

INDIANA PUBLIC DEFENDER COMMISSION



BUDGET REQUEST FY 22/23

DERRICK MASON, J.D.
COMMISSION SENIOR STAFF ATTORNEY

ANDREW CULLEN, J.D.
COMMISSION PUBLIC
POLICY/COMMUNICATIONS



Today, we will cover:

- 1. What the Commission is**
- 2. How the Commission provides policy & fiscal value to Indiana**
- 3. What the Commission *really* needs**
- 4. What we're *actually* asking for**

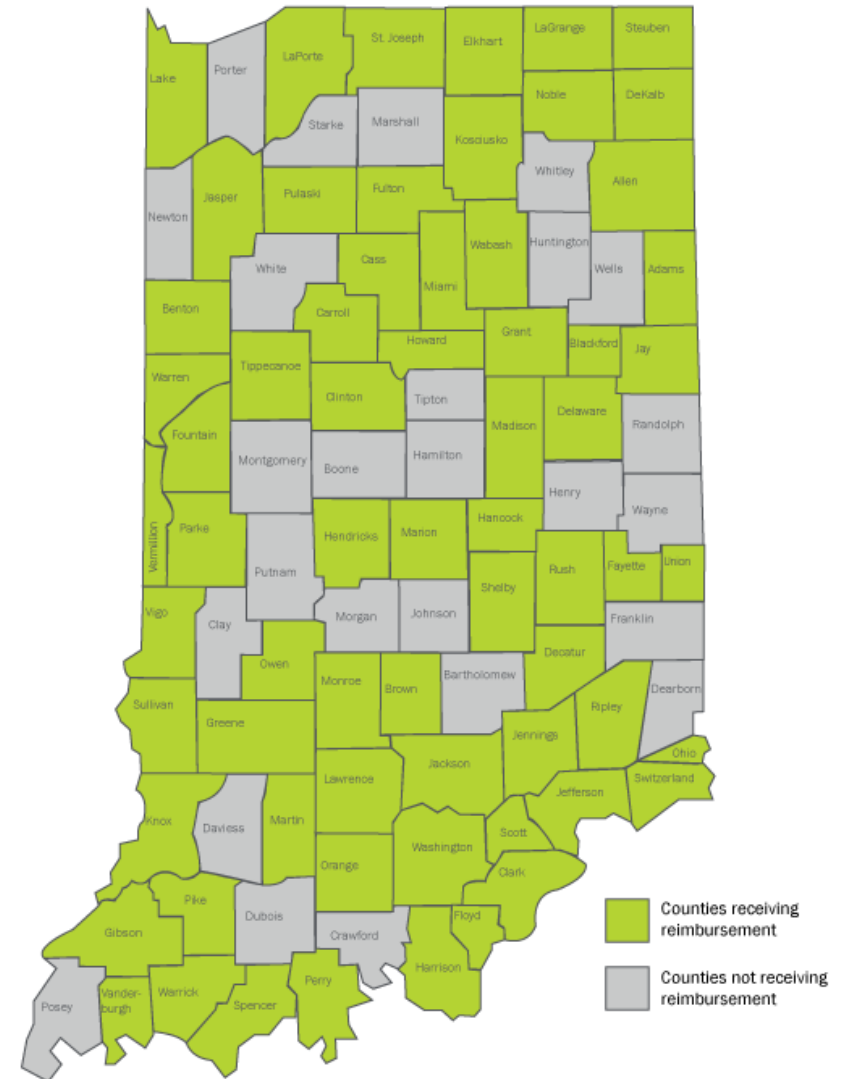
....and we'll try to do it in less than 15 minutes!



- The Indiana and U.S. Constitutions and state statutes give Hoosiers the right to a lawyer for:
 - adult criminal cases (felony and misdemeanor)
 - kids charged in delinquency cases
 - parents in CHINS and Termination of Parental Rights cases,
 - and in some child support & mental health proceedings.
- The Constitution says it is the STATE that has this responsibility. Indiana has designated counties (as creations of the state) to manage this.
- However, the State helps counties through the Commission. If counties are willing to follow our standards (to make sure the lawyers are not over-worked or under-paid), the Commission reimburses counties for a portion of their expenses.
- The Commission consists of 4 Legislators, 3 Gubernatorial Appointees, 3 Chief Justice Appointees, and 1 appointee of the Indiana Criminal Justice Institute. [Click here to see the appointees & staff.](#)

What the Commission is

- 66 “Commission Counties” are currently receiving reimbursement.
- The Commission never knows from biennium to biennium how many counties will join, so we forecast.
- If we run out of money, we cut the percent we reimburse counties (prorate).
- We rely on the legislature to consider our budget request (as an independent agency not part of Gov or CJ budget submissions)
- 4 counties joined this biennium (Elkhart, Gibson, Warrick, Harrison).



***Value to
Indiana
Counties***



POLICY VALUE:

- **Better trained and supervised lawyers, which leads to a fairer justice system and better solutions for mental health & addiction treatment (i.e. Recovery Works)**
- **Stronger oversight (via County Public Defender Boards & Chief Public Defenders)**

FISCAL VALUE:

- **Direct county budget relief**
- **Commission Counties have a 12% lower per-capita jail population, a significant savings to county budgets**

***Value to
The Department
of Correction***



POLICY VALUE:

Commission counties currently have a 20% lower rate of low-recidivism-risk (as measured by IRAS) individuals incarcerated in Department of Correction facilities.

FISCAL VALUE:

Individuals in Commission Counties receive an average 64-day shorter DOC sentence, a potential \$39.2 million in savings to DOC.

***Value to
The Department
of Child Services***



POLICY VALUE:

A public defender has attorney-client privilege with parents in CHINS & Termination of Parental Rights actions.

A well-trained PD works with parents to seek family solutions (parenting classes, addiction treatment, etc.) to speed up family reunification where appropriate.

FISCAL VALUE:

Out-of-home placements in Commission Counties average 20-days shorter, a potential \$5.8 million savings to DCS.

Systemic deficiencies identified by the Task Force on Public Defense:

- The Commission should be allowed to reimburse for misdemeanor cases.
- Misdemeanor caseloads are too high.
- Felony caseloads are too high.
- Attorney quality is not evaluated.
- Appellate cases should be centralized.
- Additional training requirements are needed.
- Compensation is inadequate.
- Conflicts of interest are present.
- Investigators are needed.
- Interpreters and social workers are needed.
- Child welfare needs are rising.
- Counsel is required at initial hearings for all criminal and juvenile cases.
- Counties need significantly more support.
- Uniform application of state standards is needed.

What the Commission
really needs

Addressing these systemic deficiencies is estimated to cost between \$100-\$200 million per year.

[Click here to learn more about the Task Force.](#)

- Recognizing the challenges of this budget cycle, the Commission voted NOT to request any of the numerous reforms recommended by the Task Force this session and to request only what is necessary to avoid cuts to counties.
- *Caveat for full disclosure: There will be a bill in the Senate to permit the Commission to reimburse for misdemeanor expenses. We will support that effort if the Senate acts on the bill or in the Senate Budget, but we are not making it part of our budget request.*





**Commission's FY 22/23 Request:
Increase of \$2.9 million per year**

	<u>FY22</u>	<u>FY23</u>
General Fund	25,720,000	25,720,000
Dedicated Funds	7,400,000	7,400,000
Total	33,120,000	33,120,000

NOTE: Over 97% if this funding goes to counties. The Commission's operating expenses are *LESS THAN 3%* of the total budget.

[Click here to see the Commission's funding & reimbursement history since 1989](#)

What we're actually asking for

Without an increase, county reimbursements will be cut.

- Without a \$2.9 million increase, county PD reimbursements will be cut by 9%.
- With a 15% base budget reduction, county PD reimbursements will be cut by 25%.*
- *There would be NEGATIVE FISCAL IMPACTS TO:*
 - *Department of Child Services*
 - *Department of Correction*
 - *County Jails & County Budgets*

** These percentages may be less if a surplus exists in the non-reverting PD Fund at the end of this fiscal year.*



*2020 Recommendation from the
Interim Study Committee on Corrections &
Criminal Code:*

*Thank
you*



“The committee recommends that funding be increased for the provision of pretrial services and mental health and addiction services for criminal justice involved persons, including but not limited to the Public Defense Fund.”

For more information, please contact Andrew Cullen at
317-439-7565 or Andrew.Cullen@pdcom.in.gov

[Click here to read the Commission's FY 19-20 Annual Report](#)

AGENCY OPERATING ACCOUNT SUMMARY

Sequence		Requested Actual FY19	Requested Actual FY20	Requested Appropriation FY21	Requested Current Estimate FY21	Requested Base	Requested Budget FY22	Requested Budget FY23
1,001	35520-025 Public Defender Commission							
	General Fund	21,194,438	22,376,933	22,820,000	22,820,000	22,820,000	25,720,000	25,720,000
	Dedicated Funds	7,400,000	7,400,000	7,513,227	7,400,000	7,400,000	7,400,000	7,400,000
	TOTAL:	28,594,438	29,776,933	30,333,227	30,220,000	30,220,000	33,120,000	33,120,000
	AGN00025-Public Defender Commission							
	General Fund	39,544,438	22,376,933	22,820,000	22,820,000	22,820,000	25,720,000	25,720,000
	Dedicated Funds	7,400,000	7,400,000	7,513,227	7,400,000	7,400,000	7,400,000	7,400,000
	TOTAL:	46,944,438	29,776,933	30,333,227	30,220,000	30,220,000	33,120,000	33,120,000