

Strategic Plan

5-year

2022

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Chief's Message

In 2012, New Mexicans voted for an amendment to the State Constitution to create a Public Defender Department independent of the state Executive. The enabling legislation was passed and the new Department became a reality in 2013. We moved from being restricted in how we organized ourselves and how we could advocate for our clients (a former Chief Public Defender was fired for speaking against sentencing increases favored by the then-Governor.) With this independence came the responsibility of creating our own structure, our own HR and IT departments, and more. It took an immense amount of work and effort, and we still must advocate for resources and policies within the structure of state government and funding. But today, we can say that we have taken great strides towards fulfilling the vision of those who advocated so long and so strongly for that independence.

There is still a long way to go. This Strategic Plan represents our new vision for indigent defense in New Mexico. It takes stock of who we are now, and it helps to guide us into the future. The Plan was not created as, and will not be implemented as, a top-down mandate. Like the work we do for our clients, it has been collaborative, developed through collective conversations and writing processes. Also, like our work, it is rooted in our communities. Most importantly, it continues our focus on our clients. Thank you to everyone who took a role in creating this and giving us a plan to look back upon to see – again – just how far we've come.



Chief Public Defender Bennett J. Baur

Implementation and Measuring Progress

The launch of this Strategic Plan is not the end of a process; it is the beginning of one. The Plan calls for participation and change. To ensure meaningful progress, LOPD will develop a Strategic Plan Steering Committee with volunteer members from across the department. LOPD's Deputy Chief of Operations will serve as the point person for the Steering Committee. Additionally, the Deputy Chief of Operations will work with District Defenders, the Training and Recruitment Director, Human Resources, the Executive Team and other leaders on specific Plan goals.

Mission

From courthouse to Roundhouse: leading the fight for justice in New Mexico

Vision

A New Mexico where justice is based on restoration, not retribution

Values

Compassion and commitment to our clients

Collaboration and cooperation with our community and coworkers

Courage to be a catalyst for change

Process and Purpose

This 5-year Strategic Plan is the product of extensive collaboration of more than 150 LOPD employees over 12 months. It aims to re-center our mission and refine our vision of excellent public defense as we navigate post-pandemic work and life. The ideas herein arose first from a department-wide survey, to which 40% of employees responded, followed by a facilitated virtual townhall for stakeholders and employees. The Areas of Focus from this process were assigned to writing teams of 7-8 employees who identified actions we plan to take as we strive to better serve our clients and communities.

Definitions

- Defender - Each employee of the LOPD, whether attorney or core staff
- Local Leadership - District Defenders, Managers, Supervisors, Director of Social Work, Director of Investigations
- Administrative Leadership - Director of IT, Training and Recruitment Director, Communication Director, Director(s) and Deputy Director(s)
- Executive Leadership - Chief Public Defender, Deputy Chiefs, Chief Financial Officer, Human Resources Director, General Counsel

Areas of Focus

In pursuit of providing the best representation for our clients:

- Defender Wellness
- Culture Change
- Criminal Justice Reform and Advocacy for Resources
- Professional Development and Training
- Holistic Defense

*Thank you to the Maryland Office of the
Public Defender for their facilitation
and inspiration of our process.*

Defender Wellness

Defender Wellness and Sustainability is the active, continuing process through which **all** LOPD employees seek to thrive in the areas of emotional, occupational, physical, creative, and social well-being. Through leading by example and clear policies and expectations, leadership will foster both community and individual wellness so that all defenders can provide the level of representation our clients deserve.



Leadership Sphere

All leadership will:

Create a System and Environment that Encourages Use of Leave

- Facilitate a collaborative system to arrange for coverage when employees are on approved leave. This system should include the cross training of job duties and information systems and documentation to enable hand-off and hand-back of duties;
- Encourage the use of pre-approved, planned leave, with the expectation that an employee on leave will not simply have their work duties “paused”, but rather that their work duties will be absorbed by others while that employee is on leave, as much as practicable;
- Ensure that employees are aware of the LOPD’S Collective Bargaining Agreement so that they understand their rights.

Create Training for Supervisors about Approving Modified Work Schedules

- Collaborate with HR to approve modified work schedules, which may include telework and flex schedules, for employees who are performing well and whose tasks can be accomplished using a modified work schedule.

Be Attentive to Trauma and Provide Supportive Spaces

- Regularly check in with employees, and provide mental health and substance misuse resources, such as JLAP, EAP, and other appropriate resources;
- Provide safe, empathetic spaces for employees to decompress and discuss emotional and mental health.

Celebrate Hard Fights, Not Just Wins

- Celebrations should take many different forms, such as emails, texts, public recognition, and in-office visits. The focus in celebration will be zealous advocacy, not outcomes.

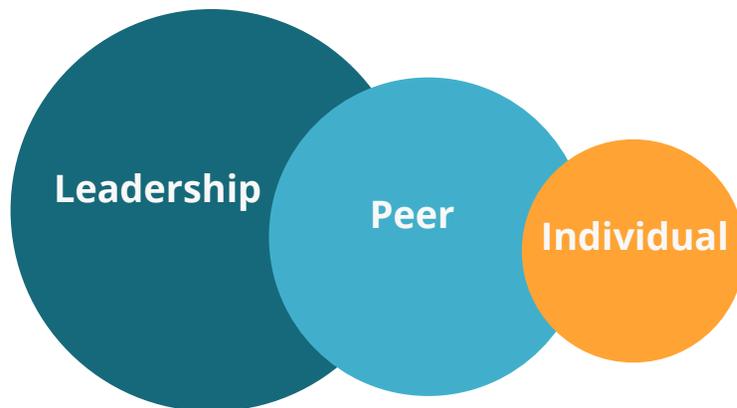
Peer Sphere

Create Peer-Led Groups

- A statewide Wellness Committee of volunteers will organize peer-led groups (support groups) across the state. Peer-led groups may be made up of employees in the same job position within a district or division or employees in the same job position across the state. Leadership should not join peer-led groups with supervisees, but may form peer-led groups among leadership. Peer-led groups will meet regularly, either virtually or in person, and allow a safe space for employees to discuss both work and non-work related issues. Each peer-led group will have a point-person in the group that will relay suggestions and complaints to leadership. When suggestions or complaints are made, leadership must strive to address the underlying issue within a month. The point person will also be a member of the Wellness Committee. The Wellness Committee will provide resources and support to peer-led groups, and will work with the peer-led groups to encourage wellness practices.

Increase Intra- and Inter- Office Communication

- Utilize digital communication mediums to allow peers within an office and also across district offices to meet with one another, collaborate, and ask for help.



Individual Sphere

Empowered Use of Leave

- Employees should use their leave and strive to not check emails, calls, or otherwise work while on leave. Employees can help enable coverage and facilitate cross training so that they can easily use their leave more often by creating an outline of unique job duties for their position.

Reduce Workplace Stress

- Employees may be able to modify work schedules and telework schedules, with supervisor approval, to accommodate personal work-related stressors; e.g. commuting times, having to drop-off/pick-up dependents, as long as a 40-hour workweek is being adhered to.

Practice Self-Care

- Employees should not hesitate to request flex time to exercise, meditate, or otherwise take a break during work hours.

Foster Sense of Community

- Employees should be encouraged to use their morning and afternoon break times away from the desk; perhaps a breakroom or area where employees could congregate and socialize during breaks.

Seek Workplace Wellness

- Employees should be supported in evaluating their needs and accommodations for their personalized and ergonomic work areas, and may ask for a new chair, desk, screen, or ergonomic assessment that will make their job easier.

Give and Receive Coworker Support

- Employees should strive to seek support from and provide support to coworkers.

Culture Change



The LOPD community is committed to creating a working environment that prioritizes equity and fairness and treats employees as whole people so we can best serve our clients. We celebrate our diversity and recognize its value in our organization and in the representation of our clients. Our communication is encouraging, gracious, and unafraid of accountability.

At LOPD:

- Colleagues feel encouraged and safe to disagree, ask questions, contribute ideas, and respectfully question authority
- Leadership welcomes respectful disagreement, feedback and personal accountability
- We treat each other with grace, and we trust that asking for and accepting accountability is a sign of strength, not weakness
- We recognize and acknowledge cultural differences and communication styles, including respecting preferred pronouns, terms of address and boundaries

Diversity

Practices support diverse communities, coworkers and clients, and engage differences in education, personalities, experiences, culture, etc.

- Hiring managers, Training and Recruitment Director and HR prioritize recruiting practices that emphasize diversity, equity and inclusion throughout the recruitment and hiring process.
- Administrative and executive leadership strive to increase diversity among all levels of leadership in the promotion and hiring process.
- Each employee is encouraged to engage with statewide supportive affinity groups to help overcome physical and interpersonal separation.
- Each employee is encouraged to recognize cultural differences to improve the representation of our clients.

Communication

Each employee emphasizes clarity, consistency, respect, collegiality, transparency and openness in all communication.

Internal

- Training and Recruitment Director develops at least one annual training focused on communication skills for difficult conversations with colleagues, clients, or opposing counsel, ideally involving small group, skill-based, and hands-on training.
- Official administrative communication about potentially controversial or complicated subjects is followed by opportunities for affected-group response/feedback and dialogue.
- All leadership models clear, concise, respectful, honest communication in all formats and addresses communication with colleagues and supervisees that does not meet standards.

Equity

Collaboratively establish an office culture that actively prioritizes equity at all levels.

- Each employee is encouraged to redefine “leader” as anyone who focuses on people, inspires them, and sets the tone for a positive group culture.
- Each employee is encouraged to communicate harmful imbalances (e.g., pay, workload, resource disparities, etc.), to local leadership, executive leadership, HR, and/or the Diversity, Equity and Inclusion Team (DEI). (See next page)
- Leadership prioritizes pay equity and equal opportunity for gaining experience and promotion.
- Training and Recruitment Director dedicates some annual training to DEI topics in collaboration with DEI Team.

Culture Change



Diversity, Equity, Inclusion Team

Create a volunteer-based statewide Diversity, Equity, and Inclusion Team to:

- Consult with Executive Administration about Diversity and Inclusion efforts and encourage the consolidation of such duties to a current or hired position.
- Maintain supportive affinity groups to help overcome physical and interpersonal separation.
- Identify areas where diversity and inclusion can be improved, including consulting with Training and Recruitment Director to offer trainings.
- Monitor and respond to harmful imbalances, communicate harmful imbalances to leadership, and hold leadership accountable through follow-up and by developing action plans.

The inaugural DEI Team will be selected by Leadership with one to three volunteers per judicial district. Volunteers are welcome from any capacity in the department. The team members will determine their goals, structure and process and will report to Executive Leadership.

Equity, cont.

- Post a shared document that keeps track of the number of cases each district has, including the number of felony, misdemeanor, and juvenile cases per line-attorney. District Defenders and Executive Leadership consult at least semiannually to assess and seek equitable distribution of resources (including staffing, technology, access to expert witnesses, office equipment, etc.) and strategize solutions, as needed.
- Local Leadership arrange flexible coverage solutions to enable core staff participation in trainings. District Defenders and division heads ensure truly functional accommodations are made to enable core staff to attend trainings, events, meetings, etc.

Communication, cont.

Internal

- Leadership encourages collaboration and communication between divisions/units and offices.
- Communication plans are built into projects and initiatives to ensure timely transparency.

External

- Leadership commits to language inclusion by creating a volunteer-based Language Access Project team to improve access on the website, client forms, and form letters and streamline interpretation services
- Director of Communication and leadership increase employee media literacy and engagement on behalf of clients and communities.
- LOPD's Social Media Team (the Chief, General Counsel and Communication Director) and interested employees leverage social media and traditional media to improve department reputation and help clients.
- Leadership and all employees explore and encourage more robust community engagement in public culture change opportunities, including previously untapped or underutilized platforms, such as community parades, festivals, school events and classes, clinics, open houses, and outreach days.

Criminal Justice Reform and Advocacy for Resources



Rethinking Crimes and Penalties to Reduce Caseloads

Rewriting laws to stop criminalizing poverty, illness, or status, and collaborating with partners to address root causes through health care, support services, and education.

<p>Reforming the Criminal Code Advocate for:</p> <ul style="list-style-type: none"> * Reducing criminal penalties * Rehabilitation and treatment, not jail * Eliminating mandatory sentencing 	<p>Decriminalizing Health Issues</p> <ul style="list-style-type: none"> * Advocate for health resources to address root causes * Press law enforcement to address community health * Treat drug use and mental illness as public health issues * Advocate for early behavioral health interventions
<p>Expand Use of Effective Pretrial Diversion</p> <ul style="list-style-type: none"> * Increase specialty court alternatives * Reduce pretrial incarceration with release alternatives * Increase use of LEAD, PPD, and other programming 	<p>Develop Methods for Proactive Public Engagement</p> <ul style="list-style-type: none"> * Media and public education * Coalition building * Public workshops on constitutional rights

Reforming the Criminal Legal System: The Path to Progress

Advocacy from every angle:

- educating communities and decision-makers,
- in collaboration with community partners,
- to advance public policy.

Maximizing Resources

Enhancing financial capacity while staying abreast of the best methods for responsible and effective stewardship of our resources.



Criminal Justice Reform and Advocacy for Resources

Community Engagement

Building coalitions statewide to garner support for reform, link clients to services, and educate interested parties.

- Training Director, Communication Director, and DDs coordinate to:
- Educate system-involved individuals and their families about the criminal legal system
- Materials like know-your-rights cards
- Present in the community in new platforms like festivals and school events
- Empower LOPD members to educate their geographical and cultural communities, including via social media

Through education we describe the human impact of the criminal legal system

- Director of Social Work and Dep. Chief of Policy:
- Educate policy makers about needed changes to promote community health
- Change policies that harm clients, families and communities through Legislative Policy advocacy
- Link clients with resources, opportunities, and services to meet their needs
- Join local and national advocacy groups
- Build bridges to address civil legal needs

We identify client needs and through advocacy efforts we locate or create services to meet those needs

- Dep. Chief of Operations and DDs promote opportunities to:
- Serve on nonprofit or government committees, boards
- Seek partnership opportunities with justice stakeholders
- Seek support for advocating for essential funding and other structures to enable LOPD success

Through Partnerships we create allies to share ideas, promote change, and support mutual efforts

Through Volunteerism, we help build a more cohesive, safer, stronger community

- Dep. Chief of Operations and DDs promote and encourage individual engagement such as attending community and charity events, volunteerism
- Become a mentor to the next generation

Professional Development and Training

LOPD is committed to the pursuit of creating a culture of excellence by investing in the development of employees. Through effective training and supervision, LOPD will be a place where employees can thrive and grow throughout their career at LOPD. Employees will have opportunities for advancement within the department, and clear guidance on how to achieve it. Because LOPD is a place where people want to be, we will be able to retain a talented and diverse workforce to better serve and represent our clients.

Employee Development Through Performance Evaluations and Training

- Executive and Local Leadership use performance evaluations to clearly communicate expectations to employees and identify objectives and goals that include ownership and accountability so they can perform their duties accordingly and achieve professional advancement.
- Local Leadership identifies areas of training for employees through shadowing, evaluations, and discussions, and follow through with in-person and virtual trainings.
- Local Leadership coordinates across offices to provide employees opportunities to shadow and mentor other employees, including in other divisions and offices, to cross-train duties to enable future advancement.

Effective Leadership Training to Promote Employee Success

- Motivate and engage employees through team building while recognizing and rewarding individual contributions, and foster a work environment where employees take accountability and ownership of their work and contributions.
- Training and Recruitment and Human Resources, in conjunction with State Personnel Office trainings, develop leadership trainings for supervisors and for employees interested in pursuing leadership roles.
- Executive and Local Leadership, with Training and Recruitment, leverage the institutional knowledge of existing leaders in order to develop and implement a plan for training supervisors.

Develop Career Paths for Employees

- Leadership work with employees to identify desirable career paths based on job classifications, educational requirements and individual interests.
- Supervisors meet with employees between evaluations to revisit these identified paths to discuss, promote, and further employee objectives.
- Executive Leadership and Human Resources develop an incentive program to recognize individual professional development advances including administrative leave, certifications and certificates of completion.

Professional Development and Training

Recruitment and Retention through Incentives and Professional Development

- Human Resources and supervisors who lead the onboarding process identify and communicate benefits and incentives to potential and new employees that promote employment at LOPD, including parental leave.
- The Executive Leadership will review the current physical fitness leave policy that allows for flex time and consider implementing two hours of paid leave per week for physical fitness.
- Executive Leadership and Human Resources create tiers for core staff that provide a path forward for promotion and identify professional development training opportunities for positions where tiers are not feasible.
- Leadership promotes wellness through training and incentives.

Holistic Defense

Center clients in a team approach to meet their criminal legal needs and connect them with community services to achieve the best possible outcome.

Leadership and all employees seek a greater understanding of holistic defense, including:

- Circumstances like poverty, homelessness, and mental illness drive people into the criminal justice system
- Attorneys are not trained or equipped to address the clients needs outside of their criminal case
- Client centered: Getting clients and non-attorney team members integrated into the case strategy ensures a more comprehensive perspective leading to better long-term outcomes
- Long-term payoff: Stabilizing communities and reducing system involvement reduces crime rates statewide

Clients are integrated early into defense strategy

- Establish reliable communication with client: use whatever tools your client has, like email and text to talk and to notify them of important dates
- Share with clients or make available all relevant documents filed in their case to help keep them engaged throughout the duration of their case
- Determine investigative needs early in the case and take steps necessary to preserve evidence



Holistic Defense

•**Information Technology (IT):** Explore the option of secure statewide access to essential litigation services to reduce delays in securing critical defense tools, improve communication as we seek to reduce incarceration time for clients

•**Appeals:** Improve access to appellate consultations at trial stage to facilitate preserving appellate issues and raising them in the docketing statement

•**Habeas/Post-conviction:** Engage social workers to access community resources for parolees who cannot be released from prison without approved housing

•**Media/Communications:** Inform the public of the outstanding work done throughout the State by showing the public LOPD's record of holding the DA's to their burden as well as when cases have been overturned on appeal

•**Training & Recruiting:** Create a pathway to recruitment for all areas of the state that better incentivizes services to underserved communities throughout New Mexico

•**Human Resources:** Minimize employment vacancies to reduce the gap in client services and improve client outcomes

•**Social Workers:** Early integration of social workers and case workers to assess client's needs and connect them with services to facilitate stabilization and reduce both incarceration and prevent recidivism

•**Fiscal:** Actively recruit and qualify wide-ranging experts for the vendor list ensuring their availability for holistic defense. Streamline administrative processes for litigation support services. Advocate for competitive rates for contractors, including contract counsel

•**Contract Services:** Provide clients with local contract attorneys to facilitate attorney-client communication and improve case outcomes by ensuring that attorneys are both qualified and able to effectively work in the areas of the State where they have agreed to take cases

