

State of Rhode Island and Providence Plantations

Budget



Fiscal Year 2017

Volume IV - Public Safety, Natural Resources and Transportation

Gina M. Raimondo, Governor

Agency

Office Of Public Defender

Agency Mission

To provide high quality representation to all indigents in criminal, juvenile and parental rights litigation, fulfilling the governmental obligation to provide effective assistance of counsel and to secure fundamental fairness and due process to the indigent citizens of Rhode Island.

Agency Description

The Office of the Public Defender is statutorily mandated to represent indigent adults and juveniles who are charged with criminal offenses or who are in jeopardy of losing custody of their children to the State. Referrals come from the Supreme, Superior, District, and Family Courts. All who are financially eligible are assigned to a staff attorney for representation in the appropriate court.

The office carries out a single program: representation of indigents. Within this program are activities associated with adult and juvenile criminal matters, and with termination of parental rights and dependency and neglect petitions filed by the DCYF. The office offers appellate representation in the Rhode Island Supreme Court in those areas in which it offers trial level representation. Assisting the attorneys who deliver the primary service of the office is a support staff of social workers, investigators, interpreters, information technology staff, intake staff and clericals.

The Public Defender is appointed by the Governor with the advice and consent of the Senate for a six-year term.

Statutory History

The Office of the Public Defender was created in 1941 by Chapter 1007 of the Rhode Island Public Laws. It was one of the earliest, and perhaps even the first, statewide Public Defender agencies in the Nation. Title 12, Chapter 15 of the Rhode Island General Laws defines the organization and functions of the agency, and mandates it to represent those who are without financial resources to retain private counsel. Title 14, Chapter 1 describes the referral process by the Family Court, and Title 40, Chapter 11 authorizes referral of dependency, neglect and termination of parental rights cases to the office by the Family Court.

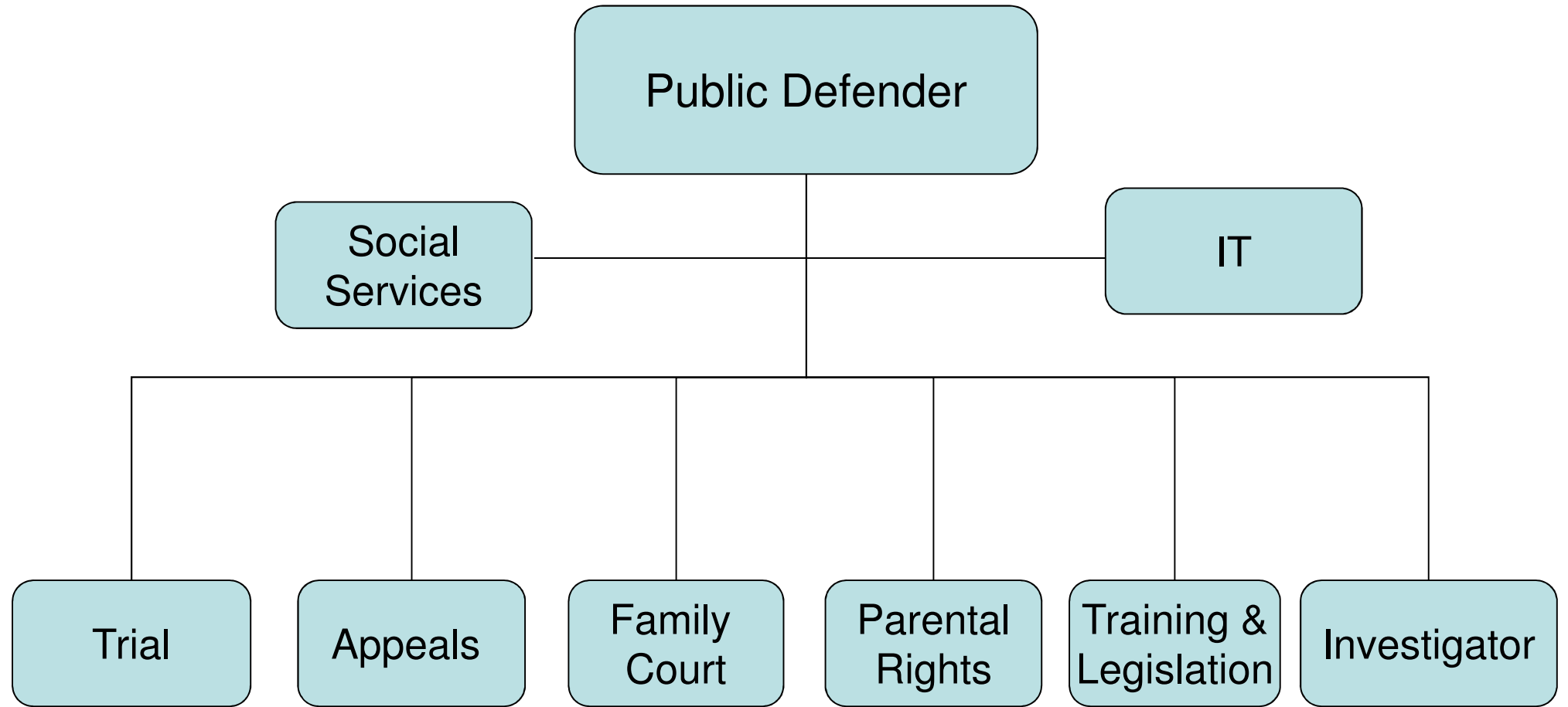
Budget

Office Of Public Defender

	FY 2014 Audited	FY 2015 Audited	FY 2016 Enacted	FY 2016 Revised	FY 2017 Recommend
Expenditures By Program					
Central Management	10,917,680	10,902,222	11,700,347	11,616,528	11,897,202
Total Expenditures	\$10,917,680	\$10,902,222	\$11,700,347	\$11,616,528	\$11,897,202
Expenditures By Object					
Personnel	9,927,161	9,869,259	10,613,079	10,530,038	10,771,263
Operating Supplies and Expenses	903,157	950,465	979,768	978,990	1,018,439
Assistance and Grants	50,593	40,464	60,000	60,000	60,000
Subtotal: Operating Expenditures	10,880,911	10,860,188	11,652,847	11,569,028	11,849,702
Capital Purchases and Equipment	36,769	42,034	47,500	47,500	47,500
Total Expenditures	\$10,917,680	\$10,902,222	\$11,700,347	\$11,616,528	\$11,897,202
Expenditures By Funds					
General Revenue	10,742,068	10,829,860	11,621,977	11,503,708	11,784,382
Federal Funds	175,612	72,362	78,370	112,820	112,820
Total Expenditures	\$10,917,680	\$10,902,222	\$11,700,347	\$11,616,528	\$11,897,202
FTE Authorization	93.0	93.0	93.0	93.0	93.0

The Agency

Rhode Island Public Defender



Personnel

Office Of Public Defender Central Management

	Grade	FY 2016		FY 2017	
		FTE	Cost	FTE	Cost
Unclassified					
PUBLIC DEFENDER	00845A	1.0	150,672	1.0	151,472
DEPUTY PUBLIC DEFENDER	00843A	1.0	133,092	1.0	134,404
STAFF ATTORNEY VII	00840A	1.0	128,767	1.0	129,450
TRAINER/ASSISTANT PUBLIC DEFENDER	00839A	2.0	225,790	2.0	231,995
ASSISTANT PUBLIC DEFENDER	00837A	1.0	109,370	1.0	109,950
ASSISTANT PUBLIC DEFENDER I	00836A	5.0	526,997	5.0	539,040
DIRECTOR OF PUBLIC INFORMATION	00839A	1.0	102,565	1.0	103,109
STAFF ATTORNEY IV	00834A	1.0	95,500	1.0	94,978
ASSISTANT PUBLIC DEFENDER II	00834A	5.0	448,501	5.0	449,595
EXECUTIVE ASSISTANT	00833A	1.0	89,071	1.0	89,543
ASSISTANT PUBLIC DEFENDER III	00832A	6.0	496,428	6.0	498,582
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	00828A	1.0	76,870	1.0	77,278
STAFF ATTORNEY II	00830A	14.0	1,056,789	15.0	1,136,281
CASEWORK SUPERVISOR	00826A	1.0	73,364	1.0	73,415
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	00829A	1.0	73,027	1.0	73,415
ASSISTANT PUBLIC DEFENDER IV	00828A	12.0	764,652	11.0	717,552
INVESTIGATOR I	05423A	2.0	123,494	2.0	123,852
ADMINISTRATIVE SUPPORT SPECIALIST	05424A	1.0	61,254	1.0	61,534
DEPUTY CHIEF INVESTIGATOR	05426A	1.0	60,151	1.0	60,471
CASE MANAGEMENT COORDINATOR	05019A	5.0	282,897	5.0	286,042
ADMINISTRATIVE SUPPORT SPECIALIST	00824A	1.0	52,515	1.0	54,584
ADMINISTRATIVE ASSISTANT	05420A	2.0	101,353	2.0	101,891
INVESTIGATOR II	05421A	4.0	201,298	4.0	205,391
SOCIAL SERVICES CASEWORKER	05021A	5.0	250,688	5.0	256,858
CLERICAL	00265H	1.0	49,317	1.0	64,544
ADMINISTRATIVE SECRETARY	05417A	4.0	175,520	4.0	177,425
LEGAL SECRETARY I	05415A	4.0	168,357	4.0	170,172
CLERICAL	05413A	4.0	160,605	4.0	162,145
LEGAL SECRETARY II	05413A	5.0	177,058	5.0	181,438
Subtotal		93.0	\$6,415,962	93.0	\$6,516,406
Turnover		-	(39,091)	-	(72,900)
Subtotal		-	(\$39,091)	-	(\$72,900)
Total Salaries		93.0	\$6,376,871	93.0	\$6,443,506
Benefits					
Payroll Accrual			36,185		37,064
FICA			487,831		492,928
Retiree Health			380,699		390,648
Health Benefits			1,070,803		1,090,779
Retirement			1,628,500		1,754,458
Subtotal			\$3,604,018		\$3,765,877

Personnel

Office Of Public Defender Central Management

	Grade	FY 2016		FY 2017	
		FTE	Cost	FTE	Cost
Total Salaries and Benefits		93.0	\$9,980,889	93.0	\$10,209,383
Cost Per FTE Position (Excluding Temporary and Seasonal)			\$107,321		\$109,778
Statewide Benefit Assessment			\$293,336		\$306,067
Payroll Costs		93.0	\$10,274,225	93.0	\$10,515,450
Purchased Services					
Information Technology			16,920		-
Clerical and Temporary Services			169,522		185,342
Legal Services			35,500		35,500
Other Contracts			33,439		34,539
Buildings and Ground Maintenance			432		432
Subtotal			\$255,813		\$255,813
Total Personnel		93.0	\$10,530,038	93.0	\$10,771,263
Distribution By Source Of Funds					
General Revenue		93.0	\$10,477,288	93.0	\$10,718,513
Federal Funds		-	\$52,750	-	\$52,750
Total All Funds		93.0	\$10,530,038	93.0	\$10,771,263

Performance Measures

Office Of Public Defender

Investigations -- Felony Cases

Rhode Island Public Defender investigators perform investigations in numerous types of cases. The National Legal Aid and Defender Association sets standards that include a requirement that, "Counsel has a duty to conduct an independent investigation regardless of the accused's admissions or statements to the lawyer of facts constituting guilt. The investigation should be conducted as promptly as possible." For that reason, the agency has determined that percentage of cases including an independent investigation is a reasonable proxy measure of quality. The figures below represent the investigation percentage in felony cases.

	2013	2014	2015	2016	2017
Target	12%	13%	14%	15%	16%
Actual	12.7%	12%	16.9%	--	--

Performance for this measure is reported by state fiscal year.

Misdemeanor Caseloads

Attorney caseload is a surrogate indicator of the quality of indigent legal representation provided. National caseload standards call for an attorney to handle no more than 150 felonies per attorney per year and no more than 400 misdemeanors per year. The figures below represent the percentage by which the average attorney caseload exceeds the national standards for misdemeanors.

	2013	2014	2015	2016	2017
Target	0%	0%	0%	0%	0%
Actual	169%	163.5%	162.1%	--	--

Performance for this measure is reported by state fiscal year.

Continuing Legal Education Attendance

The Public Defender sponsors a continuing legal education (CLE) program for its legal staff. CLE attendance is a proxy indicator of quality delivery of legal services. Although continuing education is offered through the Rhode Island Bar Association and other organizations, the coursework is not specifically related to the criminal defense function. For that reason, the agency provides CLE courses tailored to the needs of its staff. The figures below represent the average percentage of the ten-hour CLE requirement fulfilled with Public Defender-sponsored courses.

	2013	2014	2015	2016	2017
Target	80%	80%	80%	80%	80%
Actual	76.6%	74%	93.8%	--	--

Performance for this measure is reported by state fiscal year.