

# Annual Performance Report

November 01, 2017



**Office of the State Public Defender**

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# Performance Evaluation

## General Description

### Mission

The mission of the Office of the State Public Defender is to defend and protect the rights, liberties, and dignity of those accused of crimes who cannot afford to retain counsel. We do so by providing constitutionally and statutorily mandated representation that is effective, zealous, inspired and compassionate.

OSPD Enabling Legislation. The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function. 21-1-101(1) C.R.S.

### 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. Our clients 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 representation throughout the criminal proceedings. 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 FY2017-18, the OSPD was appropriated \$89,699,687 and approximately 811 FTE. This is comprised of 491 attorneys; 163 investigators, paralegals and social workers (including 9 social workers); 122 administrative assistants and 35 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 15-16 (actual)	FY 16-17 (actual)	FY 17-18 (projected)	FY 18-19 (projected)	FY 19-20 (projected)
<b>MEASURE 1:</b>		<b>Target</b>	<b>132,500</b>	<b>137,652</b>	<b>141,907</b>	<b>146,179</b>
Number of new trial court cases.		Actual	132,388	137,777		
<b>MEASURE 2:</b>		<b>Target</b>	<b>166,589</b>	<b>173,612</b>	<b>181,112</b>	<b>186,532</b>
Number of active trial court cases.		Actual	167,814	175,873		
<b>MEASURE 3:</b>		<b>Target</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	88.1%	83.4		
<b>MEASURE 4:</b>		<b>Target</b>	<b>480</b>	<b>500</b>	<b>475</b>	<b>475</b>
Number of attorney applications received.		Actual	489	483		
<b>MEASURE 5:</b>		<b>Target</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 appellate cases.		Actual	87.2%	83.4%		
<b>MEASURE 6:</b>		<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Annual rates of attrition:						
Attorneys	Actual	12%	14%			
Investigators	Actual	6%	12%			
Administrative Assistants	Actual	18%	17%			
Total All Employees	Actual	11%	13%			

		FY 15-16 (actual)	FY 16-17 (actual)	FY 17-18 (projected)	FY 18-19 (projected)	FY 19-20 (projected)
<b>MEASURE 7:</b> Percent of experienced, fully capable staff (journey level or higher):	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Attorneys	Actual	45%	46%			
Investigators	Actual	54%	55%			
Legal Assistants	Actual	42%	48%			
Total All Employees	Actual	47%	49%			
<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	82.1%	81.8%			
<b>MEASURE 9:</b> Maintain established standard percentages for reasonable staff supervision, management and development	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>
	Actual	8.3%	8.2%			
<b>MEASURE 10:</b> Number of new appellate cases.	<b>Target</b>	<b>576</b>	<b>558</b>	<b>535</b>	<b>545</b>	<b>555</b>
	Actual	511	525			
<b>MEASURE 11:</b> Number of active appellate cases.	<b>Target</b>	<b>2,299</b>	<b>2,229</b>	<b>2,001</b>	<b>1,964</b>	<b>1,926</b>
	Actual	2,234	2,196			
<b>MEASURE 12:</b> Percent of appellate attorney staff allocated vs. total required for appellate cases awaiting filing of initial brief.	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	79.7%	83.2%			
<b>MEASURE 13:</b> Number of trial court cases closed.	<b>Target</b>	<b>129,805</b>	<b>134,266</b>	<b>140,395</b>	<b>144,609</b>	<b>149,643</b>
	Actual	129,764	136,321			
<b>MEASURE 14:</b> Days of training provided.	<b>Target</b>	<b>106</b>	<b>130</b>	<b>168</b>	<b>168</b>	<b>168</b>
	Actual	140	179			
<b>MEASURE 15:</b> Number of CLE credits provided to all attorneys.	<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>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
	Actual	14	14			
<b>MEASURE 18:</b> Number of appellate cases for which an Opening Brief has been filed.	<b>Target</b>	<b>502</b>	<b>486</b>	<b>468</b>	<b>468</b>	<b>468</b>
	Actual	486	459			
<b>MEASURE 19:</b> Number of backlogged appellate cases.	<b>Target</b>	<b>681</b>	<b>563</b>	<b>531</b>	<b>483</b>	<b>443</b>
	Actual	622	587			

The OSPD's Performance Plan dated July 01, 2017 can be viewed at: <http://www.coloradodefenders.us/wp-content/uploads/2017/06/OSPD-SMART-Act-Performance-Plan-070117.pdf>