## Follow-up on Public Defense: Weak Governance Hinders Improvement

**The Department of Public Defense has made considerable progress on implementing the remaining aspects of its strategic management framework.** Over the past few years, department leadership has tested new organizational structures and case management strategies within the department. Through these processes, the Department of Public Defense (DPD) has learned that the structure best suited to meet departmental needs is a dynamic structure that is able to respond to variable caseload and case type demands. As a result, instead of pursuing a new, specifically defined, static organizational structure, department leadership has developed and implemented various mechanisms that would provide DPD with increased flexibility for staffing and organizational decisions. In tandem with these adjustments, department leadership have created or updated many of the organizational tools missing during the original audit, including case management standards, data monitoring capabilities, and time entry expectations.

**DPD has continued to work with its vendor to define the key data reporting requirements for the new case management system planned to go live in 2022.** Conversations with the vendor have indicated that the new system can track and provide notifications for key information related to departmental and individual performance, such as timely communication with clients, appropriate use of support staff services, time entry and case credit management, trial rates, and case outcomes. Furthermore, certain activities related to time entry and task monitoring can be automated, reducing the risk of inaccurate time entry and case monitoring resulting from human error.

Of the 13 audit recommendations:

| ✓ 9 DONE | ⋯ 4 PROGRESS | ! 0 OPEN |
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| **Fully implemented** Auditor will no longer monitor. | **Partially implemented** Auditor will continue to monitor. | **Remain unresolved** Auditor will continue to monitor. |

Please see details below for implementation status of each recommendation.

**King County**

## Recommendation 1       DONE ✓

## Recommendation 2   DONE ✓

**The Department of Public Defense should define, document, communicate, and implement a comprehensive strategy to complete the transition of the department's organizational elements into a unified county agency, and explain the steps and resources needed to do so.**

STATUS UPDATE: DPD indicated that it has made significant progress transitioning the department to a unified agency. DPD's progress on all the recommendations in this report has helped to provide DPD leaders and employees the resources and skills needed to support this transition and to meet departmental goals laid out in its strategic plan. Throughout the process of adjusting organizational elements, the Director's Office has worked with the Managing Attorneys of each of the divisions as well as representatives of each of the multiple practice areas to gather staff feedback, develop necessary changes to practice and policy, and subsequently communicate to staff the implementation of responsive changes. To actualize some elements of the transition, DPD has worked with PSB and County Council to obtain additional authority to add FTE when facing caseload surges, has increased its supervisory capacity, and has implemented other mechanisms to ensure the department possesses the flexibility needed to meet its needs.

IMPACT: DPD has acknowledged the ongoing process and demonstrated a commitment to continuous improvement. The steps indicated above, along with the progress detailed in the following recommendations, indicate that DPD is operating as a unified agency and has developed a change management strategy that will help the department ensure that it is responsive to its workload demands, its organizational goals, and is better positioned to provide consistent, high-quality representation for its clients.

## Recommendation 3       DONE ✓

## Recommendation 4   DONE ✓

**The Department of Public Defense should adjust the staffing model to include its formally adopted case management standards and to align with departmental goals and objectives.**

STATUS UPDATE: The original audit expressed concern that "previous time spent on case work" was an imperfect metric to gauge future caseload demand and subsequently the staffing needed to meet those demands. In the years since the original audit, DPD has continued to improve the reliability of its staffing model by refining its case credit policies, supplementing its case credit information with case filing information from across county agencies, and through regular conversations with department leadership regarding attorney case management and timekeeping practices. These conversations occur both within and across DPD's divisions. Looking forward, DPD has taken steps to begin using a new, iterative process which would gain feedback about the time and resource expectations for any given case type, which would then help inform case management trends, workload standards, and staffing needs on a recurring basis. These processes

will be greatly aided by improved data entry practices and a new case management system detailed in later recommendations.

IMPACT: Together, the actions above help department leadership to continually assess and refine case management standards and expectations, thereby bolstering DPD's ability to forecast and respond to caseload demands. DPD has acknowledged that this is a continual process that will be refined and improved through its implemented practices and ongoing conversations with PSB.

## Recommendation 5     DONE ✓

**The department should develop a plan to improve the accuracy and consistency of data entry across the divisions for data that informs the staffing model and mitigate reliance on poor quality data in managing department work.**

STATUS UPDATE: DPD has continued to improve data entry practices across the department and has bolstered the data it uses to inform its staffing model. Supervisors are expected to ensure that staff enter timekeeping information regularly, accurately, and in accordance with DPD's guidelines. Staff that do not enter time data according to the guidelines may receive coaching from supervisors on improved timekeeping, adjusted workloads to address any potential challenges, or in some cases may face discipline. The Director's Office and the division leadership subsequently review data to monitor for variations between divisions, units, and staff. To further ensure the accuracy of internally collected data, DPD also reviews data from external sources, such as the Prosecuting Attorney's Office, to confirm it has an accurate view of caseloads and staffing needs.

IMPACT: The actions taken by DPD help to create a strong foundation of data practices that, independent of the procurement of a new case management system, improves the accuracy and consistency of the data which informs staffing and other management decisions. DPD has stated that the increasingly standardized and management-reviewed data entry has dramatically increased its confidence in its internally collected data.

## Recommendation 6     DONE ✓

**The Department of Public Defense should develop and institute a comprehensive set of policies and procedures outlining employee expectations. This guidance should align with department goals and objectives.**

STATUS UPDATE: In our original audit, the audit team highlighted that a lack of policies and procedures presented a risk of unequal practice across the departmental divisions as well as a risk that supervisors would review and award credit for time worked inconsistently. Since the audit, DPD has developed practice guidelines for its criminal practice areas, its civil practice areas, as well as for its other job classes, thereby reinforcing department-wide expectations. Furthermore, DPD's newly created Time Entry Guidelines Policy details supervisors' role in monitoring and providing coaching and/or discipline on staffs' timekeeping practices, thereby helping to promote more uniform supervisory practices.

IMPACT: By developing policies and procedures for its varied job classes, DPD has taken a positive step toward establishing greater consistency across the department, in so doing helping to promote consistent, high-quality representation for its clients.

## Recommendation 7                                               DONE ⊘

**The Department of Public Defense should develop and document a training program, broadly communicate it to staff, and link it to performance measures. This program should align with department goals and objectives.**

STATUS UPDATE: DPD has developed an annual core skills training program that is supplemented by additional trainings throughout the year on topics informed by changes in law, staff interests, and changes in office policy or practice. DPD also offers practice-specific trainings and monthly caselaw roundtables to ensure staff are aware of new developments in the law. Recent trainings have included topics related to employee expectations and performance measurement. To help make sure that trainings are widely accessible to staff, recordings of the trainings are accessible online.

IMPACT: DPD continues to work with staff to identify appropriate training topics that are responsive to staffs' needs. By continuing to refine and communicate training opportunities, DPD will ensure that its staff are adequately equipped to meet departmental expectations and goals.

## Recommendation 8                                               PROGRESS ⋯

**The Department of Public Defense should implement objective performance measures and use these measures to regularly assess employees and the department as a whole relative to department goals and objectives.**

STATUS UPDATE: DPD has developed evaluation forms for its job classes which detail the information that will be used to assess staff performance. The development of evaluation forms for each of DPD's varied job classes represents a considerable body of work and a large step toward completing this recommendation. However, beyond the number of cases sent to outside counsel or conflict rate, it is not clear how DPD assesses the department's progress as a whole relative to the goals and objectives included in its strategic plan.

WHAT REMAINS: DPD should clarify which measures it uses to assess the department as a whole and its progress toward its goals and objectives. The departmental measures should align with the department's strategic plan and should have clear ties to the objective performance measures used to assess its employees.

## Recommendation 9                    On November 26, 2019  DONE ⊘

## Recommendation 10                                      PROGRESS ⋯

**The Department of Public Defense should work with King County Information Technology to make sure that the new case management system it procures allows for the Director's Office to access and review aggregated division performance data in real time. The system should be able to access data that aligns with department goals and objectives.**

STATUS UPDATE: Since the previous follow-up period, DPD, along with King County Information Technology (KCIT), have selected a vendor to further define the key functionalities of the new case management system, with the new system planned to go live in 2022. Ongoing conversations with the vendor indicate the system will allow the Director's Office and division leaders to review a range of data related to division and departmental activities, including time required for casework and other tasks, case outcomes, caseload constraints, and other items that help to inform staffing and policy decisions. Documents indicate the case management system will also facilitate the collection and monitoring of items used for employee performance evaluation and will assist staff in tracking and reporting key milestones while conducting their work.

WHAT REMAINS: DPD should continue working with KCIT and the case management system vendor to ensure that the new system will allow the Director's Office to track and report on key metrics that assess DPD's progress as a whole, relative to the goals and objectives included in its strategic plan. This recommendation can be marked "Done" when the new system is implemented and demonstrates these capabilities.

## Recommendation 11                                      PROGRESS ⋯

**The Department of Public Defense should develop and implement a plan to improve the accuracy and consistency of data entry across the divisions. Data that is part of this improvement plan should, at a minimum, include data relevant to selected performance measures.**

STATUS UPDATE: DPD has implemented a Time Entry Guidelines Policy which details staff expectations regarding timekeeping practices. The policy details the supervisors' role in monitoring staff time entry. The guidelines offer minimum time entry guidelines for each job class and also highlight items that may warrant further investigation by the supervisors. Finally, while not necessary in all cases, the policy states that time entry above or below the guidelines may be grounds for discipline. Looking ahead, conversations regarding the new case management system indicate that certain time entry and milestone monitoring tasks will be automated, thus reducing the risk of inaccurate time and case monitoring that result from human error.

WHAT REMAINS: While DPD has taken considerable steps to bolster the reliability of caseload and time data entered across the department, it should clarify to what extent it has also improved the accuracy and consistency of non-time data entered across the divisions, especially for any data relevant to performance measures. Preliminary documentation indicates that the new case management system may address many or all of the remaining concerns for this recommendation. This recommendation can be marked "Done" when data in the current system is more accurate and consistent or when the new system has resolved this issue.

## Recommendation 12 — PROGRESS

**The Department of Public Defense should work with King County Information Technology to make sure that the new case management system it procures addresses data reliability issues for data relevant to implemented performance measures and allows for more consistent time entry.**

STATUS UPDATE: DPD continues to work with KCIT and a vendor to develop a new case management system focused on improving accurate data management and reporting. The new system will automate time recording and data entry for certain activities, saving time between timekeeping and conducting individual work. The vendor has also indicated the new system can track and provide alerts for key information related to both departmental and individual performance, including timely communication with clients, appropriate use of support staff services, time entry and case credit management, trial rates, and case outcomes.

WHAT REMAINS: DPD should continue working with KCIT and the case management system vendor to ensure that the new system will allow the department leadership to track and report on time data as well as key metrics as identified in employee performance evaluation documents. This recommendation can be marked "Done" when the new system is implemented and demonstrates these capabilities.

## Recommendation 13 — DONE

**The Department of Public Defense should design an efficient organizational structure that aligns with departmental goals and implement a plan outlining the transition to the new structure.**

STATUS UPDATE: Since the original audit, DPD has explored adjustments to its organizational structure to test the feasibility and benefits of various organizational changes. While department leadership identified some benefits of potential organization changes during this process, it also encountered some operational challenges such as staff workloads that would be unsustainable long term. DPD has continued to pursue some of the more promising changes identified from this process and has ultimately determined that the best strategy to meet departmental goals is an organizational structure that is flexible and responsive to external demands instead of a static, restructured organization.

IMPACT: By exploring different potential organizational structures and the effects it had on employee caseloads and responsiveness, DPD identified new policies and management strategies that will help the department to be responsive to caseload demands. In total, DPD has adopted a dynamic structure that balances organizational efficiency with the ability to adapt for unexpected change.

Grant Dailey conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at KCAO@KingCounty.gov or 206-477-1033.