

## Oklahoma Indigent Defense System

**Lead Administrator: Joe P. Robertson**

**Lead Financial Officer: David H. Page**

FY'14 Budgeted FTE						
	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
Appellate Services	6.9	0	39	2.2	22.8	14
General Operations	2.4	0	3.4	0.3	0.8	2.3
Trail Services	6.6	0	30.6	2.6	15.4	12.6
Non-Capital Contracts	0	0	0	0	0	0
Regional Offices	5	0	33	6	20	7
Forensic Testing	0	0	0	0	0	0
Information Systems	0	0	0	0	0	0
<b>Total</b>	<b>20.9</b>	<b>0</b>	<b>106</b>	<b>11.1</b>	<b>59</b>	<b>35.9</b>

FTE History					
	2013 Budgeted	2012	2009	2008	2003
Appellate Services	39.0	38.8	46.9	47.1	47.9
General Operations	3.4	3.7	4.3	4.2	4.1
Trail Services	31.0	29.5	40.3	40.3	50.9
Non-Capital Contracts	0.0	0.0	0.0	0.0	0.0
Regional Offices	33.0	29.7	34.0	31.2	30.4
Forensic Testing	0.0	0.0	0.0	0.0	0.0
Information Systems	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>106.4</b>	<b>101.7</b>	<b>125.5</b>	<b>122.8</b>	<b>133.3</b>

FY'13 Projected Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
Appellate Services	\$2,761,000	\$0	\$1,100,000	\$0	\$252,000	\$4,113,000
General Operations	\$513,000	\$0	\$0	\$0	\$4,000	\$517,000
Trail Services	\$2,979,000	\$45,000	\$440,000	\$0	\$159,000	\$3,623,000
Non-Capital Contracts	\$4,694,000	\$0	\$822,000	\$0	\$40,000	\$5,556,000
Regional Offices	\$2,568,000	\$0	\$260,000	\$0	\$30,000	\$2,858,000
Forensic Testing	\$0	\$0	\$800,000	\$0	\$0	\$800,000
Information Systems	\$663,000	\$0	\$32,000	\$0	\$0	\$695,000
<b>Total</b>	<b>\$14,178,000</b>	<b>\$45,000</b>	<b>\$3,454,000</b>	<b>\$0</b>	<b>\$485,000</b>	<b>\$18,162,000</b>

\*Source of "Other" and % of "Other" total for each.

\$485,000 of "Other" is carryover of appropriated funds from FY-12. \$521,000 of the "Revolving Funds" budgeted to the Non-Capital Contracts is appropriated funds required to be retained for contract completion, which is transferred from 19X to revolving fund 230.

FY'12 Carryover by Funding Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
FY'13 Carryover	\$485,000	\$0	\$0	\$0	\$0	\$485,000

\*Source of "Other" and % of "Other" total for each.

What Changes did the Agency Make between FY'12 and FY'13
<p>1.) Are there any services no longer provided because of budget cuts?</p> <p>a) To avoid running afoul of the Harris v. Champion litigation, the agency previously maintained a fund for overflow appeals to assure that when appellate caseloads exceed the capacity of staff appellate attorneys, the agency could employ private sector attorneys to handle the overflow, thereby protecting indigent defendants' constitutional right to an appeal. That account is no longer funded due to previous budget cuts. Appellate services will no longer be provided to overflow defendants once staff personnel are no longer able to absorb the additional caseload.</p> <p>b) The agency has, in the past maintained a fund for overload trial counsel so, in those instances where our staff attorneys or contractors could not handle certain cases, the agency had the ability to employ overload counsel from the private sector. That activity is no longer funded due to budget cuts. Trial services will no longer be provided when overload cases arise and our staff attorneys and contractors can no longer absorb the additional caseload.</p> <p>2.) What services are provided at a higher cost to the user?</p> <p>None.</p>

What Changes did the Agency Make between FY'12 and FY'13 cont....
<p>3.) What services are still provided but with a slower response rate?</p> <p><i>All of our services are provided at a slower response rate. Due to budget cuts we have reduced staff by approximately 32% since FY-2002. (FTE FY-2002 was 149. FTE FY-2012 was 102). During that same period our caseload increased by approximately 12% to nearly 44,000 cases in FY-2012. Having more cases and fewer staff has inevitably resulted in slower response time and additionally caused agency attorneys to exceed caseload recommendations by national defender organizations by nearly 500%. A reduction in force was implemented in February, 2012, resulting in the termination of four employees and the elimination of their positions. The reduction in force directly impacted the ability of the agency to provide effective and timely services in capital and first degree murder cases. The agency transferred all IT equipment and 3 IT FTE to OMES during FY-12. FY-13 costs are at same level as FY-12.</i></p>

FY'14 Requested Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Other	Total	% Change
Appellate Services	\$2,761,000	\$0	\$1,100,000	\$0	\$3,861,000	-6.13%
General Operations	\$513,000	\$0	\$0	\$0	\$513,000	-0.77%
Trail Services	\$3,684,000	\$35,000	\$440,000	\$0	\$4,159,000	14.79%
Non-Capital Contracts	\$5,030,000	\$0	\$822,000	\$0	\$5,852,000	5.33%
Regional Offices	\$2,568,000	\$0	\$260,000	\$0	\$2,828,000	-1.05%
Forensic Testing	\$0	\$0	\$800,000	\$0	\$800,000	0.00%
Information Systems	\$663,000	\$0	\$32,000	\$0	\$695,000	0.00%
<b>Total</b>	<b>\$15,219,000</b>	<b>\$35,000</b>	<b>\$3,454,000</b>	<b>\$0</b>	<b>\$18,708,000</b>	<b>3.01%</b>
*Source of "Other" and % of "Other" total for each.						

FY'14 Top Five Appropriation Funding Requests	
	\$ Amount
Capital Trail Staff FTE Increase (4)	\$328,000
Non-Capital Conflict Attorney Professional Services Increase	\$125,000
Attorney Salary Parity	\$327,000
Private Provider Attorney Contracts Increase	\$261,000
	\$0

How would the agency handle a 3% appropriation reduction in FY'14?
Any reduction in appropriations would force the agency to eliminate FTE, and/or further reduce private provider contracts. The agency would be unable to adequately provide the statutory and constitutional mandated legal representations for its court appointed indigent clients.

How would the agency handle a 5% appropriation reduction in FY'14?
Any reduction in appropriations would force the agency to eliminate FTE, and/or further reduce private provider contracts. The agency would be unable to adequately provide the statutory and constitutional mandated legal representations for its court appointed indigent clients.

Is the agency seeking any fee increases for FY'14?	
None	\$ Amount
	\$0
	\$0
	\$0

Federal Government Impact
<p>1.) How much federal money received by the agency is tied to a mandate by the Federal Government?</p> <p><i>None.</i></p> <p>2.) Are any of those funds inadequate to pay for the federal mandate?</p> <p><i>N/A.</i></p> <p>3.) What would the consequences be of ending all of the federal funded programs for your agency?</p> <p><i>No impact.</i></p> <p>4.) How will your agency be affected by federal budget cuts in the coming fiscal year?</p> <p><i>No impact.</i></p> <p>5.) Has the agency requested any additional federal earmarks or increases?</p> <p><i>No.</i></p>

Division and Program Descriptions	
Appellate Services	The appellate program provides clients with representation in the appeal of their convictions.
General Operations	The general operations program provides management and support of the Indigent Defense System.
Trail Services	The trail services program provides clients with representation at the trail level.
Non-Capital Contracts	The non-capital contracts program accounts for the cost of contracted non-capital trail representation.
Regional Offices	The regional offices program provides non-capital trail representation by staff attorneys in 19 counties.
Forensic Testing	The forensic testing program accounts for funding for forensic expert services on behalf of clients.
Information Systems	The information system program accounts for the cost of IT services and equipment.

Performance Measure Review					
	FY12	FY'11	FY'10	FY'09	FY'08
Appellate Services					
Capital Direct Appeals	114	95	14	91	70
Capital Post Conviction	70	60	57	42	39
Non-Capital Appeals Cases	540	609	558	529	596
Avg Cap Direct Appeals Case Cost	\$11,184	\$13,589	\$12,865	\$16,154	\$20,543
Avg NonCap Appeals Case Cost	\$2,796	\$2,337	\$2,521	\$2,703	\$2,614
Avg Cap Post-Conviction Case Cost	\$8,709	\$12,467	\$12,947	\$19,595	\$20,948
General Appeals Attorney Caseload	43	47	43	41	37
Trail Services					
Capital Trial Clients	98	112	85	86	74
Capital Trial Conflict Cases	3	3	3	3	4
Avg Capital Trial Staff Case Cost	\$21,551	\$21,196	\$28,423	\$28,756	\$34,824
Non-Capital Contracts					
Non-Capital Conflict Cases	670	549	550	477	462
Non-Capital Contract Attorney Cases	34,739	33,232	32,199	30,029	31,610
Regional Offices					
Non-Cap Staff Attorney Cases	7,468	7,295	10,209	7,395	6,467
Avg Non-Cap Staff Case Costs	\$368	\$380	\$279	\$373	\$410
Forensic Testing					
Clients Provided Services	119	128	93	128	140