

Implementation Update of Statewide Plan for Implementing Counsel at Arraignment

September 30, 2019



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

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IMPLEMENTATION UPDATE OF STATEWIDE PLAN FOR COUNSEL AT ARRAIGNMENT

Introduction

The New York State Office of Indigent Legal Services (ILS) submits an update regarding the first year of implementation of the Statewide Plan for Counsel at Arraignment (Plan or Counsel at Arraignment Plan) in accordance with § 832(4) of the New York Executive Law.¹

I. Brief History of CAFA Implementation

In 2010, New York’s Court of Appeals held in *Hurrell-Harring v. State of New York* that access to defense counsel at arraignment is a fundamental right.² Construing New York’s statute that assures the right to counsel at arraignment, the Court ruled that “nothing in the statute 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.”³

At the time of this decision, most defendants arrested in New York were, in fact, represented by counsel at their first court appearance. In New York City, where a majority of the State’s arrests occur, public criminal defense providers have long staffed arraignment sessions to ensure that defendants are represented by counsel. Similarly, mandated criminal defense providers staff arraignment sessions in Nassau and Suffolk District Courts and in larger upstate city courts, including Buffalo, Rochester, Syracuse, and Albany. But in smaller city courts and in town and village courts, defense lawyers often were not available at arraignments. Thus, when the Court of Appeals issued its decision in *Hurrell-Harring*, some jurisdictions had achieved full counsel at first appearance (CAFA) coverage, though access to defense counsel at arraignment continued to be a persistent problem in some Upstate city courts and in the town and village courts

In his May 2011 Law Day speech, then-Chief Judge Jonathan Lippman (who authored the *Hurrell-Harring* decision) decried the fact that “defendants in our vitally important Town and Village Courts, the courts closest to the people, are routinely arraigned and sometimes even jailed in lieu of bail -- all without a lawyer present to argue for their pretrial liberty or to begin to prepare their defense.” He further emphasized the “compelling moral obligation for every participant in the criminal justice system to work together to forge policy solutions to this problem -- because the arraignment and pretrial jailing of defendants who are not represented by counsel is a

¹Executive Law § 832(4), as amended pursuant to Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017). A copy of New York Executive Law § 832(4) is attached as Appendix A.

² *Hurrell-Harring v. New York*, 15 NY3d 8 (2010)

³ *Id.* at 21.

fundamental failure that can no longer be tolerated in a modern, principled society governed by the rule of law.” Chief Judge Lippman went on to describe the 2010 creation of ILS and its Board, and noting that he was Chair of the ILS Board, announced that “the first major policy objective to be undertaken by the ILS Board and Office... [is] to ensure that all defendants arraigned before the courts of this State are represented by counsel at their first court appearance.”⁴

In accord with Chief Judge Lippman’s announcement, ILS encouraged counties to use non-competitive ILS distribution funding to implement counsel at first appearance (CAFA) programs. In addition, in 2013, ILS issued its first Counsel at First Appearance Request for Proposals (RFP), ultimately awarding \$12 million over three years to twenty-five counties to develop and implement CAFA programs (CAFA #1). In 2017, ILS issued its Second CAFA RFP, ultimately awarding \$17.2 million to thirty counties to continue existing CAFA programs and create new ones (CAFA #2). *A list of CAFA #1 and CAFA #2 award grantees is attached as Appendix B and C.*

In 2014, the parties to the *Hurrell-Harring v. New York State* lawsuit reached a settlement, agreeing that the State would fully fund implementation of counsel at arraignment programs, caseload relief, and quality improvement initiatives in the five defendant counties.⁵ ILS accepted the responsibility to work with the State and defendant counties to implement the Settlement and monitor its progress.

For counsel at arraignment, the Settlement required that by November 2016, each of the defendant counties have implemented an “effective system for providing each Indigent Defendant with representation by counsel *in person* at his or her arraignment.”⁶ Pursuant to the Settlement, in November 2015, ILS issued a plan for implementing the counsel at arraignment objectives. Since, ILS has issued annual reports on the progress and effectiveness of these programs. In its most recent update report, ILS estimates that between July 1, 2017 and June 30, 2018, 44,350 defendants in the five *Hurrell-Harring* counties were represented by counsel at arraignment, and that there were fewer than 100 arraignments without defense counsel (i.e., “missed” arraignments).⁷

⁴ A transcript of Chief Judge Lippman’s speech is available at:

<http://www.nycourts.gov/whatsnew/pdf/ChiefJudgeLippmanLawDayAddress2011%20.pdf>.

⁵ The Settlement, which was approved by the Court in March 2015, is available at:

<https://www.ils.ny.gov/files/Hurrell-Harring%20Final%20Settlement%20102114.pdf>. The five defendant counties are Onondaga, Ontario, Schuyler, Suffolk, and Washington.

⁶ *Hurrell-Harring* Settlement, Section III, A, 3 (emphasis added). Notably, the Settlement also acknowledges that “[i]ncidental or sporadic failures of counsel to appear at Arraignment” does not constitute a Settlement breach. *Id.* at Section III, A, 4.

⁷ See Nora Christenson, “Analysis: ‘Hurrell-Harring’ Providers Meet ILS Caseload Standards,” *New York Law Journal*, June 25, 2019, available at: <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Hurrell-Harring%20Providers%20Meet%20ILS%20Caseload%20Standards%20062519.pdf>. This is a compilation of the data in ILS’ 2018 *Hurrell-Harring* Counsel at Arraignment Update Report, available at:

In 2016, upon the recommendation of the Office of Court Administration’s Advisory Council on the Criminal Procedure Law (CPL), the legislature passed and Governor Cuomo signed into law a bill designed to facilitate the provision of counsel at arraignments.⁸ Recognizing the jurisdictional limitations embedded in the CPL on centralizing arraignments, this legislation lifts these limitations for centralized arraignment programs developed under the auspices of and approved by the Office of Court Administration (OCA). ILS has worked with counties to ensure that ILS funding can be used to have defense counsel at these OCA approved Centralized Arraignment Program (CAP) sessions, and where necessary we have amended budgets and workplans of pre-existing grant contracts.

In April 2017, the legislature passed and Governor Cuomo signed into law a bill to extend the *Hurrell-Harring* Settlement initiatives to the entire State.⁹ As with the Settlement, under this legislation, ILS has the responsibility to develop plans and cost estimates for statewide Settlement implementation, and to work with the counties and New York City to implement these plans.¹⁰ Pursuant to County Law § 722-e, the State is required to reimburse each county and New York City (NYC) for the costs incurred to implement these plans. Notably, this legislation contemplates a five year “phase-in” period, with an April 2023 deadline for full compliance,¹¹ and State funding phased in over five years (\$50 million in Year One; \$100 million in Year Two; \$150 million in Year Three; \$200 million in Year Four; and \$250 million in Year Five).¹²

On December 1, 2017, in accord with Executive Law § 832(4), ILS submitted the Counsel at Arraignment Plan to the Executive. This plan detailed the status of counsel at arraignment coverage in each county, identifying where arraignment coverage was consistently provided and where it was sporadic or non-existent.¹³ The plan also identified the funding needed for full arraignment coverage (estimating that \$9.4 million is needed), and the proposed steps to achieve

<https://www.ils.ny.gov/files/Hurrell-Harring/Counsel%20at%20Arraignment/Hurrell-Harring%20Final%20Counsel%20at%20Arraignment%20Plan%20103018.pdf>.

⁸ See L. 2016, c. 492 (effective February 26, 2017), which resulted in amendments to the CPL and to Judiciary Law § 212. Specifically, Judiciary Law § 212(1)(w) authorizes OCA to coordinate stakeholders to develop and implement CAPs; the amendments to the CPL effectively lift any jurisdictional impediment to centralized arraignments so long as such arraignments are conducted pursuant to an OCA-approved CAP.

⁹ See L. 2017, c. 59. This legislation amends County Law § 722-f and Executive Law § 832.

¹⁰ See Executive Law § 832(4).

¹¹ See Executive Law § 832(4) (a)(iii), (b)(iii), and (c)(iv).

¹² To date, the State has adhered to this plan. In fiscal year 2018-2019, the State appropriated \$50 million for Statewide Implementation, while in fiscal year 2019-2020, the State appropriated \$100 million. At its September 2019 meeting, the ILS Board voted to approve ILS’s budget request for fiscal year 2020-2021; this budget request includes \$150 million for Statewide Implementation.

¹³ As identified in the December 2017 Plan, ILS used a variety of mechanisms to assess the status of arraignment coverage in each county, including surveys, structured interviews, and discussions with providers of mandated representation.

full arraignment coverage by April 2023, including the interim steps for the first year of the five year “phase-in.”

Since issuing this report, the ILS Statewide Implementation Team (Statewide Team)¹⁴ has been meeting with public defense providers and local government officials in 52 counties to develop and implement interim plans for arraignment coverage. Consistent with ILS’ longstanding practice, the Team is working with counties in a collaborative manner, gathering information, hearing and addressing their concerns, and seeking to reach consensus on how best to implement counsel at arraignment in each county. Additionally, ILS has urged counties to consider how the programs implemented to achieve the caseload relief and quality improvement requirements of Executive Law § 832(4) can also bolster their capacity to provide counsel at arraignment.¹⁵

II. The Process of Implementing the CAFA Plan

In January 2018, the Statewide Team began meeting with mandated representation providers and county stakeholders to discuss the CAFA Plan and funding available in the first year for its implementation. *A list of mandated representation providers and those providing CAFA coverage is attached as Appendix D.* Following the initial meetings with each county, the Statewide Team conducted structured interviews with each provider of mandated representation involved in providing arraignment coverage. The Team utilized a survey developed for understanding the intricacies of each CAFA program, such as how the program is structured, how many attorneys participate, how they are compensated, and how they are notified of arraignments. *See CAFA Survey 2018, attached as Appendix E.* The CAFA survey had these four parts:

- Part I: Definitions
- Part II: Identifying Entities That Provide Arraignment Representation
- Part III: Present Efforts/Discussions on Centralized Arraignments
- Part IV: Describing How Coverage is Provided by Each Entity

The Statewide Team conducted interviews through the Spring and Summer of 2018. *See 2018 CAFA Implementation Interview Roster, attached as Appendix F.*

In 2018 and 2019, the Statewide Team held multiple in-person and telephone meetings with providers and county stakeholders to develop a budget to support the first year of CAFA implementation. Once budgets were developed, the Team conducted a second survey to update

¹⁴ The Statewide Implementation Team is led by Joanne Macri, Esq., Statewide Chief Implementation Attorney and consists of four assistant counsel, a senior researcher, a paralegal, and an analyst.

¹⁵ For example, an attorney hired under the caseload relief initiative may also be available to provide representation at arraignments.

the 2018 survey and to gather information about implementation of the ILS CAFA #2 grant and the use of *Hurrell-Harring* Statewide funding to expand counsel at arraignment coverage.¹⁶ In 2019, the Statewide Team conducted another round of structured interviews with the providers of arraignment representation to ascertain changes and updates to their arraignment programs. Using a revised survey, the Team asked about systemic issues that programs face when providing arraignment coverage, such as whether attorneys are provided with required documentation, whether language interpretation services are provided, and whether the providers have the capacity to maintain and report data regarding arraignment coverage. *See 2019 CAFA Survey, attached as Appendix G.* The 2019 CAFA survey had five parts:

- Part I: Definitions
- Part II: Identifying Entities That Provide Arraignment Representation
- Part III: Describing How Coverage is Provided by Each Entity
- Part IV: The Arraignment Process
- Part V: Arraignment Challenges

The Statewide Team interviewed providers throughout the Spring and Summer of 2019. *See 2019 CAFA Implementation Interview Roster, attached as Appendix H.*¹⁷

This report on implementation reflects the information ILS has obtained about: the status of arraignment representation in each county; ongoing discussions regarding expansion; and the challenges and opportunities providers face.¹⁸ The County profiles that follow show the current status of representation at arraignment and the efforts now underway to provide such coverage countywide.¹⁹ The County profiles are organized as follows:

¹⁶ It should be noted that some counties postponed any implementation of CAFA expansion until the County received the fully executed, five-year contract from the State with final approval issued by the NYS Comptroller's Office. During 2018-2019, 28 of the 30 counties that received the CAFA #2 competitive grant award continued or began expansion of CAFA programs.

¹⁷ In addition to the above activities, ILS also worked with some CAFA providers at the initial stages of CAFA implementation to coordinate training for the attorneys who would be staffing the programs. ILS worked in conjunction with the New York State Defenders Association to sponsor these trainings and utilized a hands-on experience for the second training allowing attorneys to practice arguments they could use at arraignments. As we move forward, training will be essential to all CAFA programs as only nine counties report having any specific arraignment training program.

¹⁸ The coverage reported in this initial report on implementation incorporates not only *Hurrell-Harring* funding but other ILS funding such as statutory distributions, the competitive CAFA #1 and CAFA #2 grants and implementation of county funds in a limited number of counties. Moving forward, Counties will separately report the CAFA data specific to the *Hurrell-Harring* funding as part of performance measures of the five-year contract.

¹⁹ A profile for CAFA coverage in the NYC Courts is not included because NYC has provided representation of counsel at arraignment citywide for decades. 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.

- 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 brief history of representation at arraignment.
- iii. A description of current arraignment coverage.
- iv. A short analysis of the future of arraignment coverage.
- v. Graphic representation of arraignment coverage by court and session.

III. Implementation of Arraignment Coverage

To initiate statewide expansion of the *Hurrell-Harring* counsel at arraignment obligations, Upstate New York counties have implemented multiple programs to provide representation at the two basic types of arraignments.²⁰ The first type, *custodial arraignments*, occur when a person is taken into custody upon arrest and either immediately taken before a magistrate for an “off-hour” arraignment or detained until the next scheduled court session. The second type, *appearance ticket arraignments*, occur when a person is not taken into custody at arrest but instead issued an appearance ticket with notice to occur at a specific scheduled court session.

As of 2018-19, the programs providers use to ensure counsel at arraignment include, but are not limited to, the following:

- *Scheduling of defense counsel at regularly scheduled court sessions* during which arraignments might occur. Most of the arraignments during these sessions are appearance ticket arraignments, though if a person is subjected to a custodial arrest shortly before or while the court is in session, law enforcement typically transports the person to the session for arraignment.
- *On-call programs for off-hour²¹ custodial arraignments* which occur any time of the day or night and any day of the year (i.e., during business hours, overnights, and weekends and holidays).
- *Centralized Arraignment Programs (CAPs)*, that hold arraignments twice daily at a specified time and location pursuant to a plan approved by the Office of Court

²⁰This 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.

²¹ “Off-hour” arraignments refer to any arraignment that occurs at a time other than a regularly scheduled court session, even if the arraignment occurs on a weekday during business hours.

Administration pursuant to Judiciary Law § 212(1)(w). *A list of Counties that utilize a CAP pursuant to Judiciary Law § 212(1)(w) is attached as Appendix I.*

A. Regular Court Sessions

Courts throughout the state hold regular criminal court sessions during which, in addition to the regular court docket, arraignments may occur. Prosecutors are typically present at these sessions, so they are often referred to as “DA sessions.” In most counties, the primary provider of mandated representation assigns an attorney to be present for regular criminal court sessions, and this attorney handles the arraignments that occur during the session.²²

Many justice courts also have regular court sessions when a prosecutor is not present (“non-DA sessions”) to hear civil matters, such as traffic and landlord-tenant cases. Arraignments may also occur during these sessions, either because a person was issued an appearance ticket for the session, or because a person was subjected to a custodial arrest immediately before or during the session and law enforcement has transported the person to the session for arraignment. Historically, mandated providers have not staffed these non-criminal court sessions. To ensure the presence of defense counsel at arraignments, counties must either develop programs to staff these sessions with defense counsel or obtain the agreement of courts and law enforcement that appearance tickets will not be issued for these sessions.²³ For regular non-criminal court sessions, some providers have utilized *Hurrell-Harring* Statewide funding to staff an on-call program to appear at these arraignments, others have hired arraignment-specific attorneys to begin covering these sessions, and others are utilizing the additional attorneys hired under caseload relief.

B. On-Call Programs

On-call programs involve scheduling attorneys to be “on-call” during specified periods of time to appear in court upon notification that a defendant has been subjected to a custodial arrest and must be arraigned (i.e., to appear for an “off-hour” arraignment). The attorney then appears at the court where the arraignment is 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. On-call programs have been implemented in many Upstate counties.

²² There are four counties that utilize solely ACPs (Hamilton, Herkimer, Schoharie, Tompkins) and one (Erie) where the ACP is the primary provider for all cases outside of the City of Buffalo and all A-C felonies in the City of Buffalo. In these counties, ACP attorneys appear at regular court sessions when a prosecutor is present.

²³ Some counties have been able to work with their justice courts to ensure that no arraignments take place during these non-criminal court sessions. This involves obtaining the agreement of the many law enforcement agencies in that jurisdiction to issue appearance tickets for criminal court sessions only, as well as having judges adjourn arraignments that still occur during these sessions (for example, because of custodial arrest or a mistake on the date of appearance ticket).

On-call programs staffed by the county's institutional provider often cover the off-hour arraignments that occur during regular business hours. For counties that only have an Assigned Counsel Program providing mandated representation, these arraignments tend to be handled by panel attorneys. Providers report that off-hour business day arraignments are often difficult to cover and cause strain on attorneys because they must juggle this unpredictable obligation with regular court appearances, jail visits, client meetings, and other case-related work.

On-call programs are also used to staff off-hour overnight, weekend, and holiday arraignments. In these programs, attorneys are notified to appear for an arraignment usually by the court, but in some counties 911 dispatch or more rarely law enforcement are responsible for this notification. These programs are often staffed by institutional provider attorneys, but also may incorporate ACP attorneys to alleviate the burden on institutional provider attorneys. Often attorneys receive additional compensation for staffing on-call programs on nights, weekends and holidays. Providers report that these sessions have the most potential for causing attorney "burnout" because attorneys often must work throughout the night and/or all weekend to provide coverage, and often they must also report to work the next day to handle their regular cases assignments.

Hurrell-Haring Statewide funding has been utilized in myriad ways to staff on-call programs. Some providers have given their staff additional compensation for providing arraignment coverage. Others hire attorneys whose primary responsibility is to cover these "on-call" arraignments. These attorneys can be full-time or part-time and are generally part of an institutional office, although two counties have contract arraignment attorneys who provide most of the on-call arraignment coverage. Some providers offer per appearance compensation while others offer compensation simply to be on-call regardless of how many arraignments are handled. Other providers offer a combination of these two compensation systems. Funding has also been utilized to provide for cellphones, tablets, laptops, and internet access so on-call attorneys can be notified of the arraignment, can collect and save arraignment data and documents, and can access provider case management systems. Finally, it takes administrative support to make CAFA programs successful, particularly on-call programs. Thus, some providers have used *Hurrell-Haring* Statewide funding to hire administrative assistants to coordinate arraignment coverage, process intakes, and maintain data.

C. Centralized Arraignment Programs

As discussed above, in November 2016, an OCA sponsored bill was enacted to permit the implementation of Centralized Arraignments Programs (CAPs). This legislation arose as a response to the barriers counties face in centralizing arraignment coverage because of the

statutory bars to magistrates arraigning defendants arrested in different towns and villages.²⁴ This legislation establishes a framework for creating and implementing plans for Centralized Arraignment Parts, though it is intentionally designed to give counties the flexibility needed to develop centralized programs that are attentive to county-specific needs and issues.

To date, most of the OCA-approved CAPS rely on the use of pre-arraignment detention, though such detention is limited to 12 hours.²⁵ Under this model, two arraignment sessions are conducted each day at a centralized location, with one arraignment session in the morning and a second session in the evening.

In October 2017 just prior to ILS's Counsel at Arraignment Plan, CAP plans were introduced in four counties, (Broome, Oneida, Onondaga and Washington). Since that time, CAPs have been introduced in seven additional counties: Chautauqua, Livingston, Ontario, Seneca, Steuben, Wayne and Yates. These eleven CAPs provide arraignment coverage for all off-hour arraignments in those counties.

The providers report that having a CAP allows attorneys to better coordinate their schedules; CAPS have also helped to reduce attorney burnout, especially in the smaller counties where there are fewer attorneys to provide CAFA coverage.

There are challenges in establishing a CAP, including obtaining funding to operate the court, the costs associated to the jail for processing arrestees and detaining them prior to arraignment, as well as the funding needed for any costs associated with constructing a CAP courtroom and space for pre-arraignment attorney/client communication. Additionally, while OCA is committed to approving only those CAP programs that limit pre-arraignment detention to 12 hours, there is still a concern about implementing arraignment programs that rely on pre-arraignment detention.

Hurrell-Harring Statewide and Settlement funding and other ILS funding have been used to ensure the presence of defense counsel at the eleven CAPS implemented thus far. Some providers have hired attorneys to staff CAP sessions, while others staff the CAP on a rotational basis with attorneys being compensated per session. Other providers are using a combination of these two models with an attorney hired specifically to cover some sessions while additional attorneys rotate through the other sessions. Like the on-call programs, funding has been utilized

²⁴ Pursuant to CPL §140.20(1) a-d, all local court judges can only arraign misdemeanor and most E felony matters from a jurisdiction that is geographically contiguous to their own. The 2016 legislation eliminates this geographic barrier by allowing OCA approved CAPs to arraign defendants from anywhere within the county.

²⁵ The other model authorized by the statute is a "hub" court model which allows for a centralized location used to conduct arraignments that can be rotated among the Town and Village Courts within the county and among the respective magistrates. Hub courts could then utilize an on-call system for attorney appearance, but attorneys would only have to appear at one location.

to provide administrative support for the CAP attorneys, either through support staff who assist attorneys during the CAP session or through administrative support at the office.

IV. Actual Coverage Statewide

As stated above, ILS has consistently assessed arraignment coverage through surveys, interviews, and conversations with providers of mandated representation. The County profiles in the following section of this report summarize this information. Each profile includes a chart, which is arranged as follows:²⁶

- Scheduled sessions when a prosecutor is present
- Scheduled sessions when a prosecutor is not present
- Weekday off-hour arraignments²⁷
- Overnight off-hour arraignments²⁸
- Weekend and holiday off- hour arraignments

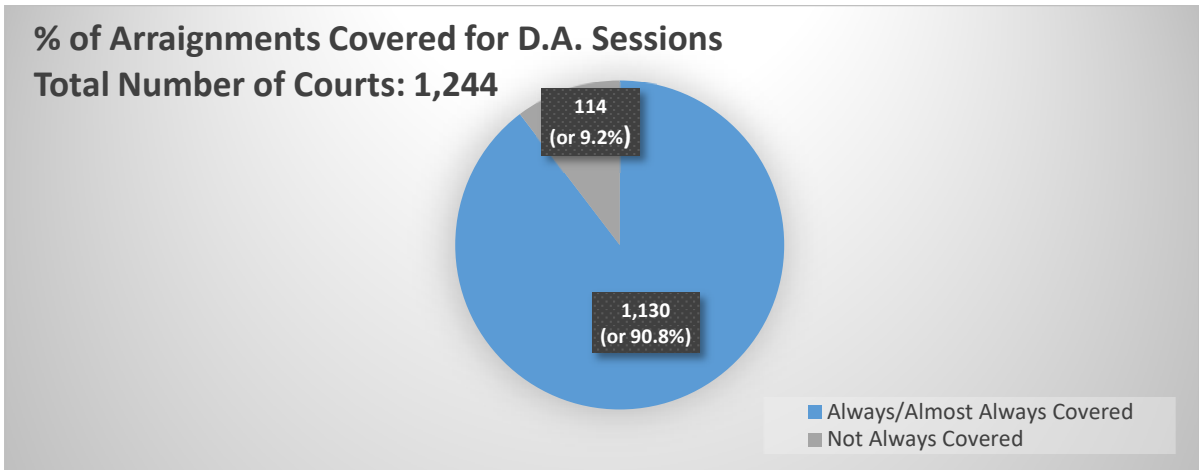
Below summarizes the progress of arraignment coverage for the five types of coverage listed above.

A. Scheduled sessions when a prosecutor is present (“DA sessions”) – In 2017, 1,231 courts held these sessions, and counties reported that there was arraignment representation at 71.2% of these sessions. In 2019, 1,244 courts conducted these sessions. Counties reported that there is arraignment representation at 90.8% of these sessions, leaving 9.2% that will need to be covered as providers expand their CAFA programs in years two through five of Statewide *Hurrell-Harring* implementation. *See figure below.*

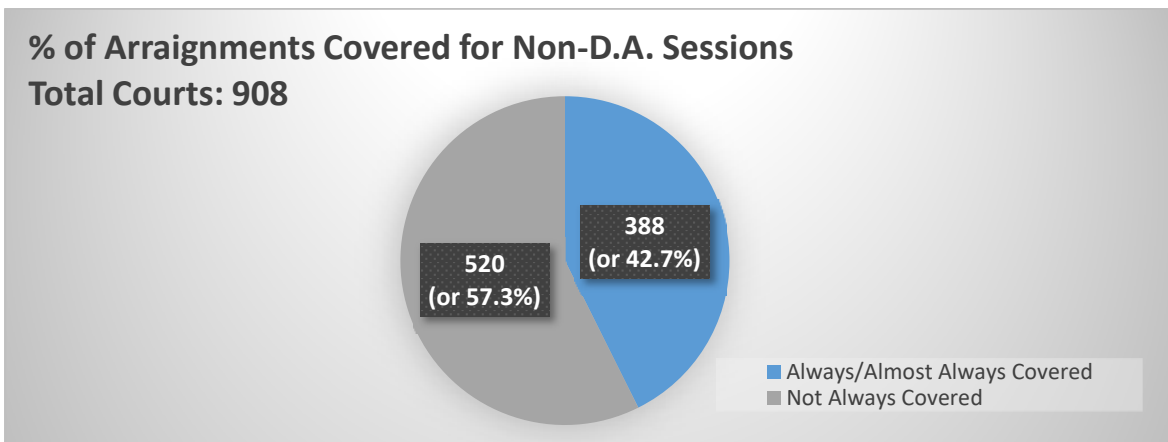
²⁶ It should be noted that there are varying capacities of data collection among the providers, so specific arraignment data as to number of arraignments was not always available. With *Hurrell-Harring* funding, each county will have a data officer who will help counties to develop the capacity to accurately track and report arraignment data as implementation of the *Hurrell-Harring* reforms progress. *Hurrell-Harring* funding is being utilized to support data capabilities in the counties through purchasing necessary technology and funding adequate administrative staff to collect the data.

²⁷ These are usually about 9:00 a.m. to 5:00 p.m., though there is variation from county to county as to the specific times.

²⁸ These are usually about 5:00 p.m. until 9:00 a.m. the next morning, though there is variation from county to county as to the exact time.



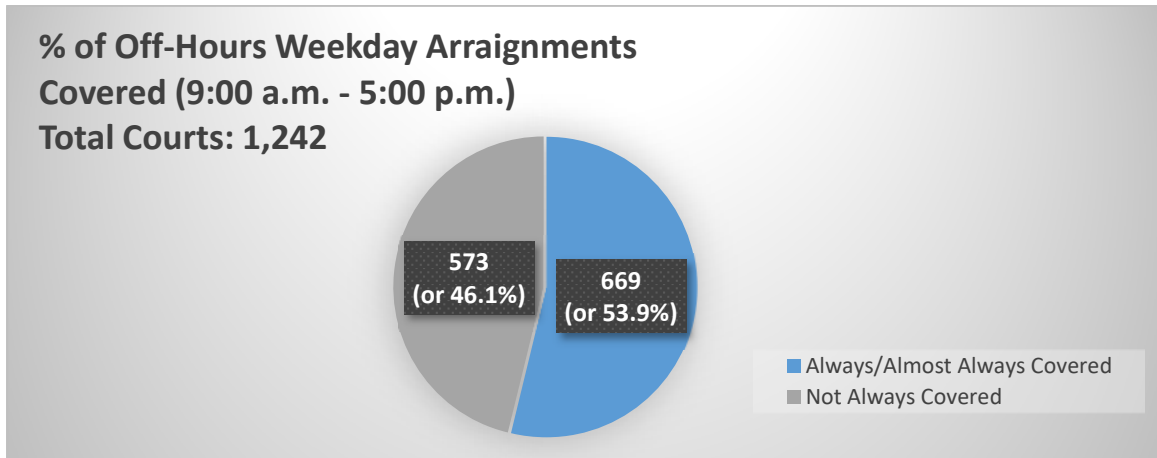
B. Scheduled sessions when a prosecutor is not present (“non-DA sessions”) – In 2017, 1,122 courts (primarily justice courts) held regular sessions when a prosecutor was not present.²⁹ Counties reported that there was arraignment representation at 26.9% of these sessions. In 2019, 908 courts held these sessions. Counties reported that there was arraignment representation at 42.7% of these sessions, leaving 57.3% that will need to be covered as providers expand their CAFA programs in years two through five of Statewide *Hurrell-Harring* implementation. *See figure below.*



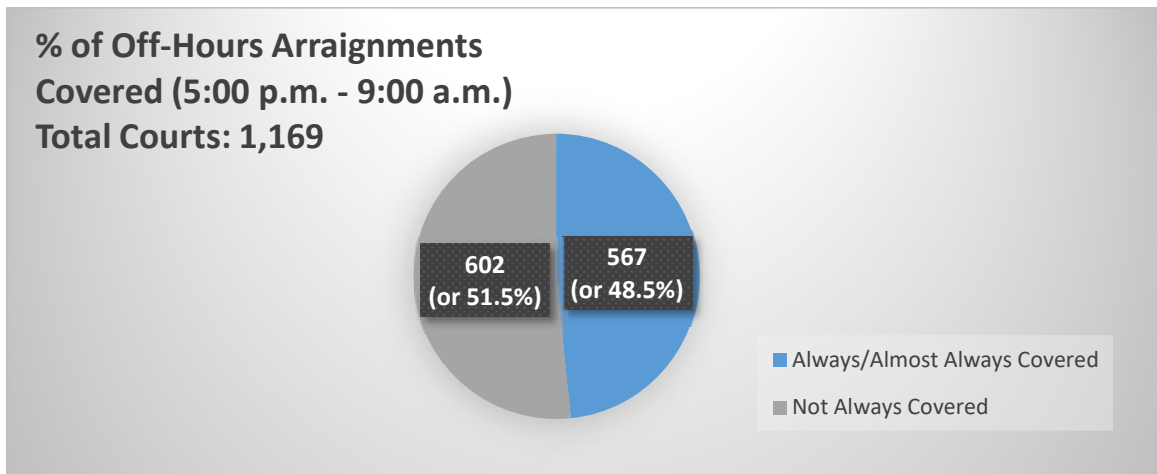
C. Weekday off-hour arraignments – In 2017, 1,208 courts held off-hour weekday arraignments. Counties reported that they had programs in place to provide representation at 32.7% of these arraignments. In 2019, 1,242 courts conducted these off-hour arraignments. Counties reported that they have programs in place to provide representation at 53.9% of these arraignments, leaving 46.1% that will need to be covered as providers expand their CAFA

²⁹ Providers throughout the state reported that these sessions do not occur in County Court and in Supreme Courts that hear criminal cases.

programs in years two through five of Statewide *Hurrell-Harring* implementation. See figure below.

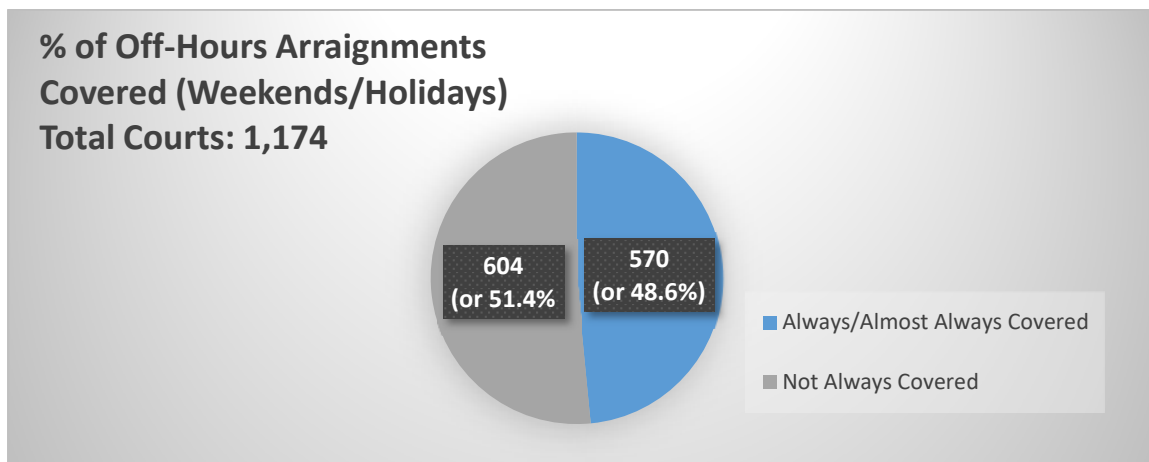


D. Overnight off-hour arraignments – In 2017, 1,159 courts held weekday, overnight arraignments. Counties reported that they had programs in place to provide representation at 33.6% of these arraignments. In 2019, 1,169 courts conducted overnight arraignments. Counties reported that they had programs in place to provide representation at 48.5% of these arraignments, leaving 51.5% that will need to be covered as providers expand their CAFA programs in years two through five of Statewide *Hurrell-Harring* implementation. See figure below.



E. Weekend and holiday off- hour arraignments – In 2017, 1,161 courts conducted arraignments on weekend and holidays. Counties reported that they had programs in place to provide representation at 32.9% of these arraignments. In 2019, 1,174 courts held arraignments on weekends and holidays. Counties reported that they had programs in place to provide representation at 48.6% of these arraignments, leaving 51.4% that will need to be covered as

providers expand their CAFA programs in years two through five of *Hurrell-Harring* Statewide implementation. See figure below.



Counties Utilizing a CAP – As described more fully above, many of the established Centralized Arraignment Parts utilize pre-arraignment detention so that all off-hour arraignments can be conducted at scheduled times in one location. In the non-Settlement counties utilizing a CAP (Broome, Chautauqua, Livingston, Oneida, Seneca, Steuben, Wayne and Yates), the CAPs are located at the local jails. This required the counties to construct arraignment courtrooms with public access and confidential space for attorney-client communication. The CAP programs allow the counties to provide representation for all off-hour arraignments without the use of an on-call program, which not only facilitates having counsel at arraignment, but also avoids attorney burn-out.

Counties that Provide CAFA Coverage Countywide – At the time the CAFA Plan was drafted in 2017, 11 Counties reported having programs in place to cover all arraignments. At that time, counties provided arraignment coverage through a combination of County funding and ILS distribution and CAFA #1 grant funding. In 2019, with the use of the CAFA #2 grant awards and *Hurrell-Harring* Statewide funding, a total of 19 counties now report having programs in place to provide representation at arraignments. Those counties are: *Cattaraugus*, Chautauqua, *Chemung*, Cortland, *Dutchess*, *Erie*, Genesee, Hamilton, Lewis, Livingston, *Madison*, *Monroe*, *Oneida*, Seneca, Steuben, *Tompkins*, *Warren*, Wayne, and Yates. Of these 19 counties, only those counties listed above in italics were providing countywide CAFA coverage in 2017.³⁰

These gains in providing arraignment coverage to clients throughout the State are what the *Hurrell-Harring* Statewide funding is intended to produce. With the continued support of these reforms from the State, we anticipate that these gains will continue. *Graphs outlining the number*

³⁰Two of the 11 counties providing complete CAFA coverage in 2017 lost some coverage in the last year but are working to expand CAFA coverage countywide with Year 2 *Hurrell-Harring* funding.

of courts by type and the arraignment coverage by type of court and session are attached as Appendix J and Appendix K.

V. Raise the Age – Arraignments of Adolescents

In 2017, New York State enacted legislation raising the presumptive age of criminal responsibility from 16 to 18 years of age. The legislation, commonly referred to as “Raise the Age” (RTA), also created a new classification, “Adolescent Offender” (AO), for 16 and 17-year-olds charged with felony offenses.³¹ The RTA legislation established a “Youth Part” in criminal court to hear Adolescent Offender cases.

RTA is phased in over a two-year period, with the age of criminal responsibility becoming 17 on October 1, 2018, and 18 on October 1, 2019. Although many of these Adolescent Offender cases will eventually be transferred to Family Court, at a minimum the arraignment and initial stages of the case will be prosecuted in the criminal court Youth Part. Thus, providers of mandated criminal representation must handle Adolescent Offender arraignments and other Youth Part proceedings.

To limit the length of time adolescents are detained, the RTA legislation requires a prompt arraignment in the Youth Part if it is in session. If it is not in session, the arraignment may be conducted by an “accessible magistrate.”³² The legislation further provides that Adolescent Offenders must not be detained with adults.³³ Because most counties do not have suitable facilities to detain youth, most Adolescent Offenders cannot be detained pre-arraignment. This limitation, along with the legislative requirement that the arrested adolescents be arraigned promptly, necessitates that counties have an on-call system for Adolescent Offender arraignments. These arraignments have been addressed in different ways across the State.

Because the legislation was implemented only six months into the first year of the Statewide expansion of *Hurrell-Harring*, it is not feasible at this time to assess how the unique challenges of Adolescent Offender arraignments has impacted arraignment programs in each County. For the first six months, the bulk of cases reported occurred in larger jurisdictions, and smaller jurisdictions reported few to no Adolescent Offender arraignments. The larger jurisdictions have been able to cover these arraignments more easily because they generally already had more robust arraignment programs. As the second year of RTA legislation is implemented, ILS will work

³¹ The RTA legislation also incorporated pre-existing law regarding Juvenile Offenders, or 13, 14, and 15-years-olds charged with a specified criminal offense and prosecuted in criminal court. For purposes of this report, the term “Adolescent Offender” also refers to these younger Juvenile Offenders.

³² Each judicial district is required to designate judges to act as “accessible magistrate(s)” in place of youth part judges for arraignments that occur outside of regular business hours. These judges must also have specialized training regarding juveniles and must be located in an area generally accessible to all parts of their county.

³³ By statute, it was already prohibited to house juvenile offenders with adults.

with providers to assess Adolescent Offender arraignment coverage and the impact of these arraignments on existing arraignment programs.

VI. Challenges to Ensuring the Presence of Defense Counsel at Arraignment

As we outlined in the 2017 Counsel at Arraignment Plan, there are several barriers to implementing the programs needed for defense counsel at all arraignments. Because counties use various methods to deliver representation to indigent defendants, there is no “one-size-fits-all” solution to ensuring the presence of defense counsel at arraignment. Other challenges include: jurisdictional barriers to having courts conduct arraignments of arrests that occurred in other town and villages; the availability of counsel at all hours of the day and night; geography; varying population density which requires coverage for both urban and rural areas; the complicated logistics involved with coordinating coverage among different groups of attorneys for the several different programs needed in each county; coordinating with the various courts and law enforcement agencies; and providing arraignment coverage for the numerous justice courts.³⁴

The quality of representation a client receives at arraignment is as equally important as the presence of an attorney. Quality representation requires, among other things: access to non-attorney professional services at or immediately following arraignment; defense attorney access to official criminal history records (often called “RAP sheets”); access to interpretation services; the availability of confidential space and adequate time to consult with clients prior to arraignment; training opportunities; and the capacity to collect and report relevant data. To the extent that funding can address these issues, ILS will continue to work with counties to use *Hurrell-Harring* Statewide funding to address these challenges. Some of these challenges can be resolved only through the continued coordination of other State and local agencies. ILS will collaborate with counties and other stakeholders to not only identify ongoing challenges but develop feasible solutions.

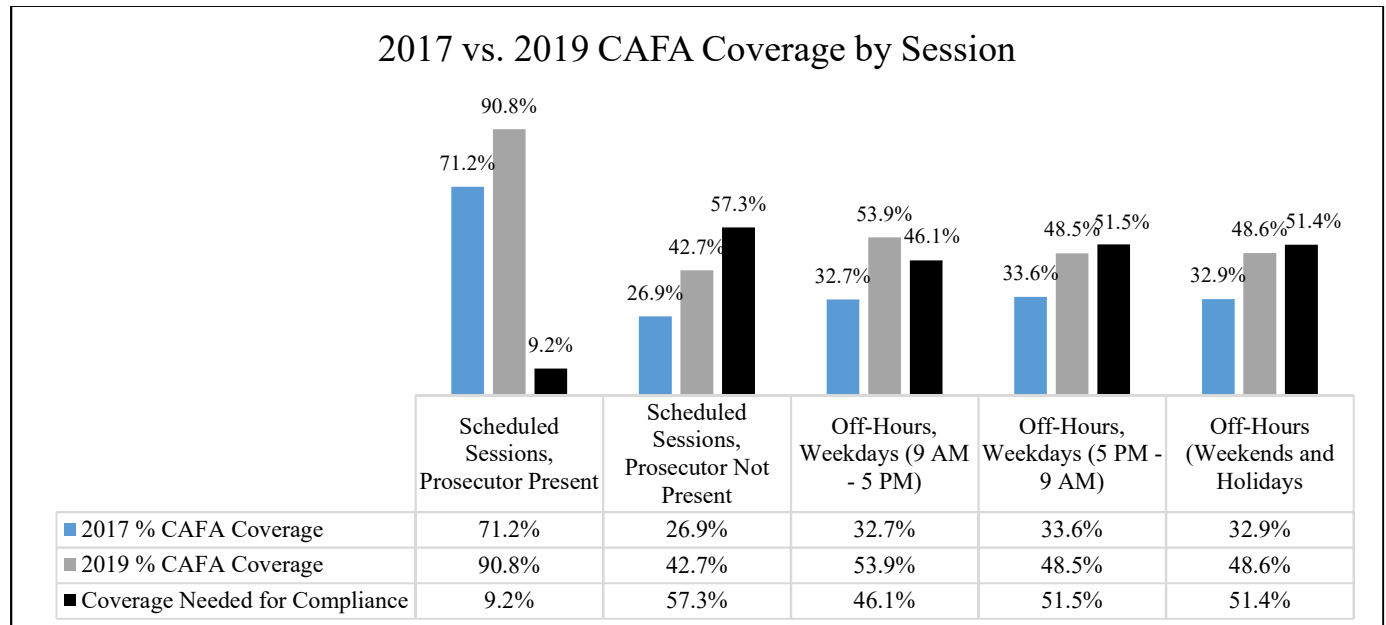
We expect the challenges of ensuring access to counsel at arraignment will lessen as Counties change their programs for providing mandated representation, such as creating institutional provider programs or developing managed Assigned Counsel Programs with a strong infrastructure. These changes should also facilitate improving the quality of arraignment representation.

³⁴Counties have attempted to address these challenges in various ways. 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 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” to ensure that a defense attorney is present.

One significant change in the coming months is New York’s bail reform legislation, to go into effect on January 1, 2020. Among other things, this reform amends CPL § 150.20 to require that appearance tickets be issued upon arrest in many cases, thereby reducing the number of people taken into custody upon arrest. As a result, the number of custodial arraignments will be reduced, while the number of appearance ticket arraignments will increase. Thus, this reform should significantly diminish the number of off-hour arraignments while simultaneously increasing the number of arraignments that occur during regular court sessions. The bail reform legislation also requires that people issued appearance tickets be arraigned within 20 days of their arrest. For some courts, these two components of the bail reform legislation will require scheduling more criminal court sessions each month to comply with the 20-day rule and/or to handle the increased number of appearance ticket arraignments. This means that there may be more regular court sessions each month at which defense attorneys will need to be present. For some courts, the number of sessions will not change, but there may be a need to staff each session with more defense attorneys to handle the increase in appearance ticket arraignments. ILS will work with providers to examine and address the need to change arraignment staffing patterns.

VII. Next Steps of Implementing the Five-Year Plan

As the County profiles below reveal, all counties have begun implementing counsel at arraignment programs. The figure below provides a summary of the statewide progress by type of CAFA session toward complete CAFA coverage required by 2023.³⁵



³⁵ For more information about the progress counties have made providing CAFA coverage organized by court type, please see *Appendix L for a comparison of 2017 and 2019 CAFA coverage by court type.*

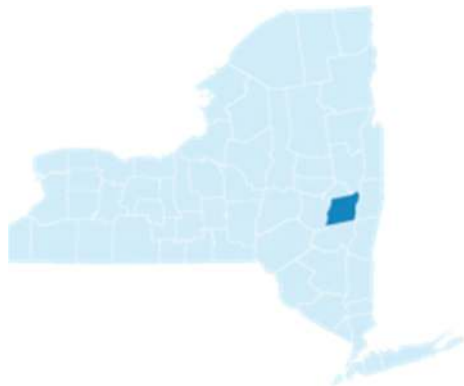
In the second year of *Hurrell-Harring* Statewide implementation, ILS will continue to assist Counties in expanding their current coverage (for counties that do not yet have complete coverage) or sustaining current programs (for counties that already provide complete coverage). ILS will also work with Counties in Year 2 to bolster their capacity to collect, maintain, and report arraignment data. Finally, ILS will also work with providers to make arraignment-specific training opportunities available to improve the quality of arraignment representation.

ILS commends the providers for the steps taken thus far and recognizes that providing representation at arraignments in over 1270 courts in 52 counties is no small task. While this report details the concrete steps taken to provide arraignment representation, it does not fully capture the amount of planning, thoughtfulness, and effort involved. In the words of one of our providers, it is “only through the graciousness and commitment of the attorneys and support staff” that arraignment coverage can be achieved.

ILS will continue to consult with mandated providers and other stakeholders in each county to ensure implementation strategies that will result in the programs needed for full arraignment coverage. Although Executive Law § 832(4) sets forth an April 2023 deadline, as stated earlier, having defense counsel at arraignment is a legal and moral imperative. Moreover, recent changes to the New York’s bail statutes makes having defense counsel at arraignment an even more immediate imperative. There are limits to what the counties can implement without the full funding Executive Law § 832(4) calls for by Year 5 of implementation. Still, ILS will work with the Counties and providers on prioritizing implementation of counsel at arraignment programs. In addition, ILS will continue to monitor and gather data about arraignments statewide to gauge the effectiveness of the programs implemented and the quality of arraignment representation.

COUNTY PROFILES

ALBANY COUNTY



County Overview

Albany County, located in the Capital Region, covers 533 square miles and has a population of 304,204. About 12.4% of residents live below federal poverty levels, and the median household income is \$62,293. Albany County is in the East-Central part of New York, extending southward and westward from the point where the Mohawk River joins the Hudson River.

Albany County Courts

The Supreme, County, Family, and Surrogate's Courts, a City Court, the Court of Claims, and the New York State Appellate Division, Third Department are located in Albany. In addition, the County includes two other City Courts (Cohoes and Watervliet) and 13 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 18 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Stephen Herrick, Esq.; an Alternate Public Defender Office (Conflict Defender) Office, led by Sherri Brooks, Esq.; and an ACP, administered by Larry Rosen, Esq. The Public Defender's Office and Alternate Public Defender's Office both have attorneys who are compensated to provide CAFA coverage on a voluntary, rotational basis.

County Law Enforcement Authorities

The following law enforcement agencies operate in Albany County: 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, NYS Police – Troop G and Troop T, SUNY at Albany Police Department, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office began a pilot CAFA using first CAFA grant awarded by ILS in 2013. The pilot program started with eight teams of four attorneys providing CAFA coverage in the four largest justice courts and then expanded to the County's three city courts during off-hour arraignments. Coverage in three additional town courts was added in 2018. In 2019, the Public Defender's Office used the ILS CAFA #2 grant to expand arraignment coverage by adding an attorney devoted to arraignment representation (housed at the Albany County Correctional Facility). The CAFA #2 grant also funded additional Assistant Alternate Public Defender attorneys for the CAFA coverage rotation.

ii. Current CAFA Coverage

Regular Court Sessions City and Justice Courts - Both the Public Defender's Office and the Alternate Public Defender's Office provide representation at arraignments held during regularly scheduled court sessions when the prosecution is present. Courts do not hold arraignments on regularly scheduled court sessions when a prosecutor is not present, and thus arraignment coverage is not needed for these sessions. Notably, the Albany City Court uses pre-arraignment detention, and therefore all arraignments are conducted in regular court sessions.

Off-Hour Custodial Arraignments - The Public Defender's Office plans to have an attorney who is housed at the Albany County Correctional Facility to provide representation for off-hour custodial arraignments scheduled during workday business hours. This attorney's primary responsibilities will include providing representation during unscheduled arraignments that arise during business hours in all the courts; the attorney will also to support client communication at the jail for detained clients who may need to be seen quickly. The attorney is also expected to participate in the weeknights, weekend and holiday on-call arraignment program. Currently, business day arraignments are addressed by the Public Defender's Office. The Public Defender's Office and the Alternate Public Defender's Office also provide on-call attorneys to staff off-hour arraignments during weeknights, weekends and holidays. There are currently 20 attorneys from the Public Defender's Office and four attorneys from the Alternate Public Defender's Office who provide off-hour arraignment representation on a weekly, rotational basis. They receive additional compensation for the week they are on-call. Although many of the larger towns participate in the off-hour CAFA program, there are a few justice courts that do not participate in the program other than to address arraignments of Adolescent Offenders.

Future of Arraignment Coverage

The Public Defender's Office will require additional staff to provide arraignment representation in a sustainable manner. With statewide *Hurrell-Harring* implementation funding, ACP panel attorneys will be added to the weekly, rotational on-call schedule of providing attorneys at off-hour arraignments. This extension will support efforts to developing a sustainable, countywide model of CAFA representation. In addition, funding is being applied to support technology

needed to provide remote Case Management System access and to promote an efficient and effective method of information gathering and transfer of these cases after arraignment.

ILS will continue to support Albany County in developing a sustainable model of CAFA coverage. It is recommended that additional outreach be considered to support the use of the CAFA program countywide.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Albany

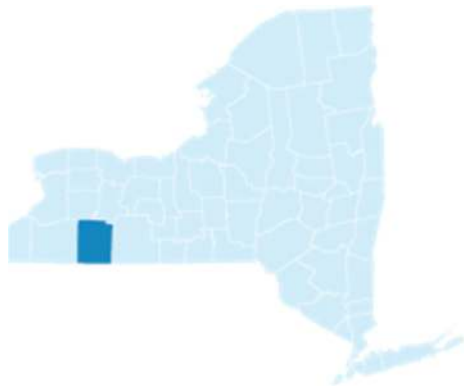
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Albany County Court	Blue	Black	Blue	Black	Black
2. Albany County Supreme Court	Blue	Black	Blue	Black	Black
3. Berne Town 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	Blue	Blue
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	Blue	Blue
12. Ravena Village Court	Blue	Black	Blue	Blue	Blue
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	Blue	Blue	Blue	Blue
18. Guilderland Town 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

ALLEGANY COUNTY



County Overview

Allegany County, located in the Southern Tier in the Chautauqua–Allegany Region, has a population of 48,946, with 16.5% of residents living below federal poverty levels and a median household income of \$45,359. The largest town, Alfred, has a population of only about 5,000. While the County’s population is sparse, the county is geographically large, at 1,034 square miles.

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 for 35 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided via a tiered assignment process. Initially, cases are assigned to the Public Defender’s Office, led by Public Defender, Barbara Kelley, Esq. The Allegany-Cattaraugus Legal Services, Inc., a nonprofit organization supervised by Annette Harding, Esq., serves as a conflict defender office that is contractually obligated to accept a specified number of assigned cases. The County also has an ACP that is administered by Joseph Miller, Esq., on a part-time basis. CAFA is provided by the Public Defender’s Office through a combination of regular court assignments and an on-call program. It is anticipated that the ACP will begin assisting with CAFA coverage by assigning panel attorneys during weeknights and weekends in the County’s five busiest courts.

County Law Enforcement Authorities

The following law enforcement agencies operate in Allegany County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Staff attorneys from the Public Defender's Office originally provided CAFA coverage only in cases that originated in County Court during scheduled sessions, as well as during regularly scheduled sessions in Town and Village courts when a prosecutor was also present. The Public Defender's Office expanded coverage by applying CAFA #2 grant funding to hire a full-time attorney whose primary responsibility was to provide representation at arraignments in each of the Town and Village Courts during off-hours weekdays (i.e., between 5:00 p.m. and 8:00 a.m.). In addition, the full-time staff attorney, as well as other Assistant PD attorneys, provided representation during off-hour arraignments held on weekends (i.e., between Friday at 5:00 p.m. to Sunday at 5:00 p.m.) on a rotational basis. Given the limited amount of staffing within the Public Defender's Office, CAFA coverage was unsustainable, resulting in a reduction in CAFA coverage in 2018. CAFA coverage by the Public Defender's Office recently increased with the hiring of a new CAFA attorney. However, the County continues to address the challenges of providing countywide CAFA coverage with current available resources.

ii. Current CAFA Coverage

Regular Court Sessions – During regular court sessions when the prosecutor is present, the Assistant PD Office attorney regularly assigned to that court will handle the arraignment. For regular court sessions where a prosecutor is not present, the Public Defender's Office will provide a staff attorney if one is available at the time of the arraignment.

Off-Hour Custodial Arraignments - Initially, the Public Defender's Office assigned the designated CAFA attorney to be available and on-call five days a week. In order to sustain representation, three Assistant PDs have been added to the schedule to provide representation during regular business hours, thus, limiting the CAFA attorney's coverage of arraignments scheduled from Monday to Thursday each week and on one Friday and Saturday each month between 3:00 p.m. and 11:00 p.m. Other attorneys in the Public Defender's Office appear at arraignments scheduled on Friday and Saturday between 3:00 p.m. and 11:00 p.m. three times a month. Arraignments scheduled on Sundays currently remain without defense counsel representation. CAFA coverage is currently unavailable for arraignments scheduled overnight between 11:00 p.m. to 8:00 a.m. seven days a week. The Public Defender's Office will increase CAFA coverage during certain holidays (i.e., such as Memorial Day, Fourth of July, etc.) when staff is available. The CAFA attorney receives a full-time salary to provide CAFA representation while the other Assistant PDs receive additional compensation for their participation in providing CAFA coverage during off-hour arraignments.

Future of Arraignment Coverage

With *Hurrell-Harring* funding, the County intends to use ACP attorneys to provide CAFA representation weeknights (i.e., 5:00 p.m. to 8:00 a.m.) and on weekends in the County's five busiest courts (i.e., located in Bolivar, Cuba, Friendship, Wellsville and Alfred). The County expects to assess whether the on-call program is sustainable given the limited number of attorneys available to provide consistent CAFA coverage in courts scattered throughout a large geographic area. County discussions regarding implementation of a CAP are temporarily on-hold pending the County's assessment of bail reform scheduled to begin in January 2020.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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					

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Allegany

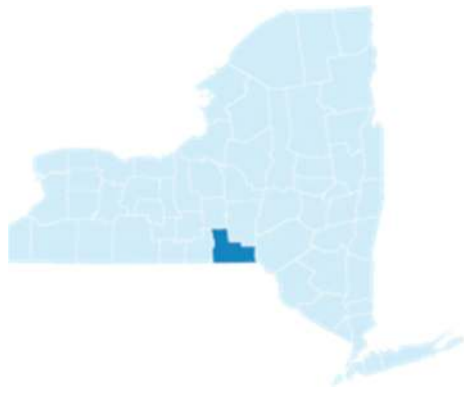
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
33. Angelica Village Court	■	■	■	■	■
34. Belmont Village Court	■	■	■	■	■
35. Bolivar Village Court	■	■	■	■	■
36. Wellsville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

BROOME COUNTY



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. About 17.1% of the population lives below federal poverty levels, and the median household income is \$49,064.

Broome County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in 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 for 21 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Michael Baker, Esq. The County is currently exploring the option of developing a Conflict Defender's Office and adding an ACP Administrator. Currently, arraignments are handled exclusively by the Public Defender's Office during regular court sessions and at a CAP that schedules arraignments twice a day.

County Law Enforcement Authorities

The following law enforcement agencies operate in Broome County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In October 2017, the County received approval from OCA to implement a CAP in which Town and Village Court magistrates conduct off-hour arraignments at the Broome County Public Safety Facility in Binghamton on a rotational basis. The CAP was implemented in two phases. For Phase 1, staff attorneys from the Public Defender's Office began providing countywide representation through an on-call system for all off-hour arraignments from 7:00 p.m. to 7:00 a.m. on weekdays and at all hours on weekends. In Phase 2, after securing a legislative amendment to Correction

Law § 500-a and § 500-c that allowed for the Sheriff's Office to house individuals at the County Jail prior to arraignment, CAP coverage of off-hour arraignments was expanded to provide representation 24 hours a day, seven days per week, including holidays.

ii. Current CAFA Coverage

Regular Court Sessions – During regular court sessions when the prosecutor is present, the Assistant PD assigned to that court will handle the arraignment. For regular court sessions where a prosecutor is not present, arraignments for issued appearance tickets are not always covered. Custodial arraignments are taken to the CAP. Attorneys are not compensated additionally for arraignments during regular court sessions.

Off-Hour Custodial Arraignments – On February 1, 2019, the County implemented Phase 2 of the CAP plan. All off-hour custodial arraignments for all the justice courts are taken to the CAP which holds two arraignment sessions daily at 8:00 a.m. and 8:00 p.m. The Public Defender's Office staffs these arraignment sessions with 12 attorneys. One attorney is assigned to the morning session during the week and the remaining attorneys are assigned on a rotational basis during evening and weekend sessions. It is anticipated that attorneys will receive additional compensation for off-hour CAFA representation.

Future of Arraignment Coverage

The Public Defender reports that staffing off-hour arraignments has improved since the implementation of a CAP. It is anticipated that staff commitment to sustainable off-hour CAFA coverage will further improve with the support of additional compensation. Additionally, the Public Defender intends to include ACP panel attorneys in the CAFA rotation with the use of *Hurrell-Harring* Statewide funding. The remaining challenge is providing coverage for appearance ticket arraignments that occur in regular court sessions when the prosecutor is not present.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Blue	Blue
2. Johnson City Vil. Court	Blue	Blue	Blue	Blue	Blue
3. Barker Town Court	Blue	Grey	Blue	Blue	Blue
4. Binghamton T. Court	Blue	Grey	Blue	Blue	Blue
5. Chenango Town Court	Blue	Blue	Blue	Blue	Blue
6. Colesville Town Court	Blue	Grey	Blue	Blue	Blue
7. Conklin Town Court	Blue	Grey	Blue	Blue	Blue
8. Dickinson Town Court	Blue	Grey	Blue	Blue	Blue
9. Fenton Town Court	Blue	Grey	Blue	Blue	Blue
10. Kirkwood Town Court	Blue	Grey	Blue	Blue	Blue
11. Lisle Town Court	Blue	Grey	Blue	Blue	Blue
12. Maine Town Court	Blue	Grey	Blue	Blue	Blue
13. Nanticoke Town Court	Blue	Grey	Blue	Blue	Blue
14. Sanford Town Court	Blue	Grey	Blue	Blue	Blue
15. Triangle Town Court	Blue	Grey	Blue	Blue	Blue
16. Union Town Court	Blue	Blue	Blue	Blue	Blue
17. Vestal Town Court	Blue	Grey	Blue	Blue	Blue
18. Windsor Town Court	Blue	Grey	Blue	Blue	Blue
19. Deposit Village Court	Blue	Grey	Blue	Blue	Blue
20. Endicott Village Court	Blue	Blue	Blue	Blue	Blue
21. Broome County Court	Blue	Black	Blue	Black	Black
22. Broome Co. Sup. Court	Black	Black	Black	Black	Black

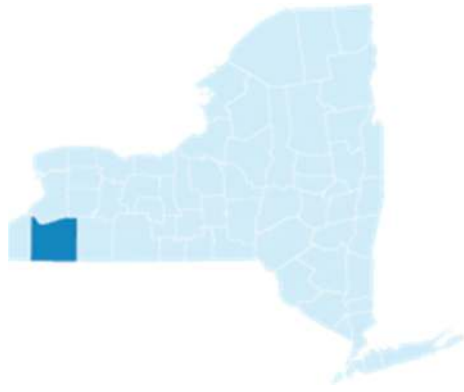
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

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



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. About 16.9% of the population lives below federal poverty levels, and the median household income is \$45,571.

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 for 40 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Darryl Bloom, Esq., and an ACP, administered by Nicholas DiCerbo, Esq. Arraignment coverage is provided countywide by the Public Defender's Office during regular court sessions and through an on-call program for all off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Cattaraugus County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County received a CAFA #1 grant for the Public Defender Office to hire a staff attorney, thereby allowing the Office to initiate representation of counsel at arraignment by staffing an on-call program. The County was awarded a CAFA #2 grant to continue the program and add a social worker to the program to be on-call to assist with exigent client issues that may arise at arraignment, such as the need for housing and mental health support services. Clerical support was also added to assist with the administration of the program.

ii. **Current CAFA Coverage**

Regular Court Sessions – During regular court sessions when the prosecutor is present, the Assistant PD assigned to the court will provide arraignment representation. For regular court sessions where a prosecutor is not present, courts utilize the on-call system.

Off-Hour Custodial Arraignments – All seven attorneys in the Public Defender’s Office provide arraignment coverage for off-hour arraignments. For weekday off-hour arraignments that occur during business hours, the Sheriff/911 calls a dedicated office telephone number and a staff attorney will provide timely representation. For off-hour arraignments that occur at night, on weekends and holidays, the Public Defender’s Office staffs an on-call program that involves two attorneys assigned to cover specific weekday evening shifts and all other staff attorneys assigned to address weekend arraignments on a rotational basis. Attorneys are provided with no additional compensation for providing CAFA coverage.

Future of Arraignment Coverage

Although the County’s Public Defender Office provides representation at arraignment in each court countywide, it requires additional staffing and resources to ensure sustainable coverage. Sustainability is uncertain due to the limited availability of attorneys who are expected to provide overnight CAFA representation while working regular business hours. In addition, attorneys are often challenged with traveling throughout the county during inclement weather. *Hurrell-Harring* Statewide funding is being utilized to provide the Public Defender’s Office with three additional Assistant PDs to alleviate some of the burden of CAFA representation borne by the current limited number of available staff attorneys. In the meantime, the County has initiated discussions with the judiciary and several stakeholders regarding a CAP, which also would help to resolve the problem of sustainability.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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					


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Cattaraugus

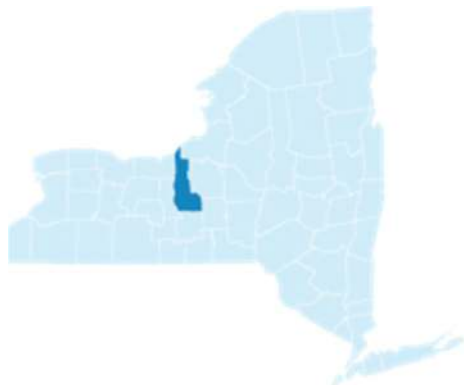
Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
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36. Yorkshire Town Court				
37. Allegany Village Court				
38. Ellicottville Village Court				
39. Portville Village Court				
40. South Dayton 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

CAYUGA COUNTY



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, and the median household income is \$54,664.

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 for 30 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided solely through an ACP developed by the County Bar Association and administered by Lloyd Hoskins. The ACP provides representation in criminal, parole, Family Court, and appellate matters. CAFA representation has been provided by ACP attorneys in Auburn City Court at regular arraignment sessions and in County and Supreme Court during business day off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Cayuga County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Cayuga County is in its fourth 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 from 9:00 a.m. to 4:00 p.m. Representation is provided by a rotating pool of eight panel attorneys, using CAFA #1 funds.

The County was awarded a CAFA #2 grant to continue to provide counsel at arraignments scheduled in Auburn City Court. CAFA coverage was added for off-hour weekday arraignments in County and Supreme Court. The Auburn City Court had planned to coordinate with the Town and Village Courts to provide countywide coverage for arraignments during weekday business-hours, however, that plan was amended when county officials began discussions with OCA to instead establish a CAP to address all off-hour arraignments in the County.

ii. **Current CAFA Coverage**

Regular Court Sessions – Arraignment coverage is provided in Auburn City Court, where two-thirds of criminal charges in the county are filed, during regular weekday business hours, (i.e., 9:00 a.m. to 4:00 p.m.). Attorneys are compensated for their appearances. Through *Hurrell-Harring* Statewide funding, attorneys also cover all regular court session arraignments in County/Supreme Court. The ACP Administrator is often contacted by those local courts not currently covered under the arraignment program to secure an available attorney for arraignment. CAFA coverage continues to expand while awaiting the authorization for a CAP. Several courts (i.e., Brutus, Cato, Fleming, Ira, Scipio, Sterling, and Weedsport) in addition to already participating courts (i.e., Aurelius, Genoa and Sennett) assign attorneys on a monthly basis for representation at arraignments resulting from the issuance of appearance tickets. Attorneys are compensated for their appearances with the use of *Hurrell-Harring* Statewide funding.

Off-Hour Custodial Arraignments – Off-hour weekday arraignments are only covered in Auburn City Court, County Court and Supreme Court. Currently, there is no regular attorney representation available for arraignments scheduled during off-hour night, weekend and holiday sessions. Attorneys are compensated for providing CAFA coverage during the off-hour weekday arraignment sessions.

Future of Arraignment Coverage

In early 2019, the OCA approved a CAP plan for Cayuga County. The County Legislature subsequently passed a resolution to adopt the proposed plan. The County is still awaiting authorization for pre-arraignment detention before it can begin implementation of the CAP plan. The ACP Administrator has developed a preliminary schedule of attorney coverage for the CAP. The CAP will be held in the County's Public Safety Building with a judge and an ACP attorney on-call for each of the two daily scheduled sessions between 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m. daily. There are currently 8 attorneys providing arraignment representation in the City and County Courts. The ACP Administrator anticipates approximately 15-20 attorneys will be participating in arraignment representation once the CAP is fully implemented.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

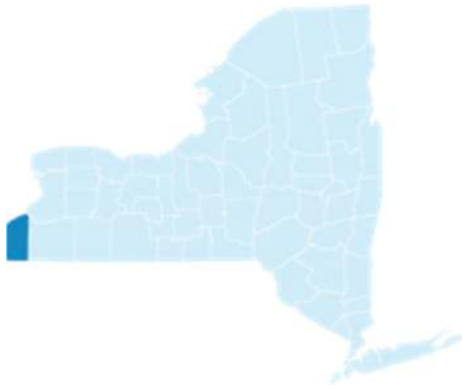
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Black	Blue	Black	Black
3. Cayuga Co. Supr. Court	Blue	Black	Blue	Black	Black
4. Aurelius Town Court	Blue	Blue	Grey	Grey	Grey
5. Brutus Town Court	Blue	Blue	Grey	Grey	Grey
6. Cato Town Court	Blue	Blue	Grey	Grey	Grey
7. Conquest Town Court	Grey	Grey	Grey	Grey	Grey
8. Fleming Town Court	Blue	Blue	Grey	Grey	Grey
9. Genoa Town Court	Blue	Blue	Grey	Grey	Grey
10. Ira Town Court	Blue	Blue	Grey	Grey	Grey
11. Ledyard Town Court	Grey	Grey	Grey	Grey	Grey
12. Locke Town Court	Blue	Blue	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	Blue	Blue	Grey	Grey	Grey
16. Niles Town Court	Grey	Grey	Grey	Grey	Grey
17. Owasco Town Court	Blue	Blue	Grey	Grey	Grey
18. Scipio Town Court	Blue	Blue	Grey	Grey	Grey
19. Sempronius Town Court	Grey	Grey	Grey	Grey	Grey
20. Sennett Town Court	Blue	Blue	Grey	Grey	Grey
21. Springport Town Court	Grey	Grey	Grey	Grey	Grey
22. Sterling Town Court	Blue	Blue	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	Blue	Blue	Grey	Grey	Grey
29. Port Byron Village Court	Grey	Grey	Grey	Grey	Grey
30. Weedsport Vil. Court	Blue	Blue	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

CHAUTAUQUA COUNTY



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 18.5% of the population lives below federal poverty guideline levels, and the median household income is \$44,304.

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 for 35 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Nathaniel L. Barone, Esq.; and an ACP to be administered by a part-time Administrator. Counsel at arraignment is provided by the Public Defender's Office during regular court sessions and in the two City Courts (Jamestown and Dunkirk), as well as for the off-hour arraignments conducted in a CAP established at the Chautauqua County Jail in Mayville, NY.

County Law Enforcement Authorities

The following law enforcement agencies operate in Chautauqua County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Prior to January 2019, Chautauqua County provided counsel at arraignment on a sporadic basis other than in the Jamestown City Court, where the Public Defender's Office provided arraignment representation on weekends beginning at 7:00 a.m. In 2019, Chautauqua County implemented a CAP located at the Chautauqua County Jail for all off-hour justice court

arraignments countywide, which is staffed by Public Defender Office staff attorneys on a rotational basis.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation during regularly scheduled court sessions when the prosecutor is present. Custodial arraignments are reserved for the CAP, and arraignments resulting from the issuance of an appearance ticket are scheduled for regular court sessions when a prosecutor and a Public Defender Office attorney.

Off-Hour Custodial Arraignments – The Public Defender’s Office staffs the CAP located at the Chautauqua County Jail. The Public Defender attorneys are also assigned to provide arraignment representation on weekends at each of the City Courts located in Jamestown, NY and Dunkirk, NY (i.e., five Assistant PDs are assigned to cover each weekend session). Because these courts use pre-arraignment detention, these City Court arraignment sessions include custodial arraignments. The attorneys do not receive additional compensation for arraignment coverage.

Future of Arraignment Coverage

The County is currently providing countywide CAFA coverage through the CAPs established at the Chautauqua County Jail and in Jamestown and Dunkirk on weekends. The Public Defender acknowledges that it is vital to hire more attorneys to provide relief to those staff attorneys who have been providing CAFA coverage since implementation of the CAPs. Additional attorneys are necessary to ensure the sustainability of current CAFA coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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			3		
4. Chautauqua Co. Supreme Court			3		
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					

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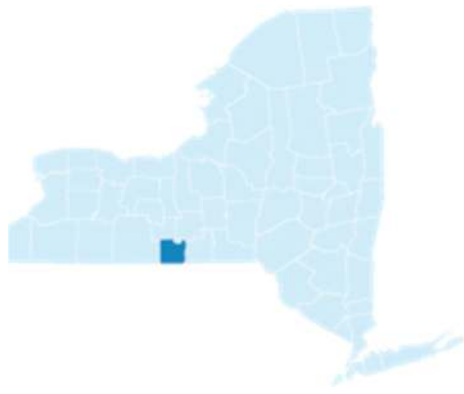
Chautauqua

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
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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



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 \$51,251.

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 in arraignment for 16 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Peter Finnerty, Esq., as well as the Public Advocate's Office, led by John Brennan, Esq. to provide representation in conflict cases. The County is currently in the process of hiring a part-time Administrator to administer the ACP. The Public Defender's Office provides CAFA coverage for regular court sessions when a prosecutor is present and for off-hour business day arraignments. The Public Advocate's Office oversees an Arraignment Bureau that handles off-hour night, weekend, and holiday arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Chemung County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Since August 2014, using a CAFA #1 grant, the County has provided representation at arraignment through the Public Defender's Office and the Chemung County Arraignment Bureau (Bureau) overseen by the Public Advocate's Office. The Arraignment Bureau is currently

composed of two Assistant PDs, two Public Advocate attorneys, and one panel attorney. The Bureau has managed to provide CAFA representation countywide. The County is currently applying a CAFA #2 grant and *Hurrell-Harring* Settlement funds to continue CAFA coverage, provide backup representation for evening on-call arraignments, and to compensate attorneys for their representation.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides arraignment representation during regular court sessions when the prosecutor is present. If a conflict is known prior to the arraignment or if an Assistant PD is unavailable, an attorney from the Public Advocate’s Office will be expected to appear. For regular court sessions when a prosecutor is not present, courts will often adjourn cases if defense counsel is unavailable or will contact the on-call program to secure an attorney to provide representation at arraignment.

Off-Hour Custodial Arraignments – Off-hour daytime arraignments are typically covered by the Public Defender’s Office. Off-hour, night, weekend and holiday arraignments are covered by the Bureau through an on-call, rotational schedule. Attorneys providing representation at arraignment during regular court sessions and off-hour daytime arraignments do not receive additional compensation. Attorneys are compensated with CAFA #2 funding and *Hurrell-Harring* Statewide funding for all other off-hour arraignments.

Future of Arraignment Coverage


Representation at arraignment on a countywide basis is possible due to cooperation of the courts, law enforcement authorities, the Public Defender’s and Public Advocate’s Offices. 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 implementation of a CAP have taken place, but a plan has not yet been developed.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

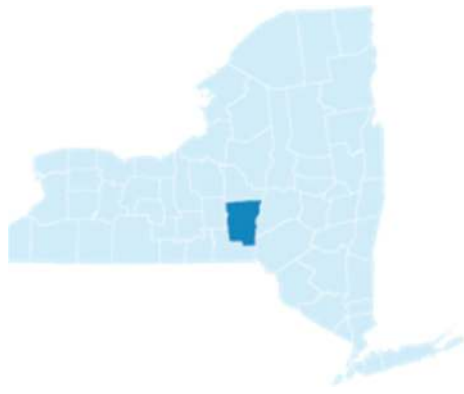
Chemung

	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



County Overview

Chenango County in Central New York has an area of 899 square miles and a population of 50,477. About 14.5% of the population lives below federal poverty levels, and the median household income is \$48,567. 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 29 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 32 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by John Cameron, Esq. The County also has an ACP, supported by Karri Beckwith, who serves a dual role as the paralegal for the Public Defender's Office. The Public Defender's Office provides representation at arraignment within each court during regularly scheduled sessions when a prosecutor is present as well as off-hour daytime arraignments in Norwich City Court and Chenango County Court.

County Law Enforcement Authorities

The following law enforcement agencies operate in Chenango County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Chenango County has historically lacked a sufficient number of attorneys and the resources necessary to provide countywide CAFA representation. The Public Defender's Office, which

consists of only four staff attorneys, is unable to support an on-call program that would address arraignments countywide.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments during regular court sessions when the prosecutor is present. Attorney representation is not provided during regular court sessions where a prosecutor is not present. No additional compensation is offered to attorneys providing CAFA representation.

Off-Hour Custodial Arraignments – The Public Defender’s Office provides off-hour coverage for daytime arraignments in Norwich City Court and the Chenango County and Supreme Court, although Supreme Court arraignments occur less frequently. No other off-hour arraignment coverage is provided consistently. Attorneys are not provided additional compensation for these arraignments.

Future of Arraignment Coverage

There are no currently reported efforts to develop a CAP in the county. *Hurrell-Harring* Statewide funds are being utilized for an additional Assistant PD to assist in CAFA coverage, but additional Public Defender Office staff is required to achieve countywide coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Chenango

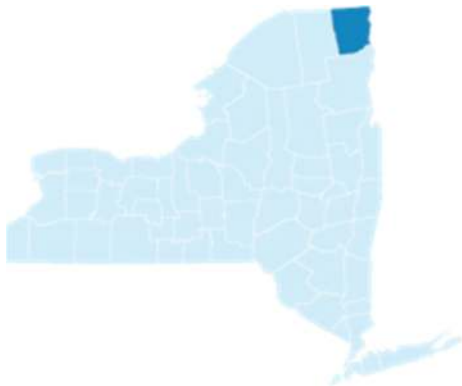
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Norwich City Court	Blue	Black	Blue	Grey	Grey
2. Chenango County Court	Blue	Black	Blue	Black	Black
3. Chenango County Supreme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

CLINTON COUNTY



County Overview

Clinton County, located in Northeastern New York north of the Adirondack Park, has an area of 1,118 square miles and a population of 82,128. About 15.7% of the population lives below federal poverty guideline levels, and the median household income is \$52,759.

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 for 17 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by a new Public Defender's Office, led by Jamie Martineau, Esq.; and an ACP, administered by Justin Meyer, Esq. The Public Defender's Office handles daytime arraignments, and 18-B counsel staff an on-call program for night, weekend, and holiday arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Clinton County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Countywide CAFA coverage was provided through an on-call system of 18-B attorneys who were organized to provide arraignment representation on a rotational basis with the support of the ACP Administrator. Providing representation at arraignment using the 18-B attorney model was considered costly and difficult to maintain on a sustainable basis. In January 2019, the County developed a Public Defender's Office which currently accepts responsibility for certain CAFA coverage.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides CAFA representation at arraignments scheduled during regular court sessions when the prosecutor is present. The Public Defender’s Office also provides representation at regular court sessions where a prosecutor is not present. The Public Defender’s Office is currently requesting that courts consider adjourning appearance tickets arraignments to those sessions where an Assistant PD is assigned in order to alleviate the volume of arraignments assigned to a limited staff of four attorneys. The Public Defender attorneys do not receive additional compensation for these CAFA appearances.

Off-Hour Custodial Arraignments – For daytime, off-hour arraignments, the Public Defender’s Office handles all the arraignments in City Court and County Court. Although the ACP attorneys are also expected to handle off-hour daytime arraignments, many ACP attorneys are often not available to appear for arraignments. This responsibility has become unduly burdensome on the Public Defender’s Office which has a limited number of staff attorneys. Public Defender staff do not receive any additional compensation for these arraignments. For off-hour night, weekend, and holiday arraignments, ACP attorneys cover those arraignments on a rotational basis. Arraignments involving complex criminal matters are often referred to the Public Defender’s Office. The ACP attorneys are compensated weekly to be on-call and available to provide representation at arraignment.

Future of Arraignment Coverage

Although the County has held a number of stakeholder meetings to discuss the development of a CAP, no formal plan is currently being considered. Additional support may be required to maintain the number of 18-B attorneys willing and able to provide CAFA representation. In addition, the Public Defender’s Office may require additional staff to sustain countywide CAFA representation.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

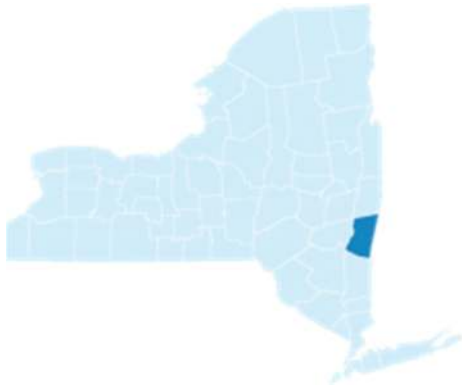
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Grey	Blue	Blue
2. Ausable Town Court	Blue	Blue	Grey	Blue	Blue
3. Beekmantown Town Court	Blue	Blue	Grey	Blue	Blue
4. Black Brook Town Court	Blue	Blue	Grey	Blue	Blue
5. Champlain Town Court	Blue	Blue	Grey	Blue	Blue
6. Chazy Town Court	Blue	Blue	Grey	Blue	Blue
7. Clinton County Court	Blue	Black	Blue	Black	Black
8. Clinton County Supreme Court	Black	Black	Black	Black	Black
9. Clinton Town Court	Blue	Blue	Grey	Blue	Blue
10. Dannemora Town Court	Blue	Blue	Grey	Blue	Blue
11. Dannemora Village Court	Blue	Blue	Grey	Blue	Blue
12. Ellenburg Town Court	Blue	Blue	Grey	Blue	Blue
13. Mooers Town Court	Blue	Blue	Grey	Blue	Blue
14. Peru Town Court	Blue	Blue	Grey	Blue	Blue
15. Plattsburgh City Court	Blue	Black	Blue	Blue	Blue
16. Plattsburgh Town Court	Blue	Blue	Grey	Blue	Blue
17. Saranac Town Court	Blue	Blue	Grey	Blue	Blue
18. Schuyler Falls Town Court	Blue	Blue	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

COLUMBIA COUNTY



County Overview

Columbia County, located in Eastern New York southeast of Albany in the Hudson Valley, has an area of 648 square miles and a population of 63,096. About 11.4% of the population lives below federal poverty guideline levels, and the median household income is \$61,093.

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 for 23 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office. The County has also contracted with three unaffiliated criminal defense attorneys serving as part-time Conflict Defenders. There is no formal ACP. The Public Defender's Office provides CAFA representation at regularly scheduled court sessions when a prosecutor is present and in a few courts for off-hour business day arraignments. Four private attorneys have contracted with the County to provide representation at off-hour night, weekend and holiday arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Columbia County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office began providing CAFA coverage at regular court sessions and attempted to expand coverage to certain night time arraignments. Evening coverage of arraignments by the Public Defender's Office was unsustainable and eventually suspended. The County subsequently applied for and was awarded a CAFA #2 grant to expand CAFA coverage in the County. In May 2019, the County contracted with four private attorneys to provide CAFA

coverage on nights, weekends and holiday. These attorneys received an annual stipend to be on-call on a rotational basis. The Public Defender's Office was charged with administering the CAFA program even though the Public Defender's Office does not employ or supervise the four contracted CAFA attorneys.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Currently, no coverage is available for those arraignments scheduled during regular court sessions where a prosecutor is not present.

Off-Hour Custodial Arraignments – The Public Defender's Office is contacted to address off-hour business day arraignments which they will attend if available. These arraignments are often left unrepresented due to the limited number of available staff in the Public Defender's Office. Courts that are often provided with CAFA coverage by the Public Defender's Office during off-hour business day arraignments include, but are not limited to, in the County Court, Hudson City Court, Claverack Town Court, Greenport Town Court, Kinderhook Town and Village Courts, and Stockport Town Court. The Public Defender's Office is not compensated for arraignment coverage, but they have received funding to hire an administrative assistant that will focus on processing CAFA paperwork and keeping track of necessary data. The four contracted CAFA attorneys are responsible for providing representation at arraignment during off-hour night, weekend and holiday sessions on a rotational basis. The four contracted CAFA attorneys are compensated through a contractual agreement with the County to provide arraignment representation.

Future of Arraignment Coverage

Since there currently are no plans to establish a CAP, the Public Defender's Office will need additional staffing and adequate resources to address off-hour arraignments during weekdays and during sessions when a prosecutor is not present. *Hurrell-Harring* funds should be utilized to provide ongoing training and oversight for the contract attorneys if necessary.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Columbia

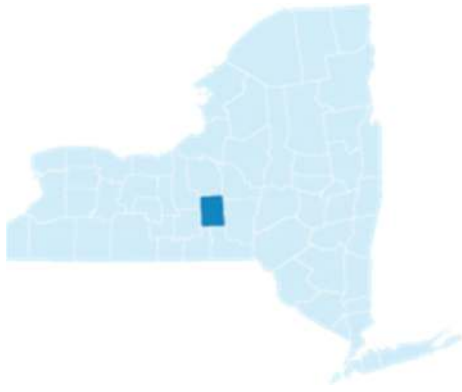
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Ancram Town Court	Blue	Grey	Grey	Blue	Blue
2. Austerlitz Town Court	Blue	Grey	Grey	Blue	Blue
3. Canaan Town Court	Blue	Grey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

CORTLAND COUNTY



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 has a reported population of 49,366 residents. About 14.7% of the population lives below federal poverty guideline levels, and the median household income is \$52,451.

Cortland County Courts

The Supreme, County, Family, Surrogate's, and City Courts are in the City of Cortland. In addition, the County has 17 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 20 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Keith Dayton, Esq.; and an ACP, administered by Michael Cardinale, Esq. The Public Defender's Office provides CAFA coverage at all regular court sessions when a prosecutor is present and off-hour business day arraignments. Weeknight, weekend and holiday CAFA coverage is provided by the ACP attorneys through an on-call program.

County Law Enforcement Authorities

The following law enforcement agencies operate in Cortland County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Cortland County Public Defender's Office has been providing CAFA coverage for regular court sessions when a prosecutor is present in all courts. Additionally, they have been providing coverage in regular court sessions when a prosecutor is not present in nine town courts and expanded the program to a tenth court. They provided off-hour coverage in Cortland City Court except for weekends, and daytime arraignment coverage in Cortlandville Town Court and Homer Town Court. Because of the limited number of attorneys available to sustain CAFA coverage in

the Public Defender's Office, the County transitioned to a program in early Summer 2019 where the Public Defender's Office handles arraignments at regular court sessions and off-hour business day arraignments while ACP attorneys cover the off-hour night, weekend and holiday arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignment during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, representation is available for custodial arraignments through the on-call CAFA program or the Public Defender's Office if it is scheduled during the day. Arraignments for appearance tickets are being adjourned to a court session where an Assistant PD is normally assigned to provide representation. The Public Defender's Office receives no additional compensation for arraignment coverage at regular court sessions or during the day.

Off-Hour Custodial Arraignments – The Public Defender's Office covers business day off-hour arraignments in all courts. With *Hurrell-Harring* funding, the Public Defender's Office was able to convert a part-time position to full-time who is dedicated to covering arraignments in Cortland City Court during the work week. In early Summer 2019, the ACP attorneys began covering off-hour arraignments on nights, weekends and holidays in all courts. Although the Public Defender's Office receives no additional compensation for arraignment coverage, 18-B counsel will receive additional compensation to appear for an arraignment during off-hours. The collaboration between the Public Defender's Office and the 18-B attorneys has resulted in countywide coverage of arraignments.

Future of Arraignment Coverage

Given the limited number of staff in the Public Defender's Office and the relatively small number of available ACP 18-B panel of attorneys available in the County, discussions remain ongoing as to the potential for implementation of a CAP. Beginning in October 2019, the County plans to implement a CAFA plan in which the Public Defender's Office, with the addition of two new attorney positions funded by *Hurrell-Harring*, will cover off-hour arraignments scheduled during the business day and during weeknights. In the new plan, the ACP 18-B attorneys are expected to cover all off-hour arraignments scheduled on weekends and holidays.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

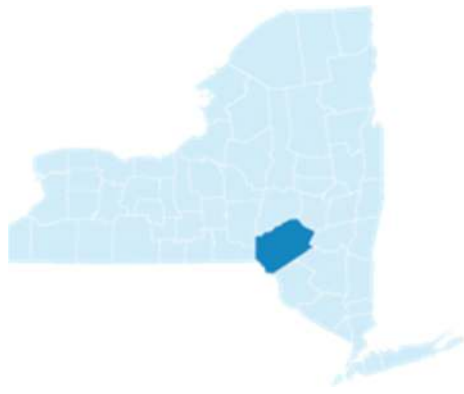
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Blue	Blue	Blue
2. Cortland City Court	Blue	Black	Blue	Blue	Blue
3. Cortland County Court	Blue	Black	Blue	Black	Black
4. Cortland County Supreme Court	Blue	Black	Blue	Black	Black
5. Cortlandville Town Court	Blue	Blue	Blue	Blue	Blue
6. Cuyler Town Court	Blue	Blue	Blue	Blue	Blue
7. Freetown Town Court	Blue	Blue	Blue	Blue	Blue
8. Harford Town Court	Blue	Blue	Blue	Blue	Blue
9. Homer Town Court	Blue	Blue	Blue	Blue	Blue
10. Homer Village Court	Blue	Blue	Blue	Blue	Blue
11. Lapeer Town Court	Blue	Blue	Blue	Blue	Blue
12. Marathon Town Court	Blue	Blue	Blue	Blue	Blue
13. McGraw Village Court	Blue	Blue	Blue	Blue	Blue
14. Preble Town Court	Blue	Blue	Blue	Blue	Blue
15. Scott Town Court	Blue	Blue	Blue	Blue	Blue
16. Solon Town Court	Blue	Blue	Blue	Blue	Blue
17. Taylor Town Court	Blue	Blue	Blue	Blue	Blue
18. Truxton Town Court	Blue	Blue	Blue	Blue	Blue
19. Virgil Town Court	Blue	Blue	Blue	Blue	Blue
20. Willet 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

DELAWARE COUNTY



County Overview

Delaware County, located in Southern New York, east of Binghamton, is separated from Pennsylvania by the Delaware River. The County covers approximately 1,446 square miles and a population of about 48,000 residents. Approximately 16.5% of the population lives below federal poverty guideline levels, and the median household income is \$47,921.

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 for 24 courts countywide.

County Providers for Mandated Representation

Historically, mandated representation in Delaware County has been provided by assigned counsel ("18-b counsel"). The panel of 18-b counsel was previously overseen by the Delaware County Bar Association (DCBA) and a volunteer Administrator. After the Administrator resigned in 2014, the County Attorney and the judiciary, in consultation with the DCBA, assumed oversight of assigned attorney representation. The County has recently established a Public Defender's Office, headed by Joseph Ermeti, Esq., to work in tandem with the 18-B panel. Currently there is no CAFA coverage except in County Court and Supreme Court during regular court sessions and business day off-hours provided by the Public Defender.

County Law Enforcement Authorities

The following law enforcement agencies operate in Delaware County: 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.

Overview of CAFA Coverage

- i. **History of Representation at Arraignment**

Counsel at arraignment has been sporadically available throughout Delaware County. Historically, arraignment coverage was sporadic and depended on the availability and willingness of 18-B attorneys who may be present in the courtroom on another matter or asked by a judge to appear for an arraignment. Coverage was more reliable and consistent in the County and Supreme Courts.

ii. Current CAFA Coverage

Regular Court Sessions – Arraignment coverage remains sporadic and is often dependent on the willingness and availability of an 18-B attorney who may or may not be present in the court when asked to appear for an arraignment during regular court sessions when a prosecutor is and is not present in the courtroom. Those 18-B attorneys who are asked to appear at an arraignment will often be assigned to the case and are compensated at the regular statutory rate for 18-B representation. Currently, the Public Defender handles all arraignments in the County and Supreme Court since his appointment on August 1, 2019.

Off-Hour Custodial Arraignments – There is currently no sustained coverage for off-hour arraignments in any court except County and Supreme Court. Representation is often provided only if an attorney is asked to appear for the arraignment by the court. The 18-B attorney is compensated at the regular statutory rate for 18-B representation. The Public Defender is currently responsible for providing representation at those off-hour arraignments scheduled in the County and Supreme Courts.

Future of Arraignment Coverage

Hurrell-Harring Statewide funding has provided the County with the opportunity to establish a Public Defender’s Office that will be designated as a primary provider of mandated criminal defense representation. As the Public Defender hires additional staff, the County anticipates that arraignment coverage will increase throughout the County. Additional support for 18-B attorneys will also be required to develop a sustainable model of countywide arraignment coverage. The County will likely require continued support to further develop a plan for providing countywide arraignment coverage since no current proposal has been introduced to implement a CAP.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

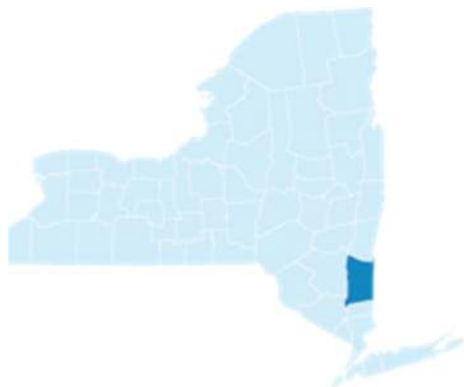
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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



County Overview

Dutchess County, located in Southeastern New York in the Hudson Valley, has an area of 825 square miles and a population of 297,488. Only about 9.1% of the population lives below federal poverty levels, and the median household income is \$75,585. The southwestern part of the County has developed into a largely residential area, whereas the northern and eastern portions of the County remain rural with large farmlands.

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 for 30 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Tom Angell, Esq. There is no formal ACP. The Public Defender's Office is primarily responsible for covering arraignments at all regularly scheduled court sessions and off-hour arraignments through an on-call program.

County Law Enforcement Authorities

The following law enforcement agencies operate in Dutchess County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County has used ILS and County funding to provide counsel at arraignment countywide. With the CAFA #1 grant, the County authorized the Public Defender's Office to hire two night-time arraignment attorneys to implement counsel at arraignment in select high-volume Village, Town and City courts. Since 2015, representation at arraignment 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. Additionally, the Public Defender hired a third attorney specifically for the CAFA program to cover arraignments during the business week days.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office addresses arraignments scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, the Public Defender's Office seeks adjournment of these arraignments to a court date when both the Public Defender's Office and the Prosecution are present. If the matter cannot be adjourned and the Court contacts the Public Defender's Office, an Assistant PD will appear. Beacon City Court, Poughkeepsie City Court, and County and Supreme Court do not have regular sessions without a prosecutor.

Off-Hour Custodial Arraignments - All off-hour custodial arrests are covered by on-call CAFA attorneys in the Public Defender's Office. There are two CAFA attorneys whose primary responsibility is to address off-hour evening, weekend, and holiday arraignments. The two CAFA attorneys rotate their responsibility on a weekly basis. A third attorney staffs the on-call program during the business day and handles some appellate cases when not assigned to an arraignment. The remaining attorneys in the Public Defender's Office provide backup coverage to ensure that an attorney is always available to provide CAFA representation when necessary. The CAFA attorneys are salaried employees. The other attorneys who provide backup coverage are provided additional compensation for covering CAFA shifts on nights, weekends and holidays. Currently, the Public Defender's Office has 28 attorneys participating in CAFA representation.

Future of Arraignment Coverage


With *Hurrell-Harring* funding, the Public Defender's Office intends to hire another full-time Assistant PD to participate in CAFA representation. The Public Defender reports that additional staffing and resources will likely be necessary to sustain countywide CAFA coverage using the current on-call system. The County has engaged in CAP discussions, but no formal plan has been introduced for development.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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



County Overview

Erie County, located in the Greater Niagara Region, has an area of 1,227 square miles and a population of 919,040. About 15.0% of the population lives below federal poverty guideline levels, and the median household income is \$54,006. The County is bordered by Canada to the north.

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 for 40 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Bureau of Buffalo (LAB), and an Assigned Counsel Program. The LAB is responsible for providing representation at arraignment in the Buffalo City Court, while counsel provide representation at arraignment in other courts. Buffalo City Court utilizes a long-standing centralized arraignment part where defendants are detained pre-arraignment. The busier justice courts and Tonawanda City Court utilize a combination of an "attorney of the day" program for regular court sessions and an on-call program for off-hour arraignments staffed by ACP attorneys. Small justice courts utilize the on-call program for all off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Erie County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

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 courts located 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 in 10 of the County’s busiest courts and to introduce an on-call program for off-hour arraignments in 29 additional courts. In 2017, the County was awarded the CAFA #2 grant to support the ACP’s two-tier delivery of representation at arraignment—representation by ACP attorneys during regular assignments in individual courts, and representation for off-hour arraignment by teams of two ACP attorneys assigned to cover one of six regions on a rotational basis. With the LAB providing representation at arraignment in the Buffalo City Court, countywide CAFA coverage is provided by these two entities.

ii. Current CAFA Coverage

Buffalo City Court – All arraignments in Buffalo City Court are staffed with an attorney from LAB every day of the week. Because all City Court arraignments occur during these sessions, all arraignments originating in the City of Buffalo are staffed with LAB counsel. LAB attorneys providing arraignment coverage during the work week are not provided additional compensation, but those LAB attorneys providing arraignment representation on the weekends are compensated for a minimum of four hours of work each session.

Regular Court Sessions in Tonawanda City Court and the Justice Courts – During regular court sessions when the prosecutor is present, the ACP attorney assigned to that court will handle the arraignment. The 10 busiest courts have an ACP “Attorney of the Day” program. If an ACP attorney is not assigned to the court, which may occur in some of the smallest courts, the judge will often request that an ACP attorney who is present on another matter provide arraignment representation. For regular court sessions where a prosecutor is not present, the Court will either utilize an ACP attorney available in the courtroom who is assigned to another matter or contact the on-call CAFA program. Those attorneys involved in the on-call program are compensated for being available upon request by the court while those attorneys asked to appear on an arraignment while in court on another matter are provided with the statutory rate for the appearance. If an on-call attorney appears, they are compensated as outlined below.

Off-Hour Custodial Arraignments – The ACP’s on-call program provides coverage for off-hour arraignments outside the City of Buffalo. The program consists of approximately 30 ACP attorneys with 5-6 attorneys assigned to each of the six geographic zones. Typically, there are two attorneys on-call for a week at a time in each zone. These attorneys are compensated on a quarterly basis to participate in the on-call program. *Hurrell-Harring* Statewide funding will be used to sustain representation in this program.

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. *Hurrell-Harring* Statewide funding will be utilized to expand the “Attorney of the Day” program and to enhance the current on-call program to promote sustainability and prevent high turnover of available attorneys. *Hurrell-Harring* Statewide funding will be utilized to support the current weekend/holiday arraignment schedule in Buffalo City Court.

The County has had several meetings with stakeholders to discuss a CAP to cover the town and village court off-hour arraignments, but efforts to develop a formal plan for OCA consideration have not been initiated. To continue the on-call/ and “Attorney of the Day” program, the ACP must engage additional ACP attorneys available and willing to provide CAFA coverage as required.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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					

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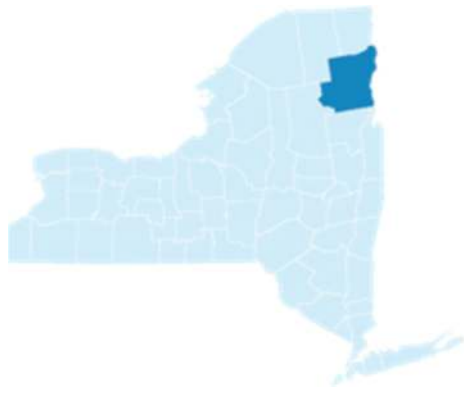
Erie

	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					

■ 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



County Overview

Essex County, located in Northeastern New York in the Adirondack State Park, has a population of 39,370, with 8.9% of residents living below federal poverty guideline levels, and a median household income of \$55,294. The County covers an area of 1,916 square miles among the Adirondack High Peak Region of the High Peaks Wilderness Region which includes the highest point in New York, Mount Marcy with an elevation of 5,344 feet located in the town of Keene, NY.

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 for 20 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office, led by Brandon Boutelle, Esq. There is no formal ACP, but the County anticipates developing one with *Hurrell-Harring* funding. The Public Defender's Office provides CAFA coverage at all regular court sessions where a prosecutor is present and for off-hour arraignments during the business day in County Court and four town courts.

County Law Enforcement Authorities

The following law enforcement agencies operate in Essex County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Previously, the County provided CAFA coverage during regularly scheduled court sessions where a prosecutor was present in County Court, Supreme Court, Moriah Town Court and Schroon Town Court. Over the last two years, the County has increased CAFA coverage to expand to all regularly scheduled courts sessions with a prosecutor present, as well as additional coverage as described

below. With a limited number of available attorneys in the Public Defender’s Office, (i.e., four attorneys in total which include the Public Defender), it currently is not possible to address arraignments scheduled in several of the justice courts.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office handles those arraignments scheduled during regular court sessions when the prosecutor is present. The Public Defender reports that arraignments do not occur on regular court sessions where a prosecutor is not present, so there is no need to staff these sessions.

Off-Hour Custodial Arraignments – Off-hour business day arraignments are covered by the Public Defender’s Office through an on-call system in County Court, Elizabethtown Town Court, Minerva Town Court, Moriah Town Court, and Westport Town Court. The only off-hour night and weekend arraignments that are included in their coverage involve the Lake Placid Village Court. Courts contact the Public Defender who will designate the attorney to provide representation at the arraignment. The attorneys are on-call during a weekly rotation but are often unable to provide representation at arraignments that are located farther away from their office unless it is an arraignment for a complex felony. The attorneys receive no additional compensation for providing representation at arraignment. With *Hurrell-Harring* Statewide funding, the Public Defender’s Office anticipates providing staff attorneys additional compensation as they expand CAFA duties. Additionally, funding will be used to compensate 18-B panel attorneys to provide CAFA coverage on weekends and holidays in the County’s four busiest courts for felony arraignments.

Future of Arraignment Coverage

The County has engaged in several discussions regarding expanding the 18-B panel and establishing a CAP, but no formal CAP plan has been introduced. Given the geographic size and mountainous region, as well as the large number of village and town courts and limited number of available attorneys to participate in CAFA coverage, regionalizing CAFA coverage among the 18-B panel attorneys may be an option to promote sustainable representation with the support of *Hurrell-Harring* Statewide funding.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

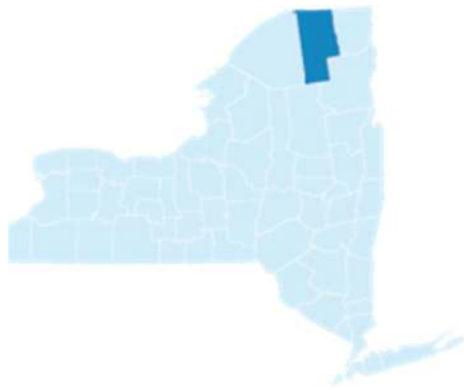
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Black	Grey	Grey	Grey
2. Crown Point Town Court	Blue	Black	Grey	Grey	Grey
3. Elizabethtown Town Court	Blue	Black	Blue	Grey	Grey
4. Essex County Court	Blue	Black	Blue	Black	Black
5. Essex County Supreme Court	Black	Black	Black	Black	Black
6. Essex Town Court	Blue	Black	Grey	Grey	Grey
7. Jay Town Court	Blue	Black	Grey	Grey	Grey
8. Keene Town Court	Blue	Black	Grey	Grey	Grey
9. Lake Placid Village Court	Blue	Black	Grey	Blue	Blue
10. Lewis Town Court	Blue	Black	Blue	Grey	Grey
11. Minerva Town Court	Blue	Black	Grey	Grey	Grey
12. Moriah Town Court	Blue	Black	Blue	Grey	Grey
13. Newcomb Town Court	Blue	Black	Grey	Grey	Grey
14. North Elba Town Court	Blue	Black	Grey	Grey	Grey
15. North Hudson Town Court	Blue	Black	Grey	Grey	Grey
16. Schroon Town Court	Blue	Black	Grey	Grey	Grey
17. St. Armand Town Court	Blue	Black	Grey	Grey	Grey
18. Ticonderoga Town Court	Blue	Black	Grey	Grey	Grey
19. Westport Town Court	Blue	Black	Blue	Grey	Grey
20. Willsboro Town Court	Blue	Black	Grey	Grey	Grey
21. Wilmington Town Court	Blue	Black	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

FRANKLIN COUNTY



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 51,599. About 19.4% of the population lives below federal poverty guideline levels, and the median household income is \$50,733. The County shares an international border with Canada.

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 for 22 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided through a three-tiered system: a Public Defender's Office, led by Tom Soucia, Esq.; a Conflict Defender's Office, led by Claire Knittel, Esq.; and an ACP, administered by Jill Dyer-Jock. Franklin County continues to provide arraignment representation in all regularly scheduled court sessions when a prosecutor is present, and all off-hour arraignments through an on-call program. The on-call program is staffed by all three providers.

County Law Enforcement Authorities

The following law enforcement agencies operate in Franklin County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

With support from ILS funding, Franklin County has been providing CAFA coverage for several years. Originally the Public Defender's Office, with three staff attorneys, the Conflict Defender and ACP attorneys participated in the on-call CAFA coverage program. However, the number of available attorneys to provide CAFA coverage continues to decrease making CAFA coverage

difficult to sustain. Despite the difficulties, the County has continued providing coverage for all arraignments except scheduled sessions when a prosecutor is not present.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender and the Conflict Defender are responsible for providing arraignment representation during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, arraignments are not covered except in Harrietstown Town Court, Moira Town Court, and Tupper Lake Town and Village Courts. The Public Defender is provided extra compensation only for off-hour arraignments. The Conflict Defender and ACP attorney can receive compensation for any arraignment covered.

Off-Hour Custodial Arraignments – Off-hour business day arraignments are handled by the ACP attorneys. Off-hour nights and weekend arraignments are covered by the ACP attorney for the Southern end of the County, (i.e., Saranac and Tupper Lake). The Public Defender’s Office handles all other night and weekend arraignments. Each are compensated for arraignment coverage.

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 no further discussions regarding a CAP, and no formal plan has been developed for consideration for OCA consideration.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Blue	Blue	Blue
16. Malone Town Court	Blue	Black	Blue	Blue	Blue
17. Moira Town Court	Blue	Blue	Blue	Blue	Blue
18. Santa Clara Town Court	Blue	Grey	Blue	Blue	Blue
19. Tupper Lake Town Court	Blue	Blue	Blue	Blue	Blue
20. Tupper Lake Village Court	Blue	Blue	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



County Overview

Fulton County, located in Central New York, has an area of 533 square miles and a population of 55,531 residents. About 16% of the population lives below federal poverty guideline levels, and the median household income is \$48,033. Approximately 222 farms exist in the County, and it is estimated that 59% of the County is situated within the Adirondack Mountain Region.

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 10 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 14 courts countywide.

County Providers for Mandated Representation

Prior to January 1, 2019, mandated representation was provided by a part-time Public Defender and 18-B panel attorneys. There was no formal ACP. The County recently opted to expand the Public Defender position to full-time and to develop a structured ACP. The Public Defender's Office provides CAFA coverage at all regular courts sessions where a prosecutor is present as well as for business day off-hour arraignments in County and Supreme Court, the two City Courts, and two Town Courts.

County Law Enforcement Authorities

The following law enforcement agencies operate in Fulton County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In 2017, when the Public Defender's Office was operating on a part-time basis, the only arraignments that were consistently covered were those scheduled in County Court. Since converting the Public Defender's Office to full-time in 2019, coverage has expanded with the use

of the CAFA #2 grant. With *Hurrell-Harring* Statewide funding, the County intends to implement countywide, off-hour coverage for nights, weekends and holidays.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office handles those arraignments that are scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, the sessions are not covered unless an attorney from the Public Defender’s Office is available or an 18-B panel attorney is present and willing to assist in the matter. The two city courts located in Gloversville and Johnstown do not hold court sessions when a prosecutor is not present.

Off-Hour Custodial Arraignments – The Public Defender’s Office will cover business day off-hour arraignments when they are contacted by the courts to do so. Contact by several of the justice courts remains sporadic with the exceptions of Caroga Town Court and Northampton Town Court. Off-hour arraignments are covered in County Court, Supreme Court and the two City Courts. All other off-hour arraignments, (i.e., scheduled during the evenings, weekends, and holidays) usually do not have an attorney present. The Public Defender’s Office attorneys do not receive additional compensation for arraignments handled during the work day or during regularly-scheduled court sessions.

Future of Arraignment Coverage

The County is currently developing a plan to expand CAFA coverage with the CAFA #2 grant it was awarded and the *Hurrell-Harring* Statewide funding which is currently being used to supplement the costs for the on-call CAFA program. The County intends to develop an on-call program to address off-hour arraignments on evenings, weekends and holidays which would involve both the Public Defender’s Office and 18-B panel attorneys. Although no formal plan has been proposed for a CAP, discussions have included the potential of centralizing arraignments in the City Courts of Johnstown and Gloversville, with representation provided by both the Public Defender’s Office and 18-B panel attorneys.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

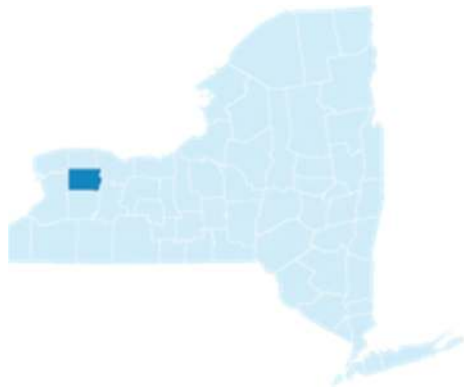
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Black	Grey	Grey	Grey
2. Broadalbin Town Court	Blue	Black	Grey	Grey	Grey
3. Caroga Town Court	Blue	Black	Blue	Grey	Grey
4. Ephratah Town Court	Blue	Grey	Grey	Grey	Grey
5. Fulton County Court	Blue	Black	Blue	Black	Black
6. Fulton County Supreme Court	Blue	Black	Blue	Black	Black
7. Gloversville City Court	Blue	Black	Blue	Grey	Grey
8. Johnstown City Court	Blue	Black	Blue	Grey	Grey
9. Johnstown Town Court	Blue	Grey	Grey	Grey	Grey
10. Mayfield Town Court	Blue	Grey	Grey	Grey	Grey
11. Northampton Town Court	Blue	Grey	Blue	Grey	Grey
12. Oppenheim Town Court	Blue	Grey	Grey	Grey	Grey
13. Perth Town Court	Blue	Grey	Grey	Grey	Grey
14. Stratford 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

GENESEE COUNTY



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 60,079. About 12.8% of the population lives below federal poverty levels, and the median household income is \$54,033.

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 for 16 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by a Public Defender's Office, led by Jerry Ader, Esq., and an ACP, administered by a private attorney, Benjamin J. Bonarigo, PLLC and his associate, Kristie DeFreze, Esq. CAFA coverage is provided by the Public Defender's Office at all regular court sessions and at all off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Genesee County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In December 2017, the Public Defender's Office was providing counsel at arraignment at all courts during regularly scheduled court sessions, including off-hour weekday arraignments in Batavia City Court. There was no consistent arraignment representation during off-hour arraignments, either weekdays or nights and weekends. The Public Defender's Office did expand coverage to ensure coverage in all courts for off-hour arraignments during the weekday before expanding to full CAFA coverage with CAFA #2 funding in July 2019.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office handles arraignments scheduled during regular court sessions when the prosecutor is and is not present. No additional compensation is provided to the Public Defender’s Office for arraignment coverage during regular court sessions.

Off-Hour Custodial Arraignments – The Public Defender’s Office handles those arraignments that take place during off-hour business days. The Public Defender’s Office receives no additional compensation for these arraignments. The Public Defender’s Office is also on-call to provide representation at arraignments that occur during off-hour nights, weekends and holidays. Attorneys within the Public Defender’s Office are assigned to cover these arraignments on a rotational basis and are compensated for their services by the CAFA #2 grant.

Future of Arraignment Coverage


Discussions to develop a CAP have been temporarily suspended while the County considers the development of a new County jail. In the meantime, the CAFA #2 grant is being used to support efforts to increase the number of 18-B attorneys available to participate in the on-call program on a rotational basis to expand CAFA coverage countywide. *Hurrell-Harring* Statewide funding is being utilized to hire two additional Assistant PDs who will be part of the CAFA rotation and to support compensation for off-hour arraignment coverage.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

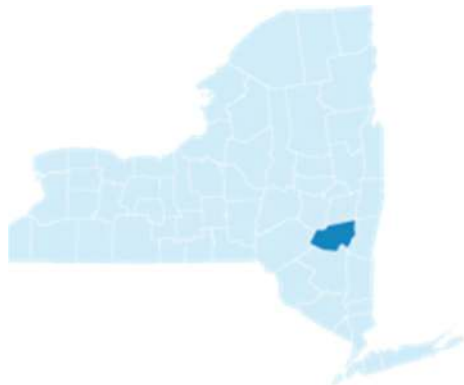
Genesee

	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					
2. Alexander Town Court					
3. Batavia City Court					
4. Batavia Town Court					
5. Bergen Town Court					
6. Bethany Town Court					
7. Byron Town Court					
8. Corfu Village Court					
9. Darien Town Court					
10. Elba Town Court					
11. Genesee County Court					
12. Genesee County Supreme Court					
13. Leroy Town Court					
14. Oakfield Town Court					
15. Pavilion Town Court					
16. Pembroke Town Court					
17. Stafford 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

GREENE COUNTY



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. The Catskill Park contains some of the tallest peaks south of the Adirondacks. The County has a population of 49,221, with 12.4% of residents living below federal poverty levels, and a median household income of \$53,214.

Greene County Courts

The Supreme, County, Family, and Surrogate's Courts are in Catskill. In addition, the County has 18 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 20 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Angelo Scaturro, Esq. There is no formal ACP or designated 18-B panel. However, the County is currently taking steps towards developing a formal, structured ACP. The Public Defender's Office provides CAFA coverage at all regular court sessions when a prosecutor is present and utilizes an on-call system to cover off-hour arraignments in several of the justice courts and in the County and Supreme Courts.

County Law Enforcement Authorities

The following law enforcement agencies operate in Greene County: Athens Village Police Department, 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.

Overview of CAFA Coverage

- i. **History of Representation at Arraignment**

In December 2017, representation at arraignment was offered by the Public Defender's Office during regularly scheduled court sessions in six justice courts and in the County and Supreme Courts. In October 2018, the Public Defender's Office expanded arraignment coverage to all regularly scheduled court sessions when a prosecutor is present. The Public Defender's Office also provided representation at arraignment during all off-hour arraignments scheduled in six of the justice courts (i.e., Athens Town and Village Court, Cairo Town Court, Catskill Town and Village Courts, and the Coxsackie Town Court).

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office handles arraignments scheduled during regular court sessions when the prosecutor is present in all courts. In six courts, the Public Defender's Office handles arraignments in those sessions where the prosecutor is not present. Public Defender Office attorneys do not receive additional compensation for arraignments that take place during regular court sessions.

Off-Hour Custodial Arraignments – Off-hour custodial arraignments are handled through an on-call program staffed by the Public Defender's Office. For business day off-hour arraignments, all eight of the Public Defender attorneys are made available to provide representation at arraignment. One on-call attorney and one backup attorney are scheduled to be available on a regular basis for arraignment that take place during evening, weekends and holidays. Assignment of attorneys for the on-call program are made on a rotational basis and will take into consideration the attorney's residence in relation to the courts requiring off-hour arraignment coverage. The on-call CAFA program results in attorney representation in six of the justice courts and all arraignments scheduled in the in the County and Supreme Courts. Additional compensation is offered for attorney participation in the off-hour, on-call CAFA program through use of the CAFA #2 grant and *Hurrell-Harring* Statewide funding.

Future of Arraignment Coverage

Although the County has engaged in discussions regarding the development of a CAP, an OCA-approved plan has not yet been finalized. The Public Defender's Office is anticipating expanding current CAFA coverage to include the justice courts in New Baltimore, Hunter, Jewett and Prattsville with the use of *Hurrell-Harring* Statewide funding. To support sustainability in CAFA coverage, funding will be used to offer compensation to 18-B attorneys to expand the rotation of attorneys available to support the on-call CAFA program for off-hour arraignments.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Grey	Grey	Grey	Grey
2. Athens Town Court	Blue	Blue	Blue	Blue	Blue
3. Athens Village Court	Blue	Blue	Blue	Blue	Blue
4. Cairo Town Court	Blue	Blue	Blue	Blue	Blue
5. Catskill Town Court	Blue	Blue	Blue	Blue	Blue
6. Catskill Village Court	Blue	Blue	Blue	Blue	Blue
7. Coxsackie Town Court	Blue	Blue	Blue	Blue	Blue
8. Durham Town Court	Blue	Grey	Grey	Grey	Grey
9. Greene County Court	Blue	Black	Blue	Black	Black
10. Greene County Supreme Court	Blue	Black	Blue	Black	Black
11. Greenville Town Court	Blue	Grey	Grey	Grey	Grey
12. Halcott Town Court	Blue	Grey	Grey	Grey	Grey
13. Hunter Town Court	Blue	Grey	Grey	Grey	Grey
14. Hunter Village Court	Blue	Grey	Grey	Grey	Grey
15. Jewett Town Court	Blue	Grey	Grey	Grey	Grey
16. Lexington Town Court	Blue	Grey	Grey	Grey	Grey
17. New Baltimore Town Court	Blue	Grey	Grey	Grey	Grey
18. Prattsville Town Court	Blue	Grey	Grey	Grey	Grey
19. Tannersville Village Court	Blue	Grey	Grey	Grey	Grey
20. Windham 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

HAMILTON COUNTY



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 region. Despite the size of the County, it is the least populated, consisting of approximately 4,800 residents—except during summer and winter seasons which attracts recreational visitors to the county. Approximately 9.7% of the County’s residents live below federal poverty guideline levels, with an estimated median household income of \$55,587.

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 for 10 courts countywide.

County Providers for Mandated Representation

In December 2018, the County appointed an ACP Administrator, Sterling Goodspeed, Esq., who is responsible for administering the 18-b panel of attorneys available to provide mandated representation, including arraignment coverage. CAFA is provided by ACP attorneys during regular court sessions, and through an on-call system for all off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Hamilton County: Inlet Town Police Department, Hamilton County Sheriff’s Office, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County previously provided judges in each court with a list of attorneys who expressed interest in being contacted to provide representation at arraignment. There was no formal structure or schedule of attorneys developed to ensure CAFA coverage which could be inconsistent. The County subsequently appointed an ACP administrator on a part-time basis to

oversee CAFA coverage and administration of the ACP panel of attorneys with the use of *Hurrell-Harring* funding.

ii. Current CAFA Coverage

Regular Court Sessions – The ACP Administrator currently schedules ACP attorneys to be available during regular court sessions when the prosecutor is and is not present. The limited number of ACP attorneys available to provide mandated representation has required the ACP Administrator to be included in the rotational schedule of attorneys available to provide arraignment representation in the County. ACP attorneys receive the statutory rate for any regular court session arraignment appearances. The Administrator receives no additional compensation if he is required to appear at an arraignment

Off-Hour Custodial Arraignments – The ACP Administrator provides representation at most off-hour arraignments. The Administrator will contact other ACP attorneys if he is unavailable to participate in the arraignment. *Hurrell-Harring* Statewide funding is being used to provide for a backup attorney to be on-call when the Administrator is unavailable; it is also being used to compensate ACP attorneys to provide representation during off-hour arraignments scheduled during the week nights. This arrangement of CAFA coverage ensures off-hour representation countywide but may require additional attorney recruitment to be sustainable.

Future of Arraignment Coverage


Sustainable CAFA representation must take the County’s geography and limited number of available ACP attorneys into consideration. The County is considering options to contract with attorneys to provide consistent CAFA representation. No current plans are being discussed for a CAP.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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					
2. Benson Town Court					
3. Hamilton County Court					
4. Hope Town Court					
5. Indian Lake Town Court					
6. Inlet Town Court					
7. Lake Pleasant Town Court					
8. Long Lake Town Court					
9. Morehouse Town Court					
10. Wells 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

HERKIMER COUNTY



County Overview

Herkimer County is in Central New York, northwest of Albany with the northern part of the County located in the Adirondack Park region. 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 64,519, with 14.9% of residents living below federal poverty levels and a median household income of \$49,077.

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 for 24 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by an ACP. The County has a contract with an attorney in private practice, Keith Bowers, Esq., to administer the program. Arraignment coverage is provided by the ACP panel of attorneys during regular court sessions when a prosecutor is present and in several other courts through an on-call program.

County Law Enforcement Authorities

The following law enforcement agencies operate in Herkimer County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

With the support of *Hurrell-Harring* funding, the County was able to begin providing an attorney at arraignments in early 2018 through an on-call program involving five ACP attorneys. Judges, who are provided with the names of the ACP attorneys, are responsible for contacting the attorneys on the CAFA list to provide arraignment representation. The ACP Administrator reports

that CAFA representation is sporadic, with ACP attorneys appearing in approximately 25% to 30% of all off-hour arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – The ACP panel of attorneys are responsible for providing representation during regular court sessions when the prosecutor is present. The Courts are instructed to request an attorney through the on-call program for those arraignments scheduled during regular court sessions where a prosecutor is not present. ACP attorneys receive no additional compensation other than the statutory rate for services when providing representation at arraignments scheduled during regular court sessions.

Off-Hour Custodial Arraignments – The off-hour arraignments are covered by those ACP attorneys who agree to be on-call and are placed on a list by the ACP Administrator that is shared with the judges. It is then incumbent on the courts to contact the ACP attorneys on the on-call list in order to arrange for an attorney to be present at an off-hour arraignment. Attorneys are compensated for their time at the statutory rate.

Future of Arraignment Coverage

Although the County has engaged in discussions regarding a CAP, no formal plan has yet been introduced. The ACP Administrator continues to canvass the ACP 18-B panel of attorneys as to their availability and willingness to support an expansion of the current on-call CAFA program which is expected to be supported by available *Hurrell-Harring* funding. The ACP Administrator intends to develop an “Attorney of the Day” program to support CAFA coverage countywide.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Herkimer

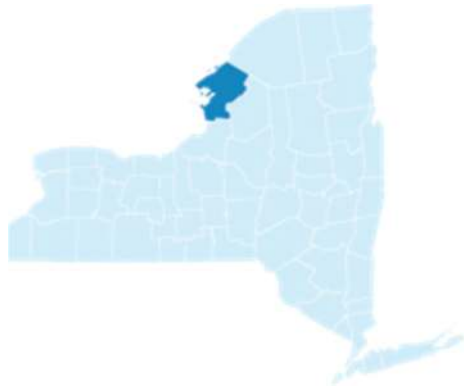
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Columbia Town Court	Blue	Grey	Grey	Grey	Grey
2. Danube Town Court	Blue	Grey	Grey	Grey	Grey
3. Fairfield Town Court	Blue	Grey	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	Blue	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



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 116,229, with 14.8% of residents living below federal poverty levels, and a median household income of \$50,322.

Jefferson County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Watertown. In addition, the County has Watertown City Court and 35 Town and Village Courts. Thus, the County must coordinate criminal arraignments for 37 courts countywide.

Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, overseen by Julie Hutchins, Esq. Historically, there has been no formal ACP. The Public Defender's Office maintained an assigned counsel list, which was distributed to local judges annually. However, the County intends to develop a structured ACP. The Public Defender's Office provides representation at arraignment during regular court sessions when a prosecutor is present and for off-hour business day arraignments in County Court.

Law Enforcement Authorities

The following law enforcement agencies operate in Jefferson County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

CAFA coverage in Jefferson County has consisted of Public Defender representation at arraignments scheduled during regular court sessions when a prosecutor is present. Expansion of CAFA coverage has been challenging due to the County's geography and limited number of Public Defender staff available to provide representation at arraignment.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Representation by counsel at arraignments scheduled during regular court sessions where a prosecutor is not present is not currently available. Efforts are underway to schedule arraignments resulting from appearance tickets to court sessions when both the Public Defender's Office and the Prosecutor's Office are present. The Public Defender's Office is not provided with any additional compensation for covering arraignments scheduled during regular court sessions.

Off-Hour Custodial Arraignments – The Public Defender's Office only provides off-hour business day arraignment coverage in County Court and Watertown City Court which holds regular sessions. No other off-hour custodial arraignments are currently covered in the County.

Future of Arraignment Coverage

The County has allocated *Hurrell-Harring* funding to hire two full-time Assistant PDs to expand CAFA coverage. The County has not recently engaged in any discussions to implement a CAP. Additional resources and the use of 18-B attorneys will help to support CAFA representation countywide.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

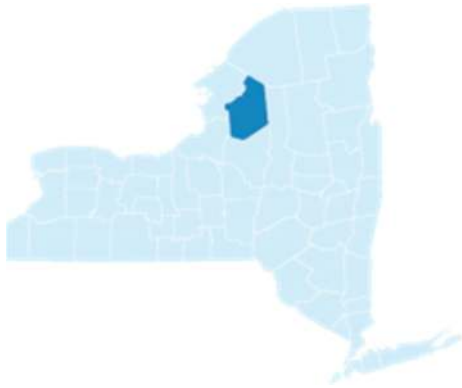
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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. Brownville Village Court	Blue	Grey	Grey	Grey	Grey
8. Cape Vincent Town Court	Blue	Grey	Grey	Grey	Grey
9. Carthage Village Court	Blue	Grey	Grey	Grey	Grey
10. Champion Town Court	Blue	Grey	Grey	Grey	Grey
11. Chaumont Village Court	Blue	Grey	Grey	Grey	Grey
12. Clayton Town Court	Blue	Grey	Grey	Grey	Grey
13. Clayton Village Court	Blue	Grey	Grey	Grey	Grey
14. Dexter Village Court	Blue	Grey	Grey	Grey	Grey
15. Ellisburg Town Court	Blue	Grey	Grey	Grey	Grey
16. Evan Mills Village Court	Blue	Grey	Grey	Grey	Grey
17. Glen Park Village Court	Blue	Grey	Grey	Grey	Grey
18. Henderson Town Court	Blue	Grey	Grey	Grey	Grey
19. Hounsfield Town Court	Blue	Grey	Grey	Grey	Grey
20. Jefferson County Court	Blue	Black	Blue	Black	Black
21. Jefferson Co. Supreme Court	Black	Black	Black	Black	Black
22. Le Ray Town Court	Blue	Grey	Grey	Grey	Grey
23. Lorraine Town Court	Blue	Grey	Grey	Grey	Grey
24. Lyme Town Court	Blue	Grey	Grey	Grey	Grey
25. Orleans Town Court	Blue	Grey	Grey	Grey	Grey
26. Pamela Town Court	Blue	Grey	Grey	Grey	Grey
27. Philadelphia Town Court	Blue	Grey	Grey	Grey	Grey
28. Philadelphia Village Court	Blue	Grey	Grey	Grey	Grey
29. Rodman Town Court	Blue	Grey	Grey	Grey	Grey
30. Rutland Town Court	Blue	Grey	Grey	Grey	Grey
31. Sackets Harbor Village Court	Blue	Grey	Grey	Grey	Grey
32. Theresa Town Court	Blue	Grey	Grey	Grey	Grey
33. Theresa Village Court	Blue	Grey	Grey	Grey	Grey
34. Watertown City Court	Blue	Black	Blue	Blue	Grey
35. Watertown Town Court	Blue	Grey	Grey	Grey	Grey
36. West Carthage Village Court	Blue	Grey	Grey	Grey	Grey
37. Wilna Town Court	Blue	Grey	Grey	Grey	Grey
38. Worth 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

LEWIS COUNTY



County Overview

Lewis County is located in Northern New York and home to the Black River Valley. The eastern part of the County is in the Adirondack Park region. The County encompasses 1,290 square miles, has a population of 27,087, with 14.2% of residents living below federal poverty levels and a median household income of \$51,475.

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 primarily provided by Lewis Defenders, PLLC., (i.e., Lewis Defenders Office) overseen by Michael Young, Esq. who serves as the County's Public Defender. Timothy McClusky, Esq. is the Conflict Defender. There is no formal ACP because of the small number of 18-B attorneys available to provide assigned mandated representation. CAFA coverage is provided by the Lewis Defenders, PLLC at regular court sessions and through an on-call program for all off-hour arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Lewis County: Lowville Village Police Department, Lewis County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Since 2017, the Lewis Defenders Office has been providing representation at arraignments. However, attorney representation was not available for arraignments that occurred during regular court sessions without a prosecutor. CAFA representation has been sporadic and inconsistent other than those arraignments scheduled during regularly scheduled court sessions with a prosecutor present. The County's justice courts are increasingly contacting the Lewis Defenders Office to provide in-person representation at arraignments countywide.

ii. Current CAFA Coverage

Regular Court Sessions – The Lewis Defenders Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present and during sessions when a prosecutor is not present. The Lewis Defenders Office is not provided with additional compensation for arraignments at regular court sessions.

Off-Hour Custodial Arraignments – Currently, Michael Young, Esq., of the Lewis Defenders Office provides representation at approximately 95% of all off-hour arraignments. The three other attorneys in the Lewis Defenders Office provide backup representation when Mr. Young is unavailable to appear. Telephonic appearances by the Lewis Defenders Office will sometimes occur when the client is expected to be released on his/her own recognizance. Additional compensation is being provided to the Lewis Defenders Office for in-person arraignment representation that is conducted during off-hour sessions.

Future of Arraignment Coverage

The Lewis Defenders Office reports that preliminary discussions have been held in the County about establishing a CAP in Lowville, NY where both the Lewis Defenders Office and law enforcement entities are primarily located. ILS recommends that the County consider seeking assistance from additional 18-B attorneys in order to maintain sustainable CAFA coverage that is not primarily dependent on the availability of the number of attorneys within the Lewis Defenders Office.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Blue	Blue	Blue
2. Denmark Town Court	Blue	Blue	Blue	Blue	Blue
3. Diana Town Court	Blue	Blue	Blue	Blue	Blue
4. Greig Town Court	Blue	Blue	Blue	Blue	Blue
5. Harrisburg Town Court	Blue	Blue	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	Blue	Blue	Blue	Blue
9. Leyden Town Court	Blue	Blue	Blue	Blue	Blue
10. Lowville Town Court	Blue	Blue	Blue	Blue	Blue
11. Lowville Village Court	Blue	Blue	Blue	Blue	Blue
12. Lyonsdale Town Court	Blue	Blue	Blue	Blue	Blue
13. Martinsburg Town Court	Blue	Blue	Blue	Blue	Blue
14. Montague Town Court	Blue	Blue	Blue	Blue	Blue
15. New Bremen Town Court	Blue	Blue	Blue	Blue	Blue
16. Osceola Town Court	Blue	Blue	Blue	Blue	Blue
17. Pinckney Town Court	Blue	Blue	Blue	Blue	Blue
18. Port Leyden Village Court	Blue	Blue	Blue	Blue	Blue
19. Turin Town Court	Blue	Blue	Blue	Blue	Blue
20. Watson Town Court	Blue	Blue	Blue	Blue	Blue
21. West Turin 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

LIVINGSTON COUNTY



County Overview

Livingston County, located in the Finger Lakes–Wine County Region, has a population of 65,393, with 14.6% of residents living below federal poverty levels, and a median household income of \$53,654. The County covers 640 square miles.

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 a Public Defender’s Office, led by Lindsay Quintilone, Esq.; a Conflict Defender’s Office, led by Hayden Dadd, Esq.; and an ACP, administered through the Conflict Defender’s Office by Mr. Dadd. The Public Defender’s Office provides representation during all regular court session arraignments as well as the CAP for all off-hour arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Livingston County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Prior to June 2018, the Public Defender’s Office made efforts to provide representation at arraignments scheduled during regularly scheduled court sessions. In addition, the courts attempted to expand CAFA coverage by designating certain courts staffed by both the Public Defender’s Office and the Prosecutor’s Office to hold arraignments during evening sessions. During the first three weeks of each month, arraignments were conducted at the designated courts during evenings from Monday to Thursday and from Monday to Wednesday during the

fourth week of each month. This arrangement was not adhered to by law enforcement on a consistent basis, and therefore, was unsustainable. In June 2018, the County implemented a CAP staffed by the Public Defender's Office for all off-hour arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. As part of the CAP, the Public Defender's Office also handles those arraignments in which the prosecution is not present. The Public Defender's Office does not receive additional compensation for arraignments scheduled during regular court sessions.

Off-Hour Custodial Arraignments – Off-hour arraignments for all of the justice courts are conducted at the CAP which meets during two scheduled sessions daily held at 7:00 a.m. and 7:00 p.m. The CAP is staffed by six attorneys in the Public Defender's Office. One Assistant PD is scheduled for the 7:00 a.m. arraignment session, Monday through Friday, and a second Assistant PD is scheduled to address the CAP arraignments during the evening at 7:00 p.m., Monday through Friday. Four other Assistant PDs and attorneys within the Conflict Defenders Office, if needed, are scheduled on a rotational basis to cover the CAP arraignment sessions conducted on weekends and holidays. *Hurrell-Harring* funding is being used to compensate attorneys providing arraignment representation during weekend and holiday CAP sessions with no additional compensation offered for weekday CAP arraignment coverage.

Future of Arraignment Coverage

The Public Defender reports that arraignment coverage has significantly improved with the introduction of a CAP. The success of the CAP has also resulted in more cases being brought to the CAP session by local law enforcement in instances where appearance tickets may have previously been considered. As the CAP draws more arraignments, efforts should be considered to increase the staffing of attorneys to support sustainable, long term coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Livingston

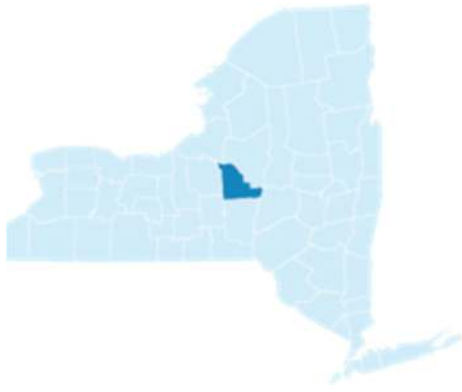
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Avon Town Court	Blue	Black	Blue	Blue	Blue
2. Avon Village Court	Blue	Black	Blue	Blue	Blue
3. Caledonia Town Court	Blue	Black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

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

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

*Livingston County CAP began in June 2018.

MADISON COUNTY



County Overview

Madison County, located in Central New York, east of Syracuse, covers 662 square miles and has a population of 73,442, with 11.1% of residents living below federal poverty levels. Oneida Lake and Oneida Creek part of the northern boundary of 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 by a Public Defender's Office, a nonprofit organization led by Paul Hadley, Esq., and an ACP, administered by Jeffrey Aumell, Esq., of the County Attorney's office. The Public Defender's Office handles arraignments for regularly scheduled courts sessions. For after-hour arraignments, the County has an on-call program staffed primarily by Public Defender's Office and some ACP attorneys.

County's Law Enforcement Authorities

The following law enforcement agencies operate in Madison County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In January 2017, the County began implementing a counsel at arraignment program which was staffed by the Public Defender's Office. The County decided to use a rotating counsel at arraignment plan where attorneys volunteer to be on-call for arraignments. The program was continued with CAFA #2 funding and *Hurrell-Harring* Statewide funding is being used to develop a panel of ACP attorneys to participate in the on-call program when the Public Defender's Office has a conflict in representation.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, the Public Defender’s Office will cover the arraignment unless the client is unconditionally released. The Public Defender’s Office is not provided additional compensation for regular court session arraignments.

Off-Hour Custodial Arraignments – All off-hour arraignments are covered by the on-call program staffed by the Public Defender’s Office. The County’s 911 call center is used to notify the Assistant PD scheduled to be on-call to provide arraignment representation. Attorneys providing on-call arraignment representation receive additional compensation for their services.

Future of Arraignment Coverage

The on-call arraignment program will be expanded with the use of *Hurrell-Harring* Statewide funding to include ACP attorneys to the rotation of assignments. The Public Defender reports that with the use of the on-call program, attorneys are available for arraignments scheduled countywide.


The County is currently renovating their County jail in preparation for the possible development of a CAP. The Public Defender anticipates continuing to require additional support to continue the current arraignment coverage until a CAP is introduced.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

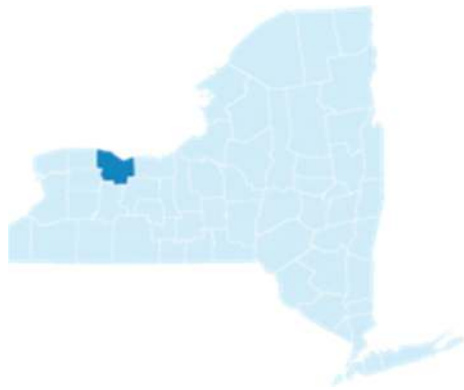
Madison

	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



County Overview

Monroe County, located in the Finger Lakes–Wine Country region encompasses 1,366 square miles. The population is 744,344, with a median household income of \$52,272 and 14.8% of residents living below the federal poverty level.

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, led by Timothy Donaher, Esq. The County also has a Conflict Defender's Office and Assigned Counsel Program administered by Mark Funk, Esq. The Public Defender's Office staffs all regular court session arraignments as well as an on-call program for all off-hour arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Monroe County: 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, NYS Police, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County, which has been awarded both the CAFA #1 and CAFA #2 grants, has implemented full-time counsel at arraignment coverage primarily relying upon a rotation of attorneys from the Public Defender's Office. In 2014, the Public Defender's Office began the first phase of CAFA coverage by scheduling an attorney for off-hour arraignments conducted from 8:00 a.m. to 8:00 p.m. seven days a week. Additionally, attorneys from the Public Defender's Office appeared at

all Town and Village Courts when a prosecutor was present. CAFA coverage was expanded in 2015 to include 24-hour coverage, seven days a week through an on-call program developed in the Public Defender's Office. The Conflict Defender's Office and ACP attorneys do not participate in providing arraignment representation.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides attorney representation at arraignments scheduled during regular court sessions when the prosecution is or is not present.

Off-Hour Custodial Arraignments – The Public Defender's Office provides attorney representation for all off-hour arraignments by scheduling Assistant PD's to be on-call on a regular, rotational basis. During the day, there are two Assistant PDs that are on-call each for a 12-hour shift, on a rotating basis. One shift runs from 8:00 a.m. – 8:00 p.m., and the other shift is from 9:00 a.m. – 9:00 p.m. During the overnight hours, there is one Assistant PD on-call between 8:00 p.m. and 8:00 a.m. to provide representation at arraignment. There is also a second on-call attorney, (i.e., on a contract basis) to be available to provide representation at arraignment between the hours of 9:00 p.m. and 9:00 a.m., Monday through Thursday. Arraignments scheduled during the daytime on weekdays are represented by attorneys assigned to providing representation in town courts on a rotational basis. Arraignments scheduled during the day on weekends are assigned on a rotational basis to those attorneys within the Public Defender's Criminal Trial Bureaus. Arraignments scheduled during weekend overnight shifts from Friday to Sunday are assigned to a dedicated staff attorney with no other work responsibilities. The Assistant PDs assigned to arraignment representation receive no additional compensation for this arraignment coverage.

Future of Arraignment Coverage

The Public Defender's Office intends to use *Hurrell-Harring* Statewide funding to contract with four additional attorneys to provide backup CAFA coverage during the weeknights from 9:00 p.m. to 9:00 a.m. Although the County continues discussions regarding a CAP, no formal plan has been introduced. The Public Defender reports a noted decrease in incarceration rates since implementation of CAFA coverage countywide but also recognizes that additional attorney support is likely required to sustain the on-call program.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

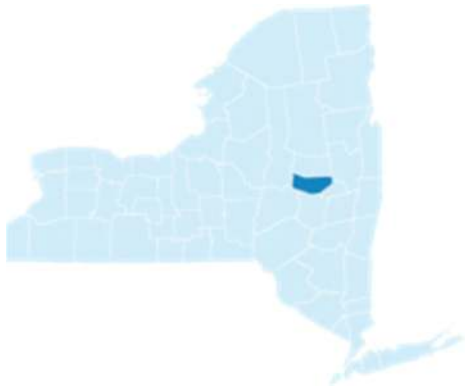
Monroe

	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



County Overview

Montgomery County, located in the Mohawk Valley, has an area of 410 square miles and a population of 50,219. About 19.6% of the population lives below federal poverty levels, and the median household income is \$47,449. Both the Catskills and Adirondack Mountains are located within the geographic boundaries of the County.

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, led by William Martuscello, Esq., who is also responsible for maintaining a list of 18-B attorneys. CAFA coverage is provided by the Public Defender's Office during regular court sessions and in off-hour business day arraignments in County Court only.

County Law Enforcement Authorities

The following law enforcement agencies operate in Montgomery County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office has been primarily responsible for providing representation at arraignment with the assistance of five part-time attorneys. With such a small, part-time staff, the Office could only provide representation at those arraignments scheduled during regular court sessions when a prosecutor was present.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, arraignments are not currently covered. Public Defenders Office attorneys do not receive additional compensation for their representation at arraignments scheduled during regular court sessions.

Off-Hour Custodial Arraignments – The Public Defender’s Office provides representation during business day off-hour arraignments in County Court. There is no attorney representation available for all other off-hour arraignments. The Public Defender’s Office has recently hired two of four additional attorneys that it intends to assign to provide representation at off-hour arraignments with the development of an on-call program. No additional compensation is being provided for off-hour arraignments

Future of Arraignment Coverage

As referenced above, the Public Defender’s Office anticipates using the CAFA 2# grant it has been awarded to hire a total of four additional part-time attorneys to support CAFA coverage countywide with the development of an on-call, rotational program. The Public Defender’s Office also intends on expanding CAFA coverage in the Amsterdam City Court with the hiring of a full-time attorney with the use of the *Hurrell-Harring* Statewide funding. These additional attorneys are expected to support countywide CAFA coverage 24 hours a day, seven days a week. Additional funding will be required to sustain the on-call program unless a CAP is introduced for all off-hour arraignments.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Montgomery

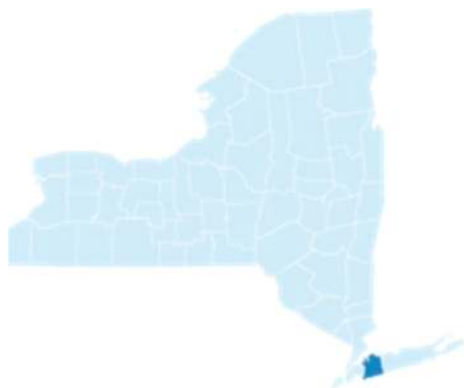
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Amsterdam City Court	Blue	Black	Grey	Grey	Grey
2. Amsterdam Town Court	Blue	Grey	Grey	Grey	Grey
3. Canajoharie Town Court	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	Black	Blue	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



County Overview

Nassau County, which occupies the Western portion of Long Island, has an area of 453 square miles and a population of 1,339,532. About 5.9% of the population lives below federal poverty levels, and the median household income is \$105,744.

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 63 Village Courts. Thus, the County must coordinate counsel at arraignment for 67 courts countywide.

Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society of Nassau County (LAS), headed by Attorney-in-Chief, Scott Banks, Esq., and an ACP, which is incorporated as a nonprofit entity and has a contract with the County, that is led by ACP Administrator, Robert Nigro, Esq. The LAS and the ACP provide arraignment coverage in the District Court. The ACP panel of attorneys provide arraignment coverage through an on-call program for the two City Courts and the voluminous number of justice courts.

Law Enforcement Authorities

The following law enforcement agencies operate in Nassau County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Nassau County utilizes a centralized, district court system in Hempstead, New York where most of the criminal arraignments in the County are heard. Criminal cases are also heard in the County's two City Courts and, less often, in the County's Town and Village Courts. LAS applied the CAFA #1 grant awarded to the County to hire an additional attorney and support staff to support arraignment representation during weekdays. LAS hired a second additional attorney and a bilingual paralegal to support arraignments scheduled on weekends and holidays with use of the CAFA #2 grant awarded to the County.

ii. Current CAFA Coverage

Arraignments Scheduled in District Court- The majority of arraignments in Nassau County are scheduled in the District Court where custodial arraignments are scheduled seven days a week. LAS is the primary provider of representation for custodial arraignments scheduled in the District Court with ACP attorneys scheduled to appear when a conflict in representation with the LAS arises. The ACP has developed an "Attorney of the Day" program in which ACP attorneys are the primary providers of representation for appearance ticket arraignments in the District Court. Weekend arraignments consist primarily of custodial arraignments which are staffed by a LAS attorney and bilingual paralegal and an ACP attorney if a conflict in LAS representation arises. LAS attorneys receive additional compensation only for the weekend and holiday arraignment sessions. ACP attorneys receive additional compensation to be on-call for District Court arraignments in addition to the statutory rate provided for their appearance.

Arraignments Scheduled in County Court - Arraignments scheduled in County Court are usually assigned to the originating assigned attorney or to LAS in the case of a sealed indictment or violation of probation. County Court does not conduct arraignments after 5:00 p.m. weekdays. LAS attorneys are not compensated for County Court arraignments.

Regular Court Sessions in the City and Justice Courts – The City and Justice Courts assign ACP attorneys to provide representation at arraignments scheduled during regular court sessions when the prosecutor is or is not present. ACP attorneys are compensated at the regular statutory rate for representation at regularly scheduled arraignments in the City and Justice Courts.

Off-Hour Custodial Arraignments in the City and Justice Courts – The City and Justice Courts assign ACP attorneys to provide representation of off-hour custodial arraignments scheduled in the City and Justice Courts. ACP attorneys are compensated at the regular statutory rate for representation provided during these off-hour arraignments.

Future of Arraignment Coverage

With *Hurrell-Harring* Statewide funding, LAS intends to add an arraignment supervisor for the District Court and to add additional attorneys to provide CAFA representation, when necessary. It is unclear as to whether representation at arraignments is provided consistently in the City, Town and Village Courts since ACP representation is coordinated by the Courts and not the ACP Administrator. Resources to ensure sustainable representation will be available to ensure countywide CAFA coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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. Bay Park Village Court					
4. Bayville Village Court					
5. Bellerose Village Court					
6. Brookville Village Court					
7. Cedarhurst Village Court					
8. Centre Island Village Court					
9. Cove Neck Village Court					
10. East Hills Village Court					
11. East Rockaway Village Court					
12. East Williston Village Court					
13. Farmingdale Village Court					
14. Floral Park Village Court					
15. Flower Hill Village Court					
16. Freeport Village Court					
17. Garden City Village Court					
18. Glen Cove City Court					
19. Great Neck Estates Village Court					
20. Great Neck Plaza Village Court					
21. Great Neck Village Court					
22. Hempstead Village Court					
23. Hewlett Neck Village Court					
24. Island Park Village Court					
25. Kensington Village Court					
26. Kings Point Village Court					
27. Lake Success Village Court					
28. Lattingtown Village Court					
29. Laurel Hollow Village Court					
30. Lawrence Village Court					
31. Long Beach City Court					
32. Lynbrook Village Court					
33. Malverne Village Court					
34. Manorhaven Village Court					
35. Massapequa Park Village Court					
36. Matinecock Village Court					

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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
37. Mill Neck Village Court					
38. Mineola Village Court					
39. Munsey Park Village Court					
40. Muttontown Village Court					
41. Nassau County 1st District Court*					
42. Nassau County Court					
43. Nassau County Supreme Court					
44. New Hyde Park Village Court					
45. North Hills Village Court					
46. Old Brookville Village Court					
47. Old Westbury Village Court					
48. Oyster Bay Cove Village Court					
49. Plandome Heights Village Court					
50. Plandome Manor Village Court					
51. Plandome Village Court					
52. Pt. Washington N. Village court					
53. Rockville Centre Village Court					
54. Roslyn Estates Village Court					
55. Roslyn Harbor Village Court					
56. Roslyn Village Court					
57. Russell Gardens Village Court					
58. Saddle Rock Village Court					
59. Sands Point Village Court					
60. Sea Cliff Village Court					
61. South Floral Park Village Court					
62. Stewart Manor Village Court					
63. Thomaston Village Court					
64. Upper Brookville Village Court					
65. Valley Stream Village Court					


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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
66. Westbury Village Court					
67. Williston Park Village Court					
68. Woodsburgh Village Court					

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

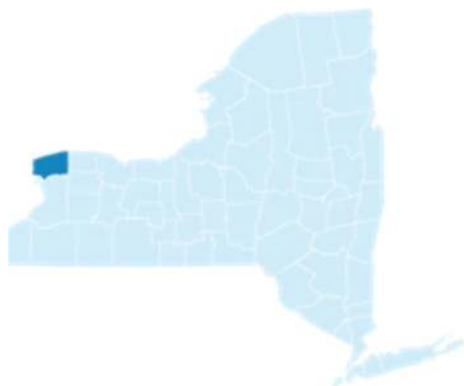
 Courts where it was reported that counsel at arraignment is not always provided

 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).

Note: *Information as to CAFA coverage in the City and Justice Courts is estimated since representation could not be confirmed with each individual court at the time of this report.*

NIAGARA COUNTY



County Overview

Niagara County, located in the Niagara Region in Western New York, has an area of 1,140 square miles and a population of 216,469. About 13.4% of the population lives below federal poverty levels, and the median household income is \$51,656.

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 17 courts countywide.

Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by David Farrugia, Esq., and a Conflict Defender's office and assigned counsel list, both overseen by Kathleen Kugler, Esq. The Public Defender's Office provides CAFA coverage at regularly scheduled court sessions, as well as providing representation through an on-call system for off-hour business day arraignments in County Court, Niagara Falls City Court, and Lockport City Court and for arraignments scheduled during nights and weekends in the Niagara Falls City Court.

Law Enforcement Authorities

The following law enforcement agencies operate in Niagara County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office provided an attorney and clerical support to address arraignments scheduled in the Niagara Falls City Court with the use of funds made available in the CAFA #1 grant awarded to the County. The Public Defender's Office has been able to continue the

arraignment coverage in the Niagara Falls City Court and to add a part-time attorney to address arraignments in the Lockport City Court with the use of funds available in the CAFA #2 grant awarded to the County.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. With the exception in the Lockport City Court, the Public Defender’s Office does not provide representation at arraignments scheduled during regular court sessions where a prosecutor is not present. The Public Defender’s staff attorneys do not receive additional compensation for providing representation at arraignments scheduled during regular court sessions.

Off-Hour Custodial Arraignments – Currently, the Public Defender’s Office covers arraignment sessions for business day arraignments in County Court, Supreme Court, Lockport City Court, and Niagara Falls City Court. Arrests made during evenings, weekends and holidays that require arraignment in the Niagara Falls City Court will often result in pre-arraignment detention before being scheduled for an arraignment during the Court’s regularly scheduled sessions which are staffed by the Public Defender’s Office. The Lockport City Court does not conduct night and weekend arraignments. Representation is not available for other off-hour arraignments scheduled in the County. The Public Defender’s Office receives no additional compensation for arraignment coverage.

Future of Arraignment Coverage

The County is currently awaiting OCA approval for a CAP plan that will involve use of the Niagara County Jail tentatively scheduled to begin as early as January 2020. With *Hurrell-Harring* Statewide funding, compensation has been allocated for the County to begin an on-call program with both the Public Defender’s Office and the Conflict Defender’s Office to provide representation during all off-hour night and weekend arraignments with an attorney expected to be on-call on a weekly rotation. Resources will also be necessary to support successful and sustainable implementation of an approved CAP.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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

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

ONEIDA COUNTY



County Overview

Oneida County is in Central New York and covers an area of 1,257 square miles. Oneida Lake is found in the northwestern corner, and a portion of the Adirondack Park Region is located in the northeast. The County has a population of 234,878, with 16.6% of residents living below federal poverty levels, and a median household income of \$51,316.

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 33 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 37 courts countywide.

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office, led by Frank Nebush, Esq., (Criminal Division) and the Oneida County Supplemental ACP is administered by Michael Arcuri, Esq. The Public Defender's Office provides CAFA representation during regular court sessions when a prosecutor is present and through a CAP for all off-hour arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Oneida County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Prior to October 1, 2017, the Public Defender's Office used CAFA #1 grant funds to develop a "CAFA Section" to provide counsel at arraignment staffed by a full-time and a part-time attorney and an investigator. CAFA Section attorneys covered City Courts in Utica and Rome for a special arraignment part held at 8:30 a.m. on weekends and holidays. The CAFA Section was also available on-call to provide representation at arraignments. An additional attorney was subsequently added to the CAFA Section due to the extensive use of the services. On October 1, 2017, a CAP began operating at the County Correctional Facility. Since the introduction of the CAP, all arraignments during weekdays are held at the Utica and Rome City Courts and off-hour arraignments are referred to the CAP each weeknight at 6:00 p.m. and on weekends and holidays at 7:30 a.m. and 6:00 p.m. daily.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Criminal arraignments are not typically held for regular court sessions where a prosecutor is not present. The Public Defender's Office attorneys receive no additional compensation for their representation of arraignments conducted during regularly scheduled court sessions.

Off-Hour Custodial Arraignments – The Public Defender's Office provides representation at arraignment for all off-hour custodial arraignments referred to the CAP seven days a week. One full-time Assistant PD is assigned to cover all arraignments scheduled during the evening CAP sessions, Monday to Friday and two part-time Assistant PDs are assigned to cover the weekend CAP arraignment sessions (i.e., one attorney is assigned to the morning CAP session and the second attorney is assigned to the evening CAP session). Additionally, one Assistant PD is assigned to address the weekend CAP sessions every third week to ensure sustainable representation. The other Assistant PDs are assigned to address arraignments held at the Utica and Rome Court CAP sessions during weekday mornings. The CAP Supervising Attorney is at the CAP at least once a week to provide support and/or arraignment representation. The Public Defender's Office also schedules an Assistant PD to be on-call to provide backup arraignment representation, when necessary. The Public Defender's Office receives no additional compensation for arraignment coverage.

Future Arraignment Coverage

There have been no gaps in providing an attorney at arraignment since the County adopted a CAP. However, the Public Defender reports that additional staffing and resources are necessary to maintain sustainable, long term arraignment coverage. In addition, the Public Defender's Office is currently attempting to resolve the issue of transportation for those individuals who are released after being transported to the CAP by law enforcement officials and have no means of

transportation to return to their residence. Funding will continue to be provided to support sustainable coverage of the CAP sessions.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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. Bridgewater Town Court					
6. Camden Town Court					
7. Deerfield Town Court					
8. Florence Town Court					
9. Floyd Town Court					
10. Forestport Town Court					
11. Kirkland Town Court					
12. Lee Town Court					
13. Marcy Town Court					
14. Marshall Town Court					
15. New Hartford Town Court					
16. New York Mills Village Court					
17. Oneida County Court					
18. Oneida County Supreme Court					
19. Oriskany Village Court					
20. Paris Town Court					
21. Remsen Town Court					
22. Rome City Court*					
23. Sangerfield Town Court					
24. Sherrill City Court					
25. Steuben Town Court					
26. Sylvan Beach Village Court					
27. Trenton Town Court					
28. Utica City Court*					
29. Vernon Town Court					
30. Vernon Village Court					
31. Verona Town Court					
32. Vienna Town Court					

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Oneida

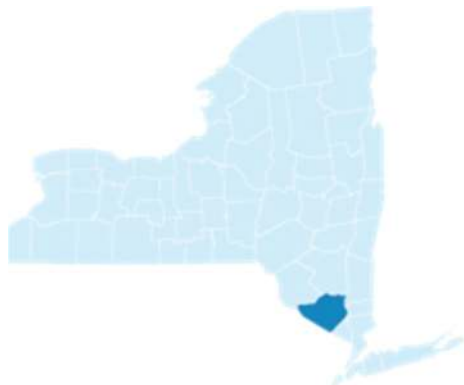
	Scheduled sessions, prosecutor present	*Scheduled sessions, prosecutor not present	*Off-hours, weekday, 9am to 5pm	*Off-hours, weekday, 5pm to 9am	*Off- hours weekends and holidays
33. Waterville Village Court					
34. Western Town Court					
35. Westmoreland Town Court					
36. Whitesboro Village Court					
37. Whitestown Town Court					
38. 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



County Overview

Orange County, located in the Hudson Valley in southeastern New York, is the only county that borders both the Hudson and Delaware Rivers. The County covers 839 square miles, has a population of 372,813, with 12.2% of residents living below federal poverty levels and a median household income of \$75,146.

Orange County Courts

The Supreme, County, Family, and Surrogate's Courts are located in Goshen. In addition, the County has three City Courts, (i.e., 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 of Orange County, Inc. (LAS), a nonprofit organization led by LAS Chief Attorney, Gary Abramson, Esq. The ACP, administered by James Monroe, Esq., receives assignments when LAS has a conflict of interest in providing representation. The LAS provides arraignment coverage only during regularly scheduled court sessions where a prosecutor is present.

Law Enforcement Authorities

The following law enforcement agencies operate in Orange County: 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, Walkkill 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Orange County has no history of providing counsel at arraignment except during regularly scheduled court sessions when a prosecutor is present.

ii. Current CAFA Coverage

Regular Court Sessions – LAS provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, arraignments are not handled by defense counsel unless the court asks an ACP attorney to provide representation. LAS attorneys do not receive additional compensation for arraignment coverage during regular court sessions.

Off-Hour Custodial Arraignments – There is no counsel at arraignment for any off-hour arraignments except for County Court which occur only during the business day. Those arraignments are covered by the LAS, and attorneys receive no additional compensation for such arraignments.

Future of Arraignment Coverage

The County intends to apply *Hurrell-Harring* Statewide funding to expand CAFA coverage to include the use of ACP attorneys in providing representation at those arraignments not addressed by LAS.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Black	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

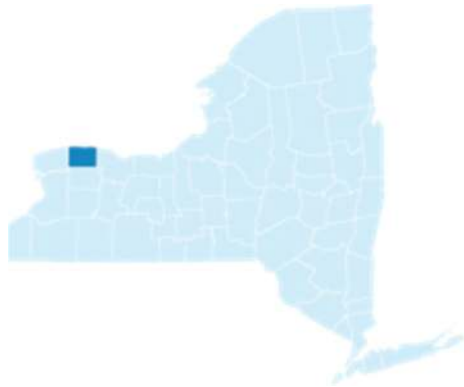
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Orange

	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



County Overview

Orleans 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. About 15.9% of the population lives below federal poverty levels, and the median household income is \$49,223. It includes a large rural population is found between the metropolitan areas of Buffalo and Rochester.

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, led by Joanne Best, Esq., and a list of assigned counsel administered by Jeffrey Martin, Esq. CAFA representation is provided by the Public Defender's Office at regularly scheduled courts sessions when a prosecutor is present and in County Court.

County Law Enforcement Authorities

The following law enforcement agencies operate in Orleans County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

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

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignment during regular court sessions when the prosecutor is present. The Public Defender’s Office attorneys receive no additional compensation for providing representation at these regular court session arraignments. There is no representation offered for arraignments scheduled during regular court sessions where a prosecutor is not present.

Off-Hour Custodial Arraignments – Currently, there is no arraignment representation available during off-hour arraignments except in County Court. For all County Court arraignments, the Court will contact the Public Defender’s Office to provide representation. The Public Defender’s Office does not receive additional compensation for these appearances.

Future of Arraignment Coverage

Although a CAP was being considered by the County, a formal plan has not yet been adopted. The County intends to implement an on-call arraignment program that would be staffed by both Public Defender attorneys and ACP attorneys with support from the *Hurrell-Harring* Statewide funding.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Orleans

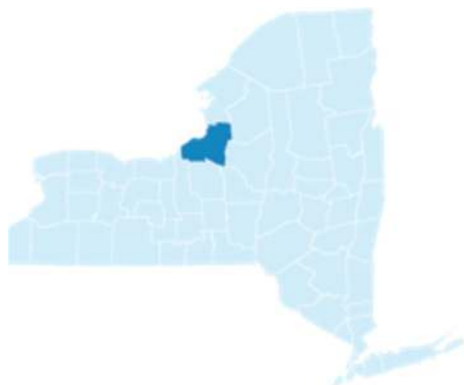
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Albion Town Court	Blue	Grey	Grey	Grey	Grey
2. Barre Town Court	Blue	Grey	Grey	Grey	Grey
3. Carlton Town Court	Blue	Grey	Grey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

OSWEGO COUNTY



County Overview

Oswego County is located in Northwestern New York in the Thousand Islands Seaway Region. The County has an area of 1,312 square miles and a population of 122,109, with 18.3% of residents living below federal poverty levels. The median household income is \$51,755.

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 exclusively by an ACP administered on a part-time basis by Sara Davis, Esq. Thus, CAFA arraignment coverage is dependent upon ACP attorneys to provide representation during regularly scheduled courts sessions, weekday off-hour arraignments and arraignments held during nights and weekends in the Fulton and Oswego City Courts.

Law Enforcement Authorities

The following law enforcement agencies operate in Oswego County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County received a CAFA #1 grant to establish a counsel at arraignment program for Oswego City Court, which consisted of a rotating panel of ACP attorneys. In 2016, the program expanded to Fulton City Court and the Towns of Granby, Oswego, Scriba and Schroepel. The expansion of CAFA coverage for these two City Courts and four Town Courts was for arraignments scheduled during business hours (i.e., up to 7:00 p.m.). With the CAFA #2 grant award, the County further expanded the program to include all arraignments scheduled countywide during the business day

and off-hour arraignments scheduled in the City Courts. The Oswego and Fulton City Courts alternate scheduling off-hour arraignments which are held each morning, including weekends, at 8:00 a.m. Vertical representation is provided in these instances since ACP attorneys appearing for these arraignments are assigned to the case.

ii. Current CAFA Coverage

Regular Court Sessions – ACP attorneys are assigned to provide representation at arraignments scheduled during regular court sessions when the prosecutor is or is not present. ACP attorneys receive the statutory rate for their representation and are assigned to the case through disposition.

Off-Hour Custodial Arraignments – Off-hour, business day arraignments are reported as being covered by ACP attorneys who are on-call to receive assignments. The ACP Administrator confirms that judges and attorneys report that arraignments are not held during the day without an attorney present. ACP attorneys also provide arraignment representation for custodial arraignments in the Fulton and Oswego City Courts. Since both City Courts use pre-arraignment detention, ACP attorneys rotate to cover the morning court sessions when arraignments for arrests from the previous night are conducted. ACP attorneys are paid the statutory rate for their representation, and they are assigned to the case. The ACP has applied the *Hurrell-Harring* Statewide funding to support an on-call program for those arraignments scheduled on weekends and holidays.

Future of Arraignment Coverage

The County recognizes that a CAP is optimal because of the county's large geographic territory and the limited number of ACP attorneys available to provide representation at arraignment countywide (i.e., there are currently only 25 felony-qualified attorneys on the ACP panel). While a CAP continues to be a consideration for the County as it awaits approval to allow for pre-arraignment detention, efforts to recruit and/or train additional attorneys to be available for arraignment, along with additional resources, may be necessary to promote a sustainable model of countywide CAFA representation.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

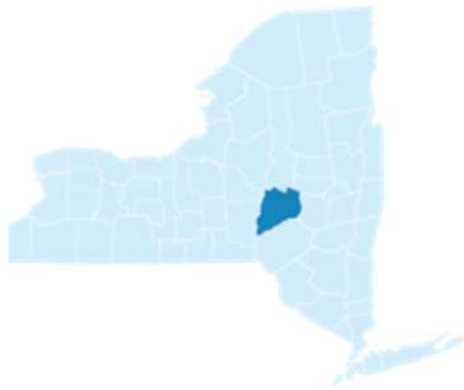
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Blue	Blue	Grey	Grey
2. Amboy Town Court	Blue	Blue	Blue	Grey	Grey
3. Boylston Town Court	Blue	Blue	Blue	Grey	Grey
4. Central Square Village Court	Blue	Blue	Blue	Grey	Grey
5. Constantia Town Court	Blue	Blue	Blue	Grey	Grey
6. Fulton City Court	Blue	Black	Blue	Blue	Blue
7. Granby Town Court	Blue	Blue	Blue	Grey	Grey
8. Hannibal Town Court	Blue	Blue	Blue	Grey	Grey
9. Hastings Town Court	Blue	Blue	Blue	Grey	Grey
10. Mexico Town Court	Blue	Blue	Blue	Grey	Grey
11. Minetto Town Court	Blue	Blue	Blue	Grey	Grey
12. New Haven Town Court	Blue	Blue	Blue	Grey	Grey
13. Orwell Town Court	Blue	Blue	Blue	Grey	Grey
14. Oswego City Court	Blue	Black	Blue	Blue	Blue
15. Oswego County Court	Blue	Black	Blue	Black	Black
16. Oswego County Supreme Court	Black	Black	Black	Black	Black
17. Oswego Town Court	Blue	Blue	Blue	Grey	Grey
18. Palermo Town Court	Blue	Blue	Blue	Grey	Grey
19. Parish Town Court	Blue	Blue	Blue	Grey	Grey
20. Redfield Town Court	Blue	Blue	Blue	Grey	Grey
21. Richland Town Court	Blue	Blue	Blue	Grey	Grey
22. Sandy Creek Town Court	Blue	Blue	Blue	Grey	Grey
23. Schroepel Town Court	Blue	Blue	Blue	Grey	Grey
24. Scriba Town Court	Blue	Blue	Blue	Grey	Grey
25. Volney Town Court	Blue	Blue	Blue	Grey	Grey
26. West Monroe Town Court	Blue	Blue	Blue	Grey	Grey
27. Williamstown Town Court	Blue	Blue	Blue	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

OTSEGO COUNTY



County Overview

Otsego County in Central New York, covers 1,015 square miles, has 62,259 residents with a median household income of \$51,254, 16.1% of whom live below federal poverty levels. It is part of the Mohawk Valley Region, a relatively rural area supported by a dairy farming industry. It is considered the northernmost county of the Appalachian Region.

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, led by Michael Trosset, Esq. There is currently no formal ACP. When conflicts arise, judges assign individual 18-B attorneys. CAFA representation is provided by the Public Defender's Office during regular court sessions when a prosecutor is present and during a certain number of regular court sessions when a prosecutor is not present and during business day off-hour arraignments in County Court. A certain number of off-hour arraignments are covered in the justice courts by 18-B attorneys on a sporadic basis.

County Law Enforcement Authorities

The following law enforcement agencies operate in Otsego County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Otsego does not have a long history of CAFA representation. The County has had a part-time Public Defender's Office with limited staff making countywide CAFA coverage challenging.

Currently, representation in courts has been divided between the Public Defender's Office and the ACP attorneys. This division of arraignment coverage changed recently in 2019 when the Public Defender's Office expanded and became the primary provider of mandated representation in all courts countywide.

ii. **Current CAFA Coverage**

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present and in the Hartwick Town Court, Middlefield Town Court, and Richfield Springs Village Court when the prosecution is not present. Arraignments are also covered in those limited circumstances in which a court asks an 18-b attorney to provide representation. The Public Defender's Office receives no additional compensation for arraignments covered during regularly scheduled court sessions while 18-B attorneys will continue to receive the statutory rate when arraignment representation is provided.

Off-Hour Custodial Arraignments – Off-hour arraignment coverage is limited. The Public Defender's Office provides business day off-hour coverage in County Court. Otherwise, the only off-hour arraignment coverage is provided by a small group of four 18-B attorneys who are contacted by the courts and receive no additional compensation other than the statutory rate for their services.

Future of Arraignment Coverage

Countywide CAFA coverage has been difficult to achieve through an on-call program given the rural and mountainous geography of the county, the limited availability of attorneys, and the numerous town and village courts requiring coverage. Thus, the County is currently engaged in on-going discussions to introduce a CAP at the County Jail located in Cooperstown, NY. The CAP is tentatively scheduled to begin on October 1, 2019, once approved by OCA. The CAP would effectively provide CAFA coverage for all off-hour arraignments. Funds will be required to develop a sustainable model of representation in support of continuing CAFA representation during the regular court session arraignments and to provide long term representation to support the CAP.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

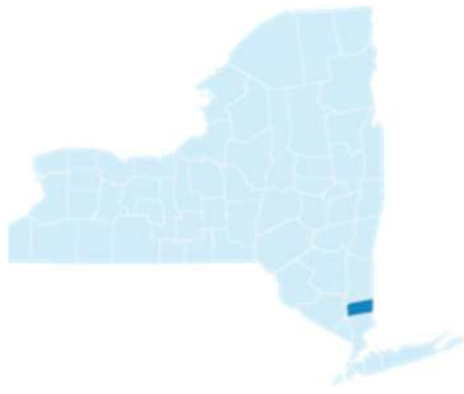
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Grey	Grey	Grey	Grey
2. Butternuts Town Court	Blue	Grey	Grey	Grey	Grey
3. Cherry Valley Town Court	Blue	Grey	Grey	Grey	Grey
4. Decatur Town Court	Blue	Grey	Grey	Grey	Grey
5. Edmeston Town Court	Blue	Grey	Grey	Grey	Grey
6. Exeter Town Court	Blue	Grey	Grey	Grey	Grey
7. Hartwick Town Court	Blue	Blue	Grey	Grey	Grey
8. Laurens Town Court	Blue	Grey	Grey	Grey	Grey
9. Maryland Town Court	Blue	Grey	Grey	Grey	Grey
10. Middlefield Town Court	Blue	Blue	Grey	Grey	Grey
11. Milford Town Court	Blue	Grey	Grey	Grey	Grey
12. Morris Town Court	Blue	Grey	Grey	Grey	Grey
13. New Lisbon Town Court	Blue	Grey	Grey	Grey	Grey
14. Oneonta City Court	Blue	Black	Grey	Grey	Grey
15. Oneonta Town Court	Blue	Grey	Grey	Grey	Grey
16. Otego Town Court	Blue	Grey	Grey	Grey	Grey
17. Otsego County Court	Blue	Black	Blue	Black	Black
18. Otsego County Supreme Court	Black	Black	Black	Black	Black
19. Otsego Town Court	Blue	Grey	Grey	Grey	Grey
20. Pittsfield Town Court	Blue	Grey	Grey	Grey	Grey
21. Plainfield Town Court	Blue	Grey	Grey	Grey	Grey
22. Richfield Springs Village Court	Blue	Blue	Grey	Grey	Grey
23. Richfield Town Court	Blue	Grey	Grey	Grey	Grey
24. Roseboom Town Court	Blue	Grey	Grey	Grey	Grey
25. Springfield Town Court	Blue	Grey	Grey	Grey	Grey
26. Unadilla Town Court	Blue	Grey	Grey	Grey	Grey
27. Westford Town Court	Blue	Grey	Grey	Grey	Grey
28. Worcester 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

PUTNAM COUNTY



County Overview

Putnam County, located in the Hudson Valley, covers 246 square miles and has a population of 99,710. Only 4.8% of residents live below federal poverty levels, and the median household income is relatively higher than other surrounding counties at \$99,608. The County is increasingly considered part of Downstate New York, as it is located within commutable distance to New York City's Grand Central Terminal.

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 continues to be provided by the Putnam County Legal Aid Society (PCLAS), led by Chief Attorney, David Squirrell, Esq. There is no formal ACP. Instead, in cases of conflicts, local judges assign 18-B attorneys to provide mandated representation. CAFA coverage is provided at regular court sessions and for off-hour arraignments for felony cases by PCLAS.

Law Enforcement Authorities

The following law enforcement agencies operate in Putnam County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

PCLAS has provided partial countywide CAFA coverage. Various law enforcement agencies, (i.e., including four municipal Police Departments, the NYSP, and the Metro-North Police) have entered into an agreement with the County Sheriff to use the County Jail for pre-arraignment detention purposes for arrests made between 10:30 p.m. to 8:30 a.m. from Monday to Friday. Those detained are transported to the court of original jurisdiction for arraignment

representation by PCLAS attorneys. On weekends, the Town of Kent used to hold arraignments of those arrested within its jurisdiction and other surrounding towns. However, with the implementation of the CAFA #2 grant and *Hurrell-Harring* funding, PCLAS is able to expand its arraignment representation to include an on-call weekend arraignment program for felony arraignments and a number of misdemeanor arraignments scheduled in the County.

ii. Current CAFA Coverage

Regular Court Sessions – During regular court sessions when the prosecutor is present, the PCLAS attorney assigned to that court will handle the arraignment. PCLAS attorneys will also provide representation at arraignment only when contacted by the court to do so during regular court sessions where a prosecutor is not present. PCLAS attorneys receive no additional compensation for providing representation at arraignments scheduled during regular court sessions and for those arraignments they are asked to attend during regular business hours.

Off-Hour Custodial Arraignments - PCLAS provides partial counsel at arraignment coverage for custodial felony arraignments through an on-call program. As referenced above, the County Jail provides pre-arraignment detention for those arrested Monday through Friday from 10:30 a.m. to 8:30 a.m. Those arrested are transported to the local court of original jurisdiction for arraignment. Two PCLAS attorneys are designated to contact the County Jail each weekday morning and to provide representation at any arraignments resulting from arrests made during the previous evening hours. The two PCLAS attorneys are also responsible to address any requests made for arraignment representation during regular office hours. The four remaining PCLAS staff attorneys provide backup arraignment representation on an on-call, rotational basis. With *Hurrell-Harring* Statewide funds, PCLAS has arranged to upgrade a part-time attorney position to full-time to address CAFA cases. PCLAS attorneys also provide representation during weekend, off-hour arraignments on an on-call, rotational basis. PCLAS attorneys are compensated a flat fee only for those arraignments covered outside of the business day. Although PCLAS attorneys are available to provide countywide CAFA representation, the PCLAS Chief Attorney reports that not all courts will contact their office for representation at misdemeanor arraignments.

Future of Arraignment Coverage

PCLAS will likely require additional attorneys and resources to ensure sustainable, long term CAFA coverage since there is no current intention by the County to develop a CAP.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

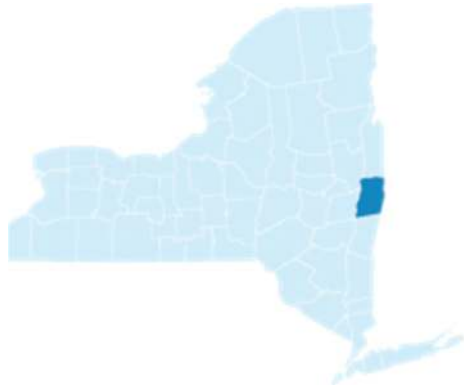
Putnam

	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					
2. Carmel Town Court					
3. Cold Spring Village Court					
4. Kent Town Court					
5. Nelsonville Village Court					
6. Patterson Town Court					
7. Philipstown Town Court					
8. Putnam County Court					
9. Putnam County Supreme Court					
10. Putnam Valley Town Court					
11. Southeast 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

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

RENSSELAER COUNTY



County Overview

Rensselaer County, located in the Capital Region, covers 665 square miles and has a population of 159,429, with 12.6% of residents living below federal poverty levels. The median household income is \$63,166. The eastern portion of the County borders Vermont and Massachusetts.

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 programs. The Public Defender's Office, overseen by John Turi, Esq., is the primary provider, the Conflict Defender's Office, led by Sandra McCarthy, Esq. provides representation when a conflict arises with the Public Defender's Office, as do assigned 18-B attorneys. There is no formal ACP. The Public Defender and Conflict Defender Offices provide CAFA coverage during regular court sessions and for all off-hour arraignments in County Court, as well as in a number of justice courts. In certain instances, 18-B attorneys are asked by the courts to also provide representation at arraignments.

County Law Enforcement Authorities

The following law enforcement agencies operate in Rensselaer County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County used funds from the CAFA #1 awarded grant to initiate a CAFA program for several courts, which included the Rensselaer County Court, Troy City Court, Rensselaer City Court, Brunswick Town Court, East Greenbush Town Court, and North Greenbush Town Court. The funds were used to allow the Public Defender's Office and the Conflict Defender's Office, in the case of an identified conflict or existing co-defendants, to provide representation during all off-hour arraignments in the six above-referenced courts. The County reports that these courts account for approximately 85% of all arraignments conducted within the county. With CAFA #2 grant funding, the County added Schodack Town Court to the rotation in February 2019. The Public Defender estimates that by adding Schodack to the CAFA coverage, approximately 90% of all arraignments are represented by counsel throughout the County.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office, and in the case of a conflict, the Conflict Defender's Office, provides representation at arraignment during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, arraignments remain without representation in the case of appearance tickets and custodial arraignments are only covered if the court contacts an attorney from the on-call program described below.

Off-Hour Custodial Arraignments - The Public Defender's Office is currently covering court arraignments through an on-call program in Troy, Rensselaer, Brunswick, East Greenbush, North Greenbush and Schodack 24 hours a day, seven days a week. These courts are located within close proximity to the New York State Police barracks and/or the Rensselaer County Jail. Other local law enforcement agencies are also transporting arrested individuals from nearby jurisdictions to one of the six arraigning courts where representation by an on-call attorney will be available. Only two Village Courts, (i.e., located in Hoosick and Nassau) are not currently utilizing the available six arraigning courts to provide an attorney at arraignment. Attorneys participating in the on-call program do receive additional compensation for their services and availability. The Public Defender's Office has also hired a CAFA attorney whose primary responsibility is to provide representation through the on-call program.

Future of Arraignment Coverage

Additional resources and staffing are required to maintain sustainable arraignment coverage throughout the County, particularly since there are no current plans to introduce a CAP. Efforts must include recruiting additional attorneys to support arraignment, particularly in those courts that are difficult to reach because they are in outlying towns located within a mountainous part of the county. In addition, resources, such as technology and administrative support will help to sustain and track progress in CAFA coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Rensselaer

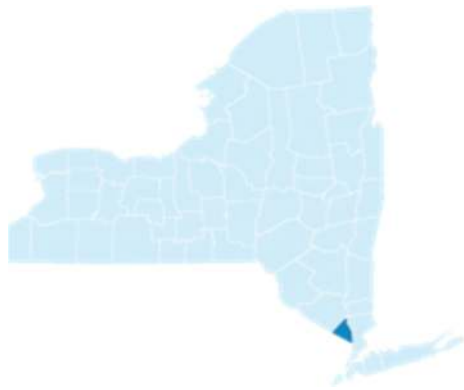
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Berlin Town Court	Blue	Grey	Grey	Grey	Grey
2. Brunswick Town Court	Blue	Blue	Blue	Blue	Blue
3. East Greenbush Town Court	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	Blue	Black	Black
15. Rensselaer Co. Supreme Court	Blue	Black	Blue	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	Blue	Blue	Blue	Blue
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



County Overview

Rockland County is located in the Hudson Valley, just north of the New Jersey-New York border. While only 199 square miles, the County has a population of 311,687. Some 14.2% of residents live below federal poverty levels. The median household income is \$88,571.

Rockland County Courts

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

County Providers for Mandated Representation

Mandated representation is provided by the Public Defender's Office led by James Licata, Esq. and an ACP, overseen by the Rockland County Bar Association pursuant to a contract with the County which is administered by ACP Administrator, Keith Braunftel, Esq. The Public Defender's Office provides CAFA coverage at regular court sessions when a prosecutor is present and during off-hour night, weekend and holiday arraignments.

County's Law Enforcement Authorities

The following law enforcement agencies operate in Rockland County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office initiated CAFA coverage using the ILS CAFA #1 grant to support the hiring of two part-time Assistant PDs to provide representation at arraignments scheduled on nights, weekends and holidays. The CAFA #2 grant awarded to the County permitted the Public Defender's Office to continue the arraignment representation and to provide compensation for

additional part-time attorneys within the Office to provide backup arraignment representation, when needed. Although ACP attorneys did not provide CAFA representation on a regular basis, ACP attorneys were often requested to provide representation at arraignment when an Assistant PD was not available and were compensated at the statutory rate for their services.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. The Assistant PDs receive no additional compensation for their services. Regular court sessions, where a prosecutor is not present, are not often staffed with an Assistant PD to provide representation at arraignment, however, ACP attorneys are often present. With *Hurrell-Harring* Statewide funding, ACP attorneys are expected to be compensated at the statutory rate to handle those arraignments.

Off-Hour Custodial Arraignments – The Public Defender’s CAFA program does not cover business day off-hour arraignments except in County Court. With *Hurrell-Harring* Statewide funding, ACP attorneys will be compensated at the statutory rate if they are asked to provide representation at off-hour, business day arraignments. The Public Defender’s Office has an on-call program to provide attorneys at all off-hour night, weekend and holiday arraignments. The on-call program is staffed by two part-time Assistant PDs who alternate weekly CAFA coverage with the support of CAFA grant award funding. Additional part-time Assistant PDs provide backup arraignment coverage and are compensated at their hourly rate of pay for these services.

Future of Arraignment Coverage

With *Hurrell-Harring* Statewide funds, an additional part-time Assistant PD will be hired to add to the current on-call CAFA rotation to establish sustainable CAFA coverage. With the on-call system adequately staffed, it is anticipated that efforts between the Public Defender’s Office and the ACP attorneys to work together in providing CAFA representation will result in countywide coverage. The County has not currently explored the option of instituting a CAP.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Rockland

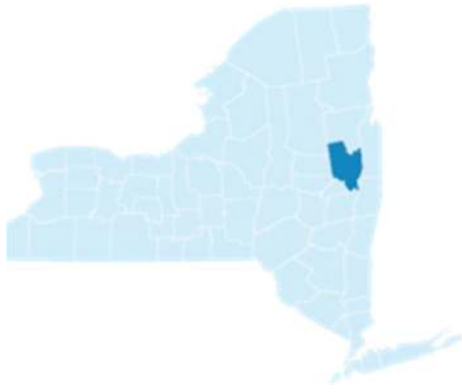
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Airmont Village Court	Blue	Grey	Grey	Blue	Blue
2. Chestnut Ridge Village Court	Blue	Grey	Grey	Blue	Blue
3. Clarkstown Town 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	Black	Blue	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. Wesley Hills Village Court	Blue	Grey	Grey	Blue	Blue
23. West Haverstraw Village Court	Blue	Grey	Grey	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

SARATOGA COUNTY



County Overview

Saratoga County, located in the Capital Region, encompasses 822 square miles; has a population of 219,607, with 6.6% of residents living below federal poverty levels; and a median household income of \$77,548.

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 three providers: the Public Defender's Office, overseen by Acting Public Defender, Andrew C. Blumenberg; a Conflict Defender's office, led by Kyran Nigro, Esq.; and a panel of 18-B attorneys that are not currently part of a formally structured ACP. The County is in the process of instituting a structured ACP program. The Public Defender's Office provides CAFA coverage during regular court sessions and for off-hour weekday arraignments in County Court and Clifton Park Town Court.

Law Enforcement Authorities

The following law enforcement agencies operate in Saratoga County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In 2017, Saratoga County only provided CAFA coverage at regular court sessions when a prosecutor was present. In 2018, the Public Defender's Office began providing CAFA coverage for arraignments scheduled during the work day and on weekends in Saratoga City Court on a more regular basis.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Arraignments are not held during regular justice court sessions where a prosecutor is not present. The Public Defender’s Office attorneys are not provided with additional compensation for arraignment coverage during regularly scheduled court sessions.

Off-Hour Custodial Arraignments – The Public Defender’s Office schedules an Assistant PD each weekday to be on-call and available to provide representation at off-hour, business day arraignments countywide. The courts that regularly require off-hour arraignment representation include, but are not limited to, the court in Clifton Park, Saratoga City Court and the County Court. The on-call Assistant PD receives no additional compensation for providing representation at off-hour business day arraignments. There is no off-hour arraignment coverage for nights in the justice courts, but there is coverage for weeknights in Saratoga Springs City Court which utilizes pre-arraignment detention and arraigns defendants the following morning. There is no current attorney representation available for off-hour weekend and holiday arraignments.

Future of Arraignment Coverage

The Public Defender has proposed a plan for Assistant PDs and/or 18-B attorneys to provide representation at night time arraignments with the support of CAFA #2 grant award funding. The plan has not yet been implemented. Additional *Hurrell-Harring* Statewide funding has been made available to expand CAFA coverage with the use of 18-B attorney services through an on-call CAFA program. In addition, the County is considering a CAP to be introduced in 2020 following the completion in construction of the new County Jail.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

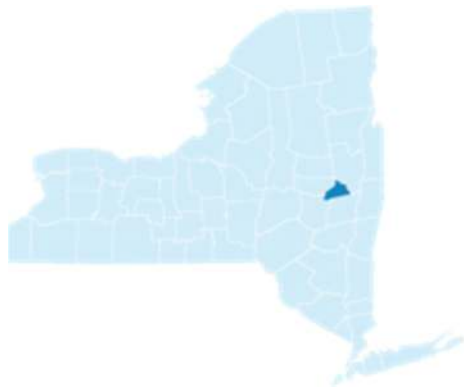
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Black	Grey	Grey	Grey
2. Ballston Town Court	Blue	Black	Grey	Grey	Grey
3. Charlton Town Court	Blue	Black	Grey	Grey	Grey
4. Clifton Park Town Court	Blue	Black	Blue	Grey	Grey
5. Corinth Town Court	Blue	Black	Grey	Grey	Grey
6. Day Town Court	Blue	Black	Grey	Grey	Grey
7. Edinburg Town Court	Blue	Black	Grey	Grey	Grey
8. Galway Town Court	Blue	Black	Grey	Grey	Grey
9. Galway Village Court	Blue	Black	Grey	Grey	Grey
10. Greenfield Town Court	Blue	Black	Grey	Grey	Grey
11. Hadley Town Court	Blue	Black	Grey	Grey	Grey
12. Halfmoon Town Court	Blue	Black	Grey	Grey	Grey
13. Malta Town Court	Blue	Black	Grey	Grey	Grey
14. Mechanicville City Court	Blue	Black	Grey	Grey	Grey
15. Milton Town Court	Blue	Black	Grey	Grey	Grey
16. Moreau Town Court	Blue	Black	Grey	Grey	Grey
17. Northumberland Town Court	Blue	Black	Grey	Grey	Grey
18. Providence Town Court	Blue	Black	Grey	Grey	Grey
19. Saratoga County Court	Blue	Black	Blue	Black	Black
20. Saratoga County Supreme Court	Black	Black	Black	Black	Black
21. Saratoga Springs City Court	Blue	Black	Blue	Blue	Grey
22. Saratoga Town Court	Blue	Black	Grey	Grey	Grey
23. Stillwater Town Court	Blue	Black	Grey	Grey	Grey
24. Waterford Town Court	Blue	Black	Grey	Grey	Grey
25. Wilton Town Court	Blue	Black	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

SCENECTADY COUNTY



County Overview

Schenectady County, located in East-Central New York, has an area of 210 square miles and a population of 154,727. About 12.4% of the population lives below federal poverty levels, and the median household income is \$61,315.

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 (6) Town and Village Courts. Thus, the County must coordinate counsel at arraignment for eight (8) courts countywide.

Schenectady County Providers for Mandated Representation

The County has a three-tier system of mandated representation that includes a Public Defender's Office, led by Stephen Signore, Esq.; a Conflict Defender's Office, led by Tracey Chance, Esq.; and an assigned counsel list, administered by the County Attorney's Office until the County completes its development of a structured ACP. Arraignments are covered at regular courts sessions and during the business day by the Public Defender's Office and the Conflict Defender's Office.

Schenectady County's Law Enforcement Authorities

The following law enforcement agencies operate in Schenectady County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Historically, Schenectady County has not provided CAFA coverage except in Schenectady City Court and during regularly scheduled court sessions where a prosecutor and Assistant PD were both present. With funding from the CAFA #2 grant, the Public Defender's Office was able to hire an additional attorney to assist with CAFA coverage in Schenectady City Court and on-call arraignments in justice courts conducted during business days.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. The Conflict Defender’s Office provides representation at arraignment during regular court sessions in Rotterdam because of a continuing conflict with the Public Defender’s Office.³⁶ Schenectady County does not hold arraignments during regularly scheduled court sessions when a prosecutor is not present. Attorneys in both the Public Defender’s Office and the Conflict Defender’s Office are not provided with any additional compensation for CAFA coverage.

Off-Hour Custodial Arraignments – During the business day, if a court needs to conduct an off-hour custodial arraignment, the court will contact the Public Defender’s Office or, if a conflict is known, the Conflict Defender’s Office to handle the arraignment. When possible, the Public Defender’s Office will send provide the Assistant PD who is regularly assigned to the court. The Public Defender reports that the justice courts are consistently contacting the Public Defender’s Office for these off-hour arraignments. Currently attorney representation is not available for all other off-hour arraignments in the justice courts. The Public Defender’s Office and Conflict Defender’s Office receive no additional compensation for off-hour arraignment representation.

Future of Arraignment Coverage

Since there is no current plan to develop a CAP, both the Public Defender and Conflict Defender Offices will need additional staff and resources to expand CAFA coverage. With *Hurrell-Harring* Statewide funds, the County intends to hire additional attorneys for both the Public Defender and Conflict Defender Offices to assist with expansion of CAFA coverage and caseload reduction. ILS recommends that the County also consider utilizing 18-B attorneys to achieve countywide CAFA coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

³⁶ An ongoing conflict of interest was identified for the Public Defender’s Office since the Public Defender was appointed to serve as a town board member for Rotterdam.

Schenectady

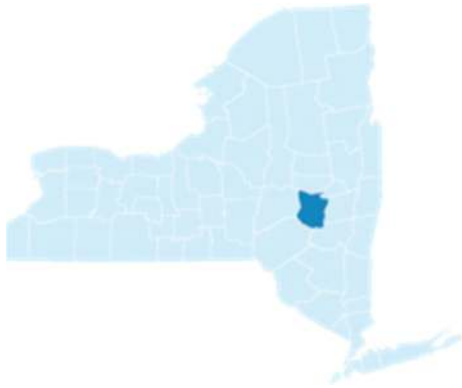
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Duaneburg Town Court	Blue	Black	Blue	Grey	Grey
2. Glenville Town Court	Blue	Black	Blue	Grey	Grey
3. Niskayuna Town Court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

SCHOHARIE COUNTY



County Overview

Schoharie County, located in Central New York, lies partly within the Catskill Mountains. The County has an area of 626 square miles and a population of 32,749. About 13.9% of the population lives below federal poverty levels, and the median household income is \$51,842.

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 the Schoharie County Office of Legal Defense of Indigents, an ACP. The Administrator is Suzanne Graulich, Esq. CAFA representation is provided by ACP attorneys at regular court sessions, weekday off-hour arraignments in County Court and in Cobleskill Town Court through a pilot project for off-hour arraignment coverage.

Law Enforcement Authorities

The following law enforcement agencies operate in Schoharie County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In Schoharie County, mandated representation is provided exclusively by an Assigned Counsel Program. Historically, there has been no counsel at arraignment plan, and ACP attorneys only covered arraignments if asked to do so by the court during a regular court session involving an arraignment. Off-hour arraignments were generally conducted without attorney representation.

ii. Current CAFA Coverage

Regular Court Sessions – With the exception of the Cobleskill Town Court, ACP attorneys are usually requested by the courts to provide representation at arraignments scheduled during regular court sessions when both the ACP attorney and the prosecutor are present. ACP attorneys are almost always present in the Cobleskill Town Court to provide representation at arraignment during regularly scheduled court sessions. In addition, the County Court will contact the ACP Administrator if an ACP attorney is required for representation at an arraignment. Otherwise, all other custodial arraignments during regular justice court sessions are only represented by counsel if an ACP attorney happens to be present and available in the court seeking arraignment representation.

Off-Hour Custodial Arraignments – The County began a pilot project for off-hour arraignments on July 15, 2019 in the Cobleskill Town Court, one of the busiest courts in the County, with support of *Hurrell-Harring* Statewide funding. The pilot project is designed to provide the Cobleskill Town Court with attorneys for arraignment representation during weekends from Friday at 5:00 p.m. to Monday at 5:00 a.m. weeknights from 5:00 p.m. to 5:00 a.m. from Monday to Thursday; and two weekday schedules from 5:00 a.m. to 12:00 p.m. and 12:00 p.m. to 5:00 p.m. from Monday to Friday. ACP attorneys who provide arraignment representation in this pilot project are compensated to be on-call during each arraignment shift. The County has taken steps to ensure quality representation at arraignment by providing CAFA-related training for those attorneys who have enlisted in this program. With the pilot project in place, all off-hour arraignments are being addressed in the Cobleskill Town Court. All other off-hour arraignments remain unrepresented by counsel.

Future of Arraignment Coverage

The County is currently in the process of developing a CAP plan for OCA consideration. The County is also expected to assess the progress of CAFA coverage achieved through the implementation of the CAFA pilot project involving the Cobleskill Town Court to determine how best to expand arraignment coverage countywide. Additional funding and resources will be required to support a currently limited number of ACP attorneys available to provide arraignment representation.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Blue	Blue
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	Black	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

- 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

SENECA COUNTY



County Overview

Seneca County, located in the Finger Lakes-Wine Country Region, is located between two Seneca and Cayuga Lakes – two of the longest Finger Lakes. It has a population of 35,251 and encompasses 391 square miles. About 11.8% of Seneca County residents are living below federal poverty levels, and the median household income is \$51,601. The largest town, Seneca Falls, has a population of only about 6,681.

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, led by Michael Mirras, Esq. Conflict cases are handled by a list of 18-B attorneys maintained by the Public Defender. Arraignment coverage at regular court sessions is provided by the Public Defender's Office, and off-hour arraignment coverage is available through a CAP located at the Seneca County Jail that began in August 2018 that is staffed by the Public Defender's Office and 18-B attorneys.

Law Enforcement Authorities

The following law enforcement agencies operate in Seneca County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

When ILS developed its CAFA plan for Seneca County in December 2017, the County did not provide CAFA coverage except at regularly scheduled court sessions when the Assistant PD was present, including County Court. In August 2018, the County initiated a CAP located at the Seneca County Jail to handle all off-hour custodial arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Arraignments are not held for those regular court sessions where a prosecutor is not present. If an arraignment is scheduled for an appearance ticket during a regular court session that does not involve the presence of a prosecutor, it will be scheduled for an evening when the Public Defender’s Office is present to provide representation at arraignment. The Public Defender’s Office attorneys do not receive additional compensation for providing representation at arraignments held during regular court sessions.

Off-Hour Custodial Arraignments – Law enforcement authorities will refer all off-hour custodial arraignments from the justice courts to the CAP which is staffed by part-time Assistant PDs and 18-B attorneys on a regular basis. Five attorneys currently participate in the CAP including the part-time Public Defender. Attorneys are compensated only for those arraignments they are required to attend. In addition, the County Court will notify the Public Defender’s Office to provide representation during off-hour arraignments conducted on business days in County Court. With the CAP program in place, CAFA coverage exists countywide.

Future of Arraignment Coverage

The Public Defender reports that the County, including the Sheriff, fully supported implementation of the CAP, which included creating a new court room and attorney-client confidential meeting space. In addition, the Public Defender reports that the CAP provides sufficient opportunity for attorneys to meet with clients prior to the arraignment and are provided with supporting documentation necessary to provide representation at arraignment. With continued support from *Hurrell-Harring* Statewide funding, the Public Defender anticipates that countywide CAFA coverage will be sustainable on a long-term basis.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

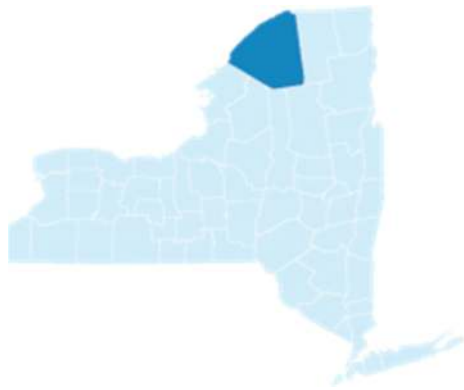
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Black	Blue	Blue	Blue
2. Fayette Town Court	Blue	Black	Blue	Blue	Blue
3. Junius Town Court	Blue	Black	Blue	Blue	Blue
4. Lodi Town Court	Blue	Black	Blue	Blue	Blue
5. Ovid Town Court	Blue	Black	Blue	Blue	Blue
6. Romulus Town Court	Blue	Black	Blue	Blue	Blue
7. Seneca County Court	Blue	Black	Blue	Black	Black
8. Seneca County Supreme Court	Black	Black	Black	Black	Black
9. Seneca Falls Town Court	Blue	Black	Blue	Blue	Blue
10. Tyre Town Court	Blue	Black	Blue	Blue	Blue
11. Varick Town Court	Blue	Black	Blue	Blue	Blue
12. Waterloo Town Court	Blue	Black	Blue	Blue	Blue
13. Waterloo Village 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

ST. LAWRENCE COUNTY



County Overview

St. Lawrence County, situated on the Canadian border in the Thousand Island Seaway Region, is the State's largest county, with an area of 2,821 square miles. The County has a population of 111,944, and about 19.4% of the population lives below federal poverty levels. The median household income is \$48,330.

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 the Public Defender's office, led by Interim Public Defender James McGahan, Esq.; a Conflict Defender's office, led by Amy Dona, Esq.; and the ACP, administered by Scott Goldie, Esq. The County also has an Office of Indigent Defense Coordinator, who is responsible for accepting, reviewing, and assigning cases to the Defender Offices or forwarding cases for assignment to the ACP. Arraignment coverage is provided for all regular court sessions by the Public Defender's Office, and an on-call CAFA program for off-hour felony cases is staffed by the Public Defender's Office, the Conflict Defender's Office, and the ACP if a conflict is identified.

Law Enforcement Authorities

The following law enforcement agencies operate in St. Lawrence County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

St. Lawrence County began providing CAFA coverage for off-hour felony arraignments throughout the county with use of funds provided by the CAFA #1 and CAFA #2 grant awards. The County uses an on-call system to provide representation at arraignments; the judges are responsible for contacting the on-call CAFA attorney. The Public Defender's Office is the primary provider for counsel at arraignment. In the case of a conflict, the Conflict Defender's Office will be assigned to handle the arraignment, or an ACP attorney will be assigned if a conflict is identified for both the Public Defender and Conflict Defender Offices.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office is primarily responsible for providing representation at arraignments scheduled during regular court sessions when the prosecutor is present. If an arraignment is scheduled as the result of an issued appearance ticket for a felony during a regular court session when a prosecutor is not present, the court will contact the Public Defender's Office to request representation at the arraignment. The Public Defender and Conflict Defender's Office do not receive any additional compensation for providing representation during regularly scheduled court session arraignments. ACP attorneys will receive the statutory rate for their services.

Off-Hour Custodial Arraignments – The County utilizes the on-call CAFA program, described above, to provide representation for business day off-hour arraignments in felony cases only. Attorneys assigned to these arraignments do not receive any additional compensation for their representation. Currently, all seven attorneys within the Public Defender's Office and four attorneys within the Conflict Defender's Office participate in the on-call CAFA program. To date, attorney representation in arraignments scheduled for misdemeanor cases is only provided during regularly scheduled court sessions.

Future of Arraignment Coverage

The County anticipates expanding off-hour CAFA coverage to include misdemeanor arraignments in five busy courts in the County, (Potsdam, Massena, Oswegatchie, Gouverneur and Canton, NY) with the use of *Hurrell-Harring* funding. Expanding CAFA coverage will depend upon the availability of additional staffing in the Public Defender's Office as well as the Conflict Defender's Office and recruitment of additional ACP panel attorneys. The physical size of the County along with the vast number of justice courts in the County make it difficult to develop a sustainable on-call CAFA program, unless additional attorneys and support are provided.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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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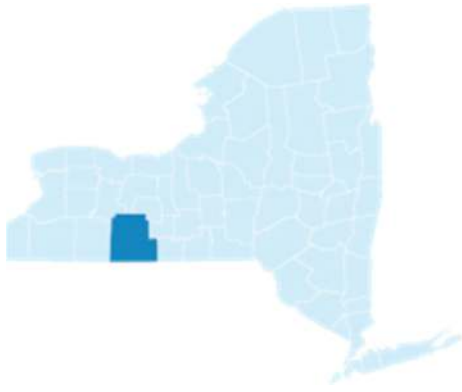
St. Lawrence

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					
34. St. Lawrence Co. Supreme Court					
35. Stockholm Town Court					
36. Waddington 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
- * Only felony arraignments are always or almost always covered in Town and Village courts.

STEUBEN COUNTY



County Overview

Steuben County, located in the Finger Lakes–Wine Country Region, north of the Pennsylvania border, covers 1,404 square miles. It has a population of 98,990, with a median household income of \$50,157, and 14.5% of individuals living 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 primarily by the Public Defender’s Office, led by Shawn M. Sauro, Esq. In late 2016, the County created a Conflict Defender’s Office for felony cases in which the Public Defender’s Office has a conflict. That office is led by Brenda Aston-Smith, Esq. The County also runs an ACP, which is overseen by the County Attorney’s Office and administered by Alan P. Reed, Esq. The County runs a CAP program that is staffed by the Public Defender’s Office for all off-hour arraignments. The Public Defender’s Office is also responsible for providing representation at arraignments during regular court sessions.

Law Enforcement Authorities

The following law enforcement agencies operate in Steuben County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In 2017, counsel at arraignment was available for indicted cases in County Court which were scheduled during regular business days. CAFA coverage was expanded countywide in March 2019, when the County instituted a CAP at the Steuben County Jail located in Bath. The CAP

handles all off-hour night and weekend arraignments for all courts countywide and operates on a daily basis during two sessions scheduled between 8:00 a.m. to 10:30 a.m. and between 5:30 p.m. to 8:00 p.m. The evening CAP session is conducted by City Court judges and all other arraignments are handled by the Town and Village Court Justices. The Public Defender's Office is responsible for staffing the CAP sessions.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office is responsible for providing representation at arraignments scheduled during regular court sessions in local courts when the prosecutor is present. The County Court will also contact the Public Defender's Office to provide representation at arraignments. For regular court sessions where a prosecutor is not present, arraignments are not held because law enforcement will often arrange for pre-arraignment detention until the next CAP session is scheduled and an Assistant PD is available to provide representation.

Off-Hour Custodial Arraignments – Business day off-hour arraignments occur only in County Court. In those situations, the Court contacts the Public Defender's Office to provide an attorney at arraignment. All other off-hour arraignments are handled in the CAP which is also staffed by the Public Defender's Office. For those arraignments that must take place on an emergency basis, all courts and law enforcement authorities are instructed to contact the Public Defender who will ensure CAFA coverage. The Public Defender's Office receives no additional compensation for the representation provided during off-hour arraignments.

Future of Arraignment Coverage

The Public Defender's Office has recently hired two, full-time Assistant PDs to staff the CAP sessions with the support of *Hurrell-Harring* funding. With limited Public Defender staff and increased CAFA coverage, additional resources are necessary to provide representation in a sustainable manner. Consideration should also be afforded to encouraging ACP attorneys to participate in providing CAFA representation on a regular basis to ensure long-term countywide coverage.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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					

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Steuben

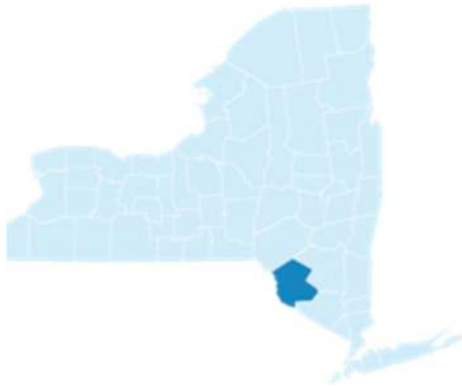
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
37. Wayland Town Court					
38. Wayland Village Court					
39. Wayne Town Court					
40. West Union Town Court					
41. Wheeler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

* County CAP at the Steuben County Jail went into effect on 3/11/19.

SULLIVAN COUNTY



County Overview

Sullivan County, located in the Catskills Region, borders Pennsylvania. It is Southeast of Binghamton and southwest of Albany and is separated from Pennsylvania by the Delaware River. The County has an area of 997 square miles and a population of 77,547. About 15.9% of the population lives below federal poverty levels, and the median household income is \$53,877.

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 20 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 part-time mandated representation while maintaining private practices. The Sullivan Legal Aid Panel (LAP) is led by Executive Director, Tim Havas, Esq., and a Conflict Defender Office led by Joel Proyect, Esq. There is no currently no formal ACP. The LAP attorneys provide CAFA coverage at regularly scheduled court sessions and at all County Court sessions including off-hour weekday arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Sullivan County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County provides limited representation at arraignment through the LAP, which is responsible for covering arraignments during scheduled sessions when a prosecutor is present. The LAP is typically notified of required appearance at arraignments by the Court. However, there is no counsel at arraignment for off-hour arraignments during the week or on weekends and holidays.

Many of the County's Justice Courts meet regularly until 9:00 p.m., and many local law enforcement agencies will transport individuals directly to the court in session for arraignment. Thus, LAP attorneys are often present for arraignments that may be scheduled until 9:00 p.m. on a daily basis. All eight of the LAP attorneys, including Tim Havas, the Chief Defender, are felony-qualified and provide representation at arraignments countywide. Attorney representation is not available if an arraignment occurs when a court is not in session or during overnight hours. Arraignments involving complex felony cases are generally referred directly to the LAP Chief Defender for representation.

ii. Current CAFA Coverage

Regular Court Sessions -The LAP provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Arraignments are not covered by attorneys during regular court sessions where a prosecutor is not present.

Off-Hour Custodial Arraignments – Other than in County Court and Supreme Court, attorneys are not available to provide representation at off-hour arraignments. Since many of the County's Justice Courts meet until 9:00 p.m., local law enforcement agencies will often transport a defendant directly to the court of original jurisdiction that is in session to conduct an arraignment. In those instances, LAP attorneys are often present to provide representation at arraignment. LAP attorneys are also on-call to provide representation at County Court and Supreme Court arraignments that are scheduled until 5:00 p.m. on business days.

Future of Arraignment Coverage


The County plans to begin a pilot project whereby LAP attorneys would appear in the busiest Justice Courts, (such as the Monticello Village Court), four days a week between 7:00 a.m. and 11:00 p.m. to provide representation at arraignments. LAP intends to apply *Hurrell-Harring* funding to support the expansion of CAFA coverage through the pilot project. LAP believes that a CAP is necessary to create a sustainable CAFA program given the number of justice courts and the limited number of available attorneys to provide arraignment representation. If a CAP is not implemented in the County, LAP will need to add staff attorneys and expand the pool of available attorneys by including 18-B attorneys to provide representation at arraignments to achieve full countywide CAFA coverage.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT


The following chart depicts the status of counsel at arraignment as recently reported by the County.

Sullivan

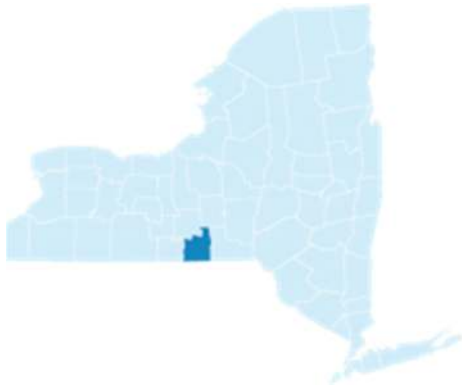
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Bethel Town Court	Blue	Grey	Grey	Grey	Grey
2. Bloomingburg Village Court	Blue	Grey	Grey	Grey	Grey
3. Callicoon Town Court	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	Black	Blue	Black	Black
17. Sullivan County Supreme Court	Blue	Black	Blue	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



County Overview

Tioga County, located in the Southern Finger Lakes – Wine Country Region, encompasses 523 square miles, and has a population of 51,125, with 11.2% of residents living below federal poverty levels. The median household income is \$57,153. Tioga County is located west of Binghamton and directly north of the border with Pennsylvania.

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 primarily by the Public Defender’s Office, overseen by George Awad, Esq. The County also has a part-time ACP Administrator, Irene Graven, Esq., who has historically reviewed and processed the vouchers for the ACP panel attorneys. CAFA coverage is provided by the Public Defender’s Office during regular court sessions and at off-hour weekday arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Tioga County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In 2017, the Public Defender’s Office did not appear at arraignments. In addition, local courts did not always notify the Public Defender’s Office of an arraignment resulting in attorneys learning of incarcerated clients only at the next scheduled court appearance. The Public Defender’s Office was part-time, consisting of a limited number of attorneys who struggled to cover their regular case assignments in the County’s 12 local courts. Th Public Defender’s Office was also not

contacted by courts to provide representation during off-hour arraignments. In January 2019, the Public Defender, George Awad, Esq., and one Assistant PD transitioned from part-time to full-time positions. This modification of staffing, supported by *Hurrell-Harring* funding, and in conjunction with assistance provided by a third part-time Assistant PD, has allowed the Public Defender's Office to begin providing daytime CAFA coverage on a regular basis.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. For regular court sessions where a prosecutor is not present, the court will contact the Public Defender's Office to request that the Assistant PD regularly scheduled to the court be available to provide representation at arraignment when needed.

Off-Hour Custodial Arraignments – The court will contact the Public Defender's Office to request that the Assistant PD regularly scheduled to the court be available to provide representation at arraignment when needed for off-hour business day arraignments. The Public Defender's Office is currently unable to provide representation during off-hour arraignments conducted on nights, weekends and holidays.

Future of Arraignment Coverage

The County intends to implement a CAP by January 2020. CAP sessions are intended to be conducted on a daily basis at 8:00 a.m. and 7:00 p.m. with the Public Defender's Office providing primary representation with the support of *Hurrell-Harring* funds that will be utilized to hire additional staff. It is anticipated that CAFA coverage will be countywide once the CAP is fully implemented.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

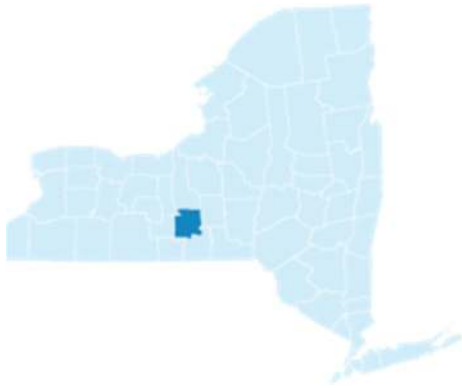
Tioga

	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



County Overview

Tompkins County, situated in the Finger Lakes–Wine Country Region, covers 492 square miles and has a population of 101,564, with 20.4% of residents living below federal poverty levels. The median household income is \$52,200. The County is surrounded by parts of Cayuga Lake and includes 28,000 acres of public forestland with access to gorges, waterfalls and lakefronts.

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 criminal and Family Court cases is provided solely by the ACP, which is overseen by full-time ACP Coordinator, Julia Hughes, and part-time ACP Supervising Attorney, Lance Salisbury, Esq. CAFA coverage is provided by attorneys on the ACP panel through an on-call system that operates 24 hours per day, seven days per week.

Law Enforcement Authorities

The following law enforcement agencies operate in Tompkins County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County received a CAFA #1 grant award to establish a counsel at arraignment program. Since that time, the ACP has been providing full arraignment coverage countywide in all courts. The County was awarded a CAFA #2 grant to continue providing coverage and plans to use *Hurrell-Harring* funds to supplement the current CAFA program.

ii. Current CAFA Coverage

Regular Court Sessions – The ACP attorneys are responsible for providing representation at arraignment during regular court sessions when the prosecutor is present. The courts are able to request representation using the on-call CAFA program when an arraignment is scheduled during regular court sessions where a prosecutor is not present.

Off-Hour Custodial Arraignments –The ACP attorneys staff an on-call CAFA program for all off-hour arraignments. All attorneys on the criminal panel are required to be on the arraignment schedule with approximately 25 attorneys currently participating. On-call attorneys are scheduled for approximately one 24-hour shift (i.e. from 12:00 p.m. to 12:00 p.m.) per month. Each of the courts within the County utilize the on-call CAFA program for off-hour arraignments as needed. Attorneys are compensated with a flat-fee per off-hour arraignment when required to appear.

Future of Arraignment Coverage


The ACP anticipates that CAFA representation will require continued support and additional ACP attorneys to provide a sustainable on-call program. While implementation of a CAP will provide the most sustainable option for countywide CAFA coverage, the County is suspending consideration of a CAP until the implementation of bail reform in January 2020 to assess the volume of CAFA coverage required.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

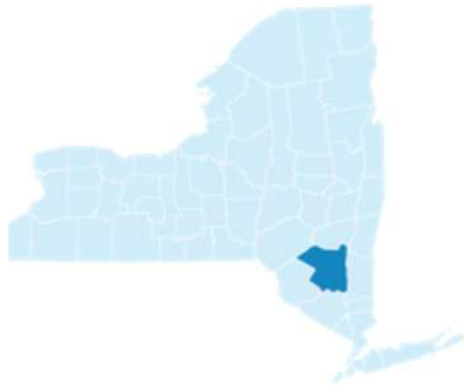
Tompkins

	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



County Overview

Ulster County, located in the Catskills Region, has an area of 1,161 square miles and a population of 182,493. About 13.2% of the population lives below federal poverty levels, and the median household income is \$61,652. Ulster county sits in the heart of the Hudson River Valley with the Hudson River on its eastern edge and includes 1,161 square miles of the Catskill Park and Forest Preserve where there are more than a quarter million acres of forever-wild

woodlands.

Ulster County Courts

The Supreme, County, Family, and Surrogate's Courts are in the City of Kingston. 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 primarily provided by the Public Defender's Office, led by part-time Public Defender, Andrew Kossover, Esq. The County also has a contract with an attorney in Dutchess County to handle conflict assignments. 18-B attorneys are responsible for assignments in cases of identified conflict with both the Public Defender's Office and Conflict Defender's Office. There is currently no formal ACP. CAFA representation is coordinated through an on-call CAFA program staffed by the Public Defender's Office in one portion of the County.

Law Enforcement Authorities

The following law enforcement agencies operate in Ulster County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

In 2017, the Public Defender's Office addressed arraignments only in courts during regular scheduled court sessions when a prosecutor was present and in the County Court for all of its scheduled court sessions. Otherwise, there was no other representation of counsel at arraignment. At that time, the Public Defender's Office proposed dividing the County into four quadrants for the purposes of implementing an on-call CAFA program in which two attorneys would be assigned to each quadrant to provide arraignment representation. Using a CAFA #1 grant award, a pilot project began in May 2018 in the northwest quadrant. Attorneys are currently scheduled to be on-call on a weekly rotational basis. The Public Defender reports that magistrates provide periodic feedback on the pilot and have asserted that arraignment representation is going well and that off-hour arraignments are being covered in the pilot's quadrant.

ii. Current CAFA Coverage

Regular Court Sessions City and Justice Courts – The Public Defender's Office provides representation at arraignments during regular court sessions when the prosecutor is present. There is no current attorney representation available during those arraignments scheduled as part of a regular session when a prosecutor is not present. The Public Defender's Office receives no additional compensation for providing representation at arraignments during regular court sessions.

Off-Hour Custodial Arraignments – In the current pilot project, funded by the CAFA #1 grant award, there are two attorneys assigned to provide arraignment representation in the piloted quadrant during off-hour arraignments that occur on nights and weekends in Woodstock, Olive, Shandanken, Denning, and Hardenburgh. Kingston City Court typically does not have off-hour night and weekend arraignments because they have a holding cell at police station which is annexed to the court. As referenced above, the attorneys involved in the pilot are scheduled to be on-call on a weekly basis. Additional compensation is afforded to those attorneys involved in the pilot for being on-call with funds from the CAFA #1 grant award and *Hurrell-Harring* funding. Representation is not currently provided at business day off-hour arraignments except in Kingston City Court, County Court, Ulster Town Court and Wawarsing Town Court.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

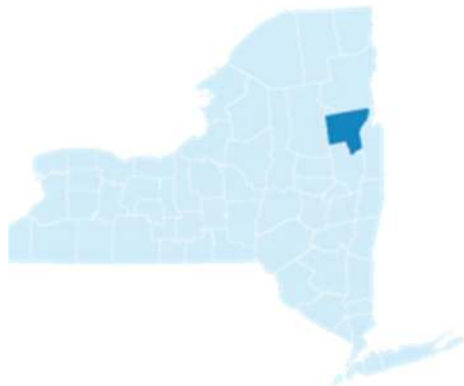
The following chart depicts the status of counsel at arraignment as recently reported by the County.

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	Blue	Blue
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	Blue	Blue
6. Hurley Town Court	Blue	Grey	Grey	Grey	Grey
7. Kingston City Court	Blue	Black	Blue	Blue	Blue
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	Blue	Blue
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	Blue	Blue
20. Shawangunk Town Court	Blue	Grey	Grey	Grey	Grey
21. Ulster County Court	Blue	Black	Blue	Black	Black
22. Ulster County Supreme Court	Black	Black	Black	Black	Black
23. Ulster Town Court	Blue	Grey	Blue	Grey	Grey
24. Wawarsing Town Court	Blue	Grey	Blue	Grey	Grey
25. Woodstock Town 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

WARREN COUNTY



County Overview

Warren County, located in Eastern New York in the Adirondack Mountains, has an area of 932 square miles and a population of 65,707. About 9.9% of the population lives below federal poverty levels, and the median household income is \$60,222.

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 the Public Defender's Office, led by Public Defender, Marcy Flores, Esq. and an ACP, administered by Joy LaFountain. The Public Defender's Office provides all CAFA representation during regular court sessions and for off-hour arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Warren County: Bolton Town Police Department, Glens Falls City Police Department, Warren County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office provides counsel at arraignment in all courts that handle criminal arraignments. CAFA coverage began in March 2016 through an on-call CAFA program. CAFA representation countywide has been difficult due to limited attorney availability for representation. The County received the CAFA #2 grant award which enabled them to hire another full-time Assistant PD to assist with CAFA representation. In mid-July 2019, the County implemented a CAP to address all off-hour custodial arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender’s Office provides representation at arraignment during regular court sessions when the prosecutor is present. The Public Defender reports that custodial arraignments and arraignments resulting from the issuance of appearance tickets do not occur at regular court sessions when a prosecutor is not present.

Off-Hour Custodial Arraignments –The Public Defender’s Office staffs an on-call program for off-hour custodial arraignments. If the arraignment occurs during business hours, the court will notify the Public Defender’s Office to provide representation at the arraignment. If the Assistant PD regularly assigned to that court is not available, another Assistant PD will be available to provide arraignment representation. For after-hour arraignments, the on-call program consists of an Assistant PD responsible for handling all night and weekend arraignments on a weekly basis from Monday at 9:00 a.m. to the following Monday at 9:00 a.m. Seven Assistant PDs and the Public Defender currently participate in the CAFA on-call program. Additional compensation is provided to those attorneys who participate in the weekly on-call CAFA program with *Hurrell-Harring* funding.

Future of Arraignment Coverage

Sustainability of CAFA coverage remains a concern for the Public Defender’s Office. Currently, Assistant PDs with full caseloads must also be on-call during nights and weekends. Given the small size of the office and limited number of attorneys it employs, efforts are recommended to develop staffing and resources to ensure sustainable CAFA coverage countywide. While the on-call program is no longer relevant since the recent implementation of a CAP staffed by the Public Defender’s Office in July 2019, we recommend the addition of ACP attorneys to provide representation at arraignment to ensure successful, long-term countywide CAFA coverage

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	■	■	■	■	■
2. Chester Town Court	■	■	■	■	■
3. Glens Falls City Court	■	■	■	■	■
4. Hague Town Court	■	■	■	■	■
5. Horicon Town Court	■	■	■	■	■
6. Johnsburg Town Court	■	■	■	■	■
7. Lake George Town Court	■	■	■	■	■
8. Lake Luzerne Town Court	■	■	■	■	■
9. Queensbury Town Court	■	■	■	■	■
10. Stony Creek Town Court	■	■	■	■	■
11. Thurman Town Court	■	■	■	■	■
12. Warren County Court	■	■	■	■	■
13. Warren County Supreme Court	■	■	■	■	■
14. Warrensburg 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

WAYNE COUNTY



County Overview

Wayne County, located in the Finger Lakes–Wine Country Region on the southern shore of Lake Ontario, covers 1,384 square miles and has a population of 93,772. About 11.7% of its residents lives below federal poverty levels, and the median household income is \$53,693.

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, led by Public Defender, Andy Correia, Esq. and an ACP Administrator, Bruce Chambers, Esq., for cases presenting a conflict of interest. The Public Defender’s Office and ACP attorneys, who provide contract representation through the Public Defender’s Office, began staffing a CAP as of April 1, 2019.

Law Enforcement Authorities

The following law enforcement agencies operate in Wayne County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Prior to 2017, the Public Defender’s Office utilized ILS funding to establish a pilot arraignment on-call CAFA program to provide arraignment representation in four local courts located in Arcadia, Newark and the Village and Town Courts of Palmyra. The CAFA pilot provided the Public Defender’s Office and ACP assigned counsel attorneys with the opportunity to provide representation at arraignment by volunteering to be on an on-call list for off-hour arraignments scheduled in the four piloted courts. The County was subsequently awarded a CAFA #2 grant that allowed the Public Defender’s Office to hire an additional attorney to assist in CAFA representation resulting in the addition of two courts, the Lyons and Marion Town courts, to be

added to the list of courts receiving attorney representation during off-hour arraignments. The six pilot project courts were contiguous to each other and were chosen for their close proximity to available counsel. Additionally, the Public Defender's Office also provided two Assistant PDs to be on-call for arraignments scheduled during business days, when needed. The need for this pilot project ended as of April 1, 2019 when the County instituted a CAP for all off-hour arraignments countywide.

ii. **Current CAFA Coverage**

Regular Court Sessions – The Public Defender's Office provides representation for arraignments scheduled during regular court sessions when a prosecutor is present. Arraignments resulting from appearance tickets that are scheduled by law enforcement during regular court sessions in which a prosecutor is not present will likely be adjourned to a regular court session that includes representation by the Public Defender's Office. Prior to the CAP, custodial arraignments scheduled during regular sessions when a prosecutor was not present were either not represented by counsel or referred to the on-call pilot project for CAFA representation.

Off-Hour Custodial Arraignments – Under the previous CAFA pilot project, the Public Defender's Office maintained a list of Assistant PDs and ACP attorneys on-call to provide representation during off-hour custodial arraignments. ACP attorneys were compensated for providing arraignment representation whereas the Public Defender's Office received no additional compensation for their participation in off-hour business day custodial arraignments as part of the on-call CAFA pilot project. Since implementation of the CAP on April 1, 2019, all off-hour custodial arraignments are handled at the CAP where attorney representation is available. Attorneys are provided additional compensation for CAP appearances through the CAFA #2 grant award and *Hurrell-Harring* funding.

Future of Arraignment Coverage


Given the size of the county, the on-call CAFA pilot project was difficult to sustain long-term. However, implementation of the CAP provides an opportunity to develop a sustainable model of countywide CAFA coverage if support is provided to include sufficient attorneys and resources to support countywide CAFA representation.


CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT


The following chart depicts 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	Black	Blue	Blue	Blue
2. Butler Town Court	Blue	Black	Blue	Blue	Blue
3. Galen Town Court	Blue	Black	Blue	Blue	Blue
4. Huron Town Court	Blue	Black	Blue	Blue	Blue
5. Lyons Town Court	Blue	Black	Blue	Blue	Blue
6. Macedon Town Court	Blue	Black	Blue	Blue	Blue
7. Macedon Village Court	Blue	Black	Blue	Blue	Blue
8. Marion Town Court	Blue	Black	Blue	Blue	Blue
9. Newark Village Court	Blue	Black	Blue	Blue	Blue
10. Ontario Town Court	Blue	Black	Blue	Blue	Blue
11. Palmyra Town Court	Blue	Black	Blue	Blue	Blue
12. Palmyra Village Court	Blue	Black	Blue	Blue	Blue
13. Rose Town Court	Blue	Black	Blue	Blue	Blue
14. Savannah Town Court	Blue	Black	Blue	Blue	Blue
15. Sodus Town Court	Blue	Black	Blue	Blue	Blue
16. Walworth Town Court	Blue	Black	Blue	Blue	Blue
17. Wayne County Court	Blue	Black	Blue	Black	Black
18. Wayne County Supreme Court	Black	Black	Black	Black	Black
19. Williamson Town Court	Blue	Black	Blue	Blue	Blue
20. Wolcott Town Court	Blue	Black	Blue	Blue	Blue
21. Wolcott Village Court	Blue	Black	Blue	Blue	Blue

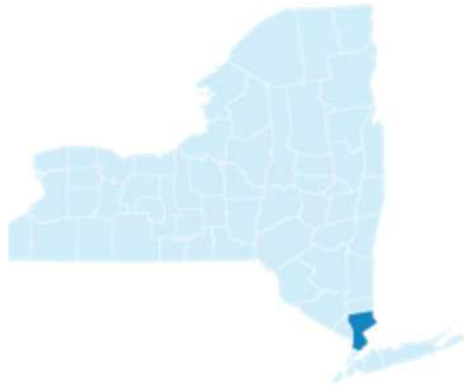
 Courts where it was reported that counsel at arraignment is always or almost always provided

 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

*CAP went into effect in Wayne County on April 1, 2019.

WESTCHESTER COUNTY



County Overview

The County, located in Southern New York in the Hudson Valley Region, contiguous to NYC, has an area of 450 square miles, and a population of 949,113. About 9.4% of the population lives below federal poverty guideline levels, and the median household income is \$89,968.

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 36 Town and Village Courts. Thus, the County must coordinate counsel at arraignment for 44 courts countywide.

Providers for Mandated Representation

Mandated representation is provided by the Legal Aid Society of Westchester County (LAS), led by Executive Director, Claire Degnan, Esq., and an ACP, administered by the ACP Administrator, Karen Needleman, Esq. Legal Aid Society staff attorneys provide CAFA coverage for felony arraignments in the justice courts, Rye City Court and Peekskill City Court through an on-call system, and ACP attorneys provide representation at misdemeanor arraignments countywide.

Law Enforcement Authorities

The following law enforcement agencies operate in Westchester County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The County received a CAFA #1 grant in 2013 to establish a program to provide counsel at arraignment in all courts in the county, 24 hours a day, seven days a week. Prior to the CAFA #1 grant, arraignments were already covered by LAS and ACP attorneys during regular court sessions. The County was also using ILS distributions to staff Saturday and Sunday arraignments in Yonkers and Mount Vernon City Courts. The LAS CAFA program provides coverage for all felony off-hour arraignments, including those scheduled during business days, nights, weekends and holidays. ACP attorneys are available to cover misdemeanor arraignments during those similar off-hour sessions subject to court notification. The ACP does not formerly oversee the CAFA program for misdemeanor arraignments which depends upon assignments made directly by the courts. If an ACP attorney is unavailable to cover a misdemeanor arraignment, LAS attorneys will provide representation when contacted by law enforcement and/or the courts to do so. In 2017, the County was awarded a CAFA #2 grant to continue the CAFA arraignment program. All of the City Courts, except Peekskill, have long-standing centralized arraignment sessions that have historically had defense attorneys present for those arraignments.

ii. Current CAFA Coverage

Regular Court Sessions – LAS attorneys assigned to a particular court will provide representation at all felony arraignments and ACP attorneys will provide representation for all misdemeanor arraignments scheduled during regular court sessions when a prosecutor is present. Other courts, such as the Yonkers City Court and Mt. Vernon City Court, also have a “Duty Day” in which an ACP attorney is on duty and available to provide representation at the court’s request. Arraignments scheduled during regular court sessions when a prosecutor is not present are represented by attorneys enlisted in the on-call CAFA program described above. LAS attorneys do not receive additional compensation for providing representation at regular court session arraignments unless representation is provided at an arraignment session on the weekend. ACP attorneys also do not receive additional compensation other than the statutory rate for their services.

Off-Hour Custodial Arraignments – As referenced above, off-hour custodial arraignments are covered through an on-call CAFA program. No off-hour arraignments are scheduled in New Rochelle City Court, Mount Vernon City Court, White Plains City Court and Yonkers City which all have access to pre-arraignment detention. Generally, the LAS handles off-hour arraignments for felony cases and the ACP attorneys handle those arraignments for misdemeanor cases. For

felony, business day arraignments, there are two LAS attorneys designated to handle arraignments for those courts not holding a regular court session. For misdemeanor, business day arraignments, each court maintains its own list of ACP attorneys who are on-call to provide representation. The LAS has approximately 24 attorneys that volunteer to be part of the off-hour CAFA program for felony cases. For misdemeanor arraignments, the ACP administration divides the county into 5 zones, each containing a city court, to provide CAFA coverage. The courts in each zone keep their own lists of ACP attorneys to handle misdemeanor arraignments. Although there is no accurate number of ACP attorneys providing representation in misdemeanor arraignments, the ACP Administrator reports that there are a large number of attorneys available in each zone to provide CAFA coverage. LAS attorneys are paid an additional stipend to participate in the CAFA program on nights, weekends and holiday. ACP attorneys are paid the statutory rate for handling misdemeanor arraignments and, in some instances, may also be assigned to provide representation in the case to completion.

Future of Arraignment Coverage

LAS estimates that they are close to providing full coverage of arraignment representation in felony cases. The ACP administrator also estimates that a majority of misdemeanor arraignments are being covered by ACP attorneys but has no way to confirm this information since the courts, and not the ACP, maintain the list of arraignment assignments.

Although the County could potentially benefit from a CAP, given the vast number of local courts and local law enforcement agencies in a relatively small geographic area, there is as yet no specific plan to develop a CAP. Additional funding and support are recommended to promote long-term sustainable CAFA representation. The CAFA program will also benefit from additional oversight of arraignments by the ACP Administrator for misdemeanor arraignments conducted countywide.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Blue	Grey	Grey	Grey	Grey
2. Bedford Town Court	Blue	Grey	Grey	Grey	Grey
3. Briarcliff Manor Village Court	Blue	Grey	Grey	Grey	Grey
4. Bronxville Village Court	Blue	Grey	Grey	Grey	Grey
5. Buchanan Village Court	Blue	Grey	Grey	Grey	Grey
6. Cortlandt Town Court	Blue	Grey	Grey	Grey	Grey
7. Croton-on-Hudson Village Court	Blue	Grey	Grey	Grey	Grey
8. Dobbs Ferry Village Court	Blue	Grey	Grey	Grey	Grey
9. Eastchester Town Court	Blue	Grey	Grey	Grey	Grey
10. Elmsford Village Court	Blue	Grey	Grey	Grey	Grey
11. Greenburgh Town Court	Blue	Grey	Grey	Grey	Grey
12. Harrison Town Court	Blue	Grey	Grey	Grey	Grey
13. Hastings-on-Hudson Village Court	Blue	Grey	Grey	Grey	Grey
14. Irvington Village Court	Blue	Grey	Grey	Grey	Grey
15. Larchmont Village Court	Blue	Grey	Grey	Grey	Grey
16. Lewisboro Town Court	Blue	Grey	Grey	Grey	Grey
17. Mamaroneck Town Court	Blue	Grey	Grey	Grey	Grey
18. Mamaroneck Village Court	Blue	Grey	Grey	Grey	Grey
19. Mount Kisco Town Court	Blue	Grey	Grey	Grey	Grey
20. Mount Pleasant Town Court	Blue	Grey	Grey	Grey	Grey
21. Mount Vernon City Court	Blue	Black	Blue	Black	Blue
22. New Castle Town Court	Blue	Grey	Grey	Grey	Grey
23. New Rochelle City Court	Blue	Black	Blue	Black	Blue
24. North Castle Town Court	Blue	Grey	Grey	Grey	Grey
25. North Salem Town Court	Blue	Grey	Grey	Grey	Grey
26. Ossining Town Court	Blue	Grey	Grey	Grey	Grey
27. Peekskill City Court	Blue	Black	Blue	Blue	Blue
28. Pelham Town Court	Blue	Grey	Grey	Grey	Grey
29. Pleasantville Village Court	Blue	Grey	Grey	Grey	Grey
30. Port Chester Village Court	Blue	Grey	Grey	Grey	Grey
31. Pound Ridge Town Court	Blue	Grey	Grey	Grey	Grey
32. Rye City Court	Blue	Black	Blue	Blue	Blue
33. Rye Town Court	Blue	Grey	Grey	Grey	Grey
34. Scarsdale Town Court	Blue	Grey	Grey	Grey	Grey
35. Scarsdale Village Court	Blue	Grey	Grey	Grey	Grey
36. Sleepy Hollow Village Court	Blue	Grey	Grey	Grey	Grey

(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. Somers Town Court	Blue	Grey	Grey	Grey	Grey
38. Tarrytown Village Court	Blue	Grey	Grey	Grey	Grey
39. Tuckahoe Village Court	Blue	Grey	Grey	Grey	Grey
40. Westchester County Court	Blue	Black	Blue	Black	Black
41. Westchester Co. Supreme Court	Blue	Black	Black	Black	Black
42. White Plains City Court	Blue	Black	Blue	Black	Blue
43. Yonkers City Court	Blue	Black	Blue	Black	Blue
44. Yorktown Town Court	Blue	Grey	Grey	Grey	Grey

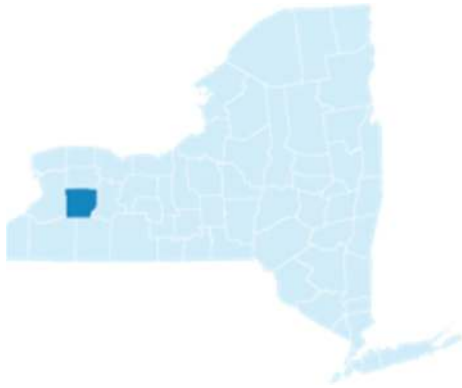
Blue Courts where it was reported that counsel at arraignment is always or almost always provided

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



County Overview

Wyoming County, located in the Greater Niagara Region in western New York, has an area of 596 square miles and a population of 42,155. Letchworth State Park, a deep gorge with three major waterfalls on the Genesee River, forms part of the southeastern boundary of the county. About 11.4% of the population lives below federal poverty levels, and the median household income is \$55,459.

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, led by Norman Effman, Esq. The ACP is administered by County Attorney James M. Wujcik, Esq. The Public Defender's Office provides coverage in all courts, except regular sessions when a prosecutor is not present, utilizing an on-call system for off-hour custodial arraignments.

Law Enforcement Authorities

The following law enforcement agencies operate in Wyoming County: 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.

Overview of CAFA Coverage

i. History of Representation at Arraignment

The Public Defender's Office established an on-call system for the entire county, using the funding from the CAFA #1 grant award to provide compensation to three attorneys within the Public Defender's Office and three 18-B attorneys to provide representation and backup support for all off-hour arraignments. Wyoming County applied for and was awarded the CAFA #2 grant to continue the coverage established with funds from the CAFA #1 grant award.

ii. **Current CAFA Representation**

Regular Court Sessions – The Public Defender’s Office provides representation at arraignments scheduled during regular court sessions when the prosecutor is present. Attorney representation is not provided when an arraignment resulting from the issuance of an appearance ticket is scheduled when both the prosecutor and the Public Defender’s Office are not scheduled to be present.

Off-Hour Custodial Arraignments – The Public Defender’s Office will assign an Assistant PD to address off-hour, business day arraignments in those courts to which they are regularly assigned to provide mandated representation. Another Assistant PD will be assigned to the arraignment if the regularly assigned attorney is unavailable. The Public Defender’s Office currently has four Assistant PDs who are available to provide off-hour arraignment representation for nights and weekends/holidays on a weekly on-call rotational basis. The Public Defender’s Office receives no additional compensation to be on-call for providing representation during off-hour arraignments countywide.

Future of Arraignment Coverage

Additional staff and resources are required to support sustainable coverage of the current on-call program for off-hour arraignments. The Public Defender has suggested that two fully operational CAP courts on opposite ends of the County would cover approximately 90% of all arraignments countywide. Although there are ongoing discussions regarding implementation of a CAP, there is currently no formal plan introduced for implementation. Unless a CAP is introduced, ILS will work with the County to develop a sustainable program for providing full CAFA representation.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts the status of counsel at arraignment as recently reported by the County.

Wyoming

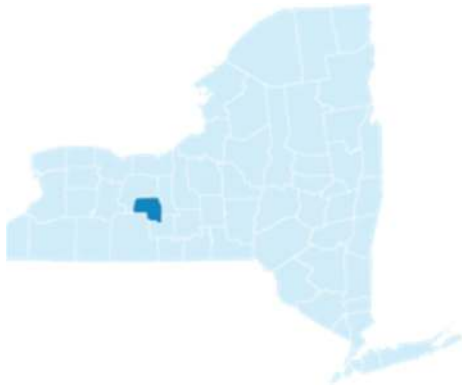
	Scheduled sessions, prosecutor present	Scheduled sessions, prosecutor not present	Off-hours, weekday, 9am to 5pm	Off-hours, weekday, 5pm to 9am	Off- hours weekends and holidays
1. Arcade Town Court	Blue	Grey	Blue	Blue	Blue
2. Arcade Village Court	Blue	Grey	Blue	Blue	Blue
3. Attica Town Court	Blue	Grey	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

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

YATES COUNTY



County Overview

Yates County, located in the Finger Lakes–Wine Country Region, covers 338 square miles and consists of three of New York State's Finger Lakes; Seneca Lake on the eastern border, Canandaigua Lake on the western border and Keuka Lake which divides the mid/southern section of the County. It has a population of 25,348 with about 13.1% of residents living below federal poverty levels, and a median household income of \$51,758.

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 primarily by the Public Defender's Office, overseen by Katie Gosper, Esq. If the Public Defender has a conflict, then the case is assigned to the Conflict Defender, Tiffany Sorgen, Esq. The County also has an ACP, administered by Dianne Lovejoy, Esq. CAFA representation is currently provided at regular court sessions and through a CAP located at the Yates County Jail with representation provided by the Public Defender's Office at regular court sessions and two contract attorneys and the Public Defender's Office staffing arraignments scheduled during the CAP sessions.

Law Enforcement Authorities

The following law enforcement agencies operate in Yates County: Penn Yan Village Police Department, Yates County Sheriff's Office, New York State Police, NYS Park Police, and NYS DEC.

Overview of CAFA Coverage

i. History of Representation at Arraignment

Yates County has provided representation at arraignment since 2014. The Public Defender's Office implemented CAFA representation countywide excluding the busiest court in the County, the Penn Yan Village Court, with support from the ILS CAFA #1 grant award. During regular sessions, judges would contact those Public Defender attorneys regularly assigned to their courts

to appear at their arraignments. If the attorney from the Public Defender's Office was unavailable, the arraignment would often proceed without counsel. During the evenings, weekends and holidays, the courts were provided with a list of attorneys from the Public Defender's Office and the Conflict Defender who were scheduled to be on-call for arraignment representation. Yates County initiated a CAP at the Yates County Jail on October 1, 2018 to address off-hour arraignments countywide.

ii. Current CAFA Coverage

Regular Court Sessions – The Public Defender's Office provides representation at arraignments conducted during regularly scheduled court appearances when a prosecutor is present. Assistant PDs are assigned to each court and are present to handle arraignments in these courts, including those resulting from appearance tickets. The Public Defender reports that law enforcement is not issuing appearance tickets for regularly scheduled court sessions when a prosecutor is not present.

Off-Hour Custodial Arraignments - Off-hour arraignments countywide are conducted through a CAP, which began operating on October 1, 2018, with arraignment sessions scheduled daily from 8:00 a.m. to 10:30 a.m. and from 6:00 p.m. to 8:30 p.m. The Public Defender's Office coordinates the scheduling of attorneys for each CAP session. The Public Defender's Office has also contracted with two private attorneys, one of whom is also on the ACP panel, to be primarily responsible for providing representation at the CAP. In addition, the attorneys within the Public Defender's Office are available on a rotational basis to provide representation at the CAP when the two contract attorneys are unavailable. The two contract attorneys are compensated each time they are required to appear for a CAP session. Attorneys in the Public Defender's Office are also engaged in providing CAP representation, but they do so without additional compensation.

Future of Arraignment Coverage

With the recent implementation of a CAP, Yates County now provides county wide arraignment coverage. ILS funding is currently being applied by the County to support continued CAP representation. However, additional support is necessary to recruit and/or hire and to train additional attorneys to provide CAFA representation. In addition, a formal policy for direct communication between CAP attorney(s) and assigned counsel is encouraged, particularly in instances when the client or his/her case requires immediate post-arraignment attention and support. ILS will continue to work with the County to develop an effective and sustainable model for CAFA representation by continuing to support the hiring of additional attorneys for the Public Defender's Office and recruitment of attorneys to the County's ACP panel.

CURRENT COVERAGE OF COUNSEL AT ARRAIGNMENT

The following chart depicts 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	Black	Blue	Blue	Blue
2. Benton Town Court	Blue	Black	Blue	Blue	Blue
3. Dundee Village Court	Blue	Black	Blue	Blue	Blue
4. Italy Town Court	Blue	Black	Blue	Blue	Blue
5. Jerusalem Town Court	Blue	Black	Blue	Blue	Blue
6. Middlesex Town Court	Blue	Black	Blue	Blue	Blue
7. Milo Town Court	Blue	Black	Blue	Blue	Blue
8. Penn Yan Village Court	Blue	Black	Blue	Blue	Blue
9. Potter Town Court	Blue	Black	Blue	Blue	Blue
10. Starkey Town Court	Blue	Black	Blue	Blue	Blue
11. Torrey Town Court	Blue	Black	Blue	Blue	Blue
12. Yates County Court	Blue	Black	Blue	Black	Black
13. Yates County Supreme Court	Black	Black	Black	Black	Black

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

*Yates County CAP began 10/1/18

APPENDICES

- APPENDIX A:** Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017) amending New York Executive Law § 832 (4)
- APPENDIX B:** List of ILS CAFA 1# Award Grantees (2014)
- APPENDIX C:** List of ILS CAFA 2# Award Grantees (2017)
- APPENDIX D:** List of NYS Mandated Representation Providers
- APPENDIX E:** ILS CAFA Survey Instrument (2018)
- APPENDIX F:** Statewide CAFA Implementation Interviews with Counties (2018)
- APPENDIX G:** ILS CAFA Survey Instrument (2019)
- APPENDIX H:** Statewide CAFA Implementation Interviews with Counties (2019)
- APPENDIX I:** List of Counties Implementing a CAP
- APPENDIX J:** Number of Courts in 52 Upstate Counties by Type (2019)
- APPENDIX K:** Counsel at Arraignment Coverage by Court and Session (2019)
- APPENDIX L:** Comparison of 2017 and 2019 CAFA Coverage by Court Type

**APPENDIX A: CHAPTER 59 OF THE LAWS OF 2017, PART VVV, §§ 11-13
(EFFECTIVE JULY 1, 2017)
AMENDING NEW YORK EXECUTIVE LAW § 832(4)**

Chapter 59 of the Laws of 2017, Part VVV, §11-13

§ 11. Section 722-e of the county law, as added by chapter 878 of the laws of 1965, is amended to read as follows:

§ 722-e. Expenses. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes. Provided, however, that any such additional expenses incurred for the provision of counsel and services as a result of the implementation of a plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law, including any interim steps taken to implement such plan, shall be reimbursed by the state to the county or city providing such services. Such plans shall be submitted by the office of indigent legal services to the director of the division of budget for review and approval. However, the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan, and his or her approval shall not be unreasonably withheld. The state shall appropriate funds sufficient to provide for the reimbursement required by this section.

§ 12. Section 832 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. Additional duties and responsibilities. The office shall, in consultation with the indigent legal services board established pursuant to section eight hundred thirty-three of this article, have the following duties and responsibilities, and any plan developed pursuant to this subdivision shall be submitted by the office to the director of the division of budget for review and approval, provided, however that the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan and his or her approval shall not be unreasonably withheld:

(a) Counsel at arraignment. Develop and implement a written plan to ensure that each criminal defendant who is eligible for publicly funded legal representation is represented by counsel in person at his or her arraignment; provided, however, that a timely arraignment with counsel shall not be delayed pending a determination of a defendant's eligibility.

(i) For the purposes of the plan developed pursuant to this subdivision, the term "arraignment" shall 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).

(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the plan and such plan shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New

York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(b) Caseload relief. Develop and implement a written plan that establishes numerical caseload/workload standards for each provider of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel.

(i) Such standards shall apply to all providers whether public defender, legal aid society, assigned counsel program or conflict defender in each county and the city of New York.

(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan. Such plan shall include the number of attorneys, investigators and other non-attorney staff and the amount of in-kind resources necessary for each provider of mandated representation to implement such plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the caseload/workload standards and such standards shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(c) Initiatives to improve the quality of indigent defense. (i) Develop and implement a written plan to improve the quality of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel and ensure that attorneys providing such representation: (A) receive effective supervision and training; (B) have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients; (C) communicate effectively with their clients; (D) have the necessary qualifications and experience; and (E) in the case of assigned counsel attorneys, are assigned to cases in accordance with article eighteen-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

(ii) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(iii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iv) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the initiatives to improve the quality of indigent defense and such initiatives shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(d) Appropriation of funds. In no event shall a county and a city of New York be obligated to undertake any steps to implement the written plans under paragraphs (a), (b) and (c) of this subdivision until funds have been appropriated by the state for such purpose.

§ 13. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2018 and shall apply to confessions, admissions or statements made on or after such effective date; provided, further sections three through ten of this act shall take effect July 1, 2017.

APPENDIX B: LIST OF ILS CAFA #1 AWARD GRANTEES (2014)

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 C: LIST OF ILS CAFA #2 AWARD GRANTEES (2017)

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 D: LIST OF NYS MANDATED REPRESENTATION PROVIDERS

Locality	Agency	Providing CAFA Representation
Albany	Albany County Alternate Public Defender	✓
	Albany County Public Defender	✓
	Albany County Assigned Counsel Program	
Allegany	Allegany County Assigned Counsel Program	
	Allegany County Public Defender	✓
	Allegany-Cattaraugus Legal Aid	
Broome	Broome County Public Defender	✓
	Broome County Comptroller	
Cattaraugus	Cattaraugus County Public Defender Office	✓
	Regional Appellate Program	
	Cattaraugus County Office of Assigned Counsel Program	
Cayuga	Cayuga County Assigned Counsel for the Indigent Program	✓
Chautauqua	Chautauqua County Assigned Counsel Program	
	Chautauqua County Public Defender	✓
Chemung	Chemung County Assigned Counsel Program	✓
	Chemung County Public Advocate's Office	✓
	Chemung County Public Defender Office	✓
Chenango	Chenango County Public Defender	✓
	Chenango County Assigned Counsel Program	
Clinton	Clinton County Assigned Counsel Program	✓
	Clinton County Public Defender Office	✓
Columbia	Columbia County Alternate Conflict Defender	
	Columbia County Conflict Public Defender	
	Columbia County Public Defender	✓
	Columbia County Second Alternate Conflict Defender	

Locality	Agency	Providing CAFA Representation
	Columbia County Assigned Counsel Program	✓
Cortland	Cortland County Assigned Counsel Program	✓
	Cortland County Public Defender Office	✓
Delaware	Delaware County Public Defender Office (eff 8/1/19)	✓
	Delaware County Assigned Counsel Program	
Dutchess	Dutchess County Assigned Counsel Program	
	Dutchess County Public Defender Office	✓
Erie	Assigned Counsel Program Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	✓
	The Legal Aid Bureau of Buffalo, Inc.	✓
Essex	Essex County Assigned Counsel Program	
	Essex Conflict Defender	
	Essex County Public Defender	✓
Franklin	Franklin County Assigned Counsel Program	✓
	Franklin County Alternate Conflict Defender	
	Franklin County Conflict Defender	✓
	Franklin County Public Defender	✓
Fulton	Fulton County Assigned Counsel Program	
	Fulton County Public Defender Office	✓
	Rural Law Center	
Genesee	Genesee County Assigned Counsel Program	
	Genesee County Public Defender	✓
	Regional Appellate Program	
Greene	Greene County Assigned Counsel Program	
	Greene County Public Defender Office	✓
Hamilton	Hamilton County Assigned Counsel Program	✓
Herkimer	Herkimer County Assigned Counsel Program	✓

Locality	Agency	Providing CAFA Representation
Jefferson	Jefferson County Assigned Counsel Program	
	Jefferson County Public Defender	✓
Lewis	Lewis County Conflict Defender	
	Lewis Defenders, PLLC	✓
	Lewis County Assigned Counsel Program	
Livingston	Livingston County Conflict Defender Office	
	Livingston County Public Defender	✓
	Livingston County Assigned Counsel Program	
Madison	Madison County Public Defender	✓
	Madison County Assigned Counsel Program	
Monroe	Monroe County Conflict Defender Office	
	Monroe County Public Defender	✓
	Monroe County Assigned Counsel Program	
Montgomery	Montgomery County Public Defender	✓
	Montgomery County Assigned Counsel Program	
Nassau	Nassau County Assigned Counsel Defender Plan	✓
	Legal Aid Society of Nassau County	✓
New York City	Assigned Counsel Plan 1st Department	✓
	Assigned Counsel Plan, Second Department	✓
	Appellate Advocates	
	Bronx Defenders	✓
	Brooklyn Defender Services	✓
	Center for Appellate Litigation	
	Legal Aid Society	✓
	Neighborhood Defender Service, Inc.	✓
	New York County Defender Services	✓
	Office of the Appellate Defender	

Locality	Agency	Providing CAFA Representation
	Queens Law Associates	✓
Niagara	Niagara County Conflict Defender	
	Niagara County Public Defender	✓
	Niagara County Assigned Counsel Program	
Oneida	Oneida County Supplemental Assigned Counsel Program	
	Oneida County Public Defender - Criminal Division	✓
Orange	Orange County Assigned Counsel Program	
	The Legal Aid Society of Orange County, Inc.	✓
Orleans	Orleans County Assigned Counsel Program	
	Orleans County Public Defender	✓
	Orleans Regional Appellate Program	
Oswego	Oswego County Assigned Counsel Program	✓
Otsego	Otsego County Public Defender	✓
	Rural Law Center	
	Otsego County Assigned Counsel Program	✓
Putnam	Putnam County Legal Aid Society, Inc.	✓
	Putnam County Assigned Counsel Program	
Rensselaer	Rensselaer County Assigned Counsel Program	
	Rensselaer County Conflict Defender	✓
	Rensselaer County Public Defender	✓
Rockland	Rockland County Assigned Counsel Program	
	Rockland County Public Defender	✓
Saratoga	Saratoga County Assigned Counsel Program	
	Saratoga Conflict Defenders	
	Saratoga County Public Defender	✓
Schenectady	Schenectady County Assigned Counsel Program	
	Schenectady County Conflict Defender	✓

Locality	Agency	Providing CAFA Representation
	Schenectady County Public Defender	✓
Schoharie	Schoharie County Office of Legal Defense of Indigents	✓
Seneca	Seneca County Public Defender	✓
	Seneca County Assigned Counsel Program	✓
St. Lawrence	St. Lawrence County Assigned Counsel Program	✓
	Rural Law Center	
	St. Lawrence County Conflict Defender	✓
	St. Lawrence County Public Defender	✓
Steuben	Steuben County Assigned Counsel Program	
	Steuben County Conflict Defender	
	Steuben County Public Defender	✓
Sullivan	Sullivan County Conflict Legal Aid Bureau	
	Sullivan Legal Aid Panel, Inc.	✓
	Sullivan County Assigned Counsel Program	
Tioga	Tioga County Assigned Counsel Program	
	Tioga County Public Defender	✓
Tompkins	Tompkins County Assigned Counsel Program	✓
Ulster	Ulster County Assigned Counsel Program	
	Ulster County Public Defender	✓
Warren	Warren County Assigned Counsel Program	
	Rural Law Center	
	Warren County Public Defender	✓
Wayne	Wayne County Assigned Counsel Program	✓
	Wayne County Public Defender	✓
Westchester	Westchester County Assigned Counsel Program	✓
	Legal Aid Society of Westchester County	✓
Wyoming	Wyoming County Assigned Counsel Program	

Locality	Agency	Providing CAFA Representation
	Wyoming County-Attica Legal Aid Bureau, Inc. and Wyoming County Public Defender	✓
Yates	Yates County Assigned Counsel Program	
	Yates County Conflict Defender	
	Yates County Public Defender	✓

**APPENDIX E:
2018 ILS CAFA SURVEY INSTRUMENT**

Part I: 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 before a judge or magistrate.

- **“Off-hours”** as used in this survey refers to any appearance that occurs at a time other than a regularly scheduled court session, even if it occurs on a weekday during business hours.

Part II: IDENTIFYING ENTITIES THAT PROVIDE ARRAIGNMENT REPRESENTATION

Locality:

Select all of the entity/entities that provide arraignment representation.

Provides arraignment representation	Primary
<input type="checkbox"/> Assigned Counsel	<input type="checkbox"/>
<input type="checkbox"/> Conflict Defender	<input type="checkbox"/>
<input type="checkbox"/> Public Defender	<input type="checkbox"/>
<input type="checkbox"/> Attorney(s) on contract:	<input type="checkbox"/>
Name: Contact:	
Name: Contact:	
Name: Contact:	
Name: Contact:	
Name: Contact:	
<input type="checkbox"/> Other:	<input type="checkbox"/>

Additional notes:

Part III: PRESENT EFFORTS ON CENTRALIZED ARRAIGNMENTS

What were the most recent discussions about the creation of centralized arraignment parts/plans in this county? Include: (a) what has happened; (b) who has been involved in the meetings; and (c) barriers identified.

Part IV: DESCRIBING HOW COVERAGE IS PROVIDED BY EACH ENTITY

ILS Interviewer(s):

Entity:

Interviewee:

Phone:

Date:

Time started:

Time ended:

CAFA 2 RFP:

The next 16 questions pertain to how arraignment coverage is currently provided.

1. If/when a conflict is identified *prior to* an arraignment, how is it addressed (e.g. use of waiver for purpose of arraignment only, etc.)?
2. Are there arrangements between providers to divide up the responsibility for CAFA (e.g. conflict defender staffs one session per month; etc.)?
3. How many attorneys in your program provide arraignment representation (*estimate*)?
4. How are the attorneys organized (i.e. on rotation; specific attorneys [sometimes known as 'CAFA attorneys']; designated to sessions; etc.).

5. Are attorneys selected to provide arraignment representation based on their level of experience to handle the charge(s) faced by the clients?
6. In general, please describe attorneys' access to clients *prior* to arraignment (e.g., confidential space, enough time, access to detained clients, variations depending on setting, etc.).
7. Does the provider have a policy for client communication (e.g. all clients need to be contacted within 48 hours of assignment; arrange to meet with the client at least 15 minutes before courts starts; etc.)
8. How are defense providers or attorneys notified about arraignments that take place "off-hours" (outside of regularly scheduled sessions)? (911, judge, arresting officer, jail, defenders call court or jail, etc.)
9. Are there CAFA-designated cellphones and/or hotline numbers, etc.?
10. As a policy (understanding it is not always possible), do the assignments result in vertical representation?
11. How are attorneys compensated for arraignment coverage during *regular hours* and during "*off-hours*" (e.g. it is part of their salary, by contract, stipends for being "on-call," etc.)? What are the amounts?
 - ACPs ONLY: Do they receive the statutory rate while providing coverage? If so, is this in addition to a stipend to be on-call?

12. What costs are reimbursed for “off-hours” arraignment representation? Ask specifically about:

- Mileage
- Travel time to and from court

13. Implementation of arraignment coverage: any challenges (e.g., geography; weather; attorneys; political issues; etc.)?

14. If they have attorneys providing coverage at present, have they had to address, or do they foresee issues regarding sustainability (e.g., burnout / recruitment)?

15. In general, what is the current practice in the county on issuing appearance tickets? Has this practice changed in the past few years? If so, how?

16. Estimated number of arraignments by this provider in 2017:

Additional notes pre-interview:

Additional notes from the interview:

FUTURE CONTACT

In the coming months, ILS will be contacting the primary providers of arraignment representation to ascertain coverage information, that is, which courts are always/almost always covered vs. which ones are not. Who should we contact in the future for this purpose?

Name:

Title:

Phone:

Email:

**APPENDIX F: 2018 Statewide CAFA Implementation
Interviews with Counties**

Locality	Provider/Interviewee	Date of CAFA Interview
Albany	Stephen Herrick, Esq. Albany County Public Defender	August 21, 2018
Allegany	Barbara Kelley, Esq. Allegany County Public Defender	July 19, 2018
Broome	Michael Baker, Esq. Broome County Public Defender	May 2, 2018
Cattaraugus	Darryl Bloom, Esq. Cattaraugus County Public Defender	April 13, 2018
Cayuga	Lloyd Hoskins Chautauqua County Public Defender	April 12, 2018
Chautauqua	Nathaniel Barone, Esq. Chautauqua County Public Defender	September 5, 2018
Chemung	John Brennan, Esq. Chemung County Public Defender Office	May 31, 2018
Chenango	Karri Beckwith Chenango County Public Defender	April 6, 2018
Clinton	Justin Meyer, Esq. Clinton County Assigned Counsel Program	April 9, 2018
Columbia	Dominic Cornelius, Esq. Columbia County Public Defender	September 25, 2018
Cortland	Michael Cardinale, Esq. Cortland County Assigned Counsel Plan	March 26, 2019
	Keith Dayton, Esq. Cortland County Public Defender Office	March 26, 2018
Delaware	Amy Merklen, Esq. Delaware County Public Defender	September 27, 2018
Dutchess	Thomas Angell, Esq. Dutchess County Public Defender Office	April 17, 2018

Locality	Provider/Interviewee	Date of CAFA Interview
Erie	Robert Convissar, Esq. Assigned Counsel Program Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	June 21, 2018
Essex	Brandon Boutelle, Esq. Essex County Public Defender	June 13, 2018
Franklin	Jill Dyer-Jock; Claire Knittel, Esq.; Thomas Soucia, Esq. Franklin County Assigned Counsel Plan	May 3, 2018
Fulton	J. Gerard McAuliffe, Esq. Fulton County Public Defender Office	April 4, 2018
Genesee	Jerry Ader, Esq. Genesee County Public Defender	May 24, 2018
Greene	Angelo Scaturro, Esq. Greene County Public Defender Office	August 8, 2018
Hamilton	William Farber Hamilton County Assigned Counsel Program	October 5, 2018
Herkimer	Keith Bowers, Esq. Herkimer County Assigned Counsel Program	November 15, 2018
Jefferson	Julie Hutchins, Esq. Jefferson County Public Defender	June 1, 2018
Lewis	Michael Young, Esq. Lewis Defenders, PLLC	July 19, 2018
Livingston	Lindsay Quintilone, Esq. Livingston County Public Defender	May 31, 2018
Madison	Paul Hadley, Esq. Madison County Public Defender	July 10, 2018
Monroe	Timothy Donaher, Esq. Monroe County Public Defender	July 11, 2018
Montgomery	William Martuscello, Esq. Montgomery County Public Defender	April 10, 2018
Niagara	David Farrugia, Esq. Niagara County Public Defender	August 8, 2018

Locality	Provider/Interviewee	Date of CAFA Interview
Oneida	Frank Nebush, Jr., Esq.; Jon Panzone, Esq.; Robert Reittinger, Esq.; Patrick Marthage, Esq.; Leland McCormac, Esq. Oneida County Public Defender - Criminal Division	June 6, 2018
Orange	Gary Abramson, Esq. The Legal Aid Society of Orange County, Inc.	April 19, 2018
Orleans	Joanne Best, Esq. Orleans County Public Defender	June 13, 2018
Oswego	Sara Davis, Esq. Oswego County Assigned Counsel Program	March 23, 2018
Otsego	Bruce Maxson, Esq. Otsego County Public Defender	April 26, 2018
	Ellen Cocomma, Esq. Otsego County Attorney	April 26, 2018
Putnam	David Squirrell, Esq. Putnam County Legal Aid Society, Inc.	April 13, 2018
Rensselaer	John Turi, Esq. Rensselaer County Public Defender	April 16, 2018
Rockland	Ellen Woods, Esq. Rockland County Public Defender	August 6, 2018
Saratoga	Oscar Schreiber, Esq. Saratoga County Public Defender	March 23, 2018
Schenectady	Stephen Signore, Esq. Schenectady County Public Defender	May 18, 2018
Schoharie	Suzanne Graulich, Esq. Schoharie County Office of Legal Defense of Indigents	March 23, 2018
Seneca	Michael Mirras, Esq. Seneca County Public Defender	April 9, 2018
St. Lawrence	Steven Ballan, Esq. St. Lawrence County Public Defender	April 11, 2018

Locality	Provider/Interviewee	Date of CAFA Interview
Steuben	Shawn Sauro, Esq.; Heather Drake, Esq. Steuben County Public Defender	
Sullivan	Tim Havas, Esq. Sullivan Legal Aid Panel, Inc.	April 11, 2018
Tioga	George Awad, Esq.; Thomas Cline, Esq. Tioga County Public Defender	April 25, 2018
Tompkins	Lance Salisbury, Esq.; Julia Hughes Tompkins County Assigned Counsel Program	April 17, 2018
Ulster	Andrew Kossover, Esq. Ulster County Public Defender	July 19, 2018
Warren	Marcy Flores, Esq. Warren County Public Defender	April 2, 2018
Wayne	Andrew Correia, Esq. Wayne County Public Defender	April 10, 2018
Westchester	Clare Degnan, Esq. Legal Aid Society of Westchester County	July 26, 2018
Wyoming	Norman Effman, Esq. Wyoming Public Defender	May 14, 2018
Yates	Katie Martens-Henderson, Esq. Yates County Public Defender	June 6, 2018

INTRODUCTION

ILS is obligated to prepare an annual update on the CAFA plan detailing the implementation efforts toward CAFA, and these questions have been developed to ascertain the status of the county's efforts in that regard. We understand that this may all change with the recent enactment of bail reform, but we are charged with updating progress from 12/1/17 to 04/1/19. Like the previous call, while some of the questions may go into specific detail, the purpose of these questions is to help identify the progress the county has made thus far, and what gaps and challenges still need to be addressed during the implementation period.

1) What are the changes with respect to CAFA that the County has implemented since December 1, 2017 (e.g., CAP is now in place; pilot project has started; county has begun to staff arraignments; etc.)?

Part III: DESCRIBING HOW COVERAGE IS PROVIDED BY EACH ENTITY

The next 22 questions pertain to how arraignment coverage is currently provided.

1. Is arraignment coverage divided between the different county providers? If so, how (e.g. conflict defender staffs one session per month; etc.)?
2. How many attorneys in your program provide arraignment representation (*estimate*)?
3. How are the attorneys organized (i.e. on rotation; specific attorneys [sometimes known as 'CAFA attorneys']; designated sessions; voluntary or mandatory, etc.).
 - a. Do you have the ability to cover arraignments for appearance tickets?
4. How are attorneys selected to handle arraignments?
 - a. Please describe selection process.
 - b. Do you have training specific to arraignments? If so, please describe the training.
 - c. If an attorney is called to an arraignment they feel they do not have the experience to handle, is there a process in place to address this type of situation?
5. How are attorneys compensated for arraignment coverage during *regular hours* and during "*off-hours*" (e.g. it is part of their salary, by contract, stipends for being "on-call," etc.)? What are the amounts?
 - ACPs ONLY: Do they receive the statutory rate while providing coverage? If so, is this in addition to a stipend to be on-call?

6. What costs are reimbursed for “off-hours” arraignment representation? Ask specifically about:
- Mileage
 - Travel time to and from court

IF NO CENTRALIZED ARRAIGNMENT PART:

7. What were the most recent discussions about the creation of centralized arraignment parts/plans in this county? At a minimum, prompt respondents to discuss:
- a. When the meetings happened;
 - b. Who has been involved;
 - c. What, if any, outcomes resulted; and
 - d. What, if any, barriers were identified to establishing a CAP.

Part IV: THE ARRAIGNMENT PROCESS

8. How are defense providers or attorneys notified about arraignments?
- a. Regularly scheduled (if they have them)?
 - b. “Off-hours” (outside of regularly scheduled sessions)? (911, judge, arresting officer, jail, defenders call court or jail, etc.)
9. Are there CAFA-designated cellphones and/or hotline numbers, etc.?
10. Do attorneys have ability to identify conflicts prior to arraignment? If so, do you have a policy as to how those conflicts are handled (e.g. use of waiver for purpose of arraignment only, assigned to another provider, etc.)?
11. In general, please describe attorneys’ access to clients *prior* to arraignment?
- a. Confidential meeting space for both in custody and out-of-custody clients? Does it vary by court and how?
 - b. Do attorneys have enough time to speak with clients? Are you receiving complaints (from attorneys or clients) about there being insufficient time to speak with clients at arraignments?
 - c. If a problem with time is indicated, find out if the notification process allows attorneys enough time to get to the arraignment or does the problem arise from judge, law enforcement etc.?
 - d. Problems with access to detained clients?
 - e. Access to interpreters or Language Line?

12. Are attorneys provided with a copy of the following documents prior to an arraignment:
 - a. Accusatory instruments?
 - b. Supporting Depositions? If not, what happens if bail is set? (adjourned to 170.70 day, etc.)
 - c. Complete Criminal Histories or summary?
 - d. Does the DA or court have these materials when the defense attorney does not?
 - e. Do attorneys have access to sample motions/documents that may be needed at arraignment? (cross grand jury, etc.) If yes, do you know if attorneys use these documents?

13. Generally, are there certain type of cases that get disposed/pled at arraignment? Please describe a typical example.

14. Do attorneys have access to investigators or social workers to make immediate referrals if necessary?
 - a. If yes, is access at arraignment? If not at arraignment, when would attorney first have access to an investigator or social worker?

15. Are there any circumstances where the public (particularly friends/family) are not permitted to observe the arraignments? (CAP in jails, off-hour town court arrgs.)

16. As a policy (understanding it is not always possible), do the assignments result in vertical representation? If not, walk us through the transfer process:
 - a. What documents does the CAFA attorney collect;
 - b. What documents and information are passed to the new attorney; (client contact information, witness information, facts of the case, transfer memos, etc.)
 - c. How is the new attorney assigned;
 - d. How long does it take from arraignment until the new attorney is assigned; and
 - e. What, if any, policies are there about communication between the CAFA attorney and the assigned attorney?

17. Does the provider have a general policy/practice (either formal or informal) for the time-period of when clients must be contacted after arraignment?
Type new information here.

18. Do attorneys complete any forms for arraignments? If yes, please request a blank copy.

19. Is there a presumption of financial eligibility at arraignment or are financial eligibility determinations made at arraignment? If so, who makes them?

20. What information does your office currently maintain about arraignments (e.g. outcomes, forms of bail set, notices served and/or filed, total, time, about all shifts etc.)?

Part V: ARRAIGNMENT CHALLENGES

21. Since CAFA has been implemented (assuming it has), has it impacted how appearance tickets are issued in your county? If so, how?

22. Implementation of arraignment coverage: any challenges (e.g., geography; weather; attorneys; political issues; sustainability, recruitment, etc.)?

Additional notes from the interview:

FUTURE CONTACT

Within the next 4-8 weeks, we will be contacting the primary providers of arraignment representation to ascertain coverage information, that is, which courts are always/almost always covered vs. which ones are not. Who should we contact for this purpose?

Name:

Title:

Phone:

Email:

**APPENDIX H: 2019 Statewide CAFA Implementation
Interviews with Counties**

Locality	Provider/Interviewee	Date of CAFA Interview
Albany	Sherri Brooks, Esq. Albany County Alternate Public Defender	April 23, 2019
	Stephen Herrick, Esq. Albany County Public Defender	April 8, 2019
Allegany	Barbara Kelley, Esq. Allegany County Public Defender	August 12, 2019
Broome	Michael Baker, Esq. Broome County Public Defender	August 7, 2019
Cattaraugus	Darryl Bloom, Esq. Cattaraugus County Public Defender	June 12, 2019
Cayuga	Lloyd Hoskins Chautauqua County Public Defender	April 16, 2019
Chautauqua	Nathaniel Barone, Esq. Chautauqua County Public Defender	May 6, 2019
Chemung	John Brennan, Esq. Chemung County Public Defender Office	June 14, 2019
Chenango	John Cameron, Esq. Chenango County Public Defender	May 7, 2019
Clinton	Justin Meyer, Esq. Clinton County Assigned Counsel Program	May 28, 2019
	Jamie Martineau, Esq. Clinton County Public Defender Office	June 5, 2019
Columbia	Dominic Cornelius, Esq. Columbia County Public Defender	June 6, 2019
Cortland	Keith Dayton, Esq. Cortland County Public Defender Office	May 20, 2019
Delaware	Amy Merklen, Esq. Delaware County Public Defender	June 12, 2019
Dutchess	Thomas Angell, Esq. Dutchess County Public Defender Office	May 8, 2019

Locality	Provider/Interviewee	Date of CAFA Interview
Erie	Robert Convissar, Esq.; Dan Grazzo, Esq. Assigned Counsel Program Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	August 7, 2019
	David Schopp, Esq. The Legal Aid Bureau of Buffalo, Inc.	August 9, 2019
Essex	Brandon Boutelle, Esq. Essex County Public Defender	June 7, 2019
Franklin	Thomas Soucia, Esq. Franklin County Public Defender	June 4, 2019
Fulton	Roger Paul, Esq.; Allen Day, Esq. Fulton County Public Defender Office	June 14, 2019
Genesee	Jerry Ader, Esq. Genesee County Public Defender	May 6, 2019
Greene	Angelo Scaturro, Esq. Greene County Public Defender Office	May 8, 2019
Hamilton	Sterling Goodspeed, Esq. Hamilton County Assigned Counsel Program	May 8, 2019
Herkimer	Keith Bowers, Esq. Herkimer County Assigned Counsel Program	August 15, 2019
Jefferson	Julie Hutchins, Esq. Jefferson County Public Defender	June 4, 2019
Lewis	Michael Young, Esq. Lewis Defenders, PLLC	August 15, 2019
Livingston	Lindsay Quintilone, Esq. Livingston County Public Defender	April 17, 2019
Madison	Paul Hadley, Esq. Madison County Public Defender	May 9, 2019
Monroe	Timothy Donaher, Esq. Monroe County Public Defender	June 18, 2019
Montgomery	William Martuscello, Esq. Montgomery County Public Defender	May 28, 2019

Locality	Provider/Interviewee	Date of CAFA Interview
Nassau	Robert Nigro, Esq. Nassau County Assigned Counsel Defender Plan	May 8, 2019
	Scott Banks, Esq. Legal Aid Society of Nassau County	April 29, 2019
Niagara	David Farrugia Niagara County Public Defender	August 21, 2019
Oneida	Frank Nebush, Jr., Esq.; Jon Panzone, Esq.; Justin Lamberto, Esq.; Robert Reittinger, Esq. Oneida County Public Defender - Criminal Division	June 13, 2019
Orange	Gary Abramson, Esq. The Legal Aid Society of Orange County, Inc.	August 7, 2019
Orleans	Joanne Best, Esq. Orleans County Public Defender	June 14, 2019
Oswego	Sara Davis, Esq. Oswego County Assigned Counsel Program	May 22, 2019
Otsego	Michael Trosset, Esq. Otsego County Public Defender	June 11, 2019
	Michael Trosset, Esq. Otsego County Assigned Counsel Program	June 11, 2019
Putnam	David Squirrell, Esq. Putnam County Legal Aid Society, Inc.	May 9, 2019
Rensselaer	Sandra McCarthy, Esq. Rensselaer County Conflict Defender	May 13, 2019
	John Turi, Esq. Rensselaer County Public Defender	May 7, 2019
Rockland	Ellen Woods, Esq.; Lois Cappelletti, Esq. Rockland County Public Defender	May 21, 2019
Saratoga	Oscar Schreiber, Esq. Saratoga County Public Defender	May 14, 2019
Schenectady	Tracey Chance, Esq. Schenectady County Conflict Defender	June 7, 2019
	Stephen Signore, Esq. Schenectady County Public Defender	June 7, 2019

Locality	Provider/Interviewee	Date of CAFA Interview
Schoharie	Suzanne Graulich, Esq. Schoharie County Office of Legal Defense of Indigents	May 8, 2019
Seneca	Michael Mirras, Esq. Seneca County Public Defender	August 15, 2019
St. Lawrence	Amy Dona, Esq. St. Lawrence County Conflict Defender	August 15, 2019
	James McGahan, Esq. St. Lawrence County Public Defender	August 12, 2019
Steuben	Shawn Sauro, Esq. Steuben County Public Defender	April 25, 2019
Sullivan	Tim Havas, Esq. Sullivan Legal Aid Panel, Inc.	May 28, 2019
Tioga	George Awad, Esq.; Thomas Cline, Esq. Tioga County Public Defender	April 30, 2019
Tompkins	Lance Salisbury, Esq. Tompkins County Assigned Counsel Program	August 8, 2019
Ulster	Andrew Kossover, Esq. Ulster County Public Defender	June 6, 2019
Warren	Marcy Flores, Esq. Warren County Public Defender	June 10, 2019
Wayne	Andrew Correia, Esq. Wayne County Public Defender	April 23, 2019
Westchester	Karen Needleman, Esq.; Andrea Loigman, Esq. Westchester County Assigned Counsel Program	May 29, 2019
	Clare Degnan, Esq. Legal Aid Society of Westchester County	May 21, 2019
Wyoming	Norman Effman, Esq. Wyoming County-Attica Legal Aid Bureau, Inc. and Wyoming County Public Defender	April 23, 2019
Yates	Katie Gosper, Esq. Yates County Public Defender	June 13, 2019

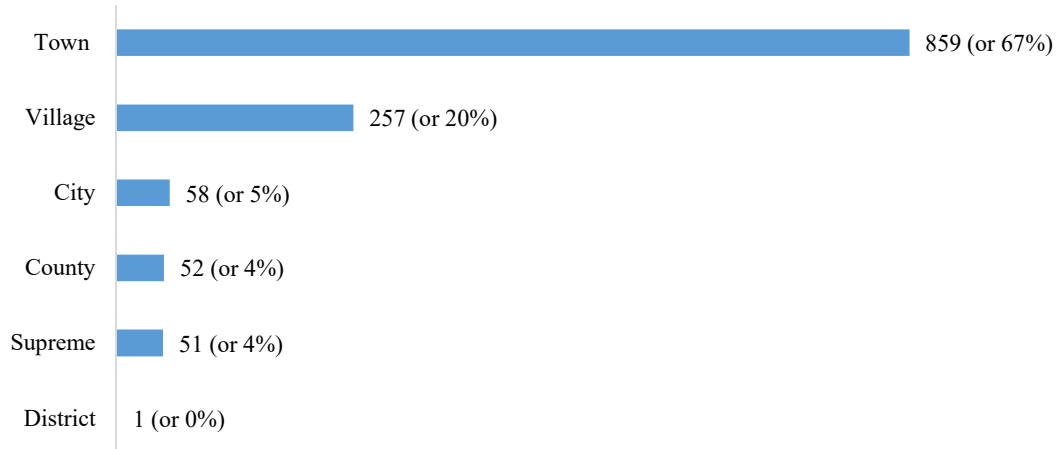
**APPENDIX I: LIST OF COUNTIES IMPLEMENTING A
CENTRALIZED ARRAIGNMENT PROGRAM**

Broome
Chautauqua
Livingston
Oneida
Seneca
Steuben
Wayne
Yates
Onondaga (<i>Hurrell-Harring County</i>)
Ontario (<i>Hurrell-Harring County</i>)
Washington (<i>Hurrell-Harring County</i>)

APPENDIX J: NUMBER OF COURTS BY TYPE (2019)

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

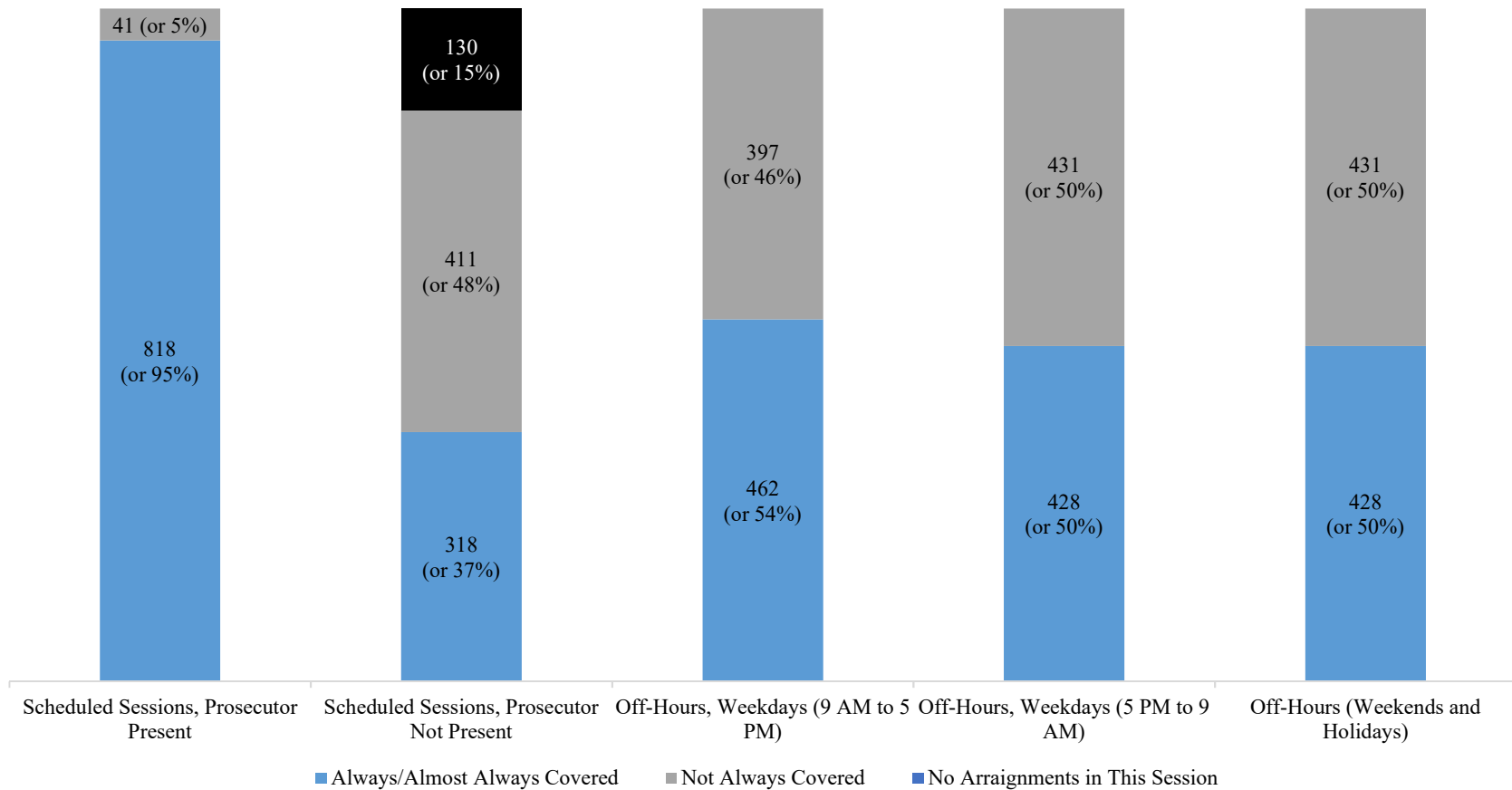
Total Courts in 52 Upstate Counties: 1,278



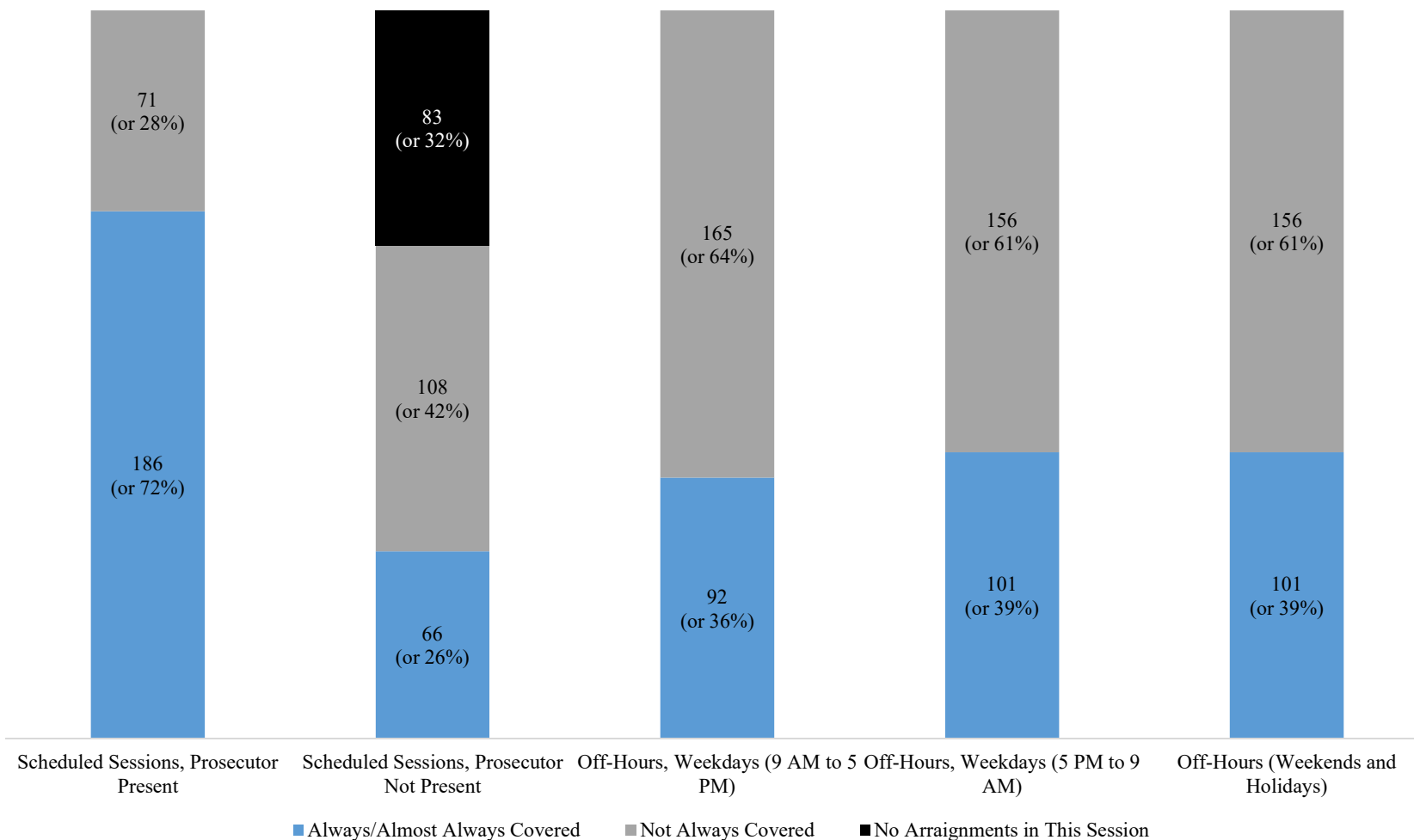
APPENDIX K: COUNSEL AT ARRAIGNMENT COVERAGE BY COURT AND SESSION (2019)

(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.)

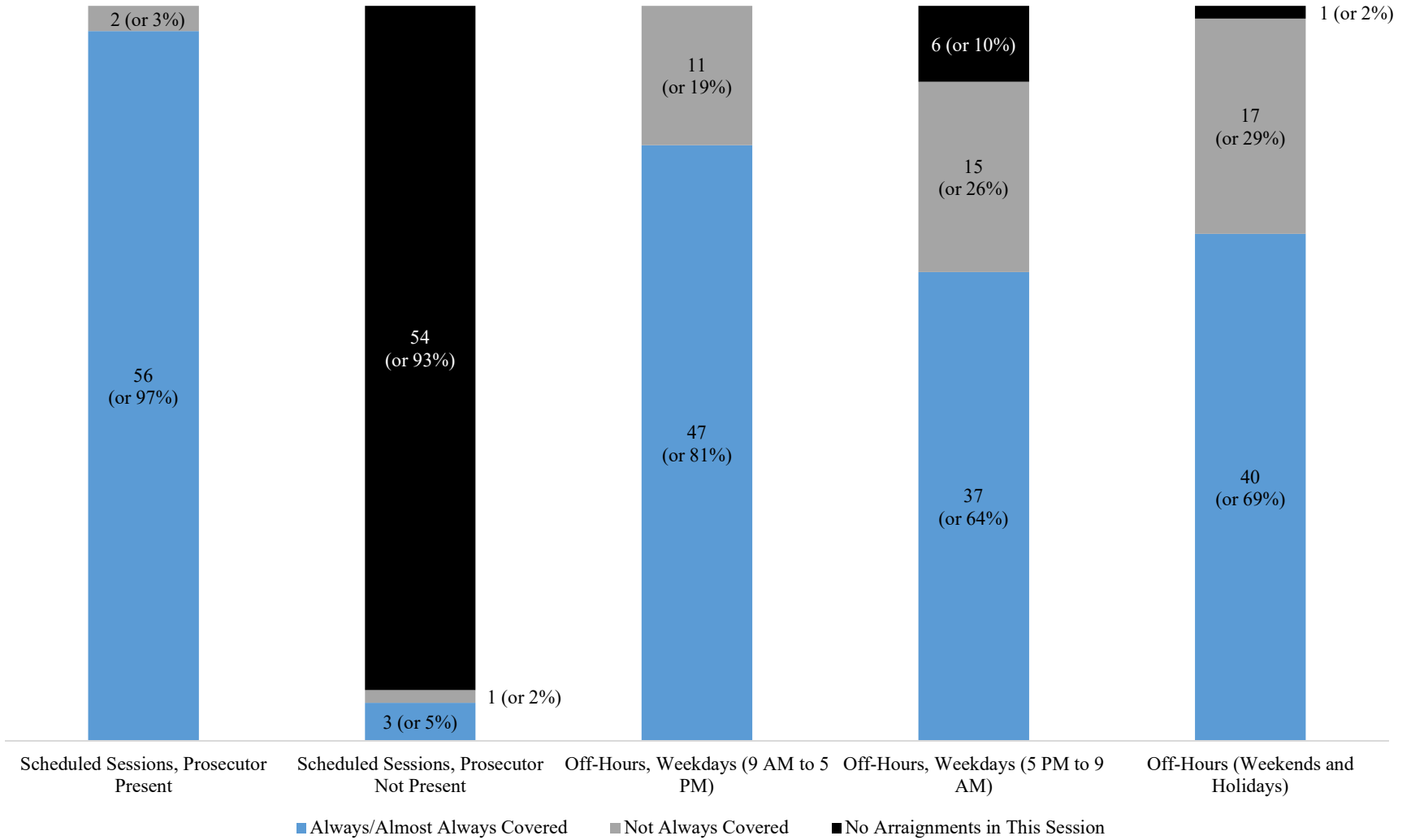
CAFA Coverage in Town Courts by Type of Session Total Number of Town Courts: 859



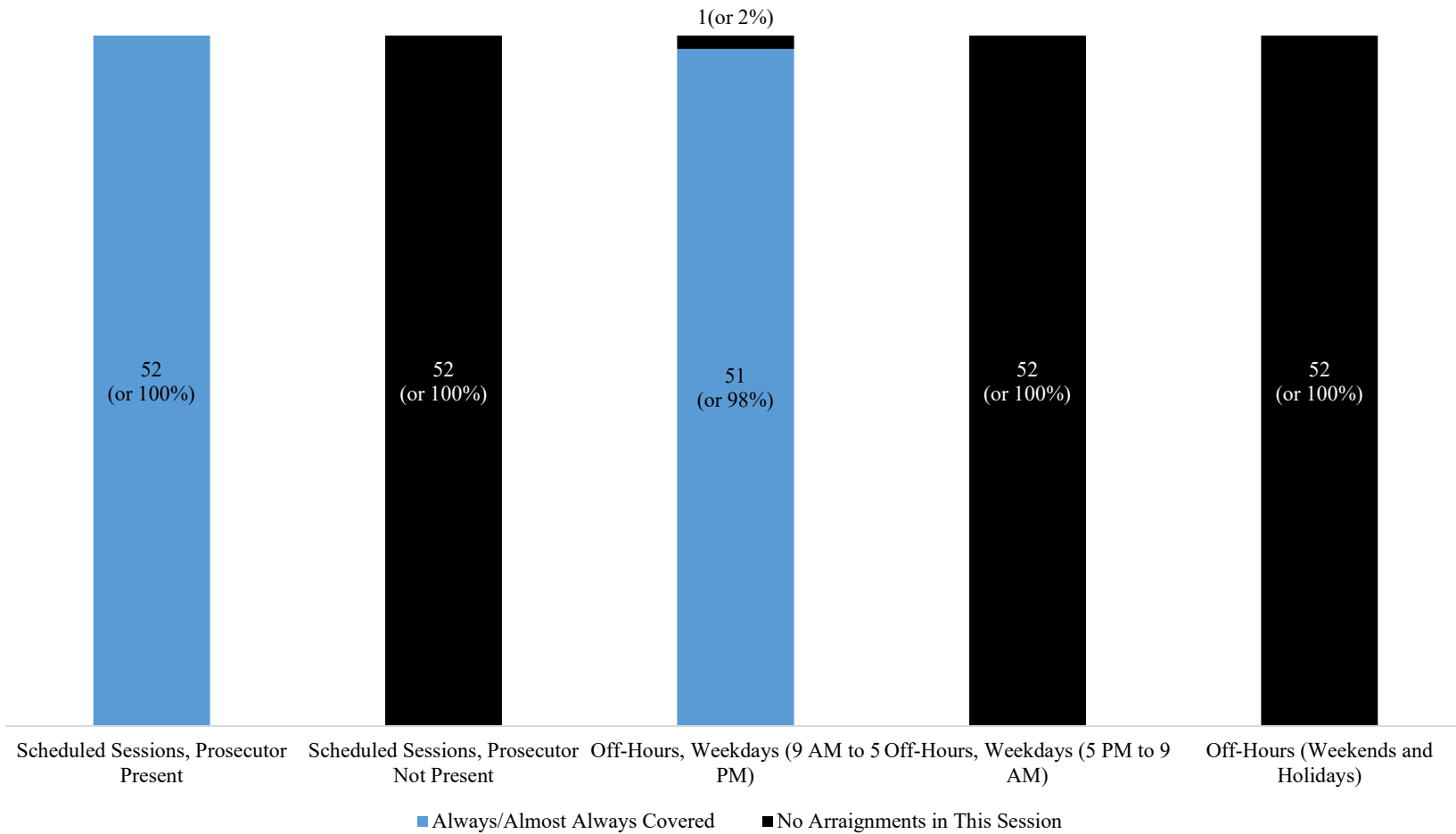
CAFA Coverage in Village Courts by Type of Session
 Total Number of Village Courts: 257



CAFA Coverage in City Courts by Type of Session
 Total Number of City Courts: 58

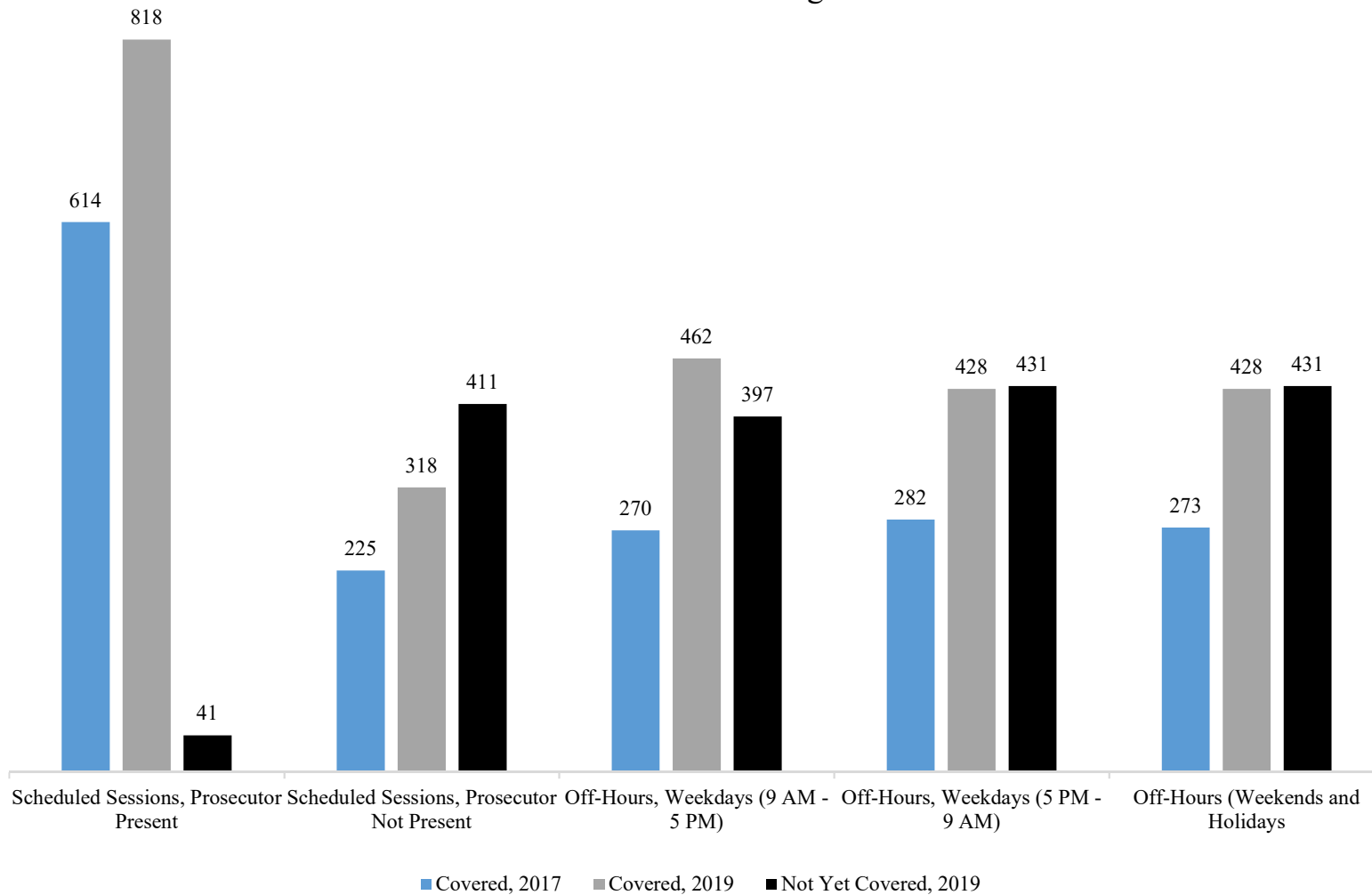


CAFA Coverage in County Courts by Type of Session
 Total Number of County Courts: 52

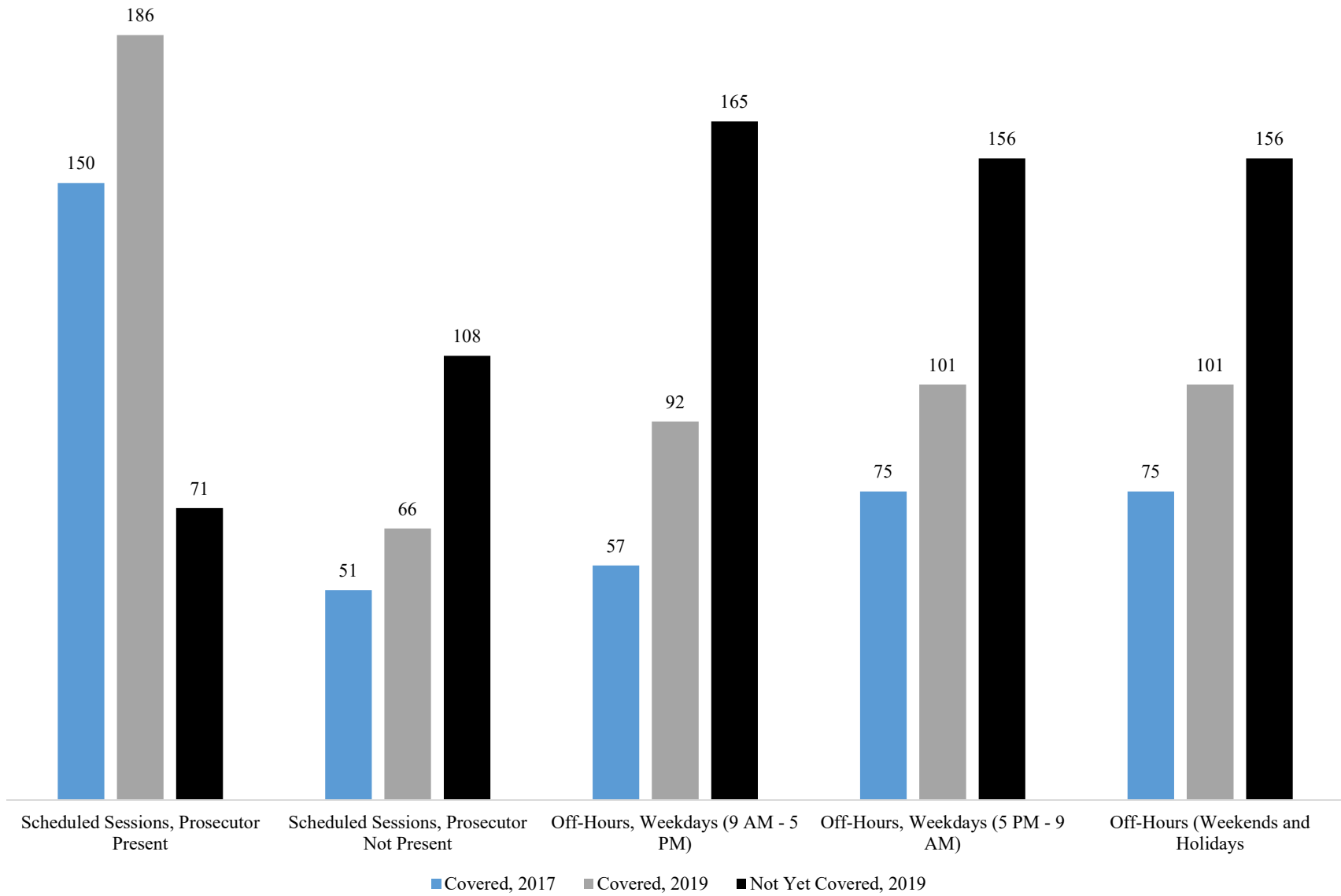


APPENDIX L: Charts with 2017 and 2019 CAFA Coverage by Court Type

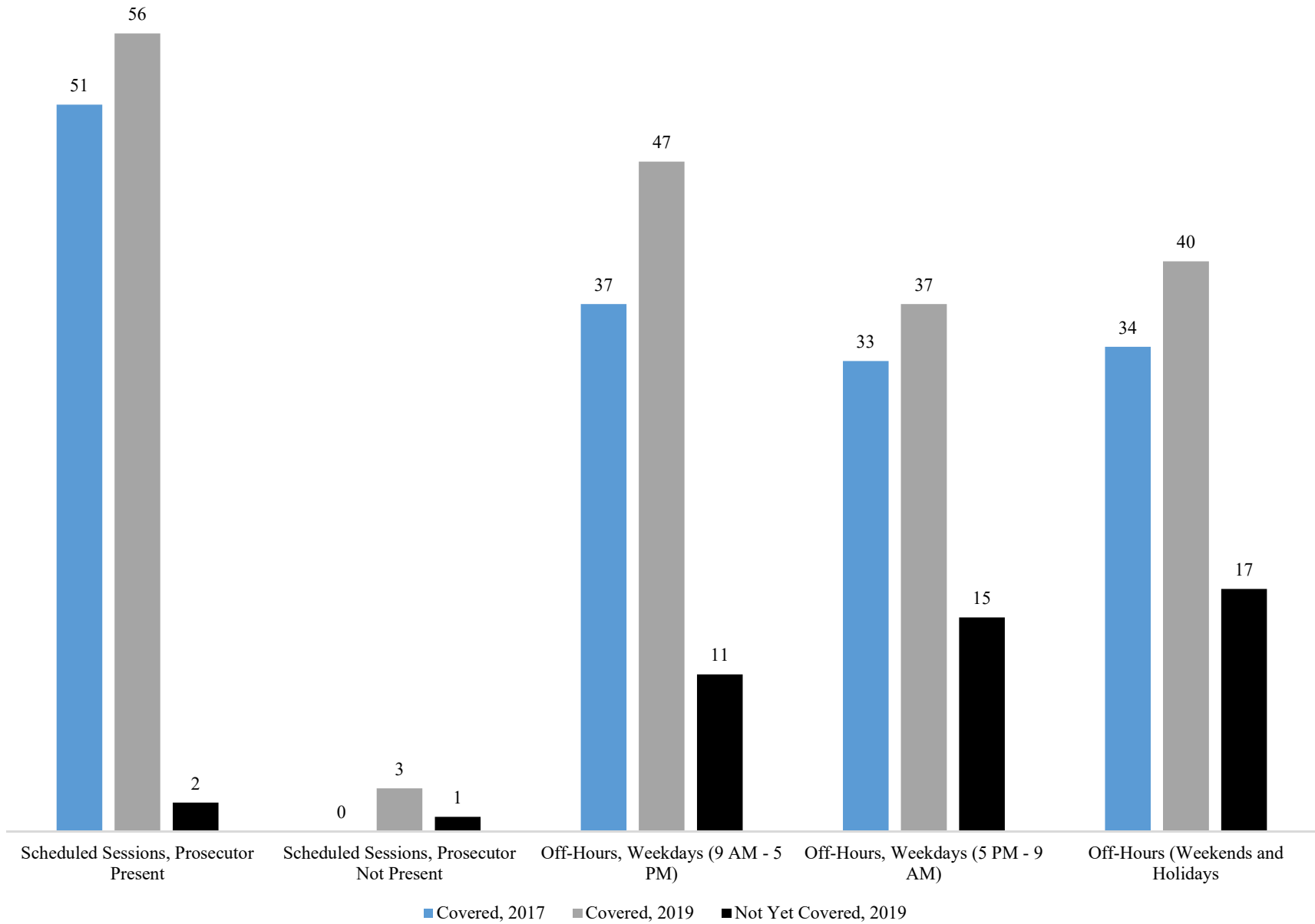
2017 and 2019 CAFA Coverage - Town Courts



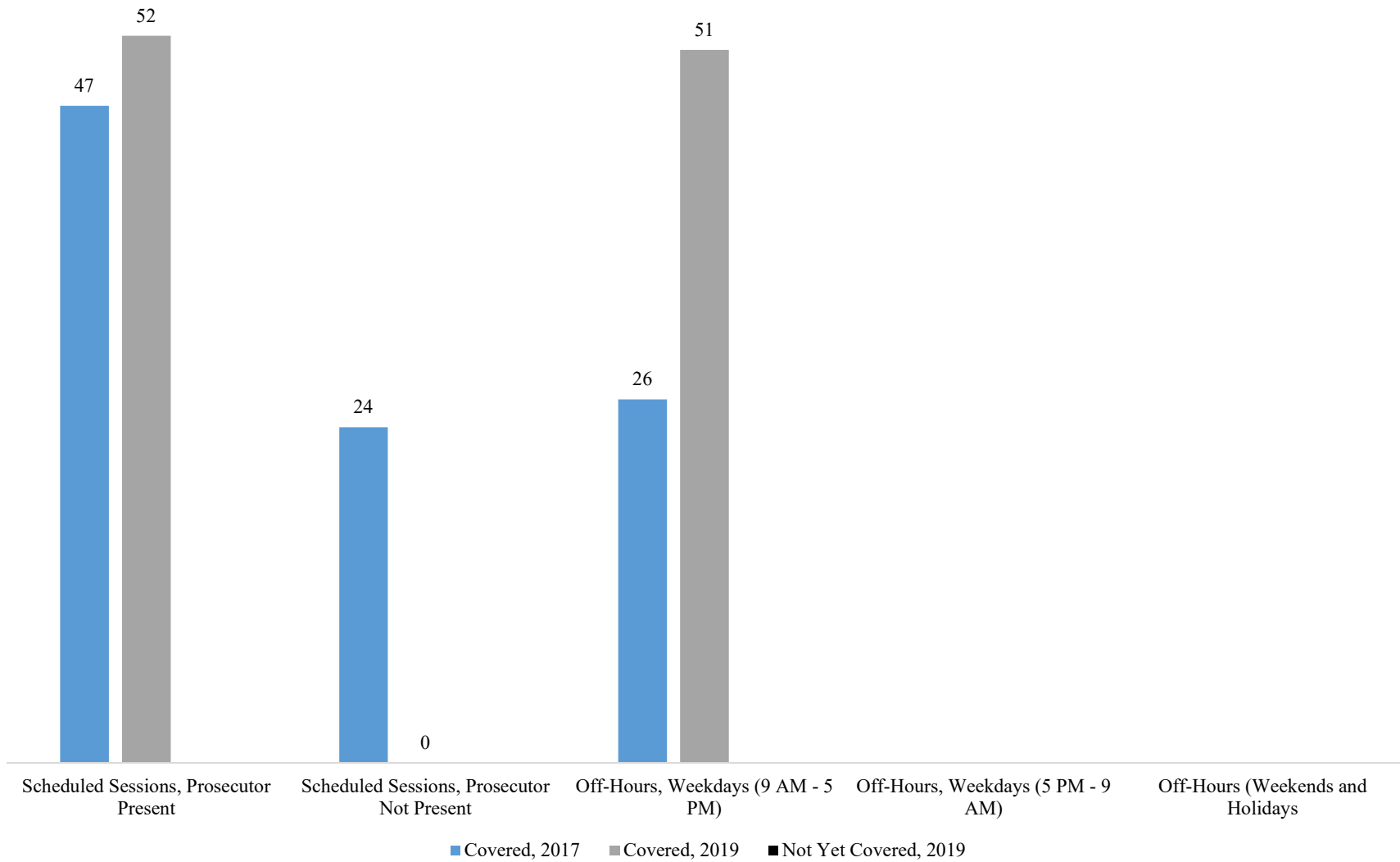
2017 and 2019 CAFA Coverage - Village Courts



2017 and 2019 CAFA Coverage - City Courts



2017 and 2019 CAFA Comparison, County Courts



GLOSSARY OF TERMS

18-B or 18-B panel	New York County Law Article 18-B. Private attorneys assigned pursuant to this statute and referred to as “18-B counsel” or “assigned counsel,” or “panel attorneys.”
440 Motion	A motion pursuant to CPL § 440.10 to set aside a judgment of conviction or pursuant to CPL § 440.20 to set aside a sentence.
ACP	Assigned Counsel Program. A program established pursuant to County Law § 722 (3), which is led by an Administrator and administered pursuant to written protocols and policies and which assigns qualified participating private attorneys to represent individuals who are entitled to mandated representation.
Appearance Ticket	Defined in CPL § 150.10 as “a written notice issued and subscribed by a police officer or other public servant authorized by state law or local law enacted pursuant to the provisions of the municipal home rule law to issue the same, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense.”
Arraignment	An arraignment is 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) pursuant to Executive Law § 832 (4) (a) (i).
CAFA	Counsel at first appearance.
CAFA #1 RFP	ILS First Counsel at First Appearance Request for Proposals with an award date of December 12, 2014.
CAFA #2 RFP	ILS Second Counsel at First Appearance Request for Proposals with an award date of August 10, 2017.
CAFA Plan	The State Plan for Counsel at First Appearance is a written plan developed by ILS and filed on December 1, 2017 to ensure implementation of the reforms adopted in the <i>Hurrell-Harring</i>

settlement, relating to providing an attorney at each arraignment throughout the 52 counties (i.e., excluding the counties involved in the *Hurrell-Harring* settlement agreement (Ontario, Schuyler, Onondaga, Washington and Suffolk) and in NYC, pursuant to Executive Law § 832 (4) (a) (ii).

CAP	Centralized Arraignment Program/Centralized Arraignment Part.
CD Office	Conflict Defender’s Office.
CMS	Case Management System.
Compensation	Counties use a variety of means to compensate attorneys for providing arraignment representation, including: paying a salary or increasing an attorney’s salary; paying a stipend; and paying an hourly rate. In this report, we may indicate that an attorney who works for an institutional provider “is not compensated.” This means that the attorney does not receive compensation in addition to his or her salary for CAFA representation.
Custodial Arraignment	Where an individual is arrested and brought before a judge or magistrate for arraignment instead of being issued an appearance ticket.
ILS	New York State Office of Indigent Legal Services.
ILS Caseload Standards	A Determination of Caseload Standards pursuant to §IV of the <i>Hurrell-Harring v. The State of New York</i> Settlement (2016).
ILS Eligibility Standards	Criteria and Procedures for Determining Assigned Counsel Eligibility (2016).
Mandated Representation	This term addresses representation in criminal and family matters, provided pursuant to County Law Article 18-B, to eligible individuals who are unable to afford counsel.
MOCJ	NYC Mayor’s Office for Criminal Justice.
NYC	New York City encompassing each of the five boroughs: Manhattan, Brooklyn, Queens, Bronx, and Staten Island.
NYS DEC	New York State Department of Environmental Conservation.
NYSP	New York State Police.

Non-Attorney Professionals	Expert witnesses, investigators, social workers, sentencing advocates, interpreters, and other professionals who act as members of the defense team and provide services critical to quality representation.
OCA	New York State Office of Court Administration.
Off-hour arraignment	Any arraignment that occurs at a time other than a regularly scheduled court session, even if it occurs on a weekday during business hours.
On-call attorney	An attorney who is scheduled to be available to respond to a request for representation at arraignment when contacted.
PD Office	Public Defender’s Office.
Pre-arraignment detention	Local law enforcement holding defendant’s in a local jail pursuant to Corrections Law § 500-c, from time of arrest until arraignment at a set arraignment session either later that day or the following day.
Provider	A provider is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in a criminal case, as defined County Law Article 18-B. We consider assigned counsel “providers” to exist in counties, even where no formal administration is apparent, and judges assign counsel on an <i>ad hoc</i> basis. Except in NYC, providers are specific to a county.
RAP Sheet	The RAP Sheet is an informal term used to identify the New York State Criminal History Record that is provided upon request for a “record of the arrests and prosecution” of a defendant. The criminal history is maintained and reported by the New York State Division of Criminal Justice Services (DCJS).
RTA	Raise the Age – Legislation passed on April 10, 2017 raising the age of criminal responsibility from 16 to 18 years of age phased-in over a two-year period with the age of criminal responsibility becoming 17 on October 1, 2018 and 18 on October 1, 2019.
SUNY	State University of New York.