



Office of the

Alternate Defense Counsel

**FISCAL YEAR 2020-2021
BUDGET REQUEST**

November 1, 2019

Lindy Frolich, Director

Table of Contents

<u>Executive Letter</u>	1
<u>Budget Summary</u>	
Budget Summary Narrative	5
Budget Change Summary, by Fund Source	6
FY2020-21 Reconciliation of Agency Request	7
<u>Agency Overview</u>	
Organizational Chart	11
Background	13
Statutory Mandated/Directive	13
Mission	13
Vision	13
Total Caseload and Case Type Data	14
<u>Decision Item(s)</u>	
DI 1 # R-1 : Caseload Increase	29
DI 2 # R-2 : Coordinator of Adjunct Services	33
DI 3 # R-3 : Staff Accountant	43
DI 4 # R-4 : Programs Analyst	49
DI 5 # R-5 : Operating Adjustments	53
DI 6 # R-6 : COLA-based Contractor Hourly Rate Increase	57
<u>Schedules</u>	
Schedule 2	63
Schedule 3	64
Schedule 5	71
Schedule 7	72
Schedule 10	73
<u>POTS Template and Summary</u>	75
Appendix A - Caseload Totals by District and Colorado Judicial Districts Map	77
Appendix B - Prior Year Legislation, Hot Topics, and Cases that May Affect OADC	81
Appendix C - Agency Objectives and Performance Measures	99
Appendix D - Case Classification by Category Rates	113
Appendix E - Long Range Financial Plan	121

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

November 1, 2019

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, corresponding expenditures, and increase in transactions processed.

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19** Actual	FY11 to FY19 % change
Caseload	11,878	12,585	13,290	15,085	16,680	18,244	20,103	22,638	25,022	110.66%
Caseload % change	na	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	10.53%	
Expenditures	\$ 20,496,774	\$ 22,187,179	\$ 22,660,445	\$ 25,453,717	\$ 29,694,094	\$ 30,037,642	\$ 32,935,253	\$ 35,387,940	\$ 39,658,549	93.49%
Expenditures % change	na	8.25%	2.13%	12.33%	16.66%	1.16%	9.65%	7.45%	12.07%	
Transactions	39,739	43,327	46,144	53,440	59,057	64,997	72,753	98,891	121,981	206.96%
Transactions % change	na	9.03%	6.50%	15.81%	10.51%	10.06%	11.93%	35.93%	23.35%	
Average Case Transactions	3.35	3.44	3.47	3.54	3.54	3.56	3.62	4.37	4.87	45.71%

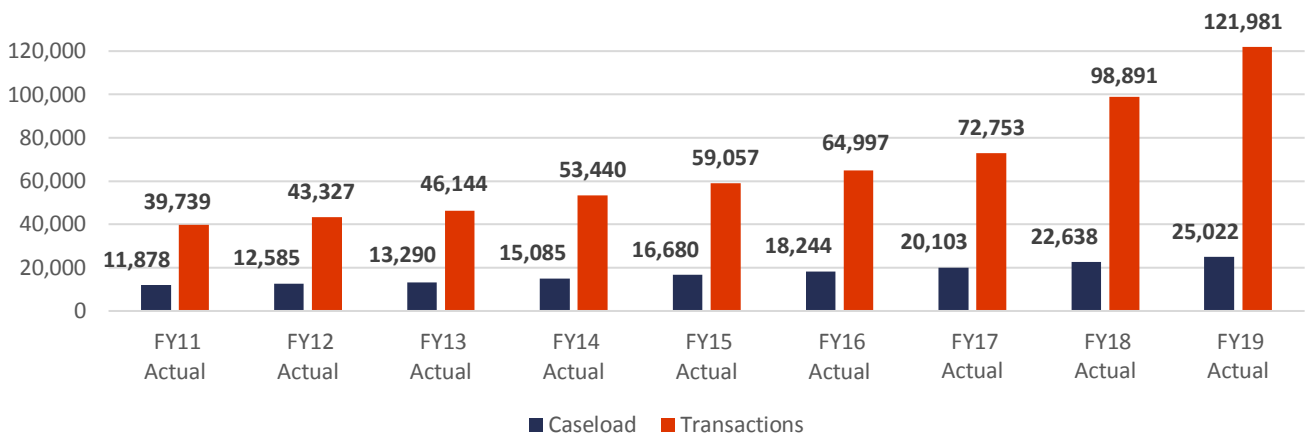
*In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for investigators, and a 10% 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 five years, the Agency's caseload has increased by approximately 10% each year.

As the graph below shows, the number of transactions processed has increased at a much more rapid rate than the number of cases. This is primarily due to the Agency's change in billing requirements, from billing at least every six months, to billing every three months, to now requiring that bills be submitted at least every 45 days.

CASELOAD VS TRANSACTIONS FY11 TO FY19



[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, apart from a slight increase in the average cost per case in FY19.

Contain Case Cost		FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19** Actual	FY20 Budget	FY21 Request	FY14 to FY19 % 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	15.27	15.27	14.33	13.75	-23.2%
	Actual	19.22	18.91	17.94	17.91	16.57	15.91	15.27	14.33	13.75			
	% change	n/a	-1.6%	-5.1%	-0.2%	-7.5%	-4.0%	-4.0%	-6.2%	-4.0%			
Average Cost per Case	Target	n/a	n/a	n/a	n/a	n/a	n/a	\$1,581	\$1,523	\$1,523	\$1,456	\$1,474	-7.6%
	Actual	\$1,620	\$1,641	\$1,593	\$1,596	\$1,722	\$1,581	\$1,523	\$1,456	\$1,474			
	% change	n/a	1.3%	-2.9%	0.2%	7.9%	-8.2%	-3.7%	-4.4%	1.2%			

**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.*

***In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

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, and social workers, who assist the OADC contract attorneys with their OADC cases. These individuals work at an hourly rate well below the attorney rate. It also allows individuals to focus on their areas of expertise. The following are prime examples of how this works:

We had an issue that the Legal Researcher researched for a ridiculous motion to continue. Because of our motion and our subsequent argument we were able to get the court to reverse its decision allowing continuance of the jury trial.

Using a case assistant saved 100's if not 1000's of hours of my time.

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 sixteen 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 nearly 900 OADC contractors across the state. Just recently, the Agency has begun publishing a quarterly newsletter as another mechanism to ensure that its contractors across the state are informed and supported.

Lindy, Not to add to your usual deluge of emails, but want to thank you and ADC for this newsletter, it is fantastic.

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 will be reworked into a stronger web-based database), 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 7800 downloads of 135 episodes of the podcast. It started off slowly – but we are now averaging about 360 downloads per month.

As one contractor commented:

Hey, Jonathan. As a result of me sending a copy of the decision to the DA and having a sit-down with her, my offer went from 5 years DOC to probation with some jail. That's all because of your dedication to sending out the case updates. I love reading them, and it really is so helpful to have you brief the cases for us. You save all of us attorneys hours of time by briefing them for us.

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

We're resolving my homicide with a stip 30. I wanted to tell you how much I love working for ADC. I feel like I have the ability to thoroughly represent my clients because ADC is so very supportive – experts, motions bank, Data Access, Westlaw, etc.

The Agency also solicits volunteers to work as mock judges for moot oral arguments which has proven to be very helpful to even very experienced appellate lawyers. As one recently wrote:

Thank you all for taking the time with my argument last week. It was really helpful. I very much appreciate the support that the Office provides me. I know it makes my representation better.

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.

The Agency's Social Worker Coordinator and Social Worker Outreach Coordinator assign and supervise 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:

A contractor from the 11th and 12th Judicial Districts said that there are certain cases where social workers are "indispensable." One example was a case where he worked with a social worker on a case with a young adult, adopted from a 3rd world country, with a trauma history from the orphanage there, and other mental health issues. The social workers regular visits "kept him (the client) afloat."

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

BUDGET SUMMARY NARRATIVE

The total FY 2020-21 budget request for the Office of the Alternate Defense Counsel is \$55,077,627 and 19.0 FTE.

FY 2019-20 Appropriation of \$ 48,139,361

MINUS Prior Year Budget Annualizations \$106,787

MINUS Capital Outlay Adjustments \$3,472

PLUS Merit Increases \$36,811

PLUS Common Policy Adjustments \$12,064

FY 2020-21 Base Request of \$ 48,077,977

PLUS DI 1 – Change Request – OADC Caseload GF Increase of \$4,202,859

PLUS DI 2 – Change Request – Coordinator of Adjunct Services GF Increase of \$122,049

PLUS DI 3 – Change Request – Staff Accountant GF Increase of \$116,373

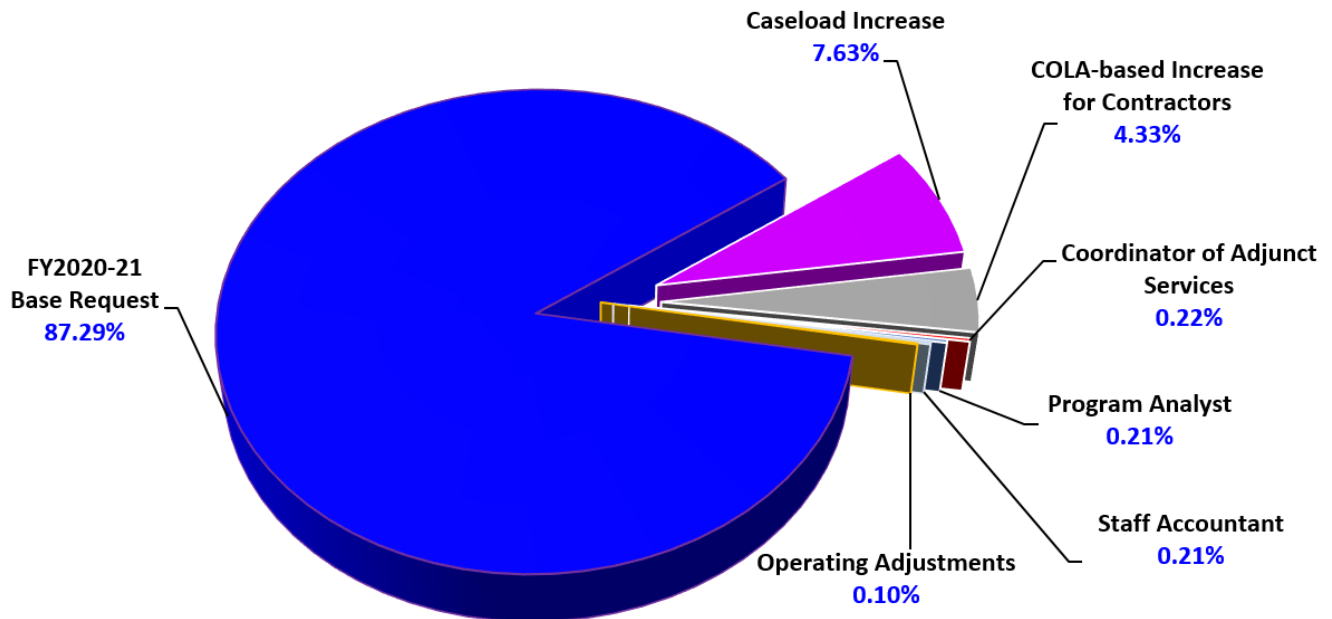
PLUS DI 4 – Change Request – Programs Analyst GF Increase of \$117,653

PLUS DI 5 – Change Request – Operating Adjustments GF Increase of \$57,545

PLUS DI 6 – Change Request – COLA-based Contractor Hourly Rate Increase GF Increase of \$2,383,172

FY 2020-21 Budget Request of \$ 55,077,627

FY 2020-21 Budget Request



**The Office of the Alternate Defense Counsel
FY 2020-21 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
Long and Special Bill				
SB 19-207 Office of the Alternate Defense Counsel	15.9	\$48,139,361	\$48,059,361	\$80,000
Total FY2019-20 Appropriation	15.9	\$48,139,361	\$48,059,361	\$80,000
Prior Year Budget Change or Annualizations				
Annualization SB 18-203 Municipal Courts (FY21)	0.1	(\$287)	(\$287)	\$0
Annualization Online Contractor Database - DI # 3 (FY20)	0.0	(\$15,000)	(\$15,000)	\$0
Annualization SQL Server Replacement - DI # 3 (FY20)	0.0	(\$6,000)	(\$6,000)	\$0
Annualization Billing System Audit - DI # 3 (FY20)	0.0	(\$85,500)	(\$85,500)	\$0
Total Change or Annualization	0.1	(\$106,787)	(\$106,787)	\$0
Salary Survey and Merit				
FY 2020-21 Merit	0.0	\$36,811	\$36,811	\$0
Total Salary Survey and Merit	0.0	\$36,811	\$36,811	\$0
Common Policy Adjustments				
Health Life Dental	0.0	\$7,750	\$7,750	\$0
Short Term Disability	0.0	\$68	\$68	\$0
AED	0.0	\$2,123	\$2,123	\$0
SAED	0.0	\$2,123	\$2,123	\$0
Total Common Policy Adjustments	0.0	\$12,064	\$12,064	\$0
Capital Outlay				
Capital Outlay FY20 Removal from Base	0.0	(\$3,472)	(\$3,472)	\$0
Total Common Policy Adjustments	0.0	(\$3,472)	(\$3,472)	\$0
Total FY 2020-21 Base Request	16.0	\$48,077,977	\$47,997,977	\$80,000
Budget Change Requests				
DI # R-1 Caseload Increase (FY21) - Conflicts of Interest Contracts	0.0	\$3,933,370	\$3,933,370	\$0
DI # R-1 Caseload Increase (FY21) - Mandated Costs	0.0	\$269,489	\$269,489	\$0
Total Decision Items/Budget Amendments	0.0	\$4,202,859	\$4,202,859	\$0
DI # R-2 Coordinator of Adjunct Services	1.0	\$122,049	\$122,049	\$0
Total Decision Items/Budget Amendments	1.0	\$122,049	\$122,049	\$0
DI # R-3 Staff Accountant	1.0	\$116,373	\$116,373	\$0
Total Decision Items/Budget Amendments	1.0	\$116,373	\$116,373	\$0
DI # R-4 Programs Analyst	1.0	\$117,653	\$117,653	\$0
Total Decision Items/Budget Amendments	1.0	\$117,653	\$117,653	\$0
DI # R-5 Operating Adjustments	0.0	\$57,545	\$57,545	\$0
Total Decision Items/Budget Amendments	0.0	\$57,545	\$57,545	\$0
DI # R-6 COLA Based Contractor Hourly Rate Increase	0.0	\$2,383,172	\$2,383,172	\$0
Total Decision Items/Budget Amendments	0.0	\$2,383,172	\$2,383,172	\$0
Total FY 2020-21 Budget Request	19.0	\$55,077,627	\$54,997,627	\$80,000
Change from FY 2019-20	3.1	\$6,938,266	\$6,938,266	\$0
% Change from FY 2019-20	19.5%	14.4%	14.4%	0.0%

Office of the Alternate Defense Counsel
 FY2020-21 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Personal Services				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 1,600,296	14.0	\$ 1,600,296	\$ -
FY 2019-20 Total Appropriation	\$ 1,600,296		\$ 1,600,296	\$ -
Annualize prior year salary survey	\$ 47,462		\$ 47,462	\$ -
FY 2020-21 Base Request	\$ 1,647,758	14.0	\$ 1,647,758	\$ -
DI # R-2 Coordinator of Adjunct Services	\$ 91,452	1.0	\$ 91,452	\$ -
DI # R-3 Staff Accountant	\$ 86,244	1.0	\$ 86,244	\$ -
DI # R-4 Programs Analyst	\$ 82,848	1.0	\$ 82,848	\$ -
FY 2020-21 November 01 Request	\$ 1,908,302	17.0	\$ 1,908,302	\$ -
Health Life and Dental (HLD)				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 208,622	-	\$ 208,622	\$ -
FY 2019-20 Total Appropriation	\$ 208,622		\$ 208,622	\$ -
Total Compensation Common Policy (incremental change)	\$ 7,750	-	\$ 7,750	\$ -
FY 2020-21 Base Request	\$ 216,372	-	\$ 216,372	\$ -
DI # R-2 Coordinator of Adjunct Services	\$ 13,767		\$ 13,767	\$ -
DI # R-3 Staff Accountant	\$ 13,767		\$ 13,767	\$ -
DI # R-4 Programs Analyst	\$ 13,767		\$ 13,767	\$ -
FY 2020-21 November 01 Request	\$ 257,673	-	\$ 257,673	\$ -
Short Term Disability (STD)				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 2,773	-	\$ 2,773	\$ -
FY 2019-20 Total Appropriation	\$ 2,773		\$ 2,773	\$ -
Total Compensation Common Policy (incremental change)	\$ 68	-	\$ 68	\$ -
FY 2020-21 Base Request	\$ 2,841	-	\$ 2,841	\$ -
DI # R-2 Coordinator of Adjunct Services	\$ 144		\$ 144	\$ -
DI # R-3 Staff Accountant	\$ 132		\$ 132	\$ -
DI # R-4 Programs Analyst	\$ 120		\$ 120	\$ -
FY 2020-21 November 01 Request	\$ 3,237	-	\$ 3,237	\$ -
S.B 04-257 Amortization Equalization Disbursement (AED)				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 88,118	-	\$ 88,118	\$ -
FY 2019-20 Total Appropriation	\$ 88,118		\$ 88,118	\$ -
Total Compensation Common Policy (incremental change)	\$ 2,123	-	\$ 2,123	\$ -
FY 2020-21 Base Request	\$ 90,241	-	\$ 90,241	\$ -
DI # R-2 Coordinator of Adjunct Services	\$ 4,068		\$ 4,068	\$ -
DI # R-3 Staff Accountant	\$ 3,840		\$ 3,840	\$ -
DI # R-4 Programs Analyst	\$ 3,684		\$ 3,684	\$ -
FY 2020-21 November 01 Request	\$ 101,833	-	\$ 101,833	\$ -

Office of the Alternate Defense Counsel
 FY2020-21 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 88,118	-	\$ 88,118	\$ -
FY 2019-20 Total Appropriation	\$ 88,118		\$ 88,118	\$ -
Total Compensation Common Policy (incremental change)	\$ 2,123	-	\$ 2,123	\$ -
FY 2020-21 Base Request	\$ 90,241	-	\$ 90,241	\$ -
DI # R-2 Coordinator of Adjunct Services	\$ 4,068	-	\$ 4,068	\$ -
DI # R-3 Staff Accountant	\$ 3,840		\$ 3,840	
DI # R-4 Programs Analyst	\$ 3,684		\$ 3,684	
FY 2020-21 November 01 Request	\$ 101,833	-	\$ 101,833	\$ -
Salary Survey				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ -	-	\$ -	\$ -
FY 2019-20 Total Appropriation	\$ -		\$ -	\$ -
Annualize prior year salary survey	\$ -		\$ -	
Total Compensation Common Policy (Total change)	\$ -	-	\$ -	\$ -
FY 2020-21 Base Request	\$ -	-	\$ -	\$ -
FY 2020-21 November 01 Request	\$ -	-	\$ -	\$ -
Merit				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 47,462	-	\$ 47,462	\$ -
FY 2019-20 Total Appropriation	\$ 47,462		\$ 47,462	\$ -
Annualize prior year salary survey	\$ (47,462)		\$ (47,462)	
Total Compensation Common Policy (Total change)	\$ 36,811	-	\$ 36,811	\$ -
FY 2020-21 Base Request	\$ 36,811	-	\$ 36,811	\$ -
FY 2020-21 November 01 Request	\$ 36,811	-	\$ 36,811	\$ -
Operating Expenses				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 221,300	-	\$ 221,300	\$ -
FY 2019-20 Total Appropriation	\$ 221,300		\$ 221,300	\$ -
Annualization Online Contractor Database - DI # 3 (FY20)	\$ (15,000)		\$ (15,000)	
Annualization SQL Server Replacement - DI # 3 (FY20)	\$ (6,000)		\$ (6,000)	
Annualization Billing System Audit - DI # 3 (FY20)	\$ (85,500)		\$ (85,500)	
FY 2020-21 Base Request	\$ 114,800	-	\$ 114,800	\$ -
DI # 5 ShoreTel - Agency Phone System (FY21)	\$ 1,045	-	\$ 1,045	
DI # 5 Additional Westlaw Licenses - DI # 5 (FY21)	\$ 6,500		\$ 6,500	
DI # 5 Expert Data Base Upgrade - DI # 5 (FY21)	\$ 10,000		\$ 10,000	
DI # 5 OADC Additional Office Space	\$ 40,000		\$ 40,000	
DI # 2 Coordinator of Adjunct Services (FY21)	\$ 1,350		\$ 1,350	
DI # 3 Staff Accountant (FY21)	\$ 1,350		\$ 1,350	
DI # 4 Programs Analyst (FY21)	\$ 6,350		\$ 6,350	
FY 2020-21 November 01 Request	\$ 181,395	-	\$ 181,395	\$ -

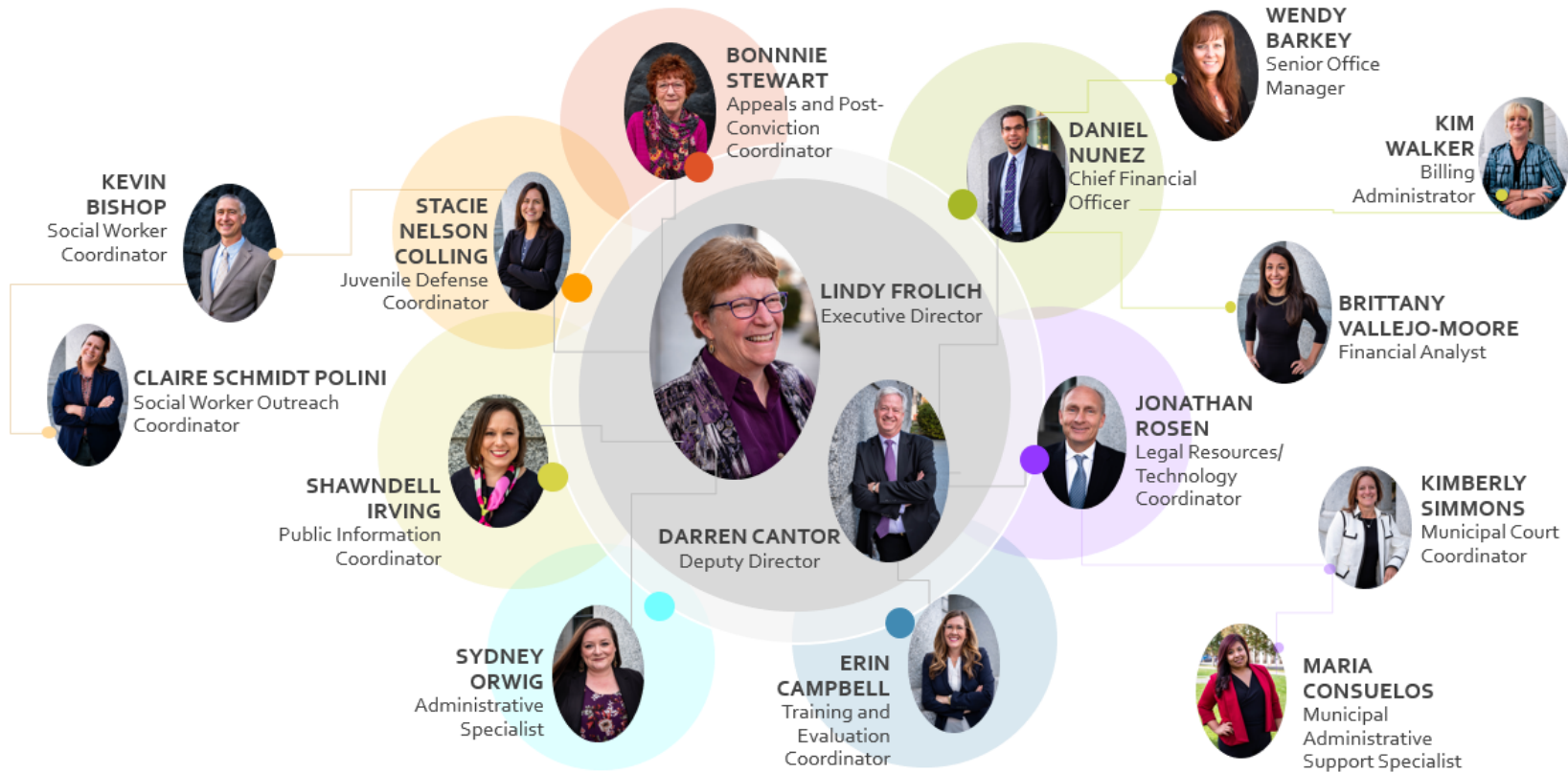
Office of the Alternate Defense Counsel
 FY2020-21 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Capital Outlay				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 3,473	-	\$ 3,473	\$ -
FY 2019-20 Total Appropriation	\$ 3,473		\$ 3,473	\$ -
Annualization DI # 2 R-2 (FY20) Social Worker Outreach Coordinator	\$ (3,473)		\$ (3,473)	
FY 2020-21 Base Request	\$ -	-	\$ -	\$ -
DI # 2 Coordinator of Adjunct Services (FY21)	\$ 7,200	-	\$ 7,200	
DI # 3 Staff Accountant (FY21)	\$ 7,200		\$ 7,200	
DI # 4 Programs Analyst (FY21)	\$ 7,200		\$ 7,200	
FY 2020-21 November 01 Request	\$ 21,600	-	\$ 21,600	\$ -
Training and Conferences				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2019-20 Total Appropriation	\$ 100,000		\$ 20,000	\$ 80,000
FY 2020-21 Base Request	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2020-21 November 01 Request	\$ 100,000	-	\$ 20,000	\$ 80,000
Conflict-of-interest Contracts				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 42,654,216	-	\$ 42,654,216	\$ -
FY 2019-20 Total Appropriation	\$ 42,654,216		\$ 42,654,216	\$ -
FY 2020-21 Base Request	\$ 42,654,216	-	\$ 42,654,216	\$ -
Reversion	\$ -	-	\$ -	\$ -
DI # R-1 Caseload Increase (FY21) portion for FY21	\$ 3,933,370		\$ 3,933,370	\$ -
DI # R-6 COLA Based Contractor Hourly Rate Increase	\$ 2,383,172		\$ 2,383,172	\$ -
FY 2020-21 November 01 Request	\$ 48,970,758	-	\$ 48,970,758	\$ -
Municipal Court Program				
FY 2019-20 Municipal Courts, SB 18-203	\$ 202,593	1.9	\$ 202,593	\$ -
FY 2019-20 Total Appropriation	\$ 202,593	1.9	\$ 202,593	\$ -
FY 2019-20 Base Request	\$ 202,593	1.9	\$ 202,593	\$ -
FY 2020-21 Municipal Courts, SB 18-203	\$ (287)	0.1	\$ (287)	\$ -
FY 2020-21 November 01 Request	\$ 202,306	2.00	\$ 202,306	\$ -
Mandated Costs				
FY 2019-20 Long Bill Appropriation, SB 19-207	\$ 2,922,390	-	\$ 2,922,390	\$ -
FY 2019-20 Total Appropriation	\$ 2,922,390		\$ 2,922,390	\$ -
FY 2020-21 Base Request	\$ 2,922,390	-	\$ 2,922,390	\$ -
Reversion	\$ -	-	\$ -	\$ -
DI # R-1 Caseload Increase (FY21) portion for FY21	\$ 269,489	-	\$ 269,489	\$ -
FY 2020-21 November 01 Request	\$ 3,191,879	-	\$ 3,191,879	\$ -
FY 2019-20 Total Appropriation (Long Bill plus Special Bills)	\$ 48,091,899	14.0	\$ 48,059,361	\$ 80,000
FY 2020-21 Base Request	\$ 6,985,728	15.9	\$ 6,938,266	\$ -
FY 2020-21 November 01 Request	\$ 55,077,627	19.0	\$ 54,997,627	\$ 80,000

This Page Intentionally Left Blank

AGENCY ORGANIZATIONAL CHART

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL



This Page Intentionally Left Blank

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.

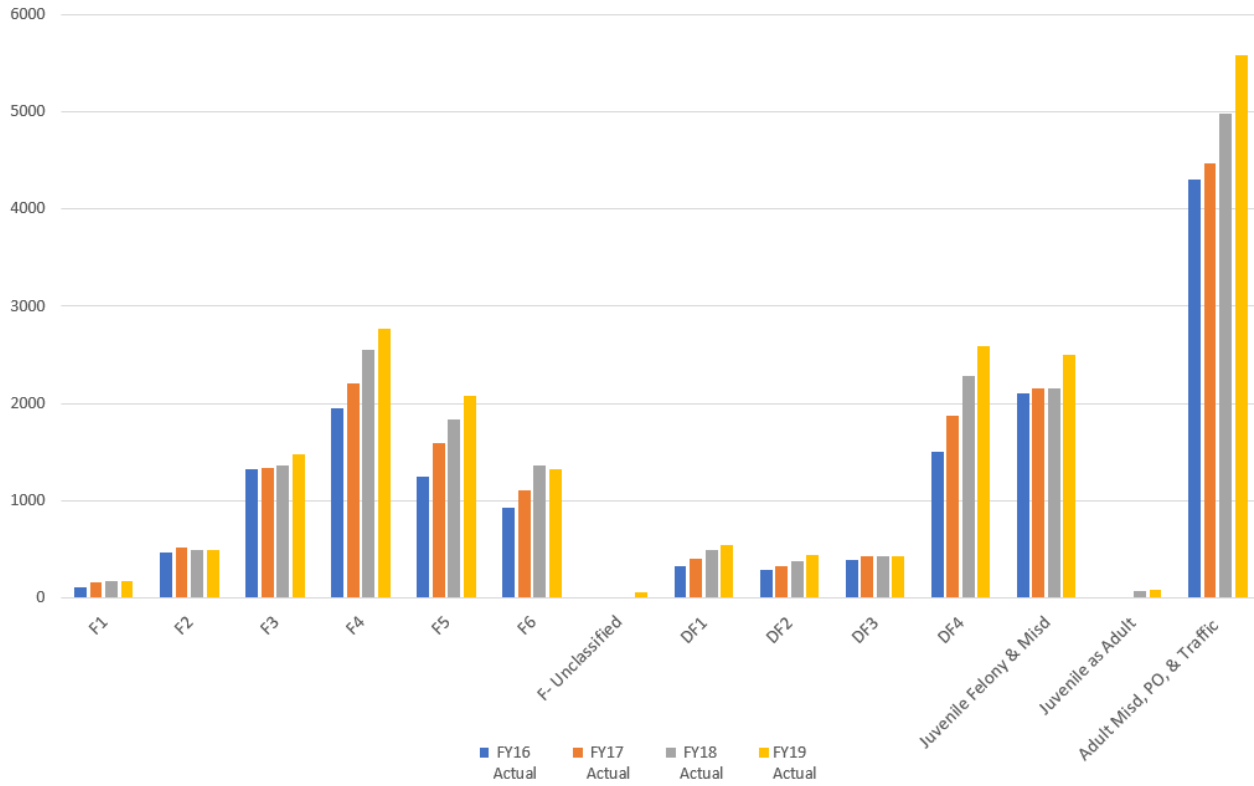
See [Appendix B](#) for Prior Year Legislation, Hot Topics, and Cases that May Affect OADC.

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

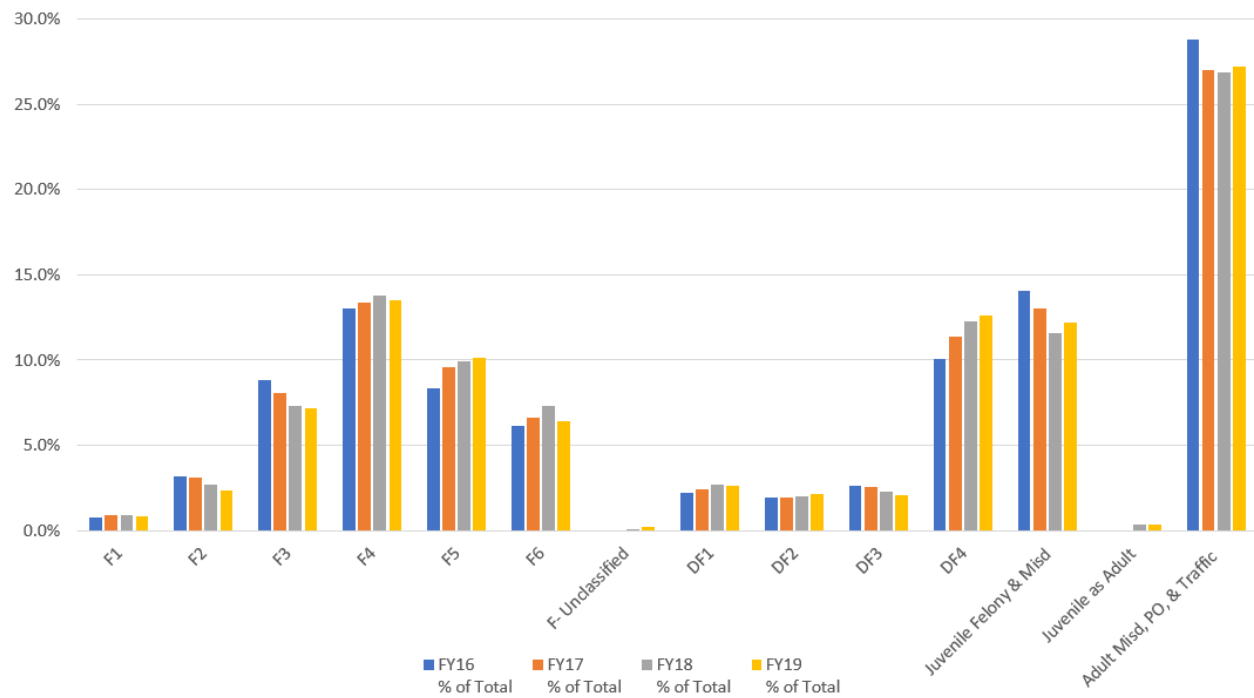
WORKLOAD INDICATORS

Trial Cases	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
F1	112	0.7%	156	0.9%	167	0.9%	169	0.8%
F2	473	3.2%	514	3.1%	499	2.7%	489	2.4%
F3	1,322	8.8%	1,337	8.1%	1,360	7.3%	1,475	7.2%
F4	1,952	13.1%	2,210	13.3%	2,551	13.8%	2,774	13.5%
F5	1,243	8.3%	1,586	9.6%	1,836	9.9%	2,078	10.1%
F6	923	6.2%	1,101	6.6%	1,357	7.3%	1,318	6.4%
F- Unclassified					1	0.0%	53	0.3%
DF1	330	2.2%	407	2.5%	498	2.7%	538	2.6%
DF2	294	2.0%	322	1.9%	377	2.0%	441	2.1%
DF3	389	2.6%	429	2.6%	425	2.3%	434	2.1%
DF4	1,502	10.0%	1,879	11.3%	2,279	12.3%	2,584	12.6%
Juvenile Felony & Misd	2,103	14.1%	2,156	13.0%	2,149	11.6%	2,498	12.2%
Juvenile as Adult					65	0.4%	78	0.4%
Adult Misd, PO, & Traffic	4,306	28.8%	4,468	27.0%	4,981	26.9%	5,586	27.2%
Total	14,949	100.0%	16,565	100.0%	18,545	100.0%	20,515	100.0%

OADC Trial Cases Workload Indicators FY16 to FY19 Totals

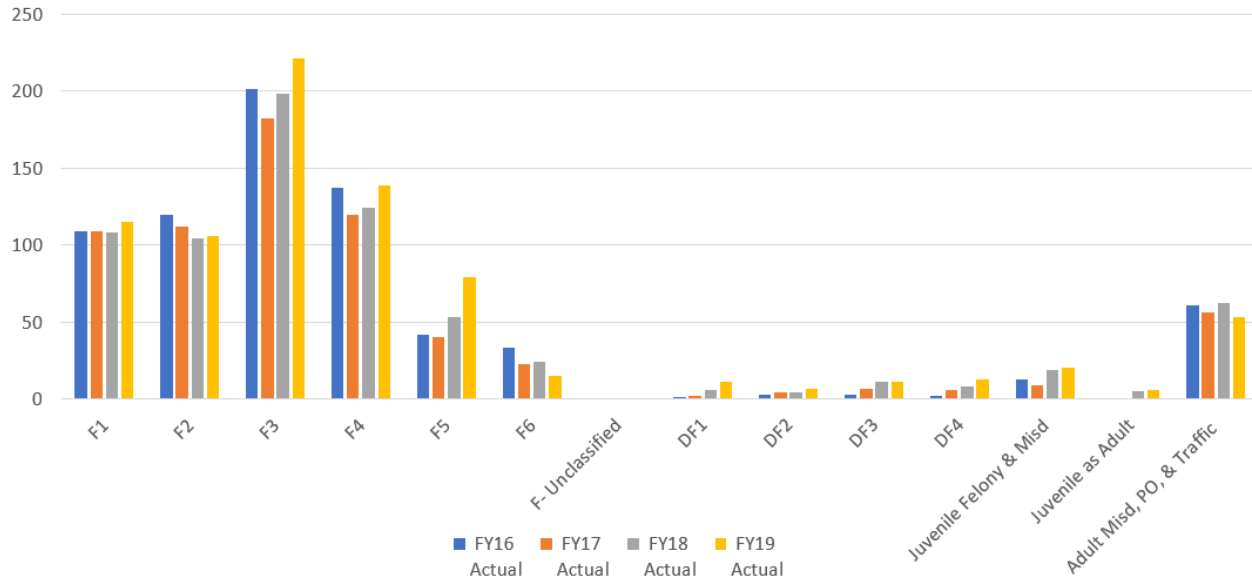


OADC Trial Cases Workload Indicators FY16 to FY19 Percent of Total

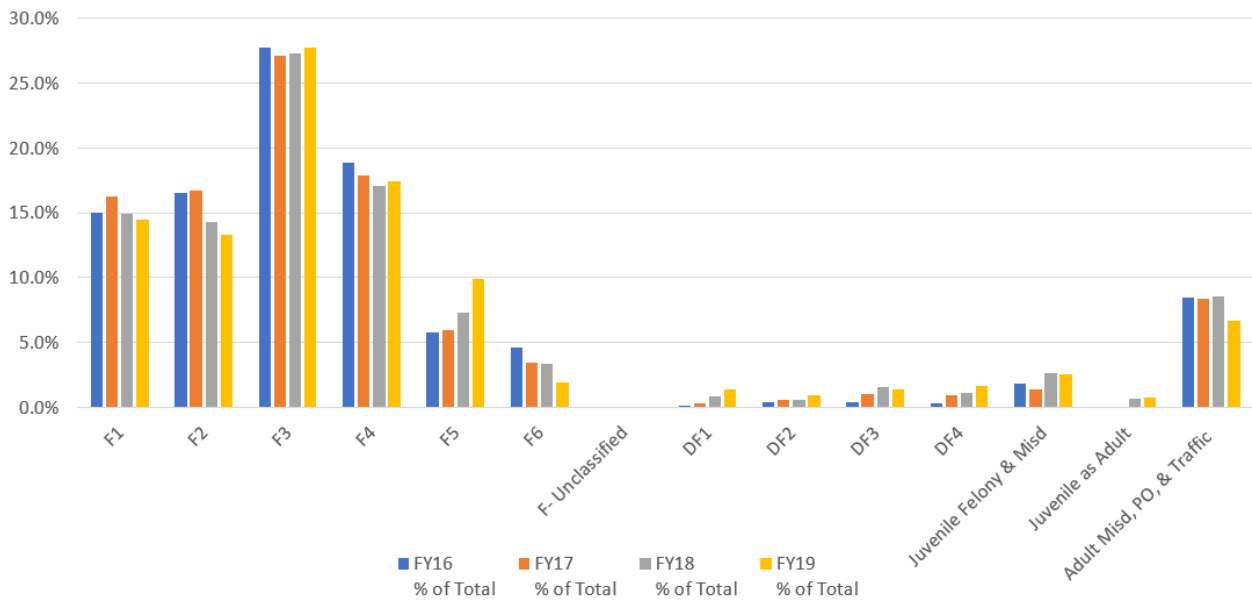


Appeal Cases	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
F1	109	15.0%	109	16.3%	108	14.9%	115	14.4%
F2	120	16.6%	112	16.7%	104	14.3%	106	13.3%
F3	201	27.7%	182	27.2%	198	27.3%	221	27.8%
F4	137	18.9%	120	17.9%	124	17.1%	139	17.5%
F5	42	5.8%	40	6.0%	53	7.3%	79	9.9%
F6	33	4.6%	23	3.4%	24	3.3%	15	1.9%
F- Unclassified					-	0.0%		
DF1	1	0.1%	2	0.3%	6	0.8%	11	1.4%
DF2	3	0.4%	4	0.6%	4	0.6%	7	0.9%
DF3	3	0.4%	7	1.0%	11	1.5%	11	1.4%
DF4	2	0.3%	6	0.9%	8	1.1%	13	1.6%
Juvenile Felony & Misd	13	1.8%	9	1.3%	19	2.6%	20	2.5%
Juvenile as Adult					5	0.7%	6	0.8%
Adult Misd, PO, & Traffic	61	8.4%	56	8.4%	62	8.5%	53	6.7%
Total	725	100.0%	670	100%	726	100.0%	796	100.0%

OADC Appeal Cases Workload Indicators FY16 to FY19 Totals

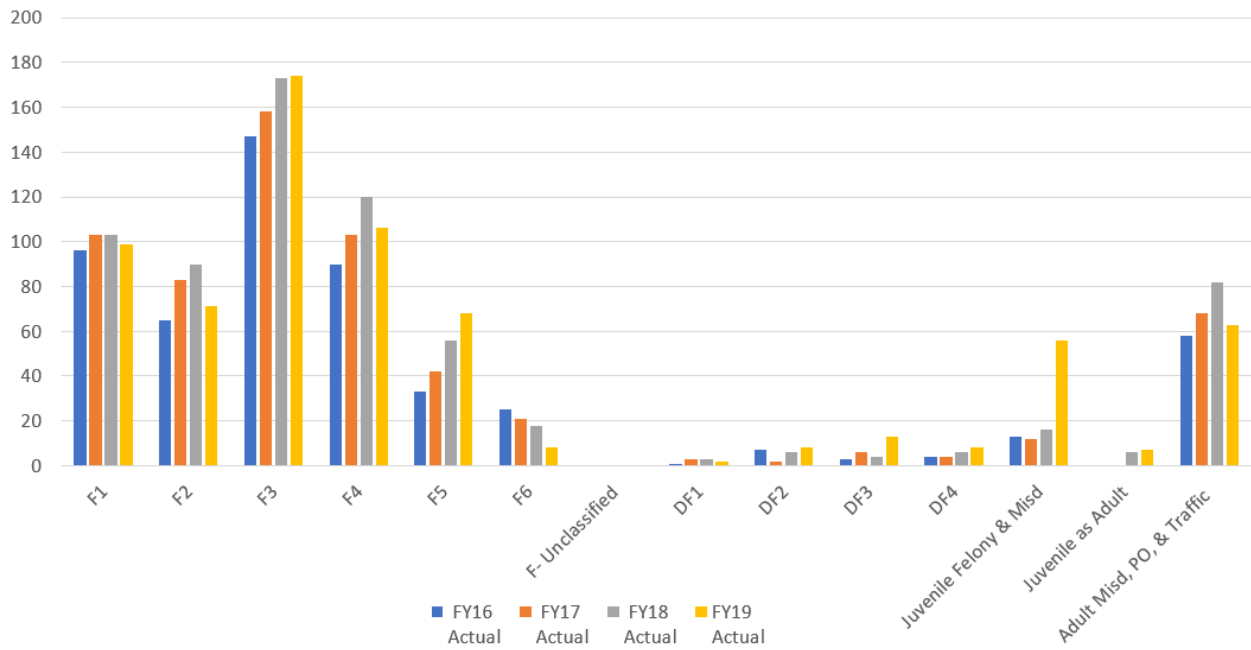


OADC Appeal Cases Workload Indicators FY16 to FY19 Percent of Total

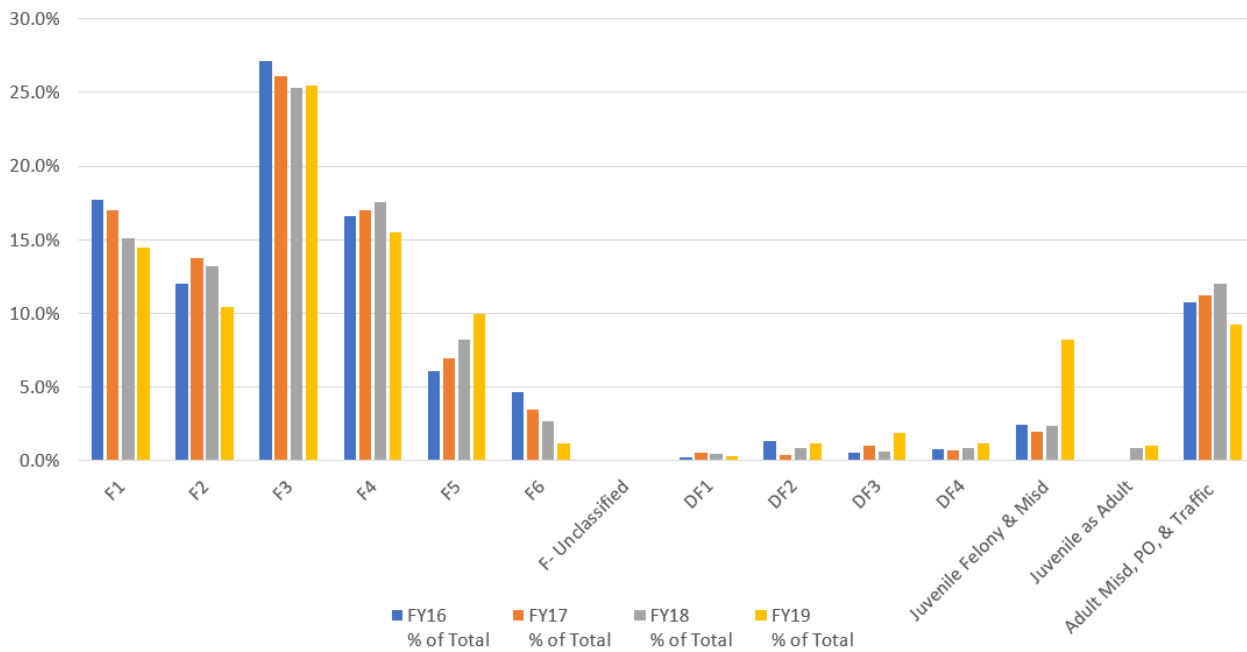


Post-Conviction Cases	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
F1	96	17.7%	103	17.0%	103	15.1%	99	14.5%
F2	65	12.0%	83	13.7%	90	13.2%	71	10.4%
F3	147	27.1%	158	26.1%	173	25.3%	174	25.5%
F4	90	16.6%	103	17.0%	120	17.6%	106	15.5%
F5	33	6.1%	42	6.9%	56	8.2%	68	10.0%
F6	25	4.6%	21	3.5%	18	2.6%	8	1.2%
F- Unclassified					0	0.0%		
DF1	1	0.2%	3	0.5%	3	0.4%	2	0.3%
DF2	7	1.3%	2	0.3%	6	0.9%	8	1.2%
DF3	3	0.6%	6	1.0%	4	0.6%	13	1.9%
DF4	4	0.7%	4	0.7%	6	0.9%	8	1.2%
Juvenile Felony & Misd	13	2.4%	12	2.0%	16	2.3%	56	8.2%
Juvenile as Adult					6	0.9%	7	1.0%
Adult Misd, PO, & Traffic	58	10.7%	68	11.2%	82	12.0%	63	9.2%
Total	542	100.0%	605	100.0%	683	100.0%	683	100.0%

OADC Post-Conviction Workload Indicators FY16 to FY19 Totals



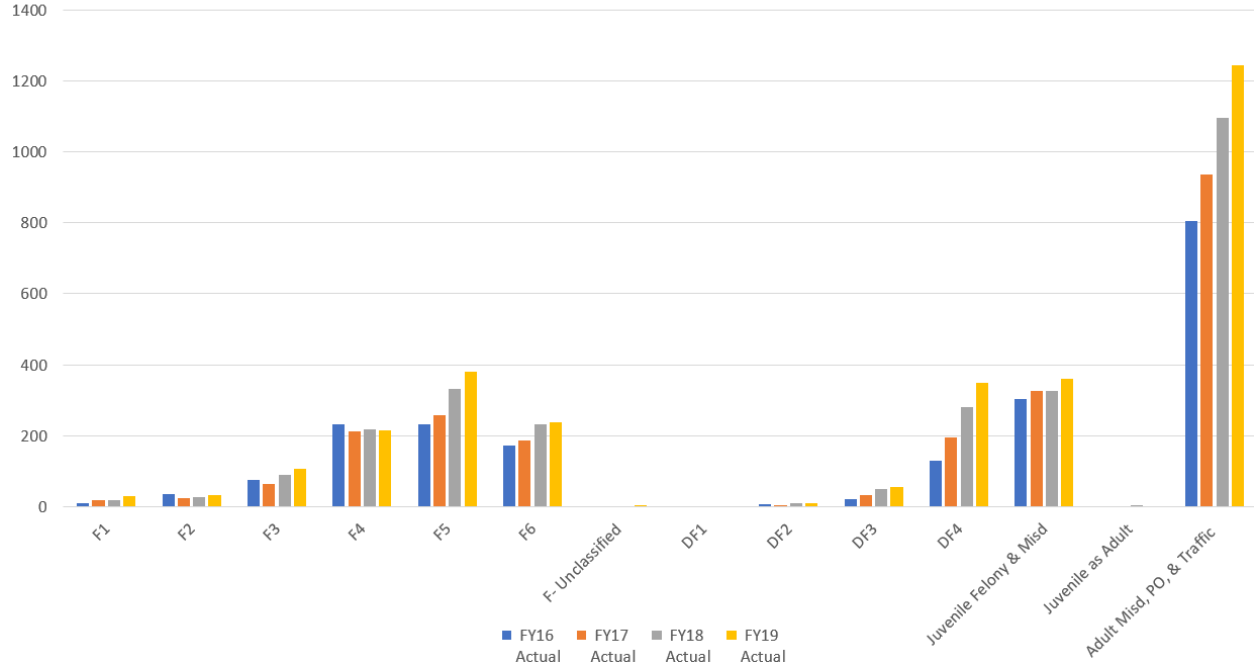
OADC Post-Conviction Workload Indicators FY16 to FY19 Percent of Total



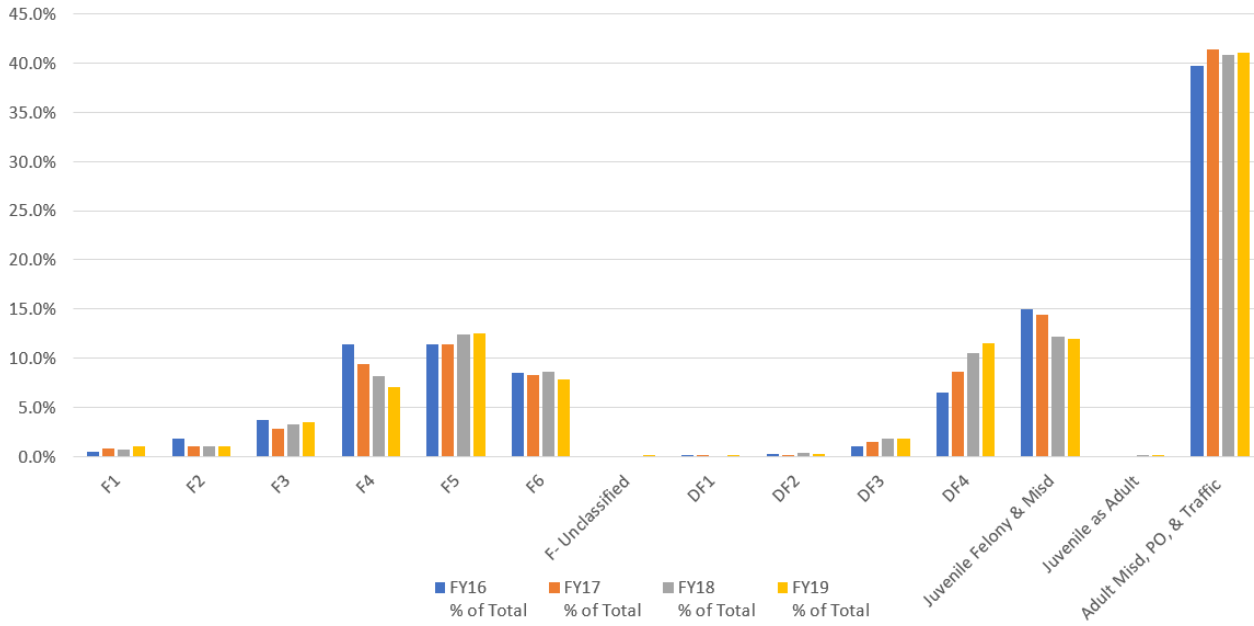
Other / Special Proceedings Cases	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
<i>F1</i>	10	0.5%	19	0.8%	20	0.7%	30	1.0%
<i>F2</i>	36	1.8%	23	1.0%	28	1.0%	32	1.1%
<i>F3</i>	76	3.7%	65	2.9%	89	3.3%	107	3.5%
<i>F4</i>	231	11.4%	213	9.4%	218	8.1%	215	7.1%
<i>F5</i>	232	11.4%	257	11.4%	332	12.4%	380	12.5%
<i>F6</i>	173	8.5%	187	8.3%	232	8.6%	238	7.9%
<i>F- Unclassified</i>					-	0.0%	3	0.1%
<i>DF1</i>	1	0.0%	1	0.0%	-	0.0%	2	0.1%
<i>DF2</i>	6	0.3%	4	0.2%	9	0.3%	9	0.3%
<i>DF3</i>	22	1.1%	34	1.5%	49	1.8%	55	1.8%
<i>DF4</i>	131	6.5%	196	8.7%	281	10.5%	350	11.6%
<i>Juvenile Felony & Misd</i>	304	15.0%	327	14.4%	327	12.2%	362	12.0%
<i>Juvenile as Adult</i>					4	0.1%	1	0.0%
<i>Adult Misd, PO, & Traffic</i>	806	39.7%	937	41.4%	1,095	40.8%	1,244	41.1%
Total	2,028	100.0%	2,263	100.0%	2,684	100.0%	3,028	100.0%

** 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.*

Other / Special Proceedings Workload Indicators FY16 to FY19 Totals

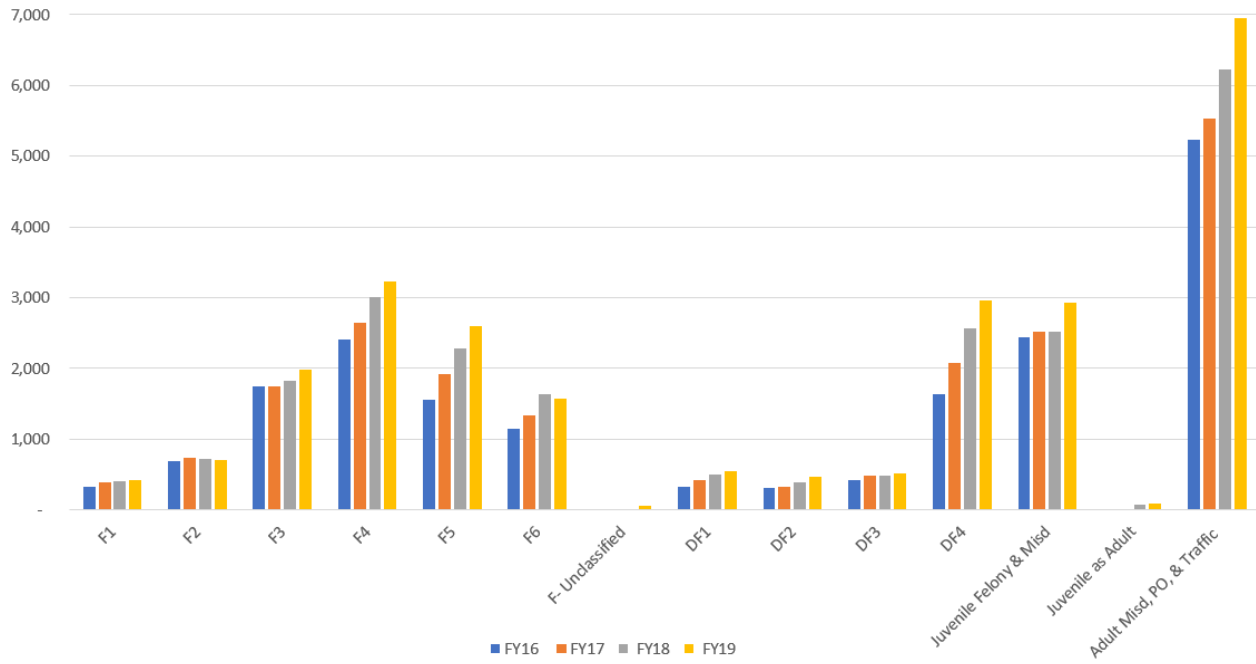


Other / Special Proceedings Workload Indicators FY16 to FY19 Percent of Total

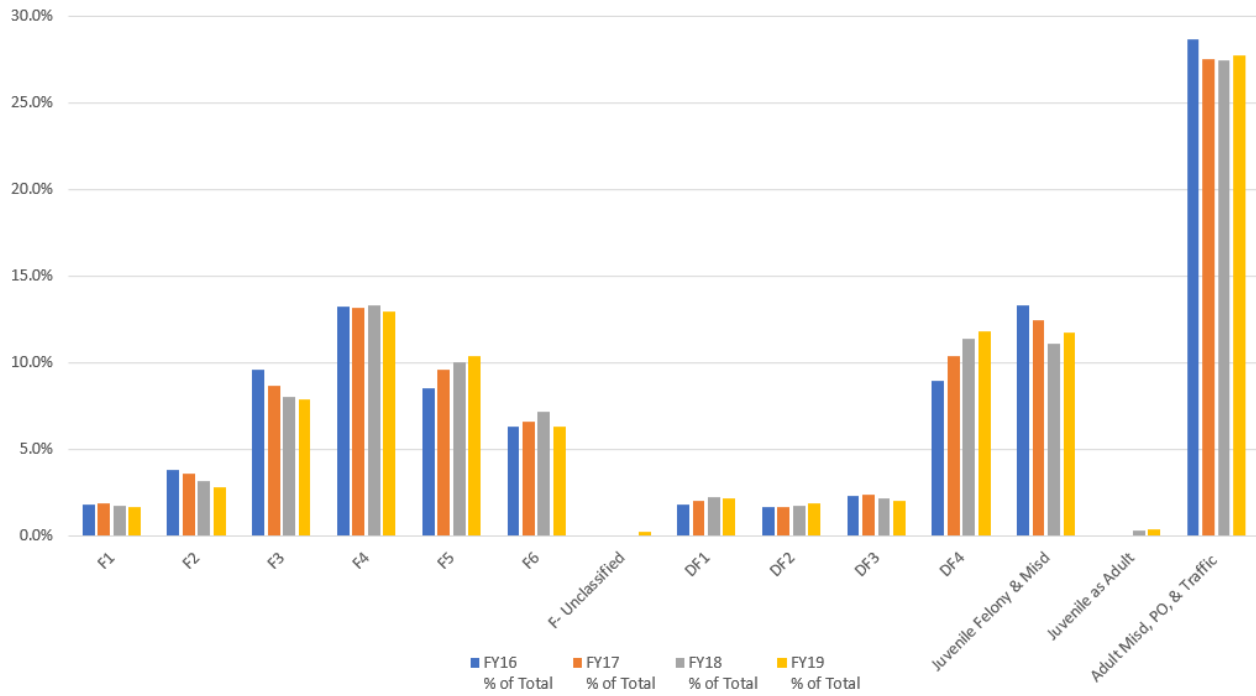


Total Cases	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
F1	327	1.8%	387	1.9%	398	1.8%	413	1.7%
F2	694	3.8%	731	3.6%	721	3.2%	698	2.8%
F3	1,746	9.6%	1,741	8.7%	1,820	8.0%	1,977	7.9%
F4	2,410	13.2%	2,644	13.2%	3,013	13.3%	3,234	12.9%
F5	1,550	8.5%	1,925	9.6%	2,277	10.1%	2,605	10.4%
F6	1,154	6.3%	1,330	6.6%	1,631	7.2%	1,579	6.3%
F- Unclassified					1	0.0%	56	0.2%
DF1	333	1.8%	413	2.1%	507	2.2%	553	2.2%
DF2	310	1.7%	332	1.7%	396	1.7%	465	1.9%
DF3	417	2.3%	476	2.4%	489	2.2%	513	2.1%
DF4	1,639	9.0%	2,084	10.4%	2,574	11.4%	2,955	11.8%
Juvenile Felony & Misd	2,433	13.3%	2,511	12.5%	2,511	11.1%	2,936	11.7%
Juvenile as Adult					80	0.4%	92	0.4%
Adult Misd, PO, & Traffic	5,231	28.7%	5,529	27.5%	6,220	27.5%	6,946	27.8%
Grand Total	18,244	100.0%	20,103	100%	22,638	100.0%	25,022	100.0%

OADC Workload Indicators FY16 to FY19 Totals



OADC Workload Indicators Percent of Total



Total Cases by Type	FY15 Actual	FY15 % of Total	FY16 Actual	FY16 % of Total	FY17 Actual	FY17 % of Total	FY18 Actual	FY18 % of Total	FY19 Actual	FY19 % of Total
Adult Felony	9,972	59.8%	10,580	58.0%	12,063	60.0%	13,827	61.1%	15,048	60.1%
Juvenile Felony & Misd	2,025	12.1%	2,433	13.3%	2,511	12.5%	2,511	11.1%	2,936	11.7%
Juvenile as Adult							80*	0.4%	92*	0.4%
Adult Misd, PO, & Traffic	4,683	28.1%	5,231	28.7%	5,529	27.5%	6,220	27.5%	6,946	27.8%
Grand Total	16,680	100.0%	18,244	100.0%	20,103	100.0%	22,638	100.0%	25,022	100.0%

* The OADC did not track Juvenile as Adult prior to FY18

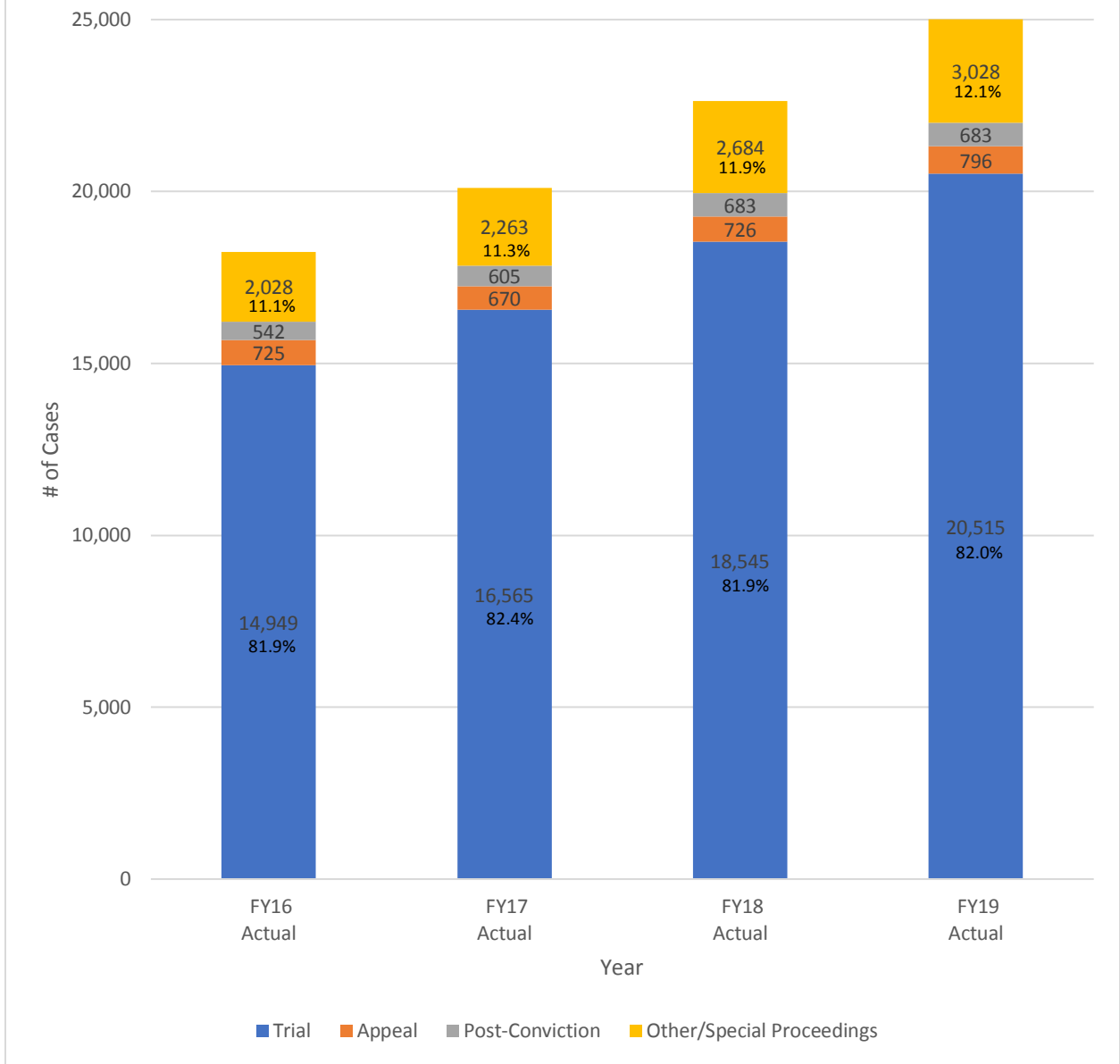


* The OADC did not track Juvenile as Adult prior to FY18

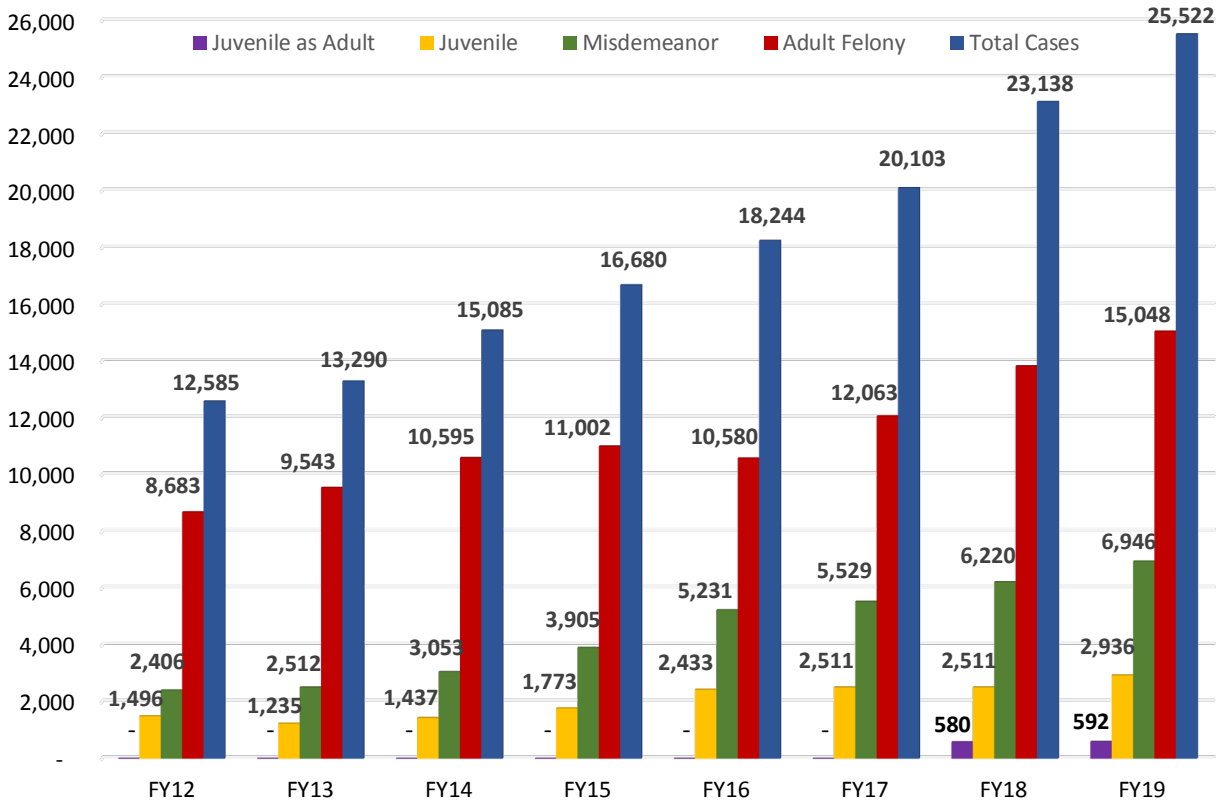
Totals Cases by Category	FY16	FY16	FY17	FY17	FY18	FY18	FY19	FY19
	Actual	% of Total	Actual	% of Total	Actual	% of Total	Actual	% of Total
Trial	14,949	81.9%	16,565	82.4%	18,545	81.9%	20,515	82.0%
Appeal	725	4.0%	670	3.3%	726	3.2%	796	3.2%
Post Conviction	542	3.0%	605	3.0%	683	3.0%	683	2.7%
*Other/Special Proceedings	2,028	11.1%	2,263	11.3%	2,684	11.9%	3,028	12.1%
Grand Total	18,244	100.0%	20,103	100.0%	22,638	100.0%	25,022	100.0%

** 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 Cases by Category

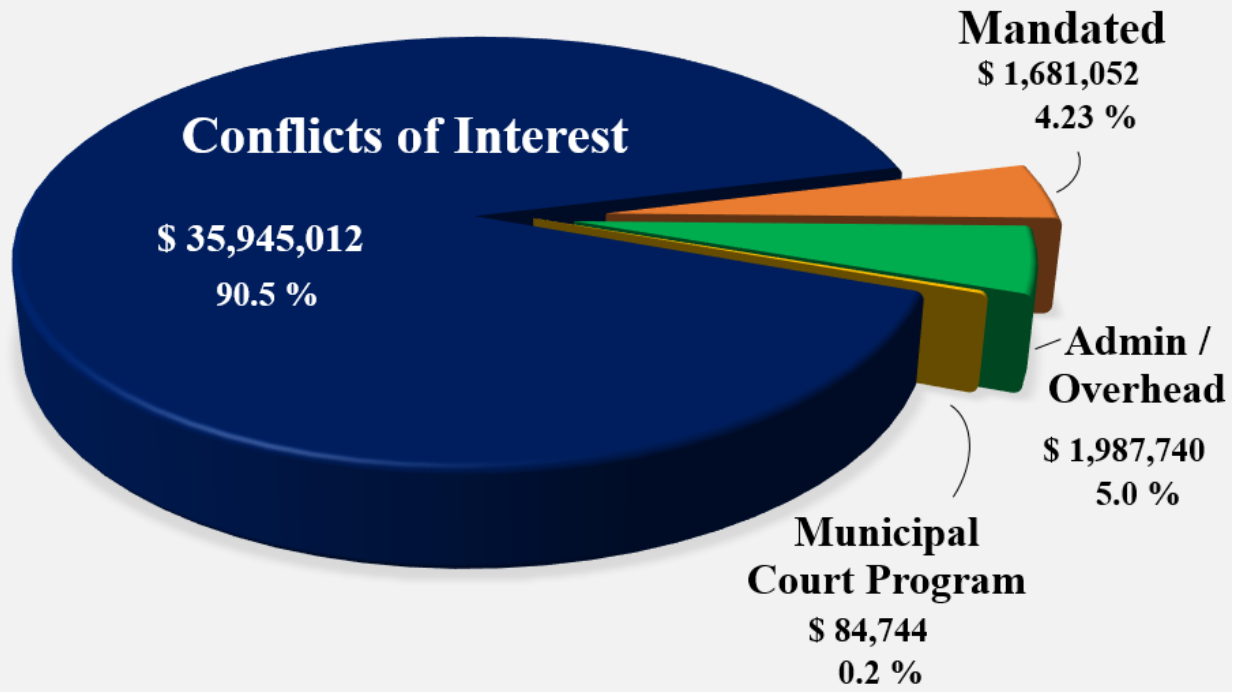


Case Count : FY12 - FY19



Average Cost per Case by Type	FY10	FY11	FY12	FY13	FY14	FY15*	FY16	FY17	FY18	FY19
Adult Felony	\$ 2,308	\$ 2,204	\$ 2,256	\$ 2,136	\$ 2,184	\$ 2,470	\$ 2,293	\$ 2,152	\$ 2,019	\$ 2,061
<i>change from prev FY</i>		-4.5%	2.4%	-5.3%	2.2%	13.1%	-7.2%	-6.1%	-6.2%	2.1%
Juvenile	\$ 498	\$ 474	\$ 579	\$ 562	\$ 635	\$ 810	\$ 850	\$ 866	\$ 904	\$ 931
<i>change from prev FY</i>		-4.8%	22.2%	-2.9%	13.0%	27.6%	4.9%	1.9%	4.4%	3.0%
Misdemeanors	\$ 510	\$ 510	\$ 502	\$ 499	\$ 508	\$ 517	\$ 483	\$ 448	\$ 422	\$ 425
<i>change from prev FY</i>		0.0%	-1.6%	-0.6%	1.8%	1.8%	-6.6%	-7.2%	-5.9%	0.9%
Overall Average Cost per Case	\$ 1,697	\$ 1,620	\$ 1,641	\$ 1,593	\$ 1,599	\$ 1,722	\$ 1,581	\$ 1,523	\$ 1,456	\$ 1,474
<i>change from prev FY</i>		-4.5%	1.3%	-2.9%	0.4%	7.7%	-8.2%	-3.7%	-4.4%	1.2%

**FY18-19
TOTAL EXPENDITURES FOR THE OADC**



Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Caseload Increase

Priority Number: R-1

Dept. Approval Date: 10/31/2019

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2020-21 |
| <input type="checkbox"/> Base Reduction Item FY 2020-21 |
| <input type="checkbox"/> Supplemental FY 2019-20 |
| <input type="checkbox"/> Budget Amendment FY 2019-20 |

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	45,576,606	-	45,576,606	4,202,859	49,779,465
	FTE	-	-	-	-	-
	GF	45,576,606	-	45,576,606	4,202,859	49,779,465
Conflicts-of-Interest Contracts	Total	42,654,216	-	42,654,216	3,933,370	46,587,586
	FTE	-	-	-	-	-
	GF	42,654,216	-	42,654,216	3,933,370	46,587,586
Mandated Costs	Total	2,922,390	-	2,922,390	269,489	3,191,879
	FTE	-	-	-	-	-
	GF	2,922,390	-	2,922,390	269,489	3,191,879

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

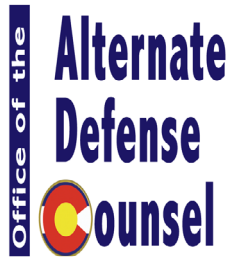
Cash or Federal Fund Name and CORE Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:



FY 2020-21 Funding Request Decision Item R-1

Agency Priority: Decision Item R - 1				
Caseload Increase				
Summary of Funding/FTE Change for FY20 & FY21	Total Funds	General Funds	Cash Funds	FTE
OADC Caseload Increase FY21	\$ 4,202,859	\$ 4,202,859	\$ 0	0.00
Total Request	\$ 4,202,859	\$ 4,202,859	\$ 0	0.00

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests \$3,933,370 for its Conflict-of-interest Contracts Long Bill Line Item (LBI) and \$269,489 for its Mandated LBI, or \$4,202,859 to fund the Agency’s projected caseload increase for FY21.

The Problem and Opportunity:

As evidenced by the chart below, the OADC has seen a steady caseload increase from FY12 to FY19. Current FY20 billing data suggests that this trend will continue.

	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY19 Actuals	FY20 Estimated	FY21 Estimated
Caseload	12,585	13,290	15,085	16,680	18,244	20,103	22,638	25,022	27,072	29,923
Caseload % change	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	10.53%	8.19%	10.53%

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 predict or control its caseload and corresponding expenditures.

Proposed Solution:

Increase the Agency’s total base budget for FY20-21 by \$4,202,859 to its Conflict-of-interest Contracts and Mandated Costs LBLIs to accommodate the increasing caseload.

Alternatives:

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

Anticipated Outcomes:

Since the Agency has no control over the number of cases it is mandated to handle, the anticipated outcome is that the Agency will be able to pay its contractors for work performed.

Operational Details:

The OADC FY20-21 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 FY19 average cost per case of \$1,474.17 and multiplies it by the estimated caseload increase from FY20 to FY21 as represented in the chart below:

Actual Cases FY19	Estimated Cases FY20	Estimated Cases % Increase	Estimated Cases FY21
25,022	27,074	10.53%	29,925

Revised Estimated Additional Cases from FY19 to FY20	27,074
Estimated Cases FY21	29,925
Additional Cases for FY21	2,851

Average* Cost per Case in FY19	\$ 1,474.17
--------------------------------	-------------

Estimate Additional Budget Needed for FY21	\$ 4,202,859
	\$ 4,202,859

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 on other state agencies.

Relation to Performance Measures: Performance Measure B.

The OADC's primary goal is to provide competent and cost-effective legal representation statewide 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
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Coordinator of Adjunct Services

Priority Number: R-2

Dept. Approval Date: 10/31/2019

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2020-21 |
| <input type="checkbox"/> Base Reduction Item FY 2020-21 |
| <input type="checkbox"/> Supplemental FY 2019-20 |
| <input type="checkbox"/> Budget Amendment FY 2019-20 |

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	2,212,700	-	2,212,700	122,049	2,334,749
	FTE	14.0	-	14.0	1.0	-
	GF	2,212,700	-	2,212,700	122,049	2,334,749
Personal Services	Total	1,600,296	-	1,600,296	91,452	1,691,748
	FTE	14.0	-	14.0	1.0	15.0
	GF	1,600,296	-	1,600,296	91,452	1,691,748
Health, Life, Dental	Total	208,622	-	208,622	13,767	222,389
	FTE	-	-	-	-	-
	GF	208,622	-	208,622	13,767	222,389
Short-Term Disability	Total	2,773	-	2,773	144	2,917
	FTE	-	-	-	-	-
	GF	2,773	-	2,773	144	2,917
AED SB 04-257	Total	88,118	-	88,118	4,068	92,186
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	4,068	92,186
SAED SB 06-235	Total	88,118	-	88,118	4,068	92,186
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	4,068	92,186
Operating	Total	221,300	-	221,300	1,350	222,650
	FTE	-	-	-	-	-
	GF	221,300	-	221,300	1,350	222,650
Capital Outlay	Total	3,473	-	3,473	7,200	10,673
	FTE	-	-	-	-	-
	GF	3,473	-	3,473	7,200	10,673

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:

FY 2020-21 Funding Request
 Decision Item R-2

Agency Priority: Decision Item R - 2				
Coordinator of Adjunct Services				
Summary of Funding/FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$ 113,499	\$ 113,499	\$ 0	1.00
Operating Expenses	\$ 1,350	\$ 1,350	\$ 0	0.00
Capital Outlay	\$ 7,200	\$ 7,200	\$ 0	0.00
Total Request	\$ 122,049	\$ 122,049	\$ 0	1.00

Request Summary:

The OADC is requesting \$122,049 and 1.0 FTE to create the position of Coordinator of Adjunct Services. This position will assist the Agency in achieving its 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.”

The History, the Problem, and the Opportunity:

The Office of the Alternate Defense Counsel is recognized as a national leader in the delivery of competent and cost-effective legal representation to indigent defendants, as noted in The Champion® Issue January-February 2019 Page: 47. A vital part of the OADC's success has been accomplished by developing a network of contractors who can support the OADC contracting attorneys (i.e., investigators, paralegals, social workers, legal researchers, case assistants, and interns). This support network is necessary because the vast majority of OADC contracting attorneys are sole practitioners or members of two or three-person law firms that do not have in-house resources. Providing support services is not just a good idea; it is the law. See § 21-2-101(1), C.R.S. "The general assembly hereby declares that the alternate defense counsel at all times shall ... provide to indigent persons accused of crimes legal services that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function." See also § 18-1-403 C.R.S. "All indigent persons who are charged with or held for the commission of a crime are entitled to legal representation and **supporting services** at state expense, to the extent and in the manner provided for in articles 1 and 2 of title 21, C.R.S."

A robust system of contractors who provide support services saves money. The attorneys are the most expensive hourly contractor. Without adequate support services, the attorney is left to do every task necessary to represent the client properly. This attorney-centric model is the most inefficient model imaginable. The OADC pays contracting attorneys between \$75-\$95 per hour, depending on the type of case. In comparison, the OADC generally pays the following rates to the various support service providers:

- Investigators (\$44/hr.);
- Social Workers (\$44-53/hr.);
- Paralegals (\$33/hr.);
- Legal Researchers (\$33 to \$50/hr.);
- Case Assistants (\$15/hr.);
- Undergraduate and law school interns and externs (often free).

Investigators, social workers, paralegals, and interns are integral components of a legal team. Each of these individuals plays a vital role in ensuring the cost-effective provision of competent representation. Investigators investigate the case, social workers assist with a variety of tasks from working directly with the client, to finding resources for the client, to creating mitigation reports. Paralegals and interns assist with a variety of tasks to support the team from organizing and reviewing discovery to doing legal research to filing pleadings with the court. Legal researchers and case assistants are similar, but newer components of well-formed and efficient teams.

Legal researchers are people with some level of formal legal training, including licensed attorneys with inadequate criminal experience to be a full contracting attorney; graduates of law school who do not (yet) have a law license, or second or third-year law students with significant experience. As one attorney stated:

The Legal Researcher (who was paid \$33 per hour) did a great job and was an incredible help in getting the case resolved.

Case assistants are people without formal legal training or a formal designation such as a paralegal or investigator. The OADC has determined numerous people can assist an attorney even without formal legal training. For example, our current case assistants include several undergraduate students with an interest in the criminal justice system, a retired K-12 teacher who wants to give back to his community, and the mother of one of our contracting attorneys. The tasks these people complete tend to be time-intensive but not legally complex. For example, one case assistant listened to thousands of phone calls recorded while the client was in jail that the prosecution turned over in discovery. The student made a searchable spreadsheet of who participated in the call, when the call occurred, the length of the phone call, and, generally, the

contents of what was said. The spreadsheet allowed the attorney to quickly discern which phone calls were relevant to the case and saved us literally hundreds of attorney hours (with a concomitant saving of taxpayer funds). As an attorney stated:

Using a case assistant saved 100's if not 1000's of hours of my time.

Another common task for a case assistant is to sit with an in-custody client while the client reviews the discovery in the case. Again, this can save the attorney 50, 60, or more hours on a given case.

Over the last four years, the OADC has reduced the percentage of attorney hours per case and reduced the average cost per case even while the total number of cases has increased.

Proposed Solution:

Hours	FY16		FY17		FY18		FY19	
	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total	% of Total
	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
Attorney	290,324	72.59%	306,892	72.16%	324,420	70.45%	344,026	69.66%
Investigator	67,198	16.80%	71,709	16.86%	76,158	16.54%	76,458	15.48%
Social Worker	10,134	2.53%	13,303	3.13%	17,402	3.78%	24,250	4.91%
Paralegal	27,956	6.99%	28,163	6.62%	32,929	7.15%	38,875	7.87%
Legal Researcher	2,648	0.66%	2,833	0.67%	3,359	0.73%	2,350	0.48%
Runner	720.3	0.18%	919.6	0.22%	251.52	0.05%	37.02	0.01%
Scanner	988.06	0.25%	1459.95	0.34%	1,908	0.41%	1,631	0.33%
Case Assistant		0.00%		0.00%	4,052	0.88%	6,223	1.26%
total hours	399,969	100.00%	425,279	100.00%	460,480	100.00%	493,850	100.00%
Total Cases	18,244		20,103		22,638		25,022	

As the chart above demonstrates, the percentage of attorney hours per case is decreasing while the Paralegal and Case Assistant percentages are increasing. Without regard to case type, the difference in average rate between an attorney (\$80 per hour) and a case assistant (\$15 per hour) is \$65 per hour. For every hour of work a case assistant completes instead of an attorney there is a \$65 savings; 100 hours is \$6,500; and 1,000 hours is \$65,000.

While this model is fiscally responsible, it also provides for better representation of the client. By accomplishing the more mundane, but necessary tasks, the supporting service provider frees up the attorney's time to engage in the more sophisticated aspects of litigation (strategy planning, legal research and writing, trial preparation, etc.)

This model also creates opportunities for the OADC to develop better legal resources, especially in rural communities. Recently, the OADC has partnered with the Legal Entrepreneurs for Justice project to help an inexperienced attorney develop a practice in Alamosa. This partnership is only possible if we can pay the inexperienced attorney a lower hourly rate (as a legal researcher) while also paying the more experienced attorney to assist with the case. This mentoring relationship protects the client, maintains fiscal responsibility, and increases access to justice in rural Colorado.

As the lists of supporting service providers have grown, so too has the time and effort necessary to manage the existing contractors. In addition, the OADC would like to expand this program – especially in the rural areas where services are less easy to obtain. But identifying and recruiting additional support services providers takes time and effort. Unfortunately, the OADC’s current staff cannot carry this load efficiently and effectively. To date, each of the OADC staff has managed what they could:

- Appeals and Post-Conviction Coordinator – paralegals;
- Director and Deputy Director – investigators and experts;
- Social Worker Coordinators – social workers;
- Coordinator of Legal Resources and Technology (COLRAT) – everything else.

No one has the time to organize this system into a truly effective resource for our contracting attorneys.

The COLRAT does his best to coordinate these resources, but he is also responsible for many other tasks that enable the OADC’s contractors to provide better representation more efficiently. For example, the COLRAT prepares written weekly case summaries (including all relevant United States Supreme Court, 10th Circuit, Colorado Supreme Court, and the Colorado Court of Appeals (both published and unpublished cases). These case summaries are now also disseminated by podcast. Preparing the written summaries and podcasts takes an average of more than eighteen hours per week. The importance of this resource to the OADC contractors is incredible.

The following chart is a sample time period showing the contractors usage of the podcast:

TITLE	RELEASED	DOWNLOADS
Episode 134 - OADC Weekly Case Law	10/16/19	38
Episode 133 - OADC Weekly Case Law	10/11/19	62
Episode 132 - OADC Weekly Case Law	10/04/19	52
Episode 131 - OADC Weekly Case Law	09/24/19	48
Episode 130 - OADC Weekly Case Law	09/17/19	58
Episode 129 - OADC Weekly Case Law	09/13/19	60
Episode 128 - OADC Weekly Case Law	09/06/19	61
Episode 127 - OADC Weekly Case Law	08/30/19	53
Episode 126 - OADC Weekly Case Law	08/23/19	57
Episode 125 - OADC Weekly Case Law	08/15/19	68
Episode 124 - OADC Weekly Case Law	08/09/19	55
Episode 123 - OADC Weekly Case Law	07/30/19	49
Episode 121 - OADC Weekly Case Law	07/16/19	69
Episode 122 - OADC Weekly Case Law	07/15/19	57
Episode 120 - OADC Weekly Case Law	07/12/19	71
Episode 119 - OADC Weekly Case Law	07/05/19	74

This chart is a sample time period showing the contractors downloads of the case summaries:

Campaign Name	Total Sent	Open Rate	Total Unique Opens	Mobile Open Rate	Desktop Open Rate	Click Through Rate	Total Unique Clicks	Bounce Rate	Total Bounces	Unsub Rate	Total Unsub
7.3.19 Case Summaries	882	53.90%	467	31.60%	68.40%	4.70%	22	1.80%	16	0.00%	0
7.12.19 Case Summaries	869	50.80%	437	30.20%	69.80%	4.60%	20	1.00%	9	0.00%	0
7.17.19 Case Summaries	869	51.50%	440	33.80%	66.20%	10.20%	45	1.60%	14	0.00%	0
7.26.19 Case Summaries	875	49.80%	427	33.20%	66.80%	10.80%	46	1.90%	17	0.00%	0
8.2.19 Case Summaries	875	49.90%	429	25.50%	74.50%	8.40%	36	1.80%	16	0.00%	0
8.9.19 Case Summaries	880	48.70%	421	25.90%	74.10%	4.00%	17	1.80%	16	0.00%	0
8.16.19 Case Summaries	880	50.20%	434	32.00%	68.00%	7.80%	34	1.70%	15	0.00%	0
8.26.19 Case Summaries	883	55.00%	481	30.20%	69.80%	31.60%	152	0.90%	8	0.00%	0
8.30.19 Case Summaries	883	54.90%	475	31.00%	69.00%	7.80%	37	2.00%	18	0.00%	0
9.06.19 Case Summaries	833	48.20%	394	32.80%	67.20%	1.50%	6	1.80%	15	0.10%	1
9.20.19 Case Summaries	890	44.20%	386	30.00%	70.00%	4.90%	19	1.80%	16	0.00%	0
9.13.19 Case Summaries	890	50.10%	440	24.40%	75.60%	7.50%	33	1.30%	12	0.00%	0

The following are three examples of how much the contractors appreciate and benefit from the case summaries:

Hey, Jonathan. I just wanted to send out a quick thank-you to you. Your case summaries saved my client 5 years in prison! I was completely unaware of the Slaughter decision that just came out.

The court held that the prosecutor's decision to file a COV sentence enhancer on an Assault 2 (Strangulation) case violated equal protection under the Colorado Constitution.

Cassy was really helpful during my trial and did a great job with researching the legal issues that I asked her to focus on. I asked her to dive in with about a month to go before trial and she grasped the issues in the trial very quickly and with the heart of a defender. Her primary roles were doing legal research and helping me with client control during trial and she did a great job in both of these roles.

Jonathan has provided me with assistance on several postconviction cases. First, his summaries of recent state and federal law are an indispensable resource for ADC attorneys to keep updated on the law. I have recently pulled one of the cases cited in his summary and used it in a 35c brief. I can also stay updated as to the status of the law in key IAC (Ineffective Assistance of Counsel) areas due to his summaries. Other attorneys I know sit down on Friday afternoons and listen to his podcast of the summaries as well.

The COLRAT also spends, on average, 12 hours a week answering calls and responding to emails from attorneys requesting guidance. As mentioned above, the majority of OADC contractors are either solo practitioners or in firms of two to three lawyers. Thus, they have limited access to others for case consultation. The COLRAT is one of the primary resources for contractors to brainstorm legal issues, assist with strategic decisions, and answer questions about the law. Between the case summary emails and podcasts, and consulting with contracting attorneys, there is little time left for the other tasks inherent to this position, as discussed below.

For example, the OADC has worked hard to create an on-line repository of legal materials available to all its contractors on a statewide, on-demand basis. This repository ensures equal access to high-quality legal materials for all contractors throughout the state. Plus, by sharing research and written materials, the OADC reduces duplication of effort and redundant expenditures. The process began more than a decade ago and over time has developed into a robust eLibrary with thousands of briefs, motions, legal memoranda, transcripts, and copies of the case summaries. The materials are all vetted for accuracy of content and clarity of thought. Maintaining the efficacy of this eLibrary is yet another part of the COLRAT's responsibilities. Unfortunately, with the amount of time spent on the Case Summaries/Podcasts as well as being on-call to assist the OADC contractors to brainstorm issues, troubleshoot problems, and arrange for support services, the integrity of the eLibrary is beginning to slip. With a little more attention, the eLibrary can become an even more valuable resource to Agency contractors.

I use the online library on about every single 35c case that I litigate.

I identify issues in each case and then I head to the online library to see what resources are available on each issue. For example, I had a complicity jury instruction issue in a recent case. I hopped onto the computer and pulled off the summary that Jonathan did on the issue. I also pulled the key cases from that summary and started my research on the issue from those cites in the summary. The online library is an invaluable resource for ADC attorneys, especially those who are solo practitioners like myself.

An aside: my assault case is in Arapahoe, but I have no doubt that had I not known about the case and brought it up to the DA, they never would have told me about it - despite the case coming out of their own office. Also, keep in mind this wasn't the only time you have helped me out. There are MANY times I have learned new law or insight from you and your summaries and have implemented them into my arguments and motions. This time was just such a clear-cut example of saving my client DOC time that I wanted to send you a special thank you.

The COLRAT has also worked through a couple of sticky legal issues for me as well. His willingness to talk and brainstorm legal issue is appreciated. One issue we have talked about numerous times is how to handle DA's demand for access to defense files under CRS 18-1-417. I now have a framework on how to litigate this issue, thanks to the conversations with Jonathan.

Notwithstanding the above duties, the COLRAT still finds time to organize and preside over mock oral arguments for the OADC attorneys. For each mock oral argument requested, the COLRAT locates at least two appellate attorneys willing to volunteer their time to sit on the mock panel. The COLRAT reads the briefs and prepares questions to ask the presenting attorney to simulate what the presenting attorney will face during the real oral argument to the Colorado Court of Appeals or Supreme Court.

*Dear Panel and ADC members,
Thank you so much for generously donating your time and acumen to my mock oral argument. It was immensely helpful, and I feel much better about the new tack I'm taking.*

Since 2014, when the OADC created the COLRAT position, the OADC has established a track record of better resources and saving money. However, the responsibilities of the position are now beyond the capabilities of a single person. An additional full-time employee could conduct the outreach to develop additional resources (particularly in the rural areas), manage a list of the available contractors and liaison with the attorneys to make sure they received the most qualified person at the lowest hourly rate for any given task. This additional person could also help to maintain the eLibrary, edit and publish the case summaries, coordinate mock oral arguments, and generally give the COLRAT time to develop additional cost-saving resources that help the OADC attorneys provide better representation.

Proposed Solution:

The OADC proposes adding 1.0 FTE, to create a position of Coordinator of Adjunct Services, funded by an offset in the Conflict-of-interest Contract service appropriation line item. The duties of this position will include: conducting the outreach to develop additional resources (particularly in the rural areas), managing a list of the available contractors, and liaison with the attorneys to make sure they received the most qualified person at the lowest hourly rate for any given task. Additionally, the duties would include maintaining the eLibrary, adding new material, culling out old and outdated material, and ensuring the usefulness of this resource.

This new FTE will help the OADC continue to control the average cost per case while maintaining high-quality representation for indigent defendants and juveniles in criminal cases.

Alternatives:

The alternative is to continue contracting with individuals and using interns, on a part-time basis, to provide limited assistance through less expensive contractors on cases, and sporadic updates to the eLibrary. The OADC will be unable to maximize the positive effects of a centralized system of resources for its contractors and the practical uses of available technology. The Agency would have to forego an intern program because there would be insufficient qualified supervision. This alternative is not recommended because the reliability and efficacy of the eLibrary would be limited by the part-time nature of this venture, and the Agency would only be able to assist a minimal number of lawyer contractors with research questions and issues. The result would be a reduced ability to control the average billable attorney hours per case, and less effective representation for indigent defendants and juveniles.

Anticipated Outcomes:

To save the taxpayers money while meeting the Agency's performance measures.

Operational Details:

The additional 1.0 FTE will be added to the OADC's Personal Services line

Why this is the best possible alternative:

The OADC believes the best alternative is to hire an additional employee to manage the eLibrary and the Adjunct Services. This FTE would free up the COLRAT to more effectively answer legal questions posed by attorneys, while still being able to focus his energies on the Case Summaries and Podcast. The COLRAT would continue to supervise the Coordinator of Adjunct Services, to maximize the knowledge base of these two positions, and leverage that into improved delivery of services through better and more accessible Adjunct Services, more available legal consultation, and an improved eLibrary.

Assumptions for Calculations:

PERA	10.90%
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 2020 Monthly Salary Base	PERA	AED	SAED	Medicare	STD	HLD
Coordinator of Adjunct Services	R42473	1.0	\$ 6,784	739	339	339	\$ 98	12	\$ 1,147

Annualized \$ 81,408 \$ 8,868 \$ 4,068 \$ 4,068 \$ 1,176 \$ 144 \$ 13,767
 Personal Services & Related POTS \$ 113,499
 Capital Outlay \$ 7,200
 Operating \$ 1,350

Total DI # R-2 FTE Request (FY21) \$ 122,049

Consequences if not funded:

If this proposed position is not funded, the OADC anticipates that it will be more difficult to control attorney hours and/or cost per case, in both the long and short run. Each week, more appellate opinions are produced by the appellate courts of Colorado and other relevant bodies, requiring more time from the COLRAT to summarize them for the contractors. This allows less time to consult, even less to manage the Adjunct Services, and less time to maintain the eLibrary. The reduction in each of these services will result in increased taxpayer cost through the inefficiency of attorneys doing everything (including legal research), at the increased attorney hourly rate.

Impact on Other State Government Agency:

The OADC is willing to share access to the eLibrary, the criminal law case summaries, and any manuals that are created with the Office of the Colorado State Public Defender.

Relation to Performance Measures: Performance Measure:

Performance Measure B: Contain the total number of Attorney hours per case. Performance Measure D: Provide Cost-Effective Research Tools and Resources to ADC Contractors.

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Staff Accountant

Priority Number: R-3

Dept. Approval Date: 10/31/2019

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2020-21 |
| <input type="checkbox"/> Base Reduction Item FY 2020-21 |
| <input type="checkbox"/> Supplemental FY 2019-20 |
| <input type="checkbox"/> Budget Amendment FY 2019-20 |

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	2,212,700	-	2,212,700	116,373	2,329,073
	FTE	14.0	-	14.0	1.0	-
	GF	2,212,700	-	2,212,700	116,373	2,329,073
Personal Services	Total	1,600,296	-	1,600,296	86,244	1,686,540
	FTE	14.0	-	14.0	1.0	15.0
	GF	1,600,296	-	1,600,296	86,244	1,686,540
Health, Life, Dental	Total	208,622	-	208,622	13,767	222,389
	FTE	-	-	-	-	-
	GF	208,622	-	208,622	13,767	222,389
Short-Term Disability	Total	2,773	-	2,773	132	2,905
	FTE	-	-	-	-	-
	GF	2,773	-	2,773	132	2,905
AED SB 04-257	Total	88,118	-	88,118	3,840	91,958
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	3,840	91,958
SAED SB 06-235	Total	88,118	-	88,118	3,840	91,958
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	3,840	91,958
Operating	Total	221,300	-	221,300	1,350	222,650
	FTE	-	-	-	-	-
	GF	221,300	-	221,300	1,350	222,650
Capital Outlay	Total	3,473	-	3,473	7,200	10,673
	FTE	-	-	-	-	-
	GF	3,473	-	3,473	7,200	10,673

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:

FY 2020-21 Funding Request
 Decision Item R-3

Agency Priority: Decision Item R - 3				
Staff Accountant				
Summary of Funding/FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$ 107,823	\$ 107,823	\$ 0	1.00
Operating Expenses	\$ 1,350	\$ 1,350	\$ 0	0.00
Capital Outlay	\$ 7,200	\$ 7,200	\$ 0	0.00
Total Request	\$ 116,373	\$ 116,373	\$ 0	0.00

Request Summary:

The OADC is requesting \$116,373 and 1.0 FTE to create a position of Staff Accountant. This position will assist with several overburdened areas within the Financial Division:

- Assisting the Billing Administrator with contractor invoice review, entry corrections, billing correspondence, State Warrant reconciliations, and regular billing audits to ensure compliance with OADC payment directives;
- Addressing the growing needs of operational functions within the Division including:
 - procurement card tracking,
 - staff and contractor travel coordination,
 - review, process, and audit internal reimbursements,
 - cash receipt processing,
 - office motor pool administration;
- Assisting the Chief Financial Officer with monthly year-end journal entries, CORE budget entries, payroll reconciliations, and OSA audit requests.

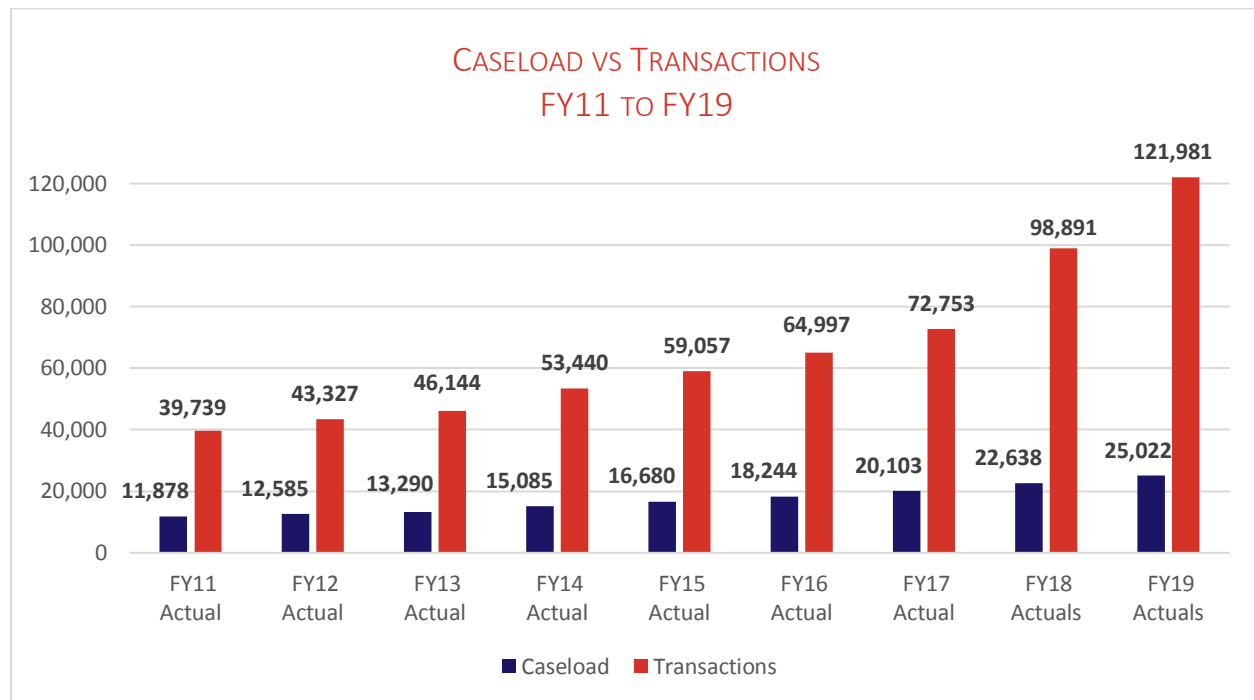
The Problem and Opportunity:

The OADC is struggling to meet contractual bill processing deadlines (30 days from submission of invoice). As the Agency’s caseload and payments continue to rise, this problem will increase without an additional FTE and further burnout the current employee. The Agency lacks a

sustainable backup staff to step in when needed and has no succession plan for the position with regards to future growth. As the chart in the 'Brief Background' section shows, the number of bills processed from FY04 to FY19 has increased by more than 400%. Since FY04, there has been only 1 FTE dedicated to processing contractor payments.

The Agency's growth has also put a strain on its operational functions such as internal and contractor travel card reconciliations which averaged about \$16,000/month in FY19. This process, like many others in the Agency, has no cross-training or backup to the current position's duties. Procurement card reconciliations, internal reimbursements, cash receipt approvals, and the newly added motor pool plan are all the responsibility of one individual, who is also the contractor appointment approver for the Agency's billing system.

The Agency cannot afford to burn out or potentially lose its two most senior staff who have been with the Agency the longest of any of its current employees. One of the individuals started in 2004, and the other started with the founding of the Agency in 1996.



Brief Background:

The Problem and Opportunity section above and the chart below supply the background for this request.

	FY04	FY11	FY14	FY15	FY16	FY19
Director & Deputy	2	2	2	2	2	2
FTE - Admin	3	3.5	3.5	3.5	5	5
FTE - Program	0	2	3	4	4	9
Total FTE	5	7.5	8.5	9.5	11	16
Cases	11,100	11,880	15,085	14,479	15,085	25,022
Payments	21,722	39,739	53,440	59,057	64,997	121,981
Expenditures	\$11,901,679	\$20,496,774	\$25,453,717	\$29,694,094	\$30,037,642	\$39,658,549

Proposed Solution:

For the FY2020-21 request year, the OADC is requesting \$116,373 for a Staff Accountant to accommodate the continued growth of the billing process.

Alternatives:

The OADC could train and pay outside contractors to help the Agency. This training would require additional time, thus diverting present staff from their otherwise overwhelming duties, causing more backlogs, and resulting in further inefficiencies within the Agency.

Anticipated Outcomes:

Without the additional FTE, the Agency will receive more invoices than staff can process in a timely manner, and the Agency will be in breach of its contracts. It also runs the risk of burning out current, senior staff.

Operational Details:

The additional 1.0 FTE will be added to the OADC Budget beginning July 1, 2020.

Why this is the best possible alternative:

Appropriating the FTE will not only promote timeliness in payment processing but will also strengthen the Agency’s Financial Division by creating cross-training opportunities, adding additional audit resources, and further strengthening its accountability to the State of Colorado.

Assumptions for Calculations:

PERA	10.90%
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 2020 Monthly Salary Base	PERA	AED	SAED	Medicare	STD	HLD
Staff Accountant	R43330	1.0	\$ 6,397	697	320	320	\$ 93	11	\$ 1,147

Annualized \$ 76,764 \$ 8,364 \$ 3,840 \$ 3,840 \$ 1,116 \$ 132 \$ 13,767

Personal Services & Related POTS \$ 107,823

Capital Outlay \$ 7,200

Operating \$ 1,350

Total DI # R-3 FTE Request (FY21) \$116,373

Consequences if not funded: The OADC will not meet its billing obligations to contractors.

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

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

Current Statutory Authority of Needed Statutory Change: N/A

This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Programs Analyst

Priority Number: R-4

Dept. Approval Date: 10/31/2019

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2020-21 |
| <input type="checkbox"/> Base Reduction Item FY 2020-21 |
| <input type="checkbox"/> Supplemental FY 2019-20 |
| <input type="checkbox"/> Budget Amendment FY 2019-20 |

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	2,212,700	-	2,212,700	117,653	2,330,353
	FTE	14.0	-	14.0	1.0	-
	GF	2,212,700	-	2,212,700	117,653	2,330,353
Personal Services	Total	1,600,296	-	1,600,296	82,848	1,683,144
	FTE	14.0	-	14.0	1.0	15.0
	GF	1,600,296	-	1,600,296	82,848	1,683,144
Health, Life, Dental	Total	208,622	-	208,622	13,767	222,389
	FTE	-	-	-	-	-
	GF	208,622	-	208,622	13,767	222,389
Short-Term Disability	Total	2,773	-	2,773	120	2,893
	FTE	-	-	-	-	-
	GF	2,773	-	2,773	120	2,893
AED SB 04-257	Total	88,118	-	88,118	3,684	91,802
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	3,684	91,802
SAED SB 06-235	Total	88,118	-	88,118	3,684	91,802
	FTE	-	-	-	-	-
	GF	88,118	-	88,118	3,684	91,802
Operating	Total	221,300	-	221,300	6,350	227,650
	FTE	-	-	-	-	-
	GF	221,300	-	221,300	6,350	227,650
Capital Outlay	Total	3,473	-	3,473	7,200	10,673
	FTE	-	-	-	-	-
	GF	3,473	-	3,473	7,200	10,673

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

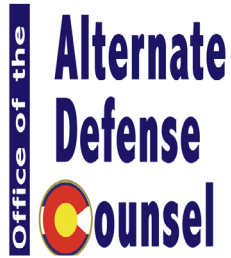
Cash or Federal Fund Name and CORE Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:



FY 2020-21 Funding Request Decision Item R-4

Agency Priority: Decision Item R - 4				
Programs Analyst				
Summary of Funding/FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$ 104,103	\$ 104,103	\$ 0	1.00
Operating Expenses (FTE)	\$ 1,350	\$ 1,350	\$ 0	0.00
Capital Outlay	\$ 7,200	\$ 7,200	\$ 0	0.00
Operating Expenses (Software)	\$ 5,000	\$ 5,000	\$ 0	0.00
Total Request	\$ 117,653	\$ 117,653	\$ 0	1.00

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$117,653 General Fund to add a Programs Analyst and \$5,000 General Fund for an online analytics software program. The OADC needs this individual to increase the OADC’s ability to perform essential analysis of the available data for oversight, evaluations, and forecasting functions.

Brief Background:

This decision item is similar to the FY20 FTE requests of two Judicial Branch agencies, the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC), both of which were approved. In FY19, the Office of the State Auditor (OSA) completed a performance audit of the OCR. Among the OSA’s key recommendations was a recommendation to “improve its policies and processes for evaluating, overseeing and managing contract attorney performances.” The OADC reviewed this and determined the Agency would benefit from such a Programs Analyst, but expand the duties not only to encompass Evaluation and Training but also other areas within the Agency, including Municipal Courts, Juvenile, Social Worker, Legal Research, Post-Conviction/Appellate, Public Information, and Financial.

The Problem and Opportunity:

The OADC’s FY20 budget request included an item to increase General Fund Operating by \$132,879 for an Artificial Intelligence-based software to improve caseload and expenditure forecasts for future budget requests. The JBC did not recommend funding for the request, but the Agency’s need to better forecast caseload and expenditure growth remains. To remedy this,

the Agency has begun taking steps to utilize advanced analytics, which includes a trial version of an analytical software called Tableau. The full version of this software costs \$5,000 per fiscal year. To fully invest and expand beyond the recommendations laid out by the OSA audit, the OADC anticipates the need for a fulltime FTE to fully support the forecasting and analytical needs of the Agency and better meet the requirements of the SMART Act.

Proposed Solution:

The OADC proposes adding 1.0 FTE to for a Programs Analyst totaling \$112,653 and \$5,000 to the Agency’s Operating line for an analytics software program.

Adding the Programs Analyst will:

- Allow the Agency to better forecast caseload and expenditures.
- Provide better oversight and data collection and analysis.
- Improve SMART Act reporting requirements.
- Improve the Agency’s policies and processes for evaluating, overseeing, and managing contractor performance.

Anticipated Outcomes:

The Agency will be able to better utilize the data it has to forecast the Agency’s budgetary obligations.

Operational Details:

The additional 1.0 FTE will be added to the OADC’s Personal Services line, and the \$5,000 base building amount will be added to the Operating line.

Assumptions for Calculations:

PERA	10.90%
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 2020 Monthly Salary Base	PERA	AED	SAED	Medicare	STD	HLD	
Programs Analyst	R42472	1.0	\$ 6,145	670	307	307	\$ 89	10	\$ 1,147	
			Annualized \$	73,740	\$ 8,040	\$ 3,684	\$ 3,684	\$ 1,068	\$ 120	\$ 13,767
									Personal Services & Related POTS	\$ 104,103
									Capital Outlay	\$ 7,200
									Operating	\$ 1,350
									Total DI # R-3 FTE Request (FY21)	\$ 112,653

Consequences if not funded:

The OADC would work at its current compacity and continue to struggle with data collection and forecasting, and insufficient contractor oversight.

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

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Operating Adjustments

Priority Number: R-5

Dept. Approval Date: 10/31/2019

- Decision Item FY 2020-21
 Base Reduction Item FY 2020-21
 Supplemental FY 2019-20
 Budget Amendment FY 2019-20

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	221,300	-	221,300	57,545	278,845
	FTE	-	-	-	-	-
	GF	221,300	-	221,300	57,545	278,845
Operating	Total	221,300	-	221,300	57,545	278,845
	FTE	-	-	-	-	-
	GF	221,300	-	221,300	57,545	278,845

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:

FY 2020-21 Funding Request
 Decision Item R-5

Agency Priority: Decision Item R - 5				
Operating Adjustments				
Summary of Funding/FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Operating – FY21 Base building request	\$ 7,545	\$ 7,545	\$ 0	0.00
Operating – FY21 One-time request	\$ 50,000	\$ 50,000	\$ 0	0.00
Total Request	\$ 57,545	\$ 57,545	\$ 0	0.00

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests \$57,545 for its Operating Long Bill Line Item (LBI) for FY21. The request includes a \$50,000 one-time funding increase and a \$7,545 base building increase.

The Problem and Opportunity:

1. When the OADC moved from its Logan street address to the newly constructed Ralph Carr Building, the State Court Administrators’ Office (SCAO) centrally appropriated many Operating items such as furniture, datacenter equipment, leased space, etc. Most of those expenses remain budgeted and expensed at the SCAO/Department level. One of those items was the ShoreTel/Mitel phone system, which includes phones for each of the current OADC staff. The annual customer support for these phones was paid for by the SCAO until December of 2016. The annual cost is \$1,045, which the OADC now pays out of its operating budget. The OADC is requesting a base-building appropriation of \$1,045 to cover this cost.
2. As the number of OADC contractors continues to increase, the Agency foresees a need for additional Westlaw Licenses. The Agency is requesting funding for 50 Westlaw licenses totaling a base building cost of \$6,500/yr.
3. As the OADC continues to evolve and grow so it can better meet the needs of its contractors, and the statutory services they provide to the State of Colorado, the need for office space has also grown. The OADC only has one office to house the three new

FTEs. The Agency is requesting \$40,000 (non-base-building) to supplement the R-3 and R-4 Capital Outlay costs of \$5,000/FTE to build out two additional offices within the Agency’s current space. Given the financial and data analytics nature of these positions, as well as the limited physical space the Agency has, offices will better suit these positions versus cubical space.

- In FY18, the OADC contracted with a website designer to create a pilot, online tool to assist contract attorneys in identifying, reviewing, and rating specific experts for OADC cases. The website and its features have become a daily tool for both staff and contractors and has saved time for all. To increase the usefulness and functionality of this database with the OADC’s current billing system (CAAPS), the Agency has determined that a merger of the two is necessary. To accomplish this, the OADC is requesting a one-time increase of \$10,000 to incorporate the Expert Database and CAAPS billing system.

Brief Background:

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

	FY16	FY17	FY18*	FY19	FY20	FY21
Operating LBLI	\$75,405	\$76,355	\$106,439	\$109,379	\$108,619	\$114,800
Operating LBLI (Base building)					\$6,181	\$11,595
Operating LBLI (Onetime)					\$106,500	\$55,000
FY LBLI	\$75,405	\$76,355	\$106,439	\$109,379	\$221,300	\$181,395
Operating Expenditures	\$95,796	\$131,679	\$102,405	\$147,231		

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

Proposed Solution:

Increase the OADC’s FY21 Operating LBLI by \$57,545 to fund the items noted in the ‘Problem and Opportunity’ section of this Decision Item. Only \$7,545 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 FY20-21 budget.

Why this is the best possible alternative:

This additional appropriation will keep the Agency from exhausting its current Operating Budget and 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 FY21.

Base Building Increase		FY21
ShoreTel - Agency Phone system	\$	1,045
Additional Westlaw Licenses	\$	6,500
<i>Base Building Increase for FY21</i>		<i>\$ 7,545</i>

One-Time Increase		FY21
Expert Database Upgrade	\$	10,000
OADC additional Office Space	\$	50,000
R-3 & R-4 Capital Outlay Workstation request	\$	(10,000)
<i>One-Time Increase for FY21</i>		<i>\$ 50,000</i>

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 on 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

Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: COLA-Based Contractor Hourly Rate Increase

Priority Number: R-6

Dept. Approval Date: 10/31/2019

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2020-21 |
| <input type="checkbox"/> Base Reduction Item FY 2020-21 |
| <input type="checkbox"/> Supplemental FY 2019-20 |
| <input type="checkbox"/> Budget Amendment FY 2019-20 |

Line Item Information		FY 2019-20		FY 2020-21		FY 2021-22
		1	2	3	4	5
	Fund	Appropriation FY 2019-20	Supplemental Request FY 2019-20	Base Request FY 2020-21	Funding Change Request FY 2020-21	Continuation Amount FY 2021-22
Total of All Line Items	Total	42,654,216	-	42,654,216	2,383,172	45,037,388
	FTE	-	-	-	-	-
	GF	42,654,216	-	42,654,216	2,383,172	45,037,388
Conflicts-of-Interest Contracts	Total	42,654,216	-	42,654,216	2,383,172	45,037,388
	FTE	-	-	-	-	-
	GF	42,654,216	-	42,654,216	2,383,172	45,037,388

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:

FY 2020-21 Funding Request
Decision Item R-6

Agency Priority: Decision Item R - 6
COLA-based Contractor Hourly Rate Increase

Summary of Funding/FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 2,383,172	\$ 2,383,172	\$ 0	0.00
Total Request	\$ 2,383,172	\$ 2,383,172	\$ 0	0.00

Request Summary:

In conjunction with the Office of the Child’s Representative (OCR) and the Office of the Respondent Parent’s Counsel (ORPC), the OADC is seeking a 5% COLA-based hourly rate increase for its contractors to remain competitive with current Federal, State, and private sector rates. To retain and attract high quality and effective counsel and other contractors for indigent defendants and juveniles, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$2,383,172 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY21.

The Problem and Opportunity:

Despite continual increases to OADC caseload, payments, and the complexity of criminal and juvenile cases, by FY21, OADC contractors will not have seen an hourly rate increase for two years.

Brief Background:

The last hourly rate increase was effective July 1, 2018. Attorneys received a \$5 per hour increase, and paralegals and investigators received a \$3 increase, to bring those rates to a more competitive level. The following chart outlines historical rates paid to OADC contractors since FY1999 for Attorneys, Investigators, and Paralegals:

Case Type	Hourly Rate Effective 2/1/2003	Hourly Rate Effective 7/1/2003	Hourly Rate Effective 7/1/2006	Hourly Rate Effective 7/1/2007	Hourly Rate Effective 7/1/2008	Hourly Rate Effective 7/1/2014	Hourly Rate Effective 7/1/2018
Attorney Death Penalty (DP)	\$60	\$65	\$85	\$85	\$85	\$90	\$95
Felony A	\$46	\$51	\$60	\$63	\$68	\$80	\$85
Felony B	\$42	\$47	\$56	\$59	\$65	\$75	\$80
Juvenile Felonies	\$40	\$45	\$54	\$57	\$65	\$75	\$80
Misd, DUI, and Traffic (Adult & Juvenile)	\$40	\$45	\$54	\$57	\$65	\$70	\$75
Attorney Travel	\$30	\$30	\$54	\$57	\$65	\$70	\$75
Paralegal	\$20	\$20	\$20	\$20	\$25	\$30	\$33
Investigator	\$33	\$33	\$33	\$33	\$36	\$41	\$44
Investigator (DP)	\$33	\$33	\$36	\$36	\$39	\$44	\$47

Despite the FY19 increase, OADC contractor rates are still considerably less than Federal, State, and private sector rates for similar positions.

Criminal Justice Act Historical Rates	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Non-Capital *											
Hourly	\$110	\$125	\$125	\$125	\$125	\$126	\$127	\$129	\$132	\$140	\$148
% change	10%	14%	0%	0%	0%	1%	1%	2%	2%	6%	6%
Capital **											
Hourly	\$175	\$178	\$178	\$178	\$178	\$180	\$181	\$183	\$185	\$188	\$190
% change	3%	2%	0%	0%	0%	1%	1%	1%	1%	2%	1%

*http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16

**http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-6-ss-630-compensation-appointed-counsel#a630_10_20

State of Colorado Attorney General - Blended Rate Attorney, Paralegal/Legal Assistant	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Legal Services Rate	\$73.37	\$75.71	\$77.25	\$91.08	\$99.01	\$95.01	\$95.05	\$106.56	\$107.66
% change	-2.7%	3.2%	2.0%	17.9%	8.7%	-4.0%	0.0%	12.1%	1.0%

Data provided by the Colorado Office of the Attorney General

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

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

Colorado State employees have seen COLA increases to base salaries since July 1, 2014, and the Governor’s Office has proposed another 2% increase for FY20-21. Just as Federal, State, and private sector attorneys experience inflation, so do the OADC contractors. These contractors, who do similar if not identical work as the Colorado State Public Defenders (represent indigent defendants and juveniles across the state), have not received any COLA increase since FY19.

FY	COLA Increase State Employees
FY 20	3.00%
FY 21	2.00%
	5.00%

Proposed Solution:

Increase the OADC’s FY21 Conflict-of-interest Contracts LBLI by \$2,383,172 to fund a 5.0% across the board increase to contractor hourly rates to bring contractors closer to competitive market rates.

Alternatives:

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

Anticipated Outcomes:

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

Operational Details:

The COLA-based hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2020, for all work performed on and after that date. Rate increases will continue in effect until and unless the rates change again. All contractors will be notified of the rate increases and their effective date so they can adjust their billing accordingly.

Why this is the best possible alternative:

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

Assumptions for Calculations:

If the OADC’s DI # R-1 – Caseload Increase is approved as requested, the incremental amount to the FY21 Budget request for the COLA-based contractor hourly rate increase will total \$2,383,172 General Fund. If the legislature does not approve DI # R-1 then the OADC contractor hourly rate increase will total \$2,132,711 General Fund. Below is chart showing the calculations based on both scenarios.

FY20 Long Bill Line Item (LBLI)	FY20 Budget	% Rate Increase	Incremental increase to FY21 LBLI		
Conflict-of-interest Contracts	\$ 42,654,216	5.0%	\$ 2,132,711		

FY20 Long Bill Line Item (LBLI) with DI # R-1 Caseload Increase	FY20 Budget	FY21 Request DI # R-1	FY21 Total Request	% Rate Increase	Incremental increase to FY21 LBLI
Conflict-of-interest Contracts	\$ 42,654,216	\$ 5,009,230	\$ 47,663,446	5.0%	\$ 2,383,172

Consequences if not funded:

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

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

Cash Fund Projections: None

Relation to Performance Measures: Performance Measure A:

Increase compensation rates for contractors.

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

Current Statutory Authority of Needed Statutory Change: N/A

This Page Intentionally Left Blank

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		Requested FY2019-2021	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Department Total														
Total	30,361,082	9.1	31,556,314	10.9	31,403,173	12.0	31,738,129	12.0	39,723,464	13.0	48,139,361	14.0	55,077,677	17.0
GF	30,321,082	9.1	31,516,314	10.9	31,363,173	12.0	31,658,129	12.0	39,643,464	13.0	48,059,361	14.0	54,992,677	17.0
CF	40,000		40,000		40,000		80,000		80,000		80,000		80,000	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Position Detail										
Director	159,320	1.0	162,971	1.0	167,794	1.0		1.0	173,248	1.0
Deputy	153,052	1.0	156,160	1.0	160,625	1.0		1.0	165,795	1.0
Coordinator of Legal Research & Tech Coordinator	105,072	1.0	130,966	1.0	137,036	1.0		1.0	141,490	1.0
Evaluator/Trainer Staff Attorney	102,278	1.0	118,712	1.0	116,327	1.0		1.0	123,600	1.0
Chief Financial Officer	90,900	1.0	92,983	1.0	95,735	1.0		1.0	125,000	1.0
Appellate Post Conviction Coordinator	65,097	1.0	76,925	1.0	80,145	1.0		1.0	82,750	1.0
Public Information Coordinator	42,438	1.0	52,103	1.0	48,942	1.0		1.0	68,316	1.0
Juvenile Law Coordinator	90,900	1.0	117,575	1.0	123,300	1.0		1.0	127,308	1.0
Sr. Office Manager	70,700	1.0	73,062	1.0	75,291	1.0		1.0	89,796	1.0
Billing Administrator	60,600	1.0	62,624	1.0	64,535	1.0		1.0	75,360	1.0
Financial Analyst	55,000	1.0	56,837	1.0	58,572	1.0		1.0	67,614	1.0
Social Worker Coordinator	63,414	1.0	86,490	1.0	89,049	1.0		1.0	95,530	1.0
Administrative Paralegal					43,896	1.0		1.0	52,118	1.0
Social Worker Outreach Coordinator								1.0	80,376	1.0
DI # 2 Coordinator of Adjunct Services									81,408	1.0
DI # 3 Staff Accountant									76,764	1.0
DI # 4 Programs Analyst									73,740	1.0
Continuation Salary Subtotal	1,058,771	12.0	1,187,408	12.0	1,261,248	13.0	1,600,296	14.0	1,700,214	17.0
Other Personal Services										
PERA on Continuation Subtotal (FY16)	8,031									
PERA on Continuation Subtotal (FY17)	98,939		8,794							
PERA on Continuation Subtotal (FY18)			107,428		9,783					
PERA on Continuation Subtotal (FY19)					114,934					
PERA on Continuation Subtotal (FY21)									178,581	
PERA DI # 2 Coordinator of Adjunct Services (FY21)									8,868	
PERA DI # 3 Staff Accountant (FY21)									8,364	
PERA DI # 4 Programs Analyst (FY21)									8,040	
Medicare on Continuation Subtotal (FY16)	1,158									
Medicare on Continuation Subtotal (FY17)	14,305		1,275							
Medicare on Continuation Subtotal (FY18)			15,571		1,418					
Medicare on Continuation Subtotal (FY19)					16,421					
Medicare on Continuation Subtotal (FY20)										
Medicare on Continuation Subtotal (FY21)									23,756	
Medicare DI # 2 Coordinator of Adjunct Services (FY21)									1,176	
Medicare DI # 3 Staff Accountant (FY21)									1,116	
Medicare DI # 4 Programs Analyst (FY21)									1,068	

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Leave Payout	38,196				6,061					
Other Personal Services	\$ 5,419		5,821		13,561					
Contractual Services	23,573		39,761		46,693					
Contractual Services (R-1) Access Database										
Termination/Retirement Payouts										
Personal Services Subtotal	1,248,393	12.0	1,366,059	12.0	1,470,120	13.0	1,600,296	14.0	1,908,302	17.0
Pots Expenditures										
Health/Life/Dental (FY16)	11,168									
Health/Life/Dental (FY17)	134,894		12,028							
Health/Life/Dental (FY18)			139,885		12,717					
Health/Life/Dental (FY19)					155,325					
Health/Life/Dental (FY20)							208,622			
Health/Life/Dental (FY21)									216,372	
Health/Life/Dental DI # 2 Coordinator of Adjunct Services (FY21)									13,767	
Health/Life/Dental DI # 3 Staff Accountant (FY21)									13,767	
Health/Life/Dental DI # 4 Programs Analyst (FY21)									13,767	
Short Term Disability (FY16)	158									
Short Term Disability (FY17)	1,829		171							
Short Term Disability (FY18)			2,085		190					
Short Term Disability (FY19)					1,736					
Short Term Disability (FY20)							2,773			
Short Term Disability (FY21)									2,841	
Short Term Disability DI # 2 Coordinator of Adjunct Services (FY21)									144	
Short Term Disability DI # 3 Staff Accountant (FY21)									132	
Short Term Disability DI # 4 Programs Analyst (FY21)									120	
Performance Based Pay - Merit Pay (FY20) 3%							47,462			
Performance Based Pay - Merit Pay (FY21) 2%									36,811	
AED (FY16)	3,640									
AED (FY17)	46,694		4,332							
AED (FY18)			52,920		4,819					
AED (FY19)					56,618					
AED (FY20)							88,118			
AED (FY21)									90,241	
AED DI # 2 Coordinator of Adjunct Services (FY21)									4,068	
AED DI # 3 Staff Accountant (FY21)									3,840	
AED DI # 4 Programs Analyst (FY21)									3,684	
SAED (FY16)	3,561									
SAED (FY17)	46,183		4,332							
SAED (FY18)			52,920		4,819					
SAED (FY19)					56,618					
SAED (FY20)							88,118			

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SAED (FY21)									90,241	
SAED DI # 2 Coordinator of Adjunct Services (FY21)									4,068	
SAED DI # 3 Staff Accountant (FY21)									3,840	
SAED DI # 4 Programs Analyst (FY21)									3,684	
Personal Services Total Detail	1,496,520	12.0	1,634,731	12.0	1,762,962	13.0	2,035,389	14.0	2,409,689	17.0
Personal Services Reconciliation Authorization										
Long Bill Request	1,460,108		1,635,196		1,374,459					
Supplemental - HB 17-164	37,931									
Health/Life/Dental					185,370					
Short Term Disability					2,195					
Salary Survey					40,141					
AED					64,513					
SAED					64,513					
Transfer In from Conflicts					31,632					
Transfer to Conflicts	(1,519)		(465)							
Transfer to Operating					139					
Personal Services Authorization	1,496,520	12.0	1,634,731	12.0	1,762,962	13.0	2,035,389	14.0	2,409,689	17.0
General Fund	1,496,520		1,634,731		1,762,962		2,035,389		2,409,689	
Cash Funds										
Operating Expenses/Capital Outlay										
1622 Contractual Employee PERA	454									
1624 Contractual Employee PERA-AED	215									
1625 Contractual Employee PERA-SAED	212									
1920 Personal Svcs - Professional			320							
1921 Personal Svcs - Professional										
1935 Purchased Svcs - Legal Services	11,225				5,438					
1960 Personal Svcs - IT services	5,225		3,674							
2230 Equip Maintenance/Repair Svcs			35							
2231 IT Hardware Maintenance & Repair Services	24,462		21,435		27,111					
2253 Rental Of Equipment	2,611		2,534		2,635					
2255 Rental of Building/Space					45					
2511 In-State Common Carrier Fares	1,514		190							
2512 In-State Pers Travel Per Diem	3,886		1,678		1,771					
2513 In-State Pers Vehicle Reimbsmt	2,835		872		1,682					
2522 Is/Non-Emp1 - Pers Per Diem	1,373		958		1,803					
2523 Is/Non-Emp1 - Pers Veh Reimb	1,866		959		1,764					

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2530 Out-of-State Travel	371									
2531 Os Common Carrier Fares	2,513									
2532 Os Personal Travel Per Diem	1,471									
2631 Comm Svcs From Outside Sources	7,684		9,715		10,257					
2680 Printing/Reproduction Services	843		995		1,470					
2820 Other Purchase Services	5,007		4,593		5,087					
3110 Other Supplies & Materials	787		2,953		2,972					
3118 Food And Food Serv Supplies	3,872		911		793					
3120 Books/Periodicals/Subscription	4,912		37,723		52,789					
3121 Office Supplies	3,172		2,757		1,757					
3123 Postage	3,813		927		2,496					
3128 Noncapitalized Equipment	178				2,067					
3132 Noncap Office Furn/Office Syst	18,658									
3140 Noncapitalized PC - (Individual Items Under \$5,000)	7,011		3,095		18,800					
4100 Other Operating Expenses	7,719		1,200		930					
4140 Dues And Memberships	4,284		4,751							
4170 Miscellaneous Fees and Fines					3,624					
4180 Official Functions	503									
4220 Registration Fees	1,454		130		1,940					
4240 Employee Moving Expense	1,550									
Operating Expenses Total Detail	131,679	0.0	102,405	0.0	147,231	0.0	221,300	0.0	181,395	0.0
Reconciliation										
Long Bill Appropriation	76,355		106,439						221,300	
Transfer to/from Conflicts	55,324		(4,034)							
Annualization Online Contractor Database - DI # 3 (FY20)									(15,000)	
Annualization SQL Server Replacement - DI # 3 (FY20)									(6,000)	
Annualization Billing System Audit - DI # 3 (FY20)									(85,500)	
ShoreTel - Agency Phone System - DI # 5 (FY21)									1,045	
Additional Westlaw Licenses - DI # 5 (FY21)									6,500	
Expert Data Base Upgrade - DI # 5 (FY21)									10,000	
OADC Additional Office Space									40,000	
DI # 2 Coordinator of Adjunct Services (FY21)									1,350	
DI # 3 Staff Accountant (FY21)									1,350	

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Operating Costs Authorization	131,679	0.0	102,405	0.0	147,231	0.0	221,300	0.0	181,395	0.0
General Fund	131,679		102,405		147,231		221,300		181,395	
Cash Funds										
Capital Outlay Operating										
Capital Outlay	4,703		0		3,473				21,600	
Capital Outlay Detail	4,703		0		3,473		0		21,600	
Reconciliation										
Long Bill Appropriations	4,703		0		3,473				3,473	
Transfer to/ from Conflicts					(748)					
Transfer to/ from Mandated					(1,702)					
DI # 2 Coordinator of Adjunct Services (FY21)									7,200	
DI # 3 Staff Accountant (FY21)									7,200	
DI # 4 Programs Analyst (FY21)									7,200	
Annualization DI # 2 R-2 (FY20) Social Worker Outreach Coordinator									(3,473)	
Capital Outlay Authorized	4,703		0		1,022		3,473		21,600	
General Fund	4,703		0		1,022		3,473		21,600	
Cash Funds										
Training/Conference										
Training Conference	61,167		79,189		76,525		100,000		100,000	
Training/Conference Detail	61,167	0.0	79,189	0.0	76,525	0.0	100,000	0.0	100,000	0.0
Reconciliation										
Long Bill Appropriations	60,000		100,000		100,000		100,000		100,000	
Transfer to/ from Capital Outlay					1,702					
Transfer to/ from Conflicts	1,167		5,389							
Reversion			(26,200)		(25,177)					
Training/Conference Authorized	61,167	0.0	79,189	0.0	76,525	0.0	100,000	0.0	100,000	0.0
General Fund	21,167		25,389		21,702		20,000		20,000	
Cash Funds	40,000		53,800		54,823		80,000		80,000	
Conflict of Interest Contracts										
Conflict of Interest Contracts	29,100,185		31,495,953							
Conflict of Interest Total Detail	29,100,185	0.0	31,495,953	0.0	35,945,012	0.0	42,654,216	0.0	49,725,424	0.0

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reconciliation										
Long Bill Appropriations	27,971,145		27,864,221		37,391,362				42,654,216	
Supplemental - HB 16-1243			3,406,731							
Transfer to/ from Personal Services	1,519		465		(31,630)					
Transfer to/ from Training	(1,167)		(5,389)							
Transfer to/ from Operating	(55,324)		4,034		(38,753)					
Transfer to/ from Capital Outlay					748					
Transfer to/ from Mandated	272,265		225,892							
Judicial Transfer Authority - From OCR	911,747									
Supplemental - SB 19-207					3,613,527					
Add-On - SB 19-207					(1,993,325)					
Reversion					(2,996,917)					
DI # R-1 Caseload Increase (FY21) portion for FY21									3,933,370	
DI # R-6 COLA Based Contractor Hourly Rate Increase									2,383,172	
Conflict of Interest Authorization	29,100,185	0.0	31,495,953	0.0	35,945,012	0.0	42,654,216	0.0	48,970,758	0.0
General Fund	29,100,185		31,495,953		35,945,012		42,654,216		48,970,758	
Cash Funds										
Mandated Costs										
Mandated Costs	2,141,000		2,054,850							
Mandated Costs Total Detail	2,141,000	0.0	2,032,273	0.0	0	0.0	2,922,390	0.0	3,243,584	0.0
Reconciliation										
Long Bill Appropriations	1,830,862		2,032,273		2,561,813				2,922,390	
Supplemental - HB 17-164	582,403		248,469							
Transfer to/from Conflict of Interest	(272,265)		(225,892)							
Supplemental - SB 19-207					247,575					
Add-On - SB 19-207					(205,083)					
Reversion					(923,515)					
DI # R-1 Caseload Increase (FY21) portion for FY21									269,489	
Mandated Costs Authorization	2,141,000	0.0	2,054,850	0.0	1,680,790	0.0	2,922,390	0.0	3,191,879	0.0
General Fund	2,141,000		2,054,850		1,680,790		2,922,390		3,191,879	
Cash Funds										

ITEM	Actual FY 2016-17		Actual FY 2017-18		Actual FY 2018-19		Budget FY 2019-20		Request FY 2020-21	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Municipal Court Program Total Detail	0	0.0	0	0.0	84,744	0.0	202,593	1.9	202,306	0.0
Reconciliation										
SB18-203 Municipal Court Program					124,263				202,306	
Reversion					(39,519)					
Municipal Court Program Authorization	0	0.0	0	0.0	84,744	0.0	202,593	1.9	202,306	2.0
General Fund	0		0		84,744		202,593		202,306	
Cash Funds										
Long Bill Group/Division Total										
Grand Total - with Pots	32,935,253	12.0	35,367,129	12.0	39,698,287	13.0	48,139,361	15.9	55,077,627	19.0
	32,935,253		35,367,129		39,698,287		48,139,361		55,077,627	
General Fund	32,895,253	12.0	35,313,329	12.0	39,643,464	13.0	48,059,361	15.9	54,997,627	19.0
Cash Funds	40,000	0.0	53,800	0.0	54,823	0.0	80,000	0.0	80,000	0.0

**Schedule 5 - Line Item to Statute
Judicial Branch
Office of the Alternate Defense Counsel
FY 2020-2021 Budget Request
November 1, 2019**

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>
Lease	This line funds the lease payment for operational personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Training	The line funds the training/updating for OADC contractors.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Conflicts	This line pays for all statutorily-mandated legal services for representation of indigent defendants in which the Public Defender has a conflict.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Mandated	This line pays for all statutorily-mandated costs associated with the representation of defendants, such as, mental health evaluations, discovery; experts, transcripts.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>

**Summary of Supplemental Bills
Judicial Branch
Office of the Alternate Defense Counsel
FY20 Budget Request
November 1, 2018**

			Total	GF
Actual FY 2018-19				
SB 19-207 Supplemental	Conflict Contracts		(1,993,325)	(1,993,325)
	Mandated		(205,083)	(205,083)
	Total FY2015-16	0.0	(2,198,408)	(2,198,408)
Actual FY 2018-19				
SB 19-115 Supplemental	Conflict Contracts		3,613,527	3,613,527
	Mandated		247,575	247,575
	Total FY2015-16	0.0	3,861,102	3,861,102
Actual FY 2017-18				
HB 18-1163 Supplemental	Conflict Contracts		3,406,731	3,406,731
	Mandated		248,469	248,469
	Total FY2015-16	0.0	3,655,200	3,655,200
Actual FY 2016-17				
SB 17-164 Supplemental	Personal Services		37,931	37,931
	Mandated		582,403	582,403
	Total FY2015-16	0.0	620,334	620,334
Actual FY 2015-16				
HB 16-1243 Supplemental	Conflict Contracts		1,392,238	1,392,238
	Mandated		121,064	121,064
	Total FY2015-16	0.0	1,513,302	1,513,302
Actual FY 2014-15				
HB 14-1032 Special Bill	Personal Services	1.0	65,548	65,548
	Operating		4,865	4,865
	Capital Outlay		4,703	4,703
	Total FY2013-14	1.0	75,116	75,117
Actual FY 2013-14				
HB 14-1239 Supplemental	Personal Services		94,000	94,000
	Operating		23,730	23,730
	Conflict Contracts		2,821,158	2,821,158
	Mandated		220,303	220,303
	Total FY2013-14	0.0	3,159,191	3,159,191

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

ID#	Priority	Decision Items	FTE	Total	GF	CF
1	R -1	Caseload Increase	0.0	\$4,202,859	\$4,202,859	\$0
2	R -2	Coordinator of Adjunct Services	1.0	\$122,049	\$122,049	\$0
3	R -3	Staff Accountant	1.0	\$116,373	\$116,373	\$0
4	R -4	Programs Analyst	1.0	\$117,653	\$117,653	\$0
5	R -5	Operating Adjustments	0.0	\$57,545	\$57,545	\$0
6	R -6	COLA-based Contractor Hourly Rate	0.0	\$2,383,172	\$2,383,172	\$0
Total			3.0	\$6,999,651	\$6,999,651	\$0

This Page Intentionally Left Blank

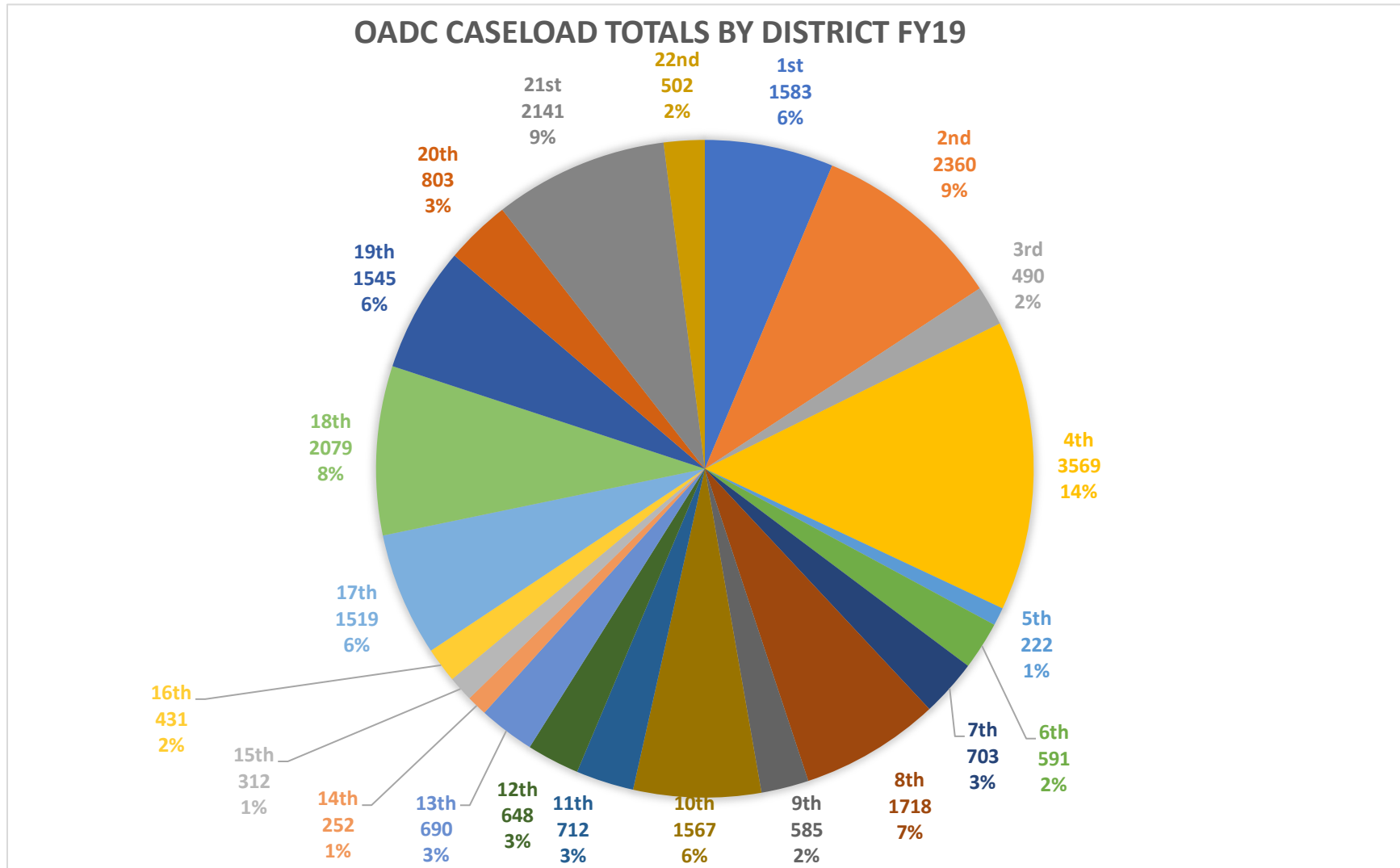
Salary Pots Request Template

	TOTAL FUNDS/FTE FY 2020-21	GENERAL FUND
I. Continuation Salary Base		FUND SPLITS - From Position-by-Position Tab
Sum of Filled FTE as of July 25, 2019	16.0	100.000%
Salary X 12	\$1,638,354	1,638,354
PERA (Standard, Trooper, and Judicial Rates)	\$178,581	178,581
Medicare @ 1.45%	\$23,756	23,756
Subtotal Continuation Salary Base =	\$1,840,691	1,840,691
II. Salary Survey Adjustments		
System Maintenance Studies	-	-
Across the Board - Base Adjustment	\$0	-
Across the Board - Non-Base Adjustment	\$0	-
Movement to Minium - Base Adjustment	\$0	-
Subtotal - Salary Survey Adjustments	\$0	\$0.00
PERA (Standard, Trooper, and Judicial Rates)	\$0	-
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	\$0.00
III. Increase for Minimum Wage (\$13.00 hourly effective July 1, 2020)		
Increase for Minimum Wage	-	\$0.00
Subtotal - Minimum Wage Adjustments	-	\$0.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2020-21 PERA Rates	\$0	\$0.00
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	\$0.00
IV. Merit Pay Adjustments		
Merit Pay - Base Adjustments	\$32,765	32,765
Merit Pay - Non-Base Adjustments	\$0	-
Subtotal - Merit Pay Adjustments	\$32,765	32,765
PERA (Standard, Trooper, and Judicial Rates) at FY 2020-21 PERA Rates	\$3,571	3,571
Medicare @ 1.45%	\$475	475
Request Subtotal =	\$36,811	36,811
V. Shift Differential		
FY 2018-19 ACTUAL EXPENDITURES for All Occupational Groups	\$133,701	133,701
Total Actual and Adjustments @ 100%	\$133,701	133,701
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$14,573	14,573
Medicare @ 1.45%	\$1,939	1,939
Request Subtotal =	\$150,213	150,213
VI. Revised Salary Basis for Remaining Request Subtotals		
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,804,820	1,804,820
VII. Amortization Equalization Disbursement (AED)		
Revised Salary Basis * 5.00%	\$90,241	90,241
VIII. Supplemental AED (SAED)		
Revised Salary Basis * 5.00%	\$90,241	90,241
IX. Short-term Disability		
Revised Salary Basis * 0.17%	\$2,841	2,841
X. Health, Life, and Dental		
Funding Request	\$216,372	216,372

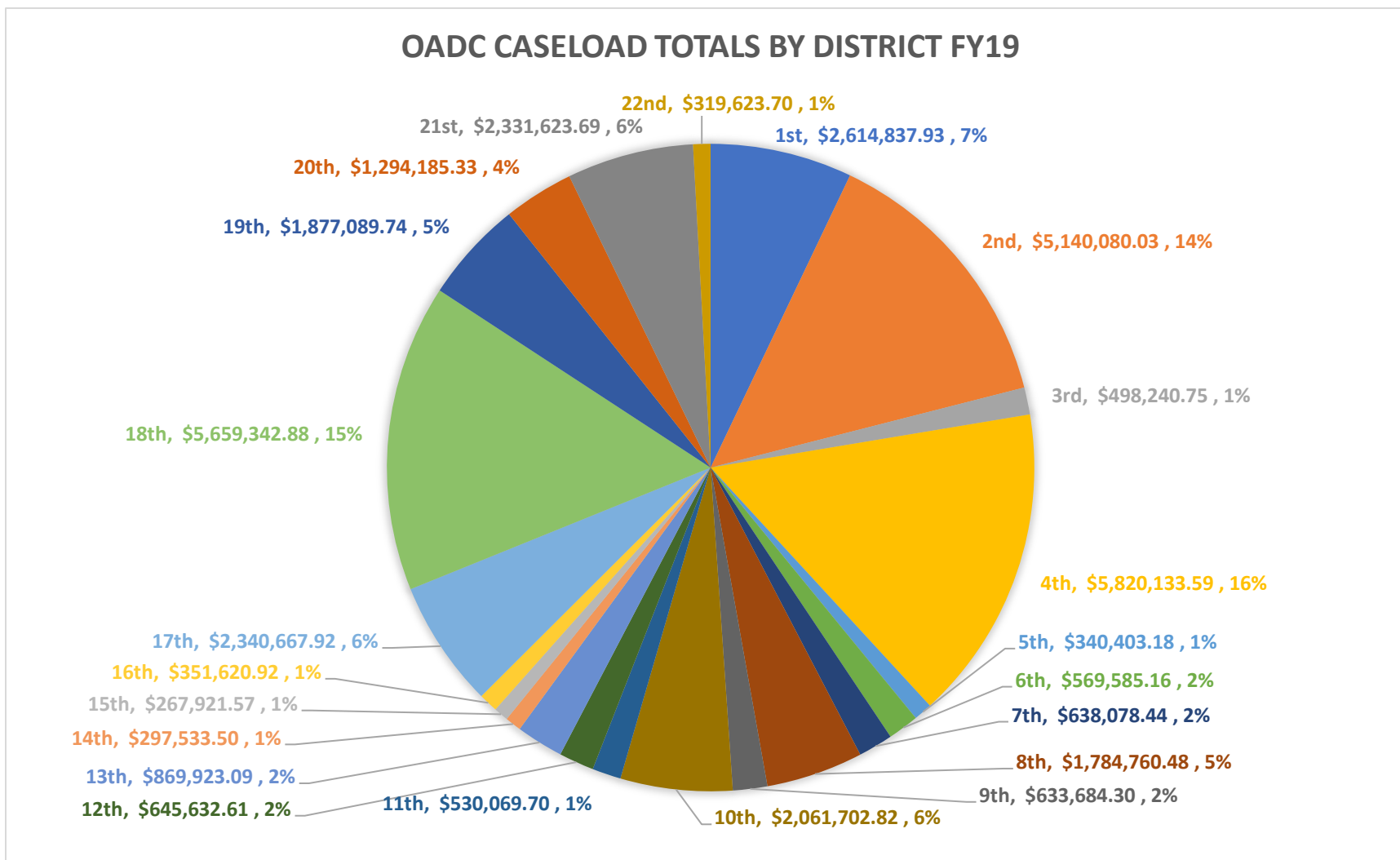
Common Policy Line Item	FY 2019-20 Appropriation	GF	CF
Salary Survey	\$0		
Merit Pay	\$47,462	\$47,462	
Shift	\$0		
AED	\$88,118	\$88,118	
SAED	\$88,118	\$88,118	
Short-term Disability	\$2,773	\$2,773	
Health, Life and Dental	\$208,622	\$208,622	
TOTAL	\$435,093	\$435,093	\$0
Common Policy Line Item	FY 2020-21 Total Request	GF	CF
Salary Survey	\$0	\$0	\$0
Merit Pay	\$36,811	\$36,811	\$0
Shift	\$150,213	\$150,213	\$0
AED	\$90,241	\$90,241	\$0
SAED	\$90,241	\$90,241	\$0
Short-term Disability	\$2,841	\$2,841	\$0
Health, Life and Dental	\$216,372	\$216,372	\$0
TOTAL	\$586,719	\$586,719	\$0
Common Policy Line Item	FY 2020-21 Incremental	GF	CF
Salary Survey	\$0	\$0	\$0
Merit Pay	\$36,811	\$36,811	\$0
Shift	\$150,213	\$150,213	\$0
AED	\$2,123	\$2,123	\$0
SAED	\$2,123	\$2,123	\$0
Short-term Disability	\$68	\$68	\$0
Health, Life and Dental	\$7,750	\$7,750	\$0
TOTAL	\$199,088	\$199,088	\$0

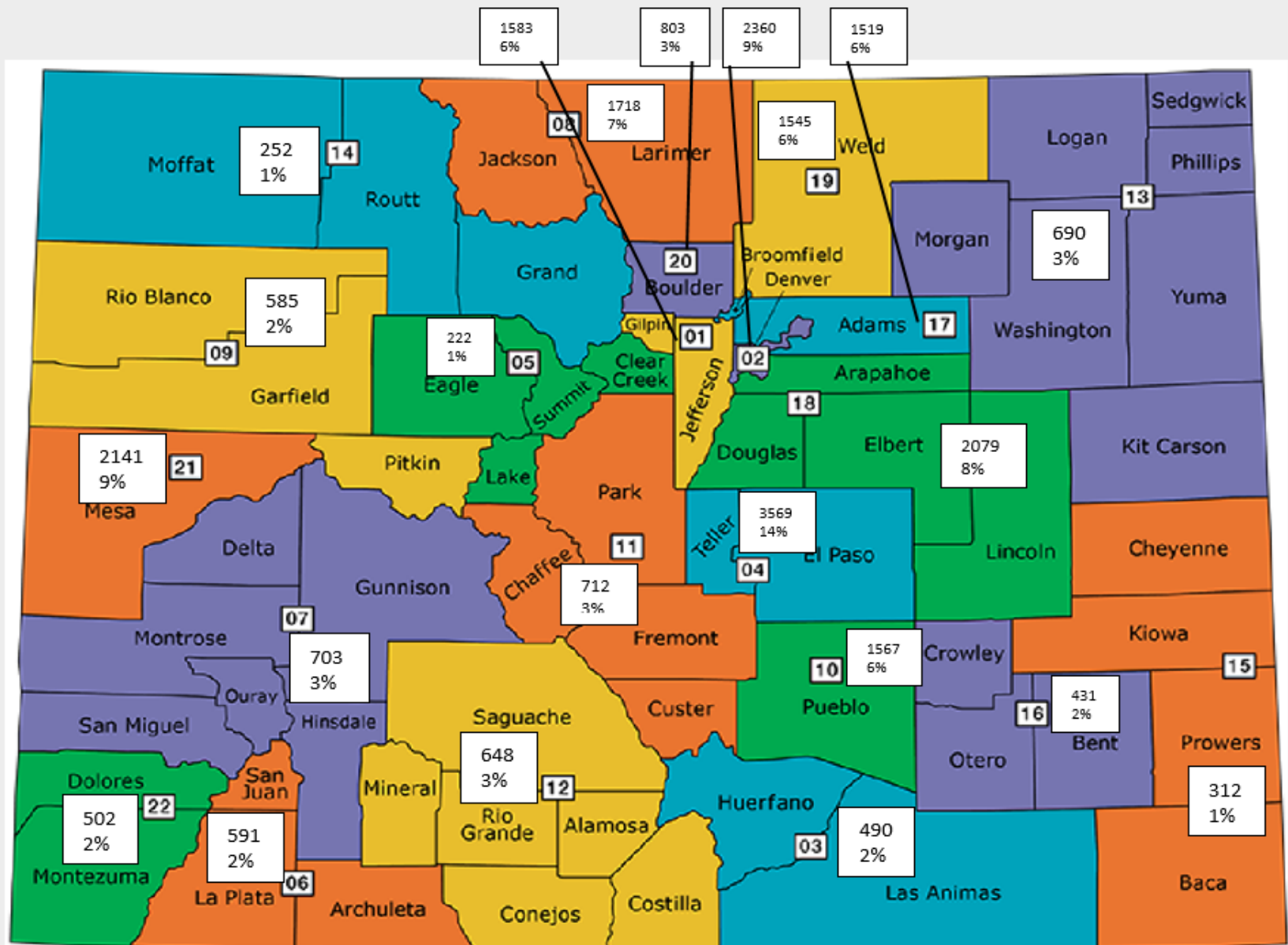
Appendix A
Colorado Judicial District Map and
Caseload Totals by District

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



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





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

PRIOR YEAR LEGISLATION

[SB19-030](#) Remedying Improper Guilty Pleas

This bill addressed the issue from [Kazadi v People, 291 P.3d 16 \(Colo. 2012\)](#), discussed below under CASES THAT MAY AFFECT THE OADC/INEFFECTIVE ASSISTANCE OF COUNSEL. The act finds that some criminal defendants who, when they entered a guilty plea in connection with a deferred judgment or had charges related to drugs dismissed under a since repealed provision of law, were not advised that there may be adverse immigration consequences that attach to the plea, even if the plea is later withdrawn and the case is dismissed. These defendants did not knowingly, intelligently, and voluntarily enter the plea of guilty as required by law or understand the consequences of the dismissal. The act authorizes these persons to petition the court for an order vacating the guilty plea and establishes procedures for such petitions.

Effective May 28, 2019

[SB19-108](#) Juvenile Justice Reform

Much of this act does not become effective until July 1, 2020. However, certain sections apply presently. The portions that apply now restrict removing a juvenile from the custody of a parent, unless the detention screening is conducted and specific findings are made, and directs that unless physical restriction is required, custody of the juvenile is given to kin or another person. It also limits which juveniles may be placed in detention. In releasing a juvenile from detention, the act requires the juvenile court to use the detention screening instrument.

Relevant portions effective July 1, 2019.

[SB19-185](#) Protections for Minor Human Trafficking Victims

This bill, among other things, creates immunity for prostitution-related offenses by juveniles if probable cause exists to believe that the juvenile was a victim of either human trafficking of a minor for involuntary servitude or for sexual servitude. It also establishes an affirmative defense for all criminal violations, except class 1 felonies, if a juvenile proves that s/he was both a victim of human trafficking of a minor for involuntary servitude or sexual servitude, and that s/he was forced or coerced into engaging in the criminal acts.

Effective May 6, 2019.

[SB19-210](#) Juvenile Detention Beds

For FY2019-20 and future state fiscal years, the bill lowers the cap on juvenile detention beds from 382 to 327.

Effective April 16, 2019.

[HB19-1225](#) No Monetary Bail for Certain Low-Level Offenses

This bill eliminates monetary bonds for traffic offenses, petty offenses, and municipal offenses, except for a traffic offense involving death or bodily injury, eluding a police officer, circumventing an interlock device, or a municipal offense with substantially similar elements to a state misdemeanor offense. The bill does not prohibit a defendant's release based on a pretrial policy that includes monetary conditions if the defendant is informed that he or she would be released without monetary conditions if he or she waits for a bond hearing. The bill does not prohibit issuance of a warrant with monetary conditions of bond for a defendant who fails to appear in court as required or who violates a condition of release.

Effective April 25, 2019.

[SB19-191](#) Prompt Pretrial Liberty and Fairness

This bill provides that a defendant must be allowed to post bond within 2 hours after the sheriff receives the bond information from the court, absent extraordinary circumstances; a defendant cannot be charged more than a \$10 bond processing fee and not charged any additional transaction fees including kiosk fees, absent extraordinary circumstances, except that a standard credit card processing fee may be charged when a credit card is used; that the custodian of a jail has to release a defendant within 4 hours after the defendant has posted bond, absent extraordinary circumstances; that the court shall release the defendant even if the defendant is unable to pay a fee or cost, so long as the defendant has been granted bond and can meet the terms of the bond.

Defendants can no longer be held more than 4 hours after posting bond even for “a supervisory condition of release,” such as being released to Probation/Pretrial only, except for cases where the judge has ordered electronic monitoring and that the defendant will be held until fitted with an electronic monitoring device. Even in this type of case, the defendant must be released no longer than 24 hours after posting bond. This 24-hour time limit does not apply where the court has ordered electronic monitoring and a no contact order to protect a specific individual and that the defendant must be fitted with an electronic monitoring device before release for reasons of public safety. However, if the defendant is held more than 24 hours past posting bond in this situation, then the Sheriff shall bring the defendant to court on the next day court is in session and explain the reason for the delay.

The bill also requires that the chief judge of each judicial district develop a plan to set bond for all in-custody defendants within 48 hours of arrest, and the State Court Administrator must report the plans from all 22 judicial districts to the legislature by November 1st of this year.

Effective August 2, 2019

[HB19-1263](#) Offense Level for Controlled Substance Possession

This bill has an enormous number of provisions, but essentially makes many DF4 crimes now DM1 crimes, reducing the punishment and eliminating the felony conviction. It further expressly prohibits any DA from charging Possession of a Controlled Substance for “any miniscule, residual, or unusable amount” of drugs in a syringe “or other drug paraphernalia,” although it can still be used for probable cause or reasonable suspicion in any otherwise lawful stop/search. This bill also reduces some of the penalties for smaller amounts of marijuana/marijuana concentrates. A court may suspend UPS hours if the UPS would interfere with “appropriate and necessary treatment or with any other requirements of probation ordered by the court.” Additionally, this bill removes the UPS requirement from Deferred Judgments and diversion. The bill also adjusts some of the sentencing ranges for drug misdemeanors. The bill prohibits DF4's or attempts or conspiracies to commit DF4's from use in habitual offender charges.

Effective March 1, 2020.

[SB19-223](#) Actions Related to Competency to Proceed

This very large bill had many sections relating to the Competency process. It basically shortens many of the statutory time frames, hopefully leading to quicker resolution of these issues. It also requires that the competency evaluation reports include a section relating to whether inpatient restoration is clinically appropriate, what out-patient restoration services are available, Tier I or Tier II designation under [16-8.5-101](#)(19) and (20), and the defendant’s status under Title 27 (civil commitment/services). It further shortens the maximum period for confinement in any case. The bill sets dates for court reviews relating to restorability, and additional timelines for dismissal and release from confinement when the defendant has been confined and receiving restoration services and remains incompetent to proceed.

Effective July 1, 2019.

[HB19-1148](#) Change Maximum Criminal Penalty One Year To 364 Days

This bill reduces the maximum jail sentence of one year to 364 days for municipal offenses, M2's, DM2's, and unclassified misdemeanors, avoiding the immigration consequences of those convictions for both undocumented clients and LPR's.

Effective August 2, 2019.

[SB19-036](#) State Court Administrator Reminder Program

This bill should cut down on failures to appear and associated arrests/jail time. It creates a court reminder program beginning January 1, 2020 in at least four district courts, and by July 1, 2020 in every eligible court in the state, including district, county, and municipal courts that use ICON. The priority is to use text reminders to defendants that have the capacity to receive them, but the state court administrator can also use phone, email, or other internet-based communication at their discretion. The bill requires at least two text message reminders to each client for each court date, and efforts to be made to locate current contact information when the client can't receive the text message, "as resources allow." The bill also mandates that all eligible courts either use this program or have their own text message court reminder program.

HOT TOPICS

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. 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 to actively work with the Colorado Juvenile Defender Center (CJDC) to ensure that the OADC contractors are adequately trained 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

In 2018, Governor Hickenlooper launched the Improving Outcomes for Youth Task Force to explore and recommend juvenile justice reform. In 2019, the Juvenile Justice Reform Bill ([SB 19-108](#)) was enacted, making substantial changes to diversion funding and eligibility, detention eligibility, and probation.

The bill also established an ongoing Juvenile Justice Reform Committee, and designated its membership, including a seat for the OADC. The Committee is tasked with adopting a validated risk and needs assessment tool to be used by juvenile courts, DYS, juvenile probation, and parole; selecting a mental health screening tool for juvenile offenders; selecting a validated risk screening tool to be used by district attorneys in determining a juvenile's eligibility for diversion; selecting a vendor to assist in the implementation of, and training on, the tools; and developing plans for measuring the effectiveness of the tools.

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 August 9, 2019, two Judicial Districts (2nd and 20th) had not yet begun using the eDiscovery system. The CDAC is working with these districts to be part of the Statewide Discovery System, but the timeline for getting them

onto the statewide system is unclear. We soon expect to view the proposed CDAC eDiscovery updates to the defense portion of the system. There is an ongoing discussion about making the discovery downloadable in batches so counsel or their staff can download many files on many cases more efficiently, hopefully to reduce the time and expense to download discovery.

EXPERT DATABASE

In April 2018, OADC launched an expert database, so all contractors could locate contact information on any expert OADC has worked with, view the expert's CV, and their fields of expertise. The expert database also has a feature allowing contractors to review the performance of the expert, so that a contractor can later view what others who have used this expert have to say about their methods of communication, preparation, budgeting and their overall effectiveness.

Once we provided the Government with the information from our former FBI agent-expert, the DA dismissed the counts that were based upon the FBI agents' actions! Thanks!

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.

The OADC created a new position of OADC Social Worker Outreach Coordinator as part of the FY19 Budget. The OADC Social Worker Outreach Coordinator is focused on identifying forensic social work and forensic clinical advocate contractors across the state of Colorado. In response to the positive results Forensic Social Workers and Forensic Clinical Advocates have had on defense teams and the increase of requests from more rural jurisdictions, the OADC has prioritized locating contractors outside of the Denver metro area in order to impact more clients. This outreach will include working with MSW (Master of Social Work) programs across the state to identify internship and contractor candidates, educating the various criminal justice stakeholders (judges, district attorneys, GALs, probation, etc.) about the work these contractors provide, and advertising to local social work practitioners in jurisdictions outside of the Denver metro area. The OADC Social Worker Outreach Coordinator is also responsible, in part, for providing clinical supervision and identifying training opportunities for many of the MSW student interns and contractors. Since the addition of the Social Worker Outreach Coordinator, the OADC has added social worker contractors in Glenwood Springs, Fort Collins, and Colorado Springs.

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*. 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; "I am just giving you a "heads up" in advance that we have 29 new cases filed, in three different Divisions, that we will be (later) emailing you requesting ADC appointments in." Pueblo District Court Clerk;
2. These cases are statewide. For example, there was an indictment out of Glenwood Springs involving 9 co-defendants in a sex sting;

https://www.gjsentinel.com/breaking/firefighter-among-arrests-in-child-sex-sting/article_04367026-d8bb-11e9-8fe1-9f15267a2698.html?fbclid=IwAR3IxlCvXQ0XVZ1H6yfopgi1bh8H8Ddq7aP_DxPOwZkXk9x_DvjCOaxkSk

3. In many jurisdictions, the OADC does not have sufficient contractors to handle all of the co-defendants. For example, the Office was contacted by a clerk in Cañon City. She advised that a group of individuals were being charged, 14 juveniles and one adult, and the Office of the State Public Defender had a conflict in representing **any** of them. Thus, OADC lawyers would be needed for all fourteen juveniles and the one adult. The OADC does not have a single contractor located in Canon City;
4. 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. For example, the Pueblo case mentioned above, has somewhere around 33,000 pages of

electronic "paper" discovery, in addition to a multitude of recordings, interviews, intercepted calls and the like.

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;
- an in-house post-conviction case management system to include triage and per-case fee contracting. First, our Office obtains a copy of the court file and a preliminary memo of fact is created. The memo and file are then forwarded to one of our contract attorneys who has been a criminal defense appellate attorney for 20 years. This contract attorney reviews the court file, performs any necessary research, and provides preliminary excerpts of law, as well as recommendations for post-conviction counsel on how best to proceed with the case.

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;

- If there is no doubt in our contract attorney's mind that proceeding with a post-conviction case will detrimentally affect a client,¹ she will set up a meeting with the client (usually at a correctional facility), explain the consequences of proceeding with his or her post-conviction case and advise him or her to withdraw the Crim. P. 35(c) petition. If the defendant agrees with that plan, the contract attorney will then draft an affidavit for the client to sign as well as a motion to withdraw the petition and file both in the district court. At that point, the post-conviction case will be closed;
- occasionally filing pleadings with 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;

OADC eLibrary

I use the online library on about every single 35c case that I litigate. I identify issues in each case and then I head to the online library to see what resources are available on each issue. For example, I had a complicity jury instruction issue in a recent case. I hopped onto the computer and pulled off the summary that Jonathan did on the issue. I also pulled the key cases from that summary and started my research on the issue from those cites in the summary. The online library is an invaluable resource for ADC attorneys, especially those who are solo practitioners like myself.

Coordinator of Legal Resources and Technology (COLRAT)

The COLRAT has provided me with assistance on several postconviction cases. First, his summaries of recent state and federal law are an indispensable resource for ADC attorneys to keep updated on the law. I have recently pulled one of the cases cited in his summary and used it in a 35c brief. I can also stay updated as to the status of the law in key Ineffective Assistance of Counsel areas due to his summaries. Other attorneys I know

¹ An example of this is when a client has pleaded guilty to charges in exchange for the dismissal of habitual criminal charges, and if the client were to withdraw his or her plea and proceed to trial, he or she would be subject to mandatory habitual criminal sentencing. Another example is if a client has pleaded guilty to an offense in which he avoided a mandatory indeterminate sentence under the Sex Offender Lifetime Supervision Act.

sit down on Friday afternoons and listen to his podcast of the summaries as well.

The COLRAT has also worked through a couple of sticky legal issues for me as well. His willingness to talk and brainstorm legal issue is appreciated. One issue we have talked about numerous times is how to handle DA's demand for access to defense files under CRS 18-1-417. I now have a framework on how to litigate this issue, thanks to the conversations with the COLRAT.

OADC Roundtable

The Roundtable also provides a crucial resource for appellate and postconviction ADC attorneys. Many of us are solo or small practitioners who appreciate the ability to get together and discuss their cases with one another. The ADC organized roundtable lets us accomplish exactly that task. I have modified many of my 35c claims based on discussions with other postconviction attorneys at the roundtable. The talks help me to identify and, more specifically, narrow postconviction issues for presentation to the court. It saves me time and saves the court time from having to wade through unnecessary issues.

- a robust training and evaluation program for all OADC contractors;
- the use of interns, case assistants, legal researchers, and others who are paid at lower rates to assist with cases;
- In FY19, we began offering contractors access to a new web-based transcribing service. This service not only transcribes the uploaded taped material but synchronizes that transcript to the original video. Another huge benefit is that the contractor receives the transcript within 6-8 hours of uploading the video.

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.

The fourth category begins to address the difficulty the Agency has had finding contractors in rural areas. The OADC has partnered with the Colorado Attorney Mentorship Program and the Legal Entrepreneurs for Justice, to support an attorney who started his private practice in Alamosa through our Rural Justice Initiative. This is the quintessential public-private partnership as the attorney will not only provide legal services under an OADC contract, but will be growing a fledgling business in a legal services desert. This attorney provides 20 hours per week of *pro bono* time, in exchange for mentorship support from the LEJ. The OADC is a LEJ partner and provides mentorship support on criminal cases for the attorney by pairing him with experienced practitioners in both the Alamosa area and other nearby locations. The experienced attorneys consult on his cases and add the less experienced attorney as a *pro bono* lawyer to their more serious cases, so he can learn how to represent clients properly. This means, the OADC receives short-term free legal services from the attorney, the attorney learns how to properly represent OADC clients, the clients get outstanding legal representation and the OADC gains a qualified contractor in a geographic area traditionally lacking in attorneys, who can represent our clients for a long time. But the benefits go far beyond this short-term win-win-win relationship. The attorney is also receiving mentorship and guidance on other areas of the law through LEJ partners and CAMP. Ultimately it is the Alamosa community that gains the most, as a new private sector attorney obtains viability through the financial stability from contractual income sources such as the OADC.

CASES THAT MAY AFFECT THE OADC

ILLEGAL SENTENCES

[*Allman v. People, 2019 CO 78*](#) (September 23, 2019). The Colorado Supreme Court held that in a single multi-count case, the Court is not statutorily authorized to sentence a defendant to both imprisonment and probation. This may result in a very large number of cases returning to the trial courts for various kinds of proceedings to readdress sentences, with a significant number of those cases requiring OADC counsel.

SUPPLEMENTAL HEARINGS

[*People v. Morehead, 2019 CO 48*](#) (June 10, 2019) and [*People v. Haack, 2019 CO 52*](#) (June 17, 2019). In both of these cases, the Court remanded for an additional evidentiary hearing so the prosecution could raise an issue they failed to raise at the initial suppression hearing. This change

in appellate review could well result in additional expense due to additional litigation during the appellate process at both the trial and appellate level.

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.

[Garza v. Idaho, No. 17-1026](#) (February 27, 2019). The United States Supreme Court found that it is ineffective assistance of counsel to not file a notice of appeal, even where the client agreed to waive his appellate rights, simply because the client directed the attorney to file the notice of appeal. This could generate more appeals being filed by OADC lawyers where prior to this case no appeal was being filed.

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 30-50-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.

[People v. Melnick, 2019COA28](#) (February 21, 2019). The Court of Appeals recognized that parole revocation decisions can be challenged under Crim. P. Rule 35(c). OADC attorneys cannot be appointed to parole revocation proceedings. OADC attorneys are however appointed for 35(c) petitions. This opinion has already resulted in OADC attorneys being appointed to review parole revocation decisions.

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, -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.

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 information about customers' locations from cell phone companies.

[People v. Herrera, 357 P.3d 1227 \(Colo. 2015\)](#) The Supreme Court held that the police acted outside the search warrant in viewing text messages on a 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.

This Page Intentionally Left Blank

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 requesting an increase to 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.

		FY09-14 Actual	FY15-18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
OADC average hourly Attorney Rates	Target	\$75	\$75	\$80	\$80	undetermined	undetermined
	Actual	\$65	\$75	\$80			

Performance Measure B: Contain Case Costs

The OADC analyzes its 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	FY21 Anticipate d	FY22 Anticipate d
Average Cost per Case	Target	n/a	\$1,581	\$1,523	\$1,523	\$1,456	\$1,456	\$1,456
	Actual	\$1,581	\$1,523	\$1,456				
Keep ancillary costs per case to a minimum	Target	\$135	\$120	\$107	\$107	\$91	\$91	\$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.

	FY18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
Total Number of Trainings	16	31	16	31	31
Total Number of Hours	332	244	158	244	244
Total Number of Attendees	1,384	1,351	903	1,351	1,351

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 10th 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 (Colorado Organized Crime Control Act), self-defense, character evidence, restitution claims, CRE 404(b) evidence, researching legislative history, sex offenders, out-of-state subpoenas, and ineffective assistance of counsel claims. Co-authoring the 3rd edition of the Juvenile Defense Manual, which was released in April 2018.

		FY18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
On-Line Research Tools and Resources to the OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target documents	6,000	7,000	7,500	7,541	7,541
	Actual documents	7,297	7,541			
	Target users/month	1,200	1,700	2,000	4,952	4,952
	Actual users/month	3,108	4,952			

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).

Requires at least 5 hours of juvenile or defense specific CLE training per year.

		FY18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	100%			
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	100%			
Courtroom Observations	Target	75	75	75	75	75
	Actual	77	100			
Mock Oral Arguments	Target	12	12	12	9	9
	Actual	5	9			
Oral Arguments	Target	16	16	16	10	10
	Actual	11	10			
Review Pleadings	Target	100	150	150	180	180
	Actual	150	180			

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 related trainings.

		FY18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
Number of Cases with Social Workers	Target	200 cases	300 cases	350 cases	496 cases	550 cases
	Actual	320 cases	496* cases			
Number of Social Worker Contractors	Target	15 contractors	21 contractors	24 contractors	32 contractors	35 contractors
	Actual	22 contractors	32 contractors			
Number of Social Worker Interns	Target	3 interns	4 interns	5 interns	5 interns	5 interns
	Actual	3 interns	3 interns			

***Cases paid on as of June 30, 2019**

Performance Measure G: Strengthen the OADC’s Juvenile Division

In FY17, the OADC created a specialized Juvenile Division of attorneys with the skills, knowledge and experience necessary to competently represent juvenile clients in delinquency and adult court. The OADC is applying lessons learned through this process to improve the quality and efficiency of OADC juvenile defense. The OADC is bringing juvenile specific training to areas outside of the Denver Metropolitan area, where there are fewer available and qualified juvenile attorneys. It is difficult for attorneys in these areas to travel to the metro area for training, and while some seminars can be viewed on DVD or through webinars, it is important to conduct some training in-person. Further, the OADC is assisting contract attorneys in incorporating other professionals into their defense teams. This includes specialists in education advocacy, appeals, mental health and competency, and the defense of sex offense cases, as well as non-legal professionals such as social workers, mitigation specialists, investigators, paralegals and researchers. In addition, the Juvenile Coordinator regularly observes Juvenile Division contractors and conducts contract renewal interviews to ensure continued high-quality juvenile defense.

		FY18 Actual	FY19 Actual	FY20 Request	FY21 Anticipated	FY22 Anticipated
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	25	25	25	26	26
	Actual	7*	26			
Incorporate a social worker into juvenile defense teams where appropriate.	Target	50 cases	50 cases	60 cases	112 cases	112 cases
	Actual	61 cases	112** cases			
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	20	20	25	40	40
	Actual	31	40**			

*The OADC conducts contract renewal screenings at the end of each calendar year. In 2016, the OADC created a Juvenile Division, and screened all attorneys who applied to represent juveniles in the summer of that year. Therefore, no juvenile attorneys were screened at the end of that calendar year. In addition, because most contractors were given two or three year contracts beginning on January 1, 2017, there were fewer renewal screenings at the end of 2017 than 2018.

**Cases paid on as of June 30, 2019

Performance Measure H: Implement and manage the Municipal Court Program

To ensure that indigent defendants in Colorado’s municipal courts receive representation free from political and judicial influence and that such representation is effective, high quality, ethical, conflict-free and constitutionally sound, the OADC acquired a new position that is implementing its Municipal Court Program. The Program will evaluate the selection process of court-appointed counsel in municipalities and the independence and competence of those attorneys. Evaluations will begin January 1, 2020. Evaluation reports will be provided to each municipality via their governing board/council and Municipal Court. To accomplish this, the Agency will:

1. Evaluate the general selection of court-appointed counsel by a municipality.
2. Evaluate municipal court-appointed counsel to determine whether services are being provided free from political and judicial influence and meet minimum constitutional obligations.

		FY18 Actual	FY19 Actual	FY20 Anticipated	FY21 Anticipated	FY22 Anticipated
Municipalities Requesting OADC Evaluate the Provision of Defense Counsel to Indigent Defendants	Target	na	50	50	50	50
	Actual	na	37			
Municipalities visited that requested OADC services	Target	na	100%	100%	100%	100%
	Actual	na	97%			

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 its 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 an additional \$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 3 fiscal years. The types of trainings provided are based on an assessment of the needs of the OADC contractors.

Conducting Periodic Evaluations

Section V (Recent Performance Evaluations) outlines several tools that the Agency uses to evaluate its programs. The Agency's billing system overhaul, which went into effect on July 23, 2015, 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 simultaneously 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 a survey regarding the interest and willingness to pay for an application that would allow greater functionality of contractor billing while using mobile devices.

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 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 attorney² hourly rate of \$148/hour for non-capital cases, and for capital crime (death penalty) cases, an hourly rate of \$190/ hour.

Performance Measure B: Contain Case Costs:

The Agency continues to contain (and reduce) its attorney hours per case and keep ancillary costs per case to a minimum. (See chart on page 4 of 12)

Performance Measure C: Provide High-Quality Annual Trainings:

As can be seen by the chart below, the Agency provided 31 trainings, consisting of 244 hours, and reaching 1,351 attendees, an increase from the projected 956.

	FY19 Projected	FY19 Actual
Total Number of Trainings	15	31
Total Number of Hours	192	244
Total Number of Attendees	956	1,351

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

As the chart below demonstrates, the Agency continues to exceed its goals in this area.

	FY19 Projected	FY19 Actual
Total Number of Documents	7,000	7,541
Users per month	1,700	4,952

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 25 as seen below.

	FY19 Projected	FY19 Actual
Evaluate Renewing Attorney Applicants	100%	100%
Evaluate Renewing Investigator Applicants	100%	100%
Courtroom Observations	75	100
Mock Oral Arguments	12	9

² Federal court-appointed attorneys are referred to as Criminal Justice Act (CJA) lawyers.

Oral Arguments	16	10
Review Pleadings	150	180

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 therefore the number of cases with social workers. The JBC approved the OADC’s request for a Social Worker Outreach Coordinator FTE, which is slated to start July 1, 2019. As the chart below indicates, it is anticipated that this program will continue to expand.

	FY19 Projected	FY19 Actual
Number of Cases with Social Workers	300	496*
Number of Social Worker Contractors	21	32
Number of Social Worker Interns	4	3

*Cases paid on as of June 30, 2019

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

The OADC successfully implemented its new Juvenile Division and anticipates that the efficacy of this program will increase as it moves forward.

	FY19 Projected	FY19 Actual
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	25	26
Incorporate a social worker into juvenile defense teams where appropriate.	50	112*
Provide specialized education law assistance to juvenile defense teams where appropriate.	20	40*

*Cases paid on as of June 30, 2019

Performance Measure H: Implement and manage the Municipal Court Program:

Pursuant to SB 18-203, enacted in FY18, the OADC hired a Municipal Court Coordinator to run the Municipal Court Program, a program that will evaluate the independence and competence of court-appointed counsel in municipal court. In FY19, the Coordinator connected with all 37

municipalities that requested OADC services, as well as observed court proceedings in all but 1 jurisdiction. The first draft of the Municipal Court Program was created and distributed to 36 municipalities (one municipality rescinded its request for OADC services).

	FY19 Projected	FY19 Actual
Municipalities Requesting OADC Evaluate the Provision of Defense Counsel to Indigent Defendants	50	37
Municipalities visited that requested OADC services	100%	97%

This Page Intentionally Left Blank

Appendix D
Case Classification by Category Rates

Type A	Type B
Kidnapping Murder 1deg	
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 Organized crime control act (COCCA) Robbery Theft
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 Criminal tampering Driving Offenses (Felony) Drug Felony - Non Marijuana Drugs - Distribution CS 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 Menacing (Felony)

	<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> 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 Trafficking Children/Sell Child Vehicular assault Vehicular homicide 	<ul style="list-style-type: none"> Accessory to crime Assault 3rd Degree on At-Risk-Adult Bias Motivated Crime Bribery 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) Drug Felony - non marijuana Drugs- distribution Marijuana Drugs- distribution Sched II Drugs- manufacture CS Drugs- possession CS Drugs- possession Sched II Drugs- possession/intent Marijuana Dueling Eluding Engaging in riot Escape Extortion Extradition False reporting to authorities Financial transaction device

	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
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 Assault 3rd Degree on At-Risk-Adult At-Risk Elder-Crim Exploitation Bias Motivated Crime Burglary Burglary of Tools - Possession Check fraud Chop Shop - own/operate Contraband Contrib to delinquency of minor Crim mischief Crim trespass Criminal impersonation Criminal Tampering 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 Engaging in a riot Escape Extortion Fail to register sex offender False imprisonment False Info to Pawnbroker False Reporting to Authorities Financial Transaction Device Forgery Identity Theft Influence Public Servant Menacing (Felony) Money Laundering Motor Vehicle Theft Possess forged instrument Rioting Robbery Robbery of at-risk adult Stalking Theft Violation bail bond conditions Weapons charges Welfare Fraud Wildlife-Illegal Sale/Purchase - big Game
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 Burglary 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

	<ul style="list-style-type: none"> Drugs- Possession Sched II Drugs- Possession/Intent CS Eluding 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 Inciting Destruction of Life or Property Indecent Exposure Menacing (Felony) Motor Vehicle Theft Possess Forged Instrument Retaliation Against Witness/Judge Rioting Theft Violation Bail Bond Conditions Weapons Charges Witness Intimidation
<ul style="list-style-type: none"> Fugitive from Justice Sexual Assault 	<ul style="list-style-type: none"> Extradition Fugitive From Justice Rioting
	<ul style="list-style-type: none"> Drug Felony - Marijuana Drug Felony - Non Marijuana 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

	<ul style="list-style-type: none"> Drug Felony - Marijuana Drug Felony - Non Marijuana 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- Manufacture CS - Old Do Not Use	<ul style="list-style-type: none"> Accessory to Crime (F3-F6) Drug Felony - Marijuana Drug Felony - Non Marijuana 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
Drugs- Manufacture CS - Old Do Not Use	<ul style="list-style-type: none"> Drug Felony - Marijuana Drug Felony - Non Marijuana 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

This Page Intentionally Left Blank

Appendix E

Long-Range Financial Plan

**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Appropriation Unit	FY 2020-21 Budget Request			FY 2021-22 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$1,908,302		\$1,908,302	\$1,908,302		\$1,908,302
Health, Life and Dental	\$257,673		\$257,673	\$257,673		\$257,673
Short-term Disability	\$3,285		\$3,285	\$3,285		\$3,285
Amortization Equalization Disbursement (AED)	\$101,833		\$101,833	\$101,833		\$101,833
Supplemental Amortization Equalization Disbursement (SAED)	\$101,833		\$101,833	\$101,833		\$101,833
Salary Survey	\$0		\$0	\$0		\$0
Merit Pay	\$36,811		\$36,811	\$0		\$0
Operating Expenses	\$181,395		\$181,395	\$132,715		\$132,715
Capital Outlay	\$21,600		\$21,600	\$0		\$0
Training	\$20,000	\$80,000	\$100,000	\$20,000	\$80,000	\$100,000
Conflict-of-interest Contracts	\$48,970,758		\$48,970,758	\$53,318,595		\$53,318,595
Mandated Costs	\$3,191,879		\$3,191,879	\$3,489,765		\$3,489,765
Municipal Court Program	\$202,306		\$202,306	\$211,712		\$211,712
Total	\$54,997,675	\$80,000	\$55,077,675	\$59,545,712	\$80,000	\$59,625,712

Appropriation Unit	FY 2022-23 Budget Projection			FY 2023-24 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$1,908,302		\$1,908,302	\$1,908,302		\$1,908,302
Health, Life and Dental	\$257,673		\$257,673	\$257,673		\$257,673
Short-term Disability	\$3,285		\$3,285	\$3,285		\$3,285
Amortization Equalization Disbursement (AED)	\$101,833		\$101,833	\$101,833		\$101,833
Supplemental Amortization Equalization Disbursement (SAED)	\$101,833		\$101,833	\$101,833		\$101,833
Salary Survey	\$0		\$0	\$0		\$0
Merit Pay	\$0		\$0	\$0		\$0
Operating Expenses	\$139,350		\$139,350	\$146,318		\$146,318
Capital Outlay	\$0		\$0	\$0		\$0
Training	\$100,000	\$80,000	\$180,000	\$100,000	\$80,000	\$180,000
Conflict-of-interest Contracts	\$58,124,301		\$58,124,301	\$63,436,094		\$63,436,094
Mandated Costs	\$3,819,020		\$3,819,020	\$4,182,950		\$4,182,950
Municipal Court Program	\$211,712		\$211,712	\$211,712		\$211,712
Total	\$64,767,310	\$80,000	\$64,847,310	\$70,450,000	\$80,000	\$70,530,000

(See additional information on the following page)

**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Assumptions

- Personal Services and related costs (PERA, Medicare, HLD, AED, SAED, Disability)**
 - > We are unable to predict any salary survey or merit increases. However, OADC aligns its requested increases with OSPB and JBC recommendations during the annual budget process
- > **Operating**
 - > Operating expenditures are projected to increase 5% per year
- > **Conflict-of-interest Contracts & Mandated Costs (General Fund)**
 - > Projections reflect current OADC methodology for Caseload increases which calculate additional estimated cases for the upcoming fiscal year and multiply it by the most recent average cost per case (which in FY19 was \$1,474.14).
- > **Municipal Court Programs**
 - > Amount is aligned with SB18-203 Appropriations.