



Office of the **Alternate
Defense
Counsel**

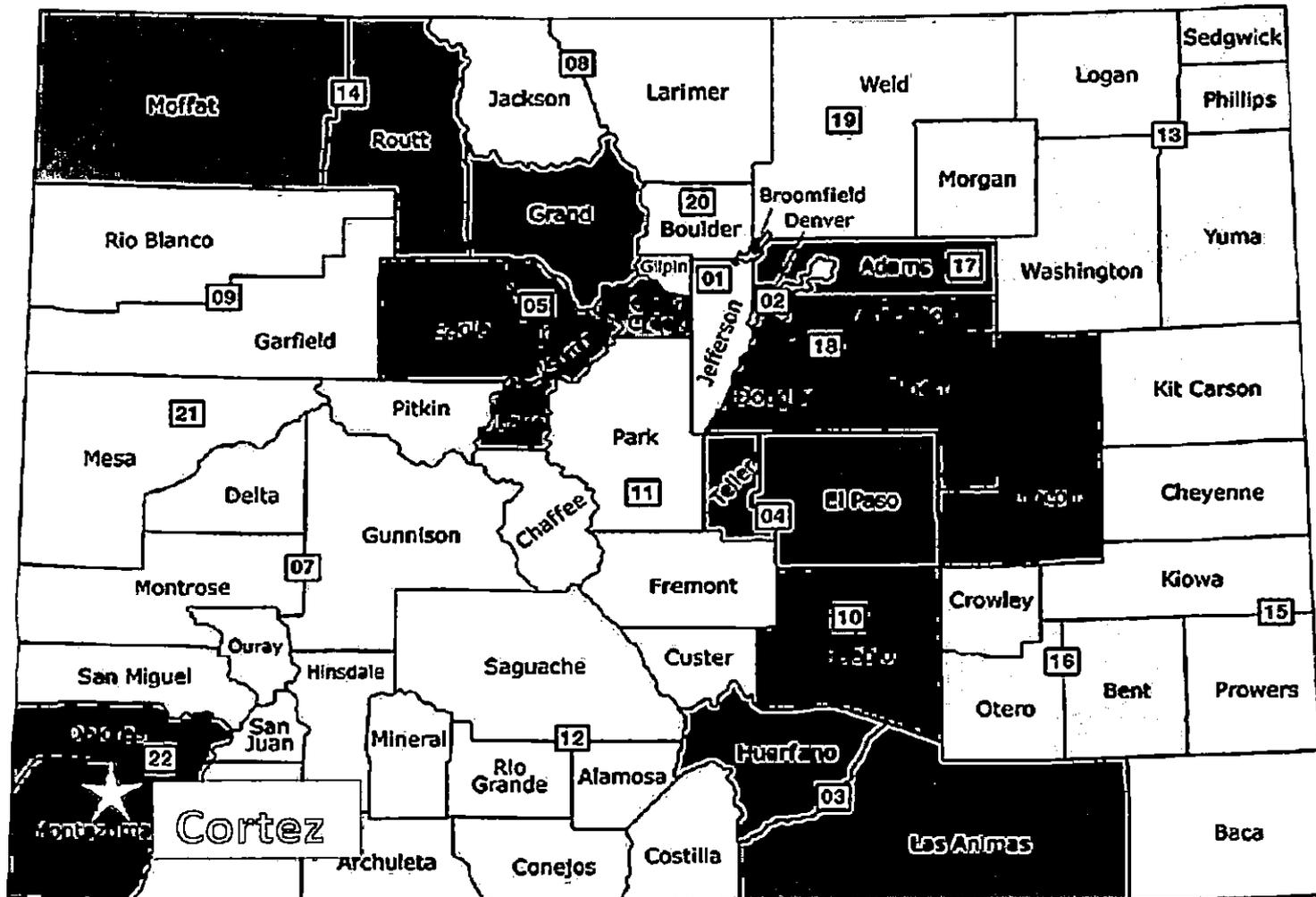
Annual Report to the Joint Judiciary Committee

Pursuant to
HB 13-1299 (SMART Act) and
HB 14-1032 (Juvenile Defense)

Lindy Frolich, Director
Darren Cantor, Deputy Director

November 29th, 2018

- The OADC was established pursuant to §21-2-101, C.R.S. (SB96-205)
- It began operating January 1, 1997. The OADC is responsible for providing legal representation in cases involving conflict-of-interest for the State Public Defender's office
- At that time it had 2.3 FTE and an annual budget of \$4,065,101



Cortez, CO (Population 9,007)
 District 22 – 288 cases in FY18

Free article

UPDATE: At least eight face charges in Cortez after pot raids

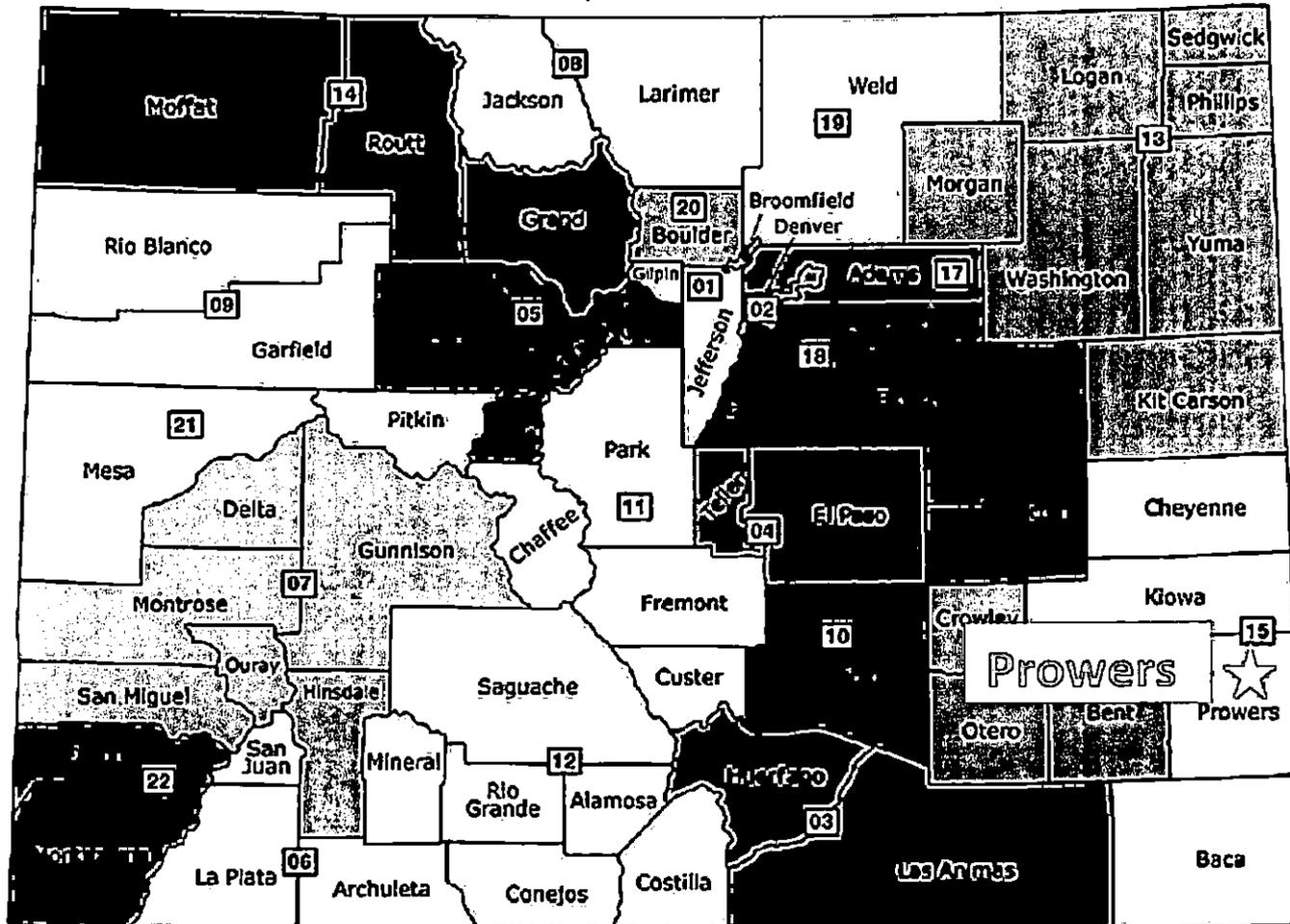


Thousands of plants, hundreds of pounds of marijuana seized from properties

By Journal Staff Writers

Thursday, Aug. 30, 2018 3:00 PM Updated: Friday, Aug. 31, 2018 10:03 AM



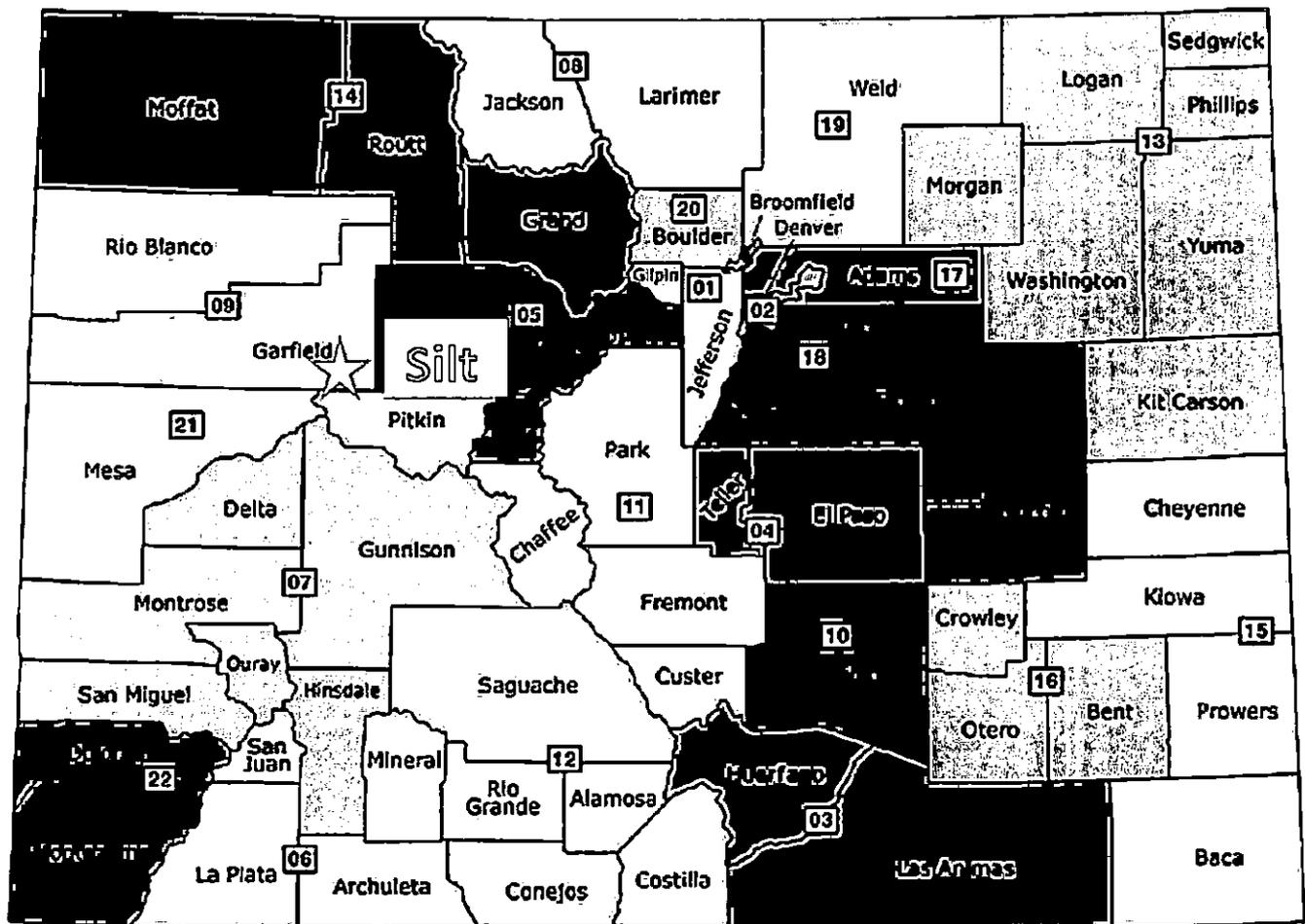


Prowers County, CO (Population 12,551)
District 15 – 157 cases in FY18

Prowers County Jail Food Fight

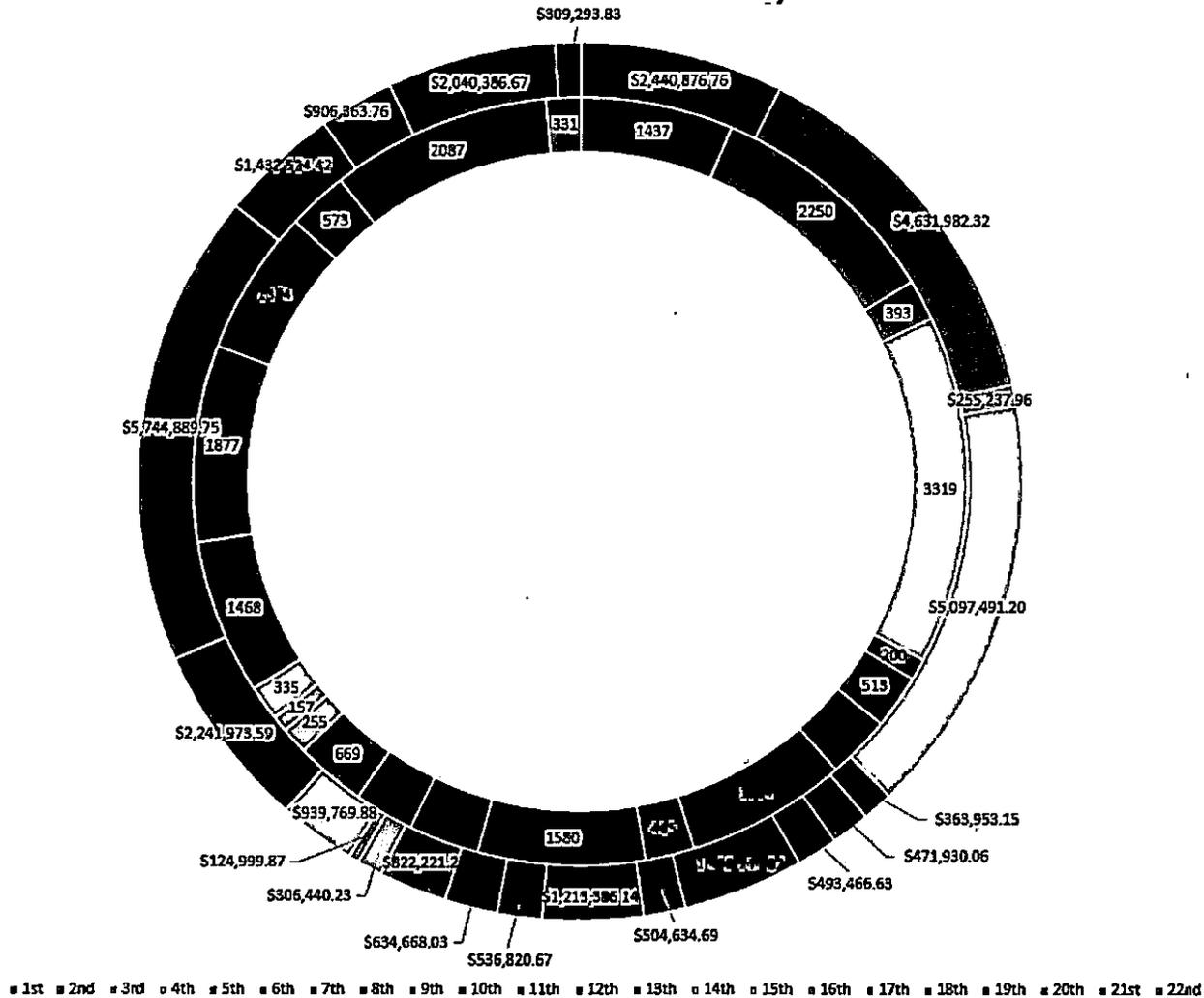
- 11 Inmates charged with Misdemeanors due to food fight
- *“Inmates were not happy because they did not believe they got enough food and that the TV was turned off because inmates were not bringing the trays after eating.”*
- Of the 11 inmates 6 were appointed OADC Counsel





Silt, CO (Population 2,930)
District 09 – 465 cases in FY18

OADC Caseload by Districts



- FY2018-19 Annual Budget of **\$42,020,721**
- 13.8 FTE

	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY11 to FY18 % change
Case load	11,878	12,585	13,290	15,085	16,680	18,244	20,103	22,638	90.59%
Change from previous FY	-5.70%	5.95%	5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	
Expenditures	\$ 20,496,774	\$ 22,187,179	\$ 22,660,445	\$ 25,453,717	\$ 29,694,094	\$ 31,551,612	\$ 32,935,253	\$ 35,387,940	72.65%
Change from previous FY	-11.58%	8.25%	2.13%	12.33%	16.66%	6.26%	4.39%	7.45%	

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

Contain Case Costs		FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY19 Budget	FY20 Request	FY10 to FY18 % change
Average Cost per Case	Target	na	\$1,581	\$1,581	\$1,581	\$1,456							
	Actual	\$ 1,697	\$ 1,620	\$ 1,641	\$ 1,593	\$1,596	\$1,722	\$1,581	\$1,523	\$1,456			-14.2%
	% change	na	-4.5%	1.3%	-2.9%	0.2%	7.9%	-8.2%	-3.7%	-4.4%			

$$(\$1,697 - \$1,456) = \$241 \times 22,638 = \$5,455,758$$

OADC FY2019-20 Budget Request

- DI # R-1 – OADC Caseload Increase (FY19)*: \$6,980,861
- DI # R-1 – OADC Caseload Increase (FY20) : \$7,620,251

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

OADC FY2019-20 Budget Request

- DI # R-1 – OADC Caseload Increase (FY19)*: \$6,980,861
- DI # R-1 – OADC Caseload Increase (FY20) : \$7,620,251

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

LET'S CALCULATE!

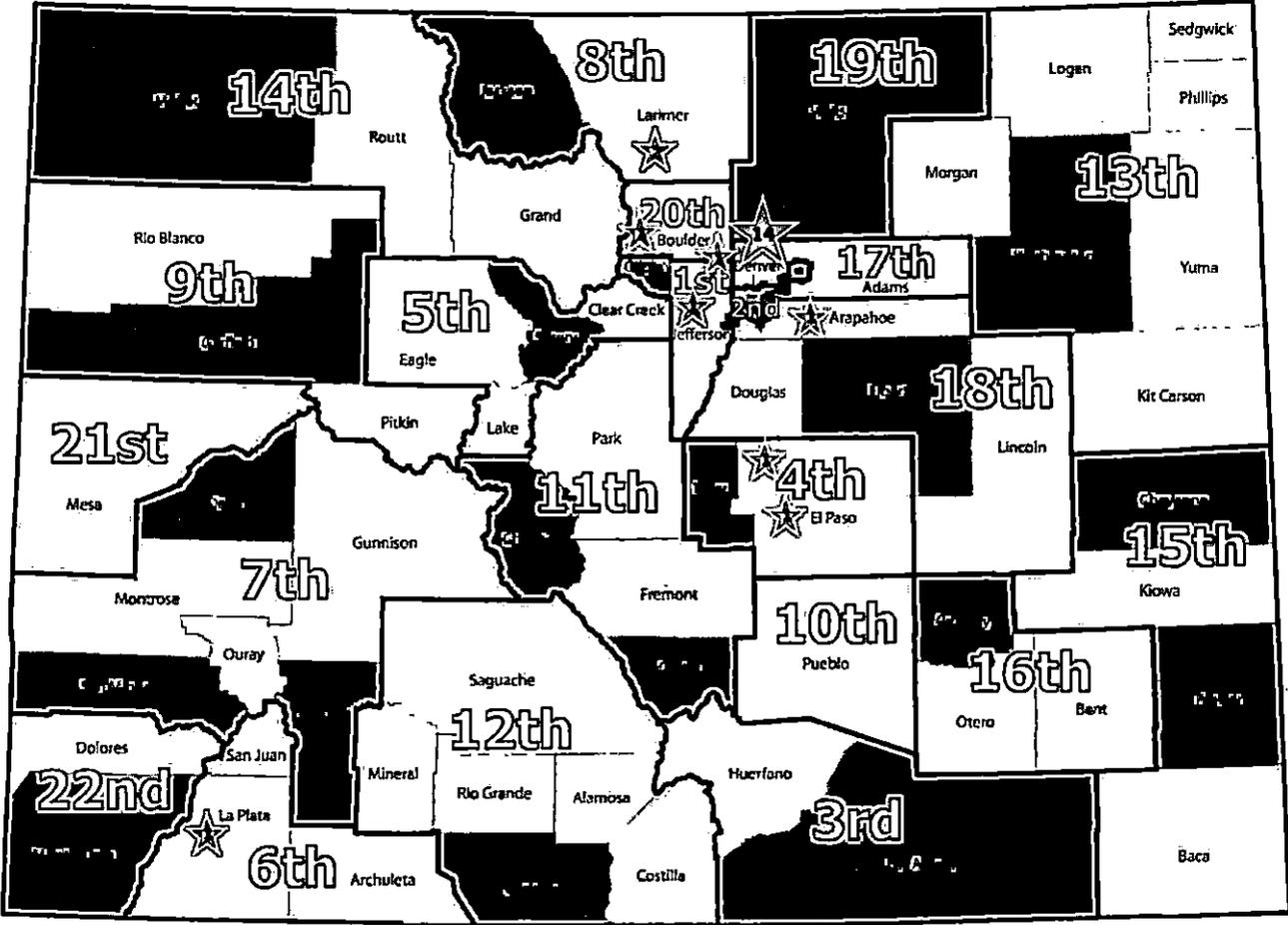
OADC Social Worker Program

Support the use of Evidence Based Practices	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual
Number of Cases with Social Workers	27 cases	75 cases	181 cases	263 cases	320 cases
Change from previous FY	<i>na</i>	200%	141%	45%	22%

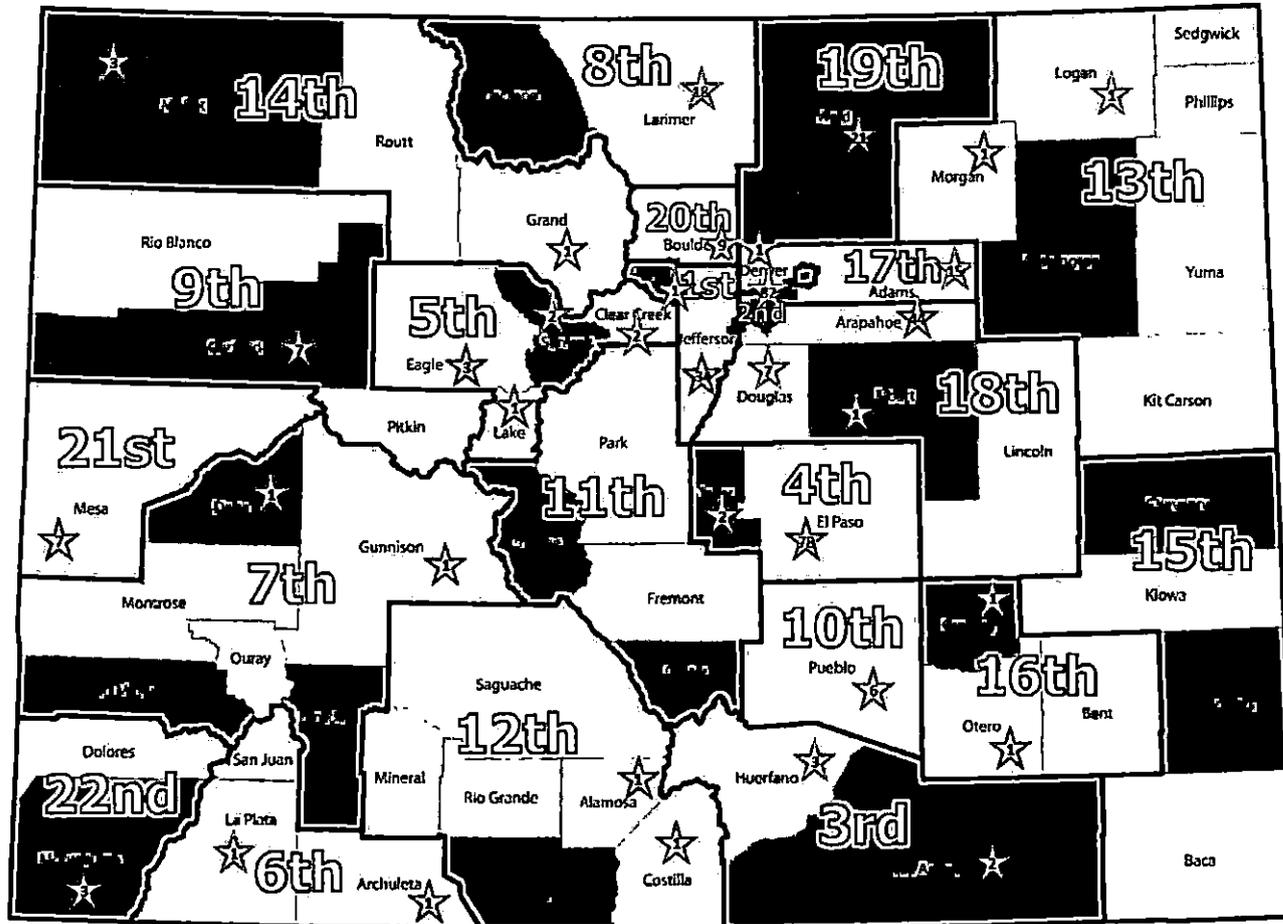
Number of Social Worker Contractors	1 contractors	9 contractors	11 contractors	16 contractors	22 contractors
Change from previous FY	<i>na</i>	800%	22%	45%	38%

Number of Social Worker Interns	2 interns	3 interns	3 interns	2 interns	3 interns
Change from previous FY	<i>na</i>	50%	0%	-33%	50%

OADC Contract Social Workers Statewide



OADC Cases with Social Workers by County



OADC FY2019-20 Budget Request

- DI # R-2 – Social Worker Outreach Coordinator : \$116,809 (1.0 FTE)

SMART Act (HB 13-1299)

Agency Objectives and Performance Measures

- A. Ensure Adequate Contractors Rates
- B. Contain Case Costs
- C. Provide High Quality Trainings
- D. Provide Cost-effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Support the use of Evidence Based Practices
- G. Strengthen OADC's Juvenile Division
- H. Supporting Municipal Court Independence

For historical and projected data please see **Appendix A: Agency Objectives and Performance Measures.**

SB18-203 Municipal Courts Bill

Concerning the provision of independent counsel to indigent defendants in municipal courts.

- Senate Bill 18-203 signed into Law 06/01/18
- Appropriated \$202,593 GF and 2.0 FTE to the OADC by FY20
 - 1.0 FTE in FY19 – Municipal Court Coordinator
 - 1.0 FTE in FY20 – Administrative Specialist

Milestones

- September 1, 2018 Municipalities request OADC services
- May 1, 2019 OADC announces staffing availability to perform evaluations
- January 1, 2020 Begin municipal attorney evaluation process
- September 1, 2020 Municipalities request OADC potential contractor list
- May 1, 2021 OADC announces staffing availability to provide lists
- January 1, 2022 OADC to provide contractor list to Municipalities

HB 14-1032 (Juvenile Defense)

§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) Pursuant to section 2-7-203, C.R.S., the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

(a) The number of juvenile delinquency cases for which counsel from the office is appointed;

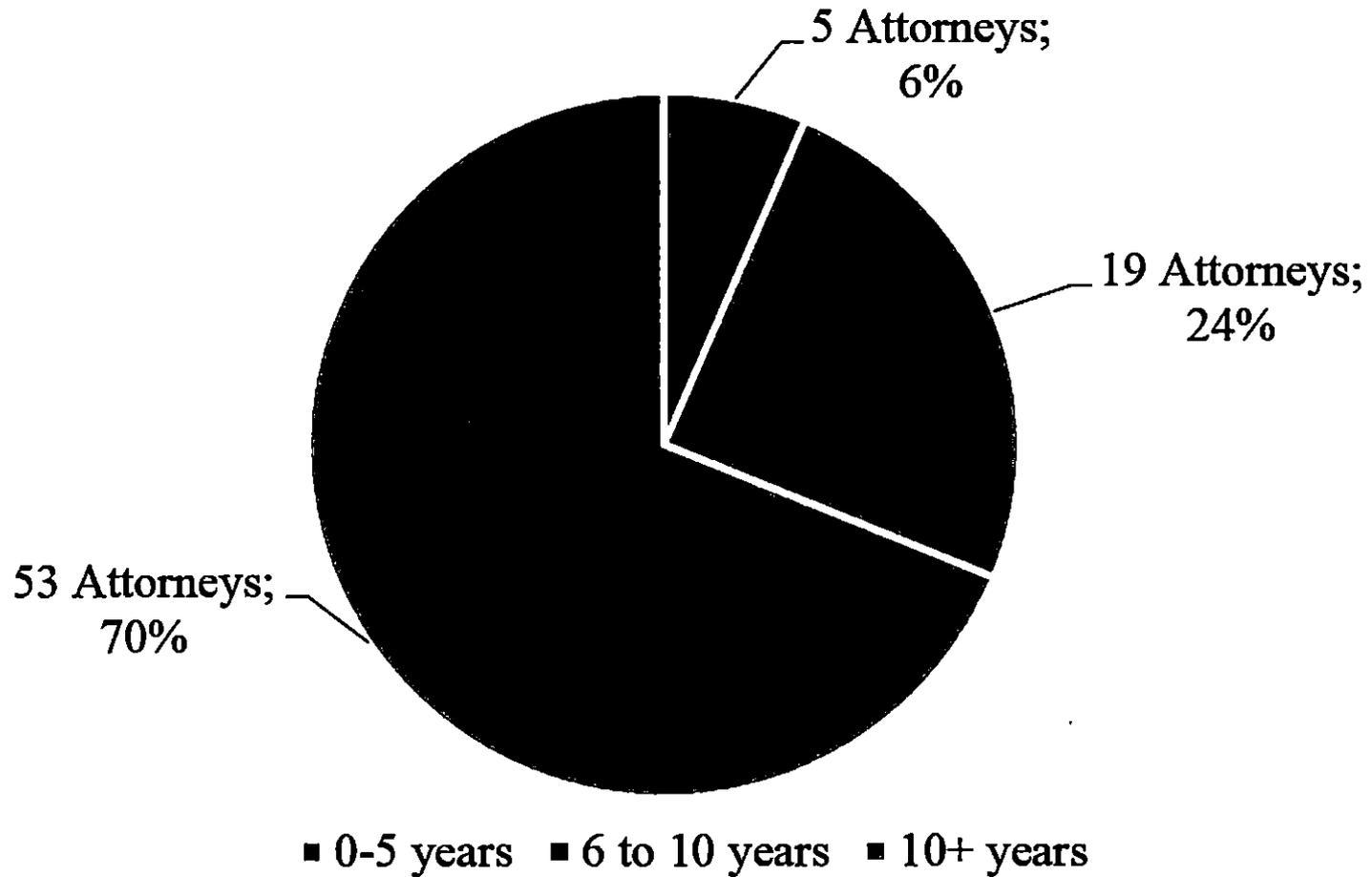
(b) The number of juvenile cases that involve a conflict of interest;

(c) The process of selecting, training, and supporting attorneys who represent children in juvenile delinquency court;

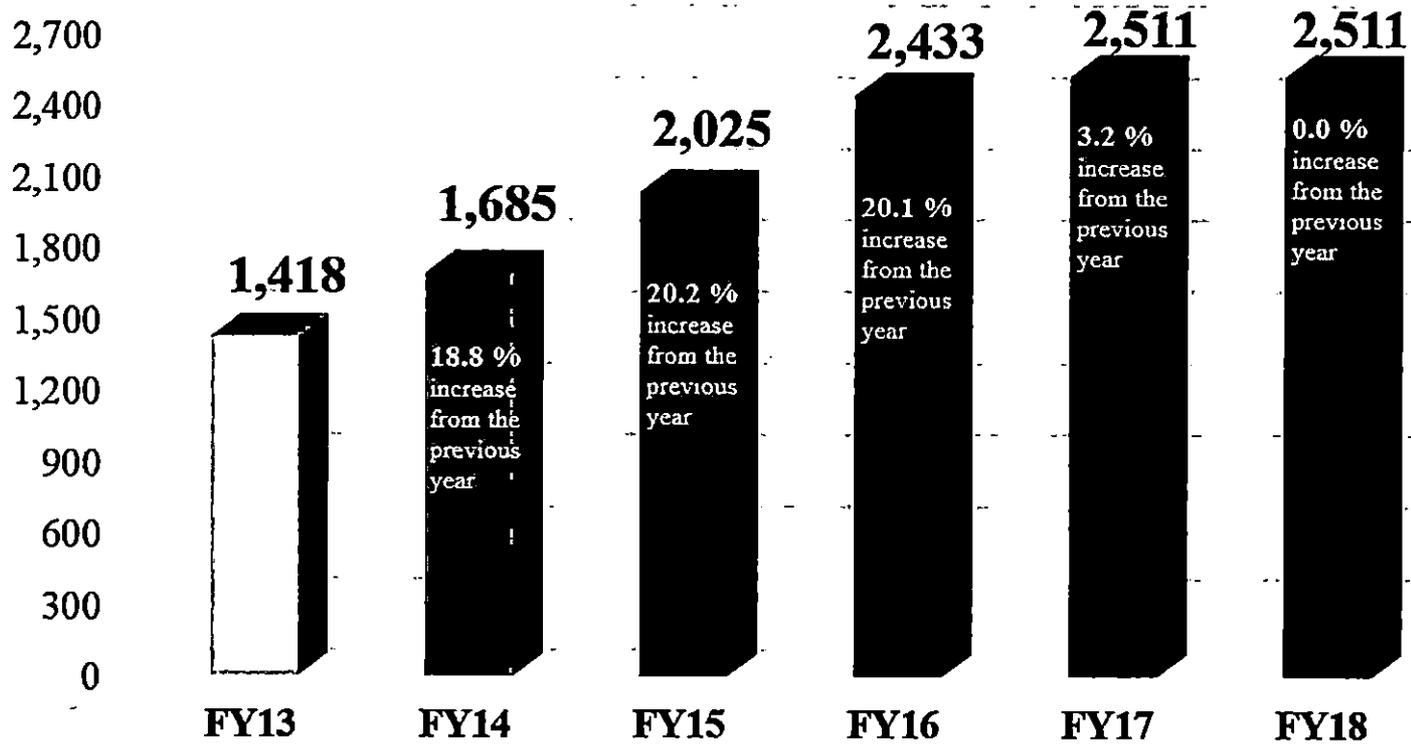
(d) The average length of time attorneys are assigned to juvenile court; and

(e) The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.

Juvenile Attorney Experience



Juvenile Cases FY13 - FY18



Questions ?

- Contact Information

- Darren Cantor – Deputy Director - (303) 515-6935
darren@coloroadc.com
- Lindy Frolich – Director - (303) 515-6925
lindy@coloroadc.com
- Daniel R. Nuñez – Controller/Budget Manager – (303) 515-6924
daniel@coloroadc.com