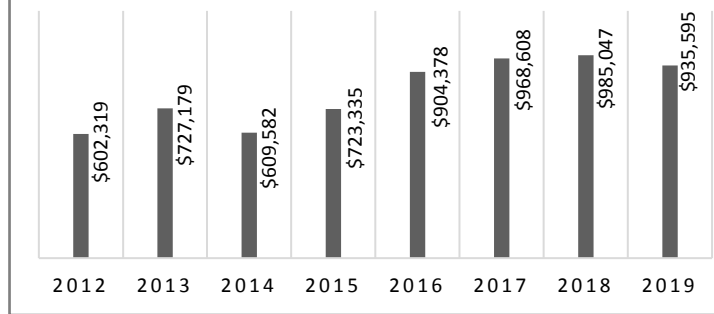


ALTERNATE PUBLIC DEFENDER - 1171

1171 - COUNTY SHARE



MISSION STATEMENT

The mission of the Albany County Alternate Public Defender's Office is to provide high quality legal representation to those who cannot afford to hire an attorney and to ensure that each client's constitutional right to equal representation under the law is protected.

WHO WE SERVE

We serve any individual who is financially unable to retain counsel without substantial hardship. Although the term *indigent* is often used in referring to public defense representation, Article 18-B of New York's County Law and 18 U.S.C. § 3006A (1989), its' federal counterpart, as well as the legislative history of both statutes, specify that the proper standard to be employed in determining eligibility for appointed counsel is actually the financial inability to hire a lawyer. Pursuant to the *Hurrell-Harring* decision, new eligibility guidelines were implemented and the Office of Indigent Legal Services issued new "Criteria and Procedures for Determining Assigned Counsel Eligibility." The new eligibility criteria were created as a guide to the courts in determining a person's eligibility and to address a longstanding problem in New York: the failure to have uniform eligibility criteria for use by all providers of indigent defense services across the state. The new eligibility criteria took effect in Albany County on April 1, 2017. The eligibility determination for representation by this office will still be reserved for the judiciary, using those guidelines, on a case by case basis. Once that determination is made, the Alternate Public Defender's Office is appointed to qualified individuals by the Court.

ABOUT OUR DEPARTMENT

Pursuant to §722 of Article 18-B of the County Law, the governing body of each county... shall place in operation throughout the county a plan for providing counsel to persons charged with a crime (any offense punishable by incarceration) or who is entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the Family Court Act (including child custody cases), article six-C of the correction law, section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel. Each plan shall also provide for investigative, expert and other services necessary for an adequate defense.

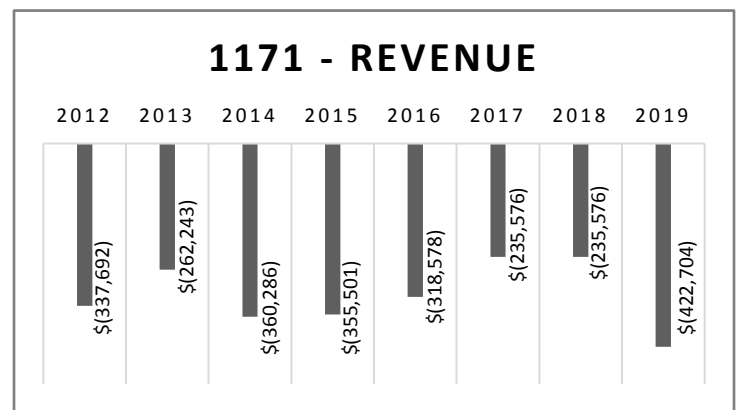
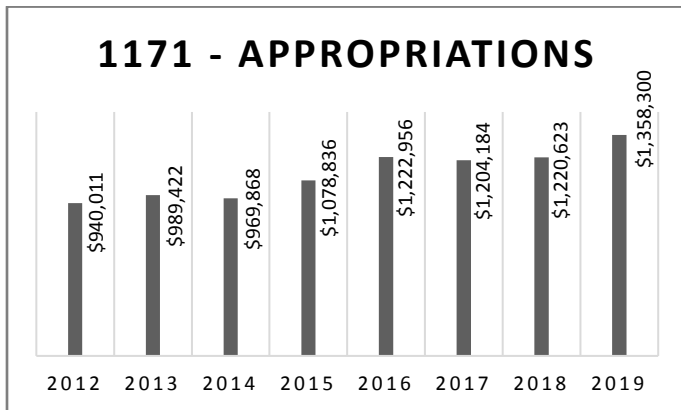
The Alternate Public Defender's Office consists of one Alternate Public Defender, eight Assistant Alternate Public Defenders and two support staff. Five of those assistants are full time and have various assignments in all of Albany County's criminal courts and three of those assistants are assigned full time to cover Albany County Family Court. Every attorney in the office has trial experience and is knowledgeable of the law.

The Alternate Public Defender's Office is appointed by the Court to represent financially qualified individuals where a bona fide conflict of interest prevents the Albany County Public Defender's Office from accepting the assignment. We represent clients in both criminal and Family Court proceedings from the inception of the case through hearings, trial and sentencing. The Alternate Public Defender's Office does not generally handle post sentencing or appellate level issues, however, we will be assigned to handle sealing applications under CPL 160.59.

ALTERNATE PUBLIC DEFENDER - 1171

2018 ACCOMPLISHMENTS AND CHALLENGES

The Alternate Public Defender's Office handles every case in which there is a bona fide conflict with the Public Defender's office, and thus directly reducing the appointment of assigned counsel in those cases and resulting in significant financial savings to Albany County. On average, the Alternate Public Defender's Office typically handles about two thousand cases each year. Despite the quantity of cases, this office ensures that each defendant receives only the highest quality representation. As strong advocates of alternatives to incarceration, the Alternate Public Defender's Office has teamed up with other County and State agencies to create a smooth implementation of Raise the Age and has been a supportive partner in the creation of a Mental Health Court.



2019 GOALS AND PERFORMANCE TARGETS

The Alternate Public Defender's Office will continue to provide the highest quality legal representation possible and will always ensure that the rights of our clients are protected. This office strives to provide the same level of representation to those clients who are unable to afford counsel as those who can. Through County and State funded education and trainings, staff will continue to increase the quality of defense services provided to our clients.

SUMMARY OF BUDGET CHANGES

The 2019 Executive budget for the Albany County Alternate Public Defender's Office does not include any substantive programmatic changes.

The staff of the Alternate Public Defender's Office deals with members of the public on a daily basis. A typical case involves interaction with, not only our client, but often also includes speaking with the worried parents and family members of the accused, arranging drug or mental health services with providers as alternatives to incarceration, negotiating potential plea bargains with members of the District Attorney's Office and conferencing with the judges, discussing cases with experts and investigators and/or preparing witnesses for hearings or trials.