

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

**OFFICE OF THE  
PUBLIC DEFENDER**

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## **Agency Summary**

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### **Office of Public Defender**

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#### **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

	2020 Actuals	2021 Actuals	2022 Enacted Budget	2022 Revised Budget	2023 Recommended
<b>Expenditures by Program</b>					
Central Management	12,211,072	12,301,419	13,507,264	14,312,702	14,634,150
<b>Total Expenditures</b>	<b>12,211,072</b>	<b>12,301,419</b>	<b>13,507,264</b>	<b>14,312,702</b>	<b>14,634,150</b>
<b>Expenditures by Object</b>					
Salary And Benefits	10,985,274	10,988,521	11,940,298	12,715,006	13,053,629
Contract Professional Services	97,946	53,076	225,508	248,640	225,508
Operating Supplies And Expenses	1,034,768	1,107,238	1,236,958	1,225,169	1,260,513
Assistance And Grants	9,279	10,827	45,000	64,387	35,000
<b>Subtotal: Operating</b>	<b>12,127,266</b>	<b>12,159,661</b>	<b>13,447,764</b>	<b>14,253,202</b>	<b>14,574,650</b>
Capital Purchases And Equipment	83,805	141,757	59,500	59,500	59,500
<b>Subtotal: Other</b>	<b>83,805</b>	<b>141,757</b>	<b>59,500</b>	<b>59,500</b>	<b>59,500</b>
<b>Total Expenditures</b>	<b>12,211,072</b>	<b>12,301,419</b>	<b>13,507,264</b>	<b>14,312,702</b>	<b>14,634,150</b>
<b>Expenditures by Source of Funds</b>					
General Revenue	12,112,368	12,163,521	13,431,599	14,217,650	14,568,485
Federal Funds	98,704	137,897	75,665	95,052	65,665
<b>Total Expenditures</b>	<b>12,211,072</b>	<b>12,301,419</b>	<b>13,507,264</b>	<b>14,312,702</b>	<b>14,634,150</b>
<b>FTE Authorization</b>	<b>96.0</b>	<b>96.0</b>	<b>99.0</b>	<b>99.0</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>				
	2019	2020	2021	2022	2023
<b>Target</b>	0.00%	16.00%	16.00%	16.00%	0.00%
<b>Actual</b>	32.00%	32.78%	15.99%	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>				
	2019	2020	2021	2022	2023
<b>Target</b>	0.00%	80.00%	80.00%	80.00%	0.00%
<b>Actual</b>	186.00%	0.00%	0.00%	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 400 misdemeanors per year. The figures below represent the percentage by which the average attorney caseload exceeds the national standards for misdemeanors.

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2019	2020	2021	2022	2023
<b>Target</b>	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Actual</b>	436.00%	328.40%	89.27%	0.00%	

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# Personnel

## Agency: Office of Public Defender

### Central Management

		FY 2022		FY 2023	
		FTE	Cost	FTE	Cost
<b>Unclassified</b>					
ADMINISTRATIVE ASSISTANT	05420A	2.0	111,079	2.0	115,995
ADMINISTRATIVE SECRETARY	05417A	8.0	396,379	8.0	410,783
ADMINISTRATIVE SUPPORT SPECIALIST	00824A	1.0	64,818	1.0	66,439
ADMINISTRATIVE SUPPORT SPECIALIST	05424A	2.0	138,990	2.0	143,243
ASSISTANT PUBLIC DEFENDER I	00836A	5.0	552,734	5.0	566,546
ASSISTANT PUBLIC DEFENDER II	00834A	9.0	888,582	9.0	913,144
ASSISTANT PUBLIC DEFENDER III	00832A	11.0	992,660	11.0	1,019,659
ASSISTANT PUBLIC DEFENDER IV	00828A	14.0	987,928	14.0	1,045,276
CASE MANAGEMENT COORDINATOR	05019A	7.0	459,456	7.0	470,800
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	00828A	1.0	87,447	1.0	89,633
CHIEF/TRIAL DIVISION	00840A	1.0	112,109	1.0	120,421
DEPUTY CHIEF INVESTIGATOR	05426A	1.0	70,318	1.0	72,076
DEPUTY PUBLIC DEFENDER	00843A	1.0	152,089	1.0	155,891
DIRECTOR OF PUBLIC INFORMATION	00839A	1.0	116,675	1.0	119,592
EXECUTIVE ASSISTANT	00833A	1.0	101,324	1.0	103,858
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	00829A	1.0	83,074	1.0	85,151
INVESTIGATOR I	05423A	3.0	192,191	3.0	198,867
INVESTIGATOR II	05421A	2.0	102,523	2.0	108,144
LEGAL SECRETARY I	05415A	4.0	191,412	4.0	197,204
LEGAL SECRETARY II	05413A	3.0	126,719	3.0	132,515
PROGRAM MANAGER	00828A	1.0	76,041	1.0	77,942
PUBLIC DEFENDER	00845A	1.0	147,571	1.0	157,040
SOCIAL SERVICES CASEWORKER	05021A	6.0	370,965	6.0	384,259
STAFF ATTORNEY II	00830A	8.0	653,805	8.0	674,104
STAFF ATTORNEY IV	00834A	1.0	95,543	1.0	97,931
STAFF ATTORNEY VII	00840A	2.0	256,344	2.0	262,754
SUPERVISING CLERK	00818A	1.0	46,898	1.0	49,289
TRAINER/ASSISTANT PUBLIC DEFENDER	00839A	1.0	140,010	1.0	143,510
<b>Subtotal Unclassified</b>		<b>99.0</b>	<b>7,715,684</b>	<b>99.0</b>	<b>7,982,066</b>
<b>Subtotal</b>		<b>99.0</b>	<b>7,715,684</b>	<b>99.0</b>	<b>7,982,066</b>
Seasonal/Special Salaries/Wages			83,100		85,180
Turnover			(169,404)		0
FY 2021 Retro COLA Payment			167,727		0
<b>Total Salaries</b>			<b>7,797,107</b>		<b>8,067,246</b>

# Personnel

## Agency: Office of Public Defender

### Central Management

	FY 2022		FY 2023	
	FTE	Cost	FTE	Cost
<b>Benefits</b>				
Contract Stipends		57,000		57,000
FICA		599,980		620,935
Health Benefits		1,257,752		1,315,787
Payroll Accrual		44,304		0
Retiree Health		408,289		358,078
Retirement		2,242,644		2,317,047
<b>Subtotal</b>		<b>4,609,969</b>		<b>4,668,847</b>
<b>Total Salaries and Benefits</b>	<b>99.0</b>	<b>12,407,076</b>	<b>99.0</b>	<b>12,736,093</b>
<b>Cost Per FTE Position</b>		<b>125,324</b>		<b>128,647</b>
Statewide Benefit Assessment		307,930		317,536
<b>Payroll Costs</b>	<b>99.0</b>	<b>12,715,006</b>	<b>99.0</b>	<b>13,053,629</b>
<b>Purchased Services</b>				
Buildings and Ground Maintenance		432		432
Clerical and Temporary Services		153,825		133,825
Legal Services		48,500		48,500
Other Contracts		45,883		42,751
<b>Subtotal</b>		<b>248,640</b>		<b>225,508</b>
<b>Total Personnel</b>	<b>99.0</b>	<b>12,963,646</b>	<b>99.0</b>	<b>13,279,137</b>
<b>Distribution by Source of Funds</b>				
General Revenue	99.0	12,933,051	99.0	13,248,542
Federal Funds	0.0	30,595	0.0	30,595
<b>Total All Funds</b>	<b>99.0</b>	<b>12,963,646</b>	<b>99.0</b>	<b>13,279,137</b>