

FISCAL RESEARCH DIVISION

A Staff Agency of the North Carolina General Assembly

Court Technology and Indigent Defense Services

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February 22, 2023

Outline

- Court Technology
 - Court IT Special Fund
 - eCourts
 - Other Technology Projects
- Indigent Defense Services
 - Budget and Operational Overview
 - Private Assigned Counsel Fund
 - Public Defender Services
 - Administration
 - Recent Legislative Action



Court IT Special Fund

Court IT Special Fund supports IT personnel, equipment and supply purchases, and contracts for services

Recurring receipts:

- \$4 telecommunications fee for all court cases
 - \$4 M collected in FY 2021-22
- Fees for remote public access to AOC's databases
 - \$16.2 M collected in FY 2021-22

**Total:
\$20.2 M**

Source: AOC Report on Court Information Technology Fund, FY 2021-22



Court IT Special Fund Receipts

Nonrecurring funding sources include:

- In 2018, NCGA appropriated \$1.5 M NR for eCourts initiative
- A **special budget provision** for FY 2018-19 through FY 2020-21 allowed AOC to transfer a total of **\$16.2 M** (including \$3 M from IDS' budget) to the Fund instead of reverting to the General Fund
- In 2021, NCGA provided \$9.5 M NR for equipment replacement and \$34 M NR for eCourts

**Total:
\$61.1 M**

Source: AOC Reports on Court Information Technology Fund



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eCourts

- Umbrella term referring to package of new software applications to transition the court system from paper to electronic processes and records
- Tyler Technologies contracted in 2019 for 10 years
 - \$100 M total contract value



eCourts Software

Software	Description	Implementation Date
Brazos	Electronic citation platform	2021
eWarrants	Electronic warrant repository	2022
Odyssey	Digital integrated case management system (ICMS)	TBD - In progress



eCourts Recent Appropriations

The NCGA made the following appropriations in 2021 to support eCourts

Item	FY 2021-23 Funding
Brazos and eWarrants hosting costs	\$3.5 M R
Odyssey (ICMS) implementation	\$15.8 M NR
Implementation staff (68 time-limited FTE through June 2024)	\$18.2 M NR
Total	\$3.5 M R and \$34 M NR



Time-Limited Implementation Staff

Position Title	FTE
Risk Management Analyst	2
Network Engineer I	6
Help Desk Analyst	6
Systems Analyst I	16
IT Support Specialist	18
Systems Analyst I	20

AOC is requesting these 68 positions become permanent, citing the need for ongoing local support.



Odyssey Funding

Why is Odyssey being funded with nonrecurring dollars?

- AOC requested supplemental funding while the agency supports current systems and implements Odyssey
- After full implementation, AOC intends to reallocate existing dollars to cover Odyssey's ongoing costs



Odyssey Functionality

Odyssey includes eFiling, allowing registered users to:

- Submit court documents to the clerk's office
- Pay filing fees that are automatically calculated
- Receive filing status updates via email and an electronic copy upon the clerk's acceptance



Odyssey Functionality

Odyssey includes a portal where anyone can:

- Perform a variety of searches to access case information, records, and documents
 - Search by: party name, record number, citation number, attorney bar number, attorney name, business name, and case cross-reference number
- Lookup court dates and hearings
- Pay fines and fees online



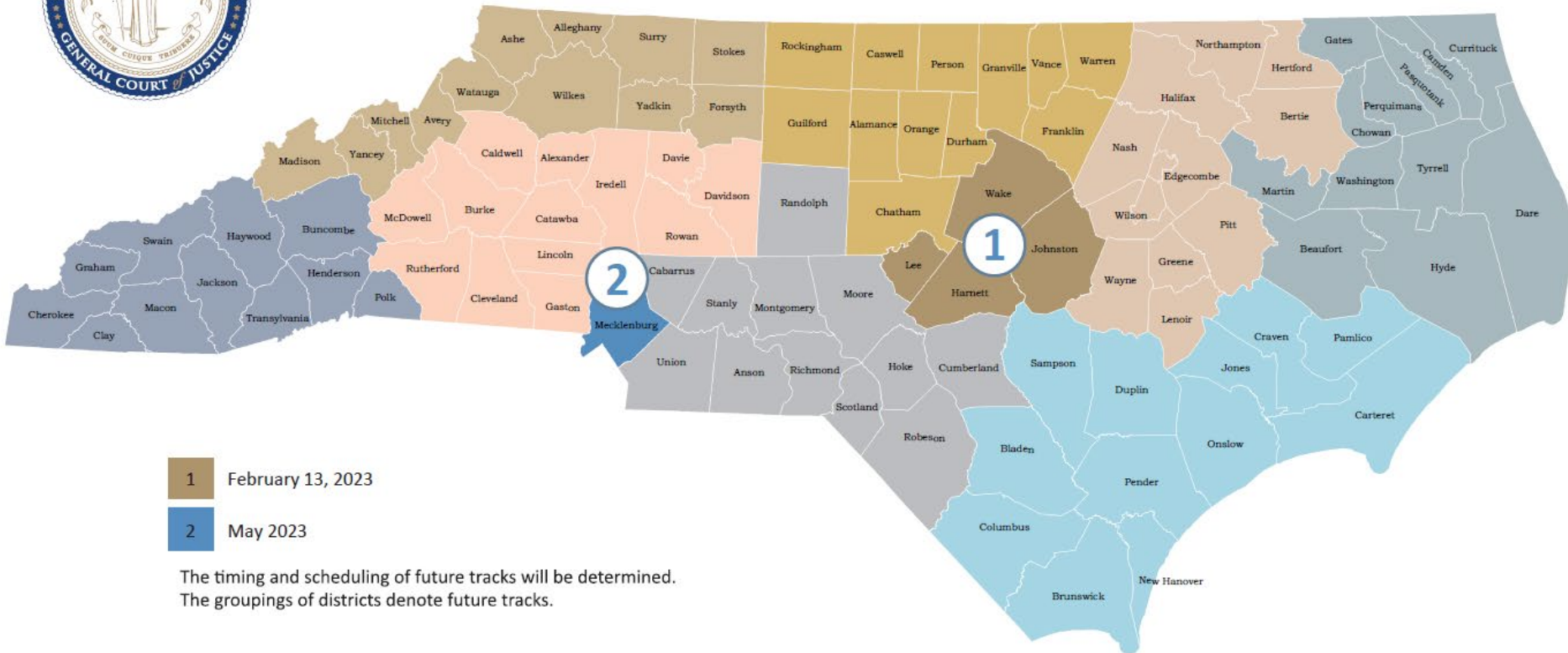
Odyssey Timeline

- In 2021, Odyssey was anticipated to be fully implemented by June 2024
- Due to application development delays and integration issues, pilot of Odyssey did not begin until last week
- Wake, Harnett, Lee, and Johnston are currently utilizing Odyssey
- Mecklenburg will be next (planned for May)
- AOC to provide a complete rollout plan in summer



Odyssey Timeline

ODYSSEY ROLLOUT PLAN



Odyssey Funding

- Odyssey appropriations last biennium: **\$15.8 M**
- Odyssey expenditures as of January 31: **\$15.5 M**
- Court IT Fund **Current Cash Balance:**
 - **\$72.5 M** as of January 31, 2023
- AOC has stated it has sufficient resources to cover this biennium's expenses
- Only technology request this biennium: convert the 68 time-limited positions to permanent FTE



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Other Technology Projects

In 2021, NCGA also appropriated:

- \$2 M NR to **expand wireless internet** in courthouses into staff offices and conference rooms
 - 28 of 115 judicial facilities have expanded internet
 - 109 of 115 facilities have been surveyed for cabling requirements
 - \$1.2 M spent or encumbered to date
- \$4.8 M NR for **video conferencing equipment** to support remote courtroom proceedings



Video Conferencing Equipment

CRAVE (Courtroom Audio Visual Experience) project

- Providing two system installations in every county:
 - Webex technology
 - High-definition monitors and cameras
 - Audio for prosecution, defense, judge, and witnesses
 - Kiosk in courthouse for self-represented litigants

Currently in production in 27 counties

Expected completion: May 30, 2023



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Indigent Defense Services (IDS)

Provides defense attorneys for indigent defendants

Director Mary Pollard

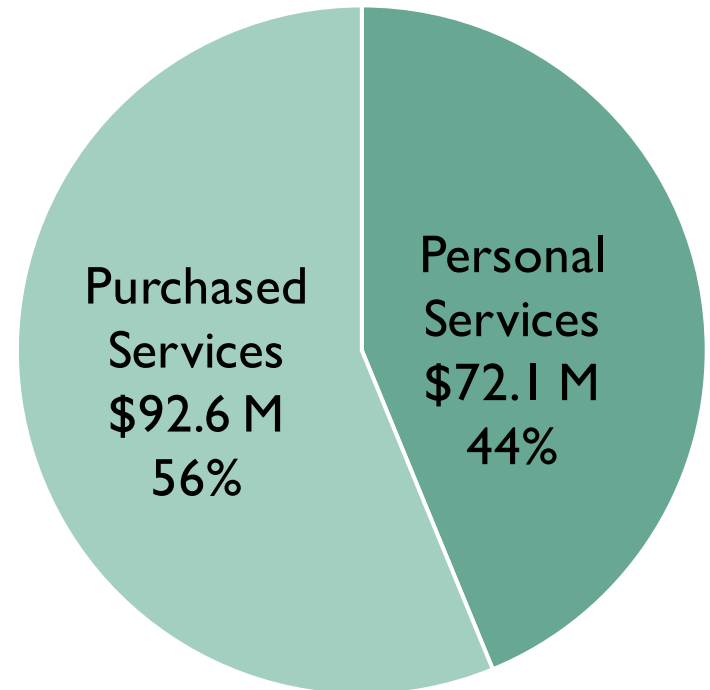
FY 2022-23 Authorized Budget

\$165.8 M GF Requirements

- \$25.5 M GF Receipts

\$140.4 M Net GF Appropriations

593 FTE



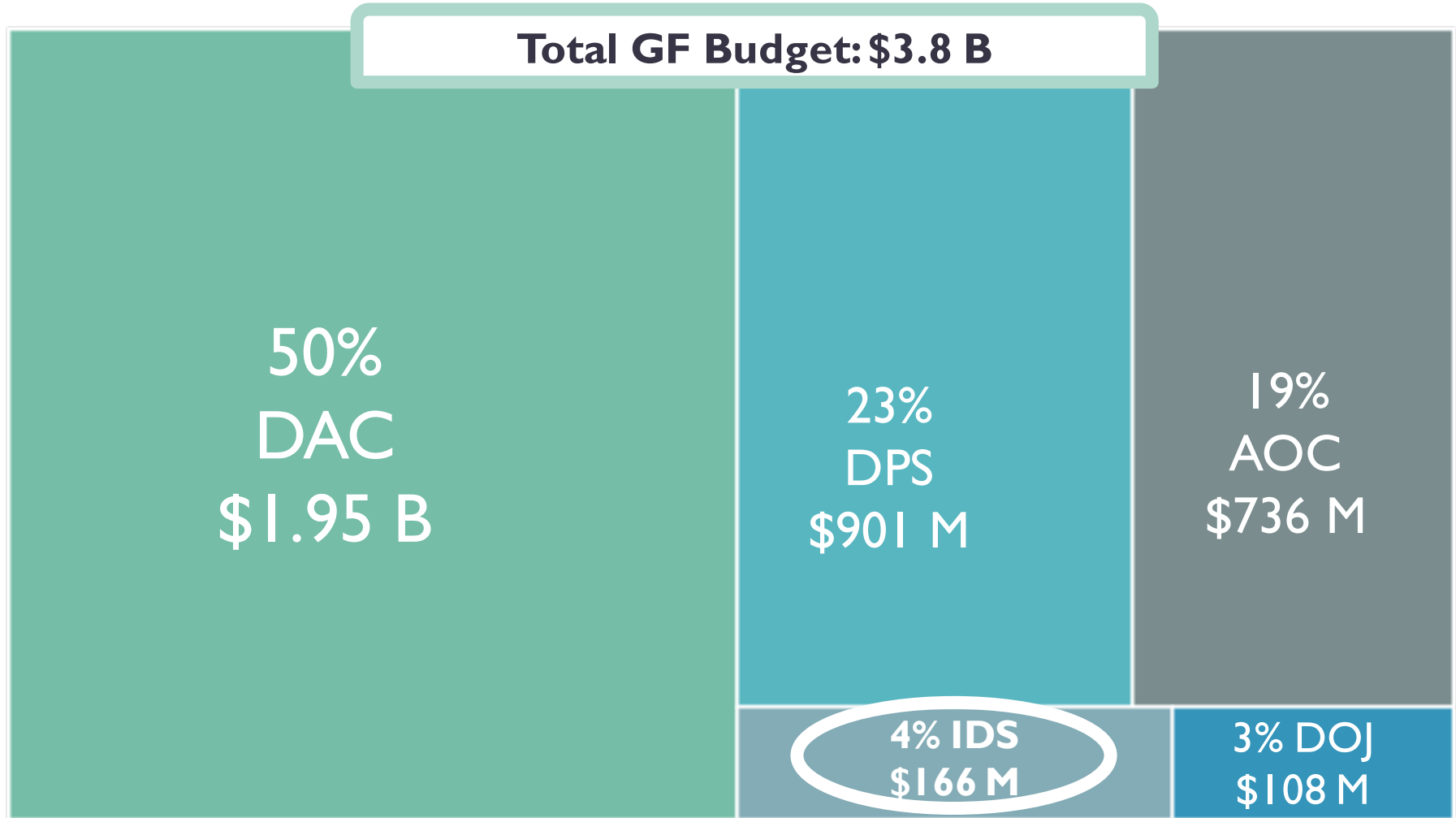
Source: BD 701, Dec. 31 2022

Includes:

- Public Defender offices
- Private Assigned Counsel Fund
- Administration



JPS General Fund (GF) Expenditures by Agency FY 2022-23



Source: BD 701 and BD 307

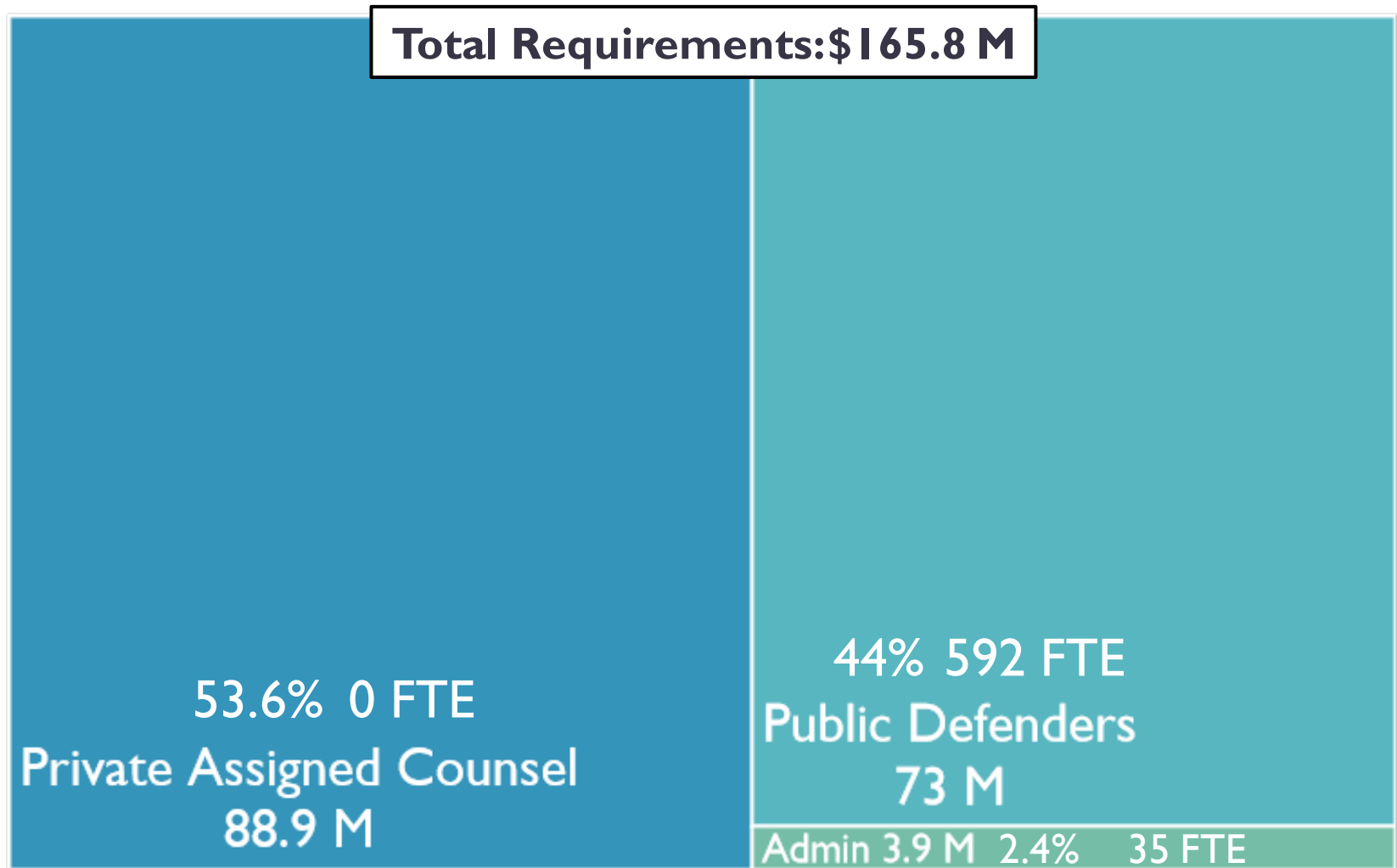


Legal Counsel for Indigent Persons

- Public Defenders (PD) - State employees
 - 19 Offices covering 38 counties
 - Includes 5 specialized statewide defender offices
- Private Assigned Counsel (PAC) - Private attorneys
 - Assigned if no PD or PD has a conflict
 - Generally paid when case is disposed
- Contract Defenders - Private attorneys
 - IDS has contracts with attorneys in 18 counties
 - Compensated same amount as PAC attorneys but paid monthly



IDS by Function: FY 2022-23

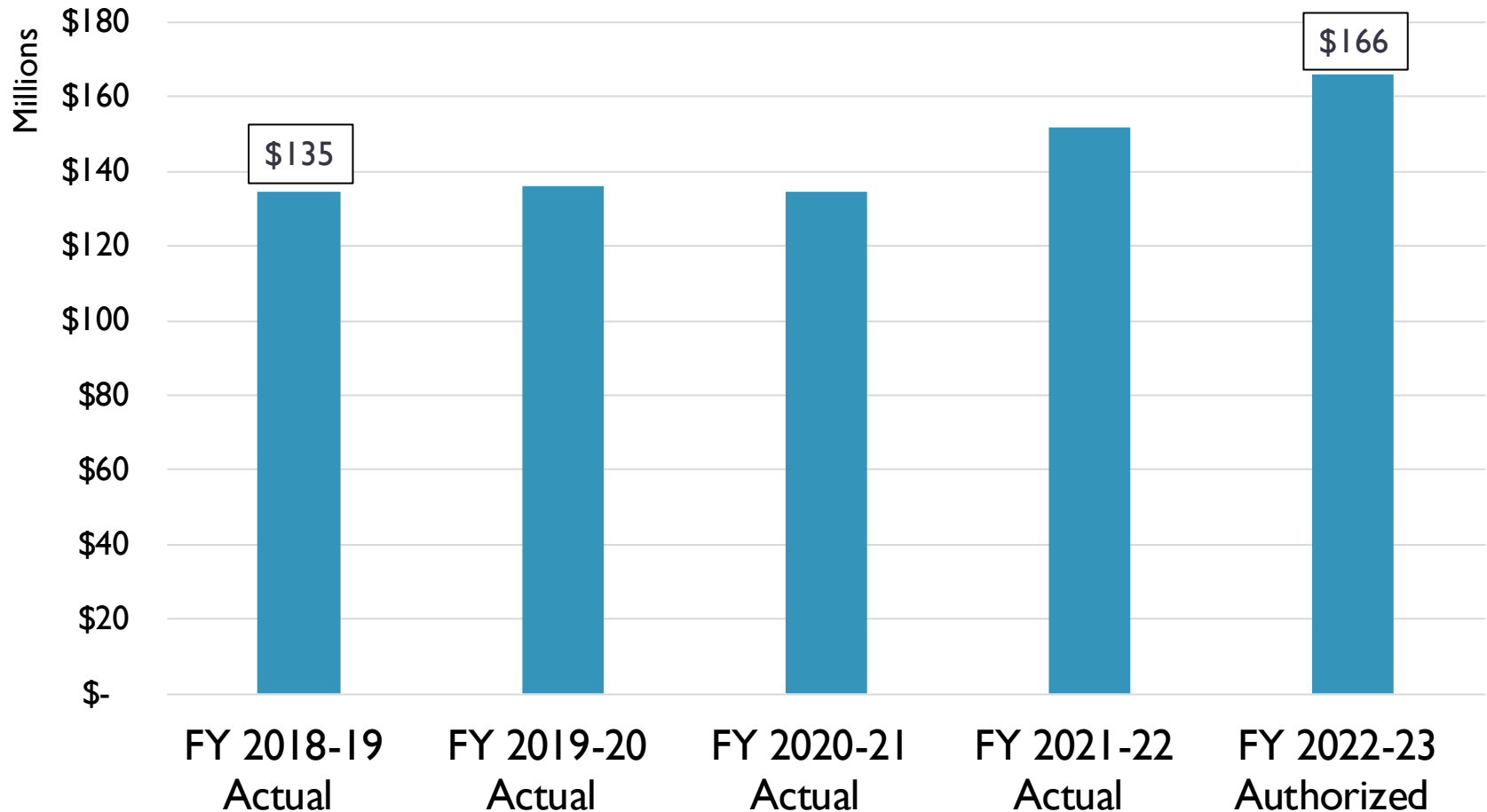


Source: FY 2022-23 Authorized Budget as of December 2022 and B0149 Position by Funding Source Report, January 2023



5 Year Budget History

23% increase in requirements over 5 years



Source: North Carolina Accounting System



Vacancy Rate by Fund Code

Fund Code	Fund Code Name	Vacant Positions	Vacancy Rate
I320	Public Defender Service	36.4	6%
I380	IDS Administration	6.5	22%
IDS General Fund Total		43	7%



**Statewide
22%**

Source: B0149 Positions by Funding Source as of February 2023



Commission on Indigent Defense

- Established in 2000 under G.S. 7A-498.4
- Consists of 13 members serving 4-years terms
- Chief Justice, Governor, NCGA, State Bar, multiple associations, and the Commission make appointments

Responsibilities include:

- Appoints IDS Director
- Determines the best methods for delivering legal counsel across NC
- Establishes policies and procedures for attorney compensation including rates and allowable expenses



IDS Case Types

Chief Public Defender has autonomy to allocate resources within the office

Some Chiefs have chosen to handle additional cases beyond adult criminal cases

Examples:

- Abuse, neglect, dependency cases
- Termination of parental rights
- Involuntary commitments
- Child support contempt
- Other civil contempt
- Juvenile delinquency
- Recovery courts
- Competency



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Private Assigned Counsel (PAC) Fund

Requirements:
\$88.9 M

Receipts:
\$23 M

**Net General Fund
Appropriation:**
\$65.9 M

Total FTE:
0

**53.6% of IDS
Requirements**

- Private attorneys who accept appointment for an hourly rate
- Includes contract system for criminal cases in 18 counties
- Supervised primarily at local level
- PAC fund does not revert

**\$10.2 M of \$23 M in receipts is
carryforward from last FY**

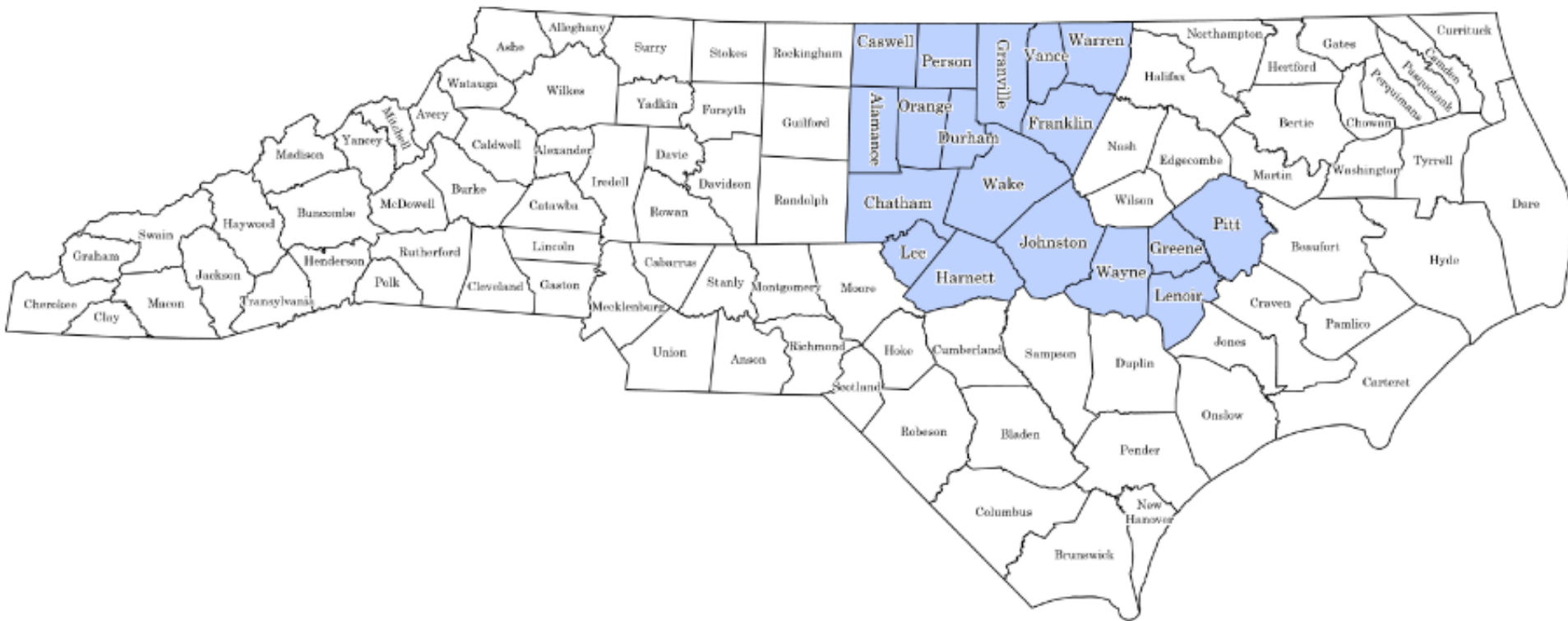


Contract System

- Contract exists in 18 counties
- In 2022, IDS migrated contracts from a unit-based payment to a payment based on actual hours worked
- New name: **Managed Assigned Counsel (MAC)**
- Number of attorneys increased from 108 to 133
- Attorneys are paid monthly out of PAC Fund
- Responsible for majority of trial cases, but non-contracted PAC attorneys still utilized in certain cases
- Regional Defenders (2 FTE) assist contract attorneys
- IDS manages roster of attorneys



Contract System



PAC Fund Receipts

1. **\$5 court cost** applied to all criminal cases

- Supports PAC Fund
- Was \$2 until February 1, 2022
- \$1.7 M collected in FY 2021-22; \$2.8 M expected this FY

2. **\$75 appointment fee** assessed for defendants assigned a PAC attorney or public defender

- \$70 supports PAC Fund; \$5 supports Court IT Fund
- \$1 M collected in FY 2021-22



PAC Fund Receipts

3. **Counsel Fee Civil Judgment** assessed for convicted individuals who utilized IDS-funded counsel

- Civil Judgment assessed by the judge at sentencing
- For defendants who do not pay, process exists to intercept tax refunds and lottery winnings (“Set off debt”)
- \$8.9 M collected in FY 2021-22; 50% of which came from set-off debt



PAC Compensation

- The IDS Commission sets the compensation for PAC attorneys based on available funding
- Great Recession impacts led the NCGA to make cuts to the PAC Fund
- Commission responded by lowering rates in 2011
 - DC cases went from \$75 to \$55/hour
- Since then, additional appropriations have supported rate increases with the most recent rate increases effective January 1, 2022

Source:IDS



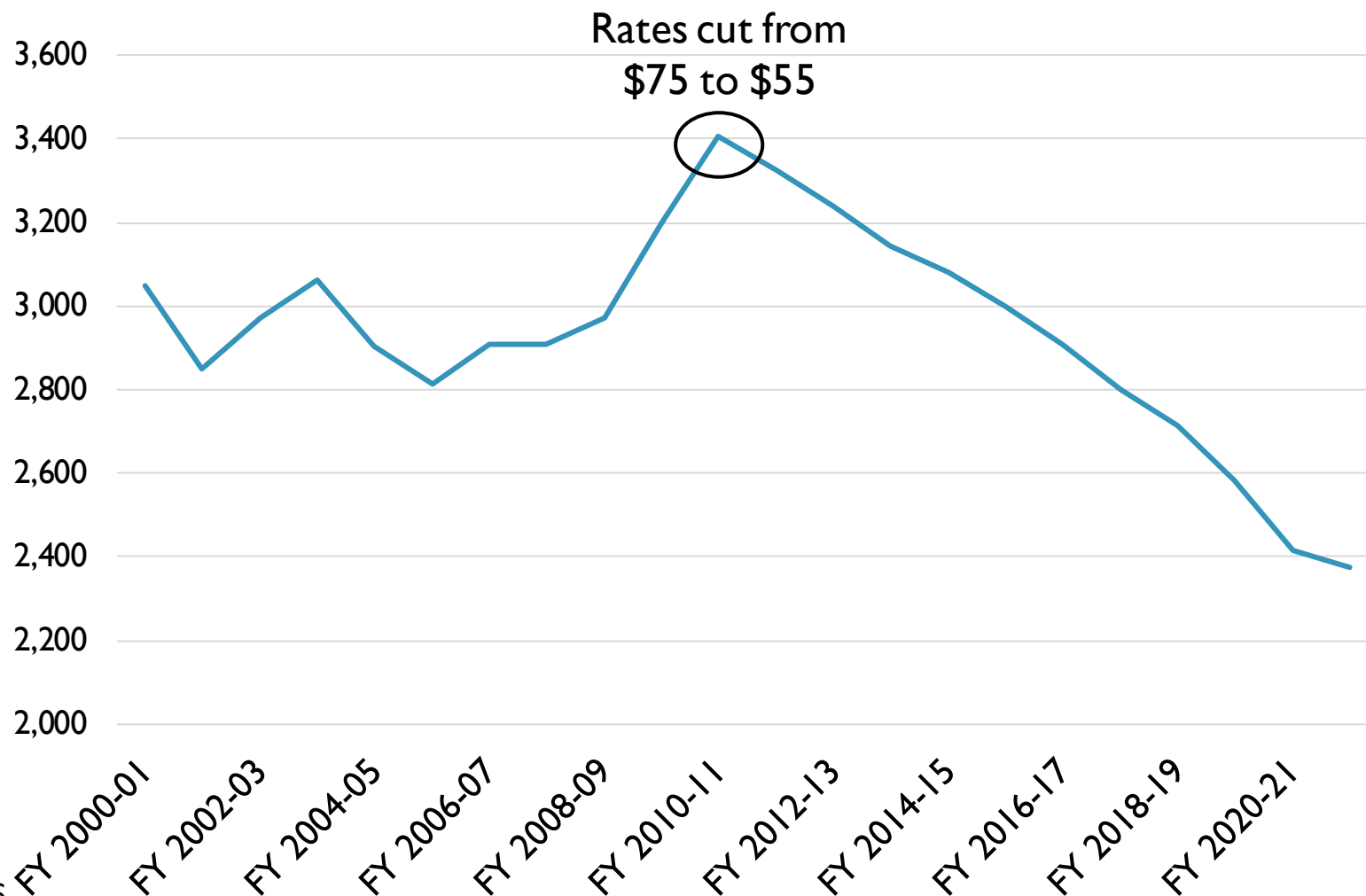
Current PAC Hourly Rates

Case Type	Hourly Rate	Payments for FY 2021-22
Capital Cases	\$100	1,265
Class A Felony	\$100	110
High Level Felonies (Class B1-D)	\$85	3,956
All Other Superior Court Cases	\$65	18,636
Class A1 Misdemeanors	\$65	8,657
District Court (DC) Felonies (E-I)	\$65	12,891
DWI	\$65	4,820
Other Adult Criminal DC Cases	\$65	32,601
All Other DC Cases	\$65	36,856

Source: IDS



Trend in Number of PAC Attorneys



Source: IDS



PAC Fund Availability vs. Payments

Due to 2022 rate increases, PAC payments projected to exceed availability starting next year

	PAC Fund				
	Appropriation & Receipts	+ Carryforward	= Total Available	Payments	Difference
FY 2021-22	\$79.8	\$4.7	\$84.5	\$74.3	\$10.2
FY 2022-23	\$79.0	\$10.2	\$89.3	\$85.5	\$3.8
FY 2023-24	\$78.8	\$3.8	\$82.6	\$86.2	(\$3.6)
FY 2024-25	\$78.8	--	\$78.8	\$86.2	(\$7.4)
FY 2025-26	\$78.8	--	\$78.8	\$86.2	(\$7.4)
Notes: All numbers in millions. FY 2021-22 numbers are actuals. All other years are projections based on current rates and demand. Source: IDS					



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Public Defender (PD) Services

**Requirements:
\$73 M**

**Receipts:
\$1.7 M**

**Net General Fund
Appropriation:
\$71.3 M**

**Total FTE:
564**

**44 % of IDS
Requirements**

- 19 PD Offices covering 38 counties
- Chief Public Defenders: 1 for each office
- Chiefs of Statewide Defender Offices: appointed by IDS Commission for 4-year terms
- 5 Statewide Defender Offices

Additional 28 FTE
supported through receipts



Receipt-Supported PD Staff

11 APDs (6 in Mecklenburg, 2 in Buncombe, 2 in Durham, and 1 in Cumberland)

7 Social Workers (4 in Gaston, 2 in Mecklenburg, 1 in Buncombe)

6 Legal Assistants (all in Mecklenburg)

3 FTE in Parent Defender Office (statewide)

1 Juvenile Defender Attorney (statewide)



PD Workload

No annual workload formula to estimate need for local public defender personnel

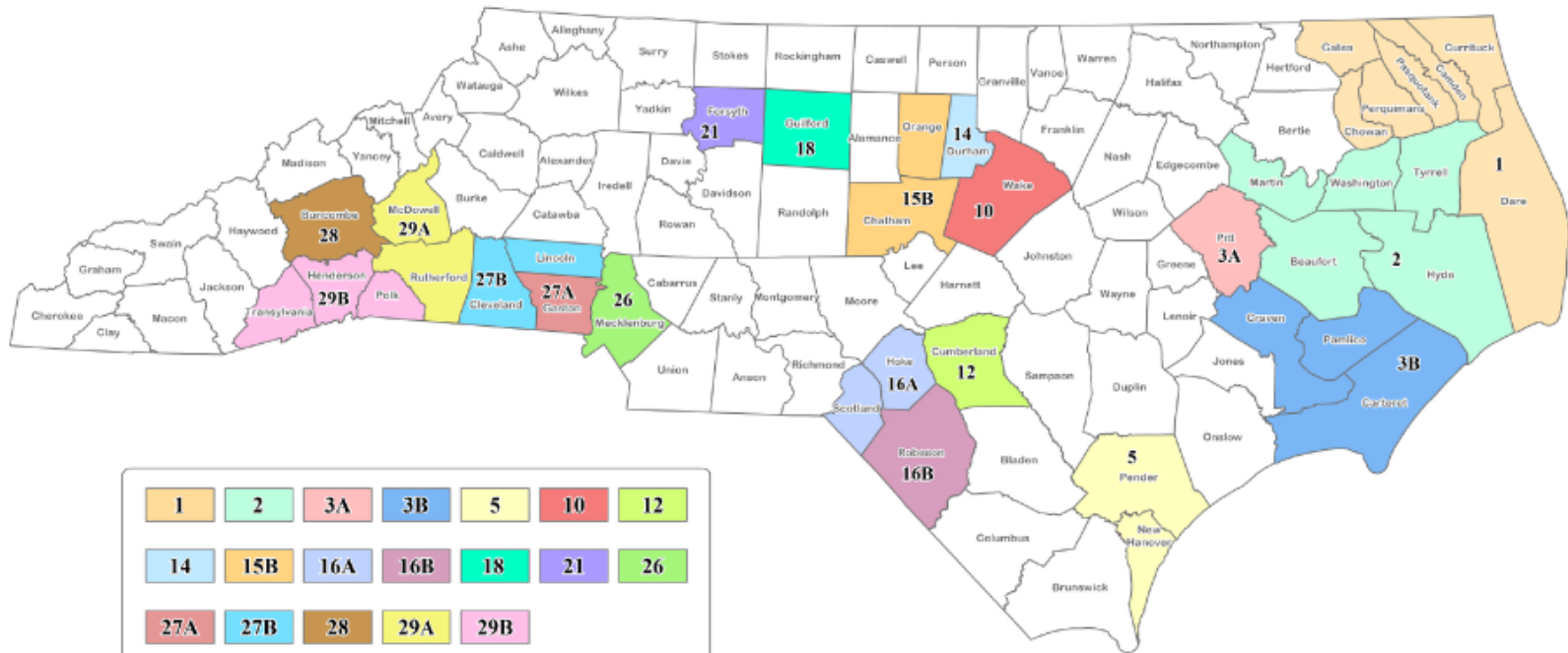
A study was completed in 2019 in consultation with the Center for State Courts showing need of 210 attorneys, 96 investigators, and 10 administrative staff

Workload results not updated since 2019



PD Districts

G.S. 7A-498.7, Public Defender Districts, Effective July 2022



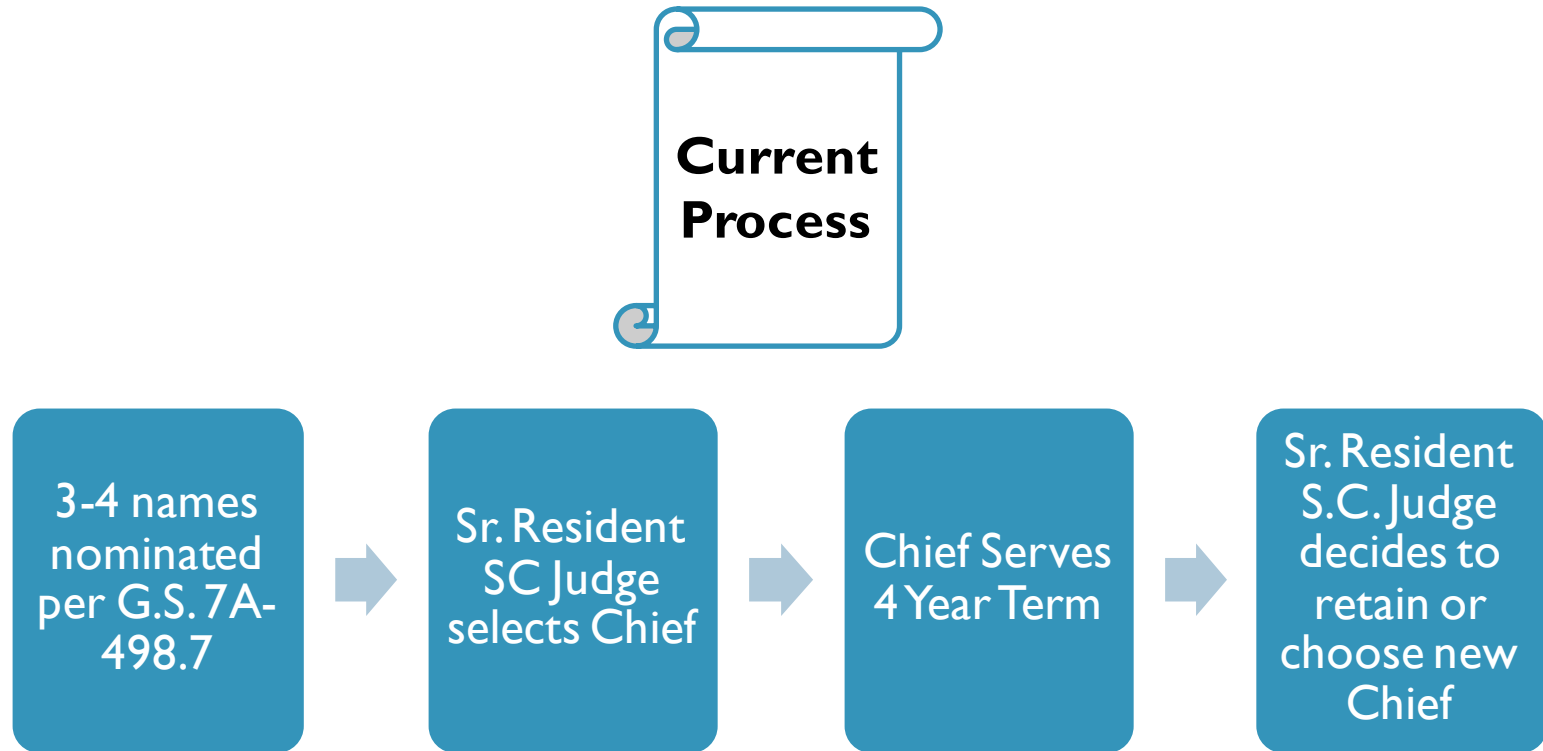
02/09/2021



FISCAL RESEARCH DIVISION

A Non-Partisan Staff Agency of the North Carolina General Assembly

Chief Public Defender Selection



Statewide Defender Offices

- Provide advice and support on specialized areas of law to private counsel
- Chiefs: Appointed by IDS Commission for 4-year term
- Office of the Capital Defender
- Office of the Appellate Defender
- Office of Special Counsel
- Office of the Parent Defender
- Office of the Juvenile Defender

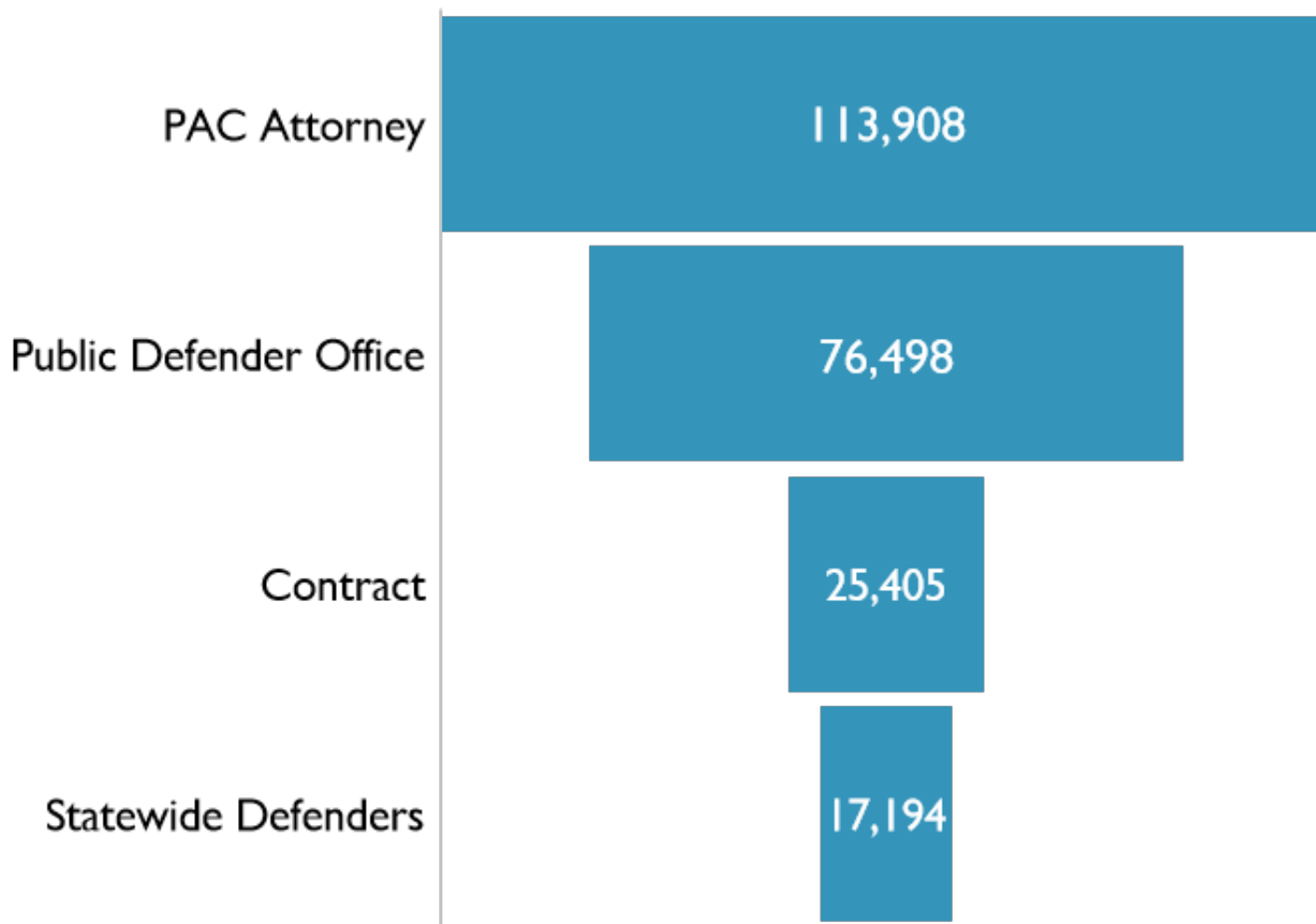


Statewide Defender Offices

Office	Scope of Representation and Services	FTE
Capital Defender	<ul style="list-style-type: none"> Represents defendants potentially facing the death penalty Consultation and professional development for attorneys who handle capital cases 5 Offices (Durham, Asheville, Winston-Salem, Wilmington, and Lumberton) 	30 FTE
Appellate Defender	<ul style="list-style-type: none"> Appeals defense and trial consultation 	25 FTE
Special Counsel	<ul style="list-style-type: none"> Represents children and adults facing involuntary commitment 	17.125 FTE
Parent Defender	<ul style="list-style-type: none"> Indigent parents Assists attorneys with abuse, neglect, dependency, and parental right proceedings 	8 FTE
Juvenile Defender	<ul style="list-style-type: none"> Juvenile defendants Supports juvenile defense attorneys 	5 FTE



IDS Dispositions, FY 2021-22



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Administration

**Requirements:
\$3.9 M**

**Receipts:
\$788 K**

**Net General Fund
Appropriation:
\$3.1 M**

**Total GF FTE:
29**

**2.4% of IDS
Requirements**

- Executive Director
- Communications
- Legal Counsel
- Regional Defenders
- Budget and Planning
 - Research
 - Information Technology
- Financial Services

Additional 6 FTE
supported through receipts



IDS Administration

Communications

Executive Director

**Office of Legal
Counsel/Deputy
Director**

**Financial
Services**

Accounts
Payable

Contracts
Administration
Set-Off Debt
Capital Review

**Attorney
Resources**

Regional
Defenders

Resource
Attorney
Public Defender
Policy

**Budget and
Planning**

Research
Information
Technology

Financial Services

- Applications for payment “fee apps” are sent to IDS in **hard-copy format** from the Clerks’ Offices
- The only payment requests sent electronically are from attorneys for capital cases and outside experts
- Average of 2,500 per week
- Team of 5 sorts, reviews for accuracy, and keys data
- Current turnaround time is 3 weeks
- **Processed 123,834 applications and issued \$51.9 M in payments during FY 2021-22**



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Recent Legislative Action

- 2021 Appropriations Act provided:
 - \$5 M R to the PAC Fund to raise PAC rates
 - \$3 court cost increase to raise PAC rates
 - IT Director position and \$300k NR for IT updates
 - \$441k R and \$258k NR to establish PD District 27B
 - Authority for IDS to use PAC funds to establish District 2 and add Pender County to District 5
- 2022 Appropriations Act funded 2 APDs and 1 Administrative Assistant in District 29A



Questions?

