

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY09 Adjusted Base	FY10 Recommended	% Change Over FY09	FY11 Recommended	% Change Over FY10
GPR	80,053,200	79,418,900	-0.8	78,690,800	-0.9
PR-O	1,275,500	1,289,300	1.1	1,289,700	0.0
PR-S	143,700	145,800	1.5	145,800	0.0
TOTAL	81,472,400	80,854,000	-0.8	80,126,300	-0.9

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY09 Adjusted Base	FY10 Recommended	FTE Change From FY09	FY11 Recommended	FTE Change From FY10
GPR	530.45	530.45	0.00	530.45	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	535.45	535.45	0.00	535.45	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, 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

2007 AND 2008 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2007	Actual 2007	Goal 2008	Actual 2008
1.	Attorney withdrawals at client request as a percentage of total Trial Division cases.	1.5%	2.3%	1.5%	1.9%
1.	Number of educational contacts with children and youth.	3,100	4,037	3,100	2,754
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	683	807	708	797
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,059	1,300	1,085

Note: Based on fiscal year.

2009, 2010 AND 2011 GOALS

Prog. No.	Performance Measure	Goal 2009	Goal 2010	Goal 2011
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.	800	800	800
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,300	1,300

Note: Based on fiscal year.

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Government Efficiency Measures
2. Across-the-Board 1 Percent Reductions
3. Charging and Sentencing Alternatives
4. Information Technology Hardware and Software Replacement
5. Fifth Week Vacation as Cash
6. Discovery Rates
7. Position Reconciliation
8. Penalty Surcharge Reestimate
9. Standard Budget Adjustments

ITEMS NOT APPROVED

10. Private Bar Cost to Continue
11. Private Bar Restructuring
12. Transcript/Discovery/Interpreter Cost to Continue
13. Chapter 980 Case Support
14. Sentence Modifications
15. Information Technology Staff
16. Sentencing Specialists
17. Protective Occupational Status

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

	ACTUAL FY08	ADJUSTED BASE FY09	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY10	FY11	FY10	FY11
GENERAL PURPOSE REVENUE	\$84,363.2	\$80,053.2	\$86,958.3	\$80,791.0	\$79,418.9	\$78,690.8
State Operations	84,363.2	80,053.2	86,958.3	80,791.0	79,418.9	78,690.8
PROGRAM REVENUE (2)	520.6	1,419.2	1,456.9	1,457.3	1,435.1	1,435.5
State Operations	520.6	1,419.2	1,456.9	1,457.3	1,435.1	1,435.5
TOTALS-ANNUAL	84,883.8	81,472.4	88,415.2	82,248.3	80,854.0	80,126.3
State Operations	84,883.8	81,472.4	88,415.2	82,248.3	80,854.0	80,126.3

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

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

	ADJUSTED BASE FY09	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY10	FY11	FY10	FY11
GENERAL PURPOSE REVENUE	530.45	534.45	726.25	530.45	530.45
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
TOTALS-ANNUAL	535.45	539.45	731.25	535.45	535.45

(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 FY08	ADJUSTED BASE FY09	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY10	FY11	FY10	FY11
1. Legal assistance	\$84,883.8	\$81,472.4	\$88,415.2	\$82,248.3	\$80,854.0	\$80,126.3
TOTALS	84,883.8	81,472.4	88,415.2	82,248.3	80,854.0	80,126.3

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

	ADJUSTED BASE FY09	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY10	FY11	FY10	FY11
1. Legal assistance	535.45	539.45	731.25	535.45	535.45
TOTALS	535.45	539.45	731.25	535.45	535.45

(4) All positions are State Operations unless otherwise specified

1. Government Efficiency Measures

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-500,000	0.00	-500,000	0.00
TOTAL	0	0.00	0	0.00	-500,000	0.00	-500,000	0.00

The Governor recommends reducing expenditure authority in the department's general program operations appropriation in the amounts shown to create additional operational efficiencies and balance the budget.

2. Across-the-Board 1 Percent Reductions

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-800,600	0.00	-800,600	0.00
PR-O	0	0.00	0	0.00	-12,700	0.00	-12,700	0.00
PR-S	0	0.00	0	0.00	-1,400	0.00	-1,400	0.00
TOTAL	0	0.00	0	0.00	-814,700	0.00	-814,700	0.00

The Governor recommends reducing most nonfederal appropriations by 1 percent to create additional efficiencies and balance the budget.

3. Charging and Sentencing Alternatives

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-1,645,600	0.00	-3,291,300	0.00	-913,000	0.00	-1,826,100	0.00
TOTAL	-1,645,600	0.00	-3,291,300	0.00	-913,000	0.00	-1,826,100	0.00

The Governor recommends decriminalizing the operation of a motor vehicle after suspension or revocation, unless the underlying reason for the revocation was related to alcohol or other drugs, to reduce the number of cases in which a public defender must be appointed, and to facilitate restoration of driving privileges when appropriate.

4. Information Technology Hardware and Software Replacement

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	870,400	0.00	930,000	0.00	0	0.00	174,200	0.00
TOTAL	870,400	0.00	930,000	0.00	0	0.00	174,200	0.00

The Governor recommends providing funding to implement a rolling four-year replacement schedule for the agency's information technology infrastructure.

5. Fifth Week Vacation as Cash

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	251,300	0.00	262,100	0.00	251,300	0.00	262,100	0.00
PR-O	700	0.00	1,100	0.00	700	0.00	1,100	0.00
PR-S	600	0.00	600	0.00	600	0.00	600	0.00
TOTAL	252,600	0.00	263,800	0.00	252,600	0.00	263,800	0.00

The Governor recommends providing funding for fifth week of vacation as cash to increase the amount of staff attorney time available to take cases, thereby reducing the number of cases transferred to the private bar.

6. Discovery Rates

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	69,000	0.00	69,000	0.00	0	0.00	0	0.00
TOTAL	69,000	0.00	69,000	0.00	0	0.00	0	0.00

The Governor recommends establishing maximum rates that the state public defender can pay for discovery materials.

7. Position Reconciliation

The Governor recommends transferring position authority from the trial representation appropriation to the appellate representation appropriation as a technical modification to the agency's base budget.

8. Penalty Surcharge Reestimate

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	-7,700	0.00	-7,700	0.00
TOTAL	0	0.00	0	0.00	-7,700	0.00	-7,700	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 #7.

9. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY10		FY11		FY10		FY11	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,328,000	0.00	1,328,000	0.00	1,328,000	0.00	1,328,000	0.00
PR-O	25,800	0.00	25,800	0.00	25,800	0.00	25,800	0.00
PR-S	10,600	0.00	10,600	0.00	10,600	0.00	10,600	0.00
TOTAL	1,364,400	0.00	1,364,400	0.00	1,364,400	0.00	1,364,400	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$957,000 in each year); (b) reclassifications and semiautomatic pay progression (\$15,200 in each year); (c) overtime (\$220,200 in each year); (d) full funding of lease and directed moves costs (\$172,000 in each year); and (e) 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	FY10		FY11	
		Dollars	Positions	Dollars	Positions
10. Private Bar Cost to Continue	GPR	3,948,300	0.00	-964,400	0.00
11. Private Bar Restructuring	GPR	0	0.00	0	191.80
12. Transcript/Discovery/Interpreter Cost to Continue	GPR	881,000	0.00	440,500	0.00
13. Chapter 980 Case Support	GPR	168,000	0.00	168,000	0.00
14. Sentence Modifications	GPR	119,900	0.00	236,600	0.00
15. Information Technology Staff	GPR	791,800	4.00	842,300	4.00
16. Sentencing Specialists	GPR	0	0.00	594,000	0.00
17. Protective Occupational Status	GPR	123,000	0.00	123,000	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	6,032,000	4.00	1,440,000	195.80