



# KING COUNTY AUDITOR'S OFFICE

DECEMBER 1, 2020

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

**The Department of Public Defense has completed its strategic plan and continues to make progress on the remaining elements of its strategic management framework.** Department leadership worked collaboratively with its staff to complete its strategic plan. This was a multi-year effort that the Department of Public Defense (DPD) indicates helped it demonstrate its values and activities in a unified voice. DPD has made very positive progress toward completing the remaining recommendations and has designed new processes in explicit alignment with its strategic plan.

**DPD is working with its vendor to ensure that its new case management system will have the capabilities needed for DPD to monitor its work and ensure consistent, high-quality representation for its clients.** Early conversations between DPD and the selected vendor indicate that the new case management system has customizable analysis and data tracking functions allowing DPD flexibility as it monitors and defines key metrics which drive its progress. DPD has also begun to supplement current systems with a new evidence management platform that streamlines or automates certain routine processes. Until the new case management system is fully implemented, DPD should continue to train staff on data entry expectations to ensure that staffing decisions and workload management are based on reliable information.

Of the 13 audit recommendations:

	3 <b>DONE</b>		10 <b>PROGRESS</b>		0 <b>OPEN</b>
<b>Fully implemented</b> Auditor will no longer monitor.	<b>Partially implemented</b> Auditor will continue to monitor.	<b>Remain unresolved</b> Auditor will continue to monitor.			

Please see below for details on the implementation status of these recommendations.



## Recommendation 1

DONE



**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: Since the previous follow-up period, DPD has completed a final draft of its strategic plan which defines the department's goals and objectives. DPD outlined several key priorities including developing guidelines for each of its practice areas, providing staff with the trainings and resources needed to ensure high-quality representation, and recruiting and maintaining a talented workforce. DPD indicates that the strategic plan was developed collaboratively with staff and has stated an intention to regularly revisit and update the plan to ensure that it continues to guide and inform DPD's activities.

IMPACT: DPD stated that the process of updating and completing the strategic plan has helped inform key budget and policy priorities. The strategic plan has also allowed the department to speak in a unified voice regarding its values, challenges, and opportunities and will help to facilitate continuous improvement across its divisions. Moving forward, the strategic plan can serve as a guide for most of the recommendations 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's strategic plan outlines multiple initiatives that comprise a strategy to transition to a fully unified county agency. These initiatives will help create a unified vision and expectations across the department. The Director's Office indicated that it continuously draws on staff feedback when developing or implementing new initiatives in order to ensure that staff has the skills and resources needed to be successful and assist the department in achieving its goals. As part of its budget request for the 2021-2022 biennium, the Director's Office requested FTE (full time equivalent) authority which would permit DPD to hire public defense attorneys when case assignments exceed predicted levels. Leadership has indicated that this hiring authority will help in allowing the Director's Office to move toward a holistic view of the department's needs. Lastly, DPD is in the final stage of obtaining a new case management system which will help to drive consistent, high-quality representation for the entire department.

WHAT REMAINS: DPD should continue working to implement the initiatives included in its strategic plan. While doing so, DPD should finalize a formal change management plan that specifies what changes in structure, if any, would be necessary to achieve the management framework laid out in its strategic plan. The goals and objectives outlined in the strategic plan should also be reflected in most of the recommendations that follow. Clearly defining the connection between each of these elements will help DPD ensure that it has the processes, resources, and organizational structure needed to move the department in a unified direction.

### Recommendation 3

On November 26, 2019

DONE



### 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 has continued to work with Performance, Strategy and Budget to refine the predictive value of its staffing model. To further bolster DPD's ability to respond to surges in caseloads, the Director's Office requested FTE authority as part of its budget request for the 2021-2022 biennium. DPD has stated that it is in the process of refining its credit policies to ensure they are accurate for the purpose of projecting staffing needs while also permitting attorneys the flexibility required to adjust to annual changes in legal practices. As part of larger changes, DPD is in the final stages of obtaining a new case management system which DPD predicts will greatly improve the reliability and accuracy of its data.

WHAT REMAINS: DPD should continue to finalize its formal credit policies so that credit reporting expectations and processes are consistent across the department. Once finalized, DPD should formally incorporate its credit policies into its staffing model to help strengthen its staffing projections. DPD should ensure that its staffing model effectively predicts staffing need and 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 continues working to clarify and communicate best practices regarding data entry for time and task tracking. Entries are periodically reviewed for duplicate entries or errors. The Director's Office meets regularly with supervisors to share lessons learned and offer trainings when needed. DPD has started to implement new data systems which aim to streamline or automate certain task management processes. Training on new systems is planned to occur in 2021.

WHAT REMAINS: DPD should continue to promote consistent data practices for its current data system to ensure that its staffing projections use accurate, reliable information. As new systems are brought online, DPD should train employees on data entry expectations for the new systems to ensure that information is entered consistently and accurately across the divisions.

## 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 uses Washington State Bar Association's (WSBA) Performance Guidelines for Criminal Defense Representation as the framework that guides criminal case practice. DPD is in the process of finalizing an internal set of guidelines that would be complementary to the WSBA. DPD regularly meets with managing attorneys and supervisors to discuss the appropriateness and effectiveness of guidelines. DPD's strategic plan indicates an intention to continue engaging with staff as the guidelines and performance expectations are refined.

WHAT REMAINS: DPD should work to complete its staff guidelines and expectations. DPD should ensure the guidelines, procedures, and evaluation criteria align with the department's strategic goals and objectives.

## Recommendation 7

PROGRESS



**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 a multiday new attorney training program that covers topics that DPD has identified as high-priority and beneficial for new staff. To keep staff apprised of opportunities, DPD sends weekly updates which cover upcoming trainings and provide resources from recently passed training opportunities. DPD has also partnered with community organizations to provide training opportunities for its staff. Following each training, staff are instructed to complete a brief survey to provide feedback, suggest additional trainings, and obtain learning credit. DPD's strategic plan states that the guidelines for its practice areas are expected to be finalized in early 2021, with corresponding training curricula to be finalized and subsequently implemented thereafter.

WHAT REMAINS: DPD should continue work to finalize and publish its annual training curricula to ensure that staff expectations, guidelines, and training opportunities are clear and communicated in a timely manner. The trainings should include topics used for performance measurement and should align with the department's expectations, goals, and objectives.

## 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: Similarly to the status update in Recommendation 6, DPD uses the WSBA Performance Guidelines for Criminal Defense Representation as the framework that guides criminal case practice. DPD is in the process of finalizing its own set of in-house guidelines that would be

complementary to the WSBA. Once finalized, and subsequent training is complete, DPD plans to develop and roll out staff performance evaluation criteria that reinforce best practices and advance equity and social justice values in leadership and practice. The current strategic plan aims for the finalized evaluation criteria to move forward toward the end of 2021.

WHAT REMAINS: DPD should continue to develop and finalize its objective performance measures and criteria. These measures should align with the department’s strategic goals and objectives and should inform the trainings the DPD offers so that staff is equipped with the skills necessary to succeed.

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: DPD has selected a vendor for its new case management system and is in the process of reviewing the new system’s capabilities with the vendor. Early conversations indicate aggregate information can be easily monitored and reviewed using built-in reporting queries, exported to Excel for additional analysis, and adjusted with custom searches and reports as the need arises.

WHAT REMAINS: As the new system is implemented, DPD should continue working with King County Information Technology 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 as identified in the strategic plan and performance evaluation documents.

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 continues to work to clarify and communicate best practices regarding data entry for time and task tracking. In addition to the steps included in Recommendation 5, DPD is working with the vendor of its new case management system to ensure it facilitates useful and consistent data entry. Since DPD is still in the process of developing performance measures, DPD will need to be mindful of what items the new system may need to track in the future to ensure all necessary functionalities are available when the system goes live. DPD has stated in its strategic plan that training on using new data systems will tentatively occur in 2021.

WHAT REMAINS: DPD should continue to finalize its performance measures and should ensure that its new case management system facilitates accurate and consistent data entry. DPD should train its staff on the new data systems and ensure that data is entered accurately and consistently across the department.

## 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 has selected a vendor for its new case management system and is in the process of reviewing the new system's capabilities. However, since DPD is still in the process of developing internal guidelines and performance measures, it is not clear to what extent the system facilitates monitoring and analysis of associated metrics.

WHAT REMAINS: DPD should work to finalize its performance measures and ensure that the new case management system allows for relevant information to be collected and analyzed. DPD should also ensure that the case management system allows for timely and accurate time entry.

## Recommendation 13

PROGRESS



**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 stated that it has taken several initial steps to test the feasibility and benefits of organizational changes before its replicates on a larger scale. From these tests, DPD has implemented or pursued a few items, such as FTE authority, which may help to ensure it is able to respond to the needs of the department as a whole. DPD acknowledges that identifying whether an organizational change would be feasible or beneficial requires considerable effort and will be a long-term process.

WHAT REMAINS: DPD should continue working to identify what organizational structure would most effectively achieve its strategic priorities. Once identified, DPD should work to document and implement any identified strategies needed to achieve the desired structure and should document these steps as part of updates to its strategic plan (Recommendation 1) or as part of a change management strategy (Recommendation 2).

---

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.