

**FY'22 Budget Performance Review  
Oklahoma Indigent Defense System 047**

**Lead Administrator: Craig Sutter**

**Lead Financial Officer: Cary Cundiff**

**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**

**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'21 Budgeted Department Funding By Source**

Dept.	Department Name	Appropriations	Federal	Revolving	Local <sup>1</sup>	Other <sup>2</sup>	Total
1000110	General Appeals	\$ 1,597,573		\$ 78,903			\$ 1,676,476
1000120	Homicide Direct Appeals	\$ 1,164,530		\$ 69,073			\$ 1,233,603
1000130	Capital Post Conviction	\$ 771,390		\$ 41,102			\$ 812,492
1000170	Appellate Operations	\$ 206,969					\$ 206,969
2000200	General Operations	\$ 449,638		\$ 56,760			\$ 506,398
2000210	Training	\$ 20,100					\$ 20,100
3000300	Capital Trial Norman	\$ 945,549		\$ 60,372			\$ 1,005,921
3000301	Capital Trial Tulsa	\$ 968,148		\$ 62,660			\$ 1,030,808
3000302	Conflict Services	\$ 24,663		\$ 20,000			\$ 44,663
3000310	Non-Capital Trial Norman	\$ 799,278		\$ 68,633			\$ 867,911
3000370	Trial Operations	\$ 361,202					\$ 361,202
4000408	Non-Capital County Contracts	\$ 5,517,388		\$ 613,043			\$ 6,130,431
4000409	Non-Capital Conflict Contracts	\$ 750,000					\$ 750,000
4000417	Non-Capital Contracts Previous Years' Retained Funds			\$ 1,071,266			\$ 1,071,266
4000429	Non-Capital Contracts Previous Years	\$ 75,000					\$ 75,000
6000611	Non-Capital Trial Clinton	\$ 1,011,767		\$ 48,325			\$ 1,060,092
6000612	Non-Capital Trial Mangum	\$ 678,387		\$ 37,521			\$ 715,908
6000613	Non-Capital Trial Okmulgee	\$ 630,540		\$ 23,554			\$ 654,094

Dept.	Department Name	Appropriations	Federal	Revolving	Local <sup>1</sup>	Other <sup>2</sup>	Total
6000614	Non-Capital Trial Sapulpa	\$ 705,853		\$ 21,029			\$ 726,882
6000615	Non-Capital Trial Guymon	\$ 305,602		\$ 11,594			\$ 317,196
6000617	Non-Capital Trial Cleveland County	\$ 344,687		\$ 24,324			\$ 369,011
6000618	Non-Capital Trial Cleveland Co. Conflict	\$ 304,557		\$ 14,269			\$ 318,826
7000711	Forensic Testing General Appeals	\$ 1,000		\$ 1,500			\$ 2,500
7000712	Percent Change from FY'21 Appropriation	\$ 14,000		\$ 6,000			\$ 20,000
7000713	Forensic Testing Capital Post Conviction	\$ 3,000		\$ 4,000			\$ 7,000
7000731	Forensic Testing Capital Trial Norman	\$ 90,000		\$ 30,000			\$ 120,000
7000732	Forensic Testing Capital Trial Tulsa	\$ 110,000		\$ 44,000			\$ 154,000
7000733	Forensic Testing Capital Trial Conflicts	\$ 10,000		\$ 10,000			\$ 20,000
7000741	Forensic Testing Non-Capital Trial	\$ 170,000		\$ 30,000			\$ 200,000
8800001	Information Systems	\$ 185,071		\$ 328,565			\$ 513,636
<b>Total</b>		<b>\$ 18,215,892</b>	<b>\$0</b>	<b>\$ 2,776,493</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ 20,992,385</b>
<b>FY'20 Carryover by Funding Source</b>							
		<b>Appropriations</b>	<b>Federal</b>	<b>Revolving</b>	<b>Local<sup>1</sup></b>	<b>Other<sup>2</sup></b>	<b>Total</b>
Carryover		\$ 1,507,565	\$0	\$ 242,766	\$0	\$0	\$ 1,750,331
<b>What changes did the agency make between FY'20 and FY'21?</b>							
<b>1.) Are there any services no longer provided because of budget cuts?</b>							
The agency was able to mitigate budget cuts in FY21 by utilizing carryover from prior fiscal years. This is not sustainable and services will be affected in FY22 without additional revenues.							
<b>2.) What services are provided at a higher cost to the user?</b>							
<b>3.) What services are still provided but with a slower response rate?</b> N/A							
<b>4.) Did the agency provide any pay raises that were not legislatively/statutorily required?</b>							
The agency has provided pay raises to several support staff, but these increases came after other positions had turnover and the new employees were hired at reduced rates. The savings resulting from the reduced salary of those positions allowed for slight increases to other positions which took on additional duties resulting from the aforementioned turnover.							
<b>FY'22 Requested Funding By Department and Source</b>							
Dept.	Department Name	Appropriations	Federal	Revolving	Other <sup>1</sup>	Total	% Change
1000110	General Appeals	\$ 1,678,903				\$ 1,678,903	0.14%
1000120	Homicide Direct Appeals	\$ 1,234,073				\$ 1,234,073	0.04%
1000130	Capital Post Conviction	\$ 816,102				\$ 816,102	0.44%
1000170	Appellate Operations	\$ 210,000				\$ 210,000	1.46%
2000200	General Operations	\$ 506,760				\$ 506,760	0.07%
2000210	Training	\$ 20,100				\$ 20,100	0.00%
3000300	Capital Trial Norman	\$ 1,010,372				\$ 1,010,372	0.44%
3000301	Capital Trial Tulsa	\$ 1,032,660				\$ 1,032,660	0.18%
3000302	Conflict Services	\$ 45,000				\$ 45,000	0.75%
3000310	Non-Capital Trial Norman	\$ 868,633				\$ 868,633	0.08%
3000370	Trial Operations	\$ 370,000				\$ 370,000	2.44%
4000408	Non-Capital County Contracts	\$ 5,600,000		\$ 613,043		\$ 6,213,043	1.35%
4000409	Non-Capital Conflict Contracts	\$ 809,538				\$ 809,538	7.94%
4000417	Non-Capital Contracts Previous Years' Retained Funds			\$ 1,071,266		\$ 1,071,266	0.00%
4000429	Non-Capital Contracts Previous Years	\$ 100,000				\$ 100,000	33.33%
6000611	Non-Capital Trial Clinton	\$ 1,065,000				\$ 1,065,000	0.46%
6000612	Non-Capital Trial Mangum	\$ 725,000				\$ 725,000	1.27%
6000613	Non-Capital Trial Okmulgee	\$ 655,000				\$ 655,000	0.14%
6000614	Non-Capital Trial Sapulpa	\$ 730,000				\$ 730,000	0.43%
6000615	Non-Capital Trial Guymon	\$ 330,000				\$ 330,000	4.04%
6000617	Non-Capital Trial Cleveland County	\$ 370,000				\$ 370,000	0.27%
6000618	Non-Capital Trial Cleveland Co. Conflict	\$ 320,000				\$ 320,000	0.37%
7000711	Forensic Testing General Appeals	\$ 5,000				\$ 5,000	100.00%
7000712	Forensic Testing Homicide Direct Appeals	\$ 25,000				\$ 25,000	25.00%
7000713	Forensic Testing Capital Post Conviction	\$ 10,000				\$ 10,000	42.86%
7000731	Forensic Testing Capital Trial Norman	\$ 125,000				\$ 125,000	4.17%
7000732	Forensic Testing Capital Trial Tulsa	\$ 160,000				\$ 160,000	3.90%
7000733	Forensic Testing Capital Trial Conflicts	\$ 25,000				\$ 25,000	25.00%
7000741	Forensic Testing Non-Capital Trial	\$ 200,000				\$ 200,000	0.00%
8800001	Information Systems	\$ 615,000				\$ 615,000	19.73%
<b>Total</b>		<b>\$ 19,662,141</b>	<b>\$0</b>	<b>\$ 1,684,309</b>	<b>\$0</b>	<b>\$ 21,346,450</b>	<b>1.69%</b>

FY'22 Top Five Operational Appropriation Funding Requests								
Priority	Request Description							Request Amount
	Request 1: Restore funding to FY20 levels to avoid reductions in services							\$729,515
	Request 2: Additional funding for IT cost increases							\$104,772
	Request 3: Replacement of legal representation fees assessed against court-ordered clients							\$1,300,000
<b>Top Five Request Subtotal:</b>							<b>\$2,134,287</b>	
<b>Total Increase above FY-21 Budget (including all requests)</b>							<b>\$ 2,134,287</b>	
Difference between Top Five requests and total requests:							\$0	
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 '22 as was received in FY '21? (Flat/ 0% change)								
The agency would have to reduce the number of conflict counsel or expert service contracts it enters into, impacting the ability to provide a constitutional defense to court-appointed clients.								
How would the agency handle a 2% appropriation reduction in FY '22?								
The agency would have to reduce an additional number of conflict counsel or expert service contracts it enters into, impacting the ability to provide a constitutional defense to court-appointed clients.								
A reduction in operating budgets will lead to reduced services to citizens of the state. All legislative pass trough's will be reduced by 2%.								
FY'21 Budgeted FTE								
Division	Division Name	Supervisors	Classified	Unclassified	\$0-\$35K	\$35K-\$70K	\$70K+	
1000110	General Appeals	2	0	16	0	11	5	
1000120	Homicide Direct Appeals	2	0	11	0	6	5	
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	2.5	0.5	2	0	
8800001	Information Systems	0	0	1	0	1	0	
2000200	Executive Accounting and Financing	1	0	5	0	4	1	
3000300	Capital Trial Norman	2	0	8	0	3	5	
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	8	3	
6000612	Non-Capital Mangum Office	1	0	7	0	4	3	
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	2.5	1	
<b>Total</b>		<b>21</b>	<b>0</b>	<b>111</b>	<b>1</b>	<b>66</b>	<b>44</b>	
FTE History								
Division	Division Name	2021 Budgeted	2020	2019	2017	2012		
1000110	General Appeals	16.0	16.0	16.0	16.0	15.0		
1000120	Homicide Direct Appeals	11.0	11.0	11.0	12.0	13.5		
1000130	Capital Post Conviction	7.5	7.5	7.5	7.5	8.5		
2000200	Executive General Administration & Legal	2.0	2.0	2.0	2.0	4.0		
2000200	Executive Human Resources Management	2.5	3.0	3.0	3.5	3.0		
8800001	Information Systems	1.0	0.0	0.0	0.0	0.0		
2000200	Executive Accounting and Financing	5.0	4.0	4.0	5.0	5.0		
3000300	Capital Trial Norman	8.0	8.0	8.0	9.0	12.0		
3000301	Capital Trial Tulsa	9.0	9.0	9.0	10.0	12.0		
3000310	Non-Capital Trial Norman	8.0	8.0	8.0	8.0	6.0		
6000611	Non-Capital Clinton Office	11.0	11.0	11.0	11.0	11.0		
6000612	Non-Capital Mangum Office	7.0	7.0	7.0	7.0	7.0		
6000613	Non-Capital Okmulgee Office	6.0	6.0	6.0	5.0	6.0		
6000614	Non-Capital Sapulpa Office	7.0	7.0	7.0	7.0	6.0		
6000615	Non-Capital Guymon Office	3.0	3.0	3.0	3.0	3.0		
6000617	Non-Capital Cleveland County	3.5	3.5	2.5	4.0	0.0		
6000618	Non-Capital Cleveland County	3.5	3.5	3.5	3.0	0.0		
<b>Total</b>		<b>111.0</b>	<b>109.5</b>	<b>108.5</b>	<b>113.0</b>	<b>112.0</b>		

Performance Measure Review					
	FY 20	FY 19	FY 18	FY 17	FY 16
<b>Appellate Services</b>	599	724	740	702	659
<b>General Operations</b>	58,853	64,897	61,115	60,747	58,025
<b>Trial Services</b>	58,251	64,170	60,373	60,044	57,365
<b>Non-Capital Contracts</b>	45,343	50,468	47,820	47,261	44,686
<b>Regional Offices</b>	12,877	13,585	12,395	12,633	12,526
<b>Forensic Testing</b>	108	97	100	64	81
<b>Information Systems</b>	58,853	64,897	61,115	60,747	58,025
Revolving Funds					
	FY'18-20 Avg. Revs.	FY'18-20 Avg. Expend.	June '20 Bal.		
<b>200: OIDS Revolving Fund</b>					
Revenue sources: collections received from counties for fines and fees collected from former clients.	\$1,238,397	\$1,203,619			\$275,312
Fund uses: court costs					
<b>230: Contract Retention Fund</b>					
Revenue sources: indigent defense contracts percentage.	\$0, as the fund only receives transfers pursuant to statute	\$476,927			\$1,083,148
Fund uses: uncompleted contract payments.					