

# **OFFICE OF THE STATE PUBLIC DEFENDER**

## **FISCAL YEAR 2022-23 BUDGET REQUEST**



**Megan A. Ring,**  
**COLORADO STATE PUBLIC DEFENDER**  
November 1, 2021



# OFFICE OF THE STATE PUBLIC DEFENDER

MEGAN A. RING  
STATE PUBLIC DEFENDER

November 01, 2021

To the Members of the Joint Budget Committee of the Colorado General Assembly:

Thank you for considering the Office of the State Public Defender (OSPD) budget request for fiscal year 2022-2023. We recognize that each budget year presents difficult and significant challenges for the state. OSPD has worked diligently to ensure that this request contains only the reasonable and necessary budgetary needs of our agency to meet our constitutional and statutory mandates.

In 1963, the United States Supreme Court ruled that the United States Constitution requires states to provide counsel for the indigent accused in criminal cases. The court stated that:

From the very beginning, our state and national constitutions and laws have laid a great emphasis on the procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. *Gideon v. Wainwright*, 372 US 335, 344 (1963).

In 1970, the Colorado General Assembly created a statewide system of providing counsel for the indigent accused. The statutory mandate of the OSPD requires our agency to serve clients

independently of any political considerations or private interests, provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function. Section 21-1-102 (1), C.R.S.

To fulfill this statutory mandate, OSPD staffs 21 regional trial offices, serving clients in each of Colorado's 22 judicial districts and all of Colorado's 64 counties. A central Appellate Division represents clients on appeal to the Colorado Court of Appeals and the Colorado Supreme Court. The OSPD Central Administrative Office provides administrative support (including IT, finance, budget, human resources, and training) to these 22 offices. The central office also provides leadership and guidance for all offices to ensure that each remains mission-driven and upholds the necessary standards of legal representation. Because we are a direct service agency, 85% of our budget is spent on personal services, with the remaining 15% supporting mandated and operational costs.

I remain extremely proud of the work of all Defenders - their work ethic, their dedication to the OSPD mission, and their willingness to handle the daily challenges of serving our client population. All clients we serve are victims of poverty. Justice has always been an illusory concept for the poor and disenfranchised. Recent events highlighting the racism and classism in the criminal legal system challenge even further client

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confidence in law enforcement and court systems and our ability to build trusting relationships with our clients. COVID - 19 has only exacerbated these challenges. While virtual court efficiencies have offered benefits to certain clients, the loss of personal interactions and the expansion of a virtual court system and virtual communication systems often damages the core attorney-client relationship, which is essential to quality representation and trust in the system. Creating and maintaining that relationship in the face of these challenges creates more work for already overworked Defenders.

In this current environment, OSPD office heads and supervisors are, to an even greater degree than usual, working with judges, sheriffs, district attorneys and others to organize client contact, WebEx hearings, trial scheduling and other court operations. Since our office represents the majority of persons charged in criminal courts, we are the voice of the criminally accused in the operational systems throughout the state.

OSPD has a long history of presenting the Joint Budget Committee with data to support our budget requests. In addition to relying on this data, we are also requesting that the JBC understand the impact of many dynamic factors that are expanding our workload. For example, as is described in our budget submission, the changing landscape of discovery in criminal cases has exceeded our capacity to manage within current resources.

Again, thank you for your consideration of our funding request. We look forward to discussing our agency and answering your questions during the budget process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan A. Ring', with a long horizontal flourish extending to the right.

Megan A. Ring  
Colorado State Public Defender

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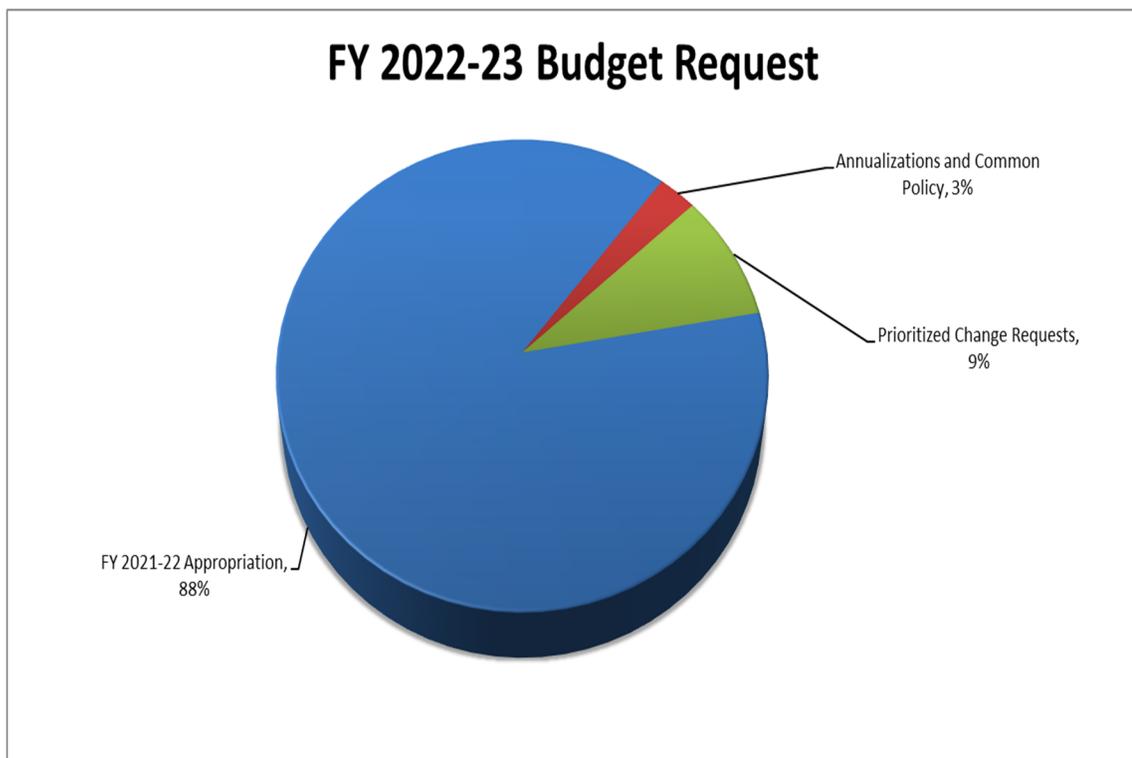
**BUDGET SUMMARY**

## Office of the State Public Defender FY 2022-23 Budget Summary

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The total FY 2022-23 budget request for the Office of the State Public Defender (OSPD) is \$ 134,695,857 and 1,054.8 FTE. We are asking for four prioritized Change Requests in our FY 2022-23 Budget Request.

- **FY 2021-22 Appropriation of \$ 118,904,447**
  - PLUS Annualizations of \$ 209,564
  - PLUS Common Policy of \$ 3,462,544
- **FY 2022-23 Base Request of \$ 122,576,555**
  - PLUS Change Request #1 for \$ 5,484,683**
  - PLUS Change Request #2 for \$ 5,795,856**
  - PLUS Change Request #3 for \$ 650,106**
  - PLUS Change Request #4 for \$ 188,657**
- **FY 2022-23 Budget Request of \$ 134,695,857**



**Office of the State Public Defender**  
**FY 2022-23 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
<b>Long Bill</b>				
S.B. 21-205 Office of the State Public Defender	964.6	\$ 118,679,551	\$ 118,524,551 963.5 FTE	\$ 155,000 1.1 FTE
<b>Special Bills</b>				
Special Bill, S.B. 21-146	1.8	\$ 157,760	\$ 157,760	\$ -
Special Bill, H.B. 21-1280	-	\$ 67,136	\$ 67,136	\$ -
<b>Total FY2021-22 Appropriation</b>	<b>966.4</b>	<b>\$ 118,904,447</b>	<b>\$ 118,749,447</b>	<b>\$ 155,000</b>
<b>Prior Year Budget Change Annualizations</b>				
#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	3.7	\$ 122,669	\$ 122,669	\$ -
#BA-2, IT (restoration of FY21 cuts)	0.3	\$ 1,620	\$ 1,620	\$ -
#BA-3, Social Workers (restoration of FY21 cuts)	0.8	\$ (8,410)	\$ (8,410)	\$ -
<b>Total Prior Year Budget Change Annualizations</b>	<b>4.8</b>	<b>\$ 115,879</b>	<b>\$ 115,879</b>	<b>\$ -</b>
<b>Special Bill Annualizations</b>				
Special Bill, S.B. 21-146	0.2	\$ 552	\$ 552	\$ -
Special Bill, H.B. 21-1280	-	\$ 93,133	\$ 93,133	\$ -
<b>Total Special Bill Annualizations</b>	<b>0.2</b>	<b>\$ 93,685</b>	<b>\$ 93,685</b>	<b>\$ -</b>
<b>Salary Survey and Merit</b>				
FY 2022-23 Salary Survey Increase	-	\$ 2,463,110	\$ 2,463,110	\$ -
FY 2022-23 Merit Increase	-	\$ -	\$ -	\$ -
<b>Total Salary Survey and Merit</b>	<b>-</b>	<b>\$ 2,463,110</b>	<b>\$ 2,463,110</b>	<b>\$ -</b>
<b>Common Policy Adjustments</b>				
Health Life Dental Increase	-	\$ 490,174	\$ 490,174	\$ -
Short Term Disability Increase	-	\$ 9,645	\$ 9,645	\$ -
AED Increase	-	\$ 72,133	\$ 72,133	\$ -
SAED Increase	-	\$ 72,133	\$ 72,133	\$ -
Paid Family and Medical Leave Insurance Program	-	\$ 168,017	\$ 168,017	\$ -
NP-1 Common Policy Adjustment - Annual Fleet Vehicle Request	-	\$ (28,257)	\$ (28,257)	\$ -
Lease Escalator	-	\$ 215,589	\$ 215,589	\$ -
<b>Total Common Policy Adjustments</b>	<b>-</b>	<b>\$ 999,434</b>	<b>\$ 999,434</b>	<b>\$ -</b>
<b>Total FY 2022-23 Base Request</b>	<b>971.4</b>	<b>\$ 122,576,555</b>	<b>\$ 122,421,555</b>	<b>\$ 155,000</b>
<b>Budget Change Requests</b>				
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	6.4	\$ 5,484,683	\$ 5,484,683	\$ -
#R-2, Paralegal Staff Request	63.2	\$ 5,795,856	\$ 5,795,856	\$ -
#R-3, Discovery Clerk Staff Request	13.8	\$ 650,106	\$ 650,106	\$ -
#R-4, Restructured Fiscal Note for H.B. 21-1280	-	\$ 188,657	\$ 188,657	\$ -
<b>Total Decision Items/Budget Amendments</b>	<b>83.4</b>	<b>\$ 12,119,302</b>	<b>\$ 12,119,302</b>	<b>\$ -</b>
<b>Total FY 2022-23 Budget Request</b>	<b>1,054.8</b>	<b>\$ 134,695,857</b>	<b>\$ 134,540,857</b>	<b>\$ 155,000</b>
# / \$\$ change from FY 2021-22	88.4	\$ 15,791,410	\$ 15,791,410	\$ -
% change from FY 2021-22	9.1%	13.3%	13.3%	0.0%

Office of the State Public Defender								
FY 2022-23 Reconciliation of Department Request, by Long Bill Group								
Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds	
<b>Personal Services</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$82,372,702	963.5	\$82,372,702	\$0	\$0	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$142,470	1.8	\$142,470	\$0	\$0	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$27,836	0.0	\$27,836	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$82,543,008</b>	<b>965.3</b>	<b>\$82,543,008</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Annualization Special Bill, S.B. 21-146	\$12,952	0.2	\$12,952	\$0	\$0	\$0	\$0	\$0
Annualization Special Bill, H.B. 21-1280	\$127,233	0.0	\$127,233	\$0	\$0	\$0	\$0	\$0
FY 2021-22 Salary Survey allocated to Personal Services	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0	\$0	\$0
FY 2021-22 Merit allocated to Personal Services	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	\$296,269	3.7	\$296,269	\$0	\$0	\$0	\$0	\$0
#BA-2, IT (restoration of FY21 cuts)	\$20,220	0.3	\$20,220	\$0	\$0	\$0	\$0	\$0
#BA-3, Social Workers (restoration of FY21 cuts)	\$47,390	0.8	\$47,390	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$85,400,601</b>	<b>970.3</b>	<b>\$85,400,601</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$438,778	6.4	\$438,778	\$0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$3,577,324	63.2	\$3,577,324	\$0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$521,856	13.8	\$521,856	\$0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$188,657	0.0	\$188,657	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$90,127,216</b>	<b>1053.7</b>	<b>\$90,127,216</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Health Life and Dental</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$10,047,591	0.0	\$10,047,591	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$10,047,591</b>	<b>0.0</b>	<b>\$10,047,591</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$490,174	0.0	\$490,174	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$10,537,765</b>	<b>0.0</b>	<b>\$10,537,765</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$696,156	0.0	\$696,156	\$0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$11,233,921</b>	<b>0.0</b>	<b>\$11,233,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Short Term Disability</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$117,636	0.0	\$117,636	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$117,636</b>	<b>0.0</b>	<b>\$117,636</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Total Compensation Common Policy (incremental change)	\$9,645	0.0	\$9,645	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$127,281</b>	<b>0.0</b>	<b>\$127,281</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$5,384	0.0	\$5,384	\$0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$132,665</b>	<b>0.0</b>	<b>\$132,665</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Office of the State Public Defender								
FY 2022-23 Reconciliation of Department Request, by Long Bill Group								
	Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>AED</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	Total Compensation Common Policy (incremental change)	\$72,133	0.0	\$72,133	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-2, Paralegal Staff Request	\$158,359	0.0	\$158,359	\$0	\$0	\$0	\$0
	#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2022-23 November 01 Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>SAED</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	Total Compensation Common Policy (incremental change)	\$72,133	0.0	\$72,133	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-2, Paralegal Staff Request	\$158,359	0.0	\$158,359	\$0	\$0	\$0	\$0
	#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2022-23 November 01 Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FAMLI</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	Total Compensation Common Policy (incremental change)	\$168,017	0.0	\$168,017	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$168,017</b>	<b>0.0</b>	<b>\$168,017</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-2, Paralegal Staff Request	\$7,126	0.0	\$7,126	\$0	\$0	\$0	\$0
	#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2022-23 November 01 Request</b>	<b>\$175,143</b>	<b>0.0</b>	<b>\$175,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Salary Survey</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$2,353,529</b>	<b>0.0</b>	<b>\$2,353,529</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	FY 2021-22 Salary Survey allocated to Personal Services	(\$2,353,529)	0.0	(\$2,353,529)	\$0	\$0	\$0	\$0
	Total Compensation Common Policy	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 November 01 Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Office of the State Public Defender								
FY 2022-23 Reconciliation of Department Request, by Long Bill Group								
	Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>Merit Pay</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 November 01 Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$1,926,088	0.0	\$1,896,088	\$0	\$30,000	\$0	\$0
	Special Bill, S.B. 21-146	\$2,890	0.0	\$2,890	\$0	\$0	\$0	\$0
	Special Bill, H.B. 21-1280	\$1,300	0.0	\$1,300	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$1,930,278</b>	<b>0.0</b>	<b>\$1,900,278</b>	<b>\$0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
	Annualization Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	Annualization Special Bill, H.B. 21-1280	\$3,900	0.0	\$3,900	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$1,934,178</b>	<b>0.0</b>	<b>\$1,904,178</b>	<b>\$0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
	#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$502,650	0.0	\$502,650	\$0	\$0	\$0	\$0
	#R-2, Paralegal Staff Request	\$65,550	0.0	\$65,550	\$0	\$0	\$0	\$0
	#R-3, Discovery Clerk Staff Request	\$14,250	0.0	\$14,250	\$0	\$0	\$0	\$0
	#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2022-23 November 01 Request</b>	<b>\$2,516,628</b>	<b>0.0</b>	<b>\$2,486,628</b>	<b>\$0</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Vehicle Lease Payments</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$139,454	0.0	\$139,454	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$139,454</b>	<b>0.0</b>	<b>\$139,454</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	#NP-1, Common Policy - Annual Vehicle Lease Request	(\$28,257)	\$0	(\$28,257)	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 November 01 Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Capital Outlay</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$248,000	0.0	\$248,000	\$0	\$0	\$0	\$0
	Special Bill, S.B. 21-146	\$12,400	0.0	\$12,400	\$0	\$0	\$0	\$0
	Special Bill, H.B. 21-1280	\$38,000	0.0	\$38,000	\$0	\$0	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$298,400</b>	<b>0.0</b>	<b>\$298,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	Annualization Special Bill, S.B. 21-146	-\$12,400	0.0	-\$12,400	\$0	\$0	\$0	\$0
	Annualization Special Bill, H.B. 21-1280	-\$38,000	0.0	-\$38,000	\$0	\$0	\$0	\$0
	#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	-\$173,600	0.0	-\$173,600	\$0	\$0	\$0	\$0
	#BA-2, IT (restoration of FY21 cuts)	-\$18,600	0.0	-\$18,600	\$0	\$0	\$0	\$0
	#BA-3, Social Workers (restoration of FY21 cuts)	-\$55,800	0.0	-\$55,800	\$0	\$0	\$0	\$0
	<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$50,400	0.0	\$50,400	\$0	\$0	\$0	\$0
	#R-2, Paralegal Staff Request	\$496,800	0.0	\$496,800	\$0	\$0	\$0	\$0
	#R-3, Discovery Clerk Staff Request	\$108,000	0.0	\$108,000	\$0	\$0	\$0	\$0
	#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0
	<b>FY 2022-23 November 01 Request</b>	<b>\$655,200</b>	<b>0.0</b>	<b>\$655,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Office of the State Public Defender</b>								
FY 2022-23 Reconciliation of Department Request, by Long Bill Group								
Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds	
<b>Leased Space / Utilities</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$7,827,383	0.0	\$7,827,383	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$7,827,383</b>	<b>0.0</b>	<b>\$7,827,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Lease Escalator	\$215,589	0.0	\$215,589	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$8,042,972</b>	<b>0.0</b>	<b>\$8,042,972</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$603,198	0.0	\$603,198	\$0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$8,646,170</b>	<b>0.0</b>	<b>\$8,646,170</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Automation Plan</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$2,160,164	0.0	\$2,160,164	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$4,492,855	0.0	\$4,492,855	\$0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$27,600	0.0	\$27,600	\$0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$6,000	0.0	\$6,000	\$0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
<b>FY 2022-23 November 01 Request</b>	<b>\$6,686,619</b>	<b>0.0</b>	<b>\$6,686,619</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Attorney Registration</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$156,634	0.0	\$156,634	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Contract Services</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$49,395	0.0	\$49,395	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Mandated Costs</b>								
FY 2021-22 Long Bill, S.B. 21-205	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Appropriation</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 November 01 Request</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Office of the State Public Defender</b>								
FY 2022-23 Reconciliation of Department Request, by Long Bill Group								
	Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>Grants</b>								
	FY 2021-22 Long Bill, S.B. 21-205	\$125,000	1.1	\$0	\$0	\$125,000	\$0	\$0
	<b>FY 2021-22 Appropriation</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 Base Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 November 01 Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2021-22 Total Appropriation (Long Bill plus Special Bills)</b>	<b>\$118,904,447</b>	<b>966.4</b>	<b>\$118,749,447</b>	<b>\$0</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 Base Request</b>	<b>\$122,576,555</b>	<b>971.4</b>	<b>\$122,421,555</b>	<b>\$0</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2022-23 November 01 Request</b>	<b>\$134,695,857</b>	<b>1,054.8</b>	<b>\$134,540,857</b>	<b>\$0</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>
	Change FY 2021-22 Appropriation to FY 2022-23 Base Request	\$3,672,108	5.0	\$3,672,108	\$0	\$0	\$0	\$0
	Change FY 2022-23 Base Request to FY 2021-22 Nov 01 Request	\$12,119,302	83.4	\$12,119,302	\$0	\$0	\$0	\$0
	Percent Changes	9.9%	0.1	9.9%	0.0%	0.0%	0.0%	0.0%

## **AGENCY HIGHLIGHTS**

## **AGENCY STATEMENT**

### **Mission**

The mission of the Office of the State Public Defender is to defend and protect the rights, liberties, and dignity of those accused of crimes who cannot afford to retain counsel. We do so by providing constitutionally and statutorily mandated representation that is effective, zealous, inspired and compassionate.

### **Vision**

It is the vision of the Office of the State Public Defender that every OSPD client served receives excellent legal representation through the delivery of high quality legal services and compassionate support from a team of dedicated Public Defenders.

### **Primary Performance Objectives**

*Goal 1:* to provide effective attorney services and advocacy in both the trial and appellate courts throughout the state of Colorado for indigent clients.

*Goal 2:* to hire and retain a sufficient number of quality staff to effectively manage the ever-increasing workload in each office in the state.

*Goal 3:* to provide a high quality and quantity of staff development, training, technology support and other resources to adapt our response to the constantly changing criminal legal system so that our advocacy and legal services are commensurate with those available for non-indigent persons as is required by the OSPD statute.

## **PROGRAM DESCRIPTION**

### **Brief History of Defender Services in Colorado**

In 1963, the United States Supreme Court issued *Gideon v. Wainwright*, 372 US 335 (1963), ensuring the right of the indigent accused to representation of counsel in criminal cases. During this same year, the Colorado General Assembly passed the Colorado Defender Act in response to the Supreme Court's decision in *Gideon*. This act authorized Colorado counties to either establish a public defender's office or remain under the previous ad hoc system of appointing counsel for indigent people accused of criminal offenses. Four county public defender offices were established under the act in Denver, Brighton, Pueblo and Durango.

In 1969, the General Assembly passed the Administrative Reorganization Act. Pursuant to this act, the state assumed oversight of the court system which had responsibility for the appointment and funding of counsel for indigent defendants. The Office of the State Public Defender was created by statute and became an independent agency in 1970.

### **Core Functions**

The Office of the State Public Defender (OSPD) is a single purpose program devoted to providing effective and zealous criminal defense representation to indigent persons charged in criminal cases. Our clients live in poverty and are disproportionately people living with mental illness or behavioral health disorders or identify as black, indigenous or other persons of color. They are people who face the possibility of incarceration unable to afford private counsel and who without appointed counsel would otherwise be denied their constitutional right to representation throughout the criminal proceedings. Attorneys, investigators, social workers, paralegals, administrative assistants and other legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions, Colorado Revised Statutes, American Bar Association standards, and the Colorado Rules of Professional Conduct.

### ***Regional Trial Offices***

OSPD operates 21 regional trial offices which align with the state's 22 judicial districts and 64 counties. Each regional trial office is headed by a leadership team of the office head, the office manager, and the chief or lead investigator. The lawyers in these offices appear on behalf of clients from the start of the case, at first appearance/advisement, through sentencing and any post-conviction litigation. The OSPD model is vertical representation, one lawyer-one client throughout the case and all efforts are made to keep the assigned lawyer on the case through final disposition. Defenders in the trial offices handle a multitude of criminal legal hearings, including arraignments, dispositional hearings, pre-trial conferences, trials to the court, jury trials, sentencing hearings, probation revocations, community corrections revocations or placement hearings, motions hearings, post-conviction hearings, and appeals from county court to district court.

In accordance with the American Bar Association Standards for the Defense Function, Fourth Edition (2017), trial counsel must operate zealously and ethically in providing legal representation which includes:

- a duty of confidentiality regarding information related to the client's representation;
- a duty of loyalty to the client;
- a duty to communicate and keep the client informed and advised of significant development and potential options and outcomes;

- a duty to be well-informed regarding legal options and developments that can affect the client's interests during criminal representation;
- a duty candor towards the court tempered by the duties of confidentiality and loyalty;
- a duty to continually evaluate the impact that each decision or action may have at later stages, including trial sentencing and post-conviction review;
- a duty to be open to possible negotiated dispositions of the matter including the possible benefits and disadvantages of cooperating with the prosecution;
- a duty to consider collateral consequences of decisions and actions including, but not limited to, the collateral consequences of conviction;
- a duty to make a clear and complete record for potential review;
- a duty to be proactive in efforts to detect, investigate and eliminate improper biases with particular attention to historically persistent biases like race in all of counsel's work;
- a duty to abide by all of the ethical rules regarding conflicts of interest that apply in the jurisdiction and to be sensitive to facts that may raise conflict issues;
- a duty to establish and maintain an effective client relationship which includes but is not limited to communication with the client with special attention when the client is a minor, elderly or suffering from a mental impairment or other disability; and
- a duty to investigate in all cases and to determine whether there is sufficient factual basis for criminal charges and whether there are constitutional challenges to the action of law enforcement.

Regional office attorneys are appointed by the court to all cases where the accused qualifies as indigent under the Supreme Court's guidelines. Counsel is only appointed when the defendant faces the possibility of incarceration. Regional trial offices cannot control their caseloads as they accept all cases when appointed, unless there is a conflict. The number of cases an individual attorney will handle varies depending on the overall number of cases in an office, the complexity of the cases, and the experience level of the attorney staff in an office. Attorneys handling more serious felonies may have more than 100 cases at any one time and attorneys handling misdemeanor caseloads may have several hundred cases on any given day. Office heads and supervisors are responsible for ensuring workload parity as much as possible given the caseload and experience level of staff in each office. Each Defender works to support the others in the office and helps with caseload responsibilities when needed, especially when attorneys are in trial.

### ***Appellate Division***

OSPD maintains a centralized appellate division that represents indigent clients in felony and juvenile appeals from every jurisdiction in the state, regardless of who may have represented them in prior court proceedings (OSPD, Alternate Defense Counsel or privately retained attorneys). Similar to trial court procedures, the court determines the person is indigent before

the OSPD is appointed as appellate counsel. Appellate attorneys must also comply with all required duties as outlined in the ABA standards.

Appellate attorneys review the trial record and file briefs on behalf of clients in both the Colorado Court of Appeals and the Colorado Supreme Court. The briefs address errors in the trial court proceedings, often raising significant constitutional issues requiring in-depth and sophisticated legal analysis. Each person convicted at trial is entitled to one appeal as a matter of right. This appeal is usually to the Colorado Court of Appeals. Discretionary review by the Colorado Supreme Court, sought by filing a petition for writ of certiorari, is not common but can occur. Supreme Court cases frequently take precedence over the briefs due in the Colorado Court of Appeals and as a result appellate attorneys will prioritize filings with the Supreme Court.

In addition to handling felony appeals statewide, the division also assists in the appellate process for county court appeals handled by the regional trial offices. Further, the appellate staff consults with trial lawyers on complex or novel issues related to trial litigation. The Appellate Division serves as an advisory group for training issues related to significant legal issues that trial attorneys confront on a regular basis.

### ***Central Administrative Office***

The central administrative office houses the leadership team for the OSPD system. OSPD's mission and performance expectations are guided and monitored by this leadership team. The office coordinates all support functions to assist our regional trial offices and the Appellate Division in providing competent and zealous legal services to our clients. The administrative functions delivered by the administrative office include:

- Program direction, analysis and planning, including statistical compilation and development.
- Workforce development, training personnel, policy compensation analysis, and practice development.
- Payroll and benefits coordination and administration.
- Legislative affairs and statutory analysis.
- Intergovernmental and Intragovernmental affairs.
- Budget analysis, development, allocation and management.
- Financial management analysis tracking, transaction processing, procurement and accounting.
- Facilities, planning development and lease negotiation.
- Contracts and grants management.
- IT support and development.
- Human Resources.

- Development, distribution and maintenance of the agency's computer information and telecommunications systems.

Given the number of OSPD employees coupled with the need to ensure that all regional offices are mission-driven, the central administrative office leads the recruitment and hiring process for attorneys. Given the national reputation of OSPD for excellence, applications for attorney positions are received from across the country. Applications are heavily screened and only those applicants with a commitment to serve our client population with skill and dedication are selected to serve.

## **Key Support Programs**

### ***Lawyer Training***

In 2021, the Colorado Office of the State Public Defender received the *Champion of Justice Award* from the National Association of Criminal Defense Lawyers, in recognition of its longstanding excellence in training lawyers. OSPD has developed a strong and intensive training program for all attorneys. The training frequently starts prior to admission to the bar through the summer intern trial training program. The classroom portion of the intern program lasts for one week where specific areas of courtroom skills are demonstrated for and then practiced in a mock setting by the future attorneys. The interns then learn through experience and under direct attorney supervision in the regional offices throughout the state during the summer.

After hiring, lawyers participate in Basic Lawyer Training, which is comprised of six segments each one to two days in duration. The Basic Lawyer Training concentrates on core skills and practice pointers for new lawyers in the system. These initial trainings also include sessions on attorney ethics specifically in the criminal defense context. After approximately one year in a trial office, all trial lawyers participate in Boot Camp, which is a six day trial-based training program where simulated trials occur and each lawyer is evaluated and given feedback on a trial case they have selected for their Boot Camp week.

New OSPD appellate attorneys receive more individualized training specific to criminal appeals. This specialized, intensive training is necessary and critical because an appellate Defender's caseload consists almost entirely of felony-level casework.

In addition, OSPD has an annual training conference lasting two to three days attended by all OSPD staff. The conference addresses issues related to trial and appellate practice, often concentrating on advanced issues lawyers will face in litigation. This year's conference included sessions on forensic science, DNA, bail hearings, competency, restorative justice, ethics, investigations, diversity, equity and inclusion, wellness, and more. OSPD works with

the Office of Attorney Regulation to receive continuing legal education accreditation for most of its conference courses as well as for other trainings provided during the year.

Recognizing that training never ends, ongoing advanced programs are offered by the training division and by regional offices on specific issues. Training on advanced homicide litigation, firearm relinquishment for domestic violence cases, forensic Fridays and NGRI litigation are some of the more recent offerings. Juvenile representation is consistently addressed along with legislative changes that impact the work of attorneys. Lawyers also attend trainings offered by the Colorado Criminal Defense Bar and the Colorado Bar Association through scholarships, as well as trainings hosted by the National Association of Criminal Defense Lawyers and the National Association for Public Defense. OSPD continues to work on developing new and better ways to offer continuing training for all staff.

### ***Internal Communication and Case Law Updates***

OSPD has developed an internal communication system called Advocate available to all employees on matters related to their job and practice. It includes not only office, personnel, and HR policies but also provides subject matter information on important topics, often with sample pleadings and supporting briefs that can be used by attorneys in the representation of their clients.

The Advocate also houses case law updates provided twice each month by the Appellate Division so all attorneys have access to information on Colorado Supreme Court and Court of Appeals opinions, along with an analytical summary of the issues presented in each case. Important decisions from US Supreme Court are also addressed.

### ***Social Workers***

Criminal defense experts in Colorado and nationwide view the expertise of social workers on the defense team as critical to providing clients constitutionally effective representation. Social workers are able to provide context for client conduct related to mental health systems, substance abuse disorders, intellectual and physical disabilities, and prior trauma. Social workers are experts in developing noncarceral plans for a client's safe existence in the community including identifying behavioral health treatment options, finding housing, and other support services. The work of social workers has the potential to result in cost savings to the state by reducing incarceration while still contributing to public safety by effectively addressing the circumstances contributing to criminal conduct. With the addition of social worker positions after the approval of last year's budget request, the OSPD for the first time has 23 social worker positions working on behalf of OSPD clients throughout Colorado in both juvenile and adult cases. The social worker supervisor works out of the central administrative office to develop state-wide policies and procedures, comprehensive trainings, and to provide direct support to OSPD social workers in the regional trial offices.

## ***Employee Evaluations***

To maintain the quality of representation and performance, employees are evaluated by a designated supervisor on an annual basis. For trial and appellate attorneys, the annual evaluation involves an assessment of the attorney's courtroom work, work habits, and relationships with clients. The assessment can include a review of client files, observations in court, communication with judges and other relevant persons including other office staff members about factors relating to quality lawyer skills. Each performance evaluation provides goals for development and improvement and additional support is offered if there are weaknesses identified in the annual evaluation. Although not common, an employee can be terminated for poor performance.

## ***IT and Technical Support***

IT and technical support services primarily operates out of the central administrative office, although help desk and technical support is more recently available in multiple locations throughout the state. The IT department handles all technical operations for OSPD including user support, networking, telecommunications, security, application development, servers, and storage.

In the fall of 2021, a new case management system, Legal Server, is being introduced and training on this case management system is ongoing. This new case management system has the capacity to fully automate case files and allow for better communication between all staff regarding client information, case status and case-related activities. The system will also capture data points that will allow for the collection of more specific data on trends and practices in the criminal legal system. Because Legal Server is a web-based system, consistent wifi connectivity in all courthouses and jails continues to be an important goal for OSPD.

Due to the increased workload on many cases and the explosion of the amount and complexity of e-discovery in almost every case, the central administrative office and IT staff have worked diligently to address some of these issues through management efficiencies. For example, OSPD, in conjunction with the Colorado District Attorneys Council, has developed a system for the direct transfer of e-discovery through the central administrative office (rather than directly to the regional offices) to be distributed electronically during the nighttime hours to the regional offices. Although this will not address many of the problems related to the increased amount of e-discovery, it will eliminate some of the download time that was taking place during and after normal business hours that has overwhelmed our regional office computer systems and kept administrative staff in the regional offices from being able to perform some of their core functions.

### ***Committee, Task Force and Commission Representation***

Members of OSPD staff serve on numerous commissions, task forces, committees, subcommittees, and working groups throughout the state. Often serving as the only voice for the criminally accused and the impacted families and communities, OSPD's role frequently extends past the courtroom and into policy, both state-wide and regional in scope.

Megan Ring, State Public Defender, serves as OSPD representative on the Colorado Commission on Criminal and Juvenile Justice (CCJJ). Other staff from the state and regional offices serve on various committees with CCJJ, the Governor's Office, the Office of Behavioral Health, Department of Public Safety, the Justice Assistance Grant (JAG) Board, Sex Offender Management Board (SOMB), Domestic Violence Management Board (DVOMB) and others too numerous to name. Our attorneys serve on Judicial Department committees, including rule-making committees developing court and practice procedures. Lawyers also serve on committees and boards for the Colorado Bar Association, as well as many of Colorado's specialty and diversity bar associations. In every regional office, lawyers represent their clients and communities by serving on community corrections boards, crime control commissions, drug court and other problem-solving court committees. Office Heads and supervisors in each of our 22 offices are tasked with working with the district attorneys and attorneys general, the sheriffs and the chief judges in their jurisdiction to address issues related to court management and confront practices that work to the detriment of our clients.

OSPD accepts its responsibility to impact the criminal legal system as a whole in addition to the core function of representation of indigent clients. Often it is through policy and systemic change that OSPD can better achieve outcomes and support for our clients who are so marginalized in the communities in which they live.

### ***Diversity, Equity, Inclusion (DEI)***

In late 2018, the OSPD started an intentional approach to improve diversity, equity and inclusion within the agency. OSPD leadership has partnered with an experienced DEI expert to develop a strategic, systemic and sustainable approach to diversity, equity and inclusion (DEI) in the OSPD. The expert conducted focus groups of Defenders from many offices and job types to listen and receive feedback about the system and then helped provide OSPD trainings on a variety of DEI topics for managers and staff, start two employee affinity groups (one focused on BIPOC Defenders and one focused on LGBTQ+ Defenders), and in the coming year will be working on, among other initiatives, providing an inclusive leadership course for all managers and supervisors in the OSPD.

### ***Employee Wellness***

The recent Colorado Task Force on Lawyer Well-Being identified the ever-increasing legal pressures and the need for organizations to commit to evidence-based well-being strategies to

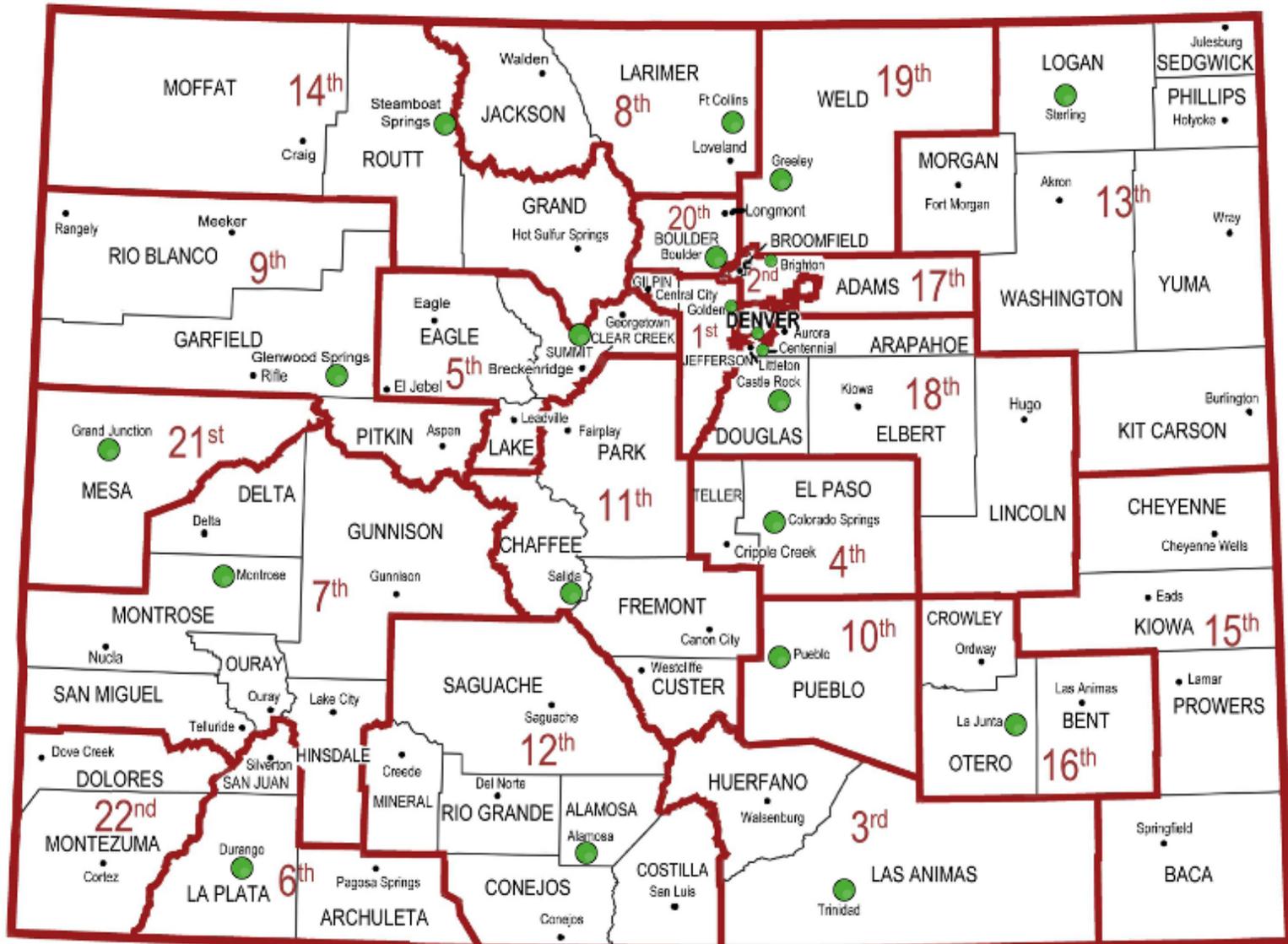
increase satisfaction and well-being in the workplace. Our staff experience heightened stress due to the nature of criminal defense work and the many challenges our clients face. The injustices within our systems and institutions are difficult to ignore and can be painful to witness and experience. Many of our cases reflect the violence, illness and trauma of our current society. Defenders often experience secondary trauma through their work. The OSPD has employed several approaches to support and improve employee wellness. The central administrative office established a Wellness Committee consisting of Defenders from different offices and job types to consider strategies and initiatives to improve the well-being of all staff in our system. The Committee has taken an intentional approach to a variety of wellness-related activities and trainings. An outgrowth of the Committee's work is the OSPD Peer Support Team, created in collaboration with the Colorado State Employee Assistance Program. The PST consists of trained Defenders who are available to employees who wish to speak to someone else who understands the work of Public Defenders and can provide connections to external resources available for employees.

### **Budget Efficiencies**

OSPD remains the most efficient model for providing constitutionally and statutorily mandated legal representation to our clients. Public Defenders staff courtrooms in every Judicial District in the state. Over the past five years, the OSPD has averaged approximately 175,000 active cases per year, meaning that on any given day in courtrooms across Colorado, Defenders are representing clients in thousands of cases. Most requests for hiring expert witnesses, significant mandated costs, and other spending go to the central administrative office to allow OSPD to closely monitor expenditures. Access to in-house resources in substantive practice areas such as forensics, immigration, and sexual offenses create additional efficiencies. Centralizing core functions in the central administrative office including finance, training, IT, Human Resources, payroll, and lawyer recruiting and hiring creates efficiencies that allow regional offices to focus more heavily on representing clients.

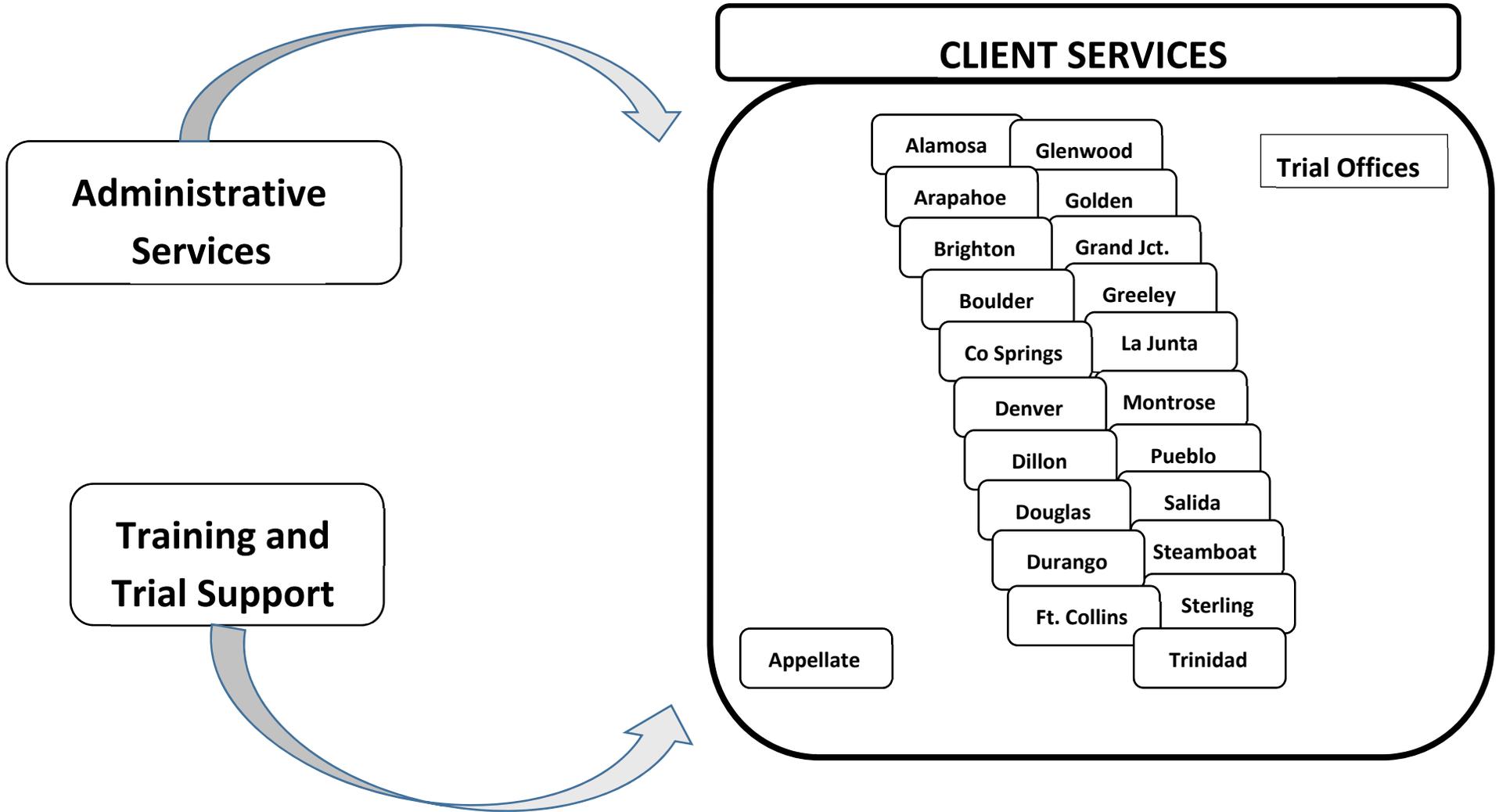
**OFFICES:** The following is a map of Colorado's 22 Judicial Districts. The dots represent OSPD office locations.

## CO Public Defender Offices



The following chart illustrates the functional organizational structure of the OSPD.

# COLORADO STATE PUBLIC DEFENDER



**Office of the State Public Defender Organizational Chart**

**Megan A. Ring**  
State Public Defender

**Karen Taylor**  
First Assistant  
Public Defender

**Lucienne Ohanian**  
Chief Deputy

**Tina Fang**  
Chief Deputy

**Kyle Hughes**  
Chief Information Officer

**REGIONAL TRIAL OFFICES**

**APPELLATE**

**Alamosa Trial Office**  
12th Judicial District

*Regional Trial Office Chief*  
**Jamie Keairns**

*Office Manager*  
**Angelica Hart**

**Arapahoe Trial Office**  
18th Judicial District

*Regional Trial Office Chief*  
**James Karbach**

*Office Manager*  
**Courtney McDonald**

**Boulder Trial Office**  
20th Judicial District

*Regional Trial Office Chief*  
**Nicole Collins**

*Office Manager*  
**Matthew Adame**

**Brighton Trial Office**  
17th Judicial District

*Regional Trial Office Chief*  
**Sarah Quinn**

*Office Manager*  
**Isidro Lopez**

**Colorado Springs Trial Office**  
4th Judicial District

*Regional Trial Office Chief*  
**Rosalie Roy**

*Office Manager*  
**Norie Spooner**

**Denver Trial Office**  
2nd Judicial District

*Regional Trial Office Chief*  
**Demetria Trujillo**

*Office Manager*  
**Claudia Duran**

**Dillon Trial Office**  
5th Judicial District

*Regional Trial Office Chief*  
**Thea Reiff**

*Office Manager*  
**Mia Carter**

**Appellate Office**

*Appellate Division Chief*  
**Anne Amicarella**

*Office Manager*  
**Jenèe Bowden**

**Douglas Trial Office**  
18th Judicial District

*Regional Trial Office Chief*  
**Ara Ohanian**

*Office Manager*  
**Amy Mendigorin**

**Durango Trial Office**  
6th & 22nd Judicial Districts

*Regional Trial Office Chief*  
**Justin Bogan**

*Office Manager*  
**Jennifer Cossey**

**Fort Collins Trial Office**  
8th Judicial District

*Regional Trial Office Chief*  
**Kathryn Hay**

*Office Manager*  
**Karlee Gettman**

**Glenwood Springs Trial Office**  
9th Judicial District

*Regional Trial Office Chief*  
**Scott Troxell**

*Office Manager*  
**Veronica Ulloa**

**Golden Trial Office**  
1st Judicial District

*Regional Trial Office Chief*  
**Mitchell Ahnstedt**

*Office Manager*  
**Sara Bollig**

**Grand Junction Trial Office**  
21st Judicial District

*Regional Trial Office Chief*  
**Steve Colvin**

*Office Manager*  
**Lorie Kerr**

**Greeley Trial Office**  
19th Judicial District

*Regional Trial Office Chief*  
**Michele Newell**

*Office Manager*  
**Elena Sanchez**

**La Junta Trial Office**  
15 & 16th Judicial Districts

*Regional Trial Office Chief*  
**Raymond Torrez**

*Office Manager*  
**Lauren Vigil**

**Montrose Trial Office**  
7th Judicial District

*Regional Trial Office Chief*  
**Patrick Crane**

*Office Manager*  
**Val Barnica**

**Pueblo Trial Office**  
10th Judicial District

*Regional Trial Office Chief*  
**Albert Singleton**

*Office Manager*  
**Marisa Herrera**

**Salida Trial Office**  
11th Judicial District

*Regional Trial Office Chief*  
**Daniel Zettler**

*Office Manager*  
**Carol Mattson**

**Steamboat Springs Trial Office**  
14th Judicial District

*Regional Trial Office Chief*  
**Sheryl Uhlmann**

*Office Manager*  
**Erin Biggs**

**Sterling Trial Office**  
13th Judicial District

*Regional Trial Office Chief*  
**Brian Johnson**

*Office Manager*  
**Mandy Scoular**

**Trinidad Trial Office**  
3rd Judicial District

*Regional Trial Office Chief*  
**Patrick McCarville**

*Office Manager*  
**Juanita Gonzalez**

## **TRENDS AND STATISTICS**

## **CASE TRENDS**

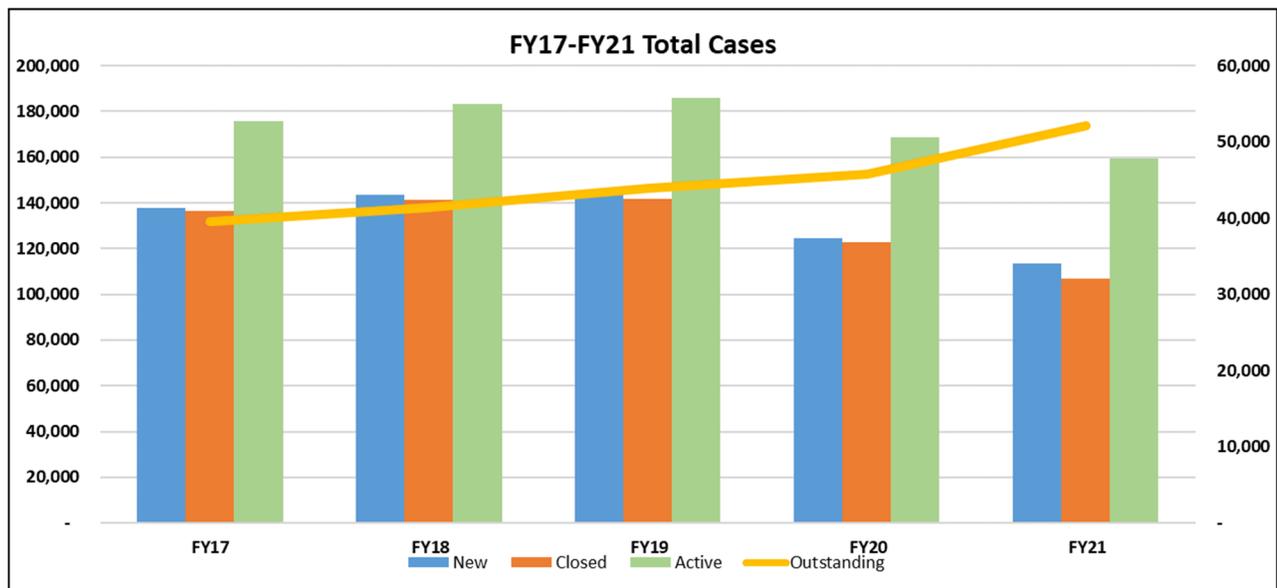
## REGIONAL TRIAL OFFICE CASELOAD

### CASE TRENDS

**Total Cases.** The Office of the State Public Defender tracks and monitors its caseload in four distinct categories: new, closed, active, and outstanding cases.

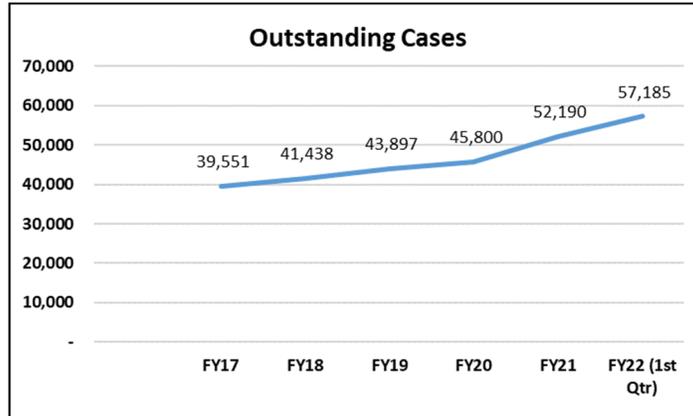
At the end of FY 2019-20, the COVID-19 pandemic and the Stay-At-Home orders forced the OSPD to quickly react to a world where much of the work of representing clients became virtual. As the pandemic accelerated, the number of new OSPD cases dropped significantly in the spring of 2020. By the fourth quarter of FY 2019-20, the decline had reached approximately 50 percent. Although the number of cases slowly started to rebound, the impacts of the pandemic have continued through FY 2020-21.

In FY 2020-21, the OSPD actively worked on 159,292 cases. Active caseload incorporates all cases in which the OSPD is actively representing clients in a given year: the total new cases, plus the remaining unfinished cases from prior years and therefore carried forward into the current year. The OSPD was appointed on 113,453 new cases, closed 107,099 cases and at the end of FY 2020-21, the OSPD had 52,190 outstanding cases.



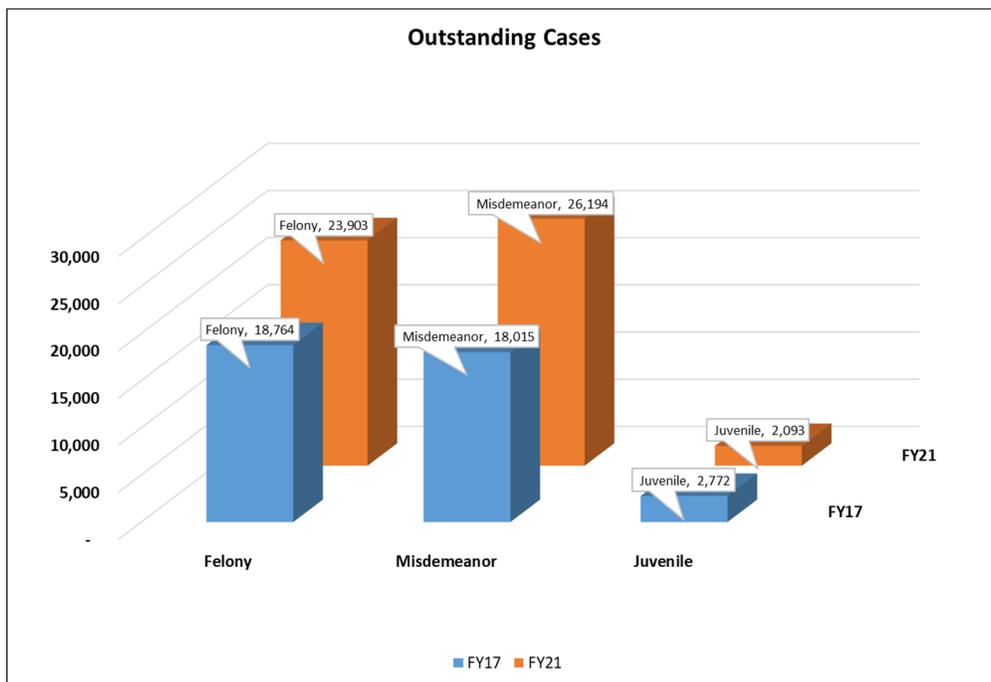
**Outstanding Cases.** As the chart above shows, in the first few years, as the number of new cases increased, there was a corresponding increase in the outstanding cases. While over the past 15 months the number of active, new and closed cases has dropped, the number of outstanding cases has increased as seen in the trend line. Since FY 2016-17 the number of outstanding cases has increased 32 percent from 39,551 to 52,190 cases, with 14 percent of that increase happening in the last year.

Furthermore, as the State begins to emerge from the pandemic, the number of cases is trending up. As of September 2021, the first quarter of FY 2021-22 shows new cases are up approximately 20% over the same time frame of the prior year and reveals a total of 57,185 outstanding cases, a 10 percent increase in just 3 months.



Even more concerning, while the number of new cases is continuing its upward trend, the number of cases closed within the first quarter of FY22 remains low. If this number is consistent for the remainder of FY2021-22, the OSPD will continue to experience an increase in outstanding cases and this will have a major impact on the workload the OSPD is facing.

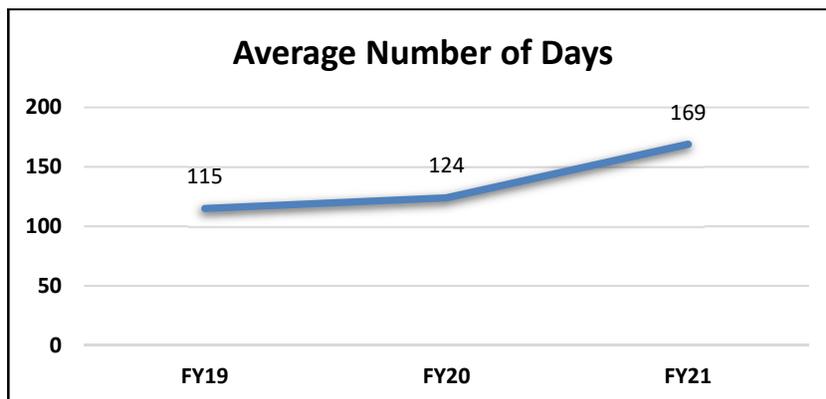
The predominant increase in outstanding cases is in felony and misdemeanor cases, which accounts for 95% of our total cases and is shown in the chart below.



Cases are taking longer to handle for a variety of reasons. Many of the challenges presented in the spring of 2020 due to the pandemic have continued to impede the efforts of our attorneys to resolve cases for their clients, contributing to this increase in outstanding cases. For example:

- Meeting with clients in custody is still a challenge. Depending on the detention facility's COVID protocols, facility outbreak status and the COVID-positive or COVID-exposed status of the individual clients, clients may not even be able to meet with their attorney. Disruptions in safe in-person visits and a lack of confidentiality in many video or phone visits mean attorney-client relationships have suffered and building those relationships creates additional work and time spent on a case.
- Electronic communication is still required in many situations as face-to-face meetings with clients, witnesses, prosecutors and other interested parties can be hard to achieve while the pandemic continues. Ultimately, communication via email is often not as effective or efficient as in-person communication. For example, when all parties were regularly in court, many cases were resolved in the courtroom or in discussions right outside the courtroom. Now, attorneys report that cases that would have previously been resolved in those settings can take weeks of back-and-forth to resolve. Furthermore, getting clients' discovery to review has continued to be challenging during the pandemic, especially with large electronic files like body-worn camera video.
- Throughout much of the pandemic, as with the society at large, attorneys report that a greater percentage of clients are dealing with mental health issues, which means it can take more time to effectively represent the client and determine whether the client's competency is an issue.

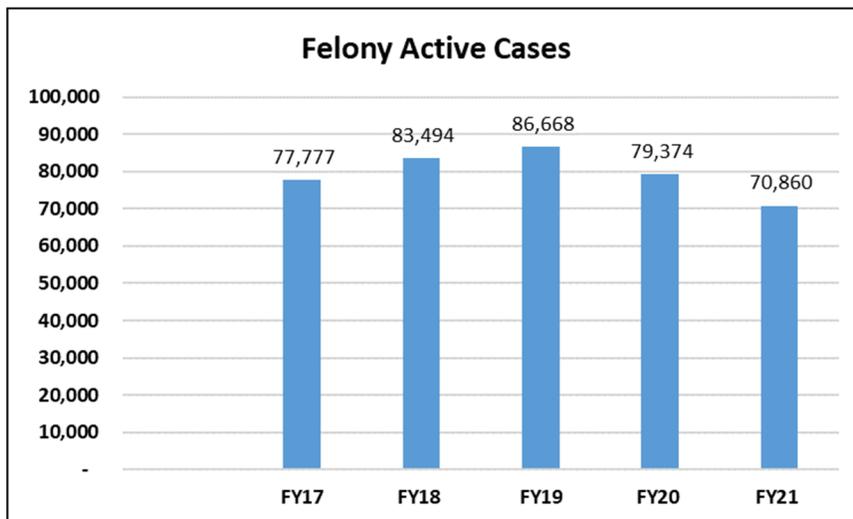
The chart below shows we have experienced a dramatic 48 percent increase in the average days it takes to close a case when compared to FY 2018-19.



## CASE TYPES

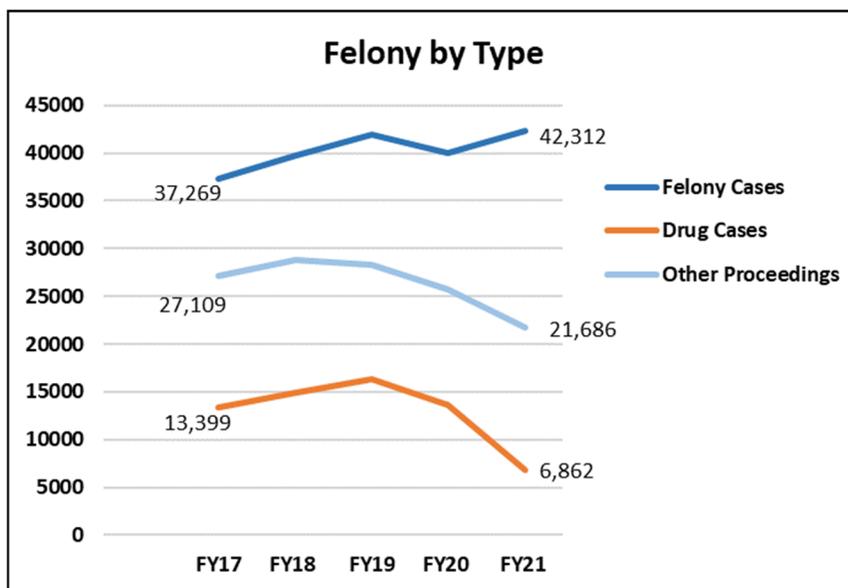
**Felony Cases.** Through FY 2018-19, the OSPD had experienced significant increases each year in active felony cases reaching 86,668 cases, which was over a 50 percent increase since FY 2011-12. In FY 2019-20 the number of cases dropped to 79,374 and by the end of FY 2020-21, the OSPD had 70,860 active felony cases.

Although felony cases make up approximately 45 percent of our trial cases, they require 66 percent of our trial FTE resources.



While it appears felony cases are on the downturn, this decrease is somewhat misleading and is likely the result of a couple of changes. First, in March 2020, House Bill 19-1263, reducing the penalty for certain violations pursuant to the “Uniform Controlled Substances Act of 2013,” took effect and reduced the classification of possession drug charges. As a result, cases historically charged as a drug felony (DF4) are now charged as misdemeanors. Second, the number of Other Proceedings handled by OSPD, which consists largely of revocations, have declined over the past couple of years. The drop in jail admissions and reduced in-person probation activities that have occurred during the pandemic, as well as fewer technical violations being pursued have contributed to a drop in revocation numbers across the state.

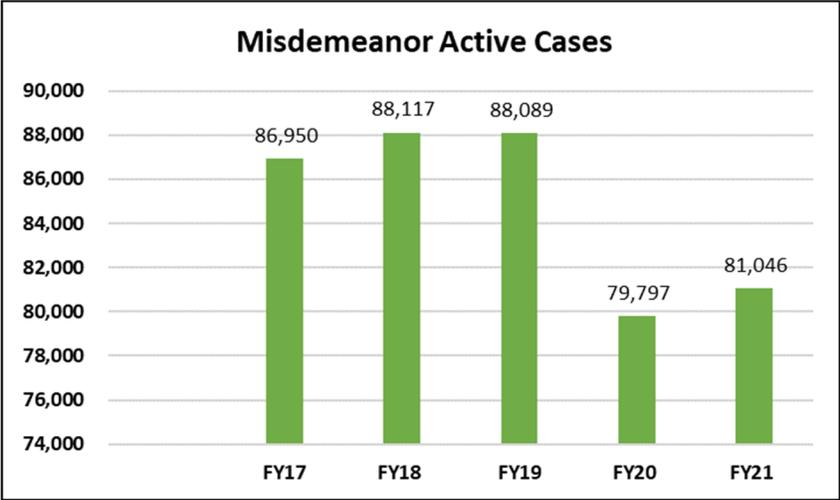
After taking into account the above changes and analyzing the remaining cases, the reality is that certain felony cases continue to increase. Specifically, many OSPD offices have experienced a significant increase in the number of higher level felony cases including homicides, sexual assaults, class 2 felonies, and cases involving crimes of violence. Since FY17, the OSPD has experienced a nearly 14 percent increase in these active cases, from 37,269 to 42,312 cases this past year. This has a tremendous impact on the agency since these cases require the greatest attorney experience, effort, time and dedication of resources.



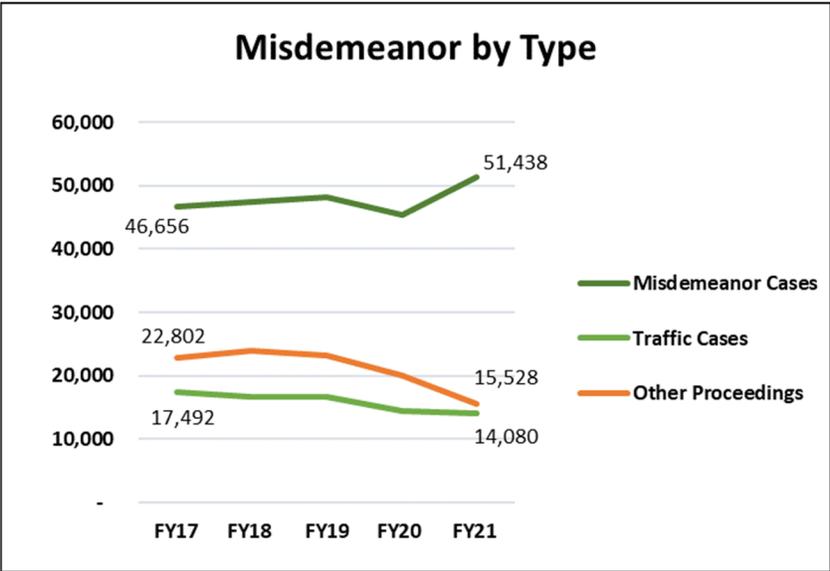
Felony - Active Cases					
FY17-FY21					
CASE TYPE	FY17 Active	FY18 Active	FY19 Active	FY20 Active	FY21 Active
Felony 1	309	325	360	368	381
Felony 2	518	586	515	527	649
Sex Assault Felony 2, 3, 4, 5 or 6	2,722	2,744	2,863	2,762	2,720
Felony 3 or 4 (COV)	4,345	5,224	5,372	5,119	5,509
Felony 3 or 4 (non-COV)	11,940	12,304	13,111	12,603	12,339
Felony 5 or 6	16,317	17,386	18,600	17,533	19,603
DUI Felony 4	1,118	1,165	1,172	1,115	1,111
<b>subttl w/o Drug Cases</b>	<b>37,269</b>	<b>39,734</b>	<b>41,993</b>	<b>40,027</b>	<b>42,312</b>
Drug Felony 1, 2, 3 or 4	13,399	14,886	16,327	13,591	6,862
<b>Felony Cases</b>	<b>50,668</b>	<b>54,620</b>	<b>58,320</b>	<b>53,618</b>	<b>49,174</b>
Misc. Proceedings	6,468	6,884	6,745	6,092	4,447
Revocations	20,585	21,937	21,539	19,592	17,168
Appeals	56	53	64	72	71
<b>Felony Other Proceedings</b>	<b>27,109</b>	<b>28,874</b>	<b>28,348</b>	<b>25,756</b>	<b>21,686</b>
<b>Total Felony Active Cases</b>	<b>77,777</b>	<b>83,494</b>	<b>86,668</b>	<b>79,374</b>	<b>70,860</b>

**Misdemeanor Cases.** In FY 2019-20, misdemeanor caseloads seemed to have stabilized with the OSPD handling 88,089 cases. Caseloads were consistent through the first eight months of FY 2019-20 but were similarly impacted by COVID and dropped in the final 3 months of the fiscal year resulting in 79,797 active cases in FY 2019-20. In FY 2020-21, the OSPD had 81,046 active misdemeanor cases, a slight increase over the previous year.

Misdemeanor cases represent about 50 percent of our total cases and require about 29 percent of our trial FTE resources.



As discussed in the felony section above, House Bill 19-1263 changed the classification of possession drug charges (DF4) from a felony to a misdemeanor and that change has impacted the number of active misdemeanor cases. When separating out the Traffic and Other Proceedings cases, the remaining higher level misdemeanor cases have increased from 45,387 cases in FY 2019-20 to 51,438 cases this past year. The chart below shows this change.

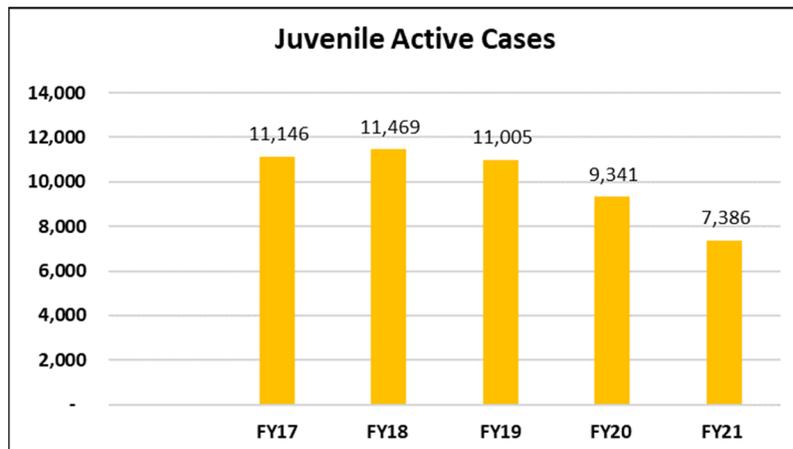


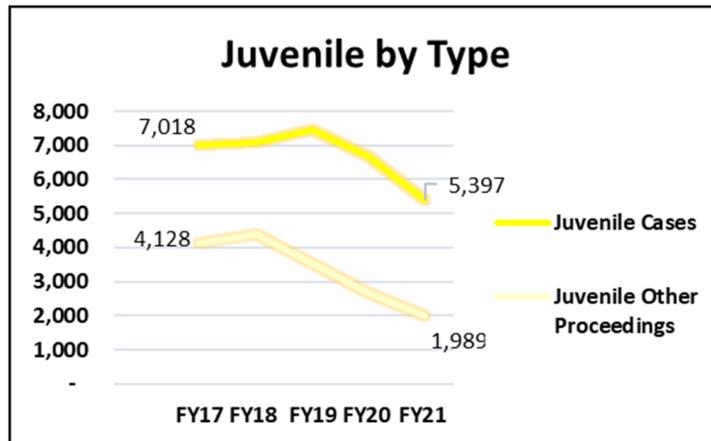
<b>Misdemeanor - Active Cases</b>					
<b>FY17-FY21</b>					
<b>CASE TYPE</b>	<b>FY17 Active</b>	<b>FY18 Active</b>	<b>FY19 Active</b>	<b>FY20 Active</b>	<b>FY21 Active</b>
Misdemeanor Sex Offense	959	1,053	1,008	1,025	988
Misdemeanor 1	20,956	20,663	20,979	20,259	25,180
Misdemeanor 2 or 3	15,876	16,366	17,035	15,613	16,657
Misdemeanor DUI	8,865	9,413	9,083	8,490	8,613
<b>subttl w/o Traffic/Other</b>	<b>46,656</b>	<b>47,495</b>	<b>48,105</b>	<b>45,387</b>	<b>51,438</b>
Misdemeanor Traffic/Other	17,492	16,650	16,719	14,445	14,080
<b>Misdemeanor Cases</b>	<b>64,148</b>	<b>64,145</b>	<b>64,824</b>	<b>59,832</b>	<b>65,518</b>
Misc. Proceedings	3,463	4,057	3,579	3,300	1,832
Revocations	18,947	19,502	19,267	16,283	13,429
Appeals	392	413	419	382	267
<b>Misdemeanor Other Proceedings</b>	<b>22,802</b>	<b>23,972</b>	<b>23,265</b>	<b>19,965</b>	<b>15,528</b>
<b>Total Misdemeanor Active Cases</b>	<b>86,950</b>	<b>88,117</b>	<b>88,089</b>	<b>79,797</b>	<b>81,046</b>

**Juvenile Cases.** Through FY 2018-19, the OSPD had experienced an increase in its juvenile caseload, due to legislation. House Bill 14-1032 requires the OSPD to be present at detention hearings, allows the court to appoint the OSPD when the parents refuse to provide counsel, allows the court to appoint the OSPD when the court deems it to be in the best interest of the child, and intentionally makes it more difficult for juveniles to waive counsel. The number of active juvenile cases peaked at 11,469 in FY 2017-18. In FY 2019-20, the OSPD saw a decrease in the number of active juvenile cases handled, down to 9,341 last year and down to 7,386 in FY 2020-21.

With schools holding classes primarily remotely last year, there was a decrease in the number of school-related filings. Lower-level cases have also dropped, which appears to be the result of less enforcement of tagging/graffiti cases, trespass cases, placement-related cases and other lower-level misdemeanors. As children return to school, we anticipate these cases will go back up and return to pre-COVID levels.

Juvenile cases represent about 5 percent of our total cases and require about 5 percent of our trial FTE resources.





Juvenile - Active Cases					
FY17-FY21					
CASE TYPE	FY17 Active	FY18 Active	FY19 Active	FY20 Active	FY21 Active
Juvenile Sex Offense	503	574	594	538	469
Juvenile Felony	3,052	3,077	3,294	2,958	2,465
Juvenile Misdemeanor	3,463	3,431	3,570	3,176	2,463
<b>Juvenile Cases</b>	<b>7,018</b>	<b>7,082</b>	<b>7,458</b>	<b>6,672</b>	<b>5,397</b>
Misc. Proceedings	1,185	1,513	911	739	426
Revocations	2,916	2,826	2,594	1,918	1,550
Appeals	27	48	42	12	13
<b>Juvenile Other Proceedings</b>	<b>4,128</b>	<b>4,387</b>	<b>3,547</b>	<b>2,669</b>	<b>1,989</b>
<b>Total Juvenile Active Cases</b>	<b>11,146</b>	<b>11,469</b>	<b>11,005</b>	<b>9,341</b>	<b>7,386</b>

### MISCELLANEOUS HEARINGS

As a result of House Bill 13-1210, the *Rothgery* bill, and House Bill 14-1032, the Juvenile Defense bill, OSPD began tracking the number of both felony and misdemeanor advisement/bond hearings along with juvenile detention hearings. These statistics are shown separately below and are not included in the Other Proceedings category.

Advisement/Bond Hearings and Juvenile Detention Hearings	17 New	FY18	FY19	FY20	FY21
Advisement/Bond, Felony	35,882	38,570	42,416	37,719	27,050
Advisement/Bond, Misdemeanor	33,802	35,457	34,503	30,720	24,726
Juvenile Detention Hearings	4,006	3,625	3,338	2,069	789

## CASE WITHDRAWALS

In specific situations, the OSPD will request to withdraw from a case either as the result of a conflict of interest or for non-conflict reasons, such as private counsel entering or OSPD clients deciding to proceed *pro se*.

OSPD Trial Office Withdrawals						
FY17-FY21						
	FY17	FY18	FY19	FY20	FY21	Avg FY17 to
<b>New Cases</b>	<b>137,777</b>	<b>143,552</b>	<b>144,219</b>	<b>124,586</b>	<b>113,453</b>	
Conflicts						
Co-Defendant	4,637	4,386	4,853	4,006	3,156	
Witness	4,604	5,112	5,664	5,676	6,603	
Other	913	1,074	1,465	1,519	1,551	
<b>Total</b>	<b>10,154</b>	<b>10,572</b>	<b>11,982</b>	<b>11,201</b>	<b>11,310</b>	
% of New Cases	7.4%	7.4%	8.3%	9.0%	10.0%	8.4%
Non-Conflicts						
Private Counsel	2,553	2,447	2,645	2,454	2,368	
Pro Se	482	491	502	378	313	
Other	963	960	1,076	859	942	
<b>Total</b>	<b>3,998</b>	<b>3,898</b>	<b>4,223</b>	<b>3,691</b>	<b>3,623</b>	
% of New Cases	2.9%	2.7%	2.9%	3.0%	3.2%	2.9%
<b>Total</b>	<b>14,152</b>	<b>14,470</b>	<b>16,205</b>	<b>14,892</b>	<b>14,933</b>	
% of New Cases	10.3%	10.1%	11.2%	12.0%	13.2%	11.3%

**Conflict Withdrawals.** A conflict of interest occurs in situations where the OSPD represents a codefendant or a person who is a witness in the case, or other circumstances as identified in the Colorado Rules of Professional Conduct. The withdrawal rate due to a conflict has increased to 10 percent this past year.

Year	Adult			Juvenile			Total		
	New Cases	Conflicts	% of new	New Cases	Conflicts	% of new	New Cases	Conflicts	% of new
FY17	129,371	9,129	7.1%	8,406	1,025	12.2%	137,777	10,154	7.4%
FY18	134,895	9,601	7.1%	8,657	971	11.2%	143,552	10,572	7.4%
FY19	136,218	10,650	7.8%	8,001	1,332	16.6%	144,219	11,982	8.3%
FY20	118,120	10,123	8.6%	6,466	1,078	16.7%	124,586	11,201	9.0%
FY21	108,942	10,589	9.7%	4,511	721	16.0%	113,453	11,310	10.0%

## **CASE STATISTICS**

## OSPD Trial Office - Outstanding Cases

FY17-FY21

CASE TYPE	FY17 O/S	FY18 O/S	FY19 O/S	FY20 O/S	FY19 O/S	FY21 % O/S Cases
Felony 1	168	181	179	190	231	0.4%
Felony 2	207	184	188	237	299	0.6%
Sex Assault Felony 2, 3, 4, 5 or 6	1,057	1,036	1,130	1,110	1,211	2.3%
Felony 3 or 4 (COV)	1,453	1,643	1,719	1,832	2,172	4.2%
Felony 3 or 4 (non-COV)	3,115	3,307	3,461	3,844	4,381	8.4%
Felony 5 or 6	4,057	4,649	4,658	5,127	6,869	13.2%
DUI Felony 4	426	374	412	453	460	0.9%
Drug Felony 1, 2, 3 or 4	3,015	3,377	3,734	2,865	1,969	3.8%
<b>Felony Cases</b>	<b>13,498</b>	<b>14,751</b>	<b>15,481</b>	<b>15,658</b>	<b>17,592</b>	<b>33.7%</b>
Misc. Proceedings	1,533	1,473	1,517	1,297	1,169	2.2%
Revocations	3,708	3,920	4,060	4,440	5,108	9.8%
Appeals	25	19	30	27	34	0.1%
<b>Felony Other Proceedings</b>	<b>5,266</b>	<b>5,412</b>	<b>5,607</b>	<b>5,764</b>	<b>6,311</b>	<b>12.1%</b>
<b>Total Felony</b>	<b>18,764</b>	<b>20,163</b>	<b>21,088</b>	<b>21,422</b>	<b>23,903</b>	<b>45.8%</b>
Misdemeanor Sex Offense	297	150	362	389	423	0.8%
Misdemeanor 1	4,659	4,734	5,174	6,031	8,164	15.6%
Misdemeanor 2 or 3	2,808	3,279	3,685	4,116	5,115	9.8%
Misdemeanor DUI	2,487	2,575	2,675	2,971	3,364	6.4%
Misdemeanor Traffic/Other	3,968	3,546	3,990	3,825	5,066	9.7%
<b>Misdemeanor Cases</b>	<b>14,219</b>	<b>14,284</b>	<b>15,886</b>	<b>17,332</b>	<b>22,132</b>	<b>42.4%</b>
Misc. Proceedings	715	946	797	689	324	0.6%
Revocations	2,875	2,844	3,053	3,305	3,638	7.0%
Appeals	206	207	213	183	100	0.2%
<b>Misdemeanor Other Proceedings</b>	<b>3,796</b>	<b>3,997</b>	<b>4,063</b>	<b>4,177</b>	<b>4,062</b>	<b>7.8%</b>
<b>Total Misdemeanor</b>	<b>18,015</b>	<b>18,281</b>	<b>19,949</b>	<b>21,509</b>	<b>26,194</b>	<b>50.2%</b>
Juvenile Sex Offense	219	145	239	249	217	0.4%
Juvenile Felony	782	948	868	993	718	1.4%
Juvenile Misdemeanor	907	1,024	1,001	1,046	691	1.3%
<b>Juvenile Cases</b>	<b>1,908</b>	<b>2,117</b>	<b>2,108</b>	<b>2,288</b>	<b>1,626</b>	<b>3.1%</b>
Misc. Proceedings	259	278	210	96	65	0.1%
Revocations	590	576	534	481	396	0.8%
Appeals	15	23	8	4	6	0.0%
<b>Juvenile Other Proceedings</b>	<b>864</b>	<b>877</b>	<b>752</b>	<b>581</b>	<b>467</b>	<b>0.9%</b>
<b>Total Juvenile</b>	<b>2,772</b>	<b>2,994</b>	<b>2,860</b>	<b>2,869</b>	<b>2,093</b>	<b>4.0%</b>
<b>Summary</b>						
<b>Total Cases</b>	<b>29,625</b>	<b>31,152</b>	<b>33,475</b>	<b>35,278</b>	<b>41,350</b>	<b>79.2%</b>
Total Misc. Proceedings	2,507	2,697	2,524	2,082	1,558	3.0%
Total Revocations	7,173	7,340	7,647	8,226	9,142	17.5%
Total Appeals	246	249	251	214	140	0.3%
<b>Total Other Proceedings</b>	<b>9,926</b>	<b>10,286</b>	<b>10,422</b>	<b>10,522</b>	<b>10,840</b>	<b>20.8%</b>
<b>Grand Total Outstanding Cases</b>	<b>39,551</b>	<b>41,438</b>	<b>43,897</b>	<b>45,800</b>	<b>52,190</b>	<b>100.0%</b>

## OSPД Trial Office - Active Cases

FY17-FY21

CASE TYPE	FY17 Active	FY18 Active	FY19 Active	FY20 Active	FY21 Active	FY21 % Active
Felony 1	309	325	360	368	381	0.2%
Felony 2	518	586	515	527	649	0.4%
Sex Assault Felony 2, 3, 4, 5 or 6	2,722	2,744	2,863	2,762	2,720	1.7%
Felony 3 or 4 (COV)	4,345	5,224	5,372	5,119	5,509	3.5%
Felony 3 or 4 (non-COV)	11,940	12,304	13,111	12,603	12,339	7.7%
Felony 5 or 6	16,317	17,386	18,600	17,533	19,603	12.3%
DUI Felony 4	1,118	1,165	1,172	1,115	1,111	0.7%
Drug Felony 1, 2, 3 or 4	13,399	14,886	16,327	13,591	6,862	4.3%
<b>Felony Cases</b>	<b>50,668</b>	<b>54,620</b>	<b>58,320</b>	<b>53,618</b>	<b>49,174</b>	<b>30.9%</b>
Misc. Proceedings	6,468	6,884	6,745	6,092	4,447	2.8%
Revocations	20,585	21,937	21,539	19,592	17,168	10.8%
Appeals	56	53	64	72	71	0.0%
<b>Felony Other Proceedings</b>	<b>27,109</b>	<b>28,874</b>	<b>28,348</b>	<b>25,756</b>	<b>21,686</b>	<b>13.6%</b>
<b>Total Felony</b>	<b>77,777</b>	<b>83,494</b>	<b>86,668</b>	<b>79,374</b>	<b>70,860</b>	<b>44.5%</b>
Misdemeanor Sex Offense	959	1,053	1,008	1,025	988	0.6%
Misdemeanor 1	20,956	20,663	20,979	20,259	25,180	15.8%
Misdemeanor 2 or 3	15,876	16,366	17,035	15,613	16,657	10.5%
Misdemeanor DUI	8,865	9,413	9,083	8,490	8,613	5.4%
Misdemeanor Traffic/Other	17,492	16,650	16,719	14,445	14,080	8.8%
<b>Misdemeanor Cases</b>	<b>64,148</b>	<b>64,145</b>	<b>64,824</b>	<b>59,832</b>	<b>65,518</b>	<b>41.1%</b>
Misc. Proceedings	3,463	4,057	3,579	3,300	1,832	1.2%
Revocations	18,947	19,502	19,267	16,283	13,429	8.4%
Appeals	392	413	419	382	267	0.2%
<b>Misdemeanor Other Proceedings</b>	<b>22,802</b>	<b>23,972</b>	<b>23,265</b>	<b>19,965</b>	<b>15,528</b>	<b>9.7%</b>
<b>Total Misdemeanor</b>	<b>86,950</b>	<b>88,117</b>	<b>88,089</b>	<b>79,797</b>	<b>81,046</b>	<b>50.9%</b>
Juvenile Sex Offense	503	574	594	538	469	0.3%
Juvenile Felony	3,052	3,077	3,294	2,958	2,465	1.5%
Juvenile Misdemeanor	3,463	3,431	3,570	3,176	2,463	1.5%
<b>Juvenile Cases</b>	<b>7,018</b>	<b>7,082</b>	<b>7,458</b>	<b>6,672</b>	<b>5,397</b>	<b>3.4%</b>
Misc. Proceedings	1,185	1,513	911	739	426	0.3%
Revocations	2,916	2,826	2,594	1,918	1,550	1.0%
Appeals	27	48	42	12	13	0.0%
<b>Juvenile Other Proceedings</b>	<b>4,128</b>	<b>4,387</b>	<b>3,547</b>	<b>2,669</b>	<b>1,989</b>	<b>1.2%</b>
<b>Total Juvenile</b>	<b>11,146</b>	<b>11,469</b>	<b>11,005</b>	<b>9,341</b>	<b>7,386</b>	<b>4.6%</b>
<b>Summary</b>						
<b>Total Cases</b>	<b>121,834</b>	<b>125,847</b>	<b>130,602</b>	<b>120,122</b>	<b>120,089</b>	<b>75.4%</b>
Total Misc. Proceedings	11,116	12,454	11,235	10,131	6,705	4.2%
Total Revocations	42,448	44,265	43,400	37,793	32,147	20.2%
Total Appeals	475	514	525	466	351	0.2%
<b>Total Other Proceedings</b>	<b>54,039</b>	<b>57,233</b>	<b>55,160</b>	<b>48,390</b>	<b>39,203</b>	<b>24.6%</b>
<b>Grand Total Active Cases</b>	<b>175,873</b>	<b>183,080</b>	<b>185,762</b>	<b>168,512</b>	<b>159,292</b>	<b>100.0%</b>

## OSPD Trial Office - New Cases

FY17-FY21

CASE TYPE	FY17 New	FY18 New	FY19 New	FY20 New	FY21 New	FY21 % New Cases
Felony 1	190	157	182	189	192	0.2%
Felony 2	348	377	319	339	414	0.4%
Sex Assault Felony 2, 3, 4, 5 or 6	1,779	1,682	1,782	1,603	1,575	1.4%
Felony 3 or 4 (COV)	3,144	3,620	3,558	3,381	3,676	3.2%
Felony 3 or 4 (non-COV)	9,050	9,360	9,834	9,184	8,502	7.5%
Felony 5 or 6	12,631	13,342	14,104	12,885	14,493	12.8%
DUI Felony 4	801	741	787	703	655	0.6%
Drug Felony 1, 2, 3 or 4	10,681	11,873	12,980	9,876	3,997	3.5%
<b>Felony Cases</b>	<b>38,624</b>	<b>41,152</b>	<b>43,546</b>	<b>38,160</b>	<b>33,504</b>	<b>29.5%</b>
Misc. Proceedings	5,224	5,374	5,285	4,589	3,160	2.8%
Revocations	16,952	18,225	17,590	15,516	12,704	11.2%
Appeals	32	19	47	42	45	0.0%
<b>Felony Other Proceedings</b>	<b>22,208</b>	<b>23,618</b>	<b>22,922</b>	<b>20,147</b>	<b>15,909</b>	<b>14.0%</b>
<b>Total Felony</b>	<b>60,832</b>	<b>64,770</b>	<b>66,468</b>	<b>58,307</b>	<b>49,413</b>	<b>43.6%</b>
Misdemeanor Sex Offense	640	755	656	658	595	0.5%
Misdemeanor 1	16,085	16,008	16,412	15,049	19,134	16.9%
Misdemeanor 2 or 3	12,892	13,249	13,740	11,941	12,562	11.1%
Misdemeanor DUI	6,122	6,756	6,606	5,814	5,634	5.0%
Misdemeanor Traffic/Other	13,566	13,178	13,077	10,472	10,253	9.0%
<b>Misdemeanor Cases</b>	<b>49,305</b>	<b>49,946</b>	<b>50,491</b>	<b>43,934</b>	<b>48,178</b>	<b>42.5%</b>
Misc. Proceedings	2,793	3,347	2,654	2,509	1,160	1.0%
Revocations	16,216	16,624	16,394	13,207	10,106	8.9%
Appeals	225	208	211	163	85	0.1%
<b>Misdemeanor Other Proceedings</b>	<b>19,234</b>	<b>20,179</b>	<b>19,259</b>	<b>15,879</b>	<b>11,351</b>	<b>10.0%</b>
<b>Total Misdemeanor</b>	<b>68,539</b>	<b>70,125</b>	<b>69,750</b>	<b>59,813</b>	<b>59,529</b>	<b>52.5%</b>
Juvenile Sex Offense	287	342	328	299	218	0.2%
Juvenile Felony	2,263	2,285	2,438	2,088	1,470	1.3%
Juvenile Misdemeanor	2,534	2,518	2,564	2,165	1,420	1.3%
<b>Juvenile Cases</b>	<b>5,084</b>	<b>5,145</b>	<b>5,330</b>	<b>4,552</b>	<b>3,108</b>	<b>2.7%</b>
Misc. Proceedings	985	1,258	638	525	333	0.3%
Revocations	2,317	2,222	2,014	1,385	1,061	0.9%
Appeals	20	32	19	4	9	0.0%
<b>Juvenile Other Proceedings</b>	<b>3,322</b>	<b>3,512</b>	<b>2,671</b>	<b>1,914</b>	<b>1,403</b>	<b>1.2%</b>
<b>Total Juvenile</b>	<b>8,406</b>	<b>8,657</b>	<b>8,001</b>	<b>6,466</b>	<b>4,511</b>	<b>4.0%</b>
<b>Summary</b>						
<b>Total Cases</b>	<b>93,013</b>	<b>96,242</b>	<b>99,367</b>	<b>86,646</b>	<b>84,790</b>	<b>74.7%</b>
Total Misc. Proceedings	9,002	9,926	8,577	7,623	4,653	4.1%
Total Revocations	35,485	37,115	35,998	30,108	23,871	21.0%
Total Appeals	277	269	277	209	139	0.1%
<b>Total Other Proceedings</b>	<b>44,764</b>	<b>47,310</b>	<b>44,852</b>	<b>37,940</b>	<b>28,663</b>	<b>25.3%</b>
<b>Grand Total New Cases</b>	<b>137,777</b>	<b>143,552</b>	<b>144,219</b>	<b>124,586</b>	<b>113,453</b>	<b>100.0%</b>

## OSPD Trial Office - Closed Cases

FY17-FY21

CASE TYPE	FY17 Closed	FY18 Closed	FY19 Closed	FY20 Closed	FY21 Closed	FY21 % Closed
Felony 1	104	118	141	147	113	0.1%
Felony 2	235	285	272	217	282	0.3%
Sex Assault Felony 2, 3, 4, 5 or 6	1,610	1,704	1,676	1,578	1,449	1.4%
Felony 3 or 4 (COV)	2,712	3,398	3,419	3,120	3,175	3.0%
Felony 3 or 4 (non-COV)	8,040	8,108	8,878	7,874	7,164	6.7%
Felony 5 or 6	11,414	12,080	12,914	11,405	11,692	10.9%
DUI Felony 4	683	782	742	645	644	0.6%
Drug Felony 1, 2, 3 or 4	9,495	10,669	11,524	9,871	4,489	4.2%
<b>Felony Cases</b>	<b>34,293</b>	<b>37,144</b>	<b>39,566</b>	<b>34,857</b>	<b>29,008</b>	<b>27.1%</b>
Misc. Proceedings	4,935	5,410	5,229	4,795	3,278	3.1%
Revocations	16,876	18,017	17,479	15,152	12,062	11.3%
Appeals	31	32	34	45	37	0.0%
Partial Service	2,877	2,682	3,274	3,104	2,568	2.4%
<b>Felony Other Proceedings</b>	<b>24,719</b>	<b>26,141</b>	<b>26,016</b>	<b>23,096</b>	<b>17,945</b>	<b>16.8%</b>
<b>Total Felony</b>	<b>59,012</b>	<b>63,285</b>	<b>65,582</b>	<b>57,953</b>	<b>46,953</b>	<b>43.8%</b>
Misdemeanor Sex Offense	631	687	636	627	556	0.5%
Misdemeanor 1	15,821	15,581	15,219	13,511	15,990	14.9%
Misdemeanor 2 or 3	12,367	12,659	12,886	10,949	10,874	10.2%
Misdemeanor DUI	6,336	6,776	6,344	5,450	5,169	4.8%
Misdemeanor Traffic/Other	13,632	12,897	12,486	10,349	8,588	8.0%
<b>Misdemeanor Cases</b>	<b>48,787</b>	<b>48,600</b>	<b>47,571</b>	<b>40,886</b>	<b>41,177</b>	<b>38.4%</b>
Misc. Proceedings	2,768	3,111	2,780	2,610	1,511	1.4%
Revocations	16,073	16,646	16,214	12,978	9,790	9.1%
Appeals	186	206	206	199	167	0.2%
Partial Service	1,121	1,209	1,368	1,615	2,211	2.1%
<b>Misdemeanor Other Proceedings</b>	<b>20,148</b>	<b>21,172</b>	<b>20,568</b>	<b>17,402</b>	<b>13,679</b>	<b>12.8%</b>
<b>Total Misdemeanor</b>	<b>68,935</b>	<b>69,772</b>	<b>68,139</b>	<b>58,288</b>	<b>54,856</b>	<b>51.2%</b>
Juvenile Sex Offense	279	294	344	279	238	0.2%
Juvenile Felony	2,003	1,989	2,095	1,710	1,574	1.5%
Juvenile Misdemeanor	2,389	2,269	2,338	1,929	1,665	1.6%
<b>Juvenile Cases</b>	<b>4,671</b>	<b>4,552</b>	<b>4,777</b>	<b>3,918</b>	<b>3,477</b>	<b>3.2%</b>
Misc. Proceedings	926	1,235	701	639	361	0.3%
Revocations	2,326	2,251	2,060	1,438	1,153	1.1%
Appeals	12	25	34	8	7	0.0%
Partial Service	439	391	583	468	292	0.3%
<b>Juvenile Other Proceedings</b>	<b>3,703</b>	<b>3,902</b>	<b>3,378</b>	<b>2,553</b>	<b>1,813</b>	<b>1.7%</b>
<b>Total Juvenile</b>	<b>8,374</b>	<b>8,454</b>	<b>8,155</b>	<b>6,471</b>	<b>5,290</b>	<b>4.9%</b>
<b>Summary</b>						
<b>Total Cases</b>	<b>87,751</b>	<b>90,296</b>	<b>91,914</b>	<b>79,661</b>	<b>73,662</b>	<b>68.8%</b>
Total Misc. Proceedings	8,629	9,756	8,710	8,044	5,150	4.8%
Total Revocations	35,275	36,914	35,753	29,568	23,005	21.5%
Total Appeals	229	263	274	252	211	0.2%
Total Partial Service	4,437	4,282	5,225	5,187	5,071	4.7%
<b>Total Other Proceedings</b>	<b>48,570</b>	<b>51,215</b>	<b>49,962</b>	<b>43,051</b>	<b>33,437</b>	<b>31.2%</b>
<b>Grand Total Closed Cases</b>	<b>136,321</b>	<b>141,511</b>	<b>141,876</b>	<b>122,712</b>	<b>107,099</b>	<b>100.0%</b>

## OSPD Trials (Jury & Court)

	FY17 Trials	FY18 Trials	FY19 Trials	FY20 Trials	FY21 Trials
<b>Felony</b>					
F1	29	38	35	37	17
F2	17	24	33	17	9
F2-F6 Sex	88	60	84	57	19
F3-F4 COV	73	99	89	95	28
F3-F4 Non COV	80	75	85	75	43
F5-F6	89	82	114	60	37
DUI Felony 4	24	42	32	27	9
Drug Felony	28	37	46	30	10
<b>Felony Total</b>	<b>428</b>	<b>457</b>	<b>518</b>	<b>398</b>	<b>172</b>
<b>Misdemeanor</b>					
Misd Sex	35	33	30	26	14
M1	268	290	223	197	98
M2-M3	134	141	129	122	56
Misd DUI	224	245	220	169	98
Traffic/Other	90	52	52	47	18
<b>Misdemeanor Total</b>	<b>751</b>	<b>761</b>	<b>654</b>	<b>561</b>	<b>284</b>
<b>Juvenile</b>					
Juv Sex	9	4	6	2	6
Felony	26	20	20	18	11
Misdemeanor	33	24	27	22	18
<b>Juvenile Total</b>	<b>68</b>	<b>48</b>	<b>53</b>	<b>42</b>	<b>35</b>
<b>Grand Total</b>	<b>1247</b>	<b>1266</b>	<b>1225</b>	<b>1001</b>	<b>491</b>

## APPELLATE DIVISION CASELOAD

### APPELLATE CASE TRENDS

**Appellate Cases.** The Office of the State Public Defender maintains a centralized Appellate Division (the Division) that represents indigent clients in felony appeals from every jurisdiction in the state, regardless of who may have represented them in prior court proceedings (e.g., court-appointed counsel, Alternate Defense Counsel and private attorneys). The Division is expected to handle a total of 1,627 cases in FY 2021-22, of which 737 are in phase one and 890 are in phase two.

- Phase one is where an initial OSPD brief has not yet been filed and is the phase during which the most resources are required. We estimate the Division will see 450 new cases, along with 287 cases carried over from previous years.
- Phase two is the continuation of the case through the appeals process, which can take several years to complete.

APPELLATE DIVISION									
FISCAL YEAR	New Appeals	Briefs Filed by PD	Cases Resolved Other Ways	Appeals Closed in Phase 1	Cases awaiting filing of initial brief	Standard Caseload per NLADA	Cases in excess of NLADA standards	Cases Phase 2 (after OB filed)	Total Active Felony Cases
FY 14	573	367	127	495	749	279	470	1000	2341
FY 15	533	422	122	544	738	363	375	985	2282
FY 16	511	486	141	627	622	359	263	1049	2234
FY 17	525	459	101	560	587	351	236	879	2196
FY 18	523	421	150	571	539	351	188	820	1989
FY 19	563	381	118	499	603	368	235	761	1922
FY 20	514	454	133	587	530	368	162	816	1878
FY 21	256	433	66	499	287	308	0	890	1602
FY 22 Est.	450	358	109	466	271	288	0	898	1627
FY 23 Est.	535	394	129	523	283	317	0	892	1704
FY 24 Est.	552	394	133	527	307	317	0	886	1727
FY 25 Est.	568	394	138	532	342	317	25	880	1761

#### Phase One:

The chart above references the appellate caseload standards that have been published by the National Legal Aid & Defender Association (“NLADA”) for appellate defender offices since 1980. In FY 2013-14, the number of backlog cases (those awaiting an initial brief) peaked at 749, the highest ever experienced, exceeding the NLADA standard caseload for the Division by 470 cases. The following year, the Division requested and received additional FTEs and funding to help lower this number and has

been successful in doing so, dropping to 530 cases as of FY 2019-20, which was the lowest level in over a decade. Over the past year, with the delay in felony cases being processed due to the COVID-19 pandemic, new appellate cases assigned to the Division have dropped by nearly 50%. As a result, the Division has made great strides in working through the backlog of cases. The number of cases awaiting the filing of the initial brief is at a manageable level of 287 cases which is more in line with the NLADA standards.

This is expected to be a short reprieve, however, as it is projected that as the trial courts open fully back up, felony cases will be resolved and appellate cases will follow the same general trend and will once again increase, returning to pre-COVID levels in FY 2022-23.

Historically, the NLADA standards have been based on the complexity of the appeal and/or the number of pages on the record. The more serious the case, the more complex it would be and have more pages of record to be reviewed. Standards per the NLADA are based on the assumption that an attorney can handle 22 cases per year based on an average of 500 pages on the record. In FY 2020-21 the Division was seeing an average of 1400 pages per case and when adjusted using the NLADA 500 page base, attorneys would be expected to carry 7.9 cases per year.

Recently, the Division has noticed a significant increase in the incoming number of large or complex appeals, which are typically cases resulting in first-degree murder convictions with life sentences, or cases involving eight days or more of trial. Such cases usually involve lengthy records and numerous appellate issues and are thus more time consuming than other appeals. In the first quarter of FY2021-22, the Division experienced a 40-50% increase in such appeals. If that pace continues throughout the year, it could have a significant impact on the Division's workload, even if the number of overall appeals remains below normal levels.

As of the beginning of FY 2021-22, although the current caseload is manageable, the Division is facing attorney turnover and currently has five vacant positions. The Division hopes to fill these spots by the end of the fiscal year which will be necessary when caseloads return to pre-pandemic levels.

#### Phase Two:

After an opening brief is filed, the case remains active as it progresses through the appellate process and the work involved extends well into subsequent years. During this second phase, numerous briefs, pleadings and oral arguments (see table below) are completed in accordance with appellate court deadlines, some of which require an attorney to work on things other than opening briefs. For example, court deadlines for briefs and petitions in the Colorado Supreme Court often must take precedence over briefs due in the Colorado Court of Appeals. As a result, appellate attorneys frequently

pause work on briefs in the Court of Appeals in order to prioritize filings with the Supreme Court. While this may incur some delay in the filing of opening briefs in the Court of Appeals, it has also had the effect of more timely reduction of the cases pending in the second phase of the appeal. The Division estimates there are currently 890 cases at various stages within this process (phase two).

<b>Briefs, Pleadings &amp; Arguments</b>	
Reply Briefs	392
Petition for Rehearing	65
Cert Petitions	250
35B Filed	76
Oral Arguments	64

In addition to processing felony appeals statewide, the Division also assists in the appellate process for both county court and juvenile appeals. This past year, staff consulted or worked on over 172 cases, handled roughly 90 queries from juvenile attorneys in the trial offices, and held numerous statewide trainings, enabling trial offices to achieve improved administrative efficiencies as well as increased representational effectiveness.

# **JBC REQUEST FOR INFORMATION**

## **Judicial Branch, Office of the State Public Defender, FY 2021-22, RFI #1**

The State Public Defender is requested to provide by November 1, 2021, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 2020-21: the number of new cases; the number of opening briefs filed by the Appellate Division; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, 2021.

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### **Appellate Division Overview**

The Office of the State Public Defender maintains a centralized Appellate Division (Division) that represents clients in felony appeals from every jurisdiction in the state regardless of who may have represented the clients in prior court proceedings (e.g., court-appointed counsel, Alternate Defense Counsel and private attorneys). The Division is expected to carry 737 cases this year (FY 2021-22), including 450 new cases and 287 backlog cases carried over from previous years. This 737 number represents those cases where an initial brief is expected to be filed and is the phase during which the most resources are required. After the brief is filed, the case remains active as it progresses through the remainder of the appellate process. The Division estimates there are currently 890 cases at various stages within this second phase of the process and the work involved extends well into subsequent years.

### **Legislative Action**

The legislature provided the OSPD with additional funding and staffing beginning in FY 2014-15 to help reduce the rapidly expanding appellate backlog, address the impact of additional staff received by the Attorney General and to streamline the appellate process for all appeals.

### **FY 2020-21 Statistics**

Following are the statistics requested for FY 2020-21, as of June 30, 2021:

1. Number of new cases – 256;
2. Number of initial briefs filed - 433;
3. Number of cases resolved in other ways - 66;
4. Number of cases closed - 499; and
5. Number of cases awaiting an opening brief - 287.

# **CHANGE REQUESTS**

**Office of the State Public Defender  
FY 2022-23 Change Requests**

**Schedule 10**

**SUMMARY**

For FY 2022-23 the Office is submitting four prioritized decision item requests and one non-prioritized common policy request.

<b>Priority</b>	<b>Decision Item</b>	<b>FTE</b>	<b>Total</b>	<b>GF</b>	<b>CF</b>
1	Public Defense in the Digital Age (PLACEHOLDER)	6.4	5,484,683	5,484,683	0
2	Paralegal Staff Request	63.2	5,795,856	5,795,856	0
3	Discovery Clerk Staff Request	13.8	650,106	650,106	0
4	Restructured fiscal note for H.B. 21-1280	0.0	188,657	188,657	0
<i>Non-prioritized</i>	#NP-1, Common Policy – Annual Vehicle Fleet Request	0.0	(28,257)	(28,257)	0
	<b>Total Prioritized Change Requests</b>	<b>83.4</b>	<b>12,119,302</b>	<b>12,119,302</b>	<b>0</b>
	<b>Total Non-prioritized Change Requests</b>	<b>0.0</b>	<b>(28,257)</b>	<b>(28,257)</b>	<b>0</b>
	<b>Total ALL Change Requests</b>	<b>83.4</b>	<b>12,091,045</b>	<b>12,091,045</b>	<b>0</b>

## **TAB 1**



# OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring  
State Public Defender

*FY 2022-23 Budget Request  
November 1, 2021*

**Department Priority: 1**

**Request Title: Public Defense in the Digital Age (PLACEHOLDER), R#1**

Summary of Incremental Funding Change for FY 2022-23	Total Funds	General Fund	FTE
Personal Services	\$ 438,778	\$ 438,778	6.4
Operating	502,650	502,650	
Capital Outlay	50,400	50,400	
Automation Plan	4,492,855	4,492,855	
Total	\$ 5,484,683	\$ 5,484,683	6.4

Summary of Full Year Annualized Funding for FY 2023-24	Total Funds	General Fund	FTE
Personal Services	\$ 480,828	\$ 480,828	7.0
Operating	502,650	502,650	
Automation Plan	1,237,855	1,237,855	
Total	\$ 2,221,333	\$ 2,221,333	7.0

## Request Summary:

The Office of the State Public Defender (the Office) is requesting an IT placeholder for 6.4 FTE and \$5,384,683 General Fund spending authority for FY 2022-23 and 7.0 FTE and \$2,221,333 on-going, to address staffing and funding requirements necessary to support information technology (IT) needs for the Office.

## **Background:**

The statutory function of the Office of the State Public Defender is to “*provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function.*”

The proliferation of electronic records and digital media has impacted the workload, storage costs, and business strategies across all industries. The criminal legal system is no exception. Over the last ten years the complexity and amount of digital information that is transmitted, stored, tracked, and reviewed between and by justice-involved agencies has grown exponentially. The OSPD receives discovery (information about the case) from the prosecution and law enforcement agencies. It is commonly comprised of electronically shared digital files that include large PDF files, audio/video media files, cell phone and other device “dumps,” photos, and digital files that contain various technology-based investigative techniques. The OSPD must store this discovery and have it readily accessible to its attorneys, support staff, and clients whether in the office, at court, in the jail, or out in the field. While storage is a basic need for the agency, OSPD must also provide its staff the tools to efficiently review and synthesize the complex nature of many of the discovery files. The OSPD has a statutorily and constitutionally mandated responsibility to match the digital literacy and capability of the prosecution and law enforcement agencies, local, state, and federal. As these agencies increase their reliance on technology-based investigations and digital evidence processing systems, the OSPD must make similar investments to be able to provide effective assistance of counsel.

### *Comprehensive IT Storage Solution*

Advancements in technology have contributed to an exponential growth in the amount of electronic, large sized files that must be stored by OSPD. Local, state, and federal law enforcement use tech-based investigation tools like geolocation and geofencing, high resolution cameras (4K/8K), 3D crime scene scans, systems like LEOVision Nighthawk, a tool that can analyze millions of digital files to develop complex evidentiary files, and various video surveillance tools (such as stop light cameras, dash cameras, and police officer body worn cameras that have been mandated across all Colorado law enforcement agencies with the enactment of Senate Bill 20-217). Witnesses and accused persons often create potential evidence through their use of social media, smart phones, and computers, as well as through recorded calls from the jail and personal phones. Collection of this evidence typically requires a download of the devices’ complete hard drive and/or capture, transfer, and local storage of large amounts of online data. Businesses often use video surveillance from multiple angles collected by law enforcement agencies, then disclosed as discovery. OSPD investigators collect and store additional information not provided by the prosecution.

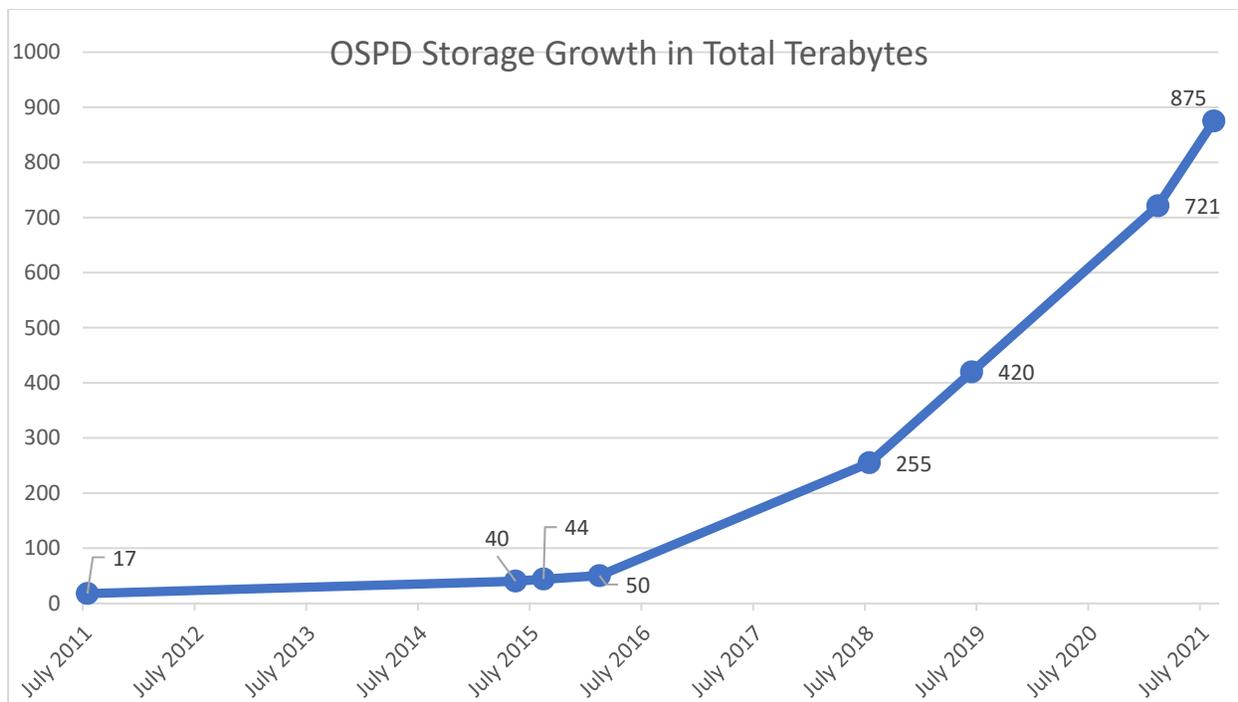
The OSPD must store the information from these technologies not only while the case is active but also once closed in order to comply with retention policies and meet legal and ethical

obligations. Colorado Rule of Professional Conduct 1.16(c) requires that a lawyer in a criminal case retain the client's file, which includes all discovery received in the case:

- (1) for the life of the client, if the matter resulted in a conviction and a sentence of death, life without parole, or an indeterminate sentence, including a sentence pursuant to the Colorado Sex Offender Lifetime Supervision Act of 1998, 18-1.31001 et seq., C.R.S.;
- (2) for eight years from the date of sentencing, if the matter resulted in a conviction for any other felony and the conviction and/or sentence was appealed;
- (3) for five years from the date of sentencing, if the matter resulted in a conviction for any other felony and neither the conviction nor the sentence was appealed.

Storage usage for the OSPD has grown from 17 terabytes ("TB") in 2011 (1 terabyte = 1,000 gigabytes or about 120 DVDs) to almost 900 terabytes today, not including disaster recovery backups. The average size of an active case is currently 5 gigabytes per case with video contributing a significant amount to this size. Video files range in size based on quality from 0.1 gigabytes/hour for older technology to 20 gigabytes/hour for the newest high-resolution cameras utilizing the 8K format. Standard business practice is to store a backup copy of data both locally and at an offsite facility to ensure recovery in the event of a major systems failure. This pace of growth is expected to continue and does not account for much of the storage for one of the largest judicial districts, the 2<sup>nd</sup> Judicial District / Denver County, as this office moves to consolidated electronic storage of client files.

One of the critical events that contributed to the OSPD's need to invest in storage for digital client files was the move by most prosecutors' offices from paper and DVD/CD-based discovery to electronically transmitted discovery. This change was a response to the increase in digital files in criminal investigations generally and a desire by all stakeholders to streamline the sharing of discovery from the prosecution to the defense through a single portal ("eDiscovery portal"). In 2015, the Colorado District Attorneys' Council ("CDAC") was allocated \$3 million per annum for this purpose from the General Fund to create and maintain a statewide eDiscovery portal that transfers most electronic discovery from law enforcement and prosecution directly to the defense. In September 2021, the 2<sup>nd</sup> Judicial District moved to the eDiscovery portal, transitioning discovery that used to be stored on individual DVDs to discovery that will now be stored in OSPD's main storage and will further increase the rate of storage growth for the OSPD. The graph below illustrates this growth over the last 10 years.



The unprecedented growth over the past 5 years (an average of 72 percent increase each year) has contributed to significant challenges for not only the OSPD IT department which must store and manage the discovery but also more critically for OSPD staff who must review, synthesize, and share it with clients, experts, judges, and juries. Multiple solutions have been implemented over the years, largely within our existing budget, including standalone servers, virtual desktops, dedicated file arrays, and most recently when the COVID-19 pandemic began, cloud-based document management with an outside vendor, Dropbox. The OSPD's storage growth has quickly exceeded the capabilities of all of these solutions.

#### IT Help Desk Support

With the constant reliance on technology by attorneys, investigators, and support staff to do their jobs, it is vital that technology works. Staff need fast, reliable access to IT support in order to troubleshoot, repair, or replace their equipment whether it be in the office, working remotely, at the jail or in court. Often, this requires in-person assistance and the availability of IT support to engage in a speedy response to the needs of almost one thousand staff during and after business hours. With 23 locations across Colorado, our current level of IT staffing makes it very difficult to provide timely support as many offices are two to four hours away from each other and each IT staff person has several offices to cover.

#### Digital Litigation Tools (Transcription and Case Management)

In addition to the equipment, maintenance and licensing costs related to storing discovery in an accessible manner, OSPD staff need better tools to help them track, analyze, review, and process cases and discovery. In order to ethically prepare a case and provide effective assistance of counsel to the client, OSPD staff must be able to efficiently access and systematically review

every item of discovery regardless of format. Defense counsel must understand all of the evidence independently in order to prepare a theory of innocence and respond to prosecution arguments. Tools that assist in the synthesis of discovery contribute to efficiencies and effectiveness in this effort.

Today the amount of discovery on a single case could include thousands of files and hundreds of hours of audio and video, often each with its own media player that requires installation on the user's computer. As an example, five years ago discovery in a driving under the influence case may have consisted of not much more than a 3-page police report. Now the same type of case frequently includes the report plus several hours of video footage from police car dash cameras and body-worn cameras. Recordings of every phone call made by our clients while in custody on major felonies are often disclosed as part of the discovery process. This can total up to hundreds of hours of information that must be reviewed by OSPD staff. Tools such as automated transcription, case mapping, digital case management systems, and courtroom presentation software assist OSPD staff in synthesizing and presenting complex information.

### Mobile Cell Connectivity

OSPD staff must have the ability to work and communicate wherever they are located including from jails, courtrooms, and on the road. Our attorneys need not only an always-available internet connection in order to access discovery, video court, and court files contained in the court's E-file system but also the ability to communicate with clients, court staff, prosecutors and each other when not in the office. Text messaging has emerged as a preferred and often only communication mechanism available to OSPD clients out-of-custody, some who live transiently and many who do not have consistent phone access and frequently rely upon low cost text applications. For in-custody clients, many jails only allow direct dial to a 10-digit number preventing calls to OSPD offices that require a phone extension in addition to the original call number. This same technical limitation prevents call forwarding to personal cell phones. OSPD attorneys currently face the difficult choice of either relying upon their personal cell phones at their own financial cost and at the cost of their privacy and personal time because of afterhours calls and texts or finding communication with many clients impossible outside of court.

### Computer Hardware Improvements

Over the last decade, the computer has gone from an auxiliary device mostly used for communication and writing word documents to the primary tech hardware used to support the provision of legal representation. It is a must-have in order to do all aspects of the job including tracking and managing court dates, making video court appearances, receiving and filing pleadings, negotiating with prosecutors, accessing the court's file, reviewing discovery and most other activities intrinsic to the daily work of public defense. As such, staff need hardware that is reliable for all needs and in particular is capable of processing the large files. This need is not exclusive to attorneys as support staff have similar needs to perform and keep up with their work expectations.

### Bandwidth Increases

The vast majority of discovery is provided to the OSPD digitally via several online portals including CDAC's eDiscovery system, all of which require adequate internet bandwidth to effectively process. Additionally, like most industries, the vast majority of work and case-related communication is handled through internet networks. As the size of discovery increases, it takes longer to download and access all files released to OSPD offices each day. Increasing bandwidth is necessary to keep up with the increasing number of discovery files along with file size. Even with recent coordination between OSPD and the Colorado District Attorneys' Council to streamline the flow of discovery between OSPD and individual prosecutor's offices, the OSPD cannot keep up with information flow without improved connections.

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## **Current Staffing and Resource Requirements:**

### Comprehensive Storage Solution

The OSPD needs to procure and implement a new storage solution that is highly scalable, reliable, and accessible to staff wherever and however they need to work. The OSPD has hired a vendor to assist in assessing the needs of the office. OSPD plans on submitting a Budget Amendment January 2<sup>nd</sup> that includes a more detailed IT request and if necessary will present the information to the Joint Technology Committee.

If the OSPD's digital file growth rate continues as it has over the past 5 years, the solution will need to scale to a massive 22,652 terabytes. Even if we base our needs just on growth in the past 2 years (approximately 43%/year), growth will amount to 7,481TB over the next 5 years. This amount of storage comes at a significant and unavoidable cost. The OSPD has engaged an outside consulting company to analyze our current hardware and storage challenges, develop recommendations that are expected to be both cost-effective and focused on functionality, and draft an RFP. This report will be provided to the Joint Budget Committee to support OSPD's request during the Budget Amendment process. As an initial placeholder, based on a previous quote for Isilon by Dell Technologies, a storage provider that many Colorado prosecutors' offices rely upon, we estimate a need of 1.8 FTE and \$4,092,234 in FY 2022-23. This cost is comprised of \$2.7M for initial purchase, \$1.25M for implementation, 1.8 FTE and \$142,465 in FY2022-23 dedicated to managing this storage and 2.0 FTE and \$140,079 ongoing. Ongoing costs are estimated to be 2.0 FTE and \$885,079, which includes data storage, security, and maintenance.

### IT Help Desk Support

The emphasis of the IT staff has been on user support which continues to be a top priority from OSPD's IT Steering Committee, a diverse group of OSPD staff that provide direction to OSPD leadership on IT priorities for the agency.

There are currently 7 help desk IT staff to assist 966.4 FTE in 23 offices across the state. OSPD's current ratio of IT help desk staff to total staff is 1:138. While this is much better than it has been in the past it is still significantly higher than the industry standard best practice of 1:70, especially

when taking into account the amount of travel required to serve 23 offices. To ensure adequate coverage for all OSPD offices and staff, five additional staff are requested. These positions will be assigned throughout the State creating an average coverage of 2 offices per in-person IT support staff, down from our current average of 4. Total costs for these 4.6 FTE are \$356,163 in FY 2022-23 and 5.0 FTE and \$350,199 ongoing.

#### Digital Litigation Tools (Transcription and Case Management)

The drastic increase in the amount of discovery creates additional challenges on top of just the basic challenge of storing it. OSPD staff need adequate digital tools to help them process and review all of this discovery.

OSPD staff need the ability to automate daily downloads from discovery sharing systems like Evidence.com. Evidence.com is relied upon by many of the large police agencies in the state. It stores items like police body and dash camera video and has become a secondary source for discovery to CDAC's eDiscovery portal. In some cases Evidence.com discovery exceeds the amount of discovery available through all other sources including CDAC's eDiscovery portal. Similar to OSPD's request last year to fund a coordinated effort to access and move discovery from CDAC's portal to OSPD systems, the OSPD requests a one-time amount in FY 2022-23 of \$50,000 to develop an automated download process with Evidence.com.

The ability to review, search, and clearly identify what is being said in the various recordings contained in discovery is critical to ensure defense counsel and support staff understand the client's case. Recordings in discovery can include jail calls, client and witness interrogations, video/audio surveillance, and body-worn/dash camera recordings of the crime or arrest. As such, transcription services (certified and uncertified) are crucial in today's litigation practice. We are requesting \$231,000 for these services from various providers.

Software to better manage cases and ensure our statutory requirements are met are necessary with the large volume of cases that the OSPD handles each year. We are requesting \$148,000 for case management software to support quality representation for every client, statistical reports to the Legislature, and caseload studies as needed.

#### Mobile Cell Connectivity for Attorneys

The Office is requesting \$265,000 annually to provide cell phones for all attorneys to communicate with their clients, work wherever necessary, and avoid the need to use personal cell phones for confidential client representation.

#### Computer Hardware Improvements

The standard replacement cycle for laptops is three years. The OSPD is requesting \$179,055 per year to account for the increased costs to provide laptops that have suitable specifications for the increased usage and processing needed on a daily basis.

### Bandwidth Increases

The continual growth in the amount of discovery means we must also increase our bandwidth in order to download, process, and access discovery in a timely matter. The OSPD is requesting an additional \$163,000 to fund bandwidth increases across all our locations. This increase will essentially double our bandwidth 800mbps for all sites.

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## **Anticipated Outcomes**

OSPD anticipates that these resources will allow the OSPD to efficiently manage increased IT demands related to discovery files and technological advances associated with modern criminal investigations.

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## **Assumptions for Calculations:**

- Comprehensive Storage Solution (\$4,092,465 and 1.8 FTE in FY2022-23 and \$885,079 and 2.0 FTE ongoing)
- IT Help Desk Support (4.6 FTE and \$ 356,163 and 5.0 FTE and \$350,199 ongoing)
- Digital Litigation Tools (\$ 429,000 in FY2022-23 and \$379,000 ongoing)
- Mobile Connectivity (\$265,000 in FY2022-23 and ongoing)
- Hardware Improvements (\$179,055 in FY2022-23 and ongoing)
- Bandwidth Increases (\$163,000 in FY2022-23 and ongoing)

Category	LBLI	FY 2022-23		FY 2023-24	
		FTE	\$\$	FTE	\$\$
<b>comprehensive storage solution (2.0 FTE):</b>					
storage, initial purchase	Automation		\$ 2,700,000		
storage, implementation	Automation		\$ 1,250,000		
storage, annual maintenance and upgrades	Automation		\$ -	\$ 745,000	
storage, PS-related	Personal Services <i>(inc. PERA and Med)</i>	1.8	\$ 125,365	2.0	\$ 137,379
storage, PS-related	Operating		\$ 1,900		\$ 1,900
storage, PS-related	Automation		\$ 800		\$ 800
storage, PS-related	Capital Outlay		\$ 14,400		\$ -
<b>subtotal</b>		<b>1.8</b>	<b>\$ 4,092,465</b>	<b>2.0</b>	<b>\$ 885,079</b>
<b>IT support (5.0 FTE)</b>					
IT support, PS-related	Personal Services <i>(inc. PERA and Med)</i>	4.6	\$ 313,413	5.0	\$ 343,449
IT support, PS-related	Operating		\$ 4,750		\$ 4,750
IT support, PS-related	Automation		\$ 2,000		\$ 2,000
IT support, PS-related	Capital Outlay		\$ 36,000		\$ -
<b>subtotal</b>		<b>4.6</b>	<b>\$ 356,163</b>	<b>5.0</b>	<b>\$ 350,199</b>
<b>Digital Litigation Tools</b>					
download process development	Automation		\$ 50,000		
transcription services	Operating		\$ 231,000		\$ 231,000
case management software	Automation		\$ 148,000		\$ 148,000
<b>subtotal</b>		<b>-</b>	<b>\$ 429,000</b>	<b>-</b>	<b>\$ 379,000</b>
<b>mobile connectivity</b>					
	Operating		\$ 265,000		\$ 265,000
<b>subtotal</b>		<b>-</b>	<b>\$ 265,000</b>	<b>-</b>	<b>\$ 265,000</b>
<b>hardware improvements</b>					
for admin staff (desktop to laptop)	Automation		\$ 44,480		\$ 44,480
for all non-admin staff (increased usage and processing needs)	Automation		\$ 134,575		\$ 134,575
<b>subtotal</b>		<b>-</b>	<b>\$ 179,055</b>	<b>-</b>	<b>\$ 179,055</b>
<b>bandwidth increases</b>					
	Automation		\$ 163,000		\$ 163,000
<b>subtotal</b>		<b>-</b>	<b>\$ 163,000</b>	<b>-</b>	<b>\$ 163,000</b>
<b>GRAND TOTAL</b>		<b>6.4</b>	<b>\$ 5,484,683</b>	<b>7.0</b>	<b>\$ 2,221,333</b>

<b>R#1 - Public Defense in the Digital Age (PLACEHOLDER)</b>			
<b>FY 2022-23</b>			
State Expenditures			
Office of the State Public Defender			
	11	<b># of months used for FTE calculation</b>	
<b>Personnel</b>			
<b>Position Title</b>	<b>FTE (based on months used)</b>	<b>Monthly</b>	<b>Total Pay</b>
Junior Systems Administrator	4.6	\$4,451	\$245,695
Senior System Administrator	1.8	\$6,610	\$142,776
<b>Subtotal FTE and Pay</b>	<b>6.4</b>		<b>\$388,471</b>
PERA Base	11.50%		\$44,674
Medicare	1.45%		\$5,633
AED	5.00%		\$0
SAED	5.00%		\$0
HLD	\$11,011		\$0
FAMLI	0.23%		\$0
STD	0.17%		\$0
<b>Total Salary</b>			<b>\$438,778</b>
<b>Operating Costs</b>			
<b>Item</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Cost</b>
Operating, regular employee	\$950	7.0	\$6,650
Automation / Operating	\$400	7.0	\$2,800
Attorney Registraton Fees	\$190	-	\$0
Capital Outlay	\$7,200	7.0	\$50,400
Leased Space	\$8,742	-	\$0
<b>Total Operating</b>			<b>\$59,850</b>
<b>Total FY 2022-23 Expenditures</b>			<b>\$498,628</b>
<b>FY 2023-24</b>			
State Expenditures			
Office of the State Public Defender			
	12	<b># of months used for FTE calculation</b>	
<b>Personnel</b>			
<b>Position Title</b>	<b>FTE (based on months used)</b>	<b>Monthly</b>	<b>Total Pay</b>
Junior Systems Administrator	5.0	\$4,451	\$267,060
Senior System Administrator	2.0	\$6,610	\$158,640
<b>Subtotal FTE and Pay</b>	<b>7.0</b>		<b>\$425,700</b>
PERA Base	11.50%		\$48,956
Medicare	1.45%		\$6,173
AED	5.00%		\$0
SAED	5.00%		\$0
HLD	\$11,011		\$0
FAMLI	0.23%		\$0
STD	0.17%		\$0
<b>Total Salary</b>			<b>\$480,828</b>
<b>Operating Costs</b>			
<b>Item</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Cost</b>
Operating, regular employee	\$950	7.0	\$6,650
Automation / Operating	\$400	7.0	\$2,800
Attorney Registraton Fees	\$190	-	\$0
Capital Outlay	\$7,200	-	\$0
Leased Space	\$8,742	-	\$0
<b>Total Operating</b>			<b>\$9,450</b>
<b>Total FY 2023-24 Expenditures</b>			<b>\$490,278</b>

## Consequences if not funded

### Comprehensive Storage Solution

If this request is not funded, the OSPD will soon lose its uphill battle with the ever-increasing amount of discovery and associated storage on client cases and will no longer have the ability to

store new discovery and provide constitutionally effective counsel in cases involving video and other digital evidence. Dropbox and other popular cloud-based storage vendors, while more cost-effective, will not continue to be adequate solutions alone given the massive amount of data involved and the nature of OSPD staff's necessary interaction with the files. Discovery can come in a mix of media that because of the different media players cannot be effectively reviewed on cloud-based systems without downloading the file for each view. Likewise interaction with PDF files, the format most common for non-media discovery, requires the user in most circumstances to download the item from the cloud in order to combine, comment, or edit PDF files. Each download can take from minutes to hours. Without adequate funding, OSPD staff will continue to spend countless hours simply trying to access these items with significant consequences to the efficiency of our systems and the quality of representation for our clients.

#### *IT Help Desk Support*

Without additional IT support staff, staff in our trial offices will continue to experience long wait times for help due to the travel required for IT staff and support availability. This results in lost hours for staff. In some situations, the delays in getting IT assistance causes work disruptions not just for our staff internally but also could cause delays in Defenders being prepared for court proceedings and consequences to the quality of the representation for our clients.

#### *Digital Litigation Tools – (Transcription and Case Management)*

Without proper tools to manage and review discovery, the amount of time required per case will continue to increase as a result of inefficiencies created by manual data creation and entry.

If not funded, OSPD offices will continue to manually create transcripts of interviews and rely on outdated case filing systems. The OSPD will see increased cost and inefficiencies created by not having integrated communication and documentation systems, and will fail to meet the digital capacities of the courts and prosecutors who rely upon digital case management systems funded by the General Assembly.

#### *Mobile Cell Connectivity*

Mobile connectivity contributes to productivity when working outside of the office, in jails and in court. Access to digital files is an essential part of the work in light of the elimination of paper discovery and files, especially as much of the work of Defender is done outside of traditional office spaces. If not funded, OSPD staff will not have the access they need to this information, creating delays and inefficiencies in cases and court proceedings.

Communication with the client is a core ethical and legal responsibility of the lawyer. The failure to fund work cell phones for attorneys means that either this communication will not happen or OSPD staff will continue to provide and fund their own phones for work purposes. Providing work phones to attorney staff provides them a secure and confidential device on which to perform much of their work.

### Hardware Improvements

Failure to fund hardware improvements will have consequences for staff's ability to access and manage the information and systems integral to public defense work. Staff must have better quality hardware to be able to interact with the court systems and internal document and file management systems.

### Bandwidth Increases

Without the increase in bandwidth, the agency-wide task of downloading discovery will continue to be more difficult and slow causing staff to get further behind as the size and amount of discovery continues to grow. Without adequate bandwidth, staff may spend more time waiting on downloads, causing other work and ultimately case resolution to take longer.

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## **Impact to Other State Government Agencies:**

Not funding this request may cause delays in court proceedings due to our inability to cover the required number of cases. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices. Adequate staffing allows us to achieve our constitutional, statutory and ethical charges to provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents.

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## **Current Statutory Authority or Needed Statutory Change:**

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states "The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal, justice, the defense function."

**Schedule 13**  
**Funding Request for the 2022-23 Budget Cycle**

<b>Department:</b>	Office of the State Public Defender				
<b>Request Title:</b>	R#1, Public Defense in the Digital Age				
<b>Priority Number:</b>	1				
<b>Dept. Approval by:</b>	Megan A. Ring 11/01/21	<input checked="" type="checkbox"/>	<b>Decision Item FY 2022-23</b>		
		<input type="checkbox"/>	<b>Base Reduction Item FY 2022-23</b>		
<b>OSPB Approval by:</b>	N/A	<input type="checkbox"/>	<b>Supplemental FY 2021-22</b>		
		<input type="checkbox"/>	<b>Budget Amendment FY 2022-23</b>		

*This supplemental is requested due to: (1) an emergency or act of God; (2) a technical error in calculating the original appropriation; (3) data that was not available when the original appropriation was made; or (4) an unforeseen contingency.*

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
<b>Total of All Line Items</b>	<b>Total</b>	86,931,850	-	86,931,850	5,484,683	89,153,183
	FTE	-	-	-	6.4	7.0
	GF	86,931,850	-	86,931,850	5,484,683	89,153,183
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Personal Services</b>	<b>Total</b>	82,543,008	-	82,543,008	438,778	83,023,836
	FTE	-	-	-	6.4	7.0
	GF	82,543,008	-	82,543,008	438,778	83,023,836
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Operating Expenses</b>	<b>Total</b>	1,930,278	-	1,930,278	502,650	2,432,928
	GF	1,930,278	-	1,930,278	502,650	2,432,928
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Capital Outlay</b>	<b>Total</b>	298,400	-	298,400	50,400	298,400
	GF	298,400	-	298,400	50,400	298,400
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

<b>Judicial Department, Office of the State Public Defender, Automation Plan</b>	<b>Total</b>	2,160,164	-	2,160,164	4,492,855	3,398,019
	<b>GF</b>	2,160,164	-	2,160,164	4,492,855	3,398,019
	<b>GFE</b>	-	-	-	-	-
	<b>CF</b>	-	-	-	-	-
	<b>RF</b>	-	-	-	-	-
	<b>FF</b>	-	-	-	-	-

**Letternote Text Revision Required?**    **Yes:**                      **No: X**                      **If yes, describe the Letternote Text Revision:**

**Cash or Federal Fund Name and COFRS Fund Number:**

**Reappropriated Funds Source, by Department and Line Item Name:**

**Approval by OIT?**            **Yes:**                      **No:**                      **Not Required: X**

**Schedule 13s from Affected Departments:**

**Other Information:**

## TAB 2



# OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring  
State Public Defender

*FY 2022-23 Budget Request  
November 1, 2021*

**Department Priority: 2**  
**Request Title: Paralegal Staff Request, R#2**

Summary of Incremental Funding Change for FY 2022-23	Total Funds	General Fund	FTE
Personal Services	\$ 3,577,324	\$ 3,577,324	63.2
HLD	696,156	696,156	
STD	5,384	5,384	
AED	158,359	158,359	
SAED	158,359	158,359	
FAMLI	7,126	7,126	
Operating	65,550	65,550	
Capital Outlay	496,800	496,800	
Leased Space and Utilities	603,198	603,198	
Automation Plan	27,600	27,600	
Total	\$ 5,795,856	\$ 5,795,856	63.2

Summary of Phase II Funding for FY 2023-24	Total Funds	General Fund	FTE
Personal Services*	\$ 2,384,883	\$ 2,384,883	42.1
HLD	464,104	464,104	
STD	3,589	3,589	
AED	105,573	105,573	
SAED	105,573	105,573	
FAMLI	9,502	9,502	
Operating	38,000	38,000	
Capital Outlay	288,000	288,000	
Leased Space and Utilities	349,680	349,680	
Automation Plan	16,000	16,000	
Total	\$3,764,904	\$3,764,904	42.1

• Annualization of Phase I staff included

## Request Summary:

The Office of the State Public Defender (OSPD) is experiencing an increased workload in reviewing discovery and is requesting a two year phased approach to add 63.2 FTE in phase I and 42.1 in Phase II, at a cost of \$5,795,856 in General Fund spending authority for FY 2022-23, and \$3,764,904 for FY 2023-24,

to address staffing and funding requirements necessary to comply with constitutional, statutory and ethical obligations for indigent defense.

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## Background:

As described in the OSPD’s R#1 request regarding the need for increased storage capabilities, the exponentially increasing amount of digital materials is now a fact of life in even low-level criminal cases. Managing the incredible growth in the amount and type of discovery materials in OSPD cases requires skilled staff who can process, organize, and review the information to help the attorney on the case work effectively and efficiently. As of the most recent analysis, OSPD staff are now downloading 4 terabytes of data each month that must be reviewed by the defense team.

OSPD is seeking to maintain its ability to provide quality defense to its indigent clients in a two-phased approach in order to meet the demands of an ever-increasing amount of discovery review. OSPD is seeking to add 66 paralegal positions in FY 2022-23 as part of Phase I and 38 paralegal positions in FY 2023-24 as Phase II. OSPD is utilizing a 1:6 ratio to allocate paralegal FTE for large trial offices based upon the attorney resources allocated in each location. In addition, OSPD is seeking 10.0 paralegal FTE to staff our ten small trial offices. OSPD is seeking this as a cost-effective strategy to assist in managing the explosion of discovery, driven primarily by technology changes including the use of dash and body-worn cameras. Phase I will be rolled out for high level felony cases in FY 2022-23. Phase II will include all other cases that are not considered high level felony cases to begin in FY 2023-24. The chart below illustrates the number of high level felony cases and allocated resources that form the basis of the request.

### PHASE I - Higher Level Felony Cases

SUMMARY OF OSPD CLOSED CASES	FY2019 Actual Cases (Pre-Covid)	FY2023 Projected Cases	FY2024 Projected Cases
Felony 1	141	162	167
Felony 2	272	375	387
Sex Assault Felony 2, 3, 4, 5 or 6	1,676	1,848	1,903
Felony 3 or 4 (COV)	3,419	4,058	4,180
Felony 3 or 4 (non-COV)	8,878	9,220	9,497
DUI Felony 4	742	796	820
Drug Felony 1, 2, 3 or 4	11,524	5,548	5,715
<b>Total Cases Closed for High Level Felonies</b>	<b>26,652</b>	<b>22,008</b>	<b>22,668</b>
Attorney FTE Resources for Felony Cases	321	333	336

	Phase I
Ratio of 1 Paralegal to every 6 Attorney FTE in large offices	56
Small offices =1 per office ( <i>Alamosa; Dillon, Durango, Glenwood Springs, La Junta, Montrose, Salida, Steamboat Springs, Sterling, and Trinidad</i> )	10

**The chart below is a summary of Phase II cases:**

**PHASE II - All Cases except Higher Level Felony Cases**

<b>SUMMARY OF CLOSED CASES</b>	<b>FY2019 Actual Cases (Pre-Covid)</b>	<b>FY2023 Estimated Cases</b>	<b>FY2024 Estimated Cases</b>
Felony 5 or 6	12,914	14,863	15,309
Felony Other Proceedings	26,016	22,180	22,845
Misdemeanor	47,571	50,895	52,422
Misd. Other Proceedings	20,568	16,907	17,414
Juvenile	4,777	4,298	4,426
Juvenile Other Proceedings	3,378	2,241	2,308
<b>Total Cases Closed</b>	<b>115,224</b>	<b>111,384</b>	<b>114,726</b>
Attorney FTE Resources for Phase II Cases	266	279	287

		Phase II
Ratio of 1 Paralegal to every 6 Attorney FTE in large offices		38
Small offices =1 per office ( <i>Alamosa; Dillon, Durango, Glenwood Springs, La Junta, Montrose, Salida, Steamboat Springs, Sterling, and Trinidad</i> )		0.0 Part of Phase I

These new paralegal FTE will handle the review and organization of other items now routinely provided in discovery that are incredibly time-intensive for the defense team to review, such as recordings of phone calls made by in-custody clients in major cases. While in the past, discovery in a low-level case may have consisted of a few pages of police reports, now many cases have several hours of video footage from multiple responding law enforcement officers. The Colorado Legislature has mandated all law enforcement agencies in Colorado equip their officers or deputies with body-worn cameras by July 1, 2022, and many agencies are already using this equipment.<sup>1</sup> To effectively represent clients, these materials must be reviewed as part of preparing the defense case.

While the increase in technology-related discovery is driving this request, paralegals can assist the defense team in a wide variety of tasks that, in the absence of paralegals, often falls to the lawyers already facing significant caseloads or other staff who may not have the necessary training and experience. The OSPD currently employs a small number of paralegals in trial offices and has been able to see the efficiency and success of using paralegal skills and the value if paralegal assistance is implemented across the agency.

The statutory function of the Office of the State Public Defender is to “*provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function.*” In the legal

<sup>1</sup> As just one example in one county, the Arapahoe County Sheriff’s Office is adding 17 new positions to help manage their constantly growing body cam footage. See <https://kdvr.com/news/problem-solvers/colorados-bodycam-law-forcing-arapahoe-sheriff-to-add-17-new-employees/>.

profession at large, paralegals are routinely deployed as a cost-effective solution to efficiently provide a wide range of legal services, since paralegals can perform substantive legal work that would otherwise have to be handled by attorneys.<sup>2</sup> The American Bar Association has recognized that “[p]aralegals can be delegated any task normally performed by a lawyer, as long as the lawyer supervises the work, except those proscribed by law” while at the same time “[p]aralegals can be paid less than an attorney, yet handle many tasks (under an attorney's supervision) that would otherwise be performed by an attorney.”<sup>3</sup> This decision item is a cost-effective way for the OSPD to continue to meet its constitutional, statutory and ethical obligations to its clients in the digital age.

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## **Anticipated Outcomes:**

By utilizing the allocated paralegal positions, we expect to be more cost-effective in the use of our resources while at the same time complying with our mandated requirements.

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## **Assumptions for Calculations:**

- Assume July 01 start date for Phase I and II staff.
- Pay date shift is incorporated for new FTE
- Paralegal salary is \$ 4,025. All are the minimum for the range. All include standard payroll percentages for PERA and Medicare.
- Office staff salary is \$ 7,500. All are the minimum for the range. FTE is 4.5% of trial office FTE. All include standard payroll percentages for PERA and Medicare.
- Standard Operating costs are based on FY22 Legislative Council common policy standard of \$500 for operating, \$450 for telephone and \$400 for software.
- Capital Outlay is based on FY22 Legislative Council common policy standard of \$1,200 for a computer and \$5,000 for a workstation.
- Per Legislative Council policy, the request includes funding for STD, AED, SAED, HLD and Leased Space as the total FTE requested exceeds 20 FTE.
- Staffing ratio used is 1 paralegal for every 6 attorneys for large trial offices.
- A staffing pattern of 1 paralegal for each of the ten small trial offices.

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## **Consequences if Not Funded:**

Failure to fund this request means the OSPD’s obligation to continue to provide representation to clients as directed by the federal and state constitutions and Colorado statutes will be impeded. Without the addition of trained paralegals to assist attorneys in, among other areas, managing the exponentially growing amount of digital information received as part of a typical criminal case, our attorneys will not be able to provide representation in accordance with the Colorado Rules of Professional Conduct and the American Bar Association Standards.

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<sup>2</sup> See *Guidelines for the Utilization of Paralegals, Criminal Litigation Support* approved by the Colorado Bar Association Board of Governors in 2008 for a lengthy description of the type of work paralegals can perform to assist in providing the efficient delivery of legal services in criminal cases, accessible at

<https://www.cobar.org/Portals/COBAR/Repository/ParalegalGuidelines/CriminalLit.pdf>.

<sup>3</sup> [https://www.americanbar.org/groups/paralegals/profession-information/information\\_for\\_lawyers\\_how\\_paralegals\\_can\\_improve\\_your\\_practice/](https://www.americanbar.org/groups/paralegals/profession-information/information_for_lawyers_how_paralegals_can_improve_your_practice/).

## **Impact to Other State Government Agencies:**

Not funding this request may cause delays in court proceedings due to our inability to cover the required number of cases in the required number of courtrooms. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices.

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## **Current Statutory Authority or Needed Statutory Change:**

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states “The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal, justice, the defense function.”

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**Schedule 13**  
**Funding Request for the 2022-23 Budget Cycle**

<b>Department:</b>	Office of the State Public Defender		
<b>Request Title:</b>	#R-2, Paralegal Staff Request		
<b>Priority Number:</b>	2		
<b>Dept. Approval by:</b>	Megan A. Ring 11/01/21	<input checked="" type="checkbox"/> <b>Decision Item FY 2022-23</b>	
<b>OSPb Approval by:</b>	N/A	<input type="checkbox"/> <b>Base Reduction Item FY 2022-23</b>	
		<input type="checkbox"/> <b>Supplemental FY 2021-22</b>	
		<input type="checkbox"/> <b>Budget Amendment FY 2022-23</b>	

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24	FY 2023-24	FY 2023-24
		1	2	3	4	5	5	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25
<b>Total of All Line Items</b>	<b>Total</b>	112,267,292	-	112,546,566	5,795,856	118,510,439	3,764,902	122,275,341
	FTE	963.3	-	963.5	63.2	1,026.7	42.1	1,068.8
	GF	112,267,292	-	112,546,566	5,795,856	118,510,439	3,764,902	122,275,341
Judicial Department, Office of the State Public Defender, Personal Services	<b>Total</b>	82,543,008	-	82,683,193	3,577,324	86,260,517	2,384,883	88,645,400
	FTE	963.3	-	963.5	63.2	1,026.7	42.1	1,068.8
	GF	82,543,008	-	82,683,193	3,577,324	86,260,517	2,384,883	88,645,400
Judicial Department, Office of the State Public Defender, Health Life and Dental	<b>Total</b>	10,047,591	-	10,047,591	696,156	10,743,747	464,104	11,207,850
	GF	10,047,591	-	10,047,591	696,156	10,743,747	464,104	11,207,850
Judicial Department, Office of the State Public Defender, Short- term Disability	<b>Total</b>	117,636	-	117,636	5,384	123,020	3,589	126,610
	GF	117,636	-	117,636	5,384	123,020	3,589	126,610
Judicial Department, Office of the State Public Defender, AED	<b>Total</b>	3,671,416	-	3,671,416	158,359	3,829,775	105,573	3,935,347
	GF	3,671,416	-	3,671,416	158,359	3,829,775	105,573	3,935,347
Judicial Department, Office of the State Public Defender, SAED	<b>Total</b>	3,671,416	-	3,671,416	158,359	3,829,775	105,573	3,935,347
	GF	3,671,416	-	3,671,416	158,359	3,829,775	105,573	3,935,347
Judicial Department, Office of the State Public Defender, FAMLI	<b>Total</b>	-	-	168,017	7,126	175,143	9,502	184,645
	GF	-	-	168,017	7,126	175,143	9,502	184,645
Judicial Department, Office of the State Public Defender, Operating Expenses	<b>Total</b>	1,930,278	-	1,904,178	65,550	1,969,728	38,000	2,007,728
	GF	1,930,278	-	1,904,178	65,550	1,969,728	38,000	2,007,728
Judicial Department, Office of the State Public Defender, Capital Outlay	<b>Total</b>	298,400	-	248,000	496,800	744,800	288,000	1,032,800
	GF	298,400	-	248,000	496,800	744,800	288,000	1,032,800
Judicial Department, Office of the State Public Defender, Leased Space and Utilities	<b>Total</b>	7,827,383	-	8,042,972	603,198	8,646,170	349,680	8,995,850
	GF	7,827,383	-	8,042,972	603,198	8,646,170	349,680	8,995,850
Judicial Department, Office of the State Public Defender, Automation Plan	<b>Total</b>	2,160,164	-	2,160,164	27,600	2,187,764	16,000	2,203,764
	GF	2,160,164	-	2,160,164	27,600	2,187,764	16,000	2,203,764

<b>Letternote Text Revision Required?</b>	<b>Yes:</b>	<b>No: X</b>	<b>If yes, describe the Letternote Text Revision:</b>		
<b>Cash or Federal Fund Name and COFRS Fund Number:</b>	N/A				
<b>Reappropriated Funds Source, by Department and Line Item Name:</b>					
<b>Approval by OIT?</b>	<b>Yes:</b>	<b>No:</b>	<b>Not Required: X</b>		
<b>Schedule 13s from Affected Departments:</b>	N/A				
<b>Other Information:</b>					

## **TAB 3**



# OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring  
State Public Defender

*FY 2022-23 Budget Request  
November 1, 2021*

**Department Priority: 3**  
**Request Title: Discovery Clerk Staff request, R#3**

Summary of Incremental Funding Change for FY 2022-23	Total Funds	General Fund	FTE
Personal Services	\$ 521,856	\$ 521,856	13.8
Operating	14,250	14,250	
Capital Outlay	108,000	108,000	
Automation Plan	6,000	6,000	
<b>Total</b>	<b>\$ 650,106</b>	<b>\$ 650,106</b>	<b>13.8</b>

Summary of Full Year Annualized Funding for FY 2023-24	Total Funds	General Fund	FTE
Personal Services	\$ 567,235	\$ 567,235	15.0
Operating	14,250	14,250	
Automation Plan	6,000	6,000	
<b>Total</b>	<b>\$ 587,485</b>	<b>\$ 587,485</b>	<b>15.0</b>

## Request Summary:

The Office of the State Public Defender (OSPD) is requesting 13.8 FTE and \$650,106 in General Fund spending authority for FY 2022-23, annualized to 15.0 FTE and \$587,485 for FY 2023-24, to cover 21 offices across the state in order to comply with constitutional, statutory and ethical obligations for indigent defense.

## Background:

The statutory function of the Office of the State Public Defender is to “*provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function.*”

Discovery is the process during litigation of a criminal case when information and documentation in the case is formally exchanged between the parties. In a criminal case, most of the discovery will consist of the disclosure of material by the prosecution or law enforcement agencies to the defense pursuant to Rule of Criminal Procedure 16 and other legal authority. A discovery clerk is an entry-level administrative position

that will be responsible for ensuring discovery has been assembled from all sources, including entities like the CDAC eDiscovery portal and evidence.com, and placed into the OSPD's case management system for other members of the defense team to organize and review in their representation of clients. This work also ensures OSPD attorneys are in compliance with Colorado Rule of Professional Conduct 1.16(c), which requires that a lawyer in a criminal case retain the client's file, including all discovery received in the case, for specified periods of time.

Historically, OSPD administrative assistants have handled the initial intake of all discovery. Prior to the development of now commonly used technologies like cell phones and body-worn cameras, the assigned administrative assistant would typically spend approximately an hour a day collecting discovery from the prosecution and distributing it to attorneys. Larger trial offices may have spent closer to two hours performing this task on a busy day. Discovery used to exist almost entirely in paper form but now comes in a variety of electronic formats, including CDs, portable hard drives and downloads from a variety of eDiscovery portals. While body-worn cameras and cell phone data make up a majority of the information provided, video from CCTV and police car dash cameras also contribute to the large amount of video evidence being provided in discovery. As more entities utilize technology like body-worn and police car dash cameras, they create an exponentially growing amount of material that must be provided to the defense in discovery pursuant to guidelines for criminal cases. Consequently, the OSPD expects the processing needs related to discovery to continue to grow even as we implement technological solutions to manage the material more efficiently.

As the amount of electronic information OSPD has on its cases has grown from 17 terabytes (TB) in 2011 to almost 900 now, some administrative staff are now spending the majority of their time downloading the huge amount of discovery coming in daily. For perspective, 1 TB is equivalent to approximately 120 DVDs. This necessary but exponentially growing process keeps existing administrative staff from having time to perform their other basic job functions, including answering phones, processing applications, and otherwise assisting clients and other staff.

Over the past several months, the OSPD piloted the use of temporary discovery clerks to assist some offices in processing the huge amounts of discovery they have been receiving. OSPD found the addition of discovery clerk help allowed for the timely processing of discovery and for other administrative assistants to focus on completing other core tasks. To help OSPD process this incredible amount of data moving forward, we propose utilizing 15 discovery clerks to cover trial offices across the state. Their primary function will be to access and download electronic discovery and court filings and then to save this material to the appropriate OSPD electronic client files for organization and review by the other members of the defense team.

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## **Anticipated Outcomes:**

The Discovery Clerks will assist in efficiently and effectively processing the large and expanding amount of incoming discovery for OSPD clients; will make sure the information is timely available for organization and review by the defense; will ensure the discovery is in the proper files to comply with ethical rules governing maintenance of client files; and will allow other administrative staff to focus on other core duties.

---

## **Assumptions for Calculations:**

- Assume July 01, 2022 start date for all staff.
- Discovery Clerk minimum range starts at \$2,790 monthly. All are hired at the minimum for the range. All include standard payroll percentages.
- Standard Operating costs are based on FY20 Legislative Council common policy standard of \$500 for operating, \$450 for telephone and \$ 400 for software.
- Capital Outlay is based on FY20 Legislative Council common policy standard of \$1,200 for a computer and \$5,000 for a workstation.

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## **Consequences if Not Funded:**

Failure to fund this request means the OSPD's obligation to continue to provide representation of clients as directed by the federal and state constitutions and Colorado statutes will be impeded. Our ability to provide representation in accordance with the Colorado Rules of Professional Conduct and the American Bar Associations Standards will be hindered.

---

## **Impact to Other State Government Agencies:**

Not funding this request may cause delays in court proceedings due to our inability provide appropriate review of discovery in an allowable timeframe. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices.

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## **Current Statutory Authority or Needed Statutory Change:**

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states "The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal, justice, the defense function."

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## Schedule 13

### Funding Request for the 2022-23 Budget Cycle

**Department:** Office of the State Public Defender

**Request Title:** #R-3, Discovery Clerks

**Priority Number:** 3

**Dept. Approval by:** Megan A. Ring 11/01/21

**OSPB Approval by:** N/A

- Decision Item FY 2022-23**  
 **Base Reduction Item FY 2022-23**  
 **Supplemental FY 2021-22**  
 **Budget Amendment FY 2022-23**

*This supplemental is requested due to: (1) an emergency or act of God; (2) a technical error in calculating the original appropriation; (3) data that was not available when the original appropriation was made; or (4) an unforeseen contingency.*

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
<b>Total of All Line Items</b>	<b>Total</b>	86,931,850	-	86,931,850	650,106	87,519,335
	FTE	966.4	-	966.4	13.8	981.4
	GF	86,931,850	-	86,931,850	650,106	87,519,335
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Personal Services</b>	<b>Total</b>	82,543,008	-	82,543,008	521,856	83,110,243
	FTE	966.4	-	966.4	13.8	981.4
	GF	82,543,008	-	82,543,008	521,856	83,110,243
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Operating Expenses</b>	<b>Total</b>	1,930,278	-	1,930,278	14,250	1,944,528
	GF	1,930,278	-	1,930,278	14,250	1,944,528
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Capital Outlay</b>	<b>Total</b>	298,400	-	298,400	108,000	298,400
	GF	298,400	-	298,400	108,000	298,400
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

<b>Judicial Department, Office of the State Public Defender, Automation Plan</b>	<b>Total</b>	2,160,164	-	2,160,164	6,000	2,166,164
	<b>GF</b>	2,160,164	-	2,160,164	6,000	2,166,164
	<b>GFE</b>	-	-	-	-	-
	<b>CF</b>	-	-	-	-	-
	<b>RF</b>	-	-	-	-	-
	<b>FF</b>	-	-	-	-	-

**Letternote Text Revision Required?**    **Yes:**                      **No: X**                      **If yes, describe the Letternote Text Revision:**  
**Cash or Federal Fund Name and COFRS Fund Number:**  
**Reappropriated Funds Source, by Department and Line Item Name:**  
**Approval by OIT?**            **Yes:**            **No:**                      **Not Required: X**  
**Schedule 13s from Affected Departments:**  
**Other Information:**

**TAB 4**



# OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring  
State Public Defender

*FY 2022-23 Budget Request  
November 1, 2021*

**Department Priority: 4**  
**Request Title: Restructured fiscal note for H.B. 21-1280, R#4**

Summary of Incremental Funding Change for FY 2022-23	Total Funds	General Fund	FTE
Personal Services	\$ 188,657	\$ 188,657	
<b>Total</b>	<b>\$ 188,657</b>	<b>\$ 188,657</b>	<b>0.0</b>

Summary of Full Year Annualized Funding for FY 2023-24	Total Funds	General Fund	FTE
Personal Services	\$ 188,657	\$ 188,657	
<b>Total</b>	<b>\$ 188,657</b>	<b>\$ 188,657</b>	<b>0.0</b>

## Request Summary:

Pursuant to changes to the implementation of H.B. 21-1280, the Office of the State Public Defender (OSPD) is requesting no FTE and \$ 188,657 General Fund spending authority for FY 2022-23 and on-going.

## Background:

The statutory function of the Office of the State Public Defender is to “provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents, and conduct the office in accordance with the Colorado rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal justice, the defense function.”

During the 2021 session, the General Assembly passed House Bill 21-1280, requiring courts to hold an initial bond hearing for an arrested individual within 48 hours of their arrival at a detention facility, starting April 1, 2022. The bill also created positions for bond hearing officers with the authority to conduct bond hearings for any state jurisdiction on weekends and holidays using an interactive audiovisual device. This bill states that, beginning April 2022, courts are required to hold an initial bond setting hearing within 48 hours after an arrestee’s arrival at a jail or holding center, with exceptions for emergency situations requiring court closure or circumstances that prevent the defendant from attending court. The bill also affirms that arrested individuals have the right to be represented by an attorney at their initial bond hearing. The OSPD requested staffing and funding based on our fiscal note assumptions, which included that hearings would be held on only one weekend day and five holiday Mondays. We also highlighted in our

list of assumptions that our costs will increase if, among other factors, the Judicial Department decides to have centralized hearings on both days of the weekend.

We have been informed by the State Court Administrator’s Office that the Judicial Branch has in fact decided to hold centralized hearings on *both* weekend days utilizing 2 magistrates on each day. Furthermore, it appears that more jurisdictions are seeking to opt into the decentralized bond officer process than were anticipated in the original fiscal note. As a result of these changes, the demands on our office are significantly greater and requires us to restructure our original fiscal note.

As the chart below illustrates, our costs for decentralized hearings remains the same, assuming the assumptions in the original fiscal note regarding those hearings do not change, while costs related to centralized hearings will increase. We will be unable to cover the additional days required with existing attorney staff and will need to hire contract attorneys at \$75 an hour, as outlined in Chief Justice Directive 04-04.

Following are all costs broken out by Long Bill Line Item:

Columns headed in yellow include the numbers used in the original fiscal note. Columns headed in green include the numbers used for our revised fiscal note, as well as the incremental amount needed for FY23.

Original Fiscal Note - with a April 2022 start date				Add 2nd Day for Remote Hearings	
LBLI	Description	FY 2021-22	FY 2022-23 (and ongoing)	Revised FY 2022-23	Incremental for DI
<b>personal services</b>					
<b>decentralized hearings</b>					
	contract attorneys	\$5,972	\$23,889	\$23,889	
	support staff	\$12,220	\$73,322	\$73,322	
	<b>Total</b>	<b>\$18,193</b>	<b>\$97,212</b>	<b>\$97,212</b>	
<b>centralized</b>					
	contract attorneys	\$0	\$0	\$130,800	
	support staff	\$9,643	\$57,857	\$115,715	
	<b>Total</b>	<b>\$9,643</b>	<b>\$57,857</b>	<b>\$246,515</b>	
	<b>Total Personal Services</b>	<b>\$27,836</b>	<b>\$155,069</b>	<b>\$343,726</b>	<b>\$188,657</b>
<b>operating</b>					
	mileage	\$1,300	\$5,200	\$5,200	
	capital	\$38,000	\$0	\$0	
	<b>Total Operating</b>	<b>\$39,300</b>	<b>\$5,200</b>	<b>\$5,200</b>	
	<b>GRAND TOTAL</b>	<b>\$67,136</b>	<b>\$160,269</b>	<b>\$348,926</b>	<b>\$188,657</b>

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## **Anticipated Outcomes:**

The OSPD anticipates the additional funding will allow the OSPD to staff the hearings that will be heard on the additional days as a result of changes to the underlying assumptions of the bill.

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## **Assumptions for Calculations:**

The OSPD assumes the following.

- Centralized hearings will now be heard for both days of the weekend, with two magistrates each day.
  - Contract attorneys:
    - Contract attorneys will cover these additional remote hearings and will be paid using the hourly rates for Misdemeanor and traffic cases, per Chief Justice Directive 04-04 rates for the Alternate Defense Counsel.
    - We will need resources to pay a total of 1,744 hours, which is 109 days of additional contract attorney work times 16 hours per day. This will pay for two contract attorneys for eight hours a day for both weekend days.
  - Support staff:
    - Existing support staff will be used to cover additional remote hearings. They will be paid overtime, at the rate of \$ 28.50 per hour.
    - We will need \$ 57,857 to pay a total of eight administrative staff working four hours a day.
  - No other modifications to the assumptions were made from our original fiscal note.
- 

## **Consequences if Not Funded:**

Failure to fund this request means the OSPD's ability to provide for the continued representation of clients as directed by the federal and state constitutions and Colorado statutes, as well as our ability to provide representation in accordance with the Colorado Rules of Professional Conduct and the American Bar Associations Standards, will be further impeded.

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## **Impact to Other State Government Agencies:**

Not funding this request may cause delays in court proceedings due to our inability to cover the required number of cases. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices. Adequate staffing allows us to achieve our constitutional, statutory and ethical charges to provide legal services to indigent persons accused of crime that are commensurate with those available to non-indigents.

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## **Current Statutory Authority or Needed Statutory Change:**

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states "The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association standards relating to the administration of criminal, justice, the defense function."

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Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

**Drafting Number:** LLS 21-0386 **Date:** September 2, 2021  
**Prime Sponsors:** Rep. Woodrow; Gonzales-Gutierrez **Bill Status:** Signed into Law  
 Sen. Lee; Rodriguez **Fiscal Analyst:** Erin Reynolds | 303-866-4146  
 Erin.Reynolds@state.co.us

**Bill Topic:** PRE-TRIAL DETENTION REFORM

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires courts to hold an initial bond hearing with an arrested individual within 48 hours of arrival at a detention facility; allows hearings to be conducted online or by phone; creates the position of a bond hearing officer to conduct weekend and holiday hearings, with priority given to rural districts; and makes other changes to the monetary bond process. It will increase state expenditures and both increase and decrease local government expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2021-22, the bill requires and includes appropriations totaling \$649,452 to multiple state agencies.

**Fiscal Note Status:** The fiscal note reflects the enacted bill.

**Table 1**  
**State Fiscal Impacts Under HB 21-1280**

		Budget Year FY 2021-22	Out Year FY 2022-23
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$554,820	\$838,059
	Cash Funds	\$94,632	\$263,129
	Centrally Appropriated	\$75,735	\$199,443
	<b>Total Expenditures</b>	<b>\$725,187</b>	<b>\$1,300,631</b>
	<b>Total FTE</b>	<b>3.2 FTE</b>	<b>9.5 FTE</b>
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

**Initial bond setting hearings within 48 hours.** Beginning April 1, 2022, courts are required to hold an initial bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center, with exceptions for emergency situations requiring court closure or circumstances that prevent the defendant from attending court. Use of audiovisual conferencing technology is permissible to expedite hearings, including prior to extradition of the defendant from one county to another, and telephone hearings may be conducted where internet access is lacking.

**Monetary bond process.** The bill makes the following changes to the monetary bond process:

- prohibits judicial officers from requiring bonds from being paid in the defendant's name;
- at a minimum, allows bonds to be paid by cash, money order, or cashier's check;
- requires the defendant and, where applicable, the surety, to receive a copy of the bond paperwork, a notice of rights related to bonding, and information regarding the defendant's next court date, and requires the person processing the bond to certify that the payor received a copy of this paperwork and to place a copy in the defendant's file;
- requires each jail to establish a way to pay bond online by January 1, 2022; and
- requires a defendant who has posted bond to be released no later than six hours, or provide notice and place documentation in a defendant's file about the reason for the delay.

**Notice of legal rights related to posting money bond.** Sheriffs must provide and post a notice of rights related to bonding in multiple places in a jail, online, and in the inmate handbook, including information about how to file a complaint regarding a violation. By October 1, 2021, each sheriff is required to:

- create written policies to comply with statutory bonding requirements, and to post these policies on the website, distribute to all staff, and train all staff who process bonds or interact with inmates on bonding policies;
- review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law; and
- file a certificate of compliance with the statutory bonding provisions with the Division of Criminal Justice in the Department of Public Safety.

**Right to attorney.** The bill affirms that defendants have the right to be represented by an attorney at their initial bond hearing, and specifies notifications, timelines, and information sharing for all parties involved that must occur before each initial bond hearing.

**Bond hearing officers.** The bill creates the position of bond hearing officer in the Judicial Department, to be appointed by a chief justice or their designee. The bond hearing officer, a magistrate, has the authority to conduct bond hearings for any state jurisdiction on weekends and holidays using an interactive audiovisual device that provides the public with the opportunity to view the hearing and the crime victim, if applicable, to participate in the hearing if desired. Judicial districts that contain a county designated as high priority or eligible by the Underfunded Courthouse Facility Cash Fund Commission are authorized to have a bond hearing officer conduct bond hearings on weekends and legal holidays. The State Court Administrator may also determine if judicial districts that do not meet the requirements above may request that a bond hearing officer hold bond hearings on weekends and legal holidays.

The State Court Administrator must post a bond hearing schedule on its website. For each case heard by a bond hearing officer, the arresting jurisdiction shall electronically transmit the arrest report, pretrial services information, and all other relevant information to the bond hearing officer prior to the hearing.

**District Attorney Assistance for Bond Hearings Grant Program.** The bill creates the District Attorney Assistance for Bond Hearings Grant Program and Cash Fund to be administered by the Colorado District Attorneys' Council (CDAC) and accounted for by the Department of Law. The grant program will provide funding to district attorney's offices to comply with the bill's weekend and holiday bond hearing requirements. The bill allows the CDAC to promulgate grant program rules. Grants must be awarded on or before October 1 of each year, subject to available appropriations. The General Assembly is required to annually appropriate necessary funds to the program based on a request made to the Joint Budget Committee by the CDAC by November 1 of each year.

**Certificate of compliance.** The Division of Criminal Justice is required to develop a certificate of compliance with statutory bonding provisions for sheriffs and maintain an online database of these certificates, policies and notices filed by a sheriffs.

## Background

Senate Bill 19-191 required judicial districts to develop—with input from sheriffs, district attorneys, county commissioners—a plan for setting bond for all in-custody defendants within 48 hours of arrest: <http://www.leg.state.co.us/library/reports.nsf/ReportsDoc.xsp?documentId=4152B50E6213C29E872584C80056A493>. Since this report, the COVID-19 pandemic has expedited access to remote hearing technology in most judicial districts.

**Data and Assumptions**

Table 2 shows the average weekend and holiday caseloads in each judicial district.

**Table 2  
Average Weekend/Holiday Caseloads by Judicial District**

<b>District</b>	<b>Counties Included in Judicial District</b>	<b>Caseload**</b>
1	Gilpin, Jefferson	47
2	Denver	143
<b>3*</b>	<b>Huerfano, Las Animas</b>	<b>5</b>
4	El Paso, Teller	40
<b>5*</b>	<b>Clear Creek, Eagle, Lake, Summit</b>	<b>13</b>
<b>6*</b>	<b>Archuleta, La Plata, San Juan</b>	<b>8</b>
7	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	16
8	Jackson, Larimer	30
<b>9*</b>	<b>Garfield, Pitkin, Rio Blanco</b>	<b>12</b>
10	Pueblo	20
<b>11*</b>	<b>Chafee, Custer, Fremont, Park</b>	<b>13</b>
<b>12*</b>	<b>Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache</b>	<b>8</b>
<b>13*</b>	<b>Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma</b>	<b>12</b>
<b>14*</b>	<b>Grand, Moffat, Routt</b>	<b>6</b>
15	Baca, Cheyenne, Kiowa, Prowers	4
<b>16*</b>	<b>Bent, Crowley, Otero</b>	<b>4</b>
17	Adams, Broomfield	77
18	Arapahoe, Douglas, Elbert, Lincoln	64
19	Weld	32
20	Boulder	19
21	Mesa	8
<b>22*</b>	<b>Dolores, Montezuma</b>	<b>5</b>

\* These ten judicial districts have expressed initial interest in use of a bond hearing officer.

\*\* Caseload numbers use weekend and holiday bond data collected from March 2019 through February 2020 by the Judicial Department.

Based on the data in Table 2, the fiscal note assumes that 10 judicial districts will utilize a bond hearing officer each weekend or holiday to review an estimated 87 cases per weekend.

It is further assumed that:

- hearings will be held on one weekend day and five holiday Mondays;
- courts and jails will provide dependable internet access; and
- caseloads will stay somewhat constant.

**State Expenditures**

The bill will increase state General Fund expenditures in the Judicial Department, the Office of the State Public Defender, and the Department of Public Safety. It will also increase Information Technology Cash Fund expenditures in the Judicial Department. Costs are shown in Table 3 and detailed below.

**Table 3  
Expenditures Under HB 21-1280**

<b>Cost Components</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
<b>Judicial Department</b>		
Personal Services	\$258,448	\$723,369
Operating Expenses	\$15,050	\$13,150
Capital Outlay Costs	\$92,218	\$4,000
Streaming Services	\$47,100	\$50,400
Centrally Appropriated Costs <sup>1</sup>	\$75,735	\$199,443
FTE – Personal Services	5.5 FTE	9.5 FTE
<b>Judicial Subtotal</b>	<b>\$488,551</b>	<b>\$990,362</b>
<b>Office of the State Public Defender</b>		
Personal Services (Overtime)	\$27,836	\$155,069
Capital Outlay Costs	\$38,000	-
Mileage	\$1,300	\$5,200
<b>OSPD Subtotal</b>	<b>\$67,136</b>	<b>\$160,269</b>
<b>Department of Public Safety</b>		
Contractor Costs	\$19,500	-
<b>DPS Subtotal</b>	<b>\$19,500</b>	<b>-</b>
<b>Colorado District Attorney's Council</b>		
Grant Program	\$150,000	\$150,000
<b>CDAC Subtotal</b>	<b>\$150,000</b>	<b>\$150,000</b>
<b>Total</b>	<b>\$725,187</b>	<b>\$1,300,631</b>
<b>Total FTE</b>	<b>3.2 FTE</b>	<b>9.5 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Judicial Department.** The department will have costs for bond hearing officers and support staff, as well as information technology staff and services, as discussed below.

- **Bond hearing officers.** About 10 judicial districts are expected to utilize the bond hearing officer to conduct an assumed 57 weekend and holiday bond hearings. These districts have an average of 87 bond hearings per week, as shown on Table 2. The department will create two regional officer positions, one serving the Western slope districts and the other serving the districts covering the Eastern plains, staffed by a bond hearing officer, a court judicial assistant, and an audio-visual support specialist. As such, staff will increase by 0.75 FTE state bond hearing officer,

0.5 FTE court judicial assistant, and 0.5 FTE virtual hearing support specialist at each location, for a total of 3.5 FTE. Each office will require software licenses to record bond hearings at a cost of \$3,000 per year per location. Additionally, depending on where the bond hearing officer is located, video conferencing equipment may be necessary at a cost of \$23,000. As this cost is still unknown, any equipment needs in this area will be addressed through the annual budget process.

The judicial districts opting to use a bond hearing officer are largely rural, multi-county districts where staff resources are limited. It is assumed that any caseload savings from use of a bond hearing officer will be offset by other costs and workload from meeting the 48-hour deadline during the traditional work week. Therefore, no significant change in costs is expected for these judicial districts.

- **Court staff for districts not utilizing a bond hearing officer.** For the remaining judicial districts not utilizing the bond hearing offices, the Judicial Department will establish a court staff pool of 2.0 FTE court judicial assistant to complete necessary data entry for cases in advance of the hearings.
- **Technical support staff.** The Judicial Department requires 4.0 FTE information technology support technicians, paid from the Information Technology Cash Fund, to support judicial districts not holding centralized hearings through the bond hearing officer. The technicians would provide support for court staff hardware issues; A/V hardware issues; network issues; software issues; technical training issues; and live stream monitoring and support.
- **Streaming services.** To meet the bill's requirement that viewing of the bond hearings are available to the public and crime victims may participate, the department will set up a streaming platform at a one-time cost of \$30,000, with ongoing costs of \$3,700 per month, or \$44,400 annually.
- **Leased space.** Additional costs for leased space may also be necessary, depending on where the offices are located. This will be addressed through the annual budget process.
- **Existing resources.** The Judicial Department will allow the arresting jurisdiction to electronically file the arrest report, pre-trial services information, and any relevant information to the bond hearing officer prior to the hearing. No change in appropriations is required for this system.

**Office of the State Public Defender.** The OSPD will require support staff to manage hearings not conducted by a centralized bond hearing officer, with existing attorneys covering weekend and holiday workloads in most cases, in exchange for compensation time. Personal services costs represent overtime hours calculated at \$22.50 per hour plus benefits for support staff in all but those 10 judicial districts that have expressed intent to use a bond hearing officer, and \$65 per hour plus benefits for attorney staff in the rural 7<sup>th</sup> and 15<sup>th</sup> judicial districts. Capital outlay costs include tablet devices at \$500 per tablet for an estimated 38 jails where hearings may be conducted remotely. Reimbursable mileage is estimated at 10,000 miles per year statewide at a cost of \$0.52 per mile. First-year costs are prorated for the bill's effective date and the General Fund pay date shift.

**Department of Public Safety.** The Division of Criminal Justice will hire a consultant who will convene a stakeholder group of jail administrators and sheriffs to collaboratively design the certificate of compliance; policies and practices; training curriculum; and public-facing website for posting these materials. This work is expected to take six weeks between July 1, 2021, and September 30, 2021, at a cost of \$19,500.

**Grant funding for district attorney offices.** The bill appropriates \$150,000 for grants to district attorney's offices in FY 2021-22. The fiscal note assumes that funding will continue into FY 2022-23, adjusted based on the CDAC's November 1 annual request made to the Joint Budget Committee. This funding is accounted for through the Department of Law and administered by the Colorado District Attorney's Council.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

## Local Government

The bill will both increase and decrease local government costs starting in FY 2021-22. Impacts will vary by judicial district, as discussed below.

**District attorneys.** The bill will increase workload and costs for district attorneys. Impacts will vary depending on caseloads; how each office utilizes existing staff; what pre-trial and Victim's Rights Act services are currently available to the office on weekends and holidays; hardware and software needs; and mileage. It is expected that offices in urban districts will compensate attorneys by modifying schedules or providing compensation time, while in rural areas additional full-time or contract attorney support will likely be required. In addition to attorney compensation, support staff will likely require overtime pay for an estimated two hours per weekend or holiday in most districts. Overall, the fiscal note estimates an annual cost range between \$20,000 to \$25,000 for rural districts, and a workload increase spread among larger staffs in urban districts. In urban districts where staffing is insufficient or where the district covers multiple counties, costs of up to \$45,000 per year per county may be required. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population. District attorney offices may receive funding from the District Attorney Assistance for Bond Hearings Grant Program to offset these costs.

**Sheriffs and county jails.** The bill may increase workload and costs for sheriff's offices to open a courthouse on the weekend. In the event judicial discretion requires this, typically five sheriff deputies handle the offender transfer and courthouse operations. Sheriff's offices will also be required to provide relevant pre-trial services information to the court.

Overall, the bill is expected to result in expedited release of offenders, which will decrease county jail costs. However, jail staff will have new workload to closely track the timing of the bond setting, to ensure that attorneys have access to offenders held on bond, and to provide technology necessary for remote hearings. Purchase of improved internet services may be required in some cases.

**Denver County Court.** Similar to the state, the bill will increase costs and workload for the Denver County Court, managed and funded by the City and County of Denver to meet the requirements under the bill.

## Effective Date

The bill was signed into law by the Governor on July 6, 2021, and takes effect September 7, 2021, assuming no referendum petition is filed.

## State Appropriations

For FY 2021-22, the bill requires and includes the following appropriations totaling \$649,452:

- \$318,184 General Fund and 2.2 FTE to the Judicial Department;
- \$94,632 and 1.0 FTE from the Information Technology Cash Fund to the Judicial Department;
- \$67,136 General Fund to the Office of the State Public Defender;
- \$19,500 General Fund to the Department of Public Safety; and
- \$150,000 General Fund to the Department of Law to pass-through to the Colorado District Attorney's Council.

## State and Local Government Contacts

Counties

Joint Budget Committee Staff

Law

Public Defender

Sheriffs

District Attorneys

Judicial

Local Affairs

Public Safety

State Planning and Budgeting

**Schedule 13**  
**Funding Request for the 2022-23 Budget Cycle**

**Department:** Office of the State Public Defender  
**Request Title:** R#4, Restructured fiscal note for H.B. 21-1280  
**Priority Number:** 4

**Dept. Approval by:** Megan A. Ring 11/01/21  
**OSPB Approval by:** N/A

**Decision Item FY 2022-23**  
 **Base Reduction Item FY 2022-23**  
 **Supplemental FY 2021-22**  
 **Budget Amendment FY 2022-23**

*This supplemental is requested due to: (1) an emergency or act of God; (2) a technical error in calculating the original appropriation; (3) data that was not available when the original appropriation was made; or (4) an unforeseen contingency.*

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
Fund		Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
<b>Total of All Line Items</b>	<b>Total</b>	82,543,008	-	82,543,008	188,657	82,731,665
	FTE	-	-	-	-	-
	GF	82,543,008	-	82,543,008	188,657	82,731,665
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Judicial Department, Office of the State Public Defender, Personal Services</b>	<b>Total</b>	82,543,008	-	82,543,008	188,657	82,731,665
	FTE	-	-	-	-	-
	GF	82,543,008	-	82,543,008	188,657	82,731,665
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

**Letternote Text Revision Required?** Yes: No: X **If yes, describe the Letternote Text Revision:**

**Cash or Federal Fund Name and COFRS Fund Number:**  
**Reappropriated Funds Source, by Department and Line Item Name:**  
**Approval by OIT?** Yes: No: Not Required: X  
**Schedule 13s from Affected Departments:**  
**Other Information:**

**TAB 5**



## **SUMMARY SCHEDULES AND TABLES**

## SUMMARY SCHEDULES AND TABLES

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**TAB 6**

<b>Office of the State Public Defender FY 2022-23</b>						<b>Schedule 2</b>
	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2019-20 Actuals</b>	<b>\$106,382,955</b>	<b>862.6</b>	<b>\$106,339,055</b>	<b>\$43,900</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actuals</b>	<b>\$107,274,907</b>	<b>878.0</b>	<b>\$107,249,907</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>	<b>\$118,904,447</b>	<b>966.4</b>	<b>\$118,749,447</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>	<b>\$134,695,857</b>	<b>1,054.8</b>	<b>\$134,540,857</b>	<b>\$155,000</b>	<b>\$0</b>	<b>\$0</b>

**TAB 7**

## Office of the State Public Defender FY 2022-23

## Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Personal Services</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$69,653,973	874.8	\$69,653,973	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$847,159	14.0	\$847,159			
<b>FY 2019-20 Appropriation</b>	<b>\$70,501,132</b>	<b>888.8</b>	<b>\$70,501,132</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated Pots	\$22,348,800	0.0	\$22,348,800	\$0	\$0	\$0
FY 2020-21 Long Bill, H.B. 20-1360, Add-on	(\$500,000)	0.0	(\$500,000)	\$0	\$0	\$0
Year End Transfers	(\$500,000)	0.0	(\$500,000)	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$91,849,932</b>	<b>888.8</b>	<b>\$91,849,932</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$91,760,412	862.3	\$91,760,412	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$89,520</b>	<b>26.5</b>	<b>\$89,520</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$79,842,884	924.0	\$79,842,884	\$0	\$0	\$0
Special Bill 20-TBD, TBD	\$0	0.0	\$0			
<b>FY 2020-21 Appropriation</b>	<b>\$79,842,884</b>	<b>924.0</b>	<b>\$79,842,884</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated Pots	\$12,399,277	0.0	\$12,399,277	\$0	\$0	\$0
Year End Transfers	\$1,394,076	0.0	\$1,394,076	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$93,636,237</b>	<b>924.0</b>	<b>\$93,636,237</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$93,636,237	877.7	\$93,636,237	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>46.3</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$82,372,702	963.5	\$82,372,702	\$0	\$0	\$0
FY 2020-21 Salary Survey allocated to Personal Services	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0
FY 2020-21 Merit allocated to Personal Services	\$0	0.0	\$0	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$142,470	1.8	\$142,470	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$27,836	0.0	\$27,836	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$84,896,537</b>	<b>965.3</b>	<b>\$84,896,537</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$84,896,537</b>	<b>965.3</b>	<b>\$84,896,537</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Office of the State Public Defender FY 2022-23				Schedule 3		
Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$84,896,537	965.3	\$84,896,537	\$0	\$0	\$0
Annualization Special Bill, S.B. 21-146	\$12,952	0.2	\$12,952	\$0	\$0	\$0
Annualization Special Bill, H.B. 21-1280	\$127,233	0.0	\$127,233	\$0	\$0	\$0
#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	\$296,269	3.7	\$296,269	\$0	\$0	\$0
#BA-2, IT (restoration of FY21 cuts)	\$20,220	0.3	\$20,220	\$0	\$0	\$0
#BA-3, Social Workers (restoration of FY21 cuts)	\$47,390	0.8	\$47,390	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$85,400,601</b>	<b>970.3</b>	<b>\$85,400,601</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$438,778	6.4	\$438,778	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$3,577,324	63.2	\$3,577,324	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$521,856	13.8	\$521,856	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$188,657	0.0	\$188,657	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$90,127,216</b>	<b>1053.7</b>	<b>\$90,127,216</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$84,896,537</b>	<b>965.3</b>	<b>\$84,896,537</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$85,400,601</b>	<b>970.3</b>	<b>\$85,400,601</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$90,127,216</b>	<b>1053.7</b>	<b>\$90,127,216</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>6.2%</b>	<b>9.2%</b>	<b>6.2%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Health Life and Dental</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$8,556,670	0.0	\$8,556,670	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$137,858	0.0	\$137,858	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$8,694,528</b>	<b>0.0</b>	<b>\$8,694,528</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated Pots	(\$8,694,528)	0.0	(\$8,694,528)	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$5,266,749	0.0	\$5,266,749	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$5,266,749</b>	<b>0.0</b>	<b>\$5,266,749</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated Pots	(\$5,266,749)	0.0	(\$5,266,749)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$10,047,591	0.0	\$10,047,591	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$10,047,591</b>	<b>0.0</b>	<b>\$10,047,591</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$10,047,591</b>	<b>0.0</b>	<b>\$10,047,591</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$10,047,591	0.0	\$10,047,591	\$0	\$0	\$0
Total Compensation Common Policy, HLD	\$490,174	0.0	\$490,174	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$10,537,765</b>	<b>0.0</b>	<b>\$10,537,765</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$696,156	0.0	\$696,156	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$11,233,921</b>	<b>0.0</b>	<b>\$11,233,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23****Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$10,047,591</b>	<b>0.0</b>	<b>\$10,047,591</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$10,537,765</b>	<b>0.0</b>	<b>\$10,537,765</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$11,233,921</b>	<b>0.0</b>	<b>\$11,233,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>11.8%</b>	<b>0.0%</b>	<b>11.8%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Short Term Disability</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$114,545	0.0	\$114,545	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$1,438	0.0	\$1,438	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$115,983</b>	<b>0.0</b>	<b>\$115,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated POTS	(\$115,983)	0.0	(\$115,983)	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$119,436	0.0	\$119,436	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$119,436</b>	<b>0.0</b>	<b>\$119,436</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated POTS	(\$119,436)	0.0	(\$119,436)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$117,636	0.0	\$117,636	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$117,636</b>	<b>0.0</b>	<b>\$117,636</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$117,636</b>	<b>0.0</b>	<b>\$117,636</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$117,636	0.0	\$117,636	\$0	\$0	\$0
Total Compensation Common Policy, STD	\$9,645	0.0	\$9,645			
<b>FY 2022-23 Base Request</b>	<b>\$127,281</b>	<b>0.0</b>	<b>\$127,281</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$5,384	0.0	\$5,384	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$132,665</b>	<b>0.0</b>	<b>\$132,665</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23****Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$117,636</b>	<b>0.0</b>	<b>\$117,636</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$127,281</b>	<b>0.0</b>	<b>\$127,281</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$132,665</b>	<b>0.0</b>	<b>\$132,665</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>12.8%</b>	<b>0.0%</b>	<b>12.8%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>S.B. 04-257 AED</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$3,368,980	0.0	\$3,368,980	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$37,871	0.0	\$37,871			
<b>FY 2019-20 Appropriation</b>	<b>\$3,406,851</b>	<b>0.0</b>	<b>\$3,406,851</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated POTS	(\$3,406,851)	0.0	(\$3,406,851)			
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$3,506,546</b>	<b>0.0</b>	<b>\$3,506,546</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated POTS	(\$3,506,546)	0.0	(\$3,506,546)			
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
Total Compensation Common Policy, AED	\$72,133	0.0	\$72,133			
<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$158,359	0.0	\$158,359	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23****Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>6.3%</b>	<b>0.0%</b>	<b>6.3%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>S.B. 06-235 SAED</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$3,368,980	0.0	\$3,368,980	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$37,871	0.0	\$37,871			
<b>FY 2019-20 Appropriation</b>	<b>\$3,406,851</b>	<b>0.0</b>	<b>\$3,406,851</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated POTS	(\$3,406,851)	0.0	(\$3,406,851)			
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$3,506,546</b>	<b>0.0</b>	<b>\$3,506,546</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated POTS	(\$3,506,546)	0.0	(\$3,506,546)			
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
Total Compensation Common Policy, SAED	\$72,133	0.0	\$72,133			
<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$158,359	0.0	\$158,359	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$3,671,416</b>	<b>0.0</b>	<b>\$3,671,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$3,743,549</b>	<b>0.0</b>	<b>\$3,743,549</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$3,901,908</b>	<b>0.0</b>	<b>\$3,901,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>6.3%</b>	<b>0.0%</b>	<b>6.3%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Initiative #283, Family and Medical Leave Insurance Program</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated POTS	\$0	0.0	\$0			
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Allocated POTS	\$0	0.0	\$0			
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, FAMLI	\$168,017	0.0	\$168,017			
<b>FY 2022-23 Base Request</b>	<b>\$168,017</b>	<b>0.0</b>	<b>\$168,017</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$7,126	0.0	\$7,126	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$175,143</b>	<b>0.0</b>	<b>\$175,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>FY 2021-22 Total Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$168,017</b>	<b>0.0</b>	<b>\$168,017</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$175,143</b>	<b>0.0</b>	<b>\$175,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>100.0%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Salary Survey</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$4,539,548	0.0	\$4,539,548	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$4,539,548</b>	<b>0.0</b>	<b>\$4,539,548</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2018-19 Allocated POTS	(\$4,539,548)	0.0	(\$4,539,548)	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Allocated POTS	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Salary Survey allocated to Personal Services	(\$2,353,529)	0.0	(\$2,353,529)	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, Salary Survey	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$2,353,529</b>	<b>0.0</b>	<b>\$2,353,529</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$2,463,110</b>	<b>0.0</b>	<b>\$2,463,110</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>4.7%</b>	<b>0.0%</b>	<b>4.7%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Merit</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$2,185,039	0.0	\$2,185,039	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$2,185,039</b>	<b>0.0</b>	<b>\$2,185,039</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2018-19 Merit allocated to Personal Services	(\$2,185,039)	0.0	(\$2,185,039)	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Merit allocated to Personal Services	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Operating Expenses</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$1,839,163	0.0	\$1,809,163	\$30,000	\$0	\$0
Special Bill 19-034, Judges bill	\$13,300	0.0	\$13,300	\$0	\$0	\$0
Special Bill 19-223, Competency bill	\$50,000	0.0	\$50,000	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$1,902,463</b>	<b>0.0</b>	<b>\$1,872,463</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Available Spending Authority</b>	<b>\$1,902,463</b>	<b>0.0</b>	<b>\$1,872,463</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$1,679,797	0.0	\$1,660,897	\$18,900	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$222,666</b>	<b>0.0</b>	<b>\$211,566</b>	<b>\$11,100</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$1,887,993	0.0	\$1,857,993	\$30,000	\$0	\$0
Special Bill 19-034, Judges bill	\$0	0.0	\$0	\$0	\$0	\$0
Special Bill 19-223, Competency bill	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$1,887,993</b>	<b>0.0</b>	<b>\$1,857,993</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	(\$716,734)	0.0	(\$716,734)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$1,171,259</b>	<b>0.0</b>	<b>\$1,141,259</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$779,975	0.0	\$779,975	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$391,284</b>	<b>0.0</b>	<b>\$361,284</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$1,926,088	0.0	\$1,896,088	\$30,000	\$0	\$0
Special Bill, S.B. 21-146	\$2,890	0.0	\$2,890	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$1,300	0.0	\$1,300	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$1,930,278</b>	<b>0.0</b>	<b>\$1,900,278</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$1,930,278</b>	<b>0.0</b>	<b>\$1,900,278</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$1,930,278	0.0	\$1,900,278	\$30,000	\$0	\$0
Annualization Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0
Annualization Special Bill, H.B. 21-1280	\$3,900	0.0	\$3,900	\$0	\$0	\$0
#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	\$0	0.0	\$0	\$0	\$0	\$0
#BA-2, IT (restoration of FY21 cuts)	\$0	0.0	\$0	\$0	\$0	\$0
#BA-3, Social Workers (restoration of FY21 cuts)	\$0	0.0	\$0	\$0	\$0	\$0

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2022-23 Base Request</b>	<b>\$1,934,178</b>	<b>0.0</b>	<b>\$1,904,178</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$502,650	0.0	\$502,650	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$65,550	0.0	\$65,550	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$14,250	0.0	\$14,250	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$2,516,628</b>	<b>0.0</b>	<b>\$2,486,628</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$1,930,278</b>	<b>0.0</b>	<b>\$1,900,278</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$1,934,178</b>	<b>0.0</b>	<b>\$1,904,178</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$2,516,628</b>	<b>0.0</b>	<b>\$2,486,628</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>30.4%</b>	<b>0.0%</b>	<b>30.9%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Vehicle Lease Payments</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$121,872	0.0	\$121,872	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$121,872</b>	<b>0.0</b>	<b>\$121,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Available Spending Authority</b>	<b>\$121,872</b>	<b>0.0</b>	<b>\$121,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$92,094	0.0	\$92,094	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$29,778</b>	<b>0.0</b>	<b>\$29,778</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$96,009	0.0	\$96,009	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$96,009</b>	<b>0.0</b>	<b>\$96,009</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$3,051	0.0	\$3,051	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$99,060</b>	<b>0.0</b>	<b>\$99,060</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$99,060	0.0	\$99,060	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$139,454	0.0	\$139,454	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$139,454</b>	<b>0.0</b>	<b>\$139,454</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$139,454</b>	<b>0.0</b>	<b>\$139,454</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$139,454	0.0	\$139,454	\$0	\$0	\$0
#NP-1, Common Policy - Annual Vehicle Lease Request	(\$28,257)	0.0	(\$28,257)	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2022-23 Total Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$139,454</b>	<b>0.0</b>	<b>\$139,454</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$111,197</b>	<b>0.0</b>	<b>\$111,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>-20.3%</b>	<b>0.0%</b>	<b>-20.3%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Capital Outlay</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$14,109	0.0	\$14,109	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$94,360	0.0	\$94,360	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$108,469</b>	<b>0.0</b>	<b>\$108,469</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Available Spending Authority</b>	<b>\$108,469</b>	<b>0.0</b>	<b>\$108,469</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$108,469	0.0	\$108,469	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$198,400	0.0	\$198,400	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$198,400</b>	<b>0.0</b>	<b>\$198,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	(\$79,962)	0.0	(\$79,962)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$118,438</b>	<b>0.0</b>	<b>\$118,438</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$118,438	0.0	\$118,438	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$248,000	0.0	\$248,000	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$12,400	0.0	\$12,400	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$38,000	0.0	\$38,000	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$298,400</b>	<b>0.0</b>	<b>\$298,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$298,400</b>	<b>0.0</b>	<b>\$298,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$298,400	0.0	\$298,400	\$0	\$0	\$0
Annualization Special Bill, S.B. 21-146	(\$12,400)	0.0	(\$12,400)	\$0	\$0	\$0
Annualization Special Bill, H.B. 21-1280	(\$38,000)	0.0	(\$38,000)	\$0	\$0	\$0
#BA-1, OSPD Staffing Requirements (restoration of FY21 cuts)	(\$173,600)	0.0	(\$173,600)	\$0	\$0	\$0
#BA-2, IT (restoration of FY21 cuts)	(\$18,600)	0.0	(\$18,600)	\$0	\$0	\$0
#BA-3, Social Workers (restoration of FY21 cuts)	(\$55,800)	0.0	(\$55,800)	\$0	\$0	\$0

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$50,400	0.0	\$50,400	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$496,800	0.0	\$496,800	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$108,000	0.0	\$108,000	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$655,200</b>	<b>0.0</b>	<b>\$655,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$298,400</b>	<b>0.0</b>	<b>\$298,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$655,200</b>	<b>0.0</b>	<b>\$655,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>119.6%</b>	<b>0.0%</b>	<b>119.6%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Leased Space / Utilities</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$6,966,417	0.0	\$6,966,417	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$174,840	0.0	\$174,840	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$7,141,257</b>	<b>0.0</b>	<b>\$7,141,257</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Available Spending Authority</b>	<b>\$7,141,257</b>	<b>0.0</b>	<b>\$7,141,257</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$7,115,521	0.0	\$7,115,521	\$0	\$0	\$0
<b>FY 2019-20 Reversion / (Overexpenditure)</b>	<b>\$25,736</b>	<b>0.0</b>	<b>\$25,736</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2019-20 Long Bill, H.B. 20-1360	\$7,581,733	0.0	\$7,581,733	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$7,581,733</b>	<b>0.0</b>	<b>\$7,581,733</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	(\$400,000)	0.0	(\$400,000)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$7,181,733</b>	<b>0.0</b>	<b>\$7,181,733</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$7,053,437	0.0	\$7,053,437	\$0	\$0	\$0
<b>FY 2020-21 Reversion / (Overexpenditure)</b>	<b>\$128,296</b>	<b>0.0</b>	<b>\$128,296</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$7,827,383	0.0	\$7,827,383	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$7,827,383</b>	<b>0.0</b>	<b>\$7,827,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$7,827,383</b>	<b>0.0</b>	<b>\$7,827,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$7,827,383	0.0	\$7,827,383	\$0	\$0	\$0
Lease Escalator	\$215,589	0.0	\$215,589	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$8,042,972</b>	<b>0.0</b>	<b>\$8,042,972</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$603,198	0.0	\$603,198	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2022-23 Total Request</b>	<b>\$8,646,170</b>	<b>0.0</b>	<b>\$8,646,170</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$7,827,383</b>	<b>0.0</b>	<b>\$7,827,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$8,042,972</b>	<b>0.0</b>	<b>\$8,042,972</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$8,646,170</b>	<b>0.0</b>	<b>\$8,646,170</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>10.5%</b>	<b>0.0%</b>	<b>10.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Automation Plan</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$1,662,802	0.0	\$1,662,802	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$1,662,802</b>	<b>0.0</b>	<b>\$1,662,802</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$300,000	0.0	\$300,000	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$1,962,802</b>	<b>0.0</b>	<b>\$1,962,802</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$1,867,848	0.0	\$1,867,848	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$94,954</b>	<b>0.0</b>	<b>\$94,954</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$2,124,248	0.0	\$2,124,248	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$2,124,248</b>	<b>0.0</b>	<b>\$2,124,248</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$967,491	0.0	\$967,491	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$3,091,739</b>	<b>0.0</b>	<b>\$3,091,739</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$3,091,739	0.0	\$3,091,739	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$2,160,164	0.0	\$2,160,164	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$2,160,164	0.0	\$2,160,164	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$4,492,855	0.0	\$4,492,855	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$27,600	0.0	\$27,600	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$6,000	0.0	\$6,000	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$6,686,619</b>	<b>0.0</b>	<b>\$6,686,619</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$2,160,164</b>	<b>0.0</b>	<b>\$2,160,164</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$6,686,619</b>	<b>0.0</b>	<b>\$6,686,619</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>209.5%</b>	<b>0.0%</b>	<b>209.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Attorney Registration</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$147,514	0.0	\$147,514	\$0	\$0	\$0
Special Bill 19-034, Judges bill	\$2,280	0.0	\$2,280	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$149,794</b>	<b>0.0</b>	<b>\$149,794</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Available Spending Authority</b>	<b>\$149,794</b>	<b>0.0</b>	<b>\$149,794</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$149,794	0.0	\$149,794	\$0	\$0	\$0
<b>FY 2019-20 Reversion / (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$153,404	0.0	\$153,404	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$153,404</b>	<b>0.0</b>	<b>\$153,404</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Available Spending Authority</b>	<b>\$153,404</b>	<b>0.0</b>	<b>\$153,404</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$153,404	0.0	\$153,404	\$0	\$0	\$0
<b>FY 2021-22 Reversion / (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$156,634	0.0	\$156,634	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$156,634</b>	<b>0.0</b>	<b>\$156,634</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Contract Services</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$49,395	0.0	\$49,395	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$14,610	0.0	\$14,610	\$0	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$34,785</b>	<b>0.0</b>	<b>\$34,785</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$49,395	0.0	\$49,395	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$32,078	0.0	\$32,078	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$81,473</b>	<b>0.0</b>	<b>\$81,473</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$81,473	0.0	\$81,473	\$0	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$49,395	0.0	\$49,395	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2021-22 Total Appropriation</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$49,395</b>	<b>0.0</b>	<b>\$49,395</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Mandated Costs</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$3,381,431	0.0	\$3,381,431	\$0	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$3,381,431</b>	<b>0.0</b>	<b>\$3,381,431</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	\$200,000	0.0	\$200,000	\$0	\$0	\$0
<b>FY 2019-20 Available Spending Authority</b>	<b>\$3,581,431</b>	<b>0.0</b>	<b>\$3,581,431</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$3,569,410	0.0	\$3,569,410	\$0	\$0	\$0
<b>FY 2019-20 Reversion / (Overexpenditure)</b>	<b>\$12,021</b>	<b>0.0</b>	<b>\$12,021</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Year End Transfers	(\$1,200,000)	0.0	(\$1,200,000)	\$0	\$0	\$0
<b>FY 2020-21 Available Spending Authority</b>	<b>\$2,613,143</b>	<b>0.0</b>	<b>\$2,613,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$2,236,144	0.0	\$2,236,144	\$0	\$0	\$0
<b>FY 2020-21 Reversion / (Overexpenditure)</b>	<b>\$376,999</b>	<b>0.0</b>	<b>\$376,999</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$3,813,143</b>	<b>0.0</b>	<b>\$3,813,143</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2021-22 Total Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2022-23 Base Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2022-23 Total Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
Percentage Change FY 2021-22 to FY 2022-23	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Grants</b>						
<b>FY 2019-20 Actual</b>						
FY 2019-20 Long Bill, S.B. 19-207	\$25,000	0.3	\$0	\$25,000	\$0	\$0
<b>FY 2019-20 Appropriation</b>	<b>\$25,000</b>	<b>0.3</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Spending Authority</b>	<b>\$25,000</b>	<b>0.3</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>
FY 2019-20 Expenditures	\$25,000	0.3	\$0	\$25,000	\$0	\$0
<b>FY 2019-20 Reversion \ (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Actual</b>						
Final FY 2020-21 Long Bill, H.B. 20-1360	\$110,000	1.1	\$0	\$110,000	\$0	\$0
<b>FY 2020-21 Appropriation</b>	<b>\$110,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21 Spending Authority</b>	<b>\$110,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>
FY 2020-21 Expenditures	\$25,000	0.3	\$0	\$25,000	\$0	\$0
<b>FY 2020-21 Reversion \ (Overexpenditure)</b>	<b>\$85,000</b>	<b>0.8</b>	<b>\$0</b>	<b>\$85,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Appropriation</b>						
FY 2021-22 Long Bill, S.B. 21-205	\$125,000	1.1	\$0	\$125,000	\$0	\$0
Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2021-22 Base Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Request</b>						
Final FY 2021-22 Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
Annualization Special Bill, S.B. 21-146	\$0	0.0	\$0	\$0	\$0	\$0
Annualization Special Bill, H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Base Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>

**Office of the State Public Defender FY 2022-23**

**Schedule 3**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
#R-1, Public Defense in the Digital Age (PLACEHOLDER)	\$0	0.0	\$0	\$0	\$0	\$0
#R-2, Paralegal Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-3, Discovery Clerk Staff Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Restructured Fiscal Note for H.B. 21-1280	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Total Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22 Total Appropriation</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Base Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total Request</b>	<b>\$125,000</b>	<b>1.1</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Percentage Change FY 2021-22 to FY 2022-23</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

**TAB 8**

**Office of the State Public Defender FY 2022-23**

**Schedule 5**

*This section of the Long Bill provides the essential and necessary funding to support the operating needs of the Office of the State Public Defender, sufficient to meet minimal U.S. and Colorado Constitutional and Colorado Statutory needs of indigent clients facing criminal charges in the States' judicial system. In general, funding is determined in the first instance by defense attorney caseload standards, which allows attorneys to provide their clients with a vigorous defense in criminal trials and related procedural hearings. In the next instance, funding supports necessary investigative, administrative and agency level support staffing. Finally, the funding supports the mandated costs of facilitating the legal process; ancillary business costs such as leased space, utilities and general operating expenses; costs of employee benefits; and, finally, any other costs funded by the Legislature to support the needs of the State Public Defender and the interests of the State at large.*

	Line Item Description	Programs Supported by the Line Item	Statutory Cite
Personal Services	Funds all agency public defender, investigative, administrative and support staff in 21 regional offices in the State's judicial districts, an appellate office and central state administrative office	All Public Defender Programs	21-1-10 (3) C.R.S.
Health, Life, and Dental	Funding for State portion of H/L/D	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 50 C.R.S.
Short-term Disability	State-funded Short-term Disability Benefits	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 50 C.R.S.
S.B. 04-257 AED	Funding PERA Trust Fund unfunded liability	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 51 C.R.S.
S.B. 06-235 Suppl. AED	Funding PERA Trust Fund unfunded liability	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 51 C.R.S.
Salary Survey	Funding for salary increases based on State Personnel compensation plan and for employees receiving statutory compensation	All eligible PD staff	21-1-102(3) C.R.S.; and, 24-50-104 C.R.S. et al
Merit Increases	Funding for merit increases, as funded by the General Assembly, for merit-based annual compensation	All eligible PD staff	21-1-102(3) C.R.S.; 24-50-104 C.R.S. et al; and, 24-38103 (1.5) C.R.S.
Operating Expenses	General Operating Costs of the Public Defender system	All Public Defender Programs	21-1-101 C.R.S. et al
Vehicle Lease Payments	Funding is appropriated to the State Public Defender to lease vehicles acquired by the state fleet management program in the Department of Personnel and Administration	Eligible Public Defender Programs	Title 24 Article 30 C.R.S.
Capital Outlay	Funding appropriated for the initial purchase of equipment and furnishings as established by Joint Budget Committee Common Policies	Eligible Public Defender Programs	21-1-101 C.R.S. et al
Leased Space and Utilities	Funding appropriated to the State Public Defender to cover the leasing, utilities and build-out/coverion/other costs of Public Defender offices following both Joint Budget Committee and Executive Branch Common Policy protocols	All Public Defender Programs	21-1-101 C.R.S. et al
Automation Plan	Funding appropriated to the State Public Defender to cover the costs associated with technology related operating needs	All Public Defender Programs	21-1-101 C.R.S. et al
Attorney Registration Fees	Reimburses Attorneys for their required annual Attorney Registration Fees	Attorney Staff	21-1-101 C.R.S. et al
Contract Services	Funding appropriated to the State Public Defender to hire attorneys to represent public defender employees in grievance/contempt proceedings; subpoenas in capital and other exceptional cases; and other proceedings as authorized by the State Public Defender	Public Defender Staff	21-1-101 C.R.S. et al
Mandated Costs	Funding appropriated to the State Public Defender to provide for operating costs needed to facilitate the legal process including travel costs, transcripts, interpreters, expert witnesses and other such costs as prescribed by legal practice, standards, U.S. Constitution, etc.	All Public Defender Programs	21-1-101 C.R.S. et al
Grants	Grants applied for and awarded the Public Defender's Office, shown in the Long Bill as approved by the legislature	Eligible Public Defender Programs	N/A

**TAB 9**

**Office of the State Public Defender**  
**FY 2022-23 Budget Request**  
Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds		
<b>FY 2022-23</b>											
<b>SB 21-146</b>	<b>Improve Prison Outcomes</b>	Personal Services	2.0	\$155,422	\$155,422	\$0	\$0	\$0	\$0		
		Operating	0.0	\$2,890	\$2,890	\$0	\$0	\$0	\$0		
		Capital Outlay	0.0	\$0	\$0	\$0	\$0	\$0	\$0		
		Attorney Registration	0.0	\$0	\$0	\$0	\$0	\$0	\$0		
		<b>SB 21-146</b>	<b>2.0</b>	<b>\$158,312</b>	<b>\$158,312</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		
<b>SB 21-1280</b>	<b>48 hour bond hearings</b>	Personal Services	0.0	\$155,069	\$155,069	\$0	\$0	\$0	\$0		
		Operating	0.0	\$5,200	\$5,200	\$0	\$0	\$0	\$0		
		Capital Outlay	0.0	\$0	\$0	\$0	\$0	\$0	\$0		
		<b>SB 21-1280</b>	<b>0.0</b>	<b>\$160,269</b>	<b>\$160,269</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		
		<b>FY 2022-23 Department Total</b>			<b>2.0</b>	<b>\$318,581</b>	<b>\$318,581</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2021-22</b>											
<b>SB 21-146</b>	<b>Improve Prison Outcomes</b>	Personal Services	1.8	\$142,470	\$142,470	\$0	\$0	\$0	\$0		
		Operating	0.0	\$2,890	\$2,890	\$0	\$0	\$0	\$0		
		Capital Outlay	0.0	\$12,400	\$12,400	\$0	\$0	\$0	\$0		
		Attorney Registration	0.0	\$0	\$0	\$0	\$0	\$0	\$0		
		<b>SB 21-146</b>	<b>1.8</b>	<b>\$157,760</b>	<b>\$157,760</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		
<b>HB 21-1280</b>	<b>48 Hour Bond Hearings</b>	Personal Services	0.0	\$27,836	\$27,836	\$0	\$0	\$0	\$0		
		Operating	0.0	\$1,300	\$1,300	\$0	\$0	\$0	\$0		
		Capital Outlay	0.0	\$38,000	\$38,000	\$0	\$0	\$0	\$0		
		<b>HB 21-1280</b>	<b>0.0</b>	<b>\$67,136</b>	<b>\$67,136</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		
		<b>FY 2021-22 Department Total</b>			<b>1.8</b>	<b>\$224,896</b>	<b>\$224,896</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-21</b>											
<b>SB 19-043</b>	<b>Judges</b>	Personal Services	19.9	\$1,196,136	\$1,196,136	\$0	\$0	\$0	\$0		
		HLD	0.0	\$195,955	\$195,955	\$0	\$0	\$0	\$0		
		STD	0.0	\$2,032	\$2,032	\$0	\$0	\$0	\$0		
		AED	0.0	\$53,470	\$53,470	\$0	\$0	\$0	\$0		
		SAED	0.0	\$53,471	\$53,471	\$0	\$0	\$0	\$0		
		Operating	0.0	\$18,905	\$18,905	\$0	\$0	\$0	\$0		
		Capital Outlay	0.0	\$0	\$0	\$0	\$0	\$0	\$0		
		Leased Space	0.0	\$174,841	\$174,841	\$0	\$0	\$0	\$0		
		Attorney Registration	0.0	\$2,280	\$2,280	\$0	\$0	\$0	\$0		
		<b>SB 19-043</b>	<b>19.9</b>	<b>\$1,697,090</b>	<b>\$1,697,090</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>		
		<b>SB 19-223</b>	<b>Competency to Proceed</b>	Operating	0.0	\$0	\$0	\$0	\$0	\$0	\$0
				<b>SB 19-223</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
		<b>FY 2020-21 Department Total</b>			<b>19.9</b>	<b>\$1,697,090</b>	<b>\$1,697,090</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20</b>											

**Office of the State Public Defender**  
**FY 2022-23 Budget Request**  
Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
<b>SB 19-043</b>	<b>Judges</b>	Personal Services	14.0	\$847,159	\$847,159	\$0	\$0	\$0	\$0
		HLD	0.0	\$137,858	\$137,858	\$0	\$0	\$0	\$0
		STD	0.0	\$1,438	\$1,438	\$0	\$0	\$0	\$0
		AED	0.0	\$37,870	\$37,870	\$0	\$0	\$0	\$0
		SAED	0.0	\$37,871	\$37,871	\$0	\$0	\$0	\$0
		Operating	0.0	\$13,300	\$13,300	\$0	\$0	\$0	\$0
		Capital Outlay	0.0	\$94,360	\$94,360	\$0	\$0	\$0	\$0
		Leased Space	0.0	\$174,840	\$174,840	\$0	\$0	\$0	\$0
		Attorney Registration	0.0	\$2,280	\$2,280	\$0	\$0	\$0	\$0
			<b>SB 19-043</b>	<b>14.0</b>	<b>\$1,346,976</b>	<b>\$1,346,976</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>SB 19-223</b>	<b>Competency to Proceed</b>	Operating	0.0	\$50,000	\$50,000	\$0	\$0	\$0	\$0
			<b>SB 19-223</b>	<b>0.0</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2019-20 Department Total</b>			<b>14.0</b>	<b>\$1,396,976</b>	<b>\$1,396,976</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**TAB 10**



**TAB 11**

**Salary Pots Request Summary, Fiscal Year 2022-23**

<b>Common Policy Line Item</b>	<b>FY 2021-22 Appropriation</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$2,353,529	\$2,353,529	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$3,671,416	\$3,671,416	\$0	\$0	\$0
SAED	\$3,671,416	\$3,671,416	\$0	\$0	\$0
Short-term Disability	\$117,636	\$117,636	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$0	\$0	\$0	\$0	\$0
Health, Life and Dental	\$10,047,591	\$10,047,591	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$19,861,588</b>	<b>\$19,861,588</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Common Policy Line Item</b>	<b>FY 2022-23 Total Request</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$2,463,110	\$2,463,110	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$3,743,549	\$3,743,549	\$0	\$0	\$0
SAED	\$3,743,549	\$3,743,549	\$0	\$0	\$0
Short-term Disability	\$127,281	\$127,281	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$168,017	\$168,017	\$0	\$0	\$0
Health, Life and Dental	\$10,537,765	\$10,537,765	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$20,783,271</b>	<b>\$20,783,271</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Common Policy Line Item</b>	<b>FY 2022-23 Incremental</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$109,581	\$109,581	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$72,133	\$72,133	\$0	\$0	\$0
SAED	\$72,133	\$72,133	\$0	\$0	\$0
Short-term Disability	\$9,645	\$9,645	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$168,017	\$168,017	\$0	\$0	\$0
Health, Life and Dental	\$490,174	\$490,174	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$921,683</b>	<b>\$921,683</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



**TAB 12**

**Office of the State Public Defender FY 2022-23**

**Personal Services**

**Position and Object Code Detail**

	<b>FY 2019-20 Actual</b>		<b>FY 2020-21 Actual</b>		<b>FY 2021-22 Appropriation</b>		<b>FY 2022-23 Request</b>
Position Type							
State Public Defender	\$180,258	1.0	\$180,697	1.0			
State Ofc Exec Mgt	\$922,836	4.9	\$834,229	4.5			
State Ofc Sr Mgt	\$1,265,073	8.0	\$1,286,030	8.2			
State Ofc Prof Svcs	\$2,228,403	26.1	\$2,637,026	31.9			
Trial / Appl Managing Atty	\$3,495,572	22.0	\$3,465,933	21.8			
Trial / Appl Sr Atty	\$14,595,036	125.4	\$14,640,515	126.1			
Trial / Appl Staff Atty	\$26,549,999	373.5	\$27,283,254	383.7			
Trial / Appl Inv / Paralegal / Social Workers	\$11,906,481	176.7	\$11,785,751	174.4			
Trial / Appl Prof Svcs	\$5,635,223	124.7	\$5,685,902	126.1			
<b>Total Full and Part-time Employee Expenditures</b>	<b>\$66,778,882</b>	<b>862.3</b>	<b>\$67,799,336</b>	<b>877.7</b>			
PERA Contributions	\$13,552,980		\$14,095,510				
Medicare	\$961,613		\$978,275				
State Temporary Employees	751,960		433,975				
Sick and Annual Leave Payouts	\$600,532		\$966,991				
Contract Services	\$752,219		\$265,367				
Other Expenditures (specify as necessary)	\$46,432		\$32,724				
<b>Total Temporary, Contract, and Other Expenditures</b>	<b>\$16,665,736</b>	<b>0.0</b>	<b>\$16,772,842</b>	<b>0.0</b>			
Pots Expenditures (excluding Salary Survey and Performance-based Pay already included above)	\$8,315,794		\$9,064,059	<b>0.0</b>			
<b>Total Expenditures for Line Item</b>	<b>\$91,760,412</b>	<b>862.3</b>	<b>\$93,636,237</b>	<b>877.7</b>			
<b>Total Spending Authority / Request for Line Item</b>	<b>\$91,849,932</b>	<b>888.8</b>	<b>\$93,636,237</b>	<b>924.0</b>	<b>\$84,896,537</b>	<b>965.3</b>	<b>\$90,127,216 1,053.7</b>
<b>Amount Under/(Over) Expended</b>	<b>\$89,520</b>	<b>26.5</b>	<b>\$0</b>	<b>46.3</b>			

**Office of the State Public Defender FY 2022-23**  
**Operating Expenses**

Schedule 14

**Position and Object Code Detail**

Object Code	Object Code Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
	Cleaning/Disposal Services	\$27,700	\$21,969		
	Equip Maint and Repairs	\$114,950	\$5,000		
	Motor Pool	\$71,379	\$18,315		
	Equip Rental	\$136,232	\$85,322		
	IS Travel	\$574,275	\$87,417		
	OS Travel	\$33,107	\$1,021		
	Telephone	\$273,008	\$246,613		
	Printing	\$16,031	\$12,197		
	Training/Recruiting	\$39,886	\$23,199		
	Subscriptions & Books	\$38,881	\$38,709		
	Office Supplies	\$236,013	\$193,961		
	Postage	\$41,844	\$38,750		
	Non-Cap Equip	\$76,493	\$7,502		
	Capital Outlay	\$0	\$0		
<b>Total Expenditures Denoted in Object Codes</b>		<b>\$1,679,797</b>	<b>\$779,975</b>		
<b>Total Spending Authority / Request for Line Item</b>		<b>\$1,902,463</b>	<b>\$1,171,259</b>	<b>\$1,930,278</b>	<b>\$2,516,628</b>
<b>Amount Under/(Over) Expended</b>		<b>\$222,666</b>	<b>\$391,284</b>		

**Office of the State Public Defender FY 2022-23**

Schedule 14

**Capital Outlay**

**Position and Object Code Detail**

Object Code	Object Code Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
	Office Equip and Furn	\$108,469	\$118,438		
<b>Total Expenditures for Line Item</b>		<b>\$108,469</b>	<b>\$118,438</b>		
<b>Total Spending Authority / Request for Line Item</b>		<b>\$108,469</b>	<b>\$118,438</b>	<b>\$298,400</b>	<b>\$655,200</b>
<b>Amount Under/(Over) Expended</b>		<b>\$0</b>	<b>\$0</b>		

**Office of the State Public Defender FY 2022-23**  
**Leased Space / Utilities**

**Schedule 14**  
**Position and Object Code Detail**

<b>Object Code</b>	<b>Object Code Description</b>	<b>FY 2019-20 Actual</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Appropriation</b>	<b>FY 2022-23 Request</b>
	Total Leased Space Costs	\$7,020,892	\$6,997,424		
	Utilities	\$92,223	\$51,133		
	Storage and Moving	\$2,407	\$4,880		
	<b>Total Expenditures for Line Item</b>	<b>\$7,115,521</b>	<b>\$7,053,437</b>		
	<b>Total Spending Authority for Line Item</b>	<b>\$7,141,257</b>	<b>\$7,181,733</b>	<b>\$7,827,383</b>	<b>\$8,646,170</b>
	<b>Amount Under/(Over) Expended</b>	<b>\$25,736</b>	<b>\$128,296</b>		

**Office of the State Public Defender FY 2022-23  
Automation Plan**

Schedule 14

**Position and Object Code Detail**

Object Code	Object Code Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
	IT Services/Training	\$44,968	\$41,879		
	IT Hardware Maint/Repair	\$59,099	\$48,366		
	IT Software Maint/Repair	\$379,387	\$540,010		
	Communications	\$269,218	\$377,743		
	IT Supplies	\$8,975	\$8,139		
	Purchased Software	\$198,071	\$96,001		
	Legal Databases/Subscription Svcs	\$331,582	\$286,040		
	Non-Capital Equipment	\$382,386	\$1,067,135		
	Capital Outlay	\$194,160	\$626,426		
<b>Total Expenditures for Line Item</b>		<b>\$1,867,848</b>	<b>\$3,091,739</b>		
<b>Total Spending Authority for Line Item</b>		<b>\$1,962,802</b>	<b>\$3,091,739</b>	<b>\$2,160,164</b>	<b>\$6,686,619</b>
<b>Amount Under/(Over) Expended</b>		<b>\$94,954</b>	<b>\$0</b>		

**Office of the State Public Defender FY 2022-23  
Mandated Costs**

Schedule 14

**Position and Object Code Detail**

Object Code	Object Code Description	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request
	Experts	\$1,162,496	\$634,332		
	Interpreters	\$238,195	\$289,072		
	Transcripts	\$1,822,234	\$1,079,485		
	Travel	\$101,482	\$51,143		
	Discovery	\$198,207	\$147,158		
	Misc	\$46,796	\$34,954		
<b>Total Expenditures for Line Item</b>		<b>\$3,569,410</b>	<b>\$2,236,144</b>		
<b>Total Spending Authority for Line Item</b>		<b>\$3,581,431</b>	<b>\$2,613,143</b>	<b>\$3,813,143</b>	<b>\$3,813,143</b>
<b>Amount Under/(Over) Expended</b>		<b>\$12,021</b>	<b>\$376,999</b>		