



New York State Office of
Indigent Legal Services

Data Reporting

Performance Measures Progress Report

Data Officer Training

April 11, 2024

Question 1:

The expenditures asked for in the Performance Measures refer to the spending of the Statewide Expansion of Hurrell-Harring contract (“Statewide Contract”) funds and nothing else*

- A. True
- B. False

* See second to last slide for correct answer



Question 2:

Each provider should submit a separate Performance Measures Progress Report to ILS*

- A. True
- B. False

* See second to last slide for correct answer



Question 3:

Where can Budget Items approved in the Statewide Contract be found?*

- A. On the ILS website
- B. Attachment B-1 of the Statewide Contract
- C. Attachment C of the Statewide Contract
- D. B & C (Attachment B-1 & Attachment C of the Statewide Contract)

* See second to last slide for correct answer

Introduction

Performance Measures Progress Report:

- individual links sent out via email on April 1st, due **April 30th**
- one submission per provider

Prior Fiscal Year (April 1, 2023 – March 31, 2024)	SW Expansion to Date (April 1, 2018 – March 31, 2024)
<ul style="list-style-type: none">• Questions 2, 4a, 4b, 5a, 5b, 6a, 6b	<ul style="list-style-type: none">• Questions 1 and 3



Performance Measures Reporting for FY 2023 – 2024

- Reporting period for prior fiscal year is from *April 1, 2023 – March 31, 2024*
- Most counties had a one-year extension of the 1st Statewide Contract through *March 31, 2024*
 - *These counties should refer to their Year 5 budgets OR an ILS-approved budget modification for the extension year*



Performance Measures Reporting for FY 2023 – 2024

- Seven counties started their 2nd Statewide Contract on April 1, 2023: **Clinton, Delaware, Dutchess, Hamilton, Lewis, Tioga, Wyoming**
 - Of these seven counties, Lewis & Tioga also had a one-year extension of the 1st Statewide Contract through *March 31, 2024* and should refer to both contracts
- New York City had a one-quarter extension of the 1st Statewide Contract through *June 30, 2023* and started their 2nd Statewide Contract on *July 1, 2023*



We Need Complete, Accurate, and Timely Data

- Reporting accurate data is required under the terms of the Statewide Contract
- 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



Where to Find Accurate Data: The Budget

<i>Sample of Attachment B-1</i>					
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
PUBLIC DEFENDER'S OFFICE					
CASELOAD RELIEF					
Personnel:					
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	
Fringe for above positions	\$43,000.00	\$46,000.00	\$49,500.00	\$52,000.00	
Data Officer (Stipend)	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	
Caseload Relief - Subtotal	\$362,737.00	\$371,732.00	\$381,347.00	\$390,085.00	\$0.00
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	
Subtotal Contracted/Consultant	\$95,000.00	\$95,000.00	\$102,500.00	\$103,500.00	\$0.00
OTPS:					
Computer Equipment	\$20,000.00	\$20,000.00	\$0.00	\$0.00	
Legal Reference Material/Books/Transcripts	\$10,000.00	\$15,000.00	\$15,000.00	\$15,000.00	
Subtotal OTPS	\$30,000.00	\$35,000.00	\$15,000.00	\$15,000.00	\$0.00
Quality Improvement - Subtotal	\$125,000.00	\$130,000.00	\$117,500.00	\$118,500.00	\$0.00
COUNSEL AT FIRST APPEARANCE					
Personnel:					
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	
Subtotal Personnel	\$78,600.00	\$80,182.00	\$81,786.00	\$83,422.00	
Contracted/Consultant/OTPS:					

➤ The Budget is Attachment B-1 in the Statewide Contract

➤ All budgets have the same format (though 2nd Statewide Contract is a 3-year budget)

➤ The Budget will help you determine which positions to report and how to categorize them



Where to Find Accurate Data: The Work Plan

Public Defender's Office

Personnel:

- **Continue the full-time Local Court Supervisor position.** Funding for this position will continue with a COLA increase. This position is responsible for providing representation, supervising, and mentoring attorneys, and providing training for trial development skills in criminal cases.
- **Continue the full-time Assistant Public Defender I.** This entry-level position will continue with a COLA increase and is responsible for handling misdemeanor cases in City Court.
- **Continue the four (4) full-time Assistant Public Defender II positions.** These positions will continue, each with a COLA increase, and will be responsible for handling misdemeanor and felony cases.

- The Work Plan is Attachment C of the Statewide Contract
- All Work Plans have the same format
- The Work Plan will help you categorize reported positions



Performance Measures Question 1

Please report the **number of attorney positions** that are funded as of March 31, 2024 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the Statewide Contract (see Attachment B-1).

Note: As this question seeks a cumulative overview of attorney positions since the implementation of the statewide reforms, answers to this question should include all attorney positions that were funded through the Statewide Contract on the last business day of the reporting period (i.e., March 31, 2024).

<i>Sample of Attachment B-1</i>					
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
PUBLIC DEFENDER'S OFFICE					
CASELOAD RELIEF					
Personnel:					
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Subtotal Personnel	\$78,600.00	\$80,182.00	\$81,786.00	\$83,422.00	
Contracted/Consultant/OTPS:					

Performance Measures Question 1

- The Work Plan will help determine whether a position is a “new hire,” or “upgrade of an existing hire.”
- Look at the entire budget and workplan

- Upgrade two (2) Assistant Public Defender positions from part-time to full-time. These two positions will increase from 18.75 hours per week at a salary of \$65,936 to 37.5 hours per week at a salary of \$97,850, resulting in a salary increase of \$31,914, respectively.
- Continue the costs of upgrading the Clerk position from part-time to full-time. This position will increase from 20 to 40 hours per week to assist with all aspects of assignments, including conflict checks and data entry to ensure prompt assignment of counsel to defendants, and creating vouchers for these assignments. In Year 1, the current part-time salary of \$16,256, funded by ILS Distribution 6, will increase by \$9,174 for a new full-time salary of \$25,430. This position does not currently receive any fringe at the 20-hour part-time commitment. The position will now have fringe and the hours will be increased to 40/week. In year 2, the salary cost of this upgrade will increase to \$11,716, with an associated increase in fringe.





I have an attorney position that was filled on 05/20/2023, vacated on 07/15/2023, then re-filled on 09/03/2023. 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.
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CASELOAD RELIEF					
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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	
General Instructions	<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>
Type of Contract	
New Hire	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	
General Instructions	<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>
Type of Contract	
New Hire	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.



Performance Measures Question 3

Please report the **number of non-attorney positions** that are funded as of March 31, 2024 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the Statewide Contract (see Attachment B-1).

Note: 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 all non-attorney positions that were funded through the Statewide Contract on the last business day of the reporting period (i.e., March 31, 2024).

<i>Sample of Attachment B-1</i>					
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
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Subtotal Personnel	\$78,600.00	\$80,182.00	\$81,786.00	\$83,422.00	
Contracted/Consultant/OTPS:					

Question 3 vs. Question 5 (Investigators)

- Question 3 asks you to report the total number of filled non-attorney positions, including Investigators.
- Question 5 asks you to report on Experts and Investigators:
 - Dollar amount of retained expert services actually spent from Statewide Contract funding.
 - Dollar amount of retained investigative services actually spent from Statewide Contract funding.

The difference?

Q3 is asking for “in house” positions, where the non-attorney staff position is hired/contracted to work on the cases a provider has.

Vs .

Q5 is asking for contracted services where experts and investigators are retained on a case-by case basis.



How is the information used?

- **123 providers** across 52 Upstate Counties and NYC, complete Performance Measures Report twice a year (due April 30th and October 30th)
- ILS takes all the data from your PM reports, and creates one annual report and submits it to the NYS Division of Budget in May 2024
- The report outlines the progress that has been made in counsel at arraignment, caseload relief, and overall quality improvement
- **This is why complete, accurate, and timely data is important**



Appendix D

County	Total # of attorneys funded (Q1)	Total # of funded attorneys providing CAFA (Q1)	Total # of cases represented by funded attorneys (Q1)	Total # of cases receiving counsel at arraignment (Q2)	Total # of non-attorney positions funded (Q3)	Total # of training events funded (Q4.a.)	Total # of attorneys attending training events funded (Q4.b.)	USD spent expert services (Q5.a.)	USD spent investigator services (Q5.b)	Total # of cases with expert services (Q6.a.)	Total # of cases with investigator services (Q6.b)
Albany	28	25	5549	4947	15	0	20	\$39,712.47	\$19,598.02	208	45
Allegany	2	1	175	0	1	0	6	\$14,500.00	\$25,600.00	5	30
Broome	5	3	1891	6043	6	3	23	\$56,341.05	\$76,958.45	18	495

TOTAL	694	542	109,644	157,460	401	336	1925	\$1,735,669.57	\$525,791.65	8,132	9,713
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Counsel at Arraignment

The Numbers

- For an estimated **157,460** cases, representation at arraignment was **provided** as a result of the Statewide contract funding. This is an increase of 56,393 over last year's reported cases.
- Between April 1, 2018 and March 31, 2023, **542 new attorneys who provide counsel at arraignment** were hired.



Caseload Relief

The Numbers

- Between April 1, 2018 and March 31, 2023, **694 new attorneys were hired** with the funding provided by the statewide expansion of the *Hurrell-Harring* settlement.
- In total, **an estimated 109,644 cases** were represented by attorneys who were hired with the statewide contract funding during the period of April 1, 2022 – March 31, 2023.



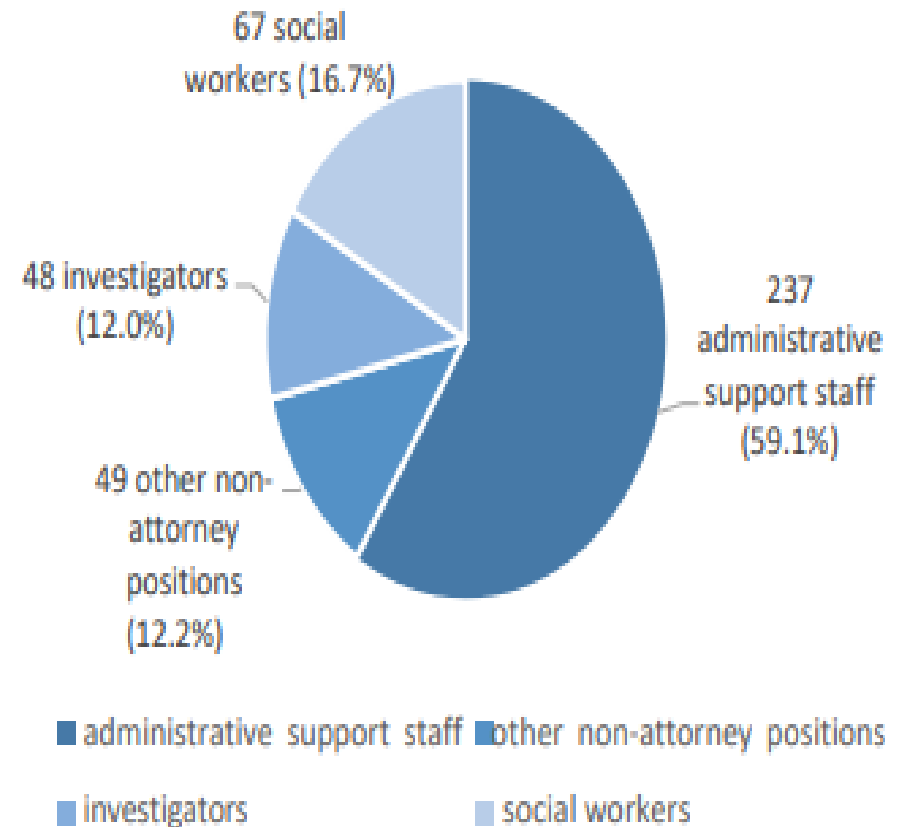
Caseload Relief

The Numbers

- Additionally, between April 1, 2018 and March 31, 2023, **401 non-attorneys were hired** with the statewide contract funding throughout the 52 counties and New York City.



Non-attorney hires statewide (N=401)



Quality Improvement

The Numbers

- Of the 694 attorney hires statewide since April 1, 2018, **85 are attorneys who supervise the work of others or provide training/mentoring.**
- **336 training events** were hosted, sponsored, or cosponsored by the statewide contract funding between April 1, 2022 and March 31, 2023.
- For a total of **1,925 attorneys**, their **attendance at training events** (such as registration fees, travel reimbursements, and accommodations) was supported by the statewide contract funding.



Quality Improvement

The Numbers

- Statewide, a total of **\$1,735,670** was spent on contracted expert services and **\$525,792** was spent on contracted investigative services in the past year (April 1, 2022 – March 31, 2023).
- Expert services provided as a result of statewide contract funding were used in a total of **8,132 cases**. To compare, there were 1,355 cases in **2020** (an increase of 500%).
- Investigative services provided as a result of statewide contract funding were used in a total of **9,713 cases**. To compare, there were 1,548 cases in **2020** (an increase of 527%).



Correct answers to starter questions:

Question 1: True

Question 2: True

Question 3: D



Questions?

Ask us now or email performance@ils.ny.gov

This training, along with past trainings, will be posted on the ILS website at <https://www.ils.ny.gov/node/208/data-officers>

Past Performance Measures Trainings to review:

February 17th 2022- More in depth budget training (part 1)

April 7th 2022 (part 2)

April 6th 2023

