

ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE YEAR ENDING 2016

In 2016, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1,790 new cases. There were 431 cases dealing with family court matters and 1,189 cases dealing with criminal matters. The Office had a total of 325 felonies and 787 misdemeanors. The remaining cases were comprised of other violations and other miscellaneous matters. **See Figure 1 annexed hereto below.**

The Office continues to represent clients in support violation proceedings, parole hearings and appeals, Habeas Corpus petitions, Article 81 guardianship cases, and Sexual Offender Registration Act (SORA) hearings. 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 2016 saw a slight increase from the previous year by 43 cases or almost 2.5%. The increase during the year 2016 is due to the increased family court cases. The total number of family court cases increased from 349 cases in 2015 to a total of 431 cases in 2016. The number of criminal cases decreased with felony cases constituting a total of 376 in 2015 and misdemeanors totaling 767 cases to 325 felony cases and misdemeanor cases of 787 in 2016. **See Figure 2 annexed hereto below.**

The year 2016 saw several criminal jury and bench trials similar to the year 2015 which was an increase from previous years. I expect that this continued increase may be a result of plea offers that are more stringent than in the past. The year 2016, as in the year 2015, saw another felony jury trial which was a total success for the Office in that the jury acquitted our client of all pending charges.

The Greene Public Defender's Office continues to be a member of Greene County's Drug Court where the Office appears on a weekly basis as a community stakeholder whether or not the Office has a client on the calendar for that day. The Office provides valuable insight throughout the drug court process and protects the rights of drug court participants. Additionally, many of the Office's clients are not appropriate or selected for Drug Court, but have a desire to begin the process of recovery. When these clients are incarcerated or facing exposure to significant incarceration, the Office provides hands-on assistance that in other counties is handled by social workers. The Office initiates contact with treatment facilities and insurance companies and the Office arranges for the transfer of medical records. The Office sets

up treatment screening interviews at the Greene County Jail and makes application 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 remains the liaison between the facility, the Court, and the client for the duration of the case.

As a result of ongoing funding from the New York State Office of Indigent Legal Services, the Office continues to improve both office operations and client representation. The Upstate Quality Improvement and Caseload Reduction Grant enabled the Office to increase the hours of one of our assistant part-time public defenders making that assistant a full time addition to our staff. This staffing change supports New York State's initiative for lower caseloads per staff attorney in an effort to provide enhanced client representation. As a result of the attorney staffing changes, the office has a total number of three full-time attorneys and three part-time attorneys.

The grant monies were also used to obtain two additional laptop computers and a desktop computer. This increase in computer hardware allows for the movement toward a paperless system which will permit a more streamlined, efficient and environmentally conscious process.

Assigned Counsel costs continue to be an issue for the Office. This expense is difficult to project or to limit. Ethics rules that govern all attorneys require outside assignment whenever a conflict of interest arises and we have no way of predicting how many clients who present a conflict will seek our services. The Office has explored sharing of services with other counties, but to no avail.

The recent Supreme Court decision concerning immigration continues to alter the manner in which this Office represents clients that are facing immigration consequences as a result of a criminal charge. The Supreme Court ruled that the Office must advise clients of the possible consequences a conviction would have upon a person's immigration status in the United States. This area of the law is a very specialized field of law and requires much research to properly advise clients. In order to help minimize the impact this additional research has upon the Office, the Office of Indigent Legal Services did establish regional resource centers to assist in providing advice to counsel. The centers are called Regional Immigration Assistance Centers. These centers are continually available to help the Office properly advise a client about deportation issues that may impact the client.

A recent lawsuit involving five New York Counties has paved the way for increased client representation. This lawsuit changes the income qualifications of potential clients for public defender representation. The change raises the income level of potential clients thus allowing for more defendants to qualify for public defender services. This was done in order to prevent defendants from being unrepresented in

criminal matters. It is expected that there will be an increase in the caseload in the Public Defender's Office in the coming years.

During 2016, the Office partnered with a treatment facility in the Capital District. This collaboration permitted the Office to have expedited interviews of clients who may be candidates for drug treatment programs. This expedited process resulted in clients leaving the local jail rather quickly in order to receive the addiction treatment necessary for rehabilitation. This expedited process saves county resources and provides the benefit of giving the client the treatment he or she deserves. The Office continues to look for other methods of expedited treatment for clients.

The Office's attorneys are continually receiving training on the latest caselaw and the effect it has upon the Office's clients. This allows the Office to provide the most effective services and representation. With the changes that have occurred in 2016, the Public Defender's Office expects to continue to improve client representation with increased staffing and services.

Respectfully submitted,



Angelo F. Scaturro, Esq.
Greene County Public Defender

Figure 1:

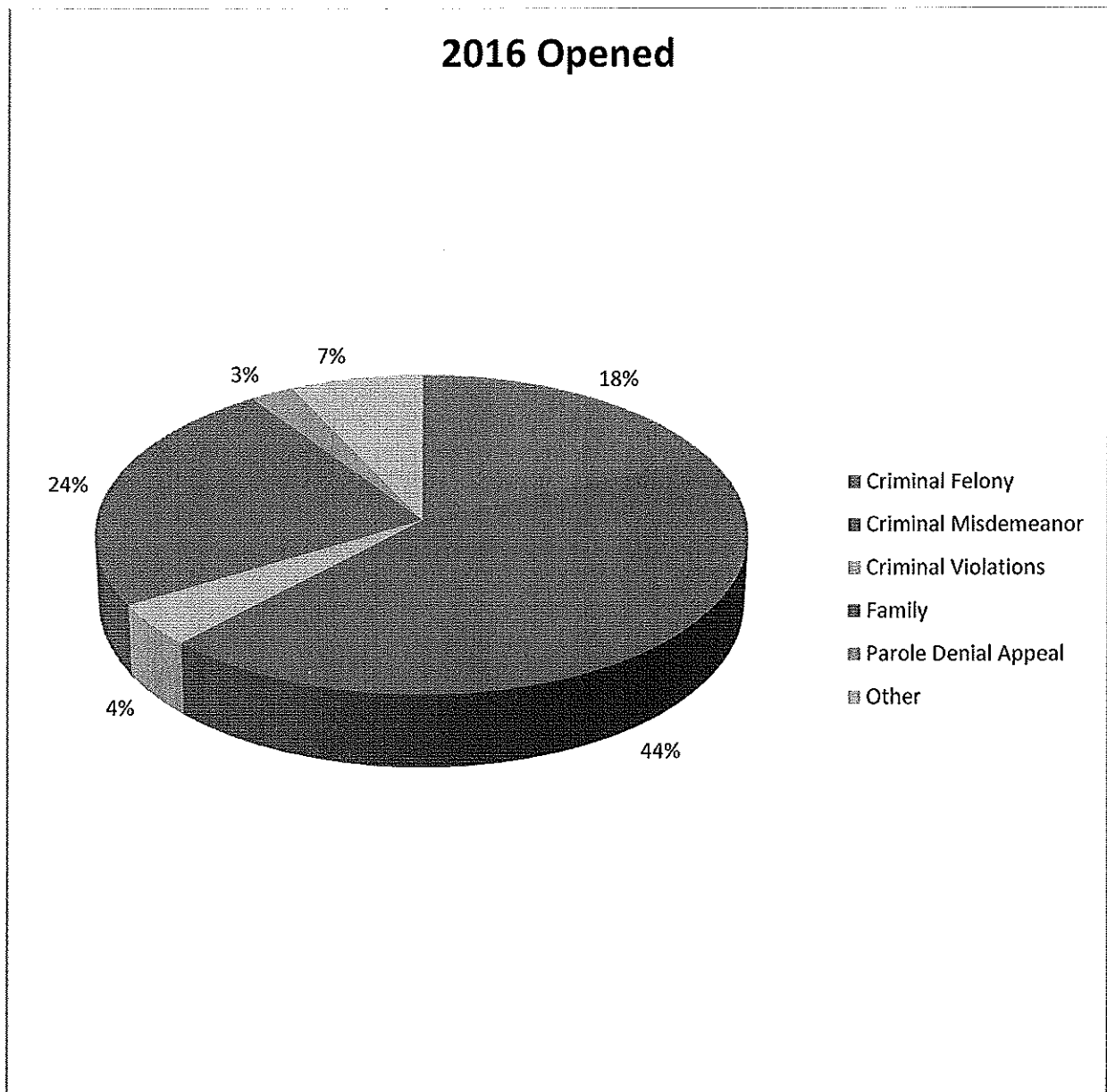


Figure 2:

