



Oklahoma Indigent Defense System

MISSION:

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">• An Indigent defendant in a criminal prosecution has the absolute right to have counsel appointed for him.	<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">• The State must provide necessary expert services to an indigent defendant in a criminal prosecution.	<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 (10th Cir.2001); <i>In re Murga</i>, 631 P.2d 735 (Okla. 1981).</p>
<ul style="list-style-type: none">• The State cannot permit delays in appellate court proceedings due to a lack of indigent defense funding.	<p><i>Harris v Champion</i>, 15 F.3d 1538 (10th Cir. 1994).</p>
<ul style="list-style-type: none">• The State cannot permit delays in trial court proceedings due to a lack of indigent defense funding.	<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.

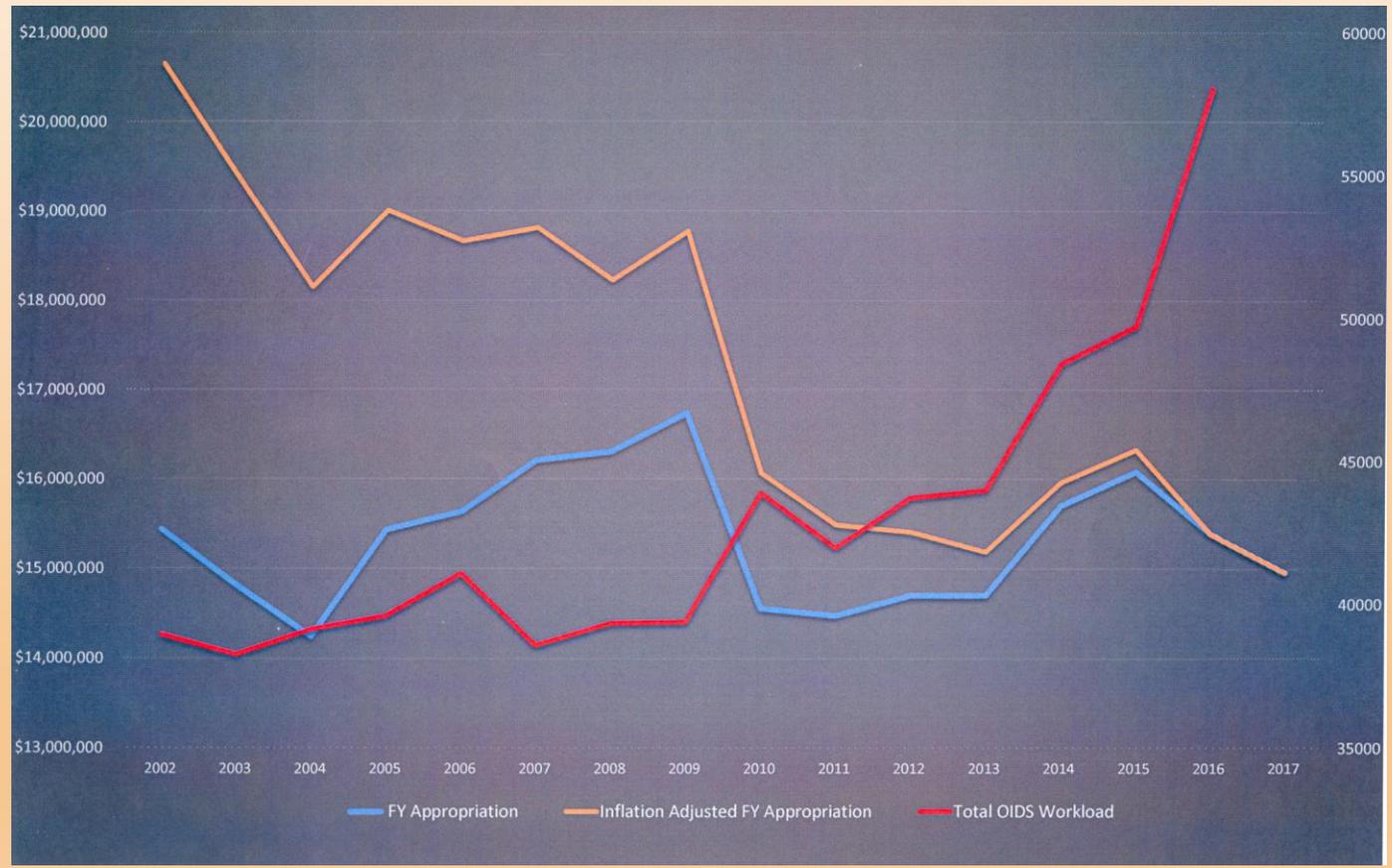
WITH THE RESPONSIBILITY FOR PROVIDING LEGAL REPRESENTATION IN OVER 58,000 CRIMINAL CASES, THE LACK OF SUFFICIENT FUNDING WILL RENDER THE OKLAHOMA INDIGENT DEFENSE SYSTEM UNABLE TO ENSURE STATE COMPLIANCE WITH THE FOREGOING CONSTITUTIONAL MANDATES. THIS LACK OF FUNDING WILL DISRUPT THE ENTIRE CRIMINAL 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)

FY
Appropriation

Inflation
Adjusted FY
Appropriation

Total OIDS
Workload



FY2017 Supplemental Funding Request

\$710,731

- FY2017 appropriation represents a decrease of \$1,125,580 from start of FY2016.
- Combined with allocation reductions, agency operating with \$1.8mm less since December 2015.
- Inability to contract with conflict counsel in estimated 400-450 cases through end of fiscal year.
- Inability to contract for necessary expert services in estimated 40 or more cases through end of fiscal year.

FY2018 Funding Increase Request

\$1,500,000 to Cover Costs of Conflict Cases, Expert Services
and Agency Operations

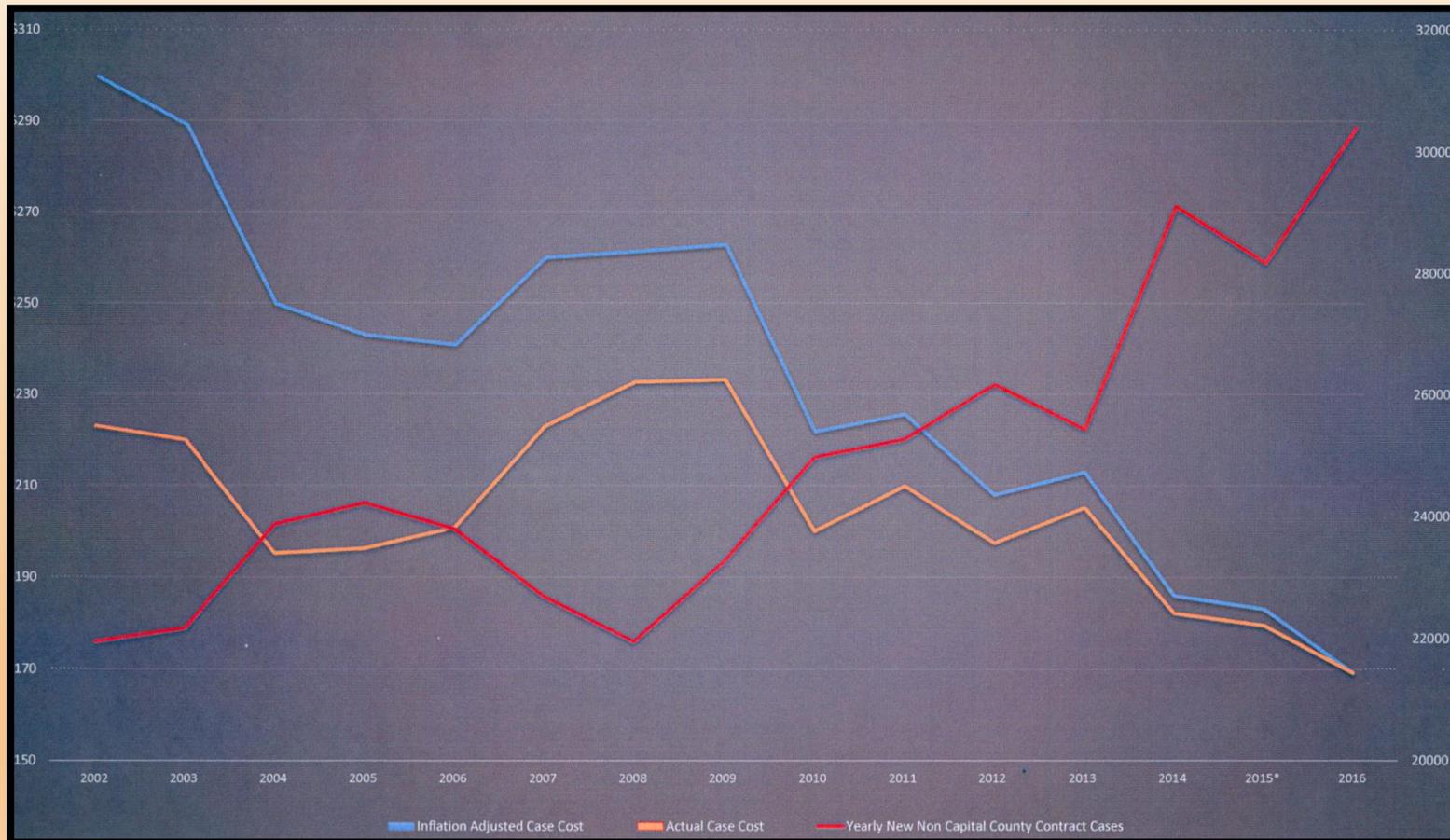
- Restore agency appropriation to initial FY2016 funding level.
- Partially offset the loss of carryover funds necessary for agency operations due to funding losses in FY2016 and FY2017.
- Enable agency to fully fund excess of 1,000 conflict contracts.
- Enable agency to fully fund excess of 100 necessary expert services contracts.

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

Inflation
Adjusted Case
Cost

Actual Case Cost

Yearly New Non-
Capital County
Contract Cases



FY2018 Funding Increase Request

\$851,800 to Raise County Contractor Average Cost
Per Case to \$200

- Board awards fiscal-year contracts to private attorneys in 55 counties.
- 30,390 new cases assigned in FY2016, in addition to carrying 12,769 cases from previous years.
- Average cost of new cases in FY2016: \$169.14 per case.
- During FY2002, average case cost was \$223.01; adjusted for inflation average case cost was \$298.31.
- FY2018 contracting cost expected to increase \$150,000 or more despite agency funding losses.

FY2018 Funding Increase Request

One-Time Cost of \$150,000 to Implement Cost-Saving Case Management Software

- Driven by legislation mandating IT consolidation with Office of Management and Enterprise Services.
- Anticipated agency savings in excess of \$30,000 per year once implemented

FY2018 Funding Increase Request

\$180,000 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.