

# Annual Performance Report

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**Office of the State Public Defender**

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**Colorado State Public Defender**

# Performance Evaluation

## General Description

### Mission

The mission of the Office of the State Public Defender is to defend and protect the rights, liberties, and dignity of those accused of crimes who cannot afford to retain counsel. We do so by providing constitutionally and statutorily mandated representation that is effective, zealous, inspired and compassionate.

#### ***OSPD Enabling Legislation.***

*The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function. C.R.S. 21-1-101(1).*

### Vision

It is the vision of the Office of the State Public Defender that every OSPD client served receives excellent legal representation through the delivery of high quality legal services and compassionate support from a team of dedicated Public Defenders.

### Description

The Office of the State Public Defender (OSPD) is a single purpose program that is devoted to providing effective criminal defense representation to indigent persons charged with crimes except where there is a conflict of interest. Our clients are indigent people who, faced with the possibility of incarceration, are unable to afford private counsel and without counsel would otherwise be denied their constitutional right to representation throughout the criminal proceedings. Attorneys, investigators and legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions, Colorado Revised Statutes, Colorado Court Rules, American Bar Association standards, and the Colorado Rules of Professional Conduct. The OSPD system is the most efficient means of meeting these requirements.

The OSPD is an independent agency within the Judicial Branch of Colorado state government. The Courts appoint the OSPD when a defendant qualifies for public defender services pursuant to statute, applicable case law and Chief Justice Directives.

To support the OSPD in the representation of their FY 2023-24 projected caseload, the OSPD was appropriated \$155,572,694 and approximately 1098 FTE. This is comprised of approximately 577 attorneys; 167 investigators, 110 paralegals; 23 social workers; 154 administrative assistants and 67 centralized management and support positions.

## Priorities

In keeping with the Office's mission and vision, we have developed the following goals, strategies and measures.

**Goals:**

1. Provide effective attorney services and advocacy in both the trial and appellate courts throughout the state of Colorado for indigent clients.
2. Hire and retain a sufficient number of quality staff to effectively manage the ever-increasing workload in each office in the state.
3. Provide a high quality and quantity of staff development, training, technology support and other resources to adapt our response to the constantly changing criminal legal system so that our advocacy and legal services are commensurate with those available for non-indigent persons as is required by our statute.

**Strategies:**

1. Hire a sufficient number of high quality staff and retain an adequate level of experienced staff in order to effectively manage the assigned caseload.
2. Track and analyze trends in caseloads and adjust staffing levels.
3. Provide training to address the changing legal climate.
4. Continually evaluate administrative processes and organizational infrastructure needs such as office space, technology and staffing.
5. Work all cases as efficiently as possible, while retaining a high quality of effective and reasonable representation.

**Performance Measures**

		FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
		(actual)	(actual)	(projected)	(projected)	(projected)
<b>MEASURE 1:</b>						
	<b>Target</b>	<b>136,144</b>	<b>135,034</b>	<b>139,085</b>	<b>143,258</b>	<b>147,556</b>
Number of new trial court cases.		Actual	127,391	125,329		
<b>MEASURE 2:</b>						
	<b>Target</b>	<b>175,221</b>	<b>184,968</b>	<b>190,517</b>	<b>196,233</b>	<b>202,120</b>
Number of active trial court cases.		Actual	179,581	174,489		

		FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
		(actual)	(actual)	(projected)	(projected)	(projected)
<b>MEASURE 3:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of actual trial court attorney staff vs. total required for closed trial court cases.	Actual	79%	77%			
<b>MEASURE 4:</b>	<b>Target</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>
Number of attorney applications received.	Actual	410	507			
<b>MEASURE 5:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of actual total attorney staff vs. total required for closed trial court cases and appellate cases.	Actual	80%	76%			
<b>MEASURE 6:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Annual rates of attrition:						
Attorneys	Actual	21%	18%			
Investigators	Actual	10%	8%			
Paralegals	Actual		9%			
Administrative Assistants	Actual	30%	19%			
Total All Employees	Actual	19%	16%			
<b>MEASURE 7:</b>	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Percent of experienced, fully capable staff (journey level or higher):						
Attorneys	Actual	39%	40%			
Investigators	Actual	53%	52%			
Paralegals	Actual		21%			
Administrative Assistants	Actual	36%	30%			
Total All Employees	Actual	43%	39%			
<b>MEASURE 8:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent compliance with minimum standards for total staffing requirements.	Actual	80%	77%			
<b>MEASURE 9:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Maintain established standard percentages for reasonable staff supervision, management and development.	Actual	9%	10%			
<b>MEASURE 10:</b>	<b>Target</b>	<b>450</b>	<b>480</b>	<b>495</b>	<b>510</b>	<b>525</b>
Number of new appellate cases.	Actual	379	430			

		FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
		(actual)	(actual)	(projected)	(projected)	(projected)
<b>MEASURE 11:</b>	<b>Target</b>	<b>1,627</b>	<b>1,629</b>	<b>1,596</b>	<b>1,590</b>	<b>1,596</b>
Number of active appellate cases.	Actual	1,556	1,564			
<b>MEASURE 12:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of actual appellate attorney staff vs. total required for appellate cases awaiting filing of initial brief.	Actual	84%	60%			
<b>MEASURE 13:</b>	<b>Target</b>	<b>129,507</b>	<b>134,333</b>	<b>138,362</b>	<b>142,512</b>	<b>146,786</b>
Number of trial court cases closed.	Actual	130,421	130,856			
<b>MEASURE 14:</b>	<b>Target</b>	<b>132</b>	<b>193</b>	<b>267</b>	<b>266</b>	<b>266</b>
Days of training provided.	Actual	182	250			
<b>MEASURE 15:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of CLE credits provided to all attorneys.	Actual	14	29			
<b>MEASURE 16:</b>	<b>Target</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
Hours of ethics training provided, focusing on Colorado criminal law.	Actual	2	4			
<b>MEASURE 17:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	15	15			
<b>MEASURE 18:</b>	<b>Target</b>	<b>358</b>	<b>343</b>	<b>378</b>	<b>378</b>	<b>378</b>
Number of appellate cases for which an Opening Brief has been filed.	Actual	310	222			
<b>MEASURE 19:</b>	<b>Target</b>	<b>271</b>	<b>324</b>	<b>324</b>	<b>336</b>	<b>360</b>
Number of backlogged appellate cases.	Actual	299	451			