



Louisiana Public Defender Board Report of the Interim State Public Defender

To: The Board
Date: September 3, 2014

BUDGET DIVISION

Since the last Board Meeting on May 12, 2014, LPDB staff was able to make a final budget scrub. In accordance with the Budget Committee recommendation, we made a final FY 14 distribution of \$408,439 in supplemental DAF funds.

LPDB received the official Letter of Appropriation from the State's Office of Planning and Budget for FY 15 on July 2, 2014. Our total budget for FY 15 is \$33,821,218. This compares to the FY 14 final budget of \$33,612,948 as of June 30, 2014. The budget was loaded into the State's financial system on July 15, 2014. Prior to the budget being loaded, the DAF vouchers were presented to the Division of Administration's Office of Finance and Support Services. We were advised by Office of Finance and Support that funds were sent on July 18, 2014 to the Districts for the initial FY15 DAF disbursement. We have distributed one-half of the annual budget for DAF with the exception of District 41, which received one-twelfth of its annual projected distribution. The initial FY 15 CINC disbursement will be distributed once the board has voted and approved the proposed disbursement amounts.

LPDB is in receipt of a Byrne Jag grant (LCLE) in the amount of \$104,579. The grant period is from April 1, 2014 through March 31, 2015. To date, all grant activities including timely and accurate submission of monthly billing have been completed.

Our grant-funded auditor, Mrs. Corlis Green, has completed field reviews and reports of District 29 (St. Charles Parish). She has begun the review of District 16 (Iberia, St. Martin, St. Mary) with the exit conference scheduled for September 4, 2014. Ms. Green is on target to complete eight district reviews by March 31, 2015. Between reviews, she will be preparing a Financial Management Handbook for use by the district offices. Also, she will review and evaluate monthly financial reports from the 42 District Public Defender offices.

The Budget Division has completed the LaPAS 4th Quarter Reporting, which is based upon the LPDB performance indicators.

INFORMATION TECHNOLOGY & MANAGEMENT DIVISION

INFORMATION MANAGEMENT

DA Parity Research: In order to gather information regarding amenities received by DAs and expense-sharing practices within districts, the ITM staff developed and distributed a DA amenities survey to districts. Staff compiled results and created corresponding graphics.

Act 578 Shortfall Study: Staff also created a survey and made follow-up phone calls regarding districts' self-identified reasons for failure of Act 578 revenues to meet the expectations of the statute in their district. In a nutshell, the reasons offered by participating districts with low revenues were *reduced police activity* (for a variety of reasons) and *increased DA diversions*. The report was produced in the form of a heat-map.

Fund Balance Depletion Study: The ITM division completed a district Fund Balance Depletion study by creating a document that shows district statewide expenditures, revenues and estimated fund balance depletions from calendar year 2010 to 2013.

Statewide Regional Conflict Panel Proposal: ITM Office developed a rough draft of a Regional conflict office plan, with accompanying analysis and heat-map which might save as much as \$1.8M annually.

Training Documents: In collaboration with the Office of Juvenile Trial-level Compliance. ITM Staff also produced many analyses and graphics for the August Board Training document "Unequal Justice" as well as numerous graphics and tutorials for the Budget Committee training in July.

Solvency Projections and Year End "Scour" funding: ITM staff completed district solvency projections, and analyzed the DAF FY15 solvency status after adjustment formula, DAF FY16 and FY17 adjusted and unadjusted insolvency dates. ITM staff assisted in the budget scrub disbursement dollar amount.

Department of Corrections cases count study: ITM staff created a flag on the database to count every new Juvenile or Criminal Case from the past three months that involves an incident (allegedly) caused by a client while currently in legal custody of DOC/OJJ, per direction from the Board. Staff created tutorials, as well as an automatic pop up reminders for users to identify appropriate cases for subsequent analysis. The 3-month tracking will end the beginning of September and staff will compile results soon.

TECHNOLOGY MANAGEMENT

Automated District Budget Submission Software: **Cost-savings from this software in the first year was \$10,200** (based on the value of the time saved in labor; for LPDB staff \$2,700 and \$7,500 in the 42 districts). The software provides a self-calculating "scratch pad" for districts to produce pro forma budgets well in advance of the official June Budget Request. Software will

not allow submission of the Pro Forma Budget until fully balanced, but does allow balanced Pro Forma data to be copied directly into the June Budget Request with great labor savings. Cost of the software development was less than \$3,500. Cost-savings for all subsequent years of software use estimated at \$10,200 plus COLA (if any).

Time-Keeping Software: The ITM division created a mockup software application to improve attorney timekeeping on the database which will be used as a basis for the timekeeping database feature for a proposed time-keeping study for case-weighting.

Fee Data Security Feature: The ITM division implemented a new database security permission group called “Fee Edit” which carefully controls the ability of users to edit the “fee” tab of a case. The district management now has the ability to allow or prohibit users’ access to editing fees data (paid, unpaid, amounts, etc.) to increase oversight and accountability.

JUVENILE DIVISION

Since May 12, 2014, the Juvenile Division has been active in a variety of arenas. On May 14-16, 2014, we held our annual Juvenile Defender Training. Sixty-four defenders attended training this year where they were trained on Interviewing & Counseling the Youth Client, Juvenile Adjudicative Competency, Defending Drug Cases, Story Telling As Advocacy, Doing More Without More, Keeping Children Connected to Their Parents and Biological Families, Communicating with Clients With Intellectual Disability, and Client Centered Representation: Building Rapport and Relationships with Every Client. Both formal and informal feedback was generally positive. JDT is expected to move to its usual January schedule for 2015 and the Juvenile Division is currently planning that event.

Deputy Public Defender-Director of Juvenile Defender Services Richard Pittman attended the Models for Change Cross Action Network Meeting to discuss ways to make recent advancement and reform in juvenile justice permanent.

Mr. Pittman has been active in promoting cross-disciplinary training in the child welfare field by being on the Pelican Center Training Committee Workgroup, which has held two meetings since the last Board Meeting. The Pelican Center is emphasizing quality representation as a means to reduce the number of children in foster care.

The Juvenile Division completed the first site visit using the new comprehensive site visit protocol. Mr. Pittman and Juvenile Justice Compliance Officer Tiffany Simpson went on two occasions to the 29th district as part of the site visit. Mr. Pittman and Dr. Simpson observed court on June 10, 2014 and interviewed staff and contract attorneys as well as District Defender Vic Bradley on July 14, 2014. The Juvenile Division team were quite impressed with the services that are provided to clients in the 29th district, recommending approval of Vic Bradley’s raise request.

On June 11, 2014, Mr. Pittman delivered an address on avoiding child sex trafficking to a group of foster children in the New Orleans Metro Area. The meeting was organized by Devan Peterson, a former foster child and member of the Children’s Justice Act Committee.

On June 13-14, 2014, Mr. Pittman attended the Southern Juvenile Defender Summit in Tupelo, Mississippi, which was attended by juvenile defenders from Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina. Training topics included Post-Dispositional Representation, Dealing with Difference, and Reaching Rural Areas.

On June 16, 2014, the Juvenile Division held a meeting of the Juvenile Defender Advisory Council in Lafayette. The Council discussed the future of training, the importance of preserving a record for appeal, and other topics relevant to juvenile defense. Defenders attended from around the state.

Mr. Pittman has observed juvenile court in numerous jurisdictions since the last Board Meeting. On June 18, 2014, he watched delinquency proceedings in Houma City Court and met with court personnel. On June 30, he observed proceedings in Orleans Juvenile Court, where delinquency and FINS defense is handled by the Louisiana Center for Children's Rights. On July 16, 2014, Mr. Pittman went to the 12th District and observed delinquency and CINC proceedings in Marksville. On July 18, 2014, he Pittman observed delinquency proceedings in New Roads in the 18th District and on August 28, 2014, observed delinquency proceedings in Belle Chasse in the 25th District.

On July 24-26, Mr. Pittman attended Juvenile Training Immersion Program (JTIP) certification training in Chicago, Illinois. JTIP is a 40-module comprehensive training program for juvenile defenders that covers a broad array of topics, including cultural competence, adolescent development and communication, case planning, trial skills, motions practice, multi-systemic advocacy, and collateral consequences. LPDB plans to incorporate this training program into its future Juvenile Defender Training programs

On August 29, 2014, the Juvenile Division conducted its first-ever Juvenile Regional Training in Lafayette. The curriculum was designed for new or infrequent juvenile defenders to get basic training. Twelve trainees attended and were trained on Juvenile Procedure, The Role of the Juvenile Defender (a JTIP session), and Key Differences between Adult and Juvenile Law. Future sessions are planned for Natchitoches and Laplace later in the year.

The Juvenile Division continues to maintain and monitor a list serve for juvenile and parent attorneys to share ideas and request for support. Since May 12, 2014, there have been 147 posts to the list serve.

In addition to the above mentioned activities, Dr. Simpson has also worked on the development of policy initiatives, presentations, and outreach materials that will be used in the upcoming year as LPDB attempts to avoid the public defense system's projected fiscal crisis

TRAINING DIVISION

This year's annual Defender Training Institute will be held on September 6-11, 2014 in Woodworth, Louisiana near Alexandria. This is a change from the past when DTI was held in Baton Rouge. This change will be much more cost effective and also offer a more central location for districts to send attendees. We are also covering the housing costs of attendees to

encourage more districts to participate. There are over 30 students attending the training and we have nationally recognized faculty from across Louisiana and the United States in attendance.

The Training Division has contributed to the Train the Trainers program organized by Judge Wicker of the 29th Judicial District. Our training preparation on La.C.Cr.P. 890.1 will be the model presentation for Judges, District Attorneys, and defense lawyers.

The Training Division is working with the Capital Case Coordinator on the annual Capital Defender Training set for October 22-24, 2014, in New Orleans, and on completing the schedule for the rest of the year and next year, including adding more regional trainings and coordinating with district offices on training needs.

STATE PUBLIC DEFENDER

The fiscal crisis facing the public defense system in Louisiana was foreseen years ago. Since assuming the position of State Public Defender, it has been my goal to address the issue with the urgency it requires. To that end, the staff has used our database to illustrate and illuminate the challenges we face in the near future. We have determined that as many as 22 districts will be in restriction of services by the end of June 2016. We have tracked the depletion of the district fund balances over the past five years. We have also documented state-wide revenues and expenses to show the system is not adequately funded. Finally, we showed the effects of Act 578, which increased the amount of funds provided to the district offices from \$35 to \$45 per ticket or criminal conviction. While this legislation was seen as a solution to our financial problems, it has not resulted in a significant increase in funding to our local district offices. We used the work product of these various studies in the Board Training on August 21 and 22, 2014. The staff viewed the Board Training as a success and hope it provided the Board with the data and tools needed to address our funding problems.

On the staffing front, Natasha Carter has assumed the position of Budget Officer. This promotion from the position of accountant provides a stability and familiarity with the budgetary system we use. She has been working long hours to ensure all budgetary matters are covered. We have also hired a new Training Director, William Boggs. Mr. Boggs was largely responsible for establishing the training system presently used in the New Orleans PDO. Additionally, Mr. Boggs brings experience in Capital litigation which will be extremely helpful in developing training for our capital attorneys. The position of General Counsel has been filled by Barbara Baier. Ms. Baier comes to us from the Louisiana Department of Treasury where she was legal counsel in the department. Her duties in the Treasury were broad and provide a good foundation for her work here with the Board. We would also like to congratulate Dr. Tiffany Simpson, who has been named our new Director of Legislative Affairs. With the experience she obtained from working in Governor Jindal's office, she has been indispensable in our dealings with the legislature. Dr. Simpson will be a vital component in our outreach program in our effort to address our funding crisis. Finally, we have hired a new Payroll Administrator, Aliseia Williams.

There have been a number of trainings of late. First, there was the full Juvenile Defender Training held in May with 64 attendees. We also had a regional juvenile training in Lafayette on August 29, 2014. Preparations are ongoing for both the Defender Training Institute and the Capital Defender Training Seminars set for September and October, respectively.