

Office of the Public Defender

Staff Presentation

FY 2019 Revised and FY 2020 Budgets

March 21, 2019

Public Defender

- Created in 1941 by Chapter 1007 of the Public Laws
 - Office & 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 org. of public defenders
- Standard by case type
 - Felony: 150 cases per attorney
 - Misdemeanor: 400 cases per attorney
- OMB Performance Measures
 - Misdemeanor Caseload: Office's average attorney caseload exceeded national average by over 200% in each of the last two fiscal years

Caseload Standards

- Public Defender and others have noted 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
 - Indigent defense per capita spending varies widely in the states
 - 2008 NLADA report

Caseload Standards

- Rhode Island Project – November 2017 report
 - Delphi national workload study
 - Requested by Public Defender's Office
 - Conducted by American Bar Association, National Association of Criminal Defense Lawyers, and BlumShapiro
 - Purpose of study is “to establish public defender workload standards for the State of Rhode Island”

Caseload Standards

- Rhode Island Project finding: 87 more attorneys needed for RIPD's Office to "provide reasonably effective assistance of counsel"
 - Office currently has 49 attorneys
- Study does not specifically reference indigent defense program or expenditures
- No cost to state; funded by USDOJ Bureau of Justice Assistance

Expenditures by Source

	FY 2019 Enacted	FY 2019 Gov. Rev.	FY 2020 Governor	FY 2020 Chg. to Enacted
General Revenues	\$ 12.6	\$ 12.2	\$ 12.8	\$ 0.3
Federal Funds	0.1	0.1	0.1	(0.0)
Total	\$ 12.7	\$ 12.3	\$ 12.9	\$ 0.2
FTEs	95.0	95.0	96.0	1.0

\$ in millions

Expenditures by Category

	FY 2019 Enacted	FY 2019 Gov. Rev.	FY 2020 Governor	FY 2020 Chg. to Enacted
Salaries & Benefits	\$ 11.3	\$ 10.9	\$ 11.6	\$ 0.3
Contracted Services	0.3	0.3	0.2	(0.1)
Other Operations	1.1	1.1	1.1	-
Total	\$ 12.7	\$ 12.3	\$ 12.9	\$ 0.2

\$ in millions

Centralized Services

- 2017 Assembly authorized establishment of internal service funds for centralized services
 - Information technology, capital asset management & maintenance, & human resources
- Costs previously budgeted in DOA
 - 2018 Assembly included costs in user agency budgets
 - Final FY 2018 & FY 2019 budget

Centralized Services

General Revenues	FY 2019 Enacted	FY 2019 Revised	Chg. to Enacted	FY 2020	Chg. to Enacted
IT	\$12,186	\$12,186	-	\$12,186	-

- There appears to be some disconnect with amounts showing as spent and budget expectation

Statewide Savings Initiatives

- Governor distributes statewide general revenue savings enacted for FY 2019 in the Department of Administration
 - Prompt Payment - \$0.4 million
 - Vendors voluntarily offer a discount if payments are received within an agreed upon date
 - Contracts - \$3.0 million
 - Effort to reduce costs of certain commodities
 - Food, maintenance, office equipment, telecommunications
 - Insurance - \$0.5 million
 - Reductions in policies for property & crime

Statewide Savings Initiatives

Initiative	FY 2019 Revised	FY 2020
Prompt Payment	(\$1,878)	(\$1,878)
Contract	(20,249)	(20,960)
Insurance	(6,179)	(6,182)
Total	(\$28,306)	(\$29,020)

Staffing

Full-Time Equivalent Positions

Full-Time Positions	FTEs	Chg. To Enacted
Enacted Authorized	95.0	-
FY 2019 Gov. Rev.	95.0	-
FY 2020 Request	104.0	9.0
FY 2020 Governor	96.0	1.0
FY 2020 Funded FTE	94.7	(0.3)
Filled as of March 16	92.0	(3.0)
FY 2018 Average Filled	89.3	(5.7)

Staffing

FY 2020 Governor Recommendation		
	PD	Statewide
Gross Salaries (in millions)	\$7.7	\$1,249.1
Turnover (in millions)	(0.1)	(42.9)
Turnover %	1.3%	3.4%
Turnover FTE	1.3	529.0
FY 2020 FTE recommended	96.0	15,413.1
Funded FTE	94.7	14,884.1
Filled as of March 16	92.0	14,123.6
Funded but not filled	2.7	760.5

Budget Office Target

- General revenue target of \$13.0 million
 - Current service adjustments of \$0.5 million
 - 5.0% target reduction of \$0.6 million
- Office submitted ideas to reduce staff to meet the target
 - As well as separate expansion proposals

Target Reduction

- Proposed option & 2 alternatives to meet target - not in Governor's budget
 - **Option 1:** End all representation in District Court violations calendars & close District Court offices
 - **Option 2:** End all representation in Newport County & close that branch office
 - **Option 3:** End all adult criminal court representation in Kent County & close Kent County District Court & Superior Court offices

Salaries and Benefits

- Governor includes \$11.6 million from general revenues for FY 2020
 - \$0.2 million more than enacted
 - \$1.3 million less than requested
 - Includes 1 new requested social caseworker position
 - Converted from a contracted position
 - Office requested 8 new attorneys which the Governor did not recommend

Other Operations

- Governor recommends \$1.4 million for all other operations for FY 2020
 - \$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
 - Office supplies and equipment

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