

State of Alaska FY2007 Governor's Operating Budget

Department of Administration Public Defender Agency Component Budget Summary

Component: Public Defender Agency

Contribution to Department's Mission

To provide constitutionally mandated legal representation to indigent Alaskans when appointed by the Court.

Core Services

Maintain 13 offices from Ketchikan to Barrow which provide legal representation when court ordered, for:

- Individuals accused of crimes
- Children accused of delinquent behavior
- Parents, when the state seeks custody of a child
- Mentally ill individuals, when the state seeks involuntary commitments
- Individuals accused of contempt or violating probation/parole orders

End Results	Strategies to Achieve Results
A: Improved case results for criminal clients. <u>Target #1:</u> Reduce days in jail for pre-trial clients when unnecessary for public safety. <u>Measure #1:</u> Average number of days in jail/clients. <u>Target #2:</u> Reduce days in jail for convicted clients when unnecessary for public safety. <u>Measure #2:</u> Average sentence/client.	A1: Improve bail release procedures. <u>Target #1:</u> Contact clients immediately after appointment to discuss bail release plan. <u>Measure #1:</u> % of clients contacted immediately after appointment to discuss bail plan. <u>Target #2:</u> Immediate communication with proposed third party custodians. <u>Measure #2:</u> % of proposed third parties immediately contacted.
End Results	Strategies to Achieve Results
B: Improved case results for CINA clients. <u>Target #1:</u> Reduce the number of children in state custody by 50%. <u>Measure #1:</u> % change in the number of children in state custody.	B1: Improve representation in initial probable cause hearings. <u>Target #1:</u> Contact clients immediately after appointment to discuss probable cause hearing. <u>Measure #1:</u> % of clients contacted immediately after appointment to discuss probable cause hearing.

FY2007 Resources Allocated to Achieve Results

FY2007 Component Budget: \$16,928,500	
Personnel:	
Full time	137
Part time	5
Total	142

Performance Measure Detail

A: Result - Improved case results for criminal clients.

Target #1: Reduce days in jail for pre-trial clients when unnecessary for public safety.

Measure #1: Average number of days in jail/clients.

Analysis of results and challenges: .

07/01/04-09/30/04: The Public Defender Agency's current case management system is incapable of capturing this data at this time. Development is underway with the Department of Corrections to attempt to economically access this data. Preliminary results expected in the first quarter of FY2006.

10/01/04-12/31/04: Development is underway with the Department of Corrections to attempt to economically access this data. Preliminary results expected in the first quarter of FY2006.

01/01/05-03/31/05: Development is underway with Department of Corrections (DOC) to capture information in usable form. Preliminary results expected in the first quarter of FY2006.

04/01/05-06/30/05: Department of Corrections will supply sentenced and unsentenced prisoner counts as well as alpha rosters each quarter at 10 correctional institutions beginning the first quarter of FY2006. Public Defender will attempt to cross-reference and identify client numbers from whole data to extract Public Defender data.

Target #2: Reduce days in jail for convicted clients when unnecessary for public safety.

Measure #2: Average sentence/client.

Analysis of results and challenges: .

07/01/04-09/30/04: No data available at this time. The Public Defender agencies current case management system is incapable of capturing this data. Preliminary exploration is underway with the Department of Corrections to attempt to economically access this data.

10/01/04-12/31/04: No data at this time. Exploration is underway with the Department of Corrections to attempt to economically access this data. Preliminary results are anticipated in the third quarter of FY2005.

01/01/05-06/30/05: No data at this time. Discussions underway with Department of Corrections (DOC) to capture information in usable form from DOC. Preliminary results are anticipated in the fourth quarter of FY2005.

04/01/05-06/30/05: No data at this time. Department of Corrections will supply sentenced and unsentenced prisoner counts as well as alpha roster each quarter at 10 correctional institutions beginning the first quarter of FY2006. Public Defender Agency will attempt to cross-reference and identify client numbers from whole data to extract Public Defender data.

A1: Strategy - Improve bail release procedures.

Target #1: Contact clients immediately after appointment to discuss bail release plan.

Measure #1: % of clients contacted immediately after appointment to discuss bail plan.

Analysis of results and challenges: .

07/01/04-09/30/04: PD is currently working to determine the availability of data for this measure. The measurement may take place in late FY2005.

10/01/04-12/31/04: Changes have been implemented to accomplish this strategy. Low-cost legal interns are being added to the Kenai and Palmer offices to focus on bail representation for our clients. Two interns have been recruited and hired to begin in Palmer and Kenai in the Fall of 2005. Additionally, we are currently working with the Deputy Commissioner of Corrections to increase the available visiting hours during the day at the two largest prisons in Anchorage. Currently, attorneys are limited to four hours a day, three days a week,

and two hours a day twice a week. PD is currently working with the Department of Corrections to determine the availability of data for this measure and is also working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in June 2005.

01/01/05-03/31/05: Currently working with the Deputy Commissioner of Corrections to increase the available visiting hours during the day at the two largest prisons in Anchorage.

04/01/05-06/30/05: Currently working with the Deputy Commissioner of Corrections to increase the available visiting hours during the day at the two largest prisons in Anchorage. Working with Department of Correction's Research Analyst to capture initial client visit information in the institutions.

Target #2: Immediate communication with proposed third party custodians.

Measure #2: % of proposed third parties immediately contacted.

Analysis of results and challenges: .

07/01/04-09/30/04: No data available at this time. The Public Defender Agency is working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in April 2005.

10/01/04-12/31/04: Changes have been implemented to accomplish this strategy. Low-cost legal interns are being added to the Kenai and Palmer offices to focus on bail representation for our clients. Two interns have been recruited and hired to begin in Palmer and Kenai in the Fall of 2005. Additionally, we are currently working with the Deputy Commissioner of Corrections to increase the available visiting hours during the day at the two largest prisons in Anchorage. Currently, attorneys are limited to four hours a day, three days a week, and two hours a day twice a week. PD is currently working with the Department of Corrections to determine the availability of data for this measure and is also working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in June 2005.

01/01/05-03/31/05: Inter-office brainstorming re efficient low-cost method of capturing data regarding third party contacts. No practical solution developed yet due to massive data entry needed.

04/01/05-06/30/05: Statewide brainstorming at June technology training to develop efficient low-cost method of capturing data, no solution yet. Planning session with Public Defender computer developer scheduled for early FY2006.

B: Result - Improved case results for CINA clients.

Target #1: Reduce the number of children in state custody by 50%.

Measure #1: % change in the number of children in state custody.

Analysis of results and challenges: .

07/01/03-06/30/04: Cumulative FY04: 904 children the subject of CINA petitions; 12 reunited with family (1.3%)

07/01/04-09/30/04: Out of 129 CINA cases opened to the Agency from 7/1/04-9/30/04, 229 children were the subject of CINA petitions. 13 of these children (5.67%) have been reunited with family.

10/01/04-12/31/04: Cumulative FY2005: Out of 279 CINA cases assigned to PD during this period, 484 children were the subject of CINA petitions. 40 of these children (8.26%) have been reunited with family.

01/01/05-03/31/05: Cumulative FY2005: Out of 400 CINA cases assigned to Public Defender during this cumulative fiscal year, 663 children were the subjects of CINA petitions. 57 of these children (8.60%) have been reunited with family.

04/01/05-06/30/05: Cumulative FY2005: Out of 502 CINA cases assigned to Public Defender during this cumulative fiscal year, 846 children were subjects of CINA petitions. 84 of these children (9.93%) have been reunited with family.

B1: Strategy - Improve representation in initial probable cause hearings.

Target #1: Contact clients immediately after appointment to discuss probable cause hearing.

Measure #1: % of clients contacted immediately after appointment to discuss probable cause hearing.

Analysis of results and challenges:

07/01/04-09/30/04: No data available at this time. The Public Defender Agency is working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in April 2005.

10/01/04-12/31/04: Public Defender is working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in June 2005. The agency will explore the use of an Intake procedure to enhance initial contact. The agency has assisted in attempting to reduce the numbers of probable cause hearings and removals of children by participating in TDMs (Team Decision makings). A change in policy at OCS has allowed PD attorneys to be invited and to participate in the process, enhancing our client contact and reunification efforts.

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Key Component Challenges

Managing increased caseload and workload:

- The Public Defender Agency (PDA) was appointed to 22,760 new cases in FY2005. Over ninety new clients are appointed to the agency every working day.
- Most increases are in the more costly and time consuming cases: since FY2002, felony cases are up 20% statewide. In Palmer, felony filings increased by 38%.
- Increases to budget have not kept up with increases in caseload.

Significant Changes in Results to be Delivered in FY2007

No changes in results delivered.

Major Component Accomplishments in 2005

Enhanced staff and administrative efficiencies through technology:

- (a) Supported criminal justice information technology integration efforts through interagency work group.
 - (b) Added two more offices to electronic data transmission between Court and Agency for court appointments.
 - (c) Began restructuring/conversion/testing of data for transition to SQL database.
 - (d) Upgraded Bethel office networked from unreliable dial-up modem to lower end broadband by rewiring office and improving WAN connection.
 - (e) In conjunction with DOA-IT automated database and forms updates for offices on WAN with servers.
- Provided cost-effective representation in over 22,760 new cases.

Statutory and Regulatory Authority

U.S. Constitution, Amendment VI	The Federal Right to Counsel
Alaska Constitution, Article 1, Sec.11	The State Right to Counsel
AS 18.85.010 et seq.	The Public Defender Agency Enabling Statute
Alaska Criminal Rule 39 and 39.1 and	Financial Eligibility Guidelines for Appointed Counsel
Appellate Rule 209	

Contact Information

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**Public Defender Agency
Component Financial Summary**

All dollars shown in thousands

	FY2005 Actuals	FY2006 Management Plan	FY2007 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	10,913.3	13,191.2	14,368.1
72000 Travel	262.2	490.6	490.6
73000 Services	1,975.3	1,198.3	1,751.6
74000 Commodities	201.1	147.3	197.3
75000 Capital Outlay	6.7	126.9	120.9
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	13,358.6	15,154.3	16,928.5
Funding Sources:			
1004 General Fund Receipts	12,793.0	14,536.0	16,298.4
1005 General Fund/Program Receipts	223.5	230.9	243.7
1007 Inter-Agency Receipts	122.2	104.5	109.7
1037 General Fund / Mental Health	132.2	144.2	150.6
1092 Mental Health Trust Authority Authorized Receipts	77.4	118.7	106.1
1108 Statutory Designated Program Receipts	10.3	20.0	20.0
Funding Totals	13,358.6	15,154.3	16,928.5

Estimated Revenue Collections

Description	Master Revenue Account	FY2005 Actuals	FY2006 Management Plan	FY2007 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	122.2	104.5	109.7
General Fund Program Receipts	51060	223.5	230.9	243.7
Statutory Designated Program Receipts	51063	10.3	20.0	20.0
Mental Health Trust Authority Auth.Rec.	51410	77.4	118.7	106.1
Restricted Total		433.4	474.1	479.5
Total Estimated Revenues		433.4	474.1	479.5

**Summary of Component Budget Changes
From FY2006 Management Plan to FY2007 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2006 Management Plan	14,911.1	0.0	243.2	15,154.3
Adjustments which will continue current level of service:				
-FY 07 Wage Increases for Bargaining Units and Non-Covered Employees	252.1	0.0	1.6	253.7
-FY 07 Health Insurance Cost Increases for Bargaining Units and Non-Covered Employees	24.4	0.0	0.3	24.7
-FY 07 Retirement Systems Cost Increase	471.0	0.0	3.2	474.2
-Second Year FN Adjustment for HB 53 Children in Need of Aid/Adoption/Guardian	-6.0	0.0	0.0	-6.0
Proposed budget decreases:				
-Mental Health Trust Funding Reduction	0.0	0.0	-12.7	-12.7
Proposed budget increases:				
-Risk Management Self-Insurance Funding Increase	40.1	0.0	0.2	40.3
-Increment for Caseload Increases	1,000.0	0.0	0.0	1,000.0
FY2007 Governor	16,692.7	0.0	235.8	16,928.5

**Public Defender Agency
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2006</u> <u>Management</u> <u>Plan</u>	<u>FY2007</u> <u>Governor</u>		
Full-time	137	137	Annual Salaries	9,505,685
Part-time	5	5	COLA	257,831
Nonpermanent	13	13	Premium Pay	0
			Annual Benefits	4,902,465
			Less 2.03% Vacancy Factor	(297,881)
			Lump Sum Premium Pay	0
Totals	155	155	Total Personal Services	14,368,100

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk II	1	0	0	0	1
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	0	0	0	2	2
Administrative Clerk II	1	1	0	0	2
Administrative Clerk III	1	0	0	0	1
Administrative Manager II	1	0	0	0	1
Analyst/Programmer II	0	0	0	1	1
Assoc Attorney I	5	0	1	2	8
Assoc Attorney II	1	0	0	0	1
Attorney II	3	3	0	12	18
Attorney III	5	2	2	7	16
Attorney IV	22	4	1	17	44
Attorney V	4	1	1	4	10
Investigator II	0	1	0	3	4
Investigator III	0	1	0	2	3
Law Office Assistant I	6	3	3	14	26
Law Office Assistant II	3	1	0	7	11
Law Office Manager II	1	0	0	0	1
Paralegal I	0	0	0	2	2
Paralegal II	1	0	0	0	1
Public Defender	1	0	0	0	1
Totals	57	17	8	73	155