

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

***Operating Budget Data***

(\$ in Thousands)

	<b><u>FY 16</u></b> <b><u>Actual</u></b>	<b><u>FY 17</u></b> <b><u>Working</u></b>	<b><u>FY 18</u></b> <b><u>Allowance</u></b>	<b><u>FY 17-18</u></b> <b><u>Change</u></b>	<b><u>% Change</u></b> <b><u>Prior Year</u></b>
General Fund	\$102,910	\$104,131	\$104,411	\$280	0.3%
Adjustments	0	0	-325	-325	
<b>Adjusted General Fund</b>	<b>\$102,910</b>	<b>\$104,131</b>	<b>\$104,086</b>	<b>-\$45</b>	<b>0.0%</b>
Special Fund	293	266	264	-2	-0.7%
Adjustments	0	0	-1	-1	
<b>Adjusted Special Fund</b>	<b>\$293</b>	<b>\$266</b>	<b>\$263</b>	<b>-\$2</b>	<b>-0.9%</b>
Reimbursable Fund	1,026	897	883	-14	-1.5%
<b>Adjusted Reimbursable Fund</b>	<b>\$1,026</b>	<b>\$897</b>	<b>\$883</b>	<b>-\$14</b>	<b>-1.5%</b>
<b>Adjusted Grand Total</b>	<b>\$104,229</b>	<b>\$105,294</b>	<b>\$105,233</b>	<b>-\$61</b>	<b>-0.1%</b>

Note: Includes targeted reversions, deficiencies, and contingent reductions.

- The Governor's budget plan for the Office of the Public Defender (OPD) includes fiscal 2017 deficiencies totaling \$5.3 million for panel attorneys and other operating expenses incurred in fiscal 2016 in excess of the agency's appropriation. To provide a more accurate comparison between fiscal 2017 and 2018, these deficiencies are not included in the fiscal 2017 working appropriation. However reflected, neither the fiscal 2018 nor 2019 allowance appears sufficient to support agency operations.
- The fiscal 2018 allowance, net of back of the bill reductions, is \$105.2 million, a decrease of \$61,158, or 0.1%, below the fiscal 2017 working appropriation.

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

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***Personnel Data***

	<b><u>FY 16 Actual</u></b>	<b><u>FY 17 Working</u></b>	<b><u>FY 18 Allowance</u></b>	<b><u>FY 17-18 Change</u></b>
Regular Positions	913.00	888.50	888.50	0.00
Contractual FTEs	<u>10.00</u>	<u>10.00</u>	<u>10.00</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>923.00</b>	<b>898.50</b>	<b>898.50</b>	<b>0.00</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	51.09	5.75%
Positions and Percentage Vacant as of 12/31/16	63.00	7.09%

- The fiscal 2018 allowance includes 888.5 regular positions and 10.0 contractual full-time equivalents, the same as the fiscal 2017 working appropriation.
- A total of 10.0 vacant regular positions were abolished under Section 20 of the fiscal 2017 budget bill, this action is reflected in the fiscal 2017 working appropriation.
- Turnover expectancy for the agency is 5.75%, which requires a total of 51.1 vacant positions. As of December 31, 2016, the agency had a total of 63.0 vacant positions and a vacancy rate of 7.1%.

## ***Analysis in Brief***

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### **Major Trends**

***Circuit Court Caseloads Fall in Most Districts, Remain High:*** An 8.5% decrease in the number of circuit court cases handled by OPD in calendar 2015 led to a general decline in caseloads for circuit court public defenders. Four out of 12 districts were within caseload targets, but there were increases in two large suburban districts – Anne Arundel and Baltimore counties.

***Decrease in District Court Attorneys Leads to Erratic Caseload Changes:*** District Court cases declined by 10.1%, which led to a decline in caseloads in 7 out of 12 districts despite a reported decline of 15 District Court public defenders across the State. Four out of 12 districts hit caseload targets. While Montgomery County remained over standard, there was a significant decline in cases per attorney. The opposite occurred in Prince George’s County.

***Juvenile Court Caseloads Improve, Remain Strong:*** OPD continues to meet its goal with 9 out of 12 districts meeting juvenile court caseload standards. Each of the districts not meeting the standard also saw a decline in caseloads in calendar 2015.

***Small Increase for Specialized Dockets:*** OPD has three statewide divisions for specialized dockets: the Mental Health Division, the Post Conviction Division, and the Appellate Division. In calendar 2015, the Mental Health and Post Conviction divisions exceeded targets, while the Appellate Division remained just within the standard.

### **Issues**

***Staff Shortages Remain a Problem for OPD:*** Staffing issues at OPD are a long-standing and well-documented problem. Since reaching a peak in fiscal 2007, OPD has lost over 200.0 regular positions, including 24.5 in fiscal 2017. The agency reports a need for 92.0 more attorneys to meet caseload targets. Support staff are stretched even thinner and have borne the brunt of staffing reductions. The fiscal 2018 allowance includes \$1.2 million for OPD to hire additional support staff on a contractual basis. The plan is still under development, but the agency intends to use the funds to increase staff in critical areas as workload requires. **The Department of Legislative Services (DLS) recommends that OPD comment on the impact of staffing reductions on agency operations. Inasmuch as support positions needed are for an ongoing purpose, DLS further recommends that the additional funding for contractual employees be restricted to reducing turnover expectancy so that the agency can fill existing support positions.**

## **Recommended Actions**

1. Add budget bill language that restricts the use of \$1.1 million in general funds to reduce turnover expectancy rather than for contractual full-time equivalents.

**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 through 12 district operations, four divisions, and two specialized units. As defined in COMAR 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 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.

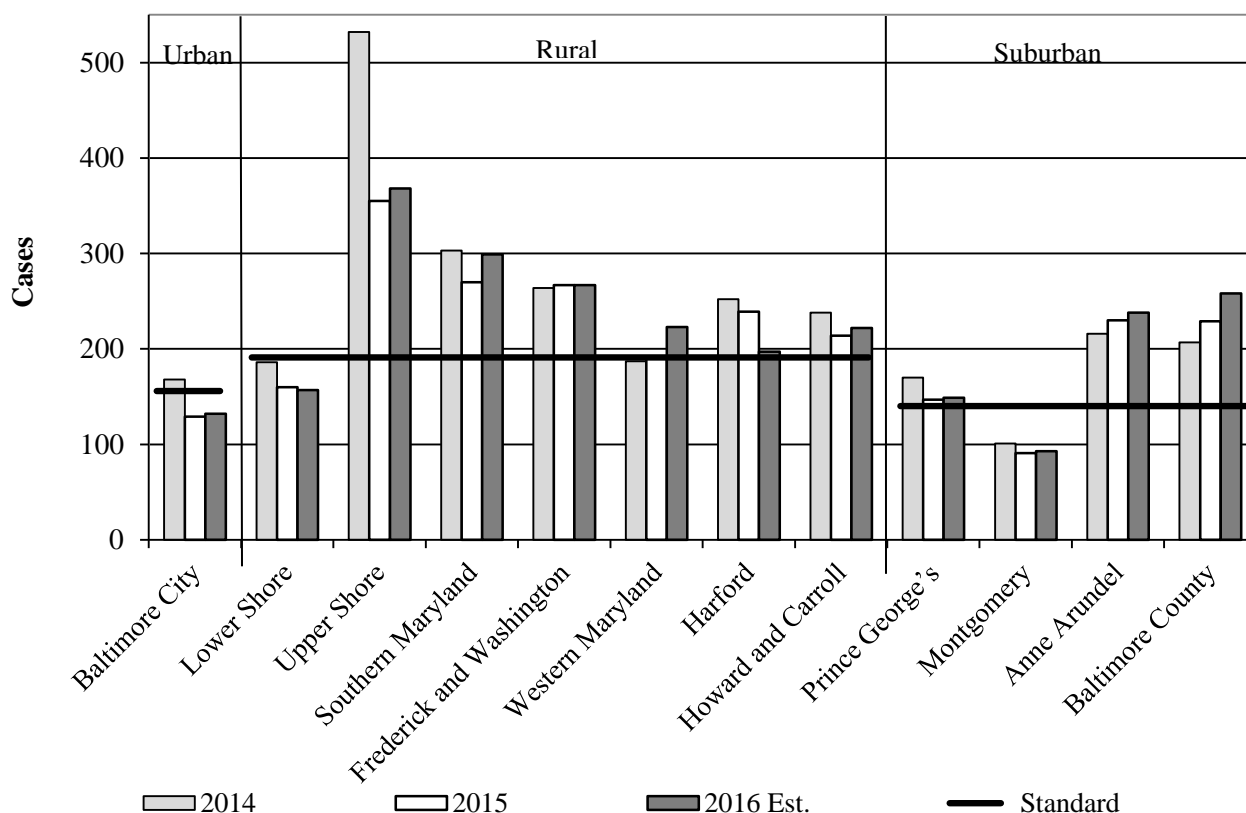
In calendar 2015, the full agency caseload was 212,288, a decrease of 20,389 cases, or 8.8%, from calendar 2014, which was spread across the agency, including both the District and circuit courts. This large decline, if sustained, would significantly improve the prospects for OPD staffing and finances moving forward. The vast majority of OPD cases are handled by attorneys in the 12 district offices across the State. In calendar 2015, there were a total of 194,468 District, circuit, and juvenile court cases handled by district offices; a decline of 21,115 cases, or 9.8%, from calendar 2014. The majority of the statewide decline occurred in Baltimore City, likely due to both recent criminal justice reform legislation and the public and governmental response to the death of Freddie Gray. Despite these declines, the number of cases assigned to panel attorneys increased by 9.0% after a one-year drop in fiscal 2014.

**1. Circuit Court Caseloads Fall in Most Districts, Remain High**

Due to an 8.5% decline in the number of circuit court cases statewide and the addition of six circuit court attorneys, per attorney caseloads generally fell across the State. **Exhibit 1** illustrates the actual average annual caseload per circuit court attorney for calendar 2014 and 2015 and an estimate for calendar 2016. The caseload standards are 156, 191, and 140 for urban, rural, and suburban circuit

court attorneys, respectively. In calendar 2015, 4 of 12 districts (Baltimore City, the Lower Eastern Shore, Montgomery County, and Western Maryland) met these standards. This compliance rate of 33%, remains below the 50% target but is an improvement over last year when only 25% of districts met the standard. Among the 8 districts exceeding the target, there was general improvement, though Anne Arundel and Baltimore counties saw increases. Of particular note, a large spike in caseloads in the Upper Eastern Shore in 2014 has reversed, but the district still has by far the highest caseloads in the State.

**Exhibit 1**  
**Average Circuit Court Caseload Per Attorney by District**  
**Calendar 2014-2016 Est.**



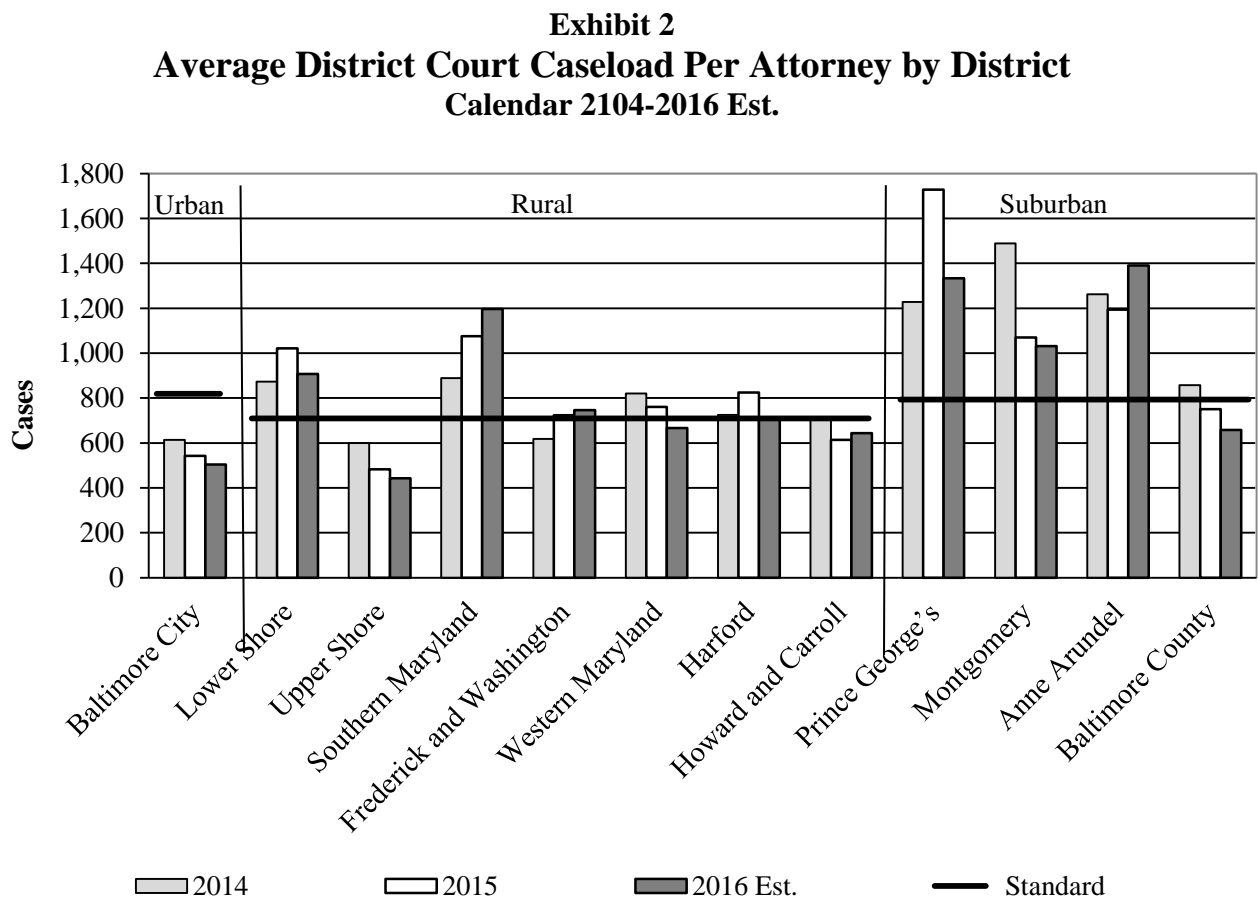
Maryland Caseload Standards: Urban Counties – 156 cases; Rural Counties – 191 cases; Suburban Counties – 140 cases.

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: Department of Budget and Management

## 2. Decrease in District Court Attorneys Leads to Erratic Caseload Changes

**Exhibit 2** illustrates the actual average annual caseload per District Court attorney for calendar 2014 and 2015 and an estimate for calendar 2016. 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 2015, 4 of 12 districts met the standard. The reported number of District Court defenders decreased from 171 to 156, which caused more fluctuation than usual in caseloads. Overall, District Court cases declined by 10.1%, which led to declines in caseload in 7 out of 12 districts, with the largest impact in Montgomery County where the average caseload per defender fell from 1,489 to 1,069. However, there were significant increases in the Lower Eastern Shore, Southern Maryland, and Prince George's County.



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

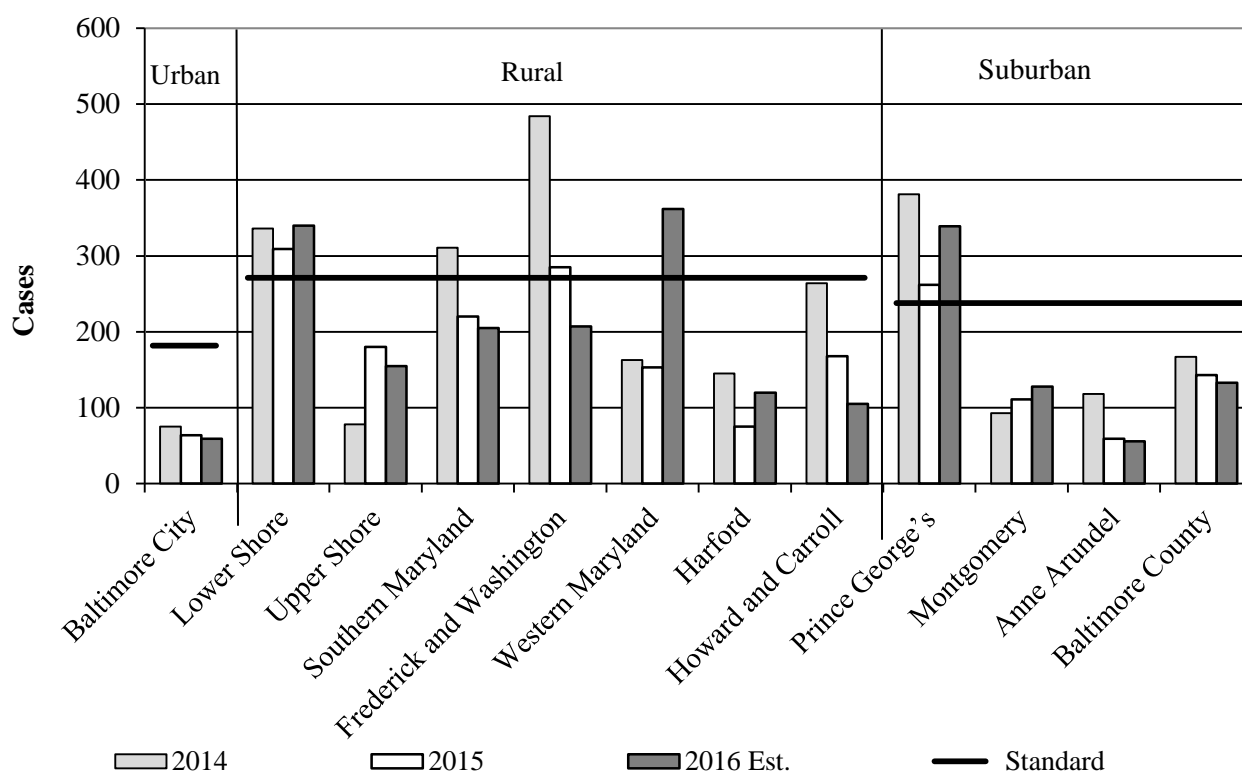
Note: Lower Shore constitutes Dorchester, Somerset, Wicomico, and Worcester counties; Upper Shore constitutes Caroline, Cecil, Kent, Queen Anne's, and Talbot counties; Southern Maryland constitutes Calvert, Charles, and St. Mary's counties; and Western Maryland constitutes Allegany and Garrett counties.

Source: Department of Budget and Management

### 3. Juvenile Court Caseloads Improve, Remain Strong

**Exhibit 3** illustrates the actual average annual caseload per juvenile court attorney for calendar 2014 and 2015 and an estimate for calendar 2016. 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 2015, 9 districts were within target. In addition to meeting the standard, each of the 3 districts that remain out of compliance with the standard (the Lower Eastern Shore, Frederick and Washington counties, and Prince George’s County), improved in calendar 2015.

**Exhibit 3**  
**Average Juvenile Court Caseload Per Attorney by District**  
**Calendar 2014-2016 Est.**



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.

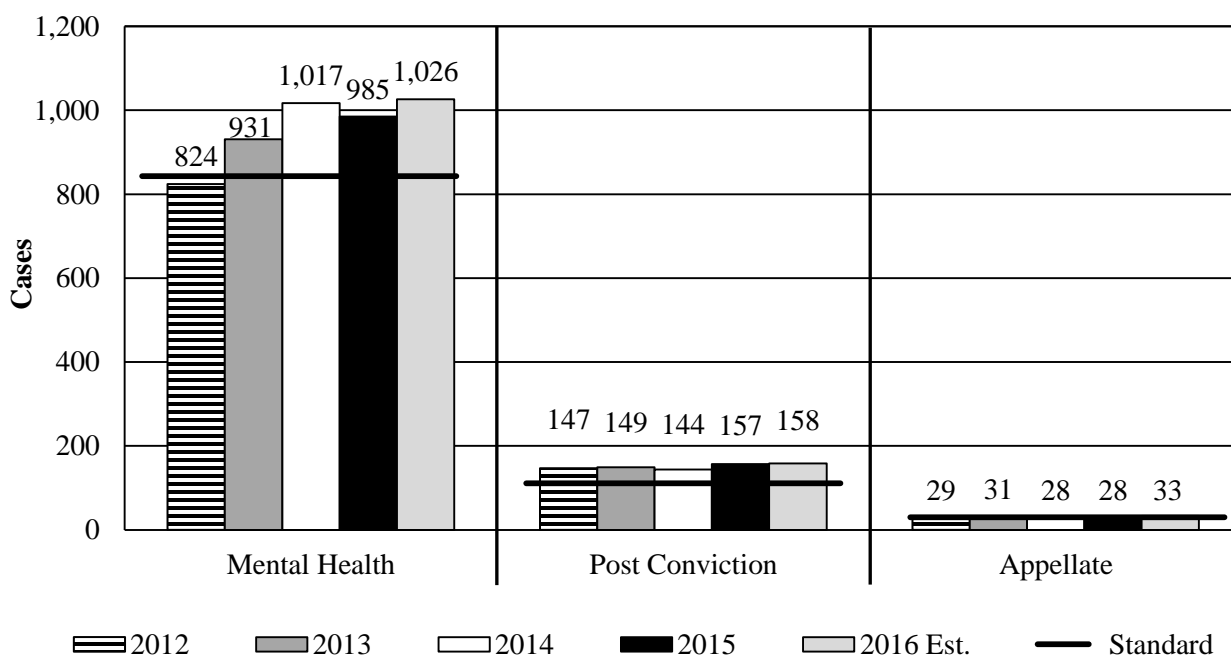
Source: Department of Budget and Management



#### 4. Small Increase for Specialized Dockets

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 (formerly the Collateral Review Division) provides representation to incarcerated individuals in select circumstances. **Exhibit 4** illustrates average annual caseloads for these three divisions for calendar 2012 to 2015 and estimates for calendar 2016. The caseload standards per attorney for the Mental Health, Post Conviction Defender, and Appellate divisions are 843, 111, and 30, respectively. The Appellate Division met this standard in calendar 2015 but is expected to exceed it in 2016. The Post Conviction Defender Division anticipates minimal change in caseloads for 2016 and will exceed the caseload standard by 42%. The Mental Health Division caseloads fell in 2015 but remained above the standard by 17% cases per attorney and are anticipated to increase in 2016.

**Exhibit 4**  
**Average Caseload Per Attorney for the Mental Health, Post Conviction, and**  
**Appellate Divisions**  
**Calendar 2012-2016 Est.**



Source: Department of Budget and Management

## **Fiscal 2017 Actions**

### **Proposed Deficiency**

The Governor's budget plan includes a fiscal 2017 deficiency appropriation totaling \$5.3 million to cover panel attorney costs (\$4.6 million) and other operating expenses (\$677,276) that were incurred in fiscal 2016 in excess of the agency appropriation. To provide a more accurate comparison between the allowance and the current budget, this deficiency is not included in the agency working appropriation but, if approved, will increase the fiscal 2017 appropriation for this agency to \$110.6 million.

### **Section 20 Position Abolitions**

Section 20 of the fiscal 2017 budget bill authorized the Governor to abolish up to 657 vacant regular positions across the Executive Branch and reduce the budget by up to \$25 million. Under this authority, a total of 10 vacant positions, all for support staff, were abolished for this agency, and the fiscal 2017 appropriation was reduced by \$280,000 in general funds. Total fiscal 2018 savings associated with this action are \$462,243.

### **OPD Likely Underfunded in Fiscal 2017**

Based on historic expenditures, it is likely that OPD is underfunded for both fiscal 2017 and 2018. OPD has had cost overruns in each year since fiscal 2010, which have required deficiency appropriations in the following fiscal year. **Exhibit 5** provides adjusted actual expenditures, with all expenditures listed in the year in which they were incurred, for four expenditure categories identified by OPD as the largest and most significant contributors to these overruns. While OPD is actively working to control costs in all of these categories by sharing best practices for minimizing panel attorney use, assigning District Court defenders to cases in multiple districts, and retaining expert witnesses on longer-term contracts, these costs have continued to increase because they depend upon the size and composition of the agency's caseload outside OPD's control.

The average actual expenditures over the last three years in these categories were \$11.6 million. Using this figure as a baseline to estimate actual costs going forward, it is likely that OPD is underfunded by approximately \$1.0 million over fiscal 2017 and 2018. This is a significant improvement over the \$5.3 million in deficiencies required to cover fiscal 2016 expenses, however it is a conservative estimate, and, using fiscal 2016 actual expenditures as a baseline, the projected shortfall grows to \$2.1 million over the next two years.

**Exhibit 5**  
**Adjusted Actual Expenditures**  
**Selected Expenditure Objects**  
**Fiscal 2010-2018**  
**(\$ in Thousands)**

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<b>Working Approp. 2017</b>	<b>Allowance 2018</b>
Panel Fees	\$4,327	\$4,966	\$5,774	\$6,214	\$7,442	\$7,305	\$8,010	\$6,859	\$7,400
Medical									
Support	478	674	838	1,021	1,297	1,320	1,446	1,325	1,400
Expert									
Witnesses	594	493	974	1,397	1,548	1,232	1,179	1,400	1,185
Transcripts	1,024	1,108	1,198	1,284	1,276	1,331	1,560	1,200	1,500
<b>Total</b>	<b>\$6,423</b>	<b>\$7,241</b>	<b>\$8,784</b>	<b>\$9,917</b>	<b>\$11,562</b>	<b>\$11,188</b>	<b>\$12,195</b>	<b>\$10,784</b>	<b>\$11,485</b>

Source: Office of the Public Defender

## Proposed Budget

As shown in **Exhibit 6**, the fiscal 2017 appropriation for OPD is \$105.2 million, a decrease of \$61,158, or 0.1%, below the fiscal 2017 working appropriation. This decline is attributable to lower personnel expenditures, which are offset by increases for panel attorneys and contractual employee compensation.

**Exhibit 6**  
**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>Reimb. Fund</u></b>	<b><u>Total</u></b>
Fiscal 2016 Actual	\$102,910	\$293	\$1,026	\$104,229
Fiscal 2017 Working Appropriation	104,131	266	897	105,294
Fiscal 2018 Allowance	<u>104,086</u>	<u>263</u>	<u>883</u>	<u>105,233</u>
Fiscal 2017-2018 Amount Change	-\$45	-\$2	-\$14	-\$61
Fiscal 2017-2018 Percent Change		-0.9%	-1.5%	-0.1%

**Where It Goes:****Personnel Expenses**

Workers' compensation premiums .....	-\$99
Employee retirement .....	-123
Section 20 abolishments.....	-182
Turnover adjustments.....	-196
Compensation .....	-469
Employee and retiree health insurance .....	-676
Other fringe benefit adjustments.....	31

**Other Changes**

New contractual employee plan .....	1,149
Panel attorneys .....	654
Legal services.....	200
Rent .....	182
Printing and publication .....	151
Communications .....	121
Office assistance .....	98
Supplies.....	48

**Where It Goes:**

Other changes.....	-3
Capital lease program.....	-133
Information technology and software .....	-226
Expert witnesses.....	-588
<b>Total</b>	<b>-\$61</b>

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

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**Across-the-board Reductions**

The fiscal 2018 budget bill includes a \$54.5 million (all funds) across-the-board contingent reduction for a supplemental pension payment. Annual payments are mandated for fiscal 2017 through 2020 if the Unassigned General Fund balance exceeds a certain amount at the close of the fiscal year. This agency's share of these reductions is \$324,895 in general funds and \$549 in special funds. This action is tied to a provision in the Budget Reconciliation and Financing Act of 2017.

**Personnel**

Personnel expenditures decrease by a total of \$1.7 million. Significant reductions include health insurance (\$675,863), compensation (\$469,183), and pension payments (\$123,056). An adjustment to turnover expectancy reduces the appropriation by an additional \$196,232.

This total also includes a reduction of \$182,243 associated with the abolishment of 10 vacant positions under Section 20 of the 2016 budget bill. This decrease is in addition to the \$280,000 already removed from the fiscal 2017 appropriation under Section 20.

**Other Changes**

Other significant changes in the fiscal 2018 allowance include an increase of \$1.1 million for contractual employees and \$653,500 for panel attorneys. There is also a reduction of \$587,532 for expert witness costs. OPD has been working to reduce those costs by retaining experts to cover more cases at a lower rate per case.

## ***Issues***

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### **1. Staff Shortages Remain a Problem for OPD**

OPD has developed caseload standards to evaluate its performance and identify areas of need across its operations. While these standards are not associated with a statutory mandate, they have been accepted by the General Assembly and the Executive Branch as sufficient to ensure that each OPD client receives a constitutionally adequate defense. Since the standards were adopted in 2006, OPD has never been able to meet the targets in a majority of jurisdictions. In calendar 2015, the most recent year for which actual data is available, only 4 of 12 districts met the standard for circuit court defenders. For District Court defenders, again, only 4 of 12 districts achieved the standard. Juvenile court dockets fared better, with 9 of 12 districts meeting the standard. In each district that fails to meet the standard, defenders have to take on more cases than OPD has determined they can effectively handle in a year.

The staffing shortage at OPD is well-documented. This issue was highlighted in a performance audit conducted by the Office of Legislative Audits (OLA) in 2009. This audit, which was conducted at a time when OPD had over 100 more positions than it does today, concluded that “[d]espite the new positions received by OPD, the caseload per attorney still frequently significantly exceeded the related caseload standard.”

Each year, OPD prepares a summary of the number of attorneys that would be required across the agency to meet all caseload standards in each district. As shown in **Exhibit 7**, OPD would need 92 attorneys to meet its caseload targets in all districts, 36 of whom could be reassigned from districts where targets are being met (including 25 in Baltimore City). This is a substantial improvement over calendar 2014 estimates, which showed a need for 151 attorneys. This number is essentially equivalent to the estimate in the 2009 OLA audit, which determined that the agency needed 68 additional attorneys. As of January 1, 2017, there were also 20 vacant public defender positions. Filling all existing vacancies is also assumed in order for OPD to meet the caseload standards.

**Exhibit 7**  
**Attorneys Needed to Meet Standards**  
**Based on Calendar 2015 Caseloads**

District	District Court					Circuit Court				
	<u>Attorneys*</u>	<u>Eligible Cases</u>	<u>Standard Caseload</u>	<u>Cases Handled Beyond Standard</u>	<u>Attorneys Needed to Meet Standard</u>	<u>Attorneys*</u>	<u>Eligible Cases</u>	<u>Standard Caseload</u>	<u>Cases Handled Beyond Standard</u>	<u>Attorneys Needed to Meet Standard</u>
1 Baltimore City	42	22,553	728	-7,659	-11	83	10,722	156	-2,226	-14
2 Lower Shore	8	8,167	630	3,127	5	12	1,918	191	-374	-2
3 Upper Shore	12	5,780	630	-1,780	-3	8	2,842	191	1,314	7
4 Southern Maryland	11	11,840	630	4,910	8	12	3,235	191	943	5
5 Prince George's	11	19,010	705	11,255	16	30	4,421	140	221	2
6 Montgomery	13	13,896	705	4,731	7	17	1,555	140	-825	-6
7 Anne Arundel	12	14,319	705	5,859	8	12	2,762	140	1,082	8
8 Baltimore	18	13,133	705	796	1	23	5,269	140	2,049	15
9 Harford	5	4,120	630	970	2	8	1,913	191	385	2
10 Howard and Carroll Frederick and	10	6,139	630	-161	0	10	2,144	191	234	1
11 Washington	11	7,955	630	1,025	2	11	2,935	191	834	4
12 Allegany and Garrett	4	3,235	630	558	1	5	859	191	-1	0
<b>Total</b>	<b>156</b>	<b>130,147</b>		<b>23,630</b>	<b>35</b>	<b>231</b>	<b>40,575</b>		<b>3,637</b>	<b>21</b>

\*Filled regular positions as of December 31, 2015

Source: Office of the Public Defender

## **Support Staff Have Been Hit Particularly Hard**

Despite the loss of over 200.0 regular positions since fiscal 2007, OPD has been able to prioritize the retention of public defenders. To accomplish this, the agency has been forced to decrease support staff positions. In fiscal 2017 alone, the agency has lost 24.5 regular positions for support staff: 14.5 in the Governor's allowance and an additional 10.0 under Section 20 of the 2016 budget bill. While each of these positions was vacant when abolished, many OPD support positions are high turnover and vacancies are not unusual. Support staff reductions have decreased the number of paralegals, intake screeners, and investigators, all of whom provide essential case-related support to public defenders. Each decrease in support staff, therefore, requires attorneys to do more work for each case, even though most are already overburdened.

To address this staffing problem, the fiscal 2018 allowance does include a total of \$1.2 million for OPD to develop a plan to use contractual employees to meet at least some of these needs. As of this writing, OPD reports, that the plan is still under development and that number of contractual employees will be determined by the rate at which they can be hired and the areas of greatest need across the State at the time hiring begins. If funding is approved, the Department of Legislative Services (DLS) will continue to monitor OPD staffing as it develops and report on progress during the 2018 session.

**DLS recommends that OPD comment on the impact of staffing reductions on agency operations. Inasmuch as support positions needed are for an ongoing purpose, DLS further recommends that the additional funding for contractual employees be restricted to reducing turnover expectancy so that the agency can fill existing support positions.**



## ***Recommended Actions***

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1. Add the following language to the general fund appropriation:

, provided that \$1,144,787 of the general fund appropriation may not be expended for contractual employees and may only be expended to reduce turnover expectancy.

**Explanation:** This language restricts \$1.1 million in funds for new contractual employees to be used to provide turnover relief so that the agency can fill vacant regular positions instead. The agency is seeking employees to perform core, ongoing agency functions, while contractual full-time equivalents are generally for temporary needs that do not justify a regular position. In this case it would be more appropriate to use the funds to fill vacant regular positions.

**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 2016</b>					
Legislative Appropriation	\$95,523	\$191	\$0	\$890	\$96,604
Deficiency Appropriation	6,056	0	0	0	6,056
Budget Amendments	1,332	170	0	143	1,645
Reversions and Cancellations	0	-69	0	-7	-76
<b>Actual Expenditures</b>	<b>\$102,910</b>	<b>\$293</b>	<b>\$0</b>	<b>\$1,026</b>	<b>\$104,229</b>
<b>Fiscal 2017</b>					
Legislative Appropriation	\$102,751	\$266	\$0	\$897	\$103,914
Cost Containment	0	0	0	0	0
Budget Amendments	1,380	0	0	0	1,380
<b>Working Appropriation</b>	<b>\$104,131</b>	<b>\$266</b>	<b>\$0</b>	<b>\$897</b>	<b>\$105,294</b>

Note: Does not include targeted reversions, deficiencies, and contingent reductions. Numbers may not sum to total due to rounding.

## **Fiscal 2016**

The Office of the Public Defender finished fiscal 2016 with expenditures \$7.6 million above its legislative appropriation. Deficiency appropriations added \$6.1 million, and budget amendments added an additional \$1.7 million. These increases were partially offset by cancellations totaling \$75,646.

### **General Funds**

Actual expenditures were \$102.9 million, \$7.4 million above the legislative appropriation. Changes included:

- an increase due to deficiency appropriations to cover case-related expenses incurred in fiscal 2015 (\$4.9 million) and for information technology (IT) and employee compensation (\$1.2 million);
- a budget amendment to restore employee salaries increased the appropriation by \$1.4 million; and
- a budget amendment to realign IT expenditures reduced the appropriation by \$66,000.

### **Special Funds**

Actual expenditures were \$101,744 above the legislative appropriation. Budget amendments added a total of \$170,360 for social workers (\$79,360), legal services in Prince George's County's problem-solving courts (\$50,000), a juvenile services fellowship (\$39,000), and employee salaries (\$2,000). These increases are partially offset by the cancellation of \$68,586 in unspent funds.

### **Reimbursable Funds**

Actual expenditures were \$135,940 above the legislative appropriation. A grant from the Governor's Office of Crime Control and Prevention added \$143,000 for electronic discovery equipment. This increase was partially offset by the cancellation of \$7,060 in unspent funds.

## **Fiscal 2017**

To date, there has been one change to the fiscal 2016 legislative appropriation, an increase of \$1,380,074 in general funds for employee increments.

**Appendix 2**  
**Object/Fund Difference Report**  
**Office of the Public Defender**

<u>Object/Fund</u>	<u>FY 16 Actual</u>	<u>FY 17 Working Appropriation</u>	<u>FY 18 Allowance</u>	<u>FY 17 - FY 18 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	913.00	888.50	888.50	0.00	0%
02 Contractual	10.00	10.00	10.00	0.00	0%
<b>Total Positions</b>	<b>923.00</b>	<b>898.50</b>	<b>898.50</b>	<b>0.00</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 85,731,538	\$ 88,569,277	\$ 87,179,331	-\$ 1,389,946	-1.6%
02 Technical and Spec. Fees	11,007,413	9,385,637	10,889,740	1,504,103	16.0%
03 Communication	920,521	803,642	924,258	120,616	15.0%
04 Travel	189,187	195,000	189,105	-5,895	-3.0%
06 Fuel and Utilities	63,631	62,003	66,000	3,997	6.4%
07 Motor Vehicles	32,491	34,688	33,060	-1,628	-4.7%
08 Contractual Services	3,582,411	3,577,318	3,507,726	-69,592	-1.9%
09 Supplies and Materials	324,088	322,668	370,966	48,298	15.0%
10 Equipment – Replacement	78,921	187,055	53,876	-133,179	-71.2%
11 Equipment – Additional	304,324	72,570	70,000	-2,570	-3.5%
13 Fixed Charges	1,994,322	2,084,085	2,274,167	190,082	9.1%
<b>Total Objects</b>	<b>\$ 104,228,847</b>	<b>\$ 105,293,943</b>	<b>\$ 105,558,229</b>	<b>\$ 264,286</b>	<b>0.3%</b>
<b>Funds</b>					
01 General Fund	\$ 102,910,127	\$ 104,131,052	\$ 104,411,035	\$ 279,983	0.3%
03 Special Fund	293,122	265,677	263,762	-1,915	-0.7%
09 Reimbursable Fund	1,025,598	897,214	883,432	-13,782	-1.5%
<b>Total Funds</b>	<b>\$ 104,228,847</b>	<b>\$ 105,293,943</b>	<b>\$ 105,558,229</b>	<b>\$ 264,286</b>	<b>0.3%</b>

Note: Does not include targeted reversions, deficiencies, and contingent reductions.

**Appendix 3  
Fiscal Summary  
Office of the Public Defender**

<u>Program/Unit</u>	<u>FY 16 Actual</u>	<u>FY 17 Wrk Approp</u>	<u>FY 18 Allowance</u>	<u>Change</u>	<u>FY 17 - FY 18 % Change</u>
01 General Administration	\$ 7,740,840	\$ 7,910,585	\$ 7,339,270	-\$ 571,315	-7.2%
02 District Operations	87,865,772	89,399,241	90,175,834	776,593	0.9%
03 Appellate and Inmate Services	7,149,574	6,538,250	6,601,079	62,829	1.0%
04 Involuntary Institutionalization Services	1,472,661	1,445,867	1,442,046	-3,821	-0.3%
<b>Total Expenditures</b>	<b>\$ 104,228,847</b>	<b>\$ 105,293,943</b>	<b>\$ 105,558,229</b>	<b>\$ 264,286</b>	<b>0.3%</b>
General Fund	\$ 102,910,127	\$ 104,131,052	\$ 104,411,035	\$ 279,983	0.3%
Special Fund	293,122	265,677	263,762	-1,915	-0.7%
<b>Total Appropriations</b>	<b>\$ 103,203,249</b>	<b>\$ 104,396,729</b>	<b>\$ 104,674,797</b>	<b>\$ 278,068</b>	<b>0.3%</b>
Reimbursable Fund	\$ 1,025,598	\$ 897,214	\$ 883,432	-\$ 13,782	-1.5%
<b>Total Funds</b>	<b>\$ 104,228,847</b>	<b>\$ 105,293,943</b>	<b>\$ 105,558,229</b>	<b>\$ 264,286</b>	<b>0.3%</b>

Note: Does not include targeted reversions, deficiencies, and contingent reductions.