

**OFFICE OF CAPITAL
POST-CONVICTION COUNSEL**

5-YEAR STRATEGIC PLAN
FISCAL YEARS 2019-2023



JULY 17, 2017

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Mississippi Office of Capital Post-Conviction Counsel 098-00
Strategic Five Year Plan
2019-2023

1. Comprehensive Mission Statement

The mission of the Mississippi Office of Capital Post-Conviction Counsel is to provide effective legal representation to indigent inmates on death row in state capital post-conviction proceedings, and to the extent that human resources are available to provide federal habeas corpus representation to death row inmates whose state capital post-conviction petitions are denied by the Mississippi Supreme Court.

2. Philosophy

The Mississippi Office of Capital Post-Conviction Counsel (Office) is dedicated to adhering to the mandates of the Courts, and to ensure that the United States Constitution and Mississippi Constitution are fully enforced. This Office is completely vested in each client's interests, and it is committed to providing fervent, competent, and effective assistance of counsel. Further, this Office is committed to treating each client with the utmost respect and professional care.

3. Relevant Statewide Goals and Benchmarks

State Wide Goal #1: Public Safety and Order

To protect the public's safety, including providing timely and appropriate responses to emergencies and disasters and to operate a fair and effective system of justice.

Relevant Benchmarks #1:

- Citizens should be confident that the Office complies with national standards for the representation of defense counsel in death penalty cases as outlined by the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases and as outlined in the Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases as developed by the ABA Death Penalty Representation Project, as outlined by Mississippi Rule of Appellate Procedure 22 and as required by Mississippi Code Annotated §§99-39-1 *et. seq.*

Statewide Goal #2: Government and Citizens

To create an efficient government and an informed and engaged citizenry that helps to address social problems through the payment of taxes, the election of capable leaders at all levels of government, and participation in charitable organizations through contributions and volunteerism.

Relevant Benchmark #2:

- Engage the private bar to assist in handling indigent cases pro bono when caseloads reach a level that exceeds those that are acceptable for the representation of death sentenced individuals as defined by the American Bar Association.
- Provide the most cost effective service without sacrificing effective representation for death-sentenced individuals.
- Reduction in the amount of contracted cases, attorney fees and outsourced investigative fees.
- Reduction in the cost of hiring and training employees by retaining them for a five-year period and beyond.
- Case Clearance and disposition.
- Track intake and resolution of cases.
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Statewide Goal #3: Economic Development

To develop a robust state economy that provides the opportunity for productive employment for all Mississippians.

Relevant Benchmark #3:

- Provide post-law school and post-graduate school paid fellowships for attorneys and social workers that include appropriate professional development as a method of training and preparing the next generation of capital post-conviction attorneys.

4. Overview of the Agency 5-Year Strategic Plan:

Over the next five years, the Office plans to increase its staff to meet the recommended ABA Guidelines for the representation of death-sentenced individuals. The Office desires to increase the mitigation staff by two, the paralegal/investigation staff by two, hire a project manager and a part-time IT support person. The Office also anticipates using fellowships to support the attorney and mitigation positions.

The plan includes full funding for these positions. Currently, the Office is authorized for 9 positions which include 5 attorneys (including the director), 1 paralegal, 1 investigator, and 1 mitigation specialist. 1 unfilled position (anticipate to be filled by a paralegal. This position was added for FY18 but not funded.) Two additional staff members (project manager-full time and office assistant-part-time) are working on a contractual basis. The project manager position would move from the contractual budget to a salaried position.

The addition of the fully funded positions will help reduce the amount of contractual expenditures by reducing the necessity for employing additional support staff, as well as allow the agency to operate in a more efficient manner.

In Fiscal Year 2019, the Office is seeking to hire a mitigation specialist (\$64,320 including fringe calculated at 34%) and raises for support staff. No raises have been given in approximately six years for support staff; In Fiscal Year 2020, the office seeks to hire a full-time project manager (\$60,000 including fringe calculated at 34%) and part-time IT support person (\$45,560 including fringe calculated at 34%) for a total of \$105,560. In Fiscal Year 2021, the office seeks to hire an investigator (\$67,000 including fringe calculate at 34%).

In 2021 the Office also seeks to offer 1 post-law school fellowship (\$60,000 including fringe calculated at 34%). The fellowship positions should have a minimum impact on our budget if partnerships can be obtained from law schools and/or the private sector to provide the salaries for that position. In the event that occurs, the Office would only then be responsible for providing on average (\$4,000) annually to ensure that the fellow obtained independent healthcare.

In Fiscal Years 2022-23, the Office also seeks to offer 1 post-graduate school fellowship (\$40,200 including fringe calculated at 34%). The fellowship positions should have a minimum impact on our budget if partnerships can be obtained from the private sector to provide the salaries for that position. In the event that occurs, the Office would only then be responsible for providing on average (\$4,000) annually to ensure that the fellow obtained independent healthcare.

The Agency anticipates a minimum average yearly increase in production volume of 15%. In Fiscal Year 2019, Production Volume is expected to be approximately 200 legal proceedings and by Fiscal Year 2023 to have reached 304 legal proceedings.

The Agency will continue to access the need to replace and/or upgrade technology as necessary to continue to provide the most cost effective service as possible.

The Agency will continue to implement measures to help reduce costs associated with travel and the use of outside attorney and investigative assistance.

5. External/Internal Assessment

- a. Significant changes in the number of persons under sentence of death;
- b. Changes in sentencing of certain classes of individuals subject to the death penalty;
- c. Effectiveness of the Mississippi Office of the State Public Defender on the trial level to negotiate indictments from death to lesser included charges; achieving sentences of life without parole in death penalty trials; and remands on death penalty cases that are on direct appeal.
- d. Federal Courts returning cases that require additional petitions to be submitted to the Mississippi Supreme Court and/or require re-trial of either part or all of the cases;
- e. Reduction in the number of Rule 22 qualified attorneys in the private sector;

- f. Changes in State and Federal case law that affect death-sentenced individuals;
- g. Staffing changes within the office and the need to hire and/or train mitigation specialists, investigators, support staff and qualified attorneys;
- h. Changes in Federal regulations that affect the time period within which to file death penalty appeals.

5A. Internal Management Systems Used to Evaluate Agency's Performance

- a. Maintain a monthly output database;
- b. Yearly staff performance evaluation and assessment;
- c. Organizational chart is in place;
- d. Staff and team meetings;
- e. Monthly budget review and reports.

Through a process of monthly and weekly meetings the Office determines how well cases are moving through the Office, what the needs of each individual case is and what funding is necessary to complete necessary tasks. Management policies are in place to address the needs of each case and to monitor personnel productivity.

6.1 Agency Goals, Objectives, Strategies and Measures by Program for FY2019-FY2023:

Overall: Office of Capital Post-Conviction Counsel

Goal: Continue to provide high quality legal representation for persons convicted of capital crimes and facing the death penalty. (Miss. Code Ann. §99-39-1 *et. seq.*)

Objective: To ensure that execution of death-sentenced individuals occurs only after the individual has been afforded a fundamentally fair conviction accompanied by due process, the effective assistance of counsel, and the benefits of all other safeguards afforded capital defendants under the federal and state constitutions and to promote efficacy, efficiency and finality in death penalty proceedings.

Output: Draft and file petitions, motions and other pleadings. Attend court hearings.

Strategy: Continue to remain current on all aspects of the law that relate to death penalty cases. Monitor changes in the laws that affect death penalty representation. Attend continuing legal education related to capital litigation.

MISSISSIPPI OFFICE OF CAPITAL POST-CONVICTION COUNSEL ORGANIZATIONAL CHART

