

## PUBLIC DEFENDER BOARD

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY19 Adjusted Base	FY20 Recommended	% Change Over FY19	FY21 Recommended	% Change Over FY20
GPR	87,241,300	98,746,600	13.2	107,064,600	8.4
PR-O	1,215,600	1,244,500	2.4	1,245,000	0.0
PR-S	174,600	193,700	10.9	194,400	0.4
TOTAL	88,631,500	100,184,800	13.0	108,504,000	8.3

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY19 Adjusted Base	FY20 Recommended	FTE Change Over FY19	FY21 Recommended	FTE Change Over FY20
GPR	609.85	609.85	0.00	609.85	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	614.85	614.85	0.00	614.85	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 indigent clients 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 Training and Development.

## Public Defender Board

### MISSION

The mission of the agency is to zealously represent clients, protect constitutional rights and advocate for an effective and fair criminal justice system. Our commitment is to treat our clients with dignity and compassion.

### 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

#### 2017 AND 2018 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2017	Actual 2017	Goal 2018	Actual 2018
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.6%	2%	2.1%
1.	Number of educational contacts with children and youth.	2,750	1,680	2,750	2,233
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	682	800	650
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,546	1,350	1,508

Note: Based on fiscal year.

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**2019, 2020 AND 2021 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2019</b>	<b>Goal 2020</b>	<b>Goal 2021</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	2,100	2,100
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.	1,400	1,450	1,450

Note: Based on fiscal year.

**PUBLIC DEFENDER BOARD**

**GOVERNOR'S BUDGET RECOMMENDATIONS**

**RECOMMENDATIONS**

1. Private Bar Rate Increase
2. Pay Progression
3. Transcripts, Interpreters and Discovery Cost-to-Continue
4. Private Bar Cost-to-Continue
5. Standard Budget Adjustments

**ITEMS NOT APPROVED**

6. Expert Witness Services Cost-to-Continue
7. Charging and Sentencing Alternatives
8. Tuition Reimbursement/Loan Assistance

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

	ACTUAL FY18	ADJUSTED BASE FY19	AGENCY REQUEST FY20	AGENCY REQUEST FY21	GOVERNOR'S RECOMMENDATION FY20	GOVERNOR'S RECOMMENDATION FY21
GENERAL PURPOSE REVENUE	\$85,931.3	\$87,241.3	\$111,328.0	\$112,039.5	\$98,746.6	\$107,064.6
State Operations	85,931.3	87,241.3	111,328.0	112,039.5	98,746.6	107,064.6
PROGRAM REVENUE (2)	\$1,865.1	\$1,390.2	\$1,437.9	\$1,439.1	\$1,438.2	\$1,439.4
State Operations	1,865.1	1,390.2	1,437.9	1,439.1	1,438.2	1,439.4
TOTALS - ANNUAL	\$87,796.4	\$88,631.5	\$112,765.9	\$113,478.6	\$100,184.8	\$108,504.0
State Operations	87,796.4	88,631.5	112,765.9	113,478.6	100,184.8	108,504.0

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

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

	ADJUSTED BASE FY19	AGENCY REQUEST FY20	AGENCY REQUEST FY21	GOVERNOR'S RECOMMENDATION FY20	GOVERNOR'S RECOMMENDATION FY21
GENERAL PURPOSE REVENUE	609.85	609.85	609.85	609.85	609.85
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	614.85	614.85	614.85	614.85	614.85

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

(4) All positions are State Operations unless otherwise specified

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

	ACTUAL FY18	ADJUSTED BASE FY19	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY20	FY21	FY20	FY21
1. Legal assistance	\$87,796.4	\$88,631.5	\$112,765.9	\$113,478.6	\$100,184.8	\$108,504.0
TOTALS	\$87,796.4	\$88,631.5	\$112,765.9	\$113,478.6	\$100,184.8	\$108,504.0

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

	ADJUSTED BASE FY19	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY20	FY21	FY20	FY21
1. Legal assistance	614.85	614.85	614.85	614.85	614.85
TOTALS	614.85	614.85	614.85	614.85	614.85

(4) All positions are State Operations unless otherwise specified

**Public Defender Board**

**1. Private Bar Rate Increase**

Source of Funds	Agency Request				Governor's Recommendations			
	FY20		FY21		FY20		FY21	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	16,612,700	0.00	16,612,700	0.00	8,668,900	0.00	16,612,700	0.00
TOTAL	16,612,700	0.00	16,612,700	0.00	8,668,900	0.00	16,612,700	0.00

The Governor recommends providing funding to increase the private bar reimbursement rate to \$70 per hour effective January 1, 2020.

**2. Pay Progression**

Source of Funds	Agency Request				Governor's Recommendations			
	FY20		FY21		FY20		FY21	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,767,900	0.00	3,535,800	0.00	320,600	0.00	956,900	0.00
TOTAL	1,767,900	0.00	3,535,800	0.00	320,600	0.00	956,900	0.00

The Governor recommends providing one-time funding for pay progression for assistant public defenders to increase retention of experienced counsel.

**3. Transcripts, Interpreters and Discovery Cost-to-Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY20		FY21		FY20		FY21	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	833,000	0.00	833,000	0.00	77,600	0.00	77,600	0.00
TOTAL	833,000	0.00	833,000	0.00	77,600	0.00	77,600	0.00

The Governor recommends providing funding to cover the board's actual costs related to interpreters.

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### 4. Private Bar Cost-to-Continue

Source of Funds	Agency Request				Governor's Recommendations			
	FY20		FY21		FY20		FY21	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	3,036,200	0.00	3,036,200	0.00	362,600	0.00	0	0.00
TOTAL	3,036,200	0.00	3,036,200	0.00	362,600	0.00	0	0.00

The Governor recommends providing funding to reflect the board's actual costs to provide reimbursement to private bar attorneys at the current reimbursement rate until the new rate takes effect.

### 5. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY20		FY21		FY20		FY21	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	2,015,900	0.00	2,116,400	0.00	2,075,600	0.00	2,176,100	0.00
PR-O	28,800	0.00	29,300	0.00	28,900	0.00	29,400	0.00
PR-S	18,900	0.00	19,600	0.00	19,100	0.00	19,800	0.00
TOTAL	2,063,600	0.00	2,165,300	0.00	2,123,600	0.00	2,225,300	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$314,100 in each year); (b) reclassifications and semiautomatic pay progression (\$1,260,600 in each year); (c) overtime (\$213,700 in each year); and (d) full funding of lease and directed moves costs (\$335,200 in FY20 and \$436,900 in FY21).

**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	FY20		FY21	
		Dollars	Positions	Dollars	Positions
6. Expert Witness Services Cost-to-Continue	GPR	727,900	0.00	727,900	0.00
7. Charging and Sentencing Alternatives	GPR	-1,156,900	0.00	-2,313,800	0.00
8. Tuition Reimbursement/Loan Assistance	GPR	250,000	0.00	250,000	0.00
<b>TOTAL OF ITEMS NOT APPROVED</b>	<b>GPR</b>	<b>-179,000</b>	<b>0.00</b>	<b>-1,335,900</b>	<b>0.00</b>

## Public Defender Board