

Performance Plan

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Office of the State Public Defender

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Colorado State Public Defender

Table of Contents

Performance Plan

Strategic Component

Mission.....	1
Vision.....	1
History and Description.....	1
Functional Organizational Chart	4

Operational Component/Processes

Operational Processes.....	5
Goals, Strategies and Measures	5
Performance Evaluation.....	8
Performance Measures.....	12

Strategic Component

Mission

The Office of the Public Defender's (OSPD) mission is to protect and defend 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.

Vision

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

Statutory Authority

Statutory authority and Constitutional Authority form the basis of Office of State Public Defender's work.

C.R.S. § 21-1-101(1) demonstrates the need for the public defender to be **independent of political considerations, provide legal services to indigent people**, and states in part:

"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. § 21-1-103 mandates that the state public defender shall represent each indigent person who is arrested for or charged with a felony, a misdemeanor when the charged offense includes a possible jail sentence, juveniles upon who a delinquency petition is filed or who are restrained by court order, process, or otherwise, person who are held in any institution against their will by process or otherwise for treatment of disease or disorder (meaning people who have been found not guilty by reason of insanity) when the person applies for a public defender or when appointed by the court.

History

In 1963, the United States Supreme Court decided *Gideon v. Wainwright*, 372 U.S. 335 (1963), ensuring the indigent accused the right to representation of counsel in criminal cases. That same year, the Colorado General Assembly passed the Colorado Defender Act in response to the *Gideon* decision. This Act authorized Colorado counties to either establish a public defender office or remain under the previous ad hoc system of appointing counsel for indigent citizens accused of criminal offenses. Four county public defender offices were established under the Act

in Denver, Brighton, Pueblo and Durango.

In 1969, the State Legislature passed the Administrative Reorganization Act. Pursuant to this act, the State began to oversee the court system, which assumed responsibility for the appointment and funding of counsel for indigent people. The Office of the State Public Defender was created by statute and became an independent state agency in 1970.

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. Megan A. Ring is the current Colorado State Public Defender and was appointed in 2018.

OSPD represents clients handling cases at the trial court level and the appellate court level. The OSPD maintains 21 regional trial offices which cover Colorado's 23 judicial districts and 64 counties. The OSPD appellate office handles statewide indigent criminal cases heard at the Court of Appeals and the Supreme Court. The staff in these offices are entirely devoted to representing clients in cases as assigned by the courts. System-wide administrative and support functions for these offices are handled centrally through the State Administrative Office in Denver.

The State Administrative Office houses the leadership team for the system. OSPD's mission and performance expectations are guided and monitored by this leadership team. The office coordinates all support functions to assist our regional trial offices and the Appellate Division in providing competent and zealous legal services to our clients. The administrative functions delivered by the administrative office include:

- Program direction, analysis and planning, including statistical compilation and development.
- Workforce development, training personnel, policy, compensation analysis, and practice development.
- Providing guidance to trial office teams in complex cases, and statewide litigation strategies.
- Facilitating and fostering a culture of DEIB in all offices throughout the state.
- Providing and identifying resources to support employees in enhancing long-term sustainability and job satisfaction.
- Payroll and benefits coordination and administration.

- Legislative affairs and statutory analysis.
- Intergovernmental and intragovernmental affairs.
- Budget analysis, development, allocation and management.
- Financial management, analysis tracking, transaction processing, procurement and accounting.
- Facilities, planning development and lease negotiation.
- Contracts and grants management.
- IT support and development.
- Development, distribution and maintenance of the agency's computer information and telecommunications systems.
- Human Resources.

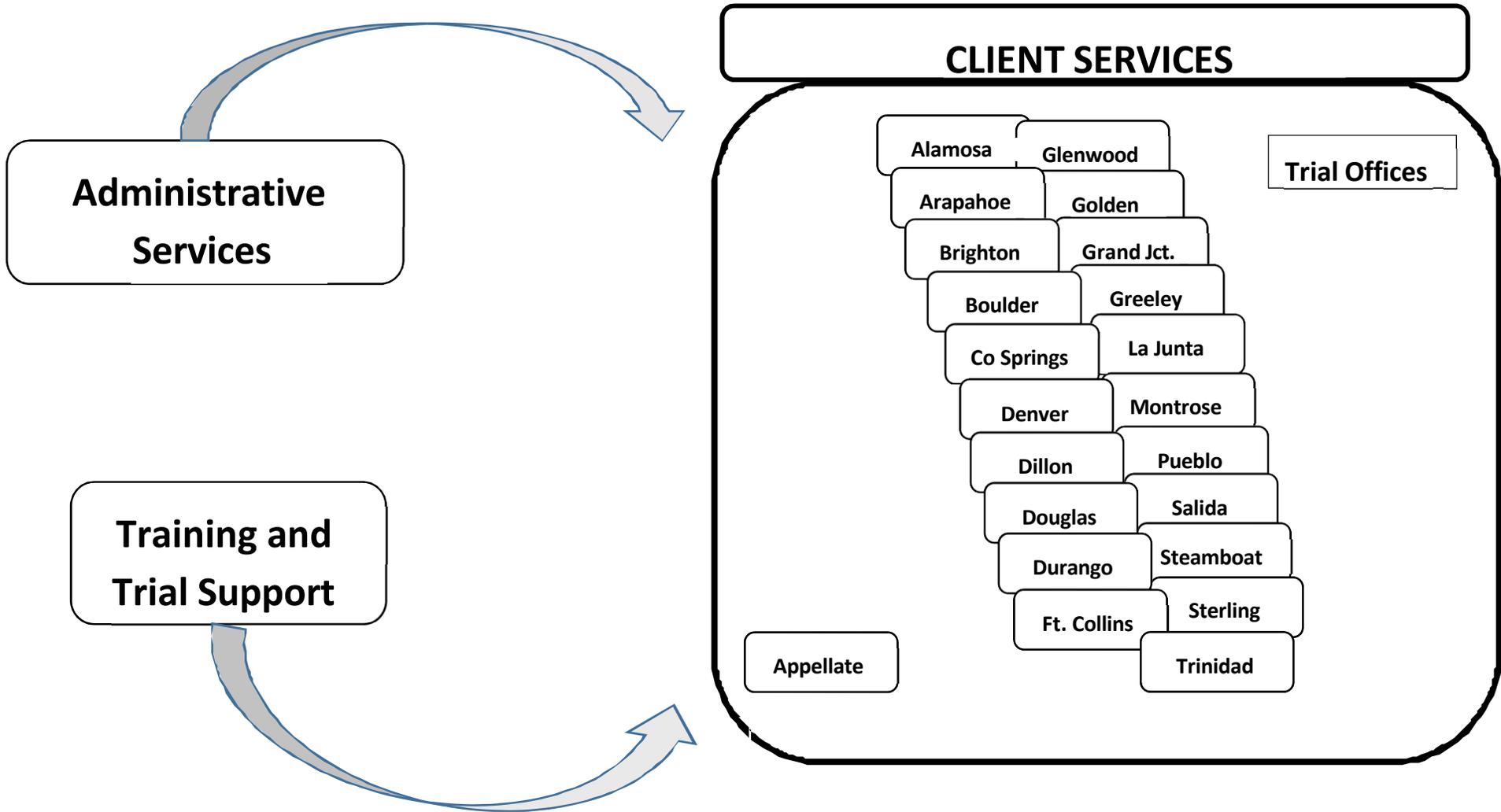
To support the OSPD in the representation of their FY 2025-26 projected caseload, the OSPD was appropriated \$192,835,367 and approximately 1205 FTE. This is comprised of approximately 627 attorneys; 184 investigators, 122 paralegals; 34 social workers; 166 administrative assistants and 72 centralized management and support positions.

Constitutional, Statutory and Other Authority

Constitutional, statutory and other authority for the OSPD system and its work is established pursuant to:

- U.S. Const. amend. VI;
- Colo. Const. art. II, § 16;
- C.R.S. §§ 21-1-101 to 21-1-107;
- Chief Justice Directive 04-04;
- ABA Criminal Justice Standards;
- Colo. Rules of Professional Conduct (Colo. RPC);
- *Gideon v. Wainwright*, 372 U.S. 335 (1963);
- *Alabama v. Shelton*, 535 U.S. 654 (2002);
- *Rothgery v. Gillespie County*, 554 U.S. 191 (2008);
- *Nikander v. District Court*, 711 P.2d 1260 (Colo. 1986);
- *Allen v. People*, 157 Colo. 582, 404 P.2d 266 (1965);
- *In Re Gault*, 387 U.S. 1 (1967); and
- *Powell v. Alabama*, 287 U.S. 45 (1932)
- *Rothgery v. Gillespie County, Tex.* 554 U.S. (191) (2008).

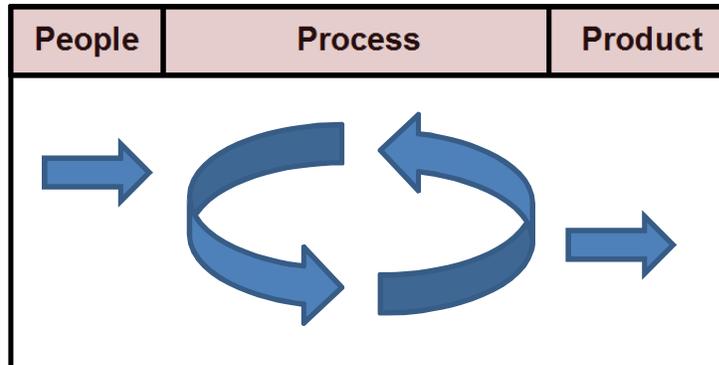
COLORADO STATE PUBLIC DEFENDER



Operational Component/Processes

Goals, Strategies and Measures

In order to achieve our mission of providing high-quality, effective criminal defense representation for each of our clients, the OSPD ensures that our goals, strategies and measures support our people, our process and the end product of client representation.



To this end, we have developed three overarching goals, five strategies and nineteen measures, all focused on improving service to our clients. We continue to analyze and further refine the concepts included in this document throughout the year using a variety of methods.

Our goals, strategies and measures all tie directly to our vision and our mission. Furthermore, as part of our organizational infrastructure planning, these components are continually reviewed and further refined.

Goals:

1. Provide high quality attorney services and advocacy in both the trial and appellate courts throughout Colorado for indigent clients.
2. Recruit and retain quality staff to effectively manage the workload in each Public Defender office across the state.
3. Offer excellent staff development, training, technology support, and other resources to adapt to the evolving criminal legal system and ensure our advocacy meets that available to non-indigent individuals, as mandated by our statute.

Strategies:

1. Hire a sufficient number of skilled and committed staff and keep an adequate level of experienced staff 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 keeping a high quality of effective and reasonable representation.

Measures:

Input

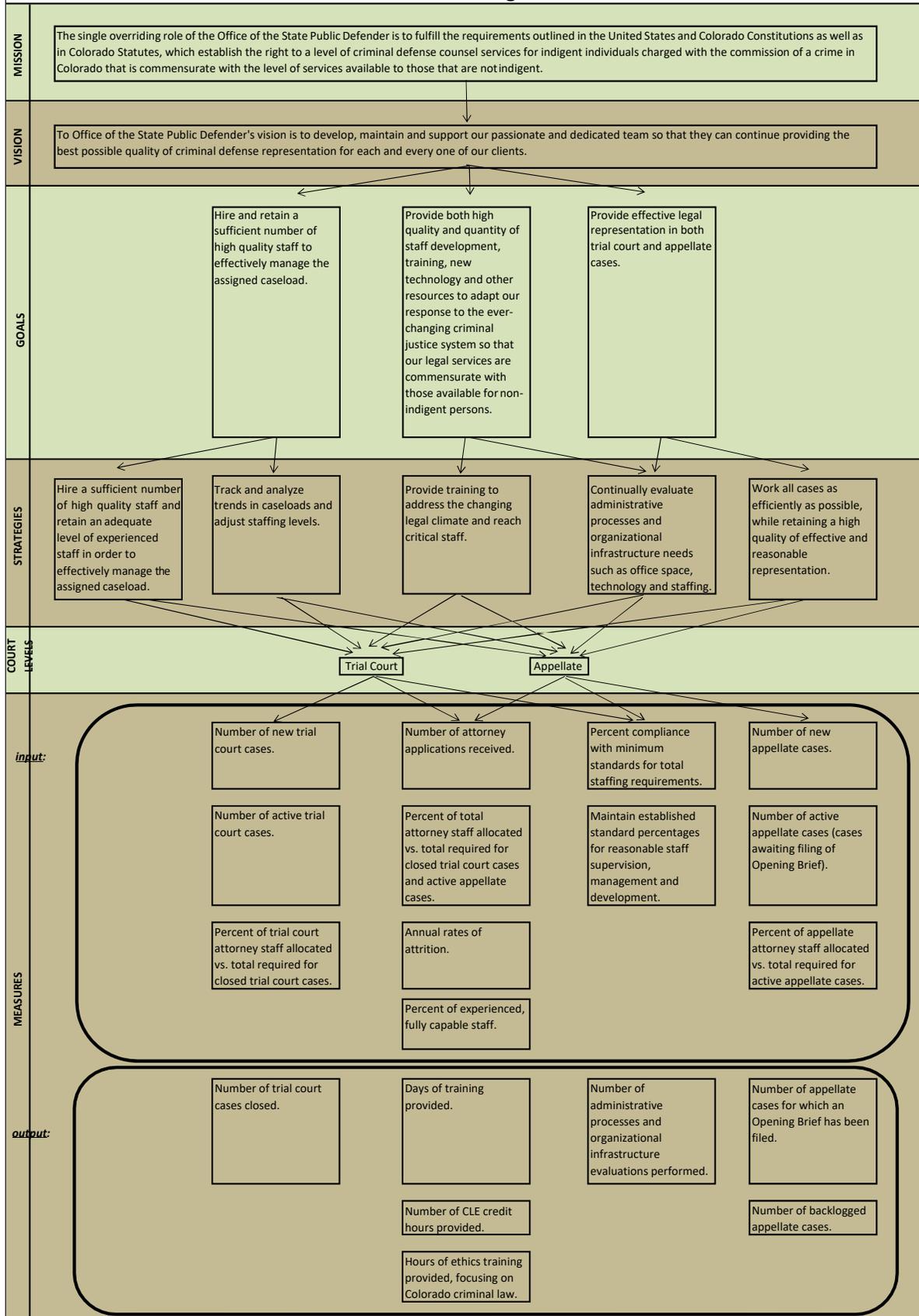
1. Number of new trial court cases.
2. Number of active trial court cases.
3. Percent of trial court attorney staff allocated vs. total required for closed trial court cases.
4. Number of attorney applications received.
5. Percent of total attorney staff allocated versus total required for closed trial court cases and active appellate cases.
6. Annual rates of attrition.
7. Percent of experienced, fully capable staff.
8. Percent compliance with minimum standards for total staffing requirements.
9. Established standard percentages for reasonable staff supervision, management and development.
10. Number of new appellate cases.
11. Number of active appellate cases (cases awaiting filing of Opening Brief).
12. Percent of appellate attorney staff allocated vs. total required for active appellate cases.

Output

13. Number of trial court cases closed.
14. Days of training provided.
15. Number of CLE credit hours provided.
16. Ethics training hours provided, focus on Colorado criminal law.
17. Number of administrative processes and organizational infrastructure evaluations performed.
18. Number of appellate cases for which an Opening Brief has been filed.
19. Number of backlogged appellate cases.

To see a pictorial representation of the relationships among our mission, vision, goals, strategies and measures, see *Performance Planning Structure* on page 7.

Performance Planning Structure



Performance Evaluation

OSPD Trial Office - New & Closed Cases						
CASE TYPE	FY23 New Cases	FY24 New Cases	FY24 % New Cases	FY23 Closed Cases	FY24 Closed Cases	FY24 % Closed Cases
Felony 1	205	190	0.2%	197	207	0.2%
Felony 2	528	616	0.5%	511	583	0.5%
Sex Assault Felony 2, 3, 4, 5 or 6	1,369	1,466	1.2%	1,155	1,450	1.2%
Felony 3 or 4 (COV)	3,237	3,153	2.5%	2,785	3,003	2.4%
Felony 3 or 4 (non-COV)	8,358	9,229	7.4%	9,702	9,001	7.2%
Felony 5 or 6	14,434	11,946	9.5%	15,945	12,534	10.0%
DUI Felony 4	692	664	0.5%	699	659	0.5%
Drug Felony 1, 2, 3 or 4	4,800	5,186	4.1%	4,695	5,169	4.1%
Felony Cases	33,623	32,450	25.9%	35,689	32,606	26.0%
Misc. Proceedings	2,880	3,088	2.5%	2,951	2,991	2.4%
Revocations	15,366	14,816	11.8%	16,003	15,186	12.1%
Appeals	53	41	0.0%	46	42	0.0%
Felony Other Proceedings	18,299	17,945	14.3%	19,000	18,219	14.5%
Total Felony	51,922	50,395	40.2%	54,689	50,825	40.6%
Misdemeanor Sex Offense	704	810	0.6%	561	815	0.7%
Misdemeanor 1	18,776	19,420	15.5%	18,923	18,773	15.0%
Misdemeanor 2 or 3	17,539	19,230	15.3%	18,337	18,560	14.8%
Misdemeanor DUI	5,980	7,332	5.9%	4,662	6,942	5.5%
Misdemeanor Traffic/Other	11,123	9,570	7.6%	13,948	9,837	7.9%
Misdemeanor Cases	54,122	56,362	45.0%	56,431	54,927	43.8%
Misc. Proceedings	980	929	0.7%	996	951	0.8%
Revocations	13,245	12,948	10.3%	13,701	12,886	10.3%
Appeals	99	109	0.1%	90	90	0.1%
Misdemeanor Other Proceedings	14,324	13,986	11.2%	14,787	13,927	11.1%
Total Misdemeanor	68,446	70,348	56.1%	71,218	68,854	55.0%
Juvenile Sex Offense	194	205	0.2%	210	201	0.2%
Juvenile Felony	1,750	2,040	1.6%	1,742	2,007	1.6%
Juvenile Misdemeanor	1,920	2,293	1.8%	1,909	2,202	1.8%
Juvenile Cases	3,864	4,538	3.6%	3,861	4,410	3.5%
Misc. Proceedings	175	215	0.2%	157	216	0.2%
Revocations	921	972	0.8%	928	952	0.8%
Appeals	1	5	0.0%	3	6	0.0%
Juvenile Other Proceedings	1,097	1,192	1.0%	1,088	1,174	0.9%
Total Juvenile	4,961	5,730	4.6%	4,949	5,584	4.5%
Summary		-				
Total Cases	91,609	93,350	74.5%	95,981	91,943	73.4%
Total Misc. Proceedings	4,035	4,232	3.4%	4,104	4,158	3.3%
Total Revocations	29,532	28,736	22.9%	30,632	29,024	23.2%
Total Appeals	153	155	0.1%	139	138	0.1%
Total Other Proceedings	33,720	33,123	26.4%	34,875	33,320	26.6%
Grand Total Cases	125,329	126,473	100.0%	130,856	125,263	100.0%

OSPD Trial Office - Active & Outstanding Cases

CASE TYPE	FY23 Active Cases	FY24 Active Cases	FY24 % Active Cases	FY23 O/S Cases	FY24 O/S Cases	FY24 % O/S Cases
Felony 1	437	420	0.2%	240	223	0.5%
Felony 2	833	1,002	0.6%	322	356	0.8%
Sex Assault Felony 2, 3, 4, 5 or 6	1,638	2,447	1.4%	939	955	2.2%
Felony 3 or 4 (COV)	4,380	4,933	2.8%	1,595	1,745	4.0%
Felony 3 or 4 (non-COV)	13,695	13,615	7.8%	3,993	4,221	9.7%
Felony 5 or 6	21,569	16,834	9.6%	5,168	4,580	10.5%
DUI Felony 4	1,108	1,075	0.6%	409	414	0.9%
Drug Felony 1, 2, 3 or 4	6,571	7,147	4.1%	1,876	1,893	4.3%
Felony Cases	50,231	47,473	27.2%	14,542	14,387	33.0%
Misc. Proceedings	3,866	4,156	2.4%	915	1,012	2.3%
Revocations	20,405	18,995	10.9%	4,402	4,032	9.2%
Appeals	76	70	0.0%	30	29	0.1%
Felony Other Proceedings	24,347	23,221	13.3%	5,347	5,073	11.6%
Total Felony	74,578	70,694	40.5%	19,889	19,460	44.6%
Misdemeanor Sex Offense	697	1,223	0.7%	370	365	0.8%
Misdemeanor 1	25,356	26,396	15.1%	6,201	6,848	15.7%
Misdemeanor 2 or 3	23,068	24,925	14.3%	4,729	5,399	12.4%
Misdemeanor DUI	7,844	11,069	6.3%	3,182	3,572	8.2%
Misdemeanor Traffic/Other	17,461	13,153	7.5%	3,513	3,246	7.4%
Misdemeanor Cases	74,426	76,766	44.0%	17,995	19,430	44.5%
Misc. Proceedings	1,212	1,175	0.7%	216	194	0.4%
Revocations	16,739	16,327	9.4%	3,038	3,100	7.1%
Appeals	186	212	0.1%	96	115	0.3%
Misdemeanor Other Proceedings	18,137	17,714	10.2%	3,350	3,409	7.8%
Total Misdemeanor	92,563	94,480	54.1%	21,345	22,839	52.3%
Juvenile Sex Offense	402	410	0.2%	193	197	0.5%
Juvenile Felony	2,605	2,926	1.7%	862	895	2.1%
Juvenile Misdemeanor	2,831	3,365	1.9%	922	1,013	2.3%
Juvenile Cases	5,838	6,701	3.8%	1,977	2,105	4.8%
Misc. Proceedings	231	300	0.2%	74	81	0.2%
Revocations	1,273	1,275	0.7%	345	357	0.8%
Appeals	6	6	0.0%	3	2	0.0%
Juvenile Other Proceedings	1,510	1,581	0.9%	422	440	1.0%
Total Juvenile	7,348	8,282	4.7%	2,399	2,545	5.8%
Summary						
Total Cases	130,495	130,940	75.0%	34,514	35,922	82.3%
Total Misc. Proceedings	5,309	5,631	3.2%	1,205	1,287	2.9%
Total Revocations	38,417	36,597	21.0%	7,785	7,489	17.2%
Total Appeals	268	288	0.2%	129	146	0.3%
Total Other Proceedings	43,994	42,516	24.4%	9,119	8,922	20.4%
Grand Total Cases	174,489	173,456	100.0%	43,633	44,844	100.0%

OSPD Trials (Jury & Court)		
	FY23 Trials	FY24 Trials
Felony		
F1	35	24
F2	23	36
F2-F6 Sex	42	55
F3-F4 COV	43	59
F3-F4 Non COV	88	61
F5-F6	67	76
DUI Felony 4	25	22
Drug Felony	18	15
Felony Total	341	348
Misdemeanor		
Misd Sex	22	16
M1	213	199
M2-M3	88	71
Misd DUI	234	247
Traffic/Other	75	44
Misdemeanor Total	632	577
Juvenile		
Juv Sex	7	8
Felony	10	13
Misdemeanor	11	21
Juvenile Total	28	42
Grand Total	1001	967

OSPD Trial Office Conflicts		
	FY23	FY24
New Opened Cases	125,329	126,473
Conflicts		
Co-Defendant	4,944	5,631
Witness	6,784	7,139
Other	1,412	708
Total	13,140	13,478
<i>% of New Cases</i>	<i>10.5%</i>	<i>10.7%</i>

APPELLATE DIVISION									
FISCAL YEAR	New Appeals	Briefs Filed by PD	Cases Resolved Other Ways	Appeals Closed in Phase 1	Cases awaiting filing of initial brief	Standard Caseload per NLADA	Cases in excess of NLADA standards	Cases Phase 2 (after OB filed)	Total Active Felony Cases
FY 14	573	367	127	495	749	279	470	1000	2341
FY 15	533	422	122	544	738	363	375	985	2282
FY 16	511	486	141	627	622	359	263	1049	2234
FY 17	525	459	101	560	587	351	236	879	2196
FY 18	523	421	150	571	539	351	188	820	1989
FY 19	563	381	118	499	603	368	235	761	1922
FY 20	514	454	133	587	530	368	162	816	1878
FY 21	256	433	66	499	287	308	0	890	1602
FY 22	379	310	57	367	299	273	26	835	1556
FY 23	430	222	56	278	451	215	236	657	1564
FY 24	460	293	62	355	561	229	332	611	1568
FY 25 Est.	497	358	110	468	589	279	311	569	1669
FY 26 Est.	511	358	114	472	629	307	322	527	1670
FY 27 Est.	527	358	117	475	681	307	374	485	1683
FY 28 Est.	543	358	121	478	745	307	438	443	1708

Performance Measures

		FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
		(actual)	(actual)	(projected)	(projected)	(projected)
MEASURE 1:						
	Target	135,034	139,085	130,267	134,175	138,200
Number of new trial court cases.		Actual	125,329	126,473		
MEASURE 2:						
	Target	184,968	190,517	178,660	184,019	189,540
Number of active trial court cases.		Actual	174,489	173,456		
MEASURE 3:						
	Target	100%	100%	100%	100%	100%
Percent of actual trial court attorney staff vs. total required for closed trial court cases.		Actual	77%	79%		
MEASURE 4:						
	Target	500	500	500	500	500
Number of attorney applications received.		Actual	507	463		
MEASURE 5:						
	Target	100%	100%	100%	100%	100%
Percent of actual total attorney staff vs. total required for closed trial court cases and appellate cases.		Actual	76%	77%		
MEASURE 6:						
	Target	12%	12%	12%	12%	12%
Annual rates of attrition:						
	Attorneys	Actual	18%	12%		
	Investigators	Actual	8%	2%		
	Paralegals	Actual	9%	15%		
	Administrative Assistants	Actual	19%	15%		
	Total All Employees	Actual	16%	12%		
MEASURE 7:						
	Target	70%	70%	70%	70%	70%
Percent of experienced, fully capable staff (journey level or higher):						
	Attorneys	Actual	40%	41%		
	Investigators	Actual	52%	63%		
	Paralegals	Actual	21%	21%		
	Administrative Assistants	Actual	30%	32%		
	Total All Employees	Actual	39%	42%		
MEASURE 8:						
	Target	100%	100%	100%	100%	100%
Percent compliance with minimum standards for total staffing requirements.		Actual	77%	81%		

		FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
		(actual)	(actual)	(projected)	(projected)	(projected)
MEASURE 9:	Target	12%	12%	12%	12%	12%
Maintain established standard percentages for reasonable staff supervision, management and development.	Actual	10%	9%			
MEASURE 10:	Target	480	495	497	511	527
Number of new appellate cases.	Actual	430	460			
MEASURE 11:	Target	1,629	1,596	1,669	1,670	1,683
Number of active appellate cases.	Actual	1,564	1,568			
MEASURE 12:	Target	100%	100%	100%	100%	100%
Percent of actual appellate attorney staff vs. total required for appellate cases awaiting filing of initial brief.	Actual	60%	61%			
MEASURE 13:	Target	134,333	138,362	129,020	132,890	136,877
Number of trial court cases closed.	Actual	130,856	125,263			
MEASURE 14:	Target	193	267	314	314	314
Days of training provided.	Actual	250	291			
MEASURE 15:	Target	15	15	20	20	20
Number of CLE credits provided to all attorneys.	Actual	29	36			
MEASURE 16:	Target	3	3	3	3	3
Hours of ethics training provided, focusing on Colorado criminal law.	Actual	4	3			
MEASURE 17:	Target	15	15	15	15	15
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	15	17			
MEASURE 18:	Target	343	378	358	358	358
Number of appellate cases for which an Opening Brief has been filed.	Actual	222	293			
MEASURE 19:	Target	324	324	589	629	681
Number of backlogged appellate cases.	Actual	451	561			