

**STATE OF NEW YORK**

**Appellate Division, Fourth Department**

**OFFICE OF CRIMINAL JUSTICE PROJECTS**

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**COURT RELATED PROJECTS**

**in the**

**FOURTH DEPARTMENT**

**The Third Year**

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**Prepared by:**

**Douglas C. Dodge**  
*Departmental Coordinator*

**Harry Salis**  
*Seventh District Coordinator*

**William G. O'Brien**  
*Family Court Executive*  
*Fifth Judicial District*

**Joseph S. McMahon**  
*Fifth District Coordinator*

**Albert DiPaola, Jr.**  
*Appellate Systems Specialist*

**Harold J. Brand, Jr.**  
*Eighth District Coordinator*

**Michael L. Munley**  
*Deputy Eighth District Coordinator\**

013823

FOURTH DEPARTMENT & SEVENTH DISTRICT

Douglas C. Dodge  
Departmental Coordinator

Harry Salis  
Seventh Judicial District Coordinator

Joanna C. Serna  
Secretary and Fiscal Coordinator

14 Hall of Justice  
Rochester, New York, 14614  
(716) 454-4242

Albert DiPaola, Jr  
Appellate Systems Specialist

Cynthia Schoonover  
Secretary

9 Hall of Justice  
Rochester, New York, 14614  
(716) 454-4242

EIGHTH DISTRICT

Harold J. Brand, Jr.  
Eighth Judicial District Coordinator

Michael L. Munley  
Deputy Eight Judicial District Coordinator

Ginetta Priore  
Secretary

206 Erie County Hall  
Buffalo, New York, 14202  
(716) 852-2850

FIFTH DISTRICT

Joseph S. McMahon  
Fifth Judicial District Coordinator

Sandra J. Kowalczyk  
Secretary

400 County Court House  
Syracuse, New York, 13202  
(315) 477-7457

FIFTH DISTRICT

William G. O'Brien  
Family Court Executive  
Fifth Judicial District

Shannon M. Roscini  
Secretary

824 State Office Building  
Syracuse, New York 13202  
(315) 473-8428

\* appointment effective 3/7/74

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## INTRODUCTION

This is the third report prepared by the court criminal justice coordinators in the Fourth Department. As with previous reports, the level of detail in this document may not be satisfactory to some readers. The purpose is to give some idea of the criminal justice climate and changes, and not to exhaustively document every staff involvement and activity.

One minor change has been incorporated in this report. The basic reporting period for action projects has been shifted to the calendar year, making the data somewhat more useful.

The year 1973 was perhaps the most significant to date: The end of the year brought the end of the term of Honorable Harry D. Goldman as Presiding Justice of the Appellate Division, Fourth Department. The development of the coordinating staff, the funding of several research and action programs, and substantial strides in internal reform all were accomplished under Justice Goldman. Without his insightful guidance and support few if any of these things would have been possible.

The second significant milestone in 1973 was the first step toward institutionalization of the court planner/coordinator positions. Provision was made in the State budget for funds to carry forward this function, terminating the reliance upon Federal Funding for staff needs.

While Safe Streets funded projects have been a diminishing aspect of the work of the coordinators, this is true only in a relative sense. An effort is being made to strike a balance between funded and non-funded change. The ensuing pages

will hopefully demonstrate some of this balance.

Once again we pay our respects and gratitude to Commissioner Archibald R. Murray and his staff, bid welcome to the new Presiding Justice John S. Marsh, and send a well done to the trial court and criminal justice agency personnel who have done the work described herein.

For those not familiar with the Fourth Department, the following gross demographic data may be useful:

<u>Eighth District Counties</u>	<u>Poputation</u>	<u>Area ( Sq.Miles )</u>
Allegany	46,458	1,047
Cattaraugus	81,666	1,334
Chautauqua	149,305	1,081
Erie	1,113,491	1,058
Genesee	58,772	501
Niagara	235,720	532
Orleans	37,305	396
Wyoming	<u>37,688</u>	<u>598</u>
Subtotal:	1,760,405	6,547

<u>Fifth District Counties</u>	<u>Population</u>	<u>Area ( Sq.Miles)</u>
Herkimer	67,633	1,435
Jefferson	88,508	1,293
Lewis	23,644	1,291
Oneida	273,037	1,223
Onondaga	472,835	794
Oswego	<u>100,897</u>	<u>964</u>
Subtotal:	1,026,554	7,000

<u>Seventh District Counties</u>	<u>Population</u>	<u>Area ( Sq.Miles )</u>
Cayuga	77,439	698
Livingston	54,041	638
Monroe	711,917	675
Ontario	78,849	651
Saratoga	35,083	330
Steuben	99,546	1,410
Wayne	79,404	606
Yates	<u>19,831</u>	<u>343</u>
Subtotal:	1,156,110	5,351

Total Population of Department	3,943,069
Total Area of Department	18,898 square miles

PART II-- Action Projects

A. District Attorney Case Screening

Early case assesment, or "screening," has become institutionalized in major prosecutor's offices in the Fourth Department, both procedurally and financially. That is, what began in 1970 as a federally-funded experiment has become a routine practice, with locally paid staff.

The change has not minimized the benefit of the process. The dispositions by the screeners are comparable to earlier reports, and no diminution in quality of case preparation has been seen.

In some cases institutionalization has meant the end of monthly statistical reports. Although the coordinators have urged their continuation, the amount of effort required has prevented some screeners from complying.

(1) MONROE COUNTY SCREENING PROJECT

City Court Felony Cases

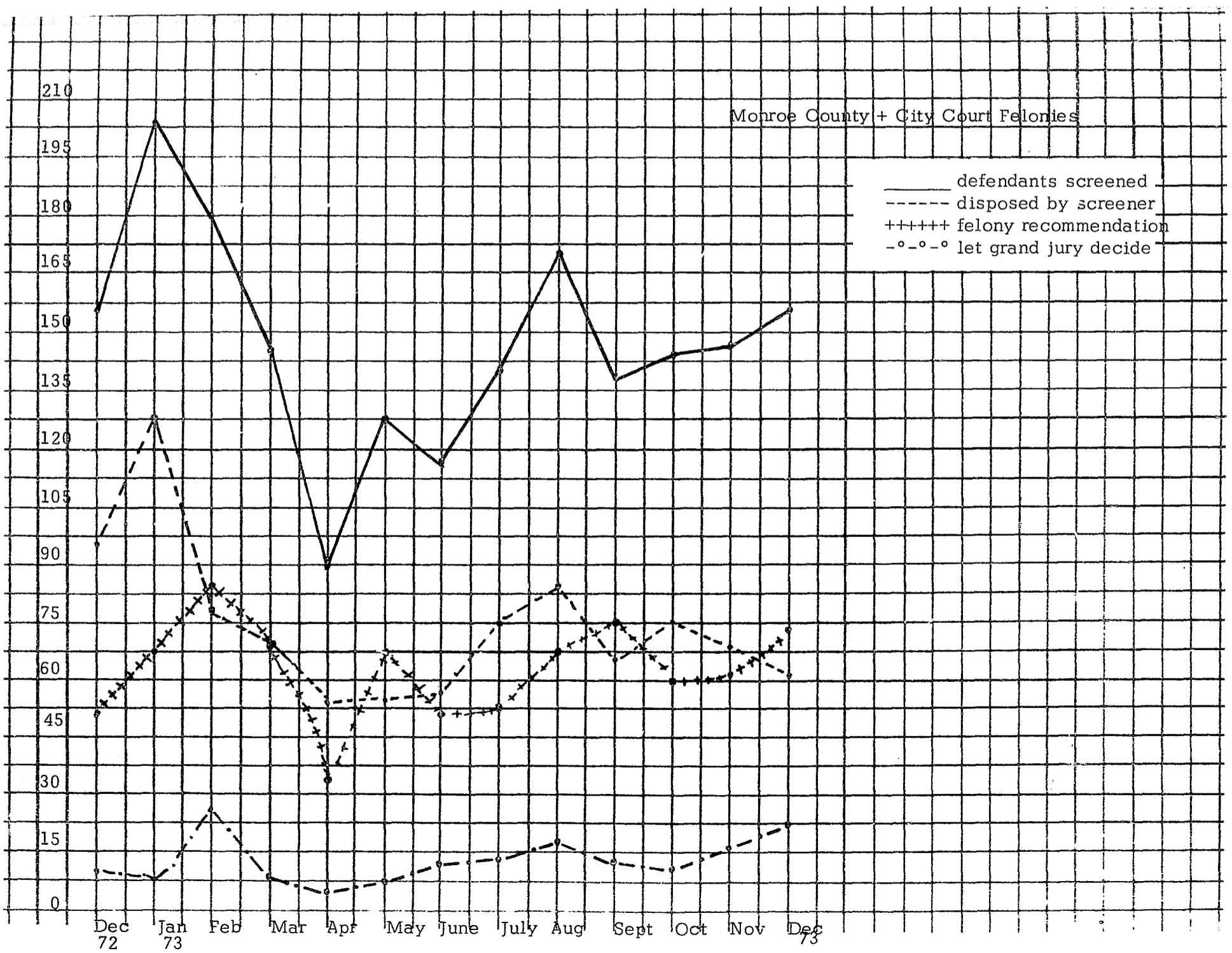
	<u>Dec.</u> <u>1972</u>	<u>Total</u> <u>1972</u>	<u>%</u>	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u> <u>1973</u>	<u>%</u>
1. Cases screened	156	1,932	100.00	204	181	147	90	129	116	140	171	138	144	146	157	1,763	100.00
2. Recommended Felony	50	753	38.98	68	84	69	33	67	50	53	68	60	59	61	73	745	42.26
3. Misdemeanor Disposition	76	693	35.87	97*	63	55	36	35	29	56	50**	47**	52**	42***	38****	600	34.03
4. Withdrawn/ Dismissed	20	295	15.27	30	15	15	17	20	26	19	35	19	22	27	24	269	15.26
5. Let Grand Jury Decide	10	191	9.89	9	19	8	4	7	11	12	18	12	11	16	22	149	8.45

\* Includes 6 pleas to violations

\*\* Includes 1 plea to violation

\*\*\* Includes 3 pleas to violations

\*\*\*\*Includes 4 pleas to violations



Monroe County Screening Project

City Court Felony Cases

January 1, 1971 through December 31, 1973

1. Total Defendants Screened		5,265	
2. Disposed by Plea in Lower Court*	1,739		
3. Withdrawn by Screener	<u>707</u>		
Total Dispositions by Screener		<u>2,446</u>	
4. Sent to Grand Jury ( for indictment, remand or without recommendation)			2,819**
5. Total Defendants Indicted			
a. Screened by City Felony Screener	1,783	{ 33.87% of all screened cases 80.90% of felony recommendations	
b. Other	<u>462</u>		
			2,245
6. Projected Total at 1970 Indictment Rate	2,829		
Less: Actual Indictments	<u>2,245</u>		
Reduction in Indictments by Screening			<u>584</u>
7. Grand Total Felony Dispositions			
a. Screener	2,549		
b. Superior Courts	<u>2,342</u>		
	4,891		

\* Pre-Grand Jury only

\*\* Of these 103 were defendants sent to the Grand Jury with the screener's recommendation that the matter be remanded. These have been added in Item 7a.

Monroe County Screening Project

City Court Felony Cases

Sent to Grand Jury

	1972		1973	
	No.	%	No.	%
1. For indictment	764	76.55	745	80.94
2. For remand	53	5.31	31	3.35
3. Without recommendation	181	18.14	149	16.11
Total	988	100.00	925	100.00

Grand Jury Results

	1972		1973	
	No.	%	No.	%
1. Indicted	622	62.33	613	66.27
2. Remanded	83	8.32	57	6.16
3. No billed	293	29.36	255	27.57
Total	998	100.00	925	100.00

Monroe County District Attorney Screening Project

Town and Village Felony Cases--1973

Program Totals (Mar. 1, 1972 - Dec. 31, 1973)

Cases received for screening	1,157		
Not completed	<u>93</u>		<u>%</u>
Cases screened		1,064	100.00
Resolved by screener:			
Misdemeanor plea	467		43.89
Withdrawn/Dismissed	<u>70</u>		<u>6.58</u>
		<u>537</u>	<u>(50.47)</u>
To Grand Jury		<u>527</u>	49.53
For indictment	462 (87.66%)		
Other (for returns, let G.J. decide)	<u>65 (12.34%)</u>		
		527	

Grand Jury Results

	<u>1972</u>		<u>1973</u>		<u>Total</u>	<u>%</u>
Cases referred	280		247		527	
Pending, 12/31/73					<u>67</u>	
Cases reported	(176)*	<u>%</u>	(284)	<u>%</u>	<u>460</u>	100.00
Indicted	107	60.80	216	76.06	<u>323</u>	70.22
Returned	22	12.50	23	8.10	45	9.78
No Billed	47	26.70	45	15.84	92	20.00

\*The cases referred were concentrated in the last two months of 1972, causing a carryover of 104 cases on 12/31/72. The percentages are based on the totals of cases reported out during the year.

(2) MONROE COUNTY DISTRICT ATTORNEY SCREENING PROJECT

Town and Village Felony Cases--1973

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug-Dec</u>	<u>Total</u>	<u>%</u>
1. Cases screened	83	54	31	45	62	32	40	252	583*	100.00
2. Recommended felony	58	26	8	25**	7	2	9	112	247	42.37
3. Misdemeanor plea	21	28	19	16	45	30	31	110	300	51.46
4. Withdrawn/Dismissed	4	0	4	4	10	0	0	14	36	6.17

\* A total of 599 cases were received for screening in 1973. The defendants awaiting the completion of screening totalled 77 on 1/1/73 and 93 on 1/1/74. Thus, 77 (pending) + 599 (received) = 676 - 583 (screened), = 93.

\*\*Includes one agreed plea to a felony prior to submission of the case.

1972 Results\*\*\*

	<u>Mar-Oct</u>	<u>Nov-Dec</u>	<u>Total</u>	<u>%</u>
1. Cases screened	263	218	481	100.00
2. Misdemeanor pleas	114	31	167	34.72
3. Withdrawn/Dismissed	23	11	34	7.07
4. To Grand Jury	126	154	280	58.21

\*\*\*The figures in this table do not agree with those in the Second Year report (p.22), because cases sent to the Grand Jury for remand have been subtracted from item 2. The breakdown of Item 4 supra is as follows: Felony recommendation 215 (44.70% of cases screened); For return, 49 (10.18%); and Let Grand Jury decide-- 16 (3.33%).

(3) Erie County District Attorney Case Screening and Management Information Project

The Erie County District Attorney's office, during December 1970, implemented the Case Screening and Management Information Project. December 31, 1973, saw the termination of its federal funding. However, the County of Erie recognized the project's usefulness with respect to expeditiously and appropriately disposing of criminal matters in the town, village and city courts and in particular the superior courts of Erie County.

The program commenced with five senior assistant district attorneys who had experienced every phase of the office. There were also two secretary-stenographers and two investigators. In January of 1972, the second year of funding, the project personnel were increased to seven assistant district attorneys, three investigators and three secretary-stenographers. The County funded two of the assistant district attorneys as well as one of the secretary-stenographers. This was in fact a predicate for the Erie County District Attorney's office receiving a third full year of funding. Erie County has provided in its 1974 budget sufficient funds to completely institutionalize the screening project with the exception of a single secretary-stenographer. The funding process of both this program and the Public Defender's screening project has been consistent with the funding guidelines of the Division of Criminal Justice Services.

A. The Screening Process

On January 1, 1971, there were 743 defendants awaiting trial in the superior courts in Erie County. During the preceding July the number had reached 842. On January 1st, 1973, this number had been reduced to 304. During 1973, due to a considerable increase in the number of arrests in Erie County and especially the City of Buffalo, the trial calendar expanded somewhat, reaching 459 defendants in

November 1973. However, as of January 1, 1974, the number was reduced to 387 defendants awaiting trial in the Erie County superior courts.

In 1971, the grand jury handed up indictments naming 876 defendants. In 1972, this number was reduced to 796 but in 1973, there were 1099 defendants indicted by various grand juries in Erie County. This was a result of not only the usual increase in the number of crimes committed but was also due to many special investigations being conducted involving consumer frauds, automobile liability insurance frauds, no-show investigations into city government as well as an extensive organized crime investigation.

The accompanying chart ( Table I ) represents a tracking of over 1000 defendants during 1971 and 1972. Grand juries heeded the recommendations of the screeners 85% of the time. In the majority of the cases when the grand juries elected to indict despite the recommendations, the defendant was acquitted or the indictment dismissed.

Screening has also had a favorable impact on the speed with which cases are disposed. At the end of 1972 a comparison was made of how long it took for the first fifty defendants to be disposed of in 1970 ( before screening ) and the first fifty defendants disposed of in 1972 ( after screening ) by plea, trial or dismissal:

<u>Time Between Date of Arrest and Disposition</u>		
	<u>1970</u>	<u>1972</u>
25% of Defts.	up to 6 months	up to 4 months
50% of Defts.	up to 12 months	up to 8 months
75% of Defts.	up to 18 months	up to 15 months
100% of Defts.	up to 29 months	up to 26 months
( each category includes preceding )		

A recent examination of the Erie County superior court trial calendars revealed the following gross\* ages of the cases from defendant's date of arrest:

		<u>cumulative %</u>
Less than 6 months	33.2%	33.2
Between 6 and 12 months	50.7%	83.9
Between 12 and 18 months	12.9%	96.8
Between 18 and 24 months	2.4%	99.2

In 1970 and prior thereto it was relatively common for cases to be disposed of approximately two years from date of arrest, whereas cases now are resolved by trial between six and twelve months from the date of arrest. This is a reflection of not only screening but of all the practices and procedures that have been instituted in the Superior Courts and the local criminal courts.

The Buffalo City Court, the busiest criminal court outside the City of New York, is responsible for the vast majority of felonies which are ultimately resolved in the superior courts of Erie County. The screening efforts have continued in the city court with 70% of the felonies screened being disposed of there. The majority of those dispositions did not require preliminary hearings. The screening process was also expanded in 1972 to include felonies emanating from the 25 town, 14 village and the other two city courts in the County of Erie.

Felony actions have continued to be screened after the defendants have been held for the grand jury. The screening process has continued even beyond the indictment stage through the post-indictment screener. The duties of the assistant district attorney who had been assigned as the post-indictment screener have included, inter alia: coordination with police, scheduling and attending pre-trial

\*I.e., without permissible extensions under CPL § 30.30

conferences, monitoring the felony trial calendar to insure compliance with speedy trial mandates, monitoring the jailed defendant caseload and supervision of the computerized management information system.

B. Management Information System

The other facet of the original District Attorney program is the computerized management information system in the office, which computerized the basic information about all defendants once they had been held for the grand jury. Once a defendant is held, data regarding the judicial proceedings to that point are entered into the computer.

There are also weekly print-outs of the trial calendar which are distributed to each of the nine superior court parts in Erie County. These assist the judges and assistant district attorneys in the scheduling of cases and in maintaining an updated history of each case. Other print-outs enumerate defendants who have been indicted and are awaiting arraignment. The computer support has been supplied during the period of the federal funding by the Erie County Data Processing Center. However, Erie County recently created a Department of Central Police Services which is supplying computer support to the Buffalo Police Department as well as other police agencies in Erie County. It is anticipated that Central Police Services will supply the computer support for all of the components of the criminal justice system in Erie County. The planning process to accomplish this has been initiated. Federal funds will be sought by the County of Erie to accomplish the initial stage of software preparation.\*

\* See also Section III, A3, infra.

Monitoring of Recommendations to Grand Jury  
by Screening Project, Erie County District Attorney

TABLE I

Total Defendants Tracked 1068

Recommendations heeded by grand jury 915 (85.67% )

Recommendations not heeded 153 (14.33 )

I) Screeners recommended No Bill:

A. Grand Jury indicted 15

Results

1) Guilty of felony 1  
2) Dismissal of felony or not guilty 10  
3) Plea to misdemeanor 2  
4) Pending 2

B. Grand Jury referred to local  
criminal court 7

Results

1) Plea 1  
2) Not guilty verdict 6

Subtotal: 22

II) Screeners recommended return to  
local criminal court:

A. Grand Jury returned No Bill 13

B. Grand Jury indicted 20

Results

1) Guilty 2  
2) Dismiss or not guilty 11  
3) Misdemeanor and Y.O. adjudication 6  
4) Pending 1

Subtotal: 33

Monitoring of Recommendations to Grand Jury  
Erie County District Attorney

III) Screeners recommended Indictment:

A. Withdrawn from Grand Jury	5
B. Grand Jury returned No Bill due to:	32
1) Missing witness	13
2) Co-defendants indicted	4
3) Complainant's testimony or attitude changes	1
4) Testimony insufficient	2
5) Conviction on other charges or plea	2
6) Defendant testified before grand jury	3
7) Close factual question	7
C. Grand Jury referred to lower criminal court	26
Subtotal	63

IV) Screeners forwarded case without recommendation

A. Grand Jury indicted	21
------------------------	----

Results

1) Verdict:	
felony	0
misdemeanor	3
2) Dismissal or not guilty	5
3) Plea:	
felony	6
misdemeanor	3
violation	1
4) Youthful Offender adjudication	1
5) Pending	2
B. Grand Jury returned No Bill	12
C. Grand Jury referred to lower criminal court	2

Results

1) Not guilty verdict	0
2) Guilty verdict	1
3) Plea	0
4) Dismissed	1
Subtotal:	35

Total Defendants .....153

Erie County District Attorney Screening Case Project

TABLE II Work of Grand Jury  
1971-1973

	<u>1971</u>	<u>%</u>	<u>1972</u>	<u>%</u>	<u>1973</u>	<u>%</u>	<u>Three Year Total</u>	<u>%</u>
Indicted	876	77.11	796	85.41	1,099	87.99	2,771	83.54
Remanded	138	12.15	71	7.62	65	5.20	274	8.26
No Billed	<u>122</u>	10.74	<u>65</u>	6.97	<u>85</u>	6.81	<u>272</u>	8.20
Total Def. Considered	1,136		932		1,249		3,317	

Disposition of Indicted Individuals  
1972-1973

	<u>1972</u>	<u>%</u>	<u>1973</u>	<u>%</u>	<u>Two Year Total</u>	<u>%</u>
Plea of Guilty	623	58.44	569	57.30	1,192	57.89
Indictment Dismissed	210	19.70	178	17.93	388	18.84
Trial to verdict	<u>233</u>	21.86	<u>246</u>	24.77	<u>479</u>	23.26
Total Defendants Disposed	1,066		993		2,059	

Defendants Indicted 1972-1973            1,899  
Defendants Disposed 1972-1973           2,059

Net Reduction in Defendants Pending, January 1, 1972 - January 1, 1974 = 164

(4) Onondaga County District Attorney Case Screening

The Onondaga County District Attorney's office has had a case screening project in operation for over three years. The program was totally funded by L.E.A.A. for the first two years and partially funded during the third. As of January 1, 1974, the County of Onondaga assumed full financial responsibility for the program, as a direct result of the program's success. The screener program is now an integral part of the Onondaga County District Attorney's office.

Initially ( 1971 ), the screening program consisted of one assistant district attorney, an investigator and secretary. The screening process at this point in time was directed mainly at post-arraignment felonies and misdemeanors in the Syracuse City Court. During the course of its first year of operation, it developed a process of pre-arraignment screening of felony cases in the Syracuse City Court.

At the start of the second year of operation ( 1972 ), several changes were made. Though the program was successful during its first year of operation, it became evident that it would be more effective if an experienced trial lawyer were put in charge; a man who could better evaluate evidence and draw on his trial experience in assessing the strengths and weaknesses of witnesses. This resulted in Samuel Vavonese, a Senior Assistant District Attorney, being designated case screener. The screener program was also augmented by the addition of a second investigator to do field investigations on a full-time basis.

The new screener's area of responsibility was increased to include screening felony cases originated in the town and village courts of the County. This necessitated a system of referring all such cases to the screener within 48 to 72 hours of arraignment. Due to the logistical problem in the town and village courts, it is virtually impossible for a screener to evaluate such cases prior to arraignment

except in rare instances.

During this period the Criminal Administrative Judge of City Court, the District Attorney Screener, the Assigned Counsel Screener and the Fifth District Coordinator instituted a pre-trial conference practice in the Syracuse City Court. All misdemeanor and violation cases, where a plea of not guilty is entered at arraignment, are set down for a pre-trial conference within thirty days thereof. This conference is conducted by a City Court Judge with the Screener, or another Assistant District Attorney, the defense counsel, the defendant and a probation officer in attendance. This has made the post-arraignment screening of misdemeanor and violations much more effective, since it established a vehicle for the speedy and fair disposition of cases screened. It is now a permanent part of City Court procedure.

During the third year of operation ( 1973 ), additional office and judicial procedures were introduced that further increased the effectiveness of the screening program. In the case of the District Attorney's office, felony trial assistants, not engaged in trials were periodically assigned to the screener's office to assist in the evaluation of cases and to conduct pre-trials [ and trials ]. This practice more fully utilized the District Attorney's staff.

In the City Court, a procedure was introduced whereby the civil calendar judge would notify the criminal calendar judge each morning of the civil trial parts available for trials, preliminary examinations or pre-trial conferences with the screener. This practice has resulted in the faster disposition of criminal cases.

After three years of operation it is evident that the screening program is successful from the standpoint of weeding out legal and factually insufficient cases that formerly entered the judicial process and slowed it down. Moreover it is also important in that the screener is in a unique position to assist in the implementation of reform procedures that will achieve the goal of swift and fair justice.

Onondaga County District Attorney Screener

FELONY CASES

	<u>1971</u>	<u>%</u>	<u>1972</u>	<u>%</u>	<u>1973</u>	<u>%</u>
1. Cases screened	544	100	1070	100	2336*	100
2. Felony recommendation	274	50.37	418	39.07	1051	44.99
3. Misdemeanor disposition	131	24.08	501	46.82	991	42.42
4. Violation plea	0	--	22	2.06	32	1.37
5. Withdrawn/Dismissed	139	25.55	129	12.06	262	11.22

\* The increase is attributable to two factors: the inclusion of town and village felonies and the change from counting cases ( 1971-1972) to counting defendants.

Onondaga County District Attorney Screener  
Syracuse City Court Misdemeanor Cases

	<u>1971</u>	<u>%</u>	<u>1972</u>	<u>%</u>	<u>1973</u>	<u>%</u>	<u>Three Year Total</u>	<u>%</u>
1. Cases screened ( post-arraignment )*	1,027	100	423	100	956	100	2,406	100
2. Misdemeanor disposition	545	53.07	128	30.26	418	43.73	1,091	45.34
3. Violation plea	61	5.94	74	17.49	233	24.37	368	15.30
4. Withdrawn/Dismissed	421	40.99	221**	52.25	305**	31.90	947	39.36

\* Over 1000 misdemeanor charge cases were screened out prior to arrest or arraignment. Those are not included above.

\*\* Includes ACD

(5) Niagara County District Attorney Case Screening and Preliminary Conference Project

The Niagara County District Attorney implemented on July 1, 1972, a screening program similar to those in other counties. On December 4, 1973, the Niagara County Legislature resolved to apply for a third year of funding, through June 30, 1975. This action was predicated on the understanding that a third year of funding, if approved, would require a 50% contribution by the county.

During the first year of the project approximately 1,500 cases were screened in the Niagara Falls City Court. The emphasis throughout the one and one-half years of the program was in that court because of its very heavy load. Over 60% of the Niagara County felony charges originate there, and at least an equal percentage of misdemeanor cases are handled by that court. The most crucial problem at the inception of the program was the backlog of jury cases. When screening was commenced the jury calendar was handled by two-week terms, usually every other month. Misdemeanor cases which were not placed on the jury calendar were set down for trial in the regular course; i.e., trial disposition at the next available date.

Since Niagara Falls City Court consists of one chief judge, an associate judge and a part-time acting judge who handle a busy civil calendar as well as all criminal matters, rarely did more than one criminal part sit at any one time.

The assistant district attorney ( on July 1, 1972 ) designated to screen cases conferred with the judges, police agencies and the other staff members in the district attorney's office to establish the necessary administrative procedures to effectively implement this project.

Channels of communication were initiated, permitting direct receipt of criminal histories and supporting papers by the screener-attorney. Initially pre-trial conferencing was on an informal basis, with the assistant district attorney, defense counsel and defendant attending. In January of 1973, a formal system of conferencing cases set down for jury trials was instituted, but felony and non-jury misdemeanor cases were still considered in the informal conference atmosphere. The formal conference was at least supervised if not attended by the judge sitting in criminal term.

The screening assistant becomes involved in the case upon the arraignment of the defendant if possible. He has participated in pre-charge screening, in at least 30% of the misdemeanor complaints made to the court. The screener makes a factual and legal determination as to whether the charge is appropriate. As the screening process became more established in the city court, guidelines for reduction of pleas were defined, executed and utilized.

As shown by an accompanying table, the screening process has produced a dramatic reduction both in total defendants pending in the Niagara Falls City Court and in the jury trial calendar. This improvement is especially significant in light of the unusually high number of marijuana arrests on the international bridges between Canada and Niagara Falls. Some 45% of the jury trial calendar cases are now disposed of by plea at the time of the pre-trial conference.

The effectiveness of screening is also indicated by the expeditious disposition of cases. When screening commenced, preliminary hearings were being scheduled for defendants on bail as well as for defendants who were scheduled for non-jury trials six weeks to two months after the first appearance of counsel. By January 1973, the delay was reduced to between three and four weeks, a reduction of almost 50%.

Approximately 68% of defendants charged with felonies are disposed of in City Court prior to a preliminary hearing. The screener also participated in felony screening in the local criminal courts outside of Niagara Falls with some success.

The monetary savings are somewhat difficult to determine with any degree of accuracy. However, it is easier to measure accomplishments in terms of better case preparation, increased communication and coordination between the police, citizens, the District Attorney's office and the courts. Furthermore, cases which are disposed of in a felony court are more efficiently and more successfully handled as a result of screening in the local courts.

Niagara County District Attorney Screening Project

TABLE I

PRIMARY FELONY AND MISDEMEANOR CASES

	<u>Nov. 72- Jan. 73</u>	<u>Feb. 73- Apr. 73</u>	<u>May 73- June 73</u>	<u>July 73- Sept. 73</u>	<u>Oct. 73- Dec. 73</u>	<u>Total</u>	<u>As % of Disp.</u>
Felony Cases (Entire County)							
1. Cases screened	152	175	136	229	175	867	100.00
2. Recommend felony	24	53	23	42	49	191	22.03
3. Misdemeanor disposition	68	71	60	80	98	377	43.48
4. Withdrawn/Dismissed	57	50	53	105	27	292	33.68
5. Bench warrants	3	1	0	2	1	7	.81
Awaiting Screening, BOM	51	63	60	45	87		
(+) New cases	164	172	121	271	200		
(-) Screened	<u>152</u>	<u>175</u>	<u>136</u>	<u>229</u>	<u>175</u>		
Awaiting, EOM	63	60	45	87	112		
Misdemeanor Cases (Niagara Falls City Court)							
1. Cases screened	284	243	182	299	251	1,259	100.00
2. Misdemeanor pleas	45	40	49	56	60	250	19.86
3. Violation pleas	84	96	63	96	96	435	34.55
4. Withdrawn/Dismissed	<u>122</u>	<u>82</u>	<u>57</u>	<u>124</u>	<u>72</u>	<u>457</u>	<u>36.30</u>
Subtotal: Cases Resolved	251	218	169	276	228	1,142	(90.71)
5. Placed on Trial Cal.	16	15	7	9	16	63	5.00
6. Bench warrants	17	10	6	14	7	54	4.29
Awaiting Screening, BOP	148	138	105	113	157		
(+) New cases	274	210	190	343	225	1,242	
(-) Screened	<u>284</u>	<u>243</u>	<u>182</u>	<u>299</u>	<u>251</u>	1,259	(101.37% of intake)
Pending, EOP	138	105	113	157	131		

Niagara County District Attorney Screening Project

TABLE II

	<u>Nov. 72- Jan. 73</u>	<u>Feb. 73- Apr. 73</u>	<u>May 73- June 73</u>	<u>July 73- Sept. 73</u>	<u>Oct. 73- Dec. 73</u>	<u>Total</u>	<u>Percent of Disp.</u>
1. Cases screened	15	20	18	42	27	122	100.00
2. Misdemeanor pleas	1	10	4	12	13	40	32.79
3. Violation pleas	1	0	0	5	0	6	4.92
4. Withdrawn/Dismissed	13	3	9	9	6	40	32.79
Subtotal: Cases resolved by screener	15	13	13	26	19	86	(70.50)
5. Sent to Grand Jury with felony	0	7	5	16	8	36	29.50
6. Bench warrants	0	0	0	0	0	0	-----
Awaiting Screening, BOP	9	13	13	9	13		
(+) New Cases	19	20	14	46	43	142	
(-) Screened	<u>15</u>	<u>20</u>	<u>18</u>	<u>42</u>	<u>27</u>	122	(85.92 % of intake)
Pending, EOP	13	13	9	13	29		

Table I reflects the screening of felony charge defendants throughout the County and of misdemeanor defendants in the Niagara Falls City Court. The total defendants screened during the period was 2,126.

Table II shows the disposition of misdemeanor charges lodged against 122 defendants who had one or more associated felony charges. The 122 are included in the 867, and thus should not be added to the above total.

Niagara Falls City Court  
"Backlog" Change

TABLE III

	<u>July 1, 1972</u>	<u>July 1, 1973</u>	<u>Reduction</u>	<u>%</u>
Total Defendants Awaiting Disposition	320	137	183	57.19
Jury Calendar	153	15	138	90.20

(6) Chautauqua District Attorney Case Screening

This screening project commenced on February 1, 1972, and was refunded until December 31, 1973. It consisted of an assistant district attorney screener who was to review all felonies and misdemeanors in the local criminal courts of Chautauqua County. On January 1, 1974, the Chautauqua County Legislature institutionalized this program by creating a permanent screener position in the Chautauqua District Attorney's office.

During 1973, the District Attorney screener screened 517 felony defendants, resulting in 256 defendants ( 51.65% ) pleading to a misdemeanor or violation, or the complaint being withdrawn or dismissed. Of the defendants, 162 ( 31.33% ) were held for grand jury action.

During that same period of time there were 2,524 misdemeanor defendants screened. Of the cases screened, 2,035 or 89% resulted in pleas or dismissal. Pleas alone accounted for 64%. The felonies and misdemeanors were screened without a trial and in many instances without a preliminary hearing. Upwards of three thousand conferences with defense counsel, law enforcement officers and other agencies were held during the year.

Chautauqua County District Attorney Case Screening

TABLE I-Felony Cases 1973

	<u>Jan-Apr</u>	<u>May-July</u>	<u>Aug-Oct</u>	<u>Nov-Dec</u>	<u>TOTAL</u>	<u>%</u>
1. Cases screened	162	145	99	111	517	100.00
2. Felony Recommendation	71	39	26	26	162	31.33
3. Misdemeanor disposition	90	92	42	26	250	48.36
4. Violation disposition	1	4	1	0	6	1.16
5. Withdrawn/Dismissed	0	10	0	1	11	2.13
Screening not completed					88	17.02

TABLE II-Grand Jury Results

1. True Bills	68	38	24	25	185
2. Remanded	3	1	0	0	4
3. No Bills	0	0	2	1	3

Chautauqua District Attorney Case Screening

TABLE III - Misdemeanors 1973

	<u>Jan-Apr</u>	<u>May-July</u>	<u>Aug-Oct</u>	<u>Nov-Dec</u>	<u>Total</u>	<u>%</u>
1. Cases screened	596	642	645	641	2,524	100
2. Misdemeanor plea	173	200	242	228	843	33.40
3. Violation plea	264	196	137	182	779	30.86
4. Withdrawn/Dismissed ( includes ACD )	134	210	202	69	615	24.37
5. Screening not completed	25	58	119	281	281	11.13
6. Bench warrants	0	3	3	0	6	.24

(7) MONROE COUNTY SCREENING PROJECT --  
CITY OF ROCHESTER MISDEMEANOR CASES

TABLE I-1972

	<u>Nov. 1972</u>	<u>Dec. 1972</u>	<u>Total 1972</u>	<u>Percent</u>
1. Cases screened	258	236	2,484	100.00
2. Misdemeanor pleas	40	40	225	9.06
3. Violation pleas	60	57	254	10.23
4. Withdrawn/Dismissed*	129	170	844	33.98
Subtotal: Cases resolved	229	267	1,323	53.26
5. Not resolved by screener	8	** -74	935	37.64
6. Other cases***	21	43	226	9.10

\* Includes ACD, Dismissal-Court, Withdrawn-Complainant, Withdrawn-D.A., Dismissed-No Information, Filed and Dismissed-failure to Prosecute. The category breakdown appears in the next table.

\*\* A negative number indicates dispositions from undisposed cases carried over from prior month(s).

\*\*\*Includes bench warrant issued, referred to Family Court, removed from screening, etc.

MONROE COUNTY SCREENING PROJECT --

TABLE I-1973

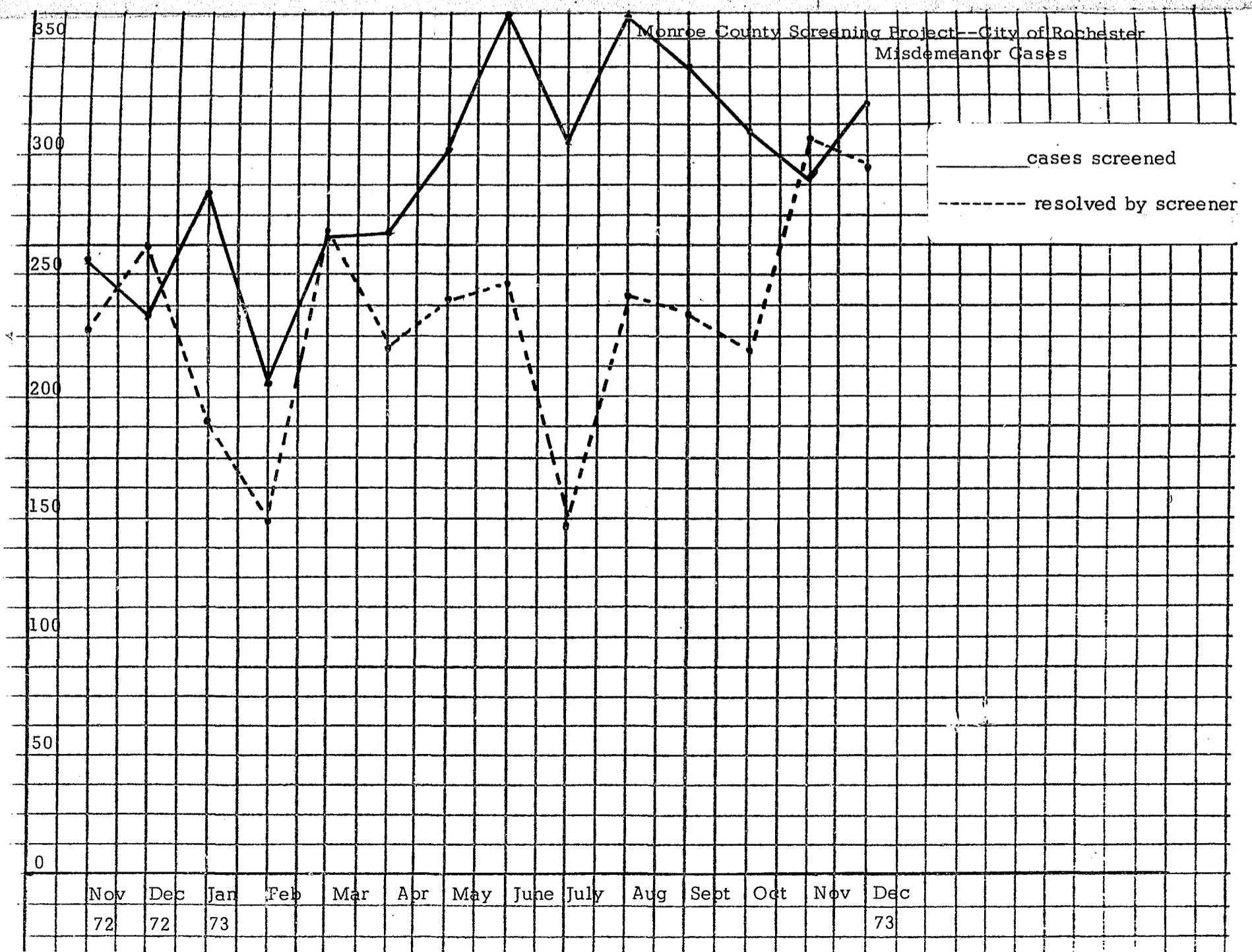
CITY OF ROCHESTER MISDEMEANOR CASES, Continued

	Jan 73	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total 1973	Percent
1. Cases screened	284	209	264	266	302	362	308	362	337	311	289	323	3,617	100.00
2. Misdemeanor pleas	42	21	44	29	70	48	7	36	24	67	44	81	513	14.18
3. Violation pleas	29	31	55	58	70	65	25	68	63	56	104	81	705	19.49
4. Withdrawn/Dismissed*	118	96	166	135	99	133	117	140	149	97	160	135	1,545	42.71
Subtotal: Cases resolved	189	148	265	222	239	246	149	244	236	220	308	297	2,763	(76.39)
5. Not resolved by screener	92	59	** -69	-29	-16	112	157	78	96	83	-143	-83	337	9.32
6. Other cases***	3	2	68	73	79	4	2	40	5	8	124	109	517	14.29

\* Includes ACD, Dismissal-Court, Withdrawn-Complainant, Withdrawn-D.A., Dismissed-No Information Filed and Dismissed-Failure to Prosecute. The category breakdown appears in the next table.

\*\* A negative number indicates dispositions from undisposed cases carried over from prior month(s).

\*\*\*Includes bench warrant issued, referred to Family Court, removed from screening, etc.



Monroe County Screening Project--  
City of Rochester Misdemeanor Cases, continued

TABLE II

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u> <u>1973</u>	<u>Percent</u>
A. Withdrawn by complainant	37	13	43	30	15	17	11	14	28	15	27	20	270	17.48
B. Adjourned in contemplation of dismissal	18	31	42	27	31	46	61	68	61	32	45	42	504	32.62
C. Dismissed--no information filed	10	2	25	2	3	3	6	5	0	2	0	2	60	3.83
D. Withdrawn by D.A.	13	5	7	12	8	22	18	16	13	16	20	23	173	11.20
E. Dismissed--failure to prosecute	37	42	41	51	35	39	13	29	45	21	56	39	448	29.00
F. Dismissed by court	3	3	8	13	7	6	8	8	2	11	12	9	90	5.83
Total	118	96	166	135	99	133	117	140	149	97	160	135	1,545	100.00

## DISPOSITION OF MAJOR CHARGE CATEGORIES

TABLE III

	<u>Misd. Plea</u>	<u>Viol. Plea</u>	<u>ACD</u>	<u>Withdrawn</u>	<u>Dismissed</u>	<u>Total Cases</u>	<u>% Convicted (misd./viol. pleas)</u>
Assault 3	21	49	52	135	198	455	15.38
Menacing	11	15	9	26	48	109	23.85
Petty Larceny	68	112	114	49	65	408	44.12
Crim. Mischeif 4	11	22	9	25	18	85	38.82
Bad Check	13	16	11	49	39	128	22.66
Poss. Dang. Drug	30	114	10	10	225	225	40.44
DWI	81	120	0	9	8	218	92.20
Loitering	20	25	104	16	23	188	23.94
Totals	286	389	413	319	409	1,816	Average 37.17

Monroe County Screening Project--  
City of Rochester Misdemeanor Cases

TABLE IV

COMPARISON WITH PRIOR YEARS

	<u>1971</u> <u>No. Cases</u>	<u>% Conv.</u>	<u>1972 Cases</u> <u>Screened</u>	<u>% Conv.</u>	<u>1973 Cases</u> <u>Screened</u>	<u>% Conv.</u>
Assault	1,183	8.20	302	15.89	455	15.38
Petty Larceny	1,078	23.66	243	34.57	408	44.12
Crim. Mischeif 4	230	9.57	67	26.87	85	38.82
Bad Check	218	14.22	47	8.51	128	22.66
Poss. Dangerous Drug	593	28.33	101	35.64	225	40.44
Menacing *	0	0	54	11.11	109	23.85
DWI *	0	0	44	100.00	218	92.20
Loitering *	0	0	61	45.90	188	23.94

\* 1971 Figures not available

B. Monroe County Family Court Juvenile Case Screener

The Family Court screening program, analogous to the District Attorney screening described above, was shifted to Monroe County auspices for its second year. Among the many factors behind this decision was the added coverage made possible by this vehicle.

Some of the ground gained in reducing the backlog in 1972 was lost in 1973, through no fault of the screeners. The increase in petitions from 735 to 1,072, coupled with an increase in Family Court business generally, has meant that juvenile cases have been delayed. Favorable action by the Legislature on the request for a fifth Family Court judge should alleviate this situation.

NONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table I

	<u>Dec.</u> <u>1972</u>	<u>Total</u> <u>1972</u>	<u>%</u>	<u>Jan.</u> <u>1973</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>
I. Resolved without Court appearance	13	237	27.30	30	12	12	33	18
II. Resolved at first appearance								
1. Plea without recommendation	12			25	14	25	32	29
2. Plea--recommend dismissal	3			0	3	2	4	3
3. Plea--suspended judgment	3			3	0	0	5	3
4. Dismissed--motion of respondent csl.	1			2	0	3	4	3
5. Placed on general docket	0			2	3	6	21	2
6. Dismissed by* court	<u>7</u>			<u>0</u>	<u>0</u>	<u>4</u>	<u>5</u>	<u>0</u>
Total (1-6)	26	330	38.02	32	20	40	71	40
III. Resolved at trial								
7. Convicted	1			3	8	3	10	4
8. Acquitted	0			2	0	2	1	0
9. Plea	3			3	0	3	0	2
10. Dismissed	<u>2</u>			<u>0</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>0</u>
Total (7-10)	6	90	10.37	17	10	11	12	6

\*Includes Adjournment in Contemplation of Dismissal

MONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table I (Cont.)

	<u>June 1973</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u>	<u>%</u>
I. Resolved without court appearance	32	39	42	23	7	19	5	272	27.81
II. Resolved at first appearance									
1. Plea without recommendation	25	20	26	15	18	12	24		
2. Plea--recommend dismissal	3	7	2	3	2	0	2		
3. Plea--suspended judgment	1	3	2	0	2	0	0		
4. Dismissed--motion of respondent csl.	1	0	0	0	4	0	0		
5. Placed on general docket	5	18	7	2	10	2	5		
6. Dismissed by* court	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>12</u>	<u>4</u>	<u>11</u>		
Total (1-6)	35	48	37	24	48	18	42	455	46.52
III. Resolved at trial									
7. Convicted	1	4	8	20	7	7	9	(84)	
8. Acquitted	0	1	0	1	1	0	0	(8)	
9. Plea	5	0	0	1	0	0	7	(21)	
10. Dismissed	<u>0</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>1</u>	(23)	
Total (7-10)	6	6	11	23	10	7	17	136	13.91

\*Includes Adjournment in Contemplation of Dismissal

MONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table I (IV)

	<u>Dec.</u> <u>1972</u>	<u>Total</u> <u>1972</u>	<u>%</u>	<u>Jan.</u> <u>1973</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>
IV. Other								
11. Plea to PINS	4			0	1	1	0	0
12. Plea--other chg.	15			6	10	8	1	4
13. Probation viol.	<u>4</u>			<u>5</u>	<u>5</u>	<u>2</u>	<u>6</u>	<u>0</u>
Total (11-13)	21	<u>211</u>	<u>24.31</u>	11	16	11	7	4
		868	100.00					

MONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table I (IV Cont.)

	<u>June 1973</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u>	<u>%</u>
IV. Other									
11. Plea to PINS	1	2	0	0	0	0	0	(5)	
12. Plea--other chg.	13	10	6	8	10	3	11	(90)	
13. Probation viol.	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>(20)</u>	
Total (11-13)	14	13	6	8	11	3	11	<u>115</u>	<u>11.76</u>
								978	100.00

Explanation

Category I includes cases where the Senior Attorney declines to prosecute or sends the case to Intake for informal adjustment.

Category IV - 11 denotes pleas to PINS in satisfaction of JD petitions. Item 12 denotes pleas to one or more JD petitions in satisfaction of the other JD petitions. Item 13 reflects cases where a respondent is already on probation and the new charge is used to show a violation of the conditions of probation, but is not fully prosecuted.

MONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table II

	Dec. 1972	Total 1972	Jan. 1973	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	1973 Total
Grand Total*															
Cases Resolved	68	870	58	58	80	137	66	37	106	98	77	73	47	75	994

Table III

Caseflow Analysis

Pending, beginning of month	172	---	152	147	146	181	128	181	181	166	193	200	198	245	
(+) New cases	48	---	85	57	115	84	119	87	91	125	84	71	94	60	1,072
Total Cases	220	---	237	204	261	265	247	268	272	291	277	271	292	305	
(-) Cases resolved*	-63	---	-90	-58	-80	-137	-66	-87	-106	-98	-77	-73	-47	-75	994
Pending, end of month	152	---	147	146	181	123	181	181	166	193	200	198	245	230	

\*Note: The above tables reflect extensions of placements and other activities of the screeners not shown in Table I.

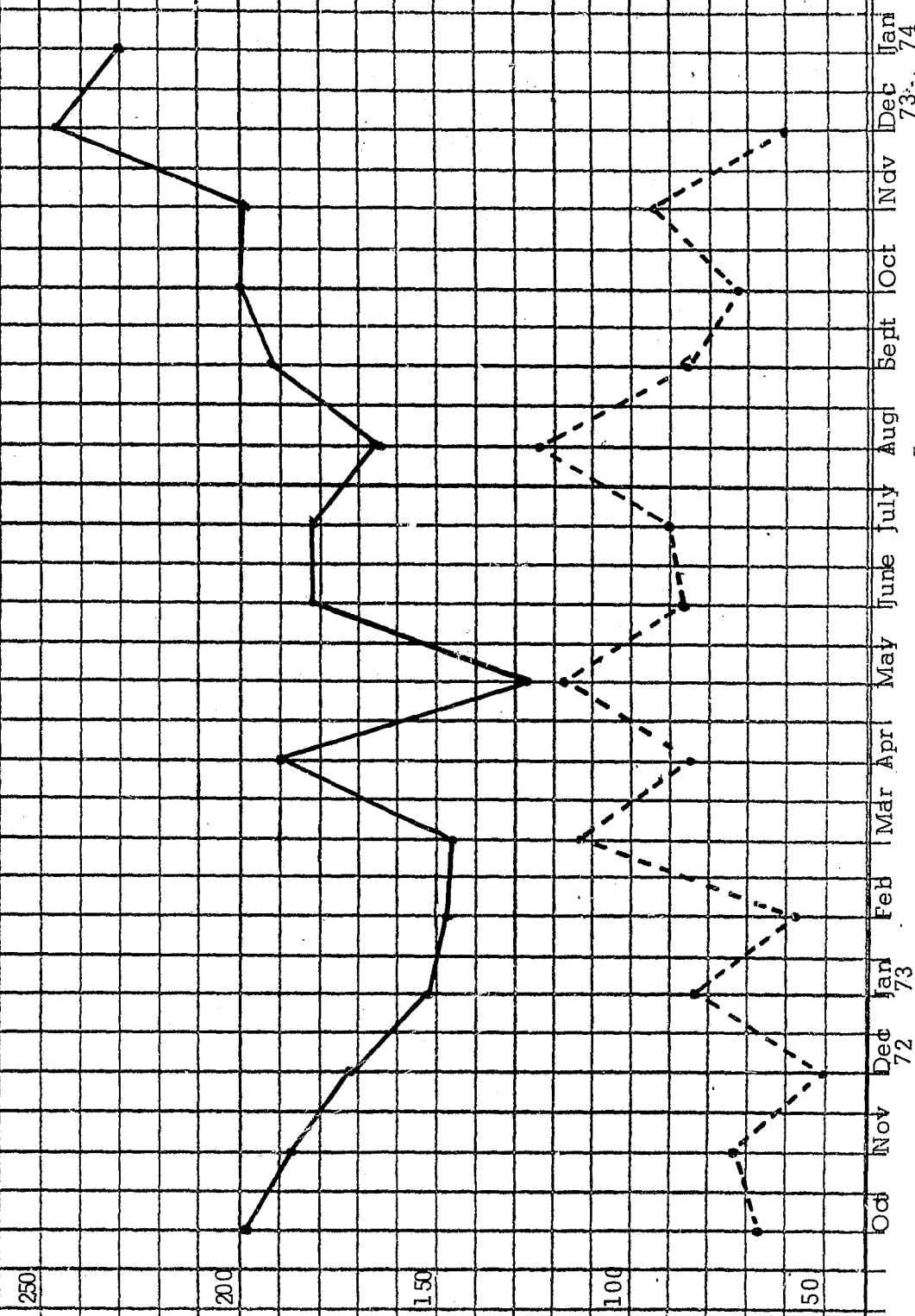
	1973	1972
Average intake	89.33 cases/mo.	61.25
Average dispositions	82.83 cases/mo.	72.50

**CONTINUED**

**1 OF 3**

Monroe County Family Court Screener

\_\_\_\_ Pending BOM  
 ----- Intake



MONROE COUNTY FAMILY COURT

JUVENILE CASE SCREENER

Table IV

New juvenile delinquency cases by agency of origin, March through December 1973.

	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u>	<u>%</u>
Rochester	44	44	65	44	42	69	21	54	59	35	477	61.55
Brighton	3	3	0	2	2	0	2	2	2	1	17	2.19
Brockport	0	0	0	0	0	0	0	0	0	0	0	-----
East Rochester	0	0	0	0	0	0	0	0	0	0	0	-----
Fairport	0	0	0	0	0	0	0	0	0	0	0	-----
Gates	3	9	3	4	3	4	3	6	0	1	36	4.77
Greece	4	2	10	3	7	9	4	3	8	3	53	6.84
Irondequoit	21	11	12	6	15	12	7	1	13	4	102	13.16
Ogden	1	0	0	1	0	3	3	2	2	1	13	1.68
Webster	2	1	3	1	1	0	1	0	0	2	11	1.42
Wheatland	0	0	0	0	5	1	2	1	2	0	11	1.42
Sheriff	15	2	1	7	3	6	2	1	2	4	43	5.55
N.Y. State Police	3	0	1	5	0	0	2	0	1	0	12	1.55
Total	96	72	95	73	78	104	47	70	89	51	775	100.00

C. Non-Retained Defense Counsel Screening

In counties having a substantial volume of defendants who cannot afford to retain counsel, early case assesment and conferencing projects have been established. As with the counterpart District Attorney programs the counsel assigned to these programs are experienced trial attorneys who can quickly analyse the case and determine the best defense strategy.

Defender programs also have been institutionalized in most instances.

(1) Monroe County Public Defender Screener  
1973

1. Felony defendants assigned		1,284	
2. Defendants transferred			
a. Found ineligible	180		
b. Retained other counsel	<u>87</u>		
		267	
Subtotal: Defendants represented to disposition (pre-Grand Jury)		1,017	% 100.00
3. Pled to Lesser Charge			
a. Misdemeanor	262		
b. Violation	5		
c. Pleas pending	<u>8</u>		
		275	27.04
4. Charges Withdrawn/Dismissed			
a. After preliminary hearing	11		
b. Failure to prosecute	244		
c. Other defense motion	<u>24</u>		
		279	27.43
5. Held for Grand Jury			
a. After preliminary hearing	297		
b. By waiver of hearing	<u>88</u>		
		385	37.86

		%
6. Bench warrants, inferior court	32	3.15
7. Screening not completed	46	4.52

Program Totals: January 1, 1971 through December 31, 1973

Defendants represented	2,293	
Lesser pleas entered	558	24.33%
Withdrawn/Dismissed	531	23.16%
Held for Grand Jury	1,005	43.83%
Other ( Bench Warrants, Family Court, etc.)	199	8.68%

(2) Onondaga County Assigned Counsel Screener

On January 1, 1972, an Assigned Counsel screener program was instituted in the Syracuse City Court, Criminal Part. The program was designed to address the problems of delayed representation of indigent defendants and of unreasonable delay by attorneys in disposing of cases.

The screener's staff originally consisted of one full-time experienced trial attorney, an investigator and a secretary. During the second year of operation (1973), staff was increased to include a part-time attorney to assist the screener in interviews of defendants and witnesses, preparation of law memoranda and general investigations. During the first two years of operation ( 1971-73 ), the program was funded through the Division of Criminal Justice Services.

It is the duty of the Assigned Counsel Screener to represent all felony charge indigents in the City Court, for arraignment purposes only. At the arraignment, those defendants are assigned an attorney for all future proceedings. All the initial information obtained by the screener is then made available to the assigned attorney. This procedure, to a great extent, has done away with delays in the arraignment of such defendants --- delays which in the past were as long as two weeks.

Where indigent persons are charged with misdemeanors or violations, the screener has the responsibility of representing those persons at arraignment and through all pre-trial proceedings. If a disposition can be made without a trial, he would represent the defendant through sentencing. If a trial is necessary, a private attorney is assigned to conduct the trial. At this point, the screener makes available to the assigned attorney, all information obtained during the course of his representation.

It was originally estimated that the screener would handle approximately 300-350 misdemeanor or violation cases a year. During 1972, the screener was assigned 665 cases, disposing of 650. In 1973 he was assigned 725 cases of which he disposed of 712 ( including transfers to other counsel ).\*

During mid-1973, the Director of the Hiscock Legal Aid Society, the Administrator of the Assigned Counsel Screener program, felt that due to staff limitations the screener should not accept over forty cases per month. This limitation reduced the number of assignments to the screener by approximately one hundred cases.

There is under consideration for 1974 an expansion of the existing screener program, to include five attorneys, two investigators and two secretaries. The area of responsibility of the screener program would be enlarged to include the representation of indigent misdemeanor or violation defendants in City Court for trial. This will result in the total representation of those individuals, as opposed to representation at pre-trial only. The program will also represent indigent respondents charged with family offenses in the Onondaga County Family Court and, the program may be extended into town and village court misdemeanor and violation cases. That expansion, if implemented, will be on a restricted basis due to staff and personnel limitations.

\* See Table I for details

ONONDAGA ASSIGNED COUNSEL SCREENER

1973 Misdemeanor Cases

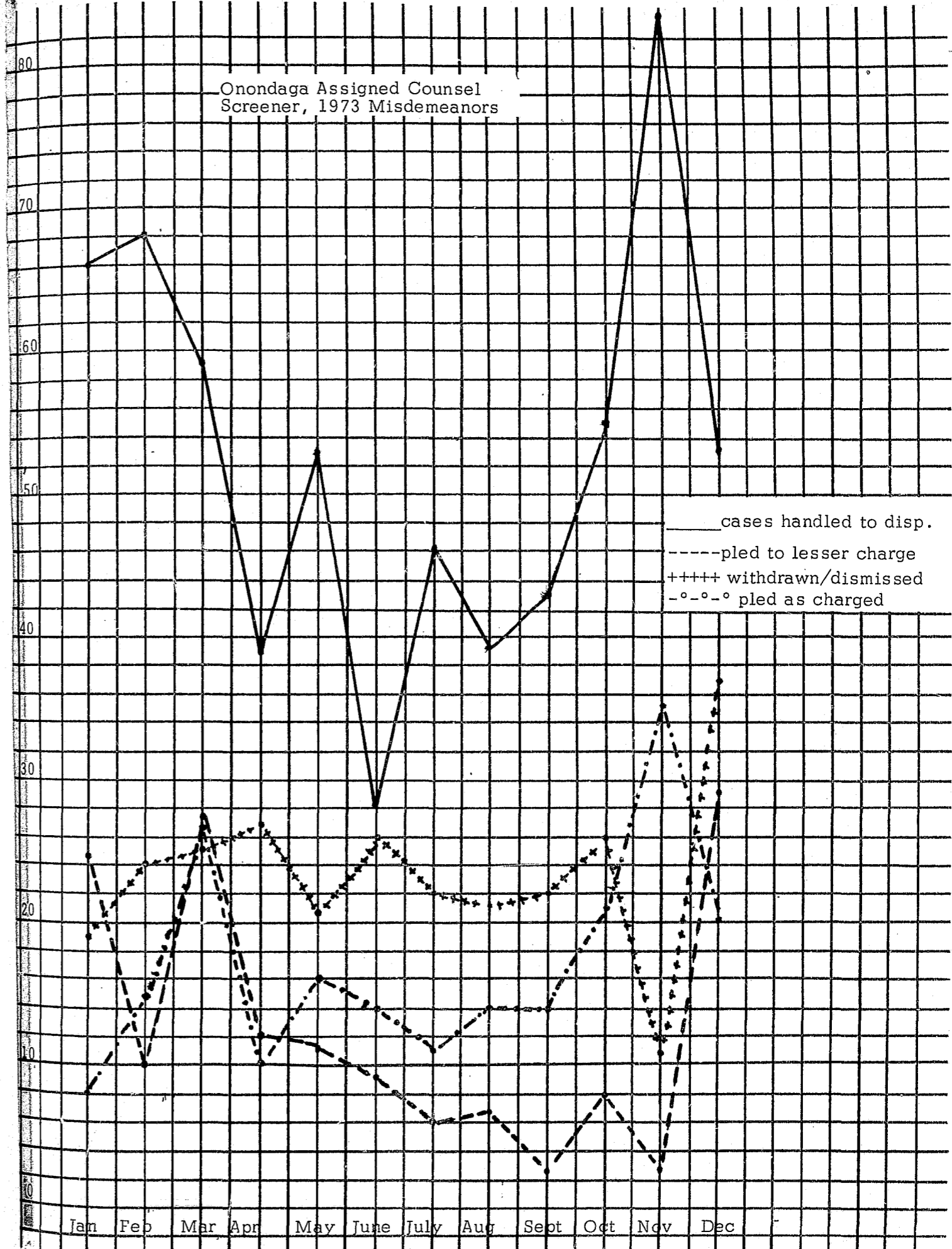
Table I

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>	<u>%</u>
1. Cases assigned	80	81	71	50	60	36	55	40	44	55	88	65	725	
2. Ineligible or re- tained own counsel	14	13	12	11	7	8	9	1	1	0	4	12	92	
Subtotal: Cases handled to disposition	66	66	59	39	53	28	46	39	43	55	34	53	633	100.00
3. Pled to lesser charge	25	10	27	12	11	9	6	7	3	8	3	29	150	23.70
4. Withdrawn/Dismissed (including ACD)	19	24	25	27	21	26	22	21	22	26	11	37	281	44.39
5. Pled as charged	8	15	26	10	16	14	11	14	14	21	35	20	204	32.23
6. Disposition not completed*	14	19	-19**	-10	5	-21	7	-3	4	0	35	-33	Net (13)	2.05

\*Fifteen defendants were carried over from 1972.

\*\*A negative number indicates a carryover from prior month(s).

Onondaga Assigned Counsel  
Screeners, 1973 Misdemeanors



Onondaga Assigned Counsel Screener

TABLE II  
Sentences imposed after plea to misdemeanor or violations, 1973

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>	<u>%</u>
1. Conditional Discharge	23	18	31	13	9	9	4	5	9	12	31	18	182	57.02
2. Fine	8	7	8	4	8	3	6	6	2	4	4	22	82	25.72
3. Youthful Offender	10	1	1	0	0	1	1	0	0	2	1	5	22	6.90
4. Time Served	0	3	1	2	2	2	1	2	1	1	1	6	22	6.90
5. Jail Sentence	<u>3</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>11</u>	<u>3.46</u>
Total	44	29	43	19	19	16	12	13	13	21	37	53	319	100.00

Note: Please were entered by 354 defendants, and 319 defendants were sentenced. The difference may be attributable to multiple case dispositions by one sentence or to normal delays in sentencing.

Onondaga County Assigned Counsel Screener

TABLE III- Characteristics of Defendants, 1973

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>	<u>%</u>
<u>1. Sex</u>														
a. Male	56	61	41	32	46	22	33	24	30	51	56	49	501	76.14
b. Female	20	20	13	12	4	8	12	5	14	7	26	16	157	23.86
<u>2. Race/Nationality</u>														
a. Caucasian	38	39	22	25	32	20	24	14	26	25	29	30	324	49.24
b. Black	36	41	31	18	16	10	19	11	17	31	51	34	315	47.87
c. American Ind.	2	1	0	0	2	0	1	2	0	0	0	0	8	1.22
d. Puerto Rican	0	0	1	1	0	0	1	2	1	2	2	1	11	1.67
<u>3. Age Group</u>														
a. 16-19	29	24	20	17	12	17	17	8	23	25	44	18	254	38.60
b. 20-29	32	32	25	17	32	6	20	14	13	20	33	27	271	41.19
c. 30-39	5	18	6	7	2	1	4	3	4	5	3	11	69	10.49
d. 40-49	4	4	2	1	4	0	4	1	2	7	2	1	38	5.78
e. Over 50	6	3	1	2	0	6	0	3	2	1	0	2	26	3.95

Onondaga County Assigned Counsel Screener

TABLE III-Characteristics of Defendants, 1973, continued

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>	<u>%</u>
<u>4. Marital Status</u>														
a. Married	18	16	7	6	12	3	10	2	5	17	15	17	128	19.45
b. Single	49	50	38	28	32	25	28	24	31	36	58	43	442	67.17
c. Separated	6	8	6	7	2	0	4	1	3	1	6	3	47	7.14
d. Divorced	2	7	2	2	4	0	3	2	2	4	3	2	33	5.02
e. Widowed	1	0	1	1	0	2	0	0	3	0	0	0	8	1.22
<u>5. Employed</u>														
a. Yes	20	19	17	10	17	4	11	9	13	14	25	8	167	25.38
b. No	56	62	37	34	33	26	34	20	31	44	57	57	491	74.62
<u>6. Prior Convictions</u>														
a. Yes	42	43	26	20	30	15	18	13	21	14	9	28	279	42.40
b. No	34	38	28	24	20	15	27	16	23	44	73	37	379	57.60

(3) Erie County Public Defender Screening and Pre-Trial Conference

The Public Defender's division of the Legal Aid Bureau of Buffalo, Inc., by contract with the County of Erie represents all indigent defendants charged with crimes in the Buffalo City Court. On May 10, 1971, a screening project in Buffalo City Court was implemented by the Public Defender's office. The purpose was to provide the District Attorney's screening program with a counterpart in disposing of felony charges against an indigent defendant.

In the first year the staff consisted of one experienced assistant public defender, an investigator and one-half of a secretary's time. In the second year this was enlarged to include two investigators. The County of Erie on January 1, 1974, made provisions in its budget to fund this program to the extent of an assistant public defender, an investigator and one-half of a secretary's time. This enables the screening program in the Public Defender's office to continue in Buffalo City Court in conjunction with the Erie County District Attorney screening program.

Two-thirds of the Public Defender felony cases have been disposed of in city court prior to hearing.

Erie County Public Defender Screener  
January 1, 1973-September 30, 1973

1. Felony Cases Assigned	880	
2. Retained counsel or bench warrant	<u>121</u>	
Subtotal: Cases handled to disposition	759	100.00%
3. Misdemeanor disposition	253	30.70%
4. Withdrawn/Dismissed	305*	40.18%
5. Held for Grand Jury	221	29.12%

\* Of these, 253 occurred prior to preliminary hearing, and 52 after.

(4) Niagara County Public Defender Case Screening and Preliminary Conference Project

This program was implemented on May 15, 1972. The Niagara County Legislature made application for additional funding for the Public Defender's Case Screening as it did for the District Attorney project.

The assistant public defender screener and investigator assigned to the program interview defendants upon arraignment in the Niagara Falls City Court to determine those eligible for the assistance of the Public Defender. Felonies as well as misdemeanors have, during the course of the program, been disposed of without the necessity of hearing or trial within two weeks from the date of the arraignment.

On May 15, 1972, the Public Defender's caseload in the Niagara Falls City Court consisted of 88 defendants. One year later there was a caseload pending of 30 defendants.

During the second half of the first year, the Public Defender screener commenced screening felonies and misdemeanors in the twelve town and village courts in Niagara County. During that six months period he fully screened 13 felonies resulting in six misdemeanor pleas and seven defendants being held for the grand jury. He further screened 26 misdemeanors resulting in 14 pleas to misdemeanors or violations as well as eight dismissal without a trial.

Niagara County Public Defender Screener  
November 1, 1972-June 30, 1973

FELONY CHARGES Table I

1. Cases assigned	147	
2. Retained private counsel or bench warrant issued	<u>8</u>	
Subtotal: Cases handled to disposition	139	100%
3. Pled to lesser charge	53	38.13%
4. Withdrawn/Dismissed	18	12.95%
5. Held for Grand Jury	35	25.18%
6. Disposition not completed	33	23.74%

MISDEMEANOR CHARGES Table II

1. Cases assigned	345	
2. Retained private counsel or bench warrant issued	<u>26</u>	
Subtotal: Cases handled to disposition	319	100.00%
3. Pled to misdemeanor	35	10.97%
4. Pled to violation	69	21.63%
5. Withdrawn/Dismissed	71	22.26%

6. Found guilty	9	2.82%
7. Disposition not completed	135	42.32%

Not included above are 49 cases where a defendant was charged with both a felony and misdemeanor. The disposition of the felony charge is shown in Table I

Program Totals ( May 15,1972-June 30,1973 )

TABLE III

Felony Charges

1. Cases handled to disposition or pending		240	
2. Pled to lesser charge	110		45.83%
3. Withdrawn/Dismissed *	34		14.17%
4. Held for Grand Jury	63		26.25%
5. Disposition not completed	33		13.75%

Misdemeanor Charges

1. Cases handled to disposition or pending		540	
2. Pled to misdemeanor	85		15.74%
3. Pled to violation	121		22.41%
4. Withdrawn/Dismissed	170		31.48%
5. Found guilty	29		5.37%
6. Disposition not completed	135		25.00%

\* Thirty-one of the dismissals occurred prior to preliminary hearing. Added to the 110 lesser pleas, this amounts to 60% of the felony dispositions. The corresponding total of misdemeanor cases ( 355 ) constitutes 87.65% of the cases finally resolved to date.

(5) Chautauqua County Public Defender  
Case Screening and Pre-trial Conference

This is the companion program to the Chautauqua County District Attorney's screening project. This project involves the screening of all misdemeanors and felonies in Chautauqua County local courts, where the Public Defender's office represents the defendant. The screener-attorneys for both the Public Defender and District Attorney's office screen cases as soon as possible. The disposition rate at the pre-trial conference consistently averages 33% of the misdemeanor caseload in the city courts. The average time a Public Defender case is open in the city courts is four to six weeks. The program was federally funded from January 1972 through December 31, 1973. Like the District Attorney's project it has been institutionalized by Chautauqua County.

Chautauqua County Public Defender Screener  
January 1, 1973 - October 31, 1973

TABLE I - Felony Charges

			<u>TYPE OF CHARGE</u>				
<u>A. Pre-Grand Jury</u>		<u>%</u>	<u>People</u>	<u>Property</u>	<u>Drugs</u>	<u>DWI</u>	<u>Other</u>
1. Cases assigned	207						
2. Ineligible or retained counsel	23		5	6	7	2	3
Subtotal: Cases handled to disposition	184	100%					
3. Pled to misdemeanor	69	37.50	9	30	6	12	12
4. Pled to violation	5	2.72	3	1	0	1	0
5. Withdrawn/Dismissed	10	5.43	2	2	3	0	2
6. Held for Grand Jury	83	45.11					
7. Other ( extradition, Family Court, etc )	17	9.24	2	2	1	0	12
<u>B. Post-Grand Jury</u>		(T=83)					
1. No Billed	1	1.20	0	0	1	0	0
2. Dismissed	10	12.05	2	5	1	0	2
3. Pled to misdemeanor	33	39.76	8	13	7	2	3
4. Pled to violation	5	6.02	4	0	0	0	1
5. Pled to lesser felony	5	6.02	1	2	2	0	0
6. Pled as charged	20	24.10	4	8	2	3	3
7. Jury Acquittal	4	4.82	2	0	2	0	0
8. Youthful Offender	5	6.02	0	2	3	0	0

Chautauqua County Public Defender Screener

TABLE II - Misdemeanor Cases

		<u>%</u>
1. Cases assigned	375	
2. Ineligible or retained counsel	60	
Subtotal: Cases handled to disposition	315	100.00
3. Pled as charged	49	15.56
4. Pled to lesser misdemeanor	37	11.75
5. Pled to violation	59	18.73
6. Withdrawn/Dismissed	62	19.68
7. ACD	21	6.67
8. Bail forfeiture	29	9.21
9. Trial -- guilty	3	.95
acquitted	4	1.27
10. Youthful offender	10	3.17
11. Other	13	4.13
12. Disposition not completed	28	8.89

#### D. Other Projects In Operation

The coordinators have been involved from the beginning in a variety of other Safe Streets funded projects, as planners, proponents or technical resource persons. Some of these projects can be adequately described by statistical reports; others can be portrayed only by narrative statement.

	(1)	Monroe County Pre-Trial Release Program										TABLE I				
	<u>Dec</u> <u>72</u>	<u>Total</u> <u>72</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u> <u>73</u>	
1. Defendants in Custody																
A. Not interviewed	259		273	221	238	295	294	333	269	279	218	275	210	168	3,071	
B. Interviewed	352	4,799	390	307	340	347	337	369	411	385	357	384	373	316	4,316	
2. Recommended	187	2,445	210	164	168	194	192	198	221	179	208	203	210	168	2,315	
3. Released	118	1,519	135	118	97	101	110	128	171	116	153	117	106	125	1,477	
4. Bench Warrants	-	-	12	8	16	8	7	11	7	9	14	9	10	8	119	

Program Totals (Dec 1, 1970 through Dec. 31, 1973)

Interviewed	11,653	
Recommended	5,759	or 49.42% of those interviewed
Released	3,635	or 63.12% of those recommended; 31.19% of those interviewed

The 119 bench warrants issued against defendants released to the program constitute only 3.6% of the scheduled appearances of all such defendants. The figures are given by month of issuance, not necessarily the month of release.

Monroe County Pre-Trial Release Program

TABLE II

Explanation of Not Interviewed, 1973 (Table I, Item 1A)

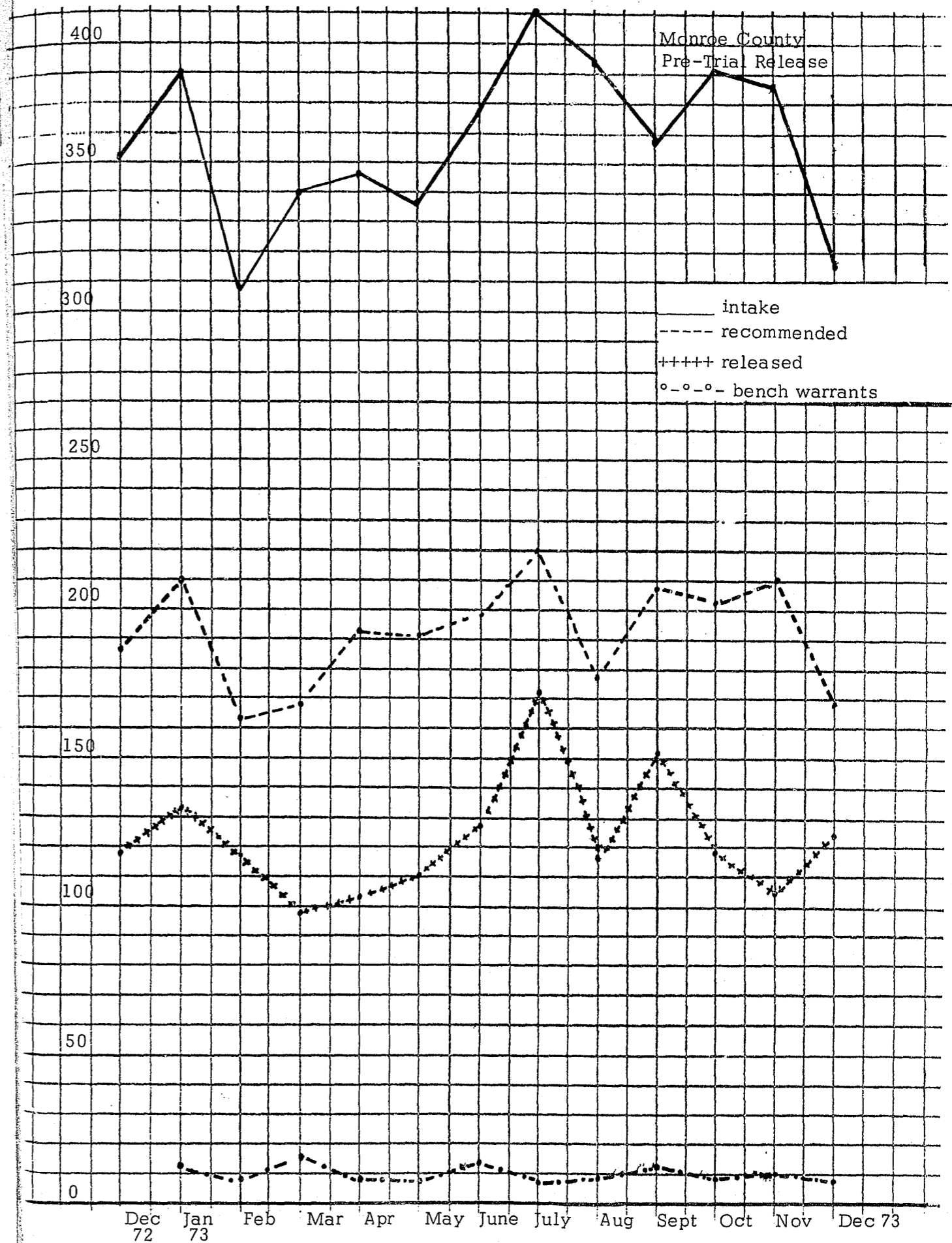
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>
A. Defendant Condition (Pub. Intox. or DWI)													
(i) Male	211	166	187	245	237	251	227	233	183	204	164	130	2,438
(ii) Female	6	8	11	10	10	18	8	5	5	12	7	12	112
B. Prostitution Charge	6	9	7	5	1	11	2	4	4	7	3	3	62
C. Detainer (parole or Prob. Violation, AWOL, Fugitive, etc)	50	38	33	35	46	51	32	37	26	52	36	23	459
D. Total Not Interviewed	273	221	238	295	294	333	269	279	218	275	210	168	3,071

TABLE III

Explanation of Not Recommended, 1973 (Table I, Item 1B minus Item 2)

A. Unable to verify	36	29	41	41	23	35	40	53	44	45	32	55	474
B. Too few points	29	35	42	36	34	42	49	47	42	58	55	35	504
C. Detainers*	12	7	9	10	12	18	19	13	7	7	11	12	137
D. Charge Dismissed	23	18	13	18	25	23	14	27	17	7	22	15	222
E. Bailed	16	7	11	5	13	15	20	8	8	9	6	3	121
F. Pled guilty	8	7	3	5	7	7	11	28	4	5	4	2	91
G. Other	56	40	53	38	31	31	37	30	27	50	33	26	452
H. Total	180	143	172	153	145	171	190	206	149	181	163	148	2,001

\*Indicates detainer filed or discovered after interview. Those known before interview appear in Table II, Item C).



(2) Erie County Probation Department  
Pre-Sentence Investigation

This program commenced September 1, 1972, and operated through December 31, 1973. It was staffed by six probation officers and supervisor. The program dealt with the problem of the pre-sentence backlog in the City Court of Buffalo brought on by the District Attorney and Public Defender screening projects.

Prior to this project, the time from conviction to sentencing for persons in jail averaged 23.2 days. As a result of the program the time was reduced to 10.7 days. This resulted in a savings of almost \$180.00 per defendant, or an average monthly savings of approximately \$3,000 ( with 20 defendants awaiting sentencing each month). During the last year of funding ( including the extension through December 31, 1973 ) the unit submitted 2,370 pre-sentence investigations to the Buffalo City Court.

The County of Erie has partially institutionalized this project by funding two permanent probation officer positions in the Buffalo City Court. The balance of the staff will be provided by the Probation Department.

ERIE COUNTY PROBATION DEPARTMENT

PRE-SENTENCE INVESTIGATION UNIT PROGRAM

	Nov 72	Dec 72	Total 72	Jan 73	Feb	Mar	Apr	May	June	July	Aug.	Sept	Oct.	Nov	Dec.	Total 73
<u>Buffalo City Court</u>																
1. Misdemeanor investigations ordered	153	128	553	158	155	166	147	153	160	159	36*	179	165	181	142	1,313
2. Reports submitted	153	113	542	176	152	172	139	164	160	137	106	90	198	208	116	1,296
3. Dispositions based on reports	133	119	553	185	187	192	142	158	163	165	137	198	235	260	174	1,527**
<u>Reports for Other Courts</u>																
1. Superior Courts	19	15	58	17	28	13	29	13	21	6	5	13	22	25	23	215
2. Town & Village	53	70	258	61	57	72	50	74	55	65	80	47	86	71	73	791
<u>Other Charges</u>																
1. City Court -- Violations	30	7	52	50	17	10	10	28	33	25	88	29	35	84	31	440
2. Superior Courts -- Felony case & reports completed by Department	47	40	173	51	43	25	45	39	36	25	22	42	41	53	63	485

\* Assignments were limited since it appeared the program would be terminated.

\*\*Includes disposition of unrelated charges against same defendant.

TABLE II -- JAIL DEFENDANTS AWAITING SENTENCE IN CITY COURT

	<u>Nov.</u> <u>72</u>	<u>Dec.</u> <u>72</u>	<u>Jan.</u> <u>73</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
A. Defendant Flow														
1. No. beginning of month	14	14	1	2	8	7	5	4	5	4	1	6	5	18
2. Detained	19	15	28	26	23	21	25	19	20	8	17	21	33	19
3. Sentenced	19	28	27	20	24	23	26	18	21	11	12	22	20	34
4. Pending, end of month	14	1	2	8	7	5	4	5	4	1	6	5	18	3
B. Length of Time Awaiting Sentence														
1. Two weeks or less	5	9	20	16	24	23	26	18	21	11	12	22	20	34
2. Two-three weeks	10	5	7	4	0	0	0	0	0	0	0	0	0	0
3. Three-four weeks	3	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Over four weeks	1	0	0	0	0	0	0	0	0	0	0	0	0	0
5. Average time (days)	19.5	12.7	13.2	12.3	9.6	10.5	9.9	8.8	10.3	11.2	11.0	11.5	11.1	11.3

(3) The Metropolitan Dispute Settlement Center ( MDSC ), the Rochester office of the National Center for Dispute Settlement, opened its doors for business on September 17, 1973. Planning for that event grew out of a crisis in the Rochester public schools in 1971/1972. The chronology of the planning phase; the involvement of great numbers of people of diverse interests and backgrounds; the contributions of City, State and local planners and NCDS staff; and the outpouring of support from influential leaders in the local community represent comprehensive program development at its finest. That history will unfortunately have to be told in another context. For present purposes, a brief sketch of the two aspects of the MDSC program and some description of the activities of the first three months will have to suffice.

One part of the MDSC program--perhaps the more visible and closely related to criminal justice--is that called 4A ( Arbitration As An Alternative ). Relatively less serious criminal charges arising out of interpersonal conflicts are referred from the criminal courts to the Center for hearing by trained mediators on the consent of the parties. The advantages include the opportunity to address the cause of the conflict and ways of avoiding future conflict; resolution of the situation by agreement rather than adjudication; elimination of a criminal record for the defendant/respondent; and some control over both parties.

The other program attempts to head off disputes before they become justiciable, either by means of a class action or because a situation has degenerated into violence. Some situations have already become tense before staff or panel members are called in; in others, staff provide training in negotiation or conflict resolution techniques before serious disputes arise. This aspect of the Center, the Community Dispute Panel, operates most effectively in anonymity.

The parties are encouraged to downplay the MDSC role in reaching agreement. This unselfish and realistic attitude may complicate institutionalization and public awareness of the service, but publicity would reduce the credibility of the third party neutral position.

Metropolitan Dispute Settlement Center

A. Criminal Case Settlement Program ( Arbitration As An Alternative [4-A] )

	<u>September 17-December 21, 1973</u>	<u>%</u>
1. Cases referred by court	130	100.00
2. Disposed by hearing	46	35.38
3. Disposed without hearing		
a. Withdrawn by complainant	11	
b. Reinstited in court	2	
c. No further action by complainant	<u>45</u>	
Subtotal:	58	44.62
4. Awaiting respondent stipulation	19	14.62
5. Hearing to be scheduled/held	7	5.38

Breakdown of awards issued

1. Injunctive relief only	32
2. Money damages only	2
3. Injunctive and money award	8
4. Dismissal of complaint ( no appearance of complainant )	3
5. Return to court ( no appearance by respondent )	1

The 4-A staff is also actively involved in the design of landlord-tenant, housing code violation, and debtor-creditor repossession hearing mechanisms.

The present physical facilities, staff and panel size tend to impose an upper limit of 15 hearings per week. Assuming the first three month's results continue, the 780 hearings would actually indicate a transfer of some 1750 cases. That is, of the resolutions to date  $46/104$  have been by hearings;  $104/46 \times 780 = 1,763^+$  or say 1750.

Diversion of 145 cases per month would be a significant change since the average intake, exclusive of public intoxication cases, is around 800.

#### B. Community Dispute Involvements

1. Police-Community Relations: Aided in negotiation of an agreement between the Rochester Police Department and a Black community organization regarding resolution of allegations of brutality.

2. High School Training: Training students and administrators in both crisis intervention and crisis avoidance by mediation and negotiation.

3. Police Training: Assisted in the design and presentation of a community relations program for recruits to the Rochester Police Department.

(4) Syracuse Court Rehabilitation Program ( SCRCP )

The Syracuse Court Rehabilitation Program ( SCRCP ) was established by a DCJS grant in June 1972 to service the criminal part of Syracuse City Court. The program was designed to focus on the problem of recidivism in the Syracuse City Court, by establishing a meaningful program of counseling, job placement and vocational or academic training for participants.

Prior to SCRCP, there was no diversion program in Syracuse. A defendant charged with a minor crime in the City Court was left on his own devices before and after disposition of his case. Lack of education or vocational skills, inability to obtain work ( either through ignorance of how to apply or to prepare for it ) frequently left no other recourse to such persons except to resort to criminal activity. SCRCP was designed to fill this void.

SCRCP is divided in three parts: a) Human Services Unit ( counseling ); b) Vocational Services Unit ( job placement ) and c) Screening Unit ( intake ).

A. The Human Services Unit consists of a director and five representatives ( counselor-advocates ). The representatives have the responsibility to counsel and take charge of those participants who are assigned to them. A staff psychological consultant has been hired for the purposes of training the representatives in their counseling techniques. This is accomplished through unit meetings and individual meetings with the consultant on a weekly basis. Tape recordings of counseling sessions are reviewed by the consultant and discussed in detail with the representative in order to improve his technique\*.

\* Tapes are destroyed after such training use.

B. The Vocational Services Unit consists of three career developers whose responsibility is to develop jobs in the community. They also are chargeable with matching the skills of the individual with the employment that is available. In cases where the individual is without skills, the career developer places him in a vocational training program. The Vocational Services Unit is being advised and trained by the representatives of the Human Resources Development Institute ( HRDI ), an affiliate of the AFL-CIO Labor Council which has extensive experience in the area of job development and placement.

C. The Screening Unit consists of a screener whose duty is to appear daily in the Syracuse City Court to review the records of persons arrested the night before, to see if any of them are eligible for and willing to participate in the SCRP. The screener is also the liaison officer of SCRP to the Syracuse City Court.

During the first year of operation, SCRP focused its main attention on the Syracuse City Court. However, requests have been made by other agencies for SCRP assistance: The Director of the Jamesville Penitentiary asked SCRP to aid in structuring and administering the work release program. The South Forty Corporation\* requested that SCRP assist it in counseling and job placement of inmates released from State prison to return to the Syracuse area. As of December 1, 1973, over twenty-five ex-inmates had been referred to SCRP.

Because of these involvements, SCRP intends, during its second year, to direct its attention to the problem of inmate re-entry as well as to the unadjudicated defendants in Syracuse City Court.

\* South Forty Corporation is a Federally funded corporation which is involved in post-prison release at the Green Haven Correctional Institution.

The Department of Corrections estimates that over five hundred individuals are handled by parole officers in the Syracuse area. Over four hundred and fifty persons are understood to be under probation supervision in the Syracuse area. Due to the excessive caseloads of both probation and parole officers, they do not have the necessary time to devote to the evaluation and placement of their clients in suitable employment, which causes a serious problem in re-entry. The time and effort expended by both State officers and inmates, during their incarceration or probation relation, preparing themselves for resuming a place in society, will be lost, unless a coordinated program of counseling, evaluation and job placement is made available to them. On a limited basis, SCRP has handled these individuals upon request. During the second year of operation, SCRP intends to expand its role in this area\*.

In the area of job placement of ex-convicts, probationers, and disadvantaged persons charged with minor crimes, there are numerous agencies performing services of assistance to persons in a rehabilitation program. In April of 1973, SCRP and the Urban League called together the principal manpower and social service agencies in the Syracuse area to start sharing and cooperating in providing services for individuals involved in the criminal justice system. The group at the urging of SCRP, formed an association designated as the "Interagency Group", comprising over twenty-five agencies including parole, probation and the Regional Planning Board.

\* Liaison will be sought with other prisoner assistance or advocate groups such as the Attica BRIDGE ( Section II D6 of this Report ).

The formation and coordination of this group by SCRP allows unified action, sharing services, elimination of duplication and prompt action to better service all clients. The group shares common goals, and will greatly assist them to achieve those goals.

Another area of expansion under consideration is the town and village courts of Onondaga County. Due to personnel limitations, SCRP will have to be selective as to the courts it will be able to service. Representatives of SCRP are presently discussing the program with the local magistrates association.

Syracuse Court Rehabilitation Program

TABLE I  
Counselling Unit

<u>A. Court Assigned Clients</u>		210
1. Terminated		
a. Favorably ( successful completion of program )		108
b. Neutral ( request of client;refer other agency)		5
c. Unfavorable		
i) non-cooperation		36
ii) rearrest		<u>9</u>
		45
Total terminated		<u>158</u>
2. Still in project		42
Percentage of favorable terminations ( excluding neutral)		70.59%
<u>B. Non-Court Assigned Clients</u>		39
1. Terminated		
a. Favorably		7
b. Neutral		1
c. Unfavorable		
i) non-cooperation		12
ii) rearrest		<u>1</u>
Total terminated		<u>13</u>
		21
2. Still in project		18
Percentage of favorable terminations ( excluding neutral)		35.00%

Syracuse Court Rehabilitation Program

TABLE II  
Counselling Unit

Disposition of Criminal Charges, Favorably Terminated Clients

	<u>Dismissed</u>	<u>ACD</u>	<u>6 mo. Cond. Dischg.</u>	<u>12 mo. Cond. Dischg.</u>	<u>Fine</u>	<u>Prob.</u>	<u>Favorable Rec.*</u>	<u>Total</u>
A. Court-Assigned	7	8	20	48	5	17	3	108
B. Non-Court Assigned	2	0	2	0	0	0	0	4

\* A favorable recommendation regarding these clients was sent to the District Attorney. In one instance, a one-year sentence was imposed.

Further Arrests of Program Clients\*\*

		<u>Category Total</u>	<u>% Rearrested</u>
A. Court Assigned			
1. While in program	11	210	5.24
2. After favorable termination	4	108	3.70
3. After unfavorable termination	8	45	17.70
B. Non-Court Assigned			
1. While in program	1	39	2.56
2. After favorable termination	0	7	0.00
3. After unfavorable termination	3	13	23.08

\*\* Includes in category totals, those who were unfavorably terminated as a result of rearrests during the program. However Items A3 and B3 represent rearrests subsequent to the termination.

Syracuse Court Rehabilitation Program

TABLE III  
Vocational Services

<u>A. Court Assigned</u>	159
1. Terminated	
a. Favorably	82
b. Unfavorably	<u>31</u>
Total terminated	<u>113</u>
2. Still in program	<u>46</u>
a. Training program, student	36
b. Awaiting placement in training	5
c. Awaiting job placement	<u>5</u>
Total active	<u>46</u>
<u>B. Non-Court Assigned</u>	
1. Terminated	38
a. Favorably	12
b. Unfavorably	<u>8</u>
Total terminated	<u>20</u>
2. Still in program	<u>18</u>
a. Training program, student	4
b. Awaiting placement in training	5
c. Awaiting job placement	5
d. Services no longer required	<u>4</u>
Total active	<u>18</u>

Syracuse Court Rehabilitation Program

TABLE III, continued

C. Re-entry Clients ( Work Release or Ex-prisoners)	54
1. Terminated	
a. Favorably	22
b. Unfavorably	<u>0</u>
Total terminated	<u>22</u>
2. Still in program	<u>32</u>
a. Training program, student	14
b. Awaiting placement in training	<u>7</u>
c. Awaiting job placement	7
d. Services no longer required	<u>4</u>
Total active	<u>32</u>

TABLE IV  
SUMMARY

	<u>Active</u>	<u>Terminated</u>	<u>Await Placement</u>	<u>Service no longer required</u>	<u>Total</u>
A. Court Assigned	41	113	5	0	159
B. Non-Court Assigned	9	30	5	4	38
C. Re-entry	<u>21</u>	<u>22</u>	<u>7</u>	<u>4</u>	<u>54</u>
TOTAL	71	155	17	8	251

(5) Fourth Department Prisoner's Legal Assistance Program

An indigent person, convicted of a crime, has had little or no access to competent legal assistance in seeking post-conviction relief, or for problems relating to the condition of his confinement. Inmates, by constitutional right, have unlimited access to both state and federal courts. They exercise these rights by submitting petitions and writs which frequently impose a tremendous burden on the courts because they are ill prepared, repetitious or unmeritorious. The professionally prepared petition is the exception. Inmates who submit such petitions frequently have their requests rejected and consequently experience bitterness and frustration because of their ignorance of the process. This provides a fertile ground in which the jailhouse lawyer can practice. The jailhouse lawyer frequently poses a disciplinary problem to the institution as well as trading in incompetent advice, which does nothing to relieve the problems of the inmate; indeed it often times increases them.

Persons who are incarcerated very frequently suffer civil law problems as a result of that incarceration with respect to family matters, custody of children, divorces, and civil litigation concerning their personal and real property.

The Appellate Division, Fourth Department, in September 1972, received a grant to provide comprehensive legal services to prisoners confined in state and local correctional institutions within the Eighth District.

The Prisoner's Legal Assistance was subsequently funded for a second year ending September 30, 1974. The program sought to relieve the problems described above by rendering professional aid and advice to indigent inmates with respect to post-conviction remedies, inmate grievances and civil law problems.

The attorneys and investigators working on the program primarily address the problems of inmates confined to the Attica Correctional Facility, the Erie County Penitentiary and the Erie County Holding Center. The requests for assistance outside the Fourth Department are recorded and documented for possible expansion of the program to other correctional facilities. Where possible they are referred to other inmate legal programs for resolution.

The lawyers and investigators, after due consideration of all substantiated complaints, render legal advice to the inmates or direct their requests to the appropriate person or agency, handle the matter informally through discussion and negotiation with the appropriate persons and when necessary institute judicial proceedings.

Prisoner's Legal Assistance Program  
October 15, 1972-January 24, 1974

1. CIVIL

Includes matrimonial, custody and support,  
bankruptcy, deportation, etc. 182

2. CRIMINAL

Includes sentencing, coram nobis, habeas corpus,  
outstanding warrants, appeals, etc. 411

3. PRISON

Includes inmate grievances, disciplinary and other  
problems relating to institutionalization. 73

4. RELEASE FROM INSTITUTION

Includes parole violation or denials, probation  
violations, etc. 108

Total: 774

(6) The BRIDGE program, described in the Second Annual Report as a projected Fourth Department project, was funded on July 1, 1973 directly to a newly-formed corporation named Attica-BRIDGE, Inc. Despite this post-grant change in grantee, the Departmental and Eighth District offices have maintained contact with the program, assisting both in fiscal administration and liason with agencies and potential inmate sponsors.

As of the end of 1973, a total of 77 sponsors had been selected, trained and matched with inmates of Attica and Albion Correctional Facilities.\* Of those, only 21 inmates were still confined, 6 at Attica and 15 at Albion. Fifty-six (56) men were returned to the community, almost without exception with the on-going assistance of a concerned lay sponsor.

\* This figure does not include inmates involved in the pilot BRIDGE program prior to Federal funding by the Division.

(7) Monroe County Program for System Performance, Evaluation and Research  
( PROSPER )

A multi-user, comprehensive, automated information system for Monroe County has been under active consideration since early 1971. Once discussed under the name CROSS \*, the proposal was rewritten and submitted for funding through the Monroe County/Rochester Pilot Cities. Funding for the final systems study and implementation was approved in June 1973.

Emphasis will continue to be placed on economy of effort, non-duplication of existing systems and maximum interfaces with other systems.

\* Second Annual Report, page 69.

(8) Steuben County Felony Investigation and Office Administrator

This office recognizes the unique problems of the District Attorney servicing in rural counties. Although many of these counties contain small cities with considerable population concentration, the prosecutors are without the technical manpower and fiscal resources of their urban counterparts. In addition, all counties of less than 100,000 in population maintain part-time prosecution staffs, contributing further to the difficulties of administering effective and efficient offices.

A program was developed and funding obtained to provide an experienced felony investigator for the Steuben County District Attorney's office. Not only does this individual supplement the efforts of local police agencies, but he provides the specialization necessary for the presentation of sound prosecution cases.

The investigator has been directed to conduct training sessions for county police agencies. In addition, his full time status provides the District Attorney's office with greater continuity and efficiency in operation.

(9) Court Records Improvement and Security System I, (CRISS I)

During the past twelve months, significant changes have been made in the Rochester City Criminal Court records system. First, the physical layout of the office was radically changed to provide a secure records area. Traffic patterns were altered to permit servicing of inquiries and bail transactions without necessitating the entry of non-court personnel into the file section.

A thorough file review was then conducted to remove and destroy records no longer required by statute or by the function of the clerk's office. Some 75 drawers of outdated records were purged. Since Traffic Court has been superceded by the administrative procedures under the New York State Department of Motor Vehicles, traffic records were no longer maintained.

A survey of record retention and retrieval needs was made and a microfilm system was developed accordingly. Equipment was purchased under federal funding which provides the criminal court with the capability of micro-filming certain existing documents and all documents generated in the future which are to be retained. Reader/printers have been installed which provide automated retrieval of the microfilmed documents and which can produce a "hard copy" within seconds.

The introduction of microfilm technology permitted extensive revisions of the paper flow system. A single form now tracks and records the progress of each case from arraignment to disposition, serves as a face sheet for microfilm file and provides a checklist for the camera operator to insure that all documents pertaining to a case are properly microfilmed.

The microfilm system was designed to complement the PROSPER information system and avoids duplicating that project's services.

Court Records Improvement and Security System II, ( CRISS II )

The successful utilization of microfilm in CRISS I provided the impetus to install a similar system in the Monroe County Criminal Court area.

Four major criminal justice agencies were surveyed: District Attorney, Probation, Family Court and County Court Clerk. All four agencies shared the problems of volume and uncertain retrieval capability. Microfilming criteria have been established for each office indicating which documents should be retained, when they should be microfilmed and what format and index are to be used.

Microfilm hardware is currently on order and when installed, will give each office reader/printer capability. In the interest of economy ( since all four agencies are located in the same building ), a single, portable camera has been ordered for joint use.

As in the Rochester City Criminal Court project, CRISS II has been developed with the PROSPER automated system in mind.

(10) Volunteers in Partnership ( VIP )

The VIP program supplements the work of the Monroe County Family Court Probation Department by assigning volunteers to work on a one-to-one basis with various juveniles brought before the court.

The VIP program has been modest in scope to date. Program officials contacted this office seeking assistance in expanding the operation to meet the needs of the Family Court. An expanded program would require extensive recruitment and screening of volunteers, training by professionals and development of a residual training and administration capability.

Preliminary discussions were held with the Division of Criminal Justice Services and a draft federal funding application prepared. The proposal was then forwarded to the Monroe County Crime Control Coordinator who further developed the application and successfully obtained federal funds.

**CONTINUED**

**2 OF 3**

(11) Erie County District Attorney's Consumer Fraud Bureau

In April 1973, the Erie County District Attorney implemented a Consumer Fraud Bureau which was funded for one year at \$54,344.00, with a staff of one assistant district attorney and an investigator. The purpose was to investigate and prosecute criminal fraud.

One major investigation concerned fraudulent automobile liability insurance claims, resulting in convictions of fifteen defendants. This investigation was conducted with assistance from the Insurance Crime Prevention Institute which assigned a full-time investigator to the Consumer Fraud Bureau. Since medical doctors are involved to some extent in the preparation of these frauds the N.Y.S. Department of Education, Division of Professional Conduct, is also participating in the investigation. The investigation is also focusing on attorneys and insurance adjusters. The investigation indicates that at least \$100,000 has been paid to claimants in actions presently being investigated, which have resulted in the indictments to date.

Many of the complaints presented to the District Attorney's office are entirely civil. The Consumer Fraud Bureau renders valuable service to the consumers by forwarding a legitimate complaint to the appropriate agency; e.g., Small Claims Court, City Division of Licenses, Social Services Department, etc.

During the first nine months 178 investigations have been opened. Some of the recent investigations concern frauds arising out of the energy crisis ( i.e., deceptive advertising concerning the sale of gasoline ). The bureau has become a member of the National District Attorneys Association Economic Crime Project, a national committee of fifteen metropolitan District Attorney offices that has received a \$500,000 grant from L.E.A.A. to expand investigation and prosecution

of economic crimes. The Bureau was awarded a separate \$15,000 grant through the National District Attorneys Association to address economic crimes. The grant was accepted by the Erie County Legislature on January 2, 1974, and will permit the hiring of an additional confidential investigator.

The Bureau has also become a member of the Consumer Affairs Clearing House, an organization of law enforcement agencies that meet monthly to discuss problems confronting the Western New York consumer.

Liaison has also been established with the Consumer Fraud Division of the office of the New York State Attorney General, the Buffalo Division of Licenses and Permits, fraud bureaus of the local police agencies including the New York State Police, the United States Customs Bureau, the United States Postal Inspection office, the Federal Trade Commission, the Niagara Frontier Builders Association, the Erie County Division of Weights and Measures, the National Office of Consumer Affairs, the New York State Consumer Protection Board, and the Internal Revenue Service.

### Buffalo City Court Computerized Information System

The Buffalo City Court, through the City Comptroller's Data Processing section, implemented an on-line video display terminal network in the Buffalo City Court enabling court personnel to retrieve and update data on any criminal case. The Eighth District Coordinator supplied some assistance in the design of the system.

A number of reports are prepared on a daily, weekly or an as-needed basis. A backlog summary is prepared daily for each of the twelve judges to reflect in chronological sequence his pending caseload. It is further categorized by the present status of each case; for example, defendants awaiting hearings, set for trial, or awaiting sentencing.

On a weekly basis the backlog summary is supplied to each judge reflecting much of the personal and court data surrounding each of his cases. It shows the charges; defense counsel; date, time and place of arrest; all proceedings to date, including all adjournments and against whom the adjournments are charged. It further contains the names, addresses and telephone numbers of complainants and witnesses.

On a daily basis each judge is supplied with the cases scheduled for that day in his part. On a weekly basis each judge is supplied with a calendar reflecting all the cases scheduled for the forthcoming week.

The central filing office of the court is ( as its name implied ) the source of all the data on the cases pending in the Buffalo City Court.

It is there that citizens, defense counsel, police officers, prosecutors and public defenders seek information concerning the status of open or closed cases. To facilitate the retrieval of this information, there is an alphabetical defendant index showing each open case and indicating the status of the case. It also contains all cases that were closed within the preceding month.

An attorney backlog report is prepared and distributed on a weekly basis, alphabetically arranged by attorney's name and showing all the cases pending for each attorney. It reflects the next appearance date on each case listed.

One of the management information reports is a summary of the activity for the year to date categorizing by offense the total input of the court. It indicates the number of cases that were finally disposed of and in what manner, as well as those cases that are awaiting disposition. This provides the court with a monthly review. On a monthly basis a report is generated that permits the Chief Clerk to prepare Judicial Conference reports. Also on a monthly basis is a report prepared listing all cases that were closed during that month, and the date and manner of disposition. This alphabetical listing by defendant is furnished to the Erie County Central Police Services Department for its use in updating arrest records.

### PART III --Planning and Implementation Capabilities

The shift from project-specific to general involvement in criminal justice was clearly evident in 1973. The Safe Streets projects provided the impetus and the foundation for numerous changes needing little or no added funding. Some of these activities, together with a description of some proposals for funding, appear in this section.

#### A. Staff Development and Activities

1. The Coordinators Project.-General The most significant development in the Fourth Department Coordinators or planning staff not mentioned elsewhere in this report was the addition of four persons: a Seventh District Coordinator, an Appellate Division Systems Specialist\* and secretary, and a Deputy Eighth District Coordinator. This brings the total staff to twelve and affords a considerable planning, monitoring and problem solving capability to both State and Departmental judicial administration. Some examples of the general involvement of the coordinator-planners not relating to particular projects or problems are collected here.

##### (a) EIGHTH DISTRICT (i) Deputy District Coordinator.

The Division of Criminal Justice Services some time ago approved the creation of a Deputy Eighth District Coordinator of Crime Control Projects. It is anticipated that on February 7, 1974, the candidate who has already been approved will commence employment. One of the tasks of the deputy will be to assist the Administrative Judges in the Eighth District as has the District Coordinator.

\*. Report in Part III, A-3

There is now a considerable need for this staff assistance since the District Administrative Judge is also the Administrative Judge for the emergency dangerous drug program in the Fourth Department.

Filling this position will permit both the District Coordinator and the Deputy to participate more fully in the administration of criminal courts in the district. The Deputy's tasks will also include assisting the coordinator in initiating, implementing, monitoring and reporting on court-related projects funded with Safe Streets funds.

(ii) Chautauqua Criminal Justice Task Force

The Chautauqua County Legislature in May of 1973, created by local resolution a task force to address the system of criminal justice in that county and determine how it could be improved. The Eighth District Coordinator participated in securing the necessary technical assistance so that the task force could examine the courts, the police and the public defender's office with respect to modernizing the criminal justice system.

(iii) Town and Village Court Clerks Seminar

The Eighth Judicial District Town and Village Court Clerks Association and representatives of the city courts in the District, being desirous of organizing a conference for the training of the court clerks in the district, contacted the District Coordinator. The American Academy of Judicial Education is currently participating in the preparation of an application for such a conference to be conducted either in the Eighth District or throughout the Fourth Department. The conference would be to educate the clerks with regard to matters concerning traffic, criminal procedure, calendar management, civil procedure, New York State Department of Audit and Control forms, Judicial Conference reports, Department of Correctional Service reports, etc.

(iv) Central Police Services. The Eighth District Coordinator was in close contact with the Erie County Department of Central Police Services in preparation of an application for funding for software to take over the District Attorney and the Buffalo City Court computer programs. This liaison was assumed by the Appellate Division Systems Specialist.

(v) Youth Together for Tomorrow, Inc. This local group submitted a proposal for a delinquency prevention program. Although not court-related, the District Coordinator undertook the task of seeing that the proposal was properly submitted through proper channels to the Division of Criminal Justice Services.

(vi) Commissioner of Jurors. The Eighth District Coordinator, together with his counterparts, initiated a series of meetings of the Jury Commissioners of the three largest counties. The Commissioners discussed coordination of efforts to secure amendments to the Judiciary Law, use of data processing technology and techniques of broadening the selection base.

(vii) Accusatory instruments manual. Many of the accusatory instruments prepared by the Buffalo Police Department are allegedly insufficient on their face according to complaints of various court personnel. Therefore, attempts have been made to prepare an accusatory instruments manual which could be used by the Buffalo Police Department and the town and village courts. The problem peculiar to the latter is that there is seldom any person or agency designated to prepare accusatory instruments regarding citizen complaints. An excellent vehicle for the accusatory instruments manual would be the Central Police Booking Project soon to be instituted by the Buffalo Police Department.

(viii) Appearance tickets. With the assistance of the Eighth District Coordinator, the Erie County Bar Association Prisoner Release Program, Inc., conducted an experiment to determine the feasibility of an expansion of the use of appearance tickets in various Buffalo precincts.

(ix) Town Court trials. When it was found that one of the busiest town courts in Erie County was scheduling jury trials eight months into the future, a survey was done and a report made to the district administrative judge. This resulted in recommendations for improvements being sent by letter to the town judges, the supervisor and members of the town board.

(x) Narcotics part. The first Erie County emergency drug part was established in November 1973. The coordinator assisted in establishing the calendar for that part.

(b) FIFTH DISTRICT (i) General functions. The coordinator is constantly contacted by various departments of local government and citizen groups for advice on ways to secure funding for criminal justice projects. He is a member of the Board of Directors of the Criminal Justice Action Committee ( CJAC ), a local non-profit corporation that focuses on all aspects of criminal justice in Onondaga County. This Board represents a cross-section of the community.

The Syracuse Court Rehabilitation Program was established under the auspices of CJAC. They are now considering an extension of pre-trial release, work release programs for area correctional facilities and a program for the counseling and job placement of area parolees.

The Coordinator works closely with the Supreme Court Administrative Justice and the Criminal Administrative Judge for the Fifth District, to keep them regularly advised of the status of the various criminal courts in the district, and to assist in implementing new programs, practices and procedures.

(ii) Criminal calendar monitoring. The Fifth District Coordinator monitors the major county and city court criminal calendars in the district. He has established a monthly reporting system in Onondaga and Oneida County Courts ( the two metropolitan counties in the District ). From these reports he is able to anticipate problems before they become serious and report them to the District Criminal Administrative Judge so that corrective action may be taken.

The Coordinator has instituted a manual monthly reporting system in the Utica City Court so that the judges will have a better idea of the status of their criminal cases. With the monthly report ( instead of the prior annual report ) the Utica City Court Judges can now focus their attention on the older cases. This system, coupled with the continuous trial term, has been instrumental in reducing the average disposition time in Utica City Court.

(iii) Utica City Court-Criminal Part. Prior to March 1, 1973, the Utica City Court, Criminal Part, was experiencing a severe problem with its criminal trial calendars. For a considerable time the criminal jury trial calendars had comprised between 85 and 90 cases for trial each month. That represented approximately fifty percent of the pending cases.

During that time the court had designated one week each month to try those cases. Due to the restrictive trial terms the Court averaged two jury trials per term, and disposed of an average of four additional cases by plea. A survey of trial

calendars for one year prior to March 1, 1973, indicated that it took approximately 10-11 months for a case to reach the top of the trial calendar.

To remedy this situation meetings were conducted by Richard J. Cardamone, resident Associate Justice of the Appellate Division, Fourth Department, with the Utica City Court Judges, Oneida County District Attorney and the Fifth District Coordinator. After several meetings, it was agreed that the Utica City Court Rules should be amended to expand the jury trial terms. The rules were amended by the Appellate Division, Fourth Department, to provide for four week trial terms each month.

The extended trial terms have had dramatic results. After eight months, the number of cases appearing on the jury trial calendars has been reduced to an average of 25 cases ( both criminal and traffic jury trials ). The rate of disposition of cases on the trial calendar has averaged about forty percent. The delay in reaching a case for trial has been reduced from the above-mentioned 10-11 months to approximately four months and it is anticipated that the delay will be further reduced in the near future.

The total number of pending cases has been reduced by 37%. The Utica City Court Judges and the Oneida County District Attorney are in agreement that the continuous trial term has been a substantial factor in achieving these results. Experience clearly indicates that where speedy trials cannot be had, criminal caseloads increase markedly. Criminal defense attorneys take advantage of such situations, since time is a factor in their favor.

UTICA CITY COURT  
CRIMINAL CASES - DAYS PENDING

	<u>*1-60</u>	<u>60-90</u>	<u>90-120</u>	<u>120-150</u>	<u>150-180</u>	<u>180-210</u>	<u>Over 210</u>	<u>TOTAL</u>
11-1-72	68	23	12	16	3	17	35	(174)
**2-1-73	74	13	19	5	4	9	33	(159)
2-1-74	86	8	5	5	7	2	7	(122)

	<u>11-1-72</u>	<u>2-1-73</u>	<u>2-1-74</u>
1-60	39%	47%	71%
60-90	13%	7%	7%
90-120	7%	12%	4%
120-150	9%	4%	4%
150-180	2%	3%	6%
180-210	10%	6%	2%
Over 210	20%	21%	6%

\*Days outstanding computed from date of arraignment.

\*\*Period just prior to installation of continuous trial term.

(c) SEVENTH DISTRICT (i) Prosecutors Seminar. This office organized a "small office" district attorney seminar for the Third and Fourth Judicial Departments on office management techniques. Recognizing that rural counties with small, part-time staffs usually do not have the administrative resources of urban counties, it was felt that a training session devoted to the problems of the small office would be particularly useful.

(ii) Family Court Juvenile Case Screener. Upon review of the past twelve months, this office endorsed the request of Monroe County to continue the Family Court Screener program for another year. Originally restricted to representing the Rochester Police Department in petitions brought before Family Court, the project was transferred at the suggestion of this office to Monroe County and now services all county police agencies. Two experienced attorneys now screen all delinquency matters and facilitate the timely disposition of these matters. The backlog due to faulty petitions and processing has thus been virtually eliminated.\*

(iii) Yates County Probation Youth Worker. At the request of Yates County Court authorities, a preliminary application for federal funds was developed and referred to the Genesee-Finger Lakes Regional Crime Control Coordinator. This proposal would create a youth worker for the Probation Department.

\* See Part IB of this Report.

## 2) Fifth District Family Court Executive

This report summarizes the activities of the Office of the Family Court Executive, Fifth Judicial District, for the calendar year 1973.

Initially, appointment of a Family Court Executive was limited to Onondaga County, as the needs of the family court there appeared to be more critical. As of October 1, 1972 this appointment was expanded to the Fifth Judicial District. However, due to the initial emphasis on Onondaga County's Family Court, and its needs for extensive and wide-ranging reorganization, the major portion of this report deals with activities in that county. During the latter portion of 1973, similar activities have been commenced in Oneida County and will be described later in this report.

### ONONDAGA COUNTY

1973 has been a year in which many of the efforts addressed to the problems of the Onondaga County Family Court have begun to bear fruit. Most of the basic administrative problems have been resolved and perhaps more important is the fact that community attitudes toward the family court have changed dramatically and are beginning to provide a climate in which the needs of the court are recognized and constructive action is being undertaken to assist the court.

Turning first to matters of internal administration, the single most important change effected in 1973 was the institution of a new system of calendar practice in adult parts of court on January 15, 1973.

Under this system, new petitions are assigned to one of the three adult parts of court, to remain in that part until disposition and to return to that part in the event some subsequent supplementary proceeding is brought.

The judge of each part is furnished with a copy of his part's calendar for the succeeding six weeks, and through reference to this calendar in court, can control the adjournment of his cases and the utilization of his court sessions. Except for the three month period during which he is assigned to the juvenile part of court, or periods of vacation or illness, he is the only judge who will hear matters assigned to his part. This enables cases for the most part to be followed by one judge from inception to

disposition and allows that judge to become familiar with the issues and the parties.

It is interesting to note that while in October 1971 the average elapsed time from the filing of a petition to the date of the first court appearance was 32.7 days and in May 1972 was 21.2 days, under this new system the court is regularly scheduling routine adult matters from five to fourteen days after receipt of the petition.

Exhibit A-1 and A-2, attached hereto, reflect the monthly totals of all petitions filed compared to dispositions. The wide variations between petitions and dispositions demonstrated in the 1972 chart have been greatly reduced in 1973, indicating that the functions of the court are now more responsive to the workload placed upon it. Exhibits A-3 through A-14 portray the numbers of petitions filed and the dispositions thereof during 1973 in all of the major categories of cases which are handled by the court.

Emergency matters are able to be scheduled almost immediately and the processing of new petitions is routinized in such a way that the movements of files in and out of the central files is markedly reduced and the confusion resulting from the large volume of file traffic has been eliminated.

In addition, Mr. John Rooney's efforts in the Enforcement Unit of the Probation Department have resulted in a reduction of 2176 violation petitions, while at the same time collections of support payments have increased \$393,443 over 1972, as seen in attached Exhibit B. There has been some increase in the number of petitions for modification filed with the court, but the volume of new adult matters continues at about the same rate, and the dramatic reduction in violation petitions has provided relief from the flood of petitions which threatened at one time to engulf the court.

Improvement of the court's public relations and the development of a more favorable climate for the court in the community are two of the principal areas of progress during 1973.

Attached as Exhibits C-1 and C-2 are a copy of a news story, a copy of an editorial, and my letters in response thereto, which appeared in the local press.

Additionally, I was invited to participate in a television program on July 15, 1973 dealing with the prevention of child abuse. A copy of the news release reporting this program is attached as Exhibit C-3. While the time slot allocated to the program was not conducive to a large audience, a surprising amount of

favorable comment was received. The thrust of the dialogue was positive, and the remarks of the other participants placed the court in a favorable light.

On Sunday, November 11, 1973, I was invited to speak to a group at the First Presbyterian Church. This group, incidentally, included Mr. Willis Sargent, Chairman of the Ways and Means Committee of the County Legislature. Exhibit C-4 is a copy of a letter of appreciation resulting from this talk and I think emphasizes the importance of bringing information about the court to members of the public.

Membership on the Board of Directors of the Child and Family Service provides an important link with community leaders who are active and concerned in the area of family problems. This contact, as well as membership on the Citizens' Committee for Family Court and the Child Abuse Technical Advisory Committee, provide channels of communication which enable this office to provide information concerning the court's accomplishments, while at the same time receiving valid criticisms and suggestions for further improvements.

In particular, the Citizens' Committee for Family Court has proved to be an exceptionally effective instrument in gaining the cooperation of the community and of the leaders of the local government in dealing with matters affecting the court. Exhibit C-5 is a copy of an editorial concerning the construction of a new detention facility for the county and points out the major role played by the Citizens' Committee for Family Court in the planning of a new structure.

The same kind of assistance was furnished by this committee in the making of plans for expansion of the space allocated to the family court. These plans will be implemented upon completion of construction of the new County Office Building, approximately two years hence. Although not ideal, the new floor plan will enable the court to have four all purpose parts and eliminate the present rotation of judges in and out of a juvenile part of court. In addition, the greatly expanded floor space will provide more suitable quarters for all functions of the court.

The Citizens' Committee is also actively engaged in seeking permanent funding for the Child Abuse Coordinator Program in Onondaga County. Although this program has been minimally funded by the United Way to date, it has attracted considerable attention in the State and elsewhere in the country as an effective means in attempting to rehabilitate families involved in cases of child abuse. In part through the efforts of the Citizens' Committee for Family Court it now appears probable that the program will be continued and expanded on a more stable basis of funding. Accomplishment of this by a group of concerned citizens will

result in an expansion of dispositional alternative available to the court.

The improved spirit of cooperation with the court extends to other departments of county government. The Department of Social Services and the Probation Department have both been very cooperative in helping to deal with the problems of the Family Court. Mr. Philip C. Pinsky, former Chief Welfare Attorney of the Department of Social Services has worked diligently with this office and others to implement administrative programs which are a benefit to the court. For example, all paternity petitions instituted by the Commissioner of the Department of Social Services are now prepared by the Legal Division of the department, rather than by court personnel. A system is being devised whereby the changing of support orders from payment to the petitioner to payment to the Department of Social Services and back again will be eliminated, thereby reducing substantially the number of data processing transactions which have to be processed by the court. As previously noted in this report, the Enforcement Unit of the Probation Department has substantially reduced the number of violation petitions filed with the court, while at the same time increasing the amount of support payments received.

Unfortunately, Mr. Pinsky resigned his position as Chief Welfare Attorney on January 11, 1974 to rejoin the staff of Senate Majority Leader Warren Anderson. However, in leaving, he was kind enough to point to the cooperation between his office and the family court as evidenced by Exhibit C-7, a copy of a news story concerning his resignation.

Exhibit C-8 is a copy of a letter from Mr. John Rooney, Supervisor of Enforcement, which points up the excellent relationship which exists between the Enforcement Bureau and the family court.

It is not intended to convey the impression that all of the problems of the Onondaga County Family Court have been solved. Substantial progress has been achieved but a number of problems remains to be solved. One of these problems involves the development of a more accurate system of compiling the court's statistics. We believe this to be a problem affecting all Family Courts in major population centers. The JC 108 form on which statistics are reported to the Judicial Conference has been in use for many years and the totals of pending cases reflect an accumulation of statistical errors which have occurred over this period.

For example, the JC 108 from Onondaga County for August 1973 reflects a pending total of 2,739 adult matters. However, a physical count of cases appearing on the court calendars at that time would total little more than half this amount. Even after adding in the number of cases pending on the held calendar (now the General Docket), there is a very substantial statistical difference. The JC 108 does not truly reflect the operating condition of the court.

It is believed that a large part of this problem results from confusion concerning what action taken by the court is considered a disposition of the case and what constitutes an intermediate order not resulting in final disposition. For example, when this office first commenced working with the Onondaga County Family Court, the issuance of a warrant by the court was considered a final disposition. Confusion has existed also in the recording of dispositions of uniform support matters, particularly where the petitioner resides in Onondaga County and the respondent in a foreign county or state.

The present system of collection of this data is not satisfactory, but at the present we have not designed a practical way of improving it. However, it is suggested as a general matter, that clear uniform instructions be prepared and furnished to all family courts in the State setting forth in detail all actions of the court which constitute a final disposition of each type of proceeding and that exploration be made for the purpose of designing a program which would enable the pending figures on the JC 108 reports to be corrected and furnish a more accurate picture of the condition of the court. Even use of electronic data processing will not solve this problem unless a means is devised to insure that the information input is uniform and accurate.

In a somewhat different category, there is a problem of attempting to maintain a uniform and cohesive policy in a multi-judge court. Criticism of any particular individual is not intended. However, the maintenance of a uniform approach to the myriad of problems presented to family court among four judges of differing philosophies and personalities is essentially an impossible task. The need for the judiciary to function independently is obvious, but this independence is sometimes exercised in a manner which produces administrative problems. There is probably no solution which would be satisfactory to both judges and administrators, but it is a problem which warrants recognition.

One other problem involving the judges concerns cases submitted for decision for a period of more than sixty days. While quarterly reports of these cases are required, it has been found that these reports are not in all cases completely accurate. Therefore, we have instructed each of the court stenographers to submit to the Chief Clerk once each month a report of all cases on which the stenographer took notes in which decision was reserved by the judge. These reports on the form which is attached hereto as Exhibit D, are collected by the Chief Clerk and a master list maintained. This master list can then be checked periodically to determine whether the cases reported have been decided or whether they are in fact more than 60 days past the time when decision was reserved. This information will provide a check against the quarterly reports which are submitted and any problem involving late decisions can be identified before it becomes critical.

In the area of future plans and developments, in addition to those concerning the expansion of the court's space and facilities, the

County Legislature in the course of its budget deliberations for the calendar year 1974 has approved the institution of a system which will be a type of public defender. It is our understanding that two attorneys from the Hiscock Legal Aid Society will be assigned to Family Court to accept all assignments to represent indigent parties in the court. As part of the same program three attorneys will be assigned to City Court for representation of criminal defendants there. This program is expected to become effective on or about March 1, 1974.

This office is in the process of developing a Clerical Procedures Manual for Onondaga County Family Court. To accomplish this, we have asked each member of the administrative staff to write out a step by step description of each duty or function he or she performs. This is now complete and we intend to use this as the basis for drafting a procedural manual which will set forth in detail the duties of each employee of the court.

The advantages of this in training new personnel and providing temporary replacement of personnel during vacation or illness are obvious. By reference to the manual, we hope to make it possible for a relatively inexperienced employee to perform the necessary functions of a position with a minimum of training. This manual, when completed will be in loose-leaf form so that amendment pages can easily be prepared to replace current ones when procedural changes are required.

We are now embarking upon a program which represents one more major change in the administrative functions of the court. At the present time only the support orders of the court and the payments made through the Support Bureau are processed through the data processing equipment of the County. Even this minimal operation is unsatisfactory in many respects and needs improvement. Mr. Bert DiPaola, Jr., Systems Specialist with the Fourth Judicial Department, recently visited Syracuse. We reviewed in some detail the operations of the Family Court, including the processing of support orders through data processing, and I outlined to Mr. DiPaola our hopes for converting other functions of the court to data processing at some future date.

With the information thus obtained, and some additional statistical information which we have furnished him, Mr. DiPaola is in the process of evaluating the court's needs in relation to the capabilities of the County computer system. Upon completion of this study, he will make certain recommendations to this office which we will in turn transmit to the Director of Data Processing in order to determine whether a better and more comprehensive system can be developed for the court's use. This is, of course, a long range program, but with Mr. DiPaola's assistance and the expertise which he brings to the problem, we feel sure that we will be able to make substantial progress in this area.

In summation, it is a pleasure to be able to report that the Onondaga County Family Court is clerically and administratively

equipped to function with a reasonable degree of efficiency and to process its cases in a timely fashion. It is able to deal with emergencies in an appropriate manner and its staffing and space requirements are being met. It enjoys an improved rapport with the community and other governmental departments and its public image has been improved. To this extent, I believe that the first phases of the reorganization of the court have been successfully completed.

#### ONEIDA COUNTY

As the second largest metropolitan county in the Fifth Judicial District, it was felt that the next efforts should be directed toward improving the functions of the family court of this county.

Until October 1973, the Family Court of Oneida County, with a population of approximately 275,000 had been operated with only one Family Court Judge. Compounding this, court is held in both Utica and Rome. The unfortunate result of this over-burdening has been similar to that encountered in Onondaga County, i.e. a back-logging of cases so that it required 35-40 days to schedule a court appearance, and a lack of administrative organization so that employees are over-burdened and inefficiently utilized.

With the appointment of a second Family Court Judge for the County, there has been an improvement to the extent that first appearances of cases are now being scheduled within three to four weeks for the most part. However, there have been delays in hiring personnel to replace those who have retired or resigned and to fill the positions authorized by the County Legislature in conjunction with the appointment of a second Family Court Judge.

As recently as January 24, 1974 there were three clerical vacancies out of a total court clerical staff of ten employees. JC 74's to fill these vacancies were submitted to the Judicial Conference on January 17, 1974, but even if these appointments are approved, it will be several weeks before the new employees can be trained sufficiently to be effective.

Until the full staff is available, it is felt that it would be useless to attempt to institute a revision of the administrative practices of the court. However, in anticipation of the filling of existing vacancies, the workloads of Oneida County were tabulated for comparison with those of Onondaga County. Exhibits E-1 and E-2 are attached hereto and show the workloads for Oneida County for 1972 and the first nine months of 1973. Unfortunately the JC 108's for November and December 1973 had not been prepared as of January 25, 1974, so complete statistics for 1973 are not yet available.

A survey of the volume of new petitions filed in this court in 1972 and in 1973 through September 30th indicates that with the addition of a second Family Court Judge and with increases in the clerical staff which are contemplated, the workloads per judge and per employee will be below those of Onondaga County at the present time. However, a purely statistical comparison of the two counties is not entirely valid due to local conditions which affect the operation of the court.

For example, holding terms of court in both Rome and Utica divides the work force available and creates problems of travel and communication. Additionally, unlike Onondaga County a large portion of the petitions presented to the court are prepared by court personnel whereas a very small percentage of petitions in Onondaga County are thus prepared.

In any event, a calendar system patterned on that now in operation in Onondaga County has been prepared. Flow charts of the proposed operation in Utica and Rome have been prepared and furnished to the Family Court Judges and to the Family Court Clerk. Copies of these charts are attached hereto as Exhibits F-1 and F-2. The proposed systemization should improve clerical efficiency and ultimately reduce individual workloads. The system was designed after a number of conferences with Judges Pomilio and Balio and Mrs. Gmyr and so far as I am aware, meets with their approval.

I have gone over in some detail with Mrs. Gmyr the supplies and forms which will be required to institute this new procedure. The use of the master calendar has been explained and the importance of file centralization and file control has been emphasized. It is contemplated that two meetings will be held with the clerical employees of the court, at which time the new system will be explained to them, and their specific duties in connection therewith outlined.

It had been hoped that it would be possible to install a system which would provide centralized calendar and statistical control in the Utica Family Court office, relieving the personnel in Rome of much of the detail work with which they are involved. However, due to the distance involved between the two courts it was decided that such an arrangement is not practical at the present time.

Initially, it had been decided to install the new system on January 1, 1974, but it now appears that it will be at least March 1, 1974 before the necessary changes can be made.

One other incident of note concerning Oneida County regards a seminar on developing a community child abuse plan which was held on December 4, 1973 at Utica College. Exhibits G-1 and G-2 are the announcement of the seminar and a letter from Miss Margaret Luddy thanking me for participating as a member of the panel. The interest exhibited by the group of about 75 persons who attended seems to be a symptom of a very healthy interest

and concern about the problems of child abuse in Oneida County. Among those who attended were Assemblyman Nicholas J. Calogero of the 116th Assembly District and Commissioner Michael J. McGuire of the Department of Social Services of Oneida County, as well as large numbers of social workers from the area.

To sum up the situation in Oneida County, the family court is in need of better organization, the personnel necessary to implement this should be available in the near future, plans have already been formulated to commence the necessary changes, and the volume of cases presented to the court is well within reasonable workloads and should pose no serious problem once the reorganization is effected. In addition, although there are unusual local problems and the County is at an earlier stage of development, there is indication that the same type of community involvement and participation as has been experienced in Onondaga County can be developed through proper informational and public relations programs.

#### GENERAL

On October 26, 1973 a Law Guardian Seminar for all law guardians in the Fifth Judicial District was held at Drumlins Country Club in Syracuse, New York.

Fifty-six persons attended this seminar, which was sponsored jointly by the Judicial Conference and the Syracuse University College of Law.

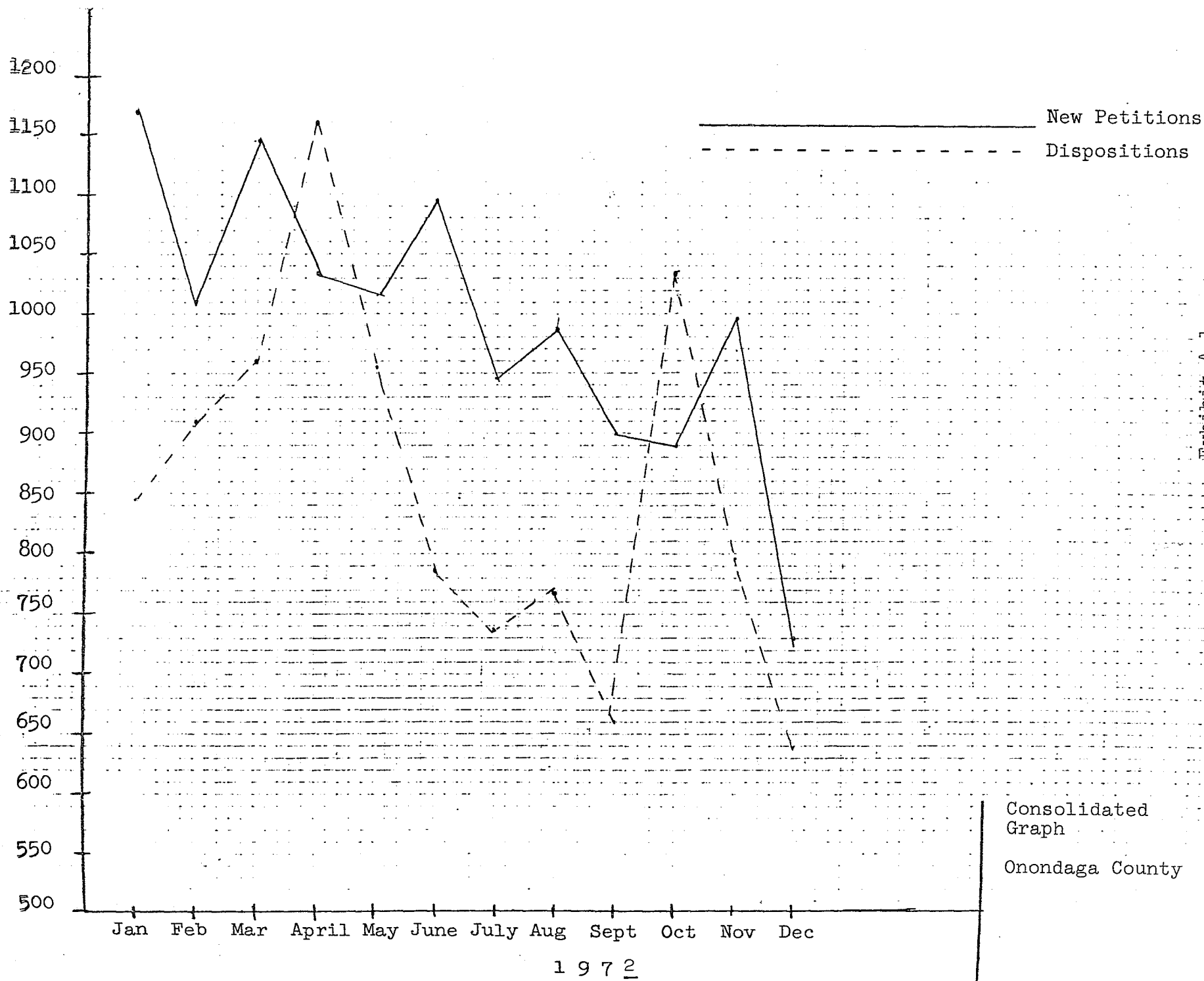
Speakers included Cody B. Bartlett, Esq., Director of Administration, Fourth Judicial Department; Dean John Beach, Dean, College of Law, Syracuse University; Ms. Myla Green, Supervisor, Probation Department, Onondaga County; Frank Harrigan, Esq., Supervisor, Childrens Protective Agency, Onondaga County; William G. O'Brien, Esq., Family Court Executive, Fifth Judicial District; Mario E. Occhialino, Esq., Professor, College of Law, Syracuse University; Philip C. Pinsky, Esq., Chief Welfare Attorney, Department of Social Services, Onondaga County; and John J. Ray, Esq., Deputy Director of Administration, Fourth Judicial Department.

A copy of the program which sets forth the topics covered at the seminar is attached as exhibit H-1.

The program was well received and it is felt that this type of educational effort should be continued so that the quality of representation of juveniles in family courts may be improved.

Respectfully submitted,

William G. O'Brien  
Family Court Executive  
Fifth Judicial District



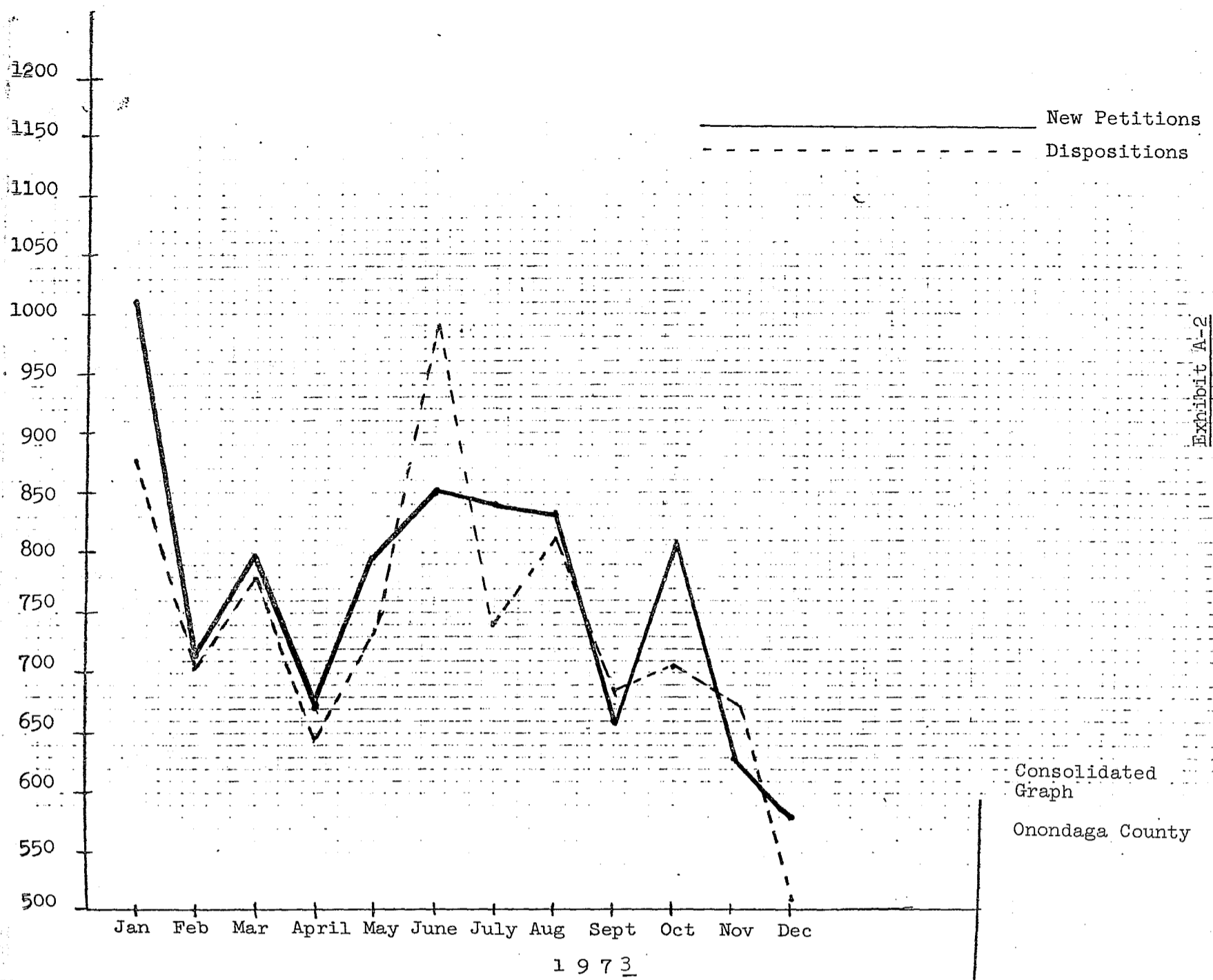
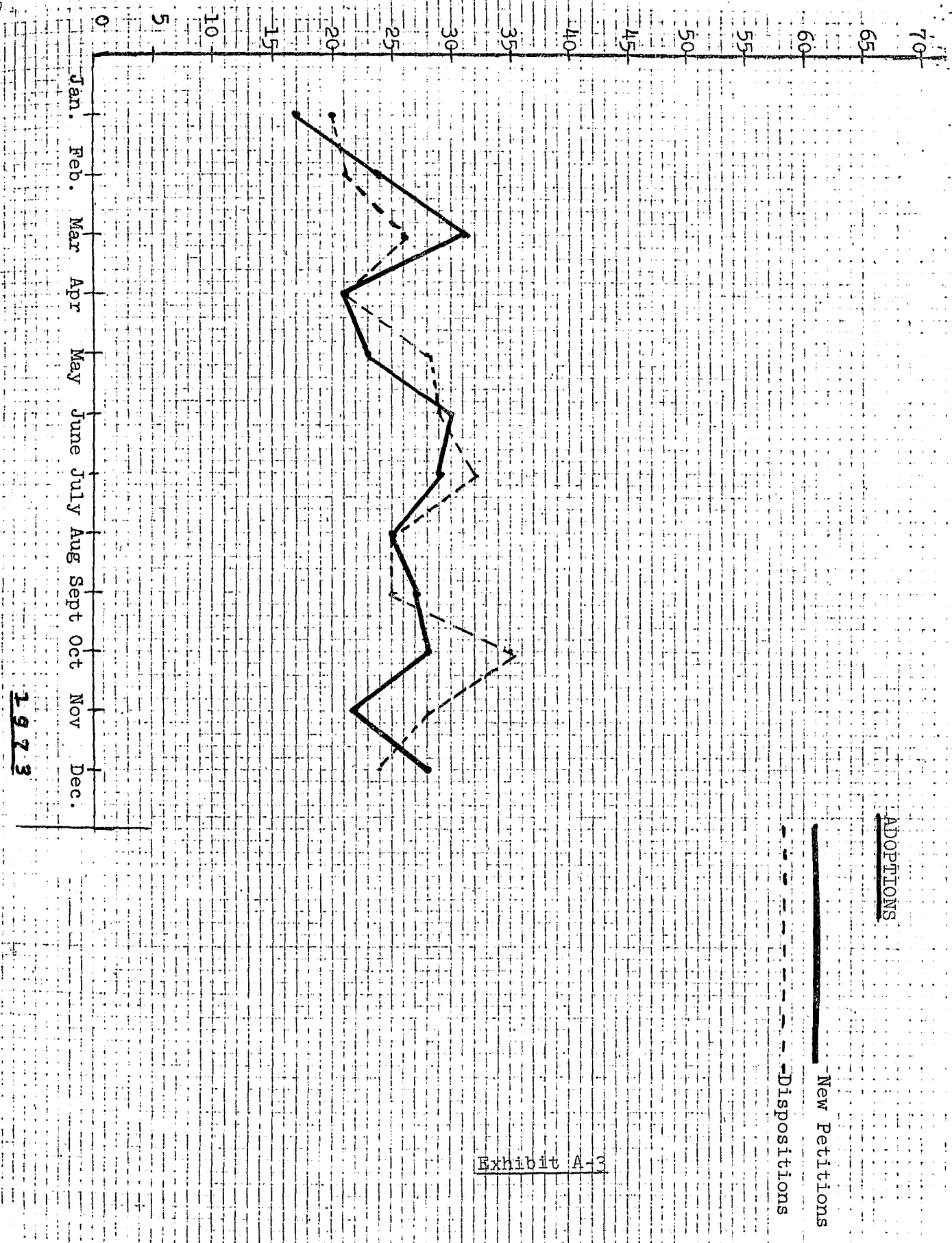


Exhibit A-2

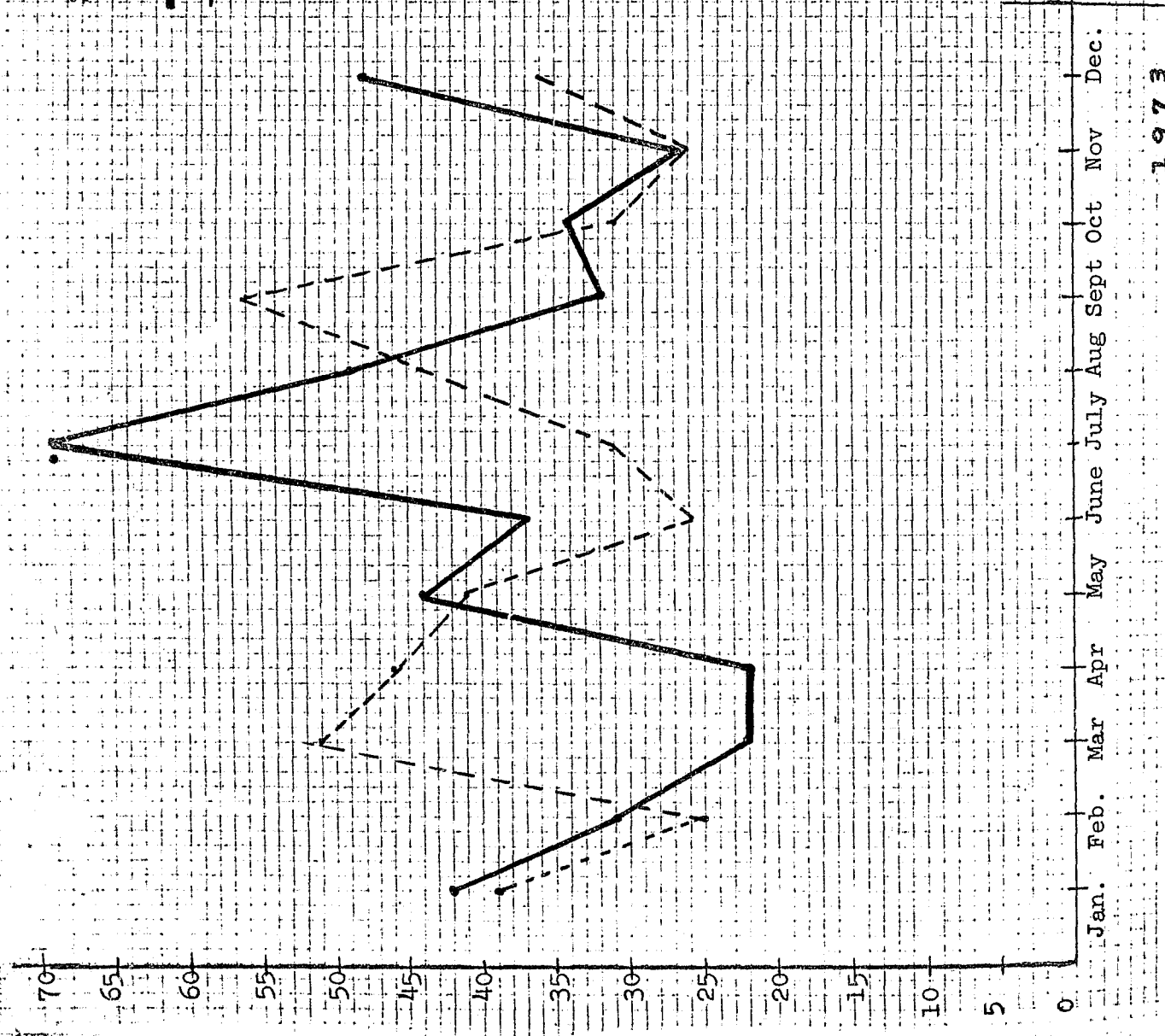


JUVENILE DELINQUENT

New Petitions

Dispositions

Exhibit A-4



1973

SUPPORT

New Petitions  
Dispositions

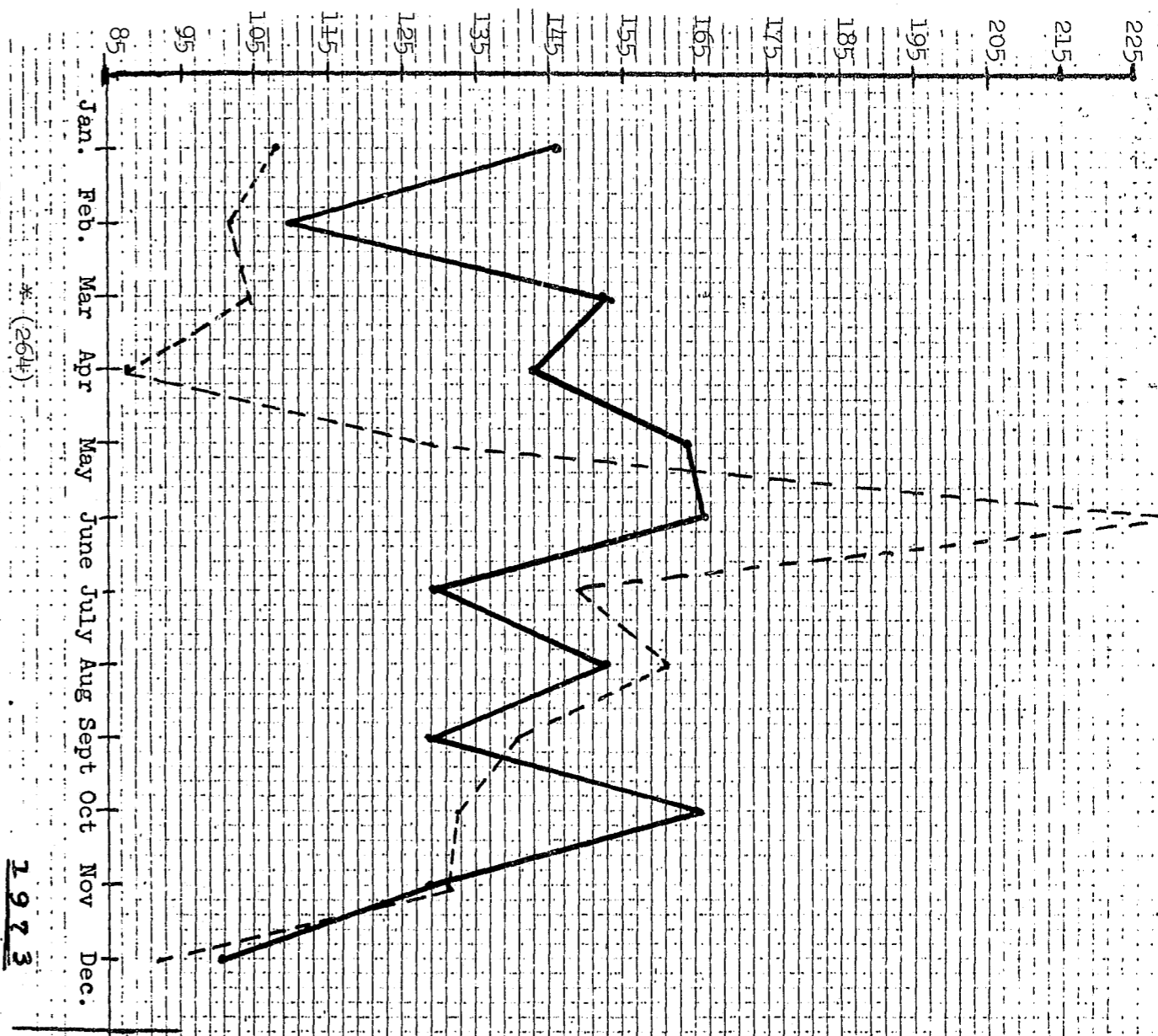
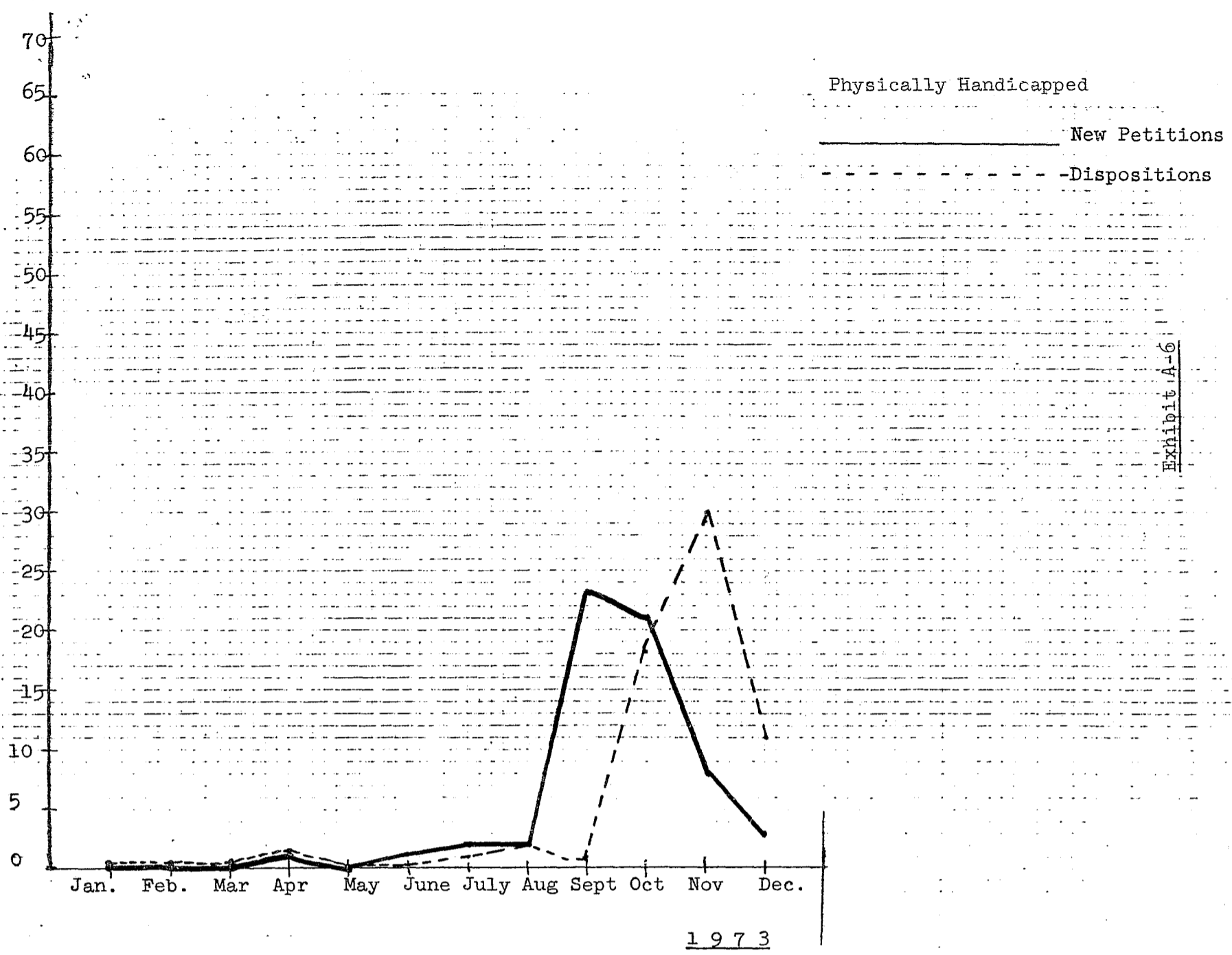


Exhibit A-5

Physically Handicapped



FOSTER CARE REVIEW

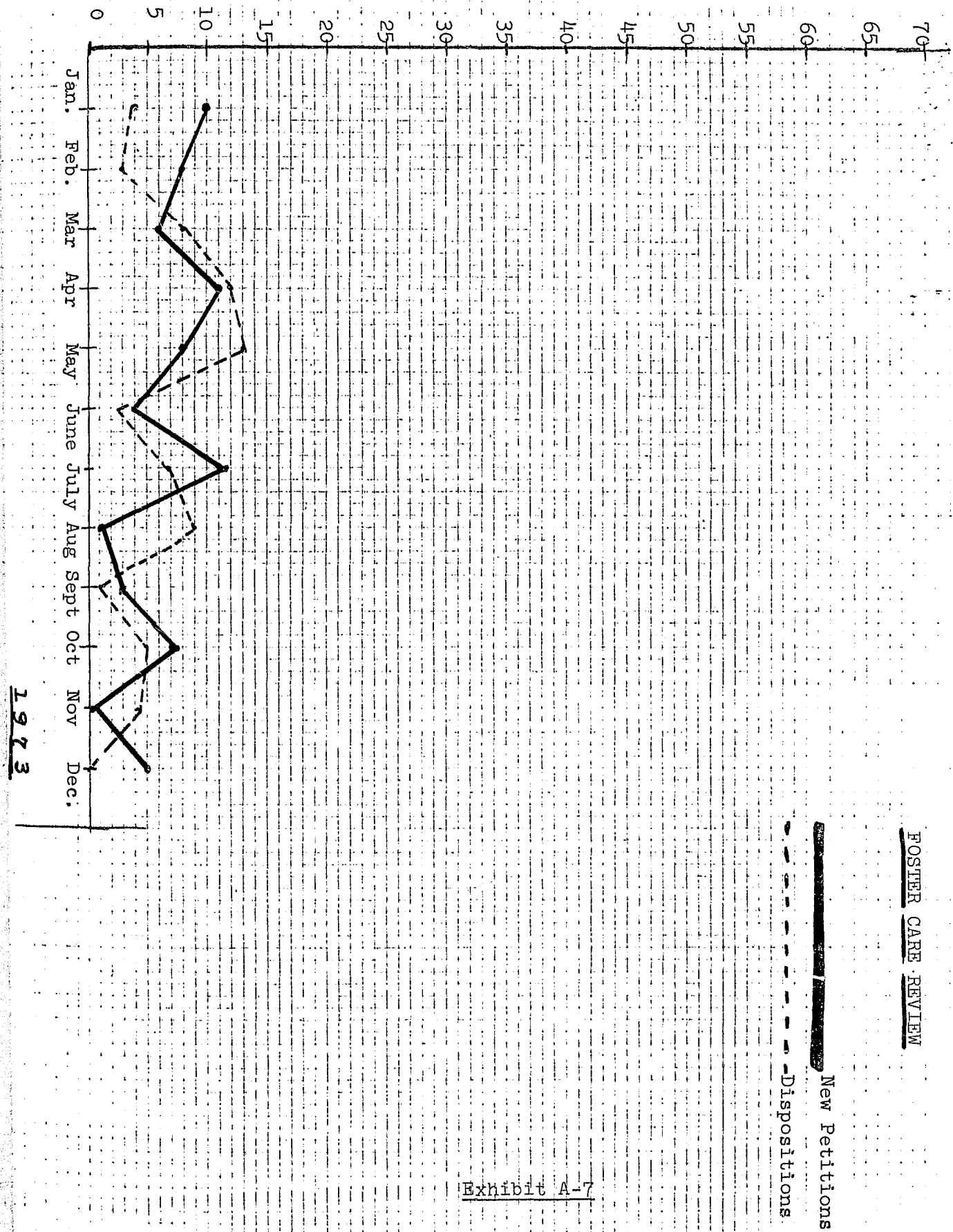
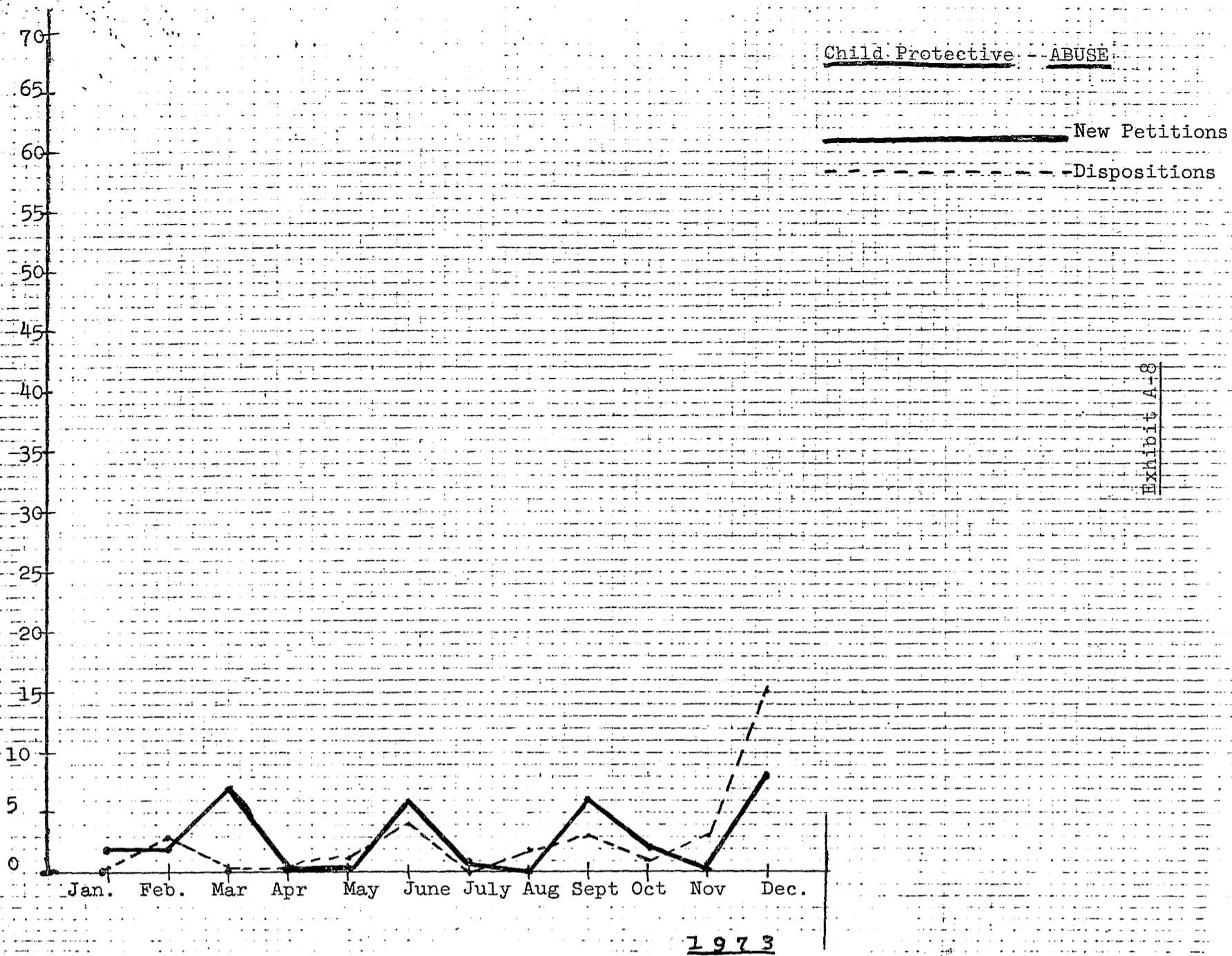
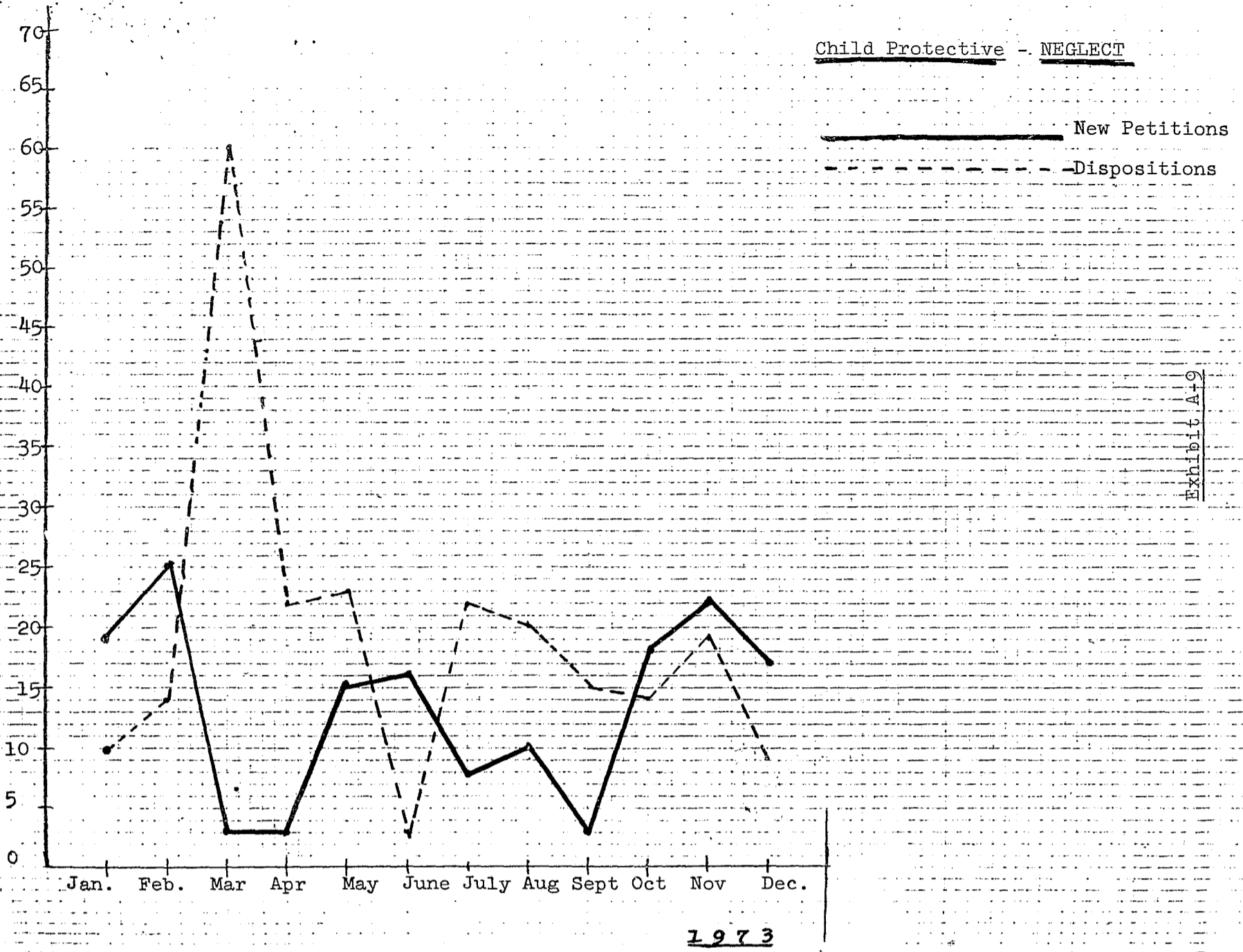


Exhibit A-7





FAMILY OFFENSE

New Petitions  
Dispositions

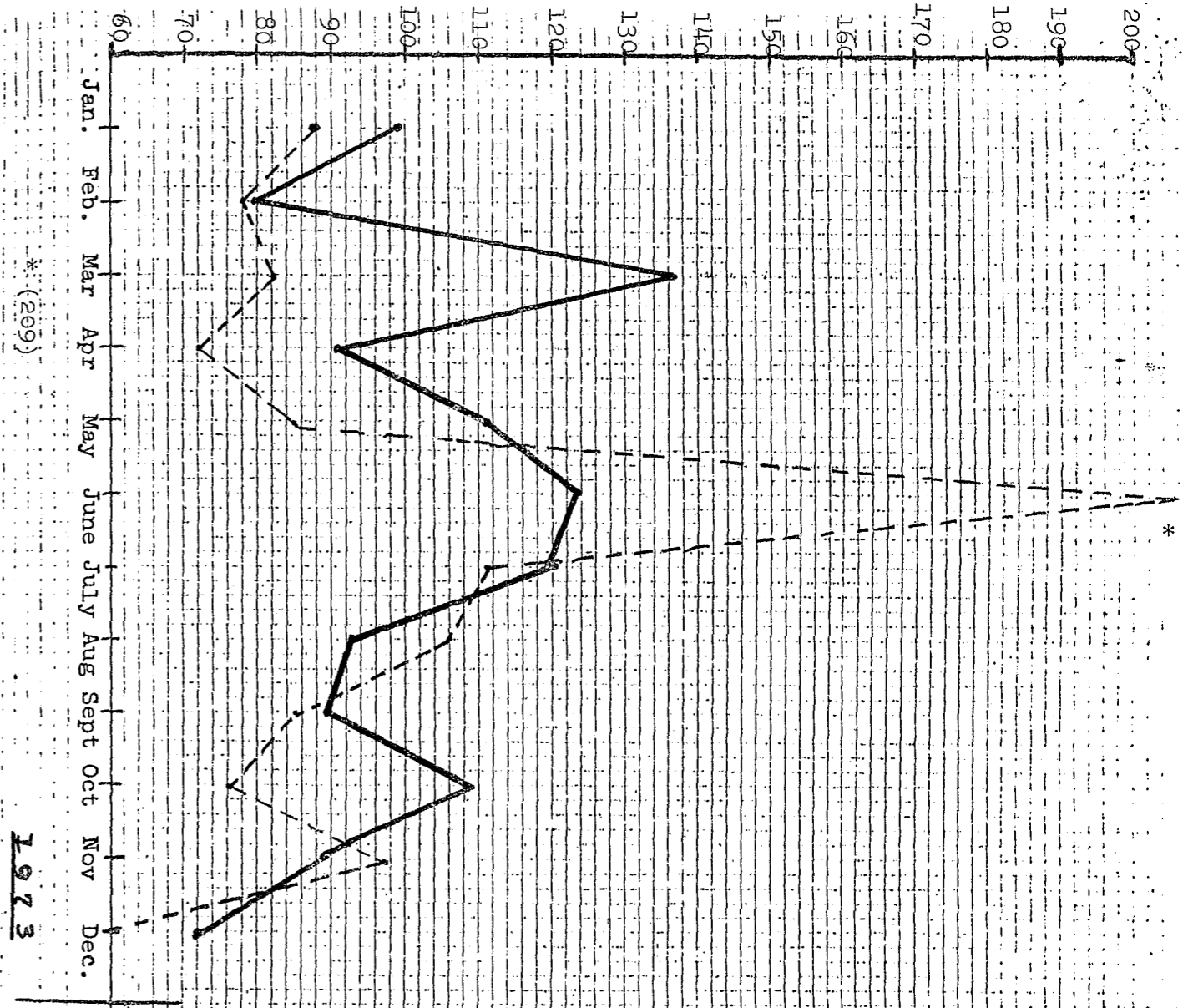
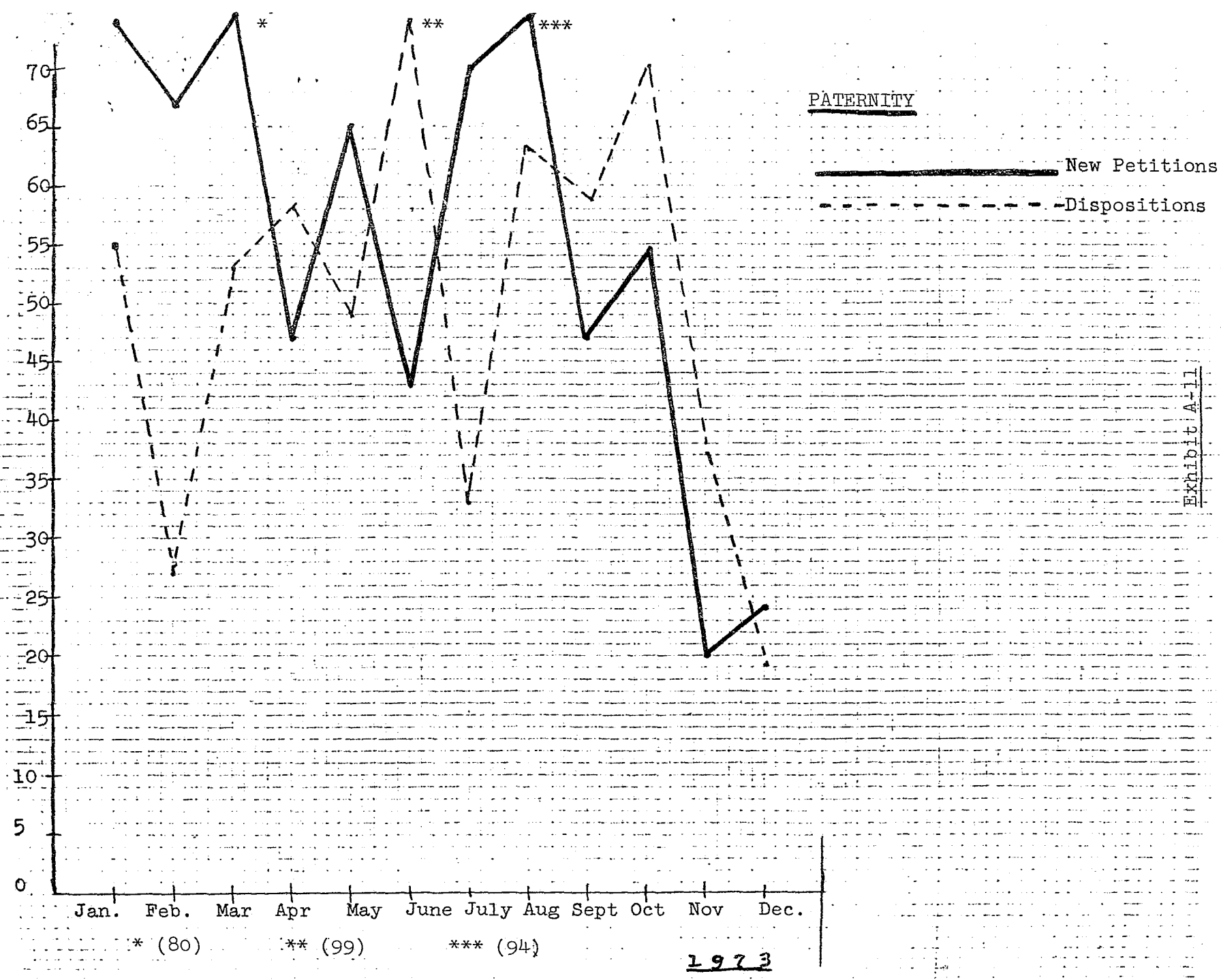
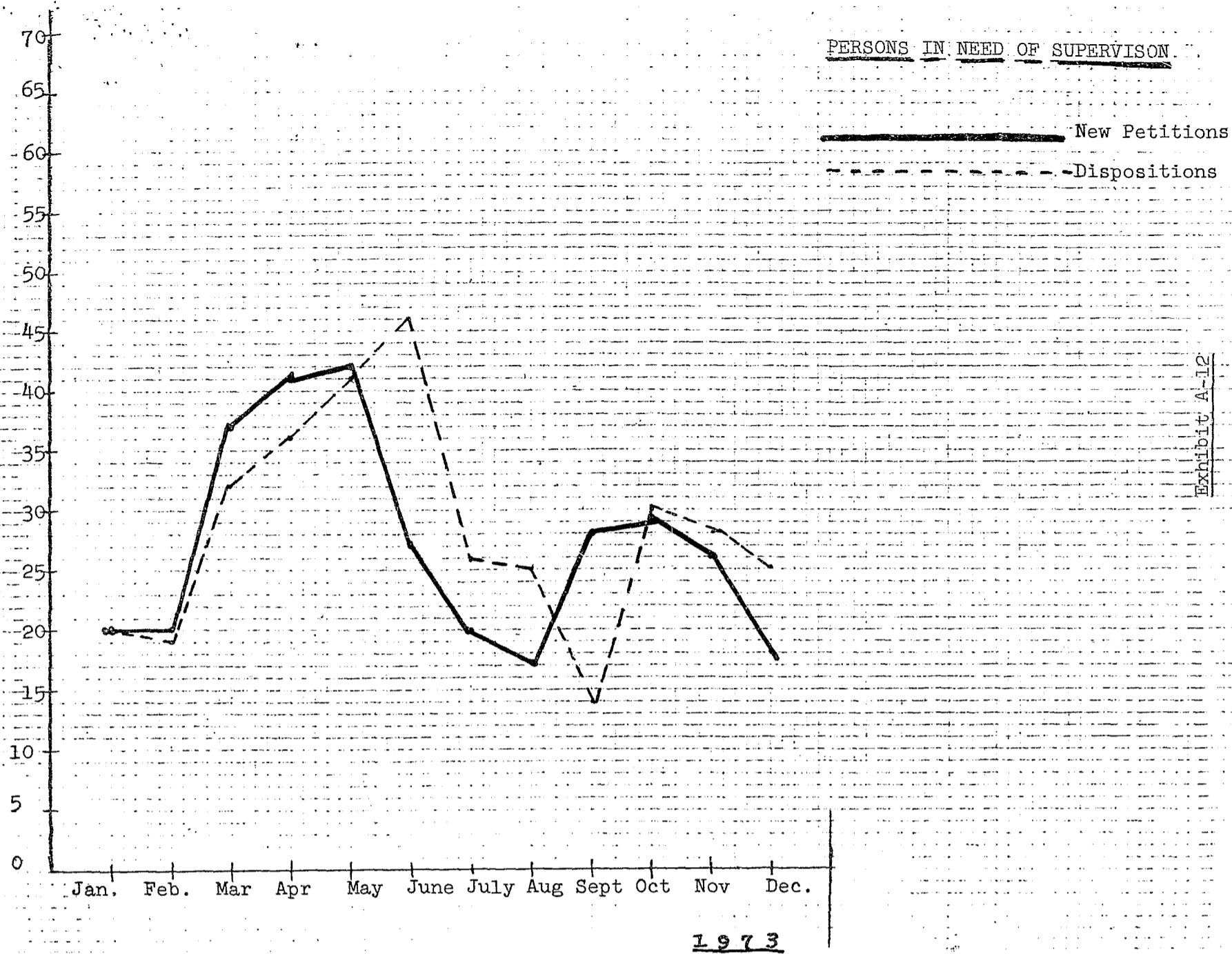
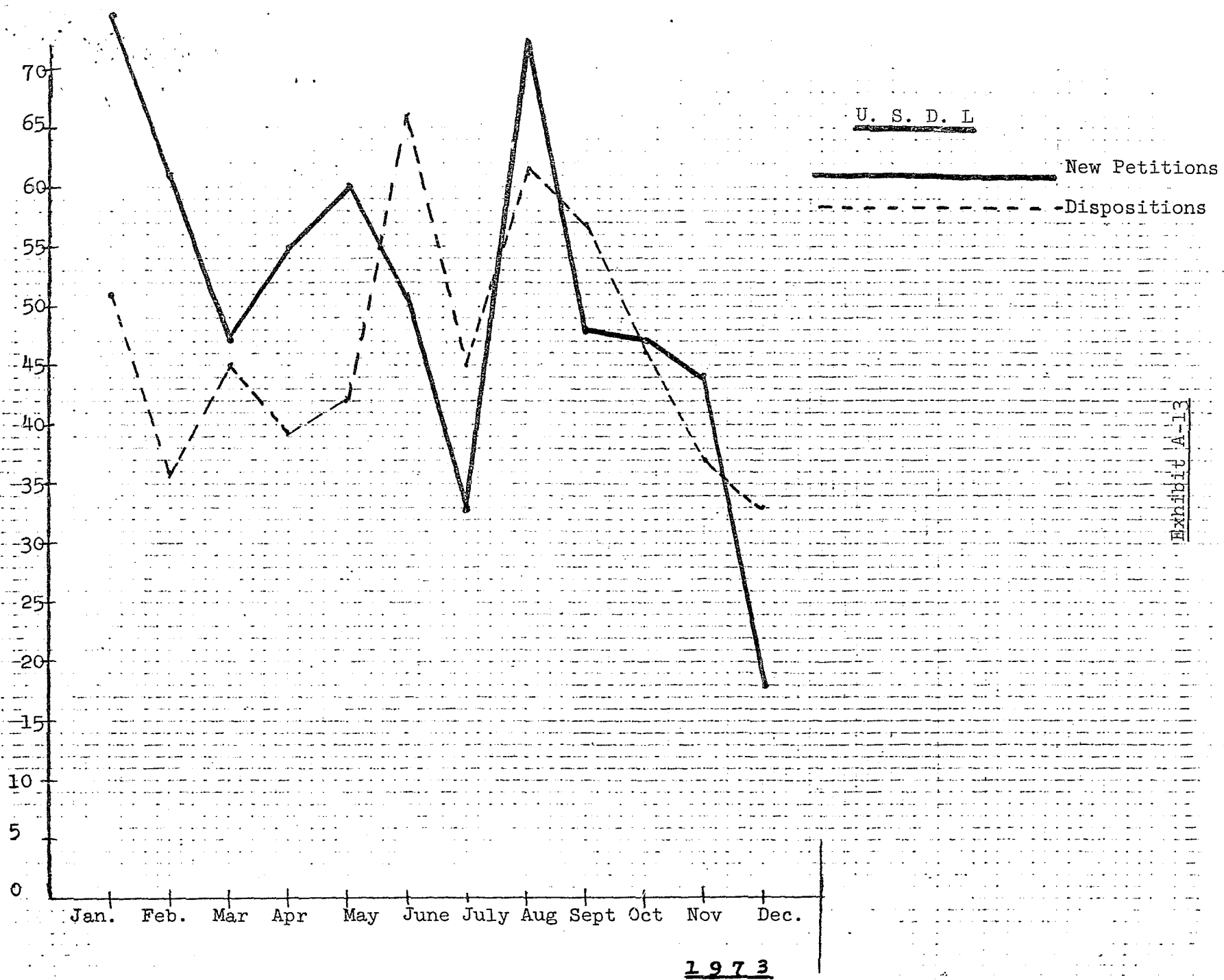


Exhibit A-10



PERSONS IN NEED OF SUPERVISION





SUPPLEMENTARY PROCEEDINGS

New Petitions

Dispositions

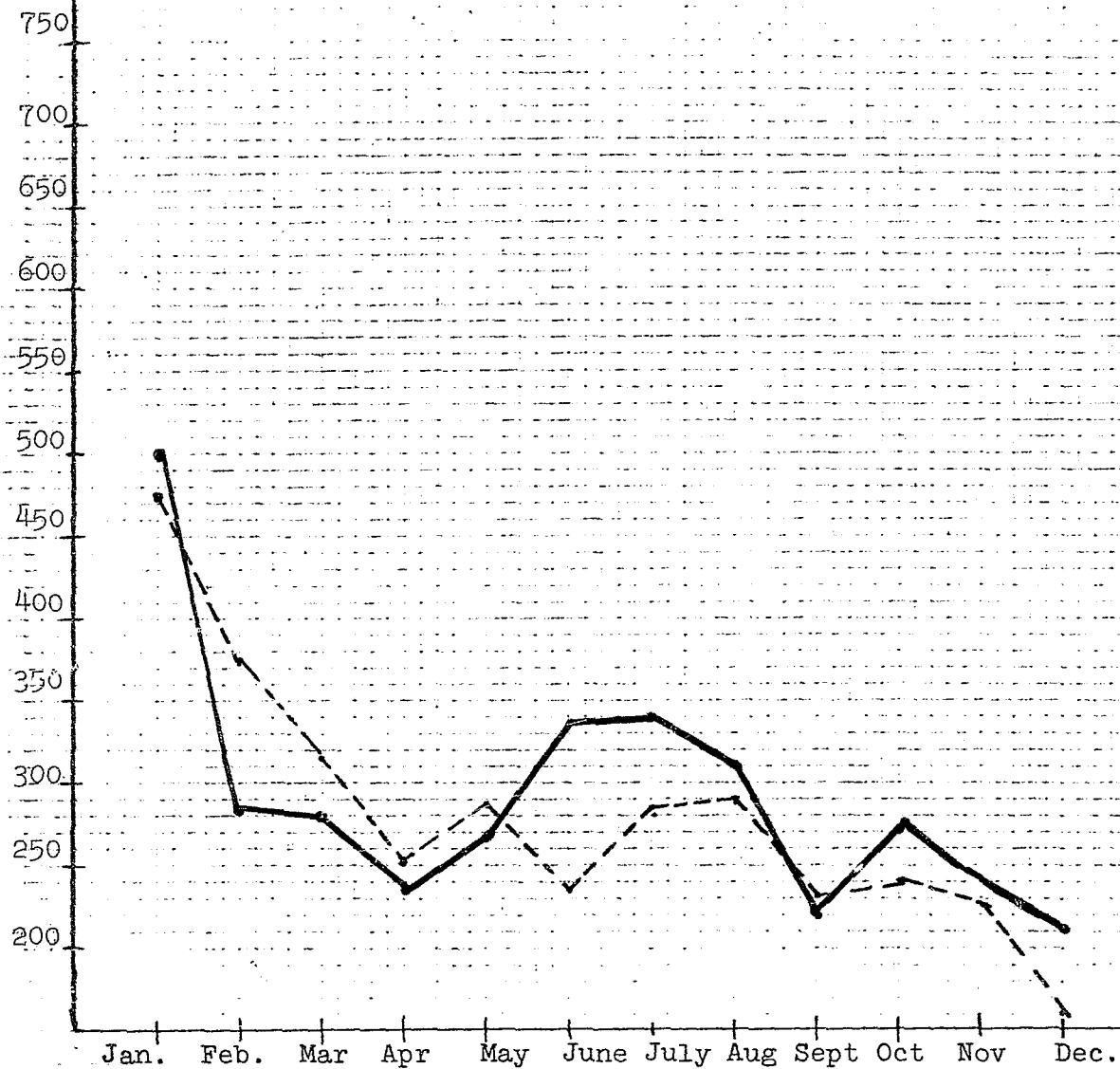
1973

Exhibit A-14



INTER-OFFICE LETTER

Staff

FROM Jack Kooney DATE 1/7/74

OFFICE Enforcement

SUBJECT Annual Report

I submit pertinent statistics for the year 1973 which will constitute the base of an annual report to be filed with Mr. Edwin H. Herrmann, Assistant Director not later than 1/17/74 and subsequently incorporated in the Probation Department report submitted by the Director to County Executive, John H. Mulroy.

The objective set by this unit is "through better screening, adjust non support cases without the need for court action". This was done on the premise that it is imperative to conserve the time and efforts of Family Court Judges and hopefully to increase collections through the direct contact of Enforcement Officers and Respondents.

Here are the results compared with the preceeding year:

1. "Total Cases" processed increased from 4636 to 9314.
2. "Screening" increased by 1153 cases with a total of 3605.
3. "Violations" were reduced by 2176 in number with a total of only 875 for the entire year. This also reflected a saving to the county of \$43,520.00 in processing costs.
4. "Collections" were increased by 393,443 for a total of 5,058,165.00.
5. "Adjusted Cases" increased by 4436 -- total handled 5909.
6. "Visits to Office" increased by 1776 -- total 3079.
7. "Outgoing Letters" increased by 2588 -- total 3131.
8. "Incoming Letters" increased by 586 -- total 992.
9. "Modifications" assigned to this office on 7/23/73 totaled 419 at the end of the year.

Thank you for a job well done!!

cc Messrs. McIntyre, Herrmann  
cc Mrs. Marilyn Pinsky

RECEIVED

JAN 09 1974

FAMILY COURT EXECUTIVE  
JUDICIAL DISTRICT

EXHIBIT B

## O'Brien tells family court improvements

BY BILL JEROME

The time lag between the filing of the average adult case in Onondaga County Family Court and the date of its first court appearance has been reduced from 32.7 days in 1971 to no more than 14 days at present.

That finding is among administrative improvements reported by William G. O'Brien, family court executive for the Fifth Judicial District, in a recent interview.

O'Brien, appointed to streamline the running of family court following a study prompted by the Kip Henson case in 1970, said the court now is "working like a pretty good watch."

### Counter Bad Reports

Since the Henson case, judges and other court officials seldom have spoken out to counter what they privately describe as "always hear-

look in \$1,545,568, and in 1972  
it collected \$4,664,773.

O'Brien also outlined changes in scheduling cases and simplifying filing procedures. Such revisions have been implemented even though, he said, "the court isn't like a factory, and can't be shut down to change the machinery."

To help eliminate crowded halls and waiting rooms, morning court sessions have been split into two blocks:

9:30 and 10:45 a.m. The administrator said this measure, while "equalizing the load on the court," has saved time for persons who are to appear in court, and also has aided judges and lawyers in adjusting their schedules.

Another change  
the setting up of a  
centralized filing system,  
which he said has simplified  
traffic of the court's consid-  
erable paperwork.

ing about the bad things the court does, but never hearing about the good things."

While choosing not to take issue with the often critical stories news media have reported concerning various matters before the court, O'Brien summarized changes in court administration in the past two years, and outlined some of the problems.

In naming O'Brien, Presiding Justice Harry D. Goldman of the State Supreme Court Appellate Division, Fourth Department, said the administrator's duties "will include applying modern business techniques to all aspects of the family court and may extend to restructuring or reorienting the court if necessary to make it more responsive to current needs."

"Current needs," translated into statistics, has meant the tripling of the court's workload in the past decade,

That revision has helped bring about the time-lag reduction mentioned earlier. 4

O'Brien said the "average adult case" can be scheduled even faster than the 14-day period now in effect, but that would not be productive since the court must allow time for mailing of court papers.

As for problems existing, O'Brien first spoke of the "lack of public understanding of the function of family court."

### Depends on Community

Since "the court has no services of its own to offer, it has to depend on the services the community offers to the court," he said.

"Many times," he continued, "a parent will come into court with his child and tell the judge, 'Take care of this kid' or 'Do something, I don't care what.' "

That attitude, O'Brien said, places the burden of responsibility solely on the court, as

O'Brien reported. In that time, the size of the family court staff has only doubled, he said.

In 1963, with two judges and 19 administrative personnel, the court handled 3,779 petitions of all types. In 1972, with four judges and 37 administrative personnel, the court handled 12,024 petitions, O'Brien said.

### Projection 9,500 Petitions

For this year, O'Brien is projecting a total of about 9,500 petitions, a drop which he said has resulted from better screening of cases. In particular, he said, the county probation department "has been trying to adjust non-support cases without the need for court action."

Some idea of the rise in the number of support cases alone is seen in the amount of funds collected by the support bureau on family court order, he added. In 1963, the bureau

the parent often ignores the possibility that "the solution that's available won't cure the situation or that there's not an ideal solution."

Another difficulty local court officials face is that "the layout of space just isn't efficient," O'Brien said.

Because of the lack of waiting room space in the County Courthouse, adult and juvenile respondents cannot be isolated from one another. So one of the four judges holds a juvenile-only part of court, with the three-month assignment rotating among all four judges during the year.

Family court will gain space on the first floor of the courthouse after the new county Civic Center has been completed, O'Brien said. The new arrangement will allow separate adult and child waiting rooms, so that each judge can conduct an all-purpose part throughout the year, he said.

# Family Court Improves

The Onondaga County Family Court has made tremendous gains in the years since the various investigations of its operations prompted by the child abuse death of a North Syracuse boy in 1970. Those investigations resulted several administrative horror stories.

But now, William G. O'Brien, Family Court Executive for the Fifth Judicial District, can point with pride to several administrative improvements. Most notable was a reduction in the time lag from the filing of case to the date of the first court appearance.

O'Brien said that was 32.7 days in 1971 and no more than 14 days now. And it could be done even faster but the court would outstrip its supporting services such as the mailing of court papers.

Better screening of potential cases has reduced the avalanche of cases that clogged the court calendar and a better, central filing system has improved the handling of routine records.

And when the new County Office Building and Civic Center complex opens in 1975, the Family Court will be able to expand its overcrowded Courthouse offices which will allow for more flexible scheduling of cases.

The result should be an even greater improvement in the court's operation.

Onondaga Family Court still has its problems, although many can be blamed on the types of cases that are handled, but it is refreshing to see what was a bad situation improving.

A reserved "well done" is due all.

SYRACUSE POST-STANDARD, Jan. 2, 1974

EXHIBIT C-1

SYRACUSE HERALD-JOURNAL, Dec. 26, 1973

## Family Court Strengthened

To the Editor:

I want to thank you for your editorial comment about improvements in the Onondaga County Family Court (Jan. 2). Much remains to be accomplished, but I feel at this point that the personnel of the court and of all the departments and agencies, public and private, who work with the court, deserve recognition for the improvements which have been brought about through their efforts.

This progress could not have been achieved without the whole-hearted cooperation of many interested and dedicated people. The County Executive, the County Legislature, the Department of Social Services, the Probation Department, the County Attorney's Office and the members of the Citizen's Committee for the Family Court all have played and continue to play important roles in the betterment of the court. Many persons in the private sector of the county have given freely of their time and effort to assist in improving the court's operations.

To all who have joined in this endeavor, I extend my sincere thanks.

Planning for the further expansion of the capabilities of the court continues. Hopefully, the day will never come when no such plans are under consideration. The family court is a dynamic component of our society and must change almost from day to day to meet new burdens placed upon it and to cope with the changing nature of our society. It cannot remain static, but must move and grow as society moves and grows.

The degree of the court's success in dealing with the problems of the community is directly related to the types and quality of services made available to it by the community. The more dispositional alternatives available to the

court, and the better the quality of those alternatives, the more effectively the court can deal with the community's problems and find solutions for them.

Again, may I express my appreciation for the interest which you have shown in the family court. I assure you we will make every effort to continue the program which has been begun.

WILLIAM G. O'BRIEN, ESQ.  
Family Court Executive  
Fifth Judicial District  
Syracuse

### From Family Court

To the Herald-Journal:

William Jerome and your staff brought some of the recent accomplishments of the Onondaga County Family Court to the attention of the public (Syracuse Herald-Journal, Dec. 26, 1973).

Recognition of the fact that substantial progress has been made provides welcome encouragement to all of the many people who are joined in the effort to continue the program for improvement of the court and of the auxiliary services which it uses.

The cooperative nature of this effort, involving as it does many departments and agencies of government as well as agencies and individuals in the private sector, has provided a heart-warming example of civic dedication to a common goal.

To you and to Mr. Jerome, and to all who are working toward this goal, thank you.

WILLIAM G. O'BRIEN,  
Family Court Executive,  
Fifth Judicial District

EXHIBIT C-2

# News Release

WAYS-TV INC.  
SHOPPINGTOWN  
SYRACUSE, NY 13214  
(315) 446-4780

RELEASE: IMMEDIATELY

CONTACT: JANE FIELD

Sunday, July 15 WAYS-TV's public affairs program, "Community Forum" will examine "Child Abuse Prevention - A Stitch in Time".

Child abuse is a problem which is often not discussed but is always present. A unique program of prevention has been put into effect in Onondaga County and its effect is being felt. Discussing this new system will be Diane Meier, co-ordinator of Child and Family Service; William G. O'Brien, Esq., Family Court Executive; Dr. Robert Long and Patricia Crisland of the Neighborhood Health Center; Frank Harrigan, Supervisor of Child Protection D.D.S.

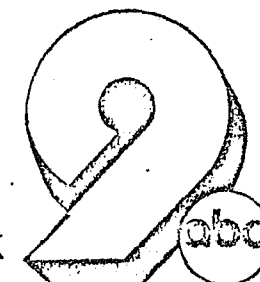
Moderator for "Child Abuse Prevention - A Stitch In Time" will be Eyewitness Newsman Steve Levy.

-30-

7/11/73

EXHIBIT C-3

★ ★ The Spirit of  
Central New York



Nov. 14, 1973

Dear Mr. O'Brien,  
On behalf of  
the First Presbyterian  
Church Sunday morning  
Discussion Hour, I  
wish to thank you  
for coming and giving  
such a helpful and  
informative talk on  
Family Court.

It's one of those  
Community Services that  
unless you need it  
you just don't know  
much about how it

EXHIBIT C-4

operates and its services,  
Still Family Court is some-  
thing citizens should know  
about.

You certainly helped us  
with your pass out papers,  
talk and answers to  
questions.

It was nice that your  
wife could be with us,  
too.

Best wishes to you and  
your work at Family Court  
and best wishes to you  
and your family. Thank  
you.

Sincerely,  
Mrs. Willma Sands

EXHIBIT C-4 CONTINUED

# A new Hillbrook

Neither County Executive John Mulroy nor the Onondaga County Legislature should hesitate two minutes in going about the business of replacing Hillbrook, the detention home for children.

The Citizens Advisory Committee for the Family Court has been studying the need for a new detention center for more than a year. The committee recommended unanimously this week that a new detention home be constructed at the Hillbrook site or on county land nearby.

The county executive had commissioned the architectural firm, Robertson and Richards, to examine the present property, explore forthcoming demands, then devise a plan for either updating the present structure or constructing a replacement that would (1) serve the primary purpose of humane detention and (2) comply with what the state and the courts want for the separation and protection of children.

The firm recommended a new Hillbrook.

Most children deemed delinquent or persons in need of supervision (PINS) are sent home to await their day in court. Even so, some 654 youngsters between seven and 16 years of age passed through Hillbrook in 1972 with a big block staying from three to 30 days.

A visitor to Hillbrook, seeing these youngsters, would believe he is in a junior high school classroom most of the time except that, at Hillbrook, the doors lock audibly behind you as you move from dining room to office to cramped classroom to sleeping rooms.

In appearance, the youngsters are like those you see every day going to school.

They listen to records, play basketball (with a single basket in a low-ceiling room), sew at times, try to keep up with school work but, at present, they play and learn and work under handicaps that would drive a normal family wild.

Many are there through no fault of their own. Children still run away from home and many refuse to return. And parents also refuse to accept custody of their children when found by social workers or police.

Other children are deemed a danger to the community. So we do need a Hillbrook, a place of detention, but a much better Hillbrook than we now make-do in this community.

The cost, put at \$2.2 million, is about what we pay for two or three miles of four-lane highway.

About a third of the estimated cost, originally revenue sharing funds, has been squirreled away in anticipation of a going ahead with Hillbrook's replacement.

But that's just a start.

The committee and the architects centered their recommendations on a new detention center.

Note that 32 youngsters would be housed in the new center at any one time. For other children, there's no reason to put out money for unnecessary security. What's also needed in Onondaga County are more group homes, more foster parents, more places for youngsters whose only offenses are that they have no other place to go.

That's another phase of this question that we, Onondaga County, should deal with. And soon according to the judges of the Family Court who worry, every day, about what to do with children not in need of detention but in need of a home.

For the present, a new Hillbrook commands priority. Let's not delay.

SYRACUSE HERALD-JOURNAL,

Jan. 18, 1974.

EXHIBIT C-5

# *Pinsky resigns chief welfare attorney post*

Chief Welfare Attorney Phillip C. Pinsky today submitted his resignation to the Onondaga Department of Social Services, effective a week from today.

Pinsky will rejoin the staff of Senate Majority Leader Warren Anderson when the 1974 New York State legislative session opens next week.

Pinsky recently had come under fire from County Legislative Minority Leader Michael Bragman who said the chief legal attorney position should be a full-time job. Social Services Commissioner John L. Lascaris had previously granted Pinsky leaves of absence to allow him to participate in past Albany legislative sessions.

In a resignation letter to Commissioner Lascaris, Pinsky notes his three years and 10 months of service as chief welfare attorney has been a time of "increasing awareness that the administrators of social services at every level involves legal questions, requiring close cooperation between the administrators and the lawyers."

"It has been a period in which the need has been recognized to protect the integrity

of the welfare system by vigorously locating and prosecuting those who would defraud the system, as well as pursuing deserting fathers who would prefer the taxpayers to support dependent relatives.

"At the same time, the rights of the disadvantaged have been expanded so that those truly in need will be adequately aided and protected. My office has tried to strike a proper balance among these considerations."

He also credited cooperation with Family Court Executive William O'Brien and Children's Division Director Mrs. Alene Stevenson for improving the legal division programs.

Pinsky concluded by noting Lascaris is an "outstanding administrator," who is "compassionate and sensitive to the needs of the underprivileged, yet determined to protect the public purse."

Welfare attorney John LaParo is expected to be named new chief attorney by Commissioner Lascaris. LaParo has been acting chief welfare attorney during Pinsky's leaves of absence.



COUNTY OF ONONDAGA  
PROBATION DEPARTMENT

COURT HOUSE, ROOM 111

SYRACUSE, N. Y. 13202

NORMAN V. MCINTYRE  
DIRECTOR

ASSISTANT DIRECTORS  
EDWIN H. HERRMANN  
E. J. GENDZIELEWSKI

SUPPORT ENFORCEMENT  
SUPERVISOR  
John J. Rooney

January 4, 1974

William G. O'Brien, Esq.  
Family Court Executive  
Fifth Judicial District  
824 State Office Building  
Syracuse, New York 13202

Dear Bill:

I was delighted to read the very favorable news releases relating to your constructive and effective Administration of Family Court.

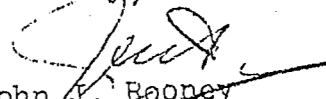
It must, indeed, be gratifying to have one's efforts recognized and applauded, especially when the job, at first, appeared to be an almost insurmountable one considering the great amount of adverse publicity in the past.

I also wish to express my appreciation for your kind and helpful comments pertaining to the performance of the Probation Department.

Be assured, the full co-operation and support of this department is yours at all times.

With warm personal regards.

Sincerely,

  
John J. Rooney  
Supervisor of Enforcement

RECEIVED

JAN 08 1974

FAMILY COURT EXECUTIVE  
FIFTH JUDICIAL DISTRICT

EXHIBIT C-8



ONEIDA COUNTY

New Petitions

<u>Type of Cases</u>	<u>1972</u>			<u>1973 (to 9-30-73)</u>		
	<u>Rome</u>	<u>Utica</u>	<u>Total</u>	<u>Rome</u>	<u>Utica</u>	<u>Total</u>
Adoptions	-	-	8	-	-	7
J.D.	19	30	49	23	30	53
Support	83	210	293	97	212	309
F.C.R.	47	106	153	30	60	90
Abuse	-	-	14	-	-	30
Neglect	-	-	40	-	-	33
Offense	60	135	195	47	107	154
Paternity	41	230	271	108	336	444
PINS	18	35	53	19	32	51
USDL	106	187	293	107	237	344
Sup.Proc.	-	-	414	-	-	311
<u>Totals</u>	374	933	1783	431	1014	1826

CASELOAD BREAKDOWN:

(1783 cases divided by 249 working days)      (1826 cases divided by 189 working days)

= 7.16 cases per day  
 = 7.16 cases per judge/day  
 = 1.02 cases per employee/day

= 9.66 cases per day  
 = 9.66 cases per judge/day  
 = 1.38 cases per employee/day

( 1 Judge & 7 Employees)

( 1 Judge & 7 Employees)

EXHIBIT E-1

ONONDAGA COUNTY

New Petitions

<u>Type of Case</u>	<u>1972</u>	<u>1973 (to 9-30-73)</u>
Adoptions	394	227
J.D.	487	348
Support	1793	1291
F.C.R.	107	55
Abuse	56	24
Neglect	227	102
Offense	1078	940
Paternity	610	584
PINS	307	252
USDL	621	504
Sup.Proc.	6175	2777
<u>Totals</u>	11,855	7,104

CASELOAD BREAKDOWN:

(11,855 cases divided by 249 working days)	(7,104 cases divided by 189 working days)
= 47.61 cases per day	= 37.59 cases per day
= 11.90 cases per judge/day	= 9.40 cases per judge/day
= 1.29 cases per employee/day	= 1.02 cases per employee/day
( 4 Judges & 37 Employees)	( 4 Judges & 37 Employees)

EXHIBIT E-2

Petitioners

(except neglect  
& abuse)

Petition  
Preparation

1. Type petition.
2. Prepare file folder.
3. Prepare index card and/or cross index.
4. Assign docket number.
5. Record statistically.

Calendar  
Preparation

1. Enter case on master calendar.
2. Note time & date on outside of folder.

Summons & Notice  
Preparation

1. Type summons, notice or warrant.
2. Mail notice or file in suspense file.
3. Where necessary, put out for personal service.

FileCalendarPreparation(3 days before court)

1. Pull files.
2. Make copy of calendar.
3. Distribute copies.

Court Date

1. Court Steno takes files to court.
2. Court Steno marks adjournments & dispositions on calendar in court.

After Court

1. Judges secretary prepares new ledger sheets & modification notices.
2. Judge's secretary prepares warrants, notices of adjournments & orders.
3. Files & court calendar to Mrs. Urbanski for statistical recording and update of master calendar & weekly calendar.
4. Back to file.

Each Friday

Prepare six-weeks calendar.

EXHIBIT F-1

**CONTINUED**

**3 OF 3**