

Office of the State Public Defender Administrative Policies

Subject: Contract Investigative Services	Policy No.: 132
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1.0 POLICY

- 1.1 The Office of the State Public Defender (OPD) may enter into contracts with non-attorney professionals as necessary to deliver public defender services pursuant to the Montana Public Defender Act (Act).
- 1.2 State contracts are viewed as a cost-effective manner in which to ensure that public defender/indigent defense services are available in those areas where full time staff services are unavailable, when conflict situations arise, or to alleviate workload issues.

2.0 PROCEDURE

- 2.1 Prospective contract investigators must complete the Summary of Education and Experience as provided on the OPD website at <http://publicdefender.mt.gov>.
- 2.2 Upon receipt of the Summary of Education and Experience information, the OPD Investigator Supervisor will review the information and provide qualified applicants with a Memorandum of Understanding (MOU).
- 2.3 Prospective contractors acknowledge that they have read and agree to abide by the ethical and practice Standards of their profession by signing the MOU and returning it to OPD. The MOU also requires that contractors complete required continuing educational units in courses relating to their profession, including training requirements established by OPD's Training Coordinator.
- 2.4 Cases will be referred to investigators based on qualifications and experience. OPD is not obligated to assign any specific number of cases to a contractor, nor are contractors obligated to accept any case referred for assignment.
- 2.5 All contract investigative services are subject to OPD's pre-approval policy (Policy 125).

3.0 PAYMENTS FOR SERVICES

- 3.1 The OPD shall pay contractors directly for services rendered.
- 3.2 Contract investigator services shall be paid at the rate of \$46 per hour.
- 3.3 Pre-approved travel expenses shall be paid at the state travel rates.
- 3.4 Other expenses shall be paid as pre-approved under OPD procedures.

4.0 PAYMENT AND PROCEDURES

It is understood that contract investigative services will be supervised by the Regional Deputy Public Defender and the OPD Central Office.

Contract investigators shall submit an itemized claim on the appropriate payment form for conflict and non-conflict cases by the tenth of the month following the date of service.

The forms and accompanying instructions are posted on the OPD web site at <http://publicdefender.mt.gov>. Hourly time shall be billed in minutes. Each form must contain the case number assigned by the Regional Office.

Claims for non-conflict services shall be submitted to the supervising Regional Deputy Public Defender for review, who shall within five (5) days review and forward the claim to the Central Office. The OPD Contract Manager will review, approve and pay said claim within thirty (30) days of receipt of the same. Claims for conflict services are to be submitted directly to the Contract Manager. Payment may be delayed if the claims are returned for corrections, clarification or for failure to include the assigned case number.

Claims submitted more than 45 days from the last day of the month of service will be denied.

5.0 CLOSING

Questions about this policy should be directed to the Central Office at the following address:

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