STATE OF INDIANA

TO: Governor Mitch Daniels
State Budget Committee
Senate Appropriations Committee
House Ways and Means Committee

FROM: Larry A. Landis, Executive Director

DATE: October 15, 2012

RE: Transmittal Letter for FY 2013-2015
Fund 16780

A. MISSION STATEMENT

The mission of the Public Defender Council is to improve indigent defense services in Indiana. This mission is derived from I.C. 33-40-4-4, which provides that the Council shall:

(a) assist in the coordination of duties of the attorneys engaged in the defense of indigents at public expense;

(b) prepare manuals of procedure;

(c) assist in the preparation of trial briefs, forms and instructions;

(d) conduct research and studies of interest or value to all such attorneys; and

(e) maintain liaison contact with study commissions, organizations, and agencies of all branches of local, state and federal government that benefit criminal defense as part of the fair administration of justice in Indiana.

The Council seeks to achieve its mission and statutory mandate by: (1) providing training, publications, legal research, consultation on strategy and tactics, and expert witness referral; and (2) working with study commissions, bar associations, public officials, and the general assembly to improve the criminal justice system in Indiana.

The Council is a judicial branch agency created in 1977 by the General Assembly. The Council is governed by an eleven (11) person board of directors, ten of whom are elected by

the Council members. The Council membership consists of approximately 1200 public defenders, contractual pauper counsel, and attorneys regularly appointed to represent indigent defendants.

B. SUMMARY OF AGENCY'S CUSTOMERS, PRIMARY PROGRAMS, AND PROGRAM OBJECTIVES

1. Customers

Indigent defense services at trial and on direct appeal are provided through the counties by the 1200 attorney members of the Council. Approximately 900 of these attorneys are salaried or contractual employees of the counties. The other 300 are assigned counsel regularly appointed on a case-by-case basis. The Council is a state back-up or support center for these attorneys. The Council does not represent clients in litigation.

2. Accomplishments in FY 2011-12

In CY 2011, we achieved the following:
- conducted 18 training programs with 1467 attendees;
- produced 4 training manuals;
- produced 3 training pamphlets;
- produced 750 copies of the Indiana Criminal Code;
- produced 250 copies of the Indiana Rules of Evidence;
- produced 12 monthly newsletters;
- produced a quarterly CD with summaries of Indiana cases, manuals, and motions for 221 member subscribers and 58 county jails;
- responded to requests from members for legal research and consultation in 2300 non-capital cases and 104 requests for assistance in 10 capital cases;
- managed a website with 1256 member subscribers; and
- maintained the following listservs for our members
  - Defendnet - 578 members
  - Juvlaw - 195 members
  - Appealnet - 195 members
  - DNAdefense - 105 members
  - Lifeforce (capital cases) - 73 members
  - Chief Public Defenders - 34 members.

In addition, we performed our statutory mandate of maintaining liaison contact with study commissions, organizations, and agencies of all branches of local, state and federal government that benefits criminal defense as part of the fair administration of justice in Indiana, including the following:

- Indiana General Assembly
- Criminal Code Evaluation Commission
- Criminal Law sand Sentencing Policy Study Committee

- Department of Child Services Interim Study Committee
- Indiana State Council for Interstate Adult and Juvenile Supervision
- Indiana Criminal Justice Institute
- Board for the Coordination of Programs Serving Vulnerable Individuals
- Indiana State Bar, Criminal Justice Section
- Indianapolis Bar Association, Criminal Justice Section

3. Goals and Objectives for FY 2013-15

ACTIVITY	FY 2013		FY 2014	
TRAINING	#	Participants	#	Participants
Trial Skills (3 ½ days)	1	36	1	36
Appellate Practice Workshop (1 day)	1	150	1	150
One-day Seminars	6	ave. 150	6	ave. 150
Annual Update Seminar	1	450	1	450
Death Penalty (2 days)	1	120	0	
PD Office Administrator's Conference	1	25	1	25
Regional PD Office Training	4	ave. 20	4	ave. 20
PDIS Training Workshop (½ day)	3	10 each	3	10 each
PD Manager's Workshop (½ day)	1	20	1	20
WEB-BASED TRAINING				
Internet Live Interactive Webinars	2	20	2	20
Training Programs Taped and Archived for Web viewing on demand (1 hr. each)	4	40	4	40
PUBLICATIONS	**Number**		**Number**	
Manuals				
Trial Manual Update	1		0	
Pre-Trial Manual Update	0		1	
Evidence Manual Update	0		1	
Sentencing Manual Update	1		0	
Juvenile Manual Update	0		1	

Manuals - continued		
Death Penalty Manual Update	0	1
Expert Witness Directory	1	1
Motions	1	1
CHINS / Term. of Parental Rights	1	0
Appellate Practice Manual	0	1
Mental Health Manual	1	0
Pamphlets		
Confessions	1	0
Search & Seizure	1	1
Life Without Parole	0	1
About the DOC	1	0
Trial Objections Outline	0	1
Immigration Consequences of Criminal Convictions	0	1
Getting Funds for Experts	1	1
Performance Guidelines - Crim.	1	1
Performance Guidelines - Juv.	0	1
CD-ROM (Casebank, Manuals, Motions - CD updated quarterly)		
- member subscribers	221	221
- county jails	58	58
Booklets		
Criminal Code	750	750
Rules of Evidence	1000	250
Newsletter		
# of issues	50	50
# of copies distributed via e-mail	1200	1200
# of hard copy subscriptions	90	90
RESEARCH AND CONSULTATION		
Non-capital	2300	2300
Capital	100 in 10 cases	100 in 10 cases
LEXIS RESEARCH SERVICES		
# member subscribers	347	347

C.   REALLOCATION OF PERSONAL SERVICES FUNDING

None

D.   MAJOR CHALLENGES AND OPPORTUNITIES

None.

E.   REDUCED OR DISCONTINUED PROGRAMS

None

F.   EXPANDED OR NEW SERVICES BUDGET REQUEST

New Services - Priority 1: Public Defender Information System (PDIS)

Summary of Request:

Since 2008, the Indiana Public Defender Council (IPDC) has spent approximately $800,000 of grant funding from the Indiana Criminal Justice Agency on a custom development of a Public Defender Information System (PDIS). This request is for state funding for the completion of development and deployment of the Public Defender Information System (PDIS) in county public defender offices. By the beginning of FY 2013-14, we will have completed development and testing of approximately one half of the 281 functional requirements identified. With the additional state funding requested, we will be able by the end of this biennium period to complete the core build of PDIS and provide installation and training to any county that chooses to install PDIS.

PDIS is a state-of-the art system that when completed will be a comprehensive software application combining a Case Management System (CMS) and a Management Information System (MIS). The goal is to have a custom-built, web-based, standalone MIS and CMS, for use by county public defender offices and indigent defense attorneys that: (1) interfaces with Odyssey and other court case management systems; (2) allows attorneys and managers electronic access to case files; (3) provides public defender managers with data to oversee and improve the quality and cost-effectiveness of county indigent defense systems; (4) shares information electronically with other stakeholders in criminal justice system; and, (5) generates reports on the quality and cost effectiveness of indigent defense services for county public defender boards, county councils, and the Indiana Public Defender Commission.

PDIS will be owed and maintained by the Indiana Public Defender Council and made available to counties at no cost.

History of Development

In early 2008, the IPDC became aware of the problems presented to county public defender offices during the implementation of the Odyssey court management information system in Monroe County. When the new Odyssey system went live and the old court management system

was no longer available, the county public defender office lost electronic access to the court and case information. The Monroe County Public Defender Office was no longer able to electronically receive notification of new case assignments, access court data to open new case files, or generate attorney calendars.

At the request of several county public defender offices that were targeted for the installation of the Odyssey system, the IPDC initiated discussions with the Supreme Court's Judicial Automation Technology Committee (JTAC) to develop a bridge so public defender offices could access Odyssey. After several meetings with county public defenders, staff of IPDC and the Indiana Public Defender Commission, and representatives from JTAC, in the summer of 2008 a list of 218 functional requirements were identified, which were prioritized as "must have" and "nice to have". This list was later prioritized and vetted by a Public Defender Working Group established to provide input to the detailed requirements and system design going forward. The Working Group was comprised of a broad representation of users, e.g., full-time public defenders, private attorneys who provide public defense services on a part-time basis, and public defender office administrators.

In early 2009, work commenced on a prototype of a system originally called the "Public Defender Module." The first release of the PD Module was completed by IPDC and JTAC in 2010 and installed in three test counties: Monroe, Floyd and Shelby. The Working Group continued to identify additional requirements and concluded that public defender offices needed much more than a module to connect to Odyssey. In addition to expanding the list of functional requirements to 281, the Work Group concluded that what was needed was a robust case and information management system.

Thus, we decided to continue development of a standalone, public defender case management information system that would be capable of connecting with Odyssey and any other court information system in counties that choose not to install Odyssey. This recognition of a bigger need also prompted the need for a new name, the Public Defender Information System (PDIS). PDIS has been developed and maintained within extranet called INcite (Indiana Court Information Technology Extranet). INcite is a portal for access by PDIS to Odyssey.

Because PDIS is a standalone MIS and CMS, it is capable of interfacing with other court management systems in Indiana counties, e.g., Courtview, CSI, Maximus, etc. Thus, once PDIS is fully built, tested, and deployed in Odyssey counties, we will explore building bridges for connectivity to the other CMS systems used by counties that have chosen not to install Odyssey.

Currently, we are working with our Project Manager to identify bugs in the latest release and test the fixes that have been developed. Once the current release is ready for installation, we will begin development of additional requirements that have been prioritized by the Public Defender Working Group. The following are a sample of these additional requirements:

- time and expense tracking of attorneys and offices to enable managers and the county public defender boards to assess performance of attorneys and track indigent defense expenditures;
- new search functions ("sounds like" and "string matches");

- calendar enhancements (import and export appointments form PDIS to Google calendar and vice versus, with due dates visible on personal calendars);
- reports including: jail credit time report, cost per client report, jail visit reports, attorney time by activity report, assessed fees collected by case, and fee assessment analysis report; and
- customized reports for assessing attorney performance, such as, motions practice, bail reduction, number of hearings, length of case disposition, diversions, plea agreements, types of dispositions, sentences, etc.

Why PDIS is Necessary

There are no similar services or programs available to public defender offices in Indiana. Case management systems generally provide the following functions:

- tracking cases from filing through disposition;
- automatically creating court-generated documents;
- integrating calendaring and scheduling;
- electronic filing; and
- document management and tracking of paper files.

Public defenders and managers need electronic access to court information. The court management information system developed by JTAC, Odyssey, was not designed to provide access to public defender offices. Thus, even if public defender offices are granted authorization to access some of the information in Odyssey, the information cannot be integrated into a public defender management information system without typing in every bit of information. This is very labor intensive and cost prohibitive for public defender offices.

What is needed is a standalone management information system for public defender offices that will interface and download case information for use by public defenders and managers. When the installation of Odyssey began in 2008, it became obvious that not only was a public defender case management system desirable, but it was necessary for those counties that previously had electronic access to court information but would have no access to the information in the Odyssey system.

In addition, public defender services in Indiana are not subject to data based assessments for quality or cost-effectiveness primarily because of the absence of data. Without data there can be no objective measurement of public defender performance or office operational effectiveness.

PDIS is designed in response to these two problems. PDIS will enable public defenders to access information in the Odyssey court systems and will enable managers and others to oversee and evaluate the quality and cost-effectiveness of indigent defense services in a county.

With more than 1,200 public defenders and administrators throughout Indiana, public defenders need the ability to comply with statutory and administrative reporting requirements relating to the clients they serve. Several problem areas exist under the current public defender tracking

systems. Most rely on excel spreadsheets and/or paper calendar entries. Criminal justice stakeholders (courts, clerks, probation officers and public defenders) need to have the ability to electronically share court information and data.

PDIS is necessary because:

1. Odyssey was designed for courts and clerks and has no public defender component. Thus, when the Odyssey system is installed in a county, the public defender office does not have electronic access to vital data in Odyssey other than what is available through public access.
2. The lack of a PDIS system impedes the operational effectiveness of public defender offices.
3. Public defender managers will be able to review case files to evaluate quality and cost-effectiveness. The lack of a case management system (CMS) or a management information system (MIS) impairs the ability of a manager to collect and track individual attorney performance or monitor performance to intervene before a client is harmed by ineffective assistance of counsel.
4. The electronic collection of case data will enable public defender managers to generate reports, such as case duration, time spent on case, cost per type of case, plea offers, motions practice, case outcomes by attorney, etc.
5. Currently, there is no accurate statewide data on the quality or cost-effectiveness of indigent defense services. PDIS would capture this data for the first time in Indiana. The availability of this data would make it feasible for the Public Defender Commission to adopt standards for quality performance and use the data to assess compliance with the standards in determining eligibility for state reimbursement.
6. Without a case management information system it is virtually impossible to accurately or quickly determine whether an attorney or the public defender office has a conflict of interest that would require the appointment of another attorney or outside counsel.
7. Individual attorneys can more effectively manage their caseload if they have electronic access to the court information system to generate their calendar and create electronic case files.
8. Granting public defenders electronic access to Odyssey through INcite will enable public defenders to electronically exchange information with courts and prosecutors, including filing motions and exchanging discovery.

Need for Accountability and Transparency

Indigent defense is not a public service of choice. It is constitutionally mandated. The failure to provide adequate quality of defense representation can have severe consequences: convictions of guilty people get reversed, and innocent people get convicted.

By statute and case law, Indiana counties have the autonomy to determine the type of indigent defense delivery system: public defender office, contract, or assigned counsel. The 92 counties collectively spend approximately $80 million on indigent defense services, of which $20 million is reimbursed by the state through the Indiana Public Defender Commission. Yet, there is no

data available from which an assessment can be made of the quality or cost-effectiveness of these vital services other than a review of individual case files.

None of the 92 counties in Indiana has a public defender Case Management System (CMS) or a Management Information System (MIS). Although 50 counties quarterly report to the Public Defender Commission the number of cases assigned to each attorney and the county expenditures for indigent defense services, there is no systematic collection of data to assess the quality and cost-effectiveness of indigent defense services.

Once completed, PDIS will provide a framework for electronic case management, performance management, and a uniform data-driven system for measuring the quality and cost-effectiveness of these constitutionally mandated services provided at public expense. Below is a summary of the funding request to complete the development of PDIS and an estimate of the annual cost to maintain PDIS and provide the necessary training and help desk support.

Summary of Funding Request

FY 2013-14		FY 2013-14
Phase/Activity	**Total**	**Notes/Assumptions**
Development/Core Build	$ 403,200	$33,600/mo for 2 FT developers @ $105/hr for 160hrs/mo each to finish core build
Project Management / Testing / Design	201,600	Assumes 50% of development for PM, analysis, design, testing
Hosting	36,000	Assumes IOT hosting for IPDC for 3 environments - estimate
Help Desk/Training	78,000	Assumes 1 State FTE with FBs @ $60,000
Training Program Development	75,000	Assuming $50,000 to develop and implement a training program
Ongoing Maintenance	50,400	Assumes 40 hrs/mo @ $105/hr
Total	**$ 844,200**	

FY 2014-15		FY 2014-15
Phase/Activity	**Total**	**Notes/Assumptions**
Development/Core Build	$ 201,600	$33,600/mo for 1 FT developer @ $105/hr for 160hrs/mo each to finish core build.
Project Management / Testing / Design	100,800	Assumes 50% of development for PM, analysis, design, testing
Hosting	36,000	Assumes IOT hosting for IPDC for 3 environments - estimate
Help Desk/Training	156,000	Assumes 2 State FTEs with FBs @ $60,000
Ongoing Maintenance	50,400	Assumes 40 hrs/mo @ $105/hr
Total	**$ 544,800**	

FY 2015-16		FY 2015-16
Phase/Activity	**Total**	**Notes/Assumptions**
Ongoing System Maintenance	$ 117,000	Assume 1 State FTE with FBs @ 90,000
Project Management/Testing/Design	58,500	Assumes 50% of development for PM, analysis, design, testing
Hosting	36,000	Assumes IOT hosting for IPDC for 3 environments - estimate
Help Desk/Training	156,000	Assumes 3 State FTE with FBs @ $60,000
Total	**$ 367,500**	

FY 2016-17		FY 2016-17
Phase/Activity	**Total**	**Notes/Assumptions**
Ongoing System Maintenance	$ 117,000	Assume 1 State FTE with FBs @ 90,000
Project Management/Testing/Design	58,500	Assumes 50% of development for PM, analysis, design, testing
Hosting	36,000	Assumes IOT hosting for IPDC for 3 environments - estimate
Help Desk/Training	156,000	Assumes 3 State FTE with FBs @ $60,000
Total	**$ 367,500**	

New Services - Priority 2: New Position of Training Director:

The Council is in need of a full-time salaried training director position. This person would be responsible for designing and managing the Council's training programs. The duties and responsibilities would include:

- Design and conduct an average of 12 state-wide training programs per year;
- Assist county public defender offices in designing and conducting county training programs;
- Develop and supervise a mentor training program for new public defenders; and
- Write and distribute a weekly training bulletin summarizing recent appellate cases, court rules, and legislation.

The requirements for this new position include: (1) a law degree from an accredited law school; (2) admission to the bar of the State of Indiana; (3) experience representing indigent defendants in the criminal or juvenile justice system; (4) experience in designing and conducting training programs; (5) outstanding verbal and written communications skills; and (6) the ability to work successfully as a member of a team.

We anticipate the starting salary for this position will be $85,000. The amount requested each year for this position is $110,024, which includes fringe benefits.

Attachment A is a list of the training programs conducted by the Council in the past three years and the proposed training calendar for CY 2013-14 approved by the Council's Board of Directors on September 29, 2012.

Larry A Landis, Executive Director