Office of the Public Defender

Staff Presentation
FY 2015 Revised and FY 2016 Budgets
April 30, 2015

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

- 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 160 percent in each of last three fiscal years

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

<table>
<thead>
<tr>
<th></th>
<th>FY 2015 Enacted</th>
<th>FY 2015 Gov. Rev.</th>
<th>FY 2016 Governor</th>
<th>FY 2016 Change to Enacted</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>$ 11.1</td>
<td>$ 11.0</td>
<td>$ 11.6</td>
<td>$ 0.5</td>
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<tr>
<td>Federal Funds</td>
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<td>0.2</td>
<td>0.1</td>
<td>($ 0.2)</td>
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<td><strong>Total</strong></td>
<td><strong>$ 11.4</strong></td>
<td><strong>$ 11.2</strong></td>
<td><strong>$ 11.7</strong></td>
<td><strong>$ 0.3</strong></td>
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<tr>
<td>FTEs</td>
<td>93.0</td>
<td>93.0</td>
<td>93.0</td>
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</table>

Budget Office Target

- General revenue target of $10.8 million
  - Current service adjustments of $0.5 million
  - 7.5% target reduction of $0.8 million
    - Constrained budget submitted by the Office is $0.1 million below the target
- Governor recommended budget exceeds target by $0.8 million
Target Reduction

- Office proposed 3 different options to meet the Budget Office target
  - Option 1: Eliminate misdemeanor representation in District Courts statewide
  - Option 2: Eliminate juvenile representation in Family Courts statewide
  - Option 3: Close offices in Newport & Washington counties & eliminate representation for felony violations in Providence
- Governor does not recommend any of these proposals

Salaries and Benefits

*Full-Time Equivalent Positions*

<table>
<thead>
<tr>
<th>Full-Time Positions</th>
<th>FTEs</th>
<th>Change to Enacted</th>
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</thead>
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<tr>
<td>Enacted Authorized</td>
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<td>FY 2015 Rev. Req.</td>
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<td>FY 2016 Request</td>
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<tr>
<td>FY 2016 Governor</td>
<td>93.0</td>
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<tr>
<td>FY 2014 Average Filled</td>
<td>90.8</td>
<td>(2.2)</td>
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<td>Filled as of April 18</td>
<td>88.0</td>
<td>(5.0)</td>
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Salaries and Benefits

- Governor recommends $9.9 million from general revenues for FY 2015 Revised
  - $0.1 million less than enacted, $36,777 less than requested
    - Cost-of-Living Adjustment
    - Turnover savings
    - Statewide medical benefit savings

- Governor includes $10.4 million, all from general revenues for 93.0 FTEs for FY 2016
  - $0.4 million more than enacted, $0.1 million less than requested
    - Cost-of-Living Adjustment
    - Turnover savings
Other Operations

- Governor recommends $1.3 million from all funds for all other expenses for FY 2016
  - $1.2 million from general revenues, $0.1 million from federal funds
    - Rent and parking expenses
    - Intake interviewers
    - Trial related expenses

Other Operations

- Recommendation is $73,432 less than enacted from all funds
  - $97,096 reduction in federal grant for case management services
  - $11,293 increase to renew lease at headquarters
  - $15,120 more for court overhead charges
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