

Board of Public Defense Presentation

House Judiciary Finance and Civil Law

January 2022

THE GREAT SEAL OF THE UNITED STATES
insure domestic Tranquility, provide for the common and out Posterity, do ordain and establish this
All legislative Power herein granted shall be vested in a Congress of the United States, which
Representatives shall be composed of Members chosen every second Year by the
electors in each State, the Electors in each State shall have the Qualifications
Requirements for Electors of the most numerous Branch of the State Legislature
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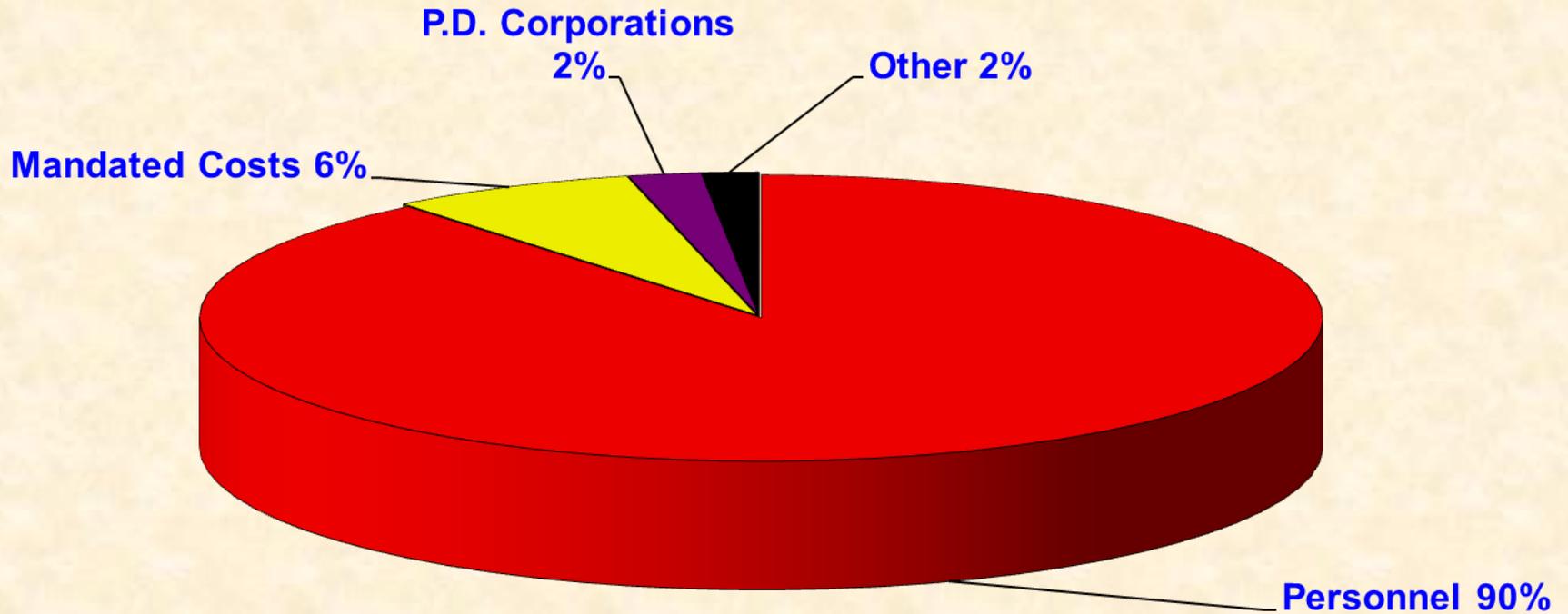
MINNESOTA
BOARD OF
PUBLIC DEFENSE



Budget



F.Y. 2022 Budget by Item



Approximately \$106 million



2022-2023 Budget Request Maintaining Public Defense



Board of Public Defense 2022-2023 Biennial Budget

<u>Budget Items</u>	<u>Board Request</u>		<u>Appropriation</u>	
	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2022</u>	<u>FY 2023</u>
General Fund Base	\$101,178,000	\$101,178,000	\$101,178,000	\$101,178,000
Total Increase	\$8,405,000	\$11,290,000	\$5,203,000	\$10,231,000
Total All Funds	<u>\$109,583,000</u>	<u>\$112,468,000</u>	<u>\$106,381,000</u>	<u>\$111,409,000</u>

-\$4,200,000 4



2022-2023 Budget Request Request and Allocation

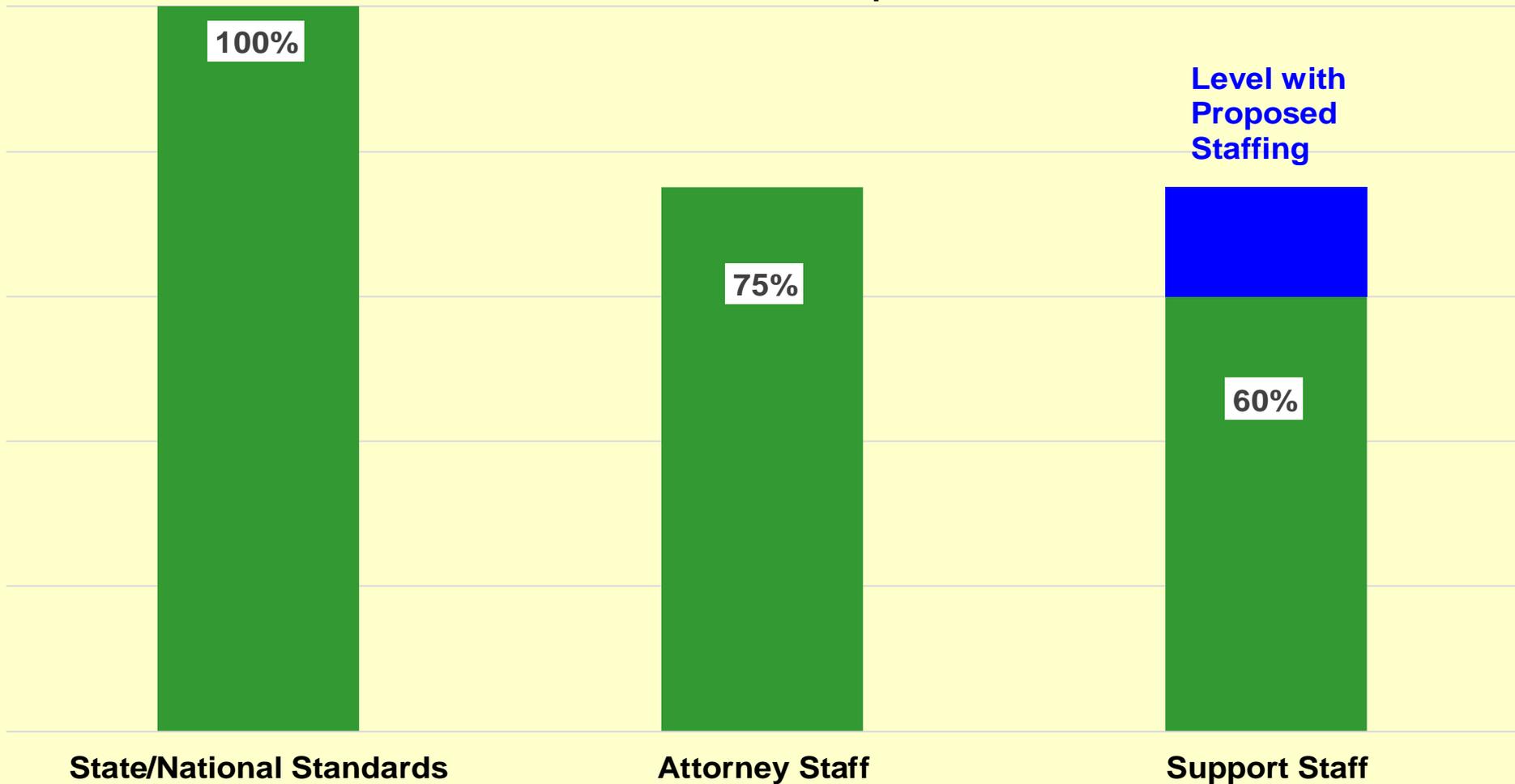
Item	Board Request FY 2022	Board Request FY 2023	Board Allocation FY 2022	Board Allocation FY 2023
New Staff	\$1,839	\$3,828	\$1,397	\$3,400
Salary/ Insurance	\$3,732	\$7,310	\$3,732	\$7,310
Caseload Backlog	\$2,760	\$0	\$0	\$0
Corporation Funding	\$74	\$152	\$74	\$152



Public Defender Staffing



■ Current ■ Proposed





Staffing Allocation

<u>Staff</u>	<u>Current</u>	<u>Proposed</u>	<u>Current Attorneys per Staff</u>	<u>Proposed Attorneys Per Staff</u>
Attorneys-District Level	563	563	N/A	N/A
Paralegals	35	46	16	12.2
Investigators	47	60	12	9.3
Legal Secretary Assistant	84	91	7	6.1
Dispositional Advisors	37	52	15	10.8



American Rescue Plan Funds Address Court Backlog

- 14,000 case backlog (as of 6/30/21)**
- \$500,000-2021 reallocation through DPS**
 - Available through December 2022
 - \$314,000 expended or committed to date
- \$3,900,000- 2022 ARA Funding**
 - Available January 2022-June 2023
- Attorney Time- Standard Rate- \$60



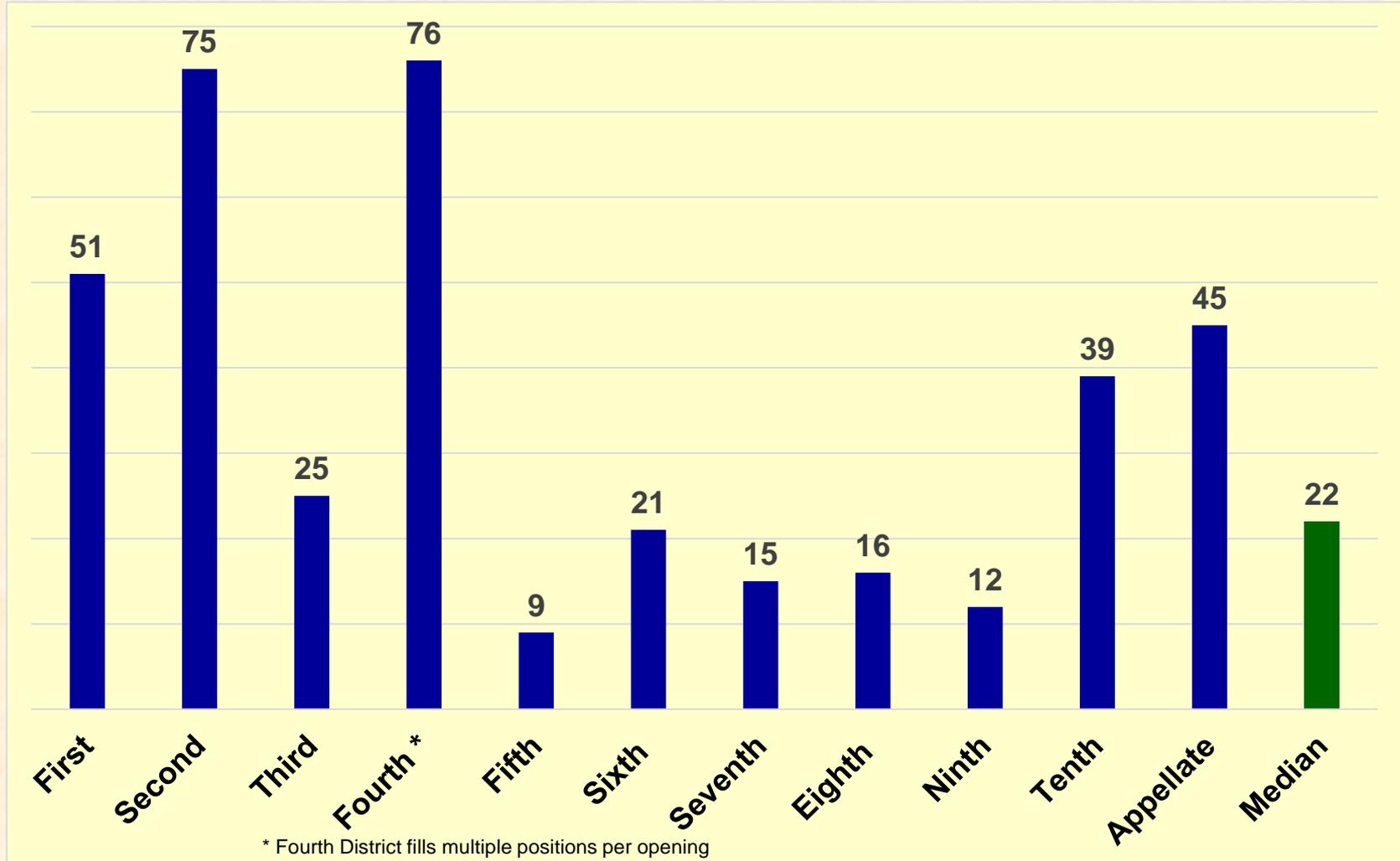
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Recruitment

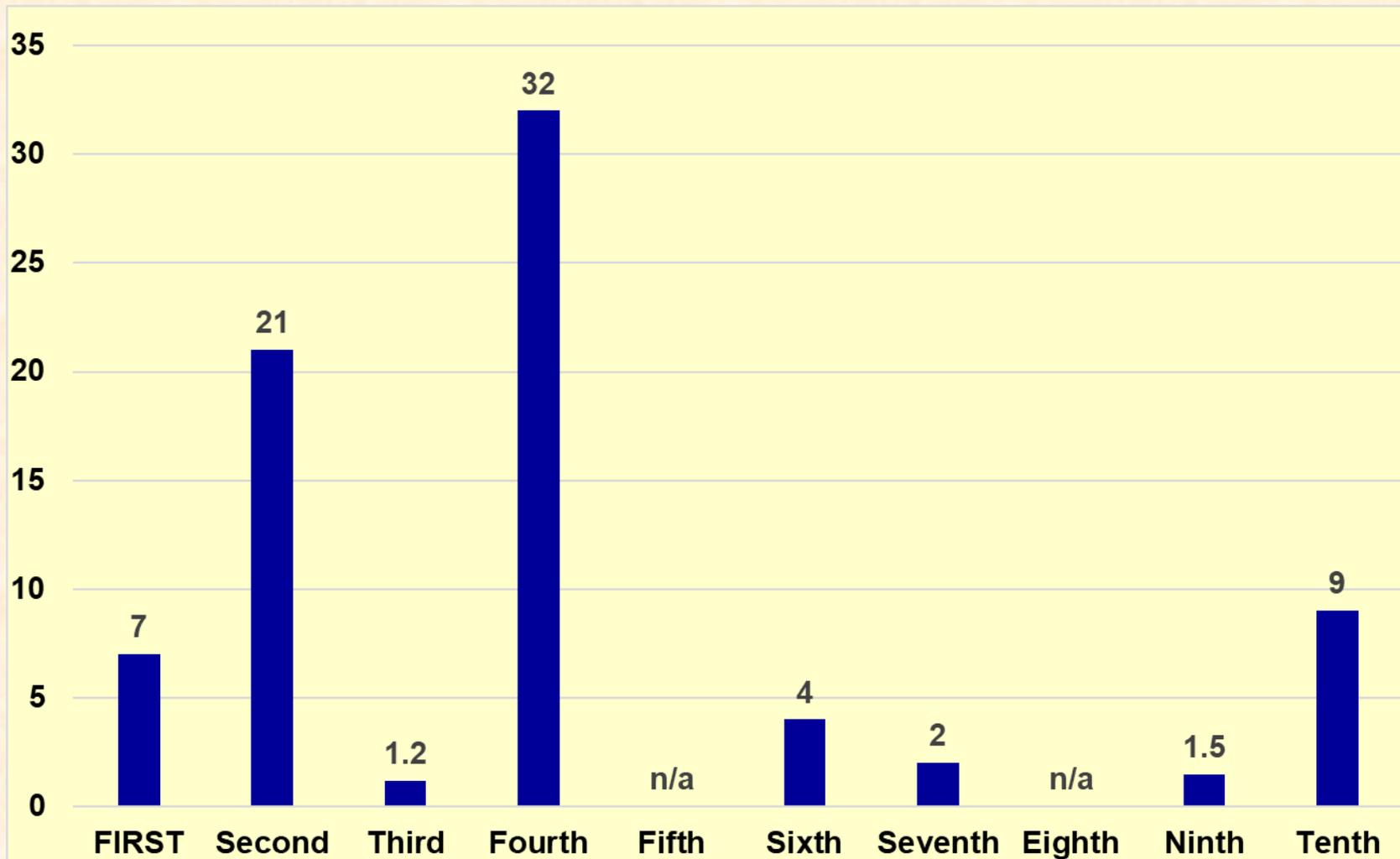


Median Number of Applicants Assistant Public Defender Positions 2014-2018





Average Number of Applicants Assistant Public Defender Positions Oct.-Dec. 2021





Recruitment



- **Itasca FT-**
2 applicants, one was an employee, one had been fired.
- **Crow Wing FT-**
4 applicants, one withdrew another took a job elsewhere.
- **Beltrami FT-**
1 applicant, not qualified
- **Clay County FT-**
2 positions-1-2 applications.
- **Stearns County 3 FT**
1-4 apps for these positions.
- **Lyon County FT**
1 applicant
- **Ramsey County- FT-** 22 and 29 applicants – Normal 75-100
- **Dakota County**
FT- 2018-51 applicants, 2021- 15
- **Carver County FT**
2018- 51 applicants, 2021- 7



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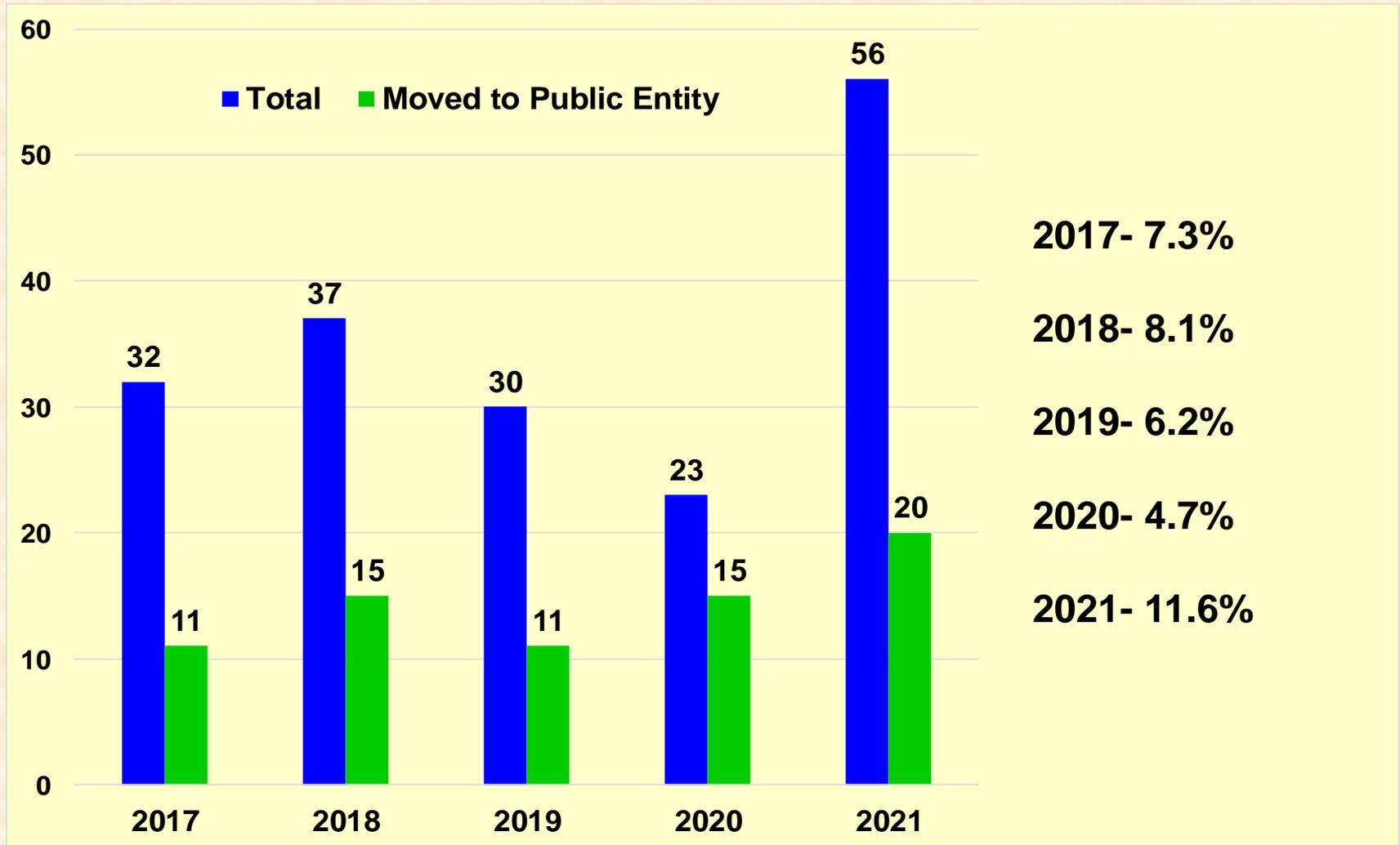


Retention

Workloads
Salary



District Public Defender Resignations CY 2017-CY 2021



Does not include appointments to judgeships



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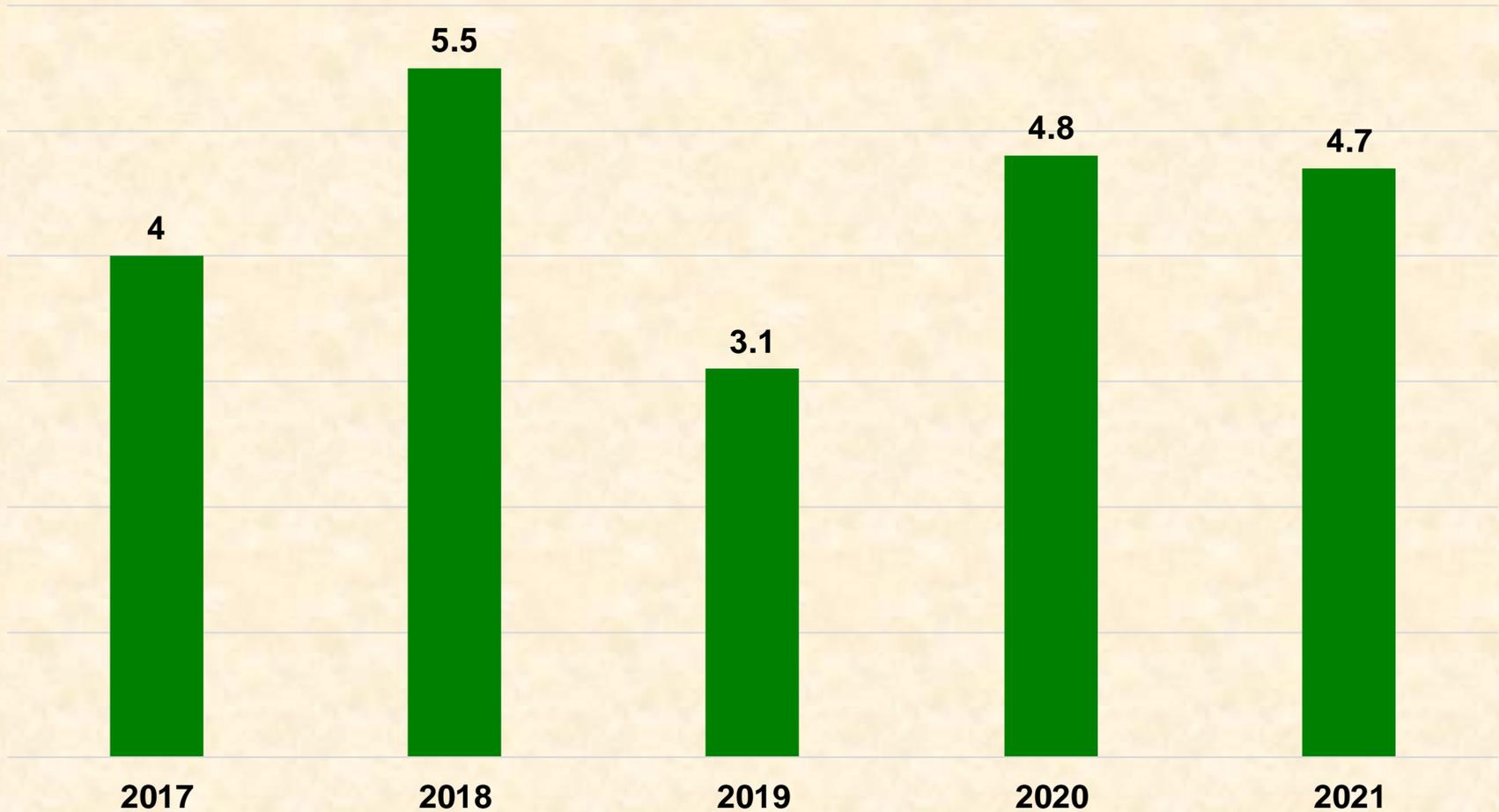
Resignation Letter 7th District Public Defender



- This letter is pretty hard to write
- I've been doing PD work now for almost 15 years and this past year or two has been pretty trying.
- This was never an easy job, but everything has been a lot worse as of late. The court system talks in numbers and backlogs and seems to completely ignore the fact that every one of these numbers are people.
- There seems to be little regard for the **time and stress** that spills over more and more into our non-work lives as the court pushes and pushes.
- I am as passionate about this job as I was when I started practicing, but I'm **tired**.



Assistant Public Defender Resignations by Years of Service





Minimum/Maximum Salary

Assistant County Attorneys- Assistant Public Defenders

Counties with District Public Defender Office	<u>Entry</u>	<u>Top</u>
2020 Average Assistant County Attorney Salary	\$70,352	\$135,607
2021 Assistant Public Defenders	\$65,800	\$115,466



Salary Compression

M.S. 611.23-State Public Defender Salary-

The salary of the state public defender shall be fixed by the State Board of Public Defense but must not exceed the salary of a district court judge.

Collective Bargaining Agreement - Teamsters Local 320- Representing Assistant Public

The top salary limit for assistant public defenders may not exceed ninety-five percent (95%) of the top salary range for the Managing Attorney job class.

<u>Position</u>	<u>Current Minimum</u>	<u>Current Maximum</u>
Assistant Public Defender	\$65,800	\$115,466
Managing Attorney	\$106,186	\$133,986
Chief Public Defender	\$140,317	\$161,398
State Public Defender		\$165,136



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Public Defender Workloads/ Caseloads



Weighted Caseload Standards

- **To compare workloads across case types a “case unit” measure was developed. A case unit is approximately equal to a misdemeanor.**

- **Standard-400 Case Units**
- **4.5 hours per Case Unit.***

* 1,820 hours available annually



Workloads/Caseloads

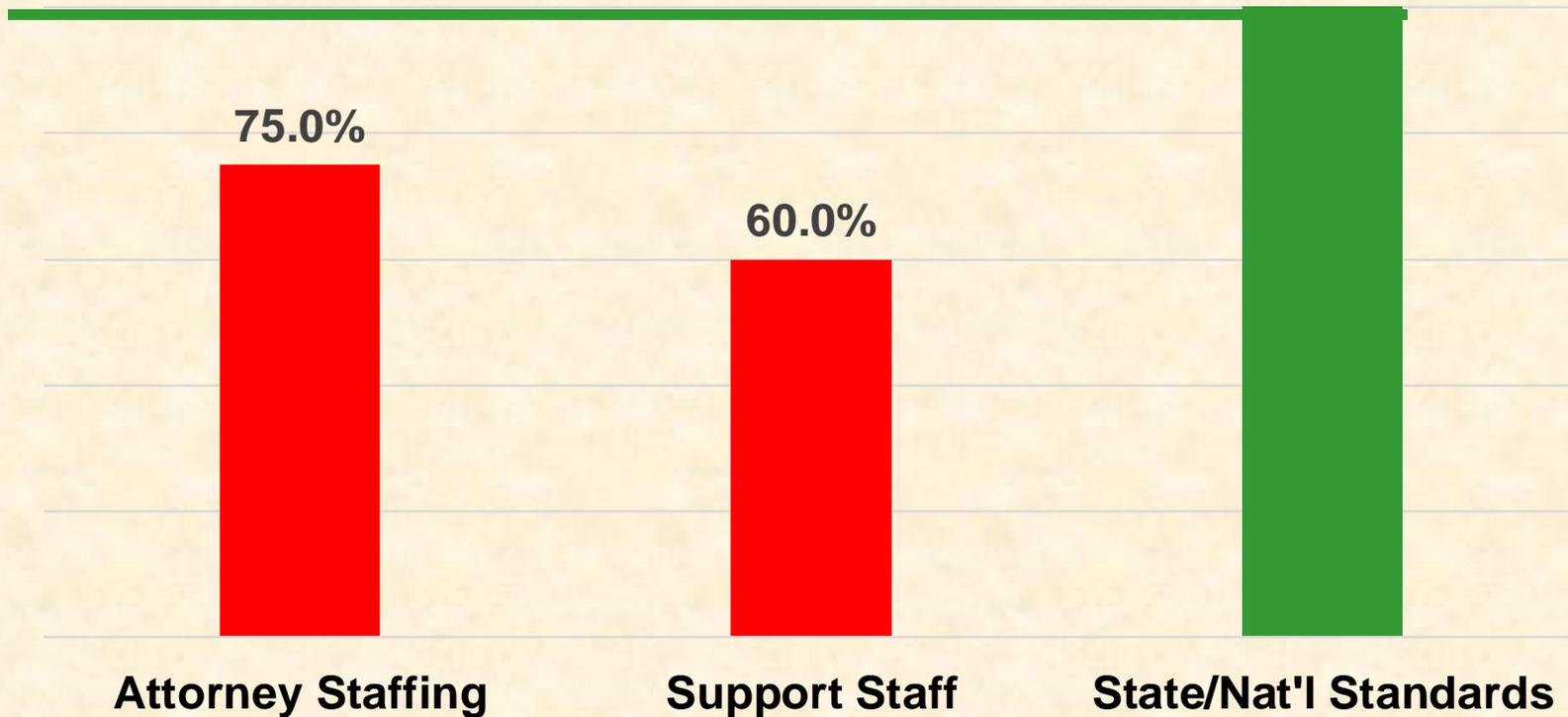
- Assumes Stand. for Support Staff are met.
 - **Developed Before-**
- DNA
- Electronic/Computer Forensics
- Audio/Video- Law Enforcement
- Collateral Consequences
- Language/Cultural Barriers
- Mandatory Minimum Sentencing
- Presumptive Prison Commits
- Mandatory Registration Requirements



Public Defender Current Staffing



Staffing v State and National Standards





Staff Needed to Meet Weighted Caseload Standards

Position	Number Needed
Attorneys	149
Investigators	25
Paralegals	19
Dispositional Advisors	17
Legal Secretary/Assistant	37
Managing Attorneys	14