

**VOLUME IV: PUBLIC SAFETY,
NATURAL RESOURCES, AND
TRANSPORTATION**

OFFICE OF THE PUBLIC DEFENDER

Agency Summary

Office of Public Defender

Agency Mission

To provide high quality representation to all indigent defendants 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 for all of its clients.

Agency Description

The Rhode Island 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 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 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, and clerical staff. 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 the first, statewide Public Defender agency in the nation. Title 12 Chapter 15 of the Rhode Island General Laws defines the organization and functions of the agency and mandates that it 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

	2021 Actuals	2022 Actuals	2023 Enacted Budget	2023 Revised Budget	2024 Recommended
Expenditures by Program					
Central Management	12,301,419	13,579,225	14,774,472	14,794,868	15,508,529
Total Expenditures	12,301,419	13,579,225	14,774,472	14,794,868	15,508,529
Expenditures by Object					
Salary and Benefits	10,988,521	12,269,253	13,189,661	13,094,767	13,848,935
Contract Professional Services	53,076	78,773	225,508	259,190	226,758
Operating Supplies and Expenses	1,107,238	1,139,453	1,262,803	1,294,411	1,292,336
Assistance and Grants	10,827	32,566	35,000	65,000	70,000
Subtotal: Operating	12,159,661	13,520,044	14,712,972	14,713,368	15,438,029
Capital Purchases and Equipment	141,757	59,182	61,500	81,500	70,500
Subtotal: Other	141,757	59,182	61,500	81,500	70,500
Total Expenditures	12,301,419	13,579,225	14,774,472	14,794,868	15,508,529
Expenditures by Source of Funds					
General Revenue	12,163,521	13,546,645	14,708,807	14,699,203	15,407,864
Federal Funds	137,897	32,580	65,665	95,665	100,665
Total Expenditures	12,301,419	13,579,225	14,774,472	14,794,868	15,508,529
FTE Authorization	96.0	99.0	100.0	100.0	102.0

Personnel Agency Summary

Office of Public Defender

	FY 2023		FY 2024	
	FTE	Cost	FTE	Cost
Unclassified	100.0	7,983,098	102.0	8,417,468
Subtotal	100.0	7,983,098	102.0	8,417,468
Seasonal/Special Salaries/Wages		97,860		97,860
Turnover		0		(49,184)
Total Salaries		8,080,958		8,466,144
Benefits				
Contract Stipends		55,500		0
FICA		621,258		646,386
Health Benefits		1,365,850		1,470,595
Payroll Accrual		0		48,800
Retiree Health		355,566		378,315
Retirement		2,300,305		2,506,202
Subtotal		4,698,479		5,050,298
Total Salaries and Benefits	100.0	12,779,437	102.0	13,516,442
Cost Per FTE Position		127,794		132,514
Statewide Benefit Assessment		315,330		332,493
Payroll Costs	100.0	13,094,767	102.0	13,848,935
Purchased Services				
Buildings and Ground Maintenance		432		432
Clerical and Temporary Services		163,825		133,825
Legal Services		48,500		48,500
Other Contracts		46,433		44,001
Subtotal		259,190		226,758
Total Personnel	100.0	13,353,957	102.0	14,075,693
Distribution by Source of Funds				
General Revenue	100.0	13,323,362	102.0	14,045,098
Federal Funds	0.0	30,595	0.0	30,595
Total All Funds	100.0	13,353,957	102.0	14,075,693

Personnel

Office of Public Defender

Central Management

		FY 2023		FY 2024	
		FTE	Cost	FTE	Cost
Unclassified					
ADMINISTRATIVE ASSISTANT	5420 A	2.0	116,007	2.0	119,574
ADMINISTRATIVE SECRETARY	5417 A	6.0	301,525	6.0	316,409
ADMINISTRATIVE SUPPORT SPECIALIST	0824 A	1.0	76,156	1.0	81,438
ADMINISTRATIVE SUPPORT SPECIALIST	5424 A	2.0	143,247	2.0	146,818
ASSISTANT PUBLIC DEFENDER I	0836 A	6.0	666,242	6.0	682,898
ASSISTANT PUBLIC DEFENDER II	0834 A	10.0	1,016,002	10.0	1,041,588
ASSISTANT PUBLIC DEFENDER III	0832 A	12.0	1,106,184	12.0	1,133,838
ASSISTANT PUBLIC DEFENDER IV	0828 A	15.0	1,083,666	17.0	1,290,575
CASE MANAGEMENT COORDINATOR	5019 A	7.0	452,479	7.0	465,346
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	0828 A	1.0	89,636	1.0	91,877
CHIEF/TRIAL DIVISION	0840 A	1.0	120,446	1.0	128,252
DEPUTY CHIEF INVESTIGATOR	5426 A	1.0	72,077	1.0	73,879
DEPUTY PUBLIC DEFENDER	0843 A	1.0	155,895	1.0	159,793
DIRECTOR OF PUBLIC INFORMATION	0839 A	1.0	119,595	1.0	122,585
EXECUTIVE ASSISTANT	0833 A	1.0	103,861	1.0	106,457
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	0829 A	1.0	73,523	1.0	78,125
INVESTIGATOR I	5423 A	3.0	198,879	3.0	206,498
INVESTIGATOR II	5421 A	2.0	108,159	2.0	114,187
LEGAL SECRETARY I	5415 A	5.0	240,802	5.0	248,632
LEGAL SECRETARY II	5413 A	4.0	172,547	4.0	180,268
PROGRAM MANAGER	0828 A	1.0	73,370	1.0	77,974
PUBLIC DEFENDER	0845 A	1.0	157,066	1.0	164,424
SOCIAL SERVICES CASEWORKER	5021 A	6.0	368,249	6.0	381,335
STAFF ATTORNEY II	0830 A	7.0	561,211	7.0	588,266
STAFF ATTORNEY VII	0840 A	2.0	262,760	2.0	269,330
TRAINER/ASSISTANT PUBLIC DEFENDER	0839 A	1.0	143,514	1.0	147,102
Subtotal Unclassified		100.0	7,983,098	102.0	8,417,468
Subtotal		100.0	7,983,098	102.0	8,417,468
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Personnel

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Performance Measures

Office of Public Defender

Central Management

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.

[Note: For years 2020 and 2021 the RI Supreme Court suspended the annual CLE reporting requirements for attorneys. Therefore, there was no data collected for those two years.]

	<i>Reporting Period: State Fiscal Year</i>				
	2020	2021	2022	2023	2024
Target	80%	80%	80%	80%	80%
Actual	--	--	83%	--	--

Felony Case Investigations

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.

	<i>Reporting Period: State Fiscal Year</i>				
	2020	2021	2022	2023	2024
Target	16%	16%	16%	16%	16%
Actual	16.4%	32.0%	19.3%	--	--

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 400 misdemeanors per year. The figures below represent the percentage by which the average attorney caseload exceeds the national standards for misdemeanors.

	<i>Reporting Period: State Fiscal Year</i>				
	2020	2021	2022	2023	2024
Target	0%	0%	0%	0%	0%
Actual	164.2%	178.5%	136.7%	--	--
