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STATE OF MINNESOTA

BOARD OF PUBLIC DEFENSE

REPORT ON

PUBLIC DEFENDER REIMBURSEMENTS

FY 2007

January, 2008

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 was 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 2007 PUBLIC DEFENDER CASE TOTALS

During FY 2007 employees of the Board of Public Defense opened approximately 171,619 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	15,959
SECOND DISTRICT-	20,056
THIRD DISTRICT-	11,541
FOURTH DISTRICT-	45,099
FIFTH DISTRICT-	9,144
SIXTH DISTRICT-	8,977
SEVENTH DISTRICT-	15,250
EIGHTH DISTRICT-	4,998
NINTH DISTRICT-	16,403
TENTH DISTRICT-	24,192
TOTAL	171,619

The following is the break down of reimbursements received by county for the fiscal year 2007.

FY 2007 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	\$0
ANOKA	10	\$1,300
BECKER	7	\$2,582
BELTRAMI	9	\$313
BENTON	7	\$4,512
BIG STONE	8	\$638
BLUE EARTH	5	\$30,279
BROWN	5	\$8,009
CARLTON	6	\$4,170
CARVER	1	\$26,301
CASS	9	\$4,850
CHIPPEWA	8	\$3,973
CHISAGO	10	\$5,286
CLAY	7	\$25,413
CLEARWATER	9	\$1,857
COOK	6	\$42
COTTONWOOD	5	\$4,759
CROW WING	9	\$600
DAKOTA	1	\$30,570
DODGE	3	\$331
DOUGLAS	7	\$27,484
FARIBAULT	5	\$225
FILLMORE	3	\$4,346
FREEBORN	3	\$796
GOODHUE	1	\$278
GRANT	8	\$1,159
HENNEPIN	4	\$147
HOUSTON	3	\$3,922
HUBBARD	9	\$1,617

ISANTI	10	\$2,784
ITASCA	9	\$5,336
JACKSON	5	\$6,737
KANABEC	10	\$1,772
KANDIHOYI	8	\$20,683
KITTSOON	9	\$0
KOOCHICHING	9	\$1,549
LAC QUI PARLE	8	\$892
LAKE	6	\$1,133
LAKE OF WOODS	9	\$976
LE SUEUR	1	\$11,723
LINCOLN	5	\$1,507
LYON	5	\$9,778
MAHNOMEN	9	\$435
MARSHALL	9	\$0
MARTIN	5	\$9,046
MCLEOD	1	\$6,195
MEEKER	8	\$7,440
MILLE LACS	7	\$14,487
MORRISON	7	\$3,682
MOWER	3	\$746
MURRAY	5	\$2,171
NICOLLET	5	\$12,414
NOBLES	5	\$12,554
NORMAN	9	\$285
OLMSTED	3	\$4,919
OTTER TAIL	7	\$22,894
PENNINGTON	9	\$809
PINE	10	\$746
PIPESTONE	5	\$4,364
POLK	9	\$2,492
POPE	8	\$3,573
RAMSEY	2	\$300
RED LAKE	9	\$0
REDWOOD	5	\$12,160

RENVILLE	8	\$6,647
RICE	3	\$2,141
ROCK	5	\$2,593
ROSEAU	9	\$284
SCOTT	1	\$12,884
SHERBURNE	10	\$233
SIBLEY	1	\$9,547
ST LOUIS	6	\$4,604
STEARNS	7	\$23,852
STEELE	3	\$1,745
STEVENS	8	\$1,455
SWIFT	8	\$2,325
TODD	7	\$5,001
TRAVERSE	8	\$613
WABASHA	3	\$350
WADENA	7	\$5,256
WASECA	3	\$759
WASHINGTON	10	\$8,414
WATONWAN	5	\$5,162
WILKIN	8	\$612
WINONA	3	\$11,027
WRIGHT	10	\$853
YELLOW MEDICINE	8	\$3,558
<u>TOTAL</u>		<u>\$492,253</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 2007 CASE UNITS</u>	<u>FY 2007 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	29,405	\$97,497	\$3.32
SECOND	35,461	\$300	\$0.01
THIRD	22,018	\$31,082	\$1.41
FOURTH	91,102	\$147	\$0.00
FIFTH	17,555	\$121,757	\$6.94
SIXTH	15,917	\$9,949	\$0.63
SEVENTH	26,667	\$135,162	\$5.07
EIGHTH	9,319	\$53,567	\$5.75
NINTH	29,816	\$21,405	\$0.72
TENTH	45,342	\$21,388	\$0.47
TOTAL	322,604	\$492,253	\$1.53

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 2007:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$2,632	\$1,755	\$0
SECOND	\$0	\$300	\$0
THIRD	\$1,887	\$1,258	\$263
FOURTH	\$0	\$0	\$0
FIFTH	\$7,664	\$5,109	\$2,555
SIXTH	\$705	\$470	\$0
SEVENTH	\$3,591	\$0	\$0
EIGHTH	\$3,078	\$2,052	\$0
NINTH	\$940	\$0	\$313
TENTH	\$581	\$388	\$0

* 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 PUBLIC DEFENDER
REIMBURSEMENTS FY 2003-FY 2007

