

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
June 20, 2023

COMMITTEE MEMBERS: Supervisors GERACJ, Magowan, Smith, Conover, McDevitt, Driscoll and Leggett - *Chair of the Board shall serve as an Ex-Officio member when needed in accordance with Section C (4) of the Rules of the Board*

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Privilege of the floor and public comment
- IV. Action Agenda/New Business Items:
 1. Request: Request to Create New Position – Assistant Public Defender (12) Per Diem
Rationale: To create a new position of Assistant Public Defender (12) Per Diem to assist in Caseload Reduction and Quality Improvement per Hurrell-Harring requirements. (ILS FUNDED POSITION.)
 2. Request: Request to Amend County Budget
Rationale: Request to add ILS Hurrell-Harring (Year 5) funding into the Public Defender’s 2023 budget to cover the Assistant Public Defender (12) Per Diem position
 3. Request: Request to Amend County Budget
Rationale: Request to add ILS Dist #11 & Upstate Quality funding into the Public Defender’s 2023 budget for Contract/Consulting Fees
- V. Discussion Items:
- VI. Referrals/Pending Items:
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 11 – Request to Create new Position
2. Resolution Request Form No. 7 – Request to Amend County Budget (x2)

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 6/20/2023

- (a) Title of Requested Position: **Assistant Public Defender (12) - Per Diem**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$49,914**
- (c) Effective Date for New Position*: **7/24/2023**
**Please do not backdate unless the purpose is to correct an error.*
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
n/a
- (e) Where are Funds in the Budget for this Position?
List Budget Code, Object Code, Full Title and Amount:
A.1171 4202 130 Public Defender/Hurrell-Harring Salaries - Part Time: \$49,914
A.1171 4202 830 Social Security: \$3400
A.1171 4202 831 Medicare: \$880
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded with the current budget:
Revenue from ILS Hurrell-Harring Funding
- (g) Has Personnel Officer Reviewed and Approved of the New Position Title? YES NO
*(This is necessary **BEFORE** bringing the request to committee)*
- (h) Is this a mandated position? YES NO
If yes, please explain:
New York State Office of Indigent Legal Services Hurrell-Harring mandates Attorney Caseload Requirements to receive funding.
- (i) Is there expected revenue from this position? YES NO
If, please explain and complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue:
A.1171 4202 3045: \$54,194.00

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels defendants at every stage of proceedings following arrest;
Initiates such proceedings as are necessary to protect the rights of the accused;
Assists the Public Defender in the preparation of various court proceedings;
Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
Investigates respondent's financial status in family court support matters;
Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Thorough knowledge of New York State and Federal criminal law, New York family court act and court proceedings;
Good knowledge of judicial procedures and rules of evidence;
Ability to interpret and work with New York State and Federal criminal code;
Ability to communicate effectively both orally and in writing;
Ability to reason quickly and logically in stressful situations;
Ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion;
Ability to analyze and organize facts effectively;
Ability to prepare for and present cases in court;
Ability to establish and maintain effective working relationships with others;
Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

At the time of appointment, possession of a license to practice law in the State of New York.

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

WC: 2003, 2015, 2021

JC: Exempt

Format Update 2022

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 6/20/2023

(a) Purpose of Amendment:

To add ILS Hurrell-Harring (Year 5) funding into the Public Defender 2023 Budget

(b) Appropriation Code, Object Code, Full Title and Amount:

A.1171 4202 130 Public Defender/Hurrell-Harring Salaries PT: \$49,914

A.1171 4202 830 Public Defender/Hurrell-Harring Social Security: \$3400

A.1171 4202 831 Public Defender/Hurrell Harring Medicare: \$880

(c) Revenue Code (with title), and Amount:

A.1171 4202 3045 Public Defender/Hurrell-Harring - Office of Indigent Legal Services Distribution: \$54,194

Invoice/Expense Statement
Warren County
STATEWIDE EXPANSION OF HURRELL-HARRING
Contract No.: CSTWIDHH49
Office of Indigent Legal Services (ILS)

Contract Term: April 1, 2018 - March 31, 2023
Total Budget: \$3,970,289.43
YEAR FIVE
(Annual Budget: \$1,323,429.81)

Budget Expenditure Items	Balance forward from Previous Year	Year 5 Budget	Year 5 Budget Plus Balance Forward	Actual Reimbursable Expenditures						Total Expenditures Year 5	Funds Available Year 5	
				ACP 4/1/22 - 6/30/22	Public Defender 4/1/22 - 6/30/22	ACP 7/1/22 - 9/30/22	Public Defender 7/1/22 - 9/30/22	ACP 10/1/22 - 12/31/22	Public Defender 10/1/22 - 12/31/22			ACP 1/1/23 - 3/31/23
PUBLIC DEFENDER'S OFFICE												
CASELOAD RELIEF												
Personnel:												
Coordinating Supervisor	\$273,329.00	\$105,605.75	\$378,934.75								\$0.00	\$378,934.75
Coordinating Supervisor - Fringe	\$101,097.00	\$39,074.00	\$140,171.00								\$0.00	\$140,171.00
Investigator	\$20,800.00	\$0.00	\$20,800.00								\$0.00	\$20,800.00
Investigator - Fringe	\$1,600.00	\$0.00	\$1,600.00								\$0.00	\$1,600.00
Social Worker/Case Manager	\$60,715.17	\$52,794.00	\$113,509.17								\$0.00	\$113,509.17
Social Worker/Case Manager - Fringe	\$25,356.91	\$19,534.00	\$44,890.91								\$0.00	\$44,890.91
Data Entry/Secretary	\$62,221.64	\$32,906.00	\$95,127.64								\$0.00	\$95,127.64
Data Entry/Secretary - Fringe	\$29,997.46	\$12,175.00	\$42,172.46								\$0.00	\$42,172.46
Data Officer	\$40,379.64	\$35,648.00	\$76,027.64								\$0.00	\$76,027.64
Data Officer - Fringe	\$14,628.69	\$13,190.00	\$27,818.69								\$0.00	\$27,818.69
Merit Based Salary Enhancement	\$47,000.00	\$27,000.00	\$74,000.00								\$0.00	\$74,000.00
Merit Based Fringe Enhancement	\$6,954.25	\$4,480.00	\$11,434.25								\$0.00	\$11,434.25
Retention Stipend	\$94,835.45	\$52,109.90	\$146,945.35								\$0.00	\$146,945.35
Retention Stipend - Fringe	\$15,924.49	\$8,000.00	\$23,924.49								\$0.00	\$23,924.49
9th Assistant Public Defender - Salary	\$146,020.40	\$84,082.00	\$230,102.40								\$0.00	\$230,102.40
9th Assistant Public Defender - Fringe	\$58,279.70	\$31,110.00	\$89,389.70								\$0.00	\$89,389.70
PT Coordinating Supervisor (b) - Salary	\$69,224.00	\$38,214.00	\$107,438.00								\$0.00	\$107,438.00
PT Coordinating Supervisor (b) - Fringe	\$5,555.00	\$3,250.00	\$8,805.00								\$0.00	\$8,805.00
PT Assistant Public Defender (b) - Salary	\$88,134.00	\$50,450.00	\$138,584.00								\$0.00	\$138,584.00
PT Assistant Public Defender (b) - Fringe	\$6,941.00	\$4,280.00	\$11,221.00								\$0.00	\$11,221.00
10th Assistant Public Defender - Salary	\$65,295.00	\$72,790.00	\$138,085.00								\$0.00	\$138,085.00
10th Assistant Public Defender - Fringe	\$25,138.00	\$26,932.00	\$52,070.00								\$0.00	\$52,070.00
11th Assistant Public Defender - Salary	\$0.00	\$79,652.00	\$79,652.00								\$0.00	\$79,652.00
11th Assistant Public Defender - Fringe	\$0.00	\$29,470.00	\$29,470.00								\$0.00	\$29,470.00
12th (PT) Assistant Public Defender - Salary	\$0.00	\$49,914.00	\$49,914.00								\$0.00	\$49,914.00
12th (PT) Assistant Public Defender - Fringe	\$0.00	\$4,280.00	\$4,280.00								\$0.00	\$4,280.00
Subtotal Personnel	\$1,259,436.80	\$876,940.65	\$2,136,377.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,136,377.45
OTPS:												
Office Furniture	\$36,396.97	\$8,000.00	\$44,396.97								\$0.00	\$44,396.97
Additional Office Space	\$47,644.84	\$15,600.00	\$63,244.84								\$0.00	\$63,244.84
Subtotal OTPS	\$84,041.81	\$23,600.00	\$107,641.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$107,641.81
Caseload Relief - Subtotal	\$1,343,478.61	\$900,540.65	\$2,244,019.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,244,019.26
QUALITY IMPROVEMENT												
Contracted/Consultants:												
Experts/Investigators/Transcriptions/Social workers/Medical & Other Specialists/Interpreters	\$54,221.28	\$32,500.00	\$86,721.28								\$0.00	\$86,721.28
Mentor Program - rates up to \$150/hr.	\$27,695.00	\$7,500.00	\$35,195.00								\$0.00	\$35,195.00

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 6/20/2023

(a) Purpose of Amendment:

To add ILS funding into the Public Defender 2023 Budget

(b) Appropriation Code, Object Code, Full Title and Amount:

A.1171 4206 437 Public Defender/Dist #11 - Contract/Consulting Fees: \$6,905

**A.1171 4201 437 Public Defender/Upstate Quality - Contract/Consulting Fees:
\$2500**

(c) Revenue Code (with title), and Amount:

**A.1171 4206 3045 Public Defender Office/Dist #11 - Office of Indigent Legal
Services Distribution: \$6,905**

**A.1171 4201 3045 Public Defender/Upstate Quality - Office of Indigent Legal
Services Distribution: \$2,500**

Invoice/Expense Statement Warren County DISTRIBUTION #11 Contract No. C110052 Office of Indigent Legal Services (ILS)			
Contract Term: January 1, 2021 - December 31, 2023 Total Budget: \$320,436.00 CUMULATIVE TOTALS			
Budget Expenditure Items	TOTAL 3 - YEAR BUDGET	EXPENDITURES TO DATE	TOTAL AVAILABLE FUNDS
PUBLIC DEFENDER'S OFFICE			
Personnel:			
Legal Clerk - Salary	\$96,000.00	\$0.00	\$96,000.00
Legal Clerk - Fringe	\$38,400.00	\$0.00	\$38,400.00
Subtotal Personnel	\$134,400.00	\$0.00	\$134,400.00
Contract / Consultant:			
Experts / Interpreters / Transcriptions / Medical and Other Specialists	\$20,715.00	\$0.00	\$20,715.00
Subtotal Contracted/Consultant	\$20,715.00	\$0.00	\$20,715.00
Total for Public Defender Office	\$155,115.00	\$0.00	\$155,115.00
ASSIGNED COUNSEL PLAN			
Personnel:			
Grant Administrator - Salary	\$25,464.00	\$0.00	\$25,464.00
Grant Administrator - Fringe	\$1,950.00	\$0.00	\$1,950.00
Subtotal Personnel	\$27,414.00	\$0.00	\$27,414.00
Contracted/Consultant:			
Rural Law Center of New York, Inc. - Appeals	\$78,993.00	\$0.00	\$78,993.00
Legal Aid Society of Northeastern NY - Paralegal	\$58,514.00	\$0.00	\$58,514.00
Subtotal Contracted/Consultant	\$137,507.00	\$0.00	\$137,507.00
OTPS:			
Computer Equipment	\$400.00	\$0.00	\$400.00
Subtotal OTPS	\$400.00	\$0.00	\$400.00
Total for Assigned Counsel Plan	\$165,321.00	\$0.00	\$165,321.00
TOTAL	\$320,436.00	\$0.00	\$320,436.00

Invoice/Expense Statement Warren County THIRD UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION Contract No. C3RD652 Office of Indigent Legal Services (ILS)			
Contract Term: July 1, 2020 - June 30, 2023 Total Budget: \$300,000.00 CUMULATIVE TOTALS			
Budget Expenditure Items	TOTAL 3-YEAR BUDGET	EXPENDITURES TO DATE	TOTAL AVAILABLE FUNDS
PUBLIC DEFENDER'S OFFICE			
Personnel:			
(FT) Case Manager - Salary	\$24,477.00	\$0.00	\$24,477.00
(FT) Case Manager - Fringe	\$6,853.00	\$0.00	\$6,853.00
(FT) 6th Assistant Public Defender (Criminal) - Salary	\$207,875.00	\$0.00	\$207,875.00
(FT) 6th Assistant Public Defender (Criminal) - Fringe	\$53,295.00	\$0.00	\$53,295.00
Subtotal Personnel	\$292,500.00	\$0.00	\$292,500.00
Contracted/Consultant:			
Experts/Investigators/Interpreters/Transcriptions/ Social Workers/Medical & other Specialists	\$7,500.00	\$0.00	\$7,500.00
Subtotal Contracted/Consultant	\$7,500.00	\$0.00	\$7,500.00
TOTAL	\$300,000.00	\$0.00	\$300,000.00