

## ANALYSIS

### Public Defense Commission Remediation Plan

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**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 Commission (PDC), 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 PDC'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.

The second iteration of PDC's remediation plan being reported to the Legislature continues to be of high and improved quality. PDC's report outlines 25 of the agency's top issues to be remediated. PDC has developed a framework that articulates the breadth of the systemic issues facing the agency and leaves no misunderstanding about how far outside state agency norms the agency is operating and what systemic changes are required. There are indications that the newly established Public Defense Commission will adopt the remediation plan and move forward with the plan's recommended remedial actions.

The Legislative Fiscal Office notes, however, that PDC reported only on the portion of the budget note related to the agency's remediation plan and that future reporting should include the requested

information on updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

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

# Oregon Public Defense Commission Gehringer

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**Request:** Report on Senate Bill 5532 (2023) budget note on the comprehensive remediation plan by the Oregon Public Defense Commission (OPDC).

**Recommendation:** The Oregon Public Defense Commission is not under Executive Branch budgetary authority.

**Discussion:** OPDC submitted a report updating the Legislature on the Commission's restructuring and modernization efforts, in compliance with the following Senate Bill 5532 (2023) budget note:

**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 OPDC in the fall of 2023 (as the Public Defense Services Commission, or PDSC) did not include a remediation plan. Instead, PDSC offered a compilation of details regarding the current state summary of Commission actions taken since the close of the 2023 Legislative Session. That report included a legislative reporting update, a focus on financial forecasting and controls, governance planning, an update on restructuring and modernization process, procurement and contracting activities, setting caseload forecasting and standards, human resources update, and other action items. It's worth noting, Senate Bill 337 (2023) changed the name of PDSC to the Oregon Public Defense Commission (OPDC), in the law clarifying that OPDC "is a

continuation of the Public Defense Services Commission and not a new authority.” Therefore, the agency will be referred to as OPDC hereafter.

The current report includes issue identification and discussion as outlined in the Senate Bill 5532 (2023) budget note for 25 issues for remediation and OPDC’s plan for each constitutes their remediation plan. Some themes across remediation efforts emerge, including the importance of OPDC’s strategic plan, the need for clearer and more transparent communication, improved relationships with the providers and the legislature, and additional training opportunities for staff.

Issue Identified	Objective	OPDC Plans to Remediate
1. Unified Commission and Agency	Ensure the agency and commission are acting as one.	Director/Commissioner meetings, Commission Administrator role, a subcommittee on governance, commissioner onboarding and training, transparent communication to staff, meeting materials in advance of meetings, and clearly communicated timelines.
2. Commission Oversight	Have the Commission exercise oversight on the issues and overall functioning of the public defense system.	Strengthen relationships with legislature, establish specialized subcommittees, engage in regular site visits, implement reporting mechanisms, and update bylaws.
3. Decisive Leadership	Establish the agency as the trusted subject matter experts on issues within public defense.	Be proactive rather than reactive, establish decision-making process, and create a strategic plan.
4. Gap Analysis	Identify agency needs and opportunities for improvement.	Perform gap analysis based on remediation plan, then prioritize needs.
5. Updated Governing Statutes and Policy	Establish a routine review process so the Commission can ensure modern and appropriate governing statutes and policies.	Quarterly review of statutes, rules, and policies for updates and transparent communication including internal and external stakeholders.
6. Standard Financial Practices	Ensure OPDC is adhering to agency standardization on budgeting, financial, and accounting matters.	Periodic review of policies and procedures, annual financial audit by Secretary of State, continue to receive the Gold Star Award, and provide regular financial training to staff, including financial literacy training for staff and Commissioners
7. Standard Human Resource Practices	Ensure OPDC is adhering to agency standardization within human resource management.	Review current HR policies, clean up and maintain a clear organizational chart, conduct fair and open recruitments, update job descriptions, and conduct effective performance reviews.
8. Standard Procurement Practices	Ensure conformity with state government procurement standards.	Adhere to state regulations, implement clear procurement policies, provide regular training, and regularly review and update procurement practices.

9. Improved Agency Culture	Improve employee morale and become an employer of choice.	Develop a strategic plan, develop internal communications plan, provide management and leadership training to managers, conduct regular employee surveys, and implement professional development opportunities.
10. Efficient and Effective Programing	Improve communication and coordination among agency divisions and staff to ensure programs and activities are efficient and effective.	Develop and implement a strategic plan, update position descriptions, establish administrative controls, enhance communication, provide cross-divisional trainings, and implement project management tools.
11. Implement F/CMS	Create an integrated financial case management system that improves data collection and analysis and allows for effective case and financial management.	Acquire F/CMS system that meets OPDC's needs, train staff on its use, and establish a feedback mechanism for ongoing improvement.
12. Data Informed Decision-Making	Engage in rigorous quantitative decision-making process for activities related to forecasting, procurement, budgeting, quality control, and performance management.	Incorporate data insights in planning and decision-making, train staff, ensure robust data governance, and cultivate a data-driven culture through workshops and other awareness programs.
13. Accurate and Timely Vendor Payments	Ensure conformity with state government timely payment policy.	Review and update payment procedures, enhance communication with providers, and conduct staff training.
14. Strategic Plan	Establish a strategic plan the Commission can base decision making and planning around.	Hire a consultant to develop a strategic plan who will help OPDC clarify mission vision and values, engage stakeholders, establish strategic goals and objectives, prioritize DEI, develop action plans and KPMs, align with regulatory frameworks, establish implementation timelines, and implement a comprehensive communication plan.
15. Internal Quality Control and Audits	Conduct rigorous internal quality control assessments based on meaningful measures of performance.	Establish a quality control framework, conduct regular internal audits, document processes, train staff, develop a feedback mechanism, foster a culture of continuous improvement, and define a clear reporting structure for internal quality control findings.

16. Develop Internal Data Analytics	Create a data collection program that includes reporting, research, and complex data analysis.	Implement F/CMS, form collaborative partnerships, implement continuous training programs, implement rigorous data assurance measures, design user-friendly interfaces, establish robust data governance framework, and build a stable infrastructure.
17. Data Security and Independence	Ensure public defense data is secure and appropriately firewalled.	Clarify security measures between OPDC and the Oregon Judicial Department (OJD), collaborate with Department of Administrative Services (DAS) Chief Information Office (CIO), and establish a data governance framework.
18. IT Structure	Ensure OPDC's Information Technology Section has the capability to fully support the agency.	Perform a gap analysis between OJD and potential DAS services, conduct an in-depth IT audit to assess current state, engage external IT consultant, collaborate with other state agencies, and train staff.
19. CAP: Develop CAP Program	Create a CAP division that provides honest analysis and assessment of the public defense system and agency operations to the Commission and the executive director.	Develop new positions for procurement functions related to management of public defense legal services contracts and support work related to unrepresented persons; transition existing workload in these areas to these new positions.
20. CAP: Performance Standards	Clear standards for public defense providers in Oregon.	Research and benchmarking, engaging stakeholders, clear performance metrics, establish continuous improvement mechanism, recognize diversity of workload, and ensure standards align with legal and ethical requirements.
21. CAP: Audits and Quality Control	Conduct rigorous external quality control assessments based on meaningful measures of performance.	Implement a comprehensive quality control framework, develop monitoring and evaluation capacity, collaborate with stakeholders, train auditors, establish continuous improvement mechanism, and ensure transparent reporting.

22. CAP: Compliance Measures	Once performance standards are in place, CAP will ensure compliance with those standards and opportunities for improvement when those standards are not met.	Develop objective feedback mechanism and develop tailored remediation plans for those falling below standards, collaborate with professional organizations, incorporate client feedback in quality control process, continuous improvement monitoring and reporting, defining accountability measures, and conducting follow up audits.
23. Accountability to Legislature	Rebuild legislative trust in the agency by adhering to legislative direction and budget authority.	Complete legislatively required reports on schedule, follow legislatively adopted budget, and focus on internal accountability.
24. Build & Repair Relationships	Become a trusted partner on public defense matters.	Hire communications position to improve communication with providers, establish feedback sessions for providers, restart commissioners and agency leadership tour, learn from other agencies, and breakdown silos within the agency.
25. Accountable Complaint Process	Ensure all complaints are treated in a standard and transparent way.	Standardize complaint policies and process and develop a system for regular reporting for transparency and accountability.



# Oregon

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January 16, 2024

Senator Elizabeth Steiner, Co-Chair  
Representative Tawna Sanchez, Co-Chair  
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.

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**Agency Action**

Since submitting the last Remediation Report in October, the agency has taken the 25 identified remediation issues and built out a plan for each using the 10 point structure identified in the budget note.

**Action Requested**

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

**Legislation Affected**

No legislation is affected.

Sincerely,



Jessica Kampfe  
Executive Director

Attachment: OPDC Remediation Plan II

Cc:  
Amanda Beitel, Legislative Fiscal Officer  
John Borden, Principal Legislative Analyst, LFO  
Kate Nass, Chief Financial Officer  
Zachary Gehringer, Policy and Budget Analyst, CFO

# Oregon Public Defense Commission

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## REMEDICATION PLAN

Version II

LAST UPDATE: JANUARY 16, 2024

## NATURE OF THE REPORT

The budget report for SB 5532 (2023) includes Budget Note #1: Comprehensive Remediation Plan:

The Public Defense Services Commission (PDSC) is directed to report to the Interim Joint Committee on Ways & Means 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.

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The following report is the top 25 issues identified by the Oregon Public Defense Commission (formerly the Public Defense Services Commission) for remediation work. Addressing these issues focuses the agency on working towards a unified goal: to restore credibility in the Commission as an efficient and effective administrator of Oregon's public defense system by stabilizing agency administration to enable the agency to fulfill its mission of ensuring constitutionally competent and effective legal representation for persons eligible for a public defender.

The Commission approves the submission of the report to meet legislative timelines, however, the Commission has had inadequate time to consider the contents of these reports due to its constitution on January 1, 2024.

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## UNIFIED COMMISSION AND AGENCY

1. **Issue:** Cultivate a unified relationship between the Commission and the agency with clearly defined roles and authority.
2. **Priority:** High
3. **Evidence of Concern:** Agency staff and the commission have not been aligned, either in the direction of the agency or in a common understanding of roles and responsibilities, for several years. This has caused an increase in the frequency of commission meetings, disorganized meetings, and confusion about the direction of the agency. SB 337 eliminated the existing commission and required a new commission to be appointed and take office on January 1, 2024.

At the October 24, 2023, the Commissioners voiced concerns on this matter and identified it as an area for future work.

SB 337 more clearly delineates the division of labor between the commissioners and agency.

4. **Objective:** Ensure the agency and commission are acting as one.
5. **Best Practice:** The agency director and staff provide day-to-day operations of the agency. Agency director is liaison to commission. Commissioners provide direction setting, high level feedback and oversight of agency operations.
6. **Options to Resolve the Issue:**

### Director/Commissioner Meetings

Regular one-on-one meetings between the agency director and each commissioner prior to commission meetings foster a deeper understanding of individual perspectives, enhancing communication and alignment on key issues.

### Commission Administrator

Hiring a Commission Administrator within the agency will help facilitate ongoing communication between Commissioners and commission staff, ensuring that information flows smoothly and both parties are well-informed.

### Subcommittee on Governance

Establishing a subcommittee focused on governance allows for in-depth discussions and recommendations, ensuring that the Commission's governance structures are continually refined and aligned with the agency's mission and goals.

### Commissioner Onboarding

Providing new Commissioners with appropriate onboarding and training will ensure that new commissioners are well-prepared and equipped with the knowledge needed to fulfill their roles effectively.

### Communicating Commission Actions to Agency Staff

Transparent communication of Commission actions to agency staff, along with guidance on implementation or changes, fosters a culture of openness and ensures that staff are aligned with the Commission's decisions.

Providing Commission Materials in Advance

Distributing commission materials at least ten days prior to meetings allows all parties, including agency staff, to thoroughly review relevant information, facilitating more informed discussions and decision-making.

Establishing and Communicating Timelines

Clearly defining and communicating timelines for key activities and decision points helps create a structured and predictable environment, enabling both the Commission and agency staff to plan and collaborate effectively.

7. **Recommended Options:** All the above.

8. **Timeframe:**

Director/Commissioner Meetings: In progress: Director is currently meeting weekly with the Chair and Vice Chair. These meetings should be expanded to other Commission members. There is not currently a timeframe to achieve this, and further communication with the newly appointed OPDC is needed.

Commission Administrator: In progress: The agency is requesting, through the Executive Transition SPA, one (1) Office Specialist 2 to work in the Portland office, allowing the agency to utilize an existing ESS position for commission support.

Subcommittee on Governance: Complete: The OPDC established a subcommittee on governance at their first meeting on January 5, 2024. The subcommittees first meeting will be sometime before the February full Commission meeting.

Commissioner Onboarding: Complete: The agency is provided an onboarding for incoming OPDC members on December 7, 2023

Communicating Commission Actions to Agency Staff: Goal by March 2024: General Counsel will work with the agency's new Communications Specialist to summarize and distribute Commission summaries to all staff.

Providing Commission Materials in Advance: In Progress: This has been an ongoing goal of staff for some time. Staff are committed to providing Commission materials 10 days in advance.

Establishing and Communicating Timelines: In Progress: The Commission adopted a meeting schedule at their January meeting, staff have a rough outline of topics that will need to be covered at these meeting. Agency staff is also working on better timing legislative reports to ensure the Commission has time to review and make changes. Agency staff laid out timelines for SB 337 reform, but further clarification and details are needed.

9. **Fiscal Impact:** OS2 to allow for commission administered position.

10. **Expected Outcome:** An agency with staff/commission alignment on roles, responsibilities, and direction.

## COMMISSION OVERSIGHT

1. **Issue:** Commission oversight in addressing issues within the public defense system.
2. **Priority:** High
3. **Evidence of Concern:** The Commission has a responsibility to provide oversight to the public defense system. Over the past few years PDSC has gone through many changes, including the commission being terminated and reconstituted in 2022, and then disbanded and recreated in 2023. During this time there were also many challenges within public defense, namely a lack of qualified public defenders and the corresponding unrepresented person's crisis. During this time the Commission often did not lead on public defense matters, often ceding its role to others in the public safety realm or to the legislature. This has not always been the case, -- for example, it was the Commission that requested the 6<sup>th</sup> Amendment Center and ABA assessments from the legislature, and the Commission that directed the agency to implement a contract model that aligned with the findings of the 6AC assessment. Recently, however, the Commission has taken and waited for legislative direction.
4. **Objective:** Have the Commission exercise oversight on the issues and overall functioning of the public defense system.
5. **Best Practice:** This issue is in alignment with the ABA 10 Principles of a Public Defense Delivery System (2023) Principle 1: Independence To safeguard independence and promote effective and competent representation, a nonpartisan board or commission should oversee the Public Defense Provider. The selection of the head of the Public Defense Provider, as well as lawyers and staff, should be based on relevant qualifications and should prioritize diversity and inclusion to ensure that public defense staff are as diverse as the communities they serve.

Compliance with best practices for boards and Oregon Revised Statute.

### 6. **Options to Resolve the Issue:**

#### Strengthen Relationships

Strengthening the Commission's, particularly the Chair's, relationships with the legislature helps build external support and understanding, contributing to a more unified approach between the Commission and external stakeholders. The Chair should attend Legislative Days and participate in meetings with the Director when appropriate.

#### Establish Specialized Subcommittees

Form specialized subcommittees within the Commission that can delve into specific aspects of public defense, such as caseload management, resource allocation, and quality of representation. These subcommittees can conduct in-depth reviews, gather expert input, and present findings to the full Commission for informed decision-making.

#### Engage in Regular Site Visits

Schedule regular site visits to public defense offices and engage with defense providers, attorneys, and support staff to gain firsthand insights into the challenges and successes of the public defense

system. These visits provide commissioners with a practical understanding of how policies and decisions impact the daily operations of public defense services.

#### Implement Regular Reporting Mechanisms

Establish a standard reporting structure that requires agency leadership to regularly submit reports on key performance indicators, challenges faced, and innovations implemented. Implement standing reports at Commission meetings providing updates on topics like the unrepresented, SB 337, budget, and a general Director's Report. Commissioners can use these reports to identify systemic issues, track progress, and make data-informed decisions.

#### Update Bylaws

Update and implement bylaws to ensure the Commission is making oversight and governance decisions, and the agency is implementing those decisions.

7. **Recommended Options:** All the above.

8. **Timeframe:** In progress and ongoing.

Strengthen Relationships: Currently happening, OPDC's new chair, and future chairs, will continue to be involved as the public face of the Commission to the legislature. The Chair has attended and continues to attend legislative hearings as appropriate.

Establish Specialized Subcommittees: : The OPDC established a subcommittee on governance at their first meeting on January 5, 2024. The subcommittees first meeting will be sometime before the February full Commission meeting. This subcommittee will focus on bylaws and making recommendations on additional subcommittees and should have recommendations to the Commission by March 2024.

Engage in Regular Site Visits: The Commission adopted a meeting schedule at their January meeting, this schedule included site visits.

Regular Reports: The Commission currently receives regular reports on some topics, but more reports will be implemented in 2024, including a report on F/CMS.

Update Bylaws: By laws will be updated at the March 2024 meeting.

9. **Fiscal Impact:** Minimal, possibly commission admin position.

10. **Expected Outcome:** A stronger Commission that leads on public defense matters.

1. **Issue:** Demonstrate decisive leadership and decision-making.
2. **Priority:** High
3. **Evidence of Concern:** PDSC has lacked clear organizational structure and roles and responsibilities, leading to confusion over who makes decisions. As a result, the agency has not engaged in decisive decision making, often ceding its role to others in the public safety realm.
4. **Objective:** Establish the agency as the trusted subject matter experts on issues within public defense.
5. **Best Practice:** Leadership and decision making that uses a collaborative process.

6. **Options to Resolve the Issue:**

Be Proactive

The Commission needs to start being proactive rather than reactive, both as an agency, and as the stewards of Public Defense. The Commission needs to regain ownership of public defense matters. This will mean leading on public defense matters rather than waiting for legislative direction, being proactive on public defense matters and changes, and becoming the subject matter experts that policy makers look to for guidance. This also means taking decisive action on agency reform matters. Making decisions, communicating those decisions, and following through on those decisions.

Process

Establish a decision making process, with clear roles and responsibilities with respect to decision making. Leadership and staff should be empowered to appropriately make decisions that align with the strategic plan and are based on policy.

Create a Strategic Plan

Develop a strategic plan as a roadmap for the agency's future, ensuring decisions align with long-term goals and contribute to fulfilling the organization's mission.

7. **Recommended Options:** All the above.
8. **Timeframe:** In progress and ongoing.  
Be Proactive: This will be a long-term goal. The agency has been working hard to rebuild trust with both the legislature and providers, and until that trust is reestablished it is unlikely that policy makers will look to OPDC for significant input. The agency has come a long way on this front, but a timeline of when this will be achieved is unknown. OPDC is working towards being proactive every day.  
Process: The agency has been undergoing significant organizational change, working to better align roles and responsibilities and decision making. This process is nearly complete and should be done by early 2024.  
Strategic Plan: Work done in Spring 2024 adopted by June 2024.
9. **Fiscal Impact:** None

10. **Expected Outcome:** Regain trust in the Commission as restore credibility in the Commission as an efficient and effective administrator of Oregon's public defense system.

## GAP ANALYSIS

1. **Issue:** Perform a gap analysis to assess where goals are being met and identify needs (i.e., positions/expertise, IT deficiencies, agency coordination).
2. **Priority:** Top
3. **Evidence of Concern:** The agency lacks staff and key resources to implement programs and carry out legislative direction efficiently and effectively. Many of these needs have already been identified, including procurement specialists, contract management specialists, an analytical researcher, a communications specialist, data entry staff, and administrative assistants, but absent a formal analysis OPDC lacks the narrative to support these requests.
4. **Objective:** Identify agency needs and opportunities for improvement.
5. **Best Practice:** An initial gap analysis should be performed based on this remediation plan. Subsequent gap analysis should be performed on a regular basis to identify needs and opportunities going forward. Regular assessments are crucial for maintaining a proactive approach to identifying and addressing evolving needs.
6. **Options to Resolve the Issue:** Perform a gap analysis based on the remediation plan. Then prioritize needs identified and develop a plan on when and how to request resources going forward.
7. **Recommended Options:** All the above.
8. **Timeframe:** The gap analysis is linked to this remediation plan and has been completed with the completion of this plan. Gaps identified will be taken to the Commission for approval. Depending on priority, resources to fill the gaps will be requested from special appropriation allocations (SPAs) during the short session in February 2024, or 2024 e-boards, or a plan will be built to address gaps in the 2025-27 budget request and beyond.
9. **Fiscal Impact:** The fiscal impact will depend on gaps identified. PDSC anticipates there will be no fiscal impact outside of accessing the SPAs during the 2024 session.
10. **Expected Outcome:** Gaps preventing PDSC from achieving the goals of the remediation plan will be identified.

1. **Issue:** Review and update as necessary statutes, policies, and procedures that govern the commission and agency.
2. **Priority:** High
3. **Evidence of Concern:** SB 337 (2023) updated and clarified the statutory authority under which the Commission and the agency operate. Additional statutes, including ORS 135.045 to 135.055, need to be reviewed to clarify roles and responsibilities pertaining to the appointment of counsel.

### Commission

SB 337 changed many of the agency's governing statutes. Implementation of these changes will likely require changes to policies and the Commission's bylaws. Currently few governance policies exist, which leads to confusion about roles and responsibilities between commissioners and agency.

Commission bylaws were updated in March 2023, but implementation of SB 337 necessitates the need for additional review and updates. Prior to 2023, the Commission did not have bylaws.

### Agency

The Agency is currently in the process of prioritizing, updating, and creating policies and procedures within the agency. SB 337 moves the agency to the Executive branch in 2025, requiring additional policy work to ensure OPDC is in alignment with the executive branch, including establishing any necessary administrative rules.

4. **Objective:** Establish a routine review process so the Commission can ensure modern and appropriate governing statutes and policies.
5. **Best Practice:** Timely response to issues surrounding agency governance. Procedure for review of statutes, administrative rules, and policies.
6. **Options to Resolve the Issue:**

### Quarterly Reviews

Create a small team of agency leadership including general counsel, government relations, and the deputy director, to review statutes, administrative rules, and policies and make recommendations for updates. These recommendations should be brought to the newly formed governance subcommittee of the Commission that meets quarterly to discuss issues of governance and make recommendations on updates to bylaws.

### Transparent Communication

Solicit input from internal and external stakeholders during the review process. Seek feedback from providers, staff, commissioners, legal experts, and the public to ensure a comprehensive perspective. Clearly document any changes made during the review process. Communicate changes effectively to ensure understanding at all levels. Ensure that the updated statutes, policies, and procedures are accessible to the public. Provide an online platform or designated space for stakeholders to review and understand governing documents.

7. **Recommended Options:** All the above.
8. **Timeframe:**

Quarterly Review

The creation of an internal team, the creation of a SharePoint drive, and the creation of a commission subcommittee should occur by March 2024.

Transparent Communication

Once the Governance subcommittee is established, communication will happen on a continuous basis.

9. **Fiscal Impact:** Minimal

10. **Expected Outcome:** Keep governance issues in the forefront of Commission and agency staff and better responsiveness to governance issues.

## STANDARD FINANCIAL PRACTICES

1. **Issue:** Adhere to standard budgeting, financial management, and accounting practices.
2. **Priority:** High
3. **Evidence of Concern:** OPDC adheres to state government budgeting and financial management practices. OPDC has adopted the Oregon Accounting Manual as the guiding document for accounting purposes and has written agency policies that support and enhance this decision. OPDC follows the instructions that are written and published by the State's Chief Financial Officer when creating and managing their budget. OPDC follows the advice and instruction provided by both LFO and CFO as it is provided and reports changes or abnormalities to mitigate future issues.
4. **Objective:** Ensure OPDC is adhering to agency standardization on budgeting, financial, and accounting matters.
5. **Best Practice:** Ensure conformity with state government standard practices.
6. **Options to Resolve the Issue:**

### Periodic review of policies and procedures

Conducting periodic reviews of budget, financial, and accounting policies and procedures ensures that the agency's governance framework remains current and aligned with best practices. This process allows for the identification of outdated or ineffective policies, enabling the agency to adapt to changes in statutes or operational needs.

### Annual financial audit by Secretary of State

An annual financial audit by the Secretary of State serves as a critical external validation of the agency's financial practices. Beyond meeting regulatory requirements, the audit provides an opportunity to identify areas for improvement. Thoroughly reviewing audit findings and promptly implementing corrective actions strengthens the agency's financial integrity and enhances accountability.

### Gold Star Award

Continue to receive the Gold Star Award from the Department of Administrative Services.

### Regular Financial Training

Providing regular financial training for staff involved in budgeting and financial management is essential for maintaining a skilled and knowledgeable workforce. Ensuring that staff are familiar with standard practices and updated regulations enhances their ability to contribute effectively to financial processes. This option supports ongoing professional development and fosters a culture of financial competency within the agency.

### Financial Literacy Training for Staff/Commissioners:

Implementing financial literacy training for non-budget staff and commissioners is crucial to ensure a shared understanding of the agency's budget process. This training will equip participants with the foundational knowledge needed to understand the agency's budget process and engage meaningfully in budget-related discussions. By fostering a baseline understanding across all stakeholders, the agency promotes transparency, enhances collaboration, and empowers staff and commissioners to contribute effectively to informed decision-making within the financial context.

7. **Recommended Options:** All the above
8. **Timeframe:** In progress and ongoing.
9. **Fiscal Impact:** Minimal
10. **Expected Outcome:** Adherence to standards and practices and minimal findings on audits.

## STANDARD HUMAN RESOURCE PRACTICES

1. **Issue:** Adhere to hiring and human resource management professional standards, including competitive recruitments, up-to-date job descriptions, and performance reviews.
2. **Priority:** High
3. **Evidence of Concern:** Recently hired human resource staff are evaluating current agency practices to determine where improvements need to be made. A reorganization of the agency is currently underway, consuming human resource staff time.
4. **Objective:** Ensure OPDC is adhering to agency standardization within human resource management.
5. **Best Practice:** Ensure conformity with state government standard practices.
6. **Options to Resolve the Issue:**

### Review Current Policy

Inventory current agency processes and practices to identify opportunities for alignment with state practices. Conduct a comprehensive review of existing hiring and HR processes and identify areas for improvement and alignment with state standards. This includes examining recruitment, onboarding, and employee management procedures to ensure consistency and compliance with established norms.

### Organizational Chart

Clean up and establish an organizational chart on the agency. Maintaining a clear organizational chart that outlines reporting structures and hierarchical relationships within the agency serves as a visual reference for employees, commissioners, and other stakeholders, fostering transparency and understanding of roles and responsibilities.

### Open Recruitment

Emphasize the importance of fair and open recruitment processes, ensuring that all vacant positions are publicly advertised, promoting equal opportunities. Exceptions should be clearly documented with compelling reasons, maintaining transparency and mitigating potential biases in the hiring process.

### Job Descriptions

Ensure all employees have job descriptions that match their role and responsibilities. Regularly review and update job descriptions to accurately reflect the roles and responsibilities of each position. This practice provides clarity for employees regarding their duties and helps in aligning individual contributions with overall organizational objectives.

### Performance Review

Institute a robust performance review system that includes regular assessments for all employees. Provide training and resources for managers to conduct effective performance reviews, ensuring constructive feedback, goal-setting, and professional development discussions. This fosters a culture of continuous improvement and accountability.

7. **Recommended Options:** All the above.

8. **Timeframe:** In progress and ongoing. A revised organizational structure should be in place by early 2024. Open recruitments are underway for vacant positions. Job descriptions will follow the organizational chart.
9. **Fiscal Impact:** Minimal, though clarifying job descriptions and roles and responsibilities may uncover gaps that would require additional FTE to fill.
10. **Expected Outcome:** Improved employee morale with clear definition of roles and responsibilities.

## STANDARD PROCUREMENT PRACTICES

1. **Issue:** Adhere to state government procurement practices, including competitive contracting processes.
2. **Priority:** High
3. **Evidence of Concern:** Provider contracting process occurred on a short timeline with four analysts procuring 200 contracts resulting in mistakes in documents and not enough communication to providers. Having procurement expertise and contract maintenance training is needed to improve the process.

OPDC has generally adhered to state government procurement practices and is becoming more familiar with ORS 279. Within the last two years the agency has been working to be more in line the state standard practices as defined in Oregon Procurement Manual. The agency has provided for their single designated procurement staff member to attend all required DAS procurement training. The agency is currently introducing the idea of mandatory contract administration training for those who have not had any training and who administer contracts.

Moreover, the OPDC is currently researching to see how it can be more professional and conform to state procedures with its vendor contracts. The agency is investigating the possibility of requesting authorization to approve and contract with vendors at limits higher than what is outlined in ORS 279 without involving DAS procurement, as most of our vendors far exceed those thresholds. Without an exemption or modification, DAS procurement would need to be involved in all the vendor contracts due to the costs associated. Finally, to become most professional, the agency should have a dedicated procurement unit to take contracting out of the hands of program management staff who currently handle that work and do not all have the training or experience necessary to create, administer and manage contracts. This may result in a request for additional positions such as a Procurement Contract Specialist 2&3.

The agency has been exempt to ORS 279 and has not been as competitive as it possibly could have on all contracts, especially when contracting for sole source contracts. Over the last year the agency, due to its desire to be more professional in contracting, has been utilizing available resources and state contracting lists to ensure competitiveness. The agency has been training and performing the steps to be in the Oregon Buys system to be as compliant as needed with our procurements.

The agency recognizes that there is much work that needs to be done to improve the vendor contracting process. In fall 2023, the agency adopted and implemented new policies to improve contract management and communication and has begun to see positive results from that effort, as well as from documenting the contract amendment process in writing and managing that process utilizing project management tools. The agency anticipates continued improvement in this area.

4. **Objective:** Ensure conformity with state government procurement standards.
5. **Best Practice:** Ensure conformity with state government standard practices.
6. **Options to Resolve the Issue:**

Procurement Staffing

Hire procurement staff trained in state contracting practices. All contracts issued by PDSC should be coordinated by trained contracting specialists. This ensures that procurement is being done by procurement specialists and allows for a better alignment of current staffs' roles and responsibilities.

Adhere to State Regulations

OPDC will be working with DAS and DOJ to ensure that new contracts meet Executive Branch laws and rules. Ensure that all procurement activities strictly adhere to the specific regulations and guidelines outlined by the state. Regularly monitor updates and revisions to these regulations, incorporating changes into agency policies and procedures promptly.

Implement Clear Procurement Policies

Develop and communicate clear and comprehensive procurement policies within the agency. These policies should outline the procedures for competitive contracting, specifying thresholds for different procurement methods, and ensuring that all staff involved in procurement are familiar with and adhere to these guidelines.

Provide Regular Training

Conduct regular training sessions for staff involved in procurement to keep them updated on the latest state government procurement practices, regulations, and any changes in policies. This ensures that the procurement team is well-informed and capable of making decisions aligned with state standards.

Regularly Review and Update Procurement Practices

Conduct periodic reviews of procurement practices to ensure they align with the evolving state government standards. Regularly update procedures and practices based on lessons learned, feedback, and changes in regulatory requirements to enhance the effectiveness and efficiency of the procurement process.

7. **Recommended Options:** All the above.
8. **Timeframe:** Implemented by July 2024.
9. **Fiscal Impact:** OPDC will be requesting procurement specialists during the February 2024 legislative session. 3 positions 1.63 FTE
10. **Expected Outcome:** Greater procurement accountability. Better support and assistance to providers. More clarity and less confusion.

## IMPROVED AGENCY CULTURE

1. **Issue:** Improve agency culture and morale to become an employer of choice.
2. **Priority:** Medium
3. **Evidence of Concern:** Lack of clearly defined job duties and responsibilities for agency staff creates low morale for staff. Lack of a clear agency vision, strategic plan, and communication also contribute to low morale and reduced workforce retention within the agency.
4. **Objective:** Improve employee morale and become an employer of choice.
5. **Best Practice:** Improving organizational culture and staff morale involves cultivating a positive and inclusive workplace environment. This includes establishing clear communication channels to keep employees informed and engaged, promoting transparency and trust. Involve employees in decision-making processes to foster a sense of ownership and empowerment. Prioritize work-life balance and well-being, recognizing the importance of employee health and satisfaction. Invest in professional development opportunities to enhance skill sets and career growth, demonstrating commitment to employee success. Lastly, regularly solicit and act upon feedback, ensuring that the organizational culture evolves in response to the changing needs and perspectives of its workforce.
6. **Options to Resolve the Issue:**

### Strategic Plan

Develop an Agency Strategic Plan to provide clear direction, define agency values, and establish accountability measures. Involve employees from various levels and departments in the development of the Strategic Plan. This not only contributes to a more comprehensive and realistic plan but also fosters a sense of inclusion and ownership.

### Internal Communications

Development of an internal communications plan to provide clear and transparent communication to staff that includes regular updates, transparent communication channels, and mechanisms for soliciting feedback from staff.

### Manager Training

Leadership and management training for supervisors to ensure that leadership is equipped with the skills to implement and champion these changes. Leadership training in areas such as communication, conflict resolution, and change management can be valuable.

### Employee Surveys

Conduct regular employee surveys to gather feedback on job satisfaction, work environment, and areas for improvement.

### Professional Development

Implement professional development opportunities and career growth programs to enhance staff skills and engagement.

7. **Recommended Options:** All the above.

8. **Timeframe:** Ongoing and in progress. This effort began with an all-staff workshop led by Ascent Leadership on October 31, 2023, the agency is currently in the process of hiring a communications position to work on the internal communications plan, and a strategic plan is expected to be worked on by the OPDC in the spring of 2024 and adopted by June 2024.
9. **Fiscal Impact:** None
10. **Expected Outcome:** An improved agency culture characterized by higher morale, increased job satisfaction, and improved retention.

1. **Issue:** Ensure programs and activities are coordinated and operate efficiently and effectively.
2. **Priority:** High
3. **Evidence of Concern:** OPDC lacks clearly defined decision making responsibility to give staff clear direction. This issue is compounded by a lack of policy and procedure defining roles, responsibilities, and process. As a result, divisions do not know how to interact with each other to support programs and often duplicate work or work against each other.

The agency has a history of siloed decision making and poor internal communication among divisions. This culture is changing and could further improve with an agency wide communications plan.

Procurement activities have historically been allowed to exist without controls, and that has set a precedent the agency is trying to change.

The OPDC does recognize the cycle that needs to occur between these elements. Caseload Forecasting drives budget which in turn affects procurement activities. This cycle needs to be documented and managed to ensure that all parts are recognized for their importance to the success of the system.

4. **Objective:** Improve communication and coordination among agency divisions and staff to ensure that programs and activities are efficient and effective.
5. **Best Practice:** Criteria are defined for what constitutes a timely decision; processes are in place to evaluate timeliness and take corrective actions.

Operational Controls are being followed and reviewed for effectiveness.

Documentation is reviewed for applicable stakeholder participation and changes made if inadequate.

### 6. **Options to Resolve the Issue:**

#### Strategic Plan

Development and implementation of an Agency Strategic Plan will aid in providing clear direction for the agency. A well-crafted strategic plan serves as a roadmap, aligning agency efforts with overarching goals. Ensure the plan is comprehensive, involving input from all divisions, and regularly revisit and update it to adapt to changing circumstances and priorities.

#### Job Descriptions

Updating position descriptions to define expected roles and responsibilities will provide staff direction. Clarity in job roles enhances efficiency. Regularly review and update position descriptions to accurately reflect roles and responsibilities, ensuring that staff understand their functions within the broader framework of agency goals

### Administrative Controls

Establish a robust administrative control system, and independent internal and external audits. Administrative controls, coupled with periodic audits, create a framework for accountability. Ensure the establishment of formal policies, procedures, and measurable goals, formal programmatic and resource plans, and metrics and feedback reporting. Regularly assess these controls through internal and external audits to identify areas for improvement and enhance overall efficiency.

### Enhance Communications

Develop a centralized communication platform to enhance collaboration and information sharing among agency divisions. Streamline communication by implementing a centralized platform that facilitates collaboration and information sharing. This could be a digital workspace or intranet, ensuring all staff are well-informed, connected, and able to contribute effectively.

### Cross-Divisional Trainings

Conduct regular cross-divisional training sessions to improve understanding of each division's roles and responsibilities. Foster a culture of mutual understanding by organizing training sessions that provide insight into the roles and responsibilities of each division. This promotes a collaborative mindset, breaking down silos and improving overall operational efficiency.

### Project Management Tools

Implement project management tools to track and coordinate programs efficiently. Utilize project management tools to track and coordinate programs effectively. These tools enhance communication, provide transparency into project timelines and progress, and contribute to efficient program management across divisions.

7. **Recommended Options:** All the above.
8. **Timeframe:** Establishing administrative controls and audits is generally a one-to-three-year process. Timeframe varies according to risk prioritization & funding availability, for each program & activity.
9. **Fiscal Impact:** Additional FTE will be needed as we build out the external audit function of CAP.
10. **Expected Outcome:** A well-coordinated, transparent, and accountable agency that operates with increased efficiency and effectiveness in delivering public defense services.

1. **Issue:** Procure and implement a financial and case management system that will allow for more efficient financial processing and collection of statewide data relating to caseloads and case related activities.
2. **Priority:** Top
3. **Evidence of Concern:** The agency has disparate data sources that lack coordination and clarity. The agency is currently in the RFP process and has brought on an IT procurement consultant to help usher F/CMS through the RFP process.
4. **Objective:** Create an integrated financial case management system that improves data collection and analysis and allows for effective case and financial management.
5. **Best Practice:** When procuring an IT system, it's essential to follow best practices to ensure successful implementation and optimal performance. Start by conducting a thorough needs assessment to clearly define requirements and objectives. Engage stakeholders and end-users early in the process to gather input and address their specific needs. Develop a comprehensive Request for Proposals (RFP) that outlines functional and technical specifications, security requirements, and performance expectations. Evaluate potential vendors based on their experience, track record, and ability to meet the specified criteria. Finally, establish a robust communication plan to keep all stakeholders informed throughout the procurement process and maintain flexibility for adjustments based on evolving needs or technological advancements.
6. **Options to Resolve the Issue:**

### Procure System

Proceed with project to acquire an F/CMS that meets OPDC's requirements. Ensure that the selected system aligns with OPDC's unique requirements, providing robust capabilities for financial processing and statewide data collection related to caseloads and case activities.

### Training

Ensure thorough training for staff and provider users on the new financial and case management system to maximize its benefits. Implementing a new system is only effective if the users are proficient in its use. Develop a comprehensive training program covering all aspects of the F/CMS, tailoring content to different roles within the agency and to outside users. Continuous training and support mechanisms will empower staff to maximize the benefits of the new system, improving overall efficiency.

### Feedback

Establish a user feedback mechanism to continuously improve and address any system-related issues. Creating a feedback loop is essential for ongoing system optimization. Implement a user-friendly mechanism for users to provide feedback on their experiences with the F/CMS. Regularly analyze this feedback to identify areas for improvement or address any system-related issues promptly, ensuring that the F/CMS evolves to meet the dynamic needs of OPDC.

7. **Recommended Options:** All the above.

8. **Timeframe:** Implemented in the current Biennium
9. **Fiscal Impact:** Minimal, however F/CMS is a top priority of the agency, and if gaps are found the agency would be requesting additional resources to ensure its completion.
10. **Expected Outcome:** Successful implementation of F/CMS that enables efficient monitoring of attorney caseloads, compliance with national best practice standards, and detailed reporting of the impact of public defense services. A system that enhances financial accountability; streamlines payment processes; supports management of attorney preauthorized expenses to effectively facilitate data collection, analysis, and evaluation; and empowers the OPDC to provide critical information and data on public defense best practices, contract projections, and key performance measures to stakeholders.

1. **Issue:** Use data related to forecasting, procurement, budgeting, quality control, and performance management in a manner that allows quantitative decision-making.
2. **Priority:** High
3. **Evidence of Concern:** Decisions are made ad hoc and often times in response to crisis and lacking data governance. Research and data analysis is made in an out of hand manner with little support and minimal integrity.
4. **Objective:** Engage in rigorous quantitative decision-making process for activities related to forecasting, procurement, budgeting, quality control, and performance management.
5. **Best Practice:** This issue is in alignment with the ABA 10 Principles of a Public Defense Delivery System (2023) Principle 4: Data Collection and Transparency. “To ensure proper funding and compliance with these Principles, states should, in a manner consistent with protecting client confidentiality, collect reliable data on public defense, regularly review such data, and implement necessary improvements. Public Defense Providers should collect reliable data on caseloads and workloads, as well as data on major case events, use of investigators, experts, social workers and other support services, case outcomes, and all monetary expenditures. Public Defense Providers should also collect demographic data on lawyers and other employees. Providers should also seek to collect demographic data from their clients to ensure they are meeting the needs of a diverse clientele. Aggregated data should be shared with other relevant entities and made publicly available in accordance with best practices.”

Best practices for using data in quantitative decision-making include defining clear objectives aligned with key questions, ensuring data quality through regular audits, and selecting relevant metrics tied to objectives and Key Performance Indicators. Implement strong data governance for integrity, security, and compliance, and integrate data from diverse sources for a comprehensive view. Leverage advanced analytics and visualization techniques to derive meaningful insights and present data intuitively. Establish feedback loops, encourage cross-functional collaboration, and provide training for staff involved in data analysis. Adherence to ethical standards and designing scalable systems further contributes to effective quantitative decision-making, fostering a data-driven organizational culture.

### 6. **Options to Resolve the Issue:**

#### Data Integration

To harness the full potential of data, integrate it into the initial stages of planning and decision-making processes. This involves incorporating data insights to inform strategic decisions, ensuring that quantitative analysis becomes a foundational element in shaping the agency's direction.

### Staff Training

Invest in data analytics training for relevant staff to enhance their skills in quantitative decision-making. Building a skilled workforce is crucial for effective data utilization. Invest in comprehensive data analytics training programs tailored to the specific needs of staff involved in forecasting, procurement, budgeting, quality control, and performance management. This empowers employees with the skills necessary for quantitative decision-making. The data team has completed 2 months of PowerBi training and SQL server training, to utilize the data to create and enhance agency dashboards.

### Data Governance

Robust data governance policies are essential for maintaining the integrity, security, and compliance of agency data. Establish clear guidelines for data management, including protocols for data collection, storage, and sharing. Ensuring data quality and security lays the foundation for reliable quantitative decision-making. Data team has created data policies, around the use of data, who reports on agency data. Data team has implemented quality control work review, prior to the release of data information.

### Data-Driven Culture

Cultivating a data-driven culture requires ongoing efforts. Conduct regular workshops and awareness programs to emphasize the importance of data in decision-making. Encourage a mindset shift where staff actively seek data to inform their decisions, promoting a more efficient and informed decision-making process across the agency.

7. **Recommended Options:** All the above.
8. **Timeframe:** In progress and ongoing. The Data team was moved from the IT division to the CAP division in 2023, where they are more appropriately involved in planning and decision making. With the development of the Data team under CAP we are seeing the agency become a more data-driven agency. The data team has been incorporated in Nintex form changes, to ensure the changes will continue to collect and report data elements. The data team has been actively engaged with Trial Support and Development team for implementation of changes to forms, changes to existing databases and with the engagement of providers for caseload reporting assistance. The full timeline of this will also depend on the implantation of F/CMS.
9. **Fiscal Impact:** None, though potentially future data related positions.
10. **Expected Outcome:** Increased reliance on data informed decisions.

## ACCURATE AND TIMELY VENDOR PAYMENTS

1. **Issue:** Vendor payments need to be accurate and timely to meet state standards.
2. **Priority:** High
3. **Evidence of Concern:** OPDC is providing accurate and timely payments to vendors. The agency keeps an active watch on the number of discrepancies and billing issues that arrive in the online submission process. The agency has been paying vendors on average of 30 days for the last year. The state recommended timeline is 45 days per the Oregon Accounting Manual and the agency is consistently within that timeline.
4. **Objective:** Ensure conformity with state government timely payment policy.
5. **Best Practice:** The Oregon Accounting Manual provides best practices for accounts payable.
6. **Options to Resolve the Issue:**

### Regularly Review and Update Payment Procedures

Conduct regular reviews of payment procedures to identify any bottlenecks or inefficiencies. Update procedures as needed to reflect changes in regulations, technologies, or organizational requirements. Continuous improvement in payment processes contributes to accuracy and timeliness.

### Enhance Communication with Providers

Foster open communication with providers to address any concerns or discrepancies promptly. Establish clear channels for communication regarding invoices, payment schedules, and any changes in processes. A collaborative relationship with providers can contribute to smoother payment transactions.

### Staff Training

Invest in ongoing training for staff involved in accounts payable to ensure they stay updated on the latest payment regulations, standards, and technologies. Well-trained staff are better equipped to handle complex payment processes accurately.

7. **Recommended Options:** All the above.
8. **Timeframe:** In progress and ongoing.
9. **Fiscal Impact:** As the number of contracts increase with providers it will be necessary to increase staffing to support commission and legislative goals and objectives
10. **Expected Outcome:** Continued success with payments.

## STRATEGIC PLAN

1. **Issue:** Develop and adopt a mission driven strategic plan centered on a centered on improved oversight and management of public defense in Oregon focused on persons eligible for public defense services.
2. **Priority:** High
3. **Evidence of Concern:** The agency last adopted a five-year strategic plan in 2016. Since then, the agency has worked with numerous consultants to gather information on issues relating to public defense policy, public defense caseloads and workloads, communications, and change management. But the agency has not adopted a formal strategic plan to guide the agency's operations.

Commissioners have not been engaged in a mission setting conversation about strategic planning. While the agency adopted an updated mission statement in June of 2023, it was not in collaboration with the Commission. Going forward, a strategic plan should include Commission guidance on mission, vision, and goals.

4. **Objective:** Establish a strategic plan the Commission can base decision making and planning around.
5. **Best Practice:** This issue is in alignment with the ABA 10 Principles of a Public Defense Delivery System (2023) Principle 9: "Essential Components of Effective Representation Public Defense Providers should adopt a client-centered approach to representation based around understanding a client's needs and working with them to achieve their goals."

Developing an effective strategic plan involves key practices such as inclusive engagement of diverse stakeholders, clear articulation of vision and mission statements, data-driven analysis through tools like SWOT, setting SMART objectives, building flexibility for adaptability, creating a robust communication strategy, alignment with organizational values, continuous monitoring and evaluation, securing leadership commitment, involving employees in the process, implementing risk management, and exploring strategic partnerships. By adhering to these practices, organizations can ensure their strategic plans are comprehensive, actionable, and adaptable to dynamic environments, fostering a sense of purpose and commitment among stakeholders.

### 6. **Options to Resolve the Issue:**

#### Consultant

Hire a consultant to support the agency and commission in development of a strategic plan. Develop clear scope of work considering prior work around strategic planning and lessons learned.

### Clarify Mission, Vision, and Values

Collaborate with the commission, staff, and stakeholders to clarify the agency's mission, vision, and values. Ensure that these foundational elements align with the commitment to constitutionally competent and effective legal representation. Articulate a clear and inspiring vision for the future.

### Engage Stakeholders

Foster collaboration and engagement with a diverse range of stakeholders, including public defenders, legal professionals, community organizations, and individuals who have received public defense services. Collect input on the strengths, weaknesses, opportunities, and threats related to public defense.

### Establish Strategic Goals and Objectives

Based on the identified priorities and challenges, establish strategic goals and objectives that align with the mission. These goals should be specific, measurable, achievable, relevant, and time-bound (SMART) to provide a clear roadmap for the agency.

### Prioritize Diversity, Equity, and Inclusion (DEI)

Integrate principles of diversity, equity, and inclusion into the strategic plan. Ensure that the agency's commitment to DEI is reflected in both the mission statement and strategic goals. This involves considering the unique needs and experiences of individuals eligible for public defense services.

### Develop Action Plans and Key Performance Indicators (KPIs)

Translate strategic goals into actionable plans with defined steps and responsibilities. Establish key performance indicators to measure progress and success. Regularly assess and adjust action plans based on evolving needs and external factors.

### Align with Legal and Regulatory Frameworks

Ensure alignment with existing legal and regulatory frameworks. Review relevant statutes, policies, and procedures to guarantee that the strategic plan complies with legal requirements while advancing the mission of the agency.

### Establish Implementation Timelines

Develop a timeline for the implementation of the strategic plan. Clearly outline milestones, deadlines, and responsible parties to ensure accountability and progress tracking.

### Communicate and Educate

Implement a comprehensive communication plan to inform all stakeholders about the strategic plan. Educate staff, commissioners, and the public on the agency's mission, goals, and the anticipated impact of the strategic plan.

7. **Recommended Options:** All the above.
8. **Timeframe:** The agency is in the process of bringing on a consulting firm to help coordinate the various work the Commission is doing, including strategic planning. The onboarding of the new commissioners primed them for future strategic plan work, with 6th Amendment Center framing and best practices. The consultant will perform stakeholder engagement in February and March. The March 2024 Commission retreat will focus on strategic planning. A strategic plan is

anticipated to be delivered by the end of April. The Commission's goal is to have an strategic plan adopted by June 2024.

9. **Fiscal Impact:** None, the agency is absorbing the cost of the consultant through available funds.
10. **Expected Outcome:** A strategic plan with a well-defined mission, clear strategic goals aligned with constitutional principles, and improved stakeholder engagement. The plan should foster a positive organizational culture, efficient resource allocation, and measurable outcomes through key performance indicators. It should also enhance decision-making processes, adaptability to change, and a commitment to continuous improvement, ultimately leading to a positive public perception of the agency as transparent, accountable, and mission driven.

## INTERNAL QUALITY CONTROL AND AUDITS

1. **Issue:** Develop processes for internal quality control reviews and auditing capabilities.
2. **Priority:** High
3. **Evidence of Concern:** OPDC is conducting rigorous internal audits and is training a new internal auditor position. Current internal audits include SPOTS card and public defense contracts. Current experienced internal auditor contract extended to ensure training of new internal auditor and work through agency internal audit projects. The Audits committee recently approved an audits plan that will be submitted to the Legislature for the 2024 session.
4. **Objective:** Conduct rigorous internal quality control assessments based on meaningful measures of performance.
5. **Best Practice:** Best Practices include the presence of an Audit Committee; Charters defining authority, scope, resources and responsibilities; policies and procedures based on professional Audit Standards; a Quality Assurance program; and a multi-year Audit Plan based on an agency wide risk assessment.
6. **Options to Resolve the Issue:**

### Establish a Quality Control Framework

Define a comprehensive quality control framework that encompasses key performance indicators, benchmarks, and standards for evaluating internal processes.

### Regular Internal Audits

Conduct regular internal audits to assess compliance with established procedures, identify areas for improvement, and ensure adherence to regulatory standards.

### Documented Processes

Ensure that all internal processes are well-documented and create a standardized procedure for conducting internal quality control reviews. This documentation should include step-by-step processes, checklists, and criteria for evaluation.

### Staff Training

Implement training programs for staff involved in quality control processes. This training should focus on the importance of quality control, best practices, and the specific criteria used for assessments.

### Feedback Mechanism

Establish a feedback mechanism that encourages staff to provide insights and suggestions for improving internal processes. This can be through surveys, regular meetings, or suggestion boxes.

### Continuous Improvement

Foster a culture of continuous improvement, where findings from internal audits are used to make informed decisions, implement corrective actions, and enhance overall efficiency.

### Clear Reporting Structure

Define a clear reporting structure for internal quality control findings. Ensure that relevant stakeholders, including management and decision-makers, are provided with concise and actionable reports.

7. **Recommended Options:** All the above.
8. **Timeframe:** Ongoing, while the internal audits structure has been established and an audit plan adopted, OPDC now needs to continue with that plan.
9. **Fiscal Impact:** None
10. **Expected Outcome:** The Commission's Audit Subcommittee to develop metrics & feedback loops for on-going internal quality control reviews, in conjunction with the periodic and independent performance audits conducted by the Internal Audit function.

## DEVELOP INTERNAL DATA ANALYTICS

1. **Issue:** Implement internal data analytics capability beyond reporting to include research and complex data analysis.
2. **Priority:** Medium
3. **Evidence of Concern:** The contracts and attorney databases are the main databases of record for the agency contracts and the attorneys who provide services. The databases are internal and as updates are made, it can cause other issues within the databases. The changes made were not discussed with all users of the data bases which caused additional concerns and delays in reporting accurate data and reports. OPDC has implemented when changes are requested to either database, they have program managers approval, along with IT and data and research team understanding of the changes requested. This has reduced delays with the data team in responding to data requests and impacts data research. OPDC needs to determine the research projects that will benefit and enhance agency programs.
4. **Objective:** Create a data collection program that includes reporting, research, and complex data analysis.
5. **Best Practice:** Best practices for enhancing internal data analytics capabilities include establishing clear data collection processes that prioritize accuracy and timeliness. Implementing a centralized and accessible database is essential for streamlined reporting and research. Organizations should invest in training and skill development for staff involved in data analysis to ensure proficiency in complex data analytics. Regularly reviewing and updating data systems and methodologies to align with industry standards and technological advancements is crucial. Foster a collaborative environment that encourages cross-functional teams, bringing together experts from data, research, and program areas to leverage diverse perspectives in analytics efforts.
6. **Options to Resolve the Issue:**

### F/CMS

A functioning F/CMS will be essential to creating the internal data analytic capabilities OPDC needs.

### Collaborative Partnerships

Forming partnerships with external organizations or data experts to bring in specialized knowledge and resources. Collaborating with academia or industry experts can provide fresh perspectives and access to cutting-edge analytics techniques.

### Continuous Training Programs

Implementing ongoing training programs for existing staff to keep them updated on the latest analytics methodologies and tools. This ensures that the team remains well-equipped to handle evolving data challenges.

### Data Quality Assurance Measures

Implementing rigorous data quality assurance measures to address discrepancies in databases. Regular audits and validation checks can help maintain the accuracy and reliability of the data

used for analysis. Process to ensure that contract and attorney database data entered in a timely manner to meet the reporting needs and to assist with research projects and monitoring trends, outcomes.

#### User-Friendly Interfaces

Designing user-friendly interfaces for data entry and retrieval to facilitate efficient data collection and reporting. Providing intuitive tools can encourage staff to engage more actively with the data analytics process.

#### Data Governance Framework

Establishing a robust data governance framework to define roles, responsibilities, and processes related to data management. This ensures that there is accountability for data accuracy and reliability across the organization.

#### Scalable Infrastructure

Building a scalable infrastructure that can accommodate the growing volume of data and evolving analytical requirements. This involves anticipating future needs and designing systems that can adapt to changing circumstances.

7. **Recommended Options:** All the above.
8. **Timeframe:** Ongoing. F/CMS will be up and running by January 2025. OPDC is already working collaboratively with our partners on data issues, including OJD and the Deason Center. Agency is expanding the data share and creating a data warehouse agreement with OJD. This will allow both agencies access to each agencies data elements to ensure OPDC can start the process of data reconciliation along with utilizing data into agency dashboards, Utilizing agency database for accurate collection of data, allows the data team to meet the needs of data requests for budget, legislature, etc. A data governance framework will involve writing policy and will need to be prioritized by the agency, but likely a six month to one year timeframe.
9. **Fiscal Impact:** None, though future build out could require additional FTEs.
10. **Expected Outcome:** Build and incorporate research in agency work within the data and research team to provide analytics.

1. **Issue:** Evaluate current data security and independence.
2. **Priority:** High
3. **Evidence of Concern:** Currently, OPDC is operating at a high level of security and independence in line with best practices. OPDC has four full time IT staff as well as a contract with the Oregon Judicial Department. DAS CIO is currently assisting the agency in recruiting a replacement for the CIO who retired in December 2023. Much of the agency's IT support is provided pursuant to a contract with OJD.

With the extremely high standards in data security set by OJD and shared by OPDC, there currently is no evidence of data security risks. As far as independence, OJD currently provides a significant portion of the technology and data infrastructure supporting public defense operations. This could externally appear to prevent independent decision making for OPDC, but since the agency is housed in its own tenet, it provides a full degree of separation.

4. **Objective:** Ensure public defense data is secure and appropriately firewalled.
5. **Best Practice:** Ensuring data security in public defense involves implementing rigorous access controls, encryption methods, and regular audits. Data classification helps allocate resources effectively, while ongoing employee training on security practices is essential. Organizations should have a well-defined incident response plan for prompt action in case of a security breach. Keeping software up to date, secure file transfer methods, and secure data disposal procedures are critical components. Collaboration with IT security experts, compliance with legal regulations, and regular data backups contribute to a comprehensive and resilient data security strategy.
6. **Options to Resolve the Issue:**

#### Clarification of Security Measures

Clearly articulate the existing security measures in place and the level of separation between PDSC and OJD. This can include documenting the physical and digital infrastructure that safeguards OPDC's data, providing transparency to external stakeholders.

#### Collaboration with DAS CIO

During the transition to the Executive Branch, collaborate closely with the DAS Chief Information Officer to ensure a seamless transfer of IT responsibilities. This includes verifying and reinforcing data security protocols to maintain independence while utilizing shared infrastructure.

#### Data Governance Framework

Establish a comprehensive data governance framework that standardizes data management practices and protocols. This framework should cover aspects such as data classification, access controls, encryption standards, and regular reviews to ensure ongoing compliance and security.

7. **Recommended Options:** All the above.

8. **Timeframe:** Currently, OPDC is operating at a high level of security and independence in line with best practices. However, the new CIO should do a full evaluation once they are on board in March. Meetings with DAS are already ongoing, but special attention can be added around data security. This process will continue through January 2025 when the agency moves to the Executive branch.
9. **Fiscal Impact:** None
10. **Expected Outcome:** Ensure that public defense data is secure and appropriately firewalled.

## IT STRUCTURE

1. **Issue:** Evaluate the current IT structure and identify needs.
2. **Priority:** High
3. **Evidence of Concern:** OPDC has four full time IT staff as well as a contract with the Oregon Judicial Department. DAS CIO is currently assisting the agency in recruiting for a replacement for the CIO who retired in December 2023. Much of the agency's IT support is provided pursuant to a contract with OJD. As the agency transitions to the Executive branch, gaps in the current IT structure are being identified. It is clear that OJD won't be able to fill all of the current roles it is providing and that DAS will only be able to take over some of those roles. That means that the agency will have an identified need.
4. **Objective:** Ensure OPDC's Information Technology Section has the capability to fully support the agency.
5. **Best Practice:** Conduct a comprehensive assessment encompassing hardware, software, security, and network components. Engaging key stakeholders, including IT staff and agency leadership, provides diverse insights. Alignment with the agency's strategic goals ensures the IT structure supports the broader mission. Future growth considerations and a focus on cybersecurity measures contribute to a resilient IT environment. Ongoing staff training and development prepare the IT team for evolving technologies and implementing continuous improvement practices allows for regular reassessment and adjustment based on changing needs and advancements. Following these practices ensures a robust IT foundation aligned with the public defense agency's mission and adaptable to technological changes.
6. **Options to Resolve the Issue:**
  1. Gap Analysis

Perform a gap analysis between current OJD services and potential DAS services.
  2. In-Depth IT Audit

Conduct a comprehensive IT audit to assess the current infrastructure, security protocols, and service delivery. This can provide a detailed analysis of existing systems and identify areas for improvement.
  3. External IT Consultation

Engage an external IT consulting firm to conduct an independent assessment of the current IT structure. This can bring fresh perspectives and industry best practices to enhance IT capabilities.
  4. Collaboration with Other State Agencies

Explore collaboration with other state agencies that have well-established IT structures. This can involve sharing resources, knowledge, and best practices to strengthen the IT capabilities of the public defense agency.
  5. Staff Training and Development

Invest in training and development programs for existing IT staff to upgrade their skills and ensure they are well-equipped to handle the evolving IT needs of the agency.

7. **Recommended Options:** Options 1, 4, and 5 are recommended. Option 2 would be recommended, but the agency does not have the audit staffing to take this on, and option 3 would be costly.
8. **Timeframe:** Option 1 has already been performed, and option 4 is well under way with the Executive branch transition workgroup. Option 5 has not yet started but will be an ongoing process as the agency transitions to the Executive branch.
9. **Fiscal Impact:** The agency will need additional staff to manage IT services after January 1, 2025. These positions are being requested from the Executive Transition SPA.
10. **Expected Outcome:** A robust IT structure that fully supports the agency's needs.

1. **Issue:** Develop a Compliance, Audit, and Performance program plan that can independently monitor, measure, and report on the quality of public defense being provided by OPDC.
2. **Priority:** Top
3. **Evidence of Concern:** The original objective for the Compliance, Audit and Performance (CAP) Division was to hire a team of attorneys to develop standards and best practices, training, and other resources for public defense attorneys across Oregon and to provide subject matter expertise to agency program management staff. Since the legislature's establishment of CAP in 2021, the agency has undergone significant change such that staff who were hired to develop the CAP program have been focused on activities misaligned to their skill sets, such as managing the processes and documentation related to complaints, locating counsel for unrepresented persons, managing contracts, and other such work.
4. **Objective:** Create a CAP division that provides honest analysis and assessment of the public defense system and agency operations to the Commission and the executive director.
5. **Best Practice:** A McKinsey study found that the top three reasons employees quit are that they didn't feel valued by the company (54%), they didn't feel valued by their managers (52%) or they didn't feel a sense of belonging while at work (51%). When an organization builds job roles that clearly define responsibilities and focus on the employee skills, they will feel valued as they are contributing to achieving department and business goals.

By building depth into the CAP program at all levels, OPDC will also address other issues that were identified in a survey by the Coraggio Group. Staff do not feel that there are opportunities for advancement within the agency, while high level staff are unsure why they are doing the type of work currently assigned due to their high-level technical abilities.

Implementing best practices for Compliance, Audit, and Performance (CAP) programs involves defining clear objectives and a focused scope aligned with national standards. Implementing best practices for Compliance, Audit, and Performance (CAP) programs involves defining clear objectives and a focused scope aligned with national standards. Ensuring independence and impartiality, adopting a risk-based approach for prioritization, and incorporating continuous monitoring mechanisms are crucial. Engaging stakeholders throughout the process and investing in the professional development of CAP team members contribute to the program's effectiveness. Transparency in reporting findings, developing corrective action plans, and integrating technology for data analysis are essential components. By following these practices, OPDC can establish a robust CAP division that promotes accountability, addresses high-priority areas, and fosters continuous improvement in public defense services.

6. **Options to Resolve the Issue:**

Option 1: Maintain status quo and put CAP on hold for another legislative session.

Option 2: Develop new positions for procurement functions related to management of public defense legal services contracts and to support work related to unrepresented persons; transition existing workload in these areas to these new positions.

The agency anticipates that Option 2 will free up resource counsel and program analyst staff in the Trial Support & Development Division, who can then provide subject matter expertise for the CAP Division's development of policies and procedures, performance measures, and a plan for ongoing monitoring and oversight of public defense providers. Option 2 will also help to ensure that Trial Support & Development staff have sufficient time and resources to develop and implement changes in the delivery of public defense services that the agency's data collection and analysis indicate are needed.

The agency has begun work to enable it to implement this option. In recent months, the CAP Division's Policy and Data & Research teams worked with Trial Support & Development and Budget staff, to begin developing written policies and procedures where they are lacking and to improve the agency's collection, analysis, and dissemination of public defense data, both internally and externally.

Notably, these efforts have led to adoption of a new Preauthorized Expense (PAE) Policy, effective January 1, 2024, which was developed over several months with input from both internal and external stakeholders. The Commission also adopted several policies in fall 2023 to support improved management of public defense legal services contracts. In January 2024, the Data & Research team released a public data dashboard to help support administrators of public defense legal services contracts in monitoring their own adherence to contract obligations.

7. **Recommended Options:** Option 2.

8. **Timeframe:**

October-January 2024 evaluate work attorneys are currently doing in the Trial Support & Development Division (*program analysts and contracting work/evaluation of complaint process/connection to trial division attorneys*), and then work with HR to review existing position descriptions, determine appropriate classification levels and identify gaps for full transition.

January – March 2024, begin looking at current positions OPDC may use to fill gaps.

April – June 2024 begin transitioning by prioritizing the work. As the burden lessens for the Trial Support & Development Division, begin to prioritize CAP program needs, establish what can be done with current staffing and what must be on hold until additional staff can be hired.

Concurrently, OPDC buildout the POP/ staffing needs for the next biennium. CAP will also be building a strategic plan to align with the OPDS modernization efforts.

9. **Fiscal Impact:** There will not be an initial fiscal impact as this will be a transition and reorganization of current staff and positions. The fiscal impact will come in the form of POPs in the 25-27 biennium. It is not currently clear what those fiscal impacts will be. However, part of the goals of this transition is to ensure that work being performed matches the position.

10. **Expected Outcome:** A CAP program that aligns roles, responsibilities, and direction to ensure effective standards and practice for public defense in Oregon.

1. **Issue:** Develop standards for public defense providers that are based on national best practices and take into consideration meaningful measurement of representation quality and performance.
2. **Priority:** High
3. **Evidence of Concern:** This work has not started. Attorneys have been focused on working to significantly reduce the number of unrepresented persons, and the agency is currently working to restructure workloads so that resources can be reallocated to this work.
4. **Objective:** Clear standards for public defense providers in Oregon.
5. **Best Practice:** Best practices for public defense can be found from national organizations and Oregon specific standards. Best practices can be found at <https://www.oregon.gov/opds/provider/Pages/standards.aspx>.
6. **Options to Resolve the Issue:**

### Research and Benchmarking

Conduct thorough research on national best practices in public defense. Benchmark against successful models from other jurisdictions to identify effective standards and quality measures.

### Engage Stakeholders

Collaborate with public defense providers, legal experts, and relevant stakeholders to gather input on proposed standards. Ensure a diverse representation of perspectives to create comprehensive and inclusive standards.

### Define Clear Performance Metrics

Clearly define performance metrics that focus on representation quality and outcomes. Metrics could include case disposition time, client satisfaction, legal expertise, and adherence to ethical standards. These metrics should align with recognized national standards.

### Continuous Improvement Mechanism

Establish a mechanism for continuous improvement, allowing providers to adapt and enhance their practices. Encourage ongoing training, peer reviews, and feedback loops to foster a culture of learning and development.

### Flexibility for Varied Contexts

Recognize the diversity of legal contexts and case types within the jurisdiction. Develop standards that are flexible enough to accommodate variations while maintaining a core focus on quality representation.

### Legal and Ethical Considerations

Ensure that the standards align with legal and ethical requirements. Collaborate with legal experts to review and validate the standards to ensure they withstand legal scrutiny.

7. **Recommended Options:** All the above.
8. **Timeframe:** Currently reviewing work assignments. Goal is to identify staff to get this work underway in early 2024. Agency is working with the Deason Center on performance methods, how to implement best practices, caseload vs. Workload model.
9. **Fiscal Impact:** None
10. **Expected Outcome:** Clear standards for public defense providers in Oregon.

1. **Issue:** Develop processes for external quality control reviews and auditing capabilities.
2. **Priority:** Medium
3. **Evidence of Concern:** OPDC does not employ an external auditor - this would be a new scope of work to determine if this is an in-house employee or we contract this work out. OPDC will need to establish external quality control reviews
4. **Objective:** Conduct rigorous external quality control assessments based on meaningful measures of performance.
5. **Best Practice:** Best practices for quality control auditing of external public defense providers include: a standard audit procedure; a risk-based prioritization of auditees; and scheduled follow-up audits. The frequency of repeat audits for individual providers is based on risk & available resources.
6. **Options to Resolve the Issue:**

### Monitoring and Evaluation

Implement a robust monitoring and evaluation system to regularly assess providers' adherence to standards. This may involve periodic audits, case reviews, and performance assessments to ensure ongoing compliance.

### Establish a Framework

Develop a comprehensive framework outlining the processes and criteria for external quality control reviews. Clearly define the scope, objectives, and key performance indicators (KPIs) that will be assessed during the audits. Define a standard audit procedure that includes a systematic and consistent approach to reviewing public defense providers. This procedure should cover various aspects, including case management, legal expertise, ethical standards, and compliance with established protocols.

### Collaboration with Stakeholders

Collaborate with legal professionals, relevant stakeholders, and professional organizations to gather input on audit processes. Ensure that the external quality control reviews align with industry best practices and legal standards.

### Training for Auditors

Provide comprehensive training for auditors to ensure they have the necessary expertise and understanding of public defense practices. This may involve legal training, familiarity with national standards, and continuous education on emerging legal trends.

### Continuous Improvement Mechanism

Establish a mechanism for continuous improvement based on audit findings. Encourage providers to implement corrective actions and monitor their progress. Use feedback from audits to refine and enhance the quality control processes.

### Transparent Reporting

Ensure transparency in reporting audit outcomes. Publish summary reports (without compromising confidentiality) to inform the public, stakeholders, and providers about the quality of public defense services and the steps taken for improvement.

7. **Recommended Options:** All the above.
8. **Timeframe:** June 30, 2024.
9. **Fiscal Impact:** Staffing the external provider quality compliance audit program may require four-six staff, depending on Management's assessment of the combined number of desk and onsite audits are required to achieve an adequate assessment of contract compliance. Personnel that perform these audits are likely to have other duties pertaining to the provider Compliance, Audit, & Performance (CAP) program, affecting staffing needs for the auditing component of this program.
10. **Expected Outcome:** An effective program that audits external public defense providers for quality of compliance with financial and programmatic contract requirements.

1. **Issue:** Employ processes to enforce quality control measures and provide remediation to those below standards, including training and policy review.
2. **Priority:** Medium
3. **Evidence of Concern:** The establishment of the CAP was designed to bring a heightened level of accountability to Oregon’s public defense system and to improve public defense outcomes through a robust monitoring of the quality-of-service delivery and the expenditure of funds at all levels of public defense. The Commission has had little to no substantive discussion surrounding the quality of representation. The absence of meaningful performance measures and standards of quality for public defense leaves in question whether the funding of the public defense system is being effectively and efficiently used to achieve the desired outcome(s) for financially eligible defendants/persons.
4. **Objective:** Once performance standards are in place, CAP will ensure compliance with those standards and opportunities for improvement when those standards are not met.
5. **Best Practice:** This issue is in alignment with the ABA Principles of a Public Defense Delivery System (2023) PRINCIPLE 7: Experience, Training and Supervision: A Public Defense Provider’s plan for the assignment of lawyers should ensure that the experience, training, and supervision of the lawyer matches the complexity of the case. Public Defense Providers should regularly supervise and systematically evaluate their lawyers to ensure the delivery of effective and competent representation free from discrimination or bias. In conducting evaluations, national, state, and local standards, including ethical obligations, should be considered. Lawyers and staff should be required to attend continuing education programs or other training to enhance their knowledge and skills. Public Defense Providers should provide training at no cost to attorneys, as well as to other staff. Public Defense Providers should ensure that attorneys and other staff have the necessary training, skills, knowledge, and awareness to effectively represent clients affected by poverty, racism, and other forms of discrimination in a culturally competent manner. Public defense counsel should be specifically trained in raising legal challenges based on racial and other forms of discrimination. Public defense counsel and other staff should also be trained to recognize biases within a diverse workplace.
6. **Options to Resolve the Issue:**

### Objective Feedback Mechanism

Establish an objective and constructive feedback mechanism to communicate assessment results to public defense providers. Provide detailed feedback on areas of improvement, emphasizing both strengths and weaknesses.

### Remediation Plans

Collaborate with providers and Trial Support & Development staff to develop tailored remediation plans for those falling below established standards. These plans should include specific action items, timelines, and resources required for improvement. Implement targeted training programs to address identified deficiencies. Offer continuous professional development opportunities,

workshops, and resources to enhance the skills and knowledge of legal professionals within the public defense system.

### Collaboration with Professional Organizations

Collaborate with legal professional organizations to share best practices, insights, and resources for quality improvement. Engage in ongoing dialogue to stay informed about emerging trends and challenges in public defense.

### Client Feedback Mechanism

Incorporate client feedback as part of the quality control process. Gather insights from clients about their experiences with public defense services to identify areas for improvement and assess the effectiveness of remediation efforts.

### Continuous Monitoring and Reporting

Implement a continuous monitoring system to track progress and adherence to quality control measures. Generate regular reports that highlight improvements, challenges, and areas requiring further attention.

### Accountability Measures

Define clear accountability measures for public defense providers. Establish consequences for persistent non-compliance with quality control standards, ensuring a balance between accountability and support for improvement.

### Continuous Improvement Mechanism

In collaboration with Trial Support & Development staff, establish a mechanism for continuous improvement, allowing providers to adapt and enhance their practices. Encourage ongoing training, peer reviews, and feedback loops to foster a culture of learning and development.

### Scheduled Follow-Up Audits

Implement a schedule for follow-up audits to monitor improvements and ensure sustained compliance. The frequency of repeat audits for individual providers should be based on risk assessments and available resources.

7. **Recommended Options:** All the above.
8. **Timeframe:** This step will come after performance standards, which will be in place by June of 2024. These compliance measures will be developed and in place by the end of 2024.
9. **Fiscal Impact:** None at this time.
10. **Expected Outcome:** Providers who meet standards and are able to be brought up to standards should they fall behind.

## ACCOUNTABILITY TO LEGISLATURE

1. **Issue:** Demonstrate accountability for taxpayer money by adhering to a legislatively approved budget and following legislative direction.
2. **Priority:** Top
3. **Evidence of Concern:**

### Legislative Direction

The Legislature passed SB 337 (2023) directing major reforms to both the public defense delivery system and the administration and structure of the commission. PDSC is in the process of implementing these reforms, which are in various stages of planning and execution. In addition to this major reform bill, the Legislature has directed OPDC to submit several reports through budget notes. As of December 2023, all reports have been submitted on time.

OPDC recognizes that PDSC had a history of not complying with legislative direction, especially in terms of following budget notes and reports to Ways and Means. The Commission has focused on conforming with these directives and will continue to make it a top priority.

### Legislative Budget

The actions and activities of OPDC are in alignment with the legislatively adopted budget. The commission does make policy changes to respond to emergent situations that may need a budgetary course correction or response. If there is a need to deviate from the budget, it is presented to the Legislative Fiscal Office (LFO) and the Chief Financial Office (CFO) for advice before requesting action from the legislature.

OPDC recognizes that PDSC had not always complied with legislatively adopted budgets was has not been transparent with expenditures. The legislature has given the agency discrete appropriations to ensure increased transparency in the budgeting process.

### Accountability

OPDC is willing and able to share its records at any time to demonstrate accountability for taxpayer money. There is room for improvement to enhance accountability and opportunities for staff training to improve accountability. The agency is also creating more detailed and applicable policies and procedures to provide clarity and continuously improve accountability.

4. **Objective:** Rebuild legislative trust in the agency by adhering to legislative direction and budget authority.
5. **Best Practice:** It is best practice for agencies to adhere to legislatively approved budgets and direction. As the Legislature is ultimately responsible for taxpayer money, demonstrating accountability to the Legislature also demonstrates accountability to taxpayers.
6. **Options to Resolve the Issue:**

Legislative Direction

Implement SB 337 (2023). Complete legislatively required reports on schedule.

Legislative Budget

Continue to follow the legislatively approved budget.

Discuss any deviation from the budget with LFO and CFO prior to acting. Any deviation should come with a well thought out plan, and, when possible, data supported reasoning.

Accountability

Provide staff training on accountability and ensure all staff are completing required trainings.

Create policies and procedures focused on improving accountability consistent with the Oregon Accounting Manual, Treasury Cash Policy, and identify clear segregation of duties and authority.

Create a Commission calendar and cadence that better aligns with the legislative calendar. This will allow the commission to better plan and prepare for legislative days and sessions and bring issues and budget requests to the legislature before acting.

7. **Recommended Options:** All the above.

8. **Timeframe:**

Legislative Direction

Implementation of SB 337 extends into 2035, though implementation of parts of the bill have already begun. As of November 2023, PDSC has completed and submitted all reports required from the 2023 session.

Legislative Budget

Following the legislative budget is a continuous process.

Accountability

The agency has created a calendar for Commission meetings for 2024 and set deadlines and action items related to the legislative process.

OPDC is updating and creating many policies, but additional policy prioritization needs to occur.

9. **Fiscal Impact:**

Legislative Direction

Future legislative direction may require additional resources.

Implementation of SB 337 may require access to special purpose appropriations (SPAs) as unforeseen costs arise.

Legislative Budget

OPDC's rebalance would fall under this remediation issue, which will have varying fiscal impacts. These will be previewed with LFO.

Accountability

No fiscal impact.

10. **Expected Outcome:** Greater accountability and improved financial stewardship.

## BUILD & REPAIR RELATIONSHIPS

1. **Issue:** Build and repair relationships and break down silos with public safety partners, stakeholders, and other state agencies.
2. **Priority:** High
3. **Evidence of Concern:**

### Lack of Trust

OPDCS has created a lack of trust with its providers over the last decade; feedback from providers shows that the agency continues to lack sufficient communication and transparency to rebuild that trust. Stakeholders perceive that OPDC does not own its mistakes, becomes defensive or insular when provided with negative feedback, and fails to act on that feedback.

### Siloed

Similarly, the agency has historically operated in a siloed manner away from public safety partners and other state agencies. This means OPDC is not taking advantage of opportunities to promote public defense as part of the larger public safety and justice system. This often leads to OPDC not being part of public safety conversations, ceding its role to others.

4. **Objective:** Become a trusted partner on public defense matters.
5. **Best Practice:** This issue is in alignment with the ABA 10 Principles of a Public Defense Delivery System (2023) Principle 10: Public Defense as Legal System Partners: “Public Defense Providers should be included as equal participants in the legal system. Public Defense Providers are in a unique position to identify and challenge unlawful or harmful conditions adversely impacting their clients. Legislative or organizational changes or other legal system reforms should not be considered without soliciting input from representatives of the defense function and evaluating the impact of such changes on Public Defense Providers and their clients. To the extent any changes result in an increase in defender workload or responsibilities, adequate funding should be provided to Public Defense Providers to accommodate such changes.”

OPDC should look to other agencies and commissions for examples of successful relationship building and communications strategies. Many agencies and commissions have a regular cadence for stakeholder feedback. OPDC should consider stakeholder communication as part of all projects, and feedback should be sought and welcomed to improve.

6. **Options to Resolve the Issue:**

### Building Trust

Hire a communications position within the agency. Lack of communication was the number one issue identified by providers. This position will create and help implement an external communications plan to ensure that stakeholders are appropriately involved and engaged in decision making and implementation.

Establish regular feedback sessions with providers, publicize these sessions, and provide follow up.

Restart Commissioner and agency leadership 'tour,' visiting providers in different regions of the state. Restart provider surveys.

Reach out to other agencies to learn about their communication and stakeholder engagement practices.

#### Breaking Silos

Create relationships with other public safety agencies through frequent engagement. This includes regular director to director meetings, cross agency relationships, asking for assistance and advice as needed, and utilizing other agency's resources and expertise when appropriate.

Engage with other public safety partners to better share data, work on issues, and find common ground. Work collaboratively with partners on legislation, public defense matters, and larger public safety and justice issues.

7. **Recommended Options:** All the above.

8. **Timeframe:**

#### Communications:

Nov. 2023: Failed recruitment for Communications Specialist

Dec. 2023: Position reopened.

Jan. 2024: Interview scheduled, goal to hire by end of January.

March 2024: Communication Specialist works with other agency Communication positions to learn more about their communications and stakeholder work.

#### Provider Communications:

Continuing: Agency/Provider Government Relations bi-weekly meetings, bi-weekly agency newsletters.

Nov. 2023: OCDLA/OPDC Management Conference provided forum for provider feedback.

Jan. 2024: OPDC will adopt a calendar for that year's meetings with will include 'tour' meetings held in different regions of the state.

By July 2024: PDSC will have regular feedback sessions up and running; currently looking at staffing resources to make them happen.

The agency has begun hosting monthly 'office hours' to address questions and issues related to caseload reporting along with sharing new dashboards that will be posted for the public to view. The first three months of office hours will be for caseload reporting questions and to ensure providers have the tools and resources for successful submission of reports. In April we will broaden the office hours to address other areas within the agency. i.e.: CSS, Accounts Payable, Government Relations and other topics of interest from our providers. .

#### Breaking Silos:

OPDC has been working much more closely with OJD and is currently building a relationship with DAS. OPDC has also reached out to other agencies to learn from their experiences implementing major change, and the Criminal Justice Commission (CJC), 6<sup>th</sup> Amendment Center, and DOJ for expertise around commission governance.

Continuing: OPDC/OJD bi-weekly meetings, OPDCC/OJD monthly Data meetings, OPDC/DAS meetings, legislative leadership, the Governor's office, and LFO.

By July 2024: Regular meetings with CJC and DOJ.

## 9. **Fiscal Impact:**

### Building Trust

Communications Specialist (OPA 3) is being filled utilizing a currently vacant position. Future positions may be needed as the Government Relations/Communications Division is developed.

Creating a culture that is more responsive to feedback may also lead to a need for additional positions to remediate problems identified.

### Breaking Silos

No fiscal

## 10. **Expected Outcome:** OPDC will be a trusted partner in public safety, one that is looked to as a leader on public defense matters. OPDC will:

- Hire a communications position within the agency by end of January 2024.
- Establish regular feedback sessions with providers, publicize these sessions, and provide follow up by the end of June 2024.
- Restart Commissioner and agency leadership 'tour' in 2024.
- Reach out to other agencies to learn about their communication and stakeholder engagement practices in early 2024 once the communications position is hired.
- OPDC will continue bi-weekly meetings with OJD and will establish regular meetings with CJC and DOJ by July 2024.
- OPDC will continue regular meetings with OJD's data team, and will continue holding regular meetings with legislative leadership, the Governor's office, and LFO.

## ACCOUNTABLE COMPLAINT PROCESS

1. **Issue:** Create a standard, transparent and accountable complaint process.
2. **Priority:** Medium
3. **Evidence of Concern:** OPDC has policies that allow response to several types of complaints, including employee behavior, attorney performance, and contractor performance, but lacks policies to address and resolve more complex complaints regarding agency operations.

Complaints do not come in through a unified system and reporting out on complaints is not standard. OPDC lacks a procedure to prioritize complaints, and not all complaints are elevated to the Commission members. The commission does not have a role in adjudicating complaints but should be kept informed of complaints.

OPDC has two pending independent investigations into current and former employee conduct that is alleged to be outside the norms of professional conduct. The OPDC is working with the Department of Justice to develop a process to share the results of those investigations with appropriate oversight bodies including the accused, claimants, human resources, and the Commission.

Complaints come in many forms. There are people who write to complain about the quality of a public defender, and OPDC has a policy and process for reviewing and adjudicating such complaints. OPDC also has a policy and process for reviewing and adjudicating fee disputes regarding attorney fees and decisions on case support service funding decisions. For more formalized complaints that do not fit into those categories, the internal auditor generally works with the executive director and subject matter experts (budget, HR, Trial Support & Development) on investigating the matter and producing a response. Complaints also come to the Agency from the SOS Audits Division. The agency reaches out to DOJ when assistance is needed.

4. **Objective:** Ensure all complaints are treated in a standard and transparent way.
5. **Best Practice:** Process that documents complaints and a group of agency personnel responsible for vetting complaints.
6. **Options to Resolve the Issue:**

### Standardized Policy and Process

Policy should be established for each complaint type and a standardized process made and followed. These policies should include when complaints should be elevated to the Commission and who has ultimate responsibility for resolution.

Create a dedicated platform to serve as the central point for receiving and managing complaints. Develop an easily accessible online portal where individuals can submit complaints anonymously if desired. Clearly outline the types of issues or concerns that constitute a valid complaint. Categorize complaints to streamline the resolution process and assign them to the relevant department or responsible party. Clearly communicate the complaint process to all stakeholders, including employees, clients, and the public. Provide detailed information on how to submit a complaint, including contact information and online submission options.

Implement a policy to acknowledge receipt of complaints promptly, informing complainants of the expected timeline for resolution. Set realistic timelines for investigating and resolving complaints to demonstrate commitment to a swift resolution.

Create a formal procedure for review of agency complaints. The procedure should include a team of agency leadership responsible for reviewing and prioritizing complaints. Ensure team members are trained in conflict resolution, mediation, and maintaining confidentiality. Provide training for employees on how to handle and respond to complaints professionally. Raise awareness among stakeholders about the importance of reporting concerns and using the complaint process.

#### Transparency and Accountability

Develop a system for regular reporting on the number and types of complaints received. Analyze complaint data to identify trends, areas for improvement, and systemic issues that need addressing. Ensure that the complaint process complies with relevant legal and ethical standards. Conduct regular audits to verify compliance and adjust as needed.

Establish a mechanism for providing feedback to complainants on the status and resolution of their complaints. Encourage complainants to provide feedback on their satisfaction with the resolution process. Regularly review the complaint process to identify opportunities for improvement. Seek feedback from internal and external stakeholders on the effectiveness and fairness of the process.

7. **Recommended Options:** All the above.
8. **Timeframe:**

#### Standardize

Updating the complaint policy and having it approved by the Commission will take about three months. An online complaint portal already exists, but connecting it to a centralized tracking system, and updating the portal to be more user friendly should take another three months. During this sixth month timeframe, the agency will also work on establishing a complaint resolution team and transferring any currently open complaints into the new tracking system.

#### Transparent

The new commission will hold an executive session within the first three months of their appointment to go over all formal complaints. These reports should be provided quarterly, and new complaints should be brought to the Commission as appropriate. While full transparency is often not achievable during an open investigation, the Commission should consider addressing large complaints with an acknowledgment and general timeline of what the public defense community can expect.

9. **Fiscal Impact:** None
10. **Expected Outcome:** Effective, thorough, and timely responses to complaints.