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BENTON COUNTY OFFICE OF PUBLIC DEFENSE

Q1 2016 QUARTERLY REPORT

Quality Representation – Fiscal Accountability

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INTRODUCTION

Introduction

WHAT IS THIS REPORT

This is a quarterly report of the Benton County Office of Public Defense (“BCOPD”) and provides important insight into **performance standards** met by public defenders; public defense **caseloads** during the quarter; and **financial status** for the biennium-to-date.

PERFORMANCE STANDARDS MONITORING

To ensure the quality of representation provided by Benton County public defenders, BCOPD utilizes Performance Standards Monitoring. The portion of this report dedicated to Performance Standards Monitoring provides information both on the methodology utilized as well as actual numbers for the quarter.

CASELOADS

Having a manageable caseload is a foundational factor in effective public defense representation. This report will provide an in-depth analysis of caseloads for the first quarter of 2016 including trends, comparisons with previous years, and correlation with public defense caseload standards.

FINANCIALS

The financial analysis contained in this report is for the biennium-to-date and provides both a break-down of spending and indication of whether spending is above or below predicted/planned levels.

PERFORMANCE STANDARDS MONITORING - BACKGROUND

Performance Standards Monitoring - Background

Benton County Office of Public Defense is committed to providing quality public defense services to its clients. In order to monitor public defense service quality and to continually seek opportunities for improvement, BCOPD utilizes a Performance Standards Monitoring system

This system consists of two parts: collection of Performance Metrics and In-Court Observation.

For more information about Performance Standards Monitoring, please see OPD's Supervision and Quality Control Plan.

PERFORMANCE METRICS

Utilizing the opinion in *Wilbur v. Mt. Vernon* and the important public defense quality factors identified in that case, as well as materials from the State Office of Public Defense, BCOPD has identified the following metrics as important in evaluating public defender performance and collects them either directly from public defenders or from alternative reliable sources:

METRIC	DESCRIPTION
Jail visits	Visits to adult inmates at the Benton County Jail.
Detention visits	Visits to, or phone calls with, juveniles detained at the Juvenile Detention Center.
Mental health evaluations	Number of public defense funded mental health evaluations either for a "second opinion" competency evaluation (if the public defender disagrees with the Eastern State Hospital evaluation result) or for a capacity evaluation (to determine whether lack of mental capacity to commit the charged crime should be a defense.
Complaints	Number of complaints that are "formal." In order to be considered formal, a complaint must state a particular problem or issue, being in writing, and be made directly by a client.
Investigative services	Number of cases where a private investigator is assigned and does work on the case ¹ .
Expert services	Number of cases where an expert is retained, and does work on the case.
Trials	Number of cases that go to trial.
Disposed of at Readiness	Number of cases that are resolved in a manner favorable to the defendant (such as with a Stipulated Order of Continuance or deferral) at trial readiness.

¹ This is estimated using billings without regard to multiple billings for the same case (which is rare).

PERFORMANCE STANDARDS MONITORING - BACKGROUND

Motions	Number of cases where the public defender files certain (usually dispositive) key motions including motions to suppress evidence or statements.
Hours worked This is collected only and not reported	Number of hours expended by public defenders on different categories of work related to individual cases.

Conversion into Performance Indices

To make the collected metrics more understandable and correlated with caseloads (which would obviously have a bearing on the metrics) they have each been converted into an index, representing their equivalent per 1,000 cases appointed.

For example: if, during a given quarter, there were 20 cases with investigators appointed, and the relevant caseload was 250 cases, then the Investigative Services Index for that quarter would be 80 (meaning that for every 1,000 cases appointed, 80 were appointed investigators).

Calculating Performance Indices – Indices can be divided into two categories for purposes of calculation: **No Lag Indices** where there is little delay between the time of case appointment and the event being measured by the index, and **Lag Indices** where there is usually significant delay (60 to 90 days) between the time of case appointment and the event being measured by the index². No Lag Indices are calculated using the caseload of the current quarter. For better accuracy, and to account for the lag, Lag Indices are calculated using the caseload of the previous quarter.

NO LAG INDICES

Jail Visits Index

Detention Visits Index

Complaints Index

Motions Index

10.77 (mental health) Motions Index

Disposed of at Readiness Index

LAG INDICES

Mental Health Evaluations Index

Investigative Services Index

Expert Services Index

² Since the numbers underlying these indices are collected based on billings, the time between appointment and the time services are rendered (averaging 30 days, possibly more with trial numbers) and the time between when services are rendered and billing is received (45-60 days) add up to usually result in billing occurring in the next quarter after case appointment.

PERFORMANCE STANDARDS MONITORING - BACKGROUND

Trials Index

For example: Investigative Services Index is a Lag Index. Therefore, in calculating the Investigative Services Index for Q2 2015, the number of investigative services bills paid in 2015 would be divided by the caseload from the previous quarter (Q1 2015) and multiplied by 1,000 for the index.

IN-COURT OBSERVATION

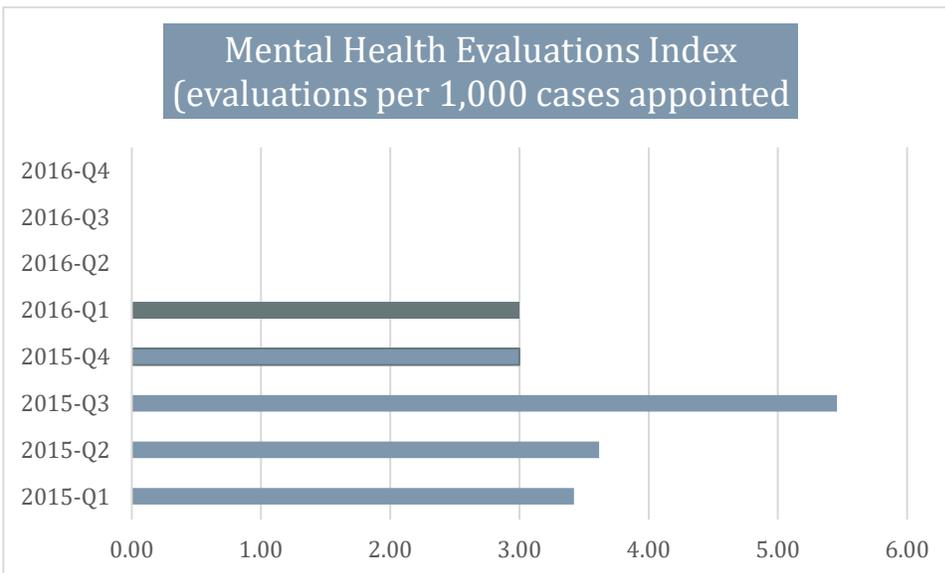
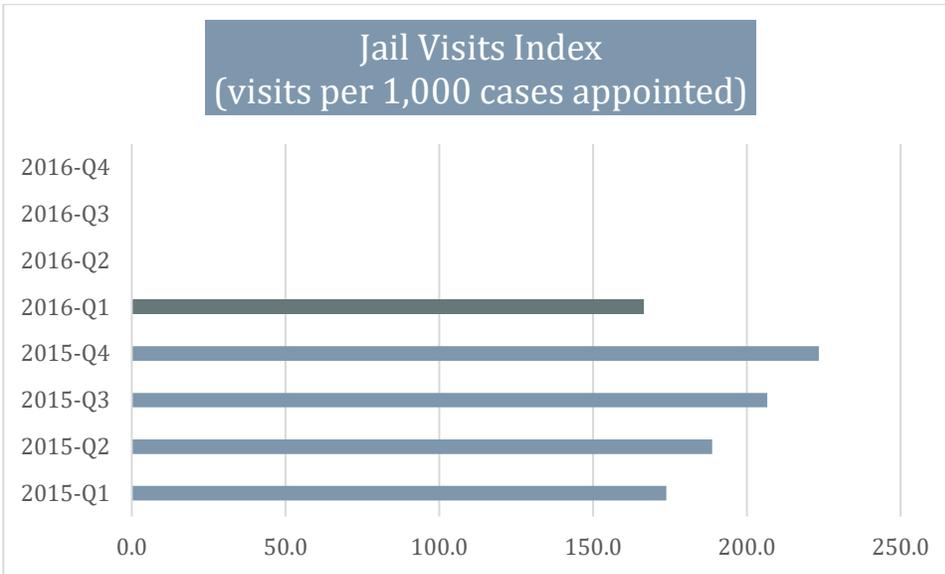
Regular unscheduled observation is conducted for all court jurisdictions and specialty dockets where BCOPD provides public defense services. Observation is conducted primarily by the Public Defense Manager though it may sometimes be delegated to other Staff Defenders who have supervisory duties. Observations are recorded in an electronic, searchable, database and include key observations about the docket as a whole as well as individual public defender performance. The actual criteria used for in-court observation is published in OPD's Supervision and Quality Control Plan. Future Quarterly Reports will publish the number of In-Court Observation sessions conducted.

PERFORMANCE STANDARDS MONITORING – RESULTS

Performance Standards Monitoring – Results

MULTI-JURISDICTIONAL DATA

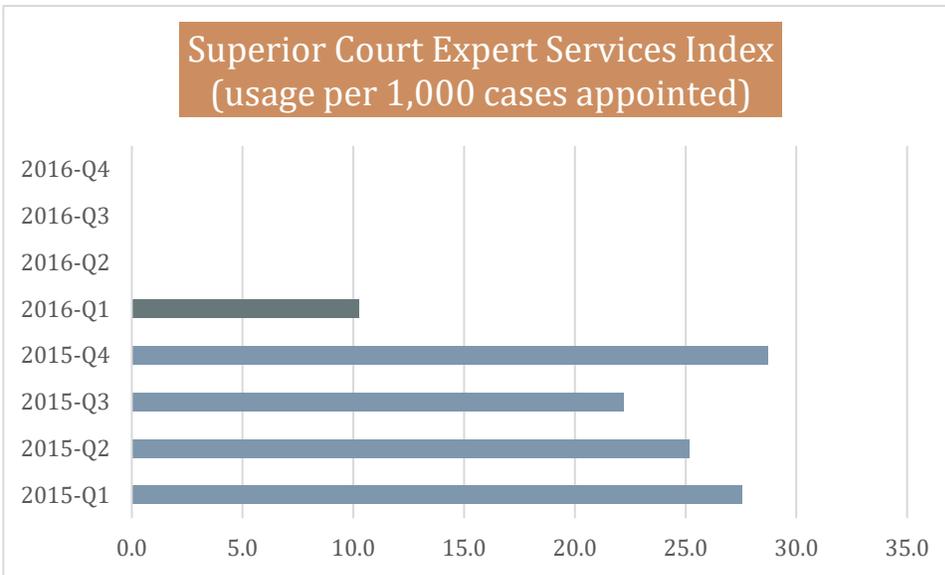
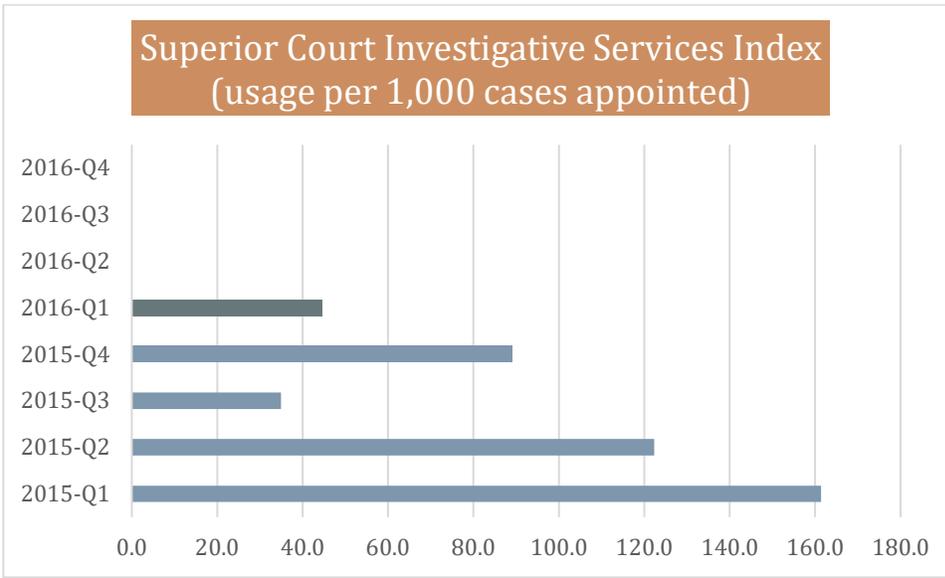
The data in this section is aggregate data for all Superior Court and District Court adult cases.



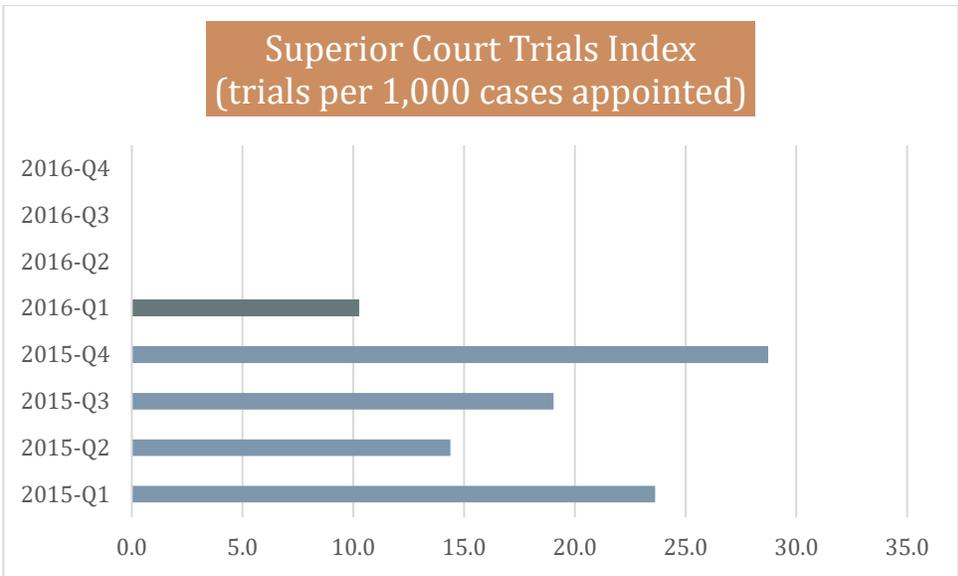
PERFORMANCE STANDARDS MONITORING – RESULTS

SUPERIOR COURT DATA

Data for the Motions Index, 10.77 Motions Index and Disposed at Trial Readiness Index has only been available for one quarter so will not be displayed until 2016 Q2.

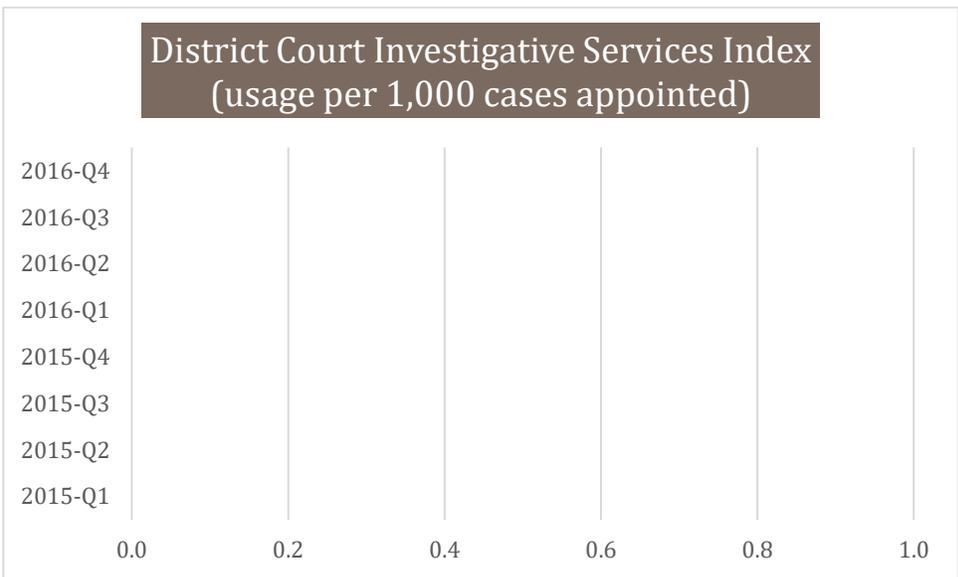


PERFORMANCE STANDARDS MONITORING – RESULTS

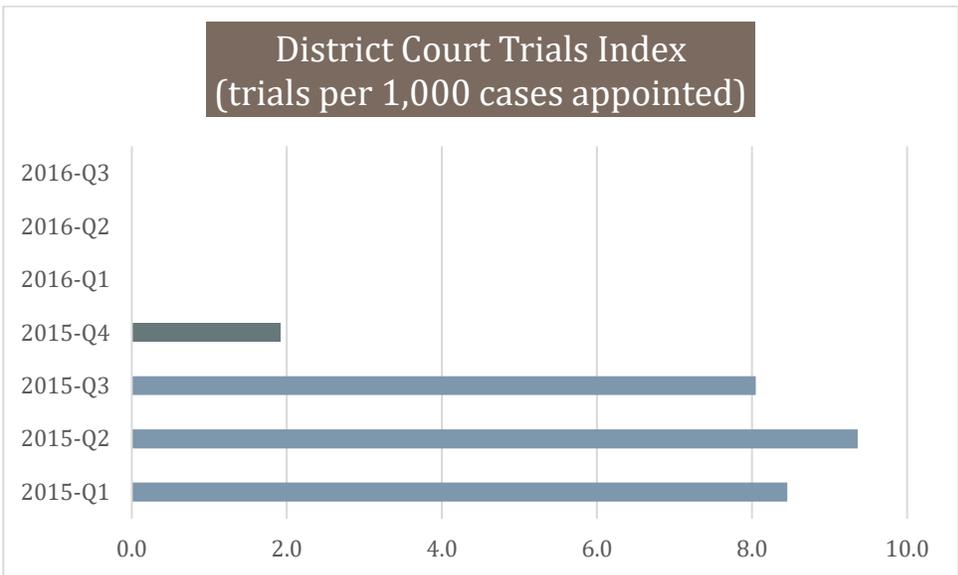
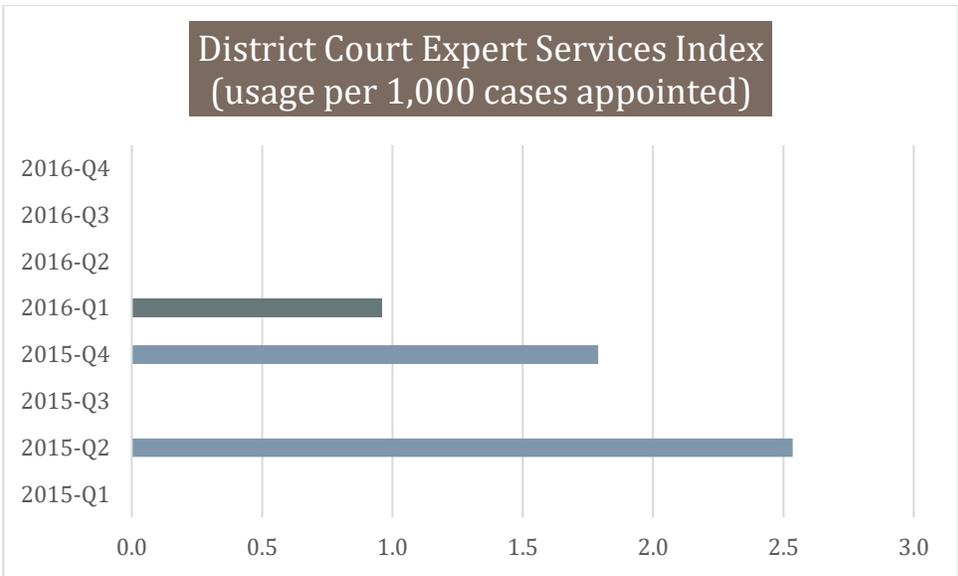


DISTRICT COURT DATA

Data for the Motions Index, 10.77 Motions Index and Disposed at Trial Readiness Index has only been available for one quarter so will not be displayed until 2016 Q2.



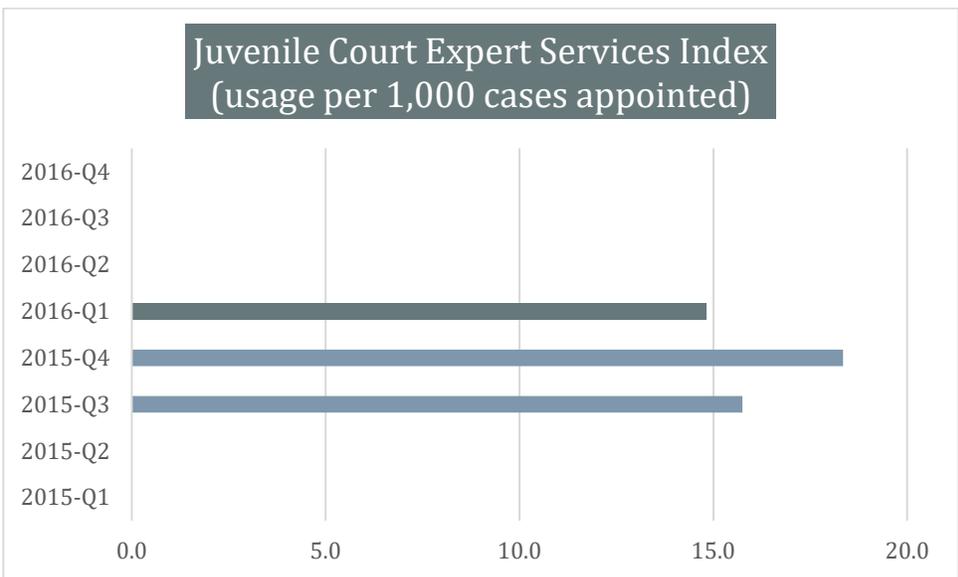
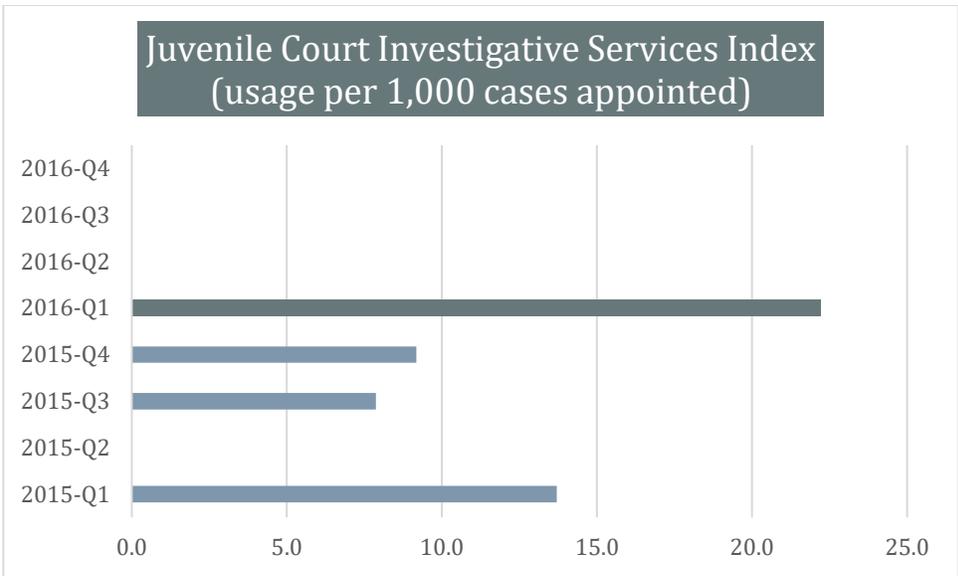
PERFORMANCE STANDARDS MONITORING – RESULTS



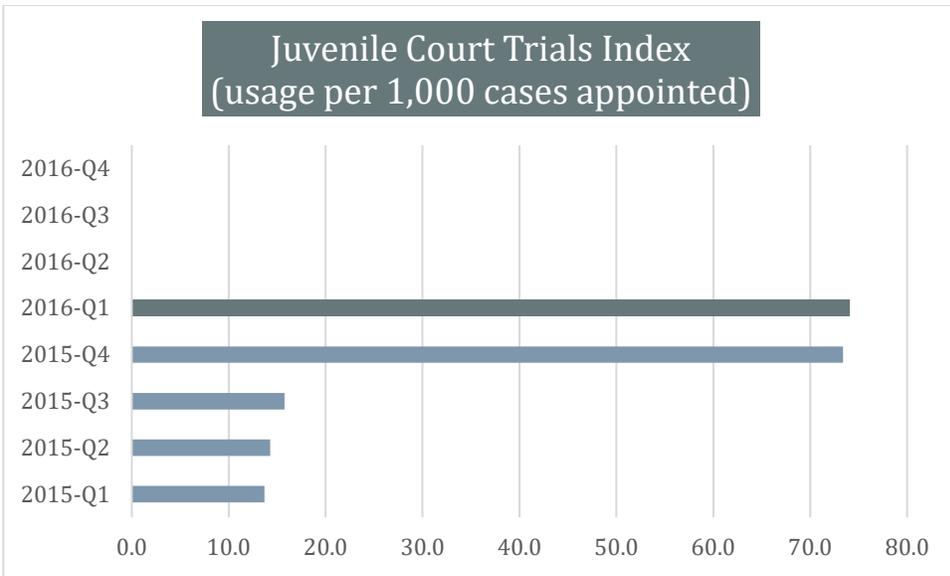
JUVENILE COURT DATA

Data for the Motions Index, 10.77 Motions Index and Disposed at Trial Readiness Index and Detention Visits Index has only been available for one quarter so will not be displayed until 2016 Q2.

PERFORMANCE STANDARDS MONITORING – RESULTS



PERFORMANCE STANDARDS MONITORING – RESULTS



CASELOADS

Caseloads

SOURCE OF CASELOAD DATA

Caseload data is obtained from a number of different sources and cross-checked to ensure maximum accuracy.

CASELOAD DATA SOURCES

Individual attorney reports

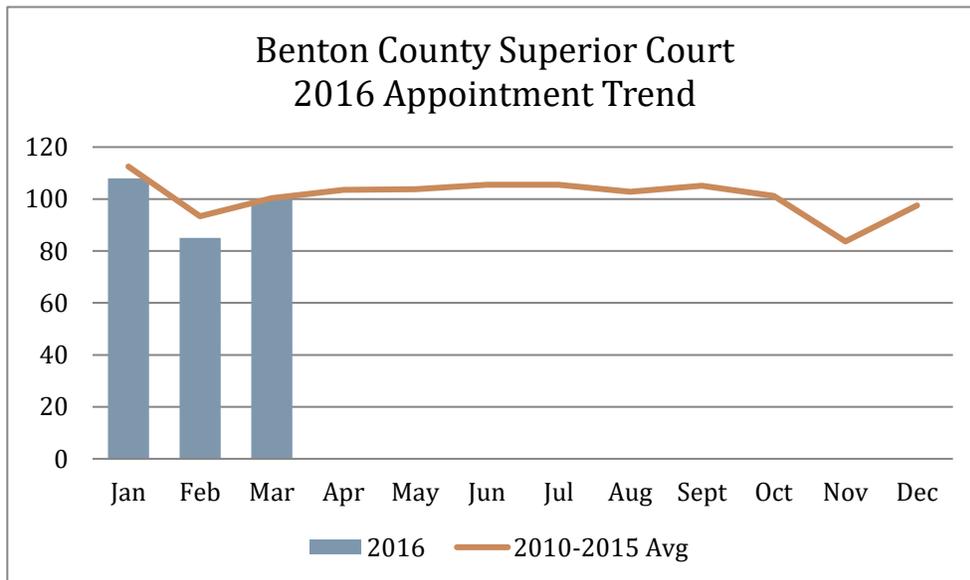
Reports provided directly by the court

State published reports on Administrative Office of the Courts ("AOC") website

CASELOAD UPDATE

All data in this caseload update is current as of the end of the first quarter, 2016 (March 31, 2016).

Superior Court Caseload – trend vs historical average



The caseload in Benton County Superior Court is trend right at or slightly below historic 5-year average levels. The Prosecutor's Office has recently hired an additional felony prosecutor; however, so an upward trend is anticipated for the rest of the year.

Superior Court Caseload – available capacity vs projected year-end caseload

The calculations for this analysis are based on the following number of defenders in Superior Court with the listed corresponding contract capacities.

CASE CAP	NUMBER OF CONTRACTS
140 cases per year (contractor)	5
125 cases per year (contractor)	2

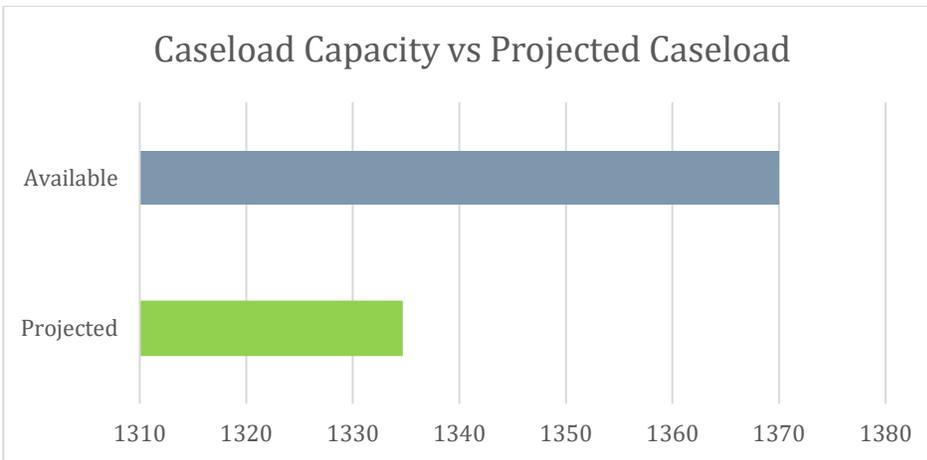
CASELOADS

135 cases per year (staff defender with supervisory duties) 2

150 cases per year (staff defender without supervisory duties) 1

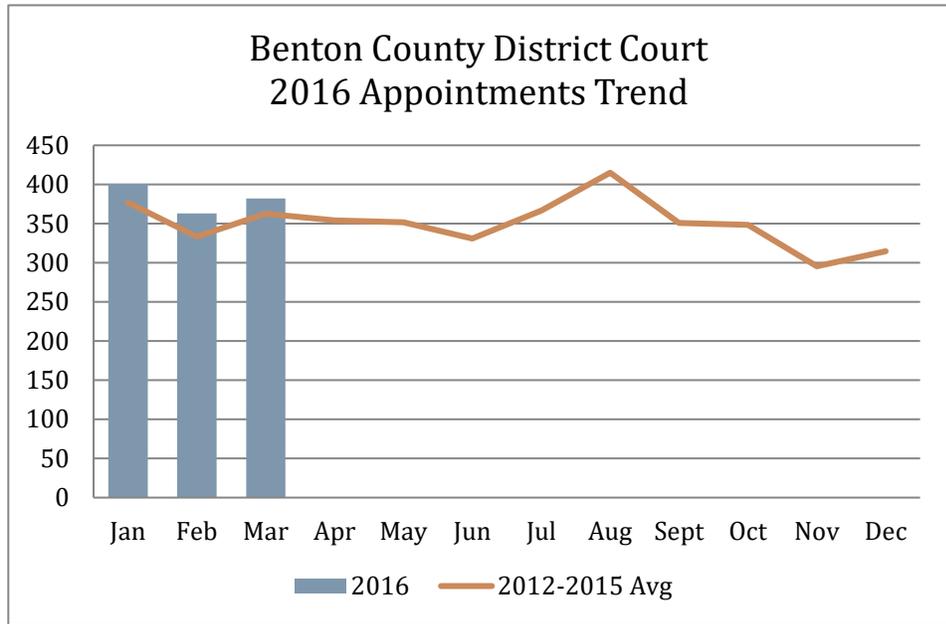
Additional assumptions are:

- No contractors terminate their contracts before end of 2016 (caseload transitions can skew projections)
- Between the hiring of the additional felony prosecutor and the significant increase in law enforcement hiring in the county due to the Public Safety Sales Tax, caseloads from May until the end of the year will be an average of 10% above 2011-2015 averages



CASELOADS

District Court Caseload – trend vs historical average



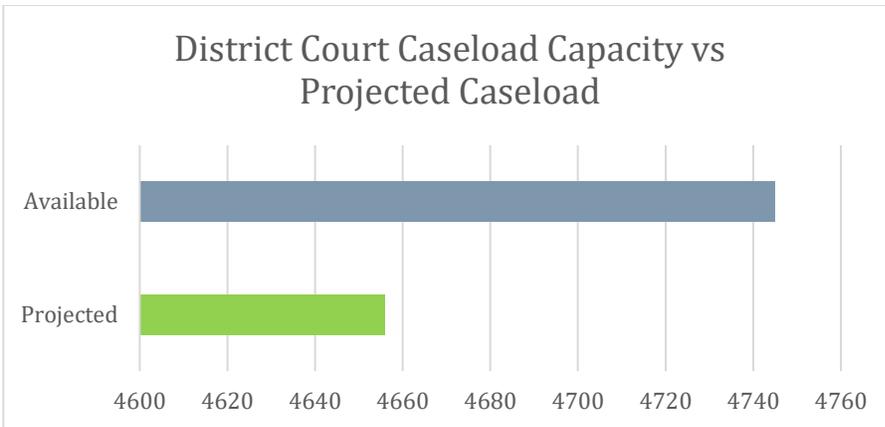
The caseload in Benton County District Court is persistently above recent four-year average and this trend is fully expected to persist in light of Public-Safety Sales Tax driven law enforcement hiring.

District Court Caseload – available capacity vs projected year-end caseload

Current capacity of contractors is as follows:

CASE CAP	NUMBER OF CONTRACTS
390 cases per year (contractor)	10
345 cases per year (contractor)	1
300 cases per year (contractor – incoming, effective July 18, 2016)	1
200 cases per year (contractor)	1

CASELOADS

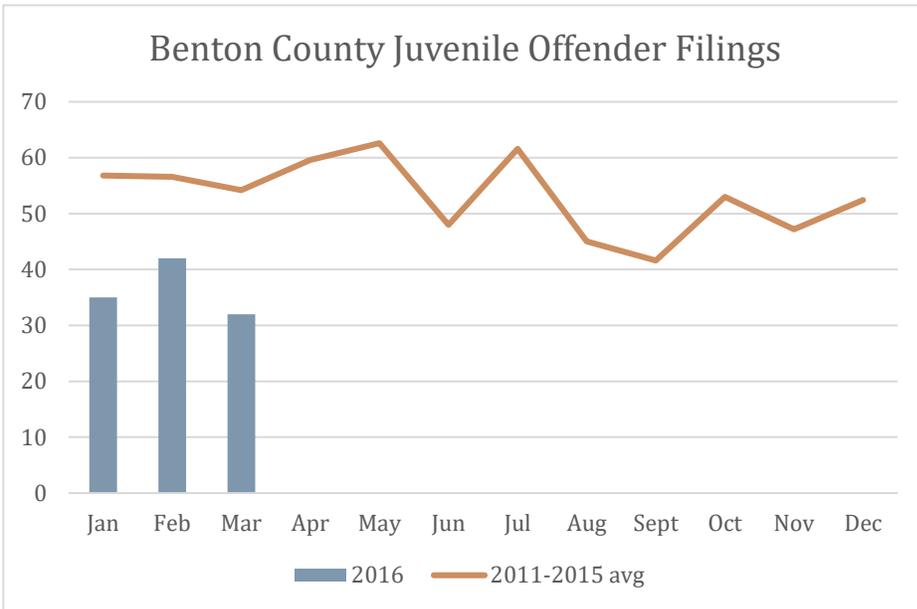


Additional assumptions are:

- No contractors terminate their contracts before end of 2016 (caseload transitions can skew projections)
- The current, above-average rate of appointments persists and does not increase before year's end
- The contractor scheduled to start July 18, 2016 with a caseload of 300 cases annually, does in fact start on time

CASELOADS

Juvenile Court Caseload – trend vs historical average



The caseload in Benton County Juvenile Court is significantly below recent five-year average and this trend is fully expected to persist. Actions taken in response to this trend have included reduction of contracts from five to four.

³ All juveniles charged with criminal offense are presumed to be indigent and entitled to public defense counsel. Therefore, no differentiation is made, in record-keeping at OPD, between number of cases filed and number of cases appointed to public defense counsel.

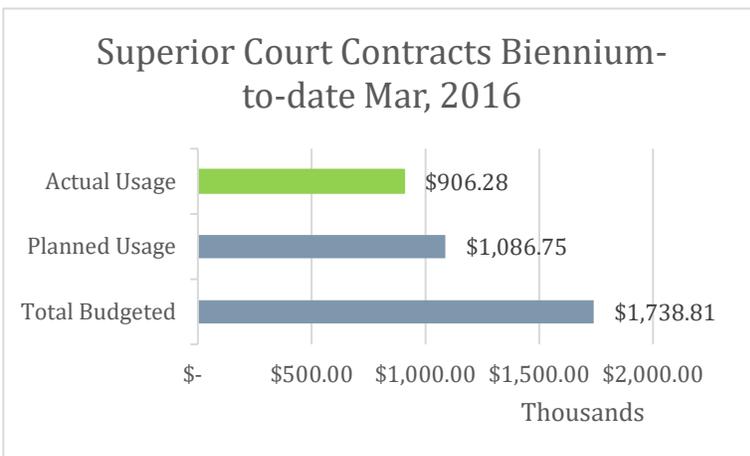
FINANCIALS

Financials

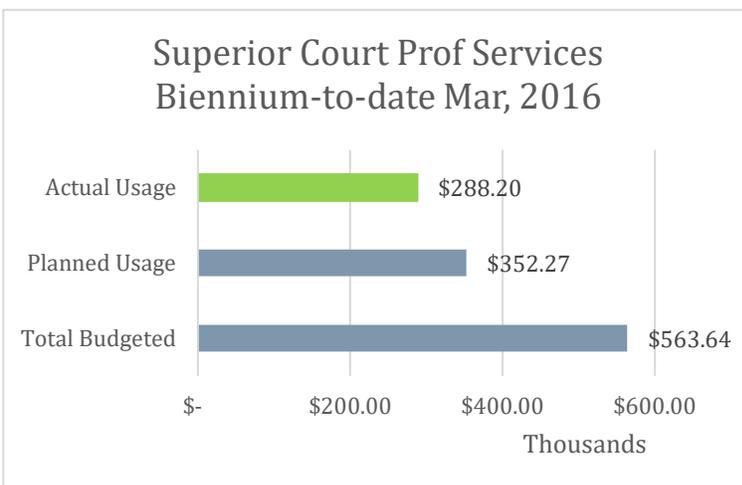
This section outlines OPD finances in each of its major categories along with a projection for year-end surplus or deficit.

FINANCIAL UPDATE AS OF END OF MARCH 31, 2016

Superior Court Contract Services

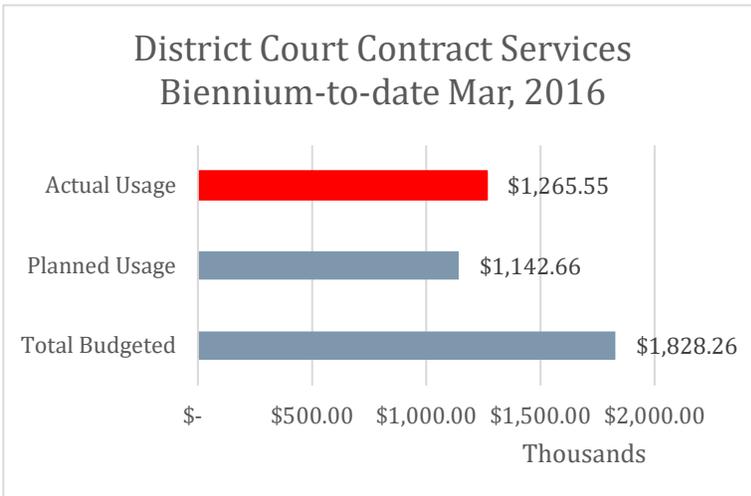


Superior Court Professional Services

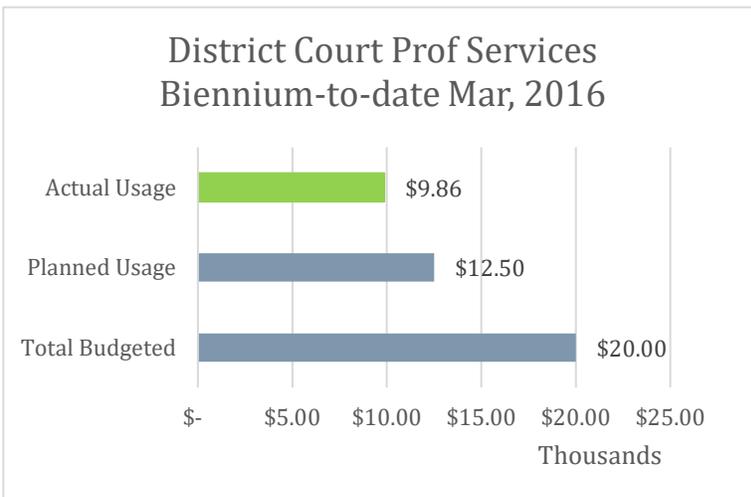


FINANCIALS

District Court Contracts



District Court Professional Services



CONCLUSION

Conclusion

Thank you for your interest in the Benton County Office of Public Defense. The Quarterly Report series, in combination with the Annual Report and Strategic Plan (usually published in the first quarter of each year) serve to provide information to stakeholders and the public about OPD's operational statistics and commitment to quality public defense services as well as fiscal accountability.