

State of Rhode Island and Providence Plantations

Budget



Fiscal Year 2016

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.

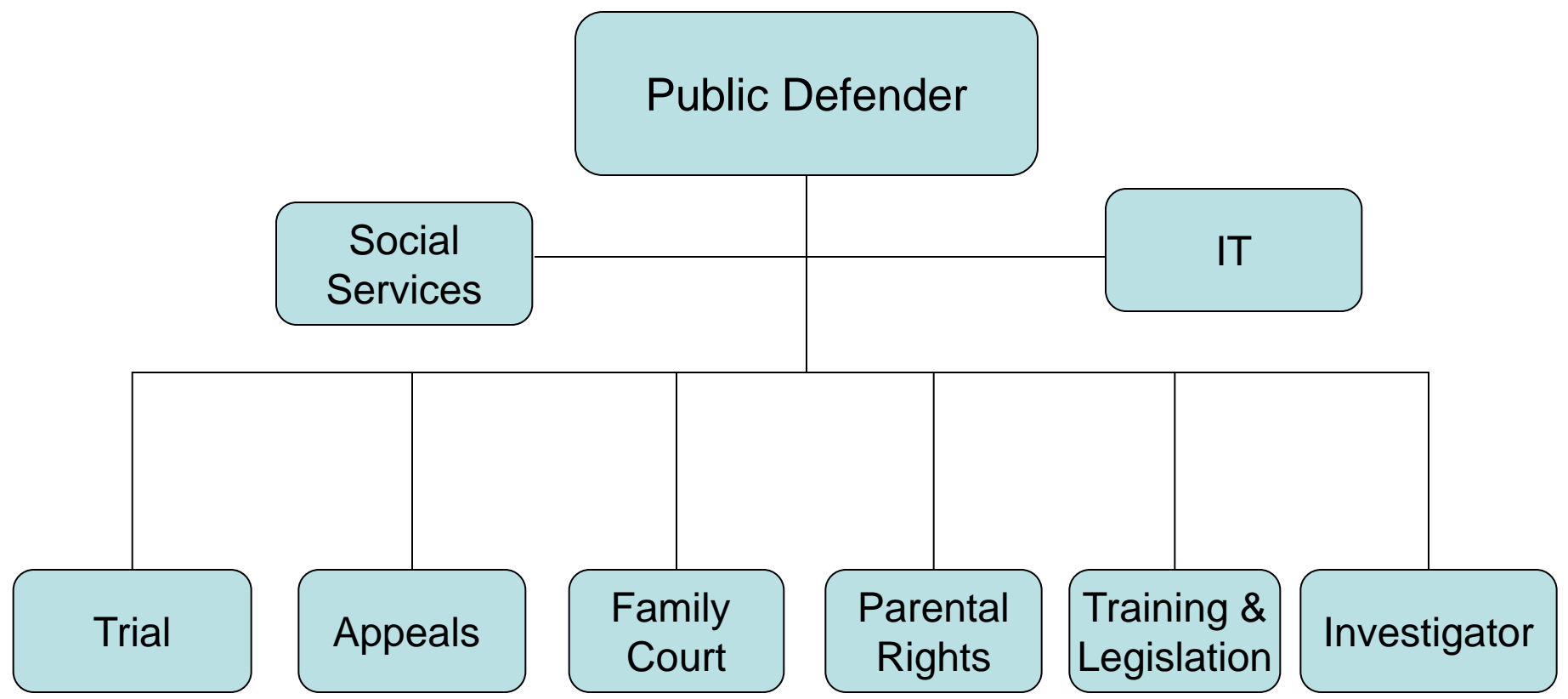
Budget

Office Of Public Defender

	FY 2013 Audited	FY 2014 Audited	FY 2015 Enacted	FY 2015 Revised	FY 2016 Recommend
Expenditures By Program					
Central Management	10,651,421	10,917,680	11,379,680	11,202,211	11,700,347
Total Expenditures	\$10,651,421	\$10,917,680	\$11,379,680	\$11,202,211	\$11,700,347
Expenditures By Object					
Personnel	9,606,345	9,927,161	10,316,805	10,124,373	10,613,079
Operating Supplies and Expenses	933,922	903,157	959,125	974,088	979,768
Assistance and Grants	57,311	50,593	60,000	60,000	60,000
Subtotal: Operating Expenditures	10,597,578	10,880,911	11,335,930	11,158,461	11,652,847
Capital Purchases and Equipment	53,843	36,769	43,750	43,750	47,500
Total Expenditures	\$10,651,421	\$10,917,680	\$11,379,680	\$11,202,211	\$11,700,347
Expenditures By Funds					
General Revenue	10,472,687	10,742,068	11,130,816	11,048,671	11,621,977
Federal Funds	178,734	175,612	248,864	153,540	78,370
Total Expenditures	\$10,651,421	\$10,917,680	\$11,379,680	\$11,202,211	\$11,700,347
FTE Authorization	93.0	93.0	93.0	93.0	93.0

The Agency

Rhode Island Public Defender



Personnel

Office Of Public Defender Agency Summary

	Grade	FY 2015		FY 2016	
		FTE	Cost	FTE	Cost
Unclassified		93.0	6,350,112	93.0	6,524,757
Subtotal		93.0	\$6,350,112	93.0	\$6,524,757
Temporary and Seasonal		-	47,541	-	47,541
Turnover		-	(\$275,047)	-	(\$152,621)
Subtotal		-	(\$227,506)	-	(\$105,080)
Total Salaries		93.0	\$6,122,606	93.0	\$6,419,677
Benefits					
Payroll Accrual			34,772		36,488
FICA			468,379		491,105
Retiree Health			413,276		385,181
Health Benefits			1,018,030		1,143,153
Retirement			1,544,168		1,640,066
Subtotal			\$3,478,625		\$3,695,993
Total Salaries and Benefits		93.0	\$9,601,231	93.0	\$10,115,670
Cost Per FTE Position (Excluding Temporary and Seasonal)			\$102,728		\$108,259
Statewide Benefit Assessment			\$260,211		\$276,046
Payroll Costs		93.0	\$9,861,442	93.0	\$10,391,716
Purchased Services					
Information Technology			16,920		16,920
Clerical and Temporary Services			182,984		140,968
Legal Services			30,716		30,000
Other Contracts			31,879		33,043
Buildings and Ground Maintenance			432		432
Subtotal			\$262,931		\$221,363
Total Personnel		93.0	\$10,124,373	93.0	\$10,613,079
Distribution By Source Of Funds					
General Revenue		93.0	\$10,039,973	93.0	\$10,594,779
Federal Funds		-	\$84,400	-	\$18,300
Total All Funds		93.0	\$10,124,373	93.0	\$10,613,079

The Program

Office Of Public Defender Central Management

Program Mission

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The Budget

Office Of Public Defender Central Management

	2013 Audited	2014 Audited	2015 Enacted	2015 Revised	2016 Recommend
Expenditures By Subprogram					
Operations	10,651,421	10,917,680	11,379,680	11,202,211	11,700,347
Total Expenditures	\$10,651,421	\$10,917,680	\$11,379,680	\$11,202,211	\$11,700,347
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Personnel	9,606,345	9,927,161	10,316,805	10,124,373	10,613,079
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Performance Measures

Office Of Public Defender Central Management

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.

	2012	2013	2014	2015	2016
Target	--	12%	13%	14%	14%
Actual	12%	12.7%	12%	--	--

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.

	2012	2013	2014	2015	2016
Target	0%	0%	0%	0%	0%
Actual	163%	169%	163.5%	--	--

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.

	2012	2013	2014	2015	2016
Target	78.7%	80%	80%	80%	80%
Actual	78.7%	76.6%	74%	--	--

Performance for this measure is reported by state fiscal year.

Personnel

Office Of Public Defender Central Management

	Grade	FY 2015		FY 2016		
		FTE	Cost	FTE	Cost	
Unclassified						
PUBLIC DEFENDER	00845A	1.0	144,854	1.0	150,670	
CHIEF/TRIAL DIVISION	00840A	1.0	126,242	1.0	128,767	
STAFF ATTORNEY VII	00840A	1.0	126,242	1.0	128,767	
DEPUTY PUBLIC DEFENDER	00843A	1.0	125,371	1.0	133,100	
ASSISTANT PUBLIC DEFENDER	00837A	1.0	107,225	1.0	109,370	
TRAINER/ASSISTANT PUBLIC DEFENDER	00839A	2.0	210,063	2.0	220,900	
ASSISTANT PUBLIC DEFENDER I	00836A	6.0	617,496	6.0	629,846	
DIRECTOR OF PUBLIC INFORMATION	00839A	1.0	100,553	1.0	102,565	
ASSISTANT PUBLIC DEFENDER II	00834A	7.0	629,902	7.0	642,500	
EXECUTIVE ASSISTANT	00833A	1.0	87,324	1.0	89,071	
ASSISTANT PUBLIC DEFENDER III	00832A	2	6.0	480,432	6.0	490,041
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	00828A	1.0	75,363	1.0	76,870	
STAFF ATTORNEY II	00830A	5	13.0	931,249	13.0	948,454
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	00829A	1.0	71,596	1.0	73,028	
CASEWORK SUPERVISOR	00826A	1.0	70,630	1.0	73,066	
ASSISTANT PUBLIC DEFENDER IV	00828A	3	10.0	617,542	10.0	648,556
INVESTIGATOR I	05423A	2.0	121,431	2.0	123,766	
ADMINISTRATIVE SUPPORT SPECIALIST	05424A	1.0	60,202	1.0	61,398	
CASE MANAGEMENT COORDINATOR	05019A	5.0	281,031	5.0	286,448	
DEPUTY CHIEF INVESTIGATOR	05426A	1.0	56,077	1.0	60,288	
INVESTIGATOR II	05421A	3.0	150,940	3.0	155,504	
ADMINISTRATIVE SUPPORT SPECIALIST	00824A	1	1.0	49,861	1.0	52,515
ADMINISTRATIVE ASSISTANT	05420A	2.0	99,654	2.0	101,647	
SOCIAL SERVICES CASEWORKER	05021A	5.0	242,380	5.0	251,634	
SUPERVISING CLERK	05418A	1.0	47,430	1.0	48,379	
ADMINISTRATIVE SECRETARY	05417A	4.0	179,514	4.0	183,104	
SUPERVISING CLERK	00818A	1.0	44,614	1.0	45,506	
LEGAL SECRETARY I	05415A	4.0	164,567	4.0	168,968	
CLERICAL	05413A	4.0	152,816	4.0	156,620	
LEGAL SECRETARY II	05413A	4	5.0	177,511	5.0	183,409
Subtotal		93.0	\$6,350,112	93.0	\$6,524,757	
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1 This position resulted from an upgrade from a confidential secretary position in FY 2014. The confidential secretary position was eliminated

3 If the agency were forced to meet a constrained budget target it would be necessary to cut attorney staff as 95% of the agency's budget is represented by personnel and rent. Cutting attorney staff would necessitate a reduction in services.

5 In FY 2014 one attorney position was upgraded from a paygrade 830A to 832A. One 830A attorney position was therefore eliminated.

2 One Staff Attorney II position (paygrade 0830) was upgraded to an Assistant Public Defender III position (paygrade 0832) during FY 2014. This increased the number of Assistant Public Defender/III FTEs to 6.

4 In FY 2014 the Data Entry Aide position (paygrade 5410) was upgraded to a Legal Secretary II (paygrade 5413) and the Data Entry Aide position was eliminated. This changed the number of authorized FTEs for this position from 4 to 5.