

# Office of the Public Defender

Staff Presentation

FY 2017 Revised and FY 2018 Budgets

April 12, 2017

# Public Defender

- Created in 1941 by Chapter 1007 of the Public Laws
  - Office and its functions defined by RIGL12-15
  - RIGL 14-1 authorizes referral of juvenile cases to the Office
  - RIGL 40-11 authorizes referral of dependency, neglect and termination of parental rights cases
  - Offices located in five Judicial Complexes
    - Providence (2), Kent, Washington, and Newport

# Public Defender

- Statutory mandates
  - Legal representation to adults and juveniles without financial resources to obtain private counsel
  - Representation services include
    - Indigent adult and juvenile criminal felony and misdemeanor offenses
    - Termination of parental rights and dependency and neglect cases
    - Appellate representation in the Supreme Court

# Public Defender

- Conflicts of Interest
  - When interests of a client is adverse to that of another client
  - Client(s) can be referred to the Judicial Indigent Defense program
    - The Judiciary assigns private attorneys to provide representation services
    - Each court maintains a list of qualified attorneys

# Caseload Standards

- National Legal Aid and Defenders Association sets caseload standards
  - Only national organization of public defenders
- Felony Cases
  - National standard: 150 cases per attorney
- Misdemeanor Cases
  - National standard: 400 cases per attorney
- OMB Performance Measures
  - Misdemeanor Caseload: Office's average attorney caseload exceeded national standards by over 150 percent in each of last three fiscal years

# Caseload Standards

- Limitations of NLADA caseload standards
  - Date back to the 1970s
  - Broadness of the case types
    - No case weights
  - Not empirically based
  - Most states do not meet the standards
    - 2007 USDOJ study

# Expenditures by Source

(in Millions)	FY 2017 Enacted	FY 2017 Gov. Rev.	FY 2018 Governor	FY 2018 Change to Enacted
General Revenues	\$ 11.8	\$ 11.8	\$ 12.3	\$ 0.6
Federal Funds	0.1	0.1	0.1	-
<b>Total</b>	<b>\$ 11.9</b>	<b>\$ 11.9</b>	<b>\$ 12.4</b>	<b>\$ 0.5</b>
<i>FTEs*</i>	<i>93.0</i>	<i>93.0</i>	<i>94.0</i>	<i>1.0</i>

\* - Gov.'s amendment clarifies 93.0 FTEs recommended for FY 17 Rev.

# Budget Office Target

- General revenue target of \$11.0 million
  - Current service adjustments of \$0.1 million
  - 8.0% target reduction of \$0.9 million
    - Constrained budget submitted by the Office is \$839 above the target
- Governor recommended budget exceeds target by \$1.4 million



# Target Reduction

- Office proposed 2 different options to meet the Budget Office target
  - Option 1:
    - Eliminate misdemeanor representation in District Courts statewide
    - Eliminate representation in Providence Superior Court violations and pre-arraignment calendars

# Target Reduction

- Option 2:
  - Eliminate felony & misdemeanor representation in Kent County
  - Close Kent County branch office
- Governor does not recommend any of these proposals

# Quarterly Reports

- 1st Quarter Report & Corrective Action Plan
  - \$70,170 more than enacted; consistent with revised request
  - Corrective savings of \$55,450 proposed
    - Terminate social worker contract, forgo computer equipment & copier replacements, hold part-time positions vacant
- 2nd Quarter Report
  - \$42,887 more than enacted, \$59,061 more than Gov. Rec.
    - Gov. Rec. assumes more turnover than Q2 report

# Salaries and Benefits

## *Full-Time Equivalent Positions*

Full-Time Positions	FTEs	Change to Enacted
Enacted Authorized	93.0	-
FY 2017 Rev. Req.	93.0	-
FY 2018 Request	93.0	-
FY 2018 Governor	94.0	1.0
FY 2016 Average Filled	91.0	(2.0)
Filled as of April 1st	90.0	(3.0)

# Salaries and Benefits

- Governor includes \$10.9 million, all from general revenues for FY 2018
  - \$358,658 more than enacted, \$1,485 more than requested
    - \$0.1 million for one new Assistant Public Defender
      - Relieve caseload burden
      - Gov. Rec. assumes full year of salaries & benefits
    - Turnover, benefit revisions & statewide savings

# Statewide Savings

- Assessment to salaries that funds workers' comp., unemployment & unused leave
  - Lowered from enacted based on experience
    - Savings of \$1.2 million in FY 2017
    - Savings of \$1.5 million in FY 2018
- Medical benefit cost growth
  - Lower than initial estimates
    - Savings of \$2.6 million in FY 2018
- Total impact to Public Defender
  - \$16,174 in FY 2017; \$55,406 in FY 2018

# Pre-Arrest Diversion Program

- Last year Gov. proposed amendment to add \$0.2 million from general revenues to seed pre-arrest diversion program
  - Part of Justice Reinvestment Initiative
  - Assembly did not include the funding
- Office of PD did not request funding for such a program in its FY 2018 Request

# Pre-Arrest Diversion Program

- Gov. proposes \$185,000 for FY 2018
  - first year of new program
    - Part of Justice Reinvestment proposal
    - Funding for staff training, contract social worker, and case management services
    - Ensure better access to mental health services
    - Reduce strain on healthcare system, first responders, Judiciary, and Corrections



# Other Operations

- Governor recommends \$1.4 million from all funds for all other expenses for FY 2018
  - \$1.3 million from general revenues, \$0.1 million from federal funds
    - Rent and parking expenses
    - Intake interviewers
    - Trial related expenses
    - John R. Justice Incentive federal grant

# Other Operations

- Gov. Rec. for FY 2018 is \$2,805 less than enacted from all funds
  - \$12,195 more from general revenues
    - \$13,158 less for case management services
      - Personnel change – have most impact on pre-arraignment, heaviest volume courtroom
    - \$13,630 more for trial related expenses
    - \$11,723 more for court overhead charges
  - \$15,000 less from federal grant

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