

06 - 0036

STATE OF MINNESOTA

BOARD OF PUBLIC DEFENSE

REPORT ON

PUBLIC DEFENDER REIMBURSEMENTS

FY 2005

January, 2005

CITATION

Minnesota Statutes 611.20 requires the State of Minnesota Board of Public Defense to report annually on the collection and disbursement of public defender reimbursements. After consultation with the staff at the Minnesota Supreme Court it was determined that some of the variables outlined for reporting in M.S. 611.20 are not available. Minnesota Statutes 3.197 requires the reporting of the cost of report preparation. Staff time was minimal in preparing this report and as a result there were no production costs.

BACKGROUND

Minnesota Statutes 611.20 Subd. 2 authorizes the trial court to direct those public defender clients who are able to pay at least part of their defense costs to do so.

Prior to July 1, 1999 the first \$180,000 of public defender reimbursements were deposited in the general fund of the State of Minnesota, as a non-dedicated receipt. The Board of Public Defense, in direct proportion to the total receipts from each Judicial District, retained receipts in excess of \$180,000. Due to the uncertain nature of this funding, expenditures were limited to one-time expenses. The vast majority of this funding has been used to provide training for public defenders (Continuing Legal Education Credits)

In the 1998 Legislative Session M.S. 611.20 was amended to direct all reimbursements to the Board of Public Defense. Funds retained under this provision are to be used to offset the overhead costs of part time assistant public defenders. Each Judicial District Public Defender Office receives all of the reimbursements ordered and collected by the Court in their respective Judicial District. Reimbursement payments are made to part time assistant public defenders on a quarterly basis. The amount that each attorney receives depends on the amount collected, and the number of part time defenders in the Judicial District.

FY 2005 PUBLIC DEFENDER CASE TOTALS

During FY 2005 employees of the Board of Public Defense opened approximately 167,682 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	14,817
SECOND DISTRICT-	20,750
THIRD DISTRICT-	10,936
FOURTH DISTRICT-	43,391
FIFTH DISTRICT-	9,297
SIXTH DISTRICT-	8,491
SEVENTH DISTRICT-	15,782
EIGHTH DISTRICT-	5,035
NINTH DISTRICT-	15,648
TENTH DISTRICT-	25,535
TOTAL	167,682

The following is the break down of reimbursements received by county for the year 2005.

FY 2005 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	\$1,300
ANOKA	10	\$1,513
BECKER	7	\$1,459
BELTRAMI	9	\$298
BENTON	7	\$5,648
BIG STONE	8	\$640
BLUE EARTH	5	\$20,608
BROWN	5	\$8,583
CARLTON	6	\$11,053
CARVER	1	\$14,333
CASS	9	\$2,163
CHIPPEWA	8	\$3,357
CHISAGO	10	\$1,459
CLAY	7	\$16,940
CLEARWATER	9	\$0
COOK	6	\$40
COTTONWOOD	5	\$3,183
CROW WING	9	\$1,171
DAKOTA	1	\$6,011
DODGE	3	\$2,227
DOUGLAS	7	\$25,475
FARIBAULT	5	\$525
FILLMORE	3	\$5,114
FREEBORN	3	\$3,018
GOODHUE	1	\$128
GRANT	8	\$1,355
HENNEPIN	4	\$452
HOUSTON	3	\$10,001
HUBBARD	9	\$112

ISANTI	10	\$2,394
ITASCA	9	\$2,696
JACKSON	5	\$3,352
KANABEC	10	\$1,182
KANDIHOYI	8	\$16,858
KITTSOON	9	\$200
KOOCHICHING	9	\$1,031
LAC QUI PARLE	8	\$824
LAKE	6	\$547
LAKE OF WOODS	9	\$1,264
LE SUEUR	1	\$11,503
LINCOLN	5	\$1,092
LYON	5	\$7,775
MAHNOMEN	9	\$0
MARSHALL	9	\$0
MARTIN	5	\$8,834
MCLEOD	1	\$8,609
MEEKER	8	\$8,357
MILLE LACS	7	\$13,204
MORRISON	7	\$3,973
MOWER	3	\$115
MURRAY	5	\$3,432
NICOLLET	5	\$8,236
NOBLES	5	\$10,026
NORMAN	9	\$0
OLMSTED	3	\$10,240
OTTER TAIL	7	\$27,733
PENNINGTON	9	\$112
PINE	10	\$1,185
PIPESTONE	5	\$4,589
POLK	9	\$3,786
POPE	8	\$3,048
RAMSEY	2	\$30
RED LAKE	9	\$100
REDWOOD	5	\$5,115

RENVILLE	8	\$7,865
RICE	3	\$5,174
ROCK	5	\$2,377
ROSEAU	9	\$100
SCOTT	1	\$15,199
SHERBURNE	10	\$700
SIBLEY	1	\$7,939
ST LOUIS	6	\$21,482
STEARNS	7	\$26,201
STEELE	3	\$1,864
STEVENS	8	\$2,745
SWIFT	8	\$2,953
TODD	7	\$2,025
TRAVERSE	8	\$522
WABASHA	3	\$22
WADENA	7	\$2,535
WASECA	3	\$2,801
WASHINGTON	10	\$12,512
WATONWAN	5	\$2,088
WILKIN	8	\$860
WINONA	3	\$10,220
WRIGHT	10	\$903
YELLOW MEDICINE	8	\$2,938
<u>TOTAL</u>		<u>\$451,633</u>

REIMBURSEMENTS PER CASE UNIT

While the Court does not keep data on the number of cases where reimbursement is ordered, some inter-district comparisons can be made. As a unit of measure the Board uses a "case unit". The "case unit" is defined by the relative difficulty of the different types of cases as determined by the Board of Public Defense Weighted Caseload Study. A "case unit" equals the defense service that goes into the average misdemeanor case. Applying the "case unit" to the overall caseloads and reimbursements in each Judicial District Public Defender Office, yields the following reimbursement per case unit;

<u>DISTRICT</u>	<u>FY 2005 CASE UNITS</u>	<u>FY 2005 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	28,425	\$63,722	\$2.24
SECOND	38,414	\$30	\$0.00
THIRD	21,530	\$50,798	\$2.36
FOURTH	89,333	\$452	\$0.01
FIFTH	16,372	\$89,815	\$5.49
SIXTH	15,913	\$33,122	\$2.08
SEVENTH	28,332	\$125,193	\$4.42
EIGHTH	9,653	\$52,320	\$5.42
NINTH	29,506	\$14,333	\$0.49
TENTH	43,704	\$21,848	\$0.50
TOTAL	321,182	\$451,633	

PUBLIC DEFENDER REIMBURSEMENT AMOUNTS

Based on the number of full time equivalent part time defenders that each district has, the reimbursements collected, and the percentage of time the part time defender is employed, the following reimbursement amounts were paid out during fiscal year 2005:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$2,396	\$1,598	\$798
SECOND	\$8	\$5	\$3
THIRD	\$2,640	\$1,761	\$879
FOURTH	\$0	\$0	\$0
FIFTH	\$5,720	\$3,815	\$1,905
SIXTH	\$1,383	\$922	\$460
SEVENTH	\$3,459	\$2,307	\$1,152
EIGHTH	\$2,550	\$1,701	\$849
NINTH	\$835	\$557	\$278
TENTH	\$703	\$469	\$234

* In the Second Judicial District Criminal Defense Services, Inc., appears on behalf of working defendants who have limited funds to hire an attorney.

** The Fourth Judicial District Public Defender Office does not currently have any part time attorneys employed by the State of Minnesota.