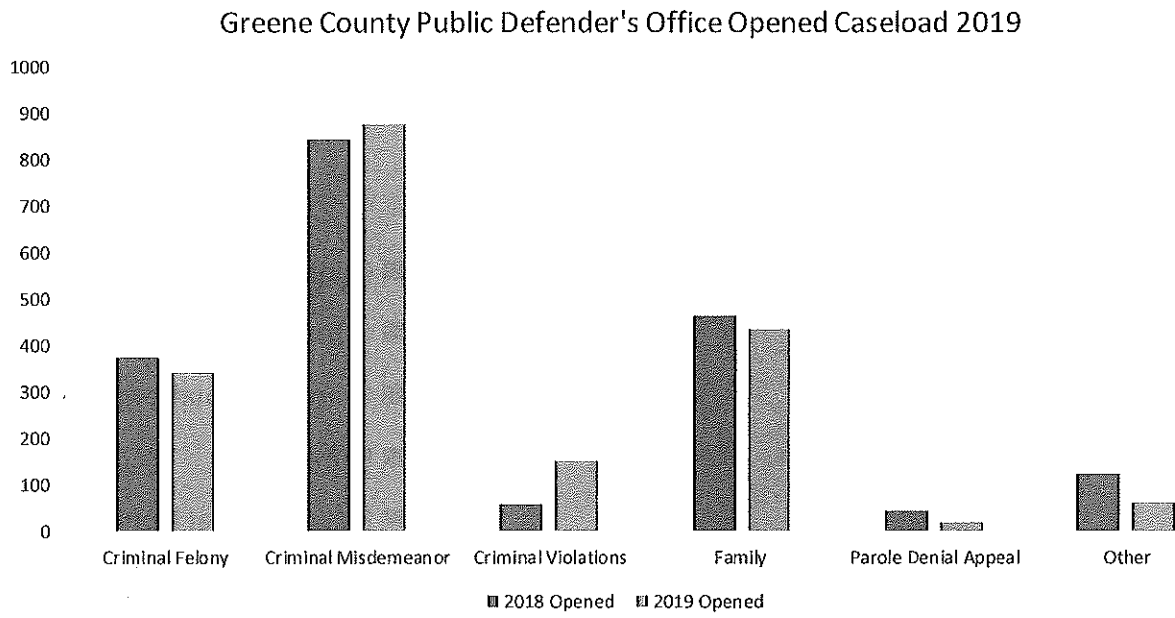


Figure 4:

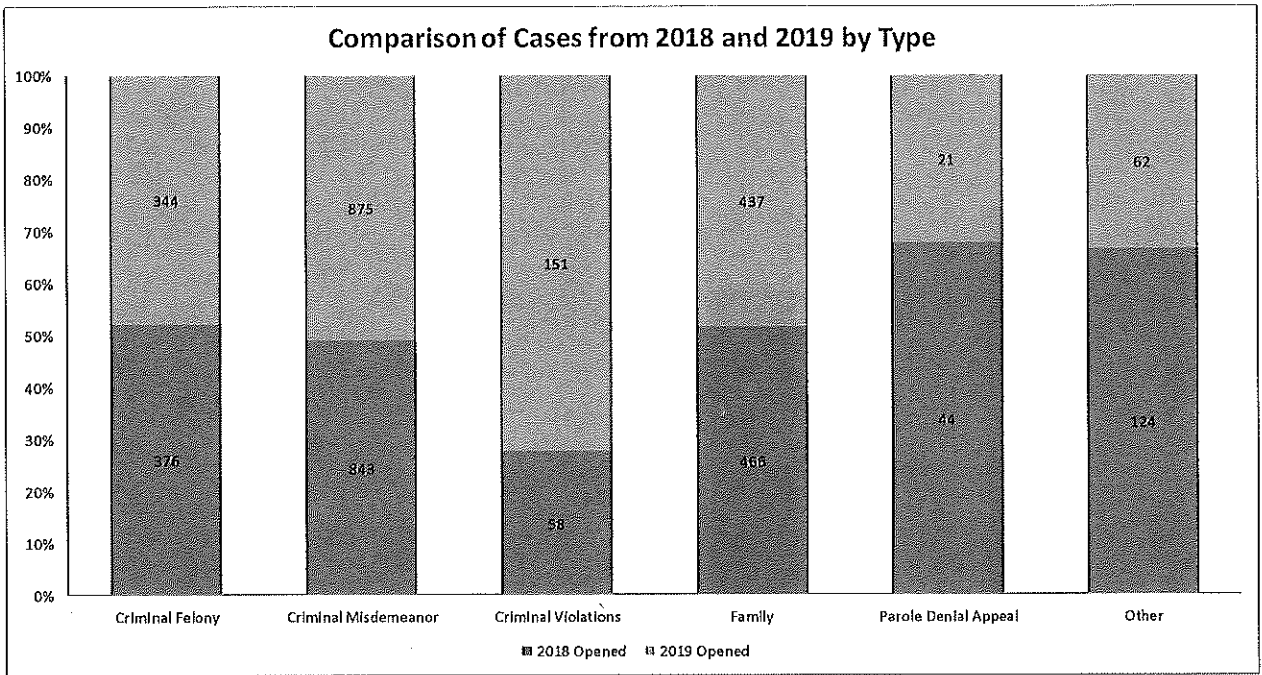


Figure 5:

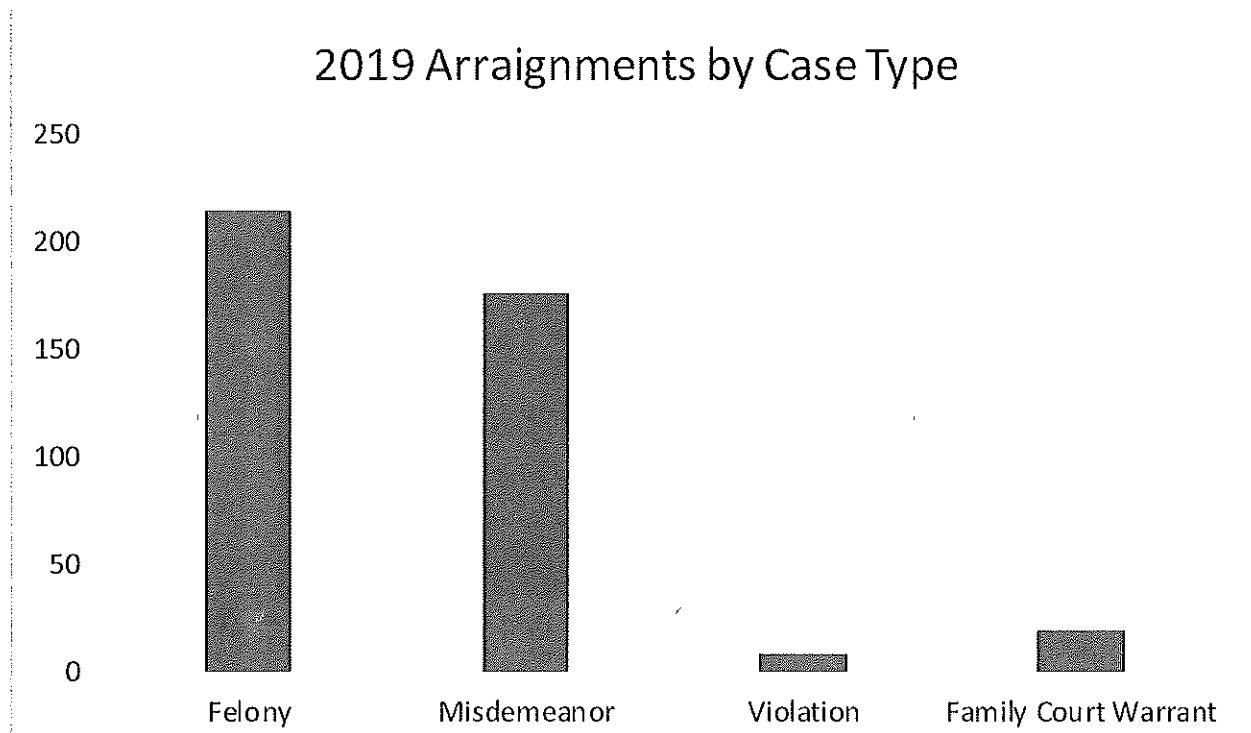


Figure 6:

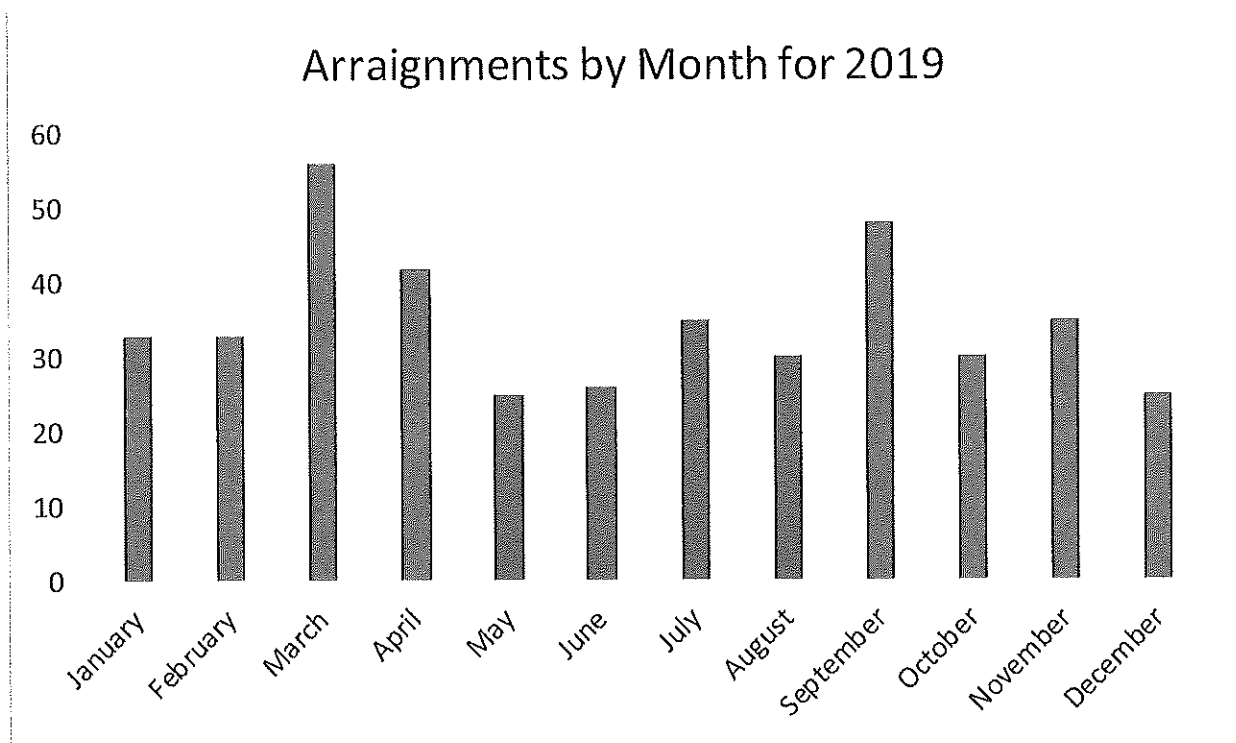


Figure 7:

2019 CUSTODY STATUS AFTER ARRAIGNMENT

