KPMG

Improving performance to better serve our county residents

Countywide operational performance review – Public Defender's Office

August 2020
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Scope and methodology

The County of Santa Barbara (the County) contracted with KPMG in May 2019 to conduct an operational and performance review of all County departments. The Public Defender's Office (the Office) review commenced in February 2020. The purpose of this review is to provide a high-level assessment of the Office, identify strengths and opportunities, and benchmark financial and operational areas with similar jurisdictions with the focus to improve the overall operational efficiency, effectiveness, and service delivery provided by the Office.

Over a 12-week period, the KPMG team conducted the following activities:

— **More than 20 interviews** with Office leadership and staff to understand the organizational structure, roles and responsibilities, operations, and processes of the Office.

— **Analysis of available data, reports, and policy documents** to understand the demands upon, and the operations of, the Office.

— A **benchmarking and leading practice review** comparing the County with eight recommended benchmark counties: Marin, Monterey, Placer, San Luis Obispo, Santa Cruz, Solano, Sonoma, and Tulare. Additional counties were selected for benchmarking analysis based on feedback from leadership and available online information.

This report outlines the findings of the operations and performance review and details recommendations for office-wide management and for each of the three budget programs: Administration, Adult Legal Services, and Juvenile Legal Services.

This analysis does not assess the direct impacts of COVID-19 on the Public Defender's Office due to timing of the project; however, the recommendations in this report have the potential to mitigate some negative impacts of the pandemic—including challenges associated with the transition to a virtual working environment—by enhancing the use of technology and strengthening the ability of Office management to track and manage staff workload and performance. While many of the recommendations made within the report will mitigate the negative impacts of the COVID-19 pandemic there will be an increased workload on the Office's IT team in the short to medium term to implement the recommendations. A strong IT infrastructure is required to ensure sustainable implementation of these recommendations and for the benefits to be successfully realized. The Office is working to establish new working practices in light of the COVID-19 pandemic and capitalize on the use of technology for increased efficiency.

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Office orientation

Mission statement: The Office's mission is to zealously protect the rights, liberties, and dignity of all persons in Santa Barbara County and to maintain the integrity and fairness of the American Justice System by providing the finest client-centered legal representation through compassionate, holistic, and innovative advocacy with care and respect for clients.

Responsibilities:

1	Defend adults charged with crimes triable in the Superior Court
2	Defend persons charged with Contempt of Court
3	Protect individuals who can no longer care for themselves for reasons such as physical or developmental disability, mental illness, Alzheimer's, or dementia
4	Appear in court on behalf of persons held in mental health facilities.

Recommended budget (2019/20):

$13.6M — Operating Expenses

$0 — Capital Expenses

67 — Full-time Equivalents (FTE)

County benchmarks:

	Budgets in $'000	Santa Barbara County	Average
FY19	*Public Defender FTE*	67	62
	Percent of Enterprise	1.58%	1.66%
	Public Defender Budget	$ 13,557	$ 12,946
	Percent of Enterprise	1.19%	1.15%

Organizational Structure:

Public Defender
Tracy Macuga

Assistant Office Leader
Deepak Budwani

Chief Trial Deputy - Santa Barbara
S.E. Ballard

Chief Trial Deputy - Santa Maria
Lea Villegas

Lompoc Division Chief -
Giovanni Giordani

Specialty Divisions
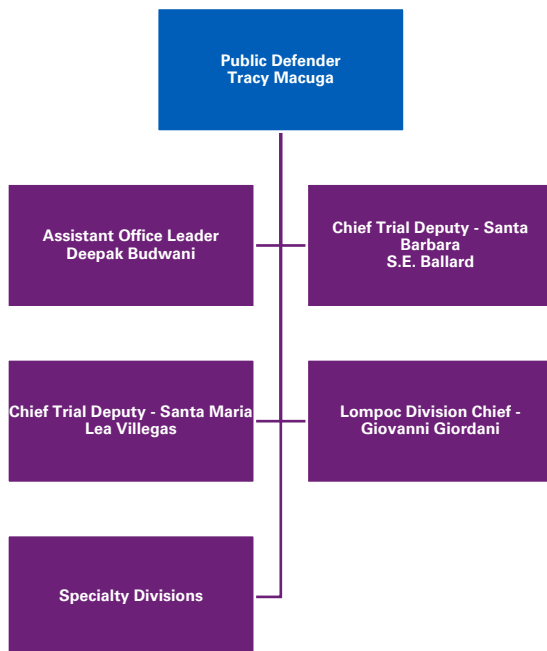
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Commendations

The Public Defender's Office has made signficant changes to their operating model and practices since November 2016. The Office has developed new policies and procedures for almost all positions, maximized the use of grant funding and public private partnerships, and implemented a number of process improvements to enhance the efficiency and effectiveness of their operations in line with the goals of Renew '22.

eDefender Rebuild

The Office has done a commendable job of recognizing the potential for eDefender as an enterprise case management system and the critical important of an upgrade to this system. Work to update the system's functionality is already underway.

Staff Dedication

The staff of the Public Defender's Office has a clear dedication to the mission and vision of the Office, as well as to the clients they represent. This was observed across the Office, at all staff levels and functions.

Innovative Initiatives

The Office should be commended for identifying leading policies from around the nation and incorporating them into its service offerings for clients. For example, efforts to expand the use of social workers, case managers, and holistic defense represent proactive efforts to outcomes for the client and public.

Time Tracking

While this report details opportunities for improvements to existing time tracking practices, Office leadership has already indicated an eagerness to commission a time tracking study to better understand case complexity, workload, and performance. This report supports continued progress towards the implementation of such a study.

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Renew '22 mapping

The recommendations made within the Public Defender's operational and performance review have been aligned to the Renew '22 Transformation Behaviors to help ensure that the recommendations are driving towards the Renew '22 strategic vision, as seen in Figure 1 below.

			Transformation Behaviors				
			Alignment with Vision	Data Driven Decision Making	Strategic Thinking	Risk Taking	Collaborative Problem Solving
Department Recommendations	1	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing	■	■	■	■	■
	2	Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency	■	■	■		
	3.1	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets	■	■	■		■
	3.2	Enhance implementation planning and outcome measurement to assess the impact of new initiatives	■	■	■	■	
	4	Develop a strategic roadmap to prioritize implementation of technology upgrades	■		■	■	■
	5	Enhance the functionality of eDefender to facilitate data tracking and information sharing		■		■	■
	6	Strengthen data quality and management to enable data-driven decision-making	■	■	■	■	■
	7	Enhance Holistic Defense, Pre-Arraignment, and Specialty Court units to improve impacts on recidivism	■	■	■	■	■

Figure 1 – Source: KPMG LLP

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Office recommendations

Office recommendations relate to the systems and processes needed for the Office as a whole to manage its operations and activities to achieve the County's goals. The recommendations outlined below focus on providing strategic alignment and direction across all Public Defender staff, offices, and functions.

#	Office recommendations
1.0	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing
2.0	Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency
3.1	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets
3.2	Enhance implementation planning and outcome measurement to assess the impact of new initiatives
4.0	Develop a strategic roadmap to prioritize implementation of technology upgrades
5.0	Enhance the functionality of eDefender to facilitate data tracking and information sharing
6.0	Strengthen data quality and management to enable data-driven decision-making
7.0	Enhance Holistic Defense, Pre-Arraignment, and Specialty Court units to improve impacts on recidivism

This report details recommendations and opportunities within the purview of the Public Defender's Office. However, the Office is also affected by challenges that cannot be resolved without interagency cooperation. These interagency challenges will continue to be evaluated throughout the remainder of the Public Safety departmental performance and operational reviews and will be outlined in further detail once all reviews have been completed. The table below provides a high-level summary of interagency challenges that arose during the review of the Office of the Public Defender.

Interagency Observations
Improve efficiency of attorney access to incarcerated individuals (in person and by phone) to more effectively utilize attorney time:
Office attorneys report delays in scheduling "contact" (i.e., in-person) visits with incarcerated defendants, as well as Skype sessions with their clients at the jail. While Office's current data collection processes do not permit a detailed analysis of lost time related to jail calls and visits, attorneys attest that delays related to client access can consume up to half a day of staff time and interfere with their ability to provide an effective defense. It is recommended that the Office and Sheriff's Office develop agreed-upon processes to enable efficient virtual and in-person client visits. While this issue pre-dates the COVID-19 pandemic, the use of available rooms to facilitate remote hearings has further exacerbated the issue and served to further reducing attorney access.

Improve access to technology at peer agency facilities to allow for digitization and streamlining of key activities (e.g., access to laptops in jail or Wi-Fi in courts to enable digital notetaking in eDefender)

Office attorneys report challenges in technology access that create operational inefficiencies in their work when visiting other county agencies and workplaces. For example, not all courtrooms provide reliable access to Wi-Fi, which poses barriers to accessing eDefender while in court and prevents attorneys from directly entering case notes into the system. As a result, attorneys may have to retype their notes into the system once court is completed, leading to redundant work. Additionally, attorneys are not permitted to bring their laptops into the jail. Instead, Office attorneys are directed to use loaner laptops provided by the Sheriff's Office, which can limit their access to materials such as case histories while meeting with clients and result in additional administrative work, as attorneys copy materials across devices. The County has an incentive to resolve these technology issues, which cause inefficiencies that consume attorney time that could otherwise be dedicated to representing clients or other high-priority matters.

Analyze the impact of non-continuous trials to potential negative externalities for defendants, jurors, attorneys, and County finances

Trials in Santa Barbara courts are not always scheduled continuously, meaning they may not occur on back-to-back days. Office staff report that these non-continuous trials pose three primary negative impacts:

— They pose obstacles for lawyers, regardless of whether they work for the Public Defender's Office or the District Attorney. When jurors return from days-long breaks in court proceedings, they may not clearly remember previous sessions, posing challenges to attorneys who are attempting to lead jurors to a particular conclusion based on evidence.

— Non-continuous scheduling can increase trial length, and as a result, the length of pretrial detention. Defendants who are held in jail while awaiting trial end up incarcerated for longer periods than they would if their trials were held continuously. This negatively impacts defendants, who may lose their jobs, housing, or even custody of their children while incarcerated. In doing so, it creates short-term costs for the County in the form of additional jail bed days and long-term costs in the form of potential increased reliance on County services.

— Jurors who are balancing work, childcare, or eldercare commitments may be less able to participate in trials that span multiple weeks. As a result, non-continuous trials may reduce the juror pool and limit the diversity of people who serve on juries.

It is recommended that the County further analyze the negative impacts of non-continuous trials, document the additional costs arising from this process or negative externalities, and initiate conversations with the Courts to resolve these challenges.

Identify solutions to last minute docket delivery to improve the quality of representation

When a docket is scheduled that includes clients of the Public Defender's Office, the Office typically does not receive the list of that docket until the date of the scheduled court appearance. This short notice reduces the amount of time attorneys have to prepare for cases, and at times results in attorneys meeting their clients for the first time in the courtroom. In interviews, Office staff asserted that this lack of advanced notice stems from the non-interoperability of the Court and Office systems, as well as a lack of coordination between the individual courts.

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Current and recommended operating model

Figure 2 below summarizes the Public Defender's current-state operating model across six design layers, as well as the target state that can be achieved by implementing the recommendations in the following sections. Each operating model layer describes a continuum of maturity that articulates how the Public Defender's Office can be designed to deliver services optimally. These layers were also used to structure the observations, analysis, and recommendations of the review of the Office. Detailed descriptions of the six design layers can be found in Appendix D.

Design layer							
Service delivery model	Lack of coordination	Autonomous local functions (e.g. objective setting at office-level)	Local offices reporting to department	Some sharing of work and clients across regions	Majority of work shared across regions	Work is performed irrespective of geographical location	Optimized
Education and training (People)	Reactive	Provides minimal training; ad hoc	Provides minimal training; Identified and requires some trainings	Offers routine skills training catered to departmental need	Offers skills and leadership trainings catered to departmental needs	Trainings are used to drive outcomes for customers and focus on continuous improvements	Proactive
Processes	Locally specific	Disaggregated processes and responsibilities	Low degree of standardization and automation (office-level)	Standardized processes; focused on region	Standardized processes for low-value high-volume transactions	Standardized processes for all core Public Defender processes	Standardized and optimized
Technology	Incompatible systems	Multiple systems, tools and manual interfaces	Unified consolidation framework, multitude of systems with interfaces	Standard systems, interface layer; overlap of functionality in systems; system not fully functional or utilized	Standard tools/applications with no overlap of functionality	Standard tools and applications, on single occurrence	Enterprise systems
Data & Reporting	Inconsistent / decentralized data models and reporting	Non-integrated data models; reporting is highly manual	Application-specific data models and reporting	Department-specific data models and reporting	Department standards for data models; reports are rationalized and used consistently	Harmonized data model supports fully integrated reporting across organization	Enterprise data model/"one version of truth"
Governance & Controls	Informal	Reactive; manual detection controls; no formal governance	Regular reviews of controls and policies, some analysis; limited governance in place	Risk-based controls; some automation; formal governance	Use of automated controls and analytics tools to maintain governance standards	Automated, risk-based preventative control integrated into existing systems	Centralized, automated, and preventive

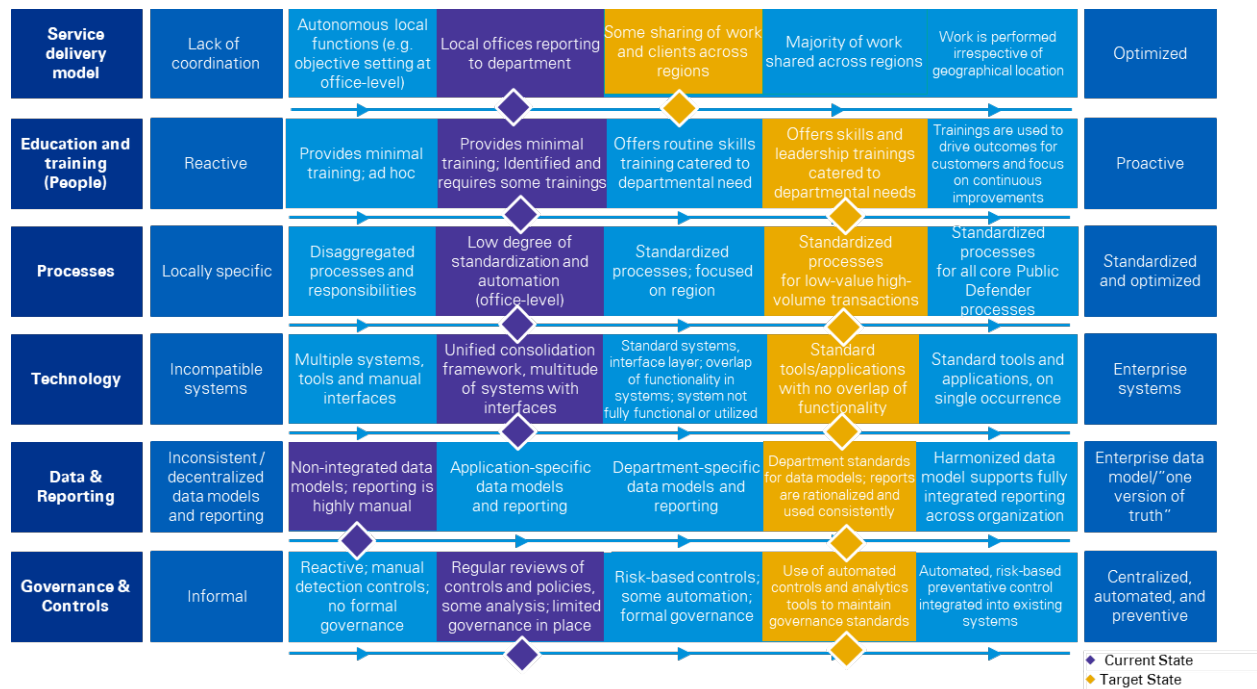Legend: ◆ Current State ◆ Target State

Figure 2 – Source: KPMG LLP

Office Recommendations

Office recommendations relate to the systems and processes needed for the Public Defender's Office as a whole to manage their operations and activities to achieve the County's goals. The recommendations outlined below focus on providing strategic alignment and direction across all Public Defender's divisions. The recommendations focus on developing capabilities and processes required to enable the Office to manage the business more effectively in a digital environment and to provide improved service to the public.

#	Office Recommendations
1.0	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing
2.0	Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency
3.1	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets
3.2	Enhance implementation planning and outcome measurement to assess the impact of new initiatives
4.0	Develop a strategic roadmap to prioritize implementation of technology upgrades
5.0	Enhance the functionality of eDefender to facilitate data tracking and information sharing
6.0	Strengthen data quality and management to enable data-driven decision-making
7.0	Enhance Holistic Defense, Pre-Arraignment, and Specialty Court units to improve impacts on recidivism

Office Recommendation 1

1.0	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing
Observation and analysis	

The Office provides a critical service to the residents of Santa Barbara and operates under the mission of zealously protecting the rights, liberties, and dignity of all of their clients. In interviews, Office staff expressed a strong and commendable commitment to this mission. However, staff also expressed a concern that overwhelming workload at times may prevent the Office from delivering the highest levels of service to its clients.

At present, the Office appears to lack data-driven processes to measure and manage employee workload. This stems from a three interrelated challenges. First, because the Office lacks Standard Operating Procedures (SOPs) for common tasks, staff complete identical pieces of work in varying ways, which require varying levels of effort. Second, the Office does not have robust processes to track employee time or workload, so management has limited quantitative data showing which staff are carrying a heavy workload and which may have capacity. Third, without this workload data, Office leadership is limited in its ability to strategically distribute workload across the office or evaluate staffing decisions.

By developing a more comprehensive understanding of employee workload, Office leadership will gain a critical management tool: they will be able to use this data to most efficiently distribute work across the office, helping to ensure clients receive the highest level of representation. This report details a four-step process to implement workload management across the Office:

Develop Standard Operating Procedure manuals for core tasks

During interviews, it became clear that Office staff are not universally aware of standard operating procedures for their particular functions. Rather, practices to complete the same piece of work may vary across staff member or office. Almost all staff interviewed indicated a desire for manuals to guide Office operations, to serve as a reference point during onboarding and training, and for ongoing reference. It is worth noting that the Office has stated that SOPs are a priority item, including around the rebuild of eDefender; however, a timeline for execution and implementation has not yet been established.

In interviews, Office staff described inconsistent practices in interviews for tasks including:

— Taking case notes during court

— Creating a case in eDefender

— Referring a client to the Holistic Defense Unit, which connects clients to social workers, case managers, and wrap around services

— Tracking investigator time via eDefender, on paper in a "field log," or a shared spreadsheet

— Whether particular tasks should be completed by an attorney, Legal Office Professional (LOP), or social worker

The Office should be commended for creating online video modules describing new eDefender features as they are developed; however, there should be a strategic expansion of those videos and learning tools to fulfill this recommendation and better codify and clarify the expected duties of each employee class, as well as the SOPs to conduct the work that is expected of them. This will give each

employee a point of reference for any procedural questions, enhance the ability of attorneys and LOPs to backfill positions when needed, and assist in a smooth onboarding process and probation period for new hires.

By clarifying which tasks are intended to be carried out by each employee class, and by establishing a standardized process for completing these tasks, Office leadership can create a stable baseline upon which the Office can layer the workload management practices detailed below.

Implement internal time and workload tracking processes

Time tracking is fundamental to understanding and balancing staff workload, as well as developing performance measures to assess and enhance performance at the individual, division, and office level. However, the Office's current time tracking practices do not collect the data necessary to allow office leadership to assess each employee's overall workload, or the workload consumed by specific case types or activities.

The functionality for time tracking has been available in eDefender only for investigators since June 2017. For investigators, this time tracking is broken out by case number, activity type, amount of time spent on the activity, and which investigator performed the work, as noted in Office Recommendation 5, which includes a high-level analysis of this data. However, investigators do not appear to be using standardized activity codes, which poses an obstacle to reliable and efficient investigator workload analysis.

At the attorney and LOP level, Office staff are not currently expected to record their time; however, it should be noted that the Office is working on establishing and testing this capability within eDefender. While eDefender does track the number of *cases* assigned to each attorney, this allows for only rudimentary *workload* tracking. Caseload does not always correlate to workload, as cases can vary dramatically in complexity based on case type. Currently, eDefender does not allow for any measurement of the amount of time spent on a particular case.

It is recommended that the Office prioritize the implementation of internal time-tracking practices for all employees. This time tracking data will allow management to gauge the current workload of each employee. This workload data can inform management decision-making by allowing Office leadership to better allocate workload, identify opportunities to pivot staff to assist other areas during peak times, prevent burnout and attrition of staff, and justify current and future staffing levels. Additionally, this time tracking data will allow the Office to conduct a timekeeping and workload study, as discussed on the following page.

Many state, local, and nonprofit Public Defender organizations have conducted and published time tracking and workload management analyses, and the Santa Barbara Public Defender's Office intends to collaborate with the National Association of Public Defenders to conduct both a timekeeping and workload analysis.

Examples of recent, comprehensive time-tracking analyses with a workload assessment are the Research Division of the National Center for State Courts on the North Carolina Office of Indigent Defense Services,[1] and The Spangenberg Group Assessment of the Missouri State Public Defender System.[2] These analyses developed a weighted model, based on internal expectations for staff, and looked at caseload thresholds juxtaposed to quality or representation of clients. In most instances, the workload studies performed followed the same format. The result of these studies allowed for enhanced staffing levels aligned to demand, better management of attorney expectations, and improved outcomes for clients to whom attorneys could dedicate an appropriate amount of time to provide an effective defense. Below are a few examples of which metrics to track for the varying types

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[1] http://www.ncids.org/IDS_Public%20Defender%20Workload%20Study_2019_02_21.pdf
[2] https://bit.ly/3cgEAbv

of employees to better understand workload. This list is not comprehensive and should be considered a starting point.

Attorney	LOP	Investigator
— Cases assigned	— Cases assigned	— Number of cases assigned
— Cases closed	— Cases opened	— Travel time
— Cases open	— Number of legal documents prepared	— Evidence collected
— Case complexity	— Communications with clients	— Jail visits
— Number of attorneys assigned to cases	— General non-legal related duties assigned	— Subpoenas served
— Experience level of attorneys	— Discovery review	— Records obtained
— Average case age	— Courtroom support	— Number of expert witnesses found
— Jail visits	— Time spent per case or activity	— Time spent per case or activity
— Client visits		
— Time spent per case or activity		
— Case outcome		

Figure 3 – Source: KPMG LLP

In order to generate these metrics, it is incumbent upon staff at all levels to record data and time tracking accurately and in a standardized manner within eDefender. The reports can be generated by the Office's IT team until there is a standardized, automated reporting functionality produced by eDefender. This is due to the large amount of data cleansing that would need to be done to supply the reports with accurate data under the current state, however under the future state this manual effort would not be required as data entry would be standardized across staff and offices. Ideally, the report would include data visualization that provides an opportunity to drill down granularly to support executive monitoring of trends, for example by allowing for the identification of cases that are falling outside of expected performance and workload expectations.

Perform or commission a timekeeping and workload study

Office leadership stated that they intend to collaborate with the National Association of Public Defenders to conduct a timekeeping and workload study; however, a timeline has not yet been established for this study.

To perform a timekeeping and workload analysis, the Office must first acquire the ability to track the requisite underlying workload data, as detailed above. After three to six months of time tracking data has been collected office-wide, the Office should perform a timekeeping and workload study. This study can be used as a basis for developing performance standards tied to the performance metrics enumerated in Recommendation 3. Additionally, this study can provide Office leadership with a comprehensive understanding of the time staff can be expected to take to perform various functions across the office. This detailed analysis can be used by leadership to clarify expectations and define performance standards. This information can also inform management efforts to manage and redistribute employee workload.

The below graphic is representative of how a workload analysis could be structured based on the previous studies cited above, and what data and information needs will be to complete each step.

1.0 System Analysis	2.0 Case Type/Case Task Summary	3.0 Time Study	4.0 Delphi Process
—This process will tie eDefender data, clients, cases, and staff to time tracking data	—This step will categorize case types and tasks associated into measurable buckets —Can help to measure which tasks are best performed by attorneys versus support staff	—This is the measurement of individual tasks as aggregated into case types to develop a comprehensive understanding of case complexity, productive hours, and operational efficiency	—The Delphi panel will take private and public expertise to provide a consensus estimate of the amount of time defense should expect to spend on a case —Moreover, the panel will identify where prevailing professional norms are and are not being practiced

Figure 4 - Source: KPMG LLP

It is critical to note that with the current state of data quality and eDefender, the Office would have a difficult time getting all information required to perform the actions in the first step, "System Analysis." Office Recommendation 5 detail steps that need to be taken to improve the quality of data and the ease it which it can be extracted, and as such, it is imperative to address the challenges identified in this report prior to commissioning and performing a time-keeping and workload analysis. However, as further enumerated below, there are basic workload and performance metrics readily available via eDefender that can help to better understand and balance current workloads.
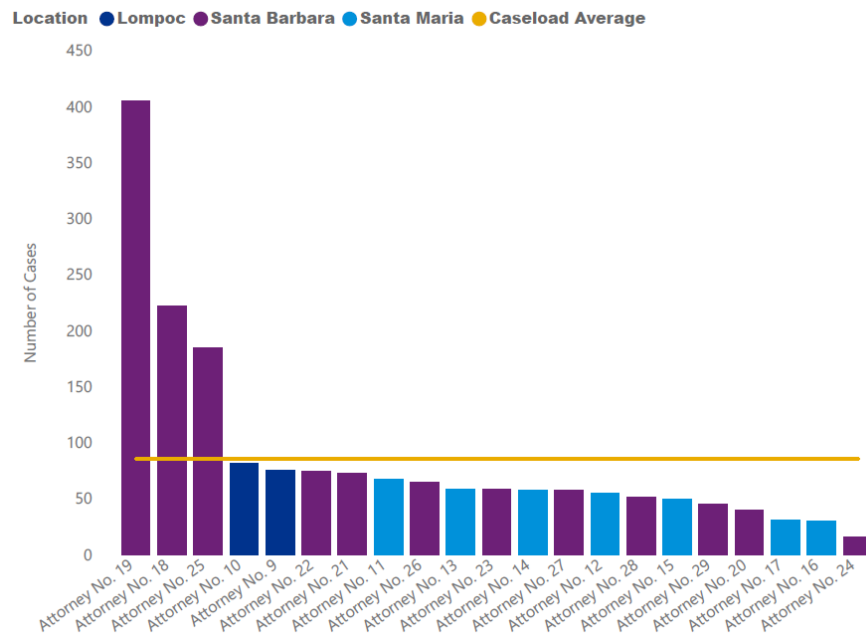

Figure 5 – Source: KPMG LLP analysis of eDefender data

Assess case assignment process and equity of attorney workload

Enhanced workload tracking processes, such as those detailed above, may enable the Office to more efficiently manage attorney workload, including by strategically spreading cases across available staff in a more equitable matter.

In interviews, attorneys asserted that caseload does not always appear to be evenly distributed across the office. A high-level analysis of Office felony case data appears to supports this assertion, as shown in Figure 5 above. It should be noted that due to data quality the case distribution may not be accurate due to attorney's not closing cases correctly and/or some attorney's carry multiple caseloads through specialty courts. In addition, data quality within eDefender reporting may cause inaccuracies within the case distribution data.

Caseloads are a crude indicator for workload, as they do not capture case complexity. However, as the Office does not currently track attorney time or case complexity metrics, caseload analysis is currently the best available metric to understand workload. A variation in the caseloads could be attributable to tenure of the employee; however, those caseloads do exceed industry benchmarking for recommended average maximum caseloads, as enumerated below.

Based on the available caseload data, attorney workload may vary significantly across the Office. The top 3 active felony attorney caseloads are 405, 222, and 185 cases, while the three smallest caseloads number less than 50.

In addition to these large variations in caseload across attorneys, the average caseload carried by felony and misdemeanor attorneys is below that recommended by leading practice research. In Santa Barbara, the current average active felony caseload for attorneys is 86 cases; however, by comparison a Texas Delphi Panel recommends an average of 128 felony cases per attorney.[3]

Caseload data analysis shows that misdemeanor caseload may be allocated more equitably than felony caseload; however, there remain significant variances across attorneys, and the average remains below that recommended by leading

Number of Misdemeanor Cases and Caseload Average by Anonymized Attorneys and Location

Location ● Lompoc ● Santa Barbara ● Santa Maria ● Caseload Average

Figure 6 – Source: KPMG LLP analysis of eDefender data

practice research. It should be noted that due to data quality the case distribution may not be accurate due to attorney's not closing cases correctly and/or some attorney's carry multiple caseloads through specialty courts. The current average active misdemeanor caseload for attorneys is 147 cases; by comparison, a Texas Delphi Panel found that attorneys should have a maximum of 226 misdemeanor cases. Caseloads among misdemeanor Office attorneys in Santa Barbara range from a minimum of approximately 100 to a maximum of approximately 190 cases.

While there are other examples of Delphi panels and workload studies, the Texas Delphi panel was the clearest example of average maximum caseloads across felony and misdemeanor cases. Most
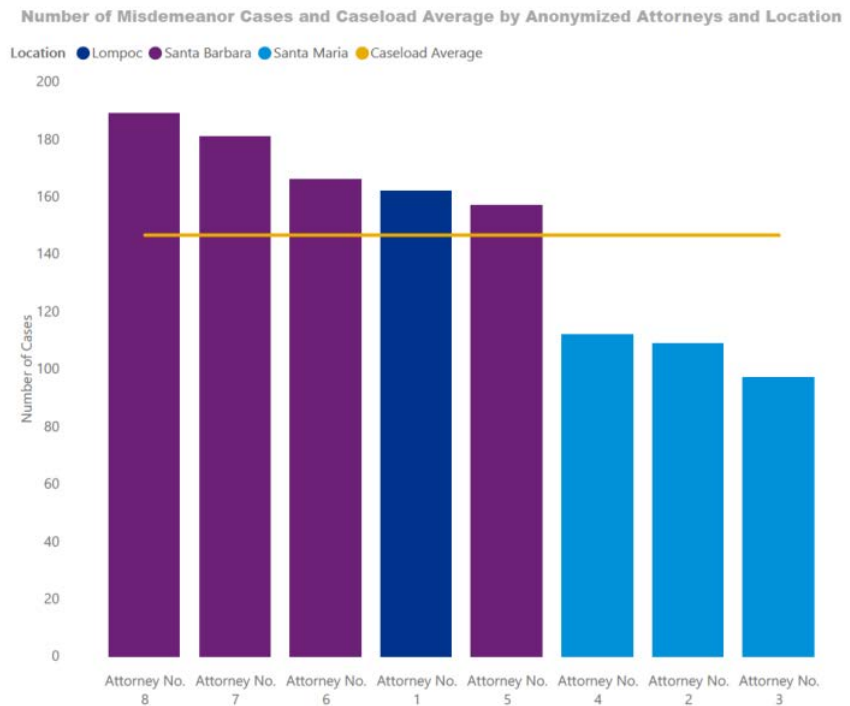
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[3] http://www.tidc.texas.gov/media/31818/150122_weightedcl_final.pdf

importantly, these benchmarks are good guides for caseload standards, but are inferior to the specificity a Santa Barbara County-specific timekeeping and workload analysis would provide.

Currently, cases are allocated to attorneys by the Chief Trial Deputy at each of the three offices. It is recommended that the Office address the current caseload disparities between attorneys. Additionally, once the Office has conducted the timekeeping and subsequent workload analysis, the Office can incorporate the findings into its processes for allocating attorney, LOP, and investigator workloads, allowing for a data-informed approach to case assignments and workload.

Anticipated impact

Transitioning to data-driven processes for measuring staff workload will allow Office management to more efficiently allocate work across the Office. Inequitable workloads can lead to sub-standard legal defense of clients or result in staff burnout and attrition. The processes detailed in this recommendations will enable Office leadership to better understand their staff's current workload, estimate the workload associated with incoming cases, and allocate work based on this information.

Office Recommendation 1 Tear Sheet

Implementation Tear Sheet: Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing

This tear sheet provides an action plan to develop a high-level understanding of staff workload by case type, in order to inform case assignment and management decision-making.

Key activities:

— Conduct staff interviews to develop an inventory of key tasks that are being performed at each staff level (attorneys, investigators, LOPs, etc.).

— Begin tracking time for key tasks on this list. Tracking may occur through eDefender or other means, depending on progress in the Office's rebuild of eDefender. Collect 7–13 weeks of time tracking data prior to the commission of a time track and workload analysis. Leadership may need to remain involved to help ensure that staff adheres to time tracking requirements.

— Use these time records to assess the workload associated with various case types. These workload estimates may vary by case type and office characteristics (e.g., felony vs. misdemeanor cases, adult vs. juvenile cases, and urban vs. rural offices).

— Develop reports to depict current staff workload across the Office. Leadership can use these reports to review the equity of staff workloads and to make case assignment and staffing determinations.

Resources	Deliverables
— Office and functional leadership	— Identification of workloads, standard operating procedure revisions, and implementation of time tracking

Level of Impact	Level of Effort	Duration
High impact	High	Six to nine months

Office Recommendation 2

2.0	Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency
Observation and analysis	

The Office employs staff ranging from attorneys to legal office professionals to IT staff and social workers. These employees deliver a wide range of services, from legal defense to case management services to administrative and translation responsibilities.

This review identified instances in which Office staff are carrying responsibilities that are misaligned to their skill set or specialization. The recommendations below identify opportunities for the Office to increase operational efficiency by realigning workload to the most appropriate staff level, expanding delegation, and adjusting its workforce mix.

Review management responsibilities and delegate lower-level tasks to the appropriate staff level

In interviews, it became apparent that Office's senior leadership holds responsibilities that could be delegated to less senior staff. This reallocation would allow office leadership to focus their attention on strategic decision-making and the highest-profile matters, while reducing the likelihood of bottlenecks. A few examples include:

— To refer a client to the office's Holistic Defense Unit, some attorneys submit this referral form directly to the head of the Office. Management of this referral process is delegable: for example, the Los Angeles County Public Defender Office has a more junior position dedicated to the management and expansion of the holistic defense program.

— One member of the Office leadership team functions as the office's COO, CTO, and CFO. In this capacity, they are responsible for managing the office's budget process, all LOPs, all IT and admin staff, and the IT ticketing system. Additionally, they lead the three-person team responsible for the rebuild of eDefender, a critical modernization of the Office's enterprise system, which is discussed in greater detail in Recommendations 4 and 5. In contrast, in both the Los Angeles County and Sacramento County Public Defender offices, the IT and data management leadership position is split out from Administrative leadership position. It is important to recognize that the broad scope of responsibility for this position could be directly attributable to limited funding; however, there are also opportunities for inter-departmental collaboration with the General Services ICT Division in which there can be shared responsibilities or ICT can dedicate a percentage of an FTE for support purposes.

It is recommended that Office leadership reallocate these and other eligible duties to functional leadership or staff members, thereby allowing Office leadership to focus on strategic functions and decision-making. By delegating operational functions to others, the Office's most senior staff will have expanded capacity to manage critical tasks and strategic priorities.

Delegate case management and administrative responsibilities from attorneys to specialized staff

In interviews, Office attorneys report conducting administrative, case management, or non-legal tasks that could be conducted by other types of staff. For example, attorneys describe writing form letters, building client files, developing trial binders, and management of calendars—responsibilities that can be delegated to LOPs and are included in the job descriptions posted for LOPs in Santa Barbara County. Similarly, attorneys staffed to the Specialty Courts report spending a significant amount of time

conducting case management tasks, such as referring clients to housing or treatment programs or enrolling them for government benefits, which would be better suited to a social worker or eligibility technician.

If a task does not require legal expertise, it often is most efficient from a cost perspective for that task to be conducted by someone who is not a lawyer. Reducing the administrative responsibilities carried by Office attorneys will allow these professionals to focus their attention on tasks that can only be completed with their specialized training.

It is recommended that Office leadership collaborate with functional leaders and staff to develop a realignment of responsibilities governing which tasks should be handled by an attorney, by an LOP, and by a social worker. It may be most efficient to conduct this activity concurrently with the steps outlined in Recommendation 1, which addresses workload management. Once the Office has determined which duties should be conducted by each employee class, and assessed the workload associated with those duties, the Office can review its existing staffing levels and structure to most efficiently match them to demand.

Assess the potential benefits of shifting basic legal tasks from attorneys to LOP IIIs or creating a paralegal position

Under California law, paralegals or legal assistants (terms that are used interchangeably in state code) are permitted to carry out a range of legal tasks under the supervision of an attorney, including case planning and development, legal research, interviewing clients, drafting documents, and making recommendations to a supervising attorney.[4]

At present, the Office does not have a paralegal position; however, the office does employ three LOP roles: LOP Is, IIs, and IIIs. LOP IIIs are likely meet the state's educational requirements to complete paralegal or legal assistant work. Under California law, to conduct paralegal or legal assistant work, employees must possess either:

— A bachelor's degree, one year of law-related experience under the supervision of an attorney, and a written declaration from the attorney that the individual is qualified to perform paralegal tasks

— A high school diploma or GED and three years of law-related experience under the supervision of an attorney and a similar written declaration from that attorney.

California law also requires paralegals to complete eight hours of continuing legal education every years. A subset of Office LOP IIIs likely either possess these requirements or would be able to acquire them with relatively low effort.

State guidelines permit paralegals and legal assistants to carry out a number of basic legal tasks that are currently conducted by Office attorneys rather than LOPs, including interviewing clients and providing case planning and management support. The table on the following page lists the responsibilities that state guidelines allow to be delegated to non-attorney staff, and notes whether these responsibilities are allowed for LOPs in Santa Barbara County according to the County's job descriptions for LOPs. This analysis suggests that state guidelines would allow additional tasks to be delegated from attorneys to non-attorney staff. For example, at present, the job description for LOPs does not allow for case planning, development, and management, even though that is permitted of non-attorney staff under state guidelines. Additionally, only LOP IIIs are permitted to help collect, compile, and utilize technical information to make recommendations to a supervising attorney, according to their job descriptions.

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[4] "California Code, Chapter 5.6. Paralegals," available at
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=5.6.&article=

Responsibilities	State Guidelines	SB LOP I	SB LOP II	SB LOP III
Case planning, development, and management	✗			
Legal research	✗	✗	✗	✗
Interviewing clients	✗			
Fact gathering, retrieving information, coordinating schedules, and maintaining documents	✗	✗	✗	✗
Drafting and analyzing legal documents	✗	✗	✗	✗
Collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney	✗			✗
Representing clients before a state or federal administrative agency if that representation is permitted by statue, court rule, or administrative rule or regulation	✗			

Figure 7 – Source: analysis of state law and County documents by KPMG LLP

Furthermore, based on interviews, the Office's LOPs may not be dedicating significant time to even the basic legal tasks outlined in their current job description, such as legal research or fact gathering. Rather, all levels of LOPs report spending significant time on administrative tasks, such as uploading documents to eDefender or answering phones, instead of having LOP Is assigned to basic administrative tasks while expecting LOP IIs and IIIs perform more legal-specific tasks.

This evidence suggests that there may be opportunities to shift basic legal workload from attorneys to LOPs, even relying on the current job descriptions for LOPs. Additionally, there may be an opportunity to expand the job descriptions for LOP IIIs or create a new paralegal position tasked with handling basic legal responsibilities that are permitted to non-attorney staff under state guidelines but currently not delegated to LOPs in Santa Barbara. Any decision to modify the current job description for LOPs would need to be formalized and reflected in both the job description and the EPRs.

As a first step towards implementing this opportunity, the Office should implement processes to better track and understand LOP workload as detailed in Office Recommendation 1. At present, there is no data to determine the proportion of LOP time spent on administrative tasks versus legal tasks, and the extent to which this varies across the LOP I, II, and III positions. As the Office implements a timekeeping and workload review, the office should develop a comprehensive understanding of the extent to which LOPs are spending time on each of the above permitted activities. Based on this analysis, Office leadership can determine whether the Office would benefit from sequencing the responsibilities performed at the LOP level, with LOP I's focused on administrative responsibilities and LOP IIIs dedicated to the basic legal tasks permitted to paralegals. This would have the added benefit of creating a promotion pathway at the LOP level, allowing experience staff to shift from administrative responsibilities to legal work should they desire to do so and pursue or possess the educational requirements to do so. Subsequent to understanding workloads, roles, and responsibilities, there will need to be a fundamental consideration around the structure and workforce mix of the office.

As detailed in the chart at right, a benchmarking analysis of other counties in California reveals that Solano County, San Francisco County, and Los Angeles County have paralegal positions within their Public Defenders Offices. Counties such as Marin, Monterey, Solano, Sonoma, and Tulare employ "legal aides" or "legal process specialists." In most instances, other jurisdictions separated legal-based job descriptions from administrative-based job descriptions. Santa Barbara County may benefit from reviewing whether it is employing non-attorney legal support staff to the fullest extent permitted by California law.

	Paralegal	LOP/Legal Aide/ Legal Process Specialist
Santa Barbara County		X
Marin County		X
Monterey County		X
Solano County	X	X
Sonoma County		X
Tulare County		X
San Francisco County	X	X
Los Angeles County	X	X

Figure 8 – Source: KMPG LLP

Develop cross-training to allow LOPs to flex across courts

Currently, attorneys and LOPs are assigned to a specific courtroom. Attorneys are typically assigned to a felony or misdemeanor courtroom, and they may also work a "swing shift" at arraignment court. One attorney is assigned to arraignment court full-time. LOPs are assigned to a specific courtroom and do not carry a "swing shift."

LOPs may be required to provide backfill if other LOPs are out for vacation, training, or sick time. In interviews, LOPs expressed concern that not all staff members are comfortable backfilling "upwards," meaning LOPs assigned to misdemeanor courts are not able to effectively support the LOPs assigned to felony courts due to a lack of training and experience. This was described as a pain point for all offices.

It is recommended the Office employ cross-training to resolve this pain point and increase resiliency. The "swing shift" model being employed by attorneys is a strong foundation for developing a larger cross-training program for LOPs. By working "swing shifts" at different courtrooms, LOPs will develop the experience necessary to more effectively flex across the organization and case types. This type of program would improve the resiliency of the office to redirect employees to courtrooms that are experiencing high demand at a given time. A cross-training program would also be the starting point for addressing succession planning within the office. By enhancing cross-training, the office can build resiliency, allowing employees to more easily backfill vacancies.

Assess demand and delivery models for translation services

In interviews, Office staff consistently expressed concern that it is difficult to deliver equal quality representation to clients who do not speak English, and in particular those who speak only Mixtec. The language barrier presents challenges at almost every step of client representation, yet at present, the Office does not employ translators on staff.

For clients who speak Spanish, the Office relies on ad hoc translation services from LOPs and attorneys who speak Spanish (it is worth noting that some of these employees receive bilingual pay). However, some staff who are called upon to provide translation services indicated that while they are conversationally fluent, they have difficulty discussing complicated legal matters. Additionally, these staff are diverted from their primary duties when they are asked to translate.

Currently, no Office staff speak Mixtec. While the courts do employ four Mixtec translators, these interpreters are not available for attorney-client interactions that take place outside of the courtroom. As a result, attorneys often are unable to have pre-arraignment discussions with these clients and instead meet them for the first time in court. In interviews, staff agreed unanimously that the court translators are a needed resource. A Texas Indigent Defense Commission study of attorney time demonstrated

that, at most, 50 percent of attorney time is spent in court, which indicates a likely need for translation services both inside and outside of the courtroom. [5]

Additionally, there can be cultural and socioeconomic barriers with the Mixtec-speaking clients that may require large amounts of attorney time. It was noted during staff interviews that a substantial portion of their Mixtec-speaking clients are illiterate and cannot read their probation orders, alternative sentencing requirements, or house arrest requirements. Beyond post-sentencing challenges, there is not a cultural concept of innocence or guilt, which can pose obstacles for attorney-client interactions and understanding. This manifests in the inability of the attorney to meet the client pre-arraignment, lengthy conversations during arraignment, and violation of court-ordered sentencing requirements that requires attorney follow-up.

Given the clear demand for translation services, which does not appear to be effectively met by the Office's current practices, we recommend that Office leadership evaluate demand and delivery models for translation services. This should be done in a way that embraces data-driven decision-making by initially tracking translation needs outside of court for three months. There should then be an assessment as to whether or not there needs to be more staff to fulfill the translation needs. Alternatively, there should be an assessment of an on-demand service such as video conferencing.

Anticipated impact

By reviewing management responsibilities to prioritize strategic tasks and by delegating non-legal work to administrative or case management staff, the Office can more efficiently match each employee's workload to their specialized skill set. This recommendation has the potential to increase the quality and level of service provided by the Office, without hiring staff or procuring new technology.

[5] http://tidc.texas.gov/media/31818/150115_weightedcl-final.pdf

Office Recommendation 2 Tear Sheet

Implementation Tear Sheet: Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency

This tear sheet provides iterative steps to realign roles and responsibilities to the appropriate staff level.

Key activities:

— Develop an inventory of the current tasks and responsibilities currently conducted by each position type. Functional leadership throughout the Office should create this inventory through staff focus groups and interviews and in conjunction with the time-tracking initiative mentioned in Recommendation 1.

— Determine in what areas employees are performing duties that do not align with the job descriptions or qualifications. During this process, it is important to note when a supervisor or attorney are performing tasks that take away from operating at the top of the roles or licenses. This determination can be made by functional leadership in partnership with County HR.

— Revise staff portfolio as needed to realign actual duties to the position's job description. Leadership responsibilities should focus on strategic tasks (for example, tasks that involve developing functional area strategy or ways to increase fidelity of workload across offices. Administrative tasks should be reassigned from specialized staff, such as lawyers or social workers, to LOPs, thereby helping to ensure licensed staff are operating to the top of their training. This exercise should be performed in collaboration with County HR to ensure conformation with union contracts and meet and confer agreements.

— Create standard operating procedures, manuals, and trainings that are reflective of the revised roles and responsibilities. The SOPs and manuals must be readily available to all staff online, and the trainings should be made available for both new functionality and refreshers. Consideration should be given to simultaneously taking the SOPs developed in this recommendation and the workload and caseload data tracked in Recommendation 1, and using those data points to develop and understanding of required staffing levels and what positions are needed.

Resources	**Deliverables**
— Office leadership, supervisors, and staff	— Revised and clarified job descriptions — Standard Operating Procedures, manuals, and trainings

Level of Impact	**Level of Effort**	**Duration**
High impact	High Effort	Nine to twelve months

Office Recommendation 3

3.1	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets

Observation and analysis

To maximize productivity and effectiveness, the Office would benefit from strengthening its performance measurement and management processes. During the course of the interviews and analyzing data, it became apparent that although the Office tracks some outcomes in the budget book, there are no formally established performance metrics against which employees or offices are managed. The below steps should be taken iteratively. These performance management improvements also related to the workload management recommendations outlined earlier in this report as well as the eDefender upgrade recommendation outlined in Recommendation 5.

Develop comprehensive performance measures at the initiative, unit and office levels

During the interview process, it became clear the Office has not established sufficient Key Performance Indicators (KPI) to drive and evaluate employee performance, or to measure performance at the initiative, unit, and office levels. The Office does report a limited set of performance measures in its budget documents; however, these measures focus on quantifying the delivery of services to clients, essentially the Office's output in certain areas. The Office would benefit from the creation of additional performance measures that relate to effectiveness of internal processes (e.g., the time to create a case, the number of referrals to the Holistic Defense Unit), the quality of service provided (e.g., time to initial client contact), as well as outcome measurement (successful diversion from jail, completion of court-mandated programming, and low recidivism rates).

These performance metrics will enable data-driven decision-making for management to deliver continuous improvement of office operations. These measures should be aligned to the Office's strategy and goals and allow for the more effective measurement of progress towards these key office goals.

Below are some suggested KPIs for each employee group in the Office. These KPIs should not be considered comprehensive, but a starting point on measuring the performance of each employee class.

Attorney	LOP	Investigator

— Pre-arraignment contact as a % of total cases
— Initial interview by attorney
   — Within 24 hours of appointment on case, or;
   — Within 48 hours of arrest
— Attorney client visits (in person every 30 days)
— Attorney visits within 24 hours of a hearing/court appearance
— Client survey on quality of representation
— Percent of cases that went to trial
— Percent of cases settled in a Trial Readiness Conference/Felony Settlement Conference
— Percent of cases dismissed in Preliminary Hearings
	— Pre-arraignment contact as a % of total cases
	— Number of motions filed on time as a % of total motions
	— Time to collect records after assigned
	— Cycle time on transcriptions
	— Conflict reporting time
	— Preparing attorney daily calendars
	— Cycle time on original and supplemental discovery
	— Letters to clients
		— Pre-arraignment contact as a % of total cases
		— Time to complete tasks as assigned
		— Cycle time on subpoena generation and delivery
		— Witness coordination
		— Time to collect records
		— Client contact frequency and success

Figure 9 – Source: KPMG LLP

Separately, below are some examples of key performance indicators that should be tracked at the office level.

Office/Organizational Performance Measures
— Number of successful motions filed/argued in each case (special attention to bond motions) — Percent of the time discovery is reviewed within 48 hours of receipt — Number of investigations performed — Number of legal research conducted — Percent of negotiations leading to dismissal — Percent of cases dismissed on date of trial — Successful motions for new trial filed in each trial case — Time to disposition   — Broken down across the office by case type and then by attorney, ideally controlling for the judge and opposing counsel — Percent of time spent on sentencing/mitigation research & memo (either to prosecutor or to court where there is not an agreed upon plea)

Figure 10 – Source: KPMG LLP

Developing comprehensive office KPIs is the clearest way to understand to operational efficiency and success of an office. It will allow for the strategic investment of time and resources, and give guidance to Office leadership of how to make policy and set strategy. Moreover, office KPIs are linked to

employee level KPIs and create a foundation based on quantitative methodologies for understanding employee performance, cohesion, and morale.

Develop meaningful reports for staff to track key metrics such as caseload, case types, and workload across the Office

During leadership interviews it was noted that there are no standard reports produced to understand either workload or performance. There should be an effort made to design standard reports that are available to both management and the staff, which provide insights in to the operations of the office as a whole, as well as by individual offices. Moreover, there should also be an ability to drill down into the individual employee to better understand the caseloads as compared to established performance measures.

It is imperative that staff have the ability to access their own performance reports and caseload information, as there should be an opportunity for staff to understand how they are performing beyond performance meetings. Self-service performance reporting is a critical aspect to employee-led improvement.

This report should be generated weekly; however, a live report for management would help to identify trends in real time, as well as identify when staff could be overwhelmed and need assistance. Below is an example of a basic report based on the Office's active cases that helps to understand cases, clients, average case age, case type, and when each office sees filings by day of week.
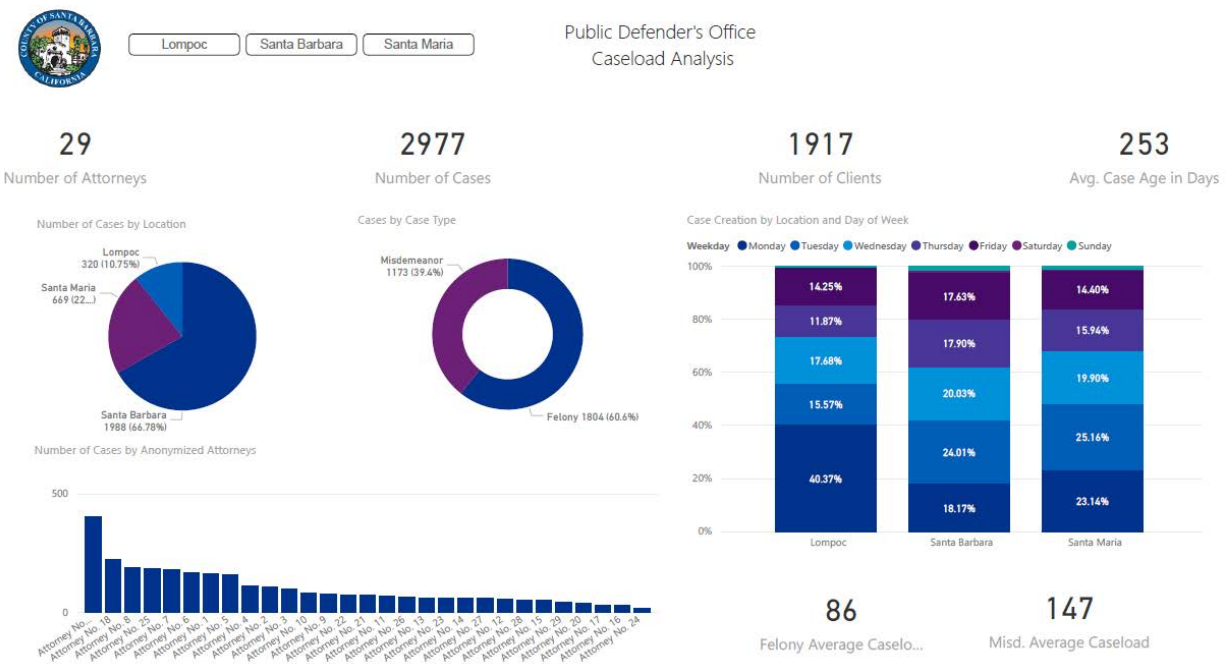

Figure 11 – Source: KPMG LLP analysis of eDefender data

While the above graphic is a high-level look at attorney caseloads, it is not sufficient for a full understanding of workload. There should be separate reports that tell the operational story to the appropriate audience. There should be an executive-level view that looks at the organization as a whole, a supervisor-level view that focuses on performance within an office or functional areas, and a staff-level report that allows for granular analysis of individual team members. Most important, as stated in Recommendation 1, is that data collected should continuously feed into routinely monitoring dashboards and reports that inform decision-making.

Fully operationalize data that is collected

While eDefender does not produce all data required for enhanced performance tracking, it does allow for the analysis of useful metrics to measure caseload and performance. Using currently available data, the graphs below illustrate the number of active cases by locations, trends by location by day of week, and case aging:

— As shown in the graphic below, the Santa Barbara office accounts for two-thirds of the active cases in the Public Defender's Office with Santa Maria and Lompoc accounting for the remaining one-third.
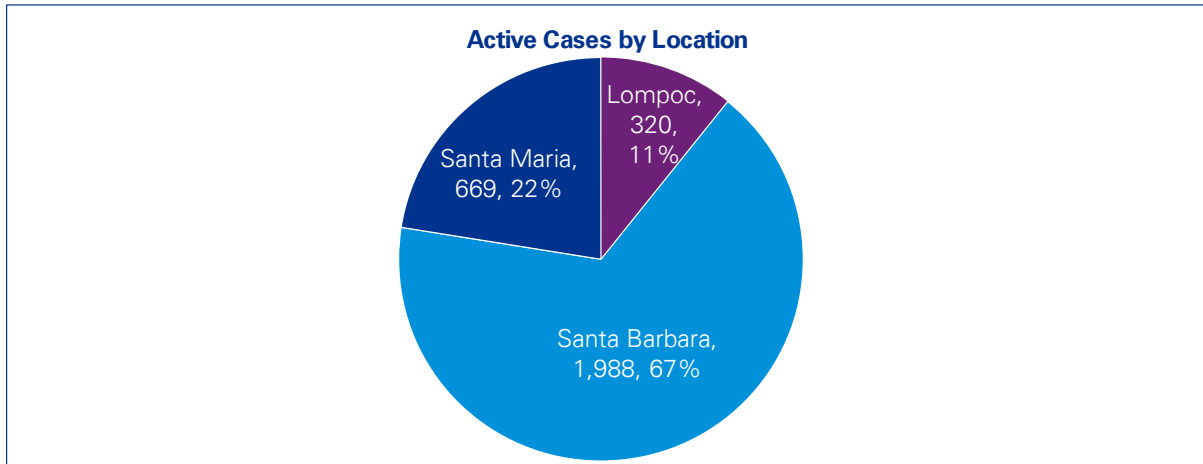
Active Cases by Location

Figure 12 – Source: KPMG LLP analysis of eDefender data

— The below graphic demonstrates the fluctuating workloads by day as it differs from office to office. While a quarter of the cases created in the Santa Maria and Santa Barbara offices occur on Tuesdays, 40 percent of the cases created in Lompoc were created on a Monday. This highlights the benefit of cross-regional support and staff that can flex to demand.
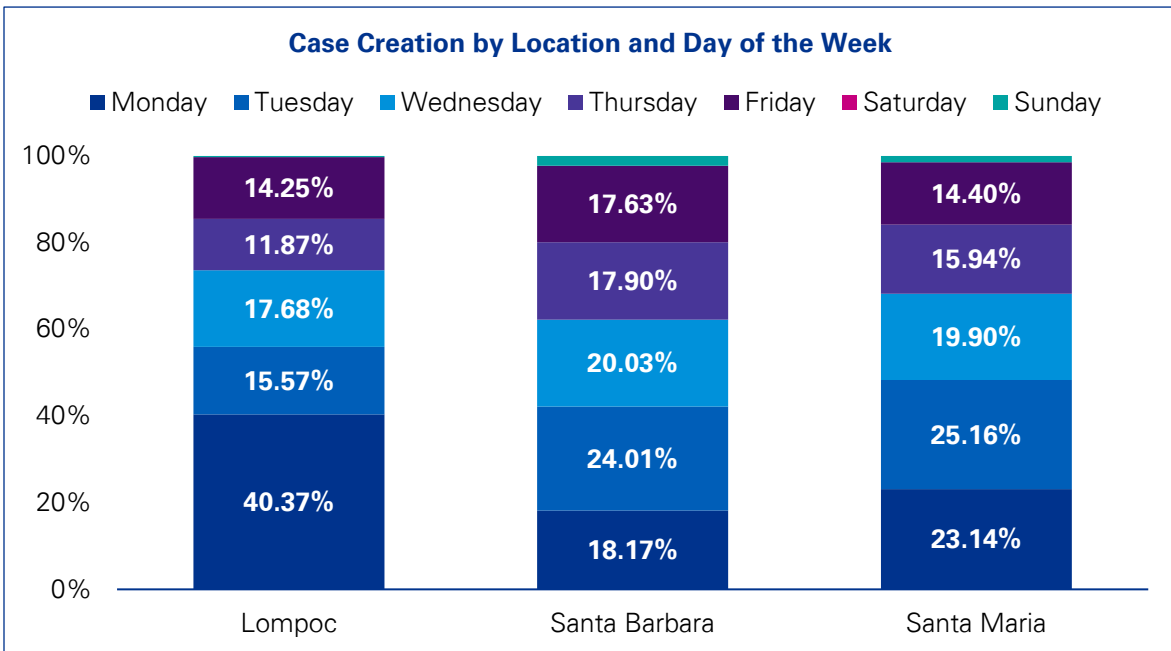
Case Creation by Location and Day of the Week

Figure 13 – Source: KPMG LLP analysis of eDefender data

— The average case age is Santa Barbara is twice the age of cases in Lompoc. This could be attributable to case type breakout, as well as geography; however, it is an area that merits further investigation.
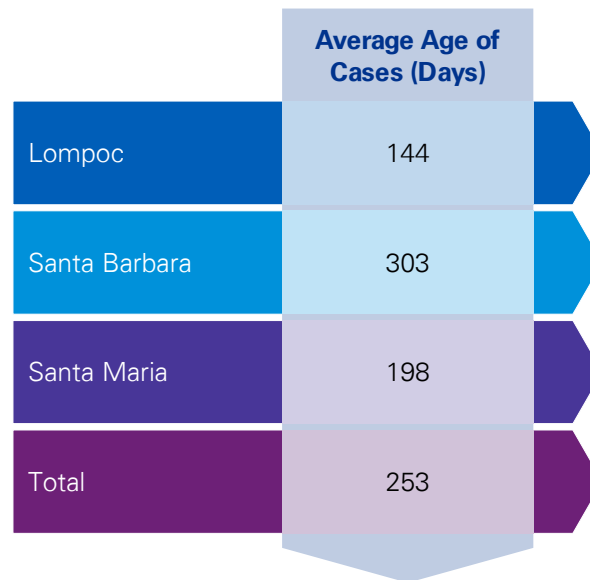
	Average Age of Cases (Days)	
Lompoc	144	
Santa Barbara	303	
Santa Maria	198	
Total	253	

Figure 14 - Source: KPMG LLP analysis of eDefender data

Develop routine feedback loops for performance

During interviews, leadership indicated that they typically aim to meet with staff on a quarterly basis and that their "door is always open." However, there does not appear to be robust, formalized process to guide and facilitate effective performance feedback. Rather, staff stated that the office operates under a general assumption that "if it's a problem, you'll hear about it." This ad hoc style of performance management may not maximize the outcomes achieved by Office staff.

Moreover, in multiple interviews, staff indicated that Employee Performance Reviews (EPRs) are performed inconsistently, with some employees indicating they have gone more than three years without an EPR. Outside of the EPR process, interviewees report a lack of systems or structures to communicate performance feedback. In fact, research identified a Santa Barbara County Grand Jury report[6] from 1998 finding that the Office infrequently performs EPRs, indicating that this is historically chronic issue in the Office.

It is recommended that Office leadership establish a monthly meeting in which all office managers discuss the performance of each office and identify areas that need improvement. This discussion should not be used to only highlight problem areas, but for the office leadership to discuss and test potential solutions to challenges identified and to share successful practices. It should also be guided by best in practice performance and process improvement methodologies to drive towards a better, continuously improved service. Methodologies such as GovStat, Lean Six Sigma, and Agile recognize that an organization does not fix all of its problems at once, but prioritizes what do address through data, strategy, and a timeline. By using qualitative information such as Renew '22 and the mission and vision statements of the Office and merging it with the quantitative data captured in a redesigned eDefender, programs like the earlier mentioned provide the scaffolding to informed operational decisions and a roadmap for continuous improvement.

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[6] http://www.sbcgj.org/97-98/MPUBLICDEFENDER.html

These monthly meetings should be supported by office-specific biweekly performance discussions that are had at the functional leader and staff level. These meetings should also be used as an opportunity to identify areas of improvement as well as identifying staff that might be overwhelmed or need support on areas they are less familiar with. Ideally, these meeting should not be isolated among the staff types (attorney, LOP, Investigator) but with all staff together to ensure that challenges and solutions are shared across cohorts.

By developing a routine feedback loop of information, successes, and failures, the Office will be able to make informed decisions starting and stopping programs, capital investments, staff performance, and hiring priorities.

Separately, the Office needs to perform Employee Performance Reviews annually. Annual EPRs help Office managers deliver constructive feedback, set and hold employees accountable to performance targets, and create a culture of continuous improvement across the office.

Anticipated impact

By establishing key performance indicators and a routine set of meeting to discuss them, the Office will be able to quantitatively measure performance and address areas of concern or challenge in a predictable, measure way. This will also allow for staff to understand areas in which they can proactively self-improve.

3.2	Enhance implementation planning and outcome measurement to assess the impact of new initiatives

Observation and analysis

Recommendation 3.1 defines KPIs and performance metrics at the employee class and office level. Moreover, it is recommended that the Office pay particular attention to new initiatives in its efforts to enhance performance measurement.

Office leadership has launched numerous critical and promising initiatives in recent years, including the Holistic Defense Unit (HDU), Pre-Arraignment Unit (PAU), and eDefender rebuild. The Office should be commended for its efforts to continually improve the services it delivers to residents of Santa Barbara and to adopt leading practices from other jurisdictions.

Interviews, however, reveal that implementation of these new initiatives appears to be hindered consistently by a recurring set of challenges, specifically:

— A lack of sufficient resourcing to meet newly created workload

— A lack of outcome measurement, problem-solving, and continuous iteration

To remedy these recurring challenges, it is recommended that the Office strengthen its processes for implementation planning and evaluation. The Office should create an implementation plan for each new initiative, to include:

— A timeline with key implementation milestones (beginning with a small-scale pilot to test the project concept where appropriate, and ending with full implementation across the office)

— Codified SOPs for the new initiative, and an explanation of how existing SOPs should be altered based on the new initiative

— An estimate of the staffing needs to meet these implementation goals and a plan to provide this staffing

— A list of Key Performance Indicators to measure the effectiveness of the initiatives, and a plan to capture the relevant data to conduct this outcome analysis

— A process to analyze outcome data and problem-solve pain points at regular interviews, thereby facilitating continuous improvement.

Office leadership can use these detailed implementation plans to determine whether it is feasible for the office to undertake multiple initiatives simultaneously or whether it will be necessary to prioritize and sequence the implementation of new programs. The detailed outcome data will allow Office and project leadership to identify and resolve challenges as they arise, amend the initiatives where necessary and outline the resources necessary to support the initiative in the long term. When programs are successful, this outcome data will allow Office to build a business case for continuing or expanding these initiatives based on the established KPIs. They information may also prove useful in advocating for increased funding from the County or outside sources.

Anticipated impact

By prioritizing and sequencing major initiatives and by monitoring outcomes against established milestones, the Office can maximize the impact of these investments. Additionally, by documenting these impacts, the office can present a data-informed case for funding or scaling successful initiatives.

Office Recommendation 3.1 Tear Sheet

<table>
<tr><td colspan="2">Implementation Tear Sheet: Strengthen performance measurement processes to enable regular evaluation of progress towards established targets</td></tr>
<tr><td colspan="2">

This tear sheet provides the iterative steps towards developing and measuring performance metrics across the office, pursuant to Recommendation 3.1.

Key activities:

— Develop a comprehensive list of performance metrics for each position class. This can be conducted by the Office executive team in collaboration with supervisory staff. It is important to have a strong understanding of the difference between workload metrics and performance metrics: workload metrics define the volume of works, with performance metrics defining how well or quickly the work is performed.

— Establish internal service level agreements to hold all levels accountable to established performance measures. If available, the service levels should be set based on the 90th percentile of cycle time data pulled from eDefender, and a 10 percent improvement expectation should be factored in. In the event in which data is not tracked, there should be an effort to track it pursuant to Recommendation 1.

— Instruct supervisors to establish a formal monthly meeting, in addition to informal biweekly meetings, with their direct reports to review performance metrics. It is important to avoid making the meeting punitive in which only failures are discussed, but to frame them as a collaborative discussion around challenges and how to navigate them appropriately. This meeting should be a rolling discussion that feeds in to the EPR process, ensuring that any discussion in during the EPR is not a surprise to the employee. As discussed in the CEO Report Enterprise Enablement Recommendation 1.2, this meeting should be inclusive of the ACEO and budget analysts where appropriate.

— Annually reevaluate all performance measures and KPIs to ensure that tracked metrics are still relevant to the Public Defender's Office mission and vision.

</td></tr>
<tr><td>Resources</td><td>Deliverables</td></tr>
<tr><td>

— Office leadership

— Office IT Staff

</td><td>

— Comprehensive list of performance metrics

— Performance reports/dashboards

— Monthly performance meeting

</td></tr>
</table>

Level of Impact	Level of Effort	Duration
High impact	Medium	Six to nine months

Office Recommendation 4

4.0	Develop a strategic roadmap to prioritize implementation of technology upgrades

Observation and analysis

The Office has invested significant time and resources in technology modernization in recent years, launching multiple efforts to modernize systems and processes across the Office. To list a few examples, Office staff are currently working to implement digital discovery, to allow for the pre-population of fields in case notes, to enable videoconferencing with clients, and, most importantly, to conduct a largescale rebuild of office's enterprise case management system, eDefender.

Office leadership is wisely investing in efforts to bring Office's antiquated technological capabilities in line with peer agency leaders and leading practices. Commendably, the office has prioritized developing innovative, low-cost alternatives rather than purchasing software licenses—for example, the Office hired an eDefender coding expert to build out functionality and develop an in-house, Outlook-based IT ticketing system rather than transitioning to new platforms.

However, the Office's technology modernization initiatives do not appear to be driven by a structured or documented strategy or roadmap. As a result, prioritization and urgency across these initiatives is unclear and at times misaligned to the office's most critical needs.

It is recommended that the Office develop a strategic roadmap and implementation plan for technology modernization. In articulating this document, the Office should identify short-, medium-, and long-term goals for the Office's technology capabilities. Modernization initiatives should be prioritized by their level of urgency and operational need, as well as the level of effort entailed in the rebuild. Having identified short-, medium-, and long-term goals, the strategy roadmap should then detail implementation plans to achieve these upgrades by the target date, including a target timeline, key milestones, and required staffing. This roadmap document will allow office leadership to establish clear prioritization and timelines for its technology refresh efforts, help ensure that the most critical efforts receive the resources, staffing, and attention necessary to remain on deadline, and more effectively monitor and problem solve initiatives should they become delayed.

Based on the project team's interviews, this roadmap should include at a minimum the two initiatives or opportunities detailed below, as well as the priorities outlined in Office Recommendation 5 regarding eDefender.

Expand automation and paperless processes

The Office relies on a number of antiquated processes and systems for recording and transferring data, which consume staff time and could be replaced by more efficient technology. Select examples include:

— Not all attorneys utilize eDefender for notetaking during court, instead taking notes in Word or even utilizing handwritten notes. This process creates unnecessary work, as the attorney or an LOP must later input information into eDefender once they have returned to the office. In interviews, staff reported that this may stem from employee preference in some instances; additionally, some courts do not have Wi-Fi capabilities, which limits the attorney's ability to use laptops. In the event in which capital expenditures will not be spent on upgrading courtrooms to add Wi-Fi capabilities, it is incumbent on the Office to identify alternative solutions such as use of County cellphones as Wi-Fi hotspots.

— While the juvenile division of the Office has adopted paperless processes for notetaking, discovery, and filings, other courts continue to rely on compact discs (CDs) for discovery as well as paper

documents and filings. It is important to note these processes are not independently controlled by the Office; as a result, process improvements will require collaboration with the controlling Superior Courts and the District Attorney.

It is recommended that Office leadership work with staff to identify the manual processes that consume the greatest amount of staff time, and to determine whether these processes can be automated or made paperless, either through eDefender or another available service.

Integrate ServiceNow into IT support and enhance collaboration

Office IT staff assert that while they can rely on General Services ICT to solve critical problems in a timely manner, when it comes to desktop and software support that do not raise to the "emergency" category, service from ICT is often extremely slow. As such, Office IT have developed processes to manage their own Tier 1 and Tier 2 IT tickets via a homebuilt, Outlook-based IT ticketing system that handles IT requests across the office. This process is detailed in the diagram below.
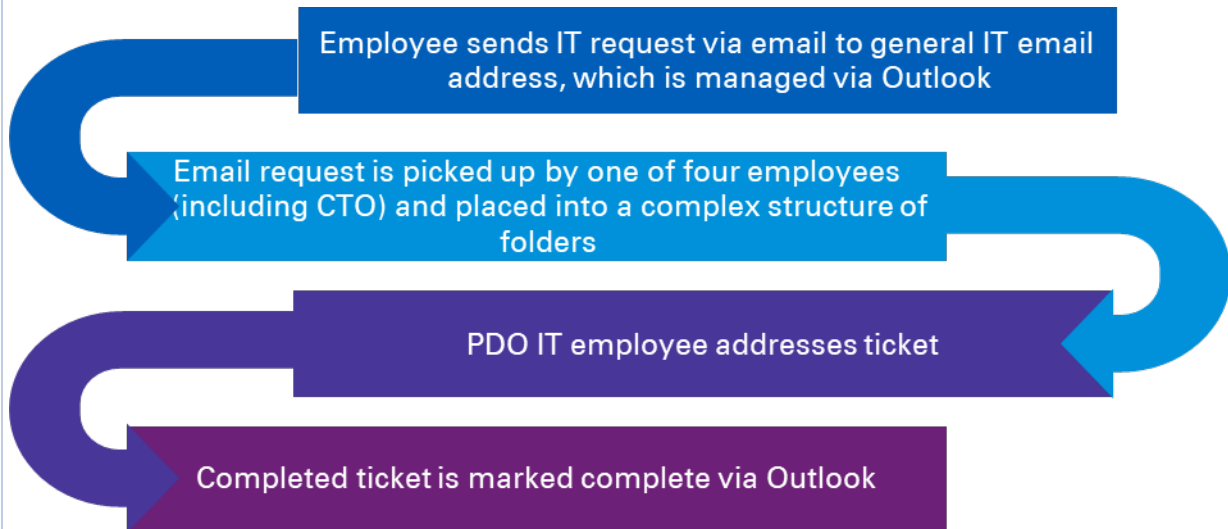
Employee sends IT request via email to general IT email address, which is managed via Outlook

Email request is picked up by one of four employees (including CTO) and placed into a complex structure of folders

PDO IT employee addresses ticket

Completed ticket is marked complete via Outlook

Figure 15 – Source: KPMG LLP

Although this system does function to fulfill the office's basic need, it does not allow for analytics to be performed on ticketing types and cycle times, nor does it allows for a comprehensive understanding of IT employee performance, cybersecurity practices of employees, and other critical aspect of monitoring that a proper ticketing system could provide.

The Office should consider adopting an instance of ServiceNow from the already procured and implemented instance managed by General Services ICT division. ICT gave a quote for $480/user/year in which customer workflows, escalation, and reporting can be created, and would allow the office to monitor and resolve Tier 1 and Tier 2 tickets with a seamless handoff of Tier 3 tickets in-instance to ICT. While the current Outlook system has no annual costs, there are costs associated with staff time used to create the current system, as well as costs currently incurred in the maintenance, organization, and tracking of cases.

Separately, it is critical to improve the relationship and trust between Office IT and ICT if the Office intends to continue Tier 1 and Tier 2 support of its employees. The current IT staff in the Office does not have the permissions needed to perform all Tier 1 and 2 desktop maintenance functions (permission allowance, simple installations of software and hardware, etc.), limiting the ability of the IT staff to quickly perform basic IT services. This was cited as a notable barrier to performing their daily duties, and needs to be prioritized for resolution. Pursuant to Recommendation 8.2 in the General Services Office Operational Review, the Office should collaborate with ICT as they develop a hybrid service delivery model over the next three years in which there will be clear guidelines of ownership of

service. ICT will be required to address all Criminal Justice Information Security (CJIS) requirements and attorney-client restrictions prior to implementation of the hybrid service delivery model.

Anticipated impact

Improving key systems and processes—such as eDefender and Outlook-based IT ticketing—allows the Office to improve productivity and effectiveness and reduce inefficient processes that decrease the productivity of staff. By developing a technology modernization roadmap, the Office can have a structured, justified approach to investment and upgrade.

Office Recommendation 4 Tear Sheet

Implementation Tear Sheet: Develop a strategic roadmap to prioritize implementation of technology upgrades

The tear sheet below describes the steps needed to develop a clear strategy and prioritization framework for technology upgrades across the Office.

Key activities:

— Develop an inventory of all ongoing and planned upgrades for Office technology systems. This inventory should show the progress of all in-progress updates, as well as planned upgrades and their estimated effort. This inventory should be developed by the Public Defender IT team in conjunction with Office leadership.

— Schedule a series of working group meetings to determine the appropriate prioritization for these initiatives. This working group should consist of stakeholders including Office leadership, Office leadership, Office IT, and the County IT team. These meetings should develop consensus about the "want," "need," and "nice to have" aspects of each upgrade, as well as the expected level of investment in funds and personnel necessary to achieve each upgrade. Stakeholders may benefit from building multiple, scalable versions of the prioritization based on varying funding and staffing levels.

— Produce a technology roadmap document that codifies the prioritization determined by the working group, the rationale for all decisions, and the estimated level of effort for each upgrade. This roadmap document can be used by Office management in guiding budget requests to the County, assigning resources to technology efforts, and determining strategic and feasible goals for the Office's technology upgrades each year.

Resources	Deliverables
— Office leadership, supervisors, and staff	— Technology strategy roadmap

Level of Impact	Level of Effort	Duration
High impact	Medium Effort	Three to six months

Office Recommendation 5

5.0	Enhance the functionality of eDefender to facilitate data tracking and information sharing
Observation and analysis	

eDefender is the technology backbone of the Office, and it is used to track the Office's most critical data, business processes, and operations. The functionality of the current system, however, is limited, preventing Office leadership from efficiently carrying out key activities (such as measuring staff workload and productivity) and posing obstacles to lawyers and administrative staff in their day-to-day responsibilities. While Office leadership intends to eventually utilize eDefender to assess metrics such as caseload, case complexity, interrelatedness of work, cycle times, and other KPIs; however, in its current state the software cannot provide this data without heavy data cleansing efforts.

This system was brought online in 2017, predating the office's current leadership, and replaced a system called Loco. Although eDefender has the potential to be a robust case management system, and is used by agencies such as the Cook County (Chicago) Public Defender, the current underlying table structure and interconnectivity of the system inhibit its effectiveness as a management tool. Currently, the system acts primarily as a repository of information, rather than a case management tool, and staff assert it often is not user-friendly.

eDefender is intended to be a highly customizable, strategic tool that can be designed to fit the unique needs of the Office. For example, the system can be designed to track metrics such as case age, time to complete tasks, and staff efficiency and to allow for a highly integrated parent/child case relationship to give a comprehensive view of a client and their criminal justice history. However, when eDefender was initially implemented, the system was not set up to allow for cases to be connected at the client level, for the tracking of case complexity, for automated workflows, for minimal administrative staff work within cases, or to analyze time spent on activities and establishing high levels of fidelity among the data tables to deliver comprehensive reporting. Below are a series of recommendations that should be addressed iteratively and highlight either a critical component of functionality that is needed to accomplish other recommendations in this report or a consistent challenge with the system raised by staff during interviews.

Document and prioritize operational needs for eDefender rebuild

Office leadership and staff are aware of the problems with eDefender, and modernization efforts are ongoing. In fact, Office leadership have hired staff specifically due to their ability to improve this system, and commendably rank the eDefender redesign as a top priority for the Office. Despite these efforts, the Office's "rebuild" of eDefender is time-intensive, and leadership and staff alike described the project as delayed against the Office's original goals.

Currently, the Office is relying on the CTO and one staff member to modernize eDefender. While this structure helps to reduce costs, it has created an extended timeline for the rebuild, and with such a small team, work cannot be performed on multiple, high-priority problems simultaneously. Moreover, if one team member is unavailable or, if the CTO is pulled away to an emergency related to their other responsibilities, work may stall. This limits the resiliency of the Office in its current rebuilding efforts as well as any future efforts. Currently, updates are being made on an ad hoc basis as functionality is identified rather than building functionality based on a desired future state.

In conducting the "rebuild" of eDefender, it is recommended that Office leadership, in coordination with office management, identify the future state of operations by detailing desired processes and workflows and activities that can be enabled by the eDefender system. The Office should convene the

necessary internal stakeholders to articulate a desired future state of operations for the Office. This will enable the Office to assess the operational needs that can be enabled by eDefender and identify key functionalities for the system. Office leadership can then prioritize these upgrades, create a timeline for the rebuild, and identify the workload requirements and staffing needs to achieve this timeline. In creating this roadmap, Office leadership can assess whether the current plan of relying on a small number of Office staff and a small contract will be sufficient to carry out the eDefender modernization in a timeline that is satisfactory for the office, or whether they should consider the cost benefit of other staffing methods (for example, contracting with an outside entity to more quickly enhance the platform).

Virtually all Office staff interact with eDefender on a daily basis, and improving the platform's functionality has the potential to improve productivity and reduce inefficient processes that limit workload capacity. This is also an opportunity to incorporate a streamlining and continuous improvement methodology, such as Lean Six Sigma or PEAK, to streamline the processes within and around the redeveloped system. Additionally, improving eDefender functionality will be necessary to enable key office requirements such as carrying out a workload analysis or strengthening performance measurement. Documenting and prioritizing core operational needs for the eDefender rebuild will allow the Office to conduct this critical technology upgrade in the most time efficient manner, and, coupled with a desired future state for eDefender with prioritization of tasks, the Office will be able to clearly articulate the resource and investment need with a clear timeline for the upgrade. The below two recommendations for time tracking and case creation were noted in every meeting, in some capacity, with attorneys, LOPs, and investigators, and should be reviewed as a potential prioritized function with the eDefender rebuild.

Utilize the time tracking component within eDefender

During the interview process, interviewees initially noted that eDefender does not have a time tracking functionality, and that this capability was being developed for future launch. However, follow-up interviews revealed that eDefender does in fact have a time tracking component, and has been functional and used by investigators in the Office. This use, however, does not appear to have been consistent across investigators, and has not yet been made available to attorneys or LOP staff. The Office currently has a pilot functionality for the attorney and LOP level to track time, however, has yet to deploy it. The below graphic depicts the infrequent use of the time tracking feature by investigators: in March 2020, there were only 587 hours of work reported from 11 investigators, implying that each investigator worked 33 percent of available working hours in the month of March.

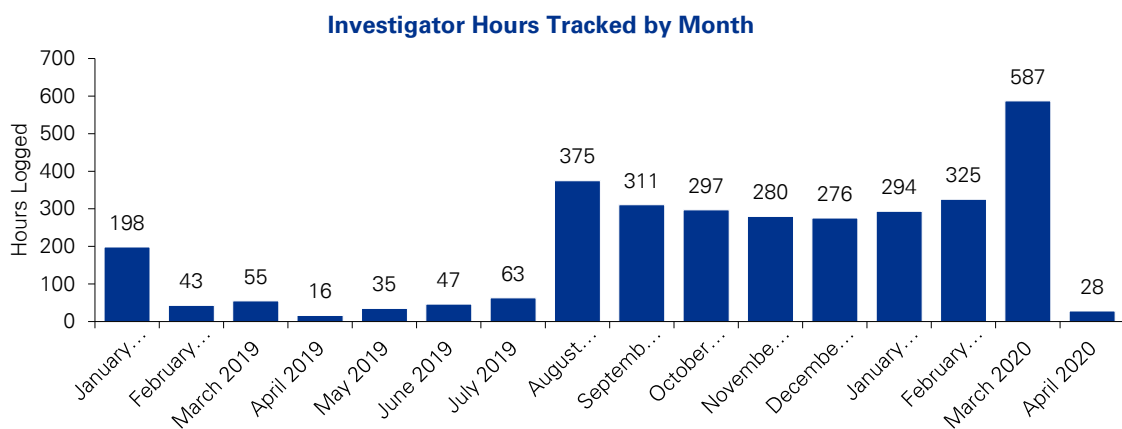**Investigator Hours Tracked by Month**

Figure 16 – Source: KPMG LLP analysis of eDefender data

By operationalizing this recommendation, there will be an enhanced opportunity for Office leadership to manage caseloads and staff workload, and to measure and incentivize staff performance.

Cases with multiple parties are time consuming to create

A common concern shared among the LOPs is the inability of eDefender to allow for the quick addition of multiple parties on a case. In the current iteration of eDefender, it takes multiple clicks inside multiple screens to add a party to a case. It is important to address this concern in any future iterations of eDefender; however, the current requirement to manually enter client data into the system is a symptom of a larger problem: eDefender does not interface with other justice systems in Santa Barbara County. The Office is an agency that is required to be reactive, meaning, they do not generate their own workload. Agencies like the Sheriff and District Attorney are arresting and filing charges on clients of the Office, and for them to do this, they are entering the same data as the Office. However, because the Office system does not to connect to any of the other criminal justice systems, they are duplicating the data entry that has already been performed. This creates a waterfall effect of challenges that include the discovery process, court scheduling, case disposition, and arrest notification. While there are some jurisdictions that are able to have electronic data sharing, this is largely due to the various justice-related departments operating on the same software systems. As the Office has chosen to make eDefender their enterprise justice system, it becomes critical to focus efforts on ensuring the Office is included in the development of the Master Naming Index, as further enumerated in Office Recommendation 6.

Strategy, Execution, and Change Management

Office leadership must manage not only the execution of the system upgrade but also change management regarding system use. To achieve this, we recommend that the Office develop a comprehensive set of documents that describe eDefender's functionality, but also establish a Standard Operating Procedures for staff when using the features. While the Office has developed explanatory videos for new eDefender functionality, it is not codified into written SOPs or manuals. This discussion of Standard Operating Procedures is further enumerated in Recommendation 1, which discusses workload management.

In interviews, both attorneys and LOPs expressed concern around a lack documentation around eDefender functionality, which results in tasks being performed differently within offices as well as between offices. As Office launches new features in eDefender, the office should also issue instructions for each the new function, and each functional leader in the office must work towards change management with their staff. Functional leaders must also work together to ensure processes are consistent across offices. In interviews, LOPs and attorneys noted that they have been instructed to record case notes in different places in the client file.

Anticipated impact

By developing an upgrade strategy that focuses on enabling future-state operations for the office and prioritizing the updates and improving the quality of the tables and data in eDefender, the Office will address fundamental, chronic challenges in the enterprise system in which all operations are run. An improvement to this system is foundational to appropriate workload and performance management.

Office Recommendation 5 Tear Sheet

Implementation Tear Sheet: Enhance the functionality of eDefender to facilitate data tracking and sharing

This tear sheet outlines steps to document and prioritize the operational needs for the eDefender rebuild.

Key activities:

— Organize a group a representative stakeholders from the Public Defender's Office and host a focus group to outline a technological future-state for key processes that would provide the greatest operational benefit to the Office. This focus group should include representatives at the attorney, LOP, and investigator level, as well as representatives of the Public Defender's IT team. Conversations should center on both the desired functionality, as well as the feasibility of developing and deploying that desired functionality from the perspective of the IT team.

— Develop a prioritization of functionality upgrades identified, leading with those expected to have the highest impact and benefit. Particular focus should be given to the functional upgrades that improve the quality and tracking of data, and identifying and enabling efficiencies and automation.

— Develop a work plan for development of new features and upgrading of functionality in eDefender that is guided by the deliverable produced by the focus group. This work plan should include an estimation of time for upgrade or development that includes a scalability factor pursuant to the number of FTEs assigned to the work, and a cost estimator.

— Present the work plan to a roundtable of office leadership in which a consensus is met on the prioritized order of the work plan.

Resources	Deliverables
— Office leadership — Office IT Staff — Office focus group	— Prioritized work plan for upgrade with time and cost estimators

Level of Impact	Level of Effort	Duration
High impact	High Effort	Three to four months

Office Recommendation 6

6.0	Strengthen data quality and management to enable data-driven decision-making
Observation and analysis	

In addition to developing a strategy for technology refresh and upgrades, the Office will benefit from improving the quality of data collected, the structure it is in, and the incorporation of that data to drive operational and strategic decisions. The Office's enterprise system achieves the bare minimum of data interoperability, limiting the ability to perform comprehensive reporting without heavy data cleansing and manipulation efforts, and requiring staff to look in multiple, unconnected locations for basic information on clients, as discussed in the Loco and eDefender examples below. Moreover, the Office currently operates inside a data silo with no cross-functionality with the other public safety data systems. Below are four recommendations that should be performed iteratively which will strengthen the quality of the data and position the Office to develop a comprehensive understanding of the operations of the office.

Fully migrate Loco data to eDefender

Prior to the adoption of eDefender, the Office utilized an enterprise system called Loco, which was discontinued in 2017. While the system has not been used in years, much of the case data stored in Loco has not been migrated over to eDefender, requiring LOPs and attorneys to use both systems when working with clients who have cases that predate to 2017. As a result, the Office remains reliant on an old system that is no longer maintained, and, according to interviews, frequently becomes inoperable. Moreover, new employees must be trained to use both systems, which increases the onboarding process for new hires.

The current process of storing new data in eDefender yet historical data in Loco is inefficient. As a first step toward resolving this issue, the Office should assess the level of effort required to fully migrate all data from Loco to eDefender. Once this level of effort analysis has been completed, the office can establish a timeline and cost associated with migration and prioritize the initiative appropriately within its technology upgrade roadmap. Through the migration of this data, staff will no longer need to work within two enterprise systems and free up administrative time, the risk inherent with supporting a legacy system will be eliminated, and all client data will be stored in one location.

Develop consistent processes and structure for data entry in eDefender

As detailed in Office Recommendation 5, eDefender has significant data structure issues that prevent staff and leadership from easily understanding case status and updates at a granular level, and overall operational performance at an aggregated level. The Office has recognized these issues and has been in the process of restructuring data tables, improving case interrelatedness, and adding fields to improve data inputs and enhance operational understanding.

However, a significant portion of the office's data quality challenges stem from inconsistent processes for data entry into the system across staff and office location. The data initially provided to KPMG consisted of multiple, unconnected tabular data sets of raw case data (including client name, charge, case status, case type, etc.) as well as attorney caseload (attorney name, office, and felony/misdemeanor designation). This presented problems because the data sets could only be connected at a very high level (by location) instead of being connected at a granular level, such as case number or attorney. Office staff reported that to get the two unconnected data sets, they had to heavily and manually cleanse the data. This also presents itself as problematic, because it means that a large number of assumptions would have had to been made by IT staff that does not perform the work feeding the data sets. For example, to understand when a case was filed and calculate the age

of the case, there was a need for a complicated formula with many caveats that accounted for staff input error, and that was contingent on the location of the case because of different procedures and standards by LOPs in the offices they work. However, after analyzing the data, it became apparent that inconsistent practices by staff equally contributed to the Office's difficulty in generating meaningful reports.

To cite one example, below is an analysis the office's time study of investigator work, which tracks the types of activity performed by investigatory staff. There are significant redundancies in the activity types, which include misspellings, varying abbreviations, and abbreviations or acronyms that are not easily understandable. For example, Office staff appear to have use the codes "INVTIME," INV," INVESTIGATION," and "INVIT" – it is difficult to determine which activities are encompassed by these codes and to differentiate any differences between the codes. The graphic below shows the top 15 activity types being input by investigators when tracking time since 2017, and show the infrequent consistency in terminology when entering the activity performed.

Top 15 Activity Types with Frequency of Use
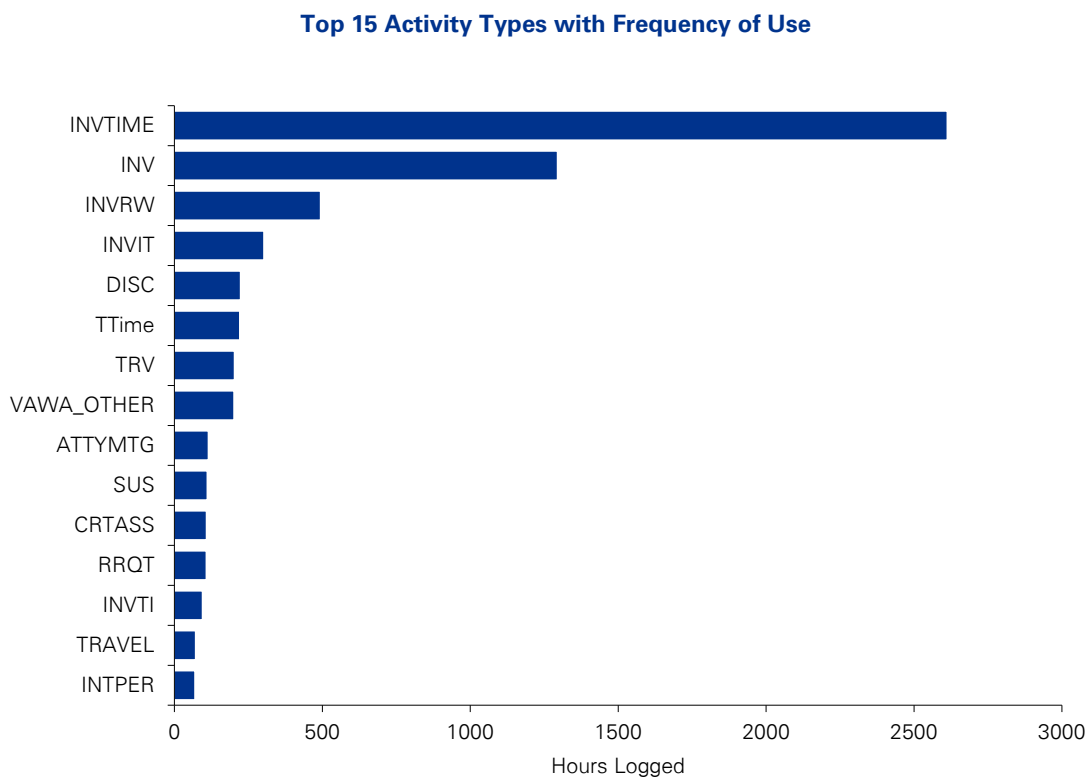
Figure 17 – Source: KPMG LLP analysis of eDefender data

To fully address this identified challenge around data quality, the Office must work on two concurrent solutions. The first solution is to standardize processes across the Office, which is further enumerated in Office Recommendation 1. The second concurrent solution that must be developed is to structure and automate data entry where possible. Drop-down menus, radial button selections, and binary choices are ideal for building a high-quality data set that cannot be skewed as easily through human error.

Improve data sharing across the public safety departments

Interviewees noted that Office lacks the ability to access data housed inside other public safety department systems. This creates a gap in information that impacts both quality of data and general knowledge for staff at all levels of the justice process, including understanding when court dates have

been set and who is coming up for arraignment, who is in jail, and what discharge requirements have been set by probation, courts, or the Sheriff.

The Probation Department is currently leading an initiative, called the Master Naming Index, which is a proof of concept exchange of data between public safety systems that does not require those systems to be directly connected. The project began about a year ago and is currently in the testing phase of data exchange between the Sheriff's Office and Probation. However, based on our interviews with the Sheriff's Office, there does not appear to be a timeline in place for bringing the other public safety department into the environment, including the Office.

We recommend that the Office collaborate with the Sheriff's Office to prioritize, champion, and advocate for the expansion of this project to ensure inclusion in the implementation and that the project is expeditiously completed. Improved interdepartmental data sharing would yield numerous benefits for the Office. For example, improved data sharing practices would provide Office staff with earlier notice about upcoming client court dates, insight into the discharge requirements stipulated for clients by the Sheriff or Probation, and greater background information to guide initial client meetings.

Anticipated Impact

Core to the operational efficiency of the Office is the understanding and enhancement of data and quality therein. By standardizing staff-level processes, modernizing current enterprise systems, and transferring client data in old, unused systems, the Office will position itself to increase operational understanding and poised to make informed, strategic decisions.

Office Recommendation 6 Tear Sheet

Implementation Tear Sheet: Strengthen data quality and management to enable data-driven decision-making
This tear sheet includes steps to develop standard processes to input data into eDefender across offices and staff levels.

Key activities:

— Establish a working group that has representation from all employee types in the Public Defender's Office. Led by the IT team, this team needs to create an inventory of all manually input data into eDefender. This inventory should include the location of the data point, and the table it feeds into, the type of data entry (binary, free text, etc.).

— Extract all data since 2017 that receives manual input from staff, and analyze the data for variation in naming conventions and location of data that is input. This analysis should then be used to prioritize the highest levels of variation among data entry points, and a determination should be made as to whether the variation can be minimized by automation or a narrowing of the ability to input erroneous information (dropdown boxes, radial dials, etc.)

— Develop a data dictionary and manual that describes all expectation for how and where staff should input information into eDefender. These expectations should be clearly documented and routinely monitored by the IT team for data input incorrectly.

Resources	Deliverables
— Office leadership — Office IT Staff	— A data dictionary and SOPs in the form of a manual for entering data into the eDefender system

Level of Impact	Level of Effort	Duration
High impact	Low Effort	Three to six months

Office Recommendation 7

7.0	Enhance Holistic Defense, Pre-Arraignment, and Specialty Court units to improve impacts on recidivism

Observation and analysis

The Office's Holistic Defense Unit, Pre-Arraignment Unit, and Specialty Courts programs are hallmark programs core to furthering the Office's efforts to provide effective representation in line with the principles of holistic defense to its clients. However, unclear processes for referral and the staffing dedicated to each of these programs appears to limit their effectiveness at present. Outlined below are recommendations to address challenges identified for these programs in order to align them to demand and to meet client need.

Codify and implement clear processes to refer clients into the Holistic Defense Unit (HDU) to connect justice-involved individuals to supportive services

Holistic defense is a core philosophy of the Office. Holistic defense calls for public defender staff to work in interdisciplinary teams (which may include social workers and staff from other county human service agencies) to address the root causes of a client's interaction with the criminal justice system, whether that be homelessness or an untreated mental health or substance use disorder.

Research suggests that holistic defense can improve client outcomes: a large-scale evaluation published in the Harvard Law Review found holistic defense can reduce the likelihood of a custodial sentence by 16 percent and reduce sentence length by 24 percent. [7] Preliminary data out of the Office is promising as well: a pilot partnership with the Santa Barbara Family Service Agency, funded by the Laura and John Arnold Foundation, found recidivism to be 11 percent lower for clients who received holistic defense services, as compared to those who did not.[8]

In Santa Barbara, the HDU and its Community Defender Division are at the core of the Office's commitment to holistic defense. The Holistic Defense Unit's Community Defender Division employs treatment coordinators to connect Office clients with housing, treatment, and other supportive services in an effort to address the root causes of criminal activity.

However, in interviews, attorneys reported being unclear about the appropriate procedure to refer clients to the Holistic Defense Unit's Community Defender Division. To resolve this issue, it is recommended the Office draft, publish, and circulate SOPs outlining a clear referral process for attorneys to connect clients to the HDU. The Office should also develop and implement trainings to educate supervisors and staff on these SOPs. Additionally, the Office would benefit from implementing tracking of these referrals to assess metrics including:

— The extent to which the HDU is able to meet demand for services

— The length of time from referral to initial contact

— The share of total Public Defender clients who are referred to the HDU

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[7] "The Effects of Holistic Defense on Criminal Justice Outcomes," *Harvard Law Review,* available at https://harvardlawreview.org/2019/01/the-effects-of-holistic-defense-on-criminal-justice-outcomes/
[8] Santa Barbara County Public Defender Budget, available at https://www.countyofsb.org/ceo/asset.c/3610

— Trends in referrals across the Office and across attorneys (this will allow Office leadership to determine whether internal educational efforts are necessary to encourage certain offices or individuals to refer clients to the HDU).

Developing, codifying, and educating Public Defender attorneys about the appropriate referral pathways into the HDU will be a key step to maximizing the impact of this unit in Santa Barbara. Additionally, by tracking metrics around referrals and outcomes of this unit, the Office can continue to evaluate and improve the implementation of the HDU program—identifying and resolving any barriers to effective implementation that may arise.

Assess staffing need for the Pre-Arraignment Unit (PAU) and measure outcomes

The Pre-Arraignment Unit (PAU) is a unit designed to enable the earliest possible contact with clients to better enable the delivery of high quality representation. The main focus is to connect defendants to substance abuse and housing services at initial law enforcement contact, with the goal of convincing the judge that the person arrested can and should stay in the community. In counties such as San Francisco and Miami-Dade, similar early representation programs appear promising in increasing pre-trial release.[9] There are financial and social incentives to reduce pre-trial incarceration, if it is not necessary to protect public safety. Jail stays come at significant fiscal cost to the county, and create a waterfall effect that impacts jail staffing, overtime, and staff morale. Additionally, the costs associated with incarceration are not only financial: individuals who are sentenced to jail time may be pulled away from their jobs or school as well as existing childcare or eldercare responsibilities.

At present, however, the effectiveness of Santa Barbara's PAU initiative may be negatively impacted by inconsistent or insufficient staffing. The Pre-Arraignment Unit does not have dedicated staffing throughout the year, or minimum staffing levels throughout the year. Rather, the PAU is staffed by summer interns during the summer months, while staffing is ad hoc and cobbled together based on attorney availability throughout the rest of the year. There also do not appear to be any measures in place to measure the impact of the unit and associated outcomes, which can make it difficult to justify the investment in the initiative.

Given their focus on holistic defense and belief in the PAU program, Office leadership should assess alternative staffing models to ensure reliable staffing for the program year-round. Options include incorporating interns to staff the program year-round (rather than solely during the summer months), or dedicating attorneys to the program. The workload assessment outlined in Recommendation 1 may help Office leadership identify which attorneys and staff have capacity to contribute to the PAU.

Add social workers to Specialty Court staffing

The design of Specialty Courts embodies the philosophy of holistic defense. Eligible defendants are diverted to courts that work exclusively with individuals with mental health, substance use, or other specialized needs. These courts then work collaboratively with stakeholders including the Public Defender, Probation, Behavioral Wellness, and the Sheriff's Office to coordinate care for the defendant while resolving their criminal case.

Under the current program design, the Santa Barbara Probation Department is tasked with providing case management services to clients in Specialty Courts. However, the Office's staff report that in reality, the staff have taken on providing these services. Yet the Public Defender's Specialty Court staffing is not designed for these case management responsibilities: the Court is staffed only by attorneys, and they are not permitted to refer clients to the Holistic Defense Unit. As a result, Office attorneys are effectively responsible with providing case management services, despite their lack of

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[9] "An Analysis of the San Francisco Public Defender's Pre-Trial Release Unit," available at http://public.sfpdr.com/wp-content/uploads/sites/2/2018/05/The-Impact-of-Early-Representation-PRU-Evaluation-Final-Report-5.11.18.pdf; "Felony Early Representation Unit, Miami-Dade County," available at https://www.pdmiami.com/public-defender/about-us/divisions-and-units.page

specialized training in this area. To help ensure Specialty Court clients receive the support they need, Office leadership should reevaluate staffing practices for the Specialty Courts, working with other agency partners as necessary, and utilizing the workload and performance metrics enumerated in Recommendations 1 and 3.

Anticipated impact

The Office should be commended for its investments in innovative programs and efforts to adopt leading practices in indigent defense – including its adoption of holistic defense and the decision to provide training to all staff on this approach to indigent defense. As the Office embraces this cultural shift, leadership will benefit from continuing to identify and resolve "pain points" in the office's adoption of this approach, including assessing appropriate staffing for key programs such as the PAU and Specialty Courts. By continually assessing, iterating, and improving the delivery of these new initiatives, as detailed in Recommendation 3.1, the Office can help maximize their impact and benefit for County residents.

Office Recommendation 7 Tear Sheet

Implementation Tear Sheet: Enhance Holistic Defense, Pre-Arraignment, and Specialty Court units to improve impacts on recidivism

Developing, codifying, and educating Public Defender attorneys about the appropriate referral pathways into the HDU will be a key step to maximizing the impact of this unit in Santa Barbara. This tear sheet describes the steps necessary to enrolling people in the HDU and the mechanisms to track work performed.

Key activities:

— Create an intake form requesting the information necessary to assess a referral. This form should be designed by the attorneys assigned to the HDU, and approved by office leadership. This document should be both simple and easy to access for all staff. Moreover, it must be developed in a way that builds a comprehensive list of information required for the quickest onboarding process into the HDU.

— Identify the most efficient means of transmitting these requests to HDU staff and tracking these referrals. Options may include the creation of a form in the eDefender environment, the currently hosted SharePoint environment, or some other form-based service like Google. IT staff should then create the functionality selected.

— Develop an SOP document to guide attorneys and other users through this process. This document should be created by HDU staff; however, a focus group of employees that would be the ones referring clients to the HDU should be assembled to make suggestions on ways to improve the efficiency and ease of referral. This document should be disseminated by email throughout the office and stored in a universally accessible location, such as the intranet.

— Analyze and report metrics related to program referrals and outcomes on a quarterly basis. This should include Office leadership who can then modify the referral process as needed, based on this data.

Resources	Deliverables
— Office leadership — HDU staff — IT staff	— SOPs to refer a client to the HDU — Guidelines to dictate which clients are the target population for the HDU — A list of key metrics around program referrals, outcomes and a process to measure them

Level of Impact	Level of Effort	Duration
Medium impact	Low Effort	Two to three months

Appendix A: Benchmarking

Benchmark comparisons were conducted with the recommended eight benchmark counties and additional counties identified by KPMG and Office management as having similar Public Defender's operational requirements in terms of geography, population, or budget. It should be noted that not all County budgets present information on budget and staffing at the division level. This limitation drove what information is presented in the following division-level benchmarking tables. The table includes five out of the eight original benchmark counties as they were the counties that most readily shared budget and FTE counts in their public-facing budget documents.

	Budgets in $'000	Santa Barbara County	Average		Marin	Monterey	Solano	Sonoma	Tulare
FY17	*Public Defender FTE*	69	63		37	56	78	51	93
	Percent of Enterprise	1.69%	1.67%		1.60%	1.07%	2.58%	1.22%	1.86%
	Public Defender Budget	$ 11,493	$ 11,339	$	7,979	$ 10,089	$ 17,243	$ 11,536	$ 9,848
	Percent of Enterprise	1.07%	1.13%		1.44%	0.77%	1.73%	0.84%	0.89%
FY18	*Public Defender FTE*	64	63		37	56	84	51	89
	Percent of Enterprise	1.54%	1.68%		1.60%	1.05%	2.74%	1.22%	1.77%
	Public Defender Budget	$ 12,293	$ 11,587	$	7,992	$ 9,767	$ 18,729	$ 10,891	$ 10,556
	Percent of Enterprise	1.11%	1.08%		1.35%	0.65%	1.78%	0.69%	0.94%
FY19	*Public Defender FTE*	67	62		37	57	84	45	89
	Percent of Enterprise	1.58%	1.66%		1.58%	1.09%	2.77%	1.12%	1.74%
	Public Defender Budget	$ 13,557	$ 12,946	$	8,296	$ 12,934	$ 19,949	$ 11,593	$ 11,957
	Percent of Enterprise	1.19%	1.15%		1.32%	0.86%	1.96%	0.71%	0.93%

Figure 18 - Source: KPMG LLP

The Santa Barbara County Public Defender's Office is tracking very closely to the average budget and FTEs of their cohorts. Separately, that trend has held for the past few fiscal years. A notable difficulty in comparing the Public Defender's Offices was the inconsistency in which budget group and functional areas were broken out. In some instances is broken out by adult versus juvenile, while in others it was broken out by felony versus misdemeanor. Moreover, there was variation among whether or not administrative staff were included in the FTEs and budget breakout of the functional areas, or placed in a separate division.

	FY17 Court Caseload
Santa Barbara County	1,518
Sonoma County	5,612
San Luis Obispo County	1,256
Monterey County	1,837
Tulare County	7,893
Solano County	2,243
Santa Cruz County	880
Marin County	2,441

Figure 19 - Source: KPMG LLP

While case filings for the Public Defender's Office were not readily available, total felony and misdemeanor case filings in FY17 for the Superior Court of each county are shown above, with the exception of Tulare County, which did not share data.

Appendix B: Meeting tracker

This section provides detail on the meetings held with the Public Defender's office during the review.

Meeting Topic	County Attendee(s)	KPMG Attendee(s)	Date
Meeting with PDO Director	Tracy Macuga	Caoimhe Thornton, Alex Rothman, Steven David	02/11/2020
Meeting with PDO CFO/CAO	Deepak Budwani	Caoimhe Thornton, Alex Rothman, Steven David	02/11/2020
Meeting with Chief Trial Deputy	SE Ballard	Caoimhe Thornton, Alex Rothman, Steven David	02/11/2020
Meeting with Chief Trial Deputy	Lea Villegas	Caoimhe Thornton, Alex Rothman, Steven David	02/13/2020
Meeting with Chief Trial Deputy	Giovanni Giordani	Caoimhe Thornton, Alex Rothman	02/13/2020
Meeting with IT Staff	Angella Stokke	Caoimhe Thornton, Alex Rothman, Steven David	02/14/2020
Meeting with IST PDO Attorney	Brian Mathis	Alex Rothman, Steven David, Charles Larson	02/24/2020
Meeting with group of PDO Attorneys	Sheerin Roberts, Juan Higera, Michael Hanley	Alex Rothman, Steven David, Charles Larson	02/24/2020
Meeting with Treatment Court Attorney	Rebecca Seldin	Alex Rothman, Steven David, Charles Larson	02/26/2020
Meeting with PDO IT	Xavier Navarro, Alan Bediamol	Steven David, Charles Larson	02/26/2020
Meeting with PDO Juvenile Attorney	Sara Elturk	Steven David, Charles Larson	02/27/2020
Meeting with PDO Arraignment Attorney	Sydney Bennett	Steven David, Charles Larson	03/02/2020
Meeting with PDO Investigator	Robert Childs	Steven David, Charles Larson	03/02/2020
Meeting with PDO Attorney	Marianne Zawadzki	Steven David, Charles Larson	03/02/2020
Meeting with PDO Investigator	Joe Lopez	Steven David, Charles Larson	03/02/2020
Meeting with PDO LOPs	Amanda Howard, Erika Mendoza, Chellette Velasquez	Steven David, Charles Larson	03/02/2020
Meeting with PDO Attorney	Renee Lizarraga	Steven David, Charles Larson	03/02/2020
Meeting with PDO HR	Dee Engler	Steven David, Charles Larson	03/09/2020
Meeting with PDO LOPs	Soren Dietrichson, Sonya Haifi, Alicia Lopez, Marlen Aguayo	Steven David, Charles Larson	03/11/2020
Meeting with PDO IT	Deepak Budwani	Alex Rothman, Steven David, Charles Larson	03/12/2020
Meeting with PDO IT	Deepak Budwani, Angella Stokke	Caoimhe Thornton, Alex Rothman, Steven David	04/03/2020

Figure 20 – Source: KPMG LLP

Appendix C: Data tracker

This section provides detail on data received throughout the Public Defender's Office Review.

Data Item	File Name
Department Mandates	1050 Policy.docx
Department Mandates	2018 08 23_POLICIES & PROCEDURES_FINAL.pdf
Department Mandates	2018 11 05_Office Space Directive_V2.pdf
Department Mandates	2018 11 16_Update Files - Close Files Directive.pdf
Department Mandates	2019 02 04_Deleting eDefender Records Directive.pdf
Department Mandates	2019 02 04_Franklin Directive.pdf
Department Mandates	2019 04 23_SBCO Anti-Harassment Policy.pdf
Department Mandates	2019 04 23_SBCO Civil & Respectful Workplace Policy.pdf
Department Mandates	2019 11 19_Case Assignment, Event Update, Etc. Directive.pdf
Department Mandates	External Policies, Procedures & Directives_Updated 2-20-2020.xlsx
Department Mandates	Policies, Procedures & Directives_Updated 2-20-2020.xlsx
Finances	Revenue Streams (FY15-20)_Updated 2-18-2020.xlsx
Finances	Vendor Contracts_Updated 2-20-2020.xlsx
Finances	Data Metrics FY18-19_Updated 2-20-2020.xlsx
Finances	Expenditures and Revenues (FY15-16 to FY19-20)_Updated 2-17-2020.xml
Finances	Reserve Funds (FY15-20)_Updated 2-18-2020.xlsx
IT	Public Defender System Inventory_Updated 2-20-2020.xlsx
IT	PubDef_System Inventory_Updated 2-20-2020.xlsx
IT	Public Def IT Sys and Staff Map_Updated 2-20-2020.xlsx
IT	Public Defender IT Staff Roles_Updated 2-20-2020.xlsx
Management	Attrition Data_Updated 2-19-2020.xlsx
Management	Department Staffing Report_Updated 2-19-2020.xlsx
Management	Office Recruitments 2016-2020_Updated 2-18-2020.xlsx
Management	Time Allocation Report FY17 to FY20_Updated 2-19-2020.xlsx
Management	Training Log Spreadsheet 2017-2020.xlsx
MOU	MOU Local 721.pdf
MOU	Resolution 18-184.pdf
MOU	Job Class-BU-MOU_Updated 2-18-2020.xlsx
MOU	MOU Local 620.pdf

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Data Item	File Name
Job Descriptions	2020 02 09_LOP Senior Job Description.pdf
Job Descriptions	2020 02 09_Program Business Leader Attorney Job Description.pdf
Job Descriptions	2020 02 09_Public Defender Investigator I EXH Job Description.pdf
Job Descriptions	2020 02 09_Public Defender Investigator I Job Description.pdf
Job Descriptions	2020 02 09_Social Services Worker EXH Job Description.pdf
Job Descriptions	2020 02 09_Social Services Worker Senior PS-L Job Description.pdf
Job Descriptions	2020 02 09_Assistant Department Leader Executive Job Description.pdf
Job Descriptions	2020 02 09_Behavioral Wellness Recovery Assistant EXH Job Description.pdf
Job Descriptions	2020 02 09_Computer Systems Specialist I EXH Job Description.pdf
Job Descriptions	2020 02 09_Computer Systems Specialist I Job Description.pdf
Job Descriptions	2020 02 09_DBS II Job Description.pdf
Job Descriptions	2020 02 09_Department Corporate Leader Attorney Job Description.pdf
Job Descriptions	2020 02 09_DPD I EXH Job Description.pdf
Job Descriptions	2020 02 09_DPD I Job Description.pdf
Job Descriptions	2020 02 09_DPD II Job Description.pdf
Job Descriptions	2020 02 09_DPD III Job Description.pdf
Job Descriptions	2020 02 09_DPD IV Job Description.pdf
Job Descriptions	2020 02 09_DPD Senior Job Description.pdf
Job Descriptions	2020 02 09_EDP Systems and Program Analyst I Job Description.pdf
Job Descriptions	2020 02 09_Enterprise Leader General Job Description.pdf
Job Descriptions	2020 02 09_Legal Office Professional Senior EXH Job Description.pdf
Job Descriptions	2020 02 09_LOP Expert Job Description.pdf
Job Descriptions	2020 02 09_LOP I EXH Job Description.pdf
Job Descriptions	2020 02 09_LOP I Job Description.pdf
Job Descriptions	2020 02 09_LOP II Job Description.pdf
Operations	System Time Tracking_Investigators_04032020.xlsx
Operations	Attorney CaseLoad with Events by Location and Atty Type_2_21_20.xlsx
Operations	List of Department Locations_Updated 2-20-2020.xlsx
Operations	Office Locations Maps.pdf
Operations	Survery Questions.docx
Operations	System Case List with Past Status_04032020.xlsx
Operations	System Case Statistics_02222020.xlsx
Staffing	Org Chart in Word_Updated 01-28-2020.docx

Figure 21 - Source: KPMG LLP

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Appendix D: Operating model framework

This section describes the operating model framework that was developed to articulate how a function should be designed, structured, and operated to improve operational efficiency, effectiveness, and service delivery. It consists of six interacting layers that need to be considered in conjunction with each other to determine how to optimally deliver services to the public (as depicted in Figure 66 below).

		Design Layer Considerations
	Service Delivery Model Layer	Describes how services are delivered and by who, ranging from a lack of coordination to optimized.
	Education and Training Layer (People)	Describes the organizational structure, accountabilities, capabilities, and performance expectations for people and functions required to deliver on services.
	Process Layer	Describes how specific processes link to functions and/or departments and related policies and procedures.
	Technology Layer	Describes the required technologies to support the execution of processes, manage data and generate reporting.
	Data & Reporting Layer	Describes the performance insights and reporting needs to support the execution of processes and decision-making.
	Governance & Controls Layer	Describes the approach to govern the organization and manage associated strategic, operational, financial and compliance risks.

Figure 22 - Source: KPMG LLP

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