

05 - 0086

STATE OF MINNESOTA

BOARD OF PUBLIC DEFENSE

REPORT ON

PUBLIC DEFENDER REIMBURSEMENTS

FY 2004

January, 2005

CITATION

Minnesota Statutes 611.20 requires the State of Minnesota Board of Public Defense to report annually on the collection and disbursement of public defender reimbursements. After consultation with the staff at the Minnesota Supreme Court it was determined that some of the variables outlined for reporting in M.S. 611.20 are not available. Minnesota Statutes 3.197 requires the reporting of the cost of report preparation. Staff time was minimal in preparing this report and as a result there were no production costs.

BACKGROUND

Minnesota Statutes 611.20 Subd. 2 authorizes the trial court to direct those public defender clients who are able to pay at least part of their defense costs to do so.

Prior to July 1, 1999 the first \$180,000 of public defender reimbursements were deposited in the general fund of the State of Minnesota, as a non-dedicated receipt. The Board of Public Defense, in direct proportion to the total receipts from each Judicial District, retained receipts in excess of \$180,000. Due to the uncertain nature of this funding, expenditures were limited to one-time expenses. The vast majority of this funding has been used to provide training for public defenders (Continuing Legal Education Credits)

In the 1998 Legislative Session M.S. 611.20 was amended to direct all reimbursements to the Board of Public Defense. Funds retained under this provision are to be used to offset the overhead costs of part time assistant public defenders. Each Judicial District Public Defender Office receives all of the reimbursements ordered and collected by the Court in their respective Judicial District. Reimbursement payments are made to part time assistant public defenders on a quarterly basis. The amount that each attorney receives depends on the amount collected, and the number of part time defenders in the Judicial District.

FY 2004 PUBLIC DEFENDER CASE TOTALS

During FY 2004 employees of the Board of Public Defense opened approximately 165,000 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	13,653
SECOND DISTRICT-	20,787
THIRD DISTRICT-	10,566
FOURTH DISTRICT-	46,125
FIFTH DISTRICT-	8,586
SIXTH DISTRICT-	7,959
SEVENTH DISTRICT-	15,639
EIGHTH DISTRICT-	4,755
NINTH DISTRICT-	14,913
TENTH DISTRICT-	22,332
TOTAL	165,315

FY 2004 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	\$2,433
ANOKA	10	\$5,167
BECKER	7	\$2,997
BELTRAMI	9	\$2,813
BENTON	7	\$7,003
BIG STONE	8	\$1,180
BLUE EARTH	5	\$21,777
BROWN	5	\$7,664
CARLTON	6	\$12,980
CARVER	1	\$16,854
CASS	9	\$1,932
CHIPPEWA	8	\$1,930
CHISAGO	10	\$2,597
CLAY	7	\$13,340
CLEARWATER	9	\$179
COOK	6	\$1,478
COTTONWOOD	5	\$2,941
CROW WING	9	\$3,698
DAKOTA	1	\$17,295
DODGE	3	\$1,293
DOUGLAS	7	\$17,298
FARIBAULT	5	\$1,100
FILLMORE	3	\$5,266
FREEBORN	3	\$7,000
GOODHUE	1	\$1,286
GRANT	8	\$796
HENNEPIN	4	\$573
HOUSTON	3	\$7,621
HUBBARD	9	\$1,614
ISANTI	10	\$3,526
ITASCA	9	\$2,498

JACKSON	5	\$2,230
KANABEC	10	\$397
KANDIHOYI	8	\$12,534
KITTSOON	9	\$157
KOOCHICHING	9	\$4,934
LAC QUI PARLE	8	\$180
LAKE	6	\$2,012
LAKE OF WOODS	9	\$1,570
LE SUEUR	1	\$17,121
LINCOLN	5	\$594
LYON	5	\$7,107
MAHNOMEN	9	\$100
MARSHALL	9	\$0
MARTIN	5	\$4,566
MCLEOD	1	\$6,989
MEEKER	8	\$5,124
MILLE LACS	7	\$14,545
MORRISON	7	\$1,366
MOWER	3	\$2,320
MURRAY	5	\$1,872
NICOLLET	5	\$8,078
NOBLES	5	\$7,593
NORMAN	9	\$380
OLMSTED	3	\$12,405
OTTER TAIL	7	\$33,307
PENNINGTON	9	\$78
PINE	10	\$1,214
PIPESTONE	5	\$3,396
POLK	9	\$4,193
POPE	8	\$992
RAMSEY	2	\$559
RED LAKE	9	\$307
REDWOOD	5	\$4,750
RENVILLE	8	\$6,616
RICE	3	\$6,598

ROCK	5	\$1,800
ROSEAU	9	\$2,050
SCOTT	1	\$20,903
SHERBURNE	10	\$2,044
SIBLEY	1	\$5,117
ST LOUIS	6	\$14,318
STEARNS	7	\$23,739
STEELE	3	\$4,233
STEVENS	8	\$537
SWIFT	8	\$2,125
TODD	7	\$2,040
TRAVERSE	8	\$624
WABASHA	3	\$1,133
WADENA	7	\$2,988
WASECA	3	\$1,045
WASHINGTON	10	\$11,085
WATONWAN	5	\$1,666
WILKIN	8	\$1,080
WINONA	3	\$6,513
WRIGHT	10	\$846
YELLOW MEDICINE	8	\$1,625
<u>TOTAL</u>		<u>\$459,824</u>

REIMBURSEMENTS PER CASE UNIT

While the Court does not keep data on the number of cases where reimbursement is ordered, some inter-district comparisons can be made. As a unit of measure the Board uses a "case unit". The "case unit" is defined by the relative difficulty of the different types of cases as determined by the Board of Public Defense Weighted Caseload Study. A "case unit" equals the defense service that goes into the average misdemeanor case. Applying the "case unit" to the overall caseloads and reimbursements in each Judicial District Public Defender Office, yields the following reimbursement per case unit;

<u>DISTRICT</u>	<u>FY 2004 CASE UNITS</u>	<u>FY 2004 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	25,831	\$85,565	\$3.11
SECOND	34,705	\$559	\$0.02
THIRD	19,863	\$55,427	\$2.79
FOURTH	83,261	\$573	\$0.01
FIFTH	14,925	\$77,134	\$5.17
SIXTH	13,842	\$30,787	\$2.22
SEVENTH	26,876	\$118,623	\$4.41
EIGHTH	9,016	\$35,343	\$3.92
NINTH	26,388	\$28,937	\$1.10
TENTH	41,984	\$26,875	\$0.64
TOTAL	296,691	\$459,824	

PUBLIC DEFENDER REIMBURSEMENT AMOUNTS

Based on the number of full time equivalent part time defenders that each district has, the reimbursements collected, and the percentage of time the part time defender is employed, the following reimbursement amounts were paid out during fiscal year 2004:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$3,097	\$2,066	\$1,031
SECOND	\$101	\$67	\$34
THIRD	\$2,499	\$1,667	\$832
FOURTH	\$0	\$0	\$0
FIFTH	\$5,608	\$3,740	\$1,867
SIXTH	\$1,115	\$744	\$371
SEVENTH	\$3,771	\$2,515	\$1,256
EIGHTH	\$2,127	\$1,419	\$708
NINTH	\$1,460	\$974	\$486
TENTH	\$916	\$611	\$305

* In the Second Judicial District Criminal Defense Services, Inc., appears on behalf of working defendants who have limited funds to hire an attorney.

** The Fourth Judicial District Public Defender Office does not currently have any part time attorneys employed by the State of Minnesota.

BOARD OF PUBLIC DEFENSE

2006-2007 BIENNIAL BUDGET REQUEST

BOARD OF PUBLIC DEFENSE BUDGET/SERVICE ISSUES

- The public defense system is the largest customer of the courts
- Public defenders provide service in every courthouse in Minnesota.
- Outside factors control the caseload
- Public defenders must accept cases that are assigned to them.
(Dzubiak v Mott)
- Public defenders are held to the same ethical obligations as any other attorney.
- 60% of public defenders are part-time.
- 70% of judges believe there are too few public defenders
- 70% of judges believe attorneys have too little time to prepare cases*

* Legislative Auditor's Report on Trial Courts- 2001

BOARD OF PUBLIC DEFENSE
FY 2006-2007
BIENNIAL BUDGET REQUEST

	<u>FY 2006</u>	<u>FY 2007</u>
Public Defender Viability	\$6,122	\$8,412
Trial Team	\$574	\$572
Sex Offender/Blakely	\$616	\$365
Info. Systems Upgrade	\$215	\$260
C.H.I.P.S/C.J.I.	\$9,098	\$8,986

BOARD OF PUBLIC DEFENSE 2006-2007 BUDGET REQUEST SUMMARY

	<u>BOARD REQUEST</u>		<u>GOVERNOR'S REC'S</u>	
	<u>FY 06</u>	<u>FY 07</u>	<u>FY 06</u>	<u>FY 07</u>
PUBLIC DEFENDER VIABILITY*	\$6,122,000	\$8,412,000	\$1,695,000	\$1,695,000
TRIAL/D.N.A. TEAM	\$574,000	\$572,000	NR	NR
APPELLATE OFFICE	\$616,000	\$365,000	NR	NR
INFORMATION SYSTEMS	\$215,000	\$260,000	NR	NR
C.H.I.P.S. CASES	\$9,098,000	\$8,986,000	NR	NR
METH/SEX SENTENCING CHANGES	NR	NR	\$3,800,000	\$7,600,000

Assumes passage of the \$7,681,000 deficiency. Included in the Governor's budget as "caseload increase".

METH/SEX OFFENDER SENTENCING CHANGES

FY 2006

FY 2007

GOVERNOR'S RECS

\$3,800,000

\$7,600,000

H.F. 2308* & H.F. 4

\$4,838,000

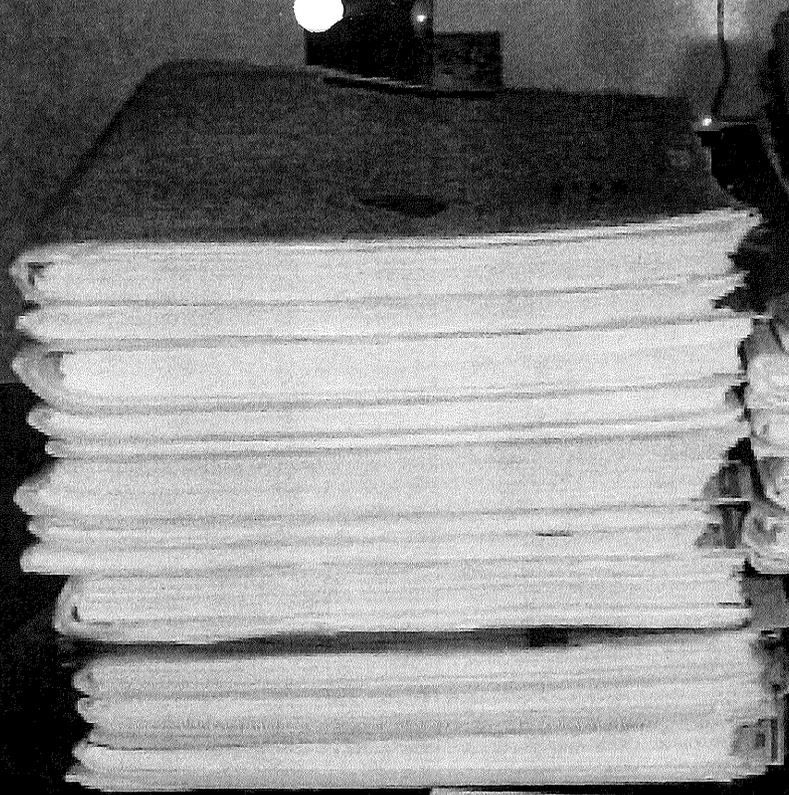
\$9,511,000

*House file from 2004.

PUBLIC DEFENDER VIABILITY

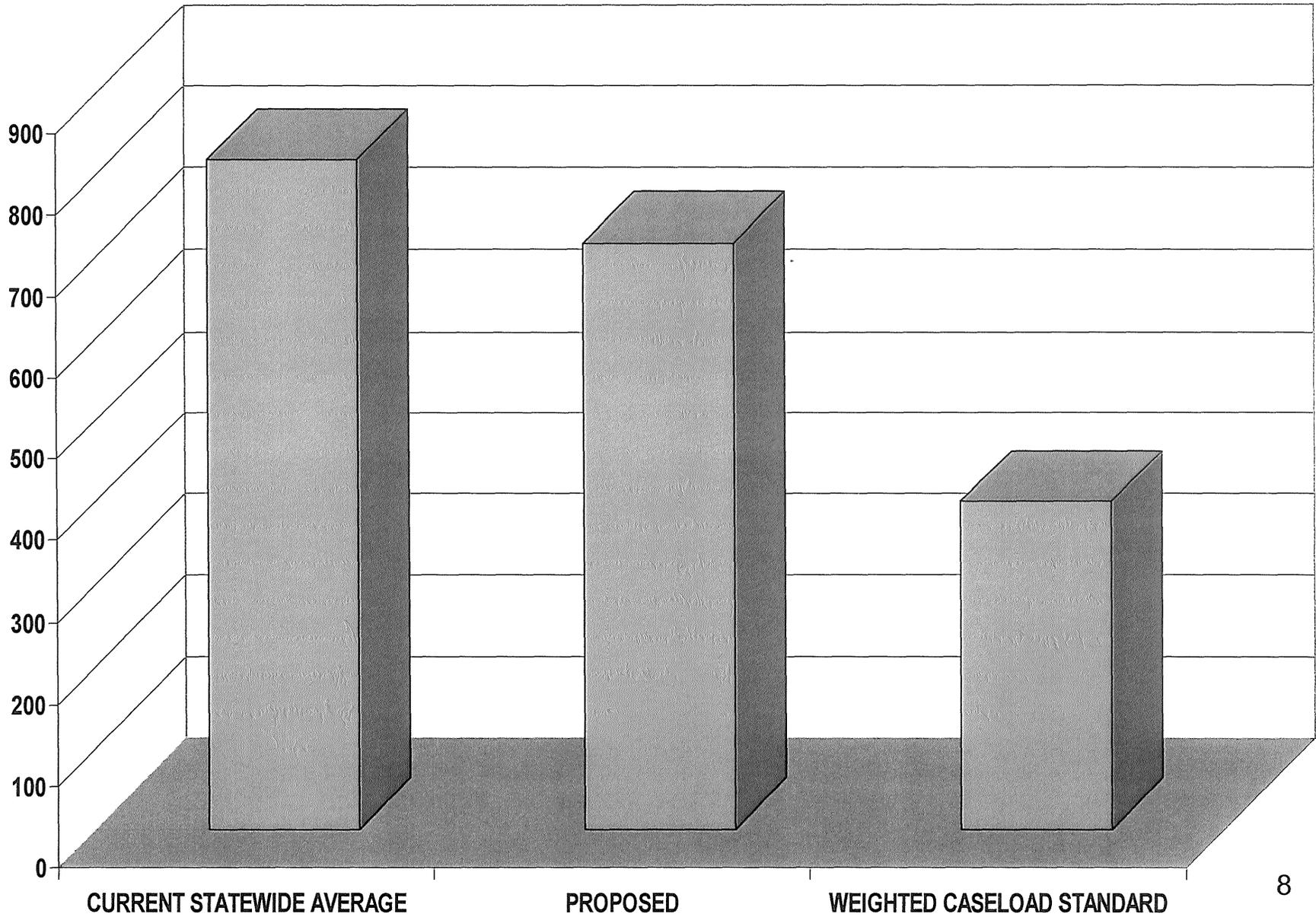
	<u>FY 2006</u>	<u>FY 2007</u>
- FILL 20 ATTORNEY POSITIONS	\$1,337,000	\$1,337,000
- 29,000 EXCESS P.T. DEFENDER HOURS	\$932,000	\$926,000
- REDUCE CASELOADS FROM 825 TO 710 *	\$1,729,000	\$1,729,000
- PERSONNEL COST INCREASES	\$2,070,000	\$4,224,000
- PUBLIC DEFENSE CORPORATIONS	\$55,000	\$55,000

* Case units per FTE attorney. A case unit is the equivalent of a misdemeanor. American Bar Association and Board Weighted Caseload Standards call for no more than 400 case units per FTE attorney.



Jennifer Cummings
Monday
10/11/04

BOARD OF PUBLIC DEFENSE CASE UNITS PER F.T.E. ATTORNEY

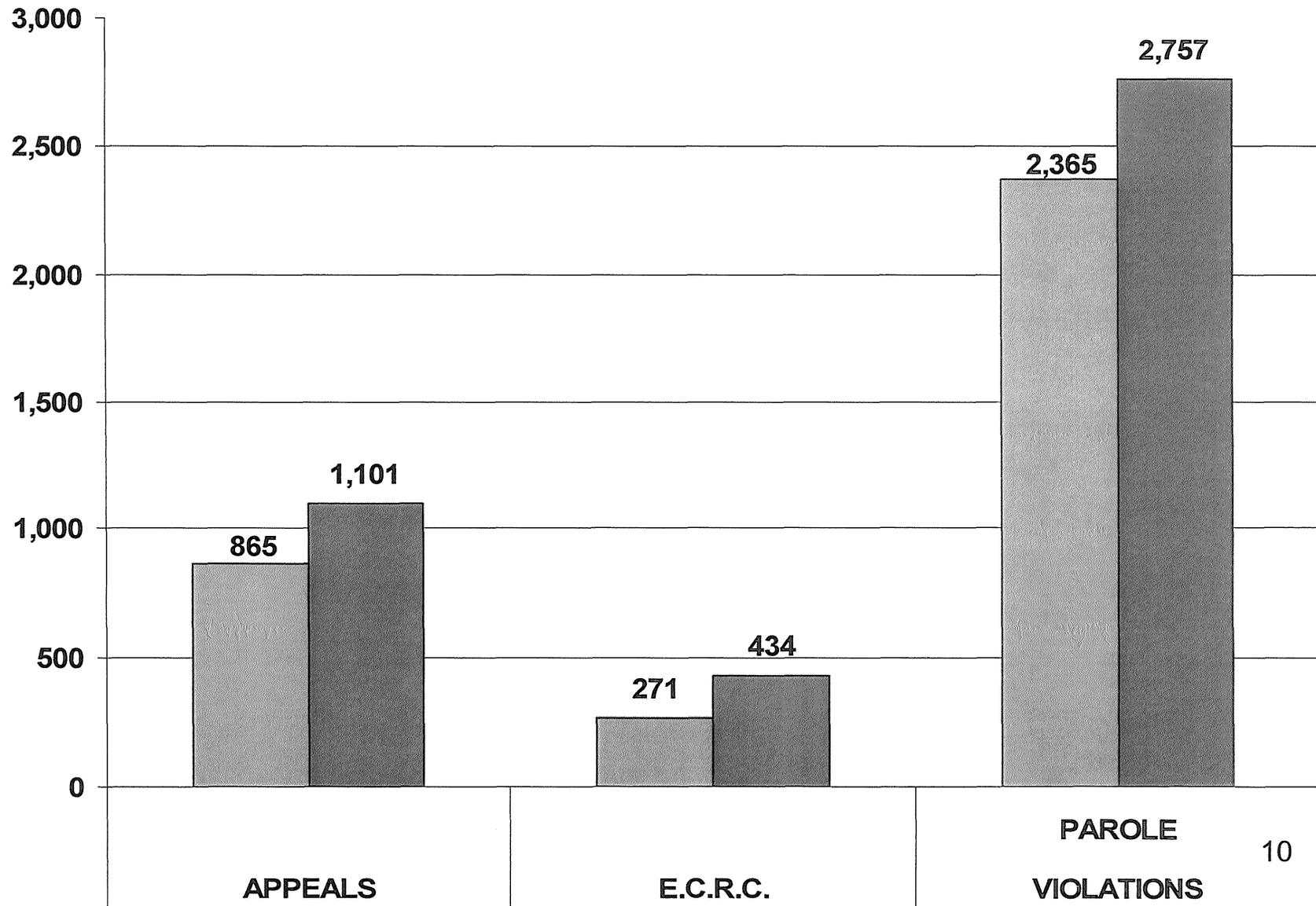


APPELLATE OFFICE

<u>FY 2006</u>	<u>FY 2007</u>
\$616,000	\$365,000

- SEX OFFENDER E.C.R.H.- UP 61% OVER LAST YEAR
- PAROLE REVOCATION HEARINGS UP 17% OVER LAST YEAR
- APPELLATE FILES OPENED INCREASED 27% OVER LAST YEAR
- BLAKELY CASES COULD MEAN 300-400 ADDITIONAL CASES
- INCREASE EMPHASIS ON REVIEW HEARINGS
- LEVEL I & II OFFENDERS NOW REVIEWED ON PAROLE VIOLATIONS
- AUTOMATIC REIVEW OF LEVEL III OFFENDERS
- STATE PRISON POPULATION UP 25% BETWEEN 2001 & 2004

Board of Public Defense Appellate Office Cases 2003-2004



BOARD OF PUBLIC DEFENSE BUDGET ISSUES

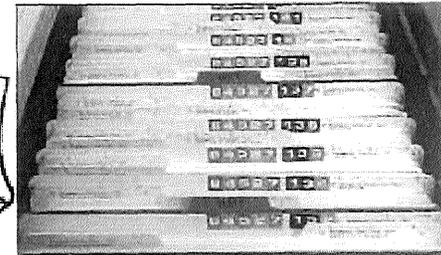
- **COURT SLOWS DOWN, COURT SHUT DOWNS, WAIT TIME FOR THE PUBLIC, AND CRIMINAL JUSTICE SYSTEM**
- **RESOLUTION OF CASES WILL BE DELAYED** (Including victims, witnesses and the public)
- **QUALITY CONTROL OF THE JUSTICE SYSTEM WILL BE LOST**
- **APPELLATE COURTS DELAYED**

TRIAL/D.N.A. TEAM

FY 2006 FY 2007
\$574,000 **\$572,000**

- **MATCH ATTORNEY GENERAL TRIAL TEAM**
ATTORNEY GENERALS

PART TIME PUBLIC DEFENDER



- **INCREASE EFFICENCY OF COURT SYSTEM**
- **INCREASED USE OF D.N.A. TO RESOLVE CASES- BETTER RESULTS**
- **METH EPIDEMIC**
- **PROVIDE MINIMAL RESOURCES IN D.N.A. ANALYSIS**
(B.C.A., State Patrol, Mpls. Police, some Sheriff Offices)

INFORMATION SYSTEMS

<u>FY 2006</u>	<u>FY 2007</u>
\$215,000	\$260,000

- REPLACE 10 YEAR OLD SYSTEM
- ALLOW REAL TIME SHARING OF INFORMATION
- REDUCE REDUNDANT DATA ENTRY



C.H.I.P.S./C.J.I.

<u>FY 2006</u>	<u>FY 2007</u>
\$9,098,000	8,986,000

- **Children’s Justice Initiative (CJI).** The “CJI,” emphasizes a quicker response and better standards of practice in child welfare cases. It is now the practice in all 87 counties.
- **Representation in CHIPS and Termination of Parental Rights cases** has taken up an ever-increasing proportion of staff time and resources. (4,055 cases in 1994, 8,000+ cases in 2004).
- **The Board does not have the attorney time to carry out the “best practices”,** while moving cases forward on an accelerated court calendar.
- **Under the current budget conditions the Board does not have the resources to continue to provide non-mandated services,** let alone meet the “best practices of the CJI, and the accelerated court calendar in these cases.
- **The “Best Practices includes guidelines for attorney time and resources devoted to each stage of a CHIPS case.** This would require 189,000 hours of attorney time.
- **Increased number and emphasis on review hearings.**
- **Appeal of Termination of Parent Rights Cases.**
- **Representation of non-custodial parents.**