

# Office of the Public Defender

Staff Presentation

FY 2021 Revised and FY 2022 Budgets

April 27, 2021

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# 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 org. of public defenders
- Standard by case type
  - Felony: 150 cases per attorney
  - Misdemeanor: 400 cases per attorney
- OMB Performance Measures
  - Misdemeanor Caseload: Office's average attorney caseload exceeded national average by over 200% in each of the last two 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
  - Delphi national workload study
  - Requested by Public Defender's Office
    - funded by USDOJ Bureau of Justice Assistance
  - 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 52 attorneys
- Study does not specifically reference indigent defense program or expenditures



# Expenditures by Source

	<b>FY 2021 Enacted</b>	<b>FY 2021 Gov. Rev.</b>	<b>FY 2022 Governor</b>	<b>FY 2022 Chg. to Enacted</b>
General Revenues	\$ 12.7	\$ 12.7	\$ 13.5	\$ 0.8
Federal Funds	0.1	0.2	0.1	-
<b>Total</b>	<b>\$ 12.8</b>	<b>\$ 12.9</b>	<b>\$ 13.6</b>	<b>\$ 0.8</b>
FTEs	96.0	96.0	99.0	3.0

\$ in millions

# Expenditures by Category

	<b>FY 2021 Enacted</b>	<b>FY 2021 Gov. Rev.</b>	<b>FY 2022 Governor</b>	<b>FY 2022 Chg. to Enacted</b>
Salaries & Benefits	\$11.3	\$11.3	\$12.0	\$0.7
Contracted Services	0.2	0.2	0.2	(0.0)
Other Operations	1.3	1.4	1.3	0.1
<b>Total</b>	<b>\$12.8</b>	<b>\$12.9</b>	<b>\$13.6</b>	<b>\$0.8</b>

\$ in millions

# Salaries and Benefits

- FY 2022
  - Public Defender requests \$12.4 million
    - \$1.1 million more than enacted
    - Includes 6.0 new attorneys
    - Linked to the project finding to increase staffing
  - Governor includes \$12.0 million
    - \$0.7 million more than enacted
    - Adds 3.0 new attorneys

# Staffing

Full-Time Equivalent Positions		Chg. To Enacted
Enacted Authorized	96.0	-
FY 2021 Gov. Rev.	96.0	-
FY 2022 Request	102.0	6.0
FY 2022 Governor	99.0	3.0
FY 2022 Funded FTE	96.7	0.7
Filled as of April 10	93.0	(3.0)
FY 2020 Average Filled	92.8	(3.2)

# Staffing

## FY 2022 Governor Recommendation

	PD	Statewide
Gross Salaries (in millions)	\$7.3	\$1,153.8
Turnover (in millions)	(0.2)	(57.3)
Turnover %	2.3%	5.0%
Turnover FTE	2.3	749.9
FY 2022 FTE recommended	99.0	15,089.2
Funded FTE	96.7	14,339.3
Filled as of April 25	93.0	13,817.9
Funded but not filled	3.7	521.4

# Other Operations

- Governor recommends \$1.6 million for all other operations for FY 2021 & FY 2022
  - \$1.5 million from general revenues
    - Rent and parking expenses
    - Intake interviewers/Trial related expenses
    - Office supplies and equipment
  - \$0.1 million for the John R. Justice Incentive federal grant
  - \$0.1 million in FY 2021 from Coronavirus Relief Funds for Court remote access technology

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