

Office of the Public Defender

Staff Presentation

FY 2018 Revised and FY 2019 Budgets

March 29, 2018

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 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 average by 150 percent in each of the last three 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

(in Millions)	FY 2018 Enacted	FY 2018 Gov. Rev.	FY 2019 Governor	FY 2019 Change to Enacted
General Revenues	\$ 12.0	\$ 11.8	\$ 12.3	\$ 0.3
Federal Funds	0.1	0.1	0.1	-
Total	\$ 12.1	\$ 11.9	\$ 12.4	\$ 0.3
<i>FTEs</i>	93.0	93.0	95.0	2.0

Expenditures by Source – Excluding Centralized Services

(in Millions)	FY 2018 Enacted	FY 2018 Gov. Rev.	FY 2019 Governor	FY 2019 Change to Enacted
General Revenues	\$ 12.0	\$ 11.8	\$ 12.3	\$ 0.2
Federal Funds	0.1	0.1	0.1	-
Total	\$ 12.1	\$ 11.9	\$ 12.4	\$ 0.2
<i>FTEs</i>	93.0	93.0	95.0	2.0

Undistributed Savings

- FY 2018 enacted budget includes \$25.0 million of statewide savings
 - Undistributed in DOA's budget
- Governor's revised budget has proposals that total \$25.0 million
 - Not all repeat in FY 2019
- Public Defender
 - FY 2018 revised - \$0.2 million
 - FY 2019 – savings do not repeat

Undistributed Savings

Item	FY 2018	FY 2019
Personnel savings*	\$0.2	\$-
Total	\$0.2	\$-
In millions		
<i>*From holding positions vacant</i>		

Centralized Services

- 2017 Assembly authorized establishment of internal service funds for centralized services
 - Information technology, capital asset management & maintenance, & HR
- Costs previously budgeted in DOA
 - Methodology on distribution needs review
 - Long term impacts and transparency concerns

Centralized Services

- Governor's budget allocates costs to user agencies

General Revenues	FY 2018	FY 2019
Information Technology	\$12,093	\$12,186
Total	\$12,093	\$12,186

Budget Office Target

- General revenue target of \$11.0 million
 - Current service adjustments of \$0.1 million
 - 10.0% target reduction of \$1.1 million
 - Constrained budget submitted by the Office is \$0.4 million above the target
- Governor recommended budget exceeds target by \$1.3 million

Target Reduction

- Office proposed 2 different options to meet the Budget Office target
 - Option 1:
 - Eliminate all representation in Providence Superior Court as well as District Court violations calendars
 - Option 2:
 - Eliminate all representation in Newport County
 - Close Newport County branch office
- Governor does not recommend any of these proposals

Staffing

Full-Time Equivalent Positions

Full-Time Positions	FTEs	Chg. To Enacted
Enacted Authorized	93.0	-
FY 2018 Gov. Rev.	93.0	-
FY 2019 Request	96.0	3.0
FY 2019 Governor	95.0	2.0
FY 2019 Funded FTE	93.7	0.7
Filled as of March 17	89.5	(3.5)
FY 2017 Average Filled	89.8	(3.2)

Staffing

FY 2019 Governor Recommendation		
	PD	Statewide
Gross Salaries (in millions)	\$7.1	\$1,117.1
Turnover (in millions)	(0.1)	(42.9)
Turnover %	1.4%	3.8%
Turnover FTE	1.3	592.2
FY 2019 FTE recommended	95.0	15,426.5
Funded FTE	93.7	14,834.3
Filled as of March 17	89.5	13,875.0
Funded but not filled	4.2	959.3

Salaries and Benefits

- Governor includes \$11.0 million, all from general revenues for FY 2019
 - \$236,063 more than enacted, \$197,226 less than requested
 - Turnover, benefit revisions & statewide savings
 - Office requested three new positions; Governor recommends two

Salaries and Benefits

New Positions

- Governor includes \$0.2 million for two new Assistant Public Defenders
 - Relieve caseload burden
 - Governor's Rec. assumes 10 months of salaries & benefits
- Gov. Rec. does not include new Social Services Caseworker position that was requested

Other Operations

- Governor recommends \$1.4 million from all funds for all other expenses for FY 2019
 - \$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 2019 is \$12,797 more than enacted from all funds
 - \$9,632 more from general revenues
 - \$26,491 more for court overhead charges
 - \$16,859 less for miscellaneous expenses
 - \$3,165 more from federal grant
 - Case management services
 - Contract paralegal position in pre-arraignment, heaviest volume courtroom

Office of the Public Defender

Staff Presentation

FY 2018 Revised and FY 2019 Budgets

March 29, 2018
