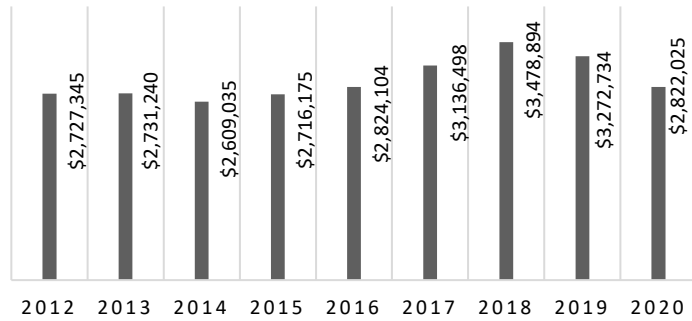


PUBLIC DEFENDER 1170

1170 - COUNTY SHARE



MISSION STATEMENT

The Office of the Public Defender provides legal representation to individuals who cannot afford legal counsel and have either been accused of crimes in Albany County, or for specified proceedings in Family Court, as required by Articles 18-A and 18-B of the County Law. The Public Defender represents indigent individuals at every stage of the criminal proceeding, from arraignment through final disposition, including, when appropriate, appeals from adverse judgments and decisions, and sealing applications pursuant to section 160.59 of the Criminal Procedure Law.

The right to counsel is guaranteed by the United States and New York State Constitutions. Our goal is to provide our clients with truly competent legal representation, comparable to what they would expect from privately retained counsel. An individual's constitutional rights must be protected regardless of their financial circumstances and we are dedicated to providing the highest quality legal representation as efficiently as possible.

WHO WE SERVE

The Office of the Public Defender specifically serves indigent people who require legal representation either for criminal court or family court proceedings within Albany County. Public Defenders zealously represent clients on misdemeanor and initial felony proceedings in 16 separate City, Town, and Village Courts, as well as all proceedings in Albany County Court. We also represent individuals accused of violating the terms of their probation or parole, and file appeals to the Appellate Division and the New York Court of Appeals. The Public Defender's Office also represents clients in Family Court for custody matters, family offense matters, violations of support obligations, violations of orders of protection, and in abuse and neglect cases.

ABOUT OUR DEPARTMENT

Our office is organized to ensure that attorneys are not only present at every regularly scheduled court proceeding, but also to guarantee that they have time to prepare their cases and work with each client until the matter is resolved. Attorneys are assigned to Albany City Court, Albany County Court, and the fifteen other local courts in the County, as well as Parole hearings, and Family Court. We also have an attorney who works primarily on filing appeals to the Appellate Division. An attorney from our office will represent an accused individual at every stage of a criminal proceeding—from the commencement of the proceeding at/or prior to arraignment through to the completion of a trial, if required.

The Public Defender's Office presently has over 30 attorneys and 13 support staff. Our New York State supplemented budget for 2020 proposes further necessary increases in staffing and support in accordance with current State Law. It will also provide for greater access to training and technology resources for our attorneys, allowing us to continue to provide the exceptional level of professional service that has historically been provided by the Albany County Public Defender's Office.

The Public Defender's Office also works with the New York State Office of Indigent Legal Services (OILS), which monitors the flow of state funds to counties for the representation of indigent clients. Albany County is receiving, and has applied for additional, grant funding from OILS to help provide for enhanced representation of indigent individuals. Albany County continues to participate in the "Counsel at First Appearance" program created under OILS grant funding to provide each person accused of a crime with an attorney to represent them at their arraignment. We are proud of the work that the Albany County Public Defender's Office has done in furtherance of this initiative, and are pleased to report that a second grant proposal was accepted by the Office of Indigent Legal Services, and will allow our office to represent more clients more efficiently at their initial court appearances throughout the County of Albany.

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2019 ACCOMPLISHMENTS AND CHALLENGES

The Public Defender's Office has continued to provide the highest quality representation and achieve the most favorable outcomes for all of our clients. In 2019 we identified a number of different areas to prioritize, make improvements in, or otherwise explore in order to further this goal.

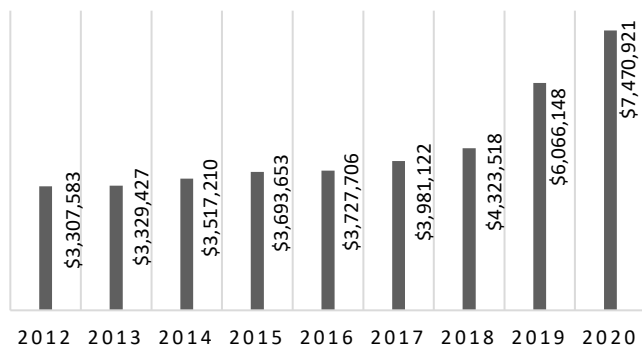
One of these goals was to enhance the quality of representation by significantly upgrading the training of our attorneys. We have served highly experienced attorneys who are specifically tasked with overseeing training and Continuing Legal Education. Our lawyers are actively engaged in training programs, and we have taken advantage of training opportunities as small as locally-held Continuing Legal Education classes, and as large as national programs and conferences held out of state. Our attorneys are improving their techniques and learning new skills which will help them better represent our clients, and are returning with a renewed vigor for our mission.

The Public Defender's Office continues to work with the Office of Indigent Legal Services on grant-funded programs to enhance the quality of representation received by indigent individuals. Our "Counsel at First Appearance" program remains successful and we continue to provide on-call attorneys for arraignments in all participating local courts. Our appearance at arraignments has proven to be instrumental in the release of many of our clients, either on their own recognizance or pursuant to a reasonable bail being set. Attorneys often have the opportunity to communicate with clients' family members to facilitate their release from jail or to advise them of the predicament that the client is confronting. Additionally, our efforts have allowed people accused of crimes to continue to maintain employment, housing, schooling and support their families.

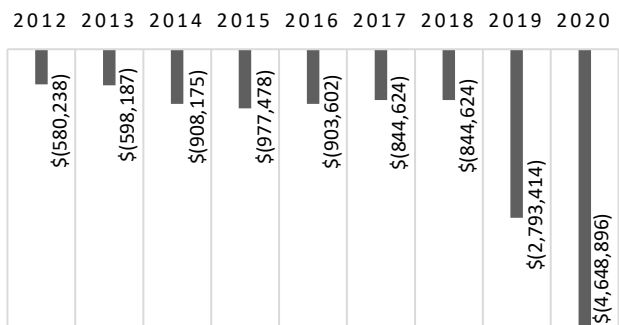
2019 was the third year that the Public Defender's Office participated in the Pro Bono Legal Scholar program, which allows third-year law students to take the bar exam before graduation and spend their last semester of law school working in an internship-style environment providing pro bono legal services. We hosted two law students from the Albany Law School with a specific interest in providing criminal defense services to indigent individuals. These students worked closely with our attorneys and clients, affording them invaluable experience and affording us significant extra help in both the courtroom and the office. Other law school interns worked with us over the summer to further assist us on a paid status, earning and learning with our regular staff.

The Public Defender's Office has also continued to work with various other state and local offices, courts, and law enforcement agencies to maintain and further initiatives for diversion programs, restorative justice programs, alternatives to incarceration, and drug treatment and addiction counseling programs. These initiatives positively impact our clients in ways that could not be achieved without the collaboration of these stakeholders, and we are fortunate to be part of an ongoing movement to combat recidivism and allow the most vulnerable of our population access to the resources and assistance they need.

1170 - APPROPRIATIONS



1170 - REVENUE



2020 GOALS AND PERFORMANCE TARGETS

Our goals for 2020 are almost limitless. This will be a year of substantial growth and change. Due in great part to the Legislation drafted at the behest of County Executive Daniel P. McCoy, the State passed into law in 2017 a takeover of the increased cost of providing legal representation to indigent people charged with crimes in New York State. Albany County has received a 5 year grant as part of this Statewide support totaling 26.2 million. The purpose of this grant is to reimburse the County for the cost of modernization and expansion of the offices charged with indigent representation, primarily the Public Defender.

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As a result of this influx of financial support, the Public Defender's Office, in 2020, will be relocating to new refurbished office space in the Albany County Office Building. We will have lower caseloads, enabling us to provide more time, and therefore, more thorough representation to each of our clients. We will have better resources and support, which should bring about better results. We are also preparing for a seismic shift in the practice and procedure of legal defense work which will be in place in New York State beginning January 1, 2020. This is the result of the Criminal Justice Reform package enacted in April of this year. A rewriting of New York's law regarding bail and discovery has brought this State from being one of the most backwards in the nation to one of the most progressive. A lot of the time of time and preparation for handling these changes is required and will continue throughout the upcoming year.

In October, 2018, New York State raised the age of criminal responsibility from 16 to 17. On October 1st of this year, that threshold will again be raised to the age of 18. New laws and procedures will place additional requirements on the Public Defender's Office in 2020, to adapt to these changes.

Part of the Statewide funding plan which was initiated a few years ago and previously referred to in this report as the "Counsel at First Appearance" (CAFA). This very successful application of resources has been modified and expanded since its original implementation and now provides legal representation to any and all individuals appearing for "off hours" arraignment in courts throughout the County on a 24/7/365 basis. This is especially important for "Raise the Age" defendants making initial appearances, which often occur in the middle of the night. The result of CAFA has been a notable reduction in the number of people remanded to custody while awaiting criminal prosecutions.

SUMMARY OF BUDGET CHANGES

The 2020 Budget for the Office of Public Defender seeks to establish and/or maintain a competitive salary schedule, one that will continue to attract and maintain a very high quality staff and to increase both legal and support staff numbers to comply with the recommendations of the New York State Office of Indigent Legal Services. It will provide our office with a new and renovated work location and the resources and tools needed to ensure excellence, competence and relevancy in our work. Based on the grant funding to Albany County from the New York State Office of Indigent Legal services for this and foreseeable years, the financial impact on the county and its taxpayers will be minimal.

Public Defender Stephen W. Herrick and a number of the assistant public defenders will continue to serve as speakers and teachers for Dr. Alice Green's *Know Your Rights* program at the Albany Center for Law and Justice. Each presentation is led by a lawyer and at least one police officer, and is designed not only to teach basic legal rights in the context of common police encounters, but also to enhance communication between members of the community and police. The program encourages questions, participation and honest dialogue. Currently, programs are planned for the general public along with local youth, including those in the Summer Youth Employment Program.

Additionally, the Public Defender and Deputy Public Defender Tina Sodhi actively participate in alternative programs, including the Albany City Police Department's Law Enforcement Diversion Program and the Albany County District Attorney's Felony Youth Diversion Program.

We have also just recently applied for a three year State Grant for our Family Court program, which, if granted would apply an aggressive, holistic approach to help keep the family unit of our clients safe and intact.