

ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE CALENDAR YEAR 2021

In the year 2021, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1,704 new cases. Of the new cases 325 cases involved family court matters and 1,317 cases covered criminal court matters. Regarding the criminal court matters, the Office opened a total of 373 felony cases, 796 misdemeanor cases and 148 cases dealing solely with non-criminal violations. The remaining cases were comprised of miscellaneous matters as described below. **See Figure 1 and Figure 2 annexed hereto.**

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, red flag gun protection law violations, 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 had been sentenced to prison and whose cases were technically closed. These cases involved errors in their criminal record or miscalculations in jail time credit, such as those who had not been given credit for time served in local jail.

The number of cases handled by the Office in the year 2021 saw an increase from the previous year by 313 cases or 22.5%. It is surmised that the increase during the year 2021 was likely due to the widespread vaccination of the public and the relaxing of many restrictions that became part of everyday life with the emergence of COVID-19. The number of cases seen in 2021 is more indicative of the number of cases in previous years before the emergence of COVID-19. The total number of criminal court cases increased from 1,057 cases in 2020 to a total of 1,317 cases in 2021. The number of felony cases increased by 92 cases or almost 32.7%. The number of misdemeanor cases increased by 207 cases or almost 35.1%. The number of violation cases increased by 43 cases or almost 41%. Contrary to the increase in criminal court matters, the total number of family court cases decreased by 9 cases or almost 2.7%. **See Figure 3 and Figure 4 annexed hereto.**

The year 2021 saw the same number of jury trials and bench trials from the previous year. Due to COVID 19 and pursuant to court order, most criminal courts were operating on a restricted basis for part of the year. Throughout the year 2021 the Office continued 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 Treatment Court where the Office appeared on a weekly basis as a community stakeholder. The Office provided valuable insight throughout the treatment court process and protected the rights of treatment court participants. Additionally, there were times when the Office's clients were not appropriate or selected for Treatment 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 which is handled by social workers in other counties. 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 continued burden in the year 2021 with the continued 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. With the completion and opening of a new Greene County Jail in mid-year 2021 for incarcerated males the Office experienced an ease of the burden on this office both in travel expenses and time expenses. The Office was able to have more consistent and more frequent contact with our clients. The newly opened Greene County Jail also provides both mental health and substance abuse services to our clients which assists the Office with our representation of our clients. The Greene County Jail's focus on mental health services and substance abuse services assists our clients with rehabilitation and can also serve to reduce recidivism. This clearly benefits our clients and many leave the jail with a clear reentry plan to society.

The year 2021 saw the continuation of the Office's Counsel at First Appearance program (CAFA). This was the third 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. This originally occurred in the towns of Athens, Cairo, Catskill, Coxsackie and the village of Catskill. During the year 2020 the Office received an additional grant that enabled the Office to cover all arraignments

throughout the county. In year 2021 our attorneys continued to appear at arraignments immediately following arrest and on appearance tickets at all courts within Greene County. 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 benefited 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 of appearing at arraignments was that inappropriate and/or errant charges can be dismissed at arraignment which reduces future for the Office.

In the year 2021, the Office continued to adjust to the 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 (through ankle monitoring bracelets). The Office has noticed that GPS monitoring became more widely used for our clients which resulted in fewer clients being incarcerated. This is beneficial in several manners in that it reduced costs to the county associated with incarceration, ensured that less clients were incarcerated, and served to protect the community as specific travel limitations along with immediate location tracking of the client can go along with GPS monitoring. As a result of the 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 received automatic discovery shortly after a case commences. This provides the ability to more effectively defend a client but an unintended consequence what that this has substantially increased the workload per case. Attorneys continued to routinely review surveillance and body camera footage both individually and with their clients. The Office has noticed that due to the increased amount of discovery received, and how strict the timeframes are to receive the discovery, that the Office is able to more effectively argue for clients, investigate cases immediately after incidents occur and negotiate better plea bargains.

During the year 2021, the Office represented clients for a total of 1,427 arraignments. In total, 425 were felony arraignments, 842 were misdemeanor arraignments, 80 were non-criminal violation arraignments and 80 were other arraignments. Of these arraignments, 1,061 occurred during a scheduled time when the Office was present at court and 368 arraignments occurred outside normal court hours which required an on-call attorney from the Office to be contacted. Of these outside normal court hour arraignments, 224 clients were either remanded to jail with or without bail and the remaining 1,211 arraignments clients were released on their own

recognizance or with non-monetary bail conditions. **See Figure 5, Figure 6 and Figure 7 annexed hereto.**

Due to 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. Resulting from the aforementioned grant funding, this Office was able to purchase a new laser color printer, multiple laptops, and a multifunction printer/scanner enabling us to more quickly send discovery to our clients. Additionally, all attorneys are now provided with updated workstations that allow access from any remote location allowing them to more quickly and more effectively work on their caseload. 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. With this increased remote access, the Office is better situated in the event of any future emergency situations that prevents office access. It is expected that remote access will allow the Office to transition to a paperless office both increasing efficiency and reducing cost to the county.

Every year the Office experiences a challenge with our Assigned Counsel cost. Ethics rules that govern all attorneys in New York 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 2021, the cost of Assigned Counsel increased from the previous year by about 38.4%. This increase was expected in light of the unprecedented global pandemic. It was expected that as the nation returned to normalcy, the Office's assigned counsel cost would increase. This occurred in the year 2021. Additionally, and as a result of grant funding, the Office began working toward the establishment of an assigned counsel program which will be run by an assigned counsel administrator. The goal of the assigned counsel program is to assist attorneys appointed by the courts to represent indigent defendants when the Public Defender's Office is not permitted to represent them. The establishment of the assigned counsel administrator program is to assist assigned attorneys with more effective client representation. This will be done by providing guidance and advice to the assigned attorney, providing office space and other resources such as computer access to conflict attorneys who many times are operating out of home offices with little to no support and through oversight of the work product of the assigned attorney.

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 do so despite some 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. The Office reimburses attorneys for any classes relevant to the work of the Public Defender's Office that may have a fee associated with it.

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,

Angelo F. Scaturro, Esq.
Greene County Public Defender

Figure 1:

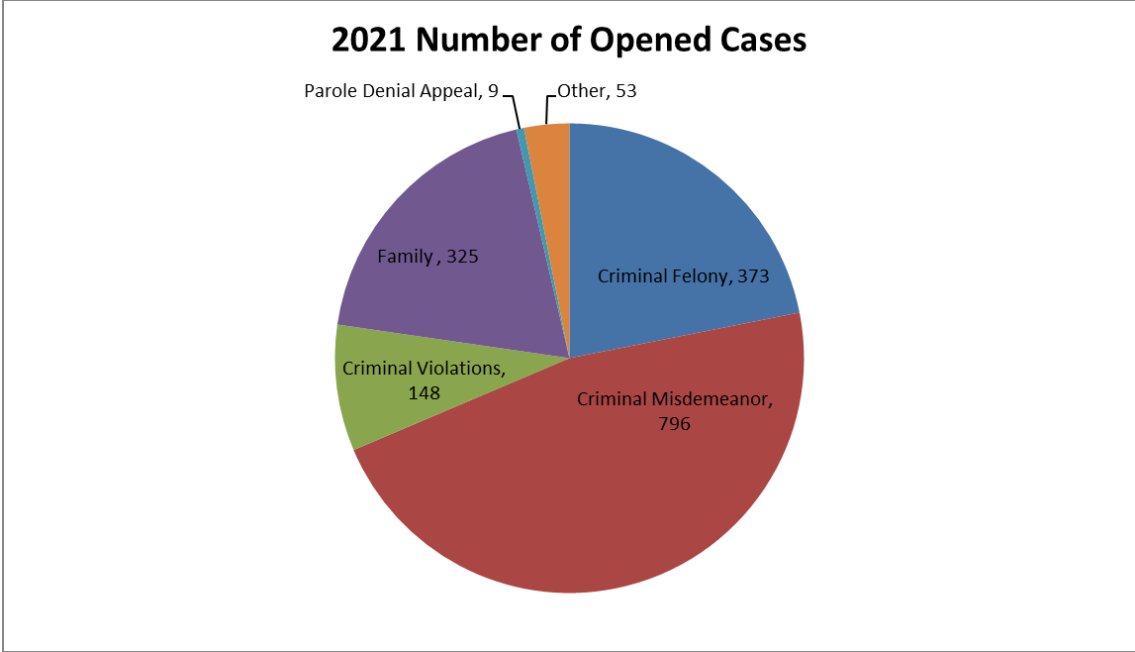


Figure 2:

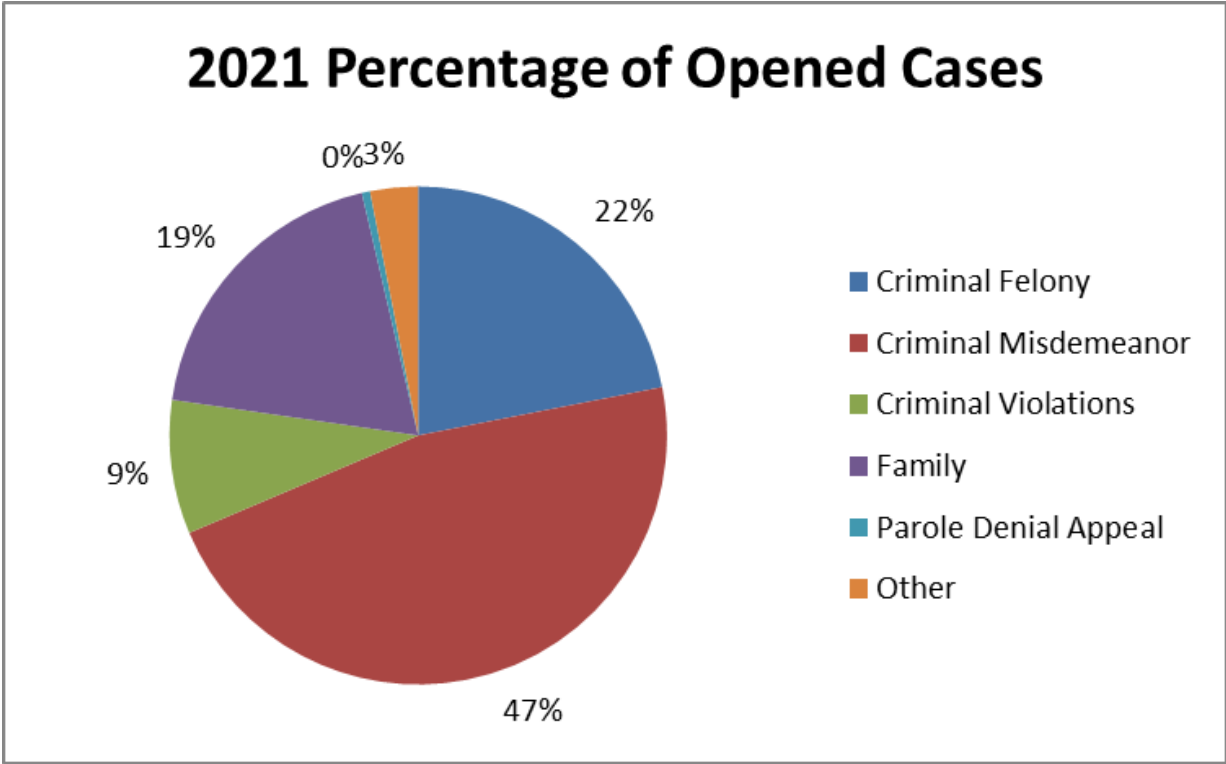


Figure 3:

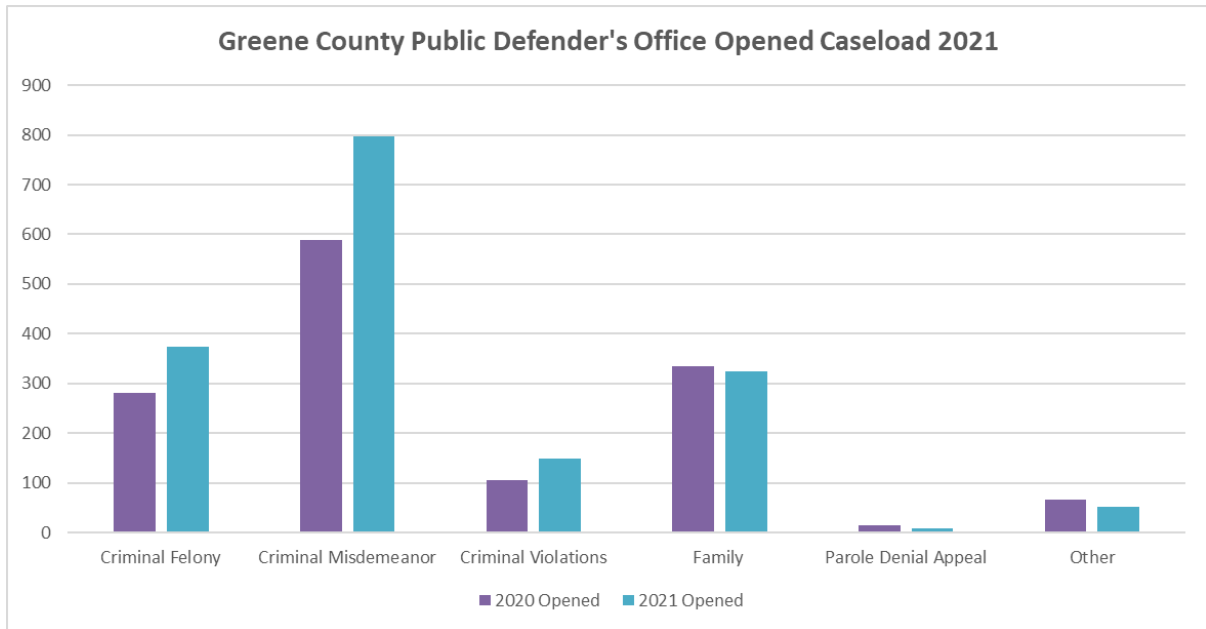


Figure 4:

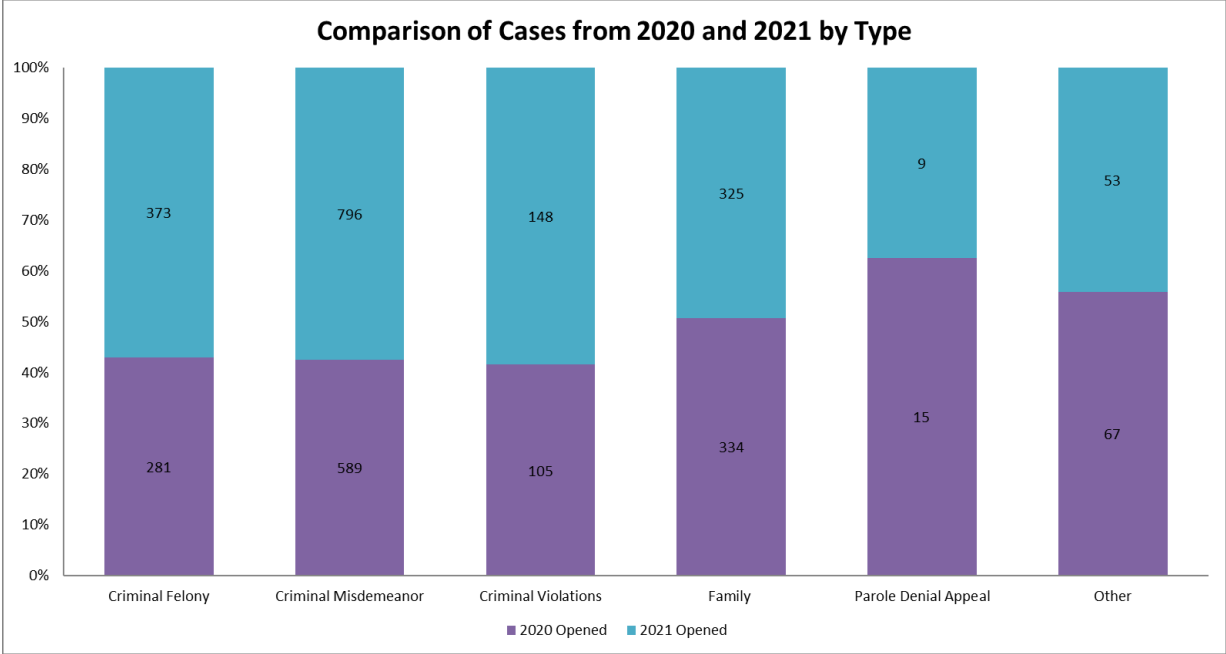


Figure 5:

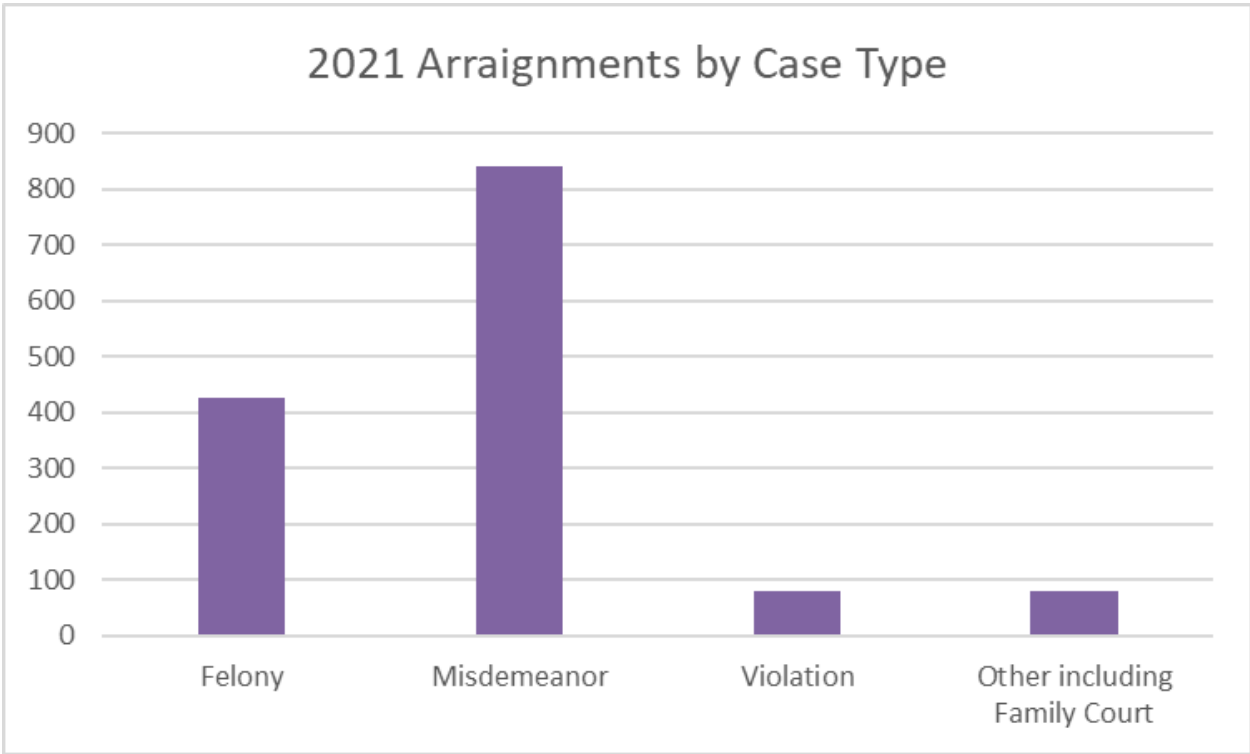


Figure 6:

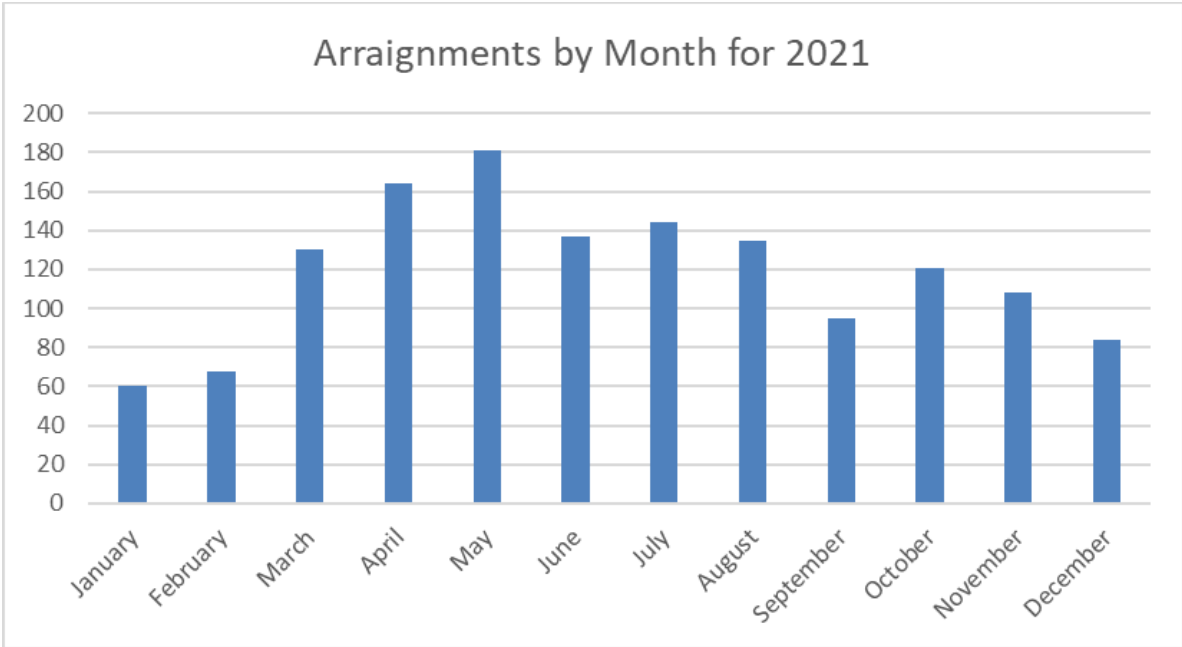


Figure 7:

