

Initiative Summary



From 2015 to 2019, the Innovative Solutions in Public Defense Initiative was part of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) Innovation Suite of programs that support criminal justice professionals in building evidence-based, data-driven criminal justice strategies that combine the expertise of researchers and practitioners for maximum, sustained, and measurable impact.

Between 2015 and 2016, BJA made six awards for projects in which practitioners partnered with researchers to implement and test creative strategies for making fairer and more effective indigent defense systems. Guided by the American Bar Association's (ABA) Ten Principles of a Public Defense Delivery System, these researcher-practitioner projects used data, evidence, and innovation to create strategies and interventions that are both effective and economical. The National Legal Aid & Defender Association received an award from BJA to provide support to these six sites. Brief project and outcome descriptions follow here.

Alameda County

Piloting Public Defender Representation at Arraignment

In one of California's most populous counties, public defenders implemented a pilot project to represent incarcerated clients at their very first court appearance, the arraignment hearing. This representation led to a dramatic change in the pretrial release rate at arraignment for detained clients, from less than 1 percent when counsel was not provided to 20 percent when counsel was provided, a 1,900 percent increase. Provision of representation at arraignment avoided 2,974 days of incarceration per year. With a \$142-per-day jail cost, that translated to a savings of \$422,308 in a single year.

Contra Costa County

Partnering with Police to Provide Early Representation in Misdemeanor Cases

In Contra Costa County, California, public defenders teamed with researchers to create and implement the EarlyRep program. EarlyRep connected indigent persons with the public defender office immediately following law enforcement contact, rather than having to wait until the initial court date, arraignment. This early contact greatly reduced the failure-to-appear (FTA) rate at arraignment. Before EarlyRep began, the FTA rate at arraignment among those individuals cited by the participating police departments for low-level misdemeanor offenses was approximately 37 percent. That dropped by nearly 50 percent, to just under 20 percent, after EarlyRep was implemented. Additionally, researchers found the FTA rate at arraignment among those individuals who had affirmative contact with EarlyRep staff was just 10 percent. In other words, those who had affirmative contact with EarlyRep appeared at their arraignment 90 percent of the time.

Kentucky

Supervising and Supporting Contract Attorneys Handling Conflict-of-Interest Cases

Compared to its staffed public defender offices, the Commonwealth's Department of Public Advocacy (DPA) faced a long-time lack of resources and insufficient supervision for contract attorneys who handled conflict of interest cases. DPA partnered with researchers to evaluate the system, provide training to conflict attorneys, increase supervision of conflict attorneys, and improve conflict attorneys' overall performance. The project resulted in the identification of several strategies to improve the conflict counsel system, including restructuring payments to conflict counsel, changing the culture of the conflict counsel program, ending late appointment of conflict counsel, and supervising and enforcing quality representation standards.

New York City

Developing Performance Indicators for Assigned Counsel and a Data System to Track Their Representation

At the start of the Innovative Solutions project, the Assigned Counsel Program (ACP) for New York City consisted of about 700 attorneys handling over 110,000 cases per year, overseen by just two administrators who didn't have the data and metrics they needed to track and evaluate attorneys' performance. In this project, a robust needs assessment of the ACP was aimed at identifying best practices and quality performance indicators and improving and leveraging data collection for assigned counsel. Findings from this project led to the procurement of over \$3.7 million to improve the ACP's administration and technical infrastructure. The ACP is now poised to operate a more sophisticated system informed by best practices to report on attorneys' performance.

Texas

Reporting the State of Public Defense in 254 Counties Through a New Web Portal

Public defense in Texas is highly decentralized, which poses considerable challenges to collecting and analyzing defense data on either a statewide or county-by-county comparative basis. To provide the crucial data that counties need to evaluate their indigent defense systems and understand funding and resource needs, researchers teamed with the Texas Indigent Defense Commission to develop an online data portal that would provide detailed, easily navigable, and publicly accessible information on indigent defense in all 254 counties in Texas.

Wisconsin

Making Better Use of Data to Improve Public Defense Services

For years, the case management system (CMS) used by public defenders in Wisconsin hampered defenders' work and made it difficult for managers to make data-driven arguments about the impact of public defense on the justice system. The creation of a new CMS, which integrates data from the Courts with that of the State Public Defender, and of 131 different indicators for tracking quality representation, has led to automated reports that have improved the state defender's billing system and its ability to use data to improve the administration of justice and secure additional resources.

This project was supported by grant number 2015-AJ-BX-K043 awarded by the Bureau of Justice Assistance, Office of Justice Programs to the National Legal Aid and Defender Association. The opinions, findings, and conclusions or recommendations expressed are those of the author and do not necessarily reflect the views of the U.S. Department of Justice.