

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

***Executive Summary***

---

The Office of the Public Defender (OPD) provides counsel and related services to indigent persons involved in criminal cases and other select matters.

***Operating Budget Data***

---

(\$ in Thousands)

	<b><u>FY 18</u></b> <b><u>Actual</u></b>	<b><u>FY 19</u></b> <b><u>Working</u></b>	<b><u>FY 20</u></b> <b><u>Allowance</u></b>	<b><u>FY 19-20</u></b> <b><u>Change</u></b>	<b><u>% Change</u></b> <b><u>Prior Year</u></b>
General Fund	\$106,115	\$104,602	\$108,223	\$3,621	3.5%
Adjustments	0	1,582	2,594	1,013	
<b>Adjusted General Fund</b>	<b>\$106,115</b>	<b>\$106,184</b>	<b>\$110,817</b>	<b>\$4,634</b>	<b>4.4%</b>
Special Fund	337	258	286	28	10.9%
Adjustments	0	31	0	-31	
<b>Adjusted Special Fund</b>	<b>\$337</b>	<b>\$290</b>	<b>\$286</b>	<b>-\$3</b>	<b>-1.1%</b>
Federal Fund	145	36	145	109	300.6%
Adjustments	0	269	0	-269	
<b>Adjusted Federal Fund</b>	<b>\$145</b>	<b>\$306</b>	<b>\$145</b>	<b>-\$160</b>	<b>-52.4%</b>
Reimbursable Fund	923	880	883	3	0.3%
Adjustments	0	0	0	0	
<b>Adjusted Reimbursable Fund</b>	<b>\$923</b>	<b>\$880</b>	<b>\$883</b>	<b>\$3</b>	<b>0.3%</b>
<b>Adjusted Grand Total</b>	<b>\$107,520</b>	<b>\$107,659</b>	<b>\$112,132</b>	<b>\$4,473</b>	<b>4.2%</b>

Note: The fiscal 2019 appropriation includes deficiencies, a one-time \$500 bonus, and general salary increases. The fiscal 2020 allowance includes general salary increases.

- The Governor's budget includes deficiencies for OPD totaling \$1.8 million to continue support for a pilot program to hire panel attorneys for traffic court dockets, for general salary increases,

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

For further information contact: Benjamin B. Wilhelm

Phone: (410) 946-5530

*C80B00 – Office of the Public Defender*

to support case-related expenditures, and to appropriate available grant funds. Of this amount, \$447,532 is provided to cover fiscal 2018 expenses and, therefore, is excluded from summary tables in this analysis.

- The budget, as introduced, does not include funds to provide a one-time \$500 bonus for qualifying State employees on April 1, 2019, to OPD staff. The Department of Budget and Management reports that this was an oversight and has reported that the necessary funding (\$485,352) will be provided in a supplemental budget. This analysis assumes that those funds will be provided.
- The adjusted fiscal 2020 allowance for OPD is \$112.1 million, an increase of \$4.5 million (4.2%). This increase is largely attributable to general salary increases and to support case-related costs.

## ***Personnel Data***

---

	<b><u>FY 18</u></b> <b><u>Actual</u></b>	<b><u>FY 19</u></b> <b><u>Working</u></b>	<b><u>FY 20</u></b> <b><u>Allowance</u></b>	<b><u>FY 19-20</u></b> <b><u>Change</u></b>
Regular Positions	888.50	888.50	888.50	0.00
Contractual FTEs	<u>59.30</u>	<u>57.00</u>	<u>61.00</u>	<u>4.00</u>
<b>Total Personnel</b>	<b>947.80</b>	<b>945.50</b>	<b>949.50</b>	<b>4.00</b>

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

Turnover and Necessary Vacancies, Excluding New Positions	62.99	7.09%
Positions and Percentage Vacant as of 12/31/18	79.50	8.95%

- The fiscal 2020 allowance includes an increase of 4.0 contractual full-time equivalents (FTE). These additional FTEs are part of the agency's program to hire contractual personnel for support positions.

## ***Key Observations***

---

- ***Case-related Expenditures Are Underfunded by \$1.7 million:*** Each year since fiscal 2010, OPD has overrun the agency's allocation for case-related expenses. The Department of Legislative Services projects that this will be the case in fiscal 2019 as well.
- ***Innovative Staffing Plans Are Working:*** OPD has recently received budget support for two staff relief projects, one for the hiring of contractual support staff and one to hire panel attorneys for traffic court dockets. So far, both projects appear to be working well.

## **Operating Budget Recommended Actions**

1. Concur with Governor's allowance.

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

***Operating Budget Analysis***

---

**Program Description**

The Office of the Public Defender (OPD) provides counsel and related services to indigent persons through 12 district operations, four divisions, and two specialized units. As defined in the Code of Maryland Regulations 14.06.03.01, indigent means “any person taken into custody or charged with a serious crime ... who under oath or affirmation subscribes and states in writing that he is financially unable, without undue hardship, to provide for the full payment of an attorney and all other necessary expenses of legal representation.” Legal representation is provided in criminal trials, bail reviews, appeals, juvenile cases, post-conviction proceedings, parole and probation revocations, and involuntary commitments to mental institutions. The four divisions that support the office are (1) General Administration; (2) District Operations; (3) Appellate and Inmate Services; and (4) Involuntary Institutionalization Services.

**Performance Analysis: Managing for Results**

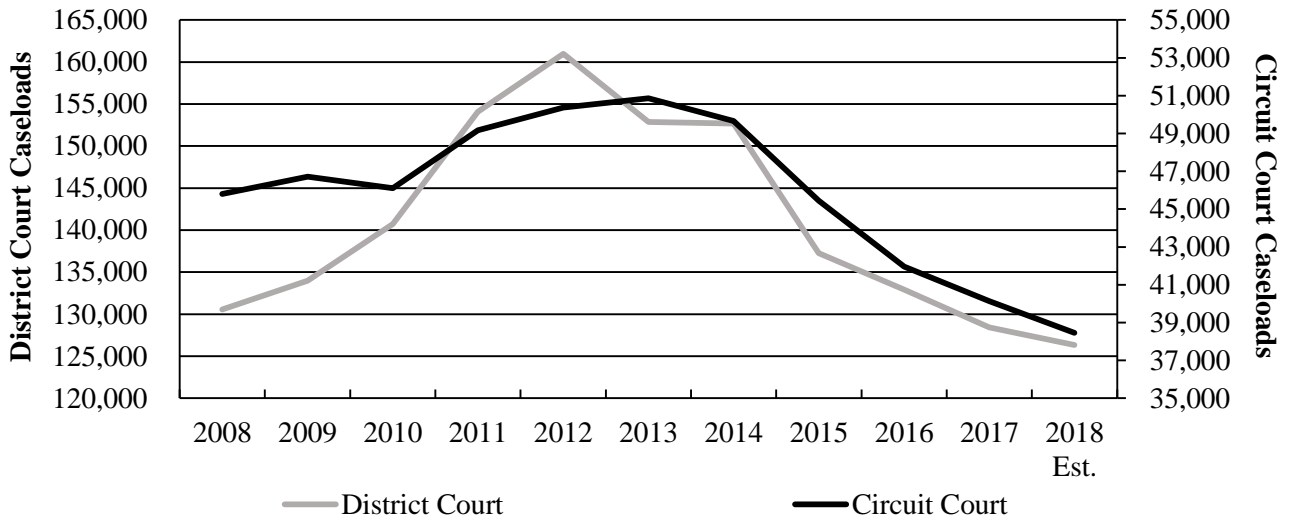
During the 2006 session, the General Assembly endorsed the implementation of Maryland-specific attorney caseload standards for public defenders. Under these standards, the maximum number of cases that public defenders can handle each year without jeopardizing the effective assistance of counsel varies based on geographic location and type of case. OPD also uses these standards to measure agency performance and to inform its allocation of resources.

**1. Total Caseload Steady in Calendar 2018**

In calendar 2018, the estimated agency caseload was 186,116, a decrease of 3,357 cases (1.8%) from calendar 2017 with declines in many, but not all, areas of the State. This continues a trend that has seen agency caseloads decline from their peak from calendar 2012 to 2014.

The vast majority of OPD cases are handled by attorneys in the 12 district offices across the State. In calendar 2018, there were a total of 164,777 District and circuit court cases handled by OPD’s district offices. This is a decline of 3,777 cases (2.3%) from calendar 2017. The number of District and circuit court cases in which OPD represented the defendant in calendar 2018 was 6.6% lower than calendar 2008. As shown in **Exhibit 1**, within this period, cases increased substantially from calendar 2008 to 2011, remained relatively steady through calendar 2014, and then declined dramatically beginning in calendar 2015.

**Exhibit 1**  
**District and Circuit Court Caseloads**  
**Office of the Public Defender**  
**Calendar 2008-2018 Est.**



Source: Department of Budget and Management; Office of the Public Defender

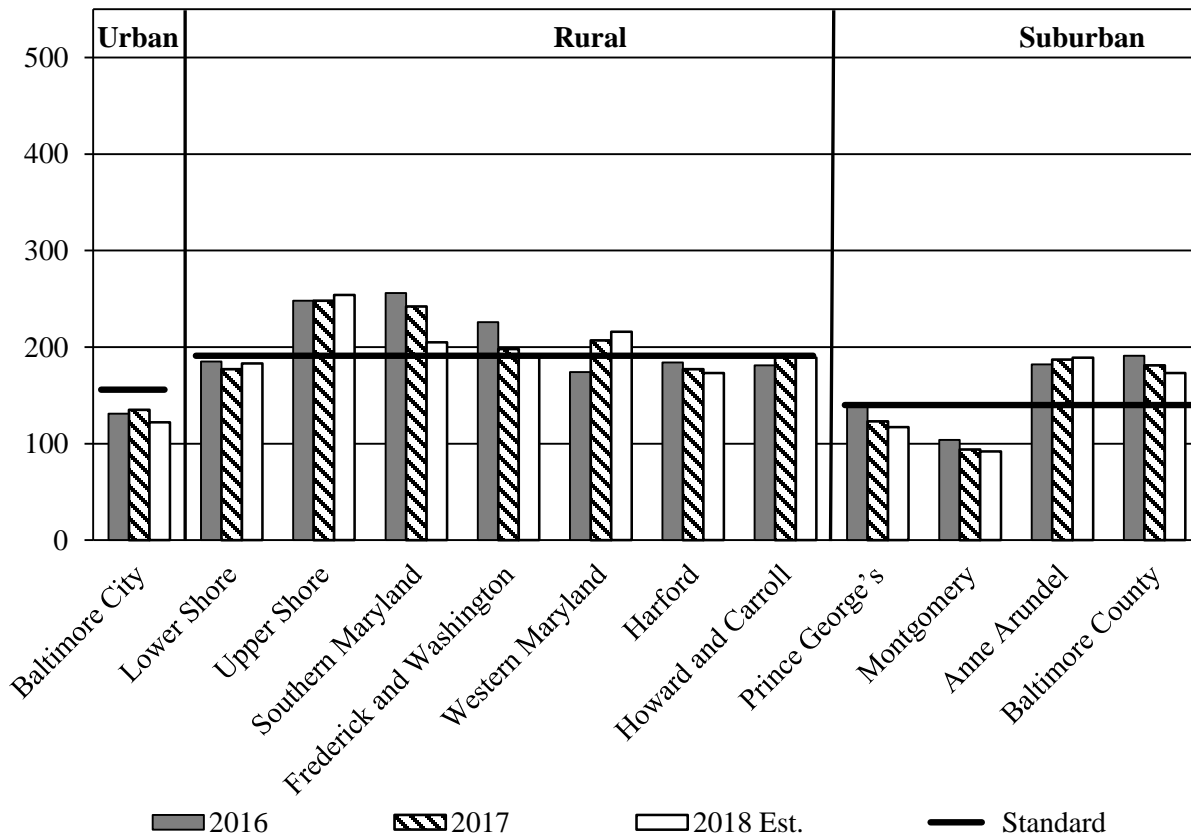
## 2. Most Districts Make Progress on Reducing Attorney Caseloads

The recent decline in OPD caseloads has brought the agency much closer to achieving attorney workload targets. The absolute decrease in cases not only reduces the client count for each public defender but also allows the agency to more easily redeploy public defender positions to areas with greater need. Because public defenders are assigned to specific districts and dockets, it can take some time for the impact of caseload changes to be reflected in the workloads for attorneys across OPD. At present, the overall decline in cases has allowed OPD, over time, to move public defender positions to reduce and rebalance caseloads across the State. This also means that there can be larger swings in year-over-year caseloads in individual districts based on changing staff counts rather than shifts in the total number of cases.

OPD has reported that a 2017 policy change also impacted caseloads in fiscal 2018. Chapter 606 of 2017 shifted responsibility for indigency determinations from OPD to District Court commissioners. OPD believes that a greater share of eligible defendants are applying for representation because all arrestees have initial appearances before commissioners who can encourage them to utilize OPD's services if they are eligible. While this practice would be expected to lead to a caseload increase for OPD, it cannot easily be quantified, and, in any case, these are individuals who are entitled to OPD representation and now have the knowledge to obtain their service.

**Exhibit 2** illustrates the annual caseloads per circuit court attorney from calendar 2016 to 2018. The caseload standards are 156, 191, and 140 for urban, rural, and suburban circuit court attorneys, respectively. OPD has set a target of 40% of districts (5 of 12) in compliance with caseload standards. In the current estimate for calendar 2018, 7 of 12 districts (Baltimore City, the Lower Eastern Shore, Frederick and Washington counties, Harford County, Howard and Carroll counties, Prince George’s County, and Montgomery County) met the target. This is also two more jurisdictions than in calendar 2017. In addition, while Southern Maryland remains over target, it did show substantial progress.

**Exhibit 2**  
**Average Circuit Court Caseload Per Attorney by District**  
**Calendar 2016-2018 Est.**



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

Lower Shore: Dorchester, Somerset, Wicomico, and Worcester counties

Upper Shore: Caroline, Cecil, Kent, Queen Anne’s, and Talbot counties

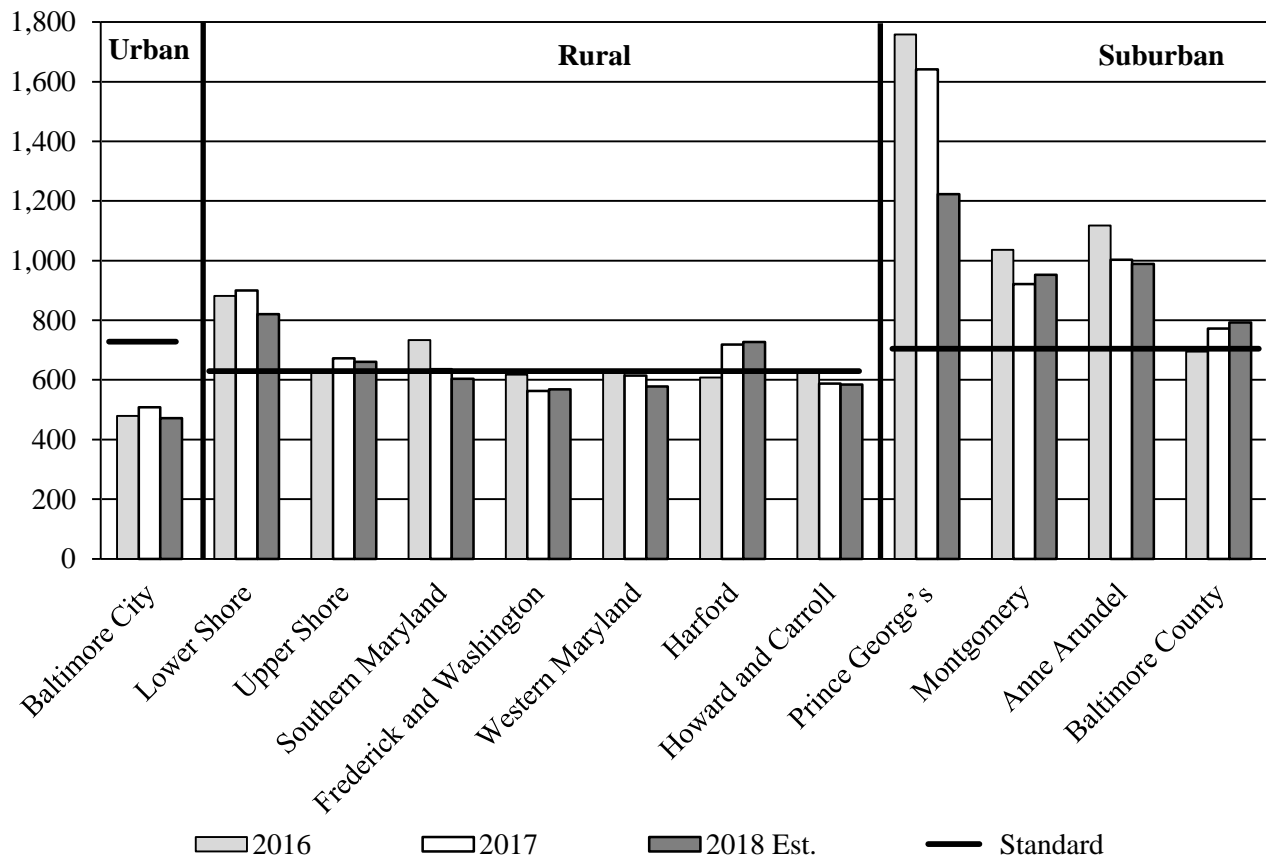
Southern Maryland: Calvert, Charles, and St. Mary’s counties

Western Maryland: Allegany and Garrett counties

Source: Department of Budget and Management

**Exhibit 3** provides caseloads for District Court attorneys from calendar 2016 to 2018. The caseload standards are 728, 630, and 705 per attorney for urban, rural, and suburban District Court attorneys, respectively. OPD has set a target of 40% of districts (5 of 12) in compliance with caseload standards. In calendar 2018, OPD currently estimates that 5 of 12 districts (Baltimore City, Southern Maryland, Frederick and Washington counties, Western Maryland, and Howard and Carroll counties) met the standard. While Prince George’s County continues to have the highest caseload of any jurisdiction by a wide margin, it did see caseloads fall 25.5% in calendar 2018. Many other jurisdictions lost some ground relative to calendar 2017, but no others saw significant shifts.

**Exhibit 3**  
**Average District Court Caseload Per Attorney by District**  
**Calendar 2016-2018 Est.**



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

Lower Shore: Dorchester, Somerset, Wicomico, and Worcester counties

Upper Shore: Caroline, Cecil, Kent, Queen Anne’s, and Talbot counties

Southern Maryland: Calvert, Charles, and St. Mary’s counties

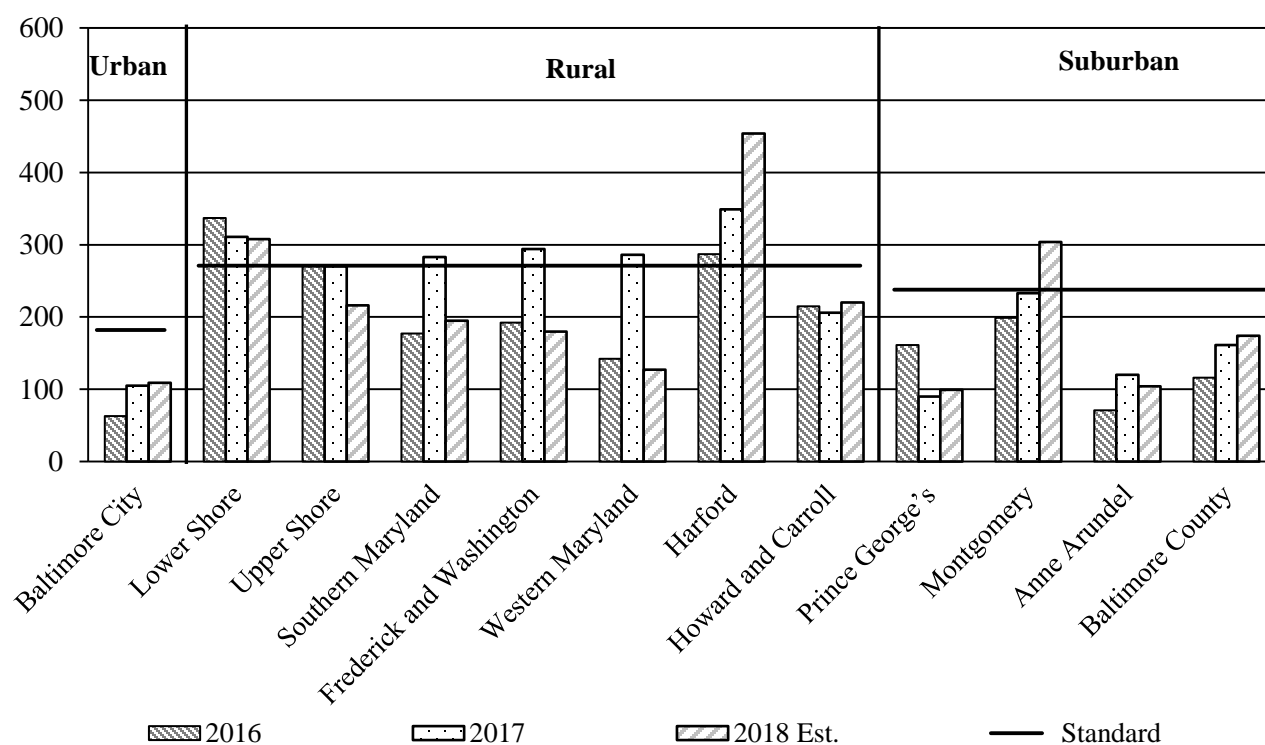
Western Maryland: Allegany and Garrett counties

Source: Department of Budget and Management

### 3. Most Jurisdictions Meet Caseload Target for Juvenile Defenders Despite Large Swings

One area of OPD's caseload that has grown over the last two years is the juvenile docket. While there are still fewer cases than there were in calendar 2015, the total number of cases has increased by 12.6% (to 11,210 cases) since bottoming out in calendar 2016. **Exhibit 4** illustrates the actual average annual caseload per juvenile court attorney from calendar 2016 to 2018. The caseload standards are 182, 271, and 238 per attorney for urban, rural, and suburban juvenile court attorneys, respectively. The OPD target is that at least 75% of districts (9 of 12) meet the juvenile court caseload standards. In calendar 2018, 9 districts met the target. However, 2 of the 3 districts that exceed the standard, Montgomery County and Harford County, both saw large year-over-year growth in their caseloads for calendar 2018.

**Exhibit 4**  
**Average Juvenile Court Caseload Per Attorney by District**  
**Calendar 2016-2018 Est.**



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

Lower Shore: Dorchester, Somerset, Wicomico, and Worcester counties

Upper Shore: Caroline, Cecil, Kent, Queen Anne's, and Talbot counties

Southern Maryland: Calvert, Charles, and St. Mary's counties

Western Maryland: Allegany and Garrett counties

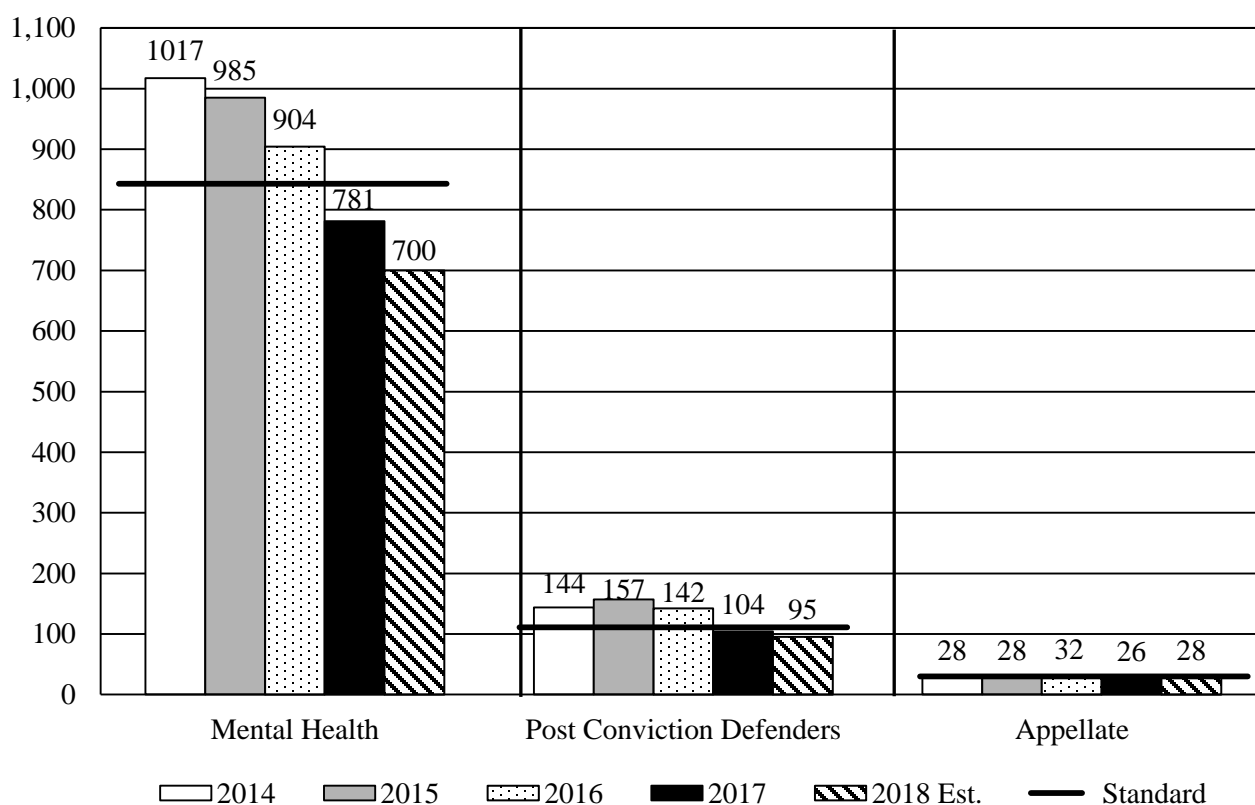
Source: Department of Budget and Management



#### 4. Additional Staff Ease Special Docket Caseloads

In addition to district operations, which consist mostly of trial-level work in the State’s District and circuit courts, OPD also maintains statewide divisions handling specialized dockets. The Mental Health Division represents clients subject to involuntary commitment in mental health facilities. The Appellate Division represents OPD clients on direct appeals from the circuit court to the Court of Special Appeals and higher courts. The Post Conviction Defenders Division provides representation to incarcerated individuals in select circumstances. **Exhibit 5** illustrates annual caseloads for these three divisions from calendar 2014 to 2018. The caseload standards per attorney for the Mental Health, Post Conviction Defenders, and Appellate divisions are 843, 111, and 30, respectively. All three divisions are estimated to meet their caseload targets for calendar 2018. OPD was able to accomplish this by allocating additional attorneys to both the Mental Health and Post Conviction Defenders divisions.

**Exhibit 5**  
**Average Caseload Per Attorney for Specialized Dockets**  
**Calendar 2014-2018 Est.**



Source: Department of Budget and Management

## **Fiscal 2019 Actions**

### **Proposed Deficiency**

The Governor's budget plan includes deficiencies totaling \$1.8 million for the following purposes:

- \$1.0 million to continue funding for a pilot project to hire panel attorneys to provide representation for traffic court dockets;
- \$447,532 to cover a fiscal 2018 cost overrun for case-related expenditures;
- \$300,710 in federal and special funds to reflect fiscal 2019 grant revenue; and
- \$96,374 to provide for a 0.5% general salary increase and a one-time \$500 bonus for qualifying employees on April 1, 2019.

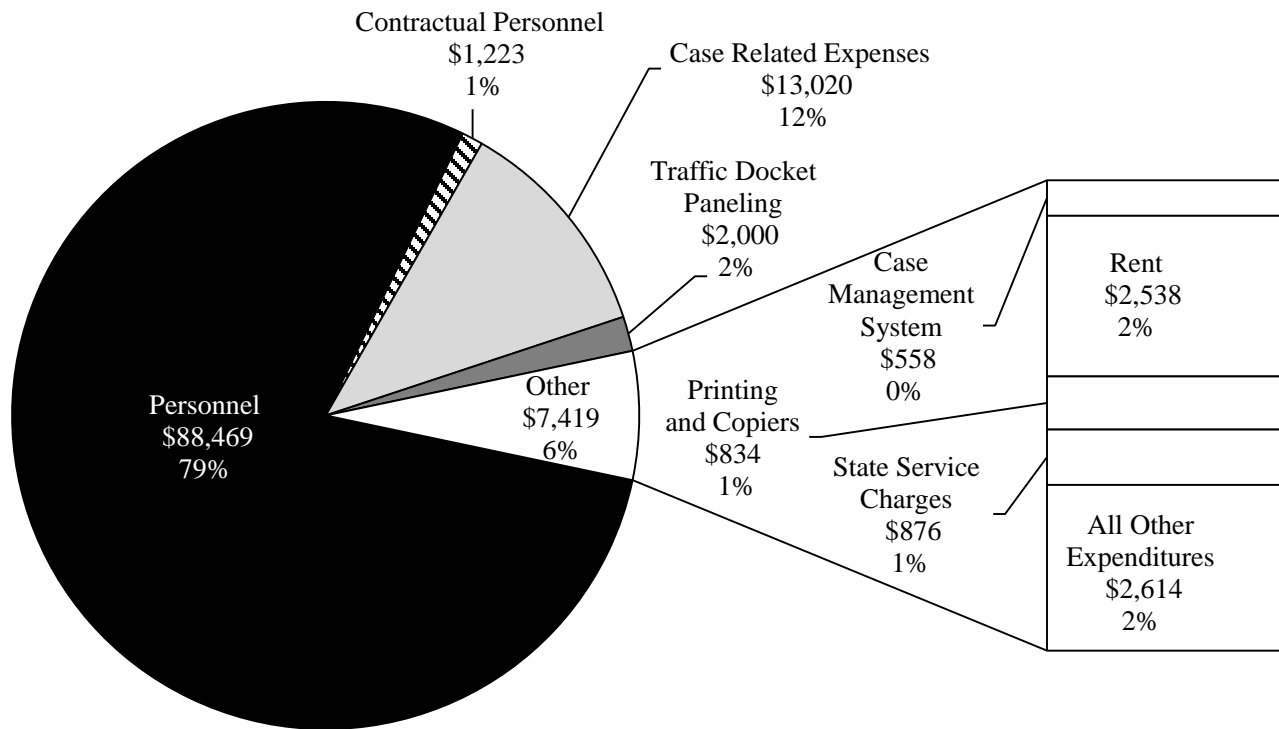
The budget, as introduced, does not include funds to provide the \$500 bonus for qualifying State employees on April 1, 2019, to OPD staff. The Department of Budget and Management (DBM) reports that this was an oversight and has reported that the necessary funding (\$485,352) will be provided in a supplemental budget. This analysis assumes that those funds will be provided.

## **Fiscal 2020 Allowance**

### **Overview of Agency Spending**

Key components of OPD's fiscal 2020 allowance are shown in **Exhibit 6**. Over 90% of the agency's total appropriation goes directly to regular personnel, contractual staff, and case-related expenses, including transcripts for appeals, expert witnesses, and panel attorneys, who are hired to represent OPD clients in some circumstances.

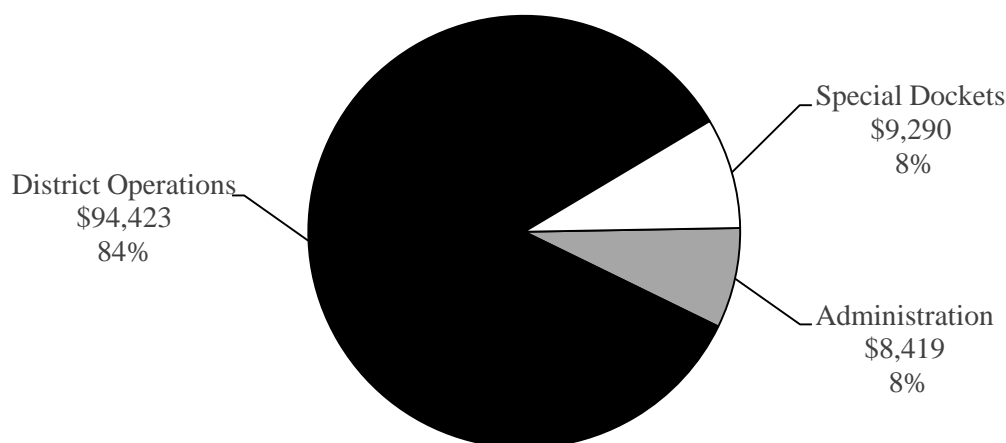
**Exhibit 6**  
**Office of Public Defender**  
**Fiscal 2020 Allowance**  
**(\$ in Thousands)**



Source: Department of Legislative Services

Given that a large majority of OPD's cases flow through the agency's district offices across the State, it should come as no surprise that a large majority of the budget (84%) is devoted to the operations of those district offices, as shown in **Exhibit 7**.

**Exhibit 7**  
**Expenditures by Program**  
**Fiscal 2020 Allowance**  
**(\$ in Thousands)**



Source: Department of Legislative Services

---

**Fiscal 2019 Budget Plan Underfunds Case-related Expenditures**

In each year since fiscal 2010, OPD has exceeded its appropriation due to case-related expenses in excess of the agency's appropriation. These cost overruns have required deficiency appropriations, including \$447,532 in the current budget to pay for expenses accrued during fiscal 2018. As shown in **Exhibit 8**, OPD has identified four case-related expenditure categories that contribute to these cost overruns. OPD has been working to control costs for experts and limiting the number of cases that need to be paneled. Additionally, OPD has benefited from a declining caseload and has had more success in receiving appropriate funding since fiscal 2014.

Based on a three-year average of actual expenditures for these categories from fiscal 2016 to 2018 (\$12.5 million), the Department of Legislative Services (DLS) estimates that current year case-related expenses for OPD are underfunded by approximately \$785,000. This represents progress relative to recent years, but DLS had projected last year that fiscal 2019 was fully funded. There are two factors that have negatively impacted the funding status for these expenses since the fiscal 2019 budget was approved. First, OPD was authorized to launch a pilot program to assign panel attorneys to traffic dockets, which diverted \$1.0 million of the fiscal 2019 allocation for panel attorneys. Secondly, actual expenditures increased by nearly \$800,000 in fiscal 2018, which pushes DLS's cost estimate for fiscal 2019 and 2020 higher. While this represents a setback in fiscal 2019, DLS projects that fiscal 2020 should be adequately funded, in large part because the funds diverted to the traffic docket pilot program in fiscal 2019 are backfilled.

**Exhibit 8**  
**Adjusted Actual Expenditures**  
**Fiscal 2014-2020**  
**(\$ in Thousands)**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<b>Working Appropriation</b> <u>2019</u>	<b>Allowance</b> <u>2020</u>
Panel Fees	\$7,442	\$7,305	\$8,010	\$7,458	\$7,987	\$7,462	\$8,573
Medical Support	1,297	1,320	1,446	1,663	2,081	1,400	1,800
Experts	1,548	1,232	1,179	1,344	1,284	1,237	1,508
Transcripts	1,276	1,331	1,560	1,725	1,625	1,570	1,570
<b>Total</b>	<b>\$11,562</b>	<b>\$11,188</b>	<b>\$12,195</b>	<b>\$12,189</b>	<b>\$12,977</b>	<b>\$11,668</b>	<b>\$13,451</b>

Note: This chart does not include funding provided in fiscal 2019 and fiscal 2020 to support a pilot program to hire panel attorneys for traffic court dockets.

Source: Office of the Public Defender

Additionally, the current budget plan does not provide a deficiency appropriation sufficient to cover the entire cost overrun from fiscal 2018 (\$1.3 million). The plan only provides \$447,532 to cover these costs, which means that the remainder (\$869,042) will have to be paid from the fiscal 2019 allocation. This increases the projected fiscal 2019 cost overrun for OPD to \$1.7 million.

### **Proposed Budget Change**

The fiscal 2020 allowance for OPD increases by \$4.5 million (4.2%), as shown in **Exhibit 9**. That increase is attributable to statewide personnel actions, increasing support for case-related expenses, and costs for a new case management system.

**Exhibit 9**  
**Proposed Budget**  
**Office of the Public Defender**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
Fiscal 2018 Actual	\$106,115	\$337	\$145	\$923	\$107,520
Fiscal 2019 Working Appropriation	106,184	290	306	880	107,659
Fiscal 2020 Allowance	<u>110,817</u>	<u>286</u>	<u>145</u>	<u>883</u>	<u>112,132</u>
Fiscal 2019-2020 Amount Change	\$4,634	-\$3	-\$160	\$3	\$4,473
Fiscal 2019-2020 Percent Change	4.4%	-1.1%	-52.4%	0.3%	4.2%
<b>Where It Goes:</b>					
<b>Personnel Expenses</b>					
3% general salary increase effective July 1, 2019 .....					\$2,228
Annualization of 2% general salary increase effective January 1, 2019.....					706
Employer pension contribution.....					605
Employee and retiree health insurance .....					152
Other fringe benefit adjustments.....					103
Annualization of 0.5% general salary increase effective April 1, 2019.....					270
Turnover expectancy.....					-257
Impact of \$500 bonus for qualifying employees on April 1, 2019 .....					-485
Reduction in base compensation due to rebasing of positions.....					-949
<b>Other Changes</b>					
Panel attorneys .....					1,111
Case management system licenses.....					558
Medical support for cases .....					400
Experts .....					150
Rent.....					140
State service charges .....					87
Contractual employee turnover expectancy .....					75
Grant funding adjustment.....					-192
End of costs for build-out of agency training center.....					-310
All other changes .....					81
<b>Total</b>					<b>\$4,473</b>

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

## **Personnel**

Personnel adjustments increase the fiscal 2020 allowance by \$2.4 million. Statewide general salary increases and the impact of the \$500 bonus for qualifying employees in fiscal 2019 add a net total of \$2.7 million. Increases are partially offset by a decrease of \$949,221 for compensation due to the rebasing of positions following the departure of tenured employees.

## **Other Changes**

Other significant changes include increases for case-related expenses for panel attorneys (\$1.1 million), medical support (\$400,000), and experts (\$150,000) based on estimated actual costs for those purposes. The fiscal 2020 allowance also includes an increase of \$557,600 for the costs associated with a major information technology project for a new case management system. This project is being developed for both OPD and the Office of the Attorney General, and the OPD portion should deploy in fiscal 2020.

## ***Issues***

---

### **1. OPD Finding Success with Creative Workload Solutions**

DLS has reported over the last several years on the staffing challenges facing OPD. Between fiscal 2007 and 2017, OPD shrank from 1,096.9 to 899.5 regular positions and contractual full-time equivalents (FTE). Over much of that period, the agency also faced growing caseloads, which peaked in calendar 2012 at over 235,000 cases. However, thanks to renewed commitment to the agency from the Executive Branch and the General Assembly, since fiscal 2018, OPD has been able to stabilize its budget and has been provided the flexibility to try new programs to better manage its workloads and improve staffing levels. OPD has also benefited over the last five years from a decline in the agency caseload of about 20% since the peak in calendar 2012. That decrease has allowed the agency to redeploy staff positions to hire for areas of greater need and has led to the improved caseload situation for public defenders described in the Performance Analysis section of this analysis.

Specifically, OPD is running two programs to improve the agency's staffing and efficiency: a contractual support staff program; and the Work Reduction Pilot Program (WRPP).

#### **Contractual Support Staff**

Since fiscal 2018, OPD's budget has included an enhancement of at least \$1.0 million per year to allow the agency to fund a program for the hiring of contractual FTEs to fill support roles in the agency. In recent years, OPD has struggled to fill regular support positions due to the relatively low compensation that it can offer and has also faced a significant reduction in the number of authorized positions for support staff. In fiscal 2018 and 2019, this plan allowed OPD to hire more than 50 contractual staff to conduct intake, work with clients, and perform paralegal functions.

OPD has reported that the turnover rate for these positions is higher than that for regular positions performing these functions, but agency leadership has also been able to move staff hired as contractual FTEs into regular positions as they become available. While DLS continues to maintain that using contractual FTEs as opposed to regular employees to perform ongoing agency functions is not an adequate long-term solution, the clearly demonstrated staffing need of OPD and the commitment to moving contractual staff to regular positions as they become available is a reasonable compromise in the immediate term. Nonetheless, DLS continues to urge that OPD should be provided an appropriate complement of regular positions and that those positions should be sufficiently compensated. **DLS recommends that OPD provide as part of the agency's written testimony the number of staff hired as contractual FTEs who have moved into regular positions in the agency.**

OPD has identified one issue with this project. The agency originally intended to use this project to hire social workers but has found that it cannot do so on a contractual basis. **OPD should explain to the committees why the agency has been unable to hire social workers and the services they provide to OPD's clients.**



## **WRPP**

In fiscal 2019, DBM provided \$1.0 million to OPD to conduct a six-month WRPP using panel attorneys to represent defendants on District Court traffic dockets. This is the first time in recent memory that OPD has received panel attorney funding specifically intended to ease the workloads of full-time staff.

OPD developed a program by which it hires panel attorneys at a rate of \$500 per docket to represent all of the OPD clients on a particular traffic docket (typically between 5 and 25 clients). This first \$1.0 million allocation operated the WRPP from July to December 2018. While OPD is still receiving and processing data on the number of dockets and cases handled by these panel attorneys, it already appears that the program resulted in a substantial caseload reduction for District Court public defenders. The use of a panel attorney for an entire docket rather than for individual cases is a particularly efficient way to utilize these resources. Taking an entire docket off a public defender's calendar will often clear an entire work day for that attorney to focus on their more complicated cases.

OPD indicates that there had been some concern prior to the start of the WRPP that it would be difficult to find enough qualified attorneys to take on dockets at the \$500 rate but reports that this concern has not materialized. While \$1.0 million would be sufficient to cover up to 2,000 total dockets, OPD has also reported that startup costs and training offered to participating attorneys reduced the number of dockets covered by the funding.

The Governor's budget includes a \$1.0 million deficiency to fund the WRPP through the end of fiscal 2019 and \$2.0 million to fund the program in fiscal 2020. While the program appears to be off to an encouraging start, it will be important to ensure that defendants are receiving quality representation from the panel attorneys, that there are a sufficient number of panel attorneys to cover these dockets, and that public defenders see relief in their caseloads. DLS is aware that OPD is already tracking statistics related to this program and that the agency is willing to share its findings. **Therefore, DLS recommends that it is not necessary to direct the agency to prepare a separate report for the committees on the outcome of the pilot program with the expectation that OPD will continue to remain open to discussing and sharing data on this project.**

## ***Operating Budget Recommended Actions***

---

1. Concur with Governor's allowance.

**Appendix 1**  
**Current and Prior Year Budgets**  
**Office of the Public Defender**  
**(\$ in Thousands)**

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2018</b>					
Legislative Appropriation	\$104,086	\$263	\$0	\$883	\$105,233
Deficiency/Withdrawn Appropriation	2,405	0	0	0	2,405
Cost Containment	-611	0	0	0	-611
Budget Amendments	235	124	151	39	550
Reversions and Cancellations	0	-50	-6	0	-56
<b>Actual Expenditures</b>	<b>\$106,115</b>	<b>\$337</b>	<b>\$145</b>	<b>\$923</b>	<b>\$107,520</b>
<b>Fiscal 2019</b>					
Legislative Appropriation	\$103,896	\$257	\$36	\$880	\$105,070
Budget Amendments	706	1	0	0	706
<b>Working Appropriation</b>	<b>\$104,602</b>	<b>\$258</b>	<b>\$36</b>	<b>\$880</b>	<b>\$105,776</b>

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. Numbers may not sum to total due to rounding.

## **Fiscal 2018**

The Office of the Public Defender (OPD) closed fiscal 2018 \$2.3 million above its legislative appropriation. This increase is attributable to \$3.6 million in general fund deficiencies partially offset by other adjustments. Those changes are detailed by fund below.

### **General Fund**

Actual general fund expenditures were \$2.0 million above the legislative appropriation. The following actions adjusted the legislative appropriation:

- A total of \$3.6 million in deficiencies, including funds to cover fiscal 2017 case-related expenses (\$2.6 million); for the relocation of agency information technology operations (\$639,337); to increase hiring for administrative positions (\$229,676); and for fiscal 2018 case-related expenses (\$130,987). These increases were partially offset by a provision in the 2018 budget that removed \$1.2 million to reflect lower health insurance costs.
- A cost containment action approved by the Board of Public Works on September 6, 2017, reduced the appropriation by \$611,000 for panel attorneys (\$500,000) and to increase turnover (\$111,000).
- A budget amendment added \$234,939 to realign statewide telecommunications expenditures.

### **Special Funds**

Actual special fund expenditures were \$73,680 above the legislative appropriation. Two budget amendments added a total of \$123,800 to the appropriation to fund a pilot court date reminder program for OPD clients (\$80,000) and to fund case-related expenses (\$43,800). These increases are partially offset by the cancellation of \$50,120 in unspent funds that will be utilized in future fiscal years as needed.

### **Federal Funds**

The legislative appropriation did not include any federal funds for OPD, but two budget amendments added \$151,462 from the Bureau of Justice Assistance in the U.S Department of Justice to fund support for defendants with co-occurring mental health and substance abuse issues. The increase is offset by the cancellation of \$6,010 in unspent funds.

### **Reimbursable Funds**

Actual reimbursable fund expenditures were \$39,325 above the legislative appropriation due to a grant from the Maryland Judiciary for family reunification activities.

## **Fiscal 2019**

To date, there has been one action impacting the fiscal 2019 working appropriation. A budget amendment added \$705,508 in general funds and \$954 in special funds to provide a 2% general salary increase effective January 1, 2019.

## Appendix 2

### Major Information Technology Projects

#### Office of the Public Defender

#### Case Management Replacement

<b>Project Status</b>	Implementation.			<b>New/Ongoing Project:</b>		Ongoing.		
<b>Project Description:</b>	New electronic case management system to ensure that the agency can efficiently manage new efilg requirements in State courts.							
<b>Project Business Goals:</b>	Modernize case processing and replace a failing system that is not capable of handling the agency’s current volume of cases.							
<b>Estimated Total Project Cost:</b>	\$1,112,000			<b>Estimated Planning Project Cost:</b>		\$0		
<b>Project Start Date:</b>	October 2017.			<b>Projected Completion Date:</b>		Fiscal 2020.		
<b>Schedule Status:</b>	On schedule for rollout in the third quarter of fiscal 2020.							
<b>Cost Status:</b>	Total projected cost for both parts of the project is \$4.9 million, of which \$1.1 million is attributed to the Office of the Public Offender (OPD). The Office of the Attorney General (OAG) has expended \$2.1 million to date on the overall project.							
<b>Scope Status:</b>	n/a.							
<b>Project Management Oversight Status:</b>	Department of Information Technology (DoIT) oversight established.							
<b>Identifiable Risks:</b>	The most significant risks identified by OPD relate to acceptance of the new system by employees, many of whom have substantial workloads and may not have sufficient time to train in the new system, and any attorneys who do not wish to adapt to new case management requirements. DoIT considers this to be a low-risk project.							
<b>Additional Comments:</b>	This project is being developed for both OPD and OAG and has a total estimated cost for both components of \$4.9 million. OAG has been the lead agency in the development of the project and funded the planning portion of the project.							
<b>Fiscal Year Funding (\$ in Thousands)</b>	<b>Prior Years</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Balance to Complete</b>	<b>Total</b>
Personnel Services	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Professional and Outside Services	0.0	556.0	556.0	0.0	0.0	0.0	0.0	1,112.0
Other Expenditures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Funding</b>	<b>\$0.0</b>	<b>\$556.0</b>	<b>\$556.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$1,112.0</b>

**Appendix 3**  
**Object/Fund Difference Report**  
**Office of the Public Defender**

<u>Object/Fund</u>	<u>FY 18 Actual</u>	<u>FY 19 Working Appropriation</u>	<u>FY 20 Allowance</u>	<u>FY 19 - FY 20 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	888.50	888.50	888.50	0.00	0%
02 Contractual	59.30	57.00	61.00	4.00	7.0%
<b>Total Positions</b>	<b>947.80</b>	<b>945.50</b>	<b>949.50</b>	<b>4.00</b>	<b>0.4%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 84,038,198	\$ 85,514,764	\$ 85,874,979	\$ 360,215	0.4%
02 Technical and Special Fees	14,450,128	12,226,059	15,084,967	2,858,908	23.4%
03 Communication	1,222,648	918,939	430,660	-488,279	-53.1%
04 Travel	209,257	183,000	186,753	3,753	2.1%
06 Fuel and Utilities	100,745	64,641	101,000	36,359	56.2%
07 Motor Vehicles	49,029	33,000	39,540	6,540	19.8%
08 Contractual Services	4,211,609	3,970,484	4,805,707	835,223	21.0%
09 Supplies and Materials	348,420	288,456	291,680	3,224	1.1%
10 Equipment – Replacement	53,876	26,916	26,916	0	0%
11 Equipment – Additional	208,197	55,000	55,000	0	0%
13 Fixed Charges	2,627,868	2,495,137	2,640,022	144,885	5.8%
<b>Total Objects</b>	<b>\$ 107,519,975</b>	<b>\$ 105,776,396</b>	<b>\$ 109,537,224</b>	<b>\$ 3,760,828</b>	<b>3.6%</b>
<b>Funds</b>					
01 General Fund	\$ 106,114,873	\$ 104,601,959	\$ 108,222,905	\$ 3,620,946	3.5%
03 Special Fund	336,893	258,127	286,266	28,139	10.9%
05 Federal Fund	145,452	36,311	145,453	109,142	300.6%
09 Reimbursable Fund	922,757	879,999	882,600	2,601	0.3%
<b>Total Funds</b>	<b>\$ 107,519,975</b>	<b>\$ 105,776,396</b>	<b>\$ 109,537,224</b>	<b>\$ 3,760,828</b>	<b>3.6%</b>

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.

**Appendix 4  
Fiscal Summary  
Office of the Public Defender**

<b><u>Program/Unit</u></b>	<b><u>FY 18 Actual</u></b>	<b><u>FY 19 Wrk Approp</u></b>	<b><u>FY 20 Allowance</u></b>	<b><u>Change</u></b>	<b><u>FY 19 - FY 20 % Change</u></b>
01 General Administration	\$ 7,913,221	\$ 7,996,805	\$ 8,246,408	\$ 249,603	3.1%
02 District Operations	91,170,306	89,158,618	92,211,333	3,052,715	3.4%
03 Appellate and Inmate Services	6,624,338	7,110,651	7,266,202	155,551	2.2%
04 Involuntary Institutionalization Services	1,812,110	1,510,322	1,813,281	302,959	20.1%
<b>Total Expenditures</b>	<b>\$ 107,519,975</b>	<b>\$ 105,776,396</b>	<b>\$ 109,537,224</b>	<b>\$ 3,760,828</b>	<b>3.6%</b>
General Fund	\$ 106,114,873	\$ 104,601,959	\$ 108,222,905	\$ 3,620,946	3.5%
Special Fund	336,893	258,127	286,266	28,139	10.9%
Federal Fund	145,452	36,311	145,453	109,142	300.6%
<b>Total Appropriations</b>	<b>\$ 106,597,218</b>	<b>\$ 104,896,397</b>	<b>\$ 108,654,624</b>	<b>\$ 3,758,227</b>	<b>3.6%</b>
Reimbursable Fund	\$ 922,757	\$ 879,999	\$ 882,600	\$ 2,601	0.3%
<b>Total Funds</b>	<b>\$ 107,519,975</b>	<b>\$ 105,776,396</b>	<b>\$ 109,537,224</b>	<b>\$ 3,760,828</b>	<b>3.6%</b>

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.