Statewide Plan for Implementing Counsel at Arraignment:

Year Seven Report

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New York State Office of Indigent Legal Services

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Introduction

The right to counsel in criminal proceedings is a bedrock principle of our society. This fundamental right was recognized by the authors of the United States Constitution in the Bill of Rights,[1] and it was recognized as an obligation of the states by the United States Supreme Court nearly two centuries later in the *Gideon v. Wainwright* decision.[2] Yet in the years following *Gideon*, New York State's county-based approach to implementing the *Gideon* decision failed to provide uniform and thorough application of the right to counsel for many New Yorkers facing criminal prosecution, due to variations in the counties' local cultures, revenue, demographics, and geographies. By the turn of the 21st century, the failures of New York's public defense system had become an area of significant scrutiny.[3] In 2007, in the face of state inaction, this scrutiny provoked legal action in *Hurrell-Harring et al. v. State of New York*.

In their complaint, the *Hurrell-Harring* plaintiffs asserted that the providers of public defense in the five counties in which the plaintiffs were criminally prosecuted (Onondaga, Ontario, Schuyler, Suffolk, and Washington) were unable to "provide representation…at all critical stages of the criminal justice process, especially arraignments."[4] This was echoed by the Court of Appeals, which identified arraignment as a "critical stage" of criminal proceedings where an individual's "liberty and ability to defend against the charges" may be affected.[5] The *Hurrell-Harring* Settlement in 2014 recognized that ensuring each eligible person charged with a crime was represented by counsel at their arraignment was a critical implementation priority. When the terms of the *Hurrell-Harring* Settlement were expanded to the entire state via a 2017 amendment to Executive Law § 832, ensuring defense counsel representation for all qualified individuals at arraignment became a statutory imperative for every jurisdiction in New York.[6]

As the agency charged with implementing and monitoring the terms of the *Hurrell-Harring* Settlement and its codification into law and statewide expansion via the Executive Law, the New York State Office of Indigent Legal Services ("ILS") worked with each county and each provider of public defense to develop a plan to ensure that all eligible people are represented by counsel at arraignment ("2015 HH Plan" and "2017 Statewide Plan" or together, "CAFA Plans").[7] We also worked with each county and provider to allocate and

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[1] See *U.S. Const. Amend. VI.*
[2] See *Gideon v. Wainwright*, 372 U.S. 335 (1962).
[3] See, e.g. *Commission on the Future of Indigent Defense Services*, Final Report to the Chief Judge of the State of New York (June 18, 2006), for a notable example. It is available at https://www.nycourts.gov/ip/indigentdefense-commission/IndigentDefenseCommission_report06.pdf.
[4] Amended Complaint at paragraph 12, *Hurrell-Harring v. New York*, 8866-07 (N.Y. Sup. Ct., Albany Co., 2008).
[5] *Hurrell-Harring v. New York*, 15 N.Y. 3d 8 at 21 (2010).
[6] See Executive Law § 832(4)(a).
[7] See Office of Indigent Legal Services, Implementing the Counsel at Arraignment Obligations in the *Hurrell-Harring vs. State of New York* Settlement, Final Plan (November 12, 2015) (Plan for five settlement counties), available at: https://cms2.revize.com/revize/indigentlegalservices/3.%20Research,%20Data%20&%20Reports/B.%20ILS%20Reports%20&%20Presentations/i.%20HH%20Statewide%20&%20Settlement%20Reports/2015/FINAL

disburse state funding in a manner consistent with the terms of the *Hurrell-Harring* Settlement and the Executive Law. We collect data to monitor the progress of implementation, identify areas for continued improvements, and to communicate the status of implementation. The present report marks our seventh annual report on the statewide implementation of counsel at arraignment.[8]

In previous years, ILS staff collected data regarding arraignment representation systems by conducting structured interviews with each arraignment representation coordinator ("CAFA coordinator") in all 52 non-settlement counties outside of New York City. CAFA coordinators are generally Chief Defenders who are responsible for organizing arraignment representation; depending on the system of representation, a county may have more than one CAFA coordinator. In preparation for this year's report, we surveyed CAFA coordinators using a standardized Questionpro survey instrument.[9] Additionally, given the conclusion of the *Hurrell-Harring* settlement period on March 31, 2024, we included the five settlement counties (Onondaga, Ontario, Schuyler, Suffolk and Washington) in our surveys for the first time.[10]

In this year's report, we first provide an overview of implementation work previously done. We highlight significant milestones, obstacles, and steps taken to overcome those obstacles. We then discuss the current state of implementation with particular focus on the measures taken and progress made since last year's report. We also highlight continuing challenges in implementation and discuss the work ILS is doing to create a path forward. We present a summary of the data ILS collected in the Questionpro surveys each county's CAFA coordinators completed. Finally, this year's report again includes updated county profiles – including for the first time, profiles for the *Hurrell-Harring* settlement counties and New York City. The county profiles describe each county's system to ensure representation at arraignment, as well as each county's process for determining financial eligibility for assigned counsel.

%20PLAN%20Counsel%20at%20Arraignment.pdf?t=202504281311510&t=202504281311510; Statewide Plan for Implementing Counsel at Arraignment (December 1, 2017) (Plan for statewide expansion), available at:
https://cms2.revize.com/revize/indigentlegalservices/3.%20Research,%20Data%20&%20Reports/B.%20ILS%20Reports%20&%20Presentations/i.%20HH%20Statewide%20&%20Settlement%20Reports/2017/FINAL%20-%20CAFA%20Plan%20(2017).pdf

[8] Previous reports may be found here:
https://ils.ny.gov/research_data_reports/ils_reports_presentations/hh_statewide_settlement_implementation.php

[9] The survey instrument used is attached as Appendix A. A list of survey respondents is attached as Appendix B.

[10] For information on counsel at arraignment implementation in the five settlement counties during the *Hurrell-Harring* settlement period, see Office of Indigent Legal Services, Implementing the Counsel at Arraignment Obligations in the *Hurrell-Harring vs. State of New York* Settlement, Update Reports from 2016-2020, available at:
https://www.ils.ny.gov/research_data_reports/ils_reports_presentations/hh_statewide_settlement_implementation.php#outer-178sub-333.

Definitions

ACP - Assigned Counsel Program, i.e., a program in place under County Law § 722(3)(a)(i) to oversee assigned private counsel in constitutionally mandated (public defense) cases.

Appearance Ticket - a written notice to appear in court as defined in CPL § 150.10. Arraignments resulting from appearance tickets are described as "non-custodial" arraignments (see below).

Arraignment - Defined in Executive Law § 832(4)(a)(i) as ". . . the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which even 'arraignment' shall mean the person's next appearance before a judge or magistrate)."

CAFA - Counsel at an individual's first appearance in front of the judge. This term is used interchangeably with counsel at arraignment in this document.

CAFA Coordinator - The individual who arranges for CAFA representation (often the chief attorney of a defense provider office). Depending on the defense structure and systems of representation, a county may have more than one CAFA Coordinator.

CD Office - Conflict Defender's Office, i.e., an institutional public defense office established under County Law § 722(3)(a)(ii).

Centralized Arraignment Part ("CAP") - A plan enacted pursuant to Judiciary Law § 212(1)(w) that centralizes off-hours arraignments to be held at designated times and locations within a county.

Custodial Arraignment - An arraignment that occurs while the person is in the custody of any law enforcement or corrections agency.

DA/PD or PD Court Sessions - Court sessions when a public defense provider is regularly scheduled to appear.

Missed Arraignment - An arraignment that takes place without counsel, despite a system of representation being in place.

Non-Custodial Arraignment - An arraignment that occurs in response to an appearance ticket which directs the person, while at liberty, to appear in court for arraignment at a scheduled date and time.

"On-call" System - A system for providing arraignment representation where individual attorneys are "on-call" to represent people at arraignments that are not previously scheduled but occur soon after a person is arrested.

Other Court Sessions - Court sessions when a public defense provider is not regularly scheduled to appear.

PD Office - Public Defender's Office, i.e., an institutional public defense office established under County Law § 722(1) and County Law Article 18-A.

Provider - A Public Defender's Office, Conflict Defender's Office, Legal Aid Society, or Assigned Counsel Program responsible for delivering legally mandated representation to individuals unable to afford counsel pursuant to County Law § 722.

Provisional Assignment - When an attorney represents the client at arraignment and continues to represent the client pending determination of the client's financial eligibility for assigned counsel, review for conflicts, or other actions leading to final assignment by the court.

A. Historical Overview

In previous reports, we have detailed the many steps ILS, the counties, and their public defense providers have taken to design structures and systems that ensure all eligible persons are represented by counsel at arraignment. For this update report, a full summary of the last several years of implementation work is not necessary. But it is instructive to briefly review the most significant developments that have impacted implementation of the CAFA Plans to ensure counsel at arraignment, beginning with the Covid-19 public health emergency.

During the height of the Covid pandemic, considerations of public health prompted then-Governor Andrew Cuomo to issue a series of Executive Orders[11] temporarily limiting in-person court proceedings and authorizing electronic appearances during arraignments. Though necessary during the public health emergency, we have noted in previous reports that when arraignments are conducted via electronic means, the quality of representation can suffer.[12] Confidentiality is jeopardized, effective attorney-client relationships become more difficult to establish and maintain, communication between the parties and the court becomes more difficult. Appearing electronically also increases the risk of dehumanizing clients who appear as two-dimensional images on a television screen or computer monitor. We therefore worked with providers to ensure that they had access to funding for the technology required to minimize the negative consequences of electronic arraignments, and to address the logistical problems associated with the transition to electronic arraignment appearances. When the public health emergency associated with the pandemic began to abate and the Executive Orders authorizing the use of electronic means for arraignment representation were rescinded, we also worked with providers to reestablish their in-person arraignment representation practice.

The disruption caused by the Covid pandemic has had far-reaching effects. At the time, Executive Law § 832(4) provided that each client was entitled to in-person arraignment

[11] See 2020 Executive Orders 202 through 210.

[12] For a more detailed discussion about the negative impact electronic arraignments have on the quality of representation, see the 2021 Counsel at Arraignment Update Report, available here: https://cms2.revize.com/revize/indigentlegalservices/3.%20Research,%20Data%20&%20Reports/B.%20ILS%20Reports%20&%20Presentations/i.%20HH%20Statewide%20&%20Settlement%20Reports/2021/CAFA%20Report%202021_FINAL.pdf?t=202504281311510&t=202504281311510

representation, a feature that was specifically negotiated as part of the original *Hurrell-Harring* Settlement to ensure quality representation at this critical stage in a case. But in many counties, providers faced obstacles to a full return to in-person arraignments, and in some limited circumstances electronic (or "virtual") arraignments persisted.[13]

This year, Criminal Procedure Law ("CPL") Article 182 was amended to clearly define the circumstances under which electronic arraignments may occur, and Executive Law § 832(4) was amended to incorporate the updated statute. One of the most significant changes effected by the amended law is that courts now have the discretion to conduct an arraignment electronically if (a) the person being arraigned gives their consent; and (b) the court releases the client on their own recognizance after the arraignment.[14] The new CPL § 182.30 requires the Chief Administrative Judge to develop rules governing how courts implement electronic appearances at arraignment, and explicitly notes that the rules must ensure that clients must not be prejudiced should they decide to be arraigned in person.

Because the law only recently changed and those rules have not been finalized as of the publication date of this report,[15] we cannot yet observe how the new CPL Article 182 may affect arraignment representation in practice. We will therefore continue to monitor arraignment practice with special attention to the impact that the CPL Article 182 amendments have on arraignment practice in the coming years.

Another major trend in the implementation of counsel at arraignment has been the adoption of centralized arraignment parts ("CAPs") pursuant to Judiciary Law § 212(1)(w). CAPs centralize off-hour custodial arraignments at a predetermined location or locations during regularly scheduled arraignment sessions. In the absence of a CAP, defenders must provide arraignment representation at off-hour custodial arraignments (i.e. those arraignments which occur in the local courts outside of a regularly scheduled court session). To meet this responsibility, defenders have been obliged to implement "on-call" plans whereby attorneys are "on-call" at any time of day should an arrest outside of a normal court session require an immediate arraignment. The unpredictability of such on-call systems, in conjunction with the considerable distances attorneys may have to travel to provide representation in more remote local courts, has been extremely taxing on attorneys and their respective organizations.

Judiciary Law § 212(1)(w) permits counties to opt into the CAP model by developing a plan in consultation with the Office of Court Administration ("OCA"), county stakeholders, and ILS. To receive approval from the Chief Administrative Judge, CAP plans must include protocols to, among other things, guarantee confidential interview space, limit the duration

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[13] As reported in the 2024 Counsel at Arraignment Update Report, three out of 52 non-Settlement counties (5.8%) still conducted some arraignments virtually.

[14] See CPL § 182.20.

[15] The Office of Court Administration published a memorandum on June 17, 2025, proposing a new rule (22 NYCRR § 200.9-a) and soliciting public comments. In the interim period, the memorandum adopts the proposed rule provisionally, effective from July 8, 2025, until it is superseded or permanently adopted by administrative order. That memorandum may be accessed here: https://www.nycourts.gov/LegacyPDFS/rules/comments/pdf/RequestForPublicComment-ElectronicAppearances-061725B.pdf.

of an individual's detention prior to arraignment, and provide additional training for participating judges. While CAP courts do not generally affect the systems in place to provide representation at non-custodial arraignments, they offer a comprehensive, efficient, and predictable method for ensuring that no custodial arraignment occurs without defense counsel. It is therefore unsurprising that, where CAPs have been adopted, defenders universally report improvements in their ability to provide high quality and timely representation to every client subject to a custodial arraignment. To date, 35 out of 57 counties have an OCA-approved CAP court, one of which (in Monroe County) was inaugurated since our last report.

B. Current Implementation Priorities

The scope and nature of ILS' implementation work with respect to counsel at arraignment has changed over time. Our work began with gathering information in the five *Hurrell-Harring* settlement counties as a means of understanding where gaps in arraignment representation existed, and how they might be eliminated. Once that information gathering process was completed, ILS worked with the settlement stakeholders to develop plans to build the programs necessary to eliminate gaps in arraignment representation.[16] When the terms of the *Hurrell-Harring* settlement were expanded statewide by the adoption of Executive Law § 832(4), we undertook a similar course in the non-settlement counties – first collecting information, then developing plans to close gaps in arraignment representation.[17] Over time, with ILS programmatic support and state funding, providers were able to hire more attorneys, design effective structures to coordinate representation, and improve office space and technology. The result is that counties and their providers have systems in place that ensure that missed arraignments are rare events.[18] Indeed, for the second year in a row, 100% of counties reported that representation is provided at all custodial arraignments. Consequently, ILS' focus has progressed from developing systems of representation to fine-tuning the solutions we have developed in partnership with the counties and their providers of public defense. With that in mind, we now turn to a discussion of those areas.

Missed Non-Custodial Arraignments

Arraignments are generally conducted in the local court (that is, a city court, or a town or village justice court) in the municipality where the offense is alleged to have occurred. In many justice courts, there may only be one or two regularly scheduled sessions per month. To ensure arraignment representation at each of these sessions, public defense providers have to staff each regular session of their jurisdiction's local courts. In some counties, there are dozens of courts, many of which schedule sessions in the evenings. It has therefore been a consistent logistical challenge for public defense providers to ensure each of these sessions is staffed by an appropriate number of attorneys. While none of the 74 CAFA

[16] See 2015 HH Plan and subsequent update reports, n. 10 *supra.*
[17] See 2017 Statewide Plan and subsequent update reports, n. 7 *supra.*
[18] See Section D "Counsel at Arraignment by the Numbers" and Appendix C.

coordinators who responded to our survey reported any missed custodial arraignments, 16 reported at least one missed non-custodial arraignment in the past year (as detailed in Appendix C). Two of those survey respondents reported a missed arraignment "on one occasion," 10 reported missed arraignments on "a few occasions," and four reported missed arraignments on "more than a few occasions." According to the survey participants, these missed arraignments usually happen when a non-custodial arraignment is scheduled during a court session at which the provider is not scheduled to regularly appear. The responses revealed that the circumstances giving rise to missed arraignments can be divided into two broad categories: irregular calendaring and lack of notice; and violation-level offenses.

Irregular Calendaring and Lack of Notice

For CAFA coordinators who reported at least one missed non-custodial arraignment in the last year, a majority noted that this occurs when law enforcement officers issue appearance tickets instructing the client to appear at a court session where no provider of public defense is scheduled to be present and the court fails to notify the provider of the arraignment. The following responses are representative:

- "What we tend to see…is that a non-custodial arraignment from an appearance ticket scheduled for a court session where [defense providers] are not scheduled to be there would simply result in the court advising of rights, determining eligibility for counsel, assigning counsel, adjourning to appear with counsel, and an unconditional release. If any conditions are anticipated by the court, or found to be necessary, the court would ensure an attorney is present."
- "Magistrates have properly handled arraignments except for a few newer, less experienced Judges."
- "I am aware that some courts are not as diligent as others in making sure that counsel is notified when there is DAT [desk appearance ticket] scheduled for their day. Normally the attorney re-conducts the arraignment the next court day."
- "We work with the courts to have advance knowledge and coverage of all appearance ticket arraignments in local courts. This coverage does occur with our largest local courts. The issue is some of the smaller courts still seem to not always provide us with advance knowledge of potential appearance ticket arraignments. This seems to occur most often when a small court may have one or two appearance ticket arraignments and do not inform us. Part of the issue is that some local courts are reluctant to have an attorney appear solely for appearance ticket arraignments and then have those defendants not appear and the attorney paid for an appearance where no defendants appeared for arraignment."
- "Although our office is unable to reliably quantify the number of missed arraignments, we are confident that there are very few that proceed in the absence of counsel. The local Justice Courts are much more aware of and compliant with the need for counsel. They are more adept at making sure that PD eligible offenses are pushed to the regular PD calendars at the outset. And if a person appears on a PD eligible charge without a lawyer, the Court is highly likely to provide information

about how to get a lawyer, and adjourn the matter to the next date the PD will appear."

Because providers have no direct control over when appearance tickets are scheduled for arraignment, and because providers may not be notified when a potential client appears on a "non-PD" day, this problem has proven particularly difficult to solve.

To gain clarity on the scope and extent of the issue, ILS works with providers to develop methods of tracking missed arraignments. Many providers have made significant efforts in this regard, including most of those who reported missed arraignments. These methods generally involve a combination of the following practices:

- During intake interviews, asking clients whether they saw a judge without an attorney
- Noting when the provider receives from a judge an order assigning the provider to represent a person who the judge has arraigned, and the provider had not represented the person at arraignment
- Comparing court calendars with the provider's case management data to identify people who may have been arraigned but are not yet entered into the provider's case management system
- Comparing jail lists against the provider's case management data

These methods are imperfect, and even with their use it is possible for someone to be arraigned without counsel unbeknownst to the providers. Indeed, several providers report that they only learned of a missed arraignment from the court after the fact. However, by collecting as much information as possible, by consistently communicating with other stakeholders (including local court magistrates and law enforcement) regarding the need for attorneys to be present at each arraignment, and by keeping accurate and timely internal records, providers have been able to make significant progress in tracking arraignments.

Violation-Level Offenses

Because violations are not crimes, and because the potential consequences of a violation conviction are typically less severe than most criminal convictions, they may in some places be perceived to be outside of the scope of public defense representation under Article 18-B of the County Law. This is an unfortunate misconception, as violation-level offenses may be the basis of pre- and post-conviction incarceration, orders of protection, parole or probation violations, and significant punitive fines. County Law Article 18-B, which was enacted in 1965 shortly after the Court of Appeals' decision in *People v. Witenski*,[19] provides that people must be assigned counsel if they cannot pay for the costs of

[19] 15 N.Y.2d 392 (1965) (holding the right to counsel applies not only on felony cases, but also on misdemeanor cases).

representation in any case involving a charge (other than a traffic infraction)[20] which authorizes a period of imprisonment, no matter the source of the law – be it a penal law provision, a public health law provision, or a local ordinance.[21] In some jurisdictions, violation-level offenses are prosecuted by village, town, or city attorneys rather than the county's district attorney, which can lead to further confusion. Often, courts will have dedicated "criminal calendar" days (also sometimes referred to as "PD days" or "DA/PD days") on which an assistant district attorney and a provider of public defense are present. Conversely, courts often keep separate calendars for their local (village, town, or city) prosecutors to accommodate municipal code cases, or even certain Vehicle and Traffic Law Violations. A minority of responsive providers described this division of court calendars as being central to the problem of missed arraignments. They gave the following responses:

- "The arraignments that are scheduled on days the DA and Public Defenders are not scheduled are usually violations, as all misdemeanor and felony cases are scheduled on days the DA and Public Defender appear."
- "The only types of non-custodial arraignments that are likely to be conducted without counsel are Penal Law violation offenses. In almost every court in the county, these cases are handled by Town Prosecutors (as opposed to the District Attorney's Office) and Legal Aid is not always present for these calendars unless notified in advance."

In the past, ILS has been able to solve this problem by working with providers directly. In certain jurisdictions, providers had historically not represented people accused of violation-level offenses. In those situations, ILS had a conversation with the provider or other relevant stakeholders to ensure that people are represented on violation-level offenses that could result in a person being incarcerated. The case is more pernicious when the courts or law enforcement agencies treat violation-level offenses differently than misdemeanors and felonies. While this only appears to be the case in a small minority of jurisdictions, ILS will continue to work closely with providers and other stakeholders to find a solution that ensures representation for all eligible clients.

Continuity of Representation

As indicated above, the public defense providers have made significant strides in ensuring that people are represented at arraignment bringing the state closer to the ideal of full arraignment coverage. This progress has allowed ILS to direct our efforts to addressing other issues relating to arraignment representation. Perhaps the most important area of focus has been the continued existence of gaps in representation between arraignment

[20] Note that while traffic infractions are excluded from the ambit of Article 18-B of the County Law, people accused of traffic infractions may be entitled to counsel if the court is considering a sentence that could result in jail. See *Argersinger v. Hamlin*, 407 U.S. 25 (1972) and *Alabama v. Shelton*, 535 U.S. 654 (2002).
[21] See County Law §§ 722, 722-a; see also *People v. Van Florcke*, 120 Misc.2d 273 (App Term, 2d Dept 1983) ("Although defendant was sentenced to a conditional discharge, she was charged with a violation for which a 15-day period of incarceration is authorized by statute. Thus, it was incumbent upon the court to advise defendant that, if eligible, she would be entitled to assigned counsel" [internal citations omitted].).

and assignment of the attorney who will provide representation to the conclusion of the client's case.

In a majority of counties (46 out of 57 responding counties, or 80.7%), survey respondents reported gaps greater than one day between arraignment and final assignment of counsel (see Section D *Counsel at Arraignment By the Numbers* below). In other words, while almost every eligible person is represented at their initial appearance, there is often a period after arraignment when there is no defense attorney actively working on that person's case. We have learned that this problem is largely a consequence of several widespread practices, the first of which relates to the procedure by which many providers screen clients for financial eligibility.

Eligibility Screening

We heard from many providers who reported a delay in final assignment of counsel that screening clients for financial eligibility for assigned counsel generally occurs sometime after the arraignment. For these providers, clients are given information on how to complete an eligibility screening at the conclusion of the arraignment. It is then left to the client to follow up with the provider (either by phone, online form, or in person) to complete their eligibility screening process. If clients do not follow up, the screening is not completed, and no attorney is assigned. In response to our survey question asking providers to describe the reason for delays in assignment of counsel, we received a significant number of responses describing this issue, including these representative examples:

- "Often times, after arraignment, the client does not immediately apply for the services of the Public Defender."
- "An attorney is always present for arraignments, but then the client must submit an application (if not assigned from the bench). Quite often a [client] will be arraigned and then leave the area not wanting to deal with the matter."
- "Not all clients who are represented at arraignments apply for the services of the Public Defender."
- "Unless ordered by the Court, the financial screening process can take several days or longer to complete."
- "This [delay] can occur when the [client] has been provided with an application but does not fill it out in a timely manner."
- "The ability to screen for eligibility, and thereafter assign counsel, depends upon the timing of the client filling out an application and contacting the office to finish the application process at intake."
- "[Client] is given an application at arraignment with instructions to complete and return to the Public Defender's Office. It is most definitely more than 24 hours from handing the application to the [client] at arraignment and final review/decision."

The process by which potential clients are screened for financial eligibility for assigned counsel varies between jurisdictions and providers. Best practices, as reflected in the ILS Standards for Determining Financial Eligibility for Assigned Counsel ("ILS Eligibility Standards"),[22] militate against lengthy and onerous screening processes in favor of a streamlined approach, completed prior to or the day of arraignment, that relies on presumptions of financial eligibility, which apply in the vast majority of cases. Unsurprisingly, where providers report that eligibility screening is done on or before the day of arraignment, gaps between arraignment and assignment of counsel are essentially eliminated.

Even where eligibility screenings are not done on or before the day of arraignment, it is possible to ensure that there is no delay in the assignment of counsel. Several providers who reported no gaps between arraignment and assignment of counsel also reported that eligibility determinations were sometimes made after arraignment. In these cases, providers have adopted an "on-until-off" strategy. They accept the provisional assignment at arraignment, subject to a final eligibility determination. As one provider put it in their survey response, "typically eligibility checks take place after [arraignment]. Our office typically undertakes the arraignment and if there is an eligibility question we explore it afterwards." Because most clients who apply for assigned counsel are eligible,[23] the potential for having to withdraw from representation after eligibility screening is remote, and providers anecdotally report that this rarely happens.

Many providers still use eligibility screening procedures developed prior to the *Hurrell-Harring* Settlement and its statewide expansion. Because resources were limited, screening procedures were sometimes used to manage the cost of public defense at the expense of ensuring timely assignment of counsel for those unable to afford it. In many places, current eligibility screening practices are deeply integrated into the workflow of the providers of public defense (indeed, some offices have entire positions dedicated to conducting post-arraignment eligibility screenings) and updating and streamlining these systems can be challenging both because of the long-existing culture of limiting eligibility for assigned counsel and because of the work involved in changing entrenched processes. We are working closely with providers to understand how best to overcome the logistical challenges associated with an update to their eligibility screening applications and processes. Some of that work is discussed in more detail below.

Conflict Delays

Another source of delay in the assignment of counsel relates to the procedure for when an institutional provider has a conflict of interest and cases are reassigned to the county's conflict provider – either the ACP or a Conflict Defender Office. To check for a conflict of

[22] The ILS Eligibility Standards, with commentary, are available here: https://cms2.revize.com/revize/indigentlegalservices/4.%20Standards/C.%20Eligibility/ILS%20Eligibility%20Standards/Blackletter%20with%20Commentary%2002_16_21.pdf

[23] As reflected by data collected in the five Settlement counties, see n. 22 *infra*, as well as anecdotal representations by provider offices.

interest, staff at the primary provider must check a potential client's name (and the names of any known witnesses) against internal records. This process can only happen once that information is communicated to the appropriate staff. Ideally, this happens either before the arraignment (if providers receive details regarding new cases from the arraigning courts) or immediately after the arraignment itself. This is possible where attorneys return to the office after court and give any new intake paperwork to the appropriate administrative staff for entry into a case management system. In some cases, delay is the result of paperwork not reaching office staff immediately after arraignment.

Responses to our survey reveal that often, the process of transferring a case from a primary provider to a conflict defender or ACP can take several days. One institutional provider told us that, "if there is a conflict it can take a while for either the court or the assigned counsel program to assign an attorney." In counties with relatively small ACP panels, which is common in rural areas of the state, finding attorneys ready and able to accept cases can sometimes present a challenge. Responses from several providers reflect this challenge:

- "It typically takes more than one day for the ACP to secure an attorney for some cases."
- "Sometimes it's difficult to find an attorney to handle the case."
- "The county only has 2-3 18-B attorneys so if the PD has a conflict, it can take a few days if not more than a week to find someone."
- "If there are conflicts, it may take several days to get an attorney to accept the assignment. In certain cases, we have had to go well outside of our area to obtain an assigned attorney. This can take weeks."

Even where panel size is not an issue, delay can be the result of uncertainty in the assignment process itself. We heard from many ACPs that delays occur because their process involves contacting several individual panel attorneys to assess whether they would be willing to accept the assignment. While waiting for responses, the case remains unassigned. This was reflected in the following survey answers:

- "We offer the assignment; the attorney has 24 hours to accept or reject."
- "It may take a day after an arraignment for [the institutional provider] to send ACP any paperwork…and then an additional day or two for the assignment to be accepted by a panel attorney."
- "The day after arraignment, we learn whether the arraignment attorney will accept assignment of the case. If the attorney does not accept the assignment, we assign a different attorney which 80% of the time occurs the day after the arraignment."

There can also be delays associated with conflicts where no well-defined, prompt handoff procedure has been implemented between the institutional providers and the ACP, or the court manages the re-assignment. Providers shared the following answers relating to imperfect handoffs:

- "If Legal Aid discovers a conflict when they conduct their check, that client is not represented until their next court date, which could [be], and usually is, weeks later. When they come back to court, they will be assigned an 18-B attorney but they are unrepresented during that time."
- "Our office is diligent about advising of conflicts immediately upon our discovery of same…Depending on the municipality, it can take up to a month for counsel to be assigned."

We can draw some general conclusions regarding the nature of the conflict-related delays in assignment of counsel. In most cases, these delays are best understood as the result of procedural/logistical hurdles. Paperwork might not get back to the office immediately after court. Communication between providers might not be fully streamlined. ACP policies might not define expectations regarding how new assignments are to be received. In many jurisdictions, courts still assign cases to ACP panelists rather than an ACP Administrator. All these issues manifest as delays in the assignment of counsel. Logistical problems can also be exacerbated by a lack of qualified ACP attorneys in a jurisdiction.

In view of this multifaceted problem, ILS has taken several steps to eliminate delays in assignment of counsel. By supporting the adoption of CAP courts, working with ACPs on program development and recruitment and retention, working with institutional providers to streamline their intake and handoff procedures, and redoubling our efforts to empower ACP Administrators to adopt and implement clear policies to reduce administrative delay in the assignment of cases, we anticipate continued progress toward expeditious post-arraignment assignment of counsel.

C. Implementation Today

ILS' approach to implementation is guided by the information we collect from counties and public defense providers. This data reveals significant challenges providers face in their efforts to improve the quality of representation provided at arraignment. In this section, we describe some of the measures ILS has taken since our last report in pursuit of that goal.

Updating Eligibility Screening Forms and Procedures

ILS' Eligibility Standards are intended to ensure timely access to counsel for those unable to afford representation. Recognizing that many courts and providers are using financial eligibility screening procedures adopted well before ILS published the Eligibility Standards, ILS works with providers across the state to streamline their processes and bring them into compliance with the best practices set forth in the Eligibility Standards. This generally involves a two-pronged approach: first, we assess the eligibility screening form(s) in use; and second, we evaluate the procedure by which eligibility determinations are made based on the information collected.

Eligibility Screening Forms

Under current state law, the decision whether a person facing criminal charges is eligible for assigned counsel ultimately lies with the court. But as a practical matter, the responsibility for screening potential clients for financial eligibility is often delegated to the public defense providers. As the ILS Eligibility Standards recognize, public defense providers are in the best position to collect the necessary information by virtue of their confidential relationship with potential clients. Eligibility screening forms are the instruments by which providers collect this information. When reviewing a form, we evaluate the degree to which it deviates from ILS Eligibility Standards. Where deviations are found, we recommend appropriate changes. Often, we find that eligibility forms call for unnecessary/irrelevant information, including spousal or parental income or child support. Some forms require every applicant to provide bank statements, tax returns, lease agreements, mortgage statements, or other onerous backup, which is unnecessary except in a minority of cases where the client is not otherwise found presumptively eligible for assigned counsel. Some forms require applicants to sign under penalty of perjury, which does not comport with ILS Eligibility Standards. The combined effect of such requirements is to make the application process unduly burdensome and overly restrictive and can lead to delays in assignment or deter otherwise eligible people from applying at all.

Eligibility forms also often fail to assess whether one of the four presumptions of eligibility applies to applicants. Per ILS Eligibility Standards, applicants are presumptively eligible for assigned counsel if:

- Their net income is less than 250% of the Federal Poverty Guidelines;
- They are incarcerated, detained, or confined to a mental health facility;
- They currently receive or have been deemed eligible to receive need-based public assistance; or
- They have been deemed eligible for assigned counsel in any jurisdiction within the last six months.

The overwhelming majority of applicants for assigned counsel are presumptively eligible based on one of these four criteria.[24] But many eligibility forms require applicants to fill out a detailed financial questionnaire regardless of whether any of these presumptions apply. This unnecessarily prolongs the time required to complete the eligibility screening process, needlessly consumes defense provider resources, and contributes to the delays in assignment of counsel for eligible people described above.

[24] See, for instance, the most recent *Criteria and Procedures for Determining Eligibility* Hurrell-Harring *Settlement Update Report*, wherein we note that most of the *Hurrell-Harring* providers report that between 98% and 100% of all applicants are eligible for assigned counsel. That report is available here: https://cms2.revize.com/revize/indigentlegalservices/3.%20Research,%20Data%20&%20Reports/B.%20ILS%20Reports%20&%20Presentations/i.%20HH%20Statewide%20&%20Settlement%20Reports/2023/2023%20HH%20Eligibility%20Report.pdf?t=202504281311500&t=202504281311500

ILS collects and reviews the eligibility forms currently used by counties across the state to analyze the degree to which each one conforms to ILS Eligibility Standards.[25] In cases where improvements are necessary, we work with providers to update their form and procedures to better conform to ILS Eligibility Standards.

Eligibility Procedures

We also work with providers to streamline the procedure by which eligibility determinations are made. As discussed above, many providers accomplish their eligibility screening by giving their clients at arraignment instructions on how to apply, then leaving it to clients to follow up with an application. We have been working with several providers to update this practice and reduce the likelihood of gaps between arraignment and assignment of counsel.

Where possible, we encourage providers to have attorneys use their pre-arraignment interviews to complete the eligibility screening process (a task made much simpler with a screening form that assesses whether any of the presumptions apply) so that they can make a recommendation to the court for assignment that day. In places where circumstances prevent attorneys from screening clients at arraignment, we encourage providers to accept assignments immediately subject to a formal eligibility screening to be completed sometime after arraignment. This ensures clients are not unrepresented while they wait for an eligibility determination. The establishment of an attorney-client relationship from the outset of the case also encourages communication between clients and their assigned attorneys, making follow-up for the purpose of completing the eligibility screening easier.

Because eligibility screening procedures vary widely from county to county, we have found that there is no single approach that works for each provider. However, we frequently rely on models from counties where implementation has been successful – including the *Hurrell-Harring* settlement counties and several statewide counties. We evaluate what has worked best in those counties including strategies to overcome logistical barriers. In doing so, ILS is able both to inspire confidence in jurisdictions where change feels improbable, and to suggest proven strategies to those counties interested in pursuing change. It may be optimal to move responsibility for eligibility screenings from one provider to another, or in cases where judges continue to screen for financial eligibility, from the judges to the providers. Other cases may call for a change in a provider's staffing pattern, the adoption of a new case management system, or a change in how pre-trial interviews are conducted. This diversity of approaches underscores the critical importance of the long-term, data-driven implementation work and continuous communication with providers, county officials, and other stakeholders at the core of ILS's mission.

[25] See County Profiles beginning on page 26

Supporting Recruitment

Quality arraignment representation is impossible unless providers are able to staff their programs with qualified attorneys. Many providers across the state continue to struggle to maintain full rosters, and some ACPs report very few panel attorneys available to accept assignments. We have therefore adopted several strategies aimed at improving recruitment and retention for those providers experiencing staffing problems.

A foundational strategy is to increase attorney salaries, especially in counties where defenders earn less than their counterparts in prosecution. By working with counties and providers to thoughtfully reevaluate how available state funding is budgeted, we have been able to support salary increases for most providers. We were also able to add funding to each county's Second Statewide Expansion of Hurrell-Harring contract to support cost of living adjustments, increase attorney and staff salaries where needed, and support compliance with Executive Law § 832(4). However, these measures are dependent on implementation at the county level and are often subject to county limitations and procedures which can impede full implementation.[26]

As noted above, many ACPs report that not having enough panel attorneys is a significant barrier to timely assignment of counsel. ACP panelists have historically been relatively isolated in their practice. Prior to the *Hurrell-Harring* settlement and its statewide expansion via Executive Law § 832(4), in most counties, panel attorneys could not expect to have the mentoring, training, and logistical support available to their counterparts in institutional providers. To change this, ILS' implementation work with ACPs has focused on making such resources available to ACP attorneys and empowering ACP leaders to better support panelists. ACPs have been able to offer compensation for travel time to encourage attorneys to appear at arraignments and accept cases in difficult-to-reach jurisdictions. Many ACPs now offer panelists access to costly legal research tools to use on their assigned cases. Several programs have developed formal mentorship and training programs to encourage less-experienced attorneys to join the panel and all ACPs have funding available to support panel attorneys' attendance at trainings and for consultation and support from more experienced attorneys. Counties have also used state funding for stipends for ACP attorneys willing to be available for on-call arraignment representation or to cover shifts at CAP courts. As a result, panel attorney participation is increasing in counties where ACPs have implemented these initiatives.

Assisting with the Development of CAP Plans

For many years, we have heard from providers that providing representation at off-hour arraignments is a major strain on resources. The degree of continuous administrative attention required to ensure attorneys are available to be present for arraignments at all hours in dozens of local courts is tremendous. For the staff attorneys who provide on-call

[26] See Office of Indigent Legal Services, Annual Data Report: Public Defense Caseloads, Staffing, Expenditures, and Quality Improvement, p. 9 (August 1, 2025) (discussing caseload compliance and recruitment in 52 counties and New York City).

representation, it can mean sleepless nights, unpredictable schedules, and an uneven work-life balance – all factors that contribute to high rates of burnout and attrition. CAP courts can address these problems by creating a single location where all off-hour arraignments are held, and at regular intervals. As we noted above, more than half of the counties in New York (outside New York City which has centralized Criminal Courts) have now adopted an OCA-approved CAP Plan. Unsurprisingly, the feedback we receive from providers in these counties is overwhelmingly positive. Our survey included a question asking providers to "describe the successes that have been achieved since the start of the Hurrell-Harring/Statewide implementation around providing counsel at first appearance," and below are a few of the many responses that explicitly included the adoption of a CAP court as a success:

- "All in all, the CAP system has proven a success."
- "The County established a Centralized Arraignment Part (CAP) that commenced [in] 2021. CAP operates year-round, seven days a week, with weekday sessions primarily held in the three city courts, supported by LAS attorneys and an on-call attorney funded through a Contract."
- "Successes include the reform of out of court arraignments from appearances in local courts often in the middle of the night with an unhappy judge and an attorney to the establishment of a CAP court system with regular arraignment times for arraignments for all local courts."
- "We have had resounding success since implementation of CAP Court. We have not had a single missed arraignment either after hours or during regular court sessions. All participants in CAP are thrilled at its success. Further, the implementation of CAP brought all the stakeholders together in monthly meetings which has facilitated communication across agencies. It has also led to more uniformity among the magistrates' handling of matters, which means more uniformity for [clients'] outcomes."
- "[Clients] are represented at 100% of arraignments - i.e. CAP is always staffed, and each local court date is staffed by an assistant public defender."

We also asked providers to "describe any challenges that you are currently experiencing around providing counsel at first appearance." For providers in counties without CAPs, the sentiment mirrored the comments above:

- "Attorneys are losing interest in being on-call 24/7. However, [the] County hopes to have CAP Court by the end of this year, which will alleviate this problem."
- "The lack of a Centralized Arraignment Part (CAP)…places significant stresses upon the ACP Attorney On Call (AOC) program."
- "We need additional attorneys to cover weekend CAFA on call. There are few attorneys willing to do this. The budget that the Assigned Counsel Office has is not enough to cover all the on-call weekend arraignments for the county. Our county is

currently exploring the CAP court program to see if it might be more effective means of arraignment coverage than the current on-call system."

- "We have no CAP. We have a shortage of lawyers to replace those who leave. Lawyers are experiencing burn out."
- "Lack of CAP is making [the on-call system] impossible to maintain."
- "24 hours/7 days a week coverage has led to attorney burnout on with some Panel attorneys who had opted to leave the panel. It is also hard to recruit panel attorneys. The County is in the initial stages of creating a Centralized Arraignment Part which would alleviate many of the recruitment issues."

Developing a CAP Plan can be a challenging process involving multiple local stakeholders (the county, law enforcement agencies, magistrates, defense providers, and prosecutors), the Office of Court Administration, and ILS. Often there are logistical concerns about transporting incarcerated people, finding or building a suitable venue, and ensuring the CAP can be appropriately staffed with judges, court personnel, law enforcement officers, and attorneys. However, the adoption of CAP courts is of prime importance to the sustainability of high-quality arraignment representation. They are effective, efficient, and the predictability of centralization is a benefit to all parties. But because the adoption of such a plan requires input from such a diverse set of stakeholders, it can take time to develop and implement an appropriate plan.

We are now at a critical moment with the adoption of CAP Plans. With just over half of the counties outside of New York City operating a CAP, it is clear they are an effective way to ensure quality arraignment representation and CAPs are met with universal approval by system stakeholders once implemented. In the coming year, we intend to build on this momentum by working with providers and counties to support their efforts to adopt CAP Plans in counties where the issue has yet to be considered, and by reviving conversations where they have previously failed to yield results.

D. Counsel at Arraignment by the Numbers

This section includes data for calendar year 2024 from all 57 counties (including the *Hurrell-Harring* settlement counties) and New York City, as well as information aggregated from the Questionpro surveys that were filled out by providers in each of the counties outside of New York City ("Rest of State"; including the *Hurrell Harring* settlement counties) about counsel at arraignment program types, providers, and eligibility screening and conflict check practices.

Statewide Arraignment Data

As discussed in previous reports, the annual ILS-195 report submitted by each provider of mandated representation enables ILS to monitor the number of arraignments conducted and collect information about arraignment outcomes. The ILS-195 report asks for information on the number of arraignments at which representation was provided broken

out by trial level case type, i.e., violent felony, other (or non-violent) felony, and misdemeanors & violations. For 2024:

- 89 trial-level public defense providers outside of New York City (including the five *Hurrell Harring* settlement counties) reported a total of 185,045 arraignments at which representation was provided (Figure 1 below). This is an increase from 2023, when Rest of State providers reported a total of 168,844 arraignments at which representation was provided.
- New York City trial-level public defense providers reported 156,096 arraignments where representation was provided (Figure 2 below). This is an increase from 2023, when New York City trial-level providers reported a total of 155,338 arraignments at which representation was provided.
- In total, public defense providers reported providing representation at 341,141 arraignments statewide in 2024, an increase from 2023, when statewide public defense providers reported representing clients at 324,182 arraignments, and 2022, when statewide providers reported representing clients at 273,811 arraignments.

Providers also reported arraignment outcomes, i.e., whether the case was resolved with a guilty plea, adjournment in contemplation of dismissal (ACD), or immediate dismissal; and if a case continued past arraignment, whether bail was set or the person remanded, or if the person was released either on their own recognizance or under supervision. This data is included in Figures 1 and 2.

Figure 1. Arraignment Totals and Outcomes Outside New York City

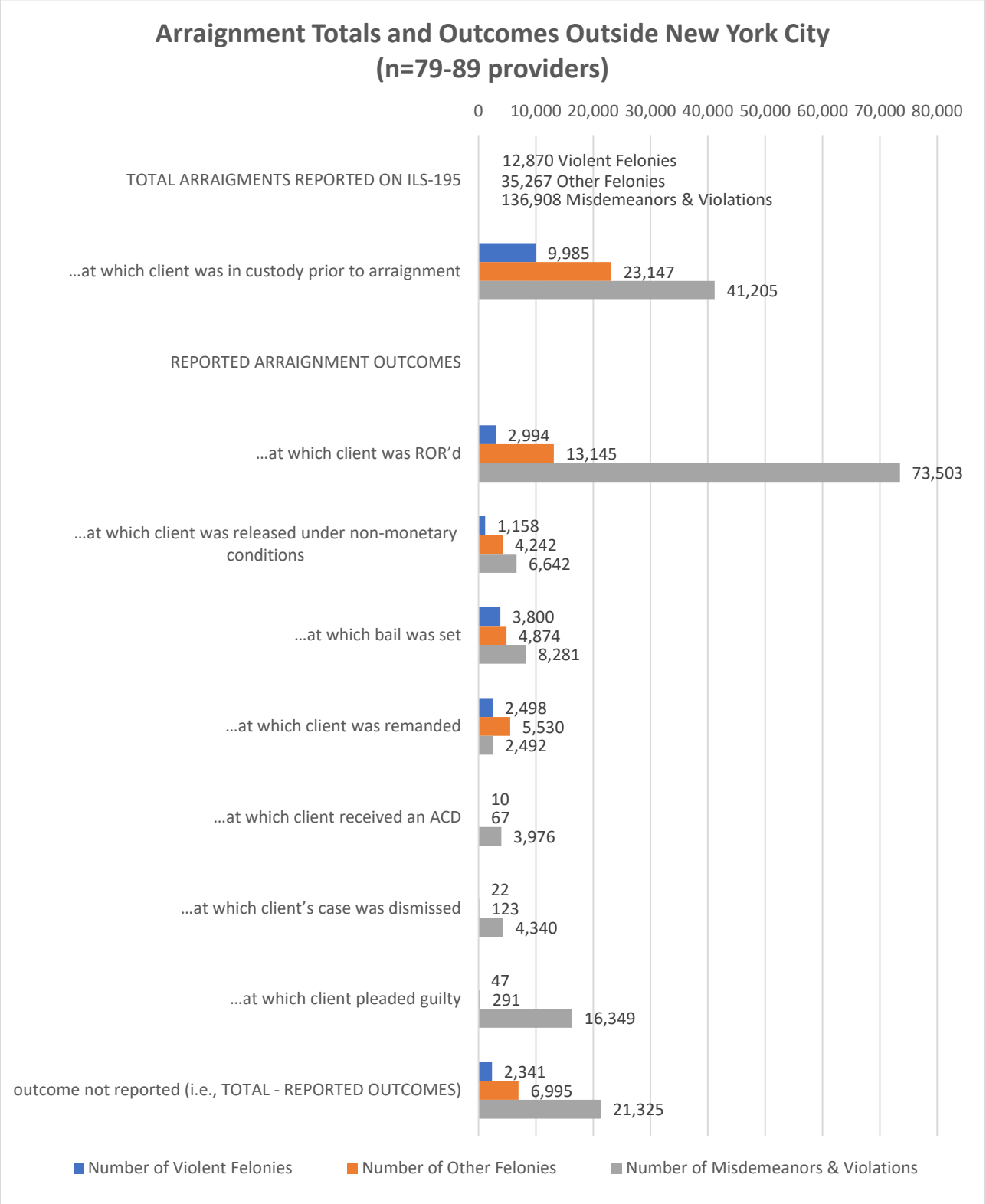
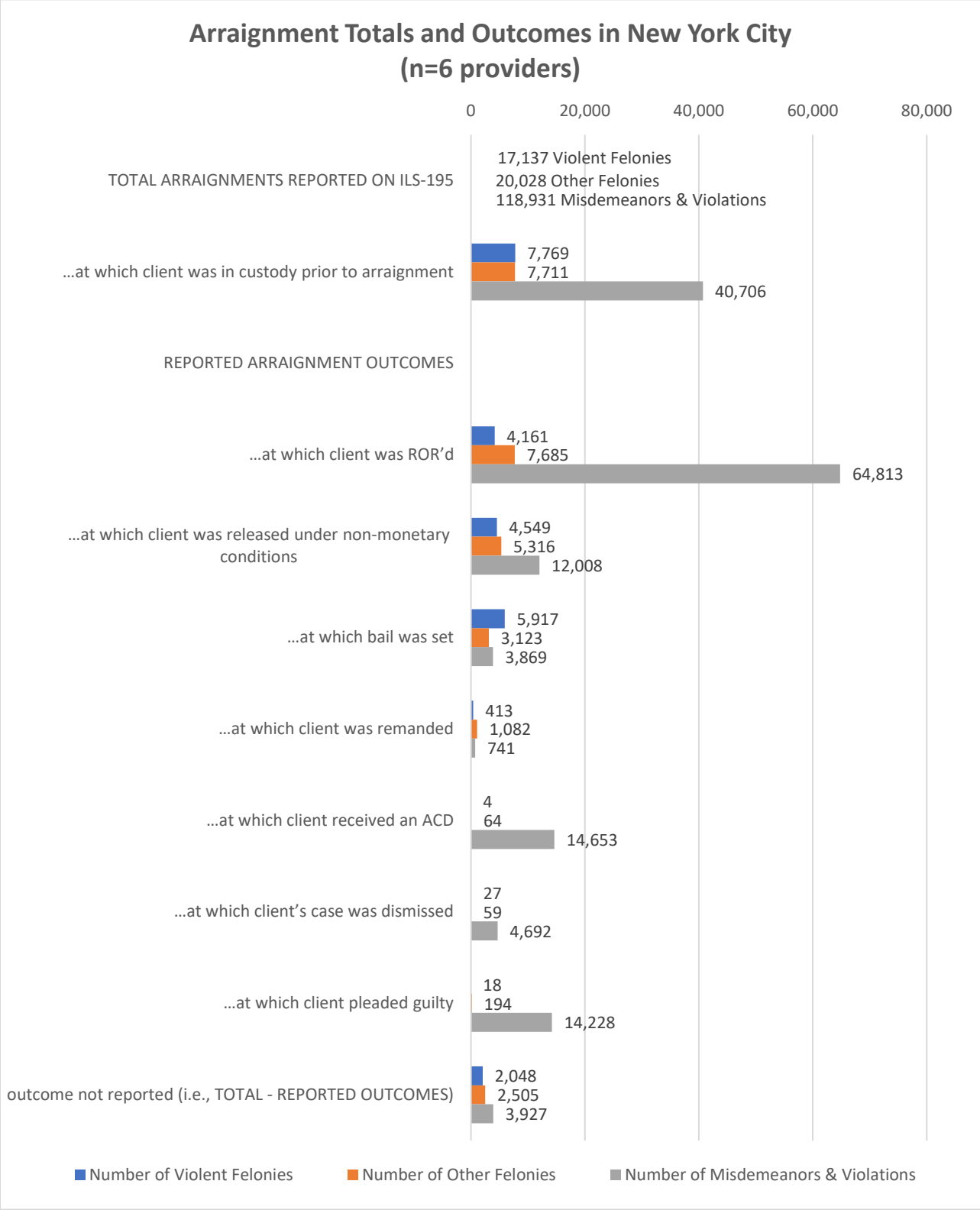


Figure 2. Arraignment Totals and Outcomes in New York City



Though the data should be viewed in the context of its limitations, the difference in the numbers of cases resolved at arraignment outside of New York City as compared to the number of cases resolved at arraignment in New York City continues to be noteworthy (see Table 1 below). For the purposes of this analysis, "resolved at arraignment" includes these categories: plead guilty at arraignment, dismissed at arraignment, and ACD.

Table 1. Proportion of Cases Resolved at Arraignment from Total Arraignments Reported on the ILS-195.

	Violent felonies	Other felonies	Misdemeanors and Violations
Outside NYC (Rest of State)	0.6%	1.4%	18.0%
New York City	0.3%	1.6%	28.2%

Consistent with the past two years that this data has been collected, it reflects that, statewide, it is not typical to resolve serious felony matters at arraignment. The disparity in the data on misdemeanor and violation case resolutions at arraignment continues to be informative, with these lower level cases resolved at arraignment far more frequently in New York City than the rest of the state. A possible explanation for this disparity is that in New York City, full arraignment representation has been the norm since prior to Executive Law § 832(4) implementation, prosecutors regularly attend arraignments and systems are in place for vertical representation. It is common practice for public defense attorneys in New York City to thoroughly interview their client prior to the proceeding, negotiate with prosecutors, and advocate for a favorable disposition at arraignment. As a result, in New York City it is considered acceptable and understood to often be in the client's best interest to resolve a case at arraignment.

Use of Custody

We also collected and reviewed data about the use of custody both prior to and after arraignments. We reviewed the reported number of custodial arraignments by case type and compared the information reported by counties outside of New York City to the information reported by New York City providers (see Table 2 below).

Table 2. Proportion of Arraignments for Which Client Was in Custody Prior To Arraignment from Total Arraignments Reported on the ILS-195

	Violent felonies	Other felonies	Misdemeanors and Violations
Outside NYC (Rest of State)	77.6%	65.6%	30.1%
New York City	45.3%	38.5%	34.2%

Similar to the information reported in 2022 and 2023, in 2024 the proportion of custodial arraignments was higher outside of New York City for violent felonies and other felonies, however, it was higher in New York City for misdemeanors and violations.

The 2019 reforms to New York State's bail laws were intended to reduce reliance on monetary bail to detain people prior to trial. Changes to Articles 500, 510, 520 and 530 of the Criminal Procedure Law were enacted to ensure that most people charged with misdemeanors and non-violent felonies are not needlessly detained pre-trial after their arraignment.[27]

Table 3. Proportion of Arraignments at Which Bail Was Set from Total Arraignments Reported on the ILS-195

	Violent felonies	Other felonies	Misdemeanors and Violations
Outside NYC (Rest of State)	29.5%	13.8%	6.0%
New York City	34.5%	15.6%	3.3%

As in 2022 and 2023, the 2024 data statewide indicates that bail is frequently still used in more serious cases where it is authorized. Outside of New York City, the use of bail is slightly higher in lower-level misdemeanors and violations than in New York City.

Counsel at Arraignment by the Numbers

The data below summarizes the information yielded from surveys administered to CAFA coordinators in each of the counties outside of New York City about counsel at arraignment program types, providers, and coverage.

[27] See CPL § 510.10(3) (presumption of release in non-qualifying offenses or "if the court finds on the record that release…will not reasonable assure the principal's return to court" for a non-qualifying offense, requiring release under non-monetary conditions.).

- Total of 57 out of 57 Rest of State Counties represented in survey responses.
- Total of 74 out of 78 CAFA coordinators responded to survey.

CAFA Program Types and Providers

Arraignment program type:

- 35 out of 57 counties (61.4%) conduct custodial arraignments through a Centralized Arraignment Part (CAP).
    - In four out of these 35 counties, the CAP also includes non-custodial arraignments.
- One county (Nassau; 1.8%) has a District Court which centralizes arraignments and other court functions for certain cases in the county.
- 21 out of 57 counties (36.8%) do not have a CAP and use an on-call system.

Custodial arraignment providers:

- In 30 out of 57 counties (52.6%), representation at custodial arraignments is provided by a single provider.
    - For 23 of these counties (40.3%), custodial arraignment representation is provided by the Institutional Primary Provider ("IPP"; i.e., Public Defender or Legal Aid Society), for seven (12.2%) by the Assigned Counsel Program (ACP), and for none (0%) by the Institutional Conflict Provider ("ICP"; Conflict Defender).
- In 27 out of 57 counties (47.3%), custodial arraignment representation is provided by two or more providers.
    - For 16 of these counties (28.1%), custodial arraignment representation is provided by both the IPP and the ACP, for six counties (10.5%) representation is provided by the IPP and ICP, and for five (8.7%) by all three providers (IPP, ICP, and ACP).

Non-custodial arraignment providers:

- In 36 out of 57 counties (63.1%), non-custodial arraignment representation is provided by a single provider.
    - For 30 of these counties (52.6%), non-custodial arraignment representation is provided by the IPP, for six (10.5%) by the ACP, and for none (0.0%) by the ICP.
- In 21 counties out of 57 counties (36.8%), non-custodial arraignment representation is provided by two or more public defense providers.
    - For 12 of these counties (21%), non-custodial arraignment representation is provided by both the IPP and the ACP, for seven counties (12.2%) representation is provided by the IPP and ICP, and for two (3.5%) by all three providers.

Extent of CAFA coverage

Custodial arraignment coverage:

- All counties (57 out of 57; 100.0%) indicated that they have legal representation at all custodial arraignments.

Scheduled non-custodial arraignments that took place without counsel[28]:

- 41 out of 57 survey respondent counties (71.9%) indicated that there are no scheduled non-custodial arraignments that took place without counsel and 16 counties (28.1%) indicated that on at least one occasion there were scheduled non-custodial arraignments that took place without counsel.
- Of the 16 counties that indicated that there was one or more scheduled non-custodial arraignment that took place without counsel in the past year, 13 counties indicated that it was during court sessions when counsel was not regularly scheduled to appear, and two counties indicated that it was during court sessions when counsel was regularly scheduled to appear. One county indicated that it was during both types of sessions (when counsel was and was not regularly scheduled to appear).

Systems to identify missed arraignments:

- 39 out of 57 counties (68.4%) indicated that they have a system in place to identify if a non-custodial (i.e., appearance ticket) arraignment takes place without defense counsel present to represent the client; the other 18 counties (31.5%) do not have such a system.
- Systems to identify missed arraignments include: receiving notification from the court where the missed arraignment occurred, and reviewing providers' internal records when a new assignment comes in (i.e., checking for each assignment if there is an arraignment sheet or not).

Eligibility screening, conflict checks and time gaps between arraignment and assignment

Adherence to ILS Eligibility Standards:

- In 36 out of 57 counties (63.2%), financial eligibility applications currently in use conform or largely conform with ILS Eligibility Standards.[29]

Timing of eligibility screening:

- In 12 out of 57 counties (21.1%), criminal court eligibility screenings take place without delay, occurring either prior to or on the day of the arraignment, or both, but never after the day of the arraignment.

[28] See Appendix C for additional county-specific details.

[29] This number includes one county where most (but not all) courts use a form that conforms with ILS Eligibility Standards.

- In six out of 57 counties (10.5%), criminal court eligibility screenings take place exclusively after the day of the arraignment.
- In 15 out of 57 counties (26.3%), criminal court eligibility screenings take place either on or after the day of the arraignment, and in 23 counties (40.4%) these take place at all three times (before, on, and after the day of arraignment).
- In one out of 57 counties (1.8%), criminal court eligibility screenings take place prior to or after the day of the arraignment.

Timing of conflict checks:

- In one out of 57 counties (1.7%), criminal court conflict checks take place either prior to or on the day of the arraignment, but never after the day of the arraignment.
- In eight out of 57 counties (14%), criminal court conflict checks take place exclusively after the day of the arraignment.
- In 20 out of 57 counties (35.1%), criminal court conflict checks take place either on or after the day of the arraignment, and in 26 counties (45.6%) these take place at all three moments (before, on, and after the day of arraignment).
- In two out of 57 counties (3.5%), criminal court conflict checks take place prior to or after the day of the arraignment.

Time gaps between arraignment and assignment of counsel:

- Eleven out of 57 counties (19.3%) reported that there are no time gaps of more than one day between the arraignment and final assignment of counsel (i.e., the attorney who will provide representation through case disposition. This number includes counties where counsel is provisionally assigned at arraignment.

Conclusion

Before the *Hurrell-Harring* Settlement, the statewide expansion via Executive Law § 832(4), and the associated state funding, people in New York State were commonly arraigned without defense counsel. Against this backdrop, the present status of arraignment representation in New York State represents true transformation. For the second year in a row, we can report full arraignment representation for people arraigned while in custody. New York's public defense providers have used ILS' funding and programmatic support to all but eliminate missed arraignments. Where missed arraignments are reported, the issue overwhelmingly continues to be a systemic issue outside of public defense provider control – that is, non-custodial arraignments occurring during unscheduled justice court appearances. As this progress continues, we have engaged in a continuous cycle of data collection, communication, and refinement. Through this cycle, we are able to evaluate the nature and scope of obstacles that have persisted or arisen since implementation began and identify and pursue effective solutions with defense providers and county partners. In this report, we have highlighted several of these obstacles and detailed how we have worked to address them. By pursuing continuous observation and communication, we will

work with providers to eliminate the trouble spots, support high-quality representation at arraignment, and optimize provider offices' policies and procedures. We will also continue to support the development of CAP Plans where possible.

Because of the state's steadfast commitment to fully funding its obligations under the *Hurrell-Harring* Settlement and Executive Law § 832(4)(iii), we have been able to demonstrate the constancy and commitment to the mission of improving the quality of public defense in New York. We look forward to continued progress as we mark another year of counsel at arraignment implementation in New York.

County Profiles

ALBANY COUNTY

Arraignment Representation Overview

Custodial arraignments: Arraignments take place in courts throughout the county immediately following arrest. Albany has an on-call program staffed by attorneys from the Public Defender and Alternate Public Defender Offices who provide representation on a rotational basis. The Public Defender's Office represents people at all Albany City Court arraignments except for conflicts, in which case the Alternate Public Defender's Office appears. Custodial arraignments that occur during regular court sessions are handled by the attorney that is assigned to that court session.

Non-custodial arraignments: Arraignments take place in the various local courts during court sessions that are staffed by the Public Defender and Alternate Public Defender Offices. The attorney assigned to that court provides arraignment representation. In the unlikely event that someone charged with an appearance ticket appears during a court session when an attorney is not present, the court either uses the on-call system to ensure representation or reschedules the arraignment to a date when an attorney will be in court. This situation typically arises a few times per year.

Determining financial eligibility for assigned counsel: Clients in custody are presumed eligible and assigned attorneys at arraignment. Attorneys from the Public Defender's Office interview clients prior to non-custodial arraignments and make a recommendation of eligibility to the court, which is usually followed. Attorneys are therefore assigned at arraignment; these initial intakes are also reviewed to confirm eligibility when the case is returned to the Public Defender's Office. The application largely conforms to ILS Eligibility Standards.

ALLEGANY COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Allegany County Jail in Belmont, which holds sessions twice per day (as needed) at 8:00 AM and 6:00 PM. A full-time Public Defender's Office attorney, with additional coverage by panel attorneys coordinated through the Conflict Defender's Office, provides representation at arraignments that take place in the CAP.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the Public Defender's Office. The attorney assigned to that court provides arraignment representation. Sometimes law enforcement issues an appearance ticket that is returnable during a court session when the PD Office is not already scheduled to appear. In these cases, the court either conducts the arraignment without counsel present or adjourns the case for arraignment to the next court date when an attorney from the PD Office will be present to represent the person.

Determining financial eligibility for assigned counsel: The PD Office screens for eligibility using a form that comports with ILS Eligibility Standards. Attorneys complete the form with their client at arraignment and the Public Defender's Office determines eligibility within two business days.

BROOME COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Broome County Public Safety Facility in Binghamton, which holds sessions two times per day (8:00 AM and 8:00 PM). Clients arrested by the Binghamton City Police are arraigned in Binghamton City Court which conducts arraignments at designated times (two times per day on weekdays and once each day on weekends), though in limited circumstances such as medical necessity, arraignments are conducted outside of these times. Representation at the CAP and in Binghamton City Court is provided by a rotation of attorneys from the Public Defender's Office.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office screens clients for financial eligibility, and the procedure varies depending on the location of the arraignment. At the CAP, clients who are in custody after their arraignment meet with the PD Office intake staff the morning after their arraignment to complete an eligibility application and conflict check. Clients who are not in custody are directed to contact the PD Office within 24 hours to schedule an intake appointment where eligibility is determined. When possible, the office accepts walk-in appointments, otherwise appointments are scheduled as soon as practicable after the arraignment. In Binghamton City Court and some of the busier town and village courts, the PD Office intake staff determines eligibility at the time of the arraignment. In the smaller town and village courts, Assistant Public Defenders (APDs) bring eligibility forms to arraignments for clients to complete, then the APDs bring the completed forms to the office to expedite the eligibility assessment. Contrary to ILS Eligibility Standards, the eligibility form requires applicants to provide information regarding third party (parent/guardian if under 21 and spousal) financial information and considers needs-based assistance and child support as income.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Representation is provided on an on-call basis by the Public Defender's Office. Staff attorneys participate in rotations to represent people at arraignments that occur during daytime business hours, weekday nights, and weekends.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility for assignment of counsel. If a client is in custody after their arraignment, a formal screening is done immediately following the arraignment or the following day. For people who are not in custody, the PD Office contacts the client the day after their arraignment to determine eligibility. The PD Office continues to provide representation on a provisional basis until eligibility is determined. The eligibility application comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Cayuga County Public Safety Building in Auburn, which holds sessions two times per day (7:00 AM and 7:00 PM). Custodial arraignments may also take place immediately following arrest in Auburn City Court between 9:00 AM and 3:00 PM (outside of those hours, arresting agencies use the CAP). Representation in the CAP and in Auburn City Court is provided by attorneys from the Assigned Counsel Program (the sole provider of mandated representation in Cayuga County) on a rotational basis. Notably, the CAP has pre-arraignment detention capacity for four people. If more than four people are detained and awaiting arraignment at the CAP, the Jail Custody Supervisor contacts the ACP Administrator, who notifies a judge and contacts a panel attorney to provide immediate representation.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during regular court sessions. The court notifies the ACP in advance of a court date to ensure that representation is provided. In the unlikely event that a panel attorney is not available, or the ACP is not notified in advance to appear, the arraignment is adjourned to a day when an attorney can be present.

Determining financial eligibility for assigned counsel: In Auburn City Court, the court determines eligibility at the arraignment, and if found eligible, an order of assignment is entered immediately. In the CAP and town and village courts, clients complete an application with their attorney at the arraignment and the ACP determines eligibility within 24 hours. The eligibility application comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments for all arrests that occur outside the cities of Dunkirk and Jamestown take place at the CAP located at the Chautauqua County Jail in Mayville, which holds sessions two times per day (9:00 AM and 7:00 PM). Custodial arraignments for arrests that occur in the cities of Dunkirk and Jamestown take place at designated times in each of those city courts. The Public Defender's Office provides representation at all arraignments; attorneys participate in a rotation to ensure representation at arraignments that occur during off-hours. Currently, one contract attorney assists the PD Office in providing representation at the CAP. The PD Office is seeking an additional CAP contract attorney to ensure attorneys are always available for arraignment representation.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The Public Defender's Office screens all clients for financial eligibility either in-person or by telephone. In Jamestown, Dunkirk, and at CAP, during regular PD Office business hours, eligibility screenings are conducted on the same day as the arraignment. In Jamestown, which is the busiest court, PD Office investigators conduct immediate screenings and conflict checks; they may also be assisted by a case manager and paralegal to ensure prompt screenings take place. In the town courts and in the CAP (evening arraignments), clients are provided with an application at the time of their arraignment and instructed to contact the PD Office to apply for counsel. Contrary to ILS Eligibility Standards, the eligibility application requires applicants to provide gross (pre-tax) income, considers spousal assets, and requires a parent or guardian signature if the client is under 18 years old. The PD Office is in the process of revising the eligibility application.

CHEMUNG COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place in courts throughout the county immediately following arrest; clients arrested in the jurisdiction of Elmira City Court (which has a holding cell) may be detained overnight and arraigned in the morning. On-call arraignment representation is provided by a rotation of attorneys from the Public Defender's Office, the Public Advocate's Office (PA Office; a conflict defender's office), and the Assigned Counsel Program.

Non-custodial arraignments: In Elmira City Court, non-custodial arraignments take place during regular court sessions that are staffed by an attorney from the PD Office or PA Office. In the town and village courts, non-custodial arraignments generally take place during court sessions that are staffed by the PD Office or PA Office, and arraignment representation is provided by the attorney assigned to that court. However, non-custodial arraignments may also be scheduled for court sessions when the PD Office or PA Office are not already scheduled to appear. In these cases, the PD Office or PA Office are contacted to represent people if the court intends to take some action other than the unconditional release of a client (such as issue an Order of Protection). Otherwise, people are arraigned without counsel, and their cases are adjourned to the next court session when an attorney will be present.

Determining financial eligibility for assigned counsel: Judges screen for financial eligibility during the arraignment, whether it be a scheduled appearance ticket arraignment or a custodial arraignment. Courts do not generally use written eligibility application forms. The screening process occurs on the record; judges inquire about employment, weekly or monthly salary, assets, and dependents that the applicant is obligated to support.

CHENANGO COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Chenango County Correctional Facility in Norwich, which holds sessions two times per day (8:30 AM and 8:30 PM). Clients arrested by the State Police during the week are arraigned in Norwich City Court (those arrested on the weekend are arraigned at the CAP). Representation is provided by a rotation of attorneys from the Public Defender's Office and the Assigned Counsel Program.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office, and the attorney assigned to that court provides representation. Occasionally, local courts contact the ACP Administrator in advance if they are aware that the PD Office has a conflict of interest for an upcoming arraignment, and the ACP sends a panel attorney to represent the person at the arraignment.

Determining financial eligibility for assigned counsel: Financial eligibility for assigned counsel is determined by the ACP. Clients are provided with an application at the time of their arraignment and instructed to return it to the ACP office. The ACP staff reviews applications and determines eligibility. Applications are usually reviewed within 24 hours of an arraignment. Contrary to ILS Eligibility Standards, the form requires applicants to provide information regarding third party (spousal) income and sign the application under penalty of perjury.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place in courts throughout the county immediately following arrest. The Public Defender's Office provides representation on an on-call basis at all custodial arraignments that take place between 8:00 AM and 5:00 PM and during regularly scheduled court sessions (which may occur during evening hours). Panel attorneys from the Assigned Counsel Program provide on-call representation at off-hour custodial arraignments on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. Occasionally law enforcement will mistakenly schedule an appearance ticket for a session when the PD Office is not scheduled to appear; in those circumstances, judges adjourn the arraignment, provide an application for assignment of counsel and instruct the person to return to court on the next date that the PD Office will be present.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility using an application that comports with ILS Eligibility Standards. The eligibility form is generally completed by the attorney with their client at the arraignment; if the application is not completed at the arraignment due to time constraints, PD Office staff contacts the client on the following business day to complete the application. When panel attorneys provide representation at arraignment, they send the completed application to the PD Office the following day. The PD Office is assigned provisionally to all cases, pending the outcome of the financial eligibility determination and conflict check.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Attorneys in the Public Defender's Office represent clients at arraignments occurring during business hours. Columbia County contracts with attorneys to provide representation at off-hour custodial arraignments. Two contract attorneys are scheduled each week with one attorney serving in a backup capacity.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. The PD Office receives court calendars before the scheduled court session and checks for arraignments; if an arraignment is scheduled for a session that an attorney would not normally attend, the PD Office sends an attorney to provide representation.

Determining financial eligibility for assigned counsel: All clients must complete an application for assigned counsel. The PD Office screens the applications the same day they are returned to the office and determines eligibility. CAFA attorneys provide the application to the person being arraigned with the instruction to send the completed application to the PD Office, which screens for financial eligibility and follows up with applicants as needed to ensure the screening is done by the next court appearance. Contrary to ILS Eligibility Standards, the application instructs clients to recertify their eligibility every 90 days during the period of representation.

CORTLAND COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place pursuant to a CAP Plan. Cortland City Court conducts custodial arraignments during business hours and the City Court morning session incorporates the morning session of the CAP (held at 10:00 AM). City Court also holds an afternoon arraignment session (3:30 PM) for custodial City Court cases only and occasionally arraigns people immediately following arrest at any hour of the day. Otherwise, the evening, weekend, and holiday CAP sessions are held at the Cortland County Public Safety Building in Cortland. Evening sessions are at 8:00 PM and weekend mornings are at 8:00 AM. The PD Office staffs weekday CAP sessions, the ACP staffs weekend (including Friday evening) and holiday CAP sessions. The PD Office also staffs on-call attorneys for City Court arraignments occurring outside of these sessions.

Non-custodial arraignments: Non-custodial arraignments generally take place during court sessions that are staffed by the PD Office. In Cortland City Court, an ACP attorney is also present to represent clients on conflict cases. In the town and village courts, non-custodial arraignments generally take place during sessions when an attorney from the PD Office is assigned to appear. Sometimes appearance tickets are scheduled for court sessions when the PD Office is not scheduled to appear. In those situations, the judge will either reschedule the arraignment for the next session staffed by the PD or reach out to a panel attorney who is available to appear immediately.

Determining financial eligibility for assigned counsel: The ACP screens for financial eligibility, though judges may also assign attorneys from the bench at the time of the arraignment, obviating the need for an application. If a bench assignment has not been made, the arraigning attorney provides their client with an application at the time of the arraignment and instructs them to return it to the ACP. The application can also be completed and submitted online. Clients who are in custody after their arraignment receive provisional counsel pending the outcome of the eligibility application. ACP staff review all applications received and determine eligibility. The application comports with ILS Eligibility Standards.

DELAWARE COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Delaware County Correctional Facility in Delhi, which holds sessions two times per day (8:00 AM and 8:00 PM). Representation is provided by a rotation of attorneys from the Public Defender's Office and the Assigned Counsel Program.

Non-custodial arraignments: Non-custodial arraignments generally occur in local courts during court sessions that are staffed by the PD Office, and the attorney assigned to that court provides representation. Non-custodial arraignments may also be scheduled for court sessions when an attorney from the PD Office is not present. In these cases, the PD Office is contacted to represent a person if the court intends to take some action other than unconditional release (such as issue an Order of Protection). Otherwise, people are either arraigned without counsel, or their cases are adjourned for arraignment at the next court session when an attorney will be present.

Determining financial eligibility for assigned counsel: Clients fill out an eligibility form prior to their arraignment and are screened for financial eligibility by the court during the arraignment. The form comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place in courts throughout the county immediately following arrest. Three jurisdictions (the City of Poughkeepsie, Town of Poughkeepsie, and City of Beacon), have capacity for pre-arraignment detention which can be used to hold the person, so the arraignment need not be conducted immediately. This occurs, for example, if the person is arrested late at night, in which case the person is held for arraignment the following day. The Public Defender's Office represents people at all custodial arraignments on an on-call basis. One designated attorney provides representation at all arraignments that take place during weekday business hours, and other attorneys from the PD Office provide representation during nights and weekends on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the PD Office, though in some courts they may also be scheduled during court sessions that are not staffed by the PD Office, such as sessions dedicated to traffic matters. The PD Office provides representation for appearance ticket arraignments if they are already in court; otherwise, the court either adjourns the arraignment to the next date when the PD Office will be present, or the PD Office provides representation on an on-call basis.

Determining financial eligibility for assigned counsel: The PD Office screens for eligibility. If a client is in custody after the arraignment, they are presumed eligible for assignment of counsel. If a client is out of custody, they are instructed to contact the PD Office to apply. Contrary to the ILS Eligibility Standards, the PD Office considers third party (spousal/family) income in determining eligibility.

ERIE COUNTY

Arraignment Representation Overview

Custodial arraignments: In Buffalo City Court, custodial arraignments occur twice every weekday (9:30 AM and 2:00 PM), and at 9:00 AM on Saturdays and Sundays. Representation in Buffalo City Court is provided by The Legal Aid Bureau of Buffalo (LABB). In the towns, villages, and two other cities in Erie County, custodial arraignments either occur during regularly scheduled court sessions or, where the relevant court is not in session, then as close to the time of arrest as possible. In larger courts, the Assigned Counsel Program provides arraignment representation on an on-call basis using an "Attorney of the Day" (AOD) program. In the smaller courts, the ACP provides arraignment representation using an "Attorney on Call" (AOC) who is available if an arraignment occurs during a regular court session. Teams of AOCs are divided by geographical region for off-hour arraignments.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by either the LABB (in Buffalo City Court) or the ACP (in all other courts). In Buffalo City Court, the LABB attorney assigned to that court provides arraignment representation. In 2023, the ACP enacted a program of "pre-arraignment assignments" in all town and village courts and the two other City Courts in Erie County, save for two (Cheektowaga Town Court and one judicial part in the Town of Lancaster). However, this program was terminated on June 30th, 2025. Now, ACP AODs provide representation at all regularly scheduled court appearances, while ACP AOCs provide representation at off hours/after-hours arraignments.

Determining financial eligibility for assigned counsel: The ACP and LABB screen for financial eligibility for their respective clients. In Buffalo City Court, the attorney completes the application form with the client and eligibility is generally determined prior to the arraignment. In all town and village courts and the two other city courts in Erie County, the assigned attorney completes an ACP eligibility form with the client either prior to or at arraignment and then submits it to the ACP for final eligibility determination. Both providers use forms that substantially comply with ILS Eligibility Standards.

ESSEX COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place on-call in courts throughout the county immediately following a person's arrest every day between 8:00 AM and 8:00 PM. If an arrest happens after 8:00 PM, the person is detained until the following morning. The Public Defender's Office provides representation at all custodial arraignments that take place on weekdays, and a rotation of attorneys from the PD Office and Assigned Counsel Program provide representation on weekends.

Non-custodial arraignments: Non-custodial arraignments generally take place during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. Arraignments are sometimes scheduled during a court session when the PD Office is not present. If the PD Office is notified in advance, they try to arrange for an attorney to appear and represent the person. If there is a known conflict for the PD Office and there is an ACP attorney in the courtroom, the judge assigns an ACP attorney to represent the person at arraignment. If no attorneys are available, the judge instructs the person to return to court for arraignment on the next "PD day."

Determining financial eligibility for assigned counsel: In most cases the court determines eligibility during the arraignment and assigns the PD Office at the time of the arraignment. If the client is not presumptively eligible, they are instructed to complete an application, submit it to the PD Office and return to court on the next scheduled PD day. The application used comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Up until 2024, the Chief Public Defender provided representation at most of the off-hour arraignments. This system placed a significant burden on this one individual and has been improved to include more attorneys who provide representation during off-hours. Presently, representation is provided on an on-call basis by a rotation of attorneys from both the Public Defender's Office and the Conflict Defender's Office.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by either the PD Office or the CD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The Assigned Counsel Program determines financial eligibility. The attorney who represents a client at arraignment generally completes the application with the client at the arraignment, and the attorney sends the application to the ACP Administrator, who conducts a conflict check and determines eligibility. The county is currently updating its application to conform with ILS Eligibility Standards. The conflict check, eligibility determination and assignment usually take a few days but may be up to a week in cases where both institutional offices have a conflict of interest. The arraigning attorney is provisionally assigned in the meantime to ensure continuity of representation.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Fulton County Jail in Johnstown, which holds sessions two times per day (7:00 AM and 7:00 PM). Custodial arraignments may also take place immediately following arrest in Gloversville and Johnstown City Courts between approximately 8:00 AM and 11:00 PM (outside of those hours, arresting agencies use the CAP). Representation in the CAP and in Gloversville and Johnstown City Courts is provided by attorneys from the Public Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. Occasionally law enforcement issues an appearance ticket that is returnable during a court session when the PD Office is not already scheduled to appear. In these cases, the court adjourns the arraignment to the next court date when a public defender will be present to represent the person at the arraignment.

Determining financial eligibility for assigned counsel: Financial eligibility for assigned counsel is determined by the courts, most of which use the ILS model application though some courts use their own application. It is unknown whether these court-specific applications comport with ILS Eligibility Standards. For custodial arraignments that take place at the CAP, the client completes an application for assigned counsel at the first post-arraignment appearance in the court of jurisdiction. For custodial arraignments that take place in Gloversville and Johnstown City Courts, the court provides an application to the client at the arraignment and instructs them to complete it and bring it to the next court appearance. For non-custodial arraignments, the court clerk provides an application to the client, and they complete it immediately prior to the arraignment. If financial eligibility is not determined at the arraignment, the PD Office is provisionally assigned to the case pending the outcome of the eligibility determination.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP, which holds sessions from 9:00 AM to 11:00 AM and from 7:00 PM to 9:30 PM every day. On weekday mornings, the CAP operates at Batavia City Court. On weekday evenings, weekends and holidays, the CAP operates at the Genesee County Jail in Batavia. The Public Defender's Office provides representation on a rotational basis at all CAP arraignments.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. Once or twice per month, arraignments are scheduled during court sessions that are not staffed by the PD Office; in those situations, the arraignment is adjourned for the next date that an attorney from the PD Office will be present.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility for all clients. If a client is in custody after their arraignment, they are presumptively eligible and no further formal screening is done. Otherwise, clients are provided with the eligibility application at arraignment and advised to submit it to the PD Office. The application can be submitted through the PD Office's website. The PD Office continues to represent the person in the interim, regardless of when the completed application is received. They provide representation on all cases unless and until a conflict is discovered and the case is transferred to an ACP panel attorney, or a private attorney is retained. The eligibility application comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Representation at custodial arraignments during business hours is provided by a Public Defender's Office attorney or an on-call Assigned Counsel Program panel attorney, depending on availability. Attorneys from the PD Office and ACP panel provide representation on an on-call basis for off-hour arraignments.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. Attorneys attend every court session; if an attorney does not have cases scheduled during a session, the office reviews the court calendar for any scheduled arraignments. If an arraignment is scheduled, the attorney appears and represents the person.

Determining financial eligibility for assigned counsel: Eligibility is presumed for incarcerated clients and clients who have qualified for representation in the last six months, and the PD Office is assigned. Otherwise, clients must complete an application and return it to the PD Office. Investigators in the PD Office then interview the applicant (either by telephone or in person) to verify the information on the application. This process generally takes place prior to the first post-arraignment court date. The application form comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest, and representation is provided on an on-call basis by attorneys from the Public Defender's Office.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. On rare occasions in the smaller courts, law enforcement schedules an appearance ticket for arraignment on a date when the PD Office is not already scheduled to appear. If this occurs, the court contacts the PD Office in advance of the arraignment date, and the PD sends an attorney to represent the individual at their arraignment.

Determining financial eligibility for assigned counsel: The PD Office screens all clients for financial eligibility at the time of the arraignment. Contrary to ILS Eligibility Standards, the financial affidavit used to determine eligibility requires applicants to provide information regarding third party (spousal) income and assets and requires applicants to sign the form under penalty of perjury with a notary or witness.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP which holds sessions two times per day (weekdays, 9:00 AM and 4:00 PM; weekends/holidays, 8:00 AM and 4:00 PM). Morning sessions are held either at the Little Falls City Court or Herkimer County Court in the Village of Herkimer. Evening sessions are held either at the German Flatts Town Court, Herkimer Town Court or Herkimer Village Court. Representation at all arraignments is provided on a rotational basis by the Assigned Counsel Program, which is the sole provider of mandated representation in Herkimer County.

Non-custodial arraignments: Non-custodial arraignments take place in the various local courts during regularly scheduled court sessions. If the court notifies the ACP in advance of an arraignment, the ACP sends an attorney to court to provide representation. However, courts often do not notify the ACP in advance of a scheduled arraignment. In those instances, if a panel attorney is not present at the court session to represent the person, the court provides an application for assignment of counsel and adjourns the case for arraignment. If the application is submitted and approved, the ACP assigns counsel, and the assigned attorney appears at the new arraignment date with their client.

Determining financial eligibility for assigned counsel: Applicants complete a financial eligibility application that comports with ILS Eligibility Standards at the time of their arraignment. Attorneys are assigned to presumptively eligible clients at the time of the arraignment. If a person is not presumptively eligible, the court refers them to the ACP Administrator to determine eligibility with further financial documentation. Applicants may also submit applications directly to the ACP Administrator in advance of their arraignment date.

A separate document entitled “Affidavit of Financial Status of Indigent Person” must be submitted with the attorney voucher at the end of a case. Contrary to ILS Eligibility Standards, this document is not confidential, requires clients to provide spousal income and assets, parental income and assets (if under 21), contact information for their employer and landlord, and requires applicants to sign under penalty of perjury and have the document notarized.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP, which holds sessions two times per day. Weekday morning sessions are held at Watertown City Court, and weekday evening, weekend, and holiday sessions are held at the Metro-Jefferson Public Safety Building in Watertown. Representation is provided by the Public Defender's Office. A full-time staff attorney is designated to provide representation at weekday CAP sessions. PD Office attorneys provide representation at weekend and holiday CAP sessions on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place at the CAP. Representation is provided by the Public Defender's Office. If an individual does not appear for their first scheduled court date, the judge provisionally assigns the PD Office and adjourns the case to the court of jurisdiction for the arraignment. The PD Office and the court notify the individual via letters about the new appearance date with instructions to contact the PD Office about the next court date. The PD Office appears at the new court date to represent the person at their arraignment.

Determining financial eligibility for assigned counsel: The PD Office determines eligibility and makes a recommendation for assignment to the court, which is generally followed. The attorney completes the financial affidavit with their client in court prior to the arraignment. Following the arraignment, the PD Office's in-house investigator reviews the financial affidavit and checks for conflicts. Contrary to ILS Eligibility Standards, the financial affidavit requires clients to provide information regarding income and assets for all members of their household, and considers public benefits, including child support, as part of the household income that is used to determine eligibility. It is not confidential and acts as a release authorizing the Public Defender's Office to contact any person requesting information regarding the applicant. It also requires parent/guardian signature for clients who are under 18 or under 21 and living with a parent/guardian.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP, which operates at the County Court building in Lowville from 9:00 AM to 4:00 PM, and at local courts on a scheduled, rotating basis from 4:00 PM to 9:00 AM. Representation at all County Court CAP arraignments is provided by Lewis Defenders (the Public Defender's Office). Representation at all local court arraignments is provided by Lewis Defenders on a rotational, on-call basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by Lewis Defenders. Occasionally, an arresting agency schedules a non-custodial arraignment for a court session that is not staffed by Lewis Defenders. In those circumstances, the court notifies Lewis Defenders in advance so they can ensure that an attorney appears. If no attorney is available, the court adjourns the case without arraigning the client. If possible, the court will adjourn the matter prior to the client's scheduled appearance.

Determining financial eligibility for assigned counsel: Financial eligibility for assigned counsel is determined by the court. Clients who are incarcerated following the arraignment are deemed presumptively eligible. Out-of-custody clients complete an application immediately following their arraignment, which they submit to the court for review. Contrary to ILS Eligibility Standards, the application requires clients to provide information about third party assets (spousal, parental if under 21, and household income), and must be notarized. The court determines eligibility and assigns an attorney within a day.

LIVINGSTON COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Livingston County Jail in Geneseo, which holds sessions two times per day (7:00 AM and 7:00 PM). Representation in the CAP is provided by attorneys from the Public Defender's Office and/or Conflict Defender's Office on a voluntary rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The Assistant Public Defender assigned to that court provides arraignment representation. The Conflict Defender's Office provides arraignment representation in two local justice courts.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility using an application that largely comports with ILS Eligibility Standards. Applications are provided to clients at the time of the arraignment and eligibility is generally determined post-arraignment. Applications may also be submitted online at any time.

MADISON COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Madison County Jail in Wampsville, which holds sessions two times per day (8:30 AM to 11:00 AM and 8:30 PM to 11:00 PM). Custodial arraignments may also take place at Oneida City Court during regular court hours. Representation at all custodial arraignments is provided on a rotational basis by the Assigned Counsel Program, which is the sole provider of mandated representation in Madison County.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by ACP attorneys. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The ACP determines financial eligibility for assigned counsel. At both custodial and non-custodial arraignments, defense counsel completes a financial affidavit with the client during the pre-arraignment interview. The financial affidavit, which largely follows ILS Eligibility Standards, is provided, along with the arraignment paperwork, to ACP staff. If the arraignment occurs during business hours (Monday through Friday, 9:00 AM to 5:00 PM), ACP staff review the financial affidavit and determine eligibility during the same business day. If the arraignment occurs outside of business hours, the financial affidavit is reviewed the next business day.

If an applicant is deemed eligible, an attorney is assigned immediately. If an applicant is deemed ineligible, ACP staff notifies the applicant that they must retain counsel. The arraigning attorney remains assigned to the case until retained counsel appears at court with the client, with the ACP Administrator monitoring the case in the event of any emergencies. During the time between arraignment and assignment, the case is monitored by the ACP Administrator or the Quality Enhancement Attorney, who assigns representation from a list of special appearance attorneys if emergency court appearances are required.

Arraignment Representation Overview

Custodial arraignments: As of March 31, 2025, Monroe County adopted a CAP, which is located at the Monroe County Public Safety Building in Rochester. Custodial arraignments take place at the CAP, which holds sessions two times per day. The Conflict Defender's Office provides primary representation for all misdemeanor and violation cases within the jurisdiction of Rochester City Court on weekday mornings, while the Public Defender's Office provides representation for all felony cases, those within the jurisdiction of the town and village (local) courts, and cases where there is a conflict with the CD Office. A rotation of attorneys from the PD Office provides representation at Monday-Thursday evening CAP shifts, and all Friday and weekend CAP shifts are handled by a single Assistant Public Defender. When there is a fifth week in any month, the CD provides representation at all Monday-Thursday morning arraignments that week.

Non-custodial arraignments: Non-custodial arraignments take place at the CAP. Representation is provided by the PD and CD Offices pursuant to the above structure.

Determining financial eligibility for assigned counsel: The PD and CD Offices screen for eligibility at the time of arraignment. For weekday morning CAP shifts, eligibility paperwork is completed by a paralegal from either office in advance of the arraignment. For all evening, weekend, and holiday CAP shifts, the Assistant Public Defender completes the eligibility form with the client. The forms are reviewed by the respective office (either the PD or CD Office, depending on which office provided arraignment representation) on the next business day. Contrary to ILS Eligibility Standards, the eligibility form requires clients to provide information regarding spousal income/assets, parental income/assets (if under 21), and considers child support as income.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Amsterdam City Court has a holding cell and typically, clients who are arrested after 11:00 PM are detained at the court and arraigned the next morning. Representation is provided on an on-call basis by the Public Defender's Office.

Non-custodial arraignments: Approximately 70-80% of non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The Assistant Public Defender assigned to that court provides arraignment representation. Approximately 20-30% of non-custodial arraignments are returnable during a court session when the PD Office is not already scheduled to appear. In these cases, the PD Office is notified in advance of the court date so that they can arrange to represent the person. If no attorney is available to provide representation, the judge will adjourn the case for arraignment to the next court session when the PD Office is scheduled to appear.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility using an application that comports with ILS Standards. If the application is completed in court, the judge may determine eligibility for assigned counsel immediately during the arraignment; otherwise, the client is instructed to return the completed form to the PD Office, at which point the office determines eligibility, checks for conflicts of interest, and assign the case to an attorney.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at a centralized District Court located in Hempstead, which operates from 9:00 AM to 4:30 PM, seven days a week. From Monday to Friday, custodial arraignments also take place in the two City Courts of Glen Cove and Long Beach (on weekends and holidays, City Court cases are arraigned in the District Court). The Nassau County Legal Aid Society (NCLAS) is the primary provider of representation for custodial arraignments in the District Court, and the Assigned Counsel Program provides representation at arraignment when a conflict exists, when there is a multiple defendant case, and in some homicide cases. The ACP provides representation for all custodial arraignments that take place during the week in the City Courts of Glen Cove and Long Beach.

Custodial arraignments do not normally take place in the village courts (Nassau County does not have town courts); however, if there is a unique circumstance such as a return on warrant, the court contacts a local ACP attorney to represent the individual at the arraignment.

Non-custodial arraignments: Non-custodial arraignments take place during regular court sessions in the District Court and City Courts of Glen Cove and Long Beach. The ACP provides representation for these arraignments. Non-custodial arraignments do not normally take place in the village courts; however, if there is a unique circumstance such as a local law violation where the arresting agency schedules the arraignment in a village court, the court contacts a local ACP attorney to represent the individual at the arraignment.

Determining financial eligibility for assigned counsel: Judges screen for financial eligibility during the arraignment, whether it be a scheduled appearance ticket arraignment or a custodial arraignment. Judges do not use a standard, written eligibility application form. The screening process occurs on the record, after the client requests the assignment of counsel. The court places the client under oath and asks questions, which vary among the judges. Generally, judges ask about employment, weekly or monthly salary, assets, and dependents that the client is obligated to support.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments for all arrests that occur outside the cities of Niagara Falls, Lockport, and North Tonawanda take place at the CAP located at the Niagara County Jail in Lockport. The CAP sessions occur on an as-needed basis, up to twice per day (9:00 AM to 12:00 PM and 5:00 PM to 8:00 PM). In the City Courts of Niagara Falls, North Tonawanda, and Lockport, arraignments take place at designated times every day. Representation at the CAP and City Courts is provided by attorneys from the Public Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in the local courts during court sessions that are staffed by the PD Office, and the attorney assigned to that court provides representation.

Determining financial eligibility for assigned counsel: The Public Defender's Office screens all clients for eligibility using an application that comports with ILS Eligibility Standards. Clients are provided with the application during their arraignment and encouraged to complete it at that time. Attorneys bring the form to the office and eligibility is determined within one day.

Arraignment Representation Overview

Custodial and non-custodial arraignments (including summons ticket arraignments) in New York City generally take place at one centralized courthouse in each of the five boroughs (Bronx, Brooklyn, Manhattan, Queens and Staten Island), with the exception of eligible non-custodial arraignments that may also take place at the two Community Courts located in Manhattan (Midtown Community Court) and Brooklyn (Red Hook Community Justice Court). While the hours, number of courtrooms in operation and provider assignments fluctuate based on the volume of arrests and provider staffing, representation is generally provided according to the structures described below:

BRONX COUNTY

Custodial and non-custodial arraignments occur at the Bronx Criminal Court located at 265 East 161st Street. Representation is provided by The Legal Aid Society (LAS), The Bronx Defenders (BXD), and the First Department Assigned Counsel Program (for purposes of this report, the First and Second Department Assigned Counsel Programs will hereafter be referred to collectively as "ACP").

Custodial arraignments: Custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) and nighttime shifts (5:00 PM to 1:00 AM) that take place every day, Monday through Sunday. Primary and conflict representation is provided by LAS, BXD, and the ACP. During high volume, custodial arraignments may occur in a second part from 5:00 PM to 9:00 PM. ACP provides representation for these additional shifts.

Non-custodial arraignments: Non-custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) that take place every day, Monday through Sunday, and may also take place during nighttime shifts. LAS, BXD, and the ACP provide primary and conflict representation.

KINGS COUNTY (BROOKLYN)

Custodial and non-custodial arraignments occur at the Kings County Criminal Court located at 120 Schermerhorn Street. Non-custodial arraignments may also occur at the Red Hook Community Justice Center located at 88 Visitation Place. Representation in both courts is provided by LAS, Brooklyn Defender Services (BDS), and the ACP.

Custodial Arraignments: Custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) and nighttime shifts (5:00 PM to 1:00 AM) that take place every day, Monday through Sunday, at Kings County Criminal Court. Primary and conflict representation is provided by LAS, BDS, and the ACP.

Non-custodial Arraignments: Non-custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) that take place Monday through Saturday at Kings County Criminal Court. Primary and conflict representation is provided by LAS, BDS, and the ACP.

Non-custodial arraignments also occur during daytime shifts (9:00 AM to 5:00 PM) at the Red Hook Community Justice Center on Monday, Wednesday, Thursday and Friday. Primary and conflict representation is provided by LAS, BDS, and the ACP.

NEW YORK COUNTY (MANHATTAN)

Custodial and non-custodial arraignments occur at the New York County Criminal Court located at 100 Centre Street. Non-custodial arraignments may also take place at the Midtown Community Court located at 314 W. 54th Street. Representation in Criminal Court is provided by LAS, New York County Defender Services (NYCDS), Neighborhood Defender Service of Harlem (NDS) [30], and the ACP. Representation in Midtown Community Court is generally provided by LAS and the ACP (NDS may also provide arraignment representation in Community Court for clients residing in its catchment zip codes).

Custodial Arraignments: Custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) and nighttime shifts (5:00 PM to 1:00 AM) that take place every day, Monday through Sunday, at the Criminal Court. Primary and conflict representation is provided by LAS, NYCDS, NDS, and the ACP.

Non-custodial arraignments: Non-custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) on weekdays at the Criminal Court. Primary and conflict representation is provided by LAS, NYCDS, NDS, and the ACP.

Non-custodial arraignments also occur during daytime shifts (9:00 AM to 5:00 PM) on weekdays at the Midtown Community Court. Primary and conflict representation is provided by LAS and the ACP. NDS occasionally represents people from their catchment area who appear in Midtown Community Court.

RICHMOND COUNTY (STATEN ISLAND)

Custodial and non-custodial arraignments occur at the Richmond County Criminal Court located at 26 Central Avenue. Representation is provided by LAS and the ACP.

Custodial arraignments: Custodial arraignments occur during daytime shifts (9:00 AM and 5:00 PM) that take place between Monday to Friday and daytime shifts (9:00 AM to 2:00 PM) Saturday and Sunday. Primary representation is provided by LAS and the ACP provides conflict representation.

[30] NDS provides representation at arraignment for clients who reside in their catchment zip codes: 10025, 10026, 10027, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10037, 10039, and 10040.

Non-custodial arraignments: Non-custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) that take place on weekdays. Primary representation is provided by LAS and the ACP provides conflict representation.

QUEENS COUNTY

Custodial and non-custodial arraignments occur at the Queens County Criminal Court located at125-01 Queens Boulevard. Representation is provided by LAS, Queens Defenders (QD, which is currently managed by BDS), and the ACP.

Custodial arraignments: Custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) and nighttime shifts (5:00 PM to 1:00 AM) that take place every day, Monday through Sunday. Primary and conflict representation is provided by LAS, QD, and the ACP.

Non-custodial arraignments: Non-custodial arraignments occur during daytime shifts (9:00 AM to 5:00 PM) that take place on weekdays. Primary and conflict representation is provided by LAS, QD, and the ACP.

Determining Financial Eligibility for Assigned Counsel: Eligibility for assigned counsel is presumed in all five boroughs in New York City. If the court or a provider office determines that a client is able to afford private counsel and thus ineligible for assigned counsel, the individual will be directed to retain private counsel. The arraigning attorney remains assigned to the case until private counsel is retained and files a notice of appearance.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Oneida County Jail in Oriskany, which holds two sessions on weekdays (9:00 AM to 11:00 AM and 5:30 PM to 10:00 PM) and two sessions on weekends and holidays (7:30 AM to 10:00 AM and 5:30 PM to 10:00 PM). During weekdays, clients may also be arraigned at Utica City Court and Rome City Court during the morning and afternoon sessions. Arresting agencies may also bring clients to a regularly scheduled court session for arraignment. The Public Defender's Office provides representation at all arraignments. A rotational on-call system ensures attorneys are present at weekday evenings, weekends and holidays at the CAP, and Assistant Public Defenders staff the city, town and village court sessions and provide representation for any arraignment occurring while those courts are in session.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the PD Office, and occasionally take place at the CAP. The Assistant Public Defender assigned to that court (or CAP session) provides representation at these arraignments. Rarely, arraignments are scheduled during a court session when the PD Office is not already scheduled to appear. In those circumstances, the judge adjourns the case for arraignment.

Determining financial eligibility for assigned counsel: The Public Defender's Office screens for financial eligibility. Assistant Public Defenders complete a financial eligibility screening form that comports with ILS Eligibility Standards during the pre-arraignment interview, and the PD Office is assigned to presumptively eligible clients at the time of the arraignment. If a client is not presumptively eligible, the PD Office is assigned on a provisional basis until retained counsel appears or until eligibility can be determined with further financial documentation.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments occur at the CAP located in Part 4 of the Syracuse City Court, which holds sessions two times per day (9:30 AM and 5:30 PM). Custodial arraignments may also take place in local courts during criminal court sessions. Representation at all custodial arraignments is provided by the Onondaga County Bar Association Assigned Counsel Program (ACP), which is the sole provider of trial level criminal public defense in the County.

Non-custodial arraignments: Non-custodial arraignments for Syracuse City Court occur during the morning CAP sessions. Town and village court arraignments occur in local courts during regular criminal court sessions. Representation at all non-custodial arraignments is provided by the ACP.

Determining financial eligibility for assigned counsel: As an HH Settlement County, Onondaga County has complied with ILS Eligibility Standards since April 2016. The ACP determines eligibility. The arraigning attorney enters their client's information into the ACP's case management system at the time of the arraignment. In CAP Court, the arraignments are conducted by a panel of arraignment attorneys. The attorneys do not "keep" the cases; rather the court assigns an attorney. For custodial arraignments in CAP Court, the court-assigned attorney is automatically notified of the provisional assignment once the arraignment attorney completes the new case forms and electronically transmits them. In town and village courts, the arraigning attorney is part of the court's "core" group of panel attorneys that accept assignments in that court. For custodial arraignments in the town and village courts, the court in most instances assigns the arraignment attorney or, less frequently, another attorney from the core. The arraignment/assigned attorney submits the new case forms to ACP for determination. Eligibility Specialists on the ACP staff review the application and generally make an eligibility determination within one business day. In the interim, for people in custody, the panel attorneys have been trained by ACP to stay on the case if the client is eligible. For clients who are not in custody, the arraigning attorney is provisionally assigned until the ACP reviews the applicant's information and determines eligibility.

ONTARIO COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments occur in at the CAP located at the Ontario County Jail in Canandaigua, which holds two sessions daily, mornings from 7:00 AM to 9:00 AM, and evenings from 5:00 PM to 7:30 PM. The Public Defender's Office staffs each session of the CAP and represents clients at the majority of arraignments that occur. The only exception is when the Conflict Defender's Office staffs the CAP, which occurs two to three times per month, or in instances where the PD Office is aware of a conflict in advance of the CAP arraignment and an attorney from the CD Office appears.

Non-custodial arraignments: Non-custodial arraignments occur in local courts during regular court sessions that are staffed by either the PD or CD Office. Additionally, the CD Office represents clients at arraignment if the PD Office is aware of a conflict in advance.

Determining financial eligibility for assigned counsel: As an HH Settlement County, Ontario County has complied with ILS Eligibility Standards since April 2016. Most screenings occur at or before a person's arraignment. For non-custodial arraignments, the PD Office receives notice in advance from the local courts of any new appearance tickets scheduled for arraignment. The PD Office contacts people and informs them of their right to counsel if they are unable to retain counsel, and screens those that ask for assigned counsel prior to the arraignment. In these cases, if a person is eligible, the attorney informs the arraignment judge and the judge assigns counsel at the time of the arraignment. If the PD Office is unable to screen a person prior to an appearance ticket arraignment, when the arraignment takes place, the person is instructed to contact the PD Office as soon as possible to be screened. Such screenings can be performed in person or by phone. For custodial arraignments, eligibility screenings are almost always conducted prior to arraignment by the office that provides representation at arraignment (the PD Office or the CD Office). Before each of the CAP's two daily sessions, attorneys call the jail to learn if anyone is in custody awaiting arraignment. If so, they interview the person at the jail and, if the person requests assigned counsel, screen for eligibility before the CAP session begins. The Chief Public Defender reviews any applications where a person is not presumptively eligible and eligibility is not immediately clear, and a staff investigator follows up if necessary. If an error is discovered, eligibility is reevaluated. If an applicant is ultimately determined to be ineligible, the PD Office immediately sends the applicant written notification along with information regarding their rights to seek a reconsideration and to appeal.

ORANGE COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place pursuant to a CAP Plan. During weekday business hours, the CAP operates at the City Courts (Newburgh, Middletown, and Port Jervis). The City of Newburgh and Middletown courts are available to conduct arraignments five days a week, from approximately 8:30 AM until 3:30 PM. The Port Jervis City Court is available for arraignments on Monday afternoons (from 1:00 PM to 3:00 PM) and Wednesday mornings (from 9:00 AM to 12:00 PM). The arresting agency brings the client to the closest available court in session for arraignment. Representation at business hour weekday custodial arraignments is generally provided by The Legal Aid Society of Orange County (LAS), though a contract attorney may also provide representation if a conflict of interest with LAS exists. On weekday evenings, weekends and holidays, the CAP operates at the Orange County Jail. Weekday evening sessions take place from 8:00 PM to 10:30 PM, and weekend/holiday sessions take place from 6:00 AM to 7:30 AM and 7:00 PM to 10:30 PM. Representation at weekday evening, weekend, and holiday CAP arraignments is provided by contract attorneys who are coordinated by the Assigned Counsel Program Administrator.

Additionally, a “satellite court program” is in effect in town and village courts during LAS scheduled criminal calendars on weekdays. Pursuant to this program, arresting agencies have the option of taking clients to any local court that is in session, rather than transporting clients to a City Court CAP on weekdays during the day or waiting for the evening weekday CAP session. Representation at these arraignments is provided by LAS, since an attorney is present during all criminal court calendars.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by LAS. The attorney assigned to that court generally provides arraignment representation, though a contract attorney from the ACP may represent people if a conflict of interest with LAS exists.

Determining financial eligibility for assigned counsel: LAS screens for financial eligibility for assigned counsel. Clients who are in custody after their arraignment are presumed eligible. Clients who are not in custody after their arraignment are instructed to contact LAS, and eligibility is determined based on an intake interview that is generally conducted by telephone. The screening tool is a financial affidavit that, contrary to ILS Eligibility Standards, requires applicants to provide information regarding third-party income (spousal and parental if under 21) and a notarized signature under penalty of perjury.

ORLEANS COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Orleans County Jail in Albion, which holds sessions two times per day (8:30 AM and 7:30 PM). The Public Defender's Office provides representation at all arraignments on a rotational basis, assisted by a contract attorney from the Assigned Counsel Program panel.

Non-custodial arraignments: Non-custodial arraignments are held during regular court sessions that are staffed by the PD Office and/or a contract attorney from the ACP panel. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office screens for eligibility in criminal cases using an eligibility form that comports with ILS Eligibility Standards. Eligibility applications are given to clients at their arraignment; most are completed on the same day as the arraignment. If the screening does not take place on the day of the arraignment, the client is provided with the eligibility form and asked to return it to the PD Office as soon as possible.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in three locations – Fulton City Court, Oswego City Court, and the CAP located at the Oswego County Public Safety Center in the City of Oswego. Weekday morning arraignments occur at either Fulton or Oswego City Court on a rotating basis and are heard starting at 9:00 AM. Weekday evening, weekend, and holiday arraignments are heard at the CAP. The Public Defender's Office provides representation at all weekday and weekend morning sessions, and all holiday sessions. The Assigned Counsel Program provides representation at all weekday and weekend evening sessions, including holiday evening sessions.

Non-custodial arraignments: Non-custodial arraignments arising from town and village courts generally take place at the CAP and representation is provided by either the PD Office or the ACP. If clients do not appear for their original arraignment date in the CAP, counsel is presumptively assigned, and the case is adjourned to the court of jurisdiction for arraignment. Arraignments arising from Oswego and Fulton City Court jurisdictions take place in the City Courts and representation is provided by the PD Office.

Determining financial eligibility for assigned counsel: Courts presumptively assign counsel on all cases unless the client states an intention to retain private counsel. While they are not a prerequisite to assignment, financial eligibility applications are required for all clients who are represented by the ACP and may be required for clients represented by the PD Office. The financial eligibility application form largely follows ILS Eligibility Standards. The ACP and the PD Office review financial eligibility applications in their respective cases and notify the court if a client is not eligible for assigned counsel.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Otsego County Jail in Cooperstown, which holds sessions two times per day (8:00 AM and 8:00 PM). Custodial arraignments may also take place immediately following arrest during business hours in Oneonta City Court. Representation at the CAP is provided by a rotation of Public Defender's Office attorneys on weekday mornings and Assigned Counsel Program attorneys on weeknights and weekends. Representation in Oneonta City Court is provided by Public Defender's Office attorneys or Assigned Counsel Program attorneys depending on availability.

Non-custodial arraignments: Non-custodial arraignments take place in local court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: Financial eligibility for assigned counsel is determined by the courts at the time of arraignment, regardless of whether the arraignment is custodial or non-custodial. The form the courts use to determine eligibility comports with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. The Putnam County Legal Aid Society (PCLAS) provides representation at all custodial arraignments on an on-call basis. During business hours, courts email a dedicated PCLAS email address with notice of new custodial arraignments, and a staff attorney provides representation. Representation at off-hour arraignments is provided on an on-call basis by a rotation of attorneys.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by PCLAS. The attorney assigned to that court provides arraignment representation. With the exception of one jurisdiction (the Town of Philipstown), Penal Law violations and Vehicle and Traffic Law violations and misdemeanors are prosecuted by town and village court prosecutors rather than the District Attorney's Office. These cases may be arraigned during sessions that are not staffed by PCLAS. Unless PCLAS is notified in advance of the arraignment or is already present, these arraignments occur without defense counsel.

Determining financial eligibility for assigned counsel: PCLAS screens for eligibility for assigned counsel. Clients who are in custody after their arraignment are presumed eligible. Clients who are not in custody after their arraignment are instructed to contact PCLAS, and eligibility is determined based on an intake interview that is generally conducted by telephone. The eligibility inquiry follows ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Rensselaer County provides representation at arraignments through an on-call system staffed by attorneys from the Public Defender's Office and Conflict Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD and CD Offices. The attorney assigned to that court provides arraignment representation. If someone issued an appearance ticket appears during a court session when a PD or CD Office attorney is not present, the court either reschedules the arraignment to a session staffed by a PD of CD Office attorney or contacts the on-call attorney to represent the person. This occurs a few times a month, on average.

Determining financial eligibility for assigned counsel: Clients complete an application and return it to the court at the arraignment, at which time the court determines eligibility and assigns the case to the PD Office or CD Office. The application comports with ILS Eligibility Standards. The PD and CD Office also review applications when opening a case, conduct a conflict check and ensure the application is fully completed.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place on-call in courts throughout the county immediately following notification of an arrest seven days a week between approximately 9:00 AM and 9:00 PM. If an arraignment cannot be completed by 9:00 PM, the individual may be provided with an appearance ticket or held and arraigned the following morning at 9:00 AM. Homicide cases, hospital arraignments, and other exceptional circumstances may cause a deviation from the above schedule. The Public Defender's Office provides representation on a rotational basis for all custodial arraignments that take place during business hours as wells as those occurring outside of business hours (on weekends from 9:00 AM to 9:00 PM and weekdays from 5:00 PM to 9:00 PM). Within the last year, the PD Office has contracted with the Assigned Counsel Program to provide representation for arraignments that take place on certain holidays.

Non-custodial arraignments: Non-custodial arraignments take place in local justice courts during calendar sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility. If a client is in custody post-arraignment, the PD Office is provisionally assigned to the case, pending the outcome of the eligibility application and conflict check. An investigator from the PD Office interviews clients who are in custody to determine eligibility. Otherwise, attorneys provide their clients with verbal and written instructions on how to apply for eligibility (by phone, in person, or online). Contrary to ILS Eligibility Standards, the eligibility application requires clients to provide information about third party (spousal) income and requires clients to attest to the accuracy of the information provided.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. The Public Defender's Office and Assigned Counsel Program provide representation on an on-call basis. To the extent possible, conflicts are identified prior to an arraignment to ensure the appropriate office provides representation. PD Office attorneys participate in a rotation and provide representation county-wide. If the PD Office identifies a conflict of interest, judges contact an ACP attorney to represent the person being arraigned.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation unless a conflict is identified prior to the arraignment, in which case an ACP attorney provides representation. If an arraignment is scheduled for a court session when the PD Office is not scheduled to appear, in most cases the court contacts the PD Office in advance of the court date so that they can arrange for representation. Rarely, the non-custodial case is arraigned without counsel and adjourned for "re-arraignment" at the next court session that is staffed by the PD Office.

Determining financial eligibility for assigned counsel: Financial eligibility for assigned counsel is determined by the PD Office. Clients incarcerated following their arraignment are deemed presumptively eligible. The PD Office may also screen clients for eligibility during the pre-arraignment interview and request assignment from the court during the arraignment. Out-of-custody clients are generally required to complete a financial affidavit following their arraignment, which they submit to the PD Office for review and eligibility determination. Contrary to ILS Eligibility Standards, the financial affidavit requires applicants to submit proof of income or public assistance (or a notarized statement indicating the source of housing/financial support) and provide information regarding spousal income.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Saratoga County provides arraignment representation through an on-call system. The Public Defender's Office represents people at arraignments that occur during business hours. For those occurring outside of business hours (off-hours), arraignment representation is provided by attorneys from all three offices (PD Office, Conflict Defender's Office, and Assigned Counsel Program) who are on-call based on a rotation developed and coordinated by the ACP Administrator.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation. In the unlikely event that someone issued an appearance ticket appears during a court session when the PD Office is not present, the court reschedules the arraignment to a date when a PD Office attorney will be in court.

Determining financial eligibility for assigned counsel: Incarcerated clients are presumed eligible. All other clients (including clients who are in custody after their arraignment but subsequently post bail) are provided an application for counsel at their arraignment and advised to complete it and return it to the Assigned Counsel Office. All applications are screened by the ACP Administrator, who determines eligibility either the same day or the next business day after the arraignment. Saratoga County recently worked with ILS to update its eligibility form, which now complies with ILS Eligibility Standards.

Arraignment Representation Overview

Custodial arraignments: Schenectady County has a CAP which holds sessions two times per day (8:30 AM and 5:30 PM) for all town and village custodial arraignments. The CAP is located at the Schenectady County Jail in the City of Schenectady. Custodial arraignments in Schenectady City Court occur weekdays between 9:00 AM and 5:00 PM and at 9:00 AM on weekends. Representation is provided by the Public Defender's Office and Conflict Defender's Office. The PD Office schedules teams of two attorneys each, who are on call for the week. The CD Office schedules one attorney per week to represent people at arraignments involving co-defendants and conflict cases.

Non-custodial arraignments: Non-custodial arraignments take place in the various local courts during court sessions that are staffed by the PD and CD Offices. The attorney assigned to that court provides representation at arraignments with the exception of Glenville Town Court. There, the PD Office attorney assigned to provide CAP representation also represents people at Glenville Town Court arraignments.

Determining financial eligibility for assigned counsel: Courts determine eligibility at arraignments; because the process varies by court, it is unknown whether the applications comport with ILS Eligibility Standards. At CAP sessions and non-custodial arraignments, the PD or CD Office attorney performs an initial eligibility screening by asking questions about client employment and income. The attorney makes a recommendation to the judge regarding eligibility, which is generally followed. Investigators or paralegals from the PD Office screen clients for eligibility during Schenectady City Court, Schenectady Traffic Court, Rotterdam Justice Court, and Niskayuna Town Court sessions, asking basic questions regarding employment, income, debts, dependents, savings, and home ownership. In Glenville, Scotia, Duanesburg, and Princetown night court, the attorney completes the screening. The attorney makes a recommendation to the judge regarding eligibility, which is generally followed.

SCHOHARIE COUNTY

Arraignment Representation Overview

Custodial arraignments: Schoharie County has a CAP located at the Schoharie County Jail in Howe's Cave, which holds sessions two times per day (6:00 AM to 8:30 AM and 6:00 PM to 8:30 PM), every day as needed. Panel attorneys sign up with the Assigned Counsel Program, which is the sole provider of mandated representation in the county, to be on call for sessions. If there is need for a custodial arraignment and a local court is in session, law enforcement can also contact the court to request arraignment. If a defense attorney is present, the court will ask the attorney to provide representation. If no attorneys are at court, or if the attorney is unable to stay for the arraignment, the person is detained for arraignment at the next CAP session.

Non-custodial arraignments: Each local court determines how to ensure representation at non-custodial arraignments. Most courts provide the ACP with their calendars in advance of "Penal Law nights." The ACP reviews the calendars and, if there are arraignments scheduled, the ACP contacts the court and offers to find attorneys to provide representation. Some courts ask the ACP to arrange for attorneys to be present; some courts ask attorneys already present to provide representation. Courts that do not provide a calendar in advance may schedule arraignments on a night an attorney is present or may call the ACP and ask for an attorney to appear to provide representation. Cobleskill Town Court has a dedicated arraignment part that has one or two ACP attorneys assigned to represent people at all arraignments. In the unusual event that someone charged with an appearance ticket appears during a court session when arraignments are not usually scheduled, the court either asks an attorney present to represent the person or contacts the ACP Administrator to send an attorney. If an attorney is not available, the court adjourns the case for arraignment and provides the person with an application for assigned counsel and the telephone number for the ACP.

Determining financial eligibility for assigned counsel: The ACP screens applicants for eligibility. Clients complete an application for counsel at their arraignment and either the client or the attorney returns it to the ACP office. Upon receiving an appearance ticket, some clients proactively contact the ACP to ask how to get an attorney before their first appearance. Within one to two business days of receipt of an application and conducting an intake interview, the ACP staff determine eligibility and make a preliminary check for conflicts (the assigned attorney is ultimately responsible for completing a thorough conflict check). The intake interview is an opportunity for the ACP staff to develop rapport with clients and identify any issues that may inform the assignment. The ACP recently updated its application to more closely align with ILS Eligibility Standards. However, the application warns that offering a false instrument for filing is punishable as a misdemeanor or felony, which departs from ILS Eligibility Standards.

SCHUYLER COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments occur in the county's CAP which is located at the Schuyler County Jail in Watkins Glen. The CAP holds two sessions daily, mornings from 8:00 AM to 10:30 AM, and evenings from 8:00 PM to 10:30 PM. The Public Defender's Office staffs each court session to represent clients at arraignments. Attorneys are also available for any emergency on-call custodial arraignments that occur outside of CAP sessions.

Non-custodial arraignments: Non-custodial arraignments occur in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: As an HH Settlement County, Schuyler County has complied with ILS Eligibility Standards since April 2016. The PD Office is responsible for screening people for financial eligibility using an application that conforms to the ILS Standards. For clients who are in custody prior to their arraignment, most screenings for financial eligibility are conducted on the day of arraignment. Prior to a person's arraignment, a PD Office attorney conducts a confidential interview to determine financial eligibility for assignment of counsel. If a person is eligible, the attorney informs the judge who assigns counsel at the time of the arraignment. In cases where the PD Office has a conflict, case information for people deemed eligible is forwarded to the ACP for assignment. People may also request counsel in advance of their arraignment or before formal charges are filed. The eligibility application is available outside the PD Office door and as a fillable PDF on the PD Office's website and can be submitted in person, by email, postal mail, or by fax. In most cases, screenings are performed within one business day. In instances where clients are not presumptively eligible and eligibility is not immediately clear, the Chief Public Defender reviews and makes a final decision. If an applicant is ineligible, the PD Office notifies them in writing and provides information on their right to request reconsideration.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Law Enforcement Center in Romulus, which holds sessions two times per day (8:00 AM and 7:00 PM). Representation in the CAP is provided by Assigned Counsel Program panel attorneys.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the Public Defender's Office. In the unlikely event that an arraignment is not scheduled for a staffed session ("PD day"), the court reschedules the arraignment to a PD day in advance of the client's court appearance.

Determining financial eligibility for assigned counsel: The PD Office screens for eligibility using an application that largely comports with ILS Eligibility Standards. During arraignments, judges provide these eligibility applications to the arraignment attorney after completing the first page, which includes information about the arrest date and charges, judge, name of court, names of any co-defendants, bail, and next scheduled court date. The client completes the subsequent three pages and returns the application to the PD Office for the eligibility determination after the arraignment.

STEUBEN COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Steuben County Jail in Bath, which holds sessions two times per day (8:00 AM and 5:30 PM). Representation is provided by attorneys from the Public Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office determines financial eligibility using a form that was developed in consultation with ILS and follows ILS Eligibility Standards. Clients complete the eligibility form with their attorney at the time of the arraignment, and the arraigning attorney returns the form to the PD Office so that staff may determine eligibility.

Arraignment Representation Overview

Suffolk County has a bifurcated approach to arraignment representation. In the densely populated western portion of the county ("West End"), most arraignments take place at the District Court in Central Islip. In the less densely populated eastern portion of the county ("East End"), most arraignments take place in the town and village justice courts.

West End custodial and non-custodial arraignments: In the West End, custodial arraignments generally take place in District Court (part D-11) daily from 9:30 AM to 5:00 PM. Representation is provided by Suffolk County Legal Aid Society (SCLAS) as the primary provider, along with Suffolk County Assigned Counsel Defender Plan (SCACP) panel attorneys who represent people who are ineligible for SCLAS representation either because of a conflict or due to financial ineligibility. Custodial arraignments may also take place in a few local courts that do not participate in the District Court program. Representation at these arraignments is provided by SCLAS through an on-call system.

Non-custodial arraignments generally take place in District Court (Street Appearance Part or SAP), where representation is provided by SCACP. However, arraignments also may take place in a few local courts that do not participate in the District Court program. SCLAS staffs each regular criminal calendar in these courts.

Determining financial eligibility for assigned counsel in the West End: As an HH Settlement County, Suffolk County has complied with ILS Eligibility Standards since April 2016. The process for eligibility determinations in the West End varies depending on whether the arraignment occurs in D-11 or the SAP. In D-11, the Department of Probation interviews each person awaiting arraignment. The purpose of this interview is twofold – Probation assesses whether the individual should be recommended for release on recognizance, and they assess whether the individual is presumptively eligible for assigned counsel under any of the four presumptions set forth in the ILS Eligibility Standards. Probation shares its recommendations with the court. In most cases, the court accepts Probation's recommendation as to eligibility. In cases where the applicant does not appear to be presumptively eligible, the judge determines if further screening is necessary. The judge may perform a brief inquiry and assign from the bench. In rare cases, if the person is released, the judge may direct the person to follow up with SCACP for screening or to hire an attorney.

In SAP, at the arraignment, SCACP attorneys provide people with written instructions on how and where they can apply for representation. The screening office is located on the fourth floor of the District Courthouse. In the screening office, a SCACP screener sits with applicants in a confidential space and assists them in completing the application for assigned counsel. The application used follows ILS Eligibility Standards. Once the form is

complete, it is reviewed by SCACP staff. In most cases, a determination is made immediately. If the information provided by the applicant leaves doubt as to eligibility, the application is submitted to SCACP administration for further review. Once a determination is made, the applicant is provided with written notice of the outcome. For those who are deemed eligible, the notice incudes a recommendation that the court assign counsel, and instructions to the applicant to present the recommendation to the court at their next appearance. For people deemed ineligible, the notice contains information on the reason for SCACP's recommendation and they are given a document that describes their Right to Seek Review.

East End custodial and non-custodial arraignments: In the East End, custodial arraignments take place in local courts immediately following arrests. Representation from Monday through Friday is provided by SCLAS through an on-call system. Representation on weekends and holidays is provided by SCACP through an on-call system.

Non-custodial arraignments take place in local courts during regular court sessions. SCLAS staffs each regular criminal calendar in these courts.

Determining financial eligibility for assigned counsel in the East End: In the East End, if a person is in custody at the time of their arraignment, they are presumed eligible and the judge assigns SCLAS from the bench (or refers the case to SCACP if there is a known conflict). For non-custodial arraignments, the arraigning judge generally makes a brief inquiry as to a person's financial eligibility for assigned counsel pursuant to ILS Eligibility Standards and assigns an attorney from the bench. If there is any doubt as to eligibility, the person is referred to SCLAS for screening and provided with instructions on how to apply and what documents might be required as part of the screening process.

SCLAS eligibility screening interviews are performed in person or by phone. Eligibility determinations are generally made within a day of the interview except in borderline cases, which are referred to SCLAS's lead investigator for review and follow-up. Except in these borderline cases, applicants are informed of the outcome of their eligibility screening at the time the interview is completed. If a person is determined to be ineligible, they are informed of their right to request review and reconsideration. If the applicant requests review and reconsideration, SCLAS seeks to resolve it as soon as possible.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the county immediately following arrest. Representation is provided for daytime and off-hour arraignments on an "on-call" basis by a panel of contracted attorneys. If a custodial arraignment occurs during a regular court session when an attorney from the Legal Aid Panel is already present, that attorney represents the client (rather than the on-call attorney).

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the Legal Aid Panel. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The attorney providing arraignment representation (whether from the Legal Aid Panel, Conflict Legal Aid Bureau, or Assigned Counsel Panel) typically screens clients for eligibility at the time of arraignment by asking questions about income and dependents. At custodial off-hour arraignments, the Court generally makes an initial inquiry regarding assets and liabilities. Most clients are deemed eligible without needing to complete a written application. If eligibility is not determined at arraignment, the person is asked to complete the application form and submit it to the Legal Aid Panel. The Legal Aid Panel is provisionally assigned pending the outcome of the eligibility application and conflict check. Contrary to ILS Eligibility Standards, the application form requires applicants to provide the gross income of their household, list assets transferred during the course of their marriage or previous three years and submit documentation regarding their income.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Tioga County Jail in Owego, which holds sessions two times per day (8:00 AM and 8:00 PM). Arraignments may also take place at a local court when court is in session and defense counsel is present. Representation at all custodial arraignments is provided by attorneys from the Public Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments occur during regular court sessions in local courts that are staffed by attorneys from the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: The PD Office screens clients for financial eligibility, using a form that comports with ILS Eligibility Standards. Attorneys bring copies of the form to each arraignment. Clients are provided with an opportunity to complete the eligibility form prior to their arraignment, and the arraigning attorney determines eligibility at the time of the arraignment.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Tompkins County Public Safety Building in Ithaca, which holds sessions two times per day (8:00 AM to 10:30 AM and 8:00 AM to 10:30 PM). Arraignments also take place at Ithaca City Court between 7:00 AM and 12:00 AM. Occasionally, due to staffing issues with the Ithaca Police Department, arraignments also take place between 12:00 AM and 7:00 AM in Ithaca City Court. Representation in the CAP and in Ithaca City Court is provided by Assigned Counsel Program attorneys (the sole provider of mandated representation in Tompkins County) on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during regular court sessions. The court generally notifies the ACP in advance of a court date to ensure that representation is provided. If no panel attorney is present in court for the arraignment, the court either conducts the arraignment without counsel or adjourns the case to the next regular court session when a panel attorney will be present.

Determining financial eligibility for assigned counsel: Eligibility is determined by the ACP. Clients who are incarcerated post-arraignment are presumed eligible. Clients are provided with an application at arraignment and can either send the completed application to the ACP or submit it online. The application requires clients to provide proof of household income, and contrary to ILS Eligibility Standards, considers spousal income/assets in determining eligibility, requires clients to provide the value of any collections (such as stamps, coins, comics, baseball cards, antiques, jewelry, etc), requires clients to sign under penalty of perjury and have their signature notarized, and acts as a release for the court to verify the information contained therein and for banks and other lending institutions to provide information to the ACP.

ULSTER COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place at the CAP located at the Ulster County Law Enforcement Center in Kingston, which holds sessions twice per day (from 6:00 AM to 8:00 AM and 6:00 PM to 8:00 PM). An attorney from the Public Defender's Office is assigned to each CAP shift.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD's Office. The attorney assigned to that court provides representation at these arraignments.

Determining financial eligibility for assigned counsel: Generally, either the court or the PD Office screens for financial eligibility on the date of arraignment using a form that comports with ILS Eligibility Standards, which is provided to the client at their arraignment. The PD Office is provisionally assigned at arraignment pending the outcome of the eligibility determination and a conflict check. Some courts (New Paltz, Woodstock, Rosendale, Hurley) have chosen to retain the screening function, and it is not clear whether they are using applications that conform with ILS Eligibility Standards.

The PD Office also screens for eligibility prior to arraignment for any individual who has been issued an appearance ticket. After a person is found eligible, the PD Office screens for conflicts. If no conflict is identified, the PD Office is assigned in advance of the arraignment with notice to the courts. Courts generally accept the recommendation of the PD's Office if a client applies for counsel prior to appearing in court.

Arraignment Representation Overview

Custodial arraignments: Warren County has a CAP, located at the Warren County Municipal Center in Lake George, which holds sessions two times per day (8:30 AM and 5:30 PM). Custodial arraignments may be held in the court of jurisdiction if it is in session; otherwise, they are held at the CAP. Representation at all arraignments is provided by a rotation of attorneys from the Public Defender's Office.

Non-custodial arraignments: Non-custodial arraignments take place in the various local courts during court sessions that are staffed by the PD Office. The attorney assigned to that court provides arraignment representation.

Determining financial eligibility for assigned counsel: ILS worked with Warren County to update and streamline the application process to comport with ILS Eligibility Standards. The arraigning attorney determines whether a client is presumptively eligible for counsel pursuant to ILS Eligibility Standards during the pre-arraignment interview. If a client is not presumptively eligible for assigned counsel, the PD Office is provisionally assigned, and the client is asked for additional information regarding their finances so that a final determination can be made.

WASHINGTON COUNTY

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP facility within the building that houses the Washington County Jail in Fort Edward, with two sessions per day (8:00 AM to 9:30 AM and 6:00 PM to 8:00 PM). Custodial arraignments may also take place immediately following arrest when local courts are in session. Representation at custodial arraignments in the CAP and in local courts is provided by attorneys from the Public Defender's Office on a rotational basis.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during criminal court sessions. The PD Office generally provides primary criminal case representation; however, ACP attorneys provide representation at most Vehicle and Traffic Law arraignments in the county's six busiest courts.

Determining financial eligibility for assigned counsel: As an HH Settlement County, Washington County has complied with ILS Eligibility Standards since April 2016. The PD Office determines if a client is presumptively eligible at the time of their arraignment and is frequently assigned at arraignment for those deemed presumptively eligible. If a client is not presumptively eligible, the arraigning attorney notifies their client of their right to assigned counsel and provides a packet of information that includes the assigned counsel application form and instructions on completing and submitting the application. In these cases, the ACP determines financial eligibility. Upon receipt of an application, the ACP determines eligibility within hours unless the application is incomplete. In such cases, ACP staff reach out to applicants to obtain the information needed to process their application. Once a determination of eligibility is made, the ACP alerts the PD Office or, where there is a conflict of interest, assigns a panel attorney and sends a notice of conflict assignment to the relevant court. If an applicant is ineligible, ACP staff send them a notice of ineligibility explaining the reason for the denial and informing them how to request a reconsideration or pursue an appeal. In most cases, this notice is sent by email to inform the applicant as quickly as possible. Throughout this process and until a final eligibility or conflict determination is made, the PD Office remains provisionally assigned to anyone they represent at arraignment.

Arraignment Representation Overview

Custodial arraignments: Wayne County has a CAP, located at the Wayne County Correctional Facility in Lyons, which holds sessions as needed two times per day (7:00 AM and 7:00 PM). All custodial arraignments are held at the CAP. Representation is provided by a rotation of attorneys from the Public Defender's Office.

Non-custodial arraignments: Non-custodial arraignments take place in local courts and County Court during court sessions that are staffed by the PD Office. The attorney assigned to each court provides representation. At times, arraignments in the local courts are scheduled for days when the PD Office is not present. If this occurs, the case is adjourned for arraignment to a date when an attorney from the PD Office will be present. Based on staffing and availability, the PD Office attempts to provide representation at all local court calendars.

Determining financial eligibility for assigned counsel: The PD Office recently updated its screening process to determine eligibility at arraignments, which addressed gaps between arraignment and assignment of counsel. Moreover, the PD Office requests the court to provisionally assign them to non-custodial matters when no attorney from the PD Office is present at the client's first appearance. The PD Office utilizes the presumption of eligibility to streamline the assignment process, and the application comports with ILS Eligibility Standards.

WESTCHESTER COUNTY

Arraignment Representation Overview

Custodial arraignments: During the week, custodial arraignments take place in courts throughout the county within a few hours of arrest. On weekends and holidays, custodial arraignments for arrests in the six cities in Westchester County are centralized and conducted in two courtrooms at the Westchester County Court building in White Plains, which is open from 8:00 AM to 2:00 PM; custodial arraignments for arrests in town and village jurisdictions take place within a few hours of arrest in the local courts. The two County Courtrooms open on weekend and holidays for city arrests are staffed by The Legal Aid Society of Westchester County (LASW) for all felonies and by the Assigned Counsel Program for misdemeanors and felonies where a conflict with LASW exists. In general, LASW provides representation at felony arraignments and off hour misdemeanor arraignments in the justice courts, and the ACP provides representation at misdemeanor arraignments when available. LASW also has a rotation of attorneys on call, and courts maintain a list of ACP panel attorneys who are available for daytime and off-hour arraignments.

Non-custodial arraignments: Non-custodial arraignments generally take place at regularly scheduled court sessions when defense counsel is present. LASW provides representation at felony arraignments, and the ACP provides representation at misdemeanor arraignments, though LASW may also provide representation at misdemeanor arraignments, depending on ACP availability.

Determining financial eligibility for assigned counsel: LASW determines financial eligibility for clients who are charged with felonies, though clients may also be assigned counsel by the court without a formal eligibility process. Contrary to ILS Eligibility Standards, the application requires information regarding third party (spousal/relatives and/or other interested persons) income and requires a sworn statement that “there is no one in [their] immediate family legally responsible for [their] support who has funds or resources sufficient to enable him/her to retain counsel on [their] behalf.” The court determines financial eligibility for clients who are charged with misdemeanors. Attorneys from LASW or the ACP are provisionally assigned to cases at arraignment, pending the outcome of the eligibility application and/or conflict check.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments take place in courts throughout the count immediately following arrest. Representation is provided on an on-call basis by the Public Defender's Office.

Non-custodial arraignments: Non-custodial arraignments generally take place in local courts during court sessions that are staffed by the PD Office, and the attorney assigned to that court provides representation. Arraignments may also be scheduled for a date when the PD Office is not scheduled to be present (this occurs in courts that meet less frequently, such as once every two months). When this occurs, the judge adjourns the arraignment to the next date that the PD Office is scheduled to appear.

Determining financial eligibility for assigned counsel: The PD Office screens for financial eligibility. If a client is in custody after their arraignment, they are presumptively eligible for counsel. Clients who are not in custody and want assigned counsel must submit an application to the PD Office after their arraignment (this can be completed online). The PD Office represents the person provisionally pending an eligibility determination and attends the next court date following arraignment, whether or not they have received the application. Contrary to ILS Eligibility Standards, the eligibility application requires that applicants provide proof of income and considers supplemental security income (SSI), public assistance benefits, and child support as income.

Arraignment Representation Overview

Custodial arraignments: Custodial arraignments generally take place at the CAP located at the Yates County Jail in Penn Yan, which holds sessions two times per day (8:00 AM and 8:00 PM). Arraignments may also take place at any court that is currently in session where the Public Defender's Office is present. Representation at the CAP is provided by a rotation of attorneys from the PD Office.

Non-custodial arraignments: Non-custodial arraignments take place in local courts during court sessions that are staffed by the PD Office. The PD Office provides representation at these arraignments unless the client is already represented by a member of the ACP panel, in which case a panel attorney represents their client at the arraignment.

Determining financial eligibility for assignment counsel: The PD Office conducts the eligibility screening using an application based on ILS' model form and Eligibility Standards. ILS worked with Yates County to develop a one-page eligibility form that is intended to streamline the application process. The eligibility form is completed the same day as the arraignment, and the PD Office reviews the application and determines eligibility on the same day or next business day after the arraignment.

Appendices

Appendix A

New York State Office of Indigent Legal Services

CAFA Survey 2025

In previous years, ILS has conducted interviews with Chief Defenders / CAFA Coordinators to gather information about CAFA representation for our annual reports to the Executive. This year, we have streamlined our collection of this information into an online survey. Please answer the below questions regarding arraignment representation in your county. Where relevant, the question will include a link (?) for instructions and definitions to clarify terms used. Feel free to reach out to Claire Zartarian at claire.zartarian@ils.ny.gov or 518-937-5844 if you have any questions about this survey instrument or how to fill it out.

I. General Information

1. Please select the county you are completing this survey for:

- ◯ Albany County
- ◯ Allegany County
- ◯ Broome County
- ◯ Cattaraugus County
- ◯ Cayuga County
- ◯ Chautauqua County
- ◯ Chemung County
- ◯ Chenango County
- ◯ Clinton County
- ◯ Columbia County
- ◯ Cortland County
- ◯ Delaware County
- ◯ Dutchess County
- ◯ Erie County
- ◯ Essex County
- ◯ Franklin County
- ◯ Fulton County
- ◯ Genesee County
- ◯ Greene County

- Hamilton County
- Herkimer County
- Jefferson County
- Lewis County
- Livingston County
- Madison County
- Monroe County
- Montgomery County
- Nassau County
- New York City
- Niagara County
- Oneida County
- Onondaga County
- Ontario County
- Orange County
- Orleans County
- Oswego County
- Otsego County
- Putnam County
- Rensselaer County
- Rockland County
- Saint Lawrence County
- Saratoga County

- Schenectady County
- Schoharie County
- Schuyler County
- Seneca County
- Steuben County
- Suffolk County
- Sullivan County
- Tioga County
- Tompkins County
- Ulster County
- Warren County
- Washington County
- Wayne County
- Westchester County
- Wyoming County
- Yates County

2. Please provide your name and job title:

II. Custodial Arraignments: Program Type, Providers, and Coverage

3. How are **custodial** arraignments conducted in your county?

- ◯ through an OCA-approved Centralized Arraignment Part (CAP)
- ◯ through an on-call system
- ◯ Other

3*. Does the CAP also include **non-custodial** arraignments?

- ◯ Yes
- ◯ No

4. What is the best characterization of the programs for providing defense representation at **custodial** arraignments?

- ◯ All custodial arraignments covered
- ◯ Most custodial arraignments covered
- ◯ Some custodial arraignments covered
- ◯ No custodial arraignments covered

5. Which providers of mandated criminal representation in the county represent clients at **custodial** arraignments? Check all that apply.

- ☐ Institutional Primary Provider (Public Defender / Legal Aid Society)
- ☐ Institutional Conflict Provider (Conflict Defender / Legal Aid Society)
- ☐ Assigned Counsel Program
- ☐ Other

6. In the past year, has your county encountered any issues providing representation at **custodial** arraignments that you would like ILS to be aware

of?

- ◯ Yes
- ◯ No

6*. Please describe:

III. Non-Custodial Arraignments: Providers and Coverage

7. Which providers of mandated criminal representation in the county represent clients at **non-custodial** (i.e., appearance ticket) arraignments? Check all that apply.

- ☐ Institutional Primary Provider (Public Defender / Legal Aid Society)
- ☐ Institutional Conflict Provider (Conflict Defender / Legal Aid Society)
- ☐ Assigned Counsel Program
- ☐ Other

8. In the past year, were there any scheduled **non-custodial** (i.e., appearance ticket) arraignments where the person did not have defense counsel representation (either due to a failure to notify the attorney, attorney missing a call to appear, or for any other reason)?

- ◯ Yes, on one occasion
- ◯ Yes, on a few occasions
- ◯ Yes, on more than a few occasions

- ○ No

8*. When did this happen?

- ○ During court sessions when the Public Defender / Legal Aid Society / Conflict Defender / Assigned Counsel Program is regularly scheduled to appear for criminal cases
- ○ During court sessions when the Public Defender / Legal Aid Society / Conflict Defender / Assigned Counsel Program is not regularly scheduled to appear for criminal cases
- ○ During both types of sessions

8**. How was the arraignment / were these arraignments handled? Check all that apply.

- ☐ The arraignment(s) was / were adjourned and rescheduled
- ☐ The arraignment(s) was / were conducted without defense counsel present
- ☐ Other

8***. Please provide any additional information about these arraignments:

9. Is there a system in place to identify if a **non-custodial** (i.e., appearance ticket) arraignment takes place without defense counsel present to represent the client? Examples of systems to identify these "missed" arraignments include receiving notification from the court or comparing arraignment records with new case intakes.

- ○ Yes
- ○ No

9*. Please describe:

10. In the past year, has your county encountered any issues providing representation at **non-custodial** (i.e., appearance ticket) arraignments that you would like ILS to be aware of?

- Yes
- No

10*. Please describe:

IV. Virtual Arraignments

11. Do any judges / jurisdictions in the county conduct virtual arraignments?

- Yes
- No

11*. Please describe:

V. Eligibility and Conflict Checks

12. When do criminal court eligibility screenings take place? Please check all that apply.

- [ ] Prior to the day of the arraignment
- [ ] On the day of the arraignment
- [ ] After the day of the arraignment

12* Please describe. If more than one answer was selected, please include information on when criminal court eligibility screenings **most commonly** take place (i.e., *"eligibility checks take place on and after the day of the arraignment, however, in most cases it happens on the day of arraignment and only occasionally the day after"*).

13. Who currently screens for financial eligibility for assigned counsel in criminal court?

14. In criminal cases, when do conflict checks take place? Please check all that apply.

- [ ] Prior to the day of the arraignment
- [ ] On the day of the arraignment
- [ ] After the day of the arraignment

14* Please describe. If more than one answer was selected, please include information on when conflict checks **most commonly** take place (i.e., *"conflict checks take place on and after the day of the arraignment, however, in most cases it happens on the day of arraignment and only occasionally the day after"*).

15. In criminal cases, are there ever time gaps of *more than one day* between the arraignment and final assignment of counsel (i.e., the attorney who will provide representation through case disposition)?

- ◯ Yes
- ◯ No

15*. Please describe:

VI. County CAFA Profile

16. Please review your county's CAFA Profile that we sent as an attachment to the email including the link to this survey. Is the CAFA Profile accurate and up to date?

- ◯ Yes
- ◯ No

16*. Please send a corrected version of your county's CAFA Profile to claire.zartarian@ils.ny.gov

VII. Successes and Challenges

17. Please describe the successes that have been achieved since the start of the Hurrell-Harring / Statewide implementation around providing counsel at first appearance:

18. Please describe any challenges that you are currently experiencing around providing counsel at first appearance:

19. Please use this section to provide any additional information to further clarify or explain, or to provide additional comments to any of the questions in this survey:



New York State Office of

Indigent Legal Services

Appendix B

Appendix B: Survey Respondents per County

County	CAFA coordinator(s) surveyed
Albany	Tina Sodhi, Conflict Defender
Allegany	J.R. Carter, Public Defender Peter Degnan, Conflict Defender
Broome	Mike Baker, Public Defender
Cattaraugus	Darryl Bloom, Public Defender
Cayuga	Lloyd Hoskins, ACP Administrator,
Chautauqua	Nathaniel "Ned" Barone, Public Defender
Chemung	John Brennan, Public Advocate
Chenango	Aaron Dean, Public Defender
Clinton	Jamie Martineau, Public Defender
Columbia	Shane Zoni, Public Defender
Cortland	Michael Cardinale, ACP Administrator
Delaware	Joseph Ermeti, Public Defender
Dutchess	Margaret Walker, Public Defender
Erie	Michelle Parker, ACP Administrator, David Schopp, Executive Director of Legal Aid Bureau of Buffalo
Essex	Emily Evatt, Public Defender, Leah Burke, ACP Administrator
Franklin	Paul Ryan, Public Defender, Jonathan Miller, Conflict Defender, Hannah Fleury, ACP Supervising Attorney
Fulton	Roger Paul, Public Defender
Genesee	Jerry Ader, Public Defender
Greene	Angelo Scaturro, Public Defender
Hamilton	Sterling Goodspeed, Public Defender & ACP Administrator
Herkimer	Keith Bowers, ACP Administrator
Jefferson	Julie Hutchins, Public Defender
Lewis	Michael Young, Public Defender
Livingston	Lindsay Quintilone, Public Defender
Madison	David DeSantis, ACP Administrator
Monroe	Julia Cianca, Public Defender, Sarah Holt, Conflict Defender
Montgomery	Bill Martuscello, Public Defender
Nassau	N. Scott Banks, Chief Attorney Lindsay Boorman, ACP Deputy Administrator
Niagara	David Blackley, Public Defender
Oneida	Tina Hartwell, Public Defender
Onondaga	Kathleen M. Dougherty, ACP Executive Director

Appendix B: Survey Respondents per County

County	CAFA coordinator(s) surveyed
Ontario	Leanne Lapp, Public Defender, Carrie Bleakley, Conflict Defender
Orange	Michael Davis, Chief Attorney, The Legal Aid Society of Orange County, Damian Brady, ACP Administrator
Orleans	Joanne Best, Public Defender
Oswego	Bradley Janson, Public Defender, Rachael Dator, ACP Administrator
Otsego	Susan Lettis, Public Defender
Putnam	Elizabeth Costello, Chief Attorney, Putnam County Legal Aid Society
Rensselaer	John Turi, Public Defender, Sandra McCarthy, Conflict Defender
Rockland	James Licata, Public Defender
Saratoga	Andrew Blumenberg, Public Defender, Matthew Maiello, Conflict Defender, Dawn Phillips, ACP Administrator
Schenectady	Stephen Signore, Public Defender
Schoharie	Suzanne Graulich, ACP Administrator
Schuyler	Josette Colon, Public Defender
Seneca	Michael Mirras, Public Defender
St. Lawrence	James McGahan, Public Defender
Steuben	Shaun Sauro, Public Defender
Suffolk	Laurette Mulry, Attorney in Charge, Legal Aid Society, Daniel Russo, ACP Administrator
Sullivan	Linda Levine, ACP Administrator, Tim Havas, Chief Legal Aid Panel Attorney
Tioga	Thomas Cline, Public Defender
Tompkins	Lance Salisbury, ACP Administrator
Ulster	Elizabeth Corrado, Public Defender
Warren	Gregory Canale, Public Defender
Washington	Michael Mercure, Public Defender, Julie Eagan, ACP Administrator
Wayne	Andrew Correia, Public Defender
Westchester	Clare Degnan, Executive Director, Westchester Legal Aid Society, Stephanie Perez, ACP Administrator
Wyoming	Leah Nowotarski, Public Defender
Yates	Matt Tantillo, Public Defender
57 Counties	74 survey respondents

Appendix C

Appendix C. *Non-Custodial Arraignment Coverage*

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Albany	✓									
Allegany				✓	✓			✓	✓	
Broome	✓									
Cattaraugus	✓									
Cayuga	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Chautauqua	✓									
Chemung				✓	✓				✓	
Chenango	✓									
Clinton			✓		✓			✓		
Columbia	✓									
Cortland	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Delaware				✓			✓	✓	✓	
Dutchess			✓		✓			✓		
Erie	✓									
Essex	✓									
Franklin	✓									
Fulton			✓		✓			✓		

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Genesee	✓									
Greene	✓									
Hamilton	✓									
Herkimer			✓		✓			✓		
Jefferson	✓									
Lewis	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Livingston	✓									
Madison	✓									
Monroe	✓									
Montgomery			✓		✓			✓		
Nassau	✓									
Niagara	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Oneida	✓									
Onondaga		✓				✓		✓		
Ontario	✓									
Orange	✓									
Orleans	✓									
Oswego	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Otsego			✓		✓					✓
Putnam			✓		✓				✓	
Rensselaer	✓									
Rockland	✓									
Saratoga	✓									
Schenectady	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Schoharie	✓									
Schuyler	✓									
Seneca	✓									
St. Lawrence			✓		✓				✓	
Steuben	✓									
Suffolk	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Sullivan	✓									
Tioga		✓				✓		✓		
Tompkins				✓	✓			✓	✓	
Ulster	✓									
Warren	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
Washington	✓									
Wayne			✓		✓			✓		
Westchester	✓									
Wyoming			✓		✓			✓		
Yates	✓									

	Were there any scheduled non-custodial arraignments where the person did not have defense counsel representation?				When did this happen (for Criminal Cases)?			How was the arraignment / were these arraignments handled?		
County	No	Yes, on one occasion	Yes, on a few occasions	Yes, on more than a few occasions	During court sessions when the Provider is not regularly scheduled to appear	During court sessions when the Provider is regularly scheduled to appear	During both types of sessions	The arraignment(s) was / were adjourned and rescheduled	The arraignment(s) was / were conducted without defense counsel present	Other
TOTAL # OF ✓ COUNTIES	41	2	10	4	13	2	1	12	6	1