

**Members**

Peter Buckley  
Robert Harris  
Alton Harvey, Jr.  
Tom Lininger  
Susan Mandiberg  
Jennifer Nash  
Jennifer Parrish Taylor  
Robert Selander  
Adrian Smith  
Brook Reinhard, Nonvoting  
Jasmine Wright, Nonvoting  
Rep. Paul Evans, Nonvoting  
Sen. Floyd Prozanski, Nonvoting



**Executive Director**

Jessica Kampfe

**Oregon Public Defense Commission**

Meeting will occur virtually.  
Friday, January 5, 2024  
10:00 AM – approx. 12:00 PM PST  
Via Zoom\*

This is a public meeting, subject to public meeting law and it will be digitally recorded. Remember to state your full name for the record, as it is required for making a record of the meeting. For action items requiring commission approval, a roll call vote will occur, unless the chair directs otherwise. The chair shall read any motion requiring commission approval into the record before a vote is taken. We are mindful of everyone’s busy schedule, particularly public defense providers, and we will adhere to the agenda of business unless the chair directs otherwise.

**MEETING AGENDA**

<b>Approx. Time</b>	<b>Item</b>	<b>Lead(s)</b>
15 min.	Welcome and Introduction of New Commissioners	Eric Deitrick
20 min.	Public Comment **	All
15 min.	<b>*Action Item: Approval of Interim Bylaws</b> Attachment 1a	Eric Deitrick
10 min.	<b>*Action Item: Election of Chair and Vice-Chair</b> Attachment 2a	Eric Deitrick
10 min.	<b>*Action Item: Authorization of Governance Subcommittee</b> Attachment 3a	Eric Deitrick
10 min.	<b>*Action Item: Approval of 2024 Meeting Schedule</b> Attachment 4a	Eric Deitrick
10 min.	<b>*Action Item: Approval of Draft Legislative Reports</b> Attachment 5a, 5b, 5c, & 5d	Lisa Taylor Ralph Amador
15 min.	Discussion on the State of the Public Defense in Oregon	Eric Deitrick
5 min.	Future Business	Deputy Director Perfecto Eric Deitrick

\*To join the Zoom meeting, click this link. <https://zoom.us/j/93354011871>

Please make requests for an interpreter 48 hours in advance for the hearing impaired, or other accommodation to [opds.info@opds.state.or.us](mailto:opds.info@opds.state.or.us).

*\*\*The commission welcomes public comment in written form and will review submitted written comment prior to the meeting. There will also be a limited amount of time to provide public comment during the meeting. If you are interested in providing public comment virtually to the ODSC, or if you want to submit written comment, please email [opds.info@opds.state.or.us](mailto:opds.info@opds.state.or.us). The deadline to submit interest is 5:00 PM PT January 4, 2024. Please include your full name, organization/entity name, email, and phone number. Public comment may be limited per person if time constraints require.*

**Next meeting: February 7, 2024 @ 10:00 A.M.**

*Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opds/commission/Pages/meetings.aspx>.*

# Attachment 1a



# Oregon

## Oregon Public Defense Commission

198 Commercial St. SE, Suite #205

Salem, Oregon 97301

Telephone (503) 378-3349

Fax (503) 378-4462

[www.oregon.gov/opds](http://www.oregon.gov/opds)

To: Members, Oregon Public Defense Commission (“OPDC”)

From: Eric Deitrick, General Counsel

Re: Provisional Adoption of Bylaws

Date: January 2, 2024

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**Background:** ORS Chapter 151, as amended by SB 337 (2023), defines the responsibilities of commission members. Specifically, ORS 151.213(6) provides:

- (a) All members of the commission shall:
  - (A) Review the policies, procedures, standards and guidelines required by ORS 151.216 and provide input before the approval vote described in paragraph (b) of this subsection.
  - (B) Review the budget of the commission and provide input before the approval vote described in paragraph (b) of this subsection.
  - (C) Meet as needed to carry out the duties described in this subsection.
  
- (b) The voting members of the commission shall:
  - (A) Appoint, by a two-thirds vote, an executive director for a term of office of four years. The term may be terminated for cause by a majority vote of the voting members after notice and a hearing. When the term of an executive director ends without termination, the voting members of the commission may reappoint the person currently in the position by a majority vote.
  - (B) Upon the vacancy of the executive director position, immediately designate an acting executive director by a majority vote.
  - (C) Approve by majority vote the policies, procedures, standards and guidelines required by ORS 151.216 before those policies, procedures, standards and guidelines may take effect.
  - (D) Approve by majority vote the budget of the commission before submission to the Legislative Assembly.

These statutory directives provide high-level guidance to the commission’s role within the overall structure of the agency. They do not, however, provide guidance on other issues such as how the agency works with the commission to set commission meetings, determine agenda items, distribute meeting materials, conduct meetings, record votes, or create subcommittees.

Bylaws are a best practice for government boards and commissions and are essential to establishing norms of governance. They also fill in the gaps that statutes cannot provide in

establishing roles and responsibilities and can establish the agency's expectations surrounding communication.

Agency Recommendation: OPDC recommends the commission provisionally adopt the former PDSC's bylaws while it endeavors to craft its own bylaws, with a goal of adopting its own bylaws by the April meeting of the OPDC. The bylaws before the commission have only been amended to replace PDSC and OPDS with OPDC, with the exception that the requirement the commission approve contracts has been deleted, as that requirement was changed by SB 337. Otherwise, they are the same. In a separate action before the commission is a proposed motion to create a subcommittee on governance that can assist in the creation of new OPDC bylaws.

Proposed Motion: I move the commission to provisionally adopt the bylaws as included in today's meeting materials with the understanding that they are temporary, and the commission will work with agency staff to adopt new bylaws specific to this commission.

# PROVISIONAL BYLAWS OF THE OREGON PUBLIC DEFENSE COMMISSION

January 5, 2024

## Article 1 AGENCY NAME AND MISSION

The Oregon Public Defense Commission (“OPDC”), established by ORS 151.213, is an independent agency in the judicial branch. The agency is governed by a commission and its mission is to establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution, Oregon and national standards of justice, and Oregon statute.

## Article 2 COMMISSION AND MEMBERSHIP

**Membership:** Membership is defined by ORS 151.213.

**Appointments:** Appointments are made by the Chief Justice of the Oregon Supreme Court as outlined by ORS 151.213.

**Termination and Resignation:** A member may be removed by order of the Chief Justice pursuant to ORS 151.213. If a member of the OPDC seeks to resign, written notice shall be provided to the Chief Justice, the Chair of the OPDC, and the executive director.

## Article 3 ROLES AND GOVERNANCE

**Commission:** The commission is responsible for oversight of the OPDC, pursuant to the requirements of ORS 151.216. The primary responsibilities of the commission are (1) appointing an executive director and evaluating that director’s performance, (2) approving agency policies, procedures, plans, standards, guidelines, and budget as required by ORS 151.216, and ~~(3) approving proposed contracts for public defense services.~~

**Chair, Commission:** The Chair is the public liaison of the commission. The Chair shall lead and manage commission meetings and shall coordinate the planning of commission meeting agendas with the Executive Director.

**Vice Chair, Commission:** The Vice Chair shall lead and manage commission meetings when the Chair is unavailable and support the Chair in furtherance of their responsibilities as requested.

**OPDC Staff:** OPDC staff is responsible for agency administration and operations, and it performs its actions through the authority of its executive director, as defined by ORS 151.219.

**Executive Director, OPDC:** The Executive Director is the chief executive officer for the OPDC, the public liaison for OPDC, and the primary liaison between commission and OPDC staff. In the absence of an executive director, the deputy director shall perform this function, unless the commission names a separate acting director. No member of the commission may serve as the acting director.

## Article 4 MEETINGS

**Public Meeting Law:** All meetings shall comply with ORS Chapter 192.

**Agendas and Planning:** The commission shall meet at least quarterly. Commission meeting agendas will be finalized by the Executive Director and the Chair of the commission. OPDC staff shall publish the agenda and meeting materials at least 48 hours in advance of a meeting, with a goal of publishing those materials one week in advance of each meeting. Meeting times and dates will be scheduled on a yearly basis and can be changed at the discretion of the Chair.

**Conducting Meetings:** A quorum of voting members of the commission is required to conduct a meeting. The chair shall lead and manage the meeting, or the vice-chair in the Chair's absence. Public comment may be allowed and shall be posted on the agenda when authorized. Deliberation of issues will only be conducted by commission members, but the commission may authorize OPDC staff or members of the public to provide information on any topic.

**Action Items:** All action items shall be identified as such on the agenda, and no commission action can be taken unless the proposed topic is published on the agenda. All action items shall include time for discussion before a vote occurs. A majority of voting members of the commission is required to endorse an action item, unless these bylaws provide otherwise.

**Motions:** Any voting member of the commission may make a motion regarding a posted action item, and that motion must receive the endorsement of a second voting member of the commission before a vote can occur. Once a motion has been made and received an endorsement from a second commission member, there shall be a period for discussion. Following the discussion, the motion must be voted upon unless (1) the member who

made the motion withdraws the motion, or (2) the member who provided the second endorsement withdraws that endorsement and the motion fails to get another second endorsement.

**Voting:** Commission members must be present to vote. The Chair shall ask if any of the present members of the commission members object to the motion. If no objections are made, the motion will pass, and it will be recorded as endorsed by all commission members present. If any member of the commission objects to the motion, a roll call vote will be held.

**Conflicts of Interest:** Members of the commission shall comply with the government ethics provisions of ORS Chapter 244. Conflicts of interest occur when a commission member has competing interests or loyalties in a matter being presented for discussion or vote.

If a member has an actual financial or personal interest in any matter coming before the commission, the affected member shall disclose the nature of the interest and withdraw from any discussion or voting on the matter.

If a member has a potential or perceived conflict of interest in any coming before the commission, the affected member shall disclose the nature of the interest and may continue to participate in discussion or voting upon declaring their ability to remain unbiased. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for participation.

## Article 5 SUBCOMMITTEES, ADVISORY COMMITTEES, AND WORKGROUPS

The commission chair, in consultation with OPDC staff and members of the commission, may create subcommittees to advise the commission. A subcommittee must have at least three members and meetings of subcommittees must comply with ORS Chapter 192.

Additionally, the Executive Director may create advisory committees and workgroups as needed.

## Article 6 AMENDMENTS

These bylaws may be amended by a two-thirds vote of the commission at any meeting provided the topic is posted as an action item and the proposed language is provided to all members of the commission one week prior to the meeting.



# Attachment 2a



# Oregon

## Oregon Public Defense Commission

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Telephone (503) 378-3349

Fax (503) 378-4462

[www.oregon.gov/opds](http://www.oregon.gov/opds)

To: Members, Oregon Public Defense Commission (“OPDC”)

From: Eric Deitrick, General Counsel

Re: Election of Chair and Vice Chair

Date: January 2, 2024

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**Background:** ORS Chapter 151, as amended by SB 337 (2023), requires the commission to elect its chair and vice-chair. The term for the position is two years, and the commissioner elected to either position is eligible for reelection for a future term. Only voting members may serve as chair or vice-chair. If the chair or vice-chair steps down from their position, an election would be held to finish out the two-year term. A simple majority of quorum (5 of the 9 voting members) is required to elect the chair and vice-chair.

The roles of chair and vice-chair will require a greater time commitment than that of other commission members. Ultimately, the commission will further define the roles and responsibilities of both the chair and vice-chair when it adopts its bylaws. The provisional bylaws, also before the commission today, define the roles as the follows:

**Chair, Oregon Public Defense Commission:** The Chair is the public liaison of the OPDC. The Chair shall lead and manage OPDC meetings and shall coordinate the planning of OPDC meeting agendas with the Executive Director.

**Vice-Chair, Oregon Public Defense Commission:** The Vice-Chair shall lead and manage OPDC meetings when the Chair is unavailable and support the Chair in furtherance of their responsibilities as requested.

**Agency Recommendation:** OPDC recommends the commissioners discuss the position of chair and vice-chair and then proceed to voting for those positions.

**Proposed Motion:** I move the commission to elect ( ) as chair of the OPDC. I move the commission to elect ( ) as vice-chair of the OPDC.

# Attachment 3a



# Oregon

## Oregon Public Defense Commission

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Salem, Oregon 97301

Telephone (503) 378-3349

Fax (503) 378-4462

[www.oregon.gov/opds](http://www.oregon.gov/opds)

To: Members, Oregon Public Defense Commission (“OPDC”)

From: Eric Deitrick, General Counsel

Re: Governance Subcommittee

Date: January 2, 2024

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**Background:** The commission provides oversight to the agency’s work, and the workload for this agency is significant. The use of subcommittees is one way to streamline information flow and discussion between staff and commission members. Commission subcommittees could gather information and make recommendations to the full commission.

In order to establish good agency governance, subcommittees should have specific charges that relate to the agency’s most pressing work.

**Agency Recommendation:** OPDC recommends the commission approve the creation of a governance subcommittee to be charged with gathering information and making recommendations to the full commission on (1) commission bylaws, (2) the authorization of additional commission subcommittees, and (3) any additional actions that will ensure good governance of the OPDC. The subcommittee should have no more than four voting commission members and should only consist of commission members.

**Proposed Motion:** I move the commission to authorize a governance subcommittee that is charged with gathering information and making recommendations to the full commission on (1) commission bylaws, (2) the authorization of additional commission subcommittees, and (3) any additional actions that will ensure good governance of the OPDC.

The subcommittee should have no more than four voting commission members and should only consist of commission members. The chair is authorized to select the subcommittee members.

# Attachment 4a



# Oregon

## Oregon Public Defense Commission

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[www.oregon.gov/opds](http://www.oregon.gov/opds)

To: Members, Oregon Public Defense Commission (“OPDC”)

From: Eric Deitrick, General Counsel

Re: 2024 Meeting Schedule

Date: January 2, 2024

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**Background:** The commission is required to conduct public meetings in order to authorize certain agency business. Currently, the provisional bylaws require the commission to meet at least quarterly. Historically, the commission has held full public meetings eight to twelve times per year, although that number has increased over the past two years.

Meetings can always be called when determined necessary by the commission chair and the executive director. As a baseline, OPDC is proposing the following meeting schedule for 2024:

January 5 (Friday) Virtual  
February 7 (Wednesday) Virtual  
March 21-22 (Wednesday and Thursday) Portland  
May 15 (Wednesday) Virtual  
June 6 (Thursday) Bend  
August 21 (Wednesday) Virtual  
September 18 (Wednesday) Virtual  
October 16 (Wednesday) Virtual  
December 6 (Friday) Portland

**Agency Recommendation:** OPDC recommends the commissioners approve the proposed 2024 commission meeting schedule.

**Proposed Motion:** I move the commission to approve the proposed 2024 meeting schedule.

# Attachment 5a

# **DRAFT - Public Defense Services Commission**

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**FINANCIAL/CASE MANAGEMENT SYSTEM**

January 2, 2024



## NATURE OF THE REPORT

The budget report to Senate Bill 5506 (2023) provides in a budget note stating “The Commission is directed to report to the Joint Legislative Committee on Information Management and Technology and the Joint Committee on Ways and Means prior to the 2024 legislative session on the status of the Financial/Case Management System (F/CMS) information technology project. The Commission’s reports to the Legislature shall include:

- (a) Updates on project scope, schedule, budget, and total cost of ownership.
- (b) Current project risks, likely impacts, and mitigation strategies.
- (c) Independent quality assurance reporting.
- (d) Stakeholder/provider involvement in the planning and governance of the project; and
- (e) Other information that helps inform the Legislature on the status of the project or issues that have arisen as the result of the project.”

The Commission is to follow the Joint Stage Gate, or a similar disciplined process related to information technology projects, including development of key artifacts and independent quality assurance oversight.

The following report outlines the work and the progress to date by the Public Defense Services Commission (PDSC) on this project. The success of this project will help the agency work 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 fulfill the agency’s mission to ensure constitutionally competent and effective legal representation for persons eligible for a public defender.

The PDSC has adopted the following guiding principles related to the development and implementation of the F/CMS solution. The guiding principles are:

1. Be guided by mission and vision, to ensure that eligible individuals have timely access to legal services, consistent with Oregon and national standards of justice and to maintain a sustainable statewide public defense system that provides quality representation to eligible clients in trial and appellate court proceedings.
2. Subject to #1 above, system business processes will be the first consideration. Customization will only occur if required by the law.
3. Organizational change management (OCM) is critical to success and requires on-going investment.
4. Rapidly providing quality products to internal and external customers is critical to the success of the solution.
5. Timely unified decisions need to be made to implement a uniform solution.
6. It is imperative to learn and understand the product prior to configuration.
7. Configuration team membership requires broad representation, and a substantial amount of concentrated time must be allocated by participants.
8. The perspective for implementation should be from the "outside in" to streamline customer interactions.
9. The vendor has significant expertise, and their advice should be carefully considered.

10. The system is a business reengineering tool that supports the PDSC mission, vision, and infrastructure needs; therefore, the program falls within the overall PDSC governance structure for assuring congruence of PDSC policy and practice.
11. Communication with the vendor should be in a clear, consistent, and uniform approach and only as provided in the contract provisions.

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## SCOPE, SCHEDULE, BUDGET & TOTAL COST OF OWNERSHIP

The purpose of this project is to replace PDSC's end of life, in-house built database structure with a cloud hosted Commercial-off-the-shelf (COTS) financial and case management system. Oregon public defense has been lacking a solution that not only provides timely payments to the contract/provider community and has the capability to capture comprehensive data on public defense.

With the implementation of the F/CMS, PDSC will meet Oregon public defense needs with the following system capabilities:

- Financial Management
  - Attorney/Provider reimbursement claims
  - Payment schedule
  - Audit functions
  - Payment tracking
  - Paperless system
  
- Case Management
  - Comprehensive Data Collection
    - Case milestones (pretrial information, conditions of release, investigation practices, expert consultation, motions filed, and plea offers)
    - Basic event data
    - Case information (basic client demographics, initial charge(s), pretrial release/detention decisions, motions filed, expert consults, pleas offered, disposition, and sentencing).
    - Legal work performed outside of contract
  
  - Attorney qualifications
  - Attorney caseload
  - Attorney contract oversight
  - Timekeeping
  
- Reporting
  - System canned reports
  - System ad hoc reports
  - Direct database access via PowerBI (other) platforms for custom reporting

The above system attributes describe at a high-level the functionality that internal and external users can expect to see with the new system. Although this list is not exhaustive, it captures critical functions that would support PDSC for the first time with modern operational capabilities. The F/CMS would also afford the agency the ability to produce detailed and structured reports as requested by the legislature and stakeholders. PDSC desires a transparent and effective public defense model and believes that starts with modernizing operational technologies.

## PROJECT SCOPE

The project's scope serves as baseline definition for the F/CMS project. All project work should occur within the framework of the project scope and directly support the project outcomes. The scope in conjunction with the business case defines the following:

- Scope description
- High-level project requirements
- Project strategy
- Project constraints
- Project assumptions

Any changes to Scope must be approved by the project governance committee. The projected completion date for this project is July 1, 2025.

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### IN-SCOPE

- Procure a new integrated financial and case management system (F/CMS).
- Procure associated hardware to support F/CMS.
- System able to ingest large amounts of external data.
- Data share agreement with Oregon Judicial Department (OJD).
- Data share with Department of Administrative Services (DAS) R\*STARS system for vendor payments.
- Change management (i.e., communication; prepare for, manage, reinforce change).
- Project management for F/CMS.
- F/CMS business processes documentation (i.e., "as is"; "to be").
- Data migration for data elements in F/CMS (PDSC/Provider as applicable).
- Document, audio, and video management and storage for case discovery / court exhibits (i.e., short term / long term storage dynamics to be determined through course of project).
- End user training of the F/CMS for PDSC and providers.
- External quality assurance engagement.
- Robust internal / external project communication.
- Regular project reports to LFO.
- Maintain current technical tools (i.e., databases; spreadsheets) with limited or no changes until F/CMS becomes operational.
- Configuration management process.
- Engaged governance structure (i.e., steering committee; executive sponsors).
- F/CMS assessable to authorized internal and external users.
- F/CMS stakeholder engagement.
- Internal email / instant messages for communications within F/CMS.
- Integration with Microsoft communication systems and F/CMS.

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### OUT-OF-SCOPE

- Ability to electronically file circuit or appellate court documents directly from F/CMS.
- Ability for ODSC to maintain a vendor or migrate to an employment relationship when there is a provision of indigent defense.
- System generated budget projections, payroll management, supply procurement, personnel management, and payments.

- F/CMS system will not analyze outcomes of collected data.
- Non-F/CMS related stakeholder engagement.
- Preparation and/or presentation of legislative concepts not related to F/CMS.
- Policy related provisions of public defense services.
- Definition of case management standards.
- Development and negotiation of new contracts with providers.
- Identification of contract rates for providers.
- Management of the legal contractual dynamic between PDSC and vendors.
- System determination of attorney qualifications on case assignments.
- Client satisfaction of legal representation.
- F/CMS system based on artificial intelligence (e.g., F/CMS system will not be able to determine whether a person received adequate representation).
- A completely automated vendor payment system.
- New or redesigned office spaces, office furniture, and facilities.
- New hardware / software not directly related to new F/CMS.
- Other projects not directly related to the procurement, configuration, and deployment of a new F/CMS system.

## ASSUMPTIONS AND CONSTRAINTS

All stakeholders must be mindful of the assumptions identified for the F/CMS Project as they introduce some level of risk to the project until they are confirmed to be true. While the project is in a planning cycle, every effort must be made to identify and mitigate any risks associated with these assumptions:

- F/CMS is the official system for PDSC staff and contracted providers.
- Sufficient staff from PDSC and the selected vendor are available to fully support the F/CMS project.
- Decisions are made in a timely manner by the agency's leadership.
- Project team has the authority to approve deliverables for the project.
- Technology complies with information security standards adopted by PDSC.
- Operational leadership team will assist in review of formal project documentation.
- PDSC and the selected vendor assist in coordination of interface testing efforts with stakeholders.
- PDSC and the project's steering committee participate in F/CMS user acceptance testing.
- PDSC team members respond promptly to F/CMS correspondence requests; participate in F/CMS training; and actively engage in go-live activities.
- The project's steering committee respond promptly to F/CMS correspondence requests; participate in F/CMS training; and engage in go-live activities.
- Oregon legislature funds the project.

It is imperative that considerations be made for the identified constraints of the F/CMS Project throughout the project's lifecycle. Stakeholders must remain mindful of these constraints to prevent any adverse impacts to the project's schedule, cost, or scope. The following constraints have been identified:

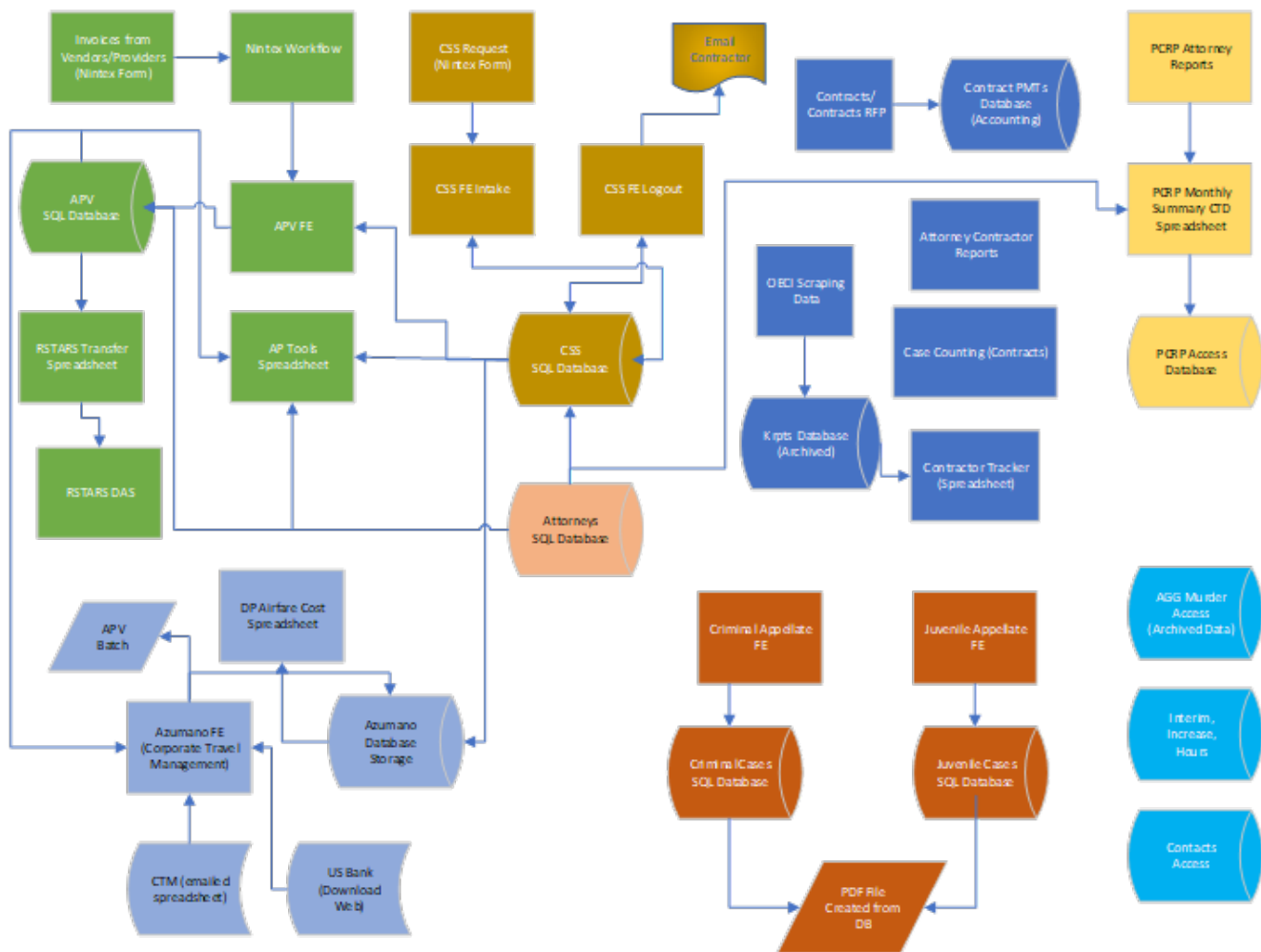
- Current technical tools must be maintained until a system is in place for financial management, contract administration, and case data tracking.
- Staffing availability of PDSC.

- COVID impacts are dynamic and will have to be included in any discussion on capabilities, constraints, and timelines.

## CURRENT STATE

Historically, the agency has utilized a series of in-house built Microsoft Access databases (DB) and Microsoft Excel spreadsheets to electronically manage business processes and store data. Configuration and maintenance of these tools (e.g., databases and spreadsheets) are managed ad hoc. The current informal change management process results in modifications to the databases, spreadsheets, and macros which is undesirable. The structure of the current technical framework in use by PDSC is reflected in the figure below. The lack of integrated tools makes PDSC unable to track, monitor, or analyze contract data or reimbursements in an effective or efficient manner.

PDSC understands that this is a systemic issue, however, it is further fractured by the current inadequate technical solutions to process, analyze and report public defense outcomes. Without proper reporting capabilities PDSC is left with little useful information to effectively support not only recipients of public defense, but those who administer the work, provide legal representation, or otherwise work within the public defense system.



## FRAMEWORK ISSUES

A “customized front-end” spreadsheet is created for each user specific to their job duties. Each spreadsheet contains worksheet functions and computations determined by a technician and is stored on an unsustainable platform.

Limited integration across databases. The accounting and contract teams enter and access the same data in multiple tools which often results in duplicate data entry. Separate records are maintained, or users are required to retrieve data from a different database.

Providers submit data in inconsistent formats. This requires staff to use a macro to “clean the data” through a manual process so the data can be converted into columns and formats appropriate for consumption.

- Limited user and role-based access security.
- Database back-end configuration is accessible and can be manipulated by all authorized users.
- No capability to integrate online forms with internal database(s). Attorneys or clients submit client referral forms electronically and inconsistently (e.g., through the web, email, fax), and the information must be manually entered in the current tools.
- All necessary documents related to a client record are stored in a separate location due to the incapability of an Access database to store documents. This type of set-up requires inefficient use of staff time to find the information and exposes security risks to confidential data.

Proper tools and functionalities are critical to PDSC now more than ever, specifically with the reorganization efforts called out in House Bill 5030 (2021) and the changes outlined in Senate Bill 5532 (2023), Senate Bill 5506 (2023) and directed by Senate Bill 337 (2023). Each division within the commission utilizes some more current technical solutions; however, several divisions will continue to fall short without the modern capabilities of a financial and case management system. The CAP Division specifically will be impacted by a new system as its major functions are to analyze compliance of criminal and juvenile (including Parent Child Representation Program) contracts, research analytics of public defense outcomes, and conduct internal audits of agency operations and procured services. These functions cannot be executed with the current technology and will require a robust, secure, and highly functioning system to successfully produce the requirements noted above.

Listed below are requirements, at a high level, that the system will need to consider:

### High-Level Requirements

Number	Category	Requirement
1	Role of Party	Defendant / Parent / Guardian / Child / Attorney
2	Client Information	<ul style="list-style-type: none"> <li>• First Name</li> <li>• Last Name</li> <li>• SSN*</li> <li>• DOB</li> <li>• Criminal History*</li> <li>• Primary Language</li> <li>• Child Placement</li> </ul>
3	Client Demographics*	<ul style="list-style-type: none"> <li>• Ethnicity*</li> <li>• Race*</li> <li>• Gender Identity*</li> </ul>



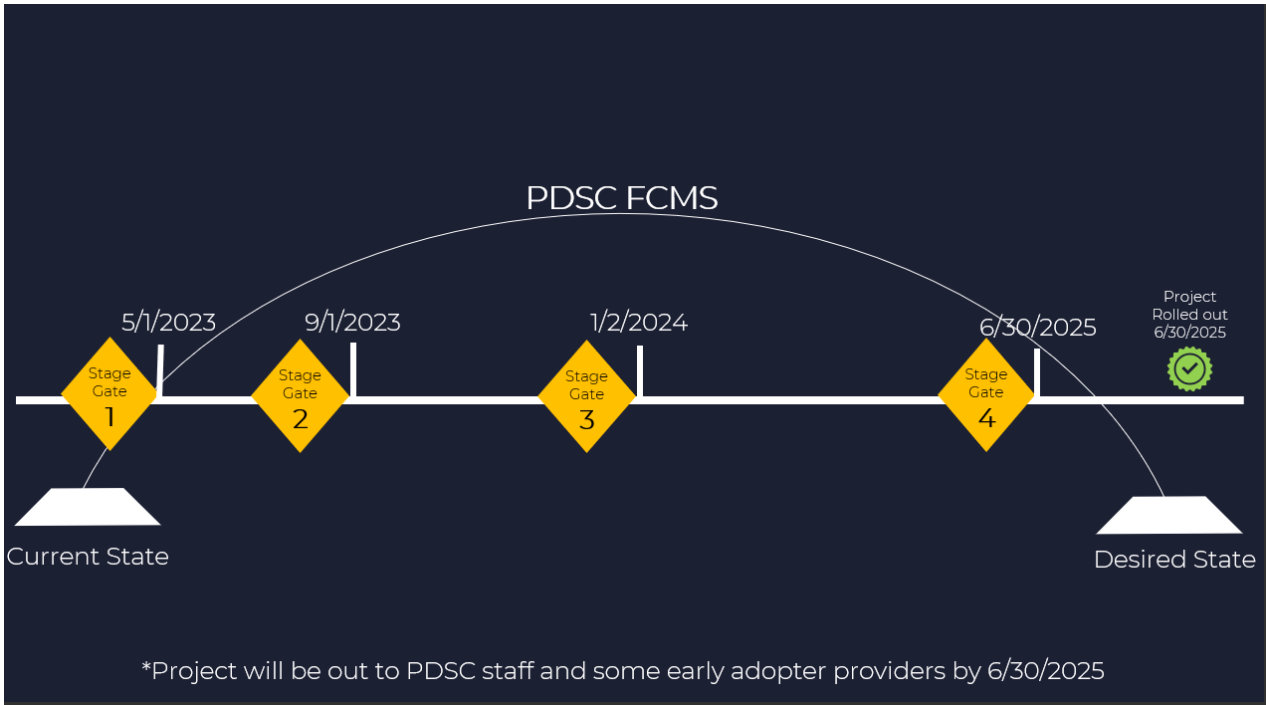
		<ul style="list-style-type: none"> <li>Income*</li> </ul>
4	<b>Case Information</b>	<ul style="list-style-type: none"> <li>County</li> <li>Case Name*</li> <li>Case Number</li> <li>Case Open Date*</li> <li>Case Outcomes*</li> <li>Case Type*</li> <li>Case per Contract/Provider*</li> <li>Case Events*</li> <li>Hearing Dates*</li> <li>Incident Date*</li> <li>Information about Mitigating Factors*</li> <li>Outcomes of Cases with Requested Services*</li> <li>Services*</li> <li>Supporting Documents*</li> </ul>
5	<b>Activity</b>	<ul style="list-style-type: none"> <li>Activity Date</li> <li>Activity Outcome*</li> </ul>
6	<b>Charge Information</b>	<ul style="list-style-type: none"> <li>Charge*</li> <li>Charge Class*</li> <li>Initial Charge*</li> <li>Final Charge*</li> <li>Information about Alternative Sentencing*</li> <li>ORS Charges/OPDS Case Types*</li> <li>Judgment Dates*</li> <li>Ruling*</li> </ul>
7	<b>Attorney/Provider Information</b>	<ul style="list-style-type: none"> <li>First Name</li> <li>Last Name</li> <li>Bar Number ID</li> <li>Date Appointed or Retained/Assigned*</li> <li>Appointment or Retained Type</li> <li>Hourly Rate</li> <li>Hours Spent with Client*</li> </ul>
8	<b>Service Providers</b>	<ul style="list-style-type: none"> <li>Investigator Used</li> <li>Case Manager Used</li> <li>Psychologist Used</li> <li>Interpreters Used</li> <li>Transcriber Used</li> </ul>
9	<b>Attorney Case Information*</b>	<ul style="list-style-type: none"> <li>Number of Cases Served by Each Contract*</li> <li>Number of Clients Who Require an Interpreter*</li> <li>Number of Requests Per Case Type*</li> <li>Percent of Case Prep Work*</li> <li>Percent of Time in Court Appearances*</li> <li>Percent of Time Provider Allocates to Public Defense*</li> <li>Percent or Number of Cases Resulting in FTA*</li> <li>Track Number of Times Specific Providers Request Categories of Services*</li> <li>Weighted Number of Cases Served by Provider by Case Type*</li> </ul>

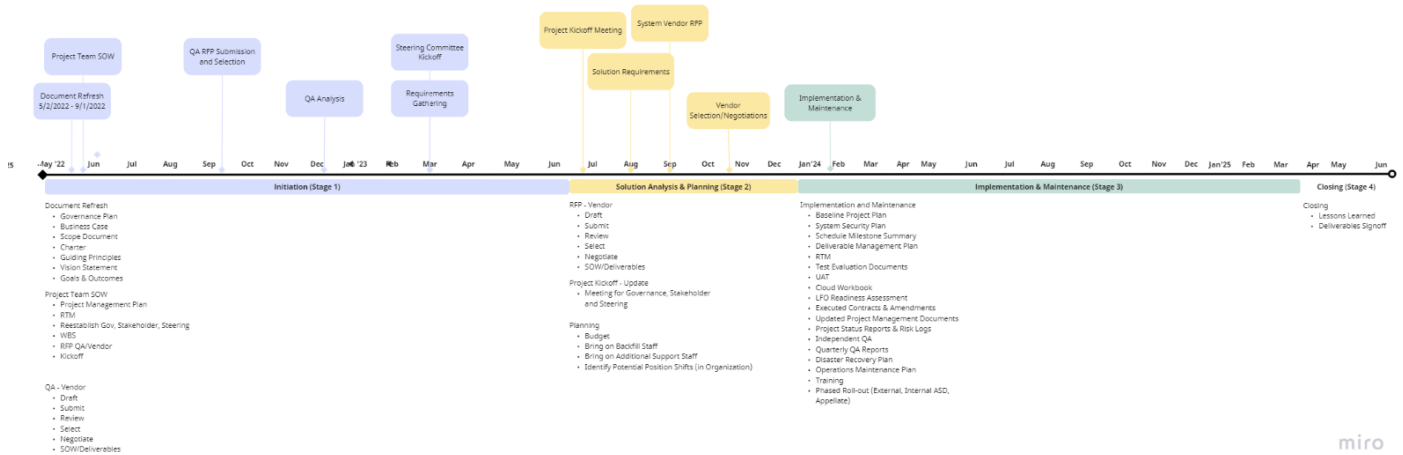
<b>10</b>	<b>Billing Information</b>	<ul style="list-style-type: none"> <li>• Authorization Number</li> <li>• Authorized By</li> <li>• Amount Requested*</li> <li>• Amount Approved</li> <li>• Payment Number</li> <li>• Payment Request Status</li> <li>• Case Cost</li> <li>• Case Financial Information*</li> <li>• Cost per Case-by-Case Type*</li> </ul>
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Note: These high-level solution requirements were used as criteria for Section 3, *Alternative Analysis*. Data currently collected by OPDS exists in disparate financial and case management tools. Requirements denoted with an asterisk (\*) indicate data and capabilities that OPDS does not currently receive or is able to create. This is not a comprehensive list of procurement ready solution requirements. If the project is approved by LFO, a complete requirements gathering process will occur.

## SCHEDULE

Below is a high-level stage gate overlay, and the second chart provides a more detailed timeline. Depending on approved funding the project is slated to be implemented to early adopters by June 30, 2025. A roll out plan will be created to ensure a seamless implementation occurs, while also providing end users with effective system training.





Currently, the entire project is being placed on a brief hiatus as the chief financial officer assumes the role of the executive sponsor for the project; the chief information officer has tendered his retirement effective December 31, 2023; both project managers have resigned from the agency; one business analyst accepted a position in another agency; and one business analyst is completing an extended leave of absence and will return in January 2024.

The commission is currently working with the office of the state chief information officer for guidance and assistance as we navigate the hiring of a chief information officer (target date of March 2024) and bringing on contract staff for project management work and business analysis. The Commission is also working with the Department of Administrative Services (DAS) procurement office and has been assigned a policy analyst to provide procurement oversight as we move through the procurement phase of the project. Revisions are being made to all schedules that have been put forward. Utilizing the more detailed schedule the high-level schedule indicates that insufficient progress was made in the “Solution Analysis and Planning” (Stage 2) phase; therefore, the schedule will have to be pushed forward up to three months to allow time to contract information technology project staff and redraft another request for information (RFI) or request for proposal (RFP), whichever is most appropriate.

Since March 2022, the project team has been using the Asana platform to track the scheduled events and to create a work breakdown structure. The use of this tool was to provide the team with the ability to monitor tasks, milestones, and accomplishments to avoid critical delays and keep tasks moving on schedule. During this time, the agency never provided the necessary support or cooperation with the project team; and as the agency was faced with other crisis situations, all staff including the project team were tasked with higher priority issues. The agency did not have the ability to dedicate the appropriate level of staffing to move forward on the project.

In early 2023 and through the rest of the year, the F/CMS project continued to compete with multiple conflicting and higher-level priorities that consumed the limited resources the agency had at its disposal and relied on other staff, causing conflict, disruption, and stress in those units. Despite new leadership, the attrition and appointment of managers and staff, coupled with an overwhelming number of outside pressures, the project was not prioritized according to its urgency and gravity. Those circumstances further stressed the project team and all other staff, resulting in the resignation of the project managers. Of note, an overall detailed line by line draft project schedule was never approved or developed which is another contributor as to why the project was stalling and definitively contributed to further complicate the viability of an RFP.

## BUDGET

<b>FCMS Operating Budget</b>				
	Budget	Year 1 Actuals	Year 2 Actuals	Variance
<b>Personal Services</b>				
<b>Total</b>	<b>1,246,630</b>	<b>252,313</b>	<b>-</b>	<b>(994,317)</b>
<b>Administrative Services and Supplies</b>				
	151,940	5,757	-	(146,183)
<b>Total</b>	<b>151,940</b>	<b>5,757</b>	<b>-</b>	<b>(146,183)</b>
	Budget	Year 1 Actuals	Year 2 Actuals	Variance
<b>Project Cost</b>	<b>23-25</b>			
<b>Total</b>	<b>5,933,925</b>	<b>65,295</b>	<b>-</b>	<b>(5,868,630)</b>
Contingency 10% of cost	686,730	-	-	(686,730)
Personal Services	1,246,630	252,313	0	(994,317)
Personal Services - S&S	151,940	5,757	0	(146,183)
Project Costs	5,933,925	65,295	0	(5,868,630)
<b>Project Total Costs</b>	<b>8,019,225</b>	<b>323,366</b>	<b>0</b>	<b>(7,695,859)</b>

Through the fiscal month ended November 2023, the F/CMS operating budget remains largely within its lawful appropriation. There are significant savings in personal services as three of the five positions are now vacant. The only project associated expenditures are for the quality assurance vendor and for the consultant that was hired to help the project team develop a prospective RFP.

## F/CMS PROPOSED TOTAL COST OF OWNERSHIP

Item	July 2023	July 2024	Biennium 2023/25	July 2025	July 2026	Biennium 2025/27	TOTAL
	June 2024	June 2025		June 2026	June 2027		
Core Case Management System (CMS) – Vendor	\$ 504,400	\$ 504,400	\$ 1,008,800	\$ 504,000	\$ 504,000	\$ 1,008,000	\$ 2,016,800
Implementation	\$ 75,000	\$ 75,000	\$ 150,000	\$ 20,000	\$ 10,000	\$ 30,000	\$ 180,000
Data Migration	\$ 50,000	\$ 50,000	\$ 100,000	\$ 10,000	\$ 10,000	\$ 20,000	\$ 120,000
Hosting & Support	\$ 50,000	\$ 50,000	\$ 100,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 200,000
Project Management Vendor	\$ 151,938	\$ 151,938	\$ 303,876	\$ 151,938	\$ 151,938	\$ 303,876	\$ 607,752
System Architecture	\$ 321,550	\$ 321,550	\$ 643,100	-	-	\$ -	\$ 643,100
Report Management Configuration/Customization – Vendor RSTARS	\$ 155,325	\$ 155,325	\$ 310,650	-	-	\$ -	\$ 310,650
Network Infrastructure	\$ 68,150	\$ 68,150	\$ 136,300	-	-	\$ -	\$ 136,300
Possible Integration Work	\$ 272,500	\$ 272,500	\$ 545,000	\$ 40,000	\$ 15,000	\$ 55,000	\$ 600,000
OPDS Hardware (New Requirements/Lifecycle)	\$ 50,000	\$ 50,000	\$ 100,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 200,000
QA Vendor	\$ 375,000	\$ 375,000	\$ 750,000	\$ 50,000	\$ 25,000	\$ 75,000	\$ 825,000
Technical Team – OPDS (2-OPA3 / 1-ITS 4 / 2 OPA 2)	\$ 699,285	\$ 699,285	\$ 1,398,570	\$ 699,285	\$ 699,285	\$ 1,398,570	\$ 2,797,140
Training – Vendor/OPDS	\$ 200,000	\$ 200,000	\$ 400,000	\$ 30,000	\$ 10,000	\$ 40,000	\$ 440,000
Travel – Vendor/OPDS	\$ 50,000	\$ 50,000	\$ 100,000	\$ 5,000	\$ 5,000	\$ 10,000	\$ 110,000
Overhead - \$30k/year	\$ 30,000	\$ 30,000	\$ 60,000	\$ 30,000	\$ 30,000	\$ 60,000	\$ 120,000
Change Management Vendor (Project and Organization)	\$ 200,000	\$ 200,000	\$ 400,000	\$ 200,000	\$ 200,000	\$ 400,000	\$ 800,000
<b>Total All Funds</b>	<b>\$ 3,253,148</b>	<b>\$ 3,253,148</b>	<b>\$ 6,506,296</b>	<b>\$ 1,840,223</b>	<b>\$ 1,760,223</b>	<b>\$ 3,600,446</b>	<b>\$ 10,106,742</b>
<i>Contingency – 10% of project costs</i>			\$ 650,630			\$ 360,045	\$ 1,010,674
<i>Total Funds with Contingency</i>			\$ 7,156,926			\$ 3,960,491	\$ 11,117,416

The proposed total cost of ownership has not significantly changed from the initial estimates of the submitted business case. Since neither the RFI nor the RFP has been solicited, it remains premature to change any of the initial estimates. Beyond the final completion date of the project and the warranty period, it is reasonable to assume that there will be ongoing costs associated with the solution such as periodic maintenance and operation costs. The PDSC should assume that there will be regular system updates and future upgrades needed to keep the system compliant, secure, and versatile. The PDSC can also assume that there will be a permanent need for a system architect, business analysts, and other technical staff to maintain the system and provide support to all users internally and externally. Once a vendor is selected, the PDSC will be able to provide an updated total cost of ownership.

## PROJECT RISKS, LIKELY IMPACTS & MITIGATION STRATEGIES

The overall project faces a significant amount of risk. The risk can be attributed to a lack of resources (staffing), a loss of project knowledge and the external pressures that continue to redirect the sparse agency resources towards other higher priority issues. The agency is working on a mitigation strategy to address the loss of staffing and project knowledge and is constantly working to better align available resources.

In addition to the loss of resources, the agency has not made critical advancements in addressing risks/issues as pointed out by the QA vendor and project team in their status reports. In addition, the project team has continually failed to find a way to successfully communicate and meaningfully interact with staff on a continual basis which has caused further disfunction. For example, at October's governance committee meeting, the committee had accepted the need for a risk and issue management team to be created, but there are no additional agency resources to place on this team, so the governance committee agreed to take on this role.

The agency recently procured a vendor to support the agency in the development of an RFP. The vendor was however selected on advice given to the project team in lieu of procurement vetting or best practice, and unfortunately the vendor did not have the knowledge necessary to deliver a project that installed the necessary confidence that it conformed to the State of Oregon's procurement guidelines for an RFP. The vendor allowed for internal customer participation and during this time staff raised concerns about the requirements for the project and that were not encompassed or were lacking in the proposal. The project team engaged these concerns on multiple instances to attempt to mitigate these concerns but could not satisfy the concerns. The overall lack of project understanding/agreement and communication within the agency poses a continued threat in the project meeting required timelines. The vendor presented the prospective RFP to an audience that included the director, deputy director, CIO, selected staff, the assistant state chief information officer for public safety, and the assigned policy analyst from the state's procurement office. The result was a recommendation to not proceed with the RFP, with cited concerns that the document did not fully meet state standards and that it was lacking significant elements to allow vendors to provide effective proposals.

Below is a chart that list the project risks as reported by the QA/QC vendor through November 2023.

**OPDS FCMS Project Risks - November 2023**

Risk Rank	Risk ID	Risk Description	Prob	Impact	Risk Rating	Risk Owner	Project's Ability to Influence	Mitigation/Avoidance Strategy	Trigger	Status/Comments
1	0223-11	There is a risk that project stakeholders will not have the participation needed. For internal stakeholders, the challenge is that they are very busy with their regular responsibilities and coordinating project activities is naturally a challenge. There are also external stakeholders (legal services providers) over whom OPDS has no control with regards to project participation.	70%	High	70	Jessica K Ralph A PM (vacant)	Moderate (int) Minimal (ext)	Consistent, clear communication of resource expectations will be critical for all stakeholders. This includes any project activities in which their participation is required such as procurement activities, project meetings, documentation creation/review, testing, training, and implementation support.	Project milestones are significantly or consistently delayed due to stakeholders not being available.	11/20/23: An internal PM was brought to help coordinate the Legislatively-mandated changes. 9/30/23: Raised from 60% to 70% as the Legislatively-mandated changes will increase competition for resources' time and focus. 8/18/23: It will be important to include stakeholders throughout procurement. 6/30/23: Hittner would like to see the pace of requirements reviews increase. 5/18/23: The project has begun reviewing requirements and defining current business processes with Accounts Payable. 3/31/23: This risk will be important to mitigate with the review of requirements that will be upcoming. 2/28/23: New risk.

2	0223-12	There is a risk that the amount of work necessary to release an RFP is greater than planned for by the project. There is a need to review requirements and ensure they have proper input / buy-in as well as being defined at the right level for proposers. Also, review/feedback times from key procurement stakeholders could take longer than normal due to a severe backlog at DAS and DOJ, should assistance from either be requested.	60%	High	60	Jim C Ralph A PM (vacant)	Moderate	Identify the full set of tasks (and associated durations and resources) needed for full procurement cycle through to contract execution	The overall procurement schedule slips due to the amount of work being greater than planned for the resource utilization.	12/20/23: A draft RFP was created by an outside consultant (Louis Omdorff) and will be reviewed internally in late November and early December. 9/30/23: Raised from 50% to 60%. The new IT Procurement Specialist should help the procurement efforts focus and accelerate. 8/18/23: This remains one of the top risks. 6/30/23: Raised from 35% to 50%. A full procurement schedule should now be assembled. 5/18/23: An initial procurement task list has been created and is being reviewed and revised. 3/31/23: The project will be assembling a preliminary procurement task list. 2/28/23: New risk.
3	0223-02	There is a risk that as many providers have their own case management system, they may be reluctant to adopt a new system.	60%	High	60	Jessica K	Minimal	Engage providers throughout the project. Consider adding providers as Subject Matter Experts (SMEs).	A provider refuses to participate in project.	11/20/23: No change this month. 8/18/23: Hitner will continue to monitor stakeholders engagement. 6/30/23: No change this month. 3/31/23: A majority of the PD's would like a new system so they don't have to play for their current random systems. The bigger challenge will be with the hybrid attorneys who serve both public and private and what data can be shared and how that data is shared. 2/28/23: New risk.
4	1123-02	There is a risk that a replacement for the retiring CIO is not found before the end of December, resulting in knowledge transfer overlap with the current CIO and thus affecting technical leadership for the FCMS Solution procurement process.	50%	Medium	25	Jim C Ralph A Emese P	Minimal	Consider bringing the current CIO on a temporary contract position until a new CIO has been onboarded with appropriate knowledge transfer.	No offer to a new CIO is made before Christmas.	11/20/23: New risk.
	0223-01	There is a risk of a lack of agreement on the needs of external users.	50%	High	50	PM (vacant)	Moderate	Ensure requirements are reviewed with a small set of representative provider organizations, including categorization / prioritization of those requirements (e.g., "must have", "very beneficial", and "nice to have" or similar categories.	Project tasks are delayed due to decisions that are delayed due to lack of agreement on requirements.	11/20/23: No change this month. 8/18/23: This remains a risk to monitor. 6/30/23: The project should lay out the full schedule for requirements reviews and communicate this to those involved. 5/18/23: No change to this risk. 3/31/23: The new steering committee has met initially and will be going through scope before the next meeting. 2/28/23: New risk.
6	0223-06	There is a risk that no solutions on the market are sufficient to meet OPDS' needs without significant modification.	50%	High	50	PM (vacant)	Minimal	Ensure requirements are at a low enough level that proposers have a clear understanding of what is being asked of them and ambiguity is minimized as much as possible.	Proposals show more gaps than anticipated in functional fit.	11/20/23: No change this month. 9/30/23: This risk will be monitored as procurement activities increase their pace. 6/30/23: No change to this risk. 3/31/23: OPDS knows of at least four or five solutions on the market that have been used in the public defense area. 2/28/23: New risk.



7	0223-07	There is a risk that the requirements are not at a low enough level to ensure proposers have a clear understanding of what is required with a new solution.	50%	High	50	PM (vacant)	Significant	Ensure requirements are at a detail level that proposers have a clear understanding of what is being asked of them and ambiguity is minimized. Also, ensure that requirements prioritization / categorization have been very thoughtfully considered and the vast majority are not "must have's".	Significant number of questions for clarity come from proposers around requirements during proposal phase.	11/20/23: This risk remains through the procurement. 9/30/23: The IT Procurement Specialist will likely review the requirements for appropriate level of detail. 8/18/23: Requirements are going through one final review in August/September before the release of the RFP. 6/30/23: No change to this risk this month. 5/18/23: Work has begun on reviewing requirements and defining business processes. 3/31/23: The FCMS Project team plans on taking another run through these with the business stakeholders. Also, creation of some use cases could help. 2/28/23: New risk.
8	0223-09	There is a risk that security requirements are not sufficient for this solution as there is very sensitive data involved.	45%	High	45	Jim C	Significant	Ensure there are security requirements and that vendor solutions can define security roles to the level necessary to handle the varying roles needed.	Proposals do not sufficiently address security requirements.	11/20/23: No change this month. 9/30/23: This will be an important risk to monitor when vendor proposals are received. 6/30/23: No change to this risk. 3/31/23: This will be an important area to review as part of the requirements review. 2/28/23: New risk.
9	0323-02	There is a risk of lack of involvement by key OPDS personnel in project processes and decisions.	45%	High	45	Jessica K Jim C Ralph A	Significant	Ensure all project stakeholders from OPDS understand their role and responsibilities	Milestones are delayed due to lack of expected involvement from OPDS personnel.	11/20/23: The challenge in this area will remain throughout the project and organizational transition activities. 9/30/23: This remains a key risk, particularly with the increased transition activities. 8/18/23: The project must ensure key stakeholders are involved in the procurement evaluation and selection. 6/30/23: No change to this risk this month. 5/18/21: Lowered from 50% to 45% as the Governance Committee and Steering Committee are both now meeting regularly. 3/31/23: New risk.
10	0223-05	There is a risk that inflationary increases to solution implementation and hosting costs are greater than proposed as part of the FCMS 2023-2025 POP.	40%	High	40	Jim C	Moderate	Ensure LFO and key Legislative Committee members are kept apprised of any identified changes to planned project and hosting costs. This will be difficult to do until proposals are received.	Proposals reveals costs that are greater than 10% overage on the budget.	11/20/23: It is unclear (as of mid-November) when the RFP might be released. 9/30/23: Procurement activities are behind the planned schedule and a new procurement schedule should be produced in October. 8/18/23: Proposal evaluations should take place in late 2023 or early 2024. 3/31/23: There will be limited updates to this risk until vendor proposals are received. 2/28/23: New risk.
11	0223-03	There is a risk that due to limited involvement of end users, the system may not adequately serve its intended audience.	35%	High	35	PM (vacant)	Moderate	Ensure that end users are involved in the project. Of particular importance is to engage some end users in requirements refinement. Consider holding a series of meetings with providers (town halls) in which a presentation on the project can be provided and allow providers to ask questions.	Design or testing reveals inadequate coverage for end users.	11/20/23: End user participation should be reviewed as the procurement activities continue. 8/18/23: One final review of requirements will be taking place prior to release of the RFP. 6/30/23: The project is reviewing requirements with the Appellate Division. 5/18/23: Lowered from 40% to 35%. Outreach work has begun with Accounts Payable. Several end users are members of the Steering Committee. Quarterly town halls are being considered. 3/31/23: The project will be reaching out to end users for requirements review. The project is also considering holding quarterly town halls. 2/28/23: New risk.

12	0323-01	There is a risk that a move to the Executive branch could cause less autonomy and OPDS would not be able to use Oregon Judicial Department for certain IT support (e.g., network management, Help Desk, security, etc.) and have to either use DAS or hire more personnel.	30%	High	30	Jessica K Emese P Ralph A Jim C	Minimal	Ensure Legislature understands the benefits to all Oregonians of the current autonomy for OPDS.	Legislation is passed that moves OPDS to the Executive branch and includes reduced autonomy for the agency.	11/20/23: The approach to this transition is still being formulated. 9/30/23: Early transition planning is taking place. 8/18/23: Lowered from 50% to 30% mainly due to timing as the project should be able to finish prior to the full execution of the move to the Executive branch. 6/30/23: The Legislature has approved the move. Now the agency must assess how best to move forward with transition plans. 5/18/23: This remains a risk with the Legislative session ongoing. 3/31/23: New risk.
13	0823-02	There is a risk that the folding of the current Steering Committee into the Governance Committee slows the project down due to increased inaction at the stakeholder or leadership level.	30%	High	30	Jim C Jessica K	Moderate	Ensure clear direction is given to the Governance Committee on needs from the project. Also, sufficient advance notice is given to the Committee regarding action items.	Project tasks are delayed due to Committee inaction.	11/20/23: No changes this month. 9/30/23: Hittner will continue to monitor this risk. 8/18/23: New risk.
14	0223-10	There is a risk that project milestones are delayed or missed due to project understaffing. With the budget being approved by the Legislature, this risk is around the hiring of the ITS4 position and then also ensuring that the staff are focused on project activities and not pulled off onto other agency work.	20%	High	20	Jim C Ralph A Emese P	Moderate	There are two Operations and Policy Analyst 3 (OPA3) positions included in the 2023-2025 POP, as well as a technical resource (ITS4) position that can serve as an information technology specialist. The two OPA3 positions would carry the current PM's through the implementation and into Operations & Maintenance.	Project tasks (including procurement planning tasks) begin to slip due to project understaffing.	9/30/23: Hittner will monitor this risk as project activities intensify through procurement. 8/18/23: No change to this risk. 6/30/23: Reworded the risk now that the budget and positions have been approved. Lowered from 60% to 20%. 5/18/23: Lowered from 80% to 60%. A new BA has started work on the project and another will start in early June. 3/31/23: Request is in the POP. 2/28/23: New risk.
15	1123-01	There is a risk that the recruitment of a project manager is not completed in a timely manner or results in a failed recruitment and further delays to the FCMS Solution procurement.	50%	High	50	Jim C Ralph A Emese P	Extensive	By early December, decide if a contract or employee hire approach will be utilized for the PM position	A project manager is not hired by the end of December.	11/20/23: New risk.

These issues raised above are indicative of the lack of resources the agency has overall, and the serious impacts not only to the project but the agency with regards to the ability to accomplish the vast number of projects, to meet legislative expectations to include a move to the executive branch that have been brought about by Senate Bill 337 (2023). The agency is taking the time to go through each risk and develop a mitigation strategy as needed to address each risk and if possible, eliminate the risk or minimize the impact.

The overall impact to the project from loss of personnel and lack of agency resources is that the project timeline will be delayed with a possibility that it could be extended by months to possibly a year depending on the path the agency takes.

The agency is working with DAS' Enterprise Information Services on a strategy to secure experienced contracted resources for the project and solidify a plan to move the project forward with minimal delay.

## INDEPENDENT QUALITY ASSURANCE REPORTING

The PDSC has secured a contract with Hittner and Associates (Hittner) to perform the role of independent quality assurance. Below is the information from periodic quality status report (PQSR) for November 2023.

### EXECUTIVE SUMMARY

This is the PQSR for the Financial and Case Management System (F/CMS). It contains the results of our independent evaluation of project health, as well as an ongoing compilation by Hittner of activities in the project.

The project health measurements and assessments for the F/CMS Project are represented by the following:

Risk Rating	Description
Low	This project exhibits the low-risk cue or appears to have no risks in this area.
Low-Medium	This project exhibits a relatively even mix of low and medium risk cues.
Medium	This project exhibits the medium risk cue, or something similar in threat.
Medium-High	This project exhibits a relatively even mix of medium and high-risk cues.
High	This project exhibits the high-risk cue, or something similar in threat.
N/A	This factor is not applicable to this project.
TBD	The project is not far enough along to assign a rating; the project team or Hittner & Associates needs to review the quality standard at a later time.

Overall assessment findings will include trending information to provide an at-a-glance view of the likely trajectory of activities based on past performance. Trending will be identified as follows:

Trend	Definition
Risk Decreasing	Activities are improving
Stable	Activities are remaining steady
Risk Increasing	Activities are deteriorating

### PROJECT STATUS AND HEALTH

Project Health			
Current Rating	M-H	Trending	Risk Increasing Slightly
Previous Rating	M-H		

As of November 2023, Hittner continues to rate the overall project health as having a medium-high risk profile. On the following pages, we provide our ratings for several high-level areas.

The project has defined requirements and is making progress towards a procurement to select a commercial-off-the-shelf (COTS) solution that would best satisfy the requirements for the new system and best serve all stakeholders. This solution would be hosted by the chosen vendor. A procurement consultant was hired to assist in the assembly of a draft request for proposal (RFP). The draft RFP was provided to the agency on November 17 and is being reviewed internally.

Significant organizational changes are coming for the project as the co-project managers (PM) left the agency in the first half of November. Also, the chief information officer will be retiring at the end of December. A new project manager (either contractor or employee) and a new leader of the IT team will need to be brought in as soon as possible.

Governance committee meetings continue; however, the steering committee is no longer an entity with its responsibilities being absorbed by the governance committee and other small work groups or individuals, as needed. As noted in previous reports, it is very important for the project team to work well in advance of meetings to find meetings times that will work for the broadest group and provide agendas well in advance so participants can understand their role and the amount of preparation they may need to accomplish.

Key legislation passed (SB 337 and SB 5506) by the legislative assembly includes direction for the agency to become part of the executive branch. Planning for this has already begun. While not having a direct effect on the project in the near term, this activity could have an indirect impact on the project by taking resource time away from project activities to focus on transition activities. Also, a pilot is being implemented for some in-house trial attorneys (split between southern Oregon and the Portland metro area) and that may require an interim case management solution for these attorneys. Coordination of this with the F/CMS Project is very important as some resources may be asked to work on both activities.

Another change is the reformation of the commission, which is scheduled to be completed by January 2024.

Following are breakdowns of specific measurement areas evaluated by Hittner for the F/CMS Project.

<b>Budget</b>			
<b>Current Rating</b>	<b>M</b>	<b>Trending</b>	<b>Stable</b>
<b>Previous Rating</b>	<b>M</b>		

The project budget was approved by the legislature. Hittner rates this area as a medium risk primarily due to possible increased cost for both implementation and hosting services due to inflation. However, the exact costs will be difficult to ascertain until proposals are received later in 2024.

<b>Schedule</b>			
<b>Current Rating</b>	<b>H</b>	<b>Trending</b>	<b>Stable</b>

<b>Previous Rating</b>	<b>H</b>		
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Hittner continues to rate this area as a high risk as of November 20, 2023.

The project team will need to lay out a complete schedule for the procurement process that includes all tasks, necessary resources, and durations. With project funding secured for the biennium, this schedule should be put in place as soon as possible but certainly no later than sometime in the middle of December.

<b>Scope/Quality</b>			
<b>Current Rating</b>	<b>M</b>	<b>Trending</b>	<b>Stable</b>
<b>Previous Rating</b>	<b>M</b>		

The scope is understood by the agency’s staff. Requirements review will be an important part of the draft RFP review in the coming month to ensure requirements are at an appropriate level of detail and prioritization to allow potential vendors to clearly describe how well their proposed solution satisfies the agency’s needs with a new system. Hittner will monitor this area very closely in the next two months.

<b>Resources</b>			
<b>Current Rating</b>	<b>H</b>	<b>Trending</b>	<b>Risk Increasing</b>
<b>Previous Rating</b>	<b>M-H</b>		

Hittner raises the risk to medium-high for this period.

The co-project managers (PM’s) left OPDS in the first half of November. A replacement will be hired but the agency will have to decide if a contract PM will be utilized in place of a permanent hire.

The chief information officer will be retiring at the end of the year. The agency will need to decide their approach for filling this position as well.

## RISK ASSESSMENT

The Risk Assessment Task defines the iQMS Contractor tasks to support the F/CMS Project’s overall risk management efforts. The F/CMS Project Team has the primary responsibility for executing the Project’s risk management activities, with Hittner & Associates providing a supporting function. Within the Hittner & Associates’ scope of providing quality management, quality assurance and quality control on the State Team’s and Solution Contractor’s plans, process, and products, the Hittner Team will also identify risks and provide recommendations for risk mitigation strategies. Hittner has performed an initial risk assessment (Deliverable 1.1 P1) on the F/CMS Project and submitted it in January 2023.

The periodic risk report, showing the top risks identified and tracked by Hittner, is in Section 3.1 of this report.

### Initial Risk Assessment Deliverable (Deliverable 1.1 P1)

<b>Deliverable Title</b>	<b>Latest Version</b>	<b>Status</b>
Project Risk Assessment Report	1.0	Submitted 3/16/23 (Approved)

### Upcoming activities for December

Risk management and monitoring is an ongoing activity for Hittner and will continue throughout the life of the project. Hittner creates an Ongoing Risk Notification Report (see Section 3.1) and includes it with the Periodic Status Report and the Quarterly Status and Improvement Report.

## QUALITY PLANNING

Hittner’s quality planning approach relies heavily on our experience supporting large IT development and implementation projects. To develop a project plan and schedule, our planning efforts include decomposing all contract tasks to the activity level. The quality planning segment of the project establishes the groundwork for the tasks ahead by creating the Quality Standards – Operational Definition (2.1), Quality Management Plan (2.3), and Baseline QMS Work Plan (2.4).

### Quality Planning Deliverables

Deliverable Number	Month	Latest Version	Status
2.1	Quality Standards – Operational Definitions Report	1.0	Submitted 3/16/23 (Approved)
2.3	Quality Management Plan	1.0	Submitted 3/16/23 (Approved)
2.4	Baseline QMS Work Plan	1.0	Submitted 6/5/23 (Approved)
2.5	Internal/External Presentations and Special Request		
2.6	Lessons Learned Report		

### Upcoming activities for December

No Task 2 activities are planned for December.

## QUALITY CONTROL

The focus of the quality control task is the review of key project deliverables.

The table below identifies the quality control reviews of documents that Hittner currently has responsibility for reviewing. Each report the table will be updated with the status of Hittner’s analysis of the applicable deliverables.

### Quality Control Deliverables

Deliverable Number	Month	Latest Version	Status
3.1.1 P1	QC Review of Business Case	1.0	Submitted 3/16/23 (Approved)
3.1.2 P1	QC Review of Project Scope	1.0	Submitted 3/16/23 (Approved)
3.1.3 P1	QC Review of Project Governance Plan		

3.1.4.1 P2	QC Review of Project Charter		
3.1.4.2 P2	QC Review of Project Management Plan		
3.1.4.3 P2	QC Review of Communications Plan		
3.1.4.4 P2	QC Review of Change Management Plan		
3.1.4.5 P2	QC Review of Detailed Project Plan		
3.1.4.6 P2	QC Review of Requirements Traceability Matrix		
3.1.5 P2	QC Review of Project Management Plan and Schedule		
3.1.6 P2	QC Review of RFP components (including SOW, Requirements)		
3.1.7 P2	QC Review of Solution Contractor's Implementation Plan		
3.1.8 P2	QC Review of Solution Contractor's System Testing and UAT Testing Plan and Results		
3.1.9 P2	QC Review of Fit-Gap Analysis		
3.1.10 P2	QC Review of Solution Architecture		
3.1.11 P2	QC Review of Software Build and Release Plan		
3.1.12 P2	QC Review of System Interfaces and Integration Plan		
3.1.13 P2	QC Review of Data Migration and Conversion Plan		
3.1.14 P2	QC Review of Escalation Plan		
3.1.15 P2	QC Review of Disaster Recovery Plan		
3.1.16 P2	QC Review of Training Plan and Training Materials		
3.1.17 P2	QC Review of Operations and Maintenance Plan		
3.1.18 P2	QC Review of Contractor Staffing Plan		
3.2.1	Security Review and Sampling Plan		Option Reserved to the State
3.2.2	Security Review and Sampling Report(s)		Option Reserved to the State

3.3.1	Monthly Quality Status Report – January 2023	1.0	Submitted 3/16/23 (Approved)
3.3.2	Monthly Quality Status Report – February 2023	1.0	Submitted 6/6/23 (Approved)
3.3.3	Six-Week Quality Status Report – May 2023	1.0	Submitted 6/6/23 (Approved)
3.3.4	Six-Week Quality Status Report – August 2023	1.0	Submitted 9/28/23 (Approved)
3.3.5	Six-Week Quality Status Report – November 2023		

Upcoming activities for November/December

Hittner & Associates will submit deliverable 3.3.5 (this report) in November.

## QUALITY ASSURANCE

Hittner provides overall project quality review, periodically examine quality control review results, and project status, and summarize the results for executive review and oversight throughout the life of the Project. The Hittner Team will create and deliver quarterly quality assurance status and improvements reports summarizing the overall Project status, performance, risks, and recommendations for process improvement to the F/CMS Project.

### Quality Assurance Deliverables

Deliverable Number	Month	Latest Version	Status
4.1.1	Quarterly Quality Assurance Report – March 2023	1.0	Submitted 4/20/23 (Approved)
4.1.2	Quarterly Quality Assurance Report – June 2023	1.0	Submitted 8/22/23 (Approved)
4.1.3	Quarterly Quality Assurance Report – September 2023	1.0	Submitted 11/2/23 (Approved)
4.1.4	Quarterly Quality Assurance Report – December 2023		

### Upcoming activities for December

Hittner will begin scheduling quarterly interviews (to take place in late December and early January).

## ON-GOING RISK NOTIFICATION REPORT- NOVEMBER 2023

*(See risk section above in this report)*



## STAKEHOLDER/PROVIDER INVOLVEMENT

### F/CMS PROJECT STEERING COMMITTEE CHARTER

The primary method of stakeholder and provider involvement was to start with Project Steering Committee. The primary function of the F/CMS project Steering Committee (Steering Committee) is to take responsibility for the feasibility, business case, and the achievement of outcomes of the F/CMS project. The Steering Committee will monitor and review the project status, as well as provide oversight of the project and project deliverable rollout.

The Steering Committee provides a stabilizing influence so organizational concepts and directions are established and maintained with a visionary view. The Steering Committee provides insight on long-term strategies in support of legislative mandates. Members of the Steering Committee ensure business objectives are being adequately addressed and the project remains under control.

The membership of the Steering Committee was to include seven staff members and four external stakeholders, and the committee is to stand for the duration of the project, meeting monthly or every six weeks. The intent of the committee is to leverage the experiences and expertise of key individuals committed to professionalism in project management and execution.

Committee members should:

- Understand the strategic implications and outcomes of initiatives being pursued through outputs.
- Appreciate the significance of the project for some or all major stakeholders and represent their interests.
- Be genuinely interested in the project and be an advocate for broad support for the outcomes being pursued in the project.
- Have a broad understanding of project management issues and approach being adopted.

In practice, this means they:

- Review the status of the project.
- Ensure the project and projects' outputs meet the requirements of the business requirements and key stakeholders.
- Help balance conflicting priorities and resources.
- Provide guidance to the project team and users of the project outputs.
- Consider ideas and issues raised.
- Check status of projects and activities within the agency.
- Foster positive communication outside of the committee regarding the project's progress and outcomes.

### STEERING COMMITTEE WORK

The steering committee met three times over the last year in March (the kickoff), May and June. There are minutes for one of the meetings. External partners included both members from two large non-profit public defender offices, a member from the rural counties, a consortia member, a private law firm member, a commission member, and a service provider. Internal members included two from accounting, one from policy, three from the appellate division, and two from what was known as the trial division.

There was one additional committee that was initiated that appears to have had only one meeting in June 2022. This committee, the information technology subcommittee (IT Committee) was made up of commission members that included Steve Wax, Mark Hardin, and Lisa Ludwig, and was staffed by the Deputy Director, CIO, and the project managers (project team). The goal of the subcommittee was to provide input to the project. At this meeting the commissioners provided input on the project goals and outcomes, scope, business case and benefits document.

The IT Committee with the Project Team decided that when structuring the steering committee, a strong presence from each type of public defense entity (contractors, providers, consortia, and private attorneys) be present as a voting member. Additionally, commissioners wanted to be present for meetings in which the governance committee and steering committee members met; it was decided that we would make this group the stakeholder group. The stakeholder group would consist of the three committees, but also allow for interested parties to be present and the meetings would be informational.

There does not appear to be any documentation about the establishment of a stakeholder group or any of the proposed subcommittees for this group. There also does not appear to be any further documentation of any additional IT Committee meetings.

## OTHER PROJECT INFORMATION

The commission is actively partnering with the office of the state chief information officer for guidance and assistance as we navigate the hiring a chief information officer (target date of March 2024) and bringing on contract staff for project management work and business analysis. Work is underway to revise project schedules to facilitate a success, this will be the first objective of the contract IT project manager when hired.

The Commission is committed to the success of this project. The OPDC cannot continue to serve all the legislative mandates and requirements in SB 337 (2023), SB 5532 (2023), and SB 5506 (2023) without updating its data and information systems. There is no path to success utilizing the many volatile legacy systems, continuing to patch and rebuild those systems as they limp along. There is a limited future as software companies discontinue support for these outdated systems.

The commission acknowledges that there are many factors that have led to the current state of the project, the main culprit being leadership on various levels and the lack of focused attention and urgency. Since the project team, the CIO, and the project's executive sponsor have separated and a new commission has been named, it serves little purpose investigating and trying to decipher why this happened when that same energy can be better utilized working the problem and finding solutions.

Going forward, the OPDC has identified these next steps towards moving forward:

- Report out to legislative subcommittees in January 2024.
- Extend constructive whiteboard session with key agency staff to identify and prioritize work across the agency and begin using that information to layer the agency's existing work, new work associated with changes to the agency and the public defense delivery system and work critical to moving the F/CMS project forward.
- Continue to identify significant gaps in policy, prioritize policy needs, develop written policies where they are lacking, and refine existing policies.
- Get project dedicated staff to work on project work first in lieu of filling holes that are lesser priority.
- Have system architect map all systems and create a vision for what F/CMS is desired for. Currently very limited system mapping exists. System architect will produce maps to illustrate current systems to better inform the future state.
- Work with ASCIO office to hire project manager, business analysts, and other key positions.
- Repurpose the duties of the current limited duration business analyst to that of a project coordinator role.
- Repackage the RFP and decide if this is the best methodology.
- Prepare to meet with vendors and talk with stakeholders to create collaborative involvement.

- Agency is currently recruiting for a communication specialist who could provide invaluable assistance to contracted project staff.
- Revisit the steering committee to ensure proper representation by interested parties.
- Consult with new commission about reinstating the IT committee and identify members.
- Propose the F/CMS become a standing report at least once monthly at an executive team meeting.
- Propose that F/CMS become a standing report at least quarterly at a commission meeting.

# Attachment 5b

# DRAFT - Quality Management Report

## January 2024

A budget note included with SB 5532 (2023) directs the Oregon Public Defense Commission to develop a quality management plan for public defense and associated Key Performance Measures and Indicators. The Commission is directed to submit the plan prior to the Legislative Session in 2024. In addition, the Chair and the Executive Director of the Oregon Public Defense Commission are directed to report on existing Performance Measurements and targets.

## Compliance, Audit and Performance (CAP) Division

### Definition

The legislature established the CAP Division in the 2021 legislative session “to help strengthen the agency’s program management, performance, and oversight.” (*Budget Report and Measure Summary*, HB 5030 (2021) page 6). The CAP Division works with staff throughout the agency, particularly the Trial Support & Development Division, to monitor the provision of public defense services in Oregon, support improvements in the delivery of those services, and ensure good stewardship of public funds. The CAP Division currently consists of the following teams:

- Policy & Procedure  
One of the most significant challenges the agency currently faces is the lack of written policies and procedures to guide the day-to-day work and decision making of agency staff and inform stakeholders about basic agency functions, particularly those that impact contract and hourly providers. The CAP Division’s Policy team will work closely with Trial Support & Development, Data & Research, and Budget staff to develop written policies and procedures where they are lacking. In addition, the Policy team will develop a policy management plan that includes policy hierarchy, a policy development process, and identification of policy roles and responsibilities, as well as the development of clearly documented processes and procedures.
- Data & Research  
Data collection and analysis are fundamental components in determining whether and how the agency is fulfilling its mission to provide constitutionally competent and effective representation to all individuals who are eligible for a public defender and identifying areas in need of change to ensure fulfillment of that mission. Data collection and analysis also support effective management of public defense legal services contracts and oversight of providers working under those contracts. Communication of data and the insights gained therefrom helps to convey the experiences of public defense clients and the challenges they face in navigating the public safety system and supports client-centered decision making. When shared with providers and other stakeholders, data collection and analysis can be a key component in driving providers to operate utilizing best practices.

Informed by a strategic plan, the development of updated Key Performance Measures (KPMs) and a plan for ongoing monitoring of those measures at regular intervals will allow the agency to move out of crisis mode and into innovations and best practices for public defense delivery.

## Program Review/Issue Identification

### Issue

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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.

### Priority

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Developing Compliance, Audit, and Performance functionality has top priority for the Oregon Public Defense Commission's (OPDC) modernization and remediation efforts.

### Evidence of Concern

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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.

### Objective

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To transition existing staff into positions that focus on the build out the CAP program. The bulk of the crisis and contract work would be transferred to staff better equipped to handle the work.

### Best Practices

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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 OPDS will also address other issues that were identified in a survey by the Coraggio Group. Staff do not feel that there are opportunities to move up due to lack of depth in OPDS, while high level staff are unsure why they are doing the type of work currently assigned due to their high-level technical abilities.

### Options to resolve the issue

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- 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 anticipates releasing a public data dashboard to help support administrators of public defense legal services contracts in monitoring their own adherence to contract obligations.

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## Recommended Option

### Option 2

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### Timeframe

- October-January (2024) evaluate work attorneys are currently doing in both Trial Support & Development Trial Support & Development, (*program analysts and contracting work/evaluation of complaint process/connection to trial division attorneys*) then work with HR to determine appropriate classification levels and identify gaps for full transition.
- January – March (2024), begin looking at current positions OPDS may use to fill the gap.
- April – June (2024) begin transitioning by prioritizing the work. As the burden lessens for the trial 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, OPDS buildout the POP/ staffing needs for the next biennium. CAP will also be building a strategic plan to align with the OPDS modernization efforts.

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### 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.

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### Expected Outcome

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

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### Phase I: October 2023 – January 2024

During this time the CAP team will evaluate work currently being done by attorneys in the Trial Support & Development. For example, we currently have an attorney managing complaints. This entails receiving emails, letters and documents from the complainant scanning and arrange them chronologically in a pdf in a database by complaint number. In addition, these complaints require a response and ongoing communication, most of which could be completed by a non-attorney. Review and update existing policies and procedures. Develop new processes and policies as needed. Improve data integrity by creating policies, establishing workflows, creating quality assurance processes, and coordinating with information technology (IT) on database enhancements. Once work has been clearly identified begin



transitioning work to non-attorney staff. Develop escalation protocols to ensure that issues needing attorney attention appropriately reassigned.

### Phase 2: February – April 2024

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Begin transition into the CAP program initiative. Trial Support & Development attorneys will develop curriculum for training, develop certification criteria that meet best practices, set criteria for in court audits and mentoring programs for new attorneys. Ensure that every staff member is an updated position descriptions and understands expectations. Regular manager/employee check-in will be required. Review, revise, and develop new agency KPMs to encompass new work and keep the agency accountable.

### Phase 3: May – July 2024

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Once the framework is built and approved, all current attorneys in the Trial Support & Development will be responsible for delivery of training, auditing attorneys, ensuring compliance to standards and practices. The agency will continue policy and process improvements. Evaluate potential gaps in staffing and develop budget requests to address during the 2025 Legislative Session.

### Related Projects

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The agency undergoing a major transformation and much of this work relates directly to the CAP work outlined above. Agency leadership is in the process of developing a new organization chart, staff are being reassigned to tasks that better meet the skills they possess. Two pilot offices are being developed and attorneys are being hired allowing the agency to deliver public defense services directly to those in need. Agency staff are being offered leadership and coaching opportunities.

Additionally, OPDS is hiring a consultant to assist with development of a strategic plan. A well thought out strategic plan will lead to a successful CAP program.

## Key Performance Measures (KPMs)

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### September 2023 – KPMs

See the [2023 KPM](#) report for additional information.

#### **KPM #1 Appellate Case Processing** – Median number of days to file opening brief.

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The Appellate Division continued to make progress toward its goal during the 2022-23 fiscal year. The ability to meet and exceed the goal correlates positively to the number of experienced attorneys and negatively to the number of cases and the complexity of the cases referred. Attracting and retaining attorneys affect progress toward this goal.

#### **KPM #2 Customer Service** – Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent".

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The agency did not complete the Customer Service Survey for 2023. The agency has continued to engage providers through stakeholder engagement in relation to: Agency contracts for 2023-2025 biennium, creation of policies to be transparent with our processes and our funding allocation methods. The agency experienced significant leadership change from January 2021 to December 2022 including four executive directors and the dissolution and reconstituting of the commission in August 2022. The

agency's current Executive Director was hired in November 2022. In addition to leadership changes the agency also experienced many internal changes with reference to the contracting model, the external communication with our providers, working with Commission, and the increased focus on the agency with the Legislature during the 2023 session. These significant disruptions would indicate a continued downward trajectory towards lower numbers for the agency in all categories had the survey been initiated.

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**Best Practices for Boards and Commissions** – *Percentage of total best practices met by the Commission*

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The Commission has not completed a self-assessment for compliance with the Department of Administrative Services (DAS) best practices for boards and commissions. This current commission was constituted in August 2022, following the Chief Justice's dissolution of the prior commission. Since then, the commissioners have dedicated significant time to addressing and responding to the number of persons without counsel throughout Oregon. But the commission had not been in their role for a year at the time of the KPM reporting period. Thereafter, SB 377 (2023) was enacted, which calls for a new commission to be named by November 1, 2023, with the new commission assuming their positions on January 1, 2024.

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**Trial Level Representation** – *During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.*

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There was no survey conducted during this reporting period. There has been extensive change within the commission and the agency, and this key performance measure was not brought forward. The agency is currently in the process of creating a formalized plan for moving forward with agency restructuring and modernization which will influence KPMs including this one.

The agency continues to be involved in extensive planning exercise, to include how it fits within the overall statewide Public Safety conversation. There is ongoing daily work with many of the team at OPDS and OJD around the unrepresented persons crisis. This work has taken a priority to ensure we are working diligently to address the unrepresented persons crisis.

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**Parent Child Representation Program (PCRP)** – *Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision making capacity.*

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This KPM separates representation of clients with decision-making capacity from representation of clients with diminished capacity (typically young children). However, data gathered by PCRP does not distinguish based on decision-making capacity.

This measure analyzes attorney performance in the ten counties in which the PCRP has been implemented: 's initial five implementation counties: Linn and Yamhill (2014), Columbia County (2016); Coos and Lincoln Counties (2018); Multnomah County (2020); and Benton, Clatsop, Douglas, and Polk Counties (2021). As with earlier KPM reports, there has been a continued decline in this measure. The lower rate of attorneys who report meeting the one-third target may be impacted by: an increase in the number of jurisdictions and attorneys participating in the PCRP; changes to how attorneys report the time spent on various aspects of representation that were implemented in January 2021; turnover in

agency staff that support the PCRPs; a lack of sufficient training on reporting; and a lack of clarity regarding the methodology used previously in reporting on this measure.

### KPM limitations/plans to improve

Over the last several years that agency has experienced multiple changes in leadership, this has led to a loss of focus on KPMs. With the passage of SB 337 (2023) and the legislature's direction to restructure the agency there is an opportunity for developing KPMs that address the current issues impacting public defense delivery in Oregon. The development of a new strategic plan will assist in identifying new KPMs.

DRAFT

# Attachment 5c

# Oregon Public Defense Commission

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## REMEDIATION PLAN

Version II

LAST UPDATE: JANUARY 2, 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 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 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 following report is the top 25 issues identified by the Oregon Public Defense Commission (formerly the Public Defense Services Commission) for remediation work. These issues work 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. Ensuring constitutionally competent and effective legal representation for persons eligible for a public defender.

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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 eliminates the new commission and requires a new commission appointed to take effect 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 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 helps facilitate ongoing communication between the Commission and the agency, 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. The agency is provided an onboarding for incoming OPDC members on December 7, 2023

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:** Initial ramp up from December 2023 through April 2024, then ongoing thereafter. New commission adopts existing bylaws in January 2024, by laws updated in March 2024, agency launching into strategic planning initiative and will be adopted in Spring of 2024.
9. **Fiscal Impact:** Minimal, possibly commission admin position.
10. **Expected Outcome:** An agency with staff/commission alignment on roles, responsibilities, and direction.

1. **Issue:** Commission oversight in addressing issues within the public defense system.
2. **Priority:** High
3. **Evidence of Concern:** Commissions typically operates at a high level to provide direction and oversight to agency operations. Over the past several years, the commission has assumed responsibilities that typically belong to staff and taken on the function of developing public defense policy. SB 337 is responsive to that and clarifies that the commission's role is to review, provide input, and approve policies brought forward by the agency.

Due to a lack of communication from the agency, the commission has not always been able to provide leadership to the agency.

4. **Objective:** Have the Commission exercise oversight of the issues within public defense.
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 Commissions, particularly the Chair's, interactions with legislature helps build external support and understanding, contributing to a more unified approach between the Commission and external stakeholders. The Chair should be attending Legislative Days and participating in meetings when appropriate with the Director.

#### 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.

Establish Specialized Subcommittees: OPDC should establish a Governing Subcommittee at its January 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: OPDC will adopt its yearly calendar at the January meeting, this will include scheduled 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 made 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 of 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 decision making process, with clear roles and responsibilities and clear lines of 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: Adopted in Spring 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 PDSC 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 the 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 reviews 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:** OPDS adheres to state government budgeting and financial management practices. OPDS has adopted the Oregon Accounting Manual as the guiding document for accounting purposes and has written agency policies that support and enhance this decision. OPDS follows the instructions that are written and published by the State's Chief Financial Officer when creating and managing their budget. OPDS 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 PDSC 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 PDSC 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, identifying 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 matches 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 the end of 2023. Open recruitments are underway for vacant positions. Job descriptions will follow the org 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 moral 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.

OPDS 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 procurement person 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 OPDS is currently researching to see how it can be more professional and conform to the 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, 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 individuals who do not 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.

OPDS 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 so as be as compliant as needed with our procurements. The agency does recognize that there is much work that needs to be done to improve the vendor contracting process.

The OPDS anticipates that this will occur because of changes in policy and procedures that have been drafted, however right now there is not a noticeable change. The next quarter may tell a different story.

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 1.5 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 moral 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 and 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, a strategic plan is expected to be worked on by the OPDC in the spring.
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 operated efficiently and effectively.
2. **Priority:** High
3. **Evidence of Concern:** OPDS lacks defined lines of decision making and roles 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 precedence the agency is trying to change.

The PDSC 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:** Agency has desperate data sources that lack coordination and clarity. Agency 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 reporting 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 Proposal (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 PDSC's requirements. Ensure that the selected system aligns with PDSC'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 PDSC.

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; streamline payment processes; manage attorney case support services to effectively facilitate data collection, analysis, and evaluation; empowering PDSC 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 KPIs. 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.

### 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-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 seeks 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, they are more appropriately involved in planning and decisions making when situated in CAP. With the development of the Data team under CAP we are seeing the agency become a more data-driven agency. 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:** OPDS 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 centering on a regulatory agency 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 experienced 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 will prime them for future strategic plan work, with 6th Amendment Center framing and best practices. The March 2024 commission retreat will focus on strategic planning.



Stakeholder engagement, drafting the plan, and review and approval will take an additional 6 months. The Commission's goal is to have an adopted Strategic plan by January 2025.

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:** PDSC 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 & 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 data bases are not reflective of the recent contract extensions along with the new contracts effective 10/1/2023. This delays the data team in responding to data requests and impacts data research. OPDS 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 PDSC 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 July 2024. PDSC is already working collaboratively with our partners on data issues, including OJD and the Deason Center. 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. It is currently working with DAS CIO to recruit for a replacement for their 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 the infrastructure in which PDSC is built upon. 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 PDSC'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. It is currently working with DAS CIO to recruit for a replacement for their 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 PDSC'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 PDSC.
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%). 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 OPDS will also address other issues that were identified in a survey by the Coraggio Group. Staff do not feel that there are opportunities to move up due to lack of depth in OPDS, 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, PDSC 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 anticipates releasing 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 both Juvenile and Criminal Trial Division, (*program analysts and contracting work/evaluation of complaint process/connection to trial division attorneys*) then work with HR to determine appropriate classification levels and identify gaps for full transition.

January – March (2024), begin looking at current positions OPDS may use to fill the gap.

April – June (2024) begins transitioning by prioritizing the work. As the burden lessens for the trial 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, OPDS 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:** 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, PDSC can establish a robust CAP division that promotes accountability, addresses high-priority areas, and fosters continuous improvement in public defense services.

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 the unrepresented crisis' and once under control resources can be reallocated to start 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.
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:** PDSC 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. PDSC 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; & 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 & onsite audits are required to achieve an adequate quality 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:**
4. **Objective:** Once performance standards are in place, CAP will ensure compliance to those standards, and opportunities to meet those standards.
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 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

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 or 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

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

PDSC is updating and creating many policies, 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

PDSC'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 RELATIONSHIPS

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

### Lack of Trust

OPDS 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 OPDS does not own its mistakes, becomes defensive or insular when provided with negative feedback, and fails to act on that feedback.

### Siloed

Similarly, OPDS has historically operated in a siloed manner away from public safety partners and other state agencies. This means OPDS is not taking advantage of opportunities to promote public defense as part of the larger public safety and justice system. This often leads to OPDS 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.”

PDSC 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. PDSC 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' - visit 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: PDSC/Provider Government Relations bi-weekly meetings, bi-weekly agency newsletters.

Nov. 2023: OCDLA/PDSC 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 session up and running, currently looking at staffing resources to make them happen.

The agency will have set up 'office hours' or a time providers could join a conference call to get their questions answered.

#### Breaking Silos:

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

Continuing: PDSC/OJD bi-weekly meetings, PDSC/OJD Data meetings, PDSC/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 a being filled with 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:** PDSC will be a trusted partner in public safety, one that is looked to as a leader on public defense matters. PDSC will:

- Hire a communications position within the agency by February 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.
- PDSC will continue bi-weekly meetings with OJD and will establish regular meetings with CJC and DOJ by July 2024.
- PDSC 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:** PDSC 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. PDSC 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.

PDSC has two pending independent investigations into current and former employee conduct that is alleged to be outside the norms of professional conduct. The PDSC 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, PDSC has a policy and process for reviewing and adjudicating complaints about public defense attorneys. PDSC 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 buckets, the internal auditor generally works with the executive director and subject matter experts (budget, HR, trial division) 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.

Attachment 5d

Office of Public Defense Services:  
Internal Audit Plan fy 2024-2025

<b>ODE Internal Audit schedule, planning map</b>															
Available FTE hours for audits & <i>ad hoc</i> projects:															
Scenario 1: CAE + plus post-4/30/24 Trainee, + Ltd Duration CAE through 4/30/24											3,932				
Scenario 2: 1 CAE, + Limited Duration CAE thru 4/30/24											2,423				
Lost hours:											1,509 62%				
Category		Title	From risk assessment?	Risk rating	Tied to Remediation Plan?	Office	Type	Estimated duration (hrs)	Estimated completion	Objective	Calendar month/year:				
											2023				
											Jul	Aug	Sep	Oct	Nov
<b>+25% ad hoc project allowance</b>															
SoS Audits Div.	Ethics Hotline investigation						Accountability	80	Nov, 2023	Promote ethics & accountability in State government.					
Other <i>ad hoc</i> projects @ 25% of planned hours for two-person shop:								903		Respond to Management's needs & emergent risks.					
<b>Audits</b>															
Audit-sm.	Financial/Performance audit: SPOTS card		no	Low	no	Budget/Finance	<b>Training Audit</b> (See RA rows 81-85)	200	Feb, 2024	Adequacy of, and compliance with, financial & administrative (programmatic) control systems.					
Audit-sm.	Performance audit: Provider contracting process		yes	Medium	yes	Budget/Trial	<b>Effectiveness</b> (See RA rows 50, 52, 57 and 61)	250	Apr, 2024	Assess effectiveness & efficiency of the provider contracting process.					
Audit-sm.	Performance audit: CAP & FCMS program Governance/Steering		yes	High	yes	Leadership	<b>Fulfill OAR 125-700-0140:</b> audit of governance and risk management (See also RA row 30)	120	Mar, 2024	Assess effectiveness of Management's governance & steering processes.					
Audit-sm.	Performance audit: "Tone-at-the-Top"		yes	High	yes	Leadership	<b>Fulfill OAR 125-700-0140:</b> audit of governance and risk management (See also RA rows 70-72)	120	Mar, 2024	Assess effectiveness of management styles & practices.					
Audit-med.	Performance audit: Diversity/Equity/Inclusion program		yes	High	Yes	Human Resources	<b>Effectiveness</b> (See RA row 21-23)	600	Aug, 2024	Assess effectiveness of the Agency's DEI program					
Audit-med.	Performance audit: Recruiting, Onboarding, and Retention programs		yes	Medium	Yes	Human Resources	<b>Effectiveness</b> (See RA rows 4, 5, 14-20, 33 and 37-39)	400	Jun, 2025	Assess effectiveness of the Agency's programs for recruiting, onboarding, & retaining personnel.					
Audit-med.	Performance audit: Procurement		yes	high	Yes	Finance/Budget	<b>Effectiveness</b> (No Current Flags - See RA rows 76 - 80)	600	Jan, 2025	Evaluate the Procurement Process, Roles and Responsibility, Criteria, use of Sole Source contracts, Training and Support.					
Audit-med.	Performance audit: Ongoing monitor of FCMS System implementation		yes	High	yes	Agency-wide/IT	<b>Effectiveness</b> (See RA rows 96 and 110)	140	Ongoing	Promote effective implementation of mission-critical IT system.					
Audit-med.	Performance audit: IT Budget & costs		yes	High	yes	Budget/IT	<b>Effectiveness</b> (See RA row 96 )	600	Jan, 2025	Assess adequacy of, & control over, IT budget & costs.					
<b>Mandated</b>															
audit-sm.	Follow-up audit: Implementation status of prior audit recommendations		Yes	Mandatory	Yes	Agency-wide	Accountability of management	60	Annually, June	Assess the status of Management's implementation of agreed-to audit recommendations.					
Admin	DAS annual IA report		No	Mandatory	No	Internal Audit	Compliance with State regs	20	Annually, August	Compile information for DAS' annual report on statewide internal audit activities					
								<b>Total hours planned:</b>	<b>4,093</b>						
								Total hours available, two-person shop:	3,932						

Office of Public Defense Services:  
Internal Audit Plan fy 2024-2025

<b>ODE Internal Audit schedule, planning map</b>																										
Available FTE hours for audits & <i>ad hoc</i> projects:																										
Scenario 1: CAE + plus post-4/30/24 Trainee, + Ltd Duration CAE through 4/30/24											3,932										<b>Calendar month/year:</b>					
Scenario 2: 1 CAE, + Limited Duration CAE thru 4/30/24											2,423											<b>2023</b>				
Lost hours:											1,509	62%										<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>
Category	Title		From risk assessment?	Risk rating	Tied to Remediation Plan?	Office	Type	Estimated duration (hrs)	Estimated completion	Objective																
								Total hours available, one-person shop:	2,423																	
								<b>Excess of planned over two-person available:</b>	<b>-161</b>																	
								<b>Excess of planned over one-person available:</b>	<b>-1,670</b>																	
								Percentage excess over planned, two-person:	-4%																	
								Percentage excess over planned, one-person:	-41%																	



