

Office of Defense Services (ODS)

FY26 JOINT FINANCE COMMITTEE HEARING

FEBRUARY 20, 2025



Zealous Advocacy for the People



Protecting fundamental rights, liberty, and dignity of the clients entrusted to us through client-centered, collaborative defense.

Why Client-Centered, Holistic Defense is so Important to the People of Delaware

- ▶ Helps to ensure that our clients are treated fairly – that their constitutional rights are protected and that the client feels heard.
- ▶ Improves outcomes for clients and reduces recidivism by addressing the underlying issues that led to the client becoming justice-involved.
- ▶ Actively addresses the broader life challenges and collateral consequences that come with being involved in the justice system.

What Does ODS Currently do for the People of Delaware?

- ▶ We represent indigent people (adults and youth) charged with criminal offenses in Delaware Courts – roughly 85% of the justice-involved people of Delaware.
- ▶ We help people with second chances – like expungements and commutations.
- ▶ We represent parents in abuse and neglect proceedings.
- ▶ We are out in the community listening to the people that we represent.

What Else Could ODS be Doing for the People of Delaware?

- ▶ We could provide more second chance services, including expungements, pardons, and commutations.
- ▶ With modifications to Section 4217 of the criminal code, we could help reduce our aging prison population through compassionate release.
- ▶ We could help clients recover forfeited assets.

ODS Budgeted Positions

- ▶ 187 total authorized FTEs
 - ▶ 97 APDs, 90 support staff
 - ▶ 3 FTEs received in FY25 associated with HB 86
- ▶ 9 vacancies (8 APDs, 1 support staff)
 - ▶ 2 APDs expected to start March 2025
 - ▶ 4 APDs expected to start July 2025 from our current Bar Pass Program
 - ▶ **None of our vacancies are long-standing**

Performance Measures

Total Closed Cases Superior Court: 7,713 CCP: 11,488 Family Court: 4,463	Closed Cases Per Attorney Superior Court: 284 CCP: 678 Family Court: 262
Clients Represented Adult: 11,537 Youth: 1,285	Total Conflict Cases Superior Court: 1,100 CCP: 2,203 Family Court: 1,100
Days from Imprisonment to Interview 3	Partners for Justice Advocates 512 cases supported

National Public Defense Workload Study

- ▶ Excessive workloads violate the constitution, ethics rules and inevitably cause harm.
- ▶ An overburdened indigent defense system denies all people who rely on it — victims, witnesses, defendants, and their families and communities — efficient, equal, and accurate justice.
- ▶ Existing caseload standards (from 1971) inadequately measure the workload born by our attorneys and staff.
- ▶ In 2022-23 the Rand Corporation undertook to create new national public defense workload standards. A panel of 33 expert criminal defense attorneys (public and private) from across the country came to a consensus on the average amount of time needed to provide constitutionally appropriate representation in an array of different activities in adult criminal cases.
- ▶ Delaware courts have used this same method to study their workloads.

What if such a study demonstrates that Delaware's indigent defense system is overworked?

- ▶ More lawyers is not the (only) answer!
- ▶ Staff can help support lawyers in this work.
- ▶ Don't criminalize everything! The criminal justice system isn't the solution to every social problem.
- ▶ Create more opportunities to divert youth and first offenders from the criminal justice system, like mandatory civil citation and diversionary courts.
- ▶ Focus resources on reentry which reduces recidivism.

FY26 Governor's Recommended Budget

	FTE	\$'000
FY26 Recommended Enhancements:		
Client Services		
Client Services Program Coordinator Annualization		23.4
Contractual Escalators		
Annual lease inflator & subscription escalators		5.3
Body Camera Program		
Axon Justice software cost increase		407.0
HB 86 Parental Representation		
Year 1 annualization FTE & Year 2 costs	6.0	895.3
FY26 Governor's Recommended Budget:	193.0	36,300.1

Thank You!

- ▶ Thank you for helping us to recruit and retain the next generation of public servants.
- ▶ Thank you for partnering with our office to make policy changes that ensure that our justice system treats people fairly.
- ▶ Thank you for helping ODS to get out of the courtroom and into the community to listen to the public that we serve.
- ▶ Thank you for listening to us and for providing us with the resources to help our clients and the people of Delaware.

