

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY07 Adjusted Base	FY08 Recommended	% Change Over FY07	FY09 Recommended	% Change Over FY08
GPR	76,016,800	78,562,100	3.3	78,901,300	0.4
PR-O	1,187,800	1,267,100	6.7	1,271,200	0.3
PR-S	137,900	133,700	-3.0	140,800	5.3
TOTAL	77,342,500	79,962,900	3.4	80,313,300	0.4

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY07 Adjusted Base	FY08 Recommended	FTE Change From FY07	FY09 Recommended	FTE Change From FY08
GPR	518.45	518.45	0.00	518.45	0.00
PR-O	2.00	3.00	1.00	3.00	0.00
PR-S	2.00	2.00	0.00	2.00	0.00
TOTAL	522.45	523.45	1.00	523.45	0.00

AGENCY DESCRIPTION

The board oversees the Office of the State Public Defender, which provides legal representation for indigent persons who are accused of crimes or are defendants in certain civil matters. Pursuant to Wisconsin Statutes and administrative rules, the office determines financial eligibility based on an analysis of each applicant's income, assets, family size and essential expenses.

The board consists of nine members appointed to three-year terms by the Governor with the advice and consent of the Senate. At least five of the nine must be members of the State Bar of Wisconsin. The board appoints a state public defender to oversee the agency.

The office was created by statute in 1965, became an independent agency in 1977 and gradually began to represent indigents at the trial level with both in-house and private bar attorneys.

The office consists of the Trial, Appellate, Administrative and Assigned Counsel Divisions and the Office of Legal Counsel, Office of Training and Development, and Office of Information Technology.

MISSION

The mission of the agency is to enhance the quality of justice throughout Wisconsin by providing high-quality, compassionate and cost-effective legal representation; protecting the rights of the accused; and advocating as a criminal justice partner for effective defender services and a fair and rational criminal justice system.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Program 1: Legal Assistance

Goal: Continuously improve services to clients.

Objective/Activity: Fair treatment and representation of clients.

Goal: Strengthen public value to clients, the community, other government agencies, other states and nations, and partners.

Objective/Activity: Reduce crime by reaching and educating young people before they offend.

Goal: Continuously improve administrative management.

Objective/Activity: Maximize resources to serve eligible clients.

PERFORMANCE MEASURES

2005 AND 2006 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2005	Actual 2005	Goal 2006	Actual 2006
1.	Attorney withdrawals at client request as a percentage of total Trial Division cases.	1.5%	2%	1.5%	1.8%
1.	Number of educational contacts with children and youth.	4,057	3,070	4,057	3,677
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	616	620	666	658
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	900	1,301	900	1,206

Note: Based on fiscal year.

2007, 2008 AND 2009 GOALS

Prog. No.	Performance Measure	Goal 2007	Goal 2008	Goal 2009
1.	Attorney withdrawals at client request as a percentage of total Trial Division cases.	1.5%	1.5%	1.5%
1.	Number of educational contacts with children and youth.	3,100	3,100	3,100
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	683	708	733
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,300	1,300

Note: Based on fiscal year.

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RECOMMENDATIONS

1. Private Bar Reduction Measures
2. State Public Defender Financial Eligibility
3. Collections and Verification Unit Program Support
4. Transcripts, Discovery and Interpreters Cost to Continue
5. Penalty Surcharge Reestimate
6. Standard Budget Adjustments

ITEMS NOT APPROVED

7. Private Bar Rates
8. Charging and Sentencing Alternatives
9. Sentence Modifications
10. Sentencing Specialists
11. Protective Occupational Status for Public Defender Investigators
12. Hardware and Software Replacement Base Funding
13. Administrative Office Move

Table 1
Department Budget Summary by Funding Source (in thousands of dollars)

	ACTUAL FY06	ADJUSTED BASE FY07	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY08	FY09	FY08	FY09
GENERAL PURPOSE REVENUE	\$84,553.5	\$76,016.8	\$93,934.5	\$81,021.1	\$78,562.1	\$78,901.3
State Operations	84,553.5	76,016.8	93,934.5	81,021.1	78,562.1	78,901.3
PROGRAM REVENUE (2)	1,838.1	1,325.7	1,409.3	1,413.4	1,400.8	1,412.0
State Operations	1,838.1	1,325.7	1,409.3	1,413.4	1,400.8	1,412.0
TOTALS-ANNUAL	86,391.6	77,342.5	95,343.8	82,434.5	79,962.9	80,313.3
State Operations	86,391.6	77,342.5	95,343.8	82,434.5	79,962.9	80,313.3

(2) Includes Program Revenue-Service and Program Revenue-Other

Table 2
Department Position Summary by Funding Source (in FTE positions) (4)

	ADJUSTED BASE FY07	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY08	FY09	FY08	FY09
GENERAL PURPOSE REVENUE	518.45	518.45	518.45	518.45	518.45
PROGRAM REVENUE (2)	4.00	5.00	5.00	5.00	5.00
TOTALS-ANNUAL	522.45	523.45	523.45	523.45	523.45

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

Table 3
Department Budget Summary by Program (in thousands of dollars)

	ACTUAL FY06	ADJUSTED BASE FY07	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY08	FY09	FY08	FY09
1. Legal assistance	\$86,391.6	\$77,342.5	\$95,343.8	\$82,434.5	\$79,962.9	\$80,313.3
TOTALS	86,391.6	77,342.5	95,343.8	82,434.5	79,962.9	80,313.3

Table 4
Department Position Summary by Program (in FTE positions) (4)

	ADJUSTED BASE FY07	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY08	FY09	FY08	FY09
1. Legal assistance	522.45	523.45	523.45	523.45	523.45
TOTALS	522.45	523.45	523.45	523.45	523.45

(4) All positions are State Operations unless otherwise specified

1. Private Bar Reduction Measures

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	14,796,000	0.00	2,214,700	0.00	-1,046,100	0.00	-1,027,400	0.00
PR-O	800	0.00	800	0.00	800	0.00	800	0.00
TOTAL	14,796,800	0.00	2,215,500	0.00	-1,045,300	0.00	-1,026,600	0.00

The Governor recommends the following actions to reduce private bar expenditures in the upcoming biennium: (a) eliminate turnover reduction from the standard budget adjustments; (b) restore the 2005-07 base reduction; and (c) fund fifth week of vacation as cash. Each of these measures will increase the amount of staff attorney time to take cases, thereby reducing the number of cases transferred to the private bar.

2. State Public Defender Financial Eligibility

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	0	0.00	320,500	0.00
TOTAL	0	0.00	0	0.00	0	0.00	320,500	0.00

The Governor recommends increasing funding in the second year and a statutory language change to enable the board to provide representation without a financial eligibility determination for cases involving mental health and protective service proceedings. Currently, when the board cannot determine indigency under these proceedings, the county must provide legal representation at county expense.

3. Collections and Verification Unit Program Support

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	63,100	1.00	67,200	1.00	63,100	1.00	67,200	1.00
TOTAL	63,100	1.00	67,200	1.00	63,100	1.00	67,200	1.00

The Governor recommends providing funding and position authority to increase client collections and maintain careful verification screenings of potential clients. The unit verifies client eligibility forms and collects reimbursements from clients deemed able to pay, and increasing the position authority will allow the board to pilot programs aimed at increasing client collections.

4. Transcripts, Discovery and Interpreters Cost to Continue

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	911,000	0.00	455,500	0.00	0	0.00	0	0.00
TOTAL	911,000	0.00	455,500	0.00	0	0.00	0	0.00

The Governor recommends amending the statutes to include all media formats in the current law provision that limits fees charged to the board for copies of materials that are discoverable. The fees may not exceed the actual, necessary and direct cost of providing the copies, regardless of format.

5. Penalty Surcharge Reestimate

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	-7,100	0.00	0	0.00
TOTAL	0	0.00	0	0.00	-7,100	0.00	0	0.00

The Governor recommends adjusting the distribution of revenue from the penalty surcharge administered by the Department of Justice to reflect current revenue projections. See Department of Justice, Item #9.

6. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY08		FY09		FY08		FY09	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	2,829,700	0.00	2,829,700	0.00	3,591,400	0.00	3,591,400	0.00
PR-O	15,400	0.00	15,400	0.00	15,400	0.00	15,400	0.00
PR-S	3,700	0.00	3,700	0.00	2,900	0.00	2,900	0.00
TOTAL	2,848,800	0.00	2,848,800	0.00	3,609,700	0.00	3,609,700	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$3,375,500 in each year); (b) reclassifications and semiautomatic pay progression (\$3,100 in each year); (c) overtime (\$221,300 in each year); and (d) full funding of lease and directed moves costs (\$9,800 in each year).

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the Public Defender Board.

Decision Item	Source of Funds	FY08		FY09	
		Dollars	Positions	Dollars	Positions
7. Private Bar Rates	GPR	0	0.00	0	0.00
8. Charging and Sentencing Alternatives	GPR	-1,174,700	0.00	-1,762,000	0.00
9. Sentence Modifications	GPR	119,900	0.00	236,600	0.00
10. Sentencing Specialists	GPR	0	0.00	594,000	0.00
11. Protective Occupational Status for Public Defender Investigators	GPR	84,600	0.00	84,600	0.00
12. Hardware and Software Replacement Base Funding	GPR	325,600	0.00	325,600	0.00
13. Administrative Office Move	GPR	25,600	0.00	25,600	0.00
	PR-O	600	0.00	600	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	-619,000	0.00	-495,600	0.00
	PR-O	600	0.00	600	0.00