

OFFICE OF THE STATE PUBLIC DEFENDER

FISCAL YEAR 2023-24 BUDGET REQUEST



Megan A. Ring,
COLORADO STATE PUBLIC DEFENDER
November 1, 2022



OFFICE OF THE STATE PUBLIC DEFENDER

MEGAN A. RING
STATE PUBLIC DEFENDER

November 01, 2022

To the Members of the Joint Budget Committee of the Colorado General Assembly:

Thank you for considering the Office of the State Public Defender (OSPD) budget request for fiscal year 2023-2024. We recognize that each budget year presents difficult and significant challenges for the state. OSPD has worked diligently to ensure that this request contains only the reasonable and necessary budgetary needs of our agency to meet our constitutional and statutory mandates.

In 1963, the United States Supreme Court ruled that the United States Constitution requires states to provide counsel for the indigent accused in criminal cases. The court stated that:

[f]rom the very beginning, our state and national constitutions and laws have laid a great emphasis on the procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

Gideon v. Wainwright, 372 US 335, 344 (1963).

In 1970, the Colorado General Assembly created a statewide system of providing counsel for the indigent accused. The statutory mandate of the OSPD requires our agency to serve clients

independently of any political considerations or private interests, provide legal services to indigent persons accused of crime 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.

Section 21-1-102 (1), C.R.S.

To fulfill this statutory mandate, OSPD staffs 21 regional trial offices, serving clients in each of Colorado's 22 judicial districts and all of Colorado's 64 counties. A central Appellate Division represents clients on appeal to the Colorado Court of Appeals and the Colorado Supreme Court. The OSPD Central Administrative Office provides administrative support (including IT, finance, budget, human resources, and training) to these 22 offices. The central office also provides leadership and guidance for all offices to ensure that each remains mission-driven and upholds the necessary standards of legal representation. Because we are a direct service agency, 85% of our budget is spent on personal services, with the remaining 15% supporting mandated and operational costs.

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I remain extremely proud of the work of all Defenders - their work ethic, their dedication to the OSPD mission, and their willingness to handle the daily challenges of serving our client population. All clients we serve are victims of poverty. Justice has always been an illusory concept for the poor and disenfranchised. Recent events highlighting the racism and classism in the criminal legal system challenge even further client confidence in law enforcement and court systems and our ability to build trusting relationships with our clients. COVID - 19 and its impact on the criminal legal system has only exacerbated these challenges over the last two and a half years.

As was predicted in our FY2022-23 SMART Act and budget presentations, the most significant request in our budget submission for FY 2023-24 is the request for salary increases for our staff. This year, the Central Administrative Office contracted with outside professionals to conduct an independent salary survey for all staff. That salary survey supports our budget request. We are essentially below market across the board but significantly below in some positions. We know that salary and benefits substantially impact our ability to hire and retain staff. We are experiencing both hiring and retention challenges and this has resulted in challenging workload increases for all current staff.

OSPD has a long history of presenting the Joint Budget Committee with data to support our budget requests. We have submitted the data again this year. In addition to relying on this data, we are also requesting that the JBC understand the impact of many dynamic factors that are expanding our workload. For example, as we have detailed before, the changing landscape of discovery in criminal cases continues to create challenges for our system.

Again, thank you for your consideration of our funding request. We look forward to discussing our agency and answering your questions during the budget process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan A. Ring', with a stylized flourish at the end.

Megan A. Ring
Colorado State Public Defender

BUDGET SUMMARY

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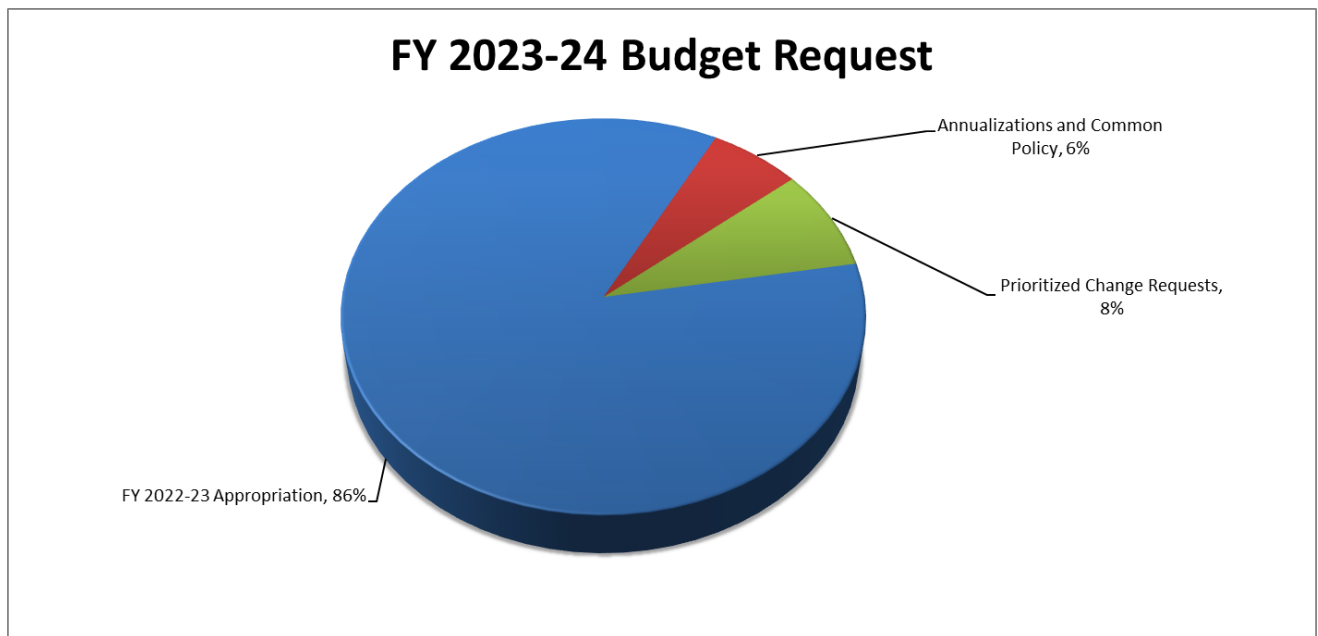
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Office of the State Public Defender FY 2023-24 Budget Summary

The total FY 2023-24 budget request for the Office of the State Public Defender (OSPD) is \$ 152,111,474 and 1,098.1 FTE. We are asking for four prioritized Change Requests in our FY 2023-24 Budget Request.

- **FY 2022-23 Appropriation of \$ 130,103,751**
 - PLUS Annualizations of \$ 2,500,573
 - PLUS Common Policy of \$ 6,953,236
- **FY 2023-24 Base Request of \$ 139,557,560**
 - PLUS Change Request #1 for \$10,958,435**
 - PLUS Change Request #2 for \$ 705,612**
 - PLUS Change Request #3 for \$ 539,867**
 - PLUS Change Request #4 for \$ 350,000**
- **FY 2023-24 Budget Request of \$ 152,111,474**



Office of the State Public Defender
FY 2023-24 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF	FF
Long Bill					
H.B. 22-1329 Office of the State Public Defender	1,050.3	\$ 129,853,751	\$ 129,698,751 1049.2 FTE	\$ 155,000 1.1 FTE	\$ -
Special Bills					
Special Bill, S.B. 22-188	-	\$ 250,000	\$ -	\$ 250,000	
Total FY2022-23 Appropriation	1,050.3	\$ 130,103,751	\$ 129,698,751	\$ 405,000	\$ -
Prior Year Budget Change Annualizations					
Annualization Capitol Outlay	-	\$ (533,200)	\$ (533,200)	\$ -	\$ -
Annualization #R-1, Public Defense in the Digital Age	2.2	\$ 777,952	\$ 777,952	\$ -	\$ -
Annualization #R-2, Paralegal Staff Request	40.3	\$ 2,203,269	\$ 2,203,269	\$ -	\$ -
Annualization #R-3, Discovery Clerk Staff Request	1.2	\$ 52,552	\$ 52,552	\$ -	\$ -
Total Prior Year Budget Change Annualizations	43.7	\$ 2,500,573	\$ 2,500,573	\$ -	\$ -
Salary Survey and Merit					
FY 2023-24 Salary Survey Increase	-	\$ 4,532,004	\$ 4,532,004	\$ -	\$ -
Total Salary Survey	-	\$ 4,532,004	\$ 4,532,004	\$ -	\$ -
Common Policy Adjustments					
Health Life Dental Increase	-	\$ 1,199,276	\$ 1,199,276	\$ -	\$ -
Short Term Disability Increase	-	\$ 2,861	\$ 2,861	\$ -	\$ -
AED Increase	-	\$ 323,361	\$ 323,361	\$ -	\$ -
SAED Increase	-	\$ 323,361	\$ 323,361	\$ -	\$ -
Family and Medical Leave Insurance Program	-	\$ 379,172	\$ 379,172	\$ -	\$ -
NP-1 Common Policy Adjustment - Annual Fleet Vehicle Request	-	\$ (10,694)	\$ (10,694)	\$ -	\$ -
Lease Escalator	-	\$ 203,896	\$ 203,896	\$ -	\$ -
Total Common Policy Adjustments	-	\$ 2,421,232	\$ 2,421,232	\$ -	\$ -
Total FY 2023-24 Base Request	1,094.0	\$ 139,557,560	\$ 139,152,560	\$ 405,000	\$ -
Budget Change Requests					
#R-1, Salary Survey	-	\$ 10,958,435	\$ 10,958,435	\$ -	\$ -
#R-2, Leased Space	-	\$ 705,612	\$ 705,612	\$ -	\$ -
#R-3, Central FTE	4.1	\$ 539,867	\$ 539,867	\$ -	\$ -
#R-4, Training	-	\$ 350,000	\$ 350,000	\$ -	\$ -
Total Decision Items/Budget Amendments	4.1	\$ 12,553,914	\$ 12,553,914	\$ -	\$ -
Total FY 2023-24 Budget Request	1,098.1	\$ 152,111,474	\$ 151,706,474	\$ 405,000	\$ -
# / \$\$ change from FY 2022-23	47.8	\$ 22,007,723	\$ 22,007,723	\$ -	\$ -
% change from FY 2022-23	4.6%	16.9%	17.0%	0.0%	0.0%

Office of the State Public Defender							
FY 2023-24 Reconciliation of Department Request, by Long Bill Group							
	Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services							
	FY 2022-23 Long Bill, H.B. 22-1329	\$90,786,187	1049.2	\$90,786,187	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$90,786,187	1049.2	\$90,786,187	\$0	\$0	\$0
	FY 2022-23 Salary Survey allocated to Personal Services	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
	Annualization #R-1, Public Defense in the Digital Age	\$269,857	2.2	\$269,857	\$0	\$0	\$0
	Annualization #R-2, Paralegal Staff Request	\$1,898,509	40.3	\$1,898,509	\$0	\$0	\$0
	Annualization #R-3, Discovery Clerk Staff Request	\$52,552	1.2	\$52,552	\$0	\$0	\$0
	FY 2023-24 Base Request	\$95,470,215	1092.9	\$95,470,215	\$0	\$0	\$0
	#R-1, Salary Survey	\$1,148,525	0.0	\$1,148,525	\$0	\$0	\$0
	#R-3, Central FTE	\$419,327	4.1	\$419,327	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$97,038,067	1097.0	\$97,038,067	\$0	\$0	\$0
Health Life and Dental							
	FY 2022-23 Long Bill, H.B. 22-1329	\$11,157,201	0.0	\$11,157,201	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$11,157,201	0.0	\$11,157,201	\$0	\$0	\$0
	Total Compensation Common Policy (incremental change)	\$1,199,276	0.0	\$1,199,276	\$0	\$0	\$0
	FY 2023-24 Base Request	\$12,356,477	0.0	\$12,356,477	\$0	\$0	\$0
	#R-3, Central FTE	\$41,250	0.0	\$41,250	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$12,397,727	0.0	\$12,397,727	\$0	\$0	\$0
Short Term Disability							
	FY 2022-23 Long Bill, H.B. 22-1329	\$131,956	0.0	\$131,956	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$131,956	0.0	\$131,956	\$0	\$0	\$0
	Total Compensation Common Policy (incremental change)	\$2,861	0.0	\$2,861	\$0	\$0	\$0
	FY 2023-24 Base Request	\$134,817	0.0	\$134,817	\$0	\$0	\$0
	#R-1, Salary Survey	\$14,190	0.0	\$14,190	\$0	\$0	\$0
	#R-3, Central FTE	\$594	0.0	\$594	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$149,601	0.0	\$149,601	\$0	\$0	\$0
AED							
	FY 2022-23 Long Bill, H.B. 22-1329	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
	Total Compensation Common Policy (incremental change)	\$323,361	0.0	\$323,361	\$0	\$0	\$0
	FY 2023-24 Base Request	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
	#R-1, Salary Survey	\$443,446	0.0	\$443,446	\$0	\$0	\$0
	#R-3, Central FTE	\$18,563	0.0	\$18,563	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
SAED							
	FY 2022-23 Long Bill, H.B. 22-1329	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
	Total Compensation Common Policy (incremental change)	\$323,361	0.0	\$323,361	\$0	\$0	\$0
	FY 2023-24 Base Request	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
	#R-1, Salary Survey	\$443,446	0.0	\$443,446	\$0	\$0	\$0

Office of the State Public Defender							
FY 2023-24 Reconciliation of Department Request, by Long Bill Group							
	Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
	#R-3, Central FTE	\$18,563	0.0	\$18,563	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
FAMLI							
	FY 2022-23 Long Bill, H.B. 22-1329	\$0	0.0	\$0	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
	Total Compensation Common Policy (incremental change)	\$379,172	0.0	\$379,172	\$0	\$0	\$0
	FY 2023-24 Base Request	\$379,172	0.0	\$379,172	\$0	\$0	\$0
	#R-1, Salary Survey	\$39,910	0.0	\$39,910	\$0	\$0	\$0
	#R-3, Central FTE	\$1,671	0.0	\$1,671	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$420,753	0.0	\$420,753	\$0	\$0	\$0
Salary Survey							
	FY 2022-23 Long Bill, H.B. 22-1329	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
	FY 2021-22 Salary Survey allocated to Personal Services	(\$2,463,110)	0.0	(\$2,463,110)	\$0	\$0	\$0
	Total Compensation Common Policy	\$4,532,004	0.0	\$4,532,004	\$0	\$0	\$0
	FY 2023-24 Base Request	\$4,532,004	0.0	\$4,532,004	\$0	\$0	\$0
	#R-1, Salary Survey	\$8,868,918	0.0	\$8,868,918	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$13,400,922	0.0	\$13,400,922	\$0	\$0	\$0
Operating Expenses							
	FY 2022-23 Long Bill, H.B. 22-1329	\$2,511,878	0.0	\$2,481,878	\$30,000	\$0	\$0
	Special Bill, S.B. 22-188	\$250,000	0.0	\$0	\$250,000	\$0	\$0
	FY 2022-23 Appropriation	\$2,761,878	0.0	\$2,481,878	\$280,000	\$0	\$0
	Annualization #R-1, Public Defense in the Digital Age	\$1,900	0.0	\$1,900	\$0	\$0	\$0
	Annualization #R-2, Paralegal Staff Request	\$36,100	0.0	\$36,100	\$0	\$0	\$0
	FY 2023-24 Base Request	\$2,799,878	0.0	\$2,519,878	\$280,000	\$0	\$0
	#R-3, Central FTE	\$4,750	0.0	\$4,750	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$2,804,628	0.0	\$2,524,628	\$280,000	\$0	\$0
Vehicle Lease Payments							
	FY 2022-23 Long Bill, H.B. 22-1329	\$111,197	0.0	\$111,197	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$111,197	0.0	\$111,197	\$0	\$0	\$0
	#NP-1, Common Policy - Annual Vehicle Lease Request	(\$10,694)	\$0	(\$10,694)	\$0	\$0	\$0
	FY 2023-24 Base Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
Capital Outlay							
	FY 2022-23 Long Bill, H.B. 22-1329	\$533,200	0.0	\$533,200	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$533,200	0.0	\$533,200	\$0	\$0	\$0
	Annualization from Prior Year	(\$533,200)	0.0	(\$533,200)	\$0	\$0	\$0
	Annualization #R-1, Public Defense in the Digital Age	\$13,340	0.0	\$13,340	\$0	\$0	\$0
	Annualization #R-2, Paralegal Staff Request	\$253,460	0.0	\$253,460	\$0	\$0	\$0
	FY 2023-24 Base Request	\$266,800	0.0	\$266,800	\$0	\$0	\$0

Office of the State Public Defender							
FY 2023-24 Reconciliation of Department Request, by Long Bill Group							
	Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
	#R-3, Central FTE	\$33,350	0.0	\$33,350	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$300,150	0.0	\$300,150	\$0	\$0	\$0
Leased Space / Utilities							
	FY 2022-23 Long Bill, H.B. 22-1329	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
	Lease Escalator	\$203,896	0.0	\$203,896	\$0	\$0	\$0
	FY 2023-24 Base Request	\$8,246,868	0.0	\$8,246,868	\$0	\$0	\$0
	#R-2, Leased Space	\$705,612	0.0	\$705,612	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$8,952,480	0.0	\$8,952,480	\$0	\$0	\$0
Automation Plan							
	FY 2022-23 Long Bill, H.B. 22-1329	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
	Annualization #R-1, Public Defense in the Digital Age	\$492,855	0.0	\$492,855	\$0	\$0	\$0
	Annualization #R-2, Paralegal Staff Request	\$15,200	0.0	\$15,200	\$0	\$0	\$0
	FY 2023-24 Base Request	\$2,700,619	0.0	\$2,700,619	\$0	\$0	\$0
	#R-3, Central FTE	\$1,800	0.0	\$1,800	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$2,702,419	0.0	\$2,702,419	\$0	\$0	\$0
Attorney Registration							
	FY 2022-23 Long Bill, H.B. 22-1329	\$156,634	0.0	\$156,634	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
	FY 2023-24 Base Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
Contract Services							
	FY 2022-23 Long Bill, H.B. 22-1329	\$49,395	0.0	\$49,395	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
	FY 2023-24 Base Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
Mandated Costs							
	FY 2022-23 Long Bill, H.B. 22-1329	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
	FY 2023-24 Base Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
Training- New Line							
	FY 2022-23 Long Bill, H.B. 22-1329	\$0	0.0	\$0	\$0	\$0	\$0
	FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
	FY 2023-24 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
	#R-4, Training	\$350,000	0.0	\$350,000	\$0	\$0	\$0
	FY 2023-24 November 01 Request	\$350,000	0.0	\$350,000	\$0	\$0	\$0

Office of the State Public Defender							
FY 2023-24 Reconciliation of Department Request, by Long Bill Group							
	Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
	Grants						
	FY 2022-23 Long Bill, H.B. 22-1329	\$125,000	1.1	\$0	\$125,000	\$0	\$0
	FY 2022-23 Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
	FY 2023-24 Base Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
	FY 2023-24 November 01 Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
	FY 2022-23 Total Appropriation (Long Bill plus Special Bills)	\$130,103,751	1,050.3	\$129,698,751	\$405,000	\$0	\$0
	FY 2023-24 Base Request	\$139,557,560	1,094.0	\$139,152,560	\$405,000	\$0	\$0
	FY 2023-24 November 01 Request	\$152,111,474	1,098.1	\$151,706,474	\$405,000	\$0	\$0
	Change FY 2022-23 Appropriation to FY 2023-24 Base Request	\$9,453,809	43.7	\$9,453,809	\$0	\$0	\$0
	Change FY 2023-24 Base Request to FY 2023-24 Nov 01 Request	\$12,553,914	4.1	\$12,553,914	\$0	\$0	\$0
	Percent Changes	9.0%	0.0	9.0%	0.0%	0.0%	0.0%

AGENCY HIGHLIGHTS

AGENCY STATEMENT

Mission

The mission of the Office of the State Public Defender is to defend and protect the rights, liberties, and dignity of those accused of crimes who cannot afford to retain counsel. We do so by providing constitutionally and statutorily mandated representation that is effective, zealous, inspired and compassionate.

Vision

It is the vision of the Office of the State Public Defender that every OSPD client served receives excellent legal representation through the delivery of high-quality legal services and compassionate support from a team of dedicated Public Defenders.

Primary Performance Objectives

Goal 1: to provide effective attorney services and advocacy in both the trial and appellate courts throughout the state of Colorado for indigent clients.

Goal 2: to hire and retain a sufficient number of quality staff to effectively manage the ever-increasing workload in each office in the state.

Goal 3: to provide a high quality and quantity of staff development, training, technology support and other resources to adapt our response to the constantly changing criminal legal system so that our advocacy and legal services are commensurate with those available for non-indigent persons as is required by the OSPD statute.

PROGRAM DESCRIPTION

Brief History of Defender Services in Colorado

In 1963, the United States Supreme Court issued *Gideon v. Wainwright*, 372 US 335 (1963), ensuring the right of the indigent accused to representation of counsel in criminal cases. During this same year, the Colorado General Assembly passed the Colorado Defender Act in response to the Supreme Court's decision in *Gideon*. This act authorized Colorado counties to either establish a public defender's office or remain under the previous ad hoc system of appointing counsel for indigent people accused of criminal offenses. Four county public defender offices were established under the act in Denver, Brighton, Pueblo and Durango.

In 1969, the General Assembly passed the Administrative Reorganization Act. Pursuant to this act, the state assumed oversight of the court system which had responsibility for the appointment and funding of counsel for indigent defendants. The Office of the State Public Defender was created by statute and became an independent agency in 1970.

Core Functions

The Office of the State Public Defender (OSPD) is a single purpose program devoted to providing effective and zealous criminal defense representation to indigent persons charged in criminal cases. Our clients live in poverty and are disproportionately people living with mental illness or behavioral health disorders or identify as black, indigenous or other persons of color. They are people who face the possibility of incarceration unable to afford private counsel and who without appointed counsel would otherwise be denied their constitutional right to representation throughout the criminal proceedings. Attorneys, investigators, social workers, paralegals, administrative assistants and other legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions, Colorado Revised Statutes, American Bar Association standards, and the Colorado Rules of Professional Conduct.

Regional Trial Offices

OSPD operates 21 regional trial offices which align with the state's 22 judicial districts and 64 counties. Each regional trial office is headed by a leadership team of the office head, the office manager, and the chief or lead investigator. The lawyers in these offices appear on behalf of clients from the start of the case, at first appearance/advisement, through sentencing and any post-conviction litigation. The OSPD model is vertical representation, one lawyer-one client throughout the case and all efforts are made to keep the assigned lawyer on the case through final disposition. Defenders in the trial offices handle a multitude of criminal legal hearings, including arraignments, dispositional hearings, pre-trial conferences, trials to the court, jury trials, sentencing hearings, probation revocations, community corrections revocations or placement hearings, motions hearings, post-conviction hearings, and appeals from county court to district court.

In accordance with the American Bar Association Standards for the Defense Function, Fourth Edition (2017), trial counsel must operate zealously and ethically in providing legal representation which includes:

- a duty of confidentiality regarding information related to the client's representation;
- a duty of loyalty to the client;
- a duty to communicate and keep the client informed and advised of significant development and potential options and outcomes;

- a duty to be well-informed regarding legal options and developments that can affect the client's interests during criminal representation;
- a duty candor towards the court tempered by the duties of confidentiality and loyalty;
- a duty to continually evaluate the impact that each decision or action may have at later stages, including trial sentencing and post-conviction review;
- a duty to be open to possible negotiated dispositions of the matter including the possible benefits and disadvantages of cooperating with the prosecution;
- a duty to consider collateral consequences of decisions and actions including, but not limited to, the collateral consequences of conviction;
- a duty to make a clear and complete record for potential review;
- a duty to be proactive in efforts to detect, investigate and eliminate improper biases with particular attention to historically persistent biases like race in all of counsel's work;
- a duty to abide by all of the ethical rules regarding conflicts of interest that apply in the jurisdiction and to be sensitive to facts that may raise conflict issues;
- a duty to establish and maintain an effective client relationship which includes but is not limited to communication with the client with special attention when the client is a minor, elderly or suffering from a mental impairment or other disability; and
- a duty to investigate in all cases and to determine whether there is sufficient factual basis for criminal charges and whether there are constitutional challenges to the action of law enforcement.

Regional office attorneys are appointed by the court to all cases where the accused qualifies as indigent under the Supreme Court's guidelines. Counsel is only appointed when the defendant faces the possibility of incarceration. Regional trial offices cannot control their caseloads as they accept all cases when appointed, unless there is a conflict. The number of cases an individual attorney will handle varies depending on the overall number of cases in an office, the complexity of the cases, and the experience level of the attorney staff in an office. Attorneys handling more serious felonies may have more than 100 cases at any one time and attorneys handling misdemeanor caseloads may have several hundred cases on any given day. Office heads and supervisors are responsible for ensuring workload parity as much as possible given the caseload and experience level of staff in each office. Each Defender works to support the others in the office and helps with caseload responsibilities when needed, especially when attorneys are in trial.

Appellate Division

OSPD maintains a centralized appellate division that represents indigent clients in felony and juvenile appeals from every jurisdiction in the state, regardless of who may have represented them in prior court proceedings (OSPD, Alternate Defense Counsel or privately retained attorneys). Similar to trial court procedures, the court determines the person is indigent before

the OSPD is appointed as appellate counsel. Appellate attorneys must also comply with all required duties as outlined in the ABA standards.

Appellate attorneys review the trial record and file briefs on behalf of clients in both the Colorado Court of Appeals and the Colorado Supreme Court. The briefs address errors in the trial court proceedings, often raising significant constitutional issues requiring in-depth and sophisticated legal analysis. Each person convicted at trial is entitled to one appeal as a matter of right. This appeal is usually to the Colorado Court of Appeals. Discretionary review by the Colorado Supreme Court, sought by filing a petition for writ of certiorari, is not common but can occur. Supreme Court cases frequently take precedence over the briefs due in the Colorado Court of Appeals and as a result appellate attorneys will prioritize filings with the Supreme Court.

In addition to handling felony appeals statewide, the division also assists in the appellate process for county court appeals handled by the regional trial offices. Further, the appellate staff consults with trial lawyers on complex or novel issues related to trial litigation. The Appellate Division serves as an advisory group for training issues related to significant legal issues that trial attorneys confront on a regular basis.

Central Administrative Office

The central administrative office houses the leadership team for the OSPD system. OSPD's mission and performance expectations are guided and monitored by this leadership team. The office coordinates all support functions to assist our regional trial offices and the Appellate Division in providing competent and zealous legal services to our clients. The administrative functions delivered by the administrative office include:

- Program direction, analysis and planning, including statistical compilation and development.
- Workforce development, training personnel, policy compensation analysis, and practice development.
- Payroll and benefits coordination and administration.
- Legislative affairs and statutory analysis.
- Intergovernmental and Intragovernmental affairs.
- Budget analysis, development, allocation and management.
- Financial management analysis tracking, transaction processing, procurement and accounting.
- Facilities, planning development and lease negotiation.
- Contracts and grants management.
- IT support and development.
- Human Resources.

- Development, distribution and maintenance of the agency's computer information and telecommunications systems.

Given the number of OSPD employees coupled with the need to ensure that all regional offices are mission-driven, the central administrative office leads the recruitment and hiring process for attorneys. Given the national reputation of OSPD for excellence, applications for attorney positions are received from across the country. Applications are heavily screened and only those applicants with a commitment to serve our client population with skill and dedication are selected to serve.

Key Support Programs

Lawyer Training

In 2021, the Colorado Office of the State Public Defender received the *Champion of Justice Award* from the National Association of Criminal Defense Lawyers, in recognition of its longstanding excellence in training lawyers. OSPD has developed a strong and intensive training program for all attorneys. The training frequently starts prior to admission to the bar through the summer intern trial training program. The classroom portion of the intern program lasts for one week where specific areas of courtroom skills are demonstrated for and then practiced in a mock setting by the future attorneys. The interns then learn through experience and under direct attorney supervision in the regional offices throughout the state during the summer.

After hiring, lawyers participate in Basic Lawyer Training, which is comprised of six segments each one to two days in duration. The Basic Lawyer Training concentrates on core skills and practice pointers for new lawyers in the system. These initial trainings also include sessions on attorney ethics specifically in the criminal defense context. After approximately one year in a trial office, all trial lawyers participate in Boot Camp, which is a six-day trial-based training program where simulated trials occur and each lawyer is evaluated and given feedback on a trial case they have selected for their Boot Camp week.

New OSPD appellate attorneys receive more individualized training specific to criminal appeals. This specialized, intensive training is necessary and critical because an appellate Defender's caseload consists almost entirely of felony-level casework.

In addition, OSPD has an annual training conference lasting two to three days attended by all OSPD staff. The conference addresses issues related to trial and appellate practice, often concentrating on advanced issues lawyers will face in litigation. This year's conference included sessions on forensic science, the modern Supreme Court, juvenile law, restorative justice, ethics, investigations, diversity, equity and inclusion, wellness, and more. OSPD works

with the Office of Attorney Regulation to receive continuing legal education accreditation for most of its conference courses as well as for other trainings provided during the year.

Recognizing that training never ends, ongoing advanced programs are offered by the training division and by regional offices on specific issues, including topics such as advanced homicide litigation and post-conviction litigation. Juvenile representation is consistently addressed along with legislative changes that impact the work of attorneys. Lawyers also attend trainings offered by the Colorado Criminal Defense Bar and the Colorado Bar Association through scholarships, as well as trainings hosted by the National Association of Criminal Defense Lawyers and the National Association for Public Defense. OSPD continues to work on developing new and better ways to offer continuing training for all staff.

Internal Communication and Case Law Updates

OSPD has developed an internal communication system called Advocate available to all employees on matters related to their job and practice. It includes not only office, personnel, and HR policies but also provides subject matter information on important topics, often with sample pleadings and supporting briefs that can be used by attorneys in the representation of their clients.

The Advocate also houses case law updates provided twice each month by the Appellate Division, so all attorneys have access to information on Colorado Supreme Court and Court of Appeals opinions, along with an analytical summary of the issues presented in each case. Important decisions from US Supreme Court are also addressed.

Social Workers

Criminal defense experts in Colorado and nationwide view the expertise of social workers on the defense team as critical to providing clients constitutionally effective representation. Social workers are able to provide context for client conduct related to mental health systems, substance abuse disorders, intellectual and physical disabilities, and prior trauma. Social workers are experts in developing non-carceral plans for a client's safe existence in the community including identifying behavioral health treatment options, finding housing, and other support services. The work of social workers has the potential to result in cost savings to the state by reducing incarceration while still contributing to public safety by effectively addressing the circumstances contributing to criminal conduct. The OSPD has 23 social worker positions working on behalf of OSPD clients throughout Colorado in both juvenile and adult cases. The social worker supervisor works out of the central administrative office to develop state-wide policies and procedures, comprehensive trainings, and to provide direct support to OSPD social workers in the regional trial offices.

Employee Evaluations

To maintain the quality of representation and performance, employees are evaluated by a designated supervisor on an annual basis. For trial and appellate attorneys, the annual evaluation involves an assessment of the attorney's courtroom work, work habits, and relationships with clients. The assessment can include a review of client files, observations in court, communication with judges and other relevant persons including other office staff members about factors relating to quality lawyer skills. Each performance evaluation provides goals for development and improvement and additional support is offered if there are weaknesses identified in the annual evaluation. Although not common, an employee can be terminated for poor performance.

IT and Technical Support

IT and technical support services primarily operates out of the central administrative office, although help desk and technical support is available in multiple locations throughout the state. The IT department handles all technical operations for OSPD including user support, networking, telecommunications, security, application development, servers, and storage.

In the fall of 2021, a new case management system, Legal Server, was introduced. This new case management system has the capacity to fully automate case files and allow for better communication between all staff regarding client information, case status and case-related activities. The system will also capture data points that will allow for the collection of more specific data on trends and practices in the criminal legal system. Because Legal Server is a web-based system, consistent Wi-Fi connectivity in all courthouses and jails continues to be an important goal for OSPD.

Due to the increased workload on many cases and the explosion of the amount and complexity of e-discovery in almost every case, the central administrative office and IT staff have worked diligently to address some of these issues through management efficiencies. For example, OSPD, in conjunction with the Colorado District Attorneys Council, developed a system for the direct transfer of e-discovery through the central administrative office (rather than directly to the regional offices) to be distributed electronically during the nighttime hours to the regional offices. Although this does not address many of the problems related to the increased amount of e-discovery, it eliminates some of the download time that was taking place during and after normal business hours that overwhelmed our regional office computer systems and kept administrative staff in the regional offices from being able to perform some of their core functions.

Committee, Task Force and Commission Representation

Members of OSPD staff serve on numerous commissions, task forces, committees, subcommittees, and working groups throughout the state. Often serving as the only voice for

the criminally accused and the impacted families and communities, OSPD's role frequently extends past the courtroom and into policy, both state-wide and regional in scope.

Megan Ring, State Public Defender, serves as OSPD representative on the Colorado Commission on Criminal and Juvenile Justice (CCJJ). Other staff from the state and regional offices serve on various committees with CCJJ, the Governor's Office, the Office of Behavioral Health, Department of Public Safety, the Justice Assistance Grant (JAG) Board, Sex Offender Management Board (SOMB), Domestic Violence Management Board (DVOMB) and others too numerous to name. Our attorneys serve on Judicial Department committees, including rule-making committees developing court and practice procedures. Lawyers also serve on committees and boards for the Colorado Bar Association, as well as many of Colorado's specialty and diversity bar associations. In regional offices, lawyers represent their clients and communities by serving on community corrections boards, crime control commissions, drug court and other problem-solving court committees. Office Heads and supervisors in each of our 22 offices are tasked with working with the district attorneys and attorneys general, the sheriffs and the chief judges in their jurisdiction to address issues related to court management and confront practices that work to the detriment of our clients.

OSPD accepts its responsibility to impact the criminal legal system as a whole in addition to the core function of representation of indigent clients. Often it is through policy and systemic change that OSPD can better achieve outcomes and support for our clients who are so marginalized in the communities in which they live.

Diversity, Equity, Inclusion (DEI)

In late 2018, the OSPD started an intentional approach to improve diversity, equity and inclusion within the agency. OSPD leadership has partnered with an experienced DEI expert to develop a strategic, systemic and sustainable approach to diversity, equity and inclusion (DEI) in the OSPD. The expert conducted focus groups of Defenders from many offices and job types to listen and receive feedback about the system and then helped provide OSPD trainings on a variety of DEI topics for managers and staff, start two employee affinity groups (one focused on BIPOC Defenders and one focused on LGBTQ+ Defenders), and is continuing to work on, among other initiatives, providing an inclusive leadership course for all managers and supervisors in the OSPD.

Employee Wellness

The Colorado Task Force on Lawyer Well-Being identified the ever-increasing legal pressures and the need for organizations to commit to evidence-based well-being strategies to increase satisfaction and well-being in the workplace. Our staff experience heightened stress due to the nature of criminal defense work, the many challenges our clients face, and significant caseloads. The injustices within our systems and institutions are difficult to ignore and can be painful to witness and experience. Many of our cases reflect the violence, illness and trauma

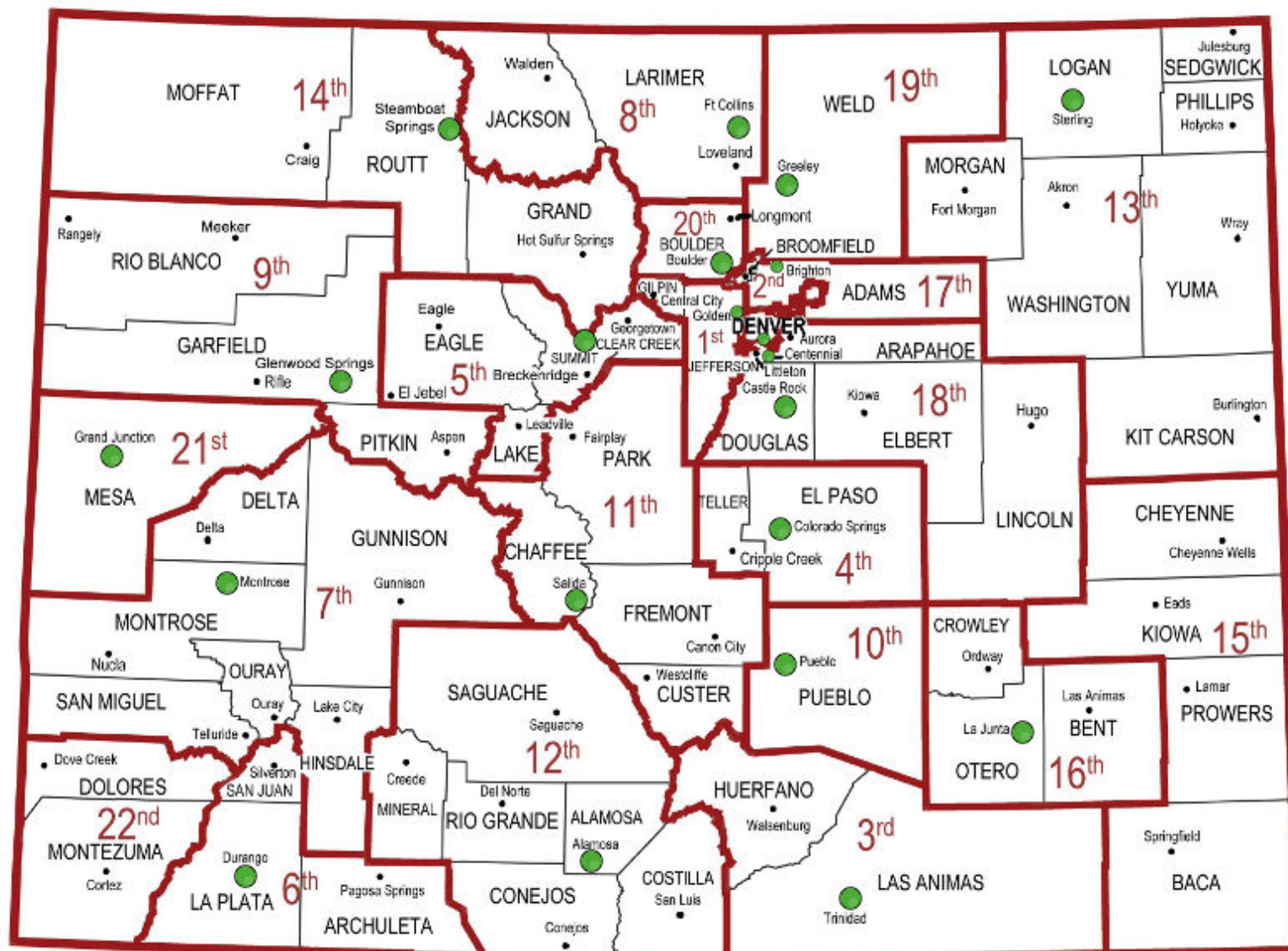
of our current society. Defenders often experience secondary trauma through their work. The OSPD has employed several approaches to support and improve employee wellness. The central administrative office established a Wellness Committee consisting of Defenders from different offices and job types to consider strategies and initiatives to improve the well-being of all staff in our system. The Committee has taken an intentional approach to a variety of wellness-related activities and trainings. An outgrowth of the Committee's work is the OSPD Peer Support Team, created in collaboration with the Colorado State Employee Assistance Program. The PST consists of trained Defenders who are available to employees who wish to speak to someone else who understands the work of Public Defenders and can provide connections to external resources available for employees. In 2022, the legislature passed SB22-188, Behavioral Health Support for Criminal Justice Advocates, which allocated funding for dealing with the secondary trauma and mental health stress that can come from working in the criminal legal system. The OSPD has worked to create a variety of programs with the funding allocated in SB22-188, including reimbursements for the costs of counseling services; direct service providers; and training and education programs that address job-related trauma.

Budget Efficiencies

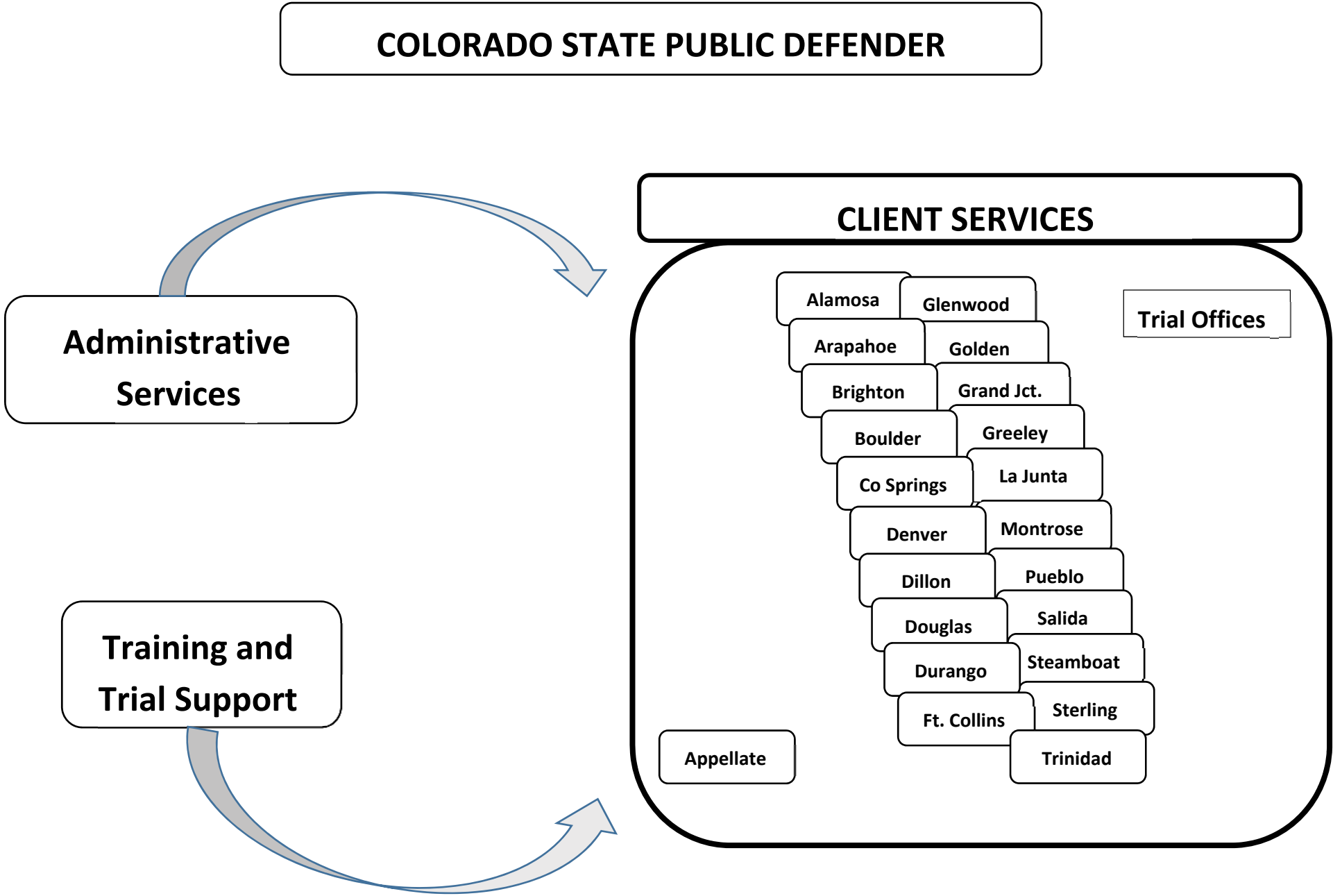
OSPD remains the most efficient model for providing constitutionally and statutorily mandated legal representation to our clients. Public Defenders staff courtrooms in every Judicial District in the state. Over the past five years, the OSPD has averaged approximately 175,000 active cases per year, meaning that on any given day in courtrooms across Colorado, Defenders are representing clients in thousands of cases. Most requests for hiring expert witnesses, significant mandated costs, and other spending go to the central administrative office to allow OSPD to closely monitor expenditures. Access to in-house resources in substantive practice areas such as forensics, immigration, and sexual offenses create additional efficiencies. Centralizing core functions in the central administrative office including finance, training, IT, Human Resources, payroll, and lawyer recruiting and hiring creates efficiencies that allow regional offices to focus more heavily on representing clients.

OFFICES: The following is a map of Colorado's 22 Judicial Districts. The dots represent OSPD office locations.

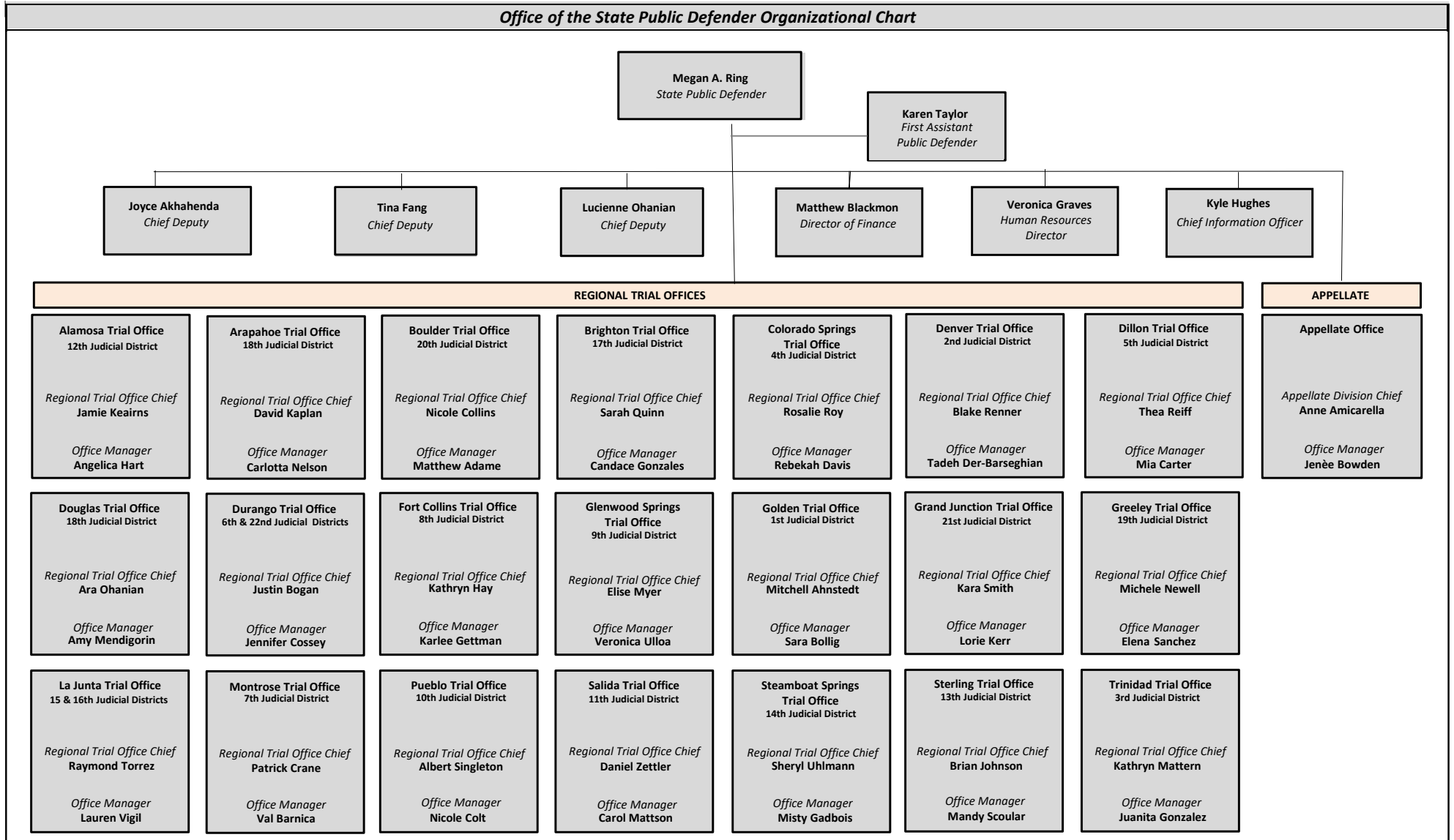
CO Public Defender Offices



The following chart illustrates the functional organizational structure of the OSPD.



Office of the State Public Defender Organizational Chart



TRENDS AND STATISTICS

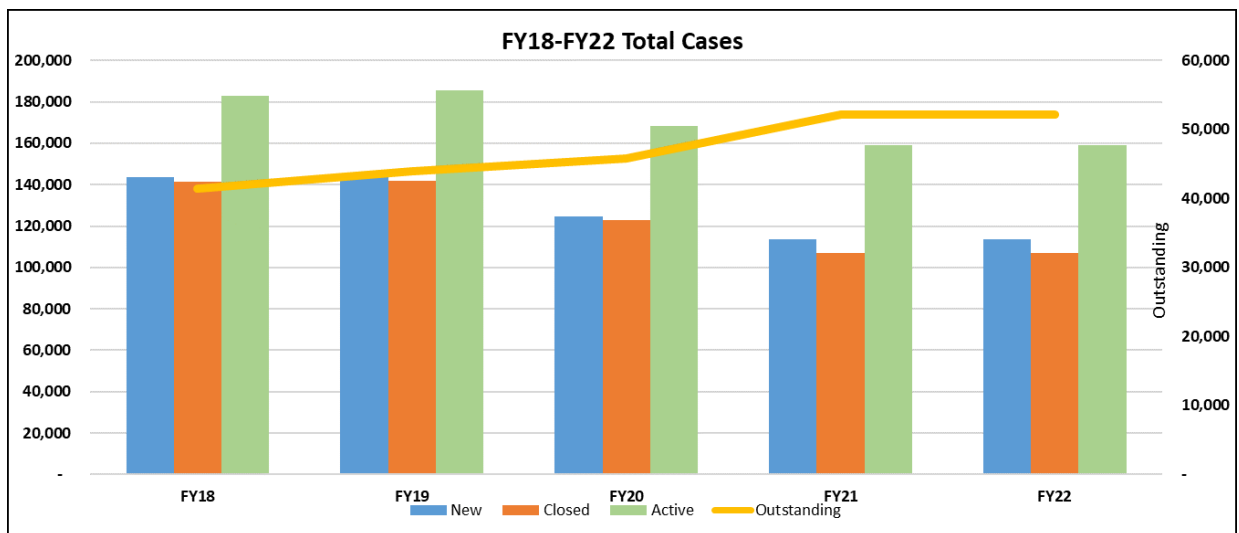
CASE TRENDS

REGIONAL TRIAL OFFICE CASELOAD

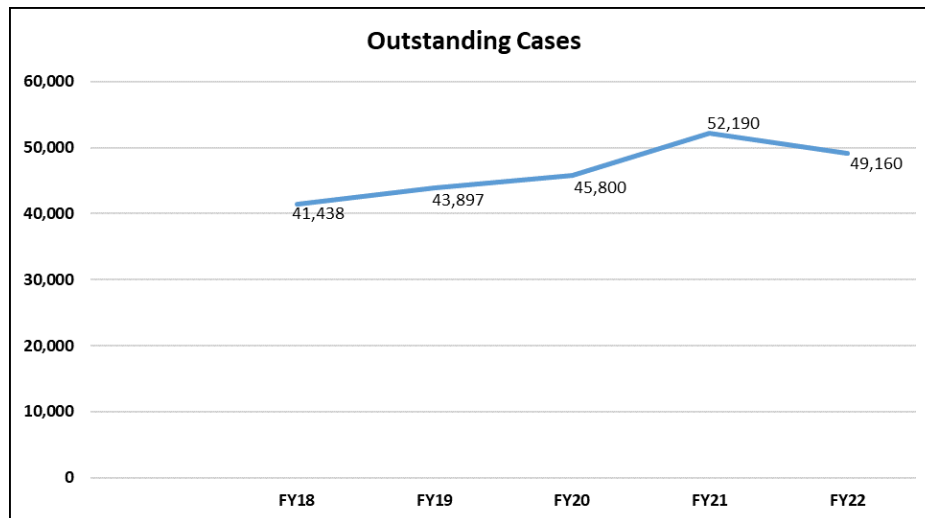
CASE TRENDS

Total Cases. The Office of the State Public Defender tracks and monitors its caseload in four distinct categories: new, closed, active, and outstanding cases. Although various factors may typically impact the number of cases handled by the OSPD, over the past couple of years, the COVID-19 pandemic had a major impact. The number of new OSPD cases dropped significantly in the spring of 2020, slowly began to rebound in FY 2020-21 and over the past year, the office is beginning to see levels increase back to pre-Covid levels and higher within certain categories.

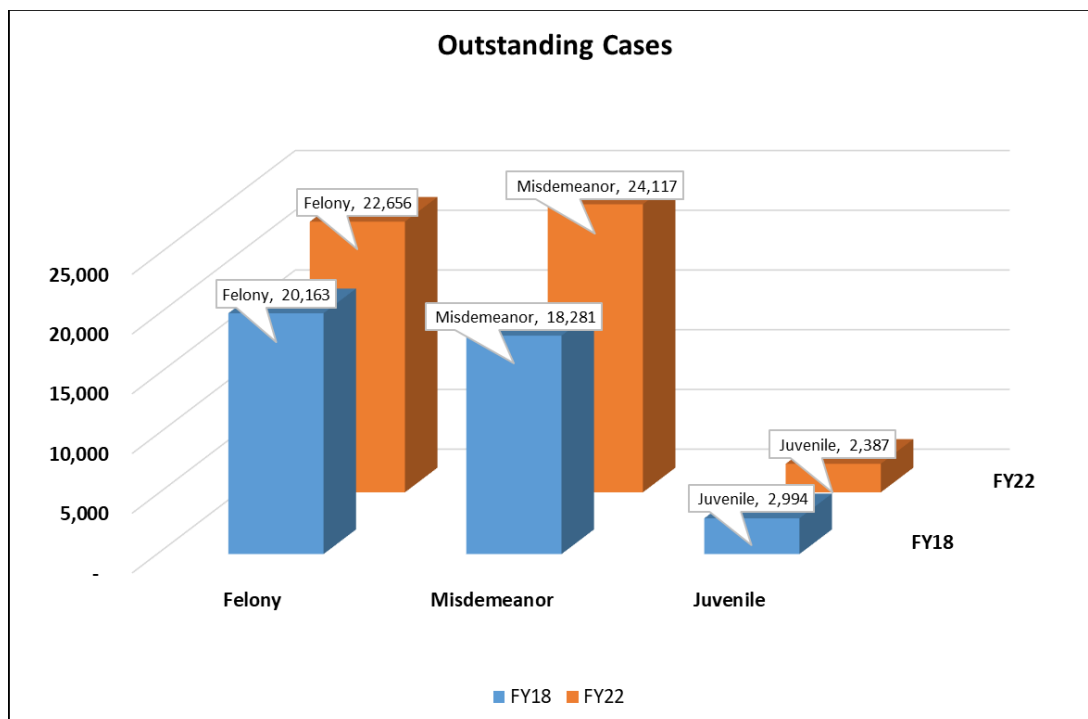
In FY 2021-22, the OSPD actively worked on 179,581 cases. Active caseload incorporates all cases in which the OSPD is actively representing clients in a given year: the total new cases, plus the remaining unfinished cases from prior years and therefore carried forward into the current year. The OSPD was appointed on 127,391 new cases, closed 130,421 cases and at the end of FY 2021-22, the OSPD had 49,160 outstanding cases.



Outstanding Cases. As the chart above shows, in the first two years, as the number of new cases increased, there was a corresponding increase in the outstanding cases which is to be expected. The impact of the COVID-19 pandemic can be seen in the years since whereas although the number of new, closed and active cases have dropped, the number of outstanding cases has increased as seen in the trend line. Between FY 2016-17 and FY 2020-21, the number of outstanding cases had increased 32 percent from 39,551 to 52,190 cases. In FY 2021-22, the number of outstanding cases slightly decreased to 49,160 cases as the OSPD was able to process cases that had been delayed due to the pandemic. However, the number of outstanding cases at the end of the FY 2021-22 is still quite high when compared to pre-pandemic levels.



The predominant increase in outstanding cases is in felony and misdemeanor cases, which accounts for 95% of our total cases and is shown in the chart below.



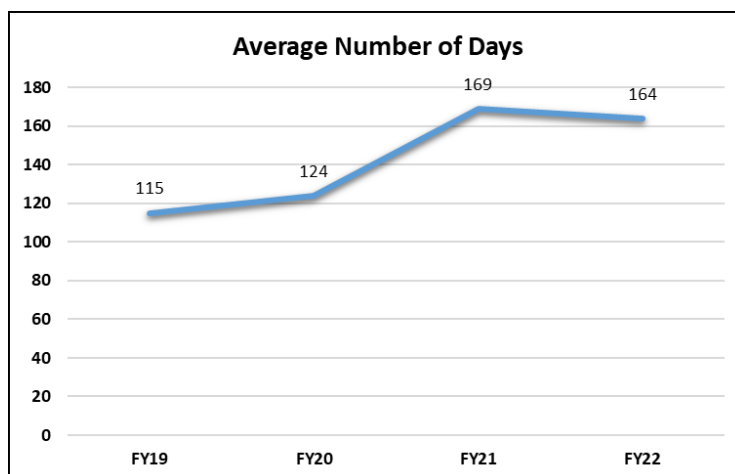
Many of the challenges presented in the spring of 2020 due to the pandemic have continued to impede the efforts of our attorneys to resolve cases for their clients, contributing to this increase in outstanding cases. For example:

- Meeting with clients in custody is still a challenge. Depending on the detention facility's COVID protocols, facility outbreak status and the COVID-positive or COVID-exposed status of the individual clients, clients may not even be able to

meet with their attorney. Disruptions in safe in-person visits and a lack of confidentiality in many video or phone visits mean attorney-client relationships have suffered and building those relationships creates additional work and time spent on a case.

- Throughout much of the pandemic, as with the society at large, attorneys report that a greater percentage of clients are dealing with mental health issues, which means it can take more time to effectively represent the client and determine whether the client's competency is an issue.

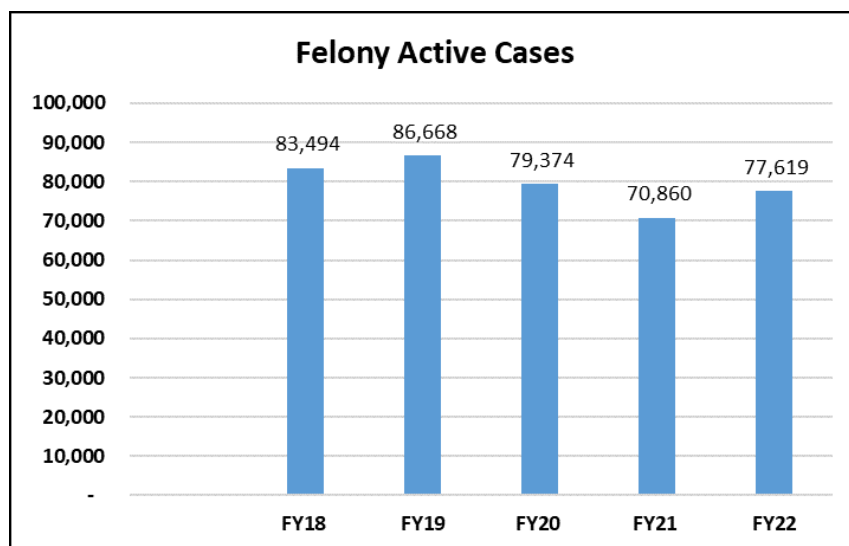
The chart below shows the OSPD experienced a dramatic 48 percent increase in the average days needed to close a case in FY 2020-21 when compared to FY 2018-19. In FY 2021-22, we have seen a slight decrease of 5 days in this average number of days, yet it is still 42 percent higher than four years ago.



CASE TYPES

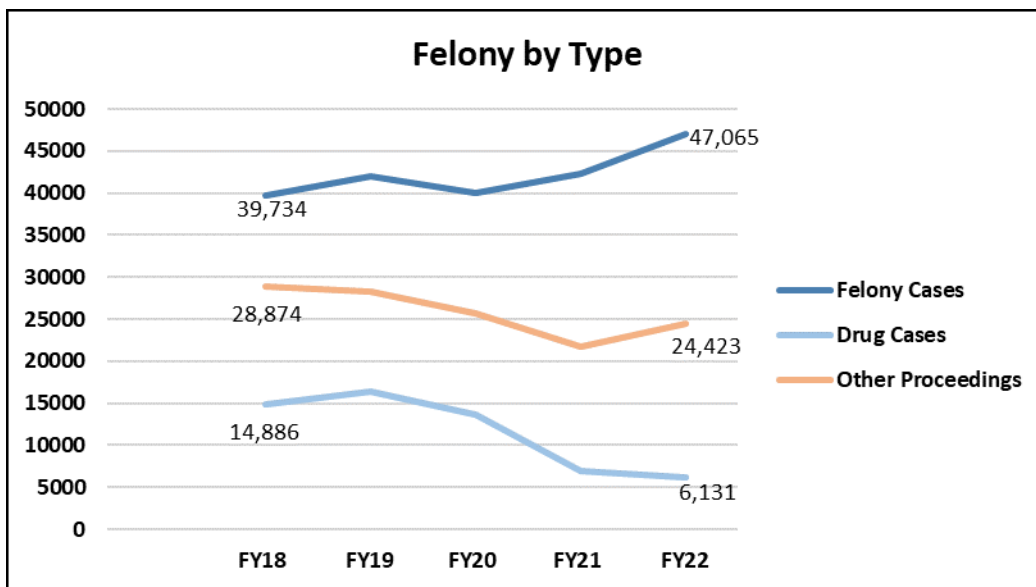
Felony Cases. Through FY 2018-19, the OSPD had experienced significant increases each year in active felony cases reaching 86,668 cases, which was over a 50 percent increase since FY 2011-12. In FY 2019-20 the number of cases dropped to 79,374 and, by the end of FY 2020-21, the OSPD had 70,860 active felony cases. Felony cases in FY2021-22 are rebounding in a significant way with an increase of 9.5 percent from FY2020-21 to 77,619 cases.

Although felony cases make up approximately 43 percent of our trial cases, they require 66 percent of our trial FTE resources.



While it appears felony cases were on the downturn in FY 2020-21, this decrease is somewhat misleading and is likely the result of a couple of changes. First, in March 2020, House Bill 19-1263, reducing the penalty for certain violations pursuant to the “Uniform Controlled Substances Act of 2013,” took effect and reduced the classification of possession drug charges. As a result, cases historically charged as a drug felony (DF4) are now charged as misdemeanors. Second, the number of Other Proceedings handled by OSPD, which consists largely of revocations, had declined as well. The drop in jail admissions and reduced in-person probation activities that occurred during the pandemic, as well as fewer technical violations being pursued, had contributed to a drop in revocation numbers across the state.

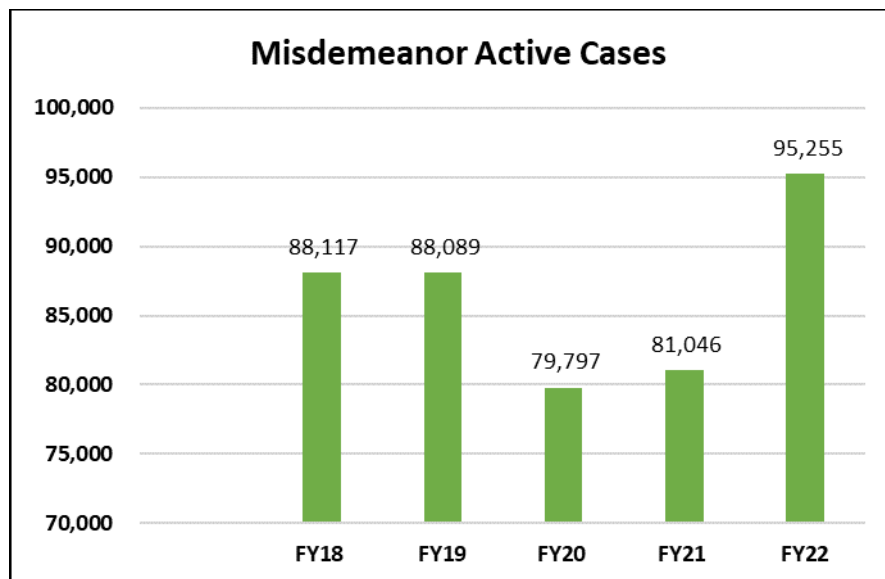
After taking into account the above changes and analyzing the remaining cases, the reality is that certain felony cases continue to increase. Specifically, many OSPD offices have experienced a significant increase in the number of higher level felony cases including homicides and class 2 felonies. In addition, the number of class 5-6 felonies has surpassed pre-pandemic levels. Since FY18, the OSPD has experienced a nearly 18.5 percent increase in these active cases, increasing from 39,734 to 47,065 cases this past year. In addition, the number of revocations are beginning to return to near pre-pandemic levels. This has a tremendous impact on the agency since felony cases require the greatest attorney experience, effort, time and dedication of resources.



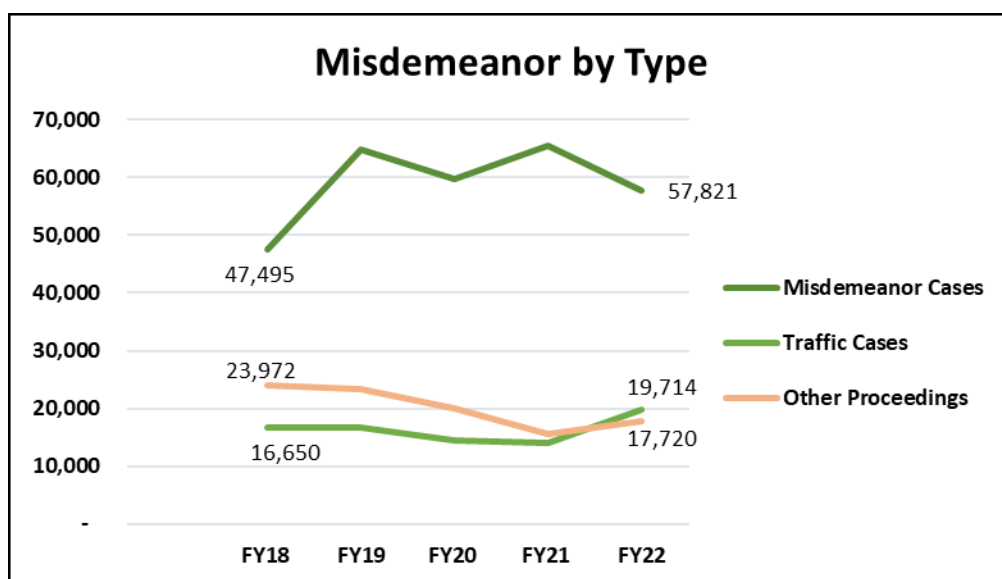
Felony - Active Cases					
FY18-FY22					
CASE TYPE	FY18	FY19	FY20	FY21	FY22
Felony 1	325	360	368	381	435
Felony 2	586	515	527	649	718
Sex Assault Felony 2, 3, 4, 5 or 6	2,744	2,863	2,762	2,720	2,462
Felony 3 or 4 (COV)	5,224	5,372	5,119	5,509	5,421
Felony 3 or 4 (non-COV)	12,304	13,111	12,603	12,339	13,447
Felony 5 or 6	17,386	18,600	17,533	19,603	23,462
DUI Felony 4	1,165	1,172	1,115	1,111	1,120
subttl without Drug cases	39,734	41,993	40,027	42,312	47,065
Drug Felony 1, 2, 3 or 4	14,886	16,327	13,591	6,862	6,131
Felony Cases	54,620	58,320	53,618	49,174	53,196
Misc. Proceedings	6,884	6,745	6,092	4,447	4,135
Revocations	21,937	21,539	19,592	17,168	20,211
Appeals	53	64	72	71	77
Felony Other Proceedings	28,874	28,348	25,756	21,686	24,423
Total Felony	83,494	86,668	79,374	70,860	77,619

Misdemeanor Cases. In FY 2018-19, misdemeanor caseloads seemed to have stabilized with the OSPD handling 88,089 cases. Caseloads were consistent through the first eight months of FY 2019-20 but were similarly impacted by COVID-19 and dropped in the final 3 months of the fiscal year resulting in 79,797 active cases in FY 2019-20. In FY 2020-21, the OSPD had 81,046 active misdemeanor cases, a slight increase over the previous year. In FY 2021-22, misdemeanor cases have surpassed pre-pandemic levels, totaling 95,255 cases. This increase is in part due to the changes in legislation impacting drug felony (DF4) cases as well as a significant increase in the number of traffic cases.

Misdemeanor cases represent about 53 percent of our total cases and require about 30 percent of our trial FTE resources.

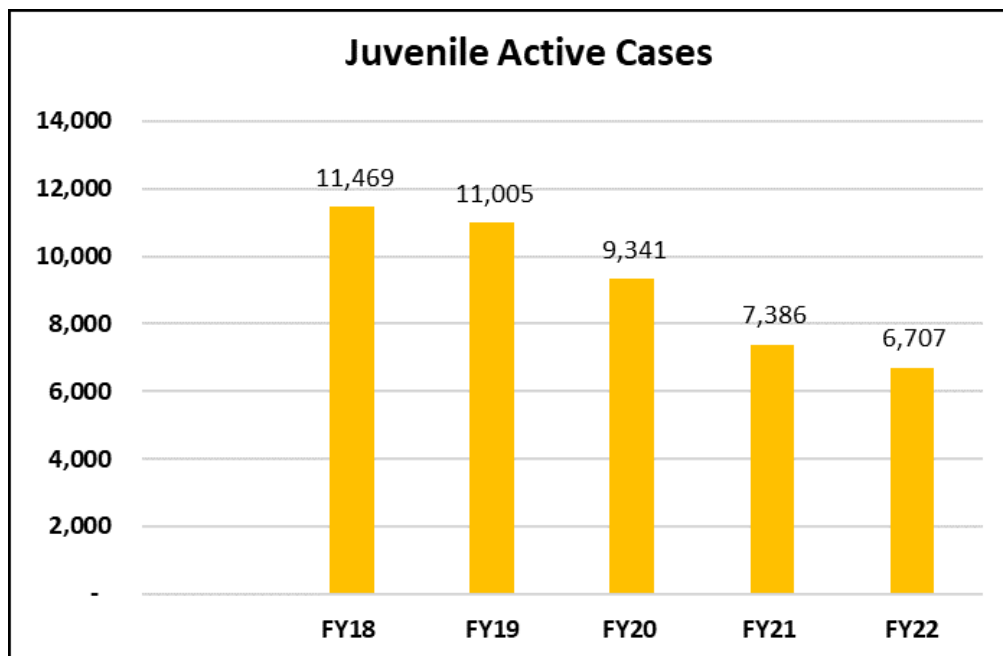


As discussed in the felony section above, House Bill 19-1263 changed the classification of possession drug charges (DF4) from a felony to a misdemeanor and that change has impacted the number of active misdemeanor cases. When separating out the Traffic and Other Proceedings cases, the remaining higher level misdemeanor cases have increased from 47,495 cases in FY 2017-18 to 57,821 cases this past year, a 21.7 percent increase. The chart below shows this change.

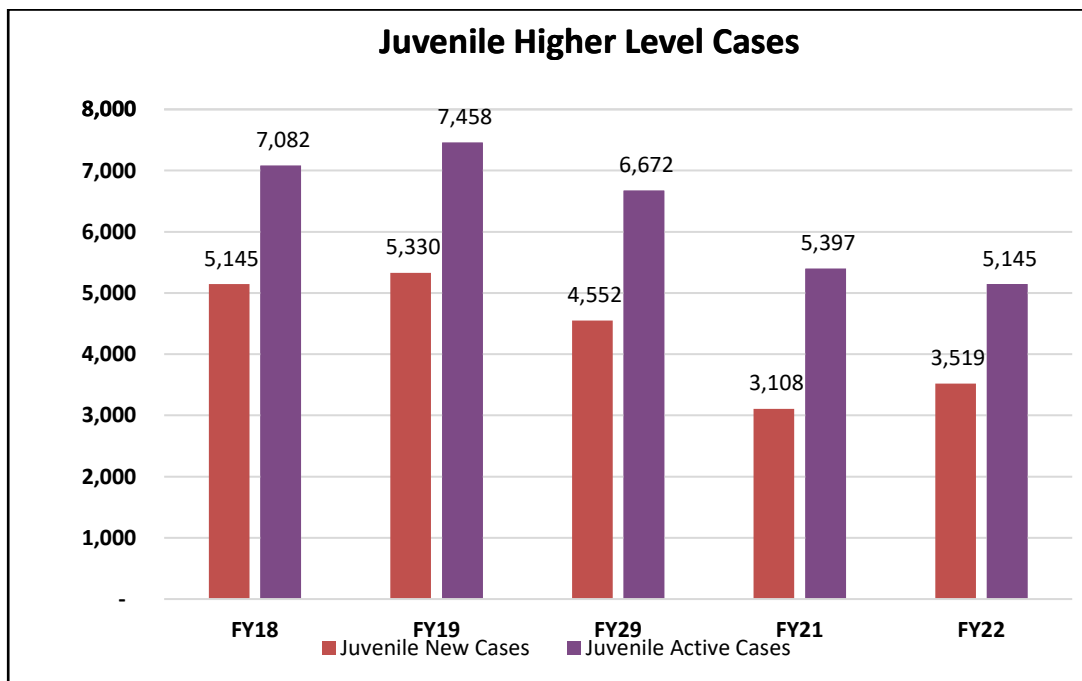


Misdemeanor - Active Cases					
FY18-FY22					
CASE TYPE	FY18 Active Cases	FY19 Active Cases	FY20 Active Cases	FY21 Active Cases	FY22 Active Cases
Misdemeanor Sex Offense	1,053	1,008	1,025	988	962
Misdemeanor 1	20,663	20,979	20,259	25,180	27,413
Misdemeanor 2 or 3	16,366	17,035	15,613	16,657	21,831
Misdemeanor DUI	9,413	9,083	8,490	8,613	7,615
subttl without Traffic/Other	47,495	48,105	45,387	51,438	57,821
Misdemeanor Traffic/Other	16,650	16,719	14,445	14,080	19,714
Misdemeanor Cases	64,145	64,824	59,832	65,518	77,535
Misc. Proceedings	4,057	3,579	3,300	1,832	1,572
Revocations	19,502	19,267	16,283	13,429	15,955
Appeals	413	419	382	267	193
Misdemeanor Other Proceedings	23,972	23,265	19,965	15,528	17,720
Total Misdemeanor	88,117	88,089	79,797	81,046	95,255

Juvenile Cases. Through FY 2017-18, the OSPD had experienced an increase in its juvenile caseload, due to legislation. House Bill 14-1032 requires the OSPD to be present at detention hearings, allows the court to appoint the OSPD when the parents refuse to provide counsel, allows the court to appoint the OSPD when the court deems it to be in the best interest of the child, and intentionally makes it more difficult for juveniles to waive counsel. The number of active juvenile cases peaked at 11,469 in FY 2017-18 and has since been decreasing down to 6,707 in FY 2021-22.



However, we expect this downward trend to turnaround as the OSPD experienced a slight increase in the number of its new higher level juvenile cases going from 3,108 cases in FY 2020-21 to 3,519 cases in FY 2021-22.



Juvenile cases represent about 4 percent of our total cases and require about 4 percent of our total FTE resources.

MISCELLANEOUS HEARINGS

As a result of House Bill 13-1210, the Rothgery bill, and House Bill 14-1032, the Juvenile Defense bill, OSPD began tracking the number of both felony and misdemeanor advisement/bond hearings along with juvenile detention hearings. These statistics are shown separately below and are not included in the Other Proceedings category.

Advisement/Bond Hearings and Juvenile Detention Hearings	FY18	FY19	FY20	FY21	FY22
Advisement/Bond, Felony	38,570	42,416	37,719	27,050	42,491
Advisement/Bond, Misdemeanor	35,457	34,503	30,720	24,726	41,314
Juvenile Detention Hearings	3,625	3,338	2,069	789	1,199

CASE WITHDRAWALS

In specific situations, the OSPD will request to withdraw from a case either as the result of a conflict of interest or for non-conflict reasons, such as private counsel entering or OSPD clients deciding to proceed pro se.

OSPD Trial Office Withdrawals							
FY18-FY22							
	FY18	FY19	FY20	FY21	FY22		
New Opened Cases	143,552	144,219	124,586	113,453	127,391		
Conflicts							
Co-Defendant	4,386	4,853	4,006	3,160	3,553		
Witness	5,112	5,664	5,676	6,603	7,368		
Other	1,074	1,465	1,519	1,551	3,193		
Total	10,572	11,982	11,201	11,314	14,114		
<i>% of New Cases</i>	<i>7.4%</i>	<i>8.3%</i>	<i>9.0%</i>	<i>10.0%</i>	<i>11.1%</i>	<i>9.1%</i>	<i>avg</i>
Non-Conflicts							
Private Counsel	2,447	2,645	2,454	2,358	2,458		
Pro Se	491	502	378	313	403		
Other	960	1,076	859	942	2,567		
Total	3,898	4,223	3,691	3,613	5,428		
<i>% of New Cases</i>	<i>2.7%</i>	<i>2.9%</i>	<i>3.0%</i>	<i>3.2%</i>	<i>4.3%</i>	<i>3.2%</i>	<i>avg</i>
Total	14,470	16,205	14,892	14,927	19,542		
<i>% of New Cases</i>	<i>10.1%</i>	<i>11.2%</i>	<i>12.0%</i>	<i>13.2%</i>	<i>15.3%</i>	<i>12.4%</i>	<i>avg</i>

Conflict Withdrawals. A conflict of interest occurs in situations where the OSPD represents a co-defendant or a person who is a witness in the case, or other circumstances as identified in the Colorado Rules of Professional Conduct. The withdrawal rate due to a conflict increased to 11 percent this past year.

Year	Adult			Juvenile			Total		
	New Cases	Conflicts	% of new	New Cases	Conflicts	% of new	Total New	Conflicts	% of new
FY18	134,895	9,601	7.1%	8,657	971	11.2%	143,552	10,572	7.4%
FY19	136,218	10,650	7.8%	8,001	1,332	16.6%	144,219	11,982	8.3%
FY20	118,120	10,123	8.6%	6,466	1,078	16.7%	124,586	11,201	9.0%
FY21	108,942	10,589	9.7%	4,511	721	16.0%	113,453	11,310	10.0%
FY22	122,777	13,256	10.8%	4,614	858	18.6%	127,391	14,114	11.1%

CASE STATISTICS

OSPD Trial Office - Outstanding Cases

FY18-FY22

CASE TYPE	FY18 O/S	FY19 O/S	FY20 O/S	FY21 O/S	FY22 O/S	FY22 % O/S Cases
Felony 1	181	179	190	231	232	0.5%
Felony 2	184	188	237	299	305	0.6%
Sex Assault Felony 2, 3, 4, 5 or 6	1,036	1,130	1,110	1,211	725	1.5%
Felony 3 or 4 (COV)	1,643	1,719	1,832	2,172	1,143	2.3%
Felony 3 or 4 (non-COV)	3,307	3,461	3,844	4,381	5,337	10.9%
Felony 5 or 6	4,649	4,658	5,127	6,869	6,679	13.6%
DUI Felony 4	374	412	453	460	416	0.8%
Drug Felony 1, 2, 3 or 4	3,377	3,734	2,865	1,969	1,771	3.6%
Felony Cases	14,751	15,481	15,658	17,592	16,608	33.8%
Misc. Proceedings	1,473	1,517	1,297	1,169	986	2.0%
Revocations	3,920	4,060	4,440	5,108	5,039	10.3%
Appeals	19	30	27	34	23	0.0%
Felony Other Proceedings	5,412	5,607	5,764	6,311	6,048	12.3%
Total Felony	20,163	21,088	21,422	23,903	22,656	46.1%
Misdemeanor Sex Offense	150	362	389	423	227	0.5%
Misdemeanor 1	4,734	5,174	6,031	8,164	6,348	12.9%
Misdemeanor 2 or 3	3,279	3,685	4,116	5,115	5,527	11.2%
Misdemeanor DUI	2,575	2,675	2,971	3,364	1,864	3.8%
Misdemeanor Traffic/Other	3,546	3,990	3,825	5,066	6,338	12.9%
Misdemeanor Cases	14,284	15,886	17,332	22,132	20,304	41.3%
Misc. Proceedings	946	797	689	324	232	0.5%
Revocations	2,844	3,053	3,305	3,638	3,494	7.1%
Appeals	207	213	183	100	87	0.2%
Misdemeanor Other Proceedings	3,997	4,063	4,177	4,062	3,813	7.8%
Total Misdemeanor	18,281	19,949	21,509	26,194	24,117	49.1%
Juvenile Sex Offense	145	239	249	217	209	0.4%
Juvenile Felony	948	868	993	718	854	1.7%
Juvenile Misdemeanor	1,024	1,001	1,046	691	911	1.9%
Juvenile Cases	2,117	2,108	2,288	1,626	1,974	4.0%
Misc. Proceedings	278	210	96	65	56	0.1%
Revocations	576	534	481	396	352	0.7%
Appeals	23	8	4	6	5	0.0%
Juvenile Other Proceedings	877	752	581	467	413	0.8%
Total Juvenile	2,994	2,860	2,869	2,093	2,387	4.9%
Summary						
Total Cases	31,152	33,475	35,278	41,350	38,886	79.1%
Total Misc. Proceedings	2,697	2,524	2,082	1,558	1,274	2.6%
Total Revocations	7,340	7,647	8,226	9,142	8,885	18.1%
Total Appeals	249	251	214	140	115	0.2%
Total Other Proceedings	10,286	10,422	10,522	10,840	10,274	20.9%
Grand Total Outstanding Cases	41,438	43,897	45,800	52,190	49,160	100.0%

OSPD Trial Office - Active Cases

FY18-FY22

CASE TYPE	FY18 Active	FY19 Active	FY20 Active	FY21 Active	FY22 Active	FY22 % Active
Felony 1	325	360	368	381	435	0.2%
Felony 2	586	515	527	649	718	0.4%
Sex Assault Felony 2, 3, 4, 5 or 6	2,744	2,863	2,762	2,720	2,462	1.4%
Felony 3 or 4 (COV)	5,224	5,372	5,119	5,509	5,421	3.0%
Felony 3 or 4 (non-COV)	12,304	13,111	12,603	12,339	13,447	7.5%
Felony 5 or 6	17,386	18,600	17,533	19,603	23,462	13.1%
DUI Felony 4	1,165	1,172	1,115	1,111	1,120	0.6%
Drug Felony 1, 2, 3 or 4	14,886	16,327	13,591	6,862	6,131	3.4%
Felony Cases	54,620	58,320	53,618	49,174	53,196	29.6%
Misc. Proceedings	6,884	6,745	6,092	4,447	4,135	2.3%
Revocations	21,937	21,539	19,592	17,168	20,211	11.3%
Appeals	53	64	72	71	77	0.0%
Felony Other Proceedings	28,874	28,348	25,756	21,686	24,423	13.6%
Total Felony	83,494	86,668	79,374	70,860	77,619	43.2%
Misdemeanor Sex Offense	1,053	1,008	1,025	988	962	0.5%
Misdemeanor 1	20,663	20,979	20,259	25,180	27,413	15.3%
Misdemeanor 2 or 3	16,366	17,035	15,613	16,657	21,831	12.2%
Misdemeanor DUI	9,413	9,083	8,490	8,613	7,615	4.2%
Misdemeanor Traffic/Other	16,650	16,719	14,445	14,080	19,714	11.0%
Misdemeanor Cases	64,145	64,824	59,832	65,518	77,535	43.2%
Misc. Proceedings	4,057	3,579	3,300	1,832	1,572	0.9%
Revocations	19,502	19,267	16,283	13,429	15,955	8.9%
Appeals	413	419	382	267	193	0.1%
Misdemeanor Other Proceedings	23,972	23,265	19,965	15,528	17,720	9.9%
Total Misdemeanor	88,117	88,089	79,797	81,046	95,255	53.0%
Juvenile Sex Offense	574	594	538	469	453	0.3%
Juvenile Felony	3,077	3,294	2,958	2,465	2,228	1.2%
Juvenile Misdemeanor	3,431	3,570	3,176	2,463	2,464	1.4%
Juvenile Cases	7,082	7,458	6,672	5,397	5,145	2.9%
Misc. Proceedings	1,513	911	739	426	230	0.1%
Revocations	2,826	2,594	1,918	1,550	1,317	0.7%
Appeals	48	42	12	13	15	0.0%
Juvenile Other Proceedings	4,387	3,547	2,669	1,989	1,562	0.9%
Total Juvenile	11,469	11,005	9,341	7,386	6,707	3.7%
Summary						
Total Cases	125,847	130,602	120,122	120,089	135,876	75.7%
Total Misc. Proceedings	12,454	11,235	10,131	6,705	5,937	3.3%
Total Revocations	44,265	43,400	37,793	32,147	37,483	20.9%
Total Appeals	514	525	466	351	285	0.2%
Total Other Proceedings	57,233	55,160	48,390	39,203	43,705	24.3%
Grand Total Active Cases	183,080	185,762	168,512	159,292	179,581	100.0%

OSPD Trial Office - New Cases

FY18-FY22

CASE TYPE	FY18 New	FY19 New	FY20 New	FY21 New	FY22 New	FY22 % New Cases
Felony 1	157	182	189	192	204	0.2%
Felony 2	377	319	339	414	419	0.3%
Sex Assault Felony 2, 3, 4, 5 or 6	1,682	1,782	1,603	1,575	1,251	1.0%
Felony 3 or 4 (COV)	3,620	3,558	3,381	3,676	3,249	2.6%
Felony 3 or 4 (non-COV)	9,360	9,834	9,184	8,502	9,066	7.1%
Felony 5 or 6	13,342	14,104	12,885	14,493	16,593	13.0%
DUI Felony 4	741	787	703	655	660	0.5%
Drug Felony 1, 2, 3 or 4	11,873	12,980	9,876	3,997	4,162	3.3%
Felony Cases	41,152	43,546	38,160	33,504	35,604	27.9%
Misc. Proceedings	5,374	5,285	4,589	3,160	2,966	2.3%
Revocations	18,225	17,590	15,516	12,704	15,103	11.9%
Appeals	19	47	42	45	43	0.0%
Felony Other Proceedings	23,618	22,922	20,147	15,909	18,112	14.2%
Total Felony	64,770	66,468	58,307	49,413	53,716	42.2%
Misdemeanor Sex Offense	755	656	658	595	539	0.4%
Misdemeanor 1	16,008	16,412	15,049	19,134	19,249	15.1%
Misdemeanor 2 or 3	13,249	13,740	11,941	12,562	16,716	13.1%
Misdemeanor DUI	6,756	6,606	5,814	5,634	4,251	3.3%
Misdemeanor Traffic/Other	13,178	13,077	10,472	10,253	14,648	11.5%
Misdemeanor Cases	49,946	50,491	43,934	48,178	55,403	43.5%
Misc. Proceedings	3,347	2,654	2,509	1,160	1,248	1.0%
Revocations	16,624	16,394	13,207	10,106	12,317	9.7%
Appeals	208	211	163	85	93	0.1%
Misdemeanor Other Proceedings	20,179	19,259	15,879	11,351	13,658	10.7%
Total Misdemeanor	70,125	69,750	59,813	59,529	69,061	54.2%
Juvenile Sex Offense	342	328	299	218	236	0.2%
Juvenile Felony	2,285	2,438	2,088	1,470	1,510	1.2%
Juvenile Misdemeanor	2,518	2,564	2,165	1,420	1,773	1.4%
Juvenile Cases	5,145	5,330	4,552	3,108	3,519	2.8%
Misc. Proceedings	1,258	638	525	333	165	0.1%
Revocations	2,222	2,014	1,385	1,061	921	0.7%
Appeals	32	19	4	9	9	0.0%
Juvenile Other Proceedings	3,512	2,671	1,914	1,403	1,095	0.9%
Total Juvenile	8,657	8,001	6,466	4,511	4,614	3.6%
Summary						
Total Cases	96,242	99,367	86,646	84,790	94,526	74.2%
Total Misc. Proceedings	9,926	8,577	7,623	4,653	4,379	3.4%
Total Revocations	37,115	35,998	30,108	23,871	28,341	22.2%
Total Appeals	269	277	209	139	145	0.1%
Total Other Proceedings	47,310	44,852	37,940	28,663	32,865	25.8%
Grand Total New Cases	143,552	144,219	124,586	113,453	127,391	100.0%

OSPD Trial Office - Closed Cases

FY18-FY22

CASE TYPE	FY18 Closed	FY19 Closed	FY20 Closed	FY21 Closed	FY22 Closed	FY22 % Closed
Felony 1	118	141	147	113	169	0.1%
Felony 2	285	272	217	282	362	0.3%
Sex Assault Felony 2, 3, 4, 5 or 6	1,704	1,676	1,578	1,449	1,677	1.3%
Felony 3 or 4 (COV)	3,398	3,419	3,120	3,175	4,110	3.2%
Felony 3 or 4 (non-COV)	8,108	8,878	7,874	7,164	7,483	5.7%
Felony 5 or 6	12,080	12,914	11,405	11,692	15,886	12.2%
DUI Felony 4	782	742	645	644	695	0.5%
Drug Felony 1, 2, 3 or 4	10,669	11,524	9,871	4,489	4,047	3.1%
Felony Cases	37,144	39,566	34,857	29,008	34,429	26.4%
Misc. Proceedings	5,410	5,229	4,795	3,278	3,116	2.4%
Revocations	18,017	17,479	15,152	12,062	14,977	11.5%
Appeals	32	34	45	37	54	0.0%
Partial Service	2,682	3,274	3,104	2,568	2,387	1.8%
Felony Other Proceedings	26,141	26,016	23,096	17,945	20,534	15.7%
Total Felony	63,285	65,582	57,953	46,953	54,963	42.1%
Misdemeanor Sex Offense	687	636	627	556	724	0.6%
Misdemeanor 1	15,581	15,219	13,511	15,990	20,156	15.5%
Misdemeanor 2 or 3	12,659	12,886	10,949	10,874	15,697	12.0%
Misdemeanor DUI	6,776	6,344	5,450	5,169	5,699	4.4%
Misdemeanor Traffic/Other	12,897	12,486	10,349	8,588	13,024	10.0%
Misdemeanor Cases	48,600	47,571	40,886	41,177	55,300	42.4%
Misc. Proceedings	3,111	2,780	2,610	1,511	1,319	1.0%
Revocations	16,646	16,214	12,978	9,790	12,282	9.4%
Appeals	206	206	199	167	106	0.1%
Partial Service	1,209	1,368	1,615	2,211	2,131	1.6%
Misdemeanor Other Proceedings	21,172	20,568	17,402	13,679	15,838	12.1%
Total Misdemeanor	69,772	68,139	58,288	54,856	71,138	54.5%
Juvenile Sex Offense	294	344	279	238	244	0.2%
Juvenile Felony	1,989	2,095	1,710	1,574	1,243	1.0%
Juvenile Misdemeanor	2,269	2,338	1,929	1,665	1,406	1.1%
Juvenile Cases	4,552	4,777	3,918	3,477	2,893	2.2%
Misc. Proceedings	1,235	701	639	361	166	0.1%
Revocations	2,251	2,060	1,438	1,153	949	0.7%
Appeals	25	34	8	7	10	0.0%
Partial Service	391	583	468	292	302	0.2%
Juvenile Other Proceedings	3,902	3,378	2,553	1,813	1,427	1.1%
Total Juvenile	8,454	8,155	6,471	5,290	4,320	3.3%
Summary						
Total Cases	90,296	91,914	79,661	73,662	92,622	71.0%
Total Misc. Proceedings	9,756	8,710	8,044	5,150	4,601	3.5%
Total Revocations	36,914	35,753	29,568	23,005	28,208	21.6%
Total Appeals	263	274	252	211	170	0.1%
Total Partial Service	4,282	5,225	5,187	5,071	4,820	3.7%
Total Other Proceedings	51,215	49,962	43,051	33,437	37,799	29.0%
Grand Total Closed Cases	141,511	141,876	122,712	107,099	130,421	100.0%

OSPD Trials (Jury & Court)					
	FY18 Trials	FY19 Trials	FY20 Trials	FY21 Trials	FY22 Trials
Felony					
F1	38	35	37	17	42
F2	24	33	17	9	28
F2-F6 Sex	60	84	57	19	31
F3-F4 COV	99	89	95	28	23
F3-F4 Non COV	75	85	75	43	89
F5-F6	82	114	60	37	90
DUI Felony 4	42	32	27	9	14
Drug Felony	37	46	30	10	14
Felony Total	457	518	398	172	331
Misdemeanor					
Misd Sex	33	30	26	14	11
M1	290	223	197	98	136
M2-M3	141	129	122	56	79
Misd DUI	245	220	169	98	142
Traffic/Other	52	52	47	18	79
Misdemeanor Total	761	654	561	284	447
Juvenile					
Juv Sex	4	6	2	6	6
Felony	20	20	18	11	4
Misdemeanor	24	27	22	18	10
Juvenile Total	48	53	42	35	20
Grand Total	1266	1225	1001	491	798

APPELLATE DIVISION CASELOAD

APPELLATE CASE TRENDS

Appellate Cases. The Office of the State Public Defender maintains a centralized Appellate Division (the Division) that represents indigent clients in felony appeals from every jurisdiction in the state, regardless of who may have represented them in prior court proceedings (e.g., court-appointed counsel, Alternate Defense Counsel and private attorneys). The Division is expected to handle a total of 1,629 cases in FY 2022-23, of which 779 are in phase one and 850 are in phase two.

- Phase one is where an initial OSPD brief has not yet been filed and is the phase during which the most resources are required. We estimate the Division will see 480 new cases, along with 299 cases carried over from previous years.
- Phase two is the continuation of the case through the appeals process, which can take several years to complete.

APPELLATE DIVISION									
FISCAL YEAR	New Appeals	Briefs Filed by PD	Cases Resolved Other Ways	Appeals Closed in Phase 1	Cases awaiting filing of initial brief	Standard Caseload per NLADA	Cases in excess of NLADA standards	Cases Phase 2 (after OB filed)	Total Active Felony Cases
FY 14	573	367	127	495	749	279	470	1000	2341
FY 15	533	422	122	544	738	363	375	985	2282
FY 16	511	486	141	627	622	359	263	1049	2234
FY 17	525	459	101	560	587	351	236	879	2196
FY 18	523	421	150	571	539	351	188	820	1989
FY 19	563	381	118	499	603	368	235	761	1922
FY 20	514	454	133	587	530	368	162	816	1878
FY 21	256	433	66	499	287	308	0	890	1602
FY 22	379	310	57	367	299	273	26	850	1556
FY 23 Est.	480	343	112	456	324	279	45	778	1629
FY 24 Est.	495	378	116	494	324	293	31	757	1596
FY 25 Est.	510	378	119	498	336	300	36	735	1590
FY 26 Est.	525	378	123	501	360	307	53	713	1596
FY 27 Est.	541	378	127	505	395	307	88	691	1613

Phase One:

The chart above references the appellate caseload standards that have been published by the National Legal Aid & Defender Association (“NLADA”) for appellate defender offices since 1980. In FY 2013-14, the number of backlog cases (those awaiting an initial brief) peaked at 749, the highest ever experienced, exceeding the NLADA

standard caseload for the Division by 470 cases. The following year, the Division requested and received additional FTEs and funding to help lower this number and has been successful in doing so, dropping to 530 cases as of FY 2019-20, which was the lowest level in over a decade. Furthermore, with the delay in felony cases being processed due to the COVID-19 pandemic, new appellate cases assigned to the Division had dropped by nearly 50 percent in FY 2020-21. This allowed the Division to make great strides in working through the backlog of cases.

However, as expected last year, it was anticipated that as the trial courts began to open back up and conduct trials, felony cases would be resolved and appellate cases would follow the same general trend and would once again increase. In FY 2021-22, the Division did experience this same upward trend as it received 379 new cases, yet staff was able to maintain the number of cases awaiting the filing of the initial brief at a manageable level of 299 cases by year-end which is still in line with the NLADA standards.

With the continued increase in felony cases at the trial level, it is projected that as these felony cases are resolved, appellate cases will continue to increase, returning to pre-COVID levels in FY 2023-24.

Historically, the NLADA standards have been based on the complexity of the appeal and/or the number of pages on the record. The more serious the case, the more complex it would be and have more pages of record to be reviewed. Standards per the NLADA are based on the assumption that an attorney can handle 22 cases per year based on an average of 500 pages on the record. In FY 2021-22 the Division was seeing an average of 1500 pages per case and when adjusted using the NLADA 500 page base, attorneys would be expected to carry 7.3 cases per year.

Last year, the Division had noticed a significant increase in the incoming number of large or complex appeals, which are typically cases resulting in first-degree murder convictions with life sentences, sex assaults, or cases involving eight days or more of trial. Such cases usually involve lengthy records and numerous appellate issues and are thus more time consuming than other appeals. In FY 2021-22, the Division experienced a 40-50 percent increase in such appeals. If that pace continues throughout the year, it could have a significant impact on the Division's workload, even if the number of overall appeals remains below normal levels.

As of the beginning of FY 2022-23, although the current caseload is manageable, the Division is facing attorney turnover and currently has 11 vacant positions which will necessarily be filled as caseloads return to pre-pandemic levels.

Phase Two:

After an opening brief is filed, the case remains active as it progresses through the appellate process and the work involved extends well into subsequent years. Almost with exception, Phase Two involves subphases, which includes filing, consistent with appellate court deadlines, a reply brief in response to the attorney general's answer brief, and filing a petition for writ of certiorari with the Colorado Supreme Court asking for review of the Court of Appeals' decision. In a modest percentage of cases, attorneys also file a petition for rehearing in the Court of Appeals or Supreme Court asking for that court to reconsider its opinion. In statutorily eligible direct appeal cases, once the direct appeal has concluded, a postconviction motion under Crim. P. 35(b) is filed in the district court asking for reduction of sentence.

Court deadlines for briefs and petitions in the Colorado Supreme Court often must take precedence over briefs due in the Colorado Court of Appeals. As a result, appellate attorneys frequently pause work on briefs in the Court of Appeals in order to prioritize filings with the Supreme Court. While this may incur some delay in the filing of opening briefs in the Court of Appeals, it has also had the effect of more timely reduction of the cases pending in the second phase of the appeal. The Division estimates there are currently 850 cases at various stages within this process (phase two).

Briefs, Pleadings & Arguments	
Reply Briefs	328
Motions	150
Cert Petitions	252
35B Filed	80
Oral Arguments	68

In addition to processing felony appeals statewide, the Division also assists in the appellate process for both county court and juvenile appeals. This past year, staff consulted or worked on over 208 cases, handled roughly 77 queries from juvenile attorneys in the trial offices, and held numerous statewide trainings, enabling trial offices to achieve improved administrative efficiencies as well as increased representational effectiveness.

JBC REQUEST FOR INFORMATION

Judicial Branch, Office of the State Public Defender, FY 2022-23, RFI #1

The State Public Defender is requested to provide by November 1, 2022, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 2021-22: the number of new cases; the number of opening briefs filed by the Appellate Division; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, 2022.

Appellate Division Overview

The Office of the State Public Defender maintains a centralized Appellate Division (Division) that represents clients in felony appeals from every jurisdiction in the state regardless of who may have represented the clients in prior court proceedings (e.g., court-appointed counsel, Alternate Defense Counsel and private attorneys). The Division is expected to carry 779 cases this year (FY 2022-23), including 480 new cases and 299 backlog cases carried over from previous years. This 779 number represents those cases where an initial brief is expected to be filed and is the phase during which the most resources are required. After the brief is filed, the case remains active as it progresses through the remainder of the appellate process. The Division estimates there are currently 850 cases at various stages within this second phase of the process and the work involved extends well into subsequent years.

Legislative Action

The legislature provided the OSPD with additional funding and staffing beginning in FY 2014-15 to help reduce the rapidly expanding appellate backlog, address the impact of additional staff received by the Attorney General and to streamline the appellate process for all appeals.

FY 2022-23 Statistics

Following are the statistics requested for FY 2021-22, as of June 30, 2022:

1. Number of new cases – 379;
2. Number of initial briefs filed - 310;
3. Number of cases resolved in other ways - 57;
4. Number of cases closed - 367; and
5. Number of cases awaiting an opening brief - 299.

**State Of Colorado, Judicial Branch, Office of the State Public Defender,
FY 2023-24, RFI #1**

- 1. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate: (1) by department; (2) by division; (3) by program for programs with at least 20 FTE, and (4) by occupational class for classes that are located within a larger occupational group containing at least 20 FTE?**

Occupational Group	FY 22 Turnover Rate	FY 22 Vacancy Rate
Attorneys	20.8%	3.7%
Investigators/Social Workers	10.1%	2.0%
Administrative Assistants	29.5%	2.9%
Central Administration	13.0%	1.3%
Total	19.4%	3.0%

- 2. To what does the Department attribute this turnover/vacancy experience?**

While we have seen many reasons for why employees leave the OSPD, a consistent theme over time has been the opportunity for higher pay in other jobs, including government jobs.

- 3. Do the statewide compensation policies or practices administered by the Department of Personnel help or hinder the department in addressing vacancy or turnover issues?**

The statewide compensation policies administered by the Department of Personnel can help to some degree with our agency's vacancy and turnover issues if funding for salaries keeps the OSPD at or near market level.

- 4. How much in vacancy savings has the Department had in each of the past five fiscal years? How has the Department utilized these funds (i.e. increasing salaries within the salary range, providing bonuses or additional pay for certain positions, hiring additional staff, etc.)? Please provide a breakdown of the expenditures from vacancy savings, including the amount and purpose, for the past five fiscal years.**

Information regarding total vacancy savings is not readily available on the state systems and cannot be quantified. There are costs that can be determined. For example, the use of overtime is a mechanism that is used to reallocate work on a temporary basis to existing staff. Also, when staff leave state employment, earned paid time off is paid to the employee. In addition, although vacancy savings cannot be used to hire additional permanent staff, temporary staff are sometimes brought on to help fill the gap until a replacement can be found. Finally, other payroll expenses occur during the year such as

unemployment premiums that need to be paid. These costs are in the following table for FY2018 – FY2022:

	FY18	FY19	FY20	FY21	FY22
Overtime	19,083	29,968	40,349	27,076	66,029
PTO payout	829,193	908,892	600,532	966,991	1,340,167
Temporary staff	420,740	946,525	751,960	433,975	1,333,639
Other (UI Premiums)	8,439	34,836	46,432	32,724	12,938
Total	1,277,455	1,920,221	1,439,273	1,460,766	2,752,773

CHANGE REQUESTS

Office of the State Public Defender
FY 2023-24 Change Requests

Schedule 10

SUMMARY

For FY 2023-24 the Office is submitting four prioritized decision item requests and one non-prioritized common policy request.

Priority	Decision Item		FTE	Total	GF	CF
1	#R-1, Salary Survey		0.0	\$ 10,958,435.00	\$ 10,958,435.00	\$ -
2	#R-2, Leased Space		0.0	\$ 705,612.00	\$ 705,612.00	\$ -
3	#R-3, Central FTE		4.1	\$ 539,867.00	\$ 539,867.00	\$ -
4	#R-4, Training		0.0	\$ 350,000.00	\$ 350,000.00	\$ -
<i>Non-prioritized</i>	#NP-1, Common Policy – Annual Vehicle Fleet Request		0.0	\$ (10,694.00)	\$ (10,694.00)	\$ -
	Total Prioritized Change Requests		4.1	\$ 12,553,914.00	\$ 12,553,914.00	\$ -
	Total Non-prioritized Change Requests		0.0	\$ (10,694.00)	\$ (10,694.00)	\$ -
	Total ALL Change Requests		4.1	\$ 12,543,220.00	\$ 12,543,220.00	\$ -

TAB 1



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

*FY 2023-24 Budget Request
November 1, 2022*

Department Priority: 1
Request Title: R#1, Salary Survey

Summary of Incremental Funding Change for FY 2023-24	Total Funds	General Fund	FTE
<i>Salary Survey & Related POTS</i>	\$ 10,958,435	\$ 10,958,435	0.0
Total	\$ 10,958,435	\$ 10,958,435	0.0

Summary of Annualized Funding Change for FY 2024-25	Total Funds	General Fund	FTE
<i>Salary Survey & Related POTS</i>	\$ 11,954,656	\$ 11,954,656	0.0
Total	\$ 11,954,656	\$ 11,954,656	0.0

Request Summary:

The Office of the State Public Defender (OSPD) requests 0.0 FTE and \$10,958,435 General Fund spending authority for FY 2023-24 and \$11,954,656 in FY 2024-25 and on-going to fund OSPD's most recent compensation study to provide more competitive salaries for the agency.

Background:

The OSPD contracted with an independent compensation firm, Logic Compensation Group (LCG), to conduct a 2022 compensation study. This study revealed that, effective July 1, 2022, the OSPD's pay structure is significantly below the market average for 98 percent of its staff within the regional offices. This decision item does not incorporate the FY 2023-24 Department of Personnel and Administration's Common Policy salary survey request.

Because the Department of Personnel and Administration's annual Compensation Survey Report does not include an analysis of many of the OSPD salaries, historically the OSPD has contracted with an independent compensation firm, in conjunction with the Department of Law, to assess market compensation practices for attorneys in comparable positions in Colorado public sector attorney organizations. This year, for the first time, the independent study included all job classifications within the agency in the market analysis. In prior years, the OSPD analyzed remaining job classifications internally using available market data. The study compared OSPD salaries versus actual salaries with Colorado public sector organizations at the local, city and county, state, and federal government levels.

In FY 2023-24, the agency will employ 1,093 FTE comprised of approximately 577 attorneys, 173 investigators, 154 administrative assistants, 112 paralegals, 54 centralized management and support

positions, and 23 social workers. To staff the positions, it is imperative the OSPD maintain a compensation plan that is competitive with the market.

The statutory function of the Office of the State Public Defender is to “provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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.”

To meet those obligations, the OSPD must have the resources and funding for staffing levels to meet the requirements of providing effective representation. If the OSPD is not sufficiently funded to be able to hire and retain staff, caseloads will exceed both internal standards and national standards for the number of cases an attorney can effectively handle without impairing the quality of representation or breaching professional obligations.

The findings of the 2022 compensation study (Appendix A) demonstrate that, overall, the Public Defender’s average salaries have not kept up with the market average in Colorado and have left the OSPD in a non-competitive position. Consequently, the independent survey recommends increases to address these significant below-market conditions.

The survey results for the primary job classes within the OSPD, which covers approximately 95% of OSPD’s total FTE show:

- Critical deficits exist in the attorney classification, where the average salary is 26.2% **below** the market average salary for 417 out of the agency’s 577 attorneys - nearly 73% of all attorneys. Range minimums are **below** the market for all levels, with deficits ranging from 8% to 17.9%.

OSPD DATA					Market Data Comparison							
OSPD Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSPD vs Market	Market Avg. Range Min.	OSPD vs Market	Market Avg. Range Midpt.	OSPD vs Market	Market Avg. Range Max	OSPD vs Market
Deputy Public Defender	\$69,242	\$66,192	\$81,756	\$97,308	\$87,369	-26.2%	\$78,044	-17.9%	\$94,000	-15.0%	\$109,957	-13.0%
Senior Deputy Public Defender	\$81,796	\$80,112	\$98,940	\$117,768	\$103,226	-26.2%	\$89,473	-11.7%	\$112,485	-13.7%	\$135,496	-15.1%
Lead Deputy Public Defender	\$113,409	\$96,432	\$120,540	\$144,648	\$129,069	-13.8%	\$105,432	-9.3%	\$134,060	-11.2%	\$162,678	-12.5%
Supervising Deputy Public Defender	\$127,461	\$114,600	\$143,256	\$171,900	\$153,517	-20.4%	\$123,731	-8.0%	\$156,088	-9.0%	\$188,427	-9.6%
Public Defender Office Head	\$162,490	\$128,472	\$160,596	\$192,708	\$172,962	-6.4%	\$142,289	-10.8%	\$173,145	-7.8%	\$204,312	-6.0%

- Critical deficits also exist in the investigator classification, where the average salary for an Investigator and Senior Investigator is 31.5% and 36.4% **below** the market average salary. Range minimums are **below** the market, with deficits ranging from 8.7% to 21%.

OSPD DATA					Market Data Comparison							
OSPD Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSPD vs Market	Market Avg. Range Min.	OSPD vs Market	Market Avg. Range Midpt.	OSPD vs Market	Market Avg. Range Max	OSPD vs Market
Investigator	\$56,225	\$54,120	\$64,944	\$75,768	\$73,954	-31.5%	\$63,439	-17.2%	\$75,139	-15.7%	\$86,839	-14.6%
Senior Investigator	\$66,324	\$60,780	\$75,072	\$89,352	\$90,495	-36.4%	\$73,571	-21.0%	\$90,364	-20.4%	\$107,166	-19.9%
Lead Investigator	\$83,126	\$71,016	\$88,776	\$106,524	\$91,651	-10.3%	\$77,160	-8.7%	\$94,800	-6.8%	\$112,439	-5.6%
Supervising Investigator	\$90,722	\$77,400	\$96,756	\$116,100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Chief Investigator	\$106,495	\$84,768	\$105,960	\$127,152	\$115,279	-8.2%	N/A	N/A	N/A	N/A	N/A	N/A

- Large deficits exist in the Paralegal classification, where the average salary for a Paralegal and Senior Paralegal is 28.0% and 26.4% **below** the market average salary. Range minimums are **below** the market for all levels with deficits ranging from 9.1% to 20.7%.

OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Paralegal	\$49,132	\$48,300	\$57,960	\$67,620	\$62,881	-28.0%	\$52,712	-9.1%	\$64,645	-11.5%	\$76,577	-13.2%
Senior Paralegal	\$59,432	\$53,100	\$65,580	\$78,060	\$75,118	-26.4%	\$62,101	-17.0%	\$75,546	-15.2%	\$88,990	-14.0%
Lead Paralegal	\$74,559	\$60,048	\$75,060	\$90,072	\$81,949	-9.9%	\$67,139	-11.8%	\$82,500	-9.9%	\$97,861	-8.6%
Supervising Paralegal	\$96,372	\$64,248	\$80,316	\$96,372	\$95,109	1.3%	\$77,559	-20.7%	\$95,975	-19.5%	\$114,391	-18.7%
Managing Paralegal	\$103,128	\$68,748	\$85,944	\$103,128	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- Critical deficits exist in the Administrative Support Staff classification, where the average salary for four of the five levels of this job class, which represents 87% of the administrative staff, is 10.5% to 32.8% **below** the market average salary. Range minimums are **below** the market for almost all levels with deficits ranging from 9.1% to 29.5%.

OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Administrative Assistant	\$39,866	\$38,772	\$46,524	\$54,276	\$44,053	-10.5%	\$36,540	5.8%	\$44,802	3.7%	\$53,002	2.3%
Senior Admin Assistant	\$45,406	\$39,444	\$48,720	\$57,984	\$50,459	-11.1%	\$43,014	-9.1%	\$51,681	-6.1%	\$60,349	-4.1%
Lead Admin Assistant	\$59,619	\$45,036	\$56,304	\$67,560	\$57,890	2.9%	\$49,182	-9.2%	\$59,447	-5.6%	\$69,712	-3.2%
Supervising Admin Assist	\$58,982	\$49,548	\$61,944	\$74,328	\$70,076	-18.8%	\$57,881	-16.8%	\$70,041	-13.1%	\$82,200	-10.6%
Office Manager	\$66,939	\$54,504	\$68,136	\$81,756	\$88,903	-32.8%	\$70,605	-29.5%	\$83,249	-22.2%	\$98,269	-20.2%

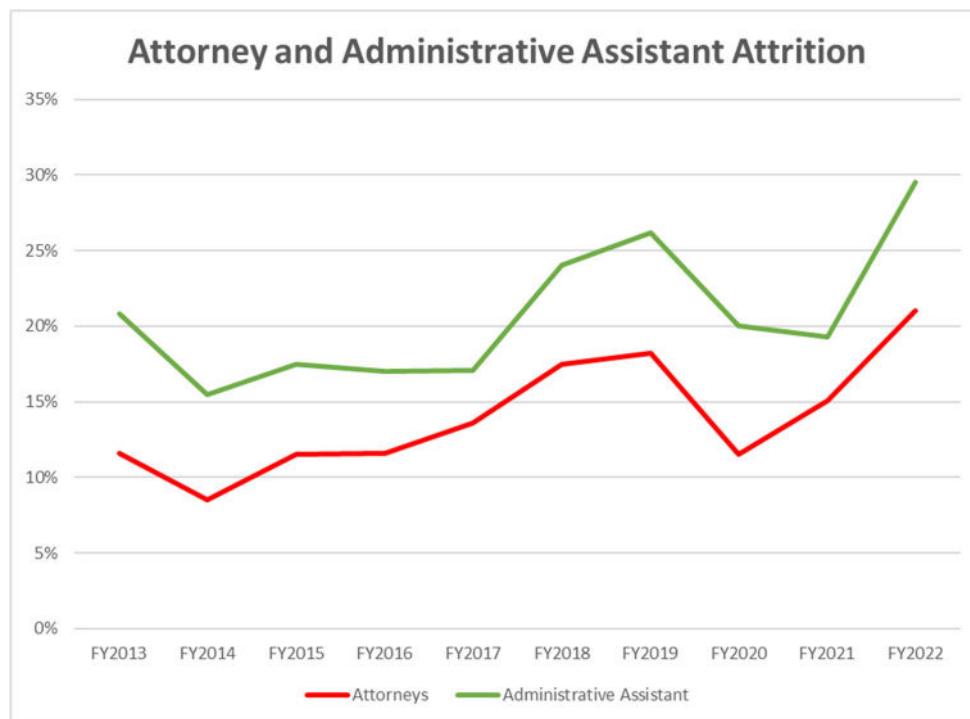
- Large deficits exist in the Social Worker classification, where the average salary for a Licensed Social Worker is 19.1% **below** the market average salary.

OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Licensed Social Worker	\$54,689	\$52,704	\$63,252	\$73,788	\$65,123	-19.1%	\$53,456	-1.4%	\$66,528	-5.2%	\$79,599	-7.9%
Senior Social Worker	\$71,520	\$55,836	\$68,964	\$82,080	\$75,935	-6.2%	\$61,063	-9.4%	\$76,261	-10.6%	\$90,718	-10.5%
Supervising Social Worker	\$85,104	\$71,412	\$89,268	\$107,124	\$91,932	-8.0%	\$75,431	-5.6%	\$90,512	-1.4%	\$105,593	1.4%

* OSPD utilizes forensic Social Workers and fewer than 5 organizations responded so these results reflect the total market for all types of Social Worker classifications. Forensic social work is the application of social work to questions and issues relating to law and legal systems.

Over the past few years, the OSPD has been hit particularly hard by increasing attrition rates. Factors outside the agency's control such as high caseloads, the COVID-19 pandemic, and higher inflation have exacerbated already high attrition rates. Attrition is always a concern as it drains agency expertise and strains offices and resources, which damages the OSPD's ability to meet its mission of providing effective representation to clients. The loss of experienced employees means the loss of an incredible investment of state resources and requires the OSPD to spend more time and resources on recruitment and training.

The OSPD attrition rate over the last five years has been driven by attorneys and administrative assistants, but in the last two years all job categories have seen increased attrition. In FY 2021-22, the OSPD's regional offices, employing 95 percent of the agency's total FTE, experienced a 22.5 percent attrition rate. Specifically, the OSPD has seen a dramatic increase in attrition for administrative assistants, with rates in FY 2020-21 at 19.3 percent that increased to 29.5 percent in FY 2021-22. Attorney attrition has also dramatically increased in the past two years, with attrition in FY 2020-21 at 14.8 percent, rising to 20.8 percent in FY 2021-22. In FY21, the OSPD lost 84 attorneys with an average of 4.5 years of service. In FY22, we lost 119 attorneys with an average of 4.6 years of service.



One especially important component of the attrition rate is not only the overall rate but also the experience level of those leaving. For example, in the attorney group, experienced attorneys typically carry the most complex and serious cases, mentor and train beginning attorneys, and take on additional workload as they develop to an independent level of practice. When the Public Defender loses too many experienced staff, and if able to fill vacancies in this highly competitive market, new attorneys are unable to handle caseloads where clients face higher-level charges (felony cases). This problem is compounded by the significant increases the OSPD is experiencing in the number of felony cases where the need for these experienced attorneys is vital.

If the significant market lag of the OSPD pay structure is not addressed, the attrition rate will continue to increase. A consistent theme from employees who have left the agency has been the opportunities elsewhere for higher pay with the equivalent amount of experience. Below-market pay has prevented employees from moving ahead financially, especially those struggling with common issues like the effects of inflation, higher cost of living, sizable student loan debt, and supporting young families.

A high attrition rate of seasoned staff contributes to unmanageable caseloads, which inevitably exacerbates stress levels, damages morale throughout the agency, and creates the risk that the OSPD will be unable to

fulfill its obligations to clients. Increased attrition thus has an exponential effect on the OSPD's duty to provide effective representation consistent with the mandates required by constitution, statutes, and rules.

Anticipated Outcomes:

This request will provide funding to raise salaries to place the OSPD employees in a competitive market salary range.

Funding this request will close a significant gap in salaries between the OSPD and the public sector in Colorado and put the OSPD in a more competitive position with its counterparts throughout the state. While this request will not raise pay to match that of the private market, it will help keep the OSPD as a viable option for employment in the legal profession in Colorado. Historically, OSPD salary adjustments based on independent compensation studies have had a significant positive impact in reducing attrition. If approved, it is expected that attrition among developing and experienced staff will slow and, over the course of several years, the OSPD will regain and maintain the overall experience necessary to effectively represent clients in accordance with its obligations under constitutions, statutes, and rules.

Assumptions for Calculations:

- Effective July 1, 2023;
- Independent salary survey analysis based on July 1, 2022, market data, thus this request does not include any salary survey data that may be approved for the FY2023-24 state fiscal year;
- Includes Pay date shift;
- Separate from DPA FY2023-24 Common Policy salary survey of 5 percent across the board;
- The request includes Legislative Council standards for STD, AED, SAED, FAMLI, PERA and Medicare.

Pay date Shift FY2023-24	
Salary	8,868,918
PERA	1,019,926
Medicare	128,599
AED	443,446
SAED	443,446
FAMLI	39,910
STD	14,190
Total	10,958,435
FY2024-25 Annualized	
Salary	9,675,183
PERA	1,112,646
Medicare	140,290
AED	483,759
SAED	483,759
FAMLI	43,538
STD	15,480
Total	11,954,656

Consequences if Not Funded:

First, because increased turnover is leading to a lack of experience at critical positions, failure to fund the request means the OSPD's ability to provide representation to clients as directed by the federal and state constitutions and Colorado statutes, in accordance with the Colorado Rules of Professional Conduct and the American Bar Associations Standards, will be significantly damaged.

Second, service to the public will inevitably be harmed as there is a decreasing number of experienced staff available to assist and resolve issues.

Third, failure to fund this request will exponentially and negatively affect employee morale and lead to potentially even more attrition throughout the agency.

Impact to Other State Government Agencies:

Not funding this request may cause delays in court proceedings due to the inability to cover the required number of cases in the required number of courtrooms as attrition continues. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices.

Not funding this request may cause delays in central administrative office regular interactions with other state entities as lack of sufficient central staff could negatively impact the OSPD's ability to respond in a timely manner to other state agencies.

Current Statutory Authority or Needed Statutory Change:

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, § 21-1-101(1), C.R.S., states "The general assembly hereby declares that the State Public Defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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."

Additional Request Information	Yes	No	Additional Information
Is this request driven by a new statutory mandate?		X	
Will this request require a statutory change?		X	
Is this a one-time request?		X	
Will this request involve any IT components?		X	

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the State Public Defender

Request Title: R#1, Salary Survey

Priority Number: 1

Dept. Approval by: Megan A. Ring 10/31/2022

OSPb Approval by: N/A

- ☒ Decision Item FY 2023-24
☐ Base Reduction Item FY 2023-24
☐ Supplemental FY 2023-24
☐ Budget Amendment FY 2023-24

This supplemental is requested due to: (1) an emergency or act of God; (2) a technical error in calculating the original appropriation; (3) data that was not available when the original appropriation was made; or (4) an unforeseen contingency.

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25	FY 2024-25	FY 2024-25
		1	2	3	4	5	5	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2024-25
Total of All Line Items	Total	101,160,567	-	109,074,405	10,958,435	120,032,840	11,954,656	131,987,496
	FTE	-	-	-	-	-	-	-
	GF	101,160,567	-	109,074,405	10,958,435	120,032,840	11,954,656	131,987,496
Judicial Department, Office of the State Public Defender, Personal Services	Total	90,786,187	-	95,470,215	1,148,525	96,618,740	1,252,937	97,871,677
	GF	90,786,187	-	95,470,215	1,148,525	96,618,740	1,252,937	97,871,677
Judicial Department, Office of the State Public Defender, Short-term Disability	Total	131,956	-	131,243	14,190	145,433	15,480	160,913
	GF	131,956	-	131,243	14,190	145,433	15,480	160,913
Judicial Department, Office of the State Public Defender, AED	Total	3,889,657	-	4,101,350	443,446	4,544,796	483,759	5,028,555
	GF	3,889,657	-	4,101,350	443,446	4,544,796	483,759	5,028,555
Judicial Department, Office of the State Public Defender, SAED	Total	3,889,657	-	4,101,350	443,446	4,544,796	483,759	5,028,555
	GF	3,889,657	-	4,101,350	443,446	4,544,796	483,759	5,028,555
Judicial Department, Office of the State Public Defender, Paid Family and Medical Leave Insurance	Total	-	-	738,243	39,910	778,153	43,538	821,691
	GF	-	-	738,243	39,910	778,153	43,538	821,691
Judicial Department, Office of the State Public Defender, Salary Survey	Total	2,463,110	-	4,532,004	8,868,918	13,400,922	9,675,183	23,076,105
	GF	2,463,110	-	4,532,004	8,868,918	13,400,922	9,675,183	23,076,105

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

Appendix A

CLASSIFICATION & COMPENSATION STUDY REPORT

Draft for Phases 1 and 2

Prepared for the Office of the Colorado State Public
Defender

October 25, 2022

Logic Compensation Group (LCG) makes no warranties on the data presented in this report. While LCG has taken measures to ensure that data contained in this report has been collected, reviewed, validated, and calculated according to standard professional practice and that the content of this report is accurate, errors and omissions can occur.

SECTION 1: STUDY OBJECTIVES

The Office of the Colorado State Public Defender (OSPD) undertook a classification and compensation study in 2022 to review its compensation policies, classification structure, and actual employee salaries for alignment both internally and externally with employers it competes with in the market for recruiting and retaining compassionate and qualified employees. Specific objectives of this study included:

- ✦ Review internal job evaluation and classification system to ensure appropriate internal alignment within and across job families and class levels based on the nature and level of work
- ✦ Conduct a market analysis and review of compensation to assess the competitiveness of OSPD pay ranges and actual employee salaries in relationship to employers in the market the OSPD competes with, or compares to, for similar jobs.
- ✦ Review and recommend policies for the administration and maintenance of OSPD compensation and classification systems and practices.
- ✦ Assist in, or recommend, training and communication in compensation policies and practices to staff and managers.

SECTION 2: EXECUTIVE SUMMARY

To be completed at the end of all study phases.

SECTION 3: STUDY STEPS AND RESULTS

Logic Compensation Group (LCG) believes that the most successful classification and compensation studies are those that have been developed with the active participation of the organization's staff. The updated classification and compensation plan should complement the operating characteristics, philosophy, needs, objectives and culture of the organization.

Our approach, therefore, consisted of a series of logical and inter-related activities that provided for OSPD management input throughout the study. The activities and results associated with the classification, compensation phases are detailed in the following sections.

PHASE 1: STUDY INITIATION AND PHILOSOPHY DEVELOPMENT

OBJECTIVES

This task focused on managing the study relationship between Logic Compensation Group and the OSPD, developing an understanding of the OSPD's current classification and compensation systems, and developing a framework that would guide the remainder of the study. This phase created a roadmap for completing the study and the parameters surrounding how the study will be conducted.

PROCESS & METHODOLOGY

During this phase of the study, LCG collected and reviewed a variety of documents related to the OSPD's classification and compensation systems, including: current job descriptions, pay plans, policies and procedures, employee census data, and organizational charts. Additionally, Study Team meetings were scheduled on a bi-weekly basis with LCG.

Following the review of these materials, LCG met with the OSPD's designated Study Team to discuss a variety of strategic items surrounding the conduct of the study. The OSPD's Study Team consisted of the following individuals:

Human Resources Director

Lee Renfrow (since retired)

Veronica Graves

Senior Human Resources Analyst

Kristi Rudy (since retired)

The purpose of the initial meeting with the Study Team was to review the OSPD's current situation, ensure understanding of the shared documents, and plan for the on-site meeting with the OSPD managers and Study Strategy Team.

During this on-site visit and before the Strategy Team meeting, Logic Compensation Group staff facilitated interview meetings with representatives of the organization's management team located in the State Office and regional offices. The purpose of these interviews was to determine their thoughts on:

- 1) What aspects are working well with the systems.
- 2) What aspects are not working well.
- 3) Understand current job structure issues.
- 4) Understand current recruitment and retention issues.
- 5) Understand desired outcomes of the study.

The results of these interviews were included in the subsequent Strategy Team meeting also held during the study initiation phase.

The Strategy Team meeting including not only the Study Team members but also members of OSPD's executive management team and regional managers. During this meeting, the discussion focused on the following topics and study goals:

- Compensation & Classification Strategy: defines how the organization determines job structure and pay.
 - **Study Goal:** Update or create a compensation philosophy for the organization that is aligned with its mission, vision, and values and emphasizes the organization's total compensation package.
- Classification: Job classification objectively and accurately defines and evaluates the duties, responsibilities, tasks, authority level, and requirements for a job or group of jobs.
 - **Study Goals:** Review and update classification structures and existing job series, as appropriate.

- Create new or update existing job descriptions.
 - Ensure the criteria for classification (and reclassification) align with accepted compensation practices.
- Compensation: Create a system of pay that aids in the recruitment and retention of talent.
 - Study Goals: Ensure external market competitiveness of jobs with organizations that the OSPD competes with for talent.
 - Identify and implement mechanisms to ensure the system is transparent and easy to maintain.
 - Recognizes/rewards employee contributions/performance/skills/knowledge.
 - Is fair and equitable.
 - Complies with regulations.
- Study Communication: Keep stakeholders apprised of study.
 - **Study Goal:** Ensure appropriate messaging and/or engagement of appropriate stakeholders at the appropriate time.
- Study Timeline: Original completion timeframe was January 2023.

During the Strategy Team meeting, it was determined that the OSPD need an additional internal meeting to decision a few areas. The OSPD then provided feedback to LCG at a later time. Also during the study initiation process, it was determined that the compensation study should be conducted as the second phase of the study because of the State's budgeting cycle to provide the OSPD data for the budget process that occurs in the first half of 2023. The compensation phase provides external equity data to the process of developing pay ranges while the classification phase provides internal equity information to the process. Because only the compensation phase has been completed at the time of this draft report, a new classification structure and associated pay ranges have not been developed.

OUTCOMES & DELIVERABLES

Following the review of materials and study initiation meetings with the OSPD's Study Team and Strategy, the following deliverables were provided to the OSPD for input and approval:

1. Classification and Compensation philosophy and supporting strategies which will continue to be refined throughout the study as data is provided for each phase.
2. Proposed comparator organizations to survey during the compensation survey.

PHASE 2: COMPENSATION STUDY

OBJECTIVE

Market data was collected and analyzed to gain information about pay practices and as well as salary levels of comparable jobs in organizations with whom the OSPD competes for talent. The OSPD has a general philosophy of utilizing the Colorado public sector market as the labor market for comparing and developing its compensation system. Logic Compensation Group conducted a survey of salary and pay practices collecting market data. The survey covered 53 benchmark classifications representing all OSPD's jobs.

PROCESS & METHODOLOGY

Develop Survey Document

The purpose of the market collection and analysis phase of the compensation study was to collect and analyze market data from comparable public and private sector organizations that the OSPD competes with for qualified personnel.

Logic Compensation Group worked with the OSPD's study team to determine the pay practices questions to include in the survey, and the classifications for which to collect market data. Data compiled for these benchmark classifications were utilized to determine the OSPD's market competitive position of current pay levels. Characteristics utilized to determine benchmark classifications to include in the custom survey included:

- ✿ Classifications that are common to other organizations.
- ✿ Classifications with many incumbents.
- ✿ Classifications for which the OSPD has experienced market competitive problems.
- ✿ Classifications distributed throughout the hierarchy and departments/functions/job families of the OSPD.

Comparator organizations from which to compile market data were identified. Comparator organizations identified during this process are shown. Data were collected using the following methods: 1) survey participation, 2) data research of specific organizations' websites, and 3) published survey data. Also shown within the following tables are the

organizations included in each specific data categories of: 1) Primary and 2) Secondary markets. The Primary Market is the key market for many of the OSPD jobs while the Secondary Market is utilized to provide market data to other less functional aligned public sector organizations.

Public Sector Comparator Organizations Surveyed

District Attorney's Offices	Market	Participation and Source
1st Judicial District Attorney's Office - Jefferson County & Gilpin County	Primary	No Participation
2nd Judicial District Attorney's Office - Denver County	Primary	Data Researched
4th Judicial District Attorney's Office - El Paso County & Teller County	Primary	Survey Participation
5th Judicial District Attorney's Office - Clear Creek County, Eagle County, Lake County, & Summit County	Primary	No Participation
6th Judicial District Attorney's Office - La Plata County, Archuleta County, & San Juan County	Primary	Participation
8th Judicial District Attorney's Office - Larimer County & Jackson County	Primary	Participation
9th Judicial District Attorney's Office - Garfield County, Pitkin County, & Rio Blanco County	Primary	No Participation
14th Judicial District Attorney's Office – Moffat, Routt, Grand	Primary	No Participation
17th Judicial District Attorney's Office - Adams County & Broomfield County	Primary	No Participation
18th Judicial District Attorney's Office - Arapahoe County, Douglas County, Elbert County, & Lincoln County	Primary	Participation
20th Judicial District Attorney's Office - Boulder County	Primary	Participation
21st Judicial District Attorney's Office - Mesa County	Primary	Participation

State and Federal Agencies	Market	Participation and Source
State of Colorado Department of Law (Office of the Colorado Attorney General)	Primary	Participation
State of Colorado Judicial Department	Primary	OSPD Analyst Matches
State of Colorado Executive Branch (Department of Personnel and Administration)	Primary	Participation
Federal Legal Organizations	Primary	Data Research
Office of Veteran Affairs	Primary	Data Research

Public Sector Organizations	Market	Participation and Source
Aurora Municipal Public Defender	Primary	No Participation
Denver Municipal Public Defender	Primary	Participation
City and County of Denver	Secondary	Participation
City and County of Broomfield	Secondary	Participation
Arapahoe County	Secondary	No Participation
Adams County	Secondary	No Participation
Boulder County	Secondary	Participation
Douglas County	Secondary	Participation
El Paso County	Secondary	Participation
Jefferson County	Secondary	No Participation
Larimer County	Secondary	Data Research
Mesa County	Secondary	No Participation
City of Aurora	Secondary	Data Research
City of Arvada	Secondary	No Participation
City of Lakewood	Secondary	Participation
City of Englewood	Secondary	No Participation
City of Littleton	Secondary	No Participation
City of Northglenn	Secondary	Data Research
City of Westminster	Secondary	Participation

School Districts – Utilized for only Social Work and Administrative Jobs	Market	Participation and Source
Denver Public Schools	Secondary	Data Research
Cherry Creek Public Schools	Secondary	Data Research
Aurora Public Schools	Secondary	Data Research

LCG, in consultation with the OSPD's Study Team, developed a customized survey instrument that was distributed to all organizations but the school districts as identified above.

The custom survey instrument included questions on pay practices and collected data for 53 benchmark jobs. To assist comparator organizations in determining appropriate job matches based on duties, responsibilities, and level rather than title, the survey instrument contained job summaries and required minimum qualifications. Considerable LCG and OSPD contact was made with these organization to ensure completion of the survey. Benchmark jobs are listed as follows. The benchmark jobs are also listed by functional area.

Benchmark Jobs

Benchmark #	Benchmark Job Title
Attorney Specific	
1	Public Defender
2	First Assistant State Public Defender
3	Chief Trial Deputy
4	Managing Deputy Public Defender/Office Head
5	Supervising Deputy Public Defender
6	Lead Deputy Public Defender
7	Senior Deputy Public Defender
8	Deputy Public Defender
Management	
9	Administrative Director - Budget & Finance
10	Administrative Director - Human Resources
11	Administrative Division Officer - Chief Information Officer
12	Division Director: Legislative Policy & External Communications
Finance & Human Resources	
13	Accounting Technician II
14	Senior Accounting Technician
15	Payroll Technician
16	Payroll Coordinator
17	Budget/Finance Analyst
18	Senior Budget & Finance Analyst
19	Contracts/Procurement Administrator
20	Accounting Supervisor
21	Senior Human Resources Analyst
22	Human Resources Generalist
Information Technology	
23	Technical Support Specialist I
24	Technical Support Specialist II
25	Technical Support Analyst
26	Applications Specialist/Trainer
27	Systems Administrator
28	Senior Systems Administrator
29	Senior Telecommunications Analyst
30	Senior Program Developer/Database Administrator
31	Information Security Analyst
32	IT Manager, End User Support
33	IT Manager, Info Security & Infrastructure
Social Work	
34	Licensed Social Worker
35	Senior Social Worker
36	Supervising Social Worker

Benchmark #	Benchmark Job Title
Investigations	
37	Investigator
38	Senior Investigator
39	Lead Investigator
40	Supervising Investigator
41	Chief Investigator
Paralegal	
42	Paralegal
43	Senior Paralegal
44	Lead Paralegal
45	Supervising Paralegal
46	Managing Paralegal
Administrative	
47	Administrative Assistant
48	Senior Administrative Assistant
49	Lead Administrative Assistant
50	Supervising Administrative Assistant
51	Office Manager
52	Senior Executive Assistant
53	Staff Support Specialist

Published Survey Sources

In addition to the customized survey document, LCG also collected data from a number of valid and credible survey sources to supplement the data collected during the survey process. Data were adjusted to July 1, 2022 consistent with OSPD's data and adjusted to Denver labor market as appropriate. The published survey source data were included in the Primary Market category. The survey sources utilized are shown below:

Survey	Source	Effective Date
2022 Employer's Council Benchmark Survey	OSPD	January 1, 2022
2022 Employers Council information Technology Survey	OSPD	January 1, 2022
2022 Employer's Council Public Employer's Survey	OSPD	January 1, 2022
Economic Resource Institute's Salary Database	LCG	July 1, 2022

Data Analysis and Review

Upon receipt of all completed participant surveys, LCG performed the following activities to ensure data integrity and appropriate matching of jobs by comparator organizations:

- Reviewed all data provided by comparator organizations.
- Performed an outlier analysis to identify any benchmark data falling outside 3 standard deviations of the mean and reviewed this data for exclusion from data analysis.
 - No data points were omitted from the data analysis after data review.
- Performed follow-ups with comparator organizations to clarify any questions regarding data submitted.

Following these quality checks, LCG performed an assessment of how the OSPD compared to the market for the various benchmark and pay practices surveyed. Market data were discussed and reviewed with the OSPD, which allowed for an internal review of the data and served as an additional step in the validation and quality control checking process.

COMPARISON OF PAY PRACTICE INFORMATION

General organizational information was collected during the survey process and is summarized beginning below. Not all organizations responded to each question.

Summary of Comparator Organization Demographics

Primary Market:

Organization Data	Total Customers	Annual Operating Expenditures	Annual Salaries Budget/Cost	Annual Benefits Budget/Cost	Total FTEs - Attorney	Total FTEs - Non Attorney	# Job Titles
OSPD	5,900,000	\$134,132,631	\$89,739,977	\$21,699,707	534	391	66
AVERAGE	1,265,941	\$18,813,416	\$14,487,053	\$4,964,331	82	83	166
MEDIAN	341,438	\$2,503,586	\$7,381,306	\$2,443,664	38	56	32
LOW	10,000	\$246,009	\$1,674,471	\$500,361	11	16	16
HIGH	5,700,000	\$112,000,000	\$58,000,000	\$20,000,000	350	223	932

Secondary Market:

Organization Data	Total Customers	Annual Operating Expenditures	Annual Salaries Budget/Cost	Annual Benefits Budget/Cost	Total FTEs - Attorney	Total FTEs - Non Attorney	# Job Titles
OSPD	5,900,000	\$134,132,631	\$89,739,977	\$21,699,707	534	391	66
AVERAGE	326,964	\$197,389,825	\$79,936,795	\$18,982,824	13	750	338
MEDIAN	339,533	\$221,200,000	\$102,709,854	\$14,311,250	10	801	387
LOW	38,599	\$6,977,145	\$3,694,460	\$1,551,673	8	11	11
HIGH	720,403	\$375,498,716	\$110,633,011	\$45,757,123	22	1,287	496

Total Market:

Organization Data	Total Customers	Annual Operating Expenditures	Annual Salaries Budget/Cost	Annual Benefits Budget/Cost	Total FTEs - Attorney	Total FTEs - Non Attorney	# Job Titles
OSPD	5,900,000	\$134,132,631	\$89,739,977	\$21,699,707	534	391	66
AVERAGE	679,080	\$101,233,297	\$38,286,959	\$10,061,965	53	361	238
MEDIAN	341,438	\$10,180,349	\$7,844,233	\$2,443,664	20	109.375	64
LOW	10,000	\$246,009	\$1,674,471	\$500,361	8	11	11
HIGH	5,700,000	\$375,498,716	\$110,633,011	\$45,757,123	349.6	1287	932

Organization Data	% Conducting a Pay Equity Study in next year Total Market
OSPD	No
Yes	14%
No	14%
Unsure/Unknown	5%
No Response	67%

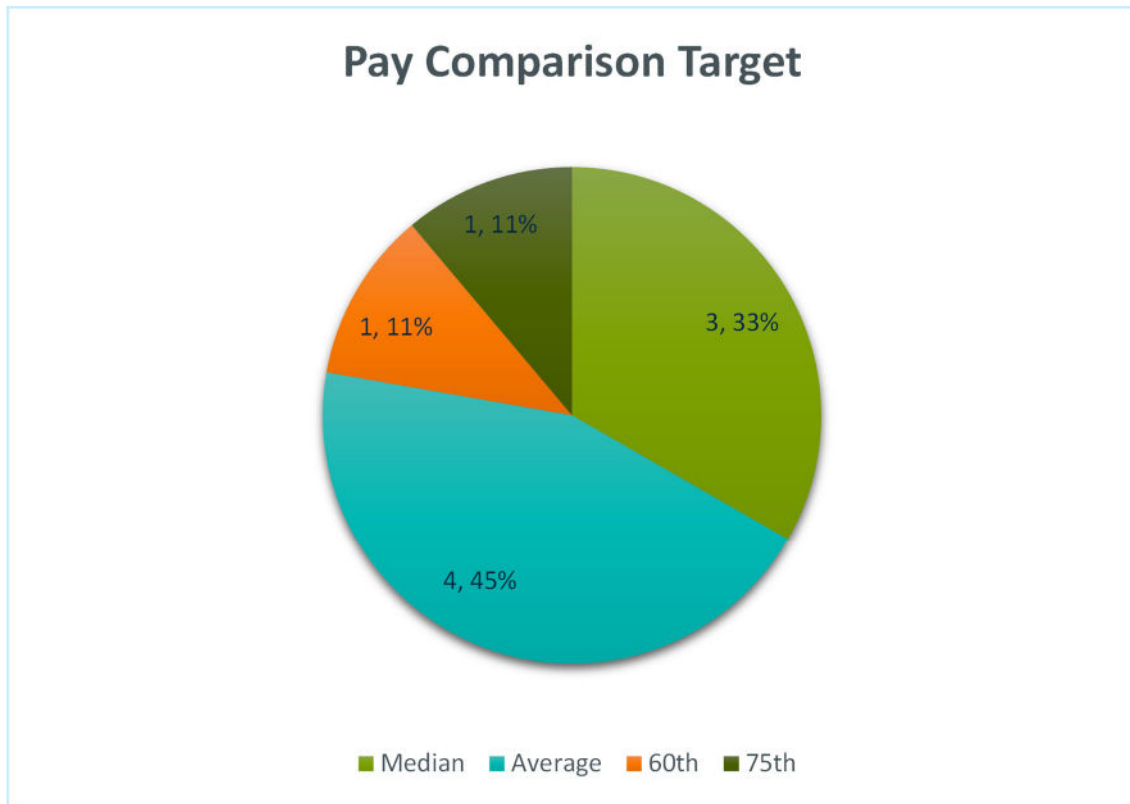
Summary of New Hire Pay Practices

In the OSPD, for jobs in regional offices, new employees are typically hired at the minimum of the range for the entry-level job classification. For management and professional jobs in the administrative services office (IT, Finance, HR), new-hire salaries are based on candidate qualifications.

The majority of the responding organizations indicate that minimum qualifications are established for starting pay, and experience, education and internal equity are factored into the decision-making.

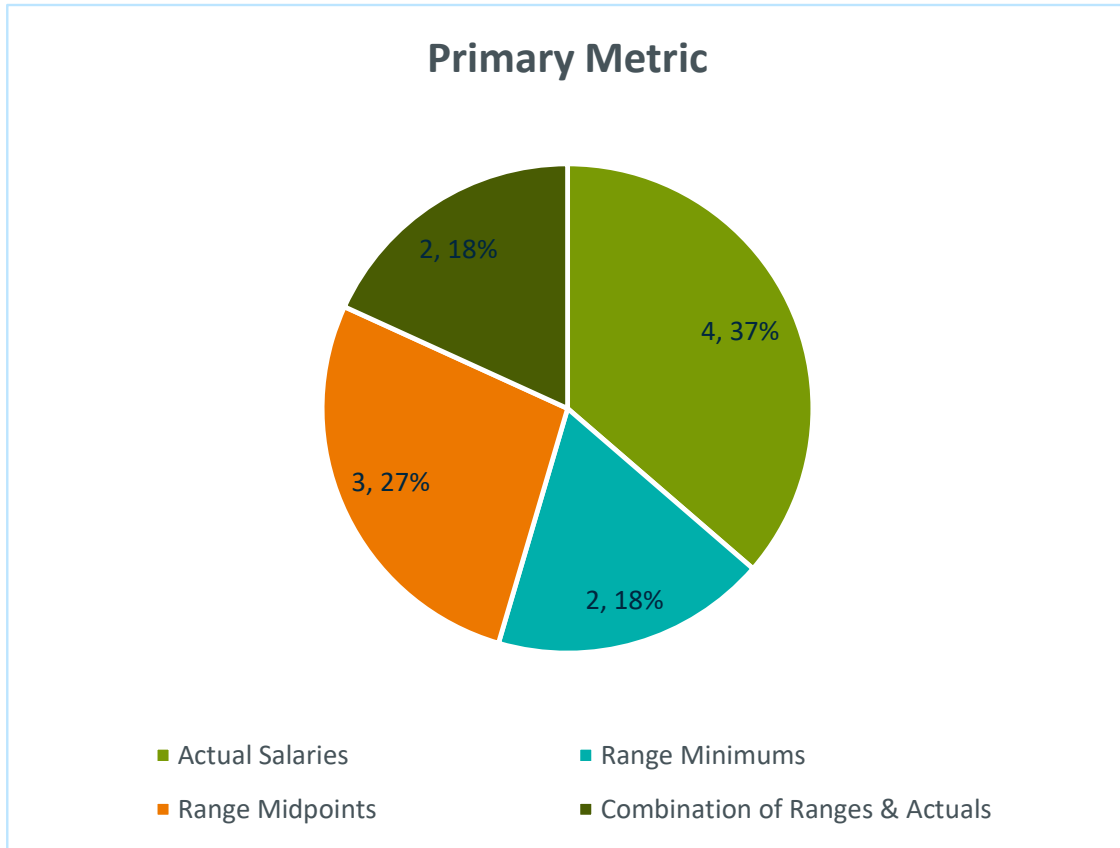
Summary of Pay Comparison Targets

OSPD's pay comparison target is the average of the market. Targets utilized at other organizations across the total market are reflected in the chart below, indicating both the actual count followed by the percent of responding organizations reflecting that category:



Summary of Primary Pay Metrics for Market Comparison

OSPD's primary metric for comparing pay is range minimum for entry-level classifications and range midpoints for all others with some focus on range maximums. Metrics utilized at other organizations across the total market are reflected in the following chart, indicating both the actual count followed by the percent of responding organizations reflecting that category:



Summary of Pay Practices Information

This section details the results of the Pay Practices portion of the survey. Where fewer than 5 organizations responded, "N/A" is shown in the table. Where fewer than 5 organizations responded in the separate markets (primary and secondary), the results reflect the total market.

Summary of Increase Information

The tables in this section summarize the **most recent** and **planned** percentage increases organizations made and anticipate making to their pay structures and employee salaries, either as merit increases or COLA increases. Zeros (*no increases*) are included in calculations.

Pay Structure Adjustments

	Most Recent Attorney	Most Recent Non-Attorney	Planned Attorney	Planned Non-Attorney
OSPD	3%	3%	N/A	N/A
Average	2.35%	2.32%	4.85%	1.05%
Median	0.00%	1.30%	4.05%	1.05%
Low	0.00%	0.00%	0.00%	0.00%
High	10.00%	10.00%	11.30%	2.10%

Merit Increases

	Most Recent Attorney	Most Recent Non-Attorney	Planned Attorney	Planned Non-Attorney
OSPD	0%	0%	N/A	N/A
Average	2.79%	3.07%	3.60%	3.80%
Median	3.10%	3.10%	3.50%	3.50%
Low	0.00%	0.00%	3.00%	3.00%
High	4.00%	4.32%	4.50%	5.00%

COLA Increases

	Most Recent Attorney	Most Recent Non-Attorney	Planned Attorney	Planned Non-Attorney
OSPD	3%	3%	N/A	N/A
Average	1.83%	1.65%	0.00%	0.83%
Median	1.80%	1.80%	0.00%	0.00%
Low	0.00%	0.00%	0.00%	0.00%
High	4.00%	4.00%	0.00%	2.50%

Summary of Pay Plan Design Information

The tables below summarize the type and design of pay range structure indicated by the responding organizations, separated by primary, secondary, and total markets.

Primary Market

	Attorney	Non-Attorney
OSPD	Open Ranges	Open Ranges
% of Org's with Open Ranges	78%	75%
% of Org's with Combination of Open Ranges & Steps	22%	13%
% of Org's with Single Pay Rates	0%	13%
% of Org's with Step Pay Plan	0%	0%
Average # of Steps	N/A	N/A
Average % Step Increments	N/A	N/A

Secondary Market

	Attorney	Non-Attorney
OSPD	Open Ranges	Open Ranges
% of Org's with Open Ranges	88%	50%
% of Org's with Combination of Open Ranges & Steps	0%	25%
% of Org's with Single Pay Rates	13%	13%
% of Org's with Step Pay Plan	0%	13%
Average # of Steps	N/A	N/A
Average % Step Increments	N/A	N/A

Total Market

	Attorney	Non-Attorney
OSPD	Open Ranges	Open Ranges
% of Org's with Open Ranges	82%	63%
% of Org's with Combination of Open Ranges & Steps	12%	19%
% of Org's with Single Pay Rates	6%	13%
% of Org's with Step Pay Plan	0%	6%
Average # of Steps	N/A	N/A
Average % Step Increments	N/A	N/A

Summary of Hiring and Retention Information

OSPD does not offer hiring or retention bonuses and incentives.

Only two organizations offer hiring bonuses/incentives to attorneys and only three organizations offer hiring bonuses/incentives to non-attorneys.

Only two organizations offer retention bonuses/incentives to both attorneys and non-attorneys.

Summary of Special Pay Program Information

OSPD does not offer special pay programs. Six of the responding organizations offer bilingual pay, and only one organization indicated offering attorney assignment pay and location pay. The bilingual annual payment amount is shown in the following table.

	Annual Bilingual Payment Amount
OSPD	None
Average	\$1,580
Median	\$1,700
Low	\$420
High	\$2,500

Summary of Tuition and Loan Forgiveness Program Information

OSPD does not offer loan forgiveness. The tables below summarize the prevalence of tuition assistance and loan forgiveness, separated by primary, secondary, and total markets.

	Tuition Assistance Attorney	Tuition Assistance Non-Attorney	Loan Forgiveness Attorney*	Loan Forgiveness Non-Attorney*
OSPD	No	No	No	No
Primary Market	32%	32%	11%	11%
Secondary Market	22%	22%	0%	0%
Total Market	26%	26%	5%	5%

** Organizations indicated that as a public employer, loans are forgiven after so many years under the federal public service loan forgiveness.*

The organizations providing tuition assistance indicated it is provided for all employees, with the annual maximum payment amount separated by primary, secondary, and total markets is shown in the table as follows.

	Primary Market Max. Annual Tuition Reimbursement Payment Amount	Secondary Market Max. Annual Tuition Reimbursement Payment Amount	Total Market Max. Annual Tuition Reimbursement Payment Amount
OSPD	<i>Not Specified</i>	<i>Not Specified</i>	<i>Not Specified</i>
Average	\$3,650	\$2,300	\$3,200
Median	\$2,250	\$2,000	\$2,000
Low	\$500	\$1,500	\$500
High	\$12,000	\$4,000	\$12,000

COMPARISON OF CURRENT OSPD PAY TO MARKET PAY

This section summarizes the analysis and comparison of the OSPD's compensation levels to those in the market.

Benchmark jobs where fewer than 5 organizations reported matches were excluded from any analyses because fewer than 5 matches to a given benchmark are considered an insufficient sample size for drawing conclusions. These benchmarks and any other statistics with data from fewer than 5 organizations are noted on each chart with an "N/A".

The market difference for each benchmark job and for all jobs is calculated using the following formula and is represented as a percentage (%):

$$\text{Market Difference} = (\text{OSPD salary} - \text{Market salary}) / \text{OSPD salary}$$

The overall market difference is not an average of all benchmark jobs' market differences but is calculated as follows and presented as a percentage (%):

$$\text{Overall Market Difference: } (\text{Sum of all OSPD salaries} - \text{Sum of all Market Salaries}) / \text{Sum of all OSPD salaries}$$

(Note: Salary data must be available for both the OSPD and the market for a specific job's data to be included in this calculation.)

The following table demonstrates accepted compensation practice guidelines for determining market alignment of individual jobs and pay structures with regard to the OSPD's stated pay strategy and pay target.

Market Difference	Market Alignment
+/- 5%	Highly Aligned
+/- 5 to 10%	Aligned
+/- 10 to 15%	Misaligned
Greater than +/- 15%	Significantly Misaligned

The OSPD has a pay strategy of targeting pay at the average of the market, however, the specific market utilized does vary by type of OSPD job. The key market is identified for each job category as outlined below as well as the associated data for that market. Overall, the results are as follows:

Jobs	Market	Actual Salary Difference	Range Minimum Difference	Range Midpoint Difference	Range Maximum Difference
Attorney Specific	Primary	-5.0%	-8.5%	-7.1%	-6.0%
Management	Primary	0.1%	-2.3%	-6.4%	-8.9%
Finance & HR	Total	3.5%	-5.5%	-3.9%	-2.9%
Information Technology	Total	-5.5%	-10.0%	-9.3%	-8.9%
Investigations	Primary	-19.0%	-15.2%	-13.8%	-12.8%
Social Work	Total	-10.3%	-5.6%	-5.3%	-4.9%
Paralegal	Total	-12.7%	-15.0%	-14.3%	-13.8%
Administrative	Total	-6.1%	-9.8%	-5.6%	-3.4%
All Jobs	Total	-6.7%	-9.8%	-8.7%	-8.0%
All Jobs	Primary	-4.0%	-6.5%	-6.8%	-7.0%
All Jobs	Secondary	-8.6%	-11.9%	-9.1%	-7.3%

While the information above is reflective of the respective employee groups and overall for all benchmark jobs, results of individual job classes varied. Relevant market data for each job family is shown as a data summary table. The data shown for each benchmark job family:

- includes data collected from organizations identified previously in this report;

-
- are effective as of July 1, 2022, and;
 - depict OSPD in orange coloring and the market in grey coloring within the tables.

Attorney Specific:

								PRIMARY MARKET DATA COMPARISONS									
		ALL MARKET DATA		OSPD DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread
1	Public Defender	14	57	\$191,724	N/A	N/A	N/A	\$191,389	0.2%	\$180,557	N/A	\$213,963	N/A	\$247,369	N/A	N/A	37.0%
2	First Assistant State Public Defender	17	74	\$205,740	\$141,888	\$173,820	\$205,740	\$189,721	7.8%	\$155,223	-9.4%	\$188,849	-8.6%	\$217,880	-5.9%	45.0%	40.4%
3	Chief Trial Deputy	7	28	\$172,674	\$136,380	\$167,064	\$197,748	\$153,527	11.1%	\$134,648	1.3%	\$154,138	7.7%	\$176,800	10.6%	45.0%	31.3%
4	Managing Deputy Public Defender/Office Head	7	239	\$162,490	\$128,472	\$160,596	\$192,708	\$172,962	-6.4%	\$142,289	-10.8%	\$173,145	-7.8%	\$204,312	-6.0%	50.0%	43.6%
5	Supervising Deputy Public Defender	9	130	\$127,461	\$114,600	\$143,256	\$171,900	\$153,517	-20.4%	\$123,731	-8.0%	\$156,088	-9.0%	\$188,427	-9.6%	50.0%	52.3%
6	Lead Deputy Public Defender	15	440.5	\$113,409	\$96,432	\$120,540	\$144,648	\$129,069	-13.8%	\$105,432	-9.3%	\$134,060	-11.2%	\$162,678	-12.5%	50.0%	54.3%
7	Senior Deputy Public Defender	23	820	\$81,796	\$80,112	\$98,940	\$117,768	\$103,226	-26.2%	\$89,473	-11.7%	\$112,485	-13.7%	\$135,496	-15.1%	47.0%	51.4%
8	Deputy Public Defender	19	245	\$69,242	\$66,192	\$81,756	\$97,308	\$87,369	-26.2%	\$78,044	-17.9%	\$94,000	-15.0%	\$109,957	-13.0%	47.0%	40.9%
AGGREGATE COMPARISON									-5.0%		-8.5%		-7.1%		-6.0%	47.7%	43.9%

Management:

								PRIMARY MARKET DATA COMPARISONS									
		ALL MARKET DATA		OSPD DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread
9	Administrative Director-Budget & Finance	13	114	\$147,864	\$100,680	\$125,856	\$151,020	\$140,941	4.7%	\$100,565	0.1%	\$128,684	-2.2%	\$156,801	-3.8%	50.0%	55.9%
10	Administrative Director-Human Resources	14	101	\$134,676	\$100,680	\$125,856	\$151,020	\$147,837	-9.8%	\$107,480	-6.8%	\$140,534	-11.7%	\$172,516	-14.2%	50.0%	60.5%
11	Administrative Director-Chief Information Officer	13	12	\$184,800	\$133,716	\$163,800	\$193,884	\$178,181	3.6%	\$134,713	-0.7%	\$172,837	-5.5%	\$210,987	-8.8%	45.0%	56.6%
12	Division Director-Legislative Policy & Extnl. Comm's.	3	3	\$169,434	\$128,472	\$160,596	\$192,708	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50.0%	N/A
AGGREGATE COMPARISON									0.1%		-2.3%		-6.4%		-8.9%	48.7%	57.7%

Finance & HR:

				TOTAL MARKET COMPARISONS															
				ALL MARKET DATA		OSP DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread		
13	Accounting Technician II	11	348	VACANT	\$38,232	\$47,796	\$57,348	\$52,461	N/A	\$42,564	-11.3%	\$51,932	-8.7%	\$61,300	-6.9%	50.0%	44.0%		
14	Senior Accounting Technician	9	195	\$49,908	\$42,432	\$53,040	\$63,648	\$59,236	-18.7%	\$47,829	-12.7%	\$57,773	-8.9%	\$67,718	-6.4%	50.0%	41.6%		
15	Payroll Technician	12	74	\$55,620	\$42,432	\$53,040	\$63,648	\$62,800	-12.9%	\$51,765	-22.0%	\$62,814	-18.4%	\$73,861	-16.0%	50.0%	42.7%		
16	Payroll Coordinator	9	203	\$76,284	\$50,856	\$63,576	\$76,284	\$73,627	3.5%	\$57,816	-13.7%	\$73,550	-15.7%	\$89,283	-17.0%	50.0%	54.4%		
17	Budget/Finance Analyst	9	175	\$63,480	\$63,480	\$79,356	\$95,220	\$74,952	-18.1%	\$62,421	1.7%	\$76,486	3.6%	\$90,551	4.9%	50.0%	45.1%		
18	Senior Budget/Finance Analyst	12	151	\$121,608	\$81,072	\$101,340	\$121,608	\$98,345	19.1%	\$78,829	2.8%	\$96,655	4.6%	\$114,449	5.9%	50.0%	45.2%		
19	Contracts/Procurement Administrator	8	52	\$99,396	\$67,932	\$84,924	\$101,904	\$89,923	9.5%	\$66,847	1.6%	\$84,777	0.2%	\$102,706	-0.8%	50.0%	53.6%		
20	Accounting Supervisor	15	95.5	\$101,124	\$74,040	\$92,556	\$111,060	\$97,106	4.0%	\$77,208	-4.3%	\$94,736	-2.4%	\$112,264	-1.1%	50.0%	45.4%		
21	Senior Human Resources Analyst	11	121	\$99,090	\$67,932	\$84,924	\$101,904	\$87,392	11.8%	\$70,862	-4.3%	\$86,930	-2.4%	\$102,999	-1.1%	50.0%	45.4%		
22	Human Resources Generalist	11	158	VACANT	\$54,936	\$68,676	\$82,404	\$70,922	N/A	\$59,301	-7.9%	\$72,336	-5.3%	\$85,371	-3.6%	50.0%	44.0%		
AGGREGATE COMPARISON									3.5%		-5.5%		-3.9%		-2.9%	50.0%	46.1%		

Information Technology:

								TOTAL MARKET COMPARISONS											
				ALL MARKET DATA				OSPD DATA		ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread		
23	Technical Support Specialist I	11	219	\$43,860	\$43,860	\$54,828	\$65,796	\$54,879	-25.1%	\$46,827	-6.8%	\$57,092	-4.1%	\$67,357	-2.4%	50.0%	43.8%		
24	Technical Support Specialist II	13	401	VACANT	\$49,116	\$61,404	\$73,680	\$65,304	N/A	\$54,070	-10.1%	\$66,119	-7.7%	\$78,166	-6.1%	50.0%	44.6%		
25	Technical Support Analyst	7	42	\$66,917	\$55,020	\$68,784	\$82,536	\$77,434	-15.7%	\$62,574	-13.7%	\$76,809	-11.7%	\$91,044	-10.3%	50.0%	45.5%		
26	Applications Specialist/Trainer	2	6	\$77,400	\$55,020	\$68,784	\$82,536	\$74,052	4.3%	\$55,605	-1.1%	\$68,507	0.4%	\$81,409	1.4%	50.0%	46.4%		
27	Systems Administrator	13	168	VACANT	\$64,836	\$81,048	\$97,260	\$87,613	N/A	\$70,179	-8.2%	\$87,681	-8.2%	\$105,181	-8.1%	50.0%	49.9%		
28	Senior Systems Administrator	13	179	\$111,690	\$81,696	\$102,120	\$122,544	\$108,377	3.0%	\$86,114	-5.4%	\$105,512	-3.3%	\$124,911	-1.9%	50.0%	45.1%		
29	Senior Telecommunications Analyst	9	28	\$113,460	\$75,648	\$94,560	\$113,472	\$112,751	0.6%	\$87,903	-16.2%	\$107,270	-13.4%	\$126,636	-11.6%	50.0%	44.1%		
30	Senior Program Developer/Database Administrator	13	329	\$118,890	\$81,696	\$102,120	\$122,544	\$121,473	-2.2%	\$93,804	-14.8%	\$116,651	-14.2%	\$139,499	-13.8%	50.0%	48.7%		
31	Information Security Analyst	7	62	\$89,592	\$75,648	\$94,560	\$113,472	\$96,000	-7.2%	\$77,482	-2.4%	\$98,918	-4.6%	\$120,353	-6.1%	50.0%	55.3%		
32	IT Manager-End User Support	11	181	\$108,204	\$81,696	\$102,120	\$122,544	\$126,367	-16.8%	\$97,917	-19.9%	\$122,298	-19.8%	\$146,679	-19.7%	50.0%	49.8%		
33	IT Manager-Info Security & Infrastructure	9	125	\$125,940	\$98,028	\$122,544	\$147,048	\$131,537	-4.4%	\$106,292	-8.4%	\$134,903	-10.1%	\$163,513	-11.2%	50.0%	53.8%		
AGGREGATE COMPARISON									-5.5%		-10.0%		-9.3%		-8.9%	50.0%	47.9%		

Investigations:

				PRIMARY MARKET DATA COMPARISONS													
		ALL MARKET DATA		OSPD DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread
37	Investigator	6	22	\$56,225	\$54,120	\$64,944	\$75,768	\$73,954	-31.5%	\$63,439	-17.2%	\$75,139	-15.7%	\$86,839	-14.6%	40.0%	36.9%
38	Senior Investigator	10	174	\$66,324	\$60,780	\$75,072	\$89,352	\$90,495	-36.4%	\$73,571	-21.0%	\$90,364	-20.4%	\$107,166	-19.9%	47.0%	45.7%
39	Lead Investigator	2	68	\$83,126	\$71,016	\$88,776	\$106,524	\$91,651	-10.3%	\$77,160	-8.7%	\$94,800	-6.8%	\$112,439	-5.6%	50.0%	45.7%
40	Supervising Investigator	2	7	\$90,722	\$77,400	\$96,756	\$116,100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50.0%	N/A
41	Chief Investigator	6	6	\$106,495	\$84,768	\$105,960	\$127,152	\$115,279	-8.2%	N/A	N/A	N/A	N/A	N/A	N/A	50.0%	N/A
AGGREGATE COMPARISON									-19.0%		-15.2%		-13.8%		-12.8%	47.4%	42.8%

Social Work:

				TOTAL MARKET COMPARISONS													
		ALL MARKET DATA		OSPD DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread
34	Licensed Social Worker	12	238	\$54,689	\$52,704	\$63,252	\$73,788	\$65,123	-19.1%	\$53,456	-1.4%	\$66,528	-5.2%	\$79,599	-7.9%	40.0%	48.9%
35	Senior Social Worker	12	504	\$71,520	\$55,836	\$68,964	\$82,080	\$75,935	-6.2%	\$61,063	-9.4%	\$76,261	-10.6%	\$90,718	-10.5%	47.0%	48.6%
36	Supervising Social Worker	12	135	\$85,104	\$71,412	\$89,268	\$107,124	\$91,932	-8.0%	\$75,431	-5.6%	\$90,512	-1.4%	\$105,593	1.4%	50.0%	40.0%
AGGREGATE COMPARISON									-10.3%		-5.6%		-5.3%		-4.9%	45.7%	45.8%

Paralegal:

				TOTAL MARKET COMPARISONS													
		ALL MARKET DATA		OSPD DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSPD Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSPD vs Mkt	Market Average Range Min	OSPD vs Mkt	Market Average Range MidPt	OSPD vs Mkt	Market Average Range Max	OSPD vs Mkt	OSPD	Avg Mkt Range Spread
42	Paralegal	11	112	\$49,132	\$48,300	\$57,960	\$67,620	\$62,881	-28.0%	\$52,712	-9.1%	\$64,645	-11.5%	\$76,577	-13.2%	40.0%	45.3%
43	Senior Paralegal	14	308	\$59,432	\$53,100	\$65,580	\$78,060	\$75,118	-26.4%	\$62,101	-17.0%	\$75,546	-15.2%	\$88,990	-14.0%	47.0%	43.3%
44	Lead Paralegal	5	60	\$74,559	\$60,048	\$75,060	\$90,072	\$81,949	-9.9%	\$67,139	-11.8%	\$82,500	-9.9%	\$97,861	-8.6%	50.0%	45.8%
45	Supervising Paralegal	3	36	\$96,372	\$64,248	\$80,316	\$96,372	\$95,109	1.3%	\$77,559	-20.7%	\$95,975	-19.5%	\$114,391	-18.7%	50.0%	47.5%
46	Managing Paralegal	3	3	\$103,128	\$68,748	\$85,944	\$103,128	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50.0%	N/A
AGGREGATE COMPARISON									-12.7%		-15.0%		-14.3%		-13.8%	47.4%	45.5%

Administrative:

								TOTAL MARKET COMPARISONS									
		ALL MARKET DATA		OSP DATA				ACTUAL SALARY		RANGE MINIMUM		RANGE MIDPOINT		RANGE MAXIMUM		RANGE SPREADS	
Bench ID	Benchmark (OSP Title)	# Orgs	# Inc	Avg Salary	Range Min	Range MidPt	Range Max	Market Average Salary	OSP vs Mkt	Market Average Range Min	OSP vs Mkt	Market Average Range MidPt	OSP vs Mkt	Market Average Range Max	OSP vs Mkt	OSP	Avg Mkt Range Spread
47	Administrative Assistant	22	570	\$39,866	\$38,772	\$46,524	\$54,276	\$44,053	-10.5%	\$36,540	5.8%	\$44,802	3.7%	\$53,002	2.3%	40.0%	45.1%
48	Senior Administrative Assistant	25	1230	\$45,406	\$39,444	\$48,720	\$57,984	\$50,459	-11.1%	\$43,014	-9.1%	\$51,681	-6.1%	\$60,349	-4.1%	47.0%	40.3%
49	Lead Administrative Assistant	16	1546	\$59,619	\$45,036	\$56,304	\$67,560	\$57,890	2.9%	\$49,182	-9.2%	\$59,447	-5.6%	\$69,712	-3.2%	50.0%	41.7%
50	Supervising Administrative Assistant	16	362	\$58,982	\$49,548	\$61,944	\$74,328	\$70,076	-18.8%	\$57,881	-16.8%	\$70,041	-13.1%	\$82,200	-10.6%	50.0%	42.0%
51	Office Manager	13	29	\$66,939	\$54,504	\$68,136	\$81,756	\$88,903	-32.8%	\$70,605	-29.5%	\$83,249	-22.2%	\$98,269	-20.2%	50.0%	39.2%
52	Senior Executive Assistant	13	122	\$90,500	\$59,952	\$77,940	\$95,928	\$73,022	19.3%	\$57,994	3.3%	\$69,810	10.4%	\$82,215	14.3%	60.0%	41.8%
53	Staff Support Specialist	11	642	\$55,554	\$45,036	\$56,304	\$67,560	\$57,722	-3.9%	\$49,777	-10.5%	\$60,146	-6.8%	\$70,514	-4.4%	50.0%	41.7%
AGGREGATE COMPARISON									-6.1%		-9.8%		-5.6%		-3.4%	49.6%	41.7%

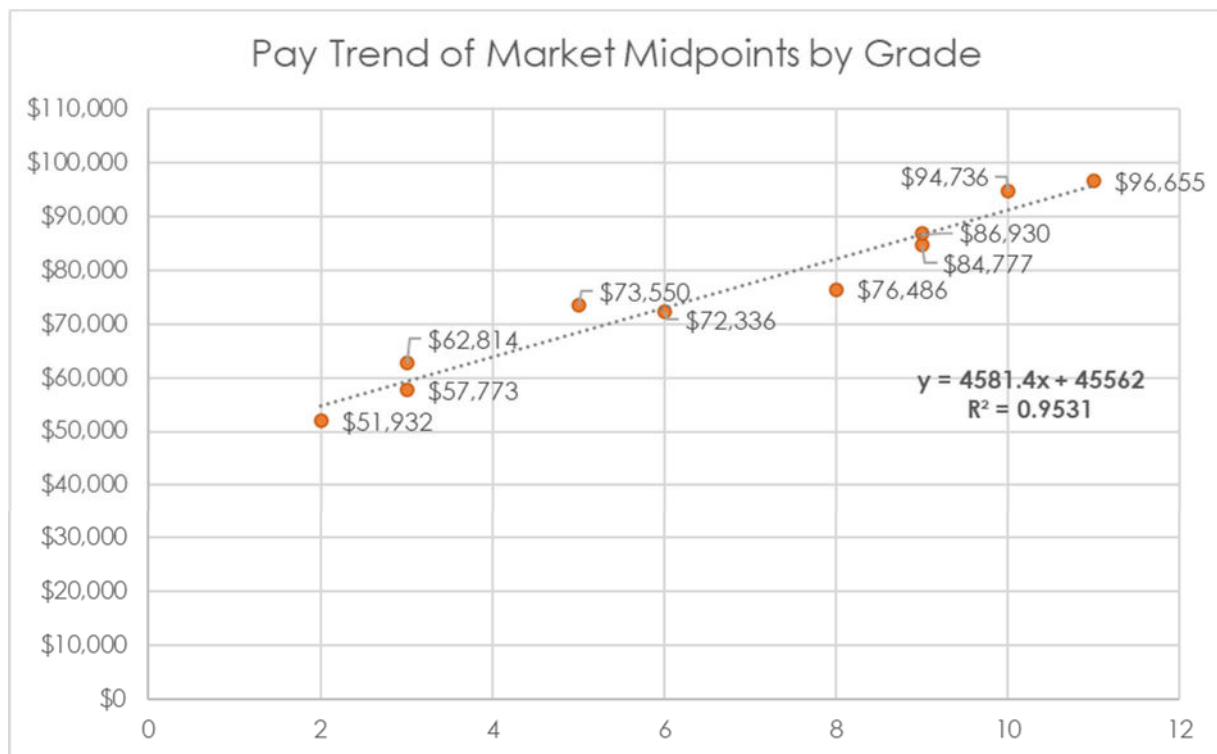
SALARY UPDATE

Based on the results of market study, Logic Comp consultants made recommendations for update to the OSPD's existing salaries to better align with market data and increase the competitiveness of the OSPD's pay.

In general, a few classification considerations were made as the classification phase will be conducted after the compensation phase. Some realignment of classifications were made based on current job duties and market data and also in anticipation of the classification phase of this study.

In order to provide these recommendations for market alignment, Logic Comp utilized a regression analysis providing a "best fit" of the market data to each OSPD pay grade.

Regression analysis is based on the best fit of internal equity and external equity as represented by the OSPD's current pay grades and market data. A general example of regression analysis is shown below for a visual depiction .



The graphs exhibit the market salary figures (which are shown as plot points) and the resulting pay trends (trend lines) for the market data and OSPD pay range which represents internal equity and alignment. The trend lines were calculated using a statistical procedure called regression analysis, also known as "line of best fit". The trend lines depict, at each grade level, market salary data relative to OSPD's benchmark job's pay grade. It considers the

salary figures (data points) and the corresponding grades to develop one continuous pay line from the lowest level to the highest level.

R squared represents the fit of the trend line to the data so that the closer the value is to 1.00, the better fit of the data to the trend line. For this example, the R squared value shown in bold text is considered highly aligned with R squared equaling .9531.

In performing regression analysis when sufficient data are available, two values (pay grade and market data) are calculated that are utilized in a formula to calculate the pay trend. An 'x-coefficient' and a 'constant' value is calculated and are placed into a formula utilizing the grade to determine the pay trend or salary rate. This formula is: pay trend (salary rate) = grade times the x-coefficient value plus the constant value. From this formula, pay can be modeled and developed for any given grade level.

This regression model and resulting formula provides a starting point for the update of the OSPD's existing salaries. Please note that not all job categories/families were based on pay regression because sufficient data were not available in which to conduct a regression analysis. For these job categories/families, LCG recommended the updates based on accepted compensation practices, market data and internal equity consideration. Other considerations must also be considered with or without the use of regression models. These considerations include but are not limited to the following:

- Pay span relative to type of job
- Pay progression from one level of job to the next level
- Pay span relative to market
- Current client pay issues and sensitivities
- Incumbent job movements
- Market sensitivity to minimums and/or maximums
- Job, pay structure and pay compression

PHASE 3: CLASSIFICATION STUDY

To be completed in the remainder of 2022 and 2023.

OBJECTIVE

Classification is the process of understanding, verifying, and describing the nature and level of work for each job in the organization. Internal equity, as established by a job evaluation system, determines the relative internal value/relationship of each job class. The result of this phase ensures that salaries are based on the value of each classification to the organization as well as the market. This phase provides the following outcomes to the Town:

- ✿ Provides for placement of a job within the salary structure when market compensation data may not be readily available.
- ✿ Classifies jobs for consistency across functions and departments within organization.
- ✿ Identifies eliminated job titles, inaccurate job descriptions, or missing job descriptions.
- ✿ Identifies career paths, where appropriate. Allows the OSPD to identify available and future job levels within the overall hierarchy of work.
- ✿ Provides for consistent job titling conventions.

END OF REPORT

TAB 2



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

*FY 2023-24 Budget Request
November 1, 2022*

Department Priority: 2
Request Title: R#2, Leased Space

Summary of Incremental Funding Change for FY 2023-24	Total Funds	General Fund	FTE
<i>Leased Space</i>	\$ 705,612	\$ 705,612	0
Total	\$ 705,612	\$ 705,612	0

Request Summary:

The Office of the State Public Defender (OSPD) requests \$705,612 General Fund spending authority for FY 2023-24 and on-going, to provide office space for new FTE received in FY2022-23. Many of our trial offices are currently at or beyond capacity and lack the space needed to provide essential client services.

Background:

The statutory function of the Office of the State Public Defender is to “provide legal services to indigent persons accused of crime 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.”

In order to comply with our statutory function, the OSPD must have the resources to meet the requirements of providing effective representation. The OSPD currently has 21 regional offices across the state. These offices serve as the primary work and meeting spaces for our Defenders and clients. In the FY 2022-23 budget, the legislature appropriated the agency 104 new FTE but the OSPD did not receive a corresponding appropriation for the leased space for these staff.

We utilize the state’s contracted brokers to negotiate our leased space needs. Although they have been successful in negotiating temporary short-term concessions, we are now at the point where we have neither the space needed to support our staff nor the funds to obtain the necessary office space to accommodate our FTE. As part of meeting our physical space needs, the OSPD has considered recent pandemic-driven changes in the workplace such as flexible work arrangements as well as rearranging office spaces to address space shortages. But, ultimately, the need for a private, confidential work space for both client interaction and review of case materials during core Judicial Branch business hours is key to providing effective representation to our clients.

Anticipated Outcomes:

Funding this request will allow the OSPD to provide staff the space needed to do the work required to effectively represent clients in accordance with our obligations under the constitutions, statutes, and rules.

Assumptions for Calculations:

1. Funding will start July 1, 2023.
2. Current offices have multi-year leases for cost efficiencies.

Below is the current list of leased spaces and their locations. The highlighted offices are the locations that additional space is needed:

Trial Offices	Address	City, State Zip Code	FY24 Sq. Ft.	FY24	DI#2 = Leased Space	Sq. FT. Need
Alamosa	610 Main Street	Alamosa, CO 81101	6,000	116,530	\$ 9,711	500
Arapahoe	12350 E. Arapahoe Rd Suite A	Centennial, CO 80112	27,638	689,868		-
Boulder	2555 55th St., Suite D-200	Boulder, CO	13,556	355,228	\$ 52,409	2,000
Brighton	4710 E. Bromley Ln	Brighton, CO 80601	26,570	719,106		-
Colorado Spgs	19 N. Tejon St #105	Colorado Springs, CO 80903	53,989	1,187,999	\$ 208,000	8,000
Denver	1560 Broadway Suite 300	Denver, CO 80203	49,976	1,331,904	\$ 250,502	9,912
Dillon	114 Village Place	Dillon, CO 80435	5,040	118,390		-
Douglas	1161 S. Perry #200	Castle Rock, CO 80104	11,200	299,849		-
Durango	175 Mercado Street Suite 250	Durango, CO	9,129	217,457	\$ 22,543	975
Fort Collins	1 Old Town Square #300	Fort Collins, CO 80524	16,183	411,409	\$ 25,650	1,564
Glenwood Spgs	311 1/2 8th Street	Glenwood Springs, CO 81601	4,856	125,172	\$ 12,888	500
Golden	560 Golden Ridge Rd, #100	Golden, CO 80401	29,552	749,881		-
Grand Junction	114 N. Spruce St. #300	Grand Junction, CO 81501	16,010	477,773		-
Greeley	822 7th Street, #300	Greeley, CO 80631	18,393	353,998	\$ 75,000	3,897
La Junta	402 Santa Fe #105	La Junta, CO 81050	6,659	103,991		-
Lamar	224 South Main Street #201	Lamar, CO 81052	510	5,100		-
Montrose	100 Tessitore Ct, Suite G	Montrose, CO 81401	8,321	165,664		-
Pueblo	132 West B Street #200	Pueblo, CO 81003	17,520	313,091	\$ 36,909	2,065
Salida	8044 W. Highway 50 #100	Salida, CO 81201	7,592	130,402		286
Steamboat Spgs	1955 Bridge Land #2100	Steamboat Springs, CO 80478	5,801	203,889		-
Sterling	214 S. 3rd Street	Sterling, CO 80751	8,125	104,975	\$ 12,000	2,875
Trinidad	122 W. 1st Avenue	Trinidad, CO 81082	6,683	65,192		-
		Total	349,303	8,246,868	\$ 705,612	32,574
			FY2023 LB	8,042,972		
			Escalator	203,896		
			DI#2	705,612		
			Request	8,952,480		

Consequences if Not Funded:

If not funded, certain OSPD offices will not have adequate space to house its staff and the lack of sufficient space will damage our ability to provide representation of clients as directed by the federal and state constitutions, Colorado statutes, the Colorado Rules of Professional Conduct and the American Bar Associations Standards.

Impact to Other State Government Agencies:

OSPD staff need adequate space to provide the level of defense required by relevant constitutions, statutes, rules and standards. Delays caused by lack of sufficient space could affect scheduling and workloads for the Colorado Judicial Department and District Attorney Offices.

Current Statutory Authority or Needed Statutory Change:

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states “The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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.”

Additional Request Information	Yes	No	Additional Information
Is this request driven by a new statutory mandate?		X	
Will this request require a statutory change?		X	
Is this a one-time request?		X	
Will this request involve any IT components?		X	

Schedule 13

Funding Request for the 2023-24 Budget Cycle

Department: Office of the State Public Defender

Request Title: #R-2, Leased Space

Priority Number: 2

Dept. Approval by: Megan A. Ring 10/31/22

OSPb Approval by: N/A

- ☒ **Decision Item FY 2023-24**
☐ **Base Reduction Item FY 2023-24**
☐ **Supplemental FY 2022-23**
☐ **Budget Amendment FY 2023-24**

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25
Total of All Line Items	Total	8,042,972	-	8,246,868	705,612	8,952,480
	FTE	-	-	-	-	-
	GF	8,042,972	-	8,246,868	705,612	8,952,480
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Judicial Department, Office of the State Public Defender, Leased Space and Utilities	Total	8,042,972	-	8,246,868	705,612	8,952,480
	GF	8,042,972	-	8,246,868	705,612	8,952,480
Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision: Cash or Federal Fund Name and COFRS Fund Number: N/A Reappropriated Funds Source, by Department and Line Item Name: Approval by OIT? Yes: No: Not Required: X Schedule 13s from Affected Departments: N/A Other Information:						

TAB 3



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

*FY 2023-24 Budget Request
November 1, 2022*

Department Priority: 3
Request Title: R#3, Central FTE

Summary of Incremental Funding Change for FY 2023-24	Total Funds	General Fund	FTE
<i>Personal Services</i>	\$ 419,327	\$ 419,327	4.1
<i>AED</i>	\$ 18,563	\$ 18,563	
<i>SAED</i>	\$ 18,563	\$ 18,563	
<i>HLD</i>	\$ 41,250	\$ 41,250	
<i>STD</i>	\$ 594	\$ 594	
<i>FAMLI</i>	\$ 1,671	\$ 1,671	
<i>Operating</i>	\$ 4,750	\$ 4,750	
<i>Automation</i>	\$ 1,800	\$ 1,800	
<i>Capital Outlay</i>	\$ 33,350	\$ 33,350	
Total	\$ 539,867	\$ 539,867	4.1

Summary of Incremental Funding Change for FY 2024-25	Total Funds	General Fund	FTE
<i>Personal Services</i>	\$ 457,447	\$ 457,447	4.5
<i>AED</i>	\$ 20,250	\$ 20,250	
<i>SAED</i>	\$ 20,250	\$ 20,250	
<i>HLD</i>	\$ 45,000	\$ 45,000	
<i>STD</i>	\$ 648	\$ 648	
<i>FAMLI</i>	\$ 1,823	\$ 1,823	
<i>Operating</i>	\$ 4,750	\$ 4,750	
<i>Automation</i>	\$ 1,800	\$ 1,800	
Total	\$ 551,968	\$ 551,968	4.5

Request Summary:

The Office of the State Public Defender (OSPD) requests 4.1 FTE and \$539,867 General Fund for FY 2023-24 and 4.5 FTE and \$ 551,968 in FY 2024-25 and on-going, to fund central office staff necessary to support OSPD employees in their work on behalf of clients.

Background:

In FY 2022-23 the OSPD was appropriated 104 new FTE, to be phased in over two years. As the OSPD has historically done, the FTE request included a request for 4.5% centralized staffing to support the trial office FTE request. While the legislature granted the trial office FTE request, it did not fund the corresponding

appropriation for the centralized staffing needed to support Defenders. The OSPD must maintain centralized staffing at an adequate level to meet the administrative needs of our regional offices. The OSPD's administrative functions are centralized to provide all of its offices across the state with support functions, including payroll and benefits, IT, policy, finance, human resources, recruiting, hiring, workforce development, and training. The agency must have sufficient centralized staff to meet the needs of Defenders working across the state.

Anticipated Outcomes:

We expect the requested FTE to help the OSPD meet its obligations to our agency in areas such as payroll and benefits, IT, policy, finance, human resources, recruiting, hiring, workforce development, and training.

Assumptions for Calculations:

1. Staff will start July 1, 2023.
2. Pay date shift is incorporated for new FTE.
3. Office staff average salary is \$7,500
4. Central FTE is 4.5% of regional office FTE.
5. Standard percentages for payroll, operating and capital outlay are based on FY23 Legislative Council common policy.

FY 2023-24			
State Expenditures			
Office of the State Public Defender			
	11	# of months used for FTE calculation	
Personnel			
	FTE		
Position Title	(based on months used)	Monthly	Total Pay
State Office	4.1	\$7,500	\$371,250
Subtotal FTE and Pay	4.1		\$371,250
PERA Base	11.50%		\$42,694
Medicare	1.45%		\$5,383
AED	5.00%		\$18,563
SAED	5.00%		\$18,563
HLD	\$10,000		\$41,250
STD	0.16%		\$594
FAMLI	0.45%		\$1,671
Total Salary			\$499,967
Operating Costs			
Item	Unit Cost	Units	Cost
Operating, regular employee	\$950	5.0	\$4,750
Automation / Operating	\$400	4.5	\$1,800
Capital Outlay	\$6,670	5.0	\$33,350
Total Operating			\$39,900
Total FY 2023-24 Expenditures			\$539,867

FY 2024-25			
State Expenditures			
Office of the State Public Defender			
	12	# of months used for FTE calculation	
Personnel			
Position Title	FTE (based on months used)	Monthly	Total Pay
State Office	4.5	\$7,500	\$405,000
Subtotal FTE and Pay	4.5		\$405,000
PERA Base	11.50%		\$46,575
Medicare	1.45%		\$5,873
AED	5.00%		\$20,250
SAED	5.00%		\$20,250
HLD	\$10,000		\$45,000
STD	0.16%		\$648
FAMLI	0.45%		\$1,823
Total Salary			\$545,418
Operating Costs			
Item	Unit Cost	Units	Cost
Operating, regular employee	\$950	5.0	\$4,750
Automation / Operating	\$400	4.5	\$1,800
Capital Outlay	\$6,670	-	\$0
Total Operating			\$6,550
Total FY 2024-25 Expenditures			\$551,968

Consequences if Not Funded:

Without an adequate number of centralized support staff, the OSPD cannot provide appropriate support to its staff working across the state in a variety of areas. The need is particularly acute given the agency's current attrition rate and need to onboard new staff into existing vacancies. Inadequate staffing in areas like payroll, human resources, and training, have a negative effect on OSPD staff, and ultimately OSPD clients, as certain needed supports may be delayed.

Impact to Other State Government Agencies:

The central administrative office interacts regularly with other state entities so lack of sufficient central staff could negatively impact the OSPD's ability to respond in a timely manner to other state agencies.

Current Statutory Authority or Needed Statutory Change:

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states "The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to

nonindigents, 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.”

Additional Request Information	Yes	No	Additional Information
Is this request driven by a new statutory mandate?		X	
Will this request require a statutory change?		X	
Is this a one-time request?		X	
Will this request involve any IT components?		X	

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the State Public Defender

Request Title: #R-3, Central FTE

Priority Number: 3

Dept. Approval by: Megan A. Ring 10/31/22

OSPB Approval by: N/A

- ☒ Decision Item FY 2023-24
☐ Base Reduction Item FY 2023-24
☐ Supplemental FY 2022-23
☐ Budget Amendment FY 2023-24

Line Item Information		FY 2021-22		FY 2022-23		FY 2024-25	FY 2024-25	FY 2024-25
		1	2	3	4	5	5	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Base Request FY 2024-25
Total of All Line Items	Total	115,062,300	-	122,032,198	539,867	122,572,065	551,968	122,823,883
	FTE	1,049.2	-	1,092.9	4.1	1,097.0	4.5	1,097.4
	GF	115,062,300	-	122,032,198	539,867	122,572,065	551,968	122,823,883
	CF	-	-	-	-	-	-	-
Judicial Department, Office of the State Public Defender, Personal Services	Total	90,786,187	-	95,470,215	419,327	95,889,542	457,447	96,346,989
	FTE	1,049.2	-	1,092.9	4.1	1,097.0	4.5	1,101.5
	GF	90,786,187	-	95,470,215	419,327	95,889,542	457,447	96,346,989
Judicial Department, Office of the State Public Defender, Health Life and Dental	Total	11,157,201	-	12,195,255	41,250	12,236,505	45,000	12,281,505
	GF	11,157,201	-	12,195,255	41,250	12,236,505	45,000	12,281,505
Judicial Department, Office of the State Public Defender, Short- term Disability	Total	131,956	-	133,903	594	134,497	648	135,145
	GF	131,956	-	133,903	594	134,497	648	135,145
Judicial Department, Office of the State Public Defender, AED	Total	3,889,657	-	4,184,463	18,563	4,203,026	20,250	4,223,276
	GF	3,889,657	-	4,184,463	18,563	4,203,026	20,250	4,223,276
Judicial Department, Office of the State Public Defender, SAED	Total	3,889,657	-	4,184,463	18,563	4,203,026	20,250	4,223,276
	GF	3,889,657	-	4,184,463	18,563	4,203,026	20,250	4,223,276
Judicial Department, Office of the State Public Defender, FAMLI	Total	-	-	376,602	1,671	378,273	1,823	380,096
	GF	-	-	376,602	1,671	378,273	1,823	380,096
Judicial Department, Office of the State Public Defender, Operating Expenses	Total	2,481,878	-	2,519,878	4,750	2,524,628	4,750	2,529,378
	GF	2,481,878	-	2,519,878	4,750	2,524,628	4,750	2,529,378
Judicial Department, Office of the State Public Defender, Capital Outlay	Total	533,200	-	266,800	33,350	300,150	-	-
	GF	533,200	-	266,800	33,350	300,150	-	-
Judicial Department, Office of the State Public Defender, Automation Plan	Total	2,192,564	-	2,700,619	1,800	2,702,419	1,800	2,704,219
	GF	2,192,564	-	2,700,619	1,800	2,702,419	1,800	2,704,219
Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:								
Cash or Federal Fund Name and COFRS Fund Number: N/A								
Reappropriated Funds Source, by Department and Line Item Name:								
Approval by OIT? Yes: No: Not Required: X								
Schedule 13s from Affected Departments: N/A								
Other Information:								

TAB 4



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

*FY 2023-24 Budget Request
November 1, 2022*

Department Priority: 4
Request Title: R#4, Training

Summary of Incremental Funding Change for FY 2023-24	Total Funds	General Fund	FTE
<i>Training</i>	\$ 350,000	\$ 350,000	0
Total	\$ 350,000	\$ 350,000	0

Request Summary:

The Office of the State Public Defender (OSPD) requests \$350,000 General Fund spending authority for FY 2023-24 and on-going to provide training, seminars, continuing legal education (CLE) programs, and other related services.

Background:

The statutory function of the Office of the State Public Defender is to “provide legal services to indigent persons accused of crime 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.”

To comply with our statutory function the OSPD must have the necessary resources, including adequately trained attorneys and support staff. The OSPD must provide CLE training (including credit hours in the areas of legal ethics or legal professionalism and equity, diversity, and inclusivity) as required by the Colorado Supreme Court for each of OSPD’s approximately 577 attorney FTE.

Training improves the services OSPD is able to provide to our clients and is a recognized key component of funding for similar state agencies such as the Judicial Department, ADC, OCR, RPC, OPG and IEC. In fact, since 2014, the legislature has appropriated \$350,000 annually to the Department of Law to allocate to the Colorado District Attorneys Council for prosecution “training, seminars, continuing education programs, and other prosecution-related services.”

To meet the needs of our clients and promote long-term staff sustainability it is imperative for the OSPD to provide access to mandated training programs and other defense-related services. Our goal is to provide a robust program of both internal training sessions as well as providing training through outside sources. For many years the OSPD has been able to self-fund this training within existing resources but that is not a sustainable option. First, our increasing attrition means OSPD must devote more resources to training new employees. Second, the increasing costs of goods and services is impacting our ability to self-fund training for a system of more than a thousand employees.

Increasing Costs of Goods and Services

The costs associated with providing training are increasing, including basic costs for renting facilities and other costs associated with training programs, at the same time the agency's training needs are increasing.

Anticipated Outcomes:

If approved, the OSPD expects to be able to reduce our attrition levels and provide staff the necessary training and continuing legal education to continue to effectively represent clients in accordance with our obligations under the federal and state constitutions and Colorado statutes, the Colorado Rules of Professional Conduct and the American Bar Association Standards.

Assumptions for Calculations:

- Funding will start July 1, 2023.
- A new Long Bill Line Item will be created to clearly identify this funding.

Consequences if Not Funded:

Failure to fund the request means the OSPD may be unable to meet its obligation to train its attorney staff and provide the required amount of continuing legal education credits mandated by the Colorado Supreme Court.

Impact to Other State Government Agencies:

None

Current Statutory Authority or Needed Statutory Change:

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, C.R.S. 21-1-101(1), states "The general assembly hereby declares that the state public defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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."

Additional Request Information	Yes	No	Additional Information
Is this request driven by a new statutory mandate?		X	
Will this request require a statutory change?		X	
Is this a one-time request?		X	
Will this request involve any IT components?		X	

Schedule 13

Funding Request for the 2023-24 Budget Cycle

Department: Office of the State Public Defender

Request Title: #R-4, Training

Priority Number: 4

Dept. Approval by: Megan A. Ring 10/31/22

OSPB Approval by: N/A

- ☒ **Decision Item FY 2023-24**
☐ **Base Reduction Item FY 2023-24**
☐ **Supplemental FY 2022-23**
☐ **Budget Amendment FY 2023-24**

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25
Total of All Line Items	Total GF	-	-	-	350,000	350,000
		-	-	-	350,000	350,000
Judicial Department, Office of the State Public Defender, Training - New Line	Total GF	-	-	-	350,000	350,000
		-	-	-	350,000	350,000

Letternote Text Revision Required? Yes: No: X **If yes, describe the Letternote Text Revision:**

Cash or Federal Fund Name and COFRS Fund Number: N/A

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: N/A

Other Information:

TAB 5

Line Item Information			FY 2022-23		FY 2023-24		FY 2024-25
			1	2	3	4	5
	Fund		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total		111,197	-	111,197	(10,694)	100,503
	FTE		-	-	-	-	-
	GF		111,197	-	111,197	(10,694)	100,503
	GFE		-	-	-	-	-
	CF		-	-	-	-	-
	RF		-	-	-	-	-
	FF		-	-	-	-	-
Judicial Department, Office of the State Public Defender, Vehicle Lease Payments	Total GF GFE CF RF FF		111,197 111,197 - - - -	- - - - - -	111,197 111,197 - - - -	(10,694) (10,694) - - - -	100,503 100,503 - - - -
<p> Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision: </p> <p> Cash or Federal Fund Name and COFRS Fund Number: </p> <p> Reappropriated Funds Source, by Department and Line Item Name: </p> <p> Approval by OIT? Yes: No: Not Required: X </p> <p> Schedule 13s from Affected Departments: </p> <p> Other Information: </p>							

SUMMARY SCHEDULES AND TABLES

SUMMARY SCHEDULES AND TABLES

Summary by Long Bill Group, Schedule 2 tab 6

Line Item by Year, Schedule 3 tab 7

Line Item to Statute, Schedule 5 tab 8

Special Bills Summary, Schedule 6 tab 9

Supplemental Bills, Schedule 7 tab 10

POTS Tables tab 11

Position and Object Code Detail, Schedule 14 tab 12

TAB 6

Office of the State Public Defender FY 2023-24						Schedule 2
	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Capitol Construction Fund
FY 2020-21 Actuals	\$107,274,907	878.0	\$107,249,907	\$25,000	\$0	\$0
FY 2021-22 Actuals	\$117,102,569	907.0	\$117,055,619	\$46,950	\$0	\$0
FY 2022-23 Appropriation	\$130,103,751	1,050.3	\$129,698,751	\$405,000	\$0	\$0
FY 2023-24 Request	\$152,111,474	1,098.1	\$151,706,474	\$405,000	\$0	\$0

TAB 7

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$79,842,884	924.0	\$79,842,884	\$0	\$0	\$0
FY 2020-21 Appropriation	\$79,842,884	924.0	\$79,842,884	\$0	\$0	\$0
FY 2020-21 Allocated POTS	\$12,399,277	0.0	\$12,399,277	\$0	\$0	\$0
Year End Transfers	\$1,394,076	0.0	\$1,394,076	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$93,636,237	924.0	\$93,636,237	\$0	\$0	\$0
FY 2020-21 Expenditures	\$93,636,237	877.7	\$93,636,237	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	46.3	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$82,372,702	963.5	\$82,372,702	\$0	\$0	\$0
Special Bill, S.B. 21-146	\$142,470	1.8	\$142,470	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$27,836	0.0	\$27,836	\$0	\$0	\$0
FY 2021-22 Appropriation	\$82,543,008	965.3	\$82,543,008	\$0	\$0	\$0
FY 2021-22 Allocated POTS	\$19,575,322	0.0	\$19,575,322	\$0	\$0	\$0
Year End Transfers	(\$1,000,000)	0.0	(\$1,000,000)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$101,118,330	965.3	\$101,118,330	\$0	\$0	\$0
FY 2021-22 Expenditures	\$101,009,694	907.0	\$101,009,694	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$108,636	58.3	\$108,636	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$90,786,187	1049.2	\$90,786,187	\$0	\$0	\$0
FY 2022-23 Salary Survey allocated to Personal Services	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
FY 2022-23 Base Request	\$93,249,297	1049.2	\$93,249,297	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$93,249,297	1049.2	\$93,249,297	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$93,249,297	1049.2	\$93,249,297	\$0	\$0	\$0
Annualization #R-1, Public Defense in the Digital Age	\$269,857	2.2	\$269,857	\$0	\$0	\$0
Annualization #R-2, Paralegal Staff Request	\$1,898,509	40.3	\$1,898,509	\$0	\$0	\$0

Annualization #R-3, Discovery Clerk Staff Request	\$52,552	1.2	\$52,552	\$0	\$0	\$0
FY 2023-24 Base Request	\$95,470,215	1092.9	\$95,470,215	\$0	\$0	\$0
#R-1, Salary Survey	\$1,148,525	0.0	\$1,148,525	\$0	\$0	\$0
#R-3, Central FTE	\$419,327	4.1	\$419,327	\$0	\$0	\$0
FY 2023-24 Total Request	\$97,038,067	1097.0	\$97,038,067	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$93,249,297	1049.2	\$93,249,297	\$0	\$0	\$0
FY 2023-24 Base Request	\$95,470,215	1092.9	\$95,470,215	\$0	\$0	\$0
FY 2023-24 Total Request	\$97,038,067	1097.0	\$97,038,067	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	4.1%	4.6%	4.1%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Health, Life, and Dental						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$5,266,749	0.0	\$5,266,749	\$0	\$0	\$0
FY 2020-21 Appropriation	\$5,266,749	0.0	\$5,266,749	\$0	\$0	\$0
FY 2020-21 Allocated POTS	(\$5,266,749)	0.0	(\$5,266,749)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$10,047,591	0.0	\$10,047,591	\$0	\$0	\$0
FY 2021-22 Appropriation	\$10,047,591	0.0	\$10,047,591	\$0	\$0	\$0
FY 2021-22 Allocated POTS	(\$10,047,591)	0.0	(\$10,047,591)	\$0	\$0	\$0
Year End Transfers	\$286,266	0.0	\$286,266	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$286,266	0.0	\$286,266	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$286,266	0.0	\$286,266	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$11,157,201	0.0	\$11,157,201	\$0	\$0	\$0
FY 2022-23 HLD allocated to Personal Services	(\$11,157,201)	0.0	(\$11,157,201)	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, HLD	\$12,356,477	0.0	\$12,356,477	\$0	\$0	\$0
FY 2023-24 Base Request	\$12,356,477	0.0	\$12,356,477	\$0	\$0	\$0
#R-3, Central FTE	\$41,250	0.0	\$41,250	\$0	\$0	\$0
FY 2023-24 Total Request	\$12,397,727	0.0	\$12,397,727	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$11,157,201	0.0	\$11,157,201	\$0	\$0	\$0
FY 2023-24 Base Request	\$12,345,647	0.0	\$12,345,647	\$0	\$0	\$0
FY 2023-24 Total Request	\$12,397,727	0.0	\$12,397,727	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	11.1%	0.0%	11.1%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Short Term Disability						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$119,436	0.0	\$119,436	\$0	\$0	\$0
FY 2020-21 Appropriation	\$119,436	0.0	\$119,436	\$0	\$0	\$0
FY 2020-21 Allocated POTS	(\$119,436)	0.0	(\$119,436)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$117,636	0.0	\$117,636	\$0	\$0	\$0
FY 2021-22 Appropriation	\$117,636	0.0	\$117,636	\$0	\$0	\$0
FY 2021-22 Allocated POTS	(\$117,636)	0.0	(\$117,636)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$131,956	0.0	\$131,956	\$0	\$0	\$0
FY 2022-23 STD allocated to Personal Services	(\$131,956)	0.0	(\$131,956)	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, STD	\$134,817	0.0	\$134,817	\$0	\$0	\$0
FY 2023-24 Base Request	\$134,817	0.0	\$134,817	\$0	\$0	\$0
#R-1, Salary Survey	\$14,190	0.0	\$14,190	\$0	\$0	\$0
#R-3, Central FTE	\$594	0.0	\$594	\$0	\$0	\$0
FY 2023-24 Total Request	\$149,601	0.0	\$149,601	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$131,956	0.0	\$131,956	\$0	\$0	\$0
FY 2023-24 Base Request	\$131,243	0.0	\$131,243	\$0	\$0	\$0
FY 2023-24 Total Request	\$149,601	0.0	\$149,601	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	13.4%	0.0%	13.4%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 04-257, AED						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
FY 2020-21 Appropriation	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
FY 2020-21 Allocated POTS	(\$3,506,546)	0.0	(\$3,506,546)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
FY 2021-22 Appropriation	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
FY 2021-22 Allocated POTS	(\$3,671,416)	0.0	(\$3,671,416)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
FY 2022-23 AED allocated to Personal Services	(\$3,889,657)	0.0	(\$3,889,657)	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, AED	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
#R-1, Salary Survey	\$443,446	0.0	\$443,446	\$0	\$0	\$0
#R-3, Central FTE	\$18,563	0.0	\$18,563	\$0	\$0	\$0
FY 2023-24 Total Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,101,350	0.0	\$4,101,350	\$0	\$0	\$0
FY 2023-24 Total Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	20.2%	0.0%	20.2%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 06-235, SAED						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
FY 2020-21 Appropriation	\$3,506,546	0.0	\$3,506,546	\$0	\$0	\$0
FY 2020-21 Allocated POTS	(\$3,506,546)	0.0	(\$3,506,546)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
FY 2021-22 Appropriation	\$3,671,416	0.0	\$3,671,416	\$0	\$0	\$0
FY 2021-22 Allocated POTS	(\$3,671,416)	0.0	(\$3,671,416)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
FY 2022-23 SAED allocated to Personal Services	(\$3,889,657)	0.0	(\$3,889,657)	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, SAED	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,213,018	0.0	\$4,213,018	\$0	\$0	\$0
#R-1, Salary Survey	\$443,446	0.0	\$443,446	\$0	\$0	\$0
#R-3, Central FTE	\$18,563	0.0	\$18,563	\$0	\$0	\$0
FY 2023-24 Total Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$3,889,657	0.0	\$3,889,657	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,101,350	0.0	\$4,101,350	\$0	\$0	\$0
FY 2023-24 Total Request	\$4,675,027	0.0	\$4,675,027	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	20.2%	0.0%	20.2%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Initiative #283, Family and Medical Leave Insurance Program						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, FAMLI	\$379,172	0.0	\$379,172	\$0	\$0	\$0
FY 2023-24 Base Request	\$379,172	0.0	\$379,172	\$0	\$0	\$0
#R-1, Salary Survey	\$39,910	0.0	\$39,910	\$0	\$0	\$0
#R-3, Central FTE	\$1,671	0.0	\$1,671	\$0	\$0	\$0
FY 2023-24 Total Request	\$420,753	0.0	\$420,753	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$379,172	0.0	\$379,172	\$0	\$0	\$0
FY 2023-24 Total Request	\$420,753	0.0	\$420,753	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%

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Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Salary Survey						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Allocated POTS	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0
FY 2021-22 Appropriation	\$2,353,529	0.0	\$2,353,529	\$0	\$0	\$0
FY 2021-22 Allocated POTS	(\$2,353,529)	0.0	(\$2,353,529)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
FY 2022-23 Salary Survey allocated to Personal Services	(\$2,463,110)	0.0	(\$2,463,110)	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Total Compensation Common Policy, Salary Survey	\$4,532,004	0.0	\$4,532,004	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,532,004	0.0	\$4,532,004	\$0	\$0	\$0
#R-1, Salary Survey	\$8,868,918	0.0	\$8,868,918	\$0	\$0	\$0
FY 2023-24 Total Request	\$13,400,922	0.0	\$13,400,922	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$2,463,110	0.0	\$2,463,110	\$0	\$0	\$0
FY 2023-24 Base Request	\$4,532,004	0.0	\$4,532,004	\$0	\$0	\$0
FY 2023-24 Total Request	\$13,400,922	0.0	\$13,400,922	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	444.1%	0.0%	444.1%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Operating Expenses						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$1,887,993	0.0	\$1,857,993	\$30,000	\$0	\$0
FY 2020-21 Appropriation	\$1,887,993	0.0	\$1,857,993	\$30,000	\$0	\$0
Year End Transfers	(\$716,734)	0.0	(\$716,734)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$1,171,259	0.0	\$1,141,259	\$30,000	\$0	\$0
FY 2020-21 Expenditures	\$779,975	0.0	\$779,975	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$391,284	0.0	\$361,284	\$30,000	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$1,926,088	0.0	\$1,896,088	\$30,000	\$0	\$0
Special Bill, S.B. 21-146	\$15,290	0.0	\$15,290	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$1,300	0.0	\$1,300	\$0	\$0	\$0
FY 2021-22 Appropriation	\$1,942,678	0.0	\$1,912,678	\$30,000	\$0	\$0
Year End Transfers	(\$353,500)	0.0	(\$353,500)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$1,589,178	0.0	\$1,559,178	\$30,000	\$0	\$0
FY 2021-22 Expenditures	\$1,211,900	0.0	\$1,207,200	\$4,700	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$377,278	0.0	\$351,978	\$25,300	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$2,511,878	0.0	\$2,481,878	\$30,000	\$0	\$0
Special Bill, S.B. 22-188	\$250,000	0.0	\$0	\$250,000	\$0	\$0
FY 2022-23 Base Request	\$2,761,878	0.0	\$2,481,878	\$280,000	\$0	\$0
FY 2022-23 Total Appropriation	\$2,761,878	0.0	\$2,481,878	\$280,000	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$2,761,878	0.0	\$2,481,878	\$280,000	\$0	\$0
Annualization #R-1, Public Defense in the Digital Age	\$1,900	0.0	\$1,900	\$0	\$0	\$0
Annualization #R-2, Paralegal Staff Request	\$36,100	0.0	\$36,100	\$0	\$0	\$0
FY 2023-24 Base Request	\$2,799,878	0.0	\$2,519,878	\$280,000	\$0	\$0
#R-3, Central FTE	\$4,750	0.0	\$4,750	\$0	\$0	\$0
FY 2023-24 Total Request	\$2,804,628	0.0	\$2,524,628	\$280,000	\$0	\$0
FY 2022-23 Total Appropriation	\$2,761,878	0.0	\$2,481,878	\$280,000	\$0	\$0
FY 2023-24 Base Request	\$2,799,878	0.0	\$2,519,878	\$280,000	\$0	\$0
FY 2023-24 Total Request	\$2,804,628	0.0	\$2,524,628	\$280,000	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	1.5%	0.0%	1.7%	0.0%	0.0%	0.0%

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Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Vehicle Lease Payments						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$96,009	0.0	\$96,009	\$0	\$0	\$0
FY 2020-21 Appropriation	\$96,009	0.0	\$96,009	\$0	\$0	\$0
Year End Transfers	\$3,051	0.0	\$3,051	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$99,060	0.0	\$99,060	\$0	\$0	\$0
FY 2020-21 Expenditures	\$99,060	0.0	\$99,060	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$139,454	0.0	\$139,454	\$0	\$0	\$0
FY 2021-22 Appropriation	\$139,454	0.0	\$139,454	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$139,454	0.0	\$139,454	\$0	\$0	\$0
FY 2021-22 Expenditures	\$110,252	0.0	\$110,252	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$29,202	0.0	\$29,202	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$111,197	0.0	\$111,197	\$0	\$0	\$0
FY 2022-23 Base Request	\$111,197	0.0	\$111,197	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$111,197	0.0	\$111,197	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$111,197	0.0	\$111,197	\$0	\$0	\$0
#NP-1, Common Policy- Annual Vehicle Lease Request	(\$10,694)	0.0	(\$10,694)	\$0	\$0	\$0
FY 2023-24 Base Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
FY 2023-24 Total Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$111,197	0.0	\$111,197	\$0	\$0	\$0
FY 2023-24 Base Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
FY 2023-24 Total Request	\$100,503	0.0	\$100,503	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	-10.6%	0.0%	-10.6%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Capital Outlay						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$198,400	0.0	\$198,400	\$0	\$0	\$0
FY 2020-21 Appropriation	\$198,400	0.0	\$198,400	\$0	\$0	\$0
Year End Transfers	(\$79,962)	0.0	(\$79,962)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$118,438	0.0	\$118,438	\$0	\$0	\$0
FY 2020-21 Expenditures	\$118,438	0.0	\$118,438	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$248,000	0.0	\$248,000	\$0	\$0	\$0
Special Bill, H.B. 21-1280	\$38,000	0.0	\$38,000	\$0	\$0	\$0
FY 2021-22 Appropriation	\$286,000	0.0	\$286,000	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$286,000	0.0	\$286,000	\$0	\$0	\$0
FY 2021-22 Expenditures	\$286,000	0.0	\$286,000	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$533,200	0.0	\$533,200	\$0	\$0	\$0
FY 2022-23 Base Request	\$533,200	0.0	\$533,200	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$533,200	0.0	\$533,200	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$533,200	0.0	\$533,200	\$0	\$0	\$0
Annualization from Prior Year	(\$533,200)	0.0	(\$533,200)	\$0	\$0	\$0
Annualization #R-1, Public Defense in the Digital Age	\$13,340	0.0	\$13,340	\$0	\$0	\$0
Annualization #R-2, Paralegal Staff Request	\$253,460	0.0	\$253,460	\$0	\$0	\$0
FY 2023-24 Base Request	\$266,800	0.0	\$266,800	\$0	\$0	\$0
#R-3, Central FTE	\$33,350	0.0	\$33,350	\$0	\$0	\$0
FY 2023-24 Total Request	\$300,150	0.0	\$300,150	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$533,200	0.0	\$533,200	\$0	\$0	\$0
FY 2023-24 Base Request	\$266,800	0.0	\$266,800	\$0	\$0	\$0
FY 2023-24 Total Request	\$300,150	0.0	\$300,150	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	-43.7%	0.0%	-43.7%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Leased Space / Utilities						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$7,581,733	0.0	\$7,581,733	\$0	\$0	\$0
FY 2020-21 Appropriation	\$7,581,733	0.0	\$7,581,733	\$0	\$0	\$0
Year End Transfers	(\$400,000)	0.0	(\$400,000)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$7,181,733	0.0	\$7,181,733	\$0	\$0	\$0
FY 2020-21 Expenditures	\$7,053,437	0.0	\$7,053,437	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$128,296	0.0	\$128,296	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$7,827,383	0.0	\$7,827,383	\$0	\$0	\$0
FY 2021-22 Appropriation	\$7,827,383	0.0	\$7,827,383	\$0	\$0	\$0
Year End Transfers	\$148,500	0.0	\$148,500	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$7,975,883	0.0	\$7,975,883	\$0	\$0	\$0
FY 2021-22 Expenditures	\$7,963,700	0.0	\$7,963,700	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$12,183	0.0	\$12,183	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
FY 2022-23 Base Request	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
Lease Escalator	\$203,896		\$203,896	\$0	\$0	\$0
FY 2023-24 Base Request	\$8,246,868	0.0	\$8,246,868	\$0	\$0	\$0
#R-2, Leased Space	\$705,612	0.0	\$705,612	\$0	\$0	\$0
FY 2023-24 Total Request	\$8,952,480	0.0	\$8,952,480	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$8,042,972	0.0	\$8,042,972	\$0	\$0	\$0
FY 2023-24 Base Request	\$8,246,868	0.0	\$8,246,868	\$0	\$0	\$0
FY 2023-24 Total Request	\$8,952,480	0.0	\$8,952,480	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	11.3%	0.0%	11.3%	0.0%	0.0%	0.0%

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Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Automation Plan						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$2,124,248	0.0	\$2,124,248	\$0	\$0	\$0
FY 2020-21 Appropriation	\$2,124,248	0.0	\$2,124,248	\$0	\$0	\$0
Year End Transfers	\$967,491	0.0	\$967,491	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$3,091,739	0.0	\$3,091,739	\$0	\$0	\$0
FY 2020-21 Expenditures	\$3,091,739	0.0	\$3,091,739	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$2,160,164	0.0	\$2,160,164	\$0	\$0	\$0
FY 2021-22 Appropriation	\$2,160,164	0.0	\$2,160,164	\$0	\$0	\$0
Year End Transfers	\$1,600,000	0.0	\$1,600,000	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$3,760,164	0.0	\$3,760,164	\$0	\$0	\$0
FY 2021-22 Expenditures	\$3,407,023	0.0	\$3,407,023	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$353,141	0.0	\$353,141	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
FY 2022-23 Base Request	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
Annualization #R-1, Public Defense in the Digital Age	\$492,855	0.0	\$492,855	\$0	\$0	\$0
Annualization #R-2, Paralegal Staff Request	\$15,200	0.0	\$15,200	\$0	\$0	\$0
FY 2023-24 Base Request	\$2,700,619	0.0	\$2,700,619	\$0	\$0	\$0
#R-3, Central FTE	\$1,800	0.0	\$1,800	\$0	\$0	\$0
FY 2023-24 Total Request	\$2,702,419	0.0	\$2,702,419	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$2,192,564	0.0	\$2,192,564	\$0	\$0	\$0
FY 2023-24 Base Request	\$2,700,619	0.0	\$2,700,619	\$0	\$0	\$0
FY 2023-24 Total Request	\$2,702,419	0.0	\$2,702,419	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	23.3%	0.0%	23.3%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Attorney Registration						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$153,404	0.0	\$153,404	\$0	\$0	\$0
FY 2020-21 Appropriation	\$153,404	0.0	\$153,404	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$153,404	0.0	\$153,404	\$0	\$0	\$0
FY 2020-21 Expenditures	\$153,404	0.0	\$153,404	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2021-22 Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
Year End Transfers	\$3,500	0.0	\$3,500	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$160,134	0.0	\$160,134	\$0	\$0	\$0
FY 2021-22 Expenditures	\$159,077	0.0	\$159,077	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$1,057	0.0	\$1,057	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2022-23 Base Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2023-24 Base Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2023-24 Total Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2023-24 Base Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
FY 2023-24 Total Request	\$156,634	0.0	\$156,634	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Contract Services						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2020-21 Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
Year End Transfers	\$32,078	0.0	\$32,078	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$81,473	0.0	\$81,473	\$0	\$0	\$0
FY 2020-21 Expenditures	\$81,473	0.0	\$81,473	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2021-22 Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2021-22 Expenditures	\$23,296	0.0	\$23,296	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$26,099	0.0	\$26,099	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2022-23 Base Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2023-24 Base Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2023-24 Total Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2023-24 Base Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
FY 2023-24 Total Request	\$49,395	0.0	\$49,395	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Mandated Costs						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2020-21 Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
Year End Transfers	(\$1,200,000)	0.0	(\$1,200,000)	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$2,613,143	0.0	\$2,613,143	\$0	\$0	\$0
FY 2020-21 Expenditures	\$2,236,144	0.0	\$2,236,144	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$376,999	0.0	\$376,999	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
Year End Transfers	(\$398,500)	0.0	(\$398,500)	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$3,414,643	0.0	\$3,414,643	\$0	\$0	\$0
FY 2021-22 Expenditures	\$2,889,377	0.0	\$2,889,377	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$525,266	0.0	\$525,266	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2022-23 Base Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2023-24 Base Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2023-24 Total Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2023-24 Base Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
FY 2023-24 Total Request	\$3,813,143	0.0	\$3,813,143	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Training- New Line						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Spending Authority	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Expenditures	\$0	0.0	\$0	\$0	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
#R-4, Attorney Annual Training	\$350,000	0.0	\$350,000	\$0	\$0	\$0
FY 2023-24 Total Request	\$350,000	0.0	\$350,000	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$0	0.0	\$0	\$0	\$0	\$0
FY 2023-24 Total Request	\$350,000	0.0	\$350,000	\$0	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%

Office of the State Public Defender FY 2023-24

Schedule 3

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Grants						
FY 2020-21 Actual						
FY 2020-21 Long Bill, H.B. 20-1360	\$110,000	1.1	\$0	\$110,000	\$0	\$0
FY 2020-21 Appropriation	\$110,000	1.1	\$0	\$110,000	\$0	\$0
FY 2020-21 Spending Authority	\$110,000	1.1	\$0	\$110,000	\$0	\$0
FY 2020-21 Expenditures	\$25,000	0.3	\$0	\$25,000	\$0	\$0
FY 2020-21 Reversion \ (Overexpenditure)	\$85,000	0.8	\$0	\$85,000	\$0	\$0
FY 2021-22 Actual						
FY 2021-22 Long Bill, S.B. 21-205	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2021-22 Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2021-22 Spending Authority	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2021-22 Expenditures	\$42,250	0.4	\$0	\$42,250	\$0	\$0
FY 2021-22 Reversion \ (Overexpenditure)	\$82,750	0.7	\$0	\$82,750	\$0	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2022-23 Base Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2022-23 Total Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2023-24 Request						
Final FY 2022-23 Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2023-24 Base Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2023-24 Total Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2022-23 Total Appropriation	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2023-24 Base Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
FY 2023-24 Total Request	\$125,000	1.1	\$0	\$125,000	\$0	\$0
Percentage Change FY 2022-23 to FY 2023-24	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

TAB 8

Office of the State Public Defender FY 2023-24

Schedule 5

This section of the Long Bill provides the essential and necessary funding to support the operating needs of the Office of the State Public Defender, sufficient to meet minimal U.S. and Colorado Constitutional and Colorado Statutory needs of indigent clients facing criminal charges in the States' judicial system. In general, funding is determined in the first instance by defense attorney caseload standards, which allows attorneys to provide their clients with a vigorous defense in criminal trials and related procedural hearings. In the next instance, funding supports necessary investigative, administrative and agency level support staffing. Finally, the funding supports the mandated costs of facilitating the legal process; ancillary business costs such as leased space, utilities and general operating expenses; costs of employee benefits; and, finally, any other costs funded by the Legislature to support the needs of the State Public Defender and the interests of the State at large.

	Line Item Description	Programs Supported by the Line Item	Statutory Cite
Personal Services	Funds all agency public defender, investigative, administrative and support staff in 21 regional offices in the State's judicial districts, an appellate office and central state administrative office	All Public Defender Programs	21-1-10 (3) C.R.S.
Health, Life, and Dental	Funding for State portion of H/L/D	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 50 C.R.S.
Short-term Disability	State-funded Short-term Disability Benefits	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 50 C.R.S.
S.B. 04-257 AED	Funding PERA Trust Fund unfunded liability	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 51 C.R.S.
S.B. 06-235 Suppl. AED	Funding PERA Trust Fund unfunded liability	All eligible PD staff	21-1-102(3) C.R.S.; and, Title 24 Article 51 C.R.S.
Salary Survey	Funding for salary increases based on State Personnel compensation plan and for employees receiving statutory compensation	All eligible PD staff	21-1-102(3) C.R.S.; and, 24-50-104 C.R.S. et al
Merit Increases	Funding for merit increases, as funded by the General Assembly, for merit-based annual compensation	All eligible PD staff	21-1-102(3) C.R.S.; 24-50-104 C.R.S. et al; and, 24-38-103 (1.5) C.R.S.
Operating Expenses	General Operating Costs of the Public Defender system	All Public Defender Programs	21-1-101 C.R.S. et al
Vehicle Lease Payments	Funding is appropriated to the State Public Defender to lease vehicles acquired by the state fleet management program in the Department of Personnel and Administration	Eligible Public Defender Programs	Title 24 Article 30 C.R.S.
Capital Outlay	Funding appropriated for the initial purchase of equipment and furnishings as established by Joint Budget Committee Common Policies	Eligible Public Defender Programs	21-1-101 C.R.S. et al
Leased Space and Utilities	Funding appropriated to the State Public Defender to cover the leasing, utilities and build-out/coverion/other costs of Public Defender offices following both Joint Budget Committee and Executive Branch Common Policy protocols	All Public Defender Programs	21-1-101 C.R.S. et al
Automation Plan	Funding appropriated to the State Public Defender to cover the costs associated with technology related operating needs	All Public Defender Programs	21-1-101 C.R.S. et al
Attorney Registration Fees	Reimburses Attorneys for their required annual Attorney Registration Fees	Attorney Staff	21-1-101 C.R.S. et al
Contract Services	Funding appropriated to the State Public Defender to hire attorneys to represent public defender employees in grievance/contempt proceedings; subpoenas in capital and other exceptional cases; and other proceedings as authorized by the State Public Defender	Public Defender Staff	21-1-101 C.R.S. et al
Mandated Costs	Funding appropriated to the State Public Defender to provide for operating costs needed to facilitate the legal process including travel costs, transcripts, interpreters, expert witnesses and other such costs as prescribed by legal practice, standards, U.S. Constitution, etc.	All Public Defender Programs	21-1-101 C.R.S. et al
Grants	Grants applied for and awarded the Public Defender's Office, shown in the Long Bill as approved by the legislature	Eligible Public Defender Programs	N/A
Paid Family & Medical Leave Insurance Program	The measure creates a statewide paid family and medical leave insurance program. The purpose of the Family and Medical Leave Insurance (FAMLI) program is to provide partial wage-replacement benefits for up to 12 weeks per year to eligible employees, and employment protections for employees that take that leave. Premium payments for the program are split between employers and employees.	All eligible PD staff	2019-2020 Initiative # 283

TAB 9

Office of the State Public Defender
FY 2023-24 Budget Request
Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2023-24								
SB 22-188	Behavioral Health Support	Operating	0.0	\$250,000	\$0	\$250,000	\$0	\$0
SB 22-188			0.0	\$250,000	\$0	\$250,000	\$0	\$0
FY 2022-23 Department Total			0.0	\$250,000	\$0	\$250,000	\$0	\$0
FY 2022-23								
SB 21-146	Improve Prison Outcomes	Personal Services	2.0	\$155,422	\$155,422	\$0	\$0	\$0
		Operating	0.0	\$2,890	\$2,890	\$0	\$0	\$0
		SB 21-146	2.0	\$158,312	\$158,312	\$0	\$0	\$0
SB 21-1280	48 hour bond hearings	Personal Services	0.0	\$155,069	\$155,069	\$0	\$0	\$0
		Operating	0.0	\$5,200	\$5,200	\$0	\$0	\$0
		SB 21-1280	0.0	\$160,269	\$160,269	\$0	\$0	\$0
FY 2022-23 Department Total			2.0	\$318,581	\$318,581	\$0	\$0	\$0
FY 2021-22								
SB 21-146	Improve Prison Outcomes	Personal Services	1.8	\$142,470	\$142,470	\$0	\$0	\$0
		Operating	0.0	\$2,890	\$2,890	\$0	\$0	\$0
		Capital Outlay	0.0	\$12,400	\$12,400	\$0	\$0	\$0
		SB 21-146	1.8	\$157,760	\$157,760	\$0	\$0	\$0
HB 21-1280	48 Hour Bond Hearings	Personal Services	0.0	\$27,836	\$27,836	\$0	\$0	\$0
		Operating	0.0	\$1,300	\$1,300	\$0	\$0	\$0
		Capital Outlay	0.0	\$38,000	\$38,000	\$0	\$0	\$0
		HB 21-1280	0.0	\$67,136	\$67,136	\$0	\$0	\$0
FY 2021-22 Department Total			1.8	\$224,896	\$224,896	\$0	\$0	\$0
FY 2020-21								
SB 19-043	Judges	Personal Services	19.9	\$1,196,136	\$1,196,136	\$0	\$0	\$0
		HLD	0.0	\$195,955	\$195,955	\$0	\$0	\$0
		STD	0.0	\$2,032	\$2,032	\$0	\$0	\$0
		AED	0.0	\$53,470	\$53,470	\$0	\$0	\$0
		SAED	0.0	\$53,471	\$53,471	\$0	\$0	\$0
		Operating	0.0	\$18,905	\$18,905	\$0	\$0	\$0
		Leased Space	0.0	\$174,841	\$174,841	\$0	\$0	\$0
		Attorney Registration	0.0	\$2,280	\$2,280	\$0	\$0	\$0
		SB 19-043	19.9	\$1,697,090	\$1,697,090	\$0	\$0	\$0
SB 19-223	Competency to Proceed	Operating	0.0	\$0	\$0	\$0	\$0	\$0
		SB 19-223	0.0	\$0	\$0	\$0	\$0	\$0
FY 2020-21 Department Total			19.9	\$1,697,090	\$1,697,090	\$0	\$0	\$0

TAB 10

Office of the State Public Defender
FY 2023-24 Budget Request
Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2023-24								
n/a		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 Department Total		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2022-23								
n/a		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2022-23 Department Total		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2021-22								
n/a		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2021-22 Department Total		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2020-21								
n/a		0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2020-21 Department Total		0.0	\$0	\$0	\$0	\$0	\$0	\$0

TAB 11

Salary Pots Request Template, Fiscal Year 2023-24					
OSPD	TOTAL FUNDS/FTE FY 2022-23	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
I. Continuation Salary Base					
Sum of Filled FTE as of July 27, 2022	1,061.3	100.0000%	0.0000%	0.0000%	0.0000%
Salary X 12	80,247,966	80,247,966	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	9,228,516	\$9,228,516	-	-	-
Medicare @ 1.45%	1,163,596	\$1,163,596	-	-	-
Subtotal Continuation Salary Base =	90,640,078	\$90,640,078	-	-	-
II. Salary Survey Adjustments					
System Maintenance Studies	\$0	\$0	-	-	-
Across the Board - Base Adjustment	\$3,657,361	\$3,657,361	-	-	-
Across the Board - Non-Base Adjustment	\$355,038	\$355,038	-	-	-
Movement to Minimum - Base Adjustment	\$0	\$0	-	-	-
Subtotal - Salary Survey Adjustments	\$4,012,398	\$4,012,398	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at FY 202-24 PERA Rates	\$461,426	\$461,426	-	-	-
Medicare @ 1.45%	\$58,180	\$58,180	-	-	-
Request Subtotal =	\$4,532,004	\$4,532,004	-	-	-
VI. Revised Salary Basis for Remaining Request Subtotals					
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$84,260,365	\$84,260,365	-	-	-
VII. Amortization Equalization Disbursement (AED)					
Revised Salary Basis * 5%	\$4,213,018	\$4,213,018	-	-	-
VIII. Supplemental AED (SAED)					
Revised Salary Basis * 5%	\$4,213,018	\$4,213,018	-	-	-
IX. Short-term Disability					
Revised Salary Basis * 0.17%	\$134,817	\$134,817	-	-	-
X. Health, Life, and Dental					
Funding Request	\$12,356,477	\$12,356,477	-	-	-
XI. Paid Family and Medical Leave Insurance Program Premiums					
Funding Request	\$379,172	\$379,172	-	-	-

Salary Pots Request Summary, Fiscal Year 2023 24

	FY 2022-23				
Common Policy Line Item	Appropriation	GF	CF	RF	FF
Salary Survey	\$2,463,110	\$2,463,110	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$0	\$0	\$0	\$0	\$0
AED	\$3,889,657	\$3,889,657	\$0	\$0	\$0
SAED	\$3,889,657	\$3,889,657	\$0	\$0	\$0
Short-term Disability	\$131,956	\$131,956	\$0	\$0	\$0
Health, Life and Dental	\$11,157,201	\$11,157,201	\$0	\$0	\$0
TOTAL	\$21,531,581	\$21,531,581	\$0	\$0	\$0
	FY 2023-24				
Common Policy Line Item	Total Request	GF	CF	RF	FF
Salary Survey	\$4,532,004	\$4,532,004	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$379,172	\$379,172	\$0	\$0	\$0
AED	\$4,213,018	\$4,213,018	\$0	\$0	\$0
SAED	\$4,213,018	\$4,213,018	\$0	\$0	\$0
Short-term Disability	\$134,817	\$134,817	\$0	\$0	\$0
Health, Life and Dental	\$12,356,477	\$12,356,477	\$0	\$0	\$0
TOTAL	\$25,828,505	\$25,828,505	\$0	\$0	\$0
	FY 2023-24				
Common Policy Line Item	Incremental	GF	CF	RF	FF
Salary Survey	\$2,068,894	\$2,068,894	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$379,172	\$379,172	\$0	\$0	\$0
AED	\$323,361	\$323,361	\$0	\$0	\$0
SAED	\$323,361	\$323,361	\$0	\$0	\$0
Short-term Disability	\$2,861	\$2,861	\$0	\$0	\$0
Health, Life and Dental	\$1,199,276	\$1,199,276	\$0	\$0	\$0
TOTAL	\$4,296,924	\$4,296,924	\$0	\$0	\$0

TAB 12

Office of the State Public Defender FY 2023-24

Schedule 14

Personal Services

Position and Object Code Detail

	FY 2020-21 Actual		FY 2021-22 Actual		FY 2022-23 Appropriation		FY 2023-24 Request	
Position Type								
State Public Defender	\$180,697	1.0	\$185,679	1.0				
State Ofc Exec Mgt	\$834,229	4.5	\$802,266	4.2				
State Ofc Sr Mgt	\$1,286,030	8.2	\$1,480,472	9.2				
State Ofc Prof Svcs	\$2,637,026	31.9	\$2,782,085	34.4				
Trial / Appl Managing Atty	\$3,465,933	21.8	\$3,565,371	22.0				
Trial / Appl Sr Atty	\$14,640,515	126.1	\$16,045,046	135.7				
Trial / Appl Staff Atty	\$27,283,254	383.7	\$27,641,935	384.3				
Trial / Appl Inv / Paralegal / Social Workers	\$11,785,751	174.4	\$13,126,363	187.7				
Trial / Appl Prof Svcs	\$5,685,902	126.1	\$6,084,679	128.5				
Total Full and Part-time Employee Expenditures	\$67,799,336	877.7	\$71,713,896	907.0				
PERA Contributions	\$14,095,510		\$15,112,935					
Medicare	\$978,275		\$1,053,390					
State Temporary Employees	\$433,975		\$1,333,639					
Sick and Annual Leave Payouts	\$966,991		\$1,340,167					
Contract Services	\$265,367		\$677,291					
Other Expenditures (specify as necessary)	\$32,724		\$12,938					
Total Temporary, Contract, and Other Expenditures	\$16,772,842	0.0	\$19,530,359	0.0				
Pots Expenditures (excluding Salary Survey and Performance-based Pay already included above)	\$9,064,059	0.0	\$9,765,438	0.0				
Total Expenditures for Line Item	\$93,636,237	877.7	\$101,009,694	907.0				
Total Spending Authority / Request for Line Item	\$93,636,237	924.0	\$101,118,330	965.3	\$93,249,297	1,049.2	\$97,038,067	1,097.0
Amount Under/(Over) Expended	\$0	46.3	\$108,636	58.3				

Office of the State Public Defender FY 2023-24**Schedule 14****Position and Object Code Detail****Operating Expenses**

Object Code	Object Code Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
	Cleaning/Disposal Services	\$21,969	\$ 31,480		
	Equip Maint and Repairs	\$5,000	\$ 2,669		
	Motor Pool	\$18,315	\$ 61,437		
	Equip Rental	\$85,322	\$ 77,570		
	IS Travel	\$87,417	\$ 338,603		
	OS Travel	\$1,021	\$ 11,786		
	Telephone	\$246,613	\$ 263,415		
	Printing	\$12,197	\$ 15,207		
	Training/Recruiting	\$23,199	\$ 41,645		
	Subscriptions & Books	\$38,709	\$ 40,459		
	Office Supplies	\$193,961	\$ 202,981		
	Postage	\$38,750	\$ 34,869		
	Non-Cap Equip	\$7,502	\$ 62,740		
	Misc Expense Adj incl Grants	\$0	\$ 27,040		
Total Expenditures Denoted in Object Codes		\$779,975	\$1,211,900		
Total Spending Authority / Request for Line Item		\$1,171,259	\$1,589,178	\$2,761,878	\$2,804,628
Amount Under/(Over) Expended		\$391,284	\$377,278		

Office of the State Public Defender FY 2023-24
Capital Outlay

Schedule 14

Position and Object Code Detail

Object Code	Object Code Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
	Office Equip and Furn	\$118,438	\$286,000		
Total Expenditures for Line Item		\$118,438	\$286,000		
Total Spending Authority / Request for Line Item		\$118,438	\$286,000	\$533,200	\$300,150
Amount Under/(Over) Expended		\$0	\$0		

Office of the State Public Defender FY 2023-24**Schedule 14****Leased Space / Utilities****Position and Object Code Detail**

Object Code	Object Code Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
	Total Leased Space Costs	\$6,997,424	\$7,883,674		
	Utilities	\$51,133	\$66,215		
	Storage and Moving	\$4,880	\$13,810		
Total Expenditures for Line Item		\$7,053,437	\$7,963,700		
Total Spending Authority for Line Item		\$7,181,733	\$7,975,883	\$8,042,972	\$8,952,480
Amount Under/(Over) Expended		\$128,296	\$12,183		

Office of the State Public Defender FY 2023-24
Automation Plan

Schedule 14

Position and Object Code Detail

Object Code	Object Code Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
	IT Services/Training	\$41,879	\$40,867		
	IT Hardware Maint/Repair	\$48,366	\$99,578		
	IT Software Maint/Repair	\$540,010	\$625,015		
	Communications	\$377,743	\$444,786		
	IT Supplies	\$8,139	\$11,539		
	Purchased Software	\$96,001	\$69,640		
	Legal Databases/Subscription Svcs	\$286,040	\$377,890		
	Non-Capital Equipment	\$1,067,135	\$1,536,339		
	Capital Outlay	\$626,426	\$201,370		
Total Expenditures for Line Item		\$3,091,739	\$3,407,023		
Total Spending Authority for Line Item		\$3,091,739	\$3,760,164	\$2,192,564	\$2,702,419
Amount Under/(Over) Expended		\$0	\$353,141		

Office of the State Public Defender FY 2023-24
Mandated Costs

Schedule 14

Position and Object Code Detail

Object Code	Object Code Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
	Experts	\$634,332	\$875,216		
	Interpreters	\$289,072	\$369,852		
	Transcripts	\$1,079,485	\$1,339,426		
	Travel	\$51,143	\$98,450		
	Discovery	\$147,158	\$173,688		
	Misc	\$34,954	\$32,744		
Total Expenditures for Line Item		\$2,236,144	\$2,889,377		
Total Spending Authority for Line Item		\$2,613,143	\$3,414,643	\$3,813,143	\$3,813,143
Amount Under/(Over) Expended		\$376,999	\$525,266	\$0	\$0



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

*FY 2023-24 Budget Amendment Request
December 16, 2022*

Department Priority: 1
Request Title: Salary Survey, BA#1

Summary of Annualized Funding Change for FY 2024-25	Total Funds	General Fund	FTE
<i>Salary Survey & Related POTS</i>	\$ 17,676,175	\$ 17,676,175	0.0
Total	\$ 17,676,175	\$ 17,676,175	0.0

Request Summary:

The Office of the State Public Defender (OSPD) requests 0.0 FTE and \$17,676,175 General Fund spending authority for FY 2023-24 and on-going to fund OSPD's most recent compensation study to provide more competitive salaries for the agency.

Background:

The OSPD contracted with an independent compensation firm, Logic Compensation Group (LCG), to conduct a 2022 compensation study. This study revealed that, effective July 1, 2022, the OSPD's pay structure is significantly below the market average for 98 percent of its staff within the regional offices. This Budget Amendment incorporates the FY 2023-24 Department of Personnel and Administration's Common Policy salary survey request.

Because the Department of Personnel and Administration's annual Compensation Survey Report does not include an analysis of many of the OSPD salaries, historically the OSPD has contracted with an independent compensation firm, in conjunction with the Department of Law, to assess market compensation practices for attorneys in comparable positions in Colorado public sector attorney organizations. This year, for the first time, the independent study included all job classifications within the agency in the market analysis. In prior years, the OSPD analyzed remaining job classifications internally using available market data. The study compared OSPD salaries versus actual salaries with Colorado public sector organizations at the local, city and county, state, and federal government levels.

In FY 2023-24, the agency will employ 1,097 FTE comprised of approximately 577 attorneys, 173 investigators, 154 administrative assistants, 112 paralegals, 54 centralized management and support positions, and 23 social workers. To staff the positions, it is imperative the OSPD maintain a compensation plan that is competitive with the market.

The statutory function of the Office of the State Public Defender is to "provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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.”

To meet those obligations, the OSPD must have the resources and funding for staffing levels to meet the requirements of providing effective representation. If the OSPD is not sufficiently funded to be able to hire and retain staff, caseloads will exceed both internal standards and national standards for the number of cases an attorney can effectively handle without impairing the quality of representation or breaching professional obligations.

The findings of the 2022 compensation study (Appendix A) demonstrate that, overall, the Public Defender’s average salaries have not kept up with the market average in Colorado and have left the OSPD in a non-competitive position. Consequently, the independent survey recommends increases to address these significant below-market conditions.

The survey results for the primary job classes within the OSPD, which covers approximately 95% of OSPD’s total FTE show:

- Critical deficits exist in the attorney classification, where the average salary is 26.2% **below** the market average salary for 417 out of the agency’s 577 attorneys - nearly 73% of all attorneys. Range minimums are **below** the market for all levels, with deficits ranging from 8% to 17.9%.

OSPD DATA					Market Data Comparison							
OSPD Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSPD vs Market	Market Avg. Range Min.	OSPD vs Market	Market Avg. Range Midpt.	OSPD vs Market	Market Avg. Range Max	OSPD vs Market
Deputy Public Defender	\$69,242	\$66,192	\$81,756	\$97,308	\$87,369	-26.2%	\$78,044	-17.9%	\$94,000	-15.0%	\$109,957	-13.0%
Senior Deputy Public Defender	\$81,796	\$80,112	\$98,940	\$117,768	\$103,226	-26.2%	\$89,473	-11.7%	\$112,485	-13.7%	\$135,496	-15.1%
Lead Deputy Public Defender	\$113,409	\$96,432	\$120,540	\$144,648	\$129,069	-13.8%	\$105,432	-9.3%	\$134,060	-11.2%	\$162,678	-12.5%
Supervising Deputy Public Defender	\$127,461	\$114,600	\$143,256	\$171,900	\$153,517	-20.4%	\$123,731	-8.0%	\$156,088	-9.0%	\$188,427	-9.6%
Public Defender Office Head	\$162,490	\$128,472	\$160,596	\$192,708	\$172,962	-6.4%	\$142,289	-10.8%	\$173,145	-7.8%	\$204,312	-6.0%

- Critical deficits also exist in the investigator classification, where the average salary for an Investigator and Senior Investigator is 31.5% and 36.4% **below** the market average salary. Range minimums are **below** the market, with deficits ranging from 8.7% to 21%.

OSPD DATA					Market Data Comparison							
OSPD Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSPD vs Market	Market Avg. Range Min.	OSPD vs Market	Market Avg. Range Midpt.	OSPD vs Market	Market Avg. Range Max	OSPD vs Market
Investigator	\$56,225	\$54,120	\$64,944	\$75,768	\$73,954	-31.5%	\$63,439	-17.2%	\$75,139	-15.7%	\$86,839	-14.6%
Senior Investigator	\$66,324	\$60,780	\$75,072	\$89,352	\$90,495	-36.4%	\$73,571	-21.0%	\$90,364	-20.4%	\$107,166	-19.9%
Lead Investigator	\$83,126	\$71,016	\$88,776	\$106,524	\$91,651	-10.3%	\$77,160	-8.7%	\$94,800	-6.8%	\$112,439	-5.6%
Supervising Investigator	\$90,722	\$77,400	\$96,756	\$116,100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Chief Investigator	\$106,495	\$84,768	\$105,960	\$127,152	\$115,279	-8.2%	N/A	N/A	N/A	N/A	N/A	N/A

- Large deficits exist in the Paralegal classification, where the average salary for a Paralegal and Senior Paralegal is 28.0% and 26.4% **below** the market average salary. Range minimums are **below** the market for all levels with deficits ranging from 9.1% to 20.7%.

OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Paralegal	\$49,132	\$48,300	\$57,960	\$67,620	\$62,881	-28.0%	\$52,712	-9.1%	\$64,645	-11.5%	\$76,577	-13.2%
Senior Paralegal	\$59,432	\$53,100	\$65,580	\$78,060	\$75,118	-26.4%	\$62,101	-17.0%	\$75,546	-15.2%	\$88,990	-14.0%
Lead Paralegal	\$74,559	\$60,048	\$75,060	\$90,072	\$81,949	-9.9%	\$67,139	-11.8%	\$82,500	-9.9%	\$97,861	-8.6%
Supervising Paralegal	\$96,372	\$64,248	\$80,316	\$96,372	\$95,109	1.3%	\$77,559	-20.7%	\$95,975	-19.5%	\$114,391	-18.7%
Managing Paralegal	\$103,128	\$68,748	\$85,944	\$103,128	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- Critical deficits exist in the Administrative Support Staff classification, where the average salary for four of the five levels of this job class, which represents 87% of the administrative staff, is 10.5% to 32.8% **below** the market average salary. Range minimums are **below** the market for almost all levels with deficits ranging from 9.1% to 29.5%.

OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Administrative Assistant	\$39,866	\$38,772	\$46,524	\$54,276	\$44,053	-10.5%	\$36,540	5.8%	\$44,802	3.7%	\$53,002	2.3%
Senior Admin Assistant	\$45,406	\$39,444	\$48,720	\$57,984	\$50,459	-11.1%	\$43,014	-9.1%	\$51,681	-6.1%	\$60,349	-4.1%
Lead Admin Assistant	\$59,619	\$45,036	\$56,304	\$67,560	\$57,890	2.9%	\$49,182	-9.2%	\$59,447	-5.6%	\$69,712	-3.2%
Supervising Admin Assist	\$58,982	\$49,548	\$61,944	\$74,328	\$70,076	-18.8%	\$57,881	-16.8%	\$70,041	-13.1%	\$82,200	-10.6%
Office Manager	\$66,939	\$54,504	\$68,136	\$81,756	\$88,903	-32.8%	\$70,605	-29.5%	\$83,249	-22.2%	\$98,269	-20.2%

- Large deficits exist in the Social Worker classification, where the average salary for a Licensed Social Worker is 19.1% **below** the market average salary.

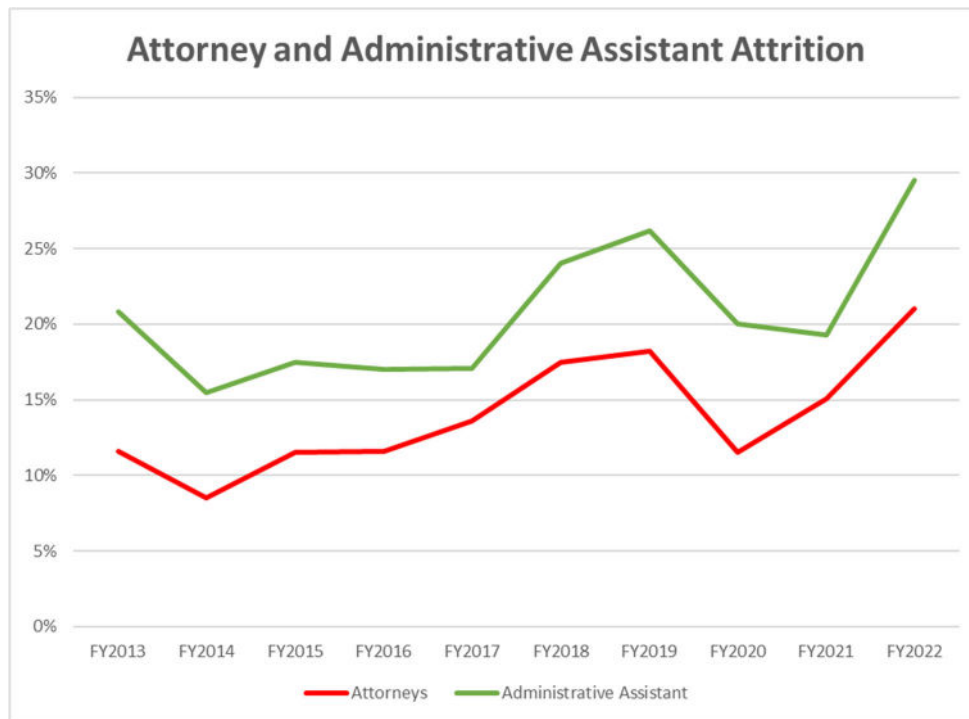
OSP DATA					Market Data Comparison							
OSP Title	Avg. Salary	Range Min	Range MidPt	Range Max	Market Avg. Salary	OSP vs Market	Market Avg. Range Min.	OSP vs Market	Market Avg. Range Midpt.	OSP vs Market	Market Avg. Range Max	OSP vs Market
Licensed Social Worker	\$54,689	\$52,704	\$63,252	\$73,788	\$65,123	-19.1%	\$53,456	-1.4%	\$66,528	-5.2%	\$79,599	-7.9%
Senior Social Worker	\$71,520	\$55,836	\$68,964	\$82,080	\$75,935	-6.2%	\$61,063	-9.4%	\$76,261	-10.6%	\$90,718	-10.5%
Supervising Social Worker	\$85,104	\$71,412	\$89,268	\$107,124	\$91,932	-8.0%	\$75,431	-5.6%	\$90,512	-1.4%	\$105,593	1.4%

* OSPD utilizes forensic Social Workers and fewer than 5 organizations responded so these results reflect the total market for all types of Social Worker classifications. Forensic social work is the application of social work to questions and issues relating to law and legal systems.

Over the past few years, the OSPD has been hit particularly hard by increasing attrition rates. Factors outside the agency's control such as high caseloads, the COVID-19 pandemic, and higher inflation have exacerbated already high attrition rates. Attrition is always a concern as it drains agency expertise and strains offices and resources, which damages the OSPD's ability to meet its mission of providing effective representation to clients. The loss of experienced employees means the loss of an incredible investment of state resources and requires the OSPD to spend more time and resources on recruitment and training.

The OSPD attrition rate over the last five years has been driven by attorneys and administrative assistants, but in the last two years all job categories have seen increased attrition. In FY 2021-22, the OSPD's regional offices, employing 95 percent of the agency's total FTE, experienced a 22.5 percent attrition rate. Specifically, the OSPD has seen a dramatic increase in attrition for administrative assistants, with rates in FY 2020-21 at 19.3 percent that increased to 29.5 percent in FY 2021-22. Attorney attrition has also dramatically increased in the past two years, with attrition in FY 2020-21 at 14.8 percent, rising to 20.8

percent in FY 2021-22. In FY21, the OSPD lost 84 attorneys with an average of 4.5 years of service. In FY22, we lost 119 attorneys with an average of 4.6 years of service.



One especially important component of the attrition rate is not only the overall rate but also the experience level of those leaving. For example, in the attorney group, experienced attorneys typically carry the most complex and serious cases, mentor and train beginning attorneys, and take on additional workload as they develop to an independent level of practice. When the Public Defender loses too many experienced staff, and if able to fill vacancies in this highly competitive market, new attorneys are unable to handle caseloads where clients face higher-level charges (felony cases). This problem is compounded by the significant increases the OSPD is experiencing in the number of felony cases where the need for these experienced attorneys is vital.

A consistent theme from employees who have left the agency has been the opportunities elsewhere for higher pay with the equivalent amount of experience. Below-market pay has prevented employees from moving ahead financially, especially those struggling with common issues like the effects of inflation, higher cost of living, sizable student loan debt, and supporting young families.

A high attrition rate of seasoned staff contributes to unmanageable caseloads, which inevitably exacerbates stress levels, damages morale throughout the agency, and creates the risk that the OSPD will be unable to fulfill its obligations to clients. Increased attrition thus has an exponential effect on the OSPD's duty to provide effective representation consistent with the mandates required by constitution, statutes, and rules.

If the significant market lag of the OSPD pay structure is not addressed, the attrition rate will continue to increase. In order to address the 2022 market data findings, the data has been aged to reflect the July 1, 2023 implementation date.

Anticipated Outcomes:

This request will provide funding to raise salaries to place the OSPD employees in a competitive market salary range.

Funding this request will close a significant gap in salaries between the OSPD and the public sector in Colorado and put the OSPD in a more competitive position with its counterparts throughout the state. While this request will not raise pay to match that of the private market, it will help keep the OSPD as a viable option for employment in the legal profession in Colorado. Historically, OSPD salary adjustments based on independent compensation studies have had a significant positive impact in reducing attrition. If approved, it is expected that attrition among developing and experienced staff will slow and, over the course of several years, the OSPD will regain and maintain the overall experience necessary to effectively represent clients in accordance with its obligations under constitutions, statutes, and rules.

Assumptions for Calculations:

- Effective July 1, 2023;
- The request includes Legislative Council standards for STD, AED, SAED, FAMLI, PERA and Medicare.
- To account for the proposed common policy adjustments, allow for maintenance of our newly implemented compensation structure, and to remain market competitive, this request contains a 5% forward projection of our market data for fiscal year 2024.
- This Budget Amendment includes the Governor's 5% Salary Survey Common Policy requested as of November 1, 2022.
- The OSPD will look at building in an automatic salary range adjustment mechanism that moves salary ranges consistent with the statewide salary range adjustment that is approved by the General Assembly.

FY2023-24

Salary	14,305,742
PERA	1,645,160
Medicare	207,433
AED	715,287
SAED	715,287
FAMLI	64,376
STD	22,889
Total	17,676,175

Consequences if Not Funded:

First, because increased turnover is leading to a lack of experience at critical positions, failure to fund the request means the OSPD's ability to provide representation to clients as directed by the federal and state constitutions and Colorado statutes, in accordance with the Colorado Rules of Professional Conduct and the American Bar Associations Standards, will be significantly damaged.

Second, service to the public will inevitably be harmed as there is a decreasing number of experienced staff available to assist and resolve issues.

Third, failure to fund this request will exponentially and negatively affect employee morale and lead to potentially even more attrition throughout the agency.

Impact to Other State Government Agencies:

Not funding this request may cause delays in court proceedings due to the inability to cover the required number of cases in the required number of courtrooms as attrition continues. Any delays could affect scheduling and workloads in the Colorado Judicial Department and District Attorney Offices.

Not funding this request may cause delays in central administrative office regular interactions with other state entities as lack of sufficient central staff could negatively impact the OSPD's ability to respond in a timely manner to other state agencies.

Current Statutory Authority or Needed Statutory Change:

Funding for the Office of the State Public Defender is authorized under C.R.S. Title 21. Specifically, the OSPD enabling legislation, § 21-1-101(1), C.R.S., states "The general assembly hereby declares that the State Public Defender at all times shall serve his clients independently of any political considerations or private interest, provide legal services to indigent persons accused of crime that are commensurate with those available to nonindigents, 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."

Additional Request Information	Yes	No	Additional Information
Is this request driven by a new statutory mandate?		X	
Will this request require a statutory change?		X	
Is this a one-time request?		X	
Will this request involve any IT components?		X	

Schedule 13

Funding Request for the 2023-24 Budget Cycle

Department: Office of the State Public Defender

Request Title: BA#1, Salary Survey

Priority Number: 1

Dept. Approval by: Megan A. Ring 12/16/2022

OSPB Approval by: N/A

- ☐ **Decision Item FY 2023-24**
- ☐ **Base Reduction Item FY 2023-24**
- ☐ **Supplemental FY 2023-24**
- ☒ **Budget Amendment FY 2023-24**

*This supplemental is requested due to: (1) an emergency or act of God; (2) a technical error in calculating the original appropriation; **(3) data that was not available when the original appropriation was made**; or (4) an unforeseen contingency.*

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Base Request FY 2024-25
Total of All Line Items	Total	10,374,380	-	9,072,186	17,676,175	26,748,361
	FTE	-	-	-	-	-
	GF	10,374,380	-	9,072,186	17,676,175	26,748,361
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Judicial Department, Office of the State Public Defender, Short-term Disability	Total	131,956	-	131,243	22,889	154,132
	GF	131,956	-	131,243	22,889	154,132
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Judicial Department, Office of the State Public Defender, AED	Total	3,889,657	-	4,101,350	715,287	4,816,637
	GF	3,889,657	-	4,101,350	715,287	4,816,637
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Judicial Department, Office of the State Public Defender, SAED	Total	3,889,657	-	4,101,350	715,287	4,816,637
	GF	3,889,657	-	4,101,350	715,287	4,816,637
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

Judicial Department, Office of the State Public Defender, Paid Family and Medical Leave Insurance	Total		-	-	738,243	64,376	802,619
	GF		-	-	738,243	64,376	802,619
	GFE		-	-	-	-	-
	CF		-	-	-	-	-
	RF		-	-	-	-	-
	FF		-	-	-	-	-
Judicial Department, Office of the State Public Defender, Salary Survey	Total		2,463,110	-	-	16,158,336	16,158,336
	GF		2,463,110	-	-	16,158,336	16,158,336
	GFE		-	-	-	-	-
	CF		-	-	-	-	-
	RF		-	-	-	-	-
	FF		-	-	-	-	-