

PUBLIC DEFENDER - 1170

MISSION STATEMENT

The Office of the Public Defender provides legal representation to individuals that are accused of crimes in Albany County and for specified proceedings in Family Court as required by Articles 18-A and 18-B of the County Law. The right of an indigent client to be represented by an attorney for these cases is guaranteed by the United States and New York State Constitutions.

The Public Defender's goal is to continue to provide excellent representation in the most efficient manner. The Public Defender represents the indigent accused at every stage of the criminal proceeding from arraignment through final disposition, including, when appropriate, appeals from adverse judgments and decisions.

Our goal is to provide our clients who are entitled to representation in all Criminal Courts and Family Court, truly competent legal representation, which is at least equal to that which they would expect to, obtain from privately retained counsel. An individual's constitutional rights must be protected regardless of his or her financial circumstances.

WHO WE SERVE

The Office of the Public Defender provides legal representation to individuals that are indigent and accused of crimes in any court in Albany County or for specified proceedings in Albany Family Court. In Albany County, there are Courts in every City, Town and Village which meet on a regular basis and a Public Defender represents indigent clients at all criminal court proceedings when they are accused of a misdemeanor or felony. The busiest court is Albany City Court which has five full time Judges operating on a daily basis. In addition to Albany City Court, there are fifteen additional local courts that assign cases to our office. We represent clients in Albany County Court which has jurisdiction over the resolution and disposition of felony cases. We also represent individuals who are accused of violating the terms and conditions of their parole and we also file appeals to the Appellate Division. In addition, we represent indigent clients in Albany County Family Court for certain designated cases. We also represent clients who are participating in Albany County and Albany City Drug Court, as well as the City DWI Court.

In 2015, we opened 10,449 cases of which 9,365 were criminal cases and 1,084 were for Family Court proceedings.

ABOUT OUR DEPARTMENT

Our office is organized to ensure that attorneys are not only present at every regularly scheduled court proceeding, but also have time to prepare their cases until each client's case is resolved. Attorneys are assigned to Albany City Court (the busiest court in Albany County), Albany County Court, the fifteen local courts and Family Court. Attorneys are also assigned to represent clients accused of violating their parole and those 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 the arraignment through the completion of a felony trial, if required.

The Public Defender's Office has 29 attorneys and 10 support staff. Our budget for 2017 proposes that we operate with 29 attorneys and 10 support staff. One attorney position was added in 2015 as a result of our office being awarded a three year grant for Upstate Caseload Relief from the Office of Indigent Legal Services to hire this attorney. Each attorney and member of the support staff have taken on additional responsibilities, but most importantly, continue to provide the exceptional level of professional service that has been historically provided by the Albany County Public Defender's Office.

The Public Defender's Office is also working with the New York State Office of Indigent Legal Services, which monitors the flow of state funds to counties for the representation of indigent clients. Albany County and all other upstate counties are now required to apply for grants from this Office to maintain the current level of funding that had previously been provided to the County by the State. Equally important, the Indigent Legal Services Office has announced an initiative that each person accused of a crime should have an attorney to represent him at their arraignment. We are proud that the Albany County Public Defender's Office submitted a grant proposal that was accepted by the Office of Indigent Legal Services that will allow our office to represent more clients at their initial court appearances throughout the County of Albany.

PUBLIC DEFENDER - 1170

2016 ACCOMPLISHMENTS AND CHALLENGES

The Public Defender's Office has continued to represent clients in an efficient and excellent manner. We have continued to pursue trials when necessary and obtain the most favorable plea bargains for our clients. Most important, we have continued to develop Alternatives to Incarceration for clients. Alternatives to Incarceration are not only less expensive for taxpayers, but also provide clients with services needed to prevent future involvement with the criminal justice system and become self-sufficient members of society. The office has continued to expand its relationship with Albany Law School which has resulted in legal interns being able to gain valuable experiences while assisting our attorneys in representing clients. The office has recently hired an attorney to be the director of training and development. As more responsibility is placed on the office by clients and courts, our attorneys have responded with a professional, creative and positive approach. Our attorneys in Family Court have also been used as a resource to provide their expertise and experience to represent clients that are charged with crimes.

In March 2016 our office completed the second year of our Counsel at Arraignment program. When Courts are not regularly in session, we have three attorneys on call who are prepared to represent clients at arraignments. We have been representing clients for arraignments in Albany City Court on weekends and holidays, and also providing coverage for arraignments in Colonie, Guilderland, Cohoes, Watervliet, Menands and Bethlehem. In the first two years of the grant we represented 2,405 clients at arraignments as a result of this program. We have had outstanding success in representing clients at this critical stage of the criminal proceedings where courts often determine whether to set bail or release a person to return to court. Our appearance at arraignments has been instrumental in many cases to get our clients released on their own recognizance or pursuant to a reasonable bail. Our attorneys have communicated with family members to facilitate the release of our clients from jail and to advise them of the predicament that the client is confronting. Our efforts have allowed people accused of crimes to continue to maintain employment, housing, schooling and/or support of their families.

The Public Defender's Office has been involved with the County Executive's task force to develop initiatives to combat the opiate epidemic that has been occurring in our country. We continue to pursue treatment alternatives for clients that are afflicted with this addiction and work with courts, prosecutors and treatment providers to develop sentences and dispositions that will emphasize the goal of rehabilitation.

2017 GOALS AND PERFORMANCE TARGETS

Our goal for 2017 is to continue to represent clients in the most efficient and professional manner. We hope to pursue additional funds from the Office of Indigent Legal Services to hire attorneys. We also will utilize funding from the Office of Indigent Legal Services to provide legal training to our attorneys and hire expert witnesses when needed. The Public Defender will continue to meet with the judges of many of the Courts in Albany County, law enforcement officials and prosecutors to discuss methods to increase the operational efficiencies of the courts.

The Public Defender's Office has been involved with the County Executive, the Albany Police Department and several other departments within Albany County and to develop the Law Enforcement Assisted Diversion Program (LEAD). If this program is implemented it will divert low level offenders from the criminal justice system and provide treatment that is needed, especially for individuals with substance abuse and mental health issues. The Public Defender has also served on the Albany Police Department's Committee to determine whether body cameras should be worn by police officers and has assisted in the development of the policy for the cameras.

SUMMARY OF BUDGET CHANGES

The 2017 Executive Budget for The Public Defender's Office does not include substantive change.

PUBLIC DEFENDER - 1170

Several months ago Linda was beginning to grow distant from her family and friends. She refused to get any help and quit her job and left school. Her parents suspected that she might be using drugs but she denied the use when questioned. Finally, she admitted to using heroin and her parents attempted to get her into treatment. The first attempt at outpatient recovery was not successful. A second attempt was made to send her to an inpatient treatment program, but due to insurance restrictions she was discharged after less than two weeks in the program. Shortly after her release, Linda started stealing jewelry from her parents and grandparents that she sold for cash to obtain heroin. Linda was arrested and the Public Defender's Office was appointed to represent her at her arraignment. Our office immediately contacted the Inmate Service Coordinator at the Jail so that Linda could be assessed. Our office working in conjunction with our client, her family, health care providers and treatment coordinators recommended to the Court that she receive long term inpatient care, as opposed to a lengthy term of incarceration. Her parents and Linda waited patiently for a bed to become available for the treatment she so desperately needed. They all understood that the potential result could be death if this addiction was not addressed in a determined and aggressive manner. The Public Defender helped direct the case through the Court system so that if Linda completes the program she will have the opportunity to live the life that she had been accustomed, before the pernicious opiate addiction overtook her life.

A1170 Public Defender				2016	2017	2015	2016	2017	2017	2017	
				Count	Count	Expended	Adjusted	Requested	Proposed	Adopted	
Personnel Services Individual											
A1170	11042	001	150001	Public Defender	1	1	\$112,584	\$114,836	\$117,133	\$117,133	-
A1170	12019	001	150033	Assistant Public Defender II	1	1	\$88,326	\$90,093	\$91,895	\$91,895	-
A1170	12019	003	150045	Assistant Public Defender II	1	1	\$43,765	\$61,135	\$62,358	\$62,358	-
A1170	12019	004	150049	Assistant Public Defender II	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12021	001	150057	Assistant Public Defender I	1	1	\$57,500	\$63,770	\$65,046	\$65,046	-
A1170	12021	002	150058	Assistant Public Defender I	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12021	003	150059	Assistant Public Defender I	1	1	\$65,000	\$66,300	\$67,626	\$67,626	-
A1170	12021	004	150060	Assistant Public Defender I	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12021	005	150061	Assistant Public Defender I	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12021	006	150062	Assistant Public Defender I	1	1	\$61,020	\$62,241	\$63,486	\$63,486	-
A1170	12021	007	150063	Assistant Public Defender I	1	1	\$64,516	\$67,783	\$69,139	\$69,139	-
A1170	12021	008	150064	Assistant Public Defender I	1	1	\$66,453	\$67,783	\$69,139	\$69,139	-
A1170	12021	010	150066	Assistant Public Defender I	1	1	\$61,109	\$64,956	\$66,256	\$66,256	-
A1170	12021	011	150067	Assistant Public Defender I	1	1	\$66,453	\$67,783	\$69,139	\$69,139	-
A1170	12021	012	150068	Assistant Public Defender I	1	1	\$63,673	\$64,947	\$66,246	\$66,246	-
A1170	12021	016	150072	Assistant Public Defender I	1	1	\$63,673	\$64,947	\$66,246	\$66,246	-
A1170	12021	017	150093	Assistant Public Defender I	1	1	\$58,744	\$73,194	\$74,658	\$74,658	-
A1170	12021	018	150094	Assistant Public Defender I	1	1	\$66,453	\$67,783	\$69,139	\$69,139	-
A1170	12021	019	150095	Assistant Public Defender I	1	1	\$66,451	\$67,781	\$69,137	\$69,137	-
A1170	12021	020	150097	Assistant Public Defender I	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12022	002	150074	Assistant Public Defender I FL	1	1	\$88,326	\$90,093	\$91,895	\$91,895	-
A1170	12022	003	150075	Assistant Public Defender I FL	1	1	\$63,672	\$64,946	\$66,245	\$66,245	-
A1170	12022	004	150076	Assistant Public Defender I FL	1	1	\$63,673	\$64,946	\$66,246	\$66,246	-
A1170	12022	005	150077	Assistant Public Defender I FL	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12022	009	150081	Assistant Public Defender I FL	1	1	\$44,580	\$43,014	\$43,875	\$43,875	-
A1170	12022	010	150082	Assistant Public Defender I FL	1	1	\$42,170	\$43,014	\$43,875	\$43,875	-
A1170	12022	011	150083	Assistant Public Defender I FL	1	1	\$63,664	\$64,946	\$66,246	\$66,246	-
A1170	12022	012	150102	Assistant Public Defender I FL	1	1	\$63,672	\$64,946	\$66,245	\$66,245	-
A1170	12023	002	150085	Deputy Public Defender	1	1	\$71,515	\$72,946	\$74,405	\$74,405	-
A1170	14013	001	150031	Criminal Investigator	1	1	\$5,413	\$65,000	\$66,300	\$66,300	-
A1170	14013	002	150032	Criminal Investigator	1	1	\$43,105	\$68,000	\$69,360	\$69,360	-
A1170	15020	001	150101	Court Attendant	1	1	\$39,898	\$40,696	\$41,510	\$41,510	-
A1170	15023	002	150086	Paralegal	1	1	\$39,539	\$40,330	\$41,137	\$41,137	-
A1170	15025	002	150088	Legal Secretary	1	1	\$34,325	\$35,011	\$35,713	\$35,713	-
A1170	15025	004	150090	Legal Secretary	1	1	\$34,323	\$35,011	\$35,713	\$35,713	-
A1170	15025	005	150099	Legal Secretary	1	1	\$34,325	\$35,011	\$35,713	\$35,713	-
A1170	16022	001	150038	Data Entry Machine Operator	1	1	\$34,323	\$35,011	\$35,713	\$35,713	-
A1170	16211	001	150107	Clerical Aide	1	1	\$34,330	\$35,016	\$35,718	\$35,718	-
A1170	16401	003	150048	Confidential Secretary	1	1	\$27,459	\$35,010	\$33,123	\$33,123	-
<i>Personnel Services Individual Subtotal</i>					39	39	\$2,087,052	\$2,256,363	\$2,298,925	\$2,298,925	\$0

A1170 Public Defender		2016 Count	2017 Count	2015 Expended	2016 Adjusted	2017 Requested	2017 Proposed	2017 Adopted
Personnel								
Personnel Non-Individual								
A 1170 19900	Overtime			\$7,922	\$7,400	\$7,400	\$7,400	\$0
A 1170 19950	Longevity Raise			\$28,550	\$30,050	\$32,100	\$32,100	\$0
A 1170 19951	Health Insurance Buyout			\$5,250	\$6,000	\$6,000	\$6,000	\$0
A 1170 19954	Enhanced Pay			\$132,400	\$130,000	\$130,000	\$130,000	\$0
A 1170 19996	Department Reorganization			\$0	\$0	\$125,000	\$125,000	\$0
Subtotal for: Personnel Non-Individual				\$174,122	\$173,450	\$300,500	\$300,500	\$0
Equipment								
A 1170 22050	Computer Equipment			\$0	\$2,500	\$0	\$0	\$0
Subtotal for: Equipment				\$0	\$2,500	\$0	\$0	\$0
Contractual Expenses								
A 1170 44020	Office Supplies			\$7,847	\$6,100	\$7,700	\$7,700	\$0
A 1170 44035	Postage			\$3,327	\$2,500	\$3,200	\$3,200	\$0
A 1170 44036	Telephone			\$4,471	\$4,450	\$4,710	\$4,710	\$0
A 1170 44037	Insurance			\$5,517	\$5,794	\$5,522	\$5,522	\$0
A 1170 44038	Travel-Mileage, Freight			\$480	\$1,300	\$1,000	\$1,000	\$0
A 1170 44039	Conferences/Training/Tuition			\$3,415	\$3,500	\$3,800	\$3,800	\$0
A 1170 44040	Books/Transcripts/Subscripts			\$7,719	\$6,450	\$6,450	\$6,450	\$0
A 1170 44041	Computer Fees			\$12,536	\$13,000	\$13,000	\$13,000	\$0
A 1170 44042	Printing And Advertising			\$5,729	\$7,000	\$6,200	\$6,200	\$0
A 1170 44046	Fees For Services			\$9,621	\$9,000	\$10,300	\$10,300	\$0
A 1170 44065	Photocopier Lease			\$3,051	\$3,700	\$3,500	\$3,500	\$0
A 1170 44070	Equipment Repair And Rental			\$124	\$950	\$950	\$950	\$0
A 1170 44101	Electric			\$4,845	\$5,500	\$5,500	\$5,500	\$0
A 1170 44104	Natural Gas			\$914	\$500	\$500	\$500	\$0
A 1170 44903	DGS Shared Services Charges			\$89,753	\$89,505	\$92,963	\$92,963	\$0
Subtotal for: Contractual Expenses				\$159,348	\$159,249	\$165,295	\$165,295	\$0
Fringe Benefits								
A 1170 89010	State Retirement			\$391,263	\$467,107	\$454,763	\$454,763	\$0
A 1170 89030	Social Security			\$170,602	\$182,494	\$189,294	\$189,294	\$0
A 1170 89060	Hospital And Medical Insurance			\$496,238	\$557,645	\$557,645	\$557,645	\$0
Subtotal for: Fringe Benefits				\$1,058,103	\$1,207,246	\$1,201,702	\$1,201,702	\$0
Total Appropriations				\$3,478,625	\$3,798,808	\$3,966,422	\$3,966,422	\$0
Revenue								
A1170	03025	Indigent Legal Services Fund		(\$368,335)	(\$837,914)	(\$778,936)	(\$778,936)	\$0
A1170	03335	Aid To Defense Program		(\$90,400)	(\$45,200)	(\$45,200)	(\$45,200)	\$0
A1170	03340	Alternatives to Incarceration		\$0	(\$20,488)	(\$20,488)	(\$20,488)	\$0
Total Revenue				(\$458,735)	(\$903,602)	(\$844,624)	(\$844,624)	\$0
County Share				\$3,019,890	\$2,895,206	\$3,121,798	\$3,121,798	\$0