



# BJA's Sixth Amendment Initiative: Strengthening the Constitutional Protections of the Accused

**A Report on Cross-Agency**

**Strategic Planning**

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## Section 1

# Introduction

### Overview

BJA's Sixth Amendment Initiative seeks to enhance the capacity of state and local governments to uphold the rights found in the Sixth Amendment of the U.S. Constitution. Specifically, in all criminal cases, any person accused is guaranteed

- the right to a speedy and public trial by an impartial jury,
- to know the nature of the accusation,
- to confront and call witnesses,
- and to have the assistance of a lawyer.

Subject matter experts from the Center for Court Innovation (the Center), National Legal Aid and Defender Association (NLADA), and the Sixth Amendment Center (6AC) worked directly with sites to support their efforts to improve adherence to the Sixth Amendment.<sup>1</sup> The Center, with its partner NLADA, provided strategic planning assistance. In early 2018, ten sites were selected to join the initiative. Each site was supported by a two-person Training and Technical Assistance (TTA) team, an attorney practitioner with criminal court experience and a researcher with experience in data-capacity building. The work unfolded through four phases:

1. Initial planning and needs assessments - TTA teams work with local planning teams to conduct on-site needs assessments (TTA teams travel to the sites), summarize key findings, and develop tailored action plans.
2. Summary report - TTA teams produce summary reports for the sites distilling strengths, challenges, and recommendations based on the needs assessments.
3. Moving through the action plans - TTA teams provide ongoing remote and on-site support to the sites in carrying out their action plans, including research and data analysis.
4. Sustainability planning - TTA teams work with the sites to make plans for continuing progress after TTA support ends.

For an in-depth look at the strategic planning approach utilized by the Center and the work undertaken by the first ten sites please read [BJA's Sixth Amendment Initiative: Strengthening the Constitutional Protections of the Accused](#).

This report documents the work of five additional sites selected in 2019, and one site selected in 2020. Collectively, these sites will be referred to as the “**supplement sites**” throughout this report. The report offers lessons learned from the TTA teams’ work with the supplement sites that can provide guidance and practical advice to other jurisdictions interested in strategic planning. Specifically, the report will discuss how supplement sites approached the work, either through examination into Sixth Amendment protections or project-driven reform planning, and how the COVID-19 pandemic and the murder of George Floyd affected their efforts.

### Site Selection

In collaboration with BJA, the Center and NLADA accepted site applications on a rolling basis. Following review of an initial online application, interested sites were asked to complete a long form questionnaire. The purpose was to more deeply understand the issues the site was seeking to address. Distinct from the process utilized to select the first ten sites, this time, BJA required that interested sites invite key local stakeholders to also engage with the Center and NLADA through telephone interviews. The objective was to create a local planning team of multiple agencies from the outset. While this configuration was adapted by a few of the first ten sites, many of them moved through an internal strategic planning process that included stakeholder feedback, consultation, and collaboration, but not active participation in chartering the full plan. Depending on the goal of strategic planning, both approaches to site selection can produce effective result. Investment of time and energy, and a willingness to try something

different, were generally the factors that determined the level of success of either approach.

Further discussions around assembling a local planning team for strategic planning can be found in subsequent sections.

The following five sites joined the initiative in 2019:

- Augusta, Georgia - Judicial Circuit Office of the Public Defender
- East Baton Rouge Parish, Louisiana - 19th Judicial Circuit Court, Section VI, Criminal and Traffic Divisions
- Santa Barbara County, California - County Executive's Office
- West Virginia - Public Defender Services
- Wayne County, Michigan - Indigent Defense Services Department

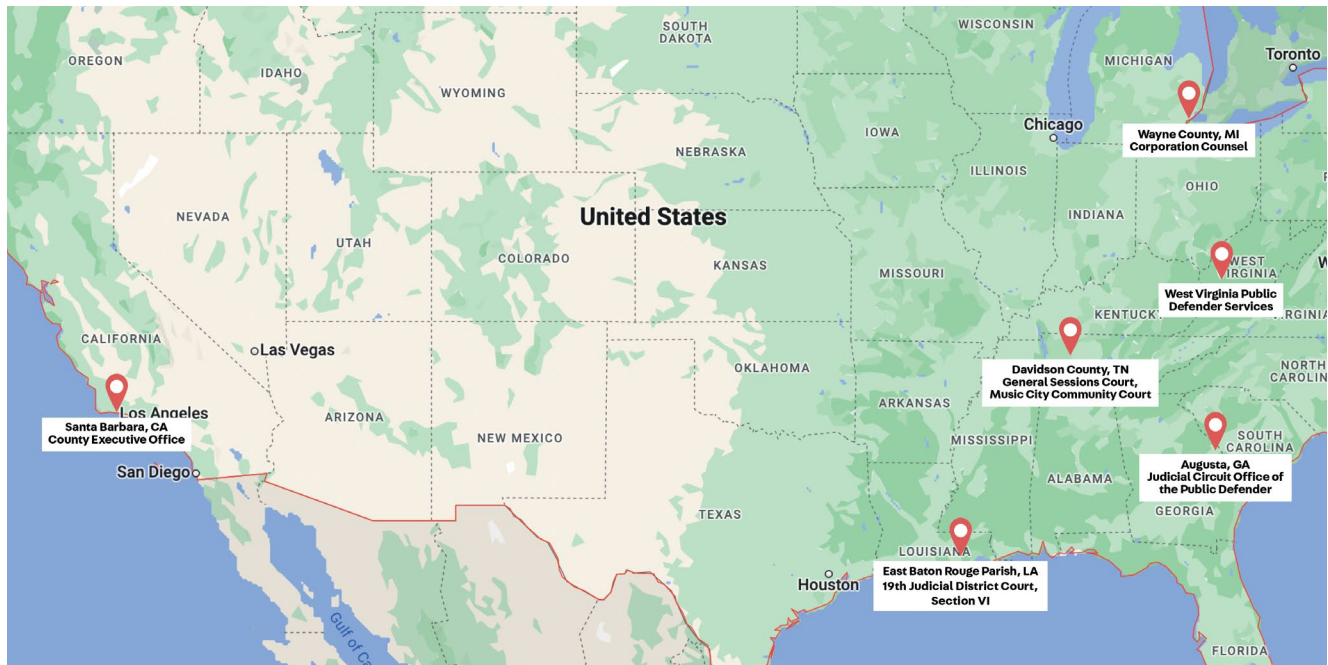
Additionally, following the closure of courthouse doors across the country due to the COVID-19 public health crisis and the resulting widespread reliance on remote technologies for in-person proceedings, BJA and its partners selected one site to participate in strategic planning specific to video court, which was:

- Davidson County, Tennessee - General Sessions Court, Division VIII

### Policy and Practice Environment

Strategic planning efforts are informed by both local context and national events. The geography, size, and rural/urban diversity of the supplement sites translated to unique opportunities and barriers. Yet, collectively, they all experienced national events that impacted their work and communities.

### MAP OF SUPPLEMENT SITES



## LOCAL CONTEXT AT EACH SELECTED SITE

**Augusta, Georgia.** In Richmond County, Georgia, all adult misdemeanor cases, including traffic offenses, are heard in the State Court of Richmond County (State Court). The Augusta, GA Judicial Circuit Office of the Public Defender (Augusta PD) submitted an application for TTA services to address the high-volume of cases and associated delays in State Court without compromising defendants' constitutional rights. To support this goal, the Augusta PD assembled a multi-stakeholder planning team consisting of representatives from the Office of the Solicitor General for the State Court (SG), the Clerk of Superior, State, and Juvenile Courts (Clerk), private conflict defense attorneys, and CSRA Probation Services (CSRA).

In **East Baton Rouge Parish, Louisiana**, most criminal cases are heard in one of the eight divisions of the 19th Judicial District Court (19th JDC). The Office of the District Attorney for the 19th JDC (DA) proposed in early 2019 to significantly reduce the average time between an individual's arrest and arraignment to 72 hours. The 19th JDC applied for TTA support to assist with the development and implementation of the DA's pilot program. A multi-stakeholder planning team was established consisting of representatives from the 19th JDC, the DA, the East Baton Rouge Parish Office of the Public Defender (PD), the East Baton Rouge Sheriff's Office (sheriff), the 19th JDC administration (court administration) and the East Baton Rouge Clerk of Courts (clerk).

In **Santa Barbara County, California**, the initial application for TTA services was submitted by the Santa Barbara County Office of the Public Defender (PD) to understand and reduce case delays in Santa Barbara County's Superior Courts. The application process revealed a county-wide desire to participate and a perception that the County Executive Office (CEO), which oversees the budget and policies for all county agencies and provides critical advice and information to the County's Board of Supervisors, was well-suited to be the named agency. See more on the change in named agency in a subsequent section. Together, the CEO and TTA team assembled a multi-stakeholder team comprised of representatives from the PD, District Attorney's Office (DA), the Sheriff's Custody and Operations departments, Superior Courts, and Probation.

**Wayne County, Michigan.** In 2013, the Michigan Indigent Defense Commission (MIDC) Act was enacted to transform the delivery of indigent defense services across the State. Standard 5 of the MIDC Act requires indigent defense services to be independent from the judiciary. Wayne County sought TTA services to help design a plan to meet this standard. In Wayne County, historically, the assignment and payment of defense counsel was managed by the courts. To meet Standard 5, responsibility for these functions for felony cases is transitioning from the courts to a newly created, county-run Indigent Defense Services Department (IDSD). IDSD manages the assigned counsel roster list of attorneys for felony cases, and manages the contract for representation by a non-profit provider, which is Neighborhood Defender Services (NDS Detroit). Currently, 75% of trial-level felony cases are assigned to roster counsel and 25% are assigned to NDS Detroit. The stakeholder group included IDSD, NDS Detroit, private bar defense attorneys, Third Circuit Court (with over 25 criminal division judges), over 20 Wayne County District Courts, County Sheriff's Office, County Prosecutor's Office, County Clerk's Office, County Commission, and state appellate office and appellate roster office (also divided 25% and 75%), and MIDC.

**West Virginia.** Public Defender Services (PDS) is an agency of the executive branch that funds all indigent defense for the State of West Virginia. In addition to payment for legal services in criminal proceedings, both private attorneys on a court-appointed basis or full-time public defenders, PDS pays for representation of indigent parties in abuse and neglect, mental hygiene, and juvenile proceedings, and provides direct representation in a limited number of appellate matters. PDS applied for TTA services to explore the development of a statewide integrated criminal justice database. PDS formed a stakeholder team comprised of staff members from the Supreme Court, State Police, Division of Corrections and Rehabilitation, Statistical Analysis Center, Legislature, Public Defender Services, academics, advocates, and a retired judge.

**Davidson County, Tennessee.** BJA approved assistance to Davidson County General Session Court, Division VIII. The objectives of the TTA were (1) to assist the Court and a broad-based planning group with resources (research,

guidance, toolkits, protocols) and knowledge of practices from other jurisdictions to inform their planning efforts to increase use of virtual court appearances amid the COVID19 pandemic, and (2) to assist in the planning of a pilot virtual court docket. In addition to the Court, the planning group included representatives from Court Administration, General Sessions Probation, the Metropolitan Public Defender's Office, the District Attorney's Office, the Sheriff's Department, and community social service providers.

## NATIONAL EVENTS

It would be impossible to describe the strategic planning efforts undertaken by the supplement sites without discussing two major events that occurred in 2020 -- the COVID-19 pandemic and the murder of George Floyd. These two events altered the day-to-day lives of almost all Americans, and certainly the operations of criminal legal systems across the country.

Remote work became a necessity in March 2020 when governments shut down due to the spread of the Coronavirus. For courts, all non-essential proceedings were delayed or held remotely (either by telephone or video conferencing). The fast-paced shift required massive investments of time and resources to build and expand remote court options. For jails, many already overcrowded, public health concerns necessitated large reductions in population and novel attempts to release all but the individuals charged with or sentenced to the most serious crimes.

During the government shutdowns, Americans also watched in real-time the devastating murder of George Floyd (an unarmed, Black man) by a Minneapolis police officer. The event sparked widespread national protests about racial inequities in the criminal legal system. People took to the streets demanding justice in cities across the country in the hundreds of thousands. The national spotlight was not only on race and policing, but also the racial disparities encountered at all touch points in the criminal legal system. From arrest to prosecution to sentencing, data shows that Black, Indigenous, People of Color are treated worse than their white counterparts. Attention and pressure from the community was intense, and system actors felt it.

For strategic planning efforts, site bandwidth to actively engage with TTA teams diminished for numerous months because of the need to respond to these two events. For some sites, this translated to a halt or slow-down in work that eventually returned to pre-pandemic levels. For others, momentum was never fully regained. In contrast to the original ten strategic planning sites, which moved through the phased approach described above, these crises impacted the timeline and trajectory of the supplement sites in different ways.

An additional complicating factor was the pivot to fully remote TTA. Site visits are a highly effective tool for TTA teams as they allow for in-depth conversations and trust building between TTA teams and local planning teams, and, just as importantly, between the members of the local planning teams themselves. Trustful, strong relationships pave the road for effective strategic planning. It can be incredibly difficult to replicate the same level of engagement using telephone or video conferencing compared to in-person communications. Distraction and fatigue are common drawbacks and not easily avoided when using remote options.

All in-person visits between TTA teams and the sites were cancelled and never resumed. While initial planning and needs assessment site visits were made to Augusta, East Baton Rouge Parish, Santa Barbara, and West Virginia in fall/winter 2019, the site visit planned to Wayne County for March 2020 was cancelled. TTA teams were unable to travel for subsequent visits to any of the sites. No visit was anticipated or planned for Davidson County, which was selected following government shutdowns. The lack of in-person meetings, or reduced number of in-person meetings, altered the work for all of the supplement sites. Most notably, work progressed on slower timelines.

**Section 2**

# Process

## Assembling Multi-Stakeholder Local Planning Teams

After selection, the first step with the supplement sites was to assemble local planning teams to identify, lead, and carry out the sites' strategic planning efforts. As previously discussed, BJA's application process was designed to encourage the creation of multi-stakeholder planning teams. Interestingly, for two sites, the process led to a change in the named agency, or the agency identified as the recipient of TTA. In **Santa Barbara**, the telephone interview process revealed a common thread across criminal justice agencies to participate as equal partners in the initiative and that the county executive's office (CEO) was best positioned to secure county-wide support. The public defender's office, who submitted the original application, agreed with this assessment and the CEO assumed the named agency role. In **Wayne County**, Neighborhood Defender Services Detroit (NDS Detroit) submitted the original application to BJA to support their work as a new agency providing indigent defense representation in the county. However, given the complexity of the statewide reform discussed above, telephone interviews with local stakeholders led to a request to shift

the named agency to Wayne County Corporation Counsel, the entity tasked with overseeing the statewide reform. NDS Detroit agreed with the request.

## Two Different Approaches to Strategic Planning and Lessons Learned

The approach that supplement sites took towards strategic planning fell into two broad categories. Half of the sites (**Augusta, Santa Barbara, and East Baton Rouge Parish**) conducted examinations into upholding Sixth Amendment protections within their jurisdictions, and collaboratively developed targeted action plans to guide their work. In contrast, the other half of sites (**West Virginia, Wayne County, and Davidson County**) applied for TTA to pursue project driven reform planning that required multi-stakeholder participation to execute. Examples of how each site moved through the strategic planning process are described in greater detail below (**Augusta, Santa Barbara, West Virginia, and Wayne County**) or in subsequent sections (**East Baton Rouge Parish and Davidson County**). See Table 1 for the list of all six sites and their strategic planning focus areas.

**TABLE 1. SUPPLEMENT SITES AND STRATEGIC PLANNING FOCUS AREAS**

SITE	STRATEGIC PLANNING FOCUS
The Augusta, GA Judicial Circuit Office of the Public Defender	Improve and enhance practice and process in Richmond County State Court, a high-volume misdemeanor court.
Santa Barbara, CA County Executive Office	Ensure meaningful and productive court appearances for all individuals by improving the discovery process, optimizing the process for in-custody individuals, and reducing the number of continuances and delays in superior court.
West Virginia Public Defender Services	Explore development of a statewide integrated database allowing access to critical information by all stakeholders in the criminal justice system.
19th Judicial District Court, Section VI, Criminal and Traffic Courts, East Baton Rouge Parish, LA	Increase the efficiency and effectiveness of the 19th JDC's pretrial process while ensuring individual defendant's constitutional rights.
Wayne County, MI Corporation Counsel	Transition responsibility of appointment and payment of counsel from courts to county to comply with Michigan Indigent Defense Commission (MIDC) Act Standard 5.
Davidson County General Sessions Court, Music City Community Court, Division VIII	Assist local planning team with resources and knowledge of practices from other jurisdictions to inform their planning efforts to increase use of virtual appearances amid the COVID-19 pandemic, and in the planning of a pilot virtual court docket.



## CATEGORY 1: EXAMINATION INTO UPHOLDING SIXTH AMENDMENT PROTECTIONS

Building upon the application process' focus on multi-stakeholder participation, the sites that conducted examinations into upholding Sixth Amendment protections and the TTA team (the Center researcher and practitioner duo assigned to the site) regularly created structured opportunities to work together to identify and prioritize projects and make decisions by consensus. This exploratory approach promoted collaboration and trust between local planning team members. The TTA team often suggested and led mapping exercises as a first step. Mapping exercises document how people move through the local criminal legal system and can reveal misconceptions between agencies about their individual operations. During the site visit, the TTA team facilitated a case flow mapping exercise with the **Santa Barbara** planning team that highlighted inefficiencies in the system, which created bottlenecks and contributed to case processing delays. Local planning team members were able to discuss and clarify those misunderstandings in the moment and develop immediate and effective ways to address those specific decision points. For example, local planning team members noted that defense attorneys frequently request adjournments of court appearances because they have difficulty accessing and speaking with incarcerated clients. This can happen when attorneys arrive at the jail during correction officer shift changes. Upon learning this, a local planning team member from the sheriff's office offered to send the public defender's office their shift schedule, so attorneys can plan client visits accordingly. According to the public defender's office, this relatively easy fix increased the amount of contact between attorneys and clients, and reduced requests for adjournment.

Similarly, the **Augusta** planning team arrived at a common understanding through case flow mapping with the TTA team that bench warrants are a major contributor to unresolved cases in the misdemeanor court. The local planning team did not reach a consensus during the TTA Team site visit about the best way to reduce bench warrants. However, when the case backlog ballooned following court closures due to COVID-19, the local

planning team decided to revisit the issue and develop a strategy. Representatives from the public defender's office, clerk of courts, the state court, and the solicitor general participated in several brainstorming sessions with the TTA team to discuss the number of open cases and their status in the court process. After reviewing case information shared by the clerk of courts, the planning team determined that hosting a bench warrant clearing event for community members would have the greatest impact on resolving cases. Some team members had organized a similar event in the past and had valuable insights that allowed them to plan and execute the upcoming event even with their extremely limited bandwidth during COVID. The most notable difference about this effort was the participation of the public defender's office in the event, which did not happen in the past and prevented their clients from being able to access the opportunity. This time, however, the public defender actively participated in the planning and individuals were also offered the chance to apply for a public defender through the event's registration page. In addition to overall planning support for this event, the TTA team specifically helped to refine the language on the event registration page and design a flyer to publicize the event. Two bench warrant clearing events called "Fresh Start 2.0" were successfully held at the end of August and September 2021.

As mentioned above, the work of **East Baton Rouge Parish** will be discussed in a subsequent section.

### Lessons Learned

At times, the consensus-based planning process led to tension between local planning team members, especially in the early stages of strategic planning. By regularly meeting though, local planning teams learned to acknowledge these conflicts and openly discuss potential reasons for the differences in opinions. Planning team members often used the meeting time with the TTA team to articulate to one another what they believe is their role in the criminal legal system. As a result, local planning team members learned about not only the work of fellow team members, but also how their roles within the system relate to one another. This led planning team members to approach their disagreements with a problem-solving lens and allowed them to arrive at

common goals and areas for improvement. For example, the **Santa Barbara** planning team utilized a research diagnostic exercise led by the TTA Team to explore how survey design and implementation could help the team better understand the reason behind case delays from the perspective of line attorneys. The Center's researcher supported the local planning team to develop and administer a survey that was completed by the majority of the staff attorneys from both the public defender's office and the district attorney's office. Next, the researcher helped the local planning team both analyze the results and understand how to interpret them. The results helped to inform the root causes of some delays and became a stepping-stone for the team to develop a sustainable plan for change in the long run.

Perhaps equally importantly, local planning teams attributed the new, genuine collaboration to the consensus-driven process. This is particularly significant given that many of these agencies are typically at odds with each other in an adversarial system. Several planning teams expressed the belief that they will be able to continue building on these established channels of communication after the initiative ends.

## **CATEGORY 2: PROJECT DRIVEN REFORM PLANNING**

For the sites looking to explore or advance a particular reform effort, strategic planning was more closely directed by the named agency. Generally, to understand the complexity of a project and competing local interests, the TTA team conducted interviews with local planning team members and other key system actors. The TTA team then synthesized the information gathered and shared it with the named agency and full planning teams. Equally important was the engagement of subject matter experts, and other jurisdictions implementing the reform, for interviews and learning sessions. This approach informed decision-making and promoted transparency between the named agency and full planning teams.

For example, in **West Virginia**, the planning objectives were to understand how data is shared between criminal justice agencies in West Virginia, and how an integrated data sharing system can promote public safety and inform criminal justice policy decision-making through data

analytics. West Virginia Public Defender Services (PDS), the named agency, understood it was essential to gather system actor perspectives as the first step in planning. In total, the TTA team interviewed 29 stakeholders to gather their input about the pros and cons associated with moving toward an integrated data system. This was an iterative process in which remote interviews were conducted with data gatekeepers to inform the itinerary, messaging, and information gathering approach for the site visit. In addition to synthesizing the perspectives into a summary report for the full planning team, the TTA team heard interviewees express a strong desire to learn from subject matter experts and other states with integrated data sharing systems. The TTA team coordinated a learning session with an expert in statewide data sharing, and sessions with administrators from agencies that oversee statewide data sharing from North Carolina and Pennsylvania. Another series of remote interviews were conducted by the TTA team to gather more details on data sharing (or lack of it) in West Virginia to produce a data inventory outlining how events are tracked, case management systems are used, and how data is shared by the state police, courts, probation, and department of corrections. Lastly, the TTA team, with the support of a staff member from PDS, produced a demonstrative map showing the flow of data between these agencies. All of these steps led to the governor's office supporting the efforts and endorsing the continuation of the project following the end of BJA's support.

In **Wayne County**, the TTA team conducted remote interviews with system actors, including the circuit court, and fielded a survey across the county's over 20 district courts, to develop a process map showing the assignment and payment of indigent defense counsel as administered by the courts, which is no longer allowed statewide.<sup>2</sup> The detailed map allows Indigent Defense Services Department (IDSD) to take a phased approach to assuming responsibility of these functions and full operability with its own case management system (CMS). The selection of the CMS was another major achievement through strategic planning efforts. The TTA team organized five interviews to document the systems used by managed assigned counsel programs nationwide, and five additional interviews with defense agencies in Michigan. Based on those findings, IDSD asked for

demonstrations from two vendors, which the TTA team coordinated. IDSD selected one of those vendors for their CMS.

Lastly, during planning team meetings with the TTA team, vertical representation, the same attorney continuously representing the client from beginning to end of the case, was regularly discussed. There are two ways in which vertical representation is not practiced in Wayne County – one, an attorney misses a court appearance, and the judge makes a “spot assignment” of a new attorney to permanently represent the client or allows a “stand-in” attorney for that appearance only, and two, for almost all cases, vertical representation does not start until after the arraignment on the warrant (AOW), which is the first judicial appearance. A subcommittee was formed to facilitate a deeper understanding of practice implications in Wayne County. The subcommittee met six times between February and August 2021, and the TTA team organized a learning session with practitioners from another state.

The subcommittee identified the lack of key data as preventing further decision-making on vertical representation. There was consensus that spot assignments and stand-ins can be more fully addressed once IDSD is operational and tracking data. A second consensus was that documenting the perspectives and experiences of defenders, other system actors, and former clients as related to vertical representation not happening until after the AOW is needed. An exploratory research project has been proposed.

As mentioned above, the work of **Davidson County** will be discussed in a subsequent section.

### **Lessons Learned**

For both **Wayne County** and **West Virginia**, it was critically important to build a baseline of common knowledge before making major decisions. This was accomplished through creating visuals (maps) that showed how the current systems operated related to their reform efforts, specifically the flow of data between numerous system actors. The process to create the maps was time intensive and required the input of almost all planning team members. The end products were worth the investment of resources as they allowed a deeper

understanding of the current operations and what is needed and essential to making change.

Another lesson is the value-add of an outside or neutral party to facilitate the strategic planning process. The Center's TTA teams explained to each site that their role is to be a thought partner to the local planning team. This approach helps build trust and avoid perceptions of conflicts of interest or hidden agendas. Within this context, TTA teams collect data through interviews and document review to understand how the system works and report back to local planning teams. Through conversations facilitated by the TTA team and grounded in the data, stakeholders are encouraged to seek consensus decision-making. While disagreements were not absent, an important goal is transparency.

## Section 3

# Findings

A key finding is the importance of flexibility in strategic planning. As previously described, the simultaneous crises of the COVID-19 pandemic and the murder of George Floyd brought unprecedented national attention to the injustices of the criminal legal system that people of color and those who are poor in this country experience daily, and this deeply impacted the strategic planning efforts of the supplement sites. From the closing of courthouse doors and the reliance on video conferencing for court appearances, to attempts to reduce jail populations and slow the rapid spread of COVID-19 among those incarcerated and working in the jails, system actors were pulled in many directions. Public calls for action demanded it. With all of this happening in the foreground, TTA teams supported each site as they navigated their own paths to further their strategic planning efforts.

Strategic planning TTA support was leveraged by sites in several different ways.

### Triage: addressing emergent/immediate crises

For many of the supplement sites, COVID-19 forced court systems to quickly pivot and change existing practices to address the immediate needs presented by the emergent public health crisis. For instance, the discovery process in **Santa Barbara** before COVID-19 often involved the physical exchange of documents or other materials between attorneys in court. When courts closed and all proceedings became virtual, the district attorney's office worked closely with local law enforcement agencies in south Santa Barbara County to increase the electronic dissemination of discovery to public defenders and other defense attorneys. This involved use of a cloud-based portal for all defense attorneys to access and download discovery. Importantly, the planning team identified through this experience that the Santa Barbara City Police Department has an internal system for processing and

sharing discovery electronically, the only operational e-discovery portal in the county. Building from there, the county is exploring more advanced systems of electronically capturing, cataloging, and sharing discovery. Planning team members from the sheriff and the public defender's offices also worked together to increase defense attorneys' access to incarcerated clients during COVID-19 by increasing the equipment and availability of video conferencing space in the jail.

### Moment to Reflect: addressing ongoing crises

As the country grew increasingly familiar with COVID-19 and how to mitigate the associated risks, several supplement sites used the opportunity to reflect on crisis-driven changes to practice in their local systems and potential lessons to be learned. To help stop the spread of COVID-19 in the parish prison, the 19th Judicial District Court in **East Baton Rouge Parish, LA** reduced the time between arrest and first appearances and released more people pre-trial. Both of these were strategic planning goals of the site when applying to the initiative, and the planning team decided to use the moment to re-engage the judiciary about the value of first appearances occurring as soon after arrest as possible. To do this, the district attorney and public defender offices worked together to prepare a presentation on how both agencies benefited from defenders having earlier access to their clients. The TTA team participated in these conversations to help the two offices identify the most important points to emphasize with judges. Namely, the offices described how their ability to collaborate and coordinate with each other at first appearance allowed them to provide the courts with greater quality information about each case, which ultimately helps reduce the subsequent number of cases on the court's calendar. Planning team members also used the opportunity to ask judges what information about individuals they think is most important for bail determinations.

## Forward Looking: being prepared for continued and future crises

For **Davidson County**, strategic planning efforts centered on the use of video conferencing for court proceedings both during the COVID-19 crises and beyond. It was the only site selected following the government shutdowns due to COVID-19. The named agency was the General Sessions Court, Division VIII, and the planning group included representatives from court administration, general sessions probation, the Metropolitan Public Defender's Office, the district attorney's office, the sheriff's department, and community social service providers. The TTA team compiled and shared resources on the use of video court (research, guidance, toolkits, protocols), and knowledge of practices from other jurisdictions to inform the planning.<sup>3</sup> A series of remote interviews were conducted to understand the perspectives of planning group members. Through monthly meetings facilitated by the TTA team, various options for a virtual court docket were discussed. A pilot project was considered, and a draft protocol developed, for the operation of a video plea (uncontested) court docket for individuals incarcerated on misdemeanor charges who are quarantined in the local jails due to infectious diseases such as COVID-19 or medical related-reasons. Further, a general sessions court standing order that authorizes the virtual jail plea docket has been signed. The order allows for the use of video conferencing as described above as COVID-19 continues to impact jail populations' access to court and for future infectious disease outbreaks.

## Section 4

# Conclusion

Through BJA's Sixth Amendment Initiative, the Center and its partner NLADA provided research-informed strategic planning support to 16 sites across the country between 2018 and 2021. The sites were diverse in geography, size, and system type. The Center's approach to TTA integrated practice and research, and centered on a two-person TTA team comprised of an attorney-practitioner and researcher. Over the course of the Initiative, the 16 sites engaged in the following: 14 on-site needs assessments, and 2 remote needs assessments, 11 research diagnostics, and five follow-up site visits. In total, the TTA teams supported nearly 600 calls with local planning teams.

In the Center's report on the work with the original ten sites, the final chapter discusses challenges, lessons learned, and recommendations. These hold true for the six supplement sites as well. The key challenges include:

- Composition of the Planning Teams (i.e., limited variety of professional experience level of planning team members)
- Roles, Boundaries, and Expectations (i.e. confusion and delay due to a lack of clear roles, boundaries, and expectations between individual local planning team members and between the local planning teams and the TTA team)
- External Threats (i.e. curveballs thrown by events outside their control that directly impacted the work they sought to address through strategic planning)

Given these challenges, additional lessons learned from the multi-stakeholder supplement sites are included throughout this report, which are:

- Shifting the mindset of stakeholders from their traditional roles as adversaries to work together to engage in collaborative problem-solving
- Building a baseline of common knowledge before making major decisions
- The value-add of an outside or neutral party to facilitate the planning process

Further highlighted in this report are the two different approaches generally utilized by the supplement sites – either an investigation into upholding Sixth Amendment protections or project driven reform planning, and a finding that encourages flexibility in strategic planning.

As the Center's work with sites under BJA's Sixth Amendment Initiative comes to a close, an overarching theme that translates across all strategic planning efforts is that the single biggest indicator of success is the engagement of the local planning team. Time and time again this proved to be true. There were numerous variations to the efforts:

1. An application process that required multi-stakeholder interviews, which was implemented for the supplement sites and not the original sites; and
2. Local planning team composition, which may have been internal to the named agency or multi-stakeholder; and
3. Planning approach, either an examination into upholding Sixth Amendment protections or project driven reform planning.

The variation did not determine outcome. Any of these configurations proved fruitful as long as the local planning team had the time and resources to move the efforts forward. No one particular model surfaced as superior if local commitment to advance the work was present.

In conclusion, as described in the report on the Center's work with the original ten sites, and further solidified during the work with the supplement six sites, for any site looking to embark on a strategic planning process around Sixth Amendment protections or any other criminal justice reform initiative, no matter how complex, securing the buy-in and bandwidth of the local planning team members in the efforts is the key to success. The commitment, time, and resources of the stakeholders on the ground, coupled with an outside or neutral party to facilitate the process, is the secret sauce.

## END NOTES

1. More information about BJA's efforts can be found at [strengtheningthesixth.org](https://strengtheningthesixth.org).
2. MIDC Standard 5: Independence from the Judiciary. The MIDC Act requires the agency to establish minimum standards, rules, and procedures to adhere to the following: "The delivery of indigent criminal defense services shall be independent of the judiciary but ensure that the judges of this state are permitted and encouraged to contribute information and advice concerning that delivery of indigent criminal defense services." MCL 780.991 (l)(a). See more at [michiganidc.gov/standards/#tab-id-5](https://michiganidc.gov/standards/#tab-id-5).
3. Click here to see [A Review of Scholarly Literature, National Policies and Guidance, and Popular Media Coverage](#) prepared by the TTA Team.
4. Click here to see the [Center's Sixth Amendment Initiative Program Overview](#).







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