

ROLES AND RESPONSIBILITIES OF THE DATA OFFICER

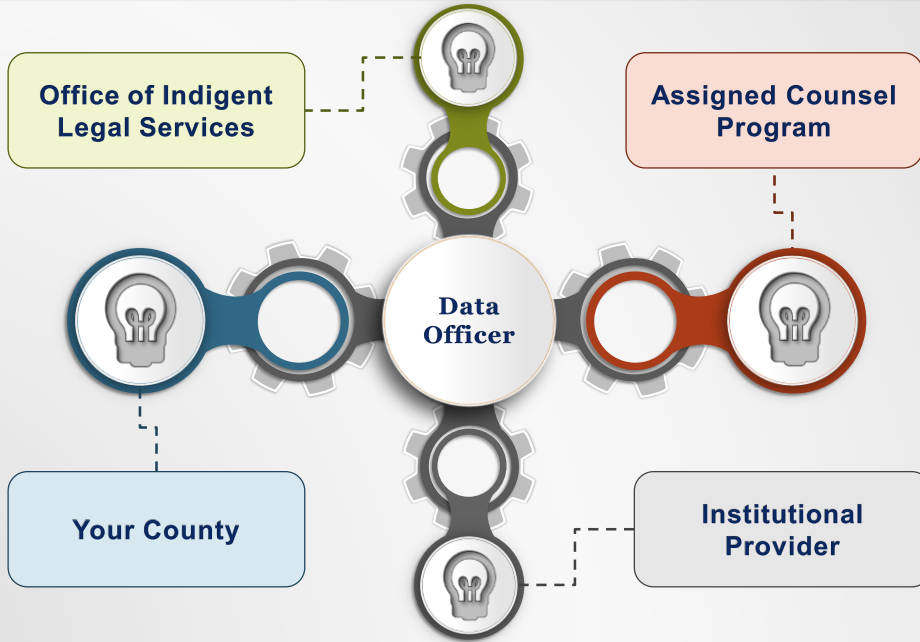
Joanne Macri, Esq.
Statewide Chief Implementation Attorney



ROLES & RESPONSIBILITIES OF THE DATA OFFICER

-  **1** **Connect**
County, Institutional Provider, Assigned Counsel Program and Office of Indigent Legal Services
-  **2** **Maintain Client Confidentiality**
The Rules of Professional Conduct and Your Responsibility
-  **3** **Collect/Compile Data (if necessary)**
Collect CAFA, Caseload and Quality Improvement Data
-  **4** **Assess Primary Data**
Assess CAFA, Caseload and Quality Improvement Data
-  **5** **Report to ILS**
 - ILS-195
 - Indigent Legal Services Annual Expense Report
 - Performance Measure Progress Report

THE ROLE OF THE DATA OFFICER: CONNECT



THE ROLE OF THE DATA OFFICER: CONFIDENTIATILITY

Preserving Client Confidentiality - Rules of Professional Conduct 1.6(a)(1) and 1.9 (for former clients):

An attorney is prohibited from knowingly revealing confidential information, without client authorization (i.e. subject to certain exceptions specified in Rule 1.6(b)).

Rule 1.6(c) further requires that a "lawyer make reasonable efforts to prevent the inadvertent or unauthorized disclosure or use of, or unauthorized access to [protected information]."

Confidential Information is defined as:

"information gained during or relating to the representation of a client, whatever its source, that is (a) protected by the attorney-client privilege, (b) likely to be embarrassing or detrimental to the client if disclosed, or (c) information that the client has requested be kept confidential." See Rule of Professional Conduct 1.6(a)

THE ROLE OF DATA OFFICER: CONFIDENTIATILITY

➤ PRESERVE CLIENT CONFIDENTIALITY

ILS does not require data that requires breach of client confidential information

➤ PLAY A NEUTRAL ROLE

Data Officers are expected to play a neutral role in supporting efforts to gather and report required data to ILS

➤ CONFIDENTIAL CLIENT INFORMATION

A Data Officer may be asked by a provider or the County to assist in working with confidential information to develop a report for ILS

➤ PROTECT CLIENT INFORMATION

Performance of this role requires that confidential client information be protected and maintained

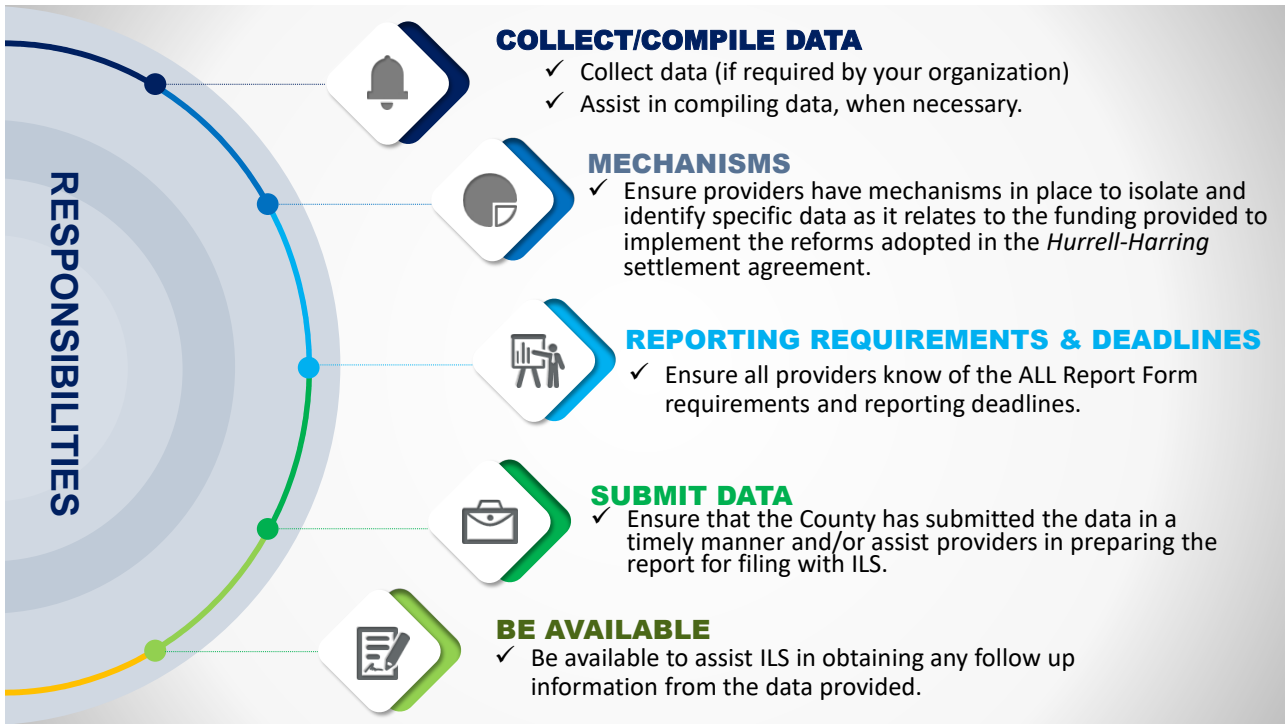
➤ MAINTAIN CLIENT CONFIDENTIALITY

Data Officers should also work with providers to ensure that confidential information is protected from reporting requirements

➤ QUESTIONS

When in doubt, ask "ILS"

THE ROLE OF DATA OFFICER: CONFIDENTIATILITY



UNDERSTANDING CASE MANAGEMENT SYSTEMS

Melissa Mackey,
Director of Research



CASE MANAGEMENT SYSTEMS

Vendor Considerations



Data Collection and Maintenance Capabilities

- Ensure that your vendor has clear knowledge of (anticipated) ILS data requirements (CAFA, Caseload, Quality Improvement)
- Can collect all types of data for ILS reporting purposes
- Can handle high volume data



Data Reporting Capabilities

Providers should have a clear understanding of the types of reports the software allows them to generate.

- “Custom” reports can be extremely useful in answering management-based questions
- “Canned” reports can make the fulfillment of known data requirements easier
- “Ad hoc” reports can be useful when ILS asks for specific or unique data

CASE MANAGEMENT SYSTEMS

Vendor Considerations



Training

- Providers should have a clear understanding of:
- How training is delivered by the vendor (remotely, in person)
 - How often (on demand, every time there is a new feature, every time a new employee joins the staff, etc.).



Technical Support

- Providers should have a clear understanding of how technical support is delivered
- Phone, email, in person, 24/7 etc. and how often.



Highly Customizable Case Management Software

Ensure that your vendor offers you flexibility to customize its software when:

- New data requirements are developed by ILS or when current requirements are modified.

CASE MANAGEMENT SYSTEMS

Provider/Data Officer Considerations

DATA ENTRY

- **Data Entry:** Providers should know whether data will be entered by staff or by attorney(s)

DATA OWNERSHIP

- **Ownership:** The county/provider should own the data NOT the vendor
- **Security:** Ensure that your data is secured

INITIAL & ON-GOING COSTS

- **License Fee:** Per User/Annual/Per Case/Bulk Price
- **Software Updates and Upgrades:** Any additional fee?
- **Technical Assistance:** Is it included? Capped?
- **Training:** Is it included? Capped?
- **Legacy Data:** Any fee for migrating from an old system to new system?
- **Any additional costs/fees?**

CASE MANAGEMENT SYSTEMS

Provider/Data Officer Considerations (Optional)

FLEXIBILITY

- **Data Entry:** Easy data entry and extraction
- **Customizable:** Customizable based on provider data entry staff or attorney's need

CMS ACCESSIBILITY

- **Accessibility:**
 - Easily accessible
 - Remote access via any device, phone app/ browser

INTEGRATION of CMS

- **Billing and Submitting Electronic Vouchers:**
 - For ACP, integration of CMS with existing financial software for submitting electronic voucher

ILS DATA REPORTING REQUIREMENTS & DEADLINES

Alyssa Clark, Senior Researcher

&

Luchele Chisunka, Statewide Implementation Analyst



ILS-195

Beginning in 2019, each provider of mandated representation must file an annual report with the Office of Indigent Legal Services (ILS) pursuant to New York County Law §722-f. Providers will fulfill this requirement through submission of a new form known as the ILS-195.

Part 1

The information requested in this Part must be reported for 2019 and every year thereafter. The deadline for submission of 2019 information is April 1, 2020.

1. How many **individuals** were on **staff** at this **provider** on **July 1** of last year in the following **categories**? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

	Attorneys	Investigators	Social workers	Other staff	TOTAL
Individuals	_____	_____	_____	_____	Comp.

ILS 195: 2020 REQUIREMENTS

What to Report in 2020

- ILS-195:**
 - Individuals and Full-Time Equivalent Staffing on July 1st, 2019
 - Total Expenditures
- UCS-195:**
 - Sections 1-4
 - Defendants Referred
 - Court Dispositions
 - Defendants for Whom Representation was Discontinued
 - Defendants Pending

Additional Data to Collect in 2020

- Caseload information in compliance with the Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services. ACPs will need to report the total number of hours of attorney time for cases closed.
- Criminal Case Categories:**
 - Violent Felonies
 - Other Felonies
 - Misdemeanors and Violations
 - Parole Violations
 - Post-Dispositions
 - Appeals of a Guilty Plea
 - Appeals of a Verdict
- Family Case Categories:**
 - Family Court
 - Family Appeals

ILS 195: 2021 REQUIREMENTS

What to Report in 2021

- ILS-195**
 - Part 1
 - Part 2
 - New Cases Opened
 - Total Number of Cases Closed
 - Total Number of Cases Pending
 - Total Number of Hours of Attorney Time for Cases Closed
- UCS-195:**
 - Nothing

Additional Data to Collect in 2021

- Information about arraignments
- Use of investigator or other services
- Case disposition information (including appeals)
- Conflict cases
- Adolescent and Juvenile Offenders.

ILS-195: 2022 REQUIREMENTS

What to Report in 2022

ILS-195

- Part 1
- Part 2
- Part 3
 - Arraignments
 - Use of services
 - Case Dispositions
 - Appeal Information
 - Conflicts
 - Adolescent and Juvenile Offenders

What to Collect in 2022

ILS-195

- Part 1
- Part 2
- Part 3

WHERE TO FIND ILS-195 FORM AND RELATED MATERIALS FOR FILLING OUT THE FORM?

ILS Website: <https://www.ils.ny.gov>

Annual Data Reporting: <https://www.ils.ny.gov/content/annual-data-reporting>

ILS-195 Form in PDF:
<https://www.ils.ny.gov/files/Annual%20Data%20Reporting/ILS-195%20Draft%20071819.pdf>

WHERE CAN YOU FIND THE DEFINITIONS?

ILS Website: <https://www.ils.ny.gov>



Annual Data Reporting: <https://www.ils.ny.gov/content/annual-data-reporting>



Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services
<https://www.ils.ny.gov/files/Annual%20Data%20Reporting/Definitions.pdf>

CALCULATING STAFFING

ILS Website: <https://www.ils.ny.gov>



Annual Data Reporting: <https://www.ils.ny.gov/content/annual-data-reporting>



Download ILS Employee Statistics Worksheet:

<https://www.ils.ny.gov/files/Annual%20Data%20Reporting/Employee%20Statistics%20Worksheet.xlsx>

ILS Employee Statistics Worksheet - Instructions :

<https://www.ils.ny.gov/files/Annual%20Data%20Reporting/Employee%20Statistics%20Worksheet%20Instructions.pdf>

PART A – FINANCIAL INFORMATION

I. SUMMARY FINANCIAL INFORMATION

	Calendar Year 2019 (Enter details in Section II)
Total Expenditures	
Less: Revenue Sources	
Federal Funds	
State Funds	
Private Source Funds	
Net Local Funds Calendar Year 2019	

INDIGENT LEGAL SERVICES FUND FORM (ILSF)

- County Law 722-F states that this must be filed and certified by the County Executive or Chief Executive Officer in a county.
- Therefore, the data officers may not be primarily responsible for filling out this form, but if ILS does not receive the form from your county, we may ask you for help in obtaining the form from your county.

Category	Expenditures
Public Defender	
Personal Services	
Equipment and Capital Outlay	
Contractual Expenditures	
Employee Benefits	
Total Public Defender	
Legal Aid Bureau or Society	
Bar Association Rotational Plan	
Office of Conflict Defender	
Total Article 18-B Expenditures (to Summary)	

Indigent Legal Services Fund Form (ILSF)



• **Federal Funds** – includes all federal aid specifically designated to support or reimburse Article 18-B expenditures. Please itemize by program or category of aid and amount.(Page 3)



• **State Funds** – includes all State aid specifically designated to support or reimburse Article 18-B expenditures. Please itemize by program or category of aid and amount. Examples include certain revenues received through Correction Law §606 reimbursements.



• **Private Source Funds** – all funds from private sources specifically designated to support or reimburse Article 18-B expenditures, where the county or city does not have authority or control over payment of such funds by such private source. Please itemize by source and amount.

WHERE TO FIND ILSF FORM?

ILS Website: <https://www.ils.ny.gov>



Research and Data Analysis



Indigent Legal Services Annual Expense Report

<https://www.ils.ny.gov/content/indigent-legal-services-annual-expense-report>

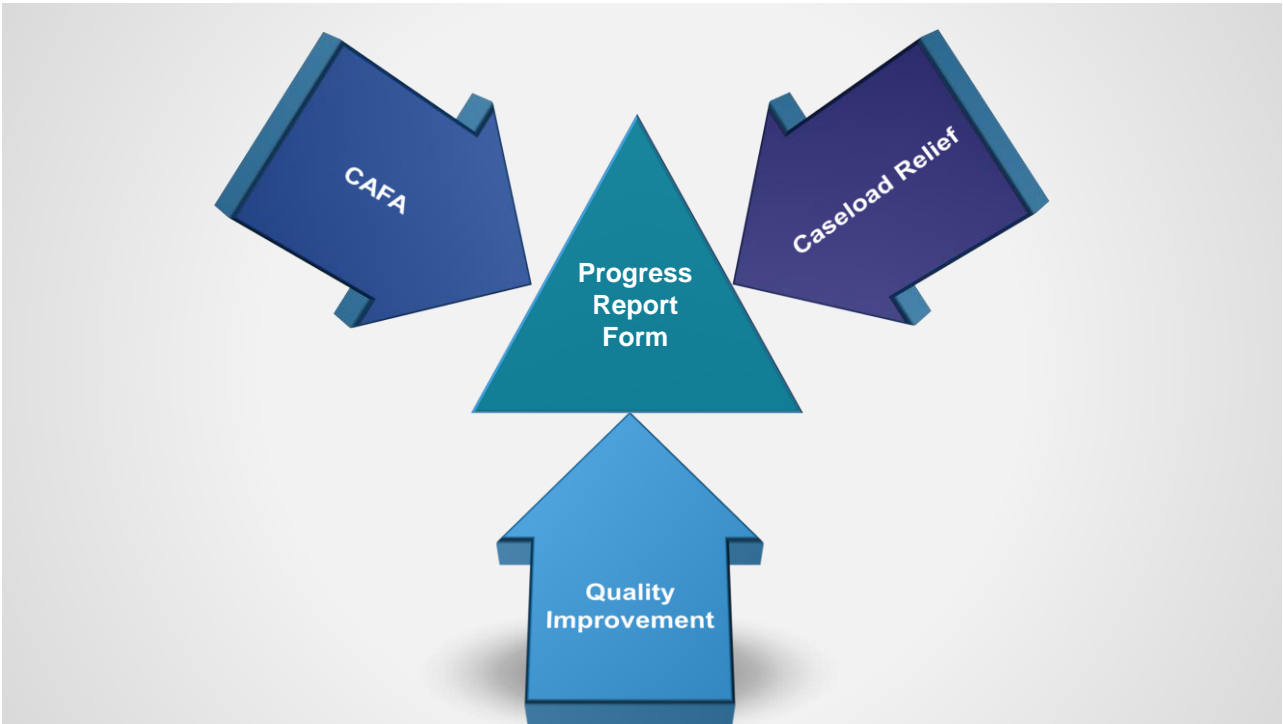
PERFORMANCE MEASURES PROGRESS REPORT

• Pursuant to NY Executive Law §832(4), funding is available to support statewide implementation of the reforms adopted in the Hurrell-Harring settlement agreement relating to **caseload relief, counsel at first appearance** and **quality improvement** in mandated criminal defense representation cases.

• Funding is available to each of the 52 counties, (i.e., excluding the five counties engaged in the settlement agreement – Ontario, Schuyler, Onondaga, Washington and Suffolk) and New York City under a five-year contract.

• Pursuant to the five-year contract, each County and NYC are required to provide ILS with a written Performance Measures Progress Report identifying specific use of the funding on a **semi-annual basis**. (See **Attachment C (“Work Plan”)** of the State of New York Master Contract).

• In accordance with **Attachment C (“Work Plan”)** of the State of New York Master Contract, each grantee/contractor (i.e. each County) shall provide the New York State Office of Indigent Legal Services (ILS) with a written progress report (“Progress Report”) summarizing the work performed under the contract during each of the semi-annual reporting periods **on October 31st and April 30th**



PERFORMANCE MEASURES PROGRESS REPORT



CAFA

- ❑ Number of attorneys hired providing representation at arraignment
- ❑ Number of arraignments handled by each attorney
- ❑ Description of all counsel-at-arraignment activities and any information the county can share as to how the available funding has improved the provision of counsel at first appearance



Caseload Relief

- ✓ Total number of attorneys hired
- ✓ Total number of new cases
- ✓ Total number of non-attorneys hired
- ✓ Description of all caseload relief activities and how those activities have reduced overall caseloads in each county



Quality Improvement

- Number of training events supported by the five-year contract funding
- Number of attorneys who attendance at training events was supported by funding
- Number of cases in which exert services supported by this funding was used
- Number of cases where investigative services supported by this funding was used
- Description of all activities funded by the five-year implementation contract and how those activities have improved the overall quality of representation

PERFORMANCE MEASURES PROGRESS REPORT

April 30, 2020

- All 52 counties and NYC are each expected to submit a written progress report on **April 30, 2020** for the reporting periods

**October 1, 2019 –
March 31, 2020**

- For those counties who submitted a Report by **October 31, 2019**

**April 1, 2018 –
March 31, 2020**

- For those counties and NYC submitting a report for the first time

PERFORMANCE MEASURES PROGRESS REPORT



Report can be found on the ILS website at <https://www.ils.ny.gov/content/annual-data-reporting>



Submit the complete report electronically by email to performance@ils.ny.gov



The Data Officer may be helpful in compiling the data from each provider to prepare a combined written progress report.



Although the Performance Measures Progress Report requests similar information to the ILS 195 Report, the data requested relates solely to funds assigned within the five-year *Hurrell-Harring* implementation contract.

REPORTS DUE IN APRIL 2020: TIMELINE

