

Office of the State Public Defender



Fiscal Year 2015 Performance Report

December 15, 2015

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INTRODUCTION

This report pursuant to Department of Management procedures provides an overview of the State Public Defender's fiscal year 2015 operations related to court-appointed counsel, claims processing, and other indigent defense matters. This information, in accordance with the Accountable Government Act, is meant to help improve decision making and increase accountability to stakeholders and the citizens of Iowa.

Iowa's indigent defense system remains strong. The more than 200 employees of the State Public Defender System have been efficiently providing high quality representation in tens of thousands of cases annually. In Fiscal Year 2015, public defender offices closed more than 83,000 cases, at an average cost per case of \$313.98, and there was a final finding of ineffective assistance of counsel in less than .001% of these cases.

Similarly, more than 1,000 contract attorneys continued to provide high quality representation throughout all 99 of Iowa's counties. In Fiscal Year 2015, 60,438 claims were paid out of the indigent defense fund, at an average cost per claim of \$515.53. This was a decrease compared to claims from Fiscal Year 2014, and the total amount spent from the indigent defense fund increased slightly.

OVERVIEW

Justice for all in Iowa's criminal and juvenile courts is the vision of the State Public Defender. To achieve that vision, the SPD has the mission to ensure that all indigent persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.

The provision of legal services to indigent clients is constitutionally mandated. In Iowa, these services are provided through a combined system of local public defenders and private attorneys. The State Public Defender provides high-quality, cost-efficient legal representation to indigent clients in state criminal court, juvenile court, and other proceedings as required by law in those areas of the state where local public defenders exist. The State Public Defender also has jurisdiction over the Indigent Defense Fund, which provides funds to pay for indigent defense and ancillary services provided by private contract attorneys and miscellaneous vendors, such as expert witnesses and court reporters. Indigent defense services are constitutionally mandated, which requires these services to be paid by the state. The Indigent Defense Fund pays for those indigent services not covered by local public defenders.

The State Public Defender maintains two core functions. The first is high-quality and cost-effective representation by public defenders to indigent clients in State criminal court, juvenile court, and other proceedings as required by law. The SPD operates 20 regional offices across the state and employs more than 140 attorneys. These attorneys are appointed to cases with identified indigent clients by the presiding judge based on a matrix of designations developed by the State Public Defender. In the event of conflicts of interest or lack of available local public defender staff the presiding judge may appoint a private attorney who holds a contract with the State Public Defender.

The State Public Defender maintains contracts with over 1,000 private attorneys across every county in the State to handle cases where no SPD attorney is available due to location or ethical conflict. These attorneys perform their services for fixed hourly fees subject to caps that vary by the nature of the case. Upon the completion of a case, or at contractually defined intervals, the contracted attorneys submit claims for payment for their services. The prompt and fair review, adjudication, and payment of these claims is the second core function of the State Public Defender's office.

KEY RESULTS

Name: Core function— Legal Representation

Description: Prompt and fair review and adjudication of claims for payment of indigent defense fees and costs from indigent defense providers.

Why we are doing this: To meet SPD strategic goal #4, “Compensate attorneys and other indigent defense providers in a timely and accurate manner.”

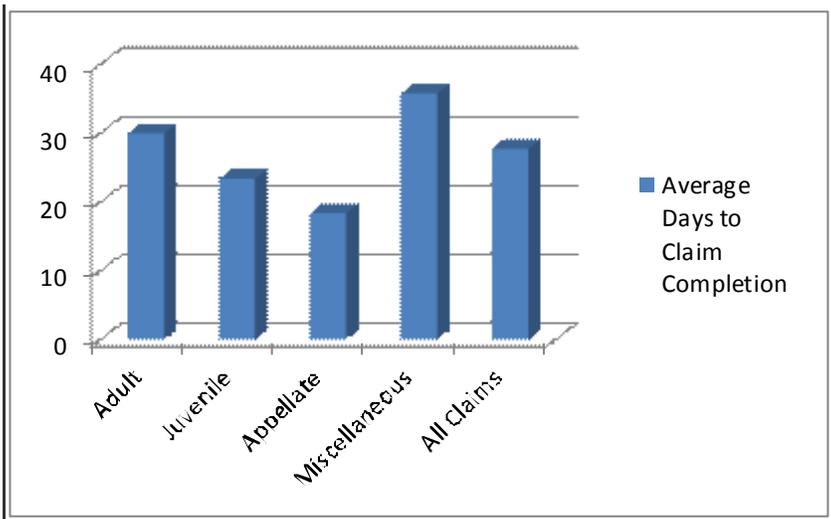
What we're doing to achieve results: The State Public Defender processes over 60,000 claims per year. These claims are reviewed for data entry accuracy, appropriateness of billed services, and adherence to administrative rules.

Performance Measure: Average processing time for an indigent defense claim within an established standard.

Performance Goal/Target: less than 35 days

What was achieved: The average processing time for all indigent defense claims was 27.708 days, more than one week faster than the goal.

Data Sources: State Public Defender

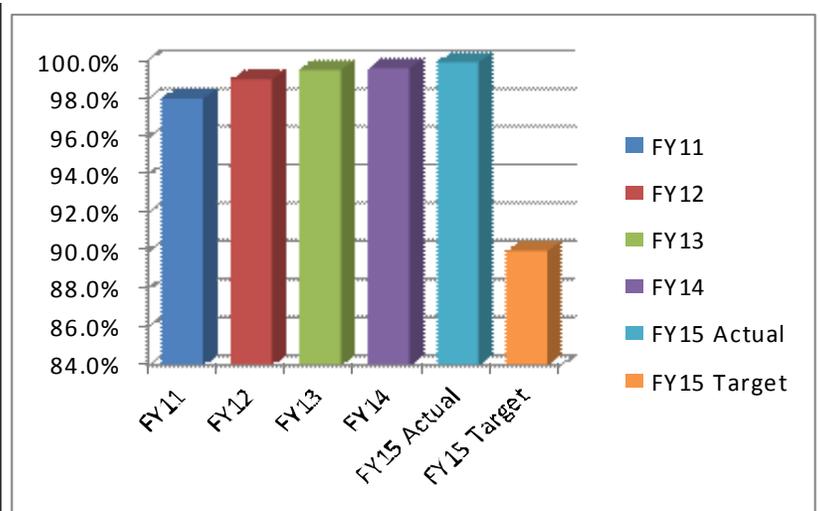


Performance Measure: Percentage of Notices of Action on indigent defense claims that are upheld upon final judicial review

Performance Goal/Target: 90%

What was achieved: 99.9% of the 10,212 Notices of Action issued in FY15 were upheld.

Data Sources: State Public Defender



KEY RESULTS

Name: Core Function - Legal Representation

Description: Provide high-quality and cost-efficient representation by public defenders to indigent clients in State criminal court, juvenile court, and other proceedings as required by law.

Why we are doing this: The State of Iowa has a constitutional duty to ensure effective legal representation to all individuals before our courts. In the event an individual is unable to afford the cost of his/her representation the State provides assistance.

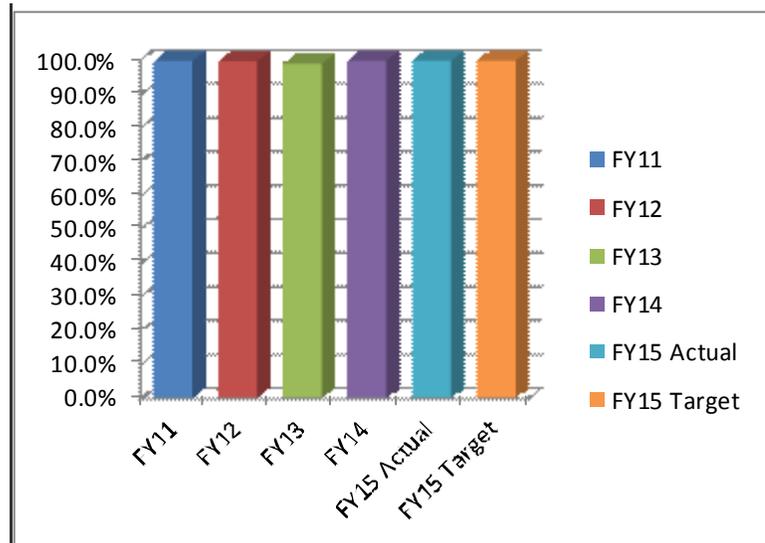
What we're doing to achieve results: The Office of State Public Defender continues to seek to hire the best available attorneys, investigators, and staff to provide the high quality, cost effective legal defense that is expected by the citizens of Iowa.

Performance Measure: Percentage of public defender cases where there have been no final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (for civil commitments) habeas corpus actions.

Performance Goal/Target: 99%

What was achieved: 99.9% of public defender cases were completed with no finding of ineffective counsel.

Data Sources: State Public Defender



PERFORMANCE PLAN RESULTS

Name of Agency: Office of the State Public Defender

Agency Mission: To ensure that all indigent persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.

Core Function: Prompt and fair review and adjudication of claims for payment of indigent defense fees and costs from indigent defense providers.

Performance Measure (Outcome)	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of Notices of Action on indigent defense claims that are upheld upon final judicial review	90%	99.9%	What Occurred: Claims review staff issued 10,212 Notices of Action on claims submitted in FY15.
2. Average processing time for an indigent defense claim within an established standard.	35 days	27.71 days	What Occurred: 65% of all claims in FY15 were completed within the 35 day target window. NOTE: After taking action to improve efficiency in March 2015, processing times improved dramatically.

Service, Product or Activity: Assigned Counsel Legal Services

Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of Adult indigent defense claims reviewed and acted upon (approved or disapproved) within 35 days of receipt.	90%	56%	What Occurred: The processing of adult claims was complete, on average, within 29.987 days of receipt. . NOTE: After taking action to improve efficiency in March 2015, processing times improved dramatically.
2. Percentage of juvenile indigent defense claims reviewed and acted upon (approved or disapproved) within 35 days of receipt.	90%	78%	What Occurred: The processing of juvenile claims was complete, on average, within 23.358 days of receipt. . NOTE: After taking action to improve efficiency in March 2015, processing times improved dramatically.
3. Percentage of appellate indigent defense claims reviewed and acted upon (approved or disapproved) within 35 days of receipt.	90%	85%	What Occurred: The processing of appellate claims was complete, on average, within 18.372 days of receipt. . NOTE: After taking action to improve efficiency in March 2015, processing times improved dramatically.
4. Percentage of miscellaneous indigent defense claims reviewed and acted upon (approved or disapproved) within 35 days of receipt.	90%	53%	What Occurred: The processing of miscellaneous claims was complete, on average, within 35.768 days of receipt. . NOTE: After taking action to improve efficiency in March 2015, processing times improved dramatically.

PERFORMANCE PLAN RESULTS (cont.)

Name of Agency: Office of the State Public Defender			
Agency Mission: To ensure that all indigent persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.			
Core Function: Provide high-quality and cost-efficient representation by public defenders to indigent clients in State criminal court, juvenile court, and other proceedings as required by law.			
Performance Measure (Outcome)	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of public defender cases where there have been no final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (for civil commitments) habeas corpus actions.	99%	99.9%	What Occurred: Public Defenders maintained a very high level of quality of representation in the FY15 period.
Service, Product or Activity: Public Defender Legal Services			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Number of cases completed by the State Public Defender (SPD) system	83,000	83,919	What Occurred: SPD cases are counted on a per charge basis. If a defendant is facing multiple charges for a single incident they will be counted separately.

RESOURCE REALLOCATIONS

During FY15, the Office State Public Defender continued to address the challenge of limited human and financial resources.

To improve the recruitment of high-quality attorneys for employment as Public Defenders, the Gideon Fellowship program has been implemented. The Gideon Fellowship allows the Office of State Public Defender to compete on a more equal footing with other potential employers of prospective law school graduates by timing recruitment and hiring to coincide with existing annual job market cycles instead of reacting to openings in the Public Defender system as they occur.

An evaluation of the responsibilities of the Office was conducted on an ongoing basis during the fiscal year. In some cases, staff positions were reassigned to best utilize the skills necessary to accomplish the mission of the Office. The Office continues to maximize state resources to accomplish our mission.

The Claims Review System software update “went live” in October of 2014. The new web-based version of CRS improves claim handling efficiency and has decreased the processing time for claims to the Indigent Defense Fund.

AGENCY CONTACTS

Copies of the State Public Defender Agency Performance Report are available on the Results Iowa web site (www.resultsiowa.org) and the SPD web site (<https://spd.iowa.gov/>). Copies of the report can also be obtained by contacting Adam Haar at 515-281-5577 or via e-mail at ahaar@spd.state.ia.us.

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