

**Members:**

Addie Smith, Chair  
Peter Buckley  
Tom Lininger



**Nonvoting Member:**

Sen. Floyd Prozanski

**Executive Director:**

Jessica Kampfe

## Oregon Public Defense Commission

### Legislative Committee

Meeting will occur virtually

Friday, October 4, 2024

12:00 PM - 1:30 PM PST

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# AGENDA

12:00-12:05	Welcome	Chair Smith
12:05-1:00	<b>Discussion:</b> Legislative Reports Due for December Legislative Days	Lisa Taylor Addie Smith
1:00-1:30	<b>Discussion:</b> Potential Emergency Board Requests	Lisa Taylor Addie Smith
1:30	***Adjourn***	

\*To join the Zoom meeting, click this link: <https://zoom.us/j/98964988211>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings. Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to [info@opdc.state.or.us](mailto:info@opdc.state.or.us). Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs. Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.

# Oregon Public Defense Commission

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## REMEDICATION PLAN

Version V

OCTOBER 03, 2024

## NATURE OF THE REPORT

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

The Public Defense Services Commission (PDSC) is directed to report to the Interim Joint Committee on Ways & Means throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission's restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

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 an update to the remediation report submitted by the Oregon Public Defense Commission (OPDC) in August 2024. This report updates the top 25 issues OPDC identified as needing improvement. Addressing these issues focuses OPDC on working towards a unified goal: to restore credibility in the Commission as an efficient and effective administrator of Oregon's public defense system by stabilizing administration to enable OPDC to fulfill its mission of ensuring constitutionally competent and effective legal representation for persons eligible for a public defender.

This report was approved at the OPDC meeting on October 16, 2024.

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## EXECUTIVE SUMMARY

In October 2023, the Oregon Public Defense Commission (OPDC) first identified the top 25 issues the Commission needed to work on for their [Remediation Plan](#). It's been a year, and with this report, OPDC wishes to review those 25 issues and identify which ones have been remediated and which ones are still being worked on. An issue is considered successfully remediated if the initial goals laid out in the [Remediation Report II](#) have been met. This means OPDC is operating in standard practice in this area. Just because an issue has been remediated does not mean that OPDC will not continue working to improve in that area. These issues are important to OPDC's success and will continue to be worked on and improved as the agency grows and matures.

Continued improvement in these areas is essential to OPDC's 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.

### Oversight and Leadership

- **Unified Commission and Agency:** Remediated. OPDC has cultivated a unified relationship between the Commission and the agency with clearly defined roles and authority by completing all of the original goals of the Remediation Plan. Communication between the Commission and agency has improved, Commission meetings are more productive and organized, and the Commission and agency act as one.
- **Commission Oversight:** In Progress. The OPDC sought to improve Commission oversight by increasing participation by the Chair in legislative meetings, establishing specialized subcommittees (such as the subcommittee on governance), updating bylaws, and establishing regular reports at the Commission meetings on subjects like the unrepresented crisis, FCMS, and budget updates. Additional work on this issue will be engaging in regular site visits, which are currently being scheduled with the first visit to Jackson County happening in late October.
- **Decisive Leadership:** In Progress. OPDC aimed to shift from reactive to proactive approaches to demonstrate decisive leadership. This involved taking ownership of public defense matters, providing leadership on relevant issues, and making and following through on decisions. OPDC has shown leadership through specific initiatives- like opening state trial offices, increasing attorneys through the Temporary Hourly Increase Program (THIP), and managing Betschart cases to ensure that top priority cases are not released- but it still has work to do in this area. Rebuilding trust as the subject matter experts of public defense and creating and following a strategic plan are both areas OPDC continues to work on.

### Agency Remediation

- **Gap Analysis:** Remediated. Recognizing its lack of staff and resources, the OPDC conducted a gap analysis to identify needs and opportunities for improvement. This analysis informed requests for additional resources, such as procurement specialists, to bring to the Legislature. OPDC will continue to use this a gap analysis process to develop requests going forward.
- **Updated Governing Statutes and Policy:** In Progress. OPDC has made significant progress in this area. A number of payment policies come before the Commission quarterly for review and updates, and communication about new or updated policies has improved substantially through newsletters, office hours, and OPDC's website. However, OPDC still needs to create or update additional policies and administrative rules, especially with the move to the Executive Branch.
- **Standard Financial Practices:** In Progress. The OPDC has been working to adhere to standard budgeting, financial management, and accounting practices. It follows the Oregon Accounting Manual as a guide,

follows instructions from the State's Chief Financial Officer, and seeks advice from the Legislative Fiscal Office and Chief Financial Office. OPDC also continues to receive the Gold Star Award from the Department of Administrative Services. To fully resolve this issue, OPDC will work on providing ongoing training for budget and financial staff, as well as financial literacy training for non-budget staff and Commissioners to ensure a shared understanding of the agency's budget process.

- **Standard Human Resource Practices:** In Progress. The OPDC took steps to align its HR practices with state government standards. This included reviewing and updating HR policies, clarifying job descriptions, and implementing fair and open recruitment processes. OPDC continues to work on an organization chart that aligns the agency's budget structures with operations, and is currently having ongoing meetings with DAS-CHRO and LFO.
- **Standard Procurement Practices:** In Progress. The OPDC acknowledges the need for improvement in its procurement practices, particularly regarding provider contracts. It has been working with the Department of Justice to ensure that new contracts meet Executive Branch laws and rules. In September, the Legislative Emergency Board approved positions that will allow OPDC to hire Procurement Analysts; those positions are currently in the hiring process. With these staff, OPDC will be able to complete this remediation issue.
- **Improved Agency Culture:** In Progress. OPDC has implemented several initiatives, including leadership and management training, an internal communications plan, and an employee survey slated to go out next month. Completing a strategic plan, including staff feedback and participation, and finalizing the employee training plan, will complete this issue.

#### Efficiency and Effectiveness

- **Efficient and Effective Programming:** In Progress. The OPDC recognized a need for improved communication and coordination among agency divisions. To address this, the agency clarified decision-making responsibility, defined roles and processes, and improved internal communication. This has resulted in greater cross-divisional work, breaking down silos within the agency and improving efficiency and effectiveness in programs. The best example of this is in THIP, data, budget, resource counsel, and the assignment coordinators have worked together to improve the process and track data- resulting in a 4x increased output of case assignments.
- **Implement FCMS:** In Progress. The OPDC has been working to implement a financial case management system (FCMS) to improve efficiency and data collection. This involved procuring a system, training staff and providers, and establishing a feedback mechanism. OPDC has entered Stage Gate 2 of this project, and a Request for Procurement has been released.
- **Data-Informed Decision-Making:** Remediated. OPDC has wholly changed how it uses data in decision-making. OPDC has integrated data into almost all of its planning and decision-making processes, including budget decisions, resource allocations, and programmatic work. OPDC has also implemented robust data governance policies, which are essential for maintaining the integrity, security, and compliance of agency data. While becoming a data-driven agency will continue to be an ongoing process, OPDC has implemented its remediation plan for this issue and is using data
- **Accurate and Timely Vendor Payments:** In Progress. OPDC is currently processing accounts payable invoices 27 days after an invoice is received. The state-recommended timeline is 45 days per the Oregon Accounting Manual, though OPDC's goal is within 30 days. OPDC recently started a workgroup on payment issues as the agency was outside of the 30-day window; this workgroup of internal and external stakeholders identified ways the agency could improve the process. While OPDC has technically followed all of the remediation plans for this issue, it remains in progress until the agency is confident payment times will remain accurate and timely.
- **Strategic Plan:** In Progress. Recognizing the need for a clear direction, the OPDC hired a consultant to assist in developing a new strategic plan. This plan will guide decision-making, prioritize DEI (Diversity, Equity, and Inclusion), establish strategic goals and objectives, and include input from Commission members, staff, and stakeholders. The contractor is currently facilitating the creation of a strategic plan, which should be completed by November 2024.

- **Internal Quality Control and Audits:** In Progress. The OPDC has taken steps to improve its internal quality control and auditing processes. This included conducting internal audits, training a new internal auditor, and developing a three-year internal audit plan.
- **Develop Internal Data Analytics:** In Progress. OPDC's Data and Research team has developed multiple dashboards for better data collection, visualization, and reporting; they have developed data governance and user-friendly interfaces for various divisions throughout the agency. OPDC has signed a data share agreement with OJD, and the data teams meet together weekly to discuss data sharing and improvements. The final step in internal data analytics will be the establishment of FCMS for more meaningful data collection.
- **Data Security and Independence:** In Progress. High-level discussions and planning are underway with Enterprise Information Services (EIS), Data Center Services (DCS), and Microsoft. Bi-weekly status meetings include key stakeholders such as executive and IT leadership from OPDC, OJD, EIS, Legislative, and the Governor's Office. These meetings aim to communicate plans, progress, and risks.
- **IT Structure:** In Progress. OPDC has undertaken all of the recommended options to remediate this issue, including a full assessment of current infrastructure, security protocols, and service delivery to identify areas for improvement. This issue will remain in progress until OPDC ends its contract with OJD-IT and fully joins DAS-EIS in July 2025.

#### Compliance, Audit, and Performance

- **Develop CAP Program:** In Progress. The objective of 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. OPDC is working with LFO on an updated CAP Plan that will allow CAP to monitor, measure, and report on the quality of public defense being provided by OPDC, while redirecting non-CAP work to other sections of the agency. The procurement positions from the September Emergency Board represent an important step toward this plan.
- **Performance Standards:** In Progress. Resource Counsel have worked with public defense stakeholders to develop qualification and performance standards for all non-attorney, core staff roles in Oregon's public defense system for which OPDC provides funding. Those standards will be presented to the Commission for potential adoption in fall 2024. Next, Resource Counsel will work with stakeholders to develop qualification and performance standards for all attorneys providing services through OPDC.
- **Audits and Quality Control:** In Progress. To implement quality control and expenditure audits, OPDC must first establish performance metrics. The CAP division is not at this stage yet. Still, OPDC fully recognizes the importance of vendor compliance through quality control and expenditure audits of vendor contracts and agency expenses and is performing quality control work within the agency by reviewing data accuracy within the databases, including attorney qualifications, caseload reports received, and data entry errors.
- **Compliance Measures:** In Progress. To implement compliance measures, OPDC must have performance standards and quality control in place. However, OPDC is still working on providing compliance data regarding quantity control. OPDC is now monitoring provider MAC utilization, and program analyst are able to discuss with providers why they may not be reaching full MAC, and if there are areas where OPDC can help to improve their efficiency.

#### Accountability and Transparency

- **Accountability to Legislature:** In Progress. The OPDC has been working to rebuild trust with the legislature by adhering to legislative direction and budget authority. This included submitting required reports on time, following the adopted budget, and improving transparency in expenditures.

- **Build & Repair Relationships:** In Progress. The OPDC has made efforts to build and repair relationships with public safety partners, stakeholders, and other state agencies. This included hiring a communications specialist, engaging in regular meetings with key partners, and reaching out to other agencies for support and advice.
- **Accountable Complaint Process:** In Progress. Establishing a standardized, transparent, and accountable complaint process has been a key area of focus for OPDC. While the agency has existing policies for handling certain types of complaints, such as those related to attorney performance or fee disputes, there are several shortcomings that need to be addressed. OPDC is working to establish a centralized system where complaints can be organized, tracked, and addressed.

The following remediation report provides updates to the remediation plan submitted by OPDC in August 2024 and heard by the Joint Committee on Ways and Means during the September 2024 legislative days. Rather than republishing each issue's 10-point problem identification plans, the January [report](#) is provided here. OPDC has restated the issue and objective and provides status, next steps, and timeline updates.



## CASELOADS

Caseload appointment data as of August 20, 2024, for the contract cycle beginning July 1, 2023.

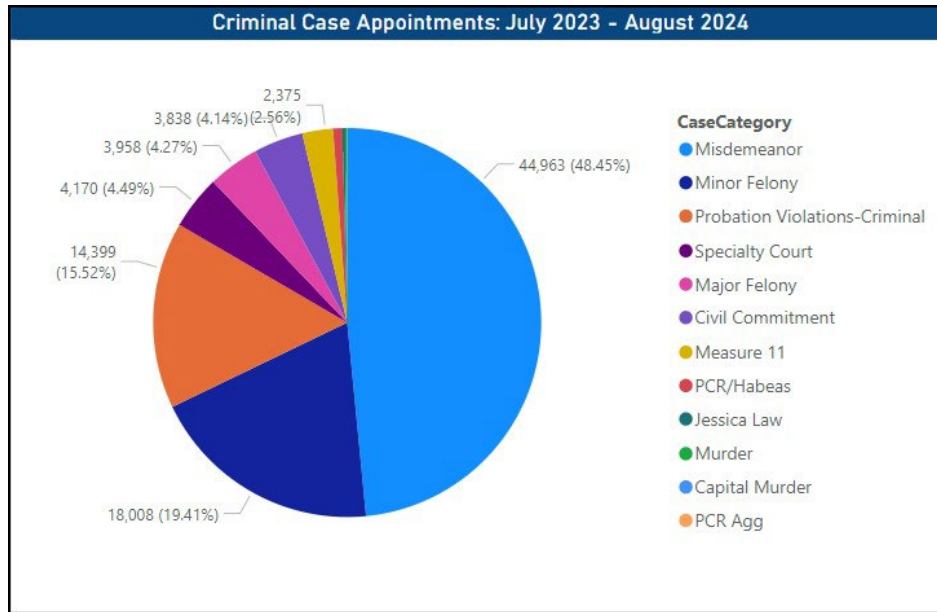
Criminal cases taken by contract providers:	92,804
Juvenile cases taken by non-PCRPP contract providers:	9,186
Juvenile cases taken by PCRPP contract providers:	3,014

Caseload appointment data as of September 30, 2024, for non-contract attorneys beginning July 1, 2023.

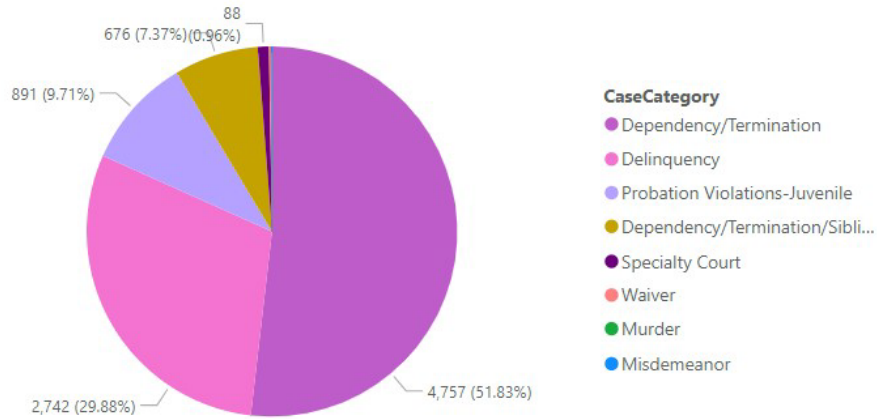
Hourly providers at standard rate:	1,953
All cases taken through the Temporary Hourly Increased Program (THIP):	3,455
OPDC trial attorneys (state employees):	597

**Total appointments made since July 1, 2023: 111,009**

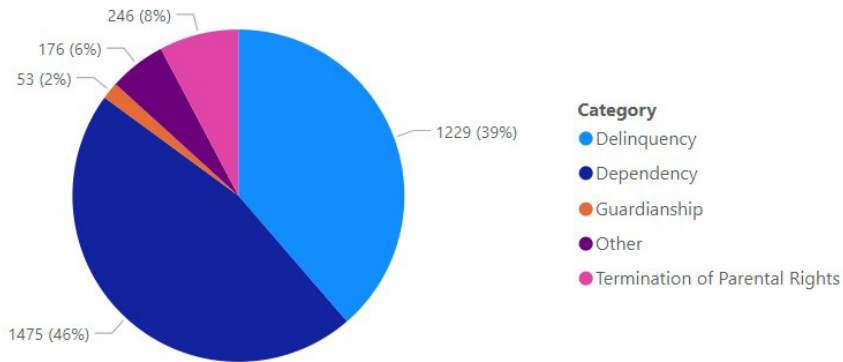
The charts below show cases by case type taken by the different provider types (as of August 20 for contractors and September 30 for all others):



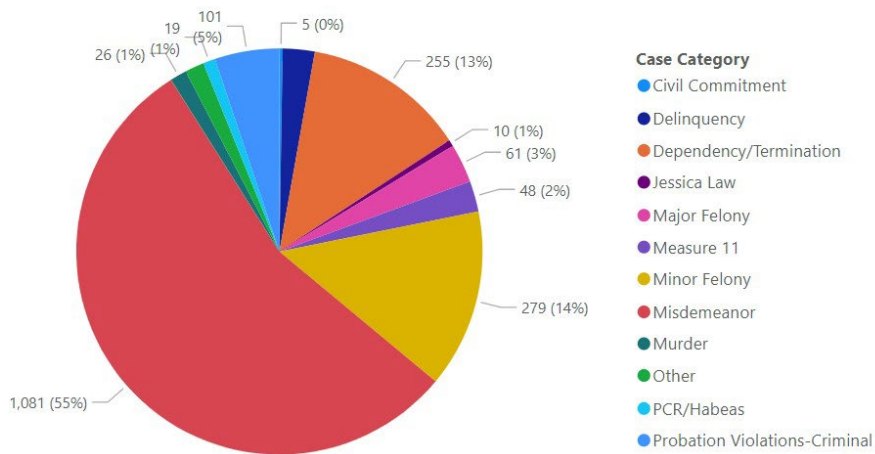
### Juvenile Case Appointments: July 2023 - August 2024



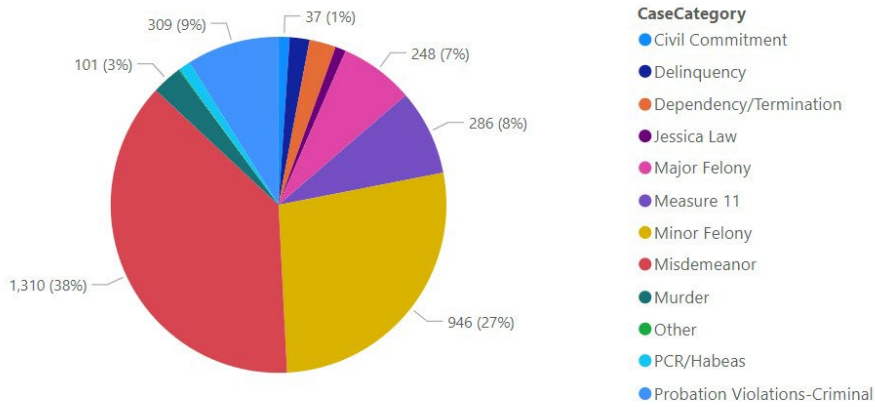
### PCR/P Cases Opened July 2023 through August 2024



### Standard Rate Hourly Cases Billed July 2023 thru Sept. 2024

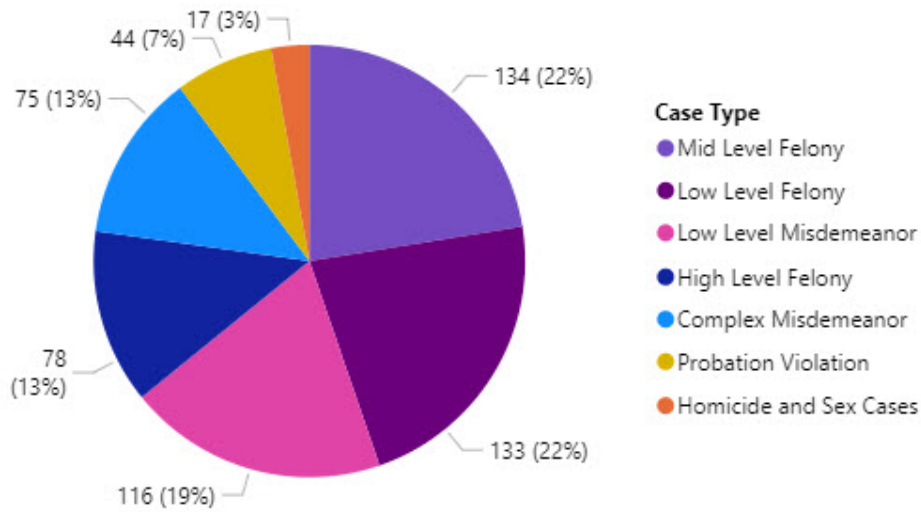


**THIP Caseload: July 2023 thru Sept. 2024**



**OPDC State Trial Cases Through September 2024**

*Includes cases attorneys brought with them when hired*



## MAXIMUM ATTORNEY CASELOAD (MAC)

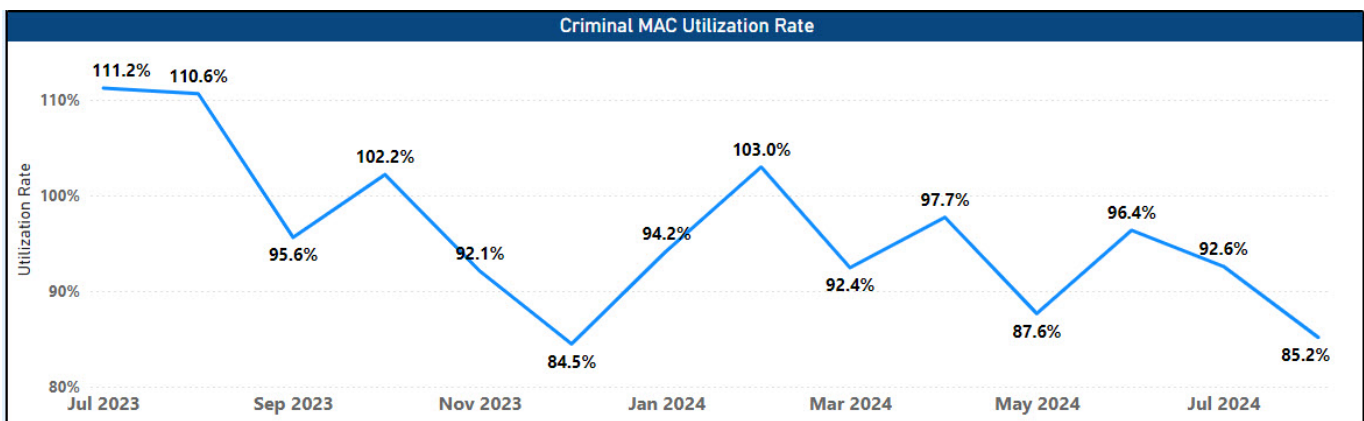
OPDC can now monitor providers' maximum attorney caseload (MAC). A full-time contracted public defense provider is considered a 1.0 MAC, meaning they could take a maximum of 300 weighted misdemeanors per year. However, until recently, saying a contractor was a 1.0 MAC was misleading, as it did not factor in when that attorney started their contract. For example, an attorney could join a provider in January as a full-time 1.0 MAC, but they would be expected to take only part of the 300 weighted misdemeanors in the remaining six months of the contracted fiscal year. Even if they reached their maximum caseload by the end of the fiscal year (150 misdemeanors), it would appear they had only fulfilled 50% of their contracted MAC.

Criminal Case Type	Annual Maximum per 1.0 FTE	Individual Case Weight (out of 300)
Murder	6	50
Jessica Law	6	50
Ballot Measure 11	45	6.7
Major (A/B) Felony	138	2.2
Minor (C) Felony	165	1.8
Misdemeanors	300	1
Probation Violation	825	0.36
Civil Commitments	230	1.3

To correct this, OPDC has begun to report prorated MAC; this is the actual MAC an individual attorney can take on, dependent on the start date of their contract. Prorated MAC provides a more accurate data point to compare against reported MAC or the number of cases providers have reported taking. Using the prorated MAC and the reported MAC, OPDC can determine the MAC utilization rate.

Criminal MAC Utilization			
OPDC Contract Data July 2023 - August 2024			
ENTITY	Reported MAC	Prorated MAC	Utilization
Consortium	185.8	194.4	95.6%
Firm	48.9	49.5	98.9%
PD	153.0	179.4	85.3%
Sole Proprietorship	5.4	5.8	92.7%
<b>Total</b>	<b>393.2</b>	<b>429.0</b>	<b>91.7%</b>

OPDC program analyst reviewed criminal MAC utilization in April and identified any providers under 85%. They then met with those contract administrators from late April to early June to discuss caseloads and reported MAC utilization. Of the 29 providers below 85%, six were for ethical reasons, mainly due to taking on complex murder cases, six are currently in discussion about how to increase caseloads, five had reporting errors that were artificially reducing their utilization rates, and corrections are being made, four have specialty contracts that are meeting expectations, three have recent staffing issues including medical leave which should resolve soon, three are still pending review, and two are having amendments made to reduce MAC so it can be reallocated to providers who can take more cases.



It is essential to note that while the introduction of MAC was a fiscally conservative solution and an important first step to ending the pay-per-case model, it has many shortcomings. The MAC standard only regulates the annual number of cases a lawyer may accept. It does not account for the number of hours needed for each case. Further, the standard itself is based on caseload models of the 1970s and, therefore, does not reflect the current complexities of public defense work. In short, it does not accurately utilize the attorneys available, does not ensure quality representation, and impedes new attorney recruitment.

<b>Criminal Utilization July 2023 - August 2024</b>	
<b>Contract County</b>	<b>Utilization Rate</b>
Baker	57.2%
Baker, Union	55.8%
Benton	88.2%
Clackamas	107.3%
Clatsop	107.1%
Clatsop, Columbia	78.5%
Columbia	83.0%
Coos	125.6%
Crook, Jefferson	90.2%
Curry	99.1%
Deschutes	100.2%
Douglas	89.5%
Gilliam, Hood River, Sherman, Wasco, Wheeler	107.2%
Grant, Harney	82.1%
Jackson	94.0%
Josephine	75.2%
Klamath	120.4%
Klamath, Lake	134.8%
Lake	97.9%
Lane	81.6%
Lincoln	102.1%
Linn	98.9%
Malheur	68.4%
Marion	74.8%
Morrow, Umatilla	86.9%
Multnomah	88.0%
Polk	73.8%
Tillamook	95.5%
Umatilla	96.9%
Union, Wallowa	98.0%
Washington	100.8%
Yamhill	98.4%
<b>Total Average</b>	<b>91.70%</b>

## FINANCIAL FORECASTS

<i>Month Ending May 31, 2024</i>	LAB	Forecast	Variance
Administrative Services Division	26,598,620	22,093,540	(4,505,080)
Adult Trial Division	290,008,379	281,000,531	(9,007,848)
Appellate Division	26,424,696	25,723,143	(701,553)
Compliance, Audit, and Performance Division	7,069,293	6,870,795	(198,498)
Court Mandated Expenses	80,282,573	77,318,572	(2,964,001)
Executive Division	4,647,432	4,226,732	(420,700)
Juvenile Trial Division	51,227,439	52,363,617	1,136,178
Preauthorized Expenses	58,617,686	52,205,446	(6,412,240)
Parent-Child Representation Program	56,634,287	56,013,078	(621,209)
Special Programs, Contracts, and Distributions	12,438,908	11,884,895	(554,013)
<b>TOTAL FUNDS</b>	<b>613,949,313</b>	<b>589,700,349</b>	<b>(24,248,964)</b>

## PROCUREMENT – PROVIDER CONTRACTS

OPDC’s contracting is aligned with the biennial budget. Provider contracts are two years, from July 1, 2023, to June 30, 2025. Costs and maximum attorney caseloads (MAC) are prorated when attorneys change their MAC, join, or start a contract mid-cycle. MAC totals can fluctuate throughout a contract cycle as providers enter and exit contracts. MAC for a contract can be increased when a contractor identifies an attorney qualified to handle public defense cases and requests that OPDC authorize and fund that attorney to provide public defense services. MAC increases are only permitted when funded MAC is available.

When an attorney leaves a contract, the contractor retains the funding for that attorney for a short period to find a replacement. If replacement is not located, the MAC and associated funding are reallocated to providers who can fill that capacity. It should also be noted that when an attorney leaves a contract, OPDC works with that attorney to manage the disposition of the remainder of their open caseload and will fund those cases for which the attorney continues to provide representation at an hourly rate.

Below are the MAC totals used to determine the rebalance approved by the Legislature during the 2024 session. These are the contracted totals as of 12/31/24. This provides a starting place for comparison purposes. It then shows the MAC/FTE changes under the quarterly amendments made in September 2024 and the shift from the original MAC/FTE numbers as numbers and percentages.

### Adult Trial

Type	Level	MAC/FTE (as of 12.31.2023)	2024 Session Adopted	Amendments as of 9/30/24	Variance between 2024 Leg Adopted and Contracted as of 9/30/24	Percent Variance
<b>Adult Trial Division</b>						
Misdemeanor	Attorney 1 (Misdemeanor)	88.23	13.4	70.7	-30.93	-30.43%
Minor Felony	Attorney 2 (Minor Felony, Civil Commitment)	97.42	0	90.89	-6.53	-6.70%
Major Felony	Attorney 3 (Major Felony)	153.33	10	160.4	-2.93	-1.79%
Murder	Attorney 4 (Capital Murder, Murder)	115.87	0	120.35	7.13	6.15%
	Total	454.85	23.4	442.34	-35.91	-7.51%
<b>Adult Trial Division - Statewide Contracts</b>						

Post Conviction Relief/Habeas Corpus	Attorney 4	16.15	0	16.15	0	0.00%
Post Conviction Relief appeals	Attorney 4	4.65	0	4.65	0	0.00%
Civil commitment appeals	Attorney 4	2.5	0	2.5	0	0.00%
Civil commitment appeals- PSRB, Padilla Referral contract	Attorney 3	2.49	0	3.19	0.7	28.11%
PSRB requiring supervision	Attorney 2	1.6	0	0.9	-0.7	-43.75%
Murder	Attorney 4	14.79	0	13	-1.79	-12.10%
	<b>Total</b>	<b>42.18</b>	<b>0</b>	<b>40.39</b>	<b>-1.79</b>	<b>-4.24%</b>
<b>Adult Trial Division - Supervision FTE</b>						
	Supervisor-1	0	0	0	0	NA
	Supervisor-2	0.64	0	0.57	-0.07	-10.94%
	Supervisor-3	1.85	0	1.71	-0.14	-7.57%
	Supervisor-4	17.04	0	18.11	1.07	6.28%
	<b>Total</b>	<b>19.53</b>	<b>0</b>	<b>20.39</b>	<b>0.86</b>	<b>4.40%</b>
<b>Adult Trial Division - Investigation FTE</b>						
	Investigator	57.18	0	51.59	-5.59	-9.78%
	<b>Total</b>	<b>57.18</b>	<b>0</b>	<b>51.59</b>	<b>-5.59</b>	<b>-9.78%</b>
<b>Adult Trial Total (Contracts, Statewide, &amp; FTE)</b>						
		<b>573.74</b>	<b>23.4</b>	<b>554.71</b>	<b>-42.43</b>	<b>-7.11%</b>

### Juvenile Trial

Type	Level	MAC/FTE (as of 12.31.2023)	Amendments as of 9/30/24	Variance between 2024 Leg Adopted and Contracted as of 9/30/24	Percent Variance
<b>Juvenile Trial Division</b>					
	Misdemeanor	0	0.1	0.1	0.00%



Minor Felony	Attorney 2 (Delinquency)	5.57	1.27	-4.3	-77.20%
Major Felony	Attorney 3 (Dependency, Dependency & Delinquency)	78.3	81.23	2.9	3.74%
Murder	Attorney 4 (Murder)	11.29	10.96	-0.3	-2.92%
Total		95.16	93.56	-1.6	-1.68%
<b>Juvenile Trial Division - Statewide Contracts</b>					
Juvenile appeals	Attorney 4	2.8	2.8	0.0	0.00%
Murder	Attorney 4	0.6	0.66	0.1	10.00%
Total		3.4	3.46	0.1	1.76%
<b>Juvenile Trial Division -Supervision FTE</b>					
	Supervisor-1	0			
	Supervisor-2	0			
	Supervisor-3	0.43	0.43	0.0	0.00%
	Supervisor-4	0.77	0.77	0.0	0.00%
Total		1.2	1.2	0.0	0.00%
<b>Juvenile Trial Division - Investigation FTE</b>					
	Investigator	2.42	2.42	0.0	0.00%
Total		2.42	2.42	0.0	0.00%
<b>Juvenile Trial Total (Contracts, Statewide, &amp; FTE)</b>		<b>102.18</b>	<b>102.51</b>	<b>0.3</b>	<b>0.32%</b>

**Parent-Child Representation**

Type	Level	MAC/FTE (as of 12.31.2023)	Amendments as of 9/30/24	Variance between 2024 Leg Adopted and Contracted as of 9/30/24	Percent Variance

<b>Parent-Child Representation Program</b>					
Juvenile Delinquency	PCR attorney	0.85	0.15	-0.7	-82.35%
Dependency	PCR attorney	11.15	12	0.85	7.62%
Termination of Parental Rights	PCR attorney	72.03	71.6	-0.43	-0.60%
Non-practicing Administration	PCR attorney	0	0	0	NA
Supervisor		2.77	2.45	-0.32	-11.55%
Investigator		3.75	3.54	-0.21	-5.60%
	<b>Total</b>	<b>90.55</b>	<b>88.87</b>	<b>-1.68</b>	<b>-1.86%</b>
<b>PCR Hourly Providers</b>					
Contract Case Manager		6.8	6.47	-0.33	-4.85%
Independent Case Manager		17.8	19.3	1.5	8.43%
Case Manager Administrator	Level 1 Administrator	1	1	0	0.00%
Senior Case Manager Administrator	Level 2 Administrator	1	1	0	0.00%
*1 FTE = 1920 hours/year	<b>Total</b>	<b>26.6</b>	<b>27.77</b>	<b>1.17</b>	<b>4.40%</b>
<b>PCR Total (Contracts &amp; Hourly FTE)</b>	<b>Total</b>	<b>117.15</b>	<b>116.64</b>	<b>-0.51</b>	<b>-0.44%</b>

## REMEDIATION PLAN

### UNIFIED COMMISSION AND AGENCY

**Issue:** Cultivate a unified relationship between the Commission and the agency with clearly defined roles and authority.

**Objective:** Ensure the agency and commission are acting as one.

**Status Update: OPDC has completed its remediation work on this issue.**

- **Director/Commissioner Meetings:** The Executive Director meets regularly with Commission members and weekly with the Commission Chair and Vice Chair.
- **Commission Administrator:** OPDC has hired a Commission Administrator to help facilitate ongoing communication between Commissioners and commission staff.
- **Subcommittee on Governance:** In January 2024, the Commission created a subcommittee on governance to ensure that the Commission's governance structures are continually refined and aligned with the agency's mission and goals. The subcommittee meets monthly. The commission has approved the bylaws recommended by the subcommittee and created a legislative subcommittee.
- **Commissioner Onboarding:** New Commissioners participated in onboarding training in December 2023 to ensure that new commissioners are well-prepared and equipped with the knowledge needed to fulfill their roles effectively.
- **Communicating Commission Actions to Agency Staff:** Commission actions are summarized in a post-commission meeting newsletter and communicated to the management team to ensure that staff are aligned with the Commission's decisions.
- **Providing Commission Materials in Advance:** Commission materials are provided at least a week before Commission meetings.
- **Establishing and Communicating Timelines:** In January, a commission meeting schedule was established with an outline of topics on each month's agenda. When possible, the material is brought to the Commission for review and discussion a month before the Commission votes.

**Next Steps:** Continue OPDC's commitment to a unified agency and Commission. Monitor this process for problems and make corrections as needed. Continuously improve the Commission/agency relationship.

## COMMISSION OVERSIGHT

**Issue:** Commission oversight in addressing issues within the public defense system.

**Objective:** Have the Commission exercise oversight on the issues and overall functioning of the public defense system.

**Status Update:**

- **Strengthen relationships:** Commissioners, notably the Chair, are working to build relationships outside of OPDC to demonstrate their leadership and involvement. They have attended Legislative Days, participated in Legislative and other stakeholder meetings, and joined the Executive Director at various events and meetings.
- **Establish Specialized Subcommittees:** The Commission established a Governance subcommittee in January and also has a Legislative subcommittee. These subcommittees can conduct in-depth reviews, gather expert input, and present findings to the full Commission for informed decision-making.
- **Implement Regular Reporting Mechanisms:** Agency leadership regularly submits reports on key topics, challenges faced, and innovations implemented. Standing reports at the Commission included unrepresented persons, budget, legislative, FCMS, and a general Director's Report. Commissioners can use these reports to identify systemic issues, track progress, and make data-informed decisions.
- **Update Bylaws:** The Commission has adopted bylaws. The bylaws' key focus is establishing the Commission's precise role in agency oversight. The approved bylaws provide additional guidance on the Commission members' roles. The Commission has relied upon the mandates of ORS Chapter 151 in assigning roles. It has also relied on the best practices of other boards and commissions to provide additional guidance.

**Next Steps:**

- **Engage in Regular Site Visits:** OPDC is scheduling regular site visits to public defense offices and local courts. It will engage with defense providers, attorneys, courts, and support staff to gain firsthand insights into the public defense system's challenges and successes. These visits will provide commissioners with a practical understanding of how policies and decisions impact the daily operations of public defense services. The first visit will be to Jackson County at the end of October.
- **Service Delivery Model:** While not a remediation plan issue, the Commission will be engaged with and provide oversight for building the service delivery model as directed by SB 337.

**Timeline:** Fall 2024: Begin site visits;

Fall 2024: Begin buildout of service delivery model.

2025: Continue site visits.

## DECISIVE LEADERSHIP

**Issue:** Demonstrate decisive leadership and decision-making.

**Objective:** Establish OPDC as the trusted subject matter expert on issues within public defense.

**Status Update:**

- **Be Proactive:** OPDC continues to be proactive by monitoring policies impacting the number of unrepresented persons and alerting partners of potential increases or taking action, like extending the Temporary Hourly Increase Program (THIP) to continue addressing the unrepresented numbers.
- **Process:** OPDC established a transparent process regarding the Betschart ruling, identifying priorities, establishing a process, and providing training to courts. This process has prevented the release of any top-priority cases under Betschart.
- **Create a Strategic Plan:** The agency is working with a contractor to develop a strategic plan as a roadmap for its future, ensuring decisions align with long-term goals and contribute to fulfilling the organization's mission. This work is expected to be completed in November.

**Next Steps:** The Commission will continue to rebuild trust as the public defense subject matter experts and take a more proactive role in the unrepresented persons crisis.

**Timeline:** Ongoing: Implement the unrepresented crisis plan and continuously monitor and update it.

Continue to monitor the unrepresented numbers and allocate existing resources as necessary.

Continue to improve the assignment coordination process.

Fall- Winter 2024: Finalize the strategic plan with the contractor.

## GAP ANALYSIS

**Issue:** Perform a gap analysis to assess where goals are being met and identify needs (i.e., positions/expertise, IT deficiencies, agency coordination).

**Objective:** Identify agency needs and opportunities for improvement.

**Status Update:** OPDC has completed its remediation work on this issue.

- Perform a Gap Analysis: OPDC conducted a gap analysis to identify needs and opportunities for improvement. This analysis informed requests for additional resources, such as procurement specialists, to bring to the Legislature. OPDC will continue to use this gap analysis process to develop requests in the future.

**Next Steps:** OPDC has used this gap analysis to inform its organizational alignment request to the September Emergency Board and package 60 changes. OPDC will also submit a policy option package (POP) to the 2025 Legislature requesting position authority for various administrative roles identified through this gap analysis.

**Timeline:** October-November 2024: Continue to work with DAS-CHRO and LFO on the organizational chart.

January 2024: Bring administrative positions POP to the Legislature.

Ongoing: Continue to perform Gap Analysis to identify gaps within OPDC.

## UPDATED GOVERNING STATUTES AND POLICY

**Issue:** Review and update as necessary statutes, policies, and procedures that govern the commission and agency.

**Objective:** Establish a routine review process so the Commission can ensure modern and appropriate governing statutes and policies.

**Status Update:** OPDC has made significant progress in the policy area. Several payment policies come before the Commission quarterly for review and updates, and communication about new or updated policies has improved substantially through newsletters, office hours, and OPDC's website. However, OPDC still needs to create or update additional policies and administrative rules, especially with the move to the Executive Branch.

Now that the Commission has adopted bylaws and established a Governance subcommittee, OPDC needs to formalize its process for reviewing all statutes, policies, and procedures, similar to what it has done for the payment policies.

**Next Steps:** Now that the Commission has adopted bylaws and established a Governance subcommittee, OPDC needs to formalize its process for reviewing all statutes, policies, and procedures, similar to what it has done for the payment policies.

- **Quarterly Reviews:** Create a small team of agency leadership, including the general counsel, government relations, and the deputy director, to review statutes, administrative rules, and policies and recommend updates. This is currently done on an ad hoc basis and should be formalized. These recommendations should be brought to the Commission's governance subcommittee.
- **Transparent Communication:** Solicit input from internal and external stakeholders during the review process. OPDC has done this for its payment policy changes and created workgroups for the account payable process and the non-attorney qualifications. Document any changes made during the review process. Communicate changes effectively to ensure understanding at all levels. Ensure 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.

**Timeline:** September-January 2025: Work with the Legislature on potential ORS Ch. 151 changes.

October-March 2025: Build communications process for creating workgroups for policy review.

October-January 2025: Review the website to increase transparency and useability.

October-May 2025: Formalize quarterly reviews with processes and procedures.

## STANDARD FINANCIAL PRACTICES

**Issue:** Adhere to standard budgeting, financial management, and accounting practices.

**Objective:** Ensure OPDC adheres to agency standardization on budgeting, financial, and accounting matters.

**Status Update:** The OPDC adheres to standard budgeting, financial management, and accounting practices. It follows the Oregon Accounting Manual as a guide, follows instructions from the State's Chief Financial Officer, and seeks advice from the Legislative Fiscal Office and Chief Financial Office.

- Review of policies and procedures: OPDC's payment policies are reviewed and updated quarterly. A workgroup of internal and external stakeholders is currently meeting to make recommendations on improving accounts payable procedures.
- Gold Star Award: OPDC continues to receive the Department of Administrative Services' Gold Star Award.

### Next Steps:

- Annual financial audit by Secretary of State: The SOS audits OPDC annually as part of the Oregon Annual Comprehensive Financial Report (ACFR) statewide audit. That audit for the work ending June 30, 2024, is underway. The ACFR is released in December. OPDC will thoroughly review audit findings and promptly implement corrective actions to strengthen the agency's financial integrity and enhance accountability.
- Regular Financial Training: Professional Development: OPDC HR is developing an employee development and training plan to enhance staff skills and engagement. Regular financial training for budgeting and financial management staff 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 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.

**Timeline:** December 2024: Review ACFR and implement any correct actions.

January 2025: Additional accounting staff requested through agency staffing POP.

2025: Work with DAS on potential executive branch training.



## STANDARD HUMAN RESOURCE PRACTICES

**Issue:** Adhere to hiring and human resource (HR) management professional standards, including competitive recruitments, up-to-date job descriptions, and performance reviews.

**Objective:** Ensure OPDC is adhering to agency standardization within human resource management.

### **Status Update:**

- **Review Current Policy:** OPDC HR has been updating current policies to better align with DAS CHRO policies and will continue implementing quarterly feedback check-ins in line with the Governor's expectations. They are reviewing and updating the Affirmative Action and DEI Plan and continuing to review and implement strategies to meet all the Governor's expectations. They have identified the need for an agency-wide class/comp study and pay analysis.
- **Open Recruitment:** OPDC uses fair and open recruitment processes, ensuring that all vacant positions are publicly advertised and promoting equal opportunities. Exceptions are documented with compelling reasons, maintaining transparency and mitigating potential biases in the hiring process. OPDC HR has developed and implemented a consistent candidate scoring methodology and is meeting the target goal of a 50-day average time to fill positions.

### **Next Steps:**

- **Organizational Chart:** While HR maintains an organizational chart showing hierarchical structures in Workday, they have also assisted in developing an organizational structure that reflects the agency's budgetary structure. This allowed OPDC to disentangle the procurement work from the policy analyst work. OPDC continues to work on this reorganization.
- **Job Descriptions:** HR is reviewing job descriptions by section, has completed several updates, and is updating others. They are also engaging a third-party contractor to complete an agency-wide class/comp study to ensure pay structures align with the work.
- **Performance Review:** OPDC HR has developed updated performance feedback standards and is sharing those standards with relevant stakeholders. Once adopted, these standards will be instituted in a robust performance review system that includes regular employee assessments. HR will 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.

**Timeline:** Now-December 2024: Review and update policies to align with the Executive Branch.

December 2023- March 2024: Review position descriptions to ensure they correctly align with class/comp standards.

Now-December 2024: Finalize Org Chart.

Jun 2024- December 2024: Develop employee onboarding process.

June 2024- December 2024: Develop/implement performance accountability feedback.

July 2024-October 2024: Employee satisfaction/ Employee Engagement plan.

July 2024-October 2024: Develop agency succession plan.

## STANDARD PROCUREMENT PRACTICES

**Issue:** Adhere to state government procurement practices, including competitive contracting processes.

**Objective:** Ensure conformity with state government procurement standards.

**Status Update:**

- **Procurement Staffing:** The September Emergency Board allocated positions to OPDC to allow the agency to hire procurement analysts. These positions are in recruitment, some of which have had offers made. These will be procurement specialists focused on contracting using standard procurement practices.
- **Adhere to State Regulations:** OPDC works with DAS and DOJ to ensure that new contracts meet Executive Branch laws and rules.

**Next Steps:**

- **Implement Clear Procurement Policies:** OPDC will adopt state procurement policies within the agency. These policies should outline the procedures for competitive contracting, specify thresholds for different procurement methods, and ensure that all procurement staff are familiar with and adhere to them.
- **Provide Regular Training:** OPDC recognizes the need to develop a procurement team with DAS-required training before transitioning to the Executive branch. With procurement staff slated to be hired by the end of October, training will need to happen quickly. Ongoing training will be essential to the procurement team in the future.
- **Regularly Review and Update Procurement Practices:** OPDC will Conduct periodic reviews of procurement practices to ensure they align with evolving state government standards. It will also 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.

**Timeline:** April 2024-July 2025: Work with DOJ to develop 25-27 provider contracts.

April 2023-December 2024: Update and write policies to align with the Executive Branch and state procurement law.

June 2024: Coordinate with the State Procurement Office to align OPDC procurement standards with DAS standards, recommendations, and state procurement law.

October-December 2024: Hire and onboard the new procurement positions requested at the September 2024 Emergency Board and provide appropriate training to align with state procurement law.

January-May 2025: Continue to provide training and implement standard procurement procedures per state procurement law and Executive Branch expectations. Begin to provide agency training on agency minimal expectations.

## IMPROVED AGENCY CULTURE

**Issue:** Improve agency culture and morale to become an employer of choice.

**Objective:** Improve employee morale and become an employer of choice.

**Status Update:**

- **Internal Communications:** OPDC has started an internal monthly newsletter for staff and a newsletter summarizing Commission meetings. It also has bi-monthly manager meetings to ensure that communications are shared throughout the agency.
- **Manager Training:** OPDC's management team is participating in Ascent Leadership training, which focuses on communication, conflict resolution, and change management.

**Next Steps:**

- **Employee Surveys:** OPDC will send an employee satisfaction/engagement survey to establish a baseline of employee satisfaction.
- **Create a Strategic Plan:** The agency is working with a contractor to 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. This work is expected to be completed in November.
- **Professional Development:** OPDC HR is developing an employee development and training plan to enhance staff skills and engagement.

**Timeline:** July 2024-December 2024: Employee satisfaction/ Employee Engagement plan.

October 2024: Employee survey released.

November 2024- December 2024 – Analyze survey results.

## EFFICIENT AND EFFECTIVE PROGRAMMING

**Issue:** Ensure programs and activities are coordinated and operate efficiently and effectively.

**Objective:** Improve communication and coordination among agency divisions and staff to ensure efficient and effective programs and activities.

**Status Update:**

- **Enhance Communications:** OPDC uses SharePoint as a centralized communication platform to enhance collaboration and information sharing among agency divisions. OPDC hired a communications specialist to increase agency communication both internally and externally.
- **Cross-Divisional Training:** OPDC has broken down silos within the agency by promoting cross-divisional work and training. The Trial Support Team, Data, and Government Relations have coordinated on the unrepresented in-custody list, specifically for cases potentially subject to the *Betschart* ruling, and multiple divisions worked on the Unrepresented Crisis Plan that was submitted to the Governor with the initiatives within the plan working together to maximize effectiveness in resolving the crisis.
- **Project Management Tools:** OPDC has implemented project management tools, including using a project management spreadsheet for tracking progress for the executive move, daily scrum meetings for Betschart cases, Asana, and process mapping for accounts payable and the assignment of counsel process.

**Next Steps:**

- **Create a Strategic Plan:** The agency is working with a contractor to 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. This work is expected to be completed in November.
- **Job Descriptions:** HR is reviewing job descriptions by section, has completed several updates, and is updating others. They are also engaging a third-party contractor to complete an agency-wide class/comp study to ensure pay structures align with the work being done.
- **Administrative Controls:** OPDC has established administrative control systems by standardizing processes and procedures in financial management, human resources, and data management. Other agency areas continue to develop standard processes and procedures and are working to formalize their administrative controls.

**Timeline:** Fall-Winter 2024: Finalize the strategic plan with the contractor.

December 2023-March 2024: Review position descriptions to ensure they correctly align with class/comp standards.

Ongoing: Establish administrative controls throughout the agency.

## IMPLEMENT FCMS

**Issue:** Procure and implement a financial case management system (FCMS) that will allow for more efficient financial processing and the collection of statewide data relating to caseloads and case-related activities.

**Objective:** Create an integrated FCMS that improves data collection and analysis and allows for compelling case and financial management.

**Status Update:** OPDC proposes an integrated financial and case management system (FCMS) to enhance efficiency and accountability in Oregon's public defense services, specifically in timekeeping, case management, and financial processes. Overall Project status is Yellow for September, with multiple tracks of work running on the critical path in the Microsoft Project Schedule (WBS).

- Procure System: OPDC is nearing the end of Stage Gate 2, with all artifacts completed and awaiting final approval for Stage Gate review. OPDC aims to have Stage Gate Approval by 10/15, allowing the RFP to be posted on 10/16.
  - **Budget Update:** OPDC has applied for FCMS Financing Suggestion (Article XI-Q Bonding) that included having DAS create cost of issuance and debt service estimates for bond funds for \$13,769,781 for 2025-27 project costs. OPDC is having DAS review our bond fund application and is awaiting approval as of 9/10. OPDC has also solidified the FCMS budget that has gone through Stage Gate 2 review with EIS for \$14,139,781. Policy Option Package (POP-101) also aligns with the budget for FCMS.
  - **Scope Update:** OPDC is aligned on Scope with 18 artifacts submitted for Stage Gate 2 review and approval as of August 1<sup>st</sup>, 2024. OPDC has also been closely aligned with iQMS reviews for governance, oversight, and risk management with another dozen artifacts, including iQMS deliverables, risk reports, Stage Gate Artifact reviews, and regular input on the significant project status health of FCMS. The RFP also passed a legal sufficiency review and will be ready to post after Stage Gate 2 approval. We are working closely with EIS for Stage Gate oversight. Risk management and governance are also aligned, and risks that impact scope are tracked and mitigated closely.
  - **Schedule Update:** OPDC has made significant strides in the FCMS project and is on track to deliver on several key milestones below. OPDC also uses Microsoft Project Schedule to track project deliverables, critical path items, and weekly reports on scheduled activities. OPDC has started its Change Management track of work with Moss Adams and is waiting for Stage Gate 2 approval.

### Next Steps:

- Training: After a system is procured, OPDC will ensure staff and provider users are trained on the new financial and case management system to maximize its benefits. Implementing a new system is only effective if the users are proficient. Develop a comprehensive training program covering all aspects of the FCMS, tailoring content to different roles within the agency and outside users. Continuous training and support mechanisms will empower staff to maximize the new system's benefits, improving overall efficiency.
- Feedback: After a system is procured, OPDC will establish a user feedback mechanism to improve and address any system-related issues continuously. 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 FCMS. Regularly analyze this feedback to identify areas for improvement or promptly address any system-related issues, ensuring that the FCMS evolves to meet OPDC's dynamic needs.

### Timeline:

#### Critical Path Scheduled Tasks

- Stage Gate 2 Artifacts Approved – October 7, 2024
- Stage Gate 2 Approval Memorandum – October 14, 2024

- Publish RFP October 16, 2024
- Deadline for Questions, November 15, 2024
- RFP Addendum answering questions published November 26, 2024
- The RFP Protest period ends December 3, 2024
- Proposals due deadline, December 20, 2024
- Round 1 Evaluation complete, January 22, 2025
- Round 2 Evaluations complete, February 24, 2025
- Notice of Intent to Award published March 5, 2025
- Protest period ends March 12, 2025

## DATA-INFORMED DECISION-MAKING

**Issue:** Use data related to forecasting, procurement, budgeting, quality control, and performance management in a manner that allows quantitative decision-making.

**Objective:** Engage in a rigorous quantitative decision-making process for activities related to forecasting, procurement, budgeting, quality control, and performance management.

**Status Update:** OPDC has completed its remediation work on this issue.

- **Data Integration:** OPDC incorporates data insights to inform strategic decisions, ensuring that quantitative analysis becomes foundational in shaping the agency's direction. OPDC is implementing data-informed decision-making in various ways:
  - Data was used to predict the impacts the various interventions would have on the unrepresented list in the Unrepresented Crisis Plan submitted to the Governor;
  - Data is used in the assignment of counsel to in-custody and *Betschart* cases; staff can see where cases are growing;
  - Data was used to determine the allocation of attorneys under HB 4002 (2024);
  - Data was used in developing OPDC POPs and Emergency Board requests, specifically for projecting Temporary Hourly Increase Program (THIP) cases to determine how long it will take them to close and when OPDC can expect billing to come in.
  - Data was used to select the vendors who participated in the Accounts Payable workgroup.
- **Staff Training:** OPDC has invested in its data team by providing staff with training to enhance their skills. The data team has completed two months of PowerBi and SQL server training to utilize the data to create and improve agency dashboards.
- **Data Governance:** Robust data governance policies are essential for maintaining agency data's integrity, security, and compliance. OPDC's is also improving data collection, integrity, and utilization so OPDC will be better situated to make data-informed decisions now and in the future:
  - All OPDC data related to forecasting, procurement, budgeting, quality control, and performance management is obtained by formal request to the data team;
  - The Data and Research Team has created internal dashboards to assist with the continued need for data requests and to address areas of concern in our data collection;
  - Ongoing cross-sectional work with the Trial Support and Development Team, Program Analysts, and Data and Research team to address areas of attention in caseload reporting data and continued training on utilization of internal dashboards;
  - Continue with a contract for consultation with data elements using Power BI;
  - OPDC executed an expanded data share/data warehouse agreement with OJD;
  - OPDC and OSCA data teams meet weekly to work on the data warehouse, further understanding the data to be shared between both agencies.
  - The Data and Research team is working with Accounts Payable and the Pre-Authorized Expense team to create internal dashboards to monitor agency expenditures, track processing times, address inconsistencies in invoices received, and address the most common errors.
  - The Data and Research team is working with the Trial Division with workload reporting with Clio, creating internal dashboards for case assignments, and ensuring data integrity.
- **Data-Driven Culture:** OPDC has wholly changed how it uses data in decision-making. OPDC has integrated data into its planning and decision-making processes, including budget decisions, resource allocations, and programmatic work. While becoming a data-driven agency will continue to be an ongoing process, OPDC believes it has implemented a data-driven culture.

**Next Steps:** Continue to foster a data-driven culture and improve data collection and usage going forward.

**Timeline:** Ongoing.

## ACCURATE AND TIMELY VENDOR PAYMENTS

**Issue:** Vendor payments must be accurate and timely to meet state standards.

**Objective:** Ensure conformity with the state government's timely payment policy.

**Status Update:**

- **Regularly Review and Update Payment Procedures:** Payment policies are reviewed quarterly. OPDC has also conducted process mapping to identify bottlenecks or inefficiencies in the payment procedures.
- **Improved Payment times:** Payment, audit, and review practices were changed to meet the Commission's instructions to get the payment times under the 30-day goal. The agency has achieved this expectation
- **Enhance Communication with Providers:** OPDC publishes a weekly email with accounts payable processing times to enhance communication with providers. A workgroup of internal and external stakeholders is currently meeting to make recommendations on improving accounts payable procedures.

**Next Steps:**

- **Staff Training:** OPDC HR is developing an employee development and training plan to enhance staff skills and engagement. Professional development for accounts payable staff needs to include training on the latest payment regulations, standards, technologies, and well-being. Staff regularly review sensitive subject matter related to preauthorized expense requests. OPDC will need to focus attention on the physical and psychological safety of staff. Invest in awareness training and understand the effects of secondhand trauma.

**Timeline:** Ongoing: Continue to work on decreasing the time to payment for Accounts Payable.



## STRATEGIC PLAN

**Issue:** Develop and adopt a mission-driven strategic plan centering on improved oversight and management of public defense in Oregon. The plan will focus on persons eligible for public defense services.

**Objective:** Establish a strategic plan for the Commission to base decision-making and planning.

### **Status Update:**

- **Consultant:** OPDC hired a consultant to support the agency and commission in developing a strategic plan.
- **Clarify Mission, Vision, and Values:** The consultant has collaborated with the commission, staff, and stakeholders to clarify the agency's mission, vision, and values. Ensure these foundational elements align with the commitment to constitutionally competent and effective legal representation. Articulate a clear and inspiring vision for the future.
- **Engage Stakeholders:** Foster collaboration and engagement with a diverse range of stakeholders, including public defenders, legal professionals, community organizations, and individuals who have received public defense services. Collect input on the strengths, weaknesses, opportunities, and threats related to public defense.
- **Establish Strategic Goals and Objectives:** Based on the identified priorities and challenges, establish strategic goals and objectives that align with the mission. These goals should be specific, measurable, achievable, relevant, and time-bound (SMART) to provide a clear roadmap for the agency.
- **Prioritize Diversity, Equity, and Inclusion (DEI):** Integrate principles of diversity, equity, and inclusion into the strategic plan. Ensure the agency's commitment to DEI reflects the mission statement and strategic goals. This involves considering the unique needs and experiences of individuals eligible for public defense services.
- **Align with Legal and Regulatory Frameworks:** Ensure alignment with existing legal and regulatory frameworks. Review relevant statutes, policies, and procedures to ensure the strategic plan complies with legal requirements while advancing the agency's mission.

### **Next Steps:**

- **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.
- **Establish Implementation Timelines:** A draft implementation and reporting plan will be developed alongside the strategic plan to keep critical partners informed. Develop a timeline for implementing 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.

**Timeline:** September-October 2024: Document strategic plan.

November 2024: Launch strategic plan.

## INTERNAL QUALITY CONTROL AND AUDITS

**Issue:** Develop processes for internal quality control reviews and auditing capabilities.

**Objective:** Conduct rigorous internal quality control assessments based on meaningful performance measures.

**Status Update:**

- **Establish a Quality Control Framework:** The Audit Committee met on April 1, 2024, and approved the three-year audit plan and the strategic goals and objectives for the internal audit.
- **Regular Internal Audits:** The completed audits have been provided to the audit committee and the agency's executive leadership, and executive summaries have been distributed to OPDC's commissioners. The internal auditor recently attended an agency-wide manager meeting to brief the management team on the audit plan, and the internal auditor has standing meetings with the executive director to brief her on audit functions. The following two internal audits identified in the audit plan will examine preauthorized expenses and data migration.
- **Documented Processes:** The goals and objectives are defined across four operational perspectives, similar to a balanced scorecard approach, to ensure a broad organizational reach. Apart from the goals and objectives, the three-year audit plan remains relevant through completing annual risk assessments, monthly meetings with management (and applicable stakeholders), trade group training, peer agency discussion forums, regional and national news publications, and insights gained from ongoing audit activity. When new risks are identified, Internal Audit will collaborate with OPDC management and the Audit Committee to ensure oversight of the identified internal risks and potentially reprioritize future audits to support agency needs.
- **Staff Training:** OPDC's outgoing auditor trained a new internal auditor through a SPOTs Card audit.
- **Clear Reporting Structure:** OPDC's commissioners are working with OPDC's Audit Committee and chief internal auditor to adopt a new charter that includes best practices for internal audit and makes clear roles and responsibilities and reporting structure for the audit committee and internal auditor. OPDC has undertaken this work in its governance subcommittee, which holds public meetings to work on governance issues such as bylaws, audits, and procedures for performance reviews for the executive director. The subcommittee will present the proposed Audit Committee charter to the full commission in Fall 2024.

**Next Steps:**

- **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.

**Timeline:** December 2024: quarterly audit committee meeting.

## DEVELOP INTERNAL DATA ANALYTICS

**Issue:** Implement internal data analytics capability beyond reporting to include research and complex data analysis.

**Objective:** Create a data collection program that includes reporting, research, and complex data analysis.

### Status Update:

- Collaborative Partnerships: OPDC has signed a data share agreement with OJD and has weekly meetings with OJD's data team to bring in specialized knowledge and resources. New Tools available to OPDC based on OJD Data Sharing:
  - *OPDS Unrepresented*: OJD's Unrepresented dashboard (and underlying data tables), made available to OPDC internally, allows for edits to the dashboard in ways that best support our daily business processes and needs. This also enables OPDC analysts to analyze Unrepresented data and trends in new and potentially valuable ways.
  - *Active CAA Caseloads*: OJD's Court Appointed Attorney Caseloads dashboard (and underlying data tables), made available to OPDC internally, allows new opportunities for future research with Court Appointed Odyssey data.
  - *SB 337 Statewide*: OJD's SB 337 dashboard (and underlying data tables), made available to OPDC internally, allows new research opportunities relevant to counties identified in SB 337 Crisis Team planning.
- Continuous Training Programs: OPDC has invested in its data team by providing staff with training to enhance their skills. The data team has completed two months of PowerBi and SQL server training to utilize the data to create and improve agency dashboards.
- Data Quality Assurance Measures: OPDC has instituted data governance policies for maintaining agency data's integrity, security, and compliance. All OPDC data related to forecasting, procurement, budgeting, quality control, and performance management is obtained by formal request to the data team
- User-Friendly Interfaces: The OPDC Data and Research team has developed multiple dashboards for better data collection, visualization, and reporting. These include:
  - *OPDC Hourly Agreements*: Used to summarize Hourly attorney caseloads, summarize and project THIP spending, and aid attorney assignment process on Unrepresented Cases.
  - *OPDC Trial Division*: This section summarizes real-time caseload data on OPDC Trial Division attorneys working directly for the state to measure attorney capacity and aid the attorney assignment process.
  - *Caseload Reporting* Monitors the contractor's reported caseload and assesses capacity. It is often shared with providers to inform their practices.
  - *Contracts*: Contracted values, including FTE for attorneys, supervisors, and investigators, and contracted qualification levels. Quality control work has begun on this dataset, increasing data integrity and collaboration access teams.
  - *PAE and AP (Accounts Payable)*: This is the central location for research, which can help understand agency finances and billing processes and identify opportunities.
  - *Attorneys*: This dashboard provides a roster of active public defense attorneys, including which counties they are willing to work in and their qualification levels.
- Data Governance Framework: Robust data governance policies are essential for maintaining agency data's integrity, security, and compliance. OPDC is also improving data collection, integrity, and utilization, so OPDC will be better situated to make data-informed decisions now and in the future.
- Scalable Infrastructure: OPDC's data team has built scalable infrastructure in preparation for a growing volume of data. They continuously improve OPDC's data collection and usage, including creating additional internal dashboards with the DAS forecasting information and the OJD and OPDC data. The data team is working with our accounts payable and pre-authorized expense teams to create internal dashboards to track expenditures, monitor invoice processing times, track invoice types with errors, and

monitor the time from PAE approval to submission of invoices for payment. As the data team continues to work with each of the sections to refine the data to ensure the information is captured and displayed in a way that is user-friendly and reflects the needs of each section

**Next Steps:**

- FCMS: OPDC is nearing the end of Stage Gate 2, with all artifacts completed and awaiting final approval for Stage Gate review. OPDC aims to have Stage Gate Approval by 10/15, allowing the RFP to be posted on 10/16.

**Timeline:** Ongoing: Continuous improvement of OPDC's data analytics.

Now-March 2024: Procure FCMS.

## DATA SECURITY AND INDEPENDENCE

**Issue:** Evaluate current data security and independence.

**Objective:** Ensure public defense data is secure and appropriately firewalled.

**Status Update:**

- **Collaboration with State IT Partners:** High-level discussions and planning are underway with Enterprise Information Services (EIS), Data Center Services (DCS), and Microsoft. Weekly status meetings include key stakeholders such as executive and IT leadership from OPDC, OJD, EIS, Legislative, and the Governor's Office. These meetings aim to communicate plans, progress, and risks. State Data Center tickets have been opened to engage Data Center Services (DCS) in all key areas of technology service transition, including LAN/WAN, Windows Server, and Microsoft 365.

**Next Steps:**

- **Data Governance Framework:** The September Emergency Board approved a Chief Data Officer position. This position will help OPDC establish a comprehensive data governance framework that standardizes data management practices and protocols. This framework should cover data classification, access controls, encryption standards, and regular reviews to ensure ongoing compliance and security.

**Timeline:** May 2024-Oct 2024: First round IT transition work (M365, web services, desktop and mobile support, Nintex, and triage).

June 2024-October 2024: State Data Center LAN/WAN Network Build-out.

October 2024-December 2024: M365 and Server Virtualization Environment Transitioned.

December 2024-January 2025: Second round IT transition work (based on 2nd gap analysis).

October 2024-January 2025: Testing/finalizing/transferring work between OJD and Executive.

January 2025-June 2025: Final testing/finalizing/transferring.

July 2025: IT contract with OJD ends; IT services provided by OPDC and DAS.

## IT STRUCTURE

**Issue:** Evaluate the current IT structure and identify needs.

**Objective:** Ensure OPDC's Information Technology Section can fully support the agency.

**Status Update:**

- **Gap Analysis:** OPDC conducted a gap analysis to identify needs and opportunities for improvement. This analysis informed requests for additional resources, such as procurement specialists, to bring to the Legislature. OPDC will continue to use this gap analysis process to develop requests in the future.
- **Collaboration with Other State Agencies:** High-level discussions and planning are underway with Enterprise Information Services (EIS), Data Center Services (DCS), and Microsoft. Bi-weekly status meetings include key stakeholders such as executive and IT leadership from OPDC, OJD, EIS, Legislative, and the Governor's Office. These meetings aim to communicate plans, progress, and risks.
- **Staff Training and Development:** Existing IT staff were trained to ensure they were well-equipped to handle the agency's evolving IT needs.

**Next Steps:**

- Perform a quarterly gap analysis.
- Continue to collaborate with other state agencies.
- Provide additional training and development to IT staff.

**Timeline:** May 2024-Oct 2024: First round IT transition work (M365, web services, desktop and mobile support, Nintex, and triage).

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## CAP: DEVELOP CAP PROGRAM

**Issue:** Develop a Compliance, Audit, and Performance program plan that can independently monitor, measure, and report on the quality of public defense being provided by OPDC.

**Objective:** Create a CAP division that provides the Commission and the executive director with honest analyses and assessments of the public defense system and agency operations.

**Status Update:**

- Develop CAP Plan: OPDC is working with LFO on an updated CAP Plan that will allow CAP to monitor, measure, and report on the quality of public defense provided by OPDC while redirecting non-CAP work to other sections of the agency. The procurement positions from the September Emergency Board represent an essential step toward this plan.

**Next Steps:** Finalize CAP Plan.

**Timeline:** Now-December 2024: Finalize CAP Plan.

## CAP: PERFORMANCE STANDARDS

**Issue:** Develop standards for public defense providers based on national best practices and consider meaningful representation quality and performance measurement.

**Objective:** Clear standards for public defense providers in Oregon.

**Status Update:**

- **Research and Benchmarking:** OPDC has researched best practices for public defense and is using national standards when developing performance standards.
- **Engage Stakeholders:** Resource Counsel has worked with public defense stakeholders to develop qualification and performance standards for all non-attorney core staff roles in Oregon’s public defense system for which OPDC provides funding. These performance standards will be presented to the Commission for adoption in the fall of 2024.
- **Define Clear Performance Metrics:** Proposed performance standards are clearly defined.
- **Flexibility for Varied Contexts:** Proposed performance standards allow flexibility for varied contexts and support roles.
- **Legal and Ethical Considerations:** The proposed performance standards align with the legal and ethical requirements of the individual professions represented in the standards.

**Next Steps:**

- Repeat this process for attorney qualification 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.

**Timeline:** Sept 2024-Apr 2025: Revise existing qualification standards and develop performance standards for attorneys working in public defense.

Sept 2024-Apr 2025: Metrics for evaluating the performance of individuals in these core roles and overall system functioning statewide and in each jurisdiction.

January-June 2025: Develop training standards and programs to support public defense providers in meeting qualification and performance standards applicable to their particular area(s) of practice.

Ongoing: Regularly review all qualification and performance standards, metrics systems, and structures to identify areas for improvement and update.



## CAP: AUDITS AND QUALITY CONTROL

**Issue:** Develop processes for external quality control reviews and auditing capabilities.

**Objective:** Conduct rigorous external quality control assessments based on meaningful performance measures.

**Status Update:** To implement quality control and expenditure audits, OPDC must first establish performance metrics. With metrics, CAP will know what to control or audit. The CAP division is not at this stage yet. Still, OPDC fully recognizes the importance of vendor compliance through quality control and expenditure audits of vendor contracts and agency expenses.

Current quality control work within the agency includes reviewing data accuracy within the databases, including attorney qualifications, caseload reports received, and data entry errors. Data and Research continues the monthly review of the attorney and contracts database for errors. These errors are shared with the program analysts and corrected in a timely manner. The error reports are also reviewed at the joint meetings between the data and the program analysts. Establish performance metrics within CAP. Establish audits and quality control measures for vendors.

### Next Steps:

- **Monitoring and Evaluation:** Implement a robust monitoring and evaluation system to assess providers' adherence to standards regularly. 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 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.

**Timeline:** January-June 2025

## CAP: COMPLIANCE MEASURES

**Issue:** Employ processes to enforce quality control measures and provide remediation to those below standards, including training and policy review.

**Objective:** Once performance standards are in place, CAP will ensure compliance with them and identify opportunities for improvement when they are not met.

### **Status Update:**

To implement compliance measures, OPDC must-have performance standards and quality control in place. However, OPDC is still working on providing compliance data regarding quantity control. OPDC is now monitoring provider MAC utilization, and program analysts can discuss with providers why they may not be reaching full MAC and if there are areas where OPDC can help to improve their efficiency.

The data and research team, working in partnership with the Program Analysts, have created internal dashboards to review the performance of each of our contractors/providers. The Program Analysts meet with each contractor/provider two to three times per year to review performance, share the data, and ensure the contractor/providers accurately report their caseload correctly through the monthly caseload reports. With continuous feedback on additional data that can be shared with contractors/providers, the Program Analysts work with the data and research team to enhance our internal dashboards as the data team works to create additional internal dashboards to assist the agency with performance and compliance measures – new internal dashboards: Pro-rated MAC, MAC utilization by contractor/provider, public-facing dashboard with results by county.

### **Next Steps:**

- **Objective Feedback Mechanism:** Establish an objective and constructive feedback mechanism to communicate assessment results to public defense providers. Provide detailed feedback on areas of improvement, emphasizing both strengths and weaknesses.
- **Remediation Plans:** Collaborate with providers and Trial Support & Development staff to develop tailored remediation plans for those falling below established standards. These plans should include specific action items, timelines, and resources required for improvement. Implement targeted training programs to address identified deficiencies. Offer continuous professional development opportunities, workshops, and resources to enhance the skills and knowledge of legal professionals within the public defense system.

**Timeline:** Now – June 2025

## ACCOUNTABILITY TO LEGISLATURE

**Issue:** Demonstrate accountability for taxpayer money by adhering to a legislatively approved budget and following legislative direction.

**Objective:** Rebuild legislative trust in the agency by adhering to legislative direction and budget authority.

**Status Update:**

- **Legislative Direction:** The Legislature passed SB 337 (2023), directing significant reforms to both the public defense delivery system and the administration and structure of the commission. OPDC 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 2024, all reports have been submitted on time.
- **Legislative Budget:** OPDC's actions and activities align with the legislatively adopted budget. The commission makes policy changes to respond to emergent situations that may need a budgetary course correction or response. If a need to deviate from the budget arises, it is presented to the Legislative Fiscal Office (LFO) and the Chief Financial Officer (CFO) for advice before requesting action from the legislature.
- **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 also creates more detailed and applicable policies and procedures to clarify and continuously improve accountability.

**Next Steps:**

- **Legislative Direction:** Continue to provide requested Legislative reports and continue the implementation of SB 337.
- **Legislative Budget:** OPDC continues to meet weekly with LFO.
- **Accountability:** OPDC is working to improve its accountability to the Legislature; this includes improving communications and ensuring timely and accurate responses.

**Timeline:** Ongoing.

## BUILD & REPAIR RELATIONSHIPS

**Issue:** Build and repair relationships and break down silos with public safety partners, stakeholders, and other state agencies.

**Objective:** Become a trusted partner on public defense matters.

- **Build & Repair Relationships:** In Progress. The OPDC has made efforts to build and repair relationships with public safety partners, stakeholders, and other state agencies. This included hiring a communications specialist, engaging in regular meetings with key partners, and reaching out to other agencies for support and advice.

### **Status Update:**

**Building Trust:** OPDC is working on building trust with the Legislature, providers, and public safety partners. Regular newsletters have improved communication, and the executive director and Commission members will be doing site visits beginning in October.

**Breaking Silos:** OPDC is working to break down silos between the agency and other public safety partners. This includes regular meetings between the Executive Director and OJD, building cross-agency relationships, including regular staff meetings between OJD and OPDC divisions, and requesting assistance and advice from other agencies when needed.

**Next Steps:** Continue and expand efforts to build trust and break silos. OPDC needs to establish a culture of openness.

**Timeline:** Ongoing

## ACCOUNTABLE COMPLAINT PROCESS

**Issue:** Create a standard, transparent, and accountable complaint process.

**Objective:** Ensure all complaints are treated in a standard and transparent way.

Establishing a standardized, transparent, and accountable complaint process has been a key area of focus for OPDC. While the agency has existing policies for handling certain types of complaints, such as those related to attorney performance or fee disputes, several shortcomings need to be addressed. OPDC is working to establish a centralized system where complaints can be organized, tracked, and addressed.

**Status Update:**

- **Standardized Policy and Process:** As part of its emphasis on improving governance, OPDC has been developing a process for complaints about the agency, distinct from its service providers. The Subcommittee on Governance has been developing an expanded complaints process in developing Commission bylaws. Section 6 of the Commission's Adopted Bylaws creates procedures regarding grievances, and it assigns various tasks to either Commission members or agency staff.

**Next Steps:**

- **Standardized Policy and Process:** Create a centralized intake portal where complaints can be organized, tracked, and addressed. 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.
- **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.

**Timeline:** Now-Spring 2025: Update attorney complaint policy and procedures.

## PREVIOUS REPORTS

### **Remediation Plan Outline:**

Submitted August 21, 2023

Heard September 28, 2023

[276904 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2023/276904)

### **Remediation Plan I:**

Submitted October 13, 2024

Heard November 7, 2024

[277546 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2024/277546)

### **Remediation Plan II:**

Submitted January 16, 2024

Heard February 8, 2024

[280579 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2024/280579)

### **Remediation Plan III:**

Submitted April 23, 2024

Heard March 29, 2024

[283972 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2024/283972)

### **Remediation Plan IV:**

Submitted August 26, 2024

Heard September 24, 2024

[285408 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2024/285408)