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# Commission on Court Appointed Attorneys



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## **SOLICITATION FOR COUNTY REQUESTS FOR CONSIDERATION:** **MISDEMEANOR PILOT PROGRAM**

### ***OVERVIEW***

The Commission on Court Appointed Attorneys (CCAA) has received approval to launch a pilot program offering misdemeanor reimbursement for up to 12 counties and is soliciting counties for requests to be considered. For selected counties, misdemeanor reimbursement of up to 40% of misdemeanor costs can begin as early as July 1, 2025, and continue until the pilot concludes on June 30, 2029. Counties are to be selected by the Commission and county population and geographic diversity must be considered.

This pilot program will enable the Commission to evaluate the impact of misdemeanor reimbursement. This includes the impact of CCAA standards on misdemeanor case outcomes. Because of a mandatory report to the legislature upon the conclusion of the pilot program, there is a strong emphasis on data collection for any county that participates in the pilot. In addition to the direct misdemeanor reimbursement, additional funding will be available to facilitate accurate and timely collection of data. Data collection is expected to begin as soon as possible, with a goal of no later than January 2025. The CCAA will prioritize counties that can implement early, quality data collection. Counties that only wish to receive funds associated with the collection of data, and not receive misdemeanor reimbursement, may also submit that request. The CCAA will provide all data analysis.

Requests for consideration will be reviewed on a rolling basis with priority given to counties that have submitted their request by December 6, 2024. Any funds granted for data collection will be decided no later than January 2025. Counties selected for full misdemeanor pilot participation will receive participation agreements prior to July 1, 2025, but not until the Office of Judicial Administration has finalized the indigency form that the legislature is requiring to be used in counties that receive misdemeanor funds (see "Indigency Form" below for more information).

### ***REQUIRED COMPONENTS OF A REQUEST FOR CONSIDERATION***

#### **General Requirements**

Please provide:

- County Name
- County Population

- Primary contact name and information for the request for consideration
- Name of each court that makes indigency determinations (i.e., Superior Court 2) and list the case types in which each particular court makes indigency determinations (i.e., Superior Court 2: Misdemeanor, Level 6 Felonies, Juvenile Delinquency, CHINS/TPR, etc.)
- A statement as to why your county should be selected for this misdemeanor reimbursement pilot

**Program Narrative & Timeline**

Please provide a general narrative and timeline regarding the county’s anticipated misdemeanor representation plans during the life of the pilot and any challenges your county will likely face in complying with the pilot’s requirements or CCAA standards and guidelines, including the following:

- If your county is already in compliance with the CCAA standards and guidelines for misdemeanors, including compensation and caseload standards, please outline your current and future misdemeanor representation plans as part of this pilot. Your request for consideration must also indicate the date you expect to be able to begin data collection and any other anticipated changes to the provision of defense in misdemeanors, if any, you intend to implement during the pilot.
- If your county is not already in compliance with the CCAA standards and guidelines for misdemeanors, including compensation and caseload standards, your request for consideration must indicate the date you expect to be able to begin data collection (including periods in which your county is not in compliance); the date in which you expect to become fully compliant with misdemeanor standards and guidelines; your current system for providing misdemeanor public defense; the timeline and plan for how you will implement misdemeanor compliance; and, if compliance is to be phased in over a period of time during the life of the pilot, an explanation of the timeline and reasons for the phase-in. To be clear, the Commission does not expect, or even seek, rapid compliance after pilot start. Data collection for non-compliant counties is an important part of the pilot’s data collection plan.

**Budget Narrative & Detailed Budget**

Your request for consideration must include both a budget narrative and detailed estimated budget, including the total estimated annual misdemeanor representation costs and the county’s estimated 40% reimbursement amount on an annual basis. You should emphasize in this section any anticipated changes in misdemeanor costs relative to the misdemeanor expenses currently being reported to the Commission in your county’s quarterly reimbursement requests, including any changes that were outlined in the “Program Narrative & Timeline” section above. These fiscal changes could include items such as the hiring of support staff, attorneys, and/or increased compensation, including benefits, for these positions.

In addition to misdemeanor cost reimbursement, you should specify and discuss the need for any funds required to implement the data collection component of the pilot. This could include additional funding/reimbursement to the county for an estimated amount of time spent by support staff on data collection or the hiring of additional support staff, if necessary.

If you intend to request misdemeanor reimbursement to begin prior to full misdemeanor compliance, please include an explanation for how you would use those funds to obtain and maintain compliance in future years of the pilot, as outlined in the “Program Narrative & Timeline.”

## Data Collection

Your request for consideration must include the earliest date your county could expect to begin data collection (no later than January 2025) and a statement about your county's willingness and ability to guarantee accurate, timely entry of the required data. Please also outline any additional data that your county would like to track as part of a misdemeanor pilot. You should also include a statement as to whether you are willing to participate in a data-only portion of the pilot in exchange for data collection funds, even if you are not selected as a full 40% misdemeanor reimbursement pilot county.

For timeliness of the data entry, please confirm your ability to enter initial case filing information within two weeks of appointment and case closure information within four weeks of case closure. If you desire an alternate timeline, please discuss it in this section.

The following data components must be able to be collected by your county on an electronic form provided by CCAA, likely in Excel.

- Timeline
  - Filing date
  - Appointment date of the office
    - Not including first appearance unless the office was already appointed
  - Disposition date
  - Is PD routinely present at first appearance?
    - If variable, attempt to collect on case-by-case basis
- Incarceration pre-trial
  - Was client incarcerated at first appearance
  - Was client released directly after first appearance
    - If so, was client released with conditions
  - Date of any FTAs
- Disposition
  - Highest charge and number of counts
  - Highest conviction and number of convicted counts
  - How was case disposed
    - Trial Not Guilty, Trial Guilty, Dismissed (non-deferral/diversion), Hired private counsel, Plea, Move to PS Court, Deferral/Diversion
  - For trials only – Was trial outcome better than offered plea
  - Probation – yes or no
  - Fine assessed – yes or no
  - Jail sentence – length in days if applicable
  - If jail sentence – number of days credited as served
- Appeals
  - Was there an appeal filed and if so what type?
    - None, interlocutory, conviction appeal, sentence appeal, other
  - What was the outcome of the appeal if applicable?
- Any other data requested by CCAA or the county, as needed

## **Indigency Form**

The legislature requires that all courts in counties that participate in the misdemeanor pilot shall:

Require a person claiming indigency to submit a uniform form, prescribed by the office of judicial administration, to assist the court in determining whether the person is indigent. The court shall review or designate a staff member to review the form submitted to ensure the accuracy of the information contained in the form before issuing an indigency determination under this section. The court may request any additional information needed from the person to verify the accuracy of the information submitted in the form.

The indigency form is still being finalized by the Office of Judicial Administration and a draft can hopefully be shared toward the end of 2024.

No county will be required to fully participate in the pilot until the indigency form has been finalized and the county enters into a formal participation agreement with the CCAA. However, the initial request for consideration must include a statement that all courts that make indigency determinations in the county are aware of the pending creation of the form, that they understand they will have to use the form, and an explanation as to how the courts anticipate complying with the statute's requirements outlined above regarding ensuring "the accuracy of the information contained in the form" (i.e., taking the form's information under oath, having a court or other county employee or third party review the accuracy of the form, etc.).

This section must also include a statement regarding the willingness and understanding of the judge(s) in the courts that make indigency determinations that they will follow the county's comprehensive plan for the provision of indigency defense and the Commission's Standards C(3) which both require:

**Confidentiality.** If the accused is questioned about indigency in circumstances where the attorney-client privilege does not apply, the accused shall be advised that any statements made or information given may be used against him or her.

## ***PROPOSAL SUBMISSION & DEADLINE***

Requests for consideration to participate in the misdemeanor reimbursement pilot will be considered as they are received with a priority for counties that submit by December 6, 2024. Proposals should be sent to both [information@ccaa.in.gov](mailto:information@ccaa.in.gov) and [derrick.mason@ccaa.in.gov](mailto:derrick.mason@ccaa.in.gov). Counties should expect follow-up questions or proposal modifications from the CCAA.

CCAA will reach out to counties regarding data collection agreements no later than January 2025 and will follow up with selected counties for full pilot participation only upon the completion of the indigency form. At that time, counties will be able to decide if they will fully comply with the program's requirements. If a county declines to fully participate at that time, the county will be expected to continue any data collection agreement that is in place unless the CCAA agrees to end the agreement at that time.