



5-YEAR STRATEGIC PLAN

FISCAL YEARS 2028 – 2032

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OFFICE OF STATE PUBLIC DEFENDER

FIVE-YEAR STRATEGIC PLAN FISCAL YEARS 2027 – 2031

1. Comprehensive Mission Statement

The Mississippi Office of State Public Defender (OSPD) strives to protect the Constitutional rights of people who are indigent and facing the loss of “life, liberty or property” in the courts of Mississippi, and to support Due Process and public safety for all by providing ethical and effective representation and leadership in all levels of Mississippi’s criminal legal and youth court systems.

2. Philosophy

All people, regardless of their financial means, deserve to be treated by the government with dignity, justice and mercy. OSPD endeavors to provide zealous, high-quality representation to our clients in the criminal and youth court systems of Mississippi in an ethical, cost-efficient manner. We are committed to a level of service to any indigent person at or above the level provided by privately retained counsel.

3. Relevant Statewide Goals and Benchmarks

Statewide 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 Mississippi’s criminal legal system complies with Constitutional standards for indigent defense as outlined in the American Bar Association’s Ten Principals of a Public Defense Delivery System.
- OSPD will continue to develop and plan the implementation of a state-wide public defender system to ensure quality, consistency, and fairness in all areas and at all levels of court.

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 Benchmarks #2:

- Ensure accurate data collection on how indigent defense is funded in all counties to determine where inefficiencies hamper effective justice and make recommendations for cost savings, especially to our small, rural and poorer counties.
- Engage the private bar to assist in handling indigent cases pro bono where caseloads are overwhelming the established local public defenders.
- Continue to study local indigent defense delivery systems, including felony and misdemeanor, adult and juvenile cases, and use the information gathered to recommend improvements through a unified system.

Statewide Goal #3: Economic Development

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

Relevant Benchmarks #3:

- Participate and advocate for alternative sentencing and re-entry programs to keep citizens working and to reduce the costs of incarceration.
- Maintain a nationally recognized training program for public defenders to encourage confidence that our courts are fair to businesses and workers wanting to locate here.
- Through systemic reform, provide entry-level job opportunities for attorneys that include appropriate professional development for graduates of our law schools.
- To expand the delivery of defense services to include a multi-disciplinary approach especially with forensic social workers and thereby expand job opportunities to Mississippi social workers.
- Through law and social work internships provide educational opportunities that lead to retaining college and professional school graduates in Mississippi.

Statewide Goal #4: Health

To protect Mississippians from risks to public health and to provide them with the health-related information and access to quality healthcare necessary to increase the length and quality of their lives.

Relevant Benchmarks #4:

- Operate a Mental Health Resource project at OSPD to educate and provide technical assistance to public defenders representing clients with mental health needs.
- Expand the use of social workers in providing indigent defense services to better identify and find appropriate care for clients with mental health needs.

Statewide Goal #5: Human Services

To ensure that Mississippians can develop to their full potential by having their basic needs met, including the need for adequate food and shelter and a healthy, stable, and nurturing family environment or a competent and caring system of social support.

Relevant Benchmarks #5:

- Development of a Youth and Family Defense program to include direct representation and training of lawyers to represent parents in youth court in protection and Termination of Parental Rights cases and youth in the delinquency system to ensure their Constitutional rights to due process are protected.
- Ensure the fundamental rights of parents are respected and facilitate the expedient movement of children in the system, reducing time in emergency shelters and shortening the time to permanent placement either back in a home that can provide a nurturing environment or a permanent placement in another home.

4. Overview of the Agency 5-Year Strategic Plan

The Constitutions of Mississippi and of the United States guarantee the right to counsel to individuals accused of a crime. The single overriding objective of OSPD is to fulfill this guarantee by providing effective representation to any person who cannot afford counsel and to develop a plan to ensure that people not represented directly by OSPD also receive effective representation.

This is accomplished today and will continue to be accomplished over the next five years by the high-quality direct service provided by the four divisions as well as the planning, development, evaluation, training and technical assistance to the entire public defense system.

The Indigent Appeals Division provides effective representation to clients on direct appeal in an ethical, efficient and timely manner. The Capital Defense Division provides legal defense to people in death penalty eligible offenses in trial courts and on direct appeal. This division drastically reduces the cost of death penalty litigation on counties and improves the quality of representation in death penalty cases. The Family and

Youth Defense divisions provide limited direct representation in protection and delinquency matters and representing clients in youth court appeals. These divisions have grown and will continue to grow their standards-based direct representation models piloting.

Central to our development of a statewide system is our Training Division. This division provides training and technical assistance to all Mississippi's public defenders to significantly aid in the effective representation of indigent defendants at trial, ensuring the fair administration of justice and avoiding costly retrials due to ineffective assistance of counsel. Over the next five years we will continue working with partners like the Deason Criminal Justice Center to develop pilot delivery models in criminal cases.

The success of these functions will ensure public confidence in Mississippi's judicial system. The timely processing of criminal cases is not only important to those accused but also to crime victims and their families. Protecting the constitutional rights of defendants in a competent and efficient manner also promotes judicial economy and benefits the entire criminal legal system.

During the next five years, OSPD will continue to provide effective representation for clients and search for ways for court systems to operate more efficiently to further reduce the costs to our counties. Our objective is to continue to provide representation that consistently meets or surpasses the quality of any privately retained counsel.

OSPD will work to implement a public defender system with state-level oversight and accountability. We will continue to seek authorization and funding from the Legislature to accomplish this. The coordination of public defender systems will not only assist counties with the funding of indigent defense, but will establish fair and reasonable state-wide standards, and provide the necessary oversight of local public defender offices and budgets.

OSPD will also work with the Legislature, Governor and other stakeholders to develop and evaluate innovative programs like the 7th District backlog project, defense counsel for cases related to the CCID court, the 5th District Rural pilot project and representation in youth courts. Efforts to improve the criminal legal system and youth court system as well as systems that intersect with the criminal legal system like the mental health and education systems will continue through participation in committees, boards and task forces.

During the next five years, the Capital Defense Counsel Division will continue its difficult, but highly effective and recognized work in representing people in death penalty eligible cases. "Death eligibility" is defined as a case in which the person could have a death sentence imposed if convicted and the district attorney has indicated it is seeking a death sentence.

The plan for Capital Defense is to be involved in all death penalty cases at the trial/appeal level where the person accused cannot afford an effective defense, unless prohibited by conflict of interest. Capital Defense plans to handle 3-5 death eligible

cases per year per staff attorney. The current staffing of 3 attorneys and 4 support staff should be sufficient to handle the projected caseload.

During the next five years, the Indigent Appeals Division will continue its outstanding representation on appeal. The Division has six attorneys who maintain a continuous caseload of approximately 200 active cases. The Division drafts and files briefs, motions for rehearing, and petitions for certiorari in appropriate cases, as well as preparation for oral arguments. Attorneys also provide research and technical assistance and training to local public defenders.

With the passage of SB 2792 (2024) defenders will need to be available to every indigent custodial parent facing the risk of losing a child to the state. OSPD will be seeking an increase in state general funds to meet this new mandate by continuing to develop new partnership with legal aid offices and the statewide managed assigned counsel panel.

OSPD will also continue working with the courts and other stakeholders to develop interdisciplinary defense teams (IDT) to reduce removals to foster care and get children who are removed back home safely. These teams consist of attorneys, social workers, and parent partners. Parent partners are people with lived experience as parents in the Child Welfare System. They are carefully selected, trained, and supervised.

In 2024 the Legislature authorize expansion to include a Youth Defense division and in 2025 they authorized direct representation in delinquency and children in need of supervision cases. The program will be developed over the next five years modeled on the Family Defense program.

During the next five years, the Training Division will continue to provide public defenders with required continuing education that equals or surpasses similar training programs for judges, prosecutors, and private defense attorneys. This division is critical to our success, a well training defense bar is essential to a properly functioning system as evidenced by the two circuit courts that have now adopted local indigent defense plans including a mandate for defender training, a statutory mandate for training of youth court defenders and the supreme court by rule mandating training for capital defenders.

National organizations, such as the National Association of Criminal Defense Lawyers, Gideon's Promise, the National Association for Public Defense and the National Legal Aid and Defender Association, have taken notice of OSPD's training programs and we regularly partner with such entities to further improve training. Most recently Training has begun a partnership with the Federal Defender of Mississippi to deliver joint programs. Our objective is to continue to provide the best legal training available to criminal practitioners within this State, and rival those offered around the nation.

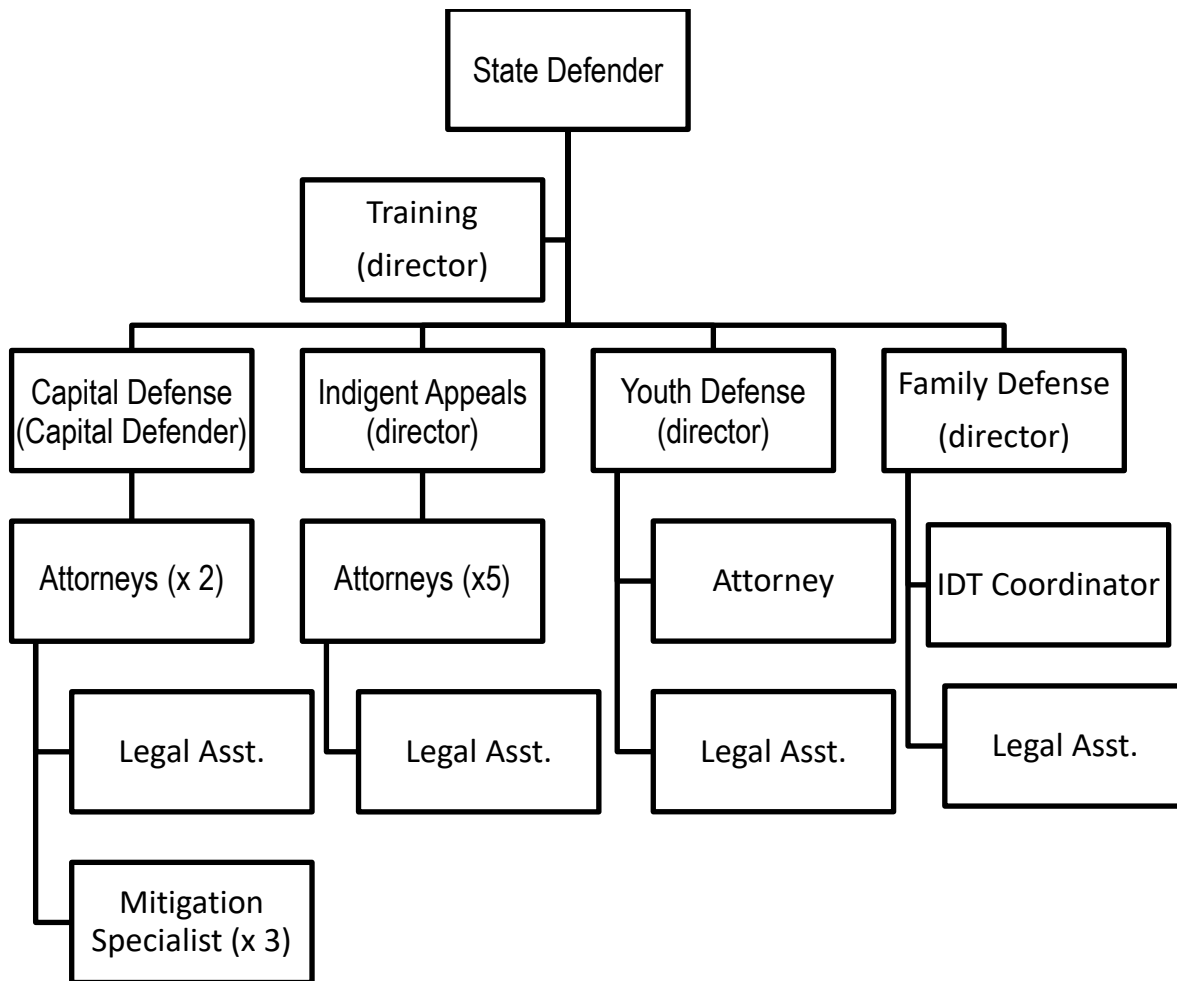
5. Agencies External/Internal Assessment

The following factors are items for which OSPD has little or no control that may affect performance:

1. A spike in violent crime rates, causing an increase in caseloads.
2. An increase in the frequency of District Attorneys seeking the death penalty.
3. A significant decrease in the number of defendants retaining counsel.
4. A significant and unexpected rise in total number of cases assigned to OSPD.
5. Changes in the law which affects the duties of OSPD.
6. Decisions from the Supreme Court of the United States or of the State of Mississippi that significantly increase the duties of defense counsel.

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

Each division of OSPD has a director, supervised by the State Defender. Staff Attorneys in Indigent Appeals report directly to and are evaluated by the Director of Indigent Appeals. Staff Attorneys in the Capital Division report directly to and are evaluated by the Capital Defender. The staff attorney at Youth Defense reports to and is evaluated by the Youth Defender. The contract attorney's work is reviewed by the Family Defender to ensure compliance with contract standards. Legal assistants and mitigation specialists are accountable to attorneys they are assigned to support, as well as the directors. The contract workers performing IDT services are supervised by the IDT coordinator who is supervised by the Family Defender. The directors report to and are evaluated by the State Defender. Budget, HR, finance, IT and data support are handled through contracts overseen by the State Defender.



6 6.1 Agency Goals, Objectives, Strategies and Measures by Program for FY 2028 through FY 2032:

Overall: Office of State Defender

GOAL A: Advocate for adoption of the plan for and development of a statewide public defender system. (Miss. Code §99-18-1(7)).

OBJECTIVE A. 1. Continue to collect accurate data to determine the best indigent defense delivery system for Mississippi.

Outcome: Develop detailed plans for a statewide database and case management system for Public Defenders as part of an overall improvement in data collection and reporting in the criminal justice system.

Outcome: Advocate for independent state-wide oversight of indigent defense services.

A.1.1. STRATEGY: Analyze data and report findings

Output: Publish up-to-date reports on the status of right to counsel and indigent defense delivery in Mississippi particularly in the Rural pilot project and Jackson/CCID project

Efficiency: Provide costs estimates/savings on reform efforts

GOAL B: Monitor the rural regional defender office in the Fifth Circuit Court District

OBJECTIVE A. 1. Monitor and evaluate a pilot office providing *Day-1* indigent defense services in a rural multi-county region

Outcome: Lawyers at initial appearance will help judges make better-informed release decisions and early and consistent contact with counsel will increase rates of court appearance.

Outcome: Decrease the caseloads of local public defenders and help alleviate the challenge of locating conflict counsel.

Outcome: Recruit lawyers to the region, which will ease local attorney shortages.

A.1.1. STRATEGY: Analyze data and report findings

Output: Contract with a non-profit law firm to provide services in the region based on a pre-determined random assignment plan and collect success metrics to evaluate the performance of the pilot.

Efficiency: Reduce time to disposition and pre-disposition jail time.

Program 1: Office of Capital Defense Counsel

GOAL A: To reduce the cost of death penalty litigation on the counties while providing high quality legal representation for persons charged with death penalty eligible crimes. (Miss. Code §99-18-5 and §99-18-7)

OBJECTIVE A.1. To become involved in all death eligible trials in Mississippi where there is not a conflict of interests.

Outcome: Provide state-wide with highly trained staff attorneys experienced in death penalty cases.

A.1.1. STRATEGY: Continue to recruit and maintain experienced and highly trained trial staff attorneys and mitigation specialist.

Performance measures from appropriation bill: close 75% of trial cases within one year; reduce the running average of reversals for ineffective assistance of counsel by .1%; reduce the average of reversals due to ineffective assistance of counsel to 8% of all dispositions.

Efficiency: Attorneys employed by OSPD save counties approximately \$100,000 per case and reduce the costs of expensive retrials caused by ineffective assistance of counsel.

Explanatory: Participation in all cases is dependent on number of cases district attorneys pursue as death-eligible and local defenders agreeing to our involvement.

GOAL B: Maintain a docket of all indicted death penalty eligible cases and rosters of all death penalty cases originating in the state courts of Mississippi. (Miss. Code §99-18-15)

OBJECTIVE A.1. Continue to provide public access to data involving death eligible cases in Mississippi.

Outcome: Maintain timely and accurate data and current docket information on death eligible cases on the OSPD website (www.ospd.ms.gov).

A.1.1. STRATEGY: Continue to monitor circuit courts for new arrests and indictments in death eligible cases.

Output: Accurate reporting on the number and status of all death eligible cases throughout Mississippi.

Efficiency: In compliance with statutory reporting requirements

Program 2: Office of Indigent Appeals

GOAL A: To file high quality pleadings in a timely manner. (Miss. Code §99-40-1(2)).

OBJECTIVE A.1. Facilitate the timely disposition of criminal matters in the appellate courts by filing most appellate briefs without seeking time extensions from the court.

Outcome: Maintain the average time from notice of briefing schedule to filing of initial briefing to less than 70 days.

A.1.1. STRATEGY: Maintain and/or recruit highly trained and experienced staff.

Output: Manageable caseload for each appellate attorney.

Output: Maintain a relationship with private bar for conflict representation

Efficiency: Continued high-quality, timely briefs

Explanatory: Unexpected increase in caseload due to a spike in the crime rate and/or number of trials resulting in conviction and/or a significant increase in filings of petitions for certiorari and other case related services.

Program 3: Public Defender Training

GOAL A: Provide continuing professional legal education to all Mississippi public defenders. (Miss. Code §99-40-1(4)(a))

OBJECTIVE A.1. Make training conferences available to accommodate all of Mississippi's public defenders and appointed indigent defense providers in adult and youth courts.

Outcome: Provide at least six training sessions during the year to allow public defenders both high quality and cost-effective required continuing legal education.

A.1.1. STRATEGY: Recruit state experts and nationally known presenters and speakers to train in Mississippi.

Output: Conduct training which is rated good to excellent on 95% of conference evaluations.

Efficiency: Local, in-state training is significantly less-expensive than out of state travel to conferences

Explanatory: Reduction in OSPD budget

GOAL B: Develop specialized annual training for new public defenders and chief public defenders. (Miss. Code §99-40-1(4)(a))

OBJECTIVE A.1. Implement specialized and regional training tailored to specific groups of defenders.

Outcome: Provide specialized training sessions every year for all new public defenders and those public defenders in supervisory positions and to address specialized needs.

A.1.1. STRATEGY: Tailor training to specific groups to increase attendance and proficiency in defending indigent clients.

Output: Conduct training annually for new public defenders

Output: Conduct training annually for public defender supervisors

Output: Conduct training for youth court defenders

Output: Conduct at least one new training conference on a specific criminal law subject

Efficiency: Local, in-state training is significantly less-expensive than out of state travel to conferences

Explanatory: Reduction in OSPD budget

Program 4: Youth and Family Defender

GOAL A: Provide high quality legal representation to parents in the child welfare system, as authorized by HB 772, 2016 Regular Session, Miss. Code §99-18-13, to reduce trauma to children and families, facilitate reunification of families where possible and to reduce the financial burden of foster care on the state.

OBJECTIVE A.1. Reduce foster care population by improving the availability and quality of legal representation of parents and to ensure constitutional rights of families are respected through trial level and appellate advocacy.

Outcome: A decrease in the foster care population with a simultaneous increase in reunifications

A.1.1. STRATEGY:

Output: Contract with qualified private attorneys and legal service offices to represent parents.

Efficiency: Safely reducing foster care populations through reunification saves taxpayers millions and strengthens families.

Explanatory: Reduction in OSPD budget

GOAL B: Develop a standards based, data driven youth defense pilot project to provide early and continuous representation to youth in delinquency and CINS cases. (Miss. Code §99-18-13)

OBJECTIVE A.1. To ensure high quality legal representation to youth and protect their constitutional rights.

Outcome: A decrease in the number of youth in detention, the number of transfers to criminal court and long term involvement of people in the criminal system in comparison to prior years and state average.

A.1.1. STRATEGY:

Output: Through direct representation in youth court and on appeal, to increase the level of litigation in delinquency matters.

Output: Implement performance standards for youth defenders.

Efficiency: Reduce the number of youth sent to detention and transferred to criminal court. Keeping youth in school and/or on a vocational track is less expensive than detention or prison.

Explanatory: Reduction in OSPD budget