

# Statewide Plan for Implementing Counsel at Arraignment

December 1, 2017



**Office of Indigent  
Legal Services**

Improving the quality of mandated representation  
throughout the state of New York

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## **STATEWIDE PLAN FOR IMPLEMENTING COUNSEL AT ARRAIGNMENT**

The New York State Office of Indigent Legal Services (ILS) submits this written plan to implement initiatives to ensure representation of counsel at arraignment in accordance with § 832 (4) of the New York Executive Law.<sup>1</sup>

### **Introduction**

On April 9, 2017, Executive Law § 832 was amended to include a new subdivision (4), entitled “Additional Duties and Responsibilities,” giving ILS the responsibility to develop and implement plans for counsel at arraignment, caseload relief, and quality improvement of mandated representation.<sup>2</sup> Pursuant to New York County Law § 722-e, the State is required to reimburse each county and New York City (NYC) for any costs incurred as a result of implementing each of the three specified plans. Once approved,<sup>3</sup> these plans are expected to be fully implemented and adhered to in the 57 non-*Hurrell-Harring* settlement counties by April 1, 2023.<sup>4</sup>

Pursuant to Executive Law § 832 (4) (a), ILS has been directed to develop and implement a written plan to ensure that each criminal defendant who is eligible for mandated representation is represented by counsel in person at his or her arraignment. “Arraignment” is defined as the “first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event ‘arraignment’ shall mean the person’s next appearance before a judge or magistrate).”<sup>5</sup>

This Statewide Plan for Counsel at Arraignment (Plan, or Counsel at Arraignment Plan) is a detailed assessment of the current state of providing counsel at arraignment in 52 upstate counties and NYC. To prepare this Plan, ILS met by videoconference with providers involved in the delivery of representation at arraignment, collected arraignment data from each county, and

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<sup>1</sup>Executive Law § 832(4), as amended pursuant to Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017).

<sup>2</sup>Executive Law § 832 (4) (a) (Counsel at arraignment)), § 832 (4) (b) (Caseload relief), § 832 (4) (c) (Initiatives to improve the quality of indigent defense).

<sup>3</sup>Executive Law § 832 (4) provides that each of the three plans shall be submitted by ILS to the director of the State division of budget for review and approval, provided that the director’s approval shall be limited solely to each plan’s projected fiscal impact of the required appropriation for implementation of the plan, and such approval shall not be unreasonably withheld.

<sup>4</sup>Excluded from the statewide plans regarding counsel at arraignment and quality improvement are the five counties (Onondaga, Ontario, Schuyler, Suffolk, and Washington) currently engaged in the implementation of the settlement agreement reached in *Hurrell-Harring v. State of New York* (Albany County Index No. 8866-07).

<sup>5</sup>Executive Law § 832 (4) (a) (i).

reviewed information ILS has previously obtained regarding arraignments in the 1,260 or so courts across the State. *Lists of providers and courts and a figure of courts by type are attached as Appendices A, B and C.* ILS began preparation for this statewide expansion of *Hurrell-Harring* reforms in February 2017. Since that time, we have solicited additional arraignment information, gathered and analyzed arraignment data from a variety of different sources, and engaged in discussions with providers in each of the 52 counties and NYC. *A list of the consultations conducted is attached as Appendix D.*

This Plan identifies, by each court within counties, where counsel is currently provided at arraignment on a regular basis, both at regular court sessions and off-hour arraignments, and where such coverage is sporadic or nonexistent.<sup>6</sup> The county profiles that follow show the current state of representation at arraignment and efforts now underway to provide such coverage countywide.<sup>7</sup> County profiles are organized as follows:

- i. A brief overview of the county, including geographic, demographic, and socioeconomic information, as well as information pertaining to representation at arraignments, such as the number of courts conducting arraignments; a description of the mandated representation providers who provide coverage at arraignments; and law enforcement agencies that may have a role in the arraignment process.
- ii. A summary of efforts now underway in the county to provide counsel at arraignment.
- iii. A summary of efforts, if any, to expand coverage at arraignment.
- iv. A graphic representation of arraignment coverage by court and session.

With adequate State funding, counties are expected to make a good faith effort to fully implement the Counsel at Arraignment Plan by April 1, 2023.<sup>8</sup> In order to accomplish this goal, ILS will be consulting with mandated representation providers and other stakeholders in each county over the five-year implementation period and will be providing assistance to ensure that counsel at arraignment can be provided on a regular basis throughout each county. In addition, as part of its responsibilities under the statewide reform legislation, ILS will perform a monitoring function and provide progress reports on a periodic basis on the status of counsel at arraignment in each of the counties.

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<sup>6</sup>Specifically, providers were asked to identify, first via survey and subsequently through follow up phone calls and emails, in which courts and during which sessions (regularly scheduled, off-hours during weekends and holidays, etc.) counsel at arraignment is always/almost always provided or not. Providers were also asked to identify any courts and/or sessions where or when arraignments do not take place.

<sup>7</sup>A profile for coverage of counsel at arraignment in the NYC Courts is not included because NYC has provided representation of counsel at arraignment citywide for several years. NYC uses a pre-arraignment detention model for arraignments, with maximum arrest-to-arraignment times of 24 hours. At some future date, this arrest-to-arraignment time may become a topic of discussion.

<sup>8</sup>This Plan does not include the five counties currently implementing the settlement agreement reached in *Hurrell-Harring v. State of New York*, since counsel at arraignment is being provided on a regular basis throughout these jurisdictions.

## I. The Road to Statewide Reform

Fifty-four years ago, *Gideon v. Wainwright*, 372 US 335, set forth fundamental rights that New York is finally on the brink of fulfilling. That landmark case held that the U.S. Constitution provides a right to counsel to criminal defendants facing serious charges and the loss of liberty in state court. Two years later, *People v. Witek*, 15 NY2d 392, found to be fundamental error the failure, at arraignment, of a local magistrate to advise defendants of their right to appointed counsel. County Law Article 18-B, enacted two months later, failed to provide for State funding and oversight of mandated representation. Instead, each county and NYC were required to establish and fund their own criminal defense systems—whether a public defender office, a contract with a legal aid society, private lawyers pursuant to a bar association plan, or any combination thereof. Predictably, this county-based system led to inconsistency, inequity, and failure. Over ensuing decades, the need for reform was recognized.

A clarion call came in 2006, when the Final Report of Chief Judge Kaye’s Commission on the Future of Indigent Defense Services concluded that the constitutional obligation to protect the rights of criminal defendants was not being met. The Kaye Report decried the absence of clear, uniform financial eligibility standards; performance and caseload standards; training; resources for non-attorney professional services,<sup>9</sup> client contact; parity with prosecution resources; and State oversight. Creation of a State Indigent Defense Commission was recommended. However, this call was not heeded. Instead, litigation was the catalyst for reform. *Hurrell-Harring v. State of New York* was filed in 2007 on behalf of defendants facing prosecution in five counties. The State was blamed for systemic deficiencies that effectively denied defendants their constitutional right to counsel. The five counties involved were added as defendants in the lawsuit. In 2010, following dismissal of the action as non-justiciable, the Court of Appeals ruled in *Hurrell-Harring v. State of New York*, 15 NY3d 8, that the lawsuit could proceed and address whether the State had failed to meet its obligation under *Gideon*. Moreover, the Court held that arraignment is a critical stage of a criminal proceeding and that counsel at arraignment is required.<sup>10</sup>

One month after that decision, ILS was created. Executive Laws §§ 832 and 833 authorized the establishment of ILS and its Board and charged them with the duty “to monitor, study and make efforts to improve the quality of services provided” pursuant to County Law Article 18-B. A Board was formed, a Director was hired, and resources for the indigent legal service providers gradually grew. From the outset, the guiding principles of the Office have been consultation, empowerment, and quality improvement. By following such principles; by making statutory and discretionary distributions, as well as competitive grants; and by producing various performance

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<sup>9</sup>Non-attorney professional services encompass all the professional services that an attorney may need to present a defense including, but not limited to, investigators, experts, social workers, interpreters, and sentencing advocates.

<sup>10</sup>“[N]othing in the statute [CPL 180.10] may be read to justify the conclusion that the presence of defense counsel at arraignment is ever dispensable, except at a defendant’s informed option, when matters affecting the defendant’s pretrial liberty or ability subsequently to defend against the charges are to be decided.” *Hurrell-Harring v. State of New York*, 15 NY3d 8, 21.

standards, ILS has already achieved significant progress in improving the quality of criminal defense.

The next momentous step in criminal defense reform was taken by Chief Judge Jonathan Lippman in his May 2011 Law Day speech. He decried the fact that defendants were often unrepresented at arraignment, when judges make critical decisions about release, bail, and detention. That day, Judge Lippman announced his vision—to ensure that all defendants arraigned before the courts of this State are represented by counsel at their first court appearance. He explained that ILS would work with all affected stakeholders to meet the goal. “[T]he arraignment and pretrial jailing of defendants who are not represented by counsel is a fundamental failure that can no longer be tolerated in a modern, principled society governed by the rule of law,” Judge Lippman declared.<sup>11</sup>

The benefits of counsel at arraignment are profound.<sup>12</sup> Lawyers can prevent their clients from making incriminating statements and advocate for their release. This will in turn improve the clients’ ability to assist in their own defense and prevent disruption in housing, employment, and family life. It is at this critical stage that liberty interests are first affected and that the need for investigation and other professional services may arise. Thus, counsel at arraignment is essential to quality representation for every criminal defendant. In November 2013, ILS solicited proposals from counties to develop innovative programs to provide counsel at first appearance before a judge or judicial officer. Subsequently, ILS awarded Counsel at First Appearance (CAFA #1) grants to 25 upstate counties to support representation at arraignment and promote continuous representation of defendants throughout criminal proceedings. *A list of the CAFA #1 award grantees is attached as Appendix E.*

The cause of criminal defense reform was further advanced in 2015, when a settlement agreement reached in *Hurrell-Harring* was approved by the court. In the five affected counties, the State was required to ensure counsel at arraignment, reasonable caseloads, adequate support services, quality control and oversight, and uniform eligibility standards. For the first time, the State acknowledged responsibility for complying with *Gideon’s* promise and vested in ILS the duty to implement reform. In the five *Hurrell-Harring* counties, significant State funding allowed implementation of reform to proceed effectively and provided a vision for what can be

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<sup>11</sup><https://www.nycourts.gov/ctapps/lawday.htm>.

<sup>12</sup>In many jurisdictions, including federal court, defendants often appear before a judge and are held pending an arraignment with counsel. Thus, defendants can be detained without seeing a lawyer because the first appearance is not considered an “arraignment.” Such practice should cease. Accordingly, when ILS issued CAFA grants prior to the *Hurrell-Harring* settlement, the term “first appearance,” instead of “arraignment,” was used. The *Hurrell-Harring* settlement uses the term “arraignment,” but clearly defines the term to mean “the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event Arraignment shall mean the person’s next appearance before a judge or magistrate).” This definition was incorporated in Executive Law §832 (4) (a) (i). Unless referring to ILS CAFA grants, this Plan uses the term “counsel at arraignment.”

achieved on a statewide basis. In 2016, pursuant to the settlement requirements, ILS issued financial eligibility standards for all counties outside NYC. In addition, for the five *Hurrell-Harring* counties, ILS issued caseload standards, requiring sharp reductions from prevailing advisory standards. State funding needed to fully implement the settlement reforms was provided in the State's FY 2017-18 budget and continues to be provided.

The next step was to implement reforms statewide, not just in the five counties. In June 2016, the State Senate and Assembly unanimously approved identical bills, proposed by Senator John DeFrancisco and Assembly member Patricia Fahy, which would require the State to pay all costs for mandated representation in criminal defense and Family Court cases. Before Governor Cuomo acted on that bill, in November 2016, he signed a bill to allow the Office of Court Administration (OCA) to designate sites for centralized, off-hours arraignments of criminal defendants in each county outside NYC.<sup>13</sup> The measure empowered the Chief Administrative Judge to cut across previous local court jurisdictional lines and authorized courts to open off hours to arraign criminal suspects arrested anywhere within their counties.

In January 2017, ILS released its Second Counsel at First Appearance RFP (CAFA #2) regarding funding for three-year grants, as available funding under CAFA #1 was coming to an end for many counties. *A list of the CAFA #2 award grantees is attached as Appendix F.* ILS has indicated its intention to be flexible in amending budgets and work plans of contracts awarded under the grant to accommodate centralized arraignment plans (CAPs) that might be developed, pursuant to the new legislation.

On December 31, 2016, Governor Cuomo vetoed the DeFrancisco-Fay bill providing for the State to assume the costs of mandated representation. However, he thereafter proposed, at State expense, the statewide extension of the *Hurrell-Harring* reforms. In April 2017, the State's final FY 2017-18 budget included the groundbreaking statutory amendments needed to extend the *Hurrell-Harring* reforms statewide. County Law § 722-e was amended to specify that any costs of implementing the ILS reform plans "shall be reimbursed by the state to the county or city providing such services." Furthermore, the statute provides that the "state shall appropriate funds sufficient to provide for the reimbursement required by this section."

This Counsel at Arraignment Plan, and the plans regarding caseload standards and quality improvement, effectuate Executive Law § 832 (4). That statutory provision gives ILS the authority and duty, by December 1, 2017, to develop plans to: (a) ensure that each criminal defendant eligible for mandated representation is represented by counsel at arraignment; (b) establish numerical caseload/workload standards for each provider; and (c) improve the quality of representation. Interim implementation steps are to be formulated, and full compliance with the plans is to be achieved by April 1, 2023. To achieve such compliance, ILS is empowered to monitor and report on implementation of the plans.

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<sup>13</sup>CPL 100.55 (11), 120.90 (1), 140.20 (1), 170.10 (1), 180.10 (7); Judiciary Law § 212 (1) (w); UJCA § 106 (2); L 2016, c 492 (effective February 26, 2017).

Since June 2017, the ILS Statewide Implementation Unit has been meeting with public defense providers and local government officials in the counties and NYC to create implementation plans; determine appropriate interim steps; and estimate the cost of full compliance with those plans. In doing so—as has been the longstanding practice of ILS—we have collaborated with counties and providers and sought consensus in the development of the plans. To gain insights about current county needs, ILS has met with providers and officials in every county and NYC, as set forth more fully below.

In October 2017, OCA announced that CAPs for off-hours arraignments would begin operation during designated evening and weekend hours in Broome and Oneida Counties and in two counties involved in the *Hurrell-Harring* settlement agreement—Onondaga, and Washington Counties. The CAPs, which are authorized by recent statutory amendments, are meant to ensure that counsel is available at arraignments for defendants unable to afford counsel. At the same time, CAPs are designed to promote efficiency and reduce the strains on courts, criminal defense providers, and prosecutors by providing predictable sites and hours for off-hours arraignments. Typically, CAPs will have judges assigned on a rotational basis to a centralized court, to conduct arraignments arising from any jurisdiction in the county.

## **II. The Process of Developing the Plan**

In February 2017, an internal Counsel at Arraignment Working Group (Working Group) was formed by ILS to develop a process for the development of the Counsel at Arraignment Plan.<sup>14</sup> The Working Group, which met weekly from February to May 2017, relied upon ILS' experience in implementing counsel at arraignment in the five *Hurrell-Harring* settlement counties. Based on that experience, the Working Group understood the need to have a series of in-person meetings with a wide variety of county stakeholders, if a sustainable system of providing counsel at arraignment was to be developed. With a due date of December 1, 2017, the Working Group decided that it was not possible to develop a complete plan to implement counsel at arraignment in every court in all counties. Further, the Working Group realized that the status of counsel at arraignment in the counties was in flux due to the release of the CAFA #2 RFP and the ongoing development of CAPs by OCA in the upstate counties. For these reasons, the Working Group decided that this Plan should primarily focus on providing a detailed analysis of current arraignment coverages in upstate counties.

To do so, the Working Group developed two surveys to gather information about coverage at arraignments. The first survey asked counties to provide information on the status of counsel at

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<sup>14</sup>Joanne Macri, Statewide Implementation Chief Attorney; Matthew Alpern, Director of Quality Enhancement for Criminal Defense Trials; Alyssa Clark, Research Assistant; Andrew Davies, Director of Research; Giza Lopes, *Hurrell-Harring* Senior Research Associate; Deborah Schmeer, *Hurrell-Harring* Counsel at Arraignment Attorney; and Joe Wierschem, General Counsel.



arraignment in every court within the county, including every session held by those courts. The second survey concentrated on the availability of certain resources and the logistics of arraignment representation within each county. *The survey instruments and a brief methodological overview of each are included in Appendix G.*

Once the surveys were distributed and responses were collected, ILS consulted with representatives from each county. *A list of the provider conferences is included in Appendix H.* During each of these meetings, ILS inquired about the status of any CAP discussions, as well as current implementation of counsel at arraignment plans within the county. We discussed any logistical factors that providers are taking into consideration to address providing representation at arraignments. ILS also confirmed the status of representation at arraignment in each county.

This Plan reflects the information ILS was able to obtain about: the status of arraignment representation in each county; where applicable, ongoing discussions regarding expansion; and the challenges and opportunities reported by the providers. In early 2018, ILS will begin to conduct a series of meetings with the upstate counties to further develop plans for counsel at arraignment.

### **III. Strategies to Provide Counsel at Arraignment**

Given New York’s county-based system of providing mandated representation, different strategies of providing counsel at arraignment in the counties are needed. The myriad factors at play in the counties that will affect the development of countywide arraignment coverage include jurisdictional barriers, the availability of counsel, geography, population density, number of courts and law enforcement agencies, and funding sources. We believe that factors can only be addressed, and a countywide plan of providing counsel at arraignment fully developed, through a series of in-person meetings with the counties, providers, and other stakeholders.

#### **A. Challenges**

In providing counsel at arraignment, providers will need to meet the challenges of recruiting attorneys and securing timely court appearances—often requiring that providers overcome the geographical constraints posed by the location of certain courts in their counties. For some counties, this means providing counsel in larger courts in urban locations, while also providing representation in smaller courts in rural communities. County geography—such as mountain ranges, a lack of highways, and extensive waterways—may hinder timely arrival for arraignments, particularly during the winter.<sup>15</sup> Moreover, the counties are expected to provide counsel at

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<sup>15</sup>The geography of New York varies widely. Unlike the popular image of NYC, most of the State is dominated by farms, forests, rivers, mountains, and lakes. The Adirondack Park is larger than any U.S. National Park in the contiguous United States. Niagara Falls, one of the largest waterfalls in the world, is

arraignment based on varying court schedules, as well as unpredictable, off-hour arraignments involving multiple law enforcement agencies and varied methods of notifying attorneys of arraignments. Providers have reported that recruiting attorneys to provide representation at off-hours arraignments (weekday evenings, weekends, and holidays) poses a significant challenge, especially in counties that rely solely on 18-B attorneys for mandated representation. Some counties have had to provide incentives to attorneys within and outside the county to provide counsel at arraignment.

Finally, the sheer number of courts presents a challenge. In most counties, numerous Town and Village Courts conduct arraignments. There are 1,106 such courts in the counties outside NYC, excluding the *Hurrell-Harring* counties. In addition, there are 52 County Courts, 58 City Courts, and one District Court where arraignments are conducted. To get a sense of current arraignment coverage in upstate New York, according to the results of one of ILS' Counsel at Arraignment surveys, arraignment representation was provided always or almost always in 90% of regularly scheduled sessions in County Courts. In contrast, reportedly, similar coverage was provided in only 61% of the Village Courts. Certain off-hours periods present yet greater challenges. For example, consistent coverage was reported in only 30% of Village Courts during weekends and holidays. *A chart regarding court coverage is attached as Appendix I.* This plethora of courts and the schedule of arraignments, or lack thereof (particularly for off-hour arraignments on weekdays, weekends and holidays), pose obstacles that counties must surmount to implement countywide counsel at arraignment programs.

## **B. Centralized Arraignments**

Two models are currently being discussed in the counties to provide counsel at arraignment under the new CAP legislation. The more frequently discussed model uses pre-arraignment detention. Under this model, two arraignment sessions are conducted on a daily basis at a centralized location—with one arraignment session in the morning and a second session in the evening. Individuals arrested after the evening arraignment session is completed are detained until the following morning and then arraigned. With a morning and evening arraignment session, arrest to arraignment detention periods can be limited to 12 hours or less.

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on the Niagara River as it flows from Lake Erie to Lake Ontario. The Hudson River begins near Lake Tear of the Clouds and flows south through the eastern part of the State without draining Lakes George or Champlain. Lake George empties at its north end into Lake Champlain. Four of NYC's five boroughs are on the three islands at the mouth of the Hudson River: Manhattan Island, Staten Island, and Brooklyn and Queens on Long Island. The State also has the Catskill Mountains, the Taconic Mountains, the Erie Canal, the Finger Lakes, Otsego Lake, Oneida Lake, and rivers such as the Delaware, Genesee, Mohawk, and Susquehanna. Thus, the geography alone is a large hurdle that counties must clear to provide counsel at arraignment.

The second CAP model retains the existing off-hour arraignment structure typically used in the upstate Town and Village Courts—immediately arraigning the defendant upon arrest. However, this model would allow for these arraignments to be conducted at a centralized location, or “hub court.”<sup>16</sup> Under this model, the centralized location used to conduct arraignments can be rotated among the Town and Village Courts within the county and among the respective Town and Village magistrates. Arraignments can be scheduled at set times in the hub court or the attorneys can be “on call” to appear for arraignments.

### **C. On-call Programs**

In on-call programs, attorneys are on call to appear in any court after they receive notice that a defendant has been arrested and is scheduled to be arraigned. The attorney then appears at the court where the arraignment is scheduled to take place. The hallmark of on-call programs is that pre-arraignment detention is not necessary, because the attorney appears for the arraignment shortly after the arrest in the jurisdiction where the arrest occurred. On-call programs have been implemented in many counties that have Town and Village Courts.

For on-call programs, the attorneys must receive notice. The methods of providing attorney notification differ, depending on the needs of the stakeholders involved in the arraignment process. For instance, attorneys may be notified by the court via a centralized telephone number or a list of attorney telephone numbers. A county’s 911 dispatch system or local law enforcement may provide notification of an arrest to the attorney and the court. In some jurisdictions, the attorneys will contact the court at set times to find out if arraignments may be scheduled.

### **D. Staffing Counsel at Arraignment**

Counties have staffed counsel at arraignment in different ways. Many times, institutional providers will be the primary source of providing representation, and other times, ACP panel attorneys staff the program. Some programs have a mix of institutional defenders and assigned counsel. Methods of providing coverage and compensation vary. In some programs, attorneys are required to perform arraignment duties as part of the regular work duties. In other programs, attorneys receive stipends for the additional hours worked. Another approach is for attorneys to receive “comp” time for their work. Some programs have hired attorneys solely to staff the counsel at arraignment program. Other programs have attorneys volunteer for specific arraignment coverage shifts. In some of the smaller jurisdictions, the counties have had to look to attorneys from outside the county to help provide arraignment coverage. Thus, regionalization

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<sup>16</sup>The OCA legislation passed in November 2016 removed the jurisdictional barrier that courts can only hear arraignments from a contiguous jurisdiction. The legislation allows counties to enact countywide arraignment programs, once the county’s plan is approved by OCA. Thus, this legislation made possible countywide arraignments through CAPs.

may be an attractive option for some counties. Some counties have worked with local law enforcement agencies (LEAs) to have them issue appearance tickets only for “DA nights.” This ensures that a provider will be at court for arraignments that occur because of appearance tickets. If the LEAs agree to this small change, it may result in cost savings and alleviate the need to staff the relevant courts.

#### **E. Funding Counsel at Arraignment**

Since counties already have difficulty funding mandated representation, it is not surprising that many counties did not have the funds to implement counsel at arraignment programs countywide. Counties without an existing program<sup>17</sup> generally applied for ILS Upstate Quality/Caseload Relief grants or CAFA grants to fund these programs, at least in part. The cost of these programs varies and includes: increased attorney salaries or stipends, salaries for additional support staff, technology such as mobile phones and laptops, and mileage and travel time reimbursement. These costs are necessary to ensure that the right to counsel at arraignment is ensured throughout the State.

#### **F. Sustainability**

Perhaps the greatest challenge in providing counsel at every arraignment is the sustainability of programs. For example, a county may begin with an on-call system but find that burnout occurs when attorneys are on call for an extended period of time, in addition to carrying their regular scheduled work. Some counties may find that they do not have enough attorneys countywide to sustain an on-call program. There are many factors to be evaluated and monitored as counties implement programs. ILS will assist counties in addressing sustainability.

### **IV. Five-Year Plan**

ILS recognizes that providing representation at arraignment in over 1,260 courts among 52 counties with varying resources is a complex process. The complexity is exacerbated by uncertainty regarding the availability of counsel, and other factors that are unknown or in a state of flux. For instance, ensuring that counsel is available at arraignment will depend on coordinating notification by law enforcement agencies and/or courts. Input from these stakeholders is necessary to ensure that there is sufficient notice, time, and physical space available for confidential client communication. The arraignment process in several counties may be evolving as several counties develop CAPs. *Survey results are attached as Appendix J.* At the time of the completion of this Plan, several counties were initiating or expanding coverage for

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<sup>17</sup>As mentioned above, NYC has a long-standing CAP for all cases. Many of the urban areas outside of NYC also have well-established CAPs in City Courts. On Long Island, Nassau County has long had a CAP in District Court.

counsel at arraignment using CAFA #2 funds. These factors contribute to the need for additional time and resources to consult with each county and stakeholder to ensure that coverage is provided in an effective and efficient manner.

ILS is addressing the legislative mandate to implement counsel at arraignment in multiple phases. ILS will update this Plan periodically as we meet with counties and providers to reflect information about how counties are meeting the legislative objectives. These updates will address consistency and then quality of representation at arraignments and will identify additional resources required to achieve full implementation of counsel at arraignment by April 1, 2023.

Our experience in the *Hurrell-Harring* counties has taught us that providing counsel at the early stage of representation heightens the ability of defendants to be released, to keep their jobs and homes and families intact, to participate in preparing a defense, to have a fair trial, and to achieve a just outcome. Full implementation of counsel at arraignment is thus a critical component of quality mandated representation. We welcome the opportunity to work with each county to further develop and implement counsel at arraignment plans.

#### **Fiscal Impact of the Counsel at Arraignment Plan**

Our allocation of funding for counsel at first appearance implementation is based on an extrapolation of the funding needed in the five *Hurrell-Harring* counties. Total funding for full CAFA implementation in the *Hurrell-Harring* counties was \$1,895,835. In order to estimate the need for CAFA coverage in the remaining counties, we consulted data published by the Division of Criminal Justice Services (DCJS) on the number of cases disposed of in each county across the state in 2016, excluding NYC.<sup>18</sup> These data are a close proxy for the number of arraignments in the county, since they reflect the total number of persons arrested in each county where a case was later disposed in court, and are not limited to cases where a defender was present. Additionally, the data distinguish violent felony, other felony, and misdemeanor cases, allowing us to apply the weighting scheme from the caseload standards we developed in December 2016 for the *Hurrell-Harring* counties.

In 2016, the DCJS data recorded a total of 35,597 cases disposed of in the *Hurrell-Harring* counties, or 90,396 weighted cases after the standards were applied. This compares to a total of 164,609 cases in the remaining 52 counties, or 446,933 weighted cases after standards were applied. The total number of weighted cases in the 52 remaining counties was therefore approximately 4.94 times the number in the five counties. We therefore estimated the amount needed in the remaining 52 counties to assure complete CAFA coverage by increasing the funding received in the five counties by the same proportion.

We allocate \$9,373,327 to implement the plan to provide counsel at arraignment in all cases.

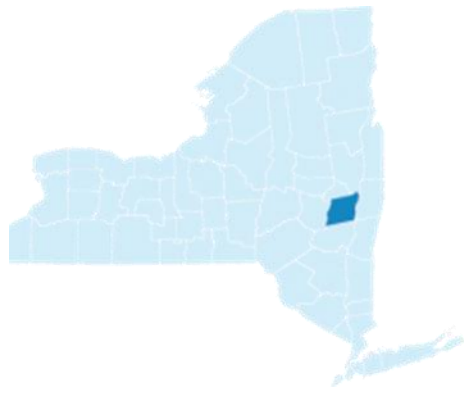
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<sup>18</sup> These data can be found here: <http://www.criminaljustice.ny.gov/crimnet/ojsa/dispos/index.htm> (accessed 12/1/17). NYC was excluded, as counsel at first appearance is already provided in all cases.

# COUNTY PROFILES

## ALBANY COUNTY

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### County Overview

Albany County, located in the east central part of the State within the Capital Region, consists of 533 square miles that extend southward and westward from the point where the Mohawk River joins the Hudson River. The County has an estimated population of 305,455 residents, of which approximately 13.5% of residents live below federal poverty levels, and the median household income is \$59,887. The largest city and the State capital is Albany,

where many local and state government agencies are located. The County also includes several colleges, SUNY campuses, and several professional schools.

### Albany County Courts

The Supreme, County, Family, and Surrogate's Courts, a City Court, the Court of Claims, and the Appellate Division – Third Department are in Albany. In addition, the County has two other City Courts and 13 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 18 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided through a three-tier system, which includes participation from a Public Defender's Office, a Conflict Defender's Office, and a panel of assigned counsel with an administrator. These mandated representation providers handled approximately 10,863 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Albany City Police Department, Altamont Village Police Department, Bethlehem Town Police Department, Coeymans Town Police Department, Cohoes City Police Department, Colonie Town Police Department, Green Island Village Police Department, Guilderland Town Police Department, Menands Village Police Department, Watervliet City Police Department, Albany County Sheriff's Office, New York State Police – Troop G and Troop T, SUNY at Albany Police Department, NYS Park Police, and NYS DEC.

## **Status of Counsel at Arraignment Coverage**

The Public Defender's Office received a CAFA #1 grant to begin providing attorneys at arraignment in four courts, including one court that scheduled off-hour arraignments on weekends. Representation was provided by teams of Assistant Public Defenders who were assigned to each of the courts to provide representation at arraignment.

Since the inception of such representation, three additional courts have been included. The court scheduling off-hour arraignments has incorporated daily off-hour arraignments. Currently, representation at arraignment is being provided by the Public Defender's Office for off-hour arraignments in County Court, Supreme Court, all three City Courts in the County (Albany, Watervliet, and Cohoes), and the four largest Town/Village Courts (Bethlehem, Colonie, Guilderland, and Menands). Attorney coverage at arraignment has also expanded into New Scotland Town Court and Ravena Village Court. In addition, attorneys are now providing representation in each of the County Courts during regularly scheduled sessions.

With a CAFA #2 grant for the continuation and expansion of attorney coverage at arraignment, the Public Defender's Office seeks to maintain representation during off-hour weekdays. In addition, funding is sought to sustain and expand attorney coverage at arraignment with the assistance of attorneys from the Conflict Defender's Office.

## **Future of Arraignment Coverage**

The County requires continued cooperation from all courts and additional attorneys and resources to accomplish countywide representation of counsel at arraignment. Alternatively, creation of a CAP may alleviate the overall number of attorneys and/or resources necessary to provide mandated representation at arraignment. Although the County has hosted meetings to discuss centralized arraignment, to date, no proposal has been developed for OCA consideration and approval.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.



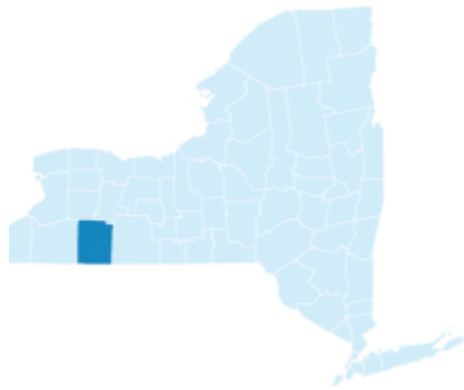
# Albany

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Albany County Court	Blue	Black	Blue	Black	Black
2. Albany County Supreme Court	Blue	Black	Blue	Black	Black
3. Berne Town Court	Blue	Black	Grey	Grey	Grey
4. Coeymans Town Court	Blue	Black	Grey	Grey	Grey
5. Green Island Town Court	Blue	Black	Grey	Grey	Grey
6. Knox Town Court	Blue	Black	Grey	Grey	Grey
7. New Scotland Town Court	Blue	Black	Blue	Grey	Grey
8. Rensselaerville Town Court	Blue	Black	Grey	Grey	Grey
9. Westerlo Town Court	Blue	Black	Grey	Grey	Grey
10. Altamont Village Court	Blue	Black	Grey	Grey	Grey
11. Menands Village Court	Blue	Black	Blue	Grey	Grey
12. Ravena Village Court	Blue	Black	Grey	Grey	Grey
13. Albany City Court	Blue	Black	Blue	Blue	Blue
14. Cohoes City Court	Blue	Black	Blue	Blue	Blue
15. Watervliet City Court	Blue	Black	Blue	Blue	Blue
16. Bethlehem Town Court	Blue	Black	Blue	Blue	Blue
17. Colonie Town Court	Blue	Black	Blue	Blue	Blue
18. Guilderland Town Court	Blue	Black	Blue	Blue	Blue

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ALLEGANY COUNTY

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### County Overview

Allegany County, located in the Southern Tier in the Chautauqua–Allegany Region, has a population of 48,357. The largest town, Alfred, has a population of approximately 5,000 residents. It is estimated that 16.9% of residents are living below federal poverty guideline levels, with a reported median household income of \$42,776. While the County’s population is sparse, the County itself is relatively large, at 1,034 square miles. A large portion of the County

consists of rural communities, scenic areas, and agricultural farming. The County also includes four higher education facilities: Alfred University, Alfred State College, Houghton College, and the New York State College of Ceramics at Alfred University.

### Allegany County Courts

The Supreme, County, Family, and Surrogate’s Courts are in the Village of Belmont. In addition, the County contains at least 34 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 36 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided through a three-tiered process. The Public Defender’s Office receives all initial criminal case assignments, which results in greater caseloads for the office. Allegany-Cattaraugus Legal Services, Inc., a nonprofit organization, serves as a Conflict Defender, pursuant to a contract with the County, which requires the office to accept a specified minimum number of assigned cases each month. The Assigned Counsel Program is used for cases in which the above two providers have conflicts. These mandated representation providers handled approximately 1,041 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Alfred Village Police Department, Andover Village Police Department, Angelica Village Police Department, Belmont Village Police Department, Bolivar Village Police Department, Cuba Town Police Department, Friendship Town Police Department, Independence Town Police Department, Rushford Town Police Department, Wellsville Village Police Department, Willing Town Police Department, Allegany County Sheriff’s Office, SUNY College of Technology at Alfred, NYS Park Police, and NYS DEC.

## **Status of Counsel at Arraignment Coverage**

The Public Defender's Office, the principal provider of mandated representation, consists of four full-time attorneys and two secretaries. The Office uses a vertical representation strategy: each staff attorney is assigned to different courts to provide representation from the time of a client's initial appearance to case conclusion. Using this model, the Public Defender's Office attempts to provide counsel at arraignment in as many cases as possible. Consistent coverage at arraignment is provided in cases that originate in County Court during scheduled sessions (which includes representation at arraignment on sealed indictments and felony violations of probation). In addition, the Public Defender's Office is providing coverage in Town and Village courts during regularly scheduled sessions when a representative of the District Attorney's office is also present.

With the CAFA #2 grant, the Public Defender's Office is in the process of hiring an additional full-time attorney whose primary responsibility is to be on call to provide representation at arraignments in each of the Town and Village Courts during off-hours weekdays (between 5 p.m. and 8 a.m.) with notification provided to the on-call Assistant Public Defender by the County's 911 Dispatch. In addition, the new staff attorney, along with other staff attorneys, will provide representation at off-hour arraignments on weekends (from Friday at 5 p.m. to Sunday at 5 p.m.) on a rotational basis.

## **Future of Arraignment Coverage**

The County requires continued cooperation from each of the County's courts, 911 Dispatch, and additional attorneys and resources to accomplish and maintain countywide representation of counsel at arraignment. At several stakeholder meetings convened by the County, there were discussions about the alternative of creating a CAP to reduce the number of attorneys and/or resources necessary to provide mandated representation at arraignment. Because the County currently does not have a holding facility to provide pre-arraignment detention, options to create hub courts in specified regions within the County have not been further pursued.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Allegany

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Allegany County Court					
2. Allegany County Supreme Court					
3. Alfred Town Court					
4. Allen Town Court					
5. Alma Town Court					
6. Almond Town Court					
7. Amity Town Court					
8. Andover Town Court					
9. Angelica Town Court					
10. Belfast Town Court					
11. Birdsall Town Court					
12. Bolivar Town Court					
13. Burns Town Court					
14. Caneadea Town Court					
15. Centerville Town Court					
16. Clarksville Town Court					
17. Cuba Town Court					
18. Friendship Town Court					
19. Genesee Town Court					
20. Granger Town Court					
21. Hume Town Court					
22. Independence Town Court					
23. New Hudson Town Court					
24. Rushford Town Court					
25. Scio Town Court					
26. Ward Town Court					
27. Wellsville Town Court					
28. West Almond Town Court					
29. Willing Town Court					
30. Wirt Town Court					
31. Alfred Village Court					
32. Andover Village Court					

*(Continues on the next page)*

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# Allegany

Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
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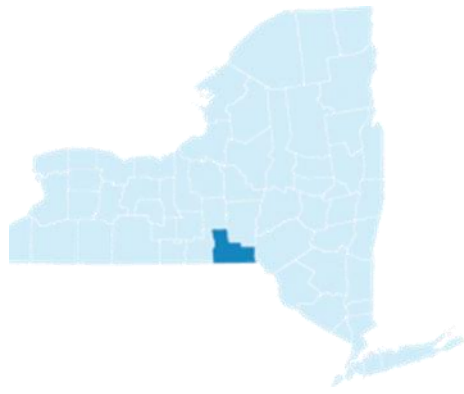
- 33. Angelica Village Court
- 34. Belmont Village Court
- 35. Bolivar Village Court
- 36. Wellsville Village Court

■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■

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- Courts where it was reported that counsel at arraignment is always or almost always provided
  - Courts where it was reported that counsel at arraignment is not always provided
  - Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## **BROOME COUNTY**

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### **County Overview**

Broome County, in the State's Southern Tier, borders Pennsylvania and is situated along Interstate 81. The County has an area of 715 square miles and a population of 200,600 residents. Approximately 17.9% of residents live below federal poverty guideline levels, and the median household income is \$42,261. Although a portion of the County depends upon agriculture and farming, it is also home to SUNY at Binghamton, as well as Broome

Community College, Davis College, and Ridley-Lowell Business and Technical Institute.

### **Broome County Courts**

The Supreme, County, Family, Surrogate's, and City Courts are located in Binghamton, the most populous city. In addition, the County has 19 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 21 courts countywide.

### **County Providers for Mandated Representation**

Mandated representation is provided by the Public Defender's Office and, for cases involving a conflict of interest, a list of 18-B assigned counsel. The County lacks a formal Conflict Defender's Office or Assigned Counsel Program. These mandated representation providers handled approximately 10,387 criminal cases in 2016.

### **County Law Enforcement Authorities**

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Binghamton City Police Department, Endicott Village Police Department, Johnson City Village Police Department, Port Dickinson Village Police Department, Vestal Town Police Department, Broome County Sheriff's Office, SUNY at Binghamton, NYS Park Police, and NYS DEC.

### **Status of Counsel at Arraignment Coverage**

The Public Defender's Office is the principal provider of representation at arraignment. In October 2017, the County received approval from the OCA to implement a two-phase CAP. In Phase I, the Office is providing countywide representation in all off-hours arraignments from 7 p.m. to 7 a.m. on weekdays and at all hours on weekends. These off-hour arraignments are centralized and heard by Town and Village Court Justices, who conduct hearings at the Broome

County Public Safety Facility in Binghamton on a rotational basis. The centralized arraignments are open to the public and accessible by anyone, following a security screening. Phase I arraignments are conducted for all persons arrested without a warrant or arrested pursuant to an arrest or bench warrant countywide. During Phase I, the Public Defender's office is using most its attorneys to provide representation on a rotational basis.

In Phase II, the Office will continue to provide representation of the centralized arraignments that will be scheduled to operate 24 hours a day, seven days a week (including holidays). Phase II is expected to be implemented once there is an amendment to Corrections Law § 500-c that will allow for the Sheriff's Office to house individuals at the County Jail prior to arraignment. Arraignments are expected to be scheduled on weekdays at 7:30 a.m. and 4:30 p.m. During Phase II, Town and Village Court Justices of Broome County will be expected to continue to preside over arraignments in a rotating fashion.

### **Future of Arraignment Coverage**

Per the Public Defender's Office, attorneys providing representation during Phase I must also carry full caseloads. The Office will need additional attorney staffing and resources to fully support the level of representation that will be required following implementation of Phase II.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Broome

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
1. Binghamton City Court	Blue	Black	Grey	Blue	Blue
2. Johnson City Vil. Court	Blue	Black	Grey	Blue	Blue
3. Barker Town Court	Grey	Grey	Grey	Blue	Blue
4. Binghamton T. Court	Grey	Grey	Grey	Blue	Blue
5. Chenango Town Court	Grey	Grey	Grey	Blue	Blue
6. Colesville Town Court	Grey	Grey	Grey	Blue	Blue
7. Conklin Town Court	Grey	Grey	Grey	Blue	Blue
8. Fenton Town Court	Grey	Grey	Grey	Blue	Blue
9. Kirkwood Town Court	Grey	Grey	Grey	Blue	Blue
10. Lisle Town Court	Grey	Grey	Grey	Blue	Blue
11. Maine Town Court	Grey	Grey	Grey	Blue	Blue
12. Nanticoke Town Court	Grey	Grey	Grey	Blue	Blue
13. Sanford Town Court	Grey	Grey	Grey	Blue	Blue
14. Triangle Town Court	Grey	Grey	Grey	Blue	Blue
15. Union Town Court	Grey	Grey	Grey	Blue	Blue
16. Vestal Town Court	Grey	Grey	Grey	Blue	Blue
17. Windsor Town Court	Grey	Grey	Grey	Blue	Blue
18. Deposit Village Court	Grey	Grey	Grey	Blue	Blue
19. Endicott Village Court	Blue	Grey	Grey	Blue	Blue
20. Broome County Court	Blue	Black	Grey	Black	Black
21. Broome Co. Sup. Court	Black	Black	Black	Black	Black
22. Dickinson Town Court	Grey	Grey	Grey	Grey	Grey

Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

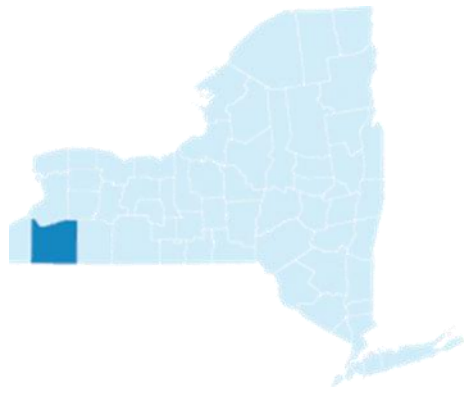
Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

\* At present, all off-hour arraignments are centralized at Broome County Jail on weekdays and weekends. For detailed description of centralization plan in Broome County, please refer to the profile above.



## CATTARAUGUS COUNTY

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### County Overview

Cattaraugus County, in the Chautauqua–Allegany Region of the Southern Tier, borders Pennsylvania and has an area of 1,310 square miles and a population of 80,317. It is estimated that 18.3% of the population lives below federal poverty guideline levels, and the median household income is \$42,601. The County has both urban and farming communities and contains Allegany State Park, the Cattaraugus Reservation of the Seneca Nation, and St.

Bonaventure University.

### Cattaraugus County Courts

The County’s Supreme, County, and Surrogate’s Courts are in Little Valley, while the Family Court and one of the County’s two City Courts are located in Olean, the County’s largest city. In addition, there are 36 Town and Village Courts, and a second City Court is in Salamanca. Thus, the County must coordinate counsel at arraignment at 40 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender’s Office, and for cases involving a conflict of interest, there is a list of 18-B assigned counsel. The County lacks any formal Conflict Defender Office or Assigned Counsel Program. These mandated representation providers handled approximately 3,095 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Allegany Village Police Department, Cattaraugus Village Police Department, Ellicottville Town Police Department, Franklinville Village Police Department, Olean City Police Department, Portville Village Police Department, Salamanca City Police Department, Cattaraugus County Sheriff’s Office, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender’s Office is the principal provider of representation at arraignment. The Office received a CAFA #1 grant to initiate representation of counsel at arraignment in several courts, including Cattaraugus County Court, Olean City Court, Salamanca City Court, Allegany Town

Court, and several other Town and Village Courts. The Public Defender's Office reports that, since receiving the award, representation has been provided at arraignment in all Town and Village Courts during scheduled sessions and all off-hours arraignments countywide, upon notification by the Sheriff's Department E-911 Dispatch System and/or the court. Using the on-call telephone system, the Office has made on-call attorneys available from 5 p.m. to 8:30 a.m. on weekdays and during all hours on weekends and holidays. Six attorneys at the Public Defender's Office provide representation during off-hour arraignments, seven days a week, on a rotational basis. The Public Defender serves as a back-up attorney, when necessary. In addition, the Assistant Public Defenders provide representation in arraignments in the courts to which they are regularly assigned during scheduled weekday sessions.

The Public Defender indicates that there has been a significant increase in the release of individuals on their own recognizance (approximately 70% of arraignments result in a client's release). In addition, the Office has noted an increase in the issuance of desk appearance tickets that provide an initial return date appearance set for times that the Office is scheduled to appear. The Office also reports having experienced increased cooperation by the courts in providing notification of off-hour arraignments, as well as receiving notification from clients following the issuance of a desk appearance ticket. This has enabled attorneys to have client consultations before initial court appearances.

The Public Defender's Office was recently awarded a CAFA #2 grant. With these additional resources, the Office will continue to provide representation at arraignment countywide, using the on-call process. In addition, a social worker will be involved in the arraignment process to assist staff attorneys in preparing for arraignment by securing necessary support and resources, such as housing and mental health services.

### **Future of Arraignment Coverage**

The County's Public Defender office is providing representation at arraignment in each court countywide, but reports that it requires additional staffing and resources to sustain the current schedule of representation at arraignment on a long-term basis. The County has engaged in several discussions with stakeholders and the judiciary regarding a CAP. These efforts have not resulted in a plan to implement centralized arraignment.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Cattaraugus

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Olean City Court					
2. Salamanca City Court					
3. Cattaraugus County Court					
4. Cattaraugus County Supr. Court					
5. Allegany Town Court					
6. Ashford Town Court					
7. Carrollton Town Court					
8. Coldspring Town Court					
9. Conewango Town Court					
10. Dayton Town Court					
11. East Otto Town Court					
12. Ellicottville Town Court					
13. Farmersville Town Court					
14. Franklinville Town Court					
15. Freedom Town Court					
16. Great Valley Town Court					
17. Hinsdale Town Court					
18. Humphrey Town Court					
19. Ischua Town Court					
20. Leon Town Court					
21. Little Valley Town Court					
22. Lyndon Town Court					
23. Machias Town Court					
24. Mansfield Town Court					
25. Napoli Town Court					
26. New Albion Town Court					
27. Olean Town Court					
28. Otto Town Court					
29. Perrysburg Town Court					
30. Persia Town Court					
31. Portville Town Court					
32. Randolph Town Court					
33. Red House Town Court					
34. Salamanca Town Court					
35. South Valley Town Court					
36. Yorkshire Town Court					

*(Continues on the next page)*

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# Cattaraugus

Scheduled sessions, prosecutor present

Scheduled sessions, prosecutor not present


Off-hours, weekday, 9am to 5pm


Off-hours, weekday, 5pm to 9am

Off- hours weekends and holidays

- 37. Allegany Village Court
- 38. Ellicottville Village Court
- 39. Portville Village Court
- 40. South Dayton Village Court

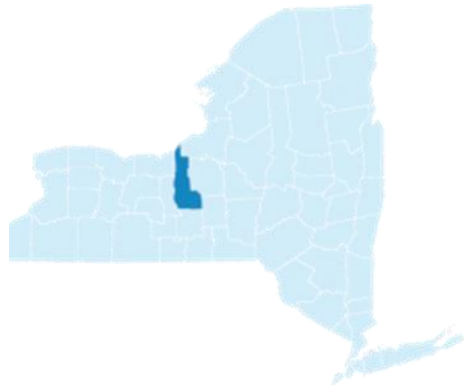

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 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CAYUGA COUNTY

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### County Overview

Cayuga County, located in Central New York in the Finger Lakes Region, is approximately 75 miles in length and consists of more waterfront property than most other counties. The County has about 80,000 residents, with over 27,000 living in the City of Auburn. Approximately 12% of the County's residents live below the federal poverty guidelines. The economy is largely dependent on agricultural, manufacturing, and service sector jobs. Cayuga Community College and Wells College are located in the County.

### Cayuga County Courts

The County includes Supreme, County, Family, Surrogate's and City Courts, all located in Auburn, as well as 27 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 30 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided solely through an Assigned Counsel Program. The Program provides representation in criminal, parole, Family Court, and appellate matters through a panel of about 36 private attorneys. The ACP is also responsible for representation at arraignment. The panel attorneys handled approximately 1,269 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Auburn City Police Department, Moravia Village Police Department, Port Byron Village Police Department, Weedsport Village Police Department, Cayuga County Sheriff's Office, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County is in its third year of implementing an initiative to provide counsel at arraignment in Auburn City Court, where two-thirds of criminal charges in the county are filed. Arraignment coverage is provided during regular weekday business hours (9 a.m. to 4 p.m.). Representation is provided by a rotating pool of eight panel attorneys, using CAFA #1 funds.

The County was recently awarded a CAFA #2 grant to provide counsel at arraignment and will use such funds to continue providing arraignment coverage in Auburn City Court. That court has coordinated with the Town and Village Courts to provide countywide arraignments during weekday business-hour arraignments from 9 a.m. to 4 p.m. Cases revert to the originating justice court for regularly scheduled appearance on calendar. This process will, in effect, centralize daytime on-hour arraignments.

### **Future of Arraignment Coverage**

The County has held several meetings to discuss further centralization of arraignments. The ACP will begin to provide representation during off-hour arraignments in Auburn City Court and the Town and Village Courts from 7 a.m. to 7 p.m. every day. Increased arraignment coverage will be offered by a rotating pool of approximately 10 panel attorneys and will be supported by CAFA #2 funding. A plan for centralized arraignment involving the Auburn City Court is currently being developed for submission to OCA.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Cayuga

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Auburn City Court	Blue	Black	Blue	Grey	Grey
2. Cayuga County Court	Grey	Black	Black	Black	Black
3. Cayuga Co. Supr. Court	Grey	Black	Black	Black	Black
4. Aurelius Town Court	Grey	Grey	Grey	Grey	Grey
5. Brutus Town Court	Grey	Grey	Grey	Grey	Grey
6. Cato Town Court	Grey	Grey	Grey	Grey	Grey
7. Conquest Town Court	Grey	Grey	Grey	Grey	Grey
8. Fleming Town Court	Grey	Grey	Grey	Grey	Grey
9. Genoa Town Court	Grey	Grey	Grey	Grey	Grey
10. Ira Town Court	Grey	Grey	Grey	Grey	Grey
11. Ledyard Town Court	Grey	Grey	Grey	Grey	Grey
12. Locke Town Court	Grey	Grey	Grey	Grey	Grey
13. Mentz Town Court	Grey	Grey	Grey	Grey	Grey
14. Montezuma T. Court	Grey	Grey	Grey	Grey	Grey
15. Moravia Town Court	Grey	Grey	Grey	Grey	Grey
16. Niles Town Court	Grey	Grey	Grey	Grey	Grey
17. Owasco Town Court	Grey	Grey	Grey	Grey	Grey
18. Scipio Town Court	Grey	Grey	Grey	Grey	Grey
19. Sempronius Town Court	Grey	Grey	Grey	Grey	Grey
20. Sennett Town Court	Grey	Grey	Grey	Grey	Grey
21. Springport Town Court	Grey	Grey	Grey	Grey	Grey
22. Sterling Town Court	Grey	Grey	Grey	Grey	Grey
23. Summerhill Town Court	Grey	Grey	Grey	Grey	Grey
24. Throop Town Court	Grey	Grey	Grey	Grey	Grey
25. Venice Town Court	Grey	Grey	Grey	Grey	Grey
26. Victory Town Court	Grey	Grey	Grey	Grey	Grey
27. Meridian Village Court	Grey	Grey	Grey	Grey	Grey
28. Moravia Village Court	Grey	Grey	Grey	Grey	Grey
29. Port Byron Village Court	Grey	Grey	Grey	Grey	Grey
30. Weedsport Vil. Court	Grey	Grey	Grey	Grey	Grey

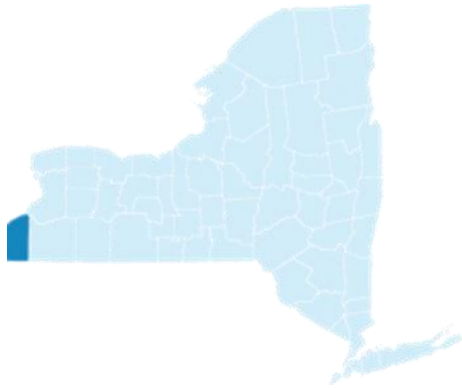
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CHAUTAUQUA COUNTY

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### County Overview

Chautauqua County, located in the Chautauqua-Allegany Region in the Southern Tier, borders Pennsylvania. The County has an area of 1,500 square miles and a population of 134,905. About 18.9% of the population lives below federal poverty guideline levels, and the median household income is \$42,993. The economy is largely dependent on manufacturing, farming, and tourism. The County is home to Jamestown Community College and SUNY at Fredonia.

### Chautauqua County Courts

The Supreme, County, and Surrogate's Courts are in Mayville. In addition, the County has two City Courts and 31 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 35 courts countywide.

### County Providers for Mandated Representation

The Public Defender's Office handles about 95% of the mandated representation cases. Attorneys on an assigned counsel list cover the rest of the cases. The Public Defender's Office is primarily responsible for providing representation at arraignment. These mandated representation providers handled approximately 5,732 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Carroll Town Police Department, Dunkirk City Police Department, Ellicott Town Police Department, Fredonia Village Police Department, Jamestown City Police Department, Lakewood-Busti Village Police Department, Silver Creek Village Police Department, Westfield Village Police Department, Chautauqua County Sheriff's Office, University and College Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office provides representation at arraignment in the Jamestown City Court during regularly scheduled sessions, and attorneys are on-call to address off-hour arraignments in that court during weekends and holidays. The remainder of coverage at arraignment is sporadic and depends on the availability of counsel, as well notifications by the courts regarding arraignments.



## **Future of Arraignment Coverage**

The Public Defender reports that Jamestown and Dunkirk City Courts account for a large number of arraignments. As a result, the Office initiated an on-call system of off-hour arraignment coverage in Jamestown City Court. With additional staffing and resources, the Public Defender's Office plans to implement similar coverage in the Dunkirk City Court for all off-hour arraignments. In the interim, the County has hosted several meetings to discuss a CAP, but no plan for implementation has been developed.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Chautauqua

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Dunkirk City Court					
2. Jamestown City Court					
3. Chautauqua County Court					
4. Chautauqua Co. Supreme Court					
5. Arkwright Town Court					
6. Busti Town Court					
7. Carroll Town Court					
8. Charlotte Town Court					
9. Chautauqua Town Court					
10. Cherry Creek Town Court					
11. Clymer Town Court					
12. Dunkirk Town Court					
13. Ellery Town Court					
14. Ellicott Town Court					
15. Ellington Town Court					
16. French Creek Town Court					
17. Gerry Town Court					
18. Hanover Town Court					
19. Harmony Town Court					
20. Kiantone Town Court					
21. Mina Town Court					
22. North Harmony Town Court					
23. Poland Town Court					
24. Pomfret Town Court					
25. Portland Town Court					
26. Ripley Town Court					
27. Sheridan Town Court					
28. Sherman Town Court					
29. Stockton Town Court					
30. Villenova Town Court					
31. Westfield Town Court					

*(Continues on the next page)*

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# Chautauqua

Scheduled sessions, prosecutor present




Scheduled sessions, prosecutor not present

Off-hours, weekday, 9am to 5pm

Off-hours, weekday, 5pm to 9am

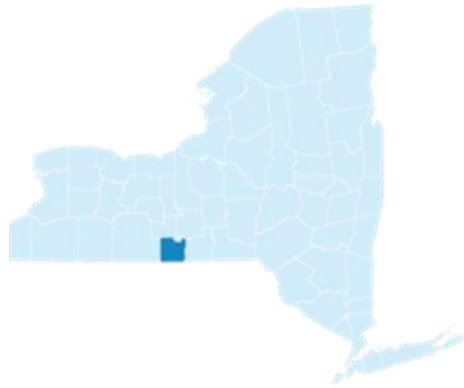
Off- hours weekends and holidays

- 32. Brocton Village Court
- 33. Fredonia Village Court
- 34. Silver Creek Village Court
- 35. Westfield Village Court


- 
-  Courts where it was reported that counsel at arraignment is always or almost always provided
  -  Courts where it was reported that counsel at arraignment is not always provided
  -  Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CHEMUNG COUNTY

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### County Overview

Chemung County, located in the Finger Lakes Region of the Southern Tier along the Pennsylvania border, has an area of only 411 square miles and a population of 88,830. About 15.8% of the population lives below federal poverty guideline levels, and the median household income is \$50,320. The County has several wineries, which attracts tourism. Corning Community College and Elmira College are located in the County.

### Chemung County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in the City of Elmira. In addition, the County has 14 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 16 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office and a Public Advocate's (Conflict Defender) Office. The County does not have an Assigned Counsel Program; there are only about half a dozen attorneys who regularly take assigned cases. Both Defender Offices provide representation at arraignments. These mandated representation providers handled approximately 3,023 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Elmira City Police Department, Elmira Heights Village Police Department, Elmira Town Police Department, Horseheads Village Police Department, Southport Town Police Department, Chemung County Sheriff's Office, Chemung County STOP DWI Program, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

Since August 2014, using a CAFA #1 grant, the County has provided representation at arraignment through the Chemung County Arraignment Bureau (Bureau). The Public Defender's Office is the primary provider of CAFA representation during regularly scheduled court sessions, where the

Public Defender is almost always present. If there is a conflict, or an attorney from the Public Defender's office is unavailable to appear at a regularly scheduled arraignment, the Conflict Defender's office is notified to provide representation at arraignment. The Bureau provides representation at arraignment in all off-hour arraignments in the County Court, Elmira City Court and the Town and Village Courts. A dedicated phone number has been established for notification of off-hour arraignments countywide. Attorneys are on-call on a rotational basis.

### **Future of Arraignment Coverage**


Representation at arraignment on a countywide basis is possible due to cooperation of the courts, law enforcement authorities, and the Public Defender's and the Public Advocate's Offices. The Public Defender's Office provides coverage at arraignment during regularly scheduled court sessions, while the Public Advocate's Office provides representation during off-hour weekday, weekends, and holiday arraignments. The providers recognize that continued support for resources and staffing are necessary to maintain the Bureau's level of representation at arraignment. A few discussions regarding centralized arraignment have occurred, but no plan has been developed.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Chemung

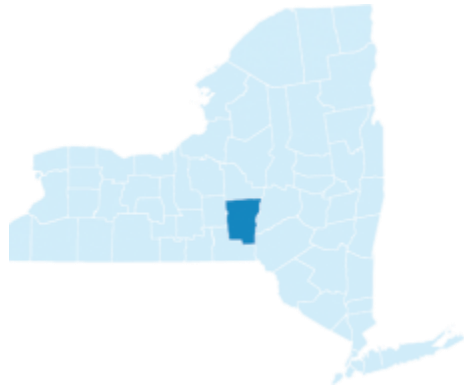
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Chemung County Court					
2. Elmira City Court					
3. Ashland Town Court					
4. Baldwin Town Court					
5. Big Flats Town Court					
6. Catlin Town Court					
7. Chemung Town Court					
8. Elmira Town Court					
9. Erin Town Court					
10. Horseheads Town Court					
11. Southport Town Court					
12. Van Etten Town Court					
13. Veteran Town Court					
14. Elmira Heights Village Court					
15. Horseheads Village Court					
16. Wellsburg Village Court					
17. Chemung County Supreme Court					

 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CHENANGO COUNTY

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### County Overview

Chenango County in Central New York has an area of 899 square miles and a population of 50,477. About 15.9% of the population lives below federal poverty levels, and the median household income is \$45,668. The County contains approximately 80,000 acres of State lands. Another 30% of the land is dedicated to agricultural use, and only 5% of the County's total land is developed for commercial, industrial or residential use.

### Chenango County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in the City of Norwich. In addition, the County has 26 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 28 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. The County also has an Assigned Counsel Program. These mandated representation providers handled about 888 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Afton Village Police Department, Bainbridge Village Police Department, Greene Village Police Department, New Berlin Town Police Department, Norwich City Police Department, Oxford Village Police Department, Sherburne Village Police Department, Chenango County Sheriff's Office, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office is providing representation at arraignment within each court during regularly scheduled sessions. The County lacks sufficient attorneys and resources to provide representation at off-hour arraignments.

## **Future of Arraignment Coverage**

The County has had discussions regarding implementation of a CAP, but there has been no progress toward developing a plan. The Public Defender's Office reports that, in the absence of a CAP, it requires additional staffing and resources to expand representation at arraignment countywide.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.



# Chenango

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Norwich City Court	Blue	Black	Blue	Grey	Grey
2. Chenango County Court	Blue	Grey	Blue	Black	Black
3. Chenango County Supreme Court	Blue	Grey	Grey	Black	Black
4. Afton Town Court	Blue	Grey	Grey	Grey	Grey
5. Bainbridge Town Court	Blue	Grey	Grey	Grey	Grey
6. Columbus Town Court	Blue	Grey	Grey	Grey	Grey
7. Coventry Town Court	Blue	Grey	Grey	Grey	Grey
8. Earlville Village Court	Blue	Grey	Grey	Grey	Grey
9. German Town Court	Blue	Grey	Grey	Grey	Grey
10. Greene Town Court	Blue	Grey	Grey	Grey	Grey
11. Guilford Town Court	Blue	Grey	Grey	Grey	Grey
12. Lincklaen Town Court	Blue	Grey	Grey	Grey	Grey
13. McDonough Town Court	Blue	Grey	Grey	Grey	Grey
14. New Berlin Town Court	Blue	Grey	Grey	Grey	Grey
15. North Norwich Town Court	Blue	Grey	Grey	Grey	Grey
16. Norwich Town Court	Blue	Grey	Grey	Grey	Grey
17. Otselic Town Court	Blue	Grey	Grey	Grey	Grey
18. Oxford Town Court	Blue	Grey	Grey	Grey	Grey
19. Pharsalia Town Court	Blue	Grey	Grey	Grey	Grey
20. Pitcher Town Court	Blue	Grey	Grey	Grey	Grey
21. Plymouth Town Court	Blue	Grey	Grey	Grey	Grey
22. Preston Town Court	Blue	Grey	Grey	Grey	Grey
23. Sherburne Town Court	Blue	Grey	Grey	Grey	Grey
24. Smithville Town Court	Blue	Grey	Grey	Grey	Grey
25. Smyrna Town Court	Blue	Grey	Grey	Grey	Grey
26. Greene Village Court	Blue	Grey	Grey	Grey	Grey
27. Oxford Village Court	Blue	Grey	Grey	Grey	Grey
28. Sherburne Village Court	Blue	Grey	Grey	Grey	Grey
29. Willet Town Court	Grey	Grey	Grey	Grey	Grey

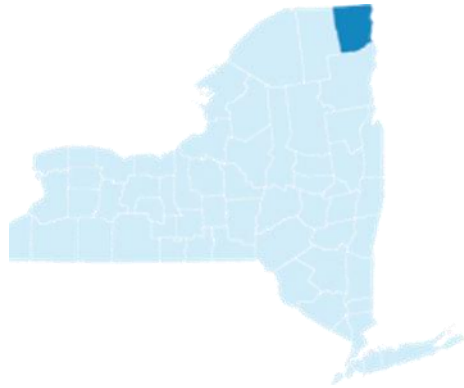
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CLINTON COUNTY

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### County Overview

Clinton County, located in northeastern New York, has an area of 1,118 square miles and a population of 81,654. About 16.5% of the population lives below federal poverty guideline levels, and the median household income is \$49,930.

### Clinton County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in the City of Plattsburgh. In addition, the County has 15 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 18 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided solely by an Assigned Counsel Program. The ACP attorneys handled approximately 1,969 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Plattsburgh City Police Department, Rouses Point Village Police Department, Clinton County Sheriff's Office, University Police - SUNY College at Plattsburgh, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides counsel at arraignment coverage at all courts 24 hours a day, seven days a week. The County has an on-call system of 18-B attorneys who have agreed to provide representation at off-hour arraignments, on weekdays, weekends, and holidays, on a rotational basis. Representation at arraignment during regularly scheduled sessions is conducted by assigned counsel responsible for covering each specific court. Although the County has been providing representation regularly in most courts, the way representation is provided has been found to be cost-prohibitive without additional resources and funding.

## **Future of Arraignment Coverage**

The County has had several meetings to discuss centralized arraignment, but no consensus about initiating a plan has been reached. Although the County is providing representation at arraignment on an on-call basis, additional funding and resources will be necessary to sustain this process without the implementation of a CAP.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

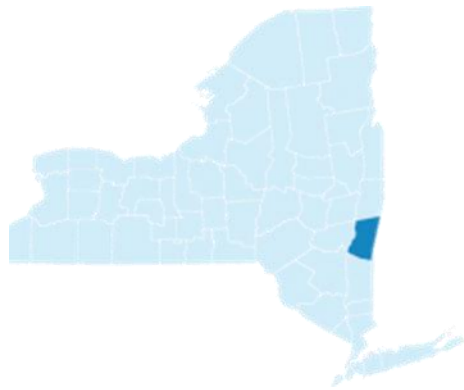
# Clinton

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Altona Town Court	Blue	Blue	Blue	Blue	Blue
2. Ausable Town Court	Blue	Blue	Blue	Blue	Blue
3. Beekmantown Town Court	Blue	Blue	Blue	Blue	Blue
4. Black Brook Town Court	Blue	Blue	Blue	Blue	Blue
5. Champlain Town Court	Blue	Blue	Blue	Blue	Blue
6. Chazy Town Court	Blue	Blue	Blue	Blue	Blue
7. Clinton County Court	Blue	Grey	Black	Black	Black
8. Clinton County Supreme Court	Grey	Grey	Black	Black	Black
9. Clinton Town Court	Blue	Blue	Blue	Blue	Blue
10. Dannemora Town Court	Blue	Blue	Blue	Blue	Blue
11. Dannemora Village Court	Blue	Blue	Blue	Blue	Blue
12. Ellenburg Town Court	Blue	Blue	Blue	Blue	Blue
13. Mooers Town Court	Blue	Blue	Blue	Blue	Blue
14. Peru Town Court	Blue	Blue	Blue	Blue	Blue
15. Plattsburgh City Court	Blue	Black	Blue	Blue	Blue
16. Plattsburgh Town Court	Blue	Blue	Blue	Blue	Blue
17. Saranac Town Court	Blue	Blue	Blue	Blue	Blue
18. Schuyler Falls Town Court	Blue	Blue	Blue	Blue	Blue

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## COLUMBIA COUNTY

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### County Overview

Columbia County, located in eastern New York southeast of Albany, has an area of 648 square miles and a population of 62,499. About 11.7% of the population lives below federal poverty guideline levels, and the median household income is \$59,105. The County contains farming communities and the Columbia-Greene Community College.

### Columbia County Courts

The Columbia Supreme, County, Family, Surrogate's, and City Courts are in the City of Hudson. In addition, the County has 21 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 23 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. In addition, four attorneys are designated to address cases involving a conflict of interest. The Conflict Defenders work in separate offices. As the primary provider of mandated representation, the Public Defender's Office provides representation at arraignment. These mandated representation providers handled approximately 2,268 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Chatham Village Police Department, Germantown Town Police Department, Greenport Town Police Department, Hudson City Police Department, Philmont Village Police Department, Stockport Town Police Department, Columbia County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office provides representation at arraignment during regularly scheduled sessions in courts to which they are assigned on a daily weekday basis. With a CAFA #2 grant, the County intends to expand representation at arraignment by enabling the Public Defender's

Office to hire two additional part-time attorneys to provide representation on a rotational basis during weekday off-hour arraignments (11 p.m. to 5 a.m.), in five courts reasonably near the Office (courts in Hudson, Kinderhook, Livingston, Claverack, and Chatham).

### **Future of Arraignment Coverage**

The County has had at least one meeting concerning establishment of a CAP. There is interest in using pre-arraignment detention when necessary; but no efforts are underway to develop a CAP plan. The Public Defender reports that additional staffing and resources, as well as continued cooperation from the courts and County law enforcement agencies, will be needed to expand coverage countywide.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Columbia

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Ancram Town Court	Blue	Grey	Grey	Grey	Grey
2. Austerlitz Town Court	Blue	Grey	Grey	Grey	Grey
3. Canaan Town Court	Blue	Grey	Grey	Grey	Grey
4. Chatham Town Court	Blue	Grey	Blue	Grey	Grey
5. Chatham Village Court	Blue	Grey	Grey	Grey	Grey
6. Claverack Town Court	Blue	Grey	Blue	Grey	Grey
7. Clermont Town Court	Blue	Grey	Grey	Grey	Grey
8. Columbia County Court	Blue	Grey	Blue	Black	Black
9. Columbia County Supreme Court	Black	Black	Black	Black	Black
10. Copake Town Court	Blue	Grey	Grey	Grey	Grey
11. Gallatin Town Court	Blue	Grey	Grey	Grey	Grey
12. Germantown Town Court	Blue	Grey	Grey	Grey	Grey
13. Ghent Town Court	Blue	Grey	Grey	Grey	Grey
14. Greenport Town Court	Blue	Grey	Blue	Grey	Grey
15. Hillsdale Town Court	Blue	Grey	Grey	Grey	Grey
16. Hudson City Court	Blue	Black	Blue	Grey	Grey
17. Kinderhook Town Court	Blue	Grey	Blue	Grey	Grey
18. Kinderhook Village Court	Blue	Grey	Blue	Grey	Grey
19. Livingston Town Court	Blue	Grey	Blue	Grey	Grey
20. New Lebanon Town Court	Blue	Grey	Grey	Grey	Grey
21. Philmont Village Court	Blue	Grey	Grey	Grey	Grey
22. Stockport Town Court	Blue	Grey	Grey	Grey	Grey
23. Stuyvesant Town Court	Blue	Grey	Grey	Grey	Grey
24. Taghkanic Town Court	Blue	Grey	Grey	Grey	Grey

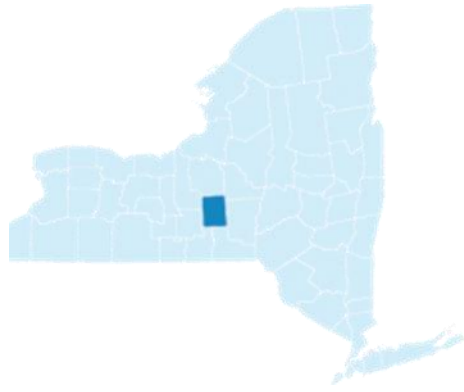
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## CORTLAND COUNTY

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### County Overview

Cortland County, a predominantly rural county, is located in the southeastern gateway of the Finger Lakes region. The County consists of an area of 502 square miles and a has reported population of 49,474 residents. About 14.7% of the population lives below federal poverty guideline levels, and the median household income is \$49,514. The County includes campuses for SUNY at Cortland and Tompkins Cortland Community College.

### Cortland County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in the City of Cortland. In addition, the County has 15 Town Courts. Thus, the County must coordinate counsel at arraignment at 18 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, and an Assigned Counsel Program. These mandated representation providers handled approximately 1,708 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Cortland City Police Department, Homer Village Police Department, McGraw Village Police Department, Cortland County Sheriff's Office, University Police – SUNY College at Cortland, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides arraignment coverage in all courts during regularly scheduled court sessions when there is representation from the District Attorney's Office and, at the request of the judiciary, in a number of arraignments during scheduled sessions (in eight different courts) when an Assistant District Attorney may or may not be present. The Public Defender's Office is also providing off-hour arraignment coverage on weekdays (5 p.m. to 9 a.m.) in the Cortland City Court, when notified to do so by the Court.



## **Future of Arraignment Coverage**

The Public Defender reported that the County has had at least one meeting concerning the establishment of a CAP. There is interest in supporting centralized arraignment with the use of pre-arraignment detention when necessary. However, no efforts are underway to develop a plan for a CAP. The Public Defender stated that additional staffing and resources, as well as continued cooperation from the courts and County law enforcement agencies, are needed to expand representation at arraignment countywide.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Cortland

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Cincinnatus Town Court	Blue	Grey	Grey	Grey	Grey
2. Cortland City Court	Blue	Black	Blue	Blue	Grey
3. Cortland County Court	Blue	Grey	Grey	Black	Black
4. Cortland County Supreme Court	Blue	Grey	Grey	Grey	Grey
5. Cortlandville Town Court	Blue	Blue	Blue	Grey	Grey
6. Cuyler Town Court	Blue	Grey	Grey	Grey	Grey
7. Freetown Town Court	Blue	Grey	Grey	Grey	Grey
8. Harford Town Court	Blue	Blue	Grey	Grey	Grey
9. Homer Town Court	Blue	Blue	Blue	Grey	Grey
10. Lapeer Town Court	Blue	Blue	Grey	Grey	Grey
11. Marathon Town Court	Blue	Blue	Grey	Grey	Grey
12. Preble Town Court	Blue	Blue	Grey	Grey	Grey
13. Scott Town Court	Blue	Blue	Grey	Grey	Grey
14. Solon Town Court	Blue	Grey	Grey	Grey	Grey
15. Taylor Town Court	Blue	Grey	Grey	Grey	Grey
16. Truxton Town Court	Blue	Grey	Grey	Grey	Grey
17. Virgil Town Court	Blue	Blue	Grey	Grey	Grey
18. Willet Town Court	Blue	Blue	Grey	Grey	Grey

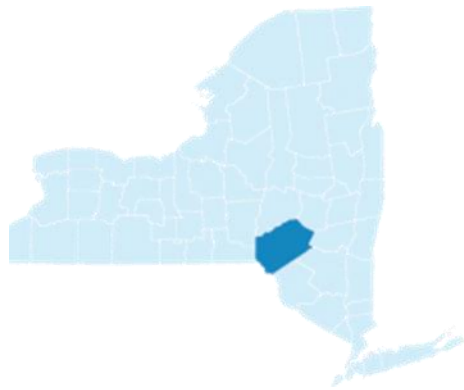
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## DELAWARE COUNTY

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### County Overview

Delaware County, located in southern New York, east of Binghamton, is separated from Pennsylvania by the Delaware River. The County has 19 towns and 10 villages covering approximately 1,446 square miles and a population of about 48,000 residents. Approximately 15.3% of the population lives below federal poverty guideline levels, and the median household income is \$43,720. SUNY at Delhi is located in the County, which also attracts vacationers.

### Delaware County Courts

Delaware County's Supreme, County, and Family Courts are in the City of Delhi. The County also contains 22 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 24 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by 18-B attorneys on a list maintained by the County Attorney and the courts. The list was previously overseen by the local bar association and a volunteer administrator. There are approximately 25 attorneys on the list, with half from neighboring counties. Several larger courts maintain their own lists of assigned counsel. However, it is unclear how many attorneys are interested in providing representation at arraignment. These 18-B attorneys handled approximately 522 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Colchester Town Police Department, Delhi Village Police Department, Deposit Village Police Department, Hancock Village Police Department, Margaretville Village Police Department, Sidney Village Police Department, Walton Village Police Department, Delaware County Sheriff's Office, SUNY College of Technology at Delhi, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment

Counsel at arraignment is sporadically available throughout the county. Currently, coverage depends on the availability and willingness of assigned counsel who may be present in the

courtroom on another assigned matter when asked to appear for an arraignment. Coverage is more reliable and consistent in the County and Supreme Courts.

### **Future of Arraignment Coverage**

The County requires continued cooperation from all courts and additional attorneys and resources to accomplish countywide representation at arraignment. Alternatively, centralized arraignment may reduce the number of attorneys and/or resources necessary to provide representation at arraignment. Although the County has hosted meetings to discuss centralized arraignment, no plan has been developed for OCA consideration and approval. The County has not engaged in any significantly detailed discussions regarding proposals for centralized arraignments.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

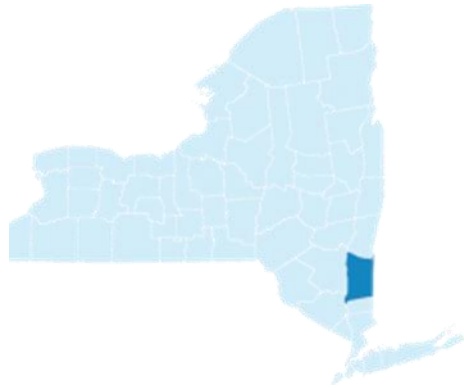
# Delaware

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Andes Town Court					
2. Bovina Town Court					
3. Colchester Town Court					
4. Davenport Town Court					
5. Delaware County Court					
6. Delaware County Supreme Court					
7. Delhi Town Court					
8. Deposit Town Court					
9. Franklin Town Court					
10. Hamden Town Court					
11. Hancock Town Court					
12. Hancock Village Court					
13. Harpersfield Town Court					
14. Kortright Town Court					
15. Masonville Town Court					
16. Meredith Town Court					
17. Middletown Town Court					
18. Roxbury Town Court					
19. Sidney Town Court					
20. Sidney Village Court					
21. Stamford Town Court					
22. Tompkins Town Court					
23. Walton Town Court					
24. Walton Village Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## DUTCHESS COUNTY

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### County Overview

Dutchess County, located in southeastern New York in the Hudson Valley, has an area of 825 square miles and a population of 297,322. Only about 9.3% of the population lives below federal poverty levels, and the median household income is relatively high, at \$71,904. The southwestern part of the County has developed into a largely residential area, with many of its residents commuting to jobs in New York City, whereas the northern and eastern portions of the County remain rural with large farmlands. The County is home to Bard and Vassar Colleges and Dutchess Community College.

### Dutchess County Courts

The County's largest city, Poughkeepsie, is the location of the Supreme, County, Family, and Surrogate's Courts, as well as a City Court. In addition, the County has 26 Town and Village Courts and another City Court. Thus, the County must coordinate counsel at arraignment at 30 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office, and an assigned counsel list with no administrative staffing. The Public Defender's Office is primarily responsible for providing representation at arraignment. These mandated representation providers handled approximately 7,428 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Beacon City Police Department, East Fishkill Town Police Department, Fishkill Town Police Department, Fishkill Village Police Department, Hyde Park Town Police Department, Millbrook Village Police Department, Millerton Village Police Department, Pine Plains Town Police Department, Poughkeepsie City Police Department, Poughkeepsie Town Police Department, Red Hook Village Police Department, Rhinebeck Village Police Department, Wappingers Falls Village Police Department, Dutchess County Sheriff's Office, New York State Police – Troop K, NYS Park Police – Taconic Zone Headquarters, MTA Police, NYS Park Police and the NYS DEC.

## **Status of Counsel at Arraignment Coverage**

The County has used ILS and County funding to provide counsel at arraignment countywide. With a CAFA #1 grant, the County authorized the Public Defender's Office to hire two night-time arraignment attorneys. With this grant, the County implemented counsel at arraignment in select high-volume Village, Town and City courts. In 2015, the County Magistrates Association requested that representation at arraignment be expanded countywide during all regularly scheduled sessions and off-hour arraignments. Since that time, the Public Defender's Office has been able to implement countywide coverage with a CAFA #2 grant and continued County support.

## **Future of Arraignment Coverage**

The County is providing representation at arraignment during regularly scheduled and off-hour sessions 24 hours a day, seven days a week. The Public Defender reports that additional staffing and resources will likely be necessary to sustain countywide coverage of representation at arraignment using the current system. The County has initiated discussions to centralize arraignments, but efforts have been temporarily postponed while the County Jail is upgraded.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Dutchess

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Amenia Town Court	■	■	■	■	■
2. Beacon City Court	■	■	■	■	■
3. Beekman Town Court	■	■	■	■	■
4. Clinton Town Court	■	■	■	■	■
5. Dover Town Court	■	■	■	■	■
6. Dutchess County Court	■	■	■	■	■
7. Dutchess County Supreme Court	■	■	■	■	■
8. East Fishkill Town Court	■	■	■	■	■
9. Fishkill Town Court	■	■	■	■	■
10. Fishkill Village Court	■	■	■	■	■
11. Hyde Park Town Court	■	■	■	■	■
12. LaGrange Town Court	■	■	■	■	■
13. Milan Town Court	■	■	■	■	■
14. North East Town Court	■	■	■	■	■
15. Pawling Town Court	■	■	■	■	■
16. Pawling Village Court	■	■	■	■	■
17. Pine Plains Town Court	■	■	■	■	■
18. Pleasant Valley Town Court	■	■	■	■	■
19. Poughkeepsie City Court	■	■	■	■	■
20. Poughkeepsie Town Court	■	■	■	■	■
21. Red Hook Town Court	■	■	■	■	■
22. Red Hook Village Court	■	■	■	■	■
23. Rhinebeck Town Court	■	■	■	■	■
24. Rhinebeck Village Court	■	■	■	■	■
25. Stanford Town Court	■	■	■	■	■
26. Tivoli Village Court	■	■	■	■	■
27. Union Vale Town Court	■	■	■	■	■
28. Wappinger Town Court	■	■	■	■	■
29. Wappingers Falls Village Court	■	■	■	■	■
30. Washington Town Court	■	■	■	■	■

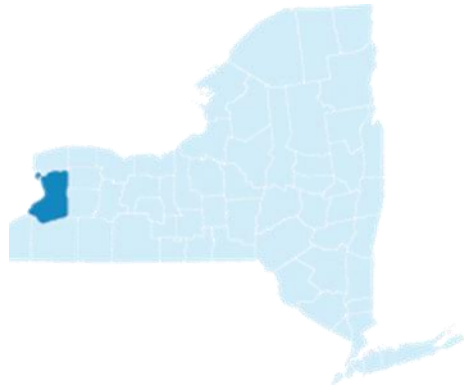
■ Courts where it was reported that counsel at arraignment is always or almost always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place



## ERIE COUNTY

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### County Overview

Erie County, located in the Greater Niagara Region, has an area of 1,227 square miles and a population of 919,086. About 15.0% of the population lives below federal poverty guideline levels, and the median household income is \$51,247. The County, which is bounded by Canada to the north, is home to major industrial and commercial employers and numerous colleges.

### Erie County Courts

The Supreme Court (four locations), County Court, Family Court, Surrogate's Court, and a City Court are in the City of Buffalo. In addition, the County has two other City Courts and 35 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 40 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Bureau (LAB), and an Assigned Counsel Program. The LAB is responsible for providing representation at arraignment in the Buffalo City Court, while 18-B counsel provide representation at arraignment in other courts. These mandated representation providers handled approximately 29,688 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Akron Village Police Department, Amherst Town Police Department, Blasdell Village Police Department, Brant Town Police Department, Eden Town Police Department, Evans Town Police Department, Gowanda Village Police Department, Grand Island Town Police Department, Hamburg Town Police Department, Hamburg Village Police Department, Kenmore Village Police Department, Lackawanna City Police Department, Lancaster Town Police Department, Orchard Park Town Police Department, Tonawanda City Police Department, Tonawanda Town Police Department, West Seneca Town Police Department, Norfolk Southern Railroad Police Department, Erie County Sheriff's Office, University Police – SUNY at Buffalo, University Police - SUNY College at Buffalo, New York State Police, NYS Park Police, and NYS DEC – Region 9 Headquarters.

## **Status of Counsel at Arraignment Coverage**

In 2011, a pilot program was initiated by the ACP, using CAFA #1 funding, to provide counsel at arraignment in the Town of Cheektowaga. This program was expanded to provide counsel at arraignment in the courts in Lackawanna, Tonawanda, Amherst, Hamburg, and West Seneca. In 2016, the ACP used County funding to create an “Attorney of the Day” program, which was expanded to provide representation at arraignment to 29 additional courts. In addition, the LAB has provided representation at arraignment in the Buffalo City Court, resulting in countywide coverage of representation at arraignment by these two providers.

Most recently, the County has received CAFA #2 funding to support the two-tier delivery of representation at arraignment—representation at arraignment by counsel during regular assignments in individual courts, and representation by teams of 18-B counsel assigned to cover one of six regions, with one or two attorneys per team on call for off-hour arraignments on a rotational basis.

## **Future of Arraignment Coverage**

The County is providing representation at arraignment during regularly scheduled and off-hour sessions 24 hours a day, seven days a week. Coverage is provided by the ACP and the LAB in the Buffalo City Court. The ACP Administrator reported that additional staffing and resources will likely be necessary to sustain countywide coverage using the current system. The County has had several meetings with stakeholders to discuss centralized arraignment, but efforts to develop a plan for OCA consideration have not been initiated.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Erie

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Alden Town Court					
2. Alden Village Court					
3. Amherst Town Court					
4. Angola Village Court					
5. Aurora Town Court					
6. Blasdell Village Court					
7. Boston Town Court					
8. Brant Town Court					
9. Buffalo City Court					
10. Cheektowaga Town Court					
11. Clarence Town Court					
12. Colden Town Court					
13. Collins Town Court					
14. Concord Town Court					
15. Depew Village Court					
16. Eden Town Court					
17. Elma Town Court					
18. Erie County Court					
19. Erie County Supreme Court					
20. Evans Town Court					
21. Grand Island Town Court					
22. Hamburg Town Court					
23. Hamburg Village Court					
24. Holland Town Court					
25. Kenmore Village Court					
26. Lackawanna City Court					
27. Lancaster Town Court					
28. Lancaster Village Court					
29. Marilla Town Court					
30. Newstead Town Court					
31. North Collins Town Court					
32. Orchard Park Town Court					
33. Orchard Park Village Court					
34. Sardinia Town Court					
35. Springville Village Court					

*(Continues on the next page)*

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# Erie

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
36. Tonawanda City Court	■	■	■	■	■
37. Tonawanda Town Court	■	■	■	■	■
38. Wales Town Court	■	■	■	■	■
39. West Seneca Town Court	■	■	■	■	■
40. Williamsville Village Court	■	■	■	■	■

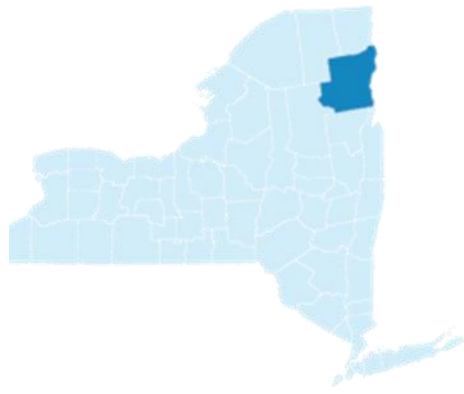
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■ Courts where it was reported that counsel at arraignment is always or almost always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ESSEX COUNTY

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### County Overview

Essex County, located in northeastern New York in the Adirondack State Park, has a population of 38,961, with 10.7% of residents living below federal poverty guideline levels, and a median household income of \$52,758. The County covers an area of 1,916 square miles. The highest natural point in New York, Mount Marcy at 5,344 feet, is in the Town of Keene. Given the large size of the County and the numerous courts, attorneys spend enormous amounts of time driving to court. The County is home to several high-tech, bio-medical and light industrial companies, as well as North Country Community College; and it attracts year-round outdoor tourism.

### Essex County Courts

The Supreme, County, Family, and Surrogate's Courts are in the Town of Elizabethtown. In addition, the County has 19 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 21 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office, which handles criminal matters, but not Family Court cases. There is no formal Assigned Counsel Program. Attorneys on an 18-B list take assigned cases. These mandated representation providers handled approximately 1,006 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Lake Placid Village Police Department, Moriah Town Police Department, Ticonderoga Town Police Department, Essex County Sheriff's Office, New York State Police – Troop B, NYS Park Police, and NYS DEC – Region 5 Headquarters.

### Status of Counsel at Arraignment Coverage

The County provides minimum consistent coverage of counsel at arraignment, other than during regularly scheduled sessions in the County and Supreme Courts. The inability to provide countywide coverage is largely due to the lack of sufficient attorneys at the Public Defender's

Office and on the 18-B list. This problem is exacerbated by the size and geography of the County, located in the High Peaks Region.

### **Future of Arraignment Coverage**

The County has hosted numerous discussions regarding expanding the 18-B panel and establishing a CAP. The Public Defender noted that most of the courts are notifying the Public Defender's office when arraignments are scheduled. However, difficulties remain in providing coverage in most of Town and Village Courts. Discussions regarding centralized arraignment have included proposals to establish hub courts in at least two of the busier courts, located in Lake Placid and Ticonderoga. However, no plan for centralized arraignment has been proposed for OCA consideration.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

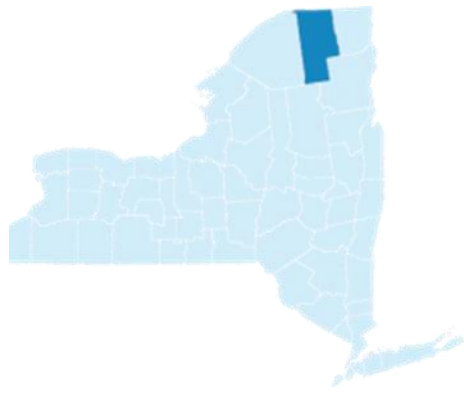
# Essex

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Chesterfield Town Court					
2. Crown Point Town Court					
3. Elizabethtown Town Court					
4. Essex County Court					
5. Essex County Supreme Court					
6. Essex Town Court					
7. Jay Town Court					
8. Keene Town Court					
9. Lake Placid Village Court					
10. Lewis Town Court					
11. Minerva Town Court					
12. Moriah Town Court					
13. Newcomb Town Court					
14. North Elba Town Court					
15. North Hudson Town Court					
16. Schroon Town Court					
17. St. Armand Town Court					
18. Ticonderoga Town Court					
19. Westport Town Court					
20. Willsboro Town Court					
21. Wilmington Town Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## FRANKLIN COUNTY

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### County Overview

Franklin County, located in northeastern New York in the Adirondack State Park, has an area of 1,697 square miles and a population of 51,795. About 20.3% of the population lives below federal poverty guideline levels, and the median household income is \$47,923. The County includes the Mohawk St. Regis Reservation, shares an international border with Canada, is home to North Country Community College and Paul Smith's College, and has year-round outdoor tourism.

### Franklin County Courts

The Supreme, County, Family, and Surrogate's Courts are in the Town of Malone. In addition, the County has 20 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 21 courts countywide.

### County Providers for Mandated Representation

The County has a three-tier system: a Public Defender's Office; a Conflict Defender's Office, consisting of a single attorney; and an Assigned Counsel Program. These mandated representation providers handled approximately 1,352 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Malone Village Police Department, Saranac Lake Village Police Department, St. Regis Mohawk Tribal Police Department, Tupper Lake Village Police Department, Franklin County Sheriff's Office, New York State Police, U.S. Department of Homeland Security Border Patrol, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides representation at arraignment in most regularly scheduled court sessions in all 22 courts. In addition, the Public Defender's Office is responsible for providing 85% or more of coverage in all off-hour arraignments during weekdays, weekends, and holidays, when contacted to do so by the courts. The Office alternates in providing coverage with the Conflict Defender's Office. Two attorneys are assigned to provide representation during off-hour arraignments on a rotational basis every three to four weeks.



## **Future of Arraignment Coverage**

Although coverage of counsel at arraignment is made available throughout the County, the providers report concerns about sustaining coverage countywide without additional attorney staffing and resources. The County has had several meetings concerning the establishment of a CAP. However, there has been no progress in developing a specific plan for centralized arraignments.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

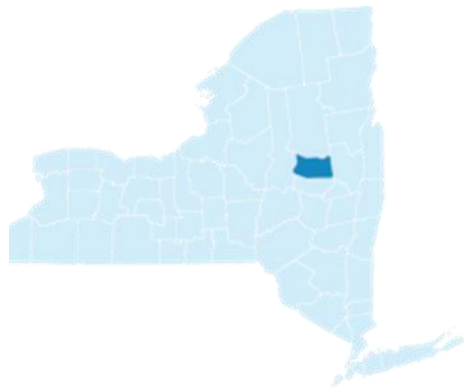
# Franklin

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Bangor Town Court	Blue	Grey	Blue	Blue	Blue
2. Belmont Town Court	Blue	Grey	Blue	Blue	Blue
3. Bombay Town Court	Blue	Black	Blue	Blue	Blue
4. Brandon Town Court	Blue	Grey	Blue	Blue	Blue
5. Brighton Town Court	Blue	Grey	Blue	Blue	Blue
6. Burke Town Court	Blue	Grey	Blue	Blue	Blue
7. Chateaugay Town Court	Blue	Grey	Blue	Blue	Blue
8. Constable Town Court	Blue	Grey	Blue	Blue	Blue
9. Dickinson Town Court	Blue	Grey	Blue	Blue	Blue
10. Duane Town Court	Blue	Grey	Blue	Blue	Blue
11. Fort Covington Town Court	Blue	Grey	Blue	Blue	Blue
12. Franklin County Court	Blue	Black	Blue	Black	Black
13. Franklin County Supreme Court	Blue	Black	Blue	Black	Black
14. Franklin Town Court	Blue	Grey	Blue	Blue	Blue
15. Harrietstown Town Court	Blue	Grey	Blue	Blue	Blue
16. Malone Town Court	Blue	Grey	Blue	Blue	Blue
17. Moira Town Court	Blue	Grey	Blue	Blue	Blue
18. Santa Clara Town Court	Blue	Grey	Blue	Blue	Blue
19. Tupper Lake Town Court	Blue	Grey	Blue	Blue	Blue
20. Tupper Lake Village Court	Blue	Grey	Blue	Blue	Blue
21. Waverly Town Court	Blue	Grey	Blue	Blue	Blue
22. Westville Town Court	Blue	Grey	Blue	Blue	Blue

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## FULTON COUNTY

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### County Overview

Fulton County, located in Central New York, has an area of 533 square miles and a population of 54,925 residents. About 17.1% of the population lives below federal poverty guideline levels, and the median household income is \$46,969. Approximately 222 farms exist in the County, and it is estimated that 59% of the County is situated within the Adirondack Mountain Region. Fulton–Montgomery Community College, a part of SUNY, is also located within the County.

### Fulton County Courts

The Supreme, County, Family, and Surrogate’s Courts are in the City of Johnstown. There are City Courts in Johnstown and Gloversville. In addition, the County has 11 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 15 courts countywide.

### County Providers for Mandated Representation

The County has a Public Defender’s Office. There is no formal Assigned Counsel Program; an 18-B panel is administered by the Public Defender. These mandated representation providers handled approximately 1,449 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Broadalbin Village Police Department, Gloversville City Police Department, Johnstown City Police Department, Northville Village Police Department, Fulton County Sheriff’s Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides representation at arraignment in regularly scheduled court sessions in the Fulton County Court. Otherwise, representation at arraignment is provided when notification from the court is provided and an attorney from the Public Defender’s office or the 18-B list is available, particularly in cases involving arrests for serious felony offenses. There is no consistent coverage during most regularly scheduled court sessions, or for off-hour arraignments conducted during weekdays, weekends, and holidays.

## **Future of Arraignment Coverage**

After extensive discussions between stakeholders, the County developed a plan to provide counsel at arraignment. Once implemented, the plan will be supported by a CAFA #2 grant. The plan follows three general models of representation to address both regularly scheduled and off-hour arraignments as follows:


*On-Hours Arraignments* would consist of attorney representation during regularly scheduled sessions during weekdays (Monday-Thursday from 9 a.m. to approximately 8:30 p.m. and Friday from 9 a.m. to 5 p.m.). If an attorney from the Public Defender's Office is available, that attorney will provide representation at arraignment and will provide vertical representation in the case until final disposition. For *Off-Hours Arraignments*, the court could opt to have the Public Defender's Office or an 18-B attorney provide representation at arraignment. If the County establishes a CAP, arraignments may be centralized in the City Courts of Johnstown and Gloversville, with representation provided by both the Public Defender's Office and 18-B counsel. No plan for centralized arraignment has been submitted to OCA for consideration.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**


The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Fulton

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Bleecker Town Court					
2. Broadalbin Town Court					
3. Broadalbin Village Court					
4. Caroga Town Court					
5. Ephratah Town Court					
6. Fulton County Court					
7. Fulton County Supreme Court					
8. Gloversville City Court					
9. Johnstown City Court					
10. Johnstown Town Court					
11. Mayfield Town Court					
12. Northampton Town Court					
13. Oppenheim Town Court					
14. Perth Town Court					
15. Stratford Town Court					

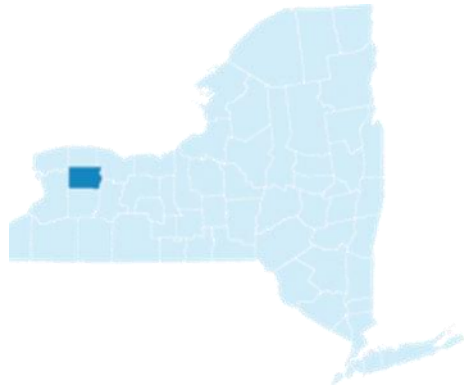
 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where it was reported that counsel at arraignment is not always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## GENESEE COUNTY

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### County Overview

Genesee County, located in Western New York in the Greater Niagara Region, has an area of 495 square miles and a population of 59,977. About 13.2% of the population lives below federal poverty levels, and the median household income is \$50,880. The County includes several State parks, the Iroquois National Wildlife Refuge, the Tonawanda Reservation, and the Genesee Community College.

### Genesee County Courts

The Supreme, County, Family, Surrogate's and City Courts are in the City of Batavia. In addition, the County has 13 Town Courts and one Village Court. Thus, the County must coordinate counsel at arraignment at 16 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office. The Assigned Counsel Program is currently in transition. Previously, the Program was administered by an attorney via a flat-fee contract, but since that attorney left, the ACP has been administered by the Public Defender. These mandated representation providers handled approximately 1,907 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Batavia City Police Department, Corfu Village Police Department, Le Roy Village Police Department, Falls Road Railroad Police Department, Genesee County Sheriff's Office, New York State Police – Troop A, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's office provides counsel at arraignment at all courts during regularly scheduled court sessions, including off-hour weekday arraignments in Batavia City Court. There is no consistent representation at arraignment during the off-hour arraignments on weekdays, or on weekends and holidays, in any of the courts. The County is moving forward with an on-call

plan to expand coverage, using a CAFA #2 grant. The on-call plan provides for attorneys to be assigned to cover all the local courts for one week on a rotating basis. Their performance would be supervised by the Public Defender's Office, who would review after-arraignment reports, in addition to feedback from the clients and the courts. On-call attorneys would be recruited from 18-B panels from Genesee County and several adjoining counties. The Public Defender intends to provide support and additional assistance to on-call attorneys providing representation at arraignment.

### **Future of Arraignment Coverage**

Currently under consideration is a proposal for a CAP that would utilize the Batavia City Court, located across the street from the Public Defender's Office, and the County Jail.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Genesee

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Alabama Town Court	Blue	Grey	Grey	Grey	Grey
2. Alexander Town Court	Blue	Grey	Grey	Grey	Grey
3. Batavia City Court	Blue	Black	Blue	Grey	Grey
4. Batavia Town Court	Blue	Grey	Grey	Grey	Grey
5. Bergen Town Court	Blue	Grey	Grey	Grey	Grey
6. Bethany Town Court	Blue	Grey	Grey	Grey	Grey
7. Byron Town Court	Blue	Grey	Grey	Grey	Grey
8. Corfu Village Court	Blue	Grey	Grey	Grey	Grey
9. Darien Town Court	Blue	Grey	Grey	Grey	Grey
10. Elba Town Court	Blue	Grey	Grey	Grey	Grey
11. Genesee County Court	Blue	Blue	Blue	Black	Black
12. Genesee County Supreme Court	Black	Black	Black	Black	Black
13. Leroy Town Court	Blue	Grey	Grey	Grey	Grey
14. Oakfield Town Court	Blue	Grey	Grey	Grey	Grey
15. Pavilion Town Court	Blue	Grey	Grey	Grey	Grey
16. Pembroke Town Court	Blue	Grey	Grey	Grey	Grey
17. Stafford Town Court	Blue	Grey	Grey	Grey	Grey

Blue Courts where it was reported that counsel at arraignment is always or almost always provided

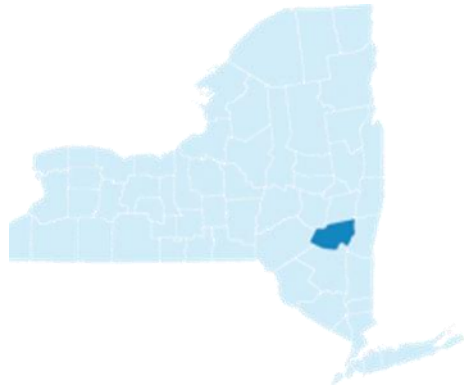
Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place



## GREENE COUNTY

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### County Overview

Greene County, located in southeast Central New York south of Albany, consists of 658 square miles. The northern and eastern regions are mostly low-lying flatlands, while the southern and western areas rise sharply into the Catskill Mountains. Catskill Park contains some of the tallest peaks south of the Adirondacks. The County has a population of 48,673, with 12.9% of residents living below federal poverty levels, and a median household income of \$ 50,278. The County includes Columbia-Greene Community College, a campus of SUNY.

### Greene County Courts

The Supreme, County, Family, and Surrogate's Courts are in Catskill. In addition, the County has 16 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 18 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, which handles criminal cases, parole revocations, parole appeals, Family Court cases, and local court appeals. The Office does not handle appeals to the Appellate Division. Attorneys on an 18-B list handle cases involving a conflict of interest. These mandated representation providers handled approximately 1,503 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Cairo Town Police Department, Catskill Village Police Department, Coxsackie Village Police Department, Durham Town Police Department, Hunter Town Police Department, Windham Town Police Department, Greene County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office is responsible for providing consistent representation at arraignment during regularly scheduled weekday sessions in County and Supreme Courts and the Town and Village Courts. The County plans to use a CAFA #2 grant to expand representation at

arraignment in several Town and Village Courts. The Public Defender’s Office intends to continue providing representation during regularly scheduled arraignments on weekdays, while an on-call attorney and standby attorney would be available to provide representation during off- hour arraignments on weekdays (5 p.m. to 9 a.m.), weekends, and holidays.

### **Future of Arraignment Coverage**

The County recently formed a CAFA committee consisting of the Public Defender, the District Attorney, and three or four judges. The Committee has met with County stakeholders and OCA to discuss establishment of a CAP that would incorporate the use of two or more hub courts to schedule arraignments 24 hours a day, seven days a week. No plan for centralized arraignment has yet been reached.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

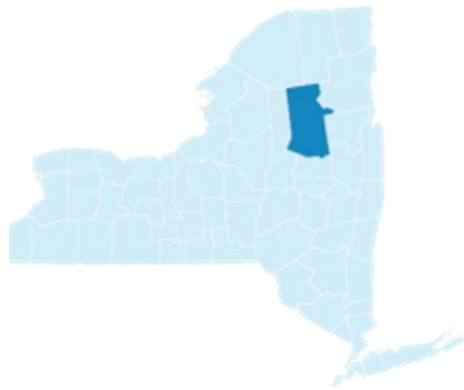
# Greene

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Ashland Town Court					
2. Athens Town Court					
3. Cairo Town Court					
4. Catskill Town Court					
5. Catskill Village Court					
6. Coxsackie Town Court					
7. Durham Town Court					
8. Greene County Court					
9. Greene County Supreme Court					
10. Greenville Town Court					
11. Halcott Town Court					
12. Hunter Town Court					
13. Jewett Town Court					
14. Lexington Town Court					
15. New Baltimore Town Court					
16. Prattsville Town Court					
17. Tannersville Village Court					
18. Windham Town Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## HAMILTON COUNTY

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### County Overview

Hamilton County, located in the North-Central New York, is the third largest county, consisting of 1,857 square miles. It is entirely located within the Adirondack Park. Despite the size of the County, it is the least populated, consisting of approximately 4,800 residents—except during summer and winter seasons when vacationers come. Approximately 12.9% of the County’s residents live below federal poverty guideline levels, with an estimated median household income of \$48,243.

### Hamilton County Courts

The County, Family and Surrogate’s Courts are in Lake Pleasant. Supreme Court sessions are not held in Hamilton County, but are conducted in neighboring Fulton County. Hamilton County also contains nine Town Courts. Thus, the County must coordinate counsel at arraignment at 10 courts countywide.

### County Providers for Mandated Representation

There is no formal Assigned Counsel Program. Mandated representation is provided by a list of assigned counsel maintained by the County and distributed to the courts. Some panel attorneys have committed to providing representation at arraignment. The panel includes about 20 local attorneys, as well as attorneys from neighboring counties. The 18-B attorneys handled approximately 47 cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Inlet Town Police Department, Hamilton County Sheriff’s Office, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The assigned counsel panel is providing coverage at most arraignments. The County is large and has a small population, and arrests often involve non-complex cases, such as low-level misdemeanor offenses and violations, resulting in the issuance of desk appearance tickets. The County is most challenged by providing representation at off-hour arraignments scheduled on weekends and holidays and identifying available 18-B attorneys. Efforts to support vertical

representation have helped to secure interest among local 18-B attorneys to provide representation at arraignment.

### **Future of Arraignment Coverage**

Although representation at arraignment is provided countywide, the County remains challenged in seeking to secure sufficient 18-B attorneys during off-hour weekends and holidays and to provide support to the panel attorneys. The County is currently reviewing various proposed CAP plans.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Hamilton

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Arietta Town Court	Blue	Blue	Blue	Blue	Grey
2. Benson Town Court	Blue	Blue	Blue	Blue	Grey
3. Hamilton County Court	Blue	Blue	Blue	Black	Black
4. Hope Town Court	Blue	Blue	Blue	Blue	Grey
5. Indian Lake Town Court	Blue	Blue	Blue	Blue	Grey
6. Inlet Town Court	Blue	Blue	Blue	Blue	Grey
7. Lake Pleasant Town Court	Blue	Blue	Blue	Blue	Grey
8. Long Lake Town Court	Blue	Blue	Blue	Blue	Grey
9. Morehouse Town Court	Blue	Blue	Blue	Blue	Grey
10. Wells Town Court	Blue	Blue	Blue	Blue	Grey

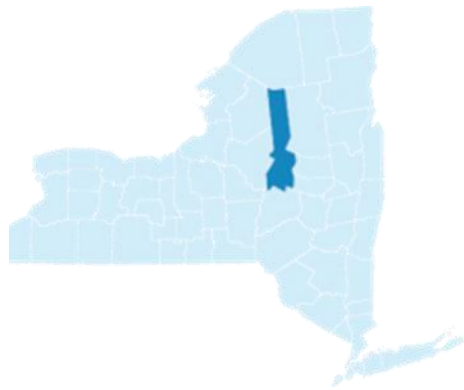
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## HERKIMER COUNTY

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### County Overview

Herkimer County is in Central New York, northwest of Albany. The northern part of the County is in the Adirondack Park. The Mohawk River and Erie Canal flows across the south part of the County. The County covers 1,458 square miles and has a population of 64,508, with 14.6% of residents living below federal poverty levels and a median household income of \$46,229. The County also contains Herkimer Community College, which is part of SUNY.

### Herkimer County Courts

The Supreme, County, Family, and Surrogate's Courts are in Herkimer. In addition, the County has a City Court in Little Falls and 22 Town and Village Courts. Thus, the County must coordinate counsel at arraignment at 24 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided solely by the Assigned Counsel Program, which is overseen by a part-time attorney Administrator appointed by the local bar association and under contract with the County to administer the 18-B counsel list. Approximately 25 attorneys participate in the ACP, and about a third reside outside the County. ACP attorneys handled approximately 809 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Dolgeville Village Police Department, Frankfort Town Police Department, Frankfort Village Police Department, Herkimer Village Police Department, Ilion Village Police Department, Little Falls City Police Department, Mohawk Village Police Department, Webb Town Police Department, Herkimer County Sheriff's Office, New York State Police, NYS Park Police and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides counsel during regular scheduled arraignments. The geographic size of the County makes providing representation at arraignment challenging. The County is considering an on-call system of 18-B counsel who would provide coverage on a rotational basis.

## **Future of Arraignment Coverage**

There have been CAP discussions, but not much progress has been made. After a July 2017 meeting, no other meetings occurred, and no current efforts are underway to develop a CAP.

## **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.



# Herkimer

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Columbia Town Court	Blue	Grey	Grey	Grey	Grey
2. Danube Town Court	Blue	Grey	Grey	Grey	Grey
3. Fairfield Town Court	Blue	Grey	Grey	Grey	Grey
4. Frankfort Town Court	Blue	Grey	Grey	Grey	Grey
5. German Flatts Town Court	Blue	Grey	Grey	Grey	Grey
6. Herkimer County Court	Blue	Black	Grey	Black	Black
7. Herkimer County Supreme Court	Black	Black	Black	Black	Black
8. Herkimer Town Court	Blue	Grey	Grey	Grey	Grey
9. Herkimer Village Court	Blue	Grey	Grey	Grey	Grey
10. Ilion Village Court	Blue	Grey	Grey	Grey	Grey
11. Litchfield Town Court	Blue	Grey	Grey	Grey	Grey
12. Little Falls City Court	Blue	Grey	Grey	Grey	Grey
13. Little Falls Town Court	Blue	Grey	Grey	Grey	Grey
14. Manheim Town Court	Blue	Grey	Grey	Grey	Grey
15. Middleville Village Court	Blue	Grey	Grey	Grey	Grey
16. Newport Town Court	Blue	Grey	Grey	Grey	Grey
17. Norway Town Court	Blue	Grey	Grey	Grey	Grey
18. Ohio Town Court	Blue	Grey	Grey	Grey	Grey
19. Russia Town Court	Blue	Grey	Grey	Grey	Grey
20. Salisbury Town Court	Blue	Grey	Grey	Grey	Grey
21. Schuyler Town Court	Blue	Grey	Grey	Grey	Grey
22. Stark Town Court	Blue	Grey	Grey	Grey	Grey
23. Warren Town Court	Blue	Grey	Grey	Grey	Grey
24. Webb Town Court	Blue	Grey	Grey	Grey	Grey
25. Winfield Town Court	Blue	Grey	Grey	Grey	Grey

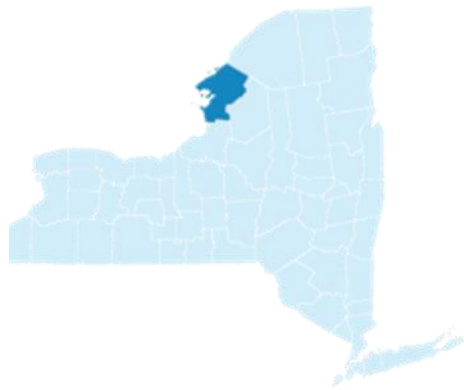
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## JEFFERSON COUNTY

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### County Overview

Jefferson County is located in the Northern Tier at the Junction of Lake Ontario and the St. Lawrence River. The County covers 1,857 square miles and has a population of 120,262, with 15.1% of residents living below federal poverty levels and a median household income of \$49,505. The Ft. Drum U.S. Army base is located in the County.

### Jefferson County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Watertown. In addition, the County has Watertown City Court and 29 Town and Village Courts. Thus, the County must coordinate criminal arraignments in 31 different courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. The County does not have an Assigned Counsel Program but maintains a list of attorneys willing to accept assignments. These mandated representation providers handled approximately 3,673 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Alexandria Bay Village Police Department, Antwerp Village Police Department, Black River Village Police Department, Brownville Village Police Department, Cape Vincent Village Police Department, Carthage Village Police Department, Clayton Village Police Department, Dexter Village Police Department, Glen Park Village Police Department, Philadelphia Village Police Department, Sackets Harbor Village Police Department, Theresa Village Police Department, Watertown City Police Department, West Carthage Village Police Department, Jefferson County Sheriff's Office, New York State Police, NYS Park Police – Thousand Island Zone Headquarters, NYS DEC – Region 6 Headquarters, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office does not provide counsel at arraignment unless an attorney happens to be in court at the time of an arraignment in the Town and Village Courts. The Office does

provide counsel at arraignment in the Watertown City Court during the week. However, there is not an Assistant Public Defender present for arraignments on the weekend. Additionally, the Public Defender's Office is present for arraignments at regularly scheduled court sessions in County Court. The District Attorney has encouraged the various law enforcement agencies in the County to write appearance tickets in any case that does not require an arraignment and to consolidate the appearance tickets for arraignments on District Attorney nights so that an Assistant Public Defender will be present. The Public Defender reports that there are usually one to four arraignments per weeknight and slightly more over the weekend. Given the high caseload and the limited number of attorneys, the Public Defender's Office is unable to provide "on-call" coverage.

### **Future of Arraignment Coverage**

The County has had extensive conversations about a possible CAP. Stakeholder meetings began in January 2017, and there have been almost a dozen meetings involving the Public Defender, the District Attorney, the Sheriff, the County Attorney, and various local Magistrates. The meetings are continuing; but there is not yet a definitive plan. The District Attorney has requested additional funding. There are also open issues related to staffing a CAP and the hours and location for the part. The County is currently considering building a new courtroom in the County Court complex. The Public Defender has suggested using the Public Safety Building, which has a courtroom, holding cell, and confidential meeting space. This building is currently being used as a dispatch center. As recently as November 28, 2017, several stakeholders met to begin quantifying costs of implementing counsel at arraignment for both a centralized program and an on-call program.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Jefferson

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Adams Town Court	Blue	Grey	Grey	Grey	Grey
2. Adams Village Court	Blue	Grey	Grey	Grey	Grey
3. Alexandria Bay Village Court	Blue	Grey	Grey	Grey	Grey
4. Alexandria Town Court	Blue	Grey	Grey	Grey	Grey
5. Antwerp Town Court	Blue	Grey	Grey	Grey	Grey
6. Brownville Town Court	Blue	Grey	Grey	Grey	Grey
7. Cape Vincent Town Court	Blue	Grey	Grey	Grey	Grey
8. Carthage Village Court	Blue	Grey	Grey	Grey	Grey
9. Champion Town Court	Blue	Grey	Grey	Grey	Grey
10. Clayton Town Court	Blue	Grey	Grey	Grey	Grey
11. Clayton Village Court	Blue	Grey	Grey	Grey	Grey
12. Dexter Village Court	Blue	Grey	Grey	Grey	Grey
13. Ellisburg Town Court	Blue	Grey	Grey	Grey	Grey
14. Henderson Town Court	Blue	Grey	Grey	Grey	Grey
15. Hounsfield Town Court	Blue	Grey	Grey	Grey	Grey
16. Jefferson County Court	Blue	Grey	Grey	Black	Black
17. Jefferson Co. Supreme Court	Black	Black	Black	Black	Black
18. Le Ray Town Court	Blue	Grey	Grey	Grey	Grey
19. Lorraine Town Court	Blue	Grey	Grey	Grey	Grey
20. Lyme Town Court	Blue	Grey	Grey	Grey	Grey
21. Orleans Town Court	Blue	Grey	Grey	Grey	Grey
22. Pamela Town Court	Blue	Grey	Grey	Grey	Grey
23. Philadelphia Town Court	Blue	Grey	Grey	Grey	Grey
24. Rodman Town Court	Blue	Grey	Grey	Grey	Grey
25. Rutland Town Court	Blue	Grey	Grey	Grey	Grey
26. Theresa Town Court	Blue	Grey	Grey	Grey	Grey
27. Theresa Village Court	Blue	Grey	Grey	Grey	Grey
28. Watertown City Court	Blue	Black	Black	Black	Grey
29. Watertown Town Court	Blue	Grey	Grey	Grey	Grey
30. West Carthage Village Court	Blue	Grey	Grey	Grey	Grey
31. Wilna Town Court	Blue	Grey	Grey	Grey	Grey
32. Worth Town Court	Blue	Grey	Grey	Grey	Grey

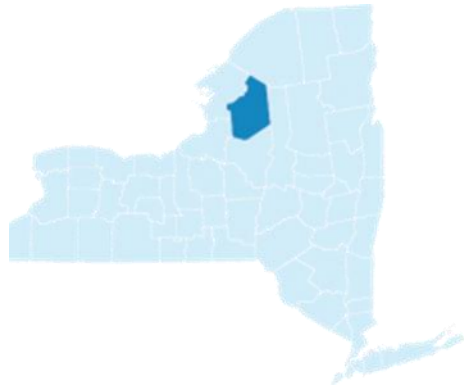
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## LEWIS COUNTY

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### County Overview

Lewis County is located in northern New York. The eastern part of the County is in the Adirondack Park. The County, which is home to the Black River Valley, encompasses 1,290 square miles and has a population of 27,224, with 12.1% of residents living below federal poverty levels, and a median household income of \$49,819.

### Lewis County Courts

The Supreme, County, Family, and Surrogate's Courts are in Lowville. In addition, the County has 19 Town and Village Courts. Thus, the County must coordinate counsel at arraignment coverage for 20 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided via the Public Defender's Office, a contract entity operating out of a private law firm. The Conflict Defender's Office is also a contract entity that operates out of a private law firm. There is no formal Assigned Counsel Program. These mandated representation providers handled an estimated 468 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Lowville Village Police Department, Lewis County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office has been appearing at arraignments in all courts throughout the County. However, there is no coverage of arraignments if a court holds sessions where a DA and PD are not present. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. The Public Defender is contacted by individual judges to appear at arraignments. In-person compliance with counsel at arraignment is difficult because only five attorneys reside in the County. Thus, the Public Defender handles 90% of the appearances. Some appearances are telephonic but he tries to attend in person if the drive is less than 20 minutes away. Some judges arraign and divest a case without contacting an attorney. If the Public

Defender cannot attend the appearance, courts may contact another specified attorney, and if that attorney is unavailable, the court can call an 18-B attorney. If assigned counsel is used, that will almost guarantee a phone arraignment, which is not ideal.

### **Future of Arraignment Coverage**

The Public Defender reports that there have been preliminary discussions regarding the future of counsel at arraignment in the County and opines that it makes sense for Lowville to be a CAP site since all key law enforcement entities have barracks there and the only attorney who provides arraignment coverage resides there. The Public Defender further observed that a CAP might be the most sustainable approach for the County; the current on-call arraignment program is deemed unsustainable given the limited number of attorneys in the County.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

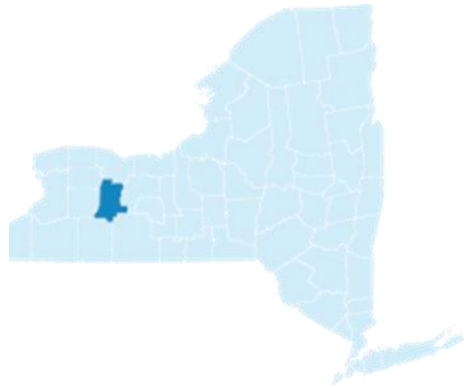
# Lewis

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Croghan Town Court	Blue	Grey	Blue	Blue	Blue
2. Denmark Town Court	Blue	Grey	Blue	Blue	Blue
3. Diana Town Court	Blue	Grey	Blue	Blue	Blue
4. Greig Town Court	Blue	Grey	Blue	Blue	Blue
5. Harrisburg Town Court	Blue	Grey	Blue	Blue	Blue
6. Lewis County Court	Blue	Black	Blue	Black	Black
7. Lewis County Supreme Court	Black	Black	Black	Black	Black
8. Lewis Town Court	Blue	Grey	Blue	Blue	Blue
9. Leyden Town Court	Blue	Grey	Blue	Blue	Blue
10. Lowville Town Court	Blue	Grey	Blue	Blue	Blue
11. Lowville Village Court	Blue	Grey	Blue	Blue	Blue
12. Lyonsdale Town Court	Blue	Grey	Blue	Blue	Blue
13. Martinsburg Town Court	Blue	Grey	Blue	Blue	Blue
14. Montague Town Court	Blue	Grey	Blue	Blue	Blue
15. New Bremen Town Court	Blue	Grey	Blue	Blue	Blue
16. Osceola Town Court	Blue	Grey	Blue	Blue	Blue
17. Pinckney Town Court	Blue	Grey	Blue	Blue	Blue
18. Port Leyden Village Court	Blue	Grey	Blue	Blue	Blue
19. Turin Town Court	Blue	Grey	Blue	Blue	Blue
20. Watson Town Court	Blue	Grey	Blue	Blue	Blue
21. West Turin Town Court	Blue	Grey	Blue	Blue	Blue

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## LIVINGSTON COUNTY

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### County Overview

The County, located in the Finger Lakes Region, has a total area of 640 square miles, of which 632 square miles is land. The County population is 64,810, and the median household income is \$51,734. Approximately 14.8% of the County's residents live below the federal poverty guideline. The County seat is the Village of Geneseo, which is home to SUNY at Geneseo. The County also houses two State prisons.

### Livingston County Courts

The County has Supreme, County, Family, and Surrogate's Courts in the Village of Geneseo. In addition, the County has 23 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 24 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, which has four full-time attorneys. Two attorneys handle criminal cases only, and two handle primarily criminal cases with a few Family Court cases. The office also has three part-time criminal attorneys who handle night-time Justice Courts. In the case of a conflict, the case is assigned to the Conflict Defender's Office, which was created in February 2017. That Office has one full-time criminal attorney, one full-time Family Court attorney and two part-time attorneys who handle criminal matters. The Assigned Counsel Program receives assignments where both Defender Offices have conflicts of interest. The Conflict Defender administers the ACP, which has a panel of about 13 criminal defense attorneys. These mandated representation providers handled approximately 1,351 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Avon Village Police Department, Caledonia Village Police Department, Dansville Village Police Department, Geneseo Village Police Department, Mount Morris Village Police Department, Nunda Town & Village Police Department, Livingston County Sheriff's Office, University Police – SUNY College at Geneseo, New York State Police, NYS Park Police, and NYS DEC – Region 8 Headquarters.



## **Status of Counsel at Arraignment Coverage**

The Public Defender's Office is attempting to cover arraignments during the day and at regularly scheduled court appearances, thus far without much success. The Courts designate a hub court by whichever court has an Assistant District Attorney appearing that evening. For the first three weeks of the month, arraignments are conducted at hub courts Monday to Thursday, and Monday to Wednesday for the fourth week. However, law enforcement is not using the hub court and will call any judge for an arraignment. Generally, law enforcement is not notifying the Public Defender of the arraignment until after it has taken place. Thus, the Office is not covering any substantial portion of arraignments, despite being available.

## **Future of Arraignment Coverage**

There have been meetings regarding a CAP. However, proposals have not yet been finalized with the Public Defender's Office. Tentatively, there is a plan to have all arraignments centralized in the County Court every day at 7:30 a.m., with the County Court judge presiding. To cover all arraignments in the County, including holidays and weekends, the providers will need more staff and stipends or salary increases, whether an on-call system or CAP is used.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Livingston

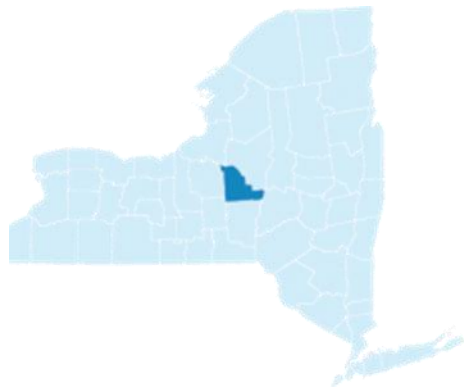
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Avon Town Court					
2. Avon Village Court					
3. Caledonia Town Court					
4. Caledonia Village Court					
5. Conesus Town Court					
6. Dansville Village Court					
7. Geneseo Town Court					
8. Geneseo Village Court					
9. Groveland Town Court					
10. Leicester Town Court					
11. Lima Town Court					
12. Livingston County Court					
13. Livingston County Supreme Court					
14. Livonia Town Court					
15. Mount Morris Town Court					
16. Mount Morris Village Court					
17. North Dansville Town Court					
18. Nunda Town Court					
19. Nunda Village Court					
20. Ossian Town Court					
21. Portage Town Court					
22. Sparta Town Court					
23. Springwater Town Court					
24. West Sparta Town Court					
25. York Town Court					

■ Courts where it was reported that counsel at arraignment is not always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## MADISON COUNTY

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### County Overview

Madison County is located in Central New York and covers 662 square miles. Oneida Lake and Oneida Creek define part of the northern boundary. The County population is 72,382, with 12.2% of residents living below federal poverty levels, and a median household income of \$54,145. Colgate University, Cazenovia College, and SUNY at Morrisville are located in the County.

### Madison County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Wampsville. In addition, there is a City Court in Oneida and 21 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 23 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided via the Public Defender's Office, a nonprofit created by the County to handle mandated criminal defense and parole cases. The official name of the Office is the Madison Legal Aid Bureau. The Assigned Counsel Program receives assignments where the Public Defender's Office has a conflict in criminal cases, and the Program handles all Family Court cases. These mandated representation providers handled approximately 1,578 criminal cases in 2016.

### County's Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Canastota Village Police Department, Cazenovia Village Police Department, Chittenango Village Police Department, Hamilton Village Police Department, Oneida City Police Department, Madison County Sheriff's Office, New York State Police – Troop D, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

In January 2017, the County began implementing a counsel at arraignment program, which is staffed by the Public Defender's Office. The County decided upon a rotating counsel at arraignment plan, where one judge has responsibility for an entire week. The 911 call center is

used to notify the Assistant Public Defender on call that day. To make the program sustainable, the County sought a CAFA #2 grant. Attorneys receive a stipend plus an appearance fee for doing arraignments. Younger attorneys are volunteering to participate. The Public Defender's Office has also received ILS funding to help clients with bail applications. The Public Defender reported all courts are always covered. However, County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

### **Future of Arraignment Coverage**


The Public Defender observed that a CAP in one location would not make sense for the County and that the frequency of arraignments would not warrant a centralized arraignment part. The Public Defender anticipates that the current arraignment coverage will continue.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Madison

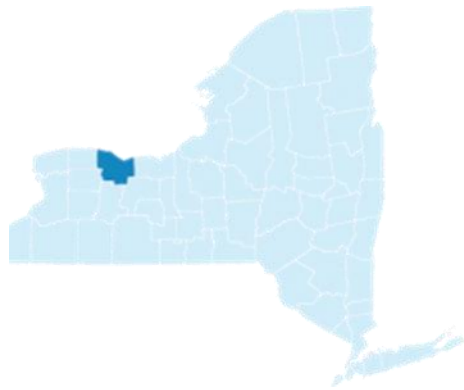
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Brookfield Town Court					
2. Canastota Village Court					
3. Cazenovia Town Court					
4. Cazenovia Village Court					
5. Chittenango Village Court					
6. De Ruyter Town Court					
7. Earlville Village Court					
8. Eaton Town Court					
9. Fenner Town Court					
10. Georgetown Town Court					
11. Hamilton Town Court					
12. Hamilton Village Court					
13. Lebanon Town Court					
14. Lenox Town Court					
15. Lincoln Town Court					
16. Madison County Court					
17. Madison County Supreme Court					
18. Madison Town Court					
19. Morrisville Village Court					
20. Nelson Town Court					
21. Oneida City Court					
22. Smithfield Town Court					
23. Stockbridge Town Court					
24. Sullivan Town Court					

 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## MONROE COUNTY

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### County Overview

The County, located in Western New York along Lake Ontario's southern shore, encompasses 1,366 square miles. The population is 744,344, with a median household income of \$52,553 and 15.2% of residents living below the federal poverty level. Rochester has a population of 210,565 and is the third largest city in the State. The County is home to nine colleges and universities.

### Monroe County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in Rochester, which is also home to the Court of Claims and the Appellate Division – Fourth Department. There are 23 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 26 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. In addition, the Conflict Defender's Office receives conflict assignments for City Court, Family Court, and appeals. The Assigned Counsel Program handles assignments where both Defender Offices have conflicts of interest. The Conflict Defender administers the ACP. These mandated representation providers handled approximately 25,396 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Brighton Town Police Department, Brockport Village Police Department, East Rochester Village Police Department, Fairport Village Police Department, Gates Town Police Department, Greece Town Police Department, Irondequoit Town Police Department, Ogden Town Police Department, Rochester City Police Department, Webster Town Police Department, Monroe County Sheriff's Office, University Police – SUNY College at Brockport, NYSP, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County, which received a CAFA #1 grant, has full-time counsel at first appearance coverage based upon a rotation system of Public Defender staff attorneys. In 2014, the Public Defender's

Office began the first phase of their CAFA Project, which provided counsel at arraignments from 8 a.m. to 8 p.m. seven days a week for all “off-docket” arraignments. Additionally, attorneys appeared at all Town and Village Court arraignment dockets. In 2015, the CAFA Program was expanded to cover all arraignments in the County, 24 hours a day, seven days a week, through an on-call program. Judges contact the arraignment phone, and an Assistant Public Defender responds. Conflict Defenders and assigned counsel do not participate in the on-call program. The County and Supreme Court do not hold arraignments after 5 p.m. Since its inception, the CAFA Program has provided counsel at 2,422 arraignments. The County received a CAFA #2 grant to continue the program.

### **Future of Arraignment Coverage**

The County has held meetings concerning establishment of a CAP. Local Magistrates favor retaining the on-call system. Law enforcement would prefer a hub court, where all arraignments could be brought regardless of originating jurisdiction. Transportation and security costs present the main obstacles to creation of a centralized part. Current discussions regarding centralized arraignments have been tabled, and the on-call system continues.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Monroe

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Brighton Town Court					
2. Brockport Village Court					
3. Chili Town Court					
4. Clarkson Town Court					
5. East Rochester Town Court					
6. Fairport Village Court					
7. Gates Town Court					
8. Greece Town Court					
9. Hamlin Town Court					
10. Henrietta Town Court					
11. Honeoye Falls Village Court					
12. Irondequoit Town Court					
13. Mendon Town Court					
14. Monroe County Court					
15. Monroe County Supreme Court					
16. Ogden Town Court					
17. Parma Town Court					
18. Penfield Town Court					
19. Perinton Town Court					
20. Pittsford Town Court					
21. Riga Town Court					
22. Rochester City Court					
23. Rush Town Court					
24. Sweden Town Court					
25. Webster Town Court					
26. Wheatland Town Court					

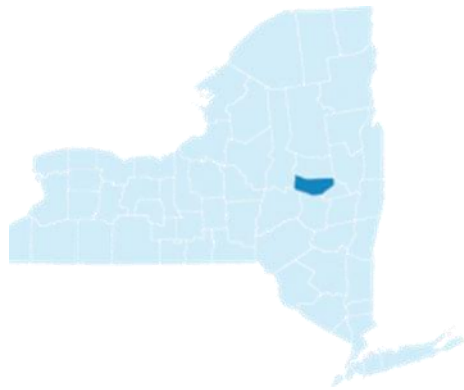
■ Courts where it was reported that counsel at arraignment is always or almost always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place



## MONTGOMERY COUNTY

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### County Overview

The County, located in the Mohawk Valley, has an area of 410 square miles. The population of 49,941 residents includes 20.6% of residents living below federal poverty levels. The median household income is \$43,764. The Catskills and Adirondack Mountains are in the County, which includes the Fulton-Montgomery Community College.

### Montgomery County Courts

The Supreme, County, Family, Surrogate's, City, and Town Courts are in the City of Amsterdam. In addition, the County has 12 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 14 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office. A panel of 18-B attorneys provide representation in cases involving a conflict of interest. The Public Defender administers the assigned counsel list. These mandated representation providers handle approximately 1,231 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Amsterdam City Police Department, Canajoharie Village Police Department, Fort Plain Village Police Department, St. Johnsville Village Police Department, Montgomery County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office is responsible for providing representation at arraignment with the assistance of five part-time attorneys. Representation is currently taking place on a regular basis during weekday scheduled court sessions. Arraignments that are scheduled during off-hours (including weekdays, weekends and holidays) are not being consistently addressed. The Public Defender's office reported being unable to provide coverage without additional attorneys.

## **Future of Arraignment Coverage**

With a CAFA grant, the Public Defender’s Office will hire four additional part-time attorneys to be on-call for a 24-hour shift, at least once a week and once a weekend, on a rotational basis. The Public Defender anticipates that such staffing will allow the Office to provide counsel at arraignment countywide, 24 hours a day, seven days a week. In addition, the County continues to meet to discuss a CAP for all off-hour arraignments. The Public Defender has proposed centralizing arraignment to at least two hub courts—the Amsterdam City Court and a Town Court—that are designated to hear arraignments on a rotational basis. To date, a plan for centralized arraignment remains undeveloped.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Montgomery

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Amsterdam City Court	Blue	Black	Grey	Grey	Grey
2. Amsterdam Town Court	Blue	Grey	Grey	Grey	Grey
3. Canajoharie Town Court	Blue	Grey	Grey	Grey	Grey
4. Canajoharie Village Court	Blue	Grey	Grey	Grey	Grey
5. Charleston Town Court	Blue	Grey	Grey	Grey	Grey
6. Florida Town Court	Blue	Grey	Grey	Grey	Grey
7. Glen Town Court	Blue	Grey	Grey	Grey	Grey
8. Minden Town Court	Blue	Grey	Grey	Grey	Grey
9. Mohawk Town Court	Blue	Grey	Grey	Grey	Grey
10. Montgomery County Court	Blue	Grey	Grey	Black	Black
11. Montgomery Co. Supreme Court	Black	Black	Black	Black	Black
12. Palatine Town Court	Blue	Grey	Grey	Grey	Grey
13. Root Town Court	Blue	Grey	Grey	Grey	Grey
14. St. Johnsville Town Court	Blue	Grey	Grey	Grey	Grey
15. St. Johnsville Village Court	Blue	Grey	Grey	Grey	Grey

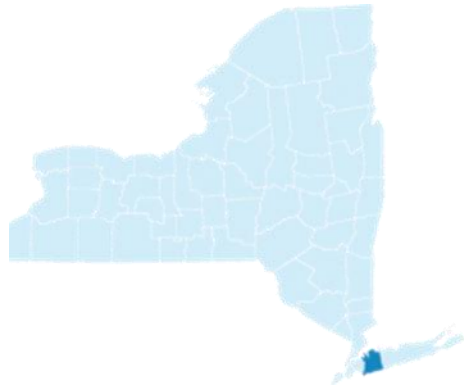
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## NASSAU COUNTY

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### County Overview

The County, which occupies the western portion of Long Island, has an area of 453 square miles and a population of 1,349,000. About 6.2% of the population lives below federal poverty levels and the median household income is \$99,465. The County is home to numerous colleges and universities.

### Nassau County Courts

The Supreme, County, and Surrogate's Courts are located in the City of Mineola. The Family Court is in the Village of Westbury, and the District Court is in the Town of Hempstead. In addition, the County has two City Courts and 60 Village Courts. Thus, the County must coordinate counsel at arraignment for 64 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society (LAS) and an Assigned Counsel Program, which is a nonprofit entity that has a contract with the County and is led by an Administrator. These Mandated Representation providers handled approximately 18,004 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Centre Island Village Police Department, Floral Park Village Police Department, Freeport Village Police Department, Garden City Village Police Department, Glen Cove City Police Department, Great Neck Estates Village Police Department, Hempstead Village Police Department, Kensington Village Police Department, Kings Point Village Police Department, Lake Success Village Police Department, Long Beach City Police Department, Lynbrook Village Police Department, Malverne Village Police Department, Nassau County Police Department, Old Brookville Village Police Department, Old Westbury Village Police Department, Oyster Bay Cove Village Police Department, Port Washington Police District, Rockville Centre Village Police Department, Sands Point Village Police Department, Nassau County Sheriff's Office, University Police – SUNY College at Old Westbury, New York State Police, NYS Park Police, NYS DEC, and MTA Police.

## **Status of Counsel at Arraignment Coverage**

Most arraignments in the County are centralized in the District Court. Town and Village Courts typically handle matters such as zoning violations and traffic offenses. Both LAS and the ACP have attorneys at the District Court arraignments during the week and on weekend and holidays. Arraignments in County Court are covered by the attorney previously assigned to the case or by LAS in the case of a sealed indictment or violation of probation. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. Through a CAFA #1 grant, the County hired an additional attorney and support staff to cover weekday arraignments. The County was awarded a CAFA #2 grant to provide an additional attorney and paralegal support for weekend and holiday arraignments.

## **Future of Arraignment Coverage**

There are some gaps in arraignment coverage. The ACP provides arraignment representation in the City, Town, and Village Courts. Some Town and Village Courts do their own arraignments and not all courts will call an ACP attorney to appear. Thus, arraignments in Town and Village Courts are not always covered. A system must be developed and funded to ensure full countywide coverage for counsel at arraignment.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.


# Nassau


	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Atlantic Beach Village Court					
2. Baxter Estates Village Court					
3. Bayville Village Court					
4. Bellerose Village Court					
5. Brookville Village Court					
6. Cedarhurst Village Court					
7. Centre Island Village Court					
8. Cove Neck Village Court					
9. East Hills Village Court					
10. East Rockaway Village Court					
11. East Williston Village Court					
12. Farmingdale Village Court					
13. Floral Park Village Court					
14. Flower Hill Village Court					
15. Freeport Village Court					
16. Garden City Village Court					
17. Glen Cove City Court					
18. Great Neck Estates Village Court					
19. Great Neck Plaza Village Court					
20. Great Neck Village Court					
21. Hempstead Village Court					
22. Island Park Village Court					
23. Kensington Village Court					
24. Kings Point Village Court					
25. Lake Success Village Court					
26. Lattingtown Village Court					
27. Laurel Hollow Village Court					
28. Lawrence Village Court					
29. Long Beach City Court					
30. Lynbrook Village Court					
31. Malverne Village Court					
32. Manorhaven Village Court					
33. Massapequa Park Village Court					
34. Matinecock Village Court					


*(Continues on the next page)*

# Nassau

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
35. Mill Neck Village Court					
36. Mineola Village Court					
37. Munsey Park Village Court					
38. Muttontown Village Court					
39. Nassau County 1st District Court*					
40. Nassau County Court					
41. Nassau County Supreme Court					
42. New Hyde Park Village Court					
43. North Hills Village Court					
44. Old Brookville Village Court					
45. Old Westbury Village Court					
46. Oyster Bay Cove Village Court					
47. Plandome Heights Village Court					
48. Plandome Manor Village Court					
49. Plandome Village Court					
50. Pt. Washington N. Village court					
51. Rockville Centre Village Court					
52. Roslyn Estates Village Court					
53. Roslyn Harbor Village Court					
54. Roslyn Village Court					
55. Russell Gardens Village Court					
56. Saddle Rock Village Court					
57. Sands Point Village Court					
58. Sea Cliff Village Court					
59. South Floral Park Village Court					
60. Stewart Manor Village Court					
61. Upper Brookville Village Court					
62. Valley Stream Village Court					
63. Westbury Village Court					
64. Williston Park Village Court					
65. Woodsburgh Village Court					

 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where it was reported that counsel at arraignment is not always provided

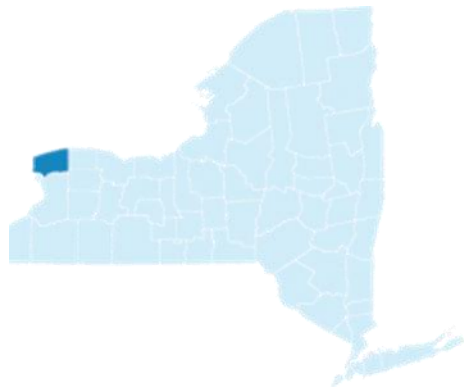
 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

\* Centralized (i.e., the District Court has authority to hear criminal matters involving trial jurisdiction over misdemeanors, violations and infractions, preliminary jurisdiction over felonies and traffic tickets charging a crime from all jurisdictions in Nassau County).



## NIAGARA COUNTY

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### County Overview

The County, located in Western New York, has an area of 1,140 square miles and a population of 215,124. About 13.7% of residents live below federal poverty levels, and the median household income is \$49,449. Niagara University and a Community College are found in the County.

### Niagara County Courts

The Supreme, County, and Family Courts are located in Niagara Falls and Lockport and Surrogate's Court is in Lockport. In addition, the County has three City Courts and 12 Town Courts. Thus, the County must coordinate counsel at arraignment for 16 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by a three-tier system: a Public Defender's Office, a Conflict Defender's Office, and an Assigned Counsel Program. These mandated representation providers handled an estimated 5,962 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Barker Village Police Department, Lewiston Town Police Department, Lockport City Police Department, Middleport Village Police Department, Niagara Falls City Police Department, Niagara Town Police Department, North Tonawanda City Police Department, Youngstown Village Police Department, Niagara County Sheriff's Office, New York State Police, NYS Park Police – Western District Headquarters, Niagara Zone, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office provides counsel at arraignment in County Court and the Niagara Falls City Court. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. At Town Courts, counsel at arraignment is only provided if the defendant is arraigned at a regularly scheduled court session at which both the Assistant District

Attorney and the Assistant Public Defender are present. Thus, there is no counsel at arraignment in Town Courts for “off-hour” arraignments. The Public Defender’s Office used a CAFA grant to staff arraignments in Niagara Falls City Court.

### **Future of Arraignment Coverage**

The County, which has been awarded a CAFA #2 grant to begin staffing centralized arraignments countywide, has had many discussions about a CAP. The stakeholders have agreed to use the County Jail in Lockport as a centralized arraignment court and to have Town Justices rotate assignments monthly. Arraignments will occur in the morning and perhaps again in the late afternoon.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

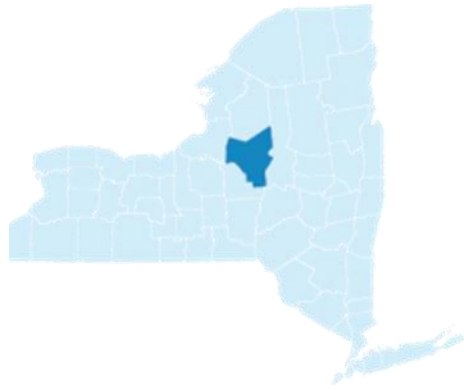
# Niagara

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Cambria Town Court	Blue	Grey	Grey	Grey	Grey
2. Hartland Town Court	Blue	Grey	Grey	Grey	Grey
3. Lewiston Town Court	Blue	Grey	Grey	Grey	Grey
4. Lockport City Court	Blue	Blue	Blue	Black	Black
5. Lockport Town Court	Blue	Grey	Grey	Grey	Grey
6. Newfane Town Court	Blue	Grey	Grey	Grey	Grey
7. Niagara County Court	Blue	Black	Blue	Black	Black
8. Niagara County Supreme Court	Blue	Black	Blue	Black	Black
9. Niagara Falls City Court	Blue	Black	Blue	Blue	Blue
10. Niagara Town Court	Blue	Grey	Grey	Grey	Grey
11. North Tonawanda City Court	Blue	Black	Grey	Grey	Grey
12. Pendleton Town Court	Blue	Grey	Grey	Grey	Grey
13. Porter Town Court	Blue	Grey	Grey	Grey	Grey
14. Royalton Town Court	Blue	Grey	Grey	Grey	Grey
15. Somerset Town Court	Blue	Grey	Grey	Grey	Grey
16. Wheatfield Town Court	Blue	Grey	Grey	Grey	Grey
17. Wilson Town Court	Blue	Grey	Grey	Grey	Grey

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ONEIDA COUNTY

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### County Overview

The County is in Central New York and covers an area of 1,257 square miles. Oneida Lake is found in the northwestern corner, and the Adirondack Park is in the northeast. The County has a population of 234,878 residents, with 17.1% of the population living below federal poverty levels, and a median household income of \$48,246. Oneida County is home to Hamilton and Utica Colleges, Mohawk Valley Community College, and SUNY Institute of Technology.

### Oneida County Courts

The Supreme, County, Family, and Surrogate's Courts are in Utica and there are Supreme and Family Courts in Rome. Utica, Rome and Sherrill each host a City Court. In addition, the County hosts 35 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 39 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, which has criminal and civil divisions. In cases involving a conflict of interest, the Assigned Counsel Program handles assignments. These mandated representation providers handled a total of 9,634 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Boonville Village Police Department, Camden Village Police Department, Kirkland Town Police Department, New Hartford Town Police Department, New York Mills Village Police Department, Oriskany Village Police Department, Rome City Police Department, Sherrill City Police Department, Utica City Police Department, Vernon Village Police Department, Whitesboro Village Police Department, Whitestown Town Police Department, Yorkville Village Police Department, Oneida County Sheriff's Office, SUNY Polytechnic Institute NYS University Police, New York State Police, NYS Park Police, and NYS DEC.

## Status of Counsel at Arraignment Coverage

Prior to October 1, 2017, the Public Defender’s Office provided counsel at arraignment through a CAFA #1 grant, used to create a “CAFA Section” with a full-time attorney, a part-time attorney, and an investigator. Section attorneys covered City Courts in Utica and Rome for a special arraignment part held on weekends and holidays from 8:30 to 10:00 a.m. The Section was also on call at all other hours. Utica and Rome City Courts only arraign detainees arrested within their respective jurisdictions. Due to the extensive use of the Section during on-call status an additional full-time attorney was added.

On October 1, 2017, a CAP began operating at the County Correctional Facility. During weekdays, all arraignments are held at the Utica and Rome City Courts. The CAP handles all off-hour arraignments that are held on weekdays from 6 to 10 p.m. and weekends from 7:30 to 9:30 a.m. and 6 to 10 p.m. The CAP will also be held on holidays. All persons arrested during off-hours and not released with an appearance ticket will be held until they can be arraigned in the CAP. The CAP schedule is set forth below.

### CENTRALIZED ARRAIGNMENT PART (CAP) SCHEDULE (as of October 1, 2017,)

	<b>City Court Judges Presiding</b>	<b>LCC Judges Presiding</b>
Monday	Utica/Rome Mornings	CAP 6 – 10 p.m.
Tuesday	Utica/Rome Mornings	CAP 6 – 10 p.m.
Wednesday	Utica/Rome Mornings	CAP 6 – 10 p.m.
Thursday	Utica/Rome Mornings	CAP 6 – 10 p.m.
Friday	Utica/Rome Mornings	CAP 6 – 10 p.m.
Saturday	CAP 7:30 – 9:30 a.m.	CAP 6 – 10 p.m.
Sunday	CAP 7:30 – 9:30 a.m.	CAP 6 – 10 p.m.

*Note: Detainees will be taken to either Utica or Rome City Court morning arraignment Parts during the week, depending upon the caseloads in those courts each day.*

## Future Arraignment Coverage

There are no gaps in arraignment coverage. The County is centralizing all arraignments countywide. The Public Defender stated that continued support for attorney staffing and resources will be necessary to sustain countywide arraignment coverage.

### CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Oneida

	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
1. Annsville Town Court					
2. Augusta Town Court					
3. Ava Town Court					
4. Boonville Town Court					
5. Boonville Village Court					
6. Bridgewater Town Court					
7. Camden Town Court					
8. Deerfield Town Court					
9. Florence Town Court					
10. Floyd Town Court					
11. Forestport Town Court					
12. Kirkland Town Court					
13. Lee Town Court					
14. Marcy Town Court					
15. Marshall Town Court					
16. New Hartford Town Court					
17. New Hartford Village Court					
18. New York Mills Village Court					
19. Oneida County Court					
20. Oneida County Supreme Court					
21. Oriskany Village Court					
22. Paris Town Court					
23. Remsen Town Court					
24. Rome City Court*					
25. Sangerfield Town Court					
26. Sherrill City Court					
27. Steuben Town Court					
28. Sylvan Beach Village Court					
29. Trenton Town Court					
30. Utica City Court*					
31. Vernon Town Court					
32. Vernon Village Court					
33. Verona Town Court					
34. Vienna Town Court					

*(Continues on the next page)*

# Oneida

Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
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35. Waterville Village Court


36. Western Town Court


37. Westmoreland Town Court

38. Whitesboro Village Court

39. Whitestown Town Court

40. Yorkville Village Court

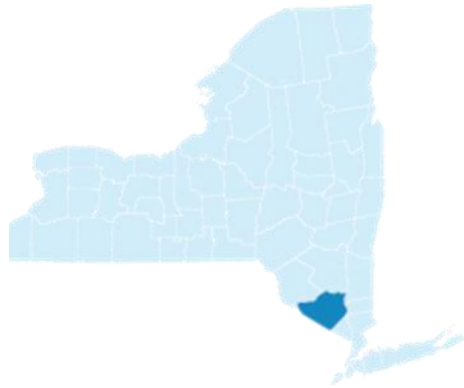

 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

\* All arraignments in the county are centralized into Utica and Rome City Courts on weekday mornings and at the County Jail on weekends, holidays, and evenings.

## ORANGE COUNTY

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### County Overview

The County, located in southeastern New York, directly north of New Jersey, is the only county in the State which borders both the Hudson and Delaware Rivers. The County covers 839 square miles, has a population of 372,813, with 12.8% of residents living below federal poverty levels and a median household income of \$70,848. The County is home to West Point, Mount Saint Mary College, and Orange County Community College.

### Orange County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Goshen. In addition, the County has three City Courts (Middletown, Newburgh, and Port Jervis), as well as 33 Town and Village Courts. Thus, counsel at arraignment must be coordinated for 37 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society (LAS), a nonprofit that provides both criminal and Family Court representation. The Office does not handle appeals or parole violation cases. The Assigned Counsel Program receives assignments where LAS has a conflict of interest. These mandated representation providers handled approximately 9,628 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Blooming Grove Town Police Department, Chester Town Police Department, Chester Village Police Department, Cornwall Town Police Department, Cornwall-on-Hudson Village Police Department, Crawford Town Police Department, Deerpark Town Police Department, Florida Village Police Department, Goshen Town Police Department, Goshen Village Police Department, Greenwood Lake Village Police Department, Harriman Village Police Department, Highland Falls Village Police Department, Highlands Town Police Department, Maybrook Village Police Department, Middletown City Police Department, Monroe Village Police Department, Montgomery Town Police Department, Montgomery Village Police Department, Mount Hope Town Police Department, New Windsor Town Police Department, Newburgh City Police Department, Newburgh Town Police Department, Port Jervis City Police Department, Tuxedo Park Village Police Department, Tuxedo Town Police Department, Walden Village Police Department, Wallkill Town Police Department,



Warwick Town Police Department, Washingtonville Village Police Department, Woodbury Town Police Department, Orange County Sheriff's Office, New York State Police – Troop K, NYS Park Police, NYS DEC, and MTA Police.

### **Status of Counsel at Arraignment Coverage**

Counsel at arraignment is only provided at regularly scheduled court sessions where the District Attorney is present, which ensures that a LAS attorney will also be present. There is no counsel present for business hour arraignments outside of a regular court session. There are no arraignments in County Court after 5 p.m., and there are no arraignments in Supreme Court. Additionally, there is no coverage for arraignments held evenings, weekends or holidays.

### **Future of Arraignment Coverage**

There is no counsel at arraignment coverage, except at regularly scheduled court sessions where a LAS attorney is already present. Thus, the County will need to develop a plan to implement counsel at arraignment countywide. The LAS Chief Attorney has expressed concerns about being able to find qualified attorneys willing to cover holiday and weekend arraignments.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Orange

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Blooming Grove Town Court	Blue	Grey	Grey	Grey	Grey
2. Chester Town Court	Blue	Grey	Grey	Grey	Grey
3. Chester Village Court	Blue	Grey	Grey	Grey	Grey
4. Cornwall Town Court	Blue	Grey	Grey	Grey	Grey
5. Crawford Town Court	Blue	Grey	Grey	Grey	Grey
6. Deerpark Town Court	Blue	Grey	Grey	Grey	Grey
7. Florida Village Court	Blue	Grey	Grey	Grey	Grey
8. Goshen Town Court	Blue	Grey	Grey	Grey	Grey
9. Goshen Village Court	Blue	Grey	Grey	Grey	Grey
10. Greenville Town Court	Blue	Grey	Grey	Grey	Grey
11. Greenwood Lake Village Court	Blue	Grey	Grey	Grey	Grey
12. Hamptonburgh Town Court	Blue	Grey	Grey	Grey	Grey
13. Harriman Village Court	Blue	Grey	Grey	Grey	Grey
14. Highlands Town Court	Blue	Grey	Grey	Grey	Grey
15. Maybrook Village Court	Blue	Grey	Grey	Grey	Grey
16. Middletown City Court	Blue	Black	Grey	Grey	Grey
17. Minisink Town Court	Blue	Grey	Grey	Grey	Grey
18. Monroe Town Court	Blue	Grey	Grey	Grey	Grey
19. Monroe Village Court	Blue	Grey	Grey	Grey	Grey
20. Montgomery Town Court	Blue	Grey	Grey	Grey	Grey
21. Montgomery Village Court	Blue	Grey	Grey	Grey	Grey
22. Mount Hope Town Court	Blue	Grey	Grey	Grey	Grey
23. New Windsor Town Court	Blue	Grey	Grey	Grey	Grey
24. Newburgh City Court	Blue	Black	Grey	Grey	Grey
25. Newburgh Town Court	Blue	Grey	Grey	Grey	Grey
26. Orange County Court	Blue	Blue	Blue	Black	Black
27. Orange County Supreme Court	Black	Black	Black	Black	Black
28. Port Jervis City Court	Blue	Black	Grey	Grey	Grey
29. Tuxedo Park Village Court	Blue	Grey	Grey	Grey	Grey
30. Tuxedo Town Court	Blue	Grey	Grey	Grey	Grey
31. Unionville Village Court	Blue	Grey	Grey	Grey	Grey
32. Walden Village Court	Blue	Grey	Grey	Grey	Grey
33. Wallkill Town Court	Blue	Grey	Grey	Grey	Grey

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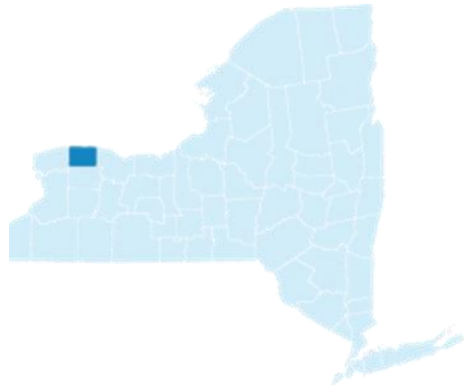
# Orange

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
34. Warwick Town Court	■	■	■	■	■
35. Warwick Village Court	■	■	■	■	■
36. Washingtonville Village Court	■	■	■	■	■
37. Wawayanda Town Court	■	■	■	■	■
38. Woodbury Town Court	■	■	■	■	■

- 
- Courts where it was reported that counsel at arraignment is always or almost always provided
  - Courts where it was reported that counsel at arraignment is not always provided
  - Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ORLEANS COUNTY

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### County Overview

The County, situated northeast of Buffalo on the southern shore of Lake Ontario, has an area of 817 square miles and a population of 42,883 residents. About 15.7% of the population lives below federal poverty levels, and the median household income is \$46,359. A large rural population is found between the metropolitan areas of Buffalo and Rochester. Two branches of the Genesee Community College are located in the County.

### Orleans County Courts

The Supreme, County, Family, and Surrogate's Courts are in Albion. In addition, the County has 10 Town Courts. Thus, counsel at arraignment must be coordinated for 11 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office. In January 2018, a new Public Defender will be appointed. The County also has an Assigned Counsel Program. These mandated representation providers handled approximately 1,028 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Albion Village Police Department, Holley Village Police Department, Medina Village Police Department, Orleans County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office provides counsel at arraignment during regularly scheduled sessions in the Orleans County Court. Otherwise, there is no consistent coverage countywide. The limited number of attorneys in the County makes it difficult to provide counsel at arraignment in Town and Village Courts.

### Future of Arraignment Coverage

The Magistrates Association has reached out to the Public Defender, the District Attorney, and the Sheriff to develop a plan to centralize arraignments. The Public Defender has submitted a

plan for a CAP to OCA. The plan involves using the County Courthouse for a CAP that would meet every morning, Monday to Saturday. The plan requires consideration of several factors, which include the need to secure appropriate funding and resources and to recruit enough attorneys. The County continues its development of a plan for OCA consideration and approval.

#### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

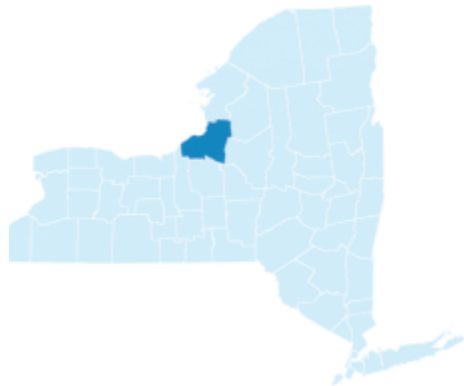
# Orleans

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Albion Town Court					
2. Barre Town Court					
3. Carlton Town Court					
4. Clarendon Town Court					
5. Gaines Town Court					
6. Kendall Town Court					
7. Murray Town Court					
8. Orleans County Court					
9. Orleans County Supreme Court					
10. Ridgeway Town Court					
11. Shelby Town Court					
12. Yates Town Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## OSWEGO COUNTY

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### County Overview

The County, situated in northern New York on the eastern shore of Lake Ontario has an area of 1,312 square miles and a population of 122,109 residents. 18.6% of the residents live below federal poverty levels, and the median household income is \$47,860. Oswego State is part of the SUNY system, and Cayuga County Community College has a campus in Oswego.

### Oswego County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Oswego. In addition, the County has two City Courts in Oswego and Fulton as well as 23 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 26 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Assigned Counsel Program, which has approximately 30 attorneys who accept criminal case assignments. In 2016, ACP attorneys handled approximately 2,719 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Central Square Village Police Department, Fulton City Police Department, Oswego City Police Department, Phoenix Village Police Department, Pulaski Village Police Department, Oswego County Sheriff's Office, University Police – SUNY College at Oswego, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County offers counsel at arraignment under a CAFA #1 grant. An initial program provided coverage at Oswego City Court by using a rotating panel of attorneys who appeared on Thursday mornings to be available for any qualifying client being arraigned. In 2016, this program expanded to Fulton City Court and Town Courts in Granby, Oswego, Scriba, Schroepfel, and Volney. Thus, the County now has coverage in two City Courts and five Town Courts for arraignments during business hours, which can be up to 7 p.m. County Court does not have arraignments after 5 p.m.,

and there are no arraignments in Supreme Court. The County has been awarded a CAFA #2 grant to continue providing counsel at arraignment.

### **Future of Arraignment Coverage**

Although there is arraignment coverage at the regular court sessions listed above, there is no coverage for other Town and Village Courts, nor is there “after-hour” coverage, for arraignments that happen outside of scheduled court sessions. The County recognizes that a CAP is optimal because of the county’s large geographic territory and the limited number of ACP attorneys available (the panel includes only 22 attorneys with felony experience). The County is currently considering a CAP that will involve assigned counsel appearing at off-hour arraignments conducted each evening (i.e., possibly between 6 and 10 p.m.) before a rotation of local magistrates and arraignments conducted each morning before the City Court Judges. This CAP will largely depend on the County’s ability to secure a location for pre-arraignment detention. Various County stakeholders continue their discussions on how to implement the CAP successfully including the ability to secure sufficient attorney representation to support the CAP.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**


The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.




# Oswego

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Albion Town Court					
2. Amboy Town Court					
3. Boylston Town Court					
4. Central Square Village Court					
5. Constantia Town Court					
6. Fulton City Court					
7. Granby Town Court					
8. Hannibal Town Court					
9. Hastings Town Court					
10. Mexico Town Court					
11. Minetto Town Court					
12. New Haven Town Court					
13. Orwell Town Court					
14. Oswego City Court					
15. Oswego County Court					
16. Oswego County Supreme Court					
17. Oswego Town Court					
18. Palermo Town Court					
19. Parish Town Court					
20. Redfield Town Court					
21. Richland Town Court					
22. Sandy Creek Town Court					
23. Schroepfel Town Court					
24. Scriba Town Court					
25. Volney Town Court					
26. West Monroe Town Court					
27. Williamstown Town Court					

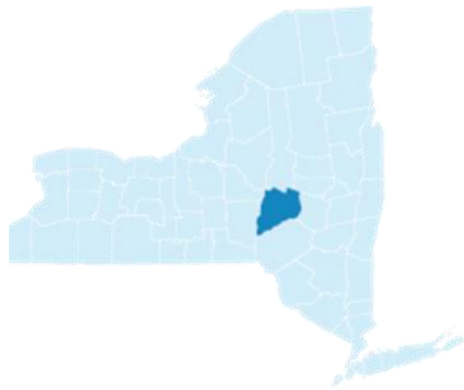
 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where it was reported that counsel at arraignment is not always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## OTSEGO COUNTY

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### County Overview

The County, which covers 1,015 square miles, is part of the Mohawk Valley Region. A relatively rural area with a significant dairy farming industry, the County is home to 62,259 residents, with a median household income of \$48,588 and 16.5% of the population lives below federal poverty levels. The City of Oneonta is the home of Hartwick College and SUNY at Oneonta.

### Otsego County Courts

The Supreme, County, Family, and Surrogate's Courts are in Cooperstown. There is a City Court in Oneonta, and 25 Town and Village Courts are found in the County. Thus, the County must coordinate counsel at arraignment for 27 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, which handles both criminal and Family Court cases. The County also has 18-B attorneys, who are assigned by local judges to cases in which the Public Defender has a conflict. These mandated representation providers handled approximately 1,627 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Cooperstown Village Police Department, Oneonta City Police Department, Canadian Pacific Police Service, New York Susquehanna and Western Railroad Police Department, Otsego County Sheriff's Office, New York State Police – Troop C, University Police – SUNY College at Oneonta, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County provides representation at arraignment during regularly scheduled sessions in County Court, Oneonta City Court, and nine Town and Village Courts. All other arraignments are handled on a sporadic basis by the Public Defender's Office and 18-B counsel, based on request and notification by the courts and the availability of attorneys. The County reports some difficulty in securing assigned counsel willing to commit to coverage for off-hour arraignments.

## **Future of Arraignment Coverage**

The County is currently discussing a plan to incorporate an on-call system for providing attorney representation at arraignment, which will involve participation from the Public Defender's Office and 18-B assigned counsel. The Office hopes to establish a satellite office in the City of Oneonta, one of the County's busiest courts, to accommodate full coverage of arraignment in that court. The County is gathering information and continuing discussions about a possible CAP.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

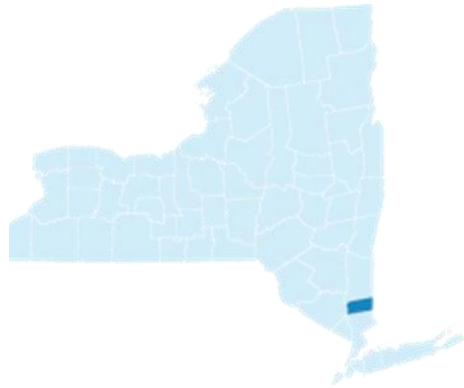
# Otsego

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Burlington Town Court					
2. Butternuts Town Court					
3. Cherry Valley Town Court					
4. Decatur Town Court					
5. Edmeston Town Court					
6. Exeter Town Court					
7. Hartwick Town Court					
8. Laurens Town Court					
9. Maryland Town Court					
10. Middlefield Town Court					
11. Milford Town Court					
12. Morris Town Court					
13. New Lisbon Town Court					
14. Oneonta City Court					
15. Oneonta Town Court					
16. Otego Town Court					
17. Otsego County Court					
18. Otsego County Supreme Court					
19. Otsego Town Court					
20. Pittsfield Town Court					
21. Plainfield Town Court					
22. Richfield Springs Village Court					
23. Richfield Town Court					
24. Roseboom Town Court					
25. Springfield Town Court					
26. Unadilla Town Court					
27. Westford Town Court					
28. Worcester Town Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## PUTNAM COUNTY

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### County Overview

The County is increasingly considered part of Downstate New York, as it is only a one-hour train ride away from Grand Central Terminal. The County is small, covering only 246 square miles; but it has a population of 99,710 residents, with only 5.3% of the residents living below federal poverty levels. The median household income is \$96,148.

### Putnam County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Carmel. In addition, the County has nine Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 10 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society (LAS), which handles both criminal and Family Court cases. There is no formal Assigned Counsel Program in the County, which has a list of attorneys willing to accept 18-B assignments. Such attorneys are assigned by local judges. They handle criminal and Family Court cases that pose a conflict of interest for LAS. These mandated representation providers handled approximately 1,176 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Brewster Village Police Department, Carmel Town Police Department, Cold Spring Village Police Department, Kent Town Police Department, Putnam County Sheriff's Office, New York State Police, NYS Park Police, NYS DEC, and MTA Police.

### Status of Counsel at Arraignment Coverage

LAS provides partial counsel at arraignment coverage. The various law enforcement agencies (four Municipal Police Departments, the NYSP, and the Metro-North Police) have an agreement with the County Sheriff to use the County Jail as a holding facility for all arraignments Monday to Friday from 10:30 p.m. to 8:30 a.m. Clients are detained at the jail between those hours and then transported to the local court that has jurisdiction. On weekends, the Town of Kent will conduct

arraignments. During weekdays, LAS attorneys will appear at arraignments if contacted by the Court. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. The LAS Chief Attorney stated that it is difficult to find attorneys to cover arraignments.

### **Future of Arraignment Coverage**

LAS received A CAFA #2 grant, which will be used to hire two attorneys to appear at arraignments in the current on-call system. The new attorneys should enable LAS to close the gaps in coverage, but the program needs to be monitored for sustainability. There have been preliminary discussions regarding centralized arraignments.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Putnam

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Brewster Village Court	Blue	Grey	Grey	Grey	Grey
2. Carmel Town Court	Blue	Grey	Grey	Grey	Grey
3. Cold Spring Village Court	Blue	Grey	Grey	Grey	Grey
4. Kent Town Court	Blue	Grey	Grey	Grey	Grey
5. Nelsonville Village Court	Blue	Grey	Grey	Grey	Grey
6. Patterson Town Court	Blue	Grey	Grey	Grey	Grey
7. Philipstown Town Court	Blue	Grey	Grey	Grey	Grey
8. Putnam County Court	Blue	Blue	Blue	Black	Black
9. Putnam County Supreme Court	Black	Black	Black	Black	Black
10. Putnam Valley Town Court	Blue	Grey	Grey	Grey	Grey
11. Southeast Town Court	Blue	Grey	Grey	Grey	Grey

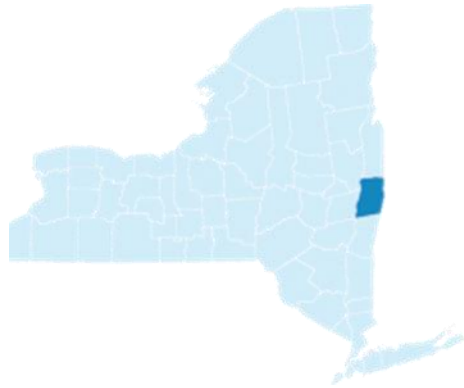
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## RENSSELAER COUNTY

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### County Overview

The County is located in the Capital Region and covers 665 square miles. About 12.4% of the 159,429 residents live below federal poverty levels. The median household income is \$60,709. Rensselaer Polytechnic Institute, Russell Sage College, and Hudson Valley Community College are found in the County.

### Rensselaer County Courts

The Supreme, County, Family, and Surrogate's Courts are in the City of Troy. In addition, the County has City Courts in Rensselaer and Troy, as well as 16 Town and Village Courts. Thus, the County must coordinate counsel at arraignment coverage for 20 different courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by three different providers. The Public Defender's Office is the primary provider for criminal and Family Court cases and parole hearings. Where a conflict exists, the case is assigned to the Conflict Defender's Office. If that Office has a conflict, the case is assigned to an 18-B attorney. These mandated representation providers handled approximately 4,416 criminal cases in 2016.

### County Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: East Greenbush Town Police Department, Hoosick Falls Village Police Department, Nassau Village Police Department, North Greenbush Town Police Department, Rensselaer City Police Department, Schodack Town Police Department, Troy City Police Department, Rensselaer County Sheriff's Office, University Police – Hudson Valley Community College, Rensselaer Polytechnic Institute Department of Public Safety, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender is currently covering courts in Troy, Brunswick, East Greenbush, and Schodack 24 hours a day, seven days a week. These courts are close to the New York State Police barracks and/or the Rensselaer County Jail—locations where the NYSP and Sheriff process their



arrests. Most courts are functionally covered; the local law enforcement agency will often take clients from other jurisdictions to one of four arraigning courts. Only two Village Courts (Hoosick and Nassau) are not currently using a regular arraigning court. Attorneys are notified of an arraignment once a judge contacts an established “Google” voice account, which also sends notification via text to the Public Defender if the on-call attorney does not respond to the court’s notification. The County reports a need for more attorneys and resources to sustain on-call arraignments.

### **Future of Arraignment Coverage**

The County has hosted a meeting including many stakeholders to discuss a CAP. The participants concluded that additional funding would be required to establish a CAP. To date, the County has not developed a final plan for centralized arraignment.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Rensselaer

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Berlin Town Court	Blue	Grey	Grey	Grey	Grey
2. Brunswick Town Court	Blue	Blue	Blue	Blue	Blue
3. East Greenbush Town Court	Blue	Blue	Blue	Blue	Blue
4. Grafton Town Court	Blue	Grey	Grey	Grey	Grey
5. Hoosick Falls Village Court	Blue	Grey	Grey	Grey	Grey
6. Hoosick Town Court	Blue	Grey	Grey	Grey	Grey
7. Nassau Town Court	Blue	Grey	Grey	Grey	Grey
8. Nassau Village Court	Blue	Grey	Grey	Grey	Grey
9. North Greenbush Town Court	Blue	Blue	Blue	Blue	Blue
10. Petersburg Town Court	Blue	Grey	Grey	Grey	Grey
11. Pittstown Town Court	Blue	Grey	Grey	Grey	Grey
12. Poestenkill Town Court	Blue	Grey	Grey	Grey	Grey
13. Rensselaer City Court	Blue	Black	Blue	Blue	Blue
14. Rensselaer County Court	Blue	Black	Grey	Black	Black
15. Rensselaer Co. Supreme Court	Blue	Black	Grey	Black	Black
16. Sand Lake Town Court	Blue	Grey	Grey	Grey	Grey
17. Schaghticoke Town Court	Blue	Grey	Grey	Grey	Grey
18. Schodack Town Court	Blue	Grey	Grey	Grey	Grey
19. Stephentown Town Court	Blue	Grey	Grey	Grey	Grey
20. Troy City Court	Blue	Black	Blue	Blue	Blue

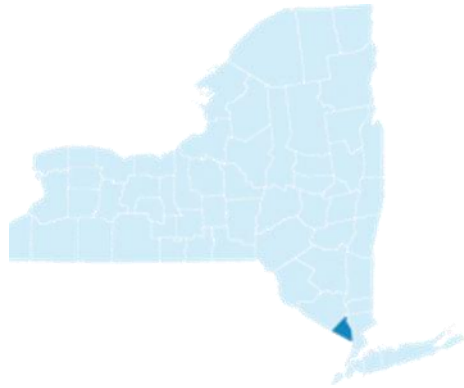
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ROCKLAND COUNTY

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### County Overview

Located 15 miles northwest of Manhattan, the County is designated as a Preserve America Community, and roughly one-third of the county is parkland. While encompassing only 199 square miles, the County has a population of 311,687, with 14.6% of residents living below federal poverty levels and a median household income of \$84,855. The County is home to many colleges and universities.

### Rockland County Courts

The Supreme, County, Family, and Surrogate's Courts are located in New City. In addition, the County has 22 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 23 courts countywide.

### County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, which handles criminal cases. Representation in Family Court and criminal cases presenting a conflict are handled by Assigned Counsel Program attorneys. The local bar association contracts with the County to run such Program. In 2016, these mandated representations providers handled an estimated total of 4,371 criminal cases.

### County's Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Clarkstown Town Police Department, Haverstraw Town Police Department, Orangetown Town Police Department, Piermont Village Police Department, Ramapo Town Police Department, South Nyack-Grand View Village Police Department, Spring Valley Village Police Department, Stony Point Town Police Department, Suffern Village Police Department, Rockland County Sheriff's Office, New York State Police, NYS Park Police - Hudson Valley District Headquarters, Palisades Zone, NYS DEC, and MTA Police.

### Status of Counsel at Arraignment Coverage

The Public Defender's office has an on-call program to provide attorneys at arraignment. The program is staffed by two part-time attorneys, funded with a CAFA #1 grant. These attorneys

alternate weeks of coverage. Law enforcement or the judge call an on-call cell phone number regarding arraignment. An attorney is present at all arraignments, except weekday arraignments when court is not in session or at non-DA court sessions. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. The Public Defender reports that attorney burnout is becoming an issue. Assigned counsel will voluntarily cover some arraignments if they happen to be present in court when a judge requires an attorney. Through a CAFA #2 grant, the Public Defender's Office will add a back-up attorney to help with the program. There is no coverage for weekday off-hour arraignments from 9 a.m. and 5 p.m., or any arraignments that may occur at non-DA court sessions in Town and Village Courts.

### **Future of Arraignment Coverage**

The first meeting with OCA regarding a CAP is scheduled for December 4, 2017. The Ninth Judicial District Administrative Judge is scheduled to attend. The Public Defender estimates that to cover a CAP, his Office will need an influx of additional attorneys.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

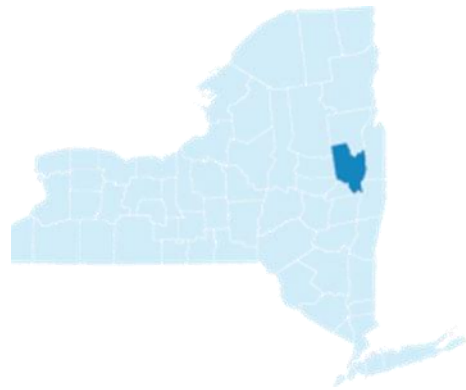
# Rockland

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Airmont Village Court	Blue	Grey	Grey	Blue	Blue
2. Chestnut Ridge Village Court	Blue	Grey	Grey	Blue	Blue
3. Clarkstown Town Court	Blue	Grey	Grey	Blue	Blue
4. Grand View-On-Hudson Vil. Court	Blue	Grey	Grey	Blue	Blue
5. Haverstraw Town Court	Blue	Grey	Grey	Blue	Blue
6. Haverstraw Village Court	Blue	Grey	Grey	Blue	Blue
7. Hillburn Village Court	Blue	Grey	Grey	Blue	Blue
8. Montebello Village Court	Blue	Grey	Grey	Blue	Blue
9. New Hempstead Village Court	Blue	Grey	Grey	Blue	Blue
10. New Square Village Court	Blue	Grey	Grey	Blue	Blue
11. Nyack Village Court	Blue	Grey	Grey	Blue	Blue
12. Orangetown Town Court	Blue	Grey	Grey	Blue	Blue
13. Piermont Village Court	Blue	Grey	Grey	Blue	Blue
14. Ramapo Town Court	Blue	Grey	Grey	Blue	Blue
15. Rockland County Court	Blue	Grey	Grey	Black	Black
16. Rockland County Supreme Court	Black	Black	Black	Black	Black
17. Sloatsburg Village Court	Blue	Grey	Grey	Blue	Blue
18. South Nyack Village Court	Blue	Grey	Grey	Blue	Blue
19. Spring Valley Village Court	Blue	Grey	Grey	Blue	Blue
20. Stony Point Town Court	Blue	Grey	Grey	Blue	Blue
21. Suffern Village Court	Blue	Grey	Grey	Blue	Blue
22. Village of Upper Nyack Just. Court	Blue	Grey	Grey	Blue	Blue
23. Wesley Hills Village Court	Blue	Grey	Grey	Blue	Blue
24. West Haverstraw Village Court	Blue	Grey	Grey	Blue	Blue

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## SARATOGA COUNTY

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### County Overview

The County, located in northeastern New York, north of Albany, is largely known for the Saratoga Race Track and the Saratoga Performing Arts Center. Encompassing 822 square miles, the County has a population of 222,133, with 6.6% of the residents living below federal poverty levels. The median household income is \$71,496. The County is home to Skidmore College and SUNY–Empire State College.

### Saratoga County Courts

The Supreme, County, Family, and Surrogate’s Courts are located in Ballston Spa. There are City Courts in Mechanicville and Saratoga Springs, as well as an additional 21 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 24 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender’s Office, which handles criminal, parole, and Family Court cases. A Conflict Defender’s Office and assigned counsel list also provide representation. In 2016, these mandated representation providers handled approximately 2,949 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Ballston Spa Village Police Department, Galway Village Police Department, Mechanicville City Police Department, Saratoga Springs City Police Department, South Glens Falls Village Police Department, Stillwater Town Police Department, Waterford Town & Village Police Department, Saratoga County Sheriff’s Office, New York State Police, NYS Park Police - Saratoga/Capital Zone Headquarters, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

Counsel is only present at arraignments on scheduled court sessions when an Assistant District attorney is present. There is no coverage for off-hour arraignments that occur when court is not in session. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

## **Future of Arraignment Coverage**

The Public Defender has proposed a plan to be funded with a CAFA #2 grant. The County would be divided into northern and southern zones and primary and back-up attorneys from the Public Defender's Office would be on call to cover arraignments in each zone. Attorneys will be on call one day a week and will rotate weekends. With this process, the Public Defender's Office should be able to provide full coverage. The County Sheriff has agreed to work with all stakeholders to implement this plan. The Magistrates have not yet agreed to this plan, and County discussions continue. The County is building a new Public Safety building, where centralized arraignments could possibly be held, but that will not be completed for another two years.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Saratoga

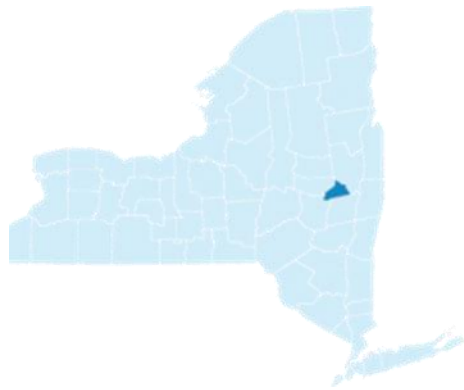
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Ballston Spa Village Court	Blue	Grey	Grey	Grey	Grey
2. Ballston Town Court	Blue	Grey	Grey	Grey	Grey
3. Charlton Town Court	Blue	Grey	Grey	Grey	Grey
4. Clifton Park Town Court	Blue	Grey	Grey	Grey	Grey
5. Corinth Town Court	Blue	Grey	Grey	Grey	Grey
6. Day Town Court	Blue	Grey	Grey	Grey	Grey
7. Edinburg Town Court	Blue	Grey	Grey	Grey	Grey
8. Galway Town Court	Blue	Grey	Grey	Grey	Grey
9. Galway Village Court	Blue	Grey	Grey	Grey	Grey
10. Greenfield Town Court	Blue	Grey	Grey	Grey	Grey
11. Hadley Town Court	Blue	Grey	Grey	Grey	Grey
12. Halfmoon Town Court	Blue	Grey	Grey	Grey	Grey
13. Malta Town Court	Blue	Grey	Grey	Grey	Grey
14. Mechanicville City Court	Blue	Black	Grey	Grey	Grey
15. Milton Town Court	Blue	Grey	Grey	Grey	Grey
16. Moreau Town Court	Blue	Grey	Grey	Grey	Grey
17. Northumberland Town Court	Blue	Grey	Grey	Grey	Grey
18. Providence Town Court	Blue	Grey	Grey	Grey	Grey
19. Saratoga County Court	Blue	Grey	Grey	Black	Black
20. Saratoga County Supreme Court	Black	Black	Black	Black	Black
21. Saratoga Springs City Court	Blue	Black	Grey	Grey	Grey
22. Saratoga Town Court	Blue	Grey	Grey	Grey	Grey
23. Stillwater Town Court	Blue	Grey	Grey	Grey	Grey
24. Waterford Town Court	Blue	Grey	Grey	Grey	Grey
25. Wilton Town Court	Blue	Grey	Grey	Grey	Grey

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place



## SCHENECTADY COUNTY

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### County Overview

Schenectady County, located in East-Central New York, has an area of 210 square miles and a population of 154,727. About 12.6% of the population lives below federal poverty guideline levels, and the median household income is \$58,114. Union College and Schenectady County Community College are located in the County.

### Schenectady County Courts

The Supreme, County, Family, and Surrogate's Courts are in the City of Schenectady. In addition, the County has Schenectady City Court and six Town and Village Courts. Thus, the County must coordinate counsel at arraignment for eight courts countywide.

### Schenectady County Providers for Mandated Representation

The County has a three-tier system of mandated representation, with a Public Defender's Office, Conflict Defender's Office, and an Assigned Counsel Program. In 2016, these mandated representation providers handled approximately 5,734 criminal cases.

### Schenectady County's Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Glenville Town Police Department, Niskayuna Town Police Department, Rotterdam Town Police Department, Schenectady City Police Department, Scotia Village Police Department, Schenectady County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County does not provide counsel at arraignment, except in Schenectady City Court and at regularly scheduled court sessions where an Assistant District Attorney and Assistant Public Defender are present. There is no program to ensure coverage outside of the regular court sessions. If a court calls the Public Defender's Office about an arraignment, the Office will find someone to cover the arraignment. However, there is no formal program, and no assurance that most arraignments are being covered. There are no arraignments in County Court after 5 p.m., and criminal matters are not heard in Supreme Court.

## **Future of Arraignment Coverage**

There have been no countywide discussions regarding centralized arraignments. The County has received a CAFA #2 grant to establish a counsel at arraignment program. This would provide attorneys at Schenectady City Court, as well as at Town and Village Courts. The Public Defender anticipates that when additional attorneys are hired, an on-call program will be used.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

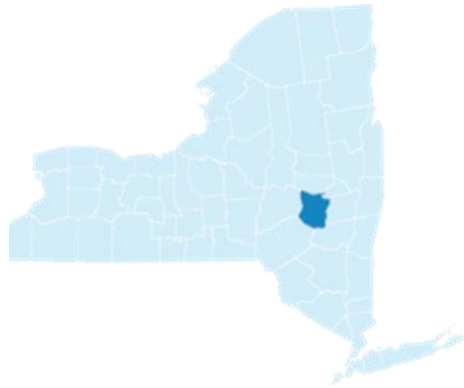
# Schenectady

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Duanesburg Town Court	Blue	Black	Grey	Grey	Grey
2. Glenville Town Court	Blue	Grey	Grey	Grey	Grey
3. Niskayuna Town Court	Blue	Black	Grey	Grey	Grey
4. Princetown Town Court	Blue	Black	Grey	Grey	Grey
5. Rotterdam Town Court	Blue	Black	Grey	Grey	Grey
6. Schenectady City Court	Blue	Black	Blue	Blue	Blue
7. Schenectady County Court	Blue	Blue	Black	Black	Black
8. Schenectady Co. Supreme Court	Black	Black	Black	Black	Black
9. Scotia Village Court	Blue	Grey	Grey	Grey	Grey

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## SCHOHARIE COUNTY

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### County Overview

The County, located in Central New York, lies partly within the Catskill Mountains and has an area of 626 square miles and a population of 32,749. About 12.9% of the population lives below federal poverty guideline levels, and the median household income is \$51,195. The County is home to the SUNY College of Agriculture & Technology at Cobleskill.

### Schoharie County Courts

The Supreme, County, Family, and Surrogate's Courts are in the Town of Schoharie. In addition, the County has 17 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 18 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided exclusively by an Assigned Counsel Program, which handled an estimated 622 criminal cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Cobleskill Village Police Department, Schoharie Village Police Department, Schoharie County Sheriff's Office, University Police – SUNY College of Agriculture & Tech. at Cobleskill, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

There is no formal counsel at arraignment plan. During court sessions, if an 18-B attorney is present during an arraignment, the judges will request the attorney to stand in for the arraignment. For Cobleskill Town Court, assigned counsel is almost always present for both regular court sessions. County Court will contact the ACP Administrator if an arraignment is needed. This court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. Otherwise, all other arraignments in the Courts are only covered if an assigned counsel attorney happens to be present. Any arraignments outside of court sessions are not covered.

## **Future of Arraignment Coverage**

The County has had several meetings about establishing a CAP. In early 2017, meetings of various stakeholders were held. An initial plan involved the creation of holding cells at a new jail now under construction. The County has not yet reached a consensus on how to implement counsel at arraignment. The County anticipates that more attorneys will need to be hired, and it may be difficult to find attorneys willing to participate in the program, particularly during evening hours. The Schoharie Village Court is the most promising court for installation of a CAP.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Schoharie

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Blenheim Town Court	Blue	Grey	Grey	Grey	Grey
2. Broome Town Court	Blue	Grey	Grey	Grey	Grey
3. Carlisle Town Court	Blue	Grey	Grey	Grey	Grey
4. Cobleskill Town Court	Blue	Blue	Grey	Grey	Grey
5. Conesville Town Court	Blue	Grey	Grey	Grey	Grey
6. Esperance Town Court	Blue	Grey	Grey	Grey	Grey
7. Fulton Town Court	Blue	Grey	Grey	Grey	Grey
8. Gilboa Town Court	Blue	Grey	Grey	Grey	Grey
9. Jefferson Town Court	Blue	Grey	Grey	Grey	Grey
10. Middleburgh Town Court	Blue	Grey	Grey	Grey	Grey
11. Richmondville Town Court	Blue	Grey	Grey	Grey	Grey
12. Schoharie County Court	Blue	Blue	Blue	Black	Black
13. Schoharie County Supreme Court	Black	Black	Black	Black	Black
14. Schoharie Town Court	Blue	Grey	Grey	Grey	Grey
15. Schoharie Village Court	Blue	Grey	Grey	Grey	Grey
16. Seward Town Court	Blue	Grey	Grey	Grey	Grey
17. Sharon Town Court	Blue	Grey	Grey	Grey	Grey
18. Summit Town Court	Blue	Grey	Grey	Grey	Grey
19. Wright Town Court	Blue	Grey	Grey	Grey	Grey

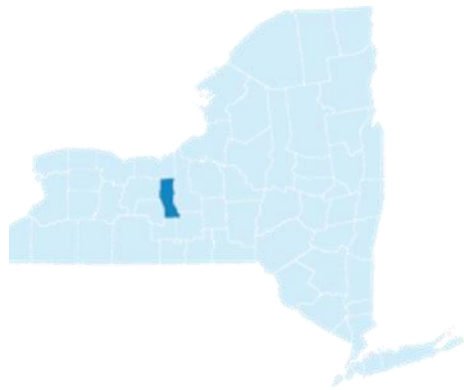
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## SENECA COUNTY

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### County Overview

Seneca County, covering 391 square miles, is nestled between two of the longest and deepest Finger Lakes, Seneca and Cayuga. Approximately 35,000 people reside in the County, with 12.7% living at or below federal poverty guidelines. The median household income is \$49,292. The County also houses two State prison facilities.

### Seneca County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Waterloo. In addition, the County has 11 Town and Village Courts. Thus, counsel at arraignment must be coordinated for 12 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. The County has no Assigned Counsel Program. The Public Defender maintains a list of attorneys willing to take conflict cases at 18-B rates. Last year, these mandated representation providers handled approximately 1,187 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Interlaken Village Police Department, Seneca Falls Village Police Department, Waterloo Village Police Department, Seneca County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County does not provide counsel at arraignment except in County Court. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. Ninety percent of the local court cases that would require the presence of an attorney arise from the towns in the northern part of the County (Waterloo, Seneca Falls, Tyre, and Junius). The effort to achieve full coverage is complicated by the Finger Lakes, which necessitate long drives for attorneys to appear in court. The Public Defender's Office does not have sufficient staff to provide coverage.

## **Future of Arraignment Coverage**

The County has had several meetings with stakeholders about counsel at arraignment and has decided to use new holding cells in Seneca Falls to facilitate a CAP. The judges in the southern part of the County have agreed to travel there on a rotating basis. The County would hire a part-time clerk to oversee the arraignment part. The arraignments would be held twice a day at 9 a.m. and 7 p.m. Anyone not given an appearance ticket upon arrest would be held in Seneca Falls until the next arraignment session. The County does not yet know which attorneys will staff the CAP.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.



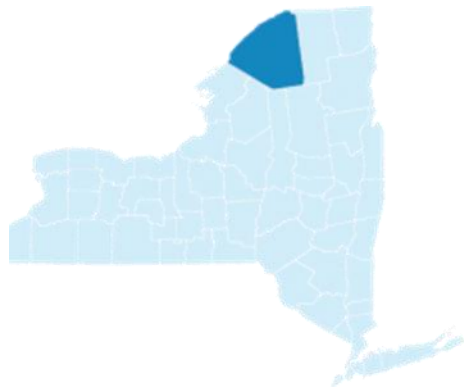
# Seneca

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Covert Town Court					
2. Fayette Town Court					
3. Junius Town Court					
4. Lodi Town Court					
5. Ovid Town Court					
6. Romulus Town Court					
7. Seneca County Court					
8. Seneca County Supreme Court					
9. Seneca Falls Town Court					
10. Tyre Town Court					
11. Varick Town Court					
12. Waterloo Town Court					
13. Waterloo Village Court					

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ST. LAWRENCE COUNTY

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### County Overview

The County, situated along the Canadian border, is the State's largest county, with an area of 2,821 square miles. The population of 111,944 residents include 19.4% living below federal poverty levels. The median household income is \$44,705. The County is home to numerous institutes of higher education.

### St. Lawrence County Courts

The Supreme, County, Family, and Surrogate's Courts are in Canton. In addition, the County has a City Court in Ogdensburg and has 33 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 35 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office, Conflict Defender's Office, and an Assigned Counsel Program. In 2016, these providers of mandated representation handled a total of approximately 2,806 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Canton Village Police Department, Gouverneur Village Police Department, Massena Village Police Department, Norfolk Town Police Department, Norwood Village Police Department, Ogdensburg City Police Department, Potsdam Village Police Department, St. Lawrence County Sheriff's Office, University Police - SUNY College at Potsdam, University Police – SUNY College of Technology at Canton, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

With a CAFA #1 grant, counsel is provided at arraignment in felony cases throughout the County and for both felonies and misdemeanors at all regularly scheduled court sessions where a prosecutor is present. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. The Public Defender's Office is the primary provider for counsel at arraignment. In the case of a conflict, the Conflict Defender handles the arraignment. If the

Conflict Defender has a conflict, then assigned counsel can be contacted. The County uses an on-call system, where the attorneys must travel to each individual court to handle arraignments. In some instances, it can take an attorney over one hour to arrive, given the County's size. The County has been awarded a CAFA #2 grant to continue the current program.

### **Future of Arraignment Coverage**

The Public Defender stated that additional attorneys are needed to provide coverage for misdemeanors. Recently, the County began discussions about a CAP. Many judges do not conduct after-hours arraignments and thus do not want to be forced to participate in a CAP. The Public Defender expressed concerns that a CAP would extend periods of pre-arraignment detention. The Fourth Judicial District Administrative Judge has instructed the Magistrates that they must comply with the *Hurrell-Harring* requirement of counsel at arraignment. Thus, the Public Defender is now receiving calls to staff misdemeanor and violation arraignments, but without having the staff or funding to accomplish the goal.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# St. Lawrence

	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
1. Brasher Town Court					
2. Canton Town Court					
3. Clare Town Court					
4. Clifton Town Court					
5. Colton Town Court					
6. DeKalb Town Court					
7. Depeyster Town Court					
8. Edwards Town Court					
9. Fine Town Court					
10. Fowler Town Court					
11. Gouveneur Town Court					
12. Hammond Town Court					
13. Hermon Town Court					
14. Hopkinton Town Court					
15. Lawrence Town Court					
16. Lisbon Town Court					
17. Louisville Town Court					
18. Macomb Town Court					
19. Madrid Town Court					
20. Massena Town Court					
21. Massena Village Court					
22. Morristown Town Court					
23. Norfolk Town Court					
24. Ogdensburg City Court					
25. Oswegatchie Town Court					
26. Parishville Town Court					
27. Piercefield Town Court					
28. Pierrepont Town Court					
29. Pitcairn Town Court					
30. Potsdam Town Court					
31. Rossie Town Court					
32. Russell Town Court					

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# St. Lawrence

	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
33. St. Lawrence County Court	Blue	Blue	Dark Gray	Dark Gray	Dark Gray
34. St. Lawrence Co. Supreme Court	Dark Gray	Dark Gray	Dark Gray	Dark Gray	Dark Gray
35. Stockholm Town Court	Blue	Light Gray	Light Gray	Light Gray	Light Gray
36. Waddington Town Court	Blue	Light Gray	Light Gray	Light Gray	Light Gray

Blue Courts where it was reported that counsel at arraignment is always or almost always provided

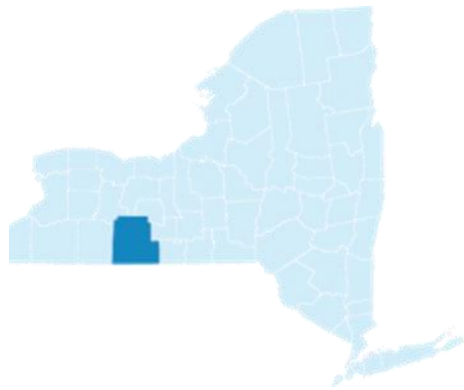
Light Gray Courts where it was reported that counsel at arraignment is not always provided

Dark Gray Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

\* Only felony arraignments are always or almost always covered in Town and Village courts.

## STEUBEN COUNTY

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### County Overview

The County is in the Southern Tier, immediately north of the Pennsylvania border and covers 1,404 square miles. The population of 98,990 has a median household income of \$47,280, and 16.3% of individuals live at or below the federal poverty level.

### Steuben County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Bath. The County is home to two City Courts, located in Corning and Hornell. In addition, there are 38 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 41 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. This year, 2017, the County created a Felony Conflict Defender's Office. An Assigned Counsel Program also exists. These mandated representation providers handled approximately 2,351 cases in 2016.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Addison Village Police Department, Bath Village Police Department, Canisteo Village Police Department, Caton Town Constabulary, Cohocton Town Police Department, Corning City Police Department, Hammondsport Village Police Department, Hornell City Police Department, North Hornell Village Police Department, Painted Post Village Police Department, Wayland Village Police Department, Steuben County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County does not provide counsel at arraignment unless the matter is an indicted matter before County Court. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. Challenges in providing coverage include the County's large size, the numerous courts, and the limited availability of attorneys in this rural area.

## **Future of Arraignment Coverage**

The County needs to implement a system to provide counsel at all arraignments, both during court sessions and at off-hours arraignments. The County has convened a working group to explore the possibility of a CAP. Several possible plans have been developed. On September 14, 2017, a centralized plan was approved. It provides for arraignment coverage twice per day at the jail, with the various Magistrates rotating coverage. The next step in the process is for the working group to draft a written plan and then reconvene the parties to discuss it. One challenge is that the two City Courts have not been involved in the process, so the proposed centralized plan will only involve local courts. Although the Sheriff is receptive to using the jail, there is no legislation authorizing use of the jail as a holding facility, and there are potential costs relating to staffing and construction. The proposed plan contemplates using a room inside the jail as a courtroom, which may limit public access to arraignments. The impact of releasing clients far from the town where they were originally arrested must also be considered. Most recently the stakeholders have been contemplating a regionalized hub-court plan that would call for three arraignment zones. However, that would require having three attorneys on call daily, which is not practicable until there is funding to recruit and hire attorneys.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Steuben

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Addison Town Court					
2. Avoca Town Court					
3. Bath Town Court					
4. Bath Village Court					
5. Bradford Town Court					
6. Cameron Town Court					
7. Campbell Town Court					
8. Canisteo Town Court					
9. Canisteo Village Court					
10. Caton Town Court					
11. Cohocton Town Court					
12. Cohocton Village Court					
13. Corning City Court					
14. Corning Town Court					
15. Dansville Town Court					
16. Erwin Town Court					
17. Fremont Town Court					
18. Greenwood Town Court					
19. Hartsville Town Court					
20. Hornby Town Court					
21. Hornell City Court					
22. Hornellsville Town Court					
23. Howard Town Court					
24. Jasper Town Court					
25. Lindley Town Court					
26. Painted Post Village Court					
27. Prattsburgh Town Court					
28. Pulteney Town Court					
29. Rathbone Town Court					
30. Savona Village Court					
31. Steuben County Court					
32. Steuben County Supreme Court					
33. Thurston Town Court					
34. Troupsburg Town Court					
35. Tuscarora Town Court					
36. Urbana Town Court					
37. Wayland Town Court					

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# Steuben

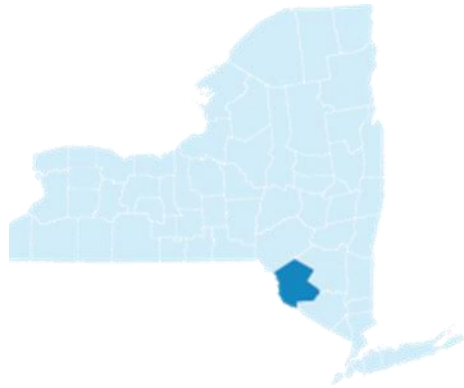
Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
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- 38. Wayland Village Court
- 39. Wayne Town Court
- 40. West Union Town Court
- 41. Wheeler Town Court
- 42. Woodhull Town Court


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- Courts where it was reported that counsel at arraignment is not always provided
  - Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## SULLIVAN COUNTY

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### County Overview

The County, located in southern New York in the Catskills Region, borders Pennsylvania. The County has an area of 997 square miles and a population of 77,547. About 17.5% of the population lives below federal poverty guideline levels, and the median household income is \$50,710.

### Sullivan County Courts

The Supreme, County, Family, and Surrogate's Courts are in the Village of Monticello. In addition, the County has 18 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 19 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by two entities that have contracts with the County and subcontract with experienced local attorneys who provide representation while maintaining private practices: the Sullivan Legal Aid Panel (LAP) and a Conflict Defender. In 2016, these mandated providers handled approximately 3,227 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Fallsburg Town Police Department, Liberty Village Police Department, Monticello Village Police Department, Woodridge Village Police Department, Sullivan County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County, through LAP, has a limited counsel at arraignment plan. LAP attorneys cover scheduled sessions when a prosecutor is present. The Office is typically notified of arraignments by the Court and in some instances by the accused or the family of the accused. However, there is no counsel at arraignment for off-hour arraignments during the week or for weekends and holidays. Many Justice Courts meet until 9 p.m., and many local police agencies bring the defendants directly to the court in session for arraignment. Thus, LAP attorneys are often present

for arraignments that happen at court until 9 p.m. If arraignments occur when court is not in session or overnight, then defendants appear without counsel. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

### **Future of Arraignment Coverage**

The County continues to have discussions regarding centralized arraignment, but there is no definite plan. The distance between courts and limited numbers of attorneys may make an on-call program impracticable.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

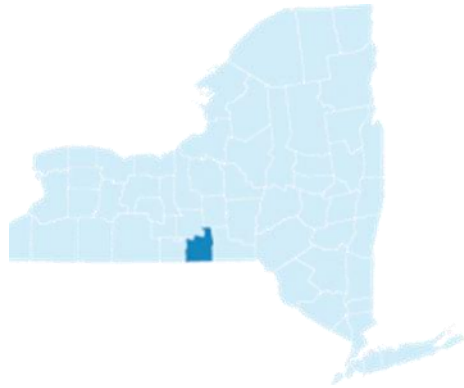
# Sullivan

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Bethel Town Court	Blue	Grey	Grey	Grey	Grey
2. Bloomingburg Village Court	Blue	Grey	Grey	Grey	Grey
3. Callicoon Town Court	Blue	Grey	Grey	Grey	Grey
4. Cochection Town Court	Blue	Grey	Grey	Grey	Grey
5. Delaware Town Court	Blue	Grey	Grey	Grey	Grey
6. Fallsburg Town Court	Blue	Grey	Grey	Grey	Grey
7. Forestburgh Town Court	Blue	Grey	Grey	Grey	Grey
8. Fremont Town Court	Blue	Grey	Grey	Grey	Grey
9. Highland Town Court	Blue	Grey	Grey	Grey	Grey
10. Liberty Town Court	Blue	Grey	Grey	Grey	Grey
11. Lumberland Town Court	Blue	Grey	Grey	Grey	Grey
12. Mamakating Town Court	Blue	Grey	Grey	Grey	Grey
13. Monticello Village Court	Blue	Grey	Grey	Grey	Grey
14. Neversink Town Court	Blue	Grey	Grey	Grey	Grey
15. Rockland Town Court	Blue	Grey	Grey	Grey	Grey
16. Sullivan County Court	Blue	Blue	Blue	Black	Black
17. Sullivan County Supreme Court	Black	Black	Black	Black	Black
18. Thompson Town Court	Blue	Grey	Grey	Grey	Grey
19. Tusten Town Court	Blue	Grey	Grey	Grey	Grey
20. Woodridge Village Court	Blue	Grey	Grey	Grey	Grey

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## TIOGA COUNTY

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### County Overview

The County is located in the Southern Tier, just south of the Finger Lakes and directly north of the Pennsylvania border. The County encompasses 523 square miles, has a population of 51,125, with 9.6% of residents living below federal poverty levels, and a median household income of \$57,514.

### Tioga County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Owego. In addition, the County has 12 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 13 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided via the Public Defender's Office, which handles both criminal and Family Court matters. The Assigned Counsel Program receives assignments where the Public Defender's Office has a conflict of interest. In 2016, these mandated representation providers handled approximately 734 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Candor Village Police Department, Owego Village Police Department, Spencer Town Police Department, Waverly Village Police Department, Tioga County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office does not appear at arraignments. Courts do not always notify the Office of an arraignment; and attorneys often learn of incarcerated clients at the next court appearance. The Public Defender stated that sometimes it is difficult to cover the regular dockets in 12 local courts, even during daytime hours. The Office is not called for off-hour arraignments. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

## **Future of Arraignment Coverage**

There have been some preliminary discussions regarding centralized arraignments. The County is reluctant to implement any program until State funding is in place. Also, there is no agreement among the Magistrates as to a type of program, and no agreement as to the location for centralized arraignments. Obstacles include obtaining payment for the Magistrates and their staff, as well as the Sheriff's opposition to creating holding cells at the jail and concern that deputies will be taken off the road to appear at arraignments. The Public Defender reported that the Office will need additional staff to implement any counsel at arraignment coverage.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Tioga

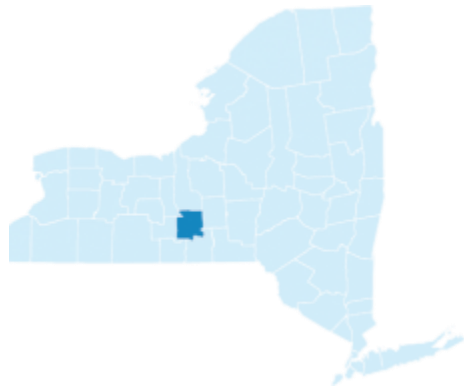
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Barton Town Court					
2. Berkshire Town Court					
3. Candor Town Court					
4. Candor Village Court					
5. Newark Valley Town Court					
6. Nichols Town Court					
7. Owego Town Court					
8. Owego Village Court					
9. Richford Town Court					
10. Spencer Town Court					
11. Tioga County Court					
12. Tioga County Supreme Court					
13. Tioga Town Court					
14. Waverly Village Court					

■ Courts where it was reported that counsel at arraignment is not always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## TOMPKINS COUNTY

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### County Overview

The County is named in honor of Daniel Tompkins, who served as Governor of the State of New York and U.S. Vice President. Known for its gorges and waterfalls, the County covers 492 square miles. The population of 101,564 includes 20.5% of residents living below federal poverty levels. The median household income is \$52,624. The County is home to Cornell University, Ithaca College, and a Community College.

### Tompkins County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Ithaca. In addition, the County hosts Ithaca City Court and 11 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 13 courts countywide.

### Providers for Mandated Representation

Mandated representation for both criminal cases and Family Court cases is provided by the Assigned Counsel Program, which handled an estimated 1,321 criminal cases last year.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Cayuga Heights Village Police Department, Dryden Village Police Department, Groton Village Police Department, Ithaca City Police Department, Trumansburg Village Police Department, Tompkins County Sheriff's Office, Cornell University Police, Ithaca College Office of Public Safety, Tompkins Cortland Community College, New York State Police, NYS Parks Police – Finger Lakes Zone Headquarters, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The County received a CAFA #1 grant to establish a counsel at arraignment program. Since that time, the ACP has been providing full arraignment coverage countywide in all courts. The County has been awarded a CAFA #2 grant to continue providing coverage. Counsel at arraignment is provided through an on-call system. Judges or local law enforcement contact the on-call attorneys to appear for arraignment, 24 hours a day, seven days a week. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.



## **Future of Arraignment Coverage**


The ACP Administrator believes that the creation of a CAP would be the most viable, sustainable approach. The ACP has created a plan which involves rotating which courts are on call for off-hour arraignments. This would mean that Magistrates would not have to be on call 24/7, and attorneys would not have to respond to arraignments all over the county during their arraignment shift. The Sheriff and the NYSP reportedly support this plan. Under the plan, Ithaca City Court would continue to operate as it has been doing and would not be part of the rotation. It is reported that the County has thus not been able to reach an agreement about a CAP.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Tompkins

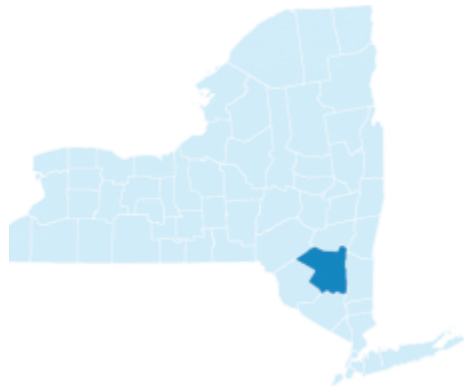
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Caroline Town Court					
2. Cayuga Heights Village Court					
3. Danby Town Court					
4. Dryden Town Court					
5. Enfield Town Court					
6. Freeville Village Court					
7. Groton Town Court					
8. Ithaca City Court					
9. Ithaca Town Court					
10. Lansing Town Court					
11. Newfield Town Court					
12. Tompkins County Court					
13. Tompkins County Supreme Court					
14. Ulysses Town Court					

 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## ULSTER COUNTY

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### County Overview

Located in the Catskills Region, the County has an area of 1,161 square miles and a population of 182,493. About 12.8% of the population lives below federal poverty guideline levels, and the median household income is \$58,918. The County is home to SUNY College at New Paltz and a Community College.

### Ulster County Courts

The Supreme, County, Family, and Surrogate's Courts are in the City of Kingston. The County plans to relocate the Family Court to the Town of Ulster. In addition, the County has one City Court and 22 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 24 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office and 18-B attorneys assigned to conflict cases. In 2016, these providers of mandated representation handled approximately 5,356 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Ellenville Village Police Department, Kingston City Police Department, Lloyd Town Police Department, Marlborough Town Police Department, New Paltz Town & Village Police Department, Olive Town Police Department, Plattekill Town Police Department, Rosendale Town Police Department, Saugerties Town Police Department, Shandaken Town Police Department, Shawangunk Town Police Department, Ulster Town Police Department, Woodstock Town Police Department, Ulster County Sheriff's Office, University Police – SUNY College at New Paltz, University Police – UCCC – Department of Public Safety, New York State Police, NYS Park Police, and NYS DEC – Region 3 Headquarters.

## **Status of Counsel at Arraignment Coverage**

The Public Defender's office covers arraignments in all courts during regular scheduled court sessions when a prosecutor is present, and County Court for all court sessions. Otherwise, there is no counsel at arraignment. No arraignments occur in County Court after 5 p.m., and there are no arraignments in Supreme Court.

## **Future of Arraignment Coverage**


The Public Defender's Office expects to soon implement a modified counsel at arraignment plan. The County would be divided into four quadrants, with two attorneys assigned to be on call for each quadrant. Using a CAFA #1 grant, a pilot project is slated for launch in the northwest quadrant, which includes the Justice Courts in Woodstock, Olive, Shandanken, Denning, and Hardenburgh. The program will require additional staff and technology to collect data. There are no discussions currently about a CAP.


### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**


The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Ulster

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Denning Town Court	Blue	Grey	Grey	Grey	Grey
2. Ellenville Village Court	Blue	Grey	Grey	Grey	Grey
3. Esopus Town Court	Blue	Grey	Grey	Grey	Grey
4. Gardiner Town Court	Blue	Grey	Grey	Grey	Grey
5. Hardenburgh Town Court	Blue	Grey	Grey	Grey	Grey
6. Hurley Town Court	Blue	Grey	Grey	Grey	Grey
7. Kingston City Court	Blue	Black	Grey	Grey	Grey
8. Kingston Town Court	Blue	Grey	Grey	Grey	Grey
9. Lloyd Town Court	Blue	Grey	Grey	Grey	Grey
10. Marbletown Town Court	Blue	Grey	Grey	Grey	Grey
11. Marlborough Town Court	Blue	Grey	Grey	Grey	Grey
12. New Paltz Town Court	Blue	Grey	Grey	Grey	Grey
13. Olive Town Court	Blue	Grey	Grey	Grey	Grey
14. Plattekill Town Court	Blue	Grey	Grey	Grey	Grey
15. Rochester Town Court	Blue	Grey	Grey	Grey	Grey
16. Rosendale Town Court	Blue	Grey	Grey	Grey	Grey
17. Saugerties Town Court	Blue	Grey	Grey	Grey	Grey
18. Saugerties Village Court	Blue	Grey	Grey	Grey	Grey
19. Shandaken Town Court	Blue	Grey	Grey	Grey	Grey
20. Shawangunk Town Court	Blue	Grey	Grey	Grey	Grey
21. Ulster County Court	Blue	Black	Black	Black	Black
22. Ulster County Supreme Court	Black	Black	Black	Black	Black
23. Ulster Town Court	Blue	Grey	Grey	Grey	Grey
24. Wawarsing Town Court	Blue	Grey	Grey	Grey	Grey
25. Woodstock Town Court	Blue	Grey	Grey	Grey	Grey

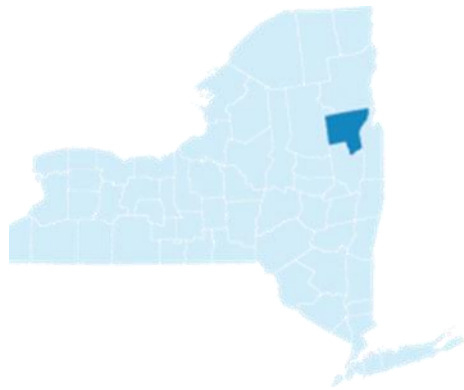
 Courts where it was reported that counsel at arraignment is always or almost always provided

 Courts where it was reported that counsel at arraignment is not always provided

 Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## WARREN COUNTY

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### County Overview

The County, located in eastern New York in the Adirondack Mountains, has an area of 932 square miles and a population of 65,707. About 12.0% of the population lives below federal poverty levels, and the median household income is \$56,798. The County is home to SUNY Adirondack.

### Warren County Courts

The Supreme, County, Family, and Surrogate's Courts are in the Town of Lake George. There are also 11 Town Courts and one City Court in the County. Thus, the County must coordinate counsel at arraignment for 13 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office and an Assigned Counsel Program. In 2016, these mandated representation providers handled approximately 3,036 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Bolton Town Police Department, Glens Falls City Police Department, Warren County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office provides counsel at arraignment in all courts that handle criminal arraignments. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. The Public Defender stated that virtually all the arraignments are covered through an on-call system, but attorneys have difficulty providing such coverage while handling their own caseloads. A CAFA #2 grant will be used for an additional attorney.

## **Future of Arraignment Coverage**

The County has explored the creation of a CAP using the space adjacent to the Public Defender's Office. In courtroom space at the former County Jail in Lake George, all off-hour arraignments would be heard on weekdays, weekends, and holidays. The County plans to submit a plan to OCA for approval that would provide for arraignments daily, as needed (including weekends and holidays), between 7 and 9:30 a.m., if necessary, and again between 5:30 and 9:30 p.m., if necessary. For this CAP, the Public Defender's Office, local judges, and the District Attorney's office would be available to appear when notified to do so. The Public Defender estimates that to sustain full coverage under the current on-call system, 16 attorneys would be needed. Thus, the CAP is viewed as a more sustainable option.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Warren

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Bolton Town Court	Blue	Black	Blue	Blue	Blue
2. Chester Town Court	Blue	Black	Blue	Blue	Blue
3. Glens Falls City Court	Blue	Black	Blue	Blue	Blue
4. Hague Town Court	Blue	Black	Blue	Blue	Blue
5. Horicon Town Court	Blue	Black	Blue	Blue	Blue
6. Johnsburg Town Court	Blue	Black	Blue	Blue	Blue
7. Lake George Town Court	Blue	Black	Blue	Blue	Blue
8. Lake Luzerne Town Court	Blue	Black	Blue	Blue	Blue
9. Queensbury Town Court	Blue	Black	Blue	Blue	Blue
10. Stony Creek Town Court	Blue	Blue	Blue	Blue	Blue
11. Thurman Town Court	Blue	Black	Blue	Blue	Blue
12. Warren County Court	Blue	Blue	Blue	Black	Black
13. Warren County Supreme Court	Black	Black	Black	Black	Black
14. Warrensburg Town Court	Blue	Black	Blue	Blue	Blue

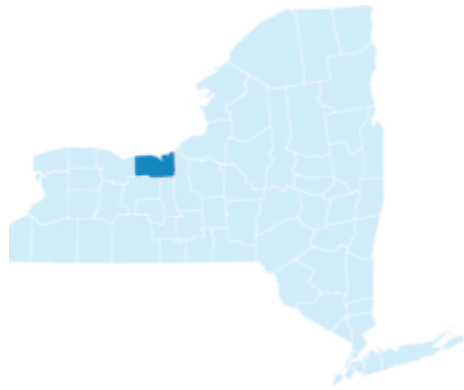
■ Courts where it was reported that counsel at arraignment is always or almost always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place



## WAYNE COUNTY

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### County Overview

The County, located on the southern shore of Lake Ontario in the northern Finger Lakes Region, covers 1,384 square miles and has a population of 93,772. About 12.7% of its residents live at or below the federal poverty guidelines, and the median household income is \$50,798.

### Wayne County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Lyons. In addition, the County has 19 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 20 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office and an Assigned Counsel Program for cases presenting a conflict of interest. These mandated representation providers handled an estimated 2,315 criminal cases last year.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Clyde Village Police Department, Macedon Town Police Department, Newark Village Police Department, Palmyra Village Police Department, Sodus Point Village Police Department, Sodus Village Police Department, Wolcott Village Police Department, Wayne County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office has utilized an ILS distribution to establish a pilot counsel at arraignment program in four local courts (Arcadia, Newark, Palmyra Town and Village Court). The Office relies on its own attorneys as well as 18-B counsel who volunteer for an on-call list. With funding from a CAFA #2 grant, the Office has hired another attorney to help provide coverage. This has allowed the Public Defender's Office to expand the pilot program to include Lyons Town Court, and there is capacity for a sixth local court to have on-call coverage. The Office will now

be able to staff non-DA nights in Newark Village Court. Arraignment coverage in these courts is provided 24 hours a day, seven days a week. Additionally, the Public Defender's Office covers arraignments in County Court during the work week when court is open. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

### **Future of Arraignment Coverage**

Centralized arraignment discussions have begun, but no agreed-upon plan has been reached. All stakeholders have attended a series of meeting. There is disagreement regarding the benefits of centralized arraignments. Although none of the participants like the idea of pre-arraignment detention, the Public Defender reports that he does not have enough attorneys to handle all arraignments. Without a CAP, another eight to 10 attorneys would have to be hired, per the Public Defender, as compared to one additional attorney needed for a CAP.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Wayne

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Arcadia Town Court	Blue	Grey	Blue	Blue	Blue
2. Butler Town Court	Grey	Grey	Grey	Grey	Grey
3. Galen Town Court	Grey	Grey	Grey	Grey	Grey
4. Huron Town Court	Grey	Grey	Grey	Grey	Grey
5. Lyons Town Court	Blue	Grey	Blue	Blue	Blue
6. Macedon Town Court	Grey	Grey	Grey	Grey	Grey
7. Macedon Village Court	Grey	Grey	Grey	Grey	Grey
8. Marion Town Court	Grey	Grey	Grey	Grey	Grey
9. Newark Village Court	Blue	Blue	Blue	Blue	Blue
10. Ontario Town Court	Grey	Grey	Grey	Grey	Grey
11. Palmyra Town Court	Blue	Grey	Blue	Blue	Blue
12. Palmyra Village Court	Blue	Grey	Blue	Blue	Blue
13. Rose Town Court	Grey	Grey	Grey	Grey	Grey
14. Savannah Town Court	Grey	Grey	Grey	Grey	Grey
15. Sodus Town Court	Grey	Grey	Grey	Grey	Grey
16. Walworth Town Court	Grey	Grey	Grey	Grey	Grey
17. Wayne County Court	Blue	Black	Blue	Black	Black
18. Wayne County Supreme Court	Black	Black	Black	Black	Black
19. Williamson Town Court	Grey	Grey	Grey	Grey	Grey
20. Wolcott Town Court	Grey	Grey	Grey	Grey	Grey
21. Wolcott Village Court	Grey	Grey	Grey	Grey	Grey

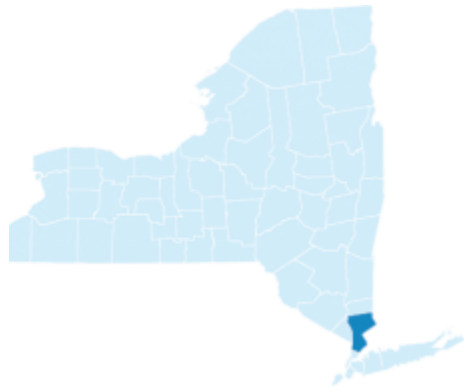
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## WESTCHESTER COUNTY

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### County Overview

The County, located in southern New York in the Hudson Valley is contiguous to NYC, has an area of 450 square miles, and a population of 968,802. About 9.6% of the population lives below federal poverty guideline levels, and the median household income is \$83,958. The County is home to SUNY College at Purchase.

### Westchester County Courts

The Supreme, County, and Surrogate's Courts are located in White Plains. The Family Court has three locations. There are six City Courts and 35 Town Courts. Thus, the County must coordinate counsel at arraignment for 43 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society (LAS) and an Assigned Counsel Program. In 2016, these providers of mandated representation handled an estimated 17,084 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Ardsley Village Police Department, Bedford Town Police Department, Briarcliff Manor Village Police Department, Bronxville Village Police Department, Buchanan Village Police Department, Croton-on-Hudson Village Police Department, Dobbs Ferry Village Police Department, Eastchester Town Police Department, Elmsford Village Police Department, Greenburgh Town Police Department, Harrison Town Police Department, Hastings on Hudson Village Police Department, Irvington Village Police Department, Larchmont Village Police Department, Lewisboro Town Police Department, Mamaroneck Town Police Department, Mamaroneck Village Police Department, Mount Pleasant Town Police Department, Mount Vernon City Police Department, New Castle Town Police Department, New Rochelle City Police Department, North Castle Town Police Department, North Salem Town Police Department, Ossining Town Police Department, Ossining Village Police Department, Peekskill City Police Department, Pelham Manor Village Police Department, Pelham Village Police Department, Pleasantville Village Police Department, Port Chester Village Police Department, Pound Ridge Town Police Department, Rye Brook Village Police Department, Rye

City Police Department, Scarsdale Village Police Department, Sleepy Hollow Village Police Department, Somers Town Police Department, Tarrytown Village Police Department, Tuckahoe Village Police Department, White Plains City Police Department, Yonkers City Police Department, Yorktown Town Police Department, University Police – SUNY College at Purchase, New York State Police, New York Park Police, NYS DEC, and MTA Police.

### **Status of Counsel at Arraignment Coverage**

The County received a CAFA #1 grant in 2013 and used it to establish a program to provide counsel at arraignment in all courts in the county, 24 hours a day, seven days a week. LAS provides coverage for all felonies. The ACP is scheduled to cover misdemeanor arraignments. If an ACP attorney is not available to cover the misdemeanor arraignment, LAS covers those arraignments when contacted by courts or law enforcement. In 2017, the County was awarded a CAFA #2 grant to continue its arraignment program.

Countywide, LAS reported that it is covering 95 to 97% of the felony arraignments and estimated that they are covering 50% of misdemeanor arraignments in Ossining and Greenburgh courts. LAS was not sure how many misdemeanor arraignments are not covered. There continue to be uncovered arraignments because some judges will not call the LAS attorney. Some judges use an 18-B attorney to cover the arraignment if one is present, but some do not. A few judges do not act to ensure the provision of counsel at arraignment. County Court and Supreme Court do not have arraignments after 5 p.m.

### **Future of Arraignment Coverage**

There are no discussions to centralize arraignments within the County. Thus, the present on-call system is expected to continue. Regardless of the model used, the County will need to continually assess the sustainability of the program and work to close gaps in coverage.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Westchester

	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
1. Ardsley Village Court					
2. Bedford Town Court					
3. Briarcliff Manor Village Court					
4. Bronxville Village Court					
5. Buchanan Village Court					
6. Cortlandt Town Court					
7. Croton-on-Hudson Village Court					
8. Dobbs Ferry Village Court					
9. Eastchester Town Court					
10. Elmsford Village Court					
11. Greenburgh Town Court					
12. Harrison Town Court					
13. Hastings-on-Hudson Village Court					
14. Irvington Village Court					
15. Larchmont Village Court					
16. Lewisboro Town Court					
17. Mamaroneck Town Court					
18. Mamaroneck Village Court					
19. Mount Kisco Town Court					
20. Mount Pleasant Town Court					
21. Mount Vernon City Court					
22. New Castle Town Court					
23. New Rochelle City Court					
24. North Castle Town Court					
25. North Salem Town Court					
26. Ossining Town Court					
27. Peekskill City Court					
28. Pelham Town Court					
29. Pleasantville Village Court					
30. Port Chester Village Court					
31. Pound Ridge Town Court					
32. Rye City Court					
33. Rye Town Court					
34. Scarsdale Village Court					
35. Sleepy Hollow Village Court					
36. Somers Town Court					

(Continues on the next page)

# Westchester

	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
37. Tarrytown Village Court	Blue	Grey	Grey	Grey	Grey
38. Tuckahoe Village Court	Blue	Grey	Grey	Grey	Grey
39. Westchester County Court	Blue	Blue	Blue	Black	Black
40. Westchester Co. Supreme Court	Blue	Black	Black	Black	Black
41. White Plains City Court	Blue	Black	Blue	Blue	Blue
42. Yonkers City Court	Blue	Black	Blue	Blue	Blue
43. Yorktown Town Court	Blue	Grey	Grey	Grey	Grey

Blue Courts where it was reported that counsel at arraignment is always or almost always provided

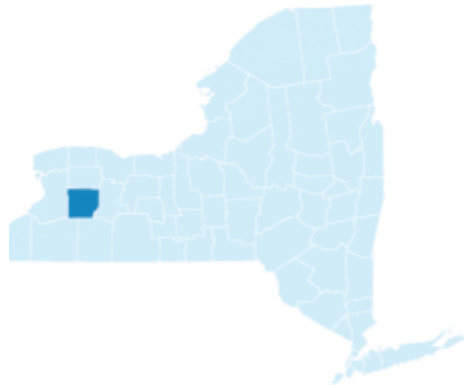
Grey Courts where it was reported that counsel at arraignment is not always provided

Black Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

\* Only felony arraignments are always/almost always covered in Town and Village courts.

## WYOMING COUNTY

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### County Overview

The County, located in the Greater Niagara region in Western New York, has an area of 596 square miles and a population of 42,155. About 11.8% of the population lives below federal poverty guideline levels, and the median household income is \$52,564.

### Wyoming County Courts

The Supreme, County, Family, and Surrogate's Courts are located in the Village of Warsaw. In addition, there are 21 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 22 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office and an Assigned Counsel Program administered by the County Attorney's office. In 2016, these providers of mandated representation handled approximately 707 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Arcade Village Police Department, Attica Village Police Department, Perry Village Police Department, Warsaw Village Police Department, Wyoming County Sheriff's Office, New York State Police, NYS Park Police – Genesee Zone Headquarters, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

The Public Defender's Office instituted an on-call system using CAFA #1 and #2 grants. The current system functions efficiently, although attorney burnout is a problem. The Sheriff dispatch calls the on-call attorney and gives him or her a 20-minute head start to the arraignment. The attorney often arrives at the court before the judge. In a few cases, notification is handled by the local Magistrate. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court. Most arraignments are in the Justice Courts.



## **Future of Arraignment Coverage**

The current system provides countywide coverage but has created a heavy burden on Public Defenders. The staffing must increase for the program to be sustainable and assigned counsel attorneys locally and from neighboring counties should participate, according to the Public Defender. The District Attorney started discussions about a CAP as soon as the OCA legislation passed. The Public Defender is concerned that a CAP would not help because four Town and Village Court jurisdictions have their own police departments. These courts reportedly handle 80% of the arraignments, and the judges do not want to inconvenience the local police forces. Further, the police are reluctant to transport clients to other courts. The Public Defender also stated that returning clients to the place of arrest is an issue. There is the potential to create two CAPs on opposite ends of the County, the Public Defender reported, but this solution would not decrease the Office's responsibilities. Many Magistrates do not conduct arraignments. The creation of a holding cell at the local jail would alleviate much of the problem. The County does not have any holding cells. If a CAP is not agreed upon, the Public Defender will continue the on-call program.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Wyoming

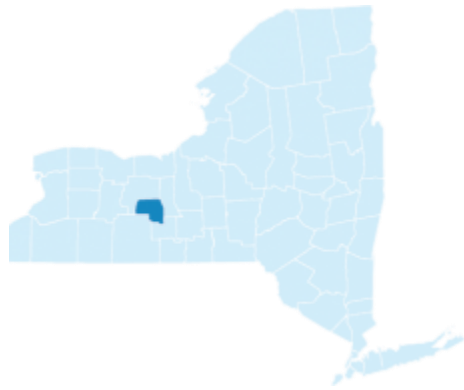
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Arcade Town Court	Blue	Grey	Blue	Blue	Blue
2. Arcade Village Court	Blue	Grey	Blue	Blue	Blue
3. Attica Town Court	Blue	Grey	Blue	Blue	Blue
4. Attica Village Court	Blue	Grey	Blue	Blue	Blue
5. Bennington Town Court	Blue	Grey	Blue	Blue	Blue
6. Castile Town Court	Blue	Grey	Blue	Blue	Blue
7. Covington Town Court	Blue	Grey	Blue	Blue	Blue
8. Eagle Town Court	Blue	Grey	Blue	Blue	Blue
9. Gainesville Town Court	Blue	Grey	Blue	Blue	Blue
10. Genesee Falls Town Court	Blue	Grey	Blue	Blue	Blue
11. Java Town Court	Blue	Grey	Blue	Blue	Blue
12. Middlebury Town Court	Blue	Grey	Blue	Blue	Blue
13. Orangeville Town Court	Blue	Grey	Blue	Blue	Blue
14. Perry Town Court	Blue	Grey	Blue	Blue	Blue
15. Perry Village Court	Blue	Grey	Blue	Blue	Blue
16. Pike Town Court	Blue	Grey	Blue	Blue	Blue
17. Sheldon Town Court	Blue	Grey	Blue	Blue	Blue
18. Silver Springs Village Court	Blue	Grey	Blue	Blue	Blue
19. Warsaw Town Court	Blue	Grey	Blue	Blue	Blue
20. Warsaw Village Court	Blue	Grey	Blue	Blue	Blue
21. Wethersfield Town Court	Blue	Grey	Blue	Blue	Blue
22. Wyoming County Court	Blue	Black	Blue	Black	Black
23. Wyoming County Supreme Court	Black	Black	Black	Black	Black

■ Courts where it was reported that counsel at arraignment is always or almost always provided

■ Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## YATES COUNTY

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### County Overview

The County covers 338 square miles and includes Lakes Seneca, Canandaigua, and Keuka. The lakes and wine industry make the County a tourist destination. The County has a population of 25,156, with 14.4% of residents living below federal poverty levels, and a median household income of \$49,510. The County is home to Keuka College and Finger Lakes Community College.

### Yates County Courts

The Supreme, County, Family, and Surrogate's Courts are located in the Village of Penn Yan. In addition, the County has 11 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 12 courts countywide.

### Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office in both criminal and Family Court. If the Public Defender has a conflict, then the case is assigned to the Conflict Defender. If both Defender Offices have a conflict, the case is handled by an Assigned Counsel Program attorney. In 2016, these mandated representation providers handled approximately 562 criminal cases.

### Law Enforcement Authorities

The provision of counsel at arraignment may be required for arrests or the issuance of appearance tickets by the following law enforcement agencies: Penn Yan Village Police Department, Yates County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

### Status of Counsel at Arraignment Coverage

With a CAFA #1 grant, the Public Defender's Office has been providing counsel at arraignment since 2014. The program provides arraignment in all courts except Penn Yan Village Court. During the weekdays, judges call the Assistant Public Defender assigned to the court. For nights and weekends, judges have a schedule stating which Assistant Public Defender is on call. The judge then calls the on-call attorney. Arraignment coverage is provided 24 hours a day, seven days a week. The Public Defender notes that the number of arraignments decreased during the day once the on-call program was implemented. The program consists of three part-time public

defenders on-call. County Court does not have arraignments after 5 p.m., and there are no arraignments in Supreme Court.

### **Future of Arraignment Coverage**

The Public Defender's Office provides counsel at arraignment in all courts except one and is willing to cover arraignments in the remaining court. Since May 2017, there have been three meetings by interested persons in the County to discuss centralized arraignments. The Public Defender fears that centralized arraignments will cause too much custodial detention of clients who are now released or given an appearance ticket. Additional staff are sought to help manage the rotation schedule.

### **CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT**

The following chart provides a summary of the status of counsel at arraignment as recently reported by the County.

# Yates

	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Barrington Town Court	Blue	Blue	Blue	Blue	Blue
2. Benton Town Court	Blue	Blue	Blue	Blue	Blue
3. Dundee Village Court	Blue	Blue	Blue	Blue	Blue
4. Italy Town Court	Blue	Blue	Blue	Blue	Blue
5. Jerusalem Town Court	Blue	Blue	Blue	Blue	Blue
6. Middlesex Town Court	Blue	Blue	Blue	Blue	Blue
7. Milo Town Court	Blue	Blue	Blue	Blue	Blue
8. Penn Yan Village Court	Grey	Grey	Grey	Grey	Grey
9. Potter Town Court	Blue	Blue	Blue	Blue	Blue
10. Starkey Town Court	Blue	Blue	Blue	Blue	Blue
11. Torrey Town Court	Blue	Blue	Blue	Blue	Blue
12. Yates County Court	Blue	Blue	Blue	Black	Black
13. Yates County Supreme Court	Black	Black	Black	Black	Black

- Courts where it was reported that counsel at arraignment is always or almost always provided
- Courts where it was reported that counsel at arraignment is not always provided
- Courts where/sessions when it was reported that no arraignments and/or criminal cases take place

## APPENDICES

- A: List of mandated representation providers.
- B: List of courts by type.
- C: Number of courts by type.
- D: List of Statewide Implementation meetings with counties.
- E: List of the CAFA #1 award grantees.
- F: List of the CAFA #2 award grantees.
- G: CAFA survey instruments and brief methodological overviews.
- H: List of interviews regarding coverage of counsel at arraignment.
- I: Counsel at arraignment coverage by court and session.
- J: Discussions regarding centralized arraignments.

## APPENDIX A: MANDATED REPRESENTATION PROVIDERS

Providers of mandated representation in criminal cases in New York (excludes those in the five *Hurrell-Harring* counties, certain appellate defenders, and those who provide representation in family cases only).

Locality	Name of the provider	Type
<b>Albany</b>	Albany County Assigned Counsel Plan	Assigned Counsel
	Albany County Alternate Public Defender	Conflict Defender/Alternate Defender
	Albany County Public Defender	Public Defender
<b>Allegany</b>	Allegany County Assigned Counsel Plan for Indigent Persons	Assigned Counsel
	Allegany-Cattaraugus Legal Services, Inc.	Conflict Defender/Alternate Defender
	Allegany County Public Defender	Public Defender
<b>Broome</b>	Broome County Assigned Counsel	Assigned Counsel
	Broome County Public Defender	Public Defender
<b>Cattaraugus</b>	Cattaraugus County Assigned Counsel Plan	Assigned Counsel
	Cattaraugus County Public Defender	Public Defender
<b>Cayuga</b>	Cayuga County Assigned Counsel for the Indigent Program	Assigned Counsel
<b>Chautauqua</b>	Chautauqua County Assigned Counsel	Assigned Counsel
	Chautauqua County Public Defender	Public Defender
<b>Chemung</b>	Chemung County Assigned Counsel	Assigned Counsel
	Chemung County Public Advocate	Conflict Defender/Alternate Defender
	Chemung County Public Defender	Public Defender
<b>Chenango</b>	Chenango County Assigned Counsel Plan	Assigned Counsel
	Chenango County Public Defender	Public Defender
<b>Clinton</b>	Clinton County Assigned Counsel Program	Assigned Counsel
<b>Columbia</b>	Columbia County Assigned Counsel	Assigned Counsel
	Columbia County Public Defender	Public Defender
	Columbia County Conflict Defender	Private attorney <sup>19</sup>
	Columbia County First Alternate Conflict Defender	Private attorney
	Columbia County Second Alternate Conflict Defender	Private attorney
<b>Cortland</b>	Cortland County Assigned Counsel Plan	Assigned Counsel
	Cortland County Public Defender Office	Public Defender

<sup>19</sup>Privately-contracted providers of mandated representation.

Locality	Name of the provider	Type
<b>Delaware</b>	Delaware County Assigned Counsel Plan	Assigned Counsel
<b>Dutchess</b>	Dutchess County Assigned Counsel	Assigned Counsel
	Dutchess County Public Defender	Public Defender
<b>Erie</b>	Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	Assigned Counsel
	Legal Aid Bureau of Buffalo, Inc.	Non-profit <sup>20</sup>
<b>Essex</b>	Essex County Assigned Counsel	Assigned Counsel
	Essex County Public Defender	Public Defender
<b>Franklin</b>	Franklin County Assigned Counsel Plan	Assigned Counsel
	Franklin County Conflict Defender	Conflict Defender/Alternate Defender
	Franklin County Public Defender	Public Defender
	Franklin County Alternate Conflict Defender	Private attorney
<b>Fulton</b>	Fulton County Assigned Counsel	Assigned Counsel
	Fulton County Public Defender	Public Defender
<b>Genesee</b>	Genesee County Assigned Counsel	Assigned Counsel
	Genesee County Public Defender	Public Defender
<b>Greene</b>	Greene County Assigned Counsel	Assigned Counsel
	Greene County Public Defender	Public Defender
<b>Hamilton</b>	Hamilton County Assigned Counsel	Assigned Counsel
<b>Herkimer</b>	Herkimer County Assigned Counsel Program	Assigned Counsel
<b>Jefferson</b>	Jefferson County Assigned Counsel	Assigned Counsel
	Jefferson County Public Defender	Public Defender
<b>Lewis</b>	Lewis County Assigned Counsel	Assigned Counsel
	Lewis County Conflict Defender	Private attorney
	Lewis Defenders, PLLC	Private attorney
<b>Livingston</b>	Livingston County Assigned Counsel	Assigned Counsel
	Livingston County Conflict Defender	Conflict Defender/Alternate Defender
	Livingston County Public Defender	Public Defender
<b>Madison</b>	Madison County Assigned Counsel Plan	Assigned Counsel
	Madison County Public Defender	Non-profit
<b>Monroe</b>	Monroe County Assigned Counsel	Assigned Counsel
	Monroe County Conflict Defender	Conflict Defender/Alternate Defender
	Monroe County Public Defender	Public Defender
<b>Montgomery</b>	Montgomery Assigned Counsel	Assigned Counsel
	Montgomery County Public Defender	Public Defender

<sup>20</sup>Non-profit institutional providers of mandated representation, such as legal aid societies and other defender services.



Locality	Name of the provider	Type
<b>Nassau</b>	Nassau County Assigned Counsel Defender Plan	Assigned Counsel
	Legal Aid Society of Nassau County	Non-profit
<b>New York City</b>	Assigned Counsel Plan, Appellate Division, First Department	Assigned Counsel
	Assigned Counsel Plan, Appellate Division, Second Department	Assigned Counsel
	Center for Appellate Litigation	Appellate Defender
	Office of the Appellate Defender	Appellate Defender
	Appellate Advocates	Appellate Defender
	Brooklyn Defender Services	Non-profit
	Bronx Defenders	Non-profit
	The Legal Aid Society	Non-profit
	Neighborhood Defender Service of Harlem	Non-profit
	New York County Defender Services	Non-profit
	Queens Law Associates	Non-profit
	<b>Niagara</b>	Niagara County Assigned Counsel
Niagara County Conflict Defender		Conflict Defender/Alternate Defender
Niagara County Public Defender		Public Defender
<b>Oneida</b>	Oneida County Supplemental Assigned Counsel Program	Assigned Counsel
	Oneida County Public Defender – Criminal Division	Public Defender
<b>Orange</b>	Orange County Assigned Counsel Plan	Assigned Counsel
	The Legal Aid Society of Orange County, Inc.	Non-profit
<b>Orleans</b>	Orleans County Assigned Counsel Plan	Assigned Counsel
	Orleans County Public Defender	Public Defender
<b>Oswego</b>	Oswego County Assigned Counsel Plan	Assigned Counsel
<b>Otsego</b>	Otsego Assigned Counsel	Assigned Counsel
	Otsego County Public Defender	Public Defender
<b>Putnam</b>	Putnam County Assigned Counsel	Assigned Counsel
	Putnam County Legal Aid Society, Inc.	Non-profit
<b>Rensselaer</b>	Rensselaer County Assigned Counsel Plan	Assigned Counsel
	Rensselaer County Conflict Defender	Conflict Defender/Alternate Defender
	Rensselaer County Public Defender	Public Defender
<b>Rockland</b>	Rockland County Assigned Counsel Plan	Assigned Counsel
	Rockland County Public Defender	Public Defender
<b>Saint Lawrence</b>	St. Lawrence County Assigned Counsel Program	Assigned Counsel

Locality	Name of the provider	Type
	St. Lawrence County Conflict Defender	Conflict Defender/Alternate Defender
	St. Lawrence County Public Defender	Public Defender
<b>Saratoga</b>	Saratoga County Assigned Counsel	Assigned Counsel
	Saratoga County Conflict Defender	Conflict Defender/Alternate Defender
	Saratoga County Public Defender	Public Defender
<b>Schenectady</b>	Schenectady County Assigned Counsel Plan	Assigned Counsel
	Schenectady County Conflict Defender	Conflict Defender/Alternate Defender
	Schenectady County Public Defender	Public Defender
<b>Schoharie</b>	Schoharie County Assigned Counsel Plan	Assigned Counsel
<b>Seneca</b>	Seneca County Assigned Counsel	Assigned Counsel
	Seneca County Public Defender	Public Defender
<b>Steuben</b>	Steuben Assigned Counsel Plan	Assigned Counsel
	Steuben County Conflict Defender	Conflict Defender/Alternate Defender
	Steuben County Public Defender	Public Defender
<b>Sullivan</b>	Sullivan County Assigned Counsel	Assigned Counsel
	Sullivan County Conflict Legal Aid Bureau	Non-profit
	Sullivan Legal Aid Panel, Inc.	Non-profit
<b>Tioga</b>	Tioga County Assigned Counsel Plan	Assigned Counsel
	Tioga County Public Defender	Public Defender
<b>Tompkins</b>	Tompkins County Assigned Counsel Program	Assigned Counsel
<b>Ulster</b>	Ulster County Assigned Counsel	Assigned Counsel
	Ulster County Public Defender	Public Defender
<b>Warren</b>	Warren County Assigned Counsel Plan	Assigned Counsel
	Warren County Public Defender	Public Defender
<b>Wayne</b>	Wayne County Assigned Counsel Program	Assigned Counsel
	Wayne County Public Defender	Public Defender
<b>Westchester</b>	Westchester County Assigned Counsel Plan	Assigned Counsel
	Legal Aid Society of Westchester County	Non-profit
<b>Wyoming</b>	Wyoming County Assigned Counsel Plan	Assigned Counsel
	Wyoming County Public Defender	Public Defender
<b>Yates</b>	Yates County Assigned Counsel Program	Assigned Counsel
	Yates County Conflict Defender	Conflict Defender/Alternate Defender
	Yates County Public Defender	Public Defender

## APPENDIX B: COURTS BY COUNTY AND TYPE

(Excludes the five *Hurrell-Harring* and NYC counties)<sup>21</sup>

COUNTY	CITY COURT	COUNTY COURT	COUNTY SUPREME	TOWN COURT	VILLAGE COURT	DISTRICT COURT	TOTAL
Albany	3	1	1	10	3	0	18
Allegany	0	1	1	28	6	0	36
Broome	1	1	1	16	3	0	22
Cattaraugus	2	1	1	32	4	0	40
Cayuga	1	1	1	23	4	0	30
Chautauqua	2	1	1	27	4	0	35
Chemung	1	1	1	11	3	0	17
Chenango <sup>22</sup>	1	1	1	22	4	0	29
Clinton <sup>23</sup>	1	1	1	14	1	0	18
Columbia	1	1	1	18	3	0	24
Cortland <sup>24</sup>	1	1	1	15	0	0	18
Delaware	0	1	1	19	3	0	24
Dutchess	2	1	1	20	6	0	30
Erie <sup>25</sup>	3	1	1	25	10	0	40
Essex	0	1	1	18	1	0	21
Franklin	0	1	1	19	1	0	22
Fulton	2	1	1	10	1	0	15
Genesee	1	1	1	13	1	0	17
Greene	0	1	1	14	2	0	18

<sup>21</sup>This list includes all courts listed by OCA, all courts listed by DCJS, and courts absent from both lists but identified by respondents to the ILS CAFA survey; it excludes courts in NYC's counties and *Hurrell-Harring* counties.

<sup>22</sup>Note that two courts—Earlville TC and Willet TC—are also served by Cortland and Madison providers of arraignment.

<sup>23</sup>Note that until Spring 2017, this county had an additional Village Court –Rouses Point—which has since closed. Providers were not asked about this court in the survey.

<sup>24</sup>See footnote 22, above.

<sup>25</sup>The survey submitted to the county had 41—rather than 40—courts. It included Buffalo Traffic Violation Agency, in error (arraignments are not conducted during the Buffalo Traffic Violation Agency as any low-level misdemeanors will be referred to the Buffalo City Court for arraignment).

COUNTY	CITY COURT	COUNTY COURT	COUNTY SUPREME	TOWN COURT	VILLAGE COURT	DISTRICT COURT	TOTAL
Hamilton	0	1	0 <sup>26</sup>	9	0	0	10
Herkimer	1	1	1	19	3	0	25
Jefferson	1	1	1	22	7	0	32
Lewis	0	1	1	17	2	0	21
Livingston	0	1	1	17	6	0	25
Madison <sup>27</sup>	1	1	1	15	6	0	24
Monroe	1	1	1	20	3	0	26
Montgomery	1	1	1	10	2	0	15
Nassau	2	1	1	0	63	1	68
Niagara	3	1	1	12	0	0	17
Oneida	3	1	1	26	9	0	40
Orange	3	1	1	20	13	0	38
Orleans	0	1	1	10	0	0	12
Oswego	2	1	1	22	1	0	27
Otsego	1	1	1	24	1	0	28
Putnam	0	1	1	6	3	0	11
Rensselaer	2	1	1	14	2	0	20
Rockland <sup>28</sup>	0	1	1	5	17	0	24
Saratoga	2	1	1	19	2	0	25
Schenectady	1	1	1	5	1	0	9
Schoharie	0	1	1	16	1	0	19
Seneca	0	1	1	10	1	0	13
St. Lawrence <sup>29</sup>	1	1	1	32	1	0	36
Steuben	2	1	1	32	6	0	42
Sullivan	0	1	1	15	3	0	20
Tioga	0	1	1	9	3	0	14
Tompkins	1	1	1	9	2	0	14
Ulster	1	1	1	20	2	0	25
Warren	1	1	1	11	0	0	14

<sup>26</sup>There are no Supreme Court sessions held in Hamilton County. Sessions are held in Fulton County Supreme Court (see <https://www.nycourts.gov/courts/4jd/hamilton/index.shtml>).

<sup>27</sup>See footnote 22, above.

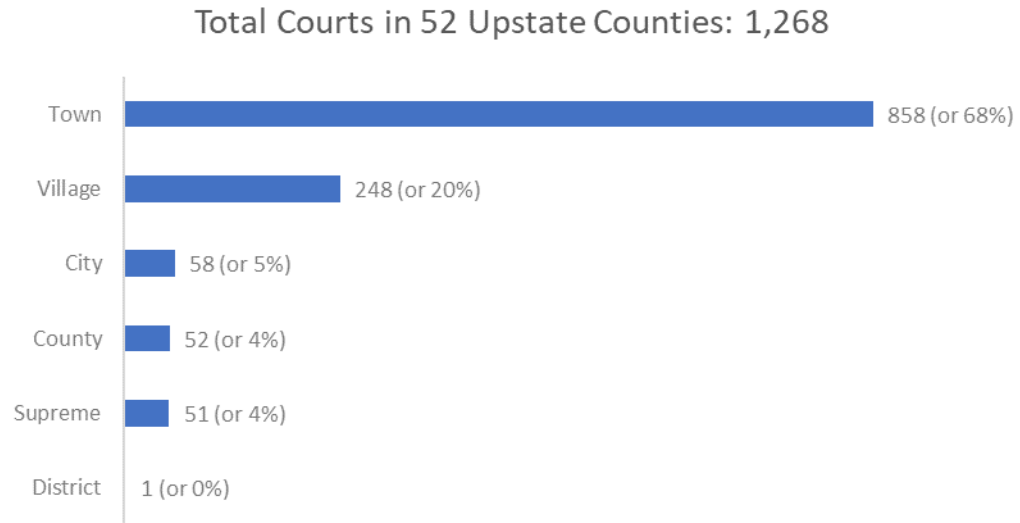
<sup>28</sup>The Village of Upper Nyack Justice Court was not originally included in the survey, as it was absent from both the OCA and DCJS' lists. It was identified by the survey respondent and added to ILS' list.

<sup>29</sup>The Massena VC was not originally included in the survey, as it was absent from both the OCA and DCJS' lists. It was identified by the survey respondent and added to ILS' list.

COUNTY	CITY COURT	COUNTY COURT	COUNTY SUPREME	TOWN COURT	VILLAGE COURT	DISTRICT COURT	TOTAL
<b>Wayne</b>	0	1	1	15	4	0	21
<b>Westchester</b>	6	1	1	18	17	0	43
<b>Wyoming</b>	0	1	1	16	5	0	23
<b>Yates</b>	0	1	1	9	2	0	13
<b>TOTAL</b>	<b>58</b>	<b>52</b>	<b>51</b>	<b>858</b>	<b>248</b>	<b>1</b>	<b>1,268</b>

## APPENDIX C: NUMBER OF COURTS BY TYPE

(Excludes the five *Hurrell-Harring* and NYC counties; due to rounding, percentages may not add to 100.)



## APPENDIX D: STATEWIDE IMPLEMENTATION MEETINGS WITH COUNTIES

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>August 30, 2017</b>	Albany	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Bill Leahy	Public Defender Steven Herrick, Public Defender Legal Secretary Jane Pearson Curtis, Conflict Defender Sherrie Brooks, Assistant Conflict Defender Matt Hauf, and Assigned Counsel Administrator Larry Rosen.
<b>August 30, 2017</b>	Allegany	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Barbara Kelly, Assigned Counsel Administrator Ed Pekarek, Conflict Defender Annette Harding, County Attorney Thomas Minor, Assistant County Attorney Carissa Knapp, and County Treasurer Terri Ross
<b>September 27, 2017</b>	Broome	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, Cynthia Feathers, and Bill Leahy	Public Defender Jay Wilber, First Assistant Public Defender Mike Baker, County Budget Director Jerry Knebel, Director of Personnel Tom Behan, Risk Manager Tom Dellapenna, County Attorney Bob Behnke, Comptroller Alex McLaughlin, and Legislative Analyst Chris Dziedzic
<b>October 2, 2017</b>	Broome	Joanne Macri and Matt Alpern	First Assistant Public Defender Mike Baker and Comptroller Alex McLaughlin
<b>August 9, 2017</b>	Cattaraugus	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren.	Public Defender Mark Williams, First Assistant Public Defender Darryl Blum, Public Defender Investigator Philip Gates, Public Defender Secretary Amy Benner, County Attorney Eric Firkle, Deputy County Administrator Kelly Reed, Chairperson of the Cattaraugus County Legislature Paula Stockman, Assigned Counsel Program Paralegal Tammy Williams, Assistant Town Clerk Shane Gould
<b>June 1, 2017</b>	Cayuga	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Lloyd Hoskins.

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>August 2, 2017</b>	Chautauqua	Joanne Macri and Matt Alpern	Public Defender Ned Barone
<b>September 7, 2017</b>	Chemung	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers.	Public Defender Scott Fiero and Conflict Defender John Brennan
<b>August 10, 2017</b>	Chenango	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender John Cameron and Assigned Counsel Administrator Karri Beckwith
<b>August 3, 2017</b>	Clinton	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Justin Meyers, Clinton County Administrator Michael Zurlo, and Chairperson of the Clinton County Legislature's Public Safety Committee Simon Conroy
<b>September 26, 2017</b>	Columbia	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Robert Linville
<b>September 13, 2017</b>	Cortland	Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers.	Public Defender Keith Dayton
<b>October 18, 2017</b>	Delaware	Bill Leahy, Joanne Macri, Amanda Oren, Giza Lopes, and Andrew Davies	Amy Merklen, County Attorney, Christa Schafer, Clerk of the County Legislature
<b>June 7, 2017</b>	Dutchess	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Tom Angell
<b>June 21, 2017</b>	Erie	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Robert Convissar and Legal Aid Society Chief David Schopp



DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>May 31, 2017</b>	Essex	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Brandon Boutelle and County Attorney Dan Manning.
<b>September 6, 2017</b>	Franklin	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers	Public Defender Tom Soucia and Assigned Counsel Administrator Jill Dyer-Jock
<b>June 22, 2017</b>	Fulton	Joe Wierschem, Joanne Macri, and Matt Alpern	Fulton County Public Defender Gerard McCauliffe
<b>September 15, 2017</b>	Genesee	Joe Wierschem, Joanne Macri, Amanda Oren, and Cynthia Feathers	Public Defender Jerry Ader
<b>October 3, 2017</b>	Greene	Joanne Macri, Matt Alpern and Amanda Oren	Public Defender Angelo Scatturo
<b>October 25, 2017</b>	Hamilton	Joanne Macri and Amanda Oren	Mr. Bill Farber, Hamilton County Board of Supervisors chairman
<b>September 7, 2017</b>	Herkimer	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers	Assigned Counsel Administrator Keith Bowers and County Attorney Robert Malone.
<b>September 12, 2017</b>	Jefferson	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Julie Hutchins
<b>October 4, 2017</b>	Lewis	Joanne Macri and Matt Alpern	Public Defender Mike Young, Assistant Public Defender Lydia Young, and Conflict Defender Tim McClusky

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>August 16, 2017</b>	Livingston	Joanne Macri and Amanda Oren	Public Defender Marcea Clark-Tetamore and Conflict Defender Hayden Dadd
<b>September 21, 2017</b>	Madison	Joanne Macri, Amanda Oren, and Matt Alpern	Public Defender Paul Hadley and Assigned Counsel Administrator Jeffrey Aumell
<b>July 18, 2017</b>	Monroe	Joe Wierschem, Joanne Macri, and Matt Alpern. New York State Department of Budget Analysts Cillian Flavin and Alison Verdini also attended the meeting.	Public Defender Tim Donaher and Conflict Defender/Assigned Counsel Administrator Mark Funk
<b>September 20, 2017</b>	Montgomery	Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Public Defender Bill Martescello
<b>August 22, 2017</b>	Nassau	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Society Executive Director Scott Banks, LAS County Court Bureau Chief Rick Ellman and Assigned Counsel Administrator Bob Nigro
<b>November 2, 2017</b>	New York City ACP (1st Dept.)	Joanne Macri and Amanda Oren	Assigned Counsel Administrator Michael Alperstein and Scott Matthew-Novelli from the Mayor's Office of Criminal Justice (MOCJ).
<b>October 31, 2017</b>	New York City ACP (2 <sup>nd</sup> Dept.)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren.	Assigned Counsel Administrator Barbara DiFiore
<b>November 1, 2017</b>	New York City (Bronx Defenders)	Joanne Macri, Matt Alpern, and Amanda Oren	Acting Executive Director Justine Olderman, Criminal Defense Practice Director Alice Fontier and Scott Matthews-Novelli (MOCJ)

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>November 2, 2017</b>	New York City (Brooklyn Defender Service)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Lisa Schreibersdorf and Scott Matthews-Novelli (MOCJ)
<b>October 31, 2017</b>	New York City (Legal Aid Society)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Attorney-in-Charge of the Criminal Defense Practice Justine Luongo and Scott Matthews-Novelli (MOCJ)
<b>November 1, 2017</b>	New York City (Neighborhood Defender Services)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Rick Jones, Chief Operating Officer Mike Smith, and Managing Attorney of the Criminal Practice Matt Knecht
<b>November 1, 2017</b>	New York City (New York County Defender Services)	Joanne Macri, Matt Alpern and Amanda Oren.	Executive Director Stan Germán and Supervising Attorney/Legal Director Kevin O'Connell and Scott Matthew-Novelli (MOCJ)
<b>November 2, 2017</b>	New York City (Queens Law Associates)	Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Joseph Vaccarino
<b>October 26, 2017</b>	New York City (Office of Appellate Advocates)	Joe Wierschem, Joanne Macri, Matt Alpern, and Cynthia Feathers.	Attorney-in-Charge Paul "Skip" Laisure and Scott Mathews-Novelli (MOCJ)
<b>October 27, 2017</b>	New York City (Center for Appellate Litigation)	Joanne Macri and Cynthia Feathers	Attorney-in-Charge Robert Dean
<b>October 27, 2017</b>	New York City (Office of Appellate Defender)	Joanne Macri, Matt Alpern, and Cynthia Feathers.	Attorney-in-Charge Christina Swarns and Scott Mathews-Novelli (MOCJ)

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>July 19, 2017</b>	Niagara	Joe Wierschem, Joanne Macri, Matt Alpern, and Bill Leahy	Public Defender David Farrugia and Administrative Assistant Pam Nimitz, Conflict Defender/Assigned Counsel Administrator Kathleen Kugler and Administrative Assistant Jean Caligiuri, and County Legislator David Godfrey, Chairperson of the Legislature's Community Safety and Security Committee
<b>May 31, 2017</b>	Oneida	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Frank Nebush, Civil Division Public Defender Frank Furno, Assigned Counsel Program Administrators Mike Arcuri and Kim Strong Flynt, and County Budget Officer Tom Keeler
<b>September 20, 2017</b>	Orange	Joe Wierschem, Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Legal Aid Society Chief Attorney Gary Abramson
<b>August 4, 2017</b>	Orleans	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Sanford Church, Assigned Counsel Administrator Jeffrey Martin and Orleans County Chief Administrative Officer Chuck Nesbitt
<b>July 21, 2017</b>	Oswego	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Sara Davis
<b>June 7, 2017</b>	Otsego	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Bruce Maxson and County Attorney Ellen Coccoma
<b>September 22, 2017</b>	Putnam	Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Society Chief Attorney David Squirrell and Acting Director of the Putnam County Department of Planning, Development, and Public Transportation Sandra Fusco
<b>October 4, 2017</b>	Rensselaer	Joanne Macri, Matt Alpern and Amanda Oren	Public Defender John Turi, Conflict Defender Sandra McCarthy, and County Attorney/Assigned Counsel Administrator Stephen Pechenik

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
<b>October 11, 2017</b>	Rockland	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender James Licata and Assigned Counsel Administrator Keith Branfotel
<b>September 15, 2017</b>	Saratoga	Joe Wierschem, Joanne Macri, Amanda Oren and Cynthia Feathers	Matt Vietch, County Supervisor for Saratoga Springs, Oscar Schreiber, Public Defender, and Kyran Nigro, Conflict Defender
<b>October 5, 2017</b>	Schenectady	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Steve Signore, Conflict Defender Tracey Chance, and Assigned Counsel Administrator Frank Salmone
<b>June 7, 2017</b>	Schoharie	Joe Wierschem, Joanne Macri, and Matt Alpern.	Assigned Counsel Administrator Suzanne Graulich and Assistant County Administrator Fonda Chronis
<b>August 24, 2017</b>	Seneca	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Mike Mirras and County Manager John Sheppard
<b>August 9, 2017</b>	St. Lawrence	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Steve Ballan, Assistant Public Defender James McGahan, Public Defender Legal Secretary Cathleen Harland, Conflict Defender Amy Dona, Assigned Counsel Administrator Scott Goldie, and Office of Indigent Defense Legal Secretary Faith Demers-St. Hilaire
<b>September 19, 2017</b>	Steuben	Joe Wierschem, Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Public Defender Phil Roche, First Assistant Public Defender Sean Sorrow, and Deputy County Attorney Mitch Alger
<b>September 29, 2017</b>	Sullivan	Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Panel Director Tim Havas and Conflict Defender Joel Proyect

<b>DATE</b>	<b>COUNTY</b>	<b>ILS ATTENDEES</b>	<b>COUNTY PARTICIPANTS</b>
<b>August 2, 2017</b>	Tioga	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender George Awad, Assistant Public Defender Tom Klein, Assigned Counsel Administrator Irene Graven, and County Attorney Peter DeWind
<b>June 29, 2017</b>	Tompkins	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Program Supervising Attorney Lance Salisbury and Program Coordinator Julia Hughes
<b>September 28, 2017</b>	Ulster	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Andrew Kossover
<b>June 28, 2017</b>	Warren	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Marcy Flores and Assigned Counsel Administrator Joy LaFountain.
<b>August 31, 2017</b>	Wayne	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Jim Kernan, First Assistant Public Defender Andy Correia, and Assigned Counsel Administrator Bruce Chambers
<b>July 19, 2017</b>	Westchester	Joe Wierschem, Joanne Macri, and Matt Alpern	Legal Aid Society Executive Director Claire Degnan and Assigned Counsel Administrator Karen Needleman
<b>June 7, 2017</b>	Wyoming	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Norm Effman and County Budget Analyst Janice Cook
<b>August 16, 2017</b>	Yates	Joanne Macri and Amanda Oren	Public Defender Ed Brockman, Assigned Counsel Administrator Dianne Lovejoy, and Conflict Defender Tiffany Sorgen

## APPENDIX E: CAFA #1 AWARD GRANTEES

Office of Indigent Legal Services FIRST COUNSEL AT FIRST APPEARANCE AWARDS June 1, 2013 - May 31, 2016	
1	Albany
2	Broome
3	Cattaraugus
4	Cayuga
5	Chemung
6	Dutchess
7	Erie
8	Herkimer
9	Monroe
10	Nassau
11	Niagara
12	Oneida
13	Onondaga
14	Ontario
15	Oswego
16	Rensselaer
17	Rockland
18	Schuyler
19	St. Lawrence
20	Suffolk
21	Tompkins
22	Ulster
23	Westchester
24	Wyoming
25	Yates

## APPENDIX F: CAFA #2 AWARD GRANTEES

Office of Indigent Legal Services SECOND COUNSEL AT FIRST APPEARANCE AWARDS January 1, 2017 - December 31, 2019	
1	Albany
2	Allegany
3	Broome
4	Cattaraugus
5	Cayuga
6	Chemung
7	Columbia
8	Dutchess
9	Erie
10	Fulton
11	Genesee
12	Greene
13	Madison
14	Monroe
15	Montgomery
16	Nassau
17	Niagara
18	Oneida
19	Oswego
20	Putnam
21	Rensselaer
22	Rockland
23	Saratoga
24	Schenectady
25	St. Lawrence
26	Tompkins
27	Warren
28	Wayne
29	Westchester
30	Wyoming



## **APPENDIX G: ILS' COUNSEL AT ARRAIGNMENT SURVEY PART I: Brief Methodological Overview and Sample Instrument**

**OVERVIEW:** ILS designed a survey instrument to measure the status of counsel at arraignment in each of the 52 Upstate counties (*Hurrell-Harring* counties and New York City were excluded). The survey asked detailed questions about the extent to which providers of indigent legal services provide counsel at arraignments in all of their courts and within different court sessions. In early 2017, the survey was sent electronically to stakeholders in each county—with a unique link being produced for each, containing that county's courts. Recipients were encouraged to collaborate if they so wished and were asked to submit one response per county. Once responses were gathered, ILS sent to each respondent summaries of their submission in order to confirm the status of representation at arraignment in each county and responses were revised as applicable. Responses from all 52 counties were received. Included below is a sample survey instrument.



Counsel at Arraignment Survey - Albany County

Introduction

The Office of Indigent Legal Services (ILS) has the mandate to develop plans to help providers of indigent legal services across the state provide counsel at all arraignment sessions. This survey is designed to help us identify how we can do that.

This survey pertains to the current status of counsel at arraignment in your county. It asks detailed questions about the extent to which providers of indigent legal services provide counsel at arraignments in all of your county's courts.

The link with which you have been provided is unique to your county. Only one response per county is possible. **To ensure your responses are saved, please click 'Next' or 'Done' at the bottom of each page.** You will be able to return and revise your responses later if you wish.

You may share the link with others, and we encourage you to collaborate with others to fill out the survey if necessary. If you require, or would prefer, a paper version of this survey, please request one by writing to [surveys@ils.ny.gov](mailto:surveys@ils.ny.gov). **We ask that you finalize your responses to the survey by July 7, 2017.**

This survey is only the first step in the planning process. ILS will also be reaching out to each county to discuss and develop individualized plans to address the need to provide counsel at arraignment. If at any time you have questions about this process or the needs of your county, please contact us at [surveys@ils.ny.gov](mailto:surveys@ils.ny.gov).



Counsel at Arraignment Survey - Albany County

Contact Information

1. Please enter the contact information of the person primarily responsible for filling out this survey.

<b>Name</b>	<input type="text"/>
<b>Title</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>Address 2</b>	<input type="text"/>
<b>City/Town</b>	<input type="text"/>
<b>COUNTY</b>	<input type="text"/>
<b>ZIP/Postal Code</b>	<input type="text"/>
<b>Email Address</b>	<input type="text"/>
<b>Phone Number</b>	<input type="text"/>



Counsel at Arraignment Survey - Albany County

CAFA coverage in your county's courts

**Definitions**

'Arraignment' is defined in the Hurrell-Harring settlement to mean the first appearance by a person charged with a crime or violation before a judge or magistrate, with the exception of appearances where no prosecutor appears, and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged. In the latter situation, 'arraignment' refers to the person's next appearance in before a judge or magistrate.

'Off-hours' refers to any appearance that occurs at a time other than a regularly scheduled court session, even it occurs on a weekday during business hours.

2. Please check the boxes below if counsel at arraignment is **always or almost always** provided in the court at the times indicated. Your answers should reflect the status of counsel at arraignment on the **date the survey is completed**, and should not reflect future planned changes.

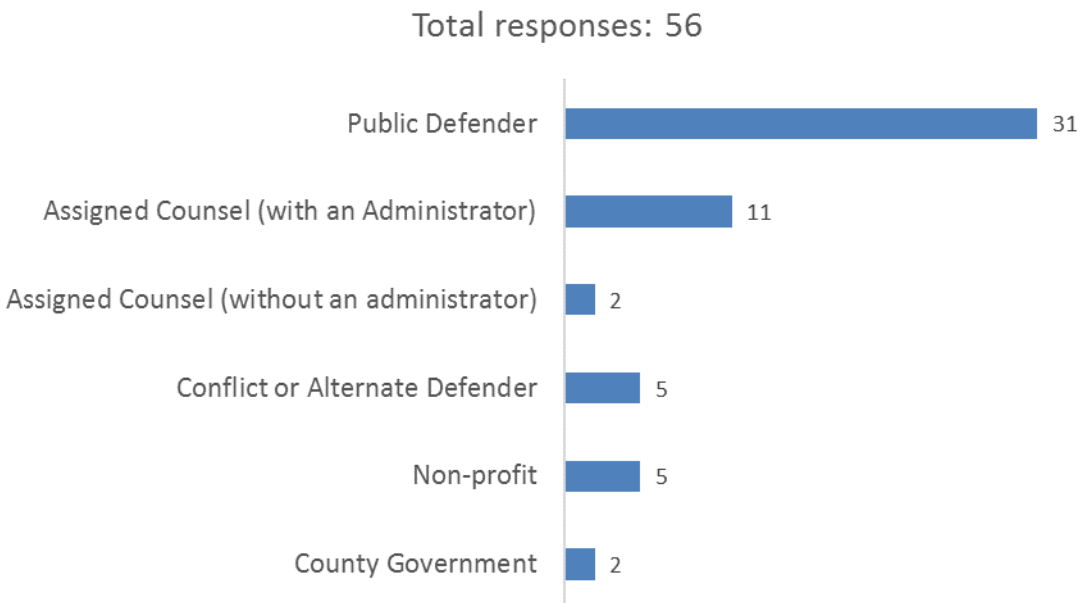
	Scheduled sessions when a prosecutor is present (sometimes called 'D.A. nights')	Scheduled sessions when a prosecutor is not present (sometimes called 'non-D.A. nights')	Off-hours appearances on weekdays 9am-5pm	Off-hours appearances on weekdays after 5pm or before 9am	Off-hours appearances on weekends and holidays
Albany County Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Albany Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Albany City Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohoes City Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watervliet City Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Altamont Village Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Berne Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bethlehem Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coeymans Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colonie Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Green Island Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guilderland Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knox Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menands Village Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Scotland Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ravena Village Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rensselaerville Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Westerlo Town Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type here to add any additional details you think we should know, including if a court has various parts with differing coverage.

3. Please advise if any additional courts are missing from the list above, and note the extent of counsel at arraignment coverage in those courts.

## ILS' COUNSEL AT ARRAIGNMENT SURVEY PART II: Brief Methodological Overview and Instrument

**OVERVIEW:** On June 22, 2017, a survey containing 9 questions regarding arraignment coverage was distributed via email to stakeholders in 52 counties (NYC's counties and the five counties covered by the *Hurrell-Harring* Settlement were not included in the solicitation list). Individual recipient lists were constructed for each county, though all included both defense service providers in every county and members of county government. As of 11/28/2017, ILS had received responses from 56 individuals in 50 New York counties.<sup>30</sup> The figure below summarizes the responses by type of provider.<sup>31</sup> The survey instrument is included below.



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<sup>30</sup>A grand total of 63 responses to the survey were submitted electronically. Of these, 56 responses were considered “valid”. Exclusions were: submissions in error (entirely blank) and multiple submissions by the same provider (excluded after consolidating the responses).

<sup>31</sup>The types shown here result from a classification by ILS.



Counsel at Arraignment Survey

Introduction

The Office of Indigent Legal Services (ILS) has the mandate to develop plans to help providers of indigent legal services across the state provide counsel at all arraignment sessions. This survey is designed to help us identify how we can do that.

This survey is for you to share your experiences of providing counsel at arraignment. If you require, or would prefer, a paper version of this survey, please request one by writing to [surveys@ils.ny.gov](mailto:surveys@ils.ny.gov). **We ask that you finalize your responses to the survey by July 7, 2017.**

Please note the following regarding terminology:

1) 'Arraignment' is defined in the Hurrell-Harring settlement to mean the first appearance by a person charged with a crime or violation before a judge or magistrate, with the exception of appearances where no prosecutor appears, and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged. In the latter situation, 'arraignment' refers to the person's next appearance in before a judge or magistrate.

2) We use the term 'off-hours' to refer to any appearance that occurs at a time other than a regularly scheduled court session, even it occurs on a weekday during business hours.

This survey is only the first step in the planning process. ILS will also be reaching out to each county to discuss and develop individualized plans to address the need to provide counsel at arraignment. If at any time you have questions about this process or the needs of your county, please contact us at [surveys@ils.ny.gov](mailto:surveys@ils.ny.gov).



Counsel at Arraignment Survey

Contact Information

1. Please enter your contact information.

<b>Name</b>	<input type="text"/>
<b>Title</b>	<input type="text"/>
<b>Program name</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>Address 2</b>	<input type="text"/>
<b>COUNTY</b>	<input type="text"/>
<b>ZIP/Postal Code</b>	<input type="text"/>
<b>Email Address</b>	<input type="text"/>
<b>Phone Number</b>	<input type="text"/>





Counsel at Arraignment Survey

Providers responsible for counsel at first appearance

2. Does your program provide counsel at arraignment in your county?

Yes

No

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

3. Have you been engaged in any discussions regarding the creation of centralized arraignment parts in your county?

- Yes. *If yes please explain*
- No
- Unknown

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

4. How are defense providers or attorneys notified about arraignments that take place 'off-hours' (outside of regularly scheduled sessions)? (Check all that apply)

- N/A - representation is not provided at off-hours first appearances
- 9-1-1 dispatcher notifies defense provider or attorney directly
- Judge notifies defense provider or attorney directly
- Arresting officer notifies defense provider or attorney directly. *If so, please indicate which law enforcement agencies perform this notification in the comment box below.*
- Jail notifies defense provider or attorney directly
- Defenders call the court to check if arraignment will take place
- Defenders call the jail to check if arraignment will take place
- Someone/something else notifies defense providers or attorneys. *Please specify in the box below.*
- Unknown

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

5. If counsel at arraignment is provided off-hours, which of the following best describes when the defense provider or attorney is notified an arraignment will take place?

- N/A - representation is not provided at off-hours first appearances
- Immediately upon arrest
- After arrest but before defendant arrives at court
- After defendant arrives at court but before court is in session
- After court is in session but before first appearance happens
- It varies. *Please explain below.*
- Unknown

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

6. Which, if any, of the following law enforcement agencies have a routine practice of issuing appearance tickets for nights when counsel is scheduled to appear? (Check all that apply)

- New York State Police
- County Sheriff's Dept
- City police forces (if any). *Please specify below*
- Town and/or village police forces (if any). *Please specify below*
- Other police forces (e.g. Parks, University, D.E.C.) *Please specify below*
- Unknown

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

Training

7. Are defense attorneys in your program provided with any specialized training on arraignment representation?

- Yes. *Please describe below*
- No
- N/A
- Unknown

Type here to add any additional details you think we should know.



Counsel at Arraignment Survey

Obstacles to implementation

8. What challenges or concerns, if any, are there about implementing counsel at arraignment in your county?



Counsel at Arraignment Survey

Last question

9. Is there anything else you would like us to know prior to meeting with you regarding counsel at first appearance in your county?

10. If you wish to upload any additional documents, you may do so here.

Click **Choose File** and upload a file from your computer. If you change your mind, you can click **Remove File** to clear your response, or **Replace File** to change the file.

Choose File

No file chosen



**APPENDIX H: INTERVIEWS REGARDING COVERAGE OF COUNSEL AT ARRAIGNMENT**

<b>COUNTY</b>	<b>PROVIDER INTERVIEWED</b>	<b>INTERVIEW DATE</b>
<b>ALBANY</b>	Terrence Kindlon, Esq., Public Defender's Office, Training Coordinator/Supervisor and Jane Pearson Curtis, Public Defender's Office, Manager	November 14, 2017
<b>ALLEGANY</b>	Barbara Kelley, Esq., Public Defender	November 14, 2017
<b>BROOME</b>	Michael Baker, Esq., Public Defender's Office, First Assistant Public Defender	November 13, 2017
<b>CATTARAUGUS</b>	Mark Williams, Esq., Public Defender	November 15, 2017
<b>CAYUGA</b>	Lloyd Hoskins, Assigned Counsel Administrator	November 14, 2017
<b>CHAUTAUQUA</b>	Ned Barone, Esq., Public Defender and Brian Taylor, Public Defender's Office Investigator	November 14, 2017
<b>CHEMUNG</b>	John Brennan, Esq., Public Advocate	November 15, 2017
<b>CHENANGO</b>	John Cameron, Esq., Public Defender and Karri Beckwith, Public Defender's Office, Paralegal and Assigned Counsel Coordinator	November 16, 2017
<b>CLINTON</b>	Justin Meyer, Esq., Assigned Counsel Administrator	November 10, 2017
<b>COLUMBIA</b>	Robert Linville, Esq., Public Defender	November 14, 2017
<b>CORTLAND</b>	Keith Dayton, Esq., Public Defender and Lyn Manning, Public Defender's Office, Confidential Secretary	
<b>DELAWARE</b>	Amy Merklen, Esq., County Attorney	November 10, 2017
<b>DUTCHESS</b>	Tom Angell, Esq., Public Defender	November 14, 2017

COUNTY	PROVIDER INTERVIEWED	INTERVIEW DATE
<b>ERIE</b>	Robert Convissar, Esq., Assigned Counsel Administrator	November 13, 2017
<b>ESSEX</b>	Brandon Boutelle, Esq., Public Defender	November 13, 2017
<b>FRANKLIN</b>	Tom Soucia, Esq., Public Defender and Jill Dyer, Assigned Counsel Coordinator	November 13, 2017
<b>FULTON</b>	Gerard McAuliffe, Esq., Public Defender and Assigned Counsel Coordinator	November 15, 2017
<b>GENESEE</b>	Jerry Ader, Esq., Public Defender	November 9, 2017
<b>GREENE</b>	Angelo Scaturro, Esq., Public Defender	November 15, 2017
<b>HAMILTON</b>	William Farber, Esq., County Attorney	October 25, 2017
<b>HERKIMER</b>	Robert Malone, Esq., County Attorney	November 14, 2017
<b>JEFFERSON</b>	Julie Hutchins, Esq., Public Defender	November 15, 2017
<b>LEWIS</b>	Michael Young, Esq., Public Defender	November 13, 2017
<b>LIVINGSTON</b>	Marcea Tetamore-Clark, Esq., Public Defender	November 14, 2017
<b>MADISON</b>	Paul Hadley, Esq., Public Defender	November 7, 2017
<b>MONROE</b>	Tim Donaher, Esq., Public Defender	November 13, 2017
<b>MONTGOMERY</b>	William Martuscello, Esq., Public Defender	November 10, 2017
<b>NASSAU</b>	Scott Banks, Esq., Attorney in Charge of the Nassau Legal Aid Society and Bob Nigro, Esq., Assigned Counsel Administrator	November 9, 2017 and November 15, 2017
<b>NIAGARA</b>	David Farrugia, Esq., Public Defender	November 15, 2017
<b>ONEIDA</b>	Frank Nebush, Esq., Public Defender	November 10, 2017

COUNTY	PROVIDER INTERVIEWED	INTERVIEW DATE
<b>ORANGE</b>	Gary Abramson, Esq., Chief Attorney of the Legal Aid Society of Orange County, Inc.	November 9, 2017
<b>ORLEANS</b>	Sanford Church, Esq., Public Defender	November 10, 2017
<b>OSWEGO</b>	Sara Davis, Esq., Assigned Counsel Administrator and Jessica Lee-Ford, Assigned Counsel Administrative Assistant	October 20, 2017 and November 9, 2017
<b>OTSEGO</b>	Bruce Maxson, Esq., Public Defender and Ellen Coccoma, Esq., County Attorney	November 14, 2017
<b>PUTNAM</b>	David Squirrell, Esq., Chief Attorney of the Putnam County Legal Aid Society, Inc.	November 9, 2017
<b>RENSSALEAR</b>	John Turi, Esq., Public Defender	November 15, 2017
<b>ROCKLAND</b>	Jim Licata, Esq., Public Defender	November 8, 2017
<b>SARATOGA</b>	Oscar Schreiber, Esq., Public Defender	November 7, 2017
<b>SCHENECTEDY</b>	Steve Signore, Esq., Public Defender and Tracey Chance, Esq., Conflict Defender	November 14, 2017 and November 15, 2017
<b>SCHOHARIE</b>	Suzanne Graulich, Esq., Assigned Counsel Administrator	November 14, 2017
<b>SENECA</b>	Mike Mirras, Esq., Public Defender	November 6, 2017
<b>ST. LAWRENCE</b>	Steve Ballan, Esq., Public Defender	November 8, 2017 and November 13, 2017 and November 20, 2017
<b>STEUBEN</b>	Phil Roche, Esq., Public Defender	November 9, 2017
<b>SULLIVAN</b>	Tim Havas, Esq., Executive Director of the Sullivan Legal Aid Panel, Inc.	November 6, 2017 and November 7, 2017
<b>TIOGA</b>	George Awad, Esq., Public Defender	November 7, 2017 and November 13, 2017
<b>TOMPKINS</b>	Julia Hughes, Assigned Counsel Administrator	November 3, 2017 and November 8, 2017

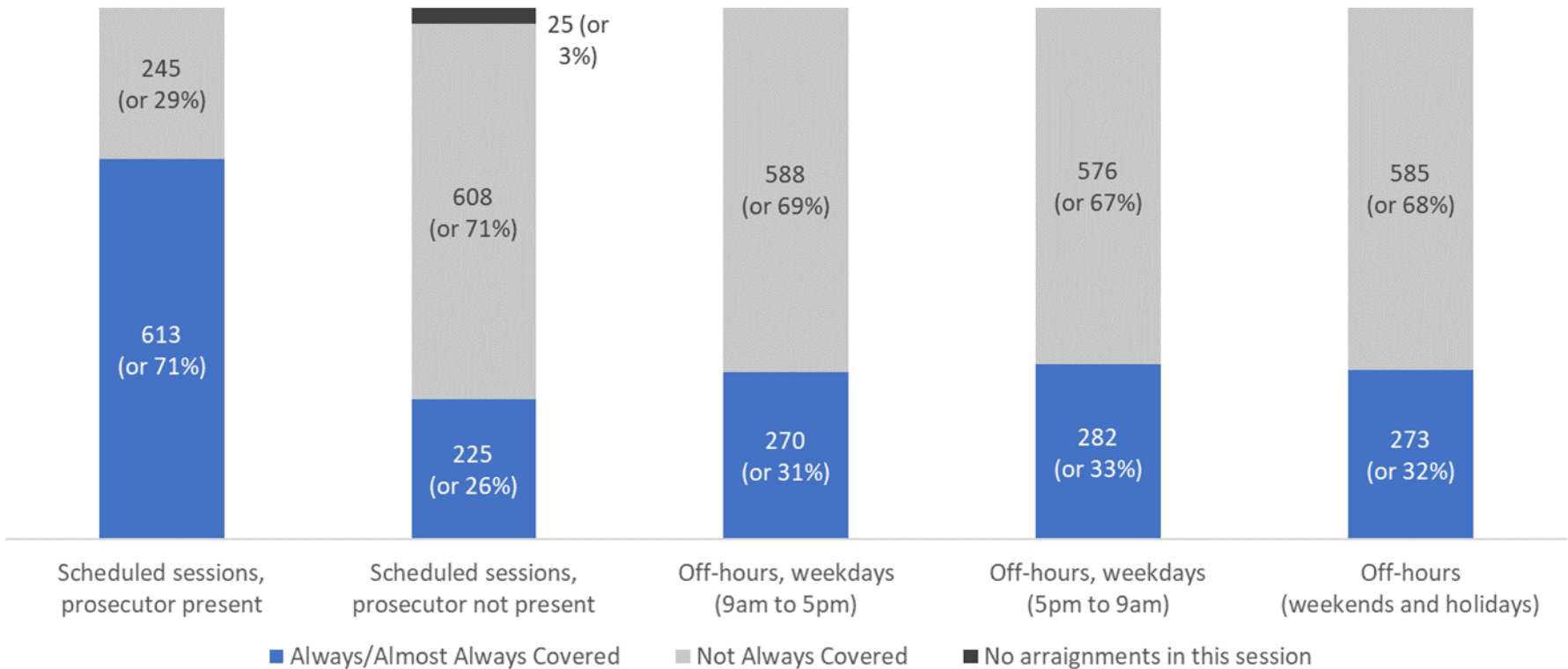
COUNTY	PROVIDER INTERVIEWED	INTERVIEW DATE
<b>ULSTER</b>	Andy Kossover, Esq., Public Defender	November 3, 2017
<b>WARREN</b>	Marcy Flores, Esq., Public Defender	November 3, 2017 and November 8, 2017
<b>WAYNE</b>	Andy Correia, Esq., Public Defender's Office, First Assistant Public Defender	November 3, 2017 and November 7, 2017
<b>WESTCHESTER</b>	Clare Degnan, Esq., Executive Director of the Westchester Legal Aid Society, Inc.	November 1, 2017 and November 8, 2017
<b>WYOMING</b>	Norm Effman, Esq., Public Defender and Executive Director of the Wyoming County-Attica Legal Aid Bureau, Inc.	October 31, 2017 and November 14, 2017
<b>YATES</b>	Ed Brockman, Esq., Public Defender	November 3, 2017

## APPENDIX I: COUNSEL AT ARRAIGNMENT COVERAGE BY COURT AND SESSION.

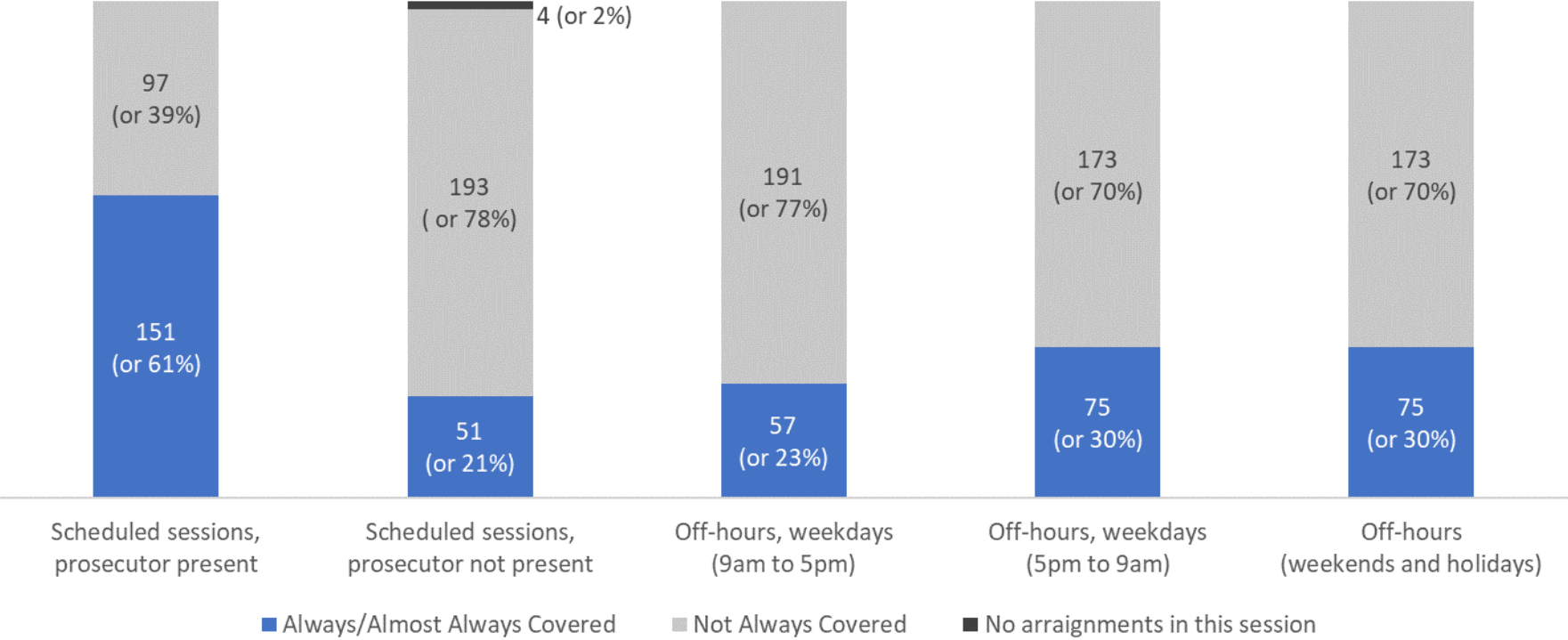
(Due to rounding, percentages may not add to 100; excludes courts in the five *Hurrell-Harring* counties and NYC; County Supreme courts and District Court are not shown.)

CAFA coverage in Town Courts by type of session

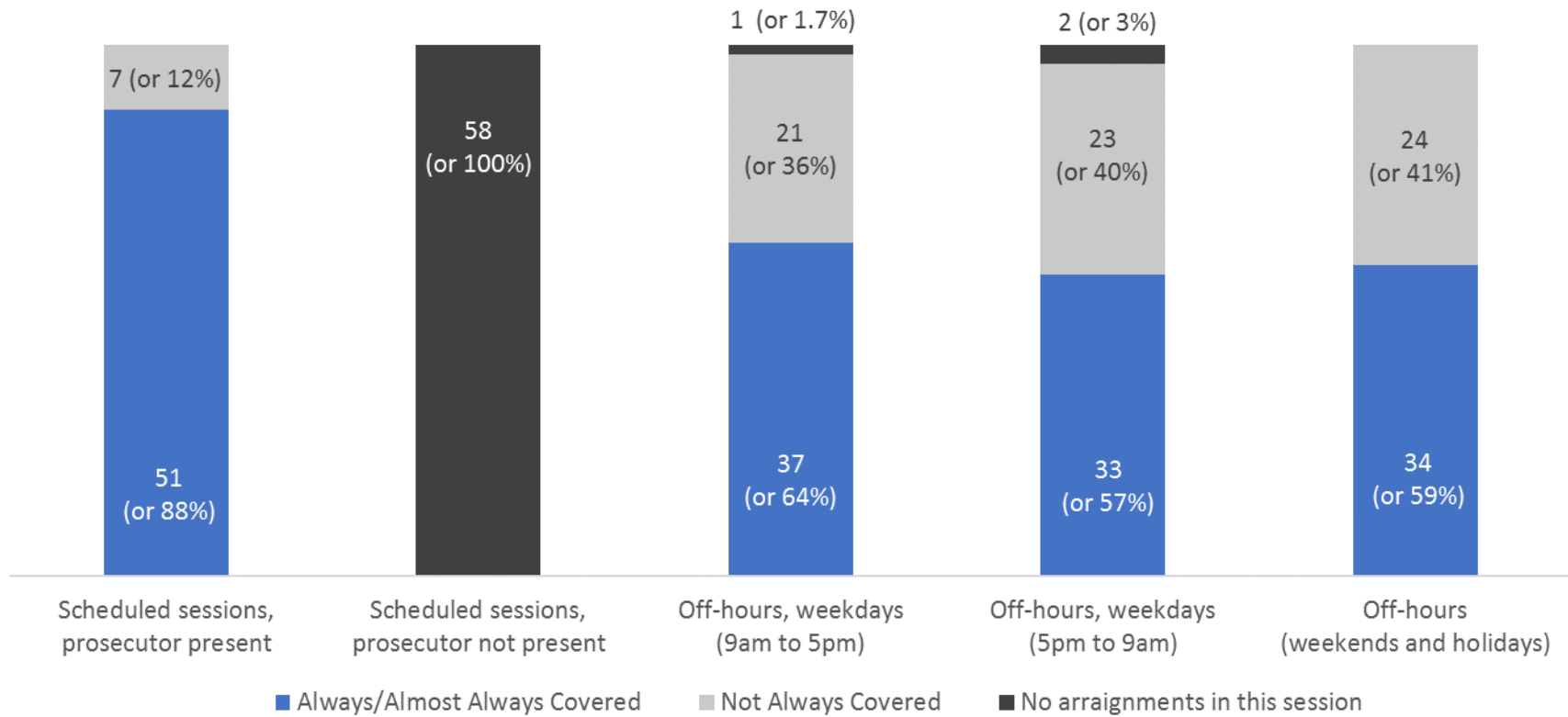
Total number of Town courts: 859



CAFA coverage in Village Courts by type of session  
 Total number of Village courts: 248

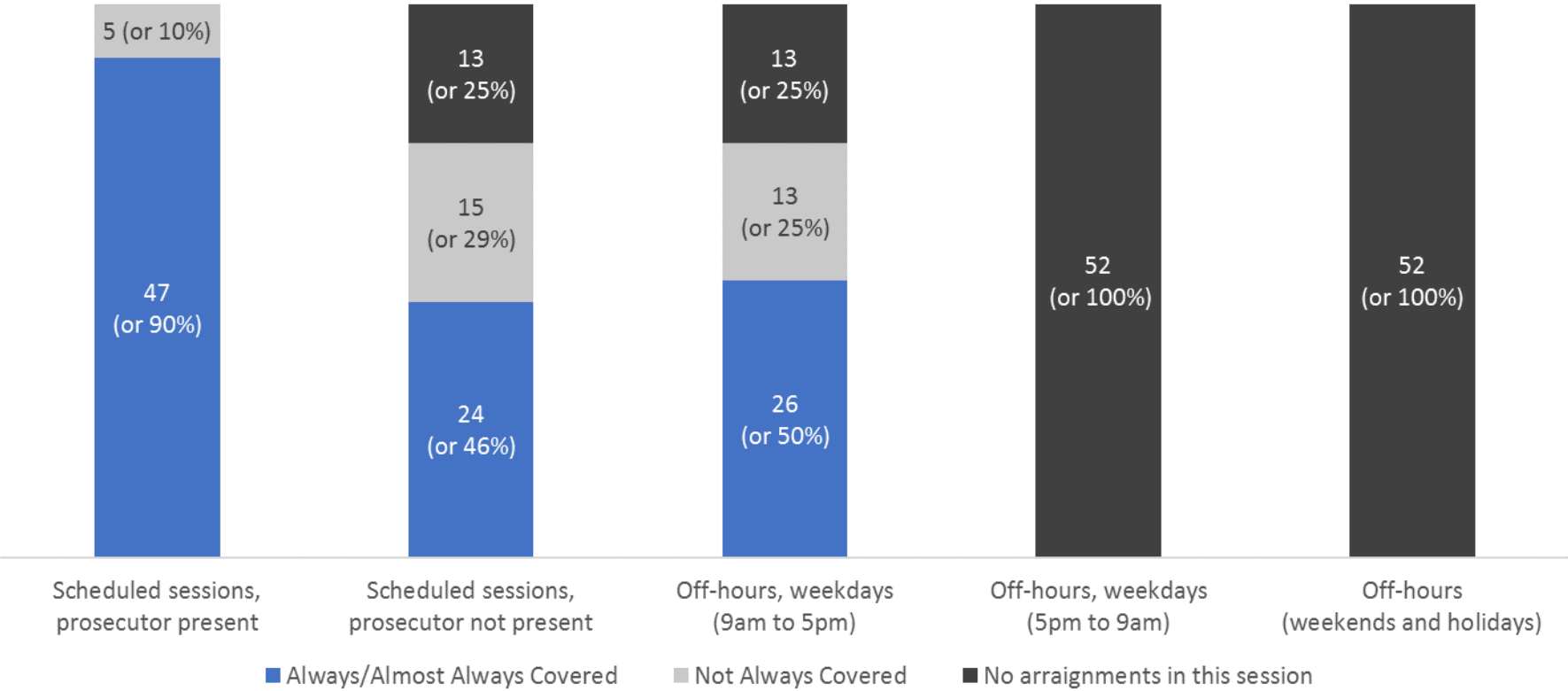


CAFA coverage in City courts by type of session  
 Total number of City courts: 58



CAFA coverage in County Courts by type of session

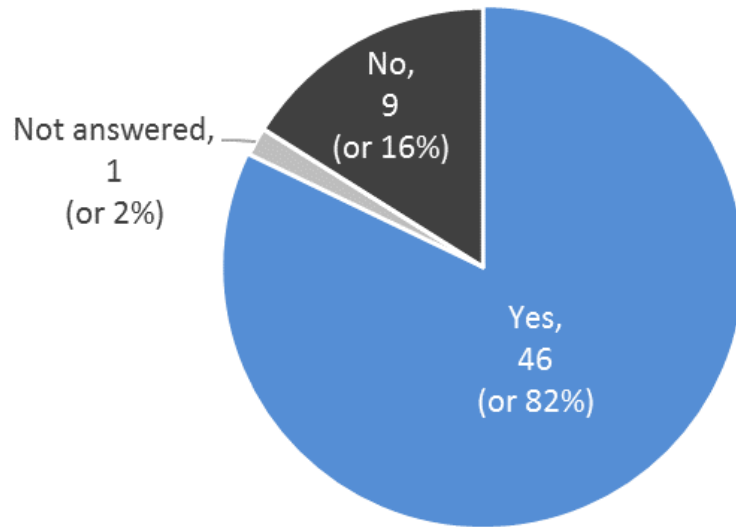
Total number of County courts: 52





## APPENDIX J: DISCUSSIONS REGARDING CENTRALIZED ARRAIGNMENTS

**SURVEY QUESTION** – “Have you been engaged in any discussion regarding centralized arraignments in your county?” (Total responses: 56)



## GLOSSARY OF TERMS

<b>18-B</b>	New York County Law Article 18-B
<b>440 motion</b>	A post-conviction motion pursuant to New York Criminal Procedure Law Article 440
<b>ACP</b>	Assigned Counsel Program. The administration of protocols and policies for assigning attorneys to individuals entitled to mandated representation wherein the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service pursuant to County Law § 722 (3).
<b>CAFA #1 RFP</b>	ILS First Counsel at First Appearance Request for Proposals
<b>CAFA #2 RFP</b>	ILS Second Counsel at First Appearance Request for Proposals
<b>CAP</b>	Centralized Arraignment Parts
<b>CMS</b>	Case Management System
<b>ILS</b>	New York State Office of Indigent Legal Services
<b>ILS Caseload Standards</b>	A Determination of Caseload Standards pursuant to §IV of the <i>Hurrell-Harring v. The State of New York</i> Settlement (2016)
<b>ILS Eligibility Standards</b>	Criteria and Procedures for Determining Assigned Counsel Eligibility (2016)
<b>NYS DEC</b>	New York State Department of Environmental Conservation
<b>NYSP</b>	New York State Police
<b>Non-attorney professionals</b>	Expert witnesses, investigators, social workers, sentencing advocates, interpreters, etc.
<b>OCA</b>	New York State Office of Court Administration
<b>SORA</b>	Sex Offender Registration Act
<b>SUNY</b>	State University of New York