



PUBLIC DEFENDER NEWS

Legislative Preview

Rhonda Schaffer, Director



Time is quickly approaching for the next legislative session and the current pandemic is sure to change the session in ways we have never seen. We will work through the many questions to be answered as they surface.

So, what happens next? In the agency budget certain items require “decision packages” to continue the funding. These items include a projection of caseloads into 2022 and 2023, building lease rate increases, career ladder pay adjustments and funding for capital cases.

Calculations are completed for each item to determine the amount of funding needed to adequately run our agency. The budget proposal is submitted to the

Governor’s budget office and the process of matching expenditures to projected revenue begins, not just for OPD but for all agencies. There will be careful consideration given to all budget requests, especially with COVID-19 changing the revenue projections. Not all decision packages will make the cut.

Our budget request is modest and supports the mission of our agency. We have requested no new full-time employees as we still have positions to fill. Human Resources is working with each Regional Manager to find the best fit for these positions. Division Administrators are constantly reviewing caseloads to make sure we are working as efficiently as possible.

Once our budget is finalized, we will work with the Governor’s current staff and with the new staff brought in after the November election. The current Governor will set the budget and the incoming Governor has the authority to change it. This means the next 4-5 months will be very busy. A good busy. Any time we have the chance to tell our story and the importance of proper funding it is a good day.

I will continue to communicate our progress through the budgeting process. Thank you for working hard to make our agency one of the best in the country.

Rhonda



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Special points of interest

- Creating Strong Passwords
- Tips and Tricks
- Antiracist Resources
- Suicide Hotline

Law and Justice Interim Committee Studies

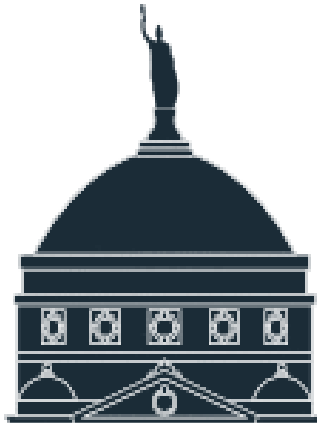
Emily Copeland, Operations Support

Montana legislators are hard at work between legislative sessions, known as the "Interim." Interim Committees range from Water Policy to Education, and each allows for in-depth study of issues as well as serving as oversight bodies for state agencies. Here at OPD, we are monitored by the Law and Justice Interim Committee (LJIC), as are the Departments of Justice, Corrections, and "administratively attached entities" such as the Board of Pardons and Parole (attached to DOC). The LJIC also serves as a liaison to the Judicial Branch, so they are heavily involved in topics such as pretrial decision making.

For the 2019-2020 Interim, the LJIC was assigned four studies along with their oversight responsibilities: HJ 31, Study of the Montana Board of Crime Control; HJ 36, Study of Compensation for Wrongfully Convicted Persons; HJ 43, Study of Post-Conviction Procedures and DNA Evidence; and SJ 19, Study of Sexual and Violent Offender Registry (SVOR). These studies and their outcomes, among many other topics reviewed by the LJIC, are relevant to our agency and the clients we serve. Here are highlights of recent testimony provided to LJIC.

Pretrial Decision Making

Testimony on jail data and the importance of reducing populations, drivers for incarceration, the potential of Criminal Justice Coordinating Councils and recommendations for establishing them, Missoula County's criminal justice reform work via a MacArthur Foundation Grant, recent pretrial release legislation in other states intended to reduce incarceration rates, and



using Public Safety Assessments (in relation to Montana's current PSA pilots in five counties).

HJ 36, Study of Compensation for Wrongfully Convicted Persons

Recent discussions include information from the Innocence Project:

- ♦ Montana has paid \$15.5 million in federal lawsuit settlements for four exonerees
 - ♦ The state currently has four pending lawsuits
 - ♦ The current proposal for damages: \$60,000/year of wrongful imprisonment; \$25,000/year wrongfully on parole/probation/sex offender registry; and non-monetary relief to include counseling, housing assistance, financial literacy training, tuition assistance and Montana Medicaid for one year.
- ## **SJ 19, Study of Sexual and Violent Offender Registry**
- ♦ The 13 violent offenses requiring a convicted person to register result in 3,558 persons currently on the SVOR. A proposal to eliminate the violent offender registry would drastically reduce the amount of people on the combined SVOR registry to 1,497 sexual offenders, and 99 sexual/violent offenders.
 - ♦ Testimony on a recently conducted focus group of citizens on the SVOR: "It's a life sentence, because you do your time, you do probation and parole, and it's never over."

Want to learn more or find out how to provide public comment to the LJIC? Visit the LJIC [website](#).

Nationally, 76% of people held by jails are not convicted of any crime.

Creating a Strong Password

Gail Hikel, with permission from Triangle Communications

Everything we log into on the Internet requires a password. Choosing a password can be difficult and stressful. You don't want it to be so easy that someone can guess it, but you don't want it so hard that you forget it. You can come up with the most secure password, but if you can't remember it, it is useless. Security experts also recommend that you do not write your passwords down.

Here is a suggestion from one of the top Internet security companies on how to come up with a password that is secure, and you can remember:

- Pick a song lyric, create your own sentence, quote, phrase, etc. with at least eight words. Make it easy for you to remember and hard for someone else to guess. Here is an example: "The journey of a thousand miles begins with one step."
- Take out the first letter of each word in your sentence: TJOATMBWOS
- Randomly change out a few of the upper-case letters with lower case letters: tJOaTmbWOS
- Change out at least one letter with a number: tJ0aTmbW05
- Lastly, replace a few letters with special characters (\$,%,&,@,+):+J0aTm!W05

This is a great method for your personal passwords. At work, keep in mind the state's requirements:

- Minimum of 12 characters
- Include an uppercase letter, a lowercase letter, a number and a special character
- You must change your password every 90 days.

OUR MISSION

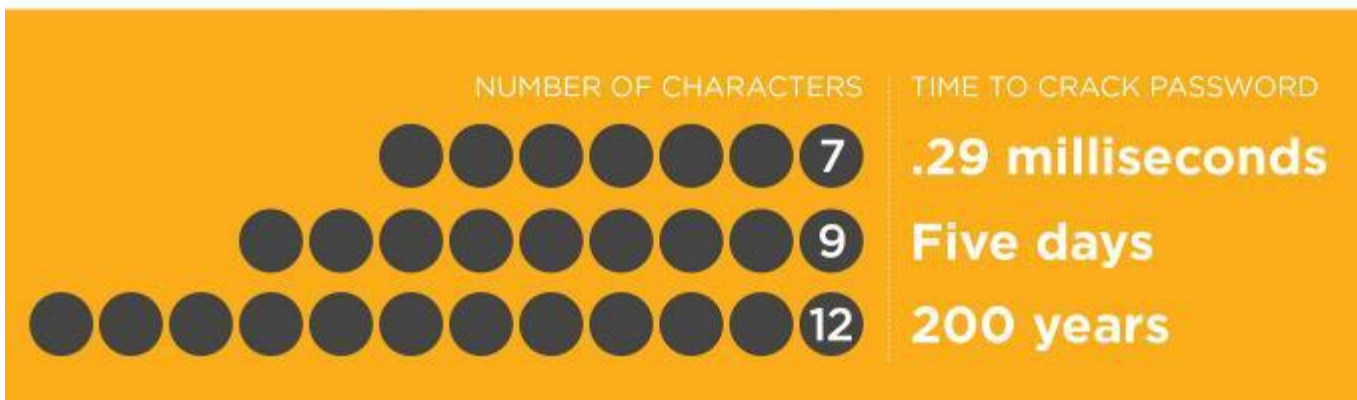
We provide effective professional legal services with equal access to quality client-centered representation.

OUR VISION

As trained legal professionals we strive to represent our clients in an effective and efficient manner to ensure a more fair and balanced justice system. We are dedicated and committed to improving overall outcomes for our clients and addressing the conditions that led to their involvement with the justice system.

How long should your password be?

The length and complexity of a password has a direct impact on how difficult it would be to crack.



Central Services Team Update

Carleen Green, Division Administrator

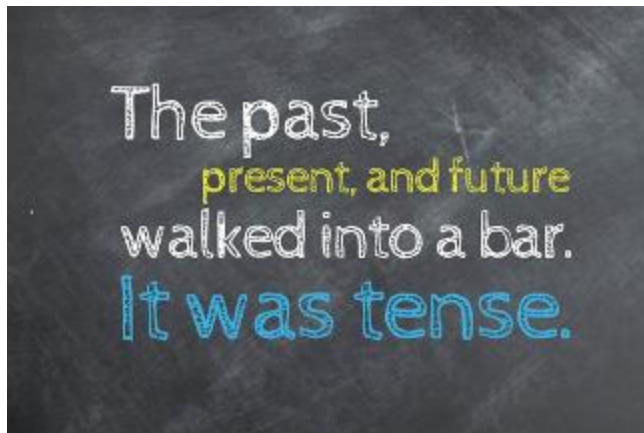


COVID-19 has resulted in many changes to our daily lives. Teleworking is something many of us experienced during this time and I want to take this opportunity to recognize the hard work of our IT Staff: Kyle

Belcher, John Coulthard, Jeb Myren and Steven St. John. These guys, along with HR staff, were truly amazing from the very beginning of the pandemic to ensure working remotely went as smoothly as possible. Since not everyone in the agency has a laptop it was not as simple as taking a laptop home and plugging it in. Once equipment issues were handled, there had to be a VPN connection to access your files on the network. Either ZOOM or Microsoft Teams was needed to be able to have meetings or connect with your co-workers or others to work on projects. We needed the Avaya app to access our work phones and receive calls and check voice mail. In an agency of 300 people, many of us working remotely and learning new technologies, we successfully negotiated these challenges with limited resources due to the hard work of our IT staff. Thanks Kyle, John, Jeb, and Steven!

Our accounting staff are also hard at work as we approach fiscal year end. They appreciate your cooperation in sending in bills, travel vouchers and other materials that might be requested as we work to close FY 20.

Have a great summer!



Tips and Tricks

QUICK PARTS

In Word, Quick Parts can be used for electronic signatures, your favorite header or footer, page numbering, a frequently used block of text, and more. Outlook uses Quick Parts, too, and it is a better alternative than recycling an old email. Quick Parts aren't shared between Outlook and Word (you have to create them separately), but they preserve both the text AND the formatting in both programs.



To create a Quick Part in either Word or Outlook, highlight your formatted text and go to Insert/Quick Parts/Save Selection to Quick Parts Gallery. (Make sure you maximize your window to make it easier to see on the ribbon.) Once you have created a Quick Part, you can type its name and hit Enter or F3 to insert it, or scroll through the list to find it.

MANAGE YOUR INBOX WITH RULES

Outlook Rules allow you to automatically move an email to a specific Inbox folder, apply a flag or conditional formatting, or display a message. There are two ways to create a rule:

1. Right click an email and select Rules/ Create Rule, OR
2. Go to Rules on the ribbon to create or manage rules.

The first method will intuit some of your parameters. Name your new rule, create exceptions if needed, and choose whether to run it on the current contents of the inbox.

If you've turned off alerts for incoming mail, you can use a rule to make sure that you still get alerts for important mail, i.e. the boss. Rules process in the order in which they are listed, so if a rule isn't working correctly, check the order.

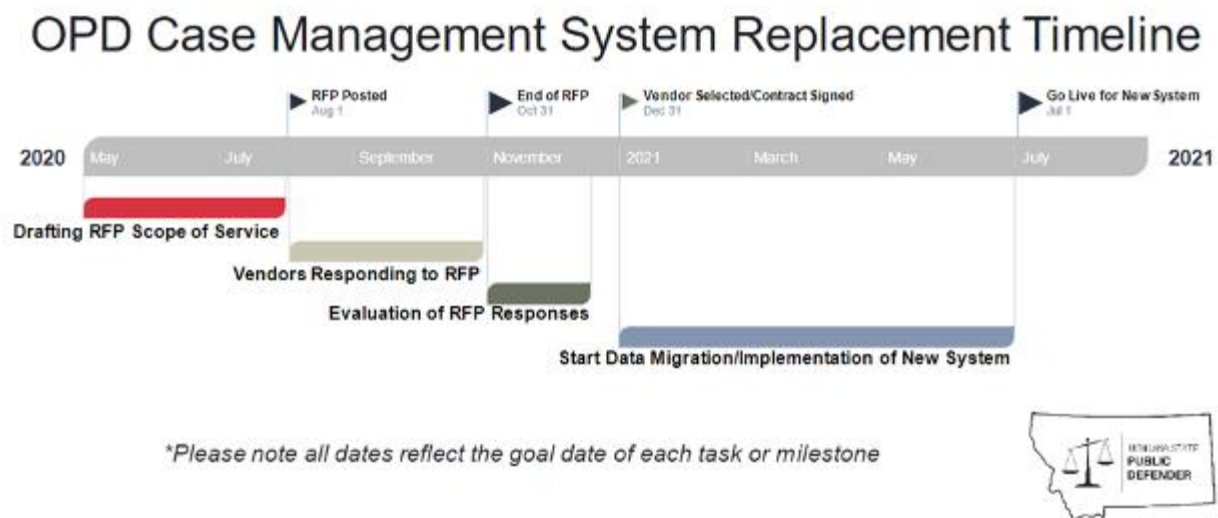
For more details, see a video tutorial in the Support Staff Channel in the Training Team.

JustWare Replacement Update

Brett Schandelson, Operations Support

Since OPD was notified in February that JustWare was reaching end of life on June 30, 2021, the Operations Unit has been busy working to find a replacement. As a State agency, OPD is required to follow the State procurement process and formally solicit proposals from potential vendors through a Request for Proposal (RFP).

The RFP process first requires us to identify, document, and present all our agency needs for the new system in a document called "Scope of Services," which as you can imagine is quite a time and labor-intensive task. Once that is complete, at the end of July the RFP will be posted publicly for potential vendors to review our agency needs and, if they believe their product would be a good fit for us, respond to the RFP with a proposal. Finally, after all vendors have responded, we will evaluate each proposal and find the product best suited to our needs. Below is our anticipated timeline for the formal RFP process, which we started last month:



As we're working on building our agency needs, wishes, and wants into the formal document, I thought it would be good to share some of our goals for this project. Our primary aim is to find a modern system that is easy for staff and attorneys to use, provides greater access for clients and contractors, and allows the agency to trust the system data. Some high-priority goals include:

- Complete migration of existing JustWare database to new system, so all our cases live in one place
- Expanded automation, including document generation, task assignment, and batch workflows, to save our staff and attorneys time on routine tasks
- Expanded communications integration, such as email, SMS, or a secure communications module
- Expanded external access for clients, contractors, and expert witnesses to view and interact with the system in a secure, appropriate, role-based way, reducing the need to send mail to these individuals
- Expanded and automated data validity/auditing processes, to provide greater tools to identify and fix data errors quickly and easily, giving greater confidence in the data in our system
- Expanded ability to integrate with other justice system stakeholders and platforms, providing the groundwork for future data integrations and solutions

We are very excited about the possibilities and confident any system we end up with will be a significant leap forward for the Agency. We will share more throughout the process, but for any OPD employee interested in participating or learning more, our internal working Master List of items, as well as instructions for providing feedback, can be found in the Operations Channel in the All Agency Team.

Training Docket

Nate McConnell, Training Development Coordinator

Learning Management System (LMS)

We have partnered with the National Association for Public Defense to obtain an LMS that will provide high quality, distance learning for all our staff. The software, called Talent LMS, allows instructors to create a wide range of trainings, from single-topic, one sitting presentations to entire courses taking place over several weeks. The system allows for a collaborative approach, internal discussion, and ongoing participation. We will provide login information to Talent once the contract is finalized.



2020 Annual Conference Postponed

Due to the COVID-19 pandemic, the Training Department has determined the annual conference will be postponed. The new dates for the annual conference are May 12-14 in Billings.

We have taken this action with one thing in mind: your health. As a client-centered organization, we all serve a vital role in upholding our duties to our clients, and to do that we must ensure that our organization remains healthy.

While we are working with the State Bar on the applicability of CLE credits to the 2020 reporting year, the Training Department will be offering CLE opportunities throughout the fall and spring. Beginning in September, we will be offering at least two presentations per month in addition to courses through our LMS.

We understand that moving the annual conference from fall to spring will present some challenges for many. We all look forward to seeing each other and sharing time with our distant colleagues. It is our sincere purpose to provide you with ongoing, effective training through an LMS that allows for a collaborative approach.

Did You Know?

NAPD Membership

All OPD employees now have membership in the [National Association for Public Defense](#). Contact the Training office for additional information.

2019 MCA

The new MCA is available [online](#), and code books are now ready to purchase on the Legislative Services [website](#). The searchable electronic folio version for your desktop is also available to download from the OPD Software Center (link on your desktop).

Old MCAs Available Online

Looking for a previous version of the Montana Code Annotated? Maybe even one older than OPD? The Montana Legislature has versions going back to 1995 on their [website](#).

Interpreter Services

The State of Montana has a contract with CTS Language Link for interpreter services. OPD employees can access the information on OPD's [intranet](#) site.



OPD's Essential Workers

Peter Ohman, Public Defender Division Administrator

While the large majority of us, including yours truly, scrambled to set up home offices, sometimes in the bedroom, other times on the living room floor, a core group of OPD employees kept coming into the office. After all, clients still got arrested, others were subject to loss of liberty through civil commitment proceedings, and yet more remained incarcerated at a time when such incarceration threatened their health much more than their low-level offenses threatened the public.

To all of you who covered the phones, scanned the paperwork, controlled the access, juggled the calendars, went to court, and saw the clients we give a heartfelt THANK YOU!

One interesting story comes from the Bozeman office. After the office manager of 10 plus years left, Wendy Jackson started her new job on March 10, 2020. A week later Bozeman's bars and restaurants were shut down, courts were closing, and employees were teleworking. Not Wendy. Along with other support staff Jess Keller and Hannah Gomel, they kept the operation running through the stay-at-home order right up to today.

Send us some other stories from around the state to include in upcoming newsletters. Again, thanks to all of you, especially those who kept the offices going.



Hannah and Wendy social distancing in the Bozeman office

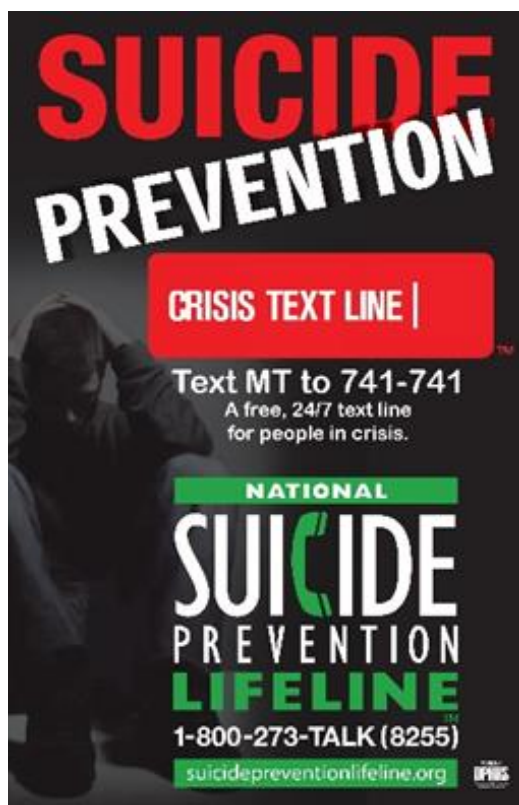
Annual Destruction Complete!!



The Great Falls regional office was HAPPY AS CAN BE to have their annual destruction done! They had a little box tear down party right after the shredding was complete.

Shredding in the vault storage facility was slightly delayed by the pandemic but has also been completed.

Let [Cathy Doyle](#) know if you need help finishing your annual destruction, or have files to send to Butte.



Antiracist Resources

“Recent events illustrate the systemic issues of racism and injustice that have plagued our country and the justice system for far too long,” as Rhonda reminded us a few weeks ago.

We can all continue to learn. Here are a few resources for the journey:

- ♦ *How To Be An Antiracist, Antiracist Baby* (a board book), and *Stamped: Racism, Antiracism, and You* (for teens) by Ibram X. Kendi
- ♦ *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander
- ♦ *Raising White Kids: Bringing Up Children In A Racially Unjust America* by Jennifer Harvey
- ♦ *White Fragility: Why It’s So Hard for White People to Talk About Racism* by Robin DiAngelo

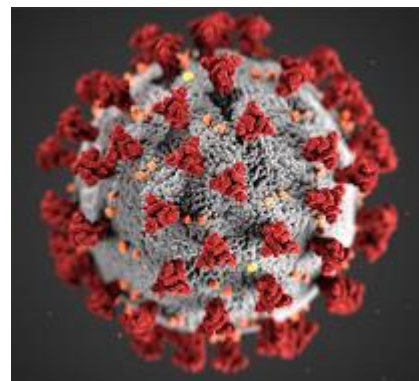
Brené Brown has a list of resources [here](#), and *Fortune’s* listing of organizations, books, films, podcasts and more is [here](#). Let’s keep trying to do better.

COVID-19 Protocols Still in Place During Phase 2

Now that Montana has entered Phase 2 of the Reopening Montana plan, more of us are in the office or otherwise out in the world. You can reduce risk by avoiding the “3 C’s”: closed spaces, crowded places, and close contact settings.

Help protect the safety of your co-workers, clients and neighbors by following this symptom-monitoring checklist.

- Check your temperature to ensure you are asymptomatic before going out. Normal temperature is 98.6 degrees.
- Do **not** go to work if you don’t feel well—this can be a cough, the sniffles, or even just feeling a little “off.”
- Do **not** go to work if you’ve been exposed to someone with COVID-19.
- Supervisors may ask employees exhibiting flu-like symptoms to go home. Co-workers should discuss any concerns they have with their supervisor.



In addition, continue to follow the latest directives:

- Stay at home as much as possible if you or a family member are in a high risk group
- Wear a mask or practice social distancing of at least six feet when you are out
- Continue to practice good handwashing
- Avoid touching your face
- Clean and disinfect frequently touched objects.

The latest DPHHS information is [here](#). Guidance and FAQs from DOA is [here](#). Information specific to OPD is on the All Agency Teams page.

Injustice anywhere is a threat to
justice everywhere.

Martin Luther King, Jr.
Letter from Birmingham Jail, April 16, 1963

