

Public Defender Services Commission

PDS98500

Position Summary

Account	Actual FY 12	Governor Estimated FY 13	Governor Recommended		Legislative	
			FY 14	FY 15	FY 14	FY 15
Permanent Full-Time - GF	440	445	445	445	447	447
Permanent Full-Time - OF	0	4	4	4	4	4

Budget Summary

Account	Actual FY 12	Governor Estimated FY 13	Governor Recommended		Legislative	
			FY 14	FY 15	FY 14	FY 15
Personal Services	38,486,090	37,618,994	40,240,051	42,044,712	40,098,345	41,909,712
Other Expenses	1,527,229	1,471,204	1,545,428	1,550,119	1,545,428	1,550,119
Other Current Expenses						
Special Public Defenders - Contractual	3,446,825	0	0	0	0	0
Assigned Counsel - Criminal	6,290,249	8,522,248	17,100,900	17,100,900	9,111,900	9,111,900
Expert Witnesses	2,449,983	2,125,000	2,200,000	2,200,000	2,100,000	2,100,000
Training And Education	99,483	95,219	130,000	130,000	130,000	130,000
Assigned Counsel - Child Protection	10,656,565	9,981,524	0	0	7,436,000	7,436,000
Contracted Attorneys Related Expenses	146,501	151,577	150,000	150,000	150,000	150,000
Family Contracted Attorneys/ AMC	586,246	608,149	0	0	575,000	575,000
GAAP Adjustments	0	0	224,916	260,298	224,916	260,298
Agency Total - General Fund	63,689,170	60,573,915	61,591,295	63,436,029	61,371,589	63,223,029
Additional Funds Available						
Federal & Other Restricted Act	251,362	145,505	85,500	84,500	85,500	84,500
Private Contributions	631	0	0	0	0	0
Agency Grand Total	63,941,163	60,719,420	61,676,795	63,520,529	61,457,089	63,307,529

Account	Legislative				Difference from Governor Recommended			
	FY 14		FY 15		FY 14		FY 15	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount

Current Services

Adjust Funding to Reflect Wage & Compensation Related Costs

Personal Services	0	2,621,057	0	4,425,718	0	0	0	0
Total - General Fund	0	2,621,057	0	4,425,718	0	0	0	0

Governor

Provide funding of \$2,621,057 in FY 14 and \$4,425,718 in FY 15 to reflect current services wage-related adjustments such as annual increments, general wage increases, overtime, annualization, turnover, and other compensation-related adjustments.

Legislative

Same as Governor

Account	Legislative				Difference from Governor Recommended			
	FY 14		FY 15		FY 14		FY 15	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount

Achieve Additional Savings

Assigned Counsel - Child Protection	0	(2,406,524)	0	(2,406,524)	0	0	0	0
Contracted Attorneys Related Expenses	0	(1,577)	0	(1,577)	0	0	0	0
Family Contracted Attorneys/ AMC	0	(33,149)	0	(33,149)	0	0	0	0
Total - General Fund	0	(2,441,250)	0	(2,441,250)	0	0	0	0

Background

CGS 4-73 requires the Secretary of OPM to submit the budget of the Public Defender Services Commission as requested by the agency, with no changes made. Any reductions must be submitted by the agency.

Governor

Adjust funding of \$2,441,250 in FY 14 and FY 15 to reflect additional savings achieved by the agency.

Legislative

Same as Governor

Provide Funding for One-time Software Costs

Other Expenses	0	40,000	0	0	0	0	0	0
Total - General Fund	0	40,000	0	0	0	0	0	0

Background

Funding is requested to renew an antivirus/anti-spyware protection software program (\$10,000) and for a subscription to an integrated network management system (\$30,000).

Governor

Provide funding of \$40,000 in FY 14 to Other Expenses for a one-time software license payment.

Legislative

Same as Governor

Apply Inflationary Increases

Other Expenses	0	34,224	0	78,915	0	0	0	0
Total - General Fund	0	34,224	0	78,915	0	0	0	0

Background

Applying inflationary factors to current year expenditures provides an estimate of the cost of continuing services into the next year.

Governor

Increase funding for Other Expenses by \$34,224 in FY 14 and an additional \$44,691 in FY 15 (for a cumulative total of \$78,915 in the second year) to reflect inflationary increases.

Legislative

Same as Governor

Adjust Operating Expenses to Reflect Current Requirement

Assigned Counsel - Criminal	0	428,652	0	428,652	0	0	0	0
Expert Witnesses	0	75,000	0	75,000	0	0	0	0
Training And Education	0	34,781	0	34,781	0	0	0	0
Total - General Fund	0	538,433	0	538,433	0	0	0	0

Governor

Provide funding of \$538,433 in FY 14 and FY 15 in various accounts to reflect FY 14 and FY 15 anticipated expenditure requirements. These costs include increased need for contracted attorneys in criminal cases, expert witnesses, additional training and education.

Legislative

Same as Governor

Account	Legislative				Difference from Governor Recommended			
	FY 14		FY 15		FY 14		FY 15	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount

Provide Funding for GAAP

Nonfunctional - Change to Accruals	0	224,916	0	260,298	0	0	0	0
Total - General Fund	0	224,916	0	260,298	0	0	0	0

Background

Each agency's budget will include a new line item account called "Nonfunctional - Change to Accruals". This line item represents the estimate of the difference between an agency's cash-basis budget amounts and the accrual-basis amounts that will be reflected under Generally Accepted Accounting Principles (GAAP). These funds will not be available for spending; in the aggregate they will prevent the state's GAAP deficit from growing.

Governor

Provide funding of \$224,619 in FY 14 and \$260,298 in FY 15 to reflect the implementation of GAAP in the budget.

Legislative

Same as Governor

Policy Revisions

Transfer Funding to Streamline Budget Account Structure

Assigned Counsel - Criminal	0	0	0	0	0	(8,150,000)	0	(8,150,000)
Assigned Counsel - Child Protection	0	0	0	0	0	7,575,000	0	7,575,000
Family Contracted Attorneys/ AMC	0	0	0	0	0	575,000	0	575,000
Total - General Fund	0	0	0	0	0	0	0	0

Background

The Assigned Counsel - Criminal account pays for assigned counsel (contracted special public defenders) who represent clients in criminal cases where the field office has determined a conflict of interest with the agency. These assigned counsel sign a contract with the agency, and are assigned cases on a flat-rate payment structure. However, if a case is complicated, the assigned counsel can submit a request for hourly billing.

The Assigned Counsel - Child Protection and the Family Contracted Attorneys handle all the child protection related cases. PA 11-51 transferred these accounts and their duties of the Child Protection Commission to the Public Defender Services Commission.

Governor

Transfer funding of \$7,575,000 from the Assigned Counsel - Child Protection account and \$575,000 from the Family Contracted Attorneys account in FY 14 and FY 15 (for a total transfer of \$8,150,000) to the Assigned Counsel - Criminal account.

Legislative

Maintain agency account structure.

Provide Funding for Domestic Violence Positions

Personal Services	2	108,294	2	115,000	2	108,294	2	115,000
Total - General Fund	2	108,294	2	115,000	2	108,294	2	115,000

Legislative

Provide funding of \$108,294 in FY 14 and \$115,000 in FY 15 for two domestic violence positions.

Provide Funding to Raise Misdemeanor Rates

Assigned Counsel - Criminal	0	325,000	0	325,000	0	325,000	0	325,000
Total - General Fund	0	325,000	0	325,000	0	325,000	0	325,000

Legislative

Provide funding of \$325,000 in FY 14 and FY 15 to raise the rate for misdemeanor cases from \$350/case to \$400/case.

Account	Legislative				Difference from Governor Recommended			
	FY 14		FY 15		FY 14		FY 15	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount

Reduce Various Accounts

Personal Services	0	(250,000)	0	(250,000)	0	(250,000)	0	(250,000)
Assigned Counsel - Criminal	0	(100,000)	0	(100,000)	0	(100,000)	0	(100,000)
Expert Witnesses	0	(100,000)	0	(100,000)	0	(100,000)	0	(100,000)
Assigned Counsel - Child Protection	0	(100,000)	0	(100,000)	0	(100,000)	0	(100,000)
Total - General Fund	0	(550,000)	0	(550,000)	0	(550,000)	0	(550,000)

Legislative

Reduce funding in Personal Services by \$250,000 in FY 14 and FY 15 by freezing 4 vacant positions. Reduce funding of \$100,000 in FY 14 and FY 15 in the Assigned Counsel - Criminal, Assigned Counsel - Child Protection account, and Expert Witness accounts to achieve additional savings.

Reduce Funding for Reimbursements for Counsel

Assigned Counsel - Criminal	0	(64,000)	0	(64,000)	0	(64,000)	0	(64,000)
Assigned Counsel - Child Protection	0	(39,000)	0	(39,000)	0	(39,000)	0	(39,000)
Total - General Fund	0	(103,000)	0	(103,000)	0	(103,000)	0	(103,000)

Background

Eligibility for court appointed counsel is determined by the Public Defender Services Commission (PDS) based on income eligibility. However annually approximately 183 delinquency cases (at a rate of \$350/case) and 78 child protection cases (at a rate of \$500/case) are appointed by the court over the objections of the PDS.

Legislative

Reduce funding by \$103,000 in FY 14 and FY 15 for reimbursement of court appointed counsel in anticipation of these funds being reimbursed by the Judicial Department. HB 6399 'An Act Concerning Children in the Juvenile Justice System' allows the Public Defender Services Commission (PDS) to seek reimbursement from the Judicial Department for cases in which a court appointed counsel was provided by the court over the objections of the PDS. However, the bill was not enacted by the legislature.

Totals

Budget Components	Legislative				Difference from Governor Recommended			
	FY 14		FY 15		FY 14		FY 15	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Governor Estimated - GF	445	60,573,915	445	60,573,915	0	0	0	0
Current Services	0	1,017,380	0	2,862,114	0	0	0	0
Policy Revisions	2	(219,706)	2	(213,000)	2	(219,706)	2	(213,000)
Total Recommended - GF	447	61,371,589	447	63,223,029	2	(219,706)	2	(213,000)

Other Significant Legislation

PA 13-184, An Act Concerning Expenditures and Revenue for the Biennium Ending June 30, 2015

Sections 11, 12 and 49 contain provisions that allow the Secretary of the Office of Policy and Management (OPM) to allocate specific lapses to state agencies in the three branches of government (these are typically called holdbacks). The agency's FY 14 appropriation levels will be reduced by the amounts shown in the table to achieve the lapses included in PA 13-184. This includes a General Lapse of \$42,748, a General Other Expenses Lapse of \$58,282, and a Statewide Hiring Reduction Lapse of \$119,995. See the FY 14 Holdbacks schedule in Section VI of this document for a further description of these statewide savings targets.

Account	Appropriation \$	Reduction Amount \$	Net Remaining \$	% Reduction
Personal Services	40,098,345	(119,995)	39,978,350	0.30%
Other Expenses	1,545,428	(58,282)	1,487,146	3.77%
Expert Witnesses	2,100,000	(17,748)	2,082,252	0.85%
Contracted Attorneys Related Expenses	150,000	(25,000)	125,000	16.67%