



State of Montana
Office of the State Public Defender

Agency IT Plan
Fiscal Year 2014-2019

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1. Executive Summary

The mission of the Office of the State Public Defender (OPD) is to ensure that indigent persons charged with crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense will receive timely, competent and vigorous representation by an attorney at public expense. Its operating statute is in Title 47.

The agency's organizational structure is included as part of the agency Strategic Plan that is enclosed with this document. The Montana Public Defender Commission provides high-level supervision and direction for the statewide system. The members of the commission are nominated by certain interest groups and appointed by the Governor. The commission is responsible to establish statewide legal practice standards for attorneys providing public and appellate defender services and sets caseload and performance standards.

There are three programs under the commission's supervision: the Public Defender Program provides defender services at the trial level (Program 1); the Appellate Defender Program provides appellate defender services for the Supreme Court (Program 2); and the Conflict Coordinator Program provides both defender and appellate services for conflict situations (Program 3). There is a central services group that provides administrative services to all three programs and to the commission. The commission and central services are included in Program 1 for organizational purposes. The Chief Public Defender as manager of Program 1 oversees all non-client services provided to the commission and all three programs. Therefore, the Chief Public Defender is owner of the IT Strategic Plan for OPD.

The commission has a Strategic Planning Committee. The committee periodically reviews the goals and objectives that help guide the agency as it seeks to fulfil its mission and develops recommendations for the commission's approval. The committee also reviews the agency's organizational structure as part of the strategic planning process. The committee then presents the draft Strategic Plan for review and adoption by the full commission. The most current plan was approved by the commission in December 2012.

The agency provides legal services to clients that appear in all Montana district courts and courts of limited jurisdiction. Program 1 is organized into 11 regions that serve all 56 district courts and over 150 courts of limited jurisdiction. Each region has a regional office and some have satellite offices. The program serves:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court

The Appellate Defender Program provides appellate services to individuals in criminal, dependent neglect, involuntary commitment and juvenile matters.

OPD operates as multiple criminal defense law firms with central oversight of the statewide system. As such, the statewide agency has some unique technical and IT-based challenges. Currently OPD has six file servers at remote offices that serve file shares to users working physically in those offices. While this is a convenient solution for local file access at these office locations, it also has created a set of unique challenges based on the existing network and application topology. Additionally, the agency must protect private and privileged information while at the same time safeguarding the work product of its staff and

attorneys. While OPD is not a criminal justice agency, it operates within a criminal justice environment that requires collaboration between OPD and criminal justice agencies. Some of the agency's unique challenges are as follows:

- There are personnel and funding challenges to structure, manage, and operate an adequate Information Security Management (ISM) program to address the constant change in technology and associated security requirements.

2. Environment, Success, and Capabilities

The mission of OPD is to provide effective assistance of counsel to indigent persons accused of crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense. The constitutions of the United States and the State of Montana guarantee the right to counsel where fundamental liberty interests are at stake. In Montana, minors have the same right to counsel as adults.

OPD was formed in 2006 as a result of the Montana Public Defender Act. Since its inception, the agency has been under much scrutiny by the Legislature, American Civil Liberties Union (ACLU), and other members of the criminal justice system. OPD has been plagued by underfunding and high employee turnover in recent years.

Chief Public Defender William Hooks filed a motion in the Helena courts of limited jurisdiction in September, 2013 to cease appointing public defenders to new cases due to overwhelming attorney caseloads and inadequate resources. Although the situation in Helena was the most critical, offices statewide were experiencing the same pressures.

In such situations, it is imperative that intelligent and strategic information technology investments be undertaken to make the workforce and operations more efficient and effective. A current goal in the OPD business strategy is *“Develop, monitor and adjust information systems, processes, and policies and procedures as necessary to assure accurate and verifiable information is available to manage the agency, including but not limited to caseloads, case dispositions, attorney workload, and other operational information.”*

Technology strategic planning must be based on the needs, goals, and business drivers of the Public Defender Commission and OPD management. The most applicable business driver to our agency, as identified in the State IT Strategic Plan, is effective government. Effectiveness is the ability to produce better quality outcomes or higher value. IT can support this goal in two ways. First, by delivering value to state employees and programs. A \$100,000 IT investment that saves a state agency \$200,000 in personnel time or expenditures, or delivers \$200,000 in citizen benefits, would make the state more effective.

Second, state IT organizations can reduce their own internal IT costs; reducing them to minimum levels while maintaining high quality service. The state's objective is more effective government through both paths.

State Objectives

<p>Education Increase post-secondary education levels</p>
<p>Jobs Increase employment and compensation levels</p>
<p>Efficient and Effective Government Minimize government expenditures and increase the value and impact of state delivered services</p>



OPD Business Requirements

<p>Maintain and improve a statewide public defender system</p>
<p>Ensure the system is free from undue political interference and conflicts of interest</p>
<p>Ensure that public defender services are delivered by qualified and competent counsel</p>
<p>Ensure the system utilizes state employees, contracted services, or other methods to provide services respective of regional and community needs and interests</p>
<p>Advocate for adequate funding of the public defender system</p>
<p>Advocate for parity in pay and resources with other state agencies</p>
<p>Ensure uniformity and consistency in the administration of the system and case management program</p>

3. IT Contributions and Strategies

The agency's IT goals and objectives appear at the end of this section. However, we begin the discussion by noting the agency's overall goals and objectives and related strategies. Although these are broad, the underlying key is that most require information and the use of hardware and software to make the agency successful in their implementation.

PUBLIC DEFENDER PROGRAM (PROGRAM 1) GOALS AND OBJECTIVES

GOAL 1: Maintain and improve a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense.

OBJECTIVE: Monitor the existing public defender system to assure that it provides high quality services at a reasonable cost.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the public defender system is not subject to unwarranted judicial supervision.

GOAL 3: Ensure that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

OBJECTIVE: Staff and support the agency's training function.

OBJECTIVE: Develop and monitor FTE evaluations and contractor proficiency determinations.

GOAL 4: Ensure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests.

OBJECTIVE: Assure that the main focus of the agency is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

GOAL 5: Advocate for adequate funding of the statewide public defender system.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the public defender system to the Commission, all branches of state government, and other interested parties.

GOAL 6: Ensure that clients of the statewide public defender system pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the prosecution.

OBJECTIVE: The agency will communicate information related to disparity in pay and resources with prosecutors to the Commission, all branches of state government, and other interested parties.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide system and the case management program.

The commission approved the following strategies for the Public Defender Program (Program 1):

1. Defined the boundaries of 11 regions to be managed by regional deputy public defenders
2. Directed that the program have a staffed office in all regions to provide services and oversight
3. The program may add or remove other offices as necessary to meet its mission
4. The program may serve its clients via a state-hired workforce and/or contractors
5. The program includes a central office/centralized services group that services the commission and all programs

APPELLATE DEFENDER PROGRAM (PROGRAM 2) GOALS AND OBJECTIVES

GOAL 1: Maintain and improve a statewide appellate defender office (Office) to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel during the appeals process at public expense.

OBJECTIVE: Monitor the existing Office to assure that it provides high quality services at a reasonable cost.

GOAL 2: Ensure that the Office is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the Office is not subject to unwarranted judicial supervision.

GOAL 3: Monitor that appellate defender services are delivered by qualified and competent counsel.

OBJECTIVE: Support the agency's training function.

GOAL 4: Ensure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

OBJECTIVE: Ensure that the main focus of the Office is to provide the best client service. Ensure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

GOAL 5: Advocate for adequate funding for the Office.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the Office to the Commission, all branches of state government, and other interested parties.

GOAL 6: Ensure that clients of the Office pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the Attorney General's office.

OBJECTIVE: The Office will communicate information related to disparity in pay and resources to the Commission, all branches of state government, and other interested parties.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide appellate defender system and its case management program.

The commission approved the following strategies for the appellate defender program:

1. The program works with the Supreme Court and must be located in Helena
2. The program may serve its clients via a state-hired workforce and/or contractors

4. IT Principles

IT principles govern the decisions and operations of the state's IT community. They provide touch points and guidelines to ensure that correct decisions are being made; decisions that will provide the greatest value to Montana's citizens. The majority of Montana's IT principles have their roots in Montana's Information Technology Act (MITA) and the principals outlined in Montana's State Strategic Plan for IT 2014.

- Resources and funding will be allocated to the IT projects that contribute the greatest net value and benefit to Montana stakeholders.
- Unwarranted duplication will be minimized by sharing data, IT infrastructure, systems, applications and IT services.
- Montana will use shared inter-state systems to minimize IT expenditures, improve service delivery and accelerate service implementation.
- IT will be used to provide educational opportunities, create quality jobs, a favorable business climate, improve government, protect individual privacy and protect the privacy of IT information.
- IT resources will be used in an organized, deliberative and cost-effective manner.
- IT systems will provide delivery channels that allow citizens to determine when, where, and how they interact with state agencies.
- Mitigation of risks is a priority for protecting individual privacy and the privacy of IT systems information.

5. IT Governance

OPD is involved in several of the State's governance structures/groups including the Information Technology Managers Council (ITMC), Information Security Managers Group (ISMG), and Network Managers Group (NMG). Many of our IT decisions are guided by decisions made by these groups at the enterprise level. OPD's involvement in these groups is our avenue to express our interests and concerns in the enterprise.

OPD-specific issues are presented to the OPD Change Committee. This group provides a governance structure to assess, discuss and share the business and technical impacts of major changes to OPD business practices and technology services. Changes presented to this group are those with significant financial or service impact and changes to business processes where technology is involved. The group is comprised of various stakeholders including the Chief Public Defender, Chief Appellate Defender, Conflict Coordinator, Administrative Director, IT Supervisor, Accounting, and Attorney/Staff representatives.

6. IT Financial Management

OPD IT funding is primarily funded through State Information Technology Services Division (SITSD) as an 'attached-to' agency of the Department of Administration (DOA). The bulk of OPD IT expenditures are for application/server hosting and data/voice network services provided by SITSD. OPD works with SITSD to budget for these services during the biennial budgeting process.

Other significant expenditures not provided by SITSD include support/maintenance of the case management system, telecom service, and collect call charges from correctional facilities. The funding for these expenditures is in our base budget.

OPD's equipment replacement (PCs, servers, printers, and copiers) expenditures are not included in the base budget. Every biennium OPD submits a decision package to request funding for the equipment replacement cycle. Historically, the equipment replacement funding request is denied and we are forced to find funding in other areas of the OPD budget.

7. IT Services and Processes

OPD's primary service strategy is to provide technology that increases the effectiveness and efficiency of our employees. Providing more effective and efficient business processes allows our employees to focus on providing competent and vigorous legal representation to the citizens of the State of Montana.

Case Management - OPD's Case Management System (CMS) is the primary application used by all employees. All case and client-related information is maintained in this system. The CMS is also used to track attorney time spent on each case. It also provides document automation/generation that makes our employees more efficient. The CMS is the primary data/information source used to report to the Public Defender Commission, Legislature and Governor's Office. The information contained in the system is a critical component in making management, operational, and budgetary decisions.

File Servers - OPD hosts several file servers throughout the state for electronic file storage and sharing. Server locations include Missoula, Hamilton, Kalispell, Great Falls, Helena (in the Data Center), Bozeman, and Billings. The servers also provide connectivity to the CMS.

Training - OPD uses a training application called Moodle. All FTE and contract attorneys are required to verify their understanding of the OPD Practice Standards on a regular basis using the online tool, which also includes a training component.

Desktop/Application Support – The OPD IT staff provide technical support to all employees. They also maintain all PCs, copiers, scanners, and other miscellaneous hardware. One of the tools used to maintain the equipment is Microsoft’s Systems Center Configuration Manager (SCCM), which allows IT staff to build PCs, maintain antivirus software, deploy software and updates, and manage inventory functions.

8. IT Infrastructure, Staffing and Resources

Infrastructure

OPD has 17 physical offices throughout the State of Montana. All offices are connected to the backbone of Montana’s IT infrastructure, SummitNet. All but one of OPD’s offices utilize slower “Wide Area Network” (WAN) connections varying in speeds from 1.5Mb/s to 10Mb/s. The slower WAN connections do pose challenges with the speed and usability of the case management system and other network resources located in Helena. OPD also has wireless connectivity in the larger offices (Missoula, Kalispell, Great Falls, Helena, Butte, Bozeman, and Billings).

OPD has four SummitNet Video (SVN) sites located in Missoula, Billings, Glendive, and Miles City. The video sites are used as a means to reduce the amount of travel required by our employees and allows them to appear in remote courts. We also have the ability to use the Microsoft Lync and Polycom Desktop software for video appearances at non-SVN sites.

Staffing

OPD has four FTE IT staff geographically dispersed throughout the state to provide services to the 17 offices and approximately 230 OPD FTE. There are two Network Administrators and two Computer Systems Analyst positions. One of the Computer Systems Analysts is the IT department supervisor. He reports to the Administrative Director, who in turn reports to the Chief Public Defender.

Vendor Partners and Resources

OPD’s primary IT service vendor is SITSD, who provides virtual servers, database management, storage, and network connection services. OPD also works closely with New Dawn Technologies for support and maintenance of the case management system.

9. Risks and Issues

Primary Risk	Probability	Impact	Mitigation Strategy
Staff retention	Medium	Medium	Several OPD IT Staff have been reclassified into a higher pay band, however their compensation has not been adjusted. This may lead to turnover and employee morale issues if not remedied. The agency's commission and management have committed to work on salary adjustments as a top priority in the next budget cycle.
Security breach	Medium	High	OPD <u>does not</u> have a fully developed security program that is compliant with State requirements. Currently OPD provides security awareness training to its employees, encrypts data on PCs, and maintains antivirus software on PCs. OPD will continue to seek funds and resources to further develop its Information Security Program.
Disaster Recovery	Low	Medium	OPD's remote office servers do not have off-site backups in place. We plan to mitigate the risk by only having non-mission critical data stored on these servers. All mission critical data will be stored on SITSD storage that includes disaster recovery services.
Continuity of Operations	Low	Medium	OPD has worked with DOA on an agency continuity plan, however that plan does not address electronic records or information technology resources. Our mission critical case management system is hosted by ITSD and includes disaster recovery services.
Duplication of Effort	High	High	OPD currently manually enters all information into the case management system even though this same information is already entered into the courts' and prosecutors' systems. OPD will attempt to continue working on an information sharing initiative with the courts and prosecution while maintaining independence.
Electronic Records Management (ERM)	High	Medium	OPD does not currently have any policy or governance around ERM. We do have a good structure for physical documents, however the electronic data is not being managed or destroyed per OPD's file retention policy.

10. IT Goals and Objectives

AGENCY INFORMATION TECHNOLOGY GOALS AND OBJECTIVES

Goal Number 1:

IT Goal 1 Improve our existing Information Technology network and application topology

Description: Our goal is to provide the highest quality technology-based services in the most cost-effective manner, and to facilitate OPD's mission through IT support of training, management and reporting. Most importantly, applied technology should support outstanding legal services to our client base.

Benefits: Better use of technology reflects increased cost effectiveness by streamlining and automating business processes. Additionally, we aim to increase productivity, enabling our staff to focus on the mission of our agency.

Supporting Objective/Action

Objective 1-1 Implement Enhanced Security

This objective is a multi-faceted effort to meet developing security needs of OPD and ITSD-mandated security requirements. The objective involves participation on the security advisory council, development of comprehensive user security awareness and audit programs, the implementation of measures to comply with the ITSD policy on sensitive data on portable devices, and planning efforts to comply with the Enterprise Information System Security Policy that is being developed by ITSD. We are challenged with a lack of FTE to effectively achieve this objective. OPD has started implementing an end user awareness training program. The Information Security Manager is participating on the ISMG (Information Security Managers Group) to assist in developing the State's "minimum" security program requirements. Once this process is complete, OPD will begin to implement the program as best it can with the limited resources available.

Benefits: Successful completion of this objective will result in enhanced security capabilities of OPD, meeting ITSD-mandated state standards on security, improved enterprise security, and compliance with federal mandates (NIST Standards) to secure data, encryption of sensitive data and destruction of privacy information on a timely basis.

Risks: The main risk associated with not achieving this objective is the potential for sensitive agency information to fall into inappropriate hands, internal or external, so as to damage the agency's ability to serve its mission. A lack of funding to implement the systems necessary to protect information resources, including the appropriate level of contracted services and OPD staff to ensure training, auditing and security system implementation could cause the agency to be unsuccessful in attaining this goal.

Objective: This objective supports the agency IT goal by enhancing information security through

a comprehensive security program.

Timeframe: The timeframe for completion of this objective is unknown.

Critical success factors: Training and funding available to increase user awareness of security requirements, ability to audit and protect the use of sensitive information, and increased compliance with state and federal security standards.

Goal Number 2:

IT Goal 2 Utilize our existing technology to better improve business operations of the Office of the State Public Defender

Description: This goal is to fully utilize the current technology of OPD to improve business operations, efficiency, and better serve those who qualify for our services.

Benefits: This goal provides automated tools to the staff of OPD that will improve the quality, integrity, and timeliness of information resources (briefs, video and reports) that are necessary to accomplish the mission of the agency in a cost effective and timely manner. It will also significantly improve operating efficiency of our attorneys and staff.

Goal Number 3:

IT Goal 3 Ensure Continued Operations

Description: This goal is to position OPD to recover from any catastrophic loss of computing services and to ensure that OPD's computing infrastructure is available to its employees on a continuous basis.

Benefits: Continued operation of a critical state service and continued productivity of OPD staff.

State strategic goal(s) and/or objectives(s) addressed: This goal supports the State IT Strategic Plan by ensuring continued operation of government as outlined in section 3 (Agency Required Programs) of this document.

Supporting Objective/Action

Objective 3-1 Develop and Implement OPD Disaster Recovery Plan

OPD is a critical partner in the criminal justice system and must ensure that its services are available on a continuous basis to meet the needs of our clients. OPD is also part of the state's Continuity of Operations project. The agency must assure that it is prepared to deal with the effects of a disaster and to be ready to reinstitute operations in a timely manner to continue to provide services to meet its mission.

Benefits: The ability to ensure continuous operation of OPD services is critical to satisfying Constitutional and legal requirements of state law.

Risks: The risk of this objective is the lack of funding to implement a comprehensive plan to

prevent the loss of data and services.

Objectives: The objective supports the agency IT goal by providing an organized, deliberative and cost-effective method of ensuring the continued operation of critical OPD IT applications and services.

Timeframe: The timeframe for implementation of this objective is ongoing.

Critical success factors: The critical success factors associated with this objective are OPD management commitment to the objective, adequate resources to create and maintain the plan, and successful deployment of necessary resources to statewide offices.

Supporting Objective/Action

Objective 3-2 Develop and Implement Off-Site Backup Solution

OPD presently owns six servers. We have examined our needs, and anticipate centralizing data backup to the State Data Center for our remote offices. Currently, some servers are not located in secured areas. The back-ups for these servers are not stored off-site. The solution OPD is considering to accomplish a centralized off-site backup is ITSD's backup service.

Benefits: The benefits to be derived from the successful completion of this objective are better management of applications and data, the archiving of older material, and the evolution towards a single, centrally-managed information backup. The consolidated central management of data will also allow a copy of data to be stored off-site to ensure continuity of operations in case of a disaster.

Risks: The primary risk associated with this objective is the inability to restore operations in the event of a disaster and significant loss of data.

Objectives: This objective supports the agency IT goal by allowing better management of data resources and the ability to accomplish continuity planning and disaster recovery.

Timeframe: The timeframe for implementation of this objective is ongoing.

Critical success factors: Support and buy-in from management, stakeholders, and Network Administrators.

11. IT Projects

N/A

12. Security and Business Continuity Programs

OPD has *a plan to implement* a department-wide (agency) information security management program compliant with §2-15-114, MCA and State Information Technology Systems Division *Information Security Programs* policy. This is in alignment with the State Information Technology Service's direction for an enterprise approach to protect sensitive and critical information being housed and shared on State and/or external/commercial information assets or systems. Integration of these programs is critical to the confidentiality, integrity, and availability of information which is associated with each program.

As described in NIST SP 800-39, the agency has *a plan to develop and adopt* the Information Risk Management Strategy to guide the agency through information security lifecycle architecture with application of risk management. This structure provides a programmatic approach to reducing the level of risk to an acceptable level, while ensuring legal and regulatory mandates are met in accordance with MCA §2-15-114.

The agency's program will have four components, which interact with each other in a continuous improvement cycle. They are as follows:

- Risk Frame – Establishes the context for making risk-based decisions
- Risk Assessment – Addresses how the agency will assess risk within the context of the risk frame; identifying threats, harm, impact, vulnerabilities and likelihood of occurrence
- Risk Response – Addresses how the agency responds to risk once the level of risk is determined based on the results of the risk assessment; e.g., avoid, mitigate, accept risk, share or transfer
- Risk Monitoring – Addresses how the agency monitors risk over time; “Are we achieving desired outcomes?”

The agency's information security management program is challenged with limited resources; manpower and funding. While alternatives are reviewed and mitigation efforts are implemented the level of acceptable risk is constantly challenged by the ever changing technology and associated risks from growing attacks and social structure changes. During implementation of the information security management plan, we will identify vulnerabilities, sensitivity, and weaknesses which require restructure, new equipment, or personnel positions (funds increase) to appropriately mitigate the associated risk.

Continuity of Operations (COOP) Capability Program Description:

In 2009, OPD joined with the Department of Administration *Continuity Division* for the development of a continuity plan for operations and government which when complete will provide the record and structure that will facilitate disaster recovery capability with minimal and acceptable timelines for continued operations and services. The completion date of the program is unknown as OPD is working in conjunction with DOA. This program is not a standalone process in that information which is identified and recorded under this structure can and often exists in the Records Management Program and associates with Information Security Management Program requirements.

13. Planned IT Expenditures

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
IT personal services	279,000	290,200	337,000	337,000	337,000	337,000
IT operating expenses	640,000	640,000	640,000	640,000	640,000	640,000
IT initiatives	0	0	100,000	0	0	0
Other	50,000	67,000	66,000	68,000	67,000	67,000
Total	969,000	997,200	1,143,000	1,045,000	1,044,000	1,044,000

14. Administrative Information

IT strategy and plan owner: Name: William Hooks, Chief Public Defender
Phone: (406) 496-6082
Email: WHooks@mt.gov

IT contact: Name: Kyle Belcher, Computer Systems Analyst
Phone: (406) 770-3218
Email: KBelcher@mt.gov

Alternate IT contact: Name: Harry Freebourn, Administrative Director
Phone: (406) 496-6084
Email: HFreebourn@mt.gov

Information Security Manager: Name: Kyle Belcher, Computer Systems Analyst
Phone: (406) 770-3218
Email: KBelcher@mt.gov