



MONTANA STATE PUBLIC DEFENDER

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January 15, 2021

Representative Bill Mercer
State Capitol Building
P.O. Box 200400
Helena, MT 59620-0400

Dear Representative Mercer:

As you requested in the January 15, 2021 Joint Appropriations Subcommittee Section D Hearing, OPD is providing additional information specific to case weights, staffing numbers, a response to the concern raised during public comment, and the usage of case managers/social workers following the holistic defense pilot project. Attached are the following documents:

- *Case Weight Guide from Case Weight Rules* provides the weights (hours) used in Division 1 and 3 assigned to each case type with explanations for when additions or deductions are appropriate.
- *Case Weight System – Rules* provides guidance to staff on using this system in the current case management system JustWare.
- *Case Weighting Worksheet – Direct Appeal* is the case weight system used in Division 2.
- *FTE by Division, Position* provides a breakdown of all positions within each division.

Due to confidentiality limitations, the agency is unable to provide any details to the individual who raised concerns in her friend's case in Helena. The agency would like to extend an offer for the individual in the case, as well as any other individual with concerns regarding their case, to speak with the local Regional Manager or the Director at any time. We would also like the committee to know while we do not have all the details of the concerns raised in public comment, we do have interpretation services available for our employees and clients including American Sign Language. Given the concern raised, we will ensure a reminder of this resource is made to OPD employees.

The role of case managers/social workers at OPD is outlined below.

Interdisciplinary Support for OPD Clients

Pursuant to the 65th Legislature's passage of House Bill 89, effective July 1, 2017, the Office of State Public Defender was instructed to establish a holistic defense pilot project. In September of 2017, the pilot began in Missoula and Kalispell with Bozeman and Billings pilot sites added in 2018. During this pilot period from 2017-2019, different offices provided services most relevant to their local needs resulting in different populations being served. For example, in Missoula the pilot focused on misdemeanor clients with cases in the Missoula Municipal Court whereas Bozeman's pilot focused on Dependency and Neglect (DN) cases and engaging parents in reunification efforts rather than criminal matters.

*We provide effective professional legal services with equal access to quality
client-centered representation.*



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Given the impressive and robust Holistic Defense program at our neighboring Flathead Reservation as well as locations nationwide (specifically Bronx, New York where this model was created), we are hesitant to suggest we fully accomplished a true holistic defense program despite best intentions. That said, we fully agree the addition of case managers/social workers to the services provided by OPD is meaningful, and often necessary when our clients have no other place to seek help during the most difficult times of their lives. For these reasons, and the indications of success seen in the pilot, we hope to continue to be able to offer interdisciplinary services to clients OPD is appointed to represent.

In the 2019 Biennium, OPD requested and received five FTE labeled as 'resource advocates.' Following the reclassification of all OPD employees in 2020, these positions are all now labeled as Case Managers/Social Services Coordinators and currently 6 of 7 positions are filled in the following areas:

- Billings: 1
- Bozeman: 1
- Great Falls: 1
- Kalispell: 1
- Missoula: 2

As OPD's vision states, we are dedicated and committed to improving overall outcomes for our clients and addressing the conditions that led to their involvement with the justice system to reduce recidivism. Though historically public defenders have nobly attempted to do this while meeting their mandate of providing effective representation, we believe utilizing case managers to address these needs will better serve clients and ultimately taxpayers.

I hope you find this information useful. We are open for further questions.

Sincerely,

Rhonda Lindquist, Director