

Partnering Opportunities

SEP is interested in forming partnerships with indigent defense agencies, academic and research institutions, and non-profits to solicit grant and foundation funding to further the joint interests of the partner organization and SEP. Contact Margaret Gressens at IDS if you would like to explore this option.

For More Information

For more detailed information on the SEP project, project products and updates, and relevant criminal justice research articles, please visit the IDS website at www.ncids.org and click on the "Systems Eval. Project" link located on the left side of the page.

SEP Staff

Margaret A. Gressens, IDS Research Director: Since 2001, Ms. Gressens has been the Research Director for the Office of Indigent Defense Services. She has over 20 years of social and economic research, policy analysis, and program evaluation experience. Ms. Gressens received her B.A. from Brown University, Providence, Rhode Island and a M.P.A from the University of Alaska, Anchorage, Alaska. From 1996 to 2000, Ms. Gressens was a Health Planner for the Municipality of Anchorage, Department of Health and Human Services (DHHS), where she directed a project that measured the health and quality of life of the municipality. Ms. Gressens was Assistant Director of the Real Security Education Project for the Institute for Policy Studies in Washington, DC, where she co-designed a research and education project on the impact of U.S. foreign policy on the U.S. and the international economy. Ms. Gressens also has worked for the Institute for Social and Economic Research, University of Alaska and for the Office of United States Senator Daniel Patrick Moynihan (NY), Washington DC.

Daryl V. Atkinson, Systems Evaluation Project Coordinator: Mr. Atkinson has been the Systems Evaluation Project Coordinator since 2007. He received a B.A. in Political Science from Benedict College, Columbia, SC and a J.D. from the University of St. Thomas School of Law, Minneapolis, MN. He is a member of both the Minnesota and North Carolina Bars. Since moving to North Carolina in 2007, Mr. Atkinson has been active in both the prisoner reentry and legal service communities. He was a presenter at the first North Carolina Reentry Action Project Conference. In addition, Mr. Atkinson has led continuing legal education training sessions for criminal defense attorneys on how to address the reentry issues of their clients.

NORTH CAROLINA OFFICE OF INDIGENT DEFENSE SERVICES

123 WEST MAIN STREET, 4TH FLOOR

DURHAM, NC 27701

TEL: 919-560-3380

FAX: 919-560-3332

WWW.NCIDS.ORG

North Carolina Office of Indigent Defense Services



The Systems Evaluation Project Evaluating Indigent Defense Services

NC Indigent Defense Services (IDS)

In August 2000, the North Carolina General Assembly passed the Indigent Defense Services Act, creating the Office of Indigent Defense Services (IDS) and charging it with overseeing the provision of legal representation to indigent defendants in North Carolina. The cornerstone of IDS's mission is to ensure that poor people who are charged with crimes have the same legal protections as everyone else. Our goals are to ensure that every client is provided with an attorney who has the legal qualifications, training, and resources needed to be an effective advocate and to manage the state's indigent defense fund in an efficient and equitable manner. North Carolina's passage of the IDS Act makes it a national leader in the development of indigent defense programs.

North Carolina has 100 counties comprising 43 judicial districts, and the criminal justice system functions differently within each county. North Carolina's indigent defense services are organized around these county-based systems. Services are provided by both public defenders and court appointed attorneys, supplemented by small contractual agreements to improve efficiency. As of 2009, 26 counties have public-defender-based systems, which together handled approximately 34% of the state's indigent defense caseload. Every year, over 2,000 indigent defense attorneys represent more than 275,000 North Carolina citizens who face potential incarceration by the state. Given that the rights of so many are at stake, it is imperative to know how well the indigent defense system is performing and how we can improve it.

Systems Evaluation Project (SEP)

Across the country, indigent defense systems lack effective program evaluation, which can result in poor quality services, inefficient resource allocation, and wasted taxpayer dollars. The Systems Evaluation Project (SEP) is poised to address this problem in North Carolina and to accomplish what no other state in the U.S. has done—develop an evaluation tool that will measure client outcomes and assess system performance. With a data-based evaluation tool IDS will be able to improve the quality of legal representation for the poor, increase system efficiency, and quantify the social and economic benefits that quality indigent defense services generate for clients, the criminal justice system, and the community. For an example of how system evaluation can make a difference, please read Rebecca's story on the inside back page.

SEP Needs

Historically, IDS has been chronically under-funded. For example, in 2009, the primary pass-through agency for federal criminal justice grant funds awarded to North Carolina distributed over \$62 million to criminal justice agencies across the state. Indigent defense did not receive any of these funds. As a result of this resource deprivation, IDS has not had the necessary funds to invest in building the technology infrastructure necessary to warehouse data using large scale databases. SEP will need to develop such a data infrastructure to support the development of SEP's evaluation tool. This will require additional hardware, software, and technological expertise, and IDS's current financial resources present a serious challenge to meeting this need.

IDS is unique in that we are one of the few indigent defense agencies in the country housing a Research Department that conducts primary research and policy analysis for the indigent defense system. However, IDS's research capabilities are limited. We only have two full-time staff positions devoted to research, one three-quarter position supporting SEP, and one staff member with information technology (IT) expertise for an indigent defense system that provides oversight and support services for all 100 counties in North Carolina. Thus, IDS needs additional staff or outside resources with research and IT experience to perform data integration and investigate additional data sources. IDS also needs advice and expertise in the following areas: (1) acquisition of appropriate hardware and software, (2) design and management of the data infrastructure, and (3) ways of making this data easily accessible for purposes of data mining and analysis.

Meet Rebecca: A Case Study in How System Evaluation Can Make a Real Difference

Scenario 1

Rebecca L., a 20-year-old single mother of two children, is arrested and charged with shoplifting a winter coat (cost \$75) and providing false information to the police. Two days after her arrest, Rebecca appears before a magistrate but is not represented by counsel. The magistrate sets bond at \$1,000 without any background information on Rebecca's ties to the community or financial resources. Rebecca works as a grocery store clerk and struggles to provide for her family. She is unable to scrape up ten percent of her bond amount in order to secure release through a bail bondsman. Rebecca's next court appearance is two weeks away and she will lose her job if she misses work for that long. In addition, the rent for her apartment is due and her children have been in the custody of a local social services agency since her arrest.

Scenario 2

A year before Rebecca's arrest, the Systems Evaluation Project (SEP) measured a number of indicators associated with pretrial release in counties across the state. Over the course of the evaluation, data revealed that Blackacre, the county where Rebecca lived, had both the highest average misdemeanor bond amounts and the highest percentage of clients incarcerated throughout pretrial proceedings, but there was no appreciable difference in the failure to appear rate for defendants. Meanwhile, Blackacre was expending \$55 per day per incarcerated defendant for an average of 40 days for misdemeanor pretrial incarceration. In addition, defense attorneys in Blackacre were not appointed to a case until after the bond hearing, and SEP data revealed that the majority of district court judges rarely granted bond reduction motions.

SEP staff presented these findings to local political and criminal justice stakeholders, and detailed how the county's current policies regarding bond amounts and the appointment of counsel resulted in jail overcrowding, wasted taxpayer resources, family disruption that was counter-productive for children, and disproportionate punishment for defendants. Subsequently, a number of Blackacre policies changed, including lower average misdemeanor bond amounts and defense attorney representation at bond hearings, which provided magistrates with more complete information to make more informed bond decisions. Months later, when Rebecca was arrested, the policy changes were in full effect, which resulted in Rebecca getting legal representation at the bond hearing as well as a reasonable bond amount for the alleged misdemeanor offense. Rebecca's family was able to post bond and get her released prior to trial; as a result, she maintained her job and her apartment, and her children avoided foster care.

Rebecca's story is fictional and for illustrative purposes only.

Significant SEP Achievements

- National Conference:** In 2005, SEP received a small grant from the Z. Smith Reynolds Foundation and hosted a one-day national conference with indigent defense experts from around the country to discuss strategies for evaluating indigent defense and to present SEP’s vision for creating indigent defense performance measures. The conference generated a list of over 200 legal practitioners, academics, and researchers, which SEP continues to update on the progress of the project. As a result of this continued national contact and interest, SEP has the potential for replication in other jurisdictions around the country.
- SEP Focus Groups:** SEP held focus group discussions with other criminal justice stakeholders, as well as members of the non-profit and business communities, to hear their thoughts on the successes and limitations of our current indigent defense system. Most notably, members of the business community, such as the Durham Chamber of Commerce, thought indigent defense needed to devise ways to address clients’ long-term needs, particularly their ability to gain future employment after having contact with the criminal justice system. Other focus group participants included judges, prosecutors, indigent defense attorneys, investigators, law enforcement, corrections officers, community organizations, and former indigent defense clients.
- Literature Review:** SEP completed an extensive literature review of:
 - ▶ New and innovative developments in criminal justice research
 - ▶ Novel strategies or approaches to the practice of indigent defense
 - ▶ Methods to evaluate indigent defense services
 - ▶ Model projects in agencies and organizations that were successfully putting theory into practice.

Ultimately our research produced a report, *The Challenge: Evaluating Indigent Defense, Innovation in the Art and Practice of Indigent Defense*.

- Performance Measures:** Armed with a better understanding of the successes and limitations of our current system and the latest research on indigent defense practices, SEP was ready to move to the next step—the development of indigent defense performance measures. SEP has developed a draft blue-print for how IDS can measure indigent defense performance, which is described in SEP’s System Performance Measures Guide. The Guide defines the goals and objectives of a high quality indigent defense program and identifies the statistical indicators that will measure performance for each objective. SEP staff envisions the document will ultimately serve as a model for indigent defense services across the country.

Indigent Defense System Performance Measures: An Example

Performance Measures/Indicators*		District A	District B	District C	Statewide	PD	PAC
Goal: Best Possible Outcome for Clients	Objective: Clients Not Incarcerated Before Conviction						
	% of clients incarcerated throughout proceedings	20%	22%	60%	24%	10%	20%
	Average no. of days incarcerated pretrial	6	35	10	14	9	24
	Average Felony I bond amounts	\$500	\$450	\$1,500	\$400	\$410	\$600
	Failure to appear rate	10%	12%	9%	10%	11%	9%
	% of clients represented by attorney at first appearance	80%	40%	20%	45%	70%	40%
	% of clients released on bond who have bond revoked	15%	18%	11%	16%	18%	14%

Data is example data only.

How System Evaluation Will Make a Difference

Developing an evaluation tool is critical to ensuring that North Carolina citizens receive quality services across the state as efficiently as possible. The evaluation tool will enable IDS to:

- ▶ Identify best practices, especially those that are cost-effective
- ▶ Establish reasonable statewide norms, standards, benchmarks, and goals, given our resources
- ▶ Identify areas or regions in the state that are doing well or that need attention
- ▶ Identify what we do well and what needs improvement
- ▶ Measure the impact of policy decisions, both internal and external, on our performance and cost-effectiveness

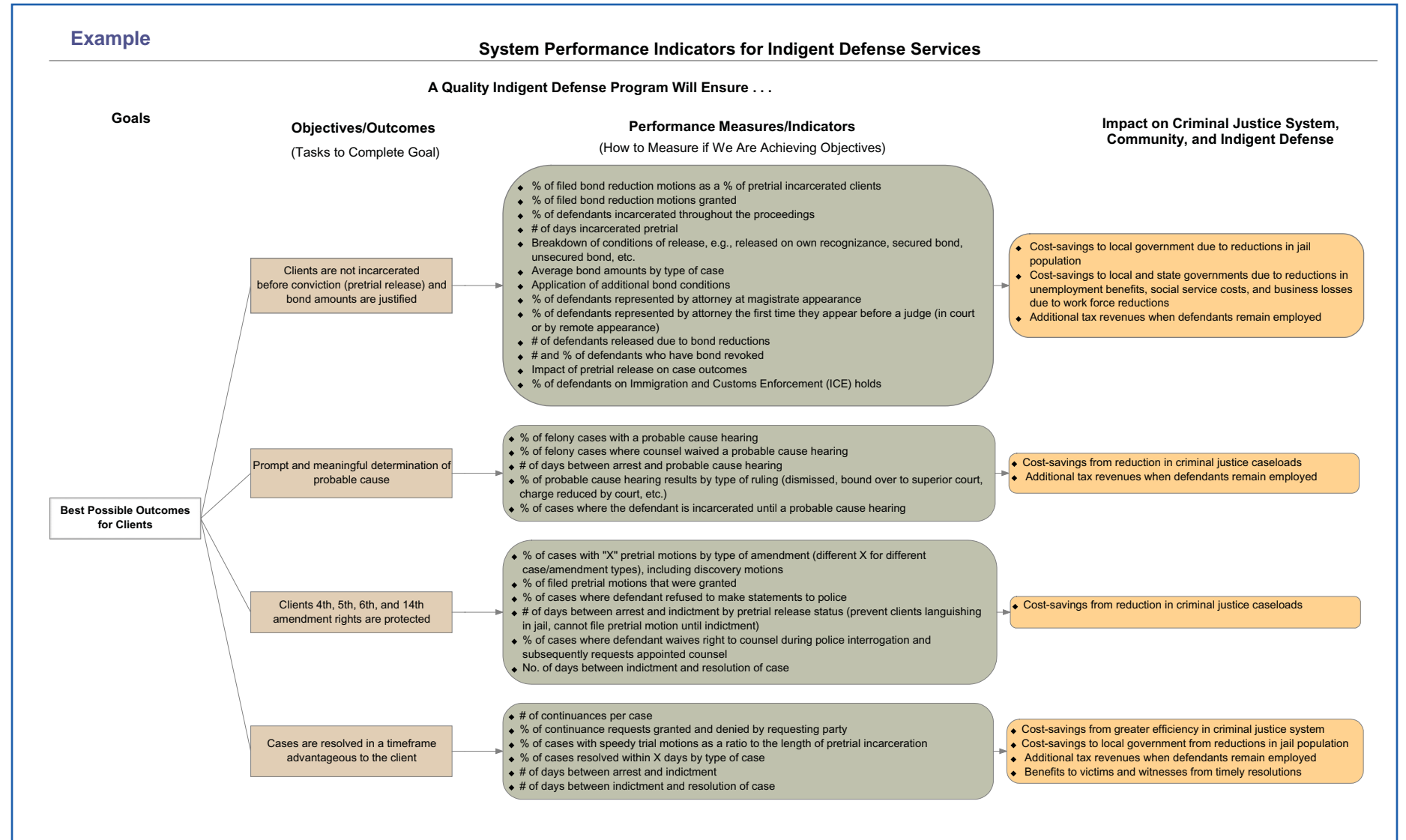
- ▶ Measure the impact of our services on the criminal justice system
- ▶ Enhance accountability and improve the quality of indigent defense services
- ▶ Maximize our resources to meet the needs of our clients, the criminal justice system, and the community
- ▶ Develop cost projections. For example, North Carolina has a Sentencing and Policy Advisory Commission. When the legislature proposes new criminal sanctions, it is the Sentencing Commission’s job to project the correction costs of the sanctions over time. IDS expects our evaluation model will provide IDS with similar capabilities.

* Indicator—A measure or statistical value used to determine the performance or achievement of a defined outcome.

North Carolina's Evaluation Model

How the evaluation model will work is illustrated by the figure to the right, which is a pictorial representation of North Carolina's approach to developing the indicators to measure system performance. First, we identified indigent defense system goals. Goals are broad statements that describe what we want the indigent defense system to achieve. Then, each goal was broken down into concrete, measurable objectives. Objectives, in contrast to goals, are clearly defined tasks or steps that can be measured and that, if accomplished, will mean that the goal was achieved. Performance measures or indicators were then identified for each objective. Indicators are measures or statistical values used to determine the performance or achievement of a defined objective.

One innovation of SEP is that we intend to measure the impact of indigent defense performance on the criminal justice system and community well-being. When indigent defense works well, there will be system efficiencies that will benefit not only indigent defense practitioners, but the court system and the community. For example, one objective of a high quality indigent defense system is to secure pretrial release for a defendant when the defendant is not a flight or public safety risk. Defendants on pretrial release maintain their jobs and housing and continue to provide for their families, which, in turn, mean cost savings to local and state governments from reduced jail populations and reductions in unemployment benefits and other social service costs, such as foster care, food stamps, or public housing subsidies. Unincarcerated defendants are able to maintain their jobs, which translate into increased tax revenues that go toward supporting the community.



Fostering National Evidence-Based Evaluation

SEP is committed to helping indigent defense organizations across the nation develop evidence-based program evaluation tools. SEP has developed a number of strategies to foster this development.

- ▶ SEP Website: SEP regularly posts project news, updates, and products, including links to the latest research on indigent defense.
- ▶ SEP Mailing List: SEP has a burgeoning list of over 200 criminal justice researchers and indigent defense practitioners who receive progress reports and products from SEP staff.

- ▶ SEP Research Listserv: Through its research listserv, SEP has created a forum where indigent defense practitioners and criminal justice researchers can discuss research and evaluation issues.