



Strategic Plan
2021 – 2023



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1. Strategic Plan Executive Summary

Agency Overview

The North Carolina Office of Indigent Defense Services was created in 2001. Its statutory mandate is to enhance oversight of the delivery of counsel and related services provided at State expense; to improve the quality of representation and ensure the independence of counsel; to establish uniform policies and procedures for the delivery of services; to generate reliable statistical information in order to evaluate the services provided and funds expended; and to deliver services in the most efficient and cost-effective manner without sacrificing quality representation. IDS is responsible for the provision of counsel in adult and juvenile criminal cases; involuntary commitment cases; abuse, neglect, and termination of parental rights proceedings; and other cases where counsel is a statutory or constitutional right.

IDS Central Office staff is responsible for planning, budget oversight, development of policy, data analysis, and financial services (recoupment receipts and attorney payments). There are five statewide defender offices: Capital Defender, Juvenile Defender, Parent Defender, Special Counsel (involuntary commitment), and Appellate Defender. The statewide defenders are appointed to four-year terms by the IDS Commission. The state defenders work closely with Central Office staff and the Commission.

Trial level representation in the state's 100 counties is provided through three different delivery models. IDS's ability to fulfill the second prong of its statutory mandate – improve the quality of representation and ensure the independence of counsel – is presently limited by structural issues, including the appointment process, and resource issues. State-funded public defender offices exist in 35 counties; while IDS has budgetary oversight, the chief public defender is selected by the senior resident superior court judge and IDS has no supervisory control over that individual. In 18 counties, four of which also have public defender offices, IDS contracts with private attorneys to provide representation; those attorneys receive some oversight from IDS's two regional defenders and are paid directly by IDS pursuant to the terms of their contracts. In the remaining 51 counties, judges appoint counsel from a roster that is supposed to be composed in accordance with the Uniform Appointment Plan promulgated by IDS pursuant to statute. The Plan sets out required qualifications for counsel for different types of cases. Roster management and oversight is left to the local bar. Fee applications

are submitted to the judge who oversaw the matter to be approved and sent to IDS for payment.

Strategic Planning Process

Because IDS is under the leadership of a new executive director, who started in August 2020, the strategic planning process began informally in fall 2020 with meetings with all executive staff and state defenders to discern areas of concern and long-term goals. In spring 2021, executive staff and state defenders were asked to collaborate with each other and with the executive director in the development of this plan by bringing forward specific priorities and concrete goals to include in the plan, with the directive that goals should be realistic and attainable within the two-year time frame of the biennium. At subsequent meetings, participants discussed agency values and priorities.

IDS's long-term strategic planning is largely informed by the recommendations on improving indigent defense that were made in the 2017 report of the North Carolina Commission on the Administration of Law and Justice. Chief Justice Mark Martin convened that Commission, which was made up of a wide variety of expert stakeholders, to make recommendations for improving the administration of justice in North Carolina. The report recommended that IDS engage in long-term strategic planning and also recommended statewide expansion of public defender offices:

The relevant portion of the report may be found here:

https://www.nccourts.gov/assets/documents/publications/nccalj_criminal_investigation_and_adjudication_committee_report_improving_indigent_defense.pdf?q.l6HHtHUP2NL3thc0.i62bBXL5S7v.9

Two-year Outcome Goals

Unless noted otherwise, the timeframe for completion of the tasks described in furtherance of the outlined goals is the end of the upcoming fiscal biennium – June 2023. By the end of the strategic plan period, IDS will have a long-term plan in place for the provision of quality public defense in 100 counties through the expansion of public defender offices supported by a network of well-supported and qualified private counsel. This long-term plan will also address the structural and resource issues that presently impede IDS's ability to fulfill its mandate to ensure quality and independence as effectively as it could. By the end of the strategic plan period, IDS will also have accomplished the additional discrete objectives set forth herein in furtherance of its mission.

2. Mission, Vision, and Values

Agency Mission Statement

Safeguarding individual liberty and the Constitution by equipping the North Carolina public defense community with the resources it needs to achieve fair and just outcomes for clients.

Agency Vision Statement

IDS's goal is to ensure that no one facing the deprivation of their liberty is disadvantaged in a North Carolina court because they cannot afford to hire an attorney.

To that end, IDS works to recruit the best and brightest North Carolina attorneys to represent indigent clients; to ensure that every attorney representing indigent clients has the qualifications, training, and resources they need to be effective advocates; and to create a system that will protect the critical independence of the role of the defense attorney and provide excellent client service in all 100 counties.

Agency Values

Independence of defense counsel: The United States Supreme Court has recognized on numerous occasions that the independence of appointed counsel is an indispensable element of effective representation. The first principle set forth in the American Bar Association’s “Ten Principles of a Public Defense Delivery System” is that the public defense function, including the selection, funding, and payment of counsel, is independent. IDS recognizes that the independence of defense counsel is critical in an adversarial system and, in accordance with the ABA guidelines, works to ensure that attorneys appointed to represent poor people are “independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel.”

Excellent service to our stakeholders: IDS staff will listen to and be responsive to the concerns of its wide array of stakeholders that includes the clients who rely on attorneys funded by IDS, the attorneys who rely on IDS for the resources necessary to provide effective representation, and the judges and other court system actors who are involved in the process of appointment of qualified counsel for indigent persons.

Responsible stewardship of the tax dollars entrusted to the agency for the provision of counsel to poor people: IDS best serves both indigent clients and our state’s taxpayers by thoughtfully allocating and carefully accounting for the funds provided to it. Responsible stewardship includes working to ensure that public funds are not used to provide anything less than zealous and effective representation.

Diversity, Inclusion and Equity: By working towards organizational diversity we can bring more varied perspectives, experiences, backgrounds, talents, and interests to our work and better ensure fair and just outcomes for a diverse client base.

Professionalism, Teamwork and Collaboration: IDS recognizes that agency goals are attained, and agency values are implemented when we work together and strive to meet or exceed professional norms.

3. Goals, Objectives, and Performance Measures

Goal 1 – Develop comprehensive long-term plan for provision of quality client service in 100 counties and lay groundwork for implementation.	
<p>Objective 1.1 – By May 2022, introduce simpler and more cost-effective managed assigned counsel program for private assigned counsel that will incorporate training and consultation requirements and will replace current model of RFP contract counsel.</p>	<p>Performance Measure 1.1 – SMART (specific, measurable, achievable, realistic, and timely) key performances indicators that will allow qualitative and quantitative analysis of contract value to clients and taxpayers will be in place.</p> <p>Performance Measure 1.1 – Number of counties where IDS has role in supporting and managing private counsel will increase from 18 to 25.</p> <p>Performance Measure 1.1 – Rate of attrition of private counsel from rosters in managed assigned counsel counties will slow and availability of private assigned counsel on high level felony rosters will increase.</p>
<p>Objective 1.2 – By September 2022, with the assistance of outside consultants, map out priority areas, costs, and timetable for statewide public defender office expansion.</p>	<p>Performance Measure 1.2 – IDS will have developed a multi-year view of objective and strategies that will include a time specific map between where we are as of September 2022 and where we envision ourselves in 2, 4, 6, and 8 years.</p>
<p>Objective 1.3 – By September 2022, assess necessary long-term growth in existing public defender programs, using among other resources the 2019 public defender workload study by the National Center for State Courts that was commissioned by the General Assembly.</p>	<p>Performance Measure 1.3 – Develop strategic plan for the staged implementation of personnel in a targeted fashion; identify crucial staffing needs as critical, serious, then beneficial.</p> <p>Performance Measure 1.3 – Track caseloads and pending cases to ensure analysis is current and on target.</p> <p>Performance Measure 1.3 – If resources become available, track progress in meeting benchmarks set in NSCS study in existing public defender offices.</p>

<p>Objective 1.4 – By January 2023, complete eight-year plan for agency that will provide a roadmap for the statewide expansion of public defender offices supported by a network of managed private assigned counsel.</p>	<p>Performance Measure 1.4 – Using the work product developed for Objectives 1.1-1.3, and in conjunction with outside consultants and other stakeholders, IDS will have developed long-term strategic plan for use with state policymakers.</p>
<p>Objective 1.5– Obtain support from legislators and other policymakers for implementation of long-term strategic plan.</p>	<p>Performance Measure 1.5 – By January 2023, create evidence-based educational materials in support of long-term plan.</p> <p>Performance Measure 1.5 – Track progress in establishing support from judicial system actors, local governmental entities, and legislators.</p>

Goal 2 – Improve compensation and case-related support to all appointed counsel to help build private assigned counsel rosters and to help improve client outcomes.

<p>Objective 1.1 Secure funding to allow hourly rates for appointed counsel to reach 2011 levels including inflation.</p>	<p>Performance Measure 1.1 – Track efforts for educational outreach to policy makers and advocates on critical issue of unsustainably low rates.</p> <p>Performance Measure 1.2 – Track spending and demand to ensure that allocated resources are spent in a manner that allows IDS Commission to restore rates if appropriations are made available for this purpose.</p>
<p>Objective 1.2 – Increase amount of time spent by regional defenders consulting with individual attorneys.</p>	<p>Performance Measure 1.2 – Increase time available for regional defenders to participate in case consultations with field attorneys by six hours a week by eliminating time spent on contract administration and data collection.</p>
<p>Objective 1.3 – Provide expanded consultation services in serious felony cases.</p>	<p>Performance Measure 1.3 – Demand for consultation in juvenile homicide cases and B1 sex offense cases will be met by contracting with seasoned practitioners to provide services; track number of consults and expand attorney outreach such that at least 40 new individual attorneys engage in case consultation with IDS per year.</p>
<p>Objective 1.4 – Expand number of easily accessible and up-to-date practitioner resources available for free to defense counsel.</p>	<p>Performance Measure 1.4 – IDS website and linked websites of state defender offices will link to up-to-date practice resources.</p> <p>Performance Measure 1.4 – Defender Manual for attorneys appointed to defend serious sex offense cases will be completed and provided to 100 percent of attorneys appointed to felony sex offense cases.</p>

Goal 3 – Improve agency administrative support for and communications to public defense attorneys to help improve client outcomes and to increase efficiency of agency operations.

<p>Objective 1.1 – Review and update IDS Rules and Policies to conform with current standards of practice and to ensure that they are easily understood by and accessible to practitioners.</p>	<p>Performance Measure 1.1 – Staff, in conjunction with relevant experts, will have drafted updated Rules and Policies for all areas of practice, and IDS Commissioners will have reviewed, approved, and adopted the revised Rules and Policies.</p>
<p>Objective 1.2 – Review and update existing IDS performance standards and develop standards for appellate counsel; incorporate checklists and references that will transform the standards from static descriptions of best practices into useful practitioner tools.</p>	<p>Performance Measure 1.2 – Staff, in conjunction with relevant experts, will have reviewed and updated existing IDS performance standards, and will have created appellate standards, and IDS Commissioners will have reviewed, approved, and adopted the standards.</p>
<p>Objective 1.3 – Improve agency communication with public defense attorneys.</p>	<p>Performance Measure 1.3 – Updated IDS Central Office website will be launched with indexed and searchable IDS Rules and Policies and with easily accessible information and forms related to payments, trainings, consultations, and other practitioner resources.</p> <p>Performance Measure 1.3 – All statewide defender offices will have websites developed that contain information relevant to their specialized practitioners.</p> <p>Performance Measure 1.3 – IDS will use website analytics to track number of visitors to websites and measure utility of website tools to those visitors to assess utility of features and functions.</p> <p>Performance Measure 1.3 – IDS communications portal will be fully functional and in use by 100 percent of assistant public defenders and contract defenders and 85 percent of private assigned counsel, allowing IDS to target communications by practice area and to eliminate wasteful and duplicative messaging.</p>

	<p>Performance Measure 1.3 – IDS will measure from baseline and see an increase in number of defense attorneys consulting with regional defenders, forensic resource counsel, and contract consultants.</p>
<p>Objective 1.4 – Pursue technology initiatives that facilitate payment to attorneys and improve IDS ability to ensure accuracy in payments and recoupment.</p>	<p>Performance Measure 1.4 – IDS will have identified and, to the extent its resources will allow, implemented the use of existing on-line timekeeping and billing software that would provide IDS with necessary information about attorney hours worked for recoupment purposes while eliminating the necessity of calculations by hand, ensuring accuracy, and allowing faster payment of fee applications. IDS will measure effectiveness by tracking reductions in fee applications that must be returned to attorneys for correction; by tracking reduction in turnaround time for fee apps (submission to payment); and by tracking staff hours spent processing fee applications.</p>

4. Highlights and Opportunities

Agency Highlights and Best Practices

IDS’s ability to make data-driven decisions to guide its planning and assess its past decisions is an agency success story. The Systems Evaluation Project (“SEP”) is an ongoing IDS project to measure indigent defense system performance at the county, district, and statewide levels. The long-term goal of SEP is to enhance IDS’s ability to evaluate the programs that provide indigent defense services across the state, from public defender offices, to private rostered attorney systems, to attorney contractual agreements. SEP’s goal is to provide empirical evidence and data to identify best practices and systemic barriers to providing quality services, inform policy decisions, and propel change where needed. SEP has developed Key Performance indicators (KPIs) for adult criminal and juvenile delinquency work, and is currently finishing the development of KPIs for parent representation.

Potential Initiatives

IDS had previously completed an internal needs assessment and developed a detailed long-term technology strategic plan for the Central Office, Financial Services, and state defender offices, with the intention of expanding that effort to include needs of the public defenders' offices. IDS presently lacks both the human and fiscal resources to implement the plan as developed. If resources were available to implement its technology strategic plan, IDS would be able to improve efficiency within its offices and free up staff time to work on initiatives such as those outlined in this strategic plan. It would also be better positioned to adapt to and take advantage of the new electronic court and state accounting systems to improve the efficiency of processing of payments and to access data for analysis of the quality and cost-effectiveness of its service delivery models.

Collaborative Opportunities

IDS has collected extensive data about charges, case outcomes and defense costs that could be used by a variety of system actors who are interested in identifying and correcting areas of the criminal justice system that are unfair to the defense and unnecessarily costly to the state. Attorneys who work directly for IDS and its umbrella offices have significant expertise in the substantive criminal law and can also be available to work with these actors should they want to explore topics like creating veterans' courts, drug courts, or mental health treatment courts; minimizing jail populations; or creating an alternative court calendaring system that better serves the needs of the public and of attorneys and other court actors.