

**ILS Performance Measures Progress Report Form (PMF)
Frequently Asked Questions**

Q: How many Progress Reports should be submitted in a county that has more than one mandated representation provider receiving *Hurrell-Harring* implementation funding.

A: ILS requires that each criminal defense mandated representation program/provider in the County submit a separate Progress Report.

Q: Who is responsible for completing the Progress Report for submission to ILS?

A: The provider is responsible for completing the Progress Report. ILS recommends that the individual who is familiar with the implementation of the Performance Measures be involved in the completion of the Progress Report. We also encourage providers to seek assistance from the designated County Data Officer if more support is required to complete the Progress Report form.

Q: Can the appointed Data Officer be responsible for completing the Progress Report to ILS on behalf of providers?

A: ILS encourages collaboration between the criminal defense mandated representation program/provider and the designated Data Officer to support successful completion and/or submission of the Progress Report to ILS. Data Officers are permitted to prepare and/or submit a Progress Report on behalf of a provider(s). The Data Officer should coordinate any responses to and/or submission of the Progress Report form with the provider before it is submitted to ILS. Only one Progress Report form per provider should be submitted to ILS.

Q: I completed and submitted my Progress Report, but when I went through my notes, I realized I need to modify a few questions and didn't answer the last question. What can I do?

A: If you have to change or update any of the information on your Progress Report, you can either send ILS your correction via the performance email inbox (performance@ils.ny.gov) and we will attach it as an amendment to your submitted report, or you can use the original link you received to access your Performance Measures Progress Report after it has been submitted to ILS.

Q: What if I am not able to submit my Progress Report by the reporting deadline?

A: You are expected to submit your Progress Report by the set deadline; it is a requirement set forth in the *Hurrell-Harring* implementation contract with ILS. If you are unable to provide the requested data in specific fields, please notify ILS as soon as possible by emailing us at performance@ils.ny.gov

Q: What if I have questions about the Progress Report?

A: If you have questions or require information from ILS to support your efforts in completing the form, (i.e., such as requesting a copy of the contract or other information) please submit your requests by emailing us at performance@ils.ny.gov

Q: What if our office has no information to report on a particular question or on the majority of the Progress Report form?

A: ILS requests that each criminal defense provider submit a Progress Report even if there is no information to report on a particular question(s) other than "N/A" or "0" (i.e., for any requested numerical responses). In addition, we encourage each provider to consider offering any explanation and/or

information explaining the basis for any delay in implementation or missing information in response to Question #10 and/or Question #11 of the Progress Report form.

PROGRESS REPORT QUESTIONS #1-#4

Q: Does an “upgraded” staff position, (i.e., as described in Question #1 and Question #3 of the Progress Report form) include existing staff who are promoted and given additional supervisory responsibility without requiring any increase in the number of hours worked?

A: No. As stated in the *Instructions and Definitions* of the Progress Report, for reporting purposes, an “upgraded” position 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. For example, an existing attorney whose position changed from part- to full-time would be included in this category.” However, “[s]alary increases that are not accompanied by an increase in the number of hours worked should not be included.” Therefore, any promotions of existing employment positions that do not include an increase in the number of hours worked should not be reported in Question #1 or Question #3 of the Progress Report. Additional information on promotions that improve the overall quality and supervision of mandated representation without requiring additional hours of employment can be reported in Question #9(a) of the Progress Report.

Q: In reference to Question #1, should we select “yes” as to providing representation at arraignment even if the attorney/supervising attorney only provides representation at arraignment on a minimal basis (i.e., such as only providing representation at arraignment approximately during 10% of their time addressing overall caseload work)?

A: Yes. Even if an attorney/supervising attorney is only providing a minimum amount of time providing representation at arraignment, that should be reported in Question #1. ILS encourages providers to offer any additional information in support of any responses to Question #1 in Question #11 of the Progress Report form.

Q: What is the difference, if any, between the information requested in the last column of Question #1 and Question #2?

A: The last column of Question #1 of the Progress Report asks for “the total number of cases assigned to the attorney you reported who were compensated with the funding under this Contract for the reporting period. Question #2 of the Progress Report asks for an estimate of “the total number of cases at which representation at arraignment was provided as a result of the Contract funding. Include cases represented by hired attorneys, contracted attorneys, and attorneys receiving stipends for arraignment representation.” Question #2 is intended to capture the number of arraignments at which representation was provided by the attorneys reported in the last column of Question #1 and by attorneys that do not fall under the three categories of “hired,” “upgraded,” or “on contract,” but still provided arraignment representation as a result of the Contract funding.

Q: Can an independent contract position, (i.e., such as an investigator) that is not paid as a staff member be reported in the total number of funded non-attorney staff positions requested in Question #3?

A: No. An independent contractor, (i.e., such as a private investigator) who is not a salaried employee of the office should not be reported in Question #3 of the Progress Report. Funds used to compensate

private investigators who are independent contractors should be reported Question #5(b) of the Progress Report form as expenditures used for investigation services.

Q: How should the salary of a recently hired attorney and his/her subsequent promotion, (i.e., upgrade in salary) be reported on the Progress Report when both events took place in the same reporting period of the *Hurrell-Harring* statewide implementation contract?

A: This salaried position would be reported as both a new hire and as an upgraded position on the Progress Report.

Q: For Question #1, how should the case numbers of attorneys be reported if some of the hires are part-time, arraignment only attorneys? Some cases may be counted twice (once for the arraignment, and again for the attorney who takes over the case after arraignment).

A: For Question #1, the number of cases at which the part-time attorneys provide representation at arraignment should be reported. It should then be noted in Question #11 that the cases reported in Question #1 for the part-time attorneys are representation just for arraignment, and that the case is then assigned to another attorney in the PD office (or another provider if there is a conflict).

QUESTIONS #5-#7

Q: Question #5b and #6(b) of the Progress Report requests reporting on funded "investigative services." Does this information include salaried investigators on staff?

A: Your response to Question #5(b) should not include the salaries of investigators. However, your response to Question #6(b) asks for the total number of cases in which investigative services were used, and your response this should include services provided by retained *and* salaried investigators.

QUESTIONS #8-#12

Q: In which question should we report the use of funds to support non-attorney staff engaged in improving data collection processes for ILS?

A: Funding used to support non-attorney staff involved in improving the data collection process can be reported in Question #3 and also referenced in the qualitative portion of the Progress Report form as outlined in Questions #7 through #11.