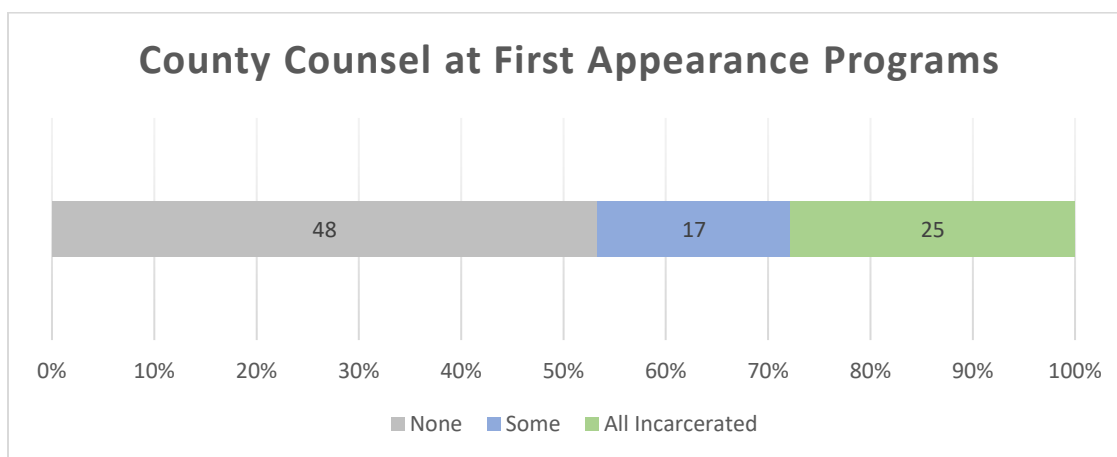


## Survey

The Indiana Public Defender Commission reached out to all counties in Indiana to ascertain the status of each county's counsel at first appearance (CAFA) program, as well as costs associated with that program. Counties were contacted via e-mail and phone, and we were able to receive at least some response from 90 of the state's 92 counties. Results presented here are limited to these 90 counties. The survey was qualitative, with responses coded after collection to fit a set of pre-defined categories for data analysis purposes. Cost information was supplemented with data provided by the Office of Court Services related to portions of the pre-trial program grants designated for public defense.

### Current Counsel at First Appearance Programs

We categorized county CAFA program into three categories: no CAFA for adult defendants, some CAFA for adult defendants, and CAFA for all incarcerated adults. The "Some CAFA" category is very diverse, including counties that only have CAFA in specific courts, only for specific charge types (e.g., only high-level felonies, only low-level felonies, only misdemeanors), or only for some cases but primarily based on convenience and availability. The "CAFA for incarcerated adults" category includes all CAFA programs that meet the minimum standard of representing every adult currently being held in jail, but many of these programs are not limited to incarcerated adults. The "None" category means that barring very rare exceptions, no adult charged with a crime is provided with CAFA (these results do not consider representation for juveniles or other non-criminal matters). Under this definition, there are 48 counties with no CAFA, 17 counties with some, and 26 that meet the incarcerated adults standard:

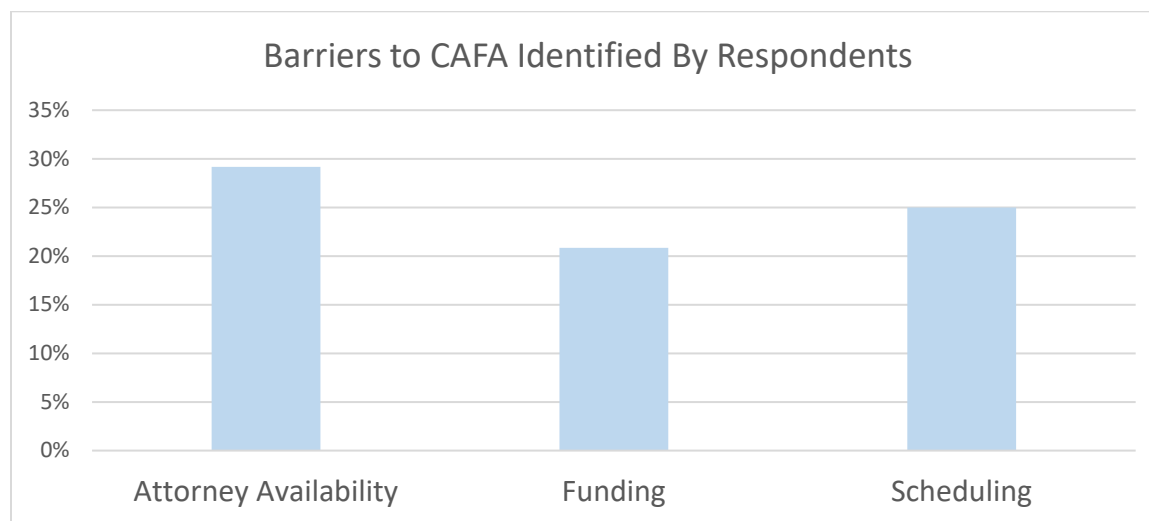


## Costs

We are primarily interested in estimating costs for programs that meet the incarcerated adults standard. Thus, for current costs, we have data for 25 counties. In addition to this, we asked counties to provide an estimate of costs of a fully implemented CAFA program in their county, though most were unable to do so. Finally, we received data from the Office of Court Services regarding grants provided to counties for providing public defense services at first appearance. Combining these three sources we have cost estimates for 33 counties. Of these, the most common cost (9 out of 33 programs) associated with the CAFA program is \$0; the CAFA program is just an added duty to already existing public defenders. Costs outside of this group are variable, with the lowest cost being \$3,000 and the highest being \$190,000. The average overall cost of a CAFA program is \$38,474.94. If the \$0 programs are excluded, the average overall cost is \$55,203.17.

## Barriers to CAFA Programs

While this was not the primary goal of the survey, several respondents with no active CAFA program volunteered information about the barriers they saw to implementing CAFA in their county. Many of these explanations fell into one of three categories: problems with local access to attorneys (29% of responses), problems with funding to pay attorneys (21% of responses), and problems with scheduling initial hearings to accommodate the presence of counsel (25% of responses):



Note that several respondents identified multiple factors as barriers, so these are not mutually exclusive. Additionally, many respondents did not provide any additional information regarding implementing a CAFA program, so it is likely that these barriers are present in other counties.

## Important Conclusions

- A minority (47%) of counties provide any counsel at first appearance to adults charged with a crime.
- An even smaller percentage (28%) provide counsel at first appearance to all incarcerated adults.
- Counsel at first appearance in many counties is provided in a haphazard manner, including counties where access to CAFA is dependent on charge category, dependent on Court, or has no standard rule.
- Barriers to implementing counsel at first appearance frequently identified by respondents include problems with local access to attorneys, problems with funding to pay those attorneys, and problems with scheduling initial hearings to accommodate the presence of defense attorneys.
- Programs that provide counsel for all incarcerated adults often do not provide additional compensation to attorneys for doing so.
- The average cost estimate for a CAFA program that provides CAFA for all incarcerated adults in a county and includes either additional compensation for attorneys or the hiring of dedicated CAFA attorneys is \$55,203.17.

## County Information

The set of tables below contain the information we collected on each county's CAFA program (excluding the two counties we were unable to collect a response from). The "CAFA Coverage Type" column describes the circumstance in which a client receives CAFA. In this column, "No Rule" indicates that CAFA occurs with some amount of regularity, but there is not a clear rule defining who receives it. "Occasional" is similar but respondents did not indicate CAFA is available with regularity. The "Estimated Current Costs" column is the previously discussed estimate of the current CAFA costs, as informed by our survey and data from the Office of Court Services. The "Representing Attorneys" column indicates if CAFA duties are shared across attorneys who also have a caseload, are primarily performed by the Chief, or are performed by dedicated CAFA attorneys. Finally, highlighted rows are counties that participate in the Commission's reimbursement program.

These results have significant qualifiers: this survey was qualitative, respondents were not always able to provide specific definitive answers, and the landscape of CAFA programs across the state is rapidly changing. These results are our best portrait of the current state of CAFA programs across Indiana with the data available, but they should not be considered the final or definitive.

### ***Counties with CAFA for all incarcerated adults:***

County	CAFA Coverage Type	Estimated Current Costs	Representing Attorneys
Allen	All Criminal	\$0.00	Shared
Boone	Incarcerated	\$33,600.00	Dedicated CAFA
Clark	Incarcerated	\$25,000.00	Shared
Clay	All Criminal	\$7,500.00	Shared
DeKalb	Incarcerated	\$0.00	Chief
Elkhart	Incarcerated	\$0.00	Shared
Gibson	Incarcerated	\$0.00	Shared
Grant	Incarcerated	\$20,800.00	Shared
Hamilton	Incarcerated	\$40,000.00	Dedicated CAFA
Hendricks	Incarcerated	\$0.00	Chief
Jackson	Incarcerated	\$31,000.00	Dedicated CAFA
Jefferson	Incarcerated	\$30,000.00	Dedicated CAFA
Lawrence	Incarcerated	\$0.00	Chief
Marion	Incarcerated	\$190,000.00	Shared
Miami	Incarcerated	\$0.00	Shared
Monroe	All Criminal	\$87,773.00	Shared
Morgan	Incarcerated	\$30,000.00	Dedicated CAFA
Noble	All Criminal	\$0.00	Chief
Ohio	All Criminal	\$20,000.00	Dedicated CAFA
Owen	Incarcerated	\$20,000.00	Dedicated CAFA
Porter	Incarcerated	\$54,000.00	Dedicated CAFA
Pulaski	All Criminal	\$3,000.00	Shared
St. Joseph	All Criminal	\$50,000.00	Dedicated CAFA
Tipton	Incarcerated	\$17,000.00	Dedicated CAFA
Vigo	All Criminal	\$110,000	Dedicated CAFA

**Counties with some adult CAFA program:**

County	CAFA Coverage Type	Estimated Current Costs	Representing Attorneys
Adams	No Rule	\$0.00	Chief
Bartholomew	Occasional	\$0.00	Shared
Dearborn	No Rule	\$0.00	Shared
Delaware	By Court	\$0.00	Shared
Dubois	By Court	\$5,000.00	Dedicated CAFA
Fayette	By Court	Hourly	Shared
Harrison	Occasional	\$0.00	Shared
Kosciusko	Felony	\$0.00	Shared
Lake	Felony	\$80,000.00	Dedicated CAFA
LaPorte	Misdemeanor, L6	\$80,000.00	Dedicated CAFA
Montgomery	No Rule	\$0.00	Shared
Perry	Occasional	\$0.00	Shared
Putnam	By Court	\$26,000.00	Dedicated CAFA
Starke	Felony	\$35,000.00	Shared
Vanderburgh	Misdemeanor	\$0.00	Shared
Wabash	Misdemeanor, L6	\$38,000.00	Dedicated CAFA
Warrick	Felony	\$0.00	Shared

**Counties with no adult CAFA program (or no data available):**

County	CAFA Coverage Type	Estimated Current Costs	Representing Attorneys
Benton	None	\$0.00	None
Blackford	None	\$0.00	None
Brown	None	\$0.00	None
Carroll	None	\$0.00	None
Cass	None	\$0.00	None
Clinton	None	\$0.00	None
Crawford	<b>No Data</b>	<b>No Data</b>	<b>No Data</b>
Daviess	None	\$0.00	None
Decatur	None	\$0.00	None
Floyd	None	\$0.00	None
Fountain	None	\$0.00	None
Franklin	None	\$0.00	None
Fulton	None	\$0.00	None
Greene	None	\$0.00	None
Hancock	None	\$0.00	None
Henry	None	\$0.00	None
Howard	None	\$0.00	None
Huntington	None	\$0.00	None
Jasper	None	\$0.00	None
Jay	None	\$0.00	None

Jennings	None	\$0.00	None
Johnson	None	\$0.00	None
Knox	None	\$0.00	None
LaGrange	None	\$0.00	None
Madison	None	\$0.00	None
Marshall	None	\$0.00	None
Martin	None	\$0.00	None
Newton	<b>No Data</b>	<b>No Data</b>	<b>No Data</b>
Orange	None	\$0.00	None
Parke	None	\$0.00	None
Pike	None	\$0.00	None
Posey	None	\$0.00	None
Randolph	None	\$0.00	None
Ripley	None	\$0.00	None
Rush	None	\$0.00	None
Scott	None	\$0.00	None
Shelby	None	\$0.00	None
Spencer	None	\$0.00	None
Steuben	None	\$0.00	None
Sullivan	None	\$0.00	None
Switzerland	None	\$0.00	None
Tippecanoe	None	\$0.00	None
Union	None	\$0.00	None
Vermillion	None	\$0.00	None
Warren	None	\$0.00	None
Washington	None	\$0.00	None
Wayne	None	\$0.00	None
Wells	None	\$0.00	None
White	None	\$0.00	None
Whitley	None	\$0.00	None