

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

| Source of Funds | FY03 Adjusted Base | FY04 Recommended | % Change Over FY03 | FY05 Recommended | % Change Over FY04 |
|-----------------|-----------------------|---------------------|-----------------------|---------------------|-----------------------|
| GPR | 73,088,200 | 63,294,500 | -13.4 | 66,325,500 | 4.8 |
| PR-O | 1,159,600 | 1,171,500 | 1.0 | 1,171,600 | 0.0 |
| PR-S | 127,800 | 122,700 | -4.0 | 122,700 | 0.0 |
| TOTAL | 74,375,600 | 64,588,700 | -13.2 | 67,619,800 | 4.7 |

FULL-TIME EQUIVALENT POSITION SUMMARY

| Source of Funds | FY03 Adjusted Base | FY04 Recommended | FTE Change From FY03 | FY05 Recommended | FTE Change From FY04 |
|-----------------|-----------------------|---------------------|-------------------------|---------------------|-------------------------|
| GPR | 523.55 | 507.55 | -16.00 | 507.55 | 0.00 |
| PR-O | 2.00 | 2.00 | 0.00 | 2.00 | 0.00 |
| PR-S | 2.00 | 2.00 | 0.00 | 2.00 | 0.00 |
| TOTAL | 527.55 | 511.55 | -16.00 | 511.55 | 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 specified civil matters. Pursuant to Wisconsin Statutes and administrative rules, the office determines eligibility based on an analysis of the 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 office.

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 Offices of Legal Counsel, Training and Development, and Information Technology.

MISSION

The mission of the board 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 client representation.

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

HISTORICAL DATA

| Prog. No. | Performance Measure | Actual 2000 |
|--------------|--|--------------------|
| 1. | Number of attorney reappointments requested by clients. | 1,674 ¹ |
| 1. | Number of educational contacts with children and youth. | 1,500 (est.) |
| 1. | Number of qualified attorneys certified to take cases. | 965 |
| 1. | Percentage of cases with greatest risk of penalties handled by staff attorneys. ² | 42.1% |

Note: Based on fiscal year.

¹Number updated after publication of the 2001-03 biennial budget.

²Performance measure changed to more accurately reflect the fact that serious felony cases have the greatest risk of penalties.

2001 AND 2002 GOALS AND ACTUALS

| Prog. No. | Performance Measure | Goal 2001 | Actual 2001 | Goal 2002 | Actual 2002 |
|-----------|--|-----------|-------------|-----------|-------------|
| 1. | Number of attorney reappointments requested by clients. ¹ | 1,407 | 1,427 | 1,337 | 1,428 |
| 1. | Number of educational contacts with children and youth. | 1,575 | 3,204 | 1,654 | 5,272 |
| 1. | Number of qualified attorneys certified to take cases. ² | 1,065 | 984 | 1,165 | 953 |
| 1. | Percentage of cases with greatest risk of penalties handled by staff attorneys. ³ | 44% | 39.1% | 46% | 36.2% |

Note: Based on fiscal year.

¹Attorney reappointment as a percentage of cases actually decreased from 1.19 percent in fiscal year 2000-01 to 1.11 percent in fiscal year 2001-02 due to a 6.6 percent increase in overall caseload.

²Number of qualified attorneys is difficult to increase due to low pay of contractors.

³Agency could not hire all attorney positions due to position freezes and additional required savings. Despite this, the actual number of cases with the greatest risk of penalties handled by staff remained relatively stable at about 870 each year.

2003, 2004 AND 2005 GOALS

| Prog. No. | Performance Measure | Goal 2003 | Goal 2004 | Goal 2005 |
|-----------|--|-----------|-----------|-----------|
| 1. | Attorney withdrawals at client request as a percentage of total Trial Division cases. ¹ | 1.5% | 1.5% | 1.5% |
| 1. | Number of educational contacts with children and youth. | 2,300 | 2,415 | 2,535 |
| 1. | Number of qualified attorneys certified to take cases. | 1,001 | 1,051 | 1,104 |
| 1. | Number of cases with greatest risk of penalties handled by staff attorneys. ² | 900 | 900 | 900 |

Note: Based on fiscal year.

¹This performance indicator has been changed to reflect a percentage of cases due to total case fluctuations from year-to-year.

²This performance indicator has been changed to measure a number of cases with the greatest risk of penalties handled by staff attorneys because the agency's number of attorneys does not change with case fluctuations.

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Budget Efficiency Measures
2. Private Bar Appropriation Cost to Continue
3. Standard Budget Adjustments

ITEMS NOT APPROVED

4. Information Technology Programming Support
5. Protective Occupational Status for Public Defender Investigations
6. Information Technology Hardware and Software Replacement Base
7. Sentence Modifications, Jurisdiction
8. Sentencing Specialists
9. Public Defender Regional Office Manager Professionals
10. Additional Staff Attorneys and Support Staff
11. Collections/Verification Program Support

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

| | ACTUAL FY02 | ADJUSTED BASE FY03 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-------------------------|----------------|--------------------------|----------------|------------|------------------------------|------------|
| | | | FY04 | FY05 | FY04 | FY05 |
| GENERAL PURPOSE REVENUE | \$68,974.1 | \$73,088.2 | \$65,112.4 | \$65,420.1 | \$63,294.5 | \$66,325.5 |
| State Operations | 68,974.1 | 73,088.2 | 65,112.4 | 65,420.1 | 63,294.5 | 66,325.5 |
| PROGRAM REVENUE (2) | 445.9 | 1,287.4 | 1,400.5 | 1,412.6 | 1,294.2 | 1,294.3 |
| State Operations | 445.9 | 1,287.4 | 1,400.5 | 1,412.6 | 1,294.2 | 1,294.3 |
| TOTALS-ANNUAL | 69,420.0 | 74,375.6 | 66,512.9 | 66,832.7 | 64,588.7 | 67,619.8 |
| State Operations | 69,420.0 | 74,375.6 | 66,512.9 | 66,832.7 | 64,588.7 | 67,619.8 |

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

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

| | ADJUSTED BASE FY03 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-------------------------|--------------------------|----------------|--------|------------------------------|--------|
| | | FY04 | FY05 | FY04 | FY05 |
| GENERAL PURPOSE REVENUE | 523.55 | 575.35 | 575.35 | 507.55 | 507.55 |
| PROGRAM REVENUE (2) | 4.00 | 6.00 | 6.00 | 4.00 | 4.00 |
| TOTALS-ANNUAL | 527.55 | 581.35 | 581.35 | 511.55 | 511.55 |

(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 FY02 | ADJUSTED BASE FY03 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|---------------------|----------------|--------------------------|----------------|------------|------------------------------|------------|
| | | | FY04 | FY05 | FY04 | FY05 |
| 1. Legal assistance | \$69,420.0 | \$74,375.6 | \$66,512.9 | \$66,832.7 | \$64,588.7 | \$67,619.8 |
| TOTALS | 69,420.0 | 74,375.6 | 66,512.9 | 66,832.7 | 64,588.7 | 67,619.8 |

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

| | ADJUSTED BASE FY03 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|---------------------|--------------------------|----------------|--------|------------------------------|--------|
| | | FY04 | FY05 | FY04 | FY05 |
| 1. Legal assistance | 527.55 | 581.35 | 581.35 | 511.55 | 511.55 |
| TOTALS | 527.55 | 581.35 | 581.35 | 511.55 | 511.55 |

(4) All positions are State Operations unless otherwise specified

1. Budget Efficiency Measures

| Source of Funds | Agency Request | | | | Governor's Recommendation | | | |
|-----------------|----------------|-----------|---------|-----------|---------------------------|-----------|------------|-----------|
| | FY04 | | FY05 | | FY04 | | FY05 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 0 | 0.00 | 0 | 0.00 | -3,500,000 | -16.00 | -3,500,000 | -16.00 |
| TOTAL | 0 | 0.00 | 0 | 0.00 | -3,500,000 | -16.00 | -3,500,000 | -16.00 |

The Governor recommends reducing expenditure and position authority in the board's state operations appropriations in the amounts shown to create additional operational efficiencies and balance the budget. This reduction includes 13.25 FTE public defenders and 2.75 FTE administrative staff. The reduction in public defenders is comparable to the recommended reduction in district attorney positions.

2. Private Bar Appropriation Cost to Continue

| Source of Funds | Agency Request | | | | Governor's Recommendation | | | |
|-----------------|----------------|-----------|-----------|-----------|---------------------------|-----------|-----------|-----------|
| | FY04 | | FY05 | | FY04 | | FY05 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 1,410,700 | 0.00 | 4,410,700 | 0.00 | 1,410,700 | 0.00 | 4,410,700 | 0.00 |
| TOTAL | 1,410,700 | 0.00 | 4,410,700 | 0.00 | 1,410,700 | 0.00 | 4,410,700 | 0.00 |

The Governor recommends providing funding for the private bar reimbursement appropriation.

3. Standard Budget Adjustments

| Source of Funds | Agency Request | | | | Governor's Recommendation | | | |
|-----------------|----------------|-----------|------------|-----------|---------------------------|-----------|------------|-----------|
| | FY04 | | FY05 | | FY04 | | FY05 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | -7,704,400 | 0.00 | -7,673,400 | 0.00 | -7,704,400 | 0.00 | -7,673,400 | 0.00 |
| PR-O | 11,900 | 0.00 | 12,000 | 0.00 | 11,900 | 0.00 | 12,000 | 0.00 |
| PR-S | -5,100 | 0.00 | -5,100 | 0.00 | -5,100 | 0.00 | -5,100 | 0.00 |
| TOTAL | -7,697,600 | 0.00 | -7,666,500 | 0.00 | -7,697,600 | 0.00 | -7,666,500 | 0.00 |

The Governor recommends adjusting the board's base budget for: (a) turnover reduction (-\$781,800 in each year); (b) removal of noncontinuing elements from the base (-\$7,646,100 in each year); (c) full funding of continuing position salaries and fringe benefits (\$246,100 in each year); (d) reclassifications and semiautomatic pay progression (\$11,400 in FY04 and \$17,700 in FY05); (e) overtime (\$222,800 in each year); (f) fifth week of vacation as cash (\$229,000 in FY04 and \$253,800 in FY05); and (g) full funding of lease and directed moves costs (\$21,000 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 | FY04 | | FY05 | |
|--|-----------------|-----------|-----------|----------|-----------|
| | | Dollars | Positions | Dollars | Positions |
| 4. Information Technology Programming Support | GPR | 49,300 | 1.00 | 57,100 | 1.00 |
| | PR-O | 49,300 | 1.00 | 57,100 | 1.00 |
| 5. Protective Occupational Status for Public Defender Investigations | GPR | 83,500 | 0.00 | 83,500 | 0.00 |
| 6. Information Technology Hardware and Software Replacement Base | GPR | 0 | 0.00 | 502,600 | 0.00 |
| 7. Sentence Modifications, Jurisdiction | GPR | 119,900 | 0.00 | 236,600 | 0.00 |
| 8. Sentencing Specialists | GPR | 0 | 0.00 | 247,500 | 0.00 |
| 9. Public Defender Regional Office Manager Professionals | GPR | 0 | 5.00 | 0 | 5.00 |
| 10. Additional Staff Attorneys and Support Staff | GPR | 848,000 | 45.80 | -957,200 | 45.80 |
| 11. Collections/Verification Program Support | PR-O | 57,000 | 1.00 | 61,200 | 1.00 |
| TOTAL OF ITEMS NOT APPROVED | GPR | 1,100,700 | 51.80 | 170,100 | 51.80 |
| | PR-O | 106,300 | 2.00 | 118,300 | 2.00 |