

**FY21 Budget Performance Review**

**047-OIDS**

**Lead Administrator: Craig Sutter**

**Lead Financial Officer: Stephanie Wessler**

**Agency Mission**

The Oklahoma Indigent Defense System implements the Indigent Defense Act by providing trial, appellate, and post-conviction criminal defense services to persons who have been judicially determined to be entitled to legal counsel at State expense. The mission of the System is to provide indigents with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost effective manner possible.

**Division and Program Descriptions**

*Note: Please define any acronyms used in program descriptions.*

**Division or Program Number and Name**

*Appellate Services - 10* This program provides direct appeal representation to agency court-appointed clients, both capital and non-capital, as well as capital post-conviction services. Services are provided through three staffed divisions: the General Appeals Division, the Homicide Direct Appeals Division, and the Capital-Post Conviction Division. Conflict of interest appeals which cannot be handled by staff are contracted with private counsel

*General Operations - 20* The General Operations program, through its executive and finance divisions, provides administrative direction, supervision and support to the agency, all agency staff, as well as the administration of agency contracts.

*Trial Services - 30* The Trial Services program provides services through the Non-Capital Trial Division, the Capital Trial - Tulsa Division and the Capital Trial - Norman Division. The Non-Capital Trial Division in turn provides services through staff attorneys in its satellite offices (identified as the Regional Office Program), and through non-capital contracts (identified as the Non-Capital Contracts program). The Capital Trial divisions provide services through staff attorneys, except in cases of a conflict of interest, in which case services are provided by contract attorneys.

*Regional Offices - 60* The Non-Capital Trial Division is responsible for providing defense representation for the agency's largest group of clients. Staff attorneys provide services in 20 Oklahoma counties, through satellite offices operated in Norman, Mangum, Clinton, Guymon, Okmulgee and Sapulpa. The remainder of the counties are represented by private providers and accounted for in Program 40.

*Non-Capital Contracts - 40* The Non-Capital Trial Division is responsible for providing defense representation for the agency's largest group of clients at the district court level, in 75 of 77 Oklahoma counties. In accordance with the Indigent Defense Act, the agency provides non-capital trial services in 55 counties through fiscal year contracts with private attorneys at a flat rate, in 20 counties through staffed satellite offices, and where a conflict of interest arises precluding staff or contractor representation, through agreements with private attorneys on a case by case basis to accept court appointments at established agency hourly rates, subject to maximum amounts set by the Board.

*Forensic Testing - 70* This program ensures that constitutionally required expert assistance is provided in cases where the necessity for such services arises. The program was created by the Legislature as a separate spending limit activity to account for expenditures for Forensic Testing services provided to indigent clients

*Information Systems - 88* This program provides information services to the agency and staff. The information Systems Program provides the agency information systems equipment and personnel to support all agency functions through the Information Systems Department 8800001.

**FY'20 Budgeted Department Funding By Source**

Dept. #	Department Name	Appropriations	Federal	Revolving	Local <sup>1</sup>	Other <sup>2</sup>	Total
1000110	General Appeals	1,333,971	-	356,951			\$1,690,922
1000120	Homicide Direct Appeals	832,287		439,205			\$1,271,492
1000130	Capital Post Conviction	812,702					\$812,702
1000170	Appellate Operations	187,350					\$187,350
2000200	General Operations	474,512				1,255	\$475,767
2000210	Training	25,000					\$25,000
3000300	Capital Trial Norman	1,001,820				2,500	\$1,004,320
3000301	Capital Trial Tulsa	825,596		216,915		11,400	\$1,053,911
3000302	Conflict Services	125,000				69,571	\$194,571
3000310	Non-Capital Trial Norman	847,467				10,100	\$857,567
3000370	Trial Operations	322,267					\$322,267
4000408	Non-Capital County Contracts	6,056,933					\$6,056,933
4000409	Non-Capital Conflict Contracts	500,000				400,000	\$900,000
4000417	Non-Capital Contracts Previous Years' Retained Funds			852,110			\$852,110
4000429	Non-Capital Contracts Previous Years					446,896	\$446,896
6000611	Non-Capital Trial Clinton	1,069,679				11,267	\$1,080,946
6000612	Non-Capital Trial Mangum	716,422				24,898	\$741,320
6000613	Non-Capital Trial Okmulgee	645,061				6,125	\$651,186
6000614	Non-Capital Trial Sapulpa	746,529					\$746,529
6000615	Non-Capital Trial Guymon	321,074				19,883	\$340,957
6000617	Non-Capital Trial Cleveland County	363,941				2,000	\$365,941
6000618	Non-Capital Trial Cleveland County Conflict	321,999					\$321,999
7000711	Forensic Testing General Appeals			2,500			\$2,500
7000712	Forensic Testing Homicide Direct Appeals					15,000	\$15,000
7000713	Forensic Testing Capital Post Conviction			3,500		7,000	\$10,500
7000731	Forensic Testing Capital Trial Norman	50,000		60,641		50,000	\$160,641
7000732	Forensic Testing Capital Trial Tulsa	50,000		100,000		231,032	\$381,032
7000733	Forensic Testing Capital Trial Conflicts			17,023		22,590	\$39,613
7000741	Forensic Testing Non-Capital Trial	67,398		102,798		174,616	\$344,812
8800001	Information Systems	540,870				342,273	\$883,143
							\$0
<b>Total</b>		<b>\$18,237,878</b>	<b>\$0</b>	<b>\$2,151,643</b>	<b>\$0</b>	<b>\$1,848,405</b>	<b>\$22,237,926</b>

1. Please describe source of Local funding not included in other categories:

2. Please describe source(s) and % of total of "Other" funding if applicable for each department: Carry over funding from previous years' general appropriations.

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**FY'19 Carryover by Funding Source**

	Appropriations	Federal	Revolving	Local <sup>1</sup>	Other <sup>2</sup>	Total
Carryover	\$1,848,405	\$0	\$76,752	\$0	\$0	\$1,925,157
	\$0					\$0

1. Please describe source of Local funding not included in other categories:  
 2. Please describe source(s) and % of total of "Other" funding if applicable:  
 39% of carry over is for contracts being carried into FY20. 18% is for carrying over contracts related to the case management system which is scheduled to complete in FY20. 43% of carry over is primarily being used to fund non-capital contracts, experts, and translation.

**What changes did the agency make between FY'19 and FY'20?**

- 1.) Are there any services no longer provided because of budget cuts? No
- 2.) What services are provided at a higher cost to the user? N/A
- 3.) What services are still provided but with a slower response rate?
- 4.) Did the agency provide any pay raises that were not legislatively/statutorily required?  
 Yes. The agency requested an appropriation increase for fiscal year 2020 to raise attorney salaries to the level of those paid to prosecutors. The appropriation increase received by the agency enabled it to establish salary parity between its attorneys and prosecutors. Additional salary increases were given to specific agency investigators and support staff.

**FY'21 Requested Funding By Department and Source**

Dept. #	Department Name	Appropriations	Federal	Revolving	Other <sup>1</sup>	Total	% Change
1000110	General Appeals	1,690,922				\$1,690,922	0.00%
1000120	Homicide Direct Appeals	1,271,492				\$1,271,492	0.00%
1000130	Capital Post Conviction	812,702				\$812,702	0.00%
1000170	Appellate Operations	187,350				\$187,350	0.00%
2000200	General Operations	474,512			1,250	\$475,762	0.00%
2000210	Training	125,000				\$125,000	400.00%
3000300	Capital Trial Norman	1,001,820			2,500	\$1,004,320	0.00%
3000301	Capital Trial Tulsa	1,042,511			11,400	\$1,053,911	0.00%
3000302	Conflict Services	125,000			60,000	\$185,000	-4.92%
3000310	Non-Capital Trial Norman	847,467			9,100	\$856,567	-0.12%
3000370	Trial Operations	322,267				\$322,267	0.00%
4000408	Non-Capital County Contracts	6,056,933				\$6,056,933	0.00%
4000409	Non-Capital Conflict Contracts	500,000			400,000	\$900,000	0.00%
4000417	Non-Capital Contracts Previous Years' Retained Funds			852,110		\$852,110	0.00%
4000429	Non-Capital Contracts Previous Years				500,000	\$500,000	11.88%
6000611	Non-Capital Trial Clinton	1,069,679			10,500	\$1,080,179	-0.07%
6000612	Non-Capital Trial Mangum	716,422			28,898	\$745,320	0.54%
6000613	Non-Capital Trial Okmulgee	645,061			5,000	\$650,061	-0.17%
6000614	Non-Capital Trial Sapulpa	746,529				\$746,529	0.00%
6000615	Non-Capital Trial Guymon	321,074			19,523	\$340,597	-0.11%
6000617	Non-Capital Trial Cleveland County	363,941			2,000	\$365,941	0.00%
6000618	Non-Capital Trial Cleveland County Conflict	321,999				\$321,999	0.00%
7000711	Forensic Testing General Appeals	2,500			500	\$3,000	20.00%
7000712	Forensic Testing Homicide Direct Appeals				15,000	\$15,000	0.00%
7000713	Forensic Testing Capital Post Conviction				10,000	\$10,000	-4.76%
7000731	Forensic Testing Capital Trial Norman	79,617			80,383	\$160,000	-0.40%
7000732	Forensic Testing Capital Trial Tulsa	150,000			222,500	\$372,500	-2.24%
7000733	Forensic Testing Capital Trial Conflicts	7,210			31,590	\$38,800	-2.05%
7000741	Forensic Testing Non-Capital Trial	315,000		60,000	55,000	\$430,000	24.71%
8800001	Information Systems	540,870				\$540,870	-38.76%
<b>Total</b>		<b>\$19,737,878</b>	<b>\$0</b>	<b>\$912,110</b>	<b>\$1,465,144</b>	<b>\$22,115,132</b>	<b>-0.55%</b>

1. Please describe source(s) and % of total of "Other" funding for each department:  
 55% of "Other" is an estimated amount for contracts to be carried into FY21. 45% of estimated carry over is primarily being used to fund non-capital contracts, experts, and translation.

**FY'21 Top Five Operational Appropriation Funding Requests**

Request by Priority	Request Description	Appropriation Request Amount (\$)
Request 1:	The agency requests an appropriation increase of \$1,400,000 to replace legal representation fees assessed against court-appointed clients, collected by the district courts, and remitted to the agency, contemporaneously relinquishing future remittance of any collected legal representation fees.	\$1,400,000
Request 2:	The agency requests an appropriation increase of \$100,000 to provide training, development and education opportunities to criminal defense attorneys to ensure continued effective representation of court-appointed clients.	\$100,000
Request 3:		
Request 4:		
Request 5:		
<b>Top Five Request Subtotal:</b>		<b>\$1,500,000</b>
<b>Total Increase above FY-20 Budget (including all requests)</b>		<b>\$ -</b>
Difference between Top Five requests and total requests:		<b>-\$1,500,000</b>

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**Does the agency have any costs associated with the Pathfinder retirement system and federal employees?**

No

**How would the agency be affected by receiving the same appropriation for FY '21 as was received in FY '20? (Flat/ 0% change)**

The agency will be able to continue its operations.

**How would the agency handle a 2% appropriation reduction in FY '21?**

The agency would have to reduce the number of conflict counsel or expert services contracts it enters into, impacting the ability to provide a constitutional defense to court-appointed clients.

**Is the agency seeking any fee increases for FY '21?**

	Fee Increase Request (\$)	Statutory change required? (Yes/No)
Increase 1		
Increase 2		
Increase 3		

**What are the agency's top 2-3 capital or technology (one-time) requests, if applicable?**

Description of request in order of priority	Appropriated Amount (\$)	Submitted to LRCPC? (Yes/No)
Priority 1		
Priority 2		
Priority 3		

**Federal Funds**

CFDA	Federal Program Name	Agency Dept. #	FY 20 budgeted	FY 19	FY 18	FY 17	FY 16

**Federal Government Impact**

1.) How much federal money received by the agency is tied to a mandate by the Federal Government?

N/A

2.) Are any of those funds inadequate to pay for the federal mandate?

N/A

3.) What would the consequences be of ending all of the federal funded programs for your agency?

N/A

4.) How will your agency be affected by federal budget cuts in the coming fiscal year?

N/A

5.) Has the agency requested any additional federal earmarks or increases?

N/A

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**FY'20 Budgeted FTE**

Division #	Division Name	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
1000110	General Appeals	2	0	16	0	11	5
1000120	Homicide Direct Appeals	2	0	11	0	5	6
1000130	Capital Post Conviction	2	0	7.5	0.5	4	3
2000200	Executive General Administration & Legal	2	0	2	0	0	2
2000200	Executive Human Resources Management	1	0	3	0	3	0
2000200	Executive Accounting and Financing	1	0	4	0	3	1
3000300	Capital Trial Norman	2	0	8	0	4	4
3000301	Capital Trial Tulsa	2	0	9	0	5	4
3000310	Non-Capital Trial Norman	1	0	8	0	6	2
6000611	Non-Capital Clinton Office	1	0	11	0	9	2
6000612	Non-Capital Mangum Office	1	0	7	0	5	2
6000613	Non-Capital Okmulgee Office	1	0	6	0	3	3
6000614	Non-Capital Sapulpa Office	1	0	7	0	3	4
6000615	Non-Capital Guymon Office	1	0	3	0	1	2
6000617	Non-Capital Cleveland County	0.5	0	3.5	0	2.5	1
6000618	Non-Capital Cleveland County	0.5	0	3.5	0	3.5	0
<b>Total</b>		<b>21</b>	<b>0</b>	<b>109.5</b>	<b>0.5</b>	<b>68</b>	<b>41</b>

**FTE History**

Division #	Division Name	2020 Budgeted	2019	2018	2016	2011
1000110	General Appeals	16	16.0	16.0	16.0	15.0
1000120	Homicide Direct Appeals	11	11.0	12.0	12.0	13.5
1000130	Capital Post Conviction	7.5	7.5	7.5	7.5	8.5
2000200	Executive General Administration & Legal	2	2.0	2.0	3.0	4.0
2000200	Executive Human Resources Management	3	3.0	3.5	2.0	3.0
2000200	Executive Accounting and Financing	4	4.0	5.0	5.0	5.0
3000300	Capital Trial Norman	8	8.0	9.0	9.0	12.0
3000301	Capital Trial Tulsa	9	9.0	10.0	11.0	12.0
3000310	Non-Capital Trial Norman	8	8.0	8.0	8.0	6.0
6000611	Non-Capital Clinton Office	11	11.0	11.0	11.0	11.0
6000612	Non-Capital Mangum Office	7	7.0	7.0	7.0	7.0
6000613	Non-Capital Okmulgee Office	6	6.0	5.0	6.0	6.0
6000614	Non-Capital Sapulpa Office	7	7.0	7.0	7.0	6.0
6000615	Non-Capital Guymon Office	3	3.0	3.0	3.0	3.0
6000617	Non-Capital Cleveland County	3.5	2.5	4.0	4.0	0.0
6000618	Non-Capital Cleveland County	3.5	3.5	3.0	2.0	0.0
		<b>109.5</b>	<b>108.5</b>	<b>113.0</b>	<b>113.5</b>	<b>112.0</b>

**Performance Measure Review**

Program Name	FY 19	FY 18	FY 17	FY 16	FY 15
Appellate Services	724	740	702	659	706
General Operations	64897	61115	60747	58025	49723
Trial Services	64170	60373	60044	57365	49014
Non-Capital Contracts	50468	47820	47261	44686	38487
Regional Offices	13585	12395	12633	12526	10334
Forensic Testing	97	100	64	81	87
Information Systems	64897	61115	60747	58025	49723

