

**Recommendation Summary (CB Detail)**

**Agency: 056 Office of Public Defense**  
**Version: S1 2016 Supplemental Request**

9:46:33AM  
 11/20/2015

Dollars in Thousands

	<b>Annual Average FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
<b>2015-17 Current Biennium Total</b>				
<b>Total Carry Forward Level</b>				
Percent Change from Current Biennium				
M1 A2 Mandatory Defense Expenditures		980		980
<b>Carry Forward plus Workload Changes</b>		<b>980</b>		<b>980</b>
Percent Change from Current Biennium				
M2 AD Leave Costs		14		14
<b>Total Maintenance Level</b>		<b>994</b>		<b>994</b>
Percent Change from Current Biennium				
<b>Subtotal - Performance Level Changes</b>	<b>0.0</b>			
<b>2015-17 Total Proposed Budget</b>		<b>994</b>		<b>994</b>
Percent Change from Current Biennium				

**M1 A2 Mandatory Defense Expenditures**

Additional funds are needed to pay for costs of expert defense services required by Chapter 71.09 RCW and RCW 2.70.025(4). The adjustment is necessary in order to maintain mandatory client services and ensure that constitutional and statutory representation standards are maintained in sexually violent predator cases.

**M2 AD Leave Costs**

Office of Public Defense (OPD) employees with significant accrued leave time will depart the agency in FY 2016, and OPD must pay for unused leave time.

# Washington State Judicial Branch 2016 SUPPLEMENTAL BUDGET

## Decision Package

**Agency:** Office of Public Defense

**Decision Package Title** Mandatory Defense Expenditures

**Budget Period** 2016 Supplemental

**Budget Level** Maintenance

**Agency Recommendation Summary Text**

Additional funds are needed to pay for costs of expert defense services required by Chapter 71.09 RCW and RCW 2.70.025(4). The adjustment is necessary in order to maintain mandatory client services and ensure that constitutional and statutory representation standards are maintained in sexually violent predator cases.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
<b>Funding Source – SGF/001</b>	<b>\$490,000</b>	<b>\$490,000</b>	<b>\$980,000</b>
<b>Staffing</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Package Description**

Expert services are constitutionally required in RCW 71.09 civil commitment cases, and are paid by OPD pursuant to a fee schedule set by RCW 71.09.055. In 2015, supplemental budget funds were appropriated in the amount of \$390,000 to cover an increase in expert service provider costs.

At the close of FY15, expert services costs had exceeded the regularly appropriated amount and the \$390,000 supplemental amount by an additional \$65,226.00, totaling \$445,226 over the originally appropriated expert services amount. The FY2016

appropriation is short \$445,226 at this point in time and is expected to increase as additional expert services invoices from 2015 are received by OPD.

Expert services are constitutionally and statutorily required defense costs. It is expected that the current deficit of \$445,226 will increase to \$490,000 during FY2016. To some degree, these costs are extremely unpredictable, as they are set per phase (four phases per case) and a varying number of cases are filed and maintained each year.

OPD, in cooperation with King County, is currently beginning a project to analyze data and spending trends to find a more cost-effective way in which to obtain expert service providers. Until such time as a workable new expert delivery system is devised, expert costs are projected to continue at the same levels demonstrated in FY14 and FY15. OPD needs additional funding to cover these mandatory RCW 71.09 expert service provider costs.

Even with these additional expert costs, the state continues to benefit from an annual \$650,000 savings over the cost of the program before OPD began administering it.

## **Narrative Justification and Impact Statement**

### **Contribution to the Judicial Branch Principle Policy Objectives**

#### **Access to Necessary Representation.**

Funding for expert and professional services costs will ensure that indigent persons facing civil commitment proceedings under Chapter 71.09 RCW receive services necessary to support their right to counsel.

#### **Measure Detail**

##### **Impact on clients and service**

Better expert services have helped result in more settlements between the state and defense counsel during the past two years, saving the cost of trials for the parties and the courts.

In addition, the provision of adequate expert services allows some respondents to establish that pursuant to the criteria of RCW 71.09, they should not be committed, saving the state from having to pay high support costs. Expert services have allowed other residents to prove that they should be transferred from the special commitment center to less costly alternative programs.

##### **Impact on other state services**

None.

##### **Relationship to Capital Budget**

None.

**Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None

**Alternatives explored**

OPD, in cooperation with King County, will be analyzing expert service data and spending trends to find a more cost-effective way in which to hire expert service providers.

**Distinction between one-time and ongoing costs and budget impacts in future biennia**

The expert and professional services costs are expected to be ongoing.

**Effects of non-funding**

Failure to fund this request would result in nonpayment of valid invoices and possible violation of court orders.

**Expenditure calculations and assumptions and FTE assumptions**

Costs were determined based on the assumption that recent expenditure trends related to the use of expert service providers would continue.

<b>Object Detail</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
Staff Costs	\$0	\$0	\$0
NB	\$490,000	\$490,000	\$980,000
<b>Total Objects</b>	<b>\$490,000</b>	<b>\$490,000</b>	<b>\$980,000</b>

# Washington State Judicial Branch 2016 SUPPLEMENTAL BUDGET

## Decision Package

**Agency** Office of Public Defense

**Decision Package Title** Leave Costs

**Budget Period** 2016 Supplemental

**Budget Level** Maintenance

### Agency Recommendation Summary Text

Office of Public Defense (OPD) employees with significant accrued leave time will depart the agency in FY 2016, and OPD must pay for unused leave time.

### **Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
<b>Funding Source 001-1 GF-S</b>	<b>\$14,000</b>	<b>\$0</b>	<b>\$14,000</b>
<b>Staffing</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	<b>0</b>	<b>0</b>	<b>0</b>

### **Package Description**

OPD employees with significant accrued leave time will depart the agency in FY 2016, and OPD must pay for unused leave time.

### **Narrative Justification and Impact Statement**

#### **Contribution to the Judicial Branch Principle Policy Objectives**

#### **Appropriate Staffing and Support.**

One long-time agency attorney is retiring on November 1, 2015. She has accrued 702.1 hours of sick leave. In accordance with state law, OPD is obligated to pay \$8,123.58 for this retiring employee.

A second OPD employee who previously worked for the Legislature is leaving state service to attend law school. He has accrued 224 hours of annual leave, totaling \$5,882.15 of vacation cash-out.

Funding this request supports agency personnel.

**Measure Detail**

**Impact on clients and service**

None.

**Impact on other state services**

None.

**Relationship to Capital Budget**

None.

**Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

**Alternatives explored**

None

**Distinction between one-time and ongoing costs and budget impacts in future biennia**

The payment for unused leave is one-time.

**Effects of non-funding**

Failure to fund this request would require the agency to cover this mandatory cost from funds appropriated for other purposes.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>Total</b>
Staff Costs AS/AT	\$14,000	\$0	\$14,000
Non-Staff Costs	\$0	\$0	\$0
<b>Total Objects</b>	<b>\$14,000</b>	<b>\$0</b>	<b>\$14,000</b>