

**CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE**  
**PUBLIC DEFENDER**  
**AGENDA**  
**April 23, 2019**

Committee Members: Supervisors **Leggett**, Geraghty, Simpson, Wild, Magowan, Sokol, Hogan, Braymer, Driscoll, Merlino, VACANT

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting
- III. Action Agenda/New Business Items:
  1. Request to fill Vacant Position – 5<sup>th</sup> Assistant Public Defender
  2. Request for approval of new distribution – Year One of Five Year Plan
- IV. Referrals/Pending Items:

None
- V. Discussion Items:

Overview and/ or Questions on ILS updates/ 2019-2020 State Budget/ Historic Criminal Justice Reform (please refer to email sent to Supervisors on April 1, 2019)
- VI. Privilege of the floor to discuss any additional item to come before the Committee
  
- VII. Motion to adjourn

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Attachments:  
Notice to Fill Vacant Position  
Apply for Grant

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an existing funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a new position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No:
Title of Position: 5th Assistant Public Defender's Office Base Salary of Position: \$63,066.00 Grade:
Filling at Step # (If Known):
Budget code and title: 1171. 110 Salaries - Regular Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: Gregor Date of Vacancy: April 2, 2019
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal State Other

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (hiring would be provisional) Non-Competitive Other
Actual Impact to Budget Report will be provided monthly by Human Resources Director
Candidate's qualifications must be approved by Personnel Officer prior to hiring.
Human Resources Director has approved this form when initialed. 4-16-19

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.
The Administrator objects to the filling of the vacancy.
Administrator Signature Date 4/16/19

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.
The Budget Officer objects to the filling of the vacancy.
Budget Officer Signature Frank E. Thomas Date 4/19/19

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice & Public Safety
The committee has no objection to the filling of the vacancy.
The committee objects to the filling of the vacancy.
In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
In the case of an emergency, Committee Chair objects to the filling of the vacancy.
Ranking Committee Member Signature Date 4-23-2019

## ***RESOLUTION REQUEST FORM NO. 5***

### ***Request to Apply for a Grant Application and Grant Agreement***

**DEPARTMENT NAME:** Public Defender's Office

**DATE:** 04/18/2019

- (a) Purpose of Grant:  
**To provide funding for Indigent Legal Services in Warren County, NY.**
  
- (b) Name of Grantor:  
**Office of Indigent Legal Services**
  
- (c) Address of Contractor: **NYS Office of Indigent Legal Services  
A.E. Smith Building 11th Floor  
80 South Swan Street  
Albany, NY 12210**
  
- (d) Grantor's Contact Person and Telephone Number:  
**Joanne Macri, Esq. - Statewide Chief Implementation Attorney. (518) 408-2728**
  
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? **See attached Work Plan**
  
- (f) Effective Date of Grant: **April 1, 2018**
  
- (g) Termination Date of Grant: **March 31, 2023**
  
- (h) Total Dollar Amount Involved (not to exceed): **\$3,970,289.43**
  
- (i) Deadline to Submit Grant Application and/or Grant Agreement:
  
- (j) Is a Budget amendment required? **No** If yes, also complete and submit Form No. 7.
  
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? **No** If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
  
- (i) Is a Local Share Required? **No** If Yes, Where are the Funds? List Budget Code, Object Code, Full Title\* and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount:

Sample: A.1010 470 Legislative Board – Contract \$xx.xx  
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

\*as listed in budget and LOGOS

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

<p>STATE AGENCY (Name &amp; Address):</p> <p><b>NYS Office of Indigent Legal Services</b>  <b>A. E. Smith Building, 11th Floor</b>  <b>80 South Swan Street</b>  <b>Albany, NY 12210</b></p>	<p>BUSINESS UNIT/DEPT. ID: <b>OLS01</b>  <b>1350200</b></p> <p><b>CONTRACT NUMBER: CSTWIDEHH49</b></p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> <b>Multi-Year Agreement</b>  <input type="checkbox"/> Simplified Renewal Agreement  <input type="checkbox"/> Fixed Term Agreement</p>
<p><b>CONTRACTOR SFS PAYEE NAME:</b></p> <p><b>Warren, County of</b></p>	<p>TRANSACTION TYPE:</p> <p><input checked="" type="checkbox"/> <b>New</b>  <input type="checkbox"/> Renewal  <input type="checkbox"/> Amendment</p>
<p><b>CONTRACTOR DOS INCORPORATED NAME:</b></p>	<p>PROJECT NAME:</p> <p><b>Statewide Expansion of Hurrell-Harring</b></p>
<p><b>CONTRACTOR IDENTIFICATION NUMBERS:</b></p> <p><b>NYS Vendor ID Number: 1000002438</b>  <b>Federal Tax ID Number: 14-6002576</b>  DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER:</p> <p>CFDA NUMBER (Federally funded grants only):</p>
<p><b>CONTRACTOR PRIMARY MAILING ADDRESS:</b></p> <p>Warren County Board of Supervisors  Municipal Center  1340 State Route 9  Lake George, NY 12845-9803</p> <p><b>CONTRACTOR PAYMENT ADDRESS:</b></p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p> <p><b>CONTRACTOR MAILING ADDRESS:</b></p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p><b>CONTRACTOR STATUS:</b></p> <p><input type="checkbox"/> For Profit  <input checked="" type="checkbox"/> <b>Municipality, Code: 520100000000</b>  <input type="checkbox"/> Tribal Nation  <input type="checkbox"/> Individual  <input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>



IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

STATE AGENCY:

NYS Office of Indigent Legal Services

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name

William J. Leahy

Printed Name

Title: \_\_\_\_\_

Title: Director – Office of Indigent Legal Services

Date: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK

County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she resides at \_\_\_\_\_, that he/she is the \_\_\_\_\_ of the \_\_\_\_\_, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) \_\_\_\_\_

ATTORNEY GENERAL'S SIGNATURE

STATE COMPTROLLER'S SIGNATURE

Printed Name

Printed Name

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Contract Number: CSTWIDEHH49

Page 1 of 1

Master Contract for Grants, Signature Page

ATTACHMENT B-1

BUDGET

Office of Indigent Legal Services  
Statewide Expansion of Hurrell-Harring  
April 1, 2018 - March 31, 2023

COUNTY OF WARREN

Total Contract Amount: \$3,970,289.43

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>					
Coordinating Supervisor	\$18,720.00				
Coordinating Supervisor - Fringe	\$6,865.00				
Investigator	\$5,200.00				
Investigator - Fringe	\$400.00				
Social Worker	\$10,400.00				
Social Worker - Fringe	\$3,821.00				
Data Entry/Secretary	\$4,680.00				
Data Entry/Secretary - Fringe	\$320.00				
Data Officer	\$9,617.50				
Data Officer - Fringe	\$1,222.50				
Merit Based Salary Enhancement	\$27,000.00				
Merit Based Fringe Enhancement	\$4,480.00				
Retention Stipend	\$22,080.00				
Retention Stipend - Fringe	\$3,675.00				
<b>Subtotal Personnel</b>	<b>\$118,481.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTPS:</b>					
Office Furniture	\$24,000.00				
<b>Subtotal OTPS</b>	<b>\$24,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Caseload Relief - Subtotal</b>	<b>\$142,481.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>Contracted/Consultant:</b>					
Experts/Interpreters/Transcriptions/ Medical and other Specialists	\$5,000.00				
Mentor Program	\$4,150.00				
<b>Subtotal Contracted/Consultant</b>	<b>\$9,150.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTPS:</b>					
Continuing Legal Education (CLE)/Trainings	\$6,000.00				
Updated Office Equipment	\$8,500.00				
Computer Equipment	\$12,000.00				
PDCMS Licenses/Features	\$1,160.00				
Attorney Registration/Notary Fees	\$6,130.00				
Legal Reference Material/Books	\$4,720.00				

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
Cell Phones	\$3,000.00				
Internet Usage	\$1,000.00				
Client Transportation	\$482.52				
Subtotal OTPS	\$42,992.52	\$0.00	\$0.00	\$0.00	\$0.00
Quality Improvement - Subtotal	\$52,142.52	\$0.00	\$0.00	\$0.00	\$0.00
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>Personnel:</b>					
After-Hour Stipends - Week Arraignment	\$10,867.50				
After-Hour - Night Arraignment	\$1,000.00				
After-Hour - Fringe	\$1,932.71				
Counsel at First Appearance - Subtotal	\$13,800.21	\$0.00	\$0.00	\$0.00	\$0.00
<b>PUBLIC DEFENDER'S OFFICE - TOTAL</b>	<b>\$208,423.73</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>ASSIGNED COUNSEL PLAN</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Clerk - Salary	\$9,000.00				
Clerk - Fringe	\$688.50				
Grants Manager - Salary	\$3,395.04				
Grants Manager - Fringe	\$684.84				
ACP Administrator - Salary	\$5,300.00				
ACP Administrator - Fringe	\$424.20				
Subtotal Personnel	\$19,492.58	\$0.00	\$0.00	\$0.00	\$0.00
<b>CONTRACTED/CONSULTANT:</b>					
Supervising Attorney	\$14,320.50				
Rural Law Center Criminal Appeals	\$10,589.32				
Subtotal Contracted/Consultant	\$24,909.82	\$0.00	\$0.00	\$0.00	\$0.00
Caseload Relief - Subtotal	\$44,402.40	\$0.00	\$0.00	\$0.00	\$0.00
<b>QUALITY IMPROVEMENT</b>					
<b>Contracted/Consultant:</b>					
Investigators/Experts/Interpreters/ Social Workers, etc.	\$6,859.83				
Subtotal Contracted/Consultant	\$6,859.83	\$0.00	\$0.00	\$0.00	\$0.00
<b>OTPS:</b>					
Office Furniture/Computer Equipment	\$5,000.00				
Subtotal Contracted/Consultant	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00
Quality Improvement - Subtotal	\$11,859.83	\$0.00	\$0.00	\$0.00	\$0.00
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>Personnel/Contracted/Consultant/OTPS:</b>					
	\$0.00				
Counsel at First Appearance - Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>ASSIGNED COUNSEL PLAN - TOTAL</b>	<b>\$56,262.23</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Total	\$264,685.96	\$529,371.92	\$794,057.89	\$1,058,743.85	\$1,323,429.81
<b>FIVE-YEAR TOTAL</b>	<b>\$3,970,289.43</b>				

ATTACHMENT C

WORK PLAN

OFFICE OF INDIGENT LEGAL SERVICES

STATEWIDE EXPANSION OF HURRELL-HARRING

APRIL 1, 2018 – MARCH 31, 2023

COUNTY OF WARREN

**Goals, Objectives, and Performance Measures**

On a semi-annual basis, each grantee/contractor shall provide the Office of Indigent Legal Services with a written progress report summarizing the work performed during each such semi-annual period. The reports shall detail the grantee/contractor's progress toward attaining the specific goals, objectives and key performance measures as outlined below along with any additional information that may be required by the Office. These program progress reports must be submitted October 31<sup>st</sup> for the period starting April 1<sup>st</sup> and ending September 30<sup>th</sup> and April 30<sup>th</sup> for the period starting October 1<sup>st</sup> and ending March 31<sup>st</sup>.

Program progress reports will continue until such time as the funds subject to this contract are no longer available, have been accounted for, and/or throughout the contract period. The first progress report may be waived if the final approval of the grantee/contractor's contract by the Office of the State Comptroller is within two months of the date such progress report would be due. (See Attachment D ["Payment and Reporting Schedule"] for written progress report reporting requirements in their entirety.)

**Goal**

Implement the provisions of Chapter 59 of the Laws of 2017, Part VVV, sections 11-13, providing that the Office of Indigent Legal Services shall implement a plan to extend statewide the benefits of the Hurrell-Harring settlement reforms.

**First Objective**

Ensure all eligible criminal defendants are represented by counsel at arraignment, provided that timely arraignment with counsel is not delayed pending a determination of a defendant's eligibility.

Key Performance Measures

1. The number of attorneys hired with this funding who provide representation at arraignment;

2. The number of arraignments handled by each attorney compensated with this funding;  
and
3. A brief description of all activities funded by this grant under this objective and how those activities have improved the provision of counsel at first appearance.

### **Second Objective**

Full compliance with the caseload standards issued by the Office of Indigent Legal Services.

#### Key Performance Measures

1. The number of attorneys hired with this funding and the dates of such hires;
2. The number of new cases opened by attorneys compensated with this funding;
3. The number of non-attorneys hired with this funding and the dates of such hires;
4. The name, and date of appointment, of the Data Officer or a description of progress toward appointment of a Data Officer; and
5. A brief description of all activities funded by this grant under this objective and how those activities have reduced caseloads.

### **Third Objective**

Implement initiatives to improve the quality of indigent defense such that attorneys receive effective supervision and training, have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients, communicate effectively with their clients, have the necessary qualifications and experience, and, in the case of assigned counsel attorneys, are assigned to cases in accordance with article 18-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

#### Key Performance Measures

1. The number of training events supported by this funding;
  2. The number of attorneys whose attendance at training events was supported by this funding;
  3. The number of cases in which expert services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services;
  4. The number of cases where investigative services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services; and
- A brief description of all activities funded by this grant under this objective and how those activities have improved the quality of representation provided to clients.

## YEAR 1 BUDGET

### Public Defender's Office

#### Personnel:

- **Add a full-time Public Defender Coordinating Supervisor position.** This new position will be responsible for supervising attorneys and staff in criminal matters, coordinating and implementing planned improvements in indigent legal representation, attorney development and employee retention. This position is pro-rated for a three-month period; the fully annualized salary is \$74,880.
- **Add a part-time Investigator position.** This new position will perform investigative services on criminal cases and assist attorneys with trial preparation at an hourly rate of \$25 for 16 hours per week. This position is pro-rated for a three-month period; the fully annualized salary is \$20,800.
- **Add a full-time Social Worker position.** This new position will assist clients with substance abuse treatment, mental health services, victim counseling and other services at an hourly rate of \$20. This support aids in decreased violations of conditional discharges and probation as a result of compliance with treatment terms. This position is pro-rated for a three-month period; the fully annualized salary is \$41,600.
- **Add a part-time Data Entry Secretary position.** This position will be responsible for assisting with the administration of the office, including opening and closing case files and entering data into the Case Management System at an hourly rate of \$15 for 24 hours per week. This position is pro-rated for a three-month period; the fully annualized salary is \$18,720.
- **Add a Data Officer position.** This position will be filled by an existing employee within the Public Defender's Office and will serve as the liaison to Indigent Legal Services on behalf of Warren County's Public Defender's Office and Assigned Counsel Program. The Data Officer's primary function will be to work with ILS to operationalize the data requirements for up to 22 hours per month. To the extent Data Officer responsibilities are increased, current responsibilities will be shifted to other staff.
- **Provide funding for merit-based salary enhancements.** Salary enhancement will be made available to existing staff based on merit and for the purpose of retaining staff.
- **Provide funding for retention stipends.** Employees will receive small stipends and fringe based on years of service, reflective of increased responsibilities.
- **Provide Counsel at First Appearance (CAFA) stipends.** Stipends will be provided to attorneys for non-session weekly arraignments in the amount of \$472.50 per week and after-hour night arraignment in the amount of \$1,000 per year for one attorney.

### Contracted/Consultant:

- **Provide funding for specialized services.** Services will include experts at an hourly rate of \$250; investigators at an hourly rate of \$55; interpreters at an hourly rate of \$75-\$150; and social workers at an hourly rate of \$75 to assist with case preparation and improve quality of representation.
- **Create a Mentor Program.** The Public Defender's Office will partner with a criminal defense attorney at an hourly rate of \$150 to provide mentoring services to attorneys.

### OTPS:

- **Provide funding for incidental and operational expenses.** Expenses include:
  - Office furniture for new space to create functional environments for client meetings and trial preparation, as well as for the replacement of broken furniture in existing space
  - Computer equipment to allow attorneys to work remotely while making court appearances
  - Cell phones and internet to allow attorneys to work remotely and access the Case Management System while providing indigent legal representation, as well as to be accessible for on-call duty after hours and on weekends
  - Continuing Legal Education (CLE) for training and trial skills to improve the quality of representation for criminal cases
  - Public Defense Case Management System (PDCMS) licenses for two more users at \$500 per user, plus text and cell phone app features for existing staff for \$160 total
  - Professional association membership fees for 10 attorneys for NYSDA, NYSBA, WBA, NACDL, NYS Secure Pass, with fees ranging from \$25-\$145 per member
  - Books to provide attorneys with access to information regarding cross-examination, expert witnesses, confessions, mental health defense, search and seizure, and criminal procedure in New York
  - Client transportation to assist indigent clients with transportation to court and for case preparation meetings with their attorneys

## Assigned Counsel Plan

### Personnel:

- **Add a part-time Clerk position.** This position will assist with case assignments, data collection and grants for 20 hours per week.
- **Add a part-time Grants Manager position.** This new position will be a shared County employee. Responsibilities will include assisting in the administration of Assigned Counsel Program criminal defense grants and data collection for 20 hours per month.

- **Provide a salary increase to the Assigned Counsel Program Administrator for increased responsibility.** The salary increase will support the retention of the existing employee in the role and the additional responsibility of providing supervision to the Grants Manager.

**Contracted/Consultant:**

- **Add a Supervising Attorney position.** The Assigned Counsel Program will contract with an attorney at an estimated hourly rate of \$150 to assist and advise the Assigned Counsel Program Administrator and 18-B panel attorneys.
- **Supplement the Rural Law Center Criminal Appeals contract.** This contract will allow for additional criminal cases on appeal beyond what is contained in the existing contract. The compensation will be approximately \$2,500 per additional case.
- **Provide funding for specialized services.** Services will include experts at an hourly rate of \$250; investigators at an hourly rate of \$55; interpreters at an hourly rate of \$75-\$150; and social workers at an hourly rate of \$75 to assist with case preparation and improve quality of representation.

**OTPS:**

- **Provide funding for office furniture and computer equipment.** These items will be provided to the new personnel in the Assigned Counsel Program to create workspaces.