

FY2019 BUDGET SUMMARY

FUNDING CHANGES FY2018 to FY2019:

- Increase in General Fund FY 2018 – FY 2019: +1.5%
- Anticipated Decrease in Special Fund FY 2018 – 2019: \$75K (-12.7%)

INTENT OF ADMINISTRATION WITH ODG BUDGET:

I don't know.

- It does not seem to be based upon any need that we have.
- It does not seem to be based upon the real costs of running the program in PD or ACC.
- It does not cover the basic needs of the program.

SALARY & BENEFIT ROLLOUT:

So I must extrapolate that the increase given in public defense was for part of the salary & benefit roll out need. (All had been approved by HR & Administration.)

| | |
|--|--------------------|
| Salary & Benefit Rollout Need: | \$426,815 |
| <u>Provided by Administration:</u> | <u>\$227,117</u> |
| Salary & Benefit Shortfall: | (\$199,698) |

PRIMARY PUBLIC DEFENDER CONTRACTS PREVIOUSLY NEGOTIATED & APPROVED BY ADMIN.:

| | |
|---|--------------------|
| Primary Public Defense Contracts base from FY18: | \$368,167 |
| <u>2% Increase previously negotiated and approved FY19:</u> | <u>\$ 38,508</u> |
| PD CONTRACT SHORTFALL: | (\$406,675) |

**NOTE: Primary public defense contracts save the state 40% when compared to an equivalently staffed public defense staff office.*

RENT & OPERATING INCREASES PREVIOUSLY NEGOTIATED BY BGS & APPROVED:

| | |
|---------------------------|-------------------|
| Rent increases statewide: | \$25,772 |
| RENT SHORTFALL: | (\$25,772) |

TOTAL SHORTFALL PUBLIC DEFENSE: (\$632,145)

HISTORICAL NOTES & BUDGET DRIVERS

FY19 BUDGET AS PROPOSED:

- Lack of historical recognition of restructuring that occurred in the ODG and the millions of dollars that have been saved in the last 18 budgets.
- 10's of millions saved by restructuring in FY2002 of ad hoc and the ACC system
- Millions saved in primary public defense contracts with 4 year deals (40% compared to staff offices).
- Predictability of the current structure – 17th budget within budget with no budget adjustment.

AUSTERITY MEASURES:

- Twice held steps for attorneys on my own to stabilize fiscal situation
- 5 years of pay freeze
- ACC went 10 fiscal years without an increase during the 2000's
- Every personnel or contract change is used as an opportunity to save money if possible
 - Chief Juvenile Defender/Deputy Defender General
 - Retirements
 - Resignations
- Personally I have never filed request for expense reimbursement for mileage, or any other thing in 16+ years.
- Keep non-service executive administration to a minimum
 - **DG ADMIN STAFFING:**
 - Fiscal Year 1972 – 5
 - Fiscal Year 2019 – 5

MANAGEMENT SUCCESS:

- 17 Budgets without budget adjustment
- ***COST PER CASE IS FLAT OR DOWN IN ODG FROM FY2008 to FY2017 (See Chart)***
- Implemented and negotiated a state wide cloud based case management system on time and under budget
 - Hired project manager off list at \$150,000 flat fee for 2 years of work, rather than \$250-\$300/hour
 - Had three staff devoted to getting it done in addition to their regular workload, some to the detriment of their health
 - Implemented the system without adding any staff

CURRENT CASELOAD PRESSURES:

OVERALL CASELOAD: 22,000 charges 19,000 Clients

- **CRIMINAL:** (see Tables)
 - FY 2017 Felony increase: Charges 11.7% Clients +7.9%
 - FY 2018 Felonies remained at FY17 rates (Charges -2.4% /Clients +.08%)

- **JUVENILE:** (see Graphs/Tables)
 - **FY 2017 1/2 – 2018 1/2: Juvenile Increase: Charges +32.9% / Clients +34.1%**
 - **SPIKE IN JUVENILE CASELOAD IN PARTICULAR COUNTIES FY2018 1/2:**
 - Bennington +11.7%
 - Caledonia +150%
 - Chittenden +121.6%
 - Franklin/Gl +41.7%
 - Orleans +187.5%
 - Rutland +53.3%
 - Washington +6.0%
 - Windham +14.4%
 - Windsor +34.1%
 - **TPRS INCREASE FY2018 1/2: 107.5%**

AVOIDED/REDUCED AD HOC EXPENDITURES: \$150,000

- How? Deployment of assigned counsel conflict contracts (ACC)
- For every dollar you spend on a contract, you save \$5 in ad hoc expenditure
- **Administrations budget makes no provision for additional funds to ACC**

RECENT INCREASES TO ADDRESS OPIATES, THE DCF RESPONSE, & INCREASED CASELOAD:

- **History:** Lost 1.5 positions taken during the Shumlin Administration rescission
- In response to the opiate crisis:
 - FY'17: Admin added attorney positions in public defense
 - FY'17: Admin added 4 LEC's in assigned counsel
 - FY'17 Additional contractor funding to support opiate driven caseload increases
 - FY'18 added \$200,00 in contracts to address opiates (\$60K PD / \$140K ACC)
 - Funding to deploy juvenile contractors to address CHINS and TPR Backlog
 - In response to adding 36 social workers to DCF – which has flooded the system with cases