

STATEWIDE PUBLIC DEFENDER SYSTEM

A FISCAL ANALYSIS

PRESENTED TO

THE LAW AND JUSTICE INTERIM COMMITTEE

BY

HARRY FREEBOURN

LEGISLATIVE FISCAL DIVISION

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TOPICS

- 1. Estimated costs of the statewide public defender system.**
- 2. Options as to how to allocate the system's costs to the state, counties and cities.**
- 3. Actual allocation of system's costs to each city and county.**

**ESTIMATED COSTS OF THE STATEWIDE PUBLIC DEFENDER SYSTEM FOR
THE 2007 BIENNIUM**

2007 BIENNIUM = \$14,100,803

Costs currently paid by either the state, city or county = \$10,604,998 (75%)

New costs – mostly those of the Chief Public Defender = \$3,495,805 (25%)

Fiscal 2006 (A transition year) = \$655,503

Fiscal 2007 (First full year) = \$13,445,300

One-time (start-up) costs = \$548,731 or 16% of the new costs.

Ongoing new costs = \$2,947,074

**ESTIMATED COSTS OF THE STATEWIDE PUBLIC DEFENDER SYSTEM
FOR A FULL BIENNIUM**

FULL BIENNIUM = \$27,000,000

Costs currently paid by either the state, city or county = \$21.2 million (78%)

New costs – mostly those of the Chief Public Defender = \$5.9 (22%)

Fiscal Year 1 = \$13.5 million

Fiscal Year 2 = \$13.5 million

PUBLIC DEFENDER COSTS CURRENTLY FUNDED

STATE

Funds certain district court costs **\$8,153,295**

COUNTIES

Funds certain district court costs **\$674,157**

Funds Justice court costs **\$1,040,000** **\$1,714,157**

CITIES

Funds city and municipal court costs **\$737,546**

TOTAL COSTS CURRENTLY FUNDED **\$10,604,998**

MAJOR ASSUMPTIONS

- 1. The function is administratively attached to the Department of Administration.**
- 2. The commission is appointed by June 1, 2005.**
- 3. The commission appoints the Chief Public Defender by September 1, 2005.**
- 4. The Chief fills all positions by the end of fiscal 2006 (June 30, 2006).**
- 5. The Supreme Court Administrator pays for district court public defender services and 1.5 FTE during fiscal 2006 & transfers these costs and FTE to the Public Defender Office (PDO) at the beginning of fiscal 2007.**
- 6. Counties transfer the Justice court public defender services and cities transfer city / municipal public defender services to the PDO at the beginning of fiscal 2007.**
- 7. Many of the cost estimates used in the Chief's office came from SB 218.**
- 8. The Appellate Defender function continues to operate as a stand-alone entity during fiscal 2006. It is enhanced & combined with the PDO beginning fiscal 2007.**
- 9. A case management system is installed during fiscal 2006 and is operational by fiscal 2007. The cost estimates came from the New Mexico state model.**

MAJOR ASSUMPTIONS (continued)

- 10. The cost of 66.75 FTE located in the seven county funded public defender offices become PDO costs on July 1, 2006 (40 attorneys and 26.75 support staff).**
- 11. 3 FTE funded by Billings municipal court become PDO costs on July 1, 2006.**
- 12. Rent and utilities for the county based offices will be paid by the state.**
- 13. Assumptions for the justice court cost estimates were based on a MACo survey of the 56 counties.**
- 14. Assumptions for the city / municipal court cost estimates were based on the average of the sum of the expenditures of five major municipal courts and the MACo county survey.**

**ESTIMATED FULL TIME EQUIVIVANTS (FTE)
OF THE STATEWIDE PUBLIC DEFENDER SYSTEM**

2007 BIENNIUM = 89.75 FTE

FTE currently employed by either the state, city or county = 71.25 (79%)

State: 1.50

Counties: 66.75

Cities: 3.00

New FTE – those of the Chief Public Defender Office = 18.50 (21%)

Fiscal 2006 (A transition year) = 18.50 FTE

Fiscal 2007 (First full year) = 89.75 FTE

ESTIMATED COSTS OF THE STATEWIDE PUBLIC DEFENDER SYSTEM

	<u>FY 2006</u>	<u>FY 2007</u>
1. Commission & Chief Public Defender	\$655,503	\$2,840,302
2. District court costs	-	\$8,827,452
3. Justice court costs	-	\$1,040,000
4. City / Municipal court costs	-	<u>\$737,546</u>
5. Totals	<u>\$655,503</u>	<u>\$13,445,300</u>

OPTIONS FOR ALLOCATING THE SYSTEM'S PUBLIC DEFENDER COSTS

- 1. Option 1: The state pays 100% of the system's costs.**
- 2. Option 2: The state, counties and cities pay the amount that they currently pay for current services. The state pays all new costs.**
- 3. Option 3: The state, counties and cities pay the amount that they currently pay for current services. The new costs are allocated to the state, counties and cities based upon each jurisdiction's current expenditure rate.**

OPTIONS FOR ALLOCATING THE SYSTEM'S PUBLIC DEFENDER COSTS				
		<u>STATE</u>	<u>COUNTIES</u>	<u>CITIES</u>
1.	Option 1	\$14,100,803	\$0	\$0
2.	Option 2	\$11,649,100	\$1,714,157	\$737,546
3.	Option 3	\$10,822,422	\$2,292,146	\$986,236

ALLOCATING COSTS OF THE SYSTEM TO EACH COUNTY AND CITY

COUNTY ALLOCATIONS - based on a three factor formula

- 1. Population of each county**
- 2. Taxable value of each county**
- 3. Index crimes within each county**

CITY ALLOCATIONS - based on a two factor formula

- 1. Population of each city with a city and/or municipal court**
- 2. Taxable value of each city**