

N.C. Office of Indigent Defense Services

**The Challenge:
Evaluating Indigent Defense
Conference Report**

March 2005
Chapel Hill, NC

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Purpose

Indigent defense throughout the United States faces a common challenge: How do we ensure that our clients receive quality defense representation? How do we know what the quality of our services are when we do not have ongoing mechanisms that systematically evaluate indigent defense services?

In light of this challenge, the North Carolina Office of Indigent Defense Services (IDS) sought to create a national forum where indigent defense service practitioners and criminal justice social scientists could discuss approaches and strategies for evaluating indigent defense.

To that end, IDS hosted a one-day conference, *The Challenge: Evaluating Indigent Defense*, in Chapel Hill, North Carolina on March 18, 2005.

The conference provided an opportunity for IDS to share its emerging strategy for evaluating North Carolina's indigent defense services with other indigent defense agencies and criminal justice social scientists. It also created a forum for conference participants to share with each other additional information and promising strategies.

Forty-one representatives from indigent defense and criminal justice agencies attended the conference. A list of conference participants and their contact information is included in Appendix A.

Conference Agenda

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| 9:30 am | Breakfast and Social Hour |
| 10:30 am | Welcome and Participant Introductions |
| 10:45 am | IDS Presentation— <i>North Carolina's Proposal for Data-based Evaluation: Moving Beyond Traditional Measures</i> |
| 11:15 am | Plenary Discussion— <i>Feedback on North Carolina's Model & Discussion of Other Approaches</i> |
| 12:00 am | Plenary Discussion— <i>Identifying the Goals of a Successful Indigent Defense System</i> |
| 12:30 pm | Working Lunch
<i>Georgia Justice Project Video & Presentation</i> |
| 1:30 pm | Individual Working Groups— <i>Developing Indicators for Selected Indigent Defense Goals</i> |
| 2:15 pm | Work Group Reports |
| 3:00 pm | Plenary Discussion— <i>Identifying the Next Steps</i> |



Welcome and Participant Introductions

Malcolm Ray Hunter, Jr., IDS Executive Director, opened the conference by welcoming and thanking all participants and allowing all participants to introduce themselves and briefly describe their interest in indigent defense. A copy of the participant list is attached in Appendix A.

North Carolina's Proposal for Data-based Evaluation: Moving Beyond Traditional Measures

IDS Executive Director, Malcolm Ray Hunter, Jr., and IDS Research Director, Margaret A. Gressens, delivered a presentation on IDS's emerging approach and strategy for evaluating indigent defense services in North Carolina.

The presentation covered six main topics: 1) key background information about North Carolina; 2) articulating the need for system evaluations; 3) goals or expectations that shaped North Carolina's evaluation model; 4) North Carolina's proposal for evaluating indigent defense; 5) North Carolina's work plan for developing an evaluation tool; and 6) an example of how the proposed evaluation model would work. A copy of the slide presentation is attached in Appendix B.

Part I: Key Background Information About North Carolina

The following information about North Carolina is shaping IDS's strategy and approach to evaluating the state's indigent defense system:

- NC stretches 500 miles from east to west and is the 11th most populous state in the U.S., with 8.5 million people.
- NC has a statewide indigent defense system, which is managed by the IDS Office and its thirteen-member governing body, the IDS Commission.
- NC has 100 counties, divided into 39 judicial districts. The criminal justice system functions differently in each county.
- NC has a mixed system of private appointed counsel, public defender offices, and a small number of contracts. Twelve counties have public defender offices, which together handle approximately 40% of the state's population.

Part II: Articulating the Need for System Evaluations

North Carolina's commitment to developing an evaluation system for indigent defense is in response to three fundamental problems that indigent defense agencies

face throughout the nation: 1) inadequate funding, 2) lack of accountability, and 3) susceptibility to poor quality.

1. *Inadequate Funding.* Indigent defense is almost universally under-funded in the United States. IDS believes that defense agencies are chronically under-funded because they are not seen as a positive force furthering broader community interests. In fact, the public perception of indigent defense appears to be that, while on rare occasions it might protect the wrongfully accused, in general it detracts from overall public safety, obstructs justice and the court system, and assists wrongdoers in avoiding deserved punishment. In short, indigent defense is often seen as a program largely benefiting the financial interests of lawyers and the punitive interests of criminals.
2. *Lack of Accountability.* Within indigent defense systems, there is a long-standing tradition of little or no supervision of lawyers during representation and little or no evaluation afterward. Moreover, inadequate funding results in poor pay for appointed counsel and public defenders, which results in less competition for the work, which, in turn, can lead to lower standards of performance.
3. *Susceptibility to Poor Quality.* The combination of inadequate funding and lack of accountability can result in poor quality.

IDS believes the solution to these problems is to: 1) create greater accountability, and 2) begin changing the way indigent defense is perceived. The creation of a data-based evaluation of indigent defense services—one that is credible to both stakeholders and funders—is the foundation upon which these efforts will be built.

Accountability follows from having information about the cost and quality of the work being performed. Only with the capacity to evaluate indigent defense services on an ongoing basis can accountability on a system-wide level be achieved. Most of the efforts at evaluating indigent defense services to date have centered on hiring skilled contractors, like the NLADA or the Spangenberg Group, to conduct an evaluation or study of an office or agency. While these studies have been invaluable in identifying systemic problems and proposing potential solutions, there are a number of significant limitations to this approach. For example, studies are expensive to conduct and provide only a one-time snapshot, rather than an ongoing yardstick. Indigent defense needs to take evaluations a step further by creating continuing and affordable evaluation tools that can be used on an annual basis.

Public exposure to indigent defense is usually limited to media reports about violent crimes committed by former clients, wrongfully incarcerated individuals who have suffered years in prison, or disapproving articles about defense attorneys getting rich off taxpayer money. Indigent defense needs to begin tangibly demonstrating the ways in which we serve broader community interests. Again, data-based system evaluations can provide a foundation for these efforts.

Indigent defense needs to measure the positive effects a quality indigent defense system has on the criminal justice system and the community. In addition to traditional measures of quality, we also need to measure the ways we enhance efficiencies in the criminal justice system, reduce costs to taxpayers, and improve

community safety. For example, how does indigent defense impact the degree to which indigent clients:

- Have addressed underlying problems, such as substance abuse, mental illness, unemployment, or lack of education?
- Do not re-offend?
- Maintain or obtain jobs?
- Remain active caretakers of their families?

IDS believes there are numerous instances where serving the interests of our clients also serves the interests of the criminal justice system and the community. The challenge facing indigent defense is to identify these relationships and then develop the capacity to measure our impact in both social and fiscal terms.

Part III: North Carolina's Goals and Expectations for an Evaluation Model

IDS wants whatever evaluation model it develops to meet the following goals or criteria. The evaluation model should:

- Be based on objective, credible, reliable data.
- Be undertaken in-house, by IDS, rather than relying on outside contractors.
- Be affordable enough to conduct on a regular basis, preferably annually.
- Be universally applicable. IDS wants to develop one evaluation model that could be applied to all types of service delivery systems (including public defenders, private counsel, or contract attorneys). The model should also be applicable to counties, regions or statewide, and suit rural and urban areas equally well.
- Be credible to funders and stakeholders.
- Be sensitive enough to register incremental improvements and to measure the impact of policy decisions.
- Assess the strengths and weaknesses of the system, whether we are looking at the county, regional, or state level.
- Indicate what improvements are needed within the system, again on a county, regional, or state basis.
- Indicate where improvements within the system need to be made.
- Can be replicated in other states, so that IDS can reap the advantages and benefits that a multi-state analysis will bring.

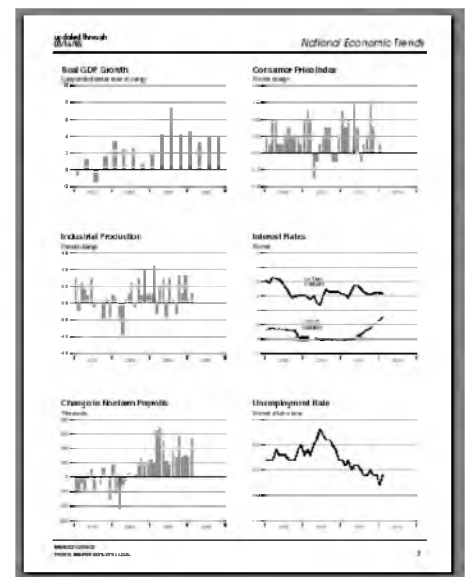
- Enable IDS to develop cost formulas. For example, North Carolina has a Sentencing and Policy Advisory Commission. If the legislature proposes new criminal sanctions, it is the Sentencing Commission’s job to project the cost of these sanctions over the next 5 years. IDS wants our evaluation model to provide us with the same capability.
- Help IDS address the common problems articulated earlier: 1) inadequate funding, 2) lack of accountability, and 3) susceptibility to poor quality.

Part IV: North Carolina’s Proposal for Evaluating Indigent Defense

IDS proposes that we employ the same evaluation methodology used in many other fields, such as economics, health, the environment, and sports, to evaluate system performance. This methodology relies on developing a set of indicators that measure outcomes in key areas of performance.

For example, the federal government regularly maintains and updates key economic indicators, such as inflation and unemployment rates, Gross Domestic Product, average household income, consumer price index, etc. By looking at these economic indicators, economists, government officials, and the public get an overall picture of how well the economy is doing.

Economic Indicator Examples



A more familiar example is the widespread use of sports indicators. Coaches across the board rely heavily on sports indicators to assess team performance. Sports indicators are used to identify team strengths and weaknesses and enable coaches to combine the resources they have in ways that improve team performance.

The figure below shows the use of sports indicators in college basketball. Basketball coaches carefully track points scored, rebounds and assists, minutes played, games won, etc. to understand how well the team is playing and where team strengths and weaknesses lie.

The use of sports indicators also demonstrates the advantages of measuring outcomes over measuring inputs. Basketball outcomes are items such as the percentage of games won, points scored, rebounds, assists, and fouls made. They are measures of achievement.

In contrast, inputs are tools or resources used in the process of accomplishing a goal. Basketball inputs include items like the number of hours spent practicing, the number

VISITORS: NORTH CAROLINA 33-4														
##	Player Name	PG	FG	3-PT	REBOUNDS				PF	TP	A	TO	B	
					FC	FGA	FC-PTA	OF						DE
21	Williams, Jawad.....	f	3-6	3-4	0-0	1	4	5	1	9	0	0	1	22
32	McCants, Rashad.....	f	6-15	2-5	0-0	1	1	2	0	14	1	2	1	31
42	May, Sean.....	c	10-11	0-0	6-8	2	8	10	1	26	2	1	0	34
02	Felton, Raymond.....	g	4-9	4-5	5-6	0	3	3	4	17	7	2	2	35
05	Manuel, Jackie.....	g	0-1	0-0	0-2	0	3	3	4	0	2	2	0	18
01	Scott, Melvin.....		0-2	0-1	0-0	0	2	2	0	0	0	0	0	13
03	Terry, Reyshawn.....		0-0	0-0	0-0	0	0	0	0	0	0	0	0	2
11	Thomas, Quentin.....		0-0	0-0	0-0	0	1	1	1	0	0	1	0	1
24	Williams, Marvin.....		4-8	0-1	0-1	3	2	5	2	8	0	2	0	24
34	Noel, David.....		0-0	0-0	1-2	1	2	3	0	1	0	0	0	20
TEAM.....														
Totals.....			27-52	9-16	12-19	8	26	34	13	75	12	10	4	200
TOTAL FG% 1st Half: 16-29 55.2%		2nd Half: 11-23 47.8%		Game: 51.9%		EADB								
3-Pt. FG% 1st Half: 6-11 54.5%		2nd Half: 3-5 60.0%		Game: 56.3%		REBS								
F Throw % 1st Half: 2-2 100 %		2nd Half: 10-17 58.8%		Game: 63.2%		2,1								

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of players on the team, the number of assistant coaches, etc. For obvious reasons, coaches are more interested in outcomes than inputs. Outcomes demonstrate actual achievements. Inputs measure effort and resources. While there is an obvious correlation between inputs and outcomes, between effort and achievement, inputs alone do not provide enough information. One can make every effort and still fail.

IDS proposes to apply a similar methodology to evaluate indigent defense systems in North Carolina. IDS, in consultation with stakeholders and other key players in North Carolina, would begin by identifying desired system outcomes—indigent defense’s equivalent to basketball’s games won, points scored, etc.

Data on these indicators of desired system outcomes would then be collected, drawing on existing data sources, including:

- Private attorney fee applications
- Public defender offices
- Reported case outcomes
- Courthouse databases
- Department of Correction databases
- NC Sentencing & Policy Advisory Commission
- Crime statistics
- Client surveys

Instead of collecting data on team players as we saw in our basketball example, data would be collected on counties, regions, and statewide. The actual methodology for data collection would depend on the desired indicator. Statistics, surveys, site visits, or even on-site studies could be employed.

Ultimately, we would end up with a statistical picture that would describe system performance, such as the one depicted below.

NC Indigent Defense System Measures							
	County A	County B	County C	County D	Statewide Average	Region A Average	Region B Average
<i>Element Being Measured</i>							
Indicator A	65.0%	60.0%	55.0%	75.0%	63.8%	60.0%	75.0%
Indicator B	90.0%	92.0%	89.0%	95.0%	91.5%	90.3%	95.0%
Indicator C	78.0%	82.0%	83.0%	90.0%	83.3%	81.0%	90.0%
Indicator D	94.0%	96.0%	98.0%	90.0%	94.5%	96.0%	90.0%
<i>Element Being Measured</i>							
Indicator A	80.0%	85.0%	89.0%	60.0%	78.5%	84.7%	60.0%
Indicator B	94.0%	92.0%	90.0%	40.0%	79.0%	92.0%	40.0%
Indicator C	60.0%	65.0%	50.0%	90.0%	66.3%	58.3%	90.0%
Average Score	73.8%	72.8%	71.4%	65.0%	70.8%	78.3%	63.7%

North Carolina is made up of 100 counties and each county essentially organizes and operates its own indigent defense system. Additionally, indigent defense in North Carolina is comprised of a mix of service delivery systems: public defender offices, private appointed counsel lists, and contracts. Applying this methodology will allow

IDS to evaluate system performance in each county, region, public defender office, or contract, or for North Carolina as a whole.

The above statistical picture illustrates how using this methodology would enable IDS to:

- Measure current levels of performance
- Identify strengths and weaknesses in the system
- Identify areas or regions that are performing well or that need attention
- Establish reasonable norms for North Carolina given available resources
- Develop benchmarks, minimums, standards, or goals based on North Carolina's specific circumstances and judicial practices
- Compare and contrast varying service delivery mechanisms
- Help IDS identify best practices
- Collect valuable information to help inform policy decisions
- Measure the impact of policy decisions on system performance

Eventually, we could create one or more summary indexes, like the consumer price index illustrated here. Indexes simply roll many indicators into one summary indicator. Our example, the consumer price index, uses one composite number to summarize the change in price of many different consumer goods, weighting goods differently depending on their relative importance to and impact on household spending. For instance, a change in gas prices would have a greater impact on the average household than a change in peanut butter prices. Consequently, the consumer price index weights these goods differently when summarizing their combined impact.

Indexes are helpful because they are a convenient way to analyze a lot of information at a single glance. The drawback to using indexes is that, because they employ a weighting system, they are inherently more value-laden. It is critical for the weighting system underlying the index to be accepted. If stakeholders did not agree that the price of gas was more important than the price of peanut butter, the index would present a misleading picture on what was happening regarding consumer spending. A poorly designed weighting system can lead to misinformation. Moreover, without this broad consensus, one can become mired in debate over the index rather than taking appropriate action.





Part IV: North Carolina's Plan for Developing the Evaluation Tool

IDS has considered how North Carolina should develop the collection of indicators that, together, would comprise the evaluation tool. An overview of our work plan is presented in the sidebar below and a detailed description of the work plan can be found in Appendix C. Most of the steps in the work plan are self-explanatory.

Before indigent defense systems can measure their success, they need a clear picture of desired outcomes. What goals do we want to achieve for our clients, the justice system, and the community? What elements make up a successful indigent defense system?

Recent trends in law enforcement highlight how articulated goals can play a significant role in defining the nature and practice of an industry. Over the last few decades, large numbers of law enforcement agencies have re-examined their role or purpose in their communities and what that meant for the goals they wanted to achieve. Historically, law enforcement's primary purpose had been defined as that of catching persons who commit crimes.

After debate and discussion with practitioners and stakeholders, many law enforcement agencies decided catching criminals was actually part of a broader mission to make their communities safer. Redefining their role led to significant systemic changes, including the addition of new goals, such as crime prevention and witness protection, and new approaches and strategies to law enforcement, such as community policing and victim assistance programs. Moreover, it led to successfully advocating for the additional financial resources to accomplish these widely desired community outcomes.

Similarly, indigent defense needs to examine its broader role, not just in terms of clients, but also its role within the larger arenas of the criminal justice system and the community. How do we benefit the criminal justice system and our communities? What role should we play in these arenas? How do we best serve the short-term and

Summary of Evaluation Tool Development Plan

- Step 1: Clearly define what North Carolina expects a successful indigent defense system to accomplish, through partnering and consultation with the indigent defense community and criminal justice representatives in North Carolina.
- Step 2: Develop an evaluation tool that will measure, in objective terms, how well North Carolina's indigent defense systems achieve that definition of success.
- Step 3: Pilot-test the evaluation tool in one or two counties.
- Step 4: Test the reliability and accuracy of the evaluation tool by conducting an independent on-site evaluation, and then comparing the results of the on-site evaluation to the results of the evaluation tool.
- Step 5: Once the evaluation tool has been shown to provide an accurate assessment of indigent defense systems, develop an implementation plan.

long-term interests of our clients? Answering these important questions is the first step to developing an evaluation tool to measure our performance.

Part VI: An Example of North Carolina's Evaluation Model

How the evaluation model will work is illustrated by Figure A, *IDS Indigent Defense Evaluation Model: An Example*, presented on the following page. The figure is a pictorial representation of North Carolina's approach to developing the evaluation instrument we want to use to measure system performance. First, desired outcomes or goals must be identified. Then for each desired outcome or goal, we will: 1) break down the goal into concrete, measurable components, 2) identify indicators that will measure how well each component is being achieved, and 3) identify how to measure the impact this performance has on the criminal justice system, the community, and the indigent defense service agency.

For example, the desired outcome/goal in Figure A is *Disposition of Case is Favorable to Defendant Given Circumstances* (Column 1). Column 2 breaks this desired outcome down into its component parts.¹ The example lists seven measurable components. The underlying logic is that if each component part were successfully performed, then the client would have received a favorable disposition given the circumstances. Column 3 explains why each component listed in Column 2 is important to achieve. Column 4 lists indicators or ways to measure the extent to which each component is being achieved. Columns 5, 6, and 7 list indicators that measure the impact this performance has on the criminal justice system, the community, and the indigent defense service agency respectively.

Refer to one of the components listed in Column 2, *Negative Disruption to Client's Life Minimized*, for an illustration of how the model works.

Negative Disruption to Client's Life Minimized: Being arrested and prosecuted for a crime has the potential to negatively impact a client beyond the punishment prescribed by law for the offense. A study conducted by Malcolm M. Feeley on the operation of the District Courts in New Haven, Connecticut concluded:

For every defendant sentenced to a jail term of any length, there are likely to be several others who were released from jail only after and because they pleaded guilty. For each dollar paid out in fines, a defendant is likely to have spent four or five dollars for a bondsman and an attorney. For each dollar they lose in fines, working defendants likely lose several more from docked wages. For every defendant who has lost his job because of a conviction, there are likely five more who have lost their jobs as a result of simply having missed work in order to appear in court².

¹ Figure A represents a work in progress which is not yet complete.

² Blackwell, Cunningham, *Taking the Punishment Out of the Process : From Substantive Criminal Justice Through Procedural Justice to Restorative Justice*, 67 Law & Contemporary Problems, 59. (citing: Malcolm M. Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court* (2nd ed. 1992)).

IDS Indigent Defense Evaluation Model: An Example

Desired Outcome/Goal	Description or Breakdown	Justification Why This is Important	Potential Indicators or Item to Measure	Measures/Indicators of Criminal Justice System Benefits	Measures/Indicators of Community Benefits	Measures/Indicators of IDS Benefits
<p>Disposition of Case Favorable to Defendant Given Circumstances</p>	<p>Trusts Attorney</p> <p>Kept Informed on Case</p> <p>Negative Disruption of Life Minimized</p> <p>Input in Decisions</p> <p>Treated with Courtesy and Respect</p> <p>Future Entanglement with Legal System Reduced, Minimized, Eliminated</p> <p>Consequences of Outcomes Fully Understood Before Enacted</p>	<p>The attorney can only be effective if he has the trust of the client and the client will accept the good advice of the attorney.</p> <p>Ensuring Procedural Justice "For every defendant who has lost his job because of a conviction, there are probably five more who have lost their jobs as a result of simply having missed work in order to appear in court."</p> <p>The best future for the criminal defendant is to avoid any future arrest and/or convictions.</p>	<ul style="list-style-type: none"> * Time (days) in Jail * Time in Jail as a Ratio to Maximum Sentence Possible * No. of Appearances in Court * % of Employed Clients Still Employed * % of Clients Living with Family Still Living with Family (non-abuse cases) * % of Children Living with Client Still Living with Client (non-abuse cases) <p>Track Dispositions (Menu)</p> <ul style="list-style-type: none"> - Jail/Prison - Residential Program - House Arrest - Probation - Fine - Dismissal/Acquittal - Other <p>Likelihood to Re-Offend (Develop Scale)</p> <ul style="list-style-type: none"> - Substance Abuse & Assistance Received - Mental Health Issues & Assistance Received - Job Skills & Assistance Received - Others <p>Recidivism Rate</p> <ul style="list-style-type: none"> - After 1 Yr. - After 2 Yr. - Etc. 	<p>Recidivism Rate Fiscal Impact</p> <ul style="list-style-type: none"> - Judge Cost/Time - Clerk Cost/Time - Prosecutor Cost/Time - IDS Cost/Time - Dept. of Corrections Cost/Time <p>Impact on County Costs from Jail Time</p> <p>Fiscal Impact of Alternatives on Jail/Prison Costs</p> <ul style="list-style-type: none"> - Jail/Prison Costs vs. Probation + Condition Costs 	<ul style="list-style-type: none"> * Impact of Recidivism on Crime Rate * Impact on Social Service Agencies <ul style="list-style-type: none"> - Welfare - Foster Care - Food Stamps - Others * Impact on Local Economy <ul style="list-style-type: none"> - Lost productivity of workforce - Others * Witness and Victim Time and Costs * Long-Term Family Outcomes <ul style="list-style-type: none"> - Impact on Children - Impact on Spouses - Impact on Elderly Parents * Impact on Community Confidence in Justice System <ul style="list-style-type: none"> - Response to Police - Respect for Law - Respect for Courts - Others 	<ul style="list-style-type: none"> * Fiscal and Caseload Impact of Recidivism Rate on IDS * Impact on Status and Respect for IDS Agents <ul style="list-style-type: none"> - Recruitment - Retention - Advancement * Impact on Ability to Adequately Fund IDS Compensation <ul style="list-style-type: none"> - Attorney Caseload - Client Monetary Liability * Impact on IDS Ability to Affect Policy within Criminal Justice System * Fiscal impact on recoupment of attorney fees.

A successful indigent defense system, then, works to ensure procedural justice and minimize the unintended consequences of the judicial process, such as losing one's job, spending unnecessary time in jail, or losing the capacity to fulfill family responsibilities and take care of one's children.

The next step in developing the evaluation instrument is to identify indicators that measure how successfully each component is being completed. Figure A, Column 4 lists a number of indicators that could potentially measure how well negative disruptions to a client's life are being minimized, including:

- Time (days) in jail pre-disposition
- Time in jail as a ratio to maximum sentence possible
- Number of client appearances in court
- Percent of employed clients still employed at disposition of case
- Percent of clients living with family still living with family (non-abuse cases)
- Percent of children living with client still living with client (non-abuse cases)

The remaining columns in Figure A list indicators that measure the impact the system's performance on the criminal justice system, the community, and the indigent service agency respectively.

For example, Figure A, Column 5, suggests the evaluation tool develop indicators that measure the impact of indigent defense performance on jail costs in counties. Part of minimizing the negative disruption to a client's life is ensuring they are not unnecessarily incarcerated. Unnecessarily incarcerating defendants leads to increased jail costs, which are paid for by the county. Therefore, the more successful indigent defense is at reducing unwarranted jail time, the more we help lower county jail costs.

Additionally, resolving cases efficiently by reducing the number of court appearances clients must make, part of minimizing the disruption to our clients' lives, reduces court administrative costs and labor as well as the cost and disruption to witnesses and victims.

Similarly, Column 6 in Figure A lists ways to measure the impact of our performance on the community. Again, negative disruptions to a client's life can include job loss, being unnecessarily incarcerated, etc. These disruptions impact not only our clients, but also their families. Single parents who are incarcerated leave children unattended. Defendants who lose their jobs often have no way to pay for household necessities like food and shelter. Serving our clients' interests also serves broader community interests. The more successful we are at minimizing the negative disruptions to our clients' lives, the more we help reduce the burden on social service agencies that are forced to step in and provide welfare, foster care, food stamps, or unemployment compensation, etc.

Finally, Column 7 in Figure A lists examples of ways to measure the impact of our performance on the future of the indigent defense service agency. For example, assisting our clients to remain employed can have a fiscal impact on the rate of recoupment of attorney fees. Gainfully employed clients are more likely to repay the state for their legal representation.

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Plenary Discussion: Approaches and Strategies to Evaluation

Following IDS's presentation, conference participants shared their reactions to North Carolina's proposed model, discussed strategies and obstacles to conducting evaluations, and suggested aspects of indigent defense that should be measured. Their comments are summarized below:

Challenges and Obstacles

- There is a lot of resistance to doing evaluations. A lot of this resistance stems from concerns that large amounts of attorney and staff time will be spent providing data, which is time they do not have.
- Getting agreement on what "good" outcomes are will be very difficult.
- "Good" outcomes will ultimately come down to what the public wants and what the legislature will pay for.
- It will be very challenging to assess what quality and effectiveness are.
- How does one measure client satisfaction for defendants who have bonded out or for cases that are resolved within 48 hours?

Suggested Approaches

- Evaluations should also take into account the resources or inputs attorneys have at their disposal, such as salaries, libraries, caseloads, money for experts, and budget-related measures, because there is a direct relationship between expenditures and results. You cannot expect the highest quality outcomes when the resources to get the job done are not available.
- One strategy to reduce the time and labor costs of evaluations is to rely on summary indicators. For example, the price of a Big Mac from one country to another may be used to assess the exchange parity between currencies.
- The trade off is that more summary indicators means fewer diagnostic tools to indicate what your system's strengths and weaknesses are.
- The evaluation needs to control for variables not under defense counsel's control but under the control of other players, like judges or prosecutors.

Possible Quality Indicators

- An indicator of quality is to measure the number of attorney complaints.
- Another indicator of quality would be to measure client satisfaction.
- Another indicator of quality is to measure the number of acquittals.

Plenary Discussion II: Identifying the Goals of a Successful Indigent Defense System

Before indigent defense systems can measure their success, they need a clear picture of what that success would look like. What goals do they want to achieve? What elements make up a successful indigent defense system?

The conference tackled these questions during this plenary discussion. Conference participants were asked to brainstorm what the desired outcomes or goals of a successful indigent defense system should be. Their comments are summarized below:

- Every qualified person receives representation unless they truly voluntarily and knowingly waive.
- Defendants should feel they have been fairly treated by the system.
- Indigent defense should be considered not just a job but also a professional obligation.
- The system should be able to change inadequacies and flaws in the criminal justice system that adversely impact clients.
- Policy makers should view indigent defense attorneys with respect.
- Indigent defense should be an equal partner in criminal justice policy development.
- The fact that a defendant is indigent and receives appointed counsel should not be a negative predictor of quality of legal representation.
- Non-legal associated services, such as substance abuse or mental health treatment, job skills assistance, etc., are optimized in defense.
- Indigent defense should be cost-effective and use financial resources wisely.
- Indigent defense should make maximum use of the legal instruments available to it, such as experts, investigators, etc.
- Indigent defense should control caseloads to ensure quality representation.
- Indigent defense should insure there are mechanisms for attorney supervision in place.
- Aggressive/quality indigent defense work should be viewed by other players as an asset, not a thorn in their side.
- Indigents are defended adequately at the lowest per-unit cost.
- Indigent defense recruits and retains the best qualified attorneys (the best and the brightest).
- Indigent defense reduces the collateral consequences of prosecution, such as loss of job, deportation, time served in jail pre-sentence that exceeds maximum jail penalty, etc.

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- Every client receives a vigorous defense.
- System builds collaborative relationships with other players and is involved in policy-making as a full partner.
- Clients receive representation that is consistent with the highest standards of the profession.
- Non-violent misdemeanor offenders do not go to jail.
- Indigent defense is politically independent.
- The indigent defense system engenders job satisfaction.
- System engages in needed public education, such as the prevalence of false confessions, false identifications, withheld evidence, etc.

Lunch Session

The lunch session included a video and presentation by the Georgia Justice Project Executive Director, Doug Ammar. The Georgia Justice Project (GJP) is a non-profit organization providing legal services to indigent defendants using a more holistic approach than that traditionally seen in the provision of indigent defense services. In addition to legal counsel, GJP also provides a social work assessment, individual counseling, substance abuse intervention, educational assistance, and job training and placement.

Mr. Ammar's presentation described the strategy and benefits of GJP's holistic approach to providing legal representation for indigent defendants. For further information on GJS, you can access their website at www.gjp.org.

Individual Working Groups

The afternoon session built on the accomplishments of the morning session. Participants broke into six working groups and were asked to complete an assignment. The task for each working group was to select one of the goals identified during the morning discussion, break the goal down into its components, and identify potential indicators that would: 1) measure whether that goal was being achieved and 2) measure the impact achieving that goal had on the criminal justice system, the community, and the indigent defense service agency. The working groups were given the template developed in North Carolina's evaluation model and asked to complete it for their topic and then report back to the plenary. See Appendix D for a copy of the template.

The working groups completed this task for the following six topics and then briefly reported their findings back to the full group:

1. Indigent defense is politically independent.
2. Indigent defense recruits and retains the best-qualified attorneys.
3. Indigent defense reduces collateral consequences.
4. Indigent defense builds collaborative relationships with other players and is involved in policy-making as a full partner.
5. The fact that a defendant is indigent and receives appointed counsel should not be a negative predictor of quality of legal representation.
6. Policy makers view indigent defense attorneys with respect.

The results of each working group are presented in Appendix E.

Plenary Discussion III: Taking the Next Steps

The final segment of the conference focused on identifying what future steps conference participants might be interested in pursuing.

North Carolina opened the discussion by describing IDS's future intentions, which include:

- Publishing and distributing a report on the conference for participants and other interested parties.
- Creating a national listserv to provide an easily accessible forum for discussing issues relating to evaluating indigent defense services as they arise.
- A continuing commitment to share any future project developments and information to any interested parties, including any products or evaluation tools that IDS develops in the future.
- A desire to discuss how we might collaborate on this project with any other interested parties.

IDS also distributed to participants a checklist offering various follow-up options. Participants were asked to check the options they preferred and return the list to IDS (See Appendix F for a copy of the checklist). The table on the following page summarizes the responses IDS received.

March 18, 2005 Conference, "The Challenge: Evaluating Indigent Defense", Participant Requests for Follow Up

Name	Title	Company Name	Include on Listserv	Willing to Review Drafts	Keep Informed About Project	Interested in Raising Funds for Project	Would Consider Using Eval. Tool	Working on Separate Eval. Project	Other			
Total			18	15	18	9	3	7	9	3	7	20
Adams, Patton	Executive Director	S.C. Office of Indigent Defense	✓	✓	✓		✓	✓				
Ammar, Doug	Executive Director	Georgia Justice Project			✓				✓			
Asin, Steven	Deputy Director	Administrative Office of the U.S. Courts, Office of Defender Services	✓	✓	✓	✓	✓	✓	✓	✓		Fed. Def services is considering [] a commission model (rather than judge run model) []. Your experience re: the creation & operation of IDS would be helpful. If [] available, I would like to consider w/ you ways in which your exper. could benefit us [].
Barrett, Jay	Trial Division Director	Kentucky Department of Public Advocacy	✓		✓		✓	✓		✓		I will approach our Public Advocate Ernie Lewis on whether Kentucky may become a partner in the multistate collaboration.
Brink, Malia	Indigent Defense Counsel	National Association of Criminal Defense Lawyers	✓	✓	✓	✓		✓				Knows a number of people who would be interested in being on listserv. Said to call her.
Chang, Nancy	Program Officer, Gideon Project	Open Society Institute	✓		✓							
Chapman, Richard	Information Systems Branch Manager	Kentucky Department of Public Advocacy	✓		✓					✓		We are in the process of purchasing a statewide management system. This will allow us to increase our data collection capability. We have not yet worked out all of our evaluation criteria.
Crain, Danielle	Data Analyst	Virginia Indigent Defense Commission	✓	✓			✓					
Drennan, Jim	Albert Coates Professor of Public Law and Government	University of North Carolina, School of Government	✓	✓								
Edwards, Betsy	Executive Director	Virginia Indigent Defense Coalition	✓		✓							
Eldred, Tigran	Acting Assistant Professor of Lawyering	The Lawyering Program, New York University School of Law	✓	✓	✓	✓					✓	I am interested in writing about this project, understanding the pre-mature nature of the project. In other words, any writing I will do will be sensitive to the timing and needs of the project.
Goedde, Russell	Assistant Director	King County Office of Public Defense	✓	✓	✓	✓			✓	✓	✓	Although, King County (Seattle) has many advantages (i.e., money) and a system of non-profit agencies organized to provide political defense, there is no comprehensive evaluation (report card). This is one thing we hope to produce in '05.
Klinkosum, Mike	Chair, Criminal Section	NC Academy of Trial Lawyers	✓	✓	✓	✓			✓			
Mumma, Christine	Director	NC Center on Actual Innocence	✓	✓	✓	✓			✓			
Munsterman, Janice	Senior Social Science Analyst	National Institute of Justice	✓	✓	✓	✓						
Rengifo, Andres	Research Associate	Vera Institute of Justice		✓	✓		✓				✓	I would like to discuss methodological/statistical issues related to this project.
Richardson, Julia	Legal Research	ACLU of Pennsylvania										
Riggs, Jennifer	Senior Research Associate	The Spangenberg Group	✓	✓	✓	✓		✓	✓			Asked us to keep her informed of our fundraising efforts.
Shepard, Ross	Director of Defender Division of NLADA	National Legal Aid and Defenders Association										
Sobel, Allan	Executive Vice President and Director	American Judicature Society	✓	✓	✓			✓		✓		AJS is hoping to open a multi-disciplinary institute in NC by the end of 2005. Please know that we look forward to working with you on any number of projects. In the interim, please call me or send an email to asobel@ajs.org if you believe we can help you
Tackett-Gibson, Melissa	Assistant Research Scientist	Public Policy Research Institute										
Whoerle, Sandra	Social Science Analyst	Office of Research and Eval	✓	✓	✓		✓					
Williams, James	Public Defender	N.C. Public Defender District 15B	✓	✓	✓	✓		✓				

End Note

IDS was very pleased to have hosted this conference. Participants seemed to leave energized and interested in following through on the project.

Throughout the day, participants remarked favorably on the progress IDS had made to date and suggested that North Carolina take the lead in this effort. IDS will keep the dialogue going through contact with those who have indicated interest in this project. Please look for future notifications about project events and developments.

IDS will send this report to conference participants and other interested parties who were unable to attend the conference because of scheduling conflicts. IDS will also send out a notice when the listserv is up and running.

Readers of this report who are interested in participating in some way in this project, but who have not yet had the opportunity to inform us of their interest, should contact Anna Levinsohn, Project Coordinator, at Anna.Levinsohn@nccourts.org or 919-560-3380.

Also, please note that IDS has created a website for this project where we will post information and news about project events and developments as they occur. To access this website go to www.ncids.org and click on the *Systems Eval. Project* link on the left-hand side of the screen.

IDS would like to thank everyone who gave their time to further this important project. We look forward to working with you in the future.

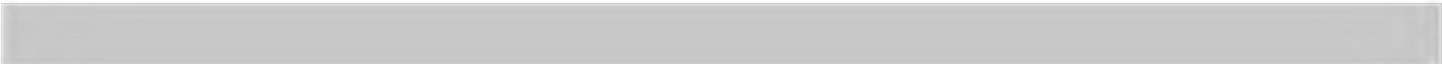
We also want to once again thank the Z. Smith Reynolds Foundation for making this conference possible.

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Appendices



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Appendix A: Conference Participant List

North Carolina Office of Indigent Defense Services Conference
The Challenge: Evaluating Indigent Defense

March 18, 2005
Chapel Hill, North Carolina

Directory of Participants

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Appendix B: IDS Presentation

*North Carolina's Proposal for Data-based Evaluation:
Moving Beyond Traditional Measures*

By

Malcolm Ray Hunter, Jr., IDS Executive Director
Margaret A. Gressens, IDS Research Director

Data-based Evaluation: Moving Beyond Traditional Measures



Malcolm Ray Hunter, Jr., Executive Director
Margaret A. Gressens, Director of Research & Analysis

North Carolina Office of Indigent Defense Services

March 18, 2005

What We Will Talk About



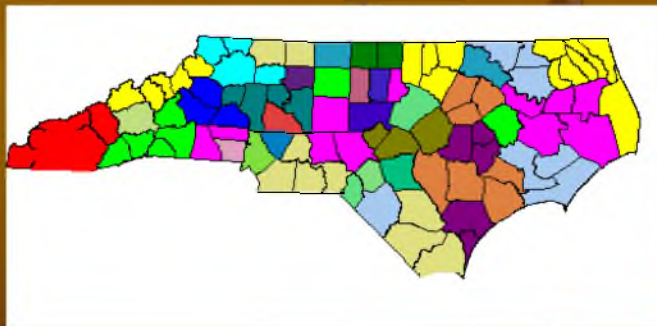
- Facts About North Carolina
- Common Problems with Indigent Defense
- Solutions to Common Problems
- Changing the Way Indigent Defense is Perceived
- North Carolina's Evaluation Model
- An Example of How the Model Would Work

Some Facts About North Carolina

- N.C. is more than 500 miles from east to west.
- N.C. is the 11th most populous state with 8.5 million people.
- The court system (including indigent defense) is state-funded and organized.
- But the criminal justice system functions differently in each of N.C.'s 100 counties.

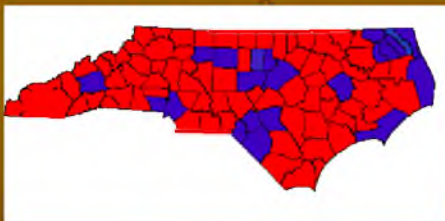
More About North Carolina

- N.C.'s 100 counties are divided into 39 judicial districts.



More About North Carolina

- As of July 1, 2005, we will have Public Defender offices in 22 counties representing approximately 40% of the state's population.



- In the remaining counties, indigent people are represented by private appointed counsel.

Common Problems of Indigent Defense

- I. Inadequate Funding
- II. Lack of Accountability
- III. Poor Quality

I. Inadequate Funding

- A. Indigent defense is not understood as serving broader community interests.
 - Interferes with public safety
 - Frustrates and obstructs the court system
 - Avoids punishment for wrongdoers
- B. Indigent defense is often seen as a program merely benefiting lawyers and, perhaps, criminals.

II. Lack of Accountability

- A. There is a tradition of little or no supervision of lawyers during representation, and little or no evaluation afterward.
- B. Inadequate funding results in poor pay for appointed counsel and public defenders, which results in little competition for the work. This, in turn, can lead to lower standards of performance.

III. Poor Quality

- Inadequate funding
 - Not understood to benefit the community
 - Perceived to benefit lawyers and criminals

+


- Lack of Accountability
 - Little or no supervision and evaluation
 - Poor pay and little competition

=

Poor Quality

Solutions to Problems

- Accountability—
 - Data-based evaluation of indigent defense services.
 - Needs to be credible to those providing the services, as well as other stakeholders and funding agencies.
 - Power of data to inspire change.
- Funding—
 - We need to change the way indigent defense is perceived.



Changing the Way Indigent Defense is Perceived: Moving Beyond the Traditional Measures



Moving Beyond the Traditional Measures

- In addition to traditional indicators of quality indigent defense, we need to measure the positive effects of a quality indigent defense system on the community.

Moving Beyond the Traditional Measures Cont.

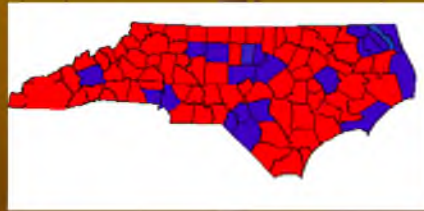
- Examples of things that could be measured that are beyond the traditional model are the degree to which:
 - Indigent clients are able to maintain jobs or get jobs;
 - Indigent clients are able to remain a part of their families;
 - Indigent clients with significant underlying problems (such as substance abuse, mental illness, unemployment, lack of education, etc.) have those problems addressed;
 - Indigent clients do not re-offend;

North Carolina's Evaluation Model

Building a Data-Driven Model

North Carolina Indigent Defense Structure

- Different systems in each county
- 100 Counties = 100 Indigent Defense Systems
- Mix of Service Delivery Systems
 - PD Office Counties
 - Private Appointed Counsel
 - Contracts



Evaluation Model Goals

- Data-based: Objective, Credible, Reliable
- In-house Capability
- Affordable – Annual Basis
- Universally Applicable
 - All Types of Service Delivery Systems — PD, PAC, or Contract
 - Rural or Urban
 - Statewide
 - Regional

Evaluation Model Goals



- Credible to Funders and Stakeholders
- Sensitive
 - Register Incremental Improvements
 - Measure Impact of Policy Decisions
- Assess the Strengths and Weaknesses of Systems
- Indicate What Improvements Are Needed Within the Systems
- Indicate Where Improvements Within the Systems Need to Be Made

Evaluation Model Goals



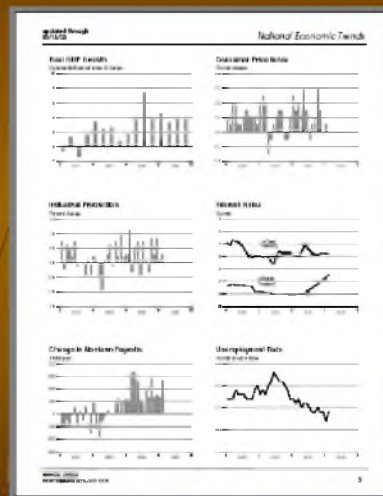
- Can Be Replicated in Other States
- Allows IDS to Look at Indigent Defense Across States
- Enables IDS to Develop Cost Formulas
- Helps IDS Address Common Problems
 1. Inadequate Funding
 2. Lack of Accountability
 3. Poor Quality

North Carolina's Model

- Borrow the Methodology Used in Many Other Fields
 - Economy
 - Health
 - Environment
 - Sports
 - Quality of Life
- Develop a Set of Indicators to Evaluate System Performance, Measuring Outcomes Wherever Possible

Widely Used Methodology

- U.S. Economic Indicators



Widely Used Methodology

- Sports Indicators

Season Averages							
NAME	GMS	MIN	PTS	REB	AST	TQ	A/T
Sean May	31	26.0	16.5	10.7	1.6	2.6	1/1.6
Rashad McCants	27	25.4	15.8	3.0	2.7	1.9	1.4/1
Jawad Williams	31	24.5	14.1	4.0	1.5	1.6	1/1.1
Raymond Felton	30	31.5	12.7	4.0	6.9	3.7	1.9/1
Marvin Williams	30	22.0	11.2	6.4	0.8	1.7	1/2.2
Jackie Manuel	31	21.9	5.9	2.9	1.5	1.2	1.3/1
Melvin Scott	31	16.5	5.3	1.4	1.0	0.7	1.3/1
David Noel	31	16.9	4.4	2.7	1.6	1.0	1.6/1
Revshawn Terry	28	4.8	2.4	0.8	0.3	0.5	1/2
Jesse Holley	7	1.7	1.6	0.0	0.1	0.3	1/2
Wes Miller	21	4.1	1.0	0.1	0.5	0.3	1.8/1
Quentin Thomas	31	6.9	0.9	0.8	1.3	1.4	1/1.1
Byron Sanders	24	3.0	0.8	1.0	0.3	0.2	1.8/1
C.J. Hooker	22	2.0	0.8	0.5	0.1	0.1	1.5/1
Charlie Everett	19	2.2	0.6	0.3	0.1	0.2	1/2
Brooks Foster	5	1.8	0.2	0.2	0.2	0.2	1/1
Damon Grant	6	2.8	0.0	0.7	0.0	0.8	*
Team Averages	31	-	88.8	40.3	19.3	15.7	1.2/1

Data Collection: Depends on Indicator

- The Methodology for Collecting Data Would Depend on the Indicator
 - Statistics
 - Surveys
 - Site Visit
 - Special Study

Set Up Data Infrastructure

- Statewide
- County-Level Information
- Affordable
- Data Sources – Primarily Data Already Available
 - Data from Reported Case Outcomes
 - Fee Applications
 - Courthouse Databases
 - Department of Correction Databases
 - NC Sentencing & Policy Advisory Commission
 - Crime Statistics
 - Client Surveys

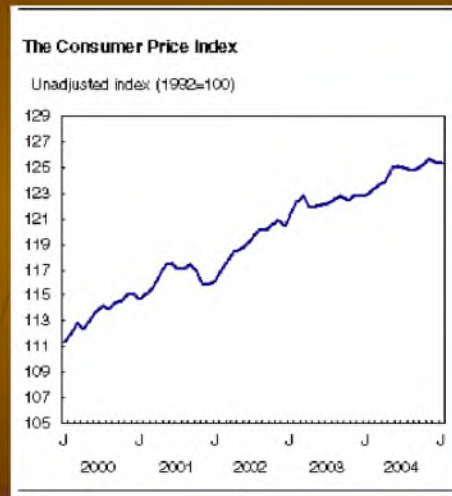
Evaluation Results

NC Indigent Defense System Measures							
	County A	County B	County C	County D	Statewide Average	Region A Average	Region B Average
<i>Element Being Measured</i>							
Indicator A	65.0%	60.0%	55.0%	75.0%	63.8%	60.0%	75.0%
Indicator B	90.0%	92.0%	89.0%	95.0%	91.5%	90.3%	95.0%
Indicator C	78.0%	82.0%	83.0%	90.0%	83.3%	81.0%	90.0%
Indicator D	94.0%	96.0%	98.0%	90.0%	94.5%	96.0%	90.0%
<i>Element Being Measured</i>							
Indicator A	80.0%	85.0%	89.0%	60.0%	78.5%	84.7%	60.0%
Indicator B	94.0%	92.0%	90.0%	40.0%	79.0%	92.0%	40.0%
Indicator C	60.0%	65.0%	50.0%	90.0%	66.3%	58.3%	90.0%
Average Score	73.8%	72.8%	71.4%	65.0%	70.8%	78.3%	63.7%

- Establish Reasonable Norms for NC Given Available Resources
- Develop Baseline Benchmarks, Minimums, Standards, Goals
- Identify Best Practices
- Compare Service Delivery Mechanisms — Identify Strengths and Weaknesses of Each

Indicator Index

- Consumer Price Index
- More convenient way to assess a lot of information at a glance
- Danger — Inherently Value-Laden



Summary of Basic Steps

- Step 1:* Clearly define what a successful indigent defense system would accomplish, through partnering and consultation with the indigent defense community and criminal justice representatives.
- Step 2:* Develop an evaluation tool that will measure, in objective terms, how well the system(s) achieve that definition of success.
- Step 3:* Pilot-test the evaluation tool.
- Step 4:* Test the reliability and accuracy of the evaluation tool by conducting an independent on-site evaluation, and then comparing the results of the on-site evaluation to the results of the evaluation tool.
- Step 5:* Once the evaluation tool has been shown to provide an accurate assessment of indigent defense systems, develop an implementation plan.

Test Accuracy of Evaluation Tool

- Pilot Test Evaluation Tool in Two Counties-- Conduct or Hire a Contractor to Conduct an On-site Evaluation of Test Sites
- Compare Results of Evaluation Tool and On-Site Evaluation

*May Need Rounds of Development and Verification
Goal is for Tool to Be Meaningful, Accurate, and
Lead to Improvements in Indigent Defense*

Develop Statewide Implementation Strategy

- Affordable
- County-based
- Regional or County Priorities

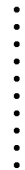
Moving Beyond the Traditional Measures

- Some more examples of things that could be measured are the degree to which:
 - Indigent defense contributes to using court resources efficiently and wisely;
 - Indigent defense is at the table cooperating in addressing system-wide challenges; and
 - The community believes that the criminal justice system is fair and provides equal justice.

Example Using One Goal and Showing How We Could Measure It

IDS Indigent Defense Evaluation Model						
Desired Outcome/Goal	Description or Breakdown	Justification Why This is Important	Potential Indicators of How to Measure	Measures/Indicators of Criminal Justice System Benefits	Measures/Indicators of Community Benefits	Measures/Indicators of IDS Benefits
Disposition of Case Favorable to Defendant Given Circumstances	Trusts Attorney	The attorney can only be effective if he has the trust of the client and the client will accept the good advice of the attorney	<ul style="list-style-type: none"> * Time (days) in Jail * Time in Jail as a Ratio to Maximum Sentence Possible * No. of Appearances in Court * % of Employed Clients Still Employed * % of Clients Living with Family Still Living with Family (non-abuse cases) * % of Children Living with Client Still Living with Client (non-abuse cases) 	<ul style="list-style-type: none"> Recidivism Rate Fiscal Impact <ul style="list-style-type: none"> - Judge Cost/Time - Clerk Cost/Time - Prosecutor Cost/Time - IDS Cost/Time - Dept. of Corrections Cost/Time 	<ul style="list-style-type: none"> * Impact of Recidivism on Crime Rate * Impact on Social Service Agencies <ul style="list-style-type: none"> - Welfare - Foster Care - Food Stamps - Others * Impact on Local Economy <ul style="list-style-type: none"> - Lost productivity of workforce - Others 	<ul style="list-style-type: none"> * Fiscal and Caseload Impact of Recidivism Rate on IDS * Impact on Status and Respect for IDS Agents <ul style="list-style-type: none"> - Recruitment - Retention - Advancement * Impact on Ability to Adequately Fund IDS <ul style="list-style-type: none"> - Attorney Compensation - Attorney Caseload - Client Monetary Liability
	Kept Informed on Case					
	Negative Disruption of Life Minimized					
	Input in Decisions					
	Treated with Courtesy and Respect					
	Future Entanglement with Legal System Reduced, Minimized, Eliminated	The best future for the criminal defendant is to avoid any future arrest and/or convictions	<ul style="list-style-type: none"> Likelihood to Re-Offend (Develop Scale) <ul style="list-style-type: none"> - Substance Abuse & Assistance Received - Mental Health Issues & Assistance Received - Job Skills & Assistance Received - Others 			
	Consequences of Outcomes Fully Understood Before Enacted					
			<ul style="list-style-type: none"> Recidivism Rate <ul style="list-style-type: none"> - After 1 Yr - After 2 Yr - Etc. 			

Appendix C: Work Plan

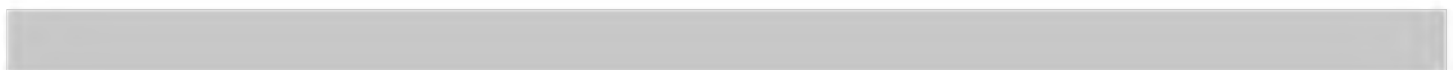


NC Office of Indigent Defense Services

Systems Evaluation Project Work Plan



June 2005



Indigent Defense Systems Evaluation Project Work Plan

The project timeline (see page 2) provides an overview of the tasks involved in the Systems Evaluation Project work plan. The individual tasks in the work plan are described in detail under each heading.

Hire Part-Time Project Coordinator

Hire a part-time project coordinator at 20 hours a week to conduct research; build a data library; coordinate focus group, Advisory Board, and other project meetings; prepare meeting materials; and perform clerical duties as necessary to support the project.

Pursue Funding/Project Partners

Pursue project funding or project partners as time allows. Some examples of funding options include:

- ❖ Funding for optional one day national conferences. Conferences would provide a national forum where indigent defense practitioners and criminal justice social scientists would review and offer feedback on North Carolina's evaluation project during various critical stages of development.
- ❖ Funding for statewide implementation of system measures, including building data-collection apparatus and infrastructure.
- ❖ Funding for pilot test and/or for independent assessment.

National Conference "The Challenge: Evaluating Indigent Defense

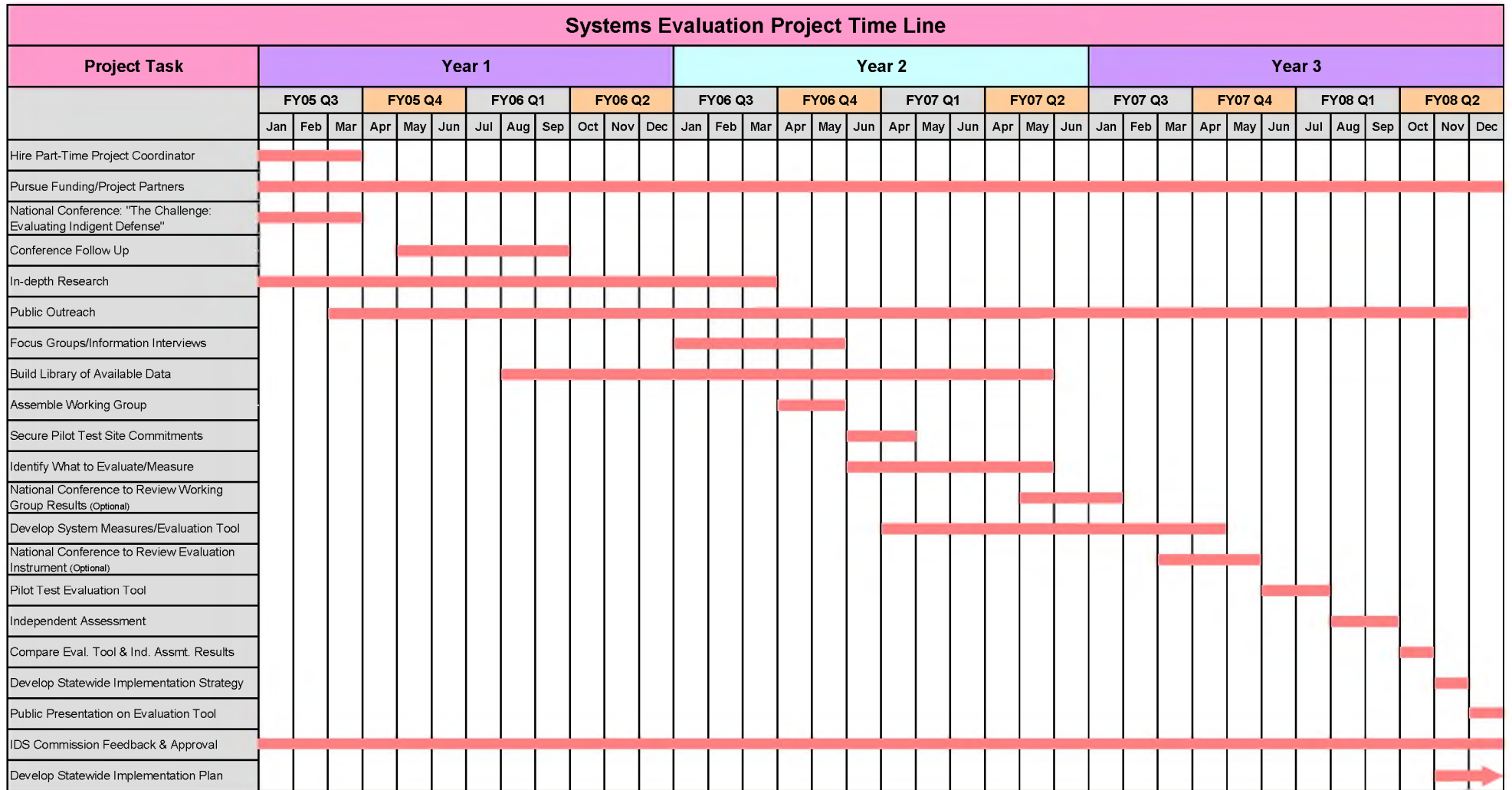
Create a one day national forum where indigent defense service practitioners and criminal justice social scientists can discuss approaches and strategies for evaluating indigent defense. Present North Carolina's emerging strategy for evaluating indigent defense and get feedback and suggestions for improvement.

Conference Follow Up

Perform conference follow up tasks, including the following:

- ❖ Publish and distribute summary report on conference proceedings.
- ❖ Create national listserv to serve as an easily accessible forum for discussing issues relating to evaluating indigent defense services as they arise.
- ❖ Follow up with conference participants who are interested in discussing a multi-state collaboration.
- ❖ Follow up on fundraising leads.

North Carolina Indigent Defense Systems Evaluation Project Work Plan



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In-depth Research

Perform extensive background research for information to support the work of the IDS Commission and project Advisory Board, including research on:

1. Innovative indigent defense service agency practices.
2. Past and current indigent defense evaluation practices.
3. New trends or findings in criminal justice research that lend insight into defining the roles and goals of indigent defense services in North Carolina.
4. Strategies or approaches on evaluating indigent defense service agencies.

Public Outreach

Develop mechanisms to inform the public about this project and its progress and collect public feedback. The goal is two-fold. First, we want to develop system measures with a broad cross-section of interests represented. By providing opportunities for public input throughout the life of the project, we will improve the quality of the evaluation tool and reduce the chances that it will be received negatively once it is completed.

Secondly, this can be an education and public relations opportunity. We can both serve our project goals and ask law enforcement, prosecution, courts, policymakers, and the public what indigent defense services can do to help the court system operate smoothly, help clients, and make our community work better. It's an opportunity to build stronger relationships with other players in the court system, educate them about the importance and needs of indigent defense work, and demonstrate our sincere interest in making the court system as a whole stronger and using taxpayer money as efficiently as possible.

Public outreach options include.

- Publish public announcements about project to constituents using listservs, the IDS website, and other non-labor-intensive means.
- Build a website for the project, where we will regularly post information about the project and its progress. The website will also include an email address so people can send us feedback about the project.
- Post a running survey using SurveyMonkey to allow people to give the Advisory Board specific feedback on issues of high interest to the Advisory Board or the IDS Commission.
- Periodic public presentations on the project's results to date. We might consider having Advisory Board members give these presentations as an additional way to build the public's trust that the evaluation tool is a collaborative effort aimed at improving indigent defense rather than a tool to further some IDS Commission agenda.



Conduct Focus Groups

Interview representatives of groups or populations that have an important perspective or information that would be valuable to the project in a focus group setting. The information collected from the focus groups will be used to help determine what we want the evaluation tool to measure, help identify potential candidates for the Advisory Board, and help staff to prepare materials for Advisory Board discussions. Exhibit A (see following page) illustrates the different breadths of scope the project could encompass. A list of potential candidates for the focus groups is attached at the end.

Library of Available Data

Investigate available data sources from other court system agencies, including data definitions, data fields, data formats, samples of exported data, and hard copy examples of reports built from data. Building the data library will assist in the later development of indicators/measures.

Assemble Project Advisory Board

Establish an *Advisory Board* consisting of a cross-section of the indigent defense community, the criminal justice system, and other segments of the community as desired. The Advisory Board will assist in defining what the evaluation tool should measure and provide feedback on measures as they are developed. Their participation will help assure that we develop an evaluation tool that will be reliable and meaningful and that decisions based on its results will improve indigent defense services.

Secure Pilot Test Site Commitments

Before we implement our set of system measures statewide, we will want to pilot test them on one or more counties. The best scenario would be to test the system measures in two counties. Pilot testing in two disparate counties would allow us to evaluate results more effectively. We need to identify which counties will serve as pilot-test sites as early as possible as it would be advantageous to develop our system measures using data from these two counties.

Identify What We Will Measure: Define Success

The *Advisory Board* will hold a series of meetings to discuss and answer the question *what does a successful indigent defense system look like? What elements will our evaluation instrument measure?* The Advisory Board will convene once a month with interim homework to complete between meetings (readings, proposals, meeting materials, etc.) The work plan assumes the Advisory Board will need a minimum of six meetings approximately 3 hours long.

Exhibit A
System Measures:
Options for Scope of
Evaluation Tool

Community Measures

How well is IDS doing in meeting community goals. Ex.: justice, public safety, treating people fairly

Criminal Justice System Measures

How well is IDS doing in meeting Criminal Justice System Goals? Ex.: processing criminal cases, reducing jail overcrowding, public perceptions of justice, etc.

Indigent Defense Services Measures

How well is IDS doing in meeting IDS goals? Ex.: providing quality indigent defense representation, providing training to attorneys, etc.

Non-PD County Measures

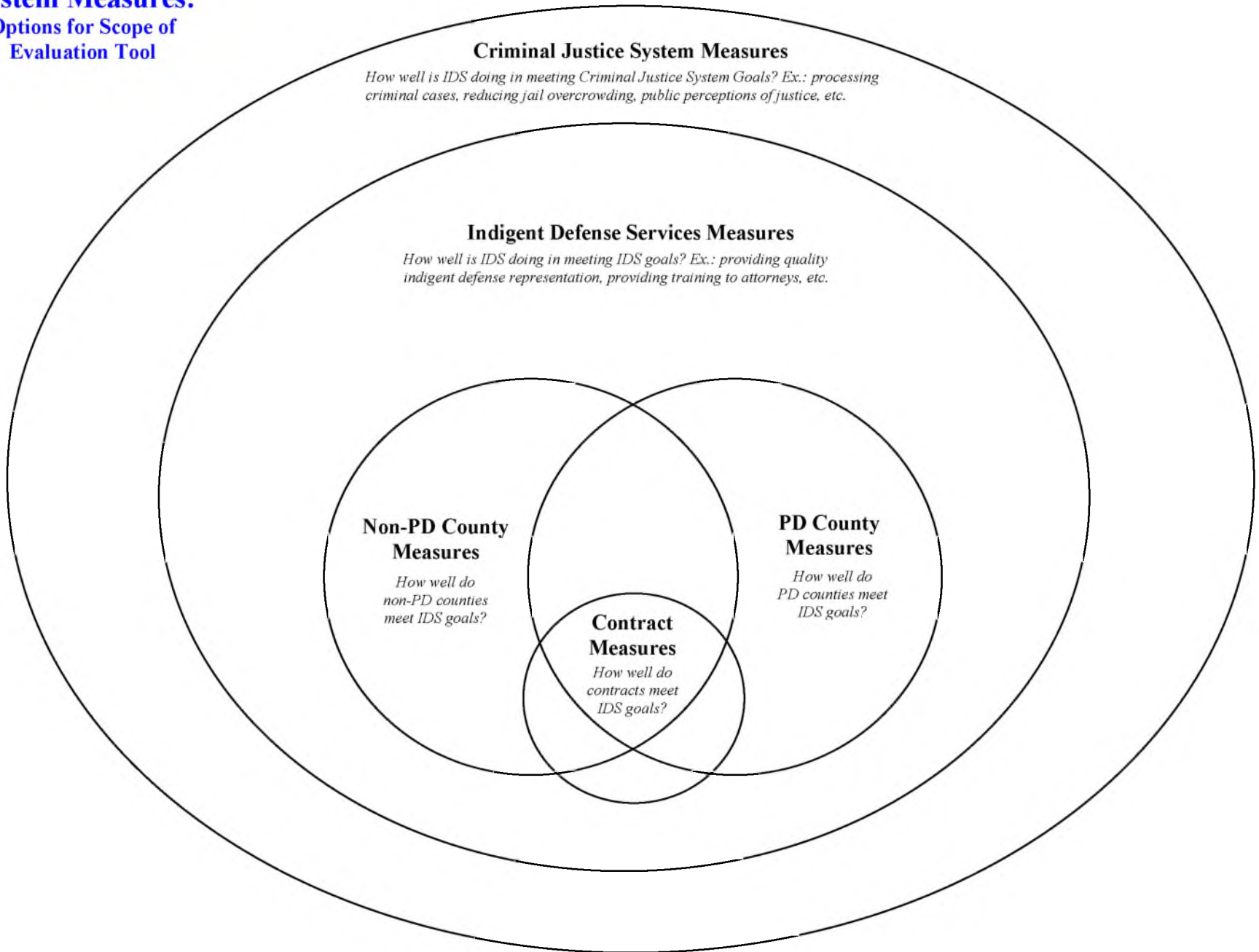
How well do non-PD counties meet IDS goals?

PD County Measures

How well do PD counties meet IDS goals?

Contract Measures

How well do contracts meet IDS goals?





Various National Conferences (optional)

(Conditional on Availability of Funds) Host one day conferences at strategic points to augment the project's development. Conferences would bring together indigent defense practitioners and criminal justice social scientists from around the nation to review project conclusions, proposals, and products. Conference participants would provide valuable feedback and suggestions for improvement.

Develop System Measures/Evaluation tool

IDS staff and any project partners will begin developing measures as soon as the Advisory Board begins identifying what the evaluation tool should measure and apply the measures to the pilot test sites. Measures that are developed will be brought back to the Advisory Board for feedback and to help maintain motivation and momentum.

The time it takes to develop these measures will depend on the availability of data and the ease with which it can be collected and analyzed.

Pilot Test Evaluation Tool

Before we implement our set of system measures statewide, we will want to pilot test them on one or more counties. The best scenario would be to test the system measures in two counties. Pilot testing in two disparate counties would allow us to evaluate results more effectively.

Independent Assessment of Evaluation Tool

Once the evaluation tool has significant substance, even if it is not completely finished, it should be tested. The evaluation tool will be a set of measures or survey results, etc. that, when taken together, give us a picture of how well indigent defense services are operating in a specific county or public defender's office. The evaluation tool will be pilot tested in two counties. To test the accuracy and reliability of the evaluation tool, we will conduct an on-the-ground assessment of the same two counties by sending in a team of experts to observe and research the operation of indigent defense services in these counties and then compare the results of the evaluation tool to those of the on-the-ground assessment.

Develop Implementation Strategy

Once we have a valid, reliable evaluation tool, we will need to identify data infrastructure needs and develop a statewide implementation plan.

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Public Presentation/ Report on Completed Evaluation Tool

Once we have a valid, reliable evaluation tool, we will make a public presentation or publish a report describing the evaluation tool and how we plan to use it.

IDS Commission Approval and Feedback

The Commission will be kept informed of the project's work plan and results and as we progress, we will obtain Commission approval at key points where appropriate.

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List of Potential Candidates for Focus Groups

Perspectives/Possible Candidates for Focus Groups

Type of Group	Representative Organizations/Entities	Justification
IDS	1. IDS Commissioners	Self-evident.
State Employed Attorneys and NC Prisoner Legal Services	Attorneys providing indigent defense services: 1. Public Defenders 2. Capital Defenders 3. Appellate Defenders 4. Special Counsel 5. CDPL Attorneys 6. NC Prisoner Legal Services (NCPLS)	These individuals provide indigent defense legal services. They both work in the system and shape it to a large extent. They have extensive knowledge about what it means to successfully provide quality defense representation.
Not State Employed Attorneys	Attorneys not working for IDS but providing defense services: 1. Retained Attorneys 2. Immigration Attorneys 3. PAC	Retained attorneys work in the court system but are not part of IDS. They see our operations daily but have a different perspective. Many of our clients have immigration issues and the way our system operates impacts their immigration status.
Clients	1. Former clients 2. Families of clients (former and current) 3. Families Against Mandatory Minimums (FAMM)	They are the persons most affected by the success or lack of success of the indigent defense system. Moreover, they may have a very different vision of success from an attorney. Clients can tell us the things attorneys do or don't do that make them feel like they are being treated with respect or disrespect.
Court System	District Court Judges (no clerks, etc.)	Judges will offer a court system perspective about how each of these courts function.
Court System	Superior Court Judges (no clerks, etc.)	Judges will offer a court system perspective about how each of these courts function.
Court System	Specialized Roles within the Court System: 1. Clerks: Chief; courtroom clerk; "file room" clerk 2. Bailiffs 3. Court reporters 4. Magistrates 5. Bondsmen	These individuals interact with defense counsel on a regular basis. They can offer information on what makes the justice system as a whole operate smoothly and what indigent defense should be doing to maintain efficient court functioning.
Court System	Specialized Roles within the Court System: 1. Pretrial Release 2. Sentencing Services 3. Alternative Dispute Resolution (ADR) org.'s AOC 4. Technical Support & Court management	These individuals interact with defense counsel on a regular basis. They can offer information on what makes the justice system as a whole operate smoothly and what indigent defense should be doing to maintain efficient court functioning. ADR organizations help to resolve cases through non-adversarial, least restrictive, and mutually acceptable settlements.

Perspectives/Possible Candidates for Focus Groups

Type of Group	Representative Organizations/Entities	Justification
Law Enforcement	State Law Enforcement 1. State Bureau of Investigation (SBI) 2. Highway Patrol 3. NC Dept. of Crime Control & Public Safety 4. Governor's Crime Commission	These individuals have an understanding of our clients and the community's perspectives. Traditionally, they have been viewed, and view us, as adversaries. Discussions can identify areas of agreement, build bridges, and find ways to work together to solve system problems or inefficiencies.
	Local Law Enforcement 1. Sheriff's, deputies, jailers 2. Police Departments: Chiefs; officers, jailors, warrant servers 3. Fraternal Order of Police 4. NC Coalition of Police (NCCOPS)	See above. They can also share information on how the different indigent service delivery options impact law enforcement resources. For example, having a PD offices in a county is said to reduce the demand for jail space and lower county costs.
	Federal Law Enforcement 1. FBI 2. ATF 3. INS 4. Dept. of the Treasury 5. Homeland Security	See above justification for State Law Enforcement. Many federal law enforcement agencies have contact with our clients and are often involved in state prosecutions.
	Voluntary Organizations 1. Fraternal Order of Police 2. NC Coalition of Police (NCCOPS) 3. Crime Watch	See above justification for State Law Enforcement.
Prosecution	State Prosecution: Attorney General 1. AG Managers 2. Line AAGs 3. Involuntary commitment prosecutors 4. Investigators (SBI?) 5. Victim/witness advocates	These individuals can provide state prosecution's perspective of what a successful indigent defense system should be doing. Additionally, they are in court and see good and bad defense every day, and they can share what they see with us.
	Local Prosecutorial Agencies 1. District Attorneys 2. ADAs 3. Involuntary commitment prosecutors 4. Investigators 5. Victim/witness advocates 6. Calendar Administrators	See above. Together we can identify areas of inefficiency and areas where we might improve court system efficiency, such as calendaring.
	Voluntary Organizations 1. NC Conference of DAs 2. DAGs 3. Involuntary commitment prosecutors 4. Investigators 5. Victim/witness advocates (MUST)	See above.

Perspectives/Possible Candidates for Focus Groups

Type of Group	Representative Organizations/Entities	Justification
Corrections	Institutions Housing Offenders 1. NC Dept. of Correction (Managers) 2. Prison: institution administrators; guards 3. Juvenile detention centers (DJJDP) 4. Youth development centers (DJJDP) 5. Eckerd Wilderness Camps (DJJDP) 6. Jail Administrators (Sheriffs) Get a rep. from a big jail	<p>We can ask them what they are doing for the people we send them. Are they getting people who they think should not be there? Are there things they would do that they cannot do because of resource constraints? What areas can we work on together to improve outcomes for our clients, etc.?</p> <p>They have information about the impact different indigent service delivery options have on correctional facilities and costs. For example, having PD offices in a county is said to reduce the demand for jail space.</p>
	Alternatives to Incarceration 1. Probation: State Director, "regular" and intensive officers 2. Parole Board, parole officers	<p>What types of individuals are we getting probation? Is probation a good thing even if all indications are that the client will fail? Are we setting the client up for bigger trouble in the near future?</p> <p>Also, when clients violate they become our clients once again. What kinds of things are clients being violated for? Are there alternate ways of dealing with violation issues that would be less costly than going back to the court system, which is a very expensive way to deal with the problem?</p> <p>What is their perspective on the best way to integrate former offenders back into the community?</p>
Victims' Assistance	1. NC Victim Assistance Network (VAN) 2. NC Council for Women and Domestic Violence Commission 3. Victims Compensation Services 4. Children's advocacy organizations 5. Restorative Justice Group in NC, Jennifer Thompson 6. MADD	<p>NC passed a victims statute, which created victims assistance programs in local and state prosecution offices. There has also been a victims-centered justice reform movement playing out throughout the country. The role of the victim in our criminal justice system is in a transitional period now. We need their perspective on criminal defense and also this is a chance to build bridges and potential allies. We both are interested in reducing crime and recidivism rates. Quality improvements to indigent defense often get lost because growing demand for services eats up any additional monies funding source can provide.</p> <p>These groups are active in criminal justice system reform and are potential allies. They have traditionally viewed us as adversaries. Building bridges with them and finding areas of agreement would be beneficial.</p>

Perspectives/Possible Candidates for Focus Groups

Type of Group	Representative Organizations/Entities	Justification
Faith-based Advocacy Groups	Faith-based Organizations who work on justice issues or with our clientele. Progressive (P), Moderate (M), Conservative (C) <ol style="list-style-type: none"> 1. NC Council of Churches: Crim. Justice comm. (P) 2. Interfaith Council (P) 3. Yoke Fellows (M) 4. Southern Baptist Convention (C) 5. Justice Fellowship (C) 6. Prison chaplains 7. Jewish community 8. Islamic community 9. Human Kindness Foundation 10. People of Faith Against the Death Penalty 	These organizations work with our clients. They understand our clients' and the community's broader needs, and are interested in reforming people and society.
Minority Advocacy Groups	<ol style="list-style-type: none"> 1. African-American: NAACP; Urban League 2. Hispanic: El Pueblo; Coalicion de Organizaciones Latino-Americanas (COLA) 3. Native American: NC Commission of Indian Affairs; Triangle Native American Society (TNAS) 4. Lesbian/Gay: Equality NC; Parents, Families & Friends of Lesbians and Gays (PFLAG) 5. Migrant worker: NC Justice and Community Development Center Migrant Legal Assistance Project 6. Hearing Impaired: DHHS – Div. of Services for the Deaf and the Hard of Hearing 7. Homeless: Homeless shelters 	These organizations work to ensure that society treats different groups fairly. The criminal justice system affects people at their most basic civil rights level.
Chief Justices		
Treatment	Treatment Centers/Programs <ol style="list-style-type: none"> 1. Substance Abuse: TROSA, AA, Division of Alcoholism and Chemical Dependency Programs (DACDP) 2. Mental health organizations: (DACDP), DHHS, DSS, State Hospitals 3. Sex Offender Treatment Programs/therapists 4. Alternative Sentencing Programs: Halfway houses 	Most of our clients share common problems that lead to offending: substance abuse problems, mental health problems, poor education, and past experiences with abuse. These individuals can provide information on how to effectively work with our clientele as well as options that are available to help solve their problems.
Business & Taxpayer	<ol style="list-style-type: none"> 1. Business Owners 2. Small Business Association 3. Chamber of Commerce 4. Self-Help Credit Union 5. NC Business Organization (lobbying) 	These individuals and groups are often affected by crime. They can be part of the solution regarding prisoners' reentry into society. They have fiscal expertise that they can apply to analyzing how cost-effectively the system runs (e.g., calendaring).
	Progressive (P), Moderate (M), Conservative (C) <ol style="list-style-type: none"> 1. Citizens 2. Common Sense Foundation (P) 3. John Locke Society (C) 	They have an interest not only in punishing criminals and reducing crime but also in converting would-be criminals into productive citizens instead of a continuing drain on tax dollars.

Perspectives/Possible Candidates for Focus Groups

Type of Group	Representative Organizations/Entities	Justification
Government Representatives	<ol style="list-style-type: none"> 1. Mayors 2. City Council 3. County commissioners 4. County Managers' Association 5. Legislators 6. Others? 	<p>They provide resources for the criminal justice system. They are accountable to taxpayers for the resources they give us or see themselves in competition with us for resources. We can find common ground with them, for example lowering county jail costs if there is a public defender in the county.</p>
Education/ Occupation Organizations	<ol style="list-style-type: none"> 1. NCAE 2. Principals 3. School boards 4. PTAs 5. NC Dept. of Public Instruction 6. Job Training & Placement 7. Vocational Rehabilitation 	<p>Poor education is a factor in criminal behavior. Educators have contact with our clients at early and impressionable stages in their lives. School policies have a significant impact on how juvenile delinquency is handled and are knowledgeable regarding what training or assistance is available to troubled teens. Vocational schools and other educational institutions are important to the issue of re-entry into society for offenders.</p>
Federal Justice System	<p>There is a parallel justice system at the Federal level with many of the same components that exist at the state level.</p>	<p>We are raising the issue for discussion. Is it important to obtain a federal perspective from some of or each of these components?</p>

Not Included in Groupings Above

Miscellaneous	<ol style="list-style-type: none"> 1. Press 2. Military bases: Brass, PR liaison 3. Other people with interest in improving system 	<p>Press: Main source of information for public about criminal justice system; they serve a "watchdog" function for government, including the courts.</p> <p>Military: military personnel are often our clients.</p>
Not included elsewhere	<ol style="list-style-type: none"> 1. DJJCP: Juvenile court counselors 2. DJJCP (Juvenile Probation) 3. NC Coalition Against the Death Penalty 	

Perspectives/Possible Candidates for Focus Groups

National Conference Rather Than Focus Group

<p>Innovative Criminal Defender Programs Around the Nation</p>	<ol style="list-style-type: none"> 1. Neighborhood Defender Service of Harlem 2. Public Defender of Washington, D.C. 3. Kentucky Public Defender 4. Georgia Justice Project 5. Others as identified 	<p>They have information on what works and doesn't work as well as alternate vision of what a successful indigent defense service looks like.</p>
<p>Criminal Justice Focused Institutions</p>	<ol style="list-style-type: none"> 1. Vera Institute 2. NLADA 3. NCAPD 4. NITA 5. DJJCP 6. ABA 7. National Institute of Justice 8. NCATL 9. NACDL 10. ACLU 11. Law Schools 	<p>Knowledge of and ideas about what a successful indigent defense system would look like and how we might get there.</p>
<p>Academics/ Research</p>	<ol style="list-style-type: none"> 1. IOG 2. Specific Academic Researchers 3. Norm Lefstein, Indianapolis School of Law 	<p>These individuals don't necessarily have knowledge of the criminal justice system, but can share their technical expertise to achieve project goals.</p>
	<p>Justice Reform</p> <ol style="list-style-type: none"> 1. Carolina Justice Policy Center (CJPC) 2. NC Coalition Against the Death Penalty 3. Spangenberg Group 4. Governor's Crime Commission 5. Innocence Commission 	<p>See above justification for Criminal Justice Focused Institutions.</p>

Appendix D: Work Group Template

IDS Indigent Defense Evaluation Model

Desired Outcome/Goal	Description or Breakdown	Justification Why This is Important	Potential Indicators or Item to Measure	Measures/Indicators of Criminal Justice System Benefits	Measures/Indicators of Community Benefits	Measures/Indicators of IDS Benefits

Appendix E: Work Group Results

Work Group 1: Recruit/Retain Best Qualified Attorneys

Desired Outcome/ Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/ Indicators of Criminal Justice System Benefits	Measures/ Indicators of Community Benefits	Measures/ Indicators of IDS Benefits
Recruit/ Retain Best Qualified Attorneys	Respect from all others in system	Poor people should have as good a lawyer as rich people	Lawyers actively pursue more training beyond required CLE (track CLE)	System does not function when it is one-sided	Less recidivism	Better receptivity by policy-makers to funding requests
	Pipeline from law schools	Poor lawyers waste time and money	Law schools funnel top grads to PDs or criminal clinic programs	More cost effectiveness	Fewer money required to build new jails and prisons	Better use of resources
	Adequate pay	Poor lawyers make system look bad	Turn-over rate in PD offices and on PAC lists	Less recidivism	More poor people being productive members of families and society	Increased status in legal community
	Incentives to stay in, other rewards than direct compensation	Poor lawyers allow innocents to be convicted	Percentage of practice devoted to indigent defense	No more jail or prison costs/time than necessary for public safety	Better respect from public for work of indigent criminal defense attorneys	Increased support for IDS among lawyers and judges
	PD offices: ways to reward good work + longevity	Poor lawyers deal out too many lives for too much time	Lawyers take increasingly complex cases over time	Client satisfaction		Less need to pay lawyers to “re-invent the wheel”
	Access to necessary support services		Number of specialty certifications	More efficient courts		Less need for micro-management and oversight (which are so difficult to do)
	Sense of mission		Client satisfaction			
	Less lone rangers and more collaboration with knowledgeable others					
	Reform calendaring to eliminate needless attorney wait time					

Work Group 2: Reducing Collateral Consequences

Desired Outcome/Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/ Indicators of Criminal Justice System Benefits	Measures/ Indicators of Community Benefits	Measures/ Indicators of IDS Benefits
Reducing Collateral Consequences	Unemployment Lost wages Deportation consequences Child custody Child care Medication (methadone) Public housing Fees for counsel Lost SSI/ disability payments Education Disenfranchisement Increased health risks Family's loss of income Stigma Family ties	Unintended consequences on individuals often exacerbate the social problems families and neighborhoods face, such as poverty, child supervision, etc. Impact on individuals Impact on communities Destruction of lives All may increase likelihood of recidivism Increase cost for state/county to provide services for loss of income of family or individual Fair and just society	Frequency of contacts in jail Compare: 1. Pretrial service records 2. Government databases 3. Voter lists Total jail time and percentage: 1. Arrest to arraignment 2. Arraignment to bail 3. Arraignment to disposition Percentage of felonies/misdemeanors Rates of substance abuse in jail Rates of health indicators in jail Health conditions (pre/post) Recidivism Surveys (clients) Probationary sentences Employment at time of arrest Number of children in residence Income level Source of income Assessment of substance use Loss of SSI Bail/ ROR Percentage of successful completion of release terms Mapping of location codes	Time spent per case Cost of incarceration Number of inmates	Food stamp payments Number of children living in poverty Unemployment rate	Efficient and effective organization

Work Group 3: Policy Makers View Indigent Defense Attorneys with Respect

Desired Outcome/Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/Indicators of Criminal Justice System Benefits	Measures/Indicators of Community Benefits	Measures/Indicators of IDS Benefits
<p>Policy Makers View Indigent Defense Attorneys with Respect</p> <p>(Legislators, Judges, DAs, Law Enforcement or Local Elected Officials)</p>	<p>Legislators: fund indigent defense adequately, attorneys paid well</p> <p>Demonstrated quality and cost-effectiveness</p> <p>Other players seek input from defenders in setting policy</p> <p>Respect engenders information-sharing across disciplines</p> <p>Quality of attorneys would improve if respected as a profession (valued work attracts quality individuals and helps improve quality overall)</p>	<p>If prosecutors view with respect, more willing to share information</p> <p>Respect improves quality, fairness, and justice for clients (better results)</p> <p>Lack of respect engenders unnecessary conflict</p> <p>Improves recruitment of qualified attorneys</p> <p>More effective representation of clients, e.g., when Judges disrespect attorneys, interferes with representation and sends bad message to others</p>	<p>Rate of pay (PAC and PDs)</p> <p>Long-term retention rates (hiring competition)</p> <p>Rate input sought from defenders when other actors make decisions</p>	<p>Percentage of criminal defense attorneys who take indigent cases</p> <p>Whether judges allow defense attorneys to make arguments, how long they listen, how long to rule (did they take time to read defense motions?)</p> <p>Receptiveness to suggestions and requests</p> <p>More favorable results for clients</p> <p>Measure client's respect for attorneys, which increases respect for system (client perceptions)</p> <p>Rate of discovery reviews granted/ Discovery rulings at trial level; discrepancy between defendant requests versus DA requests?</p>	<p>Increased community confidence in system</p> <p>Public education regarding criminal justice issues and rights of accused</p> <p>Tone of press coverage/ press bias or balance</p> <p>Educated public in tune with defense values</p>	<p>Increased funding</p> <p>Increased IDS role or input in systemic changes and other decisions</p>

Working Group 4: Building Collaborative Relationships vis-à-vis Policy Makers

Desired Outcome/ Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/ Indicators of Criminal Justice System Benefits	Measures/ Indicators of Community Benefits	Measures/ Indicators of IDS Benefits
Building Collaborative Relationships vis-à-vis Policy Makers	Work with state bar, legislature, and trial lawyers to affect potential legislation, such as better funding for indigent defense	<p>Increased funding is needed to allow for greater representation of clients.</p> <p>Explain why they should be advocates of indigent defense.</p> <p>Develop coalitions. Come to funders with collaborative advocates.</p>	Rise or fall in funding (per case or per attorney)	Where you stand in relation to surrounding states for funding	Public safety?	
	Raising consciousness in community about indigent defense. Bring a group together to talk about and recommend changes in indigent defense—Georgia did 26 public meetings	<p>Identify what will generate buy-in. Must have buy-in from different groups to get the legislators to hear the call for funding.</p> <p>Could establish Blue Ribbon Commissions to negotiate funding and other needed solutions.</p>	<p>Rise or fall in funding (per case or per attorney)</p> <p>Involvement of others working on funding levels</p>		Are there more offices/ representation in the communities?	Money to make system full-time in the state
	Juvenile court judges tend to keep kids in jail longer if they are black. Patton Adams (South Carolina) has met with judges to get their input on the system	<p>Find where the problems are perceived to be from others in the criminal justice system.</p> <p>What do clients need? Find service linkages.</p>				
	Less recidivism. Different delivery system					

Work Group 5: The Fact that a Defendant is Indigent Is Not a Predictor of Quality

Desired Outcome/ Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/Indicators of Criminal Justice System Benefits	Measures/ Indicators of Community Benefits	Measures/ Indicators of IDS Benefits
<p>The Fact That a Defendant Is Indigent Is Not a Predictor of Quality</p>	<p>Publicly paid defense counsel should provide legal representation that matches up to privately retained counsel</p> <p>Don't say best defense possible, zeal is too strong</p> <p>"Best products" of legal profession</p> <p>Problem with looking at results</p> <p>ABA performance standards</p>	<p>Quality of service you get should not depend on how much money you have</p> <p>Perception is that having a state appointed attorney means lower quality representation</p> <p>Results are better and/or appropriate for clients—they get what they deserve</p> <p>Part of democracy, that the public views it as fair</p> <p>Public confidence in system</p>	<p>Perceptions of:</p> <ol style="list-style-type: none"> 1. Judges 2. Clients 3. Public <p>Percent of each group who think appointed representation is equal or better than privately retained representation</p> <p>Empirical research on results</p> <p>Compare outcomes of publicly and privately retained counsel</p> <p>Level of service is one factor that has to be considered</p>	<p>Effective relationships with lawyers leads to more timely or better results</p> <p>Respect of system by client in further conversation</p> <p>Clients more willing to accept responsibility</p> <p>Increase in confidence levels by the offenders</p>		

Work Group 6: Indigent Defense Has Political Independence

Desired Outcome/Goal	Description or Breakdown	Justification Why This Is Important	Potential Indicators or Item to Measure	Measures/ Indicators of Criminal Justice System Benefits	Measures/ Indicators of Community Benefits	Measures/ Indicators of IDS Benefits
Political Independence	Selection	Qualification: merit rather than political appointment to ensure best service for clients	Percent selected by political entity	Efficiency in system from having qualified attorneys	Trust in system	Less meddling in IDS work
	Funding	Distribution of funding within state must be based on need. Therefore must be distributed by independent body (not affected by which legislators have power)	Who approves appointed counsel lists and appoints attorneys to cases Objective criteria and qualifications to determine appointment to lists	Fewer ineffectiveness of counsel appeals Savings in political entity time	Shorter jail sentences Overall savings due to better performance and less errors Improve safety	Greater effectiveness Impacts ability to affect policy
	Payment	Oversight/ approval for payment not done by courts, judges, or comptroller	Independence of commission oversight body Salary parity Standardized compensation	Overall savings due to better performance and less errors		
	Oversight	Equality means no influence over PDs Independent board or commission has oversight	Formula for who distributes funding to counties Indigent defense commission is independent and not made up of DAs, judges, etc.			
	Individual attorney	Must be free to make decisions in best interest of client (ethical attorney)	Commission has minority representatives as members Defense counsel cannot be fired at will			