

## PUBLIC DEFENDER BOARD

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY05 Adjusted Base	FY06 Recommended	% Change Over FY05	FY07 Recommended	% Change Over FY06
GPR	75,176,300	73,765,900	-1.9	73,565,100	-0.3
PR-O	1,175,100	1,183,600	0.7	1,183,600	0.0
PR-S	131,500	133,900	1.8	133,900	0.0
<b>TOTAL</b>	<b>76,482,900</b>	<b>75,083,400</b>	<b>-1.8</b>	<b>74,882,600</b>	<b>-0.3</b>

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY05 Adjusted Base	FY06 Recommended	FTE Change From FY05	FY07 Recommended	FTE Change From FY06
GPR	523.55	519.05	-4.50	516.95	-2.10
PR-O	2.00	2.00	0.00	2.00	0.00
PR-S	2.00	2.00	0.00	2.00	0.00
<b>TOTAL</b>	<b>527.55</b>	<b>523.05</b>	<b>-4.50</b>	<b>520.95</b>	<b>-2.10</b>

### 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

### HISTORICAL DATA

Prog. No.	Performance Measure	Actual 2000	Actual 2001	Actual 2002
1.	Number of attorney reappointments requested by clients.	1,674	1,427	1,428
1.	Number of educational contacts with children and youth.	1,500 (est.)	3,204	5,272
1.	Number of qualified attorneys certified to take cases.	965	984	953
1.	Percentage of cases with greatest risk of penalties handled by staff attorneys.	42.1%	39.1%	36.2%

Note: Based on fiscal year.

## 2003 AND 2004 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2003	Actual 2003	Goal 2004	Actual 2004
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.	2,300	3,179	2,415	4,057
1.	Number of qualified attorneys certified to take cases.	1,001	1,007	1,051	1,132
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	900	13,552	900	13,533

Note: Based on fiscal year.

## 2005, 2006 AND 2007 GOALS

Prog. No.	Performance Measure	Goal 2005	Goal 2006	Goal 2007
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.	4,057	4,057	4,057
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year. <sup>1</sup>	616	666	716
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	900	900	900

Note: Based on fiscal year.

<sup>1</sup>This performance indicator has been changed to measure the number of attorneys who actually accept at least 12 state public defender appointments each year.

## **PUBLIC DEFENDER BOARD**

### **GOVERNOR'S BUDGET RECOMMENDATIONS**

#### **RECOMMENDATIONS**

1. Budget Efficiency Measures
2. Streamlining Administrative Services
3. Penalty Surcharge Reestimate
4. Operating After Revocation
5. Habitual Traffic Offenders
6. Standard Budget Adjustments

#### **ITEMS NOT APPROVED**

7. Charging and Sentencing Alternatives
8. Tax Intercept Program and Collections Program Support
9. Private Bar Rates
10. Protective Occupational Status for Investigators
11. Information Technology Replacement
12. Transcript, Discovery and Interpreter Cost to Continue
13. Fifth Week of Vacation as Cash

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

	ACTUAL FY04	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY06	FY07	FY06	FY07
GENERAL PURPOSE REVENUE	\$78,599.0	\$75,176.3	\$74,302.2	\$73,454.2	\$73,765.9	\$73,565.1
State Operations	78,599.0	75,176.3	74,302.2	73,454.2	73,765.9	73,565.1
PROGRAM REVENUE (2)	1,327.8	1,306.6	1,413.5	1,425.9	1,317.5	1,317.5
State Operations	1,327.8	1,306.6	1,413.5	1,425.9	1,317.5	1,317.5
TOTALS-ANNUAL	79,926.8	76,482.9	75,715.7	74,880.1	75,083.4	74,882.6
State Operations	79,926.8	76,482.9	75,715.7	74,880.1	75,083.4	74,882.6

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

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

	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY06	FY07	FY06	FY07
GENERAL PURPOSE REVENUE	523.55	523.55	523.55	519.05	516.95
PROGRAM REVENUE (2)	4.00	5.50	5.50	4.00	4.00
TOTALS-ANNUAL	527.55	529.05	529.05	523.05	520.95

(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 FY04	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY06	FY07	FY06	FY07
1. Legal assistance	\$79,926.8	\$76,482.9	\$75,715.7	\$74,880.1	\$75,083.4	\$74,882.6
TOTALS	79,926.8	76,482.9	75,715.7	74,880.1	75,083.4	74,882.6

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

	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY06	FY07	FY06	FY07
1. Legal assistance	527.55	529.05	529.05	523.05	520.95
TOTALS	527.55	529.05	529.05	523.05	520.95

**1. Budget Efficiency Measures**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-297,300	-4.50	-297,300	-4.50
TOTAL	0	0.00	0	0.00	-297,300	-4.50	-297,300	-4.50

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 by: (a) eliminating 1.0 FTE vacant, unclassified division administrator position; and (b) eliminating various other administrative positions.

**2. Streamlining Administrative Services**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	0	0.00	0	-2.10
TOTAL	0	0.00	0	0.00	0	0.00	0	-2.10

The Governor recommends consolidating server and network support, certain procurement and purchasing functions, and human resources and payroll benefit services in the Department of Administration beginning in FY07 to create administrative efficiencies. To achieve this, the Governor recommends reducing the board's position authority by: (a) 1.5 FTE positions related to server and network consolidation; and (b) 0.6 FTE positions related to procurement and purchasing consolidation. The Governor further recommends retaining the funding associated with these positions in the agency to cover chargebacks for these services from the Department of Administration. See Department of Administration, Item #1.

**3. Penalty Surcharge Reestimate**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	-4,100	0.00	-4,100	0.00
TOTAL	0	0.00	0	0.00	-4,100	0.00	-4,100	0.00

The Governor recommends adjusting the distribution of revenue from the penalty surcharge administered by the Office of Justice Assistance to reflect current projections. See Department of Administration, Item #8.

**4. Operating After Revocation**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-351,000	0.00	-527,000	0.00
TOTAL	0	0.00	0	0.00	-351,000	0.00	-527,000	0.00

The Governor recommends making first offense operating after revocation a civil penalty if the underlying operating privilege revocation did not result from an alcohol or controlled substance-related traffic violation. The Governor further recommends reducing funding based on the assumption that fewer individuals will require legal representation for first offense operating after revocation violations.

**5. Habitual Traffic Offenders**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-28,700	0.00	-54,700	0.00
TOTAL	0	0.00	0	0.00	-28,700	0.00	-54,700	0.00

The Governor recommends excluding operating after suspension or revocation violations from the calculation of whether an individual is a habitual traffic offender. Under current law, individuals who have four major traffic violations or twelve minor violations within a five-year period may have their license revoked for five years. By removing operating after suspension and revocation violations from the list of minor offenses, the minor offense category will be more focused upon individuals with unsafe driving habits. The Governor further recommends reducing funding based on the assumption that fewer individuals will require legal representation due to driver license revocations from habitual traffic offender provisions.

**6. Standard Budget Adjustments**

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-730,800	0.00	-728,300	0.00	-733,400	0.00	-732,200	0.00
PR-O	8,500	0.00	8,500	0.00	8,500	0.00	8,500	0.00
PR-S	6,500	0.00	6,500	0.00	6,500	0.00	6,500	0.00
TOTAL	-715,800	0.00	-713,300	0.00	-718,400	0.00	-717,200	0.00

The Governor recommends adjusting the board's base budget for: (a) turnover reduction (-\$839,400 in each year); (b) full funding of continuing position salaries and fringe benefits (-\$133,200 in each year); (c) reclassifications and semiautomatic pay progression (\$7,100 in FY06 and \$8,300 in FY07); (d) overtime (\$225,800 in each year); and (e) full funding of lease and directed moves costs (\$21,300 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	FY06		FY07	
		Dollars	Positions	Dollars	Positions
7. Charging and Sentencing Alternatives	GPR	-1,434,000	0.00	-1,912,000	0.00
8. Tax Intercept Program and Collections Program Support	PR-O	91,300	1.50	103,700	1.50
9. Private Bar Rates	GPR	0	0.00	0	0.00
10. Protective Occupational Status for Investigators	GPR	84,100	0.00	84,100	0.00
11. Information Technology Replacement	GPR	293,100	0.00	293,100	0.00
12. Transcript, Discovery and Interpreter Cost to Continue	GPR	660,300	0.00	257,700	0.00
13. Fifth Week of Vacation as Cash	GPR	253,200	0.00	283,300	0.00
	PR-O	600	0.00	600	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	-143,300	0.00	-993,800	0.00
	PR-O	91,900	1.50	104,300	1.50