

Annual Performance Report

November 01, 2021



Office of the State Public Defender

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Colorado State Public Defender

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. C.R.S. 21-1-101(1).

Vision

It is the vision of the Office of the State Public Defender that every OSPD client served receives excellent legal representation through the delivery of high quality legal services and compassionate support from a team of dedicated Public Defenders.

Description

The Office of the State Public Defender (OSPD) is a single purpose program that is devoted to providing effective criminal defense representation to indigent persons charged with crimes except where there is a conflict of interest. Our clients are indigent people who, faced with the possibility of incarceration, are unable to afford private counsel and without counsel would otherwise be denied their constitutional right to representation throughout the criminal proceedings. 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 Courts appoint the OSPD when a defendant qualifies for public defender services pursuant to statute, applicable case law and Chief Justice Directives.

To support the OSPD in the representation of its FY 2021-22 projected caseload, the OSPD was appropriated \$118,904,447 and 966 FTE. The FTEs consist of approximately 575 attorneys; 181 investigators/legal assistants; 23 social workers; 140 administrative assistants and 47 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. to provide effective attorney services and advocacy in both the trial and appellate courts throughout the state of Colorado for indigent clients.
2. to hire and retain a sufficient number of quality staff to effectively manage the ever- increasing workload in each office in the state.
3. to provide a high quality and quantity of staff development, training, technology support and other resources to adapt our response to the constantly changing criminal legal system so that our advocacy and legal services are commensurate with those available for non-indigent persons as is required by our statute.

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.
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 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
		(actual)	(actual)	(projected)	(projected)	(projected)
MEASURE 1:						
	Target	147,479	119,229	136,144	140,228	144,435
Number of new trial court cases.		Actual	124,586	113,453		
MEASURE 2:						
	Target	189,760	165,029	175,221	180,478	185,892
Number of active trial court cases.		Actual	168,512	159,292		
MEASURE 3:						
	Target	100%	100%	100%	100%	100%
Percent of trial court attorney staff allocated vs. total required for closed trial court cases.		Actual	82%	80%		
MEASURE 4:						
	Target	500	500	500	500	500
Number of attorney applications received.		Actual	524	500		

		FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
		(actual)	(actual)	(projected)	(projected)	(projected)
MEASURE 5:						
	Target	100%	100%	100%	100%	100%
Percent of total attorney staff allocated vs. total required for closed trial court cases and appellate cases.		Actual	82%	81%		
MEASURE 6:						
	Target	12%	12%	12%	12%	12%
Annual rates of attrition:						
	Attorneys	Actual	12%	15%		
	Investigators	Actual	7%	9%		
	Administrative Assistants	Actual	22%	19%		
	Total All Employees	Actual	12%	14%		
MEASURE 7:						
	Target	70%	70%	70%	70%	70%
Percent of experienced, fully capable staff (journey level or higher):						
	Attorneys	Actual	37%	39%		
	Investigators	Actual	56%	57%		
	Administrative Assistants	Actual	43%	41%		
	Total All Employees	Actual	43%	45%		
MEASURE 8:						
	Target	100%	100%	100%	100%	100%
Percent compliance with minimum standards for total staffing requirements.		Actual	83%	83%		
MEASURE 9:						
	Target	12%	12%	12%	12%	12%
Maintain established standard percentages for reasonable staff supervision, management and development.		Actual	10%	10%		
MEASURE 10:						
	Target	574	524	450	535	552
Number of new appellate cases.		Actual	514	256		
MEASURE 11:						
	Target	1,938	1,870	1,627	1,704	1,726
Number of active appellate cases.		Actual	1,878	1,602		
MEASURE 12:						
	Target	100%	100%	100%	100%	100%
Percent of appellate attorney staff allocated vs. total required for appellate cases awaiting filing of initial brief.		Actual	81%	85%		

		FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
		(actual)	(actual)	(projected)	(projected)	(projected)
MEASURE 13:	Target	145,337	105,353	129,507	133,392	137,394
Number of trial court cases closed.	Actual	122,712	107,099			
MEASURE 14:	Target	144	132	132	132	132
Days of training provided.	Actual	144	69			
MEASURE 15:	Target	15	15	15	15	15
Number of CLE credits provided to all attorneys.	Actual	21	12			
MEASURE 16:	Target	3	3	3	3	3
Hours of ethics training provided, focusing on Colorado criminal law .	Actual	6	2.2			
MEASURE 17:	Target	15	15	15	15	15
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	12	15			
MEASURE 18:	Target	447	447	358	394	394
Number of appellate cases for which an Opening Brief has been filed.	Actual	454	433			
MEASURE 19:	Target	592	490	271	283	307
Number of backlogged appellate cases.	Actual	530	287			

The OSPD's Performance Plan dated July 01, 2021 can be viewed on our website at <http://www.coloradodefenders.us/>