

Unrepresented Persons & Provider Capacity

**Public Safety
Subcommittee**

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Unrepresented & Capacity

Unrepresented Persons

- By the Numbers
- Adding Attorneys
- Other Actions

Provider Capacity

- What is MAC?
- Current MAC Numbers
- Workload Model

Unrepresented Persons

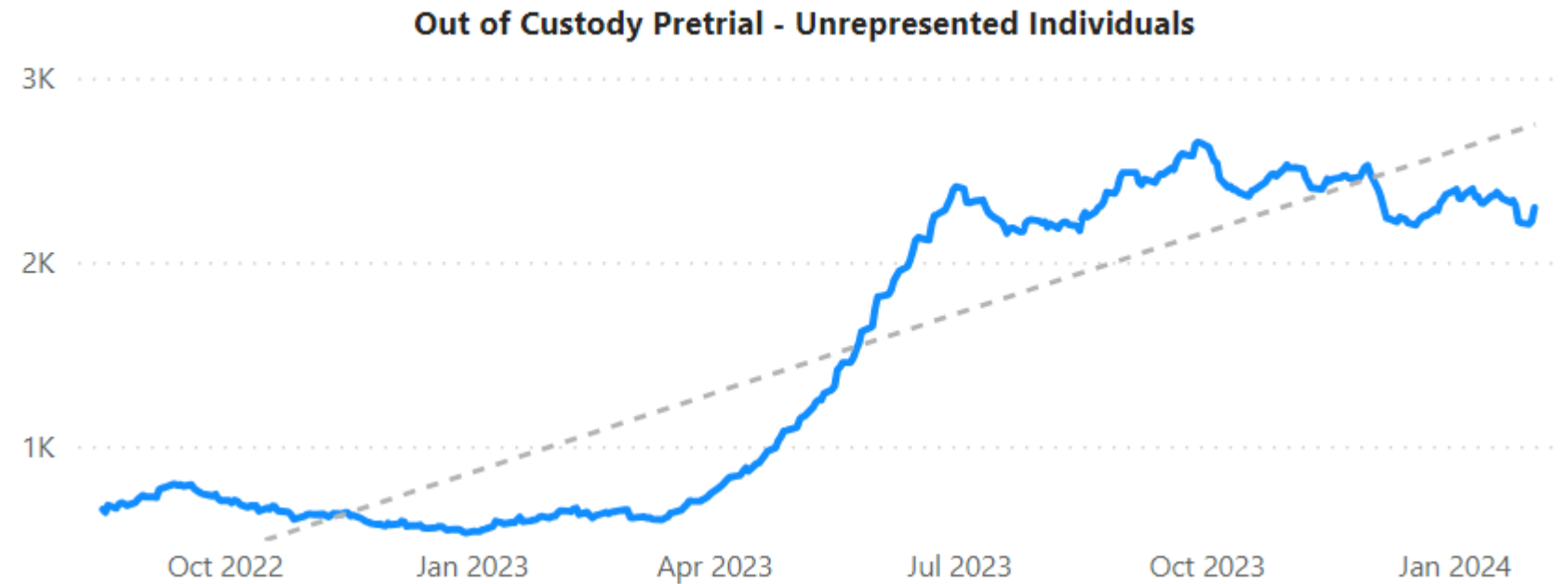
UNREPRESENTED

Unrepresented Numbers

**2817 Unrepresented
Persons**

109 In Custody

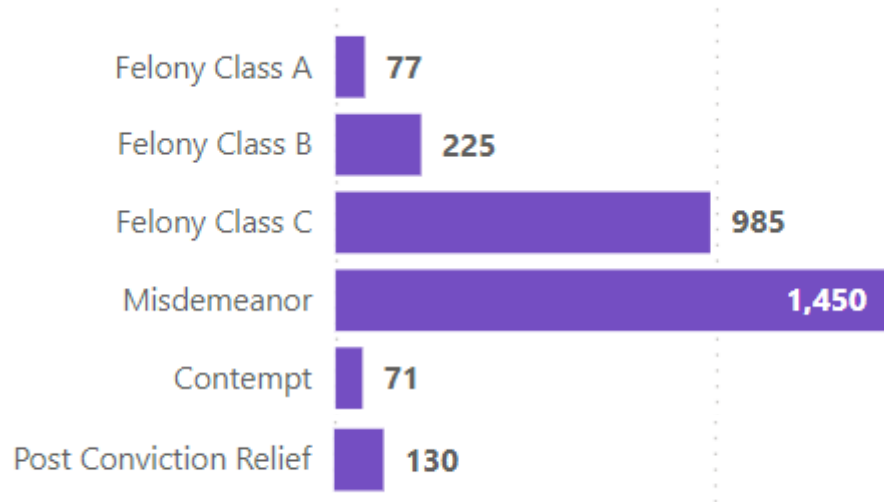
39 In Custody >10 Days



2,817 Unrepresented Persons

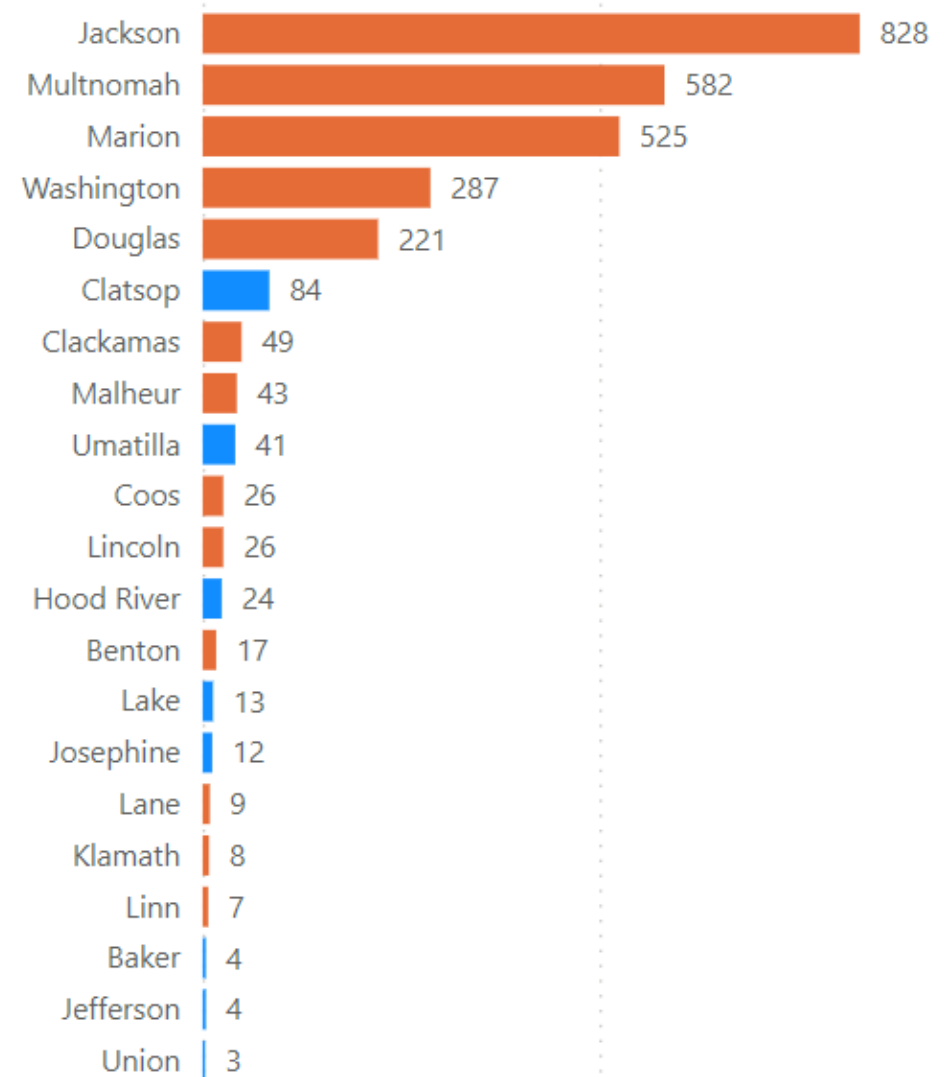
**Varies by Jurisdiction, driven by
Misdemeanors and C Felonies**

Unrepresented By Offense Group or Case Type



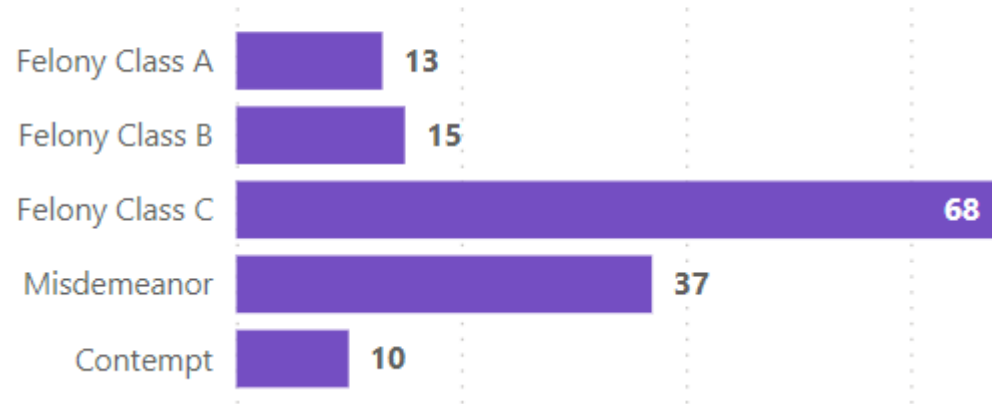
Unrepresented By County

Orange Counties Must Convene Crisis Teams (CJO 23-024)

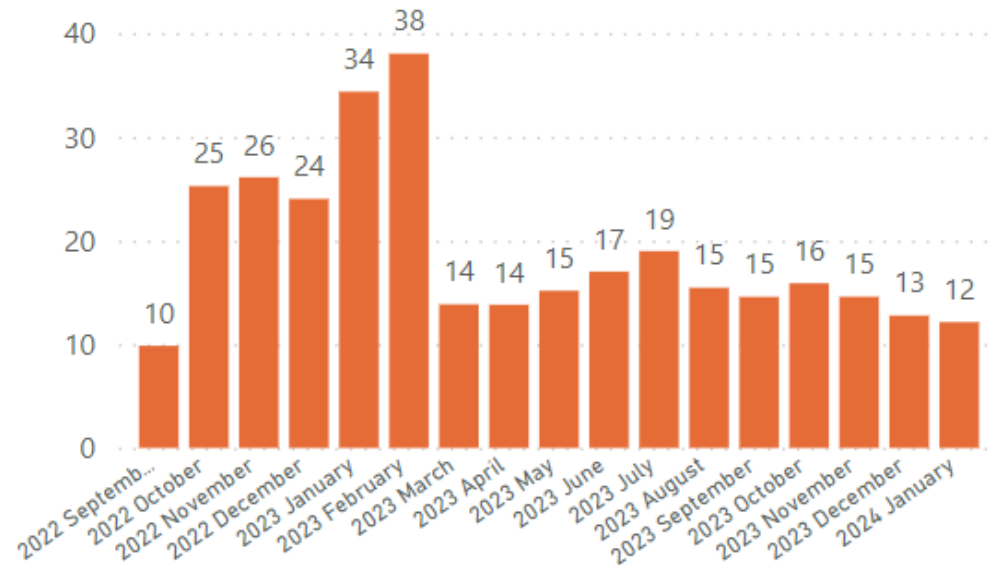


Unrepresented and In Custody

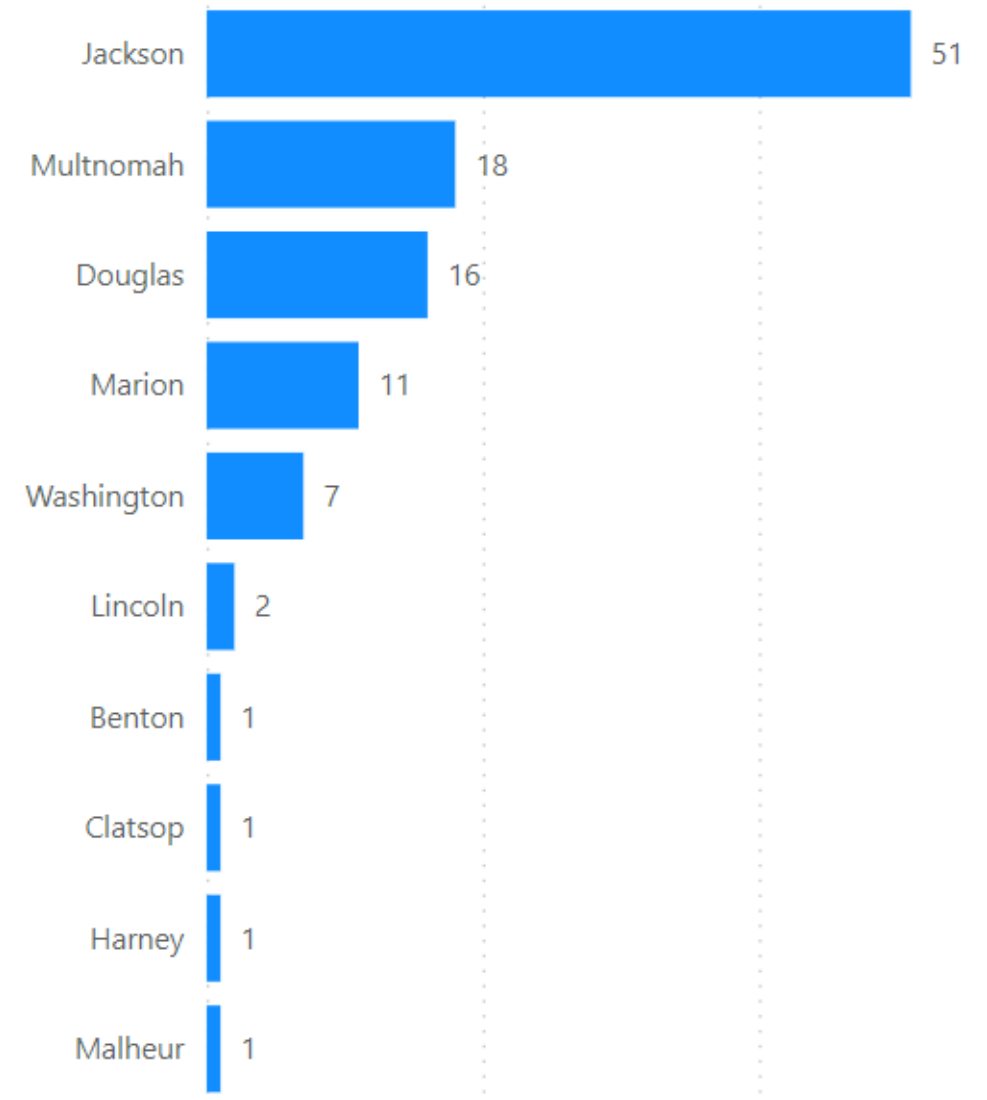
By Offense Group or Case Type



Avg Days In Custody Unrepresented



Unrepresented and In Custody By County



ACTION TAKEN

Adding Attorneys

Increased Contracted MAC

- 25% more MAC added since 07/22.
- 54.23 more MAC bought with 2023 legislative investments.

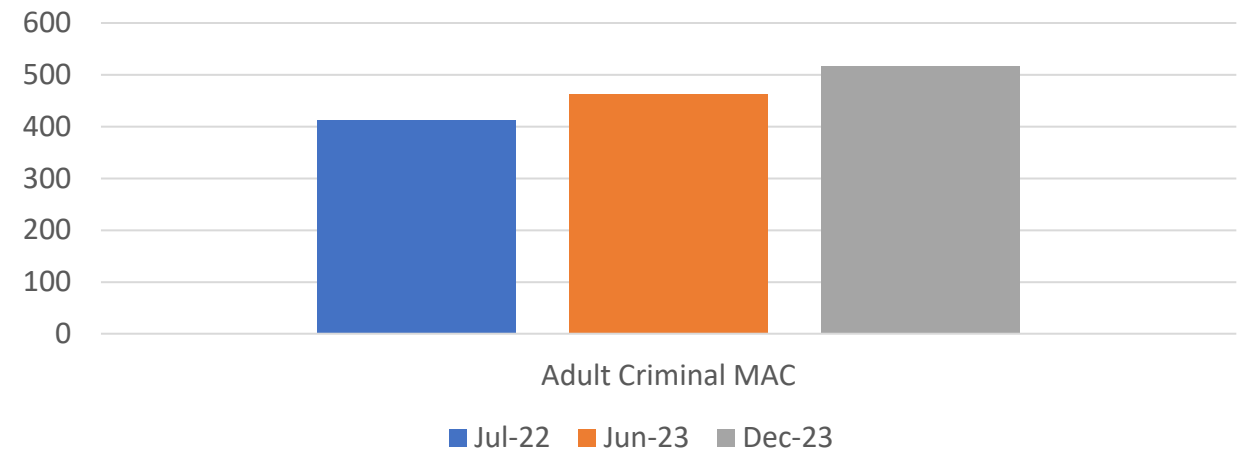
THIP

- 4,870 cases taken off Unrepresented List since 08/22.
- 509 in custody taken since 10/23.

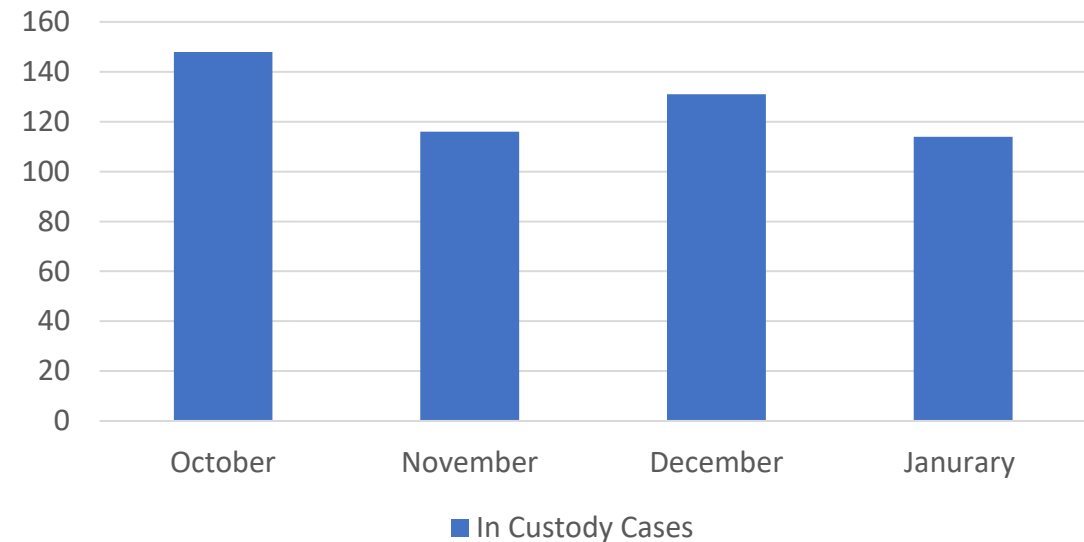
State Employees

- 6 attorneys taking cases, 3 starting during February

Increase In MAC Over Time



THIP In-Custody Cases/Month



Other Mitigation Actions

Streamlining processes for hourly attorney program.

- Centralizing intake system and databases to improve process and track outcomes.

Develop better communications with courts and unrepresented persons.

- Informational handout for unrepresented persons;
- Communication form for judges and court staff;
- Online form on OPDC website being developed as central repository for unrepresented communications.

Breaking down silos between divisions.

- Responsive to remediation plan.
- Data and Trial Support divisions working together to streamline processes.

Unrepresented POPs

Additional Contracted Attorneys

- \$3m Caseload SPA;
- 10 more contracted MAC (6.25fte);
- 3,735 weighted cases in new caseload capacity.

Temporary Hourly Increase Program (THIP)

- \$3.1m Unrepresented SPA, \$4.3m Carryforward;
- Extends THIP for in-custody unrepresented cases through June 30, 2024.

Provider Capacity

What is MAC?

Maximum not a Mandate.

- If MAC were a mandate, it would be a flat fee model;
- Ethical standards of representation.

300 misdemeanors/year weighted.

- Based on 2021 the Oregon Study + Washington's annual caseload limits;
- 2023 national Rand study recommends half current of MAC standards.

Maximum Attorney Caseload (MAC) is the maximum number of cases a public defender can take per year.

What is MAC?

1 MAC does not mean 1 FTE ... but it can.

- Attorney who works full-time on public defence cases is considered a 1.0 MAC, but if that full-time public defender joins a one-year contract halfway through then they can only take 6 months of a MAC (150 weighted misdemeanors).
- Unrepresented has led to many MAC additions outside of normal contract cycle.

FTE is an attorney and their time, MAC is the caseload limit that they can take associated with that time.

Maximum Attorney Caseload

Adult Trial Division

- 497.03 MAC providing direct representation to clients;
- 19.53 FTE of attorney supervision;
- 57.18 FTE of in-house investigators.

Adult Trial Division	
Provider MAC	454.85
Statewide MAC	42.18
Supervisor FTE	19.53
Investigator FTE	57.18
Total MAC	573.74

Data Source: OPDC Contracts as of 12/31/23

Providing Clear and Accurate Data

OPDC and OJD are collaborating on improving data accuracy

- OJD has real time data, but it can be inaccurate until its reconciled;
- OPDC has the most accurate data from providers, but it is not real time;
- Data Warehouse will allow OPDC and OJD to combine and reconcile data;
- OPDC is developing a reconciliation policy and process that will provide transparency from the contractor's monthly caseload reports and what the court record displays. The reconciliation process will enable both agencies to review and correct errors as they are identified.

Workload Model

SB 337 Directs OPDS to adopt a statewide workload plan.

Different Models

- Annual Caseload: Caseload maximum for all providers, MAC
- Open Caseload: How many cases a provider has at a given time, PCRCP
- Workload Model: Controls the amount of work and attorney is doing, hourly.

Further information on Workload model in the following presentation on 337.

- "The **workload** of appointed counsel must be controlled to permit effective representation... The commission may develop **workload** controls to enhance appointed counsel's ability to provide effective representation." **SB 337 Section 3(2)(b)**

Thank you

