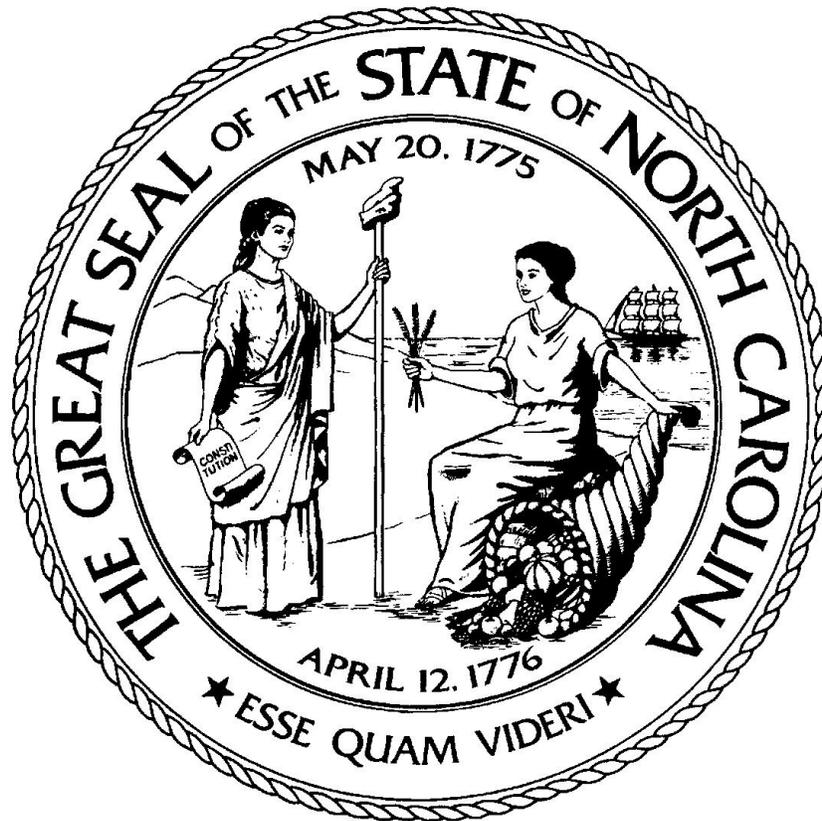


The Office of Indigent Defense Services

Strategic Plan

2023 – 2025



This page left blank intentionally

Contents

- 1. Strategic Plan Executive Summary 2
- 2. Mission, Vision, and Values 4
- 3. Goals, Objectives, and Performance Measures 6
- 4. Highlights, Collaborative Opportunities, and Priority Questions 12

1. Strategic Plan Executive Summary

Scope of the Agency's Work

The North Carolina Office of Indigent Defense Services (IDS) has a statutory mandate 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 criminal cases and juvenile delinquency proceedings;
- 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.

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. Trial level representation in the state's 100 counties is provided through three different delivery models. State-funded public defender offices exist in 38 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 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

IDS staff began work on the 2023-2025 Strategic Plan early in 2023. Because so much of 2022 was spent in development of the agency long-term plan and reorganization of IDS Administration, staff decided

to use the 2021-2023 Strategic Plan as a blueprint for how to implement the work discussed in the long-term plan. Executive staff met to discuss how to prioritize the next steps with achievable benchmarks through the next biennium with the goal of having IDS ready to continue the work of the long-term plan. Executive staff discussed these performance measures with program managers across the agency before bringing the strategic plan to the IDS Commission. Upon approval of the IDS Commission, the 2023-2025 Strategic Plan was in effect.

Biennial Outcome Goals

Between July 2023 and June 2025, IDS will continue to pursue the expansion of public defender offices supported by a network of well-supported and qualified private counsel. Pursuant to IDS's long-term plan, the agency will continue to address the structural and resource issues that presently impede IDS's ability to fulfill its mandate to ensure quality and independence as effectively as possible. By the end of the biennium, 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

The Office of Indigent Defense Services will enhance oversight of the delivery of counsel and related services provided at State expense, improve the quality of representation and ensure the independence of counsel, establish uniform policies and procedures for the delivery of services, generate reliable statistical information in order to evaluate the services provided and funds expended, and deliver services in the most efficient and cost-effective manner without sacrificing quality representation.

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

<p>Goal 1 – Continue to implement comprehensive long-term plan for provision of quality client service in 100 counties.</p>	
<p>Objective 1.1 – Continue to work towards statewide expansion of public defender districts.</p>	<p>Performance Measure 1.1.1 – Work with the North Carolina General Assembly to seek funding for further expansion of public defender districts with the goal of statewide coverage by FY 2029-2030.</p> <p>Performance Measure 1.1.2 – Meet with the local bar and judicial officials in every judicial district across the State to ensure that they are aware and prepared for public defender expansion.</p> <p>Performance Measure 1.1.3 – Update the cost estimate for each public defender district and the overall statewide costs after any new districts are created to ensure that estimates remain current.</p> <p>Performance Measure 1.1.4 – Expansion plan will be reassessed and revised on an ongoing basis as expansion progresses and new public defender districts are added via legislative action.</p>
<p>Objective 1.2 – Ensure that all new and existing public defender offices have the necessary resources to succeed.</p>	<p>Performance Measure 1.2.1 – Annually update the cost estimate to run an effective public defender office and apply these updated numbers to the long-term plan.</p> <p>Performance Measure 1.2.2 – Monitor and manage the budget of the new and existing offices to ensure that estimated costs are realized and adjust estimates based on findings.</p> <p>Performance Measure 1.2.3 – Recruitment and retention strategies will ensure sufficient staffing in new and existing offices for efficient and effective representation.</p> <p>Performance Measure 1.2.4 – Onboarding support will ensure smooth transitions and operations in new offices.</p>

<p>Objective 1.3 – Assess the effectiveness and efficiency of the Managed Assigned Counsel (MAC) system.</p>	<p>Performance Measure 1.3.1 – After a full year of operations under the MAC system, IDS will assess the system for cost effectiveness and quality of service compared to the prior RFP Contract system and regular PAC service.</p> <p>Performance Measure 1.3.2 – Recruitment and retention strategies including attorney support, training, and development are intended to result in reduced attorney attrition and more robust attorney rosters.</p>
<p>Objective 1.4 – Assess the applicability of the 2019 public defender workload study by the National Center for State Courts that was commissioned by the General Assembly.</p>	<p>Performance Measure 1.4.1 – Develop staged implementation of personnel in a targeted fashion; identify crucial staffing needs as critical, serious, then beneficial.</p> <p>Performance Measure 1.4.2 – Track caseloads and pending cases to ensure analysis is current and on target.</p> <p>Performance Measure 1.4.3 – If resources become available, track progress in meeting benchmarks set in NSCS study in existing public defender offices.</p> <p>Performance Measure 1.4.4 – Caseload tracking will be standardized across public defender offices for accuracy of analysis.</p> <p>Performance Measure 1.4.5 – Workload formula will be standardized for applicability across public defender offices.</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 2.1 – Work with the NCGA to secure funding to allow hourly rates for appointed counsel to reach 2011 levels including inflation.</p>	<p>Performance Measure 2.1.1 – Track efforts for educational outreach to policy makers and advocates on critical issue of unsustainably low rates.</p> <p>Performance Measure 2.1.2 – 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 2.2 – Standardize payment for involuntary commitment casework.</p>	<p>Performance Measure 2.2.1 – Study involuntary commitment cases across the State to identify efficiencies and effectiveness of counsel.</p> <p>Performance Measure 2.2.2 – Recommend cost control measures to the IDS Commission.</p>
<p>Objective 2.3 – Develop recruitment strategies for PAC.</p>	<p>Performance Measure 2.3.1 – Track PAC rosters in all non-MAC counties.</p> <p>Performance Measure 2.3.2 – Attend law school job fairs around the State to promote the benefits to the court system of a robust public defense system.</p> <p>Performance Measure 2.3.3 – Meet with the local bar to promote roster work.</p> <p>Performance Measure 2.3.4 - Recruitment and retention strategies including attorney support, training, and development are intended to result in reduced attorney attrition and more robust attorney rosters.</p>
<p>Objective 2.4 – Improve fee application payment process.</p>	<p>Performance Measure 2.4.1 – Assess the current fee application payment process to improve service and information for PAC attorneys.</p> <p>Performance Measure 2.4.2 – Assess the current process for recoupment of fees and explore alternative recoupment methods to maximize efficiency and total amount recouped.</p>

<p>Objective 2.5 – Expand number of easily accessible and up-to-date practitioner resources available for free to defense counsel.</p>	<p>Performance Measure 2.5.1 – IDS website and state defender websites will link to up-to-date practice resources.</p> <p>Performance Measure 2.5.2 – Work with School of Government to develop more online resources for PAC attorneys.</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 3.1 – Implement technological solutions to replace outdated IDS systems.</p>	<p>Performance Measure 3.1.1 – Assess current IDS technology for targeted improvements leading to better service for PAC attorneys, public defenders, clients, and internal administrative work.</p> <p>Performance Measure 3.1.2 – Explore technological partnerships to identify or allow for improved workflow and maximum efficiency of public defender and MAC attorney time and effort.</p>
<p>Objective 3.2 – Develop policy manual for public defender offices.</p>	<p>Performance Measure 3.2.1 – Provide a comprehensive manual for new and existing public defender offices to address the administrative logistics of running such an office.</p> <p>Performance Measure 3.2.2 – Staff will review and revise internal policies at regular intervals to ensure that policies and standards are up to date and easily accessible and practicable for public defender offices.</p> <p>Performance Measure 3.2.3 – Staff will assist all new chiefs in new and existing districts with onboarding staff and developing policies internal to each office.</p>
<p>Objective 3.3 – Develop public defender model conflict policy.</p>	<p>Performance Measure 3.3.1 – Using data from the existing offices and national standards and with the collaboration of the chief public defenders, IDS will develop a model conflict policy</p>

	<p>for public defender offices to follow to ensure the most effective use of state resources.</p> <p>Performance Measure 3.3.2 – The number of cases being referred out to PAC due to conflicts in public defender offices will decrease.</p>
<p>Objective 3.4 – Improve training, mentoring, and development for assistant public defenders.</p>	<p>Performance Measure 3.4.1 – IDS will employ a new grant-funded Recruitment and Training Coordinator to develop and implement in-house programming to support recruitment, retention, training, and development.</p> <p>Performance Measure 3.4.2 – Working with the School of Government and other public defender training options, IDS will work to improve training opportunities for APDs with emphasis on diversity and equity among staff and inclusion of underrepresented voices in the public defense community.</p>
<p>Objective 3.5 – Improve agency communication with public defense attorneys.</p>	<p>Performance Measure 3.5.1 – IDS will streamline communication strategies with internal and external stakeholders.</p> <p>Performance Measure 3.5.2 – IDS Central Office website will continue to update indexed and searchable IDS Rules and Policies and provide easily accessible information and forms related to payments, trainings, consultations, and other practitioner resources.</p> <p>Performance Measure 3.5.3 – Continue to deploy and update statewide defender office websites that contain information relevant to their specialized practitioners.</p> <p>Performance Measure 3.5.4 – IDS will continue to 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 3.5.5 – IDS will measure from baseline and see an increase in number of defense attorneys consulting with regional</p>

	defenders, forensic resource counsel, and contract consultants.
--	---

4. Highlights, Collaborative Opportunities, and Priority Questions

Agency Highlights

In the 2021-23 Biennium, some of IDS's highlights include:

- Public Defender District Expansion. With direction and funding from the NC General Assembly, IDS was able to establish the District 27B Public Defender Office to serve Cleveland and Lincoln counties, split the District 1 and 2 Public Defender Office into separate offices serving District 1 and District 2, and expand the District 5 Public Defender Office into Pender County.
- Long-Term Plan. IDS has established a long-term plan that, if implemented, will lead to statewide expansion of public defender districts and solvency of the PAC fund by the end of the decade.
- Increased PAC Rates. With additional funding from the NC General Assembly, the IDS Commission was able to raise rates paid to private assigned counsel, increasing the minimum rate from \$55 per hour to \$65 per hour.
- Replacing the RFP Contract system with the Managed Assigned Counsel system. IDS anticipates that the MAC will be easier to administer and easier for attorneys to log their times and will lead to overall savings to the PAC Fund.
- Expand Consultation Services in Felony Cases. IDS was able to establish a sex offender consultation service and improved consultation in immigration-related cases.
- Collaborate with the Office of Strategic Partnerships. With OSP's help, IDS collaborated with UNC-Charlotte on a project addressing jail populations in NC.
- Increase Available Resources for PAC and PDs. IDS added an investigator directory as a service to attorneys in the field.
- Secure Grant Funding for Staff. IDS was able to secure funding from federal, state, local, and nonprofit sources to expand staff as follows:
 - in district offices to serve as assistant public defenders, support staff, and social workers;
 - in the Office of the Juvenile Defender to work on outreach and training related to juvenile cases;
 - in the Office of the Parent Defender to work on management of projects related to the federal IV-E grant; and
 - in the Central Office to assist all of IDS with recruitment, retention, and training.

Collaborative Opportunities

- IDS is working with the UNC School of Government to secure funding for a study to assess the value of having social workers in public defender offices. IDS currently employs some social workers in district offices, but they are not in all offices.
- IDS is working with The Deason Criminal Justice Reform Center at SMU to secure funding for a study to assess the overall value to a judicial district of having a public defender office.
- IDS is working with the Center for Justice Innovation to secure funding for a study to evaluate the costs and benefits of North Carolina's statutory process for recoupment of attorney fees, including set-off debt collection.

Priority Questions

1. Are there identifiable and changing trends in demand for services that can inform PAC projections?
2. What attracts attorneys to practice indigent defense in different parts of the state?
3. How often should IDS evaluate our Key Performance Indicators and is the agency using them most effectively?
4. How does wait time affect PAC costs and public defender effectiveness?
5. How can we improve the process for providing and compensating private attorneys for involuntary commitment cases?
6. Is there a better way to assess workload for support staff in public defender offices?
7. How does digital discovery affect casework and PAC costs?