

# Long Range Financial Plan

November 01, 2020



**Office of the State Public Defender**

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**Colorado State Public Defender**

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## **SECTION 1: Introduction to the State Agency**

### **Mission**

The mission of the Office of the State Public Defender (OSPD) 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.

#### ***OSPD Enabling Legislation:***

*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. C.R.S. 21-1-101(1).*

### **Vision**

The Office of the State Public Defender's vision is to develop, maintain and support our passionate and dedicated team so that they can provide the best possible quality of effective and efficient criminal defense representation for each and every one of our clients.

### **Goals**

1. Provide effective legal representation in both trial and appellate courts.
2. Hire and retain a sufficient number of high quality staff to effectively manage the assigned caseload.
3. Provide a both high quality and quantity of staff development, training, new technology and other resources to adapt our response to the ever-changing criminal justice system so that our legal services are commensurate with what is available for non-indigent persons.

## **SECTION 2: Program and Goal Evaluation**

The OSPD reports performance measures as part of the SMART Act, although projections have been expanded for purposes of this report.

## Performance Measures

		FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
		(actual)	(actual)	(projected)	(projected)	(projected)	(projected)	(projected)
<b>MEASURE 1:</b>	<b>Target</b>	<b>148,664</b>	<b>147,479</b>	<b>119,229</b>	<b>144,906</b>	<b>146,867</b>	<b>149,238</b>	<b>151,659</b>
Number of new trial court cases.	Actual	144,219	124,586					
<b>MEASURE 2:</b>	<b>Target</b>	<b>189,075</b>	<b>189,760</b>	<b>165,029</b>	<b>204,583</b>	<b>205,461</b>	<b>206,367</b>	<b>207,307</b>
Number of active trial court cases.	Actual	185,762	168,512					
<b>MEASURE 3:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of trial court attorney staff allocated vs. total required for closed trial court cases.	Actual	81%	82%					
<b>MEASURE 4:</b>	<b>Target</b>	<b>485</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>
Number of attorney applications received.	Actual	520	524					
<b>MEASURE 5:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of total attorney staff allocated vs. total required for closed trial court cases and appellate cases.	Actual	81%	82%					
<b>MEASURE 6:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Annual rates of attrition:								
Attorneys	Actual	18%	12%					
Investigators	Actual	7%	7%					
Administrative Assistants	Actual	26%	22%					
Total All Employees	Actual	17%	12%					
<b>MEASURE 7:</b>	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Percent of experienced, fully capable staff (journey level or higher):								
Attorneys	Actual	39%	37%					
Investigators	Actual	52%	56%					
Administrative Assistants	Actual	46%	43%					
Total All Employees	Actual	44%	43%					
<b>MEASURE 8:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent compliance with minimum standards for total staffing requirements.	Actual	82%	83%					

		FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
		(actual)	(actual)	(projected)	(projected)	(projected)	(projected)	(projected)
<b>MEASURE 9:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Maintain established standard percentages for reasonable staff supervision, management and development.	Actual	9%	10%					
<b>MEASURE 10:</b>	<b>Target</b>	<b>528</b>	<b>574</b>	<b>524</b>	<b>530</b>	<b>535</b>	<b>540</b>	<b>545</b>
Number of new appellate cases.	Actual	563	514					
<b>MEASURE 11:</b>	<b>Target</b>	<b>1,887</b>	<b>1,938</b>	<b>1,870</b>	<b>1,833</b>	<b>1,799</b>	<b>1,770</b>	<b>1,745</b>
Number of active appellate cases.	Actual	1,922	1,878					
<b>MEASURE 12:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of appellate attorney staff allocated vs. total required for appellate cases awaiting filing of initial brief.	Actual	82%	81%					
<b>MEASURE 13:</b>	<b>Target</b>	<b>145,909</b>	<b>145,337</b>	<b>105,353</b>	<b>145,989</b>	<b>148,332</b>	<b>150,719</b>	<b>153,157</b>
Number of trial court cases closed.	Actual	141,876	122,712					
<b>MEASURE 14:</b>	<b>Target</b>	<b>133</b>	<b>144</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>
Days of training provided.	Actual	179	144					
<b>MEASURE 15:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of CLE credits provided to all attorneys.	Actual	16	21					
<b>MEASURE 16:</b>	<b>Target</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
Hours of ethics training provided, focusing on Colorado criminal law.	Actual	3	6					
<b>MEASURE 17:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	15	12					
<b>MEASURE 18:</b>	<b>Target</b>	<b>451</b>	<b>447</b>	<b>447</b>	<b>447</b>	<b>447</b>	<b>447</b>	<b>447</b>
Number of appellate cases for which an Opening Brief has been filed.	Actual	381	454					
<b>MEASURE 19:</b>	<b>Target</b>	<b>486</b>	<b>592</b>	<b>490</b>	<b>454</b>	<b>423</b>	<b>395</b>	<b>370</b>
Number of backlogged appellate cases.	Actual	603	530					

### **SECTION 3: Financial Structure**

The OSPD functions as a single program devoted to providing effective criminal defense representation. Our funding received over the past five years is as follows.

<b>Appropriation</b>	<b>General Fund</b>	<b>General Fund Exempt</b>	<b>Cash Funds</b>	<b>Reappropriated Funds</b>	<b>Federal Funds</b>	<b>Total</b>
<b>FY 2016-17</b>	\$ 86,423,321	\$ -	\$ 150,000	\$ -	\$ -	\$ 86,573,321
<b>FY 2017-18</b>	\$ 89,573,459	\$ -	\$ 150,000	\$ -	\$ -	\$ 89,723,459
<b>FY 2018-19</b>	\$ 97,248,793	\$ -	\$ 205,000	\$ -	\$ -	\$ 97,453,793
<b>FY 2019-20</b>	\$ 107,337,414	\$ -	\$ 55,000	\$ -	\$ -	\$ 107,392,414
<b>FY 2020-21</b>	\$ 108,116,486	\$ -	\$ 140,000	\$ -	\$ -	\$ 108,256,486

We do not have any capital construction projects or ongoing debt obligations.

### **SECTION 4: Financial Forecast**

#### **Baseline Forecast: Budget Drivers for FY21-FY25**

<b>Appropriation</b>	<b>Baseline</b>	<b>Caseload Growth</b>	<b>Operational</b>	<b>Total</b>
<b>FY 2020-21</b>	\$ 108,256,486			\$ 108,256,486
<b>FY 2021-22</b>	\$ 112,891,632			\$ 112,891,632
<b>FY 2022-23</b>	\$ 112,891,632	\$ 3,947,533	\$ 237,065	\$ 117,076,230
<b>FY 2023-24</b>	\$ 117,076,230	\$ 1,151,040	\$ 87,560	\$ 118,314,830
<b>FY 2024-25</b>	\$ 118,314,830	\$ 1,106,890	\$ 90,377	\$ 119,512,097

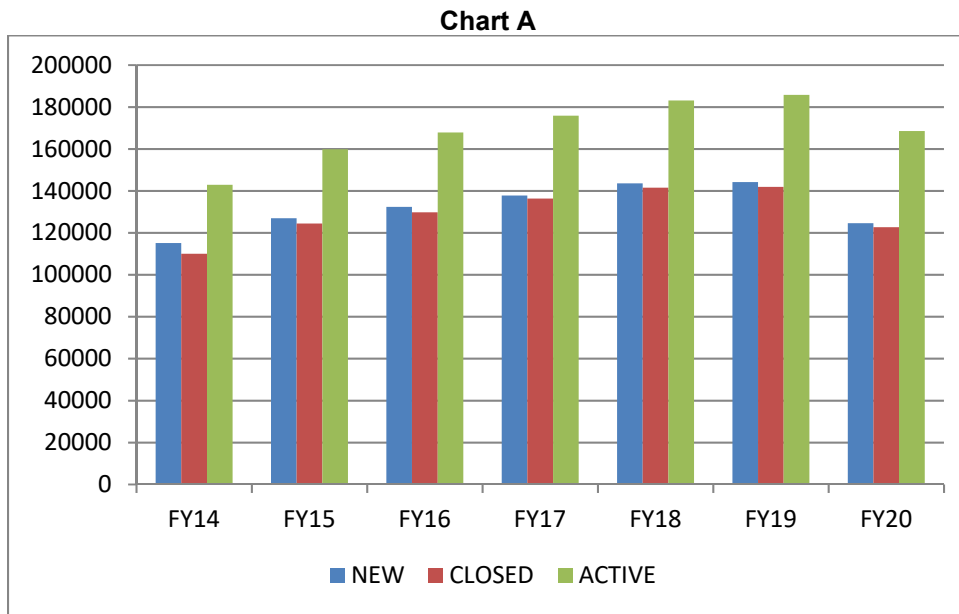
#### **Narrative: Agency Budget Drivers/Agency Environment**

The OSPD functions as a single program devoted to providing criminal defense representation to indigent persons charged with crimes where incarceration is a possibility, except where there is a conflict of interest. Courts appoint the OSPD when a defendant qualifies for public defender services pursuant to statute, applicable case law and Chief Justice Directives.

Because our mission is to provide legal representation to the poor in criminal cases, we are a service-oriented agency. Eighty-five percent of our budget is spent on personal services, with the remaining fifteen percent supporting mandated and operational costs. Accordingly, any changes to our personal services budget, such as those made through legislative action on common policies and for new legislation, have a tremendous effect on our overall appropriation.

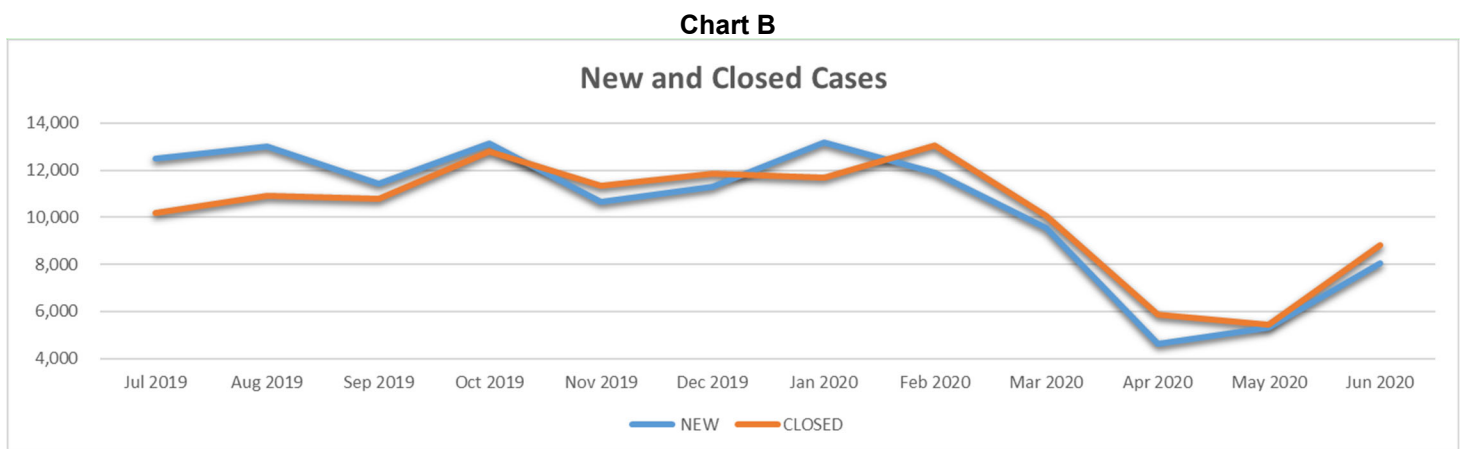
In addition, our personal services budget is driven by attorney FTE need as a result of workload associated with the increase in the agency's caseload. Over the past several years, the OSPD had experienced significant increases in its felony cases. Felony cases, primarily the Trial and Pre-trial cases (those brought to final disposition), require the greatest attorney effort, time and dedication of resources. This is the primary factor driving our projections and budget requests.

In FY 2019-20, the OSPD received 124,586 new trial and 514 new appellate cases, closed 122,712 trial and 587 appellate cases and carried a total of 168,512 active trial and approximately 1,878 active appellate cases.



As shown in the **Chart A** above, the total number of cases had been increasing every year though FY 2018-19 and in FY 2019-20 we started out no different. Through the first eight months of the year, our totals were up in both our felony and misdemeanor cases.

As the COVID-19 pandemic took hold of the state, the number of new OSPD cases dropped significantly in the spring. However, as anticipated, the number of cases has already started to rebound. This change is shown in **Chart B** below.



The impact of the COVID-19 pandemic was both immediate and significant. Adapting to a virtual world for both our offices and clients has been challenging. Communication with clients, witnesses, district attorneys; delays in in the courts; as well as just helping people through the application process has proven difficult. The combination of an increase in the higher level felony cases, a 43 percent increase in the number of days to close a case, and an increase in the backlog of cases has had a tremendous impact on the workload our attorneys face. For additional COVID-19 specific information, see appendix A. With no immediate relief in the coming months, outstanding caseloads will continue to rise and will have a direct effect on our workload and ultimately our budget in the coming years.

The OSPD’s consistent application of an independently developed set of statewide workload standards has allowed us to demonstrate consistency and fairness in our staff allocations. Our caseload standards are a key component of our ability to manage our offices in a manner that demonstrates the highest level of responsibility to the State of Colorado and to our clients. However, in the current, unprecedented pandemic, these metrics do not accurately capture the current workload of Public Defenders.

The chart below shows our projected cases and workload needs as we navigate through the next five years.

<b>Closed Cases</b>					
<b>Projected for FY21 through FY25</b>					
<b>CASE TYPE</b>	<b>FY21 Proj Cases</b>	<b>FY22 Proj Cases</b>	<b>FY23 Proj Cases</b>	<b>FY24 Proj Cases</b>	<b>FY25 Proj Cases</b>
Total Felony	48,300	63,618	65,210	66,839	68,510
Total Misdemeanor	51,189	75,069	75,819	76,577	77,344
Total Juvenile	5,863	7,303	7,303	7,303	7,303
<b>Grand Total</b>	<b>105,352</b>	<b>145,988</b>	<b>148,332</b>	<b>150,719</b>	<b>153,157</b>
100% FTE RQT	595	616	628	640	652
FTE Need	595	616	628	640	652
Current Staffing Level	499	508	508	508	508
(Shortage)/Overage	(97)	(108)	(120)	(132)	(144)
% Staffed	84%	82%	81%	79%	78%
85% FTE RQT	502	524	534	544	554
Current Staffing Level	499	508	508	508	508
(Shortage)/Overage	(3)	(16)	(26)	(36)	(46)

**Scenario Evaluation: Downturn**

Any reduction in funding will have direct effects on staffing. The statutory function of the OSPD 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 constitutional and statutory mandates, the OSPD must have resources and staffing levels to meet the requirements of providing effective representation. If the OSPD is not adequately funded, caseloads will exceed both our internal standards and national standards relating to the number of cases an attorney can effectively handle without impairing quality or breaching professional obligations. The Guidelines for Legal Defense Systems in the United States, developed under a grant from the U.S. Department of Justice, provide that public defender systems should establish maximum caseloads for individual attorneys and that such standards reflect national standards and take into consideration objective statistical data and factors related to local practice.



The Office of Attorney Regulation states an attorney is not competent to provide effective representation if his or her caseload is too high. There are serious implications to overly high caseloads per attorney, including that the attorney may be subject to disciplinary action for accepting more cases than can be competently handled. In addition, overly high caseloads may result in rulings of ineffective representation for Public Defender clients. When a Public Defender is found ineffective, conflict counsel is appointed and the case essentially starts over. If a finding were made that public defender's caseloads were too high and, therefore, they were not providing effective assistance counsel, this would result in significant costs to the state and an exponential increase in the number of cases processed in our system.

#### **Scenario Evaluation: Department-Specific Contingency**

Current projections show our staffing level falling from 84 percent this year to 78 percent over the next five years without any additional staffing. This current and growing staffing deficit presents a threat to the Public Defender's ability to ethically, responsibly and effectively meet its constitutionally and statutorily mandated mission. In addition, the instability of the current economic climate presents additional challenges. Historically, such economic conditions negatively affect income levels, thereby increasing the number of people who qualify for our services. If this forecast holds true, the number of cases and workload requirements will rise at an even faster rate than currently projected.

### **SECTION 5: Anticipated Funding Decreases**

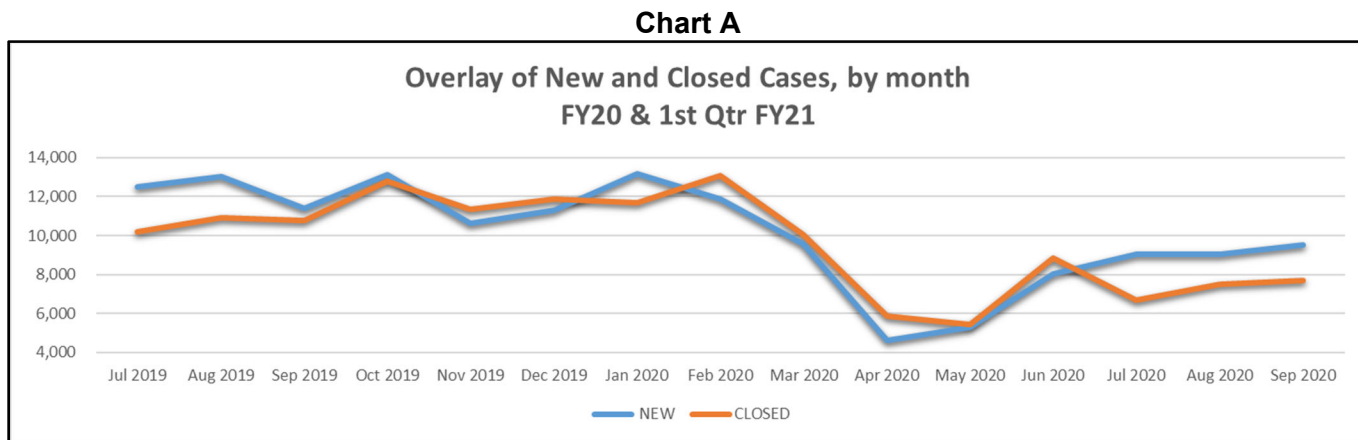
The OSPD does not receive any funding from federal funds and/or gifts or donations.

# COVID-19

The COVID-19 pandemic and the Stay-At-Home orders forced the Office of the State Public Defender (OSPD) to quickly react to a world where much of the work of representing clients became virtual. In a very short period of time, the agency took several steps to adapt, including:

- Providing all employees with laptops to be able to conduct work from home, as many of our administrative staff previously had desk-top computers;
- Increasing VPN capability from approximately 50 employees per day to nearly 900 users per day;
- Reconfiguring phone systems to allow for remote access and usage;
- Implementing the different remote court solutions such as Webex and Lifesize for our employees;
- Implementing capabilities for remote client applications;
- Providing laptops and iPads for our in-custody clients to review discovery;
- Acquiring Webex licenses to allow in-custody clients to communicate via video; and
- Acquiring Zoom licenses to enable remote staff meetings and trainings, including conducting our annual training conference in an entirely virtual format.

As the pandemic accelerated, the number of new OSPD cases dropped significantly in the spring. By the fourth quarter of FY 2019-20, the decline had reached approximately 50 percent. The number of cases has started to rebound, however. This change is shown in **Chart A** below.

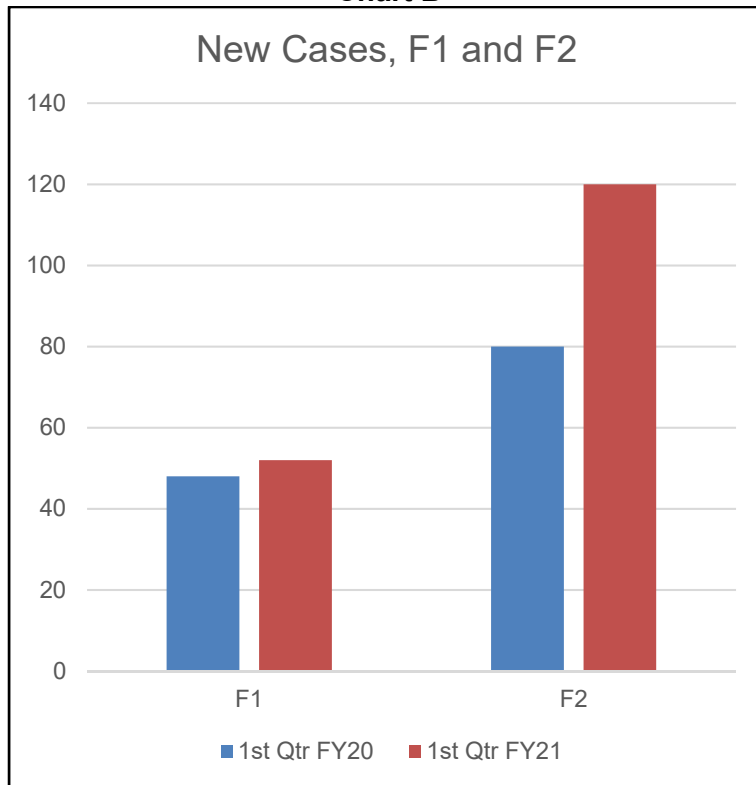


Our staff have observed several reasons for the initial decline and subsequent rebound in new cases.

- Initially, some courts granted a significant number of personal recognizance bonds. Because more people were on these bonds at first advisement, our numbers dipped. Now, many of these cases which were set out for a few months are starting to move forward again. As people have court dates scheduled, they apply for our services so our numbers are going back up.
- While there was a temporary lull in filings when COVID hit, they are picking back as agencies have adapted to new filing, summons and arrest procedures.
- While Denver Police were initially not arresting people for certain low-level felonies and misdemeanors early in the pandemic, they have resumed this practice.

In addition to the number of cases currently increasing from the lowest pandemic levels, some offices have experienced a substantial increase in their higher level felony cases (violent crime). A comparison of these cases in the first quarter of FY 2020-21 to the first quarter of last year is in **Chart B** below. While caseloads are down in other categories, class one and two felonies have increased by 8 percent and 50 percent, respectively. These serious felonies require the greatest attorney effort, time and resources. As our Denver Office, reported, “[o]ur office has a record number of active homicide cases and our COV [crime of violence] cases have increased. We are all carrying more life-in-prison cases than ever before and these types of cases require substantially more work and time.”

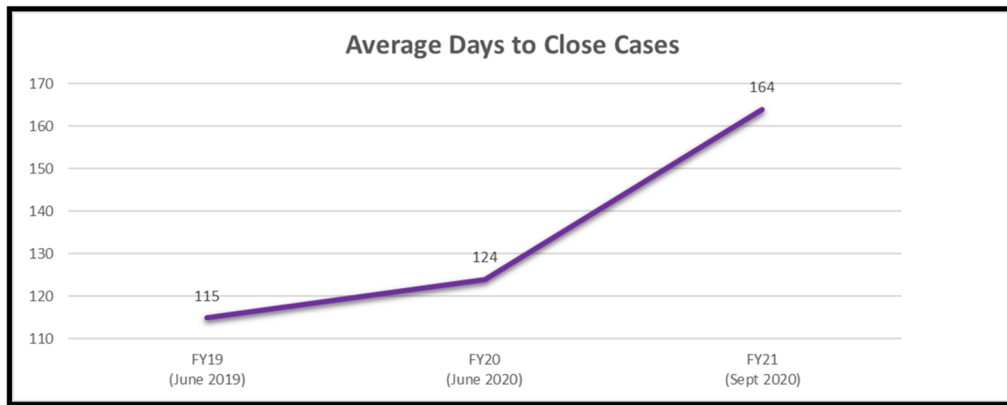
**Chart B**



New Cases			
Case Type	1st Qtr FY20	1st Qtr FY21	% Chg
F1	48	52	8%
F2	80	120	50%

Since the pandemic, the number of closed cases has declined and cases are taking substantially longer to resolve. Although our new and closed case numbers dropped in FY 2019-20, **Chart C** shows we have experienced a dramatic 43 percent increase in the average days it takes to close a case when compared to FY 2018-19. This percentage is even more significant because COVID-19 only began affecting our averages during the last few months of the fiscal year.

Chart C



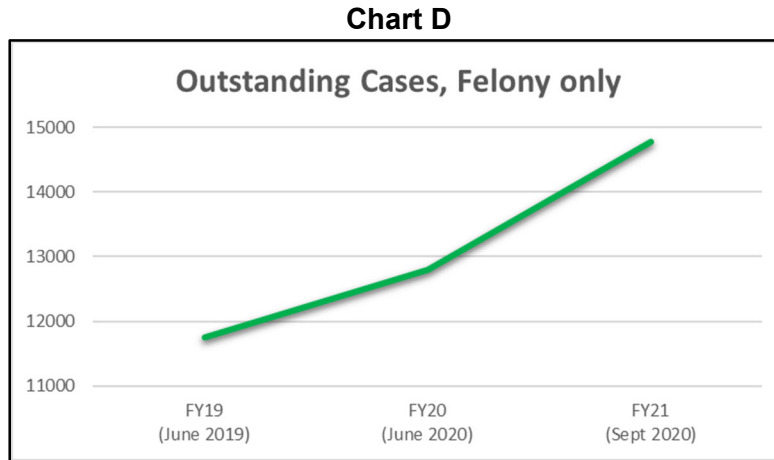
As a direct result of the pandemic, cases take longer to resolve, as many tasks take additional time. Our attorneys have shared many challenges they face related to COVID-19:

- We spend a lot of time telling people how to apply and how to attend court electronically.
- The applications process has proven especially difficult. We have a large population of not simply indigent clients but clients with no home and no access to phones or computers – making virtual applications almost impossible for this clientele. We have had to shift our administrative workloads to try and accommodate the number of potential clients calling in to try and apply.
- The legwork required for a normal docket has increased because everything has to be reviewed and signed by clients ahead of time.
- Virtual interviews, meetings and dockets are frequently beset by technological delays and glitches from all sides, which causes time to slide unproductively away. Additionally, the very nature of these communications is less productive and more time consuming – it just takes longer to get things done in this format.
- While some jails have been very cooperative, others have made it very difficult for us to have adequate, confidential communication with our clients.
- When we have clients in other facilities, such as the DOC, it can be extremely difficult to talk to them, if we are able to talk to them at all. We spend a great amount of time trying to figure out these meetings and often still do not get to speak with them.
- We currently spend a lot more time trying to track down clients to speak with them and figure out how to get them discovery to review. This is especially complicated with large electronic files like body-cam video.
- In rural and poor jurisdictions it is work just being able to contact our clients. Most don't have access to email (believe it or not). A majority have lost their phones because of a loss of work. And there has definitely been an increase in the homeless population due to COVID. Mail is often the only way to make contact with clients.
- When we were all in court there were many things that got hammered out in the courtroom. It was a time when client, victim, DA and we were all present. Client's sticking point may be "x" and we could go to the DA right there and discuss it. DA could then talk to victim and we could get the case hammered out in 20 minutes. Now, those 20 minutes can take up to 4 weeks of back and forth and trying to find people.

In addition, while jury trials have resumed in many jurisdictions, the number of trials that can proceed while operating with requirements of physical distancing and rising case counts has been significantly reduced. Thus, while new cases overall are lower than pre-pandemic, outstanding cases are rising

as is the number of more serious cases. This is having a tremendous impact on the workload our attorneys face.

**Chart D** illustrates the effect statewide of the increase in outstanding felony cases, 26 percent in just the first three months of FY 2020-21, while **Chart E** includes all case types.

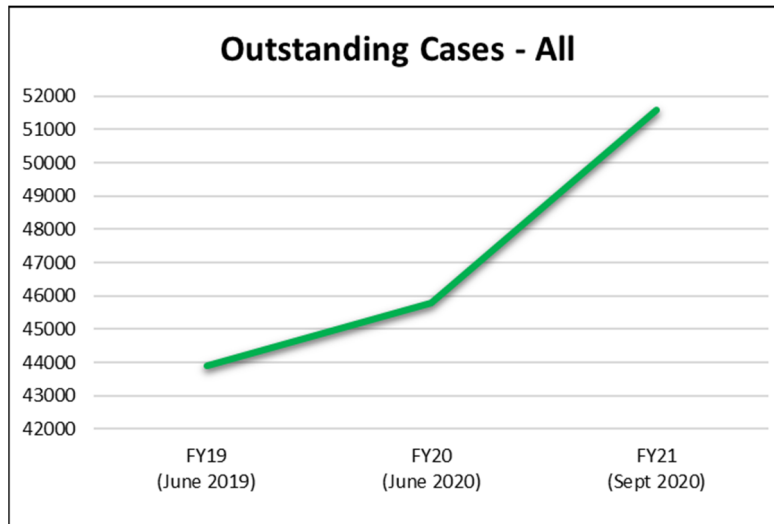


*(Trial and Pretrial cases, not including drug)*

Felony	Outstanding Felony			Percentage Increase		
	FY19 (June 2019)	FY20 (June 2020)	FY21 (Sept 2020)	% Inc FY19 to FY20	% inc FY20 to FY21	% inc FY19 to FY21
<b>Trial &amp; Pretrial</b>						
F1	179	190	211	6%	11%	18%
F2	188	237	271	26%	14%	44%
F2-F6 Sex	1,130	1,110	1,183	-2%	7%	5%
F3-F4 COV	1,719	1,832	2,116	7%	16%	23%
F3-F4 Non COV	3,461	3,844	4,299	11%	12%	24%
F5-F6	4,658	5,127	6,203	10%	21%	33%
DUI Felony 4	412	453	503	10%	11%	22%
<b>Total</b>	<b>11,747</b>	<b>12,793</b>	<b>14,786</b>	<b>9%</b>	<b>16%</b>	<b>26%</b>

*(Trial and Pretrial cases, not including drug)*

Chart E



Total Monthly Outstanding Cases - ALL data				Percentage Increase		
	FY19 (June 2019)	FY20 (June 2020)	FY21 (Sept 2020)	% Inc FY19 to FY20	% inc FY20 to FY21	% inc FY19 to FY21
<b>Felony</b>						
F1	179	190	211	6%	11%	18%
F2	188	237	271	26%	14%	44%
F2-F6 Sex	1130	1110	1183	-2%	7%	5%
F3-F4 COV	1719	1832	2116	7%	16%	23%
F3-F4 Non COV	3461	3844	4299	11%	12%	24%
F5-F6	4658	5127	6203	10%	21%	33%
DUI Felony 4	412	453	503	10%	11%	22%
Drug Felony 1,2,3,4	3734	2865	2584	-23%	-10%	-31%
<b>Trial &amp; Pretrial Total</b>	<b>15481</b>	<b>15658</b>	<b>17370</b>	<b>1%</b>	<b>11%</b>	<b>12%</b>
Misc Proceeding	1517	1297	1380	-15%	6%	-9%
Felony Revocation	4060	4440	5052	9%	14%	24%
Appeal	30	27	33	-10%	22%	10%
<b>Other Proceedings Total</b>	<b>5607</b>	<b>5764</b>	<b>6465</b>	<b>3%</b>	<b>12%</b>	<b>15%</b>
<b>Felony Total</b>	<b>21088</b>	<b>21422</b>	<b>23835</b>	<b>2%</b>	<b>11%</b>	<b>13%</b>
<b>Misdemeanor</b>						
Misd Sex	362	389	411	7%	6%	14%
M1	5174	6031	7486	17%	24%	45%
M2-M3	3685	4116	5081	12%	23%	38%
Misd DUI	2675	2971	3155	11%	6%	18%
Traffic/Other	3990	3825	4158	-4%	9%	4%
<b>Trial &amp; Pretrial Total</b>	<b>15886</b>	<b>17332</b>	<b>20291</b>	<b>9%</b>	<b>17%</b>	<b>28%</b>
Misc Proceeding	797	689	601	-14%	-13%	-25%
Misd Revocation	3053	3305	3795	8%	15%	24%
Appeal	213	183	147	-14%	-20%	-31%
<b>Other Proceedings Total</b>	<b>4063</b>	<b>4177</b>	<b>4543</b>	<b>3%</b>	<b>9%</b>	<b>12%</b>
<b>Misdemeanor Total</b>	<b>19949</b>	<b>21509</b>	<b>24834</b>	<b>8%</b>	<b>15%</b>	<b>24%</b>
<b>Juvenile</b>						
Juv Sex	239	249	248	4%	0%	4%
Felony	868	993	974	14%	-2%	12%
Misdemeanor	1001	1046	1054	4%	1%	5%
<b>Trial &amp; Pretrial Total</b>	<b>2108</b>	<b>2288</b>	<b>2276</b>	<b>9%</b>	<b>-1%</b>	<b>8%</b>
<b>Other Proceedings</b>						
Misc Proceeding	210	96	111	-54%	16%	-47%
Juv Revocation	534	481	532	-10%	11%	0%
Appeal	8	4	6	-50%	50%	-25%
<b>Juvenile Total</b>	<b>2860</b>	<b>2869</b>	<b>2925</b>	<b>0%</b>	<b>2%</b>	<b>2%</b>
<b>Grand Total</b>	<b>43897</b>	<b>45800</b>	<b>51594</b>	<b>4%</b>	<b>13%</b>	<b>18%</b>

For almost a quarter of a century, the OSPD has relied on workload standards derived from independently-developed workload studies to determine our staffing and resource needs. In the current, unprecedented pandemic, these metrics do not accurately capture the current workload of Public Defenders.

For example, carrying a larger number of more serious cases for a longer period of time contributes to the already existing high stress levels and time demands being made of our staff. Our staff are concerned for the health and safety of themselves, their co-workers, their families, and their clients and their families. Many of those suffering the most during the pandemic reflect our client base: poor communities and especially communities of color. As the pandemic has progressed, we have seen this toll impact our attorney attrition rate. Attorney attrition rates are up, which is not how attrition rates typically operate during an economic downturn when people do not leave stable employment. As we have reported in previous budget cycles, an increase in attrition rates compounds demands on remaining staff because the workload is redistributed to the remaining attorneys many of whom are less experienced.

To date, the Public Defender estimates that the costs directly associated with COVID-19 are approximately \$200,000. This amount includes \$160,000 for IT and communication-related costs, \$50,000 for workplace cleanings after employees tested positive or were diagnosed with COVID-19, and for PPE and miscellaneous supplies. This \$50,000 number might have been significantly higher if, early in the pandemic, adequate supplies of PPE had been more available to non-medical workers in the U.S. In the end, this amount reflects what our current budget was able to bear.

Indirect costs are unquantifiable. They include staff personally paying to upgrade their wireless systems so they are able to efficiently work from home, purchases of secondary cell phones for client communication, purchases of necessary PPE and general supplies.