

# Toolkit

## Building In-House Research Capacity

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National Legal Aid & Defender Association (NLADA)  
North Carolina Office of Indigent Defense Services (NCIDS)



**NLADA**

National Legal Aid &  
Defender Association

National Legal Aid and Defender Association

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# Toolkit Components

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# About Justice Standards, Evaluation and Research Initiative (JSERI)

The National Legal Aid & Defender Association (NLADA) and the North Carolina Office of Indigent Defense Services (NCIDS) are partnering in a new project to help expand the research capacity of the public defense community. The project is part of NLADA's Justice Standards, Evaluation and Research Initiative (JSERI).

The National Legal Aid & Defender Association (NLADA), founded in 1911, is America's oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel. For 100 years, NLADA has pioneered access to justice, groundbreaking legislation, and the creation of critical institutions from the Sentencing Project to the Legal Services Corporation. In partnership with the U.S. Department of Justice and the Ford Foundation, NLADA played a leadership role in expanding the nation's public defense system in the wake of the landmark *Gideon vs. Wainwright* Supreme Court case. A leader in the development of national standards for the delivery of public defense services and performance guidelines for defense attorneys, NLADA provides advocacy, training and technical assistance to indigent defense programs across the country.

The North Carolina Office of Indigent Defense Services (NCIDS) is one of the few indigent defense agencies in the country with a research department. For the last decade, the NCIDS Office and 13 member IDS Commission have had continual access to research and data analysis to help inform policy decisions and allocate resources, refute rumors and inaccuracies, and to advocate for adequate funding and system reform based on facts, rather than anecdotes.

Together, NLADA and NCIDS have re-focused JSERI to address a problem endemic to public defense communities and the people they serve nationwide: the inability to conduct effective research-based evaluations that measure outcomes, assess system performance, and inform practice. With limited resources, public defense providers are committed to providing zealous and high-quality representation,

and their leaders advocate for criminal justice systems that are fair and equitable. Experientially, attorneys, social workers, investigators, and other staff know the difference they make on the lives of people and communities. However, it is difficult to effectively advocate in the budgetary and policy arenas when there is little or no data about our systems or their impact on important outcomes. Our inability to measure client outcomes and assess system performance makes it difficult, if not impossible, for the defense community to quantify the social and economic benefits of a high-quality, well-resourced public defense system.

This year marked the 50th anniversary of the U.S. Supreme Court decision in *Gideon v. Wainwright*, constitutionally guaranteeing the right to counsel as a fundamental and essential component of a fair criminal justice system. Yet, the right to counsel in the United States is in a perpetual state of crisis. It is time for our community to embrace and utilize data and research to fuel our efforts to advocate for adequate resources, system improvements, and for criminal justice policies that are rational, just, and do not create rippling individual and social harm. Without accurate, verifiable, objective data, decision-makers and the public are left to continue to form attitudes and policy based solely on narratives driven by fear and inertia.

JSERI is dedicated to changing this landscape. Through the development of tools, resources, training, shared technology, and assisting in research projects in a small number of pilot sites, JSERI will work to build the capacity of public defense agencies across the country to conduct research and data analysis in-house.

As part of JSERI, the NLADA has established the national Research & Data Analysis Advisory Committee (RDA) to facilitate and inform the work of this initiative. The RDA consists of defenders, researchers, policy experts and others who support the creation of a strong foundation for indigent defense research.<sup>1</sup>

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1 See Appendix B for a list of RDA members

# Introduction

Defender leaders need empirical data for planning, managing, and advocating effectively for indigent defense funding and for criminal justice system policies that make sense. Defender practitioners need to know how empirical data strengthens their advocacy for individual clients.

Evidence-based criminal justice reform has taken hold at the local and national level and public defense practitioners need to embrace this practice in order to more effectively advocate for their clients. The goal the Justice Standards, Evaluation and Research Initiative is to: 1) expand the will and capacity of the indigent defense community to embrace and utilize data, research and analysis, 2) fuel evidence-based and research-driven approaches, 3) increase resources for public defense nationally, and 4) promote sound criminal justice and public defense policies.

This is the first in a series of Toolkits to be developed by JSERI for defender organizations. Each JSERI Toolkit will contain the information and tools needed to help defender organizations replicate a research project or initiative successfully implemented elsewhere in the nation. Toolkits will contain such items as:

- Background information
- Budgets
- Work Plans
- Simple “How-To” instructions written for non-researchers
- Templates
- Example products
- Access to download technology products, such as import utilities, software, or smart-device applications
- Examples of success stories
- Advocacy tools

“Access to data and to professionals who are skilled at understanding and analyzing that data, are essential components of administering a successful indigent defense system.”  
-Danielle M. Carman, Office of Indigent Defense Services, Assistant Director/General Counsel, North Carolina

## Building In-House Research Capacity

This JSERI Toolkit provides defenders with the tools to advocate for and to set up in-house research positions. One of the main obstacles to having a research function within indigent defense agencies is the lack of trained research personnel on staff to set up data-collection infrastructures and implement data driven reform and policy analysis. This Toolkit contains information to help defender leaders move forward with creating a research function within their office.

This toolkit will not address what it means to conduct research, how to collect mineable data or how to analyze the data you collect. **The Research Capacity toolkit provides defender leaders with an outline of the information and tools needed to advocate for and set up in-house research positions at public defense agencies/programs.** The research capacity toolkit helps defender leaders develop a framework to hire an in-house researcher and provides offices with the information they need to either hire a researcher or to advocate for funds needed to hire a researcher and/or equipment needed to conduct research. While in-house research capacity is ideal, we recognize that not all offices may be able to develop such capacity due to size, funding or limitations or other constraints. Accordingly, the toolkit also contains a section that gives guidance on developing research capacity through collaboration with external partnerships.

## What Can a Researcher Do for Me?

A researcher can provide a defender office with data and analysis that will allow defender leaders to more effectively evaluate the efficiency and quality of their services, advocate for appropriate funding, and make data driven policy decisions.<sup>2</sup> The data collected and analyzed by the researcher can:

- Provide data and information on indigent defense services costs, caseloads, workloads, and operations.
- Provide data and information to assist in policy and budget decisions.
- Provide information to advocate for adequate funding and criminal justice reform.
- Perform program evaluation and cost-benefit analyses.
- Provide information and data to improve performance of staff members towards stated objectives.
- Respond to legislative requests for information and analyses.
- Respond to information requests from other court system actors and the public.
- Conduct analysis of court operations affecting clients, to better understand trends and identify office-wide or systemic issues.
- Respond to reported inaccuracies and misperceptions within the court system and/or the media.
- Identify the data needed to meet organizational goals and responsibilities.

“Researchers are an essential component of the defense team... which has the goal of ensuring that the State of New York does not fail to honor the simple and non-negotiable goal of providing an effective and uniform quality of representation to all persons, anywhere in the state, who have the legal right to an attorney yet cannot afford to hire one.”  
-William J. Leahy, Director, Office of Indigent Legal Services.  
New York

## Collaborations with External Researchers

Defender offices that do not have the resources to hire an in-house researcher may still achieve the same objectives by collaborating with external researchers. Collaboration with universities and/or external researchers can provide you with low cost research from experts who have access to many of the research tools that are necessary to evaluate your program and develop reports that fit your needs.

A survey conducted in 2010 revealed that a third of the police departments in the United States had engaged in a partnership with an external researcher within the prior five years.<sup>3</sup> No comparison data exist for defenders, though such partnerships are rare in public defense. This is regrettable, since researcher-practitioner partnerships can bring benefits to both parties, and are especially advantageous for providers without the resources to conduct research in-house. The good news is that the information contained in this toolkit – along with the other work of JSERI – can help expand these partnerships.

### The Basics of Forming a Researcher – Defender Partnership

Being aware of certain common pitfalls might help prevent you from embarking on a project flawed by miscommunications, divergent expectations, or disagreement over how the findings should be interpreted. Initially, you will want to consider what it is you want to know – the effectiveness of a new program? The impact of defenders on pre-trial release rates? Cost-savings resulting from post-sentencing advocacy? These questions may seem simple, but they are often overlooked for analysis because they are accepted as something defenders “already know.” However, to translate what we intuitively believe into something tangible to relate to other stakeholders, these questions can be turned into research questions that test our assumptions and beliefs.

<sup>2</sup> See Appendix A (success stories) for examples of what a researcher can do to assist in evaluation and advocacy.

<sup>3</sup> Rojek, Smith & Alpert (2012), ‘The Prevalence and Characteristics of Police Practitioner-Researcher Partnerships,’ *Police Quarterly*, 15(3), pp.241-261.

Research partnerships are founded upon trust and shared understandings, and, at the very least, you may wish to consider the following five tips for successful partnerships.

**1** ***Is the research going to be funded?*** Some researchers will expect to be paid directly and you will need to think about how they are going to be reimbursed for their time, expertise and expenses. A lack of funding need not prevent a successful partnership. Researcher-practitioner partnerships can be a mutually beneficial exchange where you gain expertise and the researcher gains access to data. For researchers with a personal or professional interest in examining defender data it may be that you can get certain work done free or inexpensively in exchange for access, an understanding they can publish their findings, or the promise of future collaborations. Some may also be willing to devote personnel (in the form of student research assistants) to the project. You should be aware, however, that such arrangements may affect your ability to define the parameters of their project and the dissemination of the findings – about which more is said below.

“We enlisted NACDL and NLADA assistance to litigate the caseload issue, and because of the depth of our caseload data we were able to succeed in obtaining significantly more funding for the system.”  
-Dana P. Hlavac, JD CPM,  
Former Deputy Mohave County Manger,  
Arizona

**2** ***What are the questions you are addressing?*** You need to talk to any prospective research partner about exactly what question it is that you’re trying to answer, because this will define all the work they do. This can be quite a productive process: you may realize the researcher has thought about your issue in ways that haven’t occurred to you, or that their interests are different from and incompatible with yours, in which case you can end the relationship. More practically, the question you settle on will define implicitly the kinds of data and analysis that are needed to provide the answer, and therefore whether and in what form the research is feasible. Above all, make sure your research is indeed focused around a specific, empirical question such as ‘Is this program working to reduce incarceration?’ or ‘When are our clients happiest with the service we provide?’ Simply saying you are ‘researching defender quality’ or ‘researching case outcomes’ isn’t specific enough to assure that you are focused on the same objectives.

**3** ***How will the researchers access data?*** Getting data into a usable form can be very complex; however until you have done so, no analysis can take place, and no questions can be answered. If you are obtaining data from other sources – perhaps courts or jails – be aware that getting outside data and linking it to whatever you have in-house (probably a case management system) will take much more time than you expect. You may need to follow a bureaucratic process to get it, and once obtained you may also find that almost all databases have errors and they have to be cleaned extensively. Your researcher will need to do a lot of work on a case-by-case basis (much as you did when you were defending your clients) to get the data in order. To the extent, you are able to provide them with data already ‘canned’ – that is, a dataset that is already in existence which they can simply analyze – you can save a lot of time.

**4** ***How will client confidentiality be assured?*** This is critical because researchers are likely to have access to client records with information that might compromise your clients, either in their cases or in some other way. Thankfully there are many ways to assure this – the principal of which is to delete any information from the dataset that could be used to identify individual clients. It is very rare indeed that researchers actually need to know your client’s name or social security number in order to undertake their analyses. They may need this information in the course of building a dataset – for example, if they need to look up every client’s criminal record, they will likely need identifying information about them. But once the data are ready for analysis it is extremely rare that client identities are needed, and it is an established point of best practice to delete any identifying information leaving only the “de-identified” data in the possession of the researchers. Most academic researchers will be required to

do this anyway by the 'Institutional Review Board' of their institution – the body charged with upholding research ethics. If for some sound, analytically relevant reason you cannot delete this information from the dataset, you should consider what protections you have should the data be subpoenaed directly from the researchers. (Sometimes, data need not be handed over even in these situations.)

**5** **What is the final work product?** You will likely be interested in a written report from your research partner that digests the findings of the analysis and offers guidance on actions you could take. But bear in mind that academics often want to publish their findings in law journals or peer-reviewed scientific journals. At its best, publication serves to disseminate the lessons from your experience more widely, and can help establish the academic credentials of the analysis. At the point of publication, however, you are unlikely to have significant editorial control over the content of any writing. Therefore, to the extent the findings of the project are in any way sensitive, you may find yourself unable to control either their wider distribution or the manner of their presentation. Even before data collection has begun, it is important to discuss what venues for publications might be sought, what issues the findings are expected to address, and the kinds of implications that are expected to be drawn and to have a mutually agreed upon resolution of any such issues.

## Funding Your Researcher

“I must confess that I was skeptical about the necessity of spending our precious resources on a full time researcher for our very modest-sized staff. I actually had never had access to true data to back up requests for funding, as I had always used primarily anecdotal information. However, after serving ten years on the Commission, I can truly say that the money spent on a trained researcher is probably the best money ever expended.” -*The Honorable Mary Ann Tally, NC Resident Superior Court Judge, 12th Judicial District, North Carolina*

If your organization does not have the funds to hire a researcher, there are a variety of ways that you can garner funds to do so. You may use this toolkit to solicit funds from either your county or state governments. There are federal grants, such as the “Byrne-JAG” administered by the U.S. Department of Justice’s Bureau of Justice Assistance, that allow for funds to be used for research. There are also private philanthropic foundations that are interested in increasing the use of evidence-based practices in public defense.

At the onset, a researcher may seem like a luxury that diverts resources from other programmatic efforts and direct services. The success stories<sup>4</sup> found in this toolkit demonstrate that the improved efficiency and additional funding that research and program evaluation supports can quickly offset the upfront cost for a researcher.

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4 See Appendix A for Success Stories.



# Research Department Planning Guide

For many indigent defense leaders, hiring research staff is outside their experience and they may not know what research skills and experience to look for. The following information provides a few hiring tips to help you with the hiring process as well as a list of the skills and abilities to look for when hiring research staff.

## Tips for the Hiring Process

If you have access to a college or university with a Masters in Public Administration or other social science advanced degree program, reach out to one or more of the professors in these programs and ask if they would be willing to help screen resumes and/or interview potential candidates. As an alternative, identify and reach out to a government agency that performs a similar research function to assist you.

One of the keys to expanding your organization's research capacity over time will be the research department's ability to automate research functions by developing programs, data queries, and templates to perform standard analyses or studies on a repeat basis for a fraction of the labor.

- Ask potential candidates for examples of how they were able to automate research tasks in their prior jobs.
- Ask to see examples of syntaxes, program routines, or templates they have created for past research projects.
- Ask potential candidates about the size of the data sets they have worked with in the past. The ideal candidate will have worked with data sets at least as large as the number of cases your office handles per year. For example, if a defender system handles 300,000 cases per year, this research department will handle files containing millions of records. Dealing with extremely large data sets requires the ability to automate research functions by developing syntaxes or programs to perform research tasks. A robust case management system will help facilitate the research process but a skilled researcher will know how to automate the millions of records that are routinely handled in a defender office. If your candidate has never dealt with data sets in the tens of thousands, it is likely they have never learned to write programs to perform large-scale research tasks.

When you have identified your final candidates, provide them with a real-world research example to help you get a sense of their analytical skills.

## Skills and Abilities

### ***Research Director***

Directs and oversees institutional research for an indigent defense agency or organization. The director is responsible for developing research policies, objectives, and initiatives. A research director designs and leads institutional research studies evaluating the effectiveness of the organization's programs and policies. The director will manage data collection and analysis and oversee the formulation of research reports. The Research Director position requires an advanced degree and at least 7 years of related experience. The candidate should be familiar with a variety of the field's concepts, practices, and procedures. A good research director candidate will rely on experience and judgment to plan and accomplish goals and will lead and direct the work of others. The Director of Research typically reports to a top management official.

### ***Research Associate***

The Research Associate position carries out research/development activities. The research associate makes detailed observations, analyzes data, and interprets results. The research associate compiles results and prepares technical reports and documentation of outcomes. This position typically requires a master's degree and 3-5 years of experience in the field or in a related area. The research associate must be familiar with standard concepts, practices, and procedures within a particular field of research. This position relies on

limited experience and judgment to plan and accomplish goals. The research associate works under general supervision; typically reports to a supervisor or manager. A certain degree of creativity and latitude is required.

The following table provides a list of specific job duties, skills, and abilities to look for when hiring research personnel.

Responsibilities or Tasks	Skills
<ul style="list-style-type: none"> <li>• Prepare and manage large, complex, multi-million-record data sets for data mining and analysis, including integrating, cleaning, coding, and verifying accuracy of data.</li> <li>• Develop syntaxes or programs within statistical software to analyze data and automate research functions.</li> <li>• Analyze and interpret data utilizing a variety of research methodologies, including regression analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience doing program evaluation and cost-benefit studies. Ask for samples of studies they have done.</li> <li>• Experience doing program evaluations, especially if they have experience identifying and developing performance indicators.</li> <li>• Experience analyzing raw data to inform policy (which is different from policy analysis where they are reviewing issue briefs and not working with raw data)</li> <li>• Expertise in a statistical program like SPSS or SAS, including:               <ul style="list-style-type: none"> <li>○ Experience dealing with large data sets having tens of thousands of records (this is KEY, if they have never dealt with large data sets, they won't have the know-how you need)</li> <li>○ Advanced programming skills; ask them to describe examples of programs they have written in SPSS or SAS or equivalent statistical package.</li> </ul> </li> </ul>
Objectives or Tasks	Skills
<ul style="list-style-type: none"> <li>• Prepare summaries and reports on research findings, including study reports, briefs, presentations, fact sheets, tables, graphs, charts, and other research products as needed.</li> <li>• Communicate effectively with non-research staff.</li> <li>• Identify core research questions and appropriate methodological approaches to research questions.</li> <li>• Maintain and expand data-collection infrastructures to support organizational goals.</li> </ul>	<ul style="list-style-type: none"> <li>• Past work experience includes building databases in Access or other database program or work with an IT consultant or staff to build a database. Ask to see what they built.</li> <li>• Experience in having to work with other outside agencies to obtain data and integrate data into a current data infrastructure. Look for someone who has experience with working with multiple data sources—not someone who has only worked with a provided data set, e.g., downloaded a federal data set off the web, etc.</li> <li>• Past experience doing research for a startup organization, department, or project. They did not inherit a research infrastructure but had to create one to meet their organization's needs.</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• Someone who has significantly expanded the research capacity of an organization.</li> <li>• Demonstrated ability to complete research tasks on a timely basis</li> <li>• Experience working with commissions, boards, partnering organizations, and the public.</li> <li>• Strong writing skills.</li> <li>• Strong project management and multi-tasking skills.</li> <li>• Strong research, conceptual, and analytical skills.</li> </ul>

## Budget and Personnel Costs

The personnel cost for an in-house research department will vary across the country. We've provided a range for a Research Director position and a Research Associate position.

<b>Research Director</b> Directs and oversees institutional research for an indigent defense agency or organization. Responsible for developing research policies, objectives, and initiatives. Designs and leads institutional research studies evaluating the effectiveness of the organization's programs and policies. Manages data collection and analysis and oversees the formulation of research reports. Requires an advanced degree and at least 7 years of related experience. Familiar with a variety of the field's concepts, practices, and procedures. Relies on experience and judgment to plan and accomplish goals. Performs a variety of tasks. Leads and directs the work of others. A wide degree of creativity and latitude is expected. Typically reports to a top management.	\$55,000 to \$120,000
<b>Research Associate</b> Carries out research/development activities. Makes detailed observations, analyzes data, and interprets results. Compiles results and prepares technical reports and documentation of outcomes. Requires a master's degree and 3-5 years of experience in the field or in a related area. Familiar with standard concepts, practices, and procedures within a particular field. Relies on limited experience and judgment to plan and accomplish goals. Performs a variety of tasks. Works under general supervision; typically reports to a supervisor or manager. A certain degree of creativity and latitude is required.	\$35,000 to \$90,000

## Equipment Costs

There are several equipment costs associated with the research department function. The following are some of the most common costs that a well-resourced research department can expect to have.

<b>SPSS, SAS, or Other Statistical Program</b> A single license of SPSS Base plus SPSS Custom Tables was around \$3,000 per license for government agencies	\$3,000 per license
<b>Computer</b> Computer with both speed and power. Processing speed of at least 3.0 GHz with dual or quad processors, at least 4 GB SDRAM and preferably 16 GB, SATA drive preferred. Example Dell T3500 Work Station.	\$2,500
<b>Monitor</b> Computer monitor needs to be 24 inches at a minimum and larger if possible. A large monitor is essential when working with columns of data and large spreadsheets and will speed up production and accuracy significantly. Note: you can often find better pricing on 24" to 32" LCD TVs that also serve as monitors. They make great monitors, but they must be 1080p, 720p is not sharp enough.	\$250
<b>Standard Software</b> Computer should be equipped with Microsoft Office 2007 at a minimum. Microsoft Office releases after 2003 contain pivot table tools that are faster and more versatile and which are essential to data analysis. Note: be sure to install all components or features, such as the data analysis pack. Highly recommend that you purchase Pro version of Microsoft Office, which includes Access, which is a database program that will prove extremely useful.	\$200 single license \$280 for 2 licenses \$500 Pro version license

<p><b>Research Website (Optional)</b>  Post research studies, presentations, projects on agency website to easily disseminate information to stakeholders, other court system actors, policy makers, and the public about important indigent defense issues and policy decisions. You will need a software program, such as Adobe Dreamweaver, to help you create web pages in html. In North Carolina, NCIDS's office manager manages the office's website. She taught herself how to use Dreamweaver.</p>	<p>\$399 per license</p>
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**Long-Term Equipment and Program Needs**  
As the research function in your office grows and you expand your data collection, both in-house and by integrating data from outside resources, you will need the ability to store and access large datasets, which involves developing technology infrastructures, such as servers equipped with software such as Microsoft SQL Server. You will need assistance from an Information Technology specialist, who will be able to help you decide the most effective way to achieve your technology needs.

<p><b>Access to IT Functions</b>  IT personnel experienced in database design and web application development will become a necessity as you grow. During their startup years, North Carolina contracted with an IT programmer on an hourly basis to serve this function. To date, NCIDS's IT needs have grown to the point where it became necessary to hire a full-time IT Director.</p>	<p>\$80 to \$150  Contractor Rate   IT Director  \$70,000 to \$125,000</p>
<p><b>Data Server</b>  Computer hardware that houses data.</p>	<p>\$3,000 to \$10,000</p>
<p><b>SQL Server Software</b>  Software that executes automated database tasks and processes.</p>	<p>\$5,282 per license</p>

# Sample Job Posting 1

**Agency:** New York Office of Indigent Legal Services

**Title:** Director of Criminal Justice Research

**Salary Range:** \$70000 to \$80000 Annually

**Employment Type:** Full-Time

**Appointment Type:** Permanent

**Travel Percentage:** 20%

**Workweek:** Mon-Fri

**Hours Per Week:** 37.5

**Minimum Qualifications:** Masters Degree or higher in Criminal Justice or related field. Five years experience in criminal justice research. Published research in public defense is preferred.

**Duties Description:** Special Assistant manages the activities of the Office of Indigent Legal Services (ILS) related to the collection of data on public defense policies and services across the state. The incumbent of this position will serve as the Director of Criminal Justice Research.

Regularly collect, manage, interpret and report data on the provision of public defense services

- Collect data on all areas of public defense services in New York counties as required by Article 30 of the Executive Law, including but not limited to: types and combinations of public defense service delivery systems; salaries paid to attorneys and other employees; caseloads; case dispositions; resources expended, including monetary expenditures, in-kind contributions and the use of ancillary services; comparison data for prosecution services where relevant; criteria determining service eligibility for clients; and criteria for the qualification of attorneys.
- Monitor the prompt submission of data by service providers to the office.
- Establish data storage protocols that protect the integrity, and, where applicable, confidentiality of data.
- Establish procedures for the regular and consistent reporting of statistics illustrating the state of public defense across the state.
- Contribute as appropriate to the Office's regular published report on the state of public defense in New York.

Evaluate, maintain and improve the quality of data collected from service providers

- Monitor the ways in which service providers collect data and any changes in these methods.
- Create and sustain positive relationships with the individuals within service provider organizations directly responsible for data collection.
- Establish 'model' data collection strategies and disseminate information regarding these strategies to service providers.
- Where possible, encourage and assist service providers to improve their data collection strategies to mirror 'model' strategies.
- Where service providers do not conform to model data collection strategies, ensure that the strategies employed are understood well enough to permit the Director to place those data in their appropriate context, ensuring their correct interpretation.

Improve the relevance of data collected

- Carry out ongoing, in-depth research into the meaning and measurement of 'quality' public defense, as well as other concerns centrally relevant to the provision of cost-effective services that meet standards promulgated by the office.
- Where research suggests new types of data are required to evaluate quality more effectively, develop and implement data collection strategies that ensure that systematic, efficient and reliable collection of such data.
- Remain familiar with public defense research conducted by academics, research groups, service providers themselves and others.
- Seek to learn from examples elsewhere of public defense programming, policies, research and measurement practices, or other relevant innovations that improve public defense, and consider their usefulness in New York.

# Sample Job Posting 2

## STATE OF NORTH CAROLINA JUDICIAL BRANCH OF GOVERNMENT EMPLOYMENT OPPORTUNITY BULLETIN

**TITLE:** Research Associate

**POSITION NUMBER:** 65006018

**SALARY RANGE:** \$32,000 to \$50,000 plus state benefits

**LOCATION:** Durham, North Carolina

**AGENCY:** North Carolina Office of Indigent Defense Services (IDS) IDS is the North Carolina state agency that oversees the provision of legal representation to citizens accused of a crime who cannot afford counsel on their own. Having access to legal representation is a constitutional right and is the hallmark of free societies. IDS is at the forefront of indigent defense research and is doing cutting-edge work in our field. We are looking for experienced researchers to work on a nationally recognized innovative project to evaluate indigent defense system performance. The Systems Evaluation Project (SEP) has developed a set of metrics or indicators for measuring indigent defense performance. The project is the first of its kind and will improve our understanding of how the court system operates and its impact on clients and the community.

**DESCRIPTION OF WORK:** The person in this position will work under the direction of the Research Director. The position will assist with designing and implementing a variety of research projects for the Office of Indigent Defense Services to measure the quality, cost-effectiveness, and fiscal impact of indigent defense services across the state. This position will manage and analyze large data sets; assist with or conduct qualitative and quantitative data analysis using a wide variety of research methodologies and techniques; prepare research summaries, reports, briefs, fiscal notes, and presentation and training materials; and perform other research duties as necessary.

**KNOWLEDGE, SKILLS, AND ABILITIES:** The IDS Office is a small and fast-paced office environment. The person in this position must have strong conceptual, analytical and organizational skills and work productively under time pressure to meet project deadlines. It is essential for the person in this position to have the capacity to work independently, exercise sound judgment, and be attentive to detail. In addition, the person in this position must be able to work collaboratively and effectively with a small research team, as well as a wide range of office management and staff from various disciplines.

**BASIC QUALIFICATION REQUIREMENTS:** Masters degree in Public Administration or social science degree and two years of relevant experience in governmental or applied social science research. Applicants should have strong quantitative abilities and know SPSS or SAS programming language, as well as have experience in managing large data sets, including developing programs to clean, code, and integrate data from multiple sources and develop complex programs to perform research routines and procedures. Knowledge of database software, such as Access, and relational database design is preferred. Knowledge of GIS software is a plus.

**HOW TO APPLY:** Submit: 1) Application Form 2) cover letter, 3) resume, 4) research writing sample, and 5) contact information for at least two references. Please note that applicants who do not submit all of the above items will not be considered.

# Sample Research Products:

Sample Cost-Benefit Analysis (Public Defender and Private Appointed Counsel Cost-Benefit Analysis):

[http://www.ncids.org/Reports%20&%20Data/Latest%20Releases/FY10PublicDefender\\_PAC\\_CostAnalysis.pdf](http://www.ncids.org/Reports%20&%20Data/Latest%20Releases/FY10PublicDefender_PAC_CostAnalysis.pdf)

Sample Program Evaluation Study and Case Outcome Study from Wichita County, Texas, Report:

<http://ppri.tamu.edu/files/WichitaPDOStudy.pdf>

Response to Dissemination of Misconceptions and Inaccuracies (Time to Complete Cases + Average Cost Capital Case):

<http://www.ncids.org/Reports%20&%20Data/Latest%20Releases/FY07CapitalStudyFinal.pdf>

Sample Data to Inform Policy Decisions (Estimated Cost and Potential Cost-Savings of Establishing a Public Defender Office):

[http://www.courts.state.tx.us/tidc/pdf/PD%20Feasibility\\_Final.pdf](http://www.courts.state.tx.us/tidc/pdf/PD%20Feasibility_Final.pdf)


Sample Descriptive Statistics Success story from Connecticut:

[http://www.ct.gov/ocpd/lib/ocpd/publications/dpds\\_domestic\\_violence\\_social\\_work\\_pilot\\_sites\\_preliminary\\_report\\_february\\_2013.pdf](http://www.ct.gov/ocpd/lib/ocpd/publications/dpds_domestic_violence_social_work_pilot_sites_preliminary_report_february_2013.pdf)

Sample Evaluation of Country Public Defense office Harris County, Texas, Data Report:

<http://harriscountypublicdefender.org/wp-content/uploads/2013/10/JCHCPDFinalReport.pdf>

# Sample Research Website



The North Carolina Court System  
**Office of Indigent Defense Services**  
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- ❖ [IDS Report to the General Assembly -- March 2012](#) **New**
- ❖ [North Carolina's Criminal Justice System: A Comparison of Prosecution and Indigent Defense Resources](#) -- April 2011
- ❖ [Time Needed to Resolve Criminal Cases: A Comparison of Attorney Types](#) -- March 2011
- ❖ [FY11 Reclassification Impact Study](#) -- March 2011  
(Please note pages 7 and 11 need to be printed on legal size paper.)
- ❖ [FY10 Public Defender and Private Assigned Counsel Cost Analysis](#) -- February 2011  
(Please note pages 14-19 need to be printed on legal size paper.)
- ❖ [Sentencing Services Continuation Review Report to the General Assembly](#) -- March 1, 2010
- ❖ [District Court Scheduling Survey Report](#) -- October 2009
- ❖ [FY07 Capital Trial Case Study: PAC and Expert Spending in Potentially Capital Cases at the Trial Level](#) -- December 2008
- ❖ [Report on the Evaluation of North Carolina Prisoner Legal Services](#) -- May 2007  
(Prepared by the School of Government)

**Prior Reports to the General Assembly**

- ❖ [IDS Report to the General Assembly](#) -- March 2011
- ❖ [IDS Report to the General Assembly](#) -- March 2010
- ❖ [IDS Report to the General Assembly](#) -- March 2009
- ❖ [IDS Report to the General Assembly](#) -- March 2008
- ❖ [IDS Report to the General Assembly](#) -- March 2007
- ❖ [IDS Report to the General Assembly](#) -- March 2006
- ❖ [IDS Report to the General Assembly](#) -- March 2005
- ❖ [IDS Report to the General Assembly](#) -- March 2004
- ❖ [IDS Report to the General Assembly](#) -- March 2003

**Prior Publications**

- ❖ [FY07 Public Defender and Private Assigned Counsel Cost Analysis](#) -- May 2008
- ❖ [FY06 Public Defender and Private Assigned Counsel Cost Analysis](#) -- March 2007
- ❖ [FY05 Public Defender and Private Assigned Counsel Cost Analysis](#) -- January 2006
- ❖ [Superior Court FY05 Study: Statewide Private Attorney Fee Application Average Hours and Frequency Distributions per Case by Charge Type](#) -- November 2005
- ❖ [FY05 Private Assigned Counsel Waiting-In-Court Study](#) -- August 2005
- ❖ [District Court FY05 Study: Statewide Private Attorney Fee Application Average Hours and Frequency Distributions per Case by Charge Type](#) -- August 2005
- ❖ [FY04 Public Defender and Private Assigned Counsel Cost Analysis](#) -- January 2005



## Appendix A: Personal Narratives & Research Success Stories

### ARIZONA

In 2001, we began to revamp our data collection and analysis process. Mohave County is the origin of the Joe U. Smith case and as such caseload limits are always at the forefront. However, in 2001 when I became the PD, the office was down to only two remaining lawyers who each had upwards of 700 open and active felonies! We immediately began to hire and reduce caseloads, but could see the writing on the wall that this would be an issue again in the future. From that point forward, every year we would present caseload/workload data during our budgets and every year we met with the same results - insufficient budget to meet caseload needs. We were lucky enough to also be in control of the sending out of cases on contract whenever we felt it was appropriate and as such limited our caseloads to ethical workload standards. However, we continued to maintain and refine our data until the issue arose in 2007 when no contract funding was provided and the office moved to withdraw on dozens of cases simultaneously citing workload, caseload issues. We enlisted NACDL and NLADA assistance to litigate the caseload issue, and because of the depth of our caseload data we were able to succeed in obtaining significantly more funding for the system. To this day, there is an absolute understanding that the last place that budget cuts can be made is within indigent defense because of this issue.

We have also been able to utilize the case data to better analyze and allocate resources, which led to the development of a separate appellate office and a separate office of juvenile representation. We have continued to improve our process with a result of increased service and decreased costs (overall 13.5% reduction in costs in last three years with an improvement in service delivery!).

Dana P. Hlavac, JD CPM  
Former Deputy Mohave County Manager  
Criminal Justice Services  
Kingman, Arizona

### NEW YORK

The Legal Aid Society (“LAS”), the nation’s largest and oldest provider of legal services to the indigent, and the primary public defender in New York City, recently developed a specialized pilot project that focuses on its representation of those individuals charged with prostitution offenses. The Trafficking Victims Legal Defense and Advocacy Project (“TVLDAP”) began in March 2011 and represents the first effort by a public defender office to address the problem of systemic criminalization of victims of trafficking and exploitation.

The use of data was critical to TVLDAP getting off the ground, and also has been incredibly useful as TVLDAP continues its efforts to shape a better criminal justice response to the issue of trafficking.

In order to develop funding for the specialized project, LAS had to look critically at its historic representation on this subset of cases. The project handles cases involving two charged offenses. It was important to identify the overall number of cases handled, and critical to examine the speed with which these cases were traditionally resolved. We suspected that the fact that this high volume of cases met resolution so quickly was contributing to the failure of the criminal justice system to identify victims of trafficking and exploitation.

Once the project began, we started tracking these cases in greater detail and made the continued compilation of data a major goal of the project. We looked at certain characteristics of this client group that made them more vulnerable to exploitation (age, education, prior court involvement, immigration status, language capacity, abuse & trauma histories, poverty). To the extent that each factor could be quantified, we sought to do so and to slow down the criminal court process to allow time to collect information and assess each client's unique circumstances. Central to this data collection was the assessment/identification of clients as trafficking victims. This was critical because there is much debate over the true number of people affected by sex trafficking, and a dearth of actual research in the area. Many numbers are frequently cited, but not particularly substantiated. LAS saw TVLDAP and its work, particularly in the large number of clients it was reaching, as a way to bridge this gap.

In its first year of work, the project has used the data it has compiled about this client group to shape media coverage of the issue of trafficking facilitate changes in the way the Manhattan DA's office handles prosecution of the two charges (a change more favorable to those accused), and to continue to raise awareness about the scope of the problem of sex trafficking and how it affects those facing criminal charges in New York City. For example, TVLDAP cited its data when it testified in front of the New York City Council, and was able to use the data to controvert an assertion made at the same hearing by representatives of the New York Police Department, prompting the council members presiding over the hearing to engage in further investigation as to NYPD's claim that it was conducting a debriefing, to screen for potential trafficking, of every person arrested for prostitution in New York City.

Justine Luongo  
New York Legal Aid Society  
New York, New York

I would love to claim farsightedness, creativity or brilliance for the decision to bring Andrew Davies on board as Director of Research at ILS; but the truth is that our 2010 enabling legislation not only identifies but fairly screams out the imperative of collecting and analyzing data with which to inform our decisions as to distributions of state funding to New York's county-based defender and assigned counsel delivery systems, and our recommendations as to statewide standards of various kinds.

The very first of our responsibilities, set forth in article 30, section 832 (d) (3) (a) of Executive Law, calls upon the nascent office "to examine, evaluate and monitor services provided in each county...", and the next, in subsection (b), requires ILS "to collect information and data regarding the provision of services...including, but not limited to [just about everything under the sun]". If that were not sufficiently explicit, subsection (c) mandates that we "analyze and evaluate the collected data, and undertake any necessary research and studies, in order to consider and recommend measures to enhance the provision of indigent legal services...."

On top of these explicit requirements, it was plain almost from the day we began operations as a one-employee office in February, 2011, that our staffing levels would be extremely modest: there would be no teams of attorneys canvassing the state's urban and rural courts, making extensive observations and undertaking time-consuming interviews with participants in the criminal and family court justice systems that we are charged with improving. No, we would be, in total, a staff of ten; and given this circumscribed reality, the decision to engage the services of the best justice researcher we could find was an easy if not inevitable one to make.

I suppose it could be said that the person power shortage cuts the other way: that a researcher is a luxury that an undersized office must do without; that additional attorneys are more essential, and can mince the data as best they can. But in Andy Davies, our researcher, and Peter Avery, our Manager of Information Systems, we have a very dynamic and accomplished duo of a high quality researcher who thinks like a lawyer, and a high quality computer guru who is a lawyer of long standing. Andy and Peter are essential components of the lean, multi-

talented and efficient team we are assembling, which has the goal of ensuring that the State of New York does not fail to honor the simple and non-negotiable goal of providing an effective and uniform quality of representation to all persons, anywhere in the state, who have the legal right to an attorney yet cannot afford to hire one.

William J. Leahy  
Director, Office of Indigent Legal Services  
Albany, New York

## NORTH CAROLINA

Access to data and to professionals who are skilled at understanding and analyzing that data, are essential components of administering a successful indigent defense system. The North Carolina Office of Indigent Defense Services' ("IDS") staff has included a Research Director since the office was created in 2001. Having access to that skill set has made it possible for the Commission and staff to understand the average costs of cases by case type, as well as the variation in costs by case type, and to make informed decisions about resource allocation. It has also enabled the office to advocate for adequate funding based on facts, rather than anecdotes, and to combat rumors and inaccuracies.

Recently, the North Carolina General Assembly directed IDS to generate savings by shifting away from a system of paying private appointed counsel for individual cases based on the amount of time approved by a judge and toward a contract system. Pursuant to the contract system that IDS has designed, contractors will be paid a set monthly amount for handling a group of cases that, on average, will represent approximately 20% of an attorney's annual billable time (or 360 hours). IDS chose to pay a set fee for a group of cases, rather than a set fee per case, because of concerns that set fees per case could create disincentives to do the work required by a more difficult case. The hope is that spreading the fee across a group of cases will enable attorneys to do the work required by cases that are more difficult because they are offset by easy cases in the same group and because the attorneys will be guaranteed a certain volume of cases. Without access to our historical case and cost data or to professionals who know how to analyze that data, IDS would not have been able to figure out how many cases of each case type should be included in each group to reach the average of 360 hours, or how much to pay for each group of cases.

Danielle M. Carman  
NC Office of Indigent Defense Services  
Assistant Director/General Counsel  
Durham, North Carolina

As an initial member of the IDS Commission, I must confess that I was skeptical about the necessity of spending our precious resources on a full time researcher for our very modest –sized staff. I actually had never had access to true data to back up requests for funding, as I had always used primarily anecdotal information. However, after serving ten years on the Commission, I can truly say that the money spent on a trained researcher is probably the best money ever expended.

In so many ways, the work directed by our researcher, has had a positive impact. The numerous and well-researched reports generated for the Commission are posted on the IDS website. The studies cover a wide range of important issues, from a "wait time" study for lawyers in court to the average fees paid to lawyers for each category of felony cases. I also am convinced that the research has significantly improved the standing of IDS with our funders in the Legislature, as we have hard data to answer their sometimes-hard questions.

I would definitely urge the indigent defense community to make more and better use of high quality research by trained professionals to improve the quality and quantity of services to our constituents.

The Honorable Mary Ann Tally  
NC Resident Superior Court Judge, 12th Judicial District  
Former North Carolina IDS Commissioner  
Former Board Member, Legal Aid of North Carolina  
Fayetteville, North Carolina

**A**s an attorney concerned about and involved in indigent defense for thirty five years, I have been disappointed in the lack of research concerning best practices in indigent criminal defense. While “evidence based” practice has significantly improved medical care policy over the last twenty years, there has been little or no serious study of the best ways to deliver indigent legal services. There is no consensus on what factors should be measured to determine best practices and no consensus on how to measure them once they are identified. The result is a hodge podge of different delivery systems from state to state and even community to community, based, not on analysis showing what delivers the highest quality services at the best price, but on local custom, more often than not based on the interests of the decision makers, rather than the recipients of the service or the community at large. In my opinion, we have a crisis in the delivery of indigent legal services. The development of reliable and credible tools to evaluate delivery systems based on facts would be an extremely important step forward.

Malcom (“Tye”) R. Hunter  
Former Director, NC Office of Indigent Defense Services  
Director, Center for Death Penalty Litigation  
Durham, North Carolina

**I** have practiced law as a criminal defense attorney in the relatively small city of Asheville in Western North Carolina for nearly 30 years. Over those three decades, I have spent considerable time at crime scenes and in jails and courtrooms. Many of my clients were indigent and I was paid by the State to represent them. I thought that I knew a thing or two about the provision of legal services to “poor people”.

In 2004, I was appointed to the North Carolina Commission on Indigent Defense Services. The commission oversees the provision of legal services to indigent citizens over the 100 counties in the 10th most populous state in the country. The IDS annual budget is now approximately \$128 million. At each of its quarterly meetings – and at numerous committee meetings throughout the year – Commission members are called upon to make fundamental decisions about the most appropriate methods of delivering legal services; about training, evaluating and supporting the legal professionals who provide those services; and about providing those services in the most cost-effective manner.

There is simply no comparison between the quality of legal services provided indigent defendants in North Carolina in 2012 and the legal services that attorneys were providing in the late seventies and early eighties when I first volunteered for “the court appointed list”. For the past eight years, I have had the privilege of observing first hand why the quality of representation has improved so dramatically. I have been fortunate to observe these changes not just from the bottom up – in my own practice – but also from the top down – as an IDS Commissioner.

These changes would not have been possible without the in-house research capacity of IDS. Over and over again, our decisions have been informed by the data presented to us by Margaret Gressens, the IDS Research Director, and her staff. The Commission is very frequently navigating through turbulent political waters.

Commission members have been soundly criticized – even vilified on occasions – by our own lawyers, both private practitioners who accept appointments and public defenders. Commission decisions receive immediate and constant scrutiny from the North Carolina General Assembly and groups that do not generally wish us well – for example, the North Carolina Conference of District Attorneys. More often than not, we are able to stay our course – while other state government agencies lose their way (and their funding) – because of the certitude of the data underlying our decisions.

Two examples come to mind. Nearly all questions regarding the administration of the death penalty in North Carolina are emotionally and politically charged. For about 15 years, I regularly accepted appointment in capital cases. Those cases invariably achieve at least local notoriety with the result that the lawyers associated with them are drawn into public debate well beyond the courtroom. District Attorneys are elected in North Carolina. Death penalty litigation provides a great deal of media exposure. For as long as I can remember, debate about the death penalty has been largely anecdotal. Myths and inaccuracies flourished because they were unassailable. IDS was established in 2000. Between 1993 and 2001, North Carolina juries returned 199 death sentences. Fourteen of those sentences were imposed in 2001 alone. From 2001 to 2009, only 47 death sentences were returned, a 75% reduction. In the three years between 2007 and 2009, only five defendants received the death penalty. In the wake of these fairly extraordinary results, there developed the widely held political view that paying private counsel and appointed experts in capital cases was driving litigation costs to an unacceptable level and resulting in some “unfairness” to state prosecutors. Numbers developed by Ms. Gressens told a very different story. The high cost of the death penalty to North Carolina taxpayers had little to do with matters within the control of defense counsel or IDS itself. Almost all of the interested parties – the General Assembly, prosecutors, judges and defense counsel – now accept the reality that a significant reduction in the cost death penalty litigation will require generalized reform of the criminal justice system.

Since the 2010 election, the North Carolina General Assembly has become decidedly more fiscally conservative. As one cost-cutting measure, the General Assembly required that IDS replace the hourly rate compensation system – under which private attorneys have been paid for as long as I have practice law – with contract and flat fee system. Again, much hand wringing and rhetoric ensued – this time, from the other end of the political spectrum. The IDS staff began their task as they characteristically begin – by gathering and examining the data. As a result, IDS has progressed a long way toward complying with the legislative mandate without, at the same time, compromising the quality of indigent representation.

These are just two examples of the value of the IDS in-house research capability. More routine, but no less valuable, are periodic and year-end budget reports; various studies on the ways in which costs differ in different kinds of cases from violent felonies and serious drug crimes down to traffic violations; a pilot program to determine how much state money is wasted by inefficient calendaring systems which require appointed counsel to sit idly in courtrooms; and periodic studies which have enabled IDS to maintain an efficient balance statewide between public defender and private assigned counsel representation.

Trial lawyers are storytellers. I am as fond as anyone of the resonant anecdote and the folklore of criminal defense practice. On my bookshelf beside *Trial Lawyer's Art*,<sup>5</sup> however, is a bound volume of IDS reports. When I debate our local District Attorney on the subject of the death penalty, I match him story for story, but before we appeared at Mars Hill College together last year for a debate, I called Ms. Gressens for data on the racial makeup of North Carolina's death row since the Civil War.

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5 Sam Schrager. Temple University Press, 1999.

The IDS Commission has not had to navigate blindly. Because of the hard facts, which our Research Director makes available to us, we are able to respond calmly and rationally to political clamor from all directions. The result has been sound and durable policy for the people of North Carolina.

Sean Devereux  
North Carolina IDS Commissioner  
Devereux & Banzhoff, PLLC  
Asheville, North Carolina

## OHIO

First, the background: Ohio is a state that is heavily dominated by local government. This is true of much of our justice system. There are very few consolidated data sets. The courts all use independent case management systems. Each of the prosecutor offices does the same, and that is even true of public defense. Despite this, the Center for State Governments came to Ohio as part of its Justice Reinvestment project. The main goal was to reduce the incarcerated population without increasing recidivism. A year of work went into data collection and policy meetings. The findings are startling: Ohio incarcerates over 10,000 offenders who can be classified as both low-level offenders and low risk for recidivism. Incarcerating these individuals increases the likelihood of recidivism. The result was a piece of legislation (HB 86) that has gone into effect. It takes numerous approaches to diverting low risk, low level offenders into community treatment centers, it uses a risk assessment system to actively seek early release for qualifying inmates, it expands the eligibility for intervention in lieu of conviction, and it reclassifies a number of offenses, and doubles the value threshold for all theft related offenses to redirect large numbers of theft cases back to municipal courts and local community programming. While it was not sweeping enough (not nearly enough of the 10,000 are being diverted) it is a tremendous first step.

The second success story is about collateral consequences. With the leadership of the Ohio Justice and Policy Center, OPD was able to program and house the CIVICC (Civil Impacts of Criminal Convictions) <http://opd.ohio.gov/civicc/> This is an interactive searchable database collecting every collateral consequence in Ohio Code or Administrative Rule for adult level offenses. It returns a list of collateral consequences applicable to each offense or term that was searched. This database has brought significant attention to the over inclusiveness of dozens of consequences for the simplest offenses. The Ohio Supreme Court commented during an oral argument on being shocked when it saw the list of collateral sanctions for one offense. At the same time CIVICC was coming online, the Ohio Department of Rehabilitation and Correction was trying to build re-entry skills for inmates. It found the barriers to employment almost impossible to overcome because of collateral consequences. As a result of this newfound focus on collateral consequences, Ohio passed its first collateral consequences legislation that repeals rather than expands the scope. The goal is to try and repeal all of the low hanging fruit – the 17 ways to lose your license that have nothing to do with driving, removing administrative rules for obtaining employment, and providing training and certificates of employability to inmates and limited immunity to employers. Again, while not comprehensive enough, it is a good first step.

Tim Young  
Ohio State Public Defender  
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