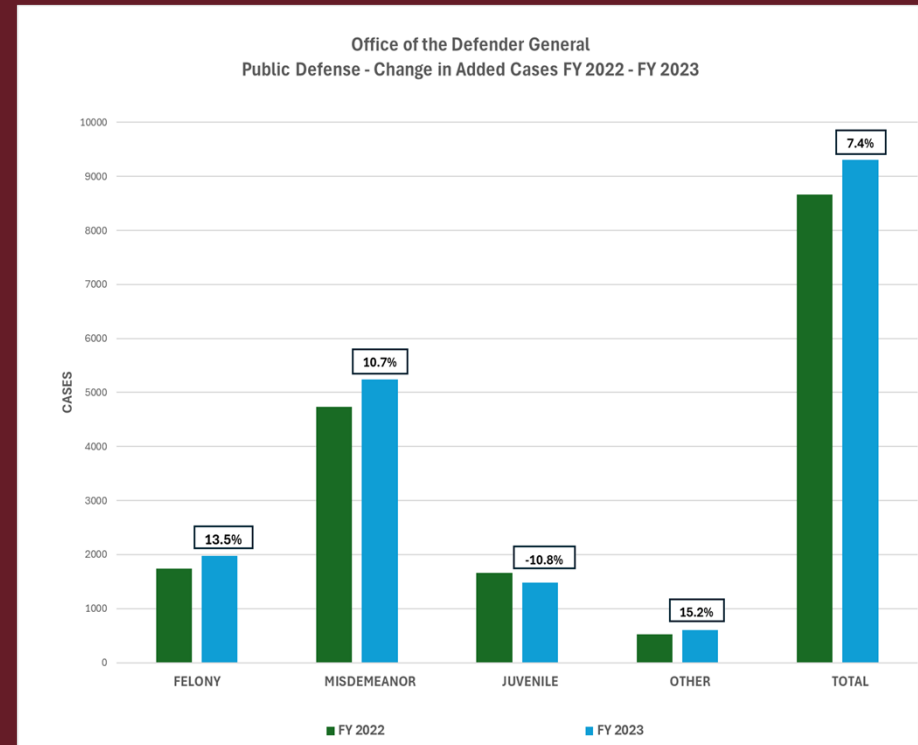


# OFFICE OF THE DEFENDER GENERAL

- FISCAL YEAR 2025 – CASELOAD BUDGET DRIVERS
- CASELOAD ANALYSIS, FY2022-2023
- CASE BACKLOG STATUS, FY2023-FY2024
- BACKLOG CLEARANCE RATE & TRENDS
- IMPACT OF GOVERNOR'S FY2025 RECOMMENDED BUDGET
- AD HOC CASE COSTS & IMPACT ON TOTAL BUDGET

# CRIMINAL CASELOAD INCREASED SIGNIFICANTLY FY2022 - FY2023

- **FY2022 - FY2023**
  - **FELONY CASES +13.5%**
  - **MISDEMEANORS +10.6%**
  - **PROBATION VIOLATIONS +15.2%**



# FY2023: FELONY CASES +13.5%

# MISDEMEANORS +10.6%

# PROBATION VIOLATIONS +15.2%

PUBLIC DEFENDER - TOTAL ADDED CASES - FY 2023															
	FELONY		MISDEMEANOR		JUVENILE		OTHER		TOTAL		FY 2022		% INC/DEC		
	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	
ADDISON	54	40		252	139	243	195	27	19	576	393	609	374	-5.4	5.1
MARSH	0	0		0	0	243	195	0	0	243	195	285	181	-14.7	7.7
STAFF OFFICE	54	40		252	139	0	0	27	19	333	198	324	193	2.8	2.6
BENNINGTON	304	193		694	351	196	159	92	52	1286	755	982	608	31.0	24.2
CALEDONIA	117	90		579	308	91	61	60	39	847	498	1005	547	-15.7	-9.0
CHITTENDEN	568	445		1720	1071	247	200	113	80	2648	1796	2352	1593	12.6	12.7
ESSEX	25	14		77	35	5	5	9	9	116	63	135	78	-14.1	-19.2
FRANKLIN/GRAND ISLE	232	167		805	510	281	192	98	56	1416	925	1373	950	3.1	-2.6
FRANKLIN	216	155		736	468	253	170	96	55	1301	848	1291	889	0.8	-4.6
GRAND ISLE	16	12		69	42	28	22	2	1	115	77	82	61	40.2	26.2
LAMOILLE	138	91		451	246	59	50	22	10	670	397	394	259	70.1	53.3
ORANGE	37	27		174	90	32	26	1	1	244	144	232	151	5.2	-4.6
ORLEANS	274	152		800	337	129	93	59	30	1262	612	1147	564	10.0	8.5
RUTLAND	316	227		1173	630	153	122	90	48	1732	1027	1266	757	36.8	35.7
WASHINGTON	351	214		1334	692	218	153	139	87	2042	1146	1978	1116	3.2	2.7
WINDHAM	234	141		898	459	137	106	96	69	1365	775	1504	813	-9.2	-4.7
WINDSOR	276	175		729	378	141	124	186	99	1332	776	1407	853	-5.3	-9.0
TOTAL	2926	1976		9686	5246	1932	1486	992	599	15536	9307	14384	8663	8.0	7.4
FY 2022	2660	1741		8759	4737	2153	1665	812	520	14384	8663				
% INC/DEC	10.0	13.5		10.6	10.7	-10.3	-10.8	22.2	15.2	8.0	7.4				

# STATE WIDE CRIMINAL BACKLOG, December 1, 2023

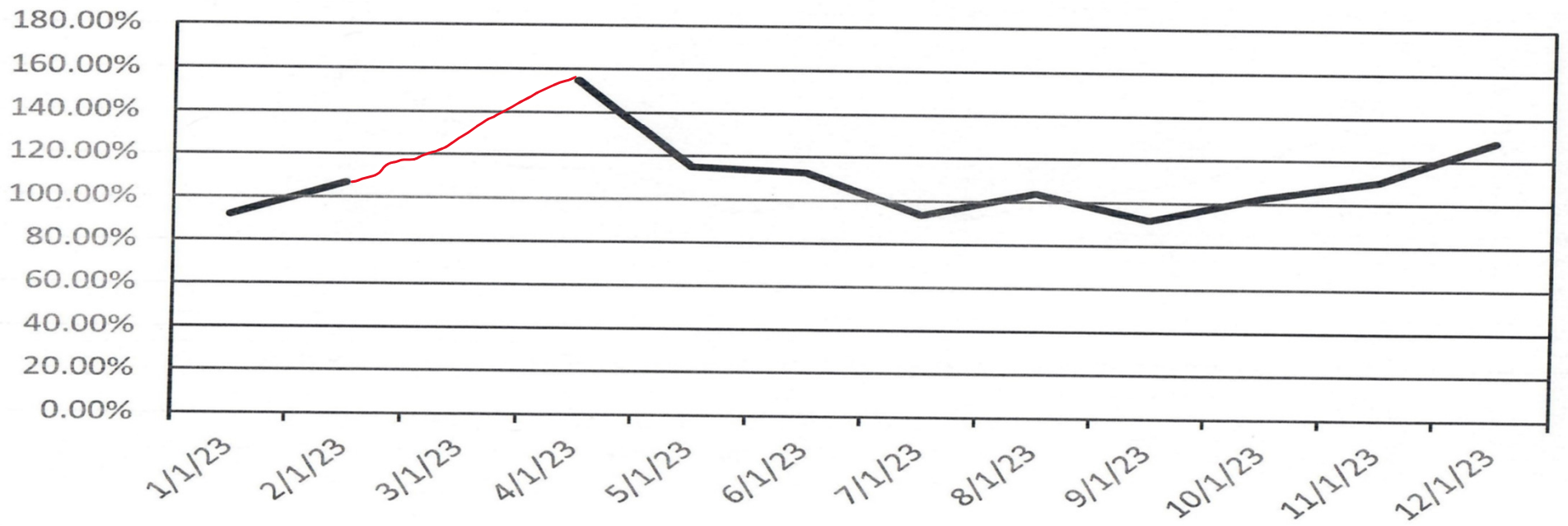
CRIMINAL BACKLOG INFORMATION - JUDICIARY											
	3/1/2023	4/1/2023	5/1/2023	6/1/2023	7/1/2023	8/1/2023	9/1/2023	10/1/2023	11/1/2023	12/1/2023	
Addison	438	286	396	405	414	431	504	466	436	431	
Bennington	1606	1264	1545	1509	937	1,613	1706	1,536	1,533	1518	
Caledonia	1598	1166	1297	1200	1264	1,312	1481	1,262	1,265	1266	
Chittenden	2893	2387	2791	2776	2885	2,970	3388	2,947	2,973	3049	
Essex	268	167	226	219	221	232	250	225	229	223	
Franklin	1204	750	1108	1122	1077	1,096	1211	1,040	1,060	1027	
Grand Isle	116	64	81	83	82	71	98	85	87	79	
Lamoille	1162	905	972	857	781	787	868	752	684	639	
Orange	422	290	216	367	366	392	478	427	416	396	
Orleans	1827	1443	1641	1621	1599	1,638	1705	1,562	1,539	1555	
Rutland	2690	2053	2174	2180	2134	2,189	2331	1,977	1,956	1929	
Washington	1534	911	1090	1306	1298	1,429	1520	1,252	1,290	1303	
Windham	1732	1094	1368	1339	1368	1,437	1642	1,362	1,362	1332	
Windsor	1212	636	844	763	790	862	1012	791	774	752	
STATEWIDE	18702	13416	15749	15747	15216	16459	18194	15684	15604	15499	

# Then a drop back to the levels of May 2023 to July 2023

CRIMINAL BACKLOG INFORMATION - JUDICIARY										
	3/1/2023	4/1/2023	5/1/2023	6/1/2023	7/1/2023	8/1/2023	9/1/2023	10/1/2023	11/1/2023	12/1/2023
Addison	438	286	396	405	414	431	504	466	436	431
Bennington	1606	1264	1545	1509	937	1,613	1706	1,536	1,533	1518
Caledonia	1598	1166	1297	1200	1264	1,312	1481	1,262	1,265	1266
Chittenden	2893	2387	2791	2776	2885	2,970	3388	2,947	2,973	3049
Essex	268	167	226	219	221	232	250	225	229	223
Franklin	1204	750	1108	1122	1077	1,096	1211	1,040	1,060	1027
Grand Isle	116	64	81	83	82	71	98	85	87	79
Lamoille	1162	905	972	857	781	787	868	752	684	639
Orange	422	290	216	367	366	392	478	427	416	396
Orleans	1827	1443	1641	1621	1599	1,638	1705	1,562	1,539	1555
Rutland	2690	2053	2174	2180	2134	2,189	2331	1,977	1,956	1929
Washington	1534	911	1090	1306	1298	1,429	1520	1,252	1,290	1303
Windham	1732	1094	1368	1339	1368	1,437	1642	1,362	1,362	1332
Windsor	1212	636	844	763	790	862	1012	791	774	752
STATEWIDE	18702	13416	15749	15747	15216	16459	18194	15684	15604	15499

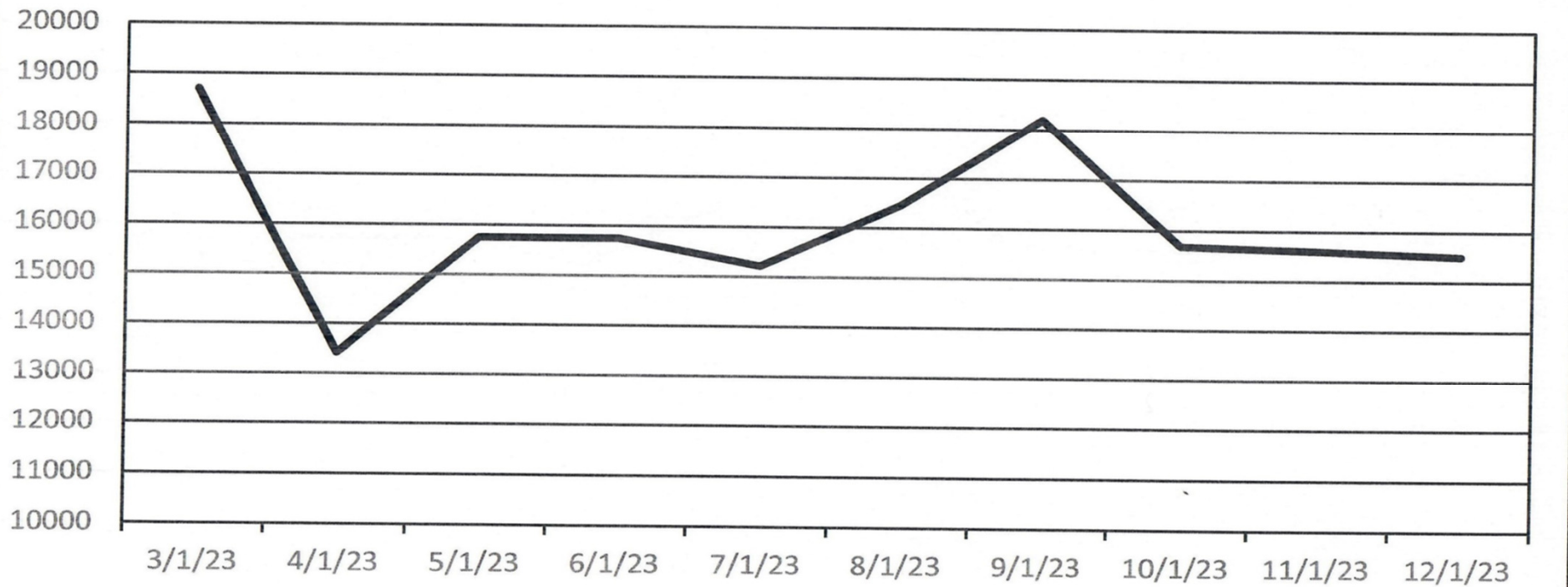
# CLEARANCE RATE TREND CRIMINAL CASES January-December 2023

Clearance Rates - Criminal Cases



# SUMMARY: We are making progress

Statewide - Criminal Backlog



# THE LATEST CRIMINAL BACKLOG DATA 02/21/2024

## CRIMINAL BACKLOG INFORMATION 2.1.24

Pending cases by county:

COUNTY	NEW FELONIES FILED	NEW MISD FILED	TOTAL CASES FILED	Under dispo guidelines	Near dispo guideline *	Over dispo guideline	N/A**	Total Pending Cases
Addison	5	25	30	161	44	134	96	435
Bennington	40	88	128	437	136	681	224	1,254
Caledonia	10	57	67	276	72	773	173	1,294
Chittenden	65	247	312	1,303	239	934	514	2,990
Essex	2	5	7	37	10	105	6	158
Franklin	23	93	116	479	73	183	327	1,062
Grand Isle	0	1	1	30	10	17	16	73
Lamoille	15	39	54	186	73	220	132	611
Orange	7	21	28	116	47	131	63	357
Orleans	19	66	85	280	89	1,003	158	1,530
Rutland	21	101	122	515	133	941	192	1,781
Washington	29	92	121	528	76	270	418	1,292
Windham	13	77	90	451	108	565	218	1,342
Windsor	24	50	74	319	61	239	140	759

\* The "Near" category is intended as an alert that a case is close to the time to disposition goal when active days are in this range. It is the interval between 0.75 of the disposition guideline and the disposition. For example, if the disposition guideline is 120 days, near would be 90 – 120 days, under would be less than 90 days and over would be greater than 120 days.

\*\* "N/A" is an abbreviation for not applicable. The Judiciary utilizes a data tool, CORE, for measuring disposition time. The implementation of disposition guidelines in CORE is focused on the interval between case filing and entry of judgment for Court Statistics Project (CSP) case types having a disposition guideline. Circumstances where a case would have a guideline status of "n/a" would include reopened disposition (aka post judgment) or a case type with no disposition guideline. (These are predominantly VOP cases)



# LATEST CLEARANCE RATE DATA

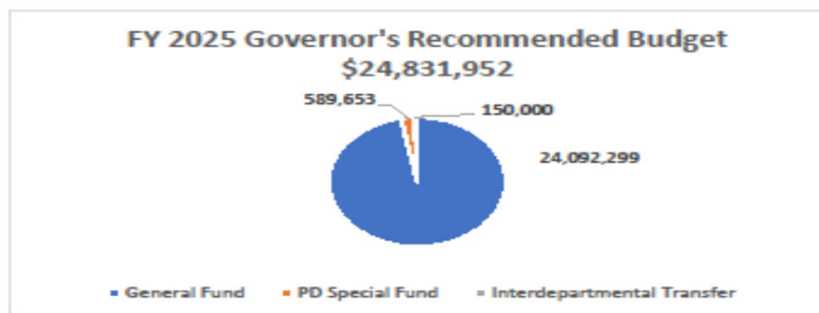
## 02/21/2024

### CLEARANCE RATES 2.1.24

UNIT	CRIMINAL	CIVIL	DOMESTIC	JUVENILE	PROBATE
Addison	131%	113%	96%	133%	40%
Bennington	95%	189%	108%	127%	8%
Caledonia	97%	185%	107%	29%	82%
Chittenden	114%	174%	84%	24%	67%
Essex	75%	133%	67%	100%	125%
Franklin	71%	149%	72%	47%	112%
Grand Isle	138%	350%	43%	67%	180%
Lamoille	134%	129%	132%	171%	82%
Orange	138%	283%	168%	167%	92%
Orleans	93%	132%	138%	150%	107%
Rutland	133%	106%	130%	100%	70%
Washington	115%	96%	108%	89%	84%
Windham	99%	82%	158%	113%	39%
Windsor	102%	99%	107%	188%	181%
Environmental	238%				
Judicial Bureau	140%				

## Office of the Defender General FY 2025 Governor's Recommended Budget

**MISSION:** The Office of the Defender General provides constitutionally required representation to indigent persons charged with serious crimes. The Office also provides counsel to children who are the subject of juvenile proceedings as alleged delinquents; to parties in juvenile proceedings including children in need of care and supervision (CHINS); to children in the custody of the Department for Children and Families; to persons in the custody of the Commissioner of Corrections; and, to needy persons in extradition, or probation or parole revocation proceedings.



### WHAT IT PROVIDES:

- Continues current service level;
- Provides funds for staff salary and benefit increases (including FMLI and Childcare);
- Provides increase for already-negotiated and approved Public Defense Contracts;
- Provides minimal increases for restoration of funds for in and out-of-state travel;
- Provides funding for Internal Service Fund allocations;
- Provides minimal increases for operating including office leases.

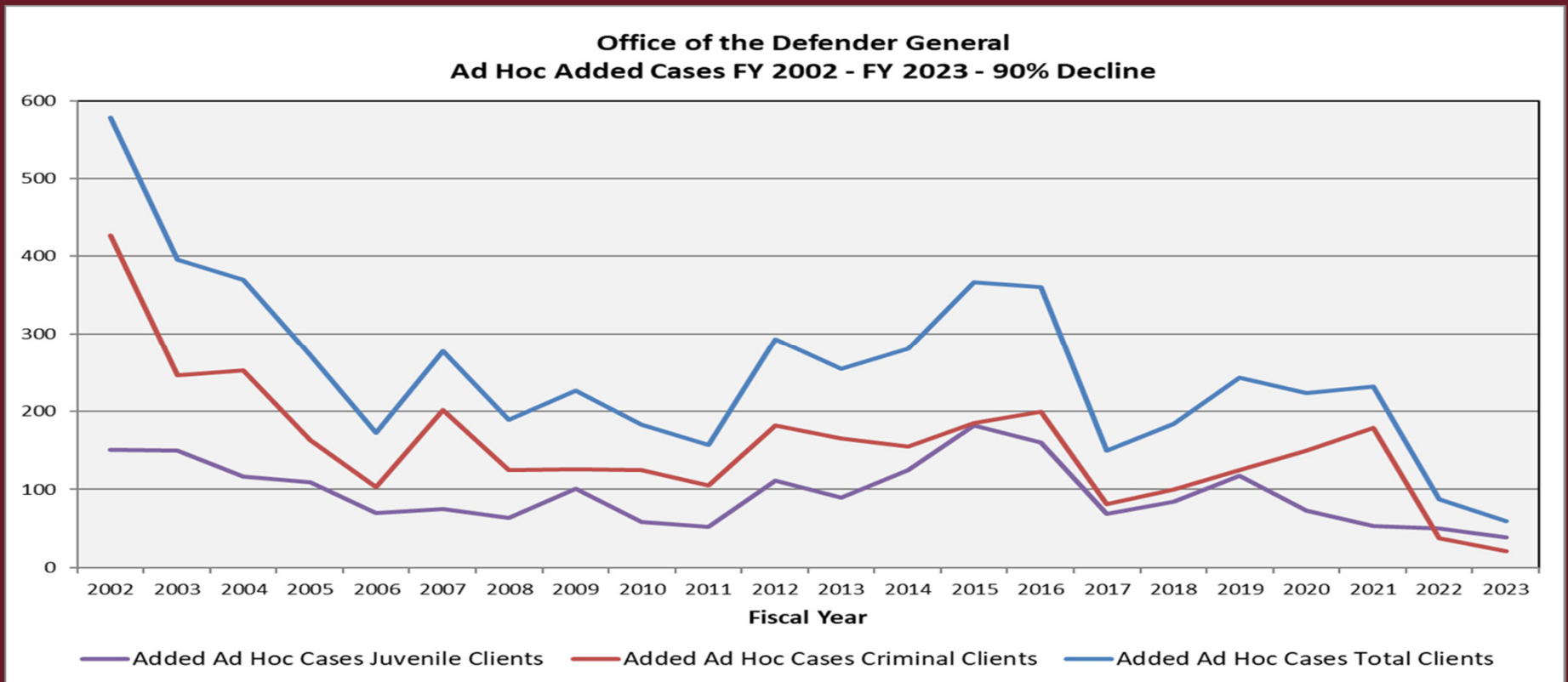
### ACCOMPLISHMENTS:

- ODG has remained within budget for 22 consecutive years;
- Fiscal responsibility has been built on legal services provided by conflict contractors saving the state 40% when compared to a staff office;
- Increase in the number of Assigned Counsel Conflict contracts has kept reliance on ad hoc counsel to a minimum;
- **FY 2002 – FY 2023: Ad hoc caseload (the most expensive way to provide services) has decreased 90%.**

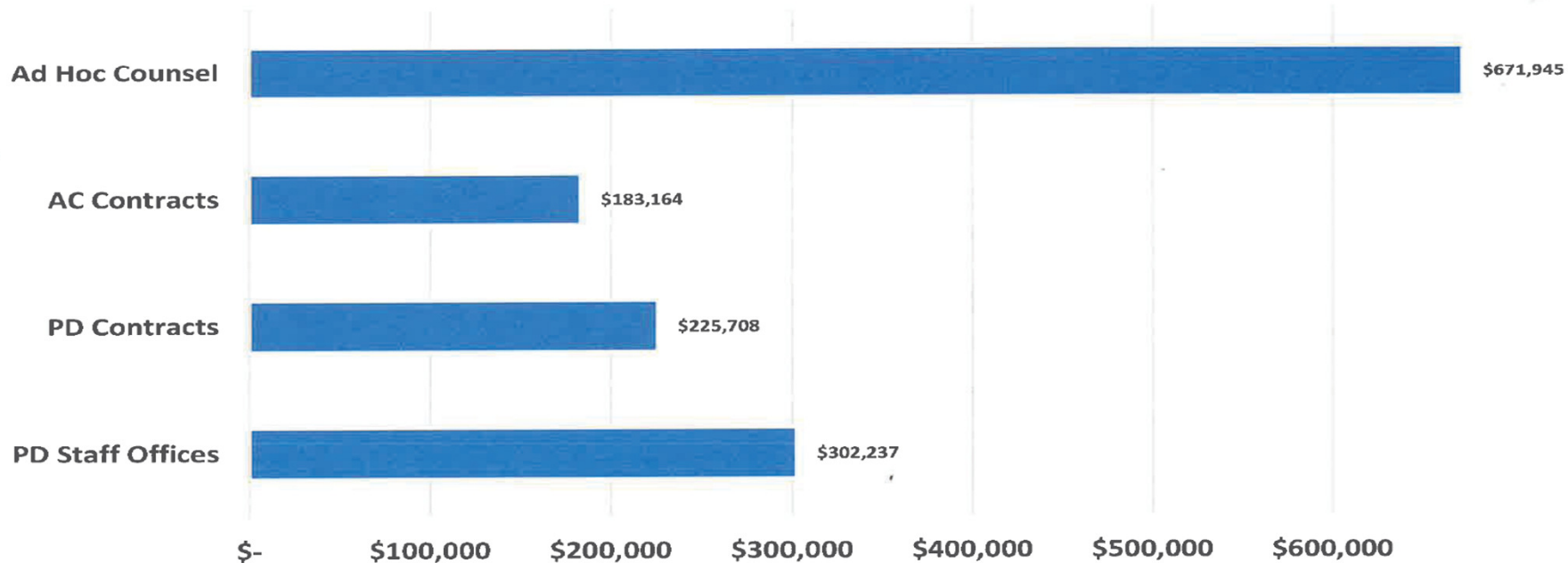
### CHALLENGES:

- Continue caseload relief contracts to prevent increasing Ad Hoc costs and court backlog;
- Assigned Counsel Contracts and Serious Felony Unit Contracts are underfunded;
- Other Personal Services (Case-Related Services) are under pressure with increasing costs driven by increased expert pricing and certain serious cases;
- Bennington Public Defense Office needs an attorney focused on juvenile representation;
- Attorneys are not available for hire in staff or contract systems;
- Private sector pay for attorneys has far outpaced public sector attorney pay in recent years;
- The ODG anticipates a continued surge in pending caseload in FY 2024 into FY 2025 due to COVID-related backlogged cases;
- Continued issues with the implementation and utilization of the new Case Management System. ODG needs a Data Manager and financial resources for ongoing implementation, support, and maintenance.
- An increase to support the Northeast Kingdom Contract for Orleans Criminal & Juvenile and Caledonia Juvenile is not contained in FY 2025.
- Required Statutory training remains an unfunded mandate.

# AD HOC REDUCTION IS KEY TO ODG BUDGET MANAGEMENT & COST CONTROL

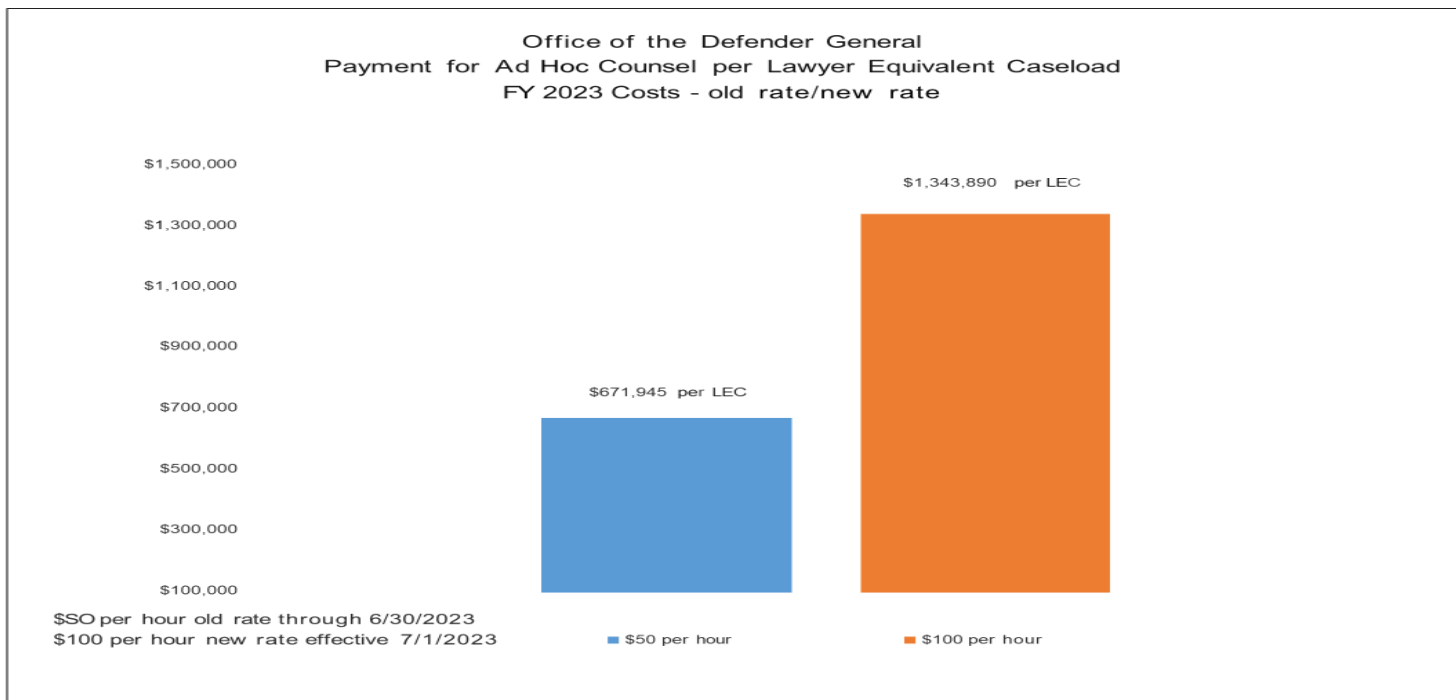


**Office of the Defender General  
Cost of Legal Services by Lawyer Equivalent Caseload  
FY 2023 Costs and FY 2022 & FY 2023 Caseload  
(includes operating expenses but not third-party services)**



**Ad Hoc Counsel is 4 times more expensive than AC Contracts**

# AD HOC COST PER LEC AT \$100/hour



**PROJECTED TOTAL COST OF AD HOC IF  
CASELOAD RELIEF CONTRACTS ARE NOT  
RENEWED - 1500 cases 2/8/2024**

**CASELOAD RELIEF CONTRACTS FY2024:**

**\$1,283,400**

**COST OF THE SAME CASES IF THEY ARE FORCED TO BE  
HANDLED ON AN AD HOC BASIS DUE TO THE  
ELIMINATION OF THE CASELOAD RELIEF CONTRACTS:**

**\$13,438,900 (\*10 LEC x \$1.34 million/LEC)**

**OFFICE OF THE DEFENDER GENERAL  
FY 2025 Budget**

February 5, 2024

**Current Services that Remain Unfunded**

• Continuation of one-time General Fund appropriation For 10 caseload relief contractors and 5 limited service positions to handle the continued backlog of cases resulting from the pandemic	1,283,400
• Northeast Kingdom Law Orleans County Contract	93,036
• Restoration of funding for In-Person Training	50,000
• AdvoLogix Case Management System Ongoing support and maintenance	117,000
• Current Assigned Counsel Contract Obligations <ul style="list-style-type: none"> <li>○ Ad Hoc Attorney Rates have doubled to \$100 per hour making the Assigned Counsel Contracts increasingly more important.</li> </ul>	187,307
• Current Serious Felony Units 8 increased from \$130,000 to \$150,000	160,000
• Data Manager Funding for Approved Position	138,000

**TOTAL CURRENT SERVICES UNFUNDED** **\$2,028,743**

**UNFUNDED ADDITIONAL NEEDS:**

• Bennington Juvenile Attorney (Step 4)	131,462
---	---------

**Public Defense Special Fund Underperformance:**

• PD Special Fund receipts continue well below funding level. Requiring annual spending reduction.	270,000
---	---------

**TOTAL UNFUNDED ADDITIONAL NEEDS** **401,462**

**Budget Neutral Item**

• <b>Funding for Family Support Program. Current structure funding is contained in DCF budget and requires interdepartmental transfer to ODG budget - creating administrative work for 3 Departments, ODG, DCF and Finance.</b>	
• <b>Solution</b> <ul style="list-style-type: none"> <li>○ Include funding directly in ODG Budget</li> <li>○ Exclude funding within DCF Budget</li> </ul>	150,000 (150,000)

**TOTAL UNFUNDED NEEDS** **2,430,205**