

# **State of Alaska FY2004 Governor's Operating Budget**

## **Department of Administration Public Defender Agency Component Budget Summary**

## Component: Public Defender Agency

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### Component Mission

To provide constitutionally mandated legal representation to indigent Alaskans.

### Component Services Provided

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

- 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

### Component Goals and Strategies

PROVIDE CONSTITUTIONALLY MANDATED SERVICE TO CLIENTS

- Address serious staffing deficiencies noted in Legislative Audit
- Return investigative and volunteer resources to offices
- Achieve balance with increased judicial and law enforcement resources statewide

### Key Component Issues for FY2003 – 2004

A. Increased caseload due to increased funding for law enforcement and child protection:

- The Public Defender Agency was appointed to over 20,000 new cases in FY2002. Half-Year figures for FY2003 predict over 21,000 new case appointments. Felony cases appointed up 13%; misdemeanor cases up 7%.
- Forty-seven percent increase in caseload with a less than 7 percent increase in resources in last ten years (Audit).
- Impact is system-wide: Increased delays, inconvenience to other parties, turnover of staff, reversal of cases, client complaints and bar grievances, and levels of incarceration.
- Balance in the funding for all criminal justice and child protection components is essential.

B. Improve the timely processing of child protection cases:

- Cope with increased incoming cases (up 4% in FY2002), increased workload, mandatory deadlines, and reduced resources (\$250.0 budget reduction in child protection staff in FY2002).
- Effectuate appropriate parental responses to Division of Family and Youth Services' "Zero Tolerance" policies.
- Expedite family reunification and permanency planning for children.

C. Basic service to rural clients:

- Provide in-person representation at 42 remote court sites.
- Return investigative and volunteer resources to rural offices.
- Balance increased judicial and law enforcement resources in rural regions.

D. Therapeutic court collaborations:

- Continue representing clients in existing mental health, drug, driving under the influence, therapeutic and wellness courts.
- Maximize client participation in newly created therapeutic courts.

E. Enhance staff and administrative efficiencies through technology:

- Increase available technology including research, brief and motion banks statewide.
- Implement case management system statewide for access to accurate data.
- Assess, plan, and acquire necessary technology to successfully interface with the Alaska Court System and the Departments of Corrections, Public Safety, and Law information systems.

### **Major Component Accomplishments in 2002**

- Provided cost-effective representation in over 20,000 new cases despite reduced resources and increased workload.

### **Statutory and Regulatory Authority**

U.S. Constitution, Amendment VI

Alaska Constitution, Article 1, Sec.11

AS 18.85.010 et seq.

Alaska Criminal Rule 39 and 39.1 and  
Appellate Rule 209

The Federal Right to Counsel

The State Right to Counsel

The Public Defender Agency Enabling Statute

Financial Eligibility Guidelines for Appointed Counsel

**Public Defender Agency**  
**Component Financial Summary**

*All dollars in thousands*

	FY2002 Actuals	FY2003 Authorized	FY2004 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	9,337.6	9,213.0	10,425.1
72000 Travel	253.0	281.3	464.5
73000 Contractual	1,331.9	1,080.6	1,080.6
74000 Supplies	116.9	83.0	83.0
75000 Equipment	71.9	67.6	58.6
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>11,111.3</b>	<b>10,725.5</b>	<b>12,111.8</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	9,762.7	9,893.3	11,075.2
1005 General Fund/Program Receipts	736.2	196.2	197.2
1007 Inter-Agency Receipts	409.1	505.7	507.6
1037 General Fund / Mental Health	130.3	130.3	131.5
1092 Mental Health Trust Authority Authorized Receipts	73.0	0.0	200.3
<b>Funding Totals</b>	<b>11,111.3</b>	<b>10,725.5</b>	<b>12,111.8</b>

## Public Defender Agency

## Proposed Changes in Levels of Service for FY2004

MENTAL HEALTH COURT RESOURCES - MHTA new funding of Court and Department of Corrections participants has exceeded the Public Defender Agency's ability to respond. For FY2004 the MHTA has approved full funding for an attorney and a social worker.

The Continuation Funding increment for FY2004 is intended to maintain the current level of service. However, given recent predictions of caseload growth, this is inadequate funding for FY2004 and a reduction in service below constitutionally and statutorily required levels.

## Summary of Component Budget Changes

## From FY2003 Authorized to FY2004 Governor

*All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2003 Authorized</b>	<b>10,219.8</b>	<b>0.0</b>	<b>505.7</b>	<b>10,725.5</b>
<b>Adjustments which will continue current level of service:</b>				
-Annualize FY2003 COLA Increase for General Government and Supervisory Bargaining Units	0.0	0.0	0.8	0.8
-Eliminate One-time Costs for Fiscal Note HB4 Omnibus Drunk Driving Bill	-9.0	0.0	0.0	-9.0
-\$75 per Month Health Insurance Increase for Non-covered Staff	66.1	0.0	1.1	67.2
<b>Proposed budget increases:</b>				
-Continuation Funding	1,127.0	0.0	73.0	1,200.0
-Mental Health Court Attorney and Social Worker	0.0	0.0	127.3	127.3
<b>FY2004 Governor</b>	<b>11,403.9</b>	<b>0.0</b>	<b>707.9</b>	<b>12,111.8</b>

**Public Defender Agency**  
**Personal Services Information**

	Authorized Positions		Personal Services Costs	
	<u>FY2003</u> <u>Authorized</u>	<u>FY2004</u> <u>Governor</u>		
Full-time	126	127	Annual Salaries	8,137,497
Part-time	6	6	Premium Pay	0
Nonpermanent	13	13	Annual Benefits	2,694,901
			<i>Less 3.78% Vacancy Factor</i>	(408,958)
			Lump Sum Premium Pay	1,660
<b>Totals</b>	<b>145</b>	<b>146</b>	<b>Total Personal Services</b>	<b>10,425,100</b>

**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	4	0	1	2	7
Assoc Attorney II	1	0	0	0	1
Attorney II	4	1	1	11	17
Attorney III	13	3	1	10	27
Attorney IV	14	4	2	11	31
Attorney V	3	1	0	0	4
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
Social Worker III	0	0	1	0	1
<b>Totals</b>	<b>56</b>	<b>16</b>	<b>9</b>	<b>65</b>	<b>146</b>