

**PUBLIC DEFENSE SERVICES COMMISSION**

**Annual Performance Progress Report (APPR) for Fiscal Year (2007-2008)**

**Proposed KPM's for Biennium (2009-2011)**

Original Submission Date: 2008

2007-2008 KPM #	2007-2008 Approved Key Performance Measures (KPMs)
1	APPELLATE CASE BACKLOG - Number of cases in the Appellate Division backlog.
2	FEE STATEMENTS REDUCED - Percentage of fee statements reduced due to incorrect billing.
3	PROCESSING FEE STATEMENTS - Percentage of fee statements processed within 10 business days.
4	REVIEWING EXPENSE REQUESTS - Percentage of non-routine expense requests reviewed within 5 business days.
5	EXPENSE COMPLAINTS - Percentage of complaints regarding payment of expenses determined to be founded.
6	BEST PRACTICES - Percentage of contractors that have implemented best practices and resolved problems relating to the quality and cost-efficiency of their services, which are identified by PDSC's site visit process and the process's "360 degree" evaluations.
7	ATTORNEY PERFORMANCE COMPLAINTS - Percentage of complaints regarding attorney performance determined to be founded.
8	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
9	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2009-2011
NEW	<p><b>Title:</b> APPELLATE CASE PROCESSING - Median number of days to file opening brief.</p> <p><b>Rationale:</b> The agency proposes this KPM as a modification of a current KPM that measures the Appellate Case Backlog. The current measure was originally envisaged as a way to measure the Appellate Division's productivity as a whole. In a closed system, the reduction in the backlog would reflect improved training and supervision as well as process improvements. Although such improvements do have an impact on reducing the backlog, fluctuations in caseload and staffing levels have a much greater impact on the backlog and thus make it difficult to isolate the impact that is due solely to improved efficiency. The agency proposes changing the measure to the median number of days from record settlement to filing the opening brief.</p>
NEW	<p><b>Title:</b> CAPACITY FOR PROVIDING QUALITY REPRESENTATION - Reporting measure related to funding.</p> <p><b>Rationale:</b> This KPM is a replacement for: BEST PRACTICES - Percentage of contractors that have implemented best practices and resolved problems relating to the quality and cost-efficiency of their services, which are identified by PDSC's site visit process and the process's "360 degree" evaluations.</p> <p>Since the quality of representation is directly impacted by caseload, and caseload is a function of funding, the agency needs a measure that incorporates the impact of caseload. The agency will make use of the site review process and the best practices to provide a rating for contractors based on the following categories:</p> <ul style="list-style-type: none"> <li>a. Skill, knowledge and experience required to provide representation (25 points)</li> <li>b. Zealous advocacy (10 points)</li> <li>c. Efficient delivery including appropriate technology and staffing levels (10 points)</li> <li>d. Manageable caseload (25 points)</li> </ul>

New Delete	<b>Proposed Key Performance Measures (KPM's) for Biennium 2009-2011</b>
<b>DELETE</b>	<p><b>Title:</b> BEST PRACTICES - Percentage of contractors that have implemented best practices and resolved problems relating to the quality and cost-efficiency of their services, which are identified by PDSC's site visit process and the process's "360 degree" evaluations.</p> <p><b>Rationale:</b> Contractors are often unable to implement some best practices without additional funding. As a KPM, this does not reflect agency performance. The agency will continue the site visit process and will encourage contractors to implement best practices.</p>
<b>DELETE</b>	<p><b>Title:</b> ATTORNEY PERFORMANCE COMPLAINTS - Percentage of complaints regarding attorney performance determined to be founded.</p> <p><b>Rationale:</b> The weakness of the data is that the total number of complaints received is quite small (59 in 2007) and therefore the percentage of founded complaints may fluctuate dramatically without giving a true indication of performance. Furthermore, the absence of complaints should not necessarily be seen as an indication that there are not problems with the quality of representation.</p>
<b>DELETE</b>	<p><b>Title:</b> PROCESSING FEE STATEMENTS - Percentage of fee statements processed within 10 business days.</p> <p><b>Rationale:</b> For the last four reporting years, the agency has maintained a 98% rate of processing fee statements within 10 business days. This rate, which the agency should be able to maintain, exceeds targets and cannot reasonably be improved further. The agency will continue to measure the percentage of fee statements processed within 10 business days for management purposes only.</p>
<b>DELETE</b>	<p><b>Title:</b> REVIEWING EXPENSE REQUESTS - Percentage of non-routine expense requests reviewed within 5 business days.</p> <p><b>Rationale:</b> For the last four reporting years, the agency has exceeded targets for this measure. In 2008, 98% of expense requests were processed within 5 business days and no further improvement can reasonably be achieved. The agency will continue to measure the percentage of expense requests processed within 5 business days for management purposes only.</p>

New Delete	<b>Proposed Key Performance Measures (KPM's) for Biennium 2009-2011</b>
<b>DELETE</b>	<p><b>Title:</b> EXPENSE COMPLAINTS - Percentage of complaints regarding payment of expenses determined to be founded.</p> <p><b>Rationale:</b> This does not work as a KPM since the number of complaints the agency receives is so small. Out of approximately 40,000 payments processed per year, the agency received three complaints regarding payment of expenses in fiscal year 2007. All were determined to be unfounded.</p>
<b>DELETE</b>	<p><b>Title:</b> APPELLATE CASE BACKLOG - Number of cases in the Appellate Division backlog.</p> <p><b>Rationale:</b> The case backlog correlates more directly to changes in current law and recent court decisions than it does to agency performance. This measure will be replaced by a proposed new measure: APPELLATE CASE PROCESSING which will measure the median number of days to file the opening brief.</p>
<b>DELETE</b>	<p><b>Title:</b> FEE STATEMENTS REDUCED - Percentage of fee statements reduced due to incorrect billing.</p> <p><b>Rationale:</b></p> <p>This measure was intended to indicate how carefully fee statements are reviewed and the resulting reduction in expenditures. However, this measure relies on providers actually making mistakes in their bills.</p> <p>In 2006, the Secretary of State's Audits Division reviewed our procedures for processing fee statements and determined that our triple review of fee statements was a sufficient safeguard to insure that payments were appropriate and accurate.</p>

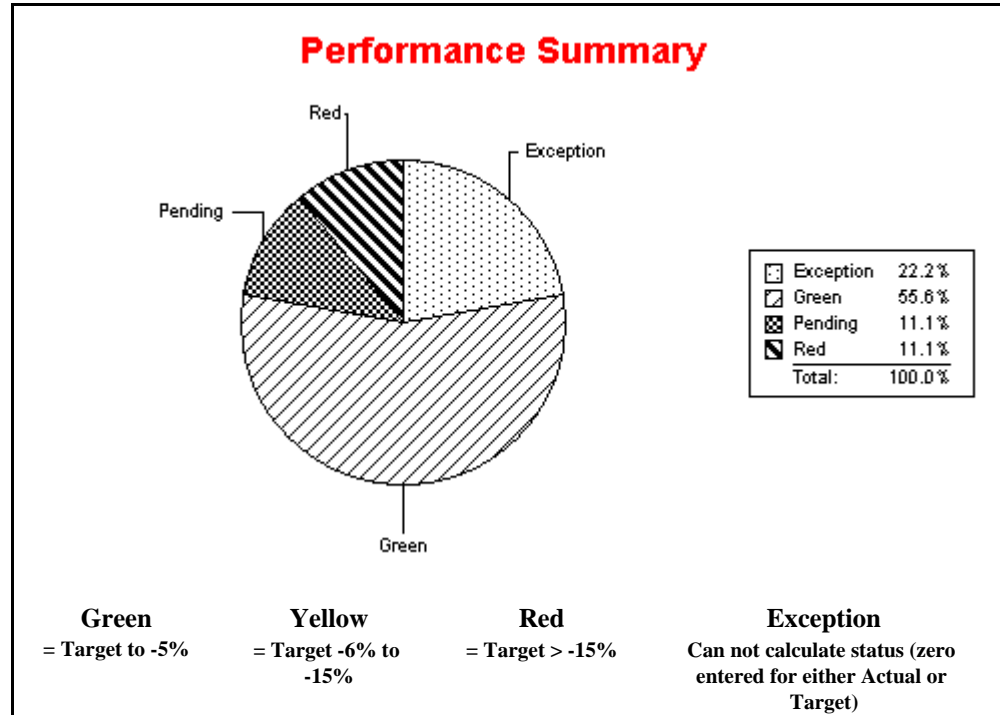
**Agency Mission:** Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

**Contact:** Kathryn Aylward

**Contact Phone:** 503-378-2481

**Alternate:** Peter Gartlan

**Alternate Phone:** 503-378-2371



**1. SCOPE OF REPORT**

Key performance measures address all agency programs.

**2. THE OREGON CONTEXT**

The Public Defense Services Commission is responsible for the provision of legal representation to financially eligible Oregonians who have a right to counsel under the US Constitution, Oregon’s Constitution and Oregon statutes. Legal representation is provided for individuals charged with a crime, for parents and children when the state has alleged abuse and neglect of children, and for people facing involuntary commitment due to mental

health concerns. In addition, there is a right to counsel in a number of civil matters that could result in incarceration such as non-payment of child support, contempt of court, and violations of the Family Abuse Prevention Act. Finally, there is a statutory right to counsel for petitioners seeking post-conviction relief.

### **3. PERFORMANCE SUMMARY**

The agency is making progress in all nine of its Key Performance Measures.

### **4. CHALLENGES**

The primary challenge for the agency is that public defense in Oregon has been chronically underfunded. Prior to fiscal year 2008, the hourly rate for an attorney appointed on a non-Aggravated Murder case was \$40 per hour (the rate established in 1991). Over time, the skills, abilities, and experience-level of the attorneys willing and able to work at that rate had steadily declined. Although the 2007 Legislature provided funding to increase that rate to \$45 per hour, this still represents a decline in real dollars based on Consumer Price Index increases over the 17-year period. Contractors who are paid a flat rate under a contract are assigning excessively high caseloads to their attorneys in order to cover operating expenses. This combination of being either over-worked or under-paid, and in most cases both, prevents attorneys in some cases from being able to provide an acceptable level of representation.

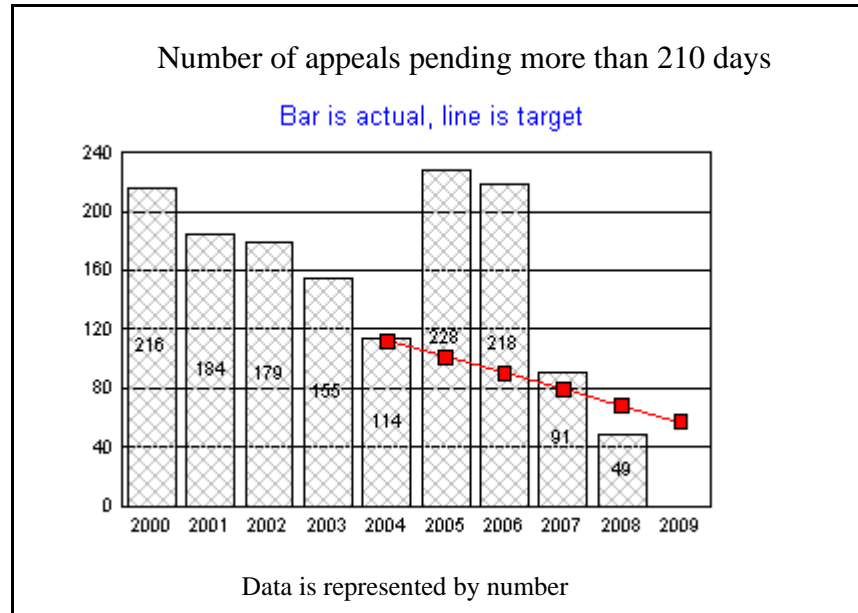
Another challenge for the agency is that workload is driven by a variety of factors outside the agency's control. The enactment of laws that create new crimes or increase penalties for existing crimes impact the agency's expenditures and workload. Federal requirements have shortened the timelines and increased the complexity of cases involving abuse and neglect of children. In 2004, the United States Supreme Court issued two landmark decisions (*Crawford v. Washington* and *Blakely v. Washington*) that directly and dramatically impacted caseload. If additional funding is not provided to address such changes, the quality of representation is further eroded.

### **5. RESOURCES AND EFFICIENCY**

The agency's 2007-09 Legislatively Adopted Budget was \$215,489,928.

Two of our performance measures (KPM#3 and KPM#4) essentially measure how quickly the agency processes expense requests and fee statements. The agency has been able to exceed targets for each of those measures due to technological improvements. Within existing resources, the agency continues to convert to electronic storage and retrieval of documents; has further automated document production with improvements to the case management database; has expanded use of email instead of regular mail; and has centralized administrative functions of the two divisions.

<b>KPM #1</b>	APPELLATE CASE BACKLOG - Number of cases in the Appellate Division backlog.	2004
<b>Goal</b>	Reduce delay in processing appeals.	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Case Management Database	
<b>Owner</b>	Appellate Division, Peter Gartlan, (503) 378-2371	



**1. OUR STRATEGY**

Our goal is to reduce the delay in processing appeals. If we are able to eliminate the current backlog of cases, then we will have significantly

reduced the average time to file the opening brief. In addition, by reducing the number of open and active cases that Appellate Division attorneys are currently responsible for, attorneys will be able to devote more time to addressing and resolving cases, instead of merely “managing” cases at the cost of case resolution.

## 2. ABOUT THE TARGETS

The Appellate Division wants to file its opening brief in most cases within 210 days of record settlement. The 210-day target reflects several considerations. First, the agency considers it intolerable that an individual would have to wait more than seven months before an appellate attorney is in a position to properly advise a client regarding the viability of an appellate challenge to his conviction and/or sentence. Second, past budget reductions in the Attorney General’s Office caused the Solicitor General to slow its briefing schedule in criminal cases. The Attorney General’s slowed pace meant additional delay in the appellate process, which means additional delay for the client. Third, federal courts have intervened in state appellate systems when the state system routinely takes two years to process criminal appeals. The 210-day target represents a reasonable attempt to meet the varying considerations.

## 3. HOW WE ARE DOING

The agency significantly reduced case backlog from June 2000 through June 2004, but the case backlog increased from June 2004 through June 2005, and remained high through June 2006. During fiscal year 2007, the agency reorganized its administration so that the Contract & Business Services Division would be responsible for all administrative functions of the agency. This allowed Appellate Division managers and staff to concentrate their efforts on reducing the backlog. Although still not at target, fiscal year 2007 represented a significant improvement.

The 2007 Legislature added additional attorney positions which enabled the agency to exceed the target for fiscal year 2008.

## 4. HOW WE COMPARE

Appellate Division attorneys exceed national workload standards. According to the Institute of Law and Justice, the annual appellate public defender workload ranged from 25 to 50 cases per attorney. Arizona, Georgia, and Indiana set the maximum appellate caseload per attorney at 25 cases; Florida and Louisiana set the maximum appellate caseload at 50 cases per year. *Compendium of Standards for Indigent Defense Systems* (2000). The average annual caseload for an Appellate Division attorney is 54 case assignments per year.

## 5. FACTORS AFFECTING RESULTS

In 2004, the United States Supreme Court issued two landmark decisions (*Crawford v. Washington* and *Blakely v. Washington*) that directly impacted agency caseload. The *Blakely* decision rendered virtually every sentence imposed by state judges subject to challenge and dramatically increased the number of appeals statewide. These two court decisions account for the backlog “spike” in fiscal years 2005 and 2006, and therefore the agency was unable to meet its target for 2007. The improvement in 2008 is a direct result of the increase in attorney positions as well as the restructuring of the division's management team.

#### 6. WHAT NEEDS TO BE DONE

The impact of the *Blakely* decision led to close cooperation among the Court of Appeals, the Attorney General, and the agency, resulting in the development of a streamlined appellate process for hundreds of cases. The parties identified “lead cases” whose resolution would control a category of cases, and developed a streamlined briefing format for the scores and hundreds of cases in each category. The same approach can be and has been used for similar issues.

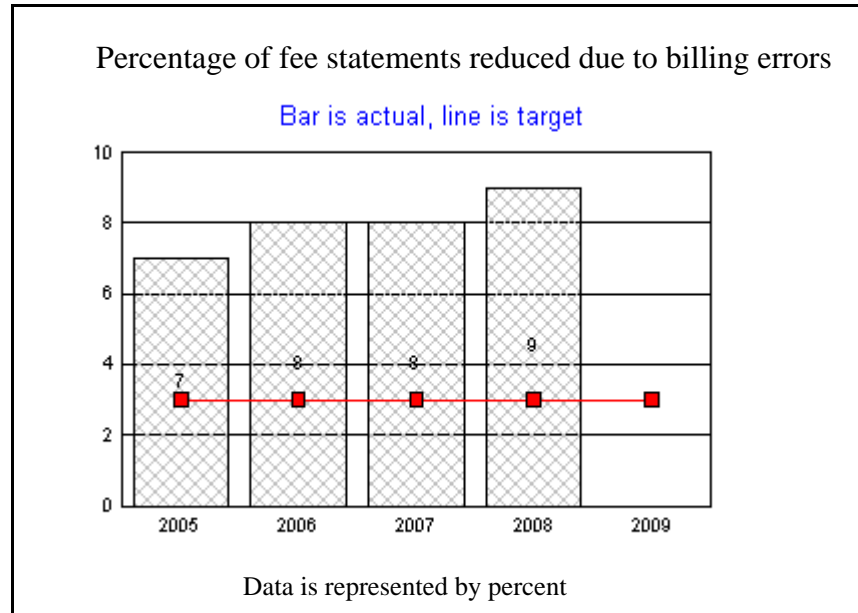
The agency will continue to refine its evaluation system and performance measures to more closely measure attorney capacity and promote individual responsibility for case production.

In late 2007, the Appellate Division reorganized its management structure to provide additional mentoring and supervision for both attorneys and support staff. The division will continue to develop and refine the internal procedural changes that have resulted from this restructuring.

#### 7. ABOUT THE DATA

The data is derived from the agency's case management database. The strength of the data comes from historical comparison. Its weakness is attributable to the inherent difficulty in quantifying appellate caseloads. For example, one appellate case may have a 30-page record, while another case may have a record of several thousand pages. Or, one case with a 300-page record may present one simple issue, while another case with a 300-page record may present five novel or complex issues. Apart from the conventional method of estimating production (based on raw case numbers), the agency continues to refine an additional method to measure appellate workload, based on case type, transcript length, and issues presented.

<b>KPM #2</b>	FEE STATEMENTS REDUCED - Percentage of fee statements reduced due to incorrect billing.	2004
<b>Goal</b>	Ensure cost-efficient service delivery	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Accounts Payable Database	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The agency carefully reviews all fee statements submitted to ensure that the correct amount is being paid for appropriate expenses.

**2. ABOUT THE TARGETS**

When this performance measure was established in 2004, data had not previously been tracked making it difficult to set a realistic target. The agency estimated that 3% of the fee statements could be reduced through careful review. Reducing a higher percentage is better.

### **3. HOW WE ARE DOING**

The agency exceeded the targets for all four years for which data is available.

### **4. HOW WE COMPARE**

The agency has no data with which to compare these results.

### **5. FACTORS AFFECTING RESULTS**

It appears that the initial targets are too low.

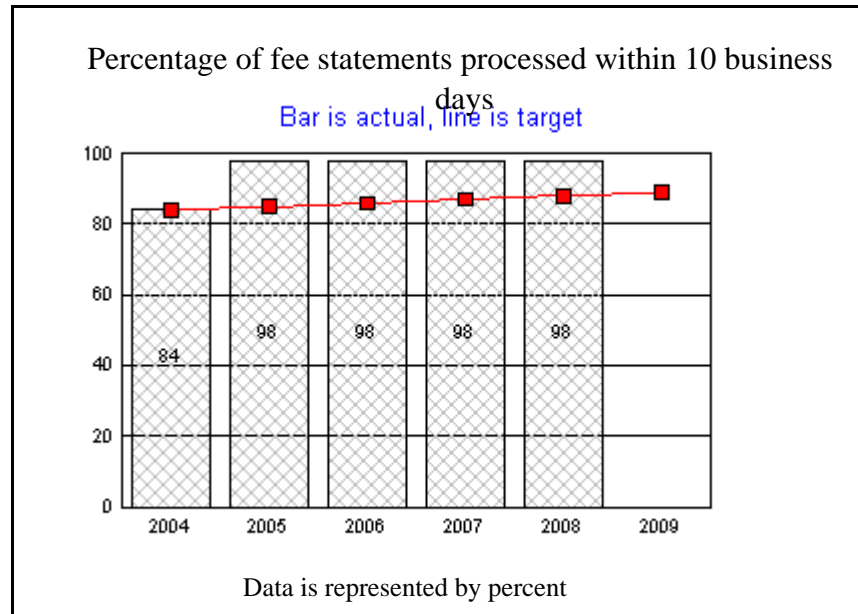
### **6. WHAT NEEDS TO BE DONE**

The agency has proposed eliminating this performance measure.

### **7. ABOUT THE DATA**

The data is derived from the number of fee statements reduced as a percentage of the total number of fee statements received during the fiscal year (July 1 to June 30). The weakness of the data is that it is dependent on the number of fee statements submitted that include errors.

<b>KPM #3</b>	PROCESSING FEE STATEMENTS - Percentage of fee statements processed within 10 business days.	2004
<b>Goal</b>	Ensure cost-efficient service delivery	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Accounts Payable Database	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The agency’s guideline rates paid to public defense providers are well below the rates many service providers normally charge. By assuring prompt and reliable payment, providers are more willing to work at reduced rates. This performance measure also sets an appropriate standard for employee performance as data is gathered for each employee as well as for the agency as a whole.

**2. ABOUT THE TARGETS**

The agency anticipated that as employees became more experienced and as the agency developed new procedures for processing fee statements, that there would be a gradual increase in processing speed.

**3. HOW WE ARE DOING**

The agency was at target for fiscal year 2004, and then far exceeded the targets for 2005, 2006, 2007 and 2008.

**4. HOW WE COMPARE**

The Oregon Department of Revenue averages 15 days to process an income tax refund which is comparable to the agency's measure of 10 business days.

**5. FACTORS AFFECTING RESULTS**

In late 2004, an agency employee developed a technological improvement that eliminated the need for duplicate data entry. Not only did this speed the processing of bills but it also eliminated the chance of error in the transfer of information between accounting systems. In 2007, the agency diverted staff time away from processing fee statements to assist the Appellate Division in making better progress toward its performance measure (KPM #1). In spite of this reduction in staff time, the agency has still been able to maintain the rate of fee statement processing.

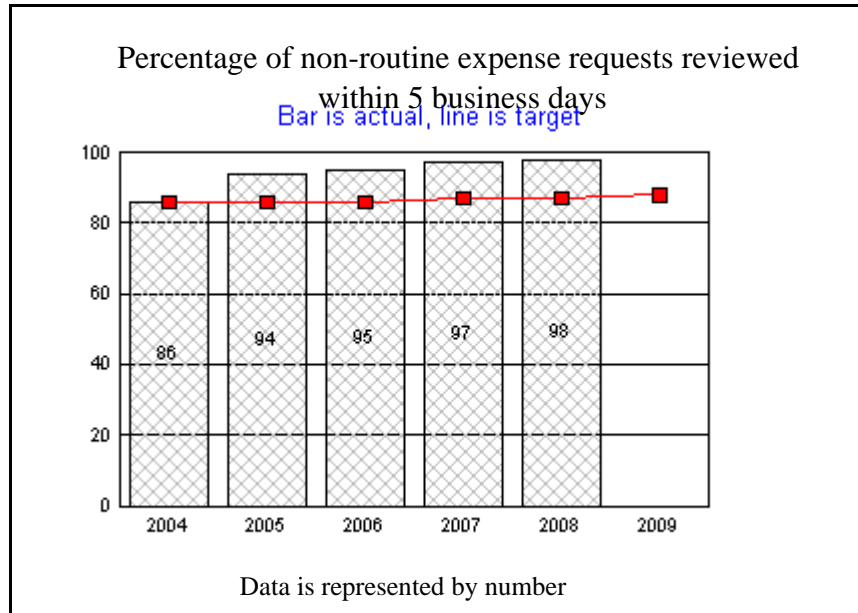
**6. WHAT NEEDS TO BE DONE**

The agency will consider diverting further resources away from bill processing so that the agency can reach other Performance Measure targets.

**7. ABOUT THE DATA**

The data measures the number of business days between the date a fee statement is received by the agency to the date the payment is issued by R\*Stars (state accounting system).

<b>KPM #4</b>	REVIEWING EXPENSE REQUESTS - Percentage of non-routine expense requests reviewed within 5 business days.	2004
<b>Goal</b>	Ensure cost-efficient service delivery; improve the quality of representation	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Non-Routine Expense Database	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

This performance measure is designed to help the agency meet two of its goals: ensure cost-efficient service delivery, and improve the quality of representation. When a case requires the assistance of an investigator, forensic expert, or other expert service, the appointed attorney must receive pre-authorization from the agency to incur such expenses. In many instances, work begun as soon as possible after the alleged incident is more

productive than if there is a delay in the approval process. For those requests that are denied, the attorney will have more time to pursue alternatives.

## 2. ABOUT THE TARGETS

Because the data had not previously been tracked, the agency did not have baseline data from which targets could be set. The agency assumed that there would be a gradual increase in the percentage of non-routine expense requests reviewed within 5 business days as we refined our procedures and as staff gained experience.

## 3. HOW WE ARE DOING

The agency was at target for fiscal year 2004, and then far exceeded the targets for 2005, 2006, 2007 and 2008.

## 4. HOW WE COMPARE

The agency is not aware of comparative data.

## 5. FACTORS AFFECTING RESULTS

The agency is fortunate to have dedicated employees, low absenteeism and a low turnover rate so that their expertise and familiarity with the process allows the agency to exceed targets.

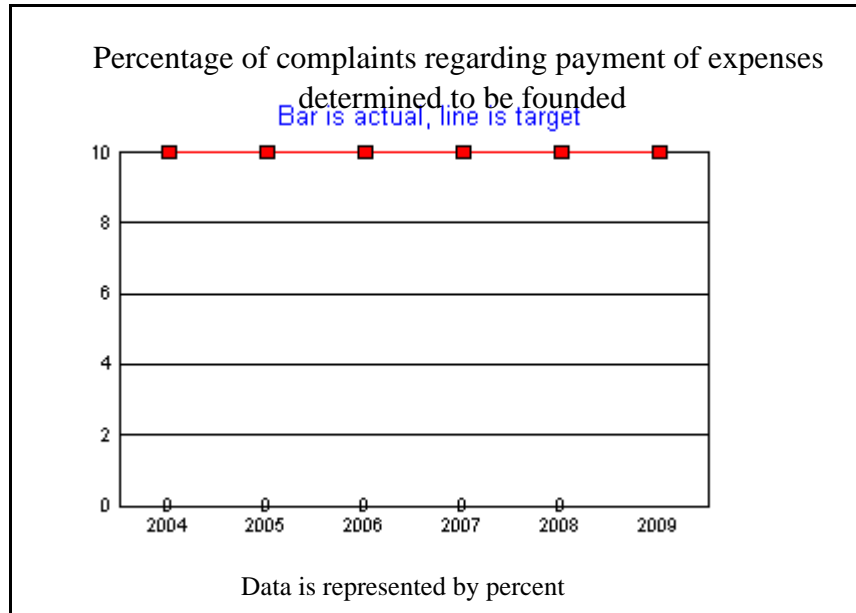
## 6. WHAT NEEDS TO BE DONE

The agency will consider whether to set a “higher” goal, e.g. review 95% of the requests within *four* business days, or whether resources should be diverted to improve results in other areas.

## 7. ABOUT THE DATA

The data measures the number of business days between the date a request is received by the agency and the date the response is issued (by email or regular mail).

<b>KPM #5</b>	EXPENSE COMPLAINTS - Percentage of complaints regarding payment of expenses determined to be founded.	2004
<b>Goal</b>	Ensure cost-efficient service delivery	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Contact Database	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



1. OUR STRATEGY

The agency makes a determination as to whether an expense is “reasonable and necessary” for adequate legal representation of financially eligible Oregonians. The agency developed a complaint procedure and designed a database to track complaints from any source that questioned the agency’s decision to approve the expenditure.

**2. ABOUT THE TARGETS**

The assumption was that if a person made the effort to file a complaint, it was likely that the expenditure was of an unusual nature. Although the agency reviews and approves expenditure requests in advance, there may be times that in hindsight the agency would not have approved the expense. The agency hoped that fewer than 10% of the complaints would be founded.

**3. HOW WE ARE DOING**

Out of approximately 40,000 payments processed per year, the agency received no complaints regarding payment of expenses in fiscal year 2008.

**4. HOW WE COMPARE**

The agency is not aware of comparable data.

**5. FACTORS AFFECTING RESULTS**

Prior to July 1, 2003, expenditures were reviewed and processed by each circuit court. On July 1, 2003, the Public Defense Services Commission assumed responsibility for the entire public defense program. This centralization of expense approvals provides consistency and appropriate distribution of the agency's limited resources, and likely accounts for the fact that so few complaints have been received.

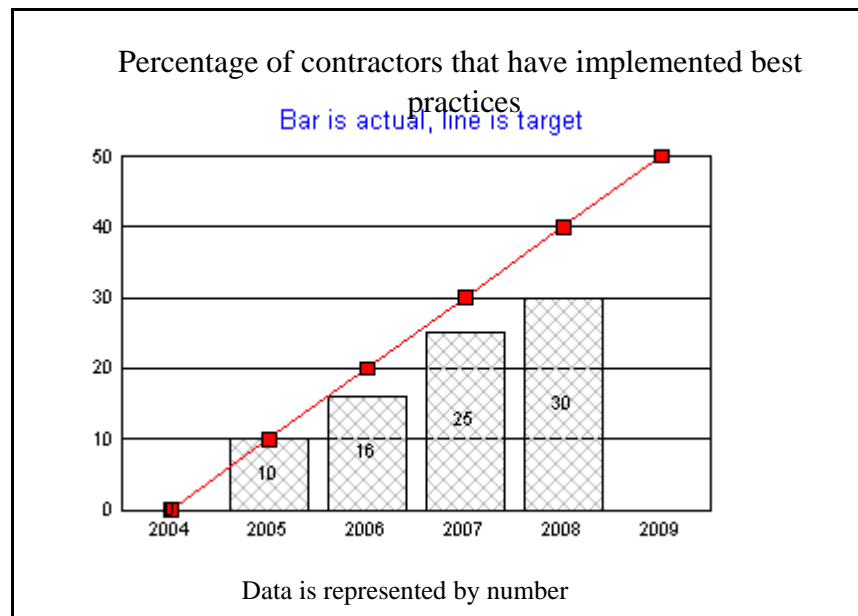
**6. WHAT NEEDS TO BE DONE**

The agency has requested that this performance measure be eliminated.

**7. ABOUT THE DATA**

The data includes complaints received during the fiscal year (July 1 to June 30). The weakness of the data is that there will likely always be a very small number of complaints and therefore the percentage of founded complaints may fluctuate dramatically without giving a true indication of performance. For example, if we receive one complaint during the year and it is founded, then our percentage would be 100%.

<b>KPM #6</b>	BEST PRACTICES - Percentage of contractors that have implemented best practices and resolved problems relating to the quality and cost-efficiency of their services, which are identified by PDSC's site visit process and the process's "360 degree" evaluations.	2004
<b>Goal</b>	Improve the quality of representation	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Site Visit Reports and Contractor Follow-up Reports	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The agency formed a Quality Assurance Task Force to assist in the development of a systematic process to review the organization, management and quality of services delivered by the agency’s contractors. This “contractor site visit process” engages volunteer attorneys from across the state

with expertise in public defense practice and management in a comprehensive statewide evaluation process. Teams of volunteer attorneys visit and evaluate the offices of the state's public defense contractors, administer questionnaires and interview all relevant stakeholders in a contractor's county, including the contractor's staff, prosecutors, judges, other defense attorneys, court staff, corrections staff, and other criminal and juvenile justice officials regarding the contractor's performance and operations. After a site visit and deliberations among the site visit team's members, the team submits a report to the contractor and the agency outlining its observations and recommendations. In addition to improving the contractors subject to the site visits, the process is designed to improve the operations of public defense contractors in Oregon by identifying best practices for managing and delivering public defense services and by sharing that information with other contractors across the state.

## **2. ABOUT THE TARGETS**

The targets were based on the agency conducting four site visits per year and on the assumption that most if not all contractors visited would adopt the recommended best practices.

## **3. HOW WE ARE DOING**

Because the targets did not anticipate the time contractors would require for implementation, the straight-line projection over-simplifies what the agency would expect to see. Although the agency has not been meeting targets, the trend shows that we are continuing to make progress.

## **4. HOW WE COMPARE**

The agency is not aware of comparable data.

## **5. FACTORS AFFECTING RESULTS**

In many cases, contractors are unable to adopt a recommendation that involves additional cost or staff time for the contractor because the rates currently paid to contractors are so low that attorneys are burdened with excessive caseloads.

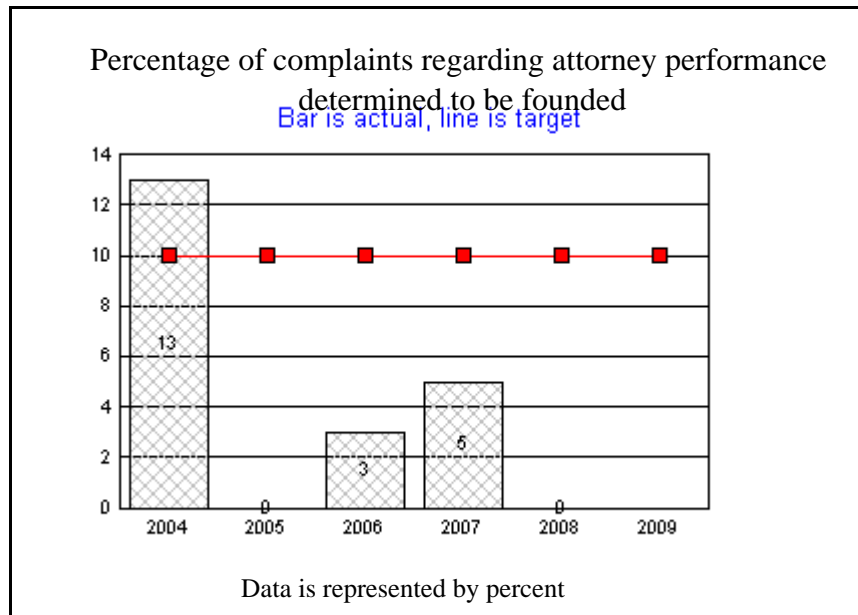
## **6. WHAT NEEDS TO BE DONE**

The agency will continue to conduct four site reviews per year. Although contractors are responding positively to the site review process, significant problems continue to exist; some have been addressed but many have not.

## **7. ABOUT THE DATA**

The agency initially planned to conduct site visits for contractors with ten or more attorneys. After the first three site visits, the agency realized that in some cases it was more efficient to gather information about all contractors within the county during the single visit. Therefore, the agency now plans to conduct site visits for all contractors other than sole practitioners. Contractors are asked to submit a report to the agency detailing the steps they have taken to implement the recommendations. The figures indicate the number of contractors who, as of June 30th of each year, have reported adoption of recommendations as a percentage of the total number of contractors.

<b>KPM #7</b>	ATTORNEY PERFORMANCE COMPLAINTS - Percentage of complaints regarding attorney performance determined to be founded.	2004
<b>Goal</b>	Improve the quality of representation	
<b>Oregon Context</b>	Mission Statement	
<b>Data Source</b>	Contact Database	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The agency (through its small administrative office in Salem) funds the appointment of attorneys to over 170,000 cases per year all across Oregon. The information we receive through the complaint process allows the agency to know which attorneys may need additional training and/or resources, or whether to change the types of cases an attorney is allowed to accept, or to remove an attorney from court appointment lists

altogether. As the agency works to improve the quality of representation through a variety of strategies, we would expect the number of founded complaints to decrease.

## **2. ABOUT THE TARGETS**

Prior to July 1, 2003, no data was kept regarding complaints. The agency hoped that fewer than 10% of complaints regarding attorney performance would be founded.

## **3. HOW WE ARE DOING**

In fiscal year 2004 (the first year of operation for the agency), we did not meet the target; however, in each reporting year thereafter, the agency exceeded expectations with fewer than 10% of the complaints received being founded.

## **4. HOW WE COMPARE**

Most state agencies that receive complaints use a performance measure based on the average number of days to close a formal complaint and do not use the results of such investigations as a performance measure. Because our agency selects the attorneys who provide legal representation, the quality of their performance does provide feedback on our selection and oversight procedures.

## **5. FACTORS AFFECTING RESULTS**

In 2004, the agency initiated a “site visit” process (see performance measure #6) in which volunteer teams of public defense attorneys and staff visit individual contractors to provide training, advice and management expertise. In early 2006, the agency required all public defense attorneys to re-apply for inclusion on hourly paid court appointment lists. Through that process, the agency attempted to select only the best-qualified attorneys.

## **6. WHAT NEEDS TO BE DONE**

The agency has requested the elimination of this performance measure.

## **7. ABOUT THE DATA**

The data includes complaints received during the fiscal year (July 1 to June 30). The weakness of the data is that the total number of complaints received is quite small (36 in 2008) and therefore the percentage of founded complaints may fluctuate dramatically without giving a true indication of

performance. Furthermore, the absence of complaints should not necessarily be seen as an indication that there are not problems with the quality of representation. In 2000, the Oregon State Bar Task Force on Indigent Defense concluded that representation in juvenile cases and post-conviction relief cases was inadequate. In 2005, the Secretary of State’s Audits Division rated the quality of representation in those case types as “risk areas” for the agency.

<b>KPM #8</b>	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	2007
<b>Goal</b>	To provide greater accountability and results from government by delivering services that satisfy customers.	
<b>Oregon Context</b>	To maintain and improve the following category ratings of agency service: overall quality of services, timeliness, accuracy, helpfulness, expertise and availability of information.	
<b>Data Source</b>	Customer Service Surveys (survey and results stored on SurveyMonkey)	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The general strategy is to utilize feedback to address cited problems and improve the general level of service provided by the agency.

**2. ABOUT THE TARGETS**

Targets were not set for 2007-09 as no baseline data was available upon which realistic targets could be based.

### 3. HOW WE ARE DOING

The survey results indicate a high level of customer satisfaction with the agency. Service was rated as good or excellent by more than 95% of the respondents in all categories except the Availability of Information (89%). Although the standard reporting measure for state agencies groups both "good" and "excellent" into one category, the more telling aspect of the agency's results is the percentage of respondents who rated the service as excellent.

In the categories of Timeliness, Accuracy, Helpfulness and Overall, over 60% of respondents rated the agency's service as excellent.

### 4. HOW WE COMPARE

Services and customers differ greatly among state agencies, so a direct comparison to other state agencies may lack validity. Similarly, comparisons to public defense systems in other jurisdictions would not be useful due to variations in the survey questions, the survey pool, and the types of services provided. Given the high percentages of positive ratings received by the agency, we would likely compare favorably were such a comparison possible.

### 5. FACTORS AFFECTING RESULTS

The agency is fortunate to have dedicated, knowledgeable employees and low turnover.

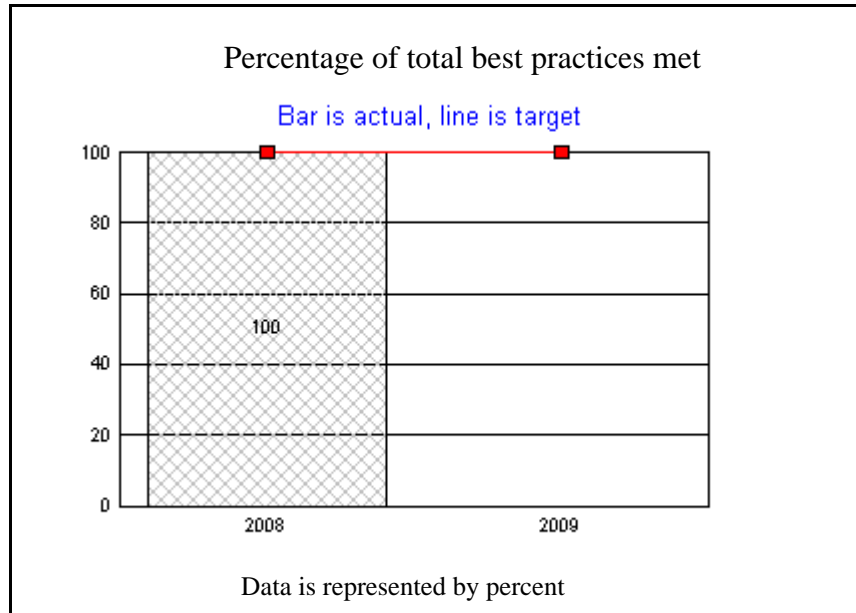
### 6. WHAT NEEDS TO BE DONE

The agency's lowest satisfaction rating was in the category of Availability of Information. The agency will continue to direct customers to our website and make sure that all resources on the website are easy to locate and clearly identified.

### 7. ABOUT THE DATA

A total of 600 contract attorneys, private bar attorneys, and service providers were invited to complete the agency's Customer Service Survey. The survey was administered in July 2008 as a snapshot for fiscal year 2008. There was a 34% response rate (200 responses) to the survey.

<b>KPM #9</b>	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.	2007
<b>Goal</b>	Best practices as a pathway to improved performance and accountability	
<b>Oregon Context</b>	Required KPM for all Oregon boards and commissions	
<b>Data Source</b>	Commission agendas and minutes	
<b>Owner</b>	Contract and Business Services Division, Kathryn Aylward, (503) 378-2481	



**1. OUR STRATEGY**

The agency's commission currently follows all of the best practices.

**2. ABOUT THE TARGETS**

The agency anticipates meeting all of the best practices for boards and commissions.

**3. HOW WE ARE DOING**

In fiscal year 2008, the agency met all of the best practices for boards and commissions.

**4. HOW WE COMPARE**

The agency assumes that most boards and commissions will be able to implement all best practices.

**5. FACTORS AFFECTING RESULTS**

There are no factors that would prohibit the agency from meeting all of the best practices.

**6. WHAT NEEDS TO BE DONE**

No change is needed.

**7. ABOUT THE DATA**

The Commission reviewed and discussed the best practices at its public meeting held March 21, 2008. The minutes of that meeting reflect that all of the best practices have been implemented.

**Agency Mission:** Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

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**The following questions indicate how performance measures and data are used for management and accountability purposes.**

<p><b>1. INCLUSIVITY</b></p>	<p><b>* Staff :</b></p> <p>The agency’s Management Team drafted initial performance measures.</p> <p><b>* Elected Officials:</b> The Joint Legislative Audit Committee and the interim Judiciary Committee assisted the agency in refining and finalizing its performance measures.</p> <p><b>* Stakeholders:</b> Input was received from the agency’s Contractor Advisory Group comprised of public defense service providers.</p> <p><b>* Citizens:</b> The agency developed, discussed and revised its performance measures during two public meetings.</p>
<p><b>2 MANAGING FOR RESULTS</b></p>	<p>KPM#1, KPM#3 and KPM#4 are used to measure an individual employee’s performance and indicate how workload should be redistributed.</p> <p>The agency’s Management Team will consider re-allocation of resources based on the results.</p>
<p><b>3 STAFF TRAINING</b></p>	<p>The agency has advised staff of the goals outlined in the performance measures and staff is directly involved in the data collection and/or direct daily implementation of the measures. The performance measures serve as important tools for the agency’s managers as they identify and develop necessary staff skills as well as determine the best use of overall resources in order to attain the goals enumerated in the measures.</p>

**4 COMMUNICATING RESULTS**

\* **Staff :** The Annual Performance Progress Reports are posted on employee bulletin boards. The results and future plans are discussed at staff meetings.

\* **Elected Officials:** The agency communicates results to the Legislature through the Progress Board reports, the Executive Director's biennial report to the Legislature, and its Agency Request Budget binder.

\* **Stakeholders:** Performance results are communicated through the agency's website and DAS's website as well as being provided in the materials distributed at public meetings.

\* **Citizens:** Performance results are communicated through the agency's website and DAS's website as well as being provided in the materials distributed at public meetings.