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**STATE OF MINNESOTA**

**BOARD OF PUBLIC DEFENSE**

**REPORT ON**

**PUBLIC DEFENDER REIMBURSEMENTS**

**FY 2002**

January, 2003

## **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 2002 PUBLIC DEFENDER CASE TOTALS**

During FY 2002 employees of the Board of Public Defense opened approximately 186,000 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	16,209
SECOND DISTRICT-	24,201
THIRD DISTRICT-	13,576
FOURTH DISTRICT-	44,600
FIFTH DISTRICT-	13,755
SIXTH DISTRICT-	9,168
SEVENTH DISTRICT-	16,988
EIGHTH DISTRICT-	6,289
NINTH DISTRICT-	17,308
TENTH DISTRICT-	24,030

TOTAL 186,134

**FY 2002 REIMBURSEMENTS**

AITKIN	\$926
ANOKA	\$4,750
BECKER	\$3,816
BELTRAMI	\$2,946
BENTON	\$4,182
BIG STONE	\$1,270
BLUE EARTH	\$22,688
BROWN	\$6,005
CARLTON	\$7,789
CARVER	\$15,103
CASS	\$3,291
CHIPPEWA	\$2,370
CHISAGO	\$3,676
CLAY	\$4,980
CLEARWATER	\$651
COOK	\$1,292
COTTONWOOD	\$3,935
CROW WING	\$8,805
DAKOTA	\$10,384
DODGE	\$1,801
DOUGLAS	\$15,572
FARIBAULT	\$1,325
FILLMORE	\$6,329
FREEBORN	\$2,304
GOODHUE	\$1,541
GRANT	\$350
HENNEPIN	\$2,116
HOUSTON	\$10,854
HUBBARD	\$935
ISANTI	\$1,289
ITASCA	\$6,685
JACKSON	\$1,113
KANABEC	\$4,385
KANDIHOYI	\$20,610
KITTSOON	\$490
KOOCHICHING	\$2,390
LAC QUI PARLE	\$640

LAKE	\$1,550
LAKE OF WOODS	\$500
LE SUEUR	\$5,942
LINCOLN	\$210
LYON	\$3,076
MAHNOMEN	\$787
MARSHALL	\$200
MARTIN	\$6,177
MCLEOD	\$4,980
MEEKER	\$8,510
MILLE LACS	\$10,482
MORRISON	\$2,965
MOWER	\$885
MURRAY	\$1,340
NICOLLET	\$13,290
NOBLES	\$3,465
NORMAN	\$959
OLMSTED	\$8,680
OTTER TAIL	\$28,887
PENNINGTON	\$1,745
PINE	\$470
PIPESTONE	\$1,003
POLK	\$16,690
POPE	\$3,713
RAMSEY	\$850
RED LAKE	\$1,010
REDWOOD	\$2,173
RENVILLE	\$5,430
RICE	\$8,060
ROCK	\$1,668
ROSEAU	\$2,064
SCOTT	\$16,442
SHERBURNE	\$5,601
SIBLEY	\$4,565
ST LOUIS	\$17,192
STEARNS	\$22,277
STEELE	\$3,108
STEVENS	\$1,850
SWIFT	\$4,107
TODD	\$2,234
TRAVERSE	\$540
WABASHA	\$3,312

WADENA	\$4,461
WASECA	\$1,605
WASHINGTON	\$22,202
WATONWAN	\$880
WILKIN	\$800
WINONA	\$3,526
WRIGHT	\$1,050
YELLOW MEDICINE	\$1,620
<b><u>TOTAL</u></b>	<b><u>\$454,719</u></b>

### **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;

<b><u>DISTRICT</u></b>	<b><u>FY 2002 CASE UNITS</u></b>	<b><u>FY 2002 REIMBURSEMENTS</u></b>	<b><u>REIMBURSEMENTS PER CASE UNIT</u></b>
FIRST	30,887	\$58,957	\$1.91
SECOND	38,934	\$850	\$0.02
THIRD	24,938	\$50,464	\$2.02
FOURTH	82,496	\$2,116	\$0.03
FIFTH	24,724	\$68,347	\$2.76
SIXTH	17,162	\$27,823	\$1.62
SEVENTH	30,045	\$99,856	\$3.32
EIGHTH	12,047	\$51,810	\$4.30
NINTH	32,043	\$51,072	\$1.59
TENTH	42,805	\$43,423	\$1.01
<b>TOTAL</b>	<b>336,079</b>	<b>\$454,719</b>	

### **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 2002:

<u>DISTRICT</u>	<u>75% TIME</u>	<u>50% TIME</u>	<u>25% TIME</u>
FIRST	\$2,094	\$1,396	\$697
SECOND	\$622	\$415	\$207
THIRD	\$1,933	\$1,289	\$644
FOURTH	\$0	\$0	\$0
FIFTH	\$4,454	\$2,971	\$1,483
SIXTH	\$1,190	\$794	\$396
SEVENTH	\$3,094	\$2,064	\$1,030
EIGHTH	\$3,246	\$2,165	\$1,081
NINTH	\$2,729	\$1,820	\$909
TENTH	\$1,420	\$947	\$473

\* 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.