IDS OFFICE OF INDIGENT DEFENSE SERVICES
SAFEGUARDING JUSTICE

ANNUAL REPORT

OF THE

COMMISSION ON INDIGENT DEFENSE SERVICES

JULY 1, 2019 – JUNE 30, 2020

Submitted to the North Carolina General Assembly
Pursuant to G.S. 7A-498.9
On

03 I 15 I 2021

Safeguarding individual liberty and the Constitution by equipping the North Carolina public defense community with the resources it needs to achieve fair and just outcomes for clients

Table of Contents

A Special Message from Commission Chair 1
Commission on Indigent Defense Services 2
Indigent Defense Services Central Staff 3
Indigent Defense Services Organizational Structure 4
Legislative Requests 6
Indigent Defense Services Administration 8
Volume and Cost of Cases Handled by Assigned Counsel or Public Defenders 9
Actions to Improve Cost-effectiveness and Quality of Indigent Defense Services 14
- Trends in the Cost of Providing Indigent Defense Services 14
- Revenue Collection 14
- Projecting FY2021-FY2022 14
- Quality Improvements 15

Actions to Mitigate Impact of Covid 19 15
Plans for Changes in Rules, Standards, or Regulations 18
Conclusion 19
Appendices
- Public Defense by County A
- Cost by Case and Program B
- Demand by County C
- Recoupment by County D

A Special Message from the Chair of the IDS Commission

Members,

I would like to begin by informing you that on June 2, 2020, the IDS Commission appointed Mary Sheehan Pollard to serve as the Executive Director for Indigent Defense Services. Ms. Pollard brings a wealth of experience and a clear vision for the public defense system of North Carolina. She took the helm on August 3.

In its two decades of existence, the IDS Commission and Office have faced many challenges and 2020 was no different. Like many workplaces, IDS had to abruptly change workflows in response to the global pandemic in order to continue to meet its mandates, including continuity in services to clients and in payments to providers. Despite the unprecedented challenge, IDS was able not only to maintain the public defense system but also, in some ways, improve it. Noteworthy highlights from 2020 include:

- Tom Maher resigned from his position as Executive Director on February 28. Whitney Fairbanks, Deputy Director, assumed the role of Interim Executive Director on March 2. Because of the pandemic, Ms. Fairbanks served as Interim Executive Director while maintaining her Deputy Director Duties until August 3.
- Throughout the year, Public Defender Administrator Susan Brooks, worked with Assistant and Chief Public Defenders, Private Assigned Counsel, and local bars to implement Uniform Qualification Standards.
- IDS Forensic Resources, which typically offers high quality, in-person trainings, pivoted to virtual training in March. As a result, IDS has seen the number of attorneys able to participate in training on topics such as expert testimony, appellate litigation, crime laboratories, and statutory changes affecting forensic evidence swell.
- As a part of a federal grant, IDS, along with Office of the Juvenile Defender, continued providing training and support of juvenile defenders to meet the anticipated needs of Raise the Age. The Office of Parent Defender was able to secure another grant to replicate some of the qualitative and quantitative measures IDS researchers and OJD developed for their grant. Work on the OPDS grant began in during the first quarter of FY2021.

Due in part to new and increased fees pursuant to S.L. 2020-83, IDS was able to recommend targeted rate increases to the Commission. The new rates went into effect on March 1. The Commission and Office IDS are grateful to have been able to make this modest increase; however, we continue to be concerned about the decrease in attorneys willing and able to do this work. Unless we can continue rate restoration and unless we are able to address systemic understaffing in our Public Defender programs, our ability to safeguard justice will continue to be eroded.

Sincerely,

Darrin Jordan
Chair, Indigent Defense Services Commission

Commission on Indigent Defense Services

Mr. Darrin D. Jordan, Chair
Whitley, Jordan & Inge, P.A., Salisbury
Appointed by the NC Advocates for Justice

Ms. Dorothy Hairston Mitchell, Vice- Chair
Assistant Clinical Professor of Law, North Carolina Central University
Appointed by the NC Association of Women Attorneys

William "Gus" Anthony
Bogle & Anthony, PA, Gastonia
Appointed by the Speaker of the House

Mr. Art F. Beeler
Assistant Clinical Professor, Criminal Justice, NC Central University
Appointed by the Governor

Mr. Brian S. Cromwell
Parker Poe, Charlotte
Appointed by NC Association of Black Lawyers

The Honorable Joseph Crosswhite
District 22A Senior Resident Superior Court Judge, Statesville
Appointed by Chief Justice of NC Supreme Court

Ms. Caitlin Fenhagen
Criminal Justice Resource Department, Hillsborough
Appointed by the IDS Commission

Mr. Staples Hughes
Attorney at Law, Chapel Hill
Appointed by NC Public Defender Association

Mr. Bryan Jones
Attorney at Law, Morganton
Appointed by President Pro Tempore of the Senate

Mr. R. Channing Jones
Robeson Community College, Lumberton
Appointed by IDS Commission

The Honorable Lisa V. L. Menefee
District 21 Chief District Court Judge, Winston-Salem
Appointed by IDS Commission

Mr. Jan E. Pritchett
Schlosser & Pritchett, Greensboro
Appointed by North Carolina Bar Association

Ms. Stacey Rubain
Quander Rubain, Winston-Salem
Appointed by the North Carolina State Bar

Indigent Defense Services Central Staff

Mary S. Pollard
Executive Director
Mary.S.Pollard@nccourts.org

Legal Staff

Whitney B. Fairbanks
Deputy Director/ General Counsel
Whitney.B.Fairbanks@nccourts.org

♦

Susan E. Brooks
Defender Administrator
Susan.E.Brooks@nccourts.org

♦

Kristen J. DeSimone
Legal Assistant
Kristen.J.DeSimone@nccourts.org

♦

Susan D. Perry
Legal Assistant
Susan.D.Perry@nccourts.org

♦

Resource Unit

D. Tucker Charns
Chief Regional Defender
Tucker.Charns@nccourts.org

♦

Jeffrey B. Connolly
Regional Defender
Jeffrey.B.Connolly@nccourts.org

♦

Sarah R. Olson
Forensic Resource Counsel
Sarah.R.Olson@nccourts.org

Financial

Elisa Wolper
Chief Financial Officer
Elisa.Wolper@nccourts.org

♦

Carmen R. Jarmon
Financial Analyst
Carmen.R.Jarmon@nccourts.org

♦

Information Technology

Joy Zhao
Senior Program Analyst
Xia.zhao@nccourts.org

♦

Research

Margaret A. Gressens
Research Director
Margaret.A.Gressens@nccourts.org

♦

Shane J. Orr
Juris Doctor
Shane.J.Orr@nccourts.org

♦

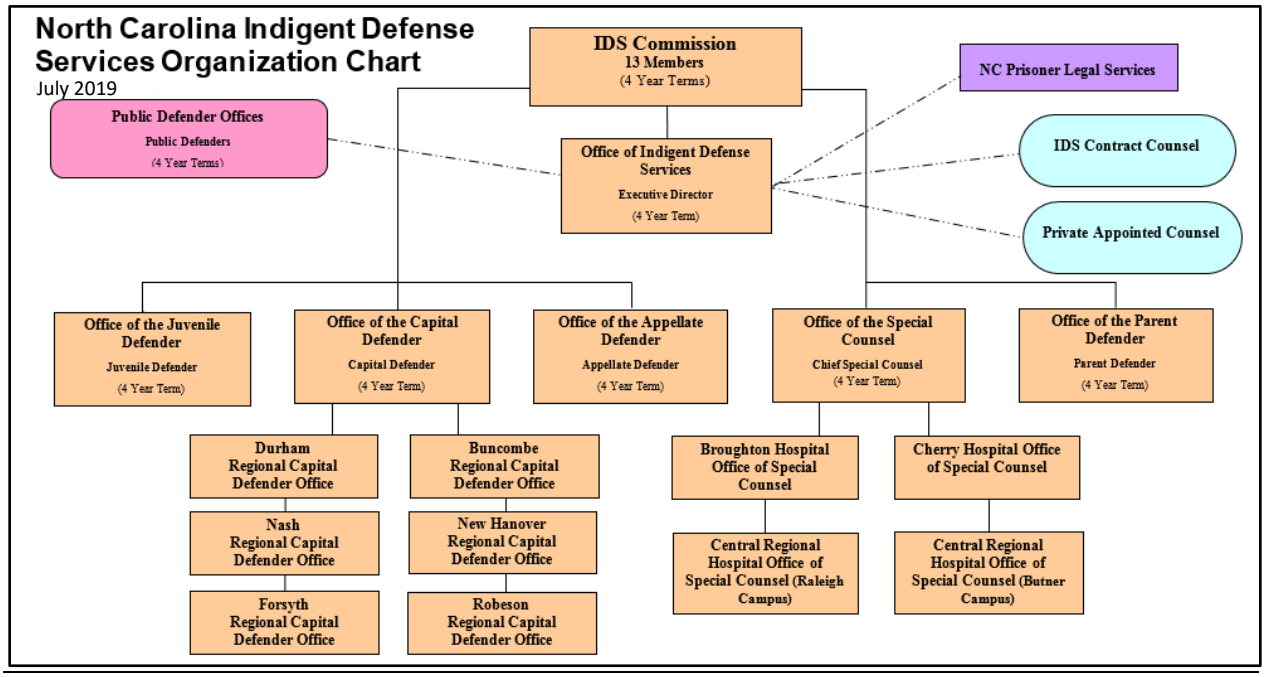
Administration

Catrinel S. Rosu
Office Manager
Catrinel.S.Rosu@nccourts.org

♦

Lyn M. Turner
Administrative Assistant
Lyn.M.Turner@nccourts.org

INDIGENT DEFENSE SERVICES ORGANIZATIONAL STRUCTURE



- The 13 member volunteer **Commission on Indigent Defense Services** was established by the General Assembly in 2000. Since that time it has offered oversight and guidance to IDS and the North Carolina public defense community through periods of both growth and austerity. The Commission and its various committees develop and improve programs by which the Office of Indigent Defense Services provides legal representation to indigent persons.
- **Indigent Defense Services** administers the North Carolina public defense system. It provides administrative support to the Local Public Defender and Statewide Defender Offices; administers the PAC fund; and administers individually negotiated and large-scale contracts for services.

- Seventeen **Public Defender Offices** in 18 Defender Districts provide criminal and non-criminal trial level defense to eligible people. The Chief PDs are appointed through a statutory process by the Senior Resident Superior Court Judge to serve four year terms. Chief PDs and APDs are state employed defenders.

- Five **statewide defender offices** provided oversight and supervision in specialized areas of the law. The Chiefs of each office are appointed by the Commission to serve four year terms. They administer rosters of specialized attorneys; supervise in-house attorneys; and work with legislators, court actors, and other stakeholder groups on court improvement initiatives. The Chief and assistants are state employed defenders.

- **North Carolina Prisoner Legal Services** is a non-profit, public service law firm that provides legal advice and assistance to people incarcerated in the state in response to the United States Supreme Court decision in *Bounds v. Smith*, 430 U.S. 817 (1977). IDS contracts with NCPLS to fulfill the North Carolina's constitutional obligation to provide inmates access to court.
- **Private Assigned Counsel**, often referred to as "PAC," are private attorneys who agree to accept appointment for eligible clients for an hourly rate or other arrangement. They are independent contractors. Most supervision occurs at the local level.
- **IDS Contract Counsel** refers to a subset of PAC who contract with IDS to cover specified case types with payment at a flat bulk rate. IDS administers both a large scale contract system for criminal defense cases in 18 counties and individually negotiated contracts.

Legislative Requests

The IDS Commission and Office respectfully request the General Assembly make the struggling North Carolina public defense system a priority this session and appropriate adequate funding for its support. A key goal of this year's request for the Office of Indigent Defense Services is to position the agency to develop a long-term plan that identifies how best to provide public defense in all areas of the state, using both private assigned counsel and public defender programs. IDS wants measured expansion of public defender offices in a way that addresses the areas of highest need first, that provides policymakers with a roadmap for future budget priorities, and that results in a statewide system of public defense that provides quality representation in the most efficient and cost-effective manner.

I. **Meaningful improvement for the hourly rates for private counsel and experts**. ($17 Million Recurring) While $17 Million will not fully restore PAC to the 2011 pre-cut rates, it will help with attorney recruitment and retention, which, in turn, will relieve some of the current stresses on the system, including roster attrition, competition with other rates, and the impact of the Covid-19 pandemic.

Case Type	Current PAC Rates	Goal Rate	2011 Rates	2011 Rate Adjusted for Inflation
Capital Cases (declared capital at a Rule 24 hearing)	$90	$105	$95	$110
High-Level Felonies (Class A-D)	$80	$85	$75	$87
Low-Level Felonies (E-I)	$60	$75	$75	$87
All Other Superior Court Cases	$60	$75	$75	$87
DWI and Class A1 Misdemeanors	$60	$75	$75	$87
All Other District Court Cases	$55	$70	$75	$87
Capital Appeals	$90	$105	$95	$110
Non-capital High-Level Felony Appeals (Class A-D)	$80	$85	$75	$87
All other Appeals	$60	$75	$75	$87

II. **Expanding IDS's ability to support, supervise, and improve representation statewide**.

A. Targeted Staffing Increases. ($748,426 Recurring) Six targeted new positions in specialized defender programs where there are not enough qualified private counsel to meet demand (2 Assistant Capital Defenders, 2 Assistant Appellate Defenders, 1 Special Counsel, 1 Paralegal).

B. Restore IDS's Flexibility to Create New Positions. IDS does not have authority to create positions with funds budgeted for private counsel as it has in the past. To effectively utilize funding for targeted staff, and to make local and state defender offices flexible enough to meet demand, the IDS Commission and Office request a special provision in the 2021 Appropriations Act like ones in the past that allowed IDS to expand existing

offices in response to changing caseloads, increase cost effectiveness, and implement new initiatives.

C. Expand Local Public Defender Programs. ($1.2 Million Non-recurring; $500,000 Recurring in addition to funds transferred from PAC) The IDS Commission and Office request a $1.2 Million Non-recurring appropriation for the initial phase of a long-term plan to expand public defender programs throughout the state. The funding would allow IDS to establish four new public defender programs over the biennium in areas where there is a shortage of available counsel and would be the first step in a measured expansion of the public defender system.

D. Develop a Comprehensive, Multi-year Statewide Plan for Local and Regional Public Defender Programs. ($100,000 Non-recurring over biennium) Working with appropriate partners, IDS intends to use demographics, attorney availability, trends, and financial forecasts to develop an eight-year plan that will serve as a road map for policy makers and legislators who must make decisions about how best to deliver and fund quality public defense in North Carolina.

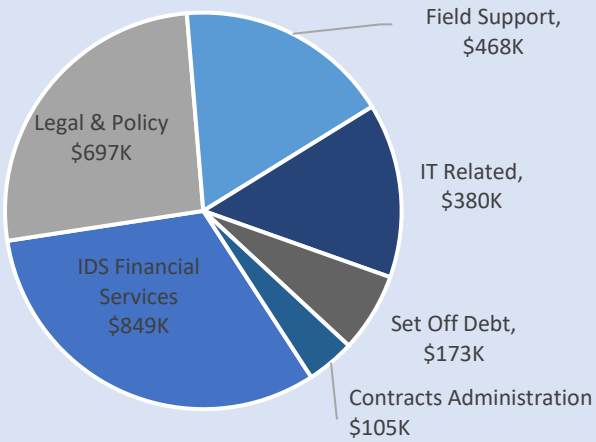
E. Address Workload Issues in Existing Public Defender Offices. ($6.47 Million Recurring) The IDS Commission and Office request funds to implement the core recommendations of the 2019 Public Defender workload study and create 62 positions—including attorney, investigator, and social worker positions—in existing defender offices.

F. Expand Regional Defender and Contracts Division. ($264,748 Recurring) IDS is asking for a third Regional Defender to work with attorneys statewide on high level cases. Even with expansion of a network of public defenders, recruitment and support of a significant network of private assigned counsel will always be necessary to ensure quality representation in cases that public defender offices cannot take, and the regional defender positions are critical for this work. This item also includes a second contracts administrator. The current contracts administrator handles over 250 contracts.

G. Fund IT Needs to Promote Efficiency for Staff and Attorneys. ($124,976 Recurring; $150,000 Non-recurring over the biennium) Because much of IDS's administrative and analytical work would be enhanced by improved information technology, we are requesting funds for an IT Director position and contractual services to implement our IT Strategic Plan, coordinate new initiatives and projects, and maintain current public defender and contracts systems. The IT Strategic Plan addresses automation, efficiency improvements, such as eliminating duplicate data entry and enhancing reporting options and creating technology tools to assist attorneys. For example, IDS is investigating the potential applicability of the federal voucher system to pay court appointed attorneys.

III. **PAC Fund Shortfall.** Currently, we do not foresee a shortfall in PAC funding at current rates in FY2021. However, it is difficult to project future years based on increased indigency rates, changes in law enforcement practices during the pandemic, proposed changes to entitlement to counsel, backlogged cases from public health emergency and trends in recoupment receipts.

Indigent Defense Services Administration



Of fiscal year 2019-2020's $135 million budget, IDS spent $2.7 Million, or less than 2% of its total budget, on administration.

32% - IDS Financial Services

26% - Legal & Policy

18% - Field Support

14% - IT Related

6% - Set Off Debt

4%- Contracts Administration

IDS's statutory charge is to enhance oversight of the delivery of counsel and related services provided at State expense; improve the quality of representation and ensure the independence of counsel; establish uniform policies and procedures for the delivery of services; generate reliable statistical information in order to evaluate the services provided and funds expended; and deliver services in the most cost-effective manner without sacrificing quality representation.

IDS administration has a remarkably lean staff. It receives some support, including human resources, tech support, and purchasing, from the Administrative Office of the Courts.

Oversight and Policy

Working closely with the Commission, the IDS Executive Director, Deputy Director, Research Department, and CFO continuously evaluate cost and effectiveness of existing policies to ensure that quality representation is being provided in a fiscally responsible manner. The IDS Research Department is currently evaluating the cost effectiveness of the RFP contract system in use in 18 counties. In the coming biennium the Office intends to use demographics, attorney availability, trends, and financial forecasts to develop an eight-year plan that will serve as a road map for the improvement of public defense in North Carolina.

Direct Support to Public Defense Attorneys

Two Regional Defenders provide direct support to PAC attorneys who have contracted with IDS to provide representation. In addition to consulting with attorneys on substantive and procedural matters, these attorneys also work with the local bar, clerks' offices, and judges to ensure that there are enough qualified attorneys to meet local demand.

Forensic Resource Counsel assists North Carolina attorneys litigating scientific evidence issues. Through individual case consultations, continuing legal education programs, and the Forensic Resources website, Forensic Resource Counsel educates attorneys about relevant forensic science issues and assists with litigating claims related to forensic evidence at the trial, appellate and post-conviction phases of representation.

Financial Services

IDS Financial Services staff is responsible for attorney and other vendor payments, as well as recoupment of money owed to the agency.

In the winter of 2020, the AOC issued the results of its third annual Internal Controls Audit of IDS pursuant to G.S. 7A-498.2(d). As in prior years, all internal controls tested by AOC were determined to be "Effective," the highest rating possible.

145,540

IDS Financial Services processed 145, 540 fee applications and invoices.

2,569

The Office set 2,569 fee awards for attorney fee applications in potentially capital cases and appeals, including interim and final fees.

2,368

The Office set fee awards for 2,368 expert bills in capital cases and appeals, including private investigators, mitigation specialists, psychologists and psychiatrists, and ballistics and scientific experts, again including interim and final fees.

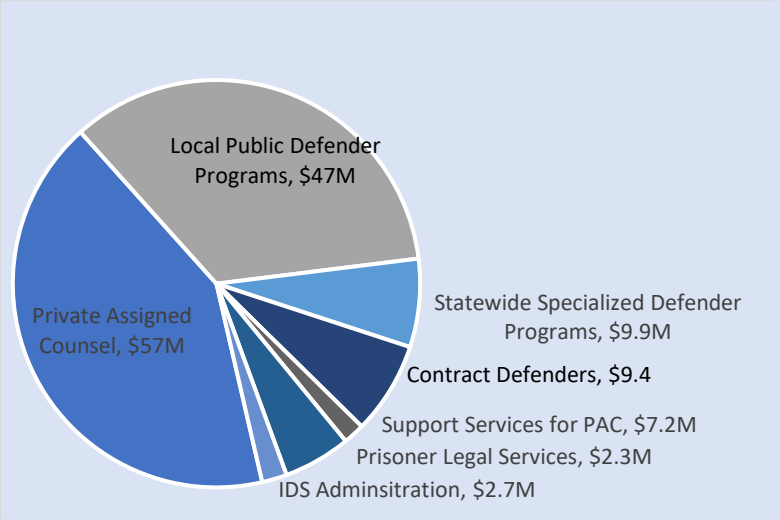
135

IDS staff reviewed and acted on 135 requests for expert funding and miscellaneous expenses in appeals and capital post-conviction cases.

295

IDS contracted with a total of 295 unique attorneys in adult criminal, juvenile delinquency, parent representation, involuntary commitment, and industrial commission proceedings.

Volume and Cost of Cases Handled by Assigned Counsel or Public Defenders



98% Services to Clients

- Private Assigned Counsel -
- Local Public Defender Programs
- Contract Defender
- Statewide Specialized Defender Programs
- Prisoner Legal Services
- Support Services for PAC

2% IDS Administration

There are currently 17 county- and district-based public defender offices in North Carolina, which cover 18 judicial districts and 35 counties. During fiscal year 2019-20, county and district public defender offices combined reported 79,368 dispositions and withdrawals, which represented approximately 33% of the indigent caseload in North Carolina, including criminal and non-criminal cases. Five statewide defender offices cover an additional 5.1%.

Almost 2,116 PAC from hourly rosters, uniform fee programs, and large-scale RFPs, around the State handled approximately 64% of the indigent cases that were disposed during fiscal year 2019-2020, including criminal and non-criminal cases.

During FY2016, over 2,500 Private Assigned Counsel represented the rights of court appointed clients. During FY2020, only 2,116 Private Assigned Counsel continued to represent court appointed clients. This continues an alarming decrease in attorneys willing and able to do this work.

During fiscal year 2019-2020, non-RFP contractors reported 6177 dispositions and withdrawals and RFP contractors reported 24,442 dispositions, for a total of 30,619 contractor dispositions, which represented approximately 8.6% of the indigent caseload in North Carolina, including criminal and non-criminal cases.

During fiscal year 2019-2020, IDS has processed and paid 10,592 flat fee awards in criminal and non-criminal cases disposed of in the district court division.

A map of the public defense districts, which shows how public defense is delivered in each county, is attached to the report as Appendix A. Data on the volume and cost of cases handled in each district by PAC, contractors, and public defenders during fiscal year 2019-2020 is attached to this report as Appendix B.

Statewide Specialized Defender Offices

Five statewide defender offices provide direct representation and/ or support and oversight in specialized case types where a defendant or respondent faces substantial loss of liberty. The statewide defender offices play a critical role in ensuring that indigent defendants and respondents receive quality, cost-effective representation. The Offices of the Appellate Defender, Capital Defender, and Parent Defender also screen applications for and oversee statewide rosters and assign counsel from those rosters to handle cases that cannot be handled in-house. In addition to screening applicants, all statewide defender offices provide advice and support on highly specialized areas of law to the more than 2,000 PAC across the state. The Chiefs in each of the statewide defender offices also work closely with other state agencies and stakeholder groups to develop policies and draft proposed legislation affecting their clients, their offices, and IDS.

Additional information about the statewide defender offices and the critical roles they play in ensuring that indigent respondents receive quality, cost-effective representation is available at http://www.IDS.org.

OFFICE OF THE CAPITAL DEFENDER

Robert Sharpe, Jr.
Capital Defender

OVERVIEW

The work of the Office of the Capital Defender has significantly enhanced the quality and cost-effectiveness of capital representation in this State. In addition to the Capital Defender, the Office of the Capital Defender currently employs 16 staff attorneys in six regional offices around the State who represent indigent defendants charged with potentially capital cases at the trial level.

The Office of the Capital Defender continues to struggle to meet demand. This is particularly acute in rural areas of the state where the rosters of qualified and willing counsel have shrunk while the demand has continued to grow. OCD had 1,478 open cases in October 2018 and about 1,600 in February 2020, which was a net gain of about 5.8 cases per month over the intervening sixteen months. Because dispositions halted in March 2020, but case numbers continued to increase, the office saw a thirteen percent increase in open cases between February and September 2020.

As of October 30, 2020, there were 369 attorneys on the capital roster. Of the 369 attorneys on the roster, 122, or 33%, had been added within the past five years. While the Capital Defender has prioritized roster recruitment and has repositioned current staff to meet geographical need, increased staffing in the office may be the only way to meet the growing demand. However, the office is not able to increase staffing, due to underfunding and IDS's inability to create targeted positions by moving money from the PAC fund.

Positions	
Capital Defender	1
Deputy Capital Defender	1
Consultation Attorney	1
Assistant Capital Defender	16
Support Staff	10

Roster	
Private Assigned Counsel	368

Appointments Made	
FY 2020	700
FY2021 (through 02/28/2021)	536

2020 OCD Highlights

☆ **158 Cases—**Regional offices combined handled 158 unique potentially capital cases at the trial level, including pending and disposed cases but excluding withdrawals. Because two assistant capital defenders are assigned to some cases that are proceeding capitally, the office's workload last fiscal year (again excluding withdrawals) probably is higher than 158.

OFFICE OF THE APPELLATE DEFENDER

G. Glenn Gerding
Appellate Defender

OVERVIEW

In addition to providing direct representation, twenty staff attorneys and the Appellate Defender provide substantive and procedural consultation services at both the appellate and trial levels. The Appellate Defender manages a roster of attorneys from across the state and works closely with the Supreme Court and Court of Appeals on policies and regulations.

Positions	
Appellate Defender	1
Deputy Appellate Defender	1
Assistant Appellate Defender	19
Support Staff	4

Appointments Made	
FY2020	588
FY2021 (through 02/28/2021)	110

Roster	
Private Assigned Counsel	53

Office Highlights

☆ In addition to 192 appointments in criminal and civil appeals, OAD attorneys were assigned to consult on fifteen capital trial cases. During the same time, OAD attorneys closed 242 criminal and civil appeals, including ten capital trial consults.

Office of Parent Defender

Wendy C. Sotolongo
Parent Defender

Mission

The Office of Parent Defender was created to assist attorneys representing indigent parents in abuse, neglect, dependency (A/N/D) and termination of parental rights (TPR) proceedings. OPD works toward this goal through training programs and resources, providing consultation to attorneys, and maintaining listservs. OPD also responsible for evaluating and assigning A/N/D and TPR appeals to qualified appellate attorneys including assistant parent defenders within the Office of the Parent Defender.

Positions	
Parent Defender	1
Assistant Parent Defender	3
Legal Assistant	1

Appointments Made	
FY2020	222
FY2021 (through 12/31/2020)	91

Roster	
Private Assigned Counsel	23

2020 OPD Highlights

- ☆ Limiting service disruption for along with keeping attorneys, clients, and children safe in the pandemic dominated much of OPDs work in the last quarter of FY2020.
- ☆ To meet its core goals during the pandemic, OPD transitioned its annual training from in person to virtual and began conducting virtual moots to prepare for arguments.
- ☆ OPD and Roster Attorneys participated in eight virtual arguments in front of the NC Supreme Court.
- ☆ The NC State Bar approved a Child Welfare Specialist Certification.

Office of Special Counsel

Dolly Whiteside
Chief Special Counsel

The Office of Special Counsel represents indigent respondents in civil commitment proceedings around the State through regional offices at Cherry Hospital in Wayne County, Broughton Hospital in Burke County, Central Regional Hospital in Granville County, and on the campus of the former Dorothea Dix Hospital in Wake County. In addition to the Chief Special Counsel, the Office of the Special counsel currently has 8 staff attorneys and 8 support staff.

Positions	
Special Counsel	1
Assistant Special Counsel	8
Support Staff	7.5

Substitute Counsel	
Private Assigned Counsel	6

Dispositions	
FY2020	14,904
FY2021 (through 12/31/2020)	7,426

Office of the Juvenile Defender

Eric Zogry
Juvenile Defender

Mission

The Office of the Juvenile Defender's mission is to provide services and support to defense attorneys; evaluate the current system of representation and make recommendations as needed; elevate the stature of juvenile delinquency representation; and work with other juvenile justice actors to promote positive change in the juvenile justice system.

Positions	
Juvenile Defender	1
Assistant Juvenile Defender	2
Program Attorney	1
Support Staff	1

Contract Counsel	
Private Assigned Counsel	24

During FY2019-2020, the OJD worked closely with Indigent Defense Services and the Administrative Office of the Courts on the roll-out of the North Carolina State System Enhancement Program for Youth Offenders (SEPYO). Supported by a $250 Thousand grant from the federal Office of Juvenile Justice and Delinquency Prevention, the SEPYO includes statewide training and support programs for juvenile defenders, enhanced

data collection on key performance indicators for qualitative analysis, and enhanced contract management for quantitative analysis.

Actions to Improve Cost-Effectiveness and Quality of Indigent Defense Services

Trends in the Cost of Indigent Defense

IDS total spending is impacted by trends in court dispositions, share of dispositions handled by court appointed or public defenders, changes in the shares of total dispositions made up of serious felonies, hourly rates, state government pay and benefit rates, and changes in the size of the public defender and contract programs.

In IDS's early years (through 2011), these trends combined to cause rapid increases in costs with annual increases ranging from 3.65% to 13.1% and many years where funds were exhausted prior to the end of the year and debt carried over to the next year. Spending growth slowed considerably after 2011 when IDS was forced to slash hourly rates and the volume of court dispositions fell. From FY2013 through FY2016, spending on indigent defense was almost flat.

Beginning in FY2016, several factors combined to increase the costs of indigent defense. As public defender payroll is over a third of the total IDS budget, increases in state employee pay and benefit costs increased total spending and the cost of defender offices grew 4.6% in FY2020. IDS Administrative offices spending, while still a very modest 2% of total spending, has grown 17.3% in four years. Cost of support services (interpreters, transcripts, investigators, experts) increased about 16.5% during same time.

While the cost of private assigned counsel grew very modestly from 2017-2019 (average of 1.3%/year), spending in FY2020 was 5% higher than the prior year until the pandemic slowed court activity. IDS's preliminary analysis attribute that FY2020 growth to some short -term factors and an increase in the cost of capital cases. If that higher growth rate had continued throughout FY2020, there would have been a shortfall and some costs carried over into the current fiscal year. However, the drop in indigent spending in the last quarter of the year meant there was no significant shortfall.

Revenue Collection

While total recoupment through attorney and appointment fees was similar in FY2020 to FY2019 in total and as a percentage of total spending, the pattern among counties varied considerably. Of the 100 counties, 58 recouped a higher percentage in FY2020 than in FY2019 and the recoupment percentage ranged from a low of 2.24% to a high of 33.3%. (note small counties can show very high rates of recoupment from a single large payment, given their small total spending). In general, larger urban counties and those with public defender programs measure lower recoupment rates; recoupment in public defender counties averaged 5.13% in FY2020.

The share of recoupment from set-off debt (intercepted tax refunds and lottery winnings) grew in FY2020 to 49%. That is probably a result of the pandemic's impact on collections through clerks' offices in the last quarter of the year while set off debt, usually a result of judgments in prior years, was not impacted. (Note for these purposes, recoupment percentage is calculated as a share of noncapital spending—noncapital payments to private assigned counsel plus the costs of attorney compensation and legal expenses for non-capital cases in public defender offices.)

IDS continues to look at factors behind trends in recoupment rates. We do recognize several factors that reduce recoupment: (1) a shift towards more serious crimes with the reduction in entitlement to counsel for low level misdemeanors, where opportunities for recoupment are higher; (2) increases in other monetary obligations for convicted defendants; (3) increased representation under contracts where the incentive for submitting complete fee applications for judgment purposes is reduced; and (4) changes in state tax policy which impact frequency of tax refunds. However, recoupment always is impacted by the individual circumstances for each defendant.

Projecting FY2021-FY2022

Projecting indigent defense spending in FY2021 is difficult. We know from AOC data and our public defenders that the backlog of unresolved cases was much higher in December 2020 than in prior years. If all those cases were resolved in one year, it would represent almost a 25% increase in the volume of indigent defense. However, we do not anticipate many of those cases resolved before the end of F2021. In addition, in response to the court slowdown in disposition, IDS worked with District Court Judges to encourage submission of interim fee applications. This allowed private assigned counsel to receive payment for work done despite the delay in dispositions. Between FY2016 and FY2019, interim payments in district court averaged $284,439. In FY2020, interim payments in district court rose to $417,189. While this increased FY2020 spending, it means some of the cases to be resolved in FY2021 and FY2022 have been partially paid. Based on these factors, IDS is not projecting a shortfall in FY2021

It seems highly likely that the cost of indigent defense in FY2022 will be considerably higher than in recent years. Resolving the current backlog of cases, an expected increase in indigency rates, increased cost of capital cases, inadequately staffed public defender programs are all factors that will strain indigent defense resources. In addition, as hourly rates for private assigned counsel remain low, many jurisdictions have shortages in qualified appointed counsel. This leads to more expensive out of county assignments and less efficient court proceedings.

Prior to the pandemic, the budget for indigent defense had no cushion and annual reversions were close to zero. Any increase in demand in FY2022 will require additional funding or result in shortfalls and carry-over debt. IDS is working closely with AOC to analyze data on expected increases in court activity to address the backlog of cases and to project the budgetary impact for FY2022 and FY2023.

For a District by District accounting of fee applications and demand for private assigned counsel, contract counsel and experts see “Demand by County” attached as Appendix C.

Quality Improvements

IDS does not generate as much lapsed salary as many other agencies, which limits our ability to try new initiatives. While we are unable to undertake many of our priority quality improvement initiatives without sufficient state funding, we continue to look for alternative funding and for smaller projects that can be funded within our existing appropriation. We continued to explore alternative funding opportunities during FY2020 by submitting multiple grant proposals to federal and state government agencies and non-profit agencies and working with the North Carolina Department of Health and Human Services to allow a federal reimbursement to IDS for some of the costs associated with parent defense.

Despite the financial limitations, IDS accomplished several projects during FY2020.

- **Uniform Qualification Standards**
  The Commission and Office worked with the chief public defenders, statewide defenders, and PAC to develop uniform qualification standards for appointed counsel in non-capital criminal and non-criminal cases in all defender districts. IDS has also posted a FAQ document to answer what we expect to be the most common questions about the new plan. These documents can be found on the IDS website at http://www.ncids.org/IndigentApptPlans/ApptPlanLinks.htm?c=Indigent%20Appointment% 20Plans.

- **Data Supported Improvements to Indigent Defense Delivery**
  Building on its granted supported Systems Evaluation Project ("SEP"), which allowed IDS researchers to develop an objective tool to evaluate the quality and performance of indigent defense systems, IDS researchers worked with the Office of Juvenile Defense to analyze the North Carolina juvenile defense delivery system. The "North Carolina State System Enhancement Program for Youth Offenders" (SEPYO) resulted in enhanced data collection on key performance indicators for qualitative analysis, and enhanced contract management for quantitative analysis

- **Expanded Grant Funding**
  As mentioned above, IDS researchers and OJD collaborated on an extensive evaluation of juvenile defense delivery throughout North Carolina. The work began in FY2019 and has allowed OJD and IDS to target their efforts on areas of critical need, expand contract defense for juveniles into several heretofore under-resourced areas and develop, and deploy resources for juvenile defenders.

  Building on the success of the SEPYO, the Office of Parent Defender applied for and received a federal grant through the Court Improvement Project to support a similar project. The grant was initially funded in October 2020 and IDS researchers and OPD are currently working to identify key performance indicators.

- **Technological Initiatives**
  In the spring of 2020, IDS research and IT staff worked with a third-party vendor to convert the platform underlying IDS's database of case information to a more current technology. IDS IT staff worked closely with IDS researchers, OJD, and OPD to expand the database IDS and contract attorneys use to capture case data.

  The Commission and Office continue to monitor the Administrative Office of the Courts' ICMS initiative for risks and opportunities for the administration of the public defense system. Two IDS staff members, whose workstations are in AOC headquarters in Raleigh, are working the AOC technology staff, Tyler Technology staff, and others on incorporating the public defense system's needs in the initiative.

Actions to Mitigate Impact of Covid-19

The global pandemic forced IDS, like many agencies, to make rapid and significant adjustments. While neither the Commission nor the Office predicted that the Governor's and Chief Justice's public health emergency orders would continue into the next fiscal year, much less the next calendar year, Staff undertook a number of initiatives intended to maintain work flow, protect the safety of those working public defense, and protect client interests.

IDS and Defender Employees

Including the local and state defender offices, IDS has 573 employees. Because of differing risk levels, accommodations varied from position to position. Some of the issues to which IDS and the Defenders were forced to respond and steps taken in response are summarized below.

1. **Safety.** Because personal protective equipment (PPE) was difficult to obtain during the spring of FY2020, IDS made direct purchases or reimbursed employees for cleaning supplies, masks, or materials safety retrofitting of offices (pop up tents, black out curtains, plexiglass dividers), and equipment to facilitate telework. Many offices adapted to the ongoing pandemic by adopting staggered work schedules to minimize the number of people in the office at one time and increased reliance on telework.
2. **Continuity in workflow.** To minimize disruption in payments, IDS central office and fiscal services:
   - → adapted digital procedures to approve capital related invoices, which allowed staff to work from home; and
   - → arranged for staff to access the state accounting systems from home computers.

   This has allowed IDS to maintain regular payment schedules throughout the pandemic. More recently, IDS has allowed overtime for support staff to catch up on administrative tasks that could not be done with office closures earlier in the year.
3. **Equipment.** As of March 10, 2020, many IDS employees still worked on desktop computers, which were not compatible with strict work-from-home or hybrid schedules. The NC AOC located 'loaner laptops' for many but not all employees. During the first half of FY2021, IDS was able to replace every desktop computer still in use with a new laptop and all employees had laptops as of December 31, 2020. Covid-19 relief funds provided by Office of State Budget provided $600,000 for the requisition.

Private Assigned Counsel

Shortly after the first judicial branch public health directive was issued, IDS realized that many PAC were at risk of losing a substantial portion of their income because of suspended court proceedings. IDS took immediate action to minimize the risk.

1. **Interim Fee Application.** IDS rules specifically allow interim fee applications in the superior court but are silent on them in the district court. IDS encouraged district court judges to accept interim applications and then worked to inform attorneys that they were availability. This meant that attorneys could be paid for work they already had done even when the final disposition in the matter was continued indefinitely.

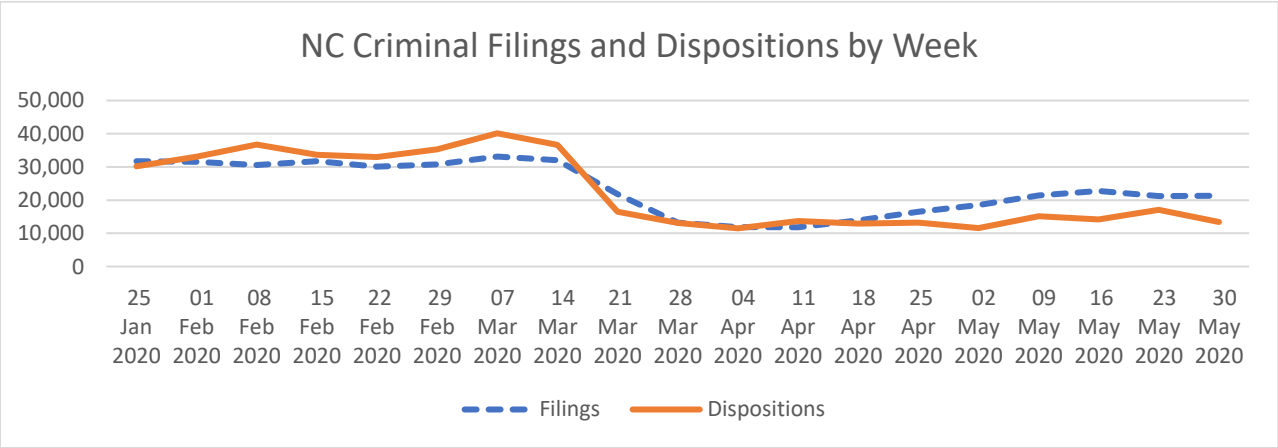
FY2020 Interim Payments Compared to Usual				
		# of interim applications	Increase in payment for interim applications	$ paid
District Court				
FY16-FY19 average		1.7%	1.9%	$284,439
FY20		2.7%	3.0%	$417,189
Superior Court				
FY16-FY19 average		1.7%	3.3%	$539,466

FY20		4.0%	7.9%	$1,278,642

2. **Video Conferencing.** Under its regular policy, IDS reimburses private assigned counsel for the cost of video conferencing with in-custody clients at the conclusion of the case. However, early in the pandemic, IDS initiated a policy allowing reimbursement for this expense independent of case disposition. In addition, IDS reached out to vendors, many of whom were already waiving fees for court appointed attorneys. Despite efforts to publicize this option, IDS total reimbursements for this expense was $1,071 for April, May, and June. It is possible that facility policies and technological capacity limit the value of video conferencing in some areas.
3. **Subsidized Continuing Legal Education.** Historically, IDS's training program through the School of Government allows private assigned counsel to participate but at full cost, with targeted subsidies. During the last quarter of FY2020 and during FY2021 to date, IDS has significantly expanded its subsidies PAC to participate in recent remote training events. Some examples are listed below.
   - → Summer Criminal Law Webinar ($35, usually $85)
   - → Spring PD Conference (postponed from May to August) ($200, usually $475)
   - → Winter Criminal Law Webinar ($35, usually $85)
4. **Major Contractors.** IDS amended its contract with NC Prisoner Legal Services by $4,055 to allow them to pay staff overtime to make up for staggered work schedules and telework and its contract with Center for Children's Rights by $5,366 to allow them to upgrade equipment to comply with video conferencing requirements.
5. **Adult Criminal Contractors.** IDS was able to modify or extend some contracts to address a possible shortage in credits due to the abrupt slowdown in new cases.

FUTURE CONCERNS

1. **Defender Program Workload.** As early as May 2020, court filing began to rebound at pace exceeding dispositions. Defender programs continued to receive new appointments without being able to resolve pending cases. The net effect is that defender programs will be faced with handling backlogged cases and new demand.



Plans for Changes in Rules, Standards, or Regulations

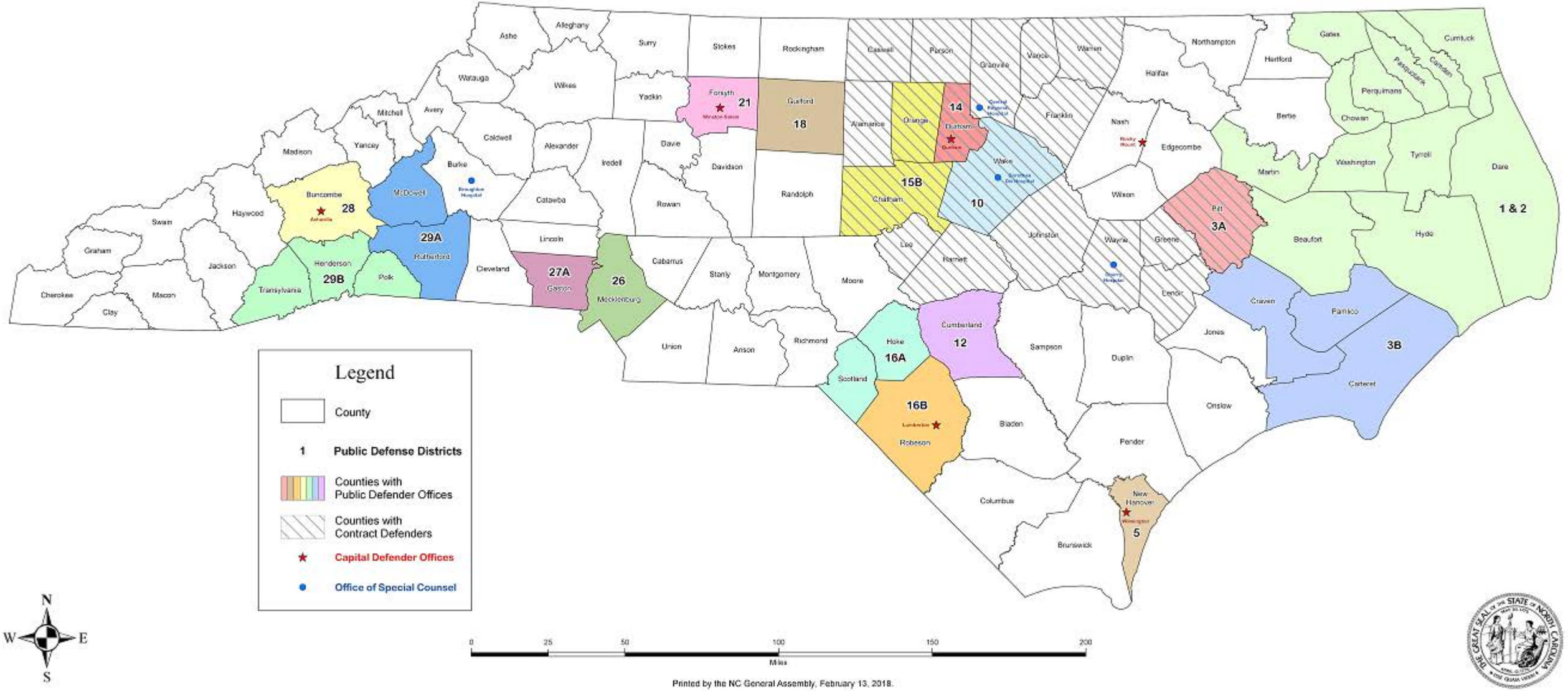
As noted earlier in this report, IDS intends to develop a comprehensive, multi-year statewide plan that will use demographics, attorney availability, trends, and financial forecasts to develop a road map for policy makers and legislators who must make decisions about how best to deliver and fund quality public defense in North Carolina.

Working closely with the Commission, PAC, and the Public Defenders, IDS also intends to revisit and revise as necessary current performance standards and rules. This undertaking will conform the existing standards and rules to current best practices and streamline processes.

Conclusion

Like many, the global pandemic made FY2020 for IDS unprecedented in ways. In addition to pandemic, the year was filled with many changes including the resignation of its longtime Executive Director, and an extended period of interim leadership. Yet the greatest stress on IDS is continued and increasing difficulty recruiting attorneys to represent indigent clients in many areas of the state. As we approach the end of FY2021 and look forward to FY2022, IDS is looking forward to a measured expansion of public defender offices in a way that addresses the areas of highest need first, that provides policymakers with a roadmap for future budget priorities, and that results in a statewide system of public defense that provides quality representation in the most efficient and cost-effective manner.

Public Defense Districts (Effective 1/1/2019)



Printed by the NC General Assembly, February 13, 2018.

Appendix B: COST AND CASE DATA ON REPRESENTATION OF INDIGENTS July 1, 2019-June 30, 2020		
Assigned Private Counsel	Number of Cases*	Total Cost**
Potentially Capital Trial	1,454	$8,224,218
Capital appeals/post-conviction	171	$945,638
Adult non-capital cases	129,645	$46,107,331
Juvenile cases	3,537	$1,207,507
Guardian ad Litem assigned by IDS	617	$245,384
Total	135,424	$56,730,078
Contracted Legal Services		
Individually Negotiated Contracts	6,590	$1,838,437
RFP Contracts	24,442	$7,634,287
Legal Services to Inmates	12	$2,297,197
	166,456	$11,769,921
Public Defender Offices		
District 1 & 2***	3,589	$2,375,666
District 3A	2,389	$2,148,431
District 3B	1,810	$1,280,922
District 5 (New Hanover County)	4,707	$2,420,388
District 10	6,574	$4,871,146
District 12	4,015	$2,457,120
District 14	8,355	$3,126,210
District 15B	1,964	$1,684,961
District 16A	1,927	$1,402,818
District 16B	2,013	$1,745,272
District 18	6,830	$4,332,588
District 21	5,119	$3,059,169
District 26	14,136	$8,692,770
District 27A	6,050	$2,416,590
District 28	5,528	$2,152,102
District 29A	3,006	$1,396,920
District 29B	1,626	$1,280,922
Total	79,638	$46,843,994
Office of the Appellate Defender	287	$3,435,957
Office of the Capital Defender	143	$4,473,143
Office of Special Counsel	14,904	$1,603,675
TOTAL DISPOSITION PAC+PD	**261,428**	**$124,856,768**
Support Services (PAC only)****		
Transcripts, records, and briefs		$674,948
Expert witness fees		$2,847,575
Investigator fees		$3,594,173
Interpreters & Translators		$104,462
Lay Witness Expenses		$5,718
Video conferencing with clients		$1,070
Total		$7,227,946
Administrative Services		
Set-Off Debt Collection		$173,017
Indigent Defense Services		$2,500,795
Office of the Juvenile Defender	45	$386,629
Total Indigegent Defense Services		$135,145,155.69

* The number of "cases" shown for private assigned counsel (PAC) is the number of payments (fee applications) made by IDS for appointed attorneys. For public defender offices, the number of "cases" is the number of indigent persons whose cases were disposed by public defenders during FY19. For contractors, numbers are dispositions reported per contract requirements. For the Office of the Capital Defender, numbers include pending cases.

** IDS reports most PAC data on a demand basis to reflect fee applications received in a given year, even if payment is held due to limited cash. Until FY10, this report was done on a cash basis. Because IDS had roughly $700,000 in unpaid fee applications at the end of FY18 and FY19, there is only a small difference between total PAC demand and cash basis. These figures exclude county funded positions in PD and IDS offices, the Mecklenburg salary supplement for attorneys, and payments for dual employment payments.

*** The number of cases and total cost for the District 1 Public Defender Office includes expansion into all counties in District 2, effective February 2013. 962 of the reported FY19 dispositions were in District 2.

**** Support service costs for public defender offices and statewide defender offices are included in total office costs.

Appendix C: Demand by County

	Number of Payments	Demand
District 1		
Camden	11	$2,963
Chowan	71	$51,151
Currituck	85	$40,987
Dare	192	$89,525
Gates	10	$3,802
Pasquotank	166	$63,334
Perquimans	52	$34,652
District Total	587	$286,414
District 2		
Beaufort	1,202	$435,887
Hyde	51	$26,641
Martin	463	$171,937
Tyrrell	73	$29,804
Washington	233	$99,095
District Total	2,022	$763,363
District 3A		
Pitt	1,654	$744,530
District Total	1,654	$744,530
District 3B		
Carteret	541	$356,727
Craven	1,668	$669,015
Pamlico	125	$66,611
District Total	2,334	$1,092,353
District 4A		
Duplin	1,644	$632,217
Jones	182	$87,059
Sampson	1,534	$562,890
District Total	3,360	$1,282,167
District 4B		
Onslow	4,553	$1,186,831
District Total	4,553	$1,186,831
District 5		
New Hanover	2,810	$927,421
Pender	1,005	$320,781
District Total	3,815	$1,248,202
District 6A		
Halifax	2,235	$799,625
District Total	2,235	$799,625

Appendix C: Demand by County

District 6B		
Bertie	363	$119,355
Hertford	476	$153,089
Northampton	375	$111,585
District Total	1,214	$384,029
District 7A		
Nash	1,487	$558,223
District Total	1,487	$558,223
District 7B/C		
Edgecombe	1,027	$393,057
Wilson	1,890	$652,970
District Total	2,917	$1,046,027
District 8A		
Greene	314	$122,377
Lenoir	1,602	$802,695
District Total	1,916	$925,072
District 8B		
Wayne	2,119	$900,887
District Total	2,119	$900,887
District 9		
Franklin	1,321	$463,791
Granville	1,092	$364,253
Vance	1,505	$408,888
Warren	361	$104,961
District Total	4,279	$1,341,893
District 9A		
Caswell	741	$167,306
Person	2,000	$450,842
District Total	2,741	$618,148
District 10		
Wake	7,953	$2,982,177
District Total	7,953	$2,982,177
District 11A		
Harnett	2,211	$748,870
Lee	1,120	$477,803
District Total	3,331	$1,226,673

Appendix C: Demand by County

District 11B		
Johnston	3,299	$1,186,054
District Total	3,299	$1,186,054
District 12		
Cumberland	3,564	$1,673,863
District Total	3,564	$1,673,863
District 13A		
Bladen	885	$413,158
Columbus	1,685	$770,535
District Total	2,570	$1,183,693
District 13B		
Brunswick	2,883	$1,193,351
District Total	2,883	$1,193,351
District 14		
Durham	2,698	$1,100,141
District Total	2,698	$1,100,141
District 15A		
Alamance	3,882	$1,256,113
District Total	3,882	$1,256,113
District 15B		
Chatham	424	$229,823
Orange	643	$359,857
District Total	1,067	$589,680
District 16A		
Hoke	288	$257,306
Scotland	570	$259,889
District Total	858	$517,195
District 16B		
Robeson	4,259	$2,214,754
District Total	4,259	$2,214,754
District 17A		
Rockingham	2,683	$854,804
District Total	2,683	$854,804
District 17B		
Stokes	1,384	$372,194
Surry	2,349	$637,931
District Total	3,733	$1,010,124

Appendix C: Demand by County

District 18		
Guilford	5,012	$1,671,752
District Total	5,012	$1,671,752
District 19A		
Cabarrus	3,604	$1,098,473
District Total	3,604	$1,098,473
District 19B		
Montgomery	472	$141,780
Randolph	4,018	$1,205,685
District Total	4,490	$1,347,465
District 19C		
Rowan	3,821	$1,176,166
District Total	3,821	$1,176,166
District 19D		
Moore	2,760	$798,241
District Total	2,760	$798,241
District 20A		
Anson	708	$168,380
Richmond	2,687	$833,904
Stanly	1,280	$362,130
District Total	4,675	$1,364,415
District 20B		
Union	3,968	$1,555,314
District Total	3,968	$1,555,314
District 21		
Forsyth	4,902	$1,366,956
District Total	4,902	$1,366,956
District 22A		
Alexander	715	$286,172
Iredell	4,431	$1,311,524
District Total	5,146	$1,597,696
District 22B		
Davidson	4,417	$1,103,612
Davie	904	$265,851
District Total	5,321	$1,369,463

Appendix C: Demand by County

District 23		
Alleghany	297	$84,567
Ashe	655	$180,791
Wilkes	1,819	$466,380
Yadkin	709	$274,067
District Total	3,480	$1,005,806
District 24		
Avery	604	$167,541
Madison	655	$204,098
Mitchell	493	$148,245
Watauga	1,168	$370,580
Yancey	514	$156,459
District Total	3,434	$1,046,923
District 25A		
Burke	2,477	$687,009
Caldwell	2,891	$724,769
District Total	5,368	$1,411,777
District 25B		
Catawba	4,222	$1,201,479
District Total	4,222	$1,201,479
District 26		
Mecklenburg	6,062	$3,842,372
District Total	6,062	$3,842,372
District 27A		
Gaston	1,940	$726,403
District Total	1,940	$726,403
District 27B		
Cleveland	3,684	$904,856
Lincoln	2,371	$731,824
District Total	6,055	$1,636,680
District 28		
Buncombe	3,049	$1,309,991
District Total	3,049	$1,309,991
District 29A		
McDowell	479	$330,348
Rutherford	821	$305,824
District Total	1,300	$636,173

Appendix C: Demand by County

District 29B		
Henderson	1,344	$587,256
Polk	231	$102,242
Transylvania	456	$210,034
District Total	2,031	$899,532
District 30A		
Cherokee	716	$311,602
Clay	267	$125,750
Graham	310	$128,195
Macon	924	$386,868
Swain	505	$213,501
District Total	2,722	$1,165,915
District 30B		
Haywood	2,067	$732,925
Jackson	1,178	$415,115
District Total	3,245	$1,148,040

Notes: Reports through FY07 included only payments to attorneys; FY08 through FY20 data include payments to experts and investigators as well. Count of payments is not identical to number of cases but is a count of number of fee applications paid plus number of cases closed as reported by contractors. Interpreters not included. This data excludes fee applications/contract payments received during FY19 but not paid until FY16, but includes those held for payment at end of FY20.

Appendix C: Recoupment Data FY2020

County	FY20 ALL SOURCES Atty	Appoint	RECOUPMENT Total	Non Capital PAC Demand	PD Office Expense	Total County Cost	Recoupment % 2020	Recoup % 2019
Alamance	$ 175,593.11	$ 36,122.40	$ 211,715.51	$ 1,256,113	$ -	$ 1,256,113	16.9%	24.1%
Alexander	$ 56,657.03	$ 11,566.74	$ 68,223.77	$ 286,172	$ -	$ 286,172	23.8%	21.3%
Alleghany	$ 13,926.10	$ 3,548.85	$ 17,474.95	$ 84,567	$ -	$ 84,567	20.7%	21.2%
Anson	$ 49,330.94	$ 6,783.97	$ 56,114.91	$ 168,380	$ -	$ 168,380	33.3%	23.5%
Ashe	$ 47,314.58	$ 9,927.94	$ 57,242.52	$ 180,791	$ -	$ 180,791	31.7%	28.0%
Avery	$ 25,598.10	$ 3,740.52	$ 29,338.62	$ 167,541	$ -	$ 167,541	17.5%	16.0%
Beaufort	$ 78,855.12	$ 16,684.13	$ 95,539.25	$ 435,887	$ 237,960	$ 673,847	14.2%	9.3%
Bertie	$ 19,151.18	$ 2,264.37	$ 21,415.55	$ 119,355		$ 119,355	17.9%	11.8%
Bladen	$ 45,801.51	$ 6,142.14	$ 51,943.65	$ 413,158		$ 413,158	12.6%	13.0%
Brunswick	$ 142,450.01	$ 21,673.66	$ 164,123.67	$ 1,193,351		$ 1,193,351	13.8%	12.8%
Buncombe	$ 103,807.67	$ 33,167.02	$ 136,974.69	$ 1,309,991	$ 1,673,359	$ 2,983,350	4.6%	5.1%
Burke	$ 93,160.22	$ 7,718.01	$ 100,878.23	$ 687,009		$ 687,009	14.7%	11.8%
Cabarrus	$ 238,186.21	$ 39,449.27	$ 277,635.48	$ 1,098,473		$ 1,098,473	25.3%	26.0%
Caldwell	$ 110,068.93	$ 13,672.38	$ 123,741.31	$ 724,769		$ 724,769	17.1%	15.6%
Camden	$ 5,134.22	$ 1,474.26	$ 6,608.48	$ 2,963	$ 25,389	$ 28,352	23.3%	8.3%
Carteret	$ 56,383.99	$ 9,903.87	$ 66,287.86	$ 356,727	$ 530,648	$ 887,375	7.5%	8.4%
Caswell	$ 25,777.12	$ 5,610.90	$ 31,388.02	$ 167,306		$ 167,306	18.8%	14.9%
Catawba	$ 154,988.90	$ 13,830.62	$ 168,819.52	$ 1,201,479		$ 1,201,479	14.1%	14.1%
Chatham	$ 16,845.74	$ 7,744.00	$ 24,589.74	$ 229,823	$ 409,673	$ 639,496	3.8%	3.3%
Cherokee	$ 33,758.35	$ 6,578.10	$ 40,336.45	$ 311,602		$ 311,602	12.9%	9.8%
Chowan	$ 14,539.34	$ 2,585.54	$ 17,124.88	$ 51,151	$ 72,682	$ 123,833	13.8%	10.7%
Clay	$ 15,449.62	$ 2,071.37	$ 17,520.99	$ 125,750		$ 125,750	13.9%	14.9%
Cleveland	$ 132,095.73	$ 35,116.26	$ 167,211.99	$ 904,856		$ 904,856	18.5%	19.9%
Columbus	$ 78,082.23	$ 9,455.33	$ 87,537.56	$ 770,535		$ 770,535	11.4%	11.0%
Craven	$ 107,518.41	$ 13,793.51	$ 121,311.92	$ 669,015	$ 341,851	$ 1,010,866	12.0%	14.5%
Cumberland	$ 139,948.68	$ 28,921.44	$ 168,870.12	$ 1,673,863	$ 1,823,104	$ 3,496,967	4.8%	4.4%
Currituck	$ 28,451.01	$ 3,689.10	$ 32,140.11	$ 40,987	$ 737,277	$ 778,264	4.1%	10.4%
Dare	$ 60,490.27	$ 8,605.80	$ 69,096.07	$ 89,525	$ 202,116	$ 291,641	23.7%	19.6%
Davidson	$ 226,778.72	$ 39,336.38	$ 266,115.10	$ 1,103,612		$ 1,103,612	24.1%	19.9%
Davie	$ 51,885.35	$ 10,077.12	$ 61,962.47	$ 265,851		$ 265,851	23.3%	25.9%
Duplin	$ 79,120.93	$ 11,381.18	$ 90,502.11	$ 632,217		$ 632,217	14.3%	16.3%
Durham	$ 95,332.10	$ 20,528.57	$ 115,860.67	$ 1,100,141	$ 2,473,286	$ 3,573,427	3.2%	3.4%
Edgecombe	$ 75,554.22	$ 10,452.39	$ 86,006.61	$ 393,057		$ 393,057	21.9%	21.5%
Forsyth	$ 248,848.85	$ 56,432.10	$ 305,280.95	$ 1,366,956	$ 2,285,241	$ 3,652,197	8.4%	8.7%
Franklin	$ 66,432.84	$ 11,521.51	$ 77,954.35	$ 463,791		$ 463,791	16.8%	14.7%
Gaston	$ 76,973.89	$ 50,803.36	$ 127,777.25	$ 726,403	$ 1,802,705	$ 2,529,108	5.1%	5.3%
Gates	$ 3,504.16	$ 780.00	$ 4,284.16	$ 3,802	$ 39,328	$ 43,130	9.9%	14.4%
Graham	$ 21,192.20	$ 1,175.44	$ 22,367.64	$ 128,195		$ 128,195	17.4%	10.4%
Granville	$ 47,065.81	$ 9,742.58	$ 56,808.39	$ 364,253		$ 364,253	15.6%	13.0%
Greene	$ 16,866.17	$ 2,158.90	$ 19,025.07	$ 122,377		$ 122,377	15.5%	11.9%
Guilford	$ 259,709.99	$ 72,762.16	$ 332,472.15	$ 1,671,752	$ 3,460,137	$ 5,131,889	6.5%	6.1%
Halifax	$ 120,393.62	$ 13,984.88	$ 134,378.50	$ 799,625		$ 799,625	16.8%	16.3%
Harnett	$ 76,448.97	$ 15,029.40	$ 91,478.37	$ 748,870		$ 748,870	12.2%	10.7%
Haywood	$ 99,361.67	$ 14,403.07	$ 113,764.74	$ 732,925		$ 732,925	15.5%	17.2%
Henderson	$ 95,083.97	$ 20,664.46	$ 115,748.43	$ 587,256	$ 664,060	$ 1,251,316	9.3%	8.4%
Hertford	$ 29,265.54	$ 3,037.07	$ 32,302.61	$ 153,089		$ 153,089	21.1%	16.8%
Hoke	$ 16,550.41	$ 2,901.58	$ 19,451.99	$ 257,306	$ 385,423	$ 642,729	3.0%	4.7%
Hyde	$ 6,047.66	$ 1,000.42	$ 7,048.08	$ 26,641	$ 17,424	$ 44,065	16.0%	10.2%
Iredell	$ 209,270.26	$ 33,709.34	$ 242,979.60	$ 1,311,524		$ 1,311,524	18.5%	17.8%
Jackson	$ 52,320.79	$ 7,562.41	$ 59,883.20	$ 415,115		$ 415,115	14.4%	16.6%
Johnston	$ 109,092.91	$ 29,078.14	$ 138,171.05	$ 1,186,054		$ 1,186,054	11.6%	11.9%
Jones	$ 14,118.17	$ 2,060.54	$ 16,178.71	$ 87,059		$ 87,059	18.6%	23.5%
Lee	$ 68,443.77	$ 12,263.62	$ 80,707.39	$ 477,803		$ 477,803	16.9%	21.9%
Lenoir	$ 96,787.69	$ 13,581.69	$ 110,369.38	$ 802,695		$ 802,695	13.7%	17.7%
Lincoln	$ 102,317.23	$ 22,381.90	$ 124,699.13	$ 731,824		$ 731,824	17.0%	17.7%
Macon	$ 44,860.57	$ 7,342.81	$ 52,203.38	$ 386,868		$ 386,868	13.5%	14.5%
Madison	$ 20,564.28	$ 5,767.02	$ 26,331.30	$ 204,098		$ 204,098	12.9%	14.2%
Martin	$ 28,930.75	$ 5,457.65	$ 34,388.40	$ 171,937	$ 83,634	$ 255,571	13.5%	11.0%
McDowell	$ 103,748.26	$ 16,165.42	$ 119,913.68	$ 330,348	$ 450,053	$ 780,401	15.4%	11.2%
Mecklenburg	$ 300,429.77	$ 26,168.81	$ 326,598.58	$ 3,842,372	$ 6,685,399	$ 10,527,771	3.1%	3.1%
Mitchell	$ 22,100.64	$ 5,078.27	$ 27,178.91	$ 148,245		$ 148,245	18.3%	23.2%
Montgomery	$ 16,771.86	$ 4,880.10	$ 21,651.96	$ 141,780		$ 141,780	15.3%	16.3%
Moore	$ 96,319.82	$ 14,864.22	$ 111,184.04	$ 798,241		$ 798,241	13.9%	13.0%
Nash	$ 127,727.25	$ 18,573.27	$ 146,300.52	$ 558,223		$ 558,223	26.2%	22.4%
New Hanover	$ 225,250.65	$ 30,873.14	$ 256,123.79	$ 927,421	$ 1,800,142	$ 2,727,563	9.4%	9.7%
Northampton	$ 20,842.43	$ 2,196.87	$ 23,039.30	$ 111,585		$ 111,585	20.6%	13.9%
Onslow	$ 181,414.25	$ 30,931.22	$ 212,345.47	$ 1,186,831		$ 1,186,831	17.9%	19.4%
Orange	$ 30,161.91	$ 10,789.55	$ 40,951.46	$ 359,857	$ 874,568	$ 1,234,425	3.3%	4.7%
Pamlico	$ 15,218.03	$ 2,785.33	$ 18,003.36	$ 66,611	$ 43,992	$ 110,603	16.3%	9.7%
Pasquotank	$ 35,805.50	$ 8,775.35	$ 44,580.85	$ 63,334	$ 242,938	$ 306,272	14.6%	10.3%
Pender	$ 55,234.06	$ 8,896.87	$ 64,130.93	$ 320,781		$ 320,781	20.0%	17.9%
Perquimans	$ 8,592.19	$ 2,552.02	$ 11,144.21	$ 34,652	$ 68,700	$ 103,352	10.8%	12.3%
Person	$ 48,245.83	$ 9,387.93	$ 57,633.76	$ 450,842		$ 450,842	12.8%	17.7%
Pitt	$ 124,445.84	$ 20,707.79	$ 145,153.63	$ 744,530	$ 1,718,502	$ 2,463,032	5.9%	6.0%
Polk	$ 13,028.68	$ 2,739.26	$ 15,767.94	$ 102,242	$ 121,272	$ 223,514	7.1%	10.7%
Randolph	$ 157,056.69	$ 29,990.45	$ 187,047.14	$ 1,205,685		$ 1,205,685	15.5%	14.9%
Richmond	$ 102,323.31	$ 15,507.95	$ 117,831.26	$ 833,904		$ 833,904	14.1%	16.7%
Robeson	$ 83,031.39	$ 10,990.34	$ 94,021.73	$ 2,214,754	$ 1,313,425	$ 3,528,179	2.7%	2.8%
Rockingham	$ 178,790.16	$ 22,822.29	$ 201,612.45	$ 854,804		$ 854,804	23.6%	19.7%
Rowan	$ 242,824.15	$ 42,109.96	$ 284,934.11	$ 1,176,166		$ 1,176,166	24.2%	23.5%
Rutherford	$ 111,834.06	$ 25,567.77	$ 137,401.83	$ 305,824	$ 629,210	$ 935,034	14.7%	13.9%
Sampson	$ 72,666.68	$ 13,125.44	$ 85,792.12	$ 562,890		$ 562,890	15.2%	15.7%
Scotland	$ 15,903.33	$ 1,915.82	$ 17,819.15	$ 259,889	$ 536,640	$ 796,529	2.2%	2.0%
Stanly	$ 70,001.12	$ 10,002.53	$ 80,003.65	$ 362,130		$ 362,130	22.1%	21.5%
Stokes	$ 68,101.82	$ 10,863.24	$ 78,965.06	$ 372,194		$ 372,194	21.2%	19.3%
Surry	$ 115,486.66	$ 16,791.85	$ 132,278.51	$ 637,931		$ 637,931	20.7%	18.6%
Swain	$ 20,292.20	$ 3,124.07	$ 23,416.27	$ 213,501		$ 213,501	11.0%	10.1%
Transylvania	$ 27,520.73	$ 4,640.05	$ 32,160.78	$ 210,034	$ 192,665	$ 402,699	8.0%	7.4%
Tyrrell	$ 6,770.41	$ 1,947.18	$ 8,717.59	$ 29,804	$ 31,363	$ 61,167	14.3%	12.9%
Union	$ 186,888.32	$ 30,554.54	$ 217,442.86	$ 1,555,314		$ 1,555,314	14.0%	15.8%

Appendix C:	Recoupment Data FY2020							
	FY20 ALL SOURCES		RECOUPMENT	Non Capital	PD Office	Total County Cost	Recoupment % 2020	Recoup % 2019
Vance	$ 56,128.27	$ 9,481.87	$ 65,610.14	$ 408,888		$ 408,888	16.0%	44.1%
Wake	$ 342,835.33	$ 122,927.44	$ 465,762.77	$ 2,982,177	$ 3,951,793	$ 6,933,970	6.7%	6.4%
Warren	$ 17,840.12	$ 3,410.97	$ 21,251.09	$ 104,961		$ 104,961	20.2%	25.0%
Washington	$ 14,247.04	$ 2,785.02	$ 17,032.06	$ 99,095	$ 25,887	$ 124,982	13.6%	9.1%
Watauga	$ 68,911.25	$ 9,600.96	$ 78,512.21	$ 370,580		$ 370,580	21.2%	21.1%
Wayne	$ 143,300.83	$ 24,641.41	$ 167,942.24	$ 900,887		$ 900,887	18.6%	13.0%
Wilkes	$ 96,162.03	$ 23,531.49	$ 119,693.52	$ 466,380		$ 466,380	25.7%	24.9%
Wilson	$ 98,881.83	$ 9,341.48	$ 108,223.31	$ 652,970		$ 652,970	16.6%	18.0%
Yadkin	$ 77,525.55	$ 9,928.64	$ 87,454.19	$ 274,067		$ 274,067	31.9%	29.7%
Yancey	$ 27,739.26	$ 4,995.25	$ 32,734.51	$ 156,459		$ 156,459	20.9%	17.5%
Totals	$ 8,356,887	$ 1,546,183	$ 9,903,069.94	$ 59,543,417	$ 35,951,846	$ 95,495,263	10.37%	10.46%