

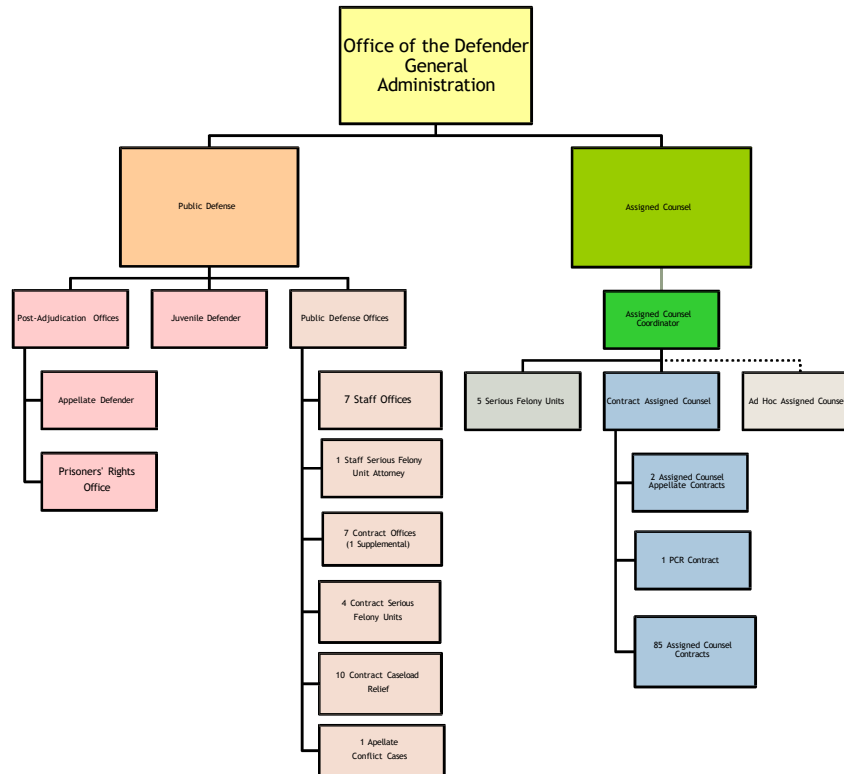


DEFENDER  
GENERAL  
FY2026  
BUDGET

# WHAT IS THE OFFICE OF THE DEFENDER GENERAL?

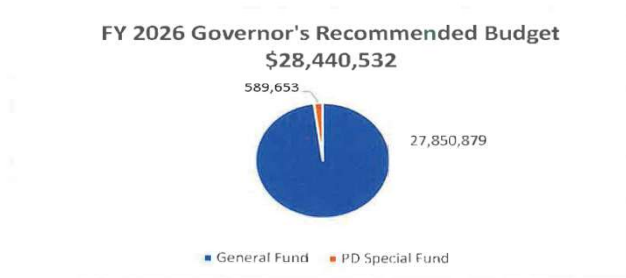
- **Constitutionally mandated government agency that represents indigent individuals in criminal and juvenile cases in proceedings before the trial court, Vermont Supreme Court, and Federal Trial and Appellate Courts.**
- **Statutorily mandated to represent individuals in the custody of the Commissioner of Corrections regarding conditions of confinement, and those seeking release or relief from sentences, including but not limited to: medical care, parole Hearings, post-conviction relief, sentence calculation, habeas corpus, and other matters that implicate prisoner's rights.**
- **Statutorily mandated to investigate any death or serious incident in a correctional facility independent of any law enforcement, AHS, or DOC investigation.**
- **Advise the Governor, Administration, and Legislature on criminal and juvenile justice policy matters from the defense perspective.**
- **Administer the public defense system in the State of Vermont**

**Office of the Defender General - Organizational Chart -Overall Structure**  
 Organizational Chart 1/10/2025



## Office of the Defender General FY 2026 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;
- Provides increase in funding for 4-year Public Defense Contracts;
- Provides 2% increase in Assigned Counsel Contracts;
- Provides minimal increases for office leases, property maintenance and utilities;
- Provides increase for employee/non-employee travel;
- Provides increase for Case Management support.
- Increase funding for Other Personal Services.
- Increase for Assigned Counsel travel.

### ACCOMPLISHMENTS:

- ODG has remained within budget for 23 consecutive years;
- Fiscal responsibility has been built on legal services provided by conflict contractors saving the state 30% 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 2000 – FY 2024: Ad hoc caseload (the most expensive way to provide services) has decreased in number of charges by 89% and clients by 87% since 2000.

### CHALLENGES:

- Continue caseload relief contracts is necessary to prevent increasing Ad Hoc costs and court backlog;
- Assigned Counsel Contracts and Serious Felony Unit Contract coverage;
- PD Contract Office Contracts are up for their 4-year renewal in FY 2026;
- Other Personal Services (Case-Related Services) is under pressure with increasing costs due to utilization and increased expert pricing;
- 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;
- Current vacant Data Manager position, which could take on some of the Case Management contracted support functions reducing contract costs, has proven to be a difficult hire.
- Required Statutory training remains an unfunded mandate.

**PUBLIC  
DEFENDER -  
TOTAL ADDED  
CRIMINAL  
CASES - FY 2024**

	FELONY		MISDEMEANOR		OTHER		TOTAL		FY 2023		% INC/DEC	
	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES
ADDISON	89	54	306	135	17	13	412	202	333	198	23.7	2.0
BENNINGTON	381	198	857	415	192	103	1430	716	1090	596	31.2	20.1
CALEDONIA	127	88	559	290	62	52	748	430	756	437	-1.1	-1.6
CHITTENDEN	617	448	2017	1306	221	168	2855	1922	2401	1596	18.9	20.4
ESSEX	30	25	86	45	9	8	125	78	111	58	12.6	34.5
FRANKLIN/GRAND ISLE	220	181	766	466	153	95	1139	742	1135	733	0.4	1.2
FRANKLIN	213	174	723	439	145	89	1081	702	1048	678	3.1	3.5
GRAND ISLE	7	7	43	27	8	6	58	40	87	55	-33.3	-27.3
LAMOILLE	79	58	338	182	41	31	458	271	611	347	-25.0	-21.9
ORANGE	47	21	154	77	1	1	202	99	212	118	-4.7	-16.1
ORLEANS	179	127	656	305	75	54	910	486	1133	519	-19.7	-6.4
RUTLAND	355	249	1217	609	86	70	1658	928	1579	905	5.0	2.5
WASHINGTON	392	259	1416	698	246	154	2054	1111	1824	993	12.6	11.9
WINDHAM	228	156	1018	505	142	98	1388	759	1228	669	13.0	13.5
WINDSOR	218	139	742	393	219	111	1179	643	1191	652	-1.0	-1.4
TOTAL	2962	2003	10132	5426	1464	958	14558	8387	13604	7821	7.0	7.2
FY 2023	2926	1976	9686	5246	992	599	13604	7821				
% INC/DEC	1.2	1.4	4.6	3.4	47.6	59.9	7.0	7.2				

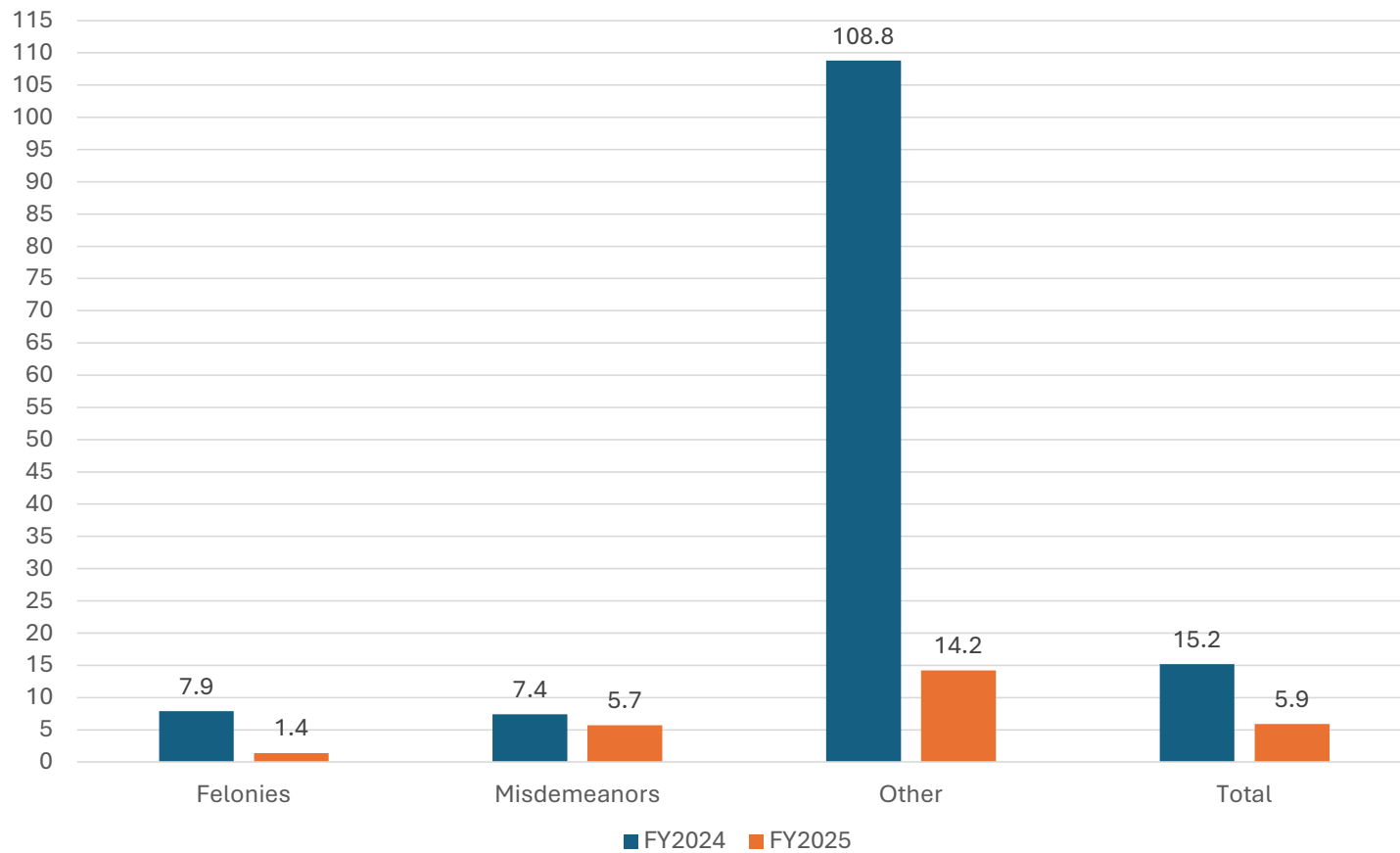
**PUBLIC DEFENDER - TOTAL  
ADDED FAMILY CASES BY TYPE  
OF CASE - FY 2024 – YEAR**

								TOTAL	TOTAL	
	CHINS A	CHINS B	CHINS C	CHINS D	DELINQ	TPR		FY24	FY23	% INC/DEC
ADDISON	4	32	3	1	27	14		81	107	-24.3
BENNINGTON	2	32	6	8	62	5		115	98	17.3
CALEDONIA	3	15	3	8	19	6		54	47	14.9
CHITTENDEN	8	33	6	13	91	10		161	174	-7.5
ESSEX	1	8	1	0	3	0		13	5	160.0
FRANKLIN/GRAND ISLE	0	54	5	5	53	19		136	158	-13.9
FRANKLIN	0	42	5	3	51	17		118	142	-16.9
GRAND ISLE	0	12	0	2	2	2		18	16	12.5
LAMOILLE	1	13	1	8	17	0		40	49	-18.4
ORANGE	0	0	0	2	7	0		9	23	-60.9
ORLEANS	9	20	4	2	58	0		93	69	34.8
RUTLAND	0	21	4	19	31	2		77	78	-1.3
WASHINGTON	6	16	4	5	63	6		100	87	14.9
WINDHAM	1	25	1	5	37	5		74	57	29.8
WINDSOR	0	9	1	11	26	6		53	91	-41.8
TOTAL	35	278	39	87	494	73		1006	1043	-3.5
FY23	38	295	44	119	495	52		1043		
% INC/DEC	-7.9	-5.8	-11.4	-26.9	-0.2	40.4		-3.5		

FY2024: Felony Cases +1.4%  
 Misdemeanor Cases +3.4%  
 Probation Violations +59.9%

PUBLIC DEFENDER - TOTAL ADDED CRIMINAL CASES - FY 2024												
	FELONY		MISDEMEANOR		OTHER		TOTAL		FY 2023		% INC/DEC	
	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES
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GRAND ISLE	7	7	43	27	8	6	58	40	87	55	-33.3	-27.3
LAMOILLE	79	58	338	182	41	31	458	271	611	347	-25.0	-21.9
ORANGE	47	21	154	77	1	1	202	99	212	118	-4.7	-16.1
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RUTLAND	355	249	1217	609	86	70	1658	928	1579	905	5.0	2.5
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WINDHAM	228	156	1018	505	142	98	1388	759	1228	669	13.0	13.5
WINDSOR	218	139	742	393	219	111	1179	643	1191	652	-1.0	-1.4
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Office of the Defender General  
Public Defense Change of Added Cases-1<sup>st</sup> ¼ of FY2024- 1<sup>st</sup> ¼ of FY2025





**PUBLIC DEFENDER - TOTAL  
ADDED CRIMINAL CASES -  
FY 2025 - 1/4**

	FELONY		MISDEMEANOR		OTHER		TOTAL		1ST 1/4 FY24		% INC/DEC	
	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES	CHGS	CASES
ADDISON	16	13	67	32	2	2	85	47	119	56	-28.6	-16.1
BENNINGTON	97	61	356	127	78	59	531	247	333	182	59.5	35.7
CALEDONIA	12	11	112	68	25	23	149	102	199	105	-25.1	-2.9
CHITTENDEN	182	118	451	288	54	54	687	460	723	499	-5.0	-7.8
ESSEX	0	0	9	7	4	3	13	10	32	20	-59.4	-50.0
FRANKLIN/GRAND ISLE	40	34	211	140	37	32	288	206	319	216	-9.7	-4.6
FRANKLIN	39	33	199	133	35	30	273	196	297	203	-8.1	-3.4
GRAND ISLE	1	1	12	7	2	2	15	10	22	13	-31.8	-23.1
LAMOILLE	26	17	56	32	10	10	92	59	137	97	-32.8	-39.2
ORANGE							0	0	140	52	-100.0	-100.0
ORLEANS	67	47	249	143	15	14	331	204	282	150	17.4	36.0
RUTLAND	126	80	356	193	40	38	522	311	359	221	45.4	40.7
WASHINGTON	100	61	415	213	52	43	567	317	545	302	4.0	5.0
WINDHAM	56	38	309	159	47	40	412	237	345	171	19.4	38.6
WINDSOR	77	45	186	90	48	35	311	170	287	168	8.4	1.2
TOTAL	799	525	2777	1492	412	353	3988	2370	3820	2239	4.4	5.9
1ST 1/4 FY24	802	518	2634	1412	384	309	3820	2239				
% INC/DEC	-0.4	1.4	5.4	5.7	7.3	14.2	4.4	5.9				

# CRIMINAL BACKLOG 6/2024-12/2024

COUNTY	6/1/2024	7/1/2024	8/1/2024	9/1/2024	10/1/2024	11/1/2024	12/1/2024
Addison	343	342	349	368	346	351	377
Bennington	1246	1251	1295	1329	1357	1218	1153
Caledonia	1085	1034	1067	1107	1113	1018	994
Chittenden	2819	2752	2751	2799	2756	2605	2683
Essex	230	222	219	229	226	203	191
Franklin	1084	1088	1142	1180	1261	1275	1277
Grand Isle	60	59	67	68	66	63	63
Lamoille	528	516	544	552	529	478	514
Orange	337	336	345	354	358	353	361
Orleans	1419	1339	1223	1240	1185	1207	1126
Rutland	1559	1494	1546	1555	1541	1500	1438
Washington	1256	1164	1225	1263	1354	1389	1350
Windham	1406	1386	1384	1410	1474	1446	1418
Windsor	792	780	735	870	890	893	881
Statewide	14164	13763	13892	14324	14456	13999	13826

## CRIMINAL BACKLOG INFORMATION

### 2.1.25

Pending cases by county:

COUNTY	NEW FELONIES FILED	NEW MISDEMEANORS FILED	TOTAL CASES FILED	Under disposition guidelines	Near disposition guideline *	Over disposition guideline	N/A**	Total Pending Cases	Clearance rate For past month
Addison	13	50	63	289	28	58	30	405	103%
Bennington	30	57	87	510	88	338	158	1094	100%
Caledonia	17	45	62	271	64	518	156	1009	71%
Chittenden	55	147	202	1,503	193	666	249	2,611	92%
Essex	3	9	12	81	12	80	27	200	120%
Franklin	20	84	104	903	121	230	106	1360	77%
Grand Isle	0	0	0	14	5	11	11	41	525%
Lamoille	8	30	38	239	41	111	73	464	79%
Orange	6	32	38	177	32	138	23	370	89%
Orleans	27	44	71	353	58	554	115	1080	131%
Rutland	26	75	101	656	140	552	116	1464	95%
Washington	40	111	151	877	139	302	181	1499	62%
Windham	26	88	114	588	117	617	156	1478	81%
Windsor	26	69	95	426	62	293	113	894	89%
Totals:	297	841	1,075	6887	1100	4468	1514	13969	89%

\* 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)

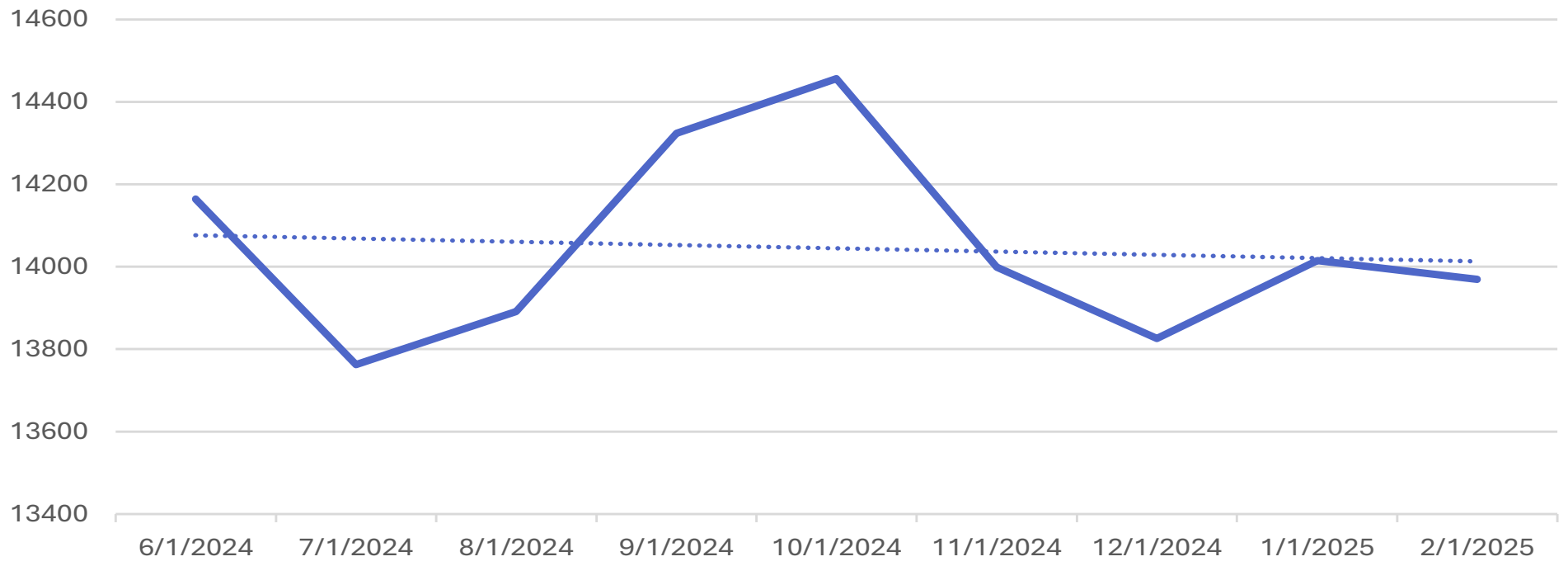
# CASE CLEARANCE RATES 12/1/2023 – 12/31/2024

- SUMMARY:**

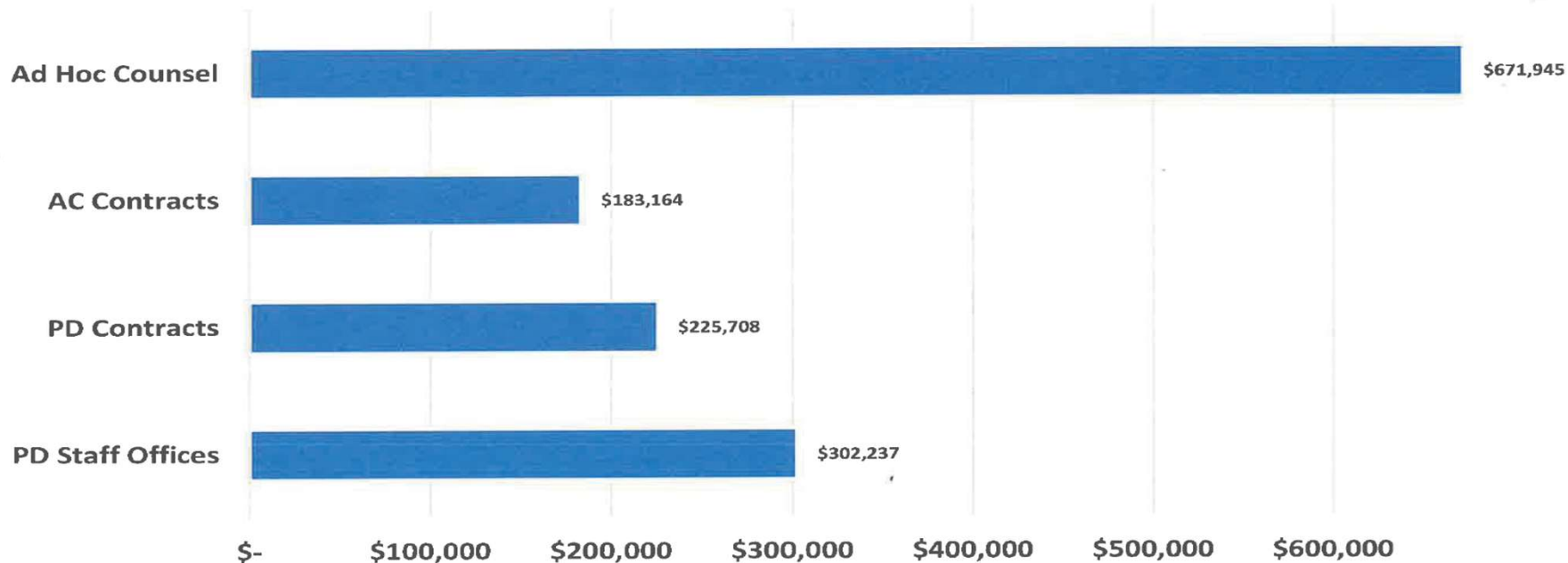
- Statewide Criminal Clearance Rate in December was only 89%**
- Only 4 counties made progress on the backlog (3 of those were the smallest counties)**
- All of the largest counties lost significant ground.**
- Caused by new added caseload from FY23, '24 & '25 joining the pandemic backlog**

Division	Civil	Criminal	Environme	Family	Judicial Bur	Probate
StatewideC Unit	Clearance	Clearance	Clearance	Clearance	Clearance	Clearance Rate
Superior C <b>Total</b>	<b>79%</b>	<b>89%</b>		<b>112%</b>		<b>135%</b>
Addison	104%	103%		113%		215%
Bennington	92%	100%		120%		232%
Caledonia	78%	71%		82%		267%
Chittenden	78%	92%		118%		68%
Essex	78%	120%		0%		300%
Franklin	68%	77%		99%		139%
Grand Isle	100%	525%		100%		29%
Lamoille	80%	79%		71%		214%
Orange	69%	89%		80%		131%
Orleans	58%	131%		102%		147%
Rutland	84%	95%		136%		90%
Washington	65%	62%		111%		109%
Windham	72%	81%		151%		150%
Windsor	106%	89%		111%		86%
Statewide <b>Total</b>			<b>150%</b>		<b>137%</b>	
Environmental			150%			
Judicial Bureau					137%	
<b>Total</b>	<b>79%</b>	<b>89%</b>	<b>150%</b>	<b>112%</b>	<b>137%</b>	<b>135%</b>

# CRIMINAL CASE BACKLOG June, 2024 - February 2025

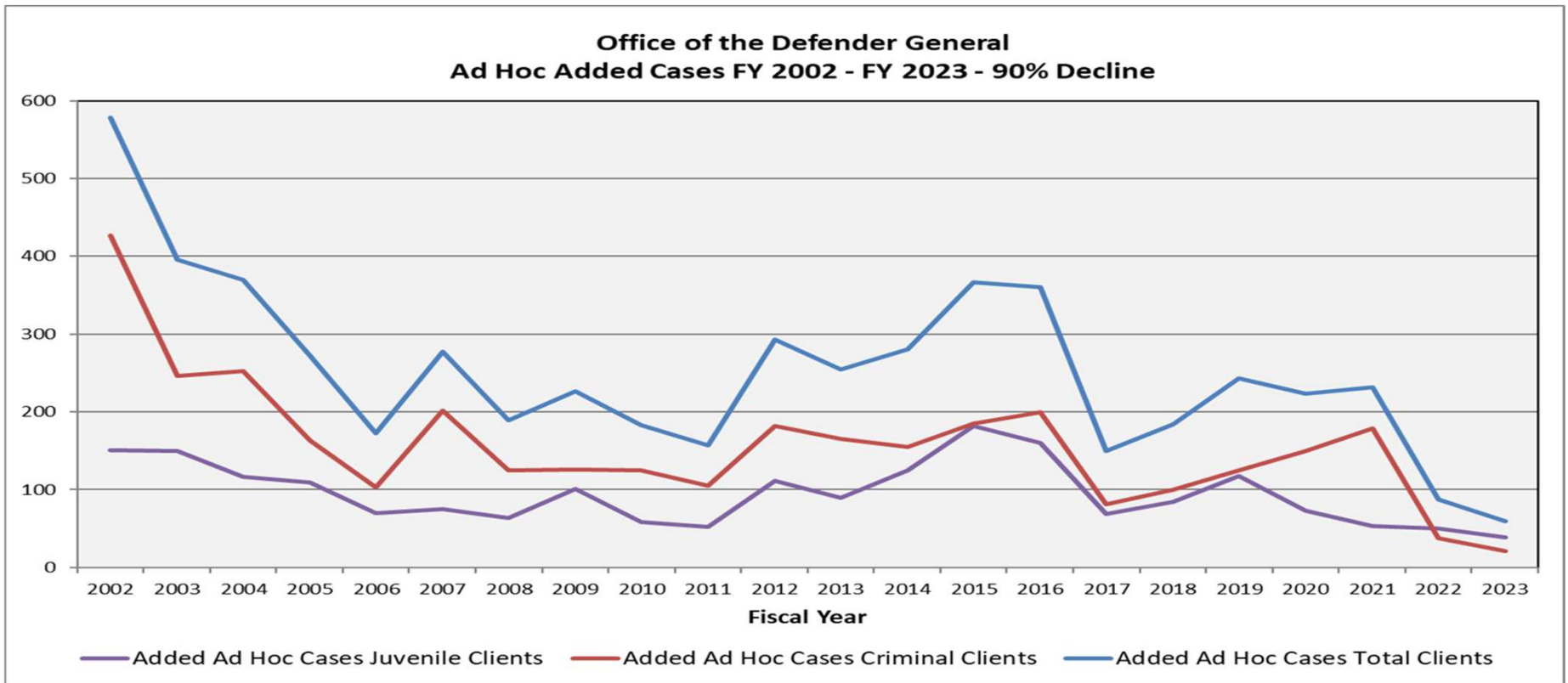


**Office of the Defender General  
Cost of Legal Services by Lawyer Equivalent Caseload  
FY 2023 Costs and FY 2022 & FY 2023 Caseload  
(includes operating expenses but not third-party services)**



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

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

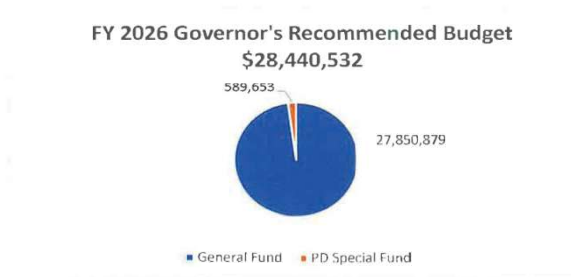






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- Required Statutory training remains an unfunded mandate.

**OFFICE OF THE DEFENDER GENERAL  
FY 2026 BUDGET**

**Current Services that Remain Unfunded**

AC Contract Increases	\$	57,851
In-Person Training	\$	60,000
<b>Total Current Services Unfunded</b>	<b>\$</b>	<b>117,851</b>

**Unfunded Additional Needs**

PD Special Fund Shortfall	\$	275,000
IT Server Capacity Storage (Savings over \$500K/year compared to contracting for cloud storage & access)	\$	30,000
Addison County Rent - Need to move from current facility - Annual Rent increase	\$	20,000
Addison County Rental - Estimated Fit Up Costs	\$	50,000
BGS Security - \$25,000		
ADS IT - \$25,000		
Orleans Staff Office if current PD contract remains unfilled. (3 lawyers, 2 staff, 1 investigator, \$60K Rent, \$25K Utilities & Operating, \$50K Startup Costs)	\$	250,000
<b>Total Unfunded Additional Needs</b>	<b>\$</b>	<b>625,000</b>

<b>Total Current and Unfunded Additional Needs</b>	<b>\$</b>	<b>742,851</b>
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*"That's all Folks!"*