

Benton & Franklin Counties Office of Public Defense

Strategic Plan
Benton County
Operations

2013

Thank you for your interest in the Benton & Franklin Counties Office of Public Defense (“BFOPD”). BFOPD is charged with providing legally mandated public defense services to indigent persons facing criminal charges and certain civil cases, in the courts of Benton County.

This **Strategic Plan** outlines how BFOPD intends to continue to advance its Mission and uphold its Values in the year 2013.

Mission Statement

The Mission of the Benton & Franklin Counties Office of Public Defense is to provide quality, cost-effective, legal representation to indigent and other qualified persons charged with criminal offenses, or otherwise facing incarceration or loss of liberty interest, so as to protect their Constitutional and other legal rights, educate them about the criminal justice system, and champion the interests of justice. The Benton & Franklin Counties Office of Public Defense will always be mindful of the fact that the resources that enable it to advance its Mission are entrusted to it by the taxpayers of Benton & Franklin Counties, and as such it will constantly strive to improve the efficiency and effectiveness of its team, of system which it manages, and of systems of which it is a part of, so as to always be a good steward of such resources.

VALUES

In order to advance its Mission, all Benton & Franklin Counties Office of Public Defense staff and contractors share the following Values.

A	Teamwork	We are constantly seeking out and developing inter-office and intra-office synergistic relationships through which to accomplish shared goals and create win-win outcomes.
B	Effectiveness & Efficiency	We are always choice-driven and introspective so as to maximize effectiveness (do that which has the most effect on advancing the Mission) and efficiency (while consuming the least amount of resources)

C	Quality	We take pride in quality work product in all aspects of what we do.
D	Cost-Effectiveness	We recognize the fiduciary duty we owe to the taxpayers who provide the resources by which we can advance our Mission and always strive to maximize cost-effectiveness without jeopardizing quality.
E	Compassion & Fairness	We recognize that all members of the public with whom we interact and for whom we provide services are fellow community members and citizens and we will treat them with respect, compassion, and fairness.
F	Effective Risk Management	We will always be mindful of the liability related interests of Benton & Franklin Counties and constantly seek to minimize the exposure of the Counties to liability risk.
G	Continuous Improvement	We recognize and embrace the dynamic nature of many factors that affect our ability to advance our Mission and as such, constantly seek out, and take action on, ways to improve every aspect of our operations. We will never settle for “good enough” or accept that the “way it has always been done” is necessarily the best way to continue to do it.

GOAL #1 – ENHANCE MISSION ACCOUNTABILITY of the Office of Public Defense by developing, implementing, tracking, and publishing a set of meaningful Performance Metrics.

Summary: The mission of the Office of Public Defense can be broken down into two portions: a) the *effectiveness* portion, that states that services provided will be of *high quality*, and b) the *efficiency* portion, that states that resources that support the services will always be used judiciously.

In an effort to always remain true to its mission, and to provide benchmarks against which mission accountability can be judged, OPD will develop and implement a set of useful and relevant Performance Metrics (“OPDPM”). While OPD’s role in the criminal justice system is largely reactive and it does not have control over such variables as caseload volume, charging decisions and client wishes, OPDPM will be designed in such a way as to provide insight into trends that should drive management decisions and reflect on how new programs and modifications to existing programs affect mission advancement.

Deliverables for Goal #1

1. Development of a set of useful and relevant Performance Metrics including documentation to illustrate *how* they are calculated or derived, and *why* they are useful and relevant. **By February 28, 2013. **This has already been done****
2. Incorporate Performance Metrics, in an easily readable format, into monthly management reporting. **By February 28, 2013. **This has already been done****
3. Monitor monthly-trackable Performance Metrics in a Management Dashboard that is posted in the office and visible to staff and contractors. **By April 1, 2013.**
4. Post following on the website:
 - a. Performance Metrics documentation
 - b. Historic Performance Metrics
 - c. On-going Performance Metrics for monthly –trackable metrics

GOAL #2 – STREAMLINE COMMUNICATION CHANNELS with clients, their family and friends, and the public.

Summary: The administrative workload at OPD has increased substantially in the past year. This is due to a number of factors including:

- A 50% growth in staff attorneys (from 2 to 3)
- The increase in audit and accountability functions necessary for contract attorney caseloads¹
- An increase in contract monitoring as a result of public defense standards adopted by the Supreme Court²
- An overall increase in court-appointed caseloads
- A change in District Court case appointment procedures that now has

Simultaneously, the fact of the increase in court-appointed caseloads and the gradually increasing profile of OPD is leading to a significant jump in face-to-face (ie at our front window and in person with staff attorneys in the courtroom) and phone-in requests for information or assistance. In fact, the jump in requests is significant enough that staff is having a difficult time in staying current on mission-critical tasks including caseload audits, contract compliance processes, and processing bills.

¹ This is particularly the case with the new structure of Superior Court contracts where contract defenders are paid on a per-case basis, meaning that any mistakes in the audit or caseload reporting processes can easily result in overpayment.

² For example, public defenders are now required to, once a quarter, file a “certification” with each court in which they provide public defense services, certifying that they meet a list of adopted standards. While this is not strictly a contract compliance issue, it does affect their ability to continue to receive appointments (and therefore fulfill their contractual duties) so it has become an additional *de facto* contract monitoring obligations for OPD.

This workload increase (and overload) was identified as a key obstacle in OPD operations in late 2012 and the solution obviously did not lie in adding staff resources. Instead, it was decided to streamline OPD communication channels and strategies in the following manner:

- Improve written communication materials with clients
- Improve effectiveness of website as a communication tool (see Goal #4 below for more details)
- Intercept and redirect routine and regularly asked questions using automated means to provide answers

In this way, the intent is to free up staff resources to manage and accomplish mission-critical tasks in a less distracted manner.

Deliverables for Goal #2

1. Develop and implement strategies to limit the number and duration of front-window interactions (since each interaction causes disruptions in the workflow of OPD's Office Manager who staffs the window and is responsible for managing many other administrative tasks). **By February 1, 2013 **This has already been done****
2. Develop "client letters" for District Court clients with instructions and answers to commonly asked questions. **By February 1, 2013 **This has already been done****
3. Convert the main phone line into OPD offices into a "phone tree" line and develop out-going message with comprehensive answers to commonly asked questions, provide way to skip message and directly access extensions for staff attorneys (since Office Manager previously routinely received calls asking her to transfer the call to staff attorneys). **By March 1, 2013 **This has already been done****
4. Overhaul website – see Goal #4

GOAL #3 – MAXIMIZE AUDIT ACCOUNTABILITY for contract attorney caseload reporting, especially for Superior Court contracts.

A large part of OPD's responsibilities when it comes to contract public defenders, is the auditing of caseload information submitted. This audit function is mission-critical for two important reasons: 1) Much of the compensation that OPD pays to contract defenders is tied in some way to caseload. This is especially the case as OPD has been steadily evolving from a "fixed total compensation for a given caseload cap (or "up to" a certain

caseload) to a fixed compensation per case system³; 2) Year-end audit activity in 2012 discovered that many contract defenders were forgetting to advise OPD and accept reduced credit for cases when private counsel substituted in for the case or the case was transferred to another public defender because of a conflict, even in cases where virtually no work had been done⁴.

In 2011, in an attempt to develop a reliable means of having independent caseload tracking capabilities for audit, statistics and other purposes, OPD worked with Benton County Central Services to create a customized, intranet-based database used, in that year, primarily for District Court cases. In 2012, this database was expanded to include management of Superior Court caseloads and it was instrumental in facilitating the year-end audit activity referenced earlier that spotted the failures of defenders to report cases where private counsel substituted in or it was transferred to another defender.

In 2013, further changes are being worked that will enhance the capabilities of this database by:

- Providing custom-reporting functionality, including reporting that aligns with the calculation of OPD's Performance Metrics (see Goal #1).
- Sophisticated audit functions including audit reporting reminders and partial case credit tracking⁵.
- Duplicate case flagging and searching⁶

Deliverables for Goal #3

1. Finalize changes with in-house database that will maximize utility and effectiveness of audit process, beta and roll-out. **By April 1, 2013**
2. Develop uniform audit process for Superior Court cases, reduce to writing, train staff, implement. **By April 1, 2013**

³ The primary difference between these two types of contracts is that in the former, public defenders can possibly be assigned fewer cases than the caseload cap (in which case the effective "per case" rate would be higher), or more cases than the caseload cap (in which case they would be entitled to additional compensation, whereas with the latter type, since public defenders only get paid for cases that they are assigned, there is consistency and predictability with the per-case rate.

⁴ While this was not as big of a concern with the soon to be defunct "caseload cap" contract unless the public defender in question was getting close to actually reaching the specified caseload cap, this is clearly a significant issue with the new contracts where contract public defenders are paid "per case."

⁵ This is important since public defenders are eligible, in certain instances, for partial credit in cases where private counsel has substituted in.

⁶ Duplicate case flagging is probably the most effective way of spotting instances where cases are transferred to another public defender because of a conflict, but both defenders end up claiming credit.

GOAL #4 - OVERHAUL WEBSITE to maximize utility, usability and information accessibility of the site.

Summary: The obvious goal of any organization's website is to provide visitors with access to useful and relevant information and access to resources. In the case of OPD's website, another useful purpose of the website is to serve as an additional facet of OPD's Communication Channel Streamlining goal. OPD's website presents the opportunity and functionality by which many routine questions or requests for access to resources can be addressed easily, 24-hours a day (ie at the requester's convenience) and, most importantly, without expending staff resources.

In 2012, when a website overhaul was first considered, there were two main problems that seemed to need addressing. The first was the difficulty in navigating to OPD's website since it is a sub-section of Benton County's website which, itself, has an unintuitive name that is difficult to remember. The second was the limited amount of information contained in the site and the organization of the site which was more information-oriented than user-centric.

In 2013, OPD's website (ie its sub-section of Benton County's website) will be completely overhauled to be user-centric and to: maximize its utility, provide ease of information and resource access, be easily found by interested users.

Deliverables for Goal #4

1. Purchase an intuitive domain-name and redirect it to OPD's sub-section on Benton County's website. ****Already done in 2012 – purchased and redirected “BentonFranklinDefense.org.”**
2. Completely overhaul the website to make it user-centric and include the following features. **Beta testing by April 1, 2013. Live by April 15, 2013**
 - a. A frequently asked questions page
 - b. Ability for clients to look up their next court date
 - c. Ability for clients to look up their assigned public defender
 - d. Ability for clients to look up contact information for their public defender
 - e. Ability for clients to learn about the criminal prosecution process and steps locally
 - f. Ability for clients to learn about how to file a complaint about their public defender
 - g. Ability of family/friends of clients to learn about whether they are in jail
 - h. Ability of family/friends to access information about how to visit inmates, put money on their books or to post bail on their behalf
 - i. Ability of the public to learn about OPD's operations

- j. Ability of the public to access reports, regularly published performance metrics and other documents published by OPD for public consumption
 - k. Ability of contractors to access policies and procedures
 - l. Ability of contractors to access regularly used forms
 - m. Ability of contractors to access information about available contracts or other positions
3. Publicize the website through all printed materials (including client letters), outgoing messages, and new business cards for staff attorneys. **By March 1, 2013 **Already Done****

GOAL #5 – PROVIDE AT LEAST 12 HOURS OF CLE TRAINING to ensure that quality of services provided by staff and contract defenders continues to meet legal standards and client expectations.

Summary: It is no surprise that as with other professions, the quality and competence of public defender work product has a direct correlation with the amount of training that is available to them. Unfortunately, because of the geographic location of the Tri-Cities, much of the criminal defense continuing legal education (“CLE”) training is difficult to access (since they are commonly presented in west-side counties). Furthermore, many of the presenters at the available CLE training practice in west-side counties and, as a result, much of the training available can be overly focused on issues, norms and customs that are common in those counties which, in many cases, can be very different than business locally.

In 2009, using a fee exemption granted by the Washington State Bar Association, OPD started to offer local free CLE training geared toward local issues and practice customs, as well as the needs of our public defenders. The presenters for these CLE training seminars have all been either local attorneys or people from resource providers of interest to public defenders (including medical providers for uninsured patients, gang intervention groups, the Veteran’s Administration, and mental health providers, just to name a few) and have agreed to present at the seminars at no cost.

In 2013, it is a goal of OPD to continue offering these seminars and to certify at least 12 hours of them toward the minimum CLE credits that public defenders are required to earn (7 hours a year).

Deliverables for Goal #5

- 1. Sponsor and present at least 12 hours of local, free, CLE training for public defenders. **By December 31, 2013.**

GOAL #6 – DEVELOP AND IMPLEMENT WEIGHTING SYSTEM for District Court cases that meets the requires of Washington State Supreme Court public defense standards.

Summary: In July, 2012, the State Supreme Court implemented a substantial set of public defense standards to which all public defenders in the state must certify. Included in this set of standards are numerical limits on the number of cases that a public defender may be assigned in any given calendar year. The language of the numerical limits all but mandates that Benton County develop what is called a “weighting system” (a system of assigning weighting simpler cases less and weighting more complex cases more, in calculating caseloads for purposes of the numerical limits) in order to continuing defending cases as we have been in District Court. The development of the weighting system requires essentially four steps: a) developing a framework or system to distinguish, on a standardized basis, between the complexity levels of various District Court cases; b) apply the proposed framework/system to a data-set of historical caseload and associated data on a test basis; c) draft a comprehensive policy on case-weighting for District Court cases; d) present the policy to the Board of Commissioners to adopt by resolution (since the Supreme Court rules requires this).

Deliverables for Goal #6

1. Develop framework/system for distinguishing District Court cases from one another based on complexity factors that are relevant and meaningful to public defense functions. ****Already Done**
2. Collect data-set of historical caseload and associated data, and apply framework/system to it on a test basis. ****Already Done**
3. Draft a comprehensive policy on case-weighting for District Court cases. **By May 17, 2013.**
4. Present Case-Weighting Policy to Board of Commissioners for formal adoption. **By June 14, 2013.**

GOAL #7 – DEVELOP AND IMPLEMENT POLICIES AND PROTOCOLS relating to organizational structure, operational continuity, and staff policies.

Summary: The staff component of OPD has been growing – from a low of two (Indigent Defense Coordinator and Office Manager) to a current high of six (with the addition of two District Court Staff Defenders, a Superior Court Staff Defender, and a temp part-time assistant). In order to manage staff appropriately, while also paying contract defender issues the requisite attention, it will be increasingly necessary to have a definitive organizational structure (with some staff taking on supervisory roles), arrangements for operational continuity (to decentralize mission-critical discretionary

decision-making in the event of absence or departure from the office) and comprehensive staff internal policies.

Deliverables for Goal #7

1. Formalize supervisory functions of Sr. Staff Attorney Alex Sheridan who has been promoted to Public Defense Attorney II, a position that has supervisory duties incorporated. **By April 15, 2013.**
2. Send Alex Sheridan to at least two WCRP or WCIA sponsored supervisor training opportunities. **By December 31, 2013.**
3. Develop an operational continuity protocol for approval of key mission-critical discretionary functions including pre-approval of case-related investigation and expert funding, signing of payment vouchers, and other functions. **By June 30, 2013.**
4. Develop and implement a comprehensive and turn-key recruitment, training, assignment and evaluation framework for summer and year-round internships. **By May 31, 2013.**
5. Develop, in conjunction with Alex Sheridan, a comprehensive set of internal staff policies covering, among other things, case review and setup protocols, staff leave approval, case and trial staffing procedures, trial prep standards, and professional conduct standards. **By December 31, 2013.**