



Office of the **Alternate
Defense
Counsel**

**FISCAL YEAR 2017-2018
BUDGET REQUEST**

November 1, 2016

Lindy Frolich, Director

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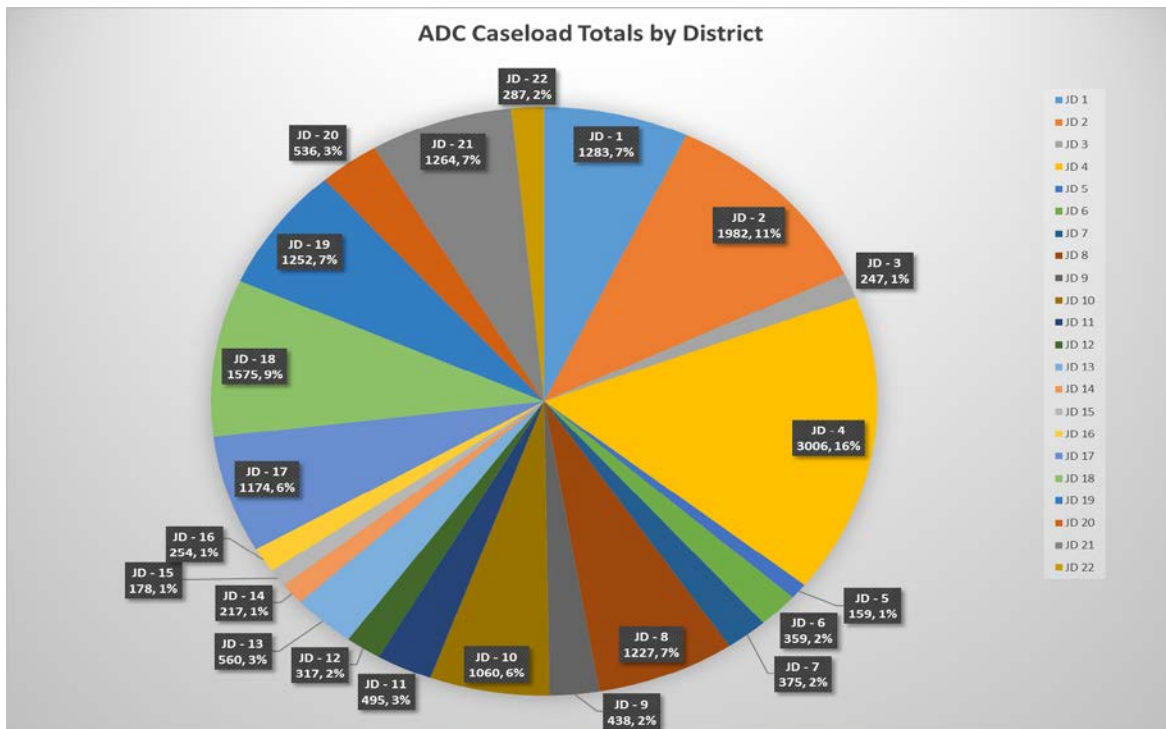
November 1, 2016

To the Citizens and Legislators of the State of Colorado:

The Office of the Alternate Defense Counsel (OADC) was created in 1996 to provide qualified defense counsel for indigent defendants and juveniles where the Office of the State Public Defender (OSPD) has a conflict of interest. Since the creation of the OADC, the number of cases has grown at rates that were difficult to predict.

	FY11	FY12	FY13	FY14	FY15	FY16
	Actual	Actual	Actual	Actual	Actual	Actual
Caseload	11,878	12,585	13,290	15,085	16,680	18,244
change from prev FY	-5.7%	6.0%	5.6%	13.5%	10.6%	9.4%

The following pie chart breaks down the OADC cases by Judicial District. For a state map with the # of cases by Judicial District, please see [Appendix A](#).



Although the OADC cannot control or influence the *number* of cases, the Agency has successfully controlled the biggest cost-driver - the number of attorney hours spent on each case. The OADC has consistently decreased the average attorney hours per case over the last several years.

Contain Case Costs		FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Contain the total number of Attorney hours per case. Includes all case type hours.	Target Attorney hours	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64
	Actual	20.81	19.22	18.91	17.94	17.91	16.57	15.91		

OADC lawyers are independent contractors, not full-time state employees. As private business owners, they are motivated, at least in part, to make a profit. Given this, how has the OADC contained costs?

One important way the OADC has contained per case costs is by encouraging attorneys to do *attorney work* while providing a wide array of support services to perform *non-attorney work* at a lower hourly rate. For example, the OADC contracts with paralegals, researchers, investigators, social workers, and document managers who assist the OADC contract attorneys with their OADC cases. Not only do these people work at an hourly rate well below the attorney rate, they bring a level of expertise to their specialized area of knowledge.

The above model successfully mimics how organizations or private sector firms manage their caseloads. However, with this comes increased coordination and management to ensure proper implementation and on-going efficient and effective service. The OADC accomplishes this

coordination and management with only 12 full-time employees, most of whom have a specialized role within the agency. The experience, dedication and hard work of the agency's staff has created a centralized support system for the over 600 OADC contractors across the State of Colorado.

Lindy, I never thought I would have the resources in my private practice that I had at the OSPD. But I do and more. Thank you ADC for the Web Libraries, law updates, wonderful investigators and experts and excellent training. You all are there every time I have needed help, I am a better lawyer because of you all. thanks

Each year the OADC works to provide new and innovative ways to support its contractors. The Agency encourages contractors to use current technology and communication to minimize costs. The agency has created a comprehensive Vendor Data Base using ACCESS, implemented a totally revamped billing system, and added a weekly podcast as a mechanism to broadcast caselaw updates and other important information to its contractors. There is a newly created Juvenile Division to insure that everyone representing juvenile clients is qualified and trained to work with this vulnerable population. The newly added Social Worker Coordinator assigns and supervises social workers and social work interns to assist with the most difficult cases. The Agency solicits volunteers to work as mock judges for moot oral arguments, and as one individual recently commented, after observing a mock oral argument at Georgetown University in preparation for an argument in front of the United States Supreme Court:

I'm more impressed than ever with OADC's mock oral arguments. Not quite like Georgetown, but pretty close.

As the following chart demonstrates, more than half the cases handled by OADC contractors are adult felonies, which are the most expensive types of cases.

Total Cases by Type	FY16 Actual	FY16 % of Total
Adult Felony	10,580	58.0%
Juvenile	2,433	13.3%
Misdemeanors	5,231	28.7%
Grand Total	18,244	100.0%

There will continue to be extraordinary costs beyond the control of the OADC, such as the use of the death penalty in Colorado. Changes in technology also increase the cost of litigation, such as the use of DNA or cell phone tower data in criminal prosecutions. However, the OADC is dedicated to keeping costs down wherever possible by implementing efficient management practices and procedures while fulfilling its constitutional mandate of providing effective representation for indigent defendants and juveniles.

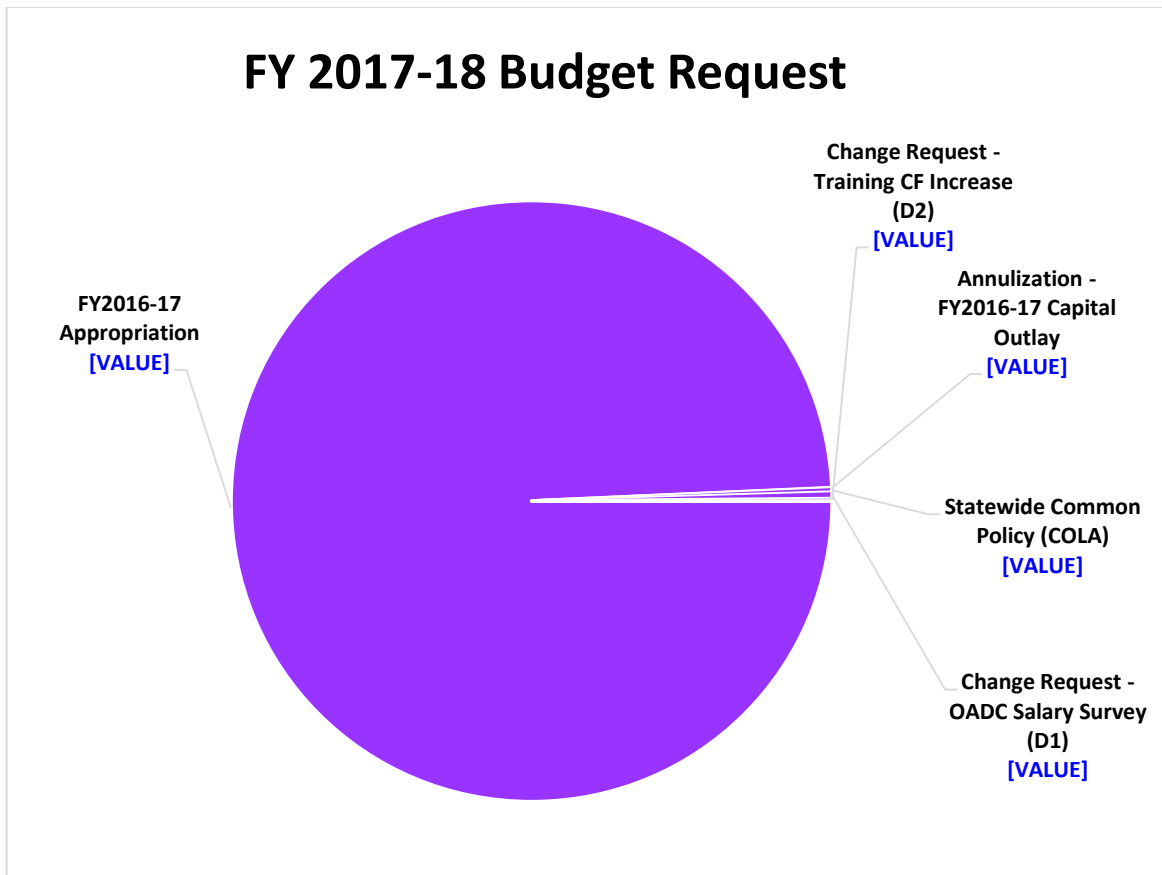
Sincerely,



Lindy Frolich

The total FY 2017-18 budget request for the Office of the Alternate Defense Counsel is \$31,612,384 and 12.0 FTE. This change represents a 0.67% increase over the FY 2016-17 appropriation of \$31,403,173.

- **FY 2016-17 Appropriation of \$ 31,403,173**
 - MINUS Annualizations (\$5,653)
 - MINUS POTS adjustment (\$2,353)
 - PLUS Statewide Common Policy (2.5% COLA) of \$69,505
- **FY 2017-18 Base Request of \$ 31,464,672**
 - PLUS Change Request - OADC Salary Survey of \$107,712 GF Increase (D1)
 - PLUS Change Request - \$40,000 CF Increase (D2)
- **FY 2017-18 Budget Request of \$ 31,608,137**



Office of the Alternate Defense Counsel
FY 2017-18 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF
Long Bill				
H.B. 16-1405 Office of the Alternate Defense Counsel	12.0	\$31,403,173	\$31,363,173	\$40,000
Total FY2016-17 Appropriation	12.0	31,403,173	31,363,173	40,000
Prior Year Budget Change or Annualizations				
Total Salary, PERA, Medicare Correction per POTS Template / Recon	0.0	(\$2,353)	(\$2,353)	\$0
FY 2016-17 Capital Outlay Annualization	0.0	(\$4,703)	(\$4,703)	\$0
FY 2016-17 Operating for Social Worker Coordinator Annualization		(\$950)	(\$950)	\$0
Total Change or Annualization	0.0	(\$8,006)	(\$8,006)	\$0
Salary Survey (COLA - 2.5%) and Merit				
FY 2017-18 Salary Survey Increase	0.0	\$30,458	\$30,458	\$0
FY 2017-18 Merit Increase	0.0	\$0	\$0	\$0
Total Salary Survey (COLA - 2.5%) and Merit	0.0	\$30,458	\$30,458	\$0
Common Policy Adjustments				
Health Life Dental Increase	0.0	\$30,208	\$30,208	\$0
Short Term Disability Increase	0.0	\$74	\$74	\$0
AED Increase	0.0	\$4,112	\$4,112	\$0
SAED Increase	0.0	\$4,653	\$4,653	\$0
Total Common Policy Adjustments	0.0	\$39,047	\$39,047	\$0
Total FY 2017-18 Base Request	12.0	31,464,672	31,424,672	40,000
Budget Change Requests				
<i>FY2017-18 D1 (R-1) OADC Salary Survey Request</i>				
Base Salary Increase	0.0	\$86,283	\$86,283	\$0
PERA Increase	0.0	\$8,977	\$8,977	\$0
Medicare Increase	0.0	\$1,282	\$1,282	\$0
Salary Survey (2.5%)	0.0	\$2,157	\$2,157	\$0
Health Life Dental Increase	0.0	\$0	\$0	\$0
Short Term Disability Increase	0.0	\$168	\$168	\$0
AED Increase	0.0	\$4,422	\$4,422	\$0
SAED Increase	0.0	\$4,422	\$4,422	\$0
Total Common OADC Salary Survey	0.0	\$107,712	\$107,712	\$0
<i>FY2017-18 D2 (R-2) Increase Training Cash Fund Authority</i>	0.0	\$ 40,000.00	\$ -	\$ 40,000.00
Total Decision Items/Budget Amendments	0.0	\$ 40,000.00	\$ -	\$ 40,000.00
Total FY 2017-18 Budget Request	12.0	31,612,384	31,532,384	80,000
#\$ change from FY 2016-17	0.0	\$209,211	\$169,211	\$40,000
% change from FY 2016-17	0.0%	0.7%	0.5%	100.0%

Office of the Alternate Defense Counsel
 FY2017-18 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	General Funds Exempt (GFX)	Cash Funds (CF)	Appropriated Funds (RF)	Federal Funds (FF)
Personal Services							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 1,220,657	12.0	\$ 1,220,657	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 1,220,657		\$ 1,220,657	\$ -	\$ -	\$ -	\$ -
Total Salary, PERA, Medicare Correction per POTS Template / Recon	\$ (2,353)	-	\$ (2,353)	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 1,218,304	12.0	\$ 1,218,304	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (Base Salaries)	\$ 86,283	-	\$ 86,283	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (PERA)	\$ 8,977	-	\$ 8,977	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (Medicare)	\$ 1,282	-	\$ 1,282	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 1,314,847	12.0	\$ 1,314,847	\$ -	\$ -	\$ -	\$ -
Health Life and Dental (HLD)							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 134,268	-	\$ 134,268	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 134,268		\$ 134,268	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 30,208	-	\$ 30,208	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 164,476	-	\$ 164,476	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 164,476	-	\$ 164,476	\$ -	\$ -	\$ -	\$ -
Short Term Disability (STD)							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 2,052	-	\$ 2,052	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 2,052		\$ 2,052	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 74	-	\$ 74	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 2,126	-	\$ 2,126	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (incremental change)	\$ 168	-	\$ 168	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 2,294	-	\$ 2,294	\$ -	\$ -	\$ -	\$ -
S.B 04-257 Amortization Equalization Disbursement (AED)							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 51,836	-	\$ 51,836	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 51,836		\$ 51,836	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 4,112	-	\$ 4,112	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 55,948	-	\$ 55,948	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (incremental change)	\$ 4,422	-	\$ 4,422	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 60,370	-	\$ 60,370	\$ -	\$ -	\$ -	\$ -

Office of the Alternate Defense Counsel
 FY2017-18 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	General Funds Exempt (GFX)	Cash Funds (CF)	Appropriated Funds (RF)	Federal Funds (FF)
S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 51,295	-	\$ 51,295	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 51,295		\$ 51,295	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)							
FY 2017-18 Base Request	\$ 55,948	-	\$ 55,948	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (incremental change)	\$ 4,422	-	\$ 4,422	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 60,370	-	\$ 60,370	\$ -	\$ -	\$ -	\$ -
Salary Survey							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (Total change)							
FY 2017-18 Base Request	\$ 30,458	-	\$ 30,458	\$ -	\$ -	\$ -	\$ -
FY 2017-18 D1 (R-1) OADC Salary Survey (2.5% COLA off of new Base Salary)	\$ 2,157	-	\$ 2,157	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 32,615	-	\$ 32,615	\$ -	\$ -	\$ -	\$ -
Merit							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Expenses							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 76,355	-	\$ 76,355	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 76,355		\$ 76,355	\$ -	\$ -	\$ -	\$ -
Analyzation of FY 2016-17 Operating Expenses	\$ (950)	-	\$ (950)	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 75,405	-	\$ 75,405	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 75,405	-	\$ 75,405	\$ -	\$ -	\$ -	\$ -

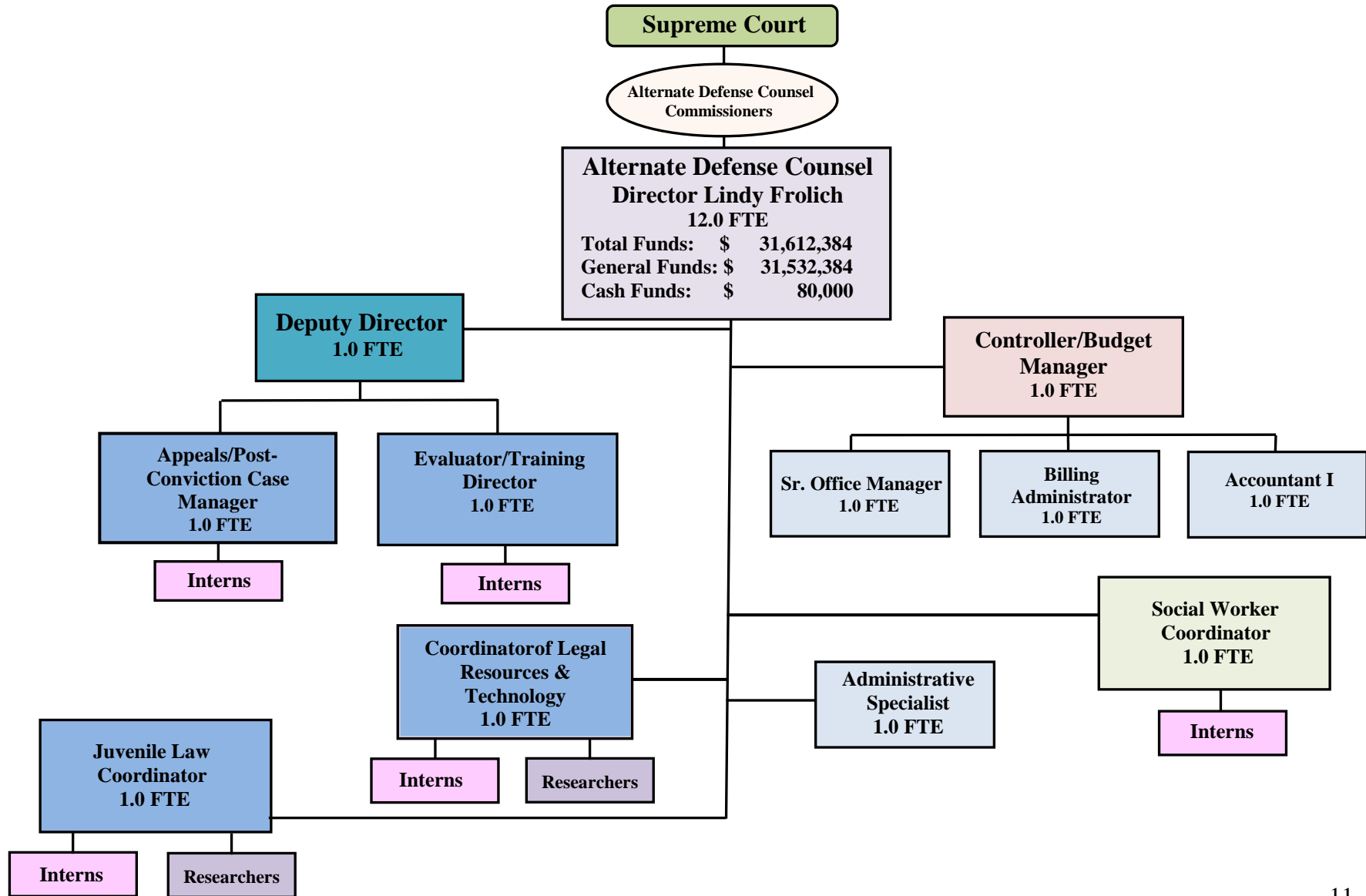
Office of the Alternate Defense Counsel
 FY2017-18 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	General Funds Exempt (GFX)	Cash Funds (CF)	Appropriated Funds (RF)	Federal Funds (FF)
Capital Outlay							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 4,703	-	\$ 4,703	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 4,703		\$ 4,703	\$ -	\$ -	\$ -	\$ -
Annualization of FY 2016-17 Capital Outlay	\$ (4,703)	-	\$ (4,703)	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
Training and Conferences							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 60,000	-	\$ 20,000	\$ -	\$ 40,000	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 60,000		\$ 20,000	\$ -	\$ 40,000	\$ -	\$ -
FY 2017-18 Base Request	\$ 60,000	-	\$ 20,000	\$ -	\$ 40,000	\$ -	\$ -
FY2017-18 D2 (R-2) Increase Training Cash Fund Authority (to \$80,000)	\$ 40,000	-	\$ -	\$ -	\$ 40,000	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 100,000	-	\$ 20,000	\$ -	\$ 80,000	\$ -	\$ -
Conflict-of-interest Contracts							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$27,971,145	-	\$ 27,971,145	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$27,971,145		\$ 27,971,145	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$27,971,145	-	\$ 27,971,145	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$27,971,145	-	\$ 27,971,145	\$ -	\$ -	\$ -	\$ -
Mandated Costs							
FY 2016-17 Long Bill Appropriation, HB 16-1405	\$ 1,830,862	-	\$ 1,830,862	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation	\$ 1,830,862		\$ 1,830,862	\$ -	\$ -	\$ -	\$ -
FY 2017-18 Base Request	\$ 1,830,862	-	\$ 1,830,862	\$ -	\$ -	\$ -	\$ -
FY 2017-18 November 01 Request	\$ 1,830,862	-	\$ 1,830,862	\$ -	\$ -	\$ -	\$ -
FY 2016-17 Total Appropriation (Long Bill plus Special Bills)	\$31,403,173	12.0	\$ 31,363,173	\$ -	\$ 40,000	\$ -	\$ -
FY 2017-18 Base Request	\$31,464,672	12.0	\$ 31,424,672	\$ -	\$ 40,000	\$ -	\$ -
FY 2017-18 November 01 Request	\$31,612,384	12.0	\$ 31,532,384	\$ -	\$ 80,000	\$ -	\$ -
Change FY 2016-17 Appropriation to FY 2017-18 Base Request	\$ 61,499	-	\$ 61,499	\$ -	\$ -	\$ -	\$ -
Change FY 2017-18 Base Request to FY 2017-18 Nov 01 Request	\$ 147,712	-	\$ 107,712	\$ -	\$ 40,000	\$ -	\$ -
Percent Change	0.67%	0.00%	0.54%	0.00%	100.00%	0.00%	0.00%
Change FY 2016-17 Appropriated to FY 2017-18 Base Request - From Annualizations	\$ (5,653)	\$-	\$ (4,703)	\$ -	\$ -	\$ -	\$ -
Percent Change - From Annualizations	-0.02%	0.00%	-0.01%	0.00%	0.00%	0.00%	0.00%
Change FY 2016-17 Appropriated to FY 2017-18 Base Request - From Common Policy	\$ 177,216	\$-	\$ 177,216	\$ -	\$ -	\$ -	\$ -
Percent Change - From Common Policy	0.56%	0.00%	0.57%	0.00%	0.00%	0.00%	0.00%

Agency Overview

Organizational Chart

Office of the Alternate Defense Counsel



The Office of the Alternate Defense Counsel

Background

The United States and Colorado Constitutions provide every accused person with the right to be represented by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which incarceration is a possible penalty.

The Office of the Alternate Defense Counsel (OADC) was established pursuant to [C.R.S. § 21-2-101, et. seq.](#) as an independent governmental Agency of the State of Colorado Judicial Branch. The OADC is funded to provide legal representation for indigent persons in criminal and juvenile delinquency cases where the Office of the State Public Defender (OSPD) has an ethical conflict of interest.

Statutory Mandate/Directive

The Office of the Alternate Defense Counsel is mandated by statute to "provide to indigent persons accused of crimes, *legal services 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." [C.R.S. § 21-2-101\(1\)](#) (emphasis added).

Mission

The mission of the Office of the Alternate Defense Counsel is to provide indigent adults and juveniles charged with crimes the best legal representation possible. This representation *must* uphold the federal and state constitutional and statutory mandates, ethical rules, and nationwide standards of practice for defense lawyers. As a state Agency, the OADC strives to achieve this mission by balancing its commitment to insuring that indigent defendants and juveniles receive high quality, effective legal services with its responsibility to the taxpayers of the State of Colorado.

Vision

- ★ *To foster high-quality, cost-effective legal representation for indigent defendants and juveniles through exemplary training, thorough evaluation, and the effective use of modern technology and evidence based practices.*

See [Appendix B](#) for Prior Year Legislation, Hot Topics, and Cases that May Affect OADC.

See [Appendix C](#) for the Agency's Objectives and Performance Measures.

WORK LOAD INDICATORS

Total Caseload and Case Type

FY12 - FY16	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual
<i>F1 Death Penalty</i>	2	2	3	3	2
<i>F1 Non-Death Penalty</i>	111	104	123	120	110
<i>* F2-F3</i>	2,323	2,533	2,731	2,074	2,125
<i>* F4-F6</i>	4,064	4,512	4,870	5,821	6,303
<i>Juvenile</i>	1,496	1,235	1,437	1,773	2,103
<i>Adult Probation</i>	1	-	-	-	
<i>Misdemeanor DUI Traffic</i>	2,406	2,512	3,053	3,905	4,306
<i>Total Trial Cases</i>	10,403	10,898	12,217	13,696	14,949
<i>Appeal Cases</i>	691	697	762	806	725
<i>35b/35c & Post Conviction</i>	471	461	558	562	542
<i>Other Special Proceedings</i>	1,020	1,234	1,547	1,616	2,028
<i>Total Cases</i>	12,585	13,290	15,084	16,680	18,244

**In FY15 and FY16 DF1 is combined with F2-F3, and DF2-DF4 are combined with F4-F6.*

Beginning July 1, 2016, the OADC launched its new state-wide, web-based billing system that was designed with funds from the legislature. The new system enables the Agency to better track its cases, and easily provide a more specific breakdown of individual case types. Thus the following charts only contain data for FY16, and projections for FY17 and FY18 .

Trial Cases	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
<i>F1</i>	112	0.7%	123	0.8%	112	0.7%
<i>F2</i>	473	3.2%	287	2.0%	473	3.2%
<i>F3</i>	1,322	8.8%	1,587	10.9%	1,322	8.8%
<i>F4</i>	1,952	13.1%	2,404	16.6%	1,952	13.1%
<i>F5</i>	1,243	8.3%	1,139	7.9%	1,243	8.3%
<i>F6</i>	923	6.2%	988	6.8%	923	6.2%
<i>DF1</i>	330	2.2%	200	1.4%	330	2.2%
<i>DF2</i>	294	2.0%	244	1.7%	294	2.0%
<i>DF3</i>	389	2.6%	383	2.6%	389	2.6%
<i>DF4</i>	1,502	10.0%	1,175	8.1%	1,502	10.0%
<i>Juvenile</i>	2,103	14.1%	1,871	12.9%	2,103	14.1%
<i>Misdemeanor DUI Traffic</i>	4,306	28.8%	4,100	28.3%	4,306	28.8%
Total	14,949	100.0%	14,500	100.0%	14,949	100.0%

Appeal Cases	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
<i>F1</i>	109	15.0%	110	13.6%	109	15.0%
<i>F2</i>	120	16.6%	124	15.3%	120	16.6%
<i>F3</i>	201	27.7%	245	30.1%	201	27.7%
<i>F4</i>	137	18.9%	171	21.0%	137	18.9%
<i>F5</i>	42	5.8%	42	5.2%	42	5.8%
<i>F6</i>	33	4.6%	34	4.2%	33	4.6%
<i>DF1</i>	1	0.1%	1	0.1%	1	0.1%
<i>DF2</i>	3	0.4%	3	0.4%	3	0.4%
<i>DF3</i>	3	0.4%	3	0.4%	3	0.4%
<i>DF4</i>	2	0.3%	2	0.2%	2	0.3%
<i>Juvenile</i>	13	1.8%	13	1.6%	13	1.8%
<i>Misdemeanor DUI Traffic</i>	61	8.4%	65	8.0%	61	8.4%
Total	725	100.0%	814	1	725	100.0%

Post-Conviction Cases	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
<i>F1</i>	96	17.7%	154	27.2%	96	17.7%
<i>F2</i>	65	12.0%	86	15.1%	65	12.0%
<i>F3</i>	147	27.1%	164	28.8%	147	27.1%
<i>F4</i>	90	16.6%	100	17.6%	90	16.6%
<i>F5</i>	33	6.1%	19	3.3%	33	6.1%
<i>F6</i>	25	4.6%	17	3.0%	25	4.6%
<i>DF1</i>	1	0.2%	2	0.3%	1	0.2%
<i>DF2</i>	7	1.3%	11	1.9%	7	1.3%
<i>DF3</i>	3	0.6%	5	0.8%	3	0.6%
<i>DF4</i>	4	0.7%	6	1.1%	4	0.7%
<i>Juvenile</i>	13	2.4%	-	0.0%	13	2.4%
<i>Misdemeanor DUI Traffic</i>	58	10.7%	5	0.8%	58	10.7%
Total	542	100.0%	568	100.0%	542	100.0%

Other / Special Proceedings Cases	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
<i>F1</i>	10	0.5%	3	0.2%	10	0.5%
<i>F2</i>	36	1.8%	1	0.1%	36	1.8%
<i>F3</i>	76	3.7%	52	3.2%	76	3.7%
<i>F4</i>	231	11.4%	237	14.5%	231	11.4%
<i>F5</i>	232	11.4%	188	11.5%	232	11.4%
<i>F6</i>	173	8.5%	197	12.1%	173	8.5%
<i>DF1</i>	1	0.0%	-	0.0%	1	0.0%
<i>DF2</i>	6	0.3%	1	0.1%	6	0.3%
<i>DF3</i>	22	1.1%	7	0.4%	22	1.1%
<i>DF4</i>	131	6.5%	54	3.3%	131	6.5%
<i>Juvenile</i>	304	15.0%	254	15.6%	304	15.0%
<i>Misdemeanor DUI Traffic</i>	806	39.7%	638	39.1%	806	39.7%
Total	2,028	100.0%	1,632	100.0%	2,028	100.0%

Other/Special Proceedings include the following Categories: Community Corrections Violation; Deferred Judgement Revocation; Juvenile as Adult; Motion to Withdraw Plea - 32(d); Petition for Certiorari; Probation Revocation; Review of Magistrate's Order; Rule 21; and Special Proceedings.

Total Cases	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
<i>F1</i>	327	1.8%	391	2.2%	327	1.8%
<i>F2</i>	694	3.8%	498	2.8%	694	3.8%
<i>F3</i>	1,746	9.6%	2,048	11.7%	1,746	9.6%
<i>F4</i>	2,410	13.2%	2,911	16.6%	2,410	13.2%
<i>F5</i>	1,550	8.5%	1,388	7.9%	1,550	8.5%
<i>F6</i>	1,154	6.3%	1,236	7.1%	1,154	6.3%
<i>DF1</i>	333	1.8%	203	1.2%	333	1.8%
<i>DF2</i>	310	1.7%	259	1.5%	310	1.7%
<i>DF3</i>	417	2.3%	398	2.3%	417	2.3%
<i>DF4</i>	1,639	9.0%	1,237	7.1%	1,639	9.0%
<i>Juvenile</i>	2,433	13.3%	2,138	12.2%	2,433	13.3%
<i>Misdemeanor DUI Traffic</i>	5,231	28.7%	4,807	27.4%	5,231	28.7%
Grand Total	18,244	100.0%	17,514	100%	18,244	100.0%

See Appendix D for a listing of how OADC classifies felony cases for billing purposes. (Type A and Type B)

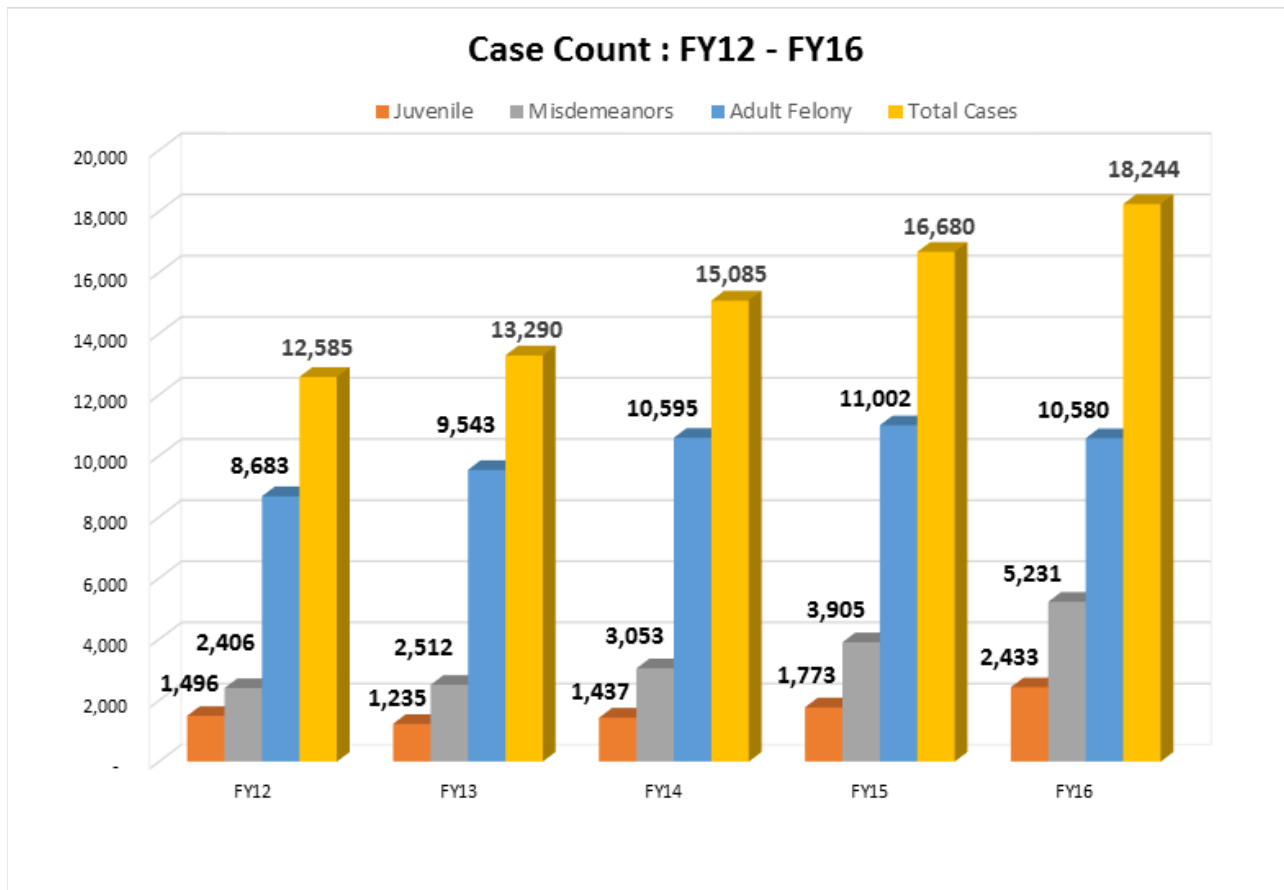
The following chart provides an overview of the total number of cases handled by agency contractors, including a percentage of each case type (Felony, Misdemeanor and Juvenile). As this information shows, 58% of the agency's total case load consists of Adult Felony cases.

Total Cases by Type	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
Adult Felony	10,580	58.0%	10,471	59.8%	10,580	58.0%
Juvenile	2,433	13.3%	2,126	12.1%	2,433	13.3%
Misdemeanors	5,231	28.7%	4,917	28.1%	5,231	28.7%
Grand Total	18,244	100.0%	17,514	100.0%	18,244	100.0%

The following chart shows a breakdown of all OADC cases by Category (Trial, Appeal, Post-conviction, and Other/Special Proceedings). As this chart shows, over 80% of the cases handled by OADC contractors are on the trial court level.

Totals Cases by Category	FY16 Actual	FY16 % of Total	FY17 Budget	FY17 % of Total	FY18 Request	FY18 % of Total
Trial	14,949	81.9%	14,500	82.8%	14,949	81.9%
Appeal	725	4.0%	814	4.6%	725	4.0%
Post Conviction	542	3.0%	568	3.2%	542	3.0%
*Other/Special Proceedings	2,028	11.1%	1,632	9.3%	2,028	11.1%
Grand Total	18,244	100.0%	17,514	100.0%	18,244	100.0%

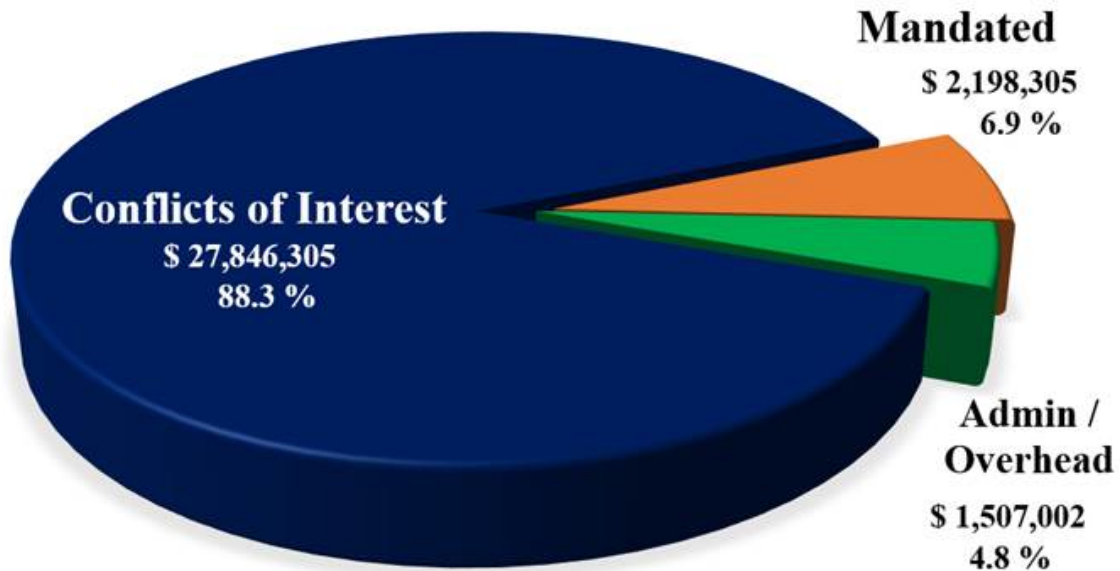
*Other/Special Proceedings include the following Categories: Community Corrections Violation; Deferred Judgement Revocation; Juvenile as Adult; Motion to Withdraw Plea - 32(d); Petition for Certiorari; Probation Revocation; Review of Magistrate's Order; Rule 21; and Special Proceedings.



Total Case Payment Transactions Processed by the Agency:

	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Caseload	12,585	13,290	15,085	16,680	18,244	17,514	18,244
Transactions	43,327	46,144	52,900	58,911	64,997	65,603	64,997
Average Case Transactions	3.44	3.47	3.51	3.53	3.56	3.75	3.56

**FY15 - 16
TOTAL EXPENDITURES FOR THE OADC**



**Schedule 13
FY17-18 Funding Request R-1**

**Schedule 13
Funding Request for the 2017-18 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)
 Request Title: OADC Salary Survey
 Priority Number: R-1
 Dept. Approval Date: 10/28/2016

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2017-18 |
| <input type="checkbox"/> Base Reduction Item FY 2017-18 |
| <input type="checkbox"/> Supplemental FY 2016-17 |
| <input type="checkbox"/> Budget Amendment FY 2016-17 |

Line Item Information		FY 2015-16		FY 2016-17		FY 2018-19
		1	2	3	4	5
	Fund	Appropriation FY 2015-16	Supplemental Request FY 2016-17	Base Request FY 2017-18	Funding Change Request FY 2017-18	Continuation Amount FY 2018-19
Total of All Line Items	Total	-	-	1,358,131	107,712	1,465,843
	FTE	-	-	-	-	-
	GF	-	-	1,358,131	107,712	1,465,843
Personal Services	Total	-	-	1,218,304	96,543	1,314,847
	FTE	-	-	-	-	-
	GF	-	-	1,218,304	96,543	1,314,847
Salary Survey (COLA -2.5%)	Total	-	-	30,458	2,157	32,615
	FTE	-	-	-	-	-
	GF	-	-	30,458	2,157	32,615
Short-Term Disability	Total	-	-	2,126	168	2,294
	FTE	-	-	-	-	-
	GF	-	-	2,126	168	2,294
AED SB 04-257	Total	-	-	55,948	4,422	60,370
	FTE	-	-	-	-	-
	GF	-	-	55,948	4,422	60,370
SAED SB 06-235	Total	-	-	51,295	4,422	55,717
	FTE	-	-	-	-	-
	GF	-	-	51,295	4,422	55,717

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

Cash or Federal Fund Name and CORE Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:



Judicial Branch
Office of the Alternate Defense Counsel
FY 2017-18 Funding Request

Lindy Frolich
 Director

Agency Priority: Decision Item R - 1				
OADC Salary Survey				
Summary of Funding/FTE Change for FY17-18	Total Funds	General Funds	Cash Funds	FTE
OADC Salary Survey	\$ 107,712	\$ 107,712	\$ 0	0.00

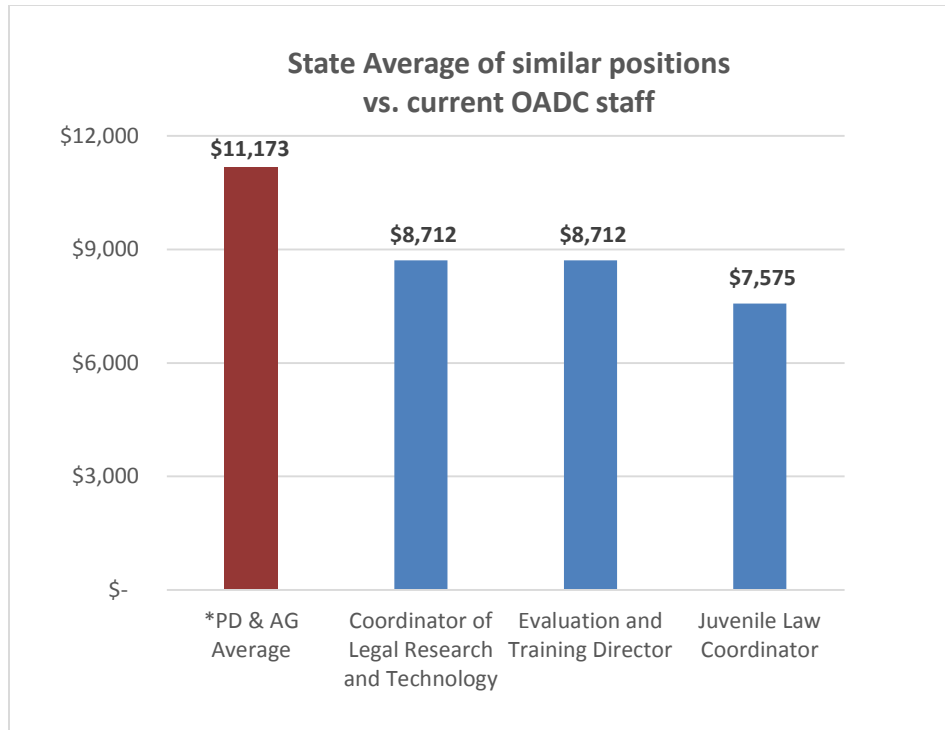
Request Summary:

The Office of the Alternate Defense Counsel is requesting \$107,712 (General Fund) in addition to the Common Policy Total Compensation Request of the Executive Branch in order to fully fund 4 FTE staff to align their salaries with comparable positions within the State of Colorado.

The Problem and Opportunity:

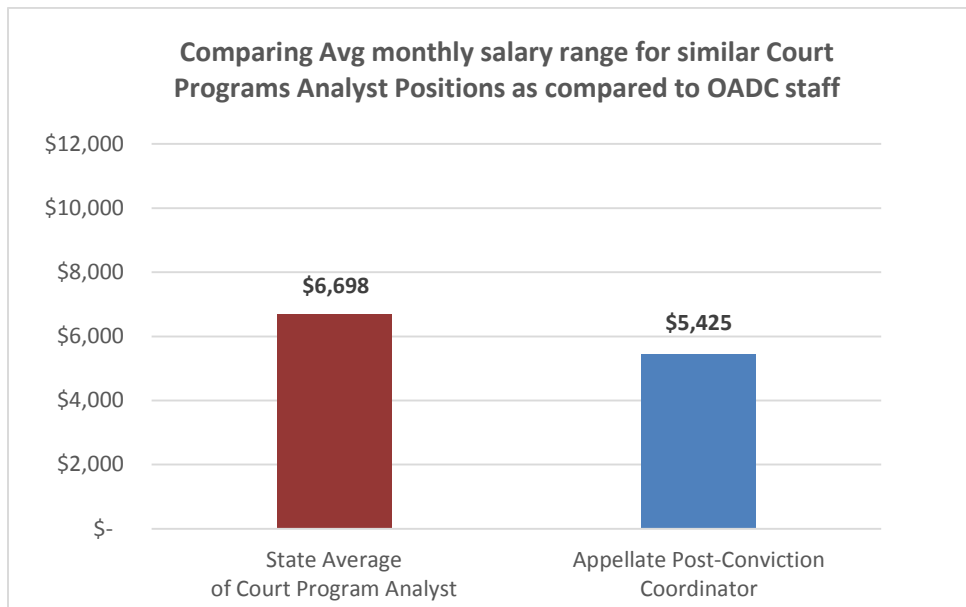
The OADC Evaluation and Training Director of 9 years left the OADC for a similar position that pays tens of thousands of dollars more. At the conclusion of the search for a new Evaluation and Training Director, the Agency's first choice declined the job because of the salary. That led us to conduct an in house salary survey to compare current staff salaries with corresponding agencies across the state. The survey was independently performed by our office with the assistance of the Colorado Department of Personnel & Administration. The survey included all agencies within the state and focused on Class Title and monthly salary rates and is pulled from the July 2016 State Workforce file. This survey did not include data from non-governmental or private attorney offices. The findings clearly demonstrate that the OADC salaries are not competitive when compared to other similar state agency positions such as Managing Deputy State PD, Legal Division Director, and 1st Assistant Attorney General.

The results of the survey found that, when comparing these competitive positions, the current state average salary is \$11,173/month. This amount is higher than current OADC staff salaries by approximately 28% to 46% as shown by the chart below:



*Details of the above chart can be seen in Table A. *PD & AG Averages data include Legal Division Director, Managing Deputy State PD, and 1st Asst Attorney General*

The survey also compared the OADC Appeals/Post-Conviction Case Manager, a position closely aligned with the Court Programs Analyst classification based on job description. The results of the survey found that, when comparing these competitive positions, the current state average is \$6,698/month. This amount is higher than current OADC staff by approximately 23% as shown by the chart:



Details of the above chart can be seen in Table B

Brief Background:

In FY16, the OADC’s caseload was over 18,000 cases, and the Agency contracts with over 600 lawyers, investigators, paralegals and social workers.

The following positions each represent a Division within the Office of the Alternate Defense Counsel: Coordinator of Legal Resources and Technology; Juvenile Defense Coordinator; and Evaluator/Training Director. These Division coordinators/directors are responsible for overseeing, evaluating, and advising contractors in the following areas: case strategy, agency policy, ethical questions, client relationships, court procedures, technology, training, performance evaluations, and changes in the law. In addition, each OADC Division lead supervises or facilitates interns and other ancillary service providers. These positions also participate in state organizations, and assist with budget preparation and legislative efforts.

The Agency has chosen to compare the positions of First Attorney General, Managing State Public Defender, and Legal Division Director. The following is a list of comparable skills and responsibilities from the job descriptions of both the First Attorney General and Managing State PD and known duties of Legal Division Director*:

Position	Summary of duties
1st Asst Attorney General	Supervised attorneys, investigators, paralegals, participates in state organizations, training, draft policy, budget preparation, evaluates attorney performance, carry a caseload, reviews and drafts legislation.
Managing State Public Defender	Overall management of an office, including administration, personnel, supervision, training, caseload management, ethics

**The agency was not able to obtain a job description for this position, but believes that the duties associated with this position closely align with duties of the 3 OADC Division lead positions.*

The Appellate and Post-conviction Case Manager also heads up a Division within the office, under the supervision of the Deputy Director. That position is responsible for tracking all appellate and post-conviction cases that come through the OADC, from inception through assignment to an OADC lawyer. This includes participating in the development, implementation, tracking and monitoring of OADC appellate and post-conviction procedures. The position is also responsible for insuring that deadlines are met by monitoring the appellate record and certification thereof through management and coordination of activities between OADC lawyers, court reporters, clerks of court, the OSPD appellate division and the Colorado Court of Appeals. The case manager resolves client questions and issues as they arise, responds to questions from judges, court clerks, Court of Appeals’ staff, OADC contract lawyers, and OADC staff.

This position also plans and provides training for OADC contract paralegals, and supervises the Agency’s paralegal interns. The case manager assists in the organization and indexing of discovery in complex and multi co-defendant cases, and recommends the implementation of new

processes that promote due process, maximize resources and contribute to the smooth functioning of the judicial system.

Position	Summary of duties
Court Program Analyst	<p>Manages and administers two or more statewide court programs or projects; supervises at least 5 other analysts. Identifies areas to implement new policies and procedures; coordinates implementation with various court systems and other state agencies.</p> <p>Reviews and evaluates organizational policies, practices, structure, functions, programs, work methods, resources, relationships between various court systems, and management and program performance; increases efficiency and effectiveness of state court systems.</p> <p>Analyzes proposed legislation, judicial processes, and procedures for possible impact on the statewide court system.</p>

Proposed Solution:

For the FY2017-18 request year, the Office of the Alternate Defense Counsel is requesting \$107,712 to increase staff salaries to a competitive level with similar positions within the State.

This amount is requested in addition to the Governor’s recommended 2.5% COLA adjustment.

Alternatives:

There are three primary alternatives: Fully fund the request, partially fund the request or not fund the request.

Anticipated Outcomes:

The proposed salary increases will close a substantial gap in salaries and move the affected personnel closer to alignment with similar positions within the state. It will also enable the OADC to attract qualified professionals and maintain its pool of expertise and experience.

Assumptions for Calculations:

The agency is requesting a monthly base salary increase of \$2,402 for the position of Coordinator of Legal Research and Technology (R43010), a monthly base salary increase of \$1,288 for the Evaluation and Training Director (R43010), a monthly base salary increase of \$2,425 for the Juvenile Law Coordinator (R43020), and a monthly base salary increase of \$1,075.29 for the Appellate Post-Conviction Case Manager (R41671). The incremental monthly salary adjustment, and corresponding COLA and POTS allocations are shown on the following tables:

This table shows the current monthly base salaries for each position, proposed monthly base salaries, and the incremental monthly adjustment and percentage change.

Position Title	Position Number	Job Class	Current Monthly Base Salary	Proposed Monthly Base Salary	Incremental Monthly adjustment	% Change
Coordinator of Legal Research and Technology	92310	R43010	\$ 8,712.00	\$ 11,114.00	\$ 2,402.00	27.57%
Evaluation and Training Director	92307	R43010	\$ 8,712.00	\$ 10,000.00	\$ 1,288.00	14.78%
Juvenile Law Coordinator	92311	R43020	\$ 7,575.00	\$ 10,000.00	\$ 2,425.00	32.01%
Appellate Post-Conviction Coordinator	92306	R41671	\$ 5,424.71	\$ 6,500.00	\$ 1,075.29	19.82%
Monthly Totals			\$ 30,423.71	\$ 37,614.00	\$ 7,190.29	

This table shows the full year cost of the proposed increases.

Position Title	Position Number	Job Class	Incremental Monthly adjustment	FY18 Common Policy Increase (COLA) 2.5%	Adjusted w/ COLA	PERA	AED	SAED	HLD	Medicare	STD	Total State Share
Coordinator of Legal Research and Technology	92310	R43010	\$ 2,402.00	\$ 60.05	\$ 2,462.05	\$ 249.90	\$ 123.10	\$ 123.10	\$ -	\$ 35.70	\$ 4.68	\$ 2,999
Evaluation and Training Director	92307	R43010	\$ 1,288.00	\$ 32.20	\$ 1,320.20	\$ 134.00	\$ 66.01	\$ 66.01	\$ -	\$ 19.14	\$ 2.51	\$ 1,608
Juvenile Law Coordinator	92311	R43020	\$ 2,425.00	\$ 60.63	\$ 2,485.63	\$ 252.29	\$ 124.28	\$ 124.28	\$ -	\$ 36.04	\$ 4.72	\$ 3,027
Appellate Post-Conviction Coordinator	92306	R41671	\$ 1,075.29	\$ 26.88	\$ 1,102.17	\$ 111.87	\$ 55.11	\$ 55.11	\$ -	\$ 15.98	\$ 2.09	\$ 1,342
Monthly increase			\$ 7,190.29	\$ 179.76	\$ 7,370.05	\$ 748.06	\$ 368.50	\$ 368.50	\$ -	\$ 106.87	\$ 14.00	\$ 8,976
Annual Increase			\$ 86,283.48	\$ 2,157.09	\$ 88,440.57	\$ 8,976.72	\$ 4,422.03	\$ 4,422.03	\$ -	\$ 1,282.39	\$ 168.04	\$ 107,712

Impact on Other Government Agencies: N/A

Cash Fund Projections: N/A

Relation to Performance Measures: **Performance Measure B:** Contain the total number of Attorney hours per case, **Performance Measure C:** Provide high quality trainings, **Performance Measure D:** Provide Cost-effective Research Tools and Assistance, **Performance Measure E:** Monitor and Evaluate Contractors, and **Performance Measure G:** Strength OADC's Juvenile Division.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Table A

Class Title	Salary
LEGAL DIVISION DIRECTOR	\$ 13,849
LEGAL DIVISION DIRECTOR	\$ 13,377
LEGAL DIVISION DIRECTOR	\$ 12,147
LEGAL DIVISION DIRECTOR	\$ 11,234
MANAGING DEPUTY STATE PD	\$ 13,813
MANAGING DEPUTY STATE PD	\$ 13,751
MANAGING DEPUTY STATE PD	\$ 13,525
MANAGING DEPUTY STATE PD	\$ 13,525
MANAGING DEPUTY STATE PD	\$ 13,525
MANAGING DEPUTY STATE PD	\$ 13,481
MANAGING DEPUTY STATE PD	\$ 12,953
MANAGING DEPUTY STATE PD	\$ 12,874
MANAGING DEPUTY STATE PD	\$ 12,874
MANAGING DEPUTY STATE PD	\$ 12,874
MANAGING DEPUTY STATE PD	\$ 12,874
MANAGING DEPUTY STATE PD	\$ 12,874
MANAGING DEPUTY STATE PD	\$ 11,927
MANAGING DEPUTY STATE PD	\$ 11,927
MANAGING DEPUTY STATE PD	\$ 11,561
MANAGING DEPUTY STATE PD	\$ 10,622
MANAGING DEPUTY STATE PD	\$ 9,983
MANAGING DEPUTY STATE PD	\$ 9,983
MANAGING DEPUTY STATE PD	\$ 9,527
MANAGING DEPUTY STATE PD	\$ 9,106
MANAGING DEPUTY STATE PD	\$ 9,106
MANAGING DEPUTY STATE PD	\$ 8,633
MANAGING DEPUTY STATE PD	\$ 8,633
1ST ASST ATTORNEY GENERAL	\$ 12,323
1ST ASST ATTORNEY GENERAL	\$ 11,837
1ST ASST ATTORNEY GENERAL	\$ 11,837
1ST ASST ATTORNEY GENERAL	\$ 11,720
1ST ASST ATTORNEY GENERAL	\$ 11,597
1ST ASST ATTORNEY GENERAL	\$ 11,410
1ST ASST ATTORNEY GENERAL	\$ 11,399
1ST ASST ATTORNEY GENERAL	\$ 11,333
1ST ASST ATTORNEY GENERAL	\$ 11,333
1ST ASST ATTORNEY GENERAL	\$ 11,306
1ST ASST ATTORNEY GENERAL	\$ 11,288
1ST ASST ATTORNEY GENERAL	\$ 11,262
1ST ASST ATTORNEY GENERAL	\$ 11,223
1ST ASST ATTORNEY GENERAL	\$ 11,223
1ST ASST ATTORNEY GENERAL	\$ 11,203
1ST ASST ATTORNEY GENERAL	\$ 11,114
1ST ASST ATTORNEY GENERAL	\$ 10,992

Avg Class Title per State	\$ 11,173.15
Median Class Title per State	\$ 11,053.00

Coord of Legal Research and Tech	\$ 8,712.00
Evaluations and Training Director	\$ 8,712.00
Juvenile Law Coord	\$ 7,575.00

Coord of Legal Research and Tech is within % of Avg	-28.25%
Coord of Legal Research and Tech is within % of Median	-26.87%

Evaluations and Training Director is within % of Avg	-28.25%
Evaluations and Training Director is within % of Median	-26.87%

Juvenile Law Coord is within % of Avg	-47.50%
Juvenile Law Coord within % of Median	-45.91%

1ST ASST ATTORNEY GENERAL	\$ 10,957
1ST ASST ATTORNEY GENERAL	\$ 10,900
1ST ASST ATTORNEY GENERAL	\$ 10,865
1ST ASST ATTORNEY GENERAL	\$ 10,822
1ST ASST ATTORNEY GENERAL	\$ 10,793
1ST ASST ATTORNEY GENERAL	\$ 10,790
1ST ASST ATTORNEY GENERAL	\$ 10,683
1ST ASST ATTORNEY GENERAL	\$ 10,588
1ST ASST ATTORNEY GENERAL	\$ 10,576
1ST ASST ATTORNEY GENERAL	\$ 10,507
1ST ASST ATTORNEY GENERAL	\$ 10,430
1ST ASST ATTORNEY GENERAL	\$ 10,208
1ST ASST ATTORNEY GENERAL	\$ 10,200
1ST ASST ATTORNEY GENERAL	\$ 10,200
1ST ASST ATTORNEY GENERAL	\$ 10,200
1ST ASST ATTORNEY GENERAL	\$ 10,170
1ST ASST ATTORNEY GENERAL	\$ 10,145
1ST ASST ATTORNEY GENERAL	\$ 10,115
1ST ASST ATTORNEY GENERAL	\$ 10,068
1ST ASST ATTORNEY GENERAL	\$ 10,062
1ST ASST ATTORNEY GENERAL	\$ 10,057
1ST ASST ATTORNEY GENERAL	\$ 9,800
1ST ASST ATTORNEY GENERAL	\$ 9,800
1ST ASST ATTORNEY GENERAL	\$ 9,281

Table B

Class Title	Monthly Salary
Court Programs Analyst IV	\$9,502.80
Crt Programs Analyst III	\$8,500.59
Crt Programs Analyst III	\$8,500.59
Crt Programs Analyst III	\$7,871.30
Court Programs Analyst II	\$7,225.00
Crt Programs Analyst III	\$7,193.37
Court Programs Analyst II	\$7,023.87
Court Programs Analyst II	\$6,939.21
Court Programs Analyst I	\$6,544.62
Court Programs Analyst II	\$6,506.90
Crt Programs Analyst III	\$6,472.75
Court Programs Analyst II	\$6,418.32
Court Programs Analyst II	\$6,307.74
Court Programs Analyst II	\$6,201.56
Court Programs Analyst II	\$5,966.79
Court Programs Analyst II	\$5,952.05
Court Programs Analyst II	\$5,823.41
Court Programs Analyst II	\$5,784.27
Court Programs Analyst II	\$5,643.02
Court Programs Analyst II	\$5,392.05
Court Programs Analyst I	\$4,883.23

Avg Class Title per State	\$6,697.78
Median Class Title per State	\$6,472.75

Appellate Post-Conviction Cord	\$ 5,424.71
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Appel Post-Conv Cord is within % of Avg	-23.47%
Appel Post-Conv Cord is within % of Median	-19.32%

Schedule 13
FY17-18 Funding Request R-2

Schedule 13
Funding Request for the 2017-18 Budget Cycle

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)
 Request Title: Increase Training Cash Funds Spending Authority
 Priority Number: R-2
 Dept. Approval Date: 10/21/2016

- Decision Item FY 2017-18
- Base Reduction Item FY 2017-18
- Supplemental FY 2016-17
- Budget Amendment FY 2016-17

Line Item Information		FY 2015-16		FY 2016-17		FY 2018-19
		1	2	3	4	5
	Fund	Appropriation FY 2015-16	Supplemental Request FY 2016-17	Base Request FY 2017-18	Funding Change Request FY 2017-18	Continuation Amount FY 2018-19
Total of All Line Items	Total	60,000	-	60,000	40,000	40,000
	FTE	-	-	-	-	-
	GF	20,000	-	20,000	-	-
	GFE	-	-	-	-	-
	CF	40,000	-	40,000	40,000	40,000
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Training	Total	60,000	-	60,000	40,000	40,000
	FTE	-	-	-	-	-
	GF	20,000	-	20,000	-	-
	GFE	-	-	-	-	-
	CF	40,000	-	40,000	40,000	40,000
	RF	-	-	-	-	-
	FF	-	-	-	-	-

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

Cash or Federal Fund Name and CORE Fund Number: Training and Conferences (Fund 1000 / Appr JCHLT2050)

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:



Judicial Branch
Office of the Alternate Defense Counsel
FY 2017-18 Funding Request

Lindy Frolich
 Director

Agency Priority: Decision Item R - 2

Increase Training Cash Fund Spending Authority

Summary of Funding/FTE Change for FY17-18	Total Funds	General Funds	Cash Funds	FTE
Increase Training Cash Fund Spending Authority	\$ 40,000	\$ 0	\$ 40,000	0.00

Request Summary:

Increase the Office of the Alternate Defense Counsel (OADC) training cash fund spending authority by \$40,000. This request is to insure that the agency can meet the training needs of its contractors (attorneys, investigators, paralegals, and social workers). The additional cash fund spending authority will allow the agency to charge additional fees for trainings to cover increases in expenditures.

The Problem and Opportunity:

The OADC has exhausted the number of trainings it can offer under its current funding structure. The agency sees the opportunity to better train its four categories of contractors (attorneys, investigators, paralegals, and social workers) with additional cash spending authority. More highly trained contractors correlate to more effective and efficient representation.

Brief Background:

The OADC's current training budget consists of a \$20,000 General Fund appropriation and cash spending authority of \$40,000. The popularity of the agency's training program has continued to expand to accommodate all four contractor groups. For FY18, the agency estimates an 18% increase of attendees from the previous fiscal year. The increase in attendees brings increased revenue to the program and additional spending authority will allow that revenue to be captured and fund continued expansion of the training program.

Proposed Solution

An additional \$40,000 in cash spending authority will allow the agency to further promote best practices and continue insuring quality representation for indigent defendants and juveniles. This increase will enhance the Agency's ability to distribute training videos and materials throughout the state and facilitate webcasting.

The OADC continues to webcast and/or record a majority of its trainings to insure that its trainings are available to contractors statewide. Previous fiscal years show that production costs have exceeded the revenue the agency can currently collect. It is essential to provide quality training for all contractors across the state. This can only be accomplished by an increase in the cash spending authority that would allow OADC to charge more for the trainings in order to cover costs. Additionally, there are a growing number of specific legal topics that require the agency to work with experts in those topics to develop trainings. While every effort is made to obtain these services for free or a reduced cost, consultation time is necessary and requires funding.

Alternatives:

Continue providing training at the current funding levels.

Anticipated Outcomes:

Provide additional and higher quality training for an increased number of OADC contractors and insure provision of training to contractors outside the Denver Metropolitan area.

Operational Details:

The agency's training director will oversee the cash spending authority with the assistance of the agency's Accountant I.

Why this is the best possible alternative:

Increasing the agency's cash spending authority will enable the agency to improve and expand its training program without costing the State of Colorado additional General Fund dollars.

Assumptions for Calculations:

While other state agencies hold continuing legal education (CLE) trainings for their staff lawyers for free, such as the OSPD and the Department of Law, or pay for the cost of CLE's through the Colorado Bar Association, OADC charges *nominal fees* to help fund its training program. In addition, where the above agencies require their employees to attend specific trainings and arrange their schedules around a yearly conference, OADC does not have an annual multi-day conference. OADC contracts now require 5 CLE hours per year in the area of criminal and juvenile defense in order to continue contracting with the OADC. Given these *mandatory* CLE hours, OADC must offer additional trainings in the upcoming years. The cost of webcasting and DVD production currently surpasses the fees that OADC charges. This is solely based on the current cash funding authority of \$40,000. In addition, OADC offers "hands on" Adobe Acrobat training by a highly skilled technology specialist. This technology is key to the electronic discovery model that OADC believes will help contain discovery costs. Although OADC charges a nominal fee, the current cash spending authority limits what fees can be generated. With additional cash funding authority, OADC will be able to charge fees that cover the costs of these technologies. For example, a recent training had 84 participants and of those 29 viewed the training via webcast. The OADC also has separate and distinct training programs for investigators, paralegals, and social workers. In order for these trainings to be state-wide, they must be webcast and/or produced on DVD. The OADC is requesting an additional \$40,000 cash spending authority to insure that it is able to recoup as many fees as possible to cover training costs.

Impact on Other Government Agencies:

If funded with additional cash spending authority, this line item will not impact directly or indirectly any line item of another government agency.

Cash Fund Projections: \$40,000 increase to Cash Fund, \$80,000 total Cash Fund.

Relation to Performance Measures: **Performance Measure B:** Contain the total number of Attorney hours per case, and **Performance Measure C:** Provide high quality trainings.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

**Schedule 2
Department Summary
Judicial Branch
Office of the Alternate Defense Counsel
C.R.S. §21-2-101**

	Actual FY2013-2014		Actual FY2014-2015		Actual FY2015-2016		Appropriated FY2016-2017		Requested FY2017-2018	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Department Total										
Total	25,555,788	8.4	30,361,082	9.1	31,551,612	10.9	31,403,173	12.0	31,612,384	12.0
GF	25,535,788	8.4	30,321,082	9.1	31,511,612	10.9	31,363,173	12.0	31,532,384	12.0
CF	20,000		40,000		40,000		40,000		80,000	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Position Detail										
Director	128,598	1.0	132,842	1.0	145,219	1.0		1.0	159,320	1.0
Deputy	123,067	1.0	127,128	1.0	138,972	1.0		1.0	152,466	1.0
Coordinator of Legal Research & Tech Coordinator	83,688	0.9	100,426	1.0	102,939	1.0		1.0	104,544	1.0
Evaluator/Trainer Staff Attorney	96,936	1.0	100,426	1.0	102,939	1.0		1.0	104,544	1.0
Controller/Budget Manager	75,666	1.0	76,560	1.0	78,474	1.0		1.0	90,900	1.0
Appellate Post Conviction Coordinator	60,696	1.0	62,880	1.0	64,452	1.0		1.0	65,097	1.0
Administrative Specialist	20,400	0.5	14,832	0.5	26,004	0.9		1.0	53,048	1.0
Staff Assistant	110,796	2.0	114,780	2.0						
Juvenile Law Coordinator			52,500	0.6	90,000	1.0		1.0	90,900	1.0
Sr. Office Manager					65,178	1.0		1.0	70,700	1.0
Billing Technician					52,472	1.0		1.0	60,600	1.0
Accountant I					55,011	1.0		1.0	55,000	1.0
Social Worker Coordinator								1.0	84,552	1.0
Continuation Salary Subtotal	699,847	8.4	782,374	9.1	921,659	10.9	1,220,657	12.0	1,091,671	12.0
Other Personal Services										
PERA on Continuation Subtotal (FY14)	68,846		5,889							
PERA on Continuation Subtotal (FY15)			72,934		6,967					
PERA on Continuation Subtotal (FY16)					88,297					
PERA on Continuation Subtotal (FY17)										
PERA on Continuation Subtotal (FY18)									110,805	
DI # R-2 - OADC Salary Survey (FY18) PERA Incremental Increase									8,977	
Medicare on Continuation Subtotal (FY14)	10,041		916							
Medicare on Continuation Subtotal (FY15)			10,502		1,003					
Medicare on Continuation Subtotal (FY16)					12,719					
Medicare on Continuation Subtotal (FY17)										
Medicare on Continuation Subtotal (FY18)									15,829	
DI # R-2 - OADC Salary Survey (FY18) Medicare Incremental Increase									1,282	
Other Personal Services					4,943					
Contractual Services	101,939		43,831		31,414					
Contractual Services (R-1) Access Database										
Termination/Retirement Payouts										
Personal Services Subtotal	880,672	8.4	916,446	9.1	1,067,003	10.9	1,220,657	12.0	1,228,563	12.0
Pots Expenditures										
Health/Life/Dental (FY14)	109,710		9,411							
Health/Life/Dental (FY15)			96,073		9,159					
Health/Life/Dental (FY16)					122,807					

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Health/Life/Dental (FY17)							134,268			
Health/Life/Dental (FY18)									164,476	
Short Term Disability (FY14)	1,341		117							
Short Term Disability (FY15)			1,554		142					
Short Term Disability (FY16)					1,729					
Short Term Disability (FY17)							2,052			
Short Term Disability (FY18)									2,126	
DI # R-2 - OADC Salary Survey (FY18) STD Incremental Increase									168	
Exec Director - Salary Alignment w/ Dist Crt Judge (FY14)			386							
Exec Dir - Salary Alignment w/ Dist Crt Judge (FY15)			10,992							
Deputy Dir - Salary Alignment w/ County Crt Judge (FY14)			369							
Deputy Dir - Salary Alignment w/ County Crt Judge (FY15)			10,519							
Salary Survey - COLA (FY14)	12,817		1,044							
Salary Survey - COLA (FY15)			11,487							
Salary Survey - COLA (FY16)					38,070					
Salary Survey - COLA (FY17)										
Salary Survey - COLA (FY18)									30,458	
DI # R-2 - OADC Salary Survey (FY18) COLA Incremental Increase									2,157	
DI # R-2 - OADC Salary Survey (FY18) - Coord Legl Resrch & Tech									28,824	
DI # R-2 - OADC Salary Survey (FY18) - Eval & Training Director									15,456	
DI # R-2 - OADC Salary Survey (FY18) - Juvenile Law Coord									29,100	
DI # R-2 - OADC Salary Survey (FY18) - Appeal & Post Conv Coord									12,903	
Salary Survey - Compression - Sr. Office Manager					4,822					
Salary Survey - Compression - Billing Technician					7,528					
Salary Survey - Compression - Controller / Budget Mgr					11,526					
Performance Based Pay (non-add) - Merit Pay (FY14)	10,408		835							
Performance Based Pay (non-add) - Merit Pay (FY15)			0							
Performance Based Pay (non-add) - Merit Pay (FY16)					6,761					
Performance Based Pay (non-add) - Merit Pay (FY17)										
AED (FY14)	24,222		2,205							
AED (FY15)			28,674		2,883					
AED (FY16)					38,121					
AED (FY17)							51,836			
AED (FY18)									55,948	
DI # R-2 - OADC Salary Survey (FY18) AED Incremental Increase									4,422	
SAED (FY14)	21,799		2,031							
SAED (FY15)			26,861		2,746					
SAED (FY16)					36,777					

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SAED (FY17)							51,295			
SAED (FY18)									55,948	
DI # R-2 - OADC Salary Survey (FY18) SAED Incremental Increase									4,422	
Personal Services Total Detail	1,060,969	8.4	1,119,003	9.1	1,350,074	10.9	1,460,108	12.0	1,634,972	12.0
Personal Services Reconciliation Authorization										
Long Bill Request	805,230	8.4	839,579	8.5	1,093,458	10.9				
Supplemental - HB 14-1239	94,000									
Juvenile Law Coordinator - HB 14-1032			65,548	0.6						
Health/Life/Dental	99,113		112,745		134,599					
Short Term Disability	1,230		1,694		2,078					
Salary Survey	12,817		28,709		61,947					
Anniversary/Merit Pay	10,408		8,389		6,761					
AED	23,089		30,807		41,541					
SAED	20,771		28,882		40,126					
Transfer In from Operating	(1,312)									
Transfer In from Conflicts	(4,377)		2,651							
Transfer to Conflicts					(22,690)					
Transfer to Operating					(7,745)					
Personal Services Authorization	1,060,969	8.4	1,119,004	9.1	1,350,074	10.9	1,460,108	12.0	1,634,972	12.0
General Fund	1,060,969		1,119,003		1,350,074		1,460,108		1,634,972	
Cash Funds										
Operating Expenses/Capital Outlay										
1920 Personal Svcs - Professional	895		3,525							
1960 Personal Svcs - IT services					2,475					
2210 Other Maintenance/Repair Svcs	496		22							
2231 IT Hardware Maintenance & Repair Services	13,620		14,700		13,714					
2232 IT Software Maintenance Upgrade	3,000									
2250 Misc Rentals					92					
2253 Rental Of Equipment	1,939		2,430		2,506					
2254 Rental of Motor Vehicles			77							
2258 Parking Fees	3,375		0							
2310 Purchased contract services					7,554					
2510 In-State Travel			1,470							

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2511 In-State Common Carrier Fares	575		681		1,005					
2512 In-State Pers Travel Per Diem	5,438		2,754		1,999					
2513 In-State Pers Vehicle Reimbsmt	3,276		2,553		2,895					
2522 Is/Non-Empl - Pers Per Diem	472		1,086		1,034					
2523 Is/Non-Empl - Pers Veh Reimb	2,281		1,404		1,142					
2530 Out-of-State Travel			27							
2531 Os Common Carrier Fares	2,331		1,777		2,342					
2532 Os Personal Travel Per Diem	3,398		2,355		2,778					
2541 Os Non-Empl- Common Carrier					374					
2542 Os Non-Empl- Per Diem					319					
2631 Comm Svcs From Outside Sources	9,828		6,389		6,078					
2680 Printing/Reproduction Services	1,741		1,854		1,163					
2820 Other Purchase Services	50		2,209		6,974					
2831 Storage - Pur Services	140									
3110 Other Supplies & Materials			264		298					
3115 Data Processing Supplies	584									
3116 Noncap It - Purchased Pc Sw	846									
3118 Food And Food Serv Supplies	228		510		1,136					
3120 Books/Periodicals/Subscription	10,696		4,729		2,852					
3121 Office Supplies	2,539		5,690		7,171					
3123 Postage	7,185		2,437		6,174					
3124 Printing/Copy Supplies	2,526									
3128 Noncapitalized Equipment	264		2,514		45					
3131 Noncapitalized Building Materials	34									
3132 Noncap Office Furn/Office Syst	3,275									
3140 Noncapitalized PC - (Individual Items Under \$5,000)	3,398		6,565		16,016					
3141 Noncapitalized IT - Server (Individual Items Under \$5,000)	6,437									
3147 Noncap IT - Purchased Network SW	20									
4100 Other Operating Expenses			1,820		2,271					
4140 Dues And Memberships	3,760		3,968		2,803					

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
4170 Miscellaneous Fees and Fines			0		405					
4220 Registration Fees	2,270		2,585		2,182					
Operating Expenses Total Detail	96,917	0.0	76,394	0.0	95,796	0.0	76,355	0.0	75,405	0.0
Reconciliation										
Long Bill Appropriation	69,210		67,030		75,405				76,355	
Annulization from Social Worker Coordinator DI R-2 FY17									(950)	
HB 14-1032 - Operating / Travel Exp.			4,865							
HB 14-1032 - Capital Outlay			4,703							
Supplemental - HB 14-1239	23,730									
Transfer to/from Personal Services	1,312				7,745					
Transfer to/from Mandated	214									
Transfer to/from Conflicts	2,451		(204)		12,646					
Operating Costs Authorization	96,917	0.0	76,394	0.0	95,796	0.0	76,355	0.0	75,405	0.0
General Fund	96,917		76,394		95,796		76,355		75,405	
Cash Funds										
Capital Outlay Operating										
Capital Outlay			0		4,703				4,703	
Annulization from Social Worker Coordinator DI R-2 FY17									(4,703)	
Capital Outlay Authorized			0		0		4,703		0	
General Fund			0		0		4,703		0	
Cash Funds										
Training/Conference										
Training Conference	42,997		60,916		61,132					
Training/Conference Detail	42,997	0.0	60,916	0.0	61,132	0.0	60,000	0.0	100,000	0.0
Reconciliation										
Long Bill Appropriations	40,000		60,000		60,000				60,000	
DI (R-1) - Increase Training Cash Funds Spending Authority FY18									40,000	
Transfer to/from Conflicts	2,640		916		1,132					
Transfer to/from Mandated	356									
Training/Conference Authorized	42,996	0.0	60,916	0.0	61,132	0.0	60,000	0.0	100,000	0.0
General Fund	22,996		20,916		21,132		20,000		20,000	
Cash Funds	20,000		40,000		40,000		40,000		80,000	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2013-14		Actual FY 2014-15		Actual FY 2015-16		Budgeted FY 2016-17		Request FY 2017-18	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Conflict of Interest Contracts</u>										
Conflict of Interest Contracts	22,416,624		26,861,292		27,846,305				27,971,145	
Conflict of Interest Total Detail	22,416,624	0.0	26,861,292	0.0	27,846,305	0.0	27,971,145	0.0	27,971,145	0.0
<u>Reconciliation</u>										
Long Bill Appropriations	20,234,616		26,615,760		26,615,760					
Supplemental - HB 14-1239	2,821,158									
Supplemental - HB 16-1243					1,392,238					
Transfer to/ from Personal Services	4,377		(2,651)		22,690					
Transfer to/ from Training	(181)		(916)		(1,132)					
Transfer to/ from Operating	(2,627)		204		(12,646)					
Transfer to/ from Mandated	(140,719)		(391,106)		(151,414)					
Reversion					(19,192)					
Conflict of Interest Authorization	22,416,624	0.0	26,861,292	0.0	27,846,305	0.0	27,971,145	0.0	27,971,145	0.0
General Fund	22,416,624		26,861,292		27,846,305		27,971,145		27,971,145	
Cash Funds										
<u>Mandated Costs</u>										
Mandated Costs	1,938,282		2,243,477		2,198,305				1,830,862	
Mandated Costs Total Detail	1,938,282	0.0	2,243,477	0.0	2,198,305	0.0	1,830,862	0.0	1,830,862	0.0
<u>Reconciliation</u>										
Long Bill Appropriations	1,580,114		1,852,371		1,926,613					
Supplemental - HB 16-1243					121,064					
Supplemental - HB 14-1239	220,303									
Transfer to/from Operating	(214)									
Transfer to/ from Training	(2,640)									
Transfer to/from Conflict of Interest	140,719		391,106		151,414					
Reversion					(786)					
Mandated Costs Authorization	1,938,282	0.0	2,243,477	0.0	2,198,305	0.0	1,830,862	0.0	1,830,862	0.0
General Fund	1,938,282		2,243,477		2,198,305		1,830,862		1,830,862	
Cash Funds										
<u>Long Bill Group/Division Total</u>										
Grand Total - with Pots	25,555,788	8.4	30,361,082	9.1	31,551,612	10.9	31,403,173	12.0	31,612,384	12.0
	25,555,788		30,361,082		31,551,612		31,403,173		31,612,384	
General Fund	25,535,788	8.4	30,321,082	9.1	31,511,612	10.9	31,363,173	12.0	31,532,384	12.0
Cash Funds	20,000	0.0	40,000	0.0	40,000	0.0	40,000	0.0	80,000	0.0

**Schedule 5 - Line Item to Statute
Judicial Branch
Office of the Alternate Defense Counsel
FY 2015-2016 Budget Request
November 1, 2016**

This Long Bill Group funds the total program of the Office of the Alternate Defense Counsel.			
Line Item Name	Line Item Description	Programs Supported by Line Item	Statutory Citation
Personal Services	This line funds the personnel for the management of the OADC; Personnel process bills for services rendered to indigent defendants and the associated mandated costs; oversight of attorney and investigator contractors; such as evaluation, issuance of contracts; training; coordination of appellate and post-conviction cases.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Health, Life and Dental Insurance	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Short Term Disability	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 04-257 Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 06-235 Supplemental Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Salary Survey	Adjustments to State Employee Salaries based on the Total Compensation Survey	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Performance based Pay Awards	Performance based merit pay	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Operating	This line funds the operating costs for OADC personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Lease	This line funds the lease payment for operational personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Training	The line funds the training/updating for OADC contractors.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Conflicts	This line pays for all statutorily-mandated legal services for representation of indigent defendants in which the Public Defender has a conflict.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Mandated	This line pays for all statutorily-mandated costs associated with the representation of defendants, such as, mental health evaluations, discovery; experts, transcripts.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>

Change Request

Schedule 10 Summary of Change Requests (RI) Judicial Branch Office of the Alternate Defense Counsel FY 2017-2018 Budget Request						
ID#	Priority	Decision Items	FTE	Total	GF	CF
D1	R -1	OADC Salary Survey	1.0	\$107,712	\$107,712	
D2	R -2	Increase Training Cash Funds Spending Authority	0.0	\$40,000	\$0	\$40,000
Total			1.0	\$147,712	\$107,712	\$40,000

**Summary of Supplemental Bills
Judicial Branch
Office of the Alternate Defense Counsel
FY 2016-2017 Budget Request
November 1, 2016**

Actual FY 2015-16					
HB 16-1243 Supplemental	Conflict Contracts		1,392,238	1,392,238	
	Mandated		121,064	121,064	
	Total FY2015-16	0.0	1,513,302	1,513,302	

Actual FY 2013-14					
HB 14-1239 Supplemental	Personal Services		94,000	94,000	
	Operating		23,730	23,730	
	Conflict Contracts		2,821,158	2,821,158	
	Mandated		220,303	220,303	
	Total FY2013-14	0.0	3,159,191	3,159,191	

Actual FY 2012-13					
	N/A		0	0	
	Total FY2012-13	0.0	0	0	

Actual FY 2011-12					
SB11-076 Supplemental	Personal Services		(15,385)	(15,385)	
HB12-1187 Supplemental	Leased Space		(4,664)	(4,664)	
HB12-1335 Supplemental	Conflict Contracts		(851,147)	(851,147)	
	Mandated		(22,408)	(22,408)	
	Total FY2011-12	0.0	(893,604)	(893,604)	

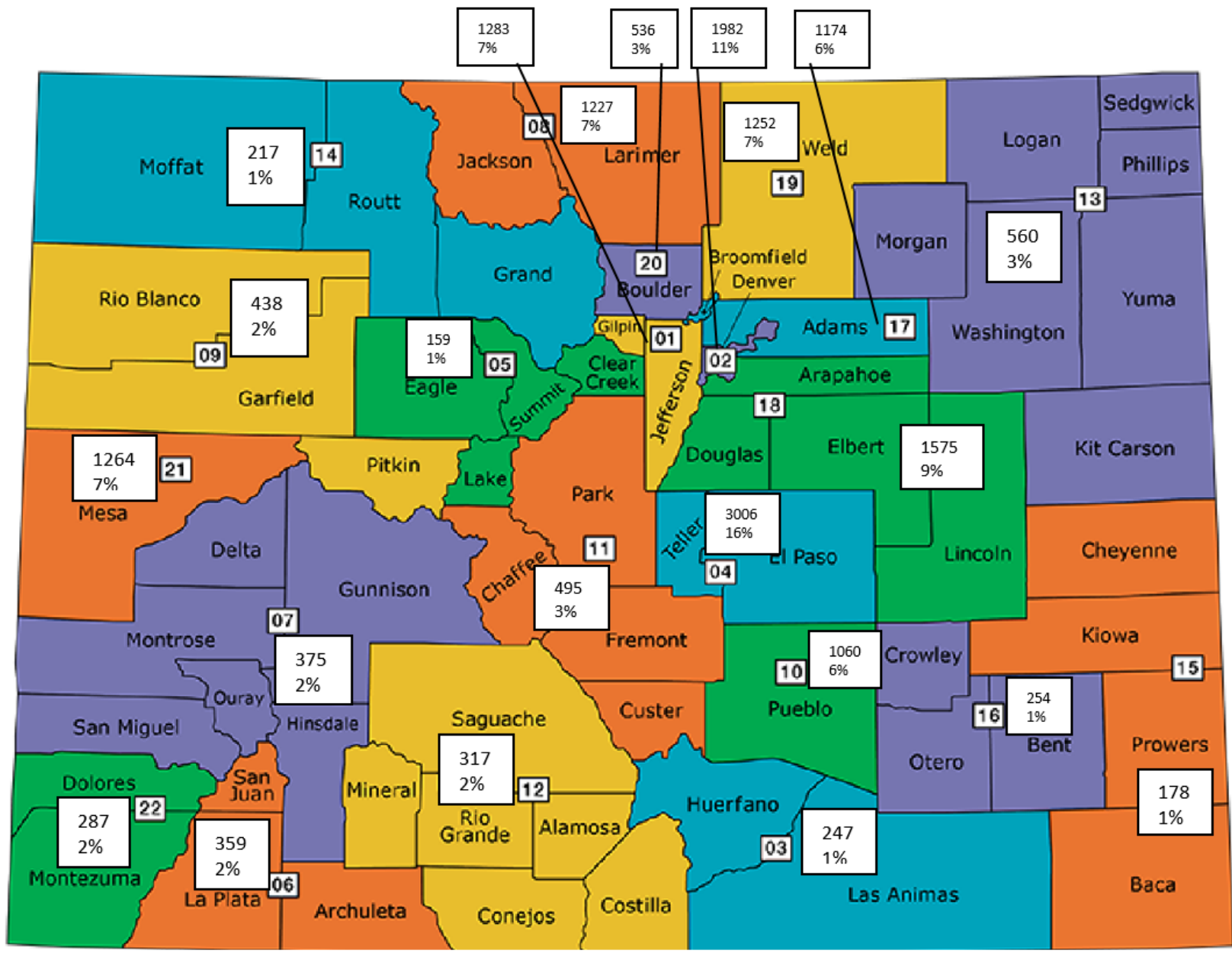
Actual FY 2010-11					
SB11-209 Supplemental	Conflict Contracts		(2,194,046)	(2,194,046)	
	Mandated		(86,665)	(86,665)	
	Total FY2010-11	0.0	(2,280,711)	(2,280,711)	

Actual FY 2009-10					
	N/A				
	Total FY2009-10	0.0			

Actual FY 2008-09					
SB09-190	Conflict Contracts		(49,064)	(49,064)	
	Total FY2008-09	0.0	(49,064)	(49,064)	

Appendix A

Colorado Judicial Districts Map



Appendix B

**Prior Year Legislation,
Hot Topics, and
Cases that May Affect OADC**

PRIOR YEAR LEGISLATION

HB16-1117 Record Custodial Interrogations

This bill requires all law enforcement agencies to have audio-visual recording equipment available and policies and procedures in place for preserving custodial interrogations by January 1, 2017. A peace officer must record custodial interrogations in a permanent detention facility if the peace officer is investigating a class 1 or 2 felony or a felony sexual assault, unless an exception is met. The statute further sets forth procedures and burdens for admission of non-recorded interrogations.

Effective date July 1, 2017

SB 16-116 Creation of an Alternative Simplified Process for the Sealing of Criminal Justice Records other than Convictions

This bill creates a simplified process for sealing criminal justice records when a case is completely dismissed, including where the person is acquitted, or completes a diversion agreement or a deferred judgment and sentence. The bill requires the court in each of these circumstances to give the defendant the option of immediately moving to have his or her criminal justice record sealed or by written motion at a later time. A \$65 processing fee is imposed.

Effective date August 10, 2016, but subject to petition

SB16-019 Videotape Mental Condition Evaluations

This bill requires a court-ordered mental condition examination to be video and audio recorded if the defendant is charged with a class 1 or class 2 felony or a felony sex crime. Any court-ordered mental condition examination requested by the defendant must be video and audio recorded. A copy of the recording must be included with the evaluator's report.

A jail or other facility where the court orders the examination to take place must permit the recording to occur and must provide the space and equipment for the recording. If space and equipment are not available, the sheriff or facility director shall attempt to coordinate a location and the availability of equipment with the court, which may consult with the district attorney and defense counsel for an agreed upon location. If no agreement is reached, the court shall order the location of the examination, which may include the CMHIP. The statute requires the evaluator to assess whether recording the examination could cause mental or physical harm to the defendant or others and would make the examination not useful to the expert forensic opinion. If such a determination is made, the examination shall not be recorded and the evaluator shall document the reasons for the decision in a written report to the court.

Effective date January 1, 2017

HB16-1027 Criminal Depositions for At-risk Persons

This bill requires the court to schedule a deposition within 14 days of the prosecution's request. This change takes away the Court's discretion or obligation to make certain findings prior to scheduling a deposition.

Effective date is July 1, 2016

HB 16-1260 Statute of Limitations 20 years for Sex Assault

This bill changes the statute of limitations for felony sexual assault from 10 to 20 years.

Effective date is July 1, 2016

JUVENILE SPECIFIC BILLS

SB16- 181 Sentencing of Persons Convicted of Class 1 Felonies Committed While the Persons were Juveniles

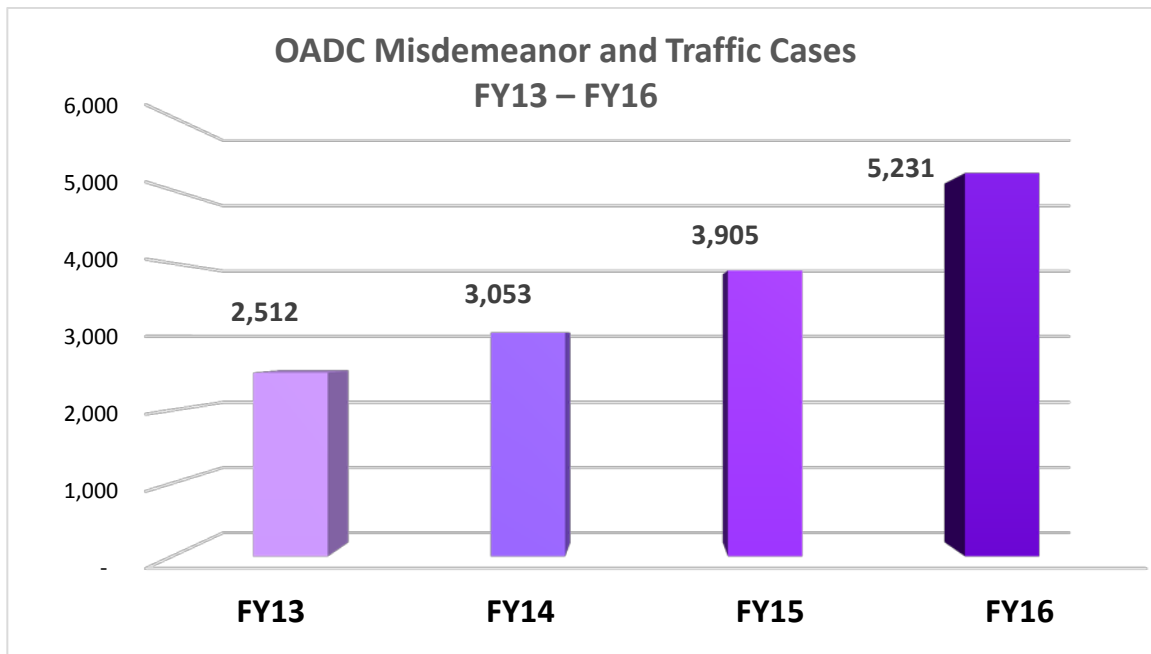
This bill provides a procedure for resentencing those offenders serving life without parole sentences for murders committed when they were juveniles, in light of *Miller v. Alabama* and *Montgomery v. Louisiana*. Those serving LWOP shall be resentenced to life imprisonment with the possibility of parole after serving a period of forty years, less any earned time granted and those serving life sentences with the possibility of parole after serving forty years, will now be allowed earned time as well. If the person was convicted of felony murder, then the district court, after holding a hearing, may sentence the person to a determinate sentence within the range of 30-50 years in prison, less any earned time granted, if after considering certain factors the district court finds extraordinary mitigating circumstances exist. Alternatively, the court may sentence the person to a term of life imprisonment with the possibility of parole after serving 40 years, less earned time.

HOT TOPICS

ROTHGERY CASELOAD INCREASE

Rothgery v. Gillespie County, Texas, 128 S.Ct. 2578 U.S. (June 23, 2008). In *Rothgery*, the United States Supreme Court held that a criminal defendant's initial appearance before a judge marks the beginning of the proceedings against him and triggers the defendant's Sixth Amendment right to counsel whether or not a prosecutor is aware of or involved in that appearance. In FY13 the legislature passed **HB13-1210**, making Colorado law consistent with this United States Supreme Court decision regarding the right to legal counsel during all critical stages of a criminal case, including plea negotiations. **HB13-1210** became effective January 1, 2014.

The following chart illustrates the number of OADC misdemeanor and traffic cases from FY13 - FY16. While the Agency cannot say what percentage of this increase is directly attributable to HB13-1210, there is a significant increase.



JUVENILE LIFE WITHOUT PAROLE (JLWOP)

OADC attorneys have continued to litigate cases affected by the United States Supreme Court decision in [Miller v. Alabama, 132 S.Ct. 2455 \(2012\)](#), which held that it is unconstitutional to sentence a juvenile charged as an adult to a mandatory sentence of life without the possibility of parole. In Colorado there are currently 48 individuals who received mandatory sentences of life without the possibility of parole for offenses committed when they were juveniles, and OADC contractors have been appointed to every case where the OSPD has declared a conflict. Because *Miller* requires the court to hold an individual sentencing hearing to assess an individual juvenile’s circumstances and determine whether a life sentence is appropriate, the OADC has continued to actively work with the Colorado Juvenile Defender Center (CJDC) to ensure that the OADC contractors are adequately trained and informed on how to handle these resentencing hearings effectively and efficiently. However, for much of last year the litigation in these cases focused on the 2015 Colorado Supreme Court holding in [People v. Tate, 2015 CO 42, reh'g denied \(July 13, 2015\), reh'g denied \(Aug. 3, 2015\)](#) that *Miller* is not retroactive and thus not applicable to most of the individuals mentioned above. In January 2016, the United States Supreme Court, in [Montgomery v. Louisiana, 136 S. Ct. 718, 193 L. Ed. 2d 599 \(2016\), as revised \(Jan. 27, 2016\)](#), held that *Miller* is retroactive, overruling the Colorado Supreme Court’s 2015 decision in *Tate*. Further, in June of 2016, the Colorado Governor signed SB16-181 into law, providing that the individuals mentioned above will be resentenced to either 40 years to life, less earned time, or to a finite number of years between 30-50 (for those convicted of felony murder). Now that it is clear that *Miller* applies to all of the individuals mentioned above, individual cases have begun to move forward and as of October, 2016, some cases have been set for re-sentencing hearings in district court, while other cases are stalled in the Court of Appeals.

DISCOVERY

In FY2013-14, the legislature passed [SB14-190: Statewide Discovery System](#) which created an entirely new discovery process for the state. This electronic system was legislated to be operational by October 16, 2016, through the Colorado District Attorneys’ Council (CDAC). [SB16-091: Delay Start of Statewide Discovery Sharing System](#), has extended the deadline for this system to be operational until July 1, 2017 .

SOCIAL WORKERS

It is well-established nationwide that social workers are an important part of criminal and juvenile defense teams. This is reflected in evidence based practices, social science research, and [HB14-1023: Social Workers for Juveniles](#). Beginning this past September, 2016, OADC hired a Social Worker Coordinator in an effort to ensure the success of the Agency's Social Worker Pilot Project that began in FY14.

IMMIGRATION

The number of post-conviction cases based on inadequate advice regarding immigration consequences has increased, especially in light of [Padilla v. Kentucky, 130 S.Ct. 1473 \(2010\)](#). The *Padilla* case mandates that criminal defense lawyers properly advise defendants of the possible immigration consequences related to their case. Immigration law is highly technical, specialized, and constantly changing. Judges, prosecutors and defense lawyers are inadequately prepared to keep abreast of all of the immigration consequences in criminal cases. The OADC continues to contract with a criminal defense lawyer who specializes in immigration law to consult with OADC contractors to ensure compliance with *Padilla*.

PROSECUTION TRENDS TOWARD LARGE MULTI-DEFENDANT CASES

The following chart outlines the number of large multi-defendant cases for calendar years 2014-2016, where the OADC has assisted with the appointment of counsel and managed discovery.

	2014	2015	2016
Total OADC Defendants	106	101	*101
# of multi-defendant cases	15	14	*21

*through Oct 31, 2016

OADC continues to see an increase in the prosecution's use of grand jury, wiretap and electronic surveillance based cases, as well as cases that charge individuals with offenses under the Colorado Organized Crime Control Act (COCCA). These cases are particularly onerous to OADC because:

1. They almost always involve between 10 and 30 defendants, and the OSPD can only represent one, requiring OADC contractors to represent all of the remaining indigent defendants;
2. The discovery in these cases is voluminous, sometimes including tens of thousands of pages and a significant number of audio and video CDs and DVDs; and
3. Lawyers representing defendants who are even minimally involved are ethically required to review *all* discovery in the case to determine their clients' individual involvement.

The following statement by an OADC contractor illustrates the sometimes over-inclusiveness of defendants and exaggerated involvement of individuals in these prosecutions:

I had a case where there were numerous defendants. I received 45,267 pages of discovery. My client was mentioned on only 25 pages (some of which were duplicates) and the case was resolved with a plea to a misdemeanor drug offense with unsupervised probation.

COST SAVING MEASURES

Over the past several years OADC has instituted several cost saving measures. The first category of measures is designed to more efficiently control the mandated costs of the Agency. These include:

- paperless discovery;
- shared discovery resources in multi-codefendant cases; and
- on site scanning of Department of Corrections records, district court files and files located at OSPD offices throughout the state.

The second category of cost saving measures is designed to reduce attorney hours per case while increasing the quality of representation and includes:

- an in-house case management system for appellate and post-conviction cases, that includes a one-person interface with all judicial district clerks, court reporters and appellate court staff members;
- a Legal Research and Technology Coordinator responsible for the centralization and dissemination of reliable up-to-date legal information to all OADC contractors;
- a robust training and evaluation program for all OADC contractors, and
- the use of interns, researchers and others who are paid at lower rates to assist with cases.

The third category involves fostering expertise in individual contractors who can then assist other contractors in specialized areas including:

- immigration;
- DNA;
- firearms;
- technology;
- special education;
- mental health defenses;
- child abuse;
- sexual abuse; and
- cell tower technology.

Not only is it more efficient to use this approach, it is better for clients. Regardless of where a case is and which attorney is assigned, our clients can all benefit from the collective expertise of all of the Agency contractors.

CASES THAT MAY AFFECT OADC

DEFENDANT’S RIGHT TO COUNSEL

[*People v. Nozolino*, 298 P.3d 915 \(Colo. 2013\).](#) In *Nozolino*, the Colorado Supreme Court held that a criminal defendant has the right to continue with his court-appointed counsel when there is a waivable conflict and must be given an opportunity to waive that ethical conflict. In this homicide case, the OSPD was dismissed as counsel due to an ethical conflict of interest even though the client requested an opportunity to waive any conflict and continue with the OSPD.

PROHIBITION AGAINST SENTENCING JUVENILES TO LIFE IN PRISON (DE FACTO) AND LIFE WITHOUT THE POSSIBILITY OF PAROLE (JLWOP)

United States Supreme Court:

[*Graham v. Florida*, 130 S.Ct. 2011 \(2010\).](#) The Eighth Amendment prohibits imposition of a life without parole (LWOP) sentence on juvenile offenders who did not commit a homicide. When juvenile non-homicide offenders are sentenced to lengthy prison terms, states must provide those offenders with a meaningful opportunity for release.

[*Miller v. Alabama*, 132 S.Ct. 2455 \(2012\).](#) The United States Supreme Court granted a new sentencing hearing to two state prisoners convicted of murders that occurred when the defendants were under 18 years of age. The Court held that a mandatory sentence of life without parole (LWOP) for juveniles who commit homicide is unconstitutional.

[*Montgomery v. Louisiana*, 136 S. Ct. 718, 193 L. Ed. 2d 599 \(2016\), as revised \(Jan. 27, 2016\),](#) held that *Miller* is retroactive.

See Juvenile Life Without Parole (JLWOP) under Hot Topics for information regarding the status of Colorado JLWOP cases.

INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

[*People v. West* and *Cano v. People*, 341 P.3d 520 \(Colo. Jan. 20, 2015\).](#) Both cases involve the Office of the State Public Defender (OSPD)’s representation of the defendants and the prosecution witnesses against them in cases involving successive and concurrent representation. In both circumstances (successive & concurrent representation), there is a potential conflict of interest. Such potential conflicts require an additional showing before reversal is required. When the conflict is based on successive or concurrent representation, to show an actual conflict warranting reversal, appellant must show that the conflict “adversely affected” counsel’s performance, i.e. that counsel did or did not do something as a result. This ruling increases the burden on the defendant in IAC cases where the prior counsel is alleged to have a per se conflict of interest.

[*People v. Garner*, 2015 COA 174, ___ P.3d ___, 2016 WL 9247701 \(Colo. App. Dec. 17, 2015\)](#) In this

post conviction case, the Court of Appeals addressed many issues. Although there was an expert who testified regarding incidents of ineffective assistance of counsel (IAC), the court affirmed the denial of the motion alleging IAC on grounds that included the lack of evidence by the expert as to each claim, thus essentially requiring a legal expert to be successful on a claim of IAC.

Funding for Experts:

[*Hinton v. Alabama*, 134 S.Ct. 1081 \(2014\)\(per curiam \)](#) (on cert. review, reversing Alabama state court's denial of post-conviction relief to state death row prisoner). Counsel rendered ineffective assistance of counsel in failing to seek additional funding for a ballistics expert when the trial court imposed a routine maximum expert fee funding cap. The state appellate court erred in determining that the defendant could not have been prejudiced by trial counsel's failure to request additional funds to replace an inadequate expert in firearms and toolmark evidence in this capital murder prosecution.

Immigration Consequences

[*People v. Morones-Quinonez*, 363 P.3d 807 \(Colo. App. Nov. 5, 2015\)](#) (reversing order of Denver District Court rejecting Rule 35(c) IAC claim without a hearing.) Hearing required on what advice was given regarding immigration consequences.

[*People v. Kazadi*, 291 P.3d 16 \(Colo. 2012\)](#). Mr. Kazadi pleaded guilty in exchange for a deferred judgment and sentence on the felony count, and received a final sentence on a related misdemeanor offense. After he was taken into custody by ICE to face removal proceedings, he filed a post-conviction motion challenging his guilty plea on ineffective assistance of counsel grounds, raising a *Kentucky v. Padilla* claim that his counsel failed to correctly advise him of the deportation consequences of his plea. Because he received a deferred judgment on the felony count, the Colorado Supreme Court agreed that he cannot file a Crim. P. 35(c) motion on the felony because his conviction is technically not final, however, he can file a Rule 35(c) motion on the misdemeanor (because it is final), and he can file a motion to withdraw the guilty plea under Crim. P. 32(d) for the felony. This case was remanded for further proceedings, i.e. a simultaneous Crim. P. 35(c) on the misdemeanor and a Crim. P. 32(d) on the felony.

[*People v. Corrales-Castro*, 2015 COA 34, 2015 WL 1650923 \(Colo. App. March 26, 2015\)](#). District court's refusal to entertain a motion to withdraw a plea following Defendant's guilty plea to criminal impersonation and completion of a one-year deferred judgment and sentence (DJS). After defendant successfully completed the DJS his plea was withdrawn, the charge was dismissed, and the case was closed. Defendant thereafter filed a motion to withdraw the plea, alleging that plea counsel was ineffective for failing to advise him of the immigration consequences of the plea. The Court of Appeals ruled that defendant can file a motion to withdraw his plea based on counsel's alleged ineffectiveness. The trial court has jurisdiction to consider the motion, and the three-year statute of limitations for Rule 35(c) motions does not apply. Now pending in the Colorado Supreme Court, *People v. Corrales-Castro*, cert. granted 15SC470, 2015 WL 5215964 (Sept. 8, 2015) to review 2015 COA 34, 2015 WL 1650923 (Colo. App. March 26, 2015) Oral arguments set 11/10/16

Plea Bargain Stage Of Case

[*Missouri v. Frye*, 132 S.Ct. 1399](#) and [*Lafler v. Cooper*, 132 S.Ct. 1376 \(2012\)](#). The Sixth Amendment right to the effective assistance of counsel extends to negotiation and consideration of plea offers. Conviction at trial does not necessarily preclude a finding of prejudice, but the issues of both prejudice and remedy are complex and case-specific.

CONFRONTATION CLAUSE ISSUES

[*People v. Hebert*, 2016COA126, ___ P.3d ___, 2016 WL 4699107 \(Colo. App. Sept. 8, 2016\)\(Marquez\)](#), admitting the video of the victim's deposition (the victim died before trial) did not violate Hebert's confrontation rights because (1) the video conference procedure was necessary to protect the health of the victim and (2) the procedure ensured the reliability of the victim's testimony. The victim was currently in hospice care at home and his survival was measured in months. Also see new legislation HB16-1027 Criminal Depositions for At-risk Persons.

COMPLICITY

[*People v. Childress*, 363 P.3d 155 \(Colo. 2015\)](#) held that there can be complicitor liability for the strict liability offense of vehicular assault (DUI).

SEARCH OF CELL PHONES

[*People v. Herrera*, 357 P.3d 1227 \(Colo. 2015\)](#) The Supreme Court held that the police acted outside search warrant in viewing text messages on phone, when the warrant only authorized a search for “ownership records” on the phone.

Appendix C

Agency Objectives and Performance Measures

Objectives

I. PROVIDE COMPETENT LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.

The Office of the Alternate Defense Counsel (OADC) contracts with approximately 400 private lawyers across Colorado to represent indigent defendants and juveniles where the OSPD has a conflict of interest. Each of these lawyers is an independent contractor. Investigators, paralegals, experts, social workers and other ancillary services are available to these lawyers through the OADC. The Agency is committed to insuring that the representation is of the highest quality and includes advancements in the field.

II. PROVIDE COST-EFFECTIVE LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.

The OADC has no control over the number of criminal and juvenile cases filed or prosecutors' charging decisions. However, the OADC is constantly seeking ways to contain the average cost per case.

Strategies

- A. Maintain current compensation rates for all contractors.
- B. Monitor and contain total hours per case and ancillary costs.
- C. Provide statewide training for lawyers, investigators, paralegals, social workers and court personnel.
- D. Provide cost-effective research tools and resources to OADC contractors to promote effectiveness and efficiency.
- E. Evaluate, monitor, observe and audit contractors on an ongoing basis.
- F. Incorporate evidence based practices into legal representation.
- G. Prioritize juvenile representation.

Performance Measure A: Ensure Adequate Contractor Rates		FY 09-14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Average Hourly Attorney Rates	Target	\$75	\$75	\$75	\$75	\$75
	Actual	\$65	\$75	\$75		
Average Hourly Paralegal Rates	Target	\$30	\$30	\$30	\$30	\$30
	Actual	\$25	\$30	\$30		
Average Hourly Investigator Rates	Target	\$41	\$41	\$41	\$41	\$41
	Actual	\$36	\$41	\$41		
Average Hourly Social Worker Rates	Target	\$45.50	\$45.50	\$45.50	\$45.50	\$45.50
	Actual	\$36	\$45.50	\$45.50		

Performance Measure A - Strategy:

In the FY14–15 Budget Request the OADC submitted a Decision Item regarding an increase to OADC contractor hourly rates. The legislature approved that Decision Item and the OADC was appropriated an additional \$3,559,986 to accommodate this rate increase.

Evaluation of Prior Year Performance: See above.

Key Workload Indicators:

Case Type	Hourly Rate Effective 2/1/2003	Hourly Rate Effective 7/1/2003	Hourly Rate Effective 7/1/2006	Hourly Rate Effective 7/1/2007	Hourly Rate Effective 7/1/2008	Hourly Rate Effective 7/1/2014
Death Penalty	\$60	\$65	\$85	\$85	\$85	\$90
*Type A Felony	\$46	\$51	\$60	\$63	\$68	\$80
*Type B Felony	\$42	\$47	\$56	\$59	\$65	\$75
Juvenile Felonies	\$40	\$45	\$54	\$57	\$65	\$75
Juvenile Misdemeanors	\$40	\$45	\$54	\$57	\$67	\$70
Misdemeanor, DUI, Traffic	\$40	\$45	\$54	\$57	\$65	\$70

*See Appendix C for a listing of how OADC classifies felony cases (Type A and Type B), and a chart that details the number of ADC felony cases for FY16 in each Type A and Type B.

State of Colorado Attorney General rate-blended rate Attorney/Paralegal/Legal Asst.	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Legal Service Rate	\$75.38	\$73.37	\$75.71	\$77.25	\$91.08	\$99.01	\$96.75	\$95.05

Performance Measure B: Contain Case Costs		FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Contain the total number of Attorney hours per case. Includes all case type hours.	Target Attorney hours	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64
	Actual	19.22	18.91	17.94	17.91	16.57	15.91		
Keep ancillary costs per case to a minimum.	Target Ancillary	\$120	\$124	\$120	\$133	\$128	\$128	\$128	\$128
	Actual	\$120	\$117	\$133	\$128	\$135	\$120		
Average Cost Per Case	Target	n/a	n/a	n/a	n/a	n/a	n/a	\$1,593	\$1,593
	Actual	\$1,620	\$1,641	\$1,593	\$1,596	*\$1,722	\$1,581		

*The average hourly rate for attorney contractors increased by \$10.00 per hour, and for paralegals and investigators increased by \$5.00 beginning in FY15

Performance Measure B - Strategy:

The OADC analyzes the cost per case on a monthly basis and strives to find innovative and effective strategies to contain those costs. These strategies include:

1. Continuing the in-house appellate case management system that streamlines the OADC appellate cases from inception through transmittal of the record on appeal.
2. Continuing the in-house post-conviction case management system to include triage and per case fee contracting.
3. Contracting with document management and paralegal professionals who specialize in organization and distribution of discovery in Colorado Organized Crime Control Act (COCCA) cases, death penalty cases, and other voluminous cases.
4. Providing attorney access to electronic court records pursuant to HB 08-1264.
5. Exploring the possibility of obtaining electronic court records for licensed private investigators who contract with OADC.
6. Expanding and promoting the Web Based Library.
7. Providing expert legal research and legal motion drafting assistance.

8. Utilizing interns and reduced rate researchers to assist with legal research and writing and other case related projects such as reviewing jail calls or reviewing discovery with clients.
9. Evaluating contractor efficiency and auditing contractor billing.
10. Closely monitoring expert requests.
11. Identifying and promoting technologies that increase contractor efficiency.

Evaluation of Prior Year Performance:

OADC continues to contain the number of attorney billable hours per case (as seen in the table above), utilizing the following cost saving measures.

Legal Resources and Technology. The OADC Web Based Library, coupled with the legal research assistance to OADC contractors, has created a centralized system of legal resources and technology to reduce duplication of efforts. The OADC has prioritized the creation of practitioner manuals in specific topic areas including how statutory changes in the law should be applied, restitution issues, challenges to grand juries and their indictments. OADC contractor feedback indicates that a weekly summary of all newly decided Colorado cases (state and federal) relating to criminal or juvenile law is an important legal resource provided to them. As one contractor commented,

It is extremely helpful to get that information on a weekly basis in a trustworthy and concise fashion, plus he makes all of those cases available which saves a great deal of time.

Discovery. The OADC continues to provide electronic distribution of discovery in certain cases. Contracting with document management and paralegal professionals has allowed the OADC to convert thousands of pages of paper discovery into an electronic format, which costs very little to reproduce. Although OADC's use of modern technology has reduced the distribution cost of discovery in complex cases, the discovery costs paid to many district attorneys' offices statewide continues to increase.

Electronic Access to Court Records. OADC lawyers continue to benefit from access to electronic court records. Investigators can only access information in court records by asking the attorney whose case they are working on to look up that information for them. It would reduce time and decrease costs if the investigators did not need to use the attorney's time to access that information. Now that Colorado has implemented licensure for private investigators, OADC is exploring the possibility of obtaining electronic access to court records for these investigators.

Appellate and Post-Conviction Cases. The Agency's appellate and post-conviction case management process has successfully reduced the number of attorney hours per case for appellate and post-conviction appointments. Feedback from OADC contractors, court clerks and judges has all been positive. As one OADC contractor stated:

I am an ADC attorney who handles post-conviction 35c cases from different jurisdictions all over the state of Colorado. ADC's process of obtaining the trial court files and providing them to me at the beginning of a post-conviction case streamlines the initial stages of such a case. I no longer have to locate a local person to copy the file, get permission from the court for access to the file, have a local person scan/copy the file and then have that person put the file on disk and mail it to me. All of these steps are handled efficiently by the ADC. I enter into a case and get the whole trial court file via e-mail almost immediately.

Evaluation and Auditing of Contractors. The OADC continues to audit individual contractors and analyze their billing procedures and patterns. The OADC’s revamped billing system (CAAPS) was launched on July 23, 2015. This system enables the OADC to run better reports on the activities of its contractors, and conduct audits where there are anomalies. The system also allows the OADC attorney contractors to monitor the billing of the other members of their team (investigators, paralegals, social workers, etc.) to be sure billing is accurate. The system also allows for more specific reporting on various case types, enabling better analysis of costs of different types of cases.

Death Penalty: Capital cases are the most expensive case class. This includes attorney time, investigator time, paralegal time, and ancillary costs. As long as there is a death penalty in Colorado, and the OADC has a case, it will be expensive. Currently the OADC has two death penalty cases from the 18th Judicial District proceeding under the Unitary Appeal Bill and one trial level death penalty case in the 16th Judicial District.

Case Category	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Death Penalty Cases	14	10	10	13	13	7	13	7
*Type A Felonies Cases	1,952	1,964	1,976	2,114	2,152	2,303	2,260	2,303
*Type B Felonies Cases	5,851	6,140	6,851	7,589	7,807	8,296	8,197	8,296
Misdemeanor Traffic DUI Cases	2,286	2,772	3,035	3,684	4,683	5,205	4,906	5,205
Juvenile Cases	1,775	1,699	1,418	1,685	2,025	2,433	2,138	2,433
Total Cases	11,878	12,585	13,290	15,085	16,680	18,244	17,514	18,244

* See Appendix C for a listing of how OADC classifies felony cases for billing purposes. (Type A and Type B)

Performance Measure C: Provide High Quality Trainings		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Trainings for attorneys, investigators, paralegals, social workers, and court personnel.	Target	15	16	13	16
	Actual	14	16		
Total Number of Hours		169	160	150	203
Total Number of Attendees		1,151	792	811	958

Performance Measure C - Strategy:

The Agency has developed three basic components to its training program.

1. Assess and determine the types of training needed for OADC contractors.
2. Organize and present continuing legal education training for OADC lawyers, investigators, paralegals, and social workers.
3. Facilitate access to trainings through in-person attendance, DVD reproduction, and webcasting.

Evaluation of Prior Year Performance:

The OADC met its training program target in terms of actual number of trainings. The Agency was able to train on a variety of subjects that concern its contractors. For contractors who are unable to attend in person, most trainings are webcast and accessible to anyone with a high speed internet connection and/or recorded and reproduced on DVD. The OADC plans to reproduce its live training for contractors across the state through the website via an on-demand video format in FY17. As participants commented:

OADC trainings have been a huge part of my growth as a new(ish) lawyer, and I consider regular trainings to be another resource that makes my practice more effective and efficient. I always leave trainings with new ideas and case law to consider for trial preparation

Key Workload Indicators:

	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Appellate Training	14 hours 99 Attendees		8 hours 30 Attendees	
Research and Motions Practice				6 hours 40 Attendees
Ethics for Lawyers	7 hours 45 Attendees	7 hours 35 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Trial Practice Institute	39 hours 52 Attendees	35 hours 45 Attendees	38 hours 52 Attendees	38 hours 52 Attendees
Juvenile Training	25.5 hours 240 Attendees	20 hours 100 Attendees	20 hours 100 Attendees	20 hours 100 Attendees
Post-Conviction Training	5 hours 42 Attendees		5 hours 42 Attendees	
Social Work Training	12 hours 10 Attendees	12 hours 12 Attendees	12 hours 12 Attendees	12 hours 12 Attendees
Investigator Training	13 hours 155 Attendees	12 hours 90 Attendees	12 hours 90 Attendees	12 hours 90 Attendees
Sentencing	7.25 hours 54 Attendees	7 hours 50 Attendees	7 hours 50 Attendees	7 hours 50 Attendees
Adobe Prof. Training				40 hours 50 Attendees
Legal Technology	7 hours 44 Attendees	6 hours 30 Attendees		
Paralegal Training	3 hours 65 Attendees	6 hours 35 Attendees	6 hours 70 Attendees	6 hours 50 Attendees
Evidence Based Practices		7 hours 45 Attendees	7 hours 45 Attendees	
Criminal Law Update	15 hours 200 Attendees	15 hours 200 Attendees	15 hours 200 Attendees	15 hours 200 Attendees
Train the Trainers		7 hours		7 hours

		24 Attendees		24 Attendees
Organized Crime Act		6 hours 25 Attendees		
Evidence and Objections	7 hours 41 Attendees	7 hours 35 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Plea Bargaining and Negotiation	6.5 hours 54 Attendees	6 hours 50 Attendees	6 hours 50 Attendees	

	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Jury Selection		7 hours 50 Attendees		6 hours 50 Attendees
Forensics				6 hours 40 Attendees
Leadership/Team Building Training				7 hours 30 Attendees
Incorporating Social Workers on Legal Teams		7 hours 40 Attendees		
Westlaw Training	10 hours 50 Attendees			
Race and Bias in the Criminal Justice System				7 hours 100 Attendees
Total Number of Trainings	14	16	13	16
Total Number of Hours	169	160	150	203
Total Number of Attendees	1,151	792	811	958

Performance Measure D: Provide Cost-effect Research Tools and Assistance		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
On-Line Research Tools and Resources to OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target documents	5,000	6,000	6,000	6,000
	Actual documents	5,400	7,000		
	Target users or queries	250 users	250users	1000 queries/month	1200 queries/month
	Actual users or queries	250 users	1,700 queries/month*		
Juvenile specific materials	Target documents	n/a	n/a	500	500
	Actual documents	n/a	825		
Social Sciences specific materials	Target documents	n/a	n/a	500	500
	Actual documents	n/a	1,000		
Mental Health specific materials	Target documents	n/a	n/a	500	500
	Actual documents	n/a	n/a		

Legal Research Assistance (Includes Social Science and Mental Health Issues)	Target cases	200	300	400	400
	Actual cases	360	410		
Social Sciences Issues in Criminal Cases Assistance	Target	n/a	n/a	40	50
	Actual	n/a	30		
Mental Health Issues in Criminal Case Assistance	Target cases	n/a	n/a	40	40
	Actual cases	n/a	20		

Provide summaries of new opinions.	Target weekly summaries	50	50	50	50
	Actual weekly summaries	52	52		

*Do to a change in technology the agency stopped tracking users and began tracking total number of search queries.

Performance Measure D - Strategy:

To advance quality and efficiency in OADC contractors, the Agency recognized the need for providing cost-effective research tools and resources. To accomplish this, the Agency is:

1. Improving and expanding the Web Based Library;¹
2. Providing legal research and motion drafting assistance to contractors;
3. Utilizing lower cost researchers and interns to assist on cases;
4. Providing timely case law summaries of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10th Circuit, and the United States Supreme Court;
5. Analyzing and introducing best practice applications to OADC contractors; and
6. Creating and updating comprehensive manuals on complex but frequently used subject matter such as how statutory changes in the law should be applied, restitution issues, challenges to grand juries and their indictments.

Evaluation of Prior Year Performance:

In FY15, the Web Based Library grew to approximately 7,000 documents, broken down into searchable categories and larger disciplines, i.e. social science, juvenile, and mental health, Legal research and drafting assistance was provided in approximately 410 cases, and case summaries were provided on a weekly basis. Recently the OADC has also been providing weekly podcasts of these case summaries.

The Agency receives numerous requests for this assistance every week, another service that has been widely used and appreciated:

The Legal Research program probably saved me 8 hours of research and 4 hours of motions writing on one case.

The Motions bank is an amazing source of research and analysis and drafting that I have relied upon heavily. The Motions Bank is usually the first resource I look at before doing research on an appellate issue, and that saves time spinning my tires on Westlaw

Little known about Jonathan is that he will also take the time to help you on a special knotty question, as he did with me recently. His work saves us all time in research.

Jonathan's research has saved me anywhere from 2-6 hours in the cases when I have sought his help because either I was in a deadline situation or I could not quickly find what I needed. I have used his services more times that I can count.

Key Workload Indicators: As noted above.

¹ The Web Based Library is a centralized, online, legal research and information platform that has been indexed by topic. OADC contractors can use this resource as a starting point to efficiently address important issues in their cases.

Performance Measure E: Monitor and Evaluate Contractors		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%
	Actual	100%	93%		
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%
	Actual	100%	64%		
Court Room Observations	Target	n/a	75	75	75
	Actual	38	61		
Mock Oral Arguments	Target	n/a	10	10	12
	Actual	10	12		
Oral Arguments	Target	n/a	15	20	16
	Actual	n/a	16		
Review Pleadings	Target	n/a	100	100	100
	Actual	112	120		

Performance Measure E - Strategy:

The OADC has a process to ensure that all OADC lawyers and investigators are under a current contract. This process includes evaluating all attorney and investigator contractors. To accomplish this, the Agency does the following:

1. Maintains a tracking system for all attorney and investigator contractors that includes contract renewal dates (*See 11. below*);
2. Contacts and requests renewal applications for contractors;
3. Reviews at least one pleading or report from each renewal applicant;
4. Monitors, observes and evaluates lawyer court room practice;
5. Requests feedback from judicial districts concerning OADC lawyers;
6. Verifies attorney status with the Office of Attorney Regulation;
7. Mandates training and testing for investigators prior to contract issuance;
8. Interviews and evaluates contractors, and renews contracts if appropriate;
9. Conducts audit and time-efficiency studies of select OADC contractors;

10. Requires at least 5 hours of juvenile or defense specific CLE training per year; and
11. Maintains an ACCESS data base to streamline the collection of information relating to this process.

Evaluation of Prior Year Performance:

As the numbers above indicate, the Agency has interviewed and approved or denied contracts with most of its contract attorneys and investigators, and is working diligently to ensure that everyone is under contract. All attorneys and investigators are on a contract renewal cycle. The Agency also has a procedure in place to process applications from new attorneys and investigators. The OADC is continuing its training and screening/testing process prior to issuance of investigator contracts.

	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Anticipated Attorney contracts (renewals)	99	133	140	140
Attorney Contracts Completed (new/renewals)	112	138		
Attorney Contracts Incomplete (renewals only)	0	9		
Total Agency Attorney Contractors	374	384		

Anticipated Investigator contracts (renewals)	77	11	28	28
Investigator Contracts Completed (new/renewals)	57	28		
Investigator Contracts Incomplete (renewals only)	0	4		
Total Agency Investigator Contractors	105	116		

Performance Measure F: Support the use of Evidence Based Practices		FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request
Number of Cases that Social Workers are on	Target	10 cases	70 cases	100 cases	125 cases	200 cases
	Actual	27 cases	75 cases	181 cases		
Number of Social Worker Contractors	Target	1 contractors	6 contractors	6 contractors	10 contractors	15 contractors
	Actual	1 contractors	9 contractors	11 contractors		
Number of Social Worker Interns	Target	2 interns	3 interns	3 interns	5 interns	3 interns
	Actual	2 interns	3 interns	3 interns		

Performance Measure F - Strategy:

In 2011, the legislature amended the “purposes of sentencing” in [§ 18-1-102.5 C.R.S.](#) These changes were the first substantive changes in nearly 30 years. The changes represent the embracing of standardized risk/needs assessments and supervision and treatment tailored to reduce recidivism. In addition, the cost of alternative sentences is to be considered by judges. Statewide endeavors in agencies such as probation, parole, corrections, Colorado Commission on Criminal Juvenile Justice (CCJJ), and other stakeholder agencies to enact and monitor Evidence Based Practices have gained both funding and legislative support. Since 2011, the OADC has acknowledged and worked at implementing these sentencing structure changes. However, although it is committed to this implementation process, change has been sporadic. The purpose of performance measure F is to create an implementation strategy to effectuate Evidence Based Practices in criminal cases by:

1. Institutionalizing the OADC Social Worker Program;
2. Expanding the separate social science component of the Agency’s Web Based Library; and
3. Ensuring that a part of the OADC’s training program is focused on EBP and social workers.

Evaluation of prior year’s performance:

The Agency met its goals in FY16. The addition of Social Workers to the defense team has increased dramatically in 3 years. Feedback from attorney contractors is very positive. An example is:

“I just wanted to write you a quick note about how great working with the social workers is. For difficult clients, they save me a lot of time and someone with a different area of expertise such as social work can do a better job answering these questions and takes less time to do it.”

The recent hiring of a Social Worker Coordinator will insure that the supervision, training and institution of Evidence Based Practices will continue at all levels of the Agency’s contractors. The Social Science piece of the Web Based Library has grown and will now begin to keep pace with new developments across most areas of concern in the criminal justice system. When used by the Social Workers, the combination of social science research and involvement in individual cases has been very important to our attorney contractors. One wrote:

“The other thing which (the social worker) does to great effect is integrating the social history with social science. The end result is a report that is not only extremely emotionally compelling, but also provides well-reasoned and supported conclusions about a client’s needs and the feedback that I have gotten from judges is overwhelmingly positive”

Key Workload Indicator: As noted above

Performance Measure G: Strengthen OADC's Juvenile Division		FY15 Actual	FY16 Actual	FY17 Estimate	FY18 Request
Sponsor X number of Juvenile-specific trainings annually for attorneys.	Target	2	2	2	3
	Actual	2	4		
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	3	90	25	25
	Actual	2	70		
Incorporate a social worker into juvenile defense teams where appropriate.	Target	na	na	50 cases	50 cases
	Actual	25 cases	49 cases		
Provide special education expert assistance.	Target		15	20	20
	Actual	8	13		

Performance Measure G - Strategy:

This year, OADC underwent a comprehensive and rigorous process of re-constituting the panel of contract attorneys representing juveniles on behalf of OADC. With the help of the National Juvenile Defender Center, OADC thoroughly screened attorneys wishing to represent juveniles on behalf of OADC, and created a Juvenile Division of attorneys with the skills, knowledge and experience necessary to competently represent juvenile clients in delinquency and adult court. Through this process, OADC identified some training needs and areas that need attention moving forward.

First, OADC will bring juvenile specific training to rural areas, where there are fewer available and qualified juvenile attorneys. It is often difficult for attorneys in rural areas to travel to the metro area for training, and while some seminars can be viewed later on DVD or through webinars, it is important to conduct a certain amount of training in-person in order to ensure that the those who need the training are attending and learning. OADC is conducting the first of these trainings in Pueblo, Colorado on Friday, October 21st and will conduct additional trainings throughout the year.

Second, OADC will strategically encourage and assist contract attorneys in incorporating other professionals in the defense team. For example, OADC has had a Special Education Specialist available to contractors for more than a year, but this service is being underutilized. The vast majority of juveniles in the delinquency and criminal systems qualify for and are in need of special education services. The Special Education Specialist can quickly and efficiently gather relevant records and advise the contractor on how the educational needs of the client impact his or her alleged behavior and the likelihood of the success of various interventions or sentencing options. In addition to a Special Education Specialist, the OADC can connect contractors with other specialists and researchers who increase the efficiency of the defense team by

reducing the contractor's need to "reinvent the wheel" or bill for work that can be done by a lower paid paralegal or researcher.

Third, now that the new Juvenile Division has been formed, the Juvenile Coordinator will continue to ensure that OADC contract attorneys are providing high quality juvenile defense by observing hearings and reviewing court and billing records. The Juvenile Coordinator will conduct contract renewal interviews of all juvenile contract attorneys as their contracts come due.

Appendix D

Case Classification by Category Rates

	Type A	Type B
F1	Kidnapping Murder 1deg	
F2	Accessory to Murder 1deg Aggravated robbery Assault 1deg Child abuse Conspiracy to Crime (type A) Kidnapping Murder 1deg Murder 2deg Sex assault on a child Sexual assault Sexual assault 1deg Solicitation of First Degree Murder Trafficking children/sell child	Accessory to crime Burglary Child prostitution/pimping Drugs- distribution CS Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession/intent CS Human Smuggling Organized crime control act (COCCA) Prostitution/pimping
F3	Aggravated robbery Arson Assault 1deg Assault 2deg Child abuse Incest Kidnapping Manslaughter Murder 1deg Murder 2deg Sex assault on a child Sexual assault Sexual assault 1deg Sexual exploitation of a child Vehicular assault Vehicular homicide	Accessory to crime Burglary Check fraud Child prostitution/pimping Conspiracy to Crime (Type B) Crim mischief Criminal tampering Driving offenses- (FELONY) Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Drugs- Special Offender Escape Financial transaction device Human Smuggling Money Laundering Motor Vehicle Theft Prostitution/pimping Retaliation against witness Rioting Robbery Robbery of at-risk adult Securities fraud

	Type A	Type B
		Soliciting for child prostitution Theft Witness intimidation
F4	Accessory to Murder 1deg Aggravated robbery Arson Assault 1deg Assault 2deg Child abuse Enticement of a Child Incest Kidnapping Manslaughter Murder 1deg Murder 2deg Sex assault on a child Sexual assault Sexual assault 1deg Sexual assault 2deg Sexual exploitation of a child Unlawful Termination of Pregnancy F Vehicular assault Vehicular homicide	Accessory to crime Assault 3rd degree on At-Risk-Adult Bias Motivated Crime Burglary Check fraud Chop Shop - own/operate Contraband Contrib to delinquency of minor Crim mischief Crim trespass Criminal attempt Criminal impersonation Criminal tampering Driving offenses- (FELONY) Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Eluding Engaging in riot Escape Extortion Extradition False reporting to authorities Financial transaction device Forgery Fugitive from justice Identity Theft Influence Public Servant Menacing (Felony) Motor Vehicle Theft Perjury Prostitution/pimping Retaliation against witness Rioting Robbery Soliciting for child prostitution

	Type A	Type B
		Stalking Theft Weapons charges Witness intimidation
F5	Accessory to Murder 1deg Arson Assault 1deg Assault 2deg Conspiracy to Crime (type A) Enticement of a Child Kidnapping Sex assault on a child Sexual assault Sexual exploitation of a child Vehicular assault	Accessory to crime Bias Motivated Crime Burglary Check fraud Conspiracy to Crime (Type B) Contraband Contrib to delinquency of minor Crim mischief Crim trespass Criminal attempt Criminal impersonation Criminal tampering Custody violation Domestic Violence - Habitual Offender Driving offenses- (FELONY) Drugs- distribution CS Drugs- distribution Marijuana Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Eluding Escape Fail to register sex offender False imprisonment Financial transaction device Forgery Harassment Identity Theft Influence Public Servant Menacing (Felony) Motor Vehicle Theft Possess forged instrument Rioting Robbery Robbery of at-risk adult Stalking Theft Violation bail bond conditions Weapons charges Witness intimidation

	Type A	Type B
F6	Assault 2deg Sex assault on a child Sexual assault Vehicular assault	Accessory to crime Assault 3rd degree on At-Risk-Adult Burglary Check fraud Conspiracy to Crime (Type B) Contraband Crim mischief Crim trespass Criminal attempt Criminal impersonation Criminal tampering Cruelty to Animals Driving offenses- (FELONY) Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Engaging in riot Fail to register sex offender False info to pawnbroker False reporting to authorities Financial transaction device Forgery Fugitive from justice Harassment Identity Theft Indecent exposure Menacing (Felony) Motor Vehicle Theft Possess forged instrument Rioting Theft Violation bail bond conditions Weapons charges
DF1	Aggravated robbery Assault 2deg Vehicular assault	Conspiracy to Crime (Type B) Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Sched II Drugs- possession/intent CS Drugs- possession/intent marijuana Drugs- Special Offender Drugs- use

	Type A	Type B
DF2	Assault 2deg	Conspiracy to Crime (Type B) Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Drugs- possession/intent marijuana Drugs- Special Offender Organized crime control act (COCCA)
DF3	None	Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Drugs- possession/intent marijuana Drugs- use Motor Vehicle Theft
DF4	None	Conspiracy to Crime (Type B) Contraband Driving offenses- (FELONY) Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession Sched II Drugs- possession/intent CS Drugs- use Weapons charges
M1	Murder 1deg	Assault 3rd degree on At-Risk-Adult False reporting to authorities Theft Violation bail bond conditions

	Type A	Type B
M3		Drugs- possession Marijuana False reporting to authorities Violation bail bond conditions
DM2		Drugs- possession CS

Salary Pots Request Template, Fiscal Year 2017-18

Office of the Alternate Defense Counsel	TOTAL FUNDS/FTE FY 2016-17	GENERAL FUND	CASH FUNDS	REAPPROP RIATED FUNDS	FEDERAL FUNDS	NET GENERAL FUND
I. Continuation Salary Base for FY 2015-16						
Total Appropriated FTE for FY 2016-17	12.0					
Sum of Filled FTE as of July 2016	12.0	100.0000%	0.0000%	0.0000%	0.0000%	100.0000%
July 2016 Salary X 12	1,091,671	1,091,671	-	-	-	1,091,671
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$110,805	\$110,805	-	-	-	\$110,805
Medicare @ 1.45%	15,829	\$15,829	-	-	-	\$15,829
Subtotal Continuation Salary Base =	1,218,304	\$1,218,304	-	-	-	\$1,218,304
II. Salary Survey Adjustments						
System Maintenance Studies	\$0	\$0	-	-	-	\$0
Across the Board - Base Adjustment	\$27,292	\$27,292	-	-	-	\$27,292
Across the Board - Non-Base Adjustment	\$0	\$0	-	-	-	\$0
Movement to Minimum - Base Adjustment	\$0	\$0	-	-	-	\$0
Subtotal - Salary Survey Adjustments	\$27,292	\$27,292	-	-	-	\$27,292
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$2,770	\$2,770	-	-	-	\$2,770
Medicare @ 1.45%	\$396	\$396	-	-	-	\$396
Request Subtotal =	\$30,458	\$30,458	-	-	-	\$30,458
III. Merit Pay Adjustments						
Merit Pay - Base Adjustments	\$0	\$0	-	-	-	\$0
Merit Pay - Non-Base Adjustments	\$0	\$0	-	-	-	\$0
Subtotal - Merit Pay Adjustments	\$0	\$0	-	-	-	\$0
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$0	\$0	-	-	-	\$0
Medicare @ 1.45%	\$0	\$0	-	-	-	\$0
Request Subtotal =	\$0	\$0	-	-	-	\$0
IV. Shift Differential						
FY 2014-15 ACTUAL EXPENDITURES for All Occupational Groups	\$0	\$0	-	-	-	\$0
Total Actual and Adjustments @ 100%	\$0	\$0	-	-	-	\$0
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$0	\$0	-	-	-	\$0
Medicare @ 1.45%	\$0	\$0	-	-	-	\$0
Request Subtotal =	\$0	\$0	-	-	-	\$0
V. Revised Salary Basis for Remaining Request Subtotals						
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,118,962	\$1,118,962.37	-	-	-	\$1,118,962
VI. Amortization Equalization Disbursement (AED)						
Revised Salary Basis * 5.0%	\$55,948	\$55,948	-	-	-	\$55,948
VII. Supplemental AED (SAED)						
Revised Salary Basis * 5.0%	\$55,948	\$55,948	-	-	-	\$55,948
VIII. Short-term Disability						
Revised Salary Basis * 0.19%	\$2,126	\$2,126	-	-	-	\$2,126
IX. Health, Life, and Dental						
100% Health, 85% Dental, and \$50k Life coverage	\$164,476	164,476	-	-	-	\$164,476

Common Policy Line Item	FY 2016-17 Appropriation	GF	CF	RF	FF
Salary Survey	\$0	\$0			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$51,836	\$51,836			
SAED	\$51,295	\$51,295			
Short-term Disability	\$2,052	\$2,052			
Health, Life and Dental	\$134,268	\$134,268			
TOTAL	\$239,451	\$239,451	\$0	\$0	\$0
Common Policy Line Item	FY 2017-18 Total Request	GF	CF	RF	FF
Salary Survey	\$30,458	\$30,458			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$55,948	\$55,948			
SAED	\$55,948	\$55,948			
Short-term Disability	\$2,126	\$2,126			
Health, Life and Dental	\$164,476	\$164,476			
TOTAL	\$308,956	\$308,956			
Common Policy Line Item	FY 2017-18 Incremental	GF	CF	RF	FF
Salary Survey	\$30,458	\$30,458			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$4,112	\$4,112			
SAED	\$4,653	\$4,653			
Short-term Disability	\$74	\$74			
Health, Life and Dental	\$30,208	\$30,208			
TOTAL	\$69,505	\$69,505			