



**Office of the**

# **Alternate Defense**



**FISCAL YEAR 2025-2026**

**BUDGET REQUEST**

**November 1, 2024**

**Lindy Frolich, Director**

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## Executive Letter

Dear General Assembly of Colorado,

As we embark on our 27<sup>th</sup> year as an Agency, we continue to appreciate the profound importance of why we, the Office of the Alternate Defense Counsel (OADC), exist. We are the legislatively created state agency whose statutory mandate is to “provide legal representation in circumstances in which the state public defender has a conflict of interest” ... and to “provide to indigent persons accused of crimes legal services that are commensurate with those available to nonindigents.” C.R.S. § 21-2-101, *et seq.* Repeatedly we hear that without the OADC, our defenders would be unable to provide effective legal representation and work toward excellent outcomes for indigent youth and adults charged with crimes in Colorado.

Upfront, we would like to acknowledge that in this budget our only request is for funding to cover our increased case costs. As described in more detail below, the most complex cases have become even more complex, including the addition of more data on every case in the form of paper discovery, body worn camera videos, and scientific analysis that the team must review. Additionally, we have seen significant increases in the number of complex cases, which leads inexorably to an increase in overall cost and cost-per-case. Without this budget increase, we will be unable to pay contractors throughout the fiscal year, meaning that contractors would have to stop working on pending cases as well as stop accepting appointments on any new cases until the next fiscal year (FY27) begins. The inherent delays this would cause would be a disaster for the courts, the victims, our contractors who are invested in helping our clients, and the clients themselves, whose representation is the very reason for our Agency’s statutory creation.

With the changing landscape of the criminal legal field, this has been an exciting time for the OADC. By contracting with over 1,000 independent defense team members (including attorneys, investigators, paralegals, forensic social workers/clinical advocates, legal researchers, case assistants, and resource advocates), we provide those who face criminal and delinquency charges with effective legal representation in a fiscally responsible way. We are constantly innovating to ensure that our contractors have the resources to provide legal services equitable to those available to people who are accused of committing crimes with the resources to pay for their defense team.

Through innovation, the OADC has grown with intention, nearly doubling in size in the past 2 years. We have added important bones to our skeletal system and now need to spend time developing the connective tissue between all these bones. The connective tissue is like the infrastructure which will allow the greatest support for our full-time employees, enabling them to continue to work on behalf of our contractors and our clients.

While onboarding new employees, our established full-time employees have continued to provide the support that our defense teams have come to expect, allowing them to provide client-centered defense. The OADC Director and Deputy Director oversee the OADC’s internal operations, providing leadership to all full-time employees. They also provide support for contractors and ensure all eligible clients are assigned an attorney. The Director

and Deputy Director interview every new attorney and investigator applicant, provide ongoing lists to the courts in each county and judicial district across the state, and frequently assist the courts through creative problem solving, to include finding attorneys to take cases in either the most serious of cases or in multi-codefendant cases where there are simply not enough available attorneys with sufficient time to take the cases. They also contract with a paralegal to assist with finding counsel for Colorado Organized Crime Control Act (COCCA) cases and grand jury indictment cases. These types of cases can often have upward of 20 co-defendants.

## OUR EXPANDING OADC OFFICE

The People and EDI Advocate started at the OADC in September 2023 and spent 2023-2024 enhancing and streamlining the OADC hiring process, while developing internal processes to better support the Agency's People Operations. The Advocate led and managed the recruitment and hiring process for the entire Postconviction Unit, adding nine new team members, along with five additional hires across the Agency. As the OADC has nearly doubled in size, this role has become invaluable. Moving forward, the People and EDI Advocate plans to create a more holistic and equitable onboarding process, focusing on climate and culture to foster an environment that supports a productive and fulfilled community that includes both the OADC staff and our contractors.

Most recently, the OADC hired and onboarded its Holistic Defense Coordinator (HDC), a new position for which funding and an FTE were awarded for FY23-24. The newly hired HDC has spent the first two months on a listening tour, traveling to many metro and rural areas around Colorado, meeting contractors around the state. The HDC has also engaged in onboarding sessions with many members of the OADC internal team.

The HDC will be working to broaden and expand access to a legal defense by utilizing the full scope of the contractors as well as ensuring defense teams throughout the state have knowledge of and access to services for their clients that will support clients' 6<sup>th</sup> Amendment right to counsel while also reducing system involvement, thus saving the state millions of dollars. In our FY23-24 budget, we outlined the holistic defense support we currently provide our contractors, as well as growth opportunities to promote holistic team defense while simultaneously being financially prudent.

With the redistribution of responsibilities, there have been significant strides towards streamlining financial processes and providing more effective support for the Agency. The Billing and Accounting Technician has taken on the responsibility of processing contractor invoices, credit card reconciliations, and all staff reimbursements, allowing for more timely payments. This has allowed the Senior Office Manager to shift into an audit and approval role, focusing on oversight and strategic initiatives rather than data entry. Simultaneously, the Billing Administrator has taken the lead in developing and improving billing systems and databases, ensuring the Agency's financial operations are not only efficient but also equipped to handle future growth. With these adjustments, the team continues to manage day-to-day operations while advancing larger projects aimed at improving the overall contractor experience and supporting the OADC's mission. In the spring of 2019, the OADC's Business Intelligence Analyst (this position was formerly Financial Analyst), along with other

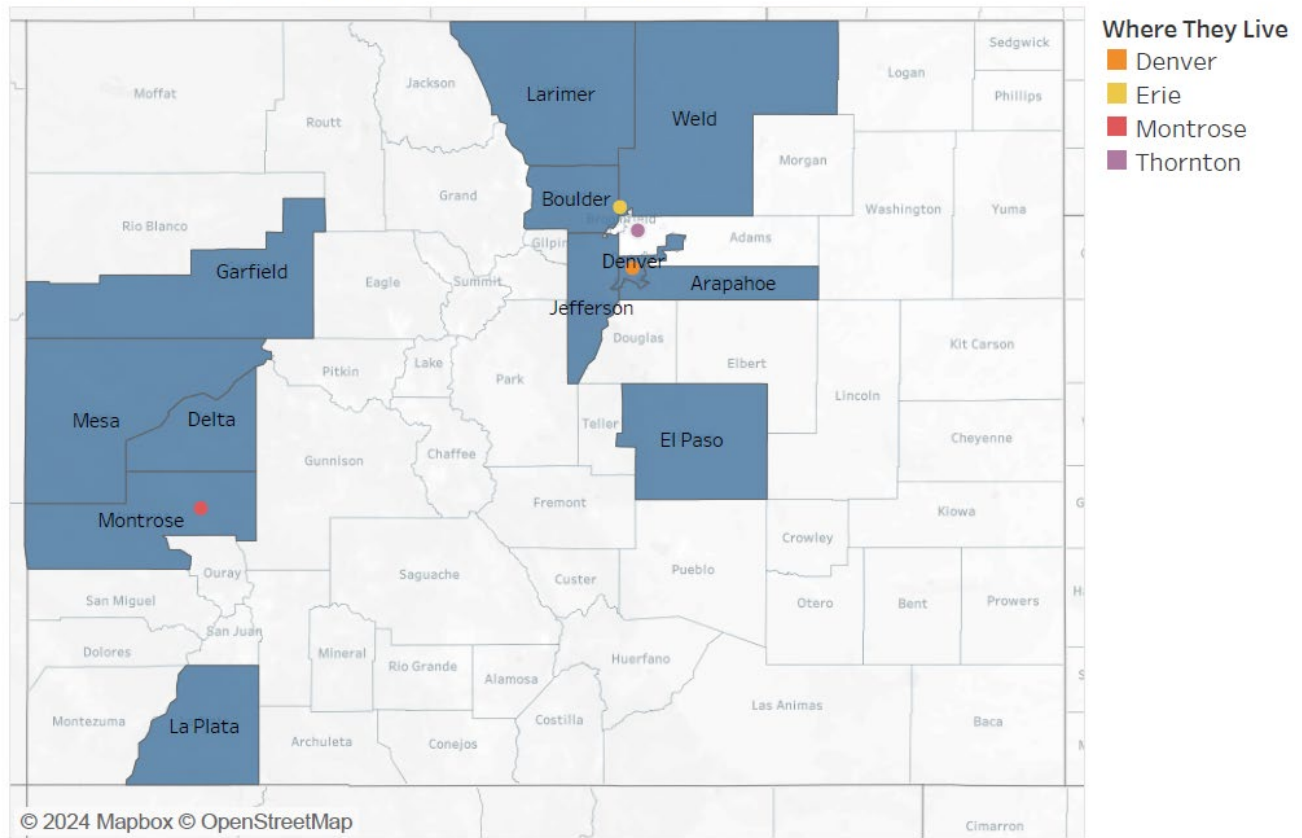


We have not only expanded our financial team, but through our social worker and attorney outreach and development work, we have successfully onboarded attorney and social work fellows to lay the foundation for building rural resources, expanding the diverse pool of attorneys and social workers throughout the state.

The OADC Social Work Program hired two Inclusivity Fellows in August of 2024. These fellowships highlight the OADC's commitment to diversity in workforce/representation and the OADC's belief that greater diversity brings unique skillsets and perspectives to best serve clients. The Fellows will gain invaluable experience as forensic social workers and the skillset to apply as independent contractors at the completion of the two-year fellowship. At the beginning of summer 2024, a request came in from an attorney looking for a Spanish-speaking male social worker to engage with a Spanish-speaking client. The request was thoughtfully made after the attorney came to understand the client's cultural barriers to connecting to his current attorney. At the time, the OADC did not have a male Spanish-speaking social worker, so a male Social Worker was assigned as well as an interpreter. Since our Fellows started, the OADC now has a Spanish-speaking male social worker.

The Attorney Development Coordinator started in December 2022 with a goal of creating new pipelines of contractors around a variety of Agency needs – geography, diversity, and case type. The OADC Attorney Fellowship Program (Inclusivity and Greater Colorado Fellowships) is a model unique to the OADC. Originally a two FTE program, the Attorney Fellowship has expanded to six FTE positions. The fellowship application process has also served as a recruitment tool yielding the OADC at least three additional contractors, two of whom serve in non-metro areas. The map below demonstrates all the counties where the Attorney and Social Work Fellows have taken cases.

## Fellows Locations and Case Locations



The OADC also continues to grow its internship program, from 8 law students in the summer of 2023 to 33 in the summer of 2024. Through these programs, the OADC has created new pipelines to increase the quality and quantity of its attorney contractor pool. Similarly, the social work internship program hosts five to six master’s in social work students each year.

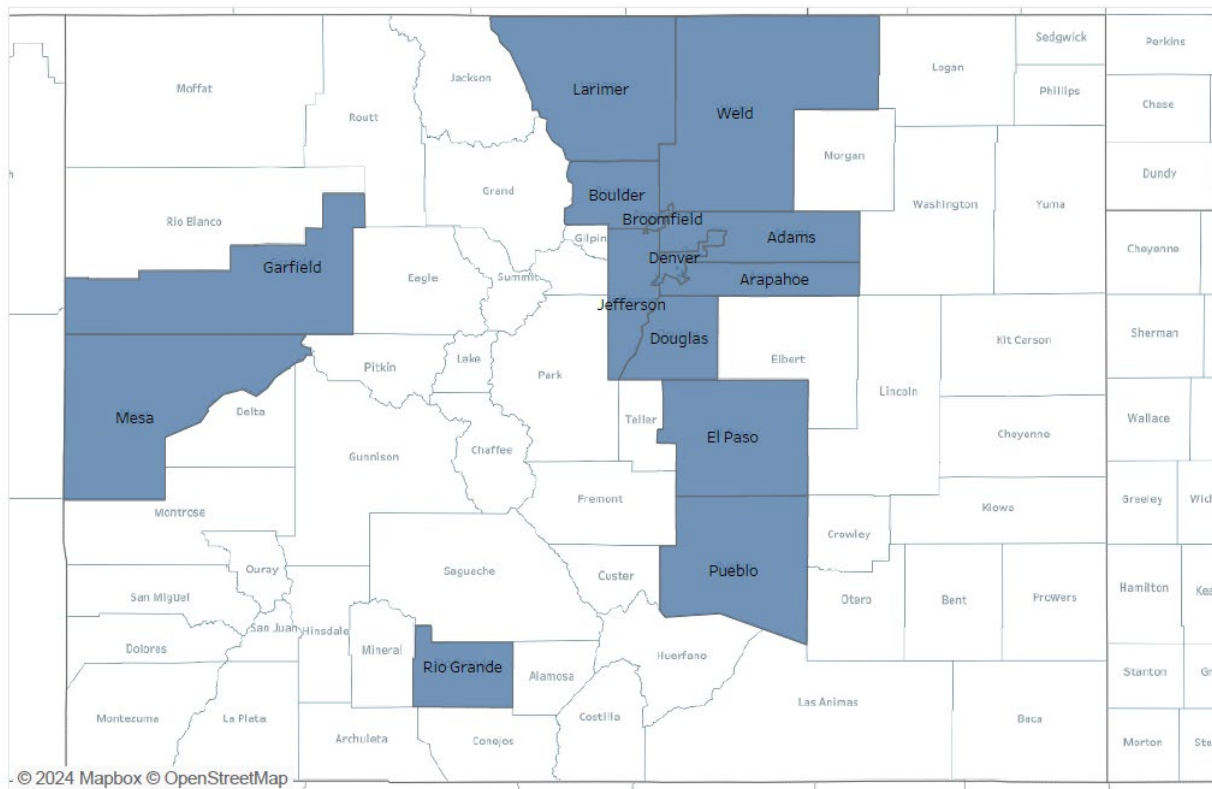
For two years we have also had an Arrupe High School student working with the OADC under a work-study program. Our student is looking forward to working with the OADC over the next two school years and taking on more responsibility such as updating contractor contact information in our database and on the website, electronically filing items where automation is not possible, and other office related administrative tasks.

### POSTCONVICTION UNIT

Another development that has expanded our number of FTE is the FY23-24 approval of a budget-neutral request to transfer funds from the Conflict-of-Interest contracts line item to Personal Services. This transfer enabled us to create an in-house 10-person Postconviction Unit (PCU). The PCU Director started in early September 2023, followed by the PCU Coordinator in December 2023. The four PCU attorneys began work on February 1, 2024, and that spring, the PCU completed its team with a paralegal, two investigators, and a forensic social worker. The speed and effectiveness of this hiring process, facilitated by the People and EDI Advocate, allowed the PCU to not only onboard a talented group of individuals with diverse backgrounds and skillsets, but also begin handling postconviction cases promptly. As soon as the PCU attorneys started on February 1, the PCU began

representing clients across multiple jurisdictions. Highlighted below are the Colorado counties where the PCU has taken cases.

PCU Map



Many of the PCU’s cases are complex and the PCU is developing team-based strategies to organize large volumes of information efficiently. The PCU has procured a case management system to assist with its growing caseload and data collection. The PCU has also created internal procedures for case assignments, conflict screening, and interdisciplinary collaboration. We are excited about the strides that this new unit has made in its first year, from building a skilled team to handling complex litigation and implementing critical operational systems, and we are excited for the work they are doing on behalf of clients in Colorado.

### OUR INTERDISCIPLINARY TEAMS

**We won a very contentious hearing, and the judge complemented [the social worker] on her report and very thorough statement to the court and relied on [the social worker’s] statement in granting relief.**

The OADC Social Work Program has expanded and is currently contracting with upwards of seventy-five masters-level social workers and licensed professional counselors from Fort Collins to Pueblo, Durango to Grand Junction, and many areas in between. We repeatedly receive feedback on the invaluable work our contract social workers provide on behalf of clients.



**She's amazing. I use her as often as possible because clients love her, other paraprofessionals work well with her, and I find everything she does to be immaculate.... [in this case client received] immediate release and probation reinstatement.**

The Social Work Coordinator and Outreach Coordinator support contractors around the state, as well as organize an annual full-day conference and multiple trainings shorter throughout the year on topics like mitigation, holistic defense, communication, and ethics.

The OADC created the Resource Advocate contractor type in 2021; the goal being to link contractors with invaluable resources and services for their clients. Use of Resource Advocates has saved attorneys and social workers valuable time and money while still ensuring that clients' needs are being met. An attorney recently highlighted the work of a Resource Advocate on a case they worked on together.

**I wanted to share an awesome example of interdisciplinary advocacy with a holistic approach by resource advocate contractor... [Resource Advocate] worked HARD through building relationships with providers and tons of persistence to get an intake set up at the jail!! This may seem like a simple win, but it is truly moving mountains and will make a huge difference for this client and his ability to get out of jail and meet his medical needs. For context, years ago I attempted this for almost a year to no avail for a client and it was incredibly frustrating/disheartening and a huge disservice to that client. There are contractors and teams who are practicing elements of holistic defense out there and making a huge difference. I cannot wait for the HDC to come in and support/create more opportunities for folks to practice holistic defense in meaningful ways for clients.**

The OADC has found that numerous people can assist a client on a criminal legal matter other than attorneys and social workers. An investigator's work often informs defense strategies. Paralegals contribute to the team by assisting attorneys with a variety of litigation needs. Legal researchers have some level of formal legal training, and contribute through legal research, written advocacy, and litigation. Case Assistants are frequently used for time-intensive but not legally complex tasks. One Case Assistant listened to thousands of phone calls recorded while the client was in jail that the prosecution turned over in discovery. Another common task for a case assistant is to sit with an in-custody client while the client reviews the discovery in the case. Again, this can save the attorney a significant amount of time on any given case, and is done by a lower cost contractor, saving the taxpayers money.

## **CONTRACTOR SUPPORT**

### **EVALUATIONS**

The OADC conducts evaluations of all attorneys, investigators and social worker contractors before their contract expires. The annual contractor evaluation process is thorough and tailored to each contractor type. We have automated several aspects of the evaluation process

for greater efficiency, streamlining this work for both the team members who conduct the evaluations and contractors who are being evaluated. This allows us to access a great deal of information about our contractors' performance and then tailor our feedback and support accordingly.

When the OADC receives evaluation related emails and documents, they are automatically saved into the contractor's folder, effectively saving many hours of manual filing. The fact that the information was received lives within a spreadsheet that tracks when and what renewal form documents have been received, as well as the writing sample reviews, the schedule of interviews, and when contracts are approved and returned with a signature.

This automation process has been used to streamline the Municipal Court Program as well. Whether looking at contract renewals or municipal evaluations, automation has proven invaluable. The program automatically sends a next-step email to contractors as tasks for their renewals are completed, an Attorney-Availability-List is automatically populated for each municipality, and as municipalities share court dates for attorneys being evaluated the municipal court hearing calendar is automatically updated.

## TRAININGS

Providing excellent, relevant, holistic training to our defense team members is an essential part of ensuring that our contractors are well-equipped to effectively represent their clients.

**Excellent, informative training today. Relevant content, well-prepared, and organized materials. Could not have been a better presenter.**

**THIS is the exact kind of training I've been hoping for, for investigators. Thank you!**

We continue to develop robust, on-going trainings for all contractor types, and repeatedly hear how much our contractors appreciate our training courses because they have practical application and relevance to their work.

**Absolutely loved hearing from [client] and how open and candid he was. It was also refreshing to hear from his defense team and how passionate they are about their profession and client advocacy. Empowering for sure!**

**Presenter's presentation was amazing. I appreciate how thorough it was and I took away many practical pointers.**

The training we provide adheres to best practices by honoring adult learning principles, teaching to a variety of audiences and learning styles, and curating legally and culturally responsive curricula. We are proud that many of our training courses are offered at no cost, ensuring that everyone throughout the state has access to them regardless of finances or geographic location. To help with this goal, we provide a virtual component to almost all our in-person trainings which we record for online access to trainings "on-demand."

**This was great and timely as I've started to have a lot of cases where medical records are key. Great info presented and a resource I didn't know existed until now.**

## **LEGAL SUPPORT**

An on-going challenge for our contractors is staying current on the changing law. To make it possible, the Coordinator of Legal Resource and Technology (COLRAT) takes on this task in many ways. The COLRAT tours the state annually, talking about the year's most important opinions from the Supreme Court of the United States through the Colorado Court of Appeals unpublished decisions. This process of digesting and disseminating the ever-changing body of law improves quality of representation and saves taxpayer dollars by reducing the hours spent by our nearly five-hundred contracting attorneys researching thousands of new cases.

As one contractor recently shared with us

**[t]hank you for being awesome. Seconds ago, I filed the *Erlinger* motion in our first-degree murder trial... [We] ... put together for us so quickly because of the introduction Jonathan gave us. I love ADC. I always have. This is why. It's difficult for me to imagine having the bandwidth to wrap my head around a new SCOTUS opinion that happened to come out while [we] were prepping a major first-degree murder trial. But ADC made it happen. We are so grateful. I can't say enough.**

The COLRAT also sends out a weekly email to contractors summarizing all the recent opinions. The summary is then converted into a podcast, also accessible to all contractors. The result has exponential value as each contracting attorney can read the summaries or listen to the podcast in under an hour. This process saves time and allows our attorneys to litigate issues at the highest possible level. The positive response from our contractors is overwhelming, as weekly, we receive praise from experienced contractors such as

**Thank you for the exceptionally helpful case summaries that are very much appreciated.**

The COLRAT is also available in real time to respond to questions and help identify applicable law for contractors. The access that contractors have to the COLRAT not only saves time and money on understanding substantive and technical legal proceedings, but also gives the contractors the invaluable knowledge that they are part of a community of defense teams.

## **POSTCONVICTION AND APPELLATE CASE PROCESSING AND SUPPORT**

The Appellate and Postconviction team continues to work hard to keep up with an ever-increasing number of postconviction and appellate cases. This team is comprised of two

paralegals that handle all postconviction and appellate cases prior to them being assigned to an OADC contract attorney or the OADC's PCU. These case types are generally the most complicated and costly of any handled by the Agency. The cases that find themselves in the postconviction and appellate world tend to have had the most serious charges at the trial level generally class 1 and class 2 felonies which typically have gone to trial, with the most severe sentences.

## **CONTRACTOR PROCESS COORDINATOR**

The Contractor Process Coordinator was hired from within the OADC and will begin their new role once a new Municipal Court Program Coordinator is hired and onboarded, which we anticipate will take place by the beginning of December. We are looking forward to the Contractor Process Manager working with the OADC team members to develop cohesive and improved contractor processes with the goal of increasing the efficiency in which contractors are onboarded, developed, evaluated, and assigned to represent clients.

## **SPECIALIZATION**

The OADC recognizes that there are specialized fields within the criminal legal world, including juvenile defense, appeals, postconviction work, municipal court evaluations and contracting, and attorneys whose practice focuses on different developments in science and the law.

## **YOUTH DEFENSE**

**I appreciate OADC's extensive resources and access to such incredible team members. OADC is the best place to practice [youth defense] due to the significant amount of resources required to represent kids well.**

**[The Social Worker] was absolutely imperative to our success and just truly helpful. [She] was empathetic, efficient, consistent, the list goes on. She truly put a lot of work and effort into this case (as she does with all cases I've worked with her) and the client really appreciates her. She is such an asset... [W]e won reverse transfer and it'll go back to juvenile court and I am really thankful for [the Social Worker].**

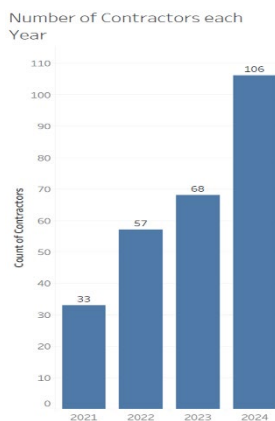
Youth defenders are screened by the Youth Defense Coordinator for their interest in youth defense, experience, command of relevant case law, statutes, policies, and understanding of social science research related to adolescent behavior and development. Applicants must have a history of providing holistic defense to youth through inter-disciplinary teams. Further, applicants must demonstrate a commitment to best practices in youth defense such as effective communication strategies with clients and their families.

A contract attorney recently shared how an interdisciplinary team achieved success on a case filed in adult court against a youth where the defense team successfully got the court to return the case to Juvenile Court. The attorney praised the Social Worker's work, saying that she

The OADC also updates and edits the Colorado Juvenile Defense Manual, a comprehensive practice manual currently in its 6th edition. The Youth Defense Coordinator is currently a member of many statewide organizations, allowing the OADC to be a conduit between system and community juvenile legal system participants and front-line youth defense teams.

### MUNICIPAL COURT PROGRAM (SB 18-203)

The OADC’s primary role in municipal courts emerged from SB18-203, which promotes conflict-free representation in municipal courts. SB18-203 empowers the OADC to evaluate municipalities, helping to ensure that they provide independent and competent court-appointed counsel to those who qualify. SB-18-203 also allows the OADC to contract directly with municipalities to deliver indigent defense services (funded by the municipalities) through our contractor model. The goal of the legislation is to ultimately ensure that municipal courts have competent and independent lawyers, and we are working towards that goal. Since the enactment of this legislation, the Municipal Court Innovations Coordinator has evaluated between 56 and 58 municipalities each year and expanded from providing direct representation through contractors in one municipality in 2021, to six municipalities in 2024, more than tripling the number of the OADC contractors providing indigent defense representation in municipal courts. Our goal is to provide clients with the same representation in municipal court that we would expect a client in county court to receive – competent, holistic, and client-centered.



As one contractor working in municipal court recently told us

**I have been practicing for 30 years in municipal courts. For many years there was a steady stream of people serving life sentences 30 days, 90 days, 180 days at a time. That is rare now. Clients are getting better representation, more incredible defense lawyers seem to care about what is going on in municipal courts, resulting in more due process and better outcomes for our clients.**

### CONTRACTOR POSTCONVICTION AND APPELLATE WORK

The importance of the Postconviction and Appellate case processing completed by the OADC team is outlined above.

**I don't think this sentencing reduction would have gone through without [the Social Worker's] report, as well as her assistance and support. Notably, the client ...has.... a very fragile support system on the outside, so [the Social Worker] has been essential, both in terms of putting together a mitigation report and reentry plan and also providing the client with emotional support throughout this process....[The Judge] ... ultimately granted our unopposed 35(c) issue...We're hugely grateful to OADC for its support in this case and in many other cases - we're achieving real results for people and changing lives, and we couldn't do it without you guys. Just wanted to send you this note to remind you of your impact!**

Our contractors who focus on postconviction and appellate work have extensive records to review, as these cases usually have gone to hearing and trial. Appellate and postconviction cases take time, effort, and teamwork to see them through. Clients are often in prison and very concerned about their appeal and postconviction cases as there are not regular court appearances for updates.

**[W]e won the 35(b) hearing and the judge took [client's] DOC sentence from 44 years down to 30, despite the DA's objection. [Our Social Worker] did a phenomenal job preparing [our client] for the hearing and helping craft his statement, which ended up being critical [... I'm grateful for OADC's support on [our client's] case over the many years, as the experts presented at his original sentencing and his progress in DOC/judicial turnover in the intervening years while we appealed the propriety of that sentence all played a role in him getting the reconsideration.**

### CONCLUSION

At times, providing team defense may be more costly on the front end. However, every time a client benefits from resource identification and community supports, compelling mitigation done on their behalf, has a case dismissed, receives a deferred judgement and sentence, or probation versus a Department of Corrections sentence, it ultimately saves the State of Colorado a significant amount of money as demonstrated by the following charts

<b>Annual Cost of Adult Sentencing Options Per Offender FY23-24</b>				
	<b>1 yr of cost</b>	<b>3 yr of cost</b>	<b>5 yr of cost</b>	<b>25 yr of cost</b>
Probation	\$2,086	\$6,258	\$10,430	\$52,150
Community Corrections	\$14,408	\$43,224	\$72,040	\$360,200
Parole *	\$8,387	\$25,161	\$41,935	\$209,675
Department of Corrections **	\$56,694	\$170,082	\$283,470	\$1,417,350

\*Average of Parole and ISP Parole  
 \*\*State facilities only, does not include private prisons  
*Source: DOC: Office of Planning & Analysis; DCJ: Office of Community Corrections; Probation: Division of Probation Services.*

<b>Annual Cost of Sentencing Options Per Juvenile FY23-24</b>			
	<b>1 yr of cost</b>	<b>3 yr of cost</b>	<b>5 yr of cost</b>
Probation (FY21-22)	\$3,514	\$10,542	\$17,570
Juvenile Parole ***	\$16,531	\$49,593	\$82,655
Division of Youth Services*** (FY18-19)	\$96,652	\$289,956	\$483,260
<p><i>*The Juvenile Cost of Care can no longer be assessed pursuant to HB21-1315 (effective 07/06/21)</i>            *** DYS and Juvenile Parole cost calculations have been discontinued, these figures are from FY18-19  <i>Source : DYS ; Probation Division of Probation Services</i></p>			

Each day, the OADC’s constitutional mandate and the importance of the Agency’s mission are at the forefront of its work, and we remain staunchly committed to fulfilling our statutory charge.

Sincerely,



Lindy Frolich

## Budget Summary

The total FY 2025-26 budget request for the Office of the Alternate Defense Counsel is \$69,174,242 and 41.0 FTE.

FY 2024-25 Appropriation \$ 60,663,306

MINUS Capital Outlay Adjustments (\$20,010);

MINUS Common Policy Adjustments (\$50,310);

MINUS PY (FY25) 1331 Supplemental Annualized (\$759,000);

PLUS Salary Survey / Across the Board (ATB) Adjustments \$128,988;

PLUS Step Pay \$32,089;

PLUS PY FTE Annualizations \$42,293;

PLUS SB23-277 \$5 Contractor Rate Increase - Attorneys Annualization \$2,619,185.

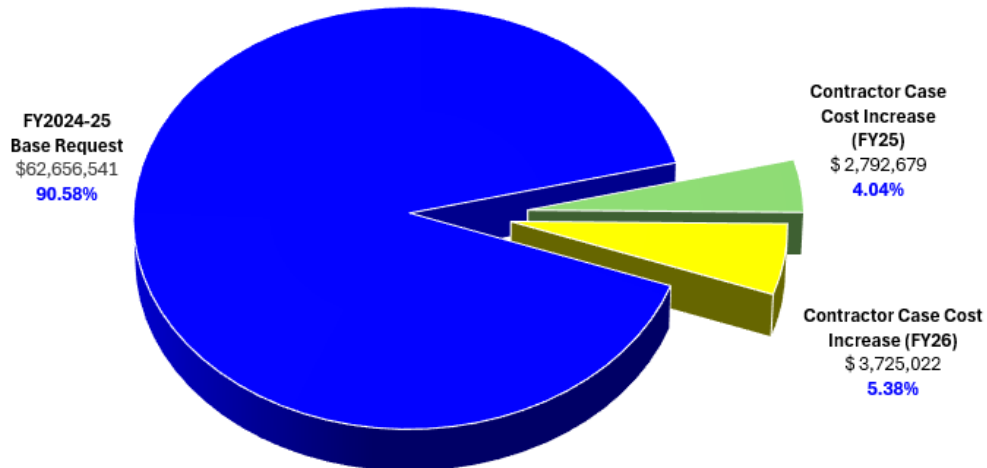
FY 2025-26 Base Request of \$ 62,656,541

PLUS DI 1 - Change Request - Contractor Case Cost Increase (FY25) \$ 2,792,679

PLUS DI 1 - Change Request - Contractor Case Cost Increase (FY26) \$3,725,022

FY 2025-26 Budget Request of \$ 69,174,242

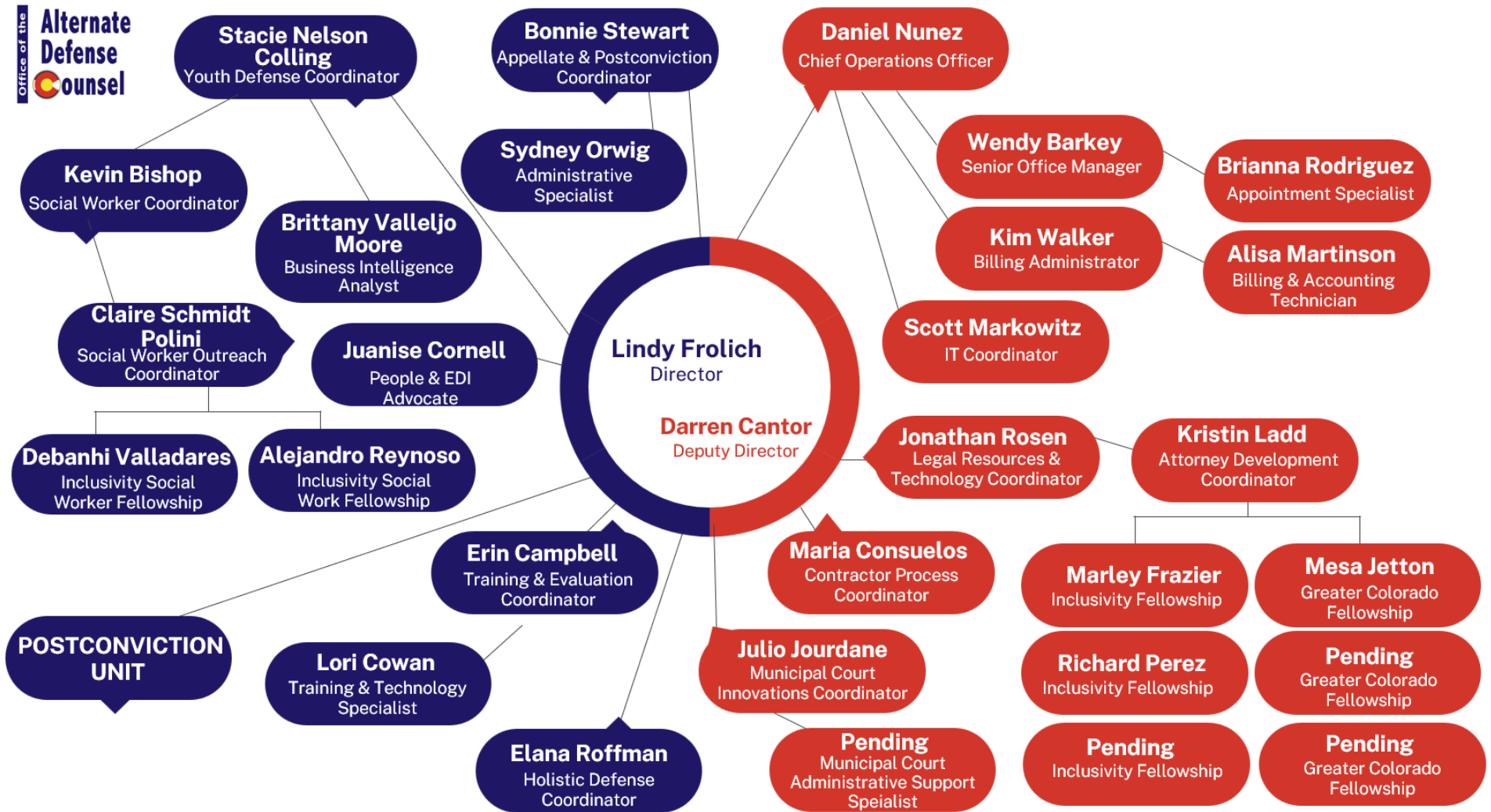
**FY 2025-26 Budget Request**



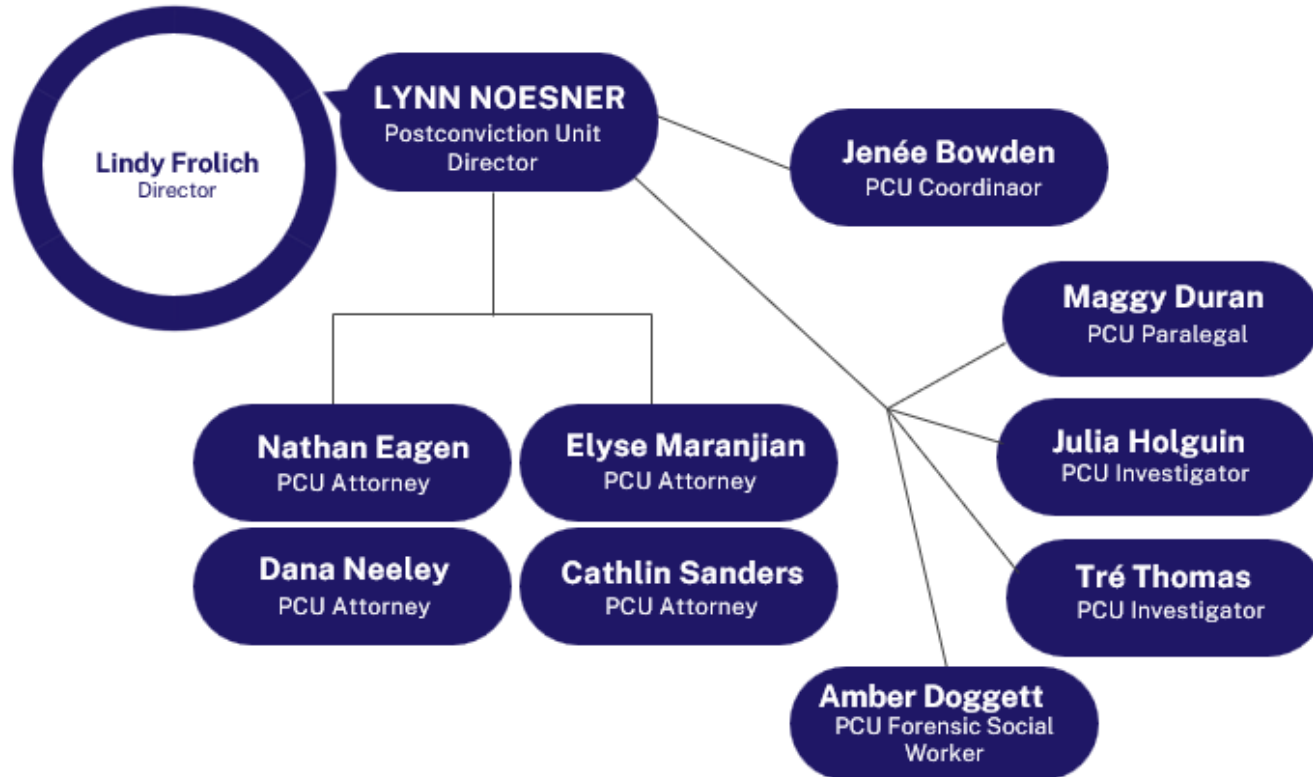


# Agency Overview

Below is the OADC Organizational Chart as of November 1<sup>st</sup>, 2024.



# POSTCONVICTION UNIT



## 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. The 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.

## 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.

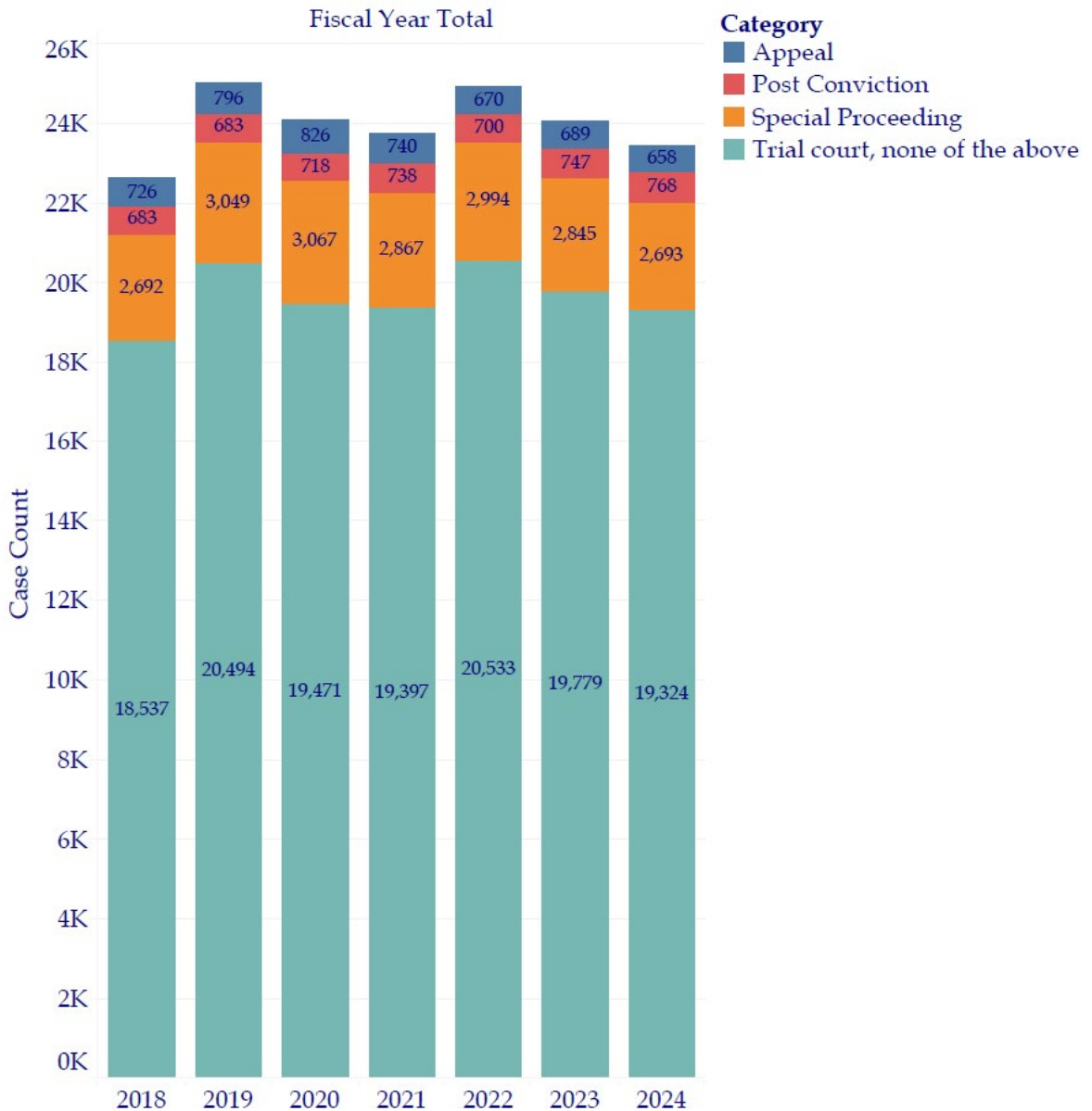
## Statutory Mandate/Directive

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).

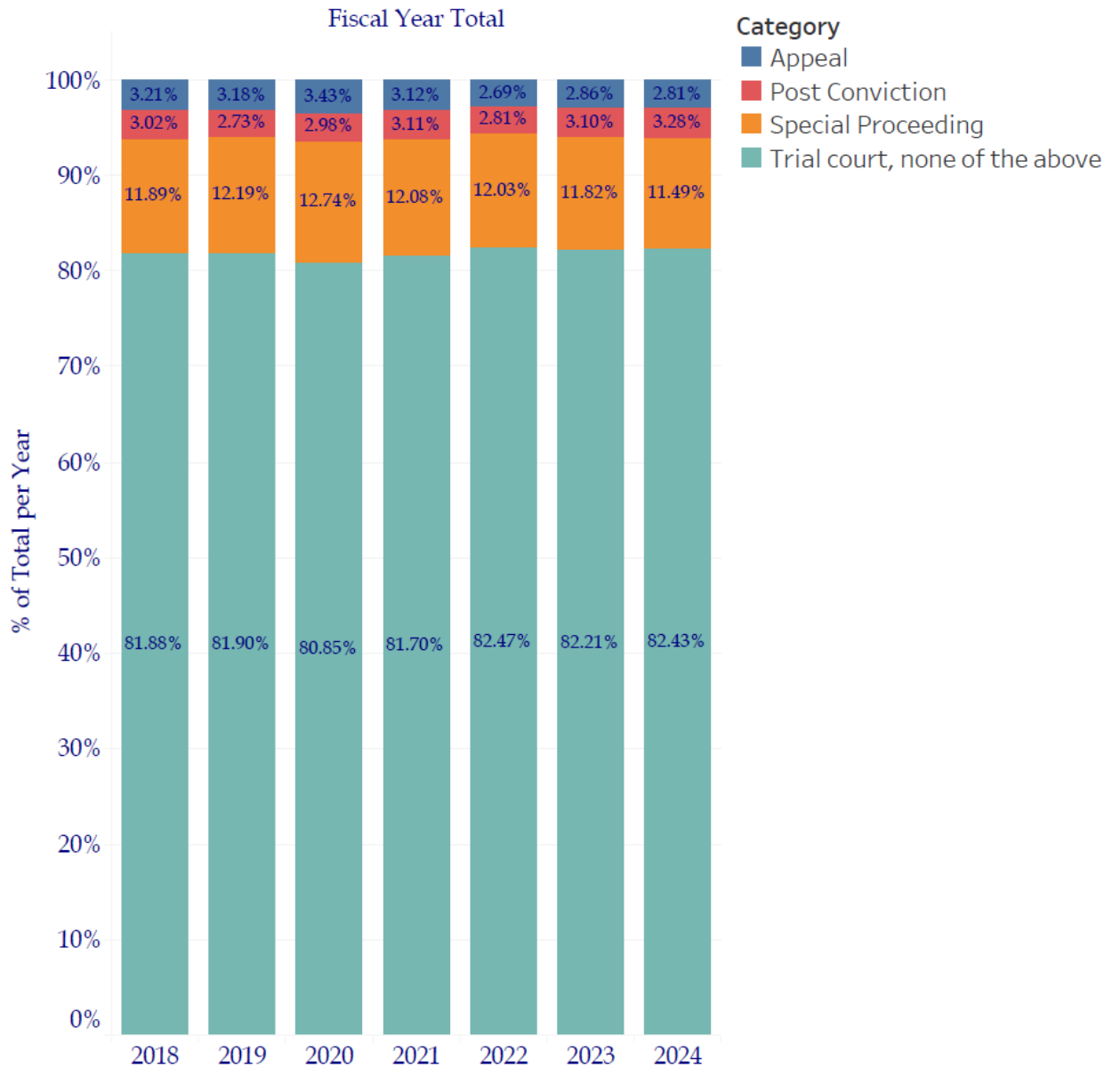
## Workload Indicators (WLI)

The OADC handles cases at various stages, such as trial level, appeal, postconviction, and special proceeding. The two bar graphs below show the total breakdown of our caseload. Our overall caseload has gone down, but our breakdown by case type has remained relatively consistent.

### Total Cases by Category



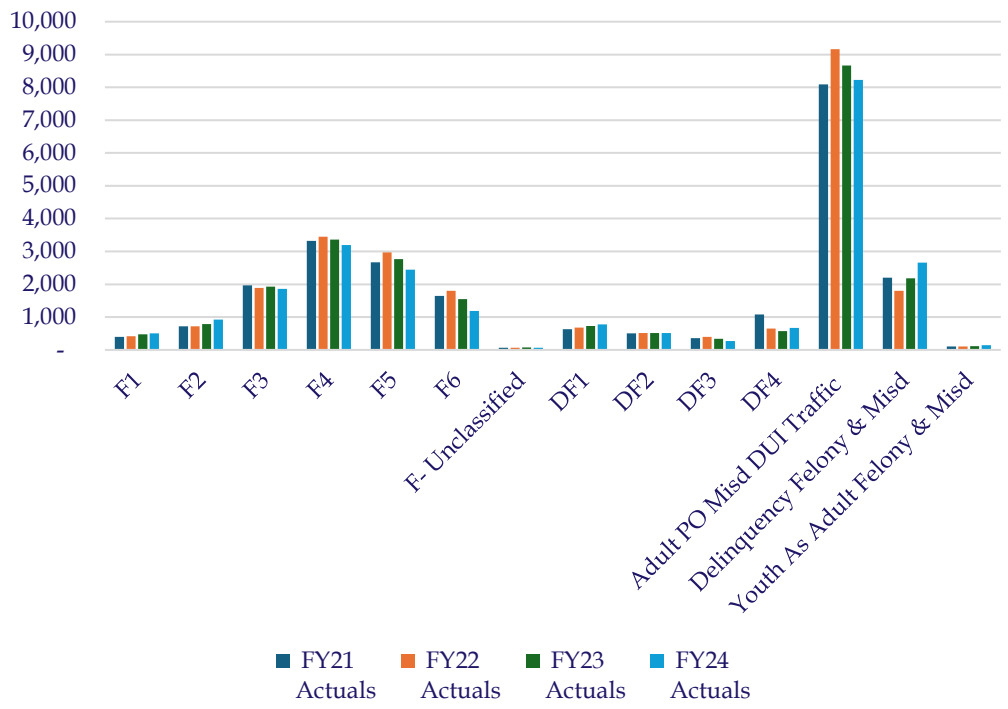
# Total Cases by Category Percentages



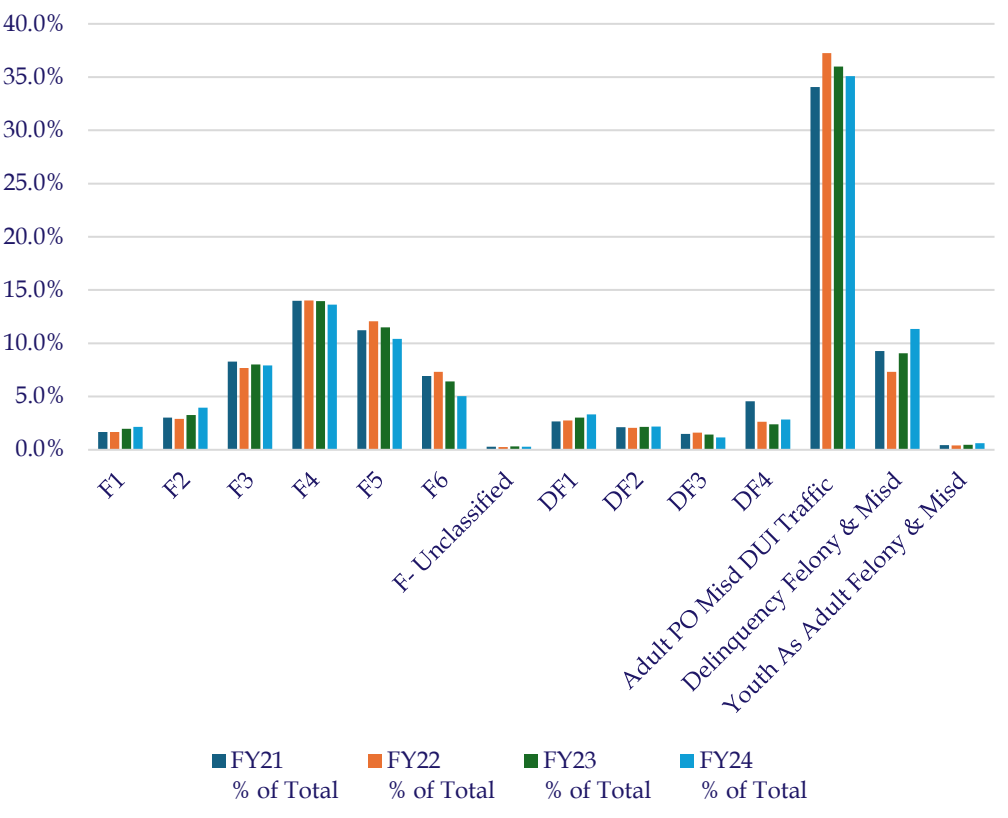
The tables and charts below demonstrate the OADC caseload by case classification for adults (broken down by felony level), the total for all misdemeanor, petty offense, and traffic case, the totals for all delinquency cases and youth charged as adult cases, and finally the grand total for all cases. The Total Cases WLI Chart includes every case that was worked on by an OADC contractor during each fiscal year (FY21 through FY24), and the subsequent tables are broken down by trial cases, appeals, postconviction (mostly Crim. P. 35 (a), (b), and (c) cases), and special proceedings (community corrections violations, deferred revocations/ modifications, motions to withdraw guilty plea Crim. P. 32 (d), petitions for certiorari, probation revocations or modifications, reviews of magistrate orders, Crim. P. Rule 21s, and YOS revocations).

Total Cases	FY21	FY21	FY22	FY22	FY23	FY23	FY24	FY24
	Actuals	% of Total	Actuals	% of Total	Actuals	% of Total	Actuals	% of Total
<i>F1</i>	396	1.7%	412	1.7%	476	2.0%	507	2.2%
<i>F2</i>	715	3.0%	717	2.9%	785	3.3%	924	3.9%
<i>F3</i>	1,969	8.3%	1,892	7.7%	1,931	8.0%	1,855	7.9%
<i>F4</i>	3,320	14.0%	3,447	14.0%	3,356	13.9%	3,199	13.6%
<i>F5</i>	2,668	11.2%	2,966	12.1%	2,769	11.5%	2,442	10.4%
<i>F6</i>	1,648	6.9%	1,798	7.3%	1,545	6.4%	1,182	5.0%
<i>F- Unclassified</i>	68	0.3%	65	0.3%	78	0.3%	69	0.3%
<i>DF1</i>	631	2.7%	678	2.8%	729	3.0%	778	3.3%
<i>DF2</i>	503	2.1%	511	2.1%	517	2.1%	514	2.2%
<i>DF3</i>	354	1.5%	399	1.6%	341	1.4%	270	1.2%
<i>DF4</i>	1,082	4.6%	649	2.6%	577	2.4%	668	2.8%
<i>Adult PO Misd DUI Traffic</i>	8,085	34.1%	9,160	37.2%	8,662	36.0%	8,229	35.1%
<i>Delinquency Felony &amp; Misd</i>	2,202	9.3%	1,803	7.3%	2,180	9.1%	2,660	11.3%
<i>Youth As Adult Felony &amp; Misd</i>	101	0.4%	100	0.4%	115	0.5%	146	0.6%
<b>Grand Total</b>	<b>23,742</b>	<b>100.0%</b>	<b>24,597</b>	<b>100.0%</b>	<b>24,061</b>	<b>100.0%</b>	<b>23,443</b>	<b>100.0%</b>

### Workload Indicators: Totals



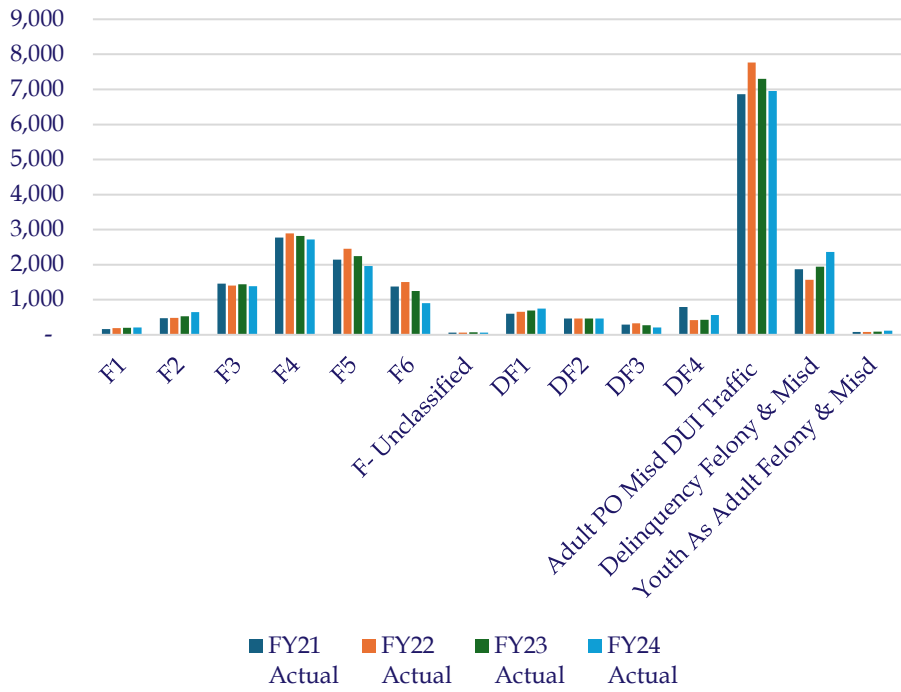
### Workload Indicators Percent of Total: Totals



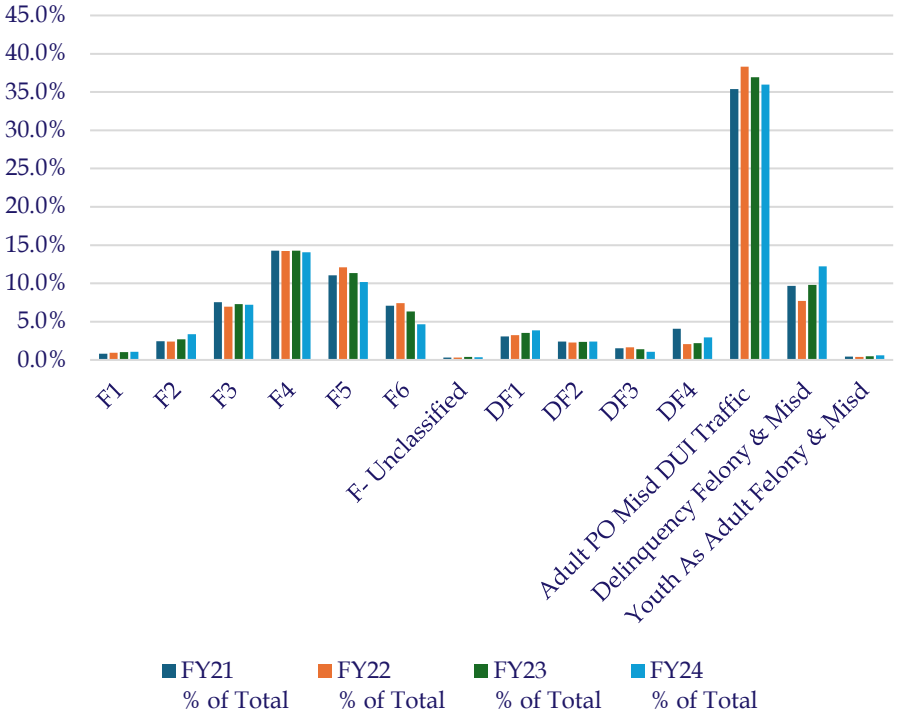
<b>Trial Cases</b>	<b>FY21 Actual</b>	<b>FY21 % of Total</b>	<b>FY22 Actual</b>	<b>FY22 % of Total</b>	<b>FY23 Actual</b>	<b>FY23 % of Total</b>	<b>FY24 Actual</b>	<b>FY24 % of Total</b>
<i>F1</i>	161	0.8%	194	1.0%	201	1.0%	209	1.1%
<i>F2</i>	472	2.4%	483	2.4%	532	2.7%	651	3.4%
<i>F3</i>	1,461	7.5%	1,409	6.9%	1,445	7.3%	1,391	7.2%
<i>F4</i>	2,770	14.3%	2,890	14.2%	2,824	14.3%	2,716	14.1%
<i>F5</i>	2,144	11.0%	2,455	12.1%	2,246	11.4%	1,965	10.2%
<i>F6</i>	1,375	7.1%	1,503	7.4%	1,249	6.3%	901	4.7%
<i>F- Unclassified</i>	64	0.3%	60	0.3%	76	0.4%	67	0.3%
<i>DF1</i>	598	3.1%	653	3.2%	696	3.5%	746	3.9%
<i>DF2</i>	462	2.4%	465	2.3%	465	2.4%	464	2.4%
<i>DF3</i>	294	1.5%	332	1.6%	272	1.4%	209	1.1%
<i>DF4</i>	790	4.1%	418	2.1%	432	2.2%	568	2.9%
<i>Adult PO Misd DUI Traffic</i>	6,865	35.4%	7,770	38.3%	7,305	36.9%	6,951	36.0%
<i>Delinquency Felony &amp; Misd</i>	1,874	9.7%	1,566	7.7%	1,941	9.8%	2,366	12.2%
<i>Youth As Adult Felony &amp; Misd</i>	84	0.4%	83	0.4%	95	0.5%	120	0.6%
<b>Total</b>	<b>19,414</b>	<b>100%</b>	<b>20,281</b>	<b>100%</b>	<b>19,779</b>	<b>100%</b>	<b>19,324</b>	<b>100%</b>



### Workload Indicators: Trial

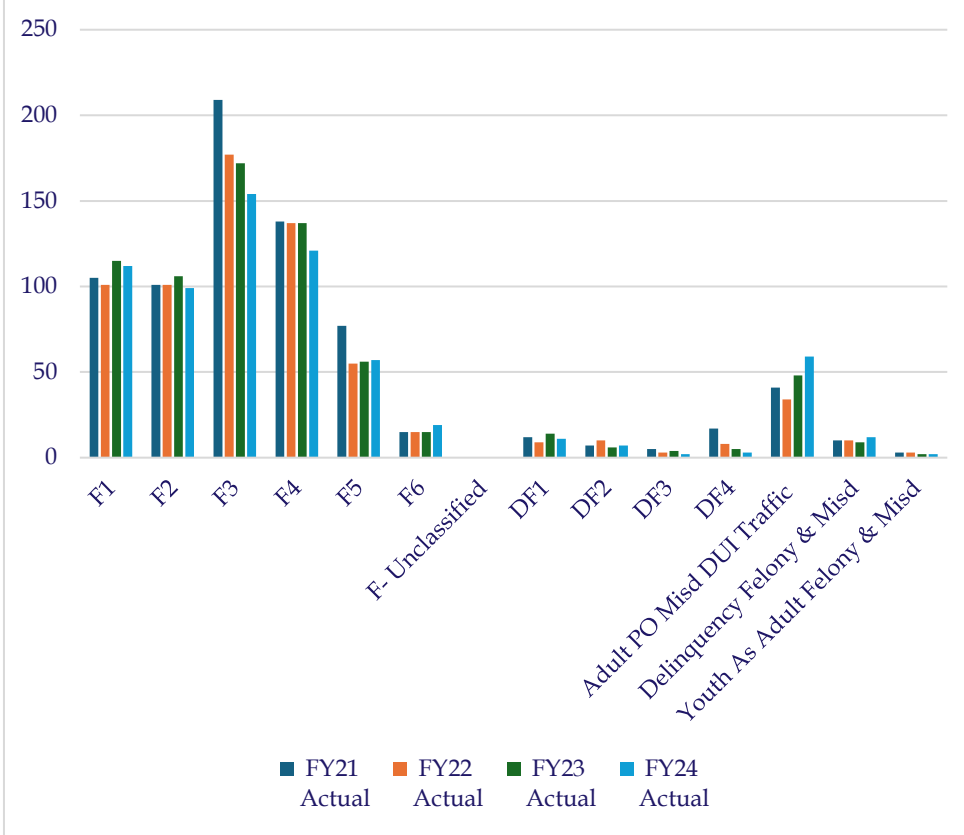


### Workload Indicators Percent of Total: Trial

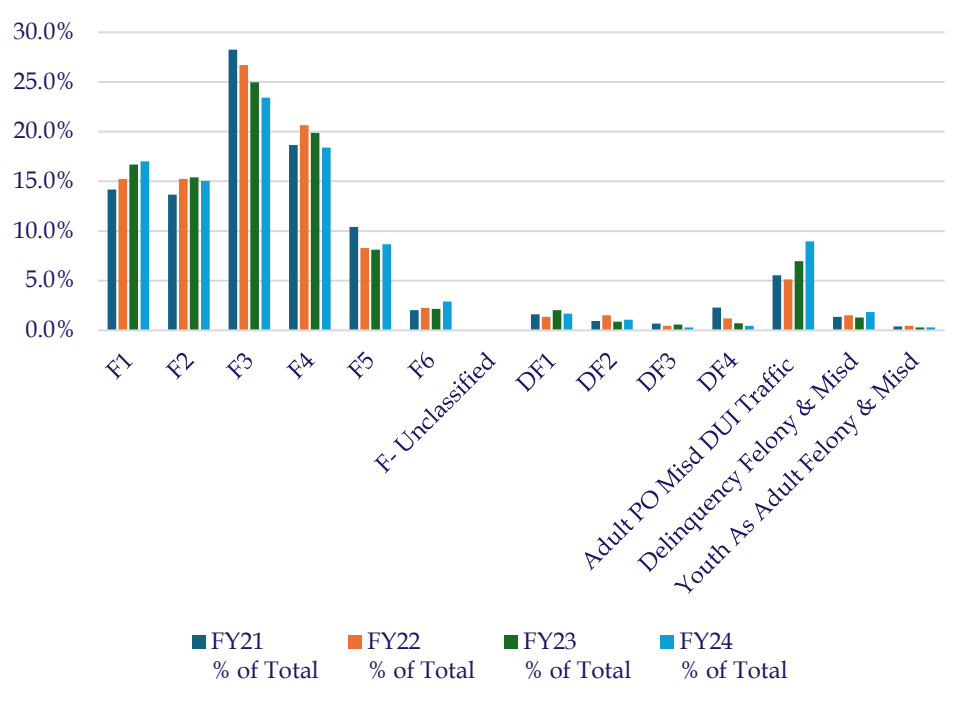


<b>Appeal Cases</b>	<b>FY21 Actual</b>	<b>FY21 % of Total</b>	<b>FY22 Actual</b>	<b>FY22 % of Total</b>	<b>FY23 Actual</b>	<b>FY23 % of Total</b>	<b>FY24 Actual</b>	<b>FY24 % of Total</b>
<i>F1</i>	105	14.2%	101	15.2%	115	16.7%	112	17.0%
<i>F2</i>	101	13.6%	101	15.2%	106	15.4%	99	15.0%
<i>F3</i>	209	28.2%	177	26.7%	172	25.0%	154	23.4%
<i>F4</i>	138	18.6%	137	20.7%	137	19.9%	121	18.4%
<i>F5</i>	77	10.4%	55	8.3%	56	8.1%	57	8.7%
<i>F6</i>	15	2.0%	15	2.3%	15	2.2%	19	2.9%
<i>F- Unclassified</i>	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<i>DF1</i>	12	1.6%	9	1.4%	14	2.0%	11	1.7%
<i>DF2</i>	7	0.9%	10	1.5%	6	0.9%	7	1.1%
<i>DF3</i>	5	0.7%	3	0.5%	4	0.6%	2	0.3%
<i>DF4</i>	17	2.3%	8	1.2%	5	0.7%	3	0.5%
<i>Adult PO Misd DUI Traffic</i>	41	5.5%	34	5.1%	48	7.0%	59	9.0%
<i>Delinquency Felony &amp; Misd</i>	10	1.4%	10	1.5%	9	1.3%	12	1.8%
<i>Youth As Adult Felony &amp; Misd</i>	3	0.4%	3	0.5%	2	0.3%	2	0.3%
<b>Total</b>	<b>740</b>	<b>100%</b>	<b>663</b>	<b>100%</b>	<b>689</b>	<b>100%</b>	<b>658</b>	<b>100%</b>

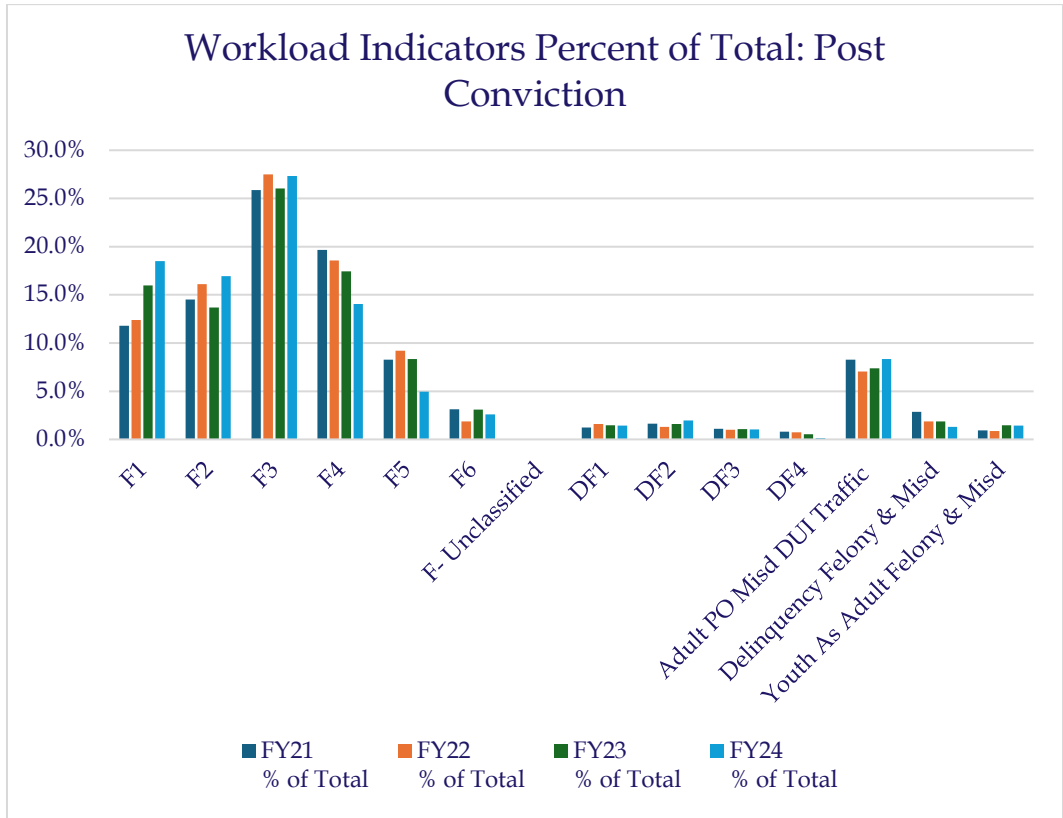
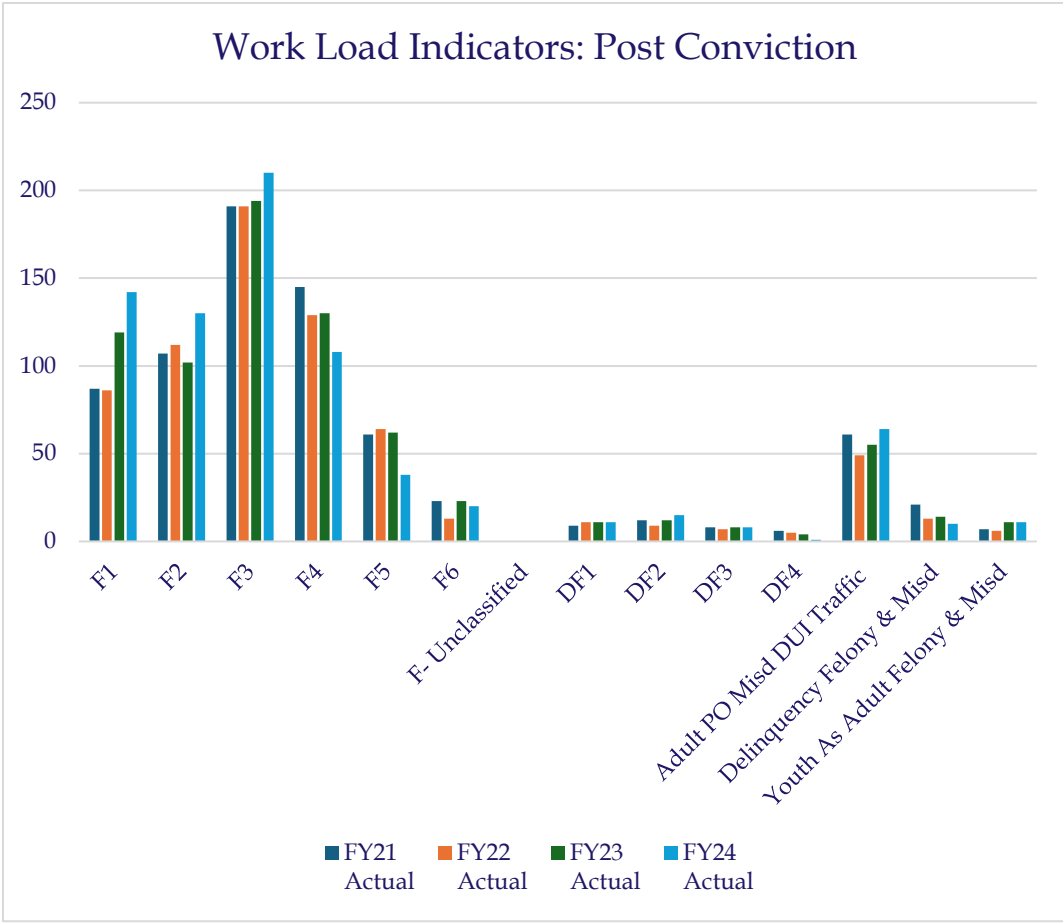
### Workload Indicators Totals: Appeals



### Workload Indicators Percent of Totals: Appeals

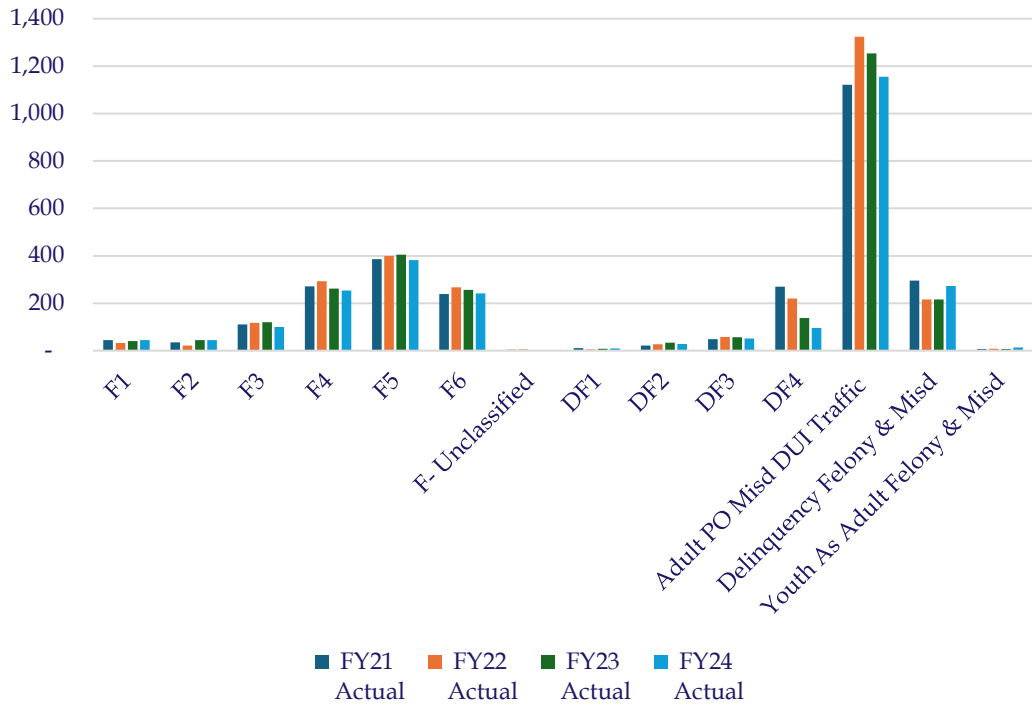


Postconviction Cases	FY21	FY21	FY22	FY22	FY23	FY23	FY24	FY24
	Actual	% of Total	Actual	% of Total	Actual	% of Total	Actual	% of Total
<i>F1</i>	87	11.8%	86	12.4%	119	16.0%	142	18.5%
<i>F2</i>	107	14.5%	112	16.1%	102	13.7%	130	16.9%
<i>F3</i>	191	25.9%	191	27.5%	194	26.0%	210	27.3%
<i>F4</i>	145	19.6%	129	18.6%	130	17.4%	108	14.1%
<i>F5</i>	61	8.3%	64	9.2%	62	8.3%	38	4.9%
<i>F6</i>	23	3.1%	13	1.9%	23	3.1%	20	2.6%
<i>F- Unclassified</i>		0.0%		0.0%		0.0%		0.0%
<i>DF1</i>	9	1.2%	11	1.6%	11	1.5%	11	1.4%
<i>DF2</i>	12	1.6%	9	1.3%	12	1.6%	15	2.0%
<i>DF3</i>	8	1.1%	7	1.0%	8	1.1%	8	1.0%
<i>DF4</i>	6	0.8%	5	0.7%	4	0.5%	1	0.1%
<i>Adult PO Misd DUI Traffic</i>	61	8.3%	49	7.1%	55	7.4%	64	8.3%
<i>Delinquency Felony &amp; Misd</i>	21	2.8%	13	1.9%	14	1.9%	10	1.3%
<i>Youth As Adult Felony &amp; Misd</i>	7	0.9%	6	0.9%	11	1.5%	11	1.4%
<b>Total</b>	<b>738</b>	<b>100%</b>	<b>695</b>	<b>100%</b>	<b>745</b>	<b>100%</b>	<b>768</b>	<b>100%</b>

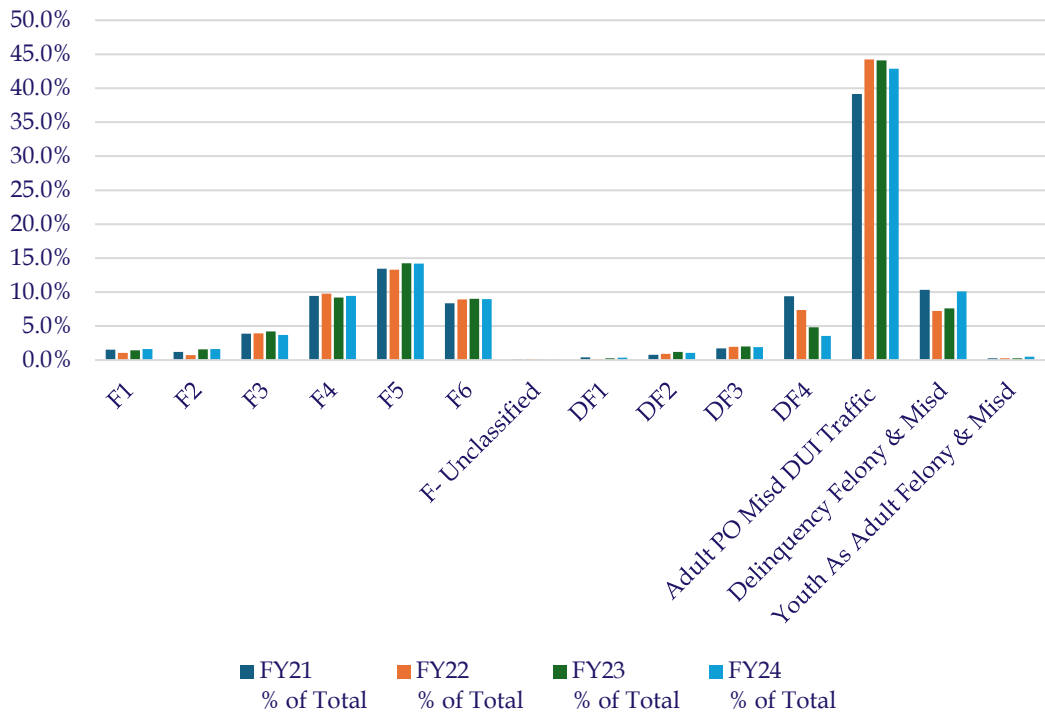


<b>Other / Special Proceedings Cases</b>	<b>FY21 Actual</b>	<b>FY21 % of Total</b>	<b>FY22 Actual</b>	<b>FY22 % of Total</b>	<b>FY23 Actual</b>	<b>FY23 % of Total</b>	<b>FY24 Actual</b>	<b>FY24 % of Total</b>
<i>F1</i>	44	1.5%	32	1.1%	41	1.4%	44	1.6%
<i>F2</i>	35	1.2%	22	0.7%	45	1.6%	44	1.6%
<i>F3</i>	111	3.9%	118	3.9%	120	4.2%	100	3.7%
<i>F4</i>	271	9.5%	293	9.8%	262	9.2%	254	9.4%
<i>F5</i>	386	13.5%	399	13.3%	405	14.2%	382	14.2%
<i>F6</i>	239	8.3%	267	8.9%	257	9.0%	242	9.0%
<i>F- Unclassified</i>	4	0.1%	5	0.2%	2	0.1%	2	0.1%
<i>DF1</i>	11	0.4%	5	0.2%	8	0.3%	10	0.4%
<i>DF2</i>	22	0.8%	27	0.9%	34	1.2%	28	1.0%
<i>DF3</i>	49	1.7%	58	1.9%	57	2.0%	51	1.9%
<i>DF4</i>	270	9.4%	220	7.3%	137	4.8%	96	3.6%
<i>Adult PO Misd DUI Traffic</i>	1,122	39.1%	1,324	44.2%	1,254	44.1%	1,155	42.9%
<i>Delinquency Felony &amp; Misd</i>	296	10.3%	216	7.2%	216	7.6%	272	10.1%
<i>Youth As Adult Felony &amp; Misd</i>	7	0.2%	8	0.3%	7	0.2%	13	0.5%
<b>Total</b>	<b>2,867</b>	<b>100%</b>	<b>2,994</b>	<b>100%</b>	<b>2,845</b>	<b>100%</b>	<b>2,693</b>	<b>100%</b>

### Workload Indicators Totals: Special Proceeding

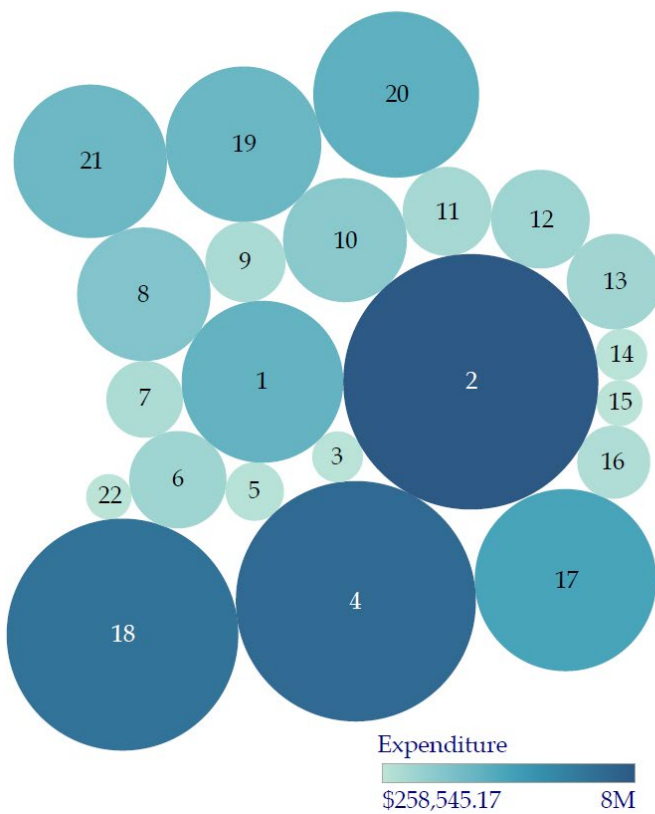


### Workload Indicators Percent of Total: Special Proceeding

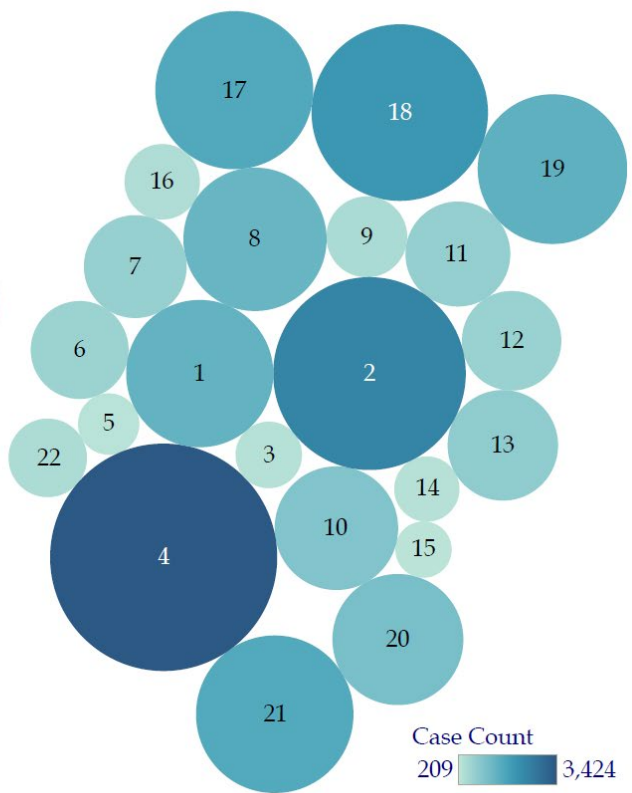


The Expenditures by Judicial District Bubble chart has a darker blue and a larger bubble for the judicial districts that have the highest expenditures. The Caseload by Judicial District Bubble Chart has a darker blue and larger bubble for the judicial districts where the OADC has its highest caseloads. For example, in the 4<sup>th</sup> Judicial District the OADC has a high number of cases as well as high expenditures.

FY24 Expenditures by Judicial District Bubbles



FY24 Caseload by Judicial District Bubbles





## Schedule 13

### Funding Request for the 2025-26 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Case Cost Increase

Priority Number: R-1

Dept. Approval Date: 10/31/2023

- Decision Item FY 2025-26
- Base Reduction Item FY 2025-26
- Supplemental FY 2024-25
- Budget Amendment FY 2024-25

Line Item Information		FY 2024-25		FY 2025-26		FY 2026-27
		1	2	3	4	5
	Fund	Appropriation FY 2024-25	Supplemental Request FY 2024-25	Base Request FY 2025-26	Funding Change Request FY 2025-26	Continuation Amount FY 2026-27
<b>Total of All Line Items</b>	<b>Total</b>	49,772,971	2,792,679	52,565,650	3,725,022	56,290,672
	FTE	-	-	-	-	-
	GF	49,772,971	2,792,679	52,565,650	3,725,022	56,290,672
<b>Conflicts-of-Interest Contracts</b>	<b>Total</b>	49,772,971	2,792,679	52,565,650	3,725,022	56,290,672
	GF	49,772,971	2,792,679	52,565,650	3,725,022	56,290,672

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:

## R-1 Case Cost Increase

<i>Agency Priority: Decision Item R - 1</i>			
Case Cost Increase			
Summary of Funding/FTE Change for FY25 & FY26 Request	Total Funds	General Funds	FTE
Conflict-of-interest Contracts (FY25) Incr.	\$2,792,679	\$2,792,679	0.0
Conflict-of-interest Contracts (FY26) Incr.	\$3,725,022	\$3,725,022	0.0
<b>Total Request</b>	<b>\$6,517,701</b>	<b>\$6,517,701</b>	<b>0.0</b>

### REQUEST SUMMARY

The Office of the Alternate Defense Counsel (OADC) is requesting a supplemental appropriation of \$2,792,679 for **FY25** and an additional \$3,725,022 for **FY26** to the Conflicts of Interest budget line. This funding is essential to address rising costs and projected increases in caseload, particularly for complex felony cases such as F1s (First Degree Murder and Kidnapping) and F2s (which includes felony murder, attempted first degree murder and COCCA). While some charge categories show increasing caseloads others have declined, providing some offset in savings.

### PROBLEM AND OPPORTUNITY

**A note of thanks. A massive amount of money, time, experts etc., was spent on this case.... Thankfully for the 45-year-old client who had no criminal history it finally paid off. The case was dismissed today after nearly two years. This dismissal is the product of a whole lot of little pieces of evidence and reasonable doubt that eventually added up to enough. That would not have happened without the resources afforded to the case. So, thanks!**

This email was sent by an OADC attorney contractor. While noted that a large amount of resources went into this case, it cannot compare to the cost to the state of a trial, conviction, and sentencing. The OADC has observed significant shifts in case type composition from FY23 to FY24, particularly among the most serious felony cases (such as the one above) which require significant OADC resources. As we project similar trends into FY25 and FY26, we are anticipating a continued increase in case types with the highest cost-per-case. By using the percentage growth observed from FY23 to FY24, we projected the necessary funding for effective team representation that fulfills both statutory and constitutional obligations to our clients and the state of Colorado.

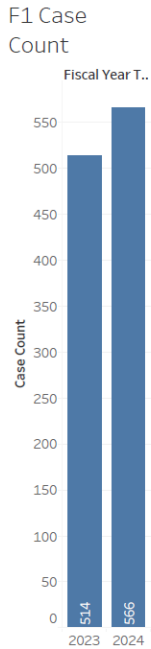
### COMPLEXITY OF CASES

**[These cases] are excellent examples that when [O]ADC spends the money up front on experts and personnel, the results are so much better for the**

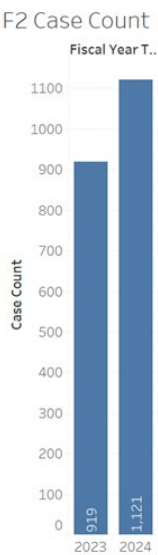
clients and also happen to save ADC many thousands of dollars in not having to do trials, appeals, and postconviction work.

Over the past fiscal year, the OADC saw marked increases in some of the most complex and resource-intensive cases:

- **Class 1 felony** cases increased by 10.1%, from 514 to 566 cases, with the average cost per case rising slightly from \$17,503 to \$17,646. Given this growth rate, we project an additional 57 cases for FY25 (623 cases total) and another 63 cases for FY26 (686 total). These increases result in an additional funding need of \$1,005,822 for FY25 and \$1,111,698 for FY26.



- **Class 2 felony** cases surged by 22% overall, from 919 to 1,121 cases. At the same time, the average cost for these cases increased from \$7,088 to \$9,111. Given this growth rate, we project an additional 246 additional cases for FY25 (1,367 cases total) and another 300 cases for FY26 (1,667 total). These increases result in an additional funding need of \$2,241,306 for FY25 and \$2,733,300 for FY26.



While these high-cost cases contribute significantly to the projected increase in our budget needs, we are also seeing case type reductions in other areas, which we are taking into consideration. See charts below for more information on all levels of cases.

## DATA SURGE

Not only do more people need the OADC contractors to represent them in complex cases, but the amount of discovery provided on those serious cases has dramatically increased. According to the Office of the State Auditor's 2024 Performance Audit of the Office of the State Public Defender (OSPD),

**In recent years, law enforcement has significantly increased its use of technological investigative techniques, which have resulted in a dramatic increase in the volume of evidence, such as police body camera footage, phone recordings, and computer data.**

OSPD also reported to the Office of the State Auditor a **4,500 percent** increase in the amount of data stored in their digital storage system since 2016.

Additionally, according to data provided to the eDiscovery Statewide Steering Committee by the Colorado District Attorney's Council, their system provided **214 terabytes** of data to all defense counsel (OSPD, OADC, and private counsel) in 2023.<sup>1</sup> This number does not include discovery provided to the defense through evidence.com. Evidence.com is the platform a majority of the law enforcement agencies use to upload their body-worn camera footage (See R-3 for more information).

[O]ne packet in this COCCA [case] is 10TB! And I have been asked to bring a 10TB drive ...

Additional discovery often includes jail calls recorded and obtained by the prosecution to be used against the client.

There's already over **800 hours** of [jail] calls by my estimate and there will probably be over **1,000 hours** of calls by the time we get to trial.

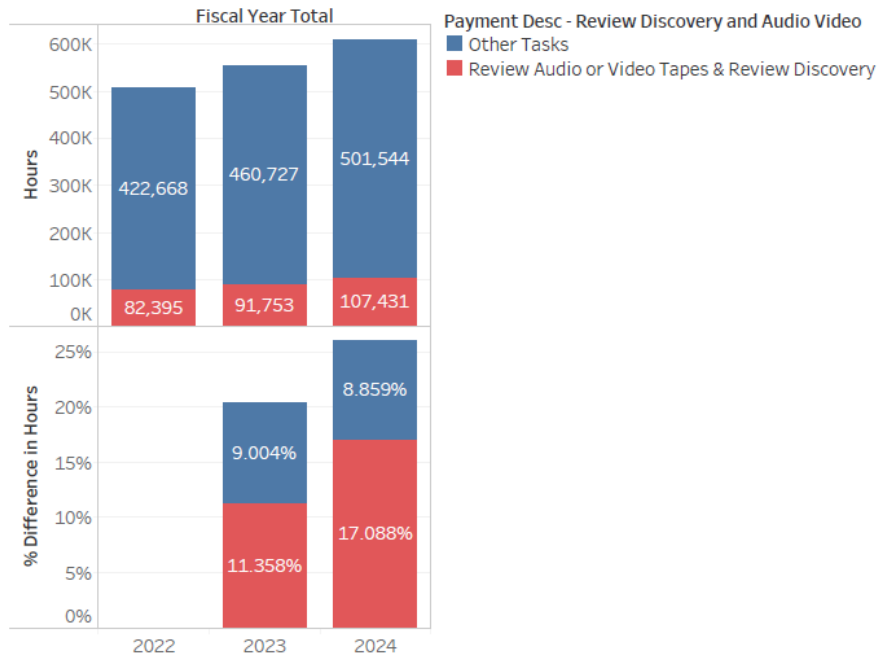
This increase in the volume of data comes with a concurrent increase in the number of hours contractors spend reviewing it. Both the number of hours spent reviewing discovery, including audio and video, and the percentage of hours spent reviewing that material, have increased dramatically.

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<sup>1</sup> To help our contractor teams, we are presently exploring the use of specific AI platforms designed for use in criminal cases to assist defense teams in the organization and review of this material. The plan for use of these platforms is that it will be more efficient and ultimately save taxpayer funds by reducing the time team members spend organizing, searching, and accessing the data.

In FY23, contractors spent 91,753 hours reviewing discovery and audio and video materials provided by the prosecution. In FY24, that number increased to 107,431 hours. This was an increase of 11% in FY23 over FY22, and an increase of 17% in FY24 over FY23.

Hours in FY22 to FY24 -  
Review Discovery and Review  
Audio and Video



### Proposed Solution and Assumptions for Calculations

The chart below shows case categories where the OADC is seeing, and seeking, an increase in case costs:

Charge	FY23 Cases	FY23 Avg Cost	FY24 Cases	FY24 Avg Cost	% Change	Estimated FY25 Cases	FY25 Increase	% Change	Estimated FY26 Cases	FY26 Increase
F2	919	\$ 7,088	1,121	\$9,111	22.0%	1,367	\$ 2,241,306	22.0%	1,667	\$ 2,733,300
F1	514	\$ 17,503	566	\$17,646	10.1%	623	\$ 1,005,822	10.1%	686	\$ 1,111,698
M2	1,661	\$ 558	1,931	\$686	16.3%	2,245	\$ 215,404	16.3%	2,610	\$ 250,390
DF1	740	\$ 2,377	793	\$3,091	7.2%	850	\$ 176,187	7.2%	911	\$ 188,551
PO1	470	\$ 382	637	\$498	35.5%	863	\$ 112,548	35.5%	1,170	\$ 152,886
DF4	585	\$ 807	677	\$1,018	15.7%	783	\$ 107,908	15.7%	906	\$ 125,214
M1	4,053	\$ 590	4,136	\$781	2.0%	4,221	\$ 66,385	2.0%	4,307	\$ 67,166
DM1	1,050	\$ 438	1,066	\$549	1.5%	1,082	\$ 8,784	1.5%	1,098	\$ 8,784
PO2	31	\$ 612	40	\$382	29.0%	52	\$ 4,584	29.0%	67	\$ 5,730
							\$3,938,928			\$ 4,643,719
										<u>\$ 8,582,647</u>

The chart below shows case categories where the OADC is seeing a decrease in case costs:

Charge	FY23 Cases	FY23 Avg Cost	FY24 Cases	FY24 Avg Cost	% Change	Estimated FY25 Cases	FY25 Decrease	% Change	Estimated FY26 Cases	FY26 Decrease
F5	3,081	\$ 1,131	2,828	\$1,451	-8.2%	2,596	\$ (336,632)	-8.2%	2,383	\$ (309,063)
F6	1,716	\$ 859	1,317	\$1,130	-23.3%	1,011	\$ (345,780)	-23.3%	776	\$ (265,550)
F3	2,209	\$ 2,782	2,178	\$3,518	-1.4%	2,147	\$ (109,058)	-1.4%	2,117	\$ (105,540)
M-Unclassified	773	\$ 435	531	\$686	-31.3%	365	\$ (113,876)	-31.3%	251	\$ (78,204)
DF3	345	\$ 1,098	273	\$1,454	-20.9%	216	\$ (82,878)	-20.9%	171	\$ (65,430)
Traffic	910	\$ 356	787	\$477	-13.5%	681	\$ (50,562)	-13.5%	589	\$ (43,884)
M3	613	\$ 456	194	\$615	-68.4%	61	\$ (81,795)	-68.4%	19	\$ (25,830)
F4	3,714	\$ 1,686	3,708	\$2,036	-0.2%	3,702	\$ (12,216)	-0.2%	3,696	\$ (12,216)
DF2	521	\$ 1,564	518	\$1,818	-0.6%	515	\$ (5,454)	-0.6%	512	\$ (5,454)
F-Unclassified	78	\$ 680	71	\$861	-9.0%	65	\$ (5,166)	-9.0%	59	\$ (5,166)
DM2	77	\$ 343	71	\$472	-7.8%	65	\$ (2,832)	-7.8%	60	\$ (2,360)
							\$ (1,146,249)			\$ (918,697)
<b><u>\$ (2,064,946)</u></b>										

This final chart shows all case categories in order of their related increase or decrease, with the total displayed at the bottom of the chart:

Charge	FY23 Cases	FY23 Avg Cost	FY24 Cases	FY24 Avg Cost	% Change	Estimated FY25 Cases	FY25 Increase/Decrease	% Change	Estimated FY26 Cases	FY26 Increase/Decrease	
F1	514	\$ 17,503	566	\$17,646	10.1%	623	\$ 1,005,822	10.1%	686	\$ 1,111,698	
F2	919	\$ 7,088	1,121	\$9,111	22.0%	1,367	\$ 2,241,306	22.0%	1,667	\$ 2,733,300	
F3	2,209	\$ 2,782	2,178	\$3,518	-1.4%	2,147	\$ (109,058)	-1.4%	2,117	\$ (105,540)	
F4	3,714	\$ 1,686	3,708	\$2,036	-0.2%	3,702	\$ (12,216)	-0.2%	3,696	\$ (12,216)	
F5	3,081	\$ 1,131	2,828	\$1,451	-8.2%	2,596	\$ (336,632)	-8.2%	2,383	\$ (309,063)	
F6	1,716	\$ 859	1,317	\$1,130	-23.3%	1,011	\$ (345,780)	-23.3%	776	\$ (265,550)	
F-Unclassified	78	\$ 680	71	\$861	-9.0%	65	\$ (5,166)	-9.0%	59	\$ (5,166)	
DF1	740	\$ 2,377	793	\$3,091	7.2%	850	\$ 176,187	7.2%	911	\$ 188,551	
DF2	521	\$ 1,564	518	\$1,818	-0.6%	515	\$ (5,454)	-0.6%	512	\$ (5,454)	
DF3	345	\$ 1,098	273	\$1,454	-20.9%	216	\$ (82,878)	-20.9%	171	\$ (65,430)	
DF4	585	\$ 807	677	\$1,018	15.7%	783	\$ 107,908	15.7%	906	\$ 125,214	
DM1	1,050	\$ 438	1,066	\$549	1.5%	1,082	\$ 8,784	1.5%	1,098	\$ 8,784	
DM2	77	\$ 343	71	\$472	-7.8%	65	\$ (2,832)	-7.8%	60	\$ (2,360)	
M1	4,053	\$ 590	4,136	\$781	2.0%	4,221	\$ 66,385	2.0%	4,307	\$ 67,166	
M2	1,661	\$ 558	1,931	\$686	16.3%	2,245	\$ 215,404	16.3%	2,610	\$ 250,390	
M3	613	\$ 456	194	\$615	-68.4%	61	\$ (81,795)	-68.4%	19	\$ (25,830)	
M-Unclassified	773	\$ 435	531	\$686	-31.3%	365	\$ (113,876)	-31.3%	251	\$ (78,204)	
PO1	470	\$ 382	637	\$498	35.5%	863	\$ 112,548	35.5%	1,170	\$ 152,886	
PO2	31	\$ 612	40	\$382	29.0%	52	\$ 4,584	29.0%	67	\$ 5,730	
Traffic	910	\$ 356	787	\$477	-13.5%	681	\$ (50,562)	-13.5%	589	\$ (43,884)	
		24,060			23,443			\$ 2,792,679			\$ 3,725,022
<b><u>\$ 6,517,701</u></b>											

These projections allow for a comprehensive estimate of both increases and decreases across all categories, ensuring a budget request that reflects actual trends in case volume and complexity.

To meet the demands of increasing case costs while managing overall budget efficiency, the OADC is requesting:

**FY25 Supplemental Funding of \$2,792,679; and  
FY26 Ongoing Funding Increase of \$3,725,022.**

### **OPERATIONAL DETAILS**

An additional \$2,792,679 will be added to the OADC's FY25 Conflict-of-interest Contracts LBLI, and \$3,725,022 will be added to the OADC's FY26 Conflict-of-interest Contracts LBLI.

### **ANTICIPATED OUTCOME**

If approved, the OADC will be able to continue meeting its obligations to its contractors, the state, the courts, victims, and clients, by ensuring access to defense teams for all adults and youth charged with a crime, who qualify for court-appointed representation and where the Office of the State Public Defender has an ethical conflict. A balanced approach to funding is essential for creating a responsible and accurate budget request that meets the operational needs of the OADC. This approach ensures that the OADC can effectively serve its mission while maintaining fiscal responsibility.

### **CONSEQUENCES IF NOT FUNDED**

Without the requested funding, the OADC would be unable to pay its contractors, resulting in an inability to carry out the Agency's statutorily and constitutionally mandated duties. This would impact case outcomes and the efficiency of the judicial system.

### **IMPACT ON OTHER STATE AGENCIES**

N/A

*Agency Priority: Decision Item R - 2*

Representation of Clients Impacted by CBI DNA Misconduct

Summary of Funding/FTE Change for FY26 Request for OSPD	Total Funds	General Funds	FTE
Personal Services	\$1,500,000	\$1,500,000	0.0
Mandated Costs	\$500,000	\$500,000	0.0
<b>Total Request</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>	<b>0.0</b>

**REQUEST SUMMARY:**

This request is identical to R5 of the Office of the State Public Defender budget. The OSPD and the Office of Alternate Defense Counsel (OADC) are jointly requesting \$2,000,000 General Fund for FY 2025-26 for the first year of a multi-year spending authority. This request will fund work on cases impacted by decades-long misconduct by DNA analysts in Colorado that have resulted in hundreds of possible wrongful convictions and will begin July 1, 2025, to provide clients with court-appointed legal teams to investigate and pursue claims related to the misconduct. **The funding will be maintained by OSPD**, and OADC will submit requests to OSPD to be reimbursed from the fund for work on impacted cases.

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**BACKGROUND:**

Over the past year, both internal and external investigations of the DNA section of the Colorado Bureau of Investigation (“CBI”) have revealed that some DNA analysts working on Colorado criminal cases engaged in significant misconduct for years. For example, Yvonne “Missy” Woods committed widespread malfeasance in her work for CBI, jeopardizing potentially 3,000 criminal cases over 29 years, according to the Department of Public Safety.<sup>2</sup> Her misconduct included concealing contamination in analysis, running tests for which she destroyed the results, and erasing critical evidence. CBI knew about the wrongdoing in 2018 but failed to notify the public, defendants, and victims.<sup>3</sup> CBI allowed Woods to keep working until 2023, when an internal review unintentionally revealed further ongoing misconduct.<sup>4</sup>

The CBI’s misconduct impacts postconviction claims for OSPD and OADC clients, raising issues of unconstitutionally obtained convictions and newly discovered evidence. Consequently, OSPD and OADC have already started to experience the impact on casework related to these events and expect an increase in new post-conviction cases and litigation. Additional funding will be necessary to handle this work.

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<sup>2</sup> <https://leg.colorado.gov/sites/default/files/fy2023-24suppnarr.pdf>, at 50.

<sup>3</sup> Id.

<sup>4</sup> Id.



To anticipate the fiscal impact, OSPD and OADC looked at thousands of CBI cases to determine where court-appointed counsel is likely to be assigned. While CBI has not cooperated by providing a list of affected cases, OSPD and OADC took lists of impacted cases provided by District Attorney offices and then sifted through the thousands of cases to identify and eliminate cases where a suspect DNA profile has not been developed, a suspect has not been arrested, the jury acquitted the defendant, or a convicted person has died. Some impacted cases were identified because former clients have contacted the agencies for help. The agencies have reached a preliminary estimate of 200-300 cases currently or likely to require appointed counsel.

That number will likely ultimately be higher. While CBI has refused to release an internal list of cases identified through its own investigation, CBI did provide OSPD with a list of cases where Missy Woods testified, including 317 instances of in-person testimony in state courts. CBI's most recent public statement on the number of impacted cases at the time of this writing is 809, although a cumbersome review of paper casefiles from 1994 through 2008 "continues," which means more cases are likely to be found.<sup>5</sup> Further, additional misconduct, including that of other analysts, is still coming to light.<sup>6</sup> OSPD and OADC anticipate representing the vast majority of defendants in these cases, because most people whose cases are affected are incarcerated and serving decades-long or life sentences.

To arrive at an anticipated cost per case, OSPD and OADC looked at the cost per case for similarly situated post-conviction cases handled by OADC contractors, which average \$15,000 per case. The types of cases impacted by CBI's misconduct are largely the most serious, requiring lengthy records reviews and analysis of complex factual and legal scenarios. Many of these cases will take years to move through the system and may require costly experts. The current anticipated total cost is \$3,000,000 to \$4,500,000 for defense services.

At this time, the agencies are seeking \$2,000,000 in FY 24-25 with multi-year spending authority, to be accessed by each agency. This partial request acknowledges that the agencies will better understand the resources necessary to adequately address this problem as more information is eventually disclosed and litigation occurs. The agencies can seek additional appropriate funding in the future, if necessary. This current request is necessary to begin funding the representation of current, former, and future clients affected by CBI misconduct. Multi-year spending authority will be necessary because of the complexity and seriousness of the cases, the expected lengthy litigation required, as well as the uncertain timeline of the initial flow of cases to the agencies.

Other costs are anticipated and not fully accounted for in this request. DNA science is a highly complex and specialized area of forensic science. Independent analysis of the government's evidence requires outside experts and includes potentially engaging independent laboratories to effectively evaluate. The agencies will need to contract with these experts and

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<sup>5</sup> <https://cbi.colorado.gov/sections/administration/media-relations/yvonne-missy-woods-investigation>

<sup>6</sup> <https://www.weldsheriff.com/Public-Interest/2024-News/Weld-County-Sheriffs-Office-DNA-Analyst-terminated>

estimate each case will require an average of 15 hours of expert work at an average cost of \$300 per hour.

Each agency will also need to manage the representation of clients in these matters, which has thus far required a high level of attorney expertise. For example, OSPD estimates that it has allocated more than 2,000 hours in the past calendar year to its investigation and response to the problem. This work has been done by chief deputies, chief trial deputies, and legal directors who are charged with leading the agency's response in its most serious and complex legal matters. The agencies have absorbed the costs of the administrative response but will be unable to do so in the future as the pace of investigation and litigation escalates.

OSPD and OADC are seeking joint spending authority because it is currently unknown how the cases will be split between the agencies. Because OSPD cannot represent a person when a conflict of interest occurs, each case will have to be reviewed by OSPD and where there are "circumstances in which the state public defender has a conflict of interest in providing legal representation,"<sup>7</sup> the case will be assigned to OADC. It is not possible to determine, at this time, in which cases OSPD will have a conflict of interest. The funding will be maintained by OSPD, and OADC will submit requests to OSPD for reimbursement from the fund for work on impacted cases.

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### **ANTICIPATED OUTCOMES:**

This request will allow the OSPD and the OADC to meet their obligations to provide representation as directed by the federal and state constitutions, rules, and Colorado statutes to current and former clients who have been affected by government misconduct. This funding will allow the agencies to meet related client needs including investigating claims, litigating claims, hiring expert witnesses, and possibly retesting evidence.

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### **ASSUMPTIONS FOR CALCULATIONS:**

- Assume July 01, 2025, start date.
- Assume OSPD has already apportioned, and absorbed, 2,000 hours of chief deputy and director-level employee work from November 2023 through October 2024 to administer its institutional response to this issue.
- Assume rates of \$110 per hour for attorney contractors who will be used by OSPD and OADC to handle cases.
- Assume OADC pays, on average, \$15,000 per case litigated under Crim. P. 35(c), and the agencies anticipate 200-300 clients will seek relief related to this government misconduct.
- Assume rates for the unique and more highly compensated expert witness/consultants needed for these cases are set at the average rate paid by the agencies to provide effective assistance of counsel in similar cases in FY 2024.

### **CONSEQUENCES IF NOT FUNDED:**

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<sup>7</sup> CRS § 21-2-101(1).

Failure to fund the request means the OSPD's and OADC's ability to provide representation to clients impacted by misconduct as required by the federal and state constitutions and Colorado statutes, in accordance with the Colorado Rules of Professional Conduct and the American Bar Associations Standards, will be significantly impaired. As a result, those who were wrongly convicted because of this malfeasance will continue to suffer the direct consequences of incarceration and/or the collateral consequences of being wrongly convicted because the agencies will not be able to address their claims in a timely manner.

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### **IMPACT ON OTHER STATE GOVERNMENT AGENCIES:**

Not funding this request may cause delays in court proceedings due to an inability to address these cases in a timely manner, as well as potentially voluminous pro se requests made directly to courts by those who seek relief in their cases. These delays could affect scheduling and workloads in the Colorado Judicial Branch and District Attorney Offices. Not funding this request may also cause the Colorado Department of Corrections to unnecessarily use resources to incarcerate and supervise people who have been wrongly convicted.

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### **CURRENT STATUTORY AUTHORITY OR NEEDED STATUTORY CHANGE:**

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, § 21-1-101(1), C.R.S., states "The general assembly hereby declares that the State Public Defender at all times shall serve (her) clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American Bar Association Standards relating to the administration of criminal justice, the defense function."

Funding for the Office of the Alternative Defense Counsel is authorized under C.R.S. Title 21. Specifically, the OADC enabling legislation, § 21-2-101(1), C.R.S., states "The office of alternate defense counsel is hereby created and established as an agency of the judicial department of state government. The general assembly hereby declares that the alternate defense counsel shall provide legal representation in circumstances in which the state public defender has a conflict of interest in providing legal representation. The general assembly hereby declares that the alternate defense counsel at all times shall serve his or her clients independently of any political considerations or private interests, provide to indigent persons accused of crimes legal services that are commensurate with those available to nonindigents, and conduct the office in accordance with the Colorado rules of professional conduct and with the American bar association standards relating to the administration of criminal justice, the defense function."

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

**OSPD & OADC Electronic Discovery Legislation Sponsorship**

<b>Summary of Funding/FTE Change for FY26 Request</b>	<b>Total Funds</b>	<b>General Funds</b>	<b>FTE</b>
OSPD	\$0	\$0	0.0
OADC	\$0	\$0	0.0
<b>Total Request</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**REQUEST SUMMARY:**

This request is identical to R7 of the OSPD budget. To mitigate future anticipated escalating costs to the state, the Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC), with the support of the Colorado District Attorneys' Council (CDAC), are jointly requesting that the Joint Budget Committee sponsor legislation to study and make legislative recommendations about how to best to control state, county, and local government costs related to electronic discovery. This Decision Item does not require appropriation to OSPD or OADC, although it may require an appropriation for legislative counsel staff to support the work of a task force.

In 2015, to eliminate reliance on paper discovery and streamline the process of transferring information from law enforcement to the prosecution and the defense, the legislature diverted funding used by OSPD and OADC to purchase discovery to CDAC to create a statewide eDiscovery portal. This portal proved to be an effective tool allowing all parties to access discovery timely, efficiently, and in a cost-effective manner.

Since the establishment of the portal, however, the volume, size, and complexity of information being created in criminal investigations has grown enormously. Because of this, and other factors described below, law enforcement agencies, district attorney offices, OSPD, and other defense attorneys have had to either (1) enter into costly contracts with outside vendors to collect, store and transfer materials, rendering the portal a less-than comprehensive tool and increasing costs; or (2) employ staff to manually download and move discovery from these portals. These costs are expected to escalate significantly in the next several years.

This request is to convene a task force of relevant stakeholders, chaired by the executive director of CDAC and supported by legislative council. The task force would meet, have the power to gather information from law enforcement, district attorneys, OSPD, and OADC contractors, and make recommendations to assist in the efficient and equitable access to electronic discovery while controlling costs into the future.

The task force would then report to the legislature with recommended legislative actions that could be pursued as soon as the 2026 legislative session.

## BACKGROUND:

In 2015, CDAC was allocated \$3 million annually from the General Fund to create and maintain a statewide eDiscovery portal that provides for the transfer of electronic discovery from law enforcement and prosecution directly to the defense.

In recent years, there has been dramatic growth in media files transmitted through the discovery process. These include surveillance video collected from private parties and police interrogation rooms, audio files of phone calls and interviews, copies of electronic data from cell phones and computers, and various other files.

The biggest area of growth has come as police agencies expanded the use of body worn cameras. Senate Bill 20-217 mandated that police agencies issue body worn cameras to officers on patrol who investigate criminal cases. This led local law enforcement agencies to contract with vendors to provide the equipment and store the video files from the cameras. When criminal charges are recommended, these files must be transferred to prosecutors and when charges are filed, they must be transmitted to defense attorneys.

Axon, a primary vendor for body worn cameras, also operates an evidence-sharing portal, Evidence.com. Axon is a large, global company that manufactures various policing tools and systems including tasers, body-worn cameras, in-car dash cameras, drones, and uncrewed vehicles. When law enforcement contracts for body worn cameras or other high-tech policing tools, the evidence created is then stored in Evidence.com. Other vendors of policing camera technology rely on their own proprietary evidence portals, thereby requiring the parties to access multiple portals depending on which police agency was involved.

There are two primary ways for downstream recipients like prosecutors and defense teams to access materials on these evidence portals: (1) manual download links; or (2) direct access through licensing. Because of the amount of information that is created and shared on these systems, manually downloading large discovery files is inefficient and costly. In the example of Axon's portal, the OSPD receives approximately 1-2 terabytes a day from Evidence.com and, in some jurisdictions, Evidence.com discovery exceeds the total amount of discovery available through all other sources including CDAC's eDiscovery portal.

OSPD currently manages much of the flow of large files from Evidence.com through an automated process that relies on direct access through purchased licenses. In FY23, OSPD received one-time funding of \$50,000 and ongoing funding of \$123,636 in FY24 (Supplemental) to purchase these licenses. This has been a successful and cost-effective approach. In coordination with CDAC, OSPD also set up an automated download process with CDAC's e-Discovery. There is minimal ongoing cost to the state for this automation. Because OSPD does not have automation set up with other outside vendors, it relies on manual processes and administrative staff to download, extract, and save those files.

Most prosecutor's offices have also contracted with various vendors to gain direct access to the evidence portals used by local law enforcement. But the overall cost to counties is unknown because of the separate contracting processes by individual counties and

prosecutors' offices. The overall cost to law enforcement for use of the various evidence portal vendors is unknown for the same reasons.

Because of its contractor-based model of service, centralizing access to evidence is more difficult for OADC. OADC does not have direct access to Axon's portal. Therefore, the state currently pays case assistant, paralegal, and attorney time to manage download links, an inefficient and costly approach to this problem. Given the system used by contractors to enter their invoices, OADC is unable to give a reasonable estimate of the wasted time by contractors. It can, however, advise that OADC contractors billed 14% more time in FY24 than FY23 in the chosen category of audio/video review, and an 18% increase in review of discovery. OADC believes that some of that discovery review was for review of these videos and billed in this category rather than the more specific audio/video review category. Coordination to ease the burden on contractors in accessing this evidence would help OADC avoid future costs.

### **THE ANTICIPATED PROBLEM REQUIRING JBC INTERVENTION:**

Downstream users like prosecutors and defense attorneys are at a significant disadvantage in contract negotiations with body worn camera vendors because law enforcement has already committed to the vendor.

For example, OSPD's current licensing model with Axon, at a cost of \$123,636 annually, is scheduled after extension options to expire on April 30, 2027. Due to Axon discontinuing OSPD's current licensing model, in coming years, absent action, there will be an exponential increase in cost to the state to manage OSPD's access to just this one vendor. Recent quotes from Axon to provide the necessary functionality and access that OSPD currently has are:

- **\$1,142,856.00/yr for a 10-year term. This would be the lowest cost licensing model that Axon currently provides at the level of access needed by OSPD.**
- This would constitute more than a \$1,000,000/year increase compared to the current licensing cost. It would also be an unnecessary expenditure by the State as the State would be forced to pay for features that OSPD does not need.

Alternatively, OSPD would need to ask for increased staffing to return to a manual and inefficient download approach. **Current predictions are that OSPD would need between 26.5 and 40 additional discovery clerks to manage manual download links at an annual cost of \$2,306,969 to \$3,478,352 of General Fund money, respectively.** This calculation assumes FY25 OSPD Step/Grade minimum base pay, pay date shift, and standard payroll, operating costs and capital outlay based on FY25 Legislative Council common policy.

OADC expects increasing costs for reviewing this material by contractors. As noted above, in FY24 the time billed for review of audio/video materials increased 14% from FY23. Contractors in FY24 billed an increase of 18% over FY23 in the separate category of discovery review. OADC expects this trend to continue.

None of these options are cost-conscious or responsible approaches to addressing this problem. Nonetheless, OSPD and OADC contractors are obligated to access these materials to meet statutory and constitutional obligations to their clients.

Prosecutors, defense attorneys, police agencies, and legislators have a shared interest in addressing the ongoing cost of discovery. There are likely to be increases in cost for county and local government as well. While the General Assembly does not bear the cost for all interested parties, OSPD and OADC are requesting legislation that would encourage coordination, data collection, and address any legal or logistical limitations to create a state-level solution to this problem. This effort would be focused on saving the state money in future fiscal years.

At present, precise terms including cost, access features, length of contracts, and number of contracts with Axon and other vendors are not precisely known. Strategies that may help minimize costs could include upgrading the current eDiscovery portal to handle all the needs of the system, enabling or requiring law enforcement, district attorney offices, OSPD, and OADC to negotiate together for a contract and equitable access with Axon and other vendors, or making requirements that any contracts with Axon and other vendors include equitable and efficient access by all downstream users. Information needs to be collected, and the issues studied and discussed to provide the best course of action, which may require legislation.

Controlling the cost and human time required to transmit discovery and make it accessible to all actors in the criminal legal system is fundamental to controlling the state budget, county and local budgets, and to avoiding delays and ensuring fairness in the system.

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### **RECOMMENDED LEGISLATION:**

To create a task force of relevant stakeholders, including legislators, chaired by the executive director of CDAC.

To allow legislative council staff to support the task force work and provide resources to gather information and issue a report.

To mandate all relevant agencies share the necessary information with the task force unless it is confidential under law.

To mandate that the task force study:

- all current contracts for access to electronic discovery for all agencies (licensing, services provided, and all key components) including the cost of those contracts, length, and expiration dates;
- the legal and feasibility issues in coordinated contract negotiations between government actors from different branches and localities of government;

- barriers to law enforcement and other users in relying on Colorado's eDiscovery system exclusively for evidence sharing;
- the feasibility of enhancing eDiscovery or creating a new system that would minimize outside vendors or recommend actions to control costs and functions, including a single system for all agencies;
- approaches in other states to manage efficient and cost-effective flow of discovery between criminal justice stakeholders; and
- anticipated costs to state and local government if no changes are made.

To mandate that the task force make recommendations for legislation and funding to implement the legislation. The legislation recommendations should:

- outline an implementation plan for controlling the costs of electronic discovery, including an outline for coordinated contract negotiation and payment to vendors by state and county governments;
- ensure the efficient flow of discovery from law enforcement to prosecuting attorneys to defense attorneys, and pro se defendants;
- promote efficiency, including saving the time of employees who create or use electronic discovery; and
- provide equitable access and ability to use electronic discovery while protecting the work product and processes of the parties.

The legislation should also create a schedule for meetings and require the task force to create a written report to the Joint Budget Committee or Joint Technology Committee, with the ability for the appropriate committee to introduce a bill to address these matters in the 2026 legislative session.



# Schedules

## FY 2025-26 Budget Request - Judicial

## Schedule 02 - Four Year Summary

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated	Federal
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### FY 2022-23 Actual Expenditures

06. Office of the Alternate Defense Counsel	\$45,393,988	20.5	\$45,337,967	\$56,021	\$0	\$0
<b>Total For: FY 2022-23 Actual Expenditures</b>	<b>\$45,393,988</b>	<b>20.5</b>	<b>\$45,337,967</b>	<b>\$56,021</b>	<b>\$0</b>	<b>\$0</b>

### FY 2023-24 Actual Expenditures

06. Office of the Alternate Defense Counsel	\$56,809,872	0.0	\$56,766,158	\$43,714	\$0	\$0
<b>Total For: FY 2023-24 Actual Expenditures</b>	<b>\$56,809,872</b>	<b>0.0</b>	<b>\$56,766,158</b>	<b>\$43,714</b>	<b>\$0</b>	<b>\$0</b>

### 2024-25 Initial Appropriation

06. Office of the Alternate Defense Counsel	\$59,768,306	40.7	\$59,688,306	\$80,000	\$0	\$0
<b>Total For: FY 2024-25 Initial Appropriation</b>	<b>\$59,768,306</b>	<b>40.7</b>	<b>\$59,688,306</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>

### FY 2025-26 Governor's Budget Request

06. Office of the Alternate Defense Counsel	\$69,174,242	40.7	\$69,094,242	\$80,000	\$0	\$0
<b>Total For: FY 2025-26 Elected Official Request</b>	<b>\$69,174,242</b>	<b>40.7</b>	<b>\$69,094,242</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 16 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel, Supplemental Amortization Equalization Disbursement**

HB22-1329 Long Bill	\$107,418	0.0	\$107,418	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$107,418</b>	<b>0.0</b>	<b>\$107,418</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfers	(\$107,418)	0.0	(\$107,418)	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Salary Survey**

HB22-1329 Long Bill	\$56,984	0.0	\$56,984	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$56,984</b>	<b>0.0</b>	<b>\$56,984</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfers	(\$56,984)	0.0	(\$56,984)	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Operating Expenses**

HB22-1329 Long Bill	\$139,546	0.0	\$139,546	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$139,546</b>	<b>0.0</b>	<b>\$139,546</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-02 Other Transfers	\$185,991	0.0	\$185,991	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$325,537</b>	<b>0.0</b>	<b>\$325,537</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$325,537</b>	<b>0.0</b>	<b>\$325,537</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Personal Services Allocation</b>	<b>\$2,331</b>	<b>0.0</b>	<b>\$2,331</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total All Other Operating Allocation</b>	<b>\$323,205</b>	<b>0.0</b>	<b>\$323,205</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Capital Outlay**

HB22-1329 Long Bill	\$31,000	0.0	\$31,000	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$31,000</b>	<b>0.0</b>	<b>\$31,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-02 Other Transfers	(\$31,000)	0.0	(\$31,000)	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 16 /// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel, Training And Conferences**

HB22-1329 Long Bill	\$100,000	0.0	\$20,000	\$80,000	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$100,000</b>	<b>0.0</b>	<b>\$20,000</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
EA-02 Other Transfers	\$966	0.0	\$966	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$100,966</b>	<b>0.0</b>	<b>\$20,966</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$76,988</b>	<b>0.0</b>	<b>\$20,966</b>	<b>\$56,021</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$23,979</b>	<b>0.0</b>	<b>\$0</b>	<b>\$23,979</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Personal Services Allocation</b>	<b>\$6,654</b>	<b>0.0</b>	<b>\$1,854</b>	<b>\$4,800</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total All Other Operating Allocation</b>	<b>\$70,334</b>	<b>0.0</b>	<b>\$19,112</b>	<b>\$51,221</b>	<b>\$0</b>	<b>\$0</b>

**Conflict of Interest Contracts**

HB22-1329 Long Bill	\$44,430,264	0.0	\$44,430,264	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$44,430,264</b>	<b>0.0</b>	<b>\$44,430,264</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-02 Other Transfers	(\$385,841)	0.0	(\$385,841)	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$44,044,423</b>	<b>0.0</b>	<b>\$44,044,423</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$40,003,030</b>	<b>0.0</b>	<b>\$40,003,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$4,041,393</b>	<b>0.0</b>	<b>\$4,041,393</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Personal Services Allocation</b>	<b>\$38,685,772</b>	<b>0.0</b>	<b>\$38,685,772</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total All Other Operating Allocation</b>	<b>\$1,317,259</b>	<b>0.0</b>	<b>\$1,317,259</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Mandated Costs**

HB22-1329 Long Bill	\$2,895,573	0.0	\$2,895,573	\$0	\$0	\$0
<b>FY 2022-23 Final Appropriation</b>	<b>\$2,895,573</b>	<b>0.0</b>	<b>\$2,895,573</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$2,895,573</b>	<b>0.0</b>	<b>\$2,895,573</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$1,789,280</b>	<b>0.0</b>	<b>\$1,789,280</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$1,106,293</b>	<b>0.0</b>	<b>\$1,106,293</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Personal Services Allocation</b>	<b>\$1,740,107</b>	<b>0.0</b>	<b>\$1,740,107</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Total All Other Operating Allocation</b>	<b>\$49,173</b>	<b>0.0</b>	<b>\$49,173</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Total For:</b>	<b>06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,</b>					
<b>FY 2022-23 Final Expenditure Authority</b>	<b>\$50,565,653</b>	<b>20.5</b>	<b>\$50,485,653</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Actual Expenditures</b>	<b>\$45,393,988</b>	<b>20.5</b>	<b>\$45,337,967</b>	<b>\$56,021</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2022-23 Reversion (Overexpenditure)</b>	<b>\$5,171,665</b>	<b>0.0</b>	<b>\$5,147,686</b>	<b>\$23,979</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 15 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,**

**Personal Services**

SB23-214 FY 2023-24 Long Bill	\$4,219,969	36.3	\$4,219,969	\$0	\$0	\$0
<b>FY 2023-24 Final Appropriation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfer	\$1,061,894	0.0	\$1,061,894	\$0	\$0	\$0
EA-02 Other Transfers	(\$641,223)	0.0	(\$641,223)	\$0	\$0	\$0
<b>FY 2023-24 Final Expenditure Authority</b>	<b>\$4,640,640</b>	<b>0.0</b>	<b>\$4,640,640</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Actual Expenditures</b>	<b>\$4,640,640</b>	<b>0.0</b>	<b>\$4,640,640</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Personal Services Allocation</b>	<b>\$4,602,125</b>	<b>0.0</b>	<b>\$4,602,125</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Total All Other Operating Allocation</b>	<b>\$38,515</b>	<b>0.0</b>	<b>\$38,515</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Health, Life, And Dental**

<b>FY 2023-24 Final Appropriation</b>	<b>\$533,266</b>	<b>0.0</b>	<b>\$533,266</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfer	(\$533,266)	0.0	(\$533,266)	\$0	\$0	\$0
<b>FY 2023-24 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Actual Expenditures</b>	<b>\$324,799</b>	<b>0.0</b>	<b>\$324,799</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Short-term Disability**

<b>FY 2023-24 Final Appropriation</b>	<b>\$5,874</b>	<b>0.0</b>	<b>\$5,874</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfer	(\$5,874)	0.0	(\$5,874)	\$0	\$0	\$0
<b>FY 2023-24 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Actual Expenditures</b>	<b>\$4,297</b>	<b>0.0</b>	<b>\$4,297</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Amortization Equalization Disbursement**

<b>FY 2023-24 Final Appropriation</b>	<b>\$191,945</b>	<b>0.0</b>	<b>\$191,945</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
EA-01 Centrally Appropriated Line Item Transfer	(\$191,945)	0.0	(\$191,945)	\$0	\$0	\$0
<b>FY 2023-24 Final Expenditure Authority</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Actual Expenditures</b>	<b>\$144,005</b>	<b>0.0</b>	<b>\$144,005</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2023-24 Reversion (Overexpenditure)</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 15 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,**

**Supplemental Amortization Equalization Disbursement**

FY 2023-24 Final Appropriation	\$191,945	0.0	\$191,945	\$0	\$0	\$0
EA-01 Centrally Appropriated Line Item Transfer	(\$191,945)	0.0	(\$191,945)	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$144,005	0.0	\$144,005	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0

**Salary Survey**

FY 2023-24 Final Appropriation	\$125,040	0.0	\$125,040	\$0	\$0	\$0
EA-01 Centrally Appropriated Line Item Transfer	(\$125,040)	0.0	(\$125,040)	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$125,040	0.0	\$125,040	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0

**Operating Expenses**

FY 2023-24 Final Appropriation	\$249,707	0.0	\$249,707	\$0	\$0	\$0
EA-02 Other Transfers	\$137,420	0.0	\$137,420	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$387,127	0.0	\$387,127	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$386,927	0.0	\$386,927	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$200	0.0	\$200	\$0	\$0	\$0
<i>FY 2023-24 Personal Services Allocation</i>	<i>\$18,694</i>	<i>0.0</i>	<i>\$18,694</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>FY 2023-24 Total All Other Operating Allocation</i>	<i>\$368,233</i>	<i>0.0</i>	<i>\$368,233</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

**Capital Outlay**

FY 2023-24 Final Appropriation	\$113,390	0.0	\$113,390	\$0	\$0	\$0
EA-02 Other Transfers	(\$113,390)	0.0	(\$113,390)	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$113,390	0.0	\$113,390	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 15 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,**

**Training And Conferences**

FY 2023-24 Final Appropriation	\$100,000	0.0	\$20,000	\$80,000	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$100,000	0.0	\$20,000	\$80,000	\$0	\$0
FY 2023-24 Actual Expenditures	\$50,535	0.0	\$6,821	\$43,714	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$49,465	0.0	\$13,179	\$36,286	\$0	\$0
<i>FY 2023-24 Personal Services Allocation</i>	\$4,158	0.0	\$2,726	\$1,432	\$0	\$0
<i>FY 2023-24 Total All Other Operating Allocation</i>	\$46,377	0.0	\$4,094	\$42,283	\$0	\$0

**Conflict of Interest Contracts**

FY 2023-24 Final Appropriation	\$48,732,523	0.0	\$48,732,523	\$0	\$0	\$0
EA-02 Other Transfers	\$603,369	0.0	\$603,369	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$49,335,892	0.0	\$49,335,892	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$48,966,516	0.0	\$48,966,516	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$369,376	0.0	\$369,376	\$0	\$0	\$0
<i>FY 2023-24 Personal Services Allocation</i>	\$47,430,981	0.0	\$47,430,981	\$0	\$0	\$0
<i>FY 2023-24 Total All Other Operating Allocation</i>	\$1,535,535	0.0	\$1,535,535	\$0	\$0	\$0

**Mandated Costs**

FY 2023-24 Final Appropriation	\$2,976,573	0.0	\$2,976,573	\$0	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Final Expenditure Authority	\$2,976,573	0.0	\$2,976,573	\$0	\$0	\$0
FY 2023-24 Actual Expenditures	\$2,761,873	0.0	\$2,761,873	\$0	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$233,900	0.0	\$233,900	\$0	\$0	\$0
<i>FY 2023-24 Personal Services Allocation</i>	\$2,707,164	0.0	\$2,707,164	\$0	\$0	\$0
<i>FY 2023-24 Total All Other Operating Allocation</i>	\$54,709	0.0	\$54,709	\$0	\$0	\$0

<b>Total For:</b>	<b>06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,</b>					
FY 2023-24 Final Expenditure Authority	\$57,440,232	0.0	\$57,360,232	\$80,000	\$0	\$0
FY 2023-24 Actual Expenditures	\$56,806,691	0.0	\$56,762,977	\$43,714	\$0	\$0
FY 2023-24 Reversion (Overexpenditure)	\$633,541	0.0	\$597,255	\$36,286	\$0	\$0

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal
<b>06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,</b>						
<b>Personal Services</b>						
HB24-1430 FY 2024-25 Long Bill	\$4,939,287	40.7	\$4,939,287	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$4,939,287</b>	<b>40.7</b>	<b>\$4,939,287</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>40.7</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Health, Life, And Dental</b>						
HB24-1430 FY 2024-25 Long Bill	\$702,630	0.0	\$702,630	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$702,630</b>	<b>0.0</b>	<b>\$702,630</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Short-term Disability</b>						
HB24-1430 FY 2024-25 Long Bill	\$7,078	0.0	\$7,078	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$7,078</b>	<b>0.0</b>	<b>\$7,078</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Paid Family and Medical Leave Insurance</b>						
HB24-1430 FY 2024-25 Long Bill	\$19,738	0.0	\$19,738	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$19,738</b>	<b>0.0</b>	<b>\$19,738</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Amortization Equalization Disbursement</b>						
	\$0	0.0	\$0	\$0	\$0	\$0
<b>Supplemental Amortization Equalization Disbursement</b>						
	\$0	0.0	\$0	\$0	\$0	\$0
<b>Unfunded Liability AED Payments</b>						
HB24-1430 FY 2024-25 Long Bill	\$477,729	0.0	\$477,729	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$477,729</b>	<b>0.0</b>	<b>\$477,729</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal
<b>06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,</b>						
<b>Salary Survey</b>						
HB24-1430 FY 2024-25 Long Bill	\$136,635	0.0	\$136,635	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$136,635</b>	<b>0.0</b>	<b>\$136,635</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Step Pay</b>						
HB24-1430 FY 2024-25 Long Bill	\$153,575	0.0	\$153,575	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$153,575</b>	<b>0.0</b>	<b>\$153,575</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
HB24-1430 FY 2024-25 Long Bill	\$271,959	0.0	\$271,959	\$0	\$0	\$0
FY25 1331 Supplemental	\$895,000	0.0	\$895,000	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$1,166,959</b>		<b>\$1,166,959</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Legal Services-JEAA</b>						
HB24-1430 FY 2024-25 Long Bill	\$36,921	0.0	\$36,921	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$36,921</b>	<b>0.0</b>	<b>\$36,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Capital Outlay</b>						
HB24-1430 FY 2024-25 Long Bill	\$20,010	0.0	\$20,010	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$20,010</b>	<b>0.0</b>	<b>\$20,010</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Training And Conferences</b>						
HB24-1430 FY 2024-25 Long Bill	\$180,000	0.0	\$100,000	\$80,000	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$180,000</b>	<b>0.0</b>	<b>\$100,000</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal
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**06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,**

**Conflict of Interest Contracts**

HB24-1430 FY 2024-25 Long Bill	\$49,772,971	0.0	\$49,772,971	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$49,772,971</b>	<b>0.0</b>	<b>\$49,772,971</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Mandated Costs**

HB24-1430 FY 2024-25 Long Bill	\$3,049,773	0.0	\$3,049,773	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$3,049,773</b>	<b>0.0</b>	<b>\$3,049,773</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Total For: 06. Office of the Alternate Defense Counsel, (A) Office of the Alternate Defense Counsel,**

HB24-1430 FY 2024-25 Long Bill	\$59,768,306	40.7	\$59,688,306	\$80,000	\$0	\$0
FY25 1331 Supplemental	\$895,000	0.0	\$895,000	\$0	\$0	\$0
<b>FY 2024-25 Initial Appropriation</b>	<b>\$60,663,306</b>	<b>40.7</b>	<b>\$60,583,306</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Personal Services Allocation</b>	<b>\$0</b>	<b>40.7</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2024-25 Total All Other Operating Allocation</b>	<b>\$60,663,306</b>	<b>81.4</b>	<b>\$60,583,306</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 16 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel -**

**Personal Services**

FY 2025-26 Starting Base	\$4,939,287	40.7	\$4,939,287	\$0	\$0	\$0
FY 2025-26 Base Request	\$4,939,287	40.7	\$4,939,287	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization)	\$13,564	0.1	\$13,564	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$22,792	0.2	\$22,792	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$4,975,643	41.0	\$4,975,643	\$0	\$0	\$0
<b>Personal Services Allocation</b>	<b>\$4,975,643</b>	<b>41.0</b>	<b>\$4,975,643</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Health, Life, And Dental**

FY 2025-26 Starting Base	\$702,630	0.0	\$702,630	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$41,586)	0.0	(\$41,586)	\$0	\$0	\$0
FY 2025-26 Base Request	\$661,044	0.0	\$661,044	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization)	\$1,270	0.0	\$1,270	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$1,924	0.0	\$1,924	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$664,238	0.0	\$664,238	\$0	\$0	\$0
<b>Personal Services Allocation</b>	<b>\$664,238</b>	<b>0.0</b>	<b>\$664,238</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total All Other Operating Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Short-Term Disability**

FY 2025-26 Starting Base	\$7,078	0.0	\$7,078	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$62)	0.0	(\$62)	\$0	\$0	\$0
FY 2025-26 Base Request	\$7,016	0.0	\$7,016	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization)	\$15	0.0	\$15	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$25	0.0	\$25	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$7,056	0.0	\$7,056	\$0	\$0	\$0
<b>Personal Services Allocation</b>	<b>\$7,056</b>	<b>0.0</b>	<b>\$7,056</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Paid Family Medical Leave Insurance**

FY 2025-26 Starting Base	\$19,738	0.0	\$19,738	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	\$1,311	0.0	\$1,311	\$0	\$0	\$0
FY 2025-26 Base Request	\$21,049	0.0	\$21,049	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization)	(\$203)	0.0	(\$203)	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$76	0.0	\$76	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$20,922	0.0	\$20,922	\$0	\$0	\$0
<b>Personal Services Allocation</b>	<b>\$20,922</b>	<b>0.0</b>	<b>\$20,922</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 16 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel -**

**Unfunded Liability AED Payments**

FY 2025-26 Starting Base	\$477,729	0.0	\$477,729	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$9,975)	0.0	(\$9,975)	\$0	\$0	\$0
<b>FY 2025-26 Base Request</b>	<b>\$467,754</b>	<b>0.0</b>	<b>\$467,754</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
OADC R2 Contractor Process Coordinator (Annualization)	\$1,014	0.0	\$1,014	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$1,688	0.0	\$1,688	\$0	\$0	\$0
<b>FY 2025-26 Elected Official Request</b>	<b>\$470,456</b>	<b>0.0</b>	<b>\$470,456</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Personal Services Allocation</b>	<b>\$470,456</b>	<b>0.0</b>	<b>\$470,456</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Salary Survey**

FY 2025-26 Starting Base	\$136,635	0.0	\$136,635	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$136,635)	0.0	(\$136,635)	\$0	\$0	\$0
OADC Salary Survey and Step Pay to Personal Services	\$128,988	0.0	\$128,988	\$0	\$0	\$0
<b>FY 2025-26 Base Request</b>	<b>\$128,988</b>	<b>0.0</b>	<b>\$128,988</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2025-26 Elected Official Request</b>	<b>\$128,988</b>	<b>0.0</b>	<b>\$128,988</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Personal Services Allocation</b>	<b>\$128,988</b>	<b>0.0</b>	<b>\$128,988</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Step Pay**

FY 2025-26 Starting Base	\$153,575	0.0	\$153,575	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$153,575)	0.0	(\$153,575)	\$0	\$0	\$0
OADC Salary Survey and Step Pay to Personal Services	\$32,089	0.0	\$32,089	\$0	\$0	\$0
<b>FY 2025-26 Base Request</b>	<b>\$32,089</b>	<b>0.0</b>	<b>\$32,089</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2025-26 Elected Official Request</b>	<b>\$32,089</b>	<b>0.0</b>	<b>\$32,089</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Personal Services Allocation</b>	<b>\$32,089</b>	<b>0.0</b>	<b>\$32,089</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Merit Pay**

Starting Base	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2025-26 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2025-26 Elected Official Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Personal Services Allocation</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Operating Expenses**

FY 2025-26 Starting Base	\$271,959	0.0	\$271,959	\$0	\$0	\$0
FY25 1331 Supplemental (FY25)	\$895,000	0.0	\$895,000	\$0	\$0	\$0
FY25 1331 Supplemental (FY26) Annualized	(\$759,000)	0.0	(\$759,000)	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization) - Oper	\$128	0.0	\$128	\$0	\$0	\$0
<b>FY 2025-26 Base Request</b>	<b>\$408,087</b>	<b>0.0</b>	<b>\$408,087</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2025-26 Elected Official Request</b>	<b>\$408,087</b>	<b>0.0</b>	<b>\$408,087</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total All Other Operating Allocation</b>	<b>\$408,087</b>	<b>0.0</b>	<b>\$408,087</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
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\*Data is through Accounting Period 16 //// Data is rounded to the nearest dollar

**06. Office of the Alternate Defense Counsel -**

**Capital Outlay**

FY 2025-26 Starting Base	\$20,010	0.0	\$20,010	\$0	\$0	\$0
FY 2025-26 Base Request	(\$20,010)	0.0	(\$20,010)	\$0	\$0	\$0
FY 2025-26 Elected Official Request	(\$20,010)	0.0	(\$20,010)	\$0	\$0	\$0
<b>Total All Other Operating Allocation</b>	<b>(\$20,010)</b>	<b>0.0</b>	<b>(\$20,010)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Legal Services**

FY 2025-26 Starting Base	\$36,921	0.0	\$36,921	\$0	\$0	\$0
FY 2025-26 Base Request	\$36,921	0.0	\$36,921	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$36,921	0.0	\$36,921	\$0	\$0	\$0
<b>Total All Other Operating Allocation</b>	<b>\$36,921</b>	<b>0.0</b>	<b>\$36,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Training**

FY 2025-26 Starting Base	\$180,000	0.0	\$100,000	\$80,000	\$0	\$0
FY 2025-26 Base Request	\$180,000	0.0	\$100,000	\$80,000	\$0	\$0
FY 2025-26 Elected Official Request	\$180,000	0.0	\$100,000	\$80,000	\$0	\$0
<b>Total All Other Operating Allocation</b>	<b>\$180,000</b>	<b>0.0</b>	<b>\$100,000</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>

**Court-appointed Counsel**

FY 2025-26 Starting Base	\$49,772,971	0.0	\$49,772,971	\$0	\$0	\$0
OADC SB23-227 Annual Attorney Rate Adjustment	\$2,619,185	0.0	\$2,619,185	\$0	\$0	\$0
FY 2025-26 Base Request	\$52,392,156	0.0	\$52,392,156	\$0	\$0	\$0
R1 - OADC Case Cost Increase (FY25)	\$2,792,679	0.0	\$2,792,679	\$0	\$0	\$0
R1 - OADC Case Cost Increase (FY26)	\$3,725,022	0.0	\$3,725,022	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$58,909,857	0.0	\$58,909,857	\$0	\$0	\$0
<b>Total All Other Operating Allocation</b>	<b>\$58,909,857</b>	<b>0.0</b>	<b>\$58,909,857</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Mandated Costs**

FY 2025-26 Starting Base	\$3,049,773	0.0	\$3,049,773	\$0	\$0	\$0
FY 2025-26 Base Request	\$3,049,773	0.0	\$3,049,773	\$0	\$0	\$0
FY 2025-26 Elected Official Request	\$3,049,773	0.0	\$3,049,773	\$0	\$0	\$0
<b>Total All Other Operating Allocation</b>	<b>\$3,049,773</b>	<b>0.0</b>	<b>\$3,049,773</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Total For: 06. Office of the Alternate Defense Counsel</b>						
<b>FY 2025-26 Starting Base</b>	<b>\$59,768,306</b>	<b>40.7</b>	<b>\$59,688,306</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
FY25 1331 Supplemental (FY25)	\$895,000	0.0	\$895,000	\$0	\$0	\$0
FY25 1331 Supplemental (FY26) Annualized	(\$759,000)	0.0	(\$759,000)	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization)	\$15,660	0.1	\$15,660	\$0	\$0	\$0
OADC R2 Contractor Process Coordinator (Annualization) - Oper	\$128	0.2	\$128	\$0	\$0	\$0
OADC R6 Attorney Fellows (Annualization)	\$26,505	0.0	\$26,505	\$0	\$0	\$0
OADC Capital Outlay Adjustments	(\$20,010)	0.0	(\$20,010)	\$0	\$0	\$0
OADC Compensation Common Policy (POTS)	(\$50,310)	0.0	(\$50,310)	\$0	\$0	\$0
OADC Salary Survey and Step Pay to Personal Services	\$161,077	0.0	\$161,077	\$0	\$0	\$0
OADC SB23-227 Annual Attorney Rate Adjustment	\$2,619,185	0.0	\$2,619,185	\$0	\$0	\$0
FY 2025-26 Base Request	<b>\$62,656,541</b>	<b>41.0</b>	<b>\$62,576,541</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
R1 - OADC Case Cost Increase (FY25)	\$2,792,679	0.0	\$2,792,679	\$0	\$0	\$0
	\$3,725,022	0.0	\$3,725,022	\$0	\$0	\$0
<b>FY 2025-26 Elected Official Request</b>	<b>\$69,174,242</b>	<b>41.0</b>	<b>\$69,094,242</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Personal Services Allocation</b>	<b>\$6,299,392</b>	<b>41.0</b>	<b>\$6,299,392</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total All Other Operating Allocation</b>	<b>\$62,874,850</b>	<b>0.0</b>	<b>\$62,794,850</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>

# FY 2025-26 Budget Request - Judicial

# Schedule 5

## 06. Office of the Alternate Defense Counsel

Line Item Name	Line Item Description	Statutory Citation
Personal Services	All salaries and wages to full-time, part-time, or temporary employees including professional services contracts, the State's contribution to the public employees retirement fund and the State's share of federal Medicare tax.	C.R.S. § 21-2-101, <i>et. seq</i>
Health, Life, Dental	This appropriation covers the cost of the State's share of the employee's health, life and dental insurance.	C.R.S. § 21-2-101, <i>et. seq</i>
Unfunded Liability AED Payments	This appropriation reflects an increase to the effective PERA contribution rates to bring the Department into compliance with 24-51-211 C.R.S. (2011).	C.R.S. § 21-2-101, <i>et. seq</i>
Salary Survey	This appropriation reflects the amounts appropriated to cover the cost of salary increases based on job and wage classification.	C.R.S. § 21-2-101, <i>et. seq</i>
Merit Pay	This line item reflects the annual amount appropriated for periodic salary increases for State employees based on demonstrated ability for satisfactory quality and quantity of performance.	C.R.S. § 21-2-101, <i>et. seq</i>
Operating Expenses	This line funds the operating costs for OADC personnel.	C.R.S. § 21-2-101, <i>et. seq</i>
Leased Space	This line funds the lease payment for operational personnel.	C.R.S. § 21-2-101, <i>et. seq</i>
Training	Ensuring the provision and availability of high-quality, accessible training throughout the state for persons seeking to serve as guardians ad litem as well as to judges and magistrates who regularly hear matters involving children and families.	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.	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.	C.R.S. § 21-2-101, <i>et. seq</i>

# FY 2025-26 Summary of Change Requests

# Schedule 10

Request Name	Interagency Review	Requires Legislation	Total Funds	FTE	General Fund	Cash Funds	Reappropriated	Federal
R1 - OADC Case Cost Increase (FY25)	No Other Agency Impact	No	\$2,792,679	0.0	\$2,792,679	\$0	\$0	\$0
R1 - OADC Case Cost Increase (FY26)	No Other Agency Impact	No	\$3,725,022	0.0	\$3,725,022	\$0	\$0	\$0
			<b>\$6,517,701</b>	<b>0.0</b>	<b>\$6,517,701</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
			\$6,517,701	0.0	\$6,517,701	\$0	\$0	\$0

**Salary Pots Request Template**

	TOTAL FUNDS/FTE FY 2025-26	GENERAL FUND	CASH FUNDS
<b>I. Continuation Salary Base</b>			
Sum of Filled FTE as of July 31, 2024	40.80	FUND SPLITS - From Position-by-Position Tab 100.000%      0.000%	
Salary X 12	\$4,563,454	\$4,563,454	\$0
PERA (Standard, Trooper, and Judicial Rates) at FY 2025-26 PERA Rates	\$529,817	\$529,817	\$0
Medicare @ 1.45%	66,170	66,170	\$0
Subtotal Continuation Salary Base =	\$5,159,441	\$5,159,441	\$0
<b>II. Salary Survey Adjustments</b>			
System Maintenance Studies	\$0	\$0	\$0
Cost of Living Adjustment - Base Building	\$114,087	\$114,087	\$0
Cost of Living Adjustment - Non-Base Building	\$0	\$0	\$0
Movement to Statewide Minimum Wage - Base Adjustment	\$0	\$0	\$0
<b>Subtotal - Salary Survey Adjustments</b>	<b>\$114,087</b>	<b>\$114,087</b>	<b>\$0</b>
PERA (Standard, Trooper, and Judicial Rates) at FY 2025-26 PERA Rates	\$13,246	\$13,246	\$0
Medicare @ 1.45%	\$1,655	\$1,655	\$0
<b>Request Subtotal =</b>	<b>\$128,988</b>	<b>\$128,988</b>	<b>\$0</b>
<b>III. Step Pay Adjustments</b>			
Step Increase - Base Adjustment - Classified, Step Eligible	\$0	\$0	\$0
Step-Like Increase - Base Adjustment - Step-Ineligible	\$28,383	\$28,383	\$0
<b>Subtotal - Step Pay Adjustments</b>	<b>\$28,383</b>	<b>\$28,383</b>	<b>\$0</b>
PERA (Standard, Trooper, and Judicial Rates) at FY 2025-26 PERA Rates	\$3,295	\$3,295	\$0
Medicare @ 1.45%	\$411	\$411	\$0
<b>Request Subtotal =</b>	<b>\$32,089</b>	<b>\$32,089</b>	<b>\$0</b>
<b>00. Merit Pay Adjustments</b>			
Merit Pay - Base Adjustments	\$0	\$0	\$0
Merit Pay - Non-Base Adjustments	\$0	\$0	\$0
<b>Subtotal - Merit Pay Adjustments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
PERA (Standard, Trooper, and Judicial Rates) at FY 2025-26 PERA Rates	\$0	\$0	\$0
Medicare @ 1.45%	\$0	\$0	\$0
<b>Request Subtotal =</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>IV. Shift Differential</b>			
FY 2023-24 ACTUAL EXPENDITURES for All Occupational Groups	\$0	\$0	\$0
Total Actual and Adjustments @ 100%	\$0	\$0	\$0
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$0	\$0	\$0
Medicare @ 1.45%	\$0	\$0	\$0
<b>Request Subtotal =</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>V. Revised Salary Basis for Remaining Request Subtotals</b>			
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$4,677,541	\$4,677,541	\$0
<b>VI. Unfunded Liability Amortization Equalization Disbursement Payments</b>			
Revised Salary Basis * 10.00%	\$467,754	\$467,754	\$0
<b>VII. Short-term Disability</b>			
Revised Salary Basis * 0.15%	\$7,016	\$7,016	\$0
<b>VIII. Health, Life, and Dental</b>			
Funding Request	\$661,044	\$661,044	\$0
<b>IX. Paid Family and Medical Leave Insurance Program Premiums</b>			
	\$21,049	\$21,049	\$0

100.0%      0.0%



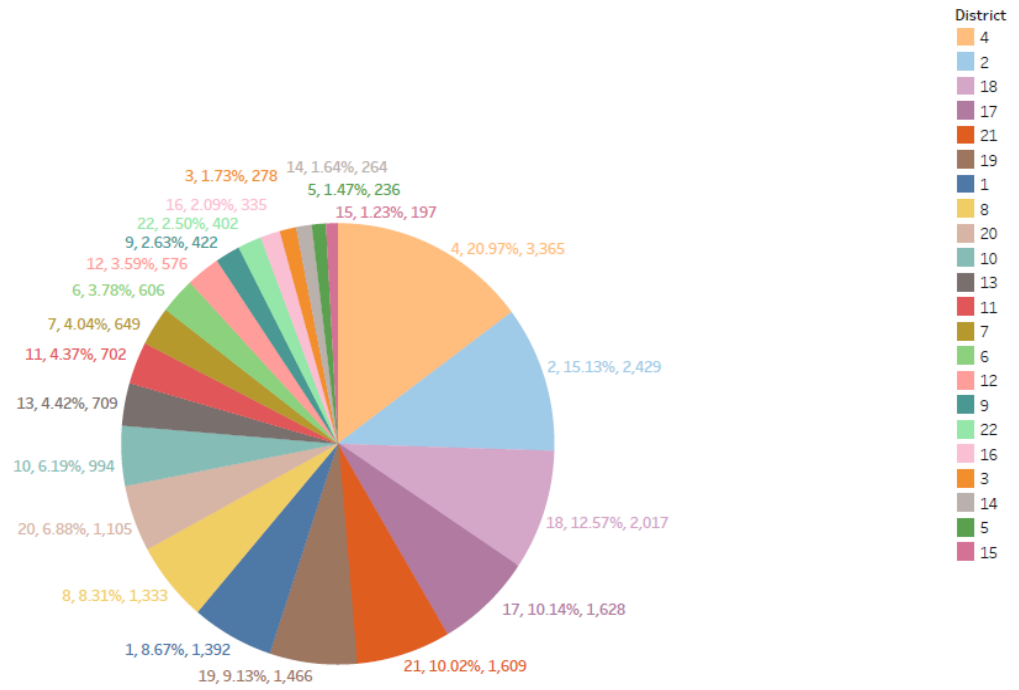
	<b>FY 2024-25</b>	
<b>Common Policy Line Item</b>	<b>Appropriation</b>	<b>GF</b>
Salary Survey	\$136,635	\$136,635
Step Pay	\$153,575	\$153,575
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$19,738	\$19,738
Shift	\$0	\$0
Unfunded Liability Amortization Equalization Disbursement Payments	\$477,729	\$477,729
Short-term Disability	\$7,078	\$7,078
Health, Life and Dental	\$702,630	\$702,630
<b>TOTAL</b>	<b>\$1,497,385</b>	<b>\$1,497,385</b>
	<b>FY 2025-26</b>	
<b>Common Policy Line Item</b>	<b>Total Request</b>	<b>GF</b>
Salary Survey	\$128,988	\$128,988
Step Pay	\$32,089	\$32,089
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$21,049	\$21,049
Shift	\$0	\$0
Unfunded Liability Amortization Equalization Disbursement Payments	\$467,754	\$467,754
Short-term Disability	\$7,016	\$7,016
Health, Life and Dental	\$661,044	\$661,044
<b>TOTAL</b>	<b>\$1,317,940</b>	<b>\$1,317,940</b>
	<b>FY 2025-26</b>	
<b>Common Policy Line Item</b>	<b>Incremental</b>	<b>GF</b>
Salary Survey	\$128,988	\$128,988
Step Pay	\$32,089	\$32,089
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$1,311	\$1,311
Shift	\$0	\$0
Unfunded Liability Amortization Equalization Disbursement Payments	-\$9,975	-\$9,975
Short-term Disability	-\$62	-\$62
Health, Life and Dental	-\$41,586	-\$41,586
<b>TOTAL</b>	<b>\$110,765</b>	<b>\$110,765</b>

## Appendix A

### Colorado Judicial District Map and Caseload Totals by Judicial District

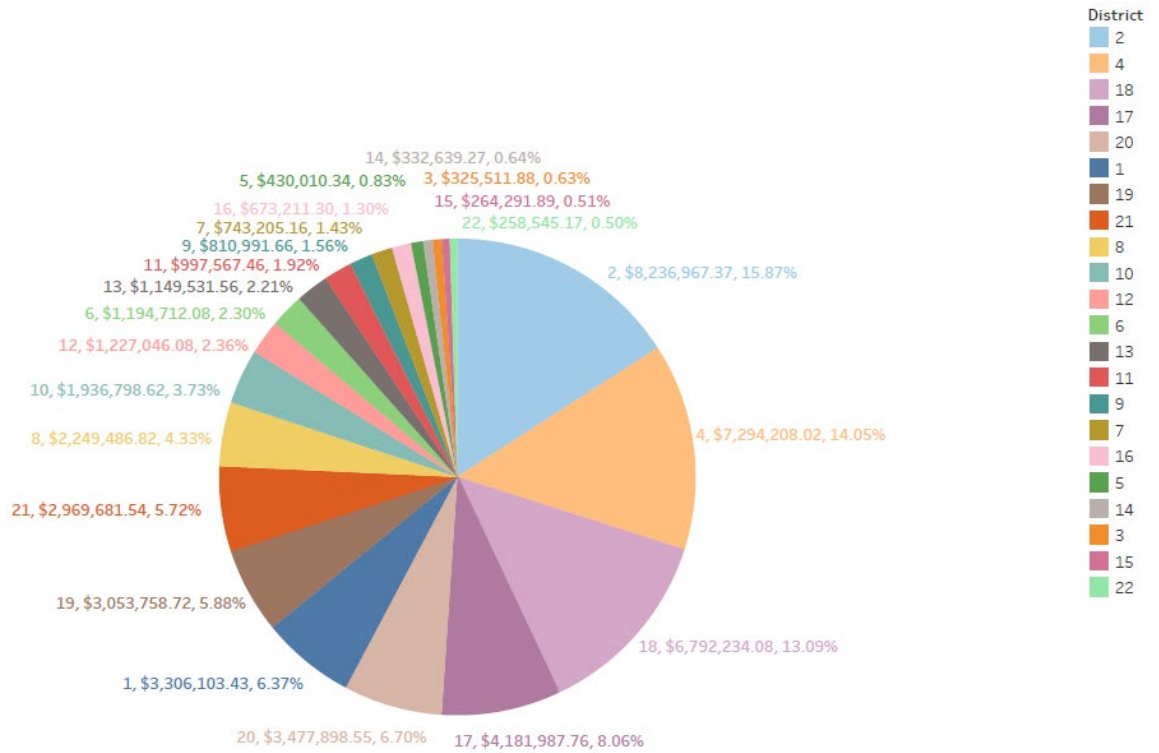
The following pie chart breaks down the FY24 OADC cases by Judicial District.

OADC Caseload by District sorted

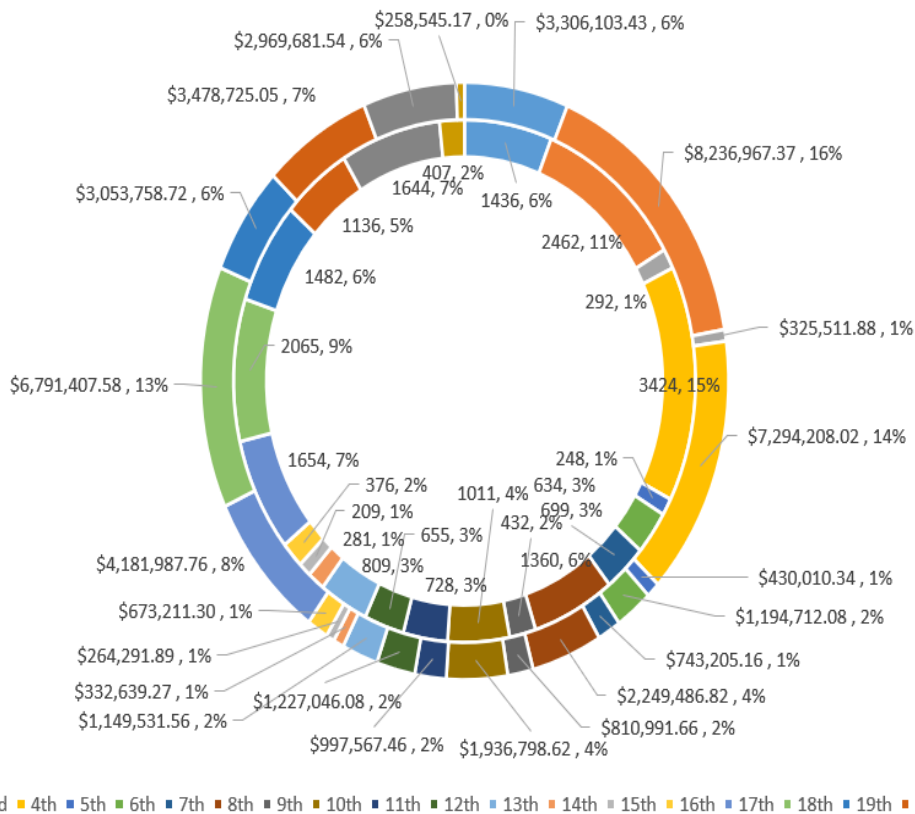


The following pie chart illustrates the Agency's FY24 Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District.

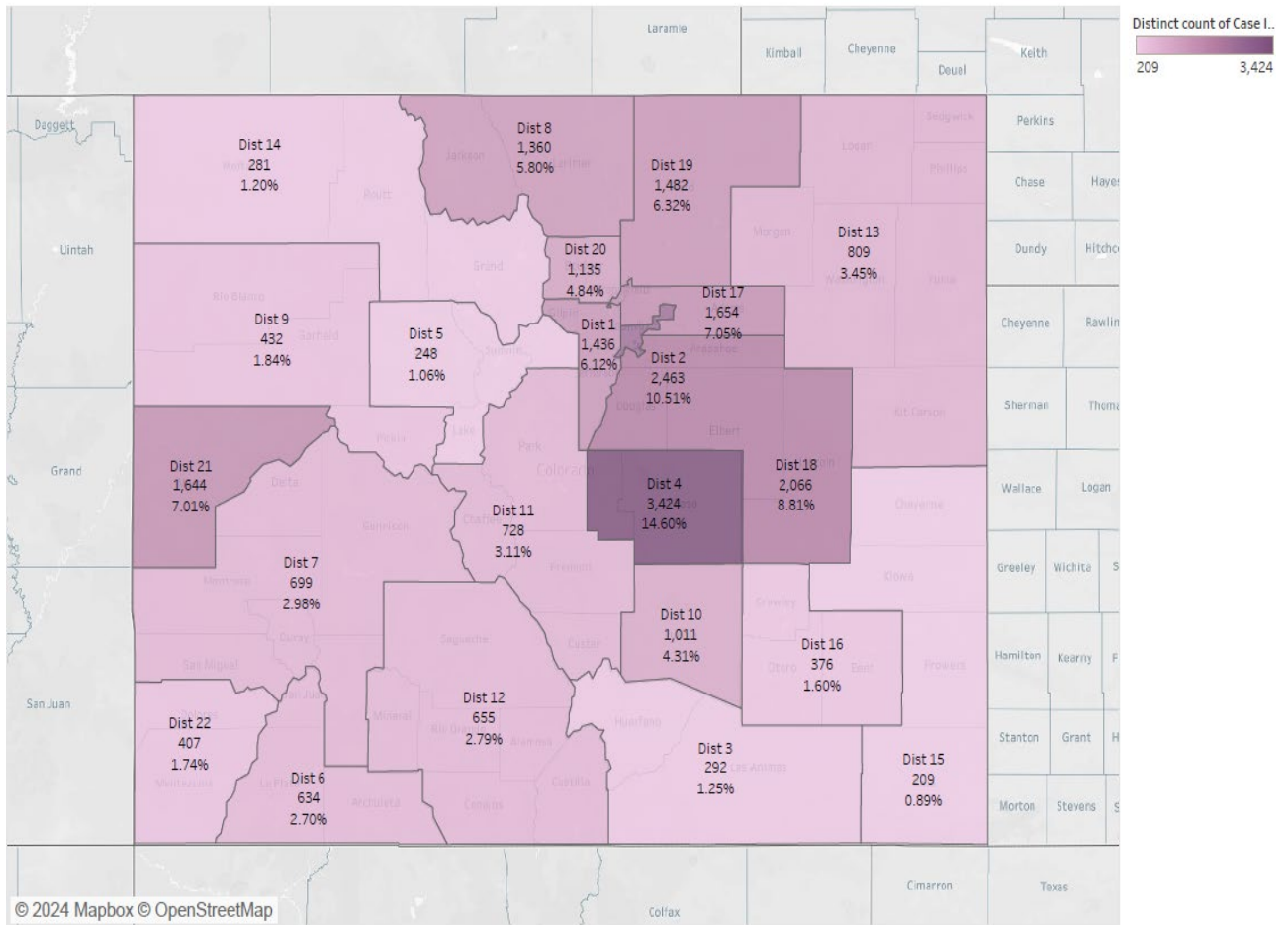
### OADC Expense by District



# OADC Caseload and Expenditure by District FY24



# Case Count by District Map



Appendix B  
Prior Years Legislation  
and  
Cases That May Affect The OADC

## Prior Years Legislation

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### HB24-1034 Adult Competency to Stand Trial

This bill modified the Competency process, adding specific information to a competency report. It further delineated the options when a court finds an individual incompetent to proceed. The bill clarified when restoration services may be provided on an outpatient basis. There were also provisions that detailed when the Court must dismiss the case, depending on the highest charge against the client and how long the person has been waiting for restoration services.

Effective June 4, 2024, with some provisions effective July 1, 2024

### HB24-1355 Measures to Reduce the Competency Wait List

This bill provides measures to divert mentally ill individuals from the criminal justice system with the consent of the District Attorney if the parties believe the person is likely to be found incompetent to proceed. If the client cooperates in the process, the case must be dismissed within 182 days. If the client does not comply with the treatment plan but remains engaged, another hearing may be set in 91 days. If the client has complied with the treatment plan, the case must be dismissed.

Effective August 7, 2024

### HB24-1072 Protection of Victims of Sexual Offenses

This bill modified the Rape Shield statute. Under current law, certain evidence of a victim's or witness's prior or subsequent sexual conduct is presumed irrelevant, but there is an exception for evidence of the victim's or witness's prior or subsequent sexual conduct with the defendant. The act eliminates this exception. It prohibits the admission of evidence of the victim's manner of dress or hairstyle as evidence of the victim's consent. The act amends what a moving party must show to the court and to opposing parties and what the court must find in order to introduce evidence that is presumed to be irrelevant under the criminal rape shield law. Under current law, a defendant may move to introduce evidence that the victim or a witness has a history of false reporting of sexual assaults, upon a sufficient showing to the court and opposing parties. The act allows the defendant to offer evidence concerning at least one incident of false reporting of unlawful sexual behavior and also articulate facts that would, by a preponderance of the evidence, demonstrate that the victim or witness has made a report that was demonstrably false or false in fact. This act likely will increase Agency costs with litigation surrounding the boundaries of these modifications.



Effective July 1, 2024

[SB24-035 Strengthening Enforcement of Human Trafficking](#)

Under current law, "crimes of violence" are subject to enhanced sentencing. The act adds human trafficking of an adult or a minor for the purpose of involuntary servitude and human trafficking of an adult or a minor for sexual servitude to the list of crimes of violence that are subject to enhanced sentencing. The act extends the affirmative defense if the person was forced or coerced into engaging in human trafficking for sexual servitude and removes the preponderance of evidence standard. It also extends the statute of limitations for human trafficking of an adult or a minor for the purpose of involuntary servitude and human trafficking of an adult for sexual servitude 20 years.

Effective April 11, 2024

[SB23-227 State Agency Attorney Hourly Rate](#)

The act creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2024-25 is \$105 per hour. It will increase to \$110 per hour in 25-26. The hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

Effective August 7, 2023

[HB23-1034 Measures to Expand Postconviction DNA Testing](#)

This bill expands access to post-conviction DNA testing when a party can show:

- a reasonable probability that the person would not have been convicted; or
- If evidence was previously available and tested and the evidence now can be subjected to more advanced, scientifically reliable DNA testing that provides a reasonable likelihood of more probative results.

It allows for testing when there is a reasonable probability that with favorable DNA results, the person would not have been convicted. It also allows for subsequent motions and no longer limits the individual to a single motion.

Effective October 1, 2023

## Cases That May Affect The OADC

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### CRIMINAL TRIALS ON SENTENCE ENHANCEMENTS

*Erlinger v. United States*, 144 S.Ct. 1840 (2024). The Supreme Court found that the Fifth and Sixth Amendments require a jury to determine whether prior convictions occurred on separate occasions before the Armed Career Criminal Act (ACCA) sentence enhancer can be imposed. This analysis will require a jury to decide whether predicate offenses arise “out of separate and distinct criminal episodes” for purposes of the Colorado habitual criminal sentencing enhancement. § 18-1.3-801(1)(b)(i).

### APPELLATE REVIEW FOR PLAIN ERROR

*People v. Crabtree*, 550 P.3d 656 (2024). The Court declared that obviousness for purposes of plain error review is judged at the time of trial and not at the time of the appeal. This will now require appellate counsel to file postconviction petitions under Crim. P. Rule 35(c)(1) where there has been a substantial change in the law between the time of trial and the time of appeal.

### REVIEW OF MAGISTRATE’S DECISION ON PRELIMINARY HEARING

*People v. Maes*, 545 P. 3d 487 (2024). A magistrate’s finding of probable cause after a preliminary hearing is a “final order or judgment” under the Colorado Rules for Magistrates and is therefore reviewable by a district court under C.R.M. 7(a)(3). This will require more petitions for judicial review to be litigated.

### RESTITUTION

*People v. Brassill*, 2024COA19 (February 22, 2024). Prosecutors are not required to follow the law requiring them to bring available restitution information to the sentencing proceeding. This will allow extended delays in restitution proceedings.

## APPEAL BONDS IN MISDEMEANOR CASES

*People v. Lewis*, 2024 CO 57 (September 9, 2024). A defendant convicted in county court of a misdemeanor offense and sentenced to a term of imprisonment is not necessarily entitled to an appeal bond. This will require more appeal bond hearings and create an increase in the number of appeals under section 16-4-204, which provides the exclusive method of appeal for trial court rulings on appeal bonds under section 16-4-201.5.

## 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 Colorado Supreme 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 Colorado Supreme 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 the above three opinions continues to lead to ongoing litigation.

## JUDICIAL REVIEW IN JUVENILE CASES

*In Re People in Interest of A.T.C.*, 528 P.3d 168 (Colo. 2023) and *In Re People in Interest of A.S.M.*, 517 P.3d 675 (Colo. 2022). In this pair of opinions, the Colorado Supreme Court increased the ability of juveniles to seek review of a magistrate’s rulings in delinquency matters when the agency agrees that additional review is in the interests of justice. This will increase our litigation costs.

## EXTREME INDIFFERENCE IN DUI DEATHS

*People v. Grudznske*, 533 P.3d 579 (April 27, 2023). The Colorado Court of Appeals recently approved of the government's choice to pursue extreme indifference first degree murder (F1) and extreme indifference first degree assault (F3) arising out of a drunk driving accident where one person was killed, and another seriously injured. Previously this factual scenario would result in charges of vehicular homicide (DUI) (F3) and vehicular assault (DUI) (F4) – much less serious offenses.

## FELONY DUI PROSECUTIONS

*In Re People v. Woodside*, 529 P.3d 1233 (May 22, 2023). The Colorado Supreme Court found that the plain language of section 42-4-1307(5)(a) imposes second-offense penalties when a defendant has a relevant prior conviction at the time of sentencing; it does not require that conduct underlying a second-offense sentence pre-date conduct underlying the first-offense sentence.

## PROPORTIONALITY REVIEW

*Wells-Yates v. People*, 454 P.3d 191 (Colo. 2019); *Melton v. People*, 451 P.3d 415 (Colo. 2019); *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. This litigation is ongoing, as we continue to see litigation surrounding proportionality and this trio of cases.

## INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

*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). The OADC attorneys cannot be appointed to parole revocation proceedings. The OADC attorneys are however appointed for 35(c) petitions. This opinion continues to result in the OADC attorneys being appointed to review parole revocation decisions.

*People v. Abdul-Rahman*, 2024 WL 4631000 (Colo. App. October 31, 2024). The Court found that people do not need to exhaust administrative appeal remedies before seeking judicial review of the parole board's decision to revoke parole under Crim. P. Rule 35(c)(2)(VII). This is not new law, but this will certainly remind people to file 35(c) petitions challenging parole revocation proceedings. We have already seen an uptick in these proceedings and suspect this will drive that number higher.

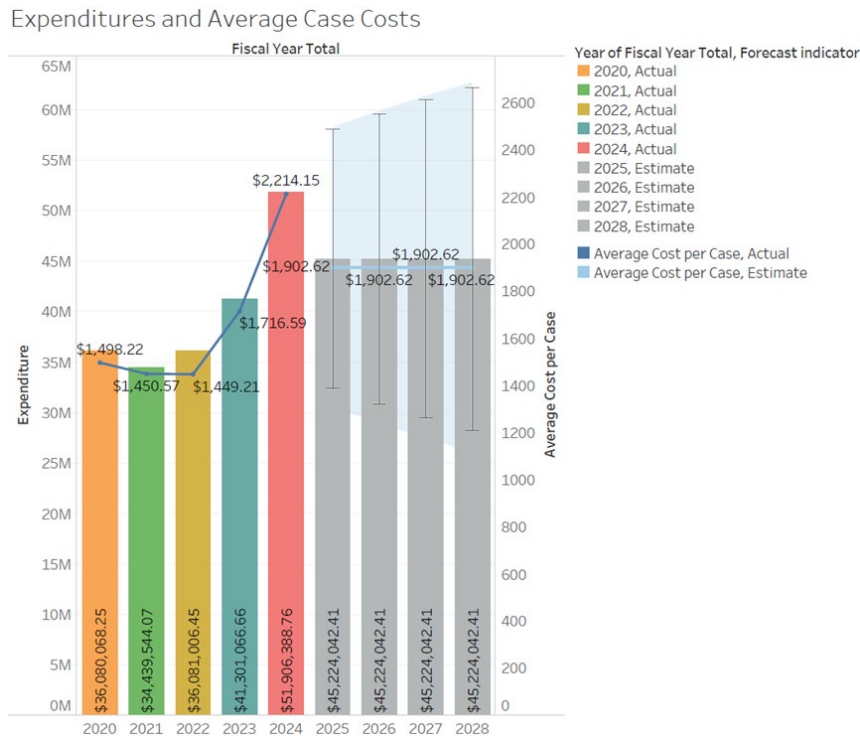
Appendix C  
Performance Measures

## 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 chart below shows those amounts from FY20 to FY24 and its estimated numbers for FY25-28. 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, FY23, FY24 and are occurring again in FY25), and year-end caseload and expenditure fluctuations. The Agency’s current estimate for future average cost per case ranges from \$1,200 to \$2,700. As fiscal year expenditures move further beyond the pandemic’s affected years of 2020-2021 the Agency anticipates its range of estimated average cost per case will narrow.

In evaluating the prior year’s performance, it was estimated in the FY24 Performance Plan that an average cost per case for FY24 would be \$1,516.91. The actual average cost for FY24 was higher than estimated and totaled \$2,214.15, a difference of approximately \$697 per case. The Agency will continue to work towards containing its average cost per case and keep ancillary costs per case to a minimum.



**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 14.0% from 72.56% in FY17 to 58.56% in FY24 and a reciprocating percentage increase in other contractor time. The OADC hopes to see these holistic teams continue to grow in the upcoming years.

In evaluating the prior year’s performance, the Agency experienced adjustments across the board in its proportional percentages as estimated in the FY25 Performance Plan. The OADC estimated the FY24 proportion of Attorney time would drop to 60.0%, the actual percentage ended up being 58.56%. Another example was the FY24 proportion of Forensic Clinical Advocate total which was estimated to be 8.0% but ended up increasing to 9.31%. The Agency continues to succeed in providing multidisciplinary legal teams for OADC clients.

Contract Hours Percent of Total

