

Agency Strategic Plan

Virginia Indigent Defense Commission (848)

3/17/2014 11:27 am

Biennium: 2008-10 ▼

Mission and Vision

Mission Statement

The Virginia Indigent Defense Commission will support the Commonwealth's Constitutional obligation to provide legal representation to indigent criminal defendants through the administration of a state public defender system and the certification of court appointed counsel.

Vision Statement

The Virginia Indigent Defense Commission envisions:

1. Providing an efficient, cost effective system of quality indigent criminal defense representation throughout the Commonwealth of Virginia;
2. Eliminating barriers to providing legal representation by both public defenders and court appointed counsel;
3. Ensuring quality legal representation through the development, review and enforcement of the Standards of Practice of Indigent Defense Representation (Standards of Practice); and
4. Retaining well trained, experienced public defender attorneys and staff dedicated to providing quality representation to their clients.

Executive Progress Report

Service Performance and Productivity

- *Summary of current service performance*

The Commission continues working to meet its statutory responsibilities of administering a state public defender system and overseeing the certification of qualified court-appointed counsel.

- *Summary of current productivity*

The Commission continues working to meet its statutory responsibilities of administering a state public defender system and overseeing the certification of qualified court-appointed counsel.

Initiatives, Rankings and Customer Trends

- *Summary of Major Initiatives and Related Progress*

a. Standards of Practice. A statutory mandate required the Commission to develop and enforce Standards of Practice for all attorneys accepting court appointments to represent indigent criminal defendants. A working group of approximately 30 members met and developed the Standards of Practice throughout the year. Members of the working group included representatives from the private bar, public defender offices, offices of the Commonwealth Attorneys, the office of the Attorney General, the Executive Secretary of the Supreme Court, the bench and the Virginia State Bar. After the Draft Standards of Practice were circulated for comment, the Commission approved them in November 2006 and voted to delay the effective date until April 1, 2007, following the General Assembly session. Copies of the Standards of Practice, as adopted, were mailed to private bar members and were provided to public defender attorneys.

b. Enforcement of the Standards of Practice. The Commission approved procedures for the enforcement of the Standards of Practice at its August 2007 meeting. In developing the procedures, a workgroup was assembled of approximately 20 people including representatives from the private bar, public defender offices, offices of the Commonwealth Attorneys, the Executive Secretary of the Supreme Court, the office of the Attorney General, the Virginia Trial Lawyers Association, the Virginia Association of Criminal Defense Lawyers and the Virginia State Bar.

c. Agency Policies and Procedures. The Commission initially adopted the policies and procedures of its predecessor, the Public Defender Commission until it could complete its statutory mandate of adopting rules and procedures for the conduct of its business. In November of 2006, the Commission approved policies and procedures proposed by a working group of public defenders and administrative staff. The policies and procedures will be reviewed annually for any necessary modifications, additions or deletions.

d. Appellate Procedures. During its November 2006 meeting, the Commission directed the Executive Director to develop policies and procedures for handling appeals. A workgroup, consisting of public defenders and administrative office staff developed a proposed policy and forms which the Commission approved during its March 2007 meeting. The appellate policy became effective on May 1, 2007. The policy as adopted required changes to the Public Defender Case Information System. All of the necessary changes have been made to the system. The Commission provided training sessions on the new policy in March and April 2007 and requires all new attorneys to receive the appellate training.

e. Training. The Commission continues to enhance training and development opportunities for both the private bar of court appointed counsel and its public defender office attorneys, investigators, sentencing advocates, and support staff. A list of all upcoming training programs is provided on the Commission's website. Additional non-certification annual

training programs provided to attorneys in public defender offices included the 3rd Annual Trial Skills Bootcamp, New Attorney Training, the Public Defender Conference, Public Defender Management Training, and Officer Manager Training.

f. Caseload/Workload Study. The Commission is pursuing an in depth, Virginia-specific caseload study to provide an analysis of current public defender workloads and factors affecting the workloads, and to provide recommendations for appropriate caseload levels. The Commission will use the recommendations from the study to develop more tailored caseload standards or parameters, to project staffing levels necessary to provide effective representation of indigent clients in localities where public defender offices exist, and to project resources needed now and in the future to support the public defender system. The Commission posted an Invitation for Bids (IFB) for a Virginia Public Defender Caseload Study. In April 2007, the contract was awarded to the National Center for State Courts (NCSC). As proposed, the study contains six phases and is projected to take eighteen months. The study will result in a final report that recommends caseloads for public defenders based on experience, nature of the case, urban versus suburban jurisdictions, and several other criteria.

- *Summary of Virginia's Ranking*

A 2005 ABA report indicated that Virginia was among the worst-ranking states for compensation of court appointed counsel. Comparatively, at the time of the report, only Mississippi and Maryland ranked lower than Virginia. The current maximum rate of compensation for private court appointed counsel is \$90 per hour for both in-court and out-of-court work. This per hour rate is one of the highest in the nation. However, limited funds are available to pay court appointed attorneys and there are statutory caps in place. The Supreme Court determines the maximum rate paid to court appointed counsel based on the amounts appropriated.

The 2007 General Assembly approved legislation to increase the statutory caps and provide for a second tier waiver of the statutory caps in certain cases. An additional \$8.2 million dollars was appropriated to the Criminal Fund for the payment of such increases and waivers. Judges will be responsible for determining whether to grant waivers. Such waivers will be contingent on available funding. Previously, as in Mississippi, waivers of the fee cap were not available. The Commission will continue to work with other stakeholders to improve compensation for court appointed counsel.

- *Summary of Customer Trends and Coverage*

In FY07, the Public Defender offices of the Indigent Defense Commission (the IDC) provided representation to a total of 94,325 indigent clients charged with criminal offenses for which the possible penalty was incarceration or death. This is a slight increase in the number of clients from FY06.

During each General Assembly session, legislation is enacted which creates additional crimes for which the penalty includes either mandatory or possible incarceration. While individual bills may have a small impact on the number of indigent clients requiring representation, cumulatively, the impact of several bills could negatively impact the caseloads of public defenders and the number of cases assigned to private court appointed counsel.

Also, there has been an increase in the number of clients who are not US citizens, increasing the need for interpreters and for additional training for attorneys on the special consequences of certain criminal convictions for clients who are not US citizens.

Impact of Aging Population

The impact of the aging population has not yet been seen in either the clients served by, or the employees of the Commission. As noted previously in this plan, the Commission has a history of high turnover and vacancy. Historically, the turnover has been 20-24% and in calendar year 2006, was 27%. As a result, nearly two thirds of the attorneys employed by the Commission are within their first three years of service. Additionally, many of the attorneys are hired immediately after their completion of law school. As a result, it is unlikely that the Commission will be affected by high numbers of retirees in the foreseeable future. Many of the public defenders have longer service with the Commonwealth. However, all of the public defender offices have a deputy or senior public defender position to assist them with the management and operations of the office. In the event that the public defender retires, the deputy/senior has the knowledge and experience to continue the operations of the office during the search for a new public defender.

Clients of the Commission include persons accused of crimes for which the punishment is incarceration or death. According to the 2003, 2004, 2005 and 2006 reports entitled Crime in Virginia, compiled by the Uniform Crime Reporting Section of the Department of State Police, the percentage of citizens over the age of 65 who are charged with crimes has remained constant. The percentage of persons aged 65 or higher who are charged with Group A crimes, which include violent crimes and most property crimes, for each of the four years of the Crime in Virginia report was 68/100 of one percent of the total number of persons so charged. During the same reporting years, the percentage of persons aged 65 or older charged with Group B crimes, which include most alcohol related crimes as well as less serious offenses, was 1.12% of the total number of persons so charged.

Of the number of persons over 65 charged with crimes, the percentage who are determined by the courts to be indigent and to qualify for a court appointed attorney is a fraction of the total number charged. Estimates from the public

defender offices indicate a nominal number of clients over the age of 65.

In each year of the Crime in Virginia report, statistics show a significant drop in the number of crimes committed as the age of the person increases. The peak number of persons charged is in the 25-29 year old age group. The number charged drops for every age group thereafter. Based on the statistics contained in the 2003-2006 Crime in Virginia Reports, the Commission does not anticipate an increase in the number of future clients aged 65 or older.

Future Direction, Expectations, and Priorities

- *Summary of Future Direction and Expectations*

Historically, the Public Defender Commission, predecessor of the IDC, had employee turnover rates of 20% or greater each year. The IDC continues to realize high turnover, with a rate of 27% in calendar year 2006. This turnover rate, combined with the length of time often needed to fill the vacancies, negatively impacts the IDC's ability to serve a higher number of indigent clients, negatively impacts the caseloads of remaining attorneys and requires a constant hiring/training cycle. During the 2007 session, the General Assembly and the Governor took steps to assist the IDC in addressing the high rate of turnover by appropriating funds for salary increases for all IDC employees; by allocating additional positions for the enforcement of the Standards of Practice; by allocating additional positions and salary increases for the restructuring of the capital defender offices; and by allocating additional positions for the IDC to distribute as needed across the public defender system. The IDC will continue to work toward necessary salary increases as well as to identify and improve other conditions contributing to the high turnover and vacancy rates.

There has been an ongoing discussion of what the appropriate caseloads should be for public defenders. While a suggested national standard exists, there has never been a detailed analysis focused solely on Virginia. The IDC has contracted with the National Center for State Courts to complete a Virginia specific caseload/workload study. It is the intent of the IDC to utilize the findings of the study to assist in the development of caseload standards or parameters, to project staffing levels necessary to provide effective representation of indigent clients in localities where public defender offices exist, and to project resources needed now and in the future to support the public defender system.

One of the statutory requirements of the IDC is to develop and enforce Standards of Practice for all court appointed attorneys. The Standards of Practice have been developed and adopted by the IDC. Additionally, the procedures for enforcement are in place. The IDC will analyze the nature and substance of the complaints received in order to determine if modifications should be made to the Standards of Practice and to identify possible areas where training programs are needed.

- *Summary of Potential Impediments to Achievement*

High rates of turnover and vacancy. Adequate funding.

Service Area List

Service Number	Title
848 327 01	Criminal Indigent Defense Services
848 327 02	Capital Indigent Defense Services
848 327 03	Legal Defense Regulatory Services
848 327 22	Administrative Services

Agency Background Information

Statutory Authority

Title 19.2, Chapter 10, §§19.2-159 and 19.2-163.01-19.2-163.8, provides the statutory authority for the Virginia Indigent Defense Commission.

The 2004 General Assembly created the Virginia Indigent Defense Commission to assist in fulfilling the Commonwealth's constitutional obligation to provide attorneys for indigent people accused of crimes. (US Constitution, Amendment VI). Commission clients are persons charged with crimes that carry a potential penalty of incarceration or death and who have been determined indigent pursuant to state guidelines. In such cases, Virginia courts appoint public defender offices or members of the private bar certified by the Commission to provide legal representation.

In response to a two-year study of the feasibility of creating a state entity to effectively advocate for indigent defense needs in Virginia, the 2004 General Assembly created the Commission by adding a governing commission that is supervisory and by expanding the scope of responsibilities of and renaming the Virginia Public Defender Commission. Specific Statutory responsibilities include:

-§ 19.2-163.01A(1) - Publicize and enforce the qualification standards for attorneys seeking eligibility to serve as court-appointed counsel for indigent defendants.

-§ 19.2-163.01A(2) - Develop initial training courses for attorneys who wish to begin serving as court-appointed counsel, and

to review and certify legal education courses that satisfy the continuing requirements for attorneys to maintain their eligibility for receiving court appointments.

-§ 19.2-163.01A(3) - Maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as court-appointed counsel for indigent defendants based upon the official standards. Disseminate the list by July 1 of each year and updates throughout the year to the Office of the Executive Secretary of the Supreme Court for distribution to the courts.

-§ 19.2-163.01A(4) - Establish official standards of practice for court-appointed counsel and public defenders to follow in representing their clients and guidelines for the removal of an attorney from the official list. Notify the Office of the Executive Secretary of the Supreme Court of any attorney whose name has been removed from the list.

-§ 19.2-163.01A(5) - Develop initial training courses for public defenders and to review and certify legal education courses that satisfy the continuing requirements for public defenders to maintain their eligibility.

-§ 19.2-163.01A(12) – Approve requests for appropriations and expend moneys appropriated by the General Assembly of Virginia and to receive other moneys as they become available to it and expend the same in order to carry out the duties imposed upon it.

-§19.2-163.01(B) – Commission shall adopt Rules and Procedures for the conduct of its business.

Customers

Customer Group	Customers served annually	Potential customers annually
Indigent criminal defendants	93,505	0
Private attorneys serving as court appointed counsel	1,793	0
Public defender attorneys and staff	540	0

Anticipated Changes To Agency Customer Base

There are no anticipated changes in the Customer descriptions.

Partners

Partner	Description
[None entered]	

Products and Services

• *Description of the Agency's Products and/or Services:*

Current Products and Services

- Legal representation to indigent persons charged with jailable criminal offenses.
- Certification of qualification for court appointed counsel to represent indigent criminal defendants.
- Oversight of the administration of public defender offices.
- Administrative assistance to public defender offices including, but not limited to, lease management, training, technology, and fiscal and payroll services.

• *Factors Impacting Agency Products and/or Services:*

- Turnover and vacancy rates that currently exist in the agency.
- Structure of the Administrative Office and the provision of services to the field offices.

• *Anticipated Changes in Products or Services:*

There are no anticipated changes.

Finance

• *Financial Overview:*

A general fund appropriation of \$43,132,492 and a non-general fund appropriation of \$167,079 provide the Commission's funding for FY09. The non-general fund portion is derived from private grants for work-study students in Alexandria and federal pass-through funds administered by the Department of Criminal Justice Services.

• *Financial Breakdown:*

	FY 2009		FY 2010	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$43,132,492	\$167,079	\$43,132,492	\$167,079
Change To Base	\$0	\$0	\$0	\$0

Agency Total	\$43,132,492	\$167,079	\$43,132,492	\$167,079
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This financial summary is computed from information entered in the service area plans.

Human Resources

- *Overview*

The Commission relies heavily on full time equivalent employees. However, due to the consistently high rates of turnover and difficulties in recruiting qualified employees, part time and wage employees are utilized throughout the agency to temporarily fill vacancies.

- *Human Resource Levels*

Effective Date	7/1/2008	
Total Authorized Position level	540	
Vacant Positions	-14.35	
Current Employment Level	525.7	
Non-Classified (Filled)	0	<i>breakout of Current Employment Level</i>
Full-Time Classified (Filled)	507	
Part-Time Classified (Filled)	18.65	
Faculty (Filled)	0	
Wage	2	
Contract Employees	0	
Total Human Resource Level	527.7	<i>= Current Employment Level + Wage and Contract Employees</i>

- *Factors Impacting HR*

Turnover and vacancy have negatively affected the Commission. Steps have been taken over the past two years to utilize internal savings to increase starting salaries. Additionally, the General Assembly and the Governor approved increased funding to provide for increases to starting salaries and salaries of existing employees in an effort to combat the turnover and vacancy rates which regularly exceed 20% and in calendar year 2006 exceeded 27%.

- *Anticipated HR Changes*

[Nothing entered]

Information Technology

- *Current Operational IT Investments:*

The Commission has 32 field offices in addition to its administrative office. These offices receive data networking services via a managed network provided by VITA. The primary business functions supported by the network include a Public Defender case management system, email, internet-based legal research, and online data backup. The network was established in late 2004.

All of the Commission offices moved from a single computer internet dialup setup to a Commission-wide network. Nominal bandwidth was requested to ensure sufficient funding was available to connect all offices, DSL internet access was utilized in areas where it was available, and frame relay was utilized in those locations where DSL was not available. With today's heavy dependence on communications bandwidth for software updates and upgrades, online file backups, large file transfers, and remote technology support, the installed bandwidth has become a hindrance.

Since the Commission is not an executive branch agency, its network is separate from the state's network. This separate network has its own firewall, network router, anti-spam server, (2) DNS servers, and (2) centralized email and data servers. These devices will need to be replaced in FY09/10 as their operational reliability will decrease with age and outages at the network level will affect all offices.

Lotus Domino and Notes are used for the agency's email system as well as its criminal case management system and certified attorney tracking system. Since this environment works well with the current infrastructure, no changes are anticipated at this time.

The Commission utilizes an Oracle based financial management system named "Integrated Decision Support System" (IDSS) which is also used by several other agencies. This system was put into service at the Commission in the early 1990s. Over the years it has been updated to reflect the changing vendor products upon which it is based and to gradually increase its functionality. With the Commonwealth's initiative to put up new, enterprise-wide fiscal and HR systems, the Commission has decided to remain with IDSS for management of its fiscal processes until the new systems are available.

The Commission examined the option of joining the VITA/NG Partnership for all infrastructure IT resources. However, due to the costs associated with joining the Partnership and a recommendation from the Department of Planning and Budget, Division of Best Practices report, the Commission determined it needed to explore other options of upgrading its IT equipment and services.

With the use of savings generated by turnover and vacancy, the Commission was able to replace all agency desktop PCs at the end of FY08. Additionally, new servers and network switches were purchased. The Commission IT staff was able to incorporate necessary upgrades and tools in the equipment purchases that will assist the Commission in meeting many of the IT Security Guidelines.

- **Factors Impacting the Current IT:**

The increase in mandated IT security practices and IT controls will stretch the agency's limited IT funding such that little will be available for new IT initiatives. It is doubtful that the existing IT funding will allow complete compliance with all the mandated IT security practices.

- **Proposed IT Solutions:**

The long term interest of the Commission would be best served by becoming a part of the VITA/NG Partnership for all IT infrastructure services. By being in the Partnership, the agency would be able to focus on its internal processes to maximize its operational efficiency. Based on cost estimates of over one million dollars annually to join the Partnership, the Commission does not anticipate having the financial ability to proceed. Since the Commission was able to replace its desktop and field servers in FY08 utilizing Turnover and Vacancy funds, it may be possible to move critical network infrastructure resources to the Partnership. These resources would include critical network resources and network management services. The Commission will continue to work with VITA to explore which Partnership services would have financial and operational benefit to the Commission.

- **Current IT Services:**

Estimated Ongoing Operations and Maintenance Costs for Existing IT Investments

	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Projected Service Fees	\$228,727	\$0	\$232,158	\$0
Changes (+/-) to VITA Infrastructure	\$0	\$0	\$0	\$0
Estimated VITA Infrastructure	\$228,727	\$0	\$232,158	\$0
Specialized Infrastructure	\$548,770	\$0	\$548,770	\$0
Agency IT Staff	\$0	\$0	\$0	\$0
Non-agency IT Staff	\$0	\$0	\$0	\$0
Other Application Costs	\$45,000	\$0	\$45,000	\$0
Agency IT Current Services	\$822,497	\$0	\$825,928	\$0

Comments:

[Nothing entered]

- **Proposed IT Investments**

Estimated Costs for Projects and New IT Investments

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	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Major IT Projects	\$0	\$0	\$0	\$0
Non-major IT Projects	\$0	\$0	\$0	\$0
Agency-level IT Projects	\$0	\$0	\$0	\$0
Major Stand Alone IT Procurements	\$0	\$0	\$0	\$0
Non-major Stand Alone IT Procurements	\$0	\$0	\$0	\$0
Total Proposed IT Investments	\$0	\$0	\$0	\$0

● *Projected Total IT Budget*

	Cost - Year 1		Cost - Year 2	
	General Fund	Non-general Fund	General Fund	Non-general Fund
Current IT Services	\$822,497	\$0	\$825,928	\$0
Proposed IT Investments	\$0	\$0	\$0	\$0
Total	\$822,497	\$0	\$825,928	\$0

[Appendix A](#) - Agency's information technology investment detail maintained in VITA's ProSight system.

Capital

- *Current State of Capital Investments:*
The Commission has no Capital Investments
- *Factors Impacting Capital Investments:*
[Nothing entered]
- *Capital Investments Alignment:*
[Nothing entered]

Agency Goals

Goal 1

Monitor public defender caseloads.

Goal Summary and Alignment

There has been much focus on the issue of appropriate caseload numbers for public defenders. In an effort to ensure compliance with ethical requirements, the Commission must monitor the caseloads of its attorneys.

Goal Alignment to Statewide Goals

- Be recognized as the best-managed state in the nation.
- Protect the public's safety and security, ensuring a fair and effective system of justice and providing a prepared response to emergencies and disasters of all kinds.

Goal 2

Complete a Virginia specific caseload study to establish and maintain reasonable caseloads for PD's, determine staffing needs for PD offices, and respond to future inquiries from the executive and legislative branches regarding necessary resources for any expansion

Goal Summary and Alignment

Recognizing the need to balance the fiscal efficiency of the system, quality legal representation and the ethical considerations of attorneys representing indigent defendants, the Commission is pursuing a Virginia specific study of the workload and caseloads of its staff and attorneys. The study will ultimately be used as a planning tool and as a way of determining necessary resources for the agency.

Goal Alignment to Statewide Goals

- Be recognized as the best-managed state in the nation.
- Protect the public's safety and security, ensuring a fair and effective system of justice and providing a prepared response to emergencies and disasters of all kinds.

Goal 3

Review, modify and enforce the Standards of Practice.

Goal Summary and Alignment

The Commission was statutorily mandated to establish and enforce Standards of Practice for all attorneys handling court appointed cases. This goal is in direct response to that mandate.

Goal Alignment to Statewide Goals

- Protect the public's safety and security, ensuring a fair and effective system of justice and providing a prepared response to emergencies and disasters of all kinds.
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Service Area Strategic Plan

Virginia Indigent Defense Commission (848)

3/17/2014 11:27 am

Biennium: 2008-10 ▼

Service Area 1 of 4

Criminal Indigent Defense Services (848 327 01)

Description

This service area encompasses the Constitutionally required legal representation services the Commonwealth of Virginia must provide to indigent defendants charged with crimes for which the possible penalty is incarceration or death. The legal representation services are provided through a statutorily created state system of twenty-five public defender offices covering 53 jurisdictions and through an internally created appellate defender office.

Most of the public defender offices are staffed with a public defender, deputy public defender, senior public defender, assistant public defender II, assistant public defender I, office manager, secretary, sentencing advocate and investigator. Larger offices generally have more positions and staff in every position level. Smaller offices may not have each position level.

Each attorney employed by the Commission is required to be licensed by and in good standing with the Virginia State Bar and to be certified by the Indigent Defense Commission, in accordance with statute, to handle the level of cases with which their clients are charged, including misdemeanor, felony, juvenile or capital cases. Additionally, attorneys are required to comply with the Standards of Practice and the Rules of Professional Responsibility.

In FY07 the public defender offices provided legal representation services in 94,325 cases.

Background Information

Mission Alignment and Authority

- *Describe how this service supports the agency mission*
The Criminal Indigent Defense service area supports the mission of the agency to provide constitutionally mandated legal representation services through a state public defender system to indigent defendants charged with crimes for which the possible penalty is incarceration or death. The 25 public defender offices provided legal representation services in 94,325 criminal cases in FY07.
- *Describe the Statutory Authority of this Service*
Statutory authority supporting and mandating the services covered by this service area is found in sections 19.2-159, 19.2-163.01, 19.2-163.04 and 19.2-163.4 of the Code of Virginia.

Customers

Agency Customer Group	Customer	Customers served annually	Potential annual customers
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Anticipated Changes To Agency Customer Base
None.

Partners

Partner	Description
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[None entered]

Products and Services

- *Factors Impacting the Products and/or Services:*
 - Turnover and vacancy rates.
 - Structure of the administrative office and services to the field offices.
- *Anticipated Changes to the Products and/or Services*
None.
- *Listing of Products and/or Services*
 - Criminal defense legal representation.

Finance

- *Financial Overview*

This is the largest service area of the agency. It represents the main purpose of the Commission, the direct representation of indigent defendants charged with crimes.

- *Financial Breakdown*

	FY 2009		FY 2010		FY 2009	FY 2010	FY 2009	FY 2010	FY 2009	FY 2010
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund						
Base Budget	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Change To Base	\$0	\$0	\$0	\$0						
Service Area Total	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Base Budget	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Change To Base	\$0	\$0	\$0	\$0						
Service Area Total	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Base Budget	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Change To Base	\$0	\$0	\$0	\$0						
Service Area Total	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Base Budget	\$37,593,204	\$152,079	\$37,593,204	\$152,079						
Change To Base	\$0	\$0	\$0	\$0						
Service Area Total	\$37,593,204	\$152,079	\$37,593,204	\$152,079						

Human Resources

- *Human Resources Overview*

This service area includes the employees in the field office who are directly responsible for providing criminal defense indigent representation. The job titles included in the service area include: Public Defenders, Deputy Public Defenders, Senior Public Defenders, Assistant Public Defender II's, Assistant Public Defender I's, Investigator II's, Investigator I's, Sentencing Advocate II's, Sentencing Advocate I's, Office Managers, Secretary II's and Secretary I's.

- *Human Resource Levels*

Effective Date	7/1/2008
Total Authorized Position level	485.5
Vacant Positions	8.85

Current Employment Level	476.7	
Non-Classified (Filled)		<i>breakout of Current Employment Level</i>
Full-Time Classified (Filled)	459	
Part-Time Classified (Filled)	17.65	
Faculty (Filled)	0	
Wage	1	
Contract Employees	0	
Total Human Resource Level	477.7	<i>= Current Employment Level + Wage and Contract Employees</i>

- Factors Impacting HR**
 Historically, the Public Defender Commission, predecessor of the Commission, had employee turnover rates of 20% or greater each year. The Commission continues to realize high turnover, with a rate of 27% in calendar year 2006. This turnover rate, combined with the length of time often needed to fill the vacancies, negatively impacts the Commission’s ability to serve a higher number of indigent clients, negatively impacts the caseloads of remaining attorneys and requires a constant hiring/training cycle.
- Anticipated HR Changes**
 [Nothing entered]

Service Area Objectives

[None entered]

Service Area Strategic Plan

Virginia Indigent Defense Commission (848)

3/17/2014 11:27 am

Biennium: 2008-10 ▼

Service Area 2 of 4

Capital Indigent Defense Services (848 327 02)

Description

The Indigent Defense Commission is charged with providing legal defense representation to all indigent persons charged with an offense for which the possible penalty is incarceration or death. The General Assembly by statute established four regional capital defender offices to provide legal defense representation to indigent persons charged with capital offenses the penalty for which is death.

Background Information

Mission Alignment and Authority

- *Describe how this service supports the agency mission*
This service area supports the Virginia Indigent Defense Commission’s mission of providing the constitutionally mandated legal defense representation services to indigent criminal defendants charged with crimes for which the possible penalty is incarceration or death.
- *Describe the Statutory Authority of this Service*
Section 19.2- 163.2 of the Code of Virginia, approved during the 2002 General Assembly session authorized the creation of four capital defender offices. Sections 19.2-163.7 and 19.2-163.8 provide for the appointment of capital defender offices to represent indigent criminal defendants charged in capital cases.

Customers

Agency Customer Group	Customer	Customers served annually	Potential annual customers
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Anticipated Changes To Agency Customer Base
None

Partners

Partner	Description
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[None entered]

Products and Services

- *Factors Impacting the Products and/or Services:*
None.
- *Anticipated Changes to the Products and/or Services*
[Nothing entered]
- *Listing of Products and/or Services*
 - Capital defense representation.

Finance

- *Financial Overview*
This service area provides capital defense representation to indigent defendants charged with murder for which the death penalty is being sought. Virginia law requires that all defendants charged with a capital crime are appointed two attorneys by the Court. The second attorney appointed on a case, unless it is a public defender, is a private attorney. Private attorneys assigned to capital cases are compensated by the Court for their services. Attorneys and staff of the Commission are state employees on fixed salaries.
- *Financial Breakdown*

FY 2009	FY 2010	FY 2009	FY 2010	FY 2009	FY 2010
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	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$2,746,792	\$0	\$2,746,792	\$0
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$2,746,792	\$0	\$2,746,792	\$0
Base Budget	\$2,746,792	\$0	\$2,746,792	\$0
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$2,746,792	\$0	\$2,746,792	\$0
Base Budget	\$2,746,792	\$0	\$2,746,792	\$0
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$2,746,792	\$0	\$2,746,792	\$0

Human Resources

- *Human Resources Overview*

There are four regional Capital Defender offices. The positions existing in each office include, Capital Defender, Deputy Capital Defender, Assistant Capital Defender, Mitigation/Sentencing Specialist, Investigator and Office Manager.

- *Human Resource Levels*

Effective Date	7/1/2008	
Total Authorized Position level	32	
Vacant Positions	4	
Current Employment Level	28.0	
Non-Classified (Filled)		} breakout of Current Employment Level
Full-Time Classified (Filled)	28	
Part-Time Classified (Filled)	0	
Faculty (Filled)		
Wage	0	
Contract Employees		
Total Human Resource Level	28.0	= Current Employment Level + Wage and Contract Employees

- *Factors Impacting HR*

Recruiting is difficult because of the high level of expertise required and the salary structure. The pool of capital qualified attorneys is small.

- *Anticipated HR Changes*

[Nothing entered]

Service Area Objectives

[None entered]

Service Area Strategic Plan

Virginia Indigent Defense Commission (848)

3/17/2014 11:27 am

Biennium: 2008-10 ▼

Service Area 3 of 4

Legal Defense Regulatory Services (848 327 03)

Description

The Indigent Defense Commission is responsible for the development and enforcement of Standards of Practice for court appointed attorneys. It is also responsible for certifying that court appointed attorneys have met the statutory requirements for representing indigent defendants charged with crimes for which the possible penalty is incarceration or death and for the removal of attorneys who fail to adhere to the Standards of Practice.

Background Information

Mission Alignment and Authority

- *Describe how this service supports the agency mission*
This service area supports the Indigent Defense Commission’s mission by providing for the development and regulation of the certification of court appointed counsel.
- *Describe the Statutory Authority of this Service*
Section 19.2-163.01 of the Code of Virginia provides the statutory authority.

Customers

Agency Customer Group	Customer	Customers served annually	Potential annual customers
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Anticipated Changes To Agency Customer Base
None

Partners

Partner	Description
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[None entered]

Products and Services

- *Factors Impacting the Products and/or Services:*
As the Standards of Practice are used, there may be modifications, additions or deletions needed. The training course and materials must be kept current. The Certified court appointed counsel list must be updated as new attorneys apply, attorneys request to be removed, attorney addresses and other contact information changes. As complaints filter in, the guidelines may need modifications, additions of deletions.
- *Anticipated Changes to the Products and/or Services*
[Nothing entered]
- *Listing of Products and/or Services*
 - Standards of Practice Certification and recertification applications Certification training course and materials Certified court appointed counsel list (database) Guidelines for removal from certified court appointed counsel list.

Finance

- *Financial Overview*
The Appropriations Act provided funding for two full time positions to provide the required regulatory services.
- *Financial Breakdown*

FY 2009		FY 2010		FY 2009	FY 2010
General	Nongeneral	General	Nongeneral		

	Fund	Fund	Fund	Fund
Base Budget	\$196,830	\$0	\$196,830	\$0
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$196,830	\$0	\$196,830	\$0
Base Budget	\$196,830	\$0	\$196,830	\$0
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$196,830	\$0	\$196,830	\$0

Human Resources

- *Human Resources Overview*

The Appropriations Act provided for two positions for the regulatory enforcement requirements. The positions allocated to this service area include, and Assistant Training and Attorney Certification Director (who serves as the regulatory attorney) and an Administrative Assistant.

- *Human Resource Levels*

Effective Date	7/1/2008
Total Authorized Position level	2
Vacant Positions	0
Current Employment Level	2.0
Non-Classified (Filled)	0
Full-Time Classified (Filled)	2
Part-Time Classified (Filled)	0
Faculty (Filled)	0
Wage	0
Contract Employees	0
Total Human Resource Level	2.0

breakout of Current Employment Level

= Current Employment Level + Wage and Contract Employees

- *Factors Impacting HR*

None

- *Anticipated HR Changes*

None.

Service Area Objectives

[None entered]

Service Area Strategic Plan

Virginia Indigent Defense Commission (848)

3/17/2014 11:27 am

Biennium: 2008-10 ▼

Service Area 4 of 4

Administrative Services (848 327 22)

Description

The Indigent Defense Commission is charged with providing legal defense representation to all indigent persons charged with an offense for which the possible penalty is incarceration or death. The Commission meets this requirement through the administration of 25 public defender offices, 4 regional capital defender offices and one appellate defender office located throughout the Commonwealth.

The Commission has an administrative office centrally located, which provides services to the field offices allowing them to focus on the Commission’s main mission of providing legal defense representation. The administrative office provides human resource, benefits, accounts payable, budget, training, lease administration, information technology, legal research access, attorney certification and management services to the field offices. Payroll has recently been contracted out to the Payroll Services Bureau of the Department of Accounts on a fee basis lessening the duties of the agency staff. Additionally, the administrative office reports to the Commission members and performs any necessary work to ensure the Commission complies with requirements of state and federal statutes and agencies.

Background Information

Mission Alignment and Authority

- *Describe how this service supports the agency mission*
This service area supports the Indigent Defense Commission’s mission by alleviating many of the administrative demands from and providing necessary training and technology to the field offices and responding to demands and requirements of other agencies, allowing the field office employees to focus on the provision of legal defense services to indigent criminal defendants.
- *Describe the Statutory Authority of this Service*
Section 19.2-163.01 of the Code of Virginia provides the statutory authority.

Customers

Agency Customer Group	Customer	Customers served annually	Potential annual customers
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Anticipated Changes To Agency Customer Base
None.

Partners

Partner	Description
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[None entered]

Products and Services

- *Factors Impacting the Products and/or Services:*
The Indigent Defense Commission has expanded greatly since the creation of its predecessor, the Public Defender Commission. The Administrative office has remained relatively small. The demands on the Administrative office continue to grow, not only from the field offices, but also from demands from outside agencies and from changes in the Commission’s scope and responsibilities, specifically its supervisory nature and the addition of the certification of court appointed counsel.

The Commission has requested a “Best Practices” analysis from the Department of Planning and Budget. This analysis will provide guidance and recommendations on what staff and qualifications of staff are needed to best serve the Commission and its customers.
- *Anticipated Changes to the Products and/or Services*
The Commission requested and received a Best Practices analysis from the Department of Planning and Budget. The report from the study contained 23 recommendations aimed at providing guidance on what staff and qualifications of

staff are needed to best serve the Commission and its customers. The Commission has begun and will continue to implement the recommendations contained in the report.

- *Listing of Products and/or Services*

- Lease administration, Risk management, Human Resources administration, Health Benefit administration, Budget development services, Coordination of payroll services with DOA, Accounting services, Training programs, Information Technology Administration, Procurement processing and services, Legislative services, Reporting/Auditing and Compliance services

Finance

- *Financial Overview*

The costs allocated to the Administrative Services of the Commission total 6% of the total funds appropriated to the Commission.

- *Financial Breakdown*

	FY 2009		FY 2010	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$2,595,666	\$15,000	\$2,595,666	\$15,000
Change To Base	\$0	\$0	\$0	\$0
Service Area Total	\$2,595,666	\$15,000	\$2,595,666	\$15,000

Human Resources

- *Human Resources Overview*

The positions allocated to this service area include: an Executive Director, Deputy Director, Administrative Assistant, part time receptionist, Director of Budget and Finance, General Accounting Manager, Reconciliation/Payroll accountant, Fixed Assets accountant, Accounts payable specialist, Procurement Supervisor, Procurement Assistant, part time Lease Administrator, part time Accounts Payable Assistant, HR Manager (not filled), HR Administrator, Benefits Administrator, Training and Certification Director, Training Administrator, Information Systems Director, Senior Systems Engineer, Administrative Systems Analyst and Computer support Specialist.

- *Human Resource Levels*

Effective Date	
Total Authorized Position level	20.5
Vacant Positions	1.5
Current Employment Level	19.0
Non-Classified (Filled)	0
Full-Time Classified (Filled)	19
Part-Time Classified (Filled)	1
Faculty (Filled)	0
Wage	1
Contract Employees	0
Total Human Resource Level	20.0

breakout of Current Employment Level

= Current Employment Level + Wage and Contract Employees

- *Factors Impacting HR*

The Indigent Defense Commission has expanded greatly since the creation of its predecessor, the Public Defender Commission. The Administrative office has remained relatively small. The demands on the Administrative office continue to grow, not only from the field offices, but also from demands from outside agencies and from changes in the Commission's scope and responsibilities, specifically its supervisory nature and the addition of the certification of court appointed counsel.

- *Anticipated HR Changes*

The Commission requested and received a Best Practices analysis from the Department of Planning and Budget. The

report from the study contained 23 recommendations aimed at providing guidance on what staff and qualifications of staff are needed to best serve the Commission and its customers. The Commission has begun and will continue to implement the recommendations contained in the report.

Service Area Objectives

[None entered]

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