



# KING COUNTY AUDITOR'S OFFICE

NOVEMBER 26, 2019

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

**The Department of Public Defense has made significant progress setting its strategic management framework, but work still remains.** Department leadership has developed several drafts of the strategic plan which will set the direction for implementing many of the report's recommendations. In addition, the Department of Public Defense (DPD) has begun drafting many governance documents that will promote consistent, high-quality work across the department.

**DPD has begun to work with King County Information Technology to acquire a new case management system that would improve its ability to make staffing decisions and ensure consistent, high-quality representation.** DPD's current case management system stifles timely and accurate entry of the data that informs key management activities, such as staffing and performance monitoring. DPD acknowledges the limitations of its current case management system and is in the early phases of obtaining a new system that would increase data reliability. Completion of the new system is contingent on funding and ongoing collaboration with King County Information Technology (KCIT). In the interim, DPD has started to take steps to improve the consistency of data entry for its current system. The original implementation dates for recommendations regarding a new data system were scheduled for 2020. As we approach this timeframe, we will continue to monitor progress.

Of the 13 audit recommendations:

	2 <b>DONE</b>		10 <b>PROGRESS</b>		1 <b>OPEN</b>
<b>Fully implemented</b> Auditor will no longer monitor.	<b>Partially implemented</b> Auditor will continue to monitor.	<b>Remains unresolved</b> Auditor will continue to monitor.			

Please see details below for implementation status of each recommendation.



## Recommendation 1

PROGRESS



**The Department of Public Defense should develop and apply a comprehensive strategic plan with goals, objectives, strategies, and activities that address quality and consistency for clients, and the effective use of county resources.**

STATUS UPDATE: DPD has made considerable progress toward creating a strategic plan outlining the department's strategic objectives, goals, and priorities. The draft strategic plan identifies key areas and activities which may help to ensure quality and consistency for its clients. In addition, it bolsters DPD's ability to plan, prioritize, and mobilize resources toward its goals. The DPD Director's Office stated that staff has been engaged in creating strategic governance documents.

WHAT REMAINS: To complete this recommendation, DPD should continue to refine and finalize the strategic plan outlining its goals, objectives, strategies, and activities across its four divisions as soon as possible. Implementation of this recommendation will clarify the departmental goals and objectives that drive a majority of the recommendations and the associated governance documents that follow.

## Recommendation 2

PROGRESS



**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 has not yet developed a formal change management plan; however, the development of DPD's draft strategic plan has involved multiple touchpoints and opportunities for feedback with the managing attorneys within each of the department's four divisions. This process has helped to promote a unified culture across the divisions and will create a guiding directive for subsequent change management work.

WHAT REMAINS: DPD should develop a formal change management plan that establishes its management framework and structure. This framework should be guided by DPD's finalized strategic plan and other governance documents. A collaborative and unified direction centered on these goals and objectives should also be reflected in a majority of the recommendations which follow.

## Recommendation 3

DONE



**The Department of Public Defense should formally adopt and publish case management standards that include expected ranges and limits for supplemental credits for individual attorneys, units, and across case types.**

STATUS UPDATE: DPD has developed and adopted an updated case credit policy that states the possible ranges and limits for supplemental credits for all case types. These guidelines have been updated and distributed as of March 2019. DPD notes that since credit use guidelines were not

heavily monitored in previous years, the current policy will be valuable in creating a baseline and will evolve alongside public defense professional practices.

**IMPACT:** DPD has said that having well-defined credit policies and credit monitoring processes has helped inform staffing decisions and increased the quality of information that feeds into employee evaluations. Normalizing expectations about credit usage has helped the Director's Office ensure that its actions are viewed as fair and consistent.

## Recommendation 4

PROGRESS



**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:** DPD creates a set of staffing projections by analyzing multiple metrics in addition to attorney-reported case credit usage. DPD then works with the Office of Performance, Strategy and Budget to decide which projection should be used to determine its staffing needs. By including multiple metrics other than attorney-reported case credit usage in this process, DPD has helped to bolster the predictive value of its staffing model.

**WHAT REMAINS:** In order to complete this recommendation, DPD should formally incorporate its newly adopted case management standards into its staffing model. This will further strengthen the predictive value of the attorney-reported case credits which contribute to its staffing projections. DPD should ensure that its staffing model aligns with the department's strategic goals and objectives.

## Recommendation 5

PROGRESS



**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 implemented time entry expectations into draft versions of attorney evaluation documents. Current iterations of these documents state that an attorney is expected to track and label time accurately and contemporaneously in DPD's current case management system. The Director's Office has also formalized a process of reviewing closed case reports with DPD divisions with the aim of increasing accuracy by catching data entry errors at, or near, the time of data entry. While this guidance sets the expectation for attorneys and divisions to accurately and consistently submit data, DPD admits that certain information is difficult or impossible to track in the current case management system.

**WHAT REMAINS:** DPD should continue to promote consistent data entry practices by identifying which information can be most reliably tracked and by clearly communicating the style, format, and frequency that this data should be submitted. This will help increase the accuracy of the data driving its performance evaluations and staffing model projections.

## Recommendation 6

PROGRESS



**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: DPD has developed succinct performance standards and evaluation documents. These documents, which cover each of the practice areas, are circulated to attorneys as well as their supervisors. To further support its attorneys, DPD has begun to draft more comprehensive policies, procedures, and guidance for routine case practice and expected timelines. DPD uses the Washington State Bar Association's Performance Guidelines for Criminal Defense Representation as the framework that guides criminal case practice.

WHAT REMAINS: DPD should complete its standards and evaluation documents and widely communicate them to all staff. DPD should also create formal policies and procedures outlining staff expectations. The policies, procedures, and evaluation criteria should align with the department's strategic goals and objectives.

## Recommendation 7

OPEN



**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 created and maintained a training schedule on the departmental SharePoint site. The site contains links and documents from previous trainings, dates and times for future trainings, as well as the steps and associated forms for receiving training credit and syncing training events to an employee's Outlook calendar. However, DPD has not yet published a formal training program document that provides a sequence of specific training topics that staff are expected to take, nor a timeline communicating when such trainings should be completed.

## 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 begun to develop appropriate performance measures in collaboration with its staff. Currently, the Washington State Bar Association's performance guidelines provide the framework for attorney expectations. DPD has also supplemented these guidelines with its own set of attorney expectations and evaluation metrics covering each of its practice areas.

**WHAT REMAINS:** DPD should continue its work toward finalizing and implementing appropriate performance measures that are in alignment with the goals and objectives stated in its strategic plan. The final performance measures should also inform the trainings that DPD offers so that staff is equipped with the skills necessary to succeed and contribute toward the department's objectives.

## Recommendation 9

DONE



**The Department of Public Defense should implement a clear, efficient process for information sharing including revising the ethical walls policy to specify data that is allowed to be shared with the Director's Office. The data to be included should align with department goals and performance measures.**

**STATUS UPDATE:** DPD has noted that while the formal policy has not changed, several changes to internal practices have created an environment where data is shared and meaningful analysis can be completed. DPD reported that many of these changes were a result of the strategic planning process, as well as regular meetings with the divisions' managing attorneys.

**IMPACT:** The DPD Director's Office has stated communication and collaboration with its management has helped to establish a more uniform and articulable understanding of what types of data can be shared and how this data will be used to monitor department performance. Furthermore, internal updates to Microsoft Office 365 allowed for the Director's Office to access certain data in real time. In total, DPD has created a process that allows for more robust analysis while simultaneously ensuring that the data shared is consistent with the ethical walls policy as it currently exists.

## 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:** DPD is in the early stage of obtaining a new case management system. DPD has issued a request for proposal for a new case management system, but has yet to select a contractor. The Director's Office has stated that a top priority for any new system is its ability to generate aggregate data reports on performance indicators.

**WHAT REMAINS:** DPD should continue to work with KCIT to obtain a system that is responsive to its needs. DPD should ensure that the new system allows the Director's Office to access and review aggregated division performance data in real time.

## 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 reiterated the importance of accurate data entry to its staff and has incorporated contemporaneous data entry into its evaluation measures in order to encourage attorneys to submit information more consistently. The Director's Office has also been stricter in reviewing caseload reports to ensure that data has been entered accurately, but the current case management system presents barriers to accurate and consistent data entry. In the interim, the Director's Office has stated that to ensure consistent data entry, it intends to develop a template for staff to follow while recording job activities and time data.

**WHAT REMAINS:** DPD should also continue to communicate to its staff how to use the current system to accurately track key metrics, particularly those related to performance measurement. DPD should formally incorporate these instructions in its policies and procedures to promote greater consistency across the divisions and so that staff can readily access expectations on data entry. DPD should continue to work with KCIT to obtain a new case management system that addresses current deficiencies in the ability to accurately record time data.

## 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 is in the early stage of obtaining a new case management system. In draft versions of its request for proposal, DPD has expressed a desire for the new system to automate timekeeping and data entry processes so that data entered is consistent and more accurate. DPD has also asked that the system be able to provide regular reports on aggregated performance indicators.

**WHAT REMAINS:** DPD should continue to work with KCIT to obtain a new case management system that addresses current deficiencies in the ability to accurately analyze time data and other key metrics. DPD should ensure that the new system can accurately capture metrics associated with the performance measures and standards developed as part of its strategic plan so that supervisors, managing attorneys, and the Director's Office can effectively monitor and guide staff performance.



**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:** DPD has moved a smaller unit across divisions to determine whether it would be feasible to conduct a larger-scale reorganization. In doing so, DPD has stated that it has a better understanding of what is required for any such reorganization. DPD is working with the Office of Performance, Strategy and Budget (PSB) to determine what organizational structure is best suited for achieving the department's objectives without causing a major disruption to its practice.

**WHAT REMAINS:** DPD should continue to collaborate with PSB to design an organizational structure that most effectively achieves its strategic priorities.

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Management Auditor 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](mailto:KCAO@KingCounty.gov) or 206-477-1033.