

# Data Officer Training: Performance Measures Pt. 2

April 7<sup>th</sup>, 2022

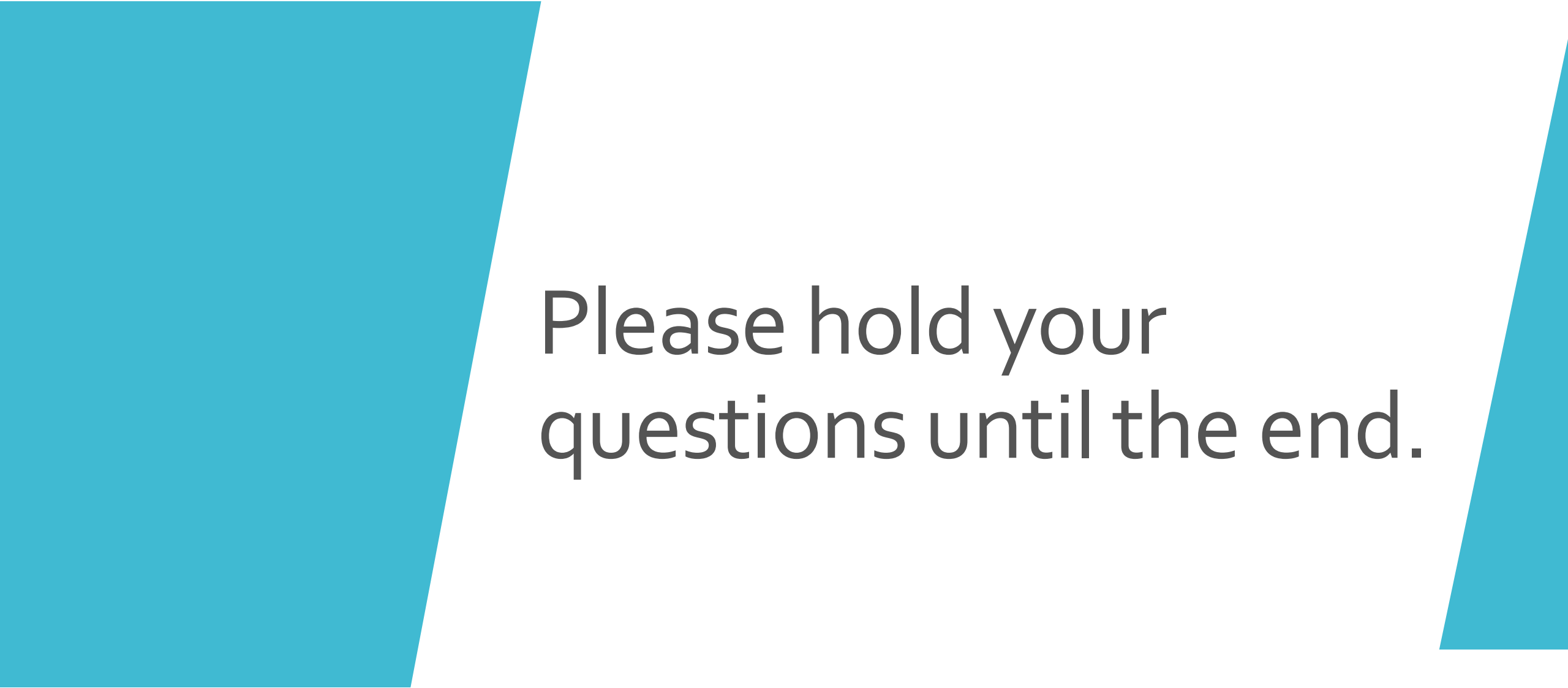
# Welcome Back!

**February 17, 2022**

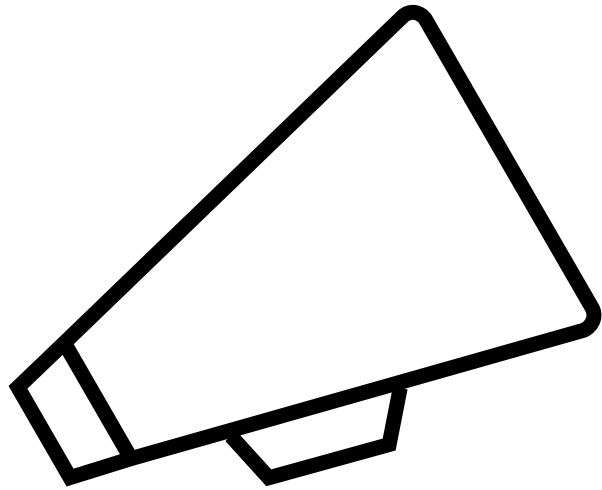
How to Read the Budget to Fill in  
the Performance Measures  
Progress Report

**April 7, 2022**

A More In-Depth Look at the  
Performance Measures Questions  
1 and 3

The background features two large teal geometric shapes. On the left, a large teal parallelogram extends from the top and bottom edges towards the center. On the right, a teal triangle points upwards from the bottom edge towards the center. The text is positioned in the white space between these two shapes.

Please hold your  
questions until the end.



We Need  
Accurate Data

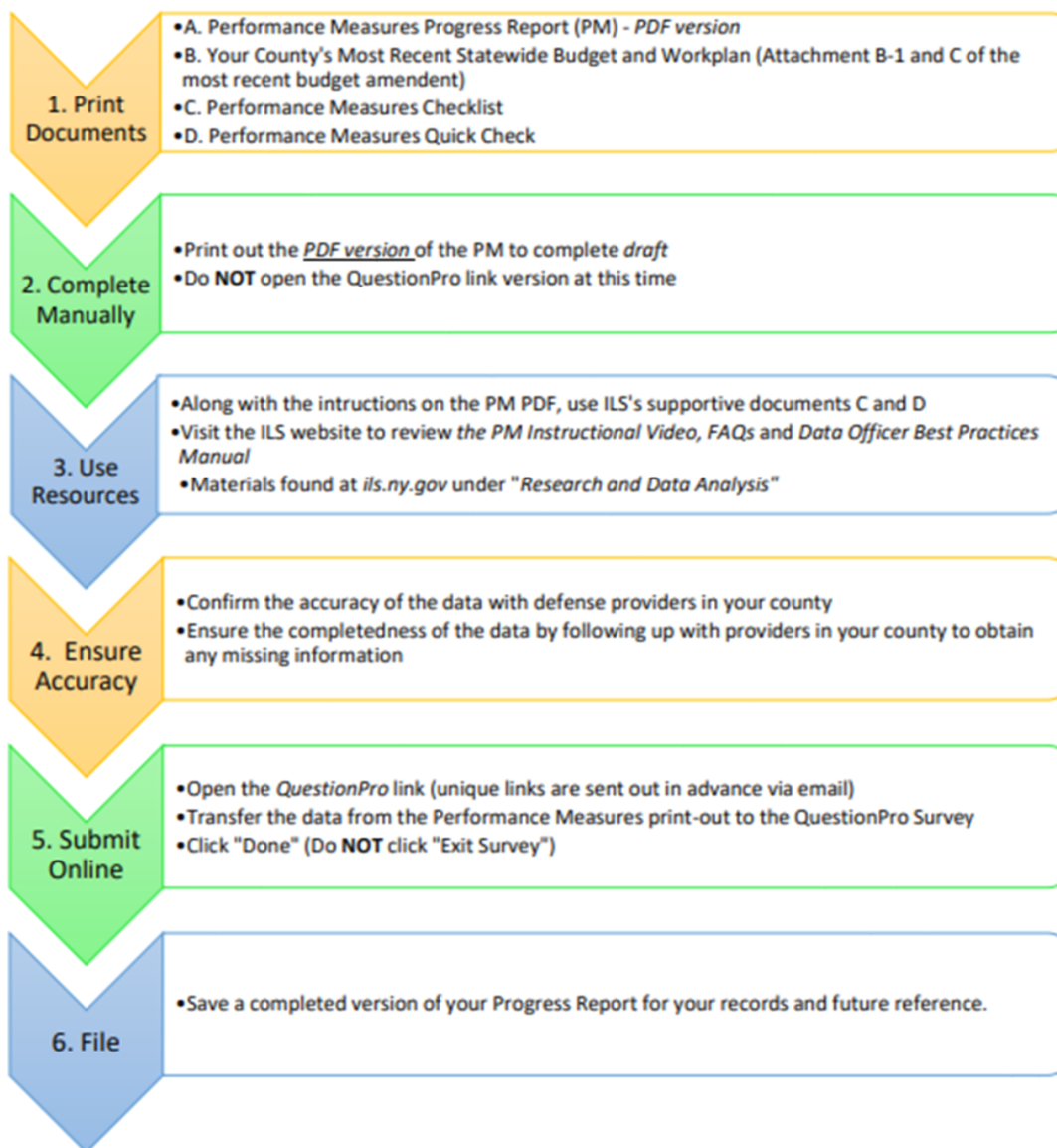
# Why Do We Need Accurate Data?

This information is used in the annual report ILS sends to the Division of Budget on the status of implementation of Statewide reforms.

Accurate Data = Continued Funding  
Continued Funding = Better Representation

We need to show that the money is being **spent**

## A Step-by-Step Guide to Completing the Performance Measures Progress Report



## 1. Print Documents

- A. Performance Measures Progress Report (PM) - *PDF version*
- B. Your County's Most Recent Statewide Budget and Workplan (Attachment B-1 and C of the most recent budget amendment)
- C. Performance Measures Checklist
- D. Performance Measures Quick Check

**NEW YORK STATE OF OPPORTUNITY** | **Indigent Legal Services**

### Performance Measures Progress Report April 2022

Thank you for completing the April 2022 Performance Measures Progress Report (Progress Report). Each County's criminal defense providers, (i.e., other than the five counties currently engaged in the Hurrell-Harring settlement agreement) and each of the eleven criminal defense providers in New York City are expected to file a completed Progress Report with ILS twice a year (i.e., by October 30th and April 30th of each year). The Progress Report form outlines this survey is intended to gather information on the use of funding for implementation of the reforms introduced in the Hurrell-Harring settlement agreement and subsequently extended to the rest of the state via Executive Law 5.

When possible, the information provided in the Progress Report should reflect the use of funding allocated in the five-year Statewide Expansion of the Hurrell-Harring Contract. The Progress Report is due for submission on a semi-annual basis thereafter.

**INSTRUCTIONS**  
Please review the following instructions before completing the Progress Report.

**Review the County's Budget Items Approved in the Five-Year Statewide Expansion Contract (Contract)** should be complete the Progress Report form. Please email ILS at [ils@nysos.org](mailto:ils@nysos.org) if you have any questions.

Performance Measures Progress Report April 2022

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**STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE**

STATE AGENCY (Name & Address):  
NYS Office of Indigent Legal Services  
A. E. Smith Building, 11th Floor  
80 South Swan Street  
Albany, NY 12210

BUSINESS UNIT/DEPT. ID: [REDACTED]

CONTRACT NUMBER: [REDACTED]

CONTRACT TYPE:  
☒ Multi-Year Agreement  
☐ Simplified Renewal Agreement  
☐ Fixed Term Agreement

CONTRACTOR SFS PAYEE NAME: [REDACTED]

TRANSACTION TYPE:  
☐ New  
☒ Renewal  
☒ Amendment

CONTRACTOR DOS INCORPORATED NAME: [REDACTED]

PROJECT NAME:  
Statewide Expansion of Hurrell-Harring

CONTRACTOR IDENTIFICATION NUMBERS:  
 NYS Vendor ID Number: [REDACTED]  
 Federal Tax ID Number: [REDACTED]  
 DUNS Number (if applicable): [REDACTED]

AGENCY IDENTIFIER:  
CFDA NUMBER (Federally funded grants only): [REDACTED]

CONTRACTOR PRIMARY MAILING ADDRESS: [REDACTED]

CONTRACTOR STATUS:  
☒ For Profit  
☒ Municipality, Code: [REDACTED]  
☐ Tribal Nation  
☐ Individual  
☐ Not-for-Profit

Charities Registration Number:  
Exemption Status/Code:  
☐ Sectarian Entity

CONTRACTOR PAYMENT ADDRESS:  
☒ Check if same as primary mailing address

CONTRACTOR MAILING ADDRESS:  
☒ Check if same as primary mailing address

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**Checklist to Fill Out the Performance Measures Progress Report**

All need:  
☐ A printed copy of the Performance Measures Progress Report  
☐ A printed copy of your county's most recent Statewide Budget and Workplan (Attachment B-1 and C of the most recent budget amendment) which includes Attachment B-1 (Budget) and Attachment C (Work Plan)  
☐ Access to your Case Management System  
☐ Access to your system that tracks trainings, expert testimony, etc.

It would be helpful to have:  
☐ Prior submitted Performance Measures Progress Reports

**DO NOT START FILLING OUT THE REPORT UNLESS YOU HAVE ALL OF THE ABOVE.**

**Steps**

1. Gather the supplies, above, including the Performance Measures Progress Report PDF.
2. Complete a draft of the Performance Measures Progress Report PDF.
3. Check and/or confirm with your County that the information you have gathered is accurate and imperative that you provide it to the State.
4. Fill out the form in Question 1 through Question 3.
5. Print a copy of the submitted Progress Report for your future use.

**DO NOT open the QuestionPro link until you have completed Step 4.**

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**Performance Measures Quick-Check Sheet**

Question	What is it asking for?	Reporting Period	Steps	Notes/Special Instructions
1	The total number of attorney positions paid by the Statewide Expansion of Hurrell-Harring contract and its amendments as of the last day of the reporting period.	Start of Statewide funding until the end of the current state fiscal year. This question is CUMULATIVE.	Step 1: Identify the type of position. Step 2: List the start date (pay attention to the definition of "rehires" in the instructions). Step 3: classify the position as a new hire, an upgrade of an existing hire, or on contract. Step 4: mark whether the position provided CAFA coverage. Step 5: list the number of cases this position is assigned.	This question counts positions, not people. → New hire = a position that did not exist prior to Statewide funding → Upgrade of an existing hire = a position that existed prior to Statewide funding, where Statewide funding increased the number of hours worked. → On Contract = a position that has a contract with the provider office
2	The total number of cases where CAFA representation was provided and paid for by Statewide Expansion of Hurrell-Harring contract funding.	April Report: previous state fiscal year (April to March) October Report: previous six months (April to September)		
3	The total number of non-attorney positions paid by Statewide Expansion of Hurrell-Harring contract as of the last day of the reporting period.	Start of Statewide funding until the end of the current state fiscal year. This question is CUMULATIVE.	Step 1: Identify the type of position. Step 2: List the start date (pay attention to the definition of "rehires" in the instructions). Step 3: classify the position as a new hire, an upgrade of an existing hire, or on contract.	This question counts positions, not people. → New hire = a position that did not exist prior to Statewide funding → Upgrade of an existing hire = a position that existed prior to Statewide funding, where Statewide funding increased the number of hours worked. → On Contract = a position that has a contract with the provider office

## 2. Complete Manually

- Print out the PDF version of the PM to complete *draft*
- Do **NOT** open the QuestionPro link version at this time


## 3. Use Resources

- Along with the instructions on the PM PDF, use ILS's supportive documents C and D
- Visit the ILS website to review *the PM Instructional Video, FAQs and Data Officer Best Practices Manual*
- Materials found at *ils.ny.gov* under "*Research and Data Analysis*"

## 4. Ensure Accuracy

# COLLABORATE





### 5. Submit Online

- Open the *QuestionPro* link (unique links are sent out in advance via email)
- Transfer the data from the Performance Measures print-out to the QuestionPro Survey
- Click "Done" (Do **NOT** click "Exit Survey")



### 6. File

- Save a completed version of your Progress Report for your records and future reference.



**Indigent  
Legal Services**

## Performance Measures Progress Report April 2022

100%

[Exit Survey](#)

11. 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 the Progress Report form.



Done

# A More In-Depth Look at the Performance Measures Questions 1 and 3

(And a BONUS: Questions 5 and 6)



This presentation focuses on the  
Performance Measures General  
Instructions and Definitions

INSTRUCTIONS AND DEFINITIONS	
<b>General Instructions</b>	<p>As this question tries to get a cumulative overview of attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> filled attorney positions that are funded through the Contract on the last business day of the reporting period (i.e., March 31, 2022).</p> <p>Answers to this question should not include attorneys who received stipends or were paid as assigned counsel pursuant to NY County Law § 722-b (1). Attorneys receiving funding for mentoring programs, second-chair programs, or litigation support also should not be included unless they were filling a position created by the Statewide Contract.</p>

# Question 1: General Instructions

## Key Points:

**What is it asking for?** The total number of filled attorney positions paid by the Statewide Expansion of Hurrell-Harring contract and its amendments as of the last day of the reporting period.

**Reporting Period:** Start of Statewide funding until the end of the current state fiscal year. *This question is CUMULATIVE.*

# Steps: Question 1

**Step 1:** identify the type of position.

**Step 2:** list the start date (pay attention to the definition of “rehires” in the instructions).

**Step 3:** classify the position as a new hire, an upgrade of an existing hire, or on contract.

**Step 4:** mark whether the position provides CAFA coverage.

**Step 5:** list the number of cases this position is assigned.

# Steps: Question 1

	Step 1	Step 2	Step 3	Step 4	Step 5
	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment	What was the <u>total</u> number of cases assigned to this attorney <u>between April 1, 2021 and March 31, 2022?</u>
Attorney Position 1	-- Select --		-- Select --	-- Select --	
* Attorney Position 2	-- Select --		-- Select --	-- Select --	
* Attorney Position 3	-- Select --		-- Select --	-- Select --	

## Re-hire within the same position

If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.



Type of Contract	
<b><i>New Hire</i></b>	refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022), including, but not limited to, ACP attorney-administrators and other ACP attorney staff.
<b><i>Upgrade of Existing Hire</i></b>	refers to any attorney position that existed prior to the reporting period, and for which the number of hours worked was increased as of the last business day of the reporting period (i.e., March 31, 2022). For example, an existing attorney whose position changed from part- to full-time would be included in this category. Positions that received a salary increase that are not accompanied by an increase in the number of hours worked should not be included.
<b><i>On Contract</i></b>	refers to any individual attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2022). It excludes contractors who did not occupy a position, such as those who received stipends, were paid as assigned counsel pursuant to NY County Law § 722-b-1, or who received funding for mentoring programs, second-chair programs, or litigation support.

# Question 1: Categorizing the Position

# Where does it appear in the budget?

## Categorizing Positions

- Positions found in the “**Personnel**” lines of the budget will be categorized as **new hires or upgrades of existing hires**.
- Positions in the “**Contract/Consultant**” lines of the budget will be categorized as **on contract**.

### *Sample of Attachment B-1*

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 4/1/2 3/31/
<b>PUBLIC DEFENDER'S OFFICE</b>			
<b>CASELOAD RELIEF</b>			
<b>Personnel:</b>			
Attorney Supervisor - Salary	\$80,000.00	\$81,600.00	\$83,2
(2) Assistant Public Defenders - Salary	\$140,000.00	\$142,800.00	\$145,6
Paralegal - Salary	\$44,737.00	\$45,632.00	\$46,5
Secretary - Salary	\$35,000.00	\$35,700.00	\$36,4
Fringe for above positions	\$43,000.00	\$46,000.00	\$49,5
Data Officer (Stipend)	\$20,000.00	\$20,000.00	\$20,0
<b>Caseload Relief - Subtotal</b>	<b>\$362,737.00</b>	<b>\$371,732.00</b>	<b>\$381,3</b>
<b>QUALITY IMPROVEMENT</b>			
<b>Contracted/Consultant:</b>			
Expert Services	\$80,000.00	\$95,000.00	\$102,5
Investigator	\$15,000.00	\$17,000.00	\$19,0
<b>Subtotal Contracted/Consultant</b>	<b>\$95,000.00</b>	<b>\$95,000.00</b>	<b>\$102,5</b>
<b>OTPS:</b>			
Computer Equipment	\$20,000.00	\$20,000.00	
Legal Reference Material/Books/Transcripts	\$10,000.00	\$15,000.00	\$15,0
<b>Subtotal OTPS</b>	<b>\$30,000.00</b>	<b>\$35,000.00</b>	<b>\$15,0</b>
<b>Quality Improvement - Subtotal</b>	<b>\$125,000.00</b>	<b>\$130,000.00</b>	<b>\$117,5</b>
<b>COUNSEL AT FIRST APPEARANCE</b>			
<b>Personnel:</b>			
Assistant Public Defender - Salary	\$70,000.00	\$71,400.00	\$72,8
Assistant Public Defender - Fringe	\$8,600.00	\$8,782.00	\$8,9
<b>Subtotal Personnel</b>	<b>\$78,600.00</b>	<b>\$80,182.00</b>	<b>\$81,7</b>
<b>Contracted/Consultant/OTPS:</b>			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$78,600.00</b>	<b>\$80,182.00</b>	<b>\$81,7</b>
<b>PUBLIC DEFENDER'S OFFICE - TOTAL</b>	<b>\$566,337.00</b>	<b>\$581,914.00</b>	<b>\$580,6</b>

Question 1  
counts  
*positions*,  
not people.

<b>New Hire</b>	refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022), including, but not limited to, ACP attorney-administrators and other ACP attorney staff.
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→ **New hire** = a position that did not exist prior to  
Statewide funding

\*Filled as of the last business day of the reporting period

# Question 1

counts  
*positions*,  
not people.

<b><i>Upgrade of Existing Hire</i></b>	refers to any attorney position that existed prior to the reporting period, and for which the number of hours worked was increased as of the last business day of the reporting period (i.e., March 31, 2022). For example, an existing attorney whose position changed from part- to full-time would be included in this category. Positions that received a salary increase that are not accompanied by an increase in the number of hours worked should not be included.
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→ **Upgrade of an existing hire** = a position that existed prior to Statewide funding, where Statewide funding **increased the number of hours worked**.

\*Filled as of the last business day of the reporting period

Question 1  
counts  
*positions*,  
not people.

<b>On Contract</b>	refers to any individual attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2022). It excludes contractors who did not occupy a position, such as those who received stipends, were paid as assigned counsel pursuant to NY County Law § 722-b-1, or who received funding for mentoring programs, second-chair programs, or litigation support.
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→ **On Contract** = a position that has a contract with the provider office

\*Filled as of the last business day of the reporting period



<b>General Instructions</b>	<p>As this question tries to get a cumulative overview of non-attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> filled non-attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., March 31, 2022).</p> <p>Answers to this question should include non-attorneys receiving funding to deliver specialized services (e.g., investigators, social workers, and others such as experts, stenographers, interpreters, etc.) and non-attorney administrative support staff (e.g., secretaries, paralegals, case managers, grants managers, data officers, etc.). It should not include previously employed non-attorneys who receive stipends under this Contract (e.g., a stipend issued to a previously staffed grants administrator).</p>
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## Question 3: General Instructions

## Key Points:

**What is it asking for?** The total number of filled non-attorney positions paid by the Statewide Expansion of Hurrell-Harring contract as of the last day of the reporting period.

**Reporting Period:** Start of Statewide funding until the end of the current state fiscal year. *This question is CUMULATIVE.*

## Steps: Question 3

**Step 1:** identify the type of position.

**Step 2:** list the start date (pay attention to the definition of “rehires” in the instructions).

**Step 3:** classify the position as a new hire, an upgrade of an existing hire, or on contract.



# Steps: Question 3

## Step 1

Type of Position

Non-attorney Position 1

-- Select --



\* Non-attorney Position 2

-- Select --



\* Non-attorney Position 3

-- Select --



## Step 2

Starting Date (mm/yyyy)

## Step 3

New Hire, Upgrade of Existing Hire,  
or On Contract

-- Select --



-- Select --



-- Select --



### Re-hire within the same position

If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.

Type of Contract	
<b><i>New Hire</i></b>	refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022). It includes, when applicable, ACP administrators.
<b><i>Upgrade of Existing Hire</i></b>	refers to any non-attorney position that was filled on the last business day of the reporting period (i.e., March 31, 2022), and for which the number of hours worked was increased. For example, an existing social worker whose position changed from part- to full-time as a result of this Contract would be included in this category. Positions that received salary increases not accompanied by an increase in the number of hours worked should not be included.
<b><i>On Contract</i></b>	refers to any individual non-attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2022). It excludes contractors who did not occupy a position, such as those who received stipends or those who are retained on a case-by-case basis and paid an hourly fee or a fee per case.

## Question 3: Categorizing the Position

# Where does it appear in the budget?

## Categorizing Positions

- Positions found in the “**Personnel**” lines of the budget will be categorized as **new hires or upgrades of existing hires**.
- Positions in the “**Contract/Consultant**” lines of the budget will be categorized as **on contract**.

### *Sample of Attachment B-1*

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<b>CASELOAD RELIEF</b>			
<b>Personnel:</b>			
Attorney Supervisor - Salary	\$80,000.00	\$81,600.00	\$83,2
(2) Assistant Public Defenders - Salary	\$140,000.00	\$142,800.00	\$145,6
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<b>Caseload Relief - Subtotal</b>	<b>\$362,737.00</b>	<b>\$371,732.00</b>	<b>\$381,3</b>
<b>QUALITY IMPROVEMENT</b>			
<b>Contracted/Consultant:</b>			
Expert Services	\$80,000.00	\$95,000.00	\$102,5
Investigator	\$15,000.00	\$17,000.00	\$19,0
<b>Subtotal Contracted/Consultant</b>	<b>\$95,000.00</b>	<b>\$95,000.00</b>	<b>\$102,5</b>
<b>OTPS:</b>			
Computer Equipment	\$20,000.00	\$20,000.00	
Legal Reference Material/Books/Transcripts	\$10,000.00	\$15,000.00	\$15,0
<b>Subtotal OTPS</b>	<b>\$30,000.00</b>	<b>\$35,000.00</b>	<b>\$15,0</b>
<b>Quality Improvement - Subtotal</b>	<b>\$125,000.00</b>	<b>\$130,000.00</b>	<b>\$117,5</b>
<b>COUNSEL AT FIRST APPEARANCE</b>			
<b>Personnel:</b>			
Assistant Public Defender - Salary	\$70,000.00	\$71,400.00	\$72,8
Assistant Public Defender - Fringe	\$8,600.00	\$8,782.00	\$8,9
<b>Subtotal Personnel</b>	<b>\$78,600.00</b>	<b>\$80,182.00</b>	<b>\$81,7</b>
<b>Contracted/Consultant/OTPS:</b>			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$78,600.00</b>	<b>\$80,182.00</b>	<b>\$81,7</b>
<b>PUBLIC DEFENDER'S OFFICE - TOTAL</b>	<b>\$566,337.00</b>	<b>\$581,914.00</b>	<b>\$580.6</b>

Question 3  
counts  
*positions*,  
not people.

<b>New Hire</b>	refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022). It includes, when applicable, ACP administrators.
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→ **New hire** = a position that did not exist prior to  
Statewide funding

\*Filled as of the last business day of the reporting period

## Question 3 counts *positions*, not people.

<b><i>Upgrade of Existing Hire</i></b>	refers to any non-attorney position that was filled on the last business day of the reporting period (i.e., March 31, 2022), and for which the number of hours worked was increased. For example, an existing social worker whose position changed from part- to full-time as a result of this Contract would be included in this category. Positions that received salary increases not accompanied by an increase in the number of hours worked should not be included.
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→ **Upgrade of an existing hire** = a position that existed prior to Statewide funding, where Statewide funding **increased the number of hours worked**.

\*Filled as of the last business day of the reporting period

# Question 3

counts  
*positions*,  
not people.

<b>On Contract</b>	refers to any individual non-attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2022). It excludes contractors who did not occupy a position, such as those who received stipends or those who are retained on a case-by-case basis and paid an hourly fee or a fee per case.
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→ **On Contract** = a position that has a contract with the provider office

\*Filled as of the last business day of the reporting period



## Performance Measures Question 5

- 5. a. For the expenditures on **expert/specialized services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2021 and March 31, 2022 the total amount spent in US dollars. This estimate should not include the salaries of experts; we are asking for an estimate of **contracted expert services** only.
- 5. b. For the expenditures on **investigative services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2021 and March 31, 2022 the total amount spent in US dollars. This estimate should not include the salaries of investigators; we are asking for an estimate of **contracted investigative services** only.

### INSTRUCTIONS AND DEFINITIONS

<b>General Instructions</b>	Question 5 asks to report how much of the Contract funding was <b><u>actually spent</u></b> towards contracted expert services and contracted investigative services between April 1, 2021 and March 31, 2022. In the county's budget (Attachment B-1) you can see how much funding is allocated to each of these items. However, we ask you to report the <b><u>actual money spent</u></b> towards these goals. For instance, if \$5,000 was allocated in the Contract towards expert services but no money has yet been spent towards this goal, please fill in "0".
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## Key Points:

### **What is it asking for?**

- a. Dollar amount of retained expert services actually spent from Statewide Expansion of Hurrell-Harring contract funding.
- b. Dollar amount of retained investigative services actually spent from Statewide Expansion of Hurrell-Harring contract funding.

### **Reporting Period:**

April Report: previous state fiscal year [April to March]

October Report: previous six months [April to September]



# Who are Experts?

<b>Expert Services</b>	Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does <u>not</u> include process servers, transcript services, or investigative services (Question 5.b. asks about investigative services).
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- Interpreters (NOT transcript services)
- Social workers
- Case workers/managers
- Mitigation specialists
- Expert witnesses for: consultation, reconstruction, testimony, etc.

# What do Investigators do?

Assist defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence

≠ primary responsibility is process serving

≠ primary responsibility screening clients for financial eligibility

# What's the difference?

Q3

"In house" positions,  
where the non-  
attorney staff  
position is  
hired/contracted to  
work on the cases in  
the office

vs.

Q5

Dollars spent on  
contracted services  
where experts and  
investigators are  
retained on a case-  
by-case basis

## The Work Plan and Investigators

### Report on Q 3:

- One Investigator/line
- Regular weekly commitment

### DO NOT Report on Q 3:

- Multiple Investigators/line
- Hourly Rate
- Case-by-case basis
- Funded in the Non-Attorney Professional Services line

- **Add an Investigator position.** This new position will work under the direction of attorneys to conduct case-related investigations.
- **Add a part-time Investigator position.** This new position will be responsible for providing investigative services for 17.5 hours per week.
- **Add funding for investigator services.** This funding will be used to pay various individual investigators up to \$45/hour for investigations in criminal cases.
- **Provide funding for non-attorney professional services.** Funding will allow the Public Defender Office to contract with various non-attorney professionals to provide vital services and support on cases. Services include investigators at \$40-\$60/hour, experts at \$50-\$500/hour, translators at \$50-\$160/hour, and mitigation specialists at \$150-\$300/hour.

## Performance Measures Question 6

- \* 6. a. Please estimate for the period between April 1, 2021 and March 31, 2022 the **total number of cases** in which **expert services** were used. Include all cases in which expert services were provided as a result of Contract funding made available to contract with experts and Contract funding made available to hire experts as salaried employees.
- \* 6. b. Please estimate for the period between April 1, 2021 and March 31, 2022 the **total number of cases** in which **investigative services** were used. Include all cases in which investigative services were provided as a result of Contract funding made available to contract with investigators and Contract funding made available to hire investigators as salaried employees.

## Key Points:

### **What is it asking for?**

- a. Total number of cases in which an expert was used and paid with Statewide Expansion of Hurrell-Harring contract funding.
- b. Total number of cases in which an investigator was used and paid with Statewide Expansion of Hurrell-Harring contract funding.

### **Reporting Period:**

April Report: previous state fiscal year [April to March]

October Report: previous six months [April to September]

# Who are Experts?

INSTRUCTIONS AND DEFINITIONS	
<b>Expert Services</b>	Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does <u>not</u> include process servers and transcript services.

- Social workers
- Case workers
- Interpreters (NOT transcript services)
- Expert witnesses for: consultation, reconstruction, testimony, etc.
- Mitigation specialists

# What do Investigators do?

Assist defense counsel with factual investigations including but not limited to identifying and interviewing witnesses and reviewing evidence

≠ primary responsibility is process serving

≠ primary responsibility is screening clients for financial eligibility



# What's the difference?

## Q5

### Dollars

Q5 is limited to Statewide Expansion contract funding spent on **retained experts and investigators**; it does not include funding spent on hired positions

VS.

## Q6

### Cases

Q6, in counting cases, includes cases where Statewide Expansion contract funding was used for a **hired position** providing expert or investigator services **AND** cases where funding was used to **retain experts or investigators** on a case-by-case basis.

## Performance Measures Question 6



Remember: use your  
Budget and Work Plan when  
you fill out the Performance  
Measures Progress Report!



# Common Questions and Errors

I have an attorney position that was filled on 05/20/2021, vacated on 07/15/2021, then re-filled on 09/03/2021. How do I report that position?

**Re-hire within the same position**

If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.

*Sample of Attachment B-1*

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
<b>PUBLIC DEFENDER'S OFFICE</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Attorney Supervisor - Salary	\$80,000.00	\$81,600.00	\$83,232.00	\$84,897.00	
(2) Assistant Public Defenders - Salary	\$140,000.00	\$142,800.00	\$145,656.00	\$148,570.00	
Paralegal - Salary	\$44,737.00	\$45,632.00	\$46,545.00	\$47,476.00	
Secretary - Salary	\$35,000.00	\$35,700.00	\$36,414.00	\$37,142.00	

I have been employed with the Public Defender's Office since 12/15/2019. Would I still be considered a "New Hire"? If yes, why?

INSTRUCTIONS AND DEFINITIONS	
<b>General Instructions</b>	<p>As this question tries to get a cumulative overview of attorney positions since the implementation of the statewide reforms, answers to this question should include <u>all</u> filled attorney positions that are funded through the Contract on the last business day of the reporting period (i.e., March 31, 2022).</p> <p>Answers to this question should not include attorneys who received stipends or were paid as assigned counsel pursuant to NY County Law § 722-b (1). Attorneys receiving funding for mentoring programs, second-chair programs, or litigation support also should not be included unless they were filling a position created by the Statewide Contract.</p>
<b>Type of Contract</b>	
<b>New Hire</b>	refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022), including, but not limited to, ACP attorney-administrators and other ACP attorney staff.

INSTRUCTIONS AND DEFINITIONS	
<b>General Instructions</b>	<p>As this question tries to get a cumulative overview of non-attorney positions since the implementation of the statewide reforms, answers to this question should include <u>all</u> filled non-attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., March 31, 2022).</p> <p>Answers to this question should include non-attorneys receiving funding to deliver specialized services (e.g., investigators, social workers, and others such as experts, stenographers, interpreters, etc.) and non-attorney administrative support staff (e.g., secretaries, paralegals, case managers, grants managers, data officers, etc.). It should not include previously employed non-attorneys who receive stipends under this Contract (e.g., a stipend issued to a previously staffed grants administrator).</p>
<b>Type of Contract</b>	
<b>New Hire</b>	refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2022). It includes, when applicable, ACP administrators.

Unless a filled position had a change in status (an increase in hours, which would make the position an “Upgrade”), for the purposes of the Performance Measures Progress Report the position will **always** be categorized as a “New Hire.”


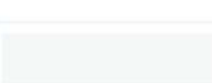


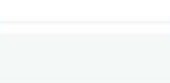
	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment	What was the <u>total</u> number of cases assigned to this attorney <u>between April 1, 2021 and March 31, 2022?</u>
Attorney Position 1	Any other attorney who... ▼	12/2019	New Hire ▼	-- Select -- ▼	

**Reminder:** Questions 1 & 3 are the **only** questions on the Progress Report that ask for a **cumulative** (April 1, 2018 - the last business day of the reporting period) overview of filled positions.

I have an attorney who was hired to provide arraignment representation. Would I report that position in Question 1 or Question 2?

COUNSEL AT FIRST APPEARANCE					
Personnel:					
Assistant Public Defender (FT) - Salary	\$10,231.70	\$33,746.00	\$34,000.00		
Assistant Public Defender (FT) - Fringe	\$2,378.30	\$19,386.00	\$10,500.00		
<b>Subtotal Personnel</b>	<b>\$12,610.00</b>	<b>\$53,132.00</b>	<b>\$44,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

\* 1. Please report the **number of filled attorney positions** that are funded as of March 31, 2022 by budget expenditure items listed in the "Caseload Relief," "Quality Improvement," and "Counsel at First Appearance" categories of the contract (see Attachment B-1). For each attorney position, please provide the **type, starting date**, indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or an attorney position placed **on contract**, and select if the attorney **provides representation at arraignment**. Then, enter the **total number of cases assigned** to the attorney **between April 1, 2021 and March 31, 2022**.

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment	What was the <u>total</u> number of cases assigned to this attorney <u>between April 1, 2021 and March 31, 2022</u> ?
Attorney Position 1	-- Select -- 		-- Select -- 	-- Select -- 	



If an attorney gets paid a stipend for providing arraignment representation, how are they reported?  
In Question 1 or Question 2?

COUNSEL AT FIRST APPEARANCE					
<b>Personnel:</b>					
Assistant Public Defender - Salary	\$70,000.00	\$71,400.00	\$72,828.00	\$74,285.00	
Assistant Public Defender - Fringe	\$8,600.00	\$8,782.00	\$8,958.00	\$9,137.00	
<b>Contracted/Consultant:</b>					
After-hours ACP Stipends (for conflict of interest cases)	\$10,000.00	\$20,000.00	\$40,000.00	\$40,000.00	

\* 2. Please estimate the **total number of cases** at which **representation at arraignment** was provided as a result of the Statewide Contract funding. Include cases represented by hired attorneys, contracted attorneys, and attorneys receiving stipends for arraignment representation. Do not include arraignments on the felony indictment, unless it was the defendant's first court appearance.

The Progress Report includes money spent on investigative services but leaves Question 6 blank

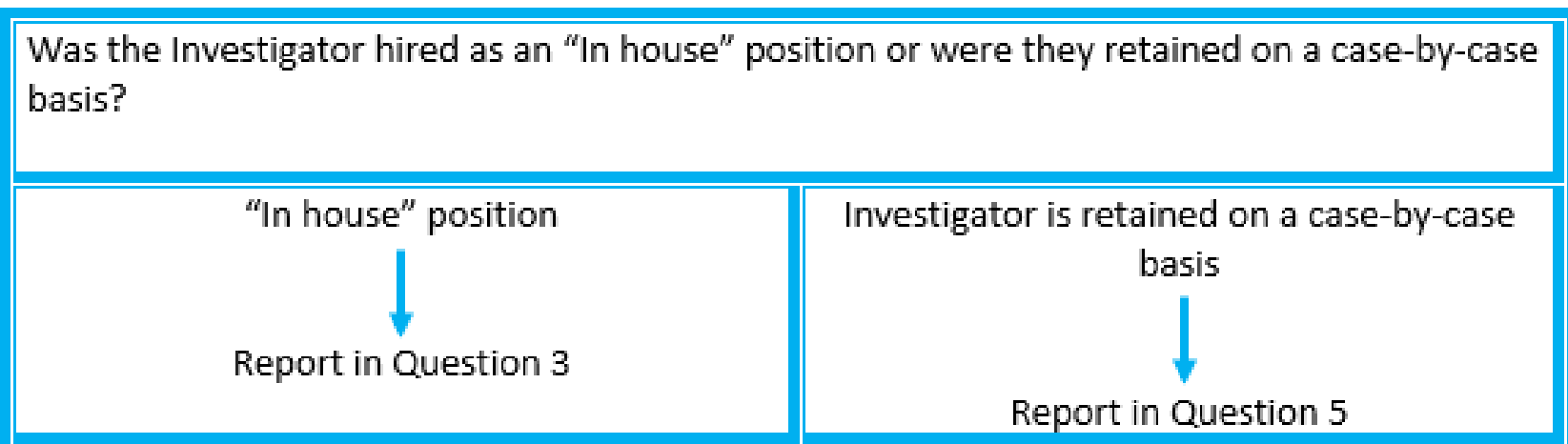
\* 5. b. For the expenditures on **investigative services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2021 and March 31, 2022 the total amount spent in US dollars. This estimate should not include the salaries of investigators; we are asking for an estimate of contracted investigative services only.

\$5,500.00

\* 6. b. Please estimate for the period between April 1, 2021 and March 31, 2022 the **total number of cases** in which **investigative services** were used. Include all cases in which investigative services were provided as a result of Contract funding made available to contract with investigators and Contract funding made available to hire investigators as salaried employees.

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We hired a F/T Investigator. We reported them in Question 3. Should they be reported in Question 5 too?



QUALITY IMPROVEMENT					
Contracted/Consultant:					
Expert Services	\$80,000.00	\$95,000.00	\$102,500.00	\$103,500.00	
Investigator	\$15,000.00	\$17,000.00	\$19,000.00	\$21,000.00	

My office uses an Investigator when we need them and pays them out of the Non-Attorney Professional Services line. Where would I report that position? In Question 3 or Question 5?

<b>QUALITY IMPROVEMENT</b>					
<b>Contracted/Consultant</b>					
Investigators/Interpreters/Social Workers/ Psychiatrists/Physicians/Psychologists	\$0.00	\$59,018.00	\$54,252.00	\$46,042.01	
<b>Subtotal Contracted/Consultant</b>	<b>\$0.00</b>	<b>\$59,018.00</b>	<b>\$54,252.00</b>	<b>\$46,042.01</b>	<b>\$0.00</b>

# Things to Remember

- Complete Questions 7 – 11 on your Progress Report. Please clarify and/or further explain any of your responses in Question 11. This will assist ILS in analyzing your data.
- Use the materials in the Data Officer Best Practices Manual to supplement the Instructions and Definitions.
- Review previous Data Officer Trainings for additional information. (Timestamps for relevant trainings provided in Data Officer Manual)
- Review your Progress Report prior to submission to ensure the data reported is accurate.
- There will be **NO EXTENSIONS**. The **April 30, 2022** reporting deadline is final.



# Questions