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
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

<table>
<thead>
<tr>
<th>(in Millions)</th>
<th>FY 2016 Enacted</th>
<th>FY 2016 Gov. Rev.</th>
<th>FY 2017 Governor</th>
<th>FY 2017 Change to Enacted</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>$11.6</td>
<td>$11.5</td>
<td>$11.8</td>
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<tr>
<td>Federal Funds</td>
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<td>0.1</td>
<td>0.1</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11.7</strong></td>
<td><strong>$11.6</strong></td>
<td><strong>$11.9</strong></td>
<td><strong>$0.2</strong></td>
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<tr>
<td><strong>FTEs</strong></td>
<td>93.0</td>
<td>93.0</td>
<td>93.0</td>
<td>-</td>
</tr>
</tbody>
</table>
Budget Office Target

- General revenue target of $10.9 million
  - Current service adjustments of $0.1 million
  - 7.5% target reduction of $0.8 million
    - Constrained budget submitted by the Office is $27,165 below the target
- Governor recommended budget exceeds target by $0.9 million
Target Reduction

- Office proposed 3 different options to meet the Budget Office target
  - Option 1:
    - Eliminate misdemeanor representation in District Courts statewide
    - Close offices in Newport & Washington counties
    - Eliminate representation for felony violations in those counties
Target Reduction

- **Option 2:**
  - Eliminate felony & misdemeanor representation in Kent County
  - Close Kent County branch office

- **Option 3:**
  - Close parental rights division statewide
  - Eliminate juvenile representation in Kent, Newport, & Washington Counties

- 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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<tr>
<td>Enacted Authorized</td>
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<td>-</td>
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<td>FY 2016 Rev. Req.</td>
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<td>FY 2017 Request</td>
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<tr>
<td>FY 2017 Governor</td>
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<td>-</td>
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<tr>
<td>FY 2015 Average Filled</td>
<td>88.1</td>
<td>(4.9)</td>
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<tr>
<td>Filled as of April 4</td>
<td>93.0</td>
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</table>
Salaries and Benefits

- Governor recommends $10.3 million from general revenues for FY 2016 revised
  - $0.1 million less than enacted, $28,045 less than requested
    - Turnover savings – replacing retired employees
    - Employee benefit selections
    - Statewide medical benefit savings
Salaries and Benefits

- Governor includes $10.5 million, all from general revenues for FY 2017
  - $123,734 more than enacted, $53,910 less than requested
    - Annualized COLA
    - Revisions to benefits
    - Turnover savings
    - Statewide medical benefit savings
Other Operations

- Governor recommends $1.4 million from all funds for all other expenses for FY 2017
  - $1.3 million from general revenues, $0.1 million from federal funds
    - Rent and parking expenses
    - Intake interviewers
    - Trial related expenses
Other Operations

- Recommendation is $73,021 more than enacted from all funds including:
  - $50,690 more for case management services
  - $11,476 more for court overhead charges
Office of the Public Defender

Staff Presentation
FY 2016 Revised and FY 2017 Budgets
April 7, 2016