



Office of the

Alternate Defense



ounsel

**FISCAL YEAR 2023-2024
BUDGET REQUEST**

November 1, 2022

Lindy Frolich, Director

Table of Contents

Executive Letter	1
Budget Summary	
Budget Summary Narrative	7
Budget Change Summary, by Fund Source	9
FY2022-23 Reconciliation of Agency Request	11
Agency Overview	
Organizational Chart	17
Background	19
Statutory Mandated/Directive	19
Mission Statement	19
Total Caseload and Case Type Data	21
Decision Item(s)	
DI 1 # R-1 : EDI / HR Coordinator (Operations Specialist)	39
DI 2 # R-2 : Holistic Defense Coordinator	45
DI 3 # R-3 : Post Conviction Unit	53
DI 4 # R-4 : Appointment Specialist	65
DI 5 # R-5 : Municipal Court Program Analyst	71
DI 6 # R-6 : Social Worker Fellowships	77
DI 7 # R-7 : Common Compensation Plan	85
DI 8 # R-8 : Contractor Rate Increase (Attorneys)	91
DI 9 # R-9 : Contractor Rate Increase (Legal Teams)	95
Schedules	
Schedule 2	101
Schedule 3	103
Schedule 5	115
Schedule 7	117
Schedule 10	119
POTS Template and Summary	121
Appendix A - Caseload Totals by District and Colorado Judicial Districts Map	125
Appendix B - Prior Year Legislation, Hot Topics, and Cases that May Affect OADC	131
Appendix C - Agency Objectives and Performance Measures	147
Appendix D - Long Range Financial Plan	157

State of Colorado

Lindy Frolich, Director

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THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

Dear Legislature:

In March of 2006, I became the director of the Office of the Alternate Defense Counsel. When I started, the office was in Greeley, Colorado, and there were 5 FTE. Our primary responsibilities were to approve appointments and funding on cases, and to pay invoices. The Deputy Director lived and worked in Grand Junction, I was in Denver, and the financial division (Controller and 2 others) lived and worked in Greeley. I commuted to Greeley for a few months, while looking for office space near the capitol in Denver. We opened our Denver office in July 2006, and the People from Greeley commuted to Denver a couple of times a week. Our Controller resigned and we filled that position with someone from Denver.

I quickly realized how much more we could be doing to help indigent clients in Colorado and became set on figuring out ways to do that. Our first addition was our Appeals and Post-Conviction Coordinator. This position has saved the agency money by streamlining both appellate and post-conviction cases by bringing them in-house and processing the administrative portions of these cases prior to assigning them to a contract attorney. We also ensure these cases have lawyers qualified to complete this type of work.

As a result of a Performance Audit in 2006, we added an FTE to help with the training and evaluation of our attorney contractors, as well as an administrative person and a training budget. Our trainings continue to improve our contractors' skills while also providing inspiration:

I have learned a lot through the ADC and the trainings have been excellent. I enjoyed the Trial Advocacy training and found it very helpful to learn new skills. Thank you for that training as well as the Holistic Training. I feel that being associated with the ADC has improved my legal skills and practice approach and invigorated my practice.

In 2013, we realized that more efficiencies could be created by hiring a Coordinator of Legal Resources and Technology (COLRAT). Among other duties, this person

summarizes every case from the United States Supreme Court down through unpublished Colorado Court of Appeals decisions on a weekly basis and distributes these summaries to all of our contractors. Then, one week's case summary is turned into the following week's podcast for those contractors who prefer listening to case law updates.

The COLRAT is such a brain trust. Time and time again he has been an invaluable resource to me and to all members of my defense team. He is always available and immediately responsive if I have a trial emergency. His mid-trial assistance with case law and nuanced legal arguments last time helped me get a mistrial, which was what needed to happen

Thank you, a million times over, for the Friday case summaries. I read them weekly and often go back to them, like I did here in challenging this restitution request.

Doing paperwork in my office with this caselaw update podcast; it's so helpful (and I feel so productive being able to listen while I do those kinds of mindless file updates). It's awesome, great work!

Thanks also for the Podcast work you do...I learn a great deal on each broadcast

Starting in 2013, to stay abreast of best practices in indigent defense, we began working with social worker interns to work on juvenile life-without-the-possibility-of-parole cases. The program quickly expanded in 2014 when we saw the significant impact social workers had on case outcomes, both for clients and in cost-savings. We then hired a full-time Social Worker Coordinator in 2016, and three years later, a Social Worker Outreach Coordinator– to ensure that individuals all over the state had equal access to Forensic Social Workers and Forensic Clinical Advocates (FSW/FCA's). We currently have 59 social workers under contract, and they worked on nearly 1,000 cases in FY22.

The OADC staff received significant feedback from defense teams regarding their need for more case management and resource identification for clients in addition to the invaluable advocacy of mitigation investigation and client support provided by Forensic Social Workers and Clinical Advocates. In response, we began contracting with Resource Advocates at the end of 2021. Resource Advocates have experience and are skilled in case management and resource identification. Resource Advocates work on defense teams with the sole purpose of identifying, navigating, and connecting clients with various community resources, including access to housing, navigating public benefits, and connection with mental health, substance abuse services, etc. Access to stable housing or treatment opportunities can be the difference between a client remaining in jail or detention and pre-trial release or a potential community-based sentence instead of jail, prison, or commitment. We currently contract with nine Resource Advocates across Colorado located on the front range, eastern plains, and western slope. The addition of this new contractor type has been very successful:

My co-counsel and our resource advocate have been working to find resources for Mr. X. My DA is on board with us trying to find a program that will help Mr. X.

I've had the pleasure of working with Ms. Y on three cases thus far. Having her as a Resource Advocate has been truly pivotal for my clients.

HB14-1032 was enacted to improve the quality of youth representation in Colorado. As part of that bill the OADC received an FTE to hire a Youth Defense Coordinator. The addition of this position has enabled the Agency to create a Youth Division of contractors who specialize in both juvenile delinquency cases as well juvenile direct file cases and transfer cases. As a result, the youth who are appointed an OADC lawyer are ensured that that their lawyer is a specialist in youth defense.

In 2018, the legislature enacted SB18-203, to improve representation of indigent clients in municipal courts across the state. The OADC was given two FTE positions to begin this process, and that program continues to grow each year.

2022 brings to light a new era for our agency in indigent defense.

The need for diverse contractors and for individuals willing to live and work in Greater Colorado has always been apparent, but we feel a new sense of urgency to make this happen. We have been working with an EDI (Equity, Diversity, and Inclusion) consultant to be sure we are using best practices in both our internal hiring process as well as with contractor outreach.

For the OADC, embarking upon this new phase of EDI implementation is also founded upon the principles under which our agency was formed, that of equity, access, and justice. Entering our twenty-sixth year, the OADC is committed to its next level of transformative growth.

The commitment is pivotal to our work going forward, in developing and retaining our workforce, building a more diverse and inclusive space, and the recognition of the vital imperative of community, belonging, and mutual respect for the OADC stakeholders throughout our agency ecosystem.

We have made great strides and are looking forward to further expanding these principles and practices

As we move into 2023, we are very excited to continue promoting a more holistic model of representation for our clients. As an Agency, we value and have tried to increase interdisciplinary defense teams through the inclusion of forensic social workers and clinical advocates, paralegals, investigators, resource advocates and case assistants in our contractor pool. However, holistic defense representation entails more than interdisciplinary, client-centered representation. True holistic defense adheres to the Four Pillars of Holistic Defense which are:

- seamless access to services that meet clients' legal and social support needs;
- dynamic interdisciplinary communication;
- advocates with an interdisciplinary skill set; and
- a robust understanding of, and connection to, community.

This model requires defense teams to expand their focus beyond the discrete legal matter at hand, to address factors that impact recidivism and criminal system involvement such as lack of housing, unemployment, and more. To further advance the OADC's focus on holistic public defense and support the Agency's mission, we are working to make interdisciplinary teams the norm to address "enmeshed" consequences to incarceration and conviction or adjudication, such as loss of housing, inability to find employment, and loss of public benefits. In addition to interdisciplinary defense teams, the Agency is invested in building community relationships and connections. Our hope is that the addition of the Holistic Defense Coordinator will increase and build our contractors' ability to practice holistic defense. We believe that this will be transformative for public defense in Colorado. As one of our contractors recently stated:

Holistic defense means seeing our clients for more than what the system tries to make them into: a name on an affidavit. I try to identify areas my clients are struggling outside of their criminal cases and help them problem solve those situations. I currently have a DF1 client who is out of custody. A large part of my advocacy for her has been helping her navigate the DMV labyrinth to get her driver's license back. This will allow her to get to and from work by her own means, transport her children, and further her education. While it is not directly related to her charges, it is exactly what she needs to be successful beyond sentencing.

We realize that we have grown exponentially as an Agency over the past 16 years, and our current budget request is quite ambitious. But as the following quote demonstrates, this growth has truly benefited both our contractors and the clients that we serve:

Working as an ADC attorney has been so central to my life and identity as a lawyer - you run an organization that nurtures clients AND attorneys, and to see what you guys have built up resource wise since I started is so great. I have nothing but respect for all of you down there.

And finally, although it may be more costly on the front end, every time a client benefits from resource identification or mitigation investigation, and a case is dismissed, or the client receives a deferred

judgement and sentence, or probation versus a Department of Corrections sentence, it saves the State of Colorado a significant amount of money as demonstrated by the following chart:

Annual Cost of Adult Sentencing Options Per Offender FY21-22

	1 yr of cost	3 yrs of cost	5 yrs of cost	25 yrs of cost
Probation	\$ 1,819	\$ 5,457	\$ 9,095	\$ 45,475
Community Corrections	\$ 12,032	\$ 36,096	\$ 60,160	\$ 300,800
Parole *	\$ 6,270	\$ 18,810	\$ 31,350	\$ 156,750
Department of Corrections **	\$ 55,716	\$ 167,148	\$ 278,580	\$ 1,392,900

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

Annual Cost of Juvenile Sentencing Options Per Child FY17

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

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

Sincerely,



Lindy Frolich

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BUDGET SUMMARY NARRATIVE

The total FY 2023-24 budget request for the Office of the Alternate Defense Counsel is \$ 57,463,590 and 34.5 FTE.

FY 2022-23 Appropriation \$ 50,570,572

MINUS FY23 PFML Removal (\$4,919)

MINUS Across the Board (ATB) Adjustments – PY Annualization (\$56,984)

PLUS Salary Survey / Across the Board (ATB) Adjustments \$125,040

PLUS PY FTE Annualizations \$17,381

PLUS Common Policy Adjustments \$52,403

MINUS Capital Outlay Adjustments (\$4,320)

FY 2023-24 Base Request of \$ 50,699,173

PLUS DI 1 – Change Request – EDI / HR Coordinator \$ 140,409

PLUS DI 2 – Change Request – Holistic Defense Coordinator \$ 185,906

PLUS DI 3 – Change Request – Post-Conviction Division \$ 0

PLUS DI 4 – Change Request – Appointments Specialist \$ 85,526

PLUS DI 5 – Change Request – Municipal Court Programs Analyst \$ 87,312

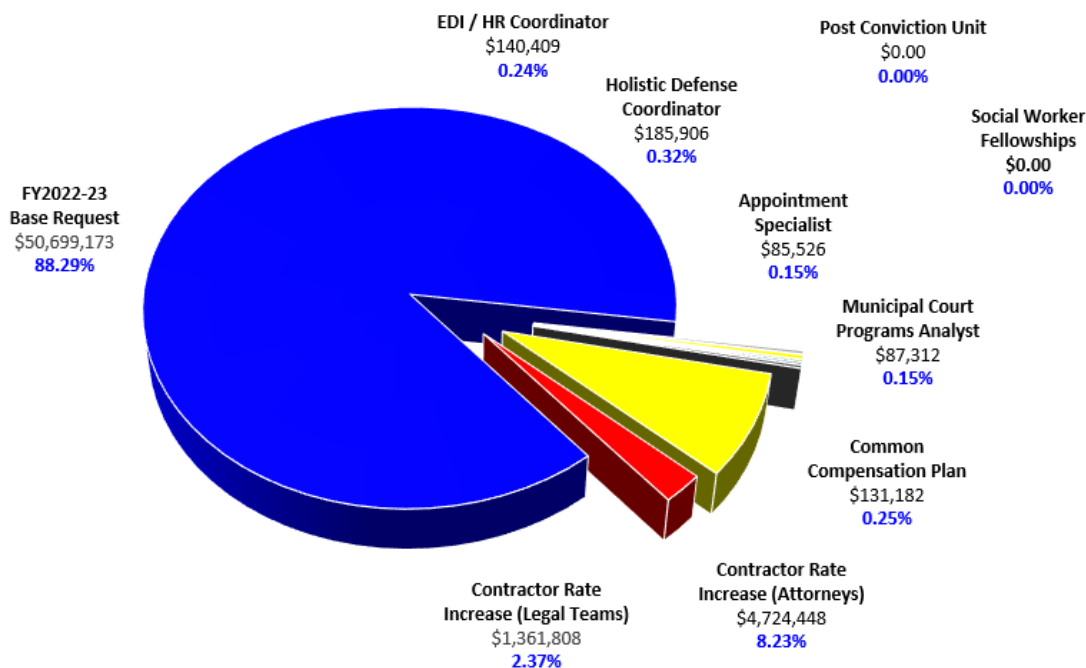
PLUS DI 6 – Change Request – Social Worker Fellowships \$ 0

PLUS DI 7 – Change Request – Common Compensation Plan \$ 131,182

PLUS DI 8 – Change Request – Contractor Rate Increase (Attorney) \$ 4,724,448

PLUS DI 9 – Change Request – Contractor Rate Increase (Legal Team) \$ 1,361,808

FY 2022-23 Budget Request of \$ 57,415,764



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**The Office of the Alternate Defense Counsel
FY 2023-24 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
Long and Special Bill				
HB22-1329 Office of the Alternate Defense Counsel PFML (removal in FY23)	20.5	\$50,570,572 (\$4,919)	\$50,490,572 (\$4,919)	\$80,000 \$0
Total FY2022-23 Appropriation	20.5	\$50,565,653	\$50,485,653	\$80,000
Prior Year Budget Change or Annualizations				
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	0.1	\$12,899	\$12,899	\$0
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	0.1	\$7,442	\$7,442	\$0
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	0.1	\$9,939	\$9,939	\$0
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	0.1	\$12,047	\$12,047	\$0
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	0.1	\$12,047	\$12,047	\$0
Annualizations FY23 DI # 1 and 580		(\$36,992)	(\$36,992)	\$0
Total Change or Annualization	0.50	\$17,381	\$17,381	\$0
Salary Survey and Merit				
FY 2022-23 Salary Survey / (ATB) Across The Board Incr. (Annualized)	0.0	(\$56,984)	(\$56,984)	\$0
FY 2023-24 Salary Survey / (ATB) Across The Board	0.0	\$125,040	\$125,040	\$0
Total Salary Survey and Merit	0.0	\$68,056	\$68,056	\$0
Common Policy Adjustments				
Health Life Dental	0.0	\$34,857	\$34,857	\$0
Short Term Disability	0.0	\$48	\$48	\$0
AED	0.0	\$8,749	\$8,749	\$0
SAED	0.0	\$8,749	\$8,749	\$0
Total Common Policy Adjustments	0.0	\$52,403	\$52,403	\$0
Capital Outlay				
FY23 Capital Outlay FTE amounts (Annualized)	0.0	(\$31,000)	(\$31,000)	\$0
	0.0	(\$31,000)	(\$31,000)	\$0
DI # R-1 - EDI / HR Coordinator (Operations Specialist)	0.0	\$6,670	\$6,670	\$0
	0.0	\$6,670	\$6,670	\$0
DI # R-2 - Holistic Defense Coordinator	0.0	\$6,670	\$6,670	\$0
	0.0	\$6,670	\$6,670	\$0
DI # R-3 - Post-Conviction Unit	0.0	\$66,700	\$66,700	\$0
	0.0	\$66,700	\$66,700	\$0
DI # R-4 - Appointment Specialist	0.0	\$6,670	\$6,670	\$0
	0.0	\$6,670	\$6,670	\$0
DI # R-5 - Municipal Court Program	0.0	\$6,670	\$6,670	\$0
	0.0	\$6,670	\$6,670	\$0
DI # R-6 - The Inclusivity Social Worker Fellowship	0.0	\$6,670	\$6,670	\$0
DI # R-6 - The Greater Colorado Social Worker Fellowship	0.0	\$6,670	\$6,670	\$0
	0.0	\$13,340	\$13,340	\$0
Total Common Policy Adjustments	0.0	\$75,720	\$75,720	\$0
Conflicts - Capital Outlay Offset				
DI # R-3 - Post-Conviction Unit	0.0	(\$66,700)	(\$66,700)	\$0
	0.0	(\$66,700)	(\$66,700)	\$0
DI # R-6 - The Inclusivity Social Worker Fellowship	0.0	(\$6,670)	(\$6,670)	\$0
DI # R-6 - The Greater Colorado Social Worker Fellowship	0.0	(\$6,670)	(\$6,670)	\$0
	0.0	(\$13,340)	(\$13,340)	\$0
Total Common Policy Adjustments	0.0	(\$80,040)	(\$80,040)	\$0
Total FY 2022-23 Base Request	21.0	\$50,699,173	\$50,619,173	\$80,000

Budget Change Requests

DI # R-1 - EDI / HR Coordinator (Operations Specialist)	0.9	\$140,409	\$140,409	\$0
DI # R-2 - Holistic Defense Coordinator	0.9	\$185,906	\$185,906	\$0
DI # R-3 Post-Conviction Unit	9.0	\$1,232,836	\$1,232,836	\$0
DI # R-3 Conflict-of-interest Contracts LBLI	0.0	(\$1,232,836)	(\$1,232,836)	\$0
DI # R-3 - Post-Conviction Unit	9.0	\$0	\$0	\$0
DI # R-4 - Appointment Specialist	0.9	\$85,526	\$85,526	\$0
DI # R-5 Municipal Court Program Analyst	0.9	\$87,312	\$87,312	\$0
DI # R-6 - The Inclusivity Social Worker Fellowship	0.9	\$98,421	\$98,421	\$0
DI # R-6 - Conflict-of-interest Contracts LBLI	0.0	(\$98,421)	(\$98,421)	\$0
DI # R-6 - The Inclusivity Social Worker Fellowship	0.9	\$0	\$0	\$0
DI # R-6 - The Greater Colorado Social Worker Fellowship	0.9	\$98,421	\$98,421	\$0
DI # R-6 - Conflict-of-interest Contracts LBLI	0.0	(\$98,421)	(\$98,421)	\$0
DI # R-6 - The Greater Colorado Social Worker Fellowship	0.9	\$0	\$0	\$0
DI # 7 (R-7) Common Compensation Plan - Prs Srvc	0.0	\$120,372	\$120,372	\$0
DI # 7 (R-7) Common Compensation Plan - STD	0.0	\$160	\$160	\$0
DI # 7 (R-7) Common Compensation Plan - AED	0.0	\$5,325	\$5,325	\$0
DI # 7 (R-7) Common Compensation Plan - SAED	0.0	\$5,325	\$5,325	\$0
DI # 7 (R-7) Common Compensation Plan	0.0	\$131,182	\$131,182	\$0
DI # R-8 - Contractor Rate Increase (Attorney)	0.0	\$4,724,448	\$4,724,448	\$0
DI # R-9 - Contractor Rate Increase (Legal Teams)	0.0	\$1,361,808	\$1,361,808	\$0
Total Decision Items/Budget Amendments	13.5	\$6,850,112	\$6,850,112	\$0
Total FY 2023-24 Budget Request	34.5	\$57,415,764	\$57,335,764	\$80,000
Change from FY 2022-23	14.0	\$6,850,111	\$6,850,111	\$0
% Change from FY 2022-23	68.3%	13.5%	13.6%	0.0%

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Personal Services				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 2,403,623	20.5	\$ 2,403,623	\$ -
FY 2022-23 Total Appropriation	\$ 2,403,623		\$ 2,403,623	\$ -
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ 12,899	0.1	\$ 12,899	
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	\$ 7,442	0.1	\$ 7,442	
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	\$ 9,939	0.1	\$ 9,939	
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ 12,047	0.1	\$ 12,047	
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ 12,047	0.1	\$ 12,047	
Annualizations FY23 Salary Survey	\$ 56,984	-	\$ 56,984	
FY 2023-24 Base Request	\$ 2,514,980	21.0	\$ 2,514,980	
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 107,328	0.9	\$ 107,328	
DI # 2 Holistic Defense Coordinator	\$ 149,075	0.9	\$ 149,075	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 140,250	0.9	\$ 140,250	
DI # 3 Post Conviction Unit - Attorney	\$ 97,388	0.9	\$ 97,388	
DI # 3 Post Conviction Unit - Attorney	\$ 97,388	0.9	\$ 97,388	
DI # 3 Post Conviction Unit - Attorney	\$ 97,388	0.9	\$ 97,388	
DI # 3 Post Conviction Unit - Attorney	\$ 97,388	0.9	\$ 97,388	
DI # 3 Post Conviction Unit - LCSW	\$ 89,925	0.9	\$ 89,925	
DI # 3 Post Conviction Unit - Investigator	\$ 86,909	0.9	\$ 86,909	
DI # 3 Post Conviction Unit - Investigator	\$ 86,909	0.9	\$ 86,909	
DI # 3 Post Conviction Unit - Paralegal	\$ 64,551	0.9	\$ 64,551	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 58,034	0.9	\$ 58,034	
DI # 4 Appointment Specialist	\$ 56,967	0.9	\$ 56,967	
DI # 5 Municipal Court Program Analyst	\$ 58,605	0.9	\$ 58,605	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 68,800	0.9	\$ 68,800	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 68,800	0.9	\$ 68,800	
DI # 7 Common Compensation Plan	\$ 120,372	-	\$ 120,372	
FY 2023-24 November 01 Request	\$ 4,061,057	35.4	\$ 4,061,057	\$ -
Health Life and Dental (HLD)				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 290,390	-	\$ 290,390	\$ -
FY 2022-23 Total Appropriation	\$ 290,390		\$ 290,390	\$ -
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ -	-		
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	\$ -	-		
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ -	-	\$ -	
Total Compensation Common Policy (incremental change)	\$ 34,857	-	\$ 34,857	

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
FY 2023-24 Base Request	\$ 325,247	-	\$ 325,247	
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 14,423		\$ 14,423	
DI # 2 Holistic Defense Coordinator	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Attorney	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Attorney	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Attorney	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Attorney	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - LCSW	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Investigator	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Investigator	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Paralegal	\$ 14,423		\$ 14,423	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 14,423		\$ 14,423	
DI # 4 Appointment Specialist	\$ 14,423		\$ 14,423	
DI # 5 Municipal Court Program Analyst	\$ 14,423		\$ 14,423	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 14,423		\$ 14,423	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 14,423		\$ 14,423	
FY 2023-24 November 01 Request	\$ 556,015	-	\$ 556,015	\$ -

Short Term Disability (STD)

FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 3,437	-	\$ 3,437	\$ -
FY 2022-23 Total Appropriation	\$ 3,437		\$ 3,437	\$ -
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ -	-		
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	\$ -	-		
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ -	-		
Total Compensation Common Policy (incremental change)	\$ 48	-	\$ 48	
FY 2023-24 Base Request	\$ 3,485	-	\$ 3,485	
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 142		\$ 142	
DI # 2 Holistic Defense Coordinator	\$ 198		\$ 198	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 186		\$ 186	
DI # 3 Post Conviction Unit - Attorney	\$ 129		\$ 129	
DI # 3 Post Conviction Unit - Attorney	\$ 129		\$ 129	
DI # 3 Post Conviction Unit - Attorney	\$ 129		\$ 129	
DI # 3 Post Conviction Unit - Attorney	\$ 129		\$ 129	
DI # 3 Post Conviction Unit - LCSW	\$ 119		\$ 119	
DI # 3 Post Conviction Unit - Investigator	\$ 116		\$ 116	
DI # 3 Post Conviction Unit - Investigator	\$ 116		\$ 116	
DI # 3 Post Conviction Unit - Paralegal	\$ 86		\$ 86	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 77		\$ 77	
DI # 4 Appointment Specialist	\$ 76		\$ 76	
DI # 5 Municipal Court Program Analyst	\$ 78		\$ 78	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 92		\$ 92	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 92		\$ 92	
DI # 7 Common Compensation Plan	\$ 160		\$ 160	
FY 2023-24 November 01 Request	\$ 5,538	-	\$ 5,538	\$ -

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
S.B 04-257 Amortization Equalization Disbursement (AED)				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 107,418	-	\$ 107,418	\$ -
FY 2022-23 Total Appropriation	\$ 107,418		\$ 107,418	\$ -
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ -	-		
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	\$ -	-		
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ -	-		
Total Compensation Common Policy (incremental change)	\$ 8,749	-	\$ 8,749	
FY 2023-24 Base Request	\$ 116,167	-	\$ 116,167	
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 4,748		\$ 4,748	
DI # 2 Holistic Defense Coordinator	\$ 6,595		\$ 6,595	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 6,205		\$ 6,205	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - LCSW	\$ 3,978		\$ 3,978	
DI # 3 Post Conviction Unit - Investigator	\$ 3,845		\$ 3,845	
DI # 3 Post Conviction Unit - Investigator	\$ 3,845		\$ 3,845	
DI # 3 Post Conviction Unit - Paralegal	\$ 2,856		\$ 2,856	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 2,567		\$ 2,567	
DI # 4 Appointment Specialist	\$ 2,520		\$ 2,520	
DI # 5 Municipal Court Program Analyst	\$ 2,593		\$ 2,593	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 3,044		\$ 3,044	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 3,044		\$ 3,044	
DI # 7 Common Compensation Plan	\$ 5,325		\$ 5,325	
FY 2023-24 November 01 Request	\$ 184,565	-	\$ 184,565	\$ -
S.B. 06-235 Supplemental Amortization Equalization Disbur				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 107,418	-	\$ 107,418	\$ -
FY 2022-23 Total Appropriation	\$ 107,418		\$ 107,418	\$ -
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ -	-		
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant	\$ -	-		
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ -	-		
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ -	-		
Total Compensation Common Policy (incremental change)	\$ 8,749	-	\$ 8,749	

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
FY 2023-24 Base Request	\$ 116,167	-	\$ 116,167	
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 4,748		\$ 4,748	
DI # 2 Holistic Defense Coordinator	\$ 6,595		\$ 6,595	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 6,205		\$ 6,205	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - Attorney	\$ 4,309		\$ 4,309	
DI # 3 Post Conviction Unit - LCSW	\$ 3,978		\$ 3,978	
DI # 3 Post Conviction Unit - Investigator	\$ 3,845		\$ 3,845	
DI # 3 Post Conviction Unit - Investigator	\$ 3,845		\$ 3,845	
DI # 3 Post Conviction Unit - Paralegal	\$ 2,856		\$ 2,856	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 2,567		\$ 2,567	
DI # 4 Appointment Specialist	\$ 2,520		\$ 2,520	
DI # 5 Municipal Court Program Analyst	\$ 2,593		\$ 2,593	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 3,044		\$ 3,044	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 3,044		\$ 3,044	
DI # 7 Common Compensation Plan	\$ 5,325		\$ 5,325	
FY 2023-24 November 01 Request	\$ 184,565	-	\$ 184,565	\$ -
Salary Survey				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 56,984	-	\$ 56,984	\$ -
FY 2022-23 Total Appropriation	\$ 56,984		\$ 56,984	\$ -
Annualize prior year salary survey	\$ (56,984)		\$ (56,984)	
Total Compensation Common Policy (Total change)	\$ 125,040	-	\$ 125,040	
FY 2023-24 Base Request	\$ 68,056	-	\$ 68,056	
	\$ -	-	\$ -	\$ -
FY 2023-24 November 01 Request	\$ 125,040	-	\$ 125,040	\$ -

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

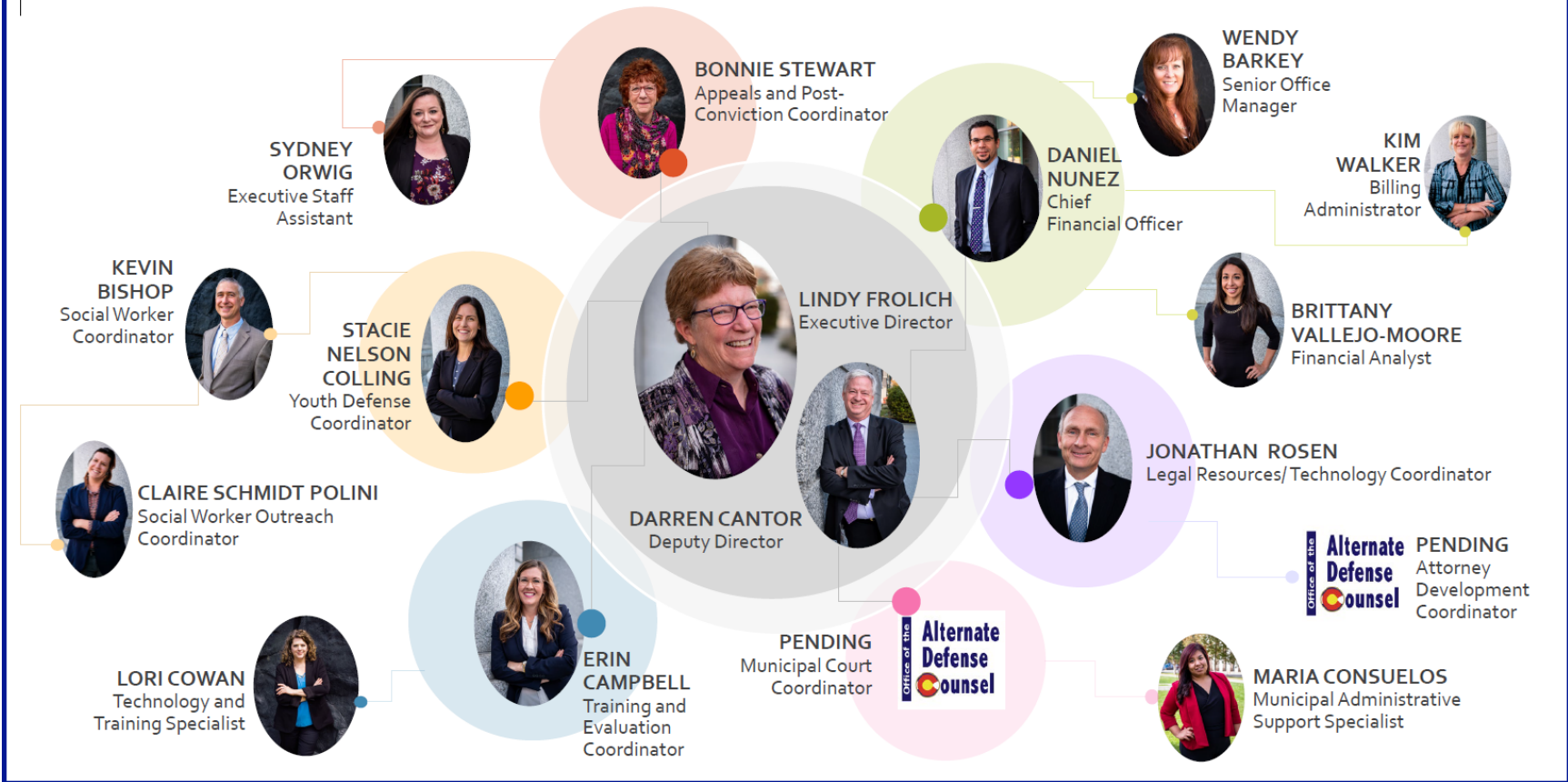
Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Operating Expenses				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 139,546	-	\$ 139,546	\$ -
FY 2022-23 Total Appropriation	\$ 139,546		\$ 139,546	\$ -
<hr/>				
FY 2023-24 Base Request	\$ 139,546	-	\$ 139,546	\$ -
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 2,350		\$ 2,350	
DI # 2 Holistic Defense Coordinator	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Attorney	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Attorney	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Attorney	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Attorney	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - LCSW	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Investigator	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Investigator	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Paralegal	\$ 2,350		\$ 2,350	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 2,350		\$ 2,350	
DI # 4 Appointment Specialist	\$ 2,350		\$ 2,350	
DI # 5 Municipal Court Program Analyst	\$ 2,350		\$ 2,350	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 2,350		\$ 2,350	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 2,350		\$ 2,350	
Operating Alignment Technical	\$ 84,211	-	\$ 84,211	\$ -
FY 2023-24 November 01 Request	\$ 261,357	-	\$ 261,357	\$ -
<hr/>				
Capital Outlay				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 31,000	-	\$ 31,000	\$ -
FY 2022-23 Total Appropriation	\$ 31,000		\$ 31,000	\$ -
<hr/>				
Annualization FY23 FTE amounts	\$ (31,000)		\$ (31,000)	
<hr/>				
FY 2023-24 Base Request	\$ -	-	\$ -	\$ -
DI # 1 EDI / HR Coordinator (Operations Specialist)	\$ 6,670		\$ 6,670	
DI # 2 Holistic Defense Coordinator	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Managing Attorney	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Attorney	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Attorney	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Attorney	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Attorney	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - LCSW	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Investigator	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Investigator	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Paralegal	\$ 6,670		\$ 6,670	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ 6,670		\$ 6,670	
DI # 4 Appointment Specialist	\$ 6,670		\$ 6,670	
DI # 5 Municipal Court Program Analyst	\$ 6,670		\$ 6,670	
DI # 6 The Inclusivity Social Worker Fellowship	\$ 6,670		\$ 6,670	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ 6,670		\$ 6,670	
FY 2023-24 November 01 Request	\$ 106,720	-	\$ 106,720	\$ -

Office of the Alternate Defense Counsel
 FY2023-24 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Training and Conferences				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2022-23 Total Appropriation	\$ 100,000		\$ 20,000	\$ 80,000
FY 2023-24 Base Request	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2023-24 November 01 Request	\$ 100,000	-	\$ 20,000	\$ 80,000
Conflict-of-interest Contracts				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 44,430,264	-	\$ 44,430,264	\$ -
FY 2022-23 Total Appropriation	\$ 44,430,264		\$ 44,430,264	\$ -
FY 2023-24 Base Request	\$ 44,430,264	-	\$ 44,430,264	\$ -
Reversion	\$ -	-	\$ -	\$ -
DI # 3 Post Conviction Unit - Managing Attorney	\$ (176,289)		\$ (176,289)	
DI # 3 Post Conviction Unit - Attorney	\$ (129,577)		\$ (129,577)	
DI # 3 Post Conviction Unit - Attorney	\$ (129,577)		\$ (129,577)	
DI # 3 Post Conviction Unit - Attorney	\$ (129,577)		\$ (129,577)	
DI # 3 Post Conviction Unit - Attorney	\$ (129,577)		\$ (129,577)	
DI # 3 Post Conviction Unit - LCSW	\$ (121,443)		\$ (121,443)	
DI # 3 Post Conviction Unit - Investigator	\$ (118,158)		\$ (118,158)	
DI # 3 Post Conviction Unit - Investigator	\$ (118,158)		\$ (118,158)	
DI # 3 Post Conviction Unit - Paralegal	\$ (93,792)		\$ (93,792)	
DI # 3 Post Conviction Unit - Administrative Assistant	\$ (86,688)		\$ (86,688)	
DI # 6 The Inclusivity Social Worker Fellowship	\$ (98,421)		\$ (98,421)	
DI # 6 The Greater Colorado Social Worker Fellowship	\$ (98,421)		\$ (98,421)	
DI # 8 Contractor Hourly Rate Increase - Attorneys	\$ 4,724,448		\$ 4,724,448	
DI # 9 Contractor Hourly Rate Increase - Legal Teams	\$ 1,361,808		\$ 1,361,808	
Operating Alignment Technical	\$ (84,211)		\$ (84,211)	
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv	\$ (12,899)		\$ (12,899)	
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship	\$ (12,047)		\$ (12,047)	
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship	\$ (12,047)		\$ (12,047)	
FY 2023-24 November 01 Request	\$ 48,965,638	-	\$ 48,965,638	\$ -
Mandated Costs				
FY 2022-23 Long Bill Appropriation, HB22-1329	\$ 2,895,573	-	\$ 2,895,573	\$ -
FY 2022-23 Total Appropriation	\$ 2,895,573		\$ 2,895,573	\$ -
FY 2023-24 Base Request	\$ 2,895,573	-	\$ 2,895,573	\$ -
Reversion	\$ -	-	\$ -	\$ -
FY 2023-24 November 01 Request	\$ 2,895,573	-	\$ 2,895,573	\$ -
FY 2022-23 Total Appropriation (Long Bill plus Special Bills)	\$ 50,565,653	20.5	\$ 50,485,653	\$ 80,000
<i>Unreconciled Amount</i>	\$ 697.04		\$ 697.04	
FY 2022-23 Base Request	\$ 6,850,111	21.0	\$ 6,850,111	\$ -
FY 2023-24 November 01 Request	\$ 57,415,764	35.4	\$ 57,335,764	\$ 80,000

AGENCY ORGANIZATIONAL CHART

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL



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THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

Background

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

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

Statutory Mandate/Directive

The Office of the Alternate Defense Counsel is mandated by statute to “provide to indigent persons accused of crimes, *legal services that are commensurate with those available to non-indigents*, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association Standards relating to the administration of criminal justice, the defense function.” [C.R.S. § 21-2-101\(1\)](#) (emphasis added).

Mission Statement

The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of holistic public defense, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC’s holistic practice model fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. OADC advocates for every client’s inherent worth and dignity by centering the client’s lived experiences and voice to achieve the best legal outcome.

The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. Statistical data and experiences support that there is a disparate presence of violent policing, over-charging, and harsher sentencing outcomes for Colorado’s people of color and other vulnerable populations. The OADC is unwavering in its support of decarceration, the decriminalization of youth, and equity within the criminal legal system.

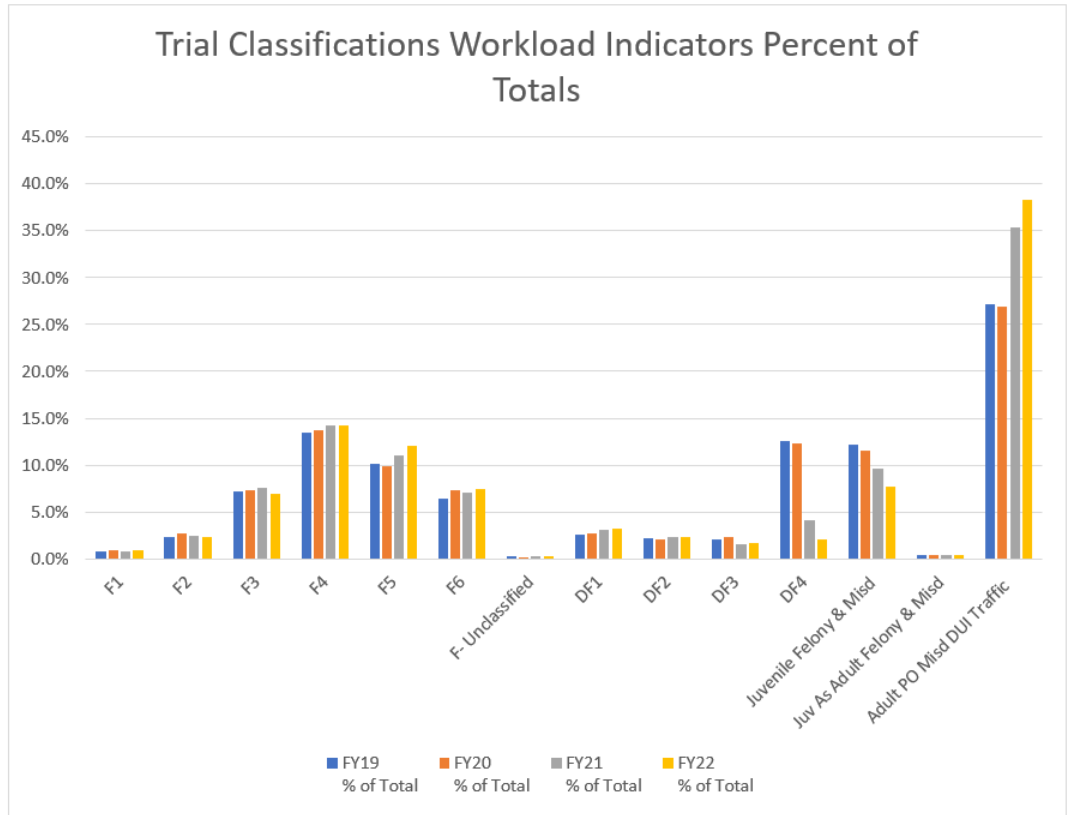
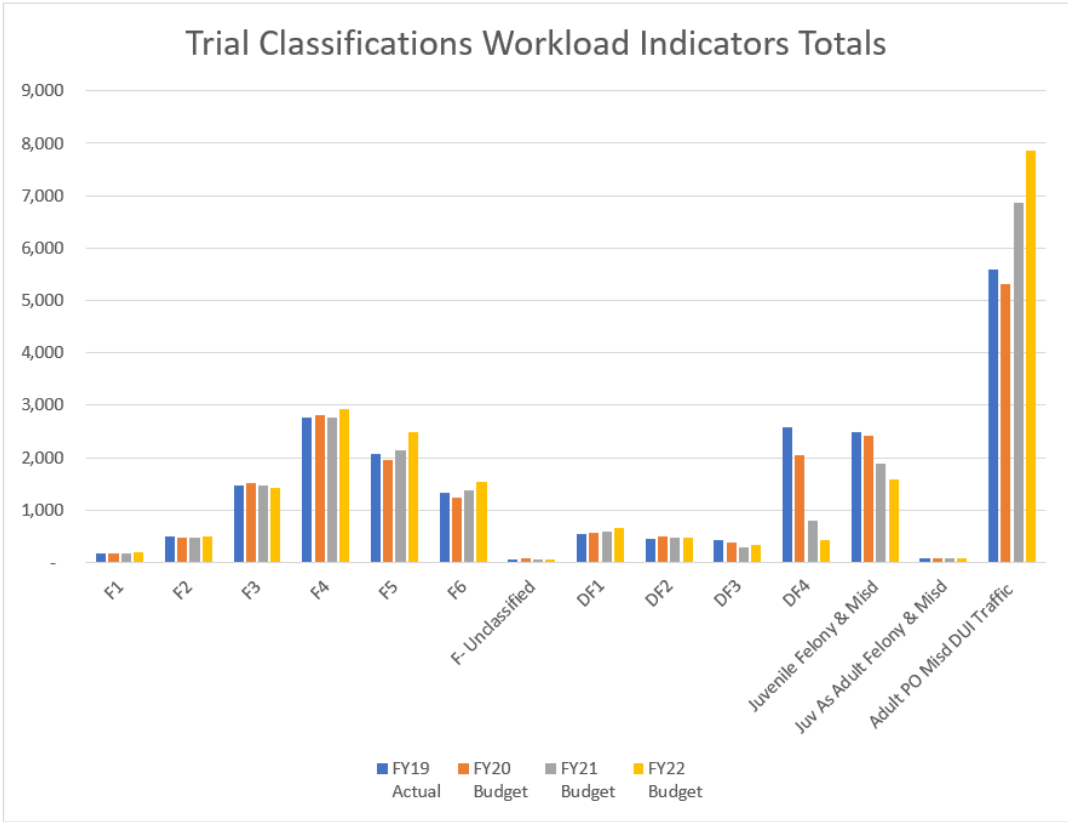
See [Appendix B](#) for Prior Year Legislation, Hot Topics, and Cases that May Affect OADC.

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

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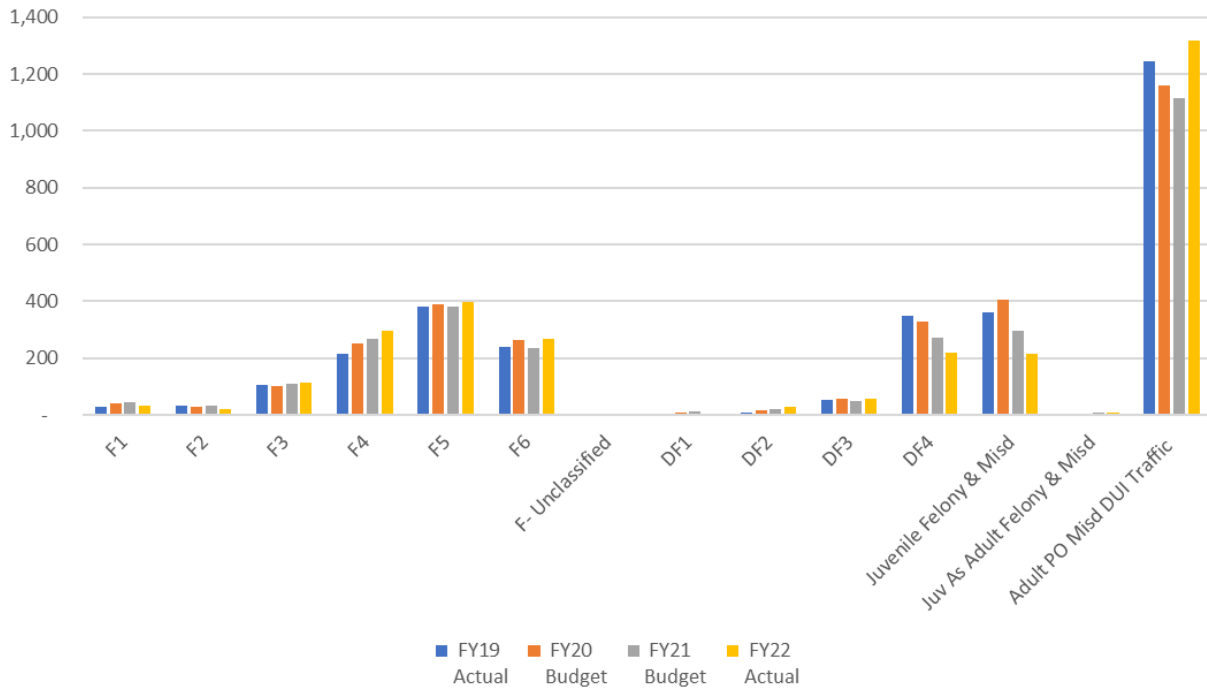
WORKLOAD INDICATORS

Trial Cases	FY19 Actual	FY19 % of Total	FY20 Budget	FY20 % of Total	FY21 Budget	FY21 % of Total	FY22 Budget	FY22 % of Total
<i>F1</i>	169	0.8%	162	0.9%	161	0.8%	194	0.9%
<i>F2</i>	489	2.4%	467	2.7%	472	2.4%	492	2.4%
<i>F3</i>	1,475	7.2%	1,506	7.3%	1,461	7.5%	1,431	7.0%
<i>F4</i>	2,774	13.5%	2,806	13.8%	2,770	14.3%	2,928	14.3%
<i>F5</i>	2,078	10.1%	1,948	9.9%	2,144	11.0%	2,479	12.1%
<i>F6</i>	1,318	6.4%	1,225	7.3%	1,375	7.1%	1,532	7.5%
<i>F- Unclassified</i>	53	0.3%	86	0.0%	64	0.3%	61	0.3%
<i>DF1</i>	538	2.6%	559	2.7%	598	3.1%	656	3.2%
<i>DF2</i>	441	2.1%	486	2.0%	462	2.4%	472	2.3%
<i>DF3</i>	434	2.1%	390	2.3%	294	1.5%	336	1.6%
<i>DF4</i>	2,584	12.6%	2,038	12.3%	790	4.1%	423	2.1%
<i>Juvenile Felony & Misd</i>	2,498	12.2%	2,421	11.6%	1,874	9.7%	1,585	7.7%
<i>Juv As Adult Felony & Misd</i>	78	0.4%	76	0.4%	84	0.4%	83	0.4%
<i>Adult PO Misd DUI Traffic</i>	5,586	27.2%	5,314	26.9%	6,865	35.4%	7,866	38.3%
Total	20,515	100.0%	19,484	100.0%	19,414	100.0%	20,538	100.0%

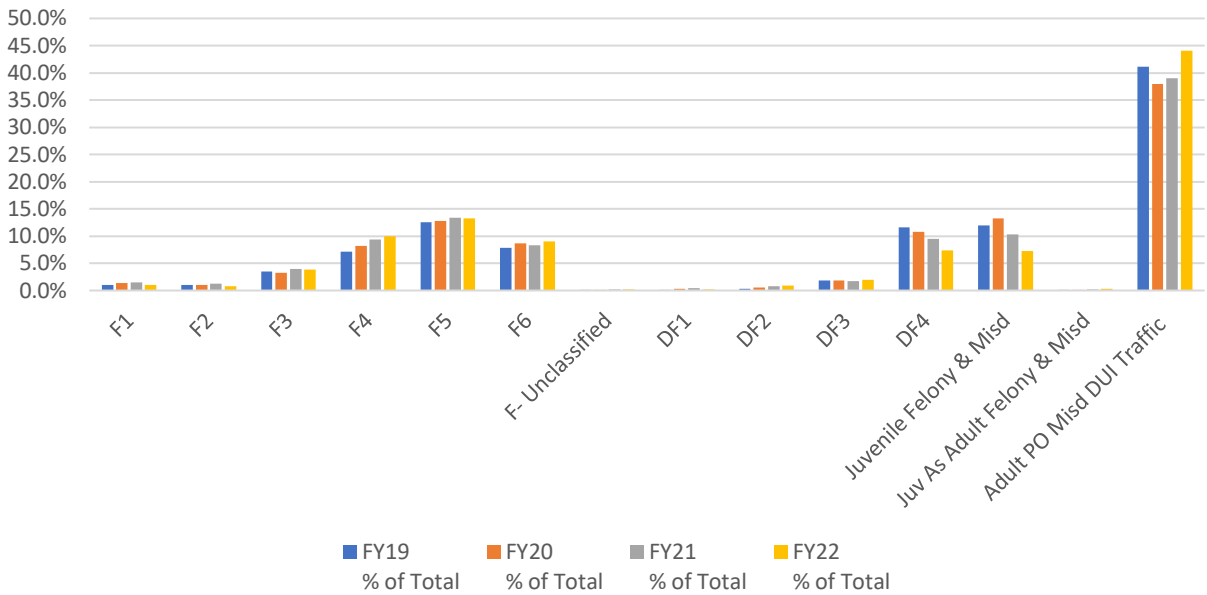


Appeal Cases	FY19 Actual	FY19 % of Total	FY20 Budget	FY20 % of Total	FY21 Budget	FY21 % of Total	FY22 Actual	FY22 % of Total
<i>F1</i>	115	14.4%	118	14.3%	105	14.2%	103	15.4%
<i>F2</i>	106	13.3%	102	12.3%	101	13.6%	102	15.2%
<i>F3</i>	221	27.8%	234	28.3%	209	28.2%	177	26.4%
<i>F4</i>	139	17.5%	148	17.9%	138	18.6%	139	20.7%
<i>F5</i>	79	9.9%	89	10.8%	77	10.4%	56	8.4%
<i>F6</i>	15	1.9%	9	1.1%	15	2.0%	15	2.2%
<i>F- Unclassified</i>	-	0.0%	0	0.0%	0	0.0%	0	0.0%
<i>DF1</i>	11	1.4%	13	1.6%	12	1.6%	9	1.3%
<i>DF2</i>	7	0.9%	10	1.2%	7	0.9%	10	1.5%
<i>DF3</i>	11	1.4%	7	0.8%	5	0.7%	3	0.4%
<i>DF4</i>	13	1.6%	16	1.9%	17	2.3%	8	1.2%
<i>Juvenile Felony & Misd</i>	20	2.5%	19	2.3%	10	1.4%	10	1.5%
<i>Juv As Adult Felony & Misd</i>	6	0.8%	3	0.4%	3	0.4%	3	0.4%
<i>Adult PO Misd DUI Traffic</i>	53	6.7%	59	7.1%	41	5.5%	35	5.2%
Total	796	100.0%	827	100.0%	740	100.0%	670	100.0%

Special Proceedings Workload Indicators Totals

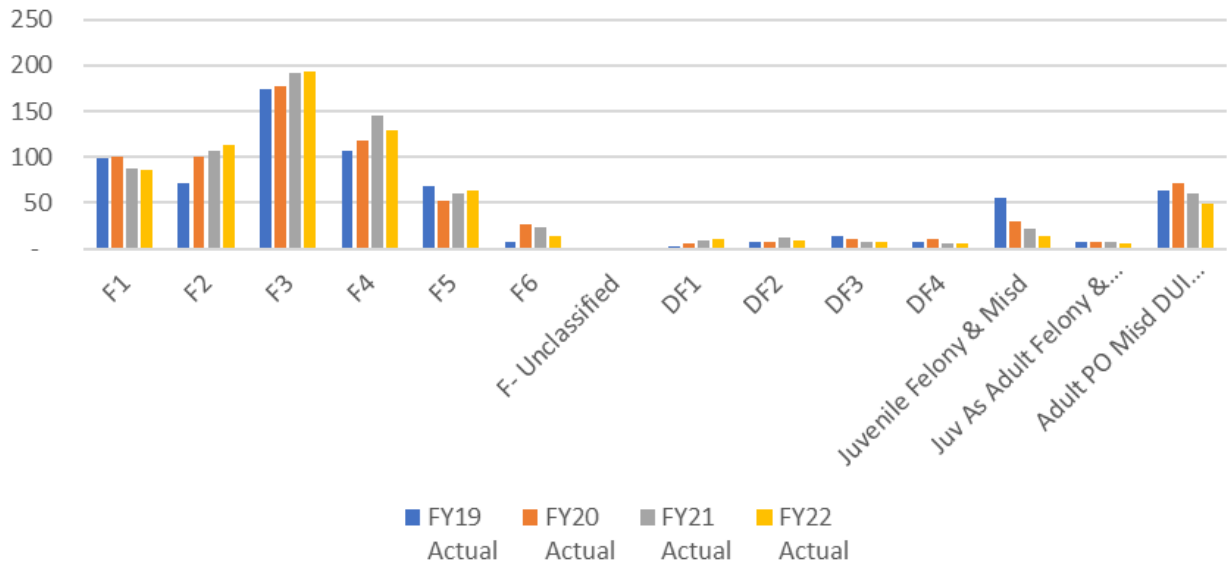


Special Proceedings Workload Indicators Percent of Total

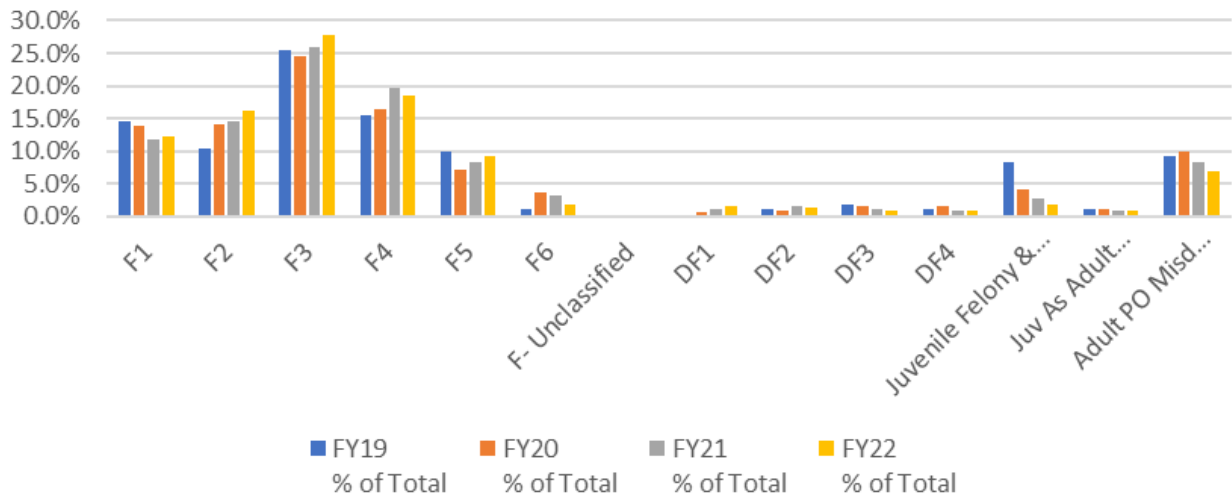


Post-Conviction Cases	FY19 Actual	FY19 % of Total	FY20 Actual	FY20 % of Total	FY21 Actual	FY21 % of Total	FY22 Actual	FY22 % of Total
<i>F1</i>	99	14.5%	100	13.9%	87	11.8%	86	12.3%
<i>F2</i>	71	10.4%	101	14.0%	107	14.5%	113	16.1%
<i>F3</i>	174	25.5%	177	24.6%	191	25.9%	194	27.7%
<i>F4</i>	106	15.5%	118	16.4%	145	19.6%	130	18.5%
<i>F5</i>	68	10.0%	52	7.2%	61	8.3%	64	9.1%
<i>F6</i>	8	1.2%	27	3.8%	23	3.1%	13	1.9%
<i>F- Unclassified</i>			1	0.1%		0.0%		0.0%
<i>DF1</i>	2	0.3%	5	0.7%	9	1.2%	11	1.6%
<i>DF2</i>	8	1.2%	7	1.0%	12	1.6%	9	1.3%
<i>DF3</i>	13	1.9%	11	1.5%	8	1.1%	7	1.0%
<i>DF4</i>	8	1.2%	11	1.5%	6	0.8%	6	0.9%
<i>Juvenile Felony & Misd</i>	56	8.2%	30	4.2%	21	2.8%	13	1.9%
<i>Juv As Adult Felony & Misd</i>	7	1.0%	8	1.1%	7	0.9%	6	0.9%
<i>Adult PO Misd DUI Traffic</i>	63	9.2%	71	9.9%	61	8.3%	49	7.0%
Total	683	100.0%	719	100.0%	738	100.0%	701	100.0%

OADC Post Conviction Workload Indicators Totals



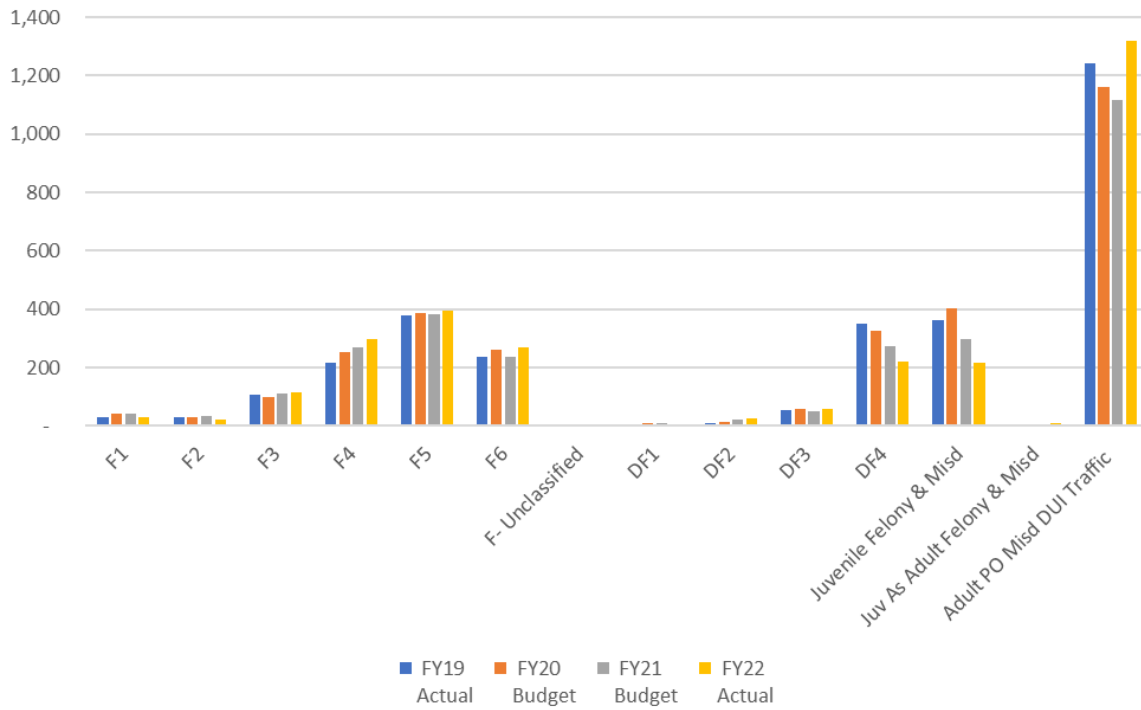
OADC Post Conviction Workload Indicators Percent of Total



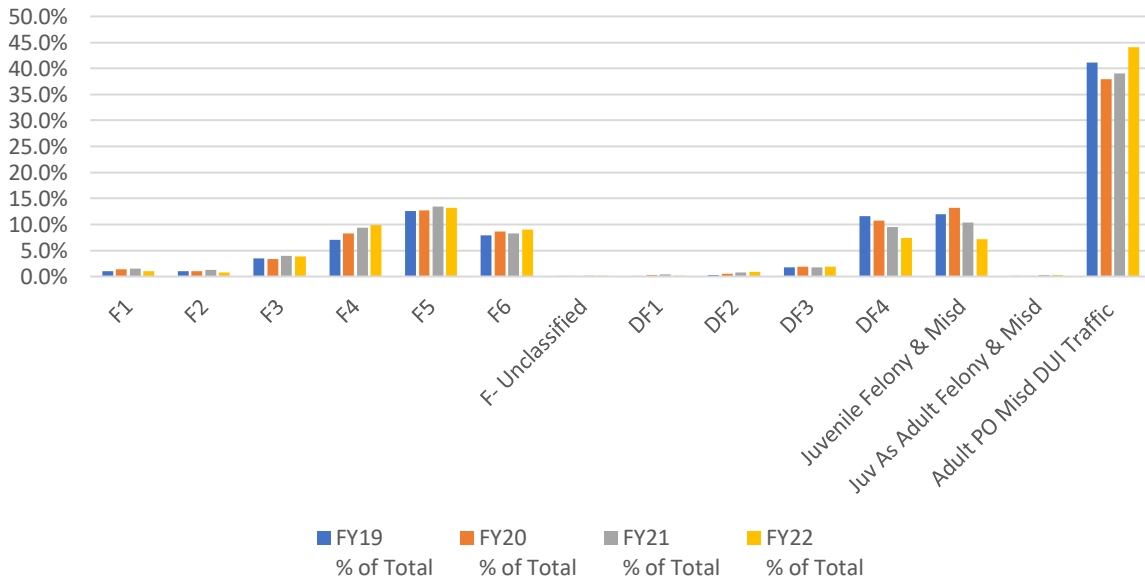
Other / Special Proceedings Cases*	FY19 Actual	FY19 % of Total	FY20 Budget	FY20 % of Total	FY21 Budget	FY21 % of Total	FY22 Actual	FY22 % of Total
<i>F1</i>	30	1.0%	41	1.3%	44	1.5%	31	1.0%
<i>F2</i>	32	1.1%	30	1.0%	35	1.2%	22	0.7%
<i>F3</i>	107	3.5%	101	3.3%	112	3.9%	116	3.9%
<i>F4</i>	215	7.1%	252	8.2%	268	9.4%	296	9.9%
<i>F5</i>	380	12.5%	389	12.7%	383	13.4%	396	13.3%
<i>F6</i>	238	7.9%	263	8.6%	236	8.3%	269	9.0%
<i>F- Unclassified</i>	3	0.1%	3	0.1%	4	0.1%	5	0.2%
<i>DF1</i>	2	0.1%	9	0.3%	11	0.4%	5	0.2%
<i>DF2</i>	9	0.3%	16	0.5%	22	0.8%	27	0.9%
<i>DF3</i>	55	1.8%	57	1.9%	49	1.7%	58	1.9%
<i>DF4</i>	350	11.6%	328	10.7%	272	9.5%	221	7.4%
<i>Juvenile Felony & Misd</i>	362	12.0%	404	13.2%	296	10.4%	216	7.2%
<i>Juv As Adult Felony & Misd</i>	1	0.0%	2	0.1%	7	0.2%	8	0.3%
<i>Adult PO Misd DUI Traffic</i>	1,244	41.1%	1,160	38.0%	1,115	39.1%	1,318	44.1%
Total	3,028	100.0%	3,055	100.0%	2,854	100.0%	2,988	100.0%

*Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas-32(d), Petitions for Certiorari, Probation Revocations or Modifications, Review of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.

Special Proceedings Workload Indicators Totals

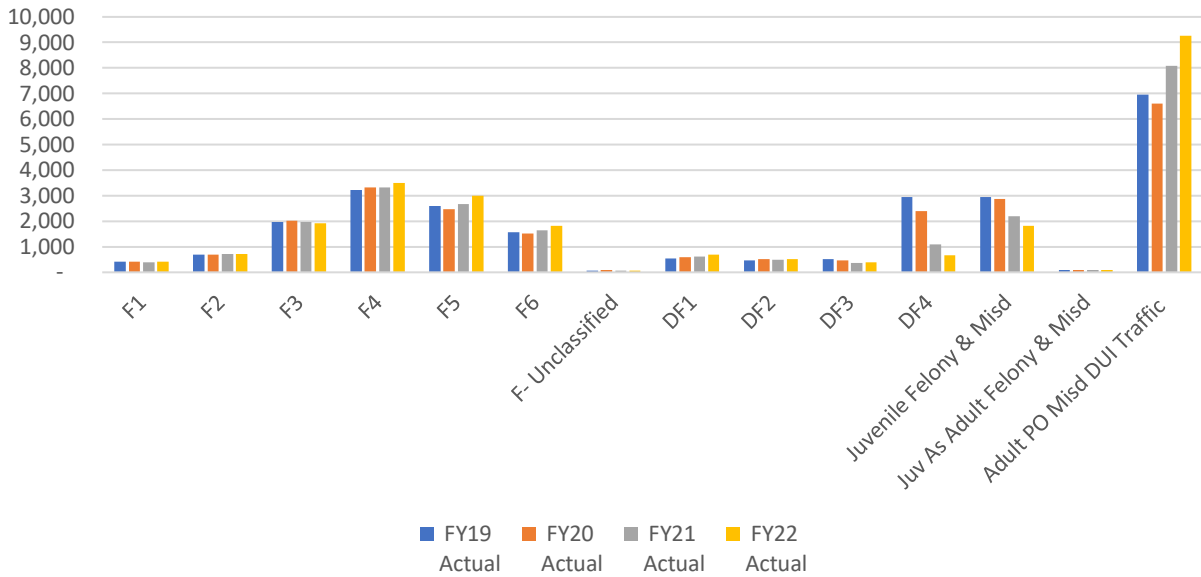


Special Proceedings Workload Indicators Percent of Total

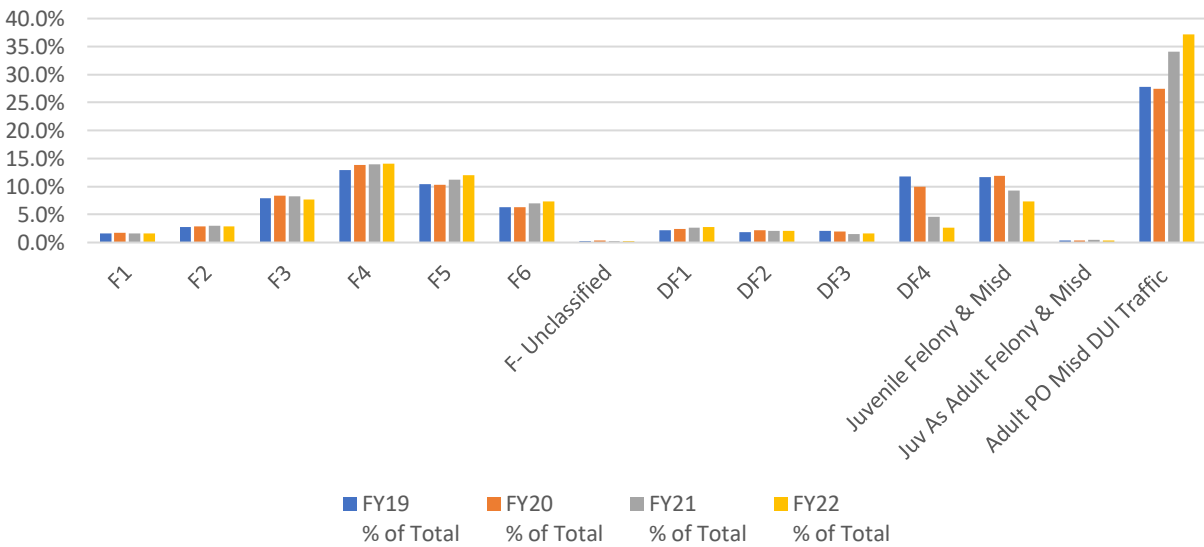


Total Cases	FY19 Actual	FY19 % of Total	FY20 Actual	FY20 % of Total	FY21 Actual	FY21 % of Total	FY22 Actual	FY22 % of Total
<i>F1</i>	413	1.7%	421	1.7%	397	1.7%	414	1.7%
<i>F2</i>	698	2.8%	700	2.9%	715	3.0%	729	2.9%
<i>F3</i>	1,977	7.9%	2,018	8.4%	1,973	8.3%	1,918	7.7%
<i>F4</i>	3,234	12.9%	3,324	13.8%	3,321	14.0%	3,493	14.0%
<i>F5</i>	2,605	10.4%	2,478	10.3%	2,665	11.2%	2,995	12.0%
<i>F6</i>	1,579	6.3%	1,524	6.3%	1,649	6.9%	1,829	7.3%
<i>F- Unclassified</i>	56	0.2%	90	0.4%	68	0.3%	66	0.3%
<i>DF1</i>	553	2.2%	586	2.4%	630	2.7%	681	2.7%
<i>DF2</i>	465	1.9%	519	2.2%	503	2.1%	518	2.1%
<i>DF3</i>	513	2.1%	465	1.9%	356	1.5%	404	1.6%
<i>DF4</i>	2,955	11.8%	2,393	9.9%	1,085	4.6%	658	2.6%
<i>Juvenile Felony & Misd</i>	2,936	11.7%	2,874	11.9%	2,201	9.3%	1,824	7.3%
<i>Juv As Adult Felony & Misd</i>	92	0.4%	89	0.4%	101	0.4%	100	0.4%
<i>Adult PO Misd DUI Traffic</i>	6,946	27.8%	6,604	27.4%	8,082	34.0%	9,268	37.2%
Grand Total	25,022	100.0%	24085	100.0%	23,746	100.0%	24,897	100.0%

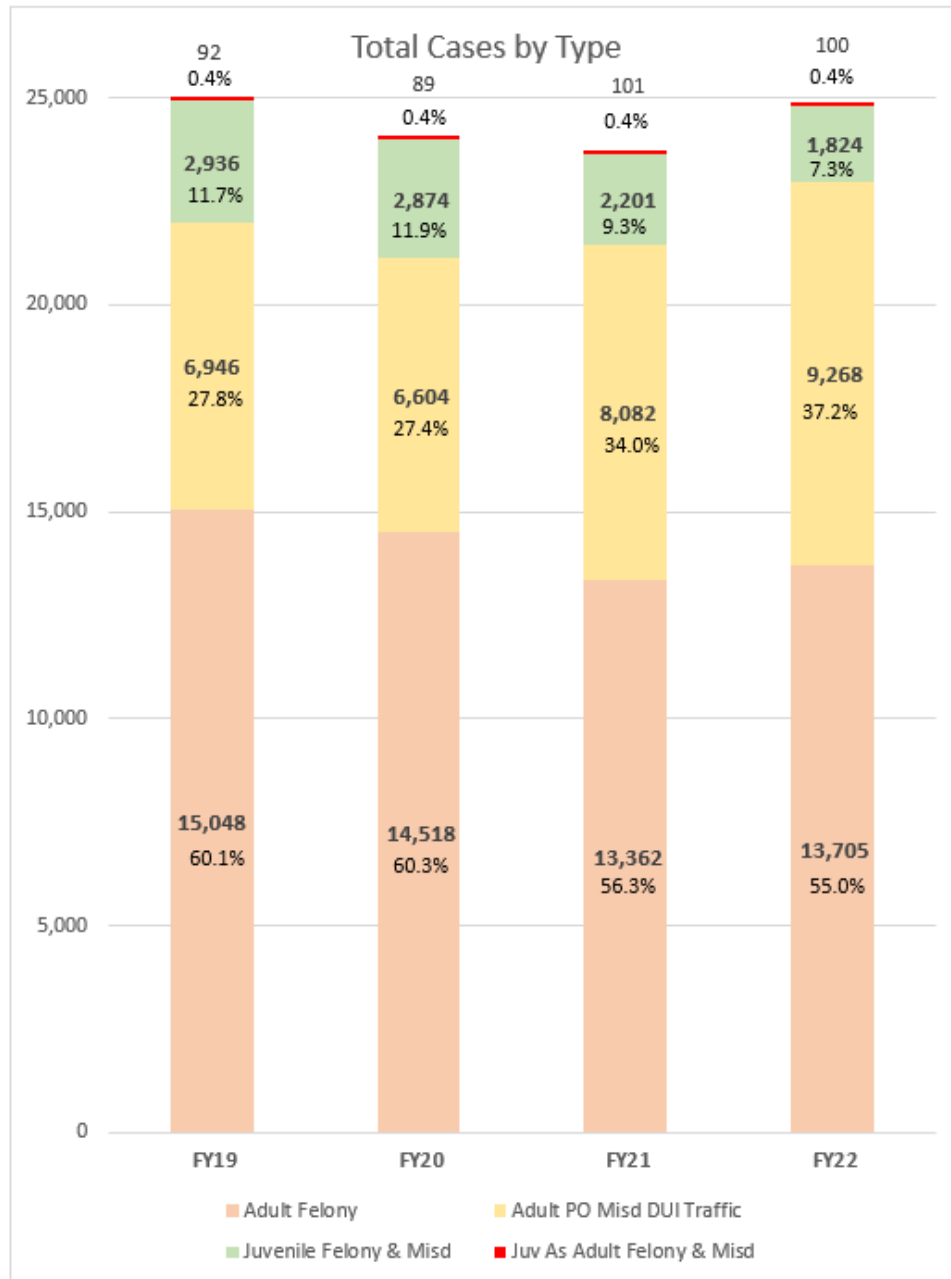
Workload Indicators Totals



Workload Indicators Percent of Total

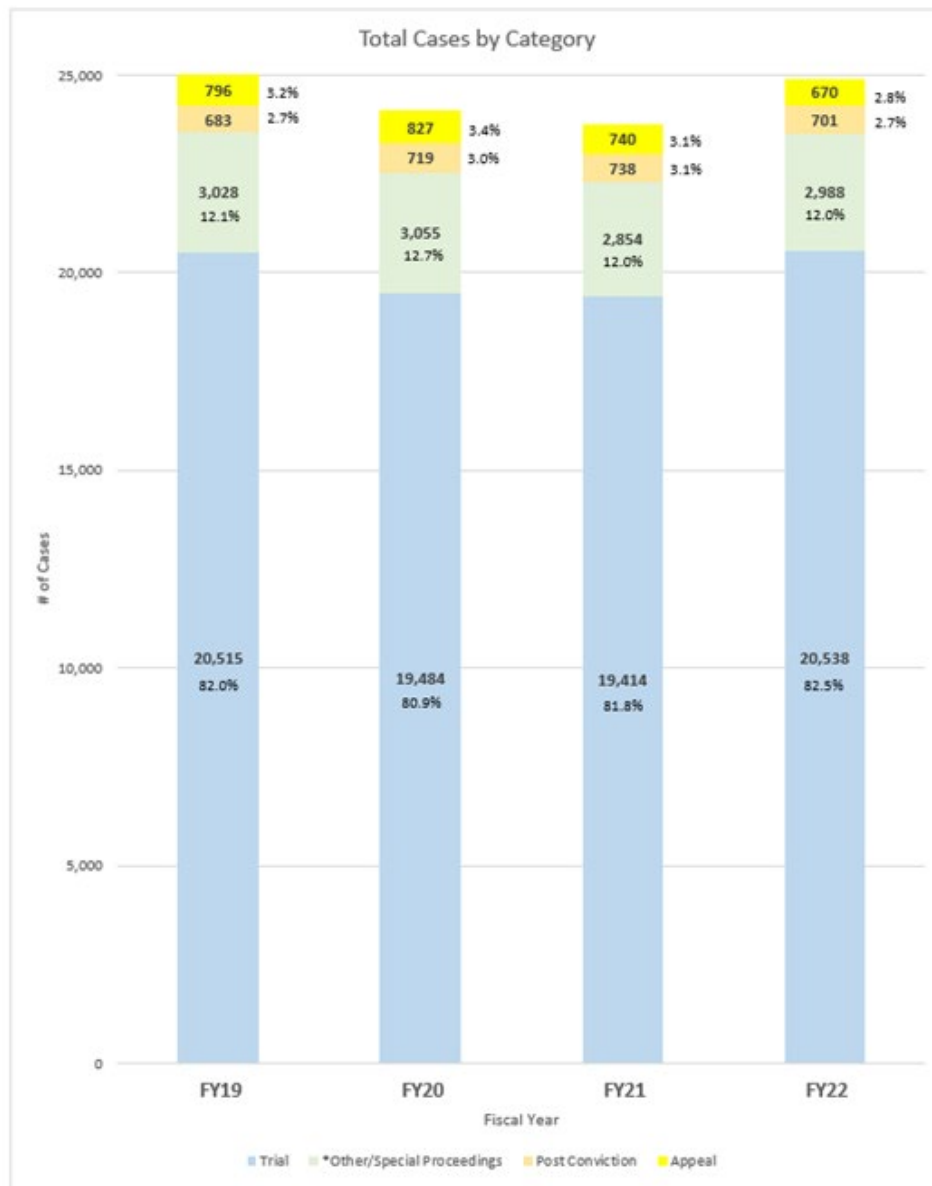


Total Cases by Type	FY19 Actual	FY19 % of Total	FY20 Budget	FY20 % of Total	FY21 Budget	FY21 % of Total	FY22 Budget	FY22 % of Total
Adult Felony	15,048	60.1%	14,518	60.3%	13,362	56.3%	13,705	55.0%
Juvenile Felony & Misd	2,936	11.7%	2,874	11.9%	2,201	9.3%	1,824	7.3%
Juv As Adult Felony & Misd	92	0.4%	89	0.4%	101	0.4%	100	0.4%
Adult PO Misd DUI Traffic	6,946	27.8%	6,604	27.4%	8,082	34.0%	9,268	37.2%
Grand Total	25,022	99.6%	24,085	100.0%	23,746	100.0%	24,897	100.0%



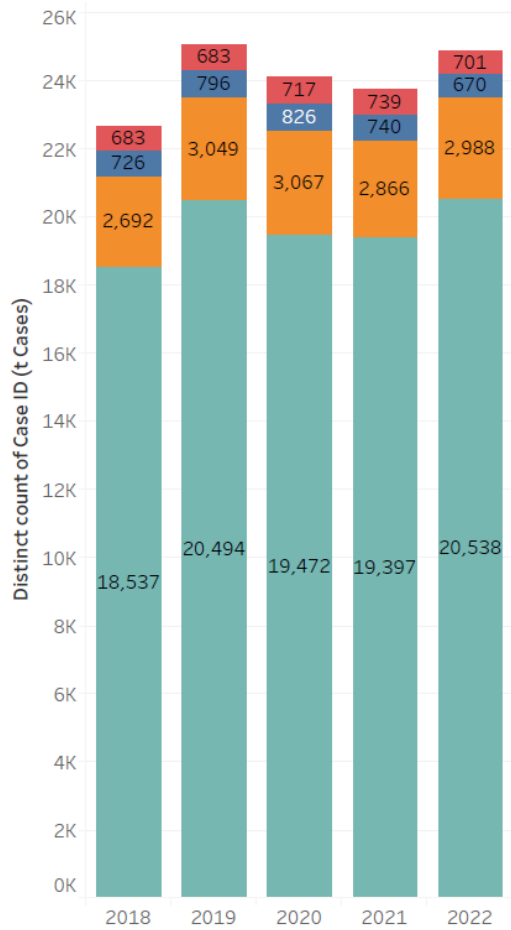
Total Cases by Category	FY19 Actual	FY19 % of Total	FY20 Budget	FY20 % of Total	FY21 Budget	FY21 % of Total	FY22 Budget	FY22 % of Total
Trial	20,515	82.0%	19,484	80.9%	19,414	81.8%	20,538	82.5%
Appeal	796	3.2%	827	3.4%	740	3.1%	670	2.7%
Post Conviction	683	2.7%	719	3.0%	738	3.1%	701	2.8%
*Other/Special Proceedings	3,028	12.1%	3,055	12.7%	2,854	12.0%	2,988	12.0%
Grand Total	25,022	100.0%	24,085	100.0%	23,746	100.0%	24,897	100.0%

*Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas-32(d), Petitions for Certiorari, Probation Revocations or Modifications, Review of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.

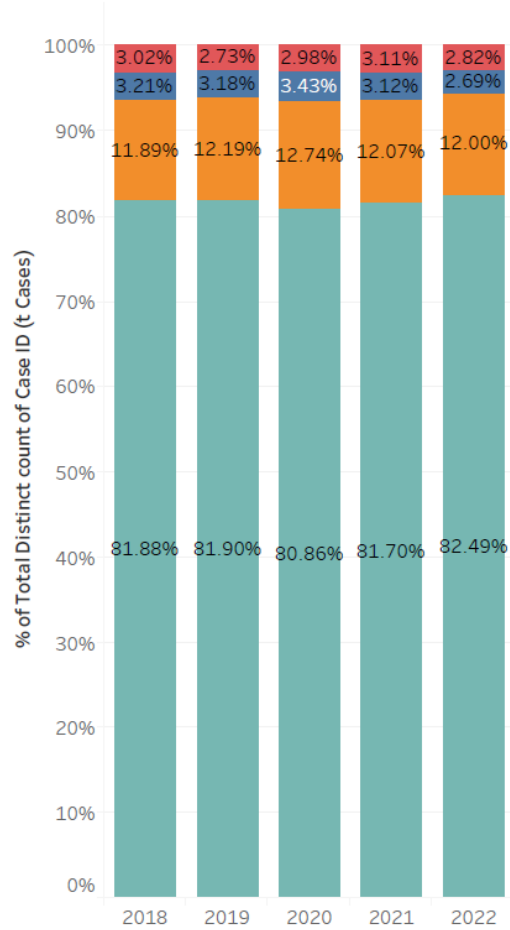


* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas- 32(d), Petitions for Certiorari, Probation Revocations or Modifications, Reviews of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.

Cases by Category



Cases by Category Percentages

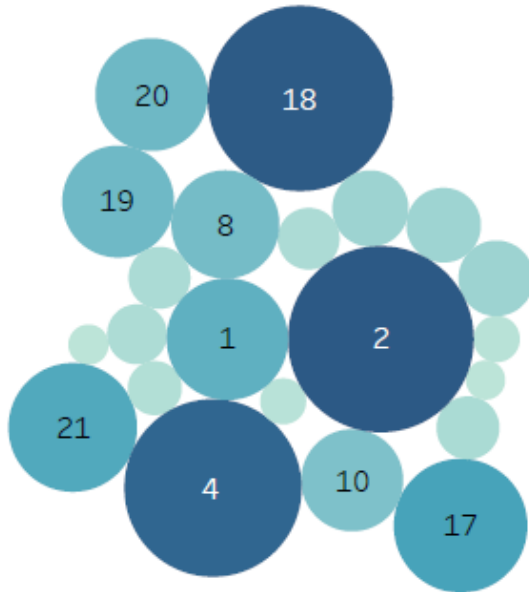


Short Question (gro..
■ Post Conviction
■ Appeal
■ Special Proceedi..
■ Trial court, none ..

FY22 Expenditures by District Bubbles


Adj Total
All values

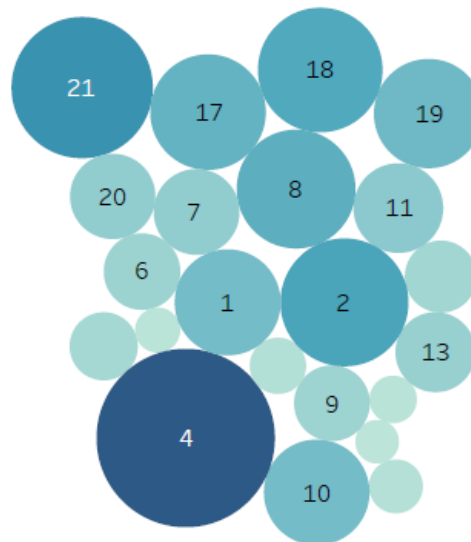
Expenditure
230K  5M



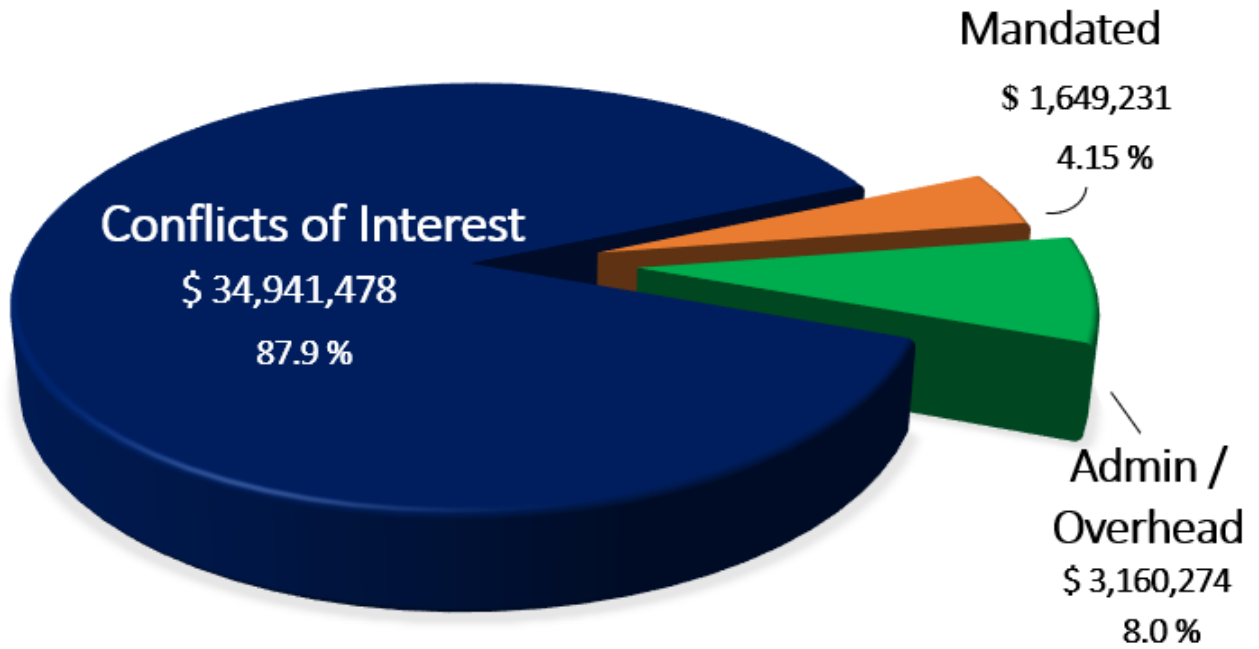
FY22 Caseload by District Bubbles

Adj Total

Case Count
 225 3,814



FY2021-22
TOTAL EXPENDITURES FOR THE OADC



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Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel
 Request Title: EDI / HR Coordinator (Operations Specialist)
 Priority Number: R-1
 Dept. Approval Date: 10/31/2022

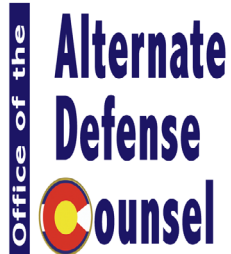
- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1	2	3	4	5
		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	3,051,832	-	3,051,832	140,409	3,185,571
	FTE	-	-	-	0.9	1.0
	GF	3,051,832	-	3,051,832	140,409	3,185,571
Personal Services	Total	2,403,623	-	2,403,623	107,328	2,510,951
	FTE	-	-	-	0.9	1.0
	GF	2,403,623	-	2,403,623	107,328	2,510,951
Health Life Dental	Total	290,390	-	290,390	14,423	304,813
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	14,423	304,813
Short-Term Disability	Total	3,437	-	3,437	142	3,579
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	142	3,579
AED SB 04-257	Total	107,418	-	107,418	4,748	112,166
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	4,748	112,166
SAED SB 06-235	Total	107,418	-	107,418	4,748	112,166
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	4,748	112,166
Operating	Total	139,546	-	139,546	2,350	141,896
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	2,350	141,896
Capital Outlay	Total	-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-

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:

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FY 2023-24 Funding Request Decision Item R-1

Agency Priority: Decision Item R - 1				
EDI / HR Coordinator (Operations Specialist)				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$131,389	\$131,389	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Total Request	\$140,409	\$140,409	\$0	0.9

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$140,409 General Fund to create and staff a position to lead and increase equity, diversity, and inclusion (EDI) initiatives within the Agency’s newly formed EDI model. In addition, this position will dually serve as the official Human Resources Coordinator for the Agency. Combining this role with the newly designed and evolving EDI structure will ensure that the OADC is strengthened and committed to supporting and growing its staff and developing a safe, equitable, diverse, and inclusive environment for all that are part of the organization.

The History, the Problem, and the Opportunity:

Equity, Diversity, and Inclusion:

In FY21 the OADC began to re-examine and re-structure its existing Mission and Vision Statements. Innovative ideas and language were integrated during this transformative process and the Agency began to re-center its mission around a holistic practice model that would foster ethical, equitable, and standard-driven best practices in public defense and ultimately support the Agency’s incarcerated clients and their legal teams.

From the revised Mission Statement, the Agency quickly identified a need and desire to extend that holistic and inclusive model to the Agency itself and began to seek and partner with an independent EDI consultant for strategic guidance and expertise. Over the last year that

partnership has helped grow and guide the OADC in creating a new Agency-wide EDI philosophy, model, and foundation, led by the Agency's EDI Strategic Team. This EDI value system is one that the Agency team in its entirety have explored and trained for together and are striving to incorporate in all aspects of its work.

The Agency's EDI Strategic Team then created several sub-committees that continue to grow and focus on evaluating and redesigning internal Agency practices that are built on/around equity, diversity, and inclusion models. These EDI focused sub-committees are currently working on, among other things, best practice internal hiring and onboarding, contractor trainings, and billing system practices and re-design.

This expansive EDI project has a phased approach to growth and impact and thus will not stop with the Agency's internal staff. Plans to expand these EDI practices are underway and will inevitably be incorporated into the Agency's existing onboarding, training, expansion, and retention processes for its independent contractors. This process is set to begin near the end of the current calendar year. The addition of this new position, the EDI and HR Coordinator, will play a vital role to further develop strategies, consistencies, systems, and programs that align with the OADC's mission and values, and center an inclusive collaborative approach to strategic planning and expansion.

Along with the success and value this restructure has and will bring to the OADC clients, contractors, and the State of Colorado, it has become clear that obtaining a full-time staff person to help continue to coordinate these efforts is crucial to its success.

Human Resources:

The OADC began with 3 FTE in 1997 and will have grown to 21 FTE by the end of FY23. Depending on the outcome of this budget request, the OADC could employ almost 40 FTE by June 30, 2024. In over 25 years of existence, the Agency has never hired an in-house FTE dedicated to Human Resources to support the Agency's HR needs. Current internal HR/Personnel tasks are performed by a mixture of four staff, which include the Director, Deputy Director, CFO, and Financial/Data Analyst. The four staff members already have full job duties and are performing HR tasks in addition to their existing workloads.

The OADC currently utilizes a handful of HR resources from the State Court Administrator's Office (SCAO), but not many. These tasks are limited to payroll processing, background checks for new hires, and worker's compensation claims. The rest of the Agency's HR tasks are performed internally, including, but not limited to, hiring/termination processes, job/position posting and analysis, PTO/ESL tracking, FMLA inquires and tracking, Health Life Dental inquiries, PERA inquiries, ADA inquiries, salary analysis, and personnel rules and procedures implementation and revision.

These duties require immense support and focus which are not practical or helpful to obtain from external agencies of the OADC who have their own HR needs to prioritize. These responsibilities are better performed via an internal structure providing an integrated approach to navigating the varied complexities of this work. Finally, the SCAO has indicated that they are unable to provide those services to the OADC.

Proposed Solution:

The OADC proposes adding 1.0 FTE, to create a position of EDI / HR Coordinator totaling \$140,409 to accommodate and grow the EDI and HR needs and structure of the Agency.

Alternatives:

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

Operational Details:

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

Assumptions for Calculations:

EDI / HR Coordinator (Operations Specialist)			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		8,222	8,222
Number of months in FY2022-23		11	12
Salary		90,442	98,664
Salary Survey Adjustment (5%)		4,522	4,933
Subtotal, Salary		94,964	103,597
PERA	11.57%	10,987	11,986
Medicare	1.45%	1,377	1,502
Sub-total Personal Services		107,328	117,085
Health/Life/Dental (Avg, FY23-24 State Premiums)	1,311	14,423	15,734
Short-term Disability	0.15%	142	155
AED	5.00%	4,748	5,180
SAED	5.00%	4,748	5,180
PFML	0.0%	-	-
Total Personal Services		131,389	143,334
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$140,409	\$145,684

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Holistic Defense Coordinator

Priority Number: R-2

Dept. Approval Date: 10/31/2022

- Decision Item FY 2023-24
 Base Reduction Item FY 2023-24
 Supplemental FY 2022-23
 Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items		3,051,832	-	3,051,832	185,850	3,231,012
	FTE	-	-	-	0.9	1.0
	GF	3,051,832	-	3,051,832	185,850	3,231,012
Personal Services		2,403,623	-	2,403,623	149,075	2,552,698
	FTE	-	-	-	0.9	1.0
	GF	2,403,623	-	2,403,623	149,075	2,552,698
Health Life Dental		290,390	-	290,390	14,423	304,813
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	14,423	304,813
Short-Term Disability		3,437	-	3,437	142	3,579
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	142	3,579
AED SB 04-257		107,418	-	107,418	6,595	114,013
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	6,595	114,013
SAED SB 06-235		107,418	-	107,418	6,595	114,013
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	6,595	114,013
Operating		139,546	-	139,546	2,350	141,896
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	2,350	141,896
Capital Outlay		-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-

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

Cash or Federal Fund Name and CORE Fund Number:

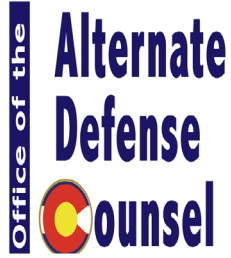
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2023-24 Funding Request Decision Item R-2

Agency Priority: Decision Item R - 2				
Holistic Defense Coordinator				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$176,886	\$176,886	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Total Request	\$185,906	\$185,906	\$0	0.9

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$185,906 General Fund to create and staff a position of Holistic Defense Coordinator. This position will assist the Agency in achieving its mission of ensuring that a holistic public defense model is maintained within the Agency and is offered through practice with indigent adults and youth facing criminal prosecution. This will ensure high quality legal services while also reducing the cost of representation and over-incarceration.

The History, the Problem, and the Opportunity:

In the traditional model of criminal defense, defense attorneys view the client’s criminal charges as the sole concern to address through advocacy with the court. This approach ignores the unique needs and characteristics of the person being charged, including several environmental and socioeconomic factors that may have contributed to, or will be affected by, incurring those charges.

Figure 1. Comparing Defense Models



SOURCE: Quattrone Center for the Fair Administration of Justice at Penn Law. Used with permission.

Through a holistic criminal defense model, defense attorneys and their interdisciplinary teams consider several other societal factors that drive individuals into the criminal legal system (poverty, food insecurity, housing instability and displacement, substance use and dependence, familial instability caused by child or parent removal, inefficient or inadequate access to benefits or resources, etc.) as well as factors that are significantly impacted by criminal legal system involvement (employment opportunities, housing, transportation, continuity of care between penal institutions and community providers, etc.). True holistic defense adheres to the Four Pillars of Holistic Defense (as identified by [the Bronx Defenders](#)) which are:

- Seamless access to services that meet clients' legal and social support needs;
- Dynamic interdisciplinary communication;
- advocates with an interdisciplinary skill set; and
- a robust understanding of, and connection to, community.

In a 10-year longitudinal study conducted by Harvard Law School, they found that the application of a holistic defense model reduced the number of days a person was incarcerated, without compromising public safety. The net effect of reducing a client's days in the carceral system can be measured not only by a fiscal savings to the state, but also through families and communities that remain intact.

Investigators and paralegals have long been considered necessary to adequate legal representation, while social workers, clinical advocates, and resource advocates are still novel additions to criminal defense teams in Colorado. By incorporating social workers, clinical advocates, and resource advocates as members of defense teams, The Office of the Alternate

Defense Counsel has been a leader in establishing a more holistic approach to criminal defense in Colorado for persons facing criminal and delinquency charges. The OADC began working with two social work interns in 2013 who then went on to contract with the OADC in 2014. The same year the Office of the State Public Defender was mandated by the legislature to hire social workers, and the OADC contracted with four additional social workers. In 2016 the OADC was granted the request for a Social Worker Coordinator FTE in order to establish a social work program that would meet the needs of OADC clients statewide. The Social Worker Coordinator grew the social worker contractor base to forty social worker contractors statewide by 2019, established an orientation and training plan, and continually recruited to meet the attorney-led need for social workers on an increasing number of cases. In 2019, the OADC created the Social Work Outreach Coordinator FTE to establish connections and develop relationships with accredited schools of social work. The Social Worker Outreach Coordinator has increased the number of social worker interns the program could take on and has recruited social workers in some rural and western slope areas in order to expand the reach of social work in criminal defense in Colorado. The Social Worker Outreach Coordinator also oversees Resource Advocate contractors, whose expertise is in case management and resource identification. Resource Advocates are critical members of the defense team who locate available treatment options in the community and provide support to clients who are navigating loss of housing, benefits, social security, and employment.

Last year's update to the OADC Mission Statement marked a new stage in the OADC's further realization of its goal of a holistic defense model that is rooted in community engagement and true interdisciplinary team practice. The OADC has been offering more holistic defense practice model options to the contract attorneys who have chosen to take advantage of a broader range of resources. The OADC has not, until now, established an Agency initiative to embrace interdisciplinary team practice as the model from which to recruit, train, and fulfill its mandate. Furthermore, the OADC has not had the capacity to examine ways in which the Agency can and should engage the community in seeking better outcomes for their clients. Now that the OADC has established the standard of having social workers, clinical advocates, resource advocates, investigators, and paralegals available to attorneys who request them, the Agency must turn its focus to enhancing its understanding of, communication with, and connection to Colorado communities while actively seeking and building strategic relationships with other agencies and non-governmental entities that can better meet clients civil legal and social support needs.

Proposed Solution:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$185,906 General Fund to create and staff a position of Holistic Defense Coordinator. The duties of the Holistic Defense Coordinator will include working with current OADC staff to develop a cohesive Agency strategy towards incorporating all aspects of the Agency's operations into a holistic defense approach. The Holistic Defense Coordinator will work to recruit and contract with attorneys, investigators,

social workers, paralegals, and resource advocates who are invested in pursuing the holistic model of practice in the community in which they are practicing, through seeking to learn what needs are unique to the community where their clients are living. The Holistic Defense Coordinator will assist the Municipal Court Coordinator, the Attorney Development Coordinator, and the Youth Defense Coordinator in seeking out and contracting with both youth and adult defense attorneys who are committed to the interdisciplinary team practice necessary to effect adequate legal representation for clients at all levels of the system. The Holistic Defense Coordinator will forge new strategic partnerships with other agencies who provide services that do not fall under the OADC mandate to increase efficiency in securing resources for clients and strengthening the quality of legal advocacy for OADC clients. The Holistic Defense Coordinator will develop trainings for contractors that enhance understanding, learning, and practices of working from an interdisciplinary, holistic defense model and will work with the Evaluation and Training Director to enhance the application of holistic concepts to all trainings provided by the OADC. The Holistic Defense Coordinator will also work with the Social Worker Coordinator and the Social Worker Outreach Coordinator to modernize onboarding and trainings to support true interdisciplinary team practices. The Holistic Defense Coordinator will work with the IT Coordinator and the Training and Technology Specialist to redevelop the agency website so that clients can utilize it as a hub to find information related not only to OADC's legal representation, but also to information regarding housing, benefits, treatment options, and resources around civil legal assistance and immigration considerations. The Holistic Defense Coordinator will also integrate these same concepts through strategic partnering with the new Post-Conviction Unit (See DI-3) to benefit those clients as well.

Alternatives:

The alternative would be to continue to provide a traditional defense model with some holistic defense components (continuing to offer social worker, clinical advocate, and resource advocate contractors to interested attorneys) without a cohesive approach towards enhancing multidisciplinary teamwork and without connecting to the unique needs of Colorado communities. The Agency would not develop strategic partnerships with other governmental agencies to increase efficiency in securing resources for clients.

Operational Details:

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

Assumptions for Calculations:

Holistic Defense Coordinator			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		11,420	11,420
Number of months in FY2022-23		11	12
Salary		125,620	137,040
Salary Survey Adjustment (5%)		6,281	6,852
Subtotal, Salary		131,901	143,892
PERA	11.57%	15,261	16,648
Medicare	1.45%	1,913	2,086
Sub-total Personal Services		149,075	162,626
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	14,423	15,734
Short-term Disability	0.15%	198	216
AED	5.00%	6,595	7,195
SAED	5.00%	6,595	7,195
PFML	0.0%	-	-
Total Personal Services		176,886	192,966
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$185,906	\$ 195,316

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

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Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Post Conviction Unit

Priority Number: R-3

Dept. Approval Date: 10/31/2022

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	47,482,096	-	47,482,096	-	47,432,096
	FTE	-	-	-	9.0	10.0
	GF	47,482,096	-	47,482,096	-	47,432,096
Personal Services	Total	2,403,623	-	2,403,623	916,130	3,319,753
	FTE	-	-	-	9.0	10.0
	GF	2,403,623	-	2,403,623	916,130	3,319,753
Health Life Dental	Total	290,390	-	290,390	144,230	434,620
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	144,230	434,620
Short-Term Disability	Total	3,437	-	3,437	1,216	4,653
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	1,216	4,653
AED SB 04-257	Total	107,418	-	107,418	40,530	147,948
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	40,530	147,948
SAED SB 06-235	Total	107,418	-	107,418	40,530	147,948
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	40,530	147,948
Operating	Total	139,546	-	139,546	40,200	179,746
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	40,200	179,746
Capital Outlay	Total	-	-	-	50,000	-
	FTE	-	-	-	-	-
	GF	-	-	-	50,000	-
Conflicts-of-Interest Contracts	Total	44,430,264	-	44,430,264	(1,232,836)	43,197,428
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	(1,232,836)	43,197,428

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

Cash or Federal Fund Name and CORE Fund Number:

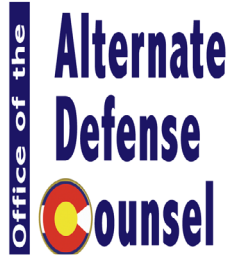
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2023-24 Funding Request Decision Item R-3

Agency Priority: Decision Item R - 3				
Post-Conviction Unit				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$1,142,636	\$1,142,636	\$0	9.0
Operating Expenses	\$40,200	\$40,200	\$0	0.0
Capital Outlay	\$50,000	\$50,000	\$0	0.0
Conflict-of-interest Contracts	(\$1,232,836)	(\$1,232,836)	\$0	0.0
Total Request	\$0	\$0	\$0	9.0

Request Summary:

The OADC is requesting an offset of \$1,232,836 from its Conflict-of-interest Contracts LBLI and 9.0 FTE to create an OADC Post-Conviction Unit. This unit will consist of 10 FTE to address statewide legal needs for OADC clients on post-conviction (Crim. P. 35(c)) cases.

The History, the Problem, and the Opportunity:

A Post-Conviction Relief or Crim. P. 35(c) motion is a type of proceeding where OADC contractors demonstrate that a client was denied his/her/their constitutional right to effective assistance of counsel or were otherwise deprived of a constitutional right. This process can proceed after a Public Defender or OADC client has been convicted and sentenced, either by way of a plea bargain or a trial, and if available, the case has gone up on direct appeal and the conviction and sentence affirmed.

Presently, once a Crim. P. 35(c) case has been assigned to the OADC, the Agency’s Appeals and Post-Conviction Coordinator assigns independent contractors to copy or download the court file, bookmark it, and develop a triage memo that outlines the procedural posture of the case and provides an analysis of the issues raised by the client’s *pro se* Petition for Post-Conviction Relief. Once this process is completed, the OADC Appeals and Post-Conviction Coordinator reaches out to contractors to try and find someone who is qualified and available to take a Crim. P. 35(c) case. Finding contractors to work these types of cases has always been challenging given the lengthy timeframe it takes to complete the work and the nature of the work itself. This challenge not only

creates an administrative burden to the Agency's staff by having to find and assign an available and willing contractor, it also, and more importantly creates a strain and, at times, negative impact to the client's motion process/timeline. Further, it is a constant source of frustration to the courts and their staff, who keep checking with the Agency's Appeals and Post-Conviction Coordinator to see if counsel has been assigned. The Agency believes that creating an in-house Post-Conviction Unit will alleviate some of this frustration and delay and will significantly reduce the difficulty finding contractors to take these cases (by reducing the need to find contractors by roughly half). As one of our outstanding post-conviction lawyers who recently left for a full-time, salaried position with the Court of Appeals that also includes benefits stated:

I'm going to be a "reporter of decisions," AKA I'll be editing the court's opinions. It was a tough decision leaving legal practice, but the comfort of a well-paid 9-5 with the possibility of student loan forgiveness was too good to pass up.

As shown in the chart below the OADC has experienced a steady increase in active post-conviction cases since FY19. As the numbers increase it will be increasingly difficult for the Agency will find enough qualified contractors to work these cases.

35c Cases	FY19	FY20	FY21	FY22	FY19 to FY22 % change
Caseload	448	460	462	468	4.5%
% change	-4.7%	2.7%	0.4%	1.3%	
Expenditures	\$2,739,568	\$2,208,331	\$1,909,396	\$2,713,493	-1.0%
% change	6.0%	-19.4%	-13.5%	42.1%	
Hours	34,454	29,044	26,466	37,352	8.4%
% change	1.7%	-15.7%	-8.9%	41.1%	

To fulfill the OADC obligations to meet the workload needs and requirements of these cases the Agency would like to create an in-house post-conviction unit comprised of 10 FTE focused solely on handling Crim. P. 35(c) cases. In studying the FY22's cost and hours for these cases the OADC believes that the 10 FTE will be able to work on approximately half of the annual caseload. The remainder of the annual 35(c) cases will continue to be handled by independent contractors. Some independent contractors will always be necessary as the internal Post-Conviction Unit will invariably have some conflicts that will need to be contracted out. The OADC will also need to develop an in-house Case Management System that will either be attached to the Agency's current billing system or exist as a standalone case management system for the Post-Conviction Unit to utilize for tracking client and casework obligations as well as for conflict management. They Agency is currently working with existing programmers to find the best and most cost-efficient solution.

Proposed Solution:

The OADC is requesting an offset of \$1,232,836 from its Conflict-of-interest Contracts LBLI and 9.0 FTE to create an OADC Post Conviction Unit.

Alternatives:

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

Operational Details:

The additional 9.0 FTE will be added to the OADC's Personal Services and Operating lines.

Assumptions for Calculations:

Post Conviction Unit - 10 FTE Summary			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons		10.0	10.0
Monthly Base Salary		70,181	70,181
Number of months in FY2023-24		11	12
Salary		771,991	842,172
Salary Survey Adjustment (5%)		38,600	42,109
Subtotal, Salary		810,591	884,281
PERA	11.57%	93,785	102,311
Medicare	1.45%	11,754	12,822
Sub-total Personal Services		916,130	999,414
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	144,230	157,340
Short-term Disability	0.15%	1,216	1,326
AED	5.00%	40,530	44,214
SAED	5.00%	40,530	44,214
PFML	0.0%		
Total Personal Services		1,142,636	1,246,508
FTE		9.0	10.0
Operating			
Regular FTE Operating		5,000	5,000
Telephone Expenses		4,500	4,500
Software		4,000	4,000
Travel Expenses		10,000	10,000
Computer, One-Time		16,700	-
Office Furniture, One-Time		50,000	-
Total Operating		90,200	23,500
TOTAL PERSONAL SERVICES & OPERATING		\$ 1,232,836	\$ 1,270,008

Post Conviction Unit - Managing Attorney			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		10,744	10,744
Number of months in FY2023-24		11	12
Salary		118,184	128,928
Salary Survey Adjustment (5%)		5,909	6,446
Subtotal, Salary		124,093	135,374
PERA	11.57%	14,358	15,663
Medicare	1.45%	1,799	1,963
Sub-total Personal Services		140,250	153,000
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	14,423	15,734
Short-term Disability	0.15%	186	203
AED	5.00%	6,205	6,769
SAED	5.00%	6,205	6,769
PFML	0.0%	-	-
Total Personal Services		167,269	182,475
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$176,289	\$184,825

Post Conviction Unit - Attorneys			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		4.0	4.0
Monthly Base Salary		7,461	7,461
Number of months in FY2023-24		11	12
Salary		328,262	358,104
Salary Survey Adjustment (5%)		16,413	17,905
Subtotal, Salary		344,675	376,009
PERA	11.57%	39,879	43,504
Medicare	1.45%	4,998	5,452
Sub-total Personal Services		389,552	424,965
Health/Life/Dental (Avg, FY23-24 State Premiums)	1,311	57,692	62,936
Short-term Disability	0.15%	517	564
AED	5.00%	17,234	18,800
SAED	5.00%	17,234	18,800
PFML	0.0%	-	-
Total Personal Services		482,229	526,065
FTE		3.6	4.0
Operating			
Regular FTE Operating		2,000	2,000
Telephone Expenses		1,800	1,800
Software		1,600	1,600
Travel Expenses		4,000	4,000
Computer, One-Time		6,680	-
Office Furniture, One-Time		20,000	-
Total Operating		36,080	9,400
TOTAL PERSONAL SERVICES & OPERATING		\$ 518,309	\$535,465

Post Conviction Unit - Paralegal			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		4,945	4,945
Number of months in FY2023-24		11	12
Salary		54,395	59,340
Salary Survey Adjustment (5%)		2,720	2,967
Subtotal, Salary		57,115	62,307
PERA	11.57%	6,608	7,209
Medicare	1.45%	828	903
Sub-total Personal Services		64,551	70,419
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	14,423	15,734
Short-term Disability	0.15%	86	93
AED	5.00%	2,856	3,115
SAED	5.00%	2,856	3,115
PFML	0.0%	-	-
Total Personal Services		84,772	92,476
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 93,792	\$ 94,826

Post Conviction Unit - Investigator			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		2.0	2.0
Monthly Base Salary		6,658	6,658
Number of months in FY2023-24		11	12
Salary		146,471	159,786
Salary Survey Adjustment (5%)		7,324	7,989
Subtotal, Salary		153,794	167,775
PERA	11.57%	17,794	19,412
Medicare	1.45%	2,230	2,433
Sub-total Personal Services		173,818	189,620
Health/Life/Dental (Avg, FY23-24 State Premiums)	1,311	28,846	31,468
Short-term Disability	0.15%	231	252
AED	5.00%	7,690	8,389
SAED	5.00%	7,690	8,389
PFML	0.0%	-	-
Total Personal Services		218,275	238,118
FTE		1.8	2.0
Operating			
Regular FTE Operating		1,000	1,000
Telephone Expenses		900	900
Software		800	800
Travel Expenses		2,000	2,000
Computer, One-Time		3,340	-
Office Furniture, One-Time		10,000	-
Total Operating		18,040	4,700
TOTAL PERSONAL SERVICES & OPERATING		\$ 236,315	\$242,818

Post Conviction Unit - LCSW			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		6,889	6,889
Number of months in FY2023-24		11	12
Salary		75,776	82,665
Salary Survey Adjustment (5%)		3,789	4,133
Subtotal, Salary		79,565	86,798
PERA	11.57%	9,206	10,043
Medicare	1.45%	1,154	1,259
Sub-total Personal Services		89,925	98,100
Health/Life/Dental (Avg, FY23-24 State Premiums)		1,311	14,423
Short-term Disability		0.15%	119
AED		5.00%	3,978
SAED		5.00%	3,978
PFML		0.0%	-
Total Personal Services		112,423	122,644
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$121,443	\$124,994

Post Conviction Unit - Administrative Assistant			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		4,446	4,446
Number of months in FY2023-24		11	12
Salary		48,903	53,349
Salary Survey Adjustment (5%)		2,445	2,667
Subtotal, Salary		51,348	56,016
PERA	11.57%	5,941	6,481
Medicare	1.45%	745	812
Sub-total Personal Services		58,034	63,309
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	14,423	15,734
Short-term Disability	0.15%	77	84
AED	5.00%	2,567	2,801
SAED	5.00%	2,567	2,801
PFML	0.0%	-	-
Total Personal Services		77,668	84,729
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 86,688	\$ 87,079

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Appointment Specialist

Priority Number: R-4

Dept. Approval Date: 10/31/2022

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2022-23 |

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	3,051,832	-	3,051,832	85,526	3,130,688
	FTE	-	-	-	0.9	1.0
	GF	3,051,832	-	3,051,832	85,526	3,130,688
Personal Services	Total	2,403,623	-	2,403,623	56,967	2,460,590
	FTE	-	-	-	0.9	1.0
	GF	2,403,623	-	2,403,623	56,967	2,460,590
Health Life Dental	Total	290,390	-	290,390	14,423	304,813
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	14,423	304,813
Short-Term Disability	Total	3,437	-	3,437	76	3,513
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	76	3,513
AED SB 04-257	Total	107,418	-	107,418	2,520	109,938
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	2,520	109,938
SAED SB 06-235	Total	107,418	-	107,418	2,520	109,938
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	2,520	109,938
Operating	Total	139,546	-	139,546	2,350	141,896
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	2,350	141,896
Capital Outlay	Total	-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-

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

Cash or Federal Fund Name and CORE Fund Number:

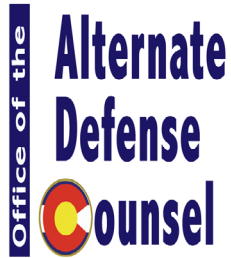
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2023-24 Funding Request Decision Item R-4

Agency Priority: Decision Item R - 4				
Appointment Specialist				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$76,506	\$76,506	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Total Request	\$85,526	\$85,526	\$0	0.9

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$85,526 General Fund to create a position of Appointment Specialist to support the increasing workload needs of the Agency’s Court Appointed Attorney Payment System (CAAPS).

The History, the Problem, and the Opportunity:

Since the formation of the Agency in 1997, the OADC has had only 1 FTE dedicated to the intake, review, and audit of attorney court appointments. Since that time the Agency has seen a steady increase in caseload from approximately 7,000 cases in FY98 to nearly 25,000 in FY22. On average, new attorney appointments make up approximately 70% of annual caseload, and that figure has steadily risen with the exception of two fiscal years heavily impacted by the COVID pandemic and court proceedings limitations.

As of FY18, the OADC has an annual average of 17,566 new attorney appointments per year, which calculates to approximately 67 new attorney appointments each day that are being entered into CAAPS. As stated, due to the COVID pandemic the Agency recorded a brief drop in caseload and appointments in FY20 and FY21, however in FY22 those figures rebounded due to court proceedings returning to pre-COVID levels. The OADC anticipates these levels to continue to increase in the upcoming FYs.

	FY18	FY19	FY20	FY21	FY22
Annual Caseload	22,638	25,022	24,085	23,746	24,897
<i>Change from previous FY</i>	13%	11%	-4%	-1%	5%
Appointments (Attorney)	16,875	19,143	17,542	16,831	17,440
<i>Change from previous FY</i>	10%	13%	-8%	-4%	4%

The OADC is seeking to maintain timely approval and administration of these appointments and needs a full-time staff person to assist the Appointments Manager in this area. The appointments process, like many others in the Agency, has minimal staff cross-training and backup due to its lean FTE count. The Agency cannot afford to burn out or potentially lose one of its most senior staff who have been with the Agency the longest of any of its current employees. With the addition of this new FTE, the Agency anticipates it will be able to maintain and strengthen its current appointment process. This position will support the Appointments Manager in:

- Entering court case designation and documentation into the Agency’s CAAPS system.
- Verification of active/inactive case status within the state’s court Data Access system.
- Administration of post-conviction contracts.
- Administration and audit of case appointment billing rates.
- Administration of case related credit card tracking.

Proposed Solution:

For the FY2023-24 request year, the OADC is requesting \$85,526 for an Appointments Specialist to accommodate the existing need and anticipated growth of the Agency’s appointment process.

Alternatives:

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

Operational Details:

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

Assumptions for Calculations:

Appointment Specialist			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		4,364	4,364
Number of months in FY2022-23		11	12
Salary		48,004	52,368
Salary Survey Adjustment (5%)		2,400	2,618
Subtotal, Salary		50,404	54,986
PERA	11.57%	5,832	6,362
Medicare	1.45%	731	797
Sub-total Personal Services		56,967	62,145
Health/Life/Dental <i>(Avg, FY23-24 State Premiums)</i>	1,311	14,423	15,734
Short-term Disability	0.15%	76	82
AED	5.00%	2,520	2,749
SAED	5.00%	2,520	2,749
PFML	0.0%	-	-
Total Personal Services		76,506	83,459
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 85,526	\$ 85,809

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

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Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Municipal Court Analyst

Priority Number: R-5

Dept. Approval Date: 10/31/2022

- Decision Item FY 2023-24
 Base Reduction Item FY 2023-24
 Supplemental FY 2022-23
 Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items		3,051,832	-	3,051,832	87,312	3,132,474
	FTE	-	-	-	0.9	1.0
	GF	3,051,832	-	3,051,832	87,312	3,132,474
Personal Services		2,403,623	-	2,403,623	58,605	2,462,228
	FTE	-	-	-	0.9	1.0
	GF	2,403,623	-	2,403,623	58,605	2,462,228
Health Life Dental		290,390	-	290,390	14,423	304,813
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	14,423	304,813
Short-Term Disability		3,437	-	3,437	78	3,515
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	78	3,515
AED SB 04-257		107,418	-	107,418	2,593	110,011
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	2,593	110,011
SAED SB 06-235		107,418	-	107,418	2,593	110,011
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	2,593	110,011
Operating		139,546	-	139,546	2,350	141,896
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	2,350	141,896
Capital Outlay		-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-

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:

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FY 2023-24 Funding Request
 Decision Item R-5

Agency Priority: Decision Item R - 5				
Municipal Court Program Analyst (SB 18-203)				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$78,292	\$78,292	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Total Request	\$87,312	\$87,312	\$0	0.9

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$87,312 General Fund to create a position of Municipal Court Program Analyst to support the financial review, processing, reporting requirements, and the internal audit of the program’s billing system.

The History, the Problem, and the Opportunity:

Brief History - SB18-203 was passed in June 2018 and required each Colorado municipality, on and after January 1, 2020, to provide independent indigent defense for each indigent defendant facing a possible jail sentence for a violation of a municipal ordinance. Independent indigent defense requires, at minimum, that a nonpartisan entity independent of the municipal court and municipal officials oversee or evaluate indigent defense counsel and the municipality. To satisfy this requirement, a municipality that contracts directly with one or more defense attorneys to provide counsel to indigent defendants shall ensure that:

- The process to select indigent defense attorneys is transparent and based on merit; and
- Each newly hired defense attorney is periodically evaluated by an independent entity for competency and independence. The municipality shall evaluate each newly hired defense attorney as soon as practicable but no later than one year after he or she is hired. Otherwise, the municipality shall evaluate each defense attorney at least every 3 years.

The act sets forth an annual timeline by which a municipality may request and potentially receive the services of the Office of the Alternate Defense Counsel to:

- Evaluate the provision of defense counsel to indigent defendants; or
- Provide a list of approved attorneys to be used for indigent defense during the next calendar year.

Problem and Opportunity – SB18-203 provided funding for two FTE (a Coordinator and an Administrative Assistant) to provide support for the compilation of municipal evaluation contract materials, compile an evaluation schedule, and make travel arrangements for 59 municipalities' independent defense evaluations. However, in addition to that it also created a Cash Fund within Treasury designed to take in revenue from the municipalities which would be used to pay independent OADC contractors appointed to work on these municipal court cases. Due to the growth of the program, the OADC needs one additional FTE.

As of October 1, 2022, four municipalities (Denver, Aurora, Westminster, and Northglenn) have contracted with the OADC to reimburse independent contractor services provided to their courts. Each municipality estimates quarterly costs and retainer balances associated with these cases and sends the OADC a check, which is processed and deposited into the Cash Fund (mentioned above) and then used to reimburse the contractors. To assist the municipalities in the administration of their funding, the OADC prepares financial reports tracking cash fund balances and expenditures to date to comply with the terms of the contract. Some municipalities require a monthly summary and invoice, while others, who manage their funding together with the Colorado Department of Local Affairs (DOLA,) require quarterly reporting that contains much more detail due to their federal grant agreements. Most of these tasks are currently being performed by, and added to the workload of, existing OADC staff within the financial division.

In addition to the reporting requirements listed above, there is also the administration of the OADC's Municipal Appointment Attorney Payment System (MAAPS) which is used by the contractors entering invoices related to their work on municipal cases. This system is very similar to (but independent from) the OADC's 'Court Appointed Attorney Payment System' (CAAPS) and is also used to track and upload payments to be processed to the State's Colorado Operations Resource Engine (CORE). Like the reporting processes mentioned above, most of these tasks are currently being performed by, and added to the workload of, existing OADC staff within the financial division. Sustaining this type of model is untenable and justifies the need for one additional FTE to assist with the growth of the Municipal Court Program

Proposed Solution:

For the FY2023-24 request year, the OADC is requesting \$87,312 for a Municipal Court Program Analyst to accommodate the reporting, payment processing, and auditing needs for the growing OADC Municipal Court Program.

Alternatives:

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

Operational Details:

The additional 1.0 FTE and \$87,312 will be added to the OADC's Personal Services line.

Assumptions for Calculations:

Municipal Court Program Analyst			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		4,490	4,490
Number of months in FY2022-23		11	12
Salary		49,385	53,874
Salary Survey Adjustment (5%)		2,469	2,694
Subtotal, Salary		51,854	56,568
PERA	11.57%	5,999	6,545
Medicare	1.45%	752	820
Sub-total Personal Services		58,605	63,933
Health/Life/Dental (<i>Avg, FY23-24 State Premiums</i>)	1,311	14,423	15,734
Short-term Disability	0.15%	78	85
AED	5.00%	2,593	2,828
SAED	5.00%	2,593	2,828
PFML	0.0%	-	-
Total Personal Services		78,292	85,408
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 87,312	\$ 87,758

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Social Worker Fellowships

Priority Number: R-6

Dept. Approval Date: 10/31/2022

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	47,482,096	-	47,482,096	-	47,475,426
	FTE	-	-	-	1.8	2.0
	GF	47,482,096	-	47,482,096	-	47,475,426
Personal Services	Total	2,403,623	-	2,403,623	137,600	2,541,223
	FTE	-	-	-	1.8	2.0
	GF	2,403,623	-	2,403,623	137,600	2,541,223
Health Life Dental	Total	290,390	-	290,390	28,846	319,236
	FTE	-	-	-	-	-
	GF	290,390	-	290,390	28,846	319,236
Short-Term Disability	Total	3,437	-	3,437	183	3,620
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	183	3,620
AED SB 04-257	Total	107,418	-	107,418	6,087	113,505
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	6,087	113,505
SAED SB 06-235	Total	107,418	-	107,418	6,087	113,505
	FTE	-	-	-	-	-
	GF	107,418	-	107,418	6,087	113,505
Operating	Total	139,546	-	139,546	4,700	144,246
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	4,700	144,246
Capital Outlay	Total	-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-
Conflicts-of-Interest Contracts	Total	44,430,264	-	44,430,264	(190,173)	44,240,091
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	(190,173)	44,240,091

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:

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FY 2023-24 Funding Request
Decision Item R-6

Agency Priority: Decision Item R - 6				
Social Worker Fellowships				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$178,803	\$178,803	\$0	1.8
Operating Expenses	\$4,700	\$4,700	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Conflict-of-interest Contracts	(\$190,173)	(\$190,173)	\$0	0.0
Total Request	\$0	\$0	\$0	1.8

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting 2.0 FTE that will be funded from a transfer of \$190,173 from its Conflict-of-interest Contracts, as these individuals will be representing indigent individuals in place of contracted forensic social workers. These 2.0 FTE positions will create a two-year Greater Colorado Fellowship and a two-year Inclusivity Fellowship. These positions will assist the OADC in achieving its mission.

The History, the Problem, and the Opportunity:

The OADC has long recognized that the pool of attorneys contracting with our Agency lacks both people willing to live in and practice law in rural areas of Colorado (Greater Colorado) and people who identify as Black, Indigenous, and people of color (BIPOC). The same is true for the pool of forensic social workers contracting with our Agency.

The OADC began contracting with forensic social workers in 2014 with six Masters level social workers in this contract role and has grown to contract with over 50 forensic workers and clinical advocates presently. The program continues to expand and has made meaningful impacts in the overall representation of clients. Forensic social work, defined for this purpose, as a social worker working as a member of a criminal defense team, is a unique and specialized way of practicing social work. The OADC's incorporation of social workers as contracted members of criminal defense teams has increased the opportunity for interdisciplinary, holistic criminal defense for clients on a larger scale in Colorado.

Holistic defense requires defense teams to expand their focus beyond the discrete legal matter at hand to address factors that impact recidivism and criminal system involvement such as lack of housing, unemployment, and more. To further advance the OADC's focus on holistic public defense and support the Agency's mission, the OADC is working to make interdisciplinary teams the norm to address "enmeshed" consequences to incarceration and conviction/adjudication such as loss of housing, inability to find employment, and loss of benefits. We believe the increase in social workers as interdisciplinary defense team members in all areas of the state will allow the OADC to help an even higher volume of clients in a cost-effective way. Currently, forensic social workers contracted with the OADC are by and large located in the front range jurisdictions. This is particularly problematic for jurisdictions such as Mesa County with high case volumes but limited access to forensic social work without requiring the FSW contractor to travel from the front range to the Western slope. This is not only a cost burden to the OADC but can place some limitations on the ability of the contractor to interact with the client and impacts the forensic social workers understanding of local resources and communities both of which are integral to the client's holistic defense.

The root causes of the lack of forensic social work contractors willing to live in and practice criminal defense social work in rural areas of Colorado (Greater Colorado) and the limited number of forensic social work contractors who identify as Black, Indigenous, and People of Color (BIPOC) may be different, but the solution is the same: targeted recruitment and a stable process that will increase the likelihood of long-term financial success for BIPOC and rural practitioners. The OADC criminal defense team contractor system is necessary to prevent ethical conflicts of interest from migrating between employees of a single law firm, e.g., the Office of the State Public Defender. However, this system does not provide the financial stability of a monthly paycheck and the benefits necessary to successfully recruit and retain specific practitioners. Thus, the OADC seeks to create a fellowship model to recruit and retain specific practitioners. Meeting the needs of Greater Colorado: Rural communities lacking in legal services (often called "legal deserts") will benefit from the development of a private forensic social work practitioner. True, the Greater Colorado Forensic Social Work Fellow will begin as a state employee; however, after an initial two-year period of learning the specialized practice of criminal defense social work while supported by the OADC and community practitioners, the expectation is that the Fellow will become an OADC independent contractor in that rural area upon completion of the fellowship.

Expanding OADC's Inclusivity Efforts: Further, the people who practice law suffer from a lack of diversity, and Colorado's greater legal community is no different. The pool of social workers willing to contract with the OADC is a microcosm of the larger systemic problem. While the lack of diversity is generally problematic for the legal community, it is especially problematic in the criminal legal system. There is an undeniable benefit when BIPOC-identifying people participate in the system as criminal defense advocates. The OADC intends to recruit social workers who identify as BIPOC to supplement the ranks of current contractors while increasing the diversity of the Colorado defense community. Though targeted recruitment will differ, this fellowship

model will be similar in its design to provide a stable process that will increase the likelihood of long-term financial success for rural practitioners and practitioners who identify as BIPOC. Thus, the OADC has proposed two separate social work fellowships that should be considered together: the Greater Colorado Forensic Social Work Fellowship; and the Inclusivity Forensic Social Work Fellowship.

The Greater Colorado Fellowship

Request Details: The OADC is proposing a new forensic social work fellowship to further address the legal deserts in rural Colorado. The OADC is requesting a Greater Colorado Fellow forensic social worker for a two-year term to increase access to justice, reduce costs, and improve the quality of rural legal representation. While this is a two-year fellowship, the OADC intends this program to be a further long-term solution to the legal deserts in rural Colorado. The OADC will select applicants that intend to remain in the rural location after the fellowship ends and establish a private practice, while also considering factors for placement of the Fellow such as the social workers in a geographic area, OADC's billed hours for social work and travel in certain areas, and community support and business growth factors. The goal is to establish practitioners who will continue to contract with the OADC. With these factors in mind, the OADC has prioritized the following Greater Colorado locations as possible placement areas for a rural fellow:

- Mesa County (21st Judicial District) ;
- Otero and Bent counties (16th Judicial District);
- Morgan and Logan counties (13th Judicial District);
- Fremont and Custer counties (11th Judicial District); and
- Eagle and Garfield counties (5th and 9th Judicial Districts).

The OADC intends to locate one forensic social work practitioner in one area of need in FY 2023-24. In each second subsequent year, the OADC will attempt to locate one practitioner in a different area of need.

To achieve long-term success, the OADC recognizes that final selection of the location will need to be made in conjunction with an applicant's desire to reside in a given location long after the fellowship ends. Considering the above-cited concerns regarding criminal defense practice in rural communities, the OADC will prioritize selecting a social worker who has previously lived in a rural community or has a passion for helping rural communities, shows interest in developing their own practice, is comfortable working independently, and shows interest in improving access to justice. The OADC will reevaluate these selection criteria on an annual basis based on effectiveness, reach, and retention.

Each forensic social worker selected for a rural fellowship will receive a single two-year term. The OADC intends to provide two years of financial stability to enable the Greater Colorado Forensic

Social Work Fellow to develop a private practice. After those two years, it will be expected that the Greater Colorado Forensic Social Work Fellow will contract with the OADC on an hourly basis.

Consequences if not Funded: If the OADC is denied the requested FTE position, the OADC will continue to struggle with addressing the legal deserts in Greater Colorado. As a result, OADC will have to continue to dedicate considerable resources and funding to travel costs and the ongoing concerns related to holistic legal representation throughout rural areas of the state will continue.

The Inclusivity Fellowship

Request Details: The OADC proposes a new solution to address the lack of BIPOC forensic social workers in the agency's contractor pool. We are requesting an Inclusivity Fellow forensic social worker for a two-year term to help address this deficit. As the Fellow social worker's two-year program ends, the OADC anticipates replacing that Fellow indefinitely, as there currently exists no timeline for when these systemic issues will change and the desired outcomes of that change. The OADC will assess the resource needs annually, factoring annual workload projections concurrent with best practices to determine the appropriate number of Fellows moving forward. A Fellow forensic social worker will be a new social worker with two or fewer years of experience that is interested in beginning their career in public service working on criminal defense teams for indigent individuals.

The OADC anticipates annual compensation of \$66,408 a year, with the expectation that each Fellow may work up to two years in this capacity and gain relevant experience so that they can establish their own private practice in Colorado. Further, this arrangement will develop a cadre of social workers with significant and valuable experience to assist criminal defendants.

Justification: A BIPOC individual familiar with the issues these communities face may not have to overcome trust issues or spend as much time fostering a willingness to participate and bring additional skill sets unique to their lived experience as members of BIPOC communities. In other words, it would be necessary to the success of the work to have someone with similar background and/or lived experiences to ensure the effectiveness of their duties. See, e.g., Appendix D (Fourth Edition (2017) of the Criminal Justice Standards for the Defense Function supporting diversification of public defenders throughout multiple areas of the state).

If the OADC is not allowed to add the requested Fellow social work position, the OADC and Colorado will continue to struggle with effectively addressing the systemic needs of BIPOC individuals in the legal and criminal justice systems and works a disservice to the vast majority of BIPOC individuals represented by the OADC, most significantly victims and defendants. See exhibit E for charts and resources in support of this fellowship.

Proposed Solution:

For the FY2023-24 request year, the OADC is requesting \$196,843 for two Social Worker Fellowships.

Alternatives:

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

Operational Details:

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

Assumptions for Calculations:

Social Worker Fellowships			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		2.0	2.0
Monthly Base Salary		5,271	5,271
Number of months in FY2023-24		11	12
Salary		115,951	126,492
Salary Survey Adjustment (5%)		5,798	6,325
Subtotal, Salary		121,749	132,817
PERA	11.57%	14,086	15,367
Medicare	1.45%	1,765	1,926
Sub-total Personal Services		137,600	150,110
Health/Life/Dental (Avg, FY23-24 State Premiums)		1,311	28,846
Short-term Disability		0.15%	183
AED		5.00%	6,087
SAED		5.00%	6,087
PFML		0.0%	-
Total Personal Services		178,803	195,059
FTE		1.8	2.0
Operating			
Regular FTE Operating		1,000	1,000
Telephone Expenses		900	900
Software		800	800
Travel Expenses		2,000	2,000
Computer, One-Time		3,340	-
Office Furniture, One-Time		10,000	-
Total Operating		18,040	4,700
TOTAL PERSONAL SERVICES & OPERATING		\$ 196,843	\$199,759

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Common Compensation Plan

Priority Number: R-7

Dept. Approval Date: 10/31/2022

- | |
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| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2022-23 |

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	3,051,832	-	3,051,832	131,182	3,183,014
	FTE	-	-	-	-	1.0
	GF	3,051,832	-	3,051,832	131,182	3,183,014
Personal Services	Total	2,403,623	-	2,403,623	120,372	2,523,995
	FTE	-	-	-	-	1.0
	GF	2,403,623	-	2,403,623	120,372	2,523,995
Short-Term Disability	Total	3,437	-	3,437	160	3,597
	FTE	-	-	-	-	-
	GF	3,437	-	3,437	160	3,597
AED	Total	107,418	-	107,418	5,325	112,743
SB 04-257	FTE	-	-	-	-	-
	GF	107,418	-	107,418	5,325	112,743
SAED	Total	107,418	-	107,418	5,325	112,743
SB 06-235	FTE	-	-	-	-	-
	GF	107,418	-	107,418	5,325	112,743
Operating	Total	139,546	-	139,546	-	139,546
	FTE	-	-	-	-	-
	GF	139,546	-	139,546	-	139,546

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

Cash or Federal Fund Name and CORE Fund Number:

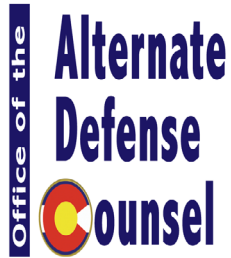
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2023-24 Funding Request Decision Item R-7

Agency Priority: Decision Item R - 7				
Common Compensation Plan				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$120,372	\$120,372	\$0	0.0
STD	\$160	\$160	\$0	0.0
AED	\$5,325	\$5,325	\$0	0.0
SAED	\$5,325	\$5,325	\$0	0.0
Total Request	\$131,182	\$131,182	\$0	0.0

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting \$131,182 General Fund in addition to the Common Policy Total Compensation Request of the Executive Branch to continue implementation of the common compensation plan it developed with the Office of the Respondent Parent’ Counsel (ORPC) and the Office of the Child’s Representative (OCR), and to support its State employees with regards to current national inflationary impacts.

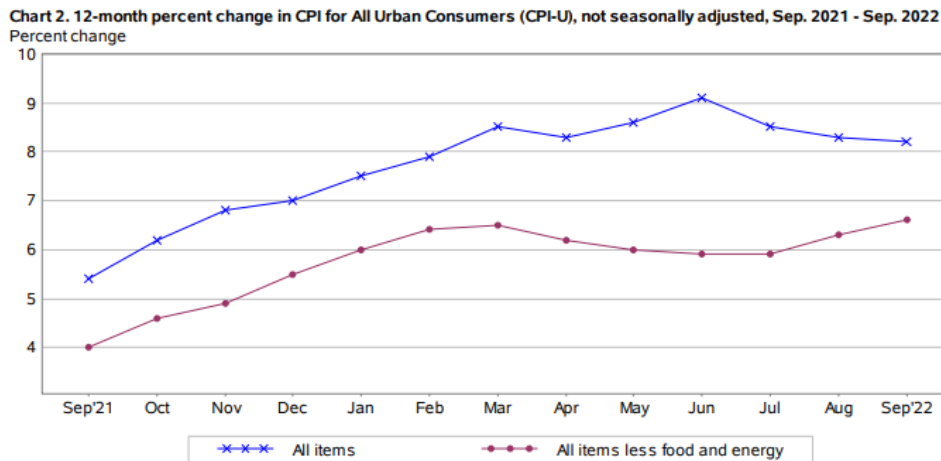
The History, the Problem, and the Opportunity:

As requested by the Joint Budget Committee’s (JBC) staff in FY18 the OADC, ORPC, and OCR have continued to work together to diligently maintain and administer an on-going Total Compensation Plan which is used to compare, align, support, and benchmark staff salaries to corresponding agencies, as well as similar positions within the Judicial and Executive branch when needed. The process continues to evolve and grow stronger as the three agencies collaborate and soon plan to further combine efforts by contracting with an independent Salary/Market Survey Firm within the current fiscal year. Until that time the OADC is asking, as similar agencies within the Judicial Branch (PDs, SCAO) as well as the Department of Law, to support its current compensation plans as they compare to each other and current market standards and economic impacts.

In the OADC’s recent analysis of its compensation plan the Agency has identified positions that have not only fallen behind its counterparts but also behind those throughout the Judicial Branch.

As has been the case for its more than 25-year existence the OADC continues to be a very lean agency, that is responsible for overseeing more than 1,000 contractor lawyers, investigators, paralegals, social workers, resource advocates, legal researchers, and case assistants. During that same time period the Agency has experienced almost no turnover and therefore has little vacancy savings that could be used to repair these pay discrepancies. Decision items such as this are the only equitable means the Agency has to keep its staff salaries competitive with other state agencies or the market. 10 of the current 15 FTE have between 10 to 30+ years of experience in the Colorado indigent defense world, and the OADC wishes to remain competitive so it can continue to retain those FTE. In addition to bringing those salaries to reasonable and equitable levels the Agency is also trying to address the impact to its staff with regards to the current national inflation rate.

As of September 2022 the US Bureau of Labor Statistics has measured the Consumer Price Index for All Urban Consumers increased 0.4 percent, seasonally adjusted, and rose 8.2 percent over the last 12 months, not seasonally adjusted. The index for all items less food and energy increased 0.6 percent in September (SA); up 6.6 percent over the year (NSA).



Proposed Solution:

In addition to maintaining comparative and equitable rate maximum percentages within the combined Total Compensation Plan, the OADC is seeking to support the impact of the current 2022 inflation rate of 8.2% by varying increases to its state employees. Once these adjustments are applied most employees will see an increase to their compensation that aligns with the DPA and Colorado WINS agreed upon salary increase of 5.0%. Those at the lowest end of the OADC pay scale would see an additional 2% increase above the recommended 5.0%.

Assumptions for Calculations:

	General Fund Total	
Personal Services		
Salary	\$	106,505
PERA	\$	12,323
Medicare	\$	1,544
		<hr/>
Subtotal Personal Services	\$	120,372
AED	\$	5,325
SAED	\$	5,325
STD	\$	160
		<hr/>
Total Cost	\$	131,182
		<hr/>

Operational Details:

The additional \$131,182 will be added to the OADC's Personal Services line.

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

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Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Contractor Rate Increase – Attorneys

Priority Number: R-8

Dept. Approval Date: 10/31/2022

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| <input checked="" type="checkbox"/> Decision Item FY 2023-24 |
| <input type="checkbox"/> Base Reduction Item FY 2023-24 |
| <input type="checkbox"/> Supplemental FY 2022-23 |
| <input type="checkbox"/> Budget Amendment FY 2022-23 |

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	44,430,264	-	44,430,264	4,724,448	49,154,712
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	4,724,448	49,154,712
Conflicts-of-Interest Contracts	Total	44,430,264	-	44,430,264	4,724,448	49,154,712
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	4,724,448	49,154,712

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

Cash or Federal Fund Name and CORE Fund Number:

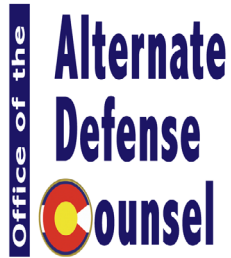
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2023-24 Funding Request Decision Item R-8

Agency Priority: Decision Item R - 8				
Contractor Rate Increase - Attorneys				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 4,724,448	\$ 4,724,448	\$0	0.0
Total Request	\$ 4,724,448	\$ 4,724,448	\$0	0.0

Request Summary:

In conjunction with the Office of the Respondent Parent’s Counsel (ORPC) and the Office of the Child’s Representative (OCR), the OADC is seeking a 18% hourly rate increase for its attorney contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense counsel to represent indigent adults and children, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$4,724,448 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY24.

The History, the Problem, and the Opportunity:

Please see the joint response of ORPC and OCR’s FY24 Budget Decision Item # (R- 1) for a detailed description.

Proposed Solution:

Increase the OADC’s FY24 Conflict-of-interest Contracts LBLI by \$4,724,448 to fund a 18.0% increase to Attorney 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.

Operational Details:

The hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2023, for all work performed on and after that date. Rate increases will continue in effect until another change occurs. 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 attracting and retaining more experienced, capable contractors who are in turn more efficient in accomplishing work on cases.

Assumptions for Calculations:

Long Bill Line Item (LBLI)	FY22 Expenses	% Rate Increase	Incremental increase to FY24 LBLI
Conflict-of-interest Contracts (Attorney)	\$ 26,246,933	18%	\$ 4,724,448
Conflict-of-interest Contracts			\$ 4,724,448

Consequences if not funded:

The OADC believes and has extensive anecdotal evidence that experienced contractors would 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 youth defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, additional training, mentoring, oversight, and post-conviction (ineffective assistance of counsel) claims.

Impact on Other State Government Agency:

The Agency is making this request in conjunction with the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC).

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

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Alternate Defense Counsel
 Request Title: Contractor Rate Increase – Legal Teams
 Priority Number: R-9
 Dept. Approval Date: 10/31/2022

- Decision Item FY 2023-24
- Base Reduction Item FY 2023-24
- Supplemental FY 2022-23
- Budget Amendment FY 2022-23

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	44,430,264	-	44,430,264	1,361,808	45,792,072
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	1,361,808	45,792,072
Conflicts-of-Interest Contracts	Total	44,430,264	-	44,430,264	1,361,808	45,792,072
	FTE	-	-	-	-	-
	GF	44,430,264	-	44,430,264	1,361,808	45,792,072

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:

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FY 2023-24 Funding Request Decision Item R-9

Agency Priority: Decision Item R - 9				
Contractor Rate Increase – Legal Teams				
Summary of Funding/FTE Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 1,361,808	\$ 1,361,808	\$0	0.0
Total Request	\$ 1,361,808	\$ 1,361,808	\$0	0.0

Request Summary:

In conjunction with the Office of the Respondent Parent’s Counsel (ORPC) and the Office of the Child’s Representative (OCR), the OADC is seeking an 18% hourly rate increase for its Legal Team contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense contractors to represent indigent adults and children, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$1,361,808 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY24.

The History, the Problem, and the Opportunity:

Please see the joint response of ORPC’s FY24 Budget Decision Item # (R- 1) for a detailed description.

Proposed Solution:

Increase the OADC’s FY24 Conflict-of-interest Contracts LBLI by \$1,361,808 to fund a 18.0% increase to Legal Team 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.

Operational Details:

The hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2023, for all work performed on and after that date. Rate increases will continue in effect until another change occurs. 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:

Long Bill Line Item (LBLI)	FY22 Expenses	% Rate Increase	Incremental increase to FY24 LBLI
Conflict-of-interest Contracts (Investigator)	\$ 3,170,038	18%	\$ 570,607
Conflict-of-interest Contracts (FSW / FCA)	\$ 1,910,617	18%	\$ 343,911
Conflict-of-interest Contracts (Paralegal)	\$ 1,806,413	18%	\$ 325,154
Conflict-of-interest Contracts (Legal Researcher)	\$ 503,115	18%	\$ 90,561
Conflict-of-interest Contracts (Case Assistant)	\$ 150,670	18%	\$ 27,121
Conflict-of-interest Contracts (Scanner)	\$ 24,747	18%	\$ 4,455
Conflict-of-interest Contracts			\$ 1,361,808

Consequences if not funded:

If this were not funded, and the attorney rate increase was, the OADC believes that this will create conflict between attorneys and the other members of their legal teams. The result of that conflict could be decreased participation by other team members, choosing to do other work due to their financial dissatisfaction. On those teams that remain fully staffed, the financial conflict and dissatisfaction could easily lead to poor outcomes for clients, which also generally translates into increased taxpayer costs either through replacing team members (who then must repeat the work previously completed) or increased sentences to incarceration (the most taxpayer expensive alternative available in sentencing individuals). The OADC also believes that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient.

Impact on Other State Government Agency:

The Agency is making this request in conjunction with the Office of the Child's Representative (OCR) and the Office of Respondent Parents' Counsel (ORPC).

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

Current Statutory Authority of Needed Statutory Change: N/A

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FY 2023-24 Technical Adjustment

Agency Priority: Technical Adjustment				
Operating Alignment				
Summary of Change for FY24	Total Funds	General Funds	Cash Funds	FTE
Operating	\$ 84,211	\$ 84,211	\$ 0	
Conflict-of-interest Contracts	(\$ 84,211)	(\$ 84,211)	\$ 0	0.0
Total Request	\$ 0	\$ 0	\$ 0	0.0

Request Summary:

The OADC is seeking JBC staff approval for a technical adjustment of \$84,211 from its Conflict-of-interest Contracts LBLI to it Operating LBLI.

The History, the Problem, and the Opportunity:

The OADC continues to utilize its transfer authority as provided in section 24-75-108(5), C.R.S when met with increasing monthly/annual costs to its IT infrastructure, Westlaw/Lexis subscriptions, internal staff trainings, and most recently increases to staff technology needs to home office space due to the COVID pandemic.

Proposed Solution:

The OADC believes that these technical adjustments will give the legislature the best picture of the Agency's true/current budget needs with regards to Operating costs as will be seen on the Long Bill. The OADC asks that JBC staff approve a technical adjustment of \$84,211 from its Conflict-of-interest Contracts LBLI to it Operating LBLI.

Alternatives:

If not approved the OADC will continue to transfer funds to the Operating line as allowed in 24-75-108(5), C.R.S. to accommodate increasing costs to Operating expenditures.

Assumptions for Calculations:

Below is a chart showing the OADC’s starting LBLI for Operating and the corresponding transfers made each year since FY19 to accommodate increasing costs as mentioned above. The Agency estimates that the actual transfer amount of \$84,211 shown in FY22 best represents, at minimum, the likely transfers to be made in the next several FYs. This transfer will reduce the OSC/CORE entries made to move funding to that line.

FY	Long Bill Appropriated	Transferred In	Ending
2019	\$ 108,619	\$ 38,612	\$ 147,231
2020	\$ 221,300	\$ 48,167	\$ 269,467
2021	\$ 120,887	\$ 43,752	\$ 164,639
2022	\$ 120,887	\$ 84,211	\$ 205,098

Impact on Other State Government Agency: N/A

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

Current Statutory Authority of Needed Statutory Change: N/A

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

	Actual FY2018-2019		Actual FY2019-2020		Actual FY2020-2021		Actual FY2021-2022		Budgeted FY2022-2023		Requested FY2023-2024	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Department Total												
Total	39,698,549	13.0	39,484,863	16.0	37,744,339	16.0	39,750,983	16.0	50,565,653	20.5	57,415,764	35.4
GF	39,643,726	13.0	39,434,460	16.0	37,531,364	16.0	39,305,876	16.0	50,485,653	20.5	57,335,764	35.4
CF	54,823		50,403		80,000		80,000		80,000		80,000	

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SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Position Detail										
Director	172,827	1.0	169,724	1.0	178,018	1.0		1.0	183,816	1.0
Deputy	165,393	1.0	162,065	1.0	170,368	1.0		1.0	175,908	1.0
Coordinator of Legal Research & Tech Coordinator	141,147	1.0	138,622	1.0	145,381	1.0		1.0	150,107	1.0
Evaluator/Trainer Staff Attorney	123,600	1.0	121,009	1.0	126,999	1.0		1.0	131,127	1.0
Chief Financial Officer	122,581	1.0	122,391	1.0	128,438	1.0		1.0	132,613	1.0
Appellate Post Conviction Coordinator	82,549	1.0	81,060	1.0	85,026	1.0		1.0	87,790	1.0
Training & Technology Specialist					55,008	1.0		1.0	57,208	1.0
Public Information Coordinator	67,342	1.0	55,970	1.0		0.0		0.0		
Youth Defense Coordinator	126,999	1.0	124,627	1.0	130,809	1.0		1.0	135,061	1.0
Sr. Office Manager	88,603	1.0	87,962	1.0	92,265	1.0		1.0	95,265	1.0
Billing Administrator	74,471	1.0	73,827	1.0	77,432	1.0		1.0	84,219	1.0
Financial Analyst	66,872	1.0	66,267	1.0	69,473	1.0		1.0	75,562	1.0
Social Worker Coordinator	95,008	1.0	93,511	1.0	98,158	1.0		1.0	101,348	1.0
Administrative Paralegal	51,909	1.0	51,044	1.0	58,008	1.0		1.0	64,389	1.0
Social Worker Outreach Coordinator	73,678	1.0	78,661	1.0	82,586	1.0		1.0	85,271	1.0
Municipal Court Coordinator								1.0	131,127	1.0
Municipal Administrative Support Specialist								1.0	57,509	1.0
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv									12,899	0.1
Annualizations FY23 DI # 2 (R-2) FTE - Staff Accountant									7,442	0.1
Annualizations FY23 DI # 3 (R-3) FTE - Info System Dir									9,939	0.1
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship									12,047	0.1
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship									12,047	0.1
DI # 1 Coordinator of Adjunct Services (FY23)								0.9	137,048	0.9
DI # 2 Staff Accountant (FY23)								0.9	79,067	0.9
DI # 3 Information Systems Director (FY23)								0.9	105,604	0.9
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)								0.9	66,188	0.9
DI # 5 The Inclusivity Fellowship (FY23)								0.9	66,188	0.9
DI # 1 EDI / HR Coordinator (Operations Specialist)									94,964	0.9
DI # 2 Holistic Defense Coordinator (FY24)									131,901	0.9
DI # 3 Post Conviction Unit - Managing Attorney (FY24)									124,093	0.9
DI # 3 Post Conviction Unit - Attorney (FY24)									86,169	0.9
DI # 3 Post Conviction Unit - Attorney (FY24)									86,169	0.9
DI # 3 Post Conviction Unit - Attorney (FY24)									86,169	0.9
DI # 3 Post Conviction Unit - Attorney (FY24)									86,169	0.9
DI # 3 Post Conviction Unit - LCSW (FY24)									79,565	0.9
DI # 3 Post Conviction Unit - Investigator (FY24)									76,897	0.9
DI # 3 Post Conviction Unit - Investigator (FY24)									76,897	0.9
DI # 3 Post Conviction Unit - Paralegal (FY24)									57,115	0.9
DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									51,348	0.9

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
DI # 4 Appointment Specialist (FY24)									50,404	0.9
DI # 5 Municipal Court Program Analyst (FY24)									51,854	0.9
DI # 6 The Inclusivity Social Worker Fellowship (FY24)									60,874	0.9
DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									60,874	0.9
DI # 7 Common Compensation Plan (FY24)									106,505	
Continuation Salary Subtotal	1,452,979	14.0	1,426,740	14.0	1,497,970	14.0	2,403,623	20.5	3,624,754	35.4
Other Personal Services										
PERA on Continuation Subtotal (FY16)										
PERA on Continuation Subtotal (FY17)										
PERA on Continuation Subtotal (FY18)										
PERA on Continuation Subtotal (FY19)	11,590									
PERA on Continuation Subtotal (FY20)	134,799		12,816							
PERA on Continuation Subtotal (FY21)			138,926		13,112					
PERA on Continuation Subtotal (FY22)					148,624					
PERA on Continuation Subtotal (FY23)										
PERA on Continuation Subtotal (FY24)									256,011	
PERA DI # 1 EDI / HR Coordinator (Operations Specialist)									10,987	
PERA DI # 2 Holistic Defense Coordinator (FY24)									15,261	
PERA DI # 3 Post Conviction Unit - Managing Attorney (FY24)									14,358	
PERA DI # 3 Post Conviction Unit - Attorney (FY24)									9,970	
PERA DI # 3 Post Conviction Unit - Attorney (FY24)									9,970	
PERA DI # 3 Post Conviction Unit - Attorney (FY24)									9,970	
PERA DI # 3 Post Conviction Unit - Attorney (FY24)									9,970	
PERA DI # 3 Post Conviction Unit - LCSW (FY24)									9,206	
PERA DI # 3 Post Conviction Unit - Investigator (FY24)									8,897	
PERA DI # 3 Post Conviction Unit - Investigator (FY24)									8,897	
PERA DI # 3 Post Conviction Unit - Paralegal (FY24)									6,608	
PERA DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									5,941	
PERA DI # 4 Appointment Specialist (FY24)									5,832	
PERA DI # 5 Municipal Court Program Analyst (FY24)									5,999	
PERA DI # 6 The Inclusivity Social Worker Fellowship (FY24)									7,043	
PERA DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									7,043	
PERA DI # 7 Common Compensation Plan (FY24)									12,323	
Medicare on Continuation Subtotal (FY19)	1,659									
Medicare on Continuation Subtotal (FY20)	19,028		1,739							
Medicare on Continuation Subtotal (FY21)			18,090		1,740					
Medicare on Continuation Subtotal (FY22)					19,671					
Medicare on Continuation Subtotal (FY23)										

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
Medicare on Continuation Subtotal (FY24)										32,084	
Medicare DI # 1 EDI / HR Coordinator (Operations Specialist)										1,377	
Medicare DI # 2 Holistic Defense Coordinator (FY24)										1,913	
Medicare DI # 3 Post Conviction Unit - Managing Attorney (FY24)										1,799	
Medicare DI # 3 Post Conviction Unit - Attorney (FY24)										1,250	
Medicare DI # 3 Post Conviction Unit - Attorney (FY24)										1,250	
Medicare DI # 3 Post Conviction Unit - Attorney (FY24)										1,250	
Medicare DI # 3 Post Conviction Unit - Attorney (FY24)										1,250	
Medicare DI # 3 Post Conviction Unit - LCSW (FY24)										1,154	
Medicare DI # 3 Post Conviction Unit - Investigator (FY24)										1,115	
Medicare DI # 3 Post Conviction Unit - Investigator (FY24)										1,115	
Medicare DI # 3 Post Conviction Unit - Paralegal (FY24)										828	
Medicare DI # 3 Post Conviction Unit - Administrative Assistant (FY24)										745	
Medicare DI # 4 Appointment Specialist (FY24)										731	
Medicare DI # 5 Municipal Court Program Analyst (FY24)										752	
Medicare DI # 6 The Inclusivity Social Worker Fellowship (FY24)										883	
Medicare DI # 6 The Greater Colorado Social Worker Fellowship (FY24)										883	
Medicare DI # 7 Common Compensation Plan (FY24)										1,544	
Other Personal Services	7,150		7,150		37,556						
Contractual Services	66,965		108,572		128,530						
Accrual Adjustments	13,647										
POTS recon										1,651	
Personal Services Subtotal	1,707,818	14.0	1,714,034	14.0	1,847,203	14.0	2,403,623	20.5	4,092,610	35.4	
Pots Expenditures											
Health/Life/Dental (FY19)	14,679										
Health/Life/Dental (FY20)	173,508		15,929								
Health/Life/Dental (FY21)			180,614		14,668						
Health/Life/Dental (FY22)					182,144						
Health/Life/Dental (FY23)							290,390				
Health/Life/Dental (FY24)										325,247	
Health/Life/Dental DI # 1 EDI / HR Coordinator (Operations Specialist)										14,423	
Health/Life/Dental DI # 2 Holistic Defense Coordinator (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Managing Attorney (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Attorney (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Attorney (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Attorney (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Attorney (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - LCSW (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Investigator (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Investigator (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Paralegal (FY24)										14,423	
Health/Life/Dental DI # 3 Post Conviction Unit - Administrative Assistant (FY24)										14,423	
Health/Life/Dental DI # 4 Appointment Specialist (FY24)										14,423	
Health/Life/Dental DI # 5 Municipal Court Program Analyst (FY24)										14,423	
Health/Life/Dental DI # 6 The Inclusivity Social Worker Fellowship (FY24)										14,423	
Health/Life/Dental DI # 6 The Greater Colorado Social Worker Fellowship (FY24)										14,423	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Short Term Disability (FY19)	176									
Short Term Disability (FY20)	1,994		184							
Short Term Disability (FY21)			1,949		176					
Short Term Disability (FY22)					2,064					
Short Term Disability (FY23)							3,437			
Short Term Disability (FY24)									3,485	
Short Term Disability (FY24)									48	
Short Term Disability DI # 1 EDI / HR Coordinator (Operations Specialist)									142	
Short Term Disability DI # 2 Holistic Defense Coordinator (FY24)									198	
Short Term Disability DI # 3 Post Conviction Unit - Managing Attorney (FY24)									186	
Short Term Disability DI # 3 Post Conviction Unit - Attorney (FY24)									129	
Short Term Disability DI # 3 Post Conviction Unit - Attorney (FY24)									129	
Short Term Disability DI # 3 Post Conviction Unit - Attorney (FY24)									129	
Short Term Disability DI # 3 Post Conviction Unit - Attorney (FY24)									129	
Short Term Disability DI # 3 Post Conviction Unit - LCSW (FY24)									119	
Short Term Disability DI # 3 Post Conviction Unit - Investigator (FY24)									116	
Short Term Disability DI # 3 Post Conviction Unit - Investigator (FY24)									116	
Short Term Disability DI # 3 Post Conviction Unit - Paralegal (FY24)									86	
Short Term Disability DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									77	
Short Term Disability DI # 4 Appointment Specialist (FY24)									76	
Short Term Disability DI # 5 Municipal Court Program Analyst (FY24)									78	
Short Term Disability DI # 6 The Inclusivity Social Worker Fellowship (FY24)									92	
Short Term Disability DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									92	
Short Term Disability DI # 7 Common Compensation Plan (FY24)									160	
ATB - Across the Board Adjustment 3% (FY23)							56,984			
Salary Survey Annualization - COLA (FY23)									(56,984)	
Salary Survey - COLA (FY24)									125,040	
AED (FY19)	5,710									
AED (FY20)	64,939		5,984							
AED (FY21)			63,422		5,987					
AED (FY22)					67,725					
AED (FY23)							107,418			
AED (FY24)									116,167	
AED DI # 1 EDI / HR Coordinator (Operations Specialist)									4,748	
AED DI # 2 Holistic Defense Coordinator (FY24)									6,595	
AED DI # 3 Post Conviction Unit - Managing Attorney (FY24)									6,205	
AED DI # 3 Post Conviction Unit - Attorney (FY24)									4,309	
AED DI # 3 Post Conviction Unit - Attorney (FY24)									4,309	
AED DI # 3 Post Conviction Unit - Attorney (FY24)									4,309	
AED DI # 3 Post Conviction Unit - Attorney (FY24)									4,309	
AED DI # 3 Post Conviction Unit - LCSW (FY24)									3,978	
AED DI # 3 Post Conviction Unit - Investigator (FY24)									3,845	
AED DI # 3 Post Conviction Unit - Investigator (FY24)									3,845	
AED DI # 3 Post Conviction Unit - Paralegal (FY24)									2,856	
AED DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									2,567	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
AED DI # 4 Appointment Specialist (FY24)										2,520	
AED DI # 5 Municipal Court Program Analyst (FY24)										2,593	
AED DI # 6 The Inclusivity Social Worker Fellowship (FY24)										3,044	
AED DI # 6 The Greater Colorado Social Worker Fellowship (FY24)										3,044	
AED DI # 7 Common Compensation Plan (FY24)										5,325	
SAED (FY19)	5,710										
SAED (FY20)	64,939		5,984								
SAED (FY21)			63,422		5,987						
SAED (FY22)					67,725						
SAED (FY23)							107,418				
SAED (FY24)										116,167	
SAED DI # 1 EDI / HR Coordinator (Operations Specialist)										4,748	
SAED DI # 2 Holistic Defense Coordinator (FY24)										6,595	
SAED DI # 3 Post Conviction Unit - Managing Attorney (FY24)										6,205	
SAED DI # 3 Post Conviction Unit - Attorney (FY24)										4,309	
SAED DI # 3 Post Conviction Unit - Attorney (FY24)										4,309	
SAED DI # 3 Post Conviction Unit - Attorney (FY24)										4,309	
SAED DI # 3 Post Conviction Unit - Attorney (FY24)										4,309	
SAED DI # 3 Post Conviction Unit - LCSW (FY24)										3,978	
SAED DI # 3 Post Conviction Unit - Investigator (FY24)										3,845	
SAED DI # 3 Post Conviction Unit - Investigator (FY24)										3,845	
SAED DI # 3 Post Conviction Unit - Paralegal (FY24)										2,856	
SAED DI # 3 Post Conviction Unit - Administrative Assistant (FY24)										2,567	
SAED DI # 4 Appointment Specialist (FY24)										2,520	
SAED DI # 5 Municipal Court Program Analyst (FY24)										2,593	
SAED DI # 6 The Inclusivity Social Worker Fellowship (FY24)										3,044	
SAED DI # 6 The Greater Colorado Social Worker Fellowship (FY24)										3,044	
SAED DI # 7 Common Compensation Plan (FY24)										5,325	
PFML - Paid Family and Medical Leave Insurance Program Premiums (FY23)										(4,919)	
Personal Services Total Detail	2,039,473	14.0	2,051,522	14.0	2,193,678	14.0	2,969,270	20.5	5,086,478	35.4	
Personal Services Reconciliation Authorization											
Long Bill Request	1,600,296		1,661,623		1,661,709						
Supplemental - SB20-1249	4,530										
Health/Life/Dental	208,622		124,336		220,887						
Short Term Disability	2,773		2,773		2,700						
Salary Survey					55,221						
Merit Pay	47,462										
AED	88,118		88,118		84,375						
SAED	88,118		88,118		84,375						
Transfer In from Conflicts	8,021		119,774		119,388						
Transfer In from Municipal Court Program	11,010				10,387						
Transfer to Municipal Courts Program (POTS)	(33,054)		(33,220)		(45,364)						
Personal Services Authorization	2,025,895	14.0	2,051,522	14.0	2,193,678	14.0	2,969,270	20.5	5,086,478	35.4	
General Fund	2,039,473		2,051,522		2,193,678		2,969,270		5,086,478		
Cash Funds											

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Operating Expenses/Capital Outlay</u>										
1622 Contractual Employee PERA				208						
1624 Contractual Employee PERA-AED				95						
1625 Contractual Employee PERA-SAED				95						
1935 Purchased Svcs - Legal Services					5,250					
1960 Personal Svcs - IT services	2,989		1,199							
2231 IT Hardware Maintenance & Repair Services	41,437		35,929		45,647					
2253 Rental Of Equipment	2,869		2,790		4,864					
2255 Rental of Building/Space										
2512 In-State Pers Travel Per Diem	693				695					
2513 In-State Pers Vehicle Reimbsmt	259				516					
2522 Is/Non-Empl - Pers Per Diem					852					
2523 Is/Non-Empl - Pers Veh Reimb	803				204					
2531 Os Common Carrier Fares	574									
2631 Comm Svcs From Outside Sources	11,456		11,899		16,468					
2680 Printing/Reproduction Services	1,430		1,215		1,012					
2820 Other Purchase Services	87,069		3,720							
3110 Other Supplies & Materials	931		250		537					
3118 Food And Food Serv Supplies	576		130		1,100					
3120 Books/Periodicals/Subscription	68,990		77,666		82,030					
3121 Office Supplies	1,726		1,525		1,252					
3123 Postage	1,865		2,069		2,401					
3128 Noncapitalized Equipment	1,487		768		1,818					
3132 Noncap Office Furn/Office Syst			438		1,281					
3140 Noncapitalized PC - (Individual Items Under \$5,000)	23,411		16,733		18,063					
4100 Other Operating Expenses	4,504		1,819		3,748					
4140 Dues And Memberships	16,199		3,463		16,151					
4180 Official Functions	199									
4220 Registration Fees			2,629		1,210					
Operating Expenses Total Detail	269,467	0.0	164,639	0.0	205,098	0.0	139,546	0.0	261,357	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reconciliation										
Long Bill Appropriation	221,300		120,887		120,887				139,546	
Supplemental - SB20-1249	6,087									
Transfer to/from Conflicts	42,080		43,752		84,211					
DI # 1 EDI / HR Coordinator (Operations Specialist)									2,350	
DI # 2 Holistic Defense Coordinator (FY24)									2,350	
DI # 3 Post Conviction Unit - Managing Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - Attorney (FY24)									2,350	
DI # 3 Post Conviction Unit - LCSW (FY24)									2,350	
DI # 3 Post Conviction Unit - Investigator (FY24)									2,350	
DI # 3 Post Conviction Unit - Investigator (FY24)									2,350	
DI # 3 Post Conviction Unit - Paralegal (FY24)									2,350	
DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									2,350	
DI # 4 Appointment Specialist (FY24)									2,350	
DI # 5 Municipal Court Program Analyst (FY24)									2,350	
DI # 6 The Inclusivity Social Worker Fellowship (FY24)									2,350	
DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									2,350	
Operating Alignment Technical									84,211	
Operating Costs Authorization	269,467	0.0	164,639	0.0	205,098	0.0	139,546	0.0	261,357	
General Fund	269,467		164,639		205,098		139,546		261,357	
Cash Funds										
Capital Outlay Operating										
Capital Outlay	3,473		0		0					
Capital Outlay Detail	3,473		0		0		31,000		106,720	
Reconciliation										
Long Bill Appropriations	3,473								31,000	
FY23 Capital Outlay FTE amounts (Annualized)									(31,000)	
DI # 1 EDI / HR Coordinator (Operations Specialist)									6,670	
DI # 2 Holistic Defense Coordinator (FY24)									6,670	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
DI # 3 Post Conviction Unit - Managing Attorney (FY24)									6,670	
DI # 3 Post Conviction Unit - Attorney (FY24)									6,670	
DI # 3 Post Conviction Unit - Attorney (FY24)									6,670	
DI # 3 Post Conviction Unit - Attorney (FY24)									6,670	
DI # 3 Post Conviction Unit - Attorney (FY24)									6,670	
DI # 3 Post Conviction Unit - LCSW (FY24)									6,670	
DI # 3 Post Conviction Unit - Investigator (FY24)									6,670	
DI # 3 Post Conviction Unit - Investigator (FY24)									6,670	
DI # 3 Post Conviction Unit - Paralegal (FY24)									6,670	
DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									6,670	
DI # 4 Appointment Specialist (FY24)									6,670	
DI # 5 Municipal Court Program Analyst (FY24)									6,670	
DI # 6 The Inclusivity Social Worker Fellowship (FY24)									6,670	
DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									6,670	
Capital Outlay Authorized	3,473		0		0		31,000		106,720	
General Fund	3,473		0		0		31,000		106,720	
Cash Funds										
<u>Training/Conference</u>										
Training Conference	97,807		100,000				100,000			
Training/Conference Detail	97,807	0.0	100,000	0.0	100,000	0.0	100,000	0.0	100,000	
<u>Reconciliation</u>										
Long Bill Appropriations	100,000		100,000		100,000					
SB19-223 (Competency Bill)	20,000									
Transfer to/ from Capital Outlay					3,806					
Transfer to/from Conflicts	7,405									
Unearned CF/Revenue	(29,597)		(39,555)		(24,848)					
Training/Conference Authorized	97,807	0.0	60,445	0.0	78,958	0.0	100,000	0.0	100,000	
General Fund	47,405		20,000		20,000		20,000		20,000	
Cash Funds	50,403		80,000		80,000		80,000		80,000	
<u>Conflict of Interest Contracts</u>										
Conflict of Interest Contracts	35,160,936		33,678,521		34,941,478		44,430,264			
Conflict of Interest Total Detail	35,160,936	0.0	33,678,521	0.0	34,941,478	0.0	44,430,264	0.0	44,430,264	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reconciliation										
Long Bill Appropriations	42,654,216		46,493,770		42,262,813				44,430,264	
Supplemental - SB22-1176					(5,159,901)					
Supplemental - SB20-1360 (Add-On)	(2,083,265)									
Supplemental - SB21-045			(4,230,957)							
Transfer to/ from Personal Services	(8,021)		(119,774)		(119,388)					
Transfer to/ from Training	(7,405)				(3,806)					
Transfer to/ from Operating	(42,080)		(43,752)		(84,211)					
Transfer to/ from Municipal Court					(59,108)					
Judicial Transfer Authority - To SCAO	(1,000,000)									
Reversion	(4,352,510)		(8,420,766)		(1,894,921)					
DI # 8 Contractor Hourly Rate Increase - Attorneys (FY24)									4,724,448	
DI # 9 Contractor Hourly Rate (18%) Increase (FY24)									1,361,808	
DI # 3 Post Conviction Unit - Managing Attorney (FY24)									(176,289)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - LCSW (FY24)									(121,443)	
DI # 3 Post Conviction Unit - Investigator (FY24)									(118,158)	
DI # 3 Post Conviction Unit - Investigator (FY24)									(118,158)	
DI # 3 Post Conviction Unit - Paralegal (FY24)									(93,792)	
DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									(86,688)	
DI # 6 The Inclusivity Social Worker Fellowship (FY24)									(98,421)	
DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									(98,421)	
Operating Alignment Technical									(84,211)	
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv									(12,899)	
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship									(12,047)	
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship									(12,047)	
Conflict of Interest Authorization	35,160,936	0.0	33,678,521	0.0	34,941,478	0.0	44,430,264	0.0	48,965,638	
General Fund	35,160,936		33,678,521		34,941,478		44,430,264		48,965,638	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Actual FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reconciliation										
Long Bill Appropriations	42,654,216		46,493,770		42,262,813				44,430,264	
Supplemental - SB22-1176					(5,159,901)					
Supplemental - SB20-1360 (Add-On)	(2,083,265)									
Supplemental - SB21-045			(4,230,957)							
Transfer to/ from Personal Services	(8,021)		(119,774)		(119,388)					
Transfer to/ from Training	(7,405)				(3,806)					
Transfer to/ from Operating	(42,080)		(43,752)		(84,211)					
Transfer to/ from Municipal Court					(59,108)					
Judicial Transfer Authority - To SCAO	(1,000,000)									
Reversion	(4,352,510)		(8,420,766)		(1,894,921)					
DI # 8 Contractor Hourly Rate Increase - Attorneys (FY24)									4,724,448	
DI # 9 Contractor Hourly Rate (18%) Increase (FY24)									1,361,808	
DI # 3 Post Conviction Unit - Managing Attorney (FY24)									(176,289)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - Attorney (FY24)									(129,577)	
DI # 3 Post Conviction Unit - LCSW (FY24)									(121,443)	
DI # 3 Post Conviction Unit - Investigator (FY24)									(118,158)	
DI # 3 Post Conviction Unit - Investigator (FY24)									(118,158)	
DI # 3 Post Conviction Unit - Paralegal (FY24)									(93,792)	
DI # 3 Post Conviction Unit - Administrative Assistant (FY24)									(86,688)	
DI # 6 The Inclusivity Social Worker Fellowship (FY24)									(98,421)	
DI # 6 The Greater Colorado Social Worker Fellowship (FY24)									(98,421)	
Operating Alignment Technical									(84,211)	
Annualizations FY23 DI # 1 (R-1) FTE - Coord Adj Srv									(12,899)	
Annualizations FY23 DI # 5 (R-5) FTE - Greater Colo Fellowship									(12,047)	
Annualizations FY23 DI # 5 (R-5) FTE - Inclusivity Fellowship									(12,047)	
Conflict of Interest Authorization	35,160,936	0.0	33,678,521	0.0	34,941,478	0.0	44,430,264	0.0	48,965,638	
General Fund	35,160,936		33,678,521		34,941,478		44,430,264		48,965,638	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2019-20		Actual FY 2020-21		Acutal FY 2021-22		Budget FY 2022-23		Request FY 2023-24	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Cash Funds										
<u>Mandated Costs</u>										
Mandated Costs	1,689,070		1,381,156		2,542,050		2,895,573			
Mandated Costs Total Detail	1,689,070	0.0	1,381,156	0.0	2,542,050	0.0	2,895,573	0.0	-	
<u>Reconciliation</u>										
Long Bill Appropriations	2,922,390		3,185,451		2,895,573				2,895,573	
Supplemental - SB20-1360 (Add-On)	(142,732)									
Supplemental - SB21-045			(289,878)		(353,523)					
Reversion	(1,090,588)		(1,514,417)		(892,819)					
Mandated Costs Authorization	1,689,070	0.0	1,381,156	0.0	1,649,231	0.0	2,895,573	0.0	2,895,573	
General Fund	1,689,070		1,381,156		1,649,231		2,895,573		2,895,573	
<u>Long Bill Group/Division Total</u>										
Grand Total - with Pots	39,484,863	16.0	37,744,339	16.0	39,750,983	16.0	50,565,653	20.5	57,415,764	35.4
General Fund	39,484,863		37,744,339		39,750,983		50,565,653		57,415,764	
Cash Funds	39,434,460	16.0	37,531,364	16.0	39,305,876	16.0	50,485,653	20.5	57,335,764	35.4
Cash Funds	50,403	0.0	80,000	0.0	80,000	0.0	80,000	0.0	80,000	0.0

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**Schedule 5 - Line Item to Statute
Judicial Branch
Office of the Alternate Defense Counsel
FY 2023-2024 Budget Request
November 1, 2022**

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>

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Schedule 7 - Summary of Supplemental Bills
Judicial Branch
Office of the Alternate Defense Counsel
FY2023-24 Budget Request
November 1, 2022

		Total	GF
Actual FY 2021-22 SB21-045 Supplemental	Conflict Contracts Mandated Total FY2021-22	0.0	(5,159,901) (353,523) (5,513,424)
			(5,159,901) (353,523) (5,513,424)
Actual FY 2020-21 SB21-045 Supplemental	Conflict Contracts Mandated Total FY2020-21	0.0	(4,230,957) (289,878) (4,520,835)
			(4,230,957) (289,878) (4,520,835)
Actual FY 2019-20 HB 20-1360 Add-On	Conflict Contracts Mandated Total FY2019-20	0.0	(2,083,265) (142,732) (2,225,997)
			(2,083,265) (142,732) (2,225,997)
Actual FY 2019-20 HB 20-1249 Supplemental	Personal Services Operating Total FY2019-20	0.0	4,530 6,087 10,617
			4,530 6,087 10,617
Actual FY 2018-19 SB 19-207 Supplemental	Conflict Contracts Mandated Total FY2018-19	0.0	(1,993,325) (205,083) (2,198,408)
			(1,993,325) (205,083) (2,198,408)
Actual FY 2018-19 SB 19-115 Supplemental	Conflict Contracts Mandated Total FY2018-19	0.0	3,613,527 247,575 3,861,102
			3,613,527 247,575 3,861,102
Actual FY 2017-18 HB 18-1163 Supplemental	Conflict Contracts Mandated Total FY2017-18	0.0	3,406,731 248,469 3,655,200
			3,406,731 248,469 3,655,200
Actual FY 2016-17 SB 17-164 Supplemental	Personal Services Mandated Total FY2016-17	0.0	37,931 582,403 620,334
			37,931 582,403 620,334
Actual FY 2015-16 HB 16-1243 Supplemental	Conflict Contracts Mandated Total FY2015-16	0.0	1,392,238 121,064 1,513,302
			1,392,238 121,064 1,513,302

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Schedule 10
 Summary of Change Requests (RI)
 Judicial Branch
 Office of the Alternate Defense Counsel
 FY 2023-2024 Budget Request

ID#	Priority	Decision Items	FTE	Total	GF	CF
1	R -1	EDI / HR Coordinator (Operations Specialist)	0.9	\$140,409	\$140,409	\$0
2	R -2	Holistic Defense Coordinator	0.9	\$185,906	\$185,906	\$0
3	R -3	Post Conviction Unit	9.0	\$0	\$0	\$0
4	R -4	Appointment Specialist	0.9	\$85,526	\$85,526	\$0
5	R -5	Municipal Court Program Analyst	0.9	\$87,312	\$87,312	\$0
6	R -6	The Greater Colorado Social Worker Fellowship	0.9	\$0	\$0	\$0
6	R -6	The Inclusivity Social Worker Fellowship	0.9	\$0	\$0	\$0
7	R -7	Common Compensation Plan	0.0	\$131,182	\$131,182	\$0
8	R -8	Contractor Rate Increase - Attorneys	0.0	\$4,724,448	\$4,724,448	\$0
9	R -9	Contractor Rate Increase - Legal Teams	0.0	\$1,361,808	\$1,361,808	\$0
Total			14.4	\$6,716,591	\$6,716,591	\$0

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Salary Pots Request Template

	TOTAL FUNDS/FTE FY 2023-24	GENERAL FUND	CASH FUNDS
I. Continuation Salary Base		FUND SPLITS - From Position-by-Position Tab	
Sum of Filled FTE as of July 27, 2022	21.0	100.000%	0.000%
Salary X 12	\$2,212,710	2,212,710	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$256,011	256,011	-
Medicare @ 1.45%	\$32,084	32,084	-
Subtotal Continuation Salary Base =	\$2,500,805	2,500,805	-
II. Salary Survey Adjustments			
System Maintenance Studies	-	-	-
Across the Board - Base Adjustment	\$110,635	110,635	-
Across the Board - Non-Base Adjustment	\$0	-	-
Movement to Minimum - Base Adjustment	\$0	-	-
Subtotal - Salary Survey Adjustments	\$110,635	\$110,635.00	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$12,801	12,801	-
Medicare @ 1.45%	\$1,604	1,604	-
Request Subtotal =	\$125,040	\$125,040.00	-
III. Increase for Minimum Wage if applicable			
Increase for Minimum Wage	-	\$0.00	\$0.00
Subtotal - Minimum Wage Adjustments	-	\$0.00	\$0.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$0	\$0.00	\$0.00
Medicare @ 1.45%	\$0	-	-
Request Subtotal =	\$0	\$0.00	\$0.00
VI. Revised Salary Basis for Remaining Request Subtotals			
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$2,323,345	2,323,345	-
VII. Amortization Equalization Disbursement (AED)			
Revised Salary Basis * 5.00%	\$116,167	116,167	-
VIII. Supplemental AED (SAED)			
Revised Salary Basis * 5.00%	\$116,167	116,167	-
IX. Short-term Disability			
Revised Salary Basis * 0.15%	\$3,485	3,485	-
X. Health, Life, and Dental			
Funding Request	\$325,247	\$325,246.77	\$0.00
XI. Paid Family and Medical Leave Insurance Program Premiums (50% Employer Share of 0.9% of wages for twelve months)	\$10,455	\$10,455	\$0

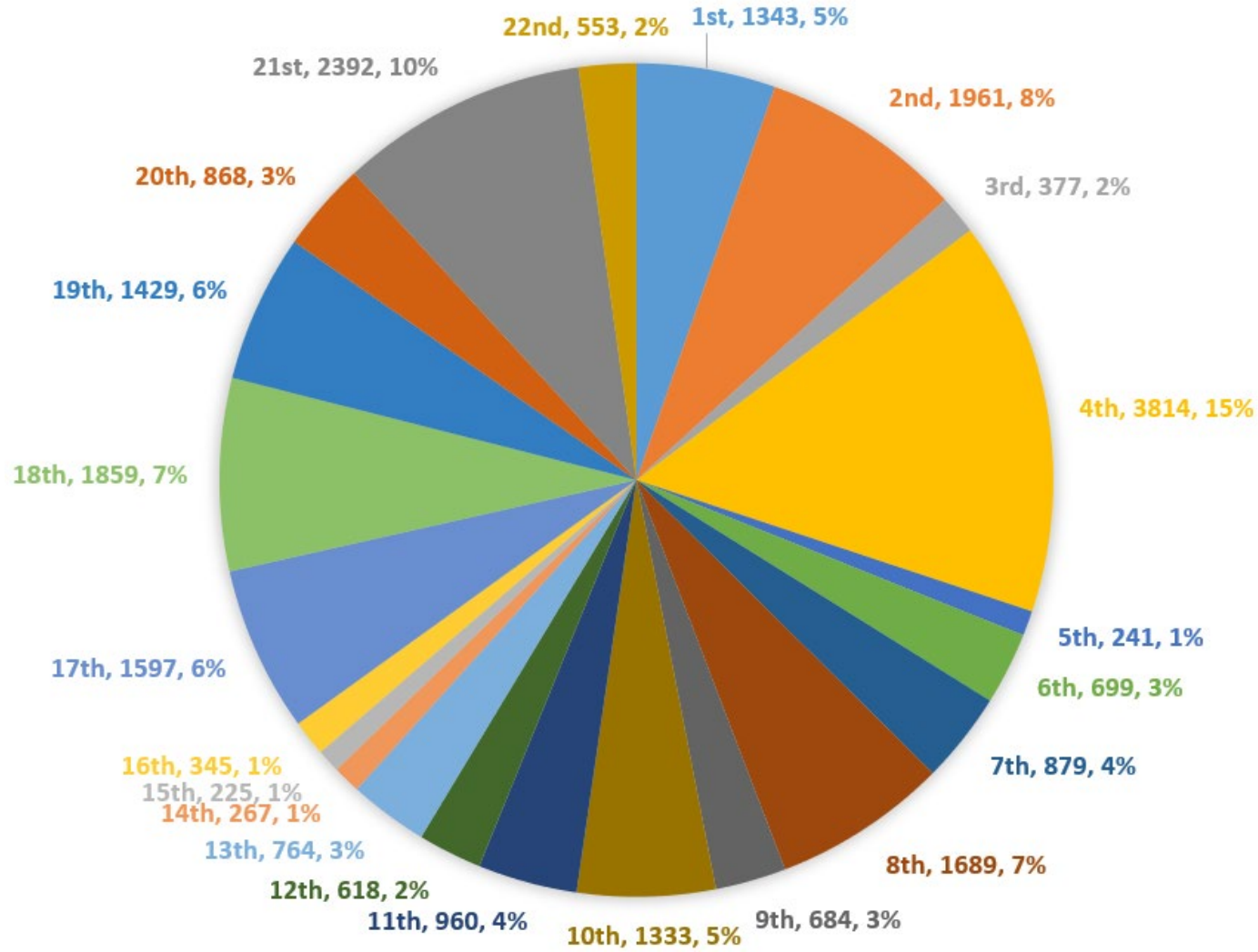
	9/30/22		
	FY 2023-24		
Common Policy Line Item	Total Request	GF	CF
Salary Survey	\$75,024	\$56,984	\$0
Merit Pay	\$0	\$0	\$0
PERA Direct Distribution	\$0		
Shift	\$0	\$0	\$0
AED	\$113,955	\$107,418	\$0
SAED	\$113,955	\$107,418	\$0
Short-term Disability	\$3,419	\$3,437	\$0
Health, Life and Dental	\$325,247	\$290,390	\$0
TOTAL	\$631,600	\$565,647	\$0
	FY 2023-24		
Common Policy Line Item	Total Request	GF	CF
Salary Survey	\$125,040	\$125,040	\$0
Merit Pay	\$0	\$0	\$0
PERA Direct Distribution	\$0		
Shift	\$0	\$0	\$0
AED	\$116,167	\$116,167	\$0
SAED	\$116,167	\$116,167	\$0
Short-term Disability	\$3,485	\$3,485	\$0
Health, Life and Dental	\$325,247	\$325,247	\$0
TOTAL	\$686,106	\$686,106	\$0
	FY 2023-24		
Common Policy Line Item	Incremental	GF	CF
Salary Survey	\$68,056	\$68,056	\$0
Merit Pay	\$0	\$0	\$0
PERA Direct Distribution	\$0	\$0	\$0
Shift	\$0	\$0	\$0
AED	\$8,749	\$8,749	\$0
SAED	\$8,749	\$8,749	\$0
Short-term Disability	\$48	\$48	\$0
Health, Life and Dental	\$34,857	\$34,857	\$0
TOTAL	\$120,459	\$120,459	\$0

Appendix A
Colorado Judicial District Map and
Caseload Totals by District

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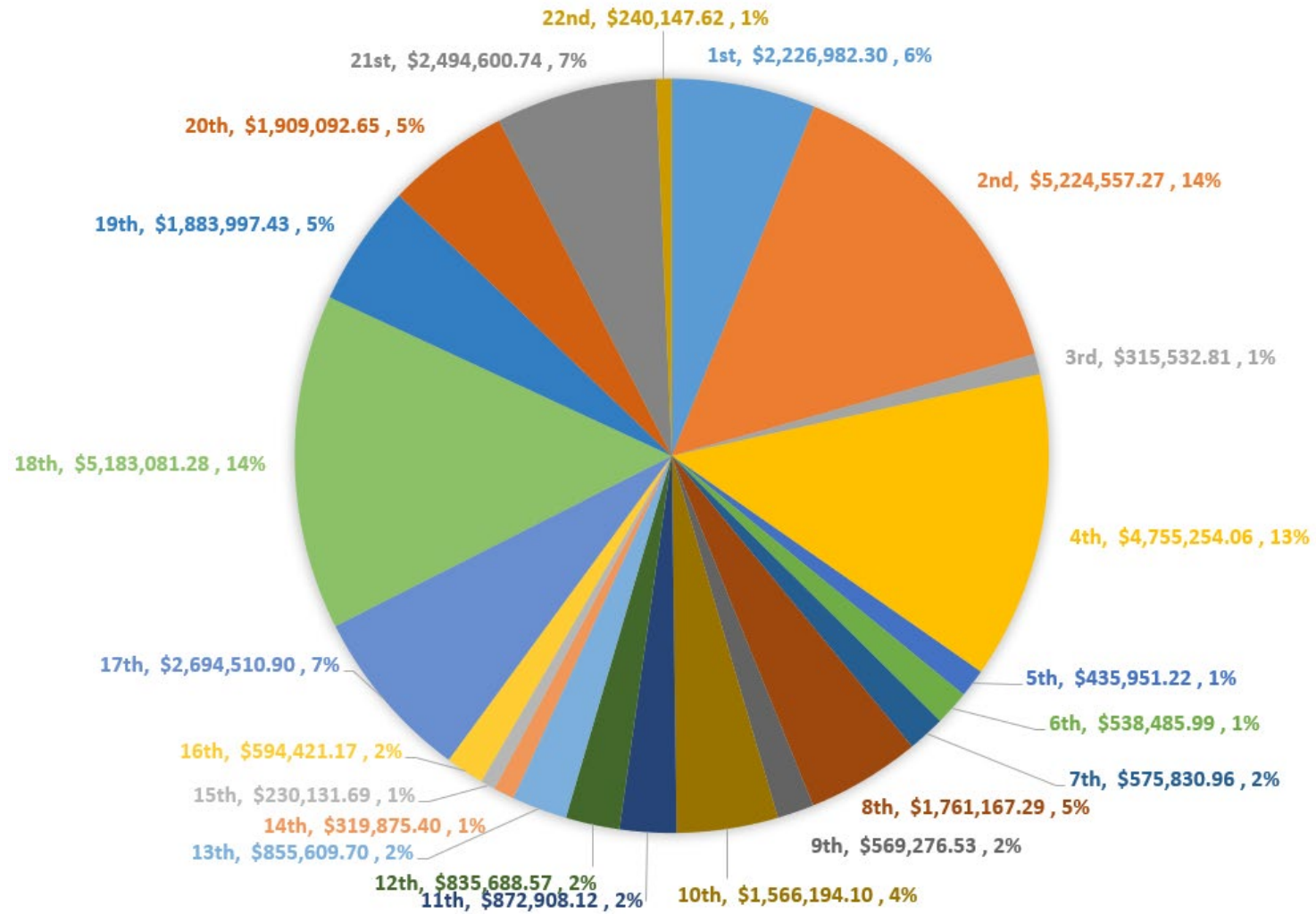
The following pie chart breaks down the OADC cases by Judicial District.

OADC CASELOAD BY DISTRICT

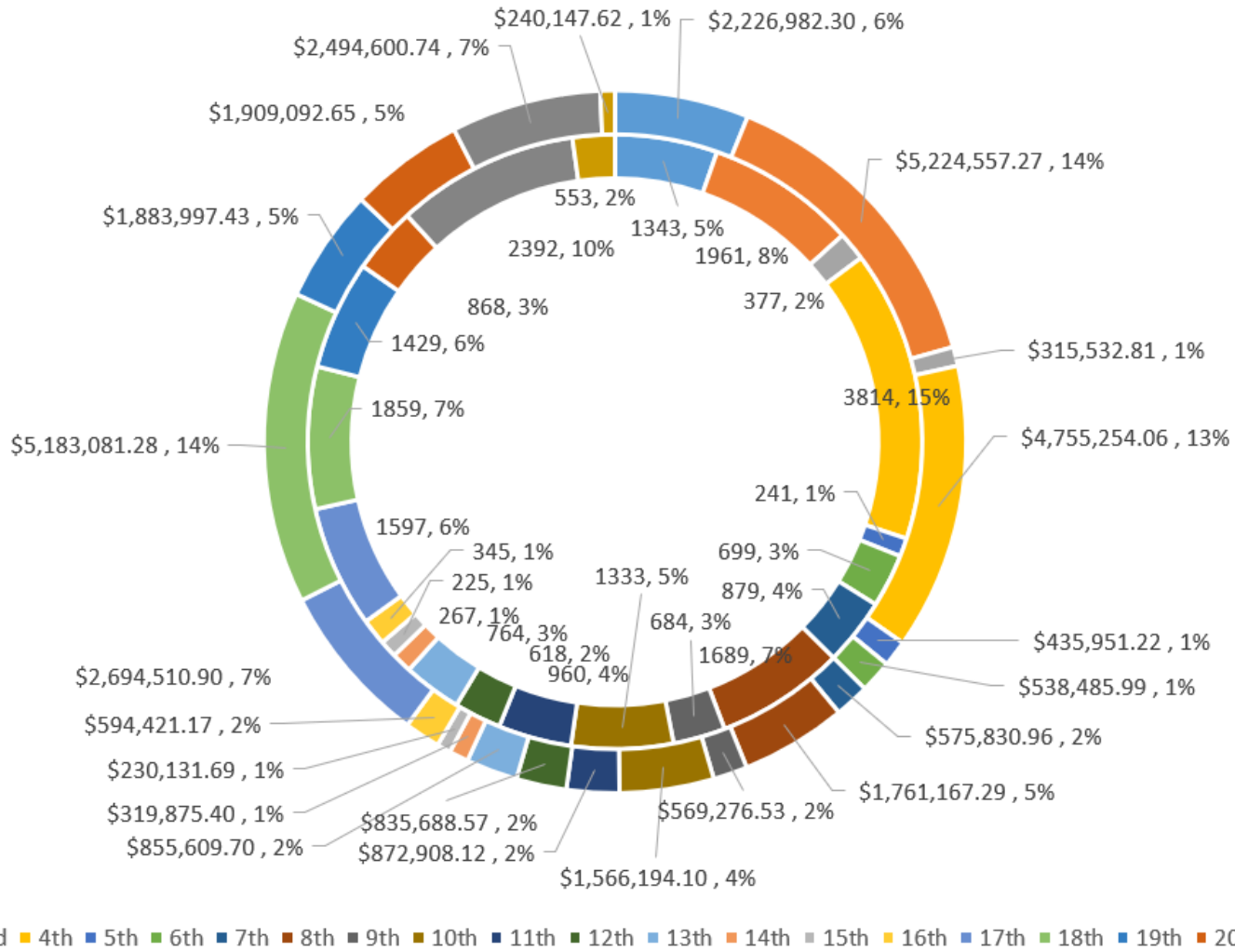


The following pie chart illustrates the Agency's Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District.

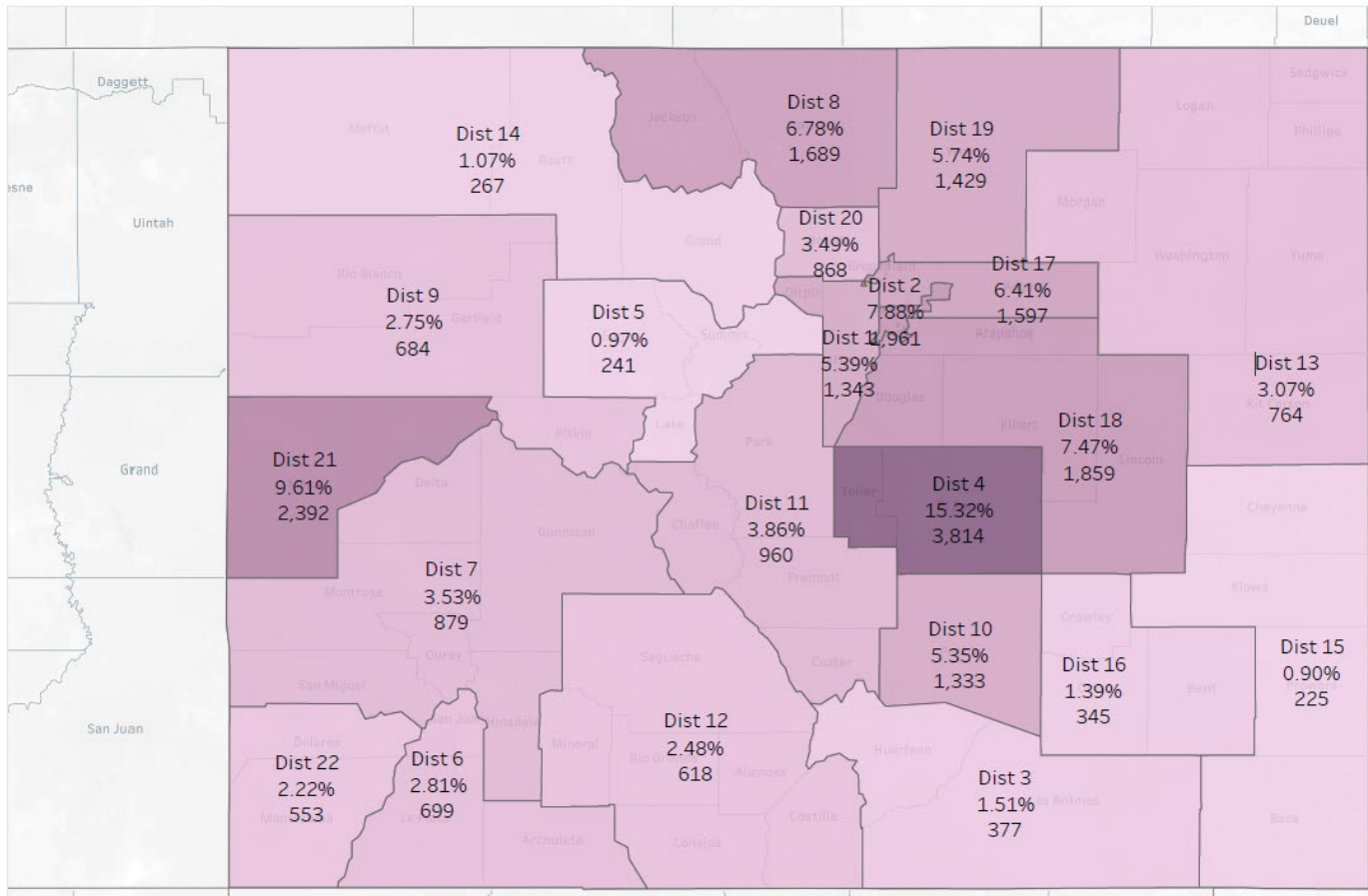
OADC EXPENSE BY DISTRICT



OADC Caseload and Expenditure by District FY22



Case Count by Dist Map with % of Total



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

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PRIOR YEAR LEGISLATION

[HB22-1326 Fentanyl Accountability And Prevention](#)

A number of Controlled Substance statutes were edified through this bill. Possession of more than one gram of a substance containing Fentanyl is now a felony. Additionally, there is now a mistake of fact defense available to a client that the individual had a reasonable but mistaken belief that the substance possessed did not contain Fentanyl. The bill modifies the weight ranges for the various offenses for distribution or possession with intent to distribute a substance containing Fentanyl. Further, the bill added a number of DF1s. This bill will likely increase the litigation surrounding drug offenses where Fentanyl is alleged to make up any portion of the controlled substance.

Effective July 1, 2022

[HB22-1373 Court-ordered Restitution Paid By Juveniles](#)

This bill prohibits insurance companies from being victims for purposes of restitution in juvenile delinquency cases. This will reduce litigation surrounding restitution and save taxpayer funds.

Effective June 7, 2022

[HB22-1224 Concerning Theft of Public Benefits](#)

This bill fixes a statutory gap where previously, a person could be charged under other subsections of the theft statute, resulting in far larger penalties. This statutory fix should reduce litigation in this area.

Effective July 1, 2022

[HB22-1257 Criminal and Juvenile Justice Commission Recommendations](#)

This bill changed some class 2 misdemeanor provisions for practicing certain professions without a license to a class 6 felony. The act also specifies that for a theft of public benefits, the level of offense is calculated by the difference between the value of the benefits received and those for which the recipient was eligible. The Act also adds more felony offenses to the convictions that prohibit a person from possessing a firearm.

Effective April 7, 2022

[HB22-1386 Competency to Proceed and Restoration to Competency](#)

This act, among other things, makes it a presumption that an individual in custody charged with a misdemeanor, petty offense or traffic offense should receive a personal recognizance bond. There are now various timelines during which the court, if there is not a substantial probability that the individual will be restored to competency in the reasonably foreseeable future, the case shall be dismissed.

Effective July 1, 2022

[HB22-1229 Clean-Up](#)

This bill cleans up various provisions from the 2021 Misdemeanor Reform Bill, SB21-271. The size of the original bill led to overlooking some other provisions.

Effective March 1, 2022

HOT TOPICS

HOLISTIC REPRESENTATION

The incorporation of additional professionals such as social workers, paralegals, case assistants, legal researchers, investigators, and resource advocates pushes us to a more holistic, interdisciplinary model of defense. Holistic defense models have been linked with better outcomes for clients but also help distribute workload amongst professionals that are paid at lower rates than attorneys. Having other professionals that are trained to provide these specific services enhances the level of representation, saves attorneys' time, and the taxpayers' money. This approach is both efficient and best practice.

EQUITY, DIVERSITY AND INCLUSION ("EDI")

The OADC is prioritizing attention to EDI. To better focus our energies in this area, we have engaged an EDI consultant to help us better address these areas both internally within our office and externally with our contractors;

EXPANDING NO JLWOP TO OVER 18

In [*Commonwealth v. Bredhold*, 599 S.W.3d 409 \(Ky. 2020\)](#), the Court vacated 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. On January 19, 2021, the United States Supreme Court denied *certiorari sub nom.* [*Diaz v. Kentucky*, 141 S.Ct. 1233 \(2021\)](#).

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. The Task Force met all its deliverables and sunset on September 1, 2022.

DISCOVERY

In FY2013-14, the legislature passed [SB14-190: Statewide Discovery System](#) which created a new discovery process for the state. All Judicial Districts are using the eDiscovery system. However, there are significant issues arising from the provision of duplicative discovery, along with the use of Axion and Evidence.com to distribute body camera footage. These duplication issues are a significant unnecessary expense to taxpayers and we're working with CDAC to try to alleviate them.

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.

FORENSIC SOCIAL WORKERS AND FORENSIC CLINICAL ADVOCATES (FSW/FCA)

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. In response to the positive results FSW/FCAs have had on defense teams and the increase of requests from more rural jurisdictions, the OADC continues to prioritize locating contractors outside of the Denver metro area in order to impact more clients. This outreach includes 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.

During this past fiscal year, the OADC has added social worker contractors in Jefferson, Denver, Adams, Boulder, and El Paso Counties.

I credit most of my positive outcomes at sentencing to mitigation prepared by forensic social workers.

I had a great experience working with a forensic social worker on a post-conviction case. The social worker was exceptionally helpful. She would consistently meet with my in-custody client and also provide invaluable resources and assistance for the case. As a result of our collaborative work and the social worker's hearing testimony, we were able to convince the district court to reduce our client's prison sentence

The judge said reading the mitigation report, that the client's life and trauma was "gut wrenching," that what he went through was "horrible, and worse than most." And that she was just "so sorry." She went on to say that she was amazed at how much he had accomplished with this kind of background. THEN she said she "had no doubt at all," that his trauma played a role in his offenses and that it is "not appropriate and in nobody's best interest" to send to send him to DYS.

Wanted to follow up on this and let you know that we convinced the judge to give our client probation. The judge specifically credited the Social Worker's report with changing his mind off nearly a decade in prison. Our client has been mentally ill his whole life and he's never had a real shot at addressing his issues. Thanks to our Social Worker, he has one today.

The Judge at our first re-sentencing hearing, chewed my client a blue streak and was very threatening but did decide to set over sentencing because he saw the glimmer of change in her and wanted a fresh PSIR. At her first sentencing hearing no one, save defense, supported continuing probation, her Denver PO sent over a blistering report. The Social Worker helped her get sober, get to treatment, get employed etc., but the most importantly she was there for our client, a knowledgeable support and a calm rational voice. At today's sentencing hearing, everyone involved was singing her praises and giving good reports. She was put back on probation with no additional consequences and was even give a very rare atta girl from the Judge. The client, who has been bitter for years about her case now credits the justice system with helping her turn her life around and absolutely thinks the Social Worker hung the moon (most of my clients she works with do). The client is better off than when ADC first picked up her case and that creates good results for everyone. I'd like to think that I help my clients, but this is just one example of the amazing work a good dedicated social worker can do that I can't even begin to

approach and frankly I was just window dressing on this one. Well done [Social Worker]. Thank you so much.

It took me over four years to get our client restored to competency at CMHIP. I had to consult with numerous experts and our Social Worker did an extensive mitigation report that was used to convince the DA and the court that it was not right to keep him in prison any longer. Today he was resentenced to 8 years, which gives him an immediate MRD, cutting 10 calendar years off his combined sentences...Osvaldo has had a very hard life, he is extremely traumatized, severally depressed, mistrustful, and has trouble expressing himself. But today after the hearing, when he was resentenced, I saw the first glimpse of a small smile and hope in his eyes. Something neither our Social Worker nor I saw in the four years we represented him.

I think that social workers should be assigned to every serious felony case. I don't know how that works out fiscally, but I think it would be a best practice. I have had better results from the judges, better offers from the prosecution, and better client outlooks. My clients, I think, finally get to tell their story to someone who can tell them that what they went through isn't "normal." I just want to say that the social worker program should continue and expand.

RESOURCE ADVOCATES

In the last year the OADC began contracting with Resource Advocates around the state. Resource Advocates are professionals with case management experience, and in some cases, they bring skills borne out of their lived experience, who can leverage their knowledge of the resources available in their communities to further support OADC clients in achieving better outcomes in their lives and on their cases. This year OADC has contracted with nine Resource Advocates across the state, located in Denver, Boulder, Rifle, Colorado Springs, Fort Collins, Yuma, Durango, Glenwood Springs, and Delta.

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*.

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 for 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; In one instance, there are 19 defendants charged as a group of co-defendants, charged with everything from 1st degree murder down to a drug felony. The OSPD represents one defendant, and the other 18 defendants are represented by OADC lawyers.
2. 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, in the above case, there are over 2.5 terabytes of discovery on two external drives, in addition to the 1.22 terabytes downloaded from the CDAC eDiscovery site. The Government has provided over 52,000 pages of discovery through the CDAC eDiscovery site, along with 30,005 videos, 141,676 audio files, 243,951 images and 1,057 spreadsheets, in addition to 4,071 Jail Calls, containing in excess of 126 hours of recorded conversation. Much of this discovery is in Spanish

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 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, the OADC obtains a copy of the court file and a preliminary memo outlining the procedural posture of the case is created. The memo and file are

then forwarded to one of our contract attorneys who has been a criminal defense appellate attorney for over 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.

- If there is no doubt in the experienced 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) (post-conviction) 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;
- 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

As an appellate attorney, the OADC eLibrary is a valuable resource that I consult on a regular basis. Before I begin to "reinvent the wheel" on a particular topic, I look in the eLibrary. I am frequently able to use materials I find there in my own briefs, saving me countless hours of legal research, and countless hours that I would otherwise bill for. I would spend far more time on the preparation of briefs without the library, and I am grateful for the resource.

Coordinator of Legal Resources and Technology (COLRAT)

He is such a brain trust. Time and time again he has been an invaluable resource to me and to all members of my defense team. He is always available and immediately responsive if I have a trial emergency. His mid-trial assistance with case law and nuanced legal arguments last time helped me get a mistrial, which was what needed to happen

MOCK APPELLATE ARGUMENTS

Thank you all for your help on this - your input meant I was very prepared for the oral argument and the client gets a reversal. (From a very experienced practitioner)

- 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;

You should know that she was a huge help, and our client was very appreciative of all the work she did and very complimentary of her professionalism and consistent visits which were nearly every week as they plugged through videos and discovery. She was incredibly proactive about getting into the jail, getting all necessary paperwork completed and following up with the jail when her access expired without needing any further help or instruction.

Thank you so much for recommending him to review jail calls. WOW - he did an amazing job plowing through co-defendant jail calls on a murder case in Weld [County]. He was able to knock it out in about 4 weeks. It spans over a year of jail calls. And of course, we continue to get more jail calls so it'll be non-stop through trial.

She has been working on some research for me in a murder retrial. She recently sent me two memos on the results of her research. They are very thorough, well-organized, and well-written. She found rules and law that was applicable which I had not located, and did a great job of expanding her search country-wide to find law where Colorado has an absence of law.

- 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;
- competency
- child abuse;
- sexual abuse;
- DMV; and
- cell tower technology;

Not only is it more efficient to use this approach, but it is also 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 OADC contractors.

The fourth category relates to a new resource. In 2017, the National Legal Aid & Defender Association (NLADA) partnered with the Corporation for National and Community Service (CNCS) to create an innovative pilot program that trains AmeriCorps VISTA members in best practices in community-oriented defense and places them in public defense agencies in order to put these principles into practice and establish systems for ongoing sustainability. This AmeriCorps VISTA project allows NLADA, for the first time ever, to provide boots on the ground to in-need public defense offices in order to help offices modernize their approach to evidence-based practices, data management, and community partnerships. Over the course of their 12-month term of service, AmeriCorps VISTA members perform activities such as building community partnerships within their host communities and developing data systems and analysis methods to drive evidence-based practices by their host organizations.

The OADC presently has no Vista volunteers but hopes to continue partnering with NLADA again in the future. One of the previous Vista volunteers, continues to contract with us on a part-time basis to help the agency incorporate equity, diversity, and inclusivity principles into best practice models for internal agency operations and external agency-to-contractor and contractor-to-client. Another previous Vista volunteer continues to contract with us on a part-time basis to maintain and improve the Government Misconduct database.

CASES THAT MAY AFFECT THE OADC

ILLEGAL SENTENCES

[*Allman v. People*, 451 P.3d 826 \(Colo. 2019\)](#). 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 has resulted 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.

[*In Re People v. Manaois*, 488 P.3d 1099 \(Colo. 2021\)](#). Here the Court finds that the rule of *Allman* does not apply in multi-count cases where a defendant receives: (1) a prison sentence for a non-sex offense; and (2) a consecutive probation sentence for a “sex offense” pursuant to the Sex Offender Lifetime Supervision Act (“SOLSA”), requiring participation in Sex Offender Intensive Supervision Probation (“SOISP”).

[*In Re People v. Keen*, 488 P.3d 1127 \(Colo. 2021\)](#). The Court used this case as the companion case to *Manaois* to discuss *Allman*, where a person is sentenced to a prison sentence for a non-sex offense and a consecutive determinate sentence to SOISP for a sex-related offense. They held *Allman* does not prohibit courts from sentencing a defendant in a multi-count case to prison for a non-sex offense followed by SOISP for another offense—regardless of whether the latter is a sex offense requiring an indeterminate sentence or a sex-related offense requiring a determinate sentence. So long as the probation sentence falls within the confines of SOLSA, *Allman’s* sentencing restriction does not apply.

The combination of these three opinions continues to lead to ongoing litigation.

SUPPLEMENTAL HEARINGS

[*People v. Morehead*, 442 P.3d 413 \(Colo. 2019\)](#) and [*People v. Haack*, 442 P.3d 105 \(Colo. 2019\)](#). In both of these cases, the Supreme 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.

PROPORTIONALITY REVIEW

[*Wells-Yates v. People*, 454 P.3d 191 \(Colo. 2019\)](#)
[*Melton v. People*, 451 P.3d 415 \(Colo. 2019\)](#), and
[*People v. McRae*, 451 P.3d 835 \(Colo. 2019\)](#)

The Colorado Supreme Court, in this trilogy of cases, admitted a host of errors in their earlier jurisprudence that requires relitigating many earlier decisions about the proportionality of a sentence based on the erroneous analysis. This has resulted in a significant increase in remands for hearings from the appellate courts on these issues, with a significant number of those cases requiring OADC counsel.

INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

[Garza v. Idaho, 139 S.Ct.738 \(2019\)](#). 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.

[People v. Melnick, 440 P.3d 1228 \(Colo. App. 2019\)](#). 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.

COCCA JURY INSTRUCTIONS:

[McDonald v. People 494 P.3d 1123 \(Colo. 2021\)](#). For years now, prosecutors have charged disorganized groups of people who commit crimes together, as a COCCA enterprise. These prosecutions took inexpensive run of the mill conspiracy cases and turned them into complex, expensive multidendant cases with increased class 2 felony liability. The Court here recognized the US Supreme Court's limitations which will greatly reduce the number of cases where the prosecution can allege a COCCA count. This should lead to significant agency savings as far fewer expensive COCCA prosecutions should be brought in the future.

DOC TIME CALCULATIONS:

[Owens v. Carlson, 511 P.3d 637 \(Colo. 2022\)](#). The Supreme Court reversed a Court of Appeals decision ([Owens v. Williams, 490 P.3d 1050 \(Colo. App. 2020\)](#)) and found that DOC is required to calculate Owens' earliest parole date using a "hybrid" method accounting for the varying eligibility protocols in his three consecutive sentences.

AUTHENTICATING ELECTRONIC MEDIA:

[People v. Abad, 490 P.3d 1094 \(Colo. App. 2021\)](#). The Court found it was not plain error to admit Cellebrite data extraction from cellphone even where the officer that conducted the extraction was not present to testify. The content of the Cellebrite report was not hearsay. Also, the Court allowed admission of digital images with little authentication. Assuming the court gives the defense the same liberal standards for electronic evidence, this will reduce the need for defense experts and witnesses to be present in court, reducing agency costs.

APPLICATION OF NEW ESCAPE STATUTE:

[People v. Gregory, 479 P.3d 76 \(Colo. App.2020\)](#). The Prison Population Reduction and Management Act (PPRMA) (H.B. 20-1019) redefined felony escape so that the act of leaving and failing to return to a community corrections facility is no longer an F-3 escape and instead constitutes the new class three misdemeanor offense of unauthorized absence. (§ 18-8-208(11)). The division concluded that under *Stellabotte*, CRS §18-1-410(1)(f) requires that this change in law be applied to cases that are not yet final. This will greatly reduce litigation costs in

re-occurring factual scenarios relating to people not complying with community corrections violations. But then came *People v. Pennington*.

[*People v. Pennington*, 481 p.3d 1186 \(Colo. App. 2021\)](#). The Pennington division split three ways. The three-way split will cause a lot of litigation in the trial courts because of the differing standards in each of the three opinions, two of which essentially disagreed with *Gregory* above.

GREATER VERSUS LESSER CHARGE:

[*People v. Plemmons*, 490 P.3d 1112 \(Colo. App. 2021\)](#). Under section 18-3-203(1)(h), spitting on a peace officer with the intent to “infect, injure, or harm” is second degree assault, a felony. Under section 18-3-204(1)(b), spitting on a peace officer with the intent to “harass, annoy, threaten, or alarm” is third degree assault, a misdemeanor. The division found that “harm” is limited to psychological or emotional harm in the felony provision. This amorphous distinction will lead to increased litigation.

DUE DILIGENCE AND THE UMDDA:

[*People v. Hines*, 491 P.3d 578 \(Colo. App. 2021\)](#). The Uniform Mandatory Disposition of Detainers Act (UMDDA) requires that a person incarcerated in DOC be brought to trial within 182 days after the court and the prosecuting official receive his request for final disposition of charges unless that period is expressly waived or extended for good cause or by stipulation. § 16-14-104(1), (2). The UMDDA is intended to protect people from undue delay and prosecution of stale claims. The division sanctioned the delayed proceedings here because it was possible that the trial court inferred that the prosecutor exercised due diligence in trying to secure their witness by speaking with their witness over the phone instead of placing her under subpoena for the trial. Whittling away at the protections offered by the UMDDA (and other speedy trial protections) will only increase Agency costs.

WAIVERS OF PRIVILEGE ATTACHED TO 35(C) PROCEEDINGS:

In re [*People v. Cortes-Gonzalez*, 506 P.3d 835 \(March 21, 2022\)](#). Pursuant to 18-1-417(1), there is an automatic waiver of the attorney-client privilege related to the claims raised by the client. The Court here defined some of the boundaries around that waiver and made clear that the attorney’s file may not be subject to subpoena by the Government.

OTHER ACT EVIDENCE AND *RES GESTAE*:

[*People v. Rojas, \(Rojas IV\)*, 504 P.3d 296 \(Feb. 22, 2022\)](#). In a very lengthy and groundbreaking opinion, the Supreme Court abolished the doctrine of *Res Gestae*. Evidence is either intrinsic to the offenses or extrinsic. If extrinsic, CRE 404(b) applies. This new case has created significant litigation surrounding the admissibility of this other act evidence.

DETERMINATION OF INDIGENCY:

In re [*People v. Greer*, 502 P.3d 1012 \(Jan. 31, 2022\)](#). Here, the Supreme Court determined that when an individual resides with but does not commingle resources with others with whom the individual resides, the income from those other individuals does not count in the indigency determination. Consistent with the roommates’ provision, the Supreme Court held that income from members of an individual’s household who contribute monetarily to the household should be excluded

from an indigency determination when such income is unavailable to the defendant. This should result in more individuals on bond qualifying for court-appointed counsel.

PREDICATE CRIMES FOR BURGLARY CHARGES:

[*People v. \(Michael\) Wright, 498 P.3d 1147 \(August 12, 2021\)*](#). The Court of Appeals here decided that because harassment requires that the defendant subject another to some form of “physical contact,” is a “crime against another person.” Burglary depends upon the intent to commit a crime against a person or property. Burglary depends upon the intent to commit a crime against a person or property. This expands the volume of available Burglary charges.

BRIBERY PROSECUTIONS:

In *People v. Lancaster*, 2022 WL 2976872, ___ P.3. ___, (July 28, 2022) (*cert. pending*), the defendant paid or offered to pay a minor victim of a sexual assault not to tell anyone. The Bribery statute requires that an offer or payment be made in conjunction with “an official proceeding.” The Court here decided that the official proceeding need not already exist at the time of the offer but could be one that may be brought in the future. This could lead to additional bribery cases over what presently exist.

Appendix C

Agency Objectives and Performance Measures

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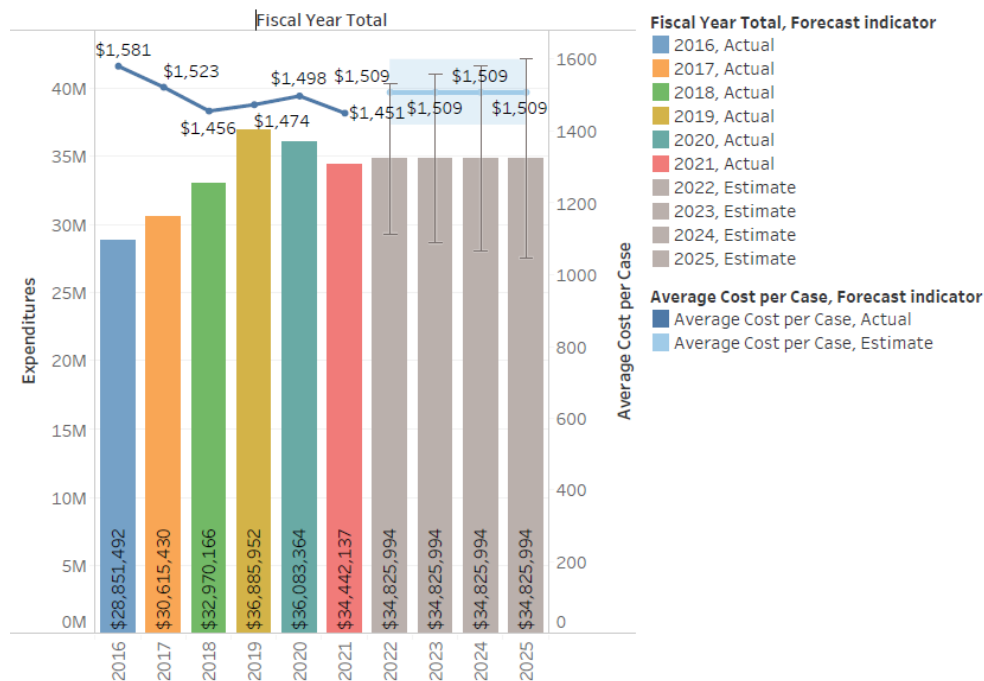
I. Performance Measures & Goals

(New) Performance Measure A: Contain Case Costs

The OADC analyzes its total annual expenditures and average cost per case monthly and strives to find innovative and effective strategies to contain those costs. The below chart shows those amounts from FY16 to FY22 (as of June 15th, 2022) and its estimated numbers for FY23-25. The OADC is dedicated to the practice of holistic defense, which is driven by multi-disciplinary legal teams, not just individual lawyers. The OADC works diligently to encourage contractors to build holistic and diverse legal teams that incorporate social workers, investigators, paralegals, case assistants, and more. This practice not only provides stronger legal advocacy for OADC clients, but also reduces costs, since lawyers receive the highest hourly rate.

Due to the many factors that can affect both the Average Case Cost and Total Year-end Expenditures, it remains a struggle for the OADC to estimate these numbers accurately and consistently for future fiscal years. Some of the factors that contribute to this struggle include: Hourly Contractor Rate Adjustments (which occurred in FY19 and is occurring again in FY23), year-end caseload and expenditure fluctuations, and, in recent years, the disruption to courtroom accessibility and client visitation due to the COVID-19 pandemic. This last struggle can be seen below by the uncharacteristic decrease to the Agency’s expenditures during FY20, FY21, and FY22. Because it is unclear what further impact the COVID-19 pandemic might have on the state and the OADC, the projections below show a range of total possible fiscal year expenditures ranging from \$27M to \$42.5M, and total average case cost from \$1,400 to \$1,600.

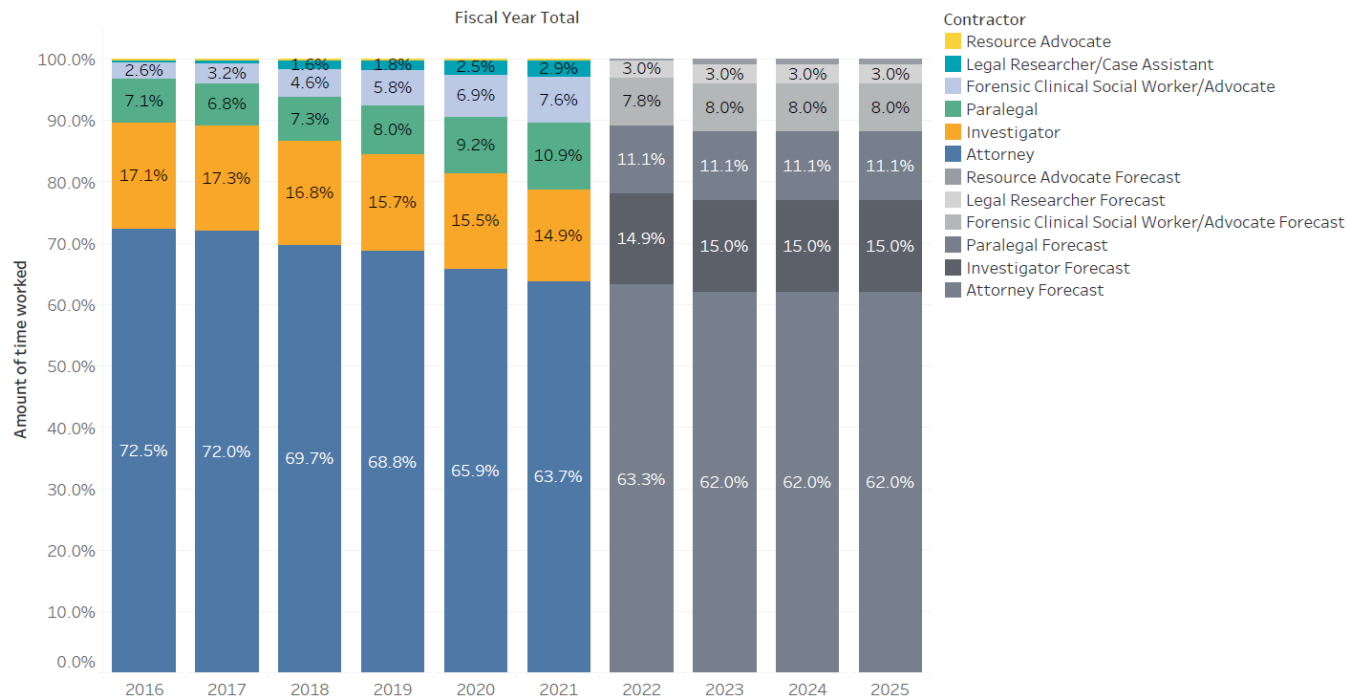
Expenditures and Average Case Cost - Forecast



(New) Performance Measure B: Providing Multidisciplinary Legal Teams for OADC clients

The OADC is dedicated to the practice of holistic defense, and empowering contractors to build and maintain strong and supportive teams to best serve their clients. The chart below shows the overall percentage of hours spent on an average OADC case by varying team members. For example, the proportion of attorney time dropped 9% from 72.5% in FY16 to 63.7% in FY21 and a reciprocating percentage increase in other contractor time. The OADC hopes to see these holistic teams continue to grow in the upcoming years, however due to the continual uncertainty of the COVID-19 pandemic impact on courtroom accessibility and client visitation, the OADC is proposing a flatter forecast to mirror the FY22 percentages as of 06/16/22 for the time being.

Contractor Hours Percent of Total



II. Strategies

Continuing to grow and support Holistic Defense Representation for OADC Clients

To continue moving towards a holistic defense team model of practice, the OADC has concentrated on growing the forensic social work program and has incorporated a new type of contractor called a resource advocate.

OADC staff received significant feedback from attorneys regarding their need for more case management and resource identification for clients in addition to the invaluable advocacy of mitigation investigation and client support provided by forensic social workers. Holistic defense requires defense teams to expand their focus beyond the discrete legal matter at hand to address factors that impact recidivism and criminal system involvement such as lack of housing, unemployment, and more. Access to stable housing or treatment opportunities can be the difference between a client remaining in jail or detention and pre-trial release or a potential community-based sentence instead of jail, prison, or commitment. To further advance the OADC's focus on holistic public defense and support the Agency's mission, the OADC is working to make multidisciplinary teams the norm to address "enmeshed" consequences to incarceration and conviction/adjudication such as loss of housing, inability to find employment, and loss of benefits.

The availability of Forensic Social Workers/clinical advocates and resource advocates will increase the number of clients that are helped and continue to move teams towards a more holistic approach to defending clients. We believe this will allow the OADC to help an even higher volume of clients in a cost-effective way.

Improved and Cost-Effective Research Tools

The OADC continues to provide resources and technology to its contractors. A highly utilized resource that the Agency has developed is a centralized, online legal research and information platform called the eLibrary that continues to expand and assist many of the Agency's contractors. This asset is imperative to the Agency because it reduces average case costs by streamlining research time for contractors while simultaneously improving the effectiveness of representation. This eLibrary has expanded to include a separate youth justice and social sciences section and will eventually include a separate mental health section. In 2020, the OADC added enhanced Boolean search commands, culled outdated materials, and added updated and new materials. The OADC also provides free Westlaw and EBSCO (legal and social science research databases) to its contractors.

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 attorney 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 for all bills. The Agency also utilizes segregation of duties, second level approvals, and an executive review of over-the-maximum requests. Annual 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 in August of 2021 regarding Notary Letters Required for Department of Correction Facilities.

The OADC In-house Team Member Evaluations

The Agency conducted staff evaluations in May 2022. The Agency continued its evaluation approach by conducting '360 degree' evaluations, in which 16 FTE team members rated each other on various job quality and performance questions. Each team member also rated themselves, and met with their supervisor to discuss the results, concerns, and overall performance of each employee.

Evaluation of Prior Year Performance

Performance Measure A: Ensure Adequate Contractor Rates:

In FY22 the OADC did not request a rate increase for its contractors.

Performance Measure B: Contain Case Costs:

The Agency continues to work towards containing its average cost per case and keep ancillary costs per case to a minimum.

	FY22 Projected	FY22 Actual
Average cost per case	\$ 1,474	\$ 1,449
Keep ancillary costs per case to a minimum	\$ 67	\$ 66

Performance Measure C: Provide High-Quality Annual Trainings:

As can be seen by the chart below, the agency provided 57 trainings, consisting of 276.5 hours, and reaching 2,399 attendees.

	FY22 Projected	FY22 Actual
Total trainings	51	57
Total hours	267	276.5
Total attendees	2,650	2,399

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

As the chart below demonstrates, the Agency continues to exceed its goals for Total number of Documents, however, was lower in Users per month.

	FY22 Projected	FY22 Actual
Total number of documents	7,854	10,134
Users per month	5,928	5,306

Performance Measure E: Monitor and Evaluate Contractors:

The Agency met its goal of evaluating 100% of renewing attorneys and investigators.

	FY22 Projected	FY22 Actual
Evaluate renewing attorney applicants	100%	100%
Evaluate renewing investigator applicants	100%	100%

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

The Agency’s social worker program continues to expand as seen in the chart below. The Social Worker Coordinator (SWC) and the Social Work Outreach Coordinator (SWOC) continue to formalize procedures and policies that build capacity to serve more clients. The SWOC continues to leverage key relationships with universities to work with interns and has begun contracting with Resource Advocates, case managers with expertise in local area resources to enhance the connection of clients to services in the community.

	FY22 Projected	FY22 Actual
Number of cases with social workers	624	959
Number of social worker contractors	44	55
Number of social worker interns	6	5

Performance Measure G: Strengthen the OADC’s Youth Defense Division:

The OADC implemented a Youth Defense Division in FY17, ensuring that only those attorneys with the requisite training, experience, and expertise are appointed to represent children in delinquency and adult court. Though fewer defense teams utilized the expertise of an education advocate this year than anticipated, this is likely due to the significant overall decrease in case filings against children during the pandemic as well as the disruption to education for all Colorado’s children during that time.

	FY22 Projected	FY22 Actual
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in youth representation.	100%	100%
Incorporate a social worker into youth defense teams where appropriate.	114	175
Provide specialized education law assistance to youth defense teams where appropriate.	42	50

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

In 2021, 59 municipalities were accepted into the Municipal Court Program and the OADC attempted evaluations of each municipality. From those 59 municipalities, 52 submitted evaluation forms and 33 virtual interviews with court staff and 32 virtual interviews with municipal court-appointed counsel were conducted. These interviews, as well as a review of submitted documentation resulted in 52 successful evaluations. The remaining 7 municipalities received an unsuccessful evaluation report as their court-appointed counsel did not submit to the evaluation process. In addition to the Municipal Court Program, the OADC contracts with four (4) municipalities to provide court-appointed counsel services. OADC contractors are currently providing alternate defense counsel services in Denver and Aurora, as well as primary counsel services in Westminster and Northglenn.

	FY22 Projected	FY22 Actual
Municipalities requesting OADC attorney evaluations	56	59
Municipalities visited that requested OADC services	56	6 *

*These numbers are low due to COVID-19 closures of municipal courts.

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Appendix D
Long-Range Financial Plan

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

Appropriation Unit	FY 2023-24 Budget Request			FY 2024-25 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$ 4,061,057		\$ 4,061,057	\$ 4,061,057		\$ 4,061,057
Health, Life and Dental	\$ 556,015		\$ 556,015	\$ 556,015		\$ 556,015
Short-term Disability	\$ 5,538		\$ 5,538	\$ 5,538		\$ 5,538
Amortization Equalization Disbursement (AED)	\$ 184,565		\$ 184,565	\$ 184,565		\$ 184,565
Supplemental Amortization Equalization Disbursement (SAED)	\$ 184,565		\$ 184,565	\$ 184,565		\$ 184,565
Salary Survey	\$ 125,040		\$ 125,040	\$ 131,292		\$ 131,292
Operating Expenses	\$ 261,357		\$ 261,357	\$ 274,425		\$ 274,425
Capital Outlay	\$ 76,416		\$ 76,416	\$ -		\$ -
Training	\$ 20,000	\$ 80,000	\$ 100,000	\$ 20,000	\$ 80,000	\$ 100,000
Conflict-of-interest Contracts	\$ 48,965,638		\$ 48,965,638	\$ 39,037,641		\$ 39,037,641
Mandated Costs	\$ 2,895,573		\$ 2,895,573	\$ 2,544,129		\$ 2,544,129
Total	\$ 57,335,764	\$ 80,000	\$ 57,415,764	\$ 46,999,228	\$ 80,000	\$ 47,079,228

Appropriation Unit	FY 2025-26 Budget Projection			FY 2026-27 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$ 4,061,057		\$ 4,061,057	\$ 4,061,057		\$ 4,061,057
Health, Life and Dental	\$ 556,015		\$ 556,015	\$ 556,015		\$ 556,015
Short-term Disability	\$ 5,538		\$ 5,538	\$ 5,538		\$ 5,538
Amortization Equalization Disbursement (AED)	\$ 184,565		\$ 184,565	\$ 184,565		\$ 184,565
Supplemental Amortization Equalization Disbursement (SAED)	\$ 184,565		\$ 184,565	\$ 184,565		\$ 184,565
Salary Survey	\$ 131,292		\$ 131,292	\$ 131,292		\$ 131,292
Operating Expenses	\$ 288,146		\$ 288,146	\$ 302,553		\$ 302,553
Capital Outlay	\$ -		\$ -	\$ -		\$ -
Training	\$ 100,000	\$ 80,000	\$ 180,000	\$ 100,000	\$ 80,000	\$ 180,000
Conflict-of-interest Contracts	\$ 40,927,557		\$ 40,927,557	\$ 42,908,968		\$ 42,908,968
Mandated Costs	\$ 2,667,297		\$ 2,667,297	\$ 2,796,428		\$ 2,796,428
Total	\$ 49,106,033	\$ 80,000	\$ 49,186,033	\$ 51,230,982	\$ 80,000	\$ 51,310,982

(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, PFML,

- > **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 a 4.85% expenditure increase of Conflicts and Mandated Costs for each FY moving forward.