

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY11 Adjusted Base	FY12 Recommended	% Change Over FY11	FY13 Recommended	% Change Over FY12
GPR	76,775,100	80,366,100	4.7	82,080,800	2.1
PR-O	1,281,800	1,162,600	-9.3	1,162,600	0.0
PR-S	140,900	126,900	-9.9	126,900	0.0
TOTAL	78,197,800	81,655,600	4.4	83,370,300	2.1

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY11 Adjusted Base	FY12 Recommended	FTE Change From FY11	FY13 Recommended	FTE Change From FY12
GPR	575.85	574.85	-1.00	574.85	0.00
PR-O	3.00	3.00	0.00	3.00	0.00
PR-S	2.00	2.00	0.00	2.00	0.00
TOTAL	580.85	579.85	-1.00	579.85	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, unless the applicant is a juvenile or is seeking representation for cases involving mental health or protective placement proceedings.

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 promote justice throughout Wisconsin by providing high-quality and compassionate legal services, protecting individual rights, 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

2009 AND 2010 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2009	Actual 2009	Goal 2010	Actual 2010
1.	Attorney withdrawals at client request as a percentage of total Trial Division cases.	1.5%	2%	1.5%	2%
1.	Number of educational contacts with children and youth.	3,100	4,827	3,100	4,405
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	803	800	805
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,133	1,300	1,071

Note: Based on fiscal year.

2011, 2012 AND 2013 GOALS

Prog. No.	Performance Measure	Goal 2011	Goal 2012	Goal 2013
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	4,000	4,000
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	800	800
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,100	1,100

Note: Based on fiscal year.

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Increase Employee Contributions to Pension and Health Insurance
2. Budget Efficiencies
3. Eliminate Long-Term Vacancies
4. Private Bar Cost to Continue
5. State Public Defender Eligibility Cost to Continue
6. Penalty Surcharge Reestimate
7. Realignment of Positions
8. Standard Budget Adjustments

ITEMS NOT APPROVED

9. Transcript/Discovery/Interpreter Cost to Continue
10. Information Technology Staffing
11. Information Technology Network Upgrade
12. Restore Across-the-Board Reductions
13. Master Lease Full Funding
14. Sex Offender Case Support
15. Protective Occupation Status
16. Sentence Modifications
17. Private Bar Rate
18. Sentencing Specialists
19. Cost Containment/Reduction Measures
20. Charging and Sentencing Alternatives

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

	ACTUAL FY10	ADJUSTED BASE FY11	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY12	FY13	FY12	FY13
GENERAL PURPOSE REVENUE	\$85,645.3	\$76,775.1	\$96,227.2	\$88,128.3	\$80,366.1	\$82,080.8
State Operations	85,645.3	76,775.1	96,227.2	88,128.3	80,366.1	82,080.8
PROGRAM REVENUE (2)	\$1,318.6	\$1,422.7	\$1,432.8	\$1,432.8	\$1,289.5	\$1,289.5
State Operations	1,318.6	1,422.7	1,432.8	1,432.8	1,289.5	1,289.5
TOTALS - ANNUAL	\$86,963.9	\$78,197.8	\$97,660.0	\$89,561.1	\$81,655.6	\$83,370.3
State Operations	86,963.9	78,197.8	97,660.0	89,561.1	81,655.6	83,370.3

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

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

	ADJUSTED BASE FY11	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY12	FY13	FY12	FY13
GENERAL PURPOSE REVENUE	575.85	579.85	579.85	574.85	574.85
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	580.85	584.85	584.85	579.85	579.85

(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 FY10	ADJUSTED BASE FY11	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY12	FY13	FY12	FY13
1. Legal assistance	\$86,963.9	\$78,197.8	\$97,660.0	\$89,561.1	\$81,655.6	\$83,370.3
TOTALS	\$86,963.9	\$78,197.8	\$97,660.0	\$89,561.1	\$81,655.6	\$83,370.3

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

	ADJUSTED BASE FY11	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY12	FY13	FY12	FY13
1. Legal assistance	580.85	584.85	584.85	579.85	579.85
TOTALS	580.85	584.85	584.85	579.85	579.85

(4) All positions are State Operations unless otherwise specified

1. Increase Employee Contributions to Pension and Health Insurance

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-2,913,100	0.00	-2,913,100	0.00
PR-O	0	0.00	0	0.00	-9,900	0.00	-9,900	0.00
PR-S	0	0.00	0	0.00	-6,700	0.00	-6,700	0.00
TOTAL	0	0.00	0	0.00	-2,929,700	0.00	-2,929,700	0.00

The Governor recommends increasing state employee contributions towards pension and health insurance costs. Employees will generally pay 50 percent of the total required retirement contribution, which for calendar year 2011 equals 5.8 percent of salary. The Governor further recommends increasing employee contributions for health insurance from approximately 6 percent of the premium to 12.6 percent of the premium. These modifications are necessary to bring state employee compensation in line with private sector employment and reduce compensation costs.

2. Budget Efficiencies

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-505,200	0.00	-505,200	0.00
PR-O	0	0.00	0	0.00	-107,900	0.00	-107,900	0.00
TOTAL	0	0.00	0	0.00	-613,100	0.00	-613,100	0.00

The Governor recommends reducing funding, excluding salary and fringe benefits, in most GPR and PR appropriations by 10 percent to create additional efficiencies and balance the budget.

3. Eliminate Long-Term Vacancies

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-47,200	-1.00	-47,200	-1.00
TOTAL	0	0.00	0	0.00	-47,200	-1.00	-47,200	-1.00

The Governor recommends eliminating position authority and related funding for positions that have been vacant for longer than 12 months.

4. Private Bar Cost to Continue

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	10,006,700	0.00	2,786,500	0.00	825,800	0.00	2,786,500	0.00
TOTAL	10,006,700	0.00	2,786,500	0.00	825,800	0.00	2,786,500	0.00

The Governor recommends increasing funding to cover the projected shortfall for the private bar and investigator reimbursement (not to include a carryover shortfall from FY11).

5. State Public Defender Eligibility Cost to Continue

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	619,900	0.00	373,900	0.00	619,900	0.00	373,900	0.00
TOTAL	619,900	0.00	373,900	0.00	619,900	0.00	373,900	0.00

The Governor recommends providing funding for nonsalary costs for 45.4 FTE positions authorized in 2009 Wisconsin Act 164.

6. Penalty Surcharge Reestimate

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	-14,900	0.00	-14,900	0.00
TOTAL	0	0.00	0	0.00	-14,900	0.00	-14,900	0.00

The Governor recommends adjusting the distribution of revenue from the penalty surcharge administered by the Department of Justice to reflect current projections. See Department of Justice, Item #11.

7. Realignment of Positions

The Governor recommends transferring position authority between appropriations to better align position duties and funding sources.

8. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY12		FY13		FY12		FY13	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	5,610,800	0.00	5,610,800	0.00	5,610,800	0.00	5,610,800	0.00
PR-O	-1,400	0.00	-1,400	0.00	-1,400	0.00	-1,400	0.00
PR-S	7,600	0.00	7,600	0.00	7,600	0.00	7,600	0.00
TOTAL	5,617,000	0.00	5,617,000	0.00	5,617,000	0.00	5,617,000	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$5,252,300 in each year); (b) overtime (\$223,100 in each year); (c) full funding of lease and directed moves costs (\$141,600 in each year); and (d) minor transfers within the same alpha appropriation.

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	FY12		FY13	
		Dollars	Positions	Dollars	Positions
9. Transcript/Discovery/Interpreter Cost to Continue	GPR	1,275,400	0.00	637,700	0.00
10. Information Technology Staffing	GPR	798,100	4.00	850,800	4.00
11. Information Technology Network Upgrade	GPR	704,900	0.00	704,900	0.00
12. Restore Across-the-Board Reductions	GPR	559,400	0.00	559,400	0.00
	PR-O	2,500	0.00	2,500	0.00
	PR-S	1,400	0.00	1,400	0.00
13. Master Lease Full Funding	GPR	317,800	0.00	482,100	0.00
14. Sex Offender Case Support	GPR	298,000	0.00	298,000	0.00
15. Protective Occupation Status	GPR	148,300	0.00	148,300	0.00
16. Sentence Modifications	GPR	119,900	0.00	236,600	0.00
17. Private Bar Rate	GPR	0	0.00	0	0.00
18. Sentencing Specialists	GPR	0	0.00	594,000	0.00
19. Cost Containment/Reduction Measures	GPR	-87,400	0.00	-90,400	0.00
20. Charging and Sentencing Alternatives	GPR	-919,700	0.00	-1,839,400	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	3,214,700	4.00	2,582,000	4.00
	PR-O	2,500	0.00	2,500	0.00
	PR-S	1,400	0.00	1,400	0.00