

Area	Outcome	Key Indicator	Rationale
Client Case Outcomes	Worst	V. The percent of cases defendant is convicted of the highest charge and all charges and convicted of the highest charge and some, but not all, charges*	Measures how often the worst outcome occurs. When defendants are convicted of multiple charges, the vast majority of the time the sentences are concurrent sentences. Consequently, being convicted of the highest charge has serious consequences for defendants, regardless of whether the defendant is convicted of all charges or only some charges.
	Worst	VI. The percent of alternative to incarceration <i>convictions</i> that ended in supervised probation**	Measures how often sentences that do not ended in incarceration result in sentences of probation where the defendant is to be supervised by a probation officer. Supervised probation is significantly more onerous, costly, and disruptive to a defendant's life than unsupervised probation. Moreover, studies confirm that defendants are more likely to violate probation when it is supervised.
	Worst	VII. The Percent of convictions and jail sentences that were time served*	Measures how often defendants are sentenced merely to the time they spent in jail prior to sentencing. Being convicted of a criminal offense should trigger punishment, not end it. Time-served sentences indicate the defendant was not enough of a public threat that the court system wanted to impose a jail sentence upon conviction, which raises the question of whether the defendant should have been incarcerated pretrial and was perhaps incarcerated only because the defendant was too poor to make bail.
	Both	VIII. Average case cost (per-case attorney fees only)	Measures the cost of defending an adult criminal case. One cannot evaluate performance without knowing cost. A system that generates outcomes at \$500 per case would be evaluated differently from one that operated at \$1,000 per case. Equally, a 10% improvement in outcomes at a 10% increase in cost would be viewed differently from a 10% improvement in outcomes at a 50% increase in cost. The indicator measures just attorney costs because attorney costs are unequivocal across all states and jurisdictions. The amount of available resources for investigators and experts introduces a complexity of factors that would make data results uninformative.
	Both	IX. Average cost of court fees and fines (excludes restitution, attorney fees)	Measures the cost to defendants of resolving their cases. One goal of a robust indigent defense system is to disentangle clients from the criminal justice system, but significant court debt signifies that clients remain entangled. Moreover, studies show that unpaid court fees and fines can often result in re-arrest, even though defendants have not committed new criminal acts.

Adult Criminal SEP Key Performance Indicators (KPIs)

Area	Outcome	Key Indicator	Rationale
Client Case Outcomes	Best	I. The percent of cases that ended in non-conviction, disaggregated by dismissal without leave, non-criminal responsible, and deferred prosecution	<p>Measures how often the best outcome occurs:</p> <ul style="list-style-type: none"> No conviction on any charge in the case No criminal record or a chance for no criminal record <p>Non-convictions are disaggregated by type of non-conviction to increase the indicator's functionality.</p>
	Best	II. The percent of convictions that ended in an alternative to incarceration**	Measures how often indigent defense is able to achieve avoiding a jail or prison sentence, which is highly desirable outcome to a defendant and his or her family. Benefits may also include not losing a job, retained ability to care for children and dependents, and, in the community's interest, fewer social services, such as foster care, food stamps, etc. being triggered at the loss of a major source of family income.
	Best	III. The percent of felony cases that ended in a conviction where the conviction was a non-felony*	Measures how often indigent defense was able to successfully reduce a felony to a non-felony, which indicates a serious reduction in penalties and fewer collateral consequences.
	Best	IV. The average percent of sentence avoided for cases that ended in a conviction and the average jail or prison sentence received (months)*	Measures the relational difference between the maximum sentence faced by the defendant and the sentence received by the defendant. The maximum sentence faced corresponds to that of the lengthiest possible sentence of any one charge in the case, regardless of additional charges. Cases that ended in non-conviction are 100% sentence avoided. Cases with convictions of multiple charges where sentences are consecutive would receive a negative percent sentence avoided. For example, a defendant who faced three charges, where the highest charge carried a two-year sentence, who is convicted of two charges to be served consecutively for a total of 2.5 years, the percent of sentence avoided would be -25%. Analysis of pilot site data revealed that the overwhelming majority of cases resulted in concurrent sentences, so the occurrence of consecutive sentences is important to capture. The DWI category group is excluded from this indicator because DWI case outcomes are not comparable across jurisdictions. Additionally, the First Degree Murder category group also is excluded because "Death" and "LWOP" sentences would be controversial to quantify.