

OFFICE OF THE STATE PUBLIC DEFENDER



STRATEGIC PLAN (2019 – 2023)

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VISION AND MISSION

Vision Statement

Justice for all in Iowa's criminal and juvenile courts.

Mission Statement

To ensure that all indigent persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.

Core functions

High-quality and cost-effective representative by public defenders to indigent clients in State criminal court, juvenile court, and other proceedings as required by law.

Prompt and fair review and adjudication of claims for payment of indigent defense fees and costs from indigent defense providers.

ASSESSMENT

In preparing this strategic plan, consideration has been given to identified strengths, limitations, challenges, and opportunities, all of which impact the Mission and Vision of the Office of the State Public Defender.

Iowa's indigent defense system continues to be strong. The 223 employees of the State Public Defender System efficiently provide high quality representation. In FY 2018, SPD offices closed cases involving more than 82,000 charges. There was a final finding of ineffective assistance of counsel in less than .001% of these charges. Similarly, more than 750 contract attorneys continue to provide high quality representation throughout all 99 of Iowa's counties. In Fiscal Year 2018, 82,501 claims were submitted to the indigent defense fund, at an average cost per claim of \$447.42.

Strengths of the Office of the State Public Defender include the experienced and dedicated staff, especially within the local public defender offices, and the experienced private attorneys willing to contract for indigent defense services in most locations. The Gideon Fellowship Program continues to be a valuable tool to recruit new attorneys, especially to offices located in cities with fewer attorneys which make it difficult to hire. The demonstrated efficiency and expertise of public defender offices and improving technology resources are further strengths.

Challenges of the Office include the lack of control or predictability of the crimes committed in Iowa, the charging decisions of 99 county attorneys and the Attorney General, or the child protection action of the Department of Human Services, and limited control over the cost of representing the indigent clients in these cases, particularly when represented by a private court-appointed attorney. Even though average costs per type of adult case appear to be within reasonable limits, many individual claims greatly exceed this expense.

Over the past several years, the State Public Defender embraced technological advances to promote efficiencies. Our office is prioritizing technology in 2019 in order to better manage our resources, equip our field offices and provide customer friendly services to our vendors. The Office is embarking on an upgrade of the iDOCIT system used by our Field Offices. This effort will focus on obtaining better and more consistent data on our Field Offices caseloads and the savings that they produce for our Indigent Defense Fund. The new data efforts will provide more robust reporting capabilities, allowing the State Public Defender to better determine appropriate designations and staffing assignments to provide cost savings to the state.

Additionally, the Office live-piloted the Miscellaneous Claims Online Submission System (experts, court reporters, interpreters) in the Spring of 2018. A mission-critical bug was discovered in the interface between CRS and i/3. Our office, the State Accounting Department (SAE), and the Office of the Chief Information Officer are working to roll the program out the first quarter of 2019. Developing an online claims system assists with our goal of reducing and eliminating government waste, mistakes, accidental billing, fraud and/or abuse. In addition to updating our case management system and rolling out our Miscellaneous Claims Online Submission System, our office will be developing a plan to make its contracting process electronic.

Another challenge is electronic storage space. We are in the digital world and criminal justice is not an exception. Video footage is valuable in the discovery process; however, an issue develops in the preservation of these discovery items. We will be assessing our electronic storage systems to ensure we are complying with all rules and regulations on maintaining case files while balancing technological efficiencies.

In 2018, the office implemented pilot projects in two offices, Sioux City Adult and Waterloo Juvenile, to explore methods of going paperless. The efforts to explore best practices in reducing paper file storage space are ongoing.

In addition to the challenges and opportunities our office faces, we will be looking to expand our specialized contracts in 2019 to maximize savings to the Indigent Defense Fund. Other opportunities include partnerships with other nonprofit, government, and legal organizations to provide training for public defender and contract attorneys and thus improve the quality of indigent defense in Iowa, and dedicated private attorneys with whom the Office can work to build closer relationships.

GOALS, MEASURES, STRATEGIES, AND ACTIONS

Goal 1: Provide high-quality representation to clients of public defender offices.

Measure:

- Percentage of public defender cases where there have been no final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (in the case of civil commitments) habeas corpus actions.

Strategies/Actions:

- Recruit and retain the best criminal defense attorneys, investigators, and other support staff in Iowa:
 - o Aggressively advertise vacancies using economical methods and conduct a competitive selection process, involving the local public defender offices and the Administrative Office (ongoing).
 - o Continue outreach to Creighton University School of Law, Drake University Law School, University of Iowa College of Law, University of South Dakota School of Law, and other area law schools to attract competitive law students and alumni for internships and full-time vacancies (ongoing).
 - o Continue to recruit attorneys with crimmigration experience and develop current public defenders crimmigration skills (ongoing).
 - o Continue the Gideon Fellowship entry-level hiring program that permits the hiring of exceptional third-year law students during the traditional law school recruitment period (ongoing).
 - o Maintain and improve physical working conditions, including by disposing through the surplus process of old and unnecessary furniture, equipment, and other items (ongoing).
- Enhance the abilities of public defender personnel by providing or coordinating resources, information, training, and professional development:
 - o Continue support for New Attorney Training Program with mandatory mentoring and practice experiences for new attorneys and increasing accountability for mentorship expectations (ongoing).
 - o Provide annual three-day juvenile skills and criminal trial skills trainings for attorneys (ongoing).
 - o Continue to provide annual one-day PCR training and appellate trainings for attorneys (ongoing).
 - o Continue to expand in-person and webinar training opportunities (ongoing).
 - o Improve internal website resources to include updated expert witness database, relevant brief bank, and standard form documents to be used in criminal juvenile cases (ongoing).
 - o Continue to develop and move to paperless case management and filing systems that integrate as appropriate with EDMS (ongoing).

- Ensure that public defender offices are carrying appropriate caseloads:
 - o Compare and evaluate performance expectations for local public defender office, withdrawals of cases for lack of staff, and judicial branch case data to determine whether designations or staffing should be adjusted (ongoing).
 - o Develop and implement system to better monitor caseloads of all attorneys in a consultation between the SPD and local supervisors (ongoing).

Goal 2: Ensure that clients of private court-appointed attorneys are provided high- quality representation.

Measure:

- Percentage of court-appointed cases (not handled by the public defender) where there have been no final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (in the case of civil commitments) habeas corpus actions.

Strategies/Actions:

- Ensure indigent defense contract attorneys are competent to effectively represent indigent clients in the cases to which they are appointed:
 - o Continue minimum qualification requirements for all contract types (ongoing).
 - o Promptly and fairly act in response to disciplinary action by the court against contract attorneys or justified complaints about contract attorneys (ongoing).
- Provide increased training and other resources for court-appointed attorneys:
 - o Provide annual three-day criminal trial skills and juvenile skills trainings for attorneys (ongoing).
 - o Provide semiannual one-day criminal and juvenile introductory trainings for all new court-appointed attorneys after each Iowa bar exam (ongoing).
 - o Provide annual appellate and post-conviction relief introductory trainings (ongoing).
 - o Develop and host month noon-hour webinar trainings sessions (ongoing).
 - o Provide in-person and webinar training sessions on crimmigration (ongoing).
 - o Develop and provide in-person trainings throughout the State (ongoing).
- Adequately compensate attorneys and other indigent defense providers in a timely and accurate manner:
 - o Review number of contract attorneys statewide and in each county to determine whether attorneys are increasing or decreasing and whether any counties have a shortage of attorneys (ongoing).
 - o At least every three years, conduct comparison of hourly rate of compensation with other states and the federal governor and complete report to General Assembly and the Governor making recommendations as to the hourly rate of compensation for attorneys (ongoing).

Goal 3: Improve the cost-effectiveness and efficiency of Iowa's indigent defense expenditures.

Measures:

- Total Expenditure for indigent defense
- Cost per claim in the indigent defense fund
- Cost per case for public defender cases

Strategies/Actions:

- Maximize public defender offices' productivity while maintaining high quality representation:
 - o Annually set performance expectations for each local public defender office and continuously monitor (ongoing)
 - Develop an electronic system to better track caseloads of public defenders to provide a more effective performance expectation (2019 – 2020).
 - o Continue enforcement of designation policy to ensure that field offices are receiving appointments in all cases for which they are designated (ongoing).
 - o Continue adaptation to electronic court filing (EDMS) by the judicial branch and explore opportunities to achieve efficiencies through adjustment of internal procedures, including the keeping of paperless case files (ongoing).
 - o Develop and implement systems to better track statistics of public defenders and contract attorneys (2019 – 2020).
 - o Continue technological improvements and efficiencies by developing online contracts for contract attorneys (2019 – 2020).
- Continue expansion of specialized contracts with attorneys and other indigent defense providers:
 - o Develop and implement specialized contracts for Newton Parole Violations and Polk County Simple Misdemeanors (2019).
 - o Evaluate and develop other opportunities for increased use of specialized contracts, including with nonprofit organizations, and implement as appropriate (ongoing).
- Closely review attorneys who submit unreasonable or excessive claims, and terminate contracts where appropriate:
 - o Review administrative rules to ensure there are adequate safeguards to prevent excessive or improper billing (ongoing).
 - o Continue annual review of aggregate claims for attorneys with high volume of claims or other concerning practices (ongoing).
 - o Closely review claims from all attorneys, especially attorneys with history of submitting excessive or unreasonable claims (ongoing).
 - o Implement claims review system for miscellaneous claims to include electronic submission of itemizations to automate aggregate review process and permit real-time analysis as claims are initially approved (2019 – 2020).

Goal 4: Compensate attorneys and other indigent defense providers in a timely and accurate manner.

Measures:

- Percentage of Notices of Action on indigent defense claims that are unchallenged or upheld upon final judicial review
- Percentage of indigent defense claims reviewed and acted upon within an established time period

Strategies/Actions:

- Transition and implement to an online paperless claims submission and review system for miscellaneous claims (2019-2020).
- Review and revise administrative rules to clarify, simplify, and ensure they reflect the best practices to achieve high quality and efficient representation of indigent persons:
 - o Continue outreach to stakeholders seeking feedback on claims review process and suggestions for improvement (ongoing).