

Report Highlights

Office of the State Public Defender

Judicial Branch Performance Audit • July 2024 • 2354P



OFFICE OF THE STATE AUDITOR

C O L O R A D O

Key Concern

The Office of the State Public Defender (OSPD) needs updated methods and data to measure its staffing needs and can improve its process for managing attorney workloads by establishing agency-wide guidance. Additionally, OSPD can improve its controls for its review of defendants' applications for public defender representation and tracking of new attorney training.

Key Findings

- OSPD case data indicates that attorneys have high workloads. Evaluated against various standards for public defender workloads, we found that between 46 and 99 percent of all OSPD attorneys and 65 percent of supervising attorneys worked on more cases than recommended, depending on the workload standard.
- Part of OSPD's method for assessing its workload and staffing needs uses a workload study conducted in 2016, which does not reflect significant changes to the criminal justice system that increase workload, such as an increase in electronic and body camera evidence and new requirements for juvenile cases. Additionally, OSPD does not track some data that may be useful for monitoring workload, such as attorney work hours, and has not provided agency-wide guidance on managing attorney workloads.
- We found that OSPD can better document its review of defendants' applications for public defender representation. Our review of 28 applications found that OSPD lacked sufficient documentation for us to fully assess whether two applicants qualified for OSPD representation, and seven applications were missing documentation required by OSPD's procedures.
- While we found that new OSPD attorneys generally received required trainings in a timely manner, OSPD can improve its system for tracking new attorneys' completion of trainings. For example, there was no record, or an incomplete record, of completion for approximately 5 percent of new attorney trainings in our study period, and OSPD has not consistently tracked the date of training completion for all trainings.

Background

- OSPD is an independent agency charged with providing criminal defense counsel to criminal defendants in State courts who cannot afford to retain private counsel. OSPD attorneys, alongside investigators, paralegals, and social workers, represented defendants in approximately 131,000 cases that were closed in Fiscal Year 2023.
- OSPD operates 21 regional trial offices across Colorado, in addition to a statewide appellate office. OSPD was appropriated about 1,100 FTE, 575 of whom are attorneys, and an annual budget of approximately \$156 million for Fiscal Year 2024.
- OSPD is responsible for reviewing defendants' applications for public defender representation and making initial determinations of indigency to determine whether a defendant is eligible for state-funded counsel based on standards established by the Colorado Supreme Court.
- In recent years, OSPD has hired approximately 100 new attorneys annually, and requires that new attorneys complete a series of trainings to equip them with the skills and knowledge necessary to provide quality representation to clients.

Recommendations Made

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Responses

Agree: **10**
Partially Agree: **1**
Disagree: **0**