

DATA OFFICER NEWSLETTER

ILS Data Officer Listserv

Volume 2, Issue 3

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Welcome



Welcome to ILS' Data Officer Newsletter. In this newsletter, we will provide updates and highlights pertaining to the ILS Research Team, County Data Officers, and those involved in data collection and reporting for Institutional Providers and Assigned Counsel Programs across New York State.

Statewide Quality Improvement and Caseload Relief Report

The 2022 Statewide Quality Improvement and Caseload Relief Report uses data from the annual ILS-195 to track statewide implementation of the *Hurrell-Harring* settlement initiatives and highlights the progress that

can be made when there is state fiscal commitment to improved quality mandated legal representation. For institutional providers, the data reveal that overall weighted criminal cases per attorney remained below ILS caseload standards in 2021 (see Figure 1). Additionally, for assigned counsel programs (ACPs), average spending per weighted criminal case increased in 2021 compared to 2020 (see Figure 2).

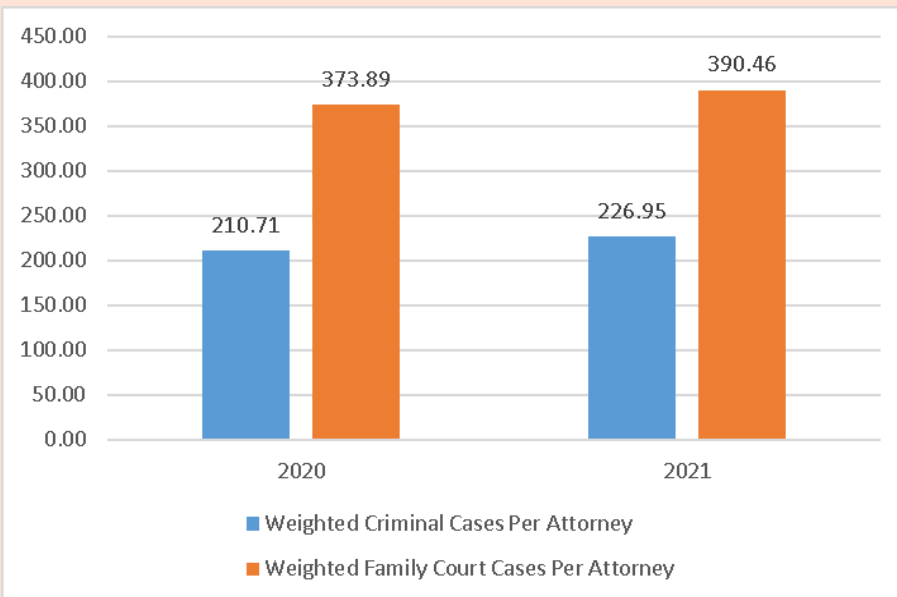


Figure 1: Weighted Cases Per Attorney in Institutional Providers in the 52 non-Hurrell-Harring Counties and New York City, 2020-2021

However, this data also highlights what happens when there is no such state fiscal commitment—institutional provider defense attorneys representing low-income parents in Family Court experience average attorney caseloads that are 72% greater than attorneys providing criminal representation, while average spending by ACPs per weighted Family Court case is 62% lower than average spending in criminal cases (see Figures 1 and 2).



Figure 2: Average Spending Per Weighted Criminal and Family Court Case in Assigned Counsel Programs in 52 non-Hurrell-Harring Counties and New York City, 2020-2021

To review the full 2022 Statewide Quality Improvement and Caseload Relief Report please visit ILS's website, www.ils.ny.gov, under Hurrell-Harring Statewide Implementation > Statewide Implementation Plans and Reports > [Statewide Quality Improvement and Caseload Relief Report 2022](#).



ILS Site Visits

ILS' Data Outreach Officer Reilly Weinstein and Data Scientist Nick Watson, in collaboration with ILS Statewide Attorneys, continue in-person meetings with county providers and county-based data staff. Nick and Reilly's goal remains to gather information on each county's structuring of the Data Officer role and the overall infrastructure of data collection and reporting; ultimately, findings will inform a targeted and collaborative approach to addressing data-related barriers. Reilly and Nick look forward to continuing their outreach and in-person meetings in 2023!



July: Otsego, Erie and Genesee

On July 19, Nick Watson and Reilly Weinstein accompanied by Statewide Attorney Kathryn Murray travelled to the Otsego County Public Defender's Office to meet with Chief Public Defender Aaron Dean and Data Officer/ Grants Administrator Bill Youngs. They discussed the office's flow of information from data collection to ILS report submission. As the Data Officer for both the Otsego County Public Defender's Office and the Otsego County Assigned Counsel Program, Mr. Youngs uses PDCMS and Munis to extract data for the ILS report. Mr. Youngs also shared that upon entering his position, he focused on converting several years' worth of financial data into digital files, which has helped the county streamline its data reporting process.

The following morning, Reilly and Nick met with Erie County Data Officer Ernesto Irizarry. Mr. Irizarry is an Evaluation Associate at Community Connections of NY (CCNY, Inc) and recently took on the additional role of Data Officer. The Legal Aid Bureau of Buffalo uses Legal Server as their case management system, while the assigned counsel program, the Erie County Bar Association Aid to Indigent Prisoners Society, uses Defender Data. Both providers use a secure, encrypted app and a unique link to upload their respective data to a shared portal. From here, Mr. Irizarry downloads and verifies the data for both providers before completing and submitting the ILS reports.

Later that day, Reilly and Nick met with Genesee County Data Officer/Confidential Secretary to the Public Defender, Jamie Amburgey. Ms. Amburgey has worked with the Public Defender's Office for several years and has developed strong collaborative working relationships with attorneys and other staff, which allows for an efficient and thorough system of data reporting. While ACP Administrator Kristie DeFreze manages the ACP's data, Ms. Amburgey uses PDCMS to enter, verify and extract the data for the Public Defender's Office. Ms. Amburgey also provides training on data entry to other administrative office staff.



August: Montgomery

On August 23, Nick and Reilly met with Montgomery County Data Officer, David Swart. Mr. Swart is stationed adjacent to the County Auditor's Office and serves as the Data Officer for the Montgomery Public Defender's Office. In addition to using PDCMS to track data for the ILS reports, the Public Defender's Office keeps their own spreadsheets for internal use. Mr. Swart uses these internal datasets to cross-reference and verify the data for the ILS reports. Mr. Swart also shared his method for familiarizing himself with the ILS reporting requirements and definitions: he created his own manual and continues to add new information that he receives from trainings, phone calls and email responses from ILS's Research Team.



September: Wayne

On September 6, Reilly and Nick, accompanied by ILS Hurrell-Harring Senior Research Associate Alyssa Clark, visited the Wayne County ACP. They met with ACP Administrator Bruce Chambers, ACP Legal Assistant/Data Officer Marcia Burdick, and Wayne County Public Defender's Office Data Officer, Jessica Watrous. The discussion centered on the importance of accurate data and methods of streamlining data collection and reporting processes. Regarding timely and accurate voucher submission and data collection, Ms. Burdick illustrated how regular communication with other staff and panel attorneys was essential. Ms. Watrous echoed the sentiment; she described how her Public Defender Office team functions with each member serving as the point person for a specific data category (e.g., arraignments, NAP usage, etc.). Together, the team verifies and validates the data. The final ILS-195 report that they submit to ILS is a product of intensive collaboration and teamwork.



American Society of Criminology Annual Meeting

In mid-November, three members of the ILS Research Team attended the American Society of Criminology’s (ASC’s) Annual Meeting hosted in Atlanta, Georgia. All three presentations were part of the Indigent Defense Research Association’s (IDRA) annual convening hosted within the ASC conference. The IDRA panels provide a forum for public defense researchers across the country to share their efforts to better understand how public defense functions in different states and efficacy of new initiatives aimed at improving the quality of indigent representation.

Mapping the Rural Attorney Shortage in New York State

Alyssa Clark, M.A.

ILS Hurrell-Harring Senior Research Associate Alyssa Clark shared her work, *Mapping the Rural Attorney Shortage in New York State*. Although aggregate data are helpful first steps for mapping the rural attorney shortage, there are two limitations: we are unable to determine if attorneys who practice in rural counties are coming from outside that county and we cannot account for attorneys who practice on multiple panels.

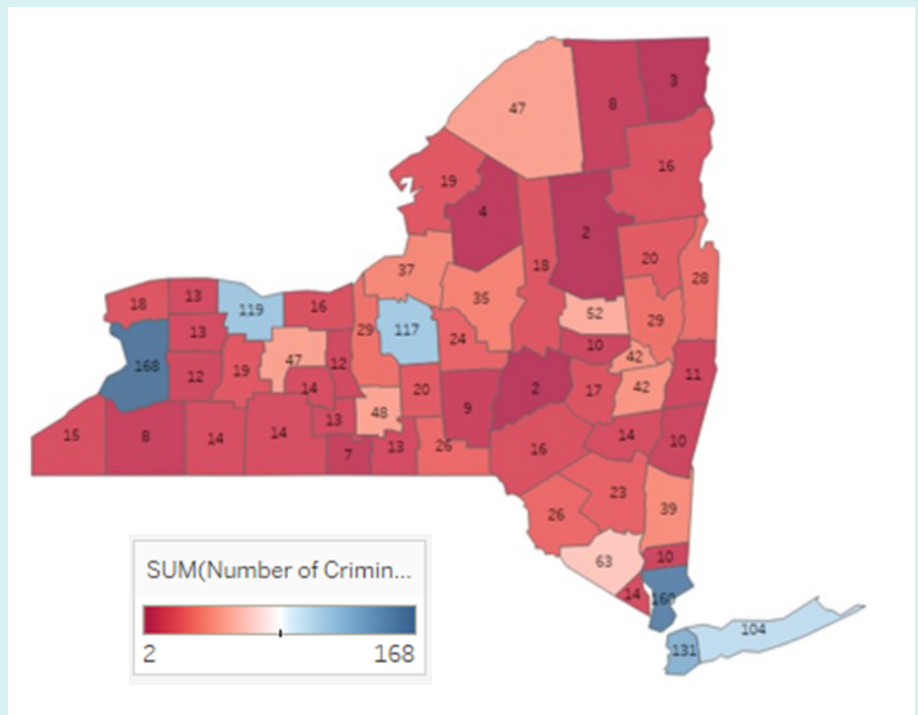


Figure 3: Criminal Defense Attorneys on Assigned Counsel Programs in NYS, 2022.

Figure 3 presents the number of attorneys that accept assigned criminal cases in each county, as reported by Assigned Counsel Administrators in the 2022 ILS-195. Some researchers question the need for attorneys in rural counties, given that there are fewer total criminal cases assigned in the rural counties compared to the urban counties. However, by weighting the number of assigned criminal cases per attorney (based on the ILS Caseload Standards), Figure 4 shows that panel attorneys in some rural counties experience caseloads comparable to panel attorneys in urban counties. Additionally, even with higher numbers of attorneys, urban counties are also experiencing high caseloads due to few attorneys joining assigned counsel panels.

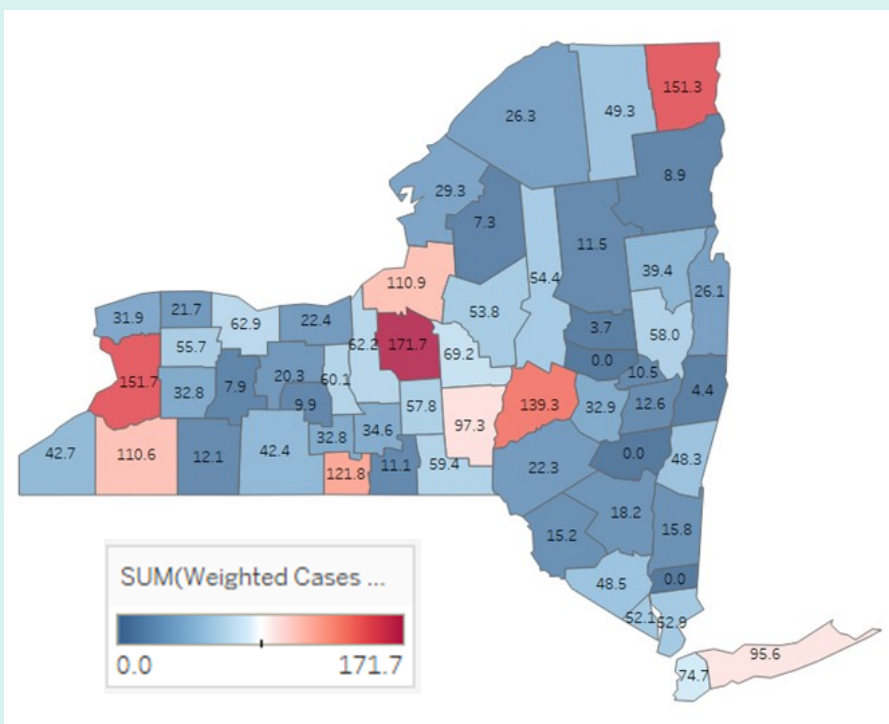


Figure 4: Weighted Cases Per Criminal Defense Attorney in NYS, 2022.

One possible way of better understanding the problem is by asking ACP Administrators and county officials to provide the lists of attorneys who handle assigned criminal cases and their addresses so that we can start mapping the extent of the rural attorney shortage. If you are able to provide a list of panel attorneys or have additional questions, please contact Alyssa at Alyssa.Clark@ils.ny.gov.

Public Defense Reform in New York State Before and During the Covid-19 Pandemic

Karlijn Kuijpers, Ph.D.

ILS Statewide Senior Research Associate Karlijn Kuijpers gave a presentation on *Public Defense Reform in New York State Before and During the Covid-19 Pandemic*. The data illustrate a marked decrease during the pandemic in the total number of cases handled by public criminal defense providers. As compared to institutional providers, Assigned Counsel Programs were more heavily impacted by the pandemic, in both the decrease in cases and decline in total spending (see Figures 5 and 6). This trend emphasizes the need for continued focus on Assigned Counsel Programs when implementing public defense reforms. Finally, while total expenditures for all providers across the state decreased in the first year of the pandemic, they resurged in the second year (see Figure 7 on p. 5). This highlights that despite the pandemic, progress toward implementation of the *Hurrell-Harring Reforms* has continued. For any questions, please contact Karlijn at karlijn.kuijpers@ils.ny.gov.

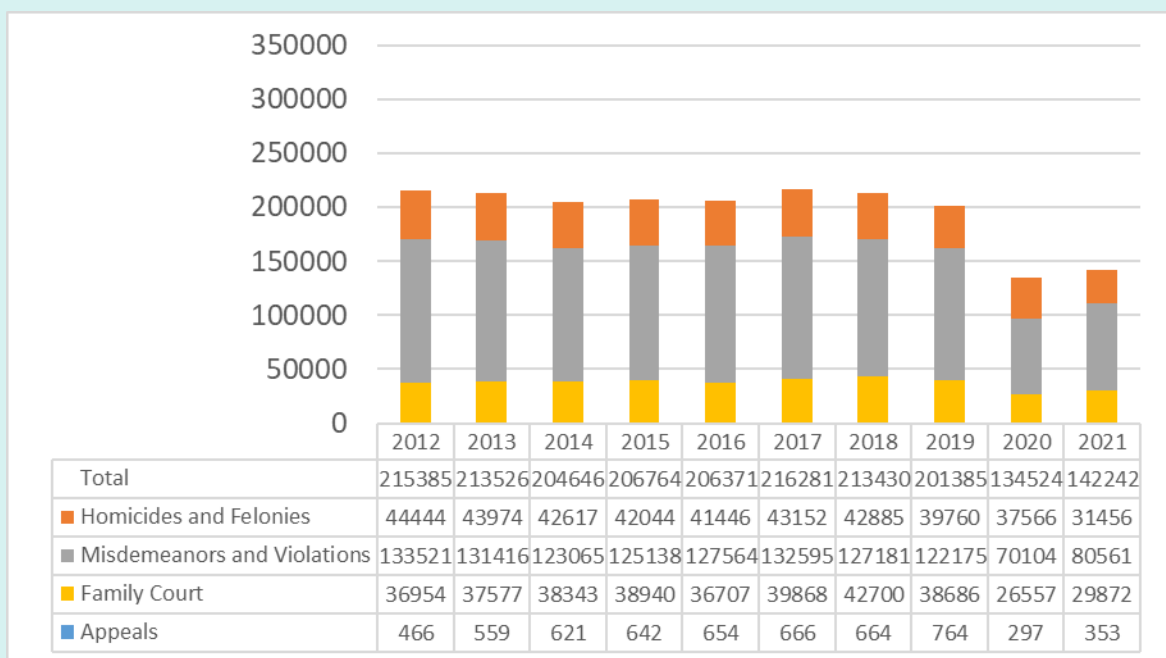


Figure 5: Total Caseloads Handled by Institutional Providers of Criminal Representation in Fifty-Two Non-HH Counties Outside NYC, 2012-2021

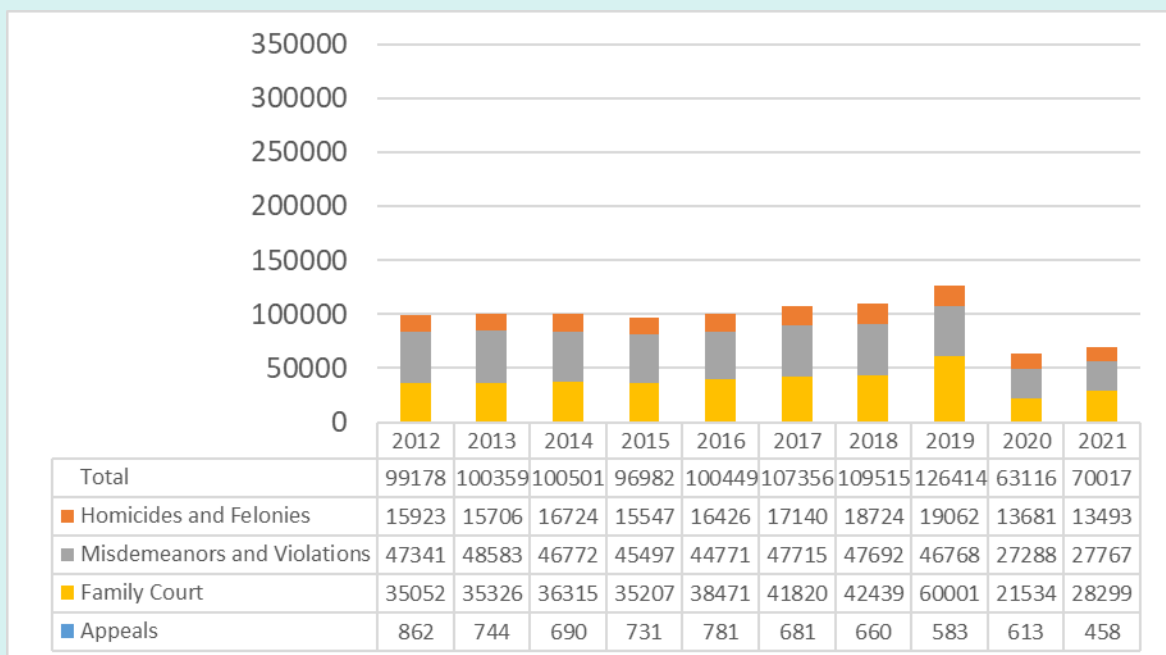


Figure 6: Total Caseloads Handled by Assigned Counsel Programs of Criminal Representation in Fifty-Two Non-HH Counties Outside NYC, 2012-2021

Public Defense Reform in New York State Before and During the Covid-19 Pandemic

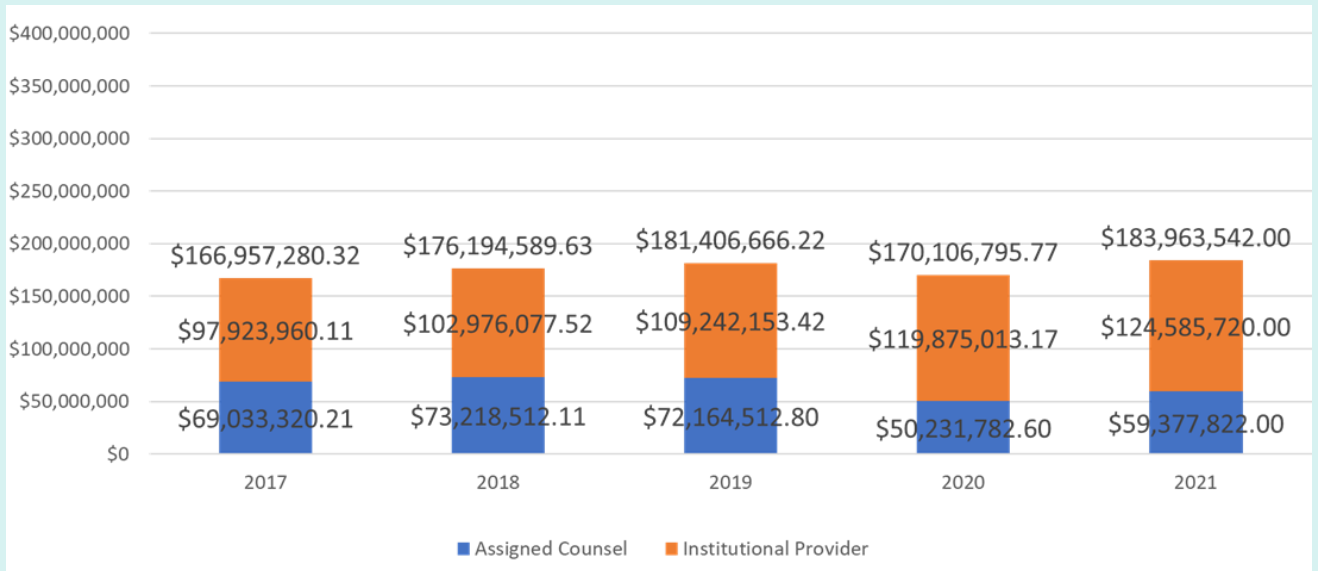


Figure 7: Expenditure Trends for New York State Providers of Criminal Representation in Fifty-Two Non-HH Counties Outside NYC, 2012-2021

Barriers to Quality Data Reporting in NYS’s County-Based Public Defense System

By Nick Watson, M.A. and Reilly Weinstein, M.S.W.

Lastly, Reilly and Nick shared the contents of their project, *Barriers to Quality Data Reporting in NYS’s County-Based Public Defense System*. Using de-identified data gathered from interviews with county-based Data Officers, Nick and Reilly provided an overview of both the challenges that Data Officers face in their role, as well as the factors that contribute to quality data reporting. Findings highlight that despite the idiosyncrasies of each county, Data Officers across the state have a lot in common when it comes to the nature of the challenges they face (see Figure 8).

“Infrastructure,” or the protocol for managing the flow of data within an office or county, was the most frequently cited factor. Data Officers reported that the more organized and efficient the infrastructure, the more they could accomplish in their role. Additional barriers to quality data re-

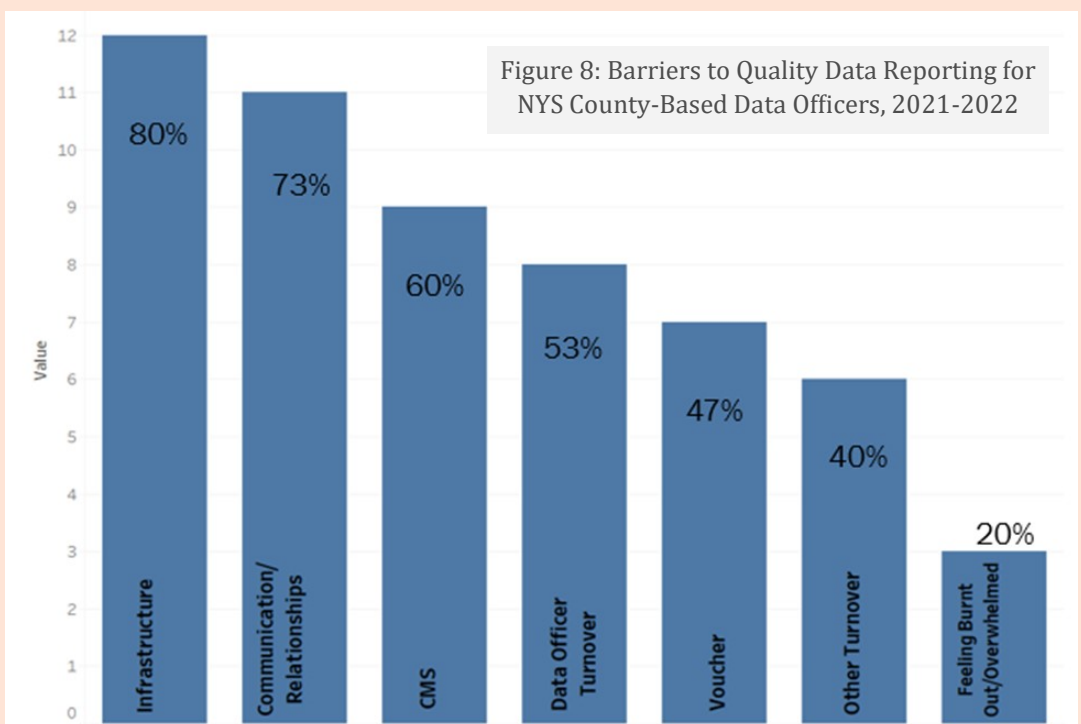


Figure 8: Barriers to Quality Data Reporting for NYS County-Based Data Officers, 2021-2022

porting include infrequent communication between and within provider offices, as well as a lack of and/or issues with a case management system. These findings emphasize the need to implement sound systems of data collection within every county and provider office across New York State.

For additional information, please contact Reilly Weinstein at reilly.weinstein@ils.ny.gov or Nick Watson at cie-nicholas.watson@ils.ny.gov.

These three presentations by the ILS Research Team ignited a lively discussion with program attendees from other states, who were intrigued by the way New York State coordinates its data collection in our county-based system. Thank you to all the Data Officers, Chiefs, and administrative staff whose collaborative and innovative efforts make this research possible.