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BOARD OF PUBLIC DEFENSE
1985 APPROPRIATIONS REQUEST FOR
NON-PROFIT LEGAL DEFENSE PROGRAMS

BACKGROUND

Pursuant to Minn. Stat. 16.97, the Board of Public Defense is mandated to serve as a monitor for legislatively appropriated funds to five non-profit legal defense organizations operating within the State of Minnesota. These organizations receive funds for the purpose of providing legal defense services to low-income and minority citizens residing within their service area throughout the State. Since the inception of these programs, services to their constituents have increased significantly and financial support has continued to broaden. At present, the amount of non-state money raised by the organizations are significantly more than the 10 percent match required by Minn. Stat. 16.97.

APPROPRIATIONS REQUEST

The Board of Public Defense, in its capacity as a monitor of the services provided by the agencies, recognizes the significant impact these organizations have had within the legal system and the communities that they serve. The Board has recommended an increase in appropriations in the amount of \$144,500 for the fiscal year 1984.

This request reflects an annual operating increase of approximately 5 to 7 percent for the organizations since their last funding increase which occurred in 1978. This request was placed before the legislature last year, but due to the uncertain nature of the economy and the projected deficit, the organizations were once again asked to hold the line.

Since 1978, all of the agencies involved have increased the base of their financial support as well as the amount. Today the various legal defense programs receive funds from other governmental units, foundations, corporations, churches, bar associations, United Way, and individuals. The funding of these agencies is an example of public/private partnership at its best.

At this time, in the history of these agencies, the need to increase the state allocation of funds has become essential. While the State weathered its budget crisis, the non-profit organizations continued increasing the amount of private dollars that they received. In order to preserve the balance of public and private dollars, a renewed commitment on the part of the state is required.

ORGANIZATIONS AND FUNDING REQUEST

| | CURRENT | PROPOSED |
|---|-----------|-----------|
| Leech Lake Reservation Box 310 Walker, MN 56484 | \$ 52,500 | \$ 67,500 |
| Neighborhood Justice Center 500 Laurel Avenue St. Paul, MN 55102 | 95,000 | 140,000 |
| Legal Rights Center 808 East Franklin Minneapolis, MN 55404 | 52,000 | 71,500 |
| Indian Legal Assistance 217 North Fourth Avenue West Duluth, MN 55806 | 85,000 | 135,000 |
| White Earth Reservation Box 160 Walker, MN 56484 | 52,500 | 67,500 |

ATTACHMENTS

Enclosed is the budget and program summary submitted to the legislature last year. Updated materials will be provided in the near future.

Contact Persons:

Mr. Kevin Burke, Chairperson, Board of Public Defense/339-7300

Mr. Harry Burns, Member, Board of Public Defense/251-4591

Stephen W. Cooper/Julian Empson, Neighborhood Justice Center/222-4703

Mr. Doug Hall, Legal Rights Center, Inc./871-4886

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Mr. Peter Cannon, White Earth Reservation

Mr. Kimball Mattson, Leech Lake Reservation

| | CHARGES DISPOSED | | | | | | | O T A L | CHARGES DISPOSED BY | | | | | | | Prison Prob/Parole | | T H E R |
|--|---------------------|------|------|------|------------------|-------|------|------------------|---------------------------------------|---------------|--------------|------|-------|---------------|----------------|-----------------------|---------------|------------------|
| | Gr. Fel. | Mis. | Mis. | Juv. | Prob. /Parole | Other | | | Dism. | Plea Orig. | Plea Recd | Acq. | Conv. | Jury Trial | Court Trial | Sust. | Non- Sust. | |
| LEGAL RIGHTS CENTER | 107 | 35 | 411 | 96 | 52 | 32 | 733 | | 217 | 145 | 231 | 7 | 18* | 6 | 12 | -- | -- | 110* |
| INDIAN LEGAL ASSIST- ANCE DULUTH | 88 | 58 | 603 | 250 | 18 | 38 | 1055 | | 506 (102 no action taken) | 468 | 61 | 6 | 14 | 10 | 10 | -- | -- | -- |
| WHITE EARTH | 54 | 57 | 391 | 49 | 4 | 3 | 558 | | 262 | 181 | 42 | 20 | 0 | 4 | 25 | -- | -- | 25 |
| NEIGH- BORHOOD JUSTICE CENTER | 512 | 49 | 375 | 125 | 45 | 22 | 1128 | | 523 | 199 | 140 | 50 | 55* | 40 | 15 | 18 | 14 | 129 |
| IFECH LAKE | 131 | 31 | 88 | 46 | 23 | 3 | 322* | | 169 | 54 | 51 | 21 | 6 | 7 | 20 | -- | -- | 45 |
| *Calculated by Jon Steinberg | | | | | | | | | | | | | | | | | | |

ACTIVITY: NEIGHBORHOOD JUSTICE CENTER
Program: BOARD OF PUBLIC DEFENSE
Agency: BOARD OF PUBLIC DEFENSE

1983-85 Biennial Budget

ACTIVITY DESCRIPTION:

The Neighborhood Justice Center provides criminal and juvenile defense to indigent individuals primarily in Ramsey County. The non-profit organization was created in 1973 to address the documented unequal treatment of the minorities by the criminal justice system, and to alleviate the resulting mistrust towards existing institutions. Clients are not court-appointed, but come to the Center because of community trust and goodwill. The Center is staffed by four attorneys (one fluent in Spanish); three community workers (one fluent in Spanish and bicultural, another fluent in five languages); an administrative assistant/community education worker; and two secretaries (one bilingual). Vital programs include:

1. Criminal and Juvenile Defense: Only Spanish-speaking attorney and Southeast Asian-speaking defense capacity in the state.

| | <u>F.Y. 1979</u> | <u>F.Y. 1982</u> |
|----------------------------|------------------|------------------|
| Felonies | 223 | 446 |
| Gross Misdemeanors | 18 | 17 |
| Misdemeanors | 288 | 578 |
| Juvenile (Delinquency) | 68 | 175 |
| Probation/Parole Violation | 0 | 89 |
| Other | <u>47</u> | <u>22</u> |
| Total | 644 | 1,327 |

2. Hispanic Community Services: Branch office opened on St. Paul's west side; criminal defense and bilingual educational services provided for the Chicano-Latino community.
3. Community Education: Classes, slideshows, workshops, booklets; educates criminal justice personnel about inequities and difficulties faced by minority and low-income persons.
4. Southeast Asian Legal Program: Multilingual program of representation and education for exploding population of Southeast Asian refugees.

EXPLANATION OF BUDGET REQUEST:

The St. Paul Neighborhood Justice Center received \$95,000 in F.Y. 1982 and \$95,000 in F.Y. 1983. The Center is requesting an increase of state funding to \$130,000 in F.Y. 1984 and \$140,000 in F.Y. 1985. The state grant has not increased since 1978. The request for an increase is based on the following factors:

New program initiatives: In 1976, the Center's community law-related education program was small and informal, today community workers reach over 5,000 people per year; focus was broadened to include groups with special needs (e.g. Southeast Asians); increased need for staff time, resource materials and printing costs.

Client/Workload Increases: In three years, client caseload has more than doubled from 644 cases in F.Y. 1979 to 1,327 cases in F.Y. 1982 (see above).

ACTIVITY GENERATES
NON-DEDICATED REVENUE
☐ Yes ☐ No

ACTUAL
F.Y. 1981

ACTUAL
F.Y. 1982

ESTIMATE
F.Y. 1983

ESTIMATE
F.Y. 1984

ESTIMATE
F.Y. 1985

Source of Funding Changes: In F.Y. 1979 only \$10,000 provided by private sources; \$70,000 in non-state government funds. Non-state government grants expired. Disproportionate reliance placed on private funding sources which increased to over \$115,000 in F.Y. 1982. Private funding saturated.

GOVERNOR'S RECOMMENDATION:

ACTIVITY: LEGAL RIGHTS CENTER, INC.
Program: BOARD OF PUBLIC DEFENSE
Agency: BOARD OF PUBLIC DEFENSE

1983-85 Biennial Budget

ACTIVITY DESCRIPTION:

The Legal Rights Center provides criminal and juvenile defense to indigent individuals primarily in Hennepin County. The non-profit organization was established in 1970 to provide quality legal services and to remain sensitive to the cultural values, historical experiences and perceptions of the area's minority communities. A majority of the Center's Board of Directors are required to be drawn from the ethnic and racial communities served by the Center. The Center is staffed by 5 attorneys (one Black); 4 community workers (who come from the same ethnic and cultural backgrounds as the Center's clients and who play a unique and vital role in "decoding" the criminal justice system for the Center's clients); a receptionist; and a secretary. Clients come to the Center through contact with the community workers and upon their own initiative. Services provided include:

Criminal and Juvenile Defense: In calendar year 1981, 546 clients were represented by Center attorneys (approximately 20% felonies, 60% misdemeanors, 20% juvenile matters); in addition, over 1600 clients were assisted by community workers. 90% of the Center's caseload is composed of Blacks, Hispanics, and Indians.

EXPLANATION OF BUDGET REQUEST:

Same level funding in 1984 is \$55,000. Same level funding in 1985 is \$55,000. The Center is requesting a change level increase of 30% in F.Y. 1984 to \$71,500 and \$71,500 in 1985. The state grant has not increased since 1978. The request for an increase is based on the following factors:

Source of Funding Changes: A 3 year federal grant from the Crime Control Planning Commission of \$52,000 per year for the provision of juvenile services expired in January 1982.

Client/Workload Increases: Curtailment of caseload by Legal Aid Society has been reflected in calls for representation by the Center in dependency, neglect and welfare cases.

New Program Initiatives: 1) Need for services to be extended to the Southeast Asian Community (criminal defense, juvenile representation and community legal education); 2) Need for a program to enforce the 1978 Indian Child Welfare Act and to represent Indian families in cases where the children might be removed from the community; and 3) Need for provision of immigration legal services.

ACTIVITY GENERATES
NON-DEDICATED REVENUE

☐ Yes ☐ No

ACTUAL
F.Y. 1981

ACTUAL
F.Y. 1982

ESTIMATE
F.Y. 1983

ESTIMATE
F.Y. 1984

ESTIMATE
F.Y. 1985

In the calendar year 1981, the Center received \$362,162.73 from the following sources:

Contributors:

| | |
|------------------------|-------------|
| Law Firms | \$57,397.00 |
| Corporation/Foundation | 82,715.00 |
| Individuals | 1,614.00 |

Other:

| | |
|--------------------|-----------|
| United Way | 31,732.00 |
| Hennepin County | 60,088.00 |
| State of Minnesota | 55,000.00 |
| CYPR | 71,172.08 |
| Misc. | 2,444.65 |

Despite broad support, a 1982 budget squeeze has resulted in the following: a full-time community worker has been laid off; a dispositional advisor has been laid off; salary cuts of 10-15% have been made, except on the lowest salaries, on salaries already below comparable pay for public defenders; the Executive Director has assumed fund-raising responsibilities.

ACTIVITY: INDIAN LEGAL ASSISTANCE - DULUTH
Program: BOARD OF PUBLIC DEFENSE
Agency: BOARD OF PUBLIC DEFENSE

1983-85 Biennial Bud

ACTIVITY DESCRIPTION:

The Indian Legal Assistance Program provides criminal and juvenile defense to indig Indian people in St. Louis County and Mille Lacs County and, with the endorsement of the Minnesota Chippewa Tribe, to residents of four member reservations. (Bois Forte, Fond du Lac, Grand Portage and Mille Lacs). In addition, the program provides civil services to eligible Indian persons in St. Louis County. The non-profit organization was established in January 1973 in Duluth by local Indian people to deal effectively with the disproportionate involvement of Indian people in the criminal justice system, their lack of understanding and historical distrust of that system, and their accompanying reluctance to advocate for themselves within that system. Research published in 1979 shows, in part, that in the program's service area of over 20,000 square miles causes of delinquency are disproportionately high. Indians are arrested 2.7 times more often than metropolitan Indians and almost 6 times more than whites; two-thirds of all alleged Indian offenders are arrested and processed and successful client representation by dismissal or not guilty verdicts is five times higher than for non-Indians. The Program is staffed by an executive director, two staff attorneys and a bookkeeper, legal secretary who operate from an office in Duluth, and in addition maintain office hours at the reservations. From July 1981 through June 1982 the Program disposed of 85 felony charges, 40 gross misdemeanor charges, 539 misdemeanor charges, 166 juvenile matters, 16 probation/parole matters and 44 other miscellaneous charges.

EXPLANATION OF BUDGET REQUEST:

The Indian Legal Assistance Program received \$85,000 in F.Y. 1982 and \$85,000 in F.Y. 1983. The Program is requesting an increase of state funding to \$123,100 in F.Y. 1984 and \$135,400 in F.Y. 1985. The increase is needed to fund one staff attorney position and cost of living increases for each year of the biennium. The state grant has not increased since 1978. In addition, the request for an increase is based on the following factors:

Client/Workload Increases: 25% increase in total new cases over the last two years; monthly case average has increased just under 30% from the last year and this trend indicates a future anticipated increase of more than 50%; increase in the number of more serious offense cases falling in the gross misdemeanor and felony categories (over 100% increase in gross misdemeanor offenses within the last two years).

New Program Initiatives: Program is assisting Nett Lake Tribal Court in representation of defendants before the Court.

Source of Funding Changes: Overall staff size has decreased due to loss of secretarial and paralegal positions resulting from elimination of Federal funding sources such as the VISTA and CETA programs.

ACTIVITY: WHITE EARTH RESERVATION CRIMINAL AND JUVENILE

1983-85 Biennial Budget

Program: DEFENSE CORPORATION

Agency: BOARD OF PUBLIC DEFENSE

ACTIVITY DESCRIPTION:

The White Earth Reservation Criminal and Juvenile Defense Corporation provides criminal and juvenile defense services to indigent individuals in Mahnomon, Becker and Clearwater Counties. From July 1981 through June 1982, the program disposed of 66 felony charges, 16 gross misdemeanor charges, 336 misdemeanor charges, 61 juvenile matters and 1 other miscellaneous charge.

EXPLANATION OF BUDGET REQUEST:

SAME: The White Earth Reservation Criminal and Juvenile Defense Corporation received \$52,500 in F.Y. 1982 and \$52,500 in F.Y. 1983 and is requesting \$52,500 in F.Y. 1984 and \$52,500 in F.Y. 1985.

ACTIVITY: CASS LAKE-LEECH LAKE RESERVATION CRIMINAL AND
Program: JUVENILE DEFENSE CORPORATION
Agency: BOARD OF PUBLIC DEFENSE

1983-85 Biennial Budget

ACTIVITY DESCRIPTION:

The Cass Lake - Leech Lake Reservation Criminal and Juvenile Defense Corporation provides criminal and juvenile defense services to indigent individuals in Cass, Itasca, Hibbing and Beltrami Counties. From July 1981 through June 1982, the program disposed of 71 felony charges, 14 gross misdemeanor charges, 138 misdemeanor charges, 50 juvenile matters, 12 probation/parole matters and 1 other miscellaneous charge.

EXPLANATION OF BUDGET REQUEST:

SAME: The Cass Lake - Leech Lake Reservation Criminal and Juvenile Defense Corporation received \$52,000 in F.Y. 1982 and \$52,000 in F.Y. 1983 and requests \$52,000 in F.Y. 1984 and \$52,000 in F.Y. 1985.