

## 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.

## Public Defender Board

### 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

#### 2013 AND 2014 GOALS AND ACTUALS

| Prog. No. | Performance Measure  | Goal 2013 | Actual 2013 | Goal 2014 | Actual 2014 |
|-----------|--|-----------|-------------|-----------|-------------|
| 1.        | Court grants attorney withdrawals at client request as a percentage of total trial cases.    | 2%        | 2.3%        | 2%        | 2.1%        |
| 1.        | Number of educational contacts with children and youth.                                      | 2,750     | 2,490       | 2,750     | 3,675       |
| 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.                  | 1,200     | 1,234       | 1,200     | 1,418       |

Note: Based on fiscal year.

## Public Defender Board

### 2015, 2016 AND 2017 GOALS

| <b>Prog. No.</b> | <b>Performance Measure</b>   | <b>Goal 2015</b> | <b>Goal 2016</b> | <b>Goal 2017</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.

## **PUBLIC DEFENDER BOARD**

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

#### **RECOMMENDATIONS**

1. Ongoing Lapse Authority
2. Private Bar Cost-to-Continue
3. Additional Resources for the Office of Public Defender
4. Cybersecurity
5. Madison Office Consolidation
6. Standard Budget Adjustments

#### **ITEMS NOT APPROVED**

7. Private Bar Rate
8. Sentence Modifications
9. Charging and Sentencing Alternatives
10. Protective Occupation Status for Investigators and Client Services Specialists
11. Transcripts, Interpreters and Discovery Cost-to-Continue
12. Transcript Preparation Reimbursement for Handling
13. Information Technology Mobile Technology
14. Information Technology Case Management System
15. Income Eligibility Indexing
16. Treatment and Diversion Expansion Infrastructure Support

**Public Defender Board**

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

|                         | ACTUAL<br>FY14 | ADJUSTED<br>BASE<br>FY15 | AGENCY REQUEST |            | GOVERNOR'S<br>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<br>BASE<br>FY15 | AGENCY REQUEST |        | GOVERNOR'S<br>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

**Public Defender Board**

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

|                     | ACTUAL<br>FY14 | ADJUSTED<br>BASE<br>FY15 | AGENCY REQUEST<br>FY16 | AGENCY REQUEST<br>FY17 | GOVERNOR'S<br>RECOMMENDATION<br>FY16 | GOVERNOR'S<br>RECOMMENDATION<br>FY17 |
|---------------------|----------------|--------------------------|------------------------|------------------------|--------------------------------------|--------------------------------------|
| 1. Legal assistance | \$92,274.1     | \$84,200.5               | \$89,461.4             | \$95,769.3             | \$87,745.3                           | \$85,196.4                           |
| TOTALS              | \$92,274.1     | \$84,200.5               | \$89,461.4             | \$95,769.3             | \$87,745.3                           | \$85,196.4                           |

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

|                     | ADJUSTED<br>BASE<br>FY15 | AGENCY REQUEST<br>FY16 | AGENCY REQUEST<br>FY17 | GOVERNOR'S<br>RECOMMENDATION<br>FY16 | GOVERNOR'S<br>RECOMMENDATION<br>FY17 |
|---------------------|--------------------------|------------------------|------------------------|--------------------------------------|--------------------------------------|
| 1. Legal assistance | 579.85                   | 588.85                 | 588.85                 | 625.60                               | 625.60                               |
| TOTALS              | 579.85                   | 588.85                 | 588.85                 | 625.60                               | 625.60                               |

(4) All positions are State Operations unless otherwise specified

## Public Defender Board

### 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).

## Public Defender Board

### 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).

**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 | 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        |
| <b>TOTAL OF ITEMS NOT APPROVED</b>   | <b>GPR</b>      | <b>1,113,000</b> | <b>9.00</b> | <b>5,869,500</b> | <b>9.00</b> |

## Public Defender Board