

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
AGENCY PROGRAM COMMENTARY
2003 - 2005

All of the Public Defender Commission's change level requests are made with the goal of increasing the availability, the effectiveness, and the efficiency of both the Commission and the trial public defenders' offices throughout the State of Arkansas. Further, the requests are made with the Constitutional mandate of providing effective representation in mind. With each Legislative Session, since its creation in 1993, the Commission's duties and responsibilities have grown. During the 1997 Legislative Session, the Commission's obligations and responsibilities were greatly expanded as the State assumed responsibility for funding the trial public defender system. Nonetheless, the number of attorney positions provided during that Session was actually less than the number of attorneys that had been provided by the respective Counties. Further, the duties of many public defenders were increased by Act 1341 of 1997. This increase in responsibility and decrease in positions left the Commission shorthanded almost everywhere. During the 2001 session we were allocated 40 new positions in the Trial Public Defenders' office. Twenty-two (22) of these were attorney positions. While these new attorney positions have been a great help in reducing caseloads and setting up conflicts offices in some areas, our caseloads are still precariously high in some districts. At this time, we have six (6) districts where the caseload is over 400 defendants per attorney. National standards recommend a caseload of no higher than 150 felonies per attorney per year; or 400 misdemeanors per attorney per year; or 200 juvenile cases per attorney per year; or 200 mental cases per attorney per year; or 25 appeals per attorney per year. Clearly, we are way over these standards.

As discussed in more detail in the Agency History and Organization, other changes made during the 2001 session appear to have eliminated the need to request increased funding in professional fees and services. However, cuts in staffing to the Ombudsman Division during the 2001 session need to be restored, at least partially, so that we may ensure that the children remanded to the custody of the state of Arkansas are safe and are receiving appropriate services.

The Commissions' change level requests are not made lightly. We have carefully analyzed and assessed the needs of the Public Defender System, and feel that the requests made are modest, yet essential to the effective administration of the criminal justice system. Public defenders are an integral part of the court system. If we fail, the system fails. If we are not prepared due to unmanageable caseloads and under-funding, justice is compromised. Additionally, if we don't have adequately trained and experienced people running our busiest offices, our clients and the Courts as a whole will suffer. Finally, if we have inadequate staff to monitor the kids in DYS custody, the chances of a kid falling through the cracks and being harmed increases. The following requests are made in order for the Commission to meet its Constitutionally, and statutorily, imposed duties, of providing adequate representation to all persons facing a risk of loss of liberty.

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Per Budget instructions Agencies may utilize Change Levels 1 through 6 to compile biennial budget requests. For the record we would like to note that our change levels will be ranked with 1 being the most important up to 4 being ones that, if forced, we could live without. Those change levels marked 6 are raises given after July 1, 2002 and were not included in the FY03 Annual Operation Plan Budget.

Appropriation 337 - Public Defender Commission and Capital Conflicts & Appellate Office (CCA)

Over the past few bienniums, the Commission has requested only increased funding for the CCA office to cover increased rent and for restoration of capital outlay. We have not requested, nor received, other significant increases for the CCA office.

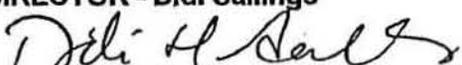
We are now forced to request additional funding in the amount of \$10,000.00 for FY04 and FY05 (*Ranked 4*). This money is needed to purchase additional bookcases and file cabinets to accommodate our increasing need for file and records storage. Further, many of our computers, printers, and fax machines are several years old and will need replacing within the upcoming biennium. We are also requesting additional funding caused by an increase announced by Westlaw, an anticipated increase in parking fees and, of course, the increase by the US Postal Service; Act 1799 of 2001, Section 12 requires the Commission to certify and update annually a list of private attorneys for appointment, Section 12 also requires the Commission to maintain a separate list of attorneys qualified to accept appointment as lead counsel in capital cases, which shall also be prepared, certified and updated annually. This additional request, in the amount of \$8,000, is being made for each fiscal year of the biennium (*Ranked 1*).

Rent

We are requesting an additional appropriation of \$8,276.00 to cover increased rent. On May 22, 2002, State Building Services advised that, effective July 1, 2003, our rent would go from \$11.00 per square foot to \$12.00 per square foot. We are currently renting 8,276 square feet, so the increase amounts to \$8,276.00 (*Ranked 1*).

Personnel

In 1997 the Public Defender Commission consisted of less than twenty (20) employees. There are now two hundred forty-five (245) employees. During this five year period the administrative delivery of services has changed from a fragmented county by county

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ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
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administration to the current centralized state administration. The administrative duties and responsibilities exercised by the Executive Director have increased comparable to the agency growth; similarly the duties of the six Chief Public Defenders (grade 99) have increased. However, compensation for these positions has remained flat since 1999. Compensation for these positions has risen only through COLA increases.

The Commission is requesting an 8% increase over FY04 in salary for the Executive Director (*Ranked 1*) who has managed this five year administrative transition and been the Executive Director since the Commission was created in 1993. We are also requesting an 8% increase for the other grade 99 positions within the Commission (*Ranked 1*). This request is discussed in more detail elsewhere. This request is made in an effort to recognize the increased duties and responsibilities, as well as the experience and performance of the Executive Director. Further at the present time, the Executive Director's compensation is only 2% more than the grade 99's in the office. Were they to receive an 8% increase, which they well deserve, they would be making more than the Director, despite having significantly fewer duties and responsibilities.

We are also requesting that one Grade 20 Management Project Analyst position be reclassified and upgraded to the current existing classification of a Grade 22 Public Defender Investigator (*Ranked 1*). The incumbent has been in the Management Project Analyst Position since August 1997 and, by necessity, the job duties have evolved to where she is performing the duties of Investigator. She has been a Criminal Investigator for twelve years, is a Certified Crime Scene Specialist, Certified Law Enforcement Instructor, and has a Bachelors Degree in Criminal Justice. A job analysis questionnaire for this position is attached. The Public Defender Commission is currently authorized only one Public Defender Investigator position, which is filled by a qualified investigator.

Appropriation 1VA - Ombudsman Division

During the 1999 Legislative Session an Ombudsman Division was created within the Public Defender Commission. During its first year of operation, there were eight (8) social workers and three support staff in the Ombudsman Division. The ombudsmen's job is to ensure that children placed within the custody of the Division of Youth Services are receiving necessary services and are safe both mentally and physically. The Ombudsman Division has proven its worth repeatedly since its creation. We have: taken kids out of harm's way; insured that an aftercare plan was implemented; contacted the child abuse hotline when necessary; and pushed to insure that sex offenders were segregated from non-sex offenders while in DYS' custody. The social workers currently employed by the

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Commission are at various DYS facilities daily, checking on the children within DYS' custody. Each year there are approximately 800 children committed to the care and custody of DYS. Despite the foregoing, and despite the fact of continuing problems in DYS facilities, the Ombudsman staff was cut to 5 social workers and no support staff during the 2001 Legislative session. Funding was also transferred so that the office is now funded out of DYS' budget.

At the present time, there are 406 children within the custody of the Division of Youth Services. As of July 1, 2002, 139 children were at the Alexander Campus and the other 267 juveniles were placed at twenty- three alternative sites throughout the state. With the increased number of children in DYS' custody, some of the ombudsman social worker positions must be restored to ensure the safety and well being of the children within DYS' custody. Our current staff, despite their best efforts and working over 60 hours many weeks, simply cannot get to every child. These ombudsmen are at DYS' facilities on weekends and in the middle of the night, not just during regular working hours, but there are simply too few of them and too many kids that need help. With the best interests of the children in mind, the Commission is requesting two (2) social worker positions (*Ranked 1*) that are currently authorized positions but not budgeted. Again, these are necessary to help ensure that the children in state custody are receiving the services ordered by the Juvenile Court and to make sure that they are neither being physically nor mentally abused. We are also requesting funding of one staff position (*Ranked 2*); this position is also an authorized position but not budgeted. At the present time, the ombudsman social workers have no support staff, so, in addition to the countless hours they spend at DYS facilities, they have to do all of their own reports and typing. Clearly this is an inefficient use of their time.

We are requesting \$31,500 for FY04 and FY05 for Ombudsman operating expenses (*Ranked 1*). Act 1633 of 2001 appropriated over \$500,000 each year for FY02 and FY03; we received funding in the amount \$300,000, which covered salaries only, we are in dire need of an M & O budget for Ombudsman. We are requesting \$14,000 for FY04 only for office equipment and computers for the above mentioned additional positions (*Ranked 1 if the additional positions are approved*).

Appropriation 530 - Trial Public Defenders

When the State took over the public defender system on January 1, 1998, it took little time to discover that we were seriously, and substantially, understaffed both as to attorneys and support staff. This under-staffing has caused many of the public defenders to carry

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an horrendous caseload. The additional positions appropriated during the 2001 Session certainly alleviated this problem somewhat. The positions also allowed us to place conflicts attorneys in areas of the state where we routinely had conflicts and where the appointment of private counsel to handle these conflicts had become incredibly expensive. Nonetheless, at present, we have three districts where the caseload is over 500 defendants per attorney per year, four other districts where the caseload is over 400 defendants per attorney per year, and a total of 16 districts where the caseload is over 300 defendants per attorney per year. Again, while we have made substantial improvement over the last couple of years, these numbers are still in excess of nationally recommended standards. The National Advisory Committee of Criminal Justice recommends the following caseloads: 150 felonies per attorney per year; or 400 misdemeanors per attorney per year; or 200 juvenile cases per attorney per year; or 200 mental cases per attorney per year; or 25 appeals per attorney per year. In the aforementioned districts, our caseloads are certainly in excess of the national standards. One attorney's ability to provide effective representation to 500 defendants in one year may be subject to question.

Personnel

New Positions

For the reasons outlined above, we are requesting five (5) additional attorney positions (*Ranked 1*) for the trial public defenders offices. Again, these positions are necessary to address the excessive caseloads in several districts. These positions will be distributed throughout the state to those districts most in need of assistance. With the addition of these five positions we will be able to come closer to meeting the national standards.

We are requesting \$40,000 for FY04 (*Ranked 1 only if the new trial public defender positions are approved*) only to purchase office equipment and computers for the 5 additional positions. With the additional five attorney positions, the agency will be able to reduce Professional Service Fees by \$50,000. We would like to request that this money be moved to Operating Expense to help cover mileage expense. This money will help in defraying the increasing travel expenses; there are currently seven capital lawyers that travel the state and some trials last several weeks, which requires hotel and travel expenses.

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ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
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Upgrades to 99

We are requesting that two (2) of our grade 26 public defenders be changed to grade 99 public defenders (*Ranked 3*). During an audit of our Craighead County office we learned that the offices in Crittenden and Mississippi County operated autonomously from the Craighead County office. The managers in those offices had little or no interaction with, or direction from, the "chief defender" in

Craighead County. In an effort to adequately and equitably reflect the job duties of these individuals, it is necessary that they be changed to grade 99 as well. Again, their duties and responsibilities are identical to those of the other grade 99s.

Salary Adjustments

We are requesting that all the Grade 99 positions within the Commission be given an 8% increase in salary over baseline for FY04. This is, in essence, a merit increase to which persons in graded positions who perform their jobs exceptionally well may be entitled. Our grade 99s have not received any raise, other than cost of living, since 1998. Given their experience, skill, caseloads, duties and responsibilities, a modest raise of 8% is more than justified. Without some recognition of the hard work and dedication they have shown, we could very well lose one or more of our most experienced lawyers and administrators.

Recently, when a grade 99 position became vacant, we had significant difficulty in filling it due to the inadequate level of compensation. The position was vacant for much longer than we had hoped, causing us to have to transfer, on a temporary basis, another employee from another district. This was done to avoid a crisis in the District where the 99 position was vacant, but resulted in hardship in the district from which we took the employee. Three qualified applicants withdrew their applications because the position did not pay up to their expectations, we came very close to being unable to fill the grade 99 position with a suitable candidate. Finally, our grade 99 attorneys are paid significantly less than they are worth, less than what other attorneys of comparable experience are paid in other states, agencies, and the prosecutors' office. For all of the foregoing reasons we are respectfully requesting an 8% increase in salary for all of our grade 99 employees (*Ranked 1 as seen on page 2 under Personnel*).

IT Services

This agency would like to request an additional \$12,000 each year to pay for internet services. For the last five years this agency has been piggybacked on the Arkansas Public School Computer Network's router and has paid no fee. DIS discovered that we were not paying a fee and now says that they will charge us a \$1,000 per month. (*Ranked 1*)

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This agency is requesting 114 computers for FY04 and 52 computers for FY05, this will allow at least one computer per Public Defender office in the state. Several offices do not have computers or are using computers five years or older acquired from the counties. These offices are not able to key in timesheets, use the internet for legal research or receive emails from the Commission regarding other cases or employee information. This Commission is also requesting software and software licenses for these computers. *(Ranked 1)*

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DIVISION OF LEGISLATIVE AUDIT
AUDIT OF:
ARKANSAS PUBLIC DEFENDER COMMISSION
FOR THE YEAR ENDED JUNE 30, 2001

None Findings

None Recommendations

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
 EMPLOYMENT SUMMARY
 Required by: A.C.A. 19-4-307

AGENCY TITLE: 0324 AR PUBLIC DEFENDER COMM

	MALE	FEMALE	TOTAL	PERCENTAGE OF TOTAL
WHITE EMPLOYEES	<u>132</u>	<u>98</u>	<u>230</u>	<u>95%</u>
BLACK EMPLOYEES	<u>6</u>	<u>7</u>	<u>13</u>	<u>5%</u>
EMPLOYEES OF OTHER RACIAL MINORITIES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>
TOTAL EMPLOYED AS OF			<u>13</u>	<u>5%</u>
	08/05/2002			
	DATE		TOTAL MINORITIES	
			<u>243</u>	<u>100%</u>
			TOTAL EMPLOYEES	


 AGENCY DIRECTOR

**AGENCY INFORMATION TECHNOLOGY PROJECTS
RECOMMENDED FOR OVERSIGHT**

STATE AGENCY: Arkansas Public Defender Commission

AGENCY NUMBER: 324

AGENCY HEARING DATE: 10/23/02

<u>PROJECT NAME</u>	<u>TIMEFRAME</u>	<u>FY04 COST/SOURCE OF FUNDS</u>	<u>FY05 COST/SOURCE OF FUNDS</u>
1. Integrated Justice Information System	FY04	\$266,774	\$0

REASONS FOR OVERSIGHT

- A. Enterprise project
- B.
- C.
- D.

<u>PROJECT NAME</u>	<u>TIMEFRAME</u>	<u>FY04 COST/SOURCE OF FUNDS</u>	<u>FY05 COST/SOURCE OF FUNDS</u>
2.			

REASONS FOR OVERSIGHT

- A.
- B.
- C.
- D.

Office of Information Technology Comments: Enterprise project categories mandating oversight include Security, Integrated Justice (IJ), Wireless, Geographic Information Systems (GIS), Health Insurance Portability & Accountability Act (HIPAA)

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM

STATE AGENCY PUBLICATIONS

Fiscal Year 2004-2005

Required by: A.C.A. 25-1-204

AGENCY: Arkansas Public Defender Commission

NAME OF PUBLICATION	STATUTORY AUTHORIZATION	PUBLICATION REQUIRED FOR GOVERNOR AND/OR GENERAL ASSEMBLY ONLY	NUMBER OF COPIES PUBLISHED	REASON(S) FOR CONTINUED PUBLICATION AND DISTRIBUTION
N/A				

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Department Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324

Code	Appropriation Name	2001-02			2002-03		Agency Request				Executive Recommendation			
		Actual			Budget	Pos.	2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05	Pos.
1VA	Ombudsman Program	299,762			295,535	7	486,385	11	483,295	11	305,798	7	313,420	7
337	Public Defender-Operations	1,192,951			1,222,941	15	1,300,738	15	1,325,421	15	1,265,180	15	1,289,446	15
530	Public Defender-Trial Office	11,635,966			12,489,412	189	13,557,546	194	13,728,024	194	13,226,030	189	13,430,227	189
APPROPRIATIONS NOT REQUESTED FOR THE 2003-2005 BIENNIUM:														
1PJ	Court Ordered Attorney Fee	159,409												
Grand Total		13,288,088			14,007,888	211	15,344,669	220	15,536,740	220	14,797,008	211	15,033,093	211

Funding Sources													
Name	Code		% of Total										
Fund Balance	4000005	168,070	1.2	437,504	3.1	0	0.0	0	0.0	0	0.0	0	0.0
State Central Service Fund	4000035	4,760,449	34.7	5,006,822	35.7	6,590,257	43.4	6,785,418	44.2	6,075,795	44.4	6,308,150	45.3
User/Attorney Fees	4000060	406,879	3.0	360,000	2.6	360,000	2.4	360,000	2.3	400,000	2.9	400,000	2.9
Administration of Justice Fund	4000065	8,090,432	58.9	7,908,027	56.5	7,908,027	52.2	7,908,027	51.5	6,908,027	50.5	6,908,027	49.6
Fund Transfer DHS-DYS	4000075	299,762	2.2	295,535	2.1	300,000	2.0	300,000	2.0	300,000	2.2	300,000	2.2
Total Funding		13,725,592	100.0	14,007,888	100.0	15,158,284	100.0	15,353,445	100.0	13,683,822	100.0	13,916,177	100.0
Excess Appro(Funding)		(437,504)		0		186,385		183,295		1,113,186		1,116,916	
Grand Total		13,288,088		14,007,888		15,344,669		15,536,740		14,797,008		15,033,093	

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
ANALYSIS OF BUDGET REQUEST
2003 - 2005

The Ombudsman Division of the Arkansas Public Defender Commission was created during the 82nd General Session for the purpose of insuring that children placed within the custody of the DHS – Division of Youth Services are receiving necessary services designed to keep them safe both mentally and physically. The Ombudsman Division of the Arkansas Public Defender Commission is funded directly from funds transferred by the Department of Human Services in an amount not to exceed \$300,000 for each fiscal year of the biennial period as described in ACA 16-87-216. This transfer is for the benefit of the Juvenile Ombudsman Program of the Public Defender Commission as provided for by Act 1531 of 2001 Section 11.

The Base Level request includes a 2.7% salary increase each year over the FY03 salary levels for all incumbents plus associated increases in Personal Services Matching in appropriation only. Base Level Funding shall not exceed \$300,000 in each year of the biennium. Included in Personal Services Matching is a \$33 per month increase in the monthly contribution for State employee's health insurance for a total state contribution of \$280 per month per budgeted employee.

Change Level requests include Personal Services costs to reauthorize three (3) Public Defender Ombudsman Grade 20 and one (1) Public Defender Secretary II Grade 15 totaling \$135,087 for FY04 and \$138,375 for FY05. These positions are requested to meet demands associated with the increased number of Juvenile commitments and are requested to fulfill the mission of the Ombudsman Division. Requests for Operating Expenses to support these positions total \$45,500 for FY04 and \$31,500 for FY05.

The Special Language in DHS – Division of Youth Services only provides for \$300,000 in funding for the Ombudsman Division of the Arkansas Public Defender Commission.

Executive Recommendation provides for the Base Level.

AGENCY Name: Arkansas Public Defender Commission Code: 324	APPROPRIATION Name: Ombudsman Program Code: 1VA	TREASURY FUND Name: State Central Services Code: HSC	ANALYSIS OF BUDGET REQUEST	PAGE 427
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ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Ombudsman Program
 Appropriation Code 1VA
 Fund Name State Central Services
 Fund Code HSC

Character Name	Expenditures					Agency Request										Recommendations					
	2001-02		2002-03		2002-03		2003-04					2004-05					Executive				
	Actual	Budget	Pos.	Authorized	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	2003-04	Pos.	2004-05	Pos.
Regular Salaries	194,378	233,484	7	368,690	11	239,788	7	103,336	4	343,124	11	246,262	7	106,129	4	352,391	11	239,788	7	246,262	7
Personal Serv Match	48,290	62,051	0	97,896	0	66,010	0	31,751	0	97,761	0	67,158	0	32,246	0	99,404	0	66,010	0	67,158	0
Operating Expenses	57,094	0	0	82,845	0	0	0	45,500	0	45,500	0	0	0	31,500	0	31,500	0	0	0	0	0
Travel-Conferences	0	0	0	5,670	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	299,762	295,535	7	555,101	11	305,798	7	180,587	4	486,385	11	313,420	7	169,875	4	483,295	11	305,798	7	313,420	7

Funding Sources Name	2001-02 Actual	2002-03 Budget	2002-03 Pos.	2002-03 Authorized	2002-03 Pos.	2003-04 Base Level	2003-04 Pos.	2003-04 Change Level	2003-04 Pos.	2003-04 Total	2003-04 Pos.	2004-05 Base Level	2004-05 Pos.	2004-05 Change Level	2004-05 Pos.	2004-05 Total	2004-05 Pos.	2003-04	2004-05
Fund Transfer from DHS-DYS	299,762	295,535	*****	*****	*****	300,000	*****	0	*****	300,000	*****	300,000	*****	0	*****	300,000	*****	300,000	300,000
Total Funding	299,762	295,535	*****	*****	*****	300,000	*****	0	*****	300,000	*****	300,000	*****	0	*****	300,000	*****	300,000	300,000
Excess Appro(Funding)	0	0	*****	*****	*****	5,798	*****	180,587	*****	186,385	*****	13,420	*****	169,875	*****	183,295	*****	5,798	13,420
Grand Total	299,762	295,535	*****	*****	*****	305,798	*****	180,587	*****	486,385	*****	313,420	*****	169,875	*****	483,295	*****	305,798	313,420

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Ombudsman Program
 Appropriation Code 1VA
 Fund Name State Central Services
 Fund Code HSC

Character		Expenditures				
		2001-02	2002-03		2002-03	
Name	Code	Actual	Budget	Pos.	Authorized	Pos.
Regular Salaries	5010000	194,378	233,484	7	368,690	11
Personal Serv Match	5010003	48,290	62,051	0	97,896	0
Operating Expenses	5020002	57,094	0	0	82,845	0
Travel-Conferences	5050009	0	0	0	5,670	0
Grand Total		299,762	295,535	7	555,101	11

Funding Sources						
Name	Code					
Fund Transfer from DHS-DYS	4000075	299,762	295,535	*****	*****	*****
Total Funding		299,762	295,535	*****	*****	*****
Excess Appro/(Funding)		0	0	*****	*****	*****
Grand Total		299,762	295,535	*****	*****	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Ombudsman Program
 Appropriation Code 1VA
 Fund Name State Central Services
 Fund Code HSC

Character		Agency Request											
		2003-04						2004-05					
		Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.
Regular Salaries	5010000	239,788	7	103,336	4	343,124	11	246,262	7	106,129	4	352,391	11
Personal Serv Match	5010003	66,010	0	31,751	0	97,761	0	67,158	0	32,246	0	99,404	0
Operating Expenses	5020002	0	0	45,500	0	45,500	0	0	0	31,500	0	31,500	0
Travel-Conferences	5050009	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total		305,798	7	180,587	4	486,385	11	313,420	7	169,875	4	483,295	11

Funding Sources													
Name	Code												
Fund Transfer from DHS-DYS	4000075	300,000	*****	0	*****	300,000	*****	300,000	*****	0	*****	300,000	*****
Total Funding		300,000	*****	0	*****	300,000	*****	300,000	*****	0	*****	300,000	*****
Excess Approl/(Funding)		5,798	*****	180,587	*****	186,385	*****	13,420	*****	169,875	*****	183,295	*****
Grand Total		305,798	*****	180,587	*****	486,385	*****	313,420	*****	169,875	*****	483,295	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Ombudsman Program
 Appropriation Code 1VA
 Fund Name State Central Services
 Fund Code HSC

Character		Recommendations							
		Executive				Legislative			
		2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05	Pos.
Regular Salaries	5010000	239,788	7	246,262	7	0	0	0	0
Personal Serv Match	5010003	66,010	0	67,158	0	0	0	0	0
Operating Expenses	5020002	0	0	0	0	0	0	0	0
Travel-Conferences	5050009	0	0	0	0	0	0	0	0
Grand Total		305,798	7	313,420	7	0	0	0	0

Funding Sources									
Name	Code								
Fund Transfer from DHS-DYS	4000075	300,000	*****	300,000	*****	0	*****	0	*****
Total Funding		300,000	*****	300,000	*****	0	*****	0	*****
Excess Appro/(Funding)		5,798	*****	13,420	*****	0	*****	0	*****
Grand Total		305,798	*****	313,420	*****	0	*****	0	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Rank by Appropriation

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Ombudsman Program
 Appropriation Code 1VA
 Fund Name State Central Services
 Fund Code HSC

Rank	Justification	Designation	Cost Center	2001-02		2002-03		Agency Request			Executive Recommendation			Legislative Recommendation					
				Actual	Pos.	Budget	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.			
		BL Base Level	Total	299,762		295,535	7	305,798	7	313,420	7	305,798	7	313,420	7	0	0	0	0
1	With the increased number of children in DYS' custody, some of the ombudsman social worker positions must be restored to ensure the safety and well being of the children within DYS' custody. Our current staff, despite their best efforts and working over 60 hours many weeks, simply cannot get to every child. These ombudsmen are at DYS' facilities on weekends and in the middle of the night, not just during regular working hours. With the best interest of the children in mind, the Commission is requesting 3 social worker positions that are currently authorized positions but not budgeted. Again, these are necessary to help ensure that the children in state custody are receiving the services ordered by the Juvenile Court and to make sure that they are neither being physically nor mentally abused. We are also requesting funding of one staff position; this position is also an authorized position but not budgeted. At the present time, the ombudsman social workers have no support staff, so, in addition to the countless hours they spend at DYS facilities, they have to do all of the their own reports and typing.	C06	274268 Omnbuds Admin 3705	0		0	0	135,087	4	138,375	4	0	0	0	0	0	0	0	0
		C06	Total	0		0	0	135,087	4	138,375	4	0	0	0	0	0	0	0	0
2	\$14,000 of this amount is for FY03-04 only. These monies will be used for office equipment that will be needed if the additional positions that have been requested are approved. \$31,500 of this amount is being requested for each year of this biennial budget. Act 1633 of 2001 appropriated over \$500,000 each year; we received funding in the amount \$300,000, which covered salaries only, we are in dire need of an M&O budget for Ombudsman.	C01	274268 Omnbuds Admin 3705	0		0	0	45,500	0	31,500	0	0	0	0	0	0	0	0	0
		C01	Total	0		0	0	45,500	0	31,500	0	0	0	0	0	0	0	0	0
		Grand Total	Total	299,762		295,535	7	468,385	11	483,295	11	305,798	7	313,420	7	0	0	0	0

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
ANALYSIS OF BUDGET REQUEST
2003 - 2005

The Arkansas Public Defender Commission was established in 1993 to address a variety of problems and concerns related to the representation of indigent criminal defendants in Capital Conflicts and Appeals to the Supreme Court in the State of Arkansas. The State Operations appropriation is funded from the State Central Services Fund.

The Base Level request includes a 2.7% salary increase each year over the FY03 salary levels for all incumbents plus associated increases in Personal Services Matching. Included in Personal Services Matching is a \$33 per month increase in the monthly contribution for State employee's health insurance for a total state contribution of \$280 per month per budgeted employee.

The Base Level Request is \$1,252,645 in FY04 and \$1,276,843 in FY05.

The Change Level Requests submitted are \$48,093 in FY04 and \$48,578 in FY05 and are summarized as follows:

1. \$26,276 each year of the biennium for increased Operating Expenses of which \$8,276 each year is for office rent expense. The other \$18,000 operating expenses are for parking fees, subscription to Westlaw, and postage fee for mail out to every lawyer in the state. This is required by Act 1799 of 2001.
2. Pay raises were given the last of June of FY02 and were not reflected in the Annual Operation Plan Budget for FY03 and Base Level for FY04 and FY05. Therefore the Agency is requesting a Change Level in the amount of \$14,196 in FY04 and \$14,578 in FY05.
3. Extraordinary 8% increase for the Executive Director's salary to \$88,828 for FY04. The standard 2.7% increase is requested for FY05 over the FY04 request level, bringing the Executive Director's salary level to \$91,123.
4. Upgrade a Management Project Analyst Grade 20 to a Public Defender Investigator Grade 22. This would be an increase in total salary of \$2,535 in FY04 and \$2,603 in FY05. This is to reflect more of the job duties required of the position.

The Executive Recommendation provides for the Base Level and total Change Level request of \$12,535 in FY04 and \$12,603 in FY05 in funding and appropriation. This Change Level total includes recommendation for the Management Project Analyst Grade 20 position to be upgraded to a Public Defender Investigator Grade 22 and \$10,000 for each year in Operating Expenses.

AGENCY Name: Arkansas Public Defender Commission Code: 324	APPROPRIATION Name: State Operations Code: 337	TREASURY FUND Name: State Central Services Code: HSC	ANALYSIS OF BUDGET REQUEST	PAGE 433
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ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Operations
 Appropriation Code 337
 Fund Name State Central Services
 Fund Code HSC

Character Name	Expenditures						Agency Request										Recommendations				
	2001-02		2002-03		2002-03		2003-04				2004-05		2004-05				Executive				
	Actual	Budget	Pos.	Authorized	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	2003-04	Pos.	2004-05	Pos.
Regular Salaries	750,754	741,305	15	692,552	15	761,320	15	19,370	0	780,690	15	781,875	15	19,805	0	801,680	15	763,473	15	784,086	15
Extra Help	8,907	12,000	3	12,000	3	12,000	3	0	0	12,000	3	12,000	3	0	0	12,000	3	12,000	3	12,000	3
Personal Service Match	186,420	176,543	0	168,027	0	186,232	0	2,447	0	188,679	0	189,875	0	2,497	0	192,372	0	186,614	0	190,267	0
Operating Expenses	180,093	180,093	0	180,093	0	180,093	0	26,276	0	206,369	0	180,093	0	26,276	0	206,369	0	190,093	0	190,093	0
Travel-Conferences	17,000	17,000	0	17,000	0	17,000	0	0	0	17,000	0	17,000	0	0	0	17,000	0	17,000	0	17,000	0
Capital Outlay	2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Professional Fees & Service	47,777	96,000	0	96,000	0	96,000	0	0	0	96,000	0	96,000	0	0	0	96,000	0	96,000	0	96,000	0
Grand Total	1,192,551	1,222,941	18	1,165,672	18	1,252,645	18	48,093	0	1,300,738	18	1,276,843	18	48,578	0	1,325,421	18	1,265,180	18	1,289,446	18

Funding Sources Name	2001-02 Actual	2002-03 Budget	2002-03 Pos.	2002-03 Authorized	2002-03 Pos.	2003-04 Base Level	2003-04 Pos.	2003-04 Change Level	2003-04 Pos.	2003-04 Total	2003-04 Pos.	2004-05 Base Level	2004-05 Pos.	2004-05 Change Level	2004-05 Pos.	2004-05 Total	2004-05 Pos.	2003-04	2003-04 Pos.	2004-05	2004-05 Pos.
State Central Services Fund	1,192,951	1,222,941	*****	*****	*****	1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****	1,265,180	*****	1,289,446	*****
Total Funding	1,192,951	1,222,941	*****	*****	*****	1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****	1,265,180	*****	1,289,446	*****
Excess Appro(Funding)	0	0	*****	*****	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****
Grand Total	1,192,951	1,222,941	*****	*****	*****	1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****	1,265,180	*****	1,289,446	*****

The FY03 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2001-03 biennium.

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Operations
 Appropriation Code 337
 Fund Name State Central Services
 Fund Code HSC

Character		Expenditures				
		2001-02	2002-03		2002-03	
Name	Code	Actual	Budget	Pos.	Authorized	Pos.
Regular Salaries	5010000	750,754	741,305	15	692,552	15
Extra Help	5010001	8,907	12,000	3	12,000	3
Personal Service Match	5010003	186,420	176,543	0	168,027	0
Operating Expenses	5020002	180,093	180,093	0	180,093	0
Travel-Conferences	5050009	17,000	17,000	0	17,000	0
Capital Outlay	5120011	2,000	0	0	0	0
Professional Fees & Service	5060010	47,777	96,000	0	96,000	0
Grand Total		1,192,951	1,222,941	18	1,165,672	18

Funding Sources						
Name	Code					
State Central Services Fund	4000035	1,192,951	1,222,941	*****	*****	*****
Total Funding		1,192,951	1,222,941	*****	*****	*****
Excess Appro/(Funding)		0	0	*****	*****	*****
Grand Total		1,192,951	1,222,941	*****	*****	*****

The FY03 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2001-03 biennium.

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Operations
 Appropriation Code 337
 Fund Name State Central Services
 Fund Code HSC

Character		Agency Request											
		2003-04						2004-05					
		Name	Code	Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.
Regular Salaries	5010000	761,320	15	19,370	0	780,690	15	781,875	15	19,805	0	801,680	15
Extra Help	5010001	12,000	3	0	0	12,000	3	12,000	3	0	0	12,000	3
Personal Service Match	5010003	186,232	0	2,447	0	188,679	0	189,875	0	2,497	0	192,372	0
Operating Expenses	5020002	180,093	0	26,276	0	206,369	0	180,093	0	26,276	0	206,369	0
Travel-Conferences	5050009	17,000	0	0	0	17,000	0	17,000	0	0	0	17,000	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0	0	0	0
Professional Fees & Service	5060010	96,000	0	0	0	96,000	0	96,000	0	0	0	96,000	0
Grand Total		1,252,645	18	48,093	0	1,300,738	18	1,276,843	18	48,578	0	1,325,421	18

Funding Sources													
Name	Code	2003-04						2004-05					
State Central Services Fund	4000035	1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****
Total Funding		1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****
Excess Appro/(Funding)		0	*****	0	*****	0	*****	0	*****	0	*****	0	*****
Grand Total		1,252,645	*****	48,093	*****	1,300,738	*****	1,276,843	*****	48,578	*****	1,325,421	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Operations
 Appropriation Code 337
 Fund Name State Central Services
 Fund Code HSC

Character		Recommendations							
		Executive				Legislative			
		2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05	Pos.
Name	Code								
Regular Salaries	5010000	763,473	15	784,086	15	0	0	0	0
Extra Help	5010001	12,000	3	12,000	3	0	0	0	0
Personal Service Match	5010003	186,614	0	190,267	0	0	0	0	0
Operating Expenses	5020002	190,093	0	190,093	0	0	0	0	0
Travel-Conferences	5050009	17,000	0	17,000	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0
Professional Fees & Service	5060010	96,000	0	96,000	0	0	0	0	0
Grand Total		1,265,180	18	1,289,446	18	0	0	0	0

Funding Sources									
Name	Code								
State Central Services Fund	4000035	1,265,180	*****	1,289,446	*****	0	*****	0	*****
Total Funding		1,265,180	*****	1,289,446	*****	0	*****	0	*****
Excess Appro/(Funding)		0	*****	0	*****	0	*****	0	*****
Grand Total		1,265,180	*****	1,289,446	*****	0	*****	0	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Rank by Appropriation

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
Agency Code 324
Appropriation Name Public Defender - Operations
Appropriation Code 337
Fund Name State Central Services
Fund Code HSC

Rank	Justification	Designation	Cost Center	2001-02		2002-03		Agency Request			Executive Recommendation			Legislative Recommendation					
				Actual	Pos.	Budget	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.			
		BL Base Level	Total	1,192,951		1,222,940	15	1,252,845	15	1,276,843	15	1,252,845	15	1,276,843	15	0	0	0	0
1	We were notified by letter that we would receive an \$8,276 increase in rent for our office space. Westlaw sent out a letter of notification of an increase in subscriptions and we have been notified that our parking cost is going up. According to Act 1799 of 2001 the PDC must do a certification list that requires a mailout that is to be sent to every attorney in the state. There has been an increase in US Postage rates that will affect this mailout considerably.	C01	274202 Admin 337 HSC3704	0		0	0	18,276	0	18,276	0	10,000	0	10,000	0	0	0	0	0
		C01	Total	0		0	0	18,276	0	18,276	0	10,000	0	10,000	0	0	0	0	0
1	These positions were given raises after 7/1/02, after being approved by OPM, and were not included in the FY03 Annual Operation Plan budget. The positions will be continued at this salary so we will need to adjust our salary budget accordingly.	C06	274201 APDC	0		0	0	14,196	0	14,578	0	0	0	0	0	0	0	0	0
		C06	Total	0		0	0	14,196	0	14,578	0	0	0	0	0	0	0	0	0
1	In 1997 the PDC consisted of less than 20 employees; there are now 245 employees. During this 5 year period the administrative delivery of services has changed from a fragmented county by county administration to the current centralized state administration. The administrative duties and responsibilities exercised by the Executive Director have increased comparable to the agency growth. Compensation for this position has risen only through COLA increases. The Commission is requesting an 8% increase in salary for the Executive Director, who has been the Director since the Commission was created in 1993.	C10	274201 APDC	0		0	0	5,087	0	5,121	0	0	0	0	0	0	0	0	0
1	We are also requesting that one Grade 20 Management Project Analyst position be upgraded to the current existing classification of a Grade 22 Public Defender Investigator. The incumbent has been in the Management Project Analyst Position since August 1997 and, by necessity, the job duties have evolved to where she is performing the duties of Investigator. She has been a Criminal Investigator for 12 years, is a Certified Crime Scene Specialist, Certified Law Enforcement Instructor, and has a Bachelors Degree in Criminal Justice.	C10	274207 CCA AdminPR HSC3704	0		0	0	2,535	0	2,603	0	2,535	0	2,603	0	0	0	0	0
		C10	Total	0		0	0	7,621	0	7,724	0	2,535	0	2,603	0	0	0	0	0
2	Money is needed to purchase additional bookcases and file cabinets to accommodate our increasing need for file and records storage. Furthermore, many of our computers, printers and fax machines are several years old and will need replacing within the upcoming biennium.	C04	274202 Admin 337 HSC3704	0		0	0	10,000	0	10,000	0	0	0	0	0	0	0	0	0
		C04	Total	0		0	0	10,000	0	10,000	0	0	0	0	0	0	0	0	0
		Grand Total	Total	1,192,951		1,222,940	15	1,300,738	15	1,325,421	15	1,285,180	15	1,289,448	15	0	0	0	0

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
ANALYSIS OF BUDGET REQUEST
2003 - 2005

The Trial Public Defender Office of the Arkansas Public Defender Commission was created by Act 1341 of 1997 and provides for the establishment of a statewide public defender system in Arkansas. The Trial Public Defender Office operates under the supervision of the Executive Director of the Arkansas Public Defender Commission. Duties of all public defenders are to provide for competent, effective, and uniform representation of indigent criminal defendants throughout the State.

The Trial Public Defender Office is funded from a share of those funds remitted by the cities and counties from court costs and filing fees for deposit into the State Administration of Justice Fund. A portion of those funds is then allocated for deposit into the State Central Services Fund for the benefit of the Public Defender Commission per Arkansas Code 16-10-310.

The Base Level request includes a 2.7% salary increase each year over the FY03 salary levels for all incumbents plus associated increases in Personal Services Matching. Included in Personal Services matching is a \$33 per month increase in the monthly contribution for State employee's health insurance for a total state contribution of \$280 per month per budgeted employee.

Special Language authorized in Act 1637 of 2001 restricted funding support for certain levels of personal services, maintenance and operation, and extra help costs to the extent that fees generated through the provisions of Arkansas Code 5-4-303(g) and 16-87-213 (User & Attorney Fees) are available. According to the Commission, the majority of costs applicable to funding restrictions are not budgeted due to the sporadic nature of collections and the need to exercise due caution in the expenditure of fee revenue.

The Base Level Request is \$12,878,642 in FY04 and \$13,186,731 in FY05.

The Change Level Requests submitted are \$678,904 in FY04 and \$541,293 in FY05 and are summarized as follows:

1. Pay raises were given in late June of FY02 and were not reflected in the Annual Operation Plan Budget for FY03 and the Base Level for FY04 and FY05. Therefore the Agency is requesting a Change Level in the amount of \$102,716 in FY04 and \$105,488 in FY05.
2. Extraordinary 8% increase for six (6) Chief Public Defenders Grade 99 salaries for a total of \$52,776 for FY04 and \$53,391 in FY05. This brings their salaries to \$86,061 in FY04 and \$88,298 in FY05.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission Code: 324	Name: Trial Public Defender Office Code: 530	Name: State Central Services Code: HSC	BUDGET REQUEST	439

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
ANALYSIS OF BUDGET REQUEST
2003 - 2005

3. Requesting five (5) new Class B Public Defender Grade 24 with a total Salary and Personal Service Matching and Operating Expenses of \$266,738 in FY04 and \$232,407 in FY05. These new Attorneys will be located in district offices across Arkansas.
4. Requesting 114 new computers and software licenses for FY04 and 52 new computers and software licenses for FY05. This increase will allow at least one computer per district office. Several offices do not have computers or have computers acquired from the counties that are five (5) years old or older. Also asking for network service expense of \$12,000 each year of the biennium with the Department of Information Systems (DIS). This will allow the Commission to access the Internet for legal research and correspondence between Attorneys and the General Public. Total request for Technology Equipment is \$244,673 in FY04 and \$138,008 in FY05.
5. Asking to reduce Professional Service Fees by \$50,000 each year of the Biennium and increase Operating Expenses by the same amount to help in covering mileage expense incurred by seven (7) Capital Lawyers that travel the State.

The Executive Recommendation provides for the Base Level and total Change Level appropriation of \$347,388 in FY04 and \$243,496 in FY05. The Change Level total includes recommendation for \$102,715 in FY04 and \$105,488 in FY05 for Salary and Personal Service Matching Expense and \$244,673 in FY04 and \$138,008 in FY05 for Operating Expenses. The Executive Recommendation for total State Central Services funding for the Change Level request is \$200,000 in FY04 and \$100,000 in FY05. The Executive Recommendation for total User/Attorney Fee funding is \$400,000 each year of the biennium, based on actual collections for FY02. Further recommendations are to delete the Special Language request to continue the \$1,000,000 transfer from Administration of Justice Fund each year of the biennium since funding resources are insufficient to continue the transfer.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission Code: 324	Name: Trial Public Defender Office Code: 530	Name: State Central Services Code: HSC	BUDGET REQUEST	440

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Total Office
 Appropriation Code 530
 Fund Name State Central Services
 Fund Code HSC

Character Name	Expenditures						Agency Request										Recommendations				
	2001-02		2002-03		2002-03		2003-04				2003-04		2004-05				Executive				
	Actual	Budget	Pos.	Authorized	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.	2003-04	Pos.	2004-05	Pos.
Regular Salaries	8,597,011	9,433,755	189	8,860,985	189	9,693,106	189	316,482	5	10,009,588	194	9,954,819	189	324,338	5	10,279,157	194	9,786,419	189	10,050,651	189
Extra Help	13,664	15,000	3	15,000	3	15,000	3	0	0	15,000	3	15,000	3	0	0	15,000	3	15,000	3	15,000	3
Personal Serv Match	2,095,081	2,230,657	0	2,125,986	0	2,360,536	0	65,749	0	2,426,285	0	2,406,912	0	66,947	0	2,473,859	0	2,369,938	0	2,416,568	0
Operating Expenses	59,987	60,000	0	60,000	0	60,000	0	346,673	0	406,673	0	60,000	0	200,008	0	260,008	0	304,673	0	198,008	0
Capital Outlay	120,416	0	0	32,616	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Professional Fees & Service	749,806	750,000	0	750,000	0	750,000	0	(50,000)	0	700,000	0	750,000	0	(50,000)	0	700,000	0	750,000	0	750,000	0
Grand Total	11,635,966	12,489,412	192	11,844,587	192	12,878,642	192	678,904	5	13,557,546	197	13,186,731	192	541,293	5	13,728,024	197	13,226,030	192	13,430,227	192

Funding Source Name	2001-02 Actual	2002-03 Budget	2002-03 Pos.	2002-03 Authorized	2002-03 Pos.	2003-04 Base Level	2003-04 Pos.	2003-04 Change Level	2003-04 Pos.	2003-04 Total	2003-04 Pos.	2004-05 Base Level	2004-05 Pos.	2004-05 Change Level	2004-05 Pos.	2004-05 Total	2004-05 Pos.	2003-04 Executive	2004-05 Executive	
Fund Balance	168,070	437,504	*****	*****	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****	0
State Central Services Fund	3,567,496	3,783,881	*****	*****	*****	4,610,615	*****	678,904	*****	5,289,519	*****	4,918,704	*****	541,293	*****	5,459,997	*****	4,810,615	*****	5,018,704
User/Attorney Fees	406,879	360,000	*****	*****	*****	360,000	*****	0	*****	360,000	*****	360,000	*****	0	*****	360,000	*****	400,000	*****	400,000
Administration of Justice Fund	7,931,023	7,908,027	*****	*****	*****	6,908,027	*****	1,000,000	*****	7,908,027	*****	6,908,027	*****	1,000,000	*****	7,908,027	*****	6,908,027	*****	6,908,027
Total Funding	12,073,470	12,489,412	*****	*****	*****	11,878,642	*****	1,678,904	*****	13,557,546	*****	12,186,731	*****	1,541,293	*****	13,728,024	*****	12,118,642	*****	12,326,731
Excess Appro(Funding)	(437,504)	0	*****	*****	*****	1,000,000	*****	(1,000,000)	*****	0	*****	1,000,000	*****	(1,000,000)	*****	0	*****	1,107,368	*****	1,103,496
Grand Total	11,635,966	12,489,412	*****	*****	*****	12,878,642	*****	678,904	*****	13,557,546	*****	13,186,731	*****	541,293	*****	13,728,024	*****	13,226,030	*****	13,430,227

The FY03 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2001-03 biennium.

Page amended 11-6-02
Executive Recommendation changed to
Fund \$1 million more

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSOIN
 Agency Code 324
 Appropriation Name Public Defender - Trial Office
 Appropriation Code 530
 Fund Name State Central Services
 Fund Code HSC

Character		Expenditures				
		2001-02	2002-03		2002-03	
Name	Code	Actual	Budget	Pos.	Authorized	Pos.
Regular Salaries	5010000	8,597,011	9,433,755	189	8,860,985	189
Extra Help	5010001	13,664	15,000	3	15,000	3
Personal Serv Match	5010003	2,095,081	2,230,657	0	2,125,986	0
Operating Expenses	5020002	59,987	60,000	0	60,000	0
Capital Outlay	5120011	120,416	0	0	32,616	0
Professional Fees & Service	5060010	749,806	750,000	0	750,000	0
Grand Total		11,635,966	12,489,412	192	11,844,587	192

Funding Sources						
Name	Code					
Fund Balance	4000005	168,070	437,504	*****	*****	*****
State Central Services Fund	4000035	3,567,498	3,783,881	*****	*****	*****
User/Attorney Fees	4000060	406,879	360,000	*****	*****	*****
Administration of Justice Fund	4000065	7,931,023	7,908,027	*****	*****	*****
Total Funding		12,073,470	12,489,412	*****	*****	*****
Excess Appro/(Funding)		(437,504)	0	*****	*****	*****
Grand Total		11,635,966	12,489,412	*****	*****	*****

The FY03 Budgeted amounts in Regular Salaries and Personal Services Matching exceed the authorized amounts due to salary and matching rate adjustments during the 2001-03 biennium.

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSOIN
Agency Code 324
Appropriation Name Public Defender - Trial Office
Appropriation Code 530
Fund Name State Central Service
Fund Code HSC

Character		Agency Request											
		2003-04						2004-05					
Name	Code	Base Level	Pos.	Change Level	Pos.	Total	Pos.	Base Level	Pos.	Change Level	Pos.	Total	Pos.
Regular Salaries	5010000	9,693,106	189	316,482	5	10,009,588	194	9,954,819	189	324,338	5	10,279,157	194
Extra Help	5010001	15,000	3	0	0	15,000	3	15,000	3	0	0	15,000	3
Personal Serv Match	5010003	2,360,536	0	65,749	0	2,426,285	0	2,406,912	0	66,947	0	2,473,859	0
Operating Expenses	5020002	60,000	0	346,673	0	406,673	0	60,000	0	200,008	0	260,008	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0	0	0	0
Professional Fees & Service	5060010	750,000	0	(50,000)	0	700,000	0	750,000	0	(50,000)	0	700,000	0
Grand Total		12,878,642	192	678,904	5	13,557,546	197	13,186,731	192	541,293	5	13,728,024	197

Funding Sources													
Name	Code												
Fund Balance	4000005	0	*****	0	*****	0	*****	0	*****	0	*****	0	*****
State Central Services Fund	4000035	4,610,615	*****	678,904	*****	5,289,519	*****	4,918,704	*****	541,293	*****	5,459,997	*****
User/Attorney Fees	4000060	360,000	*****	0	*****	360,000	*****	360,000	*****	0	*****	360,000	*****
Administration of Justice Fund	4000065	6,908,027	*****	1,000,000	*****	7,908,027	*****	6,908,027	*****	1,000,000	*****	7,908,027	*****
Total Funding		11,878,642	*****	1,678,904	*****	13,557,546	*****	12,186,731	*****	1,541,293	*****	13,728,024	*****
Excess Appro/(Funding)		1,000,000	*****	(1,000,000)	*****	0	*****	1,000,000	*****	(1,000,000)	*****	0	*****
Grand Total		12,878,642	*****	678,904	*****	13,557,546	*****	13,186,731	*****	541,293	*****	13,728,024	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSOIN
 Agency Code 324
 Appropriation Name Public Defender - Trial Office
 Appropriation Code 530
 Fund Name State Central Services
 Fund Code HSC

Character		Recommendations							
		Executive				Legislative			
Name	Code	2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05	Pos.
Regular Salaries	5010000	9,786,419	189	10,050,651	189	0	0	0	0
Extra Help	5010001	15,000	3	15,000	3	0	0	0	0
Personal Serv Match	5010003	2,369,938	0	2,416,568	0	0	0	0	0
Operating Expenses	5020002	304,673	0	198,008	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0
Professional Fees & Service	5060010	750,000	0	750,000	0	0	0	0	0
Grand Total		13,226,030	192	13,430,227	192	0	0	0	0

Funding Sources									
Name	Code								
Fund Balance	4000005	0	*****	0	*****	0	*****	0	*****
State Central Services Fund	4000035	4,810,615	*****	5,018,704	*****	0	*****	0	*****
User/Attorney Fees	4000060	400,000	*****	400,000	*****	0	*****	0	*****
Administration of Justice Fund	4000065	6,908,027	*****	6,908,027	*****	0	*****	0	*****
Total Funding		12,118,642	*****	12,326,731	*****	0	*****	0	*****
Excess Appro/(Funding)		1,107,388	*****	1,103,496	*****	0	*****	0	*****
Grand Total		13,226,030	*****	13,430,227	*****	0	*****	0	*****

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Rank by Appropriation

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
Agency Code 324
Appropriation Name Public Defender - Trial Office
Appropriation Code 530
Fund Name HSC - Public Defender Commission - Trial Office
Fund Code HSC

Rank	Justification	Designation		Cost Center	2001-02	2002-03		Agency Request			Executive Recommendation			Legislative Recommendation				
		BL	Base Level		Actual	Budget	Pos.	2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05	Pos.	2003-04	Pos.	2004-05
				Total	11,635,966	12,489,412	189	12,878,842	189	13,186,731	189	12,878,842	189	13,186,731	189	0	0	0
1	At present, we have 3 districts where the caseload is over 500 defendants per attorney per year, 4 other districts where the caseload is over 400 defendants per attorney per year and a total of 16 districts where the caseload is over 300 defendants per attorney per year. The National Advisory Committee of Criminal Justice recommends the following caseloads: 150 felonies per attorney per year; or 400 misdemeanors per attorney per year; or 200 juvenile cases per attorney per year; or 200 mental cases per attorney per year; or 25 appeals per attorney per year. In the aforementioned districts, our caseloads are certainly in excess of the national standards. One attorney's ability to provide effective representation to 500 defendants in one year may be subject to question or possible lawsuit.	C05		274237 TPDO Admin Costs3701	0	0	0	226,738	5	232,407	5	0	0	0	0	0	0	0
		C05		Total	0	0	0	226,738	5	232,407	5	0	0	0	0	0	0	0
1	These positions were given raises after 7/1/02, after being approved by OPM, and were not included in the FY03 Annual Operation Plan budget. The positions will be continued at this salary so we will need to adjust our salary budget accordingly.	C06		274237 TPDO Admin Costs3701	0	0	0	48,319	0	49,624	0	48,319	0	49,624	0	0	0	0
1	These positions were given raises after 7/1/02, after being approved by OPM, and were not included in the FY03 Annual Operation Plan budget. The positions will be continued at this salary so we will need to adjust our salary budget accordingly.	C06		274278 TPDO Adm/PR HSC3703	0	0	0	54,396	0	55,864	0	54,396	0	55,864	0	0	0	0
		C06		Total	0	0	0	102,715	0	105,488	0	102,715	0	105,488	0	0	0	0
2	\$40,000 is for low value office equipment that will be needed only if the 5 new positions requested are approved.	C01		274276 Admin HSC3701 530	0	0	0	90,000	0	50,000	0	0	0	0	0	0	0	0
2	\$50,000 is money being transferred from Professional Fees and Services to operating expense to help in covering mileage expense. There are currently 7 Capital Lawyers that travel the state. Some trials last several weeks, which requires hotel and travel expenses.	C01		274375 TPD JD1 3701 CROSS	0	0	0	(50,000)	0	(50,000)	0	0	0	0	0	0	0	0
	With the addition of the 5 new positions we will be able to transfer this amount from Professional Fees and Services to Maintenance and Operation travel expense	C01		Total	0	0	0	40,000	0	0	0	0	0	0	0	0	0	0
2	The Commission would like to request \$12,000 each year of this biennial budget to pay for internet service. For the last 5 years this agency has been piggybacked on the Arkansas Public School Computer Network's router and has paid no fee. DIS discovered that we were not paying a fee (they knew we were piggybacked) and now says that they will charge us a \$1,000 per month.	C08	Technology	274237 TPDO Admin Costs3701	0	0	0	258,673	0	150,008	0	244,673	0	138,008	0	0	0	0
	The Commission is also requesting 114 computers for FY04 and 52 computers for FY05, this will allow at least one computer per Public Defender office in the state. Several offices do not have computers or are using computers 5 years or older acquired from the counties. These offices are not able to key in timesheets, use the internet for legal research or receive emails from the Commission regarding other cases or employee information. We will need to have the software and software licenses for these computers.	C08	Technology	Total	0	0	0	258,673	0	150,008	0	244,673	0	138,008	0	0	0	0

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Rank by Appropriation

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Public Defender - Trial Office
 Appropriation Code 530
 Fund Name HSC - Public Defender Commission - Trial Office
 Fund Code HSC

Rank	Justification	Designation	Cost Center	2001-02	2002-03		Agency Request			Executive Recommendation			Legislative Recommendation					
				Actual	Budget	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.	2003-04	2004-05	Pos.			
2	We are requesting that 2 of our grade 26 public defenders be upgraded to grade 99 public defenders. During an audit of our Craighead County office we learned that the offices in Crittenden and Mississippi County operated autonomously from the Craighead County office. The managers in those offices had little or no interaction with, or direction from, the "Chief defender" in Craighead County. In an effort to adequately and equitably reflect the job duties of these individuals, it is necessary that they be changed to grade 99 as well. We are also requesting that all the Grade 99 positions within the Commission be given an 8% increase in salary over baseline for FY04. Our grade 99's have not received any raise, other than cost of living since 1998. Given their experience, skill, caseloads, duties and responsibilities, a modest raise of 8% is more than justified. Our grade 99 attorneys are paid significantly less than other attorneys of comparable experience are paid in other status, agencies, and the prosecutors' office.	C10	Reclass	274237	TPDO Admin Costs3701	0	0	0	52,778	0	53,391	0	0	0	0	0	0	
		C10	Reclass	Total			0	0	0	52,778	0	53,391	0	0	0	0	0	0
		Grand Total	Total				11,635,966	12,489,412	189	13,557,546	194	13,728,025	194	13,226,030	189	13,430,227	189	0

ARKANSAS PERFORMANCE BUDGETING & ACCOUNTABILITY SYSTEM
Biennial Appropriation Summary

Agency Name ARKANSAS PUBLIC DEFENDER COMMISSION
 Agency Code 324
 Appropriation Name Court Ordered Attorney Fee
 Appropriation Code 1PJ
 Fund Name Administration of Justice Fund
 Fund Code HSC

Character		Expenditures				
		2001-02	2002-03		2002-03	
Name	Code	Actual	Budget	Pos.	Authorized	Pos.
Prof. Fees & Serv.	5060010	159,409	0	0	0	0
Grand Total		159,409	0	0	0	0

APPROPRIATION NOT REQUESTED FOR THE 2003-05 BIENNIUM

Funding Sources						
Name	Code					
Administration of Justice Fund	4000065	159,409	0	*****	*****	*****
Total Funding		159,409	0	*****	*****	*****
Excess Appro/(Funding)		0	0	*****	*****	*****
Grand Total		159,409	0	*****	*****	*****