

**C80B00**  
**Office of the Public Defender**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 13</u> <u>Actual</u>	<u>FY 14</u> <u>Working</u>	<u>FY 15</u> <u>Allowance</u>	<u>FY 14-15</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$91,563	\$94,243	\$99,033	\$4,790	5.1%
Contingent & Back of Bill Reductions	0	-1,838	-971	868	
<b>Adjusted General Fund</b>	<b>\$91,563</b>	<b>\$92,404</b>	<b>\$98,062</b>	<b>\$5,658</b>	<b>6.1%</b>
Special Fund	616	195	214	19	9.8%
Contingent & Back of Bill Reductions	0	0	-1	-1	
<b>Adjusted Special Fund</b>	<b>\$616</b>	<b>\$195</b>	<b>\$213</b>	<b>\$18</b>	<b>9.3%</b>
Reimbursable Fund	1,033	883	893	10	1.2%
<b>Adjusted Reimbursable Fund</b>	<b>\$1,033</b>	<b>\$883</b>	<b>\$893</b>	<b>\$10</b>	<b>1.2%</b>
<b>Adjusted Grand Total</b>	<b>\$93,211</b>	<b>\$93,482</b>	<b>\$99,168</b>	<b>\$5,686</b>	<b>6.1%</b>

- Three fiscal 2014 deficiencies would provide \$6,211,054 in general funds for District Operations within the Office of the Public Defender (OPD). This includes \$3,047,254 to cover case-related expenses and accrued leave payouts from fiscal 2013, \$2,661,000 for case-related expenses, including panel attorney and expert witness fees, to cover anticipated shortfalls due to increasing workloads, and \$502,800 for software upgrades.
- OPD's fiscal 2015 allowance increases by approximately \$5.7 million, or 6.1%, above the fiscal 2014 working appropriation net of contingent and across-the-board reductions. Growth is mainly attributable to personnel-related and case-related expenses.

Note: Numbers may not sum to total due to rounding.

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## ***Personnel Data***

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	<b><u>FY 13</u></b> <b><u>Actual</u></b>	<b><u>FY 14</u></b> <b><u>Working</u></b>	<b><u>FY 15</u></b> <b><u>Allowance</u></b>	<b><u>FY 14-15</u></b> <b><u>Change</u></b>
Regular Positions	925.00	925.00	925.00	0.00
Contractual FTEs	<u>6.00</u>	<u>9.00</u>	<u>9.00</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>931.00</b>	<b>934.00</b>	<b>934.00</b>	<b>0.00</b>

### ***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	48.56	5.25%
Positions and Percentage Vacant as of 12/31/13	77.00	8.32%

- There are no new regular positions or contractual full-time equivalents in the fiscal 2015 allowance.
- Turnover expectancy is increased to 5.25% in the allowance, which requires the agency to maintain 49 vacant positions throughout the year. As of December 31, 2012, there were 77 vacant positions, or 8.32%.

## ***Analysis in Brief***

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### **Major Trends**

***Circuit Court Caseload Compliance Remains Unchanged:*** The number of district offices in compliance with caseload standards for attorneys in the circuit courts is projected to remain at 2 districts by the end of calendar 2014.

***District Court Caseload Compliance Decreases:*** Only one district office is projected to be in compliance with caseload standards for attorneys in the District Court by the end of calendar 2014.

***Juvenile Court Caseload Compliance Increases:*** All but two district offices will be in compliance with caseload standards for attorneys in the juvenile courts by the end of calendar 2014.

***Statewide Divisions Remain Close to Compliance:*** The Appellate Division is projected to remain in compliance with caseload standards by the end of calendar 2014 while the Mental Health and Collateral Review Divisions are projected to fall just beyond their respective standards.

## **Issues**

***The Fiscal Impact of the Second Richmond Decision:*** Following the second decision in the case *DeWolfe v. Richmond*, numerous pieces of legislation have been introduced in order to better implement both the procedural and fiscal realities of the right to counsel at initial appearances. **OPD should comment on the procedural and fiscal challenges that complying with the *Richmond* decision is having upon its current budget and how it plans to adhere to the *Richmond* decision without any further legislative or fiscal relief.**

## **Recommended Actions**

1. Concur with Governor's allowance.

## **Updates**

***Resolution of Audit Findings from February 2011:*** OPD has taken numerous steps to rectify audit findings from the most recent fiscal compliance audit from February 2011.

*C80B00 – Office of the Public Defender*

**C80B00**  
**Office of the Public Defender**

***Operating Budget Analysis***

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**Program Description**

The Office of the Public Defender (OPD) provides counsel and related services to indigent persons. Representation is provided in criminal trials, bail reviews, appeals, juvenile cases, post-conviction proceedings, parole and probation revocations, and involuntary commitments to mental institutions. Four divisions support the office: (1) general administration; (2) district operations; (3) appellate and inmate services; and (4) involuntary institutionalization. The capital defense division was brought under the umbrella of district operations in July 2009.

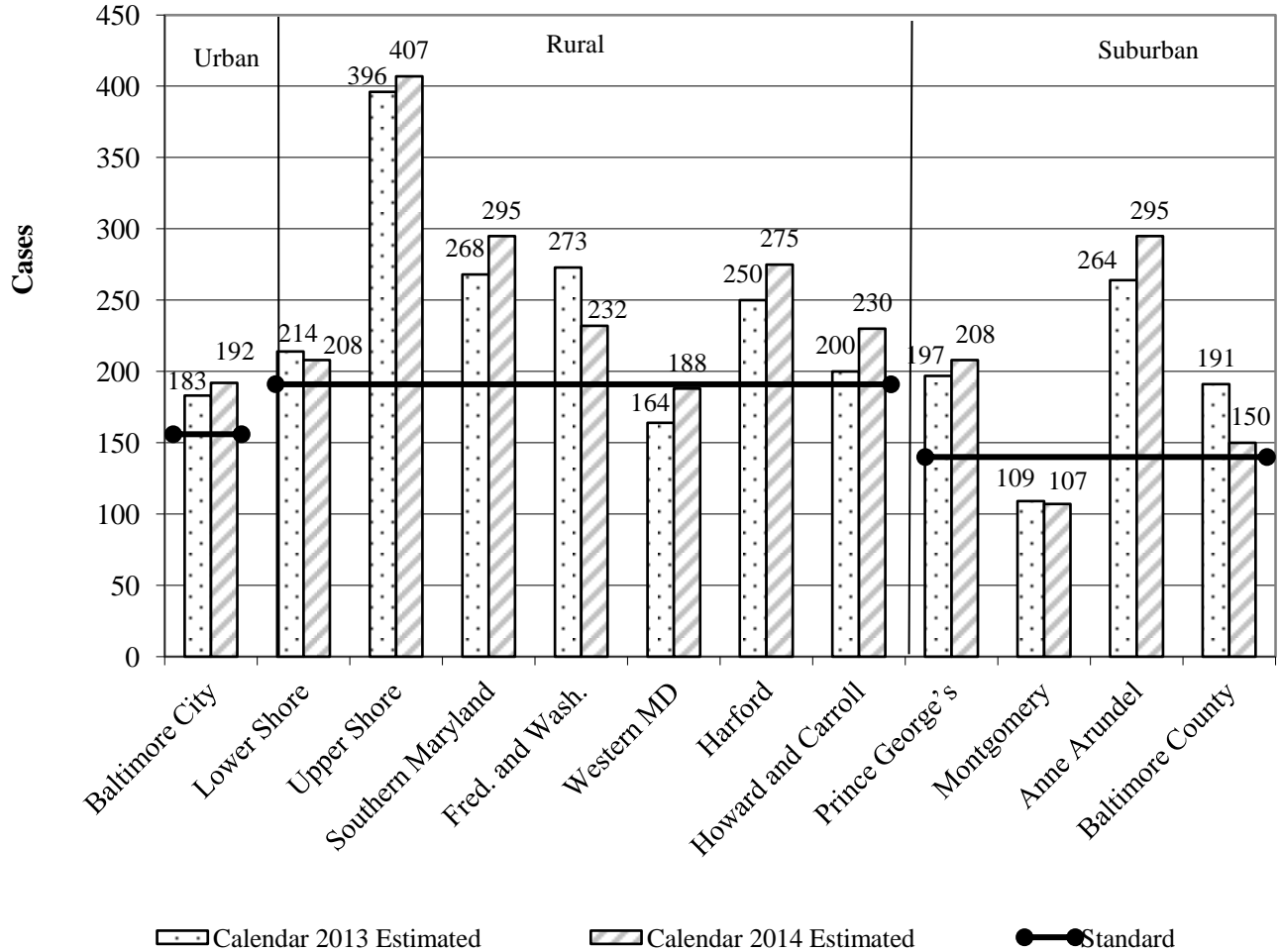
**Performance Analysis: Managing for Results**

**1. Circuit Court Caseload Compliance Remains Unchanged**

During the 2006 legislative session, the General Assembly endorsed the implementation of Maryland-specific attorney caseload standards. Under the Maryland standards, the maximum number of cases that Maryland public defenders may handle each year, without jeopardizing the effective assistance of counsel, varies based upon the geographic location and types of cases handled.

**Exhibit 1** illustrates the average annual caseload per circuit court attorney by region. The average caseload standard per attorney is 156, 191, and 140 for urban, rural, and suburban circuit court offices, respectively. OPD projects that only 2 of its 12 district offices will satisfy the compliance rate set by the case weighting study by the conclusion of both calendar 2013 and 2014. Previously, the projection was for only 1 district to be in compliance at the end of calendar 2013, so this represents somewhat of an improvement. However, the 17% compliance rate is well below the goal to have 50% of the districts in compliance at the end of calendar 2013.

**Exhibit 1  
Average Circuit Court Caseload Per Attorney by Region**



Maryland Caseload Standards: Urban Counties – 156 cases; Rural Counties – 191 cases; Suburban Counties – 140 cases.

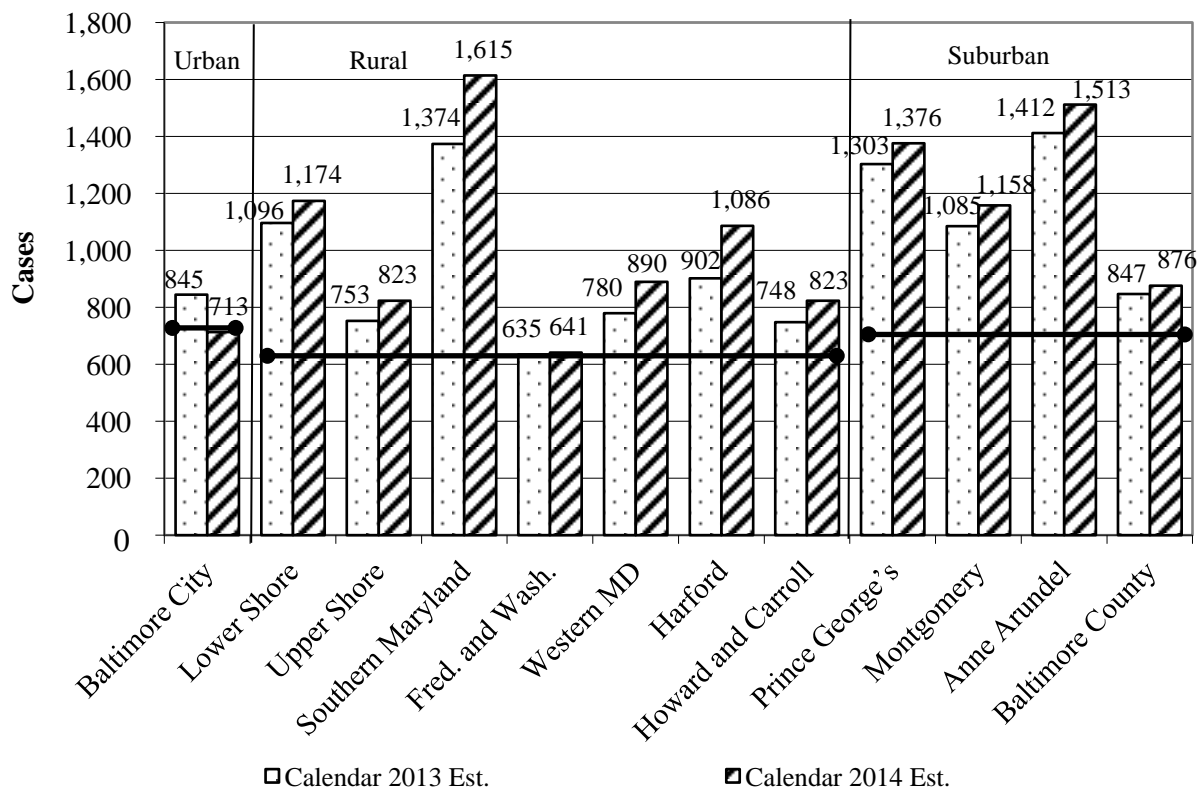
Note: Lower Shore constitutes Dorchester, Somerset, Wicomico, and Worcester counties; Upper Shore constitutes Caroline, Cecil, Kent, Queen Anne’s, and Talbot counties; Southern Maryland constitutes Calvert, Charles, and St. Mary’s counties; and Western Maryland constitutes Allegany and Garrett counties.

Source: Office of the Public Defender

## 2. District Court Caseload Compliance Decreases

**Exhibit 2** illustrates the average annual caseload per District Court attorney by region. The average caseload standard per attorney is 728, 630, and 705 for urban, rural, and suburban District Court offices, respectively. OPD projects that none of its district offices will satisfy the compliance rate set by the case weighting study at the conclusion of calendar 2013, with this increasing to 1 compliant district out of 12 at the end of calendar 2014. However, this is a dramatic decrease from the previous projection of 33% of districts being in compliance at the end of calendar 2013. The goal is to achieve a 40% compliance rate by the end of calendar 2013.

**Exhibit 2**  
**Average District Court Caseload Per Attorney by Region**



Maryland Caseload Standards: Urban Counties – 728 cases; Rural Counties – 630 cases; Suburban Counties – 705 cases.

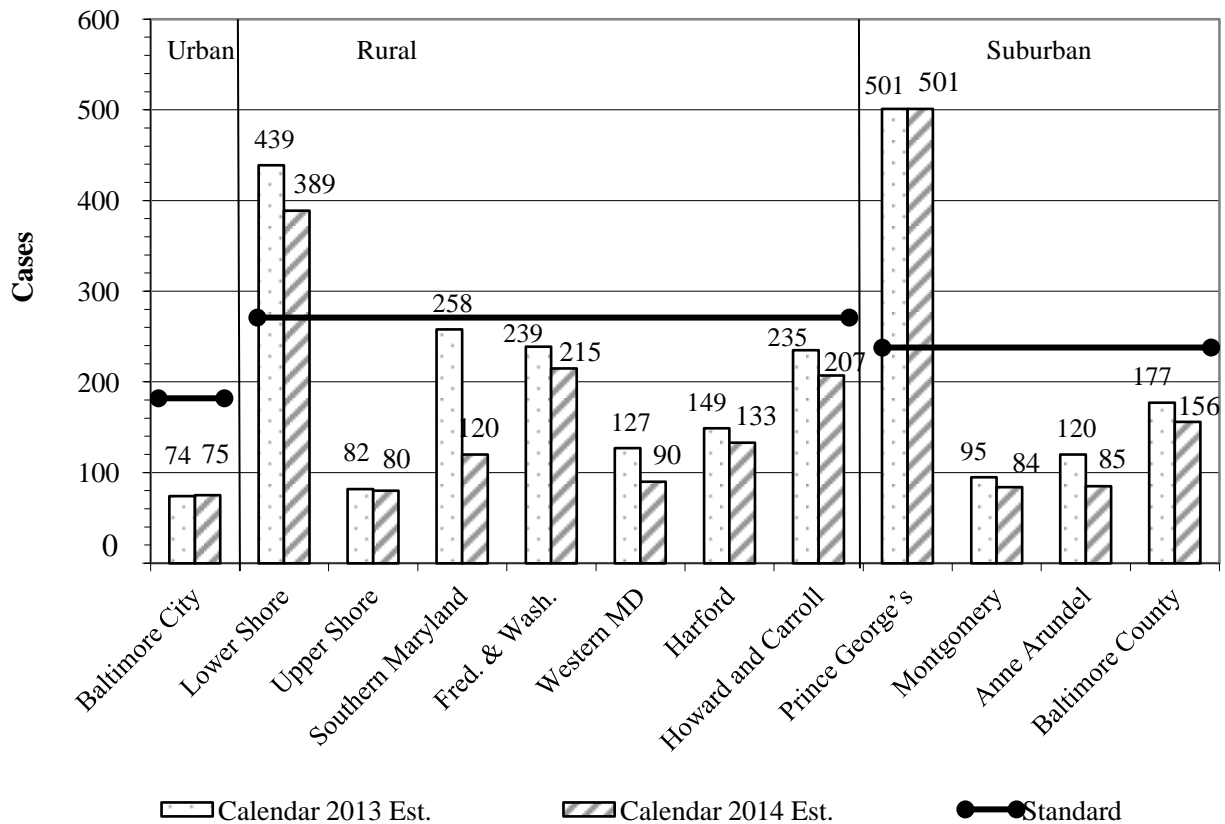
Note: Lower Shore constitutes Dorchester, Somerset, Wicomico, and Worcester counties; Upper Shore constitutes Caroline, Cecil, Kent, Queen Anne's, and Talbot counties; Southern Maryland constitutes Calvert, Charles, and St. Mary's counties; and Western Maryland constitutes Allegany and Garrett counties.

Source: Office of the Public Defender

### 3. Juvenile Court Caseload Compliance Increases

**Exhibit 3** illustrates the average annual caseload per juvenile court attorney by region. The average caseload per attorney is 182, 271, and 238 for urban, rural, and suburban juvenile court offices, respectively. OPD projects that 83% of its district offices will satisfy the compliance rate set by the case weighting study by the conclusion of calendar 2013 as well as calendar 2014. This is much higher than the compliance rate from the previous projection of 58%. OPD is also projected to exceed the goal to have 75% of districts in compliance by the end of calendar 2013.

**Exhibit 3  
Average Juvenile Caseload Per Attorney by Region**



Maryland Caseload Standards: Urban Counties – 182 cases; Rural Counties – 271 cases; Suburban Counties – 238 cases.

Note: Lower Shore constitutes Dorchester, Somerset, Wicomico, and Worcester counties; Upper Shore constitutes Caroline, Cecil, Kent, Queen Anne’s, and Talbot counties; Southern Maryland constitutes Calvert, Charles, and St. Mary’s counties; and Western Maryland constitutes Allegany and Garrett counties.

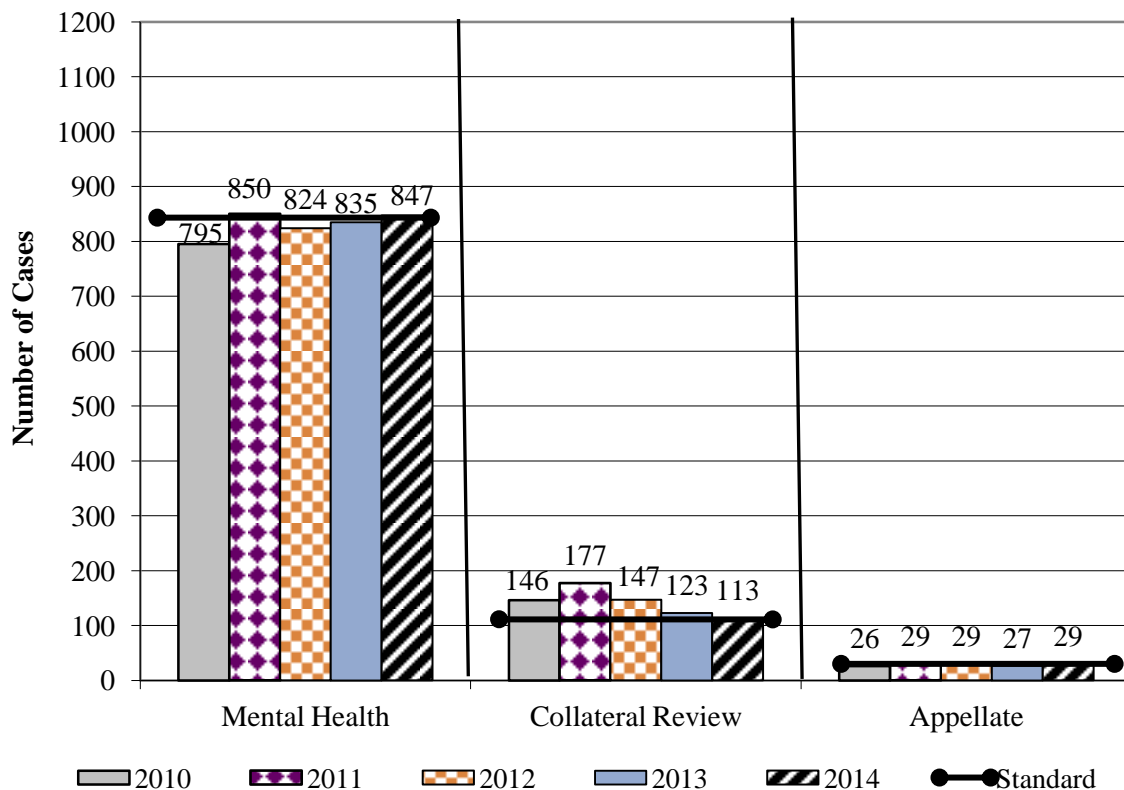
Source: Office of the Public Defender



#### 4. Statewide Divisions Remain Close to Compliance

In addition to district operations, which are generally comprised of trial level work within the circuit and District courts, OPD maintains several statewide divisions. **Exhibit 4** illustrates the average annual caseload standard per attorney for OPD’s Mental Health, Collateral Review, and Appellate divisions. The average caseload standard per attorney is 843, 111, and 30, for the Mental Health, Collateral Review, and Appellate divisions, respectively. Of these statewide divisions, OPD projects that both the Mental Health and Collateral Review divisions will not be in compliance with the caseload standards by calendar 2014, although the Mental Health division is projected to remain under the caseload standard in calendar 2013. The number of Mental Health and Appellate cases per attorney is expected to rise in calendar 2014 by 12 and 2, respectively, while the number of Collateral Review cases per attorney is projected to decline by 10.

**Exhibit 4**  
**Average Caseload Per Attorney for the Mental Health, Collateral Review,**  
**and Appellate Divisions**  
**Calendar 2010-2014**



Source: Office of the Public Defender

## Fiscal 2014 Actions

### Proposed Deficiency

There are three deficiencies for OPD for fiscal 2014 totaling \$6,211,054 in general funds. The first deficiency would provide \$3,047,254 in general funds to cover case-related expenses and accrued leave payouts for fiscal 2013 which exceeded the appropriation for the agency. The second deficiency would provide \$2,661,000 in general funds for case-related expenses, including panel attorney and expert witness fees, to cover anticipated shortfalls due to increasing workloads. The third deficiency would provide \$502,800 in general funds for software upgrades.

### Cost Containment

There are three across-the-board withdrawn appropriations that offset the increase in deficiency appropriations. This includes reductions to employee/retiree health insurance, funding for a new Statewide Personnel information technology (IT) system, and retirement reinvestment. These actions are fully explained in the analyses of the Department of Budget and Management (DBM) – Personnel, the Department of Information Technology (DoIT), and the State Retirement Agency (SRA), respectively.

## Proposed Budget

As shown in **Exhibit 5**, the fiscal 2015 allowance for OPD grows by \$5.7 million net of contingent and across-the-board reductions from the fiscal 2014 working appropriation. Most of the change is due to either personnel- or case-related expenses, which increase by \$2.8 million and \$2.9 million, respectively.

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**Exhibit 5**  
**Proposed Budget**  
**Office of the Public Defender**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Reimb. Fund</b>	<b>Total</b>
2014 Working Appropriation	\$92,404	\$195	\$883	\$93,482
2015 Allowance	<u>98,062</u>	<u>213</u>	<u>893</u>	<u>99,168</u>
Amount Change	\$5,658	\$18	\$10	\$5,686
Percent Change	6.1%	9.3%	1.2%	6.1%

**Where It Goes:**

**Personnel Expenses**

Annualized salary increase.....	\$2,409
Employee retirement contributions .....	1,069
Social Security contributions .....	94
Other fringe benefit adjustments .....	65
Increments and other compensation.....	-37
Turnover adjustments.....	-297
Employee and retiree health insurance.....	-491

**Other Changes**

Legal service support .....	1,561
Technical and special fees.....	678
Legal services.....	382
Medical services support.....	299
Other.....	6
Contractual employment .....	-52

<b>Total</b>	<b>\$5,686</b>
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Note: The fiscal 2014 working appropriation reflects negative deficiencies and contingent reductions. The fiscal 2015 allowance reflects back of the bill and contingent reductions. Numbers may not sum to total due to rounding.

**Cost Containment**

There is one across-the-board reduction and one contingent reduction reflected in the Governor’s spending plan for the fiscal 2015 allowance. This affects funding for employee/retiree health insurance and retirement reinvestment. These actions are fully explained in the analyses of the DBM – Personnel and SRA.

**Personnel**

Personnel-related expenses increase by \$2.8 million in the allowance. Of this amount, \$2.4 million is due to the annualization of the cost-of-living adjustment (COLA) and increment payments from fiscal 2014. There is also an increase of \$1.1 million for employee pension contributions. However, these increases are partially offset by some decreases, including \$0.5 million in lower employee and retiree health insurance contributions and \$0.3 million in increased turnover expectancy.

**Other Changes**

Most of the other changes involve case-related expenses, which combine to \$2.9 million in the allowance. This includes \$1.6 million in panel attorney fees, \$0.7 million in expert witness fees,

*C80B00 – Office of the Public Defender*

\$0.4 million in transcription and other legal service costs, and \$0.3 million for medical services support. However, if the deficiency for the same purpose is included, then the increase for case-related expenses is \$0.3 million above the fiscal 2014 working appropriation.

## ***Issues***

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### **1. The Fiscal Impact of the Second *Richmond* Decision**

*DeWolfe v. Richmond*, No. 34 (September Term 2011), is a case which has been heard by the Maryland Court of Appeals twice, where the plaintiffs have argued that indigent defendants have a right to counsel during an initial appearance before a District Court commissioner when the issue of bail is being determined. In the first ruling on January 4, 2012, the Maryland Court of Appeals held that under the then-effective Maryland Public Defender Act, no bail determination may be made by a District Court commissioner concerning an indigent defendant without the presence of counsel, unless representation by counsel is waived. This ruling required OPD to provide counsel to all indigent defendants at the initial appearance.

Typically, the initial appearance before a commissioner involves the defendant and the commissioner, and the appearance must occur within 24 hours of arrest. At that time, the commissioner makes a determination of probable cause and, if probable cause is found, the commissioner must then determine whether the defendant is eligible for release from custody prior to trial. Initial appearances normally take between 15 to 30 minutes to complete. A defendant who is denied pretrial release or remains in custody 24 hours after the commissioner has set the conditions of release is entitled to a bail hearing before a judge. Historically, approximately 50% of people who appear before a commissioner are released on personal recognizance.

Following the Court of Appeals decision, the General Assembly passed Chapters 504 and 505 of 2012, which repealed the requirement that legal representation be provided by OPD at the initial appearance, while at the same time requiring OPD to provide representation to an indigent defendant at a bail hearing before a District Court or circuit court judge beginning June 1, 2012. The law also made other changes in response to the *Richmond* ruling, such as making statements made before a District Court commissioner inadmissible in court, and created the Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender (legislative task force). The legislative task force was instructed to (1) study the adequacy and cost of State laws and policies relating to representation of indigent criminal defendants by OPD; and (2) consider and make recommendations regarding options for and costs of improving the system of representation of criminal defendants and the District Court commissioner and pretrial release systems.

Also during the 2012 session, OPD received new funding and positions through the fiscal 2013 budget. Seventy-two new regular positions were added through Supplemental Budget No. 1, as well as \$706,383 in general funds for fiscal 2012 and \$5,430,917 in general funds for fiscal 2013 to fund these positions. These positions reflected the cost to OPD in order to comply with the changes to the Public Defender Act which required OPD to provide representation to indigent defendants at bail review hearings beginning June 1, 2012. However, the initial cost estimate for OPD to provide representation at both bail reviews and initial appearances, as originally dictated in the Court of Appeals decision, was approximately \$32.1 million.

On August 22, 2012, the Court of Appeals issued an order stating its intention to rule on the issue of whether the plaintiffs in the *Richmond* case are entitled, under the recently amended Public Defender Act, to relief on the basis of the federal and/or State constitutional right to counsel. Following briefing and oral argument, on September 25, 2013, the Court of Appeals issued an opinion in the *Richmond* case holding that, under the due process component of Article 24 of the Maryland Declaration of Rights, an indigent defendant has a right to State-furnished counsel at an initial appearance before a District Court commissioner. In the wake of the new decision in the *Richmond* ruling, the Judiciary created a judicial Task Force on Pretrial Confinement and Release to examine recommended rule changes for implementing the decision.

Following the various rulings, an injunction was issued from the Baltimore City circuit court on January 13, 2014, which required the right to counsel at initial appearances to be placed into effect. The State then appealed the injunction with a *writ of certiorari* to the Court of Appeals once again. On January 23, 2014, the court decided to hear the case on the grounds of the *writ* and the properness of the injunction. Subsequently, enforcement of the *Richmond* case has been stayed until March 7, 2014, pending the outcome of the current appeal.

### **Legislative Task Force Recommendations**

The legislative task force submitted a final report of its findings and recommendations on December 13, 2013. The final report included a total of 16 recommendations. Some of the most consequential recommendations include:

- the use of follow-up surveys on the effectiveness of citations;
- the elimination of the monetary bail system;
- the adoption of a validated pretrial release risk assessment tool;
- the creation of a statewide pretrial services agency; and
- the requirement that all initial appearances happen before a judge within 24 hours of arrest.

### **Judicial Task Force Recommendations**

On January 6, 2014, the judicial task force issued its recommendations for reforming the pretrial process during a meeting of the legislative task force and further provided informational briefings on its recommendations to the Senate Budget and Taxation, Senate Judicial Proceedings, House Appropriations, and House Judiciary committees. These recommendations included:

- the elimination of commissioner bail hearings during weekdays in favor of a single bail hearing before a judge;

- the retention of the commissioner system for the purpose of conducting initial appearances on weekends and holidays, as well as reforming commissioner duties to include duties more akin to pretrial services agents;
- the further study of risk assessment tools and further expansion of having judges conduct more initial hearings; and
- continued study and participation in efforts to expand the use of citations and the conversion of minor victimless offenses to civil infractions.

### **Legislative Responses in the 2014 Session**

Along with the task force recommendations, there have been numerous bills introduced during the current session. The major bills, along with their anticipated costs, are presented in **Exhibit 6**. The judicial task force plan is in HB 500 and 537, with the first bill adding 12 new judges to the District Court to handle the workload increase due to changes in the plan, while the second bill would enact the necessary statutory changes. This plan, as shown in Exhibit 6, would cost the State approximately \$15.7 million, as well as potential local costs. The legislative task force recommendations are mostly contained in HB 1232 and SB 973, which include the creation of a statewide pretrial services agency and the adoption of a pretrial risk assessment tool. These changes could potentially increase costs for the State due to the creation of a statewide pretrial services agency. However, this option also has the potential to decrease costs for local jurisdictions, especially because those jurisdictions which currently have a pretrial services agency would be reimbursed by the State for these agencies.

There are also three other bills which would reform the pretrial system in Maryland in response to the *Richmond* decision. HB 1186 would take away the bail setting power of the commissioners and lay out what offenses could and could not be eligible for release. This is similar to SB 920, which would also take away the discretion of the District Court commissioner and stipulate the conditions for both release and confinement at an initial appearance including the creation of a bond schedule. Both of these bills have the potential to cost the least to the extent that they avoid the need to have public defenders present at initial appearances. However, OPD advises that according to its reading of the bills, the bills do not eliminate the office's responsibility under the *Richmond* decision. According to the fiscal notes for each bill, SB 920 will remove the need to have OPD representation at initial appearances, while HB 1186 will not. The fiscal implications noted in Exhibit 6 reflect this interpretation. One last bill, SB 748, would eliminate the need for commissioners to conduct hearings 24 hours per day, 7 days per week, in favor of docketing initial appearances during regular business hours and on weekends and holidays between 9:00 a.m. and 5:00 p.m. This bill would cost the State approximately \$11.2 million, with potential increases for local jurisdictions as well.

**Exhibit 6**  
**2014 Legislation and Funding Tied to the Richmond Decision**

		<u>OPD</u>	<u>Judiciary</u>	<u>DPSCS</u>	<u>State Total</u>	<u>Local Cost Impact</u>
	Baseline Estimate	\$24,560,370	\$1,891,000	\$867,000	\$27,318,370	Potential Increase
	Current Allowance	\$0	\$1,891,000	\$0	\$1,891,000	N/A
<u>Legislation</u>	<u>Brief Description</u>					
HB 500/537	Judicial Task Force	\$5,557,904	\$5,503,913	\$495,428	\$11,557,245	Significant Increase
HB 1186	Stipulated Release	\$24,560,370	\$1,891,000	\$867,000	\$27,318,370	Potential Increase
HB 1232/ SB 973	Pretrial Agency/Legislative Task Force	\$1,656,953	-\$8,250,402	\$26,086,711	\$19,943,262	Possible Decrease
SB 748	Docketing/Weekend Court	\$8,437,823	\$1,891,000	\$867,000	\$11,195,823	Potential Increase
SB 920	Bond Schedule	\$0	\$0	\$867,000	\$867,000	Potential Increase

DPSCS: Department of Public Safety and Correctional Services  
OPD: Office of the Public Defender

Sources: Office of the Public Defender; Judiciary; Department of Public Safety and Correctional Services; Governor's Office of Crime Control and Prevention; Maryland Association of Counties'; Department of Legislative Services



It should be further noted that any funds required above what is noted in Exhibit 6 under Current Allowance would first require an increase in the allowance by the Governor with the exception of funds for the Judiciary. Without additional funds, meeting the court mandate under the *Richmond* case could be very difficult even if one of the legislative remedies passes this session. **OPD should comment on the procedural and fiscal challenges that complying with the *Richmond* decision is having upon its current budget and how it plans to adhere to the *Richmond* decision without any further legislative or fiscal relief.**

## ***Recommended Actions***

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1. Concur with Governor's allowance.

## ***Updates***

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### **1. Resolution of Audit Findings from February 2011**

A fiscal compliance audit by the Office of Legislative Audits (OLA) from February 2011 contained seven findings for OPD. In the 2013 session, the budget committees adopted committee narrative requesting a report from OPD on the resolution of these audit findings, in particular focusing on those findings concerning OPD policies and procedures relating to determinations of client financial eligibility. In November 2013, OPD submitted this report to the budget committees.

In regard to the two findings dealing with determining client eligibility, OPD states that in April 2012, OPD's fiscal management conducted internal audits of case files in all 12 districts that included a review of file contents, documentation standards, data collection, and eligibility determination. This resulted in the updating of numerous forms and procedures within the agency, including intake forms, intake manuals, and training procedures. Further, as a result of the case the *Office of the Public Defender v. the State of Maryland*, within which the Court of Appeals mandated that OPD take expenses and disposable income into account during eligibility determinations, OPD is preparing to update State regulations to reflect revisions in intake policies and to comply with the *Office of the Public Defender v. the State of Maryland* mandate.

Three other findings from the audit concerned client billings, including the fact that OPD lacked adequate procedures to collect administrative fees from clients, resulting in the failure to pursue collection of \$1.9 million in fees, as well as the fact that OPD did not assess or collect certain fees nor ensure that clients were billed for certain court-ordered fees. OPD also did not properly segregate accounts receivable duties. To rectify these findings, OPD notes that it is looking for technology solutions to support more accurate and complete data collection, input, review, and internal audit capabilities. This includes a formal request for a new case management system. OPD has also segregated the accounts receivable duties and further contends that it is not responsible for billing court-ordered fees.

One finding from the audit also noted that OPD expended \$1.9 million under a contract for network and database management instead of pursuing State positions to perform the services. OPD says that it will work with DBM in order to fill vacancies in its IT division in order not to have to contract out these duties again.

The final finding is that OPD did not remove two employees from the payroll in a timely manner and improperly calculated the unused annual leave payout at termination. OPD has since instituted a new system to better track and calculate termination dates and final wage payouts.

## *Current and Prior Year Budgets*

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### Current and Prior Year Budgets Office of the Public Defender (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
<b>Fiscal 2013</b>					
Legislative Appropriation	\$90,402	\$194	\$0	\$883	\$91,478
Deficiency Appropriation	1,536	0	0	0	1,536
Budget Amendments	55	449	0	150	654
Reversions and Cancellations	-430	-27	0	0	-457
<b>Actual Expenditures</b>	<b>\$91,563</b>	<b>\$616</b>	<b>\$0</b>	<b>\$1,033</b>	<b>\$93,211</b>
<b>Fiscal 2014</b>					
Legislative Appropriation	\$92,809	\$194	\$0	\$883	\$93,885
Budget Amendments	1,434	2	0	0	1,436
<b>Working Appropriation</b>	<b>\$94,243</b>	<b>\$195</b>	<b>\$0</b>	<b>\$883</b>	<b>\$95,321</b>

Note: The fiscal 2014 working appropriation does not include deficiencies or contingent reductions. Numbers may not sum to total due to rounding.

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## **Fiscal 2013**

OPD completed fiscal 2013 \$1,733,438 above the legislative appropriation primarily due to \$1.5 million in deficiencies and \$0.7 million in budget amendments.

**General Funds:** Actual expenditures were \$1,161,242 above the legislative appropriation. Deficiency appropriations provided a total of \$1,535,892 in general funds which included:

- \$1,098,367 for case related expenses; and
- \$437,525 for higher than anticipated employee accrued leave payouts.

A general fund budget amendment also added \$54,885 to realign appropriations for telecommunications expenditures from other State agencies. Reversions and cancellations totaled \$429,535, which included:

- \$262,675 related to the assessed fee for the development of a new Statewide Personnel System, which spent approximately 48% of this major IT project's appropriated budget;
- \$111,975 related to an allocation from DoIT for a cancelled project; and
- \$54,885 for telecommunications.

**Special Funds:** Actual expenditures were \$422,203 above the legislative appropriation. Budget amendments added \$449,298 in special funds which included:

- \$406,168 for the COLA related to the Budget Restoration Fund;
- \$23,630 for juvenile justice education materials through a grant from the Open Society Institute; and
- \$19,500 from the Howard County Adult Drug Court/District Court to fund a panel attorney in Howard County.

OPD also cancelled \$27,095 in unspent special funds at the end of the year due to underspending on grants.

**Reimbursable Funds:** Actual expenditures were \$149,993 above the legislative appropriation due to a budget amendment which added \$150,000 in reimbursable funds from the Governor's Office of Crime Control and Prevention for the Intake to Justice Initiative program.

**Fiscal 2014**

To date, a total of \$1,435,573 has been added through budget amendments to the legislative appropriation. This includes \$1,433,731 in general funds and \$1,842 in special funds, all of which are related to the COLA, increment payments, and annual salary reviews from fiscal 2014.

**Object/Fund Difference Report  
Office of the Public Defender**

<u>Object/Fund</u>	<u>FY 13 Actual</u>	<u>FY 14 Working Appropriation</u>	<u>FY 15 Allowance</u>	<u>FY 14 - FY 15 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	925.00	925.00	925.00	0.00	0%
02 Contractual	6.00	9.00	9.00	0.00	0%
<b>Total Positions</b>	<b>931.00</b>	<b>934.00</b>	<b>934.00</b>	<b>0.00</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 78,707,191	\$ 82,351,527	\$ 84,533,093	\$ 2,181,566	2.6%
02 Technical and Spec. Fees	8,045,627	6,858,987	9,343,227	2,484,240	36.2%
03 Communication	1,054,217	864,577	917,754	53,177	6.2%
04 Travel	199,809	195,000	173,500	-21,500	-11.0%
06 Fuel and Utilities	58,271	64,423	61,184	-3,239	-5.0%
07 Motor Vehicles	45,951	70,756	42,050	-28,706	-40.6%
08 Contractual Services	2,943,068	2,852,249	2,972,536	120,287	4.2%
09 Supplies and Materials	355,768	274,000	266,000	-8,000	-2.9%
10 Equipment – Replacement	154,737	102,274	54,051	-48,223	-47.2%
11 Equipment – Additional	254,937	45,000	35,000	-10,000	-22.2%
13 Fixed Charges	1,391,832	1,641,816	1,741,674	99,858	6.1%
<b>Total Objects</b>	<b>\$ 93,211,408</b>	<b>\$ 95,320,609</b>	<b>\$ 100,140,069</b>	<b>\$ 4,819,460</b>	<b>5.1%</b>
<b>Funds</b>					
01 General Fund	\$ 91,563,083	\$ 94,242,638	\$ 99,032,505	\$ 4,789,867	5.1%
03 Special Fund	615,732	195,371	214,487	19,116	9.8%
09 Reimbursable Fund	1,032,593	882,600	893,077	10,477	1.2%
<b>Total Funds</b>	<b>\$ 93,211,408</b>	<b>\$ 95,320,609</b>	<b>\$ 100,140,069</b>	<b>\$ 4,819,460</b>	<b>5.1%</b>

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.

**Fiscal Summary  
Office of the Public Defender**

<u>Program/Unit</u>	<u>FY 13 Actual</u>	<u>FY 14 Wrk Approp</u>	<u>FY 15 Allowance</u>	<u>Change</u>	<u>FY 14 - FY 15 % Change</u>
01 General Administration	\$ 6,322,983	\$ 6,657,190	\$ 6,504,437	-\$ 152,753	-2.3%
02 District Operations	79,741,384	81,437,797	85,834,227	4,396,430	5.4%
03 Appellate and Inmate Services	5,856,983	5,860,155	6,451,444	591,289	10.1%
04 Involuntary Institutionalization Services	1,290,058	1,365,467	1,349,961	-15,506	-1.1%
<b>Total Expenditures</b>	<b>\$ 93,211,408</b>	<b>\$ 95,320,609</b>	<b>\$ 100,140,069</b>	<b>\$ 4,819,460</b>	<b>5.1%</b>
General Fund	\$ 91,563,083	\$ 94,242,638	\$ 99,032,505	\$ 4,789,867	5.1%
Special Fund	615,732	195,371	214,487	19,116	9.8%
<b>Total Appropriations</b>	<b>\$ 92,178,815</b>	<b>\$ 94,438,009</b>	<b>\$ 99,246,992</b>	<b>\$ 4,808,983</b>	<b>5.1%</b>
Reimbursable Fund	\$ 1,032,593	\$ 882,600	\$ 893,077	\$ 10,477	1.2%
<b>Total Funds</b>	<b>\$ 93,211,408</b>	<b>\$ 95,320,609</b>	<b>\$ 100,140,069</b>	<b>\$ 4,819,460</b>	<b>5.1%</b>

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.