

**ANNUAL REPORT FOR THE
OFFICE OF THE GREENE COUNTY
PUBLIC DEFENDER - CALENDAR YEAR 2025**

The goal of the Office of the Greene County Public Defender (hereinafter referred to as “the Office”) is to provide mandated legal representation to all people eligible for publicly supported legal services and to defend individuals and protect their rights as established by New York State law and the Constitution. In addition, this Office strives to protect the fundamental and constitutional rights, liberty and dignity of each person whose case has been entrusted to us and to provide effective, high quality, zealous and competent legal representation.

The Office ensured that lack of financial resources did not act as a barrier to obtaining effective legal representation. It is well settled law that everyone is entitled by New York State Law and the Constitution to have access to competent legal representation on qualifying legal matters. As such, all attorneys along with the entire office provide a zealous defense to any person accused of a crime or any person who was represented by this Office.

This Office is mandated to provide legal services at no cost to individuals who are financially eligible for counsel. The types of representation included criminal matters, custody matters, family offense matters, child abuse and neglect matters, support violation proceedings, parole violation hearings and appeals, Habeas Corpus petitions (legal action in which a prisoner challenges the authority of the jail or prison to continue holding them, seeking relief from unlawful confinement), Sexual Offender Registration Act hearings (SORA - offender’s “risk level” is set to determine risk to the community), applications for early termination of probation and applications for a certificate of relief from disabilities. The Greene County Public Defender’s Office continued to represent clients in situations where New York State sought an Extreme Risk Protection Order (Red Flag Law). When issued, this order requires that an individual surrender any firearms to law enforcement and

prevents that individual from purchasing or possessing any firearms for a period of time. In addition, the Office advocated on behalf of clients who were sentenced to prison but may have had errors in their criminal record or miscalculations in jail time served in local jail.

The Office continued to adjust to the amendments in New York State's bail and discovery laws. Bail reforms allowed for more equitable treatment across socioeconomic backgrounds and sought to reduce the disproportionate impact of incarcerations. Furthermore, GPS monitoring and supervision (through ankle bracelet monitoring) and expanded pretrial supervision have become more widely utilized for our clients due to the reforms. As a result, the office has noticed a decrease in pre-trial incarcerations for individuals who are charged with alleged offenses and awaiting trial. However, for several years now, including the year 2025, the State has enacted legislation that adds limitations to the Bail Reform Laws which favor the Prosecution and not the Defendant.

Bail reform permitted the attorneys in the office to advocate for clients to remain at liberty and remain contributing members of society. This in turn allows more clients to engage in community services/resources such as substance abuse and mental health programs. Another benefit to bail reform is that because the clients are not incarcerated pending trial, the client is able to meet with their attorney more readily to prepare in their defense which generally results in better outcomes for the client. In addition, diminished pre-trial incarcerations reduced county costs while the individual awaited criminal trial. The use of risk assessments as an alternative to incarceration has increased available resources to address the root causes of issues rather than perpetuate cycles of recidivism and poverty.

Discovery law modifications required prosecution and/or defense share any/all evidentiary items and information related to the criminal case, on an expedited timeline, to ensure all sides have timely and complete access to all materials. As a result of the changes, the Office received automatic discovery within a short period of time after the criminal matter commences. Prior to discovery reform, most of

the prosecution's evidence was received at or near the time of trial. This change of sharing evidence at the outset of a case permits the Public Defender attorneys more time to effectively review the evidence resulting in better defense of allegations against the client. The increased time to review discovery materials benefits clients by not only a more thorough review of the evidence but also permitted time to investigate accusations and prepare a defense against the allegations. In certain cases, the discovery materials early on in the case has allowed the defense to rapidly subpoena exculpatory evidence that might otherwise have been lost or destroyed if subpoenaed later in the case. A prime example is where security footage tapes are recorded on top of old security footage after a two week interval. Attorneys routinely reviewed surveillance and body camera footage individually and with their clients. Review of Body Worn Camera footage is a lengthy process as many of the Body Worn Camera footage lasts for hours and there is usually more than one Body Worn Camera footage as each officer on the scene wears one resulting in multiple different officers and viewpoints. The conveyance of evidence at the commencement of a case has significantly increased attorney's workload.

As with Bail Reform, the new Discovery Laws were modified mid-year in favor of the Prosecution. These modifications include rules that prevent serious cases from being dismissed on account of failure to comply with Discovery; disclosure requirements that allow cases to proceed even if the Discovery Law time frame was violated as long as the Prosecution can demonstrate that they acted in good faith; speedy trial type challenges to be made early in the proceeding through hearings on whether the District Attorney's Office has complied with the discovery laws; and redaction of and protection of sensitive information that protects victims while supporting due process.

Even with the latest limitations on Bail and Discovery Reform, the new laws still benefit our clients with more successful outcomes for clients. The laws allow for consideration of our client's hardships and permit the legal system to in many instances view the client in a more holistic manner addressing the needs of the

client. This holistic approach including Drug Treatment has reduced recidivism in some clients.

Greene County's Drug Treatment Court was held weekly with at least one representative from the office appearing as a community stakeholder. The Office provided valuable insight throughout the process and protected the rights of the participants. The Office also continued to work with Opioid Intervention Court in Greene County. Opioid Intervention Court required immediate intervention and treatment for individuals at high risk of opioid overdose. This court focused on prioritizing treatment over criminal prosecution to protect lives. The Office noticed that clients who suffered from severe opioid addiction benefited from participating in the Court. When clients were not selected for Treatment or Opioid Intervention Court but had interest in recovery, help was provided to locate the appropriate services. The Office contacted treatment facilities, client's insurance companies and arranged for the transfer of medical records. The Office set up treatment screening interviews at county jails and made applications for clients to be released to treatment, both of which require a Judicial Order for incarcerated individuals. The Office remained the liaison between the facility, the Court, and the client for the duration of the treatment. This increased the amount of supportive services for the clients.

Greene County Family Treatment Court is designed to reunite individuals and their children after a family court petition. This program supported individuals that had allegations of neglect because of alcohol or substance abuse. The Court worked to reunite parents with their children after alcohol and/or substance abuse treatment. This office found this Court was beneficial to our parent/guardian clients.

Incarcerated female clients continued to be held in Columbia County or Ulster County Jail. This created an added obstacle for attorneys to have regular face-to-face contact with their clients. Hopefully, at some point the Greene County Jail will be able to accommodate female inmates thereby reducing or even eliminating this obstacle. Incarcerated clients held at the Greene County Jail received both mental

health and substance abuse services, if needed. These services assisted the clients with rehabilitation and may reduce recidivism. This created an opportunity for positive reentry into society.

The Office arranged to have contact with clients that were incarcerated in county jail and state prison. Clients made free telephone calls to discuss case updates or any concerns. In addition, investigators for the office interviewed incarcerated clients in person at the start of the case and/or as needed. It is also vital for the attorney/client relationship to have regular in-person contact even if the client is located outside the county and/or state.

With the continued state funding, the office made every effort to comply with caseload standards and limits mandated by the New York State Office of Indigent Legal Services. The Office added new full-time attorneys and other support positions to assist staff attorneys, which were entirely funded by a state grant. The added support positions handled correspondence, court filings, billing of the state grants and acted as a liaison between attorney and client. This allowed for timely handling of crucial or emergent circumstances. The additional positions allowed the Office to expand contact with clients and improved the client centered representation. This approach allowed for client input on important aspects and decisions related to their case. Although the workload and staff have increased (nearly doubled) the County funded portion of the Public Defender budget has remained the same. **See Figure 1 and Figure 2 annexed hereto.**

The Office was successful at securing a Family Defense and Child Welfare Grant. This grant allowed the Office to provide pre-petition representation in family court for a parent that faced allegations of abuse or neglect of their children. Through this grant the Office hired one full-time family court attorney to assist with the family court cases. With this additional funding, the office represented clients prior to a petition being filed and/or at the start of their legal proceedings. Early representation for a parent with legal issues which involved their children was vital to ensure a parent knows, understands, and can exercise their parental rights.

Counsel at First Appearance Grant (CAFA) funded attorney appearances for all criminal arraignments in Greene County. An attorney appeared during and after business hours (on call). In most cases the attorney requested an individual be released to allow them to continue to work, receive mental health and drug/alcohol abuse treatment, care for family members and contribute to society. This funding reinforced continuity of representation and ensured individuals were not inappropriately detained. Motions to dismiss were sometimes made at the arraignment where improper charges were lodged against the client which, when successful, reduced future court appearances. Less Court appearances has the effect of a reduction of cost to the taxpayer as unwarranted time is not spent on the case. Original funding provided coverage in the courts of Athens, Cairo, Catskill, Coxsackie and the village of Catskill. Additional funding in 2020 expanded coverage to all town and village courts in Greene County.

The Sentence Mitigation Advocate acts as a client liaison. This position is completely funded by a state grant awarded to the office. The Advocate's primary objectives were to communicate with clients and to assist them with access to programs and services. Clients were monitored throughout the program and/or service which was provided as an alternative to incarceration. The programs include substance treatment, mental health treatment, counseling, and advocacy for public services such as temporary assistance and adult protective services. Another objective of the Advocate was to act as the primary point of contact and gather information about the client's socioeconomic challenges. The information gathered pertained to family/relatives, education, employment, childhood, physical and mental health, history of trauma or abuse and drug and alcohol usage, treatment history and any other matter that assisted with the defense. The information was compiled into a report to advocate for a more compassionate sentence, not just punishment. Additionally, the employee in this position acted as a liaison to Greene County Drug Treatment Court and presented relevant information about the client's progress during treatment.

Assigned Counsel costs for the year 2025 continued to increase. Ethics Rules governing attorney behavior many times will require that the Office conflict out of a case. Outside counsel is appointed by the court whenever there is a conflict of interest with the Office. It is difficult to predict and budget for the assigned counsel expense because one cannot truly predict when/if this conflict may occur with a client. A conflict may exist for many different reasons but often the conflict arises because one of our previous clients is now a victim or witness in a new action/crime against a defendant. In such a case, it would not be proper for the Office to represent the new defendant because the Office would have information that the Office would not have otherwise been privy to if the victim had not been our client. This creates an unfair advantage and therefore a conflict would exist. A good example of this is when the District Attorney uses one of our clients as a confidential informant to buy drugs from someone.

The increased Assigned Counsel costs are due to several factors including the unpredictability of conflicts as more fully discussed hereinabove and changes in the discovery laws. The discovery law changes created higher counsel fees because of the increased amount of time needed to review the evidentiary information provided leading toward more investigative work. Additionally, a new law passed increasing the hourly rates paid to the attorneys. The increased hourly rates along with attorneys spending more hours on a case has caused increased attorney fees. The state still continued to compensate for half the 2023 rate increase for assigned counsel attorneys. However, expenses increased from the previous year by 4.14% which demonstrates that conflicts of interest are unpredictable. It is expected that this Office will soon be creating an assigned counsel program to oversee the payments to the assigned conflict attorney and to aid the assigned attorneys with advice and by offering a space to meet with a client. This program expansion is expected to be entirely funded by supplemental grant money.

All attorneys are mandated to receive a minimum amount of continuing legal education to stay current with case law developments, trial techniques, ethical standards and to renew their license to practice law in the State of New York.

Attorneys receive training on material relevant to criminal and family law which enhanced representation of Public Defender clients. This cost is usually paid for by the Hurrell-Harring Grant. The attorneys also attend the New York State Defenders Annual Conference to stay informed on law changes and challenges that impact public defense. This cost is also paid for by the Hurrell-Harring Grant. The Office plans to participate in additional training programs if relevant to the legal practice in the Public Defender's Office.

With respect to the Office, 2,346 new cases were opened in 2025. Of the new cases, 732 cases involved family court matters, and 1,614 cases involved criminal court matters. Regarding criminal court matters, the Office opened a total of 346 felony cases, 997 misdemeanor cases and 172 cases qualified solely as non-criminal violations. The remaining cases concerned varied matters as described. **See Figure 3 and Figure 4 annexed hereto.**

The number of overall cases handled by the Office in the year 2025 increased from the previous year by 302 cases or 14.77%. The total number of criminal court cases increased from 1,419 cases in 2024 to a total of 1,515 cases in 2025 for a total of 6.76%. The number of felony cases increased by 24 or 7.45%. The number of misdemeanor cases increased by 76 cases or roughly 8.25%. The number of violation cases decreased by 4 cases or approximately 2.27%. Additionally, the number of family court cases increased by 200 cases or about 37.59%. **See Figure 5 and Figure 6 annexed hereto.**

Despite the increase in cases in the Public Defender's Office, the attorneys provided effective, high quality, zealous legal representation. The attorneys negotiated efficacious dispositions without trial, which was advantageous for the clients and cost effective for the county.

Efforts to increase technology continued with the addition of JusticeText. This is a legal tech platform that automates transcription and analysis of video and audio evidence, i.e. body worn camera footage and other legal documents. Efforts

continued for all employees to convert to laptops with docking stations and the office to become (mostly) paperless. Offsite Data storage of all files of the Office continued with no expense to the county due to funding from a state grant. The Office continued to use Dropbox, a web-based file sharing program, which allowed the transfer of discovery data to most clients during their case. A benefit of these technical upgrades would permit the Office to provide continuity of operations for a short time or indefinitely by allowing work to happen virtually anywhere.

With respect to criminal arraignments during the year 2025, 1,540 clients were represented during their arraignment. Of these, 374 were felony arraignments, 1019 were misdemeanor arraignments, 57 were non-criminal violation arraignments and 90 were other arraignments. Of these arraignments, 1,063 occurred during the time when an attorney was present at court. 477 arraignments occurred outside normal court hours which required the on-call attorney to be present. Of these after hour arraignments, 59 clients were either remanded to jail with or without bail, 80 clients were released with pretrial supervision conditions, and with the remaining 338 arraignments the clients were released on their own recognizance or with non-monetary bail conditions. **See Figure 7, Figure 8 and Figure 9 annexed hereto.**

The Office of the Greene County Public Defender is dedicated to full and fair representation of people in the community who are financially eligible for constitutionally mandated public legal counsel and are either charged with a criminal offense or other statutorily defined state action or in Family court on custody, visitation, Family Offenses and child support violations. As Greene County's Public Defender, I am committed to providing mandated legal representation in an efficient and cost-effective manner while maintaining the highest professional and ethical standards.

Respectfully submitted,

Angelo F. Scaturro, Esq.
Greene County Public Defender

FIGURE 1:

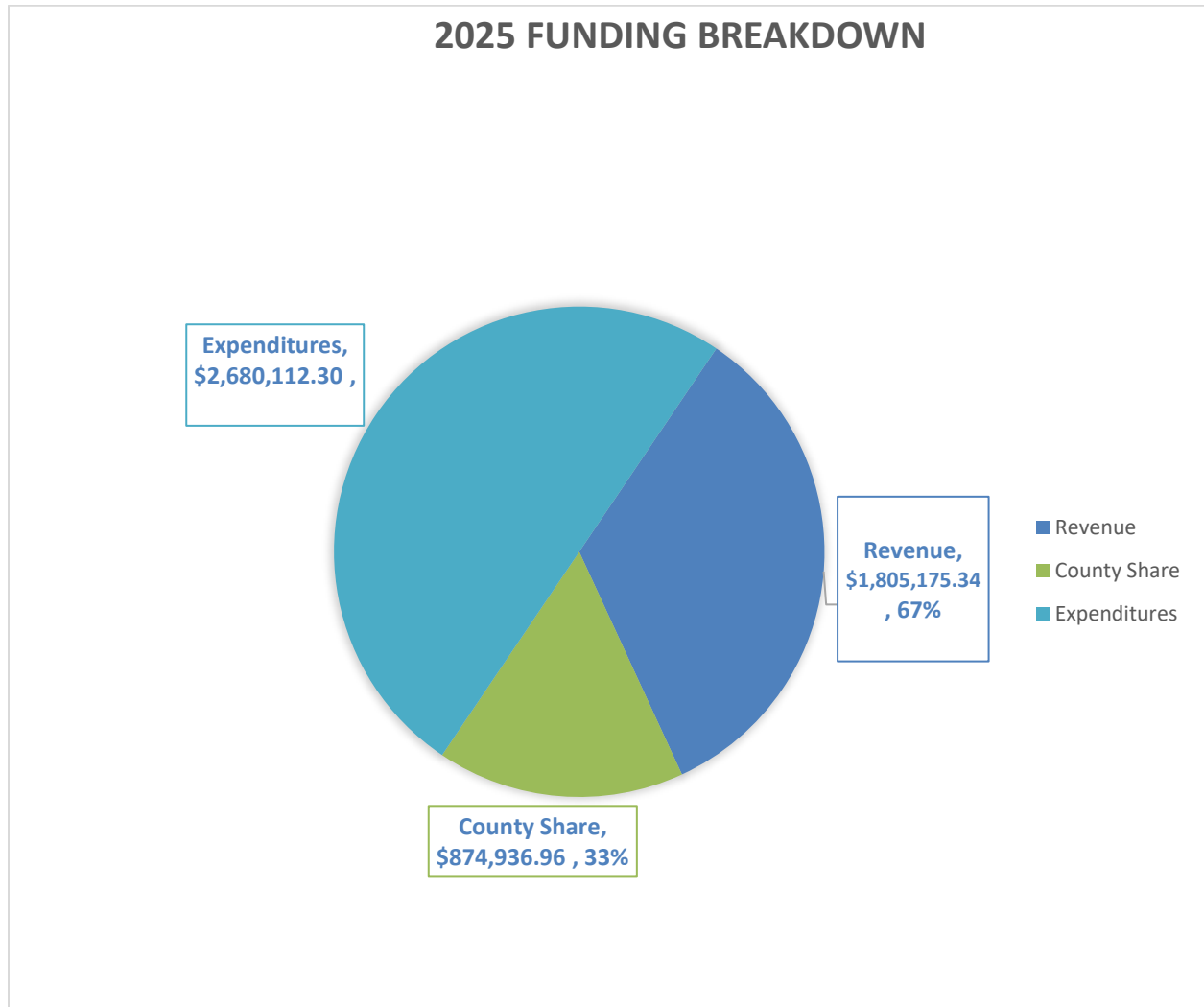


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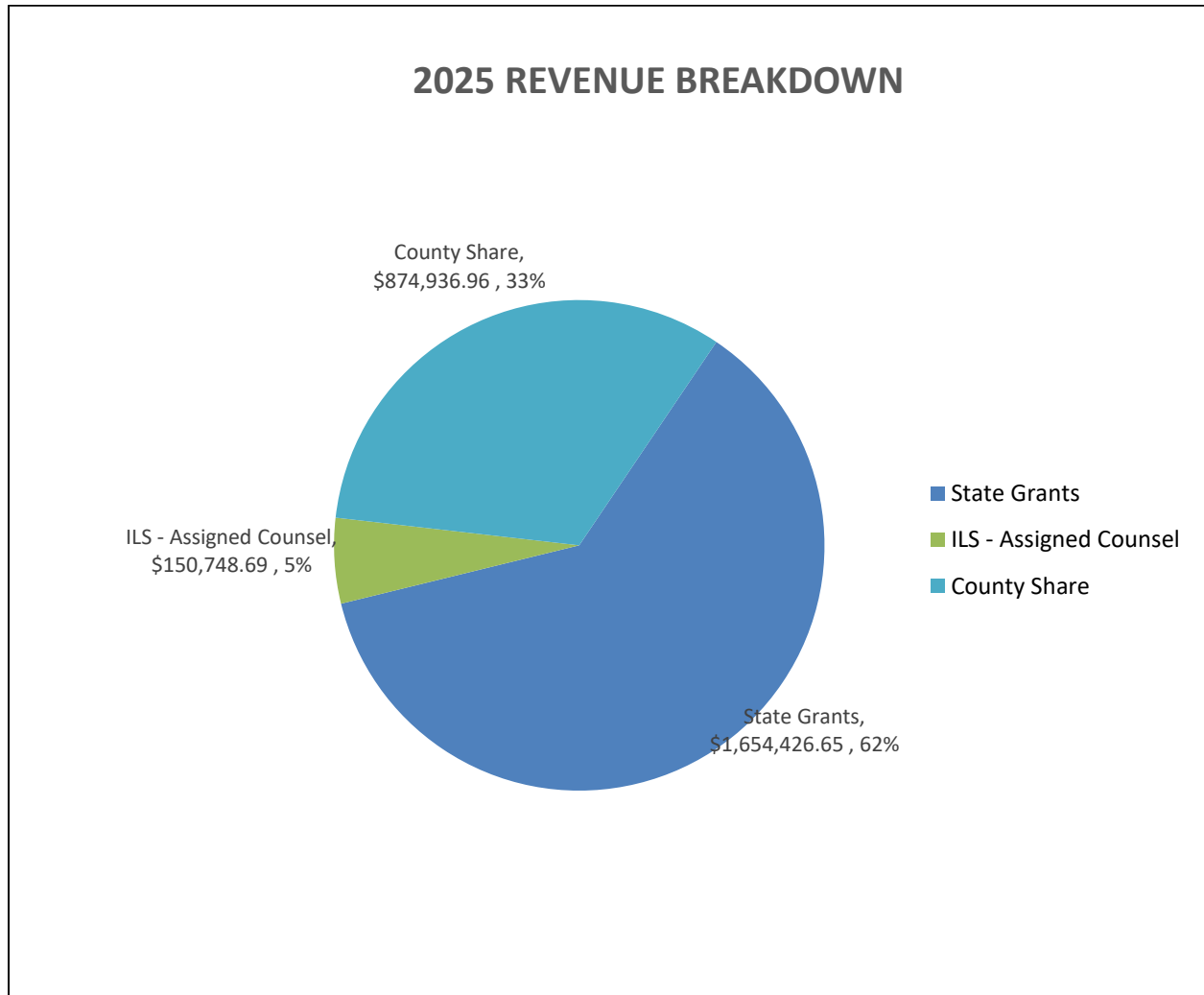


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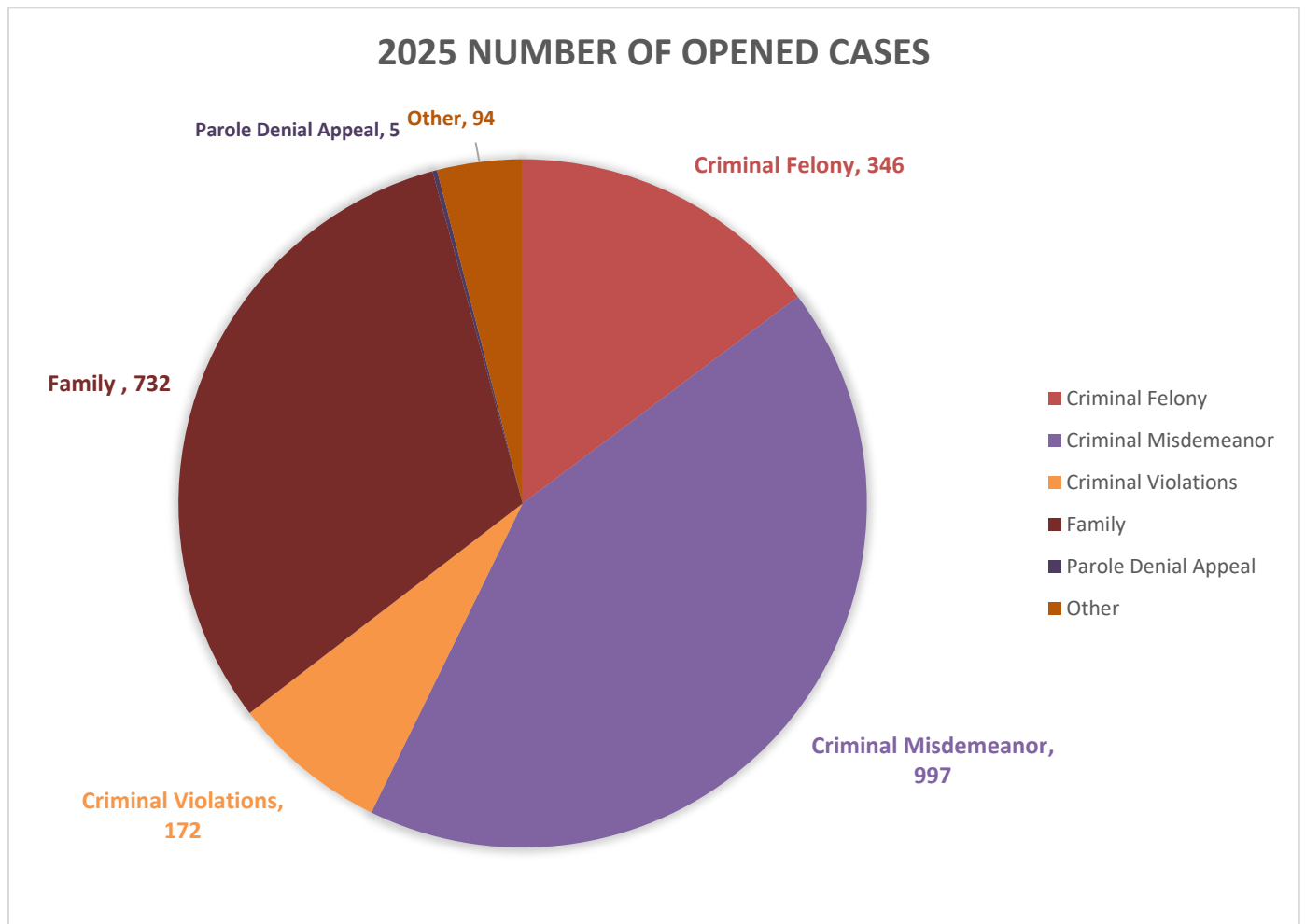


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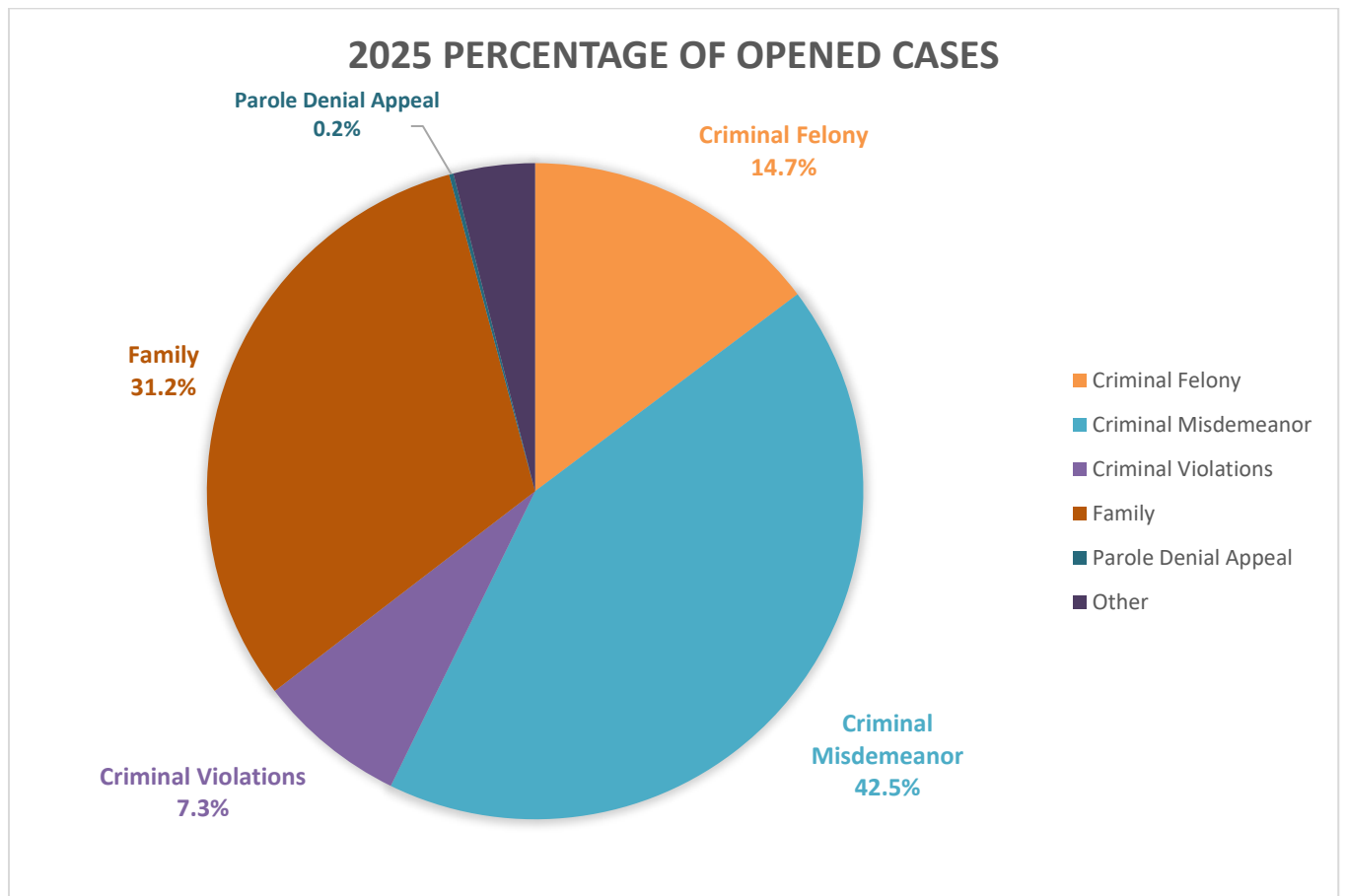


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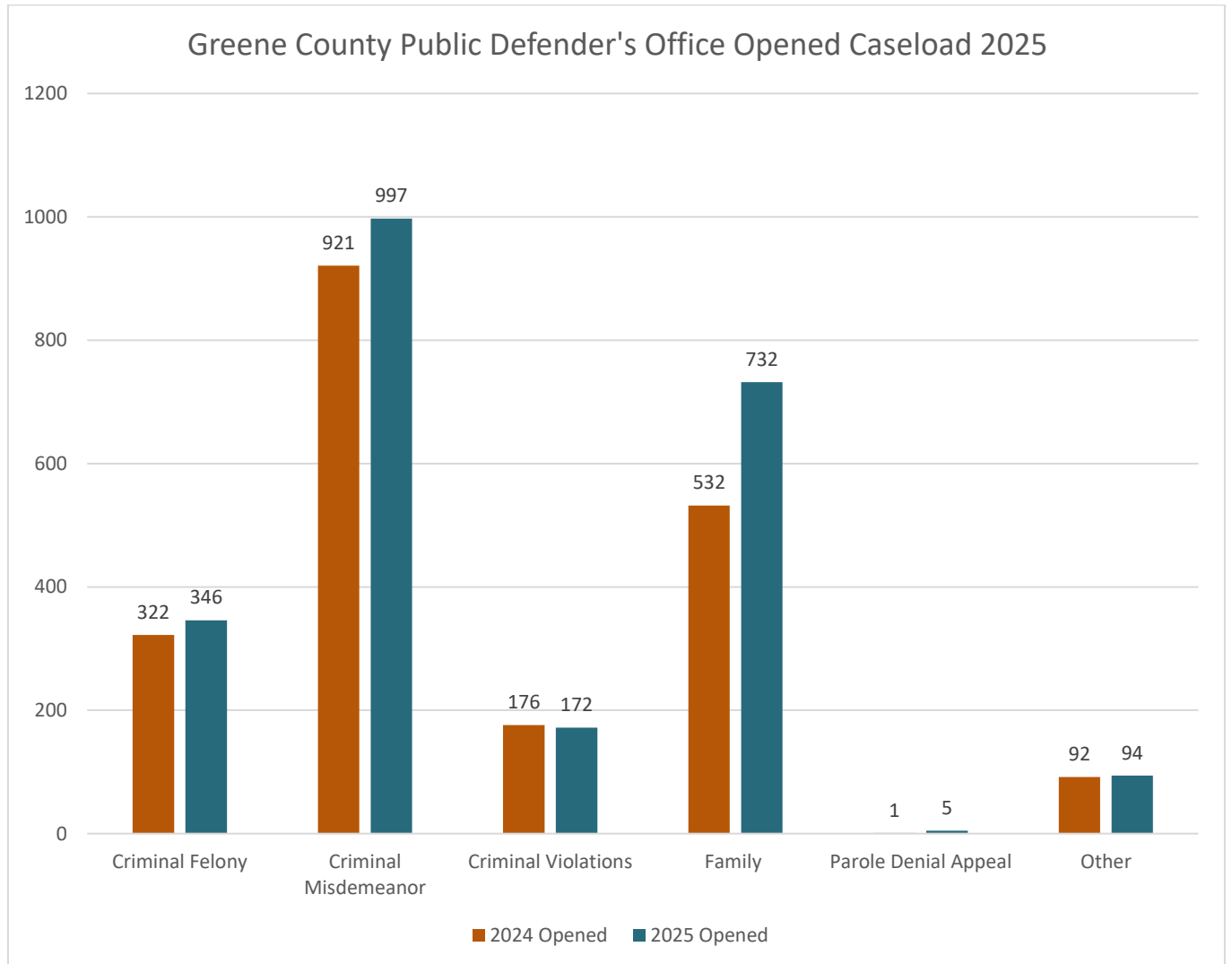


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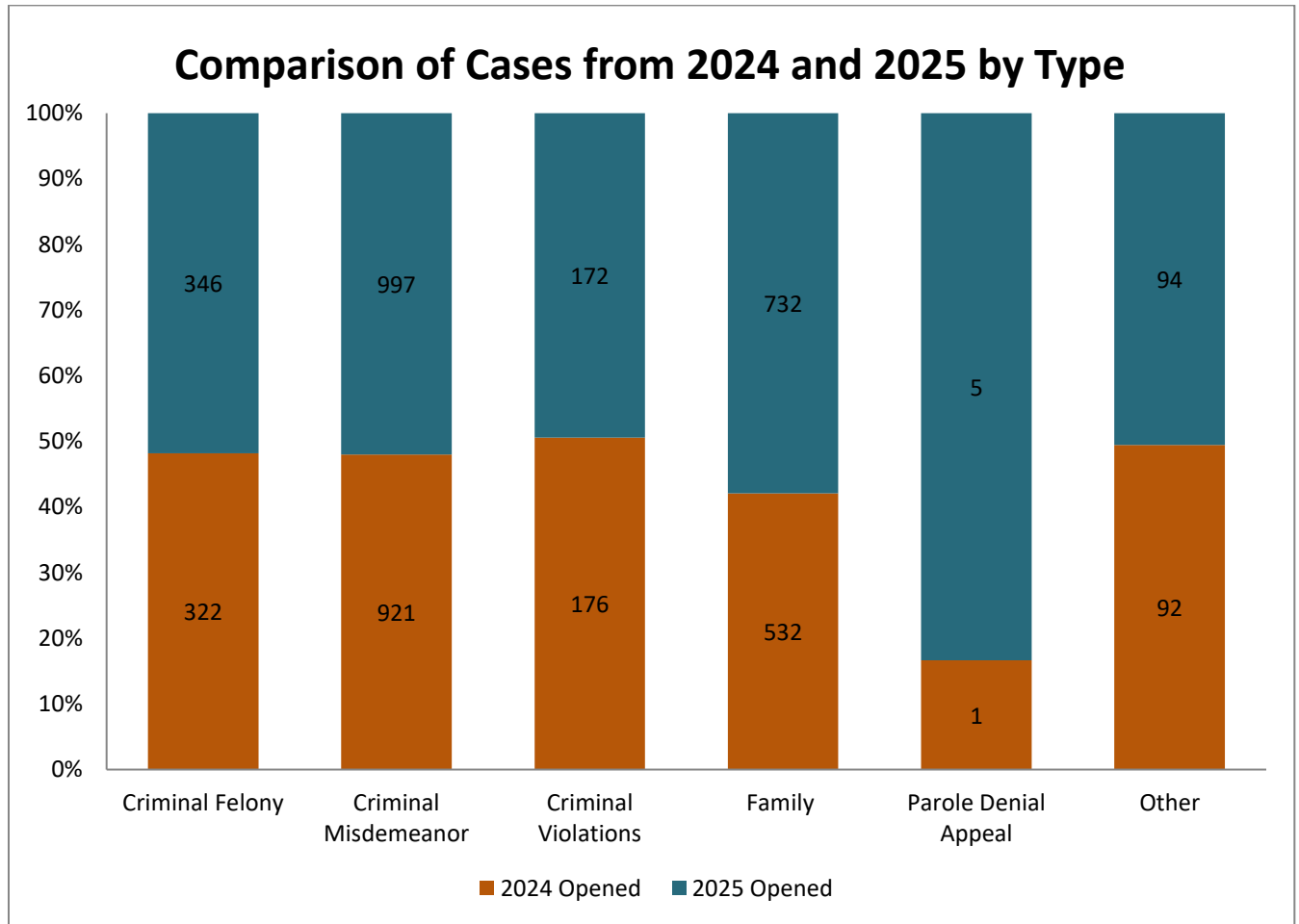


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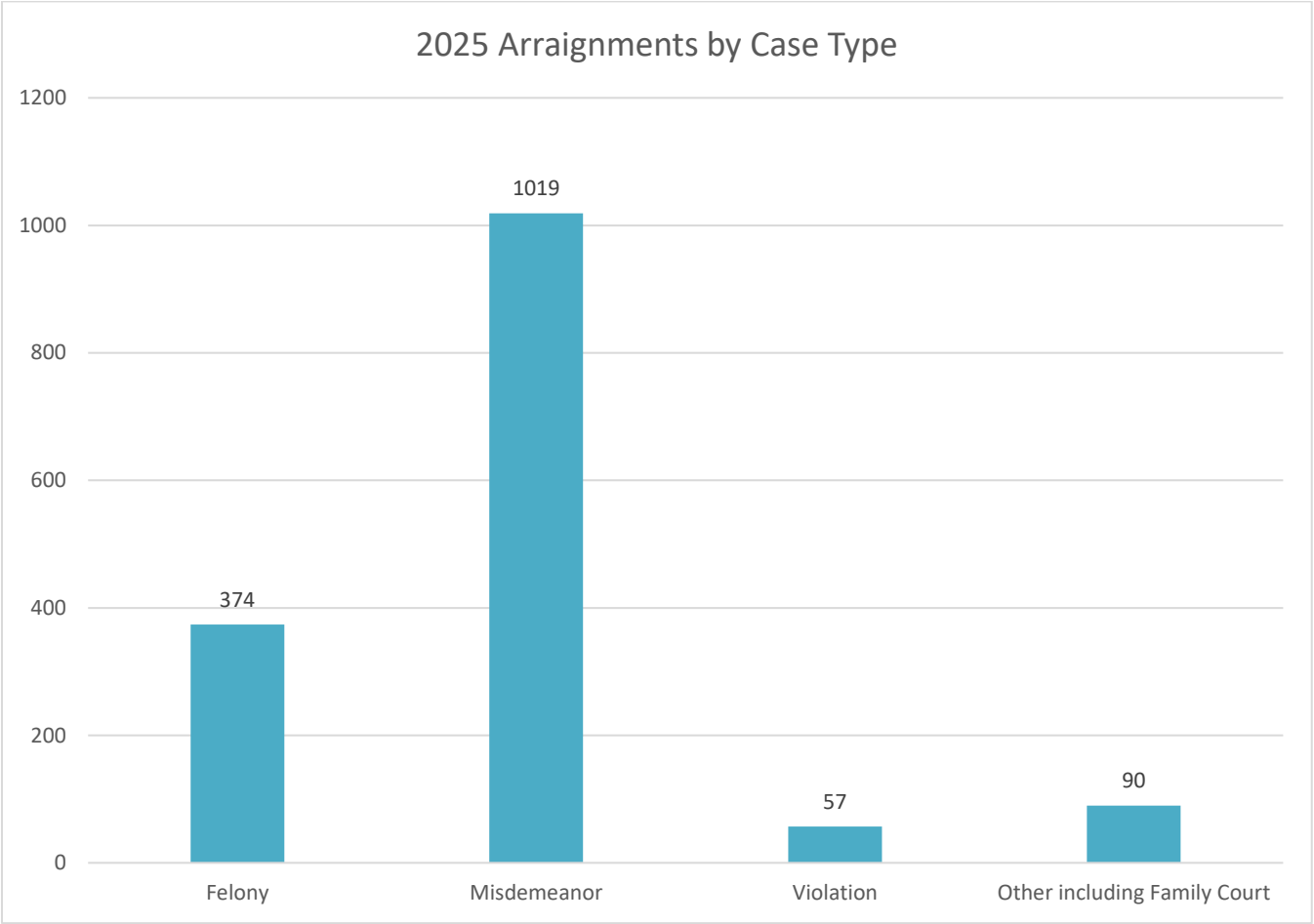


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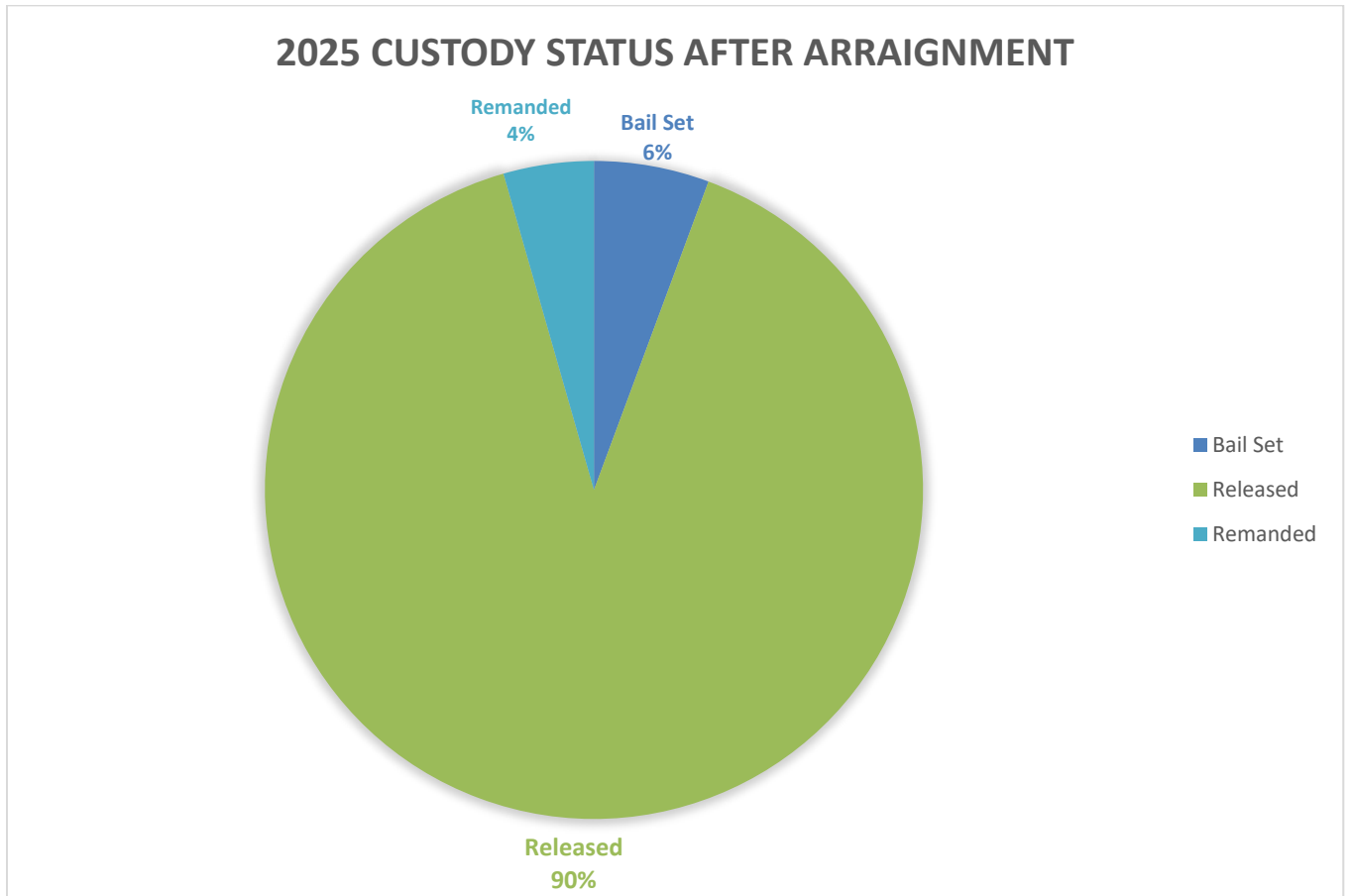


FIGURE 9:

