

# ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE CALENDAR YEAR 2023

In the year 2023, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1929 new cases. Of the new cases 474 cases involved family court matters and 1446 cases covered criminal court matters. Regarding the criminal court matters, the Office opened a total of 331 felony cases, 908 misdemeanor cases and 162 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, applications for 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 Office continued to represent clients in situations where New York State sought an Extreme Risk Protection Order (Red Flag Law). When issued, this protective order requires that an individual surrender any firearms to law enforcement and prevented that individual from purchasing or possessing any firearms for a period of time.

The number of cases handled by the Office in the year 2023 saw a decrease from the previous year by 16 cases or .82%. It is surmised that the number of cases stayed almost constant during the year 2023 when compared with year 2022 as the restrictions that became part of everyday life with the emergence of COVID-19 continue to be greatly reduced. The number of cases in 2023 is more indicative of the number of cases in previous years before the emergence of COVID-19. The total number of criminal court cases decreased from 1485 cases in 2022 to a total of 1401 cases in 2023 for a total of 5.66%. The number of felony cases decreased by 34 cases or almost 9.32%. The number of misdemeanor cases decreased by 37 cases or almost 3.92%. The number of violation cases increased by 13 cases or almost 7.43%. Juxtaposing the decrease in criminal court matters, the total number of family court cases increased by 91 cases or almost 23.76%. **See Figure 3 and Figure 4 annexed hereto.**

The year 2023 saw the same number of jury trials and bench trials from the previous year. As the COVID-19 outbreak continued to subside, criminal courts and

family courts began operating on a regular basis for the year 2023 as they did prior to the COVID-19 pandemic. Throughout the 2023 year, the Office continued to update technology to enable both attorneys and clients to attend court virtually and access files from outside the office when necessary. The Office successfully switched its case file database system to a cloud based system. This cloud based system can be accessed by a website and enables staff to more easily track and updates their cases. As an added benefit, the amount of data storage that the Office used is now handled primarily offsite at a reduced cost. The Office also now utilizes Dropbox, a web based file sharing program, to provide paperless discovery to clients that remains accessible throughout their case. This is just another step forward in the Office's goal to become paperless in the coming years. The switch of the case management to the cloud based system and the use of Dropbox to transmit discovery occurred seamlessly without any setbacks. During the change, the Office was never shut down and zealous and effective representation for all clients was still provided. Additionally, the Office continued to work toward changing all employees from desktop computers to laptop computers with a docking station at each desk. This allows attorneys to take their laptop computers to Court with them or to any other location necessary. This is an important step to ensure that if there is ever a scenario in the future where employees need to work offsite for a period of time (such as what occurred during the Covid Pandemic), the Office's functions would still continue with minimal to no disruption. Additionally, the use of the laptops allows an attorney who may be in court to access the client's file so that the attorney will have access to the most up to date information for the client. It also allows the attorney to input almost immediately what happens in court relative to the client. This is a significant step toward becoming a paperless office.

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. The Office also continued working with Opioid Intervention Court in Greene County. The Opioid Intervention Court relies on immediate intervention and treatment of individuals at high risk of opioid overdose. This court focuses on prioritizing treatment over criminal prosecution to help save lives. The Office noticed a benefit to our clients who participated in the court and who were suffering from severe opioid addiction. When the Office's clients were not appropriate nor selected for Treatment Court or Opioid Intervention Court but had a desire to begin the process of recovery, the Office provided assistance by directing clients to appropriate community services. 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. This type of assistance previously provided by the attorneys (who were not trained to provide this assistance) in the office changed during the year 2023 with the hiring of a Sentencing Mitigation Advocate which position is entirely funded by the Hurrell-Harring State Grant and discussed more fully hereinafter.

The Greene County Public Defender's Office experienced a burden in the year 2023 with the continued closure of the Greene County Jail for female inmates. Female clients previously incarcerated in Greene County Jail continued to be held in Columbia County Jail and Ulster County Jail. This provided an increased obstacle for attorneys to have regular face to face contact with their clients. The Office is hopeful that soon the Greene County Jail will accommodate female inmates which will result in the Office having more consistent and more frequent contact with our female clients who are incarcerated. The Office continued to observe that the Greene County Jail provided both mental health and substance abuse services to our clients which assisted 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 2023 saw the continuation of the Office's Counsel at First Appearance program (CAFA). This was the fifth full year of a new state 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 state grant that enabled the Office to cover all arraignments throughout the county. In the year 2023, 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 ensure 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 court appearances for both the Office and clients.

In the year 2023, 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 noticed that GPS monitoring became more widely used for our clients which resulted in fewer clients being incarcerated. This is beneficial in that it reduced costs to the county associated with incarceration, ensured that less clients were incarcerated and served to protect the community as the GPS monitoring limited a client's travel and allowed for the immediate location by tracking the client. 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 the discovery law, the Office now receives automatic discovery shortly after a case commences. This provides the ability to more effectively defend a client. However, an unintended consequence is that this has substantially increased the workload per case. Attorneys continue to routinely review surveillance and body camera footage both individually and with their clients. In many instances, there are several hours to review. 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 2023, the Office represented clients for a total of 1,421 arraignments. Of these, 349 were felony arraignments, 917 were misdemeanor arraignments, 66 were non-criminal violation arraignments and 89 were other arraignments. Of these arraignments, 967 occurred during a scheduled time when the Office was present at court and 454 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, 125 clients were either remanded to jail with or without bail, 11 clients were released with pretrial supervision conditions, and the remaining 318 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 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. The Office continued to expand its staffing to comply with state mandated caseload standards in 2023. The Office added a new full-time paralegal position to assist the staff attorneys which position is completely funded through a state grant at no additional cost to the county. This position assists attorneys with correspondence, court filings, and acts as a liaison between attorney and client so both can stay more abreast of relevant and emerging information. The addition of this position has enabled the Office to expand its contact with clients and improve its client centered representation where clients have input on every important aspect and decision regarding their case.

Additionally the Office created the position of and hired a Sentencing Mitigation Advocate during the 2023 year. This position is also funded completely through a state

grant at no additional cost to the county. This position has two primary objectives. The first objective is to work with clients and assist them with accessing and monitoring progress in, various programs and services. These programs can include substance treatment, mental health treatment, counseling and advocacy for access to public services such as temporary assistance and adult protective services. The second objective is that this position acts as a primary point of contact with clients and gathers information about our client's social circumstances. This can be information relating to family/relatives, education, employment, childhood, physical and mental health, drug and alcohol usage and treatment history. This information is then compiled into a report which may be presented to the court or prosecutor to advocate for the best possible outcome of a criminal charge. Additionally, this position regularly attends Greene County Treatment Court and presents relevant information about client's progress in treatment. It is also expected that as the Mental Health Court begins in Greene County that this position will attend that Court and provide assistance to Public Defender clients in that Court.

The Office in year 2023 received a grant to improve representation in family defense and child welfare. The purpose of the grant is to allow the Office to provide pre-petition representation in family court for those clients that may potentially lose custody of their children as a result of an abuse or neglect finding. Through this grant, the Office will be able to hire an additional full time family court attorney and a full time support staff to assist with the aforementioned cases. The Office will also establish a hotline which parents/guardians can call over the weekend to get real time information on what rights they have, how to access representation for a potential family court action and what community services are available to assist with any needs of the parents/guardians or children. This hotline will be staffed by members of the Office to ensure that there is continuity of representation. It is anticipated that with this additional funding the office will be able to represent clients prior to a petition being filed and at the earliest possible stage of an abuse or neglect proceeding. The goal is to have a reduction in the number of abuse/neglect family court filings.

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. 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. Additionally in year 2023 state legislation increased the hourly rate that assigned attorneys are paid by approximately 50%. The State has assisted with the increased costs of assigned counsel by providing a reimbursement of one-half of the increase in the assigned counsel costs due to the hourly rate increase. This assistance is only being provided for the first year of the hourly increase. In the year 2023, the cost of Assigned Counsel increased from the previous year by about 22.27%.

This increase was expected in light of the hourly rate increase for assigned counsel and because the assigned counsel cost is not static and expected to fluctuate depending upon the type and number of cases. It is the Office's belief that in light of increased discovery for our clients and the responsibility of attorneys to review discovery for all cases that assigned counsel costs will continue to increase. Additionally, as a result of grants that became available, the Office is working toward the establishment of an assigned counsel program that is run by an assigned counsel administrator. The goals of the program would be to provide more effective representation of clients by providing more oversight, guidance throughout the case and 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 continues to ensure that clients are able to contact their attorneys even though 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, attorneys and other staff travel to interview clients face to face at the outset of their case and on an as needed basis throughout the client's case. 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 various 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 continues to attend the annual New York State Defenders Annual Conference to keep attorneys up to date on all changes to the law that impact our area of practice. While the Office did not sponsor a yearly training in year 2023, the Office plans to provide yearly programs in the upcoming years. The State grants have covered virtually the entire cost of the attorney training.

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:

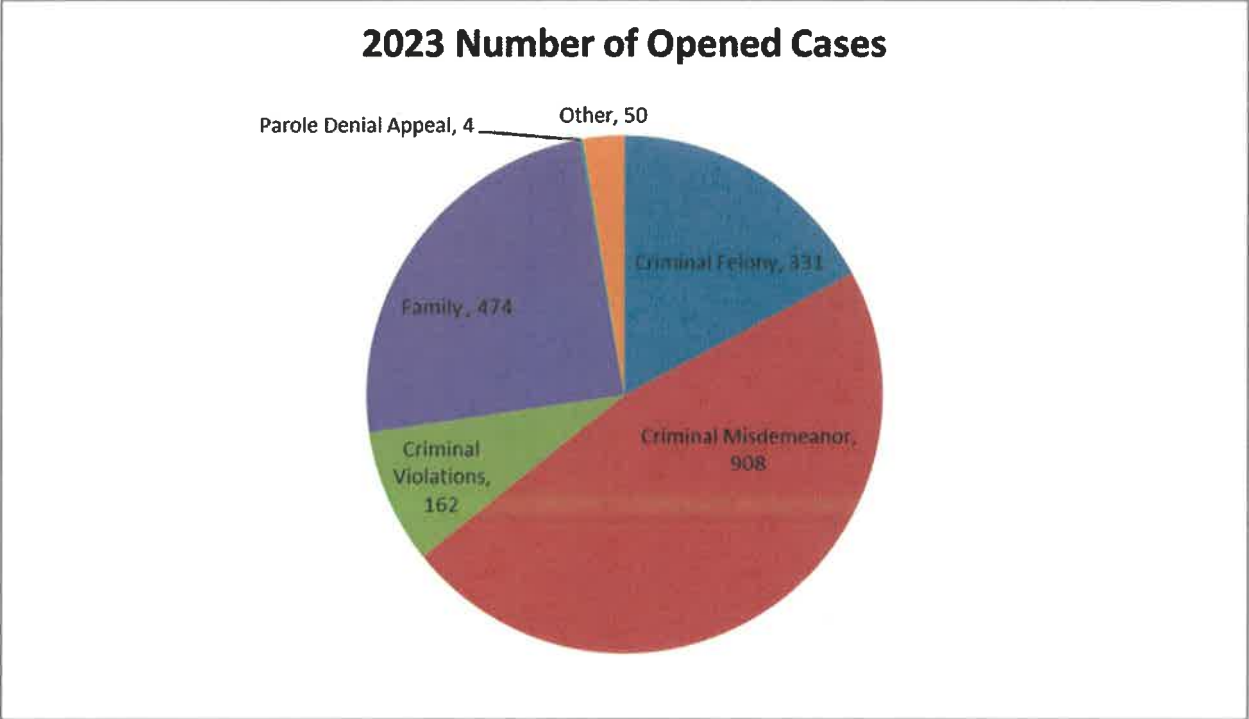


Figure 2:

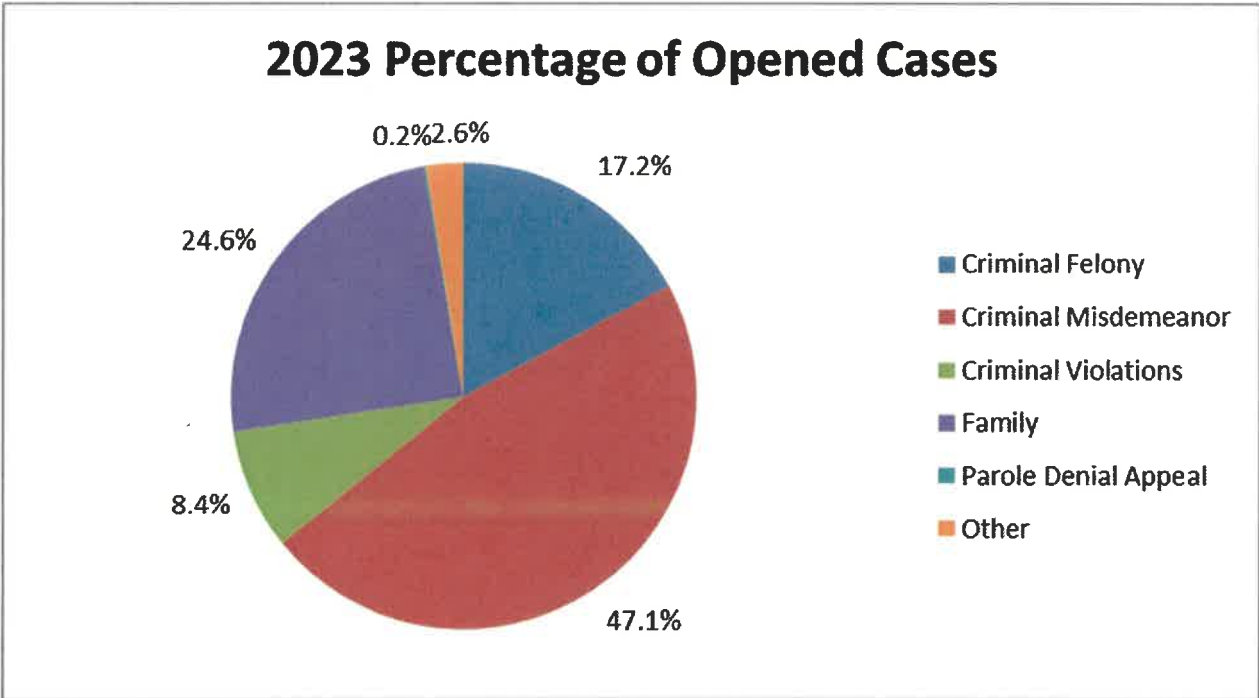




Figure 3:

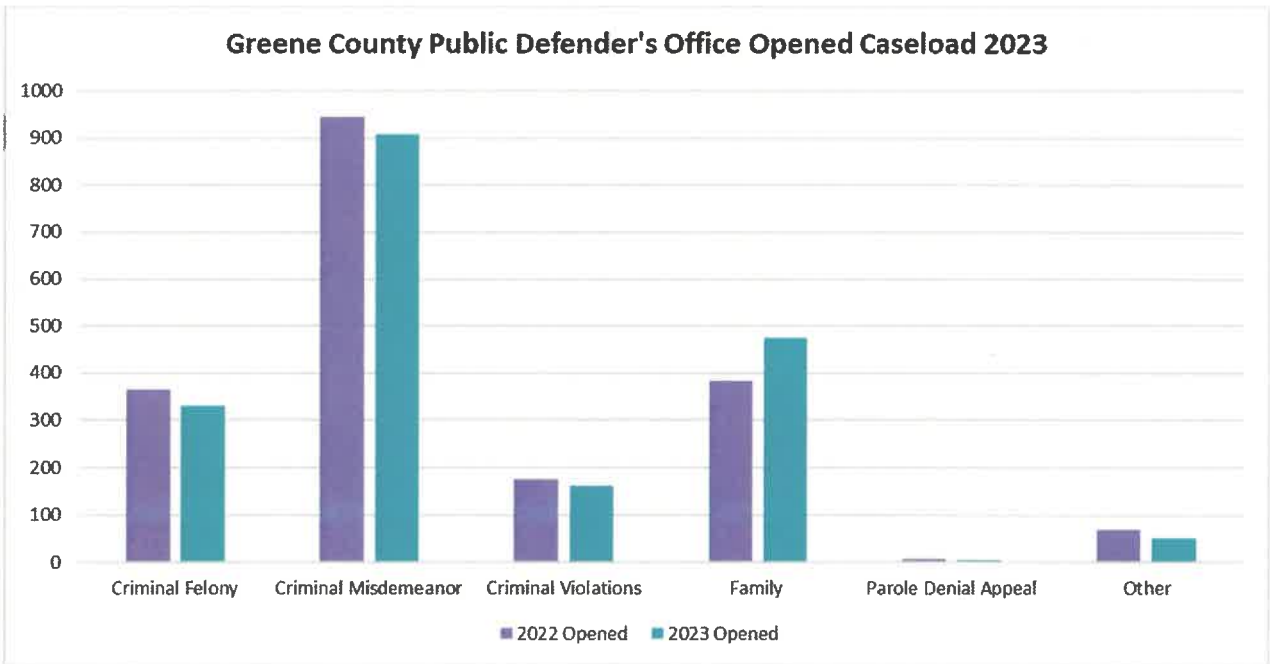


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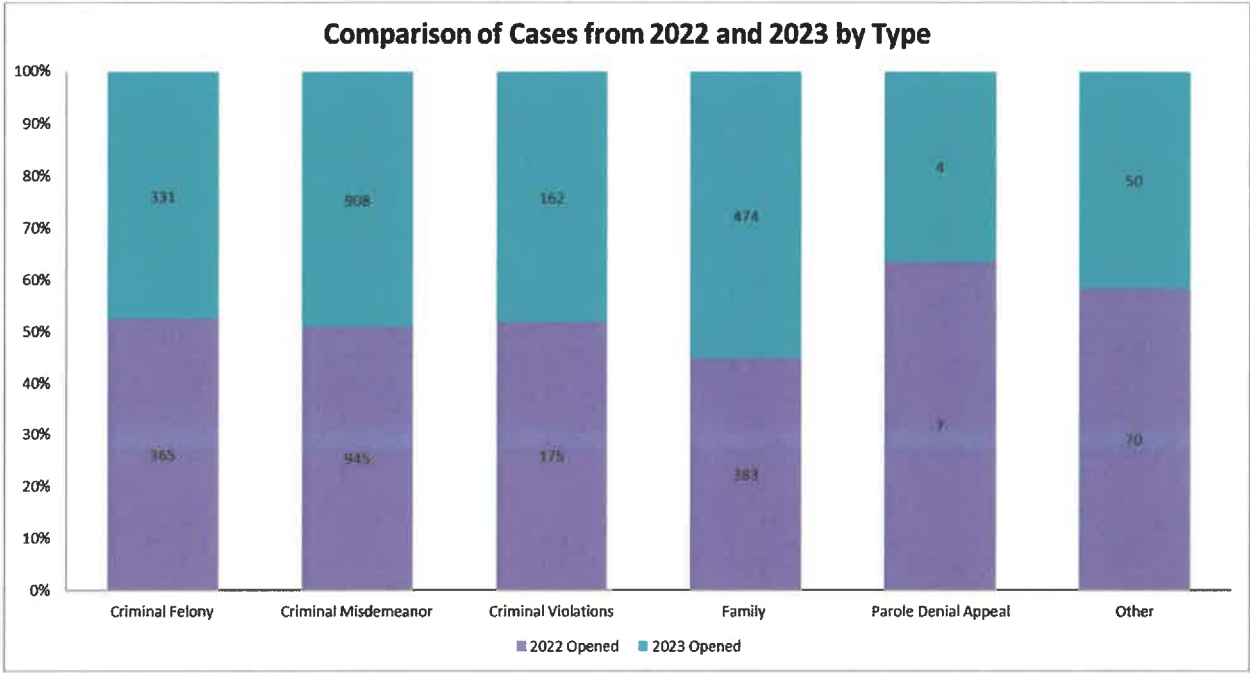


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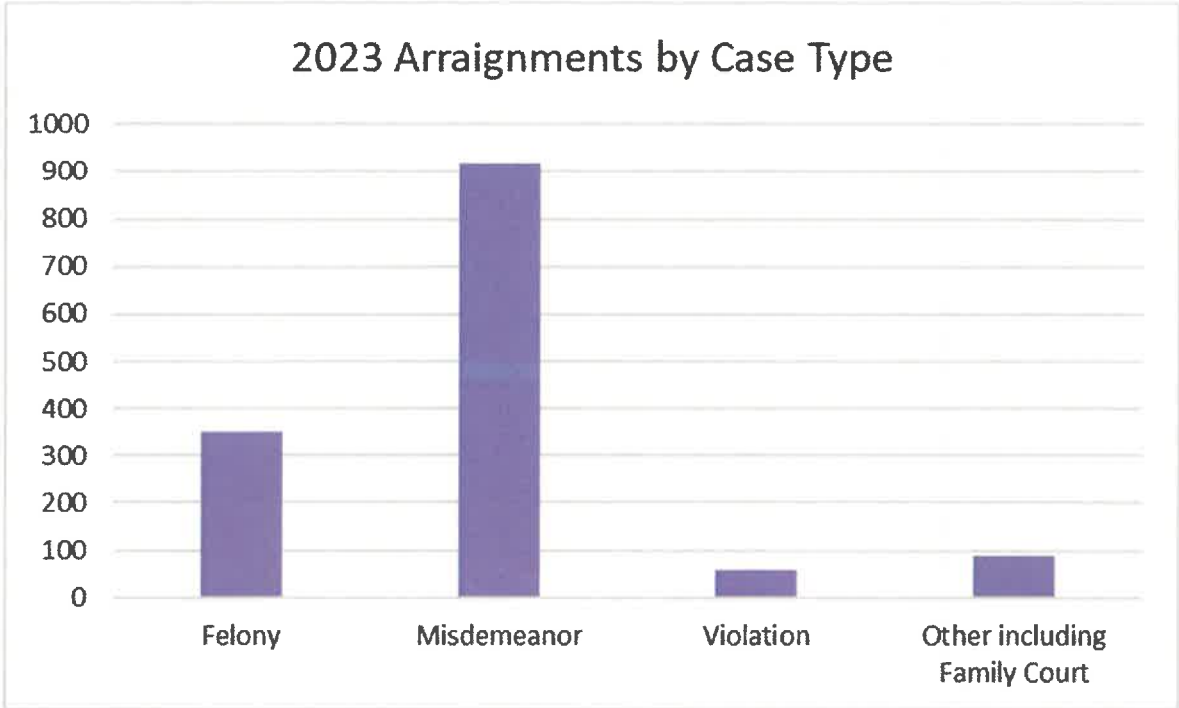


Figure 6:

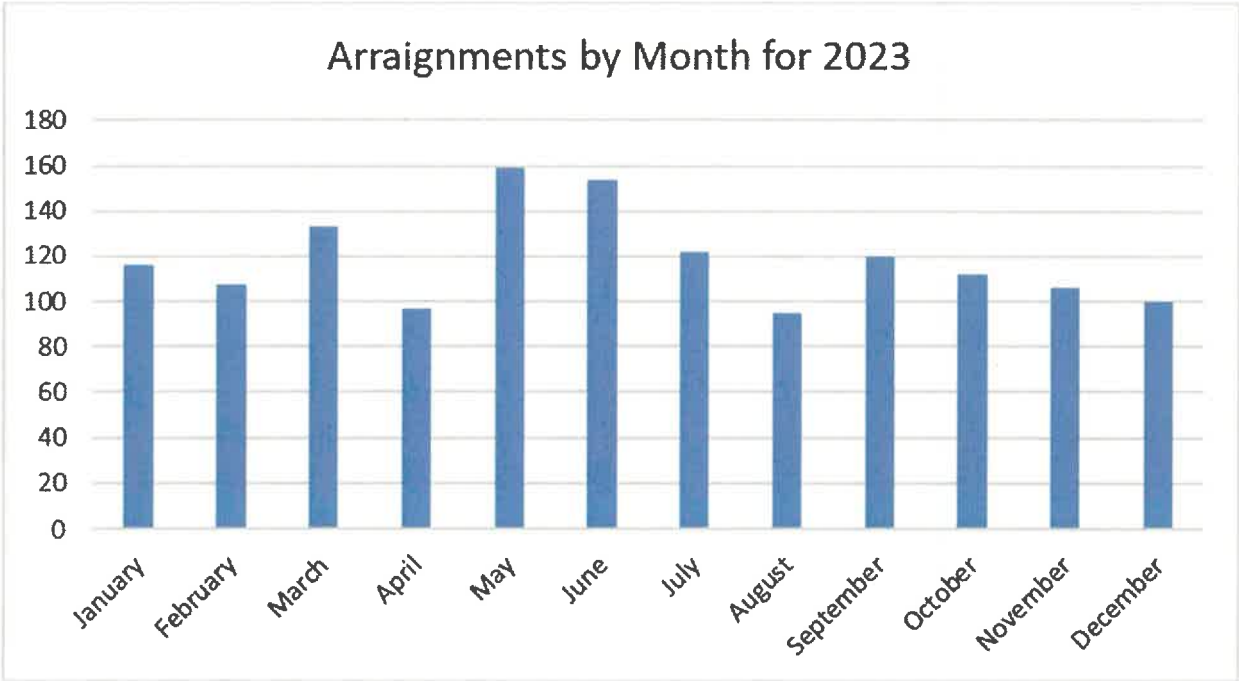


Figure 7:

