



**Office of the**  
**Alternate  
Defense  
Counsel**

**FISCAL YEAR 2018-2019  
BUDGET REQUEST**

**November 1, 2017**

**Lindy Frolich, Director**

# Table of Contents

<b><u>Executive Letter</u></b>	2
<b><u>Budget Summary</u></b>	
Budget Summary Narrative	8
Budget Change Summary, by Fund Source	9
FY2018-19 Reconciliation of Agency Request	10
<b><u>Agency Overview</u></b>	
Organizational Chart	13
Background	14
Statutory Mandated/Directive	14
Mission	14
Vision	14
Total Caseload and Case Type Data	15
<b><u>Decision Item(s)</u></b>	
DI # R-1 : Caseload Increase	22
DI # R-2 : Administrative Support	26
DI # R-3 : COLA Based Hourly Contractor Rate Increase	33
<b><u>Schedules</u></b>	
Schedule 2	37
Schedule 3	38
Schedule 5	45
Schedule 10	46
Summary of Supplemental Bills	47
<b><u>POTS Template and Summary</u></b>	
<b>Appendix A - Colorado Judicial Districts Map</b>	50
<b>Appendix B - Prior Year Legislation, Hot Topics, and Cases that May Affect OADC</b>	52
<b>Appendix C - Agency Objectives and Performance Measures</b>	62
<b>Appendix D - Case Classification by Category Rates</b>	73



# State of Colorado

## Office of the Alternate Defense Counsel

Lindy Frolich, Director

[www.coloradoadc.org](http://www.coloradoadc.org)

1300 Broadway Street, #330  
Denver, Colorado 80203  
Phone: (303) 515-6925

November 1, 2017

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. The following table shows changes in the Agency's caseload since FY11, and corresponding expenditures.

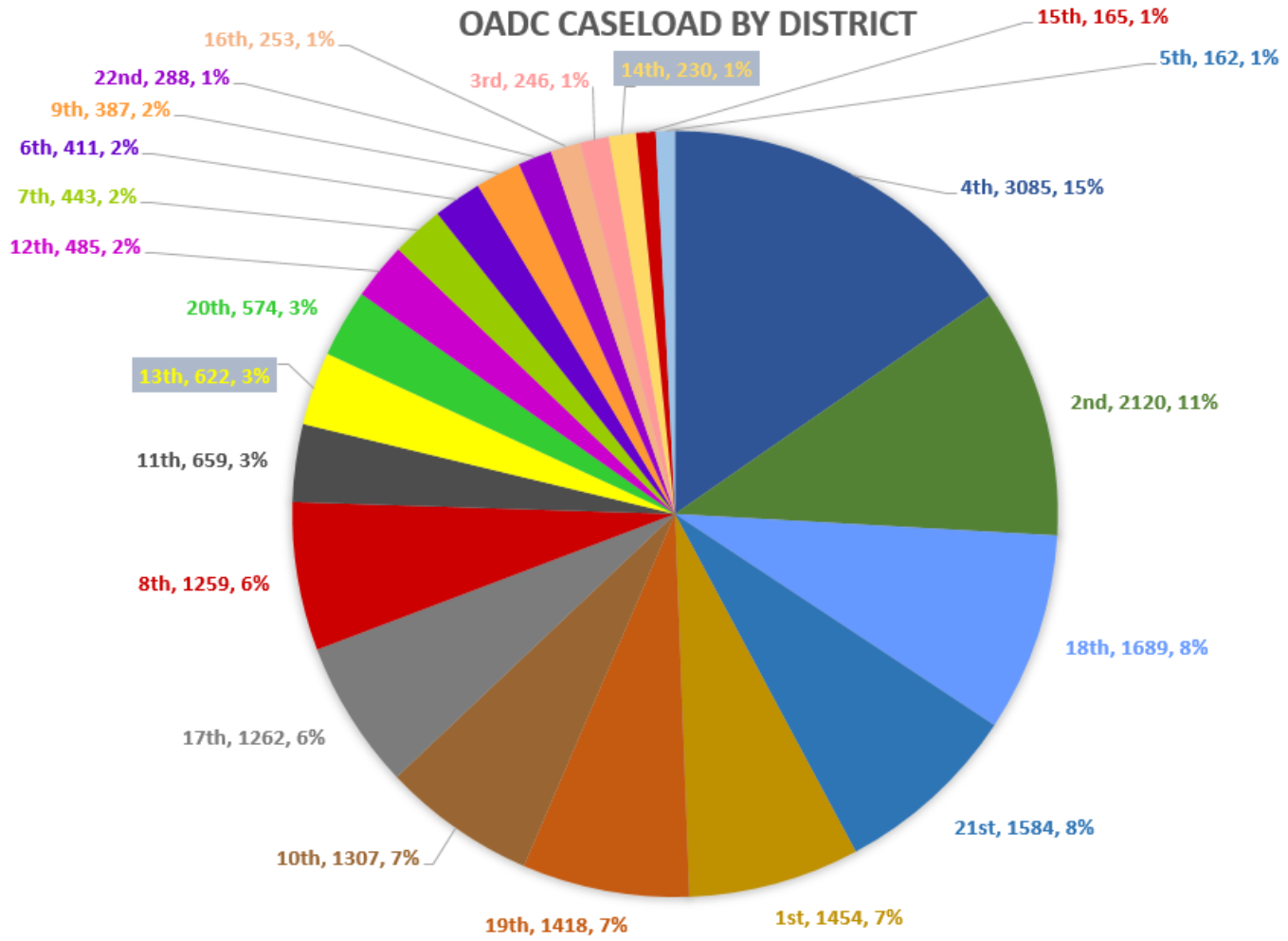
	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15* Actual	FY16 Actual	FY17 Actual	FY11 to FY17 % change
Caseload	11,878	12,585	13,290	15,085	16,680	18,244	20,103	69.25%
Change from previous FY	-5.70%	6.00%	5.60%	13.50%	10.60%	9.40%	10.00%	
Expenditures	\$ 20,496,774	\$ 22,187,179	\$ 22,660,445	\$ 25,453,717	\$ 29,694,094	\$ 31,551,612	\$ 32,935,253	60.69%
Change from previous FY	-11.58%	8.25%	2.13%	12.33%	16.66%	6.26%	4.39%	

*\*In FY15 there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

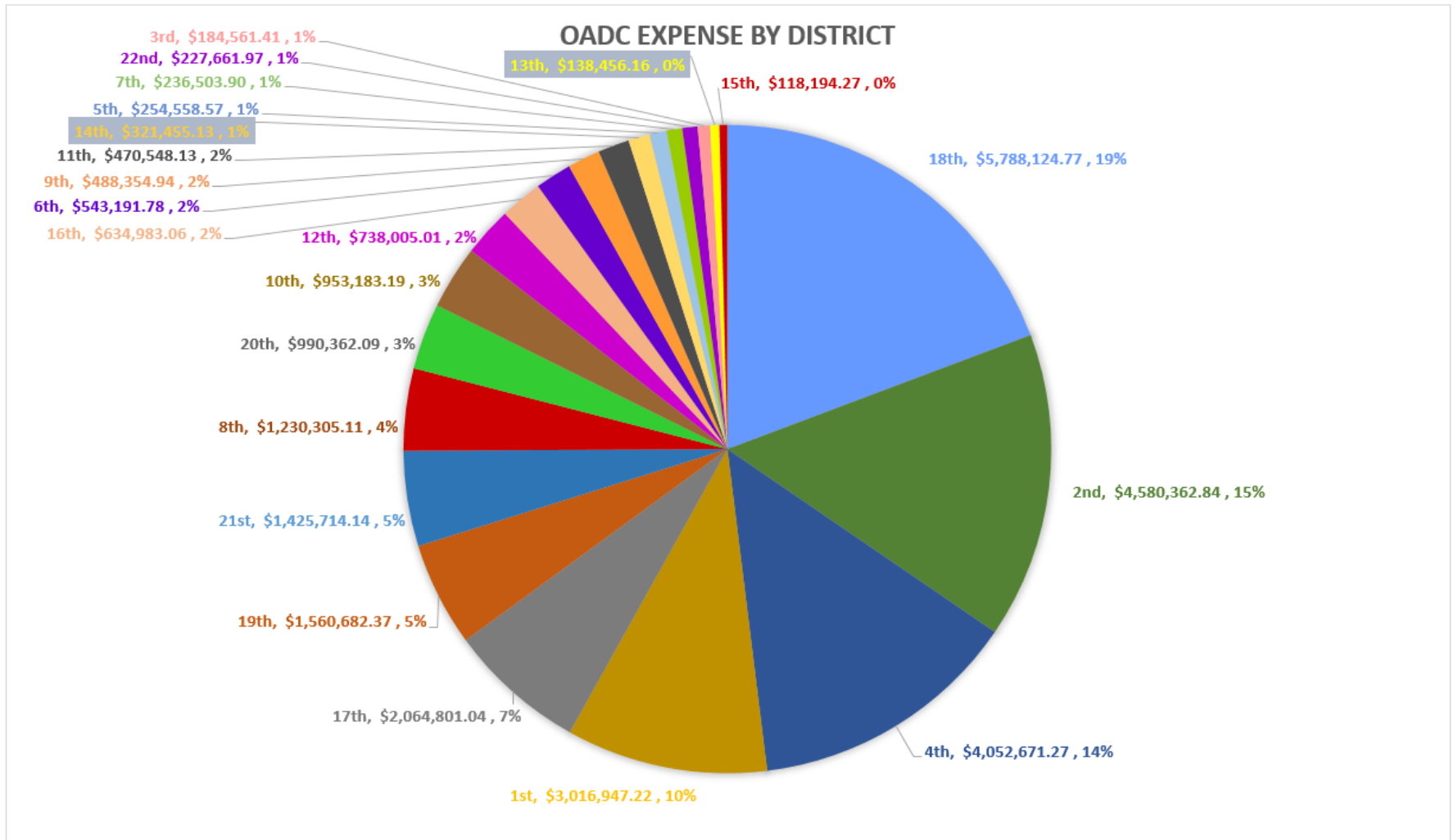
As this table shows, the number of cases handled by the Agency in any fiscal year is unpredictable.

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

### OADC CASELOAD BY DISTRICT



The following pie chart illustrates the Agencies Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District.



Although the OADC cannot control or influence the **number** of cases, the Agency has successfully contained the biggest cost-driver - the number of attorney hours spent on each case. In fact, the average number of attorney hours per case has steadily decreased.

Contain Case Costs		FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Budget	FY19 Request	FY10 to FY17 % change
Contain the total number of Attorney hours per case. Includes all case type hours.	Target	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64	15.27	-26.62%
	Actual	20.81	19.22	18.91	17.94	17.91	16.57	15.91	15.27			
	% Change	n/a	-7.6%	-1.6%	-5.1%	-0.2%	-7.5%	-4.0%	-4.0%			
Average Cost per Case	Target	n/a	n/a	n/a	n/a	n/a	n/a	n/a	\$ 1,581	\$ 1,581	\$ 1,581	-13.89%
	Actual	\$ 1,769	\$ 1,620	\$ 1,641	\$ 1,593	\$ 1,596	\$ 1,722	\$ 1,581	\$ 1,523			
	% Change	n/a	-8.4%	1.3%	-2.9%	0.2%	7.9%	-8.2%	-3.7%			

*\*In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for Paralegals resulting in a disproportional increase in expenditures.*

OADC lawyers are independent contractors, not 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? The answer is simple: By increasing centralized resources, the OADC reduces duplication of work and ensures work is performed by the appropriate type of contractor.

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, case assistants, legal researchers, investigators, social workers, and document managers, who assist the OADC contract attorneys with their OADC cases. These individuals work at an hourly rate well below the attorney rate. It also allows individuals to focus on their areas of expertise. The following is a prime example of how this works:

*We have thousands of pages of social media and cell phone information the police collected with warrants. 9 different cell phone records from the major players in the case, two complete phone dumps, 1 tablet dump, 6 social media accounts, and two full email accounts. All of these materials relate to potential alternate suspects. Client has almost no connection to many of these people. Our paralegal has helped organize and chart/review the massive amount of discovery in this case and create digital notebooks for the witnesses in the case so we can be prepared to interview witnesses, cross examine at Preliminary Hearing, and likely go to trial. Her next project will be to review the cell phone information and social media and email discovery to investigate contacts between the victim, alternate suspects, co-defendant and client. I will give her a guide of information to look for but she will*

**review and search. This will save me time and save money on the case as I will not be doing it myself.** (Emphasis added).

The above model successfully mimics how organizations or private sector firms manage their businesses. This model requires increased coordination and management to ensure proper implementation and efficient and effective service. The OADC accomplishes this coordination and management with merely 12 full-time employees, most of whom have a specialized role within the agency. Click [here](#) to see the Agency's Organizational Chart. 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. Current staff, however, is overtaxed, and additional administrative support is needed.

***I know I'm preaching to the choir, but I just wanted to let you know how much I appreciate your staff and all they do for so many. They won't toot their own horns, but they are simply amazing & go out of their way to help, even when they don't have to. I still can't figure out how they do it all.***

Each year the OADC strives 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 created a comprehensive Vendor Database using Microsoft 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. As one rural contractor commented: ***"I just wanted to let you know how much I appreciate these and the podcasts are perfect for my drives. This is an awesome thing that ADC has going!"***

The Agency is currently developing an Expert Database that will be available for use by the Contractors in representing their clients. The Agency also solicits volunteers to work as mock judges for moot oral arguments, and as one individual recently commented:

***Thanks so much to all of you for your help in preparing me for my first Colorado Supreme Court argument. I'm so glad I was prepared for the questions and I felt like I was prepared thanks to the moot. It was a tremendous help.***

The recently created Juvenile Division strives to ensure that those representing juvenile clients are qualified and trained to work with this vulnerable population. This Division has been expanded to include Educational Consultants. After working with one of the Educational Consultants provided by the Agency, one contractor commented that: ***"once again, ADC has been instrumental in providing the support we need to fully represent our clients. Thanks to all for being 'our village!'"***

The newly added Social Worker Coordinator assigns and supervises social workers and social work interns to assist with the most difficult cases. One contractor explained the benefit of a social worker on the defense team through a message to that social worker: ***"I thought you did a very thorough and fantastic job. You also skillfully and compassionately gained our juvenile client's trust first in order to do a great job for him. You also helped us gain his trust and helped us help him."***

As illustrated below, more than half the cases handled by OADC contractors are adult felonies. These are the most expensive types of cases, and accounted for most of the FY17 caseload increase.

<b>Total Cases by Type</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>% increase from FY16-FY17</b>
Adult Felony	10,580	58.0%	12,063	60.0%	14.0%
Juvenile	2,433	13.3%	2,511	12.5%	3.2%
Misdemeanor	5,231	28.7%	5,529	27.5%	5.7%
<b>Grand Total</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100.0%</b>	<b>100.0%</b>

There will continue to be extraordinary costs beyond the control of the OADC, such as the significant costs related to the use of the death penalty in Colorado. Changes in technology also increase the cost of representation, such as the use of DNA, police video footage, and cell phone tower data in criminal prosecutions. Colorado Organized Crime Control Act (COCCA) prosecutions continue statewide, involving dozens of co-defendants, and terabytes of discovery, that must be reviewed by the contractors, resulting in substantial additional expense. 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,

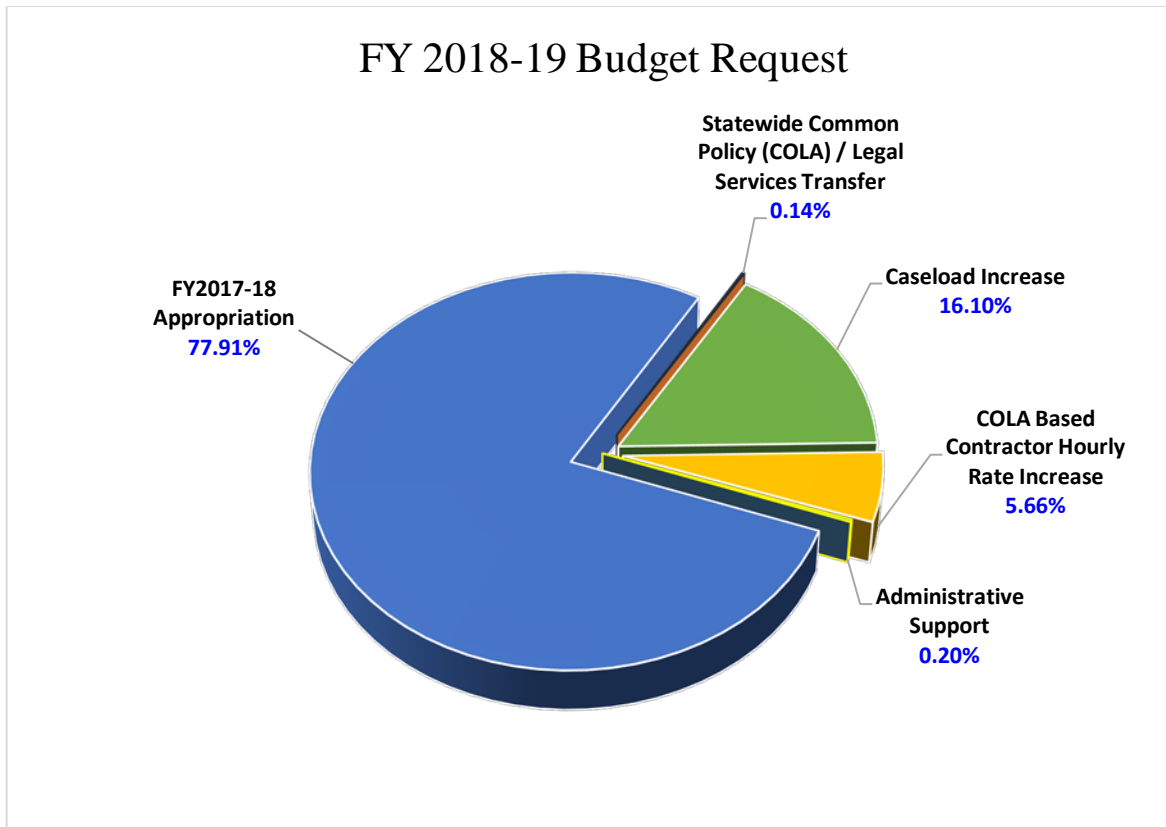
Lindy Frolich



## BUDGET SUMMARY NARRATIVE

The total FY 2018-19 budget request for the Office of the Alternate Defense Counsel is \$40,738,684 and 13.0 FTE. This change represents a 28.5% increase over the FY 2017-18 appropriation of \$31,738,129. In FY17-18 the agency only requested a 0.67% increase to its budget.

- **FY 2017-18 Appropriation of \$ 31,738,129**
  - PLUS Statewide Common Policy of \$51,667
  - PLUS Legal Services Budget Transfer from SCAO of \$4,578
- **FY 2018-19 Base Request of \$ 31,794,374**
  - PLUS Change Request - OADC Caseload GF Increase for FY18 of \$3,119,104 (DI # R-1)
  - PLUS Change Request - OADC Caseload GF Increase for FY19 of \$3,438,934 (D1 # R-1)
  - PLUS Change Request - Administrative Support GF Increase of \$79,981 (D2 # R-2)
  - PLUS Change Request - COLA Based Contractor Hourly Rate Increase GF Increase of \$2,306,291 (D3 # R-3)
- **FY 2018-19 Budget Request of \$ 40,738,684**



**Office of the Alternate Defense Counsel**  
**FY 2018-19 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
<b>Long Bill</b>				
S.B. 17-254 Office of the Alternate Defense Counsel	12.0	\$31,738,129	\$31,658,129	\$80,000
<b>Total FY2017-18 Appropriation</b>	<b>12.0</b>	<b>31,738,129</b>	<b>31,658,129</b>	<b>80,000</b>
<b>Prior Year Budget Change or Annualizations</b>				
Total Change or Annualization	0.0	\$0	\$0	\$0
<b>Salary Survey (COLA - 3.0%) and Merit</b>				
FY 2018-19 Salary Survey	0.0	\$40,141	\$40,141	\$0
FY 2018-19 Merit	0.0	\$0	\$0	\$0
Total Salary Survey (COLA - 3.0%) and Merit	0.0	\$40,141	\$40,141	\$0
<b>Common Policy Adjustments</b>				
Health Life Dental	0.0	\$8,916	\$8,916	\$0
Short Term Disability	0.0	(\$194)	(\$194)	\$0
AED	0.0	\$1,402	\$1,402	\$0
SAED	0.0	\$1,402	\$1,402	\$0
Legal Services Budget Transfer from SCAO	0.0	\$4,578	\$4,578	\$0
Total Common Policy Adjustments	0.0	\$16,105	\$16,105	\$0
<b>Total FY 2018-19 Base Request</b>	<b>12.0</b>	<b>31,794,374</b>	<b>31,714,374</b>	<b>80,000</b>
<b>Budget Change Requests</b>				
<i>FY2018-19 D1 # R-1 Caseload Increase</i>				
FY2017-18 increase	0.0	\$3,119,104	\$3,119,104	\$0
FY2018-19 increase	0.0	\$3,438,934	\$3,438,934	\$0
Total Decision Items/Budget Amendments	0.0	\$6,558,038	\$6,558,038	\$0
<i>FY2018-19 D2 # R-2 Administrative Support</i>				
	1.0	\$ 79,981	\$ 79,981	\$ -
Total Decision Items/Budget Amendments	1.0	\$ 79,981	\$ 79,981	\$ -
<i>FY2018-19 D3 # R-3 COLA Based Contractor Hourly Rate Increase</i>				
	0.0	\$ 2,306,291	\$ 2,306,291	\$ -
Total Decision Items/Budget Amendments	0.0	\$ 2,306,291	\$ 2,306,291	\$ -
<b>Total FY 2018-19 Budget Request</b>	<b>13.0</b>	<b>40,738,684</b>	<b>40,658,684</b>	<b>80,000</b>
##\$ change from FY 2017-18	1.0	\$9,000,555	\$9,000,555	\$0
% change from FY 2017-18	8.3%	28.4%	28.4%	0.0%

Office of the Alternate Defense Counsel  
 FY2018-19 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)
<b>Personal Services</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 1,349,091	12.0	\$ 1,349,091	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 1,349,091		\$ 1,349,091	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 1,349,091	12.0	\$ 1,349,091	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - Base Salary	\$ 49,608	1.0	\$ 49,608	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - PERA	\$ 5,040	-	\$ 5,040	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - Medicare	\$ 720	-	\$ 720	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	<b>\$ 1,404,459</b>	<b>13.0</b>	<b>\$ 1,404,459</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Health Life and Dental (HLD)</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 163,134	-	\$ 163,134	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 163,134		\$ 163,134	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 8,916	-	\$ 8,916	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 172,050	-	\$ 172,050	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - HLD	\$ 13,320	-	\$ 13,320	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	<b>\$ 185,370</b>	<b>-</b>	<b>\$ 185,370</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Short Term Disability (STD)</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 2,293	-	\$ 2,293	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 2,293		\$ 2,293	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ (194)	-	\$ (194)	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 2,099	-	\$ 2,099	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - STD	\$ 96	-	\$ 96	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	<b>\$ 2,195</b>	<b>-</b>	<b>\$ 2,195</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>S.B 04-257 Amortization Equalization Disbursement (AED)</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 60,339	-	\$ 60,339	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 60,339		\$ 60,339	\$ -	\$ -	\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 1,402	-	\$ 1,402	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 61,741	-	\$ 61,741	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - AED	\$ 2,772	-	\$ 2,772	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	<b>\$ 64,513</b>	<b>-</b>	<b>\$ 64,513</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Office of the Alternate Defense Counsel  
 FY2018-19 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)
<b>S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 60,339	-	\$ 60,339	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 60,339		\$ 60,339	\$ -	\$ -	\$ -	\$ -
<b>Total Compensation Common Policy (incremental change)</b>							
	\$ 1,402	-	\$ 1,402	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 61,741	-	\$ 61,741	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support - SAED	\$ 2,772	-	\$ 2,772	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 64,513	-	\$ 64,513	\$ -	\$ -	\$ -	\$ -
<b>Salary Survey</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 119,297	-	\$ 119,297	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 119,297		\$ 119,297	\$ -	\$ -	\$ -	\$ -
<b>Total Compensation Common Policy (Total change)</b>							
	\$ 40,141	-	\$ 40,141	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 40,141	-	\$ 40,141	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 40,141	-	\$ 40,141	\$ -	\$ -	\$ -	\$ -
<b>Merit</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 9,137	-	\$ 9,137	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 9,137		\$ 9,137	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Operating Expenses</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 106,439	-	\$ 106,439	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 106,439		\$ 106,439	\$ -	\$ -	\$ -	\$ -
Legal Services Budget Transfer from SCAO	\$ 4,578	-	\$ 4,578	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 111,017	-	\$ 111,017	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support	\$ 2,180	-	\$ 2,180	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 113,197	-	\$ 113,197	\$ -	\$ -	\$ -	\$ -

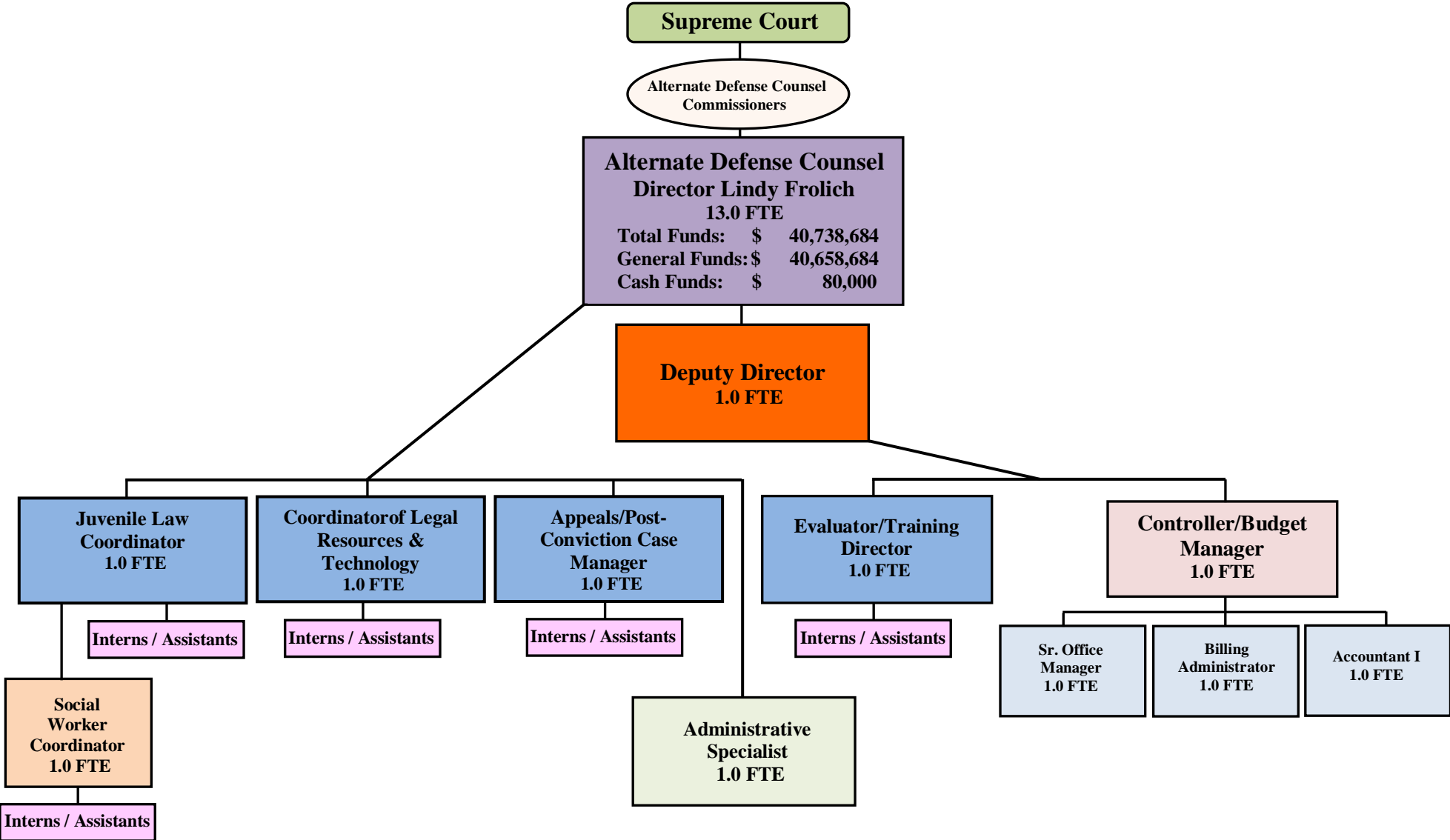
Office of the Alternate Defense Counsel  
 FY2018-19 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	General Funds Exempt (GFX)	Cash Funds (CF)	Appropriated Funds (RF)	Federal Funds (FF)
<b>Capital Outlay</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
DI # R-2 (FY19) Administrative Support	\$ 3,473	-	\$ 3,473				
<b>FY 2018-19 November 01 Request</b>	\$ 3,473	-	\$ 3,473	\$ -	\$ -	\$ -	\$ -
<b>Training and Conferences</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 100,000	-	\$ 20,000	\$ -	\$ 80,000	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 100,000	-	\$ 20,000	\$ -	\$ 80,000	\$ -	\$ -
FY 2018-19 Base Request	\$ 100,000	-	\$ 20,000	\$ -	\$ 80,000	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 100,000	-	\$ 20,000	\$ -	\$ 80,000	\$ -	\$ -
<b>Conflict-of-interest Contracts</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 27,864,221	-	\$ 27,864,221	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 27,864,221	-	\$ 27,864,221	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 27,864,221	-	\$ 27,864,221	\$ -	\$ -	\$ -	\$ -
DI # R-1 Caseload Increase (FY19) portion for FY18	\$ 2,907,077	-	\$ 2,907,077	\$ -	\$ -	\$ -	\$ -
DI # R-1 Caseload Increase (FY19) portion for FY19	\$ 3,205,166	-	\$ 3,205,166	\$ -	\$ -	\$ -	\$ -
DI # R-3 COLA Based Contractor Hourly Rate Increase	\$ 2,306,291	-	\$ 2,306,291	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 36,282,755	-	\$ 36,282,755	\$ -	\$ -	\$ -	\$ -
<b>Mandated Costs</b>							
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 2,032,273	-	\$ 2,032,273	\$ -	\$ -	\$ -	\$ -
<b>FY 2017-18 Total Appropriation</b>	\$ 2,032,273	-	\$ 2,032,273	\$ -	\$ -	\$ -	\$ -
FY 2018-19 Base Request	\$ 2,032,273	-	\$ 2,032,273	\$ -	\$ -	\$ -	\$ -
DI # R-1 Caseload Increase (FY19) portion for FY18	\$ 212,027	-	\$ 212,027	\$ -	\$ -	\$ -	\$ -
DI # R-1 Caseload Increase (FY19) portion for FY19	\$ 233,768	-	\$ 233,768	\$ -	\$ -	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 2,478,068	-	\$ 2,478,068	\$ -	\$ -	\$ -	\$ -
Common Policy Request - COLA	\$ 51,667	-	\$ 51,667	\$ -	\$ -	\$ -	\$ -
Common Policy Request - Legal Services Transfer	\$ 4,578	-	\$ 4,578				
FY 2018-2019 Base Requests	\$ 8,944,310	-	\$ 8,944,310				
<b>Change FY 2017-18 Base Request to FY 2018-19 Nov 01 Request</b>	\$ 9,000,555	1.0	\$ 9,000,555	\$ -	\$ -	\$ -	\$ -
Percent Change	28.5%	8.3%	28.6%	0.0%	0.0%	0.0%	0.0%
<b>FY 2017-18 Total Appropriation (Long Bill plus Special Bills)</b>	\$ 31,738,129	12.0	\$ 31,658,129	\$ -	\$ 80,000	\$ -	\$ -
<b>FY 2018-19 Base Request</b>	\$ 31,794,374	12.0	\$ 31,714,374	\$ -	\$ 80,000	\$ -	\$ -
<b>FY 2018-19 November 01 Request</b>	\$ 40,738,684	13.0	\$ 40,658,684	\$ -	\$ 80,000	\$ -	\$ -

# 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 ensuring 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, 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

<b>FY13 - FY17</b>	<b>FY13 Actual</b>	<b>FY14 Actual</b>	<b>FY15 Actual</b>	<b>FY16 Actual</b>	<b>FY17 Actual</b>
<i>Trial Cases</i>	<b>10,898</b>	<b>12,217</b>	<b>13,696</b>	<b>14,949</b>	<b>16,565</b>
<i>Appeal Cases</i>	<b>697</b>	<b>762</b>	<b>806</b>	<b>725</b>	<b>670</b>
<i>Post-Conviction Cases</i>	<b>461</b>	<b>558</b>	<b>562</b>	<b>542</b>	<b>605</b>
<i>*Other/Special Proceedings</i>	<b>1,234</b>	<b>1,547</b>	<b>1,616</b>	<b>2,028</b>	<b>2,263</b>
<b>Total Cases</b>	<b>13,290</b>	<b>15,084</b>	<b>16,680</b>	<b>18,244</b>	<b>20,103</b>

*\* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Plea - 32(d), Petitions for Certiorari, Probation revocations or modifications, Reviews of Magistrate's Order, Rule 21 petitions, and Special proceedings.*

<b>Trial Cases</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Budget</b>	<b>FY18 % of Total</b>	<b>FY19 Request</b>	<b>FY19 % of Total</b>
<i>F1</i>	112	0.7%	156	0.9%	112	0.7%	189	0.9%
<i>F2</i>	473	3.2%	514	3.1%	473	3.2%	624	3.1%
<i>F3</i>	1,322	8.8%	1,337	8.1%	1,322	8.8%	1,623	8.1%
<i>F4</i>	1,952	13.1%	2,210	13.3%	1,952	13.1%	2,683	13.3%
<i>F5</i>	1,243	8.3%	1,586	9.6%	1,243	8.3%	1,926	9.6%
<i>F6</i>	923	6.2%	1,101	6.6%	923	6.2%	1,337	6.6%
<i>DF1</i>	330	2.2%	407	2.5%	330	2.2%	494	2.5%
<i>DF2</i>	294	2.0%	322	1.9%	294	2.0%	391	1.9%
<i>DF3</i>	389	2.6%	429	2.6%	389	2.6%	521	2.6%
<i>DF4</i>	1,502	10.0%	1,879	11.3%	1,502	10.0%	2,281	11.3%
<i>Juvenile</i>	2,103	14.1%	2,156	13.0%	2,103	14.1%	2,618	13.0%
<i>Misd, PO, DUI, &amp; Traffic</i>	4,306	28.8%	4,468	27.0%	4,306	28.8%	5,425	27.0%
<b>Total</b>	<b>14,949</b>	<b>100.0%</b>	<b>16,565</b>	<b>100.0%</b>	<b>14,949</b>	<b>100.0%</b>	<b>20,112</b>	<b>100.0%</b>



<b>Appeal Cases</b>	<b>FY16</b>	<b>FY16</b>	<b>FY17</b>	<b>FY17</b>	<b>FY18</b>	<b>FY18</b>	<b>FY19</b>	<b>FY19</b>
	<b>Actual</b>	<b>% of Total</b>	<b>Actual</b>	<b>% of Total</b>	<b>Budget</b>	<b>% of Total</b>	<b>Request</b>	<b>% of Total</b>
<i>F1</i>	109	15.0%	109	16.3%	109	15.0%	132	16.2%
<i>F2</i>	120	16.6%	112	16.7%	120	16.6%	136	16.7%
<i>F3</i>	201	27.7%	182	27.2%	201	27.7%	221	27.1%
<i>F4</i>	137	18.9%	120	17.9%	137	18.9%	146	17.9%
<i>F5</i>	42	5.8%	40	6.0%	42	5.8%	49	6.0%
<i>F6</i>	33	4.6%	23	3.4%	33	4.6%	28	3.4%
<i>DF1</i>	1	0.1%	2	0.3%	1	0.1%	2	0.2%
<i>DF2</i>	3	0.4%	4	0.6%	3	0.4%	5	0.6%
<i>DF3</i>	3	0.4%	7	1.0%	3	0.4%	9	1.1%
<i>DF4</i>	2	0.3%	6	0.9%	2	0.3%	7	0.9%
<i>Juvenile</i>	13	1.8%	9	1.3%	13	1.8%	11	1.4%
<i>Misd, PO, DUI, &amp; Traffic</i>	61	8.4%	56	8.4%	61	8.4%	68	8.4%
<b>Total</b>	<b>725</b>	<b>100.0%</b>	<b>670</b>	<b>100%</b>	<b>725</b>	<b>100.0%</b>	<b>814</b>	<b>100.0%</b>

<b>Post-Conviction Cases</b>	<b>FY16</b>	<b>FY16</b>	<b>FY17</b>	<b>FY17</b>	<b>FY18</b>	<b>FY18</b>	<b>FY19</b>	<b>FY19</b>
	<b>Actual</b>	<b>% of Total</b>	<b>Actual</b>	<b>% of Total</b>	<b>Budget</b>	<b>% of Total</b>	<b>Request</b>	<b>% of Total</b>
<i>F1</i>	96	17.7%	103	17.0%	96	17.7%	125	17.0%
<i>F2</i>	65	12.0%	83	13.7%	65	12.0%	101	13.7%
<i>F3</i>	147	27.1%	158	26.1%	147	27.1%	192	26.1%
<i>F4</i>	90	16.6%	103	17.0%	90	16.6%	125	17.0%
<i>F5</i>	33	6.1%	42	6.9%	33	6.1%	51	6.9%
<i>F6</i>	25	4.6%	21	3.5%	25	4.6%	26	3.5%
<i>DF1</i>	1	0.2%	3	0.5%	1	0.2%	4	0.5%
<i>DF2</i>	7	1.3%	2	0.3%	7	1.3%	2	0.3%
<i>DF3</i>	3	0.6%	6	1.0%	3	0.6%	7	1.0%
<i>DF4</i>	4	0.7%	4	0.7%	4	0.7%	5	0.7%
<i>Juvenile</i>	13	2.4%	12	2.0%	13	2.4%	15	2.0%
<i>Misd, PO, DUI, &amp; Traffic</i>	58	10.7%	68	11.2%	58	10.7%	83	11.3%
<b>Total</b>	<b>542</b>	<b>100.0%</b>	<b>605</b>	<b>100.0%</b>	<b>542</b>	<b>100.0%</b>	<b>736</b>	<b>100.0%</b>

<b>Other / Special Proceedings Cases</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Budget</b>	<b>FY18 % of Total</b>	<b>FY19 Request</b>	<b>FY19 % of Total</b>
<i>F1</i>	10	0.5%	19	0.8%	10	0.5%	23	0.8%
<i>F2</i>	36	1.8%	23	1.0%	36	1.8%	28	1.0%
<i>F3</i>	76	3.7%	65	2.9%	76	3.7%	79	2.9%
<i>F4</i>	231	11.4%	213	9.4%	231	11.4%	259	9.4%
<i>F5</i>	232	11.4%	257	11.4%	232	11.4%	312	11.4%
<i>F6</i>	173	8.5%	187	8.3%	173	8.5%	227	8.3%
<i>DF1</i>	1	0.0%	1	0.0%	1	0.0%	1	0.0%
<i>DF2</i>	6	0.3%	4	0.2%	6	0.3%	5	0.2%
<i>DF3</i>	22	1.1%	34	1.5%	22	1.1%	41	1.5%
<i>DF4</i>	131	6.5%	196	8.7%	131	6.5%	238	8.7%
<i>Juvenile</i>	304	15.0%	327	14.4%	304	15.0%	397	14.4%
<i>Misd, PO, DUI, &amp; Traffic</i>	806	39.7%	937	41.4%	806	39.7%	1,138	41.4%
<b>Total</b>	<b>2,028</b>	<b>100.0%</b>	<b>2,263</b>	<b>100.0%</b>	<b>2,028</b>	<b>100.0%</b>	<b>2,748</b>	<b>100.0%</b>

\* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Plea - 32(d), Petitions for Certiorari, Probation revocations or modifications, Reviews of Magistrate's Order, Rule 21 petitions, and Special proceedings

<b>Total Cases</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Budget</b>	<b>FY18 % of Total</b>	<b>FY19 Request</b>	<b>FY19 % of Total</b>
<i>F1</i>	327	1.8%	387	1.9%	327	1.8%	469	1.9%
<i>F2</i>	694	3.8%	731	3.6%	694	3.8%	889	3.6%
<i>F3</i>	1,746	9.6%	1,741	8.7%	1,746	9.6%	2,115	8.7%
<i>F4</i>	2,410	13.2%	2,644	13.2%	2,410	13.2%	3,213	13.2%
<i>F5</i>	1,550	8.5%	1,925	9.6%	1,550	8.5%	2,338	9.6%
<i>F6</i>	1,154	6.3%	1,330	6.6%	1,154	6.3%	1,618	6.6%
<i>DF1</i>	333	1.8%	413	2.1%	333	1.8%	501	2.1%
<i>DF2</i>	310	1.7%	332	1.7%	310	1.7%	403	1.7%
<i>DF3</i>	417	2.3%	476	2.4%	417	2.3%	578	2.4%
<i>DF4</i>	1,639	9.0%	2,084	10.4%	1,639	9.0%	2,531	10.4%
<i>Juvenile</i>	2,433	13.3%	2,511	12.5%	2,433	13.3%	3,041	12.5%
<i>Misd, PO, DUI, &amp; Traffic</i>	5,231	28.7%	5,529	27.5%	5,231	28.7%	6,714	27.5%
<b>Grand Total</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100%</b>	<b>18,244</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>

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

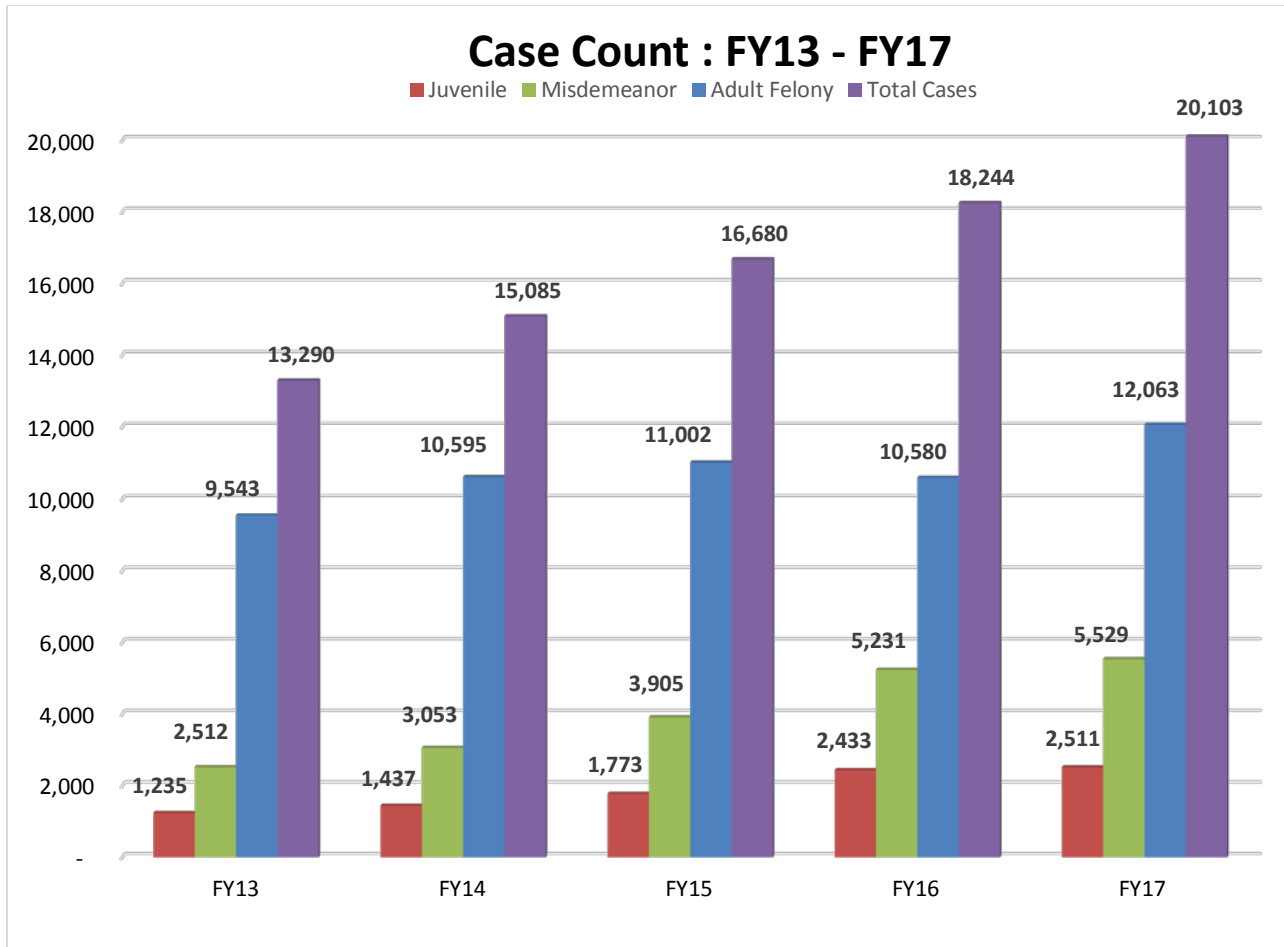
The following chart provides an overview of the total number of cases handled by agency contractors, including a percentage of each case type (Felony, Juvenile, and Misdemeanor).

<b>Total Cases by Type</b>	<b>FY15 Actual</b>	<b>FY15 % of Total</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Budget</b>	<b>FY18 % of Total</b>	<b>FY19 Request</b>	<b>FY19 % of Total</b>
Adult Felony	9,972	59.8%	10,580	58.0%	12,063	60.0%	10,580	58.0%	14,647	60.0%
Juvenile	2,025	12.1%	2,433	13.3%	2,511	12.5%	2,433	13.3%	3,049	12.5%
Misdemeanors	4,683	28.1%	5,231	28.7%	5,529	27.5%	5,231	28.7%	6,714	27.5%
<b>Grand Total</b>	<b>16,680</b>	<b>100.0%</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100.0%</b>	<b>18,244</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>

The following chart shows a breakdown of all OADC cases by Category (Trial, Appeal, Post-conviction, and Other/Special Proceedings).

<b>Totals Cases by Category</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Budget</b>	<b>FY18 % of Total</b>	<b>FY19 Request</b>	<b>FY19 % of Total</b>
Trial	14,949	81.9%	16,565	82.4%	14,949	81.9%	20,113	82.4%
Appeal	725	4.0%	670	3.3%	725	4.0%	814	3.3%
Post Conviction	542	3.0%	605	3.0%	542	3.0%	735	3.0%
*Other/Special Proceedings	2,028	11.1%	2,263	11.3%	2,028	11.1%	2,748	11.3%
<b>Grand Total</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100.0%</b>	<b>18,244</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>

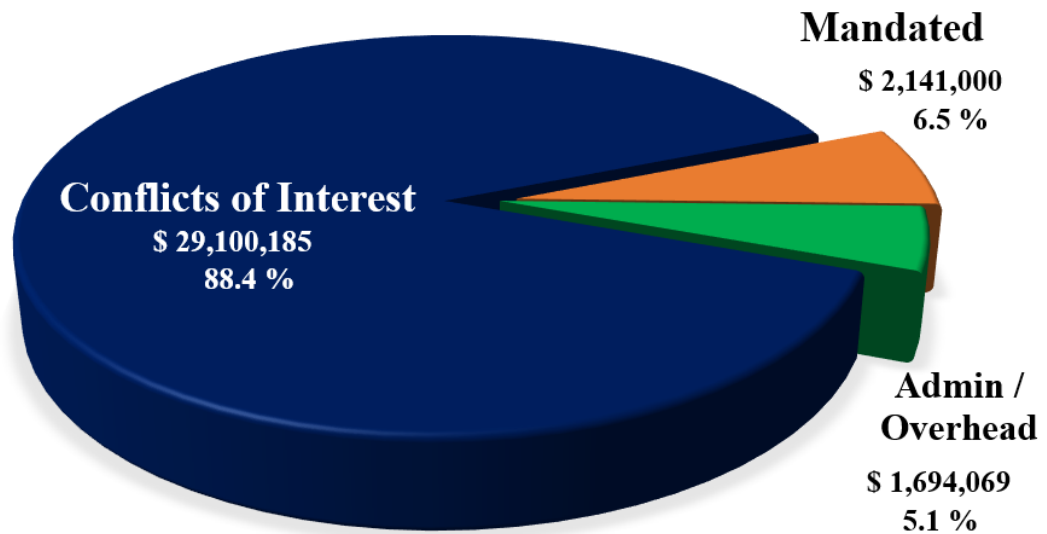
\* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Plea - 32(d), Petitions for Certiorari, Probation revocations or modifications, Reviews of Magistrate's Order, Rule 21 petitions, and Special proceedings.



**Total Case Payment Transactions Processed by the Agency:**

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Budget	FY18 Estimate	FY19 Request
<b>Caseload</b>	11,878	12,585	13,290	15,085	16,680	18,244	20,103	18,244	22,151	24,410
Caseload % change	<i>na</i>	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%			
<b>Transactions</b>	39,794	43,327	46,144	52,900	58,911	64,997	72,753	64,997	81,432	91,147
Transactions % change	<i>na</i>	8.88%	6.50%	14.64%	11.36%	10.33%	11.93%			
<b>Average Case Transactions</b>	3.35	3.44	3.47	3.51	3.53	3.56	3.62	3.56	3.68	3.73

**FY16 - 17**  
**TOTAL EXPENDITURES FOR THE OADC**



**Schedule 13  
FY18-19 Funding Request R-1**

**Schedule 13  
Funding Request for the 2018-19 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)  
 Request Title: Caseload Increase  
 Priority Number: R-1  
 Dept. Approval Date: 10/31/2017

- |  |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2018-19 |
| <input type="checkbox"/> Base Reduction Item FY 2018-19      |
| <input checked="" type="checkbox"/> Supplemental FY 2017-18  |
| <input type="checkbox"/> Budget Amendment FY 2017-18         |

Line Item Information		FY 2017-18		FY 2018-19		FY 2019-20
		1	2	3	4	5
	Fund	Appropriation FY 2017-18	Supplemental Request FY 2017-18	Base Request FY 2018-19	Funding Change Request FY 2018-19	Continuation Amount FY 2019-20
<b>Total of All Line Items</b>	<b>Total</b>	29,896,494	3,119,104	33,015,598	3,438,934	36,454,532
	FTE	-	-	-	-	-
	GF	29,896,494	3,119,104	33,015,598	3,438,934	36,454,532
<b>Conflicts of Interest</b>	<b>Total</b>	27,864,221	2,907,077	30,771,298	3,205,166	33,976,464
	FTE	-	-	-	-	-
	GF	27,864,221	2,907,077	30,771,298	3,205,166	33,976,464
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Mandated</b>	<b>Total</b>	2,032,273	212,027	2,244,300	233,768	2,478,068
	FTE	-	-	-	-	-
	GF	2,032,273	212,027	2,244,300	233,768	2,478,068
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

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 2018-19 Funding Request

Lindy Frolich  
 Director

<b>Agency Priority: Decision Item R - 1</b>				
Caseload Increase				
<b>Summary of Funding/FTE Change for FY18-19</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>Cash Funds</b>	<b>FTE</b>
OADC Caseload Increase	\$ 6,558,038	\$ 6,558,038	\$ 0	0.00

**Request Summary:**

The Office of the Alternate Defense Counsel (OADC) requests \$6,112,242 (General Fund) for its Conflict-of-interest Contracts Long Bill Line Item (LBLI) and \$445,796 for its Mandated LBLI, or a total of \$6,558,038 to fund the Agency’s projected caseload increase encompassing FY18 and FY19 and the significant shortfall in FY17.

**The Problem and Opportunity:**

At the end of FY17, the OADC faced a \$911,744 budget shortfall. Thanks to spending authority from the State Court Administrator’s Office (SCAO), pursuant to C.R.S.§24-75-110, and available surplus from the Office of the Child’s Representative’s appropriation, the OADC was able to meet this \$911,744 shortfall. Over the past four years, the Agency’s caseload has consistently increased by at least 9% or more annually. There is no reason to believe this trend will not continue.

**Brief Background:**

The OADC is mandated to provide indigent individuals (adults and juveniles) charged with crimes the best legal representation possible when the Office of the State Public Defender (OSPD) has an ethical conflict. Unlike the OSPD, who has full-time employees, the OADC pays for every 1/10<sup>th</sup> of an hour worked on every case by its contractors. The Agency has no ability to accurately predict or control its caseload and corresponding expenditures. The chart below shows how unpredictable year end expenditures can be for the OADC. In some years Supplementals and branch transfers were requested while in other years negative Supplementals, branch transfers, and reversions can be seen.

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Caseload	12,594	11,878	12,585	13,290	15,084	16,680	18,244	20,103
Caseload % change	0.96%	-5.69%	5.95%	5.60%	13.50%	10.58%	9.38%	10.19%
Budget Appropriated	\$ 23,692,141	\$ 24,556,665	\$ 23,228,010	\$ 22,560,446	\$ 22,896,598	\$ 29,645,966	\$ 30,062,991	\$ 31,403,173
Supplemental / Special Bills	\$ 864,524	\$ (2,280,711)	\$ (893,604)	\$ -	\$ 3,159,191	\$ 75,116	\$ 1,513,302	\$ 620,334
Transfers In/(Out)	\$ (449,385) <sup>a</sup>	\$ -	\$ -	\$ 100,000 <sup>b</sup>	\$ (500,000) <sup>c</sup>	\$ 640,000 <sup>d</sup>	\$ -	\$ 911,747 <sup>e</sup>
Reversion to GF	\$ (904,818)	\$ (1,779,180)	\$ (137,820)	\$ -	\$ (102,072)	\$ -	\$ (24,681)	\$ -
Actual Expenditures	\$ 23,202,462	\$ 20,496,774	\$ 22,196,586	\$ 22,660,446	\$ 25,453,717	\$ 30,361,082	\$ 31,551,612	\$ 32,935,254

- <sup>a</sup> FY10 amount transferred to OCR
- <sup>b</sup> FY13 amount transferred from OSPD
- <sup>c</sup> FY14 amount transferred to OCR
- <sup>d</sup> FY15 amount transferred from OCR
- <sup>e</sup> FY15 amount transferred from OCR

### Proposed Solution:

Increase the Agency's total base budget for FY18-19 by a total of \$6,558,038 to its Conflict-of-interest Contracts and Mandated Costs LBLIs, in order to accommodate the increasing caseload. This total is comprised of estimating a base building supplemental amount needed for FY18 expenditures totaling \$3,119,104. It also includes an estimated increase to caseload and expenditures for the following fiscal year (FY19) of \$3,438,934.

### Alternatives:

None. Without this funding, the OADC will not be able to pay its contractors.

### Anticipated Outcomes:

The Agency is meeting and exceeding its goal of containing its costs per case. Since the Agency has no control over the number of cases it is mandated to handle, the anticipated outcome is that the Agency will be able to pay its contractors for work performed.

### Operational Details:

The caseload increase will be added to the OADC FY18-19 budget, for all work performed in the Conflict-of-interest Contracts and Mandated Costs LBLIs. As always, the OADC will further review caseload trends and request any increase or decrease as necessary to align the agency's appropriation with its caseload and corresponding expenditures.

### Why this is the best possible alternative:

This is the best alternative because it ensures that current year, caseload driven expenditures are paid in a timely and efficient manner.

### Assumptions for Calculations:

This calculation takes the final FY17 average cost per case of \$1,523 and multiplies it by the estimated caseload increases for FY18 and FY19 as represented in the chart below:



Case Type	FY16	FY17	Percentage increase FY16 to FY17	Estimate Percentage increase FY18	Estimate Cases FY18	Estimate Percentage increase FY19	Estimate Cases FY19
Totals:	18,244	20,103	10.19%	10.19%	22,151	10.19%	24,409

Estimated Additional Cases from FY17 to FY18	2,048
Estimated Additional Cases from FY18 to FY19	2,258
	<u>4,306</u>

Average Cost per Case in FY17 \$ 1,523

Estimated Additional Budget Needed for FY18	\$ 3,119,104
Estimated Additional Budget Needed for FY19	\$ 3,438,934
	<u>\$ 6,558,038</u>

**Consequences if not funded:**

Request an Emergency Supplemental at fiscal year-end, request transfer of funding from another Judicial Agency if available, or stop accepting cases.

**Impact on Other State Government Agency:** There is no impact to other state agencies.

**Cash Fund Projections:** None

**Relation to Performance Measures: Performance Measure B.** The OADC's primary goal is to provide competent and cost-effective legal representation state wide for indigent juveniles and adults. Without increased funding, the Agency will not be able to meet this goal.

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

**Current Statutory Authority of Needed Statutory Change:** N/A

**Schedule 13**  
**FY18-19 Funding Request R-2**

**Schedule 13**  
**Funding Request for the 2018-19 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)  
 Request Title: Administrative Support  
 Priority Number: R-2  
 Dept. Approval Date: 10/31/2017

- Decision Item FY 2018-19  
 Base Reduction Item FY 2018-19  
 Supplemental FY 2017-18  
 Budget Amendment FY 2017-18

Line Item Information		FY 2017-18		FY 2018-19		FY 2019-20
		1	2	3	4	5
	Fund	Appropriation FY 2017-18	Supplemental Request FY 2017-18	Base Request FY 2018-19	Funding Change Request FY 2018-19	Continuation Amount FY 2019-20
<b>Total of All Line Items</b>	<b>Total</b>	1,613,201	-	1,613,201	79,981	1,689,709
	FTE	12.0	-	12.0	1.0	-
	GF	1,613,201	-	1,613,201	79,981	1,689,709
<b>Personal Services</b>	<b>Total</b>	1,220,657	-	1,220,657	55,368	1,276,025
	FTE	12.0	-	12.0	1.0	13.0
	GF	1,220,657	-	1,220,657	55,368	1,276,025
<b>Health, Life, &amp; Dental</b>	<b>Total</b>	163,134	-	163,134	13,320	176,454
	FTE	-	-	-	-	-
	GF	163,134	-	163,134	13,320	176,454
<b>Short-Term Disability</b>	<b>Total</b>	2,293	-	2,293	96	2,389
	FTE	-	-	-	-	-
	GF	2,293	-	2,293	96	2,389
<b>AED SB 04-257</b>	<b>Total</b>	60,339	-	60,339	2,772	63,111
	FTE	-	-	-	-	-
	GF	60,339	-	60,339	2,772	63,111
<b>SAED SB 06-235</b>	<b>Total</b>	60,339	-	60,339	2,772	63,111
	FTE	-	-	-	-	-
	GF	60,339	-	60,339	2,772	63,111
<b>Operating</b>	<b>Total</b>	106,439	-	106,439	2,180	108,619
	FTE	-	-	-	-	-
	GF	106,439	-	106,439	2,180	108,619
<b>Capital Outlay</b>	<b>Total</b>	-	-	-	3,473	-
	FTE	-	-	-	-	-
	GF	-	-	-	3,473	-

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 2018-19 Funding Request**

Lindy Frolich  
 Director

<b>Agency Priority: Decision Item R - 2</b>				
Administrative Support				
Summary of Funding/FTE Change for FY18-19	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$ 74,328	\$ 74,328		1.0
Operating	\$ 2,180	\$ 2,180		
Capital Outlay	\$ 3,473	\$ 3,473		
Total Request	\$ 79,981	\$ 79,981		1.0

**Request Summary:**

The OADC requests 1.0 FTE and \$79,981 General Fund increase to add an Administrative Specialist III. This individual is needed to eliminate the need for part-time temporary contractors and alleviate overburdened current FTE workload.

**The Problem and Opportunity:**

In FY16, the OADC's Administrative Assistant FTE position was increased from 0.5 to 1.0 to provide additional administrative support to the Agency's program positions (Juvenile Coordinator, Coordinator of Legal Research & Technology, and Evaluations and Training Coordinator), provide backup for the Vendor and Contractor Billing and Management Systems, receptionist duties, and office management. Since that time, however, the workload has increased in nearly every facet of the Agency, and much of that workload increase has fallen on administrative staff.

In FY17, the OADC requested a 1.0 FTE and budget for a Communications Coordinator in order to develop a comprehensive strategy for effective communications between the agency, its contractors and members of the public, and for facilitating cost effective communications between contractors and incarcerated defendants. The focus was to streamline processes and create efficiencies that would result in cost savings to the agency and improve the quality of representation.

This request was denied, and it was suggested that the OADC fully explore the use of existing OADC staff and contract resources to improve the agency's communication processes. The agency did just that, and at the beginning of FY17 contracted with three individuals to help meet administrative needs while using its current FTE for more technical and specialized processes. Each of these three individuals has moved on to other opportunities, resulting in additional workload for current staff to perform the additional duties, while locating, interviewing and training new temporary contractors.

The number of contractors and cases continues to increase, requiring more attention from the administrative staff within the office. In turn, staff needs more assistance with administrative and clerical tasks. Additional administrative support is also needed to assist in providing information to contractors, and coordinating day-to-day operations such as contract renewals, contractor applications, auditing Westlaw, Data Access, and Colorado Courts E-Filing, and other tasks as needed.

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Budget	FY18 Estimate	FY19 Request
<b>Caseload</b>	11,878	12,585	13,290	15,085	16,680	18,244	20,103	18,244	22,151	24,410
Caseload % change	<i>na</i>	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%			
<b>Transactions</b>	39,794	43,327	46,144	52,900	58,911	64,997	72,753	64,997	81,432	91,147
Transactions % change	<i>na</i>	8.88%	6.50%	14.64%	11.36%	10.33%	11.93%			
<b>Average Case Transactions</b>	3.35	3.44	3.47	3.51	3.53	3.56	3.62	3.56	3.68	3.73

As illustrated by the above chart, the number of contractor payments processed by the Agency has nearly doubled in the past six years, yet only one FTE continues to be available to process these payments: the Agency’s Billing Administrator. This person can no longer keep up with the sheer volume of transactions, and the Administrative Specialist will be able to help. In addition, the increased number of cases each year has also increased the number of appointments needing review and approval. The individual who does this also cannot keep up with the sheer volume of cases. The requested Administrative Specialist is needed to assist with the Agency’s appointment process which saw 15,486 new cases, an increase of 1,482 cases, or a 10.58% increase in FY17 from the previous fiscal year.

This requested position is also needed to assist with the Agency’s robust evaluation and training processes. The support needed for the evaluation process includes gathering, organizing and filing the information needed to ensure an efficient and meaningful evaluation process. This includes contacting renewing contractors (roughly 1/3 of the total number of contractors annually) and requesting information such as a renewal application, sample pleadings, and court observation dates. Once received, all this information must be calendared and filed. Court observations and mock and actual oral arguments must be accounted for, and renewal interviews scheduled.

In FY17, the Agency increased training by 14 hours and 200 attendees from the previous year, and is anticipated to increase training by another 28 hours and 155 attendees in FY19. These trainings are a vital part of the services the Agency provides to its contractors. As described by one attendee:

*This morning’s “People in Crisis” simulation was valuable for both myself and I surmised that other participants also were enriched. Thanks to the ADC for bringing this type of training to us.*

Conducting any training requires significant administrative assistance. The Agency is not able to do this current staffing, and it is not practical to continually locate and train new contractors to perform these duties.

Despite additional contract administrative assistance, the Agency is experiencing backlogs in updating its Vendor Database, Judicial District contractor lists, Contract Renewals, website maintenance, tracking training attendees, Westlaw assigning and auditing, Data Access assigning and auditing, and Colorado Courts E-Filing. This 1.0 FTE would alleviate backlogs and allow the Agency to focus on providing resources to its contractors.

**Brief Background:**

Problem and Opportunity (above) and the following chart provide the background for this request.

FTE Position	FY97	FY98	FY99	FY04	FY07	FY08	FY09	FY11	FY14	FY15	FY16	FY17
Director	0.8	0.8	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Controller/Budget Manager	0.7	0.7	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Sr. Office Manager	0.8	0.8	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Deputy Director			1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Billing Technician				1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Appellate Post-Conviction Coordinator					1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Evaluation and Training Coordinator						0.5	1.0	1.0	1.0	1.0	1.0	1.0
Administrative Specialist							0.5	0.5	0.5	0.5	1.0	1.0
Legal Research and Technology Coordinator									1.0	1.0	1.0	1.0
Juvenile Law Coordinator										1.0	1.0	1.0
Accountant I											1.0	1.0
Social Worker Coordinator												1.0
<b>Total FTE</b>	<b>2.3</b>	<b>2.3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>6.5</b>	<b>7.5</b>	<b>7.5</b>	<b>8.5</b>	<b>9.5</b>	<b>11</b>	<b>12</b>
Cases	1,217	7,072	8,451	11,099	13,089	12,082	12,474	11,880	15,085	16,680	18,244	20,103
% change	na	481.10%	19.50%	31.33%	17.93%	-7.69%	3.24%	-4.76%	26.98%	10.57%	9.38%	10.19%
Payments	1,339	9,357	12,222	21,722	34,795	38,390	41,524	39,739	52,900	58,911	64,997	72,753
% change	na	598.81%	30.62%	77.73%	60.18%	10.33%	8.16%	-4.30%	33.12%	11.36%	10.33%	11.93%
Expenditures	\$4,065,101	\$5,531,373	\$8,631,301	\$11,901,679	\$18,060,556	\$20,246,112	\$23,176,960	\$20,496,774	\$25,555,788	\$30,359,184	\$31,556,315	\$32,935,253
% change	na	36.07%	56.04%	37.89%	51.75%	12.10%	14.48%	-11.56%	24.68%	18.80%	3.94%	4.37%

**Proposed Solution:**

The OADC proposes adding 1.0 FTE and corresponding budget to hire an Administrative Specialist III in order to relieve increasing payment processing, appointment approvals, training coordination, appellate/post-conviction processing, and office management tasks from the Agency’s current staff.

**Alternatives:**

The OADC can continue to train and pay outside contractors to help the Agency. This diverts present staff from their otherwise overwhelming duties, causing backlogs, and resulting in further inefficiencies within the Agency.

**Anticipated Outcomes:**

The OADC will fulfill contractor appointment and payment obligations, have sufficient back up personnel, and not burn out current staff.

**Operational Details:**

The additional 1.0 FTE will be added to the OADC budget beginning July 1, 2018.

**Why this is the best possible alternative:**

The OADC has requested a 1.0 FTE, which will allow current staff to focus on the increased resources and activities that have driven the average cost per case down, and also concentrate on larger policy and system implementation work. The 1.0 FTE will also allow prompt payment to contractors and prompt entry of appointments so contractors may begin work on cases, maintain the Agency’s commitment to training and evaluation of contractors, and assist with general office management.

**Assumptions for Calculations:**

Percentages and calculation methodology were pulled from the 18-19 Fiscal Note Common Policies document sent by Colorado Legislative Council Staff on September 8, 2017.

PERA	10.15%
AED	5.00%
SAED	5.00%
Medicare	1.45%
STD	0.17%
HLD	<i>average</i>

FTE Position	Employee Occupational Classification (Job Class)	Amount of FTE	July 2018 Monthly Salary Base	PERA	AED	SAED	Medicare	STD	HLD
Administrative Specialist III	R41805	1.0	\$ 4,134	420	231	231	60	8	\$ 1,110

Annualized \$ 49,608 \$ 5,040 \$ 2,772 \$ 2,772 \$ 720 \$ 96 \$ 13,320

**Total DI # R-2 FTE Request (FY19) \$ 74,328**

**Consequences if not funded:**

The Agency will continue to struggle with administrative inefficiencies and contractor payment obligations, and not have sufficient backup personnel. As a result, the Agency anticipates staff turnover from burn out, which will result in even greater backlogs and inefficiencies while replacement employees receive necessary training.

**Impact on Other State Government Agency:** There is no impact to other state agencies.

**Cash Fund Projections:** None

**Relation to Performance Measures: Performance Measures B, C, D, E, F, and G.** Since the 1.0 FTE will assist most Agency staff, it relates to all of these performance measures.

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

**Current Statutory Authority of Needed Statutory Change:** N/A



**Schedule 13  
FY18-19 Funding Request R-3**

**Schedule 13  
Funding Request for the 2018-19 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)  
 Request Title: COLA Based Contractor Hourly Rate Increase  
 Priority Number: R-3  
 Dept. Approval Date: 10/31/2017

- Decision Item FY 2018-19
- Base Reduction Item FY 2018-19
- Supplemental FY 2017-18
- Budget Amendment FY 2017-18

Line Item Information		FY 2017-18		FY 2018-19		FY 2019-20
		1	2	3	4	5
	Fund	Appropriation FY 2017-18	Supplemental Request FY 2017-18	Base Request FY 2018-19	Funding Change Request FY 2018-19	Continuation Amount FY 2019-20
<b>Total of All Line Items</b>	<b>Total</b>	27,864,221	-	27,864,221	2,306,291	2,306,291
	FTE	-	-	-	-	-
	GF	27,864,221	-	27,864,221	2,306,291	2,306,291
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Conflicts of Interest</b>	<b>Total</b>	27,864,221	-	27,864,221	2,306,291	2,306,291
	FTE	-	-	-	-	-
	GF	27,864,221	-	27,864,221	2,306,291	2,306,291
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

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 2018-19 Funding Request

Lindy Frolich  
Director

**Agency Priority: Decision Item R - 3**

COLA Based Contractor Hourly Rate Increase

Summary of Funding/FTE Change for FY18-19	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 2,306,291	\$ 2,306,291	\$ 0	0.0

**Request Summary:**

In conjunction with the Office of the Child’s Representative (OCR) and the Office of the Respondent Parent’s Counsel (ORPC), the OADC is seeking a 6.7% COLA based hourly rate increase for its Contractors to remain competitive with current Federal, State, and private sector rates. In order to retain and attract high quality and effective counsel and other contractors for indigent defendants and juveniles, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$2,306,291 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY19.

**The Problem and Opportunity:**

Despite continual increases to OADC caseload, payments, and the complexity of criminal and juvenile cases, by FY19 OADC contractors will not have seen an hourly rate increase in nearly half a decade. Published data shows that OADC contractors make an average of 31% of private sector legal counsel rates, and 56% of what their Federal appointed counterparts earn. It is time to increase contractor rates to more closely approach the current market.

**Brief Background:**

The last hourly rate increase was effective July 1, 2014. Attorneys received a \$10 per hour increase, and paralegals and investigators received a \$5 increase, to bring those rates to a more competitive level. The following chart outlines historical rates paid to OADC contractors since FY1999 for Attorneys, Investigators, and Paralegals:

Case Type	Hourly Rate Effective 7/1/1999	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
Attorney Death Penalty (DP)	\$65	\$60	\$65	\$85	\$85	\$85	\$90
Felony A	\$51	\$46	\$51	\$60	\$63	\$68	\$80
Felony B	\$47	\$42	\$47	\$56	\$59	\$65	\$75

Case Type <i>Cont.</i>	Hourly Rate Effective 7/1/1999	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
Juvenile	\$45	\$40	\$45	\$54	\$57	\$65	\$75
Misd, DUI, and Traffic ( Adult & Juvenile )	\$45	\$40	\$45	\$54	\$57	\$65	\$70
Attorney Travel	\$25	\$30	\$30	\$54	\$57	\$65	\$70
Paralegal	\$20	\$20	\$20	\$20	\$20	\$25	\$30
Investigator	\$33	\$33	\$33	\$33	\$33	\$36	\$41
Investigator (DP)	\$33	\$33	\$33	\$36	\$36	\$39	\$44

Despite the FY15 increase, OADC contractor rates are still considerably less than Federal, State, and private sector rates for similar positions.

Criminal Justice Act Historical Rates	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Non-Capital *</b> Hourly	\$ 94	\$100	\$110	\$125	\$125	\$125	\$125	\$126	\$127	\$129	\$132
% change	2%	6%	10%	14%	0%	0%	0%	1%	1%	2%	2%
<b>Capital **</b> Hourly	\$166	\$170	\$175	\$178	\$178	\$178	\$178	\$180	\$181	\$183	\$185
% change	2%	2%	3%	2%	0%	0%	0%	1%	1%	1%	1%

\*[http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230\\_16](http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16)

\*\*[http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-6-ss-630-compensation-appointed-counsel#a630\\_10\\_20](http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-6-ss-630-compensation-appointed-counsel#a630_10_20)

State of Colorado Attorney General - Blended Rate <i>Attorney, Paralegal/Legal Assistant</i>	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18
Legal Services Rate	\$75.38	\$73.37	\$75.71	\$77.25	\$91.08	\$99.01	\$96.75	\$95.05	\$106.56
% change	<i>na</i>	-2.7%	3.2%	2.0%	17.9%	8.7%	-2.3%	-1.8%	12.1%

*Data provided by the Colorado Office of the Attorney General*

The Colorado Bar Association just issued its 2017 Economic Survey. According to their survey, for a solo practitioner (as are most OADC attorney contractors), the average (mean) hourly rate was \$243. This shows a significant disparity between current OADC contractors and the private sector. Private sector attorneys earned more than three times what their current OADC counterparts are paid today, and private sector paralegals earned nearly four times their current OADC counterparts. OADC contractors are significantly misaligned with the market.

<http://www.cobar.org/portals/COBAR/repository/2017EconomicSurvey.pdf>

Colorado State employees have seen COLA increases to base salaries since July 1, 2014, and the Governor’s office has proposed another 3% increase for FY18-19. Just as Federal, State, and private sector attorneys experience inflation, so do the OADC contractors. These contractors, who do similar if not identical work as the Colorado State Public Defenders (represent indigent defendants and juveniles across the state), have not received any COLA increase since FY15.

FY	COLA Increase State Employees
FY15	1.00%
FY16	1.00%
FY17	0.00%
FY18	1.75%
FY19	3.00%
	<b>6.75%</b>

**Proposed Solution:**

Increase the OADC’s FY19 Conflict-of-interest Contracts LBLI by \$2,306,291 to fund a 6.7% across the board increase to contractor hourly rates in order to bring contractors closer to competitive market rates.

**Alternatives:**

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

**Anticipated Outcomes:**

Acquisition and retention of qualified contractors to insure the provision of effective and efficient legal services to indigent defendants and juveniles.

**Operational Details:**

The COLA based hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2018, for all work performed on and after that date. Rate increases will continue in effect until and unless the rates change again. All contractors will be notified of the rate increases and their effective date so they can adjust their billing accordingly.

**Why this is the best possible alternative:**

There will be a cost savings to the Agency by the attraction and retention of more experienced contractors.

**Assumptions for Calculations:**

If the OADC’s DI # R-1 – Caseload Increase is approved as requested, the incremental amount to the FY19 Budget request for the COLA based contractor hourly rate increase will total \$2,306,291

General Fund. If DI # R-1 is denied by the JBC then the OADC contractor hourly rate increase will total \$1,866,903 General Fund. Below is chart showing the calculations based on both scenarios.

<b>FY18 Long Bill Line Item (LBLI)</b>	<b>FY18 Budget</b>	<b>% Rate Increase</b>	<b>Incremental increase to FY19 LBLI</b>
Conflict-of-interest Contracts	\$ 27,864,221	6.7%	\$ 1,866,903

<b>FY18 Long Bill Line Item (LBLI) with DI # R-1 Caseload Increase</b>	<b>FY18 Budget</b>	<b>FY19 Request DI # R-1</b>	<b>FY19 Total Request</b>	<b>% Rate Increase</b>	<b>Incremental increase to FY19 LBLI</b>
Conflict-of-interest Contracts	\$ 27,864,221	\$ 6,558,038	\$ 34,422,259	6.7%	\$ 2,306,291

**Consequences if not funded:**

The OADC believes that experienced contractors will decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient. There may be a steady supply of newly minted *inexperienced* lawyers who will do OADC work, but history shows that new, *inexperienced* lawyers lack competency in various areas of criminal and juvenile defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, post-conviction claims, and additional training, mentoring, and oversight.

**Impact on Other State Government Agency:** There is no impact to other state agencies.

**Cash Fund Projections:** None

**Relation to Performance Measures: Performance Measure A:** Increase compensation rates for contactors.

**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 FY2014-2015		Actual FY2015-2016		Actual FY2016-2017		Appropriated FY2017-2018		Requested FY2018-2019	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Department Total</b>										
<b>Total</b>	30,361,082	9.1	31,556,315	10.9	32,935,253	12.0	31,738,129	12.0	40,738,684	13.0
GF	30,321,082	9.1	31,516,315	10.9	32,895,253	12.0	31,658,129	12.0	40,658,684	13.0
CF	40,000		40,000		40,000		80,000		80,000	

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Position Detail</b>										
Director	132,842	1.0	145,219	1.0	159,320	1.0		1.0	163,303	1.0
Deputy	127,128	1.0	138,972	1.0	153,052	1.0		1.0	156,278	1.0
Coordinator of Legal Research & Tech Coordinator	100,426	1.0	102,939	1.0	105,072	1.0		1.0	133,368	1.0
Evaluator/Trainer Staff Attorney	100,426	1.0	102,939	1.0	102,278	1.0		1.0	120,000	1.0
Controller/Budget Manager	76,560	1.0	78,474	1.0	90,900	1.0		1.0	93,173	1.0
Controller/Budget Analyst										
Appellate Post Conviction Coordinator	62,880	1.0	64,452	1.0	65,097	1.0		1.0	78,000	1.0
Communication Coordinator	14,832	0.5	26,004	0.9	42,438	1.0		1.0	54,981	1.0
Staff Assistant	114,780	2.0								
Juvenile Law Coordinator	52,500	0.6	90,000	1.0	90,900	1.0		1.0	120,000	1.0
Sr. Office Manager			65,178	1.0	70,700	1.0		1.0	73,276	1.0
Billing Technician			52,472	1.0	60,600	1.0		1.0	62,808	1.0
Accountant I			55,011	1.0	55,000	1.0		1.0	57,004	1.0
Social Worker Coordinator					63,414	1.0		1.0	86,666	1.0
DI # R-2 (FY19) Administrative Support									49,608	1.0
<b>Continuation Salary Subtotal</b>	782,374	9.1	921,659	10.9	1,058,771	12.0	1,220,657	12.0	1,248,465	13.0
<b>Other Personal Services</b>										
PERA on Continuation Subtotal (FY14)	5,889									
PERA on Continuation Subtotal (FY15)	72,934		6,967							
PERA on Continuation Subtotal (FY16)			88,297							
PERA on Continuation Subtotal (FY17)					8,031					
PERA on Continuation Subtotal (FY18)					98,939					
PERA on Continuation Subtotal (FY19)									121,732	
PERA DI # R-2 (FY19) Administrative Support									5,040	
Medicare on Continuation Subtotal (FY14)	916									
Medicare on Continuation Subtotal (FY15)	10,502		1,003							
Medicare on Continuation Subtotal (FY16)			12,719							
Medicare on Continuation Subtotal (FY17)					1,158					
Medicare on Continuation Subtotal (FY18)					14,305					
Medicare on Continuation Subtotal (FY19)									17,431	
Medicare DI # R-2 (FY19) Administrative Support									720	
Leave Payout					38,196					
Other Personal Services			4,943		\$ 5,419					
Contractual Services	43,831		31,414		23,573				11,070	
<b>Personal Services Subtotal</b>	916,446	9.1	1,067,003	10.9	1,248,393	12.0	1,220,657	12.0	1,404,459	13.0

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Pots Expenditures</b>										
Health/Life/Dental (FY14)	9,411									
Health/Life/Dental (FY15)	96,073		9,159							
Health/Life/Dental (FY16)			122,807							
Health/Life/Dental (FY17)					11,168					
Health/Life/Dental (FY18)					134,894		163,134			
Health/Life/Dental (FY19)									172,050	
Health/Life/Dental DI # R-2 (FY19) Administrative Support									13,320	
Short Term Disability (FY14)	117									
Short Term Disability (FY15)	1,554		142							
Short Term Disability (FY16)			1,729							
Short Term Disability (FY17)					158					
Short Term Disability (FY18)					1,829		2,293			
Short Term Disability (FY19)									2,099	
Short Term Disability DI # R-2 (FY19) Administrative Support									96	
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)	1,044									
Salary Survey - COLA (FY15)	11,487									
Salary Survey - COLA (FY16)			38,070							
Salary Survey - COLA (FY17)										
Salary Survey - COLA (FY18)							119,297			
Salary Survey - COLA (FY19)									40,141	
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)	835									
Performance Based Pay (non-add) - Merit Pay (FY15)										
Performance Based Pay (non-add) - Merit Pay (FY16)			6,761							
Performance Based Pay (non-add) - Merit Pay (FY17)										
Performance Based Pay (non-add) - Merit Pay (FY18)							9,137			
AED (FY14)	2,205									
AED (FY15)	28,674		2,883							
AED (FY16)			38,121							
AED (FY17)					3,640					



**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
AED (FY18)					46,694		60,339			
AED (FY19)									61,741	
AED DI # R-2 (FY19) Administrative Support									2,772	
SAED (FY14)	2,031									
SAED (FY15)	26,861		2,746							
SAED (FY16)			36,777							
SAED (FY17)					3,561					
SAED (FY18)					46,183		60,339			
SAED (FY19)									61,741	
SAED DI # R-2 (FY19) Administrative Specialist									2,772	
<b>Personal Services Total Detail</b>	<b>1,119,003</b>	<b>9.1</b>	<b>1,350,074</b>	<b>10.9</b>	<b>1,496,520</b>	<b>12.0</b>	<b>1,635,196</b>	<b>12.0</b>	<b>1,761,191</b>	<b>13.0</b>
<b>Personal Services Reconciliation Authorization</b>										
Long Bill Request	839,579	8.5	1,093,458	10.9	1,460,108					
Supplemental - HB 17-164					37,931					
Juvenile Law Coordinator - HB 14-1032	65,548	0.6								
Health/Life/Dental	112,745		134,599							
Short Term Disability	1,694		2,078							
Salary Survey	28,709		61,947							
Anniversary/Merit Pay	8,389		6,761							
AED	30,807		41,541							
SAED	28,882		40,126							
Transfer In from Conflicts	2,651									
Transfer to Conflicts			(22,690)		(1,519)					
Transfer to Operating			(7,745)							
<b>Personal Services Authorization</b>	<b>1,119,003</b>	<b>9.1</b>	<b>1,350,074</b>	<b>10.9</b>	<b>1,496,520</b>	<b>12.0</b>	<b>1,635,196</b>	<b>12.0</b>	<b>1,761,191</b>	<b>13.0</b>
General Fund	1,119,003		1,350,074		1,496,520		1,635,196		1,761,191	
Cash Funds										
<b>Operating Expenses/Capital Outlay</b>										
1622 Contractual Employee PERA					454					
1624 Contractual Employee PERA-AED					215					
1625 Contractual Employee PERA-SAED					212					
1920 Personal Svcs - Professional	3,525									
1935 Purchased Svcs - Legal Services					11,225					
1960 Personal Svcs - IT services			2,475		5,225					

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
AED (FY18)					46,694		60,339			
AED (FY19)									61,741	
AED DI # R-2 (FY19) Administrative Support									2,772	
SAED (FY14)	2,031									
SAED (FY15)	26,861		2,746							
SAED (FY16)			36,777							
SAED (FY17)					3,561					
2210 Other Maintenance/Repair Svcs	22									
2231 IT Hardware Maintenance & Repair Services	14,700		13,714		24,462					
2250 Misc Rentals			92							
2253 Rental Of Equipment	2,430		2,506		2,611					
2254 Rental of Motor Vehicles	77									
2310 Purchased contract services			7,554							
2510 In-State Travel	1,470									
2511 In-State Common Carrier Fares	681		1,005		1,514					
2512 In-State Pers Travel Per Diem	2,754		1,999		3,886					
2513 In-State Pers Vehicle Reimbsmt	2,553		2,895		2,835					
2522 Is/Non-Emp1 - Pers Per Diem	1,086		1,034		1,373					
2523 Is/Non-Emp1 - Pers Veh Reimb	1,404		1,142		1,866					
2530 Out-of-State Travel	27				371					
2531 Os Common Carrier Fares	1,777		2,342		2,513					
2532 Os Personal Travel Per Diem	2,355		2,778		1,471					
2541 Os Non-Emp1- Common Carrier			374							
2542 Os Non-Emp1- Per Diem			319							
2631 Comm Svcs From Outside Sources	6,389		6,078		7,684					
2680 Printing/Reproduction Services	1,854		1,163		843					
2820 Other Purchase Services	2,209		6,974		5,007					
3110 Other Supplies & Materials	264		298		787					
3118 Food And Food Serv Supplies	510		1,136		3,872					
3120 Books/Periodicals/Subscription	4,729		2,852		4,912					
3121 Office Supplies	5,690		7,171		3,172					
3123 Postage	2,437		6,174		3,813					

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3128 Noncapitalized Equipment	2,514		45		178					
3140 Noncapitalized PC - (Individual Items Under \$5,000)	6,565		16,016		7,011					
4100 Other Operating Expenses	1,820		2,271		7,719					
4140 Dues And Memberships	3,968		2,803		4,284					
4170 Miscellaneous Fees and Fines			405							
4180 Official Functions					503					
4220 Registration Fees	2,585		2,182		1,454					
4240 Employee Moving Expense					1,550					
<b>Operating Expenses Total Detail</b>	<b>76,394</b>	<b>0.0</b>	<b>95,796</b>	<b>0.0</b>	<b>131,679</b>	<b>0.0</b>	<b>106,439</b>	<b>0.0</b>	<b>113,197</b>	<b>0.0</b>
<b>Reconciliation</b>										
Long Bill Appropriation	67,030		75,405		76,355				106,439	
HB 14-1032 - Operating / Travel Exp.	4,865									
HB 14-1032 - Capital Outlay	4,703									
Transfer to/from Personal Services			7,745							
Transfer to/from Conflicts	(204)		12,646		55,324					
DI # R-2 (FY19) Administrative Support									2,180	
Legal Services - Budget Transfer from Judicial to OADC									4,578	
<b>Operating Costs Authorization</b>	<b>76,394</b>	<b>0.0</b>	<b>95,796</b>	<b>0.0</b>	<b>131,679</b>	<b>0.0</b>	<b>106,439</b>	<b>0.0</b>	<b>113,197</b>	<b>0.0</b>
<b>General Fund</b>	<b>76,394</b>		<b>95,796</b>		<b>131,679</b>		<b>106,439</b>		<b>113,197</b>	
Cash Funds										
<b>Capital Outlay Operating</b>										
Capital Outlay	0		4,703		4,703					
DI # R-2 (FY19) Administrative Support									3,473	
<b>Capital Outlay Detail</b>	<b>0</b>		<b>4,703</b>		<b>4,703</b>		<b>0</b>		<b>3,473</b>	
<b>Reconciliation</b>										
Long Bill Appropriations	0		4,703		4,703		0		0	
DI # R-2 (FY19) Administrative Support									3,473	
<b>Capital Outlay Authorized</b>	<b>0</b>		<b>4,703</b>		<b>4,703</b>		<b>0</b>		<b>3,473</b>	
<b>General Fund</b>	<b>0</b>		<b>4,703</b>		<b>4,703</b>		<b>0</b>		<b>3,473</b>	
Cash Funds										

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b><u>Training/Conference</u></b>										
Training Conference	60,916		61,132		61,167				100,000	
<b>Training/Conference Detail</b>	<b>60,916</b>	<b>0.0</b>	<b>61,132</b>	<b>0.0</b>	<b>61,167</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>
<b><u>Reconciliation</u></b>										
Long Bill Appropriations	60,000		60,000		60,000				100,000	
Transfer to/from Conflicts	916		1,132		1,167					
<b>Training/Conference Authorized</b>	<b>60,916</b>	<b>0.0</b>	<b>61,132</b>	<b>0.0</b>	<b>61,167</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>
<b>General Fund</b>	<b>20,916</b>		<b>21,132</b>		<b>21,167</b>		<b>20,000</b>		<b>20,000</b>	
Cash Funds	40,000		40,000		40,000		80,000		80,000	
<b><u>Conflict of Interest Contracts</u></b>										
Conflict of Interest Contracts	26,861,292		27,846,305		29,100,185					
<b>Conflict of Interest Total Detail</b>	<b>26,861,292</b>	<b>0.0</b>	<b>27,846,305</b>	<b>0.0</b>	<b>29,100,185</b>	<b>0.0</b>	<b>27,864,221</b>	<b>0.0</b>	<b>36,282,755</b>	<b>0.0</b>
<b><u>Reconciliation</u></b>										
Long Bill Appropriations	26,615,760		26,615,760		27,971,145				27,864,221	
Supplemental - HB 16-1243			1,392,238							
Transfer to/ from Personal Services	(2,651)		22,690		1,519					
Transfer to/ from Training	(916)		(1,132)		(1,167)					
Transfer to/ from Operating	204		(12,646)		(55,324)					
Transfer to/ from Mandated	(391,106)		(151,414)		272,265					
Judicial Transfer Authority - From OCR	640,000				911,747					
DI # R-1 Caseload Increase (FY19) portion for FY18									2,907,077	
DI # R-1 Caseload Increase (FY19) portion for FY19									3,205,166	
DI # R-3 Hourly Rate Adjustment									2,306,291	
Reversion			(19,192)							
<b>Conflict of Interest Authorization</b>	<b>26,861,292</b>	<b>0.0</b>	<b>27,846,305</b>	<b>0.0</b>	<b>29,100,185</b>	<b>0.0</b>	<b>27,864,221</b>	<b>0.0</b>	<b>36,282,755</b>	<b>0.0</b>
<b>General Fund</b>	<b>26,861,292</b>		<b>27,846,305</b>		<b>29,100,185</b>		<b>27,864,221</b>		<b>36,282,755</b>	
Cash Funds										

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2014-15		Actual FY 2015-16		Actual FY 2016-17		Budget FY 2017-18		Request FY 2018-19	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b><u>Mandated Costs</u></b>										
Mandated Costs	2,243,477		2,198,305		2,141,000					
<b>Mandated Costs Total Detail</b>	<b>2,243,477</b>	<b>0.0</b>	<b>2,198,305</b>	<b>0.0</b>	<b>2,141,000</b>	<b>0.0</b>	<b>2,032,273</b>	<b>0.0</b>	<b>2,478,068</b>	<b>0.0</b>
<b><u>Reconciliation</u></b>										
Long Bill Appropriations	1,852,371		1,926,613		1,830,862				2,032,273	
Supplemental - HB 17-164			121,064		582,403					
Transfer to/from Conflict of Interest	391,106		151,414		(272,265)					
DI # R-1 Caseload Increase (FY19) portion for FY18									212,027	
DI # R-1 Caseload Increase (FY19) portion for FY19									233,768	
Reversion			(786)							
<b>Mandated Costs Authorization</b>	<b>2,243,477</b>	<b>0.0</b>	<b>2,198,305</b>	<b>0.0</b>	<b>2,141,000</b>	<b>0.0</b>	<b>2,032,273</b>	<b>0.0</b>	<b>2,478,068</b>	<b>0.0</b>
General Fund	2,243,477		2,198,305		2,141,000		2,032,273		2,478,068	
Cash Funds										
<b><u>Long Bill Group/Division Total</u></b>										
<b>Grand Total - with Pots</b>	<b>30,361,082</b>	<b>9.1</b>	<b>31,556,315</b>	<b>10.9</b>	<b>32,935,253</b>	<b>12.0</b>	<b>31,738,129</b>	<b>12.0</b>	<b>40,738,684</b>	<b>13.0</b>
	30,361,082		31,556,315		32,935,253		31,738,129		40,738,684	
General Fund	30,321,082	9.1	31,516,315	10.9	32,895,253	12.0	31,658,129	12.0	40,658,684	13.0
Cash Funds	40,000	0.0	40,000	0.0	40,000	0.0	80,000	0.0	80,000	0.0

**Schedule 5 - Line Item to Statute  
Judicial Branch  
Office of the Alternate Defense Counsel  
FY 2018-2019 Budget Request  
November 1, 2017**

<b>This Long Bill Group funds the total program of the Office of the Alternate Defense Counsel.</b>			
<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Programs Supported by Line Item</b>	<b>Statutory Citation</b>
Personal Services	This line funds the personnel for the management of the OADC.	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 Judicial Branch Office of the Alternate Defense Counsel FY 2018-2019 Budget Request						
ID#	Priority	Decision Items	FTE	Total	GF	CF
1	R -1	Caseload Increase (FY18)	0.0	\$3,119,104	\$3,119,104	\$0
1	R -1	Caseload Increase (FY19)	0.0	\$3,438,934	\$3,438,934	\$0
2	R -2	Administrative Support	1.0	\$79,981	\$79,981	\$0
3	R -3	COLA Based Contractor Hourly Increase	0.0	\$2,306,291	\$2,306,291	\$0
<b>Total</b>			<b>1.0</b>	<b>\$8,944,310</b>	<b>\$8,944,310</b>	<b>\$0</b>

<b>Summary of Supplemental Bills</b> <b>Judicial Branch</b> <b>Office of the Alternate Defense Counsel</b> <b>FY 2018-2019 Budget Request</b> <b>November 1, 2017</b>				
<b>Actual FY 2016-17</b> SB 17-164 Supplemental	Personal Services Mandated <b>Total FY2015-16</b>	<b>0.0</b>	37,931 582,403 <b>620,334</b>	37,931 582,403 <b>620,334</b>
<b>Actual FY 2015-16</b> HB 16-1243 Supplemental	Conflict Contracts Mandated <b>Total FY2015-16</b>	<b>0.0</b>	1,392,238 121,064 <b>1,513,302</b>	1,392,238 121,064 <b>1,513,302</b>
<b>Actual FY 2014-15</b> HB 14-1032 Special Bill	Personal Services Operating Capital Outlay <b>Total FY2013-14</b>	1.0   <b>1.0</b>	65,548 4,865 4,703 <b>75,116</b>	65,548 4,865 4,703 <b>75,117</b>
<b>Actual FY 2013-14</b> HB 14-1239 Supplemental	Personal Services Operating Conflict Contracts Mandated <b>Total FY2013-14</b>	<b>0.0</b>	94,000 23,730 2,821,158 220,303 <b>3,159,191</b>	94,000 23,730 2,821,158 220,303 <b>3,159,191</b>
<b>Actual FY 2012-13</b>	N/A  <b>Total FY2012-13</b>	<b>0.0</b>	  <b>0</b>	  <b>0</b>
<b>Actual FY 2011-12</b> SB11-076 Supplemental HB12-1187 Supplemental HB12-1335 Supplemental	Personal Services Leased Space Conflict Contracts Mandated <b>Total FY2011-12</b>	<b>0.0</b>	(15,385) (4,664) (851,147) (22,408) <b>(893,604)</b>	(15,385) (4,664) (851,147) (22,408) <b>(893,604)</b>
<b>Actual FY 2010-11</b> SB11-209 Supplemental	Conflict Contracts Mandated <b>Total FY2010-11</b>	<b>0.0</b>	(2,194,046) (86,665) <b>(2,280,711)</b>	(2,194,046) (86,665) <b>(2,280,711)</b>
<b>Actual FY 2009-10</b>	N/A  <b>Total FY2009-10</b>	<b>0.0</b>	  <b>0</b>	  <b>0</b>
<b>Actual FY 2008-09</b> SB09-190	Conflict Contracts  <b>Total FY2008-09</b>	<b>0.0</b>	(49,064)  <b>(49,064)</b>	(49,064)  <b>(49,064)</b>



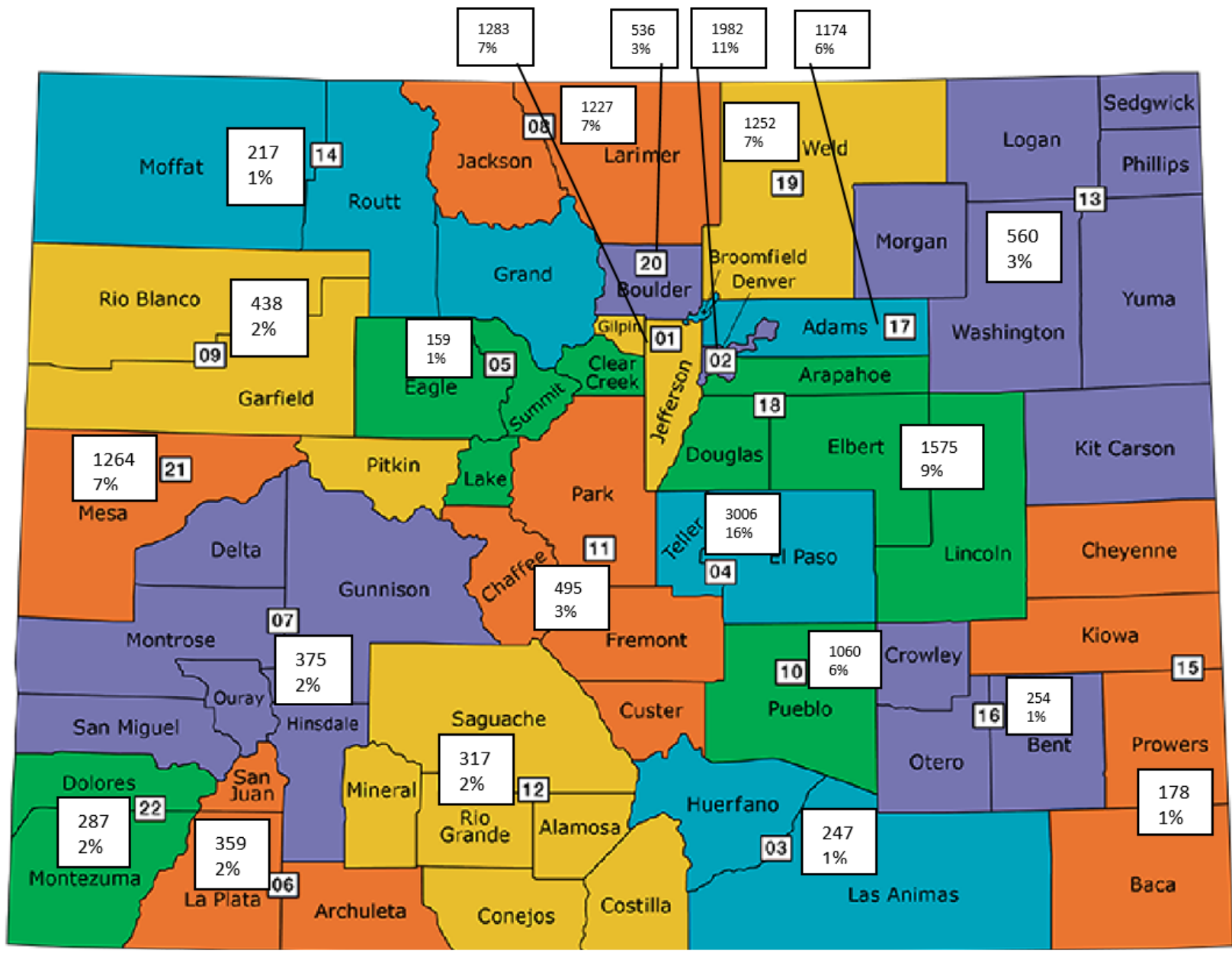
**Salary Pots Request Template, Fiscal Year 2018-19**

Office of the Alternate Defense Counsel	TOTAL FUNDS/FTE FY 2018-19	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	NET GENERAL FUND
<b>I. Continuation Salary Base for FY 2017-18</b>						
Total Appropriated FTE for FY 2017-18	12.0					
Sum of Filled FTE as of July 2016	12.0	100.0000%	0.0000%	0.0000%	0.0000%	100.0000%
July 2017 Salary X 12	1,198,857	1,198,857	-	-	-	1,198,857
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$121,732	\$121,732	-	-	-	\$121,732
Medicare @ 1.45%	17,431	\$17,431	-	-	-	\$17,431
Subtotal Continuation Salary Base =	1,338,021	\$1,338,021	-	-	-	\$1,338,021
<b>II. Salary Survey Adjustments</b>						
System Maintenance Studies	\$0	\$0	-	-	-	\$0
Across the Board - Base Adjustment	\$33,782	\$33,782	-	-	-	\$33,782
Across the Board - Non-Base Adjustment	\$2,184	\$2,184	-	-	-	\$2,184
Movement to Minimum - Base Adjustment	\$0	\$0	-	-	-	\$0
<b>Subtotal - Salary Survey Adjustments</b>	<b>\$35,966</b>	<b>\$35,966</b>	-	-	-	<b>\$35,966</b>
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$3,652	\$3,652	-	-	-	\$3,652
Medicare @ 1.45%	\$523	\$523	-	-	-	\$523
Request Subtotal =	\$40,141	\$40,141	-	-	-	\$40,141
<b>III. Merit Pay Adjustments</b>						
Request Subtotal =	\$0	\$0	-	-	-	\$0
<b>IV. Shift Differential</b>						
Request Subtotal =	\$0	\$0	-	-	-	\$0
<b>V. Revised Salary Basis for Remaining Request Subtotals</b>						
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,234,823	\$1,234,823.08	-	-	-	\$1,234,823
<b>VI. Amortization Equalization Disbursement (AED)</b>						
Revised Salary Basis * 5.0%	\$61,741	\$61,741	-	-	-	\$61,741
<b>VII. Supplemental AED (SAED)</b>						
Revised Salary Basis * 5.0%	\$61,741	\$61,741	-	-	-	\$61,741
<b>VIII. Short-term Disability</b>						
Revised Salary Basis * 0.17%	\$2,099	\$2,099	-	-	-	\$2,099
<b>IX. Health, Life, and Dental</b>						
100% Health, 85% Dental, and \$50k Life coverage	\$172,050	172,050	-	-	-	\$172,050

	<b>FY 2017-18</b>				
<b>Common Policy Line Item</b>	<b>Appropriation</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$119,297	\$119,297			
Merit Pay	\$9,137	\$9,137			
Shift	\$0	\$0			
AED	\$60,339	\$60,339			
SAED	\$60,339	\$60,339			
Short-term Disability	\$2,293	\$2,293			
Health, Life and Dental	\$163,134	\$163,134			
<b>TOTAL</b>	<b>\$414,539</b>	<b>\$414,539</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>FY 2018-19</b>				
<b>Common Policy Line Item</b>	<b>Total Request</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$40,141	\$40,141			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$61,741	\$61,741			
SAED	\$61,741	\$61,741			
Short-term Disability	\$2,099	\$2,099			
Health, Life and Dental	\$172,050	\$172,050			
<b>TOTAL</b>	<b>\$337,772</b>	<b>\$337,772</b>			
	<b>FY 2018-19</b>				
<b>Common Policy Line Item</b>	<b>Incremental</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>
Salary Survey	\$40,141	\$40,141			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$1,402	\$1,402			
SAED	\$1,402	\$1,402			
Short-term Disability	-\$194	-\$194			
Health, Life and Dental	\$8,916	\$8,916			
<b>TOTAL</b>	<b>\$51,667</b>	<b>\$51,667</b>			

# **Appendix A**

## **Colorado Judicial Districts Map**



**Appendix B**

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

## ***PRIOR YEAR LEGISLATION***

---

### [HB17-1288 Felony DUI Penalties](#)

Under this bill, if a court sentences a person convicted of felony DUI to probation, the court is required to order as a condition of probation that the defendant serve at least 90 days jail but not more than 180 days jail. The court can order the defendant to serve at least 120 days but not more than 2 years' work release or any alternative sentencing program that may be available through a county for certain purposes. During the mandatory 90 or 120-day period of jail, the defendant is not eligible for good-time reductions of his or her sentence or for trusty prisoner status; except that a defendant receives credit for any time that he or she served in custody for the violation prior to his or her conviction.

Effective August 9, 2017

### [HB17-1150 No Bail for Stalking and DV Offenders](#)

Individuals have a right to bail after a conviction, with certain exceptions. This bill expands the list of convictions after which no bail can be posted (holding the offender in custody until the sentencing hearing) to include certain stalking convictions and class 5 felony acts of domestic violence.

Effective August 9, 2017 subject to petition

### [HB17-1220 Prevent Marijuana Diversion to Illegal Market](#)

This bill places a cap on the number of plants that can be possessed or grown on a residential property at 16 plants unless a local jurisdiction permits possessing or growing more than 16 plants. It is a level 1 drug petty offense for a first offense if the offense involves more than 12 plants, punishable by a fine of up to \$1000. It is a level 4 drug felony for a second or subsequent offense if the offense involves more than 12 but not more than 30 plants. It is a level 3 drug felony for a second or subsequent offense if the offense involves more than 30 plants.

Effective January 1, 2018 subject to petition

### [HB17-1302 Juvenile Sexting](#)

This bill creates the non-sex offense misdemeanor crimes of posting private images by a juvenile and possessing private images by a juvenile. It also creates a civil infraction for the consensual exchange of private images. In the absence of various aggravating circumstances, posting or possessing a private image is a misdemeanor. Additionally, they are generally eligible for automatic expungement within 42 days of completion of the juvenile's sentence. There is also a provision for post-enactment review to track and assess this statute's usage. It further encourages each District Attorney to develop diversion programs and there is a restorative justice component built into the bill as well. The bill mandates a model educational program for school districts to use that teaches the risk and consequences of sexting.

Effective date January 1, 2018

### [HB17-1329 Renaming and Clarifying Purpose of Division of Youth Corrections](#)

This bill renames the Division of Youth Corrections to the Division of Youth Services and redefines the purpose of the Division. It requires the Division to implement a pilot program to begin working on

creating a rehabilitative and therapeutic culture within the Division, which includes training, auditing and evaluation requirements.

Effective upon signing, June 6, 2017

#### [HB17-1207 No Detention Requirement for Youth 10-12 Years Old](#)

This bill removes the requirements for the DHS to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor.

Effective upon signing, May 31, 2017

#### [HB17-1204 Juvenile Delinquency Record Expungement](#)

This bill modifies and in many ways, simplifies the record expungement process for juveniles. Expungements are now automatic in certain kinds of cases, generally dismissals, acquittals, petty offenses and most class 2 and 3 misdemeanors. In other more serious cases, such as first-time felonies that are not crimes of violence or sexual offenses, misdemeanor domestic violence, and misdemeanor sexual offenses, the Court can hold a hearing if the prosecution or victim objects, or expunge immediately if they do not. The most serious offenses, such as repeat or mandatory juvenile offender, aggravated juvenile offender, felony sexual offenses, homicide or vehicular homicide may not be expunged. Finally, the prosecution may not require as a condition of a plea agreement that the juvenile waive the right to expungement.

Effective date November 1, 2017

#### [HB17-1208 Clarifying Record Sealing](#)

The 2016 expedited record sealing bill, SB16-116, needed some clarification. This bill provides just that, explicitly making the process retroactive and available to cases that were dismissed prior to the enactment of SB16-116. It further provided for victim notification in Victims' Rights Act cases. Finally, it specifies that the \$65 fee may be waived if the party seeking sealing is indigent.

Effective September 1, 2017

#### [HB17-1015 Clarifying County Jail Sentence Calculations](#)

Each inmate may receive credits for behavior that may reduce the time they must serve. This bill clarifies how those are calculated, applied, and how much they may receive. It also specifies that escapes or attempts to escape cause an inmate to forfeit all credits they have earned. Finally, it specifies that these credits are not available against mandatory jail on DUI/DWAI 2<sup>nd</sup> or more offenses.

Effective August 9, 2017 subject to petition

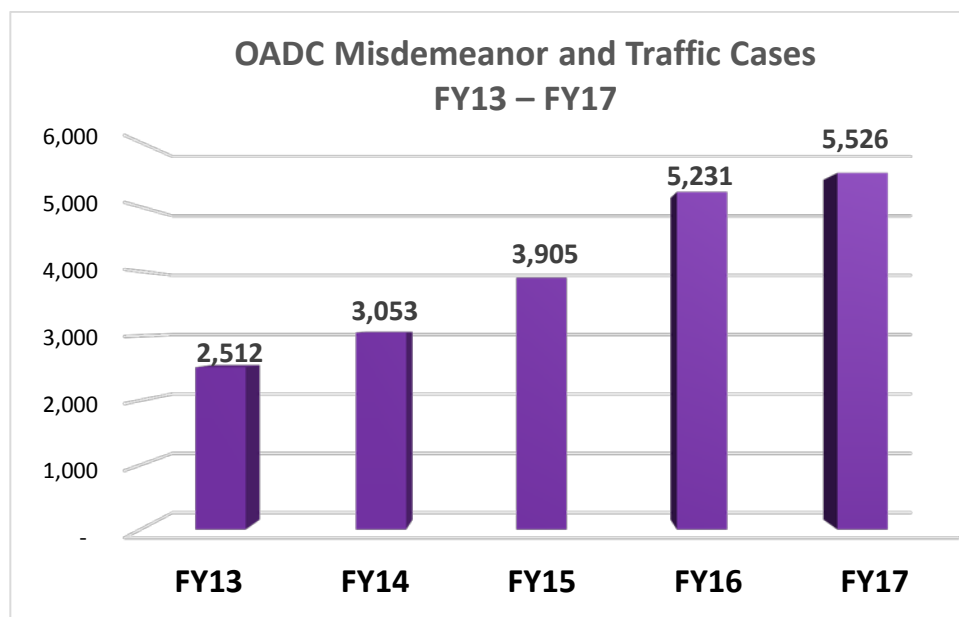
## HOT TOPICS

---

### 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 - FY17. While the Agency cannot say what percentage of this increase is directly attributable to HB13-1210, there has been a significant increase, but it appears to be tapering off.



### 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.



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 [\*People v. Tate\*, 352 P.3d 959, 2015 CO 42, reh'g denied \(July 13, 2015\), reh'g denied \(Aug. 3, 2015\)](#). 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). In some jurisdictions, the prosecution is attacking the constitutionality of [SB16-181](#), and in at least one case they have convinced the Court that it is unconstitutional. This issue continues to be litigated in the trial courts will eventually make its way to the appellate courts.

The work on these cases is exemplified by the following: "The prosecutors told us (the lawyers) that we had presented the best mitigation they had ever seen, and especially praised the reentry plan the social worker did."

### **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](#) extended the deadline for this system to be operational until July 1, 2017. As of August 25, 2017, 6 Judicial Districts (1<sup>st</sup>, 2<sup>nd</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, and 20<sup>th</sup>) had not yet begun using the eDiscovery system. The CDAC is working with some of these districts to be part of the Statewide Discovery System, while others are using their own system. It is anticipated that toward the end of 2017 the CDAC will begin focusing on improvements to the delivery of eDiscovery to the defense.

### **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](#). In September 2016, OADC hired a Social Worker Coordinator to ensure the success of the Agency's Social Worker Pilot Project that began in FY14. This program has now been fully implemented, and the demand for social workers on defense teams continues to grow.

### **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 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**

OADC continues to see a significant number 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 expensive 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 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. In fact, one of the most recent cases has approximately 70 co-defendants, and the discovery encompasses nearly 10 terabytes of data. Another case has a 124-page indictment, with 186 counts amongst 11 defendants; 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. For example, in the 124-page indictment, one defendant was only involved in 8 of the 186 counts.

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;
- an in-house post-conviction case management system to include triage and per-case fee contracting,

*It's exciting and humbling at the same time learning this process but the case triage memo, as well as the postconviction summary/checklist you guys provided, has simplified the process a great deal.*

- occasionally discussing with the defendant the propriety of pursuing post-conviction relief, at times resulting in the dismissal of a post-conviction petition;

- 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, case assistants, legal researchers and others who are paid at lower rates to assist with cases. As one contractor stated, “The legal researcher was instrumental in getting the acquittal on the most serious charge.”
- This year, for the first time, the Colorado Supreme Court has authorized a law student (from Stanford Law School) to appear in the Colorado Court of Appeals under the Colorado Student Practice Act.

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

- immigration;
- DNA;
- firearms;
- technology;
- education;
- mental health defenses;
- child abuse;
- sexual abuse;
- DMV; 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 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.

[\*Ronquillo v. People\*, 2017 CO 99 \(Colo. 2017\)](#). The Supreme Court ruled that a defendant does not have to establish good-cause to fire private counsel. The right to counsel of choice includes both the right to hire and fire a private attorney. This is true even where the defendant will then seek court appointed counsel. So long as the defendant is financially eligible for court-appointed counsel, and there is time to change counsel, clients can now jettison their private attorneys more easily.

## **PROHIBITION AGAINST A MANDATORY SENTENCE OF TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE FOR JUVENILES (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\*, 381 P.3d 320 \(Colo. App. 2015\)](#) 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 \(Colo. App. 2015\)](#) (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.

[Kazadi v People, 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.

[Lee v. U.S., 137 S.Ct. 1958 \(2017\)](#) Where an IAC claim is based on counsel's affirmative mis-advice on the immigration consequences of a plea, a defendant can satisfy Strickland's second prong of prejudice even where there was overwhelming evidence of guilt and a high likelihood of conviction if the defendant had rejected the plea bargain and proceeded to trial. This means defendants will be entitled to more 35(c) hearings and may prevail on some and then require re-trial. See also, *People v. Sifuentes*, 2017COA48, 2017 WL 1404203 (Colo. App. April 20, 2017) (Same conclusion).

## **Plea Bargain Stage Of Case**

[Missouri v. Frye, 132 S.Ct. 1399 \(2012\)](#) 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.

## **EXPERTS**

[McWilliams v. Dunn, 137 S. Ct. 1790 \(2017\)](#) Prior to McWilliams' death penalty sentencing hearing, a state psychologist appointed by the trial judge determined that McWilliams had "organic brain damage" and other problems stemming from earlier head injuries. The report was delivered to the inmate's lawyers two days before the sentencing hearing, followed by voluminous mental health records and a prison file showing that McWilliams was taking psychotropic drugs. The judge refused a defense continuance request, refused to provide him with a defense expert, and then he was sentenced to death. The Court ruled that the defense mental health assistance "fell far short" of what is required by *Ake v. Oklahoma*. The Court stopped short of saying the constitution requires a special defense expert, however, Breyer noted that most states, including Alabama, now routinely provide an expert specifically for the defense team. In dissent, Justice Alito said that nothing in the *Ake* decision requires that a defendant be provided "an expert who functions solely as a dedicated member of the defense team."

[Venalonzo v. People, 388 P.3d 868 \(Colo. 2017\)](#) The Supreme Court announced a new test for determining whether a witness's testimony is expert testimony. This new test will result in courts finding more testimony is expert testimony. Expert testimony requires special disclosures by the prosecution and challenges from the defense. Thus, there will be increased pre-trial litigation.

## **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.

## **RESTITUTION AFTER EXONERATION**

[Nelson v. Colorado and Madden v. Colorado, 137 S.Ct. 1249 \(2017\)](#). The United States Supreme Court determined that the Exoneration Act does not comport with Due Process when a defendant seeks reimbursement of fines, costs and restitution paid under a conviction that is subsequently vacated.

# **Appendix C**

## **Agency Objectives and Performance Measures**

**Performance Measure A: Ensure Adequate Contractor Rates**

In the FY14–15 Budget Request the OADC submitted a Decision Item regarding an increase to Contractor hourly rates by \$10. The Joint Budget Committee approved that Decision Item and the OADC was appropriated an additional \$3,559,986 to accommodate the COLA based hourly rate increase.

		<b>FY 09-14 Actual</b>	<b>FY 15-17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
The OADC average hourly Attorney Rates	Target	\$75	\$75	\$75	\$80
	Actual	\$65	\$75		

**Performance Measure B: Contain Case Costs**

The OADC analyzes the cost per case monthly and strives to find innovative and effective strategies to contain those costs.

		<b>FY15 Actual</b>	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Contain the total number of Attorney hours per case. Includes all case type hours.	Target	19.64	19.64	19.64	19.64	19.64
	Actual	16.57	15.91	15.27		
Keep ancillary costs per case to a minimum.	Target	\$128	\$135	\$120	\$120	\$120
	Actual	\$135	\$120	\$107		
Average Cost per Case	Target	n/a	n/a	\$1,581	\$1,581	\$1,581
	Actual	\$1,722	\$1,581	\$1,523		

**Performance Measure C: Provide High-Quality Annual Trainings**

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

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



	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Appellate Training		5 hours 34 Attendees		14 hours 80 Attendees
Research and Motions Practice			6 hours 40 Attendees	6 hours 40 Attendees
Ethics for Lawyers	7 hours 35 Attendees	7 hours 40 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Trial Practice Institute	35 hours 45 Attendees	38 hours 60 Attendees	38 hours 52 Attendees	38 hours 52 Attendees
Juvenile Trainings	20 hours 100 Attendees	22 hours 182 Attendees	20 hours 100 Attendees	20 hours 100 Attendees
Post-Conviction Training		5 hours 33 Attendees		
Social Work Training	12 hours 12 Attendees	12 hours 12 Attendees	12 hours 12 Attendees	12 hours 12 Attendees
Investigator Training	12 hours 90 Attendees	8 hours 81 Attendees	12 hours 90 Attendees	12 hours 90 Attendees
Sentencing	7 hours 50 Attendees		7 hours 50 Attendees	7 hours 50 Attendees
Adobe Prof. Training		8 Hours 20 Attendees	40 hours 50 Attendees	40 hours 50 Attendees
Legal Technology	6 hours 30 Attendees			
Paralegal Training	6 hours 35 Attendees	8 hours 52 Attendees	6 hours 50 Attendees	6 hours 70 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 24 Attendees	7 hours 21 attendees	7 hours 24 Attendees	7 hours 24 Attendees
Organized Crime Act	6 hours 25 Attendees	7 hours 100 attendees		
Evidence and Objections	7 hours 35 Attendees	8 hours 44 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Plea Bargaining and Negotiation	6 hours 50 Attendees			6 hours 50 Attendees
Jury Selection	7 hours 50 Attendees		6 hours 50 Attendees	
Forensics			6 hours 40 Attendees	6 hours 40 Attendees
Leadership/Team Building Training			7 hours 30 Attendees	7 hours 40 Attendees
Incorporating Social Workers on Legal Teams	7 hours 40 Attendees			

	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Westlaw Training				
Race and Bias in the Criminal Justice System			7 hours 100 Attendees	14 hours 100 Attendees
Communication skills		8 hours 10 attendees		
Immigration and criminal litigation		4 hours 80 attendees		
Experts in litigation		16 hours 63 attendees		
Veterans in criminal litigation		8 Hours 20 Attendees		
Parole board training		3 hours 13 Attendees		
Total Number of Trainings	16	18	16	18
Total Number of Hours	167	189	203	231
Total Number of Attendees	866	1,065	958	1,113

**Performance Measure D: Provide Cost-Effective Research Tools and Assistance**

To advance quality and efficiency in the 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 its Legal, Social Sciences and Juvenile eLibrary;
2. Providing legal research, motion drafting, and other assistance to contractors, using lawyers and non-lawyers;
3. Providing timely case law summaries (both written and podcast) of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10<sup>th</sup> Circuit of the United States Court of Appeals, and the United States Supreme Court;
4. Analyzing and introducing best practice applications to the OADC contractors;
5. Creating comprehensive manuals on complex but frequently used subject matter such as COCCA, Habitual Criminal Cases, Post-Conviction Matters, Out-of-State Subpoenas and co-authoring the Juvenile Defense Manual.

		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
On-Line Research Tools and Resources to the OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target documents	6,000	6,000	6,000	7,000
	Actual documents	7,000	7,750		
	Target users*/queries	250*	1000/month	1200/month	1,700/month
	Actual users*/queries	1,700/month	1,850/month		
Juvenile specific materials	Target documents	na	500	500	1,200
	Actual documents	825	1,118		
Social Sciences specific materials	Target documents	na	500	500	1,300
	Actual documents	1,000	1,290		
Mental Health specific materials	Target documents	na	500	500	500
	Actual documents		500		
Legal Research Assistance (Includes Social Science and Mental Health Issues)	Target cases	300	400	500	500
	Actual cases	410			
Social Sciences Issues in Criminal Cases Assistance	Target	na	40	50	50
	Actual	30	18		
Mental Health Issues in Criminal Case Assistance	Target cases	na	40	60	60
	Actual cases	20	45		
Provide summaries of new opinions.	Target weekly summaries	50	50	50	50
	Actual weekly summaries	52	52		

**Performance Measure E: Monitor and Evaluate Contractors**

The OADC has a process to ensure that all the OADC lawyers, investigators, and social workers are under a current contract. This process includes interviewing and evaluating potential and renewing contract attorneys, investigators and social workers. To accomplish this the Agency:

1. Has created a data base to track all attorney, investigator, and social worker contractors, including contract renewal dates;
2. Requests renewal applications from contractors, interviews and evaluates contractors, and renews contracts if appropriate;
3. Solicits feedback from judicial districts concerning the OADC lawyers;
4. Verifies attorney status with the Office of Attorney Regulation;
5. Monitors and evaluates court room practices through courtroom observations;
6. Reviews written submissions from contractors and provides feedback as needed;
7. Mandates testing for investigators prior to initial contract issuance;
8. Conducts audits and time-efficiency studies of selected the OADC contractors;
9. Runs reports on the OADC contractors using the new Court Appointed Attorney Payment System (CAAPS);
10. Requires at least 5 hours of juvenile or defense specific CLE training per year.

		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%
	Actual	93%	100%		
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%
	Actual	64%	100%		
Court Room Observations	Target	75	75	75	75
	Actual	61	52		
Mock Oral Arguments	Target	10	10	12	12
	Actual	12	9		
Oral Arguments	Target	15	20	16	16
	Actual	16	17		
Review Pleadings	Target	100	100	100	150
	Actual	120	150		

**Performance Measure F: Support the use of Evidenced Based Practices (EBP)**

To ensure the use of Evidence Based Practices in juvenile and criminal defense the Agency provides contractors with the following:

1. Contract Social Workers;
2. A separate social science component to the Agency’s eLibrary (See Performance Measure D above);
3. Training focused on EBP (See Performance Measure C above).

<b>Performance Measure F: Support the use of Evidence Based Practices</b>		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Number of Cases with Social Workers	Target	100 cases	125 cases	200 cases	300 cases
	Actual	181 cases	263 cases		
Number of Social Worker Contractors	Target	6 contractors	10 contractors	15 contractors	21 contractors
	Actual	11 contractors	16 contractors		
Number of Social Worker Interns	Target	3 interns	5 interns	3 interns	4 interns
	Actual	3 interns	2 interns		

**Performance Measure G: Strengthen the OADC’s Juvenile Division**

In FY17, the OADC underwent a comprehensive and rigorous process of re-constituting the panel of contract attorneys representing juveniles on behalf of the OADC. With the help of the National Juvenile Defender Center, the OADC thoroughly screened attorneys wishing to represent juveniles, 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, the OADC identified some training needs and areas that need attention moving forward.

First, the OADC is bringing 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 on DVD or through webinars, it is important to conduct a certain amount of training in-person to ensure that the those who need the training are engaged.

Second, the OADC is encouraging and assisting contract attorneys in incorporating other professionals in the defense team. This includes offering a Special Education Specialist who can efficiently gather relevant records

and advise the contractor on how the educational needs of the client impact his or her behavior and the likelihood of the success of various interventions or sentencing options. In addition to a Special Education Specialist, the OADC offers other specialists and researchers who increase the effectiveness and efficiency of the defense team.

Third, now that the new Juvenile Division has been formed, the Juvenile Coordinator will continue to ensure that the 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.

<b>Performance Measure G: Strengthen OADC’s Juvenile Division</b>		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Sponsor X number of Juvenile-specific trainings annually for attorneys.	Target	2	2	3	5
	Actual	4	4		
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	90	25	25	25
	Actual	70	0*		
Incorporate a social worker into juvenile defense teams where appropriate.	Target	na	50 cases	50 cases	50 cases
	Actual	49 cases	45		
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	15	20	20	20
	Actual	13	19		

\*Normally OADC conducts contract renewal screenings at the end of each calendar year. However, in 2016 the OADC created a Juvenile Division, and screened all attorneys who applied to represent juveniles in the summer of that year. Therefore, no juvenile attorneys were re-screened at the end of that calendar year. Beginning with FY17, attorneys will again be regularly screened as their contracts come due.

## I. Strategies

### Increase Compensation Rates

As mentioned in the Performance Measures and Goals section of this plan, the OADC received a rate increase in FY14-15, pursuant to the Agency’s FY14-15 budget request. In the Performance Measures and Goals relating to Contractor Rates, the Agency indicates that a potential rate increase for FY18-19 is still undetermined. The Agency, in conjunction with its Commission, will continue to explore future rate increases based on cost of living increases and the state of the economy.

### **Provide Ongoing Trainings**

The Performance Measures and Goals section provides a list of the OADC's commitment to trainings in the upcoming 3 fiscal years. The types of trainings provided are based on an assessment of the needs of the OADC contractors.

### **Conducting Periodic Evaluations**

Section V (Recent Performance Evaluations) outlines several tools that the Agency uses to evaluate its programs. The Agency's billing system overhaul, which went into effect on July 23, 2015, has enhanced the Agency's ability to monitor and evaluate its contractors.

### **Improved and Cost-Effective Research Tools**

As described in the Performance Measures and Goals, the OADC will continue to provide resources and technology to its contractors. A highly-utilized resource that the Agency has developed is a centralized, online, legal research and information platform called the eLibrary that continues to expand and assist many of the Agency's contractors. This asset is imperative to the Agency because it reduces average case costs by streamlining research time for contractors while simultaneously improving the effectiveness of representation. This eLibrary has expanded to include a separate juvenile and social sciences section, and will eventually include a separate mental health section.

### **Paperless and Administrative Efficiencies**

The Agency's revamped web-based billing system (CAAPS) went live on July 23, 2015. Each individual contractor bill is reviewed online for reasonableness and accuracy. This overhaul has significantly enhanced the Agency's monitoring capabilities, benefiting not only internal auditing procedures but also the annual fiscal note process and individual contractors' payment monitoring options.

### **Ancillary Services to Reduce Attorney Hours**

To increase the quality and efficiency of the OADC contract attorneys, the Agency has implemented and continues to seek out measures that reduce billable contractor hours and associated ancillary costs. These measures 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 large-volume cases;
4. Attorney access to electronic court records pursuant to HB 08-1264;
5. Expanding and promoting the eLibrary;

6. Providing legal research, motion drafting, and other case related assistance;
7. Evaluating contractor efficiency and auditing billing;
8. Closely monitoring requests for expert assistance;
9. Identifying and promoting technologies that increase contractor efficiency.

### **Fraud, Waste, & Abuse Prevention**

The OADC diligently monitors all financial transactions. In addition to the annual audit performed by the Office of the State Auditor, the Agency reviews **all** payments, ensuring appropriate documentation and support, utilizing segregation of duties, second level approvals, and executive review of over-the-maximum requests. Semi-annual vendor totals are also audited for anomalies. The Agency verifies monthly payroll through the state financial and payment processing system.

## **II. Performance Evaluation**

### **Contractor Survey and Evaluations**

This year's annual contractor survey focused on paralegal contractors. The responses to this survey are assisting the Agency in preparing for paralegal trainings in FY18.

### **The OADC Staff Evaluations**

The Agency has continued its employee self-evaluations. This annual evaluation includes such topics as; Job Knowledge, Work Quality, Attendance/Punctuality, Initiative, Communication/Listening Skills, and Dependability. Each staff member completed a self-evaluation, and met with their supervisor (Director, Deputy Director, or Controller) to discuss the results, concerns, and overall performance of each employee. The Agency also underwent a StrengthsFinder staff evaluation process to improve team dynamics and performance.

### **Evaluation of Prior Year Performance**

**Performance Measure A: Ensure Adequate Contractor Rates:** In its FY15 budget request, the Agency requested and received a \$10.00 per hour rate increase for its attorney contractors, and a \$5.00 per hour rate increase for its investigators and paralegals. However, this still falls significantly below the federal government's court-appointed attorney<sup>1</sup> hourly rate of \$129 per hour for non-capital cases, and for capital crime (death penalty) cases, an hourly rate of \$183 per hour.

**Performance Measure B: Contain Case Costs:** The Agency continues to contain (and reduce) its attorney hours per case and keep ancillary costs per case to a minimum. (See chart on page 5 of 14 of the Agency's July 1, 2017 Performance Plan)

---

<sup>1</sup> Federal court-appointed attorneys are referred to as Criminal Justice Act (CJA) lawyers.



**Performance Measure C: Provide High-Quality Annual Trainings:** As can be seen by the chart on pages 6-7 of 14 of the [Agency's July 1, 2017 Performance Plan](#), the agency provided 18 trainings, consisting of over 250 hours, and reaching over 1,000 attendees, a significant increase from the projected numbers.

**Performance Measure D: Provide Cost-Effective Research Tools and Assistance:** As the chart on page 8 of 14 of the [Agency's July 1, 2017 Performance Plan](#) demonstrates, the Agency continues to meet and exceed its goals in this area.

**Performance Measure E: Monitor and Evaluate Contractors:** The Agency met its goal of evaluating 100% of renewing attorneys and investigators. However, it did fall short of meeting its goal of conducting 75 court room observations, and oral arguments. This occurred due to the resignation and replacement of its Evaluator & Training Coordinator and time necessary for the new employee to be trained and have time for these observations. The goal for FY18 should be met.

**Performance Measure F: Support the use of Evidence Based Practices (EBP):** The Agency's Social Worker program has continued to expand, due to the hiring of a full time Social Worker Coordinator. Once this person began, in September 2016, the Agency expanded the number of Social Worker contractors, and therefore the number of cases with social workers. As the chart on page 10 of 14 of the [Agency's July 1, 2017 Performance Plan](#) indicates, it is anticipated that this program will continue to expand.

**Performance Measure G: Strengthen the OADC's Juvenile Division:** The OADC successfully implemented its new Juvenile Division, and anticipates that the efficacy of this program will increase as it moves forward.

## **Appendix D**

### **Case Classification by Category Rates**

	Type A	Type B
<b>F1</b>	Kidnapping Murder 1deg	
<b>F2</b>	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
<b>F3</b>	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
<b>F4</b>	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
<b>F5</b>	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
<b>F6</b>	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
<b>DF1</b>	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
<b>DF2</b>	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)
<b>DF3</b>	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
<b>DF4</b>	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
<b>M1</b>	Murder 1deg	Assault 3rd degree on At-Risk-Adult False reporting to authorities Theft Violation bail bond conditions

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