



**Office of the**  
**Alternate  
Defense  
Counsel**

**Annual Report to the Joint Judiciary Committee**

**Pursuant to  
HB 13-1299 (SMART Act) and  
HB 14-1032 (Juvenile Defense)**

**December 19, 2017**

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# The Office of the Alternate Defense Counsel

## Background

The United States and Colorado Constitutions provide every accused person with the right to be represented by counsel in criminal prosecutions. U.S. Const., amend. VI; Colo. Const., art. II, §16. This constitutional right has been interpreted to mean 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 where 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.

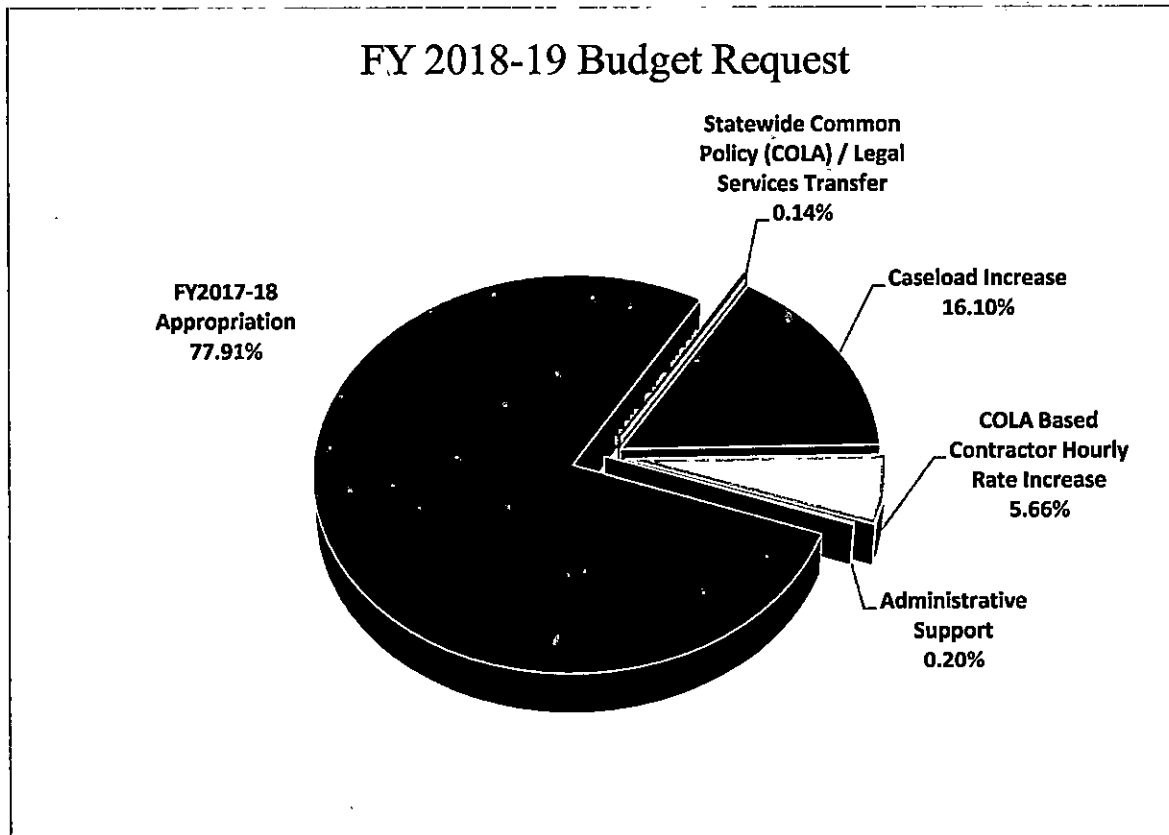
## Vision

*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 practices.*

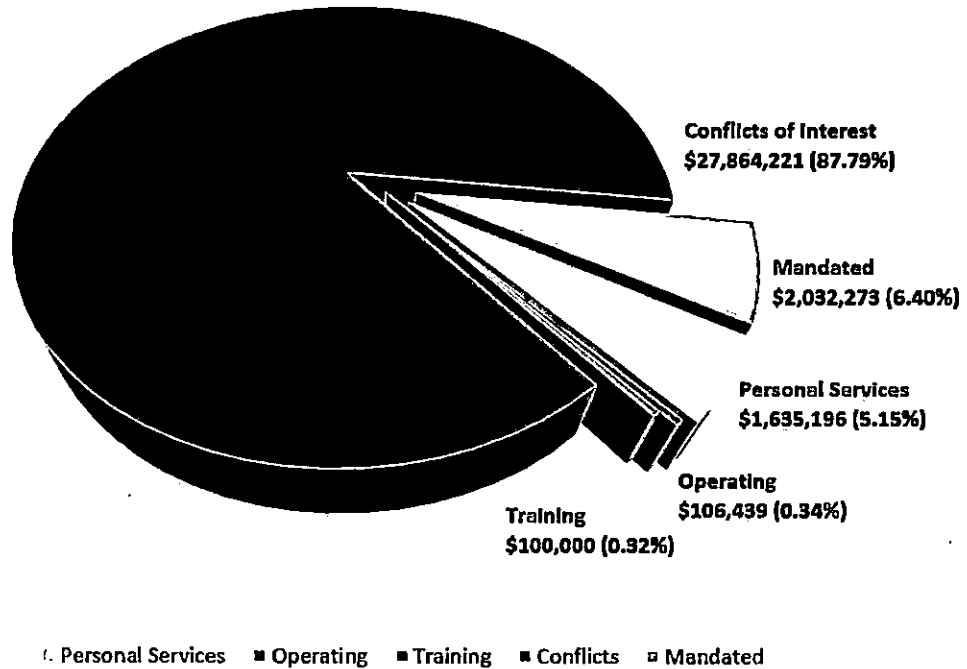
# FY2018-19 Budget Request

The total FY 2018-19 budget request for the Office of the Alternate Defense Counsel is \$40,738,684 and 13.0 FTE. This change represents a 28.5% increase over the FY 2017-18 appropriation of \$31,738,129. In FY17-18 the agency only requested a 0.67% increase to its budget.

- **FY 2017-18 Appropriation of \$ 31,738,129**  
PLUS Statewide Common Policy of \$51,667  
PLUS Legal Services Budget Transfer from SCAO of \$4,578
- **FY 2018-19 Base Request of \$ 31,794,374**  
PLUS Change Request - OADC Caseload GF Increase for FY18 of \$3,119,104 (DI # R-1)  
PLUS Change Request - OADC Caseload GF Increase for FY19 of \$3,438,934 (D1 # R-1)  
PLUS Change Request - Administrative Support GF Increase of \$79,981 (D2 # R-2)  
PLUS Change Request - COLA Based Contractor Hourly Rate Increase GF Increase of \$2,306,291 (D3 # R-3)
- **FY 2018-19 Budget Request of \$ 40,738,684**



## FY2017-18 Budget



## SMART Act (HB 13-1299) Agency Objectives and Performance Measures

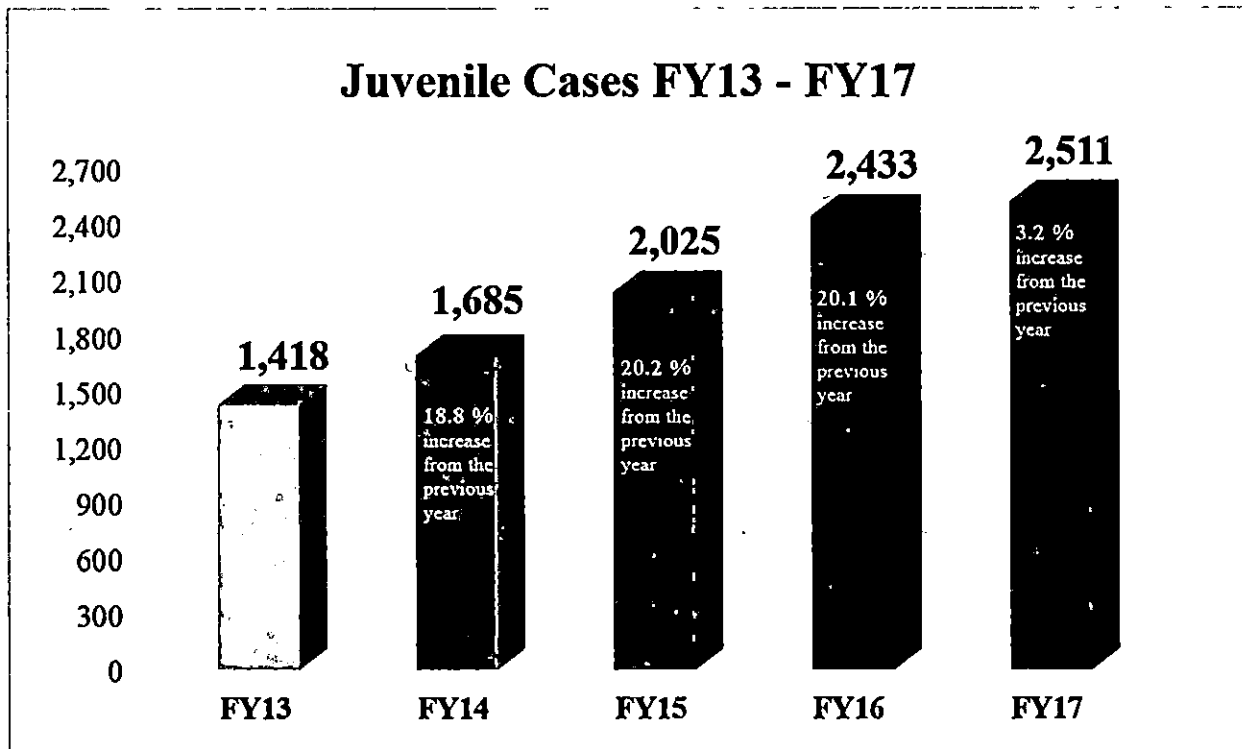
- A. Ensure Adequate Contractors Rates
- B. Contain Case Costs
- C. Provide High Quality Trainings
- D. Provide Cost-effective Research Tools and Assistance
- E. Monitor and Evaluate Contractors
- F. Support the use of Evidence Based Practices
- G. Strengthen OADC's Juvenile Division

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

21-2-104. 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 in representing that juvenile.

- (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY COURT;

**Selection:** On January 1, 2017, the OADC launched a Juvenile Division of attorneys who specialize in juvenile defense, after spending much of 2016 screening and interviewing applicants. New applicants to the Division are

screened on a rolling and as-needed basis. The OADC is committed to only allowing attorneys who have the requisite knowledge, experience and training to do so competently and skillfully 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, standards, and understanding of social science research related to adolescent behavior and development. Applicants are required to demonstrate an understanding of and ability to provide holistic defense to juveniles through teams which may include a social worker, investigator, paralegal or other professional with specific expertise. Applicants are further screened for understanding of and 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).

Since the Juvenile Division launched, this core group of specialized defenders has served the jurisdictions and clients efficiently and effectively. For example, in some jurisdictions there are now fewer attorneys, resulting in less time spent waiting during dockets and more efficiency during detention center visits. The OADC has also mostly eliminated attorneys solely designated as "backup" juvenile attorneys. Instead, the "backup" attorneys for one jurisdiction are almost always primary defenders in a neighboring jurisdiction. This maximizes the cases handled by the best and most specialized juvenile attorneys contracting with the OADC.

Juveniles in adult court are only assigned seasoned, excellent juvenile defenders with the specific skill-set needed for defending juveniles in adult court. Those interested in developing such expertise are encouraged to assist in those cases.

**Training:** The OADC co-sponsors an annual two-day juvenile specific conference with the Colorado Juvenile Defender Center (this year, the conference will also be co-sponsored by the Office of the Child's Representative). 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 visits jurisdictions outside of the Denver metro area throughout Colorado on a rolling basis, to meet the juvenile defenders, listen to their concerns, communicate OADC's expectations for juvenile defense, and provide training. In addition, the Coordinator attends meetings of juvenile justice stakeholders and "bench/bar" meetings throughout the state.

The Juvenile Defense Coordinator sits on Colorado's Juvenile Justice & Delinquency Prevention Advisory Council, as well as several sub-committees and various other task forces and focus groups related to the juvenile justice system. This gives the Coordinator constant contact with juvenile justice professionals across the system, to better understand the strengths and weaknesses of the current system and how it can be improved. In this way, the Coordinator acts as a conduit between the policy level juvenile justice actors and the attorneys on the front lines of juvenile defense, striving for strong communication and mutual understanding between the two groups.

**Support:** A full-time Juvenile Defense Coordinator is available to OADC's contractors for questions, concerns, and references to both legal and support resources. The OADC also makes available social workers, paralegals, investigators, attorneys with specific specialties, experts, and student interns. Further, the OADC provides its contractors with Westlaw, as well as an eLibrary of juvenile-specific legal memos, briefs, motions, social science research, and other documents to aid in the understanding and presentation of various issues to the court. When it would be inefficient for an attorney to personally delve into and summarize social science research, the social science expert who maintains those materials is available to help.

To further support our juvenile attorneys, the OADC aggregates data from contract renewal interviews looking for trends in requests for specific trainings and other common issues. Finally, the OADC is gathering data on the effectiveness of its detention hearing representation.

**(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 time period that one would stay in juvenile court. The OADC expects any attorney who commits to juvenile defense work to continue to represent juveniles long-term.

In addition, the OADC never contracts with a juvenile defender right out of law school. 92% of our current juvenile defenders have been practicing law for at least 6 years, and 70% have been practicing for over 10 years.

**(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 salaries of our attorneys. However, the OADC is requesting an 6.7% COLA based increase for all its contractors.

As noted above, we also do not use rotations. We contract with attorneys that we expect to remain in the assigned jurisdiction.



# 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 400 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 insuring 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. Maintain current compensation rates for all contractors.
- B. Monitor and contain total hours per case and ancillary costs.
- C. Provide statewide training for lawyers, investigators, paralegals, social workers and court personnel.
- D. Provide cost-effective research tools and resources to OADC contractors to promote effectiveness and efficiency.
- E. Evaluate, monitor, observe and audit contractors on an ongoing basis.
- F. Incorporate evidence based practices into legal representation.
- G. Prioritize juvenile representation.

**Performance Measure A: Ensure Adequate Contractor Rates**

In the FY14–15 Budget Request the OADC submitted a Decision Item regarding an increase to Contractor hourly rates by \$10. The Joint Budget Committee approved that Decision Item and the OADC was appropriated an additional \$3,559,986 to accommodate the COLA based hourly rate increase.

		FY 09-14 Actual	FY 15-17 Actual	FY18 Budget	FY19 Request
The OADC average hourly Attorney Rates	Target	\$75	\$75	\$75	\$80
	Actual	\$65	\$75		

**Performance Measure B: Contain Case Costs**

The OADC analyzes the cost per case monthly and strives to find innovative and effective strategies to contain those costs.

		FY15 Actual	FY16 Actual	FY17 Actual	FY18 Budget	FY19 Request
Contain the total number of Attorney hours per case. Includes all case type hours.	Target	19.64	19.64	19.64	19.64	19.64
	Actual	16.57	15.91	15.27		
Keep ancillary costs per case to a minimum.	Target	\$128	\$135	\$120	\$120	\$120
	Actual	\$135	\$120	\$107		
Average Cost per Case	Target	n/a	n/a	\$1,581	\$1,581	\$1,581
	Actual	\$1,722	\$1,581	\$1,523		

**Performance Measure C: Provide High-Quality Annual Trainings**

The Agency has developed three basic components to its training program.

1. Assess and determine the types of training needed for the OADC contractors.
2. Organize and present trainings for the OADC lawyers, investigators, paralegals, and social workers.
3. Facilitate access to trainings through in-person attendance, DVD reproduction, and webcasting.

	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Appellate Training		5 hours 34 Attendees		14 hours 80 Attendees
Research and Motions Practice			6 hours 40 Attendees	6 hours 40 Attendees
Ethics for Lawyers	7 hours 35 Attendees	7 hours 40 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Trial Practice Institute	35 hours 45 Attendees	38 hours 60 Attendees	38 hours 52 Attendees	38 hours 52 Attendees
Juvenile Trainings	20 hours 100 Attendees	22 hours 182 Attendees	20 hours 100 Attendees	20 hours 100 Attendees
Post-Conviction Training		5 hours 33 Attendees		
Social Work Training	12 hours 12 Attendees	12 hours 12 Attendees	12 hours 12 Attendees	12 hours 12 Attendees
Investigator Training	12 hours 90 Attendees	8 hours 81 Attendees	12 hours 90 Attendees	12 hours 90 Attendees
Sentencing	7 hours 50 Attendees		7 hours 50 Attendees	7 hours 50 Attendees
Adobe Prof. Training		8 Hours 20 Attendees	40 hours 50 Attendees	40 hours 50 Attendees
Legal Technology	6 hours 30 Attendees			
Paralegal Training	6 hours 35 Attendees	8 hours 52 Attendees	6 hours 50 Attendees	6 hours 70 Attendees
Evidence Based Practices	7 hours 45 Attendees			7 hours 45 Attendees
Criminal Law Update	15 hours 200 Attendees	15 hours 200 Attendees	15 hours 200 Attendees	15 hours 200 Attendees
Train the Trainers	7 hours 24 Attendees	7 hours 21 attendees	7 hours 24 Attendees	7 hours 24 Attendees
Organized Crime Act	6 hours 25 Attendees	7 hours 100 attendees		
Evidence and Objections	7 hours 35 Attendees	8 hours 44 Attendees	7 hours 35 Attendees	7 hours 35 Attendees
Plea Bargaining and Negotiation	6 hours 50 Attendees			6 hours 50 Attendees
Jury Selection	7 hours 50 Attendees		6 hours 50 Attendees	
Forensics			6 hours 40 Attendees	6 hours 40 Attendees
Leadership/Team Building Training			7 hours 30 Attendees	7 hours 40 Attendees
Incorporating Social Workers on Legal Teams	7 hours 40 Attendees			

	<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Westlaw Training				
Race and Bias in the Criminal Justice System			7 hours 100 Attendees	14 hours 100 Attendees
Communication skills		8 hours 10 attendees		
Immigration and criminal litigation		4 hours 80 attendees		
Experts in litigation		16 hours 63 attendees		
Veterans in criminal litigation		8 Hours 20 Attendees		
Parole board training		3 hours 13 Attendees		
Total Number of Trainings	16	18	16	18
Total Number of Hours	167	189	203	231
Total Number of Attendees	866	1,065	958	1,113

**Performance Measure D: Provide Cost-Effective Research Tools and Assistance**

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

1. Improving and expanding its Legal, Social Sciences and Juvenile eLibrary;
2. Providing legal research, motion drafting, and other assistance to contractors, using lawyers and non-lawyers;
3. Providing timely case law summaries (both written and podcast) 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;
4. Analyzing and introducing best practice applications to the OADC contractors;
5. Creating comprehensive manuals on complex but frequently used subject matter such as COCCA, Habitual Criminal Cases, Post-Conviction Matters, Out-of-State Subpoenas and co-authoring the Juvenile Defense Manual.

		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
On-Line Research Tools and Resources to the OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target documents	6,000	6,000	6,000	7,000
	Actual documents	7,000	7,750		
	Target users*/queries	250*	1000/month	1200/month	1,700/month
	Actual users*/queries	1,700/month	1,850/month		
Juvenile specific materials	Target documents	na	500	500	1,200
	Actual documents	825	1,118		
Social Sciences specific materials	Target documents	na	500	500	1,300
	Actual documents	1,000	1,290		
Mental Health specific materials	Target documents	na	500	500	500
	Actual documents		500		
Legal Research Assistance (Includes Social Science and Mental Health Issues)	Target cases	300	400	500	500
	Actual cases	410			
Social Sciences Issues in Criminal Cases Assistance	Target	na	40	50	50
	Actual	30	18		
Mental Health Issues in Criminal Case Assistance	Target cases	na	40	60	60
	Actual cases	20	45		
Provide summaries of new opinions.	Target weekly summaries	50	50	50	50
	Actual weekly summaries	52	52		

**Performance Measure E: Monitor and Evaluate Contractors**

The OADC has a process to ensure that all the OADC lawyers, investigators, and social workers are under a current contract. This process includes interviewing and evaluating potential and renewing contract attorneys, investigators and social workers. To accomplish this the Agency:

1. Has created a data base to track all attorney, investigator, and social worker contractors, including contract renewal dates;
2. Requests renewal applications from contractors, interviews and evaluates contractors, and renews contracts if appropriate;
3. Solicits feedback from judicial districts concerning the OADC lawyers;
4. Verifies attorney status with the Office of Attorney Regulation;
5. Monitors and evaluates court room practices through courtroom observations;
6. Reviews written submissions from contractors and provides feedback as needed;
7. Mandates testing for investigators prior to initial contract issuance;
8. Conducts audits and time-efficiency studies of selected the OADC contractors;
9. Runs reports on the OADC contractors using the new Court Appointed Attorney Payment System (CAAPS);
10. Requires at least 5 hours of juvenile or defense specific CLE training per year.

		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%
	Actual	93%	100%		
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%
	Actual	64%	100%		
Court Room Observations	Target	75	75	75	75
	Actual	61	52		
Mock Oral Arguments	Target	10	10	12	12
	Actual	12	9		
Oral Arguments	Target	15	20	16	16
	Actual	16	17		
Review Pleadings	Target	100	100	100	150
	Actual	120	150		

**Performance Measure F: Support the use of Evidenced Based Practices (EBP)**

To ensure the use of Evidence Based Practices in juvenile and criminal defense the Agency provides contractors with the following:

1. Contract Social Workers;
2. A separate social science component to the Agency’s eLibrary (See Performance Measure D above);
3. Training focused on EBP (See Performance Measure C above).

<b>Performance Measure F: Support the use of Evidence Based Practices</b>		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Number of Cases with Social Workers	Target	100 cases	125 cases	200 cases	300 cases
	Actual	181 cases	263 cases		
Number of Social Worker Contractors	Target	6 contractors	10 contractors	15 contractors	21 contractors
	Actual	11 contractors	16 contractors		
Number of Social Worker Interns	Target	3 interns	5 interns	3 interns	4 interns
	Actual	3 interns	2 interns		

**Performance Measure G: Strengthen the OADC’s Juvenile Division**

In FY17, the OADC re-constituted the panel of contract attorneys representing juveniles. With the help of the National Juvenile Defender Center, the OADC created a Juvenile Division of attorneys with the skills, knowledge and experience necessary to competently represent juvenile clients in delinquency and adult court. Through this process, the OADC identified some training and other needs.

First, the OADC is bringing juvenile specific training to rural areas; where there are fewer available and qualified juvenile attorneys. It is often difficult for attorneys in rural areas to travel to the Denver metro area for training, and while some seminars can be viewed on DVD or through webinars, it is

important to conduct a certain amount of training in-person to ensure that the those who need the training are engaged.

Second, the OADC encourages and assists contract attorneys in incorporating other professionals into defense teams. This includes Special Education Specialists to efficiently gather relevant records and advise defense teams on how the educational needs of the client impact his or her behavior and the likelihood of the success of various interventions and sentencing options. In addition, Social Workers and other specialists and researchers are available, who increase the effectiveness and efficiency of the defense team.

Third, now that the Juvenile Division has been formed, the Juvenile Coordinator ensures that contract attorneys in the Division are providing high quality juvenile defense by observing hearings and reviewing court and billing records. In addition, the Juvenile Coordinator conducts contract renewal interviews, and thoroughly screens new applicants to the Division on a rolling basis.

<b>Performance Measure G: Strengthen OADC's Juvenile Division</b>		<b>FY16 Actual</b>	<b>FY17 Actual</b>	<b>FY18 Budget</b>	<b>FY19 Request</b>
Sponsor X number of Juvenile-specific trainings annually for attorneys.	Target	2	2	3	5
	Actual	4	4		
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	90	25	25	25
	Actual	70	0*		
Incorporate a social worker into juvenile defense teams where appropriate.	Target	na	50 cases	50 cases	50 cases
	Actual	49 cases	45		
Provide specialized education law assistance to juvenile defense teams where appropriate.	Target	15	20	20	20
	Actual	13	19		

\*Normally OADC conducts contract renewal screenings at the end of each calendar year. However, in 2016 the OADC created a Juvenile Division, and screened all attorneys who applied to represent juveniles in the summer of that year. Therefore, no juvenile attorneys were re-screened at the end of that calendar year. Beginning with FY17, attorneys will again be regularly screened as their contracts come due.

## I. Strategies

### Increase Compensation Rates

As mentioned in the Performance Measures and Goals section of this plan, the OADC received a rate increase in FY14-15, pursuant to the Agency's FY14-15 budget request. In the Performance



Measures and Goals relating to Contractor Rates, the Agency indicates that a potential rate increase for FY18-19 is still undetermined. The Agency, in conjunction with its Commission, will continue to explore future rate increases based on cost of living increases and the state of the economy.

### **Provide Ongoing Trainings**

The Performance Measures and Goals section provides a list of the OADC's commitment to trainings in the upcoming 3 fiscal years. The types of trainings provided are based on an assessment of the needs of the OADC contractors.

### **Conducting Periodic Evaluations**

Section V (Recent Performance Evaluations) outlines several tools that the Agency uses to evaluate its programs. The Agency's billing system overhaul, which went into effect on July 23, 2015, has enhanced the Agency's ability to monitor and evaluate its contractors.

### **Improved and Cost-Effective Research Tools**

As described in the Performance Measures and Goals, the OADC will continue to provide resources and technology to its contractors. A highly-utilized resource that the Agency has developed is a centralized, online, legal research and information platform called the eLibrary that continues to expand and assist many of the Agency's contractors. This asset is imperative to the Agency because it reduces average case costs by streamlining research time for contractors while simultaneously improving the effectiveness of representation. This eLibrary has expanded to include a separate juvenile and social sciences section, and will eventually include a separate mental health section.

### **Paperless and Administrative Efficiencies**

The Agency's revamped web-based billing system (CAAPS) went live on July 23, 2015. Each individual contractor bill is reviewed online for reasonableness and accuracy. This overhaul has significantly enhanced the Agency's monitoring capabilities, benefiting not only internal auditing procedures but also the annual fiscal note process and individual contractors' payment monitoring options.

### **Ancillary Services to Reduce Attorney Hours**

To increase the quality and efficiency of the OADC contract attorneys, the Agency has implemented and continues to seek out measures that reduce billable contractor hours and associated ancillary costs. These measures include:

1. Continuing the in-house appellate case management system that streamlines the OADC appellate cases from inception through transmittal of the record on appeal;
2. Continuing the in-house post-conviction case management system to include triage and per-case fee contracting;
3. Contracting with document management and paralegal professionals who specialize in organization and distribution of discovery in Colorado Organized Crime Control Act (COCCA) cases, death penalty cases, and other large-volume cases;
4. Attorney access to electronic court records pursuant to HB 08-1264;
5. Expanding and promoting the eLibrary;
6. Providing legal research, motion drafting, and other case related assistance;
7. Evaluating contractor efficiency and auditing billing;
8. Closely monitoring requests for expert assistance;
9. Identifying and promoting technologies that increase contractor efficiency.

### **Fraud, Waste, & Abuse Prevention**

The OADC diligently monitors all financial transactions. In addition to the annual audit performed by the Office of the State Auditor, the Agency reviews **all** payments, ensuring appropriate documentation and support, utilizing segregation of duties, second level approvals, and executive review of over-the-maximum requests. Semi-annual vendor totals are also audited for anomalies. The Agency verifies monthly payroll through the state financial and payment processing system.

## **II. Performance Evaluation**

### **Contractor Survey and Evaluations**

This year's annual contractor survey focused on paralegal contractors. The responses to this survey are assisting the Agency in preparing for paralegal trainings in FY18.

### **The OADC Staff Evaluations**

The Agency has continued its employee self-evaluations. This annual evaluation includes such topics as; Job Knowledge, Work Quality, Attendance/Punctuality, Initiative, Communication/Listening Skills, and Dependability. Each staff member completed a self-evaluation, and met with their supervisor (Director, Deputy Director, or Controller) to discuss the results, concerns, and overall performance of each employee. The Agency also underwent a StrengthsFinder staff evaluation process to improve team dynamics and performance.

### **Evaluation of Prior Year Performance**

**Performance Measure A: Ensure Adequate Contractor Rates:** In its FY15 budget request, the Agency requested and received a \$10.00 per hour rate increase for its attorney contractors, and a \$5.00 per hour rate increase for its investigators and paralegals. However, this still falls significantly below the federal government's court-appointed attorney<sup>1</sup> hourly rate of \$132 per hour for non-capital cases, and for capital crime (death penalty) cases, an hourly rate of \$185 per hour.

**Performance Measure B: Contain Case Costs:** The Agency continues to contain (and reduce) its attorney hours per case and keep ancillary costs per case to a minimum. (See chart on page 5 of 14 of the Agency's July 1, 2017 Performance Plan)

**Performance Measure C: Provide High-Quality Annual Trainings:** As can be seen by the chart on pages 6-7 of 14 of the Agency's July 1, 2017 Performance Plan, the agency provided 18 trainings, consisting of over 250 hours, and reaching over 1,000 attendees, a significant increase from the projected numbers.

**Performance Measure D: Provide Cost-Effective Research Tools and Assistance:** As the chart on page 8 of 14 of the Agency's July 1, 2017 Performance Plan demonstrates, the Agency continues to meet and exceed its goals in this area.

**Performance Measure E: Monitor and Evaluate Contractors:** The Agency met its goal of evaluating 100% of renewing attorneys and investigators. However, it did fall short of meeting its goal of conducting 75 court room observations, and oral arguments. This occurred due to the resignation and replacement of its Evaluator & Training Coordinator and time necessary for the new employee to be trained and have time for these observations. The goal for FY18 should be met.

**Performance Measure F: Support the use of Evidence Based Practices (EBP):** The Agency's Social Worker program has continued to expand, due to the hiring of a full time Social Worker Coordinator. Once this person began, in September 2016, the Agency expanded the number of Social Worker contractors, and therefore the number of cases with social workers. As the chart on page 10 of 14 of the Agency's July 1, 2017 Performance Plan indicates, it is anticipated that this program will continue to expand.

**Performance Measure G: Strengthen the OADC's Juvenile Division:** The OADC successfully implemented its new Juvenile Division, and anticipates that the efficacy of this program will increase as it moves forward.

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<sup>1</sup> Federal court-appointed attorneys are referred to as Criminal Justice Act (CJA) lawyers.