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

<table>
<thead>
<tr>
<th>(in Millions)</th>
<th>FY 2017 Enacted</th>
<th>FY 2017 Gov. Rev.</th>
<th>FY 2018 Governor</th>
<th>FY 2018 Change to Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>$ 11.8</td>
<td>$ 11.8</td>
<td>$ 12.3</td>
<td>$ 0.6</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 11.9</strong></td>
<td><strong>$ 11.9</strong></td>
<td><strong>$ 12.4</strong></td>
<td><strong>$ 0.5</strong></td>
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<tr>
<td><em>FTEs</em></td>
<td>93.0</td>
<td>93.0</td>
<td>94.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

* - 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**

<table>
<thead>
<tr>
<th>Full-Time Positions</th>
<th>FTEs</th>
<th>Change to Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted Authorized</td>
<td>93.0</td>
<td>-</td>
</tr>
<tr>
<td>FY 2017 Rev. Req.</td>
<td>93.0</td>
<td>-</td>
</tr>
<tr>
<td>FY 2018 Request</td>
<td>93.0</td>
<td>-</td>
</tr>
<tr>
<td>FY 2018 Governor</td>
<td>94.0</td>
<td>1.0</td>
</tr>
<tr>
<td>FY 2016 Average Filled</td>
<td>91.0</td>
<td>(2.0)</td>
</tr>
<tr>
<td>Filled as of April 1st</td>
<td>90.0</td>
<td>(3.0)</td>
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</tbody>
</table>
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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