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October 15, 2025

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 2026 Budget

Dear Chairperson Willingham:

In response to your inquiry dated October 1, 2025, the Office of the Albany County Public Defender submits the following:

1. *Identify department representative appearing before the Audit & Finance Committee for your agency budget presentation.*

The department representatives appearing before the Audit and Finance Committee for this Budget Hearing are Matthew Alpern, Chief Assistant Public Defender and Keith G. Bulatao, Director of Operations.

2. *Identify by line item all vacant positions in your department.*

The following are currently vacant positions in the Office of the Albany County Public Defender (by funding source) as of 10/15/25. All vacant APD I – VI positions are currently posted for hiring.

A. Albany County funded:

- I. Assistant Public Defenders (APD)
 - a. 12021 APD I: 3 (150070, 150119, 150098)
 - b. 12019 and 12019F APD II: 2 (150108, 150194F)
 - c. 12026 APD III: 2 (150123, 150133)
- II. 15029 Family Court Supervisor: 1 (150205)
- III. Support Staff

- a. 15023 Paralegal: 1 (150086)
 - B. NYS Office of Indigent Legal Services (NYS ILS) funded:
 - I. Assistant Public Defenders (APD)
 - a. 12021 APD I: 1 (150071)
 - b. 12026 APD III: 2 (150147, 150162)
 - c. 12028 APD V: 1 (150158)
 - II. 11211 Director of Accounts: 1 (150196)
 - III. Support Staff
 - a. 16204 Clerk II: 1 (150152)
 - b. 15025 Legal Secretary: 2 (150100, 150154)
 - c. 15023 Paralegal: 1 (150046)
 - C. Division of Criminal Justice Services (NYS DCJS) funded:
 - I. 12058 Forensic Attorney: 1 (150206)
3. *Identify by line item any new position(s), how the position(s) will be funded and the reimbursement rate(s), if applicable.*

The following are new proposed positions in the Office of the Albany County Public Defender.

- A. 100% Albany County funded:
 - I. 12028 Assistant Public Defender V: 2 (defunded two 12019 Assistant Public Defender IIs to offset)
 - II. 15025 Legal Secretary: 1 (defunded one 16022 Data Entry Machine Operator to offset)
 - III. 15033 Paralegal JD: 1 (defunded one 12021 Assistant Public Defender I to offset)
 - B. 100% NYS Office of Indigent Legal Services funded:
 - I. 12028 Assistant Public Defender VI: 4 (defunded one 12019 Assistant Public Defender II, two 12026 Assistant Public Defender IIIs, and one 12027 Assistant Public Defender IV to offset)
 - II. 12040 Criminal Defense Caseworker: 1 (funded by amendment to Second Statewide Expansion Grant)
 - III. Paralegal JD: 1 (defunded one 12021 APD I to offset)
4. *Identify by line item any proposed salary increase(s) beyond union contract commitments. Include justification for those raise(s).*

The following are positions in the Office of the Albany County Public Defender with proposed salary increases beyond union contract commitments.

- A. Assistant Public Defender (APD) I-VI: (to aid in hiring and retention)
 - I. 12021 APD I: 4
 - II. 12019 and 12019F APD II: 6
 - III. 12026 APD III: 9
 - IV. 12027 APD IV: 9
 - V. 12028 APD V: 7
 - VI. 12029 APD VI: 5

- B. 12009 Chief Assistant Public Defender: 1 (to make salary commensurate with equivalent positions in surrounding Counties)
- C. 16206 Clerk I: 1 (to aid in hiring and retention)
- D. 16204 Clerk II: 1 (to aid in hiring and retention)
- E. 16401 Confidential Secretary: 1 (to aid in hiring and retention)
- F. 15024 Court Supervisor: 2 (to aid in hiring and retention)
- G. 12040 Criminal Defense Caseworker: 2 (to aid in hiring and retention)
- H. 12023 Deputy Public Defender: 1 (to make salary commensurate with equivalent positions in surrounding Counties)
- I. 15029 Family Court Supervisor: 1 (to aid in hiring and retention)
- J. 14010 Felony Supervisor: 1 (to aid in hiring and retention)
- K. 12058 Forensic Attorney: 1 (to aid in hiring and retention)
- L. 12219 IT Discovery Tech: 2 (to aid in hiring and retention)
- M. 15025 Legal Secretary: 5 (to aid in hiring and retention)
- N. 15028 Mitigation Specialist: 2 (to aid in hiring and retention)
- O. 15023 Paralegal: 3 (to aid in hiring and retention)
- P. 11042 Public Defender: 1 (to make salary commensurate with equivalent positions in surrounding Counties)
- Q. 14032 Senior Criminal Investigator: 1 (to aid in hiring and retention)
- R. 12055 Senior Litigation Counsel: 1 (to aid in hiring and retention)
- S. 12042 Strategic Litigation Counsel: 1 (to aid in hiring and retention)

5. *Identify by line item any position proposed to be eliminated or salary decreased.*

The following positions are proposed to be eliminated in the Office of the Albany County Public Defender.

- A. Assistant Public Defender (APD) I-VI
 - I. 12021 APD I: 2
 - II. 12019 APD II: 4
 - III. 12026 APD III: 2
 - IV. 12027 APD IV: 1
- B. 16022 Data Entry Machine Operator: 1

6. *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 2025.*

The following positions are funded by grants. I have no indications that any of the several existing State grants, and especially the Second Hurrell-Harring Statewide Expansion grant will be cancelled or reduced. The funds necessary for the Statewide Expansion grant have been “set aside” in a special State fund.

- A. Assistant Public Defender (APD) I-VI
 - I. 12021 APD I: 42% (40% NYS ILS, 2% NYS DCJS)
 - II. 12019 and 12019F APD II: 83% (81% NYS ILS, 2% NYS DCJS)
 - III. 12023 APD III: 62% (60% NYS ILS, NYS DCJS 2%)
 - IV. 12027 APD IV: 65% (64% NYS ILS, 1% NYS DCJS)

- V. 12028 APD V: 76% (76% NYS ILS)
- VI. 12029 APD VI: 86% (86% NYS ILS)
- B. 12009 Chief Assistant Public Defender: 8% NYS ILS
- C. 162044 Clerk II: 100% NYS ILS
- D. 16401 Confidential Secretary: 21% NYS ILS
- E. 15024 Court Supervisor: 100% NYS ILS
- F. 12040 Criminal Defense Caseworker: 100% NYS ILS
- G. 14013 Criminal Investigator: 6% (4% NYS ILS, 2% NYS DCJS)
- H. 12023 Deputy Public Defender: 11% NYS ILS
- I. 11211 Director of Accounts: 100% NYS ILS
- J. 11922 Director of Operations: 100% NYS ILS
- K. 12253 Director of Training: 100% NYS ILS
- L. 14010 Felony Supervisor: 100% NYS ILS
- M. 12058 Forensic Attorney: 100% NYS DCJS
- N. 12219 IT Discovery Tech: 100% (50% NYS ILS, 50% NYS DCJS)
- O. 15025 Legal Secretary: 69% (68% NYS ILS, 1% NYS DCJS)
- P. 15028 Mitigation Specialist: 100% NYS ILS
- Q. 15023 Paralegal: 33% NYS ILS
- R. 15032 Paralegal/Data Specialist: 100% NYS ILS
- S. 12055 Senior Litigation Counsel: 100% NYS ILS
- T. 12036 Social Services Coordinator: 100% NYS ILS
- U. 12042 Strategic Litigation Counsel: 100% NYS ILS

7. *Identify by line item all job titles proposed to be changed or moved to another line item (e.g., reclassifications).*

None.

8. *Provide an itemized breakdown of specific expenditures regarding fees for services lines and miscellaneous contractual expense lines and indicate 2025 budgeted expenditures compared to 2026 proposed expenditures (include a column for each expenditure year).*

Expense Description	2025 Adjusted Budget	2025 Year To Date Expended	2026 Proposed Budget
Office Supplies	\$ 27,298	\$ 16,142	\$ 28,277
Client Services	\$ 6,000	\$ 5,410	\$ 7,000
Postage	\$ 3,500	\$ 2,442	\$ 3,500
Telephone	\$ 25,113	\$ 19,104	\$ 25,113
Insurance	\$ 12,594	\$ 12,916	\$ 12,917
Travel Mileage Freight	\$ 26,000	\$ 13,255	\$ 26,000
Conferences/Training/Tuition	\$ 134,491	\$ 63,294	\$ 118,321
Printing And Advertising	\$ 12,200	\$ 3,994	\$ 12,200
Fees For Services	\$ 157,885	\$ 65,833	\$ 64,157
Photocopier Lease	\$ 8,000	\$ 4,710	\$ 8,000
Discovery/Storage/PDCMS	\$ 219,108	\$ 156,738	\$ 260,416
Specialized Services	\$ 115,790	\$ 87,044	\$ 118,783
Legal Reference	\$ 75,576	\$ 56,210	\$ 75,576
Association Dues	\$ 28,000	\$ 10,499	\$ 28,000

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

The Public Defender's Office has no new initiatives or plans to eliminate programs for 2026.

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

Albany County has assigned two (2) vehicles to the Public Defender's Office: Vehicle 1, a 2020 Chevrolet Blazer (car #102) and Vehicle 2, a 2019 Ford Fusion (car #037). Both vehicles are used for the work of the Office in investigating matters for criminal defense.

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

Our request for \$118,321 for "Conferences/Training/Tuition" is a small decrease from the Office's 2025 request. We feel this a reasonable request for 2026. In 2026, we anticipate

that there will be an abundance of highly relevant in-person legal education and conferences available for our attorneys.

In 2025, as part of our plans to improve attorney recruitment, retention, and training, we continued our partnership with Gideon's Promise, which includes Gideon's Promise providing fellows to public defender offices through their Law School Partnership Program. In 2026, funds will be used to place attorneys in Gideon's Promise's Core 101, Trainer Development, and Leadership Development trainings. This partnership has developed into a recruitment pipeline, improving attorney retention rates, and providing valuable skills to all levels of attorneys in our office.

12. Provide a specific breakdown of overtime line items in your department budget including the actual overtime expenditures for the previous two years.

Our “Overtime” costs are for office support staff to assist our attorneys on “off hours” court assignments in two of our busier local criminal courts. The two staff members that receive overtime provide clerk related services opening and updating files during busy court sessions. In the last two budget years, 2024 and 2025 (as of 10/15/25), there were/are expenditures of \$10,558 and \$6,602, respectively. We anticipate similar usage of this line in 2026.

13. Identify by line item any positions that were established/changed during the 2024 fiscal year.

No new positions were established or changed during the 2025 fiscal year.

14. Please describe the biggest risk your department faces and the actions you have taken (or will take in 2025) to better understand that risk and mitigate it.

The biggest risk the Public Defender’s Office faces in 2026 is the continued challenge of recruiting and retaining a sufficient quantity of attorneys and staff to meet NYS ILS caseload standards for quality indigent legal representation. For 2026, with the assistance of the County’s Department of Management and Budget and the New York State Office of Indigent Legal Services, our Office has proposed a restructured salary schedule that will help us to meet these recruitment and retention challenges. The majority of this new salary structure is funded through additional, new NYS ILS funds provided by the Second Statewide Expansion of Hurrell-Harring Grant.

15. Please list performance indicators and metrics used by your department and current statistics for those metrics.

This is somewhat difficult to respond to because we do not measure performance in terms of wins and losses. We reference NYS ILS caseload standards to ensure reasonable “active” caseloads for our attorneys and evaluate performance based on some objective standards, such as time, attendance and initiative. However, much of our oversight and review is subjective. We evaluate based on our own professional experience, and it helps

to have an open mind. There is no single or “correct” way to be a criminal defense attorney, and it often takes many years of experience to find what works best.

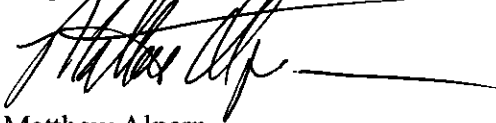
We train and prepare on an ongoing basis to ensure our clients receive superior representation. We do not maintain statistics other than the maintaining of caseload disposition results; I am not sure there are any statistics that confirm what the legal community knows – the Albany County Public Defender provides excellent, innovative and effective legal representation to our clients.

16. Note specifically all potential new unfunded mandates, regulations, risks to grant revenues, risks to reimbursement revenues, from any source.

None is known to exist for budget year 2026.

If you require any supplemental information or have additional questions, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew Alpern', followed by a horizontal line.

Matthew Alpern
Albany County Chief Assistant Public Defender