

Fiscal Year 2022-23 Information Technology Request

Office of the State Public Defender
R-01 Public Defense in the Digital Age

SHORT PROJECT DESCRIPTION

The Office of the State Public Defender (OSPD) is requesting \$6,023,930 General Fund and 4.6 FTE for FY 2022-23 and \$2,255,596 General Fund and 7.0 FTE in FY 2023-24 and ongoing to address a variety of information technology (IT) needs of the office.

Of the total amount being request, \$4.6 million in FY 2022-23 is for a comprehensive storage solution, which the Joint Budget Committee (JBC) has asked the Joint Technology Committee (JTC) to consider as an IT Capital project for purposes of the committee's prioritization recommendations. The JBC has also asked the JTC to review the remaining portions of the request similar to other operating budget requests, which are discussed in the Additional Project Information section below.

PRIOR APPROPRIATION AND REQUEST INFORMATION

<u>Fund Source</u>	<u>Prior Approp.</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>Future Requests</u>	<u>Total Cost</u>
GF	\$0	\$4,614,939	\$0	\$0	\$4,614,939
Total	\$0	\$4,614,939	\$0	\$0	\$4,614,939

PROJECT STATUS

This is a new, never-before-requested project.

PROJECT DESCRIPTION

The OSPD is requesting \$4.6 million General Fund for FY 2022-23 for a new comprehensive storage solution to help the office collect, store, and access large amounts of electronic case information, such as law enforcement body camera footage, video surveillance, 3D crime scene scans, eye witness cell phone videos, and phone calls. Based on recommendations from a vendor the office hired to analyze various alternatives, the office is planning to purchase a solution that utilizes a commercial off-the-shelf web application that handles the primary access and syncing of the files and connects to cloud-based back-end storage. The web application will allow OSPD staff to access files while in the office or while working remotely, and allow for external file sharing, automation, and collaboration using multiple pieces like virtual apps, document workflows, and integrations.

PROJECT JUSTIFICATION

The OSPD has experienced a large growth in the size and volume of electronic files that the office receives during case discovery from the prosecution and law enforcement agencies. Colorado Rule of Professional Conduct 1.16(c) requires that a lawyer in a criminal case retain the client's file, which includes all discovery received in the case, for anywhere from five years to the life of the client, depending on the conviction, sentence, and appeal status of the case. According to the OSPD, the office's storage usage has grown from 17 terabytes in 2011 to almost 900 terabytes today, not including disaster recovery backups.

The office has tried using multiple solutions to try to address the storage needs of the OSPD, including standalone servers, virtual desktops, dedicated file arrays, and cloud-based document management with Dropbox. However, these solutions have proven inadequate given the massive amount of data and the need for staff to download individual files, which can take anywhere from a few minutes to hours.

COST-BENEFIT ANALYSIS

While the office was not required to provide a quantified cost-benefit analysis with the request, the office believes that by providing easy access to case discovery materials in a timely manner, OSPD staff will be able to spend their time working to provide quality representation to their clients instead of spending time trying to access files.

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PROJECT COST INFORMATION

The OSPD has provided the following cost estimates for the \$4.6 million comprehensive storage solution component:

Storage implementation: \$1,000,000
Hardware (local caching): \$943,449
Storage migration (1,500 TB): \$875,250
Web application implementation: \$500,000
IT operations management tools: \$250,000
Contract staffing (project manager, network admin, and 2.5 business system analysts): \$1,046,240

Ongoing operating expenses. The OSPD estimates that the ongoing maintenance and operation expenses for the storage solution will be approximately \$750,000 in year 1. The office estimates that these annual maintenance and operations costs will increase as follows:

Estimated year 2 ongoing costs: \$861,294
Estimated year 3 ongoing costs: \$1,073,012
Estimated year 4 ongoing costs: \$1,369,416
Estimated year 5 ongoing costs: \$1,784,383

An additional 2.0 FTE for \$149,921 annually will provide staffing support for the system and will be responsible for configuring, maintaining, and provisioning the new solution on an ongoing basis. These staff will also be responsible for using IT operations management tools to monitor the performance, accessibility, and security of the new solution.

CASH FUNDS

N/A

PROJECT RESEARCH

Initial cost estimates for the storage solution were based on a quote from Isilon by Dell Technologies, which is a storage provider that many Colorado prosecutors' offices use. The office then hired a vendor to assist in assessing the needs of the office, providing recommended solutions, and providing more detailed cost estimates based on the recommendations.

ADDITIONAL PROJECT INFORMATION

The OSPD plans to use the remaining funds from the operating portion of this request for the following items.

IT help desk support. The OSPD currently has seven IT help desk staff to assist the office's 966.4 FTE in 23 offices across the state. To help provide more adequate assistance, the office is requesting five additional FTE, for a total of \$350,199 annually, for IT help desk support, to be assigned throughout the state.

Data litigation tools. The OSPD is requesting funding for a variety of tools to help staff track, analyze, review, and process cases and discovery. This includes \$50,000 in FY 2022-23 only to develop an automated download process with Evidence.com, which is relied upon by many of the large police departments in the state; \$231,000 annually for transcription services; and \$148,000 annually for case management software.

Mobile cell connectivity. The OSPD is requesting \$265,000 annually to provide cell phones for all attorneys to communicate with their clients and avoid the need to use personal cell phones for confidential client representation.

Computer hardware improvements. The OSPD is requesting \$179,055 annually to account for the increased costs to provide suitable laptops to staff, with a standard three-year replacement cycle.

Bandwidth increases. Finally, the OSPD is requesting \$163,000 annually to fund bandwidth increases across all of the office's locations.

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PROJECT SCHEDULE

	Start Date	Completion Date
Planning	July 2022	August 2022
Implementation	August 2022	June 2023
Testing	December 2022	June 2023
Closing	June 2023	June 2023

QUESTIONS

1. The budget request explains the need to improve data storage because of the Colorado Rule of Professional Conduct 1.16 (c), which requires retention of client files for a specified number of years depending on the conviction and sentencing. Without disclosing sensitive information, please summarize the office's plan to ensure compliance and managing cybersecurity risks.

OSPD has policies in place based on the requirement of CRPC 1.16(c). Administrative staff and attorneys are trained how to preserve files based on our policy in accordance with the Rules of Professional Conduct. Physical files and electronic files are catalogued and stored based on their date of destruction in accordance with CRPC 1.16(c) as determined at the time OSPD representation is concluded.

OSPD has two FTE dedicated to cybersecurity (a security manager and a security analyst), who are actively utilizing an extensive security product portfolio on our servers, network, and end points. We conduct internal and external audits and are currently looking into U.S. Department of Homeland Security's offerings for cybersecurity. In order to access any information, OSPD requires the use of conditional access and single sign-on (SSO), together with enforced multi-factor authentication (MFA). In addition to these measures, we will fully utilize the security controls offered by the new solution and augment them as necessary according to industry standards and our requirements.

2. Does the OSPD collaborate with OIT on laptop and other IT hardware purchases using statewide pricing agreements to take advantage of statewide economies of scale for these purchases?

OSPD does not collaborate with OIT directly on laptops or other IT hardware purchases but we are able to take advantage of any price agreements OIT has negotiated and routinely review them as part of our standard practice.

3. As background, most capital building and IT projects for Executive Branch agencies and institutions of higher education are funded using the Capital Construction Fund (Section 24-75-301, et seq., C.R.S.). The Joint Technology Committee and Joint Budget Committee may be considering legislation to expand access to the IT Capital budget process and the Capital Construction Fund for the Judicial Branch and the election official departments. Additional information about this idea is outlined in the JTC Briefing document for IT Capital. Please discuss any perceived benefits and drawbacks from the office's perspective that the committees will want to consider if they decided to pursue this legislation.

The OSPD does not typically have IT capital projects. OSPD does not have large custom development applications and the small internal applications do not interface with other state systems. Hardware purchases are usually the only item we have that reach the \$500,000 threshold. Moving to a cloud-based storage solution would also eliminate many of these large purchases and move this type of expenditure to a service-based annual operating cost. Thus, pursuing legislation for the OSPD would seem to neither greatly benefit nor harm the office.