

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY15 Adjusted Base	FY16 Recommended	% Change Over FY15	FY17 Recommended	% Change Over FY16
GPR	82,894,300	86,397,400	4.2	83,848,200	-3.0
PR-O	1,159,300	1,196,100	3.2	1,196,300	0.0
PR-S	146,900	151,800	3.3	151,900	0.1
TOTAL	84,200,500	87,745,300	4.2	85,196,400	-2.9

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY15 Adjusted Base	FY16 Recommended	FTE Change Over FY15	FY17 Recommended	FTE Change Over FY16
GPR	574.85	620.60	45.75	620.60	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	625.60	45.75	625.60	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 indigent clients at the trial level with both in-house and private bar attorneys. The office consists of the Trial, Training, Appellate, Administrative Services and Assigned Counsel divisions and the Office of Legal Counsel.

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2015, 2016 AND 2017 GOALS

Prog. No.	Performance Measure	Goal 2015	Goal 2016	Goal 2017
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.

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

	ACTUAL FY14	ADJUSTED BASE FY15	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY16	FY17	FY16	FY17
GENERAL PURPOSE REVENUE	\$90,724.1	\$82,894.3	\$88,113.5	\$94,421.1	\$86,397.4	\$83,848.2
State Operations	90,724.1	82,894.3	88,113.5	94,421.1	86,397.4	83,848.2
PROGRAM REVENUE (2)	\$1,549.9	\$1,306.2	\$1,347.9	\$1,348.2	\$1,347.9	\$1,348.2
State Operations	1,549.9	1,306.2	1,347.9	1,348.2	1,347.9	1,348.2
TOTALS - ANNUAL	\$92,274.1	\$84,200.5	\$89,461.4	\$95,769.3	\$87,745.3	\$85,196.4
State Operations	92,274.1	84,200.5	89,461.4	95,769.3	87,745.3	85,196.4

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

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

	ADJUSTED BASE FY15	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY16	FY17	FY16	FY17
GENERAL PURPOSE REVENUE	574.85	583.85	583.85	620.60	620.60
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	579.85	588.85	588.85	625.60	625.60

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

(4) All positions are State Operations unless otherwise specified

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1. Ongoing Lapse Authority

The Governor recommends amending 2013 Wisconsin Act 20, as last affected by 2013 Wisconsin Act 145, to require a lapse from PR and GPR appropriations of executive branch state agencies to extend through FY17. The board's amount is \$118,700 in each fiscal year.

2. Private Bar Cost-to-Continue

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,409,000	0.00	1,409,000	0.00	1,409,000	0.00	1,409,000	0.00
TOTAL	1,409,000	0.00	1,409,000	0.00	1,409,000	0.00	1,409,000	0.00

The Governor recommends providing funding in the private bar and investigator reimbursement appropriation to reflect the board's actual costs to provide reimbursement to private bar attorneys. The Governor also recommends eliminating interest payments for reimbursements paid after 30 days.

3. Additional Resources for the Office of Public Defender

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	776,000	45.75	-958,800	45.75
TOTAL	0	0.00	0	0.00	776,000	45.75	-958,800	45.75

The Governor recommends adjusting the board's budget for: (a) funding and position authority to create a pilot Conflict Defender's Office that will provide representation to criminal defendants in Milwaukee, Racine and Waukesha counties (\$709,600 in FY16, \$830,900 in FY17 and 10.75 FTE positions in each year); (b) funding and position authority in the appropriation for trial representation (\$2,304,200 in FY16, \$2,686,000 in FY17 and 35.0 FTE positions in each year); and (c) reductions to the appropriation for private bar and investigator reimbursement to reflect cost savings generated by the Conflict Defender's Office and trial representation (-\$2,237,800 in FY16 and -\$4,475,700 in FY17).

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4. Cybersecurity

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	1,325,600	0.00	653,600	0.00
TOTAL	0	0.00	0	0.00	1,325,600	0.00	653,600	0.00

The Governor recommends providing funding for network server upgrades, broadband security, workstation security and information technology infrastructure management related to critically needed cybersecurity improvements.

5. Madison Office Consolidation

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	194,000	0.00	0	0.00
TOTAL	0	0.00	0	0.00	194,000	0.00	0	0.00

The Governor recommends providing funding to cover the costs of information technology infrastructure related to consolidating the board's two Madison offices into one location.

6. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	2,697,200	0.00	4,248,300	0.00	-201,500	0.00	-149,900	0.00
PR-O	36,800	0.00	37,000	0.00	36,800	0.00	37,000	0.00
PR-S	4,900	0.00	5,000	0.00	4,900	0.00	5,000	0.00
TOTAL	2,738,900	0.00	4,290,300	0.00	-159,800	0.00	-107,900	0.00

The Governor recommends adjusting the board's base budget for: (a) removal of noncontinuing elements from the base (-\$2,018,400 in each year); (b) full funding of continuing position salaries and fringe benefits (\$1,208,200 in each year); (c) overtime (\$214,200 in each year); and (d) full funding of lease and directed moves costs (\$436,200 in FY16 and \$488,100 in FY17).

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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	FY16		FY17	
		Dollars	Positions	Dollars	Positions
7. Private Bar Rate	GPR	930,000	0.00	7,627,900	0.00
8. Sentence Modifications	GPR	236,600	0.00	236,600	0.00
9. Charging and Sentencing Alternatives	GPR	-2,510,500	0.00	-5,021,000	0.00
10. Protective Occupation Status for Investigators and Client Services Specialists	GPR	0	0.00	90,000	0.00
11. Transcripts, Interpreters and Discovery Cost-to-Continue	GPR	953,500	0.00	953,500	0.00
12. Transcript Preparation Reimbursement for Handling	GPR	0.00	0.00	0.00	0.00
13. Information Technology Mobile Technology	GPR	0	0.00	742,800	0.00
14. Information Technology Case Management System	GPR	950,000	0.00	600,000	0.00
15. Income Eligibility Indexing	GPR	0.00	0.00	0.00	0.00
16. Treatment and Diversion Expansion Infrastructure Support	GPR	553,400	9.00	639,700	9.00
TOTAL OF ITEMS NOT APPROVED	GPR	1,113,000	9.00	5,869,500	9.00