



# Oklahoma Indigent Defense System

## MISSION:

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TO PROVIDE INDIGENTS WITH LEGAL REPRESENTATION COMPARABLE TO THAT OBTAINABLE BY THOSE WHO CAN AFFORD COUNSEL AND TO DO SO IN THE MOST COST-EFFECTIVE MANNER POSSIBLE.

# Agency Constitutional Mandates Requiring Adequate Funding

<ul style="list-style-type: none"><li>• An Indigent defendant in a criminal prosecution has the absolute right to have counsel appointed for him.</li></ul>	<p><i>Gideon v. Wainwright</i>, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d. 799 (1963).</p>
<ul style="list-style-type: none"><li>• The State must provide necessary expert services to an indigent defendant in a criminal prosecution.</li></ul>	<p><i>Ake v. Oklahoma</i>, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed. 2d. 53 (1985) <i>This mandate extends to necessary investigative and translator services.</i> <i>Rojem v. Gibson</i>, 245 F.3d 1130 (10<sup>th</sup> Cir.2001); <i>In re Murga</i>, 631 P.2d 735 (Okla. 1981).</p>
<ul style="list-style-type: none"><li>• The State cannot permit delays in appellate court proceedings due to a lack of indigent defense funding.</li></ul>	<p><i>Harris v Champion</i>, 15 F.3d 1538 (10<sup>th</sup> Cir. 1994).</p>
<ul style="list-style-type: none"><li>• The State cannot permit delays in trial court proceedings due to a lack of indigent defense funding.</li></ul>	<p>This constitutional mandate was reaffirmed by the Oklahoma Court of Criminal Appeals in <i>Bednar v. District Court of Kay County</i>, 2002 OK CR 41.</p>

# The Impact of Inadequate Funding For Indigent Defense Services Is Severe

The failure of the State to provide counsel or necessary expert, investigative and translator services to indigent criminal defendants, or the failure to provide sufficient funding to avoid delays to criminal proceedings all violate the United States and Oklahoma Constitutions. These violations will result in:

- 1) Reversals of convictions;
- 2) Release of individuals from custody, both pretrial and on appeal; and/or
- 3) Title 42 U.S.C. § 1983 civil rights liability on the part of state officials.

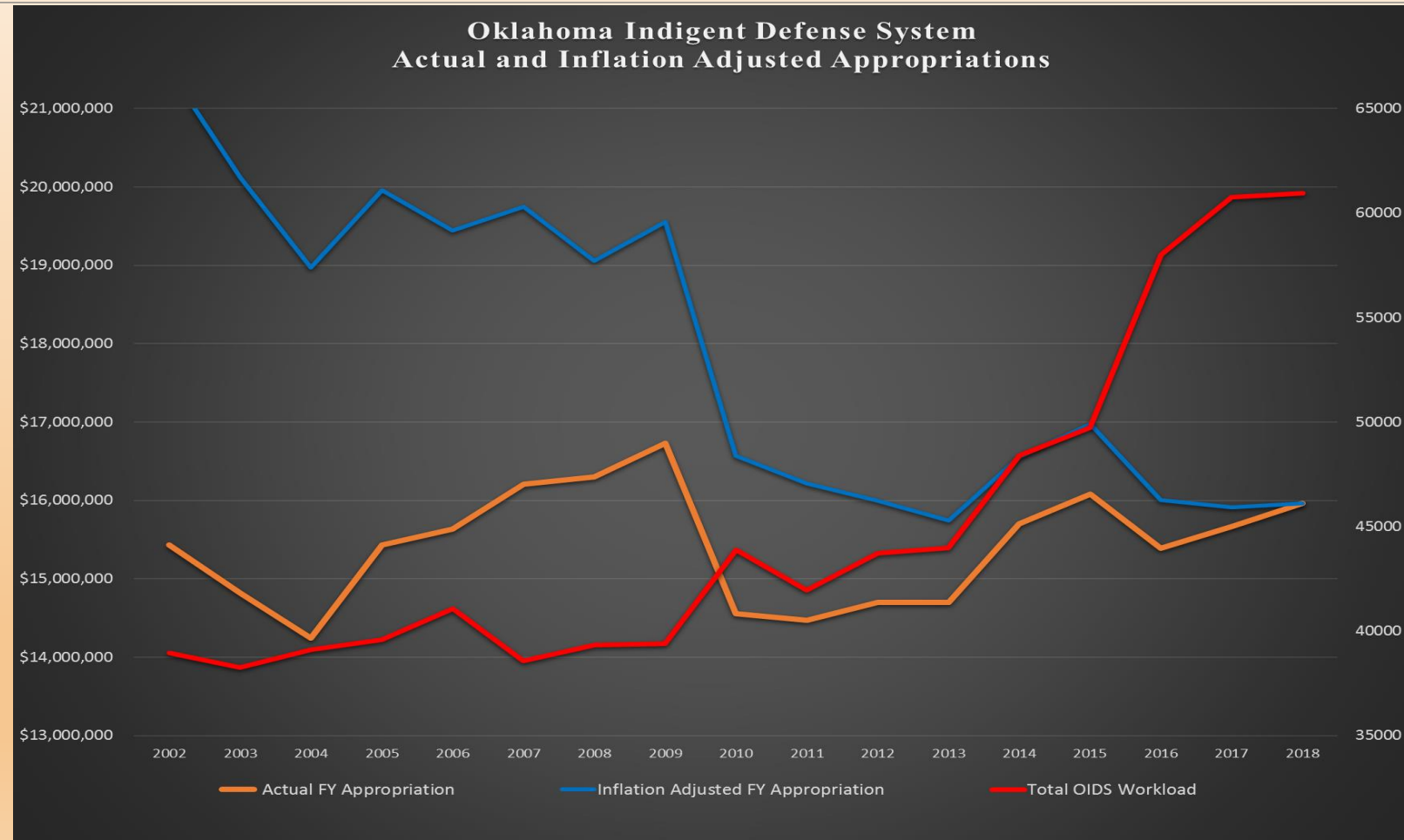
WITH THE RESPONSIBILITY FOR PROVIDING LEGAL REPRESENTATION IN OVER 60,000 CRIMINAL CASES, THE LACK OF SUFFICIENT FUNDING WILL RENDER THE OKLAHOMA INDIGENT DEFENSE SYSTEM UNABLE TO ENSURE STATE COMPLIANCE WITH THE FOREGOING CONSTITUTIONAL MANDATES. THIS LACK OF FUNDING WILL DISRUPT THE ENTIRE CRIMINAL JUSTICE SYSTEM AND WILL EXPOSE THE STATE TO FEDERAL COURT INTERVENTION AND CIVIL MONETARY LIABILITY.

# Oklahoma Indigent Defense System FY Appropriation vs. Inflation Adjusted FY Appropriation (Including OIDS FY Workload)

Actual FY  
Appropriation

Inflation  
Adjusted FY  
Appropriation

Total OIDS  
Workload

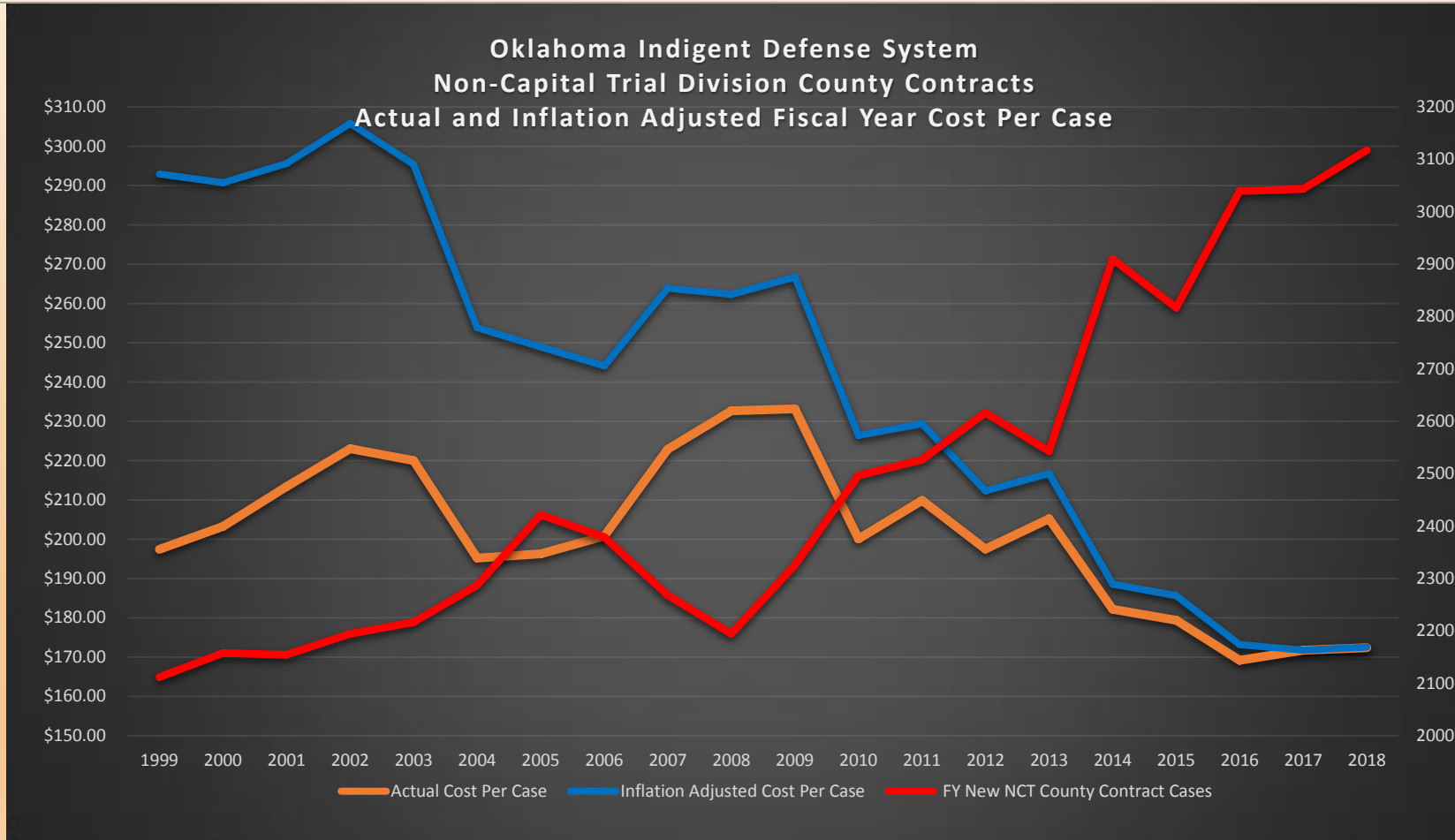


# Oklahoma Indigent Defense System Non-Capital Trial Division County Contract Inflation Adjusted Cost Per Case vs. Actual

Actual Cost  
Per Case

Inflation  
Adjusted Cost  
Per Case

FY New NCT  
County  
Contract  
Cases



# FY2019 Funding Increase Request

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\$856,000 to Raise County Contractor Average Cost  
Per Case to \$200

- Board awards fiscal-year contracts to private attorneys in 55 counties.
- 30,433 new cases assigned in FY2017, in addition to carrying 15,411 cases from previous years.
- Average cost of new cases in FY2017: \$171.72 per case.
- During FY2002, average case cost was \$223.01; adjusted for inflation average case cost was \$305.78.
- FY2019 contracting cost expected to increase \$150,000.

# FY2019 Funding Increase Request

\$312,000 to Ensure Salary Parity with Prosecutors

- Guidelines for Legal Defense Systems and American Bar Association.
- Public defenders should be compensated at the rate comparable to that of their prosecutorial counterparts.
- Salary parity critical to reduce staff turnover, avoid related recruitment and training costs.
- Salary parity prevents disruptions to office functions and case litigation.



# FY2019 Funding Increase Request

## \$220,000 to Increase the Hourly Rate Paid to Conflict of Interest Contract Counsel

- Current rate is \$60.00 in court and \$40.00 out of court.
- Payment capped at \$3,500.00 unless a request for extraordinary fees is approved by OIDS Board.
- Funding increase would enable agency to increase rate to \$80.00 in court and \$60.00 out of court.
- Will ensure agency can continue to contract with counsel where conflict of interest prevents county contract or staff counsel from providing legal representation.