



**NEW MEXICO**  
**PUBLIC DEFENDER DEPARTMENT**

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# **NMPDD**

## **STRATEGIC PLAN**

**FISCAL YEAR 2014-2015**

**(JULY 1, 2014 TO JUNE 30, 2015)**

**TABLE OF CONTENTS**

EXECUTIVE SUMMARY ..... 3

The New Mexico Public Defender Department ..... 3

Administration ..... 4

Statewide Units ..... 5

Regional/District Office Operations ..... 6

District/Regional Offices Locations: ..... 7

AGENCY PROGRAMS ..... 8

Agency Mission ..... 8

Program Name ..... 8

Program Purpose ..... 8

Program Activities ..... 8

Critical Program Challenges ..... 10

FY2015 GOALS AND OBJECTIVES ..... 11-15

SUMMARY OF PERFORMANCE MEASURES ..... 16

## **EXECUTIVE SUMMARY**

### **General Background: The New Mexico Public Defender Department**

The mandate of the New Mexico Public Defender Department (Department) is to fulfill New Mexico's constitutional and statutory guarantees of providing legal services to indigent adults and juveniles charged with criminal or delinquent acts in New Mexico. The Department provides legal counsel in every state court: the New Mexico Supreme Court, the New Mexico Court of Appeals, 15 District Courts, the Bernalillo County Metropolitan Court, and 25 Magistrate Courts. The New Mexico Public Defender Act, Sections 31-15-1 through 31-15-12, NMSA 1978, requires the Department to provide indigent criminal defense representation that complies with constitutional standards of effective representation under the V and VI Amendments of the United States Constitution and Article II, Sections 14, 15 and 18 of the New Mexico State Constitution.

In 2012, the citizens of New Mexico passed a constitutional amendment declaring that the New Mexico Public Defender Department "is established as an independent state agency" . . . to be administered by a Chief Public Defender and overseen by a newly-created Public Defender Commission. The commission is charged with the selection of the Chief Public Defender, setting fair and consistent standards for the operation of the Department, and approval of the annual budget. The Chief Public Defender, appointed to a four year term, is responsible for managing all day to day operations of the Department.

Adequate funding is critical to the Department's ability to meet its constitutional and statutory mandate by engaging its' clients, training lawyers and staff, conducting investigation and discovery activities, and preparing for hearings and trials. The Public Defender Department serves a vital role in the criminal justice system by ensuring fairness in the criminal justice process, protecting every New Mexican's constitutional rights, and guaranteeing "equal justice under the law" for the less privileged in New Mexico. The Department also strives to reduce criminal recidivism in New Mexico communities by providing treatment guidance through the Department's social services, assisting clients with reintegration efforts, supporting numerous treatment courts statewide, and participating in other innovative criminal justice reforms.

The Department provides legal services in every county and every judicial district in New Mexico. The Department is the largest law firm in the State of New Mexico, employing approximately 203 staff attorneys, 191 support staff, and contracting the legal services of another 120 lawyers statewide.

# NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN

## Fiscal Year 2015

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The Department's delivery of services system has four major overlapping service components: Administration, Statewide Units, Regional Office Operations, and Contract Counsel Legal Services. Each of these areas is generally described as follows:

### **Administration**

Located in Santa Fe, administrative services encompass a broad range of centralized agency management functions, including fiscal oversight and budget preparation, information technology services, personnel and human resources, physical plant operations and leasehold management, training and staff development, litigation support (expert) services, indigency and eligibility standards compliance, and contract fee reimbursement for legal services provided to non-indigent public defender clients who pay for legal services on a sliding scale.

The administration actively advocates on a broad range of governmental, public policy, and criminal justice issues effecting the Department and its clients. In addition, the chief public defender, deputy chief, statewide unit coordinators and district defenders communicate the Department's interests to criminal justice system constituents, which include local and state governments, jails, prisons, courts and local district office communities to assure the delivery of quality legal services for the Department's adult and juvenile clients.

The Department's administrative staff works directly with the legislature, the judiciary, and the executive branches of state government. They also prepare and submit budgets and answer questions through informal mechanisms as well as through formal legislative hearings and presentations. Under the new Public Defender Commission it is anticipated that for both interim legislative committees and committee meetings during the full legislative session, the Department's administrators will provide formal testimony, bill analysis, and substantive written information on a full range of issues directly and indirectly impacting client representation in the trial and appellate courts. The chief and deputy chief serve on a number of task forces, advisory committees and councils which shape public policy, criminal justice initiatives and legislation in New Mexico. Finally, Department administrative staff participates in many court initiatives and programs developed and implemented by the New Mexico Supreme Court, Court of Appeals, District Courts, and the Metropolitan/Magistrate courts.

# NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN

## Fiscal Year 2015

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### Statewide Units

The Public Defender Department has four statewide units which offer specialized, statewide legal services for public defender clients.

#### **Appellate Division**

With a main office in Santa Fe and a satellite office in Albuquerque, the Department's **Appellate Division** provides post-conviction representation in public defender cases on direct appeal before the New Mexico Supreme Court, the Court of Appeals and in the Second Judicial District Court "on record" appeals from the Bernalillo County Metropolitan Court. Additionally, the appellate division provides appellate counsel for interlocutory appeals of dispositive legal issues worthy of appellate review prior to final disposition in the district courts. The appellate division also provides daily "Appellate Attorney on Duty" assistance to all public defender and contract attorneys statewide. The appellate defender, appointed by the chief public defender, hires and supervises appellate attorneys and support staff. The Department's appellate lawyers and contract appellate lawyers use the Department's written standards and guidelines for appellate practice as a best practices model.

#### **Capital Crimes Unit**

The Department's **Capital Crimes Unit** (CCU) is headquartered in Albuquerque and defends first-degree murder and serious violent cases statewide. With the abolition of the death penalty in the 2009 legislative session, the Unit now focuses on defending both first degree murder cases in districts without public defender offices and child abuse resulting-in-death cases. The Unit's ability to do complex motions practice allows it to develop the Department's protocol for cases which rely heavily on discovery from hospitals, and its experience in homicide, allows the Unit to be a quality control for statewide practice. Finally, the Unit will continue to track those few death-eligible cases that were unaffected by the 2009 repeal of the death penalty.

#### **Mental Health Unit**

The Department's statewide **Mental Health Unit** is housed in Albuquerque and it provides direct and advisory / support services statewide. The unit's managing attorney, lawyers, social worker, and support staff work on a broad range of policy and program issues that impact the mentally ill and the developmentally disabled involved in the criminal and juvenile justice systems. Mentally ill defendants who participate in the Mental Health Court program are less likely to re-offend due to meeting their medication and housing needs. The Department helps to expand Mental Health Court programs statewide by working with local Department offices, district attorneys, the district courts, the Department of Health and community service providers. With the assistance of the Mental Health Unit, new Mental Health Courts were established in the 1<sup>st</sup> Judicial District Court, Santa Fe County, and in the 11<sup>th</sup> Judicial District Court, San Juan County in 2012. Finally, the Mental Health Unit plays an integral part in the development of Mental Health Court Standards statewide.

# NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN

## Fiscal Year 2015

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### **Post-Conviction Relief Unit**

The Albuquerque-based **Post-Conviction Relief Unit (Habeas Corpus)** represents individuals who have completed the direct appeal process, and challenge their underlying criminal conviction on constitutional and other legal grounds. The Unit also represents prison inmates who, through habeas corpus petitions, raise critical issues concerning their treatment in the prison, their sentence time credits, and their conditions of confinement. Since the unit handles conflict of interest and ineffective assistance of legal counsel cases against staff attorneys, the unit's coordinating attorney reports directly to the Chief Public Defender and Deputy Chief.

### **Regional/District Office Operations**

The large majority of the Department's services are delivered through the Department's eleven regional trial offices located in key population and caseload centers. Clients are represented from arrest through resolution of the case by the Department's approximately 203 staff trial lawyers in District Courts, Magistrate Courts, Children's Courts, and the Metropolitan Court. The regional and district offices are supervised by district public defenders and managing attorneys who are appointed by the Chief Public Defender. District defender's management efforts may be supported by attorney team leaders and sub-team leaders and by non-attorney law office administrators. The regional office management teams are responsible for staff hiring, office systems training, local supervision, case assignments, courtroom coverage, regional attorney training, and client legal representation.

### **Contract Counsel Legal Services (CCLS) Unit**

The Department's statewide Contract Counsel Legal Services Unit organizes and oversees the contract attorney representation system. In those counties where the Department maintains district office operations, the unit's primary responsibility is assigning contract counsel in conflict cases. In judicial districts and counties<sup>1</sup> lacking district office operations, the unit must assign both primary and conflict of interest contract counsel. At any one time, the Department may monitor and manage approximately 180 on-going contracts with private attorneys who provide primary and conflict of interest case representation statewide. In FY2013, the Contract Counsel Legal Services division handled approximately 35% of the cases represented by the Department, most being in areas without NMPDD Regional Offices.<sup>1</sup>

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<sup>1</sup> Counties and Judicial Districts completely serviced through Contract Counsel Legal Services operations include:

1. Fourth Judicial District (San Miguel, Mora, Guadalupe)
2. Sixth Judicial District (Grant, Luna, Hidalgo)
3. Seventh Judicial District (Sierra, Socorro, Torrance, Catron)
4. Eighth Judicial District (Union, Colfax)
5. Tenth Judicial District (Harding, De Baca, Quay)
6. Twelfth Judicial District (Lincoln)
7. Thirteenth Judicial District (Sandoval, Valencia, Cibola)

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

---

**District/Regional Offices Locations:**

- 1) First & Eighth Judicial Districts - Santa Fe, Rio Arriba, Los Alamos, Taos counties**
  - a). District Defender – First and Eighth Judicial Districts
  - b). Santa Fe Team Leader – First Judicial District, Santa Fe & Los Alamos
  - c). Managing Attorney – Eighth Judicial District, Taos
  
- 2) Second Judicial District Office – Albuquerque, Bernalillo County**
  - a). District Defender
  - b). Two Felony Team Leaders
  - c). One Metropolitan Court Team Leader
  - d). One Children’s Court Team Leader
  - d). One Pre-Indictment Unit Team Leader
  - e). Sub-team Leaders in Felony and in Metropolitan Court
  
- 3) Third Judicial District Office – Las Cruces, Dona Ana County**
  - a). District Defender
  - b). Felony Team Leader
  - c). Magistrate Court Team Leader
  - d). Children’s Court Team Leader
  
- 4) Fifth Judicial District Offices – Lea, Chaves, and Eddy Counties**
  - a). District Defender
  - b). Managing Attorney – Carlsbad, New Mexico
  - c). Managing Attorney – Roswell, New Mexico
  - d). Managing Attorney – Hobbs, New Mexico
  
- 5) Ninth Judicial District Office – Clovis, Curry and Roosevelt Counties**
  - a). District Defender
  
- 6) Eleventh Judicial District Office – Aztec, San Juan County**
  - a). District Defender – Aztec, New Mexico
  - b). Managing Attorney – Gallup, New Mexico (Opened in 2012)
  
- 7) Twelfth Judicial District Office – Alamogordo, Otero and Lincoln Counties**
  - a). District Defender

These district and regional offices provide legal counsel to the vast majority (65%) of the Department’s clients in a cost-effective and efficient manner. Our district/regional office operations deliver highly competent, quality legal services through the direct supervision and mentoring of staff lawyers by experienced trial attorneys.

## **AGENCY PROGRAMS**

### **Agency Mission**

To provide holistic legal representation of the highest quality to persons charged with criminal offenses in New Mexico, to protect constitutional rights, to advocate zealously, and to work toward reducing criminal recidivism throughout the State of New Mexico.

### **Program Name**

New Mexico Public Defender Department – Indigent Criminal Defense Legal Services

### **Program Purpose**

The purpose of the New Mexico Public Defender Department program is to meet New Mexico’s Federal and State Constitutional mandates to provide effective legal representation and advocacy for indigent criminal defendants and to serve the community as a partner in assuring a fair and efficient criminal justice system.

### **Program Activities**

#### **Pre-Indictment Representation Tasks**

Pre-Indictment representation tasks include, but are not limited to: 1) Counseling clients on eligibility for pre-prosecution programs, drug court diversion programs, Veterans Court programs, and Judicial Service Program Courts (Mental Health Courts), and the Early Plea Programs; 2) Conducting pre-indictment investigations, interviews and plea negotiations; 3) Handling pre-indictment interaction with juvenile probation and parole officers; 4) Advising individuals “under investigation” for criminal offenses. This division also covers grand jury representation, including regular submission of Evidence Alert Letters to grand jurors pursuant to New Mexico Court rules.

#### **Case Preparation and Courtroom/Trial Work and Sentencing Advocacy**

Case preparation and courtroom advocacy tasks include, but are not limited to: 1) obtaining discovery from district attorneys; 2) contacting and interviewing clients; 3) directing and managing case investigations; 4) interviewing witness; 5) conducting legal research; 6) brainstorming and collaborating with colleagues on case defenses; 7) preparing trial materials; 8) researching and requesting appropriate expert analysis and testimony; and 9) requesting assignment of expert services; and engaging in plea negotiations with the district attorney. Courtroom/Trial work consists of: 1) preliminary hearings; 2) arraignments and plea hearings, 3) bail and release hearings; 4) substantive pre-trial motions; 5) and bench and jury trials.

Sentencing advocacy includes requesting and obtaining dangerousness and forensic evaluations from expert psychologists and psychiatrists and obtaining internal social needs assessments conducted by the Department’s social workers and alternative sentencing advocates. Sentencing

# NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN

## Fiscal Year 2015

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recommendations and treatment assessments are presented to the court as an alternative to incarceration.

The Department continues its long term goal to reduce the number of persons cycling through the criminal justice system. Social Workers have long been a critical part of that mission by diverting people at sentencing from jail or prison into treatment and housing programs of various types. The Department will continue to support Mental Health Court programs, Drug Court programs and the new Veteran's Court program because specialized programs help address the issues that bring the individual to the criminal justice system to begin with. In turn, these programs help clients, help families and increase public safety. The Department will also continue to advocate for secure housing for the severely and persistently mentally ill as a representative on the Behavioral Health Purchasing Collaborative.

In addition to all of the above, trial counsel is responsible for the filing of any necessary Notices of Appeals and Docketing Statements following guilty verdicts or denials of substantive pre-trial motions.

### **Post-Trial Appeals**

The Department's post-trial work includes but is not limited to appeals in: 1.) District Courts which hear de novo trials from the Bernalillo County Metropolitan Court and Magistrate Courts; 2.) Reviews by the New Mexico Court of Appeals which reviews direct criminal appeals from the District Courts (excluding death penalty and first degree murder convictions), and special writs, and 3.) Appeals to the New Mexico Supreme Court which hears direct appeals in death penalty and first-degree murder convictions, discretionary appeals including habeas corpus, and special writs.

### **Post-Conviction Representation**

Post-conviction representation includes: Adult and juvenile probation violation hearings; habeas corpus petitions and hearings, and probation and parole review hearings for convicted sex offenders. By statute the Department is charged with providing legal representation at review hearings every 2.5 years for every individual convicted of a sex offense in New Mexico and serving an indeterminate term of probation or parole.

### **Administrative/Community/Legislative Functions**

Administrative, Community and Legislative Functions of the Department include: representation eligibility determinations; human resources management; procurement; payroll; fiscal and budget management; training; policy development; legislative consultation and testimony; clerical and secretarial support; information system resources; contract management; strategic planning; maintenance of information and property; quality assurance; policy interaction with legal associations, courts, and the criminal justice community; and service to client advocacy groups and related initiatives by state, county, and municipal entities.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

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**Critical Program Challenges**

**Caseloads Continue to Rise**

Although the New Mexico judiciary reports the reduced filing of a few types of criminal cases, the overall number of cases represented by the Department from 2011 to 2013 has increased each year. This is mostly likely a product of a struggling economy and the greater need for indigent client services. As reported by the Department of Workforce Solutions, the unemployment rate in New Mexico peaked in 2010 at 8.0% and remains at 6.9% into FY2014. Consequently, a higher unemployment rate equates to higher rates among individuals unable to afford private criminal defense counsel.

**NMPDD Case Opening Trends FY2011 – FY2013**  
 (Cases opened between July 1<sup>st</sup> and June 30<sup>th</sup> of each fiscal year)

<b>Fiscal Year</b>	<b>Felony Cases</b>	<b>Juvenile Cases</b>	<b>Misdemeanor Cases</b>	<b>Other Misc Cases</b>	<b>Total Cases</b>
<b>2011</b>	27034	5754	37889	300	<b>70,977</b>
1 Year Change/Difference	+ 2999	+7	- 668	+ 19	+ 2357
<b>2012</b>	30033	5761	37221	319	<b>73,334</b>
1 Year Change/Difference	+ 419	- 442	+ 2037	+ 212	+ 2226
<b>2013</b>	30452	5319	39258	531	<b>75,560</b>
2 Year 2011-2013 Percentage Change	+ 12.6%	- 7.62%	+ 3.6%	+77%	+ 6.5 %

Notes:

The Department’s Case Data Management System (CDMS) statistics reveal that the Department has seen over an **12.6%** increase in felony cases since 2011, and a **6.5%** increase in cases overall.

Most of the 2011-2013 increase is in **felony** cases which require significantly more attorney and support staff time and resources than any other cases.

It is also notable that in FY2012 NMPDD staff positions were decreased by 20 Full-Time Employees during the 2012 appropriation process. Thus while caseloads have risen by **6.5%**, personnel staffing has decreased by approximately **5%**.

**Attorney Recruitment Efforts**

The Department continues to struggle to maintain attorney staffing levels statewide, but most especially in more rural areas: McKinley, San Juan, Curry, Lea, Eddy, Chavez, Roosevelt, and Otero Counties. Compounding the recruiting problem is the fact that in most rural areas of New Mexico, attorneys at the regional District Attorney’s offices are compensated at a higher rate than comparable public defender attorneys.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

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**FY2015 GOALS AND OBJECTIVES**

1. **GOAL/OBJECTIVE** : Work with the new Public Defender Commission, legislators, and the Governor to bring NMPDD Staffing Levels in accord with the New Mexico Sentencing Commission’s Workload Study recommendations for the Department.

<b>New Mexico Public Defender Department Comparative Analysis of Actual FY2014 FTE Staffing Levels and the New Mexico Sentencing Commission Workload Study Recommendations*</b>			
	<b>FY2014 Authorized Full Time Equivalents (FTE's)**</b>	<b>August 2013 Workload Study Recommendation*</b>	<b><u>Deficiency in Staffing Levels</u></b>
Attorney	203	264	<b>61</b>
Attorney Support	157	215	<b>58</b>
<b>Total FTEs</b>	<b>360</b>	<b>479</b>	<b>119</b>

\* The New Mexico Sentencing Commission utilizes data from a 2007 comprehensive workload study and current case statistics in their annual update of the Public Defender Department’s FTE needs. The above staffing recommendation is based on the New Mexico Sentencing Commission’s August 2013 update.

\*\*Administrative support FTE needs were excluded in the Sentencing Commission’s workload study. The Department currently has 34 FTEs that are considered Administrative support – not client services. 23 include financial, human resource, and information technology staff. The remaining 11 Administrative support FTE’s are attorney positions that handle little or no cases as a result of substantial managerial responsibilities.

- a. **Action Step**: Starting in FY2015, institute an incremental personnel growth plan to bring the Department’s staffing levels up to ensure the provision of statutory and constitutional effective assistance of counsel. The Department’s FY2015 budget request expands staffing levels by 26 FTE positions directly related to client services. The current request still leaves the Department deficient by 93 FTE positions that should be incrementally included for FY2016, FY2017, and FY2018 budget requests.
- b. **Action Step**: Seek advocacy assistance from the New Mexico Public Defender Commission, created in 2012 by the New Mexico legislature to set representation performance, caseload limits, and workload monitoring.

Pursuant to NMSA § 31-15-2.4, (Public defender commission; powers & duties) the Public Defender Commission shall set representation standards for the Department and set ethically responsible caseload and workload levels and workload monitoring protocols for staff attorneys, contract attorneys and district offices.

# NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN

## Fiscal Year 2015

---

2. **GOAL/OBJECTIVE** : Convert the current horizontal representation system in the Bernalillo County Metropolitan Court to an ethically mandated vertical representation system.

Currently the Department provides attorneys to indigent clients in the Metropolitan Court by way of a horizontal representation system. In a horizontal representation system, attorneys are not assigned individual clients, but instead are assigned to handle all matters that come before a court on a given date.

As a result, attorneys are generally unfamiliar with the particular cases for each docket they handle. Thus, the Department is unable to adequately hold attorneys accountable for their legal services performance for any particular client. Most importantly, each time a client comes to court they have a different lawyer who may not be familiar with the particular circumstances of that client or his or her case.

The American Bar Association has denounced horizontal representation systems as lacking attorney accountability and being ineffective for providing legal counsel. Horizontal representation systems directly contradict the ABA's Ten Principles of a Public Defense System that states in pertinent part: "**The same attorney continuously represents the client until completion of the case.**" *ABA Ten Principles of a Public Defense System, Principle No. 7*. If this shortcoming is not remedied, the Department will face civil law suits asserting ineffective assistance of counsel.

There are 16 Metropolitan criminal courtrooms that must be staffed by the Department every day. Each courtroom has both a morning and an afternoon docket with approximately 30 NMPDD cases on each day, totaling over 150 cases each week in each courtroom. To accomplish the vertical representation goal, the number of PD2 attorneys needs to be increased from its current number of 33 attorneys to a minimum of 40. With this number of FTEs the Department's Metro division will assign 2.5 attorneys to each courtroom which will allow supervising attorneys sufficient time to train new attorneys, provide assistance with trials, and provide coverage when attorneys are on annual or sick leave.

- a. **Action Step**: Starting in early 2013, the Department began transferring all available FTE positions throughout the regional offices to the Metropolitan Court. To date, three FTE Public Defender 2 positions have been reallocated for the Metro Court Vertical Conversion plan. A minimum of six more PD2s are needed.
- b. **Action Step**: Seek assistance from New Mexico legislators to make this important and ethically-required conversion. Ask members of the Public Defender Commission and the New Mexico State Bar to advocate for this important change.
- c. **Action Step**: Seek an advisory opinion from the New Mexico State Bar Ethics Advisory Committee about withdrawing from cases if necessary to effectuate this ethically-mandated conversion from horizontal to vertical representation.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

---

3. **GOAL/OBJECTIVE** : Refine and implement uniform legal performance practice standards for staff attorneys and contract attorneys throughout the Department.
  - a. **Action Step**: Coordinate with the newly formed Public Defender Commission to create a combined Performance Practice Standard Committee to review and update Department practice standard guidelines. This process should include consultation of the National Legal Aid and Defender Association (NLADA) and American Bar Association Committee on Indigent Defense national practice standards.
  - b. **Action Step**: Seek the Department's staff and contract attorney input into implementing the uniform performance practice standards statewide.
  - c. **Action Step**: Develop a compliance plan for ensuring that the established attorney performance practice standards are followed statewide.
  
4. **GOAL/OBJECTIVE** : Improve the cost and operational efficiency of the Department's information technology services provided to all NMPDD offices.
  - a. **Action Step**: In accord with the newly created independence of the Department, develop and implement an operational plan for an independent computer networking, email, internet, and voice-over telephone statewide system.
  - b. **Action Step**: Seek continued guidance from other state agencies that have developed and implemented similar IT operational plans to ensure that NMPDD is proceeding in the most efficient and cost-effective manner.
  - c. **Action Step**: Work with all NMPDD support and attorney staff to ensure a seamless transition to the independent operation of the NMPDD IT system.
  
5. **GOAL/OBJECTIVE** : Continue development of the Department's Training Division with an expanded emphasis on trial practice and trial skills workshops.
  - a. **Action Step**: Coordinate with the Department's regional managers to ensure that all new attorneys are provided a beginning trial skills class and an advanced trial skills class. Beginning trial skills classes will be provided internally by the Department's Training Division. Advanced training courses will be provided by local and national training programs contracted by the Department.
  - b. **Action Step**: Coordinate with the New Mexico Criminal Defense Lawyers and the National Criminal Defense College on participation of the Department's lawyers at trial skills courses throughout the year. Primary emphasis will be on a fall beginning trial skills course and a spring advance trial skills workshop.
  - c. **Action Step**: Request a modest increase in the Department's training budget for FY2015 to accommodate the increased training costs.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

---

6. **GOAL/OBJECTIVE** : Increase the management training for all Department District Defenders, Managing Attorneys and regional Office Administrators.
- a. **Action Step**: Conduct a needs assessment of management training needs from NMPDD supervisory personnel. Based upon the findings of the assessment, contract with public administration management specialist to provide annual training for all NMPDD District Defenders, Managing Attorneys and Administrators.
  - b. **Action Step**: Sponsor attorney and support staff managers to attend regional and national management training courses. Sponsored participants would then be required to conduct internal trainings and briefings on learned management skills.
  - c. **Action Step**: Schedule monthly District Defender and Managing Attorney WebEx video conferences to address office and attorney management challenges.
7. **GOAL/OBJECTIVE** : Increase the level of experience, professionalism, and training within the Department's investigation staff.
- a. **Action Step**: Develop more stringent criteria for the hiring of investigative staff. Work with the State Personnel Office to enhance the job descriptions and job assignments for Department investigators.
  - b. **Action Step**: Implement statewide policies that ensure that the investigators in the Department's regional office are utilized for investigation tasks and not clerical tasks.
  - c. **Action Step**: Coordinate a statewide training for all Department investigators on basic investigation tasks, conducting forensic investigations, and advance crime scene reconstruction. Contract with a certified instructor at the New Mexico Law Enforcement Academy to conduct two 45-hour training courses for NMPDD investigators.
8. **GOAL/OBJECTIVE** : Stabilize NMPDD staffing levels in the Fifth Judicial District by offsetting the inordinately high cost of housing in Hobbs, Roswell, and Carlsbad due to the success of the oil and gas industry in those communities.
- a. **Action Step**: Work with the Department's regional offices to determine a suitable retention differential amount (temporary salary supplement) to offset the high cost of housing in the Fifth Judicial District.
  - b. **Action Step**: Work with the Department of Finance Administration and the State Personnel Office to increase the retention differential accordingly.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

---

9. **GOAL/OBJECTIVE** : Research more robust development of the Department’s “holistic” representation model and develop an appropriate plan for enhanced implementation of “holistic” representation practices in all regional offices.

Holistic representation combines legal advocacy with a broader recognition that for most poor people arrested and charged with a crime, the criminal case is most often a symptom of a more profound problem. The key insight of holistic representation is that to be truly effective advocates for clients, the Department must broaden the scope of criminal defense representation to address both the collateral consequences of criminal justice involvement as well as the underlying issues that play a part in driving clients into the criminal justice system. Holistic representation reduces the likelihood of future criminal activity, thus increases community safety.

- a. **Action Step**: Contact and conduct an exploratory visit to the Bronx Public Defender program. Review and evaluate success rates for reducing recidivism within the communities served.
- b. **Action Step**: Prepare a plan for implementation of an enhanced “holistic” representation system here in New Mexico.
- c. **Action Step**: Apply for Bronx Defenders technical assistance and for Department of Justice, Office of Justice Programs and the Bureau of Justice Assistance funds for start-up funds to increase social service referrals conducted by the Department for all NMPDD clients.

10. **GOAL/OBJECTIVE** : Enhance the efficient management of the Department’s budgetary and personnel resources.

- a. **Action Step**: Continually assess client services needs in our regional offices and divisions and reallocate positions and human resources as needed.
- b. **Action Step**: Reach out to District Attorneys and courts statewide to create and utilize more diversion programs, keeping low risk offenders out of the criminal justice system and reducing the jail and prison populations.
- c. **Action Step**: Implement strict procedures for private defense attorney request for Department expert funds via “Schoonmaker Requests ” to ensure that all tax payer funds are allocated only to cases that meet the requirements of *State v. Schoonmaker*, 2006-NMSC-010, and *State v. Brown*, 2006-NMSC-023.
- d. **Action Step**: Implement more stringent review of expert witness requests. Identify services that can be accomplished within the Department at no additional cost. Examples include: transcriptions, fingerprint analysis, and crime scene analysis.

**NEW MEXICO PUBLIC DEFENDER DEPARTMENT STRATEGIC PLAN**  
**Fiscal Year 2015**

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**SUMMARY OF PERFORMANCE MEASURES**

**Performance Measures Listed with Targets & Actuals**

Measure	FY2013 Target	FY2013 Actual	FY2014 Target	FY2015 Proposed Target
Number of alternative sentencing treatment placement for felony and juvenile clients	4,500	8,726	10,000	10,000
Percentage of felony cases resulting in a reduction of the original charges	51%	52.3%	65%	65%
Percentage of juvenile cases resulting in a reduction of the original charges	*	*	65%	65%
Percentage of misdemeanor cases resulting in a reduction of the original charges	*	*	65%	65%
Percentage of cases in which application fees were collected	40%	35.6%	45%	45%

\*New Measure for FY2014 – data not reported