

Office of the Public Defender

Staff Presentation

FY 2016 Revised and FY 2017 Budgets

April 7, 2016

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 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

(in Millions)	FY 2016 Enacted	FY 2016 Gov. Rev.	FY 2017 Governor	FY 2017 Change to Enacted
General Revenues	\$ 11.6	\$ 11.5	\$ 11.8	\$ 0.2
Federal Funds	0.1	0.1	0.1	-
Total	\$ 11.7	\$ 11.6	\$ 11.9	\$ 0.2
<i>FTEs</i>	93.0	93.0	93.0	-

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

Full-Time Positions	FTEs	Change to Enacted
Enacted Authorized	93.0	-
FY 2016 Rev. Req.	93.0	-
FY 2017 Request	93.0	-
FY 2017 Governor	93.0	-
FY 2015 Average Filled	88.1	(4.9)
Filled as of April 4	93.0	-

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

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