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**STATE OF MINNESOTA**

**BOARD OF PUBLIC DEFENSE**

**REPORT ON**

**PUBLIC DEFENDER REIMBURSEMENTS**

**FY 2006**

January, 2007

## **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 2006 PUBLIC DEFENDER CASE TOTALS**

During FY 2006 employees of the Board of Public Defense opened approximately 176,125 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	15,146
SECOND DISTRICT-	21,393
THIRD DISTRICT-	11,379
FOURTH DISTRICT-	47,890
FIFTH DISTRICT-	9,159
SIXTH DISTRICT-	8,643
SEVENTH DISTRICT-	16,387
EIGHTH DISTRICT-	5,135
NINTH DISTRICT-	15,763
TENTH DISTRICT-	25,230
<b>TOTAL</b>	<b>176,125</b>

The following is the break down of reimbursements received by county for the year 2006.

**FY 2006 REIMBURSEMENTS**

<b><u>COUNTY</u></b>	<b><u>DISTRICT</u></b>	<b><u>REIMBURSEMENTS</u></b>
AITKIN	9	\$510
ANOKA	10	\$1,583
BECKER	7	\$3,184
BELTRAMI	9	\$567
BENTON	7	\$6,049
BIG STONE	8	\$1,092
BLUE EARTH	5	\$22,596
BROWN	5	\$8,284
CARLTON	6	\$9,432
CARVER	1	\$19,729
CASS	9	\$1,630
CHIPPEWA	8	\$2,384
CHISAGO	10	\$2,196
CLAY	7	\$14,799
CLEARWATER	9	\$136
COOK	6	\$425
COTTONWOOD	5	\$5,196
CROW WING	9	\$671
DAKOTA	1	\$5,844
DODGE	3	\$975
DOUGLAS	7	\$27,359
FARIBAULT	5	\$400
FILLMORE	3	\$6,256
FREEBORN	3	\$2,128
GOODHUE	1	\$115
GRANT	8	\$580
HENNEPIN	4	\$248
HOUSTON	3	\$9,374
HUBBARD	9	\$56

ISANTI	10	\$2,942
ITASCA	9	\$2,298
JACKSON	5	\$3,502
KANABEC	10	\$1,367
KANDIHOYI	8	\$17,933
KITTSOON	9	\$250
KOOCHICHING	9	\$918
LAC QUI PARLE	8	\$520
LAKE	6	\$830
LAKE OF WOODS	9	\$1,538
LE SUEUR	1	\$10,793
LINCOLN	5	\$2,147
LYON	5	\$9,622
MAHNOMEN	9	\$56
MARSHALL	9	\$0
MARTIN	5	\$10,383
MCLEOD	1	\$8,102
MEEKER	8	\$7,683
MILLE LACS	7	\$15,257
MORRISON	7	\$2,297
MOWER	3	\$241
MURRAY	5	\$3,419
NICOLLET	5	\$8,046
NOBLES	5	\$11,235
NORMAN	9	\$0
OLMSTED	3	\$8,941
OTTER TAIL	7	\$30,269
PENNINGTON	9	\$56
PINE	10	\$1,435
PIPESTONE	5	\$4,768
POLK	9	\$2,001
POPE	8	\$2,455
RAMSEY	2	\$30
RED LAKE	9	\$170
REDWOOD	5	\$5,922

RENVILLE	8	\$6,509
RICE	3	\$3,916
ROCK	5	\$2,742
ROSEAU	9	\$400
SCOTT	1	\$12,795
SHERBURNE	10	\$100
SIBLEY	1	\$8,397
ST LOUIS	6	\$14,966
STEARNS	7	\$26,217
STEELE	3	\$1,656
STEVENS	8	\$1,363
SWIFT	8	\$3,341
TODD	7	\$2,638
TRAVERSE	8	\$124
WABASHA	3	\$0
WADENA	7	\$2,227
WASECA	3	\$1,728
WASHINGTON	10	\$12,806
WATONWAN	5	\$4,114
WILKIN	8	\$360
WINONA	3	\$10,326
WRIGHT	10	\$425
YELLOW MEDICINE	8	\$2,512
<b><u>TOTAL</u></b>		<b>\$450,885</b>

#### **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 2006 CASE UNITS</u>	<u>FY 2006 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	28,759	\$65,775	\$2.29
SECOND	39,030	\$30	\$0.00
THIRD	21,616	\$45,542	\$2.11
FOURTH	102,475	\$248	\$0.00
FIFTH	16,476	\$102,377	\$6.21
SIXTH	16,091	\$25,652	\$1.59
SEVENTH	28,700	\$130,295	\$4.54
EIGHTH	9,829	\$46,857	\$4.77
NINTH	29,578	\$11,257	\$0.38
TENTH	46,539	\$22,853	\$0.49
<b>TOTAL</b>	<b>339,093</b>	<b>\$450,885</b>	<b>\$1.33</b>

### 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 2006:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$2,217	\$1,478	\$0
SECOND	\$4	\$3	\$1
THIRD	\$2,788	\$1,859	\$929
FOURTH	\$0	\$0	\$0
FIFTH	\$6,980	\$4,653	\$2,327
SIXTH	\$1,084	\$723	\$361
SEVENTH	\$3,723	\$2,482	\$1,241
EIGHTH	\$2,756	\$1,838	\$919
NINTH	\$582	\$388	\$194
TENTH	\$686	\$457	\$229

\* 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.