

ANALYSIS

Item 3: Public Defense Services Commission Comprehensive Remediation Plan

Analyst: John Borden

Request: Acknowledge receipt of a report on a comprehensive remediation plan.

Analysis: The budget report for HB 5532 (2023), the primary budget measure for the Public Defense Services Commission (PDSC), included the following budget note:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission's restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan adopted by the Commission and that includes the following elements: (1) Issue – identify each specific issue with a concise problem statement (2) Priority – assign each issue a priority; (3) Evidence of Concern – identify evidence supporting the existence of the issue; (4) Objective – identify what objective the agency is trying to achieve through the resolution of the issue; (5) Best Practice(s) – identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option; (6) Options to resolve the issue – identify what specific options exist to resolve the issue; (7) Recommended Option – identify which is the agency's recommended option to resolve the issue, and on what basis was the option selected; (8) Timeframe – identify the timeframe for implementing the recommended option; (9) Fiscal Impact – identify the cost of implementing the recommended option; and (10) Expected Outcome – identify what outcome is expected from the recommended option and how will it be measured.

The genesis of the budget note was the Legislature's desire to understand and support PDSC's efforts to restructure and modernize the agency. A modern and well-functioning administrative agency is essential to the effective delivery of state public defense services. A comprehensive remediation plan has been requested both formally and informally during the past two legislative sessions and at multiple meetings of the Legislative Emergency Board. While PDSC has made preliminary efforts to complete a formal comprehensive plan, a plan has not yet been produced and adopted by the Commission.

PDSC's report outlines a framework for creation of a comprehensive remediation plan, and which includes 12 workgroups governed by a steering committee and a preliminary quarterly schedule of deliverables over multiple biennia. The report demonstrates the significant amount of work facing PDSC, which is in addition to routine agency operations. PDSC's report notes the agency's commitment to following the direction of the budget note, including: "Legislative Reporting; Financial Forecasting and Controls; Unrepresented; Governance; Restructuring and Modernization; Service Delivery, Procurement and Contract Activities; Caseload Forecasting and Standards; Audits; Quality Management; Performance

Metrics; Human Resources; Information Technology; and prioritized both within their category and agency wide. This remediation plan will be adopted by the Commission.” Such an approach, if executed successfully, will allow the Commission to address the many critical issues facing the agency and that will help to stabilize the state’s public defense system. In addition to the development of remediation plan, PDSC will also be implementing the unrepresented defendant crisis plans and the pilot program approved in SB 337 (2023) to hire state employees to serve as trial-level appointed counsel in focused geographic regions of the state to respond to the unrepresented defendant/persons crisis.

As a point of clarification, the recent enactment of legislative reform of the public defense system (SB 337, 2023) should not be considered as a substitute, or conflated with, the need for a comprehensive agency remediation plan. PDSC remains responsible for the efficient and effective operation of the agency. The unrepresented defendant/persons crisis and the enactment of SB 337 are compounding factors that underscore the need for a comprehensive remediation plan and to ensure a smooth transition of the agency to the executive branch of government.

While there may be legitimate reasons why PDSC has been unable to produce a comprehensive remediation plan to-date, and why the agency will likely be unable to produce a plan in the near term, the fact remains that PDSC will always face competing priorities and changing circumstances. Development and implementation of a comprehensive remediation plan provides the foundation for PDSC to operate effectively and ensure the delivery public defense services.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means acknowledge receipt of the report.

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Public Defense Services Commission
Gibson

Request: Report on Senate Bill 5532 (2023) Budget Note on the comprehensive remediation plan by the Public Defense Services Commission.

Recommendation: The Public Defense Services Commission is not under executive budgetary authority.

Discussion: The Public Defense Services Commission (PDSC) submitted a report addressing the Commission's restructuring and modernization efforts, in compliance with the following Senate Bill 5532 (2023) Budget Note:

SB 5532 (2023) Budget Note:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission's restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan adopted by the Commission and that includes the following elements: (1) Issue – identify each specific issue with a concise problem statement (2) Priority – assign each issue a priority; (3) Evidence of Concern – identify evidence supporting the existence of the issue; (4) Objective – identify what objective the agency is trying to achieve through the resolution of the issue; (5) Best Practice(s) – identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option; (6) Options to resolve the issue – identify what specific options exist to resolve the issue; (7) Recommended Option – identify which is the agency's recommended option to resolve the issue, and on what basis was the option selected; (8) Timeframe – identify the timeframe for implementing the recommended option; (9) Fiscal Impact – identify the cost of implementing the recommended option; and (10) Expected Outcome – identify what outcome is expected from the recommended option and how will it be measured.

The report submitted by PDSC does not include a remediation plan, as directed by the Budget Note. Instead, PDSC offered a compilation of details regarding the current state summary of agency actions taken since the close of the 2023 Legislative Session. PDSC reports focusing the past two months on the "unrepresented crisis, finalizing contracts, and setting up structure and systems." The report indicates the establishment of a workgroup to develop a remediation plan, and the agency confirmed a target completion date in November 2023.

PDSC's adopted reporting format includes eight key areas:

1. Legislative Reporting Update
PDSC reviews all the current and new statutorily required legislative reports along with the timeline for delivery. Additionally, PDSC provides a list of the 12 new workgroups established to support and steer the agency through upcoming system changes.
2. Financial Forecasting and Controls
PDSC reports a current focus on the technical components required to implement the 2023-25 Legislatively Adopted Budget, including initial auditing and contract cost projections.
3. Governance
PDSC engaged Ascent, a management training program through the Department of Administrative Services. Ascent will work with PDSC leaders to develop skills leadership and management skills.
4. Restructuring and Modernization
PDSC continues to use the 10-point problem identification process to work through issues and identify gaps. Additionally, PDSC is working toward standard policy development processes and communications planning.
5. Procurement and Contracting Activities
PDSC is undertaking five material procurement activities. The report details each of the procurement activities along with an estimated cost.
6. Caseload Forecasting and Standards
The agency staff are working with the Oregon Judicial Department to understand better the available data and the validity of the self-reporting provider data. PDSC is also starting the transition of forecasting duties to the Department of Administrative Services.
7. Human Resources
PDSC is working to hire key management positions. The Commission reports the successful recruitment of a Compliance, Audit and Performance Manager; a new Human Resources Director; and a Transition Project Manager. The Program Administrator for the state employee pilot, western pilot positions, and a Training Director are currently under recruitment.
8. Action Items
The report provides an update on the status of the development of the remediation plan, standing up the western office pilot, and implementing a crisis plan.



Oregon

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August 21, 2023

Senator Elizabeth Steiner, Co-Chair
Representative Tawna Sanchez, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Request

The budget report for SB 5532 includes Budget Note #1: Comprehensive Remediation Plan

The Public Defense Services Commission (PDSC) is directed to report to the Interim Joint Committee on Ways throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission's restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan adopted by the Commission and that includes the following elements: (1) Issue - identify each specific issue with a concise problem statement (2) Priority - assign each issue a priority; (3) Evidence of Concern - identify evidence supporting the existence of the issue; (4) Objective - identify what objective the agency is trying to achieve through the resolution of the issue; (5) Best Practice(s) - identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option; (6) Options to resolve the issue - identify what specific options exist to resolve the issue; (7) Recommended Option - identify which is the agency's recommended option to resolve the issue, and on what basis was the option selected; (8) Timeframe - identify the timeframe for implementing the recommended option; (9) Fiscal Impact - identify the cost of implementing the recommended option; and (10) Expected Outcome - identify what outcome is expected from the recommended option and how will it be measured.

Agency Action

With the conclusion of the 2023 legislative session the agency now finds itself with an opportunity in SB 337, a bill aimed at reforming the Commission and the way Oregon provides public defense, and a budget that marks the largest investment in public defense the state has seen in decades.

The close of the 2023 legislative session provided the agency a chance to reset.

In the 57 days since the conclusion of the 2023 legislative session, PDSC has implemented a structure, created timelines, and hired staff to ensure the ability to fulfill the various reports and milestones laid out in SB 337 and SB 5532. The attached report details the progress, next steps, and what the Legislature can expect going forward.

Action Requested

The Public Defense Services Commission requests acknowledgement and receipt of the attached report.

Legislation Affected

No legislation is affected.

Sincerely,



Jessica Kampfe
Executive Director

Cc:

Amanda Beitel, Legislative Fiscal Officer
John Borden, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Wendy Gibson, Policy and Budget Analyst, CFO

**Public Defense Services Commission
Comprehensive Modernization and Remediation Plan I
September 2023 Legislative Days
Submitted August 21, 2023**

Future Status Reporting

Report Format

This reporting format will be the format the legislature will see every quarter. This will make it easy to compare reports and see where progress is being made. The report will highlight the following areas: Legislative Reporting Update; Financial Forecasting and Controls; Unrepresented; Governance; Restructuring and Modernization; Service Delivery, Procurement and Contract Activities; Caseload Forecasting and Standards; Audits; Quality Management; Performance Metrics; Human Resources; Information Technology.

Executive Summary

Summary of report with any top line issues of concern or note. Any new items will also be noted.

Progress report

[Date range]

This will be an update on the action items from the last report. Were they accomplished, if not why, what are next steps. This will allow the agency to highlight accomplishments and provide information on why something may not have been achieved, or why something may be reevaluated.

Action Items

[Date Range]

This will be the actions the agency plans to take in the next quarter, including any action items that were not accomplished in the previous quarter that are being carried forward.

Updated Numbers

This will provide updated numbers for caseloads, forecasts and MAC.

Financial Forecasts

Contracted MAC

Caseloads

Remediation Plan

This section will be dedicated to the various issues the agency has identified for remediation. It will be split into the areas mentioned above, and each issue will be accompanied by the 10-step problem identification framework from the budget note. These issues will be what drives the

action items. Each issue will include a short status report. Any new issues that are identified will be called out in the executive summary and highlighted in the remediation plan.

Executive Summary

With the conclusion of the 2023 legislative session the agency now finds itself with an opportunity in SB 337, a bill aimed at reforming the Commission and the way Oregon provides public defense, and a budget that marks the largest investment in public defense the state has seen in decades.

The close of the 2023 legislative session provides the agency a chance to reset.

SB 337 and PDSC's budget provide a framework, milestones, and goals for the agency and public defense in Oregon; however, they do not provide step-by-step instructions for providing public defense or reforming the agency. The legislature legislates, it is up to the agency to create the rules, policies, and procedures to implement their legislation.

The agency is directed to provide the Legislature with a quarterly update on the Commission's restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process. In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan identifying the issues facing the commission and addressing them in a systematic way.

This report provides a status update on the agency's progress since the close of session, action items for the agency in the coming quarter, and finally what the legislature can expect in the agency's quarterly reporting going forward. The agency's goal is to provide the Legislature with a consistently formatted report, that will address the prioritized issues and deliver regular updates on the status of those issues and progress we have made. The agency is in the process of identifying, analyzing, and prioritizing these issues.

The agency recognizes that this first report is not a full report, but rather a plan to achieve a full report. The agency has spent the last 2 months primarily focused on the unrepresented crisis, finalizing contracts, and setting up structures and systems that will allow the agency to be successful in completing their legislatively directed goals.

Progress Report

June 21, 2023-August 21, 2023

Legislative Reporting Update

The 2023 Legislative Session created seven new reports that the agency is responsible for, in addition to the biennial legislative report and annual Director's Report that were already in statute. Some of these reports are ongoing, some are one time in nature. The following is a summary of the reports, and a timeline of when reports are due, including major bill milestones.

Report Name	Authority	Report To	Description	Date/Ongoing
Modernization and Remediation Plan	SB 5532 Budget Note 1	Interim Ways and Means	Commission's Restructuring and Modernization efforts & Comprehensive Remediation Plan using the 10-point format.	Yes, Fall of 23, Session 24, and quarterly thereafter
Crisis Plan Progress Report	SB 337 Section 104	Interim Ways and Means and Interim Judiciary	Unrepresented Crisis Plan (SB 1093). October 1, 2023, report on progress for providing guidance for crisis plans, and training.	October 1, 2023, No
Quality Management Plan	SB 5532 Budget Note 2	Not specified	Plan must be submitted prior to 2024 session, unclear to whom. ED to report on current KPMs.	Prior to 2024 session, No
Internal Audit Function Report	SB 5532 Budget Note 3	Joint Committee on Legislative Audits and the Ways and Means	Report due prior to 2024 session, internal and external audit, and audit plan for 23-25.	Prior to 2024 session, No
FCMS Status Report	SB 5506, Budget Note 9	Joint IT and Ways and Means	Report due prior to 2024 session, FC<S status report.	Prior to 2024 session, No
Comprehensive Public Defense Report	SB 337 Section 98	Interim Judiciary	SB 337 Report. By May 15, 2024, a comprehensive report on the commission's plan for providing public defense services.	May 15, 2024, Yes, Dec. 1 of 25, 26, 27, and Biennially through 2035
Nonunanimous Jury Conviction Report	SB 5532 Budget Note 4	2025 Legislature	Costs and caseload projections for Watkins/Ramos.	2025 Session, no
Legislative Report	SB 337 Section 3(1)(n)	Judiciary	Compliance metrics for the minimum standards and recommendations for legislative changes.	Ongoing, at least once every 2 years.
Director's Report	ORS 151.219	Commission Members	Prepare and submit to the members of the commission an annual report of the activities of the commission.	Yes, annually

Reporting and Bill Milestone Schedule	
Quarter	Action
Summer 2023	Promulgate and Disseminate Guidance on Crisis Plans (August 15, 2023)
	Modernization and Remediation Plan I (September)
	Develop Unrepresented Training Plan (September 1, 2023)
	Program Administrator (September 1, 2023)
Fall 2023	Modernization and Remediation Plan II (November)
	Western Oregon Regional Pilot (October 1, 2023)
	Crisis Plan Progress Report (October 1, 2023)
Winter 2024	Quality Management Plan (January)
	Internal Audit Function Report (January)
	FCMS Status Report (January)
	Southern Oregon Regional Pilot (December 1, 2023)
Feb Session 2024	Modernization and Remediation Plan III (February)
	Legislative Report (February)
Spring 2024	Modernization and Remediation Plan IV (June)
	Comprehensive Public Defense Report I (May 15, 2024)
Summer 2024	Modernization and Remediation Plan V (September)
Fall 2024	Modernization and Remediation Plan VI (December)
Winter 2025	Modernization and Remediation Plan VII (March/Session)
Session 2025	Commission Moves to Executive Branch (January 1, 2025)
	Modernization and Remediation Plan VIII (June/Session)
	Nonunanimous Jury Conviction Report (January/Session)
Summer 2025	Panel Established (July 1, 2025)
	Economic Incentive/Flat Fee Prohibited (July 1, 2025)
Fall 2025	Comprehensive Public Defense Report II (December 1, 2025)
Winter 2026	
Feb Session 2026	Legislative Report (February/Session)
Spring 2026	
Summer 2026	
Fall 2026	Comprehensive Public Defense Report III (December 1, 2026)
Winter 2027	
Session 2027	
Summer 2027	Commission Regains Quasi Independence (July 1, 2027)
	Sub-Contracting Prohibited (July 1, 2027)
Fall 2027	Comprehensive Public Defense Report IV (December 1, 2027)
Winter 2028	
Feb Session 2028	Legislative Report
Spring 2028	
Summer 2028	
Fall 2028	
Winter 2029	

Session 2029	
Summer 2029	
Fall 2029	Comprehensive Public Defense Report V (December 1, 2029)
Winter 2030	
Feb Session 2030	Legislative Report
Spring 2030	
Summer 2030	
Fall 2030	
Winter 2031	
Session 2031	20% State Employees (January 1, 2031)
Summer 2031	
Fall 2031	Comprehensive Public Defense Report VI (December 1, 2031)
Winter 2032	
Feb Session 2032	Legislative Report
Spring 2032	
Summer 2032	
Fall 2032	
Winter 2033	
Session 2033	
Summer 2033	
Fall 2033	Comprehensive Public Defense Report VII (December 1, 2033)
Winter 2034	
Feb Session 2034	Legislative Report
Spring 2034	
Summer 2034	
Fall 2034	
Winter 2035	
Session 2035	30% State Employees (January 1, 2035)
Summer 2035	
Fall 2035	Comprehensive Public Defense Report VIII (December 1, 2035)
Winter 2036	
Feb Session 2036	Legislative Report
Spring 2036	
Summer 2036	
Fall 2036	
Winter 2037	
337 Action	
337 State Employees	
Reports	

Lawmakers’ have provided the agency with a clear framework, milestones, and goals for the agency and public defense. It's now up to OPDS and its partners to live up to those goals.

To that end, the agency has created 12 workgroups, each focused on a specific report or bill milestone. These workgroups include agency staff from multiple divisions, and outside stakeholders where applicable. Overseen by the Steering Committee, which will provide organizational leadership, direction, and support, these workgroups will use project management tools to initiate, plan, execute, monitor, and close these projects. They will be supported by the agencies existing project managers, Compliance, Audit and Performance Manager, and Government Affairs Manager, and the Program Manager position the agency received under SB 337.

Workgroups’ progress will be regularly reported to legislative leadership, the Commission, agency staff, and other interested parties. As the workgroups complete their initiation and planning stages, the Steering Committee will be able to incorporate the various timelines and plans to better assess agency resources, and prioritize work as needed.

Workgroups

Name	Purpose	Work Products	Status
Steering Committee	To oversee and support the agency workgroups to ensure the attainment of its goals. Provides leadership and delegation and facilitates communication between the workgroups.	Biennial Legislative Report, Annual Director’s Report.	Meets bi-weekly during the Executive Team. Has directed managers to complete a goals/issues/successes report to be used for remediation planning.
Modernization and Remediation	The workgroups tasks are to develop and regularly update the modernization report, including surveying the various issues within the agency, and prioritizing them into a remediation plan.	Modernization and Remediation Plan and Report	Multiple meetings, members tasked with homework including reviewing previous agency and consultant reports, writing report, and prioritizing remediation issues.
Public Defense Delivery	This workgroup will be focused on the delivery model and policy in SB 337. This includes training and supervision standards, workload vs. caseload, hourly rates, oversight and standards, and the move towards state employees. This WG will work very	Comprehensive Public Defense Report	Full WG has yet to meet, but the sub-groups (QM, Trial, Unrepresented) have all in process.

	closely with the Quality Management WG, and the Trial Division Implementation WG.		
Quality Management	Develop a Quality Management Plan and associated Key Performance Measures and Indicators. Once established, this WG will merge with the Delivery WG.	Quality Management Report	Has met, and includes the newly hired CAP manager.
Trial Division Implementation	Responsible for creating a plan and implementing the launch of the 2 trial division pilot programs. Once these programs are up and running, this WG will merge with the Delivery WG.	Pilot program planning and implementation.	Regular meetings, in process of hiring program administrator, and securing office space.
Unrepresented Crisis Team	Fulfills OPDS' role in the unrepresented crisis planning in SB 337.	Guidance to judicial districts, developing a crisis training plan, Crisis Plan Progress Report	Regular meetings, report submitted. Guidance complete and training plan on track for deadlines.
FCMS Status	This is the existing FCMS Team, but now responsible for a budget note.	FCMS report	Regular existing meetings.
Audit Function	Audits WG is responsible for creating an audit report on past audits, as well as the 23-25 audit plan. These are both internal and external audits. This WG will work closely with the QM WG.	Audit Report	Regular meetings. Agency will be bringing on an additional internal auditor as of 8/25.
Nonunanimous Juries	Caseload and cost projections for the 25-27 biennium related to nonunanimous juries.	Nonunanimous Juries Report	Has met, plan for tracking and reporting.
Executive Move	Ensures a smooth transition to the Executive branch. Align the agency with executive rules and policies where applicable and prepare the agency for any changes	Successful transition to the Executive	Has met, program manager hired. Meetings with DAS on forecasting also underway.

	that will come with the move. This includes moving forecasting to DAS.		
IT	Maintain, update, and provide IT services for the agency throughout the various changes SB 337 creates. This WG will work closely with OJD and the Executive Move WG.	IT Services	This is less of a formal workgroup, and more a resource to ensure all workgroups are including IT in discussions.
Commission Transition	Facilitate the transition to a new commission. Assist appointing authorities in recruiting and appointing new Commissioners, and orient and train new Commissioners.	Orientation Materials for Commissioners	Regular meetings, working on memo about commission transition for recommending authorities.

Financial Forecasting and Controls

The agency is in the process of preparing for execution of the 2023-25 biennial budget by creating models and taking the necessary steps to pass through the audit process. The agency is currently involved in the routine task associated with closing out the 2021-2023 biennial budget and financials. Nothing addition to report aside from spending time modeling what contracts will look like and what the agency can afford. Finally, the agency is actively involved with the Secretary of State’s office as they perform the annual financial audit.

Governance

Management Training: The management team would benefit from communications and management training, both to work better as a team and as managers. In order to address these issues the agency has engaged with Ascent, a management training program though the Department of Administrative Services (DAS). Ascent will work with the agency, both on an agency wide scale as well as an individual level to build leadership and management skills.

From there website: “The ASCENT Leadership Program is a collaborative effort to build Transformational Leadership capacity within Oregon state government. Our participants come from all levels within state government. ASCENT seeks to create community and connection across state services. Our impact extends to each person our participants touch for the rest of their lives.”

Restructuring and Modernization

Planning and documentation: The agency lacked fundamental practices of clearly and consistently documenting actions. This can have a myriad of impacts, from confusion and miscommunication to duplication of efforts, to being unable to see the progress that has been

made on issues. The legislature has provided the agency with a solution to this problem. The 10-point problem identification first introduced in the December 2022 E-Board and reiterated in Budget Note #1 is now standard practice in the agency. The agency is using it as a business case for decision making, examples can be found in our presentations to the Commission and internal communications on various topics.

This 10-point format is also being used to identify the issues that will make up the full remediation plan.

Policy management: Policy management involves the creation, distribution, and maintenance of different administrative procedures and guidelines within the agency. The agency needs to standardized this process, and ensure that policies are being created, reviewed, and maintained in a systematic way.

Communications planning: The agency is currently working on a communications plan. This plan would help the agency in ensuring that all internal and external stakeholders are being properly communicated with and that the agency is always producing consistent messaging.

Procurement and Contract Activities

Outstanding procurement Activities are related to the Interagency Agreement with the Criminal Justice Commission for the \$1 million in Byrne Grant Funds. The Agency will be executing the following contracts:

1. **Five-Year Plan- Moss Adams-\$90,000:** The PDSC is contracting with Moss Adams to develop a Five-Year Plan to Reduce Representation Deficiency. In 2022, the ABA and Moss Adams published a report on the Right to Counsel in Oregon that concluded the state has 31% of the public defense attorneys it needs to meet the caseload demands. The proposed Five-Year Plan builds on that report, and it will include proposals on how Oregon can align its provision of public defense with its caseload. Moss Adams has recently developed a similar plan for the State of New Mexico. A copy of the New Mexico plan and the proposed scope of work are attached.
2. **Provider training- Gideon's Promise-\$132,000:** PDSC is facilitating a weeklong immersive foundational training to attorneys newer to public defense. Gideon's Promise is a nationally acclaimed and respected training and community building organization focusing on fundamental skills and knowledge base for public defenders. They have submitted a budget (\$84,000) to provide a one-week training (5 days) to 30 public defenders in Oregon. The cost will include nine instructors and their travel costs from across the country. They will conduct this training in Oregon for public defenders (1-5 years into practice) and the curriculum—which marries client-centered values, lawyering skills, and community building—provides a strong foundation for public defenders, as well as building a strong bond among attendees for increased retention of attorneys in the public defense work force over time. PDSC will fund the full cost of travel and attendance for 30 Oregon public defenders. (approx. \$48,000)
3. **Staff Training on Data -SMU Deason Criminal Justice Reform Center -\$275,000:** PDSC is contracting with SMU's Deason Criminal Justice Reform Center to conduct two data

needs surveys and an in-house week-long training. The Deason Criminal Justice Reform Center is a nonpartisan center for research and advocacy that combines data-driven research and compelling stories to advocate for innovative criminal justice reform. The surveys will be of Oregon public defenders to assess the data gaps and provide guidance to the agency for development of data standards and metrics, as well as setting up a new F/CMS system in the next year. The survey will also inform a five day, in-person, training for the agency's data and research team, as well as some of the attorneys doing program design and implementation. Topics to include generating reports about defender data and metrics, selection and prioritization of data for collection, and exploration of API data feeds. We hope the CJC data team will join us in this training, to help round out the knowledge of the whole criminal ecosystem. This cost is inclusive of trainers' travel for both one week of on the ground survey work and the travel for three staff for a weeklong training.

4. Student Stipends for Summer work in Public Defense- \$448,000: PDSC is providing stipends for approximately 60 students working at public defense provider offices across the state. These funds will be allocated to entities with whom the PDSC contracts that employ students in public defense this summer for the entity to distribute, we have priced these from \$2,500 for an undergraduate-up to \$8,000 for a Certified Law Student who can handle cases directly. This funding will accomplish several objectives in the agency's goal to recruit, retain and improve public defense services in the state. Funding for this policy will allow law students and some undergraduate students looking to study law to pursue public defense without taking on the added financial burdens of an unpaid internship. This will also allow us to fund additional student positions in coastal, rural, and frontier counties that had difficulty with law student recruitment. These offices have historically had greater challenges attracting law student interns due to difficulties accessing and attending recruitment events held at law schools in distant parts of the State, as well as the added financial hurdles of a law student taking an unpaid internship in a less populated area of the state. By funding summer stipends, we will be able to connect Oregon law students and students still looking for employment with these offices.
5. Equipment Upgrades and Updates- \$50,000: PDSC is purchasing 40 laptops and associated equipment (monitors, keyboards, mice, etc.) for the purpose preparation for the new staff that will be coming onboard with an allowance for some hot spares. This request can be adjusted in quantity for flexibility in available funding.

Caseload Forecasting and Standards

The Agency does not have any new caseload numbers to report. What is being done is a review of the actual reported numbers through June 30, 2023, as forecasted numbers for the remaining 6 months of the biennium were used in the last forecast. The agency is planning to meet with the Department of Administrative Services (DAS) in the later part of September 2023 to engage in a workshop discussion as DAS prepares to begin providing a statewide forecast in 2024. The

agency plans to maintain its internal forecast workgroup and team and continue to reach out to providers, following through with current plans to reshoot the forecast in the late fall of 2023 and the spring of 2024. There has not been any changing to the self-reporting nature of caseloads reports from providers; however, the agency is working with Oregon Judicial Department (OJD) to better understand caseload reports and develop continuity and increase the validity of the self-reports from providers and the OJD reports. This is a work in progress.

Human Resources

The agency has also hired key positions to help lead the agency through this transition. These positions include: A Compliance, Audit, and Performance Manager, a new Human Resources Director, and filling the limited duration Program Manager position to help with the transition to the Executive Branch. Interviews are currently underway for the Program Administrator for the state employee pilot programs. Posting for a Training Director as well as the Western pilot positions is anticipated to occur in early September.

Action Items

September 2023-October 2023

Remediation Plan

The agency is in the process of making a full remediation plan. This involves a full review of past reports, both by the agency and about the agency, to identify all ongoing issues. We have also asked agency managers to provide a review of the issues facing their division, along with resources they would need to address the issues. The Modernization Workgroup will then work to complete the 10 point issue identification around each issue, and prioritize them based on those points. These issues will be divided into categories: Legislative Reporting; Financial Forecasting and Controls; Unrepresented; Governance; Restructuring and Modernization; Service Delivery, Procurement and Contract Activities; Caseload Forecasting and Standards; Audits; Quality Management; Performance Metrics; Human Resources; Information Technology; and prioritized both within their category and agency wide. This remediation plan will be adopted by the Commission.

Standing up Western Office Pilot

The agency has interviewed for the Program Administrator position to lead the trial pilot programs and is in the process of posting for the attorney and support staff positions. The Trial Workgroup is also working on onboarding materials. Office locations are also being narrowed down. The agency intends to have the office going by October, though with onboarding, attorneys will likely begin taking unrepresented cases in November.

Crisis Plan Implementation

Unrepresented Crisis Plans are due from presiding judges September 1st. PDSC will review these plans and work with OJD, providers, and public safety partners on implementing these plans, as

well as developing a business case to bring back to the legislature for any funding requests that result from these plans.

Goal: Adopt Communications Plan

Goal: Participate in Ascent

Goal: Hire training director