

Office of the State Public Defender FY 2008 Budget Oversight

This document provides a financial analysis of the Office of the State Public Defender and the Indigent Defense Fund.

Background

The Iowa Constitution requires an indigent criminal justice defendant and indigent juveniles to be provided with legal counsel at no cost. Iowa has two methods to provide legal counsel to indigent criminal justice clients and juveniles: public defenders and private attorneys. The Office of the State Public Defender administers the Indigent Defense Fund, which pays claims from private attorneys appointed by the court, private attorneys that contract with the Office, and non-profit organizations providing legal services.

A judge determines if a person is indigent, based on statute, and either appoints a public defender or private attorney. If convicted, indigent defense costs are assessed against the offender as a portion of court costs.

General Fund Appropriations

Table 1 shows the overall General Fund activity for FY 2008 of \$50.6 million. This is an increase of \$6.3 million (14.3%) compared to FY 2007. The increase includes:

- \$3.0 million to directly appropriate court receipts to the Indigent Defense Fund. The FY 2007 budget showed these funds as a receipt rather than an appropriation.
- \$3.1 million to fund the projected increase in claims against the Indigent Defense Fund.
- \$904,000 for salary adjustment for the Office of the State Public Defender.

Net expenditures were \$52.5 million. This includes \$150,000 from the Department of Corrections for indigent defense services at the Iowa State Penitentiary at Fort Madison, \$118,000 for legal counsel for drug courts in Community-Based Corrections district departments, and \$1.4 million for the county base for juvenile proceedings. Counties maintain a "base" of expenses for juvenile proceedings. The statewide base is determined by Section 232.141, Code of Iowa.

Total Program Costs

Total costs were \$52.5 million in FY 2008. Of this amount, \$30.7 million (58.3%) was expended through the Indigent Defense Fund while \$21.8 million (41.7%) was expended by the Office of the State Public Defender.

Costs from FY 1998 through FY 2008 have increased 78.8%. The cost is increasing at a less than expected rate, generally attributed to maximizing the use of public defenders for the more expensive and complex cases.

The average annual increase in total spending from FY 1998 to FY 2008 is 7.9%. During that period, the annual average increase in spending for the Office of the State Public Defender was 7.5% while it was 8.2% for claims from private attorneys.

The large increase is due to the increase in cases and claims. From FY 1998 through FY 2008, the number of attorney claims for reimbursement from the Indigent Defense Fund has increased by 41,833 claims, or 122.8%. The number of cases handled by the Office of the State Public Defender has increased by 7,511, or 12.1%. However, the number of cases staffed by the

Office peaked in FY 2006 at 75,453 cases. The number of cases decreased by 5,840 cases (7.7%) from FY 2006 to FY 2008. The Office is concentrating efforts on the more expensive, complex cases.

Caseloads are driven by:

- New crimes.
- Enhanced penalties for existing crimes.
- Improved enforcement and prosecution.
- Indigence.

Carryforward Balances

Section 8.62, Code of Iowa, allows State agencies to use 50.0% of their General Fund ending balance for employee training, technology enhancement, or purchases from Iowa Prison Industries. The Office of the State Public Defender carried forward \$12,000 from FY 2007 to FY 2008. The funds were used to replace outdated computer equipment.

(over)

More Information

Justice System Appropriations
Subcommittee website:

<http://www3.legis.state.ia.us/ga/committee.do?id=38>

Office of the State Public Defender:
<http://spd.iowa.gov/>

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The Office did not carry forward any funding for use in FY 2009.

Appropriation Reallocation in FY 2008

The Office of the State Public Defender is permitted by law to reallocate funds between the Office and the Indigent Defense Fund after notification to the Department of Management (DOM) and Legislative Services Agency (LSA).

The Office of the State Public Defender reallocated \$250,000 from the Indigent Defense Fund to the Office.

Personnel Costs and FTE Positions

The Office of the State Public Defender expended \$17.6 million for personnel costs (salaries and benefits) during FY 2008. This is an increase of \$806,000 (4.8%) compared to FY 2007. Personnel costs have increased due to salary adjustment. However, the Office has increased caseloads from 333 per FTE position in FY 1998 to 349 in FY 2008, a 4.8% increase.

FY 2008 Reversions

The Office of the State Public Defender reverted \$2.5 million to the General Fund at the end of FY 2008. This is 4.6% of total funds available for expenditure by the Office and the Indigent Defense Fund. It is also 23.7% of the total amount reverted to the General Fund at the end of FY 2008 (\$10.4 million).

The majority of the reversion, \$2.1 million (84.0%), was from the Indigent Defense area. The State Public Defender's Office reverted \$348,000.

The reversion is primarily due to growth in cases and claims being lower than originally projected.

Cost Containment Efforts

The General Assembly has provided various mechanisms to contain costs for this constitutionally mandated program:

- Hourly rates paid to private attorneys are codified.

- The State Central Office serves as the administrative office, appellate defender office, Civil Commitment Unit for Sexual Predators, and provides statewide services.
- Local offices handle all Class A felony cases unless there is a conflict or there are workload issues. Maximizing the use of public defenders for the more expensive and complex cases results in a more efficient use of resources.
- The State Public Defender negotiates contracts with private attorneys to provide indigent defense. All counties have at least one contract-attorney available.
- The Office reviews all expense claim reimbursements for court-appointed attorneys, and has authority to deny or reduce payment for a claim.

Additional Information

For more detailed information, refer to the separate Fiscal Topic for the Justice System Appropriations Subcommittee FY 2008 Budget Oversight.

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Table 1	
Office of the State Public Defender FY 2008 General Fund Appropriations Summary	
	FY 2008
General Fund Appropriations	
Original Appropriation	\$ 52,127,809
Salary Adjustment	904,025
Total	53,031,834
Other Activity	
Balance forward from the previous year	12,152
Reversions Total	-2,458,708
Total Other Activity	-2,446,556
Total Net Appropriations Expended	\$ 50,585,278