

## PUBLIC DEFENDER BOARD

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY13 Adjusted Base	FY14 Recommended	% Change Over FY13	FY15 Recommended	% Change Over FY14
GPR	82,116,100	87,190,900	6.2	82,023,800	-5.9
PR-O	1,162,600	1,156,400	-0.5	1,156,500	0.0
PR-S	126,900	144,800	14.1	144,800	0.0
TOTAL	83,405,600	88,492,100	6.1	83,325,100	-5.8

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY13 Adjusted Base	FY14 Recommended	FTE Change Over FY13	FY15 Recommended	FTE Change Over FY14
GPR	574.85	574.85	0.00	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	579.85	579.85	0.00	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.

**Public Defender Board**

**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**

**2011 AND 2012 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2011</b>	<b>Actual 2011</b>	<b>Goal 2012</b>	<b>Actual 2012</b>
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	1.5%	2.3%	1.5%	2.1%
1.	Number of educational contacts with children and youth.	3,100	3,614	4,000	2,587
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	782	800	801
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,110	1,100	1,199

Note: Based on fiscal year.

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**2013, 2014 AND 2015 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2013<sup>1</sup></b>	<b>Goal 2014</b>	<b>Goal 2015</b>
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2%	2%
1.	Number of educational contacts with children and youth.	2,750	2,750	2,750
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.	1,200	1,200	1,200

Note: Based on fiscal year.

<sup>1</sup>Goals for 2013 have been revised.

## **PUBLIC DEFENDER BOARD**

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

#### **RECOMMENDATIONS**

1. Pay Progression for Assistant State Public Defenders
2. Private Bar Cost to Continue
3. Expert Cost to Continue
4. Permanent GPR Reductions
5. Standard Budget Adjustments

#### **ITEMS NOT APPROVED**

6. Sentence Modifications
7. Charging and Sentencing Alternatives
8. Sentencing Specialists
9. Private Bar Rate
10. Income Eligibility Indexing
11. IT Hardware/Software and Network Upgrades
12. IT eOPD Replacement or Reengineering
13. IT E-Records Management
14. Restore 2009-11 Across-the-Board Reductions
15. Transcripts/Discovery/Interpreters Cost to Continue
16. Administrative Oversight in Regional Offices
17. Administrative and Financial Span of Control
18. Westlaw and Lexis Access
19. Bilingual Add-On Pay
20. Protective Occupation Status
21. Just Cause Employment Protection
22. Payments for Medical Records
23. Maximum Fees for Copies
24. Private Bar Travel Restrictions
25. Physical Presence in a Court

**Public Defender Board**

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

	ACTUAL FY12	ADJUSTED BASE FY13	AGENCY REQUEST FY14	AGENCY REQUEST FY15	GOVERNOR'S RECOMMENDATION FY14	GOVERNOR'S RECOMMENDATION FY15
GENERAL PURPOSE REVENUE	\$88,672.6	\$82,116.1	\$89,159.9	\$83,900.4	\$87,190.9	\$82,023.8
State Operations	88,672.6	82,116.1	89,159.9	83,900.4	87,190.9	82,023.8
PROGRAM REVENUE (2)	\$1,919.3	\$1,289.5	\$1,350.5	\$1,354.5	\$1,301.2	\$1,301.3
State Operations	1,919.3	1,289.5	1,350.5	1,354.5	1,301.2	1,301.3
TOTALS - ANNUAL	\$90,591.9	\$83,405.6	\$90,510.4	\$85,254.9	\$88,492.1	\$83,325.1
State Operations	90,591.9	83,405.6	90,510.4	85,254.9	88,492.1	83,325.1

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

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

	ADJUSTED BASE FY13	AGENCY REQUEST FY14	AGENCY REQUEST FY15	GOVERNOR'S RECOMMENDATION FY14	GOVERNOR'S RECOMMENDATION FY15
GENERAL PURPOSE REVENUE	574.85	585.85	585.85	574.85	574.85
PROGRAM REVENUE (2)	5.00	6.00	6.00	5.00	5.00
TOTALS - ANNUAL	579.85	591.85	591.85	579.85	579.85

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

(4) All positions are State Operations unless otherwise specified

**Public Defender Board**

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

	ACTUAL FY12	ADJUSTED BASE FY13	AGENCY REQUEST FY14	AGENCY REQUEST FY15	GOVERNOR'S RECOMMENDATION FY14	GOVERNOR'S RECOMMENDATION FY15
1. Legal assistance	\$90,591.9	\$83,405.6	\$90,510.4	\$85,254.9	\$88,492.1	\$83,325.1
TOTALS	\$90,591.9	\$83,405.6	\$90,510.4	\$85,254.9	\$88,492.1	\$83,325.1

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

	ADJUSTED BASE FY13	AGENCY REQUEST FY14	AGENCY REQUEST FY15	GOVERNOR'S RECOMMENDATION FY14	GOVERNOR'S RECOMMENDATION FY15
1. Legal assistance	579.85	591.85	591.85	579.85	579.85
TOTALS	579.85	591.85	591.85	579.85	579.85

(4) All positions are State Operations unless otherwise specified

**Public Defender Board**

**1. Pay Progression for Assistant State Public Defenders**

Source of Funds	Agency Request				Governor's Recommendations			
	FY14		FY15		FY14		FY15	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,133,000	0.00	2,299,100	0.00	997,000	0.00	1,978,600	0.00
TOTAL	1,133,000	0.00	2,299,100	0.00	997,000	0.00	1,978,600	0.00

The Governor recommends establishing a pay progression plan for assistant state public defenders.

**2. Private Bar Cost to Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY14		FY15		FY14		FY15	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	4,116,400	0.00	-2,033,700	0.00	6,200,000	0.00	0	0.00
TOTAL	4,116,400	0.00	-2,033,700	0.00	6,200,000	0.00	0	0.00

The Governor recommends increasing funding in FY14 to address a carryover shortfall in reimbursement payments from FY13.

**3. Expert Cost to Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY14		FY15		FY14		FY15	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	517,600	0.00	517,600	0.00	337,600	0.00	337,600	0.00
TOTAL	517,600	0.00	517,600	0.00	337,600	0.00	337,600	0.00

The Governor recommends providing funding for expert witnesses in original petition cases and postcommitment proceedings for sexually violent persons under Chapter 980.

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**4. Permanent GPR Reductions**

Source of Funds	Agency Request				Governor's Recommendations			
	FY14		FY15		FY14		FY15	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-820,400	0.00	-820,400	0.00	-820,400	0.00	-820,400	0.00
TOTAL	-820,400	0.00	-820,400	0.00	-820,400	0.00	-820,400	0.00

The Governor recommends reducing funding to create additional efficiencies and balance the budget.

**5. Standard Budget Adjustments**

Source of Funds	Agency Request				Governor's Recommendations			
	FY14		FY15		FY14		FY15	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-1,639,400	0.00	-1,588,100	0.00	-1,639,400	0.00	-1,588,100	0.00
PR-O	-6,200	0.00	-6,100	0.00	-6,200	0.00	-6,100	0.00
PR-S	17,900	0.00	17,900	0.00	17,900	0.00	17,900	0.00
TOTAL	-1,627,700	0.00	-1,576,300	0.00	-1,627,700	0.00	-1,576,300	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (-\$2,066,100 in each year); (b) reclassifications and semiautomatic pay progression (\$8,900 in each year); (c) overtime (\$214,300 in each year); and (d) full funding of lease and directed moves costs (\$215,200 in FY14 and \$266,600 in FY15).

**Public Defender Board**

**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	FY14		FY15	
		Dollars	Positions	Dollars	Positions
6. Sentence Modifications	GPR	119,900	0.00	236,600	0.00
7. Charging and Sentencing Alternatives	GPR	-2,569,200	0.00	-5,138,300	0.00
8. Sentencing Specialists	GPR	136,300	3.00	155,900	3.00
9. Private Bar Rate	GPR	0	0.00	3,506,000	0.00
10. Income Eligibility Indexing	GPR	0	0.00	0	0.00
11. IT Hardware/Software and Network Upgrades	GPR	1,968,500	2.00	2,016,800	2.00
12. IT eOPD Replacement or Reengineering	GPR	1,910,000	0.00	410,000	0.00
13. IT E-Records Management	GPR	355,000	0.00	180,000	0.00
14. Restore 2009-11 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
15. Transcripts/Discovery/Interpreters Cost to Continue	GPR	772,700	0.00	772,700	0.00
16. Administrative Oversight in Regional Offices	GPR	226,100	3.00	270,200	3.00
17. Administrative and Financial Span of Control	GPR	158,900	3.00	178,200	3.00
	PR-S	43,100	1.00	46,300	1.00
18. Westlaw and Lexis Access	GPR	45,900	0.00	46,800	0.00
19. Bilingual Add-On Pay	GPR	53,100	0.00	70,800	0.00
	PR-O	2,300	0.00	3,000	0.00
20. Protective Occupation Status	GPR	0	0.00	144,700	0.00
21. Just Cause Employment Protection	GPR	0	0.00	0	0.00
22. Payments for Medical Records	GPR	0	0.00	0	0.00
23. Maximum Fees for Copies	GPR	0	0.00	0	0.00
24. Private Bar Travel Restrictions	GPR	0	0.00	0	0.00
25. Physical Presence in a Court	GPR	0	0.00	0	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	3,736,600	11.00	3,409,800	11.00
	PR-O	4,800	0.00	5,500	0.00
	PR-S	44,500	1.00	47,700	1.00

## Public Defender Board