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
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
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
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”
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

<table>
<thead>
<tr>
<th>(in Millions)</th>
<th>FY 2018 Enacted</th>
<th>FY 2018 Gov. Rev.</th>
<th>FY 2019 Governor</th>
<th>FY 2019 Change to Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>$12.0</td>
<td>$11.8</td>
<td>$12.3</td>
<td>$0.3</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>$12.1</strong></td>
<td><strong>$11.9</strong></td>
<td><strong>$12.4</strong></td>
<td><strong>$0.3</strong></td>
</tr>
<tr>
<td>FTEs</td>
<td>93.0</td>
<td>93.0</td>
<td>95.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>
## Expenditures by Source – Excluding Centralized Services

<table>
<thead>
<tr>
<th>(in Millions)</th>
<th>FY 2018 Enacted</th>
<th>FY 2018 Gov. Rev.</th>
<th>FY 2019 Governor</th>
<th>FY 2019 Change to Enacted</th>
</tr>
</thead>
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<td>0.1</td>
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<td><strong>$0.2</strong></td>
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<td>FTEs</td>
<td>93.0</td>
<td>93.0</td>
<td>95.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel savings*</td>
<td>$0.2</td>
<td>$-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.2</strong></td>
<td><strong>$-</strong></td>
</tr>
</tbody>
</table>

*From holding positions vacant*
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

<table>
<thead>
<tr>
<th>General Revenues</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Technology</td>
<td>$12,093</td>
<td>$12,186</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,093</strong></td>
<td><strong>$12,186</strong></td>
</tr>
</tbody>
</table>
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
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

<table>
<thead>
<tr>
<th>Full-Time Positions</th>
<th>FTEs</th>
<th>Chg. To Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted Authorized</td>
<td>93.0</td>
<td>-</td>
</tr>
<tr>
<td>FY 2018 Gov. Rev.</td>
<td>93.0</td>
<td>-</td>
</tr>
<tr>
<td>FY 2019 Request</td>
<td>96.0</td>
<td>3.0</td>
</tr>
<tr>
<td>FY 2019 Governor</td>
<td>95.0</td>
<td>2.0</td>
</tr>
<tr>
<td>FY 2019 Funded FTE</td>
<td>93.7</td>
<td>0.7</td>
</tr>
<tr>
<td>Filled as of March 17</td>
<td>89.5</td>
<td>(3.5)</td>
</tr>
<tr>
<td>FY 2017 Average Filled</td>
<td>89.8</td>
<td>(3.2)</td>
</tr>
<tr>
<td>FY 2019 Governor Recommendation</td>
<td>PD</td>
<td>Statewide</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------</td>
<td>-----------</td>
</tr>
<tr>
<td>Gross Salaries (in millions)</td>
<td>$7.1</td>
<td>$1,117.1</td>
</tr>
<tr>
<td>Turnover (in millions)</td>
<td>(0.1)</td>
<td>(42.9)</td>
</tr>
<tr>
<td>Turnover %</td>
<td>1.4%</td>
<td>3.8%</td>
</tr>
<tr>
<td>Turnover FTE</td>
<td>1.3</td>
<td>592.2</td>
</tr>
<tr>
<td>FY 2019 FTE recommended</td>
<td>95.0</td>
<td>15,426.5</td>
</tr>
<tr>
<td>Funded FTE</td>
<td>93.7</td>
<td>14,834.3</td>
</tr>
<tr>
<td>Filled as of March 17</td>
<td>89.5</td>
<td>13,875.0</td>
</tr>
<tr>
<td>Funded but not filled</td>
<td>4.2</td>
<td>959.3</td>
</tr>
</tbody>
</table>
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
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
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