

ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY PUBLIC DEFENDER FOR THE CALENDAR YEAR 2024

The goal of the Greene County Public Defender's Office (hereinafter referred to as "the Office") is to provide mandated legal representation to all people eligible for publicly provided legal services and defend individuals based on 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.

One of the main goals of the Office is to ensure that lack of financial resources does not act as a barrier to obtaining effective legal representation. The attorneys employed by the Office are committed to providing a zealous defense to any person accused of a crime or any person who is otherwise represented by this Office. The Office firmly believes that everyone is entitled by the constitution to have access to effective legal representation on qualifying legal matters.

This Office is mandated to provide legal services at no cost to individuals who are financially unable to afford counsel. The types of representation provided include 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), Article 81 guardianship cases (appointment of a guardian for a person who is determined to be incapacitated or in need of a guardian and unable to manage their personal needs or property), 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 previously sentenced to prison and whose cases were technically closed. Examples of these cases involved errors in their criminal record or miscalculations in jail time credit for time served in local jail.

The Office continued to adjust to the changes regarding New York State's bail and discovery laws and procedures. The 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 had become more widely utilized for our clients due to bail reform. As a result, the office has noticed a decrease in pre-trial incarcerations for individuals who are charged with crimes while awaiting trial.

Bail reform has been financially beneficial to the County by reducing the number of individuals being incarcerated while the individual awaits their criminal trial. Decreased pre-trial incarceration and bail reform has been beneficial as it reduced costs to the county for pre-trial incarcerations where an individual is awaiting trial on criminal charges. Rather than spending money on incarceration, the use of risk assessment and alternatives to incarceration has increased available resources to address the root causes of crime rather than perpetuating cycles of poverty and incarceration. Specifically relating to this office, due to bail reform, our attorneys were able to advocate for more clients to remain contributing members of society, in turn allowing more clients to engage in community resources such as substance abuse and mental health programs.

As a result of the changes to discovery laws, the Office would receive automatic discovery. Automatic discovery includes evidence that the prosecution intends to use at a criminal trial. This automatic discovery is provided within a short period of time after a criminal matter is commenced. The discovery law modifications require the prosecution and/or the defense to share any/all items and information related to the criminal case, on an expedited timeline, to ensure those charged have timely and complete access to all materials related to a crime. Prior to the discovery reform, most of the prosecution's evidence was received by defense at or near the time of trial. This change has provided the ability to more effectively defend a client as the Office would receive more complete information and evidence regarding criminal allegations. The increase in available discovery clearly benefits our clients as they are more able to develop a defense to the allegations as they have more time to review the evidence the prosecution believes will result in a conviction. The consequence of receiving the evidence early on in a criminal matter rather than receiving evidence at the time of trial and thereby causing a "trial by surprise" is a substantial increase to attorney workload. Attorneys now routinely review surveillance and body camera footage in every case both individually and with their clients. The body camera footage can be hours long on each case and from multiple different people and angles. It has been noticed that with the new discovery laws requiring short timeframes within which the prosecutor provides the discovery, the Office is able to fully and promptly investigate cases and prepare better defenses for clients. As information was available more rapidly, the defense was able to investigate allegations and subpoena information shortly after an alleged incident occurred and before information was potentially lost or destroyed. Another benefit to bail reform is that clients are not being incarcerated pending trial and thus are more able to meet with their attorney, participate in the preparation of their defense resulting in better results at trial. Bail and discovery reform resulted in improvements in effective representation of clients as there is an increased focus on understanding the individual client's needs. This allowed the Office to provide a more holistic defense for clients by identifying what issues plagued the client contributing to the client's commission of the crime. Having identified the issue of the client, the Office was able to help client address those issues thereby lessening the chances of the client committing a future crime.

The Office continued to be a member of Greene County's Treatment Court where a representative must appear 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 that our client's suffering from severe opioid addiction that participated in the Court had a benefit. When our clients were not appropriate or selected for Treatment Court or Opioid Intervention Court but had a desire to begin the process of recovery, the Office aided by directing clients to appropriate community services. The Office initiated contact with treatment facilities, client's insurance companies and 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 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 would generally be addressed by a social worker and the Office plans to create a new social work type position to increase the level of services offered by the Office.

This office joined the newly created Greene County Family Treatment Court. This is a special program designed to help individuals and their children reunite subsequent to the filing of a family court petition. This program is designed to service individuals who have a neglect case against them with alcohol or substance abuse allegations. The court will help the parents recover from alcohol or substance abuse and work toward reuniting parents with their children. This office is hopeful that the addition of this court to Greene County will assist parents/guardians who are suffering from substance abuse issues.

The Greene County Public Defender's Office continued to experience a burden with the continuous closure of the Greene County Jail for female inmates. Female clients previously incarcerated in Greene County Jail are held in Columbia County Jail or Ulster County Jail. This has caused an added obstacle for attorneys to have regular face-to-face contact with their clients. The hope is that the Greene County Jail soon will accommodate female inmates which would allow more consistent and frequent contact with our clients who are incarcerated. The Office observed that the Greene County Jail continued to provide both mental health and substance abuse services to our clients which assisted with our representation. The focus on these services assisted our clients with rehabilitation and may also reduce recidivism. This clearly benefited our clients and may allow an opportunity for positive reentry into society.

The Office continued to improve contact with clients that are incarcerated in county jail and state prison. The Office tried to ensure that clients could contact their attorneys although they may be in different county jails. Clients continued to make free telephone calls to their attorneys to discuss case updates and concerns. In addition, investigators for the public defender's office continued to travel to interview incarcerated clients in person at the commencement of their case and/or on an as needed basis. It is vital to

the attorney/client relationship to have regular in person contact and staff continued to do so despite some clients being located outside of the county and state.

Due to the continued availability of 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 positions to assist the staff attorneys, which was funded completely through a state grant without additional cost to the county. The added positions assisted attorneys with correspondence, court filings, and acted as a liaison between attorney and client. This enabled each party to stay up to date on relevant and emergent information. The additional positions allowed the Office to expand contact with clients and improved the client centered representation. This approach allowed for client input in important aspects and decisions related to their case. I have noticed that the County funded portion of the budget for this Office has essentially remained the same despite office workload and staffing increases (staffing has almost doubled since the start of my tenure). **See Figure 1 and Figure 2 annexed hereto.**

In 2023, a grant was received to improve representation in family defense and child welfare. This grant allowed the Office to provide pre-petition representation in family court for a parent facing allegations of abuse or neglect of their children. Through this grant the Office hired one full-time family court attorney and a full-time support staff to assist with the family court cases. The Office also established a hotline in which parents/guardians can call during the weekend to get information on what rights they have, how to access representation for a family court action, and the community services available to assist with any needs of the parents/guardians or children. This hotline is staffed by members of the Office to ensure 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 stage of a proceeding. Similar to having representation early on during an arrest for criminal matters, having representation early on for parents who are experiencing legal issues surrounding their children is vital so that parents know, understand, and can exercise their rights.

Counsel at First Appearance program (CAFA) continued at all arraignments in Greene County. This was the sixth full year of the state grant that commenced in 2018 which funds an Attorney to appear during and after business hours at all arraignments. This originally occurred only in the towns of Athens, Cairo, Catskill, Coxsackie and the village of Catskill. During 2020, additional funding enabled coverage at arraignments immediately following arrest and on appearance tickets in all courts within Greene County. The Office continued to successfully argue for the release of clients so that they may continue to work, receive mental health and drug/alcohol abuse treatment, care for family members and be contributing members to society. As expected, clients benefited from having our representation at every possible stage of criminal prosecution. This funding reinforced continuity of representation and ensured fewer individuals are not inappropriately incarcerated in Greene County. An added benefit of appearing at arraignments was that inappropriate and/or improper charges are dismissed which reduced future court appearances for both the clients and the Office.

The Office created a Sentence Mitigation Advocate positions who acts as a client liaison. This position is completely funded by a state grant which the office was awarded. This positions primary objectives were to communicate with clients and to assist them with accessing programs and services. Clients would then be monitored throughout the programs and services with reports generated to assist effectuating client's receiving an alternative to incarceration. These programs included substance treatment, mental health treatment, counseling, and provided advocacy for access to public services such as temporary assistance and adult protective services. Another objective of this position is to act as a primary point of contact with clients and gather information about our client's socioeconomic challenges. The information gathered relates 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 would assist with defense of a legal matter. This information is then compiled into a report to provide a depiction of the defendant to advocate for a more compassionate sentencing, not just punishment. Additionally, this position would act as a liaison to Greene County Treatment Court and present relevant information about the client's progress during treatment.

The complexities of Assigned Counsel expenses continued for the office. Ethics rules require that attorneys in New York refer clients to an outside counsel whenever there is a conflict of interest. It is difficult to predict when a conflict may occur with a client. This made it difficult for the Office to budget costs associated with conflicts. Additionally in 2023 state legislation increased the reimbursement rate for assigned attorneys by \$83.00 for felonies, appeals and Family Court matters and by \$98.00 for misdemeanors and other lesser offenses. Fortunately, half of the increased cost to the county was reimbursed by the state. As anticipated, costs increased from the previous year by 23.47% due to the hourly rate increase and the unpredictable amount of conflicts. As expected, the assigned counsel costs increased due change in discovery laws and the amount of discovery being review that. This increase is expected to continue in the coming years. The Office continued to work toward the establishment of an assigned counsel program to oversee and provide assistance to assigned attorneys. This program would be funded by supplemental grant money to provide more effective representation of clients conflicted by the Office.

Attorneys are mandated to receive a minimum amount of legal continuing education to remain abreast of case law developments, trial techniques and ethical practices. Attorneys received training on material relevant to criminal and family law which allowed effective representation. The Office attended the New York State Defenders Annual Conference to remain up to date on all challenges and changes to the law that have an impact in our area of practice. The Office plans to participate in additional training programs in the upcoming year.

With respect to the Office caseload, 2044 new cases were opened in 2024. Of the new cases, 532 cases involved family court matters, and 1419 cases involved criminal court matters. Regarding criminal court matters, the Office opened a total of 322 felony

cases, 921 misdemeanor cases and 176 cases qualified solely as non-criminal violations. The remaining cases encompassed varied matters as described below. **See Figure 3 and Figure 4 annexed hereto.**

The number of cases handled by the Office in the year 2024 saw an increase from the previous year by 115 cases or 5.96%. The total number of criminal court cases decreased from 1446 cases in 2023 to a total of 1419 cases in 2024 for a total of 1.86%. The number of felony cases decreased by 9 or 2.72%. The number of misdemeanor cases increased by 13 cases or roughly 1.43%. The number of violation cases increased by 14 cases or approximately 8.64%. Additionally, the number of family court cases increased by 58 cases or about 12.24%. **See Figure 5 and Figure 6 annexed hereto.**

The addition of several skilled attorneys expanded the Office's capacity to provide effective, high quality, zealous legal representation. This allowed for swift dispositions without the need for trial, which was advantageous for the clients and cost effective for the county. The Office continued to increase technology with the conversion to a cloud-based case file database which enabled off-site access to files and client information enabling staff to update and track cases in court or any other location. This is the first step toward becoming a (mostly) paperless office and reducing expenses. With this in mind, efforts continued for all employees to convert to laptops with docking stations. As an added benefit, data storage was moved offsite with no expense to the county as it is fully funded by a state grant. The Office continued to use Dropbox, a web-based file sharing program, which allowed the transfer of discovery data to clients during their case in real time. A benefit of these upgrades is that if an emergency occurred that prevented access to the Office, the above changes would allow for continuity of operations as employees could work off-site for a period of time or indefinitely.

With respect to criminal arraignments during the year 2024, 1,398 clients were represented during their arraignment. Of these, 332 were felony arraignments, 924 were misdemeanor arraignments, 53 were non-criminal violation arraignments and 89 were other arraignments. Of these arraignments, 1,010 occurred during a time when an attorney was present at court. 364 arraignments occurred outside normal court hours which required the on-call attorney to be present. Of these after hour arraignments, 49 clients were either remanded to jail with or without bail, 70 clients were released with pretrial supervision conditions, and the remaining 245 arraignments clients were released on their own recognizance or with non-monetary bail conditions. **See Figure 7, Figure 8 and Figure 9 annexed hereto.**

The Greene County Public Defender's Office is dedicated to the full and fair representation of all people in our community eligible for constitutionally mandated publicly provided legal counsel and are charged with a criminal offense or other statutorily defined state action

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:

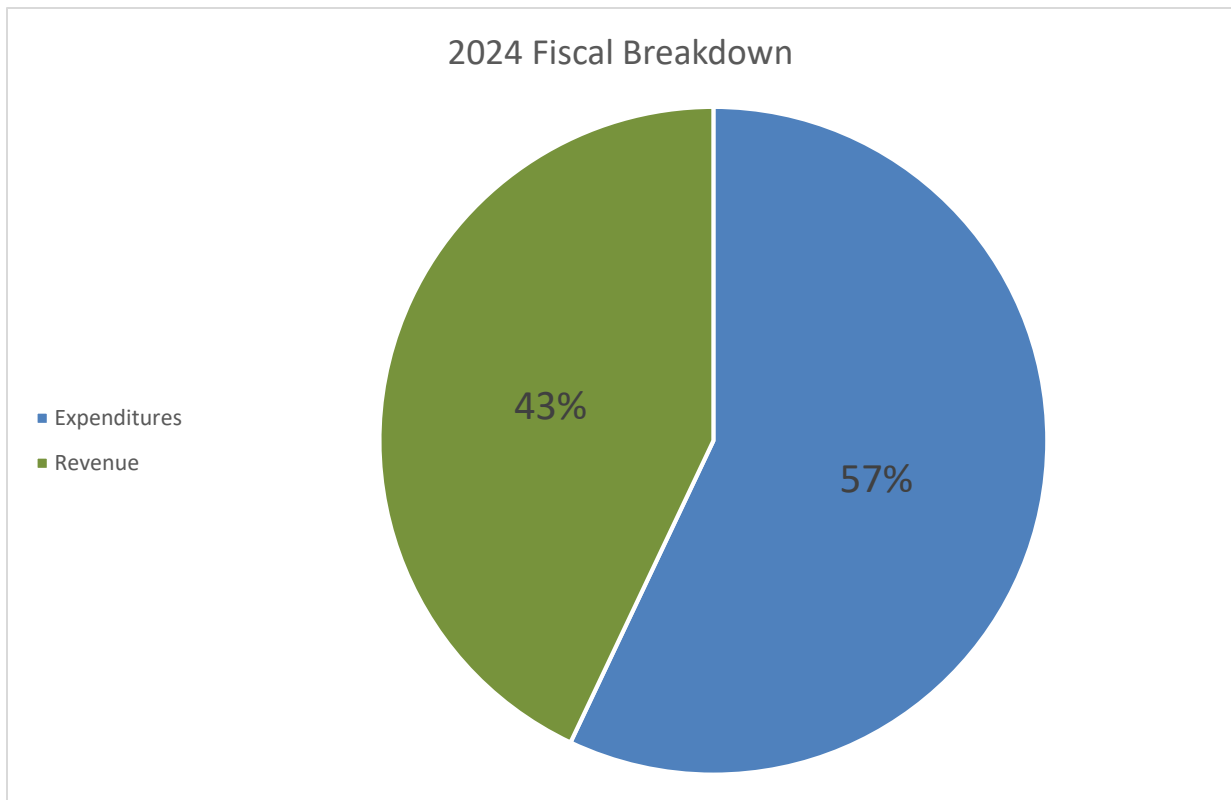


FIGURE 2:

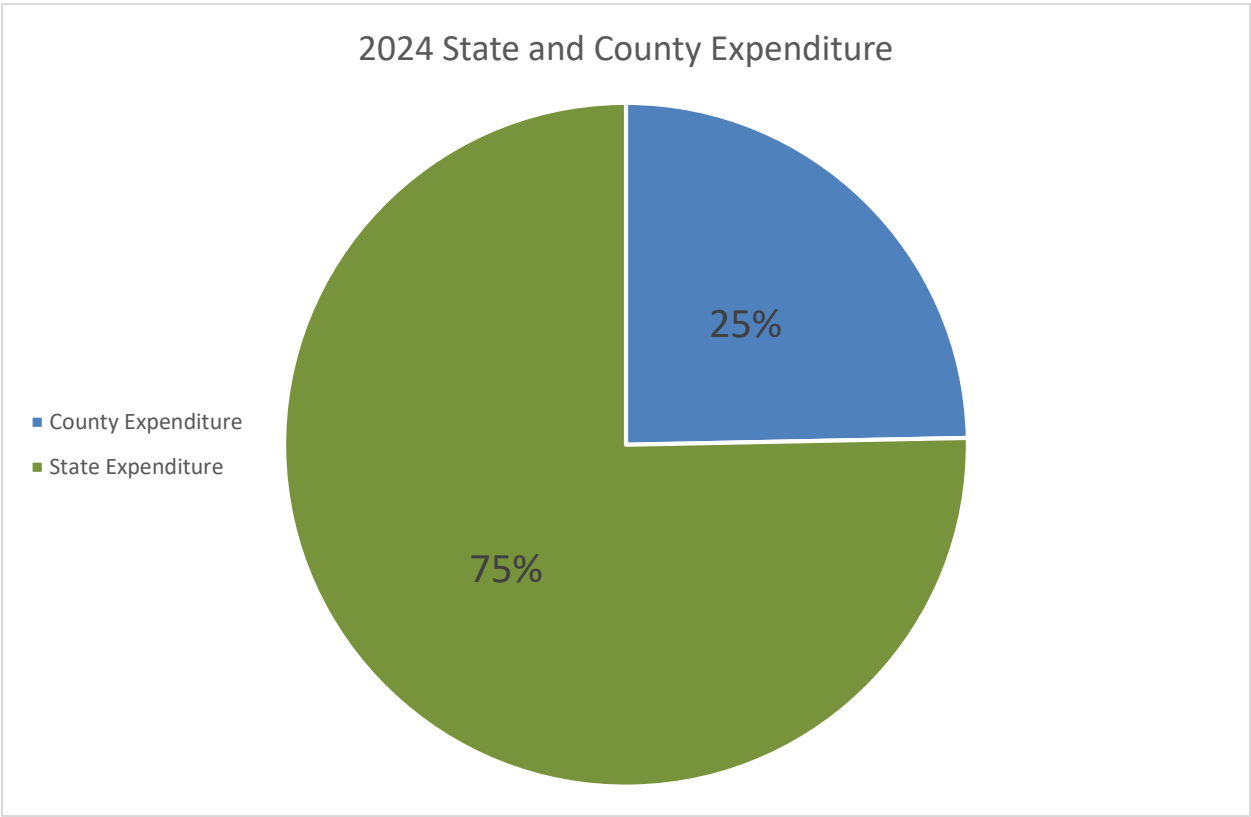


FIGURE 3:

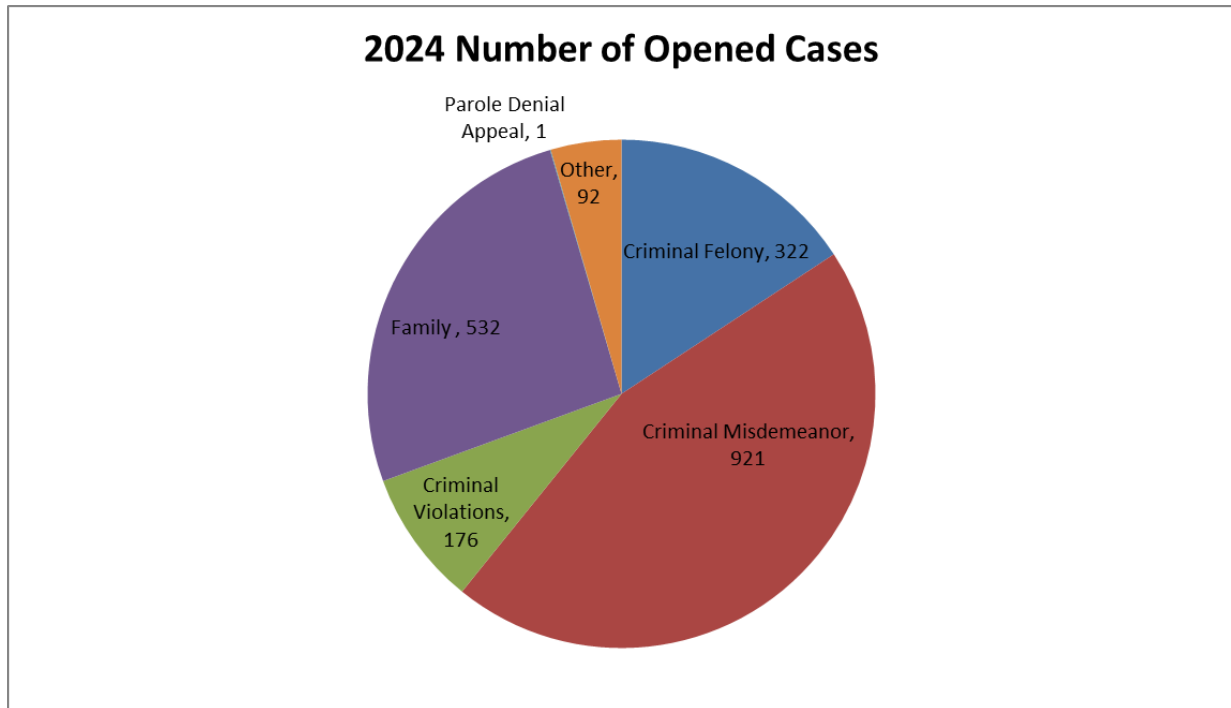


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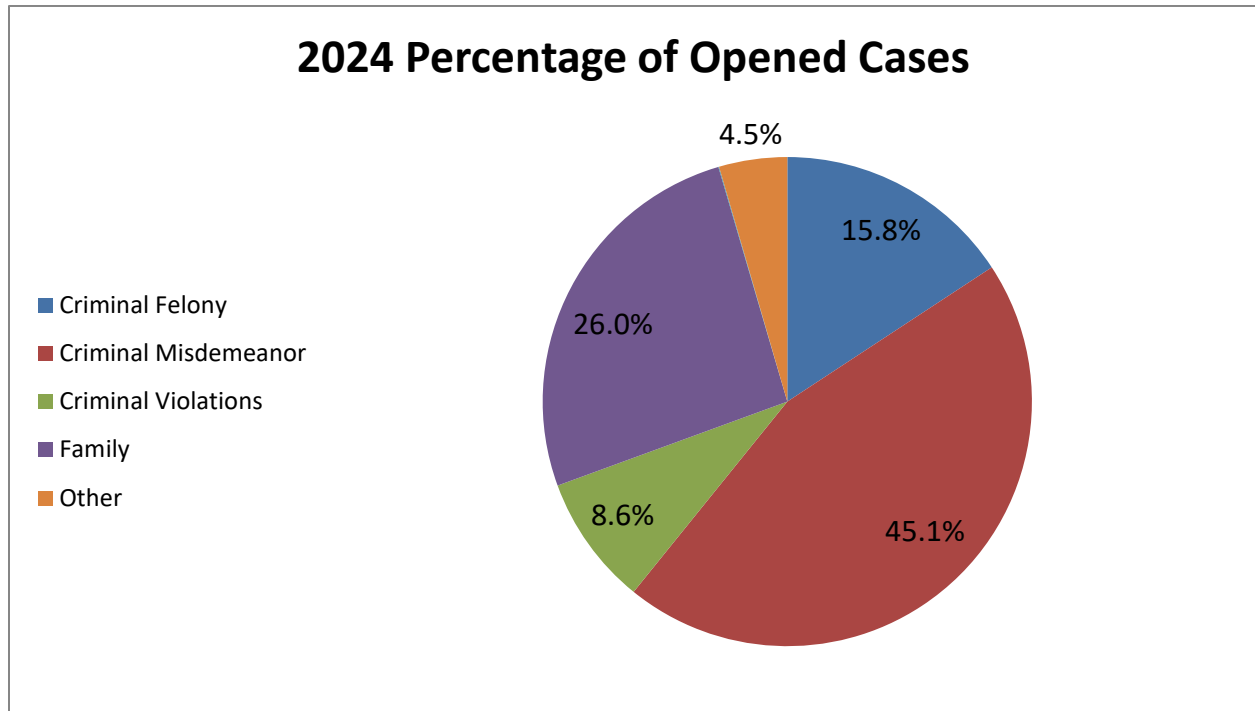


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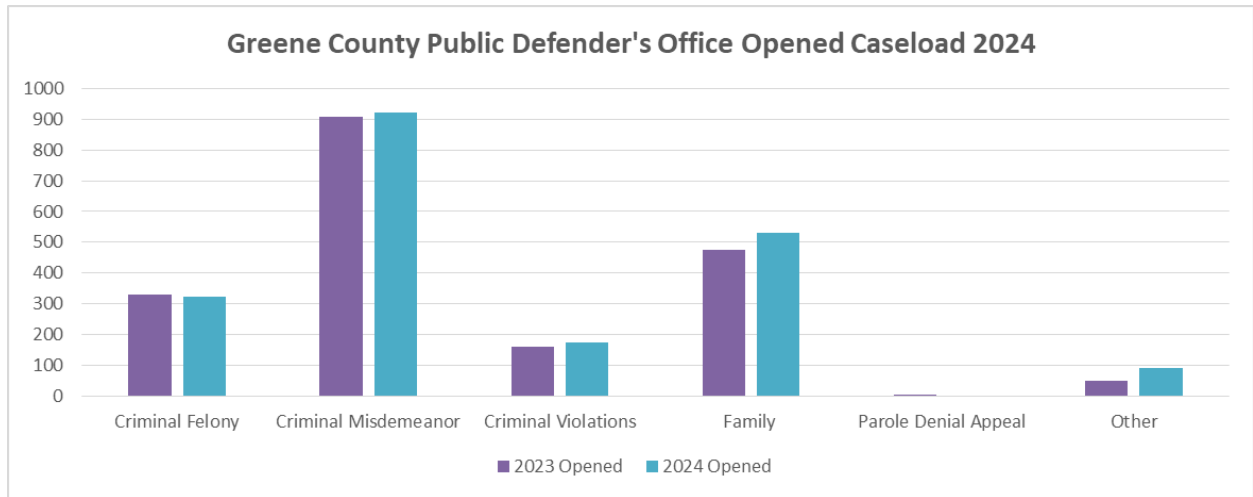


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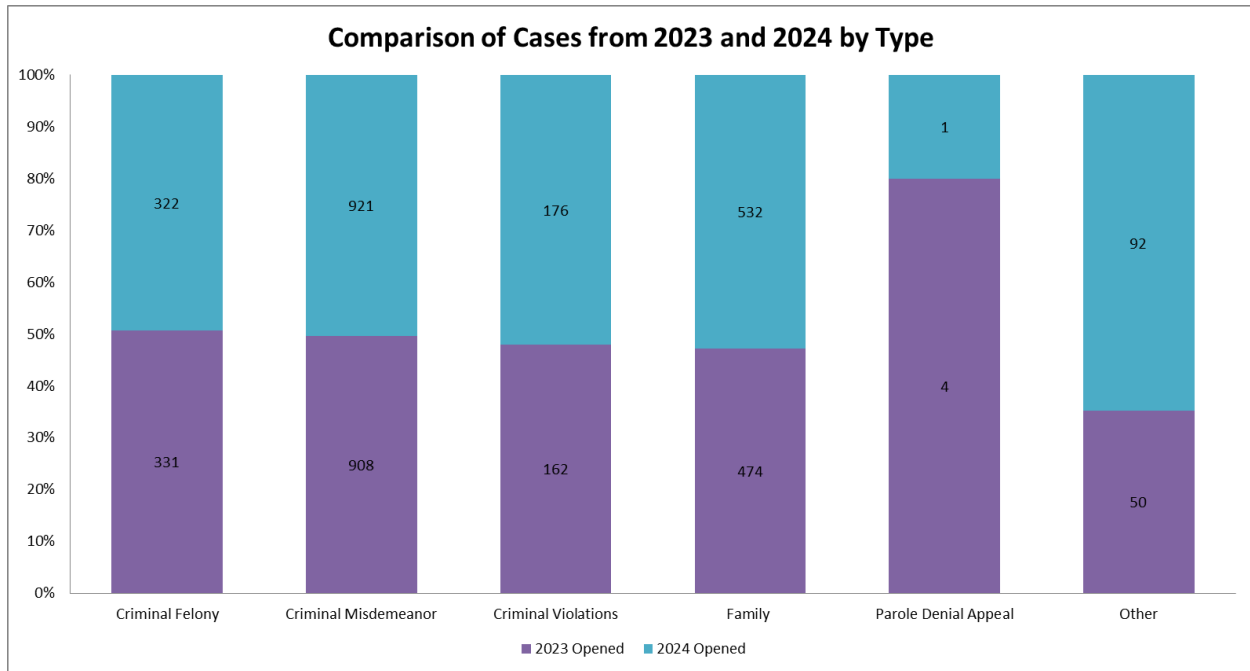


FIGURE 7:

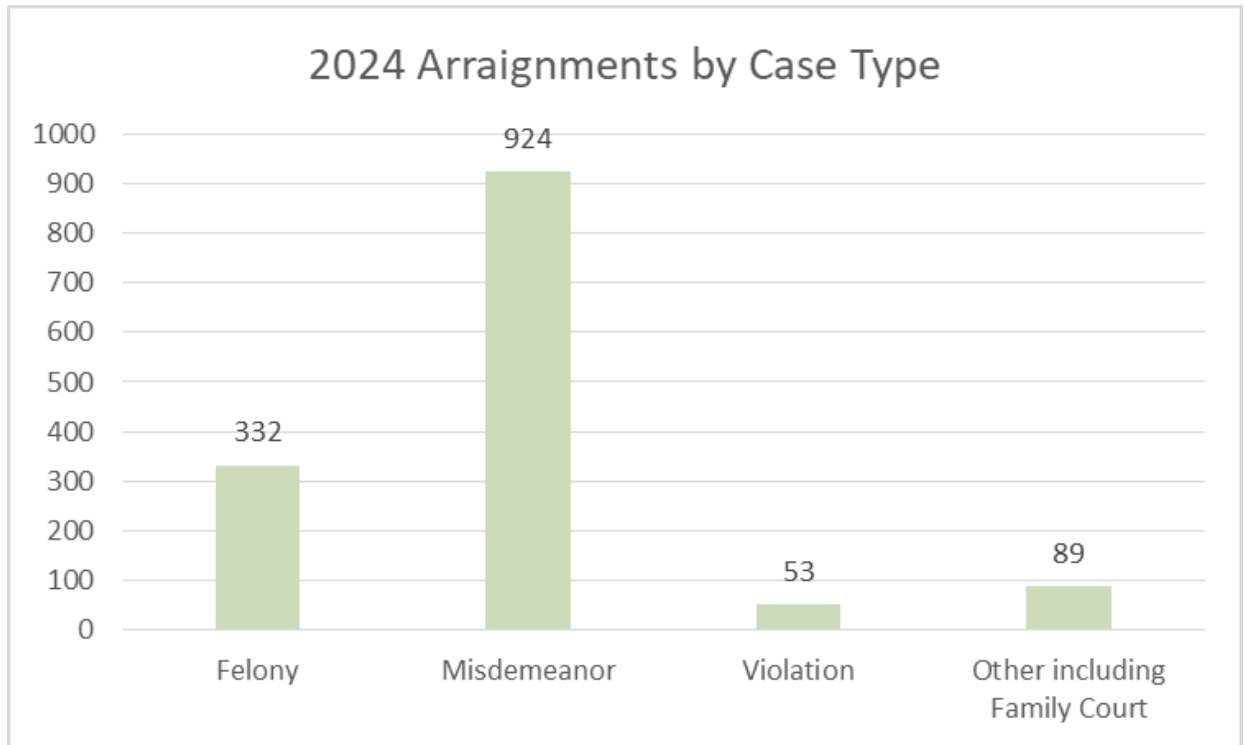


FIGURE 8:

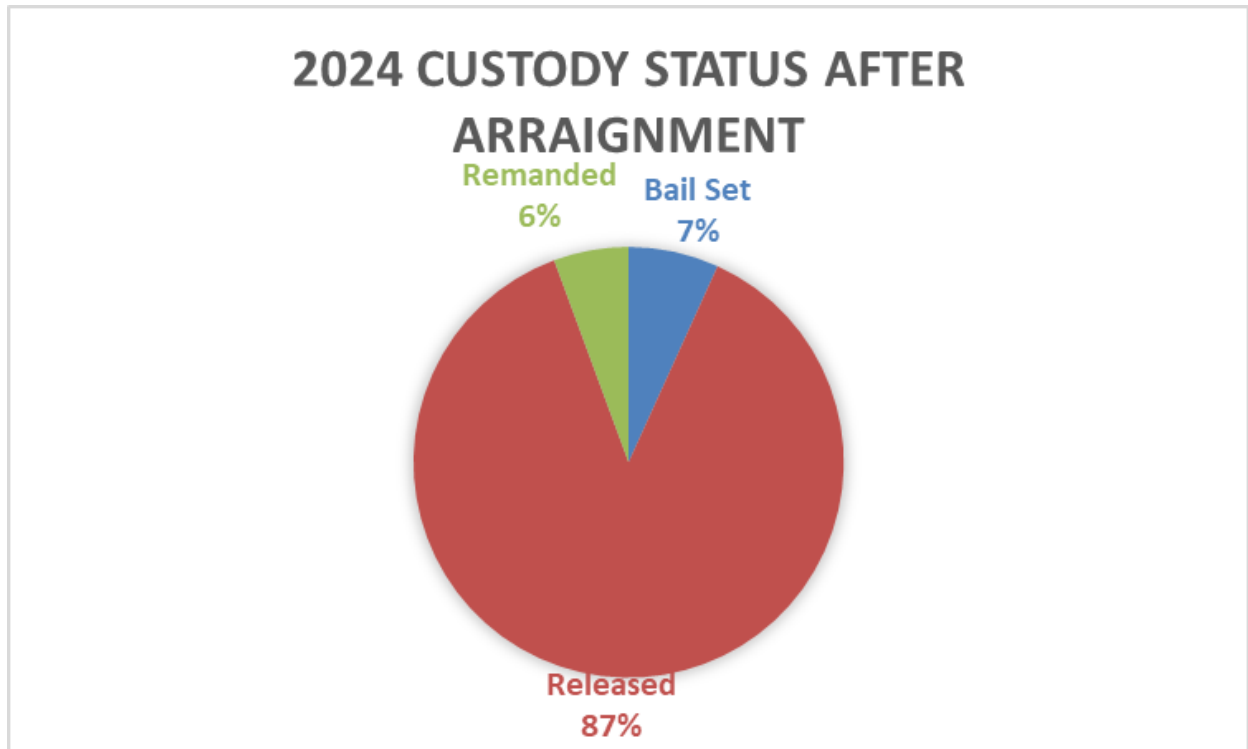


FIGURE 9:

