2020 BUDGET
SESSION 5

AGENDA

AUDIT AND FINANCE COMMITTEE

NOVEMBER 6, 2019

LEGAL AGENCIES

1. PROBATION
2. PUBLIC DEFENDER
3. ALTERNATE PUBLIC DEFENDER
4. COUNTY ATTORNEY
PROBATION
TO: Hon. Wanda F. Willingham, Chair – Audit and Finance Committee

FROM: William Connors, Probation Director

DATE: October 16, 2019

SUBJECT: Albany County Probation Proposed 2020 Budget

1. Vacant Positions:

All Probation Title lists were released by Albany County Civil Service with qualified candidates in September of 2019. We are currently interviewing and working off those lists to fill vacancies. It is expected hires will soon occur.

A3140.1.4213.001 – Senior Probation Officer – Vacant due to retirement – Submitted to fill
A3140.1.4213.005 – Senior Probation Officer – Vacant due to promotion – Submitted to fill
A3140.1.4213.009 – Senior Probation Officer – Vacant due to promotion – Submitted to fill
A3140.1.4223.014 – Probation Officer – Vacant – Submitted to fill
A3140.1.4223.046 – Probation Officer – Vacant due to retirement – Submitted to fill
A3140.1.4223.048 – Probation Officer – Vacant due to transfer within the County – Submitted to fill
A3140.1.4224.003 – Probation Officer Part Time – Vacant due to transfer to full time – Submitted to fill
A3140.1.5311.004 – Probation Assistant – Vacant due to retirement – Submitted to fill

Albany County Raise the Age Plan has been approved by New York. Since that time the Probation Department plan has been under review by DCJS who will prove the contract to the Probation Department. It is anticipated this will soon be presented to the Albany County Legislature for review and approval. All Raise the Age personnel and services are 100% reimbursed by New York State.

A3140.1.2414R.001 – Probation Assistant RTA
A3140.1.4203R.002 – Probation Supervisor RTA
A3140.1.4423R.001 – Senior Probation Officer RTA
A3140.1.4423R.002 – Senior Probation Officer RTA
A3140.1.4424R-001 – Probation Officer Trainee RTA
A3140.1.4424R.002 – Probation Officer Trainee RTA
A3140.1.4424R.003 – Probation Officer Trainee RTA
2. New Positions / Funding Source / Reimbursement Rate:

None

3. Salary Increase / Justification:

A3140 11045 0011 380001 Director of Probation has increased 5%. This proposal is requested due to increased responsibility in personnel and programming related to Raise the Age.

4. Proposed Position to be Eliminated / Salary Decreased:

None

5. Positions Funded by Grant Money / Percentage / Commitment Grant Renewed for 2020:

<table>
<thead>
<tr>
<th>GIVE Grant</th>
<th>Proposed Salary</th>
<th>Total Grant Funding</th>
<th>%</th>
<th>Total County Funding</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Salary</td>
<td>Fringe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A3140.1.4223.045</td>
<td>$52,336.00</td>
<td>$10,467.00</td>
<td>50.19%</td>
<td>$26,068.00</td>
<td>49.81%</td>
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<tr>
<td></td>
<td>Fringe</td>
<td>$52,336.00</td>
<td>20.00%</td>
<td>$19,888.00</td>
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</table>

<table>
<thead>
<tr>
<th>DCYF Programs</th>
<th>Proposed Salary</th>
<th>Total Grant Funding</th>
<th>%</th>
<th>Total County Funding</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Salary</td>
<td>Fringe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A3140.1.4223.009</td>
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<td>$44,698.00</td>
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<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>Fringe</td>
<td>$77,065.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>A3140.1.4213.009</td>
<td>$70,110.00</td>
<td>$40,664.00</td>
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<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>Fringe</td>
<td>$70,110.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>A3140.1.4223.008</td>
<td>$62,987.00</td>
<td>$36,592.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>Fringe</td>
<td>$62,987.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>A3140.1.4223.054</td>
<td>$62,987.00</td>
<td>$36,592.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>Fringe</td>
<td>$62,987.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>A3140.1.4223.005</td>
<td>$70,942.00</td>
<td>$41,146.00</td>
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<tr>
<td></td>
<td>Fringe</td>
<td>$70,942.00</td>
<td>100.00%</td>
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<tr>
<td>A3140.1.4223.021</td>
<td>$60,537.00</td>
<td>$35,111.00</td>
<td>100.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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</table>

6. Job Title Changes / Moved Positions:
7. Fees for Services:

<table>
<thead>
<tr>
<th>SERVICES</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2018</th>
<th>2020</th>
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<tr>
<td>ORIGINAL BUDGET</td>
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<td>$29,250</td>
<td>$42,750</td>
<td>$42,750</td>
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<tr>
<td>Albany PD VOID</td>
<td>$3,500</td>
<td>$3,500</td>
<td>$2,000</td>
<td>$2,000</td>
<td>$3,500</td>
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<tr>
<td>REVISED BUDGET</td>
<td>$42,750</td>
<td>$42,750</td>
<td>$54,750</td>
<td>$54,750</td>
<td>$42,750</td>
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<tr>
<td>ACTUAL EXPENSES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albany PD VOID*</td>
<td></td>
<td></td>
<td></td>
<td>$3,500</td>
<td></td>
</tr>
<tr>
<td>GIVE*</td>
<td></td>
<td>$2,000</td>
<td>$2,000</td>
<td>$1,750</td>
<td></td>
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<tr>
<td>DWI Risk Assessment</td>
<td>$3,600</td>
<td>$2,200</td>
<td>$1,93</td>
<td>$1,750</td>
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<tr>
<td>Bottled Water</td>
<td>$10,64</td>
<td>$3,16</td>
<td>$2,300</td>
<td>$1,482</td>
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<tr>
<td>Hitech Systems</td>
<td>$3,77</td>
<td>$3,88</td>
<td>$425</td>
<td>$425</td>
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<tr>
<td>Interpreter Services</td>
<td>$938.61</td>
<td>$983.04</td>
<td>$6,000</td>
<td>$399</td>
<td>$2,000</td>
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<tr>
<td>Northeast Career (sign lang)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Public Safety Psychology</td>
<td>$19,250</td>
<td>$2,400</td>
<td>$3,000</td>
<td>$900</td>
<td>$3,300</td>
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<tr>
<td>Research Foundation</td>
<td>$3,493.03</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>GPS Monitoring Services</td>
<td>$8,790.90</td>
<td>$6,472.30</td>
<td>$6,000</td>
<td>$10,387</td>
<td>$6,000</td>
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<tr>
<td>Sheriff</td>
<td>$6,490.55</td>
<td>$3,907.43</td>
<td>$500</td>
<td>$255</td>
<td>$400</td>
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<tr>
<td>Thomson West</td>
<td>$5,340.97</td>
<td>$6,050.78</td>
<td>$5,200</td>
<td>$3,003</td>
<td>$6,500</td>
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<tr>
<td>Programs - Food/Supplies</td>
<td>$1,000</td>
<td></td>
<td></td>
<td></td>
<td>$2,000</td>
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<tr>
<td>Miscellaneous</td>
<td>$8,059.04</td>
<td>$2,33.95</td>
<td>$1,525</td>
<td>$1,222</td>
<td>$1,375</td>
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<tr>
<td>TOTAL EXPENSES</td>
<td>$31,755</td>
<td>$24,691</td>
<td>$54,750</td>
<td>$54,750</td>
<td>$48,750</td>
</tr>
</tbody>
</table>

*MOU with Albany Police Department for first half of 2019 for monitoring. Need to put on expenditure side

7. Fees for Services:

<table>
<thead>
<tr>
<th>RAISE THE AGE:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>$0</td>
<td>$0</td>
<td>$3,000</td>
</tr>
<tr>
<td>New Employee Evaluations</td>
<td>$0</td>
<td>$0</td>
<td>$4,200</td>
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<tr>
<td>Programming</td>
<td>$525,581</td>
<td></td>
<td>$830,781</td>
</tr>
</tbody>
</table>

8. New Initiatives and/or eliminated programs:

In addition to Department challenges, Raise the Age legislation has also provided Probation with an opportunity to make significant impact in the lives of the young people we serve not only through targeted supervision but also through the use of new and innovative programming. Probation is implementing various evidence based programs designed to address the needs of this population. Those programs include: Electronic Monitoring as an Alternative to Detention (ATD) for Juvenile Delinquents (JDs) and Adolescent Offenders (AOs) which will allow for young offenders to be monitored and maintained safely in the community thereby reducing the reliance on costly detention services; the use of BITS (Brief Intervention Tools) a cognitive behavioral intervention with variety of topics administered by Probation Officers for use with all JD cases; Girls Circle and Boys Council, structured support groups facilitated by Probation Officers that integrates
relational theory, resiliency practices, and skill training in a specific format designed to increase positive connection, personal and collective strengths, and competence in young woman and men to be utilized on all Juvenile cases; and Career University, a job readiness program that provides the tools needed to secure gainful employment while accentuating further education and career exploration, to be implemented at the Evening Reporting Center.

9. **County Vehicles / Title of Employees:**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MAKE/MODEL</th>
<th>PLATENUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>Dodge Charger</td>
<td>AU9225</td>
</tr>
<tr>
<td>2009</td>
<td>Dodge Charger</td>
<td>AU9227</td>
</tr>
<tr>
<td>2015</td>
<td>Ford Focus</td>
<td>AW9081</td>
</tr>
<tr>
<td>2018</td>
<td>Ford Focus</td>
<td>AW9097</td>
</tr>
<tr>
<td>2018</td>
<td>Ford Fusion</td>
<td>AZ7833</td>
</tr>
<tr>
<td>2018</td>
<td>Ford Fusion</td>
<td>AZ7834</td>
</tr>
</tbody>
</table>

*No vehicle is assigned to any staff. They are used continuously throughout the day and evening to conduct field work, monitor probationers, and transporting probationers.*

10. **Conferences / Training / Tuition Line Breakdown:**

<table>
<thead>
<tr>
<th>CONFERENCES/TRAINING A93140.44039</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Conference/Training/DCYF Programs</td>
<td>$13,000.00</td>
</tr>
</tbody>
</table>

The 2019 Probation Department Budget included $13,000 for Conferences/Training/ Tuition. Through the 3rd Quarter of 2019 we have spent approximately 40% of the allocated monies and the portion of the balance is allocated to training scheduled in the 4th quarter of the year. Under NYS Executive Law, Probation Officers are required to obtain 21 hours of continued education per year. We are very conservative in our approach and routinely offer staff trainings in which the cost is free or nominal. However, there are trainings that are offered during the year which are considered mandatory in order for the Probation Officer to retain their Peace Officer status or improve their job performance. This includes training related to Instructor Development Courses, Defensive Tactics, Firearms, and Non-Lethal Weapon annual recertification, Mental Health, DWI, Sex Offenders, Veterans and Gangs.

11. **Overtime Breakdown:**
OVERTIME

Overtime is used for Probation officers to conduct after hours home and field contacts on Probationers. NYS Executive Law mandates contacts with Probationers in their homes. Probation Officers also partner with Police to provide community policing. Overtime is also paid to Probation Officers warrant squad personnel for early morning and after hour's transportation of Probationers. It is further used for Probation Officers to appear in various courts. It also is used for Probation Officers to provide afterhours programming to Probationers.

12. Line Items Established / Changed During 2019:

None

13. Biggest Risk:

With the Raise the Age Legislation taking effect October 2018 for 16 year olds and October 2019 for 17 year olds, the Department continues to plan for what has been a significant increase in the number of Juveniles being provided Probation services. The department is charged with assessing the risks and needs of these offenders and providing the necessary level of supervision and services in an effort to provide a greater opportunity for them to live a law abiding and productive lifestyle. The department could face serving upwards of an additional 406 juveniles and young adults annually. Funding for the increase in Probation Supervisor/Senior Probation Officer and Probation Officer positions required to supervise this population as well as the funding needed to implement and run new programming has been approved by the State. This Department will need to balance the state projections vs the actual increase seen and plan for the sustainability of staffing positions as well as implemented programming.

14. Performance Indicators and Metrics:

Probation's performance is often measured by the Department’s ability to help both juvenile and adult offenders make positive changes in their lives and successfully complete their terms of Probation. This is accomplished through a wide variety of strategies and
programming offered by the Department. In 2017 (the most current year statewide statistics are available), the Probation Department’s Family Court Unit successfully discharge over 70% of eligible juveniles (PINS and JD cases combined). For that same year, the Probation Department’s Adult Supervision Units were able to successfully discharge just under 60% of eligible adult probationers. Based on a comparison with prior years, these outcomes remain consistent and, in some areas improved, as the Probation Department continues with its mission of providing best possible outcomes for the population we serve.

**Albany County Juvenile Data 2017**

<table>
<thead>
<tr>
<th>Total PINS cases Closed</th>
<th>% Positive Outcomes</th>
<th>% Negative Outcomes</th>
<th>Total JD Cases Closed</th>
<th>% Positive Outcome</th>
<th>% Negative Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>70 %</td>
<td>30 %</td>
<td>70</td>
<td>71 %</td>
<td>29 %</td>
</tr>
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</table>

**Albany County Adult Data 2017**

<table>
<thead>
<tr>
<th>Probationer Outcomes</th>
<th>Early Discharge</th>
<th>Maximum Expiration</th>
<th>Total Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number closed</td>
<td>% of Total closed</td>
<td>Number closed</td>
</tr>
<tr>
<td></td>
<td>122</td>
<td>13.8 %</td>
<td>391</td>
</tr>
</tbody>
</table>

15. **New Unfunded Mandates / Regulations / Risks to Grant Revenue / Risks to Reimbursement Revenues:**

On 1.1.2020 recent NY Legislation regarding Bail Reform will begin. This will law will result in the elimination of money bail and pretrial detention in most cases. Although not yet named as the Pretrial Service Agency, it is expected Albany County Probation will provide this service. These changes to the law involving the bail process will impact the Probation Department significantly in 2020. Bail Reform legislation will not be fully realized until specifics emerge as to the role Probation Departments will play in the new process but has the potential to be the largest unfunded mandate in Probation history. It is estimated that 90% of all new adult arrests would be eligible for release, some of which will have GPS monitoring and additional supervision requirements imposed by the courts. This would require additional staff and resources in the Probation Department to process and supervise offenders being released.
PUBLIC DEFENDER
Hon. Wanda F. Willingham, Chair
Audit and Finance Committee
Albany County Legislature
Harold L. Joyce Albany County Office Building
112 State Street, Room 710
Albany, New York 12207

RE: Responses to Information Request
Proposed 2020 Budget

Dear Chairperson Willingham;

In response to your inquiry dated October 4, 2019, the Office of the Albany County Public Defender submits the following.

1. Vacant positions:
   a. The following are NYSOILS grant funded positions proposed for year two of "Statewide Expansion" grant distribution.
   b. All newly created.
      Attorney:
      A1170 12019 001 150145 APDII;
      A1170 12026 001 150147 APDIII;
      A1170 12026 002 150148 APD III;
      A1170 12026 003 150149 APDIII;
      A1170 12027 001 150150 APDIV;
      A1170 14010 001 150144 Felony Supervisor.
      Legal Secretaries:
      A1170 15025 001 150153;
      A1170 15025 002 150154
      Clerk II:
      A1170 16204 001 150151;
      A1170 16204 002 150152.
   c. Other OILS grant funded positions.
      Attorney: A1170 120030 001 150135 (Arraignment Attorney, CAFA)
      Support Staff (Receptionist):
      A1170 16412 001 150139 Statewide Expansion year 1;
      2). All ILS funded positions listed above are 100% grant funded beyond 2020.
      3). Salary increases:
There are proposed salary increases for
i) Confidential Secretary: A1170 16401 003.150048, $5,000 to salary of $45,426 to make position comparable to those in the Albany County District Attorney’s Office;
ii) Criminal Investigator: A1170 14013 002 150032, $9,000, to salary of $56,100, to make position comparable, based on qualifications, to other Criminal Investigator positions in the Public Defender’s Office;
iii) Criminal Investigator: A1170 14013 001 150031, $5,843.00, to salary up to $73,469, to make the position full time.
All raises to be paid from ILS grants

4). None
5). Previously stated in paragraphs 2 and 3.
6). Attorney (APDIII) in line item A1170 12026 003 150131, to be moved to line item A1170 1253 001 150143, Director of Training as soon as position is approved.
Chief Criminal Investigator, in line item A1170 14011 001 150030; line to be unfunded, and a new Senior Criminal Investigator line established as line item A1170 14032 001 150155. This is a County funded position. There is no additional cost to Albany County other than COLA.

7). Fees for Services pays for experts such as doctors, statisticians psychologists, ballistics and accident reconstruction experts and other professionals who can assist in case preparation and/or presentation. In 2020, we expect substantially greater use of this line. We also have an unknown potential for additional necessary services to our office in 2020, caused by the Criminal Justice Reform requirements, effective January 1st. There is a potential for contracting out necessary data processing, and/or technical services to comply with the demands of the new legislation. These additional increased costs are fully OILS funded.

8). New initiatives and programs in 2020 include unknown costs for engagement and compliance with substantial changes in the Criminal Justice System effective January 1, 2020. We have attempted to anticipate these costs by adding OILS financial support across “Contractual Services”, “Fees for Services” and “Equipment” line items.

9). Two County owned vehicles are utilized by our Criminal Investigators for related duties.

10). Conference/Training/Tuition: There is a substantial increase in this line (44039) which is necessary to maintain and improve the level of knowledge and ability of both legal and support staff. This will be especially important in 2020 because of the major legal changes caused by the Criminal Justice Reform Act of 2019. These increases in our budget are 100% covered by grant funding from OILS.

11). Overtime: This is a consistent expense which has been included in our budget for several years. It reflects the hourly rate cost of two support staff who perform clerical duties on two local criminal courts (Colonie and Guilderland) which meet during evening hours or Wednesdays and Thursdays. These are duties beyond the staff members’ usual assignments.

12). All new positions created during 2019 are reflected on pages 176 and 177 of the 2020 proposed Budget. They are 100% OILS funded.

There are, or will be two changes in Civil Service titles for existing positions.
Line position 150038, “Data Entry Machine Operator” will be changed to “Clerk II” and line position 150107 “Clerical Aide” is changed to “Clerk I”. These changes are due to Civil Service termination of use of the existing position titles.
13). The only foreseeable potential risk to the Public Defender’s Office in 2020, is the delay in obtaining a suitable location. We will not be able to expand to meet our needs and responsibilities without appropriate space.

14). Performance Indicators and Metrics: Please see Attachments 1 and 2 for “Case Reports” for 2018 and 2019.

15). Unfunded Mandates, Regulations and Risks: The unfunded mandates and risks we are presented with in 2020 are related to the implementation and compliance requirements of the 2019 Criminal Justice Reform Act, specifically the unknown cost of receiving, processing and serving large amounts of discovery materials and evidence in varying forms and creating and maintaining a communication and tracking system to communicate effectively with clients who are no longer held in custody. Additionally, phase 2 of RTA which raises the age of criminal responsibility to 18, may require additional staff and resources. New York State did respond in 2019 to the impact of phase 1 of RTA, at least to the Probation Department, but did not offer any relief to the County Attorney or the Public Defender. It is anticipated that Phase 2, now including 17 year olds, will cause some greater impact than Phase 1, but the extent of that impact on the Public Defender is as yet, unknown.

In the event of unanticipated costs and expenses to our Office during 2020, we are in a very unique position to obtain NYS reimbursement in year 3 of the OILS “Statewide Expansion” from the next distribution after April 1st, 2020.

If you need any different or supplemental information, please feel free to contact me.

Respectfully submitted,

Stephen W. Herrick
Albany County Public Defender

CC: Hon. Andrew Joyce, Chairman
    Albany County Legislature

Hon. Dennis A. Feeney, Majority Leader
    Albany County Legislature

Hon. Frank A. Maucriello, Minority Leader
    Albany County Legislature
<table>
<thead>
<tr>
<th>Event Range:</th>
<th>Any</th>
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</thead>
<tbody>
<tr>
<td>Closed Status:</td>
<td>Open or closed</td>
</tr>
<tr>
<td>Open Status:</td>
<td>Specific</td>
</tr>
<tr>
<td>From:</td>
<td>01/01/18</td>
</tr>
<tr>
<td>To:</td>
<td>12/31/18</td>
</tr>
<tr>
<td>Total for Top Charge Class: Felony:</td>
<td>2,300. (Misdemeanor Equivalent: 6,118.00)</td>
</tr>
<tr>
<td>Total for Top Charge Class: Infraction:</td>
<td>55</td>
</tr>
<tr>
<td>Total for Top Charge Class: Misdemeanor:</td>
<td>5,897</td>
</tr>
<tr>
<td>Total for Top Charge Class: Other:</td>
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</tr>
<tr>
<td>Total for Top Charge Class: Violation:</td>
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</tr>
<tr>
<td>Overall Total Cases = 9,527. (Misdemeanor Equivalent: 13,345.00) (7378 Clients)</td>
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</tr>
<tr>
<td>Felonies:</td>
<td>2,300</td>
</tr>
<tr>
<td>Misdemeanors:</td>
<td>5,897</td>
</tr>
<tr>
<td>Violations:</td>
<td>998</td>
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<tr>
<td>Infractions:</td>
<td>55</td>
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<tr>
<td>Others:</td>
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2018 12 months

Attachment 1
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<th>Event Range</th>
<th>Open Status</th>
<th>Closed Status</th>
<th>From: 01/01/19</th>
<th>To: 12/31/19</th>
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<tr>
<td>Total for Top Charge Class: Felony</td>
<td>1,907</td>
<td>Open or closed</td>
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<tr>
<td>(Misdemeanor Equivalent: 5,072.62)</td>
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<td>Total for Top Charge Class: Infraction</td>
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<tr>
<td>Total for Top Charge Class: Misdemeanor</td>
<td>4,653</td>
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<td>Total for Top Charge Class: Other</td>
<td>197</td>
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<tr>
<td>Total for Top Charge Class: Violation</td>
<td>492</td>
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</table>

**Overall Total Cases = 7,329. (Misdemeanor Equivalent: 10,494.62) (5780 Clients)**

- Felonies: 1,907
- Misdemeanors: 4,653
- Violations: 492
- Infractions: 80
- Others: 197

2019 9 1/2 months

Attachment: 2
ALTERNATE
PUBLIC
DEFENDER
Honorable Wanda Willingham, Chair
Albany County Legislature
Audit and Finance Committee
112 State Street, Room 710
Albany, New York 12207

1. Identify by line item all vacant positions in your department.
   As of October 15, 2019, the Alternate Public Defender's Office has one vacant position A1171 12025 007 670012; a line very recently (September 2019) vacated by an attorney who took another position within the county.

2. Identify by line item any new position(s), how the position(s) will be funded and the reimbursement rate(s), if applicable.
   There are 3 new positions. A1171 15025 001 670014 is for a Legal Secretary position with a salary of $45,000 salary and associated fringe and that position will is completely reimbursable by the Statewide Implementation grant. The remaining two are both attorney positions. A1171 12025 003 670004 is for a fourth attorney located in the office's Family Court division and A1171 12025 001 670021 is for an attorney who specializes in mitigation and post plea and sentencing issues. Both positions have a proposed salary of $71,932 and associated fringe, which would make their lines equivalent to each of the existing Alternate Public Defenders. Both positions are fully reimbursable with the Family Court position funding coming from a previous grant distribution from Indigent Legal Services and the Mitigation Specialist funding coming from a new round of Statewide Implementation funding.

3. Identify by line item any proposed salary increase(s) beyond the 2% County increase, and the justification for those raise(s).
   There is one proposed raise of line A1171 12025 007 670012 from $69,944 to $71,932 to make that line equal with every other attorney position in the office and create parity of the lines within the office.

4. Identify by line item any position proposed to be eliminated or salary decreased.
   There are no proposals to eliminate or decrease the salary of any positions.
5. **Identify by line item all positions that are funded by grant money, the percentage of funding provided by the grant and indicate whether there is a commitment that the grant has been renewed for 2020.**

At this time, the Alternate Public Defender’s Office has one position for a Supervising Administrator that, when filled, will be completely covered by grant money. There has been a commitment to renew that funding for 2020.

6. **Identify by line item all job titles proposed to be changed or moved to another line item.**

There are no changes or movements proposed.

7. **Provide a breakdown of specific expenditures regarding fees for services lines and miscellaneous contractual expense lines and indicate 2019 expenditures compared to 2019 proposed expenditures.**

As of October 15, 2019, this year's actual expenditures are $4,751.01. $742.50 of that amount went to Armstrong Investigation and $433.61 was paid to Probst Investigations for investigative services and trial prep. $2,332.74 went to Dr. Allison Eastman and $1,130 was paid to Gerald Grant for expert services. $21.80 was also paid to WB Mason for water delivery. Final spending in this line can vary each year dependent on the usage of investigators and experts during trials and several upcoming trials, we do expect potentially large bills from Armstrong and any necessary experts.

8. **Identify any new initiatives and/or eliminated programs, and reimbursements associated with those programs.**

There are no new initiatives with any associated costs for 2020.

9. **Identify all County vehicles used by your department. Include the title of the employee(s) using each vehicle and the reason for the assignment of a County vehicle to that employee.**

There are no county vehicles used by this department.

10. **Provide a specific breakdown of the use for the proposed funding for all Conferences/Training/Tuition line items in your department budget.**

All attorneys are required to complete a certain number of CLE credits. Not only are these classes mandatory for their continued admission to the NYS Bar but they are also necessary to adequately represent our clients. Laws are constantly changing or being interpreted by new case law and CLEs provide practical and necessary information. Although some can be quite costly, many of the classes given by the NYS Bar Association and NYS Defender’s Association are given at a reduced rate for Public Defenders so that we are able to make the most out of the minimal funding requested. With the additional money from the Statewide Implementation grant, attorneys in this office will finally have the ability to attend courses offered all over the U.S. by renowned
attorneys and experts. These complex and often multi day trainings would allow the staff to expand their knowledge in more specialized areas of criminal law, such as DNA and advanced trial tactics, and provide our clients with representation that is comparable to, not only private counsel locally, but to that of private counsel, all over the nation.

11. **Provide a specific breakdown of overtime line items in your department budget including the actual overtime expenditures for the previous two years.**
   There is no overtime given in this department.

12. **Identify by line item any positions that were established/changed during the 2019 fiscal year.**
    The Supervising Administrator position, A1171 12035 001 670020, was established in 2019.

13. **Please describe the biggest risk your department faces and the actions you have taken (or will take in 2020) to better understand that risk and mitigate it.**
    Our department's biggest risk now, and has always been, the risk of not providing the level of quality representation that our clients are entitled to. The County Executive has committed to improving the services provided by Albany County's indigent defense offices and those commitments, in conjunction with the grant money received by NYS will mitigate that risk significantly. Our efforts will be significantly less hindered by financial considerations, allowing us to focus solely on our client's needs.

14. **Please identify two goals (programmatic or financial) your department has established for 2020 and the metrics you will use to measure whether the goals have been met.**
    Programmatically, we will track caseloads through PDCMS to ensure that they remain at or below the State's recommended levels and there will continue to be periodic reviews for quality assurance as well. Financially, with the infusion of significant funding over the next few years, we will need to determine how best to translate that money into higher quality representation while ensuring that we are maximizing our spending.
COUNTY ATTORNEY
MEMORANDUM

TO: Hon. Wanda F. Willingham, Chair
    Audit and Finance Committee

FROM: Daniel C. Lynch
       County Attorney

DATE: October 16, 2018

RE: Proposed 2020 Budget

With respect to the Law Department’s 2020 proposed budget, the following information is submitted in response to your memo of October 8, 2019.

1. Vacancies:

The Law Department currently has two vacancies:

A 1420 250034 Sr. Attorneys Trial Assistant
A 1420 250039 Keyboard Specialist

Both of these vacancies were created as a result of retirements. Interviews for these positions have commenced and I am hopeful to have qualified new hires by the end of the year.

2. New Positions:

The request made in the Department of Law’s proposed 2020 budget is based on recent reorganizations that have occurred within other county legal departments (District Attorney, Public Defender and Alternate Public Defender). As you are aware, these reorganizations have transformed how their attorneys are classified and the amount in which they are paid.
This budget request simply mirrors the Public Defender’s reorganization through the classification of attorney’s within their office (i.e. Assistant Public Defender I through VI – Assistant County Attorney I through V) and attempts to achieve pay equity for commensurate experience. Please note that this proposed restructure adds one total position in the budget and the former titles of Assistant County Attorney, Senior Paralegal, and Paralegal, have been removed from the budget (highlighted below). Additionally, as a result of the Raise the Age legislation signed by the Governor in April 2017, the Department of Law requested the creation of three new positions, an Assistant County Attorney, Legal Secretary and an Investigator in the 2019 budget. This request was made to handle the hundreds of new cases in Albany County Family Court due to the legislation. The positions were included in Albany County’s Budget plan submitted to the State. After their review, they determined that these positions would not be approved for reimbursement, therefore, in this year’s budget the three positions (Assistant County Attorney – RTA, Investigator – RTA and Legal Secretary – RTA) are being eliminated.

All positions are county funded.

Titles Added to Budget (21 total):

A 1420 250070   Deputy County Attorney
A 1420 250055   Assistant County Attorney I
A 1420 250056   Assistant County Attorney I
A 1420 250057   Assistant County Attorney I
A 1420 250058   Assistant County Attorney II
A 1420 250059   Assistant County Attorney II
A 1420 250060   Assistant County Attorney III
A 1420 250061   Assistant County Attorney III
A 1420 250062   Assistant County Attorney III
A 1420 250063   Assistant County Attorney III
A 1420 250064   Assistant County Attorney IV
A 1420 250065   Assistant County Attorney IV
A 1420 250066   Assistant County Attorney IV
A 1420 250067   Assistant County Attorney V
A 1420 250068   Assistant County Attorney V
A 1420 250069   Assistant County Attorney I
A 1420 250049   Attorneys Trial Assistant
A 1420 250050   Attorneys Trial Assistant
A 1420 250051   Assistant County Attorney PT
A 1420 250052   Assistant County Attorney PT
A 1420 250053   Assistant County Attorney PT

Titles Eliminated from Budget (23 total):

A 1420 250003   Assistant County Attorney
A 1420 250004   Assistant County Attorney
A 1420 250005   Assistant County Attorney
A 1420 250006   Assistant County Attorney
A 1420 250007   Assistant County Attorney
A 1420 250008   Assistant County Attorney
A 1420 250009   Assistant County Attorney
A 1420 250010   Assistant County Attorney
A 1420 250011   Assistant County Attorney
3. Proposed Salary Increases:

In the Department of Law’s proposed 2020 budget, there are salary adjustment requests that exceed 2%. These are made in an effort to keep compensation equitable with the salary structure of the PD’s Office but continue to be below the pay scale used in the DA’s Office. (See further explanation in response to question #2 above).

4. Positions to be Eliminated or Subject to Salary Decrease:

Please see response to question #2 above.

5. Grant Funded Positions:

There are no grant funded positions, however, the Law Department implements chargebacks to the Departments of Social Services and Children, Youth and Families for services rendered to those Departments. In addition, the salaries of one full time Assistant County Attorney and one Paralegal position are partially funded through the Department of Finance for their attention to real property matters. The amount of legal service charges is set forth in the proposed budget.

6. Titles to be changed or moved:

Please see response to question #2 above.

7. Fees for Services:

As of the date of this letter, the Law Department has paid $46,509.64 for 2019 Fees for Services and contractual expense lines related to legal representation. The charges to this account include attorney’s fees, and litigation costs (filing and other fees). The County continues to have on retainer Wilson Elser who is representing the County in the highly technical area of fiber optics litigation. This representation involves a dispute with Sprint as it relates to the Albany County Rail Trail. All other litigation matters are being handled in-house. As we anticipate that the fees associated with representing the County will increase as we continue to handle all litigation, we propose that the line again be budgeted for $70,000 in 2020. There are several matters that are nearing completion through either settlement or jury trial and we anticipate needing those funds for these matters.
8. New Initiatives or Eliminated Programs:

In 2019, the Department of Law in collaboration with the Probation Department continued the County Executive’s Project Growth restorative justice program with juvenile delinquents who committed crimes and who owed restitution for their crimes. The Program expanded to involve young adults, ages 16-24. The program not only provided the young adults with programming and opportunities that will decrease recidivism and reduce the chances of re-offending, it provided restitution to victims of their delinquent act. All participating qualified young adults took part in a program that included Career University curriculum, DMV prep for a Learner’s permit and Pre-Licensing course as well as off site visits and service projects that were completed by each participant with the guidance and mentoring from various Trade Unions. Each participating young adult received a stipend for completing the program, which was applied to the restitution owed to the victim of his or her case. This year, 10 youth have successfully completed the program with a third program currently taking place. The Law Department’s proposed budget includes funding to continue this program in 2020.

9. Vehicles:

The Law Department does not have any vehicles assigned to it.

10. Conferences/Training/Tuition:

The Law Department budget contains a line item as follows:

A 1420 44039 Conferences/Training/Tuition $4,000

These funds will be used at the discretion of the County Attorney to pay for certain specialized Continuing Legal Education courses for attorneys in the office as well as Court fees and admissions. With consolidation in 2012, the Law Department absorbed the work that was being done by outside counsel, including Federal Court litigation. This line will pay for specialized training as well as Federal Court admission fees as the County Attorney deems necessary for any attorneys assigned to work on Federal Court litigation.

11. Overtime:

The proposed budget does not contain any overtime.

12. Positions that were established/changed:

In 2019, there were no new positions established or changed. As noted above, the proposed 2019 budget established three new positions based on the Raise the Age Legislation, however, because they were never funded by NYS they were never filled.

13. Biggest Risk and Action Plan

The Biggest Risk for the Department of Law in 2020 is to continue to effectively handle large civil litigation matters in-house while maintaining the same level of representation on other matters. Since the merger in 2012, the Department of Law has been highly successful in handling the vast majority of litigation matters in-house, as opposed to retaining outside counsel. As a result of the merger, the County has saved millions of dollars in contractual expenses on outside counsel.
Currently, the Department of Law is engaged in litigation in the Southern District of NY District Court involving the representation of 28 separately named county defendants. This case was handled by two full-time assistant county attorneys and required a tremendous amount of the department's resources. Although this is a prime example of what can be achieved in savings by handling the matter in-house (estimated to have saved the county 1.6 million in attorney's fees alone), it also highlighted a shortage in staff and resources when dealing with such a large lawsuit. I am hopeful that I can discuss more fully during executive session at the Audit and Finance meeting.

14. Performance Indicators

The Department of Law does not have specific performance metrics or indicators. As you know, this Department is a service based department that utilizes best practices to provide counsel and assistance to all clients effectively, and as efficiently, as possible.

15. Unfunded Mandates

The Raise the Age legislation has created significant additional caseload for the Family Court Unit in the Department of Law. Based on the projections from OCFS and DCJS the Department of Law requested the creation of three new positions, an Assistant County Attorney, Legal Secretary and an Investigator in the 2019 budget. The positions and the request for reimbursement were included in Albany County's Budget plan submitted to the State. After their review, they determined that these positions would not be approved for reimbursement. Therefore, in this year's budget the three positions are being eliminated, however, the caseload continues to provide additional burden on staff. The projections of the 16 year old was accurate and with the introduction of the 17 year olds, the caseload will continue to grow.

Thank you for your attention to this matter.