

Office of the State Public Defender Administrative Policies

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1.0 POLICY

- 1.1 The Office of the State Public Defender (OPD) has full-time investigators, throughout the state. To insure the best and most effective use of this resource, the following policy is adopted.
- 1.2 The regional deputy public defenders and managing attorneys in each public defender office are responsible for managing the workloads of the investigators they supervise.

2.0 PRIORITY CASES

- 2.1 It shall be the priority of every OPD office that its full-time investigators work primarily on felony cases.
- 2.2 Investigators are not, however, prohibited from working on misdemeanor cases or civil cases.

3.0 PROCEDURES

The attorney seeking investigative assistance shall do the following:

- 3.1 Submit an Investigation Request form (Attachment A) to the Regional Deputy Public Defender, Managing Attorney, Conflict Coordinator or Investigator Supervisor for approval.
- 3.2 The request must set forth sufficient detail such that the supervisor can make a sufficient determination of the necessity for investigation.
- 3.3 The request does not need to include all available discovery.
- 3.4 The supervisor must discuss the request with the investigator or investigators, to determine if they have the necessary time to do the investigation sought.
- 3.5 An investigator may only begin working on a case, when an approved request, signed by the appropriate individual, has been received.
- 3.6 Each attorney, after obtaining an approved request, shall supply the investigator every piece of discovery received by that attorney from the inception of the case and into the trial. The attorney shall not impede the investigator's ability to do their job thoroughly by deciding what items to provide to the investigator.

3.7 Exceptions to the prior approval requirement may be made in emergency situations where an attorney needs immediate photographs of an injured client in jail; photos of a crime scene as it is released by law enforcement; or, other such circumstance.

4.0 CLOSING

Questions about this policy should be directed to:

Office of the State Public Defender
Central Services Division
44 West Park
Butte, MT 59701

(406) 496-6080

