



## Annual Report to the Joint Judiciary Committee

Pursuant to

HB 13-1299 (SMART Act)

HB 14-1032 (Juvenile Defense)

SB19-223 (Competency Bill)

SB18-203 (Municipal Courts)

Lindy Frolich, Director

Stacie Nelson Colling, Juvenile Defense Coordinator

Erin Campbell, Evaluation and Training Coordinator

Kimberly Simmons, Municipal Court Coordinator

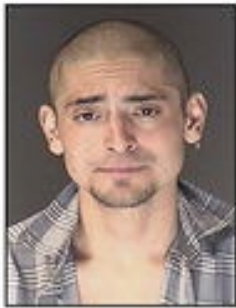
January 25<sup>th</sup>, 2021

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

# Four Additional Suspects Arrested in Connection With Double Homicide



Endo Velarde



Carlos Meza



Breeanna Dahlberg



Angelita Prado



Jonathan Briggs



Justin Martinez



Kristina Meyer



Marsha Houghton



Amanda Allen



Codey Slope



Chase Girard



Rhonda Keller

Last updated 4/5/2017 at 9:20pm

Last week, the number of suspects arrested in connection with the double murder of Derek Greer and Natalie Partida grew as four additional suspects were arrested.

The bodies of Greer and Partida were found March 12 on Old Pueblo Rd.

At approximately 7:10 p.m. Saturday, Endo Velarde aka Sleepy, 18, turned himself in to the Criminal Justice Center.

According to Jacqueline Kirby, Media Relations Manager/PIO for the El Paso County Sheriff's Office, he is being charged with Attempt to Influence a Public Official and was also booked on an outstanding warrant unrelated to the homicides. The investigation is still ongoing and additional arrests are possible, Kirby said.

# Hearing in killings of two Colorado Springs students centers on gang motive

By lance benzel [lance.benzel@gazette.com](mailto:lance.benzel@gazette.com) Oct 17, 2017 Updated Nov 9, 2020



For weeks, 16-year-old Natalie Partida had a target on her back.

The teen and two of her girlfriends were allegedly marked for abduction, torture and possibly rape - part of a gang-related scheme to get them to disclose who might have shot up two apartment buildings in Colorado Springs.

Whether the Coronado High School sophomore had a role in a feud between the South Side Soldados and a rival gang called the Meadows isn't clear, but according to Angelita Prado, it's what motivated Partida's March 11 kidnapping and murder. Partida's body was found a day after her abduction on a road south of Fountain, alongside that of 15-year-old classmate Derek Greer. Both were shot repeatedly, including in the head, while made to kneel for a double-execution near the Pikes Peak International Raceway, authorities say.





www.timescall.com › longmont-police-arrest-multiple-s... ▼

## Longmont police arrest multiple suspects connected to drug ...

Jul 2, 2019 — Ward, 83 charges, including two counts of violation of **Colorado** Organized Control Act, **multiple** charges for distribution of a controlled ...

## Multiple people arrested after investigation into prostitution ...

3 days ago — **Multiple** people **arrested** after investigation into prostitution ring at **Colorado** Springs hotel. **COLORADO SPRINGS**— **Multiple** people have been **arrested** after the **Colo** Springs Police Department (CSPD) conducted an investigation at the Travelodge by Wyndh Hotel in September.

- R-1 Change Request – OADC Caseload GF **Decrease** of \$4,520,835

	FY21 Estimated	Estimated % Change	FY22 Estimated
Caseload	26,621	10.53%	29,425
Expenditures*	\$ 40,855,869	10.53%	\$ 45,158,386

FY21 Conflicts-of-Interest Contracts LBLI	\$ 46,493,770
Estimated FY22 Conflicts-of-Interest Contracts Expenditures	\$ 42,262,813
<b>FY22 DI#1 Conflicts-of-Interest LBLI Decrease</b>	<b>\$ (4,230,957)</b>
Estimated FY21 Mandated Costs LBLI	\$ 3,185,451
Estimated FY22 Mandated Costs Expenditures	\$ 2,895,573
<b>FY22 DI#1 Mandated Costs LBLI Decrease</b>	<b>\$ (289,878)</b>
<b>FY22 DI#1 Caseload Decrease</b>	<b>\$ (4,520,835)</b>

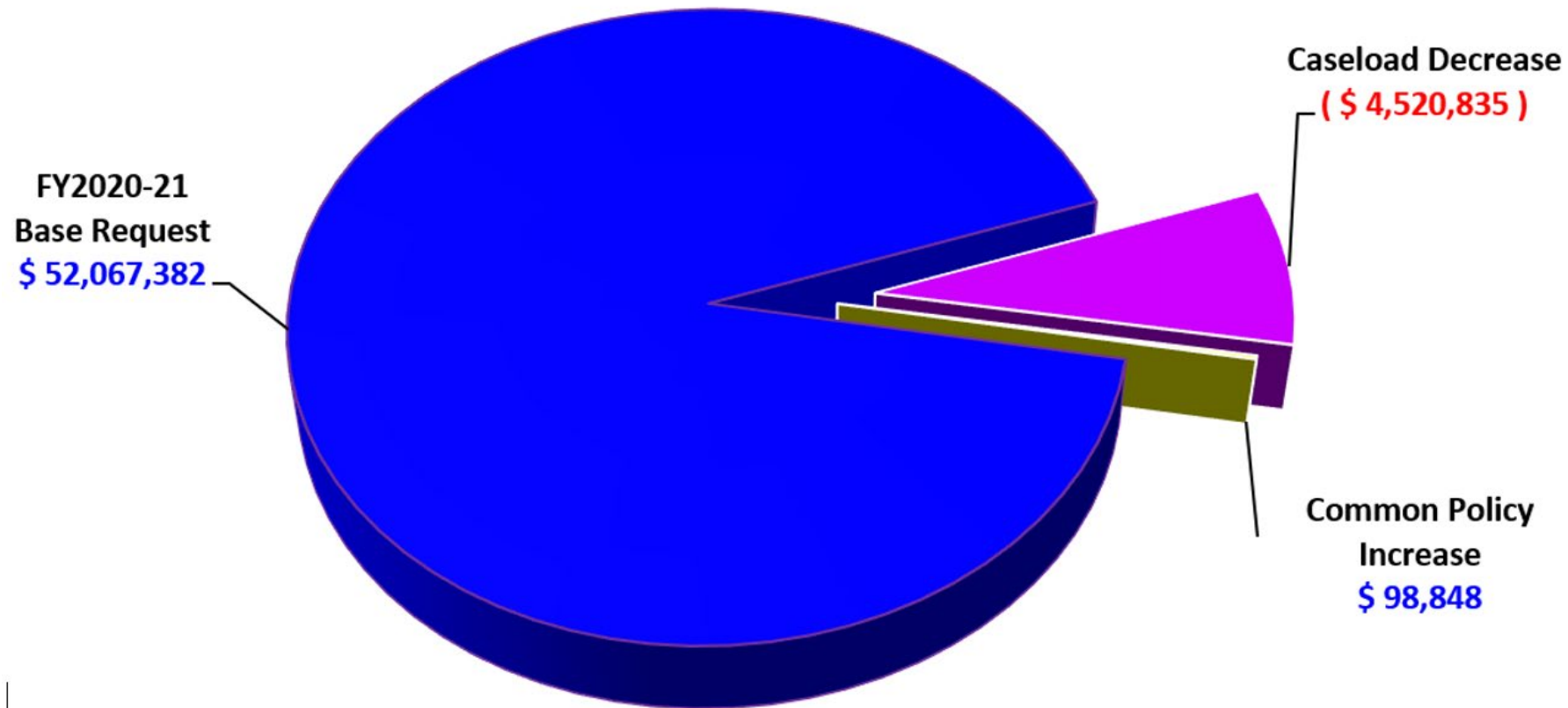
\* Expenditures amount equals Conflicts-of-Interest plus Mandated Costs.

## FY 2020-21 Appropriation \$ 52,067,382

Common Policy Adjustments \$98,848

R-1 Change Request – OADC Caseload GF **Decrease** of **\$4,520,835**

## FY 2021-22 Budget Request of \$ 47,645,395



	FY15*	FY16	FY17	FY18	FY19**	FY20
Overall Average Cost per Case	\$ 1,722	\$ 1,581	\$ 1,523	\$ 1,456	\$ 1,474	\$ 1,498
change from prev FY	7.7%	-8.2%	-3.7%	-4.4%	1.2%	1.6%

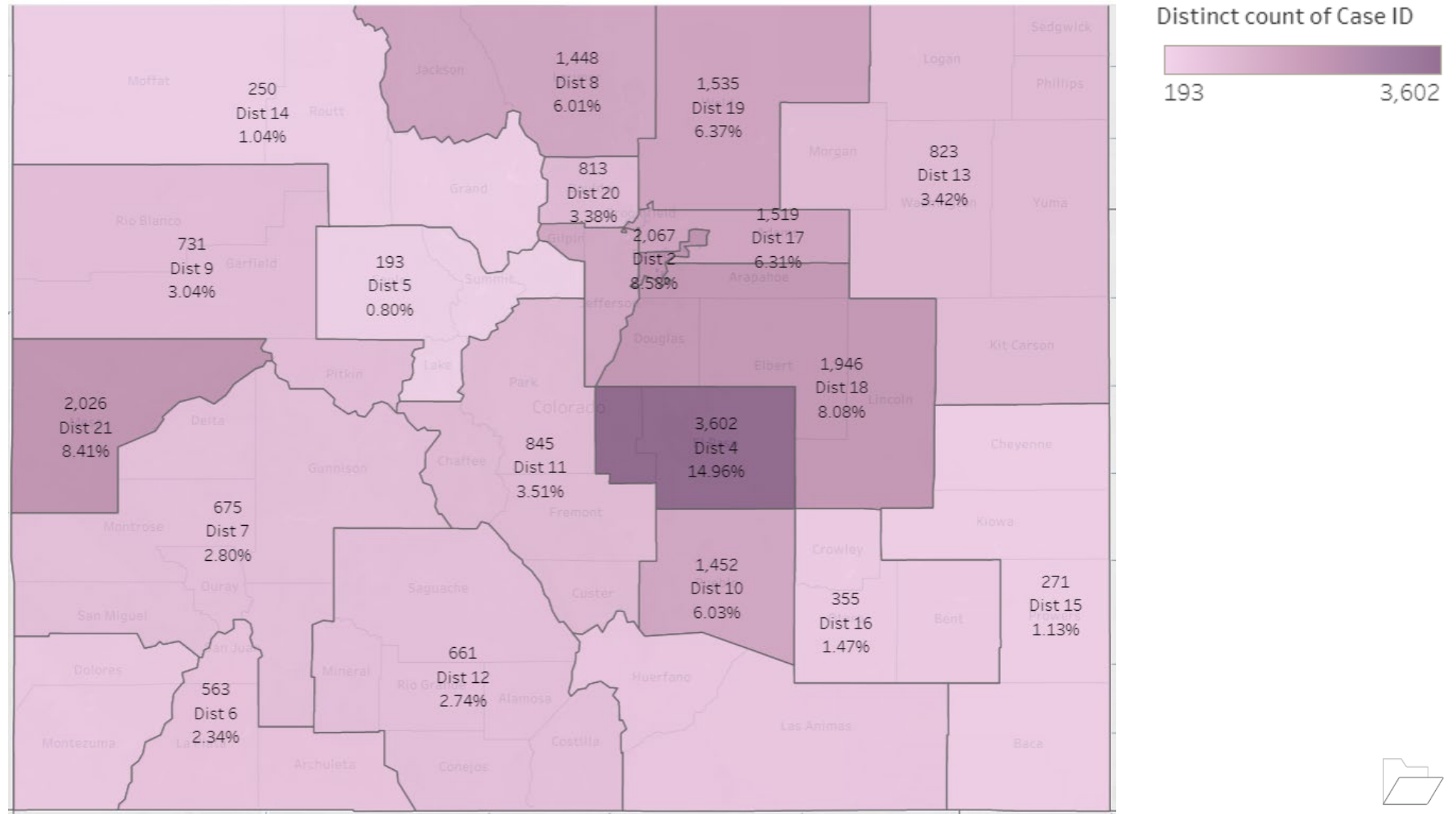
$$(\$1,722 - \$1,498) = \$224 \times 24,085 = \$5,395,040$$

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

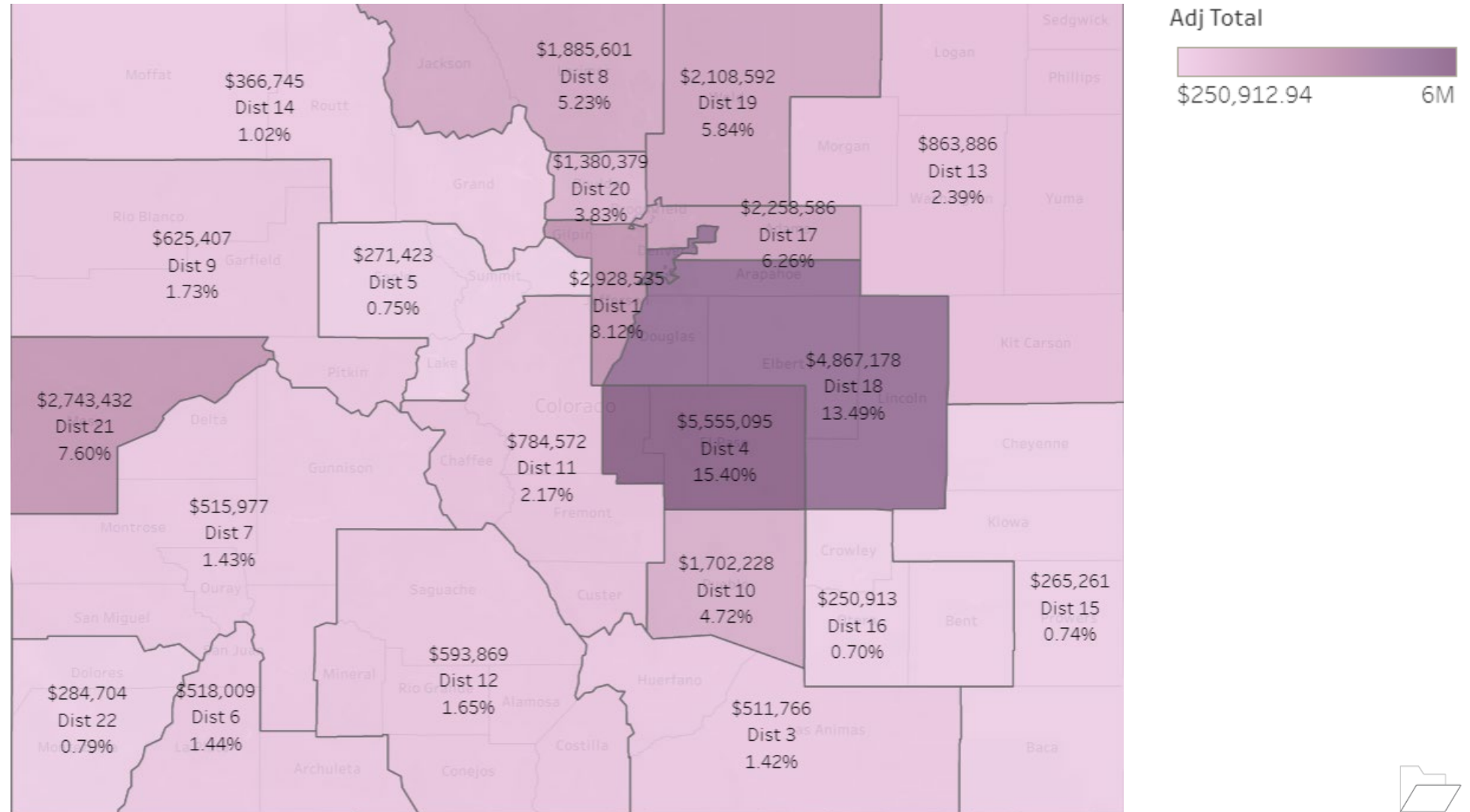
*\*\*In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*



# Case Count by District FY20

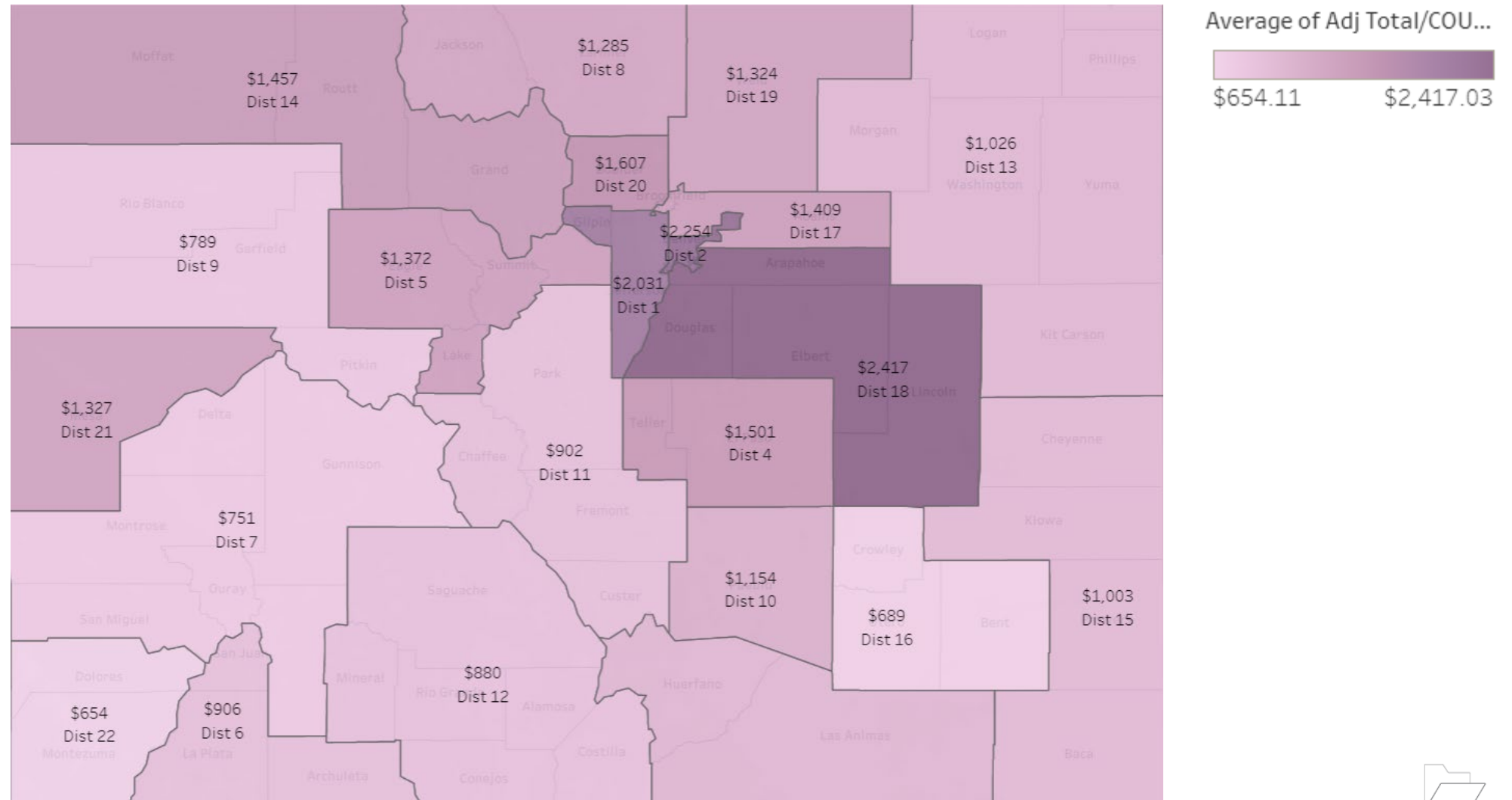


# Case Expenditures by District FY20

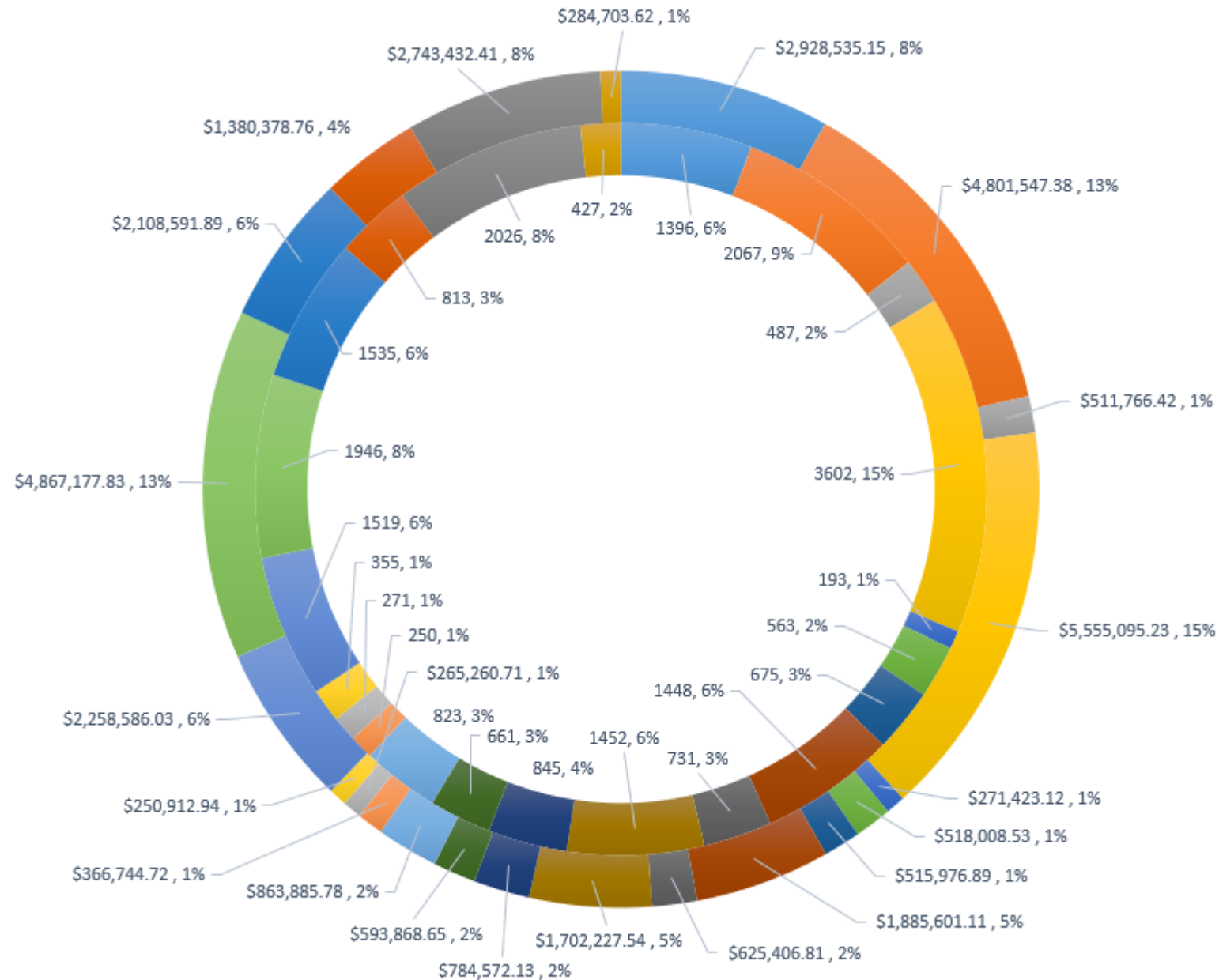


# Interactive map ( Average Cost by District FY20 )

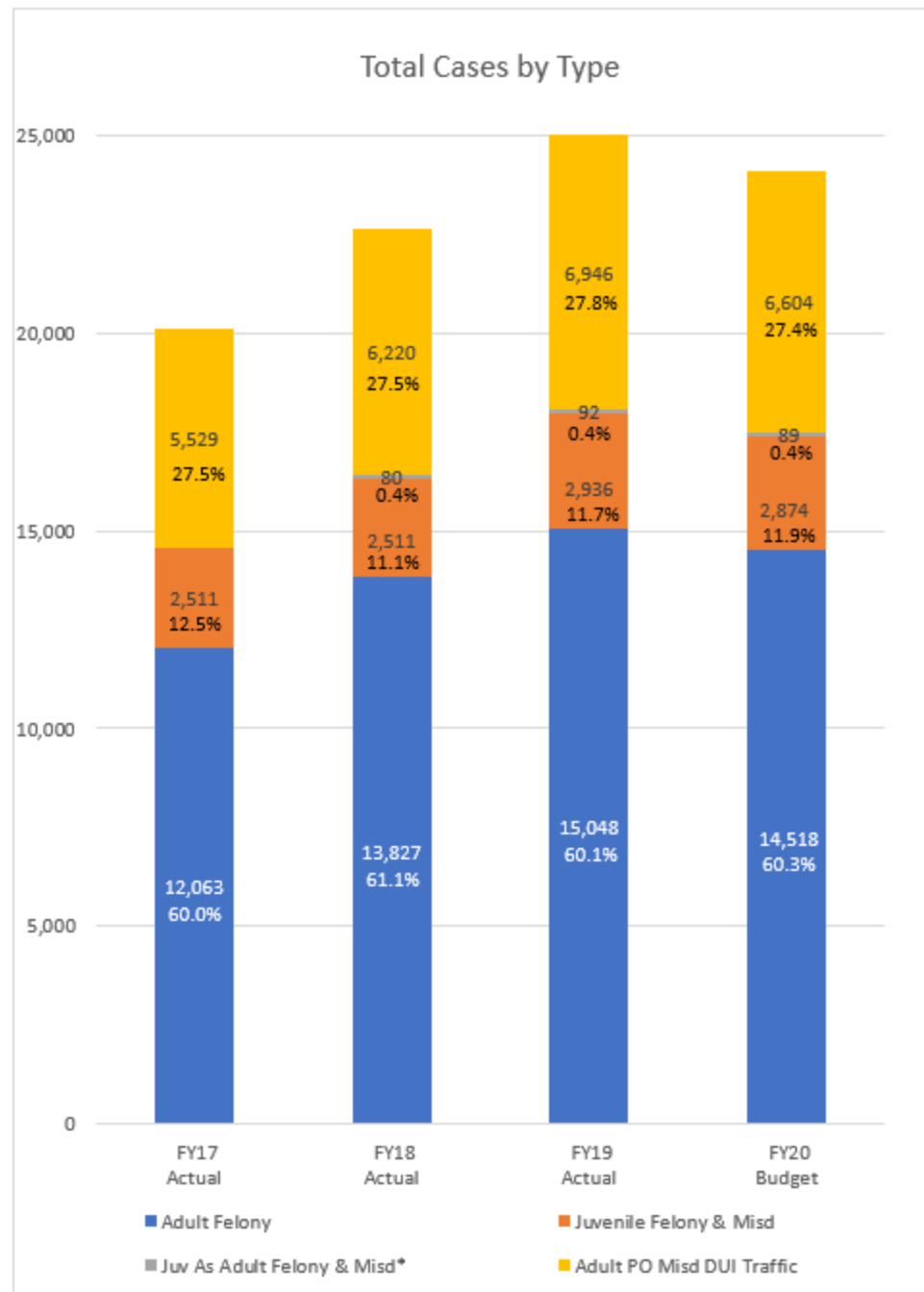
[https://10ay.online.tableau.com/t/officeofthealternatedefensecounsel/views/MapofAverageCaseCostFY20byDistrict/DistrictMapofCaseAveragesFY20?:showAppBanner=false&:display\\_count=n&:showVizHome=n&:origin=viz\\_share\\_link](https://10ay.online.tableau.com/t/officeofthealternatedefensecounsel/views/MapofAverageCaseCostFY20byDistrict/DistrictMapofCaseAveragesFY20?:showAppBanner=false&:display_count=n&:showVizHome=n&:origin=viz_share_link)



## OADC Caseload and Expenditure by District FY20

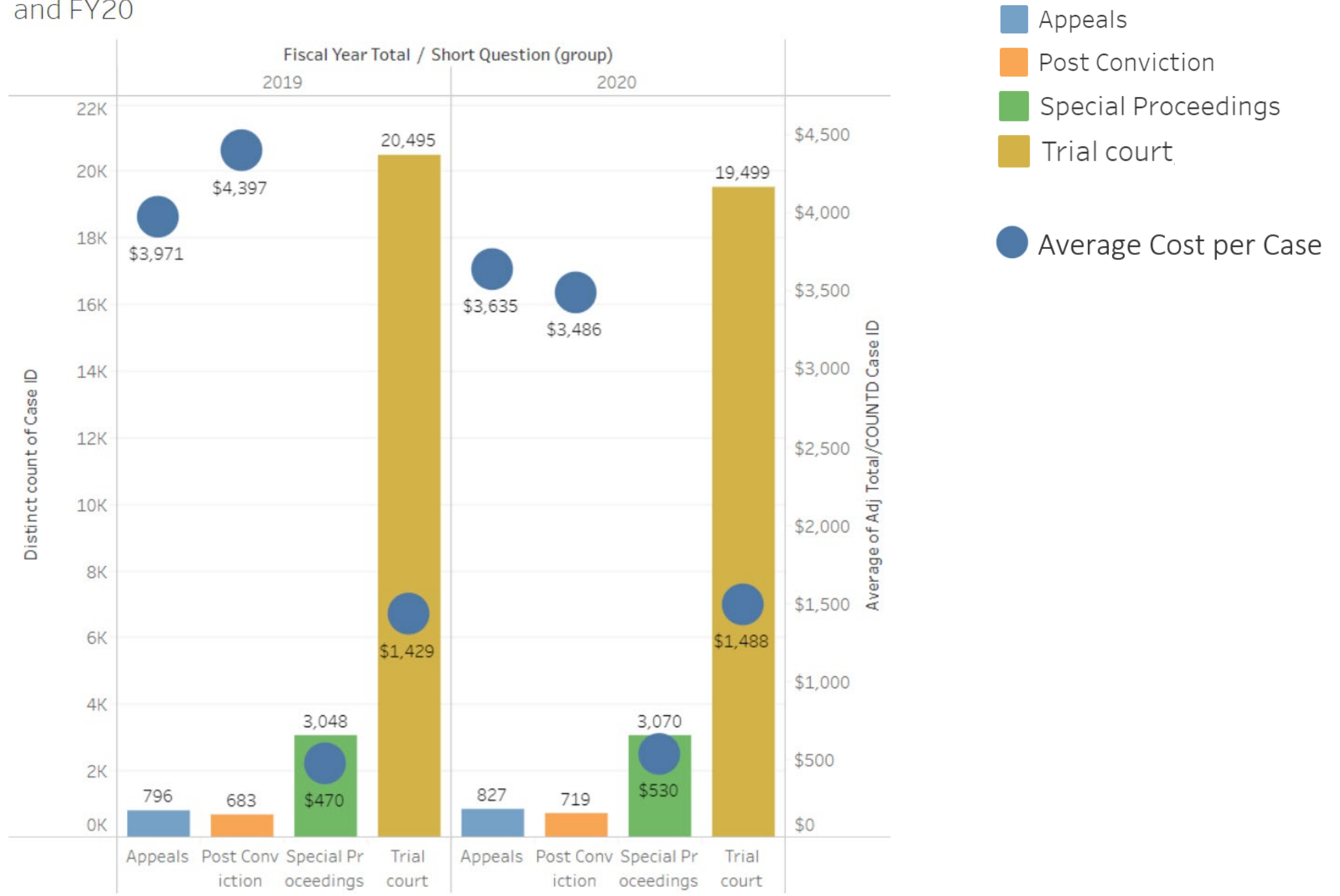


1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd





Case Category Case Count and Average Cost per Case by Year FY19 and FY20





# SMART Act (HB 13-1299)

## Agency Objectives and Performance Measures

- A. Ensure Adequate Contractor Rates
- B. Contain Case Costs
- C. Provide High-Quality Annual Trainings
- D. Provide Cost-Effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Strengthen Social Worker Program
- G. Strengthen Juvenile Division
- H. Implement and manage the Municipal Court Program

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

- Stacie Nelson Colling  
*Juvenile Defense Coordinator*

# HB 14-1032 (Juvenile Defense)

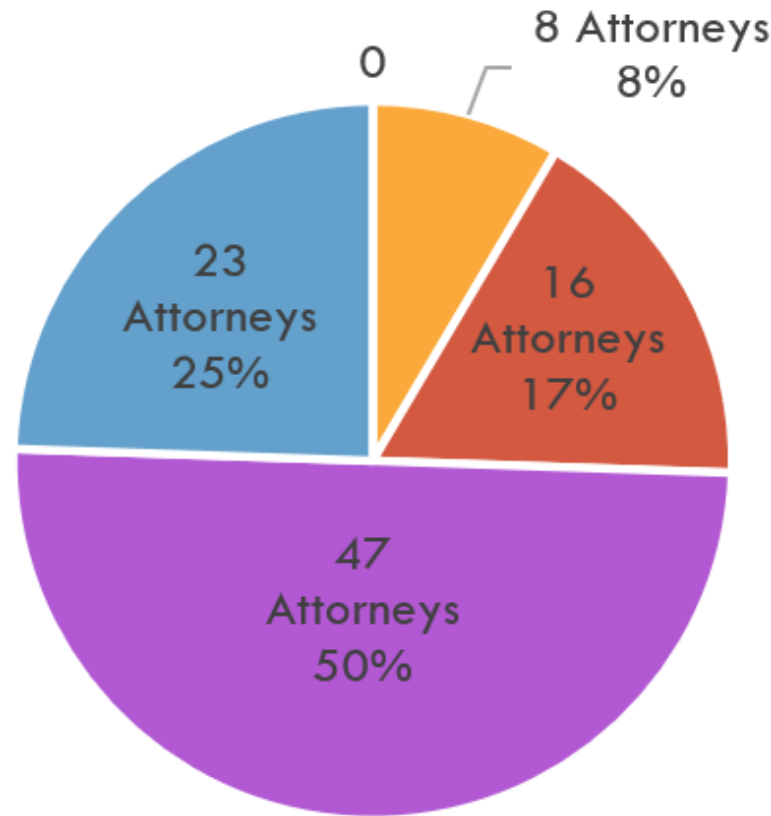
§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

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

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

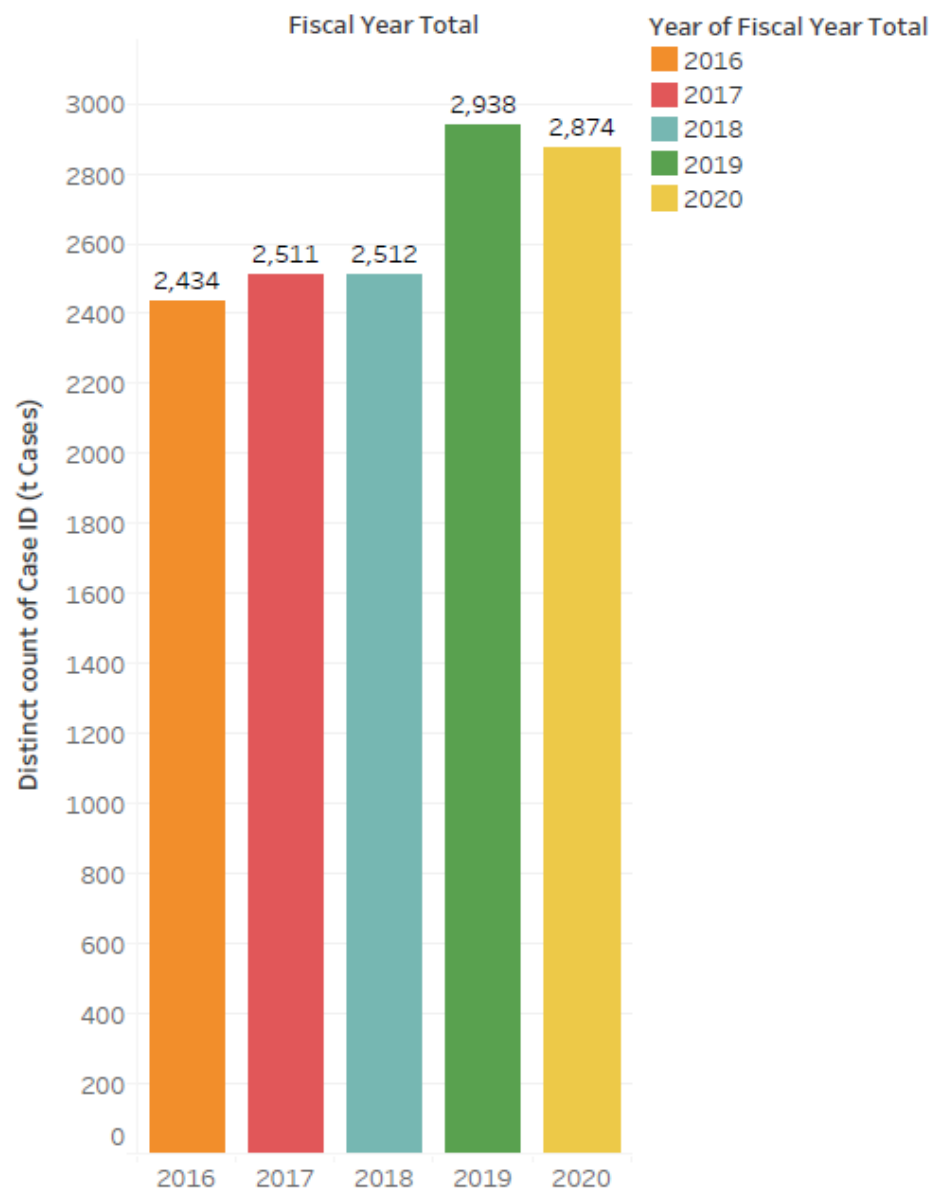


## Juvenile Attorney Experience

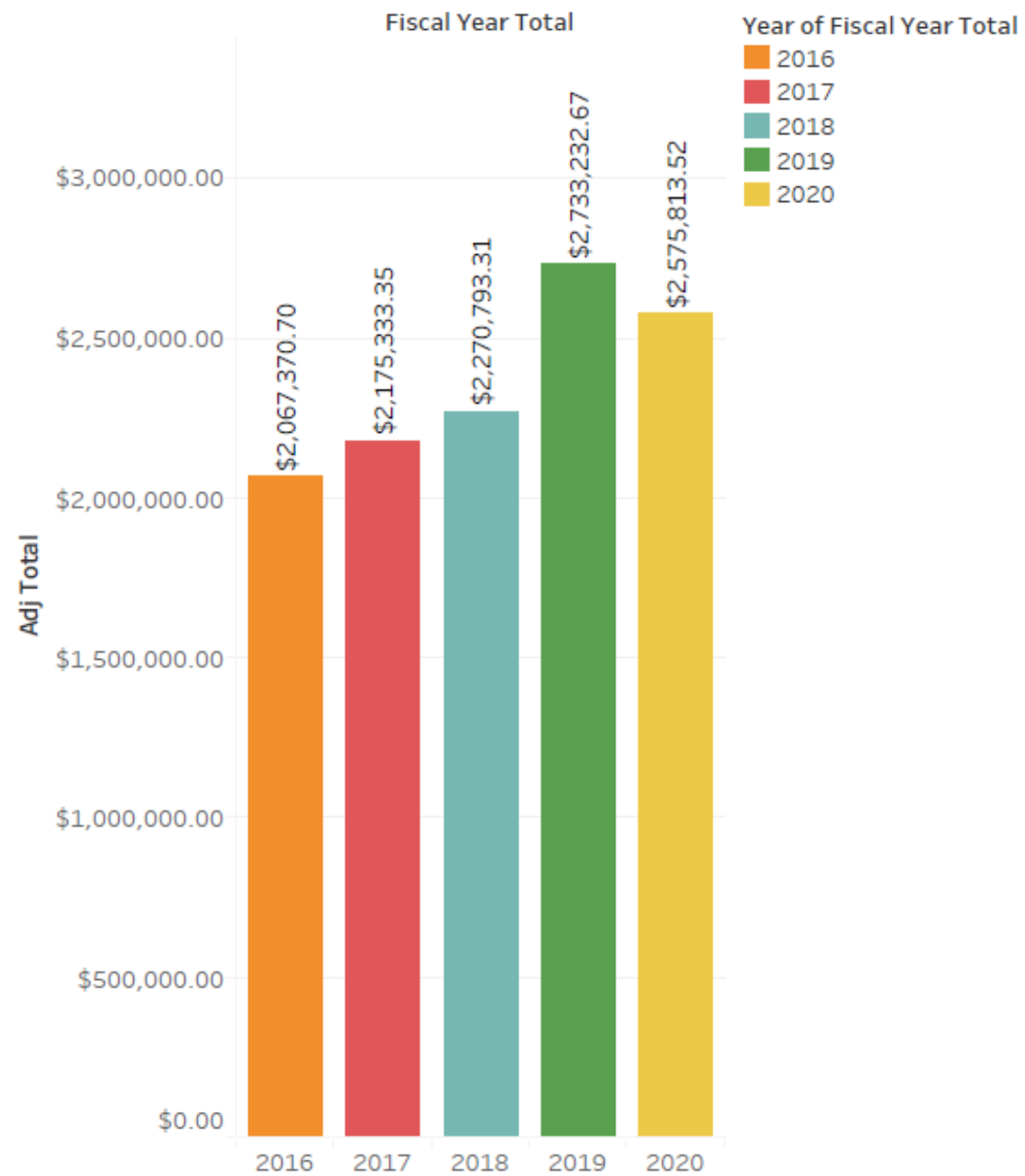


■ 0-1 years ■ 2-5 years ■ 6-10 years ■ 10-20 years ■ 20+ years

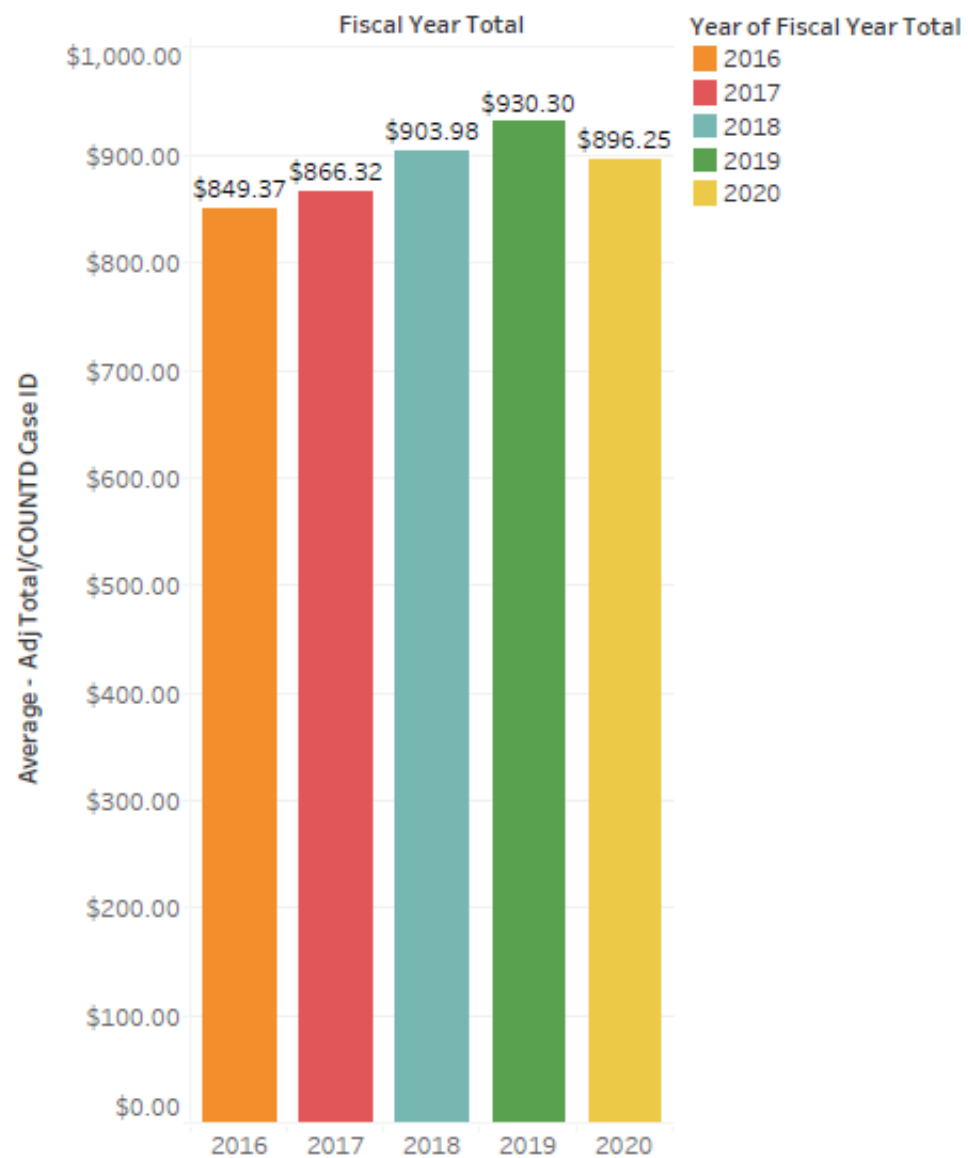
## Total Juvenile Cases



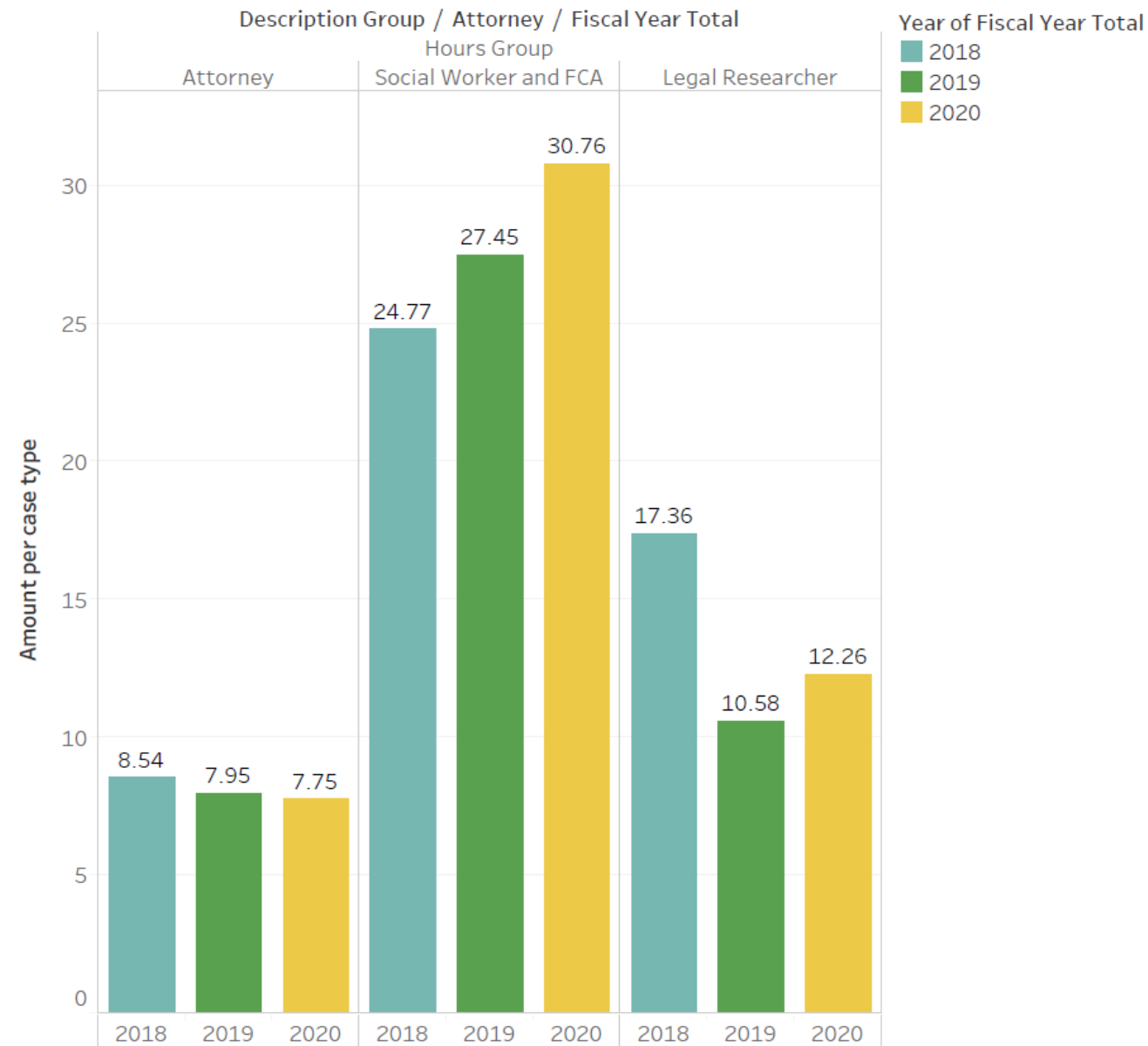
## Total Cost of Juvenile Cases by Year



## Average Cost per Juvenile Case by Year



## Average Hours per Case by Contractor Type



# Questions ?

- **Stacie Nelson Colling** – Juvenile Defense Coordinator  
(303) 515-6933 – [stacie@coloradoadc.com](mailto:stacie@coloradoadc.com)



- Erin Campbell  
*Evaluation and Training  
Coordinator*

# 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.

# Fall/Winter 2019 Competency Trainings

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)

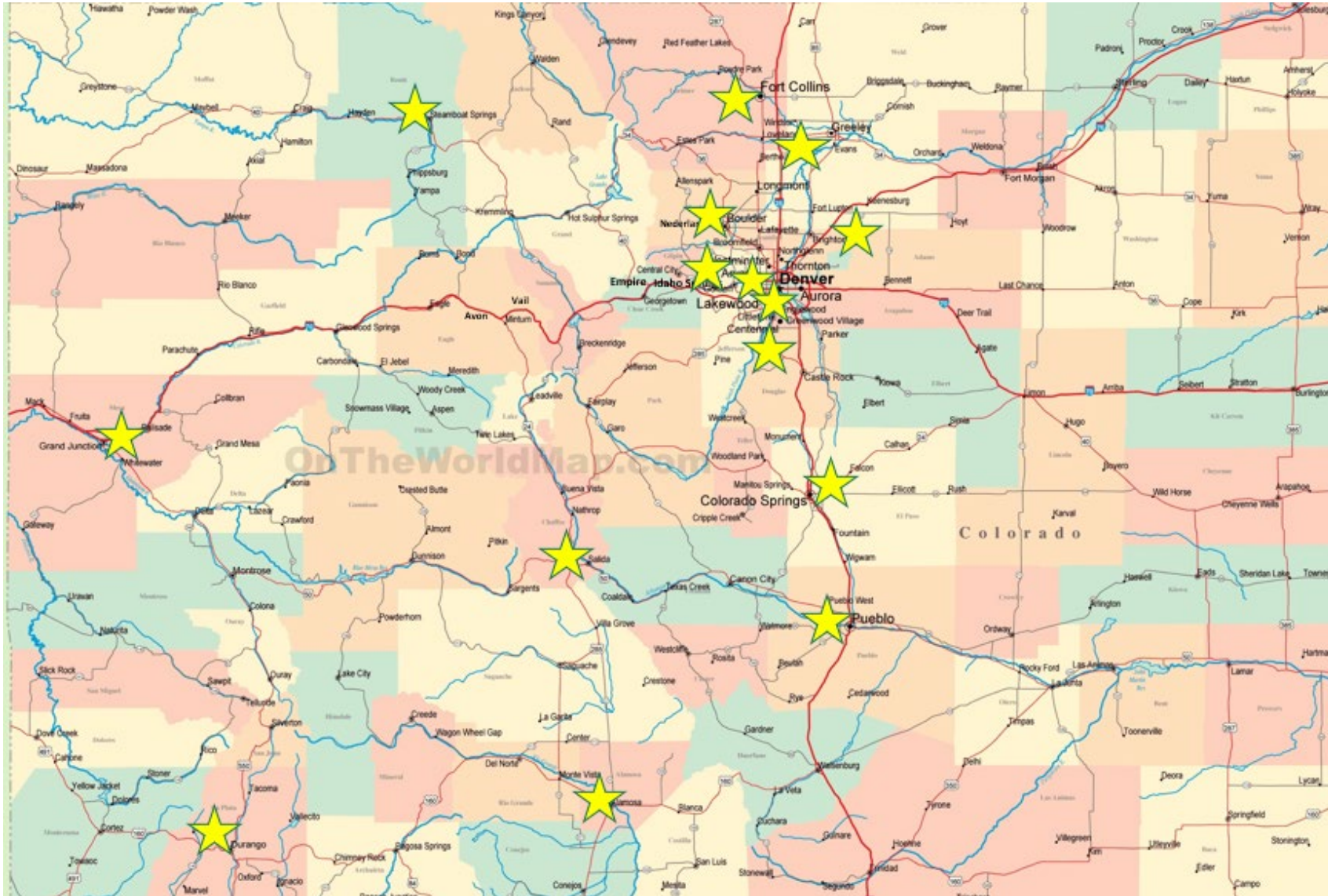
- Statutory changes and law updates
- Adults vs. Juveniles
- Competency and restoration services
- Defense teams working together – holistic approach

# Spring of 2020

## Statewide Comprehensive Competency Trainings

- Co-Sponsored with the CO Public Defender's Office
- In-person/Webinar/Recording/HomeStudy CLE
- Each training was 4 hours of instruction time (5 CLE credits each)
- Widely attended

# Road Show Comprehensive Competency Trainings (15 Stops)





# Spring/Summer 2020 Competency Trainings

- Two “Advanced Series” Competency Trainings

*(determined by feedback from Competency Road Shows)*

- 1) The Civil Mental Health System for Criminal Defense Teams

- 2) Navigating Ethical Issues When Representing Clients with Mental Illness

## Goals of these trainings:

- educate on changes of competency statute and services
- practical, relevant, client-centered, holistic defense
- accessible to all
- access to resources

## 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 I have ever been to.”*

# Questions ?

- **Erin Campbell** – Evaluation and Training Coordinator  
(303) 515-6923 – [erin@coloradoadc.com](mailto:erin@coloradoadc.com)

- Kimberly Simmons  
*Municipal Court Coordinator*

# SB 18-203 - Municipal Court Program: Conflict-free Representation in Municipal Courts

- Began January 1, 2020  
OADC conducted interviews and document review  
Court observations limited by COVID-19  
Evaluation Reports delivered to 58 Municipal Courts
- 113 Attorneys: 38 OADC contractors (10 of whom were evaluated for OADC contract renewal in 2020); 75 non-OADC attorneys providing court-appointed counsel services (61 attorneys submitted to evaluation for independence and competence)
- OADC Municipal Court Staff ( 2 FTE )  
Municipal Court Coordinator  
Municipal Administrative Support Specialist

# Municipal Court Program

## 2020 Evaluation Report for Rifle

*The Municipal Court Program, created within the Office of the Alternate Defense Counsel pursuant to C.R.S. §§ 13-10-114.5(3)(b)(I), 21-2-103(5), and 21-2-108, shall ensure that indigent defendants charged with a municipal ordinance violation that carry any possibility of incarceration are represented by independent and constitutionally adequate counsel. The program is based on nationally-recognized standards as well as Colorado law, rules and directives.*

### Court of Record - Home Rule City

Court Information Officer: Court Administrator

#### Court-Appointed Counsel Roster for Rifle

Please review and provide any updates for the current year by clicking [here](#).<sup>1</sup>

Attorney Name	OADC Contract Attorney	OADC Contract Term	Evaluation Complete
XXXXXXXXXX	No	N/A	Yes
XXXXXXXXXX	Yes	11/18 – 12/21	N/A
XXXXXXXXXX	Yes	1/18 – 12/20	N/A
XXXXXXXXXX	No	N/A	Yes
XXXXXXXXXX	No	N/A	Yes
XXXXXXXXXX	No	N/A	Yes

### PART I: THE SELECTION OF COURT-APPOINTED COUNSEL – SELECTION OF COURT-APPOINTED COUNSEL SHOULD BE TRANSPARENT AND BASED ON MERIT.

Does the general selection of court-appointed counsel by the municipality promote independence and recognize competency? ..... Yes

Rifle maintains a roster of six (6) court-appointed counsel, including two (2) OADC contractors, XXXXXXXXX and XXXXXXXXX has held an OADC contract for over ten (10) years. If he chooses to renew, he will be evaluated in the fall of 2020, otherwise his contract will expire on December 31, 2020. XXXXXXXXX has held an OADC contract since 2016. His current contract will expire in December 2021 if not renewed. When Rifle appoints XXXXXXXXX or XXXXXXXXX, Rifle automatically meets the statutory requirement to provide independent indigent defense services pursuant to C.R.S. § 13-10-114.5(3)(b)(I). Rifle chooses licensed attorneys who are interested in criminal law. There is not a large pool of attorneys in the area, so it is difficult to be too selective, but they do select attorneys based upon merit.

<sup>1</sup> This evaluation ONLY includes the attorneys that are listed in this report. If other attorneys are providing court-appointed counsel that are not listed in this report and have not been disclosed to the OADC, they have not been evaluated pursuant to C.R.S. 13-10-114.5.

PART II: COURT-APPOINTED COUNSEL

A. Court-appointed counsel should provide services free from political and judicial influence.

Is court-appointed counsel independent? ..... Yes

All court-appointed counsel on the list are free to zealously advocate for their clients.

B. Court-appointed counsel shall meet minimum professional qualifications and provide effective representation.

Is court-appointed counsel competent? ..... Yes

All court-appointed counsel have sufficient training and experience to handle municipal court cases. Counsel adequately represent their clients to preserve their constitutional rights.

Evaluator: Kimberly Simmons

Signature: 

Date: September 25, 2020

# SB 18-203 - Municipal Court Program: Conflict-free Representation in Municipal Courts

- Resources for Attorneys and Municipal Courts
- 2021 Courts and Evaluations
- Denver County GS ADC contract
- Approved Attorney List



# Questions ?

- **Kimberly Simmons** – Municipal Court Coordinator  
(303) 515-6928 – [kimberly@coloradoadc.com](mailto:kimberly@coloradoadc.com)

# Contact Information

- **Lindy Frolich** – Director  
(303) 515-6925 – [lindy@coloroadc.com](mailto:lindy@coloroadc.com)
- **Stacie Nelson Colling** – Juvenile Defense Coordinator  
(303) 515-6933 – [stacie@coloroadc.com](mailto:stacie@coloroadc.com)
- **Erin Campbell** – Evaluation and Training Coordinator  
(303) 515-6923 – [erin@coloroadc.com](mailto:erin@coloroadc.com)
- **Kimberly Simmons** – Municipal Court Coordinator  
(303) 515-6928 – [kimberly@coloroadc.com](mailto:kimberly@coloroadc.com)



## Annual Report to the Joint Judiciary Committee

Pursuant to  
HB 13-1299 (SMART Act)  
HB 14-1032 (Juvenile Defense)  
SB19-223 (Competency Bill)  
SB18-203 (Municipal Courts)

January 25, 2021

Lindy Frolich, Director  
Stacie Nelson Colling, Juvenile Defense Coordinator  
Erin Campbell, Evaluation and Training Coordinator  
Kimberly Simmons, Municipal Court Coordinator

## 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**

The mission of the Office of the Alternate Defense Counsel is to provide indigent adults and juveniles charged with crimes the best legal representation possible. This representation *must* uphold the federal and state constitutional and statutory mandates, ethical rules, and nationwide standards of practice for defense lawyers. As a state Agency, the OADC strives to achieve this mission by balancing its commitment to ensuring that indigent defendants and juveniles receive high quality, effective legal services with its responsibility to the taxpayers of the state of Colorado.

### **Vision**

*To foster high-quality, cost-effective legal representation for indigent defendants and juveniles through exemplary training, evaluation, and the effective use of modern technology and evidence-based best practices.*

The total FY 2021-22 budget request for the Office of the Alternate Defense Counsel is \$47,645,395 and 16.0 FTE.

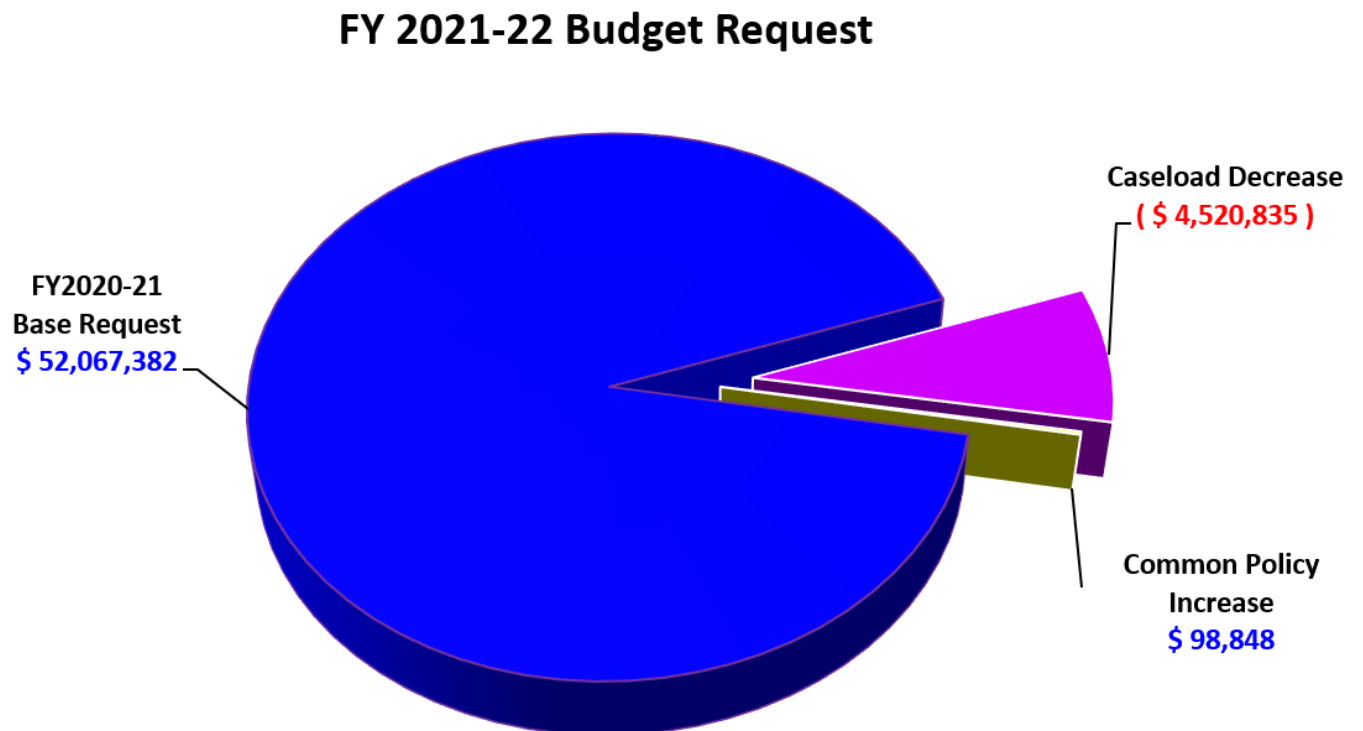
**FY 2020-21 Appropriation \$ 52,067,382**

PLUS Common Policy Adjustments \$98,848

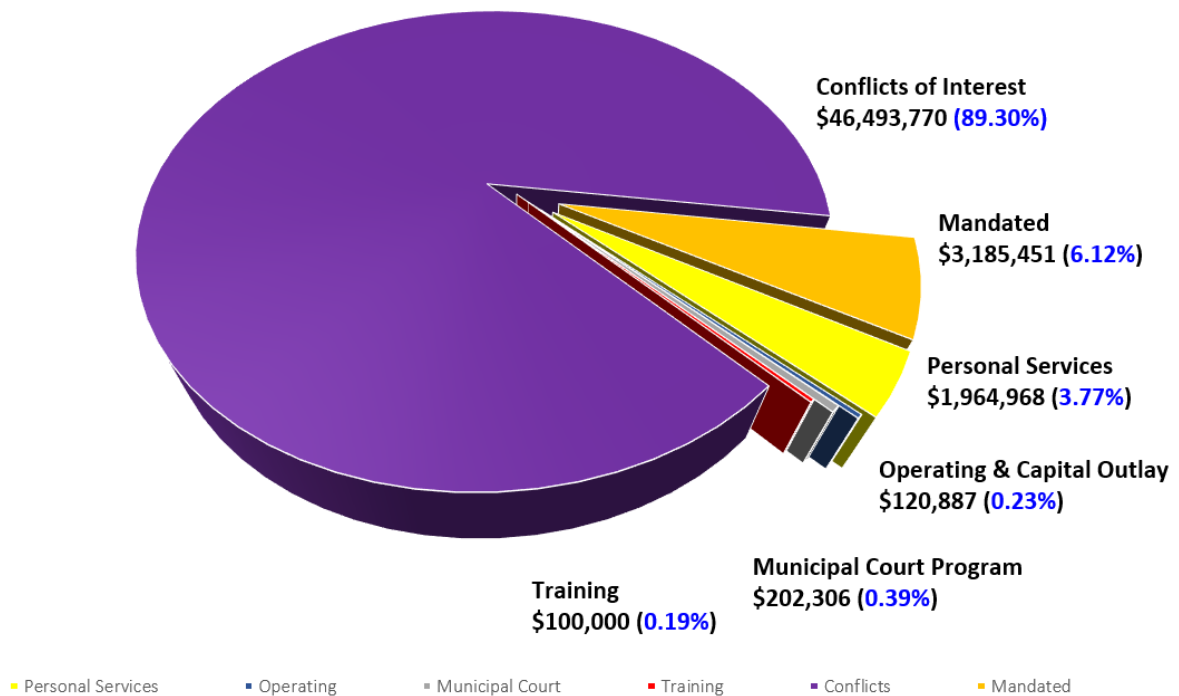
**FY 2021-22 Base Request of \$ 52,166,230**

PLUS DI 1 – Change Request – OADC Caseload GF **Decrease** of \$4,520,835

**FY 2021-22 Budget Request of \$ 47,645,395**



## FY2020-21 Total Appropriation \$ 52,067,382



## SMART Act (HB 13-1299)

### Agency Objectives and Performance Measures

- A. Ensure Adequate Contractor Rates
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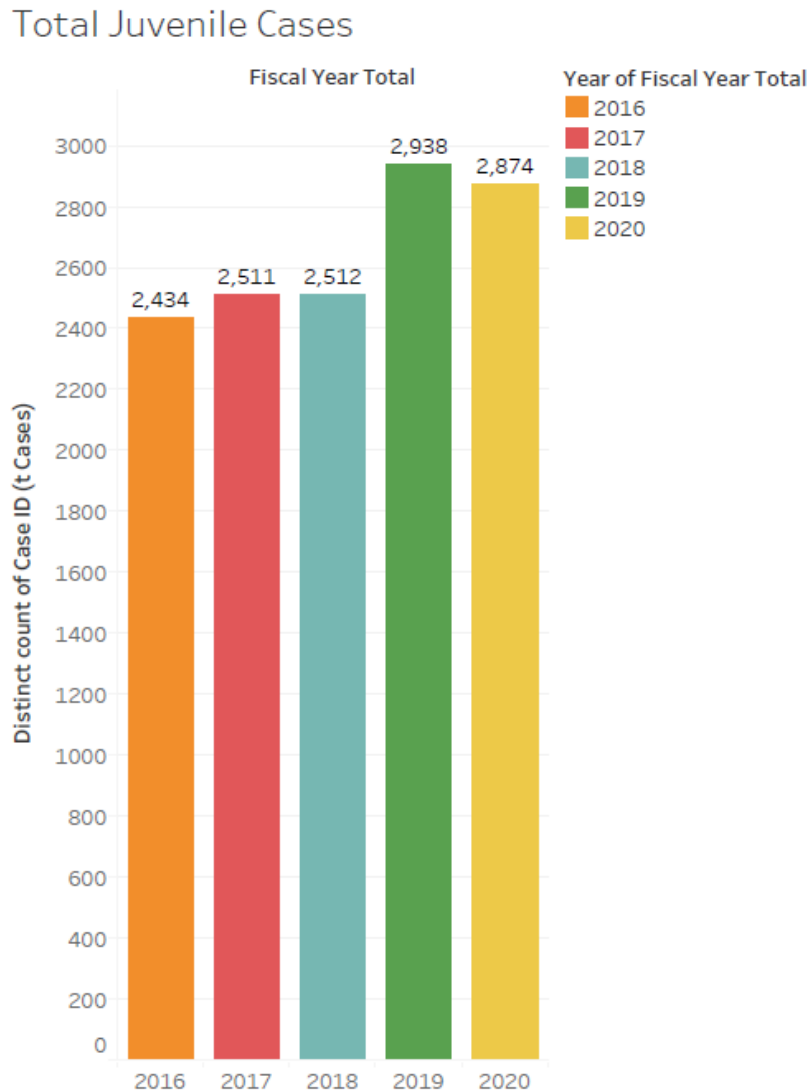
For historical and projected data please see **Appendix A: Agency Objectives and Performance Measures**.

## HB 14-1032 (Juvenile Defense)

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

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

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



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

Every case involves a conflict of interest because the only way an OADC contract attorney may be appointed to represent a juvenile is when the public defender's office 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 Juvenile Division of attorneys who specialize in juvenile defense, and it is committed to only allowing attorneys who have the requisite knowledge, experience, and training to represent juveniles.

Applications and interviews for the Juvenile Division assess an applicant's interest in juvenile practice, experience, command of relevant case law, statutes, policies, and standards, and understanding of social science research related to adolescent behavior and development. Applicants are required to demonstrate an ability to provide holistic defense to juveniles through multi-disciplinary teams which may include a social worker, investigator, and education advocate. Applicants are further screened for a commitment to best practices in juvenile defense (for example, strategies for effective communication to build confidence and trust; the importance of engagement with the juvenile's family and community if desired by the juvenile; and the need for frequent and regular visits with the juvenile).

Juveniles in adult court are only assigned juvenile defenders with the experience and specific skills needed for defending juveniles in adult court. Attorneys interested in developing such expertise are encouraged to assist in these cases.

Training: The OADC co-sponsors an annual two-day juvenile defense specific conference with the Colorado Juvenile Defender Center (CJDC), the Office of the Child's Representative (OCR) and the Office of the State Public Defender (OSPD). In addition, the OADC co-sponsors the Colorado Juvenile Defense Manual with the CJDC, which is a comprehensive practice manual currently in its 4th edition. We analyze training needs based on inquiries directed to the Juvenile Defense Coordinator and Director of Legal Resources and Technology, both on an ad hoc basis and at regular contract renewal interviews; issues raised by other juvenile justice stakeholders (e.g. courts, other attorneys, clients, probation); changes in law and policy; and observations of attorneys' oral and written practice.

The Juvenile Defense Coordinator maintains regular communication with juvenile defenders to listen to their concerns, communicate OADC's expectations for juvenile defense, and provide training.

The Juvenile Defense Coordinator actively participates in various statewide initiatives involving multiple stakeholders from across the juvenile justice system. She sits on Colorado's Juvenile Justice & Delinquency Prevention Advisory Council, Juvenile Justice Reform Committee (established by the Juvenile Justice Reform Bill of 2019), Colorado Youth Detention Continuum/Interstate Compact Advisory Board, Criteria for Detention and Commitment Committee, and Bridges Program Statewide Steering Committee. She previously served on the Improving Outcomes for Youth Task Force that resulted in



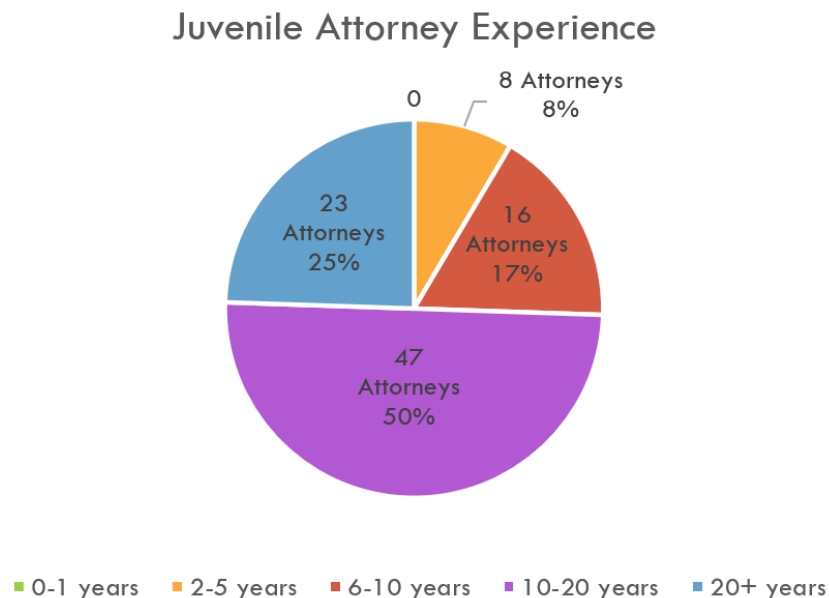
the 2019 Reform Bill. This allows her to be a conduit between policy level juvenile justice actors and the attorneys on the front lines of juvenile defense.

Support: The full-time Juvenile Defense Coordinator is available to contractors for questions, concerns, and connection to resources, and conducts monthly roundtable conversations to facilitate communication. The OADC also makes available social workers, paralegals, education advocates, investigators, attorneys with specific specialties, experts, and student interns. Further, the OADC provides its contractors with Westlaw, as well as an e-library including juvenile-specific legal memos, briefs, motions, social science research, and other resources.

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

The OADC recognizes that juvenile defense is a specialty practice that is 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 juvenile defense work will continue to represent juveniles long-term.

Currently, 92% of our juvenile defenders have been practicing law for at least 6 years, and 75% have been practicing for over 10.



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

Because the OADC is an independent contractor-based organization with a set attorney hourly fee schedule, we do not have the opportunity to “promote” or increase the salaries of our attorneys. We also do not use rotations. We contract with attorneys that we expect to continue representing juveniles.

## 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. 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. Each 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 the competency trainings we did last year are available for viewing and Home Study CLE credit on our agency's training website.

# Appendix A

## Agency Objectives and Performance Measures

### Objectives

#### **I. PROVIDE COMPETENT LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.**

The Office of the Alternate Defense Counsel (OADC) contracts with approximately 460 private lawyers across Colorado to represent indigent defendants and juveniles where the OSPD has a conflict of interest. Each of these lawyers is an independent contractor. Investigators, paralegals, experts, social workers and other ancillary services are available to these lawyers through the OADC. The Agency is committed to ensuring that the representation is of the highest quality and includes advancements in the field.

#### **II. PROVIDE COST-EFFECTIVE LEGAL REPRESENTATION STATE-WIDE FOR INDIGENT DEFENDANTS AND JUVENILES.**

The OADC has no control over the number of criminal and juvenile cases filed or prosecutors' charging decisions. However, the OADC is constantly seeking ways to contain the average cost per case.

### Strategies

- A. Ensure Adequate Contractor Rates
- B. Contain Case Costs
- C. Provide High-Quality Annual Trainings
- D. Provide Cost-Effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Strengthen Social Worker Program
- G. Strengthen Juvenile Division
- H. Implement and manage the Municipal Court Program

## I. Performance Measures & Goals

### A. Ensure Adequate Contractor Rates

For the FY20–21 Budget Request, the OADC submitted a Decision Item requesting a 5% increase in contractor hourly rates. The Joint Budget Committee originally approved the request, but later withdrew their decision due to statewide budgetary cuts due to the COVID-19 pandemic.

<sup>1</sup> A more detailed description of the Agency's Performance Measures can be seen in Appendix C of the Agency's FY21-22 budget submission.

Performance Measure A:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
The OADC average hourly Attorney Rates	Target	\$80	\$80	\$85	\$80	\$85
	Actual	\$80	\$80	\$80		

### B. Contain Case Costs

The OADC analyzes the average cost per case monthly and strives to find innovative and effective strategies to contain the average cost per case. The Agency's actual average cost per case was \$42.00 higher than the target while the ancillary costs were lower than the target by \$21.00.

Performance Measure B:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
Average Cost per Case	Target	\$ 1,523	\$ 1,456	\$ 1,474	\$ 1,498	\$ 1,498
	Actual	\$ 1,474	\$ 1,498			
Keep ancillary costs per case to a minimum.	Target	\$ 107	\$ 91	\$ 67	\$ 70	\$ 70
	Actual	\$ 67	\$ 70			

### C. Provide High-Quality Annual Trainings

The OADC exceeded its training program target in FY20 with 51 trainings. The Agency surpassed its targeted number of training hours by 109 and its targeted number of attendees by 1,856. The OADC trained on a variety of subjects and most trainings were webcast and accessible to anyone with a high speed internet connection, and/or recorded and made available for Home Study.

Performance Measure C:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
Total Number of Trainings	Target	15	16	31	51	51
	Actual	31	51			
Total Number of Hours	Target	192	158	244	267	267
	Actual	244	267			
Total Number of Attendees	Target	956	903	1,351	2,650	2,650
	Actual	1,351	2,650			

## **D. Provide Cost-Effective Research Tools and Assistance**

To advance quality and efficiency in OADC contractors, the OADC recognized the need for providing cost-effective research tools and resources. To accomplish this, the OADC is:

- Improving and expanding its eLibrary.
- Providing legal research, motion drafting, and other assistance to contractors, using lawyers and non-lawyers.
- Providing weekly emailed case law summaries of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10<sup>th</sup> Circuit of the United States Court of Appeals, and the United States Supreme Court.
- Providing a weekly podcast discussing recent cases of interest, practice pointers and contractor wellness issues.
- Analyzing and introducing best practice applications to OADC contractors.
- Creating comprehensive manuals on complex but frequently used subject matter such as COCCA (Colorado Organized Crime Control Act), self-defense, character evidence, restitution claims, CRE 404(b) evidence, researching legislative history, sex offenders, out-of-state subpoenas, habitual criminal sentencing, proportionality review materials and post-conviction and ineffective assistance of counsel claims. The OADC also Co-authored the 4<sup>th</sup> edition of the Juvenile Defense Manual, which was released in April 2020.
- Providing access to online subscription research services including Westlaw (legal research) and EBSCO (Psychology and Behavioral Sciences Collection and the Sociology Index).

Performance Measure D:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
On-Line Research Tools and Resources to the OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target docs	7,000	7,500	7,541	7,854	7,854
	Actual docs	7,541	7,854			
	Target hits	1,700	2,000	4,952	5,928	5,928
	Actual hits	4,952	5,928			

## **E. Monitor and Evaluate Contractors**

As the numbers below indicate, the Agency met its goal and evaluated 100% of its renewing contractors. The OADC has a process to ensure that all OADC lawyers, investigators, and social workers are under a current contract. This process includes interviewing and evaluating potential contractors, and renewing current contract attorneys, investigators, and social workers.

Performance Measure E:		FY19 Actual	FY20 Budget	FY21 Request	FY22 Goal	FY23 Goal
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	100%			
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	100%			

## **F. Strengthen Social Worker Program**

As demonstrated in the chart below, the OADC had social workers on 235 more cases than forecasted for FY20, and it is estimated that this number will continue to grow in FY21.

Performance Measure F:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
Number of Cases with Social Workers	Target	300	350	535	550	551
	Actual	535	624			
Number of Social Worker Contractors	Target	21	24	35	35	36
	Actual	32	44			
Number of Social Worker Interns	Target	4	5	5	5	6
	Actual	3	5			

## **G. Strengthen Juvenile Division**

The Agency has changed the target numbers for the “Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation” to a percentage from an actual number as that is a more accurate way of documenting this. The OADC did exceed its goals for incorporating social workers into juvenile defense teams and providing specialized education law assistance.

Performance Measure G:		FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	25	25	25	100%	100%
	Actual	26	100%			
Incorporate a social worker into juvenile defense teams where appropriate.	Target	50	60	112	114	114
	Actual	112	114			
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	20	25	40	42	42
	Actual	40	42			

## H. Implement and manage the Municipal Court Program

To ensure that indigent defendants in Colorado’s municipal courts receive representation free from political and judicial influence and that such representation is effective, high quality, ethical, conflict-free, and constitutionally sound, the OADC acquired two new positions to implement the Municipal Court Program. The Program is evaluating the selection process of court-appointed counsel in municipalities and the independence and competence of those attorneys. Evaluations began January 1, 2020.

As demonstrated in the chart below, the Agency exceeded its goal by six for Municipalities Requesting OADC Attorney Evaluations. At the time of this report, 54 Municipalities have received their evaluations. The remaining evaluations will be completed by the end of the calendar year. The Agency has changed the target numbers for the “Evaluation of Municipalities requesting services” to a percentage from an actual number as that is a more accurate way of documenting this.

Performance Measure H:		FY18 Actual	FY19 Actual	FY20 Actual	FY21 Budget	FY22 Request	FY23 Goal
Municipalities Requesting OADC Attorney Evaluations	Target	na	50	50	50	56	56
	Actual	na	37	56			
Evaluation of Municipalities requesting services	Target	na	na	100%	100%	100%	100%
	Actual	na	na	100%			
Evaluation of Court- Appointed Attorneys	Target	na	na	112	75	75	75
	Actual	na	na	81*			
Municipalities visited that requested OADC services	Target	na	100%	100%	100%	100%	100%
	Actual	na	97%	13% **			

*\*The remaining attorneys are OADC contractors that do not require an evaluation and where not up for renewal in FY20.*

*\*\*This number is low due to COVID-19 closures of municipal courts.*