

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY21 Adjusted Base	FY22 Recommended	% Change Over FY21	FY23 Recommended	% Change Over FY22
GPR	107,943,600	113,010,200	4.7	112,967,700	0.0
PR-O	1,253,100	1,271,100	1.4	1,271,900	0.1
PR-S	199,300	218,800	9.8	219,800	0.5
TOTAL	109,396,000	114,500,100	4.7	114,459,400	0.0

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY21 Adjusted Base	FY22 Recommended	FTE Change Over FY21	FY23 Recommended	FTE Change Over FY22
GPR	609.85	619.85	10.00	619.85	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	624.85	10.00	624.85	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.

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

2019 AND 2020 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2019	Actual 2019	Goal 2020	Actual 2020
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.3%	2%	2.0%
1.	Number of educational contacts with children and youth.	2,750	1,899	2,100	1,935
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	598	800	563
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,477	1,450	1,458

Note: Based on fiscal year.

2021, 2022 AND 2023 GOALS

Prog. No.	Performance Measure	Goal 2021	Goal 2022	Goal 2023
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.	2,100	2,000	2,000
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.	1,450	1,450	1,450

Note: Based on fiscal year.

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Charging and Sentencing Alternatives
2. Child in Need of Protection Services Pilot Program Extension
3. Assistant State Public Defender Pay Progression
4. Indexing the Private Bar Rate
5. Video Evidence Workload Staffing
6. Early Amortization Payoff
7. Transcripts, Interpreters and Discovery Cost to Continue
8. Standard Budget Adjustments

ITEMS NOT APPROVED

9. Expert Witness Services Cost to Continue
10. Tuition Reimbursement/Loan Assistance

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

	ACTUAL FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	\$89,339.0	\$107,943.6	\$114,376.9	\$116,282.9	\$113,010.2	\$112,967.7
State Operations	89,339.0	107,943.6	114,376.9	116,282.9	113,010.2	112,967.7
PROGRAM REVENUE (2)	\$652.0	\$1,452.4	\$1,456.7	\$1,456.7	\$1,489.9	\$1,491.7
State Operations	652.0	1,452.4	1,456.7	1,456.7	1,489.9	1,491.7
TOTALS - ANNUAL	\$89,991.0	\$109,396.0	\$115,833.6	\$117,739.6	\$114,500.1	\$114,459.4
State Operations	89,991.0	109,396.0	115,833.6	117,739.6	114,500.1	114,459.4

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

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

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	609.85	649.85	649.85	619.85	619.85
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	614.85	654.85	654.85	624.85	624.85

(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 FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
1. Legal assistance	\$89,991.0	\$109,396.0	\$115,833.6	\$117,739.6	\$114,500.1	\$114,459.4
TOTALS	\$89,991.0	\$109,396.0	\$115,833.6	\$117,739.6	\$114,500.1	\$114,459.4

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

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
1. Legal assistance	614.85	654.85	654.85	624.85	624.85
TOTALS	614.85	654.85	654.85	624.85	624.85

(4) All positions are State Operations unless otherwise specified

1. Charging and Sentencing Alternatives

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-1,355,200	0.00	-2,710,300	0.00	-1,355,200	0.00	-2,710,300	0.00
TOTAL	-1,355,200	0.00	-2,710,300	0.00	-1,355,200	0.00	-2,710,300	0.00

The Governor recommends eliminating the felony penalty for bail jumping and allowing for a misdemeanor penalty regardless of the original charge. The Governor also recommends requiring a diversion and restitution alternative for certain misdemeanor offenses. The Governor further recommends modifying the process by which the Department of Corrections may revoke the extended supervision, probation or parole of a person in the department's care. In addition, the Governor recommends legalizing marijuana. Finally, the Governor recommends reducing the board's budget (-\$1,355,200 in FY22 and -\$2,710,300 in FY23) to reflect the decreased need for legal representation caused by these policy changes. See Circuit Courts, Item #4; Department of Agriculture, Trade and Consumer Protection, Item #33; Department of Corrections, Item #6; and Department of Revenue, Item #5.

2. Child in Need of Protection Services Pilot Program Extension

The Governor recommends extending the pilot Child in Need of Protection Services Program through June 30, 2023.

3. Assistant State Public Defender Pay Progression

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	2,727,000	0.00	5,455,200	0.00	4,415,200	0.00	6,176,600	0.00
TOTAL	2,727,000	0.00	5,455,200	0.00	4,415,200	0.00	6,176,600	0.00

The Governor recommends providing one-time funding for pay progression for assistant public defenders to increase retention of experienced counsel. The Governor also recommends providing funding to make up the difference between the pay progression provided in the 2019-21 biennium and a one-step increase in each year of the biennium. The Governor further recommends providing a one-time exemption to the maximum salary adjustment limitation to allow assistant state public defenders to receive pay progression that is greater than 10 percent of salary in FY22.

4. Indexing the Private Bar Rate

The Governor recommends indexing the private bar rate to the consumer price index. Beginning on July 1, 2023, the rate would be adjusted biennially by a percentage equal to the average consumer price index over the preceding 12-month period.

5. Video Evidence Workload Staffing

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	3,527,100	40.00	3,998,900	40.00	1,555,100	10.00	1,548,300	10.00
TOTAL	3,527,100	40.00	3,998,900	40.00	1,555,100	10.00	1,548,300	10.00

The Governor recommends providing funding and position authority to address the workload associated with reviewing all video evidence from police dash cameras and body-worn cameras (\$665,800 in FY22, \$818,200 in FY23 and 10.0 FTE positions in each year). The Governor also recommends providing funding for the storage of video evidence (\$1,366,900 in each year). The Governor further recommends reductions to the appropriation for private bar and investigator reimbursement to reflect cost savings generated by the additional trial attorney positions (-\$477,600 in FY22 and -\$636,800 in FY23).

6. Early Amortization Payoff

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	507,200	0.00	0	0.00
TOTAL	0	0.00	0	0.00	507,200	0.00	0	0.00

The Governor recommends providing funding to pay off the amortized principal on improvements to a rented building on October 1, 2021. This would save \$315,700 in interest payments between November 2021 and December 2024.

7. Transcripts, Interpreters and Discovery Cost to Continue

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	414,900	0.00	414,900	0.00	21,800	0.00	21,800	0.00
TOTAL	414,900	0.00	414,900	0.00	21,800	0.00	21,800	0.00

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

8. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	163,200	0.00	224,300	0.00	-77,500	0.00	-12,300	0.00
PR-O	600	0.00	600	0.00	18,000	0.00	18,800	0.00
PR-S	3,700	0.00	3,700	0.00	19,500	0.00	20,500	0.00
TOTAL	167,500	0.00	228,600	0.00	-40,000	0.00	27,000	0.00

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (-\$59,600 in each year); (b) overtime (\$222,600 in each year); and (c) full funding of lease and directed moves costs (-\$203,000 in FY22 and -\$136,000 in FY23).

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	FY22		FY23	
		Dollars	Positions	Dollars	Positions
9. Expert Witness Services Cost to Continue	GPR	706,300	0.00	706,300	0.00
10. Tuition Reimbursement/Loan Assistance	GPR	250,000	0.00	250,000	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	956,300	0.00	956,300	0.00

