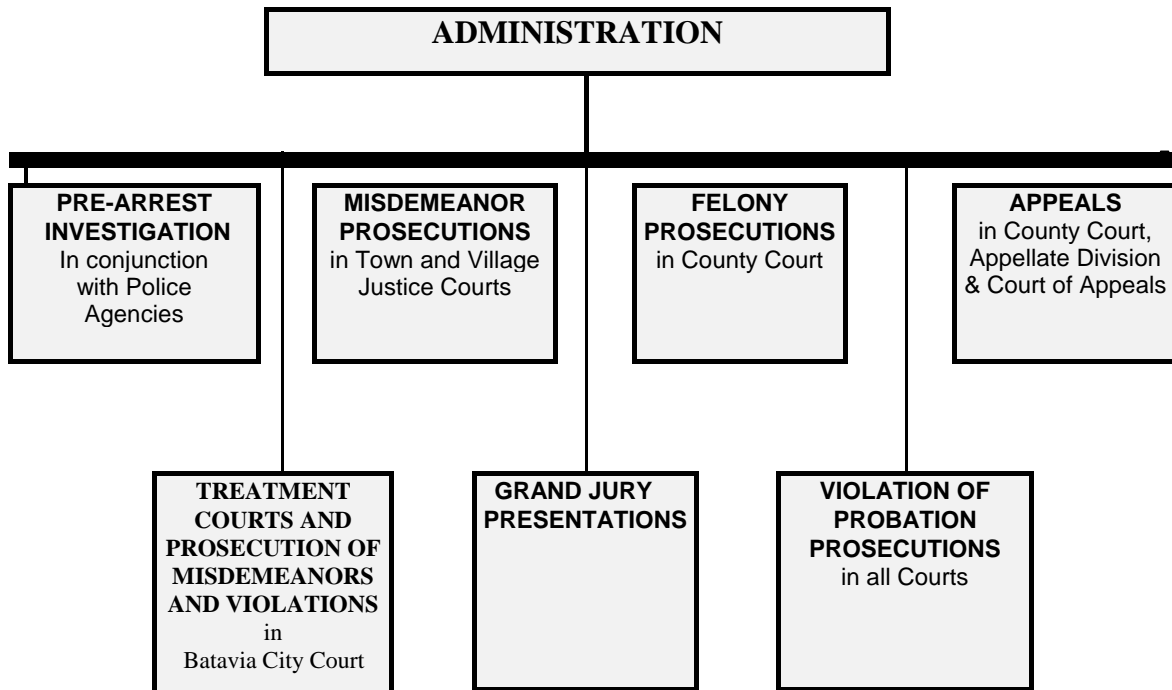


GENESEE COUNTY DISTRICT ATTORNEY'S OFFICE

ORGANIZATIONAL CHART



DEPARTMENT DESCRIPTION

The District Attorney's Office prosecutes all criminal charges brought to this office by various arresting agencies in Genesee County. We assist the police agencies in pre-arrest investigations and applications for Search Warrants and in conjunction with them we prepare applications for eavesdropping warrants or pen register orders; we do legal research; we consult with the police agencies and courts regarding bail; we meet with victims and witnesses and prepare felony cases for Preliminary Hearings and presentation to the Grand Jury. After a case had been indicted by the Grand Jury, the Prosecuting Attorney is present at all court appearances scheduled for the case. We draft all legal documents, prepare for and participate in hearings, negotiate pleas, prepare for trials, select juries and prosecute cases through the verdict and sentencing. At sentencing we must address the issue of restitution for losses sustained by the victims. Proof of losses must be obtained by the District Attorney's office and, if a resolution can not be agreed upon, a hearing is conducted to resolve the matter. After a defendant has been sentenced, the D. A.'s office prepares appeal briefs and argues appeals in the Genesee County Court, the New York State Appellate Division and the New York State Court of

Appeals. We also defend all post-judgment applications to vacate criminal convictions on the grounds of newly discovered evidence (or other grounds).

The District Attorney's office prosecutes all misdemeanor cases in every Town, Village and City Court in the County. Pursuant to a contract between Genesee County and the City of Batavia, we also prosecute Vehicle and Traffic Law violations and Penal Law violations (non-criminal offenses) in the Batavia City Court and provide additional services to this Court and the Batavia Police Department which are not available to the other Local Criminal Courts and Police agencies in the County. Misdemeanor cases are handled in much the same way as felony cases, except that they do not go through the Grand Jury process.

The District Attorney's Office also prosecutes all Violations of Probation at both the County and City/Town/Village levels, as referred to the office by the Genesee County Probation Department. Furthermore, our Office represents the interests of the People of the State of New York in the County's Drug, DWI, Veterans and Mental Health Treatment Courts, held in the Batavia City Court and the IDV (Integrated Domestic Violence) Court held in the Genesee County Court.

DEPARTMENT: DISTRICT ATTORNEY

STRATEGIC FRAMEWORK

Mission

The District Attorney is elected by the voters of Genesee County and is responsible to them for carrying out the prosecution of criminal cases referred to the District Attorney's Office by the various police agencies within the County, including the New York State Police, the Genesee County Sheriff's Office, the Batavia Police Department, the LeRoy Police Department, the Corfu Police Department and the New York State Park Police.

Key 2013 Accomplishments

COMMUNITY EDUCATION, PUBLIC OUTREACH AND ADVISORY POSITIONS:

Recognizing the need to bring about positive change in the field of criminal justice and educate members of the community with respect to our legal system, District Attorney Lawrence Friedman:

1. Served as Chairman of Genesee County's Criminal Justice Advisory Council.
2. Served on the faculty of a Sexual Assault and Domestic Violence Trial Advocacy Seminar for the New York Prosecutors Training Institute in Albany.
3. Spoke at the Courts Facility with the students from the B.E.A (Business Education Alliance) and the PACT student group.
4. Appeared on the WBTA "County Spotlight" radio program.
5. Hosted law student interns from S.U.N.Y.A.B. and Albany Law Schools, as well as job shadows from the Legal Careers Academy at Genesee Valley Educational Partnership/Genesee Community College.
6. Was interviewed by a student in the Empire State College "Criminal Courts" course.
7. Served as a panel member at a Lifespan presentation on senior scams, ID theft and elder abuse.
8. Served on the STOP-DWI Advisory Board, the Criminal Justice Advisory Council, the Justice for Children Team, the Genesee Community College

Criminal Justice Advisory Committee, the New York State District Attorney's Association Executive Committee and the Crime Victims Rights Week planning committee and worked on the planning and presentation of the annual Criminal Justice Day program sponsored by the Mental Health Association in Genesee County and the annual Law Day Observance and Criminal Justice Award Dinner.

9. Assistant District Attorney Robert R. Zickl served on the Coordinated Community Response to Domestic Violence Team and Sexual Assault Task Force.
10. Assistant District Attorney William G. Zickl acted as a liaison to the Genesee County Sheriff's Office on use of force issues and spoke to the Genesee County combined ERT regarding use of force issues.
11. All of the attorneys in our office volunteer their time working with the New York State Bar Association High School Mock Trial Competition. District Attorney Lawrence Friedman serves as the coordinator of the program. Assistant District Attorney Robert R. Zickl serves as Attorney Advisor for the Notre Dame High School Mock Trial Team. Assistant District Attorney William G. Zickl serves as a Judge in the local tournament. Assistant District Attorney Kevin T. Finnell serves as Attorney Advisor for the Pavilion High School Team. Assistant District Attorney Melissa L. Cianfrini serves as Attorney Advisor for the Oakfield-Alabama School Team.
12. Assistant District Attorney Melissa L. Cianfrini served on and chaired a multi-county, multi-discipline committee called the Young Victims Committee (hereinafter, "YVC"), which was formed to address issues with respect to the prosecution of sexual abuse cases involving young children (ages nine and under) and unsworn victims (victims that are unable to take an oath due to age and/or mental/intellectual deficiencies). The YVC created a reference card for interviewing young victims that will be carried by all law enforcement officials (hereinafter, "LE") in the GLOW region. The YVC is also preparing two training sessions for LE in the GLOW region. One training session will be for roll-out of the reference cards and the other training will be on the issues that arise in the prosecution of sexual abuse cases involving young and/or unsworn victims such as the importance or corroboration, recantation of victims, and the Child Sexual Abuse Accommodation Syndrome.
13. All of the Assistant District Attorneys participated in the annual Summer College for District Attorneys sponsored by the New York Prosecutors' Training Institute and held at the Syracuse University School of Law.

Major Appellate Cases

People v. Scott Doll: In March, 2012, the defense team submitted a 78 page Brief to the Court of Appeals, arguing that the majority of the Appellate Division, Fourth Department was incorrect when it held that the emergency doctrine justified the Defendant's detention and questioning by members of the Genesee County Sheriff's Office, and requesting that the Defendant be granted a new trial. Assistant District Attorney William G. Zickl and Melissa L. Cianfrini assisted by the District Attorney's Office administrative staff spent weeks researching, drafting and writing our 65 page Respondent's Brief, which was filed on January 25, 2013. The matter is scheduled to be argued before the Court of Appeals on September 3, 2013 in Albany.

People v. Jacquetta Simmons: After the Defendant was convicted of Assault in the Second Degree, her defense team was granted a stay of her sentence pending her appeal, which resulted in her release from prison. The defense team filed a Brief in the Appellate Division, Fourth Department, claiming among other things, that there was insufficient evidence brought forth at trial to support the conviction and that her sentence was unduly harsh and severe. Assistant District Attorney William G. Zickl and Melissa L. Cianfrini drafted and submitted a Brief to the Fourth Department responding to the Defendant's claims. The matter is scheduled to be argued on December 2, 2013 in Rochester.

Key 2014 Goals

Our goals for 2013 are to continue to implement plea practices which serve the public and to be able to continue to effectively prosecute all criminal charges with a reduced workforce, despite the added burdens being placed on our office by Specialty Courts such as Drug Treatment Court, DWI Treatment Court, Mental Health Court and IDV Court together with the escalating workload that we are experiencing.

BUDGET SUMMARY

<u>Appropriation By Object</u>	<u>Adopted 2012</u>	<u>Actual 2012</u>	<u>Adopted 2013</u>	<u>Estimated 2013</u>	<u>Proposed 2014</u>
Salary/Fringe	795,672	780,282	824,303	824,303	830,690
Equipment	-0-	-0-	-0-	-0-	25,000
Contractual	<u>57,828</u>	<u>39,795</u>	<u>57,571</u>	<u>57,571</u>	<u>46,240</u>
Total Appropriation	853,500	820,077	881,874	881,874	901,930
Revenue	<u>190,327</u>	<u>256,606</u>	<u>206,497</u>	<u>206,497</u>	<u>237,759</u>
Net County Support	663,173	620,007	675,377	675,377	664,171
FTE's	9.5	9.5	9.5	8.5	8.75

BUDGET HIGHLIGHTS

Salary/Fringe:

First Assistant District Attorney David E. Gann retired at the end of March of 2010 and, after enjoying retirement for one day, he came back on a part-time basis as our Senior Assistant District Attorney earning \$30,000 per year (the maximum that he could earn without effecting his pension). We used the remaining \$61,874 per year from his former salary as the salary for our new Assistant District attorney, Melissa L. Cianfrini. Two years ago, when we were faced with a budget cut that would have necessitated that we cut our staff, Mr. Gann relinquished his position with our office in order to ensure that nobody else lost their job.

We are now the only Genesee County Law Department without a First Assistant or Senior Assistant Attorney. Likewise, we are one of only two or three District Attorney's Offices in the State without such a position. We believe that it is important for us to be able to restore that position to our staff. However it is even more important that, in the meantime, we be able to adequately recognize and compensate our existing staff.

Melissa Cianfrini has been doing an excellent job. Working long hours and handling a multitude of challenging responsibilities, she has become a great asset to this office and certainly deserves to be compensated at a rate closer to that of her fellow Assistant District Attorneys, who are each earning approximately \$16,000 per year more than her.

Despite being very conscious of the County's fiscal constraints, I have been wanting to seek an increase in Ms. Cianfrini's salary. The funding stream that will now be available through the Department of Social Services gives Genesee County the opportunity to more fairly compensate Ms. Cianfrini without increasing the County's contribution to her salary. Therefore, it is my request that the \$6280 per year (plus fringe benefits) that we will be receiving through the Department of Social Services be added to ADA Cianfrini's salary starting on January 1, 2014.

Also proposed in the 2014 Budget is an increase of the hours that our part-time Legal Clerk-Typist works from 19.5 hours per week to 29.5 hours per week. Many changes have occurred that make it difficult for our support staff to keep up with the day to day operations of the office. Therefore I am proposing an increase in the support staffing of this office which has not changed since September, 2000.

Since 2003 our office has seen an increase of approximately 100 cases per year. This number only reflects the cases that we track and not matters the Assistant District Attorneys handle in the Town Courts without an open file (Agg. Unlicensed Operation in the Second and Third Degrees, Unlawful Possession of Marihuana, Issuing a Bad Check and Alcohol Beverage violations (with the exception of the Town of Darien, for which we do have files on such matters)). When you take into consideration all the preparation and documentation that accompanies each case, this is a very significant increase. For example, each case is opened and closed in our case tracking system. Between the times when a case is opened and closed, there is correspondence between the prosecutor and defense attorney, Discovery is turned over to the defense attorney, subpoenas are prepared for pre-trial hearing, information will need to be subpoenaed or requested from various agencies, etc. In an effort to keep the jail population down, this office has implemented new protocols to move cases along. These new protocols place an additional burden on an already overburdened support staff.

In addition to the increased number of cases this office prosecutes, other changes have also impacted the workload for the clerical staff. For instance, when a Defendant is incarcerated in another facility (other than the Genesee County Jail), an Order to Produce needs to be prepared for each and every court appearance. Or, if they are in a Federal Detention Facility, we prepare a Federal Writ which has to be signed by an Assistant U.S. Attorney. Both of these have increased in the past few years. In 2011 there were over 230 Orders to Produce prepared. In 2012, over 177 were prepared. To date for 2013, 134 have been prepared.

The State Court System, as well as the State and Federal Governments have also increased the documentation we are required to complete. This ranges from preparing Orders of Protection for victims, Plea in Satisfaction forms, Restitution Documentation, retrieving information for the Office of Mental Health, sending out Parole letters and retrieving dispositions from old files (sometimes dating back to the 1960s) for the FBI NICS (National Instant Criminal Background Check System). This is just a small example of the outside influences that add to our workload. This does not include the additional work that needs to be done for the specialty Courts such as Drug Treatment Court, DWI Treatment Court, Integrated Domestic Violence Court, Mental Health Court and Veterans Court.

During the day to day operations of this office, we have also had an increase in the number of phone calls and visitors to our office. For one week in 2012, our receptionist Lacie Snell and our Confidential Secretary, Donna Barrett kept track of the number of incoming calls they received. They received approximately 250 calls during that one week period.

Earlier this year, our full-time Legal Clerk-Typist, Kayla Silvernail, was out on an

unplanned medical leave for approximately three months (six weeks full time and six weeks part-time). During this time, the support staff took little time off and at times it left this office with only one member of our support staff working in the office person for hours at a time. Part-time Legal Clerk-Typist Katie Schrider also worked extra hours with funding that was left in the Aid to Prosecution Grant due to vacations she had taken with no pay. The staff divided up Kayla Silvernail's duties and many times came in early or worked late to keep up with the workload.

I understand that if we add more hours to Katie Schrider's schedule, she will be eligible for benefits: vacation time, sick time, etc. However, we are only asking for an additional 10.5 hours per week. I think we would have a hard time filling a new position for that number of hours as well as keeping someone in that position for that number of hours. Furthermore, it would be a burden on the rest of the support staff to have to train someone for 10.5 hours per week.

Listed below are the salaries that are covered in part or completely by the Revenues generated by this office.

Stop DWI (\$50,110.00): All Assistant District Attorneys. Funding is applied for annually.

City Court Prosecutorial Services: (55,800.00) This is a projected amount due to the fact that our current City Court Prosecutorial Service Agreement expires on December 31, 2013. Part of the salaries of Robert R. Zickl, William G. Zickl and Lacie Snell is paid by the City of Batavia for Prosecutorial Services.

Aid to Prosecution (the majority of the \$29,200.00 we receive goes toward Personnel Services): Robert R. Zickl, William G. Zickl, Donna J. Barrett and Kathleen Schrider. The majority latter's salary and the County's share of FICA are paid from this grant (\$14,362.42). Funding is applied for annually.

DA Salary Reimbursement (\$66,089.00): Lawrence Friedman.

Equipment: This office is requesting a budget line for Audio Visual Equipment in the amount of \$25,000.00. We have applied for a corresponding grant to cover this expense. The funding will be used to purchase Video Recording Equipment for each of the 5 police agencies for suspect interviews.

Contractual:

There was one line item which was increased, NY Phone Basic

Service Fax (\$56.00). Other line item adjustments result in an overall savings of \$1331.00.

<u>INDICATORS (Cases Opened)</u>	<u>Actual 2012</u>	<u>Estimated 2013</u>	<u>Estimated 2014</u>
New Felonies (including felony Violations of Probation)	494	500	505
Misdemeanors, Violations, Infractions and misdemeanor Violations of Probation	2472	2400	2500
Indictments	86	100	110
Superior Court Informations	128	140	150