

Oklahoma Indigent Defense System (047)

Lead Administrator: Joe P. Robertson, Director

FY'17 Projected Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
Appellate Services	\$2,805,135		\$988,800			\$3,793,935
General Operations	\$488,893		\$0			\$488,893
Trial Services	\$2,525,094		\$443,228		\$121,614	\$3,089,936
Non-Capital Contracts	\$4,794,398		\$1,048,227		\$882,607	\$6,725,232
Regional Offices	\$3,463,426		\$73,975		\$8,524	\$3,545,925
Forensic Testing	\$214,849		\$154,543		\$0	\$369,392
Information Systems	\$662,353		\$0			\$662,353
Total	\$14,954,148	\$0	\$2,708,773	\$0	\$1,012,745	\$18,675,666

*Source of "Other" and % of "Other" total for each.
 *Carry over funds - includes appropriation reduced and then returned to OIDS \$414,849.42
 *Revolving includes 23000 funding carried over from previous FY contracts
 *Carry over funds are allocated for unfinished FY-16 contracts

FY'16 Carryover and Refund by Funding Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
FY'16 Carryover						
FY'16 GR Refund**	\$414,849					\$414,849

*Source of "Other" and % of "Other" total for each.
 **Indicate how the FY'16 General Revenue refund was budgeted
 Funding for Conflict and Expert Services.

What Changes did the Agency Make between FY'16 and FY'17?

1.) Are there any services no longer provided because of budget cuts?
 As of March 1st, the agency will no longer be able to fund contracts for conflict counsel and expert services due to budget cuts. Absent relief, this will result in the release of criminal defendants awaiting trial and reversal of convictions.

2.) What services are provided at a higher cost to the user?
 None.

3.) What services are still provided but with a slower response rate?
 Budget reductions of recent years have resulted in fewer attorneys handling increasing caseloads, causing a slower response time and agency attorneys exceeding caseload recommendations of national defender organizations.

4.) Did the agency provide any pay raises that were not legislatively/statutorily required? If so, please provide a detailed description in a separate document.
 During the fiscal year, there were no pay raises or promotions within the agency.

FY'18 Requested Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Other	Total	% Change
Appellate Services	\$2,876,560		\$900,000		\$3,776,560	-0.46%
General Operations	\$488,893		\$0		\$488,893	0.00%
Trial Services	\$3,847,950		\$200,000		\$4,047,950	31.00%
Non-Capital Contracts	\$5,646,198		\$1,240,220		\$6,886,418	2.40%
Regional Offices	\$3,549,145		\$100,000		\$3,649,145	2.91%
Forensic Testing	\$414,849		\$0		\$414,849	12.31%
Information Systems	\$812,353		\$0		\$812,353	22.65%
Total	\$17,635,948	\$0	\$2,440,220	\$0	\$20,076,168	7.50%

*Source of "Other" and % of "Other" total for each.
 * Revolving includes 23000 funding carried over from previous years

FY'18 Top Five Appropriation Funding Requests			\$ Amount
Request 1: Description	The agency is requesting a supplemental appropriation for FY '17 in order to fund contracts for conflict of interest counsel and expert services for the remainder of FY '17, avoiding stoppage of prosecution in these cases.		\$710,731
Request 2: Description	The agency is requesting this amount in order to fund contracts for conflict of interest counsel and expert services for FY '18 as well as to continue agency operations by partially offsetting the loss of carryover funds due to funding reductions in FY16 and FY17		\$1,500,000
Request 3: Description	The agency is requesting this amount in order to increase the average cost-per-case of fiscal year county contracts to \$200 per case. A portion of this request will be necessary to address an anticipated increase in annual fiscal year contract costs.		\$851,800
Request 4: Description	The agency is requesting this amount for the anticipated implementation cost of case management software, enabling the agency to fully consolidate its IT services with the Office of Management Enterprise Services IT services division.		\$150,000
Request 5: Description	The agency is requesting this amount to establish salary parity with prosecutors.		\$180,000
Total Increase above FY-18 Request			3,392,531

How would the agency handle a 5% appropriation reduction in FY'18?

An appropriation at its FY'17 level will render the agency unable to continue providing legal representation in conflict of interest cases, resulting in a stoppage in the prosecution of those cases. Further it will leave the agency unable to furnish expert services in cases requiring such services as mandated by the state and federal constitutions, resulting in the cessation of prosecution of those cases or probable reversal on appeal. A further reduction of 5% will result in the agency unable to continue providing legal representation in a number of trial level cases provided through fiscal year county contracts renewed or bid each year, also resulting in the stoppage of the prosecution of those cases.

How would the agency handle a 7.5% appropriation reduction in FY'18?

In addition to the impact of a 5% appropriation reduction, a 7.5% reduction will further result in the agency being unable to continue providing legal representation in a greater number of trial level cases provided through fiscal year county contracts renewed or bid each year, also resulting in the stoppage of prosecution of those cases.

How would the agency handle a 10% appropriation reduction in FY'18?

In addition to the impact of a 7.5% appropriation reduction, a 10% reduction will further result in the agency being unable to continue providing legal representation in a greater number of trial level cases provided through fiscal year county contracts renewed or bid each year, also resulting in the stoppage of prosecution of those cases.

Is the agency seeking any fee increases for FY'18?		\$ Amount
Increase 1	N/A	\$0

Increase 2	N/A	\$0
Increase 3	N/A	\$0

What are the agency's top 2-3 capital or technology (one-time) requests, if applicable?

The agency has requested the amount of \$150,000, which is the anticipated implementation cost for case management software, which will enable the agency to fully consolidate its IT services with the Office of Management and Enterprise Services IT services division. When implemented, it is projected to save the agency approximately \$30,000 per year in funds which would otherwise be paid to OMES for IT services, pursuant to 62 O.S. § 35.1, et seq.

Federal Government Impact

1.) How much federal money received by the agency is tied to a mandate by the Federal Government?

N/A

2.) Are any of those funds inadequate to pay for the federal mandate?

N/A

3.) What would the consequences be of ending all of the federal funded programs for your agency?

N/A

4.) How will your agency be affected by federal budget cuts in the coming fiscal year?

N/A

5.) Has the agency requested any additional federal earmarks or increases?

N/A

Division and Program Descriptions

Appellate Program

This program provides direct appeal representation to agency court-appointed clients, both capital and non-capital, as well as capital post-conviction services. Services are provided through three staffed divisions: General Appeals Division, Homicide Direct Appeals Division and the Capital Post Conviction Division. Conflict of interest appeals which cannot be handled by staff are contracted with private counsel.

Trial Services Program

The Trial Services program provides services through the Non-Capital Trial Division, the Capital Trial Tulsa Division and the Capital Trial Norman Division. The Non-Capital Trial Division in turn provides services through staff attorneys in its satellite offices (identified as the Regional Office Program) and through non-capital contracts (identified as the Non-Capital Contracts program). The Capital Trial Divisions provide services through staff attorneys, except in cases of a conflict of interest in which case services are provided by contract counsel. The Non-Capital Trial Division provides services through both staff attorneys and contract lawyers.

Regional Offices Program

Six Non-Capital Trial Division satellite offices are operated in Norman, Mangum, Clinton, Guymon, Okmulgee and Sapulpa which provide services in regions covering 20 Oklahoma counties. These offices provide services through staff attorneys.

General Operations Program

The General Operations program through its executive and finance divisions provides administrative direction, supervision and support to the agency, all staff, as well as the administration of agency contacts.

Forensic Testing Program

This program ensures that constitutionally required expert assistance is provided in cases where the necessity for such services is established.

Informations Systems

This program provides information technology services to the agency and staff.

FY'17 Budgeted FTE

	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
Appellate Services	6.9	0	38.5	2.7	18.2	17.6
General Operations	2.2	0	3	0.4	0.4	2.2
Trial Services	5.2	0	33	2.4	18.4	13.2
Non-Capital Contracts	0	0	0	0	0	0
Regional Offices	6	0	39	4	28	7
Forensic Testing	0	0	0	0	0	0
Information Systems	0	0	0	0	0	0
Total	20.3	0	113.5	9.5	65	40

FTE History

	2017 Budgeted	2016	2013	2010	2006
Appellate Services	38.5	38.5	38	46	47
General Operations	3	3	3	4	4
Trial Services	33	33	29	40	42
Non-Capital Contracts	0	0	0	0	0
Regional Offices	39	39	32	33	35
Forensic Testing	0	0	0	0	0
Information Systems	0	0	0	0	3
Total	113.5	113.5	101.8	123	131

Performance Measure Review

	FY'16	FY'15	FY'14	FY'13	FY'12
Appellate Services					
Capital Direct Appeal Cases	86	86	93	81	114
Capital Post Conviction Cases	48	55	60	65	70
Non-Capital appeals Cases	525	565	648	595	540
Trial Services					
Capital Trial Clients Cases	44	50	53	67	98
Capital Trial Conflict Cases	3	2	3	4	3
Non-Capital Contracts					
Non-Capital Conflict Cases	1,527	1,454	1,058	834	670
Non-Capital Staff Attorney Cases	43,159	37,176	38,530	34,729	34,739

Regional Offices					
Non-Capital Staff Attorney Cases	12,632	10,334	7,995	7,604	7,468

Revolving Funds (200 Series Funds)

	FY'14-16 Avg. Revenues	FY'14-16 Avg. Expenditures	June '16 Balance
Revolving Fund I - Fund 200			

<p>Indigent Defense System Revolving Fund Authorized by 22 O.S.S. 1368. It is a continuing fund used for the deposit of federal funds, grants, gifts, and other such funds provided by law. Virtually all funds deposited into this revolving fund are receipts from various county clerks for representation cost assessed and collected as authorized by 22 O.S.S. 1355.14. The amount deposited into this fund is unpredictable.</p>	<p>\$ 1,412,093.22</p>	<p>\$1,569,729.93</p>	<p>\$593,041.88</p>
<p>Revolving Fund II - Fund 230 Contract Retention Fund Authorized by 22 O.S.S. 1369, it is a continuing fund used for deposit of the 10% of annual county non-capital contracts in accordance with 22 O.S.S. 1355.8.G.2. These funds are retained in fund 230 until all cases have been closed in accordance with these annual contracts.</p>	<p>\$516,547.66</p>	<p>\$628,818.40</p>	<p>\$924,297</p>