

MINNESOTA BOARD OF PUBLIC DEFENSE INVESTIGATION

INITIAL SURVEY FINDINGS

Teamsters Local 320, which represents over 700 frontline BoPD employees, is concerned that BoPD Board Members and Leadership have abdicated their constitutional and statutory responsibility to protect all indigent criminal defendants' right to meaningful and adequate legal representation and are failing to meet the BoPD's own best practices for quality representation. As part of our ongoing assessment of the BoPD, Teamsters Local 320 is releasing preliminary survey results to members before the Minnesota House of Representatives Judiciary Finance and Policy Committee holds a hearing on January 11, 2022 at 1:00pm on working conditions at BoPD.

To date, over 300 BoPD employees, indigent clients, County Attorney employees, and Judicial Branch employees have completed the survey. Of the BoPD employees who responded, 97 are frontline public defenders, 76 are support staff, and 5 are supervisors/management. We believe the initial findings highlighted below provide interested stakeholders with an unprecedented look inside the state's criminal justice system.

If you haven't taken the survey yet, please do so at the link below.

KEY TAKEAWAYS

- **70%** of BoPD attorney respondents report that BoPD leadership and managers have created working conditions that make it hard or impossible to meet ethical standards under the State of Minnesota's Rules of Professional Conduct.
- **71%** of BoPD support staff respondents report that BoPD leadership and managers have created working conditions that make it hard or impossible to provide quality services to indigent clients and to support the work of staff attorneys.
- **84%** of BoPD attorneys and support staff respondents strongly agree or agree that BoPD leadership's failure to adequately support frontline staff and meet the BoPD's own recommended best practices for quality representation has led to extraordinarily high caseloads, which consistently prevents frontline staff from being able to provide quality criminal defense services on each case.

BOPD ATTORNEYS WHO COMPLETED THE SURVEY REPORTED THESE CONSTITUTIONAL AND STATUTORY DEFICIENCIES:

- **80%** report that indigent clients are frequently or very frequently subjected to unnecessary or prolonged pre-trial detention.
- **61%** report that the BoPD either does not have a conflict system in place to identify potential conflicts of interest for all attorneys prior to case assignment (41%) or they do not know if BoPD has such a conflict system in place (20%).
- **59%** report that BoPD leadership and managers acting on behalf of BoPD frequently or very frequently create working conditions that prevent attorneys from being able to conduct timely investigations and hire needed experts.

BOPD ATTORNEYS WHO COMPLETED THE SURVEY REPORTED THESE BOPD BEST PRACTICES DEFICIENCIES:

BoPD attorneys report that due to high caseloads and insufficient support from leadership, they and their staff do not have sufficient time to:

- Communicate with all in-custody clients within 72 hours of being appointed or before their next court

date, whichever is earlier: **81%**;

- Communicate with all out-of-custody clients no later than 10 days after their initial appointment with clients, or before their next court date, whichever is earlier: **78%**;
- Allow clients in all cases to ask all the questions they have before their court appearances: **64%**;
- Make arrangements in all cases for clients to view the discovery that is in digital format: **81%**;
- Return calls relating to clients' cases within 24 hours, even if there is "nothing new to report": **73%**;
- Take proper notes in all cases and update all client files with these notes: **69%**;
- Visit clients in jail regularly, even if nothing is new: **81%**;
- Read, listen, and watch all discovery for all cases: **75%**;
- Ensure they have received all of the evidence the state has against clients and determine missing discovery: **67%**;
- Check for video and send investigators out to get any video that the police do not have: **81%**; and
- Get police discipline records: **80%**.

NEXT STEPS

Take the survey:

<https://www.surveymonkey.com/r/TeamstersMNBPD>



IDENTIFYING CASES

If you are aware of case(s) in which a client's right to adequate representation was violated due to the working conditions created by BoPD leadership or management, please contact Gus Froemke, Teamsters Local 320 Communications and Legislative Director, at 612-378-8732.