



June 15, 2022

The Honorable David Wallace, Co-Chairperson
The Honorable David Hillman, Co-Chairperson
Uniform Personnel Classification and
Compensation Plan Subcommittee
Joint Budget Committee
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Senator Wallace and Representative Hillman:

The Office of Personnel Management (OPM) submits a request from the Arkansas Public Defender Commission for your review.

The Arkansas Public Defender Commission (APDC) is requesting two (2) positions from the OPM Growth Pool established by Ark. Code Ann. §21-5-225 along with the establishment of two (2) new classifications. The classifications requested are listed below:

CLASSIFICATIONS REQUESTED

<u>CLASS CODE</u>	<u>TITLE</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
NEW	APDC Management Associate	SE01	\$108,110 - \$147,200
NEW	APDC Chief Capital Investigator	GS10	\$56,039 - \$81,256

JUSTIFICATION

The Arkansas Public Defender Commission is requesting the above positions in order to meet the needs of the agency. The APDC consists of over 300 employees spread throughout all 75 counties within the state and since the establishment of the APDC in 1998, all APDC functions have been overseen by the APDC Executive Director. Throughout the years, the demands of the criminal justice system have become greater and the addition of the APDC Management Associate position would greatly benefit the APDC. If approved, the APDC Management Associate position will report directly to the APDC Executive Director. This position will be responsible for overseeing the implementation of procedures meant to expedite the disposition of cases that public defenders are appointed, assisting with requests from the Governor's Office, legislators

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and judges, and monitoring cases throughout the state in order to identify any areas that may encounter issues.

The APDC is responsible for representing clients charged with serious crimes including capital murder. Currently, eight employees handle these specialized cases for the entire state. Over the past two years violent crimes have increased and this has resulted in case loads exceeding the range recommended by the American Bar Association. If approved, the requested Chief Capital Investigator position will be responsible for managing a full capital caseload of death penalty cases and providing supervision and training to investigators within the APDC. The estimated cost for this growth pool request is \$201,903, including matching, and the department has current funding for this action.

After review of the request, the Office of Personnel Management **recommends** the approval of two (2) growth pool positions along with the establishment of the two (2) new classifications listed above.

Your consideration of this request is greatly appreciated.

Sincerely,



Kay Barnhill, Director
Office of Personnel Management



SECRETARY OF TRANSFORMATION & SHARED SERVICES

06/03/2022
DATE

KB/ca:1-2

Arkansas Public Defender Commission

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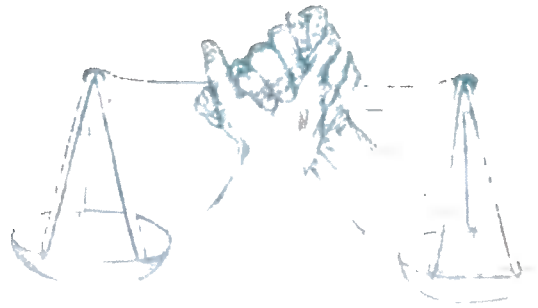
Capital, Conflicts Attorneys

Jacqueline R. Wright
Christopher Nebben
Andrea C. Stokes
T. Scott Brisendine
Charlotte A. Bogan
Adam Jeffrey Chandler
Brennan Dunham
David R. Raupp
Tina Bowers Lee

Executive Director GREGG E. PARRISH

Appellate Attorney

Teri L. Chambers



May 25, 2022

Ms. Kay Barnhill
State Personnel Administrator
501 Woodlane Ave.
Suite 205
Little Rock, AR 72201

RE: Growth Pool position request

Dear Ms. Barnhill:

The Arkansas Public Defender Commission (APDC) respectfully requests utilization of the Growth Pool maintained by the Office of Personnel Management for the State of Arkansas. On behalf of the APDC, I make the following request:

Position Number	Class Code	Grade	Title	Salary	Fringe	Health
New		GS10	Chief Capital Investigator	\$56,039 - \$81,257	\$12,889	\$6,000

One of the many duties the APDC is charged to perform is representing clients charged with the most serious of crimes, namely Capital Murder, for which the death penalty is a possible sentence. By Arkansas law, and in compliance with federal law as well as the American Bar Association requirements, an investigator must be assigned to these cases, and a failure of defense counsel "...to investigate and present substantial mitigating evidence during the sentencing phase of a capital-murder trial can constitute ineffective assistance of counsel". *Wiggins v. Smith*, 539 U.S. 510 (2003). Currently, the APDC has eight (8) capital investigator positions. These positions are responsible for covering all 75 counties within our state.

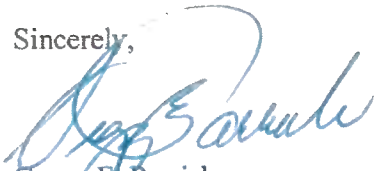
During the past twenty-four months, the rise in violent crime has befallen our country, and Arkansas has not been an exception. Our capital investigators are carrying a caseload which exceeds the range recommended by the American Bar Association. As if the number of cases

alone were not a problem, they range from Texarkana to Harrison, and West Helena to Mena. Our general crime investigators are likewise facing the same issue, but on a much larger scale. In central and northwest Arkansas, the APDC is reliant (and appreciative) on the counties to provide additional investigative services. Fortunately, there is finality in those cases whereas with capital litigation, it carries on for decades.

The duties of the Chief Capital Investigator will include carrying a full capital caseload of death penalty cases, supervision, and training other investigators of the APDC. An extensive law enforcement background with experience investigating violent crimes will be a must, as well a knowledge of/and training in areas such as crime scene investigations, social media exploration, blood spatter evidence, photography, videography, cell phone data and evidence collection. Extensive, overnight travel will be required which will only add to the difficulties of this position. This addition will not only benefit the agency, but also the limited number of employees presently performing our investigations who are greatly overworked.

Thank you very much for considering recommendation of this request. As always, I am available for any questions or additional information which may be needed.

Sincerely,



Gregg E. Parrish
Executive Director
Arkansas Public Defender Commission

CLASS TITLE: APDC Chief Capital Investigator

GRADE: GS10

SALARY: \$56,039 - \$81,257

CLASS CODE: TBA

CLASS SUMMARY

The Arkansas Public Defender Commission (APDC) Chief Capital Investigator is responsible for supervising, training, and overseeing the work of other investigators and/or support staff as needed.

TYPICAL FUNCTIONS

Supervises a medium professional staff by interviewing, recommending for hire, training, counseling, approving leave, and evaluating the performance of incumbents. Evaluates and implements investigation goals, objectives, policies, and procedures and develops systems and standards for program evaluation to ensure activities are in compliance with all laws, policies, regulations, and goals. Supervises and participates in major investigations, while maintaining a full capital caseload. Guides and assists investigative staff by providing coaching, counseling, and professional assistance on case processing, investigative skills, and professional responsibilities. Research law from statutes, recorded judicial decisions, legal articles, treatises, codes, and Constitutions. Prepares legal memos, briefs, motions, and other pleadings for review, approval, and use by attorneys. Responsible for file gathering, organizing, and distribution of legal documents in the appropriate courts. Prepares jury instructions for trial as needed. Attends and participates in staff meetings, conferences, and seminars, in order to stay abreast of trends, legislation, and case law. Confers with prosecuting and defense attorneys, judges, and other court officials, law enforcement, and correctional officers, and other involved parties, to obtain information relevant to defending a client. Frequent in-state travel is required. Performs other duties as assigned.

KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge of supervisory practices and procedures. Knowledge of the methods and techniques of crime scene investigation, social media exploration, photography, videography, cell phone data, and evidence collection. Knowledge of the rules of evidence and court procedures. Knowledge of the defense of capital cases, including relevant U.S. Supreme Court opinions and case law, the use of expert witnesses, and the use of mitigation specialists. Ability to prepare appellate briefs and pleadings. Ability to research, analyze, interpret, and apply legislation and case-related information. Ability to collect facts, analyze document findings, and prepare written information and reports. Ability to coordinate various activities of subordinates.

MINIMUM QUALIFICATIONS

The formal education equivalent of a bachelor's degree in political science, criminal justice, public administration, general business, fact-finding, mediation, law enforcement methodologies or related fields; plus, ten years of experience in the field of criminal defense and legal research including five years in a professional managerial capacity.

Additional requirements determined by the agency for recruiting purposes require review and approval by the Office of Personnel Management.

OTHER JOB RELATED EDUCATION AND/OR EXPERIENCE MAY BE SUBSTITUTED FOR ALL OR PART OF THESE BASIC REQUIREMENTS, EXCEPT FOR CERTIFICATION OR LICENSURE REQUIREMENTS, UPON APPROVAL OF THE QUALIFICATIONS REVIEW COMMITTEE.

Arkansas Public Defender Commission

Capital, Conflicts Attorneys

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May 25, 2022

Ms. Kay Barnhill
State Personnel Administrator
501 Woodlane Ave.
Suite 205
Little Rock, AR 72201

RE: Growth Pool position request

Dear Ms. Barnhill:

The Arkansas Public Defender Commission (APDC) respectfully requests utilization of the Growth Pool maintained by the Office of Personnel Management for the State of Arkansas. On behalf of the APDC, I make the following request:

Position Number	Class Code	Grade	Title	Salary	Fringe	Health
New		SE01	APDC Management Associate	\$108,110- \$147,200	\$24,865	\$6,000

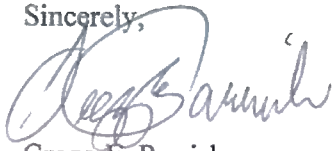
The APDC employs over 300 attorneys, legal assistants, paralegals, investigators and mitigationists throughout all 75 counties in Arkansas. Since its inception in 1998, this agency has never requested or acquired a position which would work at the direction of the Executive Director to address the daily issues regarding personnel, court appearances, administration, or legislative affairs. As our criminal justice system has exceeded its borders over the years, so have the daily obligations placed upon the Executive Director.

The addition of the Management Associate will allow for the distribution of administrative affairs to be addressed at the direction of the Executive Director. The approved person would assist the Executive Director in implementing and monitoring procedures throughout our judicial districts which would expedite the disposition of cases to which public defenders are appointed, thereby lessening the strains already being experienced by all Arkansas counties and their

detention facilities. This position would also assist the Executive Director in addressing requests for information and/or assistance from the Governor's Office, legislators as well as judges. And lastly, this position would join with the Executive Director in assisting and monitoring cases as they arise and currently exist across our state, and evaluating which areas of the state which might be encountering criminal court issues.

I sincerely appreciate your consideration of this request, and I am readily available to discuss any issues or questions which might arise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregg E. Parrish".

Gregg E. Parrish
Executive Director
Arkansas Public Defender Commission



Department of Transformation and Shared Services
 Office of Personnel Management
 Request for Pool Position

Business Area	Department Name / Agency Name	Date
0324	AR. Public Defender Commission	05/27/2022

Position(s) to be Surrendered

Position/Item Number	Classification Title	Pay Grade	Class Code
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Classification(s) Requested

Classification Title	Pay Grade	Class Code
APDC Management Associate	SE 01	TBD
APDC Chief Capital Investigator	GS10	TBD

I hereby certify that:

- A. The position requested is critical to the operation of this Agency and a detailed justification for this request is attached. (Justification should be detailed and not less than one typed page in length.)
- B. Sufficient funds are available to fund this position at the requested grade.
- C. This is a full-time position that will not be used for any other purpose than that which is outlined in the attached narrative.
- D. The position to be surrendered is the highest grade position available and the loss of this position will not adversely affect the operation of this Agency.
- E. No current employee will be displaced by this action.

HR Administrator's Signature Date

Department Secretary's Signature Date

CLASS TITLE: APDC Management Associate

GRADE:SE01

SALARY: \$108,110 - \$147,200

CLASS CODE: TBA

CLASS SUMMARY

The Arkansas Public Defender Commission (APDC) Management Associate is responsible for supervising various levels of attorneys and administrative legal support staff and handles complaints and grievances while providing assistance in organizing, implementing, and monitoring all APDC office administrative functions along with the Executive Director. The position is governed by state and federal laws and agency policies.

TYPICAL FUNCTIONS

Assist the Executive Director in supervising a large professional and administrative support staff by interviewing, hiring, assigning work, viewing complicated legal documents, providing guidance and assistance, and evaluating the performance of incumbents. Assigns cases to staff attorneys. Reviews and analyzes agency reports/records related to cases. Research previous cases, decisions, state statute, case law, and federal legislation relating to current cases, to prepare for litigation or settlement. Assists staff public defenders in obtaining expert witnesses and other resources from the Public Defender Commission, as needed. Advises personnel on legal problems and renders legal opinions pertaining to agency programs and responsibilities. Advises the APDC Executive Director and Legislature of needed legislation and staffing. Draft proposed legislation, amendments to current legislation, amendments to agency regulation, and represent the agency at legislative hearings. May represent the APDC in legal proceedings which may occur in state or federal courts; discuss reports findings and hearing with Executive Director and District Managers. Coordinates with the Attorney General's Offices, the agency response requesting parties seeking documents and records under the Freedom of Information Act (FOI). Confers with judges, commissioners, and prosecuting attorneys, and other court officials. Performs other duties as assigned.

KNOWLEDGES, ABILITIES, AND SKILLS

Knowledge and experience in criminal law. Knowledge of state and federal laws, regulations, precedents, and executive orders related to administrative areas, including budget and human resources. Knowledge of legal research and writing techniques. Ability to plan, organize, and direct the work of others. Ability to establish and maintain cooperative working relationships with agency staff and other relevant legal and agency contacts. Ability to influence and communicate across all levels of the agency. Ability to problem solve in personnel situations. Ability to research, analyze, interpret, and apply legislation and case-related information. Ability to conduct conflict litigation. Ability to

prepare, present and review oral and written informational reports. Ability to prepare, present, and justify budgetary needs.

MINIMUM QUALIFICATIONS

The formal education equivalent of a law degree from an accredited law school; plus, ten years of experience in criminal law and litigation work, including seven years in a professional managerial capacity.

CERTIFICATES, LICENSES, REGISTRATIONS

Must be licensed to practice law and admitted to the Arkansas State Bar in accordance with ACA 16-22-201. Must be death-qualified or attain death qualifications within two years of employment. **Additional requirements determined by the agency for recruiting purposes require review and approval by the Office of Personnel Management.**

OTHER JOB RELATED EDUCATION AND/OR EXPERIENCE MAY BE SUBSTITUTED FOR ALL OR PART OF THESE BASIC REQUIREMENTS, EXCEPT FOR CERTIFICATION OR LICENSURE REQUIREMENTS, UPON APPROVAL OF THE QUALIFICATIONS REVIEW COMMITTEE.