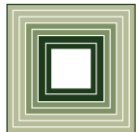


# Justice and Public Safety Appropriations Subcommittee

## The Administrative Office of the Courts Programs Office of Indigent Defense Services

William Childs  
Fiscal Research Division



# Judicial Branch Presentation Schedule



## Thursday: AOC Overview

- Budget
- Personnel
- Workload Formulas

## Today: AOC Programs

- Outstanding Issues
- AOC Administration
  - Technology Services
- Specialty Courts
- Court Costs

## Indigent Defense Services



# OUTSTANDING ISSUES



# Conferences

## **Conference of District Attorneys – 15.5 FTE**

- 3 FTE are appropriated positions in Trial Court budget
- \$255,919 certified in FY 2012-13
- \$200,000 cut in 2012 session
- Governor's budget recommends moving to receipts-support

## **Conference of Clerks – 2 FTE**

- Both FTE are appropriated positions
- \$131,827 certified in FY 2012-13
- Governor's budget recommends moving to receipts-support

# Interpreters and Court Reporters

- AOC Interpreter Services:
  - 13 FTE:
    - 1 Mgmt. Specialist and 2 Court Program Specialists (AOC Admin Budget)
    - 10 Staff Interpreters (Trial Court Budget)
  - FY 2012-13 Authorized Budget: \$1.7 M
    - \$700,000 in Personal Services
    - \$1.0 M in Purchased Services (Contracts)
  - US DOJ told AOC in 2012 that interpreter program was insufficient
  - NCGA passed special provision in 2012 budget
- Court Reporters:
  - 108 FTE (Trial Court budget)
    - 1 Manager
    - 78 assigned to specific Superior Court districts
    - 21 rovers
    - 8 AOC resident
  - Court Reporter FY 2012-13 Authorized Budget: \$7.7 M

# AOC Key Issues

## ☐ AOC Technology is:

- Exempt from executive agency IT rules
- Coordinates with general JPS IT

## ☐ Specialty courts:

- Guardian ad Litem program
- Business court
- Family court
- Drug treatment court

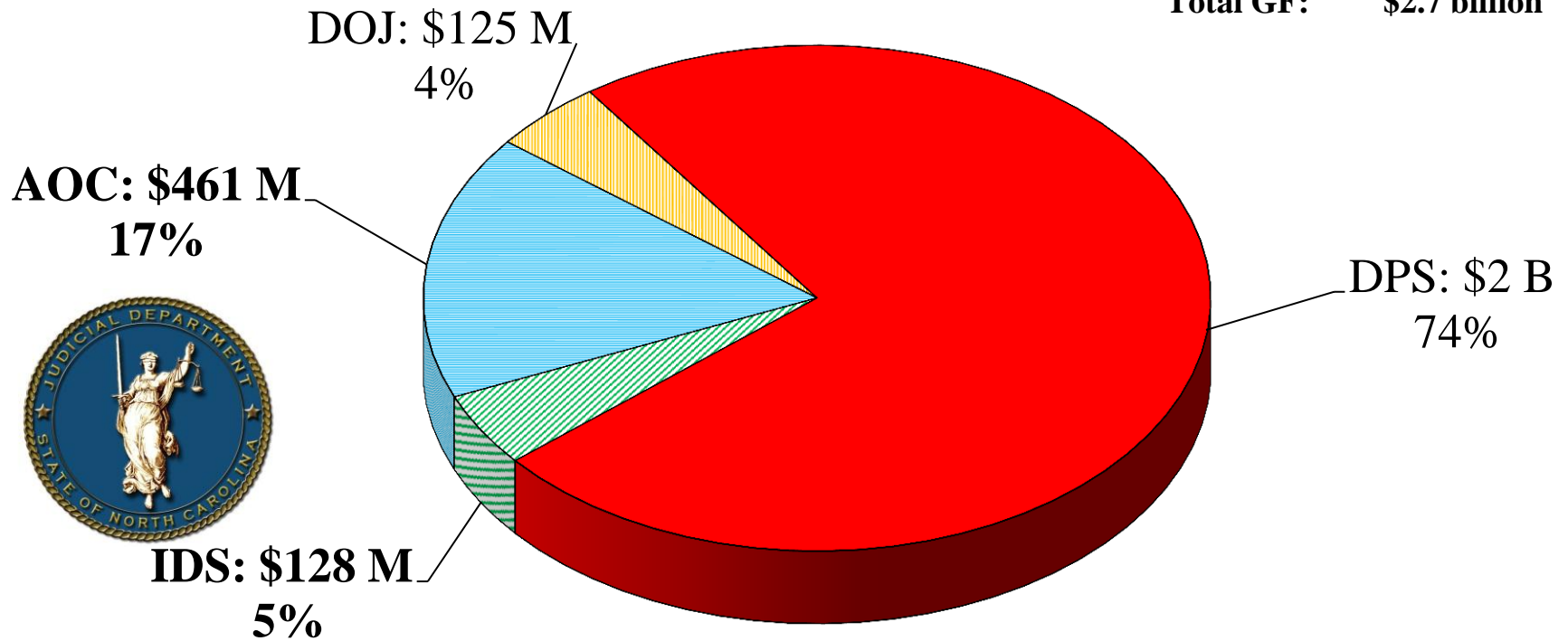
## ☐ Most court costs are direct deposits to the GF

# FY 2012-13 JPS General Fund Budget by Agency

Appropriation: \$2.4 billion  
Receipts: \$290 million

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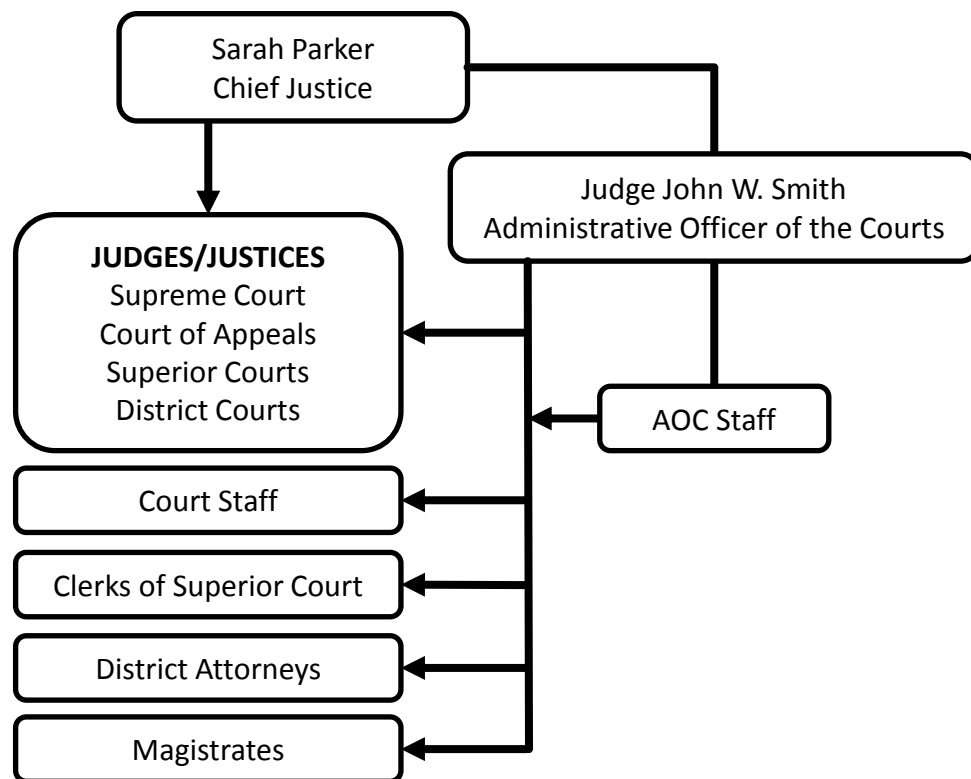
**Total GF: \$2.7 billion**



Source: NCAS, December 31, 2012 Authorized Budget

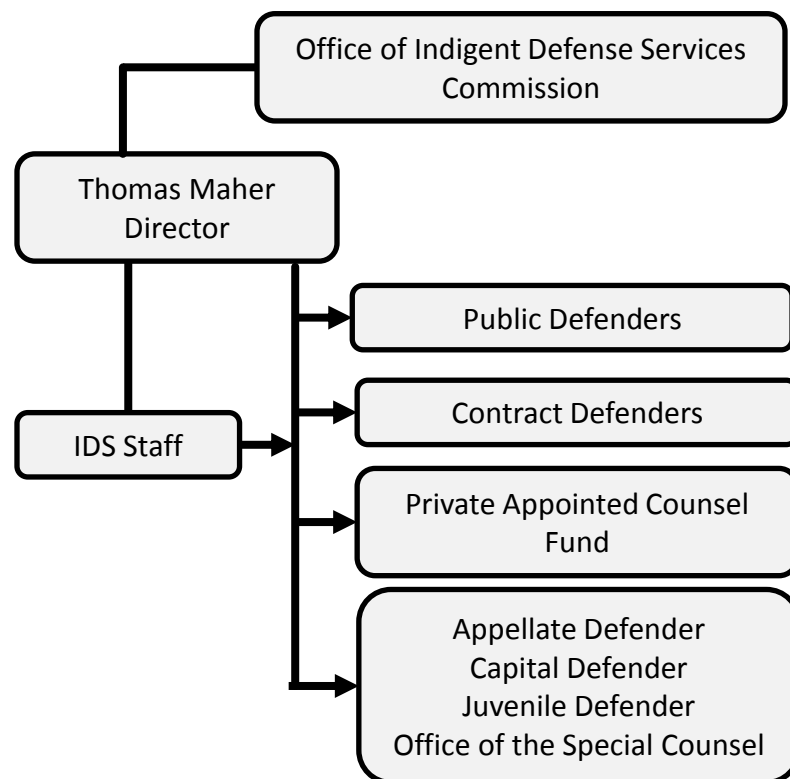
# The North Carolina Judicial Branch

## Administrative Office of the Courts



Total GF Budget: \$461 million  
Total GF FTE: 5,809

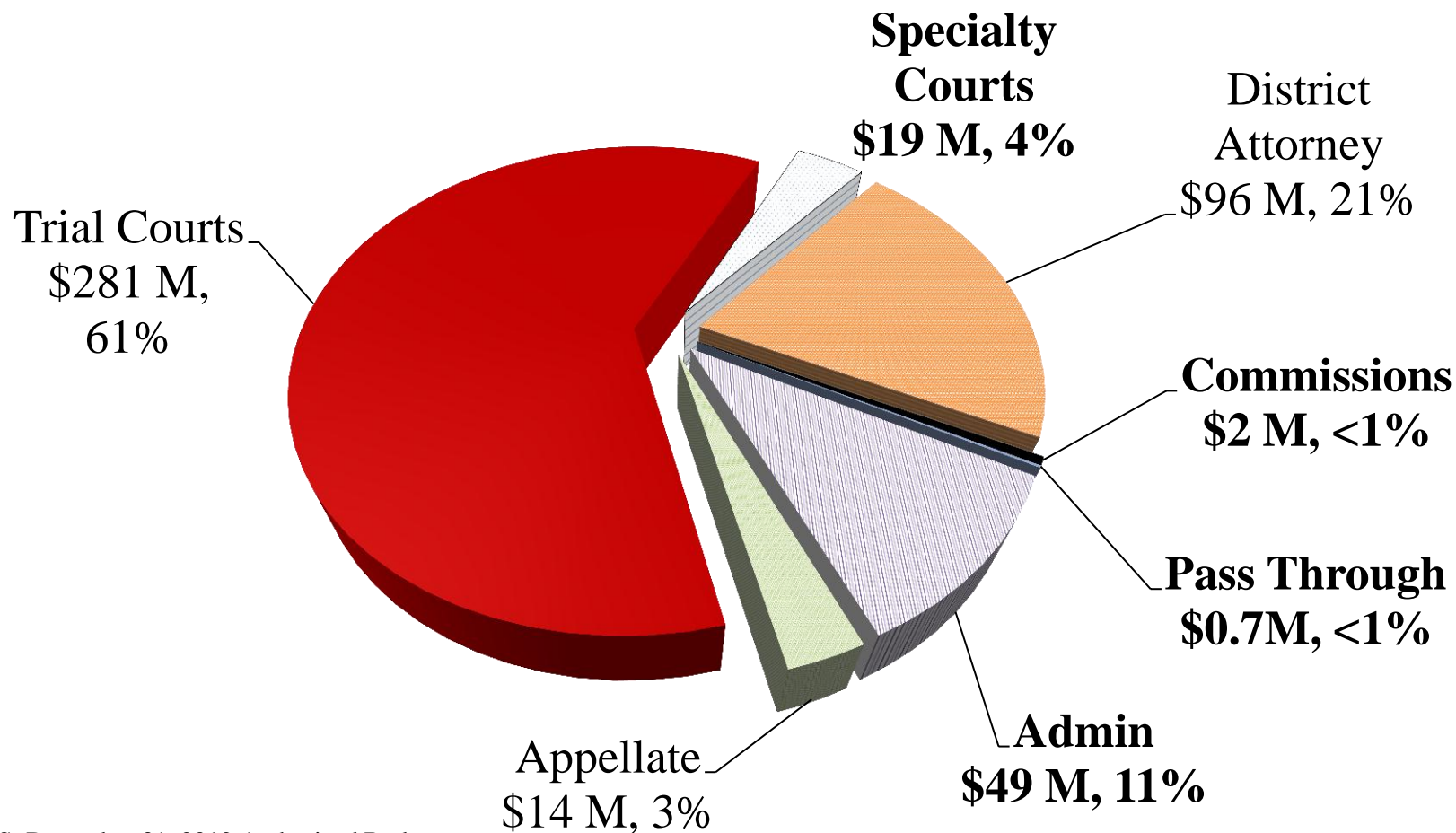
## Office of Indigent Defense Services



Total GF Budget: \$128 million  
Total GF FTE: 523



# AOC Budget FY 2012-13, Total: \$461 M



Source: NCAS, December 31, 2012 Authorized Budget

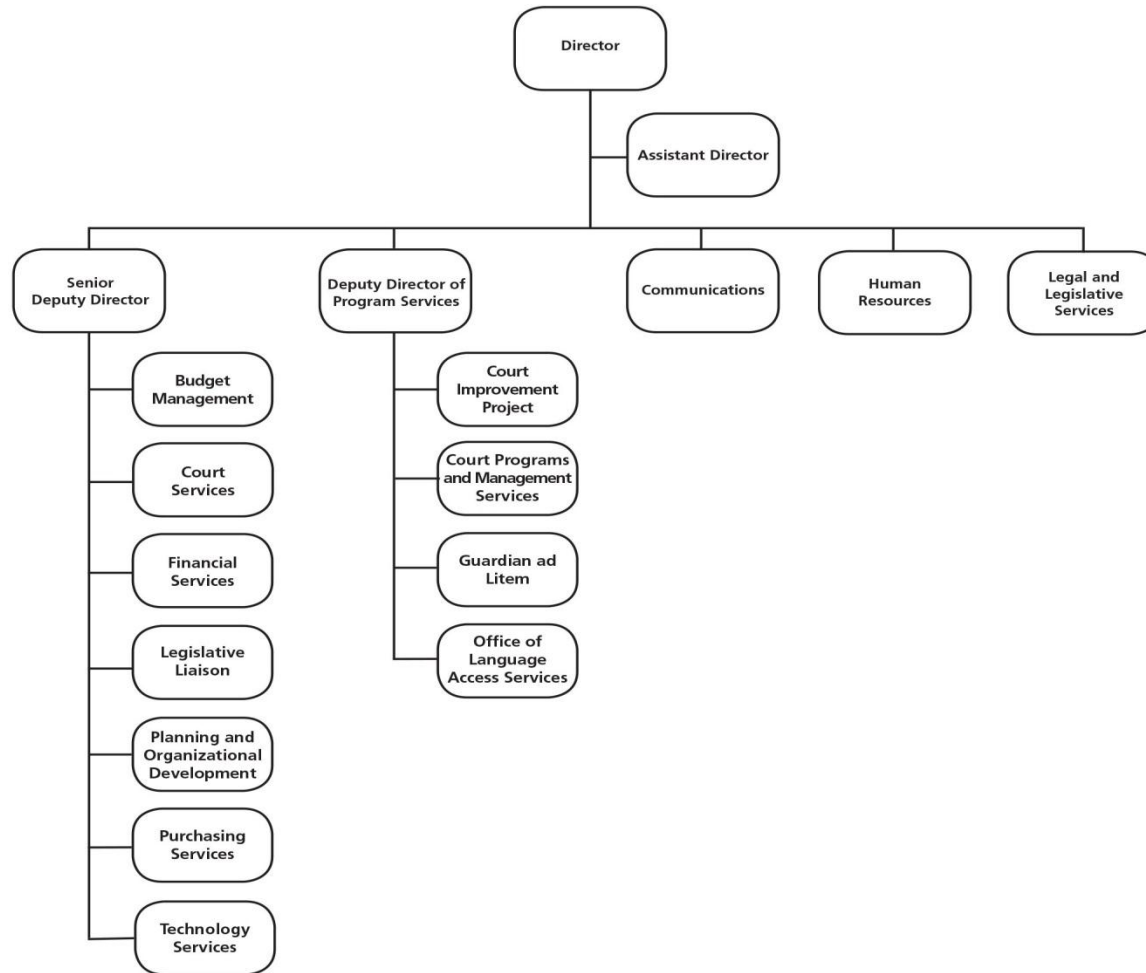


# AOC ADMINISTRATION

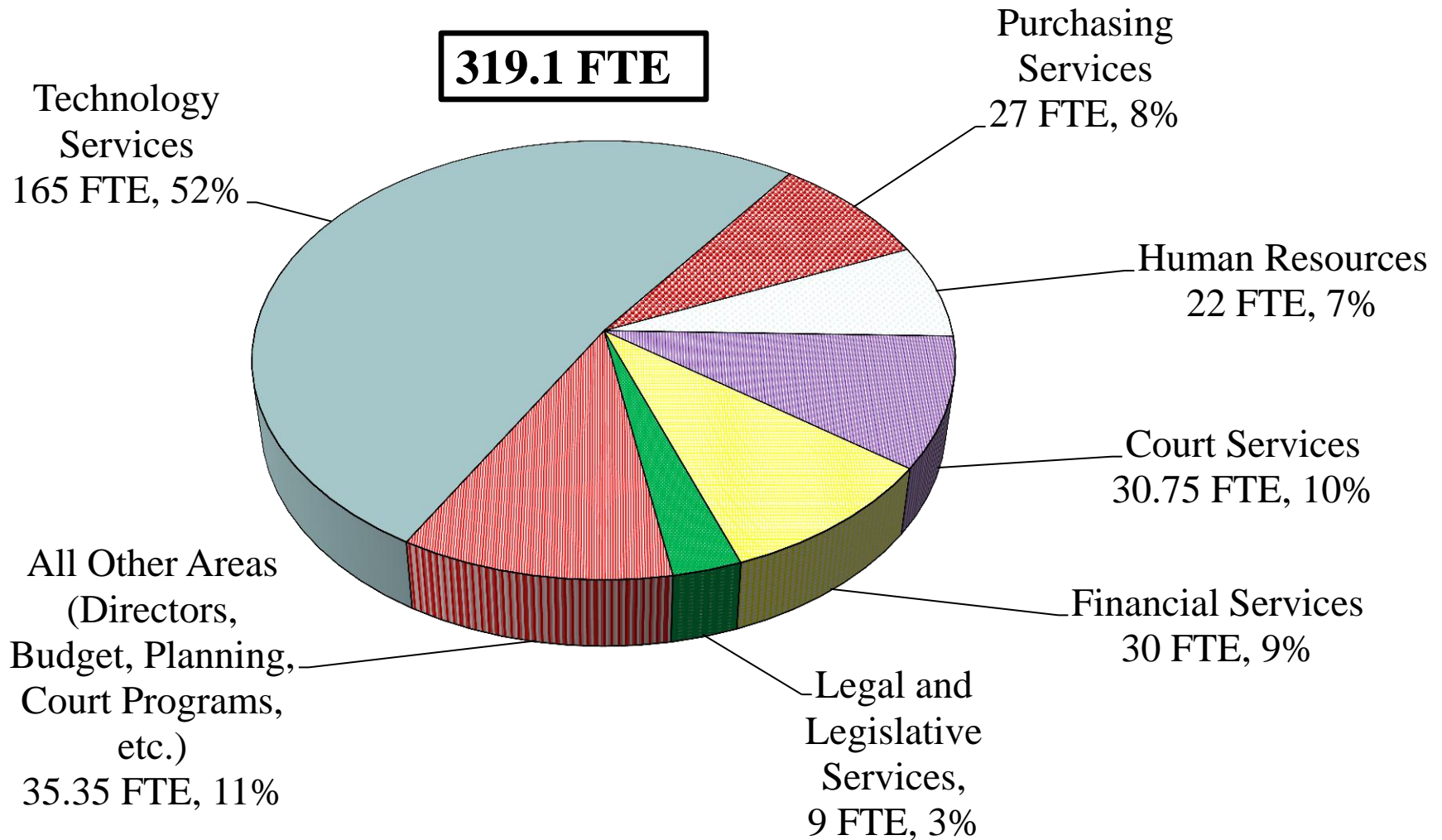
## \$49 M, 311 FTE



## Organization Chart



# AOC Administration Personnel



Source: BEACON, January 30, 2013

# AOC Technology Services Division

- 165 FTE
- FY 2012-13 GF Budget: \$16.9 M
- Took \$4.9 M cut in 2011
- Exempt from IT rules for executive agencies
- Provides IT Services for Courts:
  - **In-house Application Development:**
  - **Help Desk:**
  - **Infrastructure & Operations Support:**
    - Oversees Data Center, network operations
  - **Project and Quality Management Office:**
    - Big picture monitoring, disaster recovery
  - **Remote public access:**
    - Contracts with vendors

Source: BEACON, January 30, 2013  
NCAS, January 30, 2013



# SPECIALTY COURTS

## \$19 M, 231 FTE



# Specialty Court Budget Personnel

## Guardian ad Litem: 147.1 FTE

- 15,140 children served by GAL in FY 2011-12

## Family Court: 43.75 FTE

- 13 Districts with Family Court

## Custody & Visitation Mediators: 43.75 FTE

- 41 Districts with Custody Mediation Programs

## Other Court Personnel: 8.75 FTE

- AOC Deputy Director of Program Services
- Judicial Assistants
- Secretaries

Source: BEACON, January 30, 2013

# Specialty Courts and Programs

## **Guardian ad Litem**

- Supervises volunteers and attorneys acting as child advocate

## **Business Court**

- Three Superior Court judges for complex and significant issues of corporate and commercial law

## **Family Court**

- One family/one judge caseflow in 13 of 42 districts

## **Drug Treatment Court**

- Hands-on monitoring and accountability of court-ordered treatment for chemically dependent offenders
- Currently 33 DTCs in 22 counties/18 districts





# PASS-THROUGH

## \$671,250

# AOC Pass-through

- \$600,000 to State Bar for Access To Civil Justice
- \$71,250 to State Bar for Foreclosure Prevention
- Funds are used to:
  - Help victims of domestic abuse
  - Preserve homes and improve housing
  - Protect and improve household income
  - Access to medical care and coverage in federal programs
- Funds do not:
  - Provide representation in criminal matters
  - Provide representation in personal injury, malpractice, or other tort cases
- Legal Aid Organizations are:
  - Legal Aid of North Carolina (statewide)
  - Pisgah Legal Services (Asheville and the West)
  - Legal Services of Southern Piedmont (Charlotte and nearby)
  - Financial Protection Law Center (Foreclosure only, based in Wilmington)
- Governor recommends elimination of this pass-through



# INDEPENDENT COMMISSIONS

## \$2.5 M, 22.5 FTE

# Independent Commissions

## **Dispute Resolution Commission: 2.5 FTE**

- Certifies and regulates private mediators who serve NC courts

## **Innocence Inquiry Commission: 6 FTE**

- Reviews, investigates, and hears post-conviction innocence claims if new evidence of innocence has come to light

## **Judicial Standards Commission: 4 FTE**

- Considers complaints against state district, superior, and appellate court judges and justices and, where appropriate, makes recommendations for discipline

## **Sentencing and Policy Advisory Commission: 10 FTE**

- Makes recommendations to the NCGA for modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals

Source: BEACON, January 30, 2013

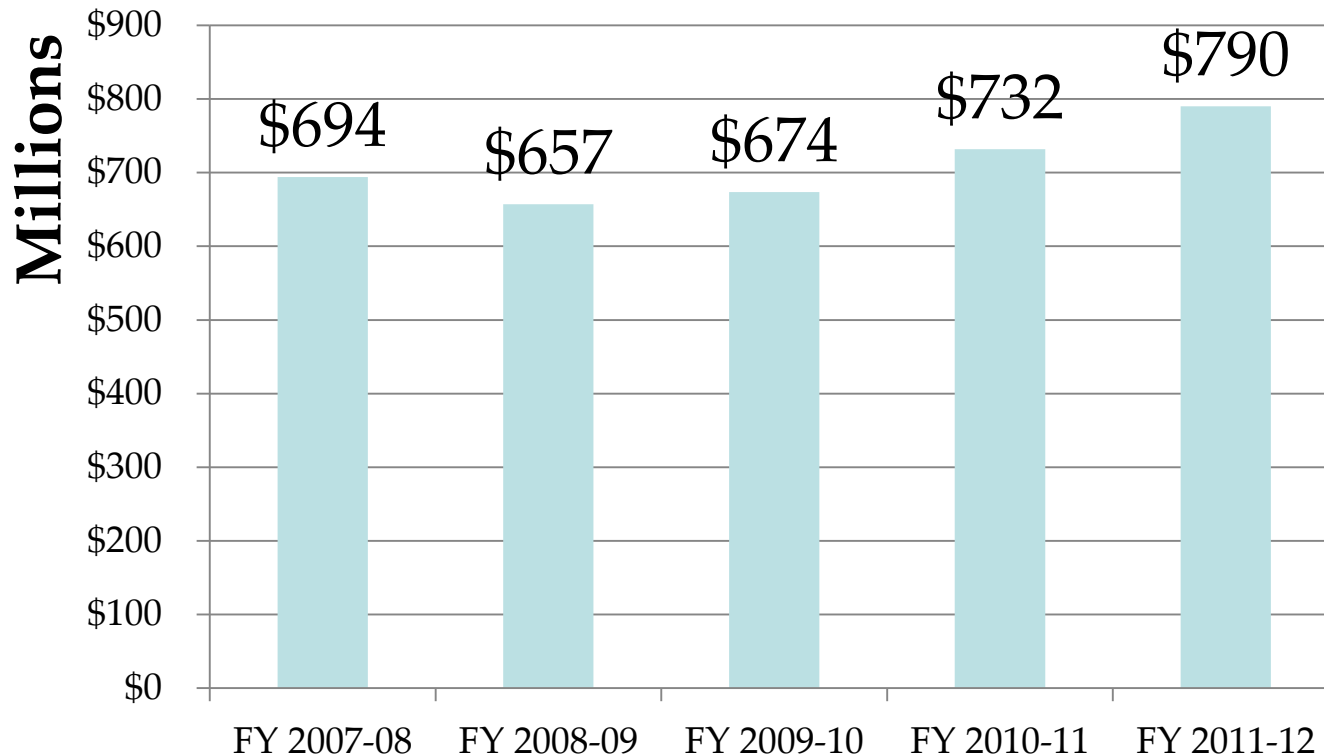


# COURT COSTS

# Court Costs

- Court costs include:
  - **Fees:** charges for use and support of the courts. Most go to the State, but some to local gov'ts
  - **Fines and forfeitures:** to the county for public schools
  - **Restitution:** court-ordered repayment to victims, other funds disbursed to private citizens

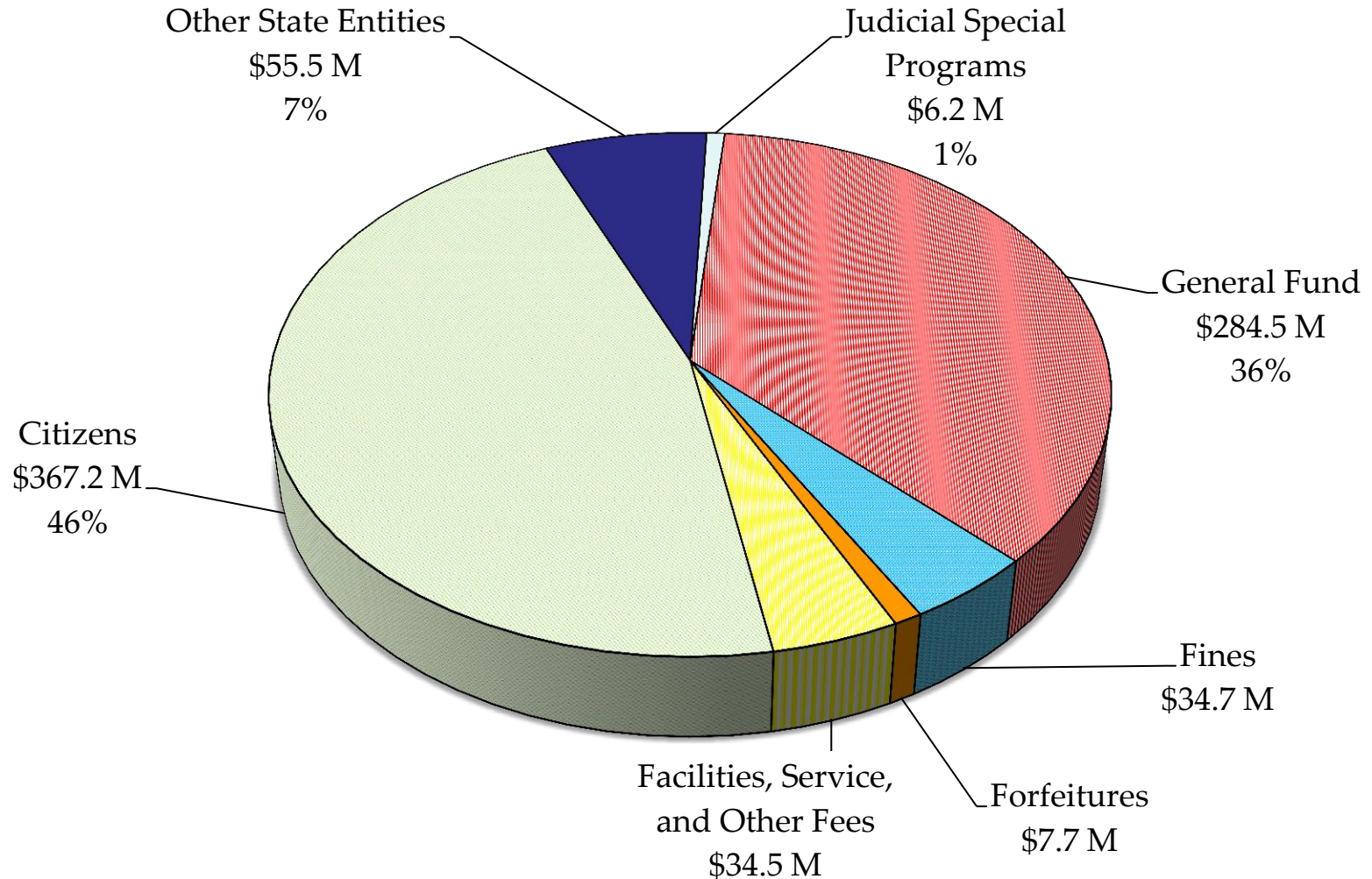
# Total Court Collections, FY 2007-08 to FY 2011-12



Source: AOC



# Court Collection Disbursements, FY 2011-12

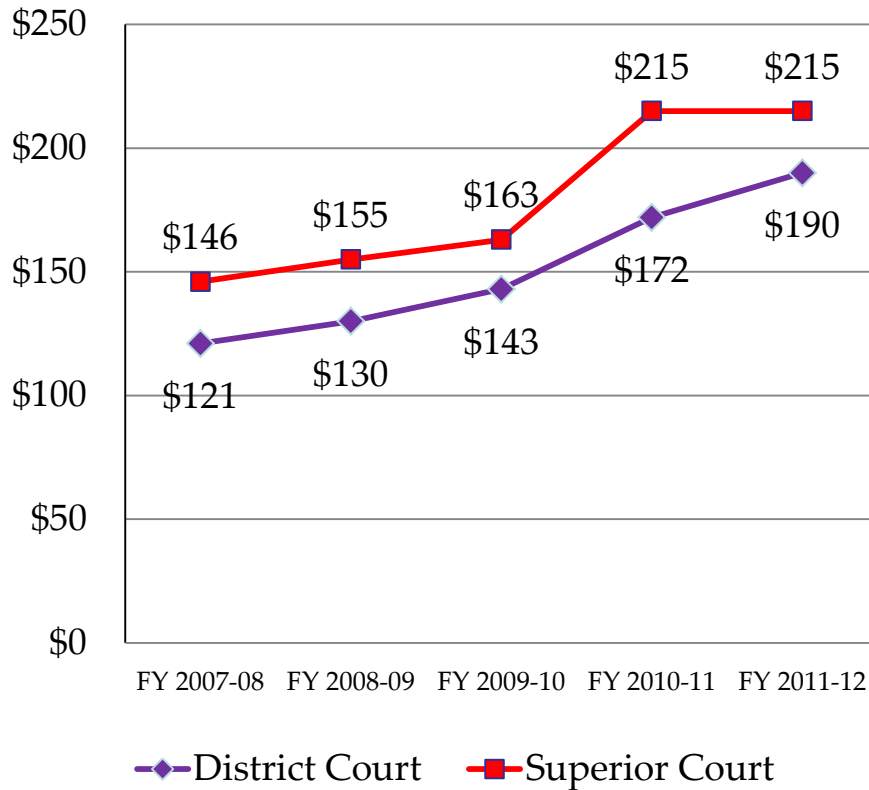


Source: AOC

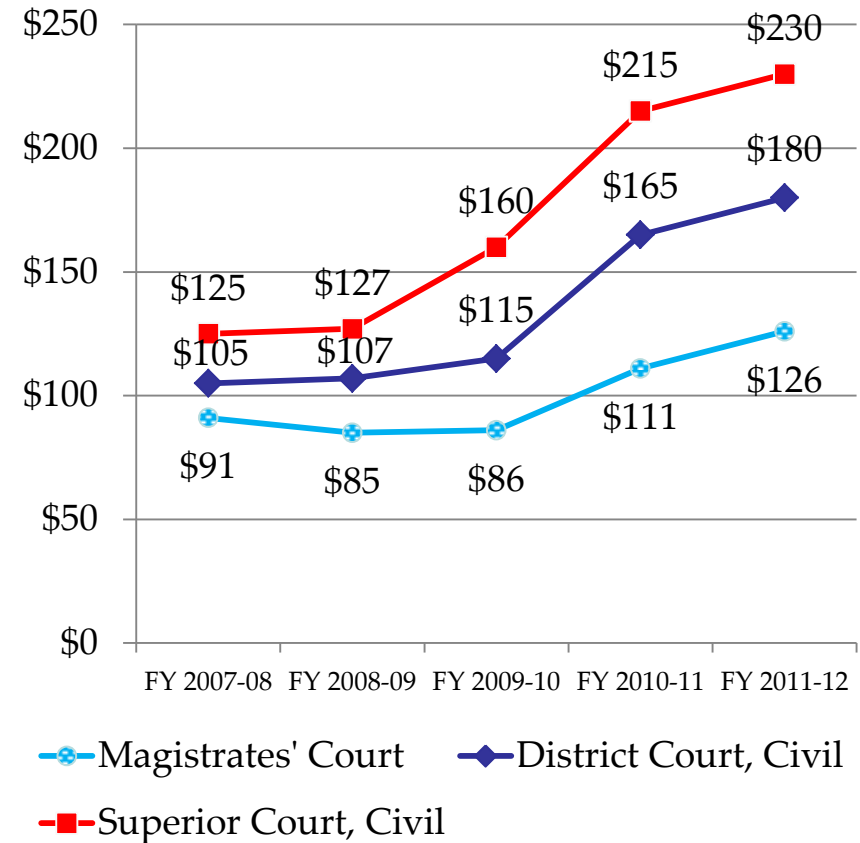


# Court Fee Increases, FY 2007-08 to FY 2011-12

## Criminal Court Fees



## Civil Court Fees



Source: AOC

# Office of Indigent Defense Services

1. Statutory Authority
2. Programs and Budget
3. Current Budget Proposals
4. Issues for 2013
5. Recent Legislative Actions

# OIDS: Key Issues

## ☐ Components of OIDS Budget:

1. Public Defenders (PD)
2. Private Appointed Counsel (PAC)
3. Administration

## ☐ Projected Budget Shortfall

## ☐ Measures Taken To Reduce Costs:

- Rate Reductions
- Legal Services Contract (RFP)

# 14<sup>th</sup> Amendment to Constitution

*§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

# North Carolina Constitution

Art. I § 19. Law of the land; equal protection of the laws.

*No person, shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.*

# Indigent Defense Services Act

- Article 39B of General Statutes
  - Passed by NCGA in 2000
  - NCGA concerned about AOC oversight of Private Appointed Counsel Contract
  - IDS began operations in July 2001
- Separate agency in the Judicial Branch from AOC
- AOC remains responsible for some OIDS functions: Purchasing, Personnel, and IT

# OIDS Responsibilities (§7A-498.3)

1. **Overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law**
2. Developing training, qualification, and performance standards to govern the provision of legal services to indigent persons
3. Determining the most appropriate methods of delivering legal services to indigent persons in each judicial district
4. Providing services in the most cost-effective manner possible.

# Legal Counsel For Indigent Persons

- State Public Defender Offices (PD)
  - In 16 of 42 District Court districts
  - May overlap in Superior Court districts
  - Includes Regional and Statewide Specialty Defenders
- Private Appointed Counsel (PAC)
  - Court-appointed private attorneys
  - In counties or districts without PD offices
  - Also assigned in counties or districts with PD offices when a PD cannot take a case
- Contract Defenders
  - Contracted private attorneys taking bulk PAC cases at pre-established rate





# PUBLIC DEFENDER SERVICES

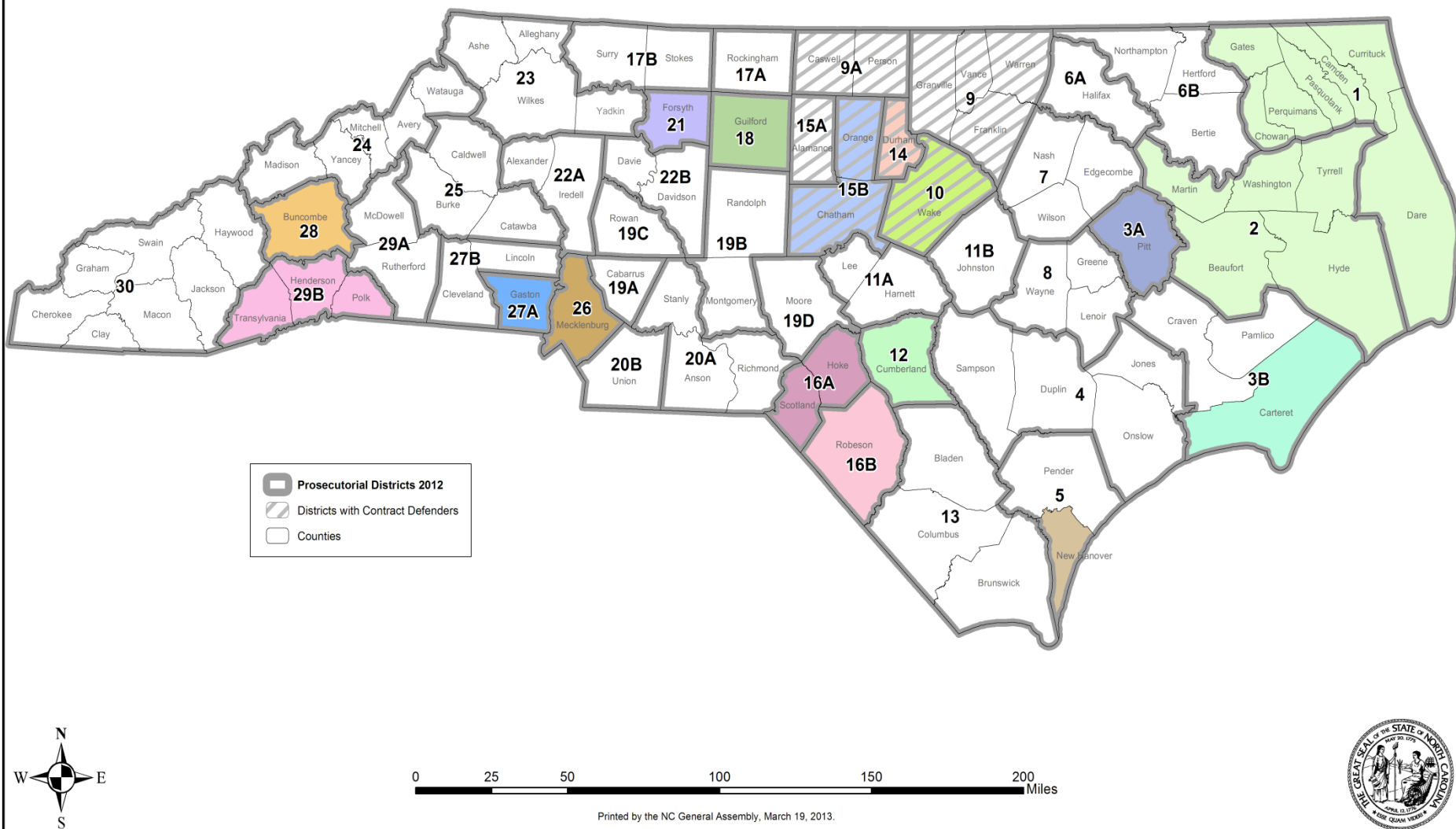
## \$46 M, 498 FTE

# Public Defender Services

- 16 Public Defender Offices: 425 FTEs
- Five Specialty Defender Offices: 73 FTE
  - Office of the Juvenile Defender
  - Office of the Appellate Defender
  - Office of Parent Representation
  - Office of the Capital Defender
  - Office of the Special Counsel
- Average (mean) APD salary: \$62,249

Source: BEACON, December 2012

# Prosecutorial Districts with Public Defender Offices and Contract Defenders



# Specialty Public Defenders

- Juvenile Defender: 3 FTE
- Appellate Defender: 23 FTE
- Parent Representation: 5 FTE
- Capital Defender: 24 FTE
  - 4 Regional Offices: Durham, Forsyth, Buncombe, New Hanover
- Special Counsel (Mental Health): 18 FTE
  - 4 Regional Offices: Broughton Hospital (Burke), Cherry Hospital (Wayne), both Central Regional Hospitals in Raleigh (Wake) and Butner (Granville)



# PRIVATE APPOINTED COUNSEL

# Private Appointed Counsel Fund

- Compensates private attorneys appointed to provide defense for indigent defendants when no public defender available
- In FY 2012-13, 62% of OIDS budget
- \$9.9 M shortfall in each of last two years
- Projected FY 2012-13 shortfall: \$7.5 - \$8 M

# PAC Rate Reduction

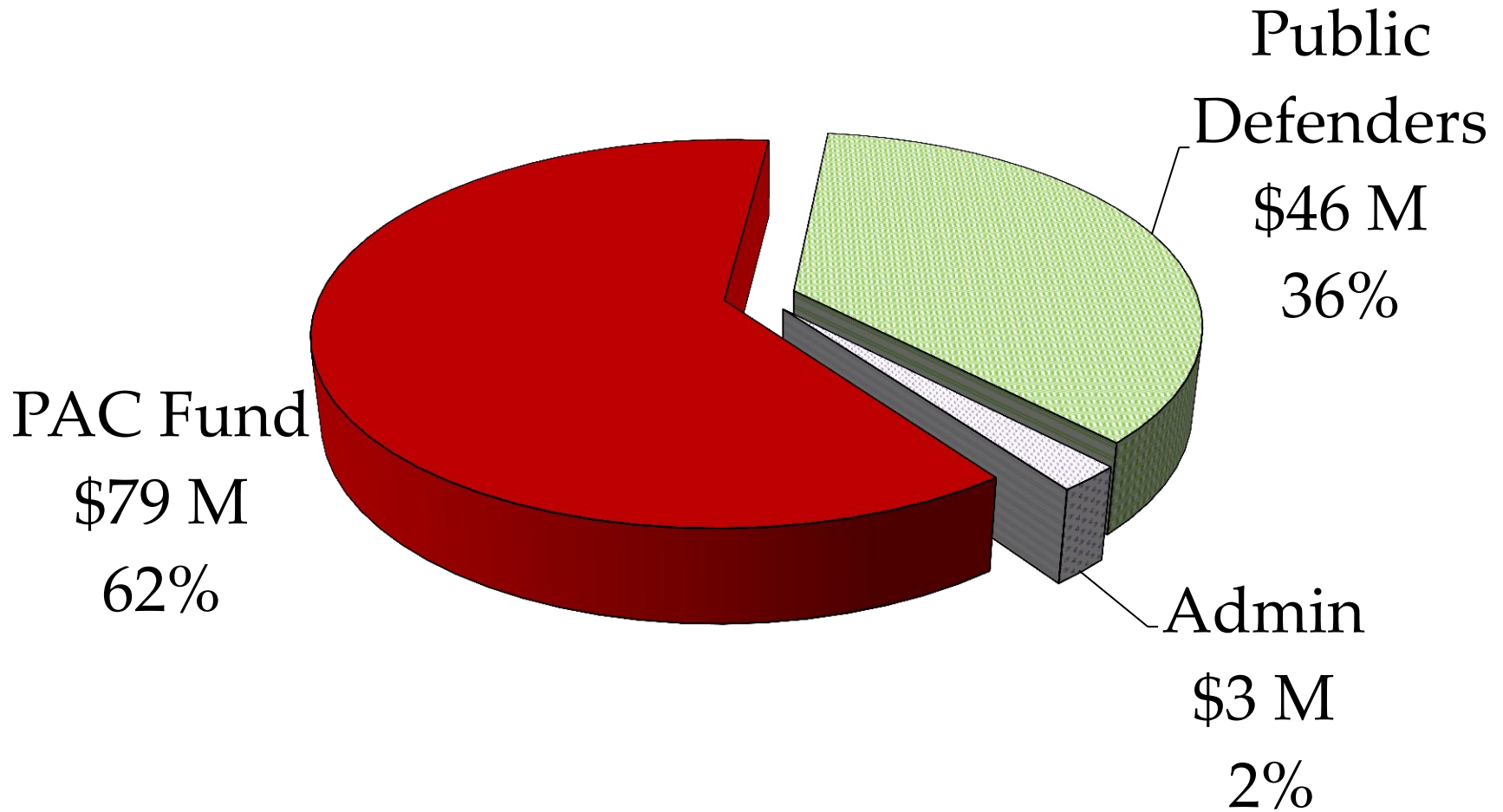
- Non-capital cases:
  - Was: \$75 per hour (set in FY 2007-08)
  - Now:
    - \$70 per hour for non-capital serious felonies (Class A through D)
    - \$60 per hour for all other cases disposed in Superior Court
    - \$55 per hour for all other cases disposed in District Court

# PAC Rate Reduction

- Capital cases:
  - Was: \$95 per hour (set in FY 2006-07)
  - January 2011: Reduced to **\$85** per hour after non-capital declaration
  - May 2011:
    - **\$85** per hour for capital cases
    - Reduced to **\$75** per hour for potential capital cases that are not proceeding capitally



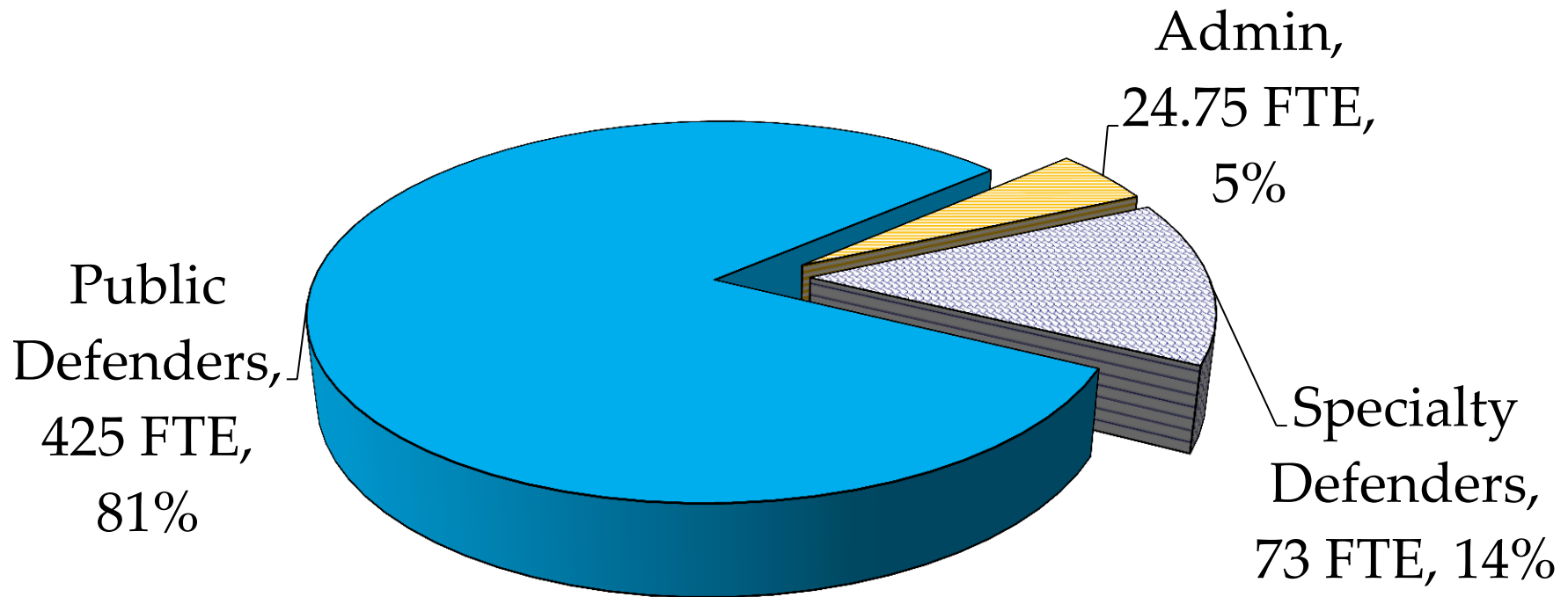
# OIDS Budget FY 2011-12, Total: \$128 M



Source: NCAS, December 31, 2012 Authorized Budget

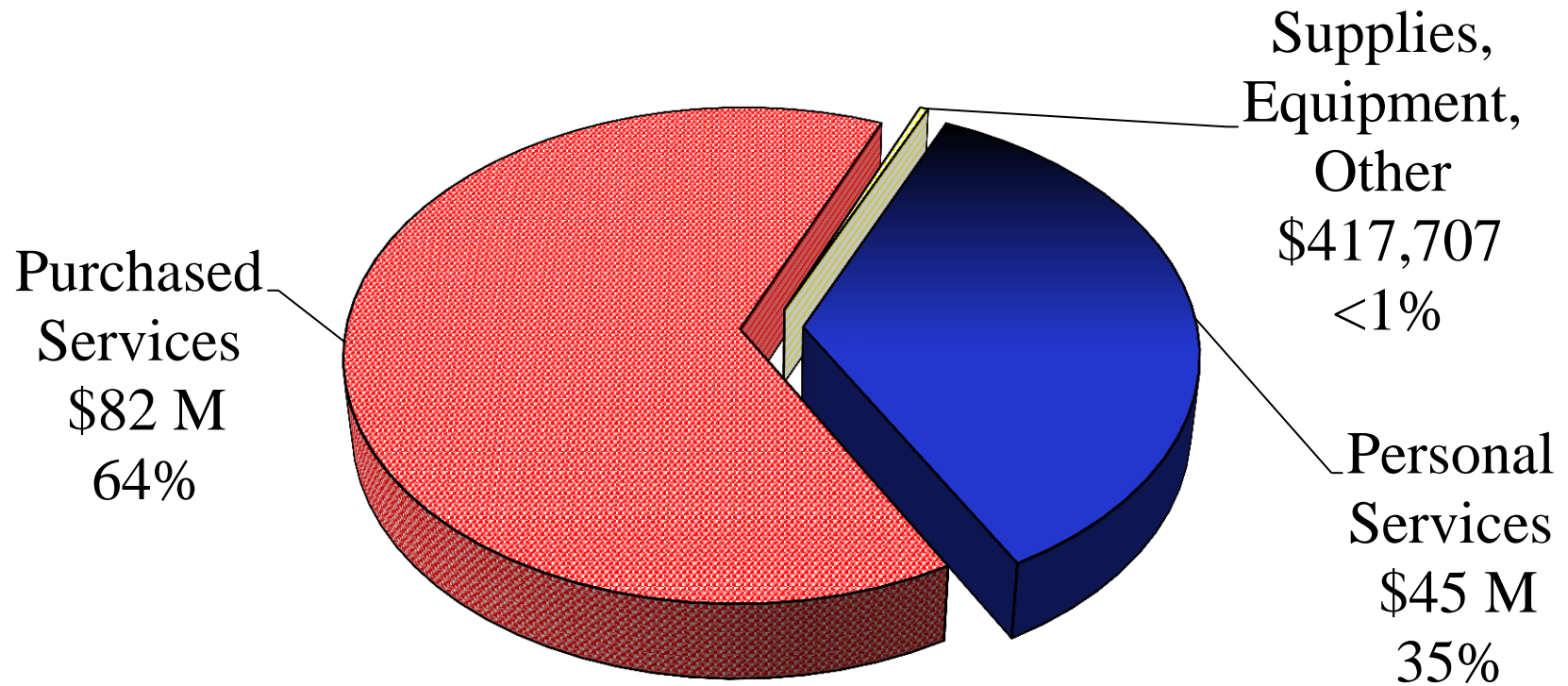
# IDS Personnel FY 2012-13

Total: 522.75 FTE



Source: BEACON, March 31, 2013

# IDS Budget By Account FY 2012-13



Source: NCAS, December 31, 2012 Authorized Budget

# Continuation Budget

(In Millions)	FY 2011-12 Actual	FY 2012-13 Certified	FY 2012-13 Authorized	FY 2013-14 Change*	FY 2013-14 Continuation	FY 2014-15 Continuation
Requirements	\$125.4	\$124.8	\$127.4	\$0.1	\$127.5	\$127.5
Less Receipts	(\$14.3)	(\$10.4)	(\$13.0)		(\$13.0)	(\$13.0)
Appropriation	\$111.1	\$114.4	\$114.4	\$0.1	<b>\$114.5</b>	<b>\$114.5</b>

Continuation Budget is:

- Recommended funding necessary to continue programs at the current level of services
- IDS's FY 2013-14 change is due to new APDs and support staff added over biennium.

Source: OSBM Continuation Budget, March 13, 2013

# 2011 Session

- Reduce PAC Funds: (\$7.9 million)
- Eliminated Sentencing Services: (\$2.1 million)
- Directed to issue a request for proposals (RFP) for bundled PAC cases (Contract Defenders)
- Expansion Provision:
  - Out of \$2.1 M in funds appropriated, IDS could:
  - Create up to 50 new attorney FTEs
  - Create up to 25 new support FTEs

TOTAL: (\$10.0 million)

# Contract Defenders

- Expected to cut long-term costs for IDS
- Collects cases into “units” equivalent to 360 billable hours = 20% of average annual workload
- Each unit contains cases of variable difficulty
- Divided into misdemeanors, low-level felonies, and high-level felony
- May also have units for probation violations, DTC, or truancy
- Coordinated by Regional Defender

# Contract Defenders

- First round:
  - Wake (District 10), Durham (District 14), Franklin, Granville, Vance, and Warren (District 9)
  - Effective December 2012
- Second round:
  - Orange and Chatham (District 15B), Alamance (District 15A), Caswell and Person (District 9A)
  - RFP in progress
  - Will be effective June 2013

# 2012 Session

- **No legislative actions**
- Reason:
  - OIDS Shortfall of \$9.9 million
  - Allow time for previous legislative actions to result in savings



# Governor's Recommendations

## Reductions:

- Eliminate 3.25 FTE: (\$258.634)
- Modify Prisoner Legal Services contract: (\$231,200)

## Expansions:

- Increase PAC Funds \$5.0 million
- Modernize CMS: \$369,965

# OIDS: Key Issues

- ✓ Components of OIDS Budget:
  1. Public Defenders (PD)
  2. Private Appointed Counsel (PAC)
  3. Administration
- ✓ Projected Budget Shortfall
- ✓ Measures Taken To Reduce Costs:
  - Rate Reductions
  - Legal Services Contract (RFP)

