

# **State of Alaska FY2005 Governor's Operating Budget**

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

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**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
<p><b>(1) Improved case results for criminal clients.</b></p> <p><u>Target:</u> 100% dismissal rates for clients. <u>Measure:</u> Percentage of case dismissals.</p> <p><u>Target:</u> 100% success rate for clients in Therapeutic Court. <u>Measure:</u> % of clients successfully completing Therapeutic Court.</p> <p><b>(2) Improved case results for CINA clients.</b></p> <p><u>Target:</u> Reduce the number of children in state custody by 50%. <u>Measure:</u> % change in the number of children in state custody.</p> <p><u>Target:</u> 100% clients completing Family Care Court successfully. <u>Measure:</u> % clients successfully completing Family Care Court.</p> <p><b>(3) Improve outcomes for post-trial clients.</b></p> <p><u>Target:</u> 100% success in appellate cases. <u>Measure:</u> Percentage of cases successful on appeal.</p>	<p><b>(1) Improve case management and preparedness.</b></p> <p><u>Target:</u> Interview all clients within 96 hours of arrest. <u>Measure:</u> % of clients interviewed within 96 hours of arrest.</p> <p><u>Target:</u> Obtain and review all discovery within 24 hours of arrest. <u>Measure:</u> % of cases where discovery obtained and reviewed within 24 hours of arrest.</p> <p><u>Target:</u> Investigate all cases within 30 days arrest. <u>Measure:</u> % of cases where investigation complete within 30 days of arrest.</p> <p><u>Target:</u> Provide intensive legal representation to Therapeutic Court clients. <u>Measure:</u> Percentage of clients who receive intensive legal representation in Therapeutic Court.</p> <p><u>Target:</u> Interview with all clients within 24 hours of filing petition. <u>Measure:</u> % of clients interviewed within 24 hours of filing of petition.</p> <p><u>Target:</u> Obtain and review all discovery within 48 hours of filing of petition. <u>Measure:</u> % of cases where discovery obtained and reviewed within 48 hours of filing of petition.</p> <p><u>Target:</u> Investigate all CINA cases within 30 days of filing of petition. <u>Measure:</u> % of cases where investigation complete within 30 days of filing of petition.</p> <p><u>Target:</u> Provide intensive legal representation to Family Care Court clients. <u>Measure:</u> % of clients with intensive legal representation</p>

End Results	Strategies to Achieve Results
	<p>in Family Care Court.</p> <p><u>Target:</u> Provide specialized appellate legal representation.  <u>Measure:</u> % of cases in which appellate specialist handled appeal.</p> <p><u>Target:</u> Provide specialized appellate legal representation.  <u>Measure:</u> % attorneys with only appellate case responsibilities.</p>

FY2005 Resources Allocated to Achieve Results							
<p>FY2005 Component Budget: \$12,423,100</p>	<p><b>Personnel:</b></p> <table> <tr> <td>Full time</td> <td>132</td> </tr> <tr> <td>Part time</td> <td>6</td> </tr> <tr> <td><b>Total</b></td> <td><b>138</b></td> </tr> </table>	Full time	132	Part time	6	<b>Total</b>	<b>138</b>
Full time	132						
Part time	6						
<b>Total</b>	<b>138</b>						

**Performance Measure Detail**

**(1) Result: Improved case results for criminal clients.**

**Target:** 100% dismissal rates for clients.  
**Measure:** Percentage of case dismissals.

**Target:** 100% success rate for clients in Therapeutic Court.  
**Measure:** % of clients successfully completing Therapeutic Court.

**(2) Result: Improved case results for CINA clients.**

**Target:** Reduce the number of children in state custody by 50%.  
**Measure:** % change in the number of children in state custody.

**Target:** 100% clients completing Family Care Court successfully.  
**Measure:** % clients successfully completing Family Care Court.

**(3) Result: Improve outcomes for post-trial clients.**

**Target:** 100% success in appellate cases.  
**Measure:** Percentage of cases successful on appeal.

**(1) Strategy: Improve case management and preparedness.**

**Target:** Interview all clients within 96 hours of arrest.

**Measure:** % of clients interviewed within 96 hours of arrest.

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**Target:** Obtain and review all discovery within 24 hours of arrest.

**Measure:** % of cases where discovery obtained and reviewed within 24 hours of arrest.

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**Target:** Investigate all cases within 30 days arrest.

**Measure:** % of cases where investigation complete within 30 days of arrest.

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**Target:** Provide intensive legal representation to Therapeutic Court clients.

**Measure:** Percentage of clients who receive intensive legal representation in Therapeutic Court.

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**Target:** Interview with all clients within 24 hours of filing petition.

**Measure:** % of clients interviewed within 24 hours of filing of petition.

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**Target:** Obtain and review all discovery within 48 hours of filing of petition.

**Measure:** % of cases where discovery obtained and reviewed within 48 hours of filing of petition.

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**Target:** Investigate all CINA cases within 30 days of filing of petition.

**Measure:** % of cases where investigation complete within 30 days of filing of petition.

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**Target:** Provide intensive legal representation to Family Care Court clients.

**Measure:** % of clients with intensive legal representation in Family Care Court.

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**Target:** Provide specialized appellate legal representation.

**Measure:** % of cases in which appellate specialist handled appeal.

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**Target:** Provide specialized appellate legal representation.

**Measure:** % attorneys with only appellate case responsibilities.

## Key Component Challenges

### A. Managing increased caseload and workload:

- The Public Defender Agency (PDA) was appointed to over 20,680 new cases in FY2003. Eighty new cases are appointed to the Agency every working day.
- Most increases are in the more costly and time consuming cases: since FY2001, felony cases are up 17%; misdemeanor cases are up 7%; CINA cases are up 2%.
- There has been a forty-seven percent increase in caseload with a less than 7 percent increase in resources in previous ten years (Legislative Audit).

We will continue to work to meet the challenges of controlling costs and providing services as efficiently as possible and will continue to monitor case load growth and budget projections to determine if additional funding will be needed in FY2005.

### Significant Changes in Results to be Delivered in FY2005

- Provide training on increased available technology including research, brief and motion banks statewide.
- Provide training on case management system statewide for access to accurate data and timely conflict resolution.
- The Agency will be expected to provide the constitutionally mandated effective assistance of counsel in over 21,000 new cases.

### Major Component Accomplishments in 2003

- Enhanced staff and administrative efficiencies through technology:
  - Increased available technology including research, brief and motion banks statewide.
  - Implemented case management system statewide for access to accurate data.
- Provided cost-effective representation in over 20,600 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 Appellate Rule 209	Financial Eligibility Guidelines for Appointed Counsel

Contact Information
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**Public Defender Agency  
Component Financial Summary**

*All dollars shown in thousands*

	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	9,690.3	10,339.9	10,968.9
72000 Travel	317.2	464.5	486.1
73000 Contractual	1,586.0	1,080.6	767.6
74000 Supplies	92.9	83.0	95.0
75000 Equipment	48.2	58.6	105.5
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>11,734.6</b>	<b>12,026.6</b>	<b>12,423.1</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	10,860.3	11,110.3	11,920.3
1005 General Fund/Program Receipts	261.2	198.1	198.1
1007 Inter-Agency Receipts	409.8	509.3	95.8
1037 General Fund / Mental Health	130.3	131.5	131.5
1092 Mental Health Trust Authority Authorized Receipts	73.0	77.4	77.4
<b>Funding Totals</b>	<b>11,734.6</b>	<b>12,026.6</b>	<b>12,423.1</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	409.8	509.3	95.8
General Fund Program Receipts	51060	261.2	198.1	198.1
Mental Health Trust Authority Auth.Rec.	51410	73.0	77.4	77.4
<b>Restricted Total</b>		<b>744.0</b>	<b>784.8</b>	<b>371.3</b>
<b>Total Estimated Revenues</b>		<b>744.0</b>	<b>784.8</b>	<b>371.3</b>

**Summary of Component Budget Changes  
From FY2004 Authorized to FY2005 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2004 Authorized</b>	<b>11,439.9</b>	<b>0.0</b>	<b>586.7</b>	<b>12,026.6</b>
<b>Adjustments which will continue current level of service:</b>				
-Changes to Retirement and Other Personal Services Rates	0.0	0.0	9.0	9.0
<b>Proposed budget decreases:</b>				
-DH&SS I/A Funding Reduction	0.0	0.0	-422.5	-422.5
<b>Proposed budget increases:</b>				
-Projected Caseload Increase Resulting from Increased Prosecutions	810.0	0.0	0.0	810.0
<b>FY2005 Governor</b>	<b>12,249.9</b>	<b>0.0</b>	<b>173.2</b>	<b>12,423.1</b>



**Public Defender Agency  
Personal Services Information**

Authorized Positions		Personal Services Costs		
	<u>FY2004</u> <u>Authorized</u>	<u>FY2005</u> <u>Governor</u>		
Full-time	126	132	Annual Salaries	8,707,942
Part-time	6	6	Premium Pay	0
Nonpermanent	13	13	Annual Benefits	3,330,540
			<i>Less 8.90% Vacancy Factor</i>	<i>(1,071,242)</i>
			Lump Sum Premium Pay	1,660
<b>Totals</b>	<b>145</b>	<b>151</b>	<b>Total Personal Services</b>	<b>10,968,900</b>

**Position Classification Summary**

<b>Job Class Title</b>	<b>Anchorage</b>	<b>Fairbanks</b>	<b>Juneau</b>	<b>Others</b>	<b>Total</b>
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	0	1	12	17
Attorney III	10	4	1	11	26
Attorney IV	18	4	2	14	38
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
<b>Totals</b>	<b>57</b>	<b>16</b>	<b>8</b>	<b>70</b>	<b>151</b>