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## **Agency Summary**

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### **OFFICE OF THE PUBLIC DEFENDER**

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#### **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 carries out a single, statutorily-mandated function: the representation of 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. Within the agency's sphere of responsibilities 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. R.I. General Laws § 12-15 defines the organization and functions of the agency and mandates it to represent those who are without financial resources to retain private counsel. RIGL § 14-1 describes the referral process by the Family Court, and RIGL § 40-11 authorizes referral of dependency, neglect and termination of parental rights cases to the office by the Family Court.

# Budget

## Office Of Public Defender

	2018 Actuals	2019 Actuals	2020 Enacted Budget	2020 Revised Budget	2021 Recommended
<b>Expenditures by Program</b>					
Central Management	11,646,848	11,969,257	12,900,536	12,874,501	13,462,088
<b>Total Expenditures</b>	<b>11,646,848</b>	<b>11,969,257</b>	<b>12,900,536</b>	<b>12,874,501</b>	<b>13,462,088</b>
<b>Expenditures by Object</b>					
Salary And Benefits	10,371,084	10,700,592	11,565,442	11,390,640	12,035,318
Contract Professional Services	200,822	145,591	207,260	218,378	226,378
Operating Supplies And Expenses	999,839	1,051,588	1,031,834	1,089,483	1,095,697
Assistance And Grants	26,854	28,680	45,000	145,000	45,000
<b>Subtotal: Operating</b>	<b>11,598,599</b>	<b>11,926,451</b>	<b>12,849,536</b>	<b>12,843,501</b>	<b>13,402,393</b>
Capital Purchases And Equipment	48,249	42,806	51,000	31,000	59,695
<b>Subtotal: Other</b>	<b>48,249</b>	<b>42,806</b>	<b>51,000</b>	<b>31,000</b>	<b>59,695</b>
<b>Total Expenditures</b>	<b>11,646,848</b>	<b>11,969,257</b>	<b>12,900,536</b>	<b>12,874,501</b>	<b>13,462,088</b>
<b>Expenditures by Source of Funds</b>					
General Revenue	11,583,210	11,940,555	12,824,871	12,798,836	13,386,423
Federal Funds	63,638	28,702	75,665	75,665	75,665
<b>Total Expenditures</b>	<b>11,646,848</b>	<b>11,969,257</b>	<b>12,900,536</b>	<b>12,874,501</b>	<b>13,462,088</b>
<b>FTE Authorization</b>	<b>93.0</b>	<b>95.0</b>	<b>96.0</b>	<b>96.0</b>	<b>99.0</b>

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## Performance Measures

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### Office Of Public Defender

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#### Investigations -- Felony Cases

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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. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2017	2018	2019	2020	2021
<b>Target</b>	16.00%	16.00%	16.00%	16.00%	16.00%
<b>Actual</b>	14.40%	15.41%	16.00%	0.00%	

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#### Continuing Legal Education Attendance

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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. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2017	2018	2019	2020	2021
<b>Target</b>	80.00%	80.00%	80.00%	80.00%	80.00%
<b>Actual</b>	95.80%	92.86%	93.00%	0.00%	

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#### Misdemeanor Caseloads

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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. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2017	2018	2019	2020	2021
<b>Target</b>	0.00	0.00	0.00	0.00	0.00
<b>Actual</b>	210.90	201.08	218.00	0.00	

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# Personnel

## Agency: Office Of Public Defender

### Central Management

		FY 2020		FY 2021	
		FTE	Cost	FTE	Cost
<b>Unclassified</b>					
ADMINISTRATIVE ASSISTANT	05420A	2.0	97,772	2.0	99,682
ADMINISTRATIVE SECRETARY	05417A	4.0	196,225	4.0	197,721
ADMINISTRATIVE SUPPORT SPECIALIST	00824A	1.0	61,391	1.0	61,696
ADMINISTRATIVE SUPPORT SPECIALIST	05424A	2.0	121,774	2.0	124,444
ASSISTANT PUBLIC DEFENDER I	00836A	5.0	523,502	5.0	526,111
ASSISTANT PUBLIC DEFENDER II	00834A	9.0	841,567	9.0	845,751
ASSISTANT PUBLIC DEFENDER III	00832A	10.0	857,268	10.0	863,101
ASSISTANT PUBLIC DEFENDER IV	00828A	11.0	729,848	14.0	954,735
CASE MANAGEMENT COORDINATOR	05019A	7.0	408,806	7.0	413,926
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	00828A	1.0	82,823	1.0	83,235
CHIEF/TRIAL DIVISION	00840A	1.0	118,706	1.0	121,999
DEPUTY CHIEF INVESTIGATOR	05426A	1.0	64,245	1.0	64,624
DEPUTY PUBLIC DEFENDER	00843A	1.0	144,047	1.0	144,764
DIRECTOR OF PUBLIC INFORMATION	00839A	1.0	110,506	1.0	111,056
EXECUTIVE ASSISTANT	00833A	1.0	95,967	1.0	96,445
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	00829A	1.0	78,682	1.0	79,073
INVESTIGATOR I	05423A	4.0	247,690	4.0	251,854
INVESTIGATOR II	05421A	1.0	48,817	1.0	51,019
LEGAL SECRETARY I	05415A	6.0	254,902	6.0	258,496
LEGAL SECRETARY II	05413A	5.0	191,365	5.0	197,044
PROGRAM MANAGER	00828A	1.0	66,717	1.0	69,825
PUBLIC DEFENDER	00845A	1.0	162,339	1.0	163,147
SOCIAL SERVICES CASEWORKER	05021A	6.0	317,357	6.0	326,985
STAFF ATTORNEY II	00830A	9.0	674,690	9.0	690,545
STAFF ATTORNEY IV	00834A	1.0	90,491	1.0	90,941
STAFF ATTORNEY VII	00840A	2.0	242,792	2.0	243,998
SUPERVISING CLERK	00818A	1.0	45,050	1.0	46,357
TRAINER/ASSISTANT PUBLIC DEFENDER	00839A	1.0	132,607	1.0	133,267
<b>Subtotal Unclassified</b>		<b>96.0</b>	<b>7,007,946</b>	<b>99.0</b>	<b>7,311,841</b>
<b>Subtotal</b>		<b>96.0</b>	<b>7,007,946</b>	<b>99.0</b>	<b>7,311,841</b>
Seasonal/Special Salaries/Wages			94,920		94,920
Turnover			(169,404)		(100,000)
<b>Total Salaries</b>			<b>6,933,462</b>		<b>7,306,761</b>

# Personnel

## Agency: Office Of Public Defender

### Central Management

	FY 2020		FY 2021	
	FTE	Cost	FTE	Cost
<b>Benefits</b>				
FICA		538,227		565,278
Health Benefits		1,192,553		1,266,899
Payroll Accrual		40,218		42,486
Retiree Health		452,310		421,070
Retirement		1,965,206		2,149,495
<b>Subtotal</b>		<b>4,188,514</b>		<b>4,445,228</b>
<b>Total Salaries and Benefits</b>	<b>96.0</b>	<b>11,121,976</b>	<b>99.0</b>	<b>11,751,989</b>
<b>Cost Per FTE Position</b>		<b>115,854</b>		<b>118,707</b>
Statewide Benefit Assessment		268,664		283,329
<b>Payroll Costs</b>	<b>96.0</b>	<b>11,390,640</b>	<b>99.0</b>	<b>12,035,318</b>
<b>Purchased Services</b>				
Buildings and Ground Maintenance		432		432
Clerical and Temporary Services		131,825		133,825
Legal Services		45,500		48,500
Other Contracts		40,621		43,621
<b>Subtotal</b>		<b>218,378</b>		<b>226,378</b>
<b>Total Personnel</b>	<b>96.0</b>	<b>11,609,018</b>	<b>99.0</b>	<b>12,261,696</b>
<b>Distribution by Source of Funds</b>				
General Revenue	96.0	11,578,423	99.0	12,231,101
Federal Funds	0.0	30,595	0.0	30,595
<b>Total All Funds</b>	<b>96.0</b>	<b>11,609,018</b>	<b>99.0</b>	<b>12,261,696</b>