

ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE CALENDAR YEAR 2020

In the year 2020, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1391 new cases. There were 334 cases involving family court matters and 1057 cases dealing with criminal matters. The Office opened a total of 281 felony cases, 589 misdemeanor cases and 105 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 2020 saw a decrease from the previous year by 499 cases or 26.1%. The decrease during the year 2020 was primarily due to the global pandemic caused by COVID 19. The total number of criminal court cases decreased from 1453 cases in 2019 to a total of 1057 cases in 2020. The number of felony cases decreased by 63 cases or almost 18.3%. The number of misdemeanor cases decreased by 286 cases or almost 32.7%. The number of violation cases increased by 46 cases or almost 30.5%. The total number of family court cases decreased by 103 cases or almost 23.6%. **See Figure 3 and Figure 4 annexed hereto below.**

The year 2020 saw a decrease in the number of jury trials and bench trials from the previous year. Due to COVID 19, pursuant to court order, most criminal courts were closed or operating on an extremely limited basis throughout the year. Additionally trials were suspended for a good portion of the year. It is also possible that due to the national push for individuals to stay at home and social distance that criminal behavior decreased as a whole resulting in lower case numbers for the Office. The Office faced an additional burden during this year in that many courts operated virtually during times that the COVID 19 rate of infection spiked. At the outset of 2020 the Office was not fully equipped to adapt to this changing landscape. Throughout the year 2020 the Office was required to update technology to enable both attorneys and clients to attend court

virtually. The Office was successful in doing so and as a result was able to continue to provide zealous and effective representation for all clients. An unintended consequence, due to the shift to virtual appearances, is that courts were able to schedule cases more often and outside of their normal operating schedules. This resulted in attorneys attending virtual court at more frequent intervals and at times having to balance multiple courts on the same day in quick succession. Despite the scheduling increase, the Office was still able to continue to provide zealous and effective representation.

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 continuing burden in the year 2020 with the closing of the Greene County Jail. Clients previously incarcerated in Greene County Jail were relocated to the Albany County Jail and Ulster 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 twice weekly at the Albany County Jail. As a result, this Office appears up to ten (10) 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.

This was the second full year of a new grant that became available, wherein 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. For the year 2020 the Office received an additional grant that enabled the Officer to cover all arraignments throughout the county. Our attorneys also appeared at arraignments on appearance tickets at all courts within Greene County. This grant is part of a continued statewide initiative to increase the amount and quality of representation that Public Defender's Offices provide. The Office continued to successfully argue 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. As expected, our clients benefit from having representation at every possible stage of a criminal prosecution. Our goal is to provide continuity of representation and ensuring that there will be less individuals inappropriately incarcerated in Greene County. An added benefit the Office noticed of appearing at arraignments when people are issued appearance tickets is that the Office can be more efficient by potentially getting inappropriate and/or errant charges dismissed at arraignment reducing future workload.

In the year 2020, there was a complete overhaul of New York State's bail and discovery laws and procedures. New York reduced the number of offenses in which bail could be set and also expanded options for pretrial services to include GPS monitoring and supervision. As a result of this bail reform, the Office's attorneys were able to advocate for more individuals to remain at liberty reducing the cost to the county associated with incarcerating individuals prior to conviction. Due to the change in discovery law, the Office generally receives automatic discovery shortly after a case commences. This provides the ability to more effectively defend a client but has substantially increased the workload per case. Attorneys now routinely review surveillance and body footage both individually and with their clients. Prior to this overhaul of the law, much of this information was not provided until after plea negotiations and our clients were not able to make informed decisions about their cases. While this has increased the workload per individual attorney it has enabled the Office to provide much more zealous and effective representation to all clients.

During the year 2020, the Greene County Public Defender's Office represented clients for a total of 893 arraignments. In total, 251 were felony arraignments, 558 were misdemeanor arraignments, 74 were non-criminal violation arraignments, and 10 were other arraignments. Of these, 591 occurred during a scheduled time when the Public Defender's Office was present at court and 302 arraignments occurred not during normal court hours which required an on-call attorney from the Public Defender's Office to be contacted. Of these arraignments, 134 clients were either remanded to jail with or without bail and for the remaining 759 arraignments clients were released on their own recognizance. **See Figure 5, Figure 6, and Figure 7 annexed hereto below.**

Because of the continued availability of state funding for indigent legal services, the office continues to expand in an effort to comply with caseload standards and limits recommended by the New York State Office of Indigent Legal Services. Due to the aforementioned grant funding, this Office was able to purchase a new multifunction copier enabling us to further advance our goal of becoming a paperless office. Additionally, all attorneys are now provided with a work issued laptop enabling them to access their workstations remotely as needed while maintaining strict client confidentiality. This allowed attorneys to continue to zealously and effectively advocate for clients both in the office and during periods when they worked remotely due to COVID-19.

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 2020, the cost of Assigned Counsel decreased from the previous year by just below 16%. This decrease was expected in light of the unprecedented global pandemic. It is expected that as the nation returns to normalcy so will the Office's assigned counsel cost. Additionally, as a result of grants that became available, this Office is working toward the establishment of an assigned counsel program that is run by an assigned counsel administrator. The goals of the program is to provide more effective representation of clients by providing more oversight to the assigned counsel program and to provide more resources to assigned conflict attorneys who many times are operating out of home offices with little to no support.

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 is succeeding in this goal, I encourage the public to provide any suggestions so that the Office may continue to improve.

Respectfully submitted,



Angel F. Scaturro, Esq.
Greene County Public Defender

Figure 1:

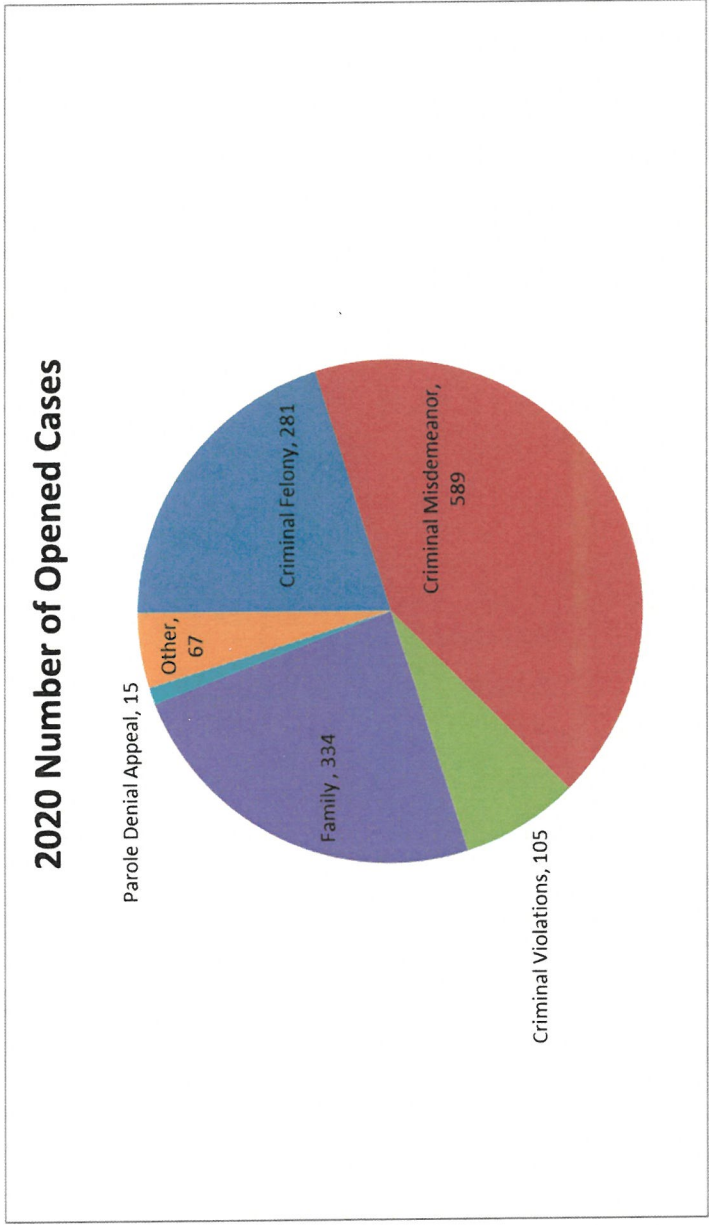


Figure 2:

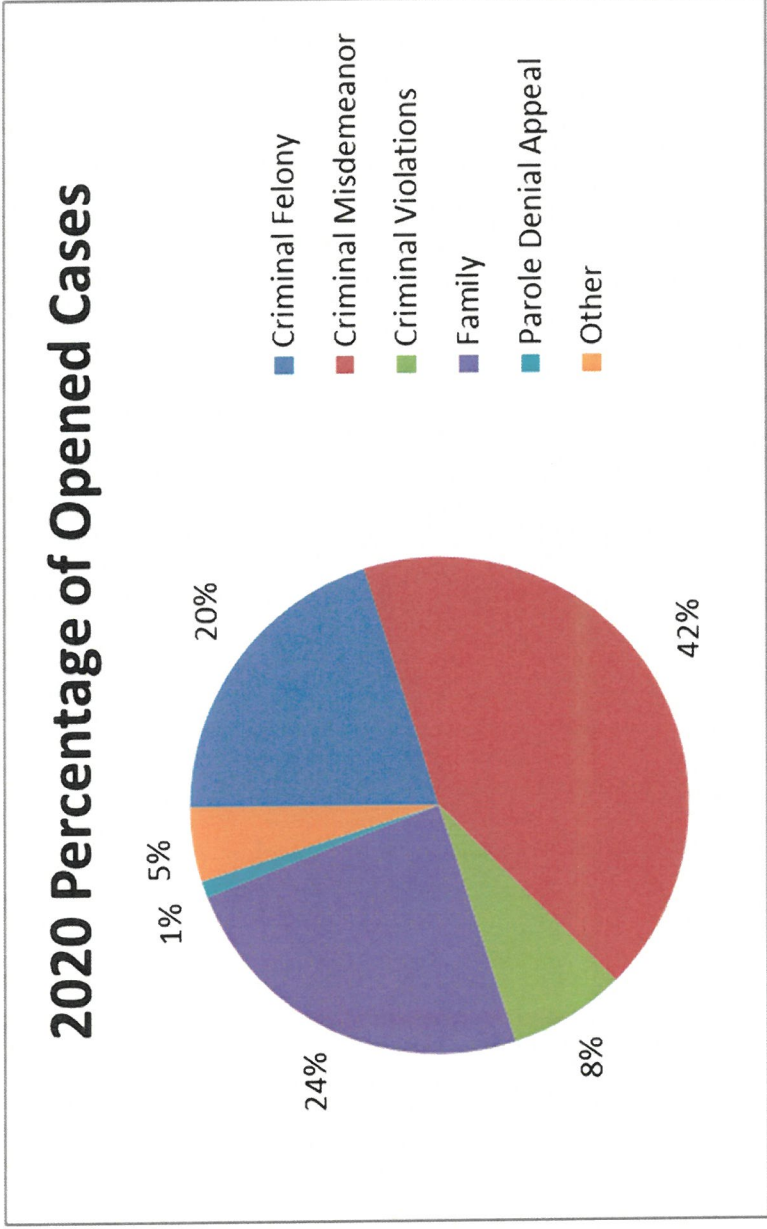


Figure 3:

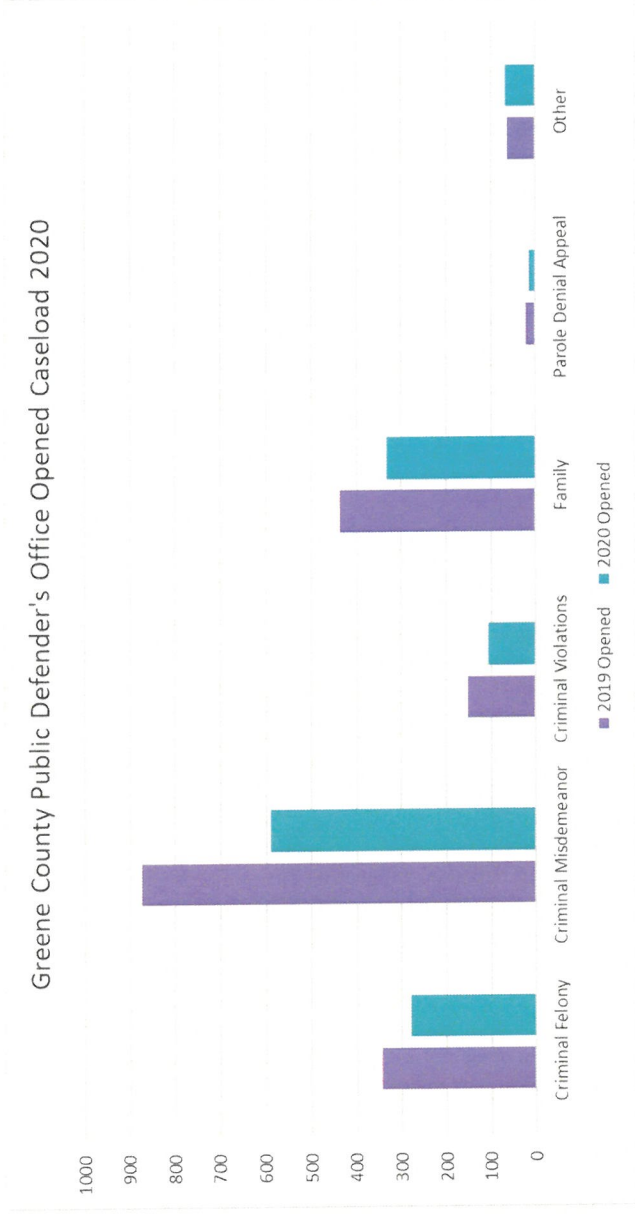


Figure 4:

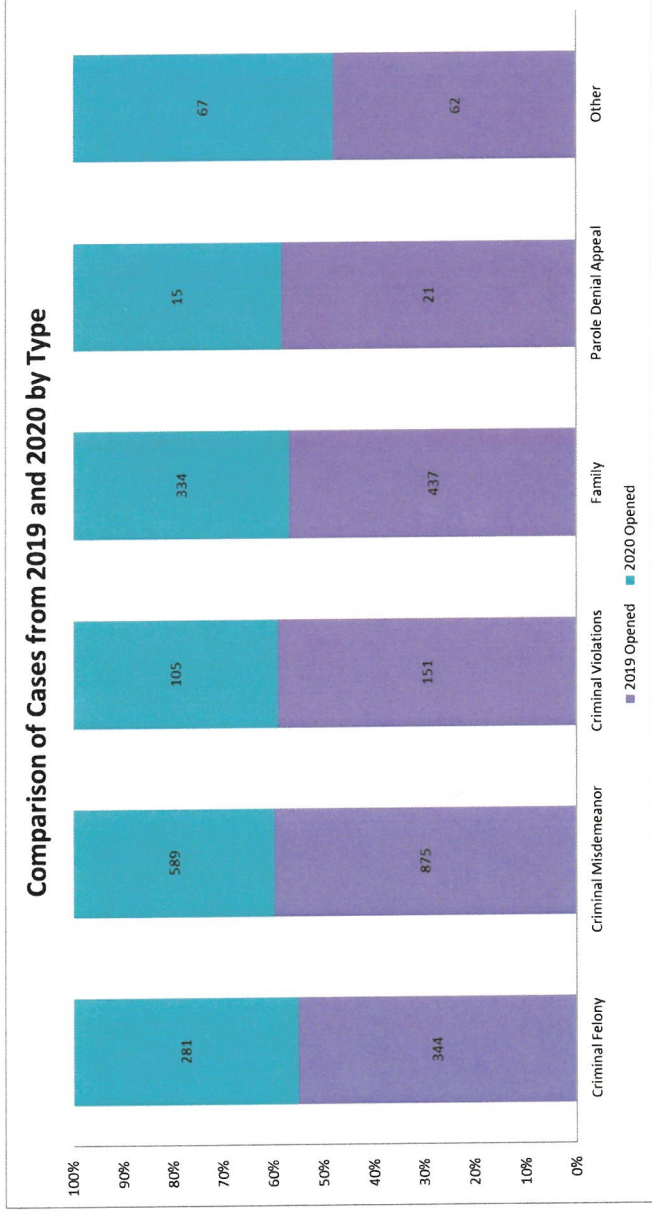


Figure 5:

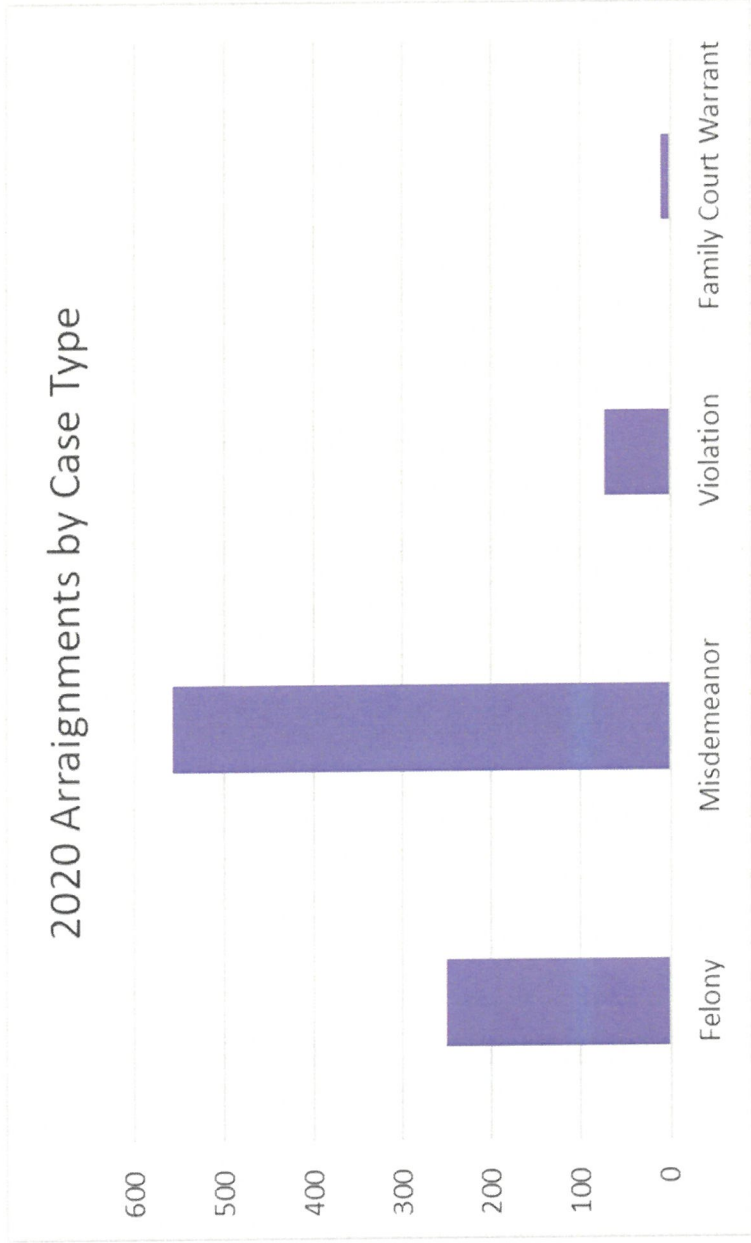


Figure 6:

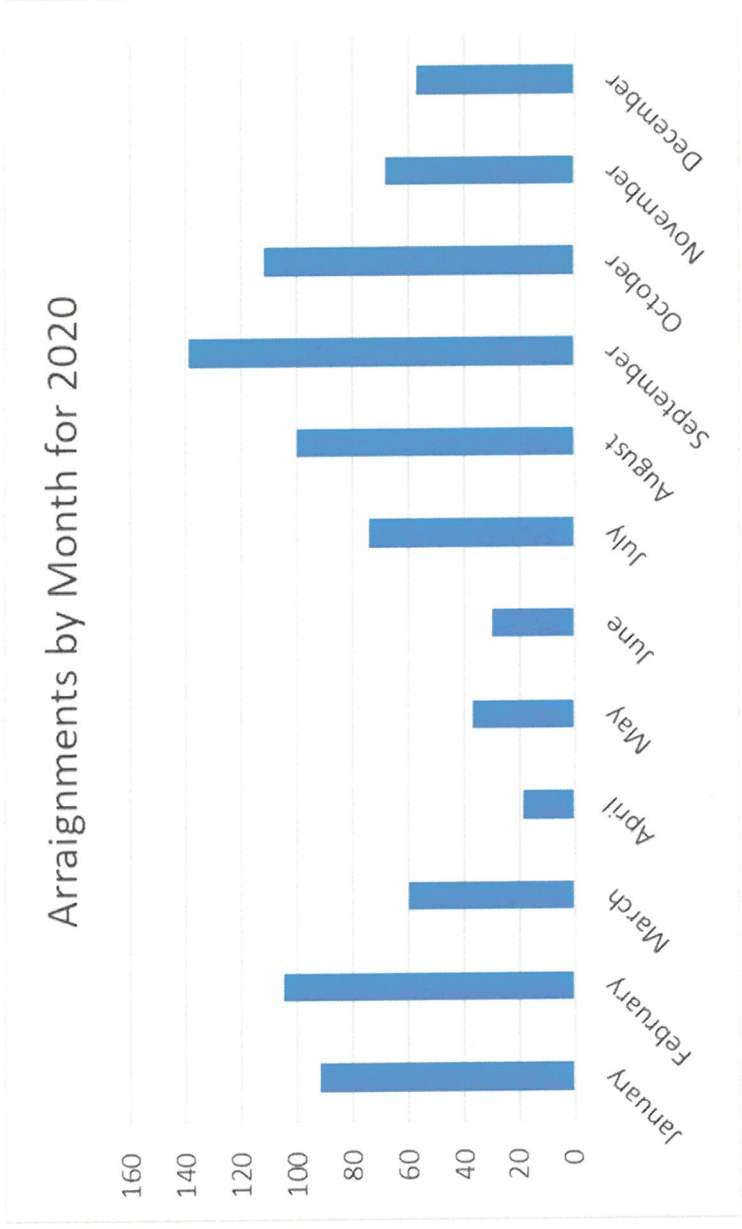


Figure 7:

