

**AGENDA**  
**Joint Judiciary Committee SMART Government Act Hearing**

Monday, January 13, 2024

1:00 p.m.

Old Supreme Court  
State Capitol Building

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**3:00 p.m.      Office of the Alternate Defense Counsel Presentation Pursuant to the SMART Government Act and Joint Rule 25**

- Lindy Frolich, Director
  - Darren Cantor, Deputy Director
  - Stacie Nelson Colling, Youth Defense Coordinator
  - Erin Campbell, Evaluation & Training Coordinator
- ✓ Public Testimony Concerning the Office of the Alternate Defense Counsel

# Annual Report to the Joint Judiciary Committee

Pursuant to  
HB 13-1299 (SMART Act)  
HB 14-1032 (Juvenile Defense)  
SB19-223 (Competency Bill)

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Lindy Frolich, Executive Director  
Darren Cantor, Deputy Director  
Stacie Nelson Colling, Youth Defense Coordinator  
Erin Campbell, Evaluation & Training Coordinator

January 13th, 2025

Office of the



# Alternate Defense Counsel

# Who We Are

**The Office of the Alternate Defense Counsel (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.

The 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.

# Case Example



"I've just been informed that a 50+ count COCCA indictment came back in Denver on a client who I currently represent, who is **spanish speaking** and serving a DOC sentence. This is a large auto theft ring in Denver. I believe there are something like **17 codefendants**, so this is about to hit your plate, if it hasn't already."



222 counts, 17 clients, 243 pages.

# Case Example Continued

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NEWS > CRIME AND PUBLIC SAFETY

## 17 people indicted in Denver car theft ring linked to Sinaloa Cartel, police say

Suspects exchanged stolen cars for drugs they distributed in Denver, DA says



By **KATIE LANGFORD** | [klangford@denverpost.com](mailto:klangford@denverpost.com) | The Denver Post

UPDATED: December 10, 2024 at 2:43 PM MST

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Listen to this article



Seventeen people indicted in an [alleged car theft ring](#) connected to the Sinaloa Cartel are accused of stealing at least 190 vehicles at or near Denver International Airport and taking them to Mexico to exchange for drugs to distribute in the metro, according to the Denver District Attorney's Office.

The thefts – usually high-end pickup trucks – occurred between September 2022 and February and cost victims \$9.5 million, [the DA's office announced Monday](#).

A grand jury indicted the suspects on 222 charges related to organized crime, [auto theft](#), drug possession and distribution and identity theft after a yearlong investigation by local, state and federal law enforcement, Denver DA Beth McCann said.

District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	<b>COURT USE ONLY</b>
<b>Plaintiff:</b> THE PEOPLE OF THE STATE OF COLORADO  <b>Defendant(s):</b>  <b>Defendant 1 - name redacted</b> <b>Defendant 2 - name redacted</b> <b>Defendant 3 - name redacted</b> <b>Defendant 4 - name redacted</b> <b>Defendant 5 - name redacted</b> <b>Defendant 6 - name redacted</b> <b>Defendant 7 - name redacted</b> <b>Defendant 8 - name redacted</b> <b>Defendant 9 - name redacted</b> <b>Defendant 10 - name redacted</b> <b>Defendant 11 - name redacted</b> <b>Defendant 12 - name redacted</b> <b>Defendant 13 - name redacted</b> <b>Defendant 14 - name redacted</b> <b>Defendant 15 - name redacted</b> <b>Defendant 16 - name redacted</b> <b>Defendant 17 - name redacted</b>	
<b>INDICTMENT</b>	

CaseNumber:  
Grand JuryNo. XXXXXX  
Div.: Criminal Ctrm: 424/ \_\_\_\_

MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3), (F4) < 0804P > 5, 6, 7, 8, 9, 10, 28, 34, 35, 37, 48, 51, 52, 59, 64, 66, 77, 87, 96, 98, 123, 126, 129, 130, 132, 133, 134, 140, 141, 142, 144, 145, 146, 147, 150, 151, 153, 155, 159, 166, 171, 172, 174, 178 (44 counts)

MOTOR VEHICLE THEFT IN THE THIRD DEGREE, C.R.S. 18-4-409(4)(a), (F5) < 0804M > 11, 13, 18, 19, 22, 24, 25, 26, 31, 32, 33, 36, 39, 43, 47, 71, 118, 158, 164, 165 (20 counts)

THEFT, C.R.S. 18-4-401(1),(2)(g), (F5) < 08A1F > 12, 23, 40, 41 (4 counts)

CRIMINAL POSSESSION OF A FINANCIAL DEVICE, C.R.S. 18-5-903(1),(2)(c), (F5) < 13083 > 14, 136 (2 counts)

CRIMINAL POSSESSION OF AN IDENTIFICATION DOCUMENT, C.R.S. 18-5-903.5(1),(2)(b), (F6) < 13087 > 15 (1 count)

MOTOR VEHICLE THEFT IN THE THIRD DEGREE, C.R.S. 18-4-409(4)(b), (F5) < 0804N > 16, 17, 21, 29, 30, 38, 42, 44, 45, 46, 49, 50, 53, 58, 60, 61, 62, 72, 75, 76, 79, 105, 106, 107, 112, 114, 115, 116, 117, 120, 122, 124, 127, 128, 131, 137, 138, 139, 149, 154, 156, 161, 167, 168, 169, 170, 173, 175, 176, 177, 179, 180, 181, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205 (64 counts)

CRIMINAL ATTEMPT TO COMMIT MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3);18-2-101, (F5) < 0804PA > 27, 143 (2 counts)

MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2), (F3) < 0804Q > 70, 152, 160 (3 counts)

IDENTITY THEFT, C.R.S. 18-5-902(1)(a), (F4) < 1307G > 135 (1 count)

MENACING, C.R.S. 18-3-206, (F5) < 02055 > 157 (1 count)

AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(4)(b), (F6) < 0804K > 163, 194 (2 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(b), (DF1) < 33A43 > 206, 207, 208 (3 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(c), (DF1) < 33A4A > 209, 210, 211 (3 counts)

SPECIAL OFFENDER, C.R.S. 18-18-407(1)(d)(II), (DF1) < 33A46 > 212 (1 count)

CONSPIRACY - CONTROLLED SUBSTANCES - SCHEDULE I OR II - MORE THAN 225 GRAMS, C.R.S. 18-18-405(1),(2)(a)(I)(A), (DF1) < 8105L > 213, 215, 216, 218 (4 counts)

CONSPIRACY - CONTROLLED SUBSTANCES, C.R.S. 18-18-405(1),(2)(a)(I)(B), (DF1) < 8105P > 214, 217 (2 counts)

VIOLATION OF COLORADO ORGANIZED CRIME CONTROL ACT, C.R.S. 18-17-104(3), (F2) < 37284 > 1 (1 count)

CONSPIRACY TO COMMIT MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(3);18-2-201, (F5) < 0804PC > 2 (1 count)

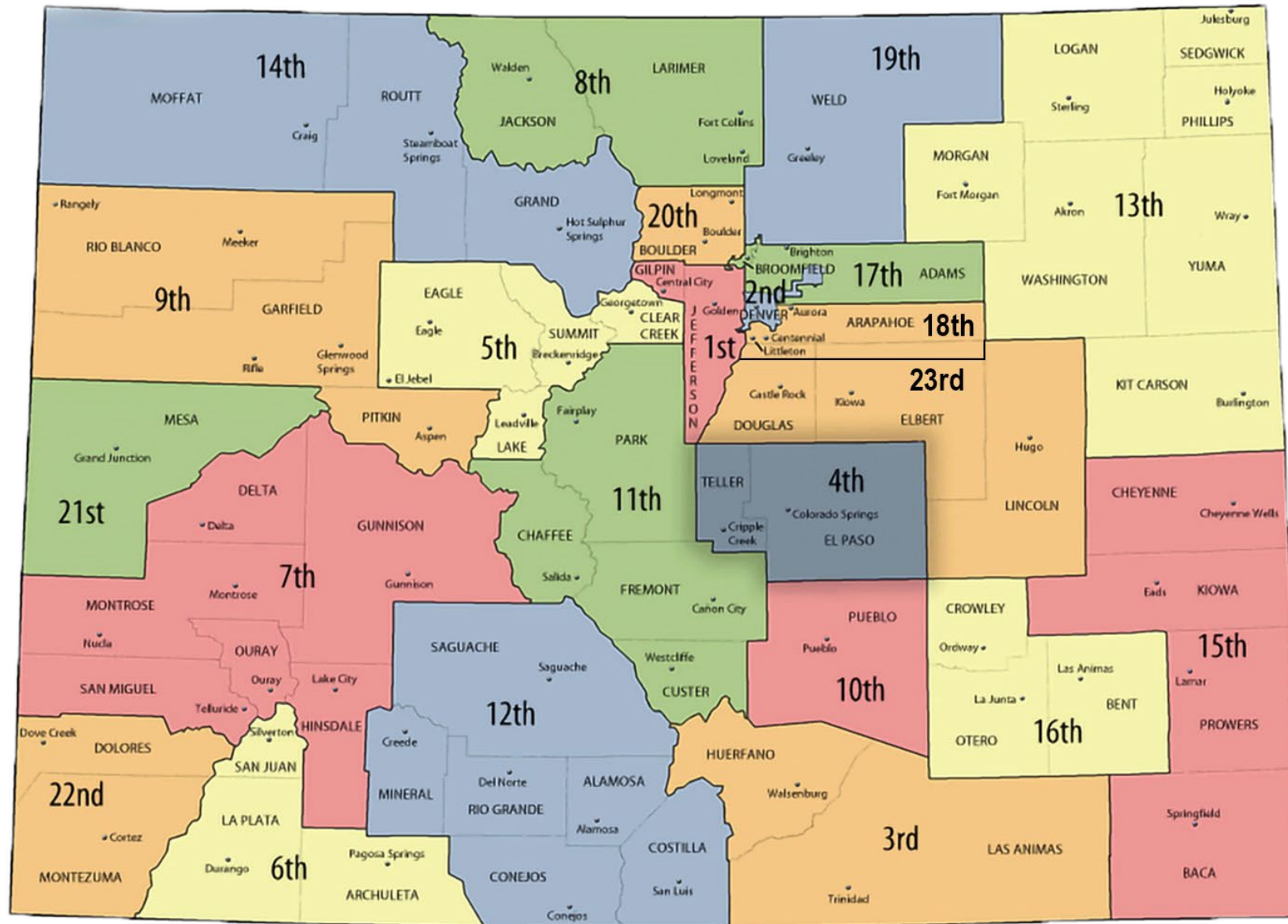
AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE, C.R.S. 18-4-409(4)(a), (F5) < 0804D > 3, 20, 54, 55, 56, 63, 65, 67, 68, 69, 73, 74, 78, 80, 82, 84, 85, 86, 88, 91, 92, 97, 99, 100, 101, 102, 103, 104, 108, 109, 110, 111, 113, 119, 125, 148, 162, 182, 183, 185, 186, 188, 189, 190, 191, 192 (46 counts)

AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2),(3)(a.5), (F4) < 0804H > 4, 57, 81, 83, 89, 90, 93, 94, 95, 121, 184, 187, 193 (13 counts)

# Case Example Continued – charges only, not full indictment

District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	
<b>Plaintiff:</b> THE PEOPLE OF THE STATE OF COLORADO	
<b>Defendant(s):</b>	
<b>Defendant 1 - name redacted</b> <b>Defendant 2 - name redacted</b> <b>Defendant 3 - name redacted</b> <b>Defendant 4 - name redacted</b> <b>Defendant 5 - name redacted</b> <b>Defendant 6 - name redacted</b> <b>Defendant 7 - name redacted</b> <b>Defendant 8 - name redacted</b> <b>Defendant 9 - name redacted</b> <b>Defendant 10 - name redacted</b> <b>Defendant 11 - name redacted</b> <b>Defendant 12 - name redacted</b> <b>Defendant 13 - name redacted</b> <b>Defendant 14 - name redacted</b> <b>Defendant 15 - name redacted</b> <b>Defendant 16 - name redacted</b> <b>Defendant 17 - name redacted</b>	COURT USE ONLY
	CaseNumber: Grand JuryNo. XXXXXX Div.: Criminal Ctrm: 424/ _____
<b>INDICTMENT</b>	

[Indictment - 25 pgs.pdf](#)

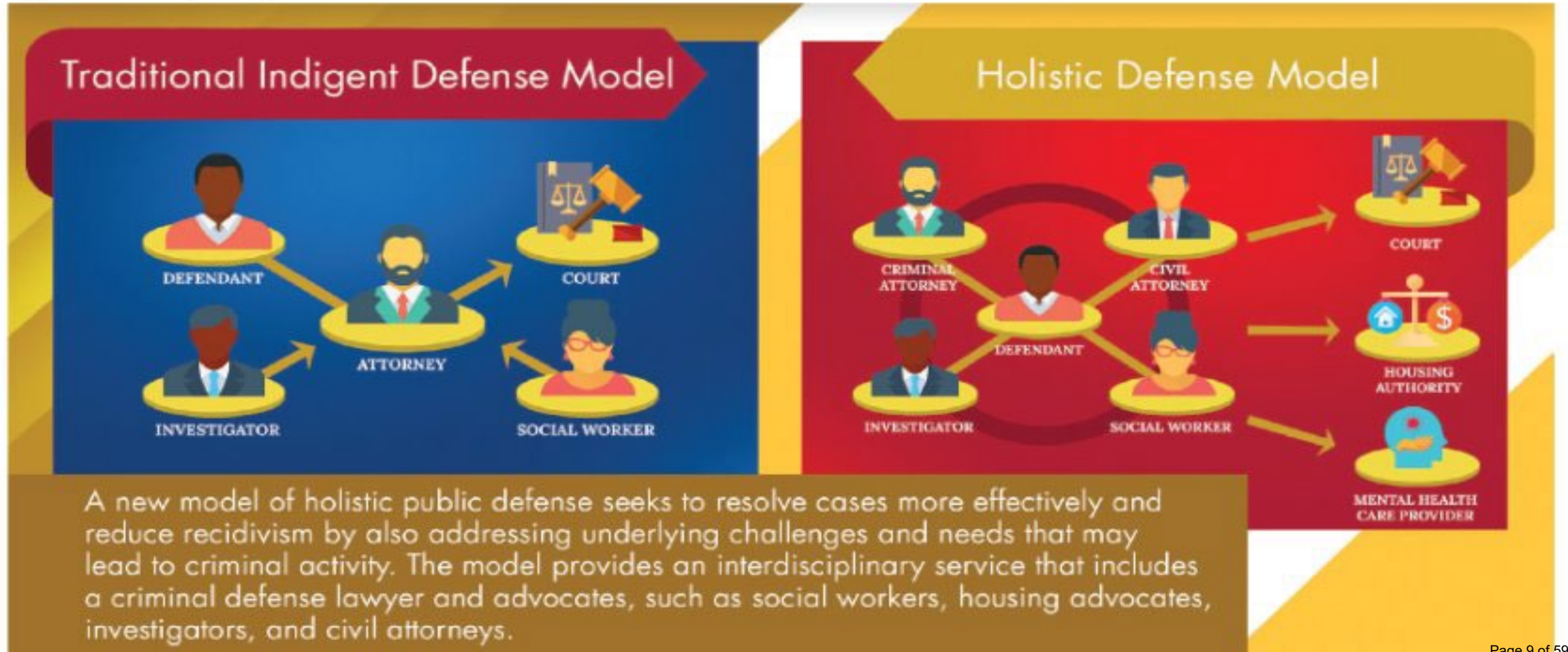






# How We Do It - Holistic Defense Model

Figure 1. Comparing Defense Models



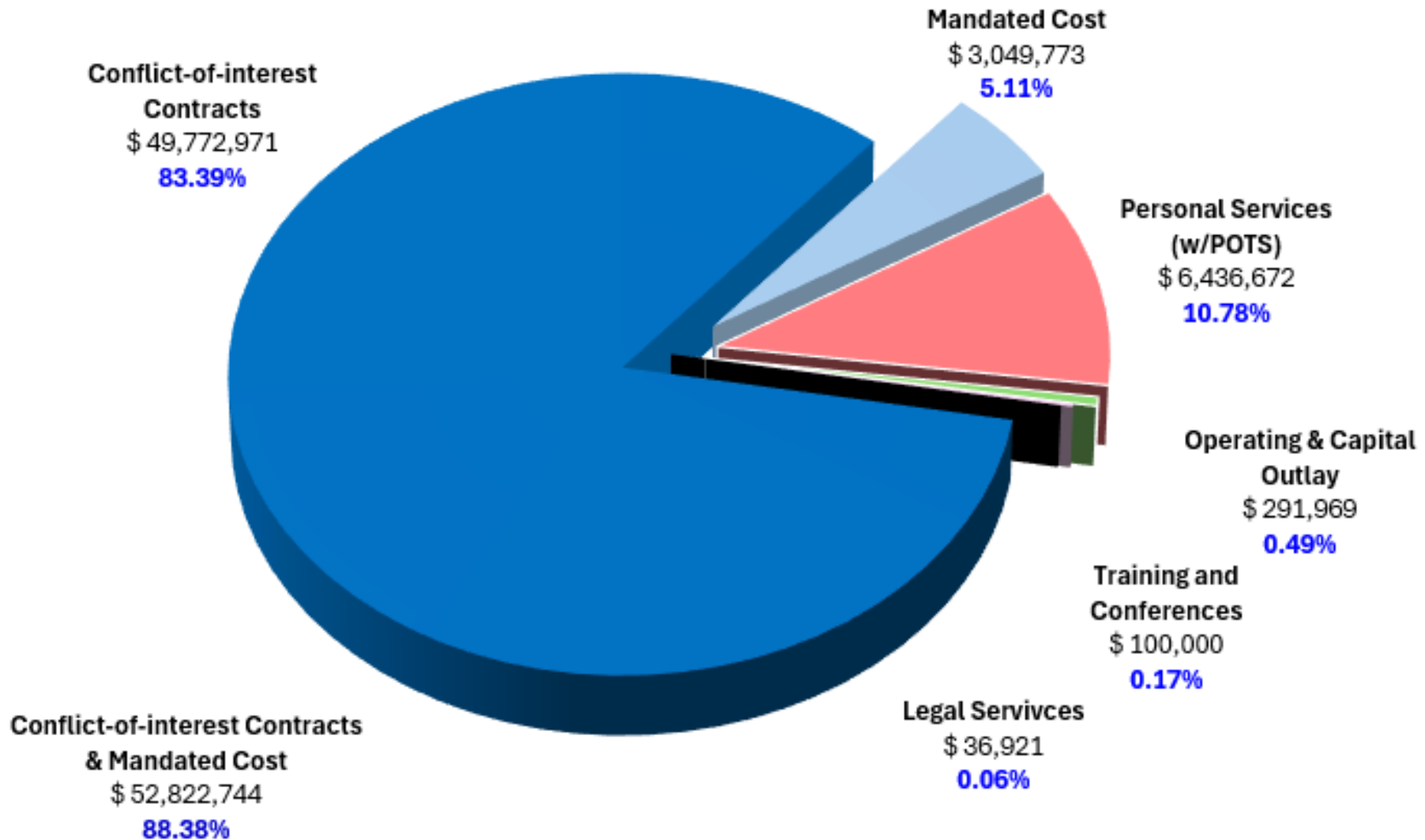


# FY2025 – 2026 - Our ONLY Request

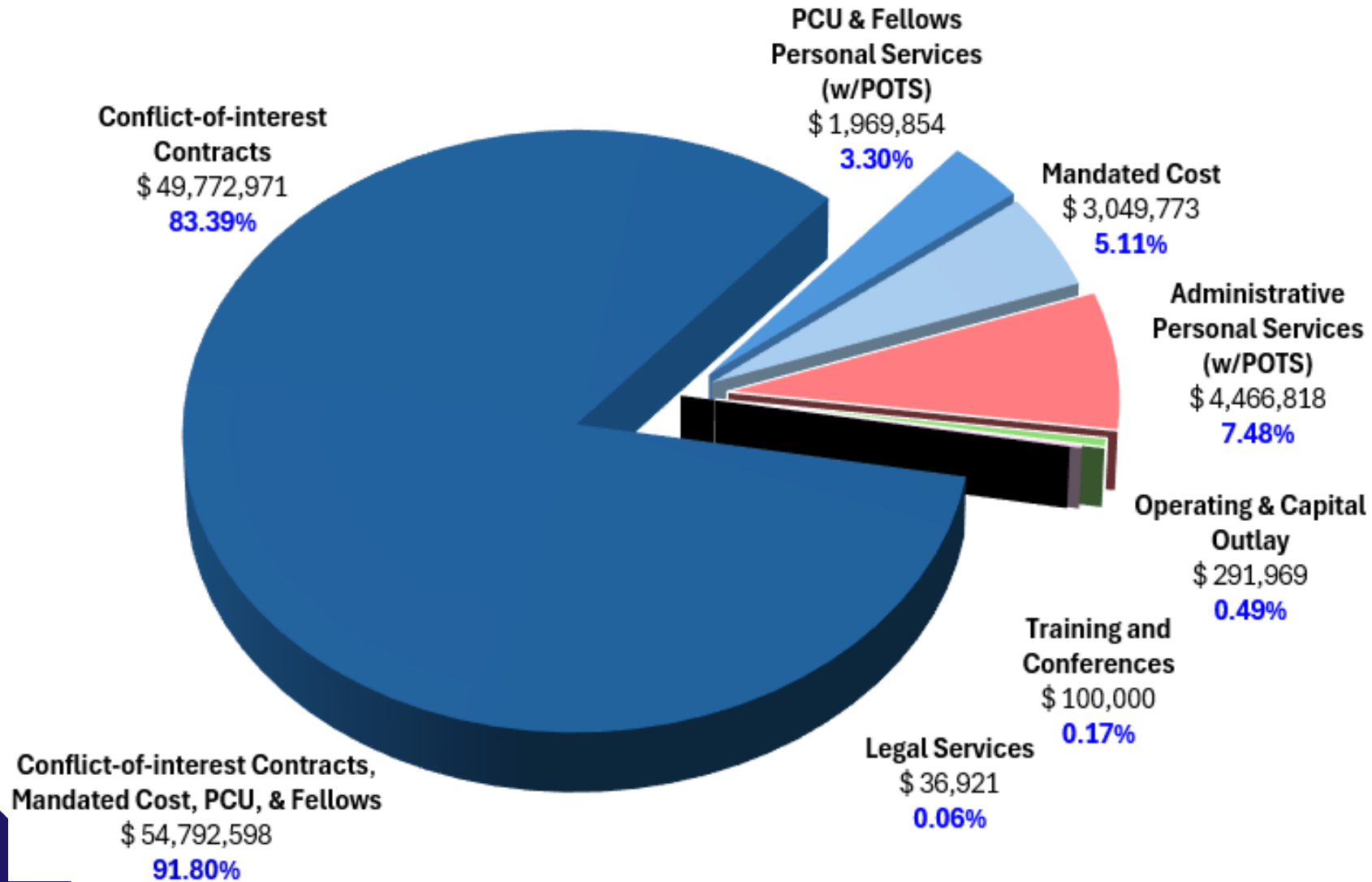
DI 1 – Case Cost  
Increase (FY25)  
\$ 2,792,679

DI 1 – Case Cost  
Increase (FY26)  
\$ 3,725,022

## FY 2024-25 Long Bill Line Items



# FY 2024-25 Long Bill Line Items



# Reversions in Prior Fiscal Years

	FY19	FY20	FY21	FY22	FY23	FY24	Total FY19 to FY24
Long Bill	\$42,020,721	\$48,139,361	\$52,067,382	\$47,690,846	\$50,570,572	\$57,440,232	
Supplemental	\$3,861,102	\$30,617	(\$4,520,835)	(\$5,513,424)	\$0	\$0	
Add-On	(\$2,198,408)	(\$2,225,997)					
Expenditures	\$39,698,549	\$39,471,286	\$37,611,364	\$39,750,983	\$45,393,988	\$56,806,691	
Transfers		(\$1,000,000)					
<b>Reversion</b>	<b>\$3,984,866</b>	<b>\$5,472,695</b>	<b>\$9,935,183</b>	<b>\$2,426,439</b>	<b>\$5,176,584</b>	<b>\$633,541</b>	<b>\$27,629,308</b>
Total Returned to State	\$2,322,172	\$8,668,075	\$14,456,018	\$7,939,863	\$5,176,584	\$633,541	\$39,196,253

# The Evolution of the Telephone



1964



1984



2000



2006



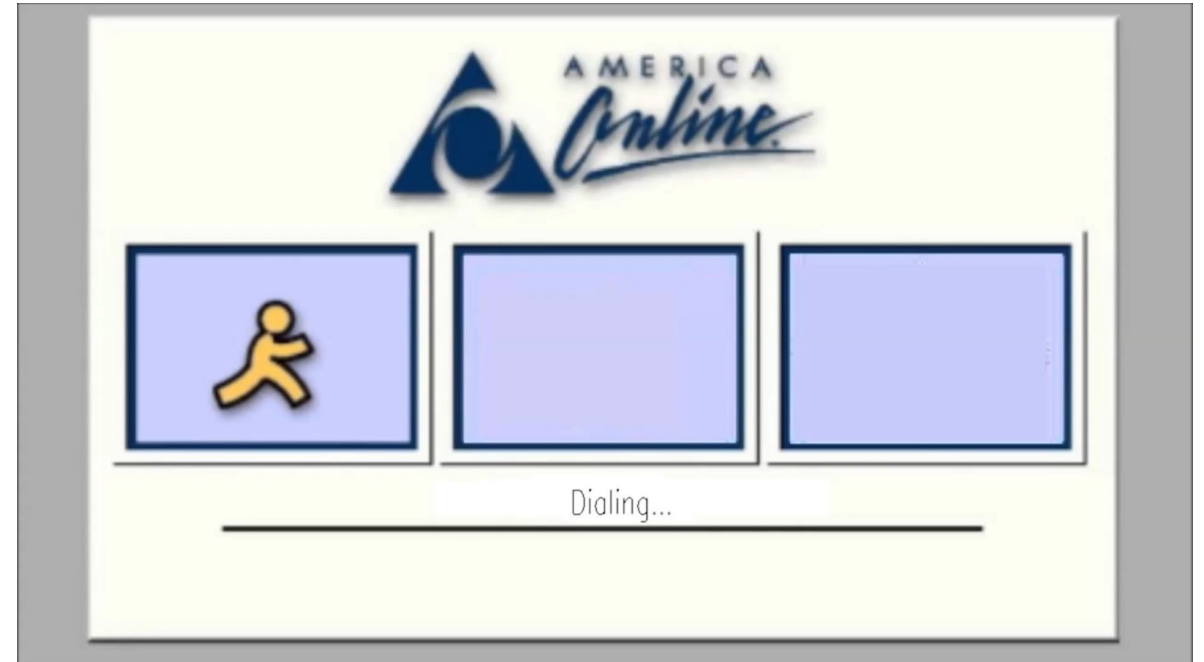
2020



# From Simple Land Lines to Complex Cell Towers













# 1990's Computer Set Up & Dialup Internet





1956 5mb storage device

	max storage space	# of document pages	image
Floppy Disk	1.44MB	490	
Zip Disk	250MB	85,330	
CD	700MB	239,000	
DVD	4.7GB	1,642,800	
BluRay	25GB	8,738,100	

Flash Drive	1TB	357,911,000	
Phone	1TB	357,911,000	
Hard Drive	32TB	11,453,152,000	
Portable Hard Drive	6TB	2,147,466,000	
Solid State Drive	8TB	2,863,288,000	

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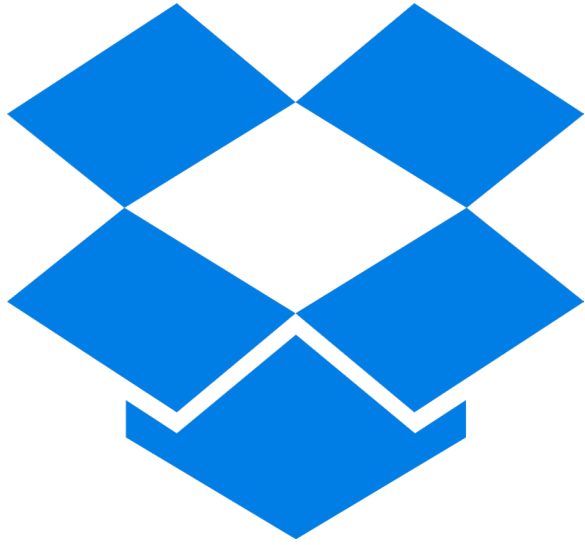
# It's Like Drinking From a Fire Hose

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	Max Storage	# of pages
Floppy Disc	1.44 MB	490
Solid State Drive	8TB	2,863,288,000









Chief Justice Monica Márquez  
FY 2025-26 Request

Steven Vasconcellos, State Court Administrator  
Colorado Judicial Department  
Courts and Probation



November 1, 2024

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## INCREASING THE NUMBER OF JUDGES IN THE STATE OF COLORADO

### **Request Summary:**

The Judicial Department last requested an increase in the number of district court judges in 2019, county court judges in 2007, and Court of Appeals Judges in 2007. During the 2025 legislative session, the Department intends to request a statutory change to establish 28 judges in Colorado’s district and county courts and the Court of Appeals over a two-year period. This request will include a total of 76.0 support staff FTE as well as education specialist resources to ensure timely education and training to support the influx of new positions in the courts. The Department requests a placeholder of \$13.2 million General Fund and 68.0 FTE for this 2025 legislation.

These requested judgeships are necessary to reach an adequate number of judicial officers needed to handle existing caseloads in a manner consistent with the Judicial Department’s mission and mandate to provide equal access to justice and timely dispute resolution. Primary drivers for increased workloads, discussed in more detail in the background section, are:

- Increases in violent crimes and probate cases coupled with increases in case processing time overall
- New statutory requirements that drive additional workload for the trial courts
- Increases in competency and mental health issues
- Increases in need for interpreters
- Necessary use and management of new technology for virtual and hybrid courtrooms
- Judge well-being
- Population growth, especially as this relates to an aging population

**Background:**

Colorado courts, at all levels, are experiencing multi-faceted growth in workload that now threatens the courts' ability to fulfill their mandates and mission. Some of the main drivers of this workload impact include increases in case filings of some of the most complex cases, the increased time needed to handle cases, changes in statute, growth in mental health and competency matters, increased need for interpreters, and managing technology for virtual and hybrid hearings. Additionally, updated workload models reflect increased complexity for many case types in both the district and county courts. Ultimately the strain of extreme workloads without additional resources seriously compromises the well-being of judges and sustainability and timeliness of the services the courts provide.

[FY26 Colorado Judicial Branch Budget Request PDF](#)



# CBI/DNA and Missy Woods

[9 News Article \(12-22-2024\)](#)

## LOCAL NEWS

# DNA analyst misconduct impacts more than 1,000 cases, CBI says

The Colorado Bureau of Investigation said it completed a review of Missy Woods' work during her 30-year career and identified 1,003 impacted cases.



# Probation vs. DOC (Adults)

## Annual Cost of Adult Sentencing Options Per Offender FY23-24

	1 yr of cost	3 yr of cost	5 yr of cost	25 yr of cost
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.*

# Probation vs. DYC (Youth)

## Annual cost per Juvenile

	1 yr of cost	3 yr of cost	5 yr of cost	25 yr of cost
Probation (FY21-22)	\$3,514	\$10,542	\$17,570	\$87,850
Juvenile Parole ***	\$16,531	\$49,593	\$82,655	\$413,275
Division of Youth Corrections *** (FY18-19)	\$96,652	\$289,956	\$483,260	\$2,416,300

[\\*The Juvenile Cost of Care can no longer be assessed pursuant to HB21-1315 \(effective 07/06/21\)](#)

\*\*\* DYS and Juvenile Parole cost calculations have been discontinued, these figures are from FY18-19

Source : DYS ; Probation Division of Probation Services

# Savings to the State of Colorado

## Data Access/JBITS

Attorney	\$ 105
FSW/FCA	\$ 66
Investigator	\$ 55
Paralegal	\$ 42

## Department of Corrections

1 year of prison saves  
\$50,000

10 years of prison saves \$500,000

100 years of prison (or 10 people  
serving 10 fewer years) saves  
\$5,000,000

**Office of the**

# **Alternate Defense**



# **counsel**

**Thank you!**

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**Lindy Frolich, Director**

[Lindy@coloroadc.com](mailto:Lindy@coloroadc.com)

 **Coloroadc.org**

Stacie Nelson Colling  
*Youth Defense Coordinator/  
Darren Cantor  
Deputy Director*

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# HB 14-1032 (Youth Defense)

- §21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.
- (3) Pursuant to [section 2-7-203, C.R.S.](#), the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:
  - (a) The number of juvenile delinquency cases for which counsel from the office is appointed;
  - (b) The number of juvenile cases that involve a conflict of interest;
  - (c) The process of selecting, training, and supporting attorneys who represent children in juvenile delinquency court;
  - (d) The average length of time attorneys are assigned to juvenile court; and
  - (e) The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.

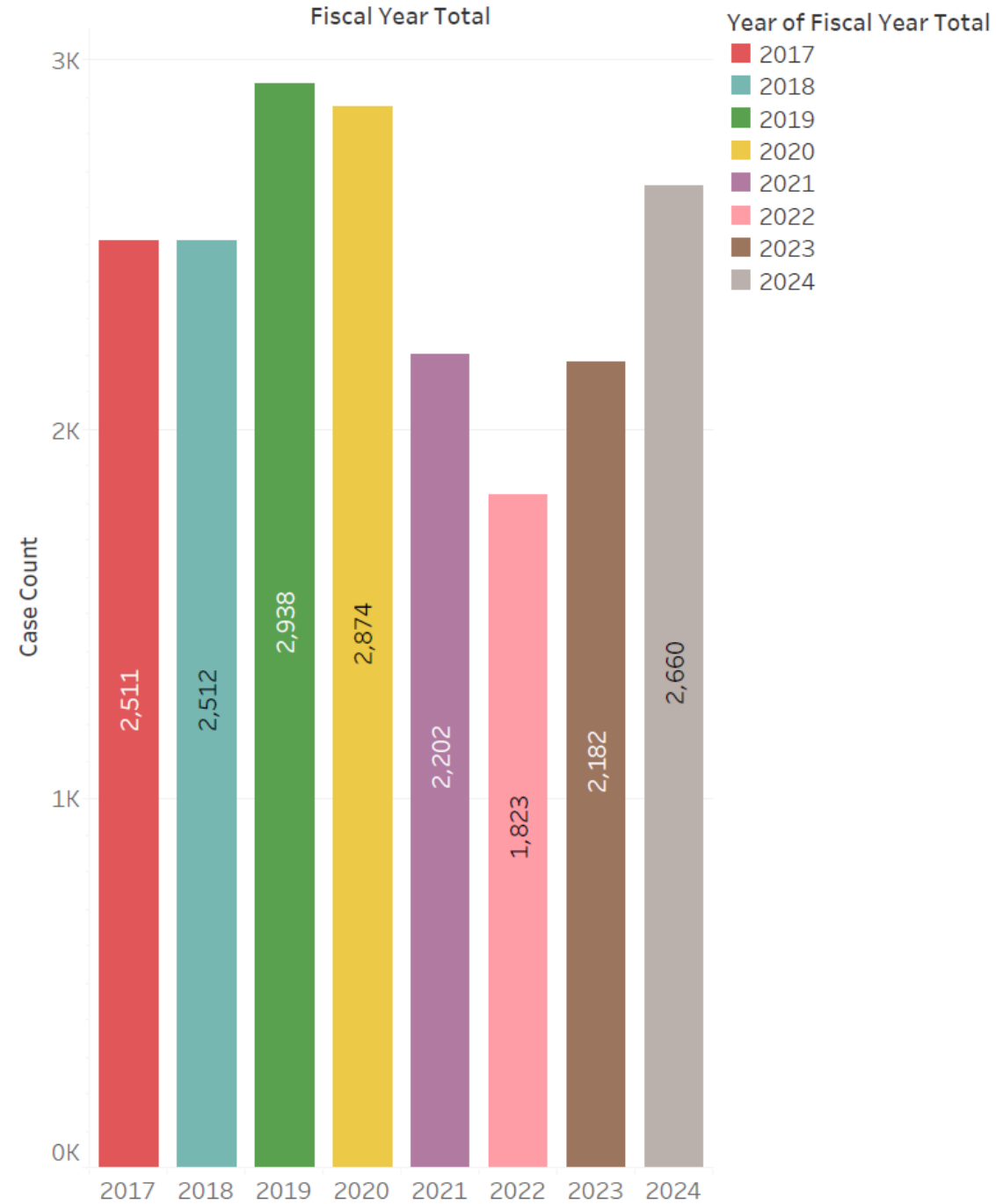
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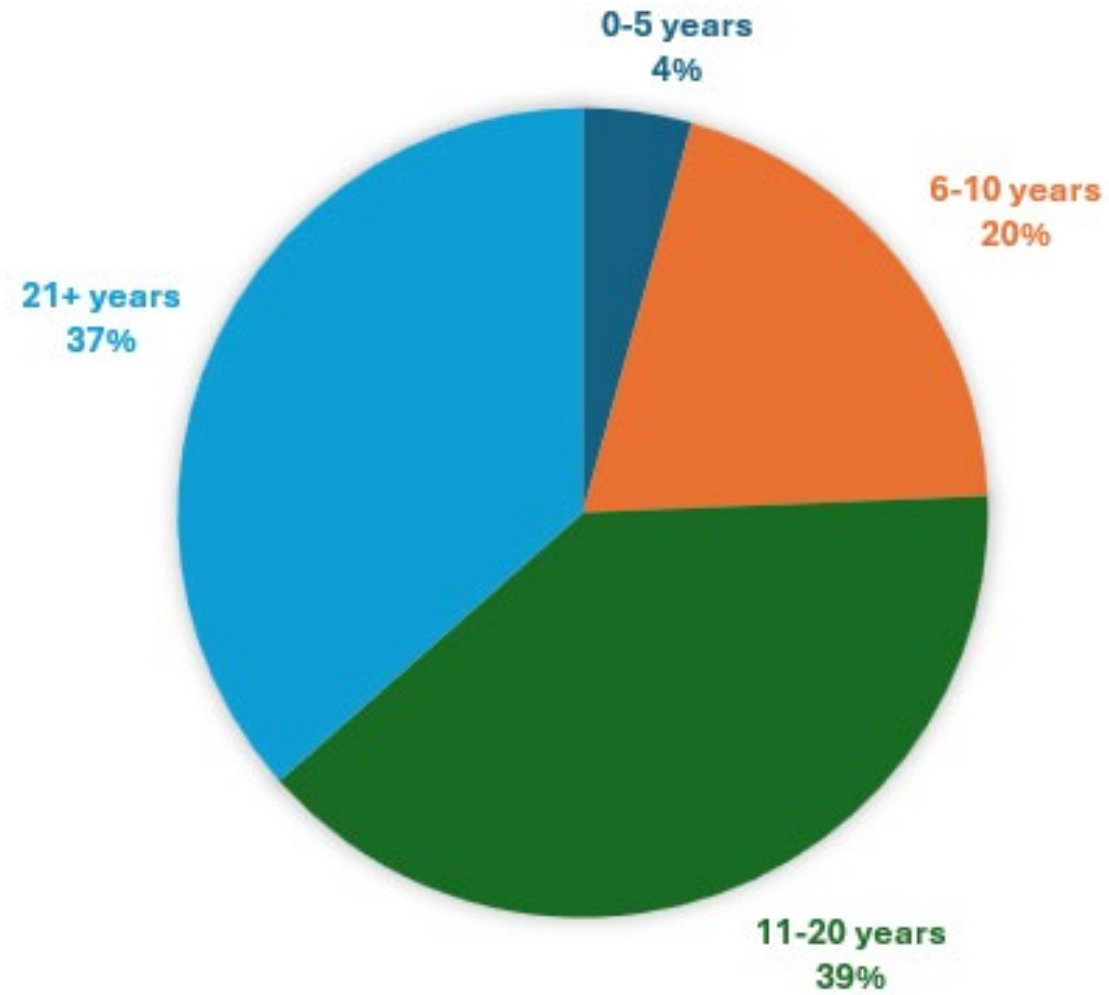
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- (a) The number of juvenile delinquency cases for which counsel from the office is appointed;
- (b) The number of juvenile cases that involve a conflict of interest;
- (c) The process of selecting, training, and supporting attorneys who represent children in juvenile delinquency court;
- (d) The average length of time attorneys are assigned to juvenile court; and
- (e) The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.

# Total Youth Cases



## YEARS OF ATTORNEY EXPERIENCE: OADC YOUTH DEFENDERS



Office of the

# Alternate Defense



# counsel

Thank you!

Stacie Nelson Colling  
Youth Defense Coordinator  
[stacie@coloroadc.com](mailto:stacie@coloroadc.com)  
(720) 994-2853

Darren Cantor  
Deputy Director  
[Darren@coloroadc.com](mailto:Darren@coloroadc.com)  
(720) 994-2855

 [Coloroadc.org](http://Coloroadc.org)

Erin Campbell  
*Evaluation & Training  
Coordinator*

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# SB 19-223 (Competency Bill)



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

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

(f) The process of training employees and contractors concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

# 2019 Competency Trainings – Immediately Responsive

1) Understanding the Complexities of Competency Cases and the Juvenile Perspective (4 CLEs)

2) Changes to Competency Services in CO & Updates in the Law (2 CLEs)

- Statutory changes and law updates
- Adults vs. Juveniles
- Competency and restoration services
- Defense teams working together – holistic approach



A large, dark blue circular graphic on the left side of the slide, partially cut off by the edge.

# Statewide Comprehensive Competency Trainings

## Spring 2020 Road Show

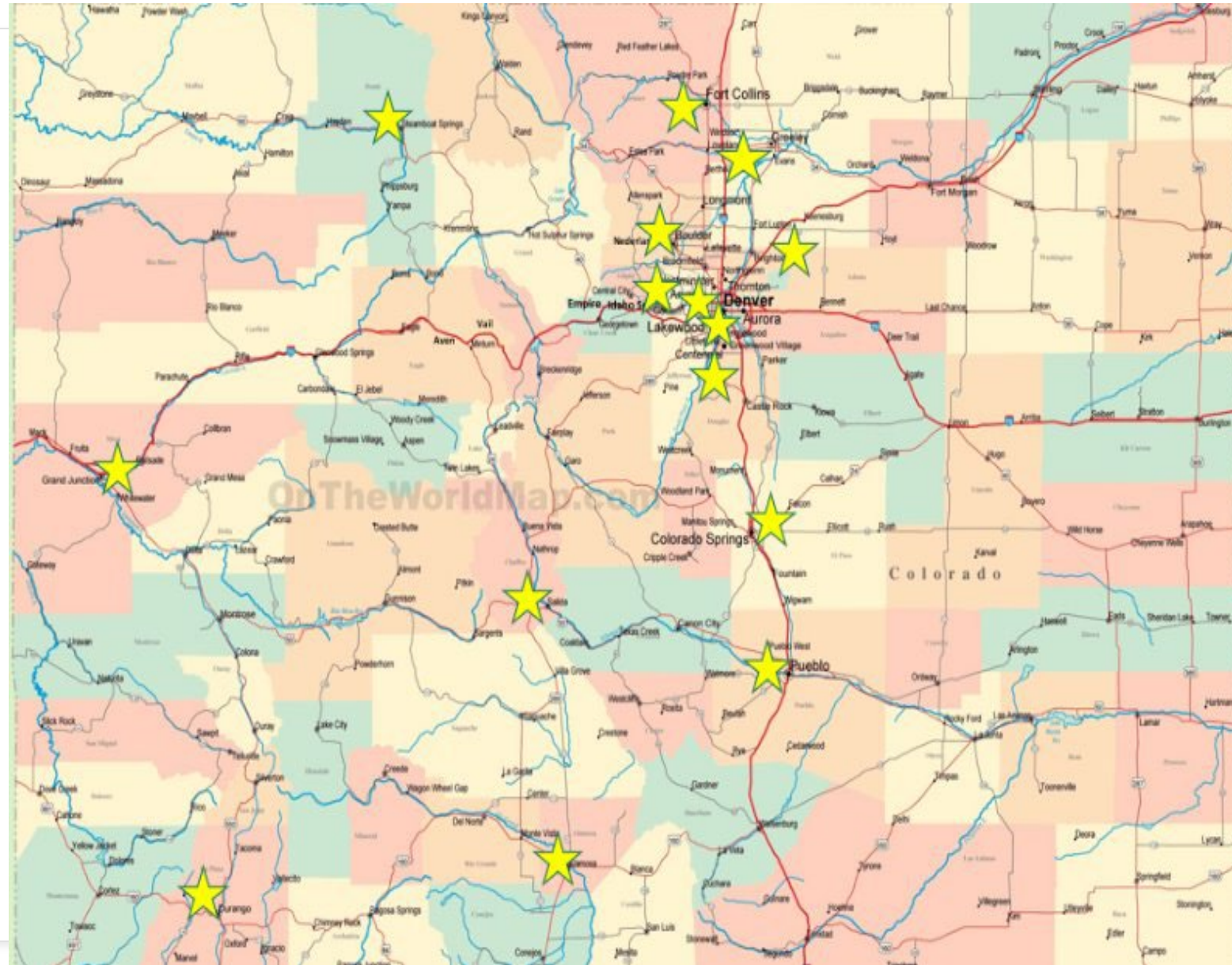
- Co-sponsored with the CO Public Defender's Office
- In-person/Webinar/Recording/Home Study CLE
- Each training was 4 hours of instruction (5 CLE credits) and widely attended

# Road Show

Comprehensive  
Competency Trainings

\*

15 Locations



# Advanced Level Competency Trainings

## **Two “Advanced Series” Competency Trainings**

*(determined by feedback from Competency Road Shows)*

- **The Civil Mental Health System for Criminal Defense Teams, 2 CLEs**
- **Navigating Ethical Issues When Representing Clients with Mental Illness, 2 CLEs**

# Competency Trainings – 2024 & 2025

- **Recent Changes to Colorado Competency Law CLE**
  - September 2024
  - January 2025
- **Covers:**
  - **HB24-1355** (Measures to Reduce Competency Wait List)
  - **HB24-1034** (Adult Competency to Stand Trial)

# Goals of these trainings

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- Educate on Colorado's competency statutes and changes
- Educate on competency related programs/services
- Practical, relevant, client-centered, promote holistic defense
- Accessible to all contractors - webcast and recorded

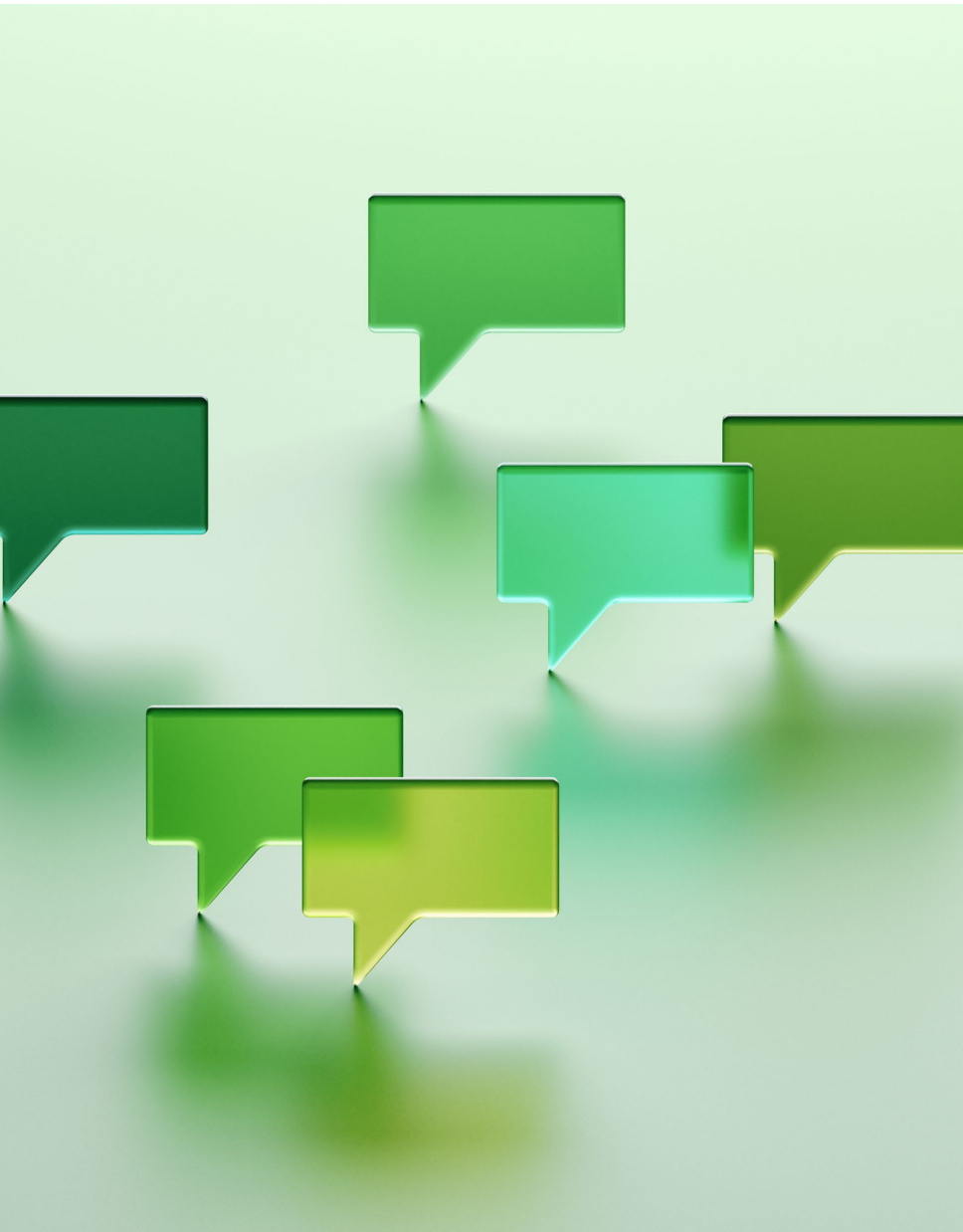
## Feedback from Evaluations

*"Great presentation of a very technical and complicated area of the law by an extremely knowledgeable presenter! A+"*

*"Very informative, engaging presentation – high impact, very beneficial to my practice."*

*"This was one of the most interesting and helpful CLEs that I have ever been to."*

*"Good overview and update – really interesting and hopeful."*



## UPDATES...

- Using these trainings as an onboarding resource for new contractors
- Trainings/resources are available on our online training portal
- Contractors reminded about these "on demand" trainings in our quarterly newsletter
- We continue to build partnerships with other agencies in the competency arena, Bridges in particular, to help inform future training

**Office of the**

# **Alternate Defense**



# **counsel**

**Thank you!**

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**Erin Campbell**  
**Evaluation & Training Coordinator**  
**[erin@coloroadc.com](mailto:erin@coloroadc.com)**  
**(720) 994-2843**

 **[Coloroadc.org](http://coloroadc.org)**

Office of the

# Alternate Defense



# Counsel

## Contact Information

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Lindy Frolich – Executive Director  
lindy@coloradoadc.com | (720) 994-2845

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Darren Cantor – Deputy Director  
darren@coloradoadc.com | (720) 994-2855

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stacie@coloradoadc.com | (720) 994-2853

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## **Annual Report to the Joint Judiciary Committee**

**Pursuant to  
HB 13-1299 (SMART Act)  
HB 14-1032 (Youth Defense)  
SB19-223 (Competency Bill)**

**January 13, 2025**

Lindy Frolich, Executive Director  
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## The Office of the Alternate Defense Counsel

### **Background**

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

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

### **Statutory Mandate/Directive**

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

### **Mission Statement**

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

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

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

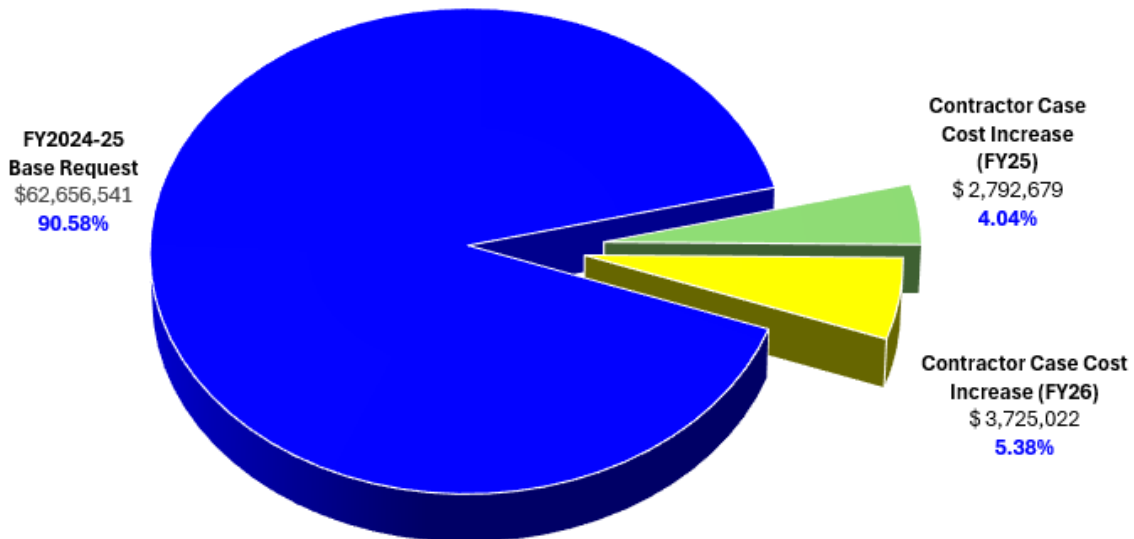
- MINUS Capital Outlay Adjustments (\$20,010);
- MINUS Common Policy Adjustments (\$50,310);
- MINUS PY (FY25) 1331 Supplemental Annualized (\$759,000);
- PLUS Salary Survey / Across the Board (ATB) Adjustments \$128,988;
- PLUS Step Pay \$32,089;
- PLUS PY FTE Annualizations \$42,293;
- PLUS SB23-277 \$5 Contractor Rate Increase - Attorneys Annualization \$2,619,185.

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

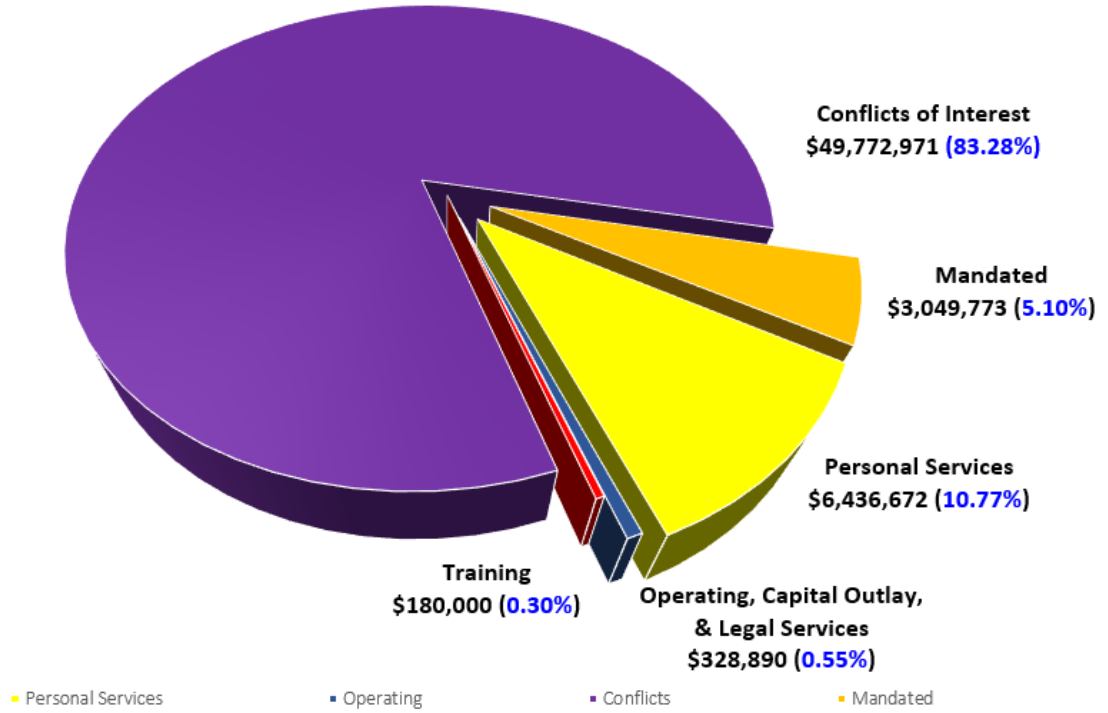
- PLUS DI 1 - Change Request - Contractor Case Cost Increase (FY25) \$ 2,792,679
- PLUS DI 1 - Change Request - Contractor Case Cost Increase (FY26) \$3,725,022

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

### FY 2025-26 Budget Request



# FY2024-25 Total Appropriation \$ 59,768,306



## SMART Act (HB 13-1299)

### Agency Objectives and Performance Measures

- Performance Measure A: Contain Case Costs
- Performance Measure B: Providing Multidisciplinary Legal Teams for OADC clients

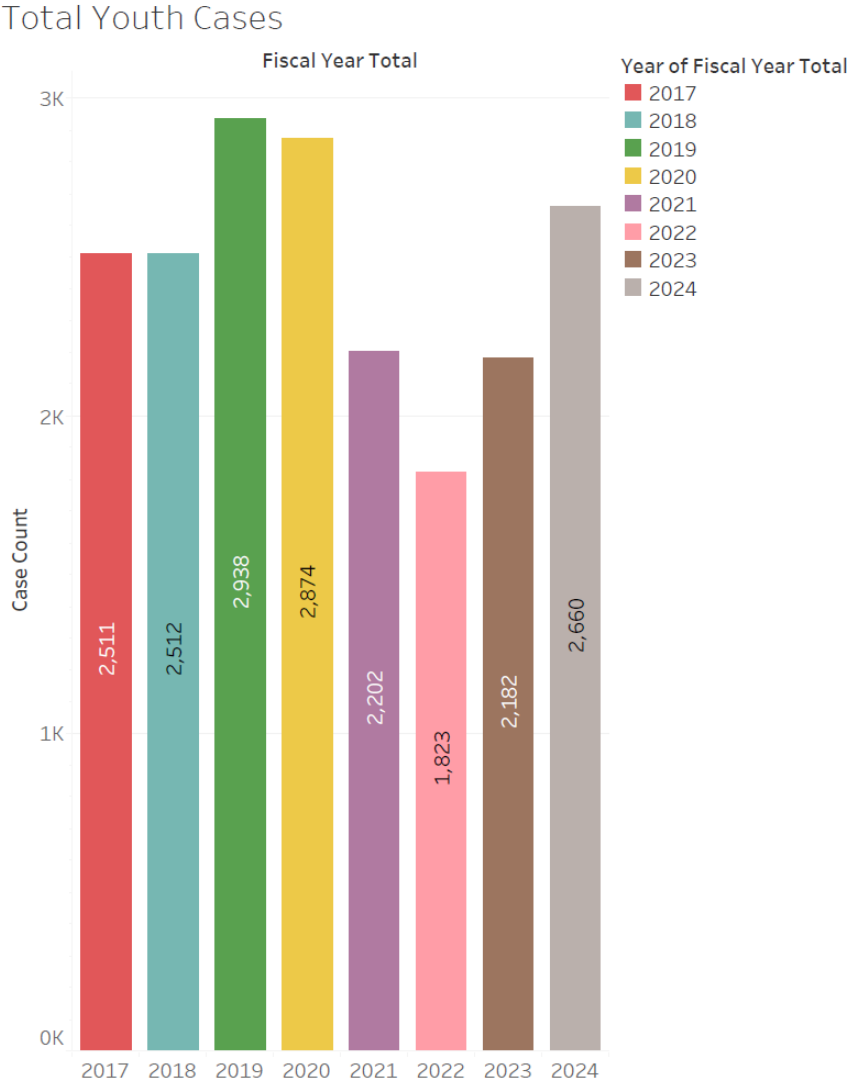
For historical and projected data please see **Appendix A: Agency Objectives and Performance Measures.**

# HB 14-1032 (Youth Defense)

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

**(3) PURSUANT TO SECTION 2-7-203, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL REPORT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:**

**(a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH COUNSEL FROM THE OFFICE IS APPOINTED;**



**(b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT OF INTEREST;**

Each case involves a conflict of interest. An OADC contract attorney may only be appointed when the Office of the State Public Defender has declared a conflict of interest.

**(c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY COURT;**

Selection: In 2017, OADC established a Youth Defense Division of attorneys who specialize in defending youth, and the agency is committed to only allowing attorneys who have the requisite knowledge, experience, and training to represent children.

Screening for the Youth Defense Division assesses an applicant's interest in youth defense, experience, command of relevant case law, statutes, policies, and standards, and understanding of social science research related to adolescent behavior and development. Applicants must demonstrate the ability to provide holistic defense to youth through multi-disciplinary teams. Further, applicants must demonstrate a commitment to best practices in youth defense, such as effective communication strategies, family and community engagement, and the importance of frequent and regular visits.

Youth in adult court are only assigned defenders with the experience and specific skills needed for defending youth in adult court. Attorneys interested in developing such expertise are encouraged to assist more experienced attorneys in these cases.

Training: The OADC co-sponsors an annual youth defense specific conference with other youth-serving agencies and offers additional youth defense specific training throughout the year. The OADC also updates and edits the Colorado Youth Defense Manual, a comprehensive practice manual recently released in its 6th edition. The OADC identifies training needs through communication with OADC contractors and other juvenile legal system stakeholders, changes in law and policy, and observations of attorneys' oral and written practice.

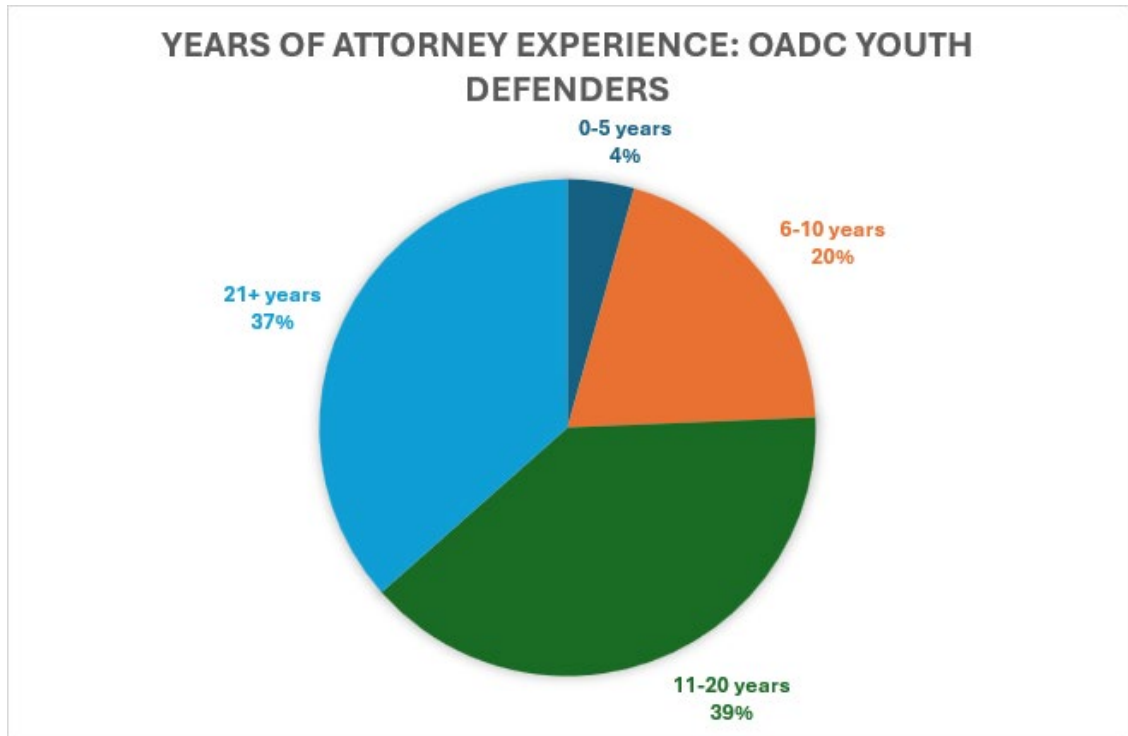
The Youth Defense Coordinator stays updated on changes in law and policy through participation in various statewide initiatives involving multiple stakeholders from across the juvenile legal system. The Youth Defense Coordinator was an appointed member of Colorado's Juvenile Justice & Delinquency Prevention Advisory Council until term-limited in 2023; the Juvenile Justice Reform Committee until its sunset in 2022; and the Bridges Program Statewide Steering Committee until the Bridges program became an independent agency in 2023. The Coordinator currently serves as a member of the Colorado Restorative Justice Council and the Colorado Youth Detention Continuum/Interstate Compact Advisory Board.

Support: The full-time Youth Defense Coordinator is available to consult and advise youth defense teams, and to connect contractors to resources. The OADC supports youth defenders in forming holistic defense teams by making available forensic social workers, paralegals, education advocates, investigators, specialty area consultants, experts, legal researchers, case assistants and student interns. Further, the OADC provides access to Westlaw and an e-library that includes youth defense-specific legal memos, briefs, motions and social science research.

**(d) THE AVERAGE LENGTH OF TIME ATTORNEYS ARE ASSIGNED TO JUVENILE COURT;**

The OADC recognizes that youth defense is a specialty practice distinct from adult defense. Therefore, there is no set length of time that one would stay in juvenile court. The OADC expects any attorney who commits to youth defense to do so long-term.

Currently, 96% of OADC's juvenile defenders have been practicing law for at least 6 years, and 76% have been practicing for at least 10.



**(e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT**

The OADC does not use rotations, but rather contracts with attorneys it expects to continue representing youth in delinquency and adult court long term. The OADC is an independent contractor-based organization with a set hourly fee schedule and cannot increase the compensation of attorneys without legislative approval.

## SB 19-223 (Competency Bill)

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

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

(f) The process of training employees and contractors concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

The Office of the Alternate Defense Counsel, in conjunction with the Colorado State Public Defender's office, developed a comprehensive competency training that was delivered, live, to fifteen locations throughout the state during the end of 2019, into 2020. To make this training accessible to all our contractors, it was also webcast from one location, and recorded so it would be available after the fact to those who were not able to attend in person or via webcast. The fifteenth training was delivered in March of 2020, just before the pandemic hit and this training has not been offered live since then. However, this training has been posted on our agency's online training portal and is readily available to all our contractors to view on-demand. This comprehensive competency training contained four hours of instruction and attorneys who attended received five Continuing Legal Education credits.

In addition to these fifteen statewide comprehensive competency trainings, our agency did two competency trainings in the fall of 2019 and two additional advanced level competency trainings in May and June of 2020. All of these competency trainings are also available for on-demand viewing and on our agency's training website. A collection of competency trainings is also being used in onboarding new contractors and fellows.

Most recently, following the changes to the competency laws in 2024 with HB24-1355 (Measures to Reduce Competency Wait List) and HB24-1034 (Adult Competency to Stand Trial), we have developed a CLE course entitled "Recent Changes to Colorado Competency Law." This training was given live and webcast in September 2024 and is scheduled again for January 2025. Again, this training will be recorded and available "on-demand" for our contractors.



# Appendix A

## Agency Objectives and Performance Measures

### Objectives

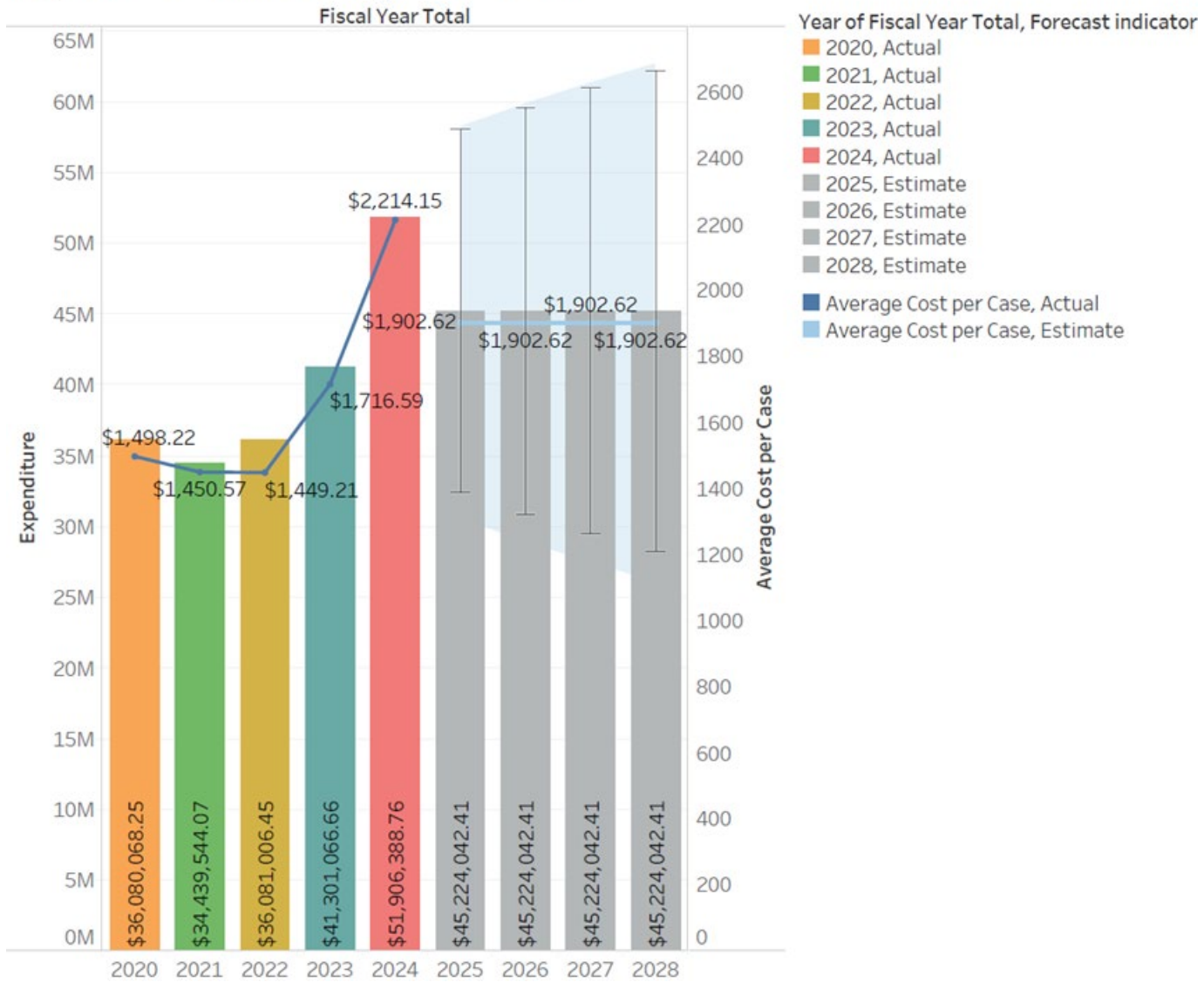
#### Performance Measure A: Contain Case Costs

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.

## Expenditures and Average Case Costs



## **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 Social Worker/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

