

# Annual Performance Report

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## Office of the State Public Defender

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# Performance Evaluation

## General Description

### Mission

The single overriding role of the Office of the State Public Defender is to fulfill requirements outlined in the United States and Colorado Constitutions as well as in Colorado Statutes, which establish the right to a level of criminal defense counsel services for indigent individuals charged with the commission of a crime in Colorado that is commensurate with the level of services available to those that are not indigent.

### Vision

The Office of the State Public Defender's vision is to develop, maintain and support our passionate and dedicated team so that they can continue providing the best possible quality of criminal defense representation for each and every one of our clients.

### Description

The Office of the State Public Defender (OSPD) is a single purpose program that is devoted to providing reasonable and effective criminal defense representation to indigent persons charged with crimes except where there is a conflict of interest. They are indigent people who are faced with the possibility of incarceration who are unable to afford private counsel and without counsel would otherwise be denied their constitutional right to a fair trial. A critical element in meeting these requirements is the need to maintain the attorney-client relationship. Attorneys, investigators and legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions, Colorado Revised Statutes, Colorado Court Rules, American Bar Association standards, and the Colorado Rules of Professional Conduct. The OSPD system is the most efficient means of meeting these requirements.

The OSPD is an independent agency within the Judicial Branch of Colorado State Government. The Court makes the appointment when a defendant qualifies for public defender services pursuant to applicable case law and Chief Justice Directives.

To support the OSPD in the representation of their cases, in FY2014-15, the OSPD was appropriated \$83,814,870 and FTE of approximately 779. This is comprised of 488 attorneys; 148 investigators, paralegals and social workers (including 8 social workers dedicated to juvenile work); 111 administrative assistants and 32 centralized management and support positions.

## Priorities

In keeping with the Office's mission and vision, we have developed the following goals, strategies and measures.

### Goals:

1. Hire and retain a sufficient number of high quality staff to effectively manage the assigned caseload.
2. Provide high quality and sufficient quantity of staff development, training, new technology and other resources to adapt our response to the ever-changing landscape and criminal justice

atmosphere so that our legal services are commensurate with what is available for non-indigent clients.

3. Provide effective legal representation in both trial court and appellate cases.

**Strategies:**

1. Hire a sufficient number of high quality staff and retain an adequate level of experienced staff in order to effectively manage the assigned caseload.
2. Track and analyze trends in caseloads and adjust staffing levels.
3. Provide training to address the changing legal climate and reach critical staff.
4. Continually evaluate administrative processes and organizational infrastructure needs such as office space, technology and staffing/
5. Work all cases as efficiently as possible, while retaining a high quality of effective and reasonable representation.

**Performance Measures**

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
<b>MEASURE 1:</b>	<b>Target</b>	<b>97,507</b>	<b>112,447</b>	<b>132,270</b>	<b>140,751</b>	<b>149,132</b>
Number of new trial court cases.	Actual	98,537	115,107			
<b>MEASURE 2:</b>	<b>Target</b>	<b>125,381</b>	<b>140,320</b>	<b>159,575</b>	<b>168,640</b>	<b>177,566</b>
Number of active trial court cases.	Actual	125,606	142,907			
<b>MEASURE 3:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of trial court attorney staff allocated vs. total required for closed trial court cases.	Actual	93.8%	96.1%			
<b>MEASURE 4:</b>	<b>Target</b>	<b>480</b>	<b>480</b>	<b>480</b>	<b>480</b>	<b>480</b>
Number of attorney applications received.	Actual	713	722			
<b>MEASURE 5:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of total attorney staff allocated vs. total required for closed trial court cases and active appellate cases.	Actual	92.3%	93.2%			
<b>MEASURE 6:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Annual rates of attrition:						
Attorneys	Actual	12%	9%			
Investigators	Actual	13%	7%			
Administrative Assistants	Actual	21%	16%			
Total All Employees	Actual	13%	9%			
<b>MEASURE 7:</b>	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Percent of experienced, fully capable staff (journey level or higher):						
Attorneys	Actual	42%	41%			
Investigators	Actual	51%	45%			
Legal Assistants	Actual	47%	46%			
Total All Employees	Actual	47%	44%			

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
<b>MEASURE 8:</b> Percent compliance with minimum standards for total staffing requirements	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	82.7%	84.0%			
<b>MEASURE 9:</b> Maintain established standard percentages for reasonable staff supervision, management and development	<b>Target</b>	<b>10%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
	Actual	9.8%	9.2%			
<b>MEASURE 10:</b> Number of new appellate cases.	<b>Target</b>	<b>598</b>	<b>597</b>	<b>592</b>	<b>592</b>	<b>592</b>
	Actual	585	573			
<b>MEASURE 11:</b> Number of active appellate cases (cases awaiting filing of Opening Brief).	<b>Target</b>	<b>1,255</b>	<b>1,268</b>	<b>1,341</b>	<b>1,295</b>	<b>1,250</b>
	Actual	1,233	1,244			
<b>MEASURE 12:</b> Percent of appellate attorney staff allocated vs. total required for active appellate cases.	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	78.9%	69.6%			
<b>MEASURE 13:</b> Number of trial court cases closed.	<b>Target</b>	<b>97,527</b>	<b>121,449</b>	<b>127,879</b>	<b>135,608</b>	<b>143,056</b>
	Actual	97,872	110,044			
<b>MEASURE 14:</b> Days of training provided.	<b>Target</b>	<b>n/a</b>	<b>137</b>	<b>106</b>	<b>104</b>	<b>104</b>
	Actual	<i>(new measure)</i>	137			
<b>MEASURE 15:</b> Number of CLE credits provided.	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
	Actual	15	15			
<b>MEASURE 16:</b> Hours of ethics training provided, focusing on Colorado criminal law.	<b>Target</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
	Actual	3	3			
<b>MEASURE 17:</b> Number of administrative processes and organizational infrastructure evaluations performed.	<b>Target</b>	<b>n/a</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
	Actual	<i>(new measure)</i>	15			
<b>MEASURE 18:</b> Number of appellate cases for which an Opening Brief has been filed.	<b>Target</b>	<b>484</b>	<b>471</b>	<b>507</b>	<b>507</b>	<b>507</b>
	Actual	427	367			
<b>MEASURE 19:</b> Number of backlogged appellate cases.	<b>Target</b>	<b>671</b>	<b>697</b>	<b>703</b>	<b>658</b>	<b>612</b>
	Actual	671	749			

The OSPD's Performance Plan dated July 01, 2014 can be viewed at [http://pdweb.coloradodefenders.us/index.php?option=com\\_rubberdoc&view=doc&id=66&format=raw&Itemid=121](http://pdweb.coloradodefenders.us/index.php?option=com_rubberdoc&view=doc&id=66&format=raw&Itemid=121)