

Office of the Defender General

Matthew Valerio, Defender General



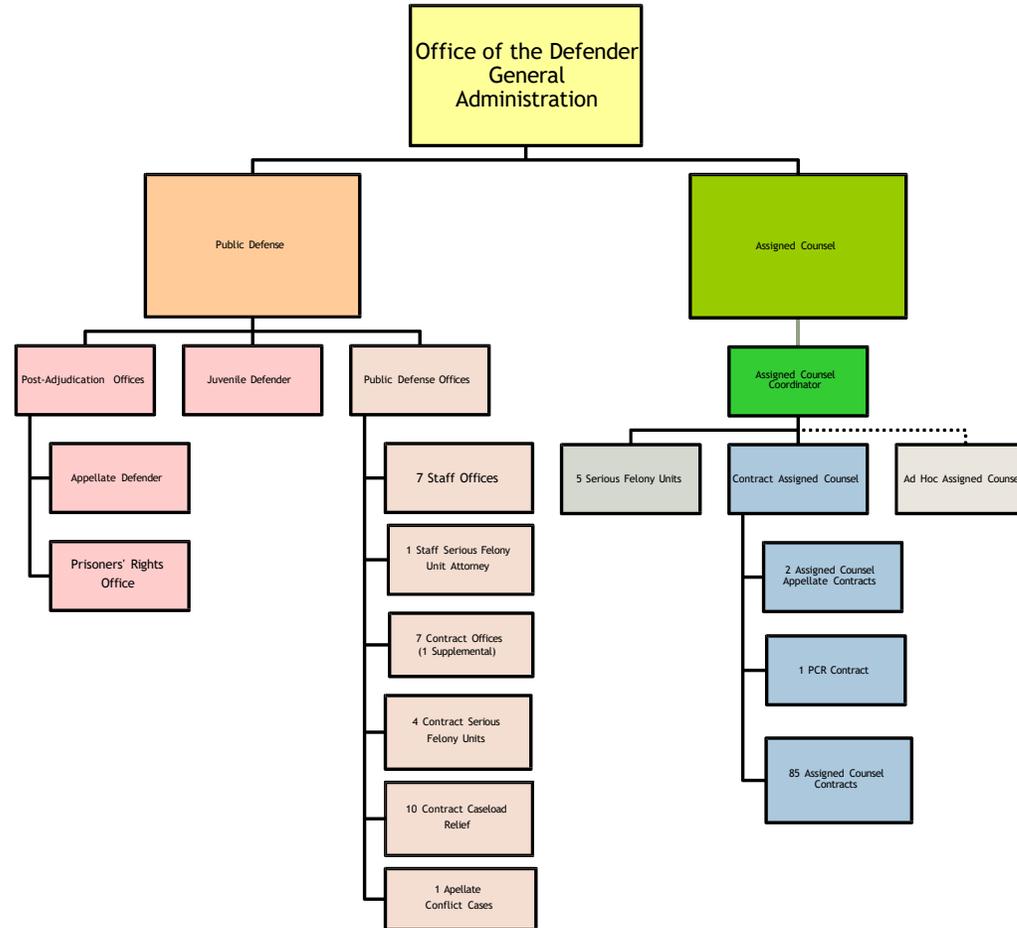
Budget for Fiscal Year 2027

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

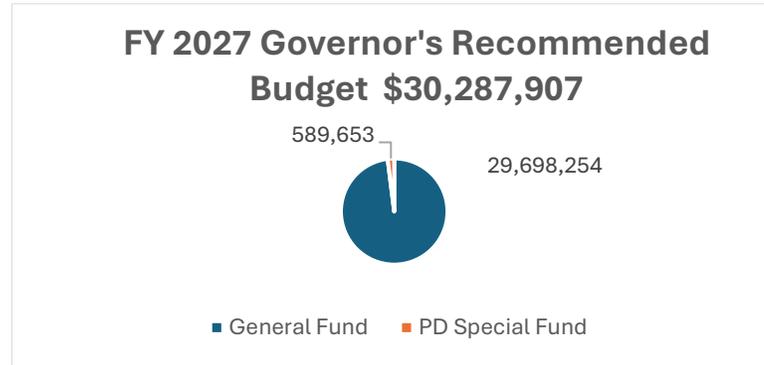
Organizational Chart 1/10/2025



Office of the Defender General

FY 2027 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 year 2 increase for 4-year Public Defense Contracts
- Provides increase in PD SFU Contracts
- Provides increase in AC SFU Contracts
- Provides increase for AC Third Party Services
- Provides minimal increase in rents;

ACCOMPLISHMENTS:

- ODG has remained within budget for 24 consecutive years
- Fiscal predictability is supported by primary public defense contract offices saving the state approximately 30% when compared to a staff office
- Assigned Counsel Conflict contracts have kept reliance on ad hoc counsel to a minimum, historically saving the ODG more than 75% compared to ad hoc assignments
- FY 2000 – FY 2025: Ad hoc caseload (the most expensive way to provide services) has decreased in the number of charges by 84% and clients by 85% since 2000

CHALLENGES:

- Maintaining and attracting caseload relief contracts is necessary to prevent increasing Ad Hoc costs and court backlog
- Assigned Counsel Contracts and Serious Felony Unit Contract coverage
- Other Personal Services (Case-Related Services) are under pressure with increasing costs due to utilization and an increase in expert pricing
 - Private investigators have requested an increase to \$100 per hour consistent with the Federal Court rate, and neighboring jurisdictions
- 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 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.

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
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
CRIMINAL CASES - FY
2025 - 1**

	FELONY		MISDEMEANOR		OTHER		TOTAL		FY 2024		% INC/DEC	
	<u>CHGS</u>	<u>CASES</u>										
ADDISON	78	53	277	132	33	27	388	212	412	202	-5.8	5.0
BENNINGTON	363	231	1153	383	339	167	1855	781	1430	716	29.7	9.1
CALEDONIA	97	70	445	249	78	67	620	386	748	430	-17.1	-10.2
CHITTENDEN	772	541	2334	1419	333	250	3439	2210	2855	1922	20.5	15.0
ESSEX	19	13	51	24	7	5	77	42	125	78	-38.4	-46.2
FRANKLIN/GRAND ISLE	254	162	948	642	110	82	1312	886	1139	742	15.2	19.4
FRANKLIN	245	155	927	625	104	77	1276	857	1081	702	18.0	22.1
GRAND ISLE	9	7	21	17	6	5	36	29	58	40	-37.9	-27.5
LAMOILLE	82	59	271	126	55	36	408	221	458	271	-10.9	-18.5
ORANGE	83	59	378	195	8	5	469	259	202	99	132.2	161.6
ORLEANS	140	100	545	323	119	71	804	494	910	486	-11.6	1.6
RUTLAND	388	277	1178	651	238	139	1804	1067	1658	928	8.8	15.0
WASHINGTON	323	220	1468	778	217	148	2008	1146	2054	1111	-2.2	3.2
WINDHAM	232	159	1229	634	196	133	1657	926	1388	759	19.4	22.0
WINDSOR	261	181	772	387	261	136	1294	704	1179	643	9.8	9.5
TOTAL	3092	2125	11049	5943	1994	1266	16135	9334	14558	8387	10.8	11.3
FY 2024	2962	2003	10132	5426	1464	958	14558	8387				
% INC/DEC	4.4	6.1	9.1	9.5	36.2	32.2	10.8	11.3				

**PUBLIC DEFENDER - TOTAL
ADDED FAMILY CASES BY
TYPE OF CASE - FY 2025 –
YEAR**

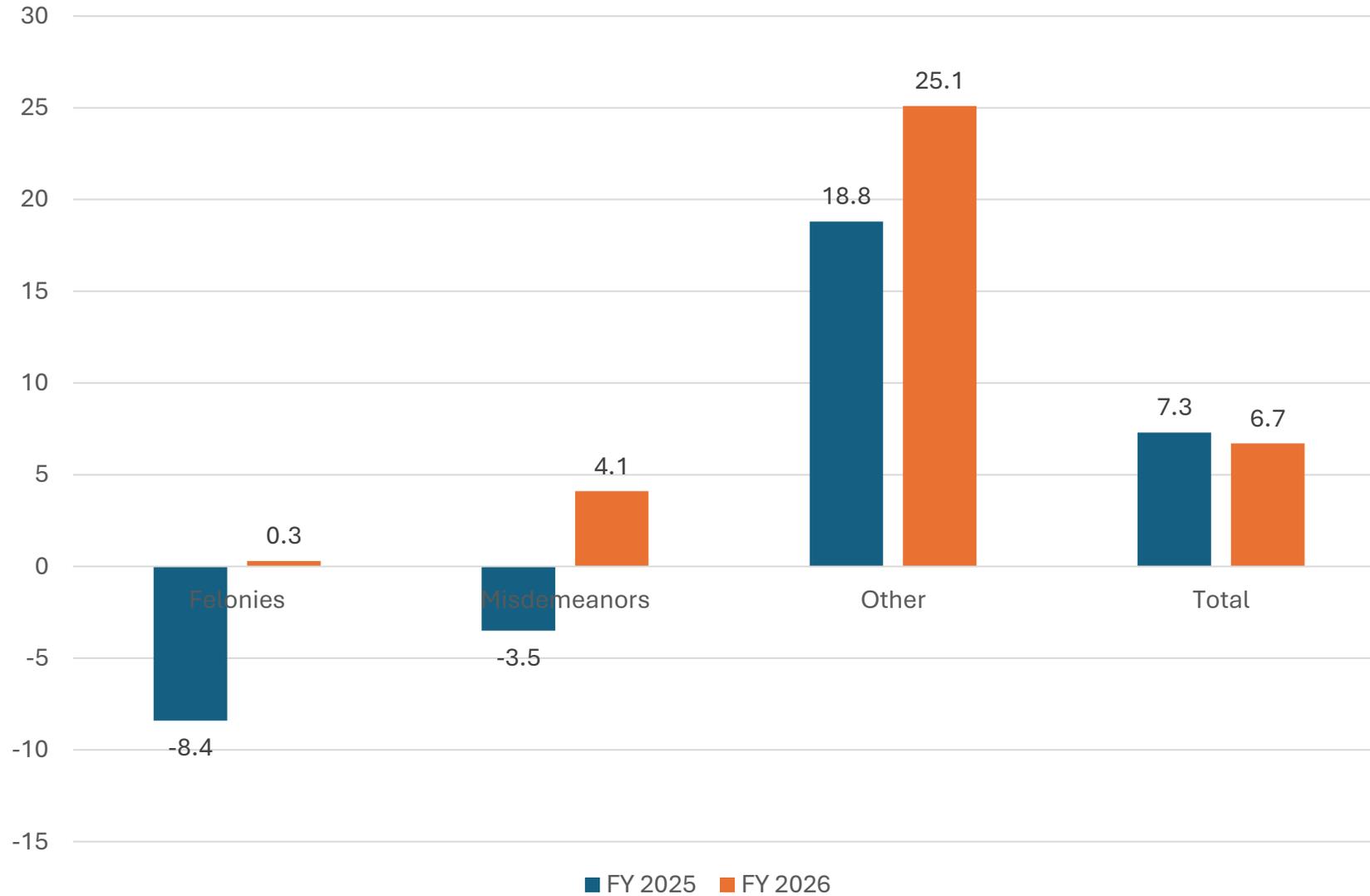
	CHINS A	CHINS B	CHINS C	CHINS D	DELINQ	TPR	TOTAL FY25	TOTAL FY24	% INC/DEC
ADDISON	3	59	1	9	20	3	95	81	17.3
BENNINGTON	5	26	6	20	61	11	129	115	12.2
CALEDONIA	3	29	1	5	8	1	47	54	-13.0
CHITTENDEN	6	33	2	10	60	20	131	161	-18.6
ESSEX	0	0	0	0	7	0	7	13	-46.2
FRANKLIN/GRAND ISLE	3	53	5	10	47	3	121	136	-11.0
FRANKLIN	3	49	5	10	45	3	115	118	-2.5
GRAND ISLE	0	4	0	0	2	0	6	18	-66.7
LAMOILLE	2	8	3	7	26	0	46	40	15.0
ORANGE	1	2	2	6	15	0	26	9	188.9
ORLEANS	3	3	4	4	58	0	72	93	-22.6
RUTLAND	3	21	1	20	33	6	84	77	9.1
WASHINGTON	2	13	2	15	57	12	101	100	1.0
WINDHAM	3	14	1	5	43	4	70	74	-5.4
WINDSOR	0	18	3	1	41	5	68	53	28.3
TOTAL	34	279	31	112	476	65	997	1006	-0.9
FY24	35	278	39	87	494	73	1006		
% INC/DEC	-2.9	0.4	-20.5	28.7	-3.6	-11.0	-0.9		

**PUBLIC DEFENDER - TOTAL
ADDED CRIMINAL CASES -
FY 2026 - 1/2**

	FELONY		MISDEMEANOR		OTHER		TOTAL		1ST 1/2 FY25		% INC/DEC	
	<u>CHGS</u>	<u>CASES</u>	<u>CHGS</u>	<u>CASES</u>	<u>CHGS</u>	<u>CASES</u>	<u>CHGS</u>	<u>CASES</u>	<u>CHGS</u>	<u>CASES</u>	<u>CHGS</u>	<u>CASES</u>
ADDISON	53	42	198	110	35	28	286	180	201	104	42.3	73.1
BENNINGTON	176	109	393	185	181	124	750	418	930	447	-19.4	-6.5
CALEDONIA	69	46	295	147	25	24	389	217	269	170	44.6	27.6
CHITTENDEN	306	237	1101	718	206	154	1613	1109	1678	1111	-3.9	-0.2
ESSEX	16	11	29	14	1	1	46	26	34	24	35.3	8.3
FRANKLIN/GRAND ISLE							701	451	588	414	19.2	8.9
FRANKLIN	123	84	461	272	70	63	654	419	566	398	15.5	5.3
GRAND ISLE	8	5	33	21	6	6	47	32	22	16	113.6	100.0
LAMOILLE	45	30	141	69	43	21	229	120	210	127	9.0	-5.5
ORANGE	34	24	112	61	8	6	154	91	125	83	23.2	9.6
ORLEANS	110	62	418	218	91	76	619	356	500	326	23.8	9.2
RUTLAND	157	124	571	326	127	97	855	547	852	525	0.4	4.2
WASHINGTON	121	86	658	368	124	99	903	553	1120	632	-19.4	-12.5
WINDHAM	125	78	582	330	110	85	817	493	725	409	12.7	20.5
WINDSOR	172	108	469	245	154	98	795	451	615	326	29.3	38.3
TOTAL	1384	957	4967	2791	1105	813	8157	5012	7847	4698	4.0	6.7
1ST 1/2 FY25	1408	954	5001	2680	850	650	7847	4698				
% INC/DEC	-1.7	0.3	-0.7	4.1	30.0	25.1	4.0	6.7				

Office of the Defender General

Public Defense Change of Added Cases ½ FY25-1/2 FY26



CRIMINAL BACKLOG 1/2025-1/2026

COUNTY	1/1/2025	2/1/2025	3/1/2025	4/1/2025	5/1/2025	6/1/2025	7/1/2025	8/1/2025	9/1/2025	10/1/2025	11/1/2025	12/1/2025	1/1/2026
Addison	367	405	406	373	395	416	396	391	432	334	310	290	309
Bennington	1148	1094	955	881	820	774	712	689	707	483	580	634	504
Caledonia	1015	1009	973	968	905	830	790	801	811	703	657	1177	631
Chittenden	2715	2611	2635	2617	2623	2522	2537	2535	2601	1160	1788	1649	1475
Essex	194	200	193	194	182	178	173	180	167	147	154	160	148
Franklin	1312	1360	1364	1322	1312	1204	1212	1246	1322	1024	1023	976	876
Grand Isle	51	41	38	42	44	40	52	67	73	51	54	58	58
Lamoille	524	464	449	455	468	386	373	383	400	298	292	264	281
Orange	365	370	364	379	371	401	395	399	401	284	235	46	46
Orleans	1101	1080	1029	1011	894	839	793	825	827	787	757	704	728
Rutland	1445	1464	1383	1352	1339	1343	1339	1352	1382	1088	1019	961	1085
Washington	1435	1499	1543	1519	1537	1552	1545	1625	1648	1513	1596	1454	1386
Windham	1454	1478	1496	1458	1473	1496	1596	1615	1677	1197	1078	1074	1081
Windsor	889	894	897	938	926	865	960	1030	1040	1197	711	684	668
Statewide	14015	13969	13725	13509	13289	12846	12846	13138	13488	10266	9613	10131	9276

CRIMINAL BACKLOG INFORMATION

1.1.26

Pending cases by county:

COUNTY	NEW FELONIES FILED	NEW MISD FILED	TOTAL CASES FILED	FEL UNDER GOAL	FEL OVER GOAL	MISD UNDER GOAL	MISD OVER GOAL	VOPS	TOTAL PENDING CASES (INCLUDING ')
Addison	10	31	41	78	24	112	69	26	309
Bennington	34	55	89	140	55	129	90	90	504
Caledonia	6	35	41	114	64	148	262	43	631
Chittenden	55	202	257	303	116	576	377	103	1475
Essex	1	10	11	25	39	24	49	11	148
Franklin	17	79	96	138	85	258	326	69	876
Grand Isle	4	10	14	11	5	24	8	10	58
Lamoille	8	19	27	74	21	93	60	33	281
Orange	8	21	29	46	23	69	58	17	46
Orleans	15	70	85	108	146	297	127	50	728
Rutland	37	135	172	214	212	316	235	108	1085
Washington	24	107	131	206	106	492	471	111	1386
Windham	24	115	139	178	173	282	388	60	1081
Windsor	21	74	95	132	99	214	199	24	668
Totals:	264	963	1227	1767	1168	3034	2719	755	9276

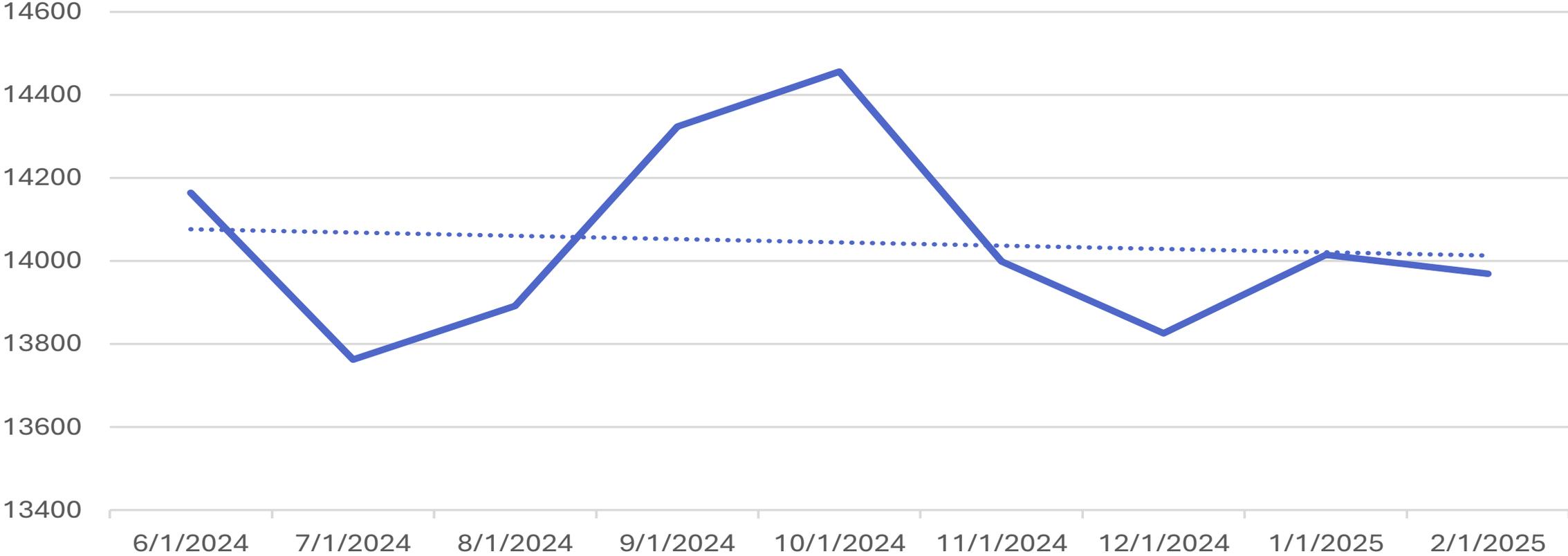
*Includes PENDING ACTIVE CASES ONLY

**Guidelines updated to reflect the Supreme Court's approval of disposition guidelines per Administrative Directive 24.

Misdemeanors adjudicated within 180 days

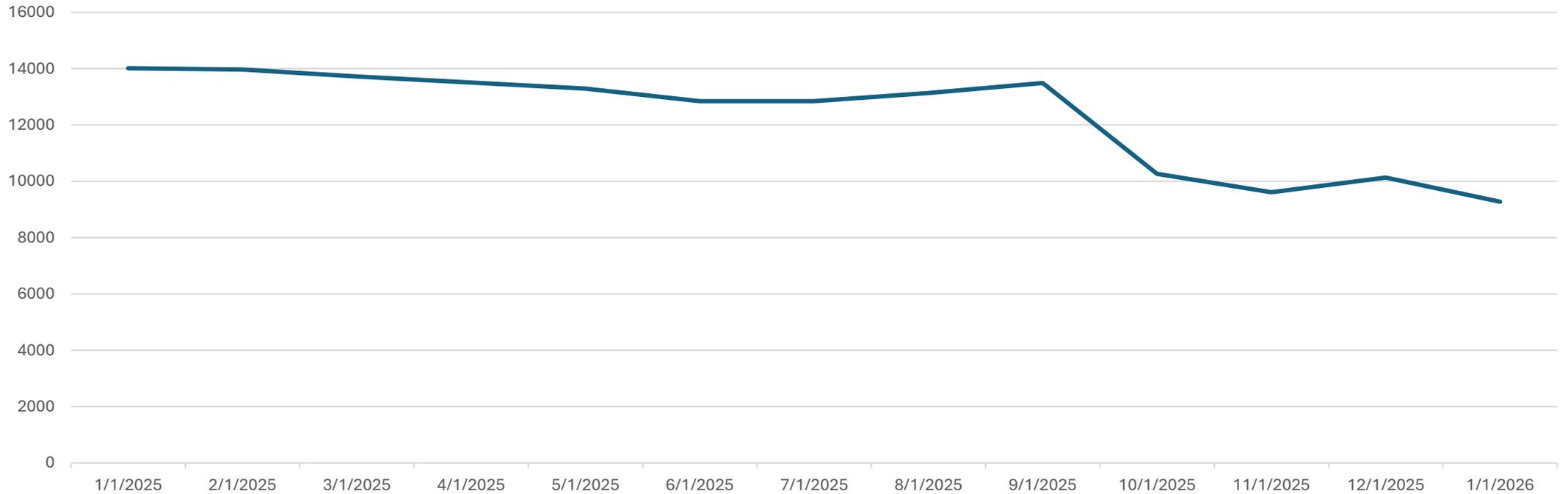
Felonies adjudicated within 365 days

CRIMINAL CASE BACKLOG June, 2024 - February 2025

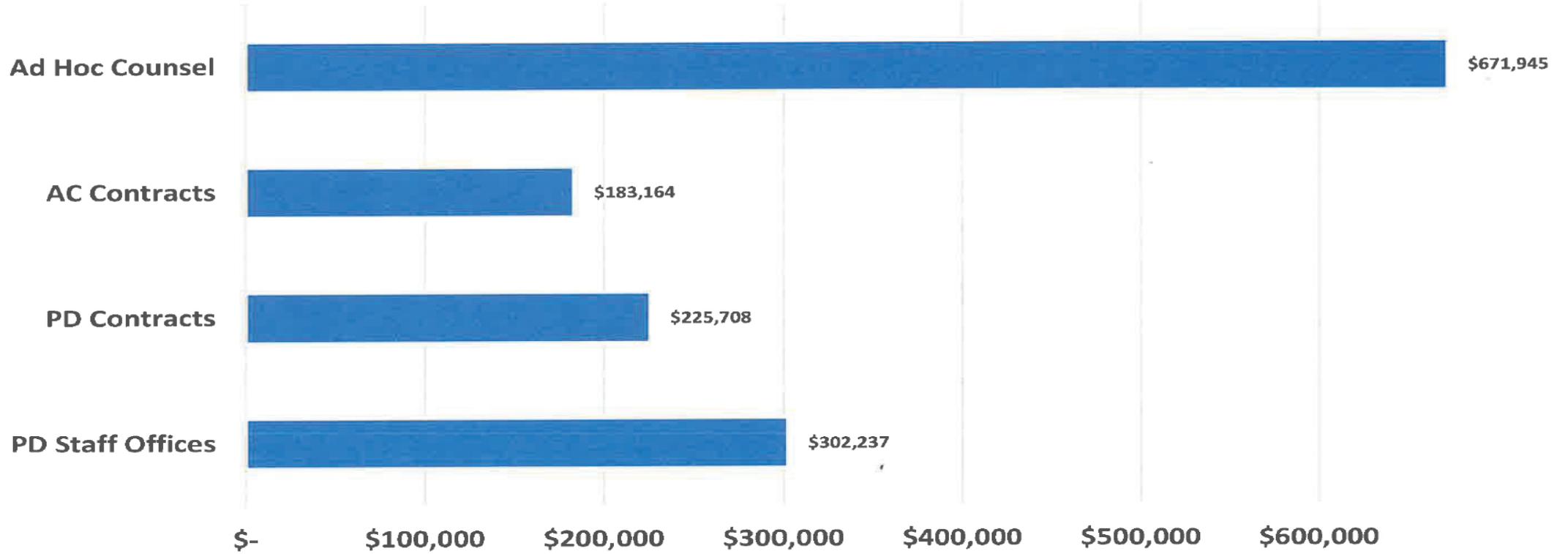


Criminal Case Backlog January 2025-January 2026

Chart Title

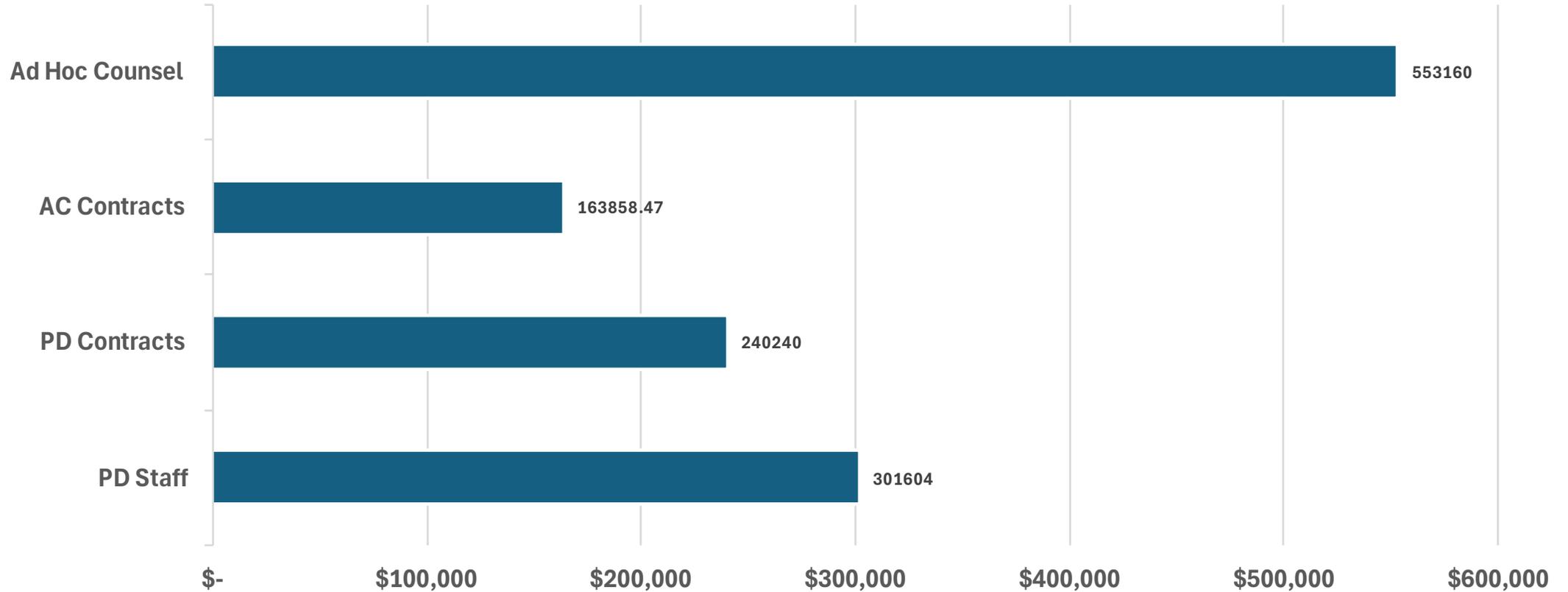


Office of the Defender General
Cost of Legal Services by Lawyer Equivalent Caseload
FY 2023 Costs and FY 2022 & FY 2023 Caseload
(includes operating expenses but not third-party services)



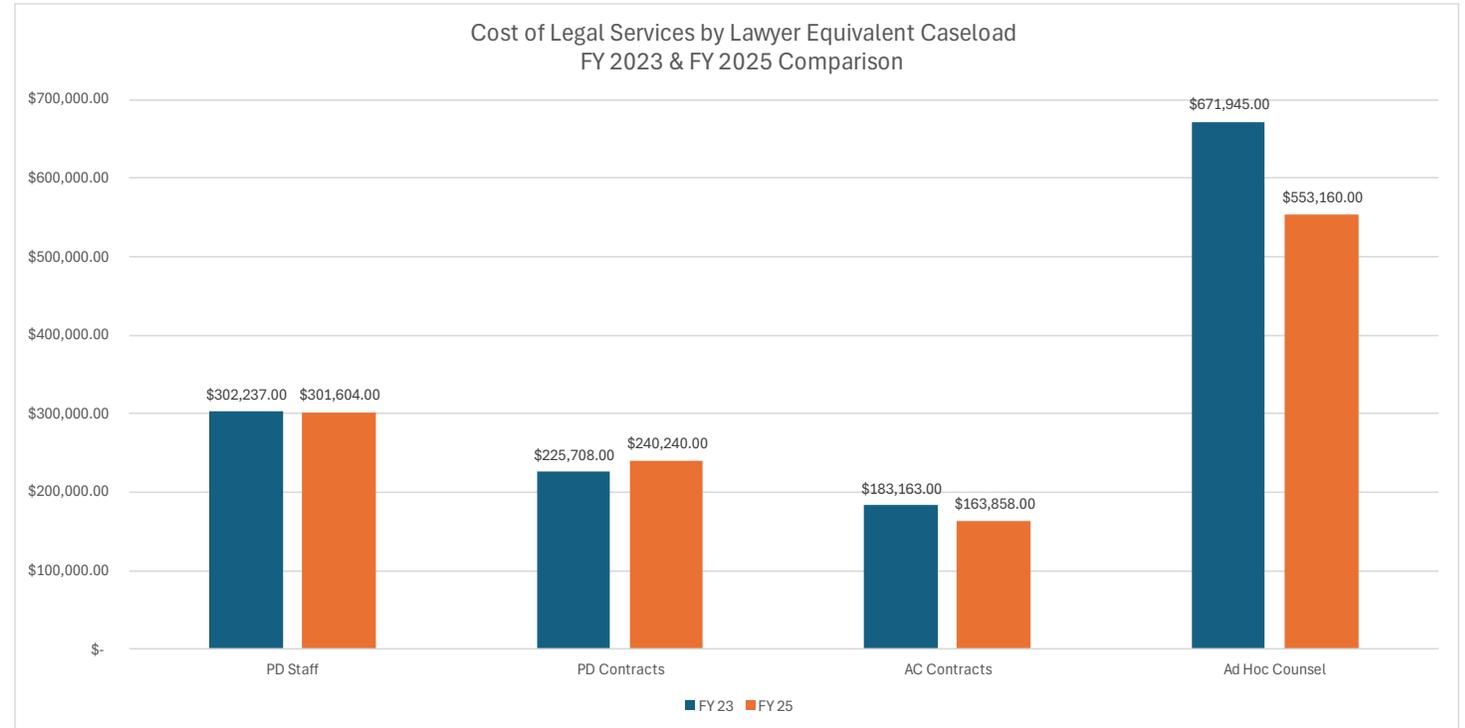
Ad Hoc Counsel is 4 times more expensive than AC Contracts

Office of the Defender General
Cost of Legal Services by Lawyer Equivalent Caseload
FY 2025 Costs and Caseload
(includes operating expenses but not third party services)

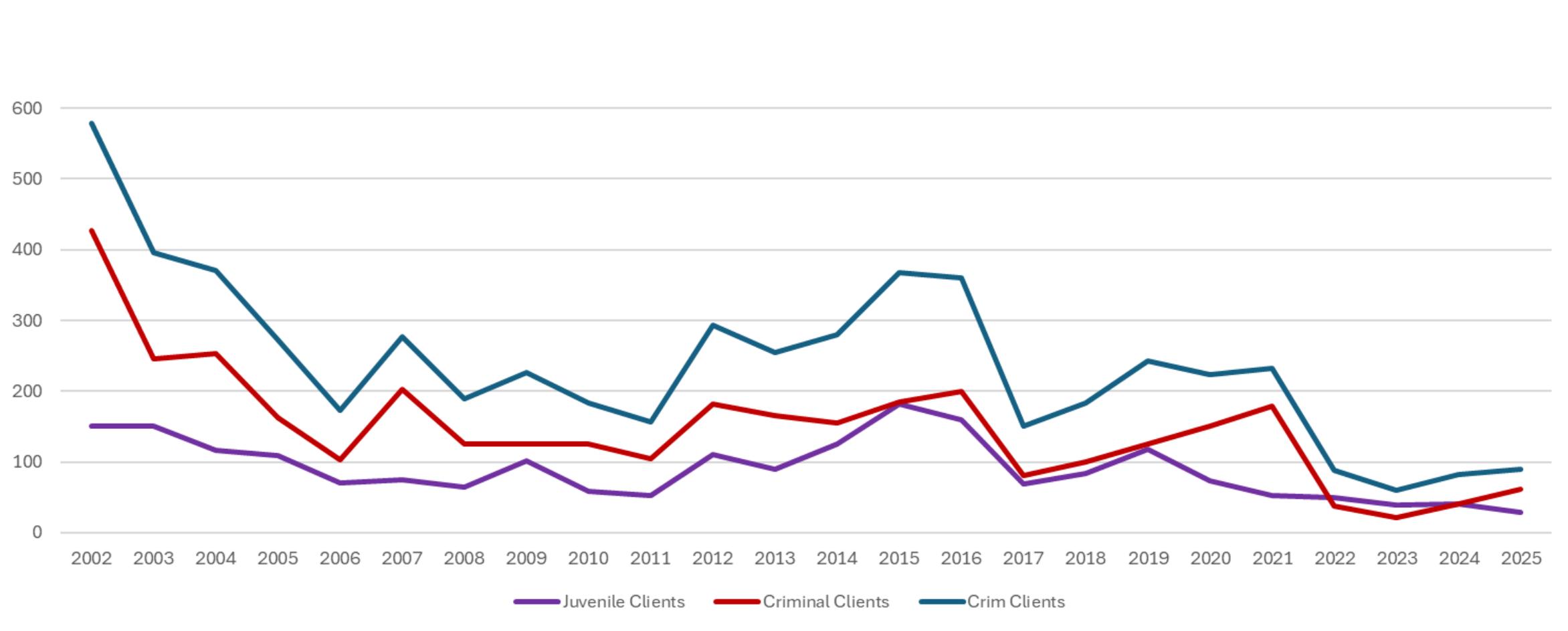


OVERALL COST PER LEC HAS DECLINED SINCE FY2023

- **ANALYSIS:**
- **STAFF PD:** Staff Public Defenders are handling more cases per attorney. Newer attorneys cost less.
- **AC Contracts:** Fewer attorneys are handling more cases, even as they are being paid more.
- **PD Contracts:** Begin a new 4-year cycle with increases much lower than inflation.
- **AD HOC:** The small number of ad hoc cases have been misdemeanors.



Office of the Defender General
Ad Hoc Added Cases FY 2002- FY 2025 - 85% Decline



Fiscal Year 2027 Budget Development Form: Defender General

	1,020,577 General \$\$	Transp \$\$	Educat \$\$	Clean Water \$\$	Special \$\$	Glob Commit \$\$	Federal \$\$	Int. Service \$\$	Interdept'l Transfer \$\$	All other \$\$	Total \$\$	NOTES
Approp #1 [2110000100] Public Defense: FY 2026 Approp	20,016,404	0	0	0	589,653	0	0	0	0	0	20,606,057	
Other Changes: (Please insert changes to your base appropriation that occurred after the passage of the FY26 budget)											0	
FY 2026 Other Changes	0	0	0	0	0	0	0	0	0	0	0	
Total Approp. After FY 2026 Other Changes	20,016,404	0	0	0	589,653	0	0	0	0	0	20,606,057	
CURRENT SERVICE LEVEL/CURRENT LAW	1,339,375	0	0	0	0	0	0	0	0	0	1,339,375	
Personal Services	1,134,691	0	0	0	0	0	0	0	0	0	1,134,691	
500000: Salary & Wages: Classified Employees	563,426				24,152						587,578	
500010: Salary & Wages: Exempt Employees												
501500: Health Insurance: Classified Employees	313,357				16,502						329,859	
501510: Health Insurance: Exempt Employees												
502000: Retirement: Classified Employees	125,260				5,005						130,265	
502010: Retirement: Exempt Employees												
All Other Employee Payroll Related Fringe Benefits	13,966				604						14,570	
504040: VT Family & Medical Leave Insurance Premium	2,090				85						2,175	
504045: Child Care Contribution	2,476				106						2,582	
505200: Workers' Compensation Insurance Premium	5,350										5,350	
507210: Contr Public Def & Assigned Cns I	383,632										383,632	\$133,632 increase primary public defense contracts previously approved by the Secretary of Administration. 4% increase for FY27. \$250,000 for Public Defense Serious Felony Unit contracts.
507600: Other Contr and 3rd Pty Serv	46,454				(46,454)						0	
508000: Vacancy Turnover Savings	(309,887)										(309,887)	
506220: Transcripts	(11,435)										(11,435)	
											0	
											0	
Operating Expenses	204,684	0	0	0	0	0	0	0	0	0	204,684	
514000: Rent Land & Bldgs - Office Space	11,435										11,435	
515010: Fee-for-Space Charge	8,420										8,420	
516000: Insurance Other Than Employee Benefits	(508)										(508)	
516010: Insurance - General Liability	672										672	
516660: ADS Service Level Agreement	(40,397)										(40,397)	
516671: VISION/ISD	17,197										17,197	
516685: ADS Allocated Charge	195,590										195,590	
519006: Human Resources Services	11,178										11,178	
523620: Single Audit Allocation	1,097										1,097	
											0	
											0	
Grants	0	0	0	0	0	0	0	0	0	0	0	
											0	
Subtotal of Increases/Decreases	1,339,375	0	0	0	0	0	0	0	0	0	1,339,375	
FY 2027 Governor Recommendation	21,355,779	0	0	0	589,653	0	0	0	0	0	21,945,432	

FY 2027 PUBLIC DEFENSE

Approp #2 [211001000] Assigned Counsel- FY 2026 Approp	7,892,475	0	0	0	0	0	0	0	0	0	0	0	0	0	7,892,475
Other Changes: (Please insert changes to your base appropriation that occurred after the passage of the FY26 budget)															0
FY 2026 Other Changes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Approp. After FY 2026 Other Changes	7,892,475	0	7,892,475												
CURRENT SERVICE LEVEL/CURRENT LAW	450,000	0	450,000												
Personal Services	450,000	0	0	0	0	0	0	0	0	0	0	0	0	0	450,000
600000: Salary & Wages: Classified Employees															0
600010: Salary & Wages: Exempt Employees															0
601500: Health Insurance: Classified Employees															0
601510: Health Insurance: Exempt Employees															0
602000: Retirement: Classified Employees															0
602010: Retirement: Exempt Employees															0
All Other Employee Payroll Related Fringe Benefits															0
604040: VT Family & Medical Leave Insurance Premium															0
604045: Child Care Contribution															0
605200: Workers' Compensation Insurance Premium															0
607210: Contr & 3rd Party - Legal	200,000														200,000
607800: Other Contr and 3rd Pty. Serv	250,000														250,000
608000: Vacancy Turnover Savings															0
Operating Expenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
515010: Fee-for-Space Charge															0
516000: Insurance Other Than Employee Benefits															0
516010: Insurance - General Liability															0
516871: VISION/ISO															0
516885: ADS Allocated Charge															0
519006: Human Resources Services															0
523820: Single Audit Allocation															0
Grants	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal of Increases/Decreases	450,000	0	0	0	0	0	0	0	0	0	0	0	0	0	450,000
FY 2027 Governor Recommend	8,342,475	0	0	0	0	0	0	0	0	0	0	0	0	0	8,342,475
Defender General FY 2026 Appropriation	27,908,879	0	0	0	589,653	0	0	0	0	0	0	0	0	0	28,498,532
Reductions and Other Changes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FY 2026 Total After Other Changes	27,908,879	0	0	0	589,653	0	0	0	0	0	0	0	0	0	28,498,532
TOTAL INCREASES/DECREASES	1,789,375	0	1,789,375												
Defender General FY 2027 Governor Recommend	29,698,254	0	0	0	589,653	0	0	0	0	0	0	0	0	0	30,287,907

\$200,000 in SFU contract
\$250,000 in Investigator, evaluations, family support services and misc. legal services.

FY 2027 ASSIGNED COUNSEL - CONFLICT PROGRAM | SUMMARY TOTAL INCREASES

OFFICE OF THE DEFENDER GENERAL

FY 2027 BUDGET

Current Services that Remain Unfunded

PD OPS - Case related expenditures (experts, investigators, transcripts, etc.)	\$	250,000
AC Contracts	\$	250,000
In-Person Training	\$	80,000

Total Current Services Unfunded	\$	580,000
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Unfunded Additional Needs

PD Special Fund Shortfall	\$	290,000
Unrealistic Vacancy Savings (bring in line with FY26 vacancy savings)	\$	310,000

Total Unfunded Additional Needs	\$	600,000
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Total Current and Unfunded Additional Needs	\$	1,180,000
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"That's all Folks!"