

STATE OF MINNESOTA

09 - 0236

BOARD OF PUBLIC DEFENSE

REPORT ON

PUBLIC DEFENDER REIMBURSEMENTS

FY 2008

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 2008 PUBLIC DEFENDER CASE TOTALS

During FY 2008 employees of the Board of Public Defense opened approximately cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	15,255
SECOND DISTRICT-	19,021
THIRD DISTRICT-	11,310
FOURTH DISTRICT-	41,874
FIFTH DISTRICT-	8,689
SIXTH DISTRICT-	8,864
SEVENTH DISTRICT-	15,050
EIGHTH DISTRICT-	5,015
NINTH DISTRICT-	16,280
TENTH DISTRICT-	23,400
TOTAL	164,758

The following is the break down of reimbursements received by county for the year 2008.

FY 2008 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	\$128
ANOKA	10	\$1,918
BECKER	7	\$2,830
BELTRAMI	9	\$1,730
BENTON	7	\$3,273
BIG STONE	8	\$1,043
BLUE EARTH	5	\$30,694
BROWN	5	\$7,436
CARLTON	6	\$2,717
CARVER	1	\$25,558
CASS	9	\$7,582
CHIPPEWA	8	\$4,002
CHISAGO	10	\$4,899
CLAY	7	\$17,487
CLEARWATER	9	\$1,027
COOK	6	\$171
COTTONWOOD	5	\$5,282
CROW WING	9	\$1,514
DAKOTA	1	\$30,256
DODGE	3	\$383
DOUGLAS	7	\$22,015
FARIBAULT	5	\$250
FILLMORE	3	\$6,488
FREEBORN	3	\$539
GOODHUE	1	\$354
GRANT	8	\$1,509
HENNEPIN	4	\$296
HOUSTON	3	\$3,997
HUBBARD	9	\$2,840

ISANTI	10	\$2,025
ITASCA	9	\$4,586
JACKSON	5	\$5,775
KANABEC	10	\$2,204
KANDIHOYI	8	\$15,498
KITTSOON	9	\$0
KOOCHICHING	9	\$1,804
LAC QUI PARLE	8	\$1,357
LAKE	6	\$514
LAKE OF WOODS	9	\$1,045
LE SUEUR	1	\$14,602
LINCOLN	5	\$1,847
LYON	5	\$11,560
MAHNOMEN	9	\$245
MARSHALL	9	\$8
MARTIN	5	\$10,944
MCLEOD	1	\$7,420
MEEKER	8	\$8,296
MILLE LACS	7	\$11,717
MORRISON	7	\$5,647
MOWER	3	\$906
MURRAY	5	\$2,819
NICOLLET	5	\$8,088
NOBLES	5	\$12,224
NORMAN	9	\$300
OLMSTED	3	\$4,114
OTTER TAIL	7	\$20,008
PENNINGTON	9	\$1,447
PINE	10	\$832
PIPESTONE	5	\$2,953
POLK	9	\$3,606
POPE	8	\$3,747
RAMSEY	2	\$356
RED LAKE	9	\$150
REDWOOD	5	\$11,099

RENVILLE	8	\$6,670
RICE	3	\$1,118
ROCK	5	\$3,104
ROSEAU	9	\$409
SCOTT	1	\$14,406
SHERBURNE	10	\$845
SIBLEY	1	\$9,739
ST LOUIS	6	\$4,980
STEARNS	7	\$24,581
STEELE	3	\$2,006
STEVENS	8	\$1,083
SWIFT	8	\$2,459
TODD	7	\$5,006
TRAVERSE	8	\$553
WABASHA	3	\$385
WADENA	7	\$5,191
WASECA	3	\$658
WASHINGTON	10	\$9,284
WATONWAN	5	\$4,813
WILKIN	8	\$749
WINONA	3	\$8,533
WRIGHT	10	\$675
YELLOW MEDICINE	8	\$3,319
<u>TOTAL</u>		<u>\$478,528.63</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 2008 CASE UNITS</u>	<u>FY 2008 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	27,478	\$102,335	\$3.72
SECOND	31,744	\$356	\$0.00
THIRD	20,739	\$29,128	\$1.40
FOURTH	71,944	\$296	\$0.00
FIFTH	15,284	\$118,889	\$7.78
SIXTH	15,280	\$8,381	\$0.55
SEVENTH	25,630	\$117,753	\$4.59
EIGHTH	9,209	\$50,287	\$5.46
NINTH	28,238	\$28,422	\$1.01
TENTH	41,446	\$22,683	\$0.55
TOTAL	286,992	\$478,529	\$2.61

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 2008:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$3,371	\$2,247	\$0
SECOND	\$31	\$20	\$0
THIRD	\$1,733	\$1,132	\$78
FOURTH	\$0	\$0	\$0
FIFTH	\$8,197	\$5,465	\$1,863
SIXTH	\$345	\$230	\$0
SEVENTH	\$3,128	\$0	\$0
EIGHTH	\$2,802	\$1,868	\$0
NINTH	\$1,353	\$0	\$451
TENTH	\$559	\$373	\$0

* 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.

BOARD OF PUBLIC DEFENSE PUBLIC DEFENDER
REIMBURSEMENTS FY 2004-FY 2008

