



**Office of the** **Alternate**  
**Defense**  
 **counsel**

**FISCAL YEAR 2019-2020**  
**BUDGET REQUEST**

**November 1, 2018**

**Lindy Frolich, Director**

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## Table of Contents

<b><u>Executive Letter</u></b>	1
<b><u>Budget Summary</u></b>	
Budget Summary Narrative	7
Budget Change Summary, by Fund Source	8
FY2019-20 Reconciliation of Agency Request	9
<b><u>Agency Overview</u></b>	
Organizational Chart	13
Background	15
Statutory Mandated/Directive	15
Mission	15
Vision	15
Total Caseload and Case Type Data	16
<b><u>Decision Item(s)</u></b>	
DI 1 # R-1 : Caseload Increase	23
DI 2 # R-2 : Social Worker Outreach Coordinator	28
DI 3 # R-3 : Operating Adjustments	37
DI 4 # R-4 : Compensation Plan Alignments	43
<b><u>Schedules</u></b>	
Schedule 2	49
Schedule 3	51
Schedule 5	58
Schedule 10	60
Summary of Supplemental Bills	62
<b><u>POTS Template and Summary</u></b>	64
<b>Appendix A - Caseload Totals by District and Colorado Judicial Districts Map</b>	68
<b>Appendix B - Prior Year Legislation, Hot Topics, and Cases that May Affect OADC</b>	73
<b>Appendix C - Agency Objectives and Performance Measures</b>	85
<b>Appendix D - Case Classification by Category Rates</b>	96

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# State of Colorado

## Office of the Alternate Defense Counsel

Lindy Frolich, Director

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

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November 1, 2018

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 OADC's caseload since FY11, and corresponding expenditures.

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY11 to FY18 % change
<b>Caseload</b>	11,878	12,585	13,290	15,085	16,680	18,244	20,103	22,638	90.59%
Caseload % change	<i>na</i>	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	
<b>Transactions</b>	39,794	43,327	46,144	52,900	58,911	64,997	72,753	98,891	148.51%
Transactions % change	<i>na</i>	8.88%	6.50%	14.64%	11.36%	10.33%	11.93%	35.93%	
<b>Average Case Transactions</b>	3.35	3.44	3.47	3.51	3.53	3.56	3.62	4.37	30.39%

*\*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, although interestingly in the past four years the Agency's caseload has increased by approximately 10% each year.

Appendix A contains two pie charts, one shows the distribution of cases by Judicial District and the other breaks down the Agency's Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District. A state map with the number of cases by Judicial District is also included. 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, as has the average cost per case.

Contain Case Costs		FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request	FY10 to FY18 % 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	14.33	-31.14%
	Actual	20.81	19.22	18.91	17.94	17.91	16.57	15.91	15.27	14.33			
	% Change	n/a	-7.6%	-1.6%	-5.1%	-0.2%	-7.5%	-4.0%	-4.0%	-6.2%			
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	\$ 1,456	-14.17%
	Actual	\$1,697	\$1,620	\$1,641	\$1,593	\$1,596	\$1,722	\$1,581	\$1,523	\$1,456			
	% Change	n/a	-4.5%	1.3%	-2.9%	0.2%	7.9%	-8.2%	-3.7%	-4.4%			

*\*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. Private business owners are motivated, at least in part, to make a profit. Given this, how has the OADC contained costs? The answer is simple: The Agency has centralized many resources, reduced duplication of work and ensured work is performed by the least expensive 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. These are prime example of how this works:

*OMG! The paralegal is amazing! She completed the trial notebooks for the xxx case and they are gorgeous! She delivered them today!!!! I would like to get funds for her to do my trial notebooks for the xxx.xxx case that is going to trial one week after the xxx case. She was fast, efficient and completely professional. I will be putting in an ADC request today.*

*Xxx's case was a COCCA indictment, and there was a great deal of discovery, but Mr. xxx was charged only with lesser offenses. The paralegal created e-binders of Mr. xxx's discovery, saving me hours of time locating and organizing specific, relevant discovery, to review with Mr. xxx at the jail. The paralegal's binders also made the discovery review at the jail much faster and more efficient since Mr. xxx's documents were all together in one place.*

*The paralegal's binders make my personal discovery review much faster and more efficient, as well, and I am always thrilled to accept a COCCA appointment and*

*find that the paralegal has already created notebooks (yay!) While I am quite adept at searching and reviewing voluminous discovery, as I was reminded when I began the xxx discovery review on my own, the paralegal's binders always make life much, much easier.*

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 fourteen 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 700 OADC contractors across the state of Colorado. Just recently, the Agency has begun publishing a quarterly newsletter as another mechanism to ensure that its contractors across the state are supported.

*In my opinion, the newsletter is another way ADC helps to foster a sense of community among those of us doing this work, along with the Roundtable, Roadshow, moots, etc. I would like to see it on a regular basis.*

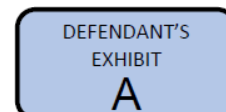
Each year the OADC strives to provide new and innovative ways to support its contractors. The Agency encourages contractors to use current technology and communication to minimize costs. The agency created a comprehensive Vendor Database using Microsoft Access (which is rapidly becoming obsolete), implemented a revamped billing system, and added a weekly podcast as a mechanism to broadcast caselaw updates and other important information to its contractors. As of this writing we have had over 3800 downloads of eighty-four episodes of the podcast. It started off slowly – but we are now averaging about 230 downloads per month. As one contractor commented:

*So I have been catching up on these the past few weeks as I drive 2x a week to and from Ft. Collins— just wanted to give you a shout out for your work. Also, your summary of the xxx case almost made me run off the road.*

The Agency's Expert Database is now available for use by contractors in representing their clients. The following is an example of another appreciative contractor:

*ADC helped me so much with transcripts, getting an expert and just general support. I feel really lucky!*

The Agency also solicits volunteers to work as mock judges for moot oral arguments, and an agency contractor recently developed electronic exhibit stamps for Adobe PDF documents to enable all the Agency contractors to create electronic exhibits easily.



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 expanded to include Educational Consultants, as well as experts in juvenile defense. As one contractor commented:

*And thank you, xxx, for doing this for our juvenile team. Your expertise adds so much to defense teams, and makes us more effective and efficient, which of course ultimately benefits the kids. We're lucky you were and are willing to do this for our clients!*

The Agency's Social Worker Coordinator assigns and supervises social workers and social work interns to assist with the most difficult cases. Not only does the use of social workers reduce the attorney time on a case, the following is just one of many examples of how the use of social workers produces better outcomes for the clients and better information for the parties:

*I just wanted to take a moment and give you a quick update. The Social Worker has been doing some amazing work and I want to make sure that I'm passing this along. Recently, in one case, she was able to find inpatient dual diagnosis treatment in Colorado for a juvenile client in crisis, and then was able to navigate the complicated process of getting the client admitted. I'm amazed by this- I didn't even know you could do inpatient in most situations on Medicaid! In another case she received praise from the DA recently on how impactful/great her mitigation was, and that client got an amazing deal. I don't have my notes in front of me but if I recall correctly that client was DOC eligible based off charges, however that client got a deal, that with time served already, will basically amount to a few more months in jail and then probation.*

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 and much of the FY18 caseload increase.

<b>Total Cases by Type</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Actual</b>	<b>FY18 % of Total</b>	<b>% increase from FY17-FY18</b>
Adult Felony	12,063	60.0%	13,827	61.1%	14.6%
Juvenile Felony & Misd	2,511	12.5%	2,511	11.1%	0.0%
Juv As Adult Felony & Misd			80	0.4%	100%
Adult PO Misd DUI Traffic	5,529	27.5%	6,220	27.5%	12.5%
<b>Grand Total</b>	<b>20,103</b>	<b>100.0%</b>	<b>22,638</b>	<b>100.0%</b>	<b>12.6%</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, body cameras, dash cameras, 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 contractors must review, creating substantial additional expense. 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

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## Budget Summary Narrative

The total FY 2019-20 budget request for the Office of the Alternate Defense Counsel is \$57,296,235 and 15.9 FTE.

### FY 2018-19 Appropriation of \$ 41,896,458

- PLUS FY19 Municipal Court Bill (SB 18-203) \$118,800
- PLUS FY20 Municipal Court Bill (SB 18-203) \$72,658
- PLUS Reconciliation Correction and Annualization \$46,874
- PLUS FY20 Statewide Merit Contributions \$47,462
- PLUS FY20 Common Policy Adjustments \$34,619

- **FY 2019-20 Base Request of \$ 42,216,871**

PLUS Change Request - OADC Caseload GF Increase for FY19 of \$6,980,861 (D1 #R-1)

*\*The OADC anticipates submitting an FY19 supplemental to cover this \$6,980,861, or a lesser amount once there is additional data for FY19 to make a better forecast for the year.*

- **FY 2019-20 Anticipated Base Request of \$42,216,871 + \$6,980,861 = \$49,197,732**

PLUS Change Request - OADC Caseload GF Increase for FY20 of \$7,620,251 (D1 #R-1)

*\*It is anticipated that this figure will be decreased once there is additional data for FY19 to better forecast FY20.*

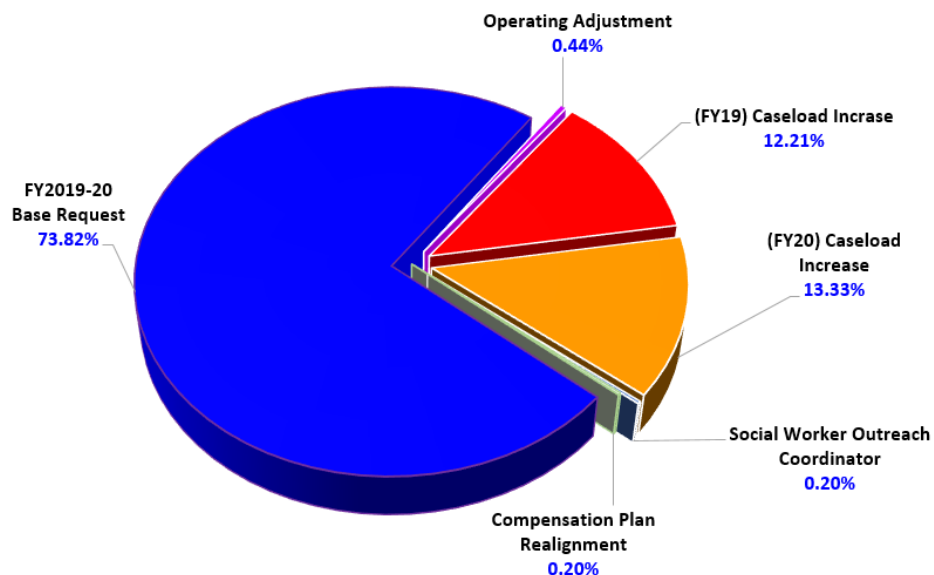
PLUS Change Request - Social Worker Outreach Coordinator GF Increase of \$116,809 (D2 #R-2)

PLUS Change Request - Operating Adjustment increase of \$251,070 (D3 #R-3)

PLUS Compensation Plan Realignment GF Increase of \$114,697 (D4 #R-4)

### FY 2019-20 Budget Request of \$ 57,296,235

**FY 2019-20 Budget Request**



**The Office of the Alternate Defense Counsel  
FY 2019-20 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
<b>Long and Special Bill</b>				
HB 18-1322 Office of the Alternate Defense Counsel	13.0	\$41,896,458	\$41,816,458	\$80,000
SB 18-203 Municipal Courts (FY19)	0.9	\$118,800	\$118,800	\$0
<b>Total FY2018-19 Appropriation</b>	<b>13.9</b>	<b>42,015,258</b>	<b>41,935,258</b>	<b>80,000</b>
<b>Special Bills</b>				
SB 18-203 Municipal Courts (FY20)	1.0	68,337.08	\$68,337	\$0
<b>Total Special Bills</b>	<b>1.0</b>	<b>68,337.08</b>	<b>68,337.08</b>	<b>0.00</b>
<b>Prior Year Budget Change or Annualizations</b>				
Annualized FY 2018-19 Municipal Courts, SB 18-203 (Muni Coord)	0.0	\$10,738	\$10,738	\$0
POTS Reconciliation Correction	0.0	\$36,135	\$36,135	\$0
<b>Total Change or Annualization</b>	<b>0.0</b>	<b>\$46,873</b>	<b>\$46,873</b>	<b>\$0</b>
<b>Salary Survey and Merit</b>				
FY 2019-20 Salary Survey	0.0	\$0	\$0	\$0
FY 2019-20 Merit	0.0	\$47,462	\$47,462	\$0
<b>Total Salary Survey and Merit</b>	<b>0.0</b>	<b>\$47,462</b>	<b>\$47,462</b>	<b>\$0</b>
<b>Common Policy Adjustments</b>				
Health Life Dental	0.0	\$5,799	\$5,799	\$0
Short Term Disability	0.0	\$278	\$278	\$0
AED	0.0	\$14,271	\$14,271	\$0
SAED	0.0	\$14,271	\$14,271	\$0
<b>Total Common Policy Adjustments</b>	<b>0.0</b>	<b>\$34,619</b>	<b>\$34,619</b>	<b>\$0</b>
<b>Total FY 2019-20 Base Request</b>	<b>14.9</b>	<b>42,212,550</b>	<b>42,132,550</b>	<b>80,000</b>
<b>Budget Change Requests</b>				
DI # R-1 Caseload Increase (FY20) portion for FY19	0.0	\$6,980,861	\$6,980,861	\$0
DI # R-1 Caseload Increase (FY20) portion for FY20	0.0	\$7,620,251	\$7,620,251	\$0
<b>Total Decision Items/Budget Amendments</b>	<b>0.0</b>	<b>\$14,601,112</b>	<b>\$14,601,112</b>	<b>\$0</b>
DI # 2 R-2 (FY20) Social Worker Outreach Coordinator	1.0	\$ 116,809	\$ 116,809	\$ -
<b>Total Decision Items/Budget Amendments</b>	<b>1.0</b>	<b>\$ 116,809</b>	<b>\$ 116,809</b>	<b>\$ -</b>
DI # 3 R-3 (FY20) Operating Adjustments	0.0	\$ 251,070	\$ 251,070	\$ -
<b>Total Decision Items/Budget Amendments</b>	<b>0.0</b>	<b>\$ 251,070</b>	<b>\$ 251,070</b>	<b>\$ -</b>
DI # 4 R-4 (FY20) Compensation Plan Alignment	0.0	\$ 114,696	\$ 114,696	\$ -
<b>Total Decision Items/Budget Amendments</b>	<b>0.0</b>	<b>\$ 114,696</b>	<b>\$ 114,696</b>	<b>\$ -</b>
<b>Total FY 2019-20 Budget Request</b>	<b>15.9</b>	<b>57,296,235</b>	<b>57,216,235</b>	<b>80,000</b>
Change from FY 2018-19	2.0	\$15,280,977	\$15,280,977	\$0
% Change from FY 2018-19	14.4%	36.4%	36.4%	0.0%

Office of the Alternate Defense Counsel  
 FY2019-20 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
<b>Personal Services</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 1,414,600	13.0	\$ 1,414,600	\$ -
FY 2018-19 Municipal Courts, SB 18-203 (Muni Coord)	\$ 118,800	0.9	\$ 118,800	-
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 1,533,400</b>		<b>\$ 1,533,400</b>	<b>\$ -</b>
Annualized FY 2018-19 Municipal Courts, SB 18-203 (Muni Coord)	\$ 9,978	0.1	\$ 9,978	
FY 2019-20 Municipal Courts, SB 18-203 (Muni Admin)	\$ 47,517	0.9	\$ 47,517	
POTS Reconciliation Correction	\$ 36,135		\$ 36,135	
FY 2019-20 Base Request	\$ 1,627,030	14.9	\$ 1,627,030	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 89,904	1.0	\$ 89,904	\$ -
DI # 4 R-4 (FY20) Compensation Plan Alignment	\$ 104,126	-	\$ 104,126	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 1,821,060</b>	<b>15.9</b>	<b>\$ 1,821,060</b>	<b>\$ -</b>
<b>Health Life and Dental (HLD)</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 185,370	-	\$ 185,370	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 185,370</b>		<b>\$ 185,370</b>	<b>\$ -</b>
Municipal Court Bill SB 18-203 - Administrative Paralegal	\$ 7,436		\$ 7,436	\$ -
Total Compensation Common Policy (incremental change)	\$ 5,799	-	\$ 5,799	\$ -
FY 2019-20 Base Request	\$ 198,605	-	\$ 198,605	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 12,096		\$ 12,096	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 210,701</b>	<b>-</b>	<b>\$ 210,701</b>	<b>\$ -</b>
<b>Short Term Disability (STD)</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 2,195	-	\$ 2,195	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 2,195</b>		<b>\$ 2,195</b>	<b>\$ -</b>
Municipal Court Bill SB 18-203 - Administrative Paralegal	\$ 81		\$ 81	\$ -
Total Compensation Common Policy (incremental change)	\$ 278	-	\$ 278	\$ -
FY 2019-20 Base Request	\$ 2,554	-	\$ 2,554	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 156		\$ 156	\$ -
DI # 4 R-4 (FY20) Compensation Plan Alignment	\$ 158		\$ 158	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 2,868</b>	<b>-</b>	<b>\$ 2,868</b>	<b>\$ -</b>
<b>S.B 04-257 Amortization Equalization Disbursement (AED)</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 64,513	-	\$ 64,513	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 64,513</b>		<b>\$ 64,513</b>	<b>\$ -</b>
Municipal Court Bill SB 18-203 - Administrative Paralegal	\$ 2,129		\$ 2,129	\$ -
Total Compensation Common Policy (incremental change)	\$ 14,271	-	\$ 14,271	\$ -
FY 2019-20 Base Request	\$ 80,913	-	\$ 80,913	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 4,500		\$ 4,500	\$ -
DI # 4 R-4 (FY20) Compensation Plan Alignment	\$ 5,206		\$ 5,206	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 90,619</b>	<b>-</b>	<b>\$ 90,619</b>	<b>\$ -</b>

Office of the Alternate Defense Counsel  
 FY2019-20 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
<b>S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 64,513	-	\$ 64,513	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 64,513</b>		<b>\$ 64,513</b>	<b>\$ -</b>
Municipal Court Bill SB 18-203 - Administrative Paralegal	\$ 2,129		\$ 2,129	\$ -
Total Compensation Common Policy (incremental change)	\$ 14,271	-	\$ 14,271	\$ -
FY 2019-20 Base Request	\$ 80,913	-	\$ 80,913	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 4,500	-	\$ 4,500	\$ -
DI # 4 R-4 (FY20) Compensation Plan Alignment	\$ 5,206		\$ 5,206	
<b>FY 2019-20 November 01 Request</b>	<b>\$ 90,619</b>	<b>-</b>	<b>\$ 90,619</b>	<b>\$ -</b>
<b>Salary Survey</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 40,141	-	\$ 40,141	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 40,141</b>		<b>\$ 40,141</b>	<b>\$ -</b>
Total Compensation Common Policy (Total change)	\$ -	-	\$ -	\$ -
FY 2019-20 Base Request	\$ -	-	\$ -	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Merit</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ -	-	\$ -	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ -</b>
Total Compensation Common Policy (Total change)	\$ 47,462	-	\$ 47,462	\$ -
FY 2019-20 Base Request	\$ 47,462	-	\$ 47,462	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 47,462</b>	<b>-</b>	<b>\$ 47,462</b>	<b>\$ -</b>
<b>Operating Expenses</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 108,619	-	\$ 108,619	\$ -
Municipal Courts Bill (SB18-203) - FY19 Coordinator Standard Operating	\$ 760		\$ 760	
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 109,379</b>		<b>\$ 109,379</b>	<b>\$ -</b>
Municipal Courts Bill (SB18-203) - FY20 Coordinator Standard Operating	\$ 950		\$ 950	
Municipal Courts Bill (SB18-203) - FY20 Coordinator Travel	\$ 6,009		\$ 6,009	
Municipal Courts Bill (SB18-203) - FY20 Admin FTE Standard Operating	\$ 855		\$ 855	
FY 2019-20 Base Request	\$ 117,193	-	\$ 117,193	\$ -
DI # 3 R-3 (FY20) Contractor Database	\$ 15,000	-	\$ 15,000	
DI # 3 R-3 (FY20) Artificial Intelligence (AI) Data Analysis and Forecasting System	\$ 140,570		\$ 140,570	
DI # 3 R-3 (FY20) Server Replacement	\$ 6,000		\$ 6,000	
DI # 3 R-3 (FY20) IT Contractor Rate Increases	\$ 1,000		\$ 1,000	
DI # 3 R-3 (FY20) Billing System Audit / Rubin Brown	\$ 85,500		\$ 85,500	
DI # 3 R-3 (FY20) Westlaw Licenses	\$ 3,000		\$ 3,000	
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 2,180		\$ 2,180	
<b>FY 2019-20 November 01 Request</b>	<b>\$ 370,443</b>	<b>-</b>	<b>\$ 370,443</b>	<b>\$ -</b>

Office of the Alternate Defense Counsel  
 FY2019-20 RECONCILIATION OF AGENCY REQUEST

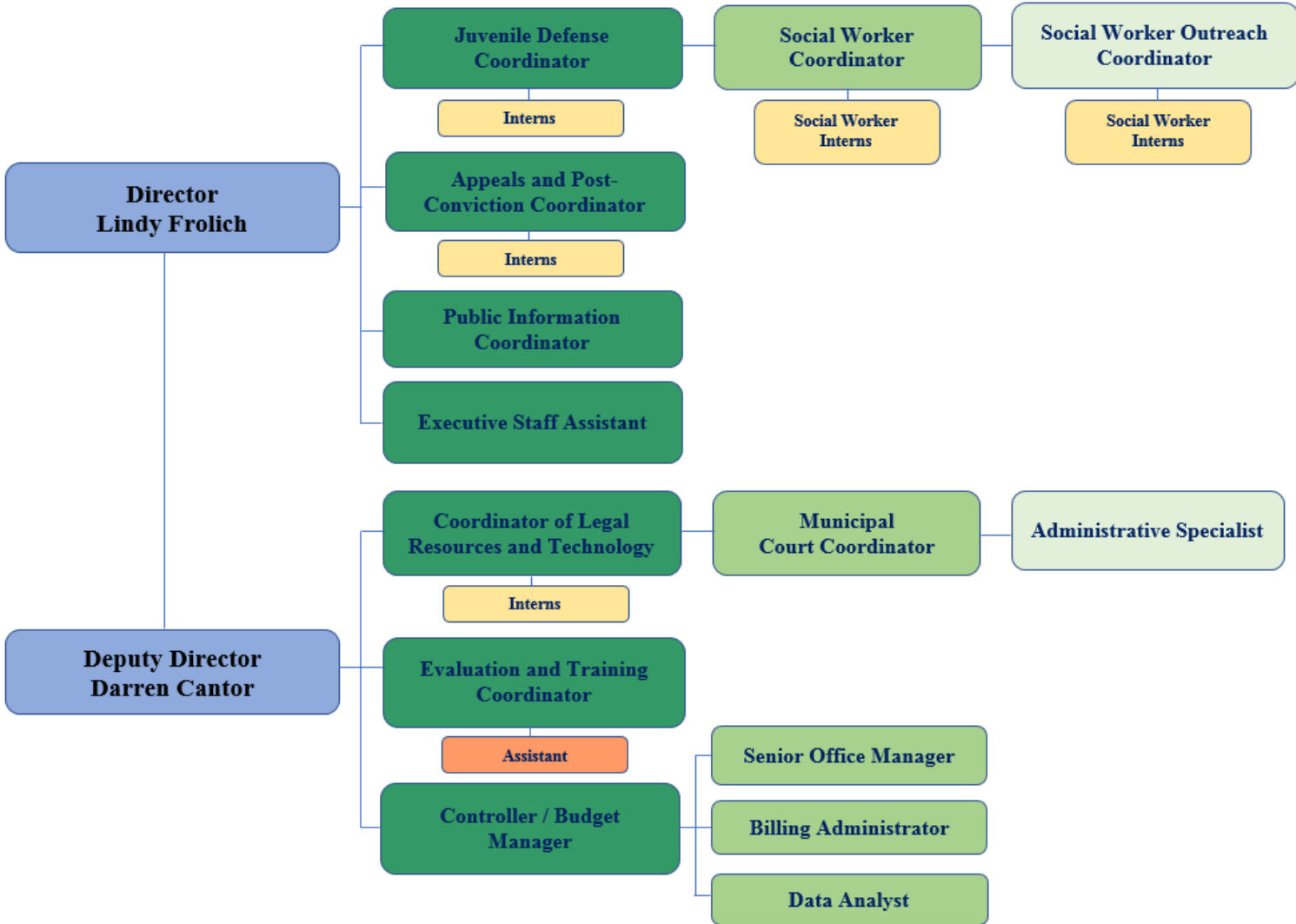
Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
<b>Capital Outlay</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 3,473	-	\$ 3,473	\$ -
Municipal Courts Bill (SB18-203) - FY 19 Coordinator Capital Outlay	\$ 4,703	-	\$ 4,703	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 8,176</b>	<b>-</b>	<b>\$ 8,176</b>	<b>\$ -</b>
Municipal Courts Bill (SB18-203) - Admin FTE	\$ 4,703	-	\$ 4,703	-
FY 2019-20 Base Request	\$ -	-	\$ -	\$ -
DI # 2 R-2 (FY20) Social Worker Outreach Specialist	\$ 3,473	-	\$ 3,473	-
<b>FY 2019-20 November 01 Request</b>	<b>\$ 8,176</b>	<b>-</b>	<b>\$ 8,176</b>	<b>\$ -</b>
<b>Training and Conferences</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 100,000	-	\$ 20,000	\$ 80,000
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 100,000</b>	<b>-</b>	<b>\$ 20,000</b>	<b>\$ 80,000</b>
FY 2019-20 Base Request	\$ 100,000	-	\$ 20,000	\$ 80,000
<b>FY 2019-20 November 01 Request</b>	<b>\$ 100,000</b>	<b>-</b>	<b>\$ 20,000</b>	<b>\$ 80,000</b>
<b>Conflict-of-interest Contracts</b>				
FY 2018-19 Long Bill Appropriation, HB 18-1322	\$ 37,391,362	-	\$ 37,391,362	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 37,391,362</b>	<b>-</b>	<b>\$ 37,391,362</b>	<b>\$ -</b>
FY 2019-20 Base Request	\$ 37,391,362	-	\$ 37,391,362	\$ -
DI # R-1 Caseload Increase (FY20) portion for FY19	\$ 6,533,245	-	\$ 6,533,245	\$ -
DI # R-1 Caseload Increase (FY20) portion for FY120	\$ 7,131,638	-	\$ 7,131,638	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 51,056,245</b>	<b>-</b>	<b>\$ 51,056,245</b>	<b>\$ -</b>
<b>Mandated Costs</b>				
FY 2017-18 Long Bill Appropriation, SB 17-254	\$ 2,561,813	-	\$ 2,561,813	\$ -
<b>FY 2018-19 Total Appropriation</b>	<b>\$ 2,561,813</b>	<b>-</b>	<b>\$ 2,561,813</b>	<b>\$ -</b>
FY 2019-20 Base Request	\$ 2,561,813	-	\$ 2,561,813	\$ -
DI # R-1 Caseload Increase (FY20) portion for FY19	\$ 447,615	-	\$ 447,615	\$ -
DI # R-1 Caseload Increase (FY20) portion for FY120	\$ 488,613	-	\$ 488,613	\$ -
<b>FY 2019-20 November 01 Request</b>	<b>\$ 3,498,042</b>	<b>-</b>	<b>\$ 3,498,042</b>	<b>\$ -</b>
FY 2018-2019 Base Requests	\$ 15,083,687	1.00	\$ 15,083,687	-
<b>Change FY 2018-19 Base Request to FY 2019-20 Nov 01 Request</b>	<b>\$ 15,244,309</b>	<b>1.0</b>	<b>\$ 15,236,133</b>	<b>\$ -</b>
<b>FY 2018-19 Total Appropriation (Long Bill plus Special Bills)</b>	<b>\$ 42,051,926</b>	<b>13.0</b>	<b>\$ 41,980,102</b>	<b>\$ 80,000</b>
<b>FY 2019-20 Base Request</b>	<b>\$ 42,212,549</b>	<b>14.9</b>	<b>\$ 42,132,549</b>	<b>\$ 80,000</b>
<b>FY 2019-20 November 01 Request</b>	<b>\$ 57,296,235</b>	<b>15.9</b>	<b>\$ 57,216,235</b>	<b>\$ 80,000</b>

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# Agency Organizational Chart

## Office of the Alternate Defense Counsel



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# The Office of the Alternate Defense Counsel

## **Background**

The United States and Colorado Constitutions provide every accused person with the right to legal representation by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right means 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 in which 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 best 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 - FY18</b>	<b>FY13 Actual</b>	<b>FY14 Actual</b>	<b>FY15 Actual</b>	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Actual</b>
<i>Trial Cases</i>	10,898	12,217	13,696	14,949	16,565	18,545
<i>Appeal Cases</i>	697	762	806	725	670	726
<i>Post-Conviction Cases</i>	461	558	562	542	605	683
<i>* Other/Special Proceedings</i>	1,234	1,547	1,616	2,028	2,263	2,684
<b>Total Cases</b>	<b>13,290</b>	<b>15,084</b>	<b>16,680</b>	<b>18,244</b>	<b>20,103</b>	<b>22,638</b>

*\* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Juvenile as Adult, Motions to Withdraw Plea - 32(d), Petitions for Certiorari, Probation Revocations or Modifications, Reviews of Magistrate's Order, Rule 21 Petitions, Special Proceedings, and YOS Revocation.*

<b>Trial Cases</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Actual</b>	<b>FY18 % of Total</b>	<b>FY19 Budget</b>	<b>FY19 % of Total</b>	<b>FY20 Request</b>	<b>FY20 % of Total</b>
<i>F1</i>	112	0.7%	156	0.9%	167	0.9%	189	0.9%	260	0.9%
<i>F2</i>	473	3.2%	514	3.1%	499	2.7%	624	3.1%	776	2.7%
<i>F3</i>	1,322	8.8%	1,337	8.1%	1360	7.3%	1,623	8.1%	2,116	7.3%
<i>F4</i>	1,952	13.1%	2,210	13.3%	2551	13.8%	2,683	13.3%	3,968	13.8%
<i>F5</i>	1,243	8.3%	1,586	9.6%	1836	9.9%	1,926	9.6%	2,856	9.9%
<i>F6</i>	923	6.2%	1,101	6.6%	1357	7.3%	1,337	6.6%	2,111	7.3%
<i>F- Unclassified</i>					1	0.0%			2	0.0%
<i>DF1</i>	330	2.2%	407	2.5%	498	2.7%	494	2.5%	775	2.7%
<i>DF2</i>	294	2.0%	322	1.9%	377	2.0%	391	1.9%	586	2.0%
<i>DF3</i>	389	2.6%	429	2.6%	425	2.3%	521	2.6%	661	2.3%
<i>DF4</i>	1,502	10.0%	1,879	11.3%	2279	12.3%	2,281	11.3%	3,545	12.3%
<i>Juvenile Felony &amp; Misd</i>	2,103	14.1%	2,156	13.0%	2149	11.6%	2,618	13.0%	3,343	11.6%
<i>Juv As Adult Felony &amp; Misd</i>					65	0.4%			101	0.4%
<i>Adult PO Misd DUI Traffic</i>	4,306	28.8%	4,468	27.0%	4981	26.9%	5,425	27.0%	7,748	26.9%
<b>Total</b>	<b>14,949</b>	<b>100.0%</b>	<b>16,565</b>	<b>100.0%</b>	<b>18,545</b>	<b>100.0%</b>	<b>20,112</b>	<b>100.0%</b>	<b>28,848</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>FY20</b>	<b>FY20</b>
	<b>Actual</b>	<b>% of Total</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%	108	14.9%	132	16.2%	168	14.9%
<i>F2</i>	120	16.6%	112	16.7%	104	14.3%	136	16.7%	162	14.3%
<i>F3</i>	201	27.7%	182	27.2%	198	27.3%	221	27.1%	308	27.3%
<i>F4</i>	137	18.9%	120	17.9%	124	17.1%	146	17.9%	193	17.1%
<i>F5</i>	42	5.8%	40	6.0%	53	7.3%	49	6.0%	82	7.3%
<i>F6</i>	33	4.6%	23	3.4%	24	3.3%	28	3.4%	37	3.3%
<i>F- Unclassified</i>					-	0.0%			-	0.0%
<i>DF1</i>	1	0.1%	2	0.3%	6	0.8%	2	0.2%	9	0.8%
<i>DF2</i>	3	0.4%	4	0.6%	4	0.6%	5	0.6%	6	0.6%
<i>DF3</i>	3	0.4%	7	1.0%	11	1.5%	9	1.1%	17	1.5%
<i>DF4</i>	2	0.3%	6	0.9%	8	1.1%	7	0.9%	12	1.1%
<i>Juvenile Felony &amp; Misd</i>	13	1.8%	9	1.3%	19	2.6%	11	1.4%	30	2.6%
<i>Juv As Adult Felony &amp; Misd</i>					5	0.7%			8	0.7%
<i>Adult PO Misd DUI Traffic</i>	61	8.4%	56	8.4%	62	8.5%	68	8.4%	97	8.5%
<b>Total</b>	<b>725</b>	<b>100.0%</b>	<b>670</b>	<b>100%</b>	<b>726</b>	<b>100.0%</b>	<b>814</b>	<b>100.0%</b>	<b>1,129</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>FY20</b>	<b>FY20</b>
	<b>Actual</b>	<b>% of Total</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%	103	15.1%	125	17.0%	160	15.1%
<i>F2</i>	65	12.0%	83	13.7%	90	13.2%	101	13.7%	140	13.2%
<i>F3</i>	147	27.1%	158	26.1%	173	25.3%	192	26.1%	269	25.3%
<i>F4</i>	90	16.6%	103	17.0%	120	17.6%	125	17.0%	187	17.6%
<i>F5</i>	33	6.1%	42	6.9%	56	8.2%	51	6.9%	87	8.2%
<i>F6</i>	25	4.6%	21	3.5%	18	2.6%	26	3.5%	28	2.6%
<i>F- Unclassified</i>					0	0.0%			-	0.0%
<i>DF1</i>	1	0.2%	3	0.5%	3	0.4%	4	0.5%	5	0.4%
<i>DF2</i>	7	1.3%	2	0.3%	6	0.9%	2	0.3%	9	0.9%
<i>DF3</i>	3	0.6%	6	1.0%	4	0.6%	7	1.0%	6	0.6%
<i>DF4</i>	4	0.7%	4	0.7%	6	0.9%	5	0.7%	9	0.9%
<i>Juvenile Felony &amp; Misd</i>	13	2.4%	12	2.0%	16	2.3%	15	2.0%	25	2.3%
<i>Juv As Adult Felony &amp; Misd</i>					6	0.9%			9	0.9%
<i>Adult PO Misd DUI Traffic</i>	58	10.7%	68	11.2%	82	12.0%	83	11.3%	128	12.0%
<b>Total</b>	<b>542</b>	<b>100.0%</b>	<b>605</b>	<b>100.0%</b>	<b>683</b>	<b>100.0%</b>	<b>736</b>	<b>100.0%</b>	<b>1,062</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 Actual</b>	<b>FY18 % of Total</b>	<b>FY19 Budget</b>	<b>FY19 % of Total</b>	<b>FY20 Request</b>	<b>FY20 % of Total</b>
<i>F1</i>	10	0.5%	19	0.8%	20	0.7%	23	0.8%	31	0.7%
<i>F2</i>	36	1.8%	23	1.0%	28	1.0%	28	1.0%	44	1.0%
<i>F3</i>	76	3.7%	65	2.9%	89	3.3%	79	2.9%	138	3.3%
<i>F4</i>	231	11.4%	213	9.4%	218	8.1%	259	9.4%	339	8.1%
<i>F5</i>	232	11.4%	257	11.4%	332	12.4%	312	11.4%	517	12.4%
<i>F6</i>	173	8.5%	187	8.3%	232	8.6%	227	8.3%	361	8.6%
<i>F- Unclassified</i>					-	0.0%			-	0.0%
<i>DF1</i>	1	0.0%	1	0.0%	-	0.0%	1	0.0%	-	0.0%
<i>DF2</i>	6	0.3%	4	0.2%	9	0.3%	5	0.2%	14	0.3%
<i>DF3</i>	22	1.1%	34	1.5%	49	1.8%	41	1.5%	76	1.8%
<i>DF4</i>	131	6.5%	196	8.7%	281	10.5%	238	8.7%	437	10.5%
<i>Juvenile Felony &amp; Misd</i>	304	15.0%	327	14.4%	327	12.2%	397	14.4%	509	12.2%
<i>Juv As Adult Felony &amp; Misd</i>					4	0.1%			6	0.1%
<i>Adult PO Misd DUI Traffic</i>	806	39.7%	937	41.4%	1,095	40.8%	1,138	41.4%	1,704	40.8%
<b>Total</b>	<b>2,028</b>	<b>100.0%</b>	<b>2,263</b>	<b>100.0%</b>	<b>2,684</b>	<b>100.0%</b>	<b>2,748</b>	<b>100.0%</b>	<b>4,176</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, Special Proceedings, and YOS Revocations.

<b>Total Cases</b>	<b>FY16 Actual</b>	<b>FY16 % of Total</b>	<b>FY17 Actual</b>	<b>FY17 % of Total</b>	<b>FY18 Actual</b>	<b>FY18 % of Total</b>	<b>FY19 Budget</b>	<b>FY19 % of Total</b>	<b>FY20 Request</b>	<b>FY20 % of Total</b>
<i>F1</i>	327	1.8%	387	1.9%	398	1.8%	469	1.9%	619	1.8%
<i>F2</i>	694	3.8%	731	3.6%	721	3.2%	889	3.6%	1,122	3.2%
<i>F3</i>	1,746	9.6%	1,741	8.7%	1,820	8.0%	2,115	8.7%	2,831	8.0%
<i>F4</i>	2,410	13.2%	2,644	13.2%	3,013	13.3%	3,213	13.2%	4,687	13.3%
<i>F5</i>	1,550	8.5%	1,925	9.6%	2,277	10.1%	2,338	9.6%	3,542	10.1%
<i>F6</i>	1,154	6.3%	1,330	6.6%	1,631	7.2%	1,618	6.6%	2,537	7.2%
<i>F- Unclassified</i>					1	0.0%			2	0.0%
<i>DF1</i>	333	1.8%	413	2.1%	507	2.2%	501	2.1%	789	2.2%
<i>DF2</i>	310	1.7%	332	1.7%	396	1.7%	403	1.7%	616	1.7%
<i>DF3</i>	417	2.3%	476	2.4%	489	2.2%	578	2.4%	761	2.2%
<i>DF4</i>	1,639	9.0%	2,084	10.4%	2,574	11.4%	2,531	10.4%	4,004	11.4%
<i>Juvenile Felony &amp; Misd</i>	2,433	13.3%	2,511	12.5%	2,511	11.1%	3,041	12.5%	3,906	11.1%
<i>Juv As Adult Felony &amp; Misd</i>					80	0.4%			124	0.4%
<i>Adult PO Misd DUI Traffic</i>	5,231	28.7%	5,529	27.5%	6,220	27.5%	6,714	27.5%	9,676	27.5%
<b>Grand Total</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100%</b>	<b>22,638</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>	<b>35,216</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)

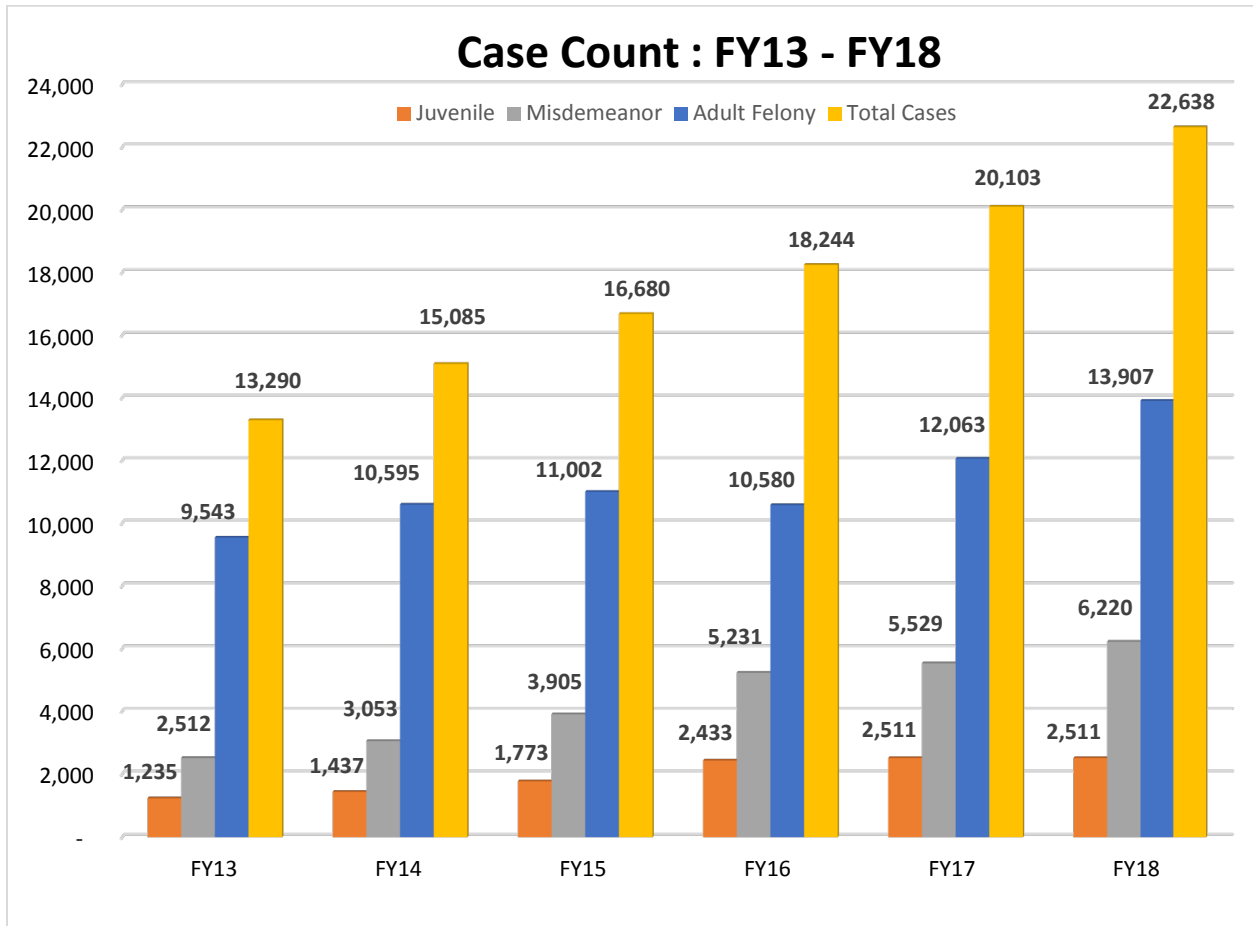
The following chart outlines the total number of cases handled by agency contractors, including a percentage of each case type.

<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 Actual</b>	<b>FY18 % of Total</b>	<b>FY19 Budget</b>	<b>FY19 % of Total</b>	<b>FY20 Request</b>	<b>FY20 % of Total</b>
Adult Felony	9,972	59.8%	10,580	58.0%	12,063	60.0%	13,827	61.1%	14,647	60.0%	21,509	61.1%
Juvenile Felony & Misd	2,025	12.1%	2,433	13.3%	2,511	12.5%	2,511	11.1%	3,049	12.5%	3,906	11.1%
Juv As Adult Felony & Misd							80	0.4%			124	0.4%
Adult PO Misd DUI Traffic	4,683	28.1%	5,231	28.7%	5,529	27.5%	6,220	27.5%	6,714	27.5%	9,676	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>22,638</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>	<b>35,215</b>	<b>100.0%</b>

The following chart shows a breakdown of all OADC cases by category.

<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 Actual</b>	<b>FY18 % of Total</b>	<b>FY19 Budget</b>	<b>FY19 % of Total</b>	<b>FY20 Request</b>	<b>FY20 % of Total</b>
Trial	14,949	81.9%	16,565	82.4%	18,545	81.9%	20,113	82.4%	28,848	81.9%
Appeal	725	4.0%	670	3.3%	726	3.2%	814	3.3%	1,129	3.2%
Post Conviction	542	3.0%	605	3.0%	683	3.0%	735	3.0%	1,062	3.0%
*Other/Special Proceedings	2,028	11.1%	2,263	11.3%	2,684	11.9%	2,748	11.3%	4,175	11.9%
<b>Grand Total</b>	<b>18,244</b>	<b>100.0%</b>	<b>20,103</b>	<b>100.0%</b>	<b>22,638</b>	<b>100.0%</b>	<b>24,410</b>	<b>100.0%</b>	<b>35,215</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, Special Proceedings, and YOS Revocations.*

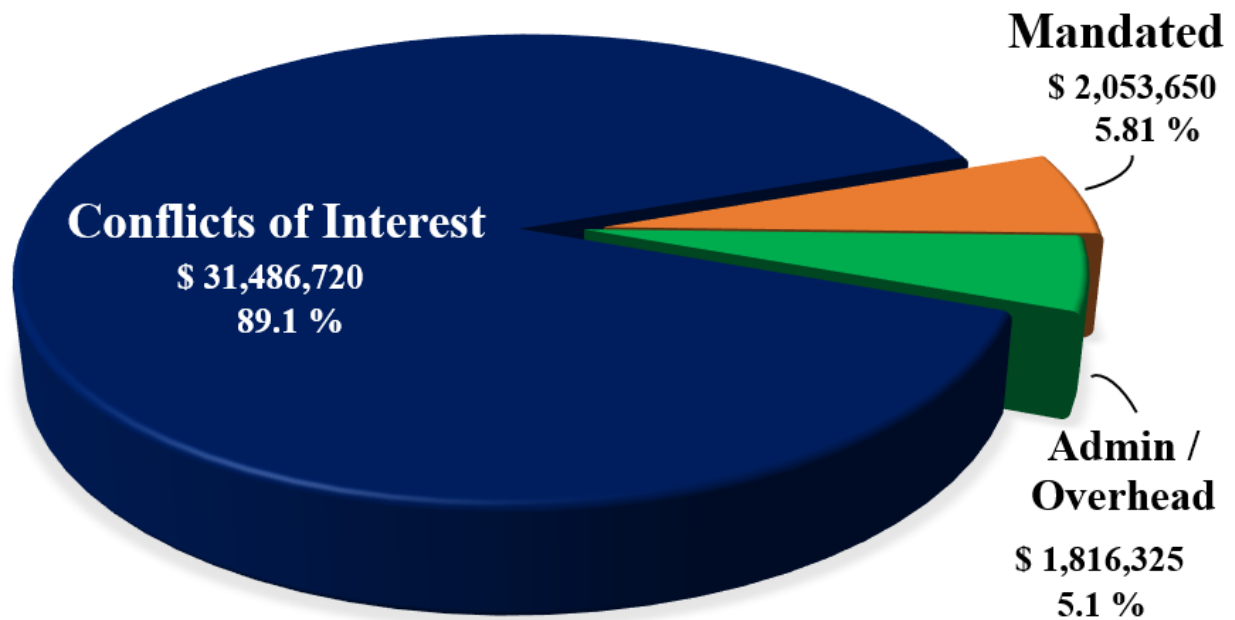


**Total Case Payment Transactions Processed by the Agency:**

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY11 to FY18 % change
<b>Caseload</b>	11,878	12,585	13,290	15,085	16,680	18,244	20,103	22,638	90.59%
Caseload % change	<i>na</i>	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	
<b>Transactions</b>	39,794	43,327	46,144	52,900	58,911	64,997	72,753	98,891	148.51%
Transactions % change	<i>na</i>	8.88%	6.50%	14.64%	11.36%	10.33%	11.93%	35.93%	
<b>Average Case Transactions</b>	3.35	3.44	3.47	3.51	3.53	3.56	3.62	4.37	30.39%



**FY17 - 18**  
**TOTAL EXPENDITURES FOR THE OADC**



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**Schedule 13**  
**FY19-20 Funding Request R-1**

**Schedule 13**  
**Funding Request for the 2019-20 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: 10/31/2018

- |  |
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| <input checked="" type="checkbox"/> Decision Item FY 2019-20 |
| <input type="checkbox"/> Base Reduction Item FY 2019-20      |
| <input checked="" type="checkbox"/> Supplemental FY 2018-19  |
| <input type="checkbox"/> Budget Amendment FY 2018-19         |

Line Item Information		FY 2018-19		FY 2019-20		FY 2020-21
		1	2	3	4	5
	Fund	Appropriation FY 2018-19	Supplemental Request FY 2018-19	Base Request FY 2019-20	Funding Change Request FY 2019-20	Continuation Amount FY 2020-21
<b>Total of All Line Items</b>	<b>Total</b>	39,953,175	6,980,861	46,934,036	7,620,251	54,554,287
	FTE	-	-	-	-	-
	GF	39,953,175	6,980,861	46,934,036	7,620,251	54,554,287
<b>Conflicts of Interest</b>	<b>Total</b>	37,391,362	6,533,245	43,924,607	7,131,638	51,056,245
	FTE	-	-	-	-	-
	GF	37,391,362	6,533,245	43,924,607	7,131,638	51,056,245
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Mandated</b>	<b>Total</b>	2,561,813	447,615	3,009,428	488,613	3,498,042
	FTE	-	-	-	-	-
	GF	2,561,813	447,615	3,009,428	488,613	3,498,042
	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:



Office of the Alternate Defense Counsel  
 FY 2019-20 Funding Request

Lindy Frolich  
 Director

**Agency Priority: Decision Item R - 1**  
 Caseload Increase

Summary of Funding/FTE Change for FY19 and FY20	Total Funds	General Funds	Cash Funds	FTE
OADC Caseload Increase Supplemental FY19	\$ 6,980,861	\$ 6,980,861	\$ 0	0.00
OADC Caseload Increase FY20	\$ 7,620,251	\$ 7,620,251	\$ 0	0.00
Total Request	\$ 14,601,112	\$ 14,601,112	\$ 0	0.00

**Request Summary:**

The Office of the Alternate Defense Counsel (OADC) requests \$13,664,883 (General Fund) for its Conflict-of-interest Contracts Long Bill Line Item (LBLI) and \$936,229 for its Mandated LBLI, or \$14,601,112 to fund the Agency’s projected caseload increase encompassing FY19 and FY20.

**The Problem and Opportunity:**

As seen on the chart below, the OADC has seen a steady caseload increase from FY12 to FY18. Current FY19 data suggests that not only will this trend continue, it will increase significantly. Unfortunately, it is too early in FY19 to define the scope of that increase. Complicating this process further, the Agency changed its procedures beginning January 1, 2018, shortening the time for all contractors to bill from at least every 90 days to at least every 45 days. **The Agency believes that the 1<sup>st</sup> quarter of FY19 case count numbers are skewed upward. Once the 1<sup>st</sup> half of FY19 is completed we anticipate adjusting the caseload increase and related costs downward and submitting an amended budget request.**

	FY12	FY13	FY14	FY15	FY16	FY17	FY18	est FY19	est FY20
Caseload	12,585	13,290	15,084	16,680	18,244	20,103	22,638	29,983	35,215
Caseload % change	5.95%	5.60%	13.50%	10.58%	9.38%	10.19%	12.61%	32.44%	17.45%

**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 1/10th of an hour worked on every case by its independent contractors. The Agency has no ability to accurately to predict or control its caseload and corresponding expenditures.

**Proposed Solution:**

Increase the Agency's total base budget for FY19-20 by \$14,601,112 to its Conflict-of-interest Contracts and Mandated Costs LBLIs to accommodate the increasing caseload. This total includes estimating a base building supplemental amount needed for FY19 expenditures totaling \$6,980,861 and an estimated increase to caseload and expenditures for the following fiscal year (FY20) of \$7,620,251.

**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 cost 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:**

Once the anticipated caseload increase is more accurately calculated based on additional data, and the OADC budget approved, the appropriated funds will be added to the OADC FY19-20 Conflict-of-interest Contracts and Mandated Costs LBLIs. The OADC will continue to 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 the Agency pays the current year caseload in a timely and efficient manner.

**Assumptions for Calculations:**

This calculation takes the final FY18 average cost per case of \$1,456.47 and multiplies it by the estimated caseload increase for FY19 and FY20 as represented in the chart below:

Actual Cases FY18	Estimated Cases FY19	Estimated Cases % Increase	Estimated Cases FY20
22,638	29,983	32.44%	35,215

Original Estimated Additional Cases from FY18 to FY19	25,190
Revised Estimated Additional Cases from FY18 to FY19	29,983
Additional Cases for FY19	4,793

Revised Estimated Additional Cases from FY18 to FY19	29,983
Estimated Cases FY20	35,215
Additional Cases for FY20	5,232

Average Cost per Case in FY18	\$ 1,456
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Estimate Additional Budget Needed for FY19	\$ 6,980,861
Estimate Additional Budget Needed for FY20	\$ 7,620,251
	\$ 14,601,112

**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  
FY19-20 Funding Request R-2**

**Schedule 13  
Funding Request for the 2019-20 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)  
 Request Title: Social Worker Outreach Coordinator FTE  
 Priority Number: R-2  
 Dept. Approval Date: 10/31/2018

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| <input checked="" type="checkbox"/> Decision Item FY 2019-20 |
| <input type="checkbox"/> Base Reduction Item FY 2019-20      |
| <input type="checkbox"/> Supplemental FY 2018-19             |
| <input type="checkbox"/> Budget Amendment FY 2018-19         |

Line Item Information		FY 2018-19		FY 2019-20		FY 2020-21
		1	2	3	4	5
	Fund	Appropriation FY 2018-19	Supplemental Request FY 2018-19	Base Request FY 2019-20	Funding Change Request FY 2019-20	Continuation Amount FY 2020-21
<b>Total of All Line Items</b>	<b>Total</b>	1,803,142	-	1,803,142	116,809	1,913,005
	FTE	13.0	-	13.0	1.0	-
	GF	1,803,142	-	1,803,142	116,809	1,913,005
<b>Personal Services</b>	<b>Total</b>	1,374,459	-	1,374,459	89,904	1,464,363
	FTE	13.0	-	13.0	1.0	14.0
	GF	1,374,459	-	1,374,459	89,904	1,464,363
<b>Health, Life, Dental</b>	<b>Total</b>	185,370	-	185,370	12,096	197,466
	FTE	-	-	-	-	-
	GF	185,370	-	185,370	12,096	197,466
<b>Short-Term Disability</b>	<b>Total</b>	2,195	-	2,195	156	2,351
	FTE	-	-	-	-	-
	GF	2,195	-	2,195	156	2,351
<b>AED SB 04-257</b>	<b>Total</b>	64,513	-	64,513	4,500	69,013
	FTE	-	-	-	-	-
	GF	64,513	-	64,513	4,500	69,013
<b>SAED SB 06-235</b>	<b>Total</b>	64,513	-	64,513	4,500	69,013
	FTE	-	-	-	-	-
	GF	64,513	-	64,513	4,500	69,013
<b>Operating</b>	<b>Total</b>	108,619	-	108,619	2,180	110,799
	FTE	-	-	-	-	-
	GF	108,619	-	108,619	2,180	110,799
<b>Capital Outlay</b>	<b>Total</b>	3,473	-	3,473	3,473	-
	FTE	-	-	-	-	-
	GF	3,473	-	3,473	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 2019-20 Funding Request

Lindy Frolich  
Director

**Agency Priority: Decision Item R - 2**

Social Worker Outreach Coordinator FTE

Summary of Funding/FTE Change for FY19-20	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$ 111,156	\$ 111,156	\$ 0	1.0
Operating Expenses	\$ 2,180	\$ 2,180	\$ 0	0.0
Capital Outlay	\$ 3,473	\$ 3,473	\$ 0	0.0
Total Request	\$ 116,809	\$ 116,809	\$ 0	0.0

**Request summary:**

The OADC is requesting \$116,809 and 1.0 FTE to create the position of Social Worker Outreach Coordinator. This position will promote the Agency’s vision of “foster(ing) high-quality, cost-effective legal representation for indigent defendants and juveniles through exemplary training, thorough evaluation, and the effective use of modern technology and evidence-based best practices.”

**Brief Background/Problem and Opportunity:**

Including social workers on defense teams improves services for juveniles and adults by promoting interdisciplinary team communication, mitigation investigation, research-driven assessment, and client-centered advocacy. It also reduces detention and incarceration for children and adults in the juvenile and criminal justice systems. Social workers are equipped to recognize and advocate for services to meet the needs of juveniles and adults with special needs (such as mental health or substance use issues), physical, cognitive or social emotional disabilities. Social workers also have specialized knowledge about diverse evidence-based programming to meet these needs. The incorporation of forensic social workers and other mental health professionals into defense practice drastically reduces overall system costs and significantly increases community safety by expanding upon and advocating for safe appropriate alternatives to incarceration.

In 2016, the OADC was appropriated 1.0 FTE to hire a full-time Licensed Clinical Social Worker (LCSW) to act as the Social Worker Coordinator to recruit, supervise, train, and coordinate independent contractor social workers within OADC litigation teams.

The time constraints placed on the Social Worker Coordinator to consult, offer clinical supervision to lower level licensed social workers, recruit additional contractors, train, and field requests from attorneys has made bringing on additional interns and social worker contractors difficult, particularly in rural and outlying jurisdictions.



### Annual Cost of Adult Sentencing Options Per Offender FY17-18

	1 yr of cost	3 yrs of cost	5 yrs of cost	25 yrs of cost
Probation	\$ 1,512	\$ 4,536	\$ 7,560	\$ 37,800
Community Corrections	\$ 8,924	\$ 26,772	\$ 44,620	\$ 223,100
Parole	\$ 6,125	\$ 18,375	\$ 30,625	\$ 153,125
Department of Corrections	\$ 38,146	\$ 114,438	\$ 190,730	\$ 953,650

*Source: DOC: Office of Planning & Analysis; DCJ: Office of Community Corrections; Probation: Division of Probation Services*

### Annual Cost of Juvenile Sentencing Options Per Child FY17

	1 yr of cost	2 yrs of cost
Probation	\$ 1,876	\$ 3,752
Secure Facility	\$ 131,046	\$ 262,092
Private Secure Facility	\$ 81,636	\$ 163,272
Community Residential	\$ 73,975	\$ 147,949
Parole	\$ 17,170	\$ 34,339

*Source: The Council of State Governments (CSG) - Justice Center. September 6, 2018*

In September 2016, the OADC added 1.0 FTE for a full-time Licensed Clinical Social Worker to supervise and coordinate fourteen contract forensic social workers and offer a master's level, concentration-year internship directly under the OADC. In January 2017, requests from attorneys for forensic social workers reached an all-time high. A waitlist became necessary as the number of requests for assistance outpaced the amount of work that the fourteen contract social workers could perform.

	FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
Number of Cases with Social Workers	263 cases	320 cases	300 cases	400 cases
Number of Social Worker Contractors	16 contractors	22 contractors	21 contractors	35 contractors
Number of Social Worker Interns	2 interns	3 interns	4 interns	5 interns

Between July and October 2017, the OADC contracted with eight more social workers and two Licensed Professional Counselors (forensic clinical advocates) to meet the increased need, but unfortunately, during that same period, four social worker contractors moved out of state. In August 2017, the OADC also added three master's level interns from two of the three accredited Colorado universities. In January 2018, the social work program again received an unprecedented number of requests for social work services and in July 2018, the OADC contracted with five more

forensic social workers bringing the number of contractors to twenty-five. Despite that increase, the Agency was unable to fulfill social worker requests in thirty adult cases. Juvenile cases are a priority and the Agency fulfilled social worker requests in all juvenile cases.

One attorney responded to a survey requesting feedback about the barriers to getting a social worker or forensic clinical advocate stating:

*It is taking quite a while to actually get someone assigned and sometimes by the time a [social worker] has been assigned it's too late.*

The continued rapid pace of growth in requests for social work and sentencing advocate services is a testament to the recognized need for this resource. That said, it has carried with it its own challenges. Given that defense based forensic social work is relatively new to Colorado and is not traditionally taught in graduate social work programs, the workforce of social workers qualified to start with even minimal training at the time of contract is virtually non-existent in Colorado. This means that the training for new contractors through consultation and clinical supervision for on-the-job experience is a necessary but time consuming and resource intensive task. Because working in juvenile and criminal defense is a specialized area of social work, even seasoned social workers need a minimum of six months to a year of ongoing case consultation and training to practice at a level where they no longer require supervision.

The Mental Health Practice Act, the Division of Regulatory Agencies, and the Colorado Board of Social Work Examiners require that social workers at the Licensed Social Worker (LSW) level of licensure only perform clinical work under the clinical supervision of a Licensed Clinical Social Worker (LCSW). While the OADC rate paid to social workers at the LSW level is lower than the rate paid to an LCSW, the LSWs require ongoing clinical supervision for at least one-hour per week. Contracting with many recent graduates and LSWs is cost effective, but the supervision requirement places a significant time constraint on the Social Worker Coordinator, taking away from program development. All social work interns involved in clinical roles also require ongoing clinical supervision.

What remains, by far, the best training for new contractors is interning with the OADC while in graduate school working towards a master's degree in social work. Interns also offer an opportunity for the OADC to cover more cases at a reduced cost. Interns, however, require a heightened degree of shadowing and in-depth discussion, supervision, and evaluation as they learn the unique skill set necessary to conceptualize cases and work under the ethics rules required of the attorney. When interns graduate, if they are a good candidate and the work is a good fit for them, they can move into applying what they have learned on an increased number of cases with less of a training burden than others who have not been previously exposed to juvenile and criminal defense work.

The three accredited universities in Colorado offering a master's degree in social work are in or near the Denver Metro area. The pool of candidates graduating and looking for work are generally situated in the Denver Metro area. This has allowed the clients charged in the Denver metro area to benefit from defense teams incorporating a social worker or clinical advocate as a member of the team. Clients charged on the Western Slope or in other outlying jurisdictions often wait longer

for a social worker or clinical advocate. There are detriments when a Denver based social worker or clinical advocate takes a case in an outlying jurisdiction. There is additional travel cost, less time for the social worker or clinical advocate to spend with the client and defense team, and a diminished caseload for that contractor because of increased travel time.

In a recent request for feedback from non-Metro areas, one attorney remarked:

*It was very helpful. The only issue is the lack of [social workers] for clients not in the Denver Metro area. Clients outside of Denver need help too.*

Due to the rapid growth of the program, it has been difficult for the Social Worker Coordinator to find the time to engage in meaningful evaluation of both performance of contractors and outcome measurements. Anecdotal measures such as a continuing decrease in total case cost averages or yearly increases in the number of requests from attorneys for a social worker or forensic clinical advocate as part of the defense team are promising. Feedback about the work that both new and old social workers and forensic clinical advocates are doing is overwhelmingly positive.

Regarding a social worker's direct impact on sentencing and savings to the state in dollars spent on incarceration, one attorney wrote of a contract LCSW:

*[Client]'s case was dismissed because of the work [LCSW] did to collect and present mitigation. My role was purely to pass the information [LCSW] created to the District Attorney. [LCSW] was tireless in her pursuit of mitigation. Each time the DA asked us for additional information or 'proof' of [client]'s mental illness [LCSW] would find the information and present it in a meaningful way.*

Regarding a social worker's impact on the attorney-client relationship, one attorney wrote:

*Client would initially get upset with us when we did not have many positive things to say about client's chances at trial and plea negotiations were dismal. Client was clearly having trouble trusting that we were working hard for him. After [LSW] became involved client began to engage in detailed and lengthy conversations with us about various good and bad facts in the case and our opinions in a more factual and less emotional way. [LSW]'s involvement had a huge impact on us being trusted by our client and us being able to converse with him in a logical way.*

Asked if anything was beneficial about the experience of incorporating a social worker as part of the team, one attorney wrote:

*It was very, very helpful. The social worker was able to explain some of the issues that were occurring with the client in terms of the case and to suggest things that we should get for mitigation, and finally to do an amazing report that I could use with the DA and the judge for mitigation. Just a very good experience.*

Regarding praise from District Attorneys, a defense attorney contractor reports about a case with a newly contracted social worker:

*The DA said, 'This is exactly what I'm looking for when I ask for a mitigation report.' And from a defense attorney, I kind of explained to her that it's difficult because we don't have as many social workers as we need, and she said, 'Well this is exactly what I look for. It's incredibly insightful.' And she made me a much better deal than I ever dreamed I could get on the case, and vastly different from where we started. So, it was just fantastic.*

One attorney wrote about the feedback from a Judge:

*We went to sentencing yesterday on a transfer kid, and we used the mitigation report that [newly contracted LCSW] drafted. The judge mentioned (twice) that it was one of the best reports he's seen. This judge had heard almost every single transfer/direct file in this jurisdiction for the past couple of years.*

**Proposed Solution:**

The OADC proposes adding 1.0 FTE to create a position of Social Worker Outreach Coordinator.

Adding a Social Worker Outreach Coordinator will:

1. Save money;
2. Enable the OADC to expand social work services to outlying jurisdictions;
3. Increase the number of interns while decreasing the burden of new contractor training; and
4. Free up the Social Worker Coordinator to refine the social worker program and program evaluation process to improve cost savings and efficiency measures.

A full-time Social Worker Outreach Coordinator will enable the agency to recruit social work interns and contractors in outlying and rural jurisdictions through universities offering online curriculum and internships on the Western Slope and other outlying regions. The existence of social work interns and contractors working in the jurisdictions they live in will reduce travel costs and allow interns and contractors to efficiently cover more cases in their area.

By increasing the number of interns in other areas of the state, adding a Social Worker Outreach Coordinator will save money, both in cases covered at a lower cost and in reducing training and supervision needs for new contractors as more training will occur as a function of the internship.

By taking on much of the supervision workload, the Social Worker Outreach Coordinator will free up the Social Worker Coordinator to concentrate on social worker and program evaluation. Evaluation procedures will focus on ways to increase efficiency, enhance training, and research established models of measuring outcomes used by other indigent defense entities around the country.

**Alternatives:**

The alternative to not funding this FTE is for the social work program to not expand, which would inhibit the outlying and rural jurisdictions from using the resource of forensic social workers and forensic clinical advocates in any meaningful way. The current number of interns would remain the same and wait times for assistance from a social worker or forensic clinical advocate would

increase given the overall increase in caseload. This would create increased costs to the taxpayers when and higher incarceration rates and longer sentences for OADC clients result.

**Anticipated Outcomes:**

OADC will fulfill more of its demand for social workers on defense teams which will improve services for juveniles and adults by promoting interdisciplinary team communication, mitigation investigation, research-driven assessment, and client centered advocacy.

**Operational Details:**

The additional 1.0 FTE will be added to the OADC budget beginning July 1, 2019.

**Assumptions for Calculations:**

Percentages and calculation methodology were pulled from the 2019 Fiscal Note Policies document sent by the Colorado Legislative Council Staff on September 6, 2018.

PERA	10.40%
AED	5.00%
SAED	5.00%
Medicare	1.45%
STD	0.17%
HLD	average

FTE Position	Employee Occupational Classification (Job Class)	Amount of FTE	July 2018 Monthly Salary Base*	PERA	AED	SAED	Medicare	STD	HLD
Social Worker Outreach Specialist	R42475	1.0	\$ 6,698	697	375	375	\$ 97	13	\$ 1,008

Annualized			\$ 80,376	\$ 8,364	\$ 4,500	\$ 4,500	\$ 1,164	\$ 156	\$ 12,096
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Personal Services & Related POTS	\$ 111,156
Capital Outlay	\$ 3,473
Operating	\$ 2,180
<b>Total DI # R-2 FTE Request (FY20)</b>	<b>\$ 116,809</b>

**Consequences if not funded:** The Agency would continue operating at its current level.

**Impact to Other State Government Agency:** N/A

**Cash Fund Projections:** None

**Performance Measure F:** Strengthen OADC’s Social Worker Program

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

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

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**Schedule 13**  
**FY19-20 Funding Request R-3**

**Schedule 13**  
**Funding Request for the 2019-20 Budget Cycle**

Department: Office of the Alternate Defense Counsel (agency within the Judicial Branch)  
 Request Title: Operating Adjustments  
 Priority Number: R-3  
 Dept. Approval Date: 10/31/2018

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|---|
| <input checked="" type="checkbox"/> Decision Item FY 2019-20<br><input type="checkbox"/> Base Reduction Item FY 2019-20<br><input type="checkbox"/> Supplemental FY 2018-19<br><input type="checkbox"/> Budget Amendment FY 2018-19 |
|---|

Line Item Information		FY 2018-19		FY 2019-20		FY 2020-21
		1	2	3	4	5
	Fund	Appropriation FY 2018-19	Supplemental Request FY 2018-19	Base Request FY 2019-20	Funding Change Request FY 2019-20	Continuation Amount FY 2020-21
<b>Total of All Line Items</b>	<b>Total</b>	108,619	-	108,619	251,070	127,999
	FTE	-	-	-	-	-
	GF	108,619	-	108,619	251,070	127,999
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<b>Operating</b>	<b>Total</b>	108,619	-	108,619	251,070	127,999
	FTE	-	-	-	-	-
	GF	108,619	-	108,619	251,070	127,999
	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 2019-20 Funding Request**

Lindy Frolich  
 Director

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

Operating Appropriation Increase

Summary of Funding/FTE Change for FY19-20	Total Funds	General Funds	Cash Funds	FTE
Operating – FY20 Base building request	\$ 11,690	\$ 11,690	\$ 0	0.0
Operating – FY20 One-time request	\$ 239,380	\$ 239,380	\$ 0	0.0
<b>Total Operating Appropriation Increase</b>	<b>\$ 251,070</b>	<b>\$ 251,070</b>	<b>\$ 0</b>	<b>0.0</b>

**Request Summary:**

The Office of the Alternate Defense Counsel (OADC) requests \$251,070 (General Fund) for its Operating Long Bill Line Item (LBLI) for FY20. This request includes a \$239,380 one-time funding increase and an \$11,690 base building increase.

**The Problem and Opportunity:**

1. The OADC currently has a contractor database on a Microsoft Access platform database. Despite continual patching and modifications, the system does not adequately meet the Agency’s needs and is not compatible with the Agency’s website or billing system. In October 2018, the OADC released an RFQ to the public for bids to build a new web-based contractor database that would streamline the process and curtail the administrative burden associated with the current incompatibilities. The Agency reviewed those RFQ responses and identified an IT firm that could build such a system. The OADC is requesting one-time funding of \$15,000 GF to build a web-based contractor database to assist the Agency with its annual contractor renewal process, contractor data and availabilities, judicial district information, and automatic updates for courts across the state.
  
2. The OADC continues to find caseload and expenditure forecasting a challenge. Though the Agency has seen a consistent increase in caseload, it is a challenge to anticipate what that increase will be when drafting budget requests to the JBC. In 2018, the Agency began exploring technology that could address this challenge. That technology centers on an Artificial Intelligence based model that combines internal data and external factors to help predict the Agency’s caseload and corresponding expenditure needs for future budget requests. The OADC reached out to Colorado’s Statewide Internet Portal Authority (SIPA)



for guidance on the idea and was informed that to their knowledge, such a system does not yet exist in the state. Understanding that this process would require research and additional funding from the JBC, the Agency released an RFQ to the public for bids on the proposed project. From those bids the OADC identified a contractor that could create a web-based model for \$132,879. There would be costs for license and support starting January 2019 (FY20) totaling \$7,690. That license and support cost would continue for an annual cost of \$15,380 starting in FY21.

3. The Agency needs to replace its existing SQL server that houses contractor case data and reports for the OADC’s contractor billing system (CAAPS). The current server has been in place since 2014 and our existing IT contractor has advised us to replace the server in FY20. The estimated cost of that server and corresponding installation fees will be \$6,000.
4. The Agency’s IT contractor notified the Agency that their hourly billing rate will increase by 5% in FY20. In FY18 the Agency paid \$19,518.75 in IT maintenance and services, so it is estimated that the additional annual funding needed for FY20 will be \$1,000.
5. The OADC contracted with an IT developer to create its current CAAPS billing system in FY15, which went live for the contractors on July 1, 2015 (FY16). Though the Agency has met with the development programmer almost weekly since that time, the Agency feels that the time is appropriate to conduct an external system Audit. The Agency has reached out to SIPA and has been referred to the CPA firm of Rubin Brown. They indicated that it would cost \$85,500 to perform that audit. This audit will ensure the OADC is maximizing its use of the payment system as well as proper payment protocol and system security.
6. The OADC continues to grow as does its need for additional resources to support its contractors. The Agency needs additional Westlaw licenses for its contractors and anticipates that need to grow by a base building increase of \$3,000 in FY20.

**Brief Background:**

Below is a chart listing the Long Bill appropriation to the OADC for Operating:

	FY15	FY16	FY17	FY18	FY19
OADC Long Bill					
Operating Budget Amounts	\$ 76,598	\$ 75,405	\$ 76,355	\$ 106,439*	\$ 109,379
		-1.6%	1.3%	39.4%	2.8%

*\*In FY18 the JBC re-appropriated \$30,084 from the Mandated LBLI to the Operating LBLI.*

**Proposed Solution:**

Increase the OADC’s FY20 Operating LBLI by \$251,070 to fund the items noted in the ‘Problem and Opportunity’ section of this Decision Item. Only \$11,690 is a base building increase.

**Alternatives:**

If the request is not funded or only partially funded, the Agency will need to utilize its 2.5% transfer authority to pay for the increased operating costs.

**Anticipated Outcomes:**

The Agency will be able to cover additional anticipated operating costs.

**Operational Details:**

The Operating LBLI increase will be added to the OADC FY19-20 budget.

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

This additional appropriation will keep the Agency from exhausting its current Operating Budget thus needing to transfer funds from other sources, such as other Appropriations or Judicial Branch agencies.

**Assumptions for Calculations:**

Below is a chart showing the calculations for the base building amounts and one-time funding requests for FY20.

<b>Base building Increase</b>	<b>FY20</b>
AI Data Analysis and Forecasting System - <i>Ongoing Maintenance starting Jan 2020</i>	\$ 7,690
Additional Westlaw Licenses	\$ 3,000
IT Contractor Maintenance and Services Increase	\$ 1,000
<b><i>Base building increase for FY20</i></b>	<b>\$ 11,690</b>

<b>One-time Increase</b>	<b>FY20</b>
Online Contractor Database - <i>One-time build cost</i>	\$ 15,000
AI Data Analysis and Forecasting System <i>One-time build cost</i>	\$ 132,880
SQL Server Replacement	\$ 6,000
Billing System Audit	\$ 85,500
<b><i>One-time increase for FY20</i></b>	<b>\$ 239,380</b>

<b>Total FY20 Operating Request</b>	<b>\$ 251,070</b>
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**Consequences if not funded:**

The Agency will need to utilize its 2.5% transfer authority to pay for the increased operating costs.

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

**Cash Fund Projections:** None

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

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

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

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**Schedule 13**  
**FY19-20 Funding Request R-4**

<b>Schedule 13</b>	
<b>Funding Request for the 2019-20 Budget Cycle</b>	
<b>Department:</b>	Office of the Alternate Defense Counsel (agency within the Judicial Branch)
<b>Request Title:</b>	Compensation Plan Alignment
<b>Priority Number:</b>	R-4
<b>Dept. Approval Date:</b>	10/31/2018

Decision Item FY 2019-20  
 Base Reduction Item FY 2019-20  
 Supplemental FY 2018-19  
 Budget Amendment FY 2018-19

Line Item Information		FY 2018-19		FY 2019-20		FY 2020-21
		1	2	3	4	5
		Appropriation FY 2018-19	Supplemental Request FY 2018-19	Base Request FY 2019-20	Funding Change Request FY 2019-20	Continuation Amount FY 2020-21
	Fund					
<b>Total of All Line Items</b>	<b>Total</b>	1,505,680	-	1,505,680	114,697	-
	FTE	13.0	-	13.0	-	-
	GF	1,505,680	-	1,505,680	114,697	-
<b>Personal Services</b>	<b>Total</b>	1,374,459	-	1,374,459	104,126	-
	FTE	13.0	-	13.0	-	-
	GF	1,374,459	-	1,374,459	104,126	-
<b>Short-Term Disability</b>	<b>Total</b>	2,195	-	2,195	158	-
	FTE	-	-	-	-	-
	GF	2,195	-	2,195	158	-
<b>AED SB 04-257</b>	<b>Total</b>	64,513	-	64,513	5,206	-
	FTE	-	-	-	-	-
	GF	64,513	-	64,513	5,206	-
<b>SAED SB 06-235</b>	<b>Total</b>	64,513	-	64,513	5,206	-
	FTE	-	-	-	-	-
	GF	64,513	-	64,513	5,206	-

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 2019-20 Funding Request

Lindy Frolich  
 Director

**Agency Priority: Decision Item R - 4**  
 Compensation Plan Alignment

Summary of Funding/FTE Change for FY19-20	Total Funds	General Funds	Cash Funds	FTE
Personal Services	\$ 93,094	\$ 93,094	\$ 0	0.0
PERA	\$ 9,681	\$ 9,681	\$ 0	0.0
AED	\$ 5,206	\$ 5,206	\$ 0	0.0
SAED	\$ 5,206	\$ 5,206	\$ 0	0.0
Medicare	\$ 1,349	\$ 1,349	\$ 0	0.0
Short Term Disability	\$ 158	\$ 158	\$ 0	0.0
<b>Total Increase</b>	<b>\$ 114,697</b>	<b>\$ 114,697</b>	<b>\$ 0</b>	<b>0.0</b>

**The Problem and Opportunity:**

**1. FY2019 Judicial Annual Compensation Report Alignment:** Pursuant to §13-3-105 C.R.S., the Division of Human Resources within the State Court Administrators Office (SCAO) performs a System Maintenance Study and produces a Compensation Report each year. The 2018 study identifies a handful of job classifications within the SCAO compensation plan that fall below current market ranges. Of that handful, one classification resides in the OADC’s Compensation Plan and is titled ‘Executive Staff Assistant’. The SCAO study recommends a 2% increase for the incumbents in that classification and to the range maximum. The amount for the OADC associated with that recommendation is in the Assumptions for Calculations section of this request.

**2. Compensation Plan – Realignment:** During the FY18 Budget process the Joint Budget Committee submitted common questions to state agencies, one of which focused on Judicial Branch salary adjustments and asked: ‘How can the processes that are used to evaluate and approve salary adjustments for Judicial Branch employees be improved so that they are more consistent with the practices that are used by the State Personnel Director’.

The branch responded by stating:

*‘...The Judicial Department and the independent agencies within the Judicial Branch recognize the concerns raised by the JBC and are committed to studying ways to collaborate in reviewing their compensation and classification programs. All agencies are committed to review the matter and have already begun meeting to help address the issues raised...’.*

It is from that JBC recommendation that the OADC has diligently worked side-by-side with the Office of the Child’s Representatives (OCR) and the Office of the Respondent Parent Counsel (ORPC) in researching and modifying current job classifications, descriptions, and ranges to align with the Judicial Branch Compensation Plan. The independent agencies have also reached out to its JBC Analyst (Steve Allen) and presented the newly created compensation plan. From this analysis, the OADC has also identified

inconsistencies for a handful of employees whose salaries are considerably lower than their counterparts within the Judicial Branch. This decision item addresses those inconsistencies while meeting the JBC’s concern of improved policies and consistent practices for employee compensation.

**Brief Background:**

During the independent agencies’ research of corresponding SCAO salary ranges, job descriptions, and duties, the OADC has identified several positions that are not aligned with similar positions within the SCAO. The OADC is requesting funding to remedy these discrepancies and address the JBC recommendation of an improved and consistent Compensation Plan.

**Proposed Solution:**

The Office of the Alternate Defense Counsel is requesting \$114,697 to realign current staff with existing Judicial Branch Compensation Plan positions thereby creating consistency among the Judicial Branch agencies as suggested by the Joint Budget Committee.

**Alternatives:**

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

**Operational Details:**

The LBLI increases will be added to the OADC FY19-20 budget.

**Assumptions for Calculations:**

A. The chart and math below show the amount recommended by the SCAO 2018 Compensation Report for a 2% incumbent and range maximum increase to the job classification ‘Executive Staff Assistants’. As done by the SCAO, the calculation takes the current base and applies the proposed merit increase of 3%. That new amount is then adjusted by the recommended market increase of 2%. That increase to the base amount is then calculated to arrive at the additional amount needed for PERA, AED, SAED, Medicare, and STD.

Job Classification	FTE	Current Base	3% Merit Increase	2% market Increase
Executive Staff Assistant	1.0	\$ 4,134.00	\$ 4,258.02	\$ 4,343.18

Job Classification	Increase to Base	PERA	AED	SAED	Medicare	STD	Total Request
Executive Staff Assistant	\$ 209.18	\$ 21.75	\$ 11.70	\$ 11.70	\$ 3.03	\$ 0.36	\$ 257.72
<b>Annualized Totals</b>	\$ 2,510.16	\$ 261.06	\$ 140.38	\$ 140.38	\$ 36.40	\$ 4.27	<b>\$ 3,092.65</b>

B. The charts below show the calculations related to the updated range alignments needed to bring three OADC positions to the range minimum established by the SCAO Compensation Plan. The calculation takes the current employee’s monthly salary and subtracts it from the current, established minimum. The chart then takes those additional amounts and calculates the additional amount needed for PERA, AED, SAED, Medicare, and STD.

Current Job Classification	FTE	Current Minimum	Aligned Minimum	Current Incumbent	Adjustment to Aligned Minimum	% Change
Public Information Coordinator	1.0	\$ 3,871.00	\$ 5,693.00	\$ 4,719.22	\$ 973.78	20.63%
Data Analyst	1.0	\$ 3,978.00	\$ 5,155.00	\$ 4,892.86	\$ 262.14	5.36%
Social Worker Coordinator	1.0	\$ 6,698.00	\$ 7,729.00	\$ 7,438.81	\$ 290.19	3.90%
					\$ 1,526.11	

Current Job Classification	FTE	Adjustment to Aligned Minimum	PERA	AED	SAED	Medicare	STD	Total Request
Public Information Coordinator	1.0	\$ 973.78	\$ 101.27	\$ 54.46	\$ 54.46	\$ 14.12	\$ 1.66	\$ 1,199.75
Data Analyst	1.0	\$ 262.14	\$ 27.26	\$ 14.66	\$ 14.66	\$ 3.80	\$ 0.45	\$ 322.97
Social Worker Coordinator	1.0	\$ 290.19	\$ 30.18	\$ 16.23	\$ 16.23	\$ 4.21	\$ 0.49	\$ 357.53
		\$ 1,526.11	\$ 158.72	\$ 85.35	\$ 85.35	\$ 22.13	\$ 2.59	\$ 1,880.24
<b>Annualized Totals</b>		\$ 18,313.32	\$ 1,904.59	\$ 1,024.17	\$ 1,024.17	\$ 265.54	\$ 31.13	\$ 22,562.93

C. The charts and analysis below show the calculation of four current OADC positions for which the Agency is requesting incremental increases starting in FY20.

Position Title	Current Monthly Salary	With Range Alignment	Proposed Realignment Salary	Increase Monthly Adjustment	% Change
Data Analyst	\$ 4,892.86	\$ 5,155.00	\$ 5,634.50	\$ 479.50	9.3%
Billing Administrator	\$ 5,391.00	\$ 5,391.00	\$ 6,280.00	\$ 889.00	16.5%
Senior Office Manager	\$ 6,289.55	\$ 6,289.55	\$ 7,483.00	\$ 1,193.45	19.0%
Controller / Budget Manager	\$ 7,997.31	\$ 7,997.31	\$ 10,416.67	\$ 2,419.36	30.3%
Director	\$ 14,016.84		\$ 15,058.09	\$ 1,041.25	7.4%
					\$ 6,022.55

Position Title	Increase Monthly Adjustment	PERA	AED	SAED	Medicare	STD	Total Request
Data Analyst	\$ 479.50	\$ 49.87	\$ 26.82	\$ 26.82	\$ 6.95	\$ 0.82	\$ 590.77
Billing Administrator	\$ 889.00	\$ 92.46	\$ 49.72	\$ 49.72	\$ 12.89	\$ 1.51	\$ 1,095.29
Senior Office Manager	\$ 1,193.45	\$ 124.12	\$ 66.74	\$ 66.74	\$ 17.31	\$ 2.03	\$ 1,470.39
Controller / Budget Manager	\$ 2,419.36	\$ 251.61	\$ 135.30	\$ 135.30	\$ 35.08	\$ 4.11	\$ 2,980.77
Director	\$ 1,041.25	\$ 108.29	\$ 58.23	\$ 58.23	\$ 15.10	\$ 1.77	\$ 1,282.87
<b>Monthly Totals</b>	\$ 6,022.55	\$ 626.35	\$ 336.81	\$ 336.81	\$ 87.33	\$ 10.24	\$ 7,420.08
<b>Annualized Totals</b>	\$ 72,270.60	\$ 7,516.14	\$ 4,041.73	\$ 4,041.73	\$ 1,047.92	\$ 122.86	\$ 89,041.00

1. **Data Analyst:** The current staff in this position has been with the OADC for more than three years and has been with the State of Colorado for more than eleven years. This position compiles and analyzes data related to Accounting, Payroll, Budget, and Personnel on an ongoing basis. Examples of these reports include, but are not limited to, monthly budget to actuals for the OADC's appropriation lines, monthly payroll reconciliations, quarterly variance analyses by appropriation and object codes, monthly caseload data and analyses from the Agency's contractor bill paying system, and personnel leave balance data. This individual also works directly with program staff to analyze, forecast, and present data so that the Agency can make informed decisions when moving towards goals for each division. The OADC is requesting that this individual be moved to the



average of the current minimum and midpoint of the range for the Financial Analyst I job classification code. That adjustment would equate to a \$590.77 per month increase.

2. **Billing Administrator:** The current staff in this position has been with the OADC for more than fourteen years and has been with the state of Colorado for more than seventeen years. This position is responsible for processing approximately 100,000 contractor payments annually and corresponding with more than 700 contractors about billing issues. She also assists the agency with annual contractor renewal reports and quarterly contractor billing audits. The OADC is requesting that this individual be moved to the current minimum of the range of the Accountant II job classification code. That adjustment would equate to a \$1,095.29 per month increase.
3. **Senior Office Manager:** The current staff in this position has been with the OADC since its inception, twenty-two years ago. This position is responsible for the Contractor Appointment process for all new cases (totaling over 15,000 in FY18) as well as setting up new contractors with the state's accounting system (CORE). She is also in charge of coordinating and processing travel accommodations for case related travel as well as tracking and paying monthly procurement card charges. She also approves all cash fund transactions. The OADC is requesting that this individual be moved to the current minimum of the range of the Accountant III job classification code. That adjustment would equate to a \$1,470.39 per month increase.
4. **Controller/Budget Manager:** The current staff in this position has been with the OADC for more than six years at their current capacity and has been with the State of Colorado for more than twelve years. This position is responsible for supervising the three positions listed above. This position also approves and finalizes accounting processes related to monthly and annual closings. This position completes all budget processes including requests to the legislature, and Fiscal Note analyses and responses. This position is also responsible for monitoring and approving personnel processes and is the agency's intermediary on IT issues. The OADC is requesting that this individual be moved to 6.82% above the current midpoint of the range of the Budget Manager job classification code. That adjustment would equate to a \$2,980.77 per month increase.
5. On October 29, 2018, the OADC Commission voted to increase the Director's salary from being equivalent to a Colorado District Court Judge's salary to being equivalent to a Colorado Court of Appeals Judge's salary.

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

**Cash Fund Projections:** None

**Relation to Performance Measures: Performance Measure E:** Monitor and Evaluate Contractors, and **Performance Measure F:** Strengthen OADC's Social Worker Program.

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

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

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

	Actual FY2014-2015		Actual FY2015-2016		Appropriated FY2016-2017		Appropriated FY2017-2018		Requested FY2018-2019		Requested FY2019-2020	
	Total Funds	FTE	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	31,403,173	12.0	31,738,129	12.0	41,896,458	13.0	57,296,235	15.9
GF	30,321,082	9.1	31,516,315	10.9	31,363,173	12.0	31,658,129	12.0	41,816,458	13.0	57,216,235	15.9
CF	40,000		40,000		40,000		80,000		80,000		80,000	

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**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Position Detail</b>										
Director	145,219	1.0	159,320	1.0	162,971	1.0		1.0	168,202	1.0
Deputy	138,972	1.0	153,052	1.0	156,160	1.0		1.0	160,966	1.0
Coordinator of Legal Research & Tech Coordinator	102,939	1.0	105,072	1.0	130,966	1.0		1.0	137,369	1.0
Evaluator/Trainer Staff Attorney	102,939	1.0	102,278	1.0	118,712	1.0		1.0	123,600	1.0
Controller/Budget Manager	78,474	1.0	90,900	1.0	92,983	1.0		1.0	95,968	1.0
Appellate Post Conviction Coordinator	64,452	1.0	65,097	1.0	76,925	1.0		1.0	80,340	1.0
Public Information Coordinator	26,004	0.9	42,438	1.0	52,103	1.0		1.0	56,631	1.0
Juvenile Law Coordinator	90,000	1.0	90,900	1.0	117,575	1.0		1.0	123,600	1.0
Sr. Office Manager	65,178	1.0	70,700	1.0	73,062	1.0		1.0	75,475	1.0
Billing Administrator	52,472	1.0	60,600	1.0	62,624	1.0		1.0	64,692	1.0
Data Analyst	55,011	1.0	55,000	1.0	56,837	1.0		1.0	58,714	1.0
Social Worker Coordinator			63,414	1.0	86,490	1.0		1.0	89,266	1.0
Administrative Paralegal								1.0	49,608	1.0
SB 18-203 (FY19) Municipal Court Coordinator									127,741	1.0
SB 18-203 (FY20) Administrative Paralegal									42,578	0.9
DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									80,376	1.0
DI # 4 R-4 (FY20) Compensation Plan Alignment									93,094	
<b>Continuation Salary Subtotal</b>	921,659	10.9	1,058,771	12.0	1,187,408	12.0	1,374,459	13.0	1,628,220	15.9
<b>Other Personal Services</b>										
PERA on Continuation Subtotal (FY15)	6,967									
PERA on Continuation Subtotal (FY16)	88,297		8,031							
PERA on Continuation Subtotal (FY17)			98,939		8,794					
PERA on Continuation Subtotal (FY18)					107,428					
PERA on Continuation Subtotal (FY19)										
PERA on Continuation Subtotal (FY20)									146,866	
PERA - SB 18-203 (FY20) Administrative Paralegal									4,322	
PERA DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									8,364	
PERA DI # 4 R-4 (FY20) Compensation Plan Alignment									9,682	
Medicare on Continuation Subtotal (FY15)	1,003									
Medicare on Continuation Subtotal (FY16)	12,719		1,158							
Medicare on Continuation Subtotal (FY17)			14,305		1,275					
Medicare on Continuation Subtotal (FY18)					15,571					
Medicare on Continuation Subtotal (FY19)										
Medicare on Continuation Subtotal (FY20)									20,476	
Medicare - SB 18-203 (FY20) Administrative Paralegal									617	

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Medicare DI # 2 R-2 (FY20) Social Worker Outreach Coordinator										1,164
Medicare DI # 4 R-4 (FY20) Compensation Plan Alignment										1,350
Leave Payout			38,196							
Other Personal Services	4,943		\$ 5,419		5,821					
Contractual Services	31,414		23,573		39,761					
<b>Personal Services Subtotal</b>	1,067,003	10.9	1,248,393	12.0	1,366,059	12.0	1,374,459	13.0	1,821,060	15.9
<b>Pots Expenditures</b>										
Health/Life/Dental (FY15)	9,159									
Health/Life/Dental (FY16)	122,807		11,168							
Health/Life/Dental (FY17)			134,894		12,028					
Health/Life/Dental (FY18)					139,885		185,370			
Health/Life/Dental (FY19)										
Health/Life/Dental (FY20)										191,169
Health/Life/Dental - SB 18-203 (FY20) Administrative Paralegal										7,436
Health/Life/Dental DI # 2 R-2 (FY20) Social Worker Outreach Coordinator										12,096
Short Term Disability (FY15)	142									
Short Term Disability (FY16)	1,729		158							
Short Term Disability (FY17)			1,829		171					
Short Term Disability (FY18)					2,085					
Short Term Disability (FY19)							2,195			
Short Term Disability (FY20)										2,473
Short Term Disability - SB 18-203 (FY20) Administrative Paralegal										81
Short Term Disability DI # 2 R-2 (FY20) Social Worker Outreach Coordinator										156
Short Term Disability DI # 4 R-4 (FY20) Compensation Plan Alignment										158
Salary Survey - COLA (FY16)	38,070									
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 - Merit Pay (FY16)	6,761									
Performance Based Pay - Merit Pay (FY20) 3%										47,462
AED (FY15)	2,883									
AED (FY16)	38,121		3,640							
AED (FY17)			46,694		4,332					
AED (FY18)					52,920					
AED (FY19)							64,513			
AED (FY20)										78,784
AED- SB 18-203 (FY20) Administrative Paralegal										2,129
AED DI # 2 R-2 (FY20) Social Worker Outreach Coordinator										4,500
AED DI # 4 R-4 (FY20) Compensation Plan Alignment										5,206

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SAED (FY15)	2,746									
SAED (FY16)	36,777		3,561							
SAED (FY17)			46,183		4,332					
SAED (FY18)					52,920					
SAED (FY19)							64,513			
SAED (FY20)									78,784	
SAED- SB 18-203 (FY20) Administrative Paralegal									2,129	
SAED DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									4,500	
SAED DI # 4 R-4 (FY20) Compensation Plan Alignment									5,206	
<b>Personal Services Total Detail</b>	<b>1,350,074</b>	<b>10.9</b>	<b>1,496,520</b>	<b>12.0</b>	<b>1,634,731</b>	<b>12.0</b>	<b>1,731,191</b>	<b>13.0</b>	<b>2,263,330</b>	<b>15.9</b>
<b>Personal Services Reconciliation Authorization</b>										
Long Bill Request	1,093,458	10.9	1,460,108		1,635,196					
Supplemental - HB 17-164			37,931							
Health/Life/Dental	134,599									
Short Term Disability	2,078									
Salary Survey	61,947									
Anniversary/Merit Pay	6,761									
AED	41,541									
SAED	40,126									
Transfer to Conflicts	(22,690)		(1,519)		(465)					
Transfer to Operating	(7,745)									
<b>Personal Services Authorization</b>	<b>1,350,074</b>	<b>10.9</b>	<b>1,496,520</b>	<b>12.0</b>	<b>1,634,731</b>	<b>12.0</b>	<b>1,731,191</b>	<b>13.0</b>	<b>2,263,330</b>	<b>15.9</b>
<b>General Fund</b>	<b>1,350,074</b>		<b>1,496,520</b>		<b>1,634,731</b>		<b>1,731,191</b>		<b>2,263,330</b>	
<b>Cash Funds</b>										
<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					320					
1935 Purchased Svcs - Legal Services			11,225							
1960 Personal Svcs - IT services	2,475		5,225		3,674					
2230 Equip Maintenance/Repair Svcs					35					
2231 IT Hardware Maintenance & Repair Services	13,714		24,462		21,435					
2250 Misc Rentals	92									

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2253 Rental Of Equipment	2,506		2,611		2,534					
2310 Purchased contract services	7,554									
2511 In-State Common Carrier Fares	1,005		1,514		190					
2512 In-State Pers Travel Per Diem	1,999		3,886		1,678					
2513 In-State Pers Vehicle Reimbsmt	2,895		2,835		872					
2522 Is/Non-Emp1 - Pers Per Diem	1,034		1,373		958					
2523 Is/Non-Emp1 - Pers Veh Reimb	1,142		1,866		959					
2530 Out-of-State Travel			371							
2531 Os Common Carrier Fares	2,342		2,513							
2532 Os Personal Travel Per Diem	2,778		1,471							
2541 Os Non-Emp1- Common Carrier	374									
2542 Os Non-Emp1- Per Diem	319									
2631 Comm Svcs From Outside Sources	6,078		7,684		9,715					
2680 Printing/Reproduction Services	1,163		843		995					
2820 Other Purchase Services	6,974		5,007		4,593					
3110 Other Supplies & Materials	298		787		2,953					
3118 Food And Food Serv Supplies	1,136		3,872		911					
3120 Books/Periodicals/Subscription	2,852		4,912		37,723					
3121 Office Supplies	7,171		3,172		2,757					
3123 Postage	6,174		3,813		927					
3128 Noncapitalized Equipment	45		178							
3140 Noncapitalized PC - (Individual Items Under \$5,000)	16,016		7,011		3,095					
4100 Other Operating Expenses	2,271		7,719		1,200					
4140 Dues And Memberships	2,803		4,284		4,751					
4170 Miscellaneous Fees and Fines	405									
4180 Official Functions			503							
4220 Registration Fees	2,182		1,454		130					
4240 Employee Moving Expense			1,550							
<b>Operating Expenses Total Detail</b>	<b>95,796</b>	<b>0.0</b>	<b>131,679</b>	<b>0.0</b>	<b>102,405</b>	<b>0.0</b>	<b>108,619</b>	<b>0.0</b>	<b>268,809</b>	<b>0.0</b>



**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Reconciliation</b>										
Long Bill Appropriation	75,405		76,355		106,439				108,619	
Municipal Courts Bill (SB18-203) - FY19 Coordinator Standard Operating									760	
Municipal Courts Bill (SB18-203) - FY20 Coordinator Standard Operating									950	
Municipal Courts Bill (SB18-203) - FY20 Coordinator Travel									6,009	
Transfer to/from Personal Services	7,745									
Transfer to/from Conflicts	12,646		55,324		(4,034)					
DI # 3 R-3 (FY20) Contractor Database									15,000	
DI # 3 R-3 (FY20) Artificial Intelligence (AI) Data Analysis and Forecastin System									140,570	
DI # 3 R-3 (FY20) Server Replacement									6,000	
DI # 3 R-3 (FY20) IT Contractor Rate Increases									1,000	
DI # 3 R-3 (FY20) Billing System Audit / Rubin Brown									85,500	
DI # 3 R-3 (FY20) Westlaw Licenses									3,000	
DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									2,180	
Municipal Courts Bill (SB18-203) - Admin FTE									855	
<b>Operating Costs Authorization</b>	<b>95,796</b>	<b>0.0</b>	<b>131,679</b>	<b>0.0</b>	<b>102,405</b>	<b>0.0</b>	<b>108,619</b>	<b>0.0</b>	<b>370,443</b>	<b>0.0</b>
General Fund	95,796		131,679		102,405		108,619		370,443	
Cash Funds										
<b>Capital Outlay Operating</b>										
Capital Outlay	4,703		4,703		0				4,703	
DI # R-2 (FY19) Administrative Support							3,473			
DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									3,473	
Municipal Courts Bill (SB18-203) - Admin FTE									4,703	
<b>Capital Outlay Detail</b>	<b>4,703</b>		<b>4,703</b>		<b>0</b>		<b>3,473</b>		<b>8,176</b>	
<b>Reconciliation</b>										
Long Bill Appropriations	4,703		4,703		0		0		3,473	
DI # R-2 (FY19) Administrative Support							3,473			
<b>Capital Outlay Authorized</b>	<b>4,703</b>		<b>4,703</b>		<b>0</b>		<b>3,473</b>		<b>8,176</b>	
General Fund	4,703		4,703		0		3,473		8,176	
Cash Funds										
<b>Training/Conference</b>										
Training Conference	61,132		61,167		79,189		100,000		100,000	
<b>Training/Conference Detail</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>100,000</b>	<b>0.0</b>
<b>Reconciliation</b>										
Long Bill Appropriations	60,000		60,000		100,000		100,000		100,000	
Transfer to/from Conflicts	1,132		1,167		5,389					
<b>Training/Conference Authorized</b>	<b>61,132</b>	<b>0.0</b>	<b>61,167</b>	<b>0.0</b>	<b>105,389</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>	<b>100,000</b>	<b>0.0</b>
General Fund	21,132		21,167		20,000		20,000		20,000	
Cash Funds	40,000		40,000		80,000		80,000		80,000	

**SCHEDULE 3 - Program Detail**

ITEM	Actual FY 2015-16		Actual FY 2016-17		Actual FY 2017-18		Budget FY 2018-19		Request FY 2019-20	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b><u>Conflict of Interest Contracts</u></b>										
Conflict of Interest Contracts	27,846,305		29,100,185		31,495,953					
<b>Conflict of Interest Total Detail</b>	<b>27,846,305</b>	<b>0.0</b>	<b>29,100,185</b>	<b>0.0</b>	<b>31,495,953</b>	<b>0.0</b>	<b>37,391,362</b>	<b>0.0</b>	<b>51,056,245</b>	<b>0.0</b>
<b><u>Reconciliation</u></b>										
Long Bill Appropriations	26,615,760		27,971,145		27,864,221				37,391,362	
Supplemental - HB 16-1243	1,392,238				3,406,731					
Transfer to/ from Personal Services	22,690		1,519		465					
Transfer to/ from Training	(1,132)		(1,167)		(5,389)					
Transfer to/ from Operating	(12,646)		(55,324)		4,034					
Transfer to/ from Mandated	(151,414)		272,265		225,892					
Judicial Transfer Authority - From OCR			911,747							
DI # R-1 Caseload Increase (FY20) portion for FY19									6,533,245	
DI # R-1 Caseload Increase (FY20) portion for FY20									7,131,638	
Reversion	(19,192)									
<b>Conflict of Interest Authorization</b>	<b>27,846,305</b>	<b>0.0</b>	<b>29,100,185</b>	<b>0.0</b>	<b>31,495,953</b>	<b>0.0</b>	<b>37,391,362</b>	<b>0.0</b>	<b>51,056,245</b>	<b>0.0</b>
<b>General Fund</b>	<b>27,846,305</b>		<b>29,100,185</b>		<b>31,495,953</b>		<b>37,391,362</b>		<b>51,056,245</b>	
Cash Funds										
<b><u>Mandated Costs</u></b>										
Mandated Costs	2,198,305		2,141,000		2,054,850					
<b>Mandated Costs Total Detail</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>2,561,813</b>	<b>0.0</b>	<b>2,478,068</b>	<b>0.0</b>
<b><u>Reconciliation</u></b>										
Long Bill Appropriations	1,926,613		1,830,862		2,032,273				2,561,813	
Supplemental - HB 17-164	121,064		582,403		248,469					
Transfer to/from Conflict of Interest	151,414		(272,265)		(225,892)					
DI # R-1 Caseload Increase (FY20) portion for FY19									447,615	
DI # R-1 Caseload Increase (FY20) portion for FY20									488,613	
Reversion	(786)									
<b>Mandated Costs Authorization</b>	<b>2,198,305</b>	<b>0.0</b>	<b>2,141,000</b>	<b>0.0</b>	<b>2,054,850</b>	<b>0.0</b>	<b>2,561,813</b>	<b>0.0</b>	<b>3,498,042</b>	<b>0.0</b>
<b>General Fund</b>	<b>2,198,305</b>		<b>2,141,000</b>		<b>2,054,850</b>		<b>2,561,813</b>		<b>3,498,042</b>	
Cash Funds										
<b><u>Long Bill Group/Division Total</u></b>										
<b>Grand Total - with Pots</b>	<b>31,556,315</b>	<b>10.9</b>	<b>32,935,253</b>	<b>12.0</b>	<b>35,387,940</b>	<b>12.0</b>	<b>41,896,458</b>	<b>13.0</b>	<b>57,296,235</b>	<b>15.9</b>
	<b>31,556,315</b>		<b>32,935,253</b>		<b>35,387,940</b>		<b>41,896,458</b>		<b>57,296,235</b>	
General Fund	<b>31,516,315</b>	<b>10.9</b>	<b>32,895,253</b>	<b>12.0</b>	<b>35,307,940</b>	<b>12.0</b>	<b>41,816,458</b>	<b>13.0</b>	<b>57,216,235</b>	<b>15.9</b>
Cash Funds	<b>40,000</b>	<b>0.0</b>	<b>40,000</b>	<b>0.0</b>	<b>80,000</b>	<b>0.0</b>	<b>80,000</b>	<b>0.0</b>	<b>80,000</b>	<b>0.0</b>

**Schedule 5 - Line Item to Statute  
Judicial Branch  
Office of the Alternate Defense Counsel  
FY 2019-2020 Budget Request  
November 1, 2018**

**This Long Bill Group funds the total program of the Office of the Alternate Defense Counsel.**

Line Item Name	Line Item Description	Programs Supported by Line Item	Statutory Citation
Personal Services	This line funds the personnel for the management of the OADC.	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>
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>

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**Schedule 10**  
**Summary of Change Requests ( RI )**  
**Judicial Branch**  
**Office of the Alternate Defense Counsel**  
**FY 2019-2020 Budget Request**

<b>ID#</b>	<b>Priority</b>	<b>Decision Items</b>	<b>FTE</b>	<b>Total</b>	<b>GF</b>	<b>CF</b>
1	R -1	Caseload Increase (FY19)	0.0	\$6,980,861	\$6,980,861	\$0
1	R -1	Caseload Increase (FY20)	0.0	\$7,620,251	\$7,620,251	\$0
2	R -2	Social Worker Outreach Coordinator	1.0	\$116,809	\$116,809	\$0
3	R -3	Operating Adjustment	0.0	\$251,070	\$251,070	\$0
4	R -4	Compensation Plan Realignment	0.0	\$114,697	\$114,697	\$0
<b>Total</b>			<b>1.0</b>	<b>\$15,083,688</b>	<b>\$15,083,688</b>	<b>\$0</b>

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**Summary of Supplemental Bills  
Judicial Branch  
Office of the Alternate Defense Counsel  
FY 2019-2020 Budget Request  
November 1, 2018**

			<b>Total</b>	<b>GF</b>
<b>Actual FY 2017-18</b>				
HB 18-1163 Supplemental	Conflict Contracts		3,406,731	37,931
	Mandated		248,469	582,403
	<b>Total FY2015-16</b>	<b>0.0</b>	<b>3,655,200</b>	<b>3,655,200</b>
<b>Actual FY 2016-17</b>				
SB 17-164 Supplemental	Personal Services		37,931	37,931
	Mandated		582,403	582,403
	<b>Total FY2015-16</b>	<b>0.0</b>	<b>620,334</b>	<b>620,334</b>
<b>Actual FY 2015-16</b>				
HB 16-1243 Supplemental	Conflict Contracts		1,392,238	1,392,238
	Mandated		121,064	121,064
	<b>Total FY2015-16</b>	<b>0.0</b>	<b>1,513,302</b>	<b>1,513,302</b>
<b>Actual FY 2014-15</b>				
HB 14-1032 Special Bill	Personal Services	1.0	65,548	65,548
	Operating		4,865	4,865
	Capital Outlay		4,703	4,703
	<b>Total FY2013-14</b>	<b>1.0</b>	<b>75,116</b>	<b>75,117</b>
<b>Actual FY 2013-14</b>				
HB 14-1239 Supplemental	Personal Services		94,000	94,000
	Operating		23,730	23,730
	Conflict Contracts		2,821,158	2,821,158
	Mandated		220,303	220,303
	<b>Total FY2013-14</b>	<b>0.0</b>	<b>3,159,191</b>	<b>3,159,191</b>
<b>Actual FY 2011-12</b>				
SB11-076 Supplemental	Personal Services		(15,385)	(15,385)
HB12-1187 Supplemental	Leased Space		(4,664)	(4,664)
HB12-1335 Supplemental	Conflict Contracts		(851,147)	(851,147)
	Mandated		(22,408)	(22,408)
	<b>Total FY2011-12</b>	<b>0.0</b>	<b>(893,604)</b>	<b>(893,604)</b>
<b>Actual FY 2010-11</b>				
SB11-209 Supplemental	Conflict Contracts		(2,194,046)	(2,194,046)
	Mandated		(86,665)	(86,665)
	<b>Total FY2010-11</b>	<b>0.0</b>	<b>(2,280,711)</b>	<b>(2,280,711)</b>
<b>Actual FY 2008-09</b>				
SB09-190	Conflict Contracts		(49,064)	(49,064)
	<b>Total FY2008-09</b>	<b>0.0</b>	<b>(49,064)</b>	<b>(49,064)</b>

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Salary Pots Request Template		
	TOTAL FUNDS/FTE FY 2019-20	GENERAL FUND
<b>I. Continuation Salary Base</b>		
Sum of Filled FTE as of July 25, 2018	14.0	100.000%
Salary X 12	\$1,412,171	1,412,171
PERA (Standard, Trooper, and Judicial Rates)	\$146,866	146,866
Medicare @ 1.45%	\$20,476	20,476
Subtotal Continuation Salary Base =	\$1,579,513	1,579,513
<b>II. Salary Survey Adjustments</b>		
System Maintenance Studies	-	-
Across the Board - Base Adjustment	\$0	-
Across the Board - Non-Base Adjustment	\$0	-
Movement to Minium - Base Adjustment	\$0	-
<b>Subtotal - Salary Survey Adjustments</b>	<b>\$0</b>	<b>-</b>
PERA (Standard, Trooper, and Judicial Rates)	\$0	-
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	\$0.00
<b>III. Increase for Minimum Wage (\$13.00 hourly effective July 1, 2019)</b>		
Increase for Minimum Wage	-	\$0.00
<b>Subtotal - Minimum Wage Adjustments</b>	<b>-</b>	<b>\$0.00</b>
PERA (Standard, Trooper, and Judicial Rates) at FY 2019-20 PERA Rates	\$0	\$0.00
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	\$0.00
<b>IV. Merit Pay Adjustments</b>		
Merit Pay - Base Adjustments	\$42,434	42,434
Merit Pay - Non-Base Adjustments	\$0	-
<b>Subtotal - Merit Pay Adjustments</b>	<b>\$42,434</b>	<b>42,434</b>
PERA (Standard, Trooper, and Judicial Rates) at FY 2019-20 PERA Rates	\$4,413	4,413
Medicare @ 1.45%	\$615	615
Request Subtotal =	\$47,462	47,462
<b>V. Shift Differential</b>		
FY 2017-18 ACTUAL EXPENDITURES for All Occupational Groups	\$121,071	121,071
Total Actual and Adjustments @ 100%	\$121,071	121,071
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$12,591	12,591
Medicare @ 1.45%	\$1,756	1,756
Request Subtotal =	\$135,418	135,418
<b>VI. Revised Salary Basis for Remaining Request Subtotals</b>		
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,575,676	1,575,676
<b>VII. Amortization Equalization Disbursement (AED)</b>		
Revised Salary Basis * 5.00%	\$78,784	78,784
<b>VIII. Supplemental AED (SAED)</b>		
Revised Salary Basis * 5.00%	\$78,784	78,784
<b>IX. Short-term Disability</b>		
Revised Salary Basis * 0.17%	\$2,473	2,473
<b>X. Health, Life, and Dental</b>		
Funding Request	\$191,169	191,169

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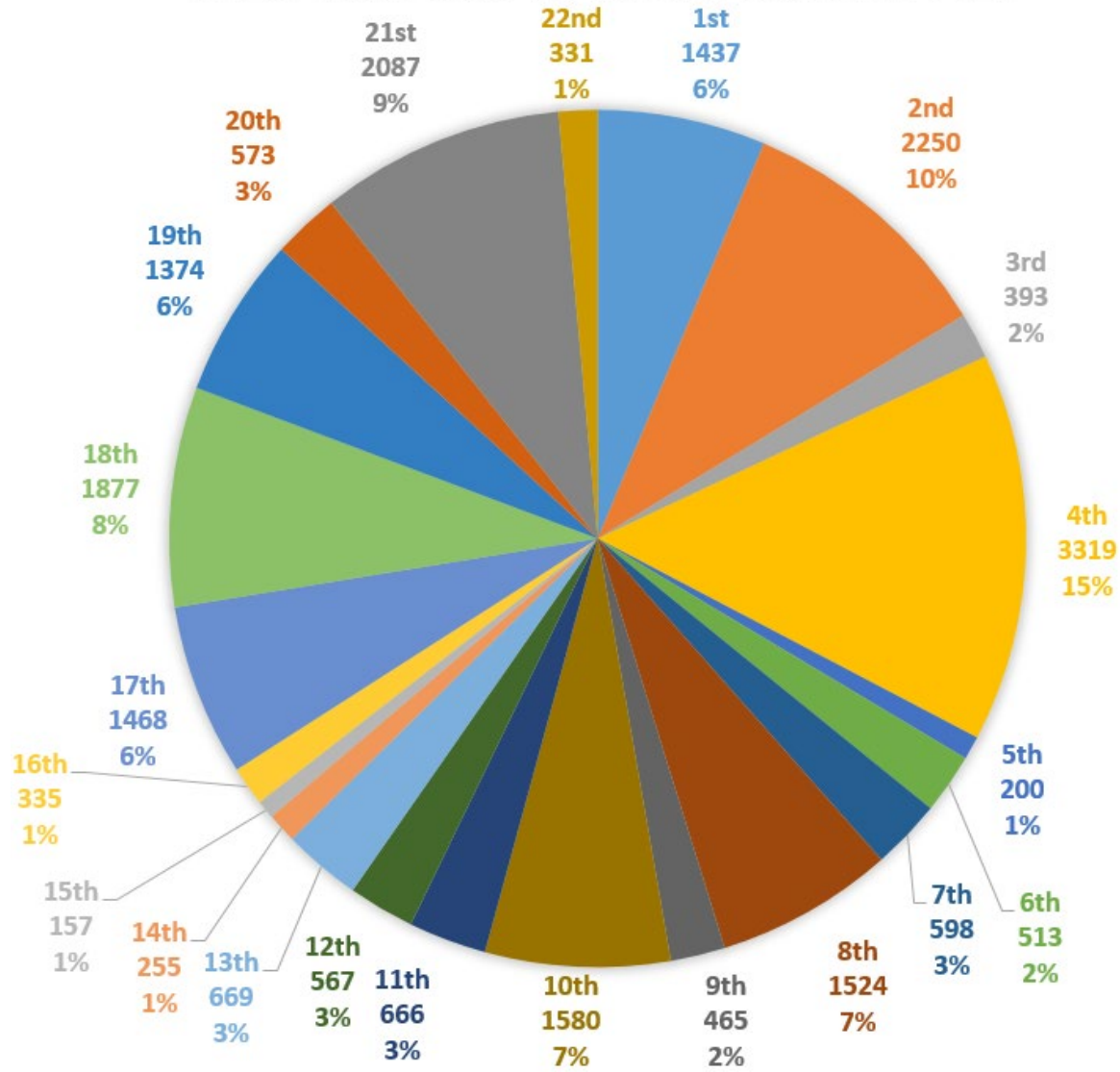
<b>Common Policy Line Item</b>	<b>FY 2018-19 Appropriation</b>	<b>GF</b>	<b>CF</b>
Salary Survey	\$40,141	\$40,141	\$0
Merit Pay	\$0	\$0	\$0
Shift	\$0	\$0	\$0
AED	\$64,513	\$64,513	\$0
SAED	\$64,513	\$64,513	\$0
Short-term Disability	\$2,195	\$2,195	\$0
Health, Life and Dental	\$185,370	\$185,370	\$0
<b>TOTAL</b>	<b>\$356,732</b>	<b>\$356,732</b>	<b>\$0</b>
<b>Common Policy Line Item</b>	<b>FY 2019-20 Total Request</b>	<b>GF</b>	<b>CF</b>
Salary Survey	\$0	\$0	\$0
Movement to Minimum	\$0	\$0	\$0
Minimum Wage Adjustment	\$0	\$0	\$0
Merit Pay	\$47,462	\$47,462	\$0
Shift	\$135,418	\$135,418	\$0
AED	\$78,784	\$78,784	\$0
SAED	\$78,784	\$78,784	\$0
Short-term Disability	\$2,473	\$2,473	\$0
Health, Life and Dental	\$191,169	\$191,169	\$0
<b>TOTAL</b>	<b>\$534,090</b>	<b>\$534,090</b>	<b>\$0</b>
<b>Common Policy Line Item</b>	<b>FY 2019-20 Incremental</b>	<b>GF</b>	<b>CF</b>
Salary Survey	\$0	\$0	\$0
Movement to Minimum	\$0	\$0	\$0
Minimum Wage Adjustment	\$0	\$0	\$0
Merit Pay	\$47,462	\$47,462	\$0
Shift	\$135,418	\$135,418	\$0
AED	\$14,271	\$14,271	\$0
SAED	\$14,271	\$14,271	\$0
Short-term Disability	\$278	\$278	\$0
Health, Life and Dental	\$5,799	\$5,799	\$0
<b>TOTAL</b>	<b>\$217,499</b>	<b>\$217,499</b>	<b>\$0</b>

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**Appendix A**  
**Colorado Judicial District Map and**  
**Caseload Totals by District**

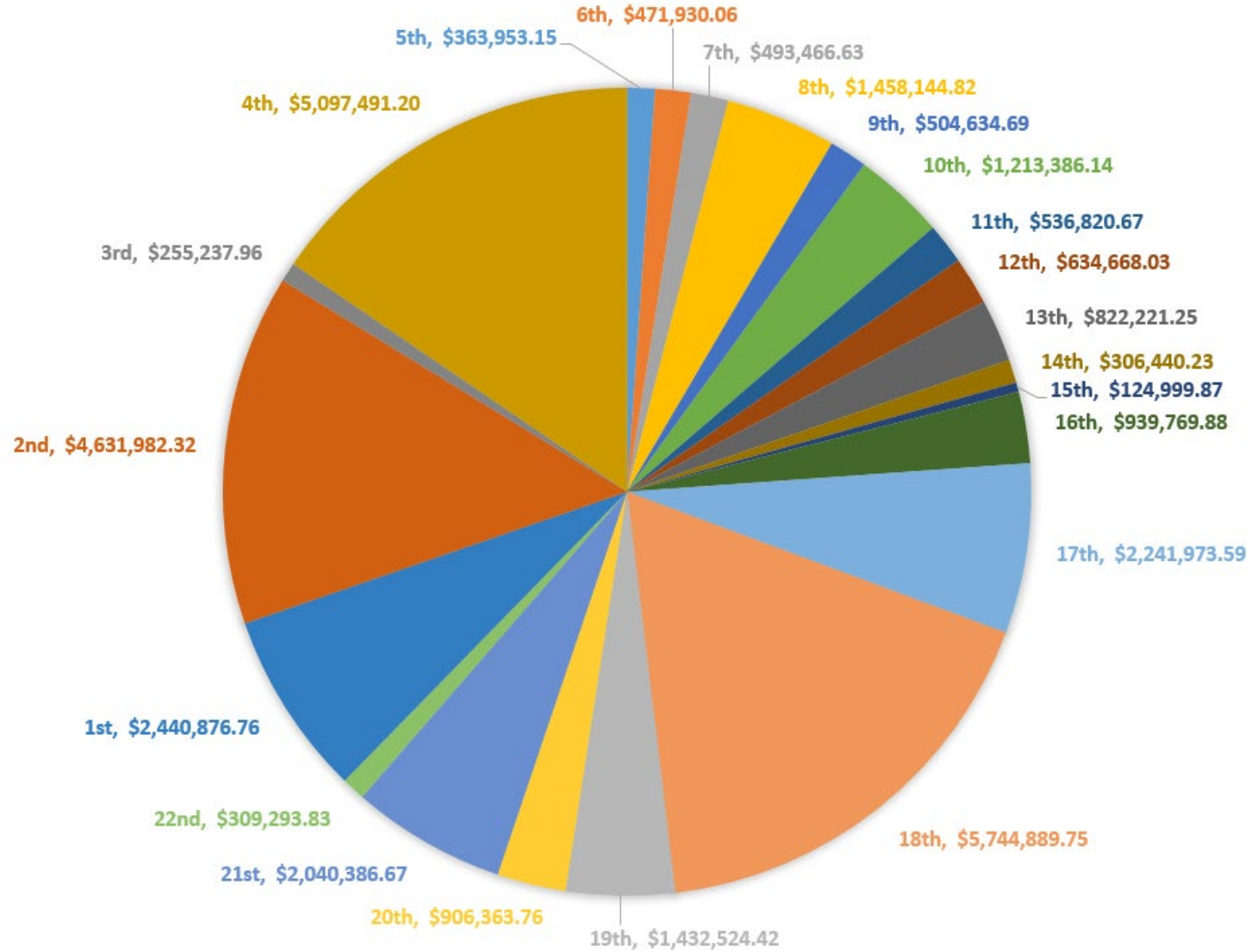
The following pie chart breaks down the OADC cases by Judicial District.

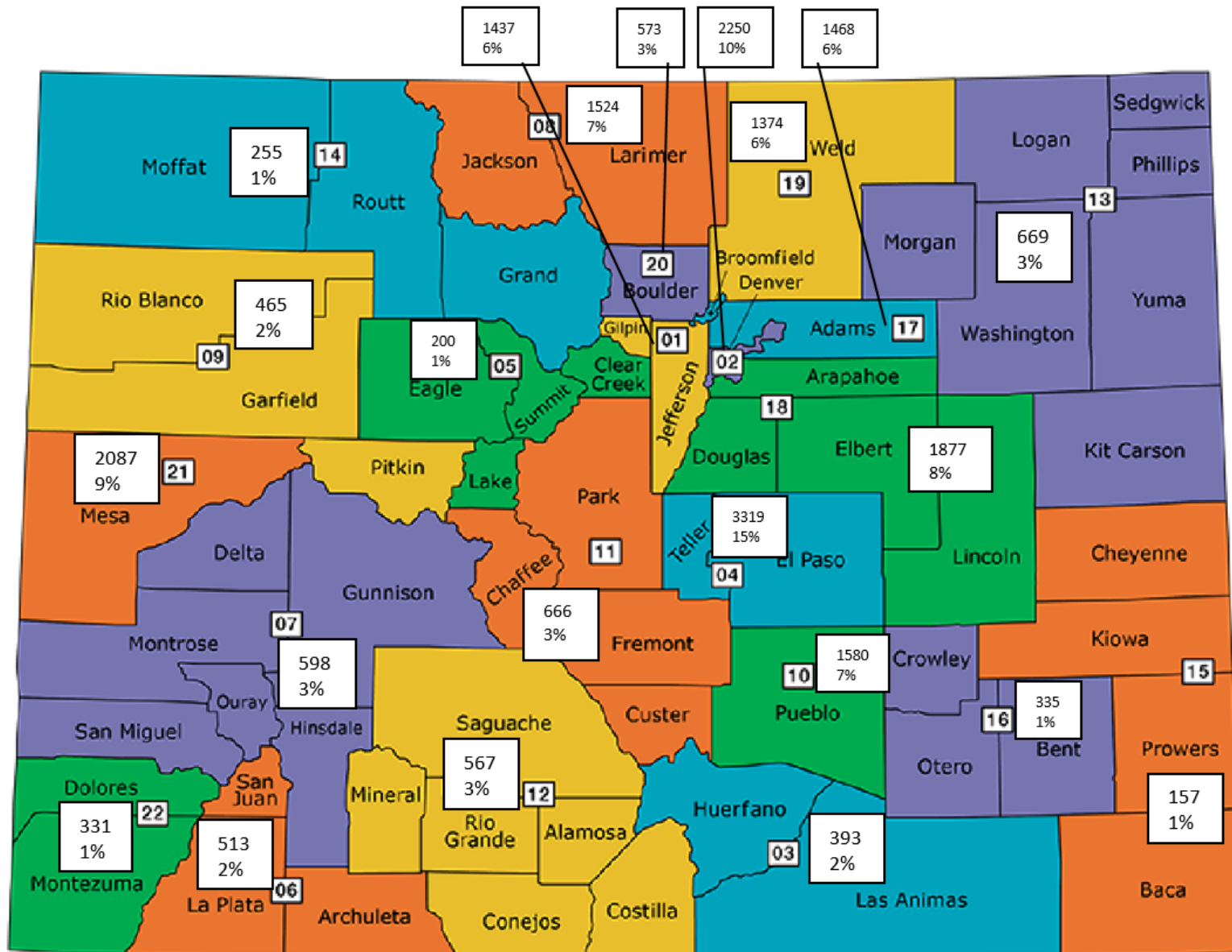
### OADC CASELOAD TOTALS BY DISTRICT FY18



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

### OADC CASELOAD TOTALS BY DISTRICT FY18







**Appendix B**  
**Prior Year Legislation,**  
**Hot Topics, and**  
**Cases That May Affect the OADC**

## ***PRIOR YEAR LEGISLATION***

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### [HB 18-1200 Concerning Cybercrime](#)

This bill changes “computer crime” to “cybercrime” and adds some class 5 felony penalties to soliciting or offering to arrange a situation in which a minor may engage in prostitution, by means of using a computer, computer network, computer system, or any part thereof. It also adds a provision criminalizing directly or indirectly using a scanning device to access, read, obtain, memorize, or store temporarily or permanently, information encoded in a payment card without the permission of the authorized user of the payment card, and with the intent to defraud the authorized user, the issuer of the authorized user’s payment card, or merchant. Finally, it adds a section stating that directly or indirectly using an encoding machine to place information encoded on the payment card onto a different payment card without the permission of the authorized user of the payment card from which the information being reencoded was obtained, and with the intent to defraud the authorized user, the issuer of the authorized user’s payment card, or a merchant. Each of these methods of committing Cybercrime is now a class 5 felony.

Effective August 8, 2018

### [HB 18-1264 Concerning Measures to Clarify the Scope of Revenge Porn Criminal Offenses](#)

This bill added the posting of an image displaying sexual acts (even if not showing any private intimate parts) of an identified or identifiable person to the crime of revenge porn, changed the definition to read with the intent to "harass, intimidate or coerce," the depicted persons, deleted the element of inflicting serious emotional distress, and deleted the newsworthy exception.

Effective July 1, 2018

### [SB 18-060 Protective Orders in Criminal Case](#)

Addressing gaps in the current law that governs protection orders, this bill adds the potential order “prohibiting the taking, transferring, concealing, harming, disposing of, or threatening to harm an animal owned, possesses, leased, kept, or held by alleged victim or witness” and the potential order “directing a wireless telephone service provider to transfer the financial responsibility for the rights to a wireless telephone number or numbers to the petitioner” to the options available to the court.

Effective November 1, 2018 subject to petition.

### [SB 18-119 False Imprisonment of a Minor](#)

This bill states that a person commits class 5 felony false imprisonment if he or she confines or detains another person less than 18 years of age by means of tying, locking, caging, chaining, or otherwise restricting that person's freedom of movement by any instrumentality for an unreasonable amount of time under the circumstances.

Effective August 8, 2018 subject to petition

[SB 18-249 Concerning Establishing Alternative Programs in the Criminal Justice System to Redirect Individuals with a Behavioral Health Condition to Community Treatment](#)

This bill establishes four pre-plea, local-level mental health pilot programs in selected judicial districts that will identify individuals with mental health conditions who have been charged with a low-level criminal offense and divert such individuals out of the criminal justice system and into community treatment programs.

Effective August 8, 2018.

[HB 18-1050 Competency to Proceed Juvenile Justice System](#)

The bill's legislative declaration recognizes that juveniles are different than adults and therefore, different standards for competency are necessary. The bill establishes a juvenile-specific definition of "competent to proceed" and "incompetent to proceed" for juveniles involved in the juvenile justice system, as well as specific definitions for "developmental disability", "mental capacity", and "mental disability". The bill clarifies the procedures for establishing incompetency, as well as for establishing the restoration of competency. Competency evaluations for juveniles are to be conducted in the least-restrictive environment including home or community placement if appropriate.

Effective date is July 1, 2018

[SB 18-203 Concerning the Provision of Independent Counsel to Indigent Defendants in Municipal Courts](#)

Beginning January 1, 2020, each municipality must provide independent indigent defense counsel for people facing jail. This means that there must be a non-partisan entity independent of the municipality court and municipal officials who will oversee indigent defense counsel. Over 30 municipalities have contacted the OADC requesting evaluation of their indigent defense counsel.

Effective date is August 8, 2018, subject to petition.

[HB 18-1078 Court Program for Veterans](#)

This bill requires courts to ascertain whether a defendant is in the U.S. Armed Forces or is a veteran and then provide information about what services that the person may be entitled to at the first appearance or arraignment, or before entry of a guilty plea. It also encourages the sealing of records if a defendant participated in a veteran treatment program.

Effective August 8, 2018 subject to petition.

[SB 18-068 False Reporting of an Emergency \(aka the Swatting bill\)](#)

The bill creates a crime of false reporting of an emergency by criminalizing an act of false reporting to authorities that includes a false report of an imminent threat to the safety of a person or persons by use of a deadly weapon. False reporting of an emergency is a class 1 misdemeanor, but it can be a felony depending on the harm caused by the false report.

Effective July 1, 2018.

[SB 18-169 Offenses Against Civil and Admin Witnesses](#)

This bill clarifies that the offense of intimidating a witness or a victim and retaliation against a victim or a witness applies to witnesses in civil proceedings.

Effective July 1, 2018.

[HB 18-1041 Concerning Adding Certified Police Working Horses to the Crime of Cruelty to a Service Animal or a Certified Police Working Dog.](#)

This bill adds certified police working horse's definition to statute and the crime of cruelty to a service animal.

Effective March 7, 2018

[HB 18-1051 Concerning Statutory Provisions Enacted to Promote the Extinguishment of Unattended Fires](#)

This bill makes it a petty offense to fail to reasonably attend a campfire at all times or to fail to thoroughly extinguish the campfire before leaving the site and changes the penalty for leaving a campfire unattended to a class 3 misdemeanor if on forested or grass land.

Effective July 1, 2018.

[HB 18-1077 Penalty for Burglary of a Business](#)

This bill increases 2nd degree burglary from a class 4 felony to a class 3 felony if the objective of the burglary is the theft of a one or more firearms or ammunition.

Effective June 6, 2018

[HB 18-1211 Concerning Controlling Medicaid Fraud](#)

This bill establishes the Medicaid Fraud Control Unit in the Attorney General's Office. The unit is responsible for investigation and prosecution of Medicaid fraud and waste, as well as patient abuse, neglect, and exploitation. The bill creates offenses related to making false statements on applications, Medicaid fraud, and credit and recovery of Medicaid payments and outlaw certain kickbacks, bribes, and rebates related to the administration of a Medicaid service. Actions must be brought within 3 years after discovery of the offense, but no later than 6 years from commission of the offense.

Effective date is January 1, 2019 subject to petition.

## ***HOT TOPICS***

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### **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 were 50 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 in which 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 actively to 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 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). Colorado's Supreme Court found that this legislation was in fact constitutional. [\*In re. People v. Brooks\*, 426 P.3d 353, 2018 CO 77 \(September 17, 2018\)](#). As a result, several of these cases are now moving forward with a new sentencing hearing where the former-child will be sentenced to a term between 30 and 50 years.

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."

### **EXPANDING NO JLWOP TO OVER 18**

In *Commonwealth v. Bredhold*, 17SC436 (Kentucky Supreme Court), the Court is reviewing a trial court decision applying the [\*Roper v. Simmons\*, 125 S.Ct. 1183 \(2005\)](#) (prohibiting the death penalty for juveniles under the age of 18) rationale to individuals between the ages of 18 and 21, excluding the death penalty from consideration in their cases. Courts in Colorado are being asked to follow the Kentucky trial court's leadership and exclude Colorado individuals between the ages of 18 and 21 from those who could face the death penalty. Colorado courts are also being asked to consider extending the *Bredhold* rationale to exclude those same age individuals from life without the possibility of parole sentences.

### **IMPROVING OUTCOMES FOR YOUTH (IOYOUTH) TASK FORCE**

Governor Hickenlooper launched the [Improving Outcomes for Youth Task Force](#) in May 2018, in partnership with Representative Lee, Justice Boatright, Senator Gardner, and Director Bicha. The initiative is overseen by a statewide task force that identifies steps that can be taken to

strengthen public safety and improve outcomes for youth. At its final meeting on October 31st, 2018, the task force will identify legislative recommendations.

To help guide the Initiative, the Council of State Governments conducted an assessment of Colorado's juvenile justice system, by collecting and analyzing data, meeting with a wide array of stakeholders across systems and locations and facilitating task force meetings and subcommittee work.

### **DISCOVERY**

In FY2013-14, the legislature passed [SB14-190: Statewide Discovery System](#) which created a new discovery process for the state. As of the most recent report on September 7, 2018, 3 Judicial Districts (2<sup>nd</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. We soon expect to view the proposed CDAC eDiscovery updates to the defense portion of the system.

### **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**

In [Padilla v. Kentucky, 130 S.Ct. 1473 \(2010\)](#), the United States Supreme Court mandated 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*, and those consultations continue to increase in volume.

### **PROSECUTION TRENDS TOWARD LARGE MULTI-DEFENDANT CASES**

OADC continues to see many 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) and other multi co-defendant cases. 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. These cases are statewide. A recent example includes a "house party" in Glenwood Springs, where 24 adults and juveniles were charged with a variety of crimes arising from a single incident. The OSPD was appointed to one individual, and the majority of the rest received an OADC contract lawyer.

3. The discovery in these cases is often voluminous, sometimes including tens of thousands of pages and a significant number of audio and video CDs and DVDs.

Lawyers representing defendants who are even minimally involved are ethically required to review *all* discovery in the case to determine their clients' individual involvement.

### **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

- 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 as well as assistance to OADC contract lawyers

*It is so great to have someone who can finalize my briefs for me so that I don't have to take the time to do the Table of Contents and Table of Authorities myself. It saves me an enormous amount of time and is done so much more professionally than I can do myself. Thank you for that.*

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

*It is so helpful to get the bookmarked court file and triage memo at the very beginning of a post-conviction case. It helps me get started immediately and saves me tons of time not having to gather and sort through the initial materials.*

- occasionally discussing with the defendant the propriety of pursuing post-conviction relief, at times resulting in the dismissal of a post-conviction petition; occasionally addressing the Court of Appeals directly in cases where the original direct appeal was not preserved, and having the Appellate Court reinstate the appellate rights without forcing the parties to waste time going back to the trial court to have a *pro forma* hearing where the trial court then reinstates the appeal, forcing the case back to the Court of Appeals.

- 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;

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. No matter 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 THE OADC***

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### **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\*, 404 P.3d 264 \(Colo. 2017\)](#). 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 when 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.

[\*McCoy v. Louisiana\*, 138 S.Ct. 1500 \(May 14, 2018\)](#). The United States Supreme Court found that the 6th Amendment is violated when counsel concedes guilt to 2nd degree murder without client’s consent. The majority found that the 6th Amendment guarantees a defendant the right to choose the objective of his defense and to insist that his counsel refrain from admitting guilt, even when counsel’s experienced-based view is that confessing guilt offers the defendant the best chance to avoid the death penalty.



## **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.

[\*In re. People v. Brooks\*, 2018 CO 77 \(September 17, 2018\).](#) The Colorado Supreme Court found that the legislation enacted after the above list of cases, creating a 30- to 50-year sentence range for certain convictions that previously required a much longer sentence was constitutional.

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 in which 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 about 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 succeed 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 went 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 the defendant's request for a continuance, refused to provide him with a defense expert, and then sentenced him 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 pretrial litigation.

### **CONFRONTATION CLAUSE ISSUES**

[People v. Hebert, 411 P.3d 201 \(Colo. App. 2016\)](#), 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**

[Carpenter v. United States, 16-402 \(June 22, 2018\)](#). The United States Supreme Court found that the government needs a warrant to collect from cellphone companies' troves of info about customers' location.

[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.

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**Appendix C**  
**Agency Objectives and Performance**  
**Measures**

## I. Performance Measures & Goals

### Performance Measure A: Ensure Adequate Contractor Rates

For the FY18–19 Budget Request the OADC submitted a Decision Item regarding an increase to COLA Based Contractor hourly rates by 6.7%. The Joint Budget Committee approved that Decision Item and the OADC was appropriated an additional \$2,306,291 to accommodate the rate increase.

		FY 09-14 Actual	FY 15-17 Actual	FY18 Actual	FY19 Budget	FY20 Request
OADC average hourly Attorney Rates	Target	\$75	\$75	\$75	\$80	\$82
	Actual	\$65	\$75	\$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.

		FY16 Actual	FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
Average Cost per Case	Target	n/a	\$1,581	\$1,523	\$1,523	\$1,456
	Actual	\$1,581	\$1,523	\$1,456		
Keep ancillary costs per case to a minimum.	Target	\$135	\$120	\$107	\$107	\$91
	Actual	\$120	\$107	\$91		

**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, Home Study, and webcasting.

	FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
Total Number of Trainings	18	16	17	16
Total Number of Hours	189	398	224	158
Total Number of Attendees	1,065	1,384	1,068	903

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

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

1. Improving and expanding its 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 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 3<sup>rd</sup> edition of the Juvenile Defense Manual, released in April 2018.

		FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
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	7,000	7,500
	Actual documents	7,750	7,297		
	Target users*/queries	1000/month	1200/month	1,700/month	2,000/month
	Actual users*/queries	1,850	3108		

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

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

1. Has created a database 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 about the OADC lawyers;
4. Verifies attorney status with the Office of Attorney Regulation;
5. Monitors and evaluates courtroom practices through in court observations;
6. Reviews written submissions from contractors and provides feedback as needed;
7. Mandates testing for investigators before initial contract issuance;
8. Conducts audits and time-efficiency studies of selected OADC contractors;
9. Runs reports on OADC contractors using the Court Appointed Attorney Payment System (CAAPS);
10. Requires at least 5 hours of juvenile or defense specific CLE training per year.

		FY17 Actuals	FY18 Actual	FY19 Budget	FY20 Request
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%
	Actual	100%	100%		
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%
	Actual	100%	100%		
Court Room Observations	Target	75	75	75	75
	Actual	52	77		
Mock Oral Arguments	Target	10	12	12	12
	Actual	9	5		
Oral Arguments	Target	20	16	16	16
	Actual	17	11		
Review Pleadings	Target	100	100	150	150
	Actual	150	150		



**Performance Measure F: Strengthen OADC’s Social Worker Program**

To facilitate the use of social workers 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
3. Social Worker specific trainings

		FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
Number of Cases with Social Workers	Target	125 cases	200 cases	300 cases	400 cases
	Actual	263 cases	320 cases		
Number of Social Worker Contractors	Target	10 contractors	15 contractors	21 contractors	35 contractors
	Actual	16 contractors	22 contractors		
Number of Social Worker Interns	Target	5 interns	3 interns	4 interns	5 interns
	Actual	2 interns	3 interns		

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

In FY17, the OADC created a Juvenile Division of contract attorneys specializing in juvenile defense, which improved the quality and efficiency of OADC juvenile defenders across the state. The OADC conducts both live and web-based juvenile specific training in the Denver metropolitan area as well as several other areas throughout the state. In addition, the OADC maintains a resource bank that includes juvenile-specific resources and connects contract attorneys to human resources such as specialists in education advocacy, appeals, mental health, and competency, and sex offense defense, social workers, mitigation specialists, investigators, paralegals, and researchers. The Juvenile Defense Coordinator often observes Juvenile Division contractors in court and conducts contract renewal interviews to ensure continued high-quality juvenile defense.

		FY17 Actual	FY18 Actual	FY19 Budget	FY20 Request
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	25	25	25	25
	Actual	0*	7*		
Incorporate a social worker into juvenile defense teams where appropriate.	Target	50 cases	50 cases	50 cases	60 cases
	Actual	45	61		
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	20	20	20	25
	Actual	19	31		

\*The OADC conducts contract renewal screenings at the end of each calendar year. In the summer of 2016, the OADC screened 100% of the attorneys who applied to represent juveniles. Thus, no juvenile attorneys were screened at the end of 2016. The contracts began on January 1, 2017 and most were for two or three years. Therefore, there were few renewal screenings at the end of 2017.

## **Performance Measure H: Supporting Municipal Court Independence**

In FY18, the General Assembly passed SB18-203, “Concerning the Provision of Independent Counsel to Indigent Defendants in Municipal Courts...” This bill requires each municipal court to ensure that court-appointed counsel for indigent defendants be evaluated by an independent entity. One of the options available to the municipal courts is the Office of the Alternate Defense Counsel (OADC). The OADC has hired a Municipal Court Coordinator and reached out to all the municipalities in the state to offer the OADC’s evaluation services.

## **II. Strategies**

### **Increase Compensation Rates**

As mentioned in the Performance Measures and Goals section of this plan, the OADC submitted a Decision Item regarding an increase to COLA Based Contractor hourly rates by 6.7% for the FY18-19 budget request. The Joint Budget Committee approved that Decision Item and the OADC was appropriated \$2,306,291 to accommodate the rate increase.

### **Provide Ongoing Trainings**

The Performance Measures and Goals section provides a list of the OADC's commitment to trainings in the upcoming three 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, continues to enhance 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 improving the effectiveness of representation. This library 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 continues to enhance 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 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 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. Attorney access to electronic court records pursuant to HB 08-1264;
4. Expanding and promoting the eLibrary;
5. Providing legal research, motion drafting, and other case related assistance;
6. Evaluating contractor efficiency and auditing billing;
7. Closely monitoring requests for expert assistance;
8. 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. Quarterly vendor totals are also audited for anomalies. The Agency verifies monthly payroll through the state financial and payment processing system.

## **III. Performance Evaluation**

### **Contractor Survey and Evaluations**

This year the Agency conducted two contractor surveys. The first survey covered contractors and their understanding of the new statewide E-Discovery system and its effectiveness on their practice. The second OADC survey was from our Social Worker division and polled contractors on their use and understanding of forensic social workers and forensic clinical advocates.

### **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, Juvenile Defense Coordinator, or Controller/Budget Manager) 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 FY19 budget request, the Agency requested and received a 6.7% rate increase for its contractors, however, this still falls significantly below the federal government's court-appointed attorney<sup>1</sup> hourly rate of \$132/hour for non-capital cases, and for capital crime (death penalty) cases, an hourly rate of \$185/ hour.

**Performance Measure B: Contain Case Costs:** The Agency continues to contain (and reduce) its average cost per case and keep ancillary costs per case to a minimum. (See chart on page 5 of 12 of the [Agency's July 1, 2018 Performance Plan](#).)

**Performance Measure C: Provide High-Quality Annual Trainings:** As can be seen by the chart on page 6 of 12 of the [Agency's July 1, 2018 Performance Plan](#), the agency provided fourteen trainings, consisting of over 350 hours, and reaching 1,154 attendees, an increase from the projected 958.

**Performance Measure D: Provide Cost-Effective Research Tools and Assistance:** As the chart on page 6 of 12 of the [Agency's July 1, 2018 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, and exceeded its goal of court room observations by three as seen in the chart on page 7 of the [Agency's July 1, 2018 Performance Plan](#).

**Performance Measure F: Strengthen OADC's Social Worker Program:** The Agency's Social Worker program has continued to expand. Since the hiring of a full-time Social Worker Coordinator in September 2016, the Agency expanded the number of Social Worker contractors, and thus the number of cases with social workers. As the chart on page 8 of 12 of the [Agency's July 1, 2018 Performance Plan](#) indicates, it is anticipated that this program will continue to expand. Unfortunately, due to the success of this program, cases are going without social workers as the Agency has reached its saturation point without more resources to expand the Program.

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

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

# **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 Computer Crime (Felony) Drugs- distribution CS Drugs- distribution Sched II Drugs- manufacture CS Drugs - Possession CS Escape Human Smuggling Incendiary Device 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 Trafficking Children/Sell Child Vehicular assault Vehicular homicide	Accessory to crime At-risk Elder-crim Exploitation Bribery Burglary Child prostitution/pimping Crim mischief Criminal tampering Drugs- distribution CS Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Marijuana Drugs- possession/intent CS Drugs- Special Offender Engaging in a Riot Escape Extortion Financial Transaction Device Forgery Harassment Human Smuggling Identity Theft



**Type A**

**Type B**

Menacing (Felony)  
Money Laundering  
Motor Vehicle Theft  
Prostitution/pimping  
Retaliation against witness  
Rioting  
Robbery  
Robbery of at-risk adult  
Securities fraud  
Soliciting for child prostitution  
Theft  
Witness intimidation

**F4**

Accessory to Crime F1 or F2  
Aggravated robbery  
Arson  
Assault 1deg  
Assault 2deg  
Child abuse  
Conspiracy to Crime (Type A)  
Criminally Negligent Homicide  
Enticement of a Child  
Incest  
Internet Luring of a Child  
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 First Degree  
Vehicular assault  
Vehicular homicide

Accessory to crime  
Bias Motivated Crime  
Burglary  
Check fraud  
Child Prostitution/Pimping  
Chop Shop - own/operate  
Contraband  
Contrib to delinquency of minor  
Crim mischief  
Crim trespass  
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

**Type A**

**Type B**

Forgery  
Identity Theft  
Incendiary Device  
Influence Public Servant  
Money Laundering  
Motor Vehicle Theft  
Perjury  
Prostitution/pimping  
Retaliation against witness  
Rioting  
Robbery  
Robbery of at-risk adult  
Soliciting for child prostitution  
Stalking  
Theft  
Weapons charges  
Witness intimidation

**F5**

Accessory to Crime F1 or F2  
Arson  
Assault 1deg  
Assault 2deg  
Child Abuse  
Conspiracy to Crime (type A)  
Criminally Negligent Homicide  
Enticement of a Child  
Internet Luring of a Child  
Kidnapping  
Manslaughter  
Sex assault on a child  
Sexual assault  
  
Sexual exploitation of a child  
Vehicular assault

Accessory to crime  
Bias Motivated Crime  
Burglary  
Burglary of Tools - Possession  
Check fraud  
Chop Show - own/operate  
Contraband  
Contrib to delinquency of minor  
Crim mischief  
Crim trespass  
Criminal impersonation  
Cruelty to Animals  
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  
Drugs- possession/intent Marijuana  
Eluding

**Type A**

**Type B**

Engaging in a riot  
Escape  
Extortion  
Fail to register sex offender  
False imprisonment  
False Info to Pawnbroker  
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  
Welfare Fraud  
Witness intimidation

**F6**

Assault 2deg  
Conspiracy to Crime (Type A)  
Sex assault on a child  
Sexual assault  
Sexual Exploitation of a Child  
Vehicular assault

Accessory to Crime (F3 - F6)  
Assault 3rd Degree on At-Risk-Adult  
Check Fraud  
Contraband  
Crim Mischief  
Crim Trespass  
Criminal Attempt  
Criminal Impersonation  
Criminal Tampering  
Cruelty to Animals  
Custody Violation  
Driving Offenses- (Felony)  
Drugs- Possession CS  
Drugs- Possession Marijuana  
Drugs- Possession Sched II  
Drugs- Possession/Intent CS  
Eluding

	Type A	Type B
		Engaging in Riot Extradition 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 Retaliation Against Witness/Judge Rioting Theft Violation Bail Bond Conditions Weapons Charges

<b>F- Unclass</b>	Fugitive from Justice	
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<b>DF1</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
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<b>DF2</b>		Drugs- Distribution CS Drugs- Distribution Marijuana Drugs- Distribution Sched II Drugs- Manufacture CS Drugs- Possession CS Drugs- Possession Marijuana Drugs- Possession Sched II
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	Type A	Type B
		Drugs- Possession/Intent CS Drugs- Possession/Intent Marijuana
<b>DF3</b>	Drugs- Manufacture CS - Old Do Not Use	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
<b>DF4</b>	Drugs- Manufacture CS - Old Do Not Use	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