

LPDB REPORT TO THE JOINT LEGISLATIVE COMMITTEE ON THE BUDGET

MARCH 1, 2014

LOUISIANA PUBLIC DEFENDER BOARD
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Preface

This report has been prepared in accordance with La. R.S. 15:147(B)(11). As is further explained in the Notes contained at the end of this report, the Louisiana Public Defender Board (the "Board" or the "LPDB"), like all Louisiana state agencies, operates on a fiscal-year (FY) basis that begins on July 1st of one year and ends on June 30th of the following year. Because La. R.S. 15:147(B)(11) requires the information to be reported on a calendar-year (CY) basis, the Board was required to compile data from two fiscal years, namely, FY 2012-13 and FY 2013-14.

During **FY 12-13**, the Board's total means of financing (per Act 13) was **\$33,171,711**. During **FY 13-14**, the Board's total means of financing (per Act 14) was **\$33,612,948**. However, because the Board does not expend one-twelfth of its appropriations monthly, the Board expended \$33,354,538 during CY 2013. Put another way, the Board expended 49.653% of its FY 12-13 appropriation in the second half of FY 12-13 (i.e., the first half of CY 2013) and expended 50.296% of its FY 13-14 appropriation in the first half of FY 13-14 (i.e., the second half of CY 2013).

Summary

LPDB's FY12-13 appropriation expended in CY13:	\$ 16,561,479
LPDB's FY13-14 appropriation expended in CY13:	\$16,776,157
LPDB's CY 2013 means of financing:	\$33,354,538
Percentage of FY 12-13 appropriation spent in CY 2013:	49.653%
Percentage of FY 13-14 appropriation spent in CY 2013:	50.296%

THE NOTES CONTAINED AT THE END OF THIS REPORT ARE AN INTEGRAL PART OF THIS REPORT. A CLOSE REVIEW OF THE NOTES IS NECESSARY TO UNDERSTAND THIS REPORT AND THE INFORMATION PRESENTED HEREIN.

**LOUISIANA PUBLIC DEFENDER BOARD CY2013 MEANS OF
FINANCING AND EXPENDITURES ***

	January 2013 - June 2013 (Fiscal Year '12-'13)	July 2013 - December 2013 (Fiscal Year '13-'14)	Total Calendar Year 2013
MEANS OF FINANCING:			
STATUTORY DEDICATIONS:			
SELF GENERATED:	\$	\$	\$
LACLE Grant	\$ 36,276	\$ 29,683	\$ 65,959
DNATESTING POST-CONVICTION FUND (CR5)	\$ 14,250	\$ 10,000	\$ 24,250
LA INDIGENT PARENT REPRESENTATION FUND (S08)	\$ 489,840	\$ 489,840	\$ 979,680
LA PUBLIC DEFENDER FUND(V31)	\$ 16,021,113	\$ 16,246,634	\$ 32,267,747
TOTAL MEANS OF FINANCING	\$ 16,561,479	\$ 16,776,157	\$ 33,354,538
EXPENDITURES:			
Salaries	\$ 523,329	\$ 460,638	\$ 983,967
Other Compensation	\$ 81,783	\$ 100,451	\$ 182,234
Related Benefits	\$ 222,132	\$ 216,963	\$ 439,095
TOTAL PERSONAL SERVICES	\$ 827,244	\$ 778,052	\$ 1,605,296
Travel	\$ 25,844	\$ 16,424	\$ 42,268
Operating Services	\$ 187,509	\$ 167,206	\$ 354,715
Supplies	\$ 7,346	\$ 4,584	\$ 11,930
TOTAL OPERATING EXPENSES	\$ 220,699	\$ 188,214	\$ 408,913
PROFESSIONAL SERVICES	\$ 134,656	\$ 99,244	\$ 233,900
Other Charges			
DN A Testing Post-Conviction	\$ 7,000	\$	\$ 7,000
Indigent Parent Representation	\$ 9,902	\$ 489,845	\$ 499,747
District Assistance/Contracts	\$ 15,371,246	\$ 15,122,611	\$ 30,493,857
TOTAL OTHER CHARGES	\$ 15,388,148	\$ 15,612,456	\$ 31,000,604
INTERAGENCY TRANSFERS	\$ 6,269	\$ 95,711	\$ 101,980
Acquisitions	\$ 1,365	\$ 2,480	\$ 3,845
Major Repairs	\$	\$	\$
TOTAL ACQ. & MAJOR REPAIRS	\$ 1,365	\$ 2,480	\$ 3,845
TOTAL EXPENDITURES	\$ 16,561,479	\$ 16,776,157	\$ 33,354,538

*Please see accompanying notes.

CY 2013 Revenues and Expenditures Table

District	Total CY13 State Funds Distributed	State Funds Available for Use in CY13	Total Local Funding Received by Districts	Combined State and Local Funds Available for Use in CY13	Percent of Total Revenue Funded by State for Use in CY13	Total CY13 Expenditures	Estimated CY13 Fund Balance Depletion	Raw Cases Handled in CY13
1	1,747,752	1,355,695	1,872,974	3,228,669	41.99%	3,218,725		22,191
2	174,414	100,880	205,596	306,476	32.92%	435,589	-129,113	1,345
3	151,800	226,666	358,974	585,640	38.70%	560,676		2,601
4	609,173	804,610	1,653,850	2,458,460	32.73%	2,319,215		13,029
5	112,319	175,208	334,553	509,761	34.37%	525,149	-15,388	2,651
6	43,487	44,514	465,511	510,025	8.73%	513,034	-3,009	1,884
7	133,881	163,452	131,194	294,646	55.47%	305,186	-10,541	2,468
8	158,129	179,418	76,191	255,609	70.19%	246,778		936
9	197,008	394,016	922,020	1,316,036	29.94%	1,077,420		7,170
10	258,922	263,386	171,509	434,895	60.56%	464,305	-29,410	1,446
11	208,566	161,678	69,500	231,178	69.94%	418,887	-187,709	1,685
12	110,112	220,224	227,612	447,836	49.18%	384,238		3,102
13	212,485	212,588	62,568	275,156	77.26%	278,718	-3,562	1,641
14	1,055,462	768,748	1,048,261	1,817,009	42.31%	1,873,639	-56,629	15,222
15	1,728,264	1,481,975	2,238,285	3,720,260	39.84%	3,744,970	-24,710	17,241
16	436,386	373,138	1,307,899	1,681,037	22.20%	1,893,570	-212,533	9,341
17	280,539	307,614	485,091	792,705	38.81%	842,591	-49,886	5,526
18	41,561	0	762,045	762,045	0.00%	874,659	-112,614	2,588
19	1,244,921	1,334,260	3,689,062	5,023,322	26.56%	5,057,347	-34,025	22,918
20	36,941	0	143,624	143,624	0.00%	317,014	-173,390	728
21	932,419	1,302,626	1,794,050	3,096,676	42.07%	2,924,308		15,931
22	1,369,299	1,021,912	1,420,301	2,442,213	41.84%	2,830,598	-388,384	10,868
23	293,734	340,784	840,786	1,181,570	28.84%	1,186,017	-4,447	6,466
24	528,541	607,662	2,528,216	3,135,878	19.38%	3,411,301	-275,423	10,797
25	107,956	64,618	204,069	268,687	24.05%	271,182	-2,495	1,599
26	676,737	969,546	858,403	1,827,949	53.04%	1,575,087		14,225
27	387,042	472,570	584,867	1,057,437	44.69%	1,112,315	-54,878	6,676
28	105,124	179,174	65,707	244,881	73.17%	194,683		538
29	0	0	1,127,527	1,127,527	0.00%	1,052,027		2,065
30	72,329	144,658	551,176	695,834	20.79%	581,617		2,170
31	72,371	0	520,485	520,485	0.00%	581,611	-61,127	1,821
32	341,159	367,862	954,273	1,322,135	27.82%	1,396,653	-74,517	4,493
33	145,532	121,516	170,707	292,223	41.58%	241,205		676
34	123,079	227,376	180,675	408,051	55.72%	371,855		3,654
35	54,372	103,296	117,368	220,664	46.81%	197,034		647
36	133,631	101,474	304,274	405,748	25.01%	374,445		898
37	107,583	132,308	54,081	186,389	70.98%	184,959		736
38	5,325	10,650	87,281	97,931	10.87%	95,781		61
39	87,707	53,273	48,528	101,801	52.33%	129,271	-27,470	618
40	87,094	30,420	600,817	631,237	4.82%	690,725	-59,489	2,196
41	2,656,490	2,656,490	3,962,896	6,619,386	40.13%	6,357,982		23,304
42	0	0	513,657	513,657	0.00%	438,876		1,676
Totals	\$17,229,646	\$17,476,285	\$33,716,461	\$51,192,746	34.14%	\$51,551,239	-\$1,990,749	247,828

Local Revenues \$33,716,461

State Funds Available for Use in CY 13 \$17,476,285

Estimated District Fund Balance Depletions \$ (1,990,749)

NOTE: The difference between "CY13 State Funds Distributed" and "State Funds Available for Use in CY13" is an artifact of using parts of two fiscal year disbursements for a single calendar year report.

NOTE: District 41 - CY13 local revenue includes \$801,188 in appropriations from the City of New Orleans.

NOTE: Fund Balance Depletion calculated by subtracting district expenditures from available state & local revenues.

Chart 1. Statewide District Revenues by Funding Source for CY 2013

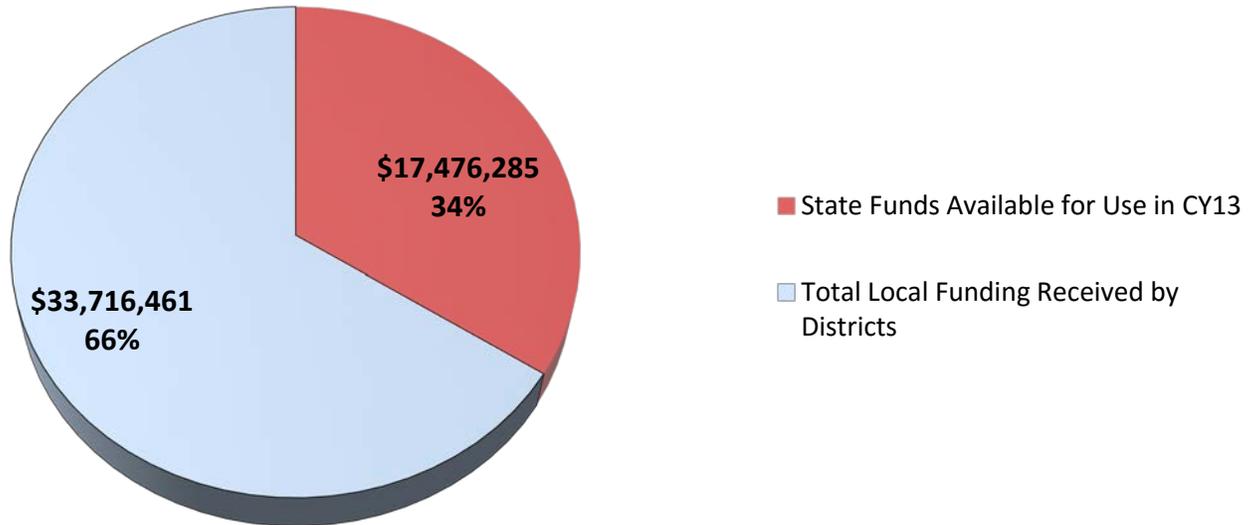


Chart 1. This pie chart graphically depicts (in dollars and in percentages) the combined sources of all local districts' funding, reflecting revenues received from the state and revenues received from local sources during CY 2013. The data are collected from LPDB voucher disbursements to districts as well as from district monthly reports to LPDB regarding local agency remittances to the district offices. The chart shows the statewide portion of district revenues from state and from local sources. Taken individually, the average district depends on the state for 35.6% of its total funding, and taken collectively (per the pie chart), the proportion of state funding to total district revenues statewide is 34%. The median portion of state funding to total funding among the individual districts is 38%. This is to say that half of the districts receive more than 38% state funding, and half receive less than this percentage. Individual proportion of state funding dependency ranges from 0% state funding in independent districts to 77% in the districts with the greatest dependency upon state funding. A major cause for greater dependency is less than expected court fees particularly from traffic citations. Act 578 granted districts a \$10 court fee increase (up from \$35 to \$45 in court fees in all but small mayor's courts)—an increase which should represent a roughly 28% increase statewide. Out of an abundance of caution, we will use a 25% expected increase throughout for the purpose of simplicity and to account for the exempted Mayors' Courts. Despite the expected increase in revenue from this legislation, local remittances from many Sheriffs and Courts and Police Juries have not kept pace with the changes in the law (see Revenue Change Heat Map below).

**Chart 2. All Sources of Funding to Cover District Expenditures
CY 2013**

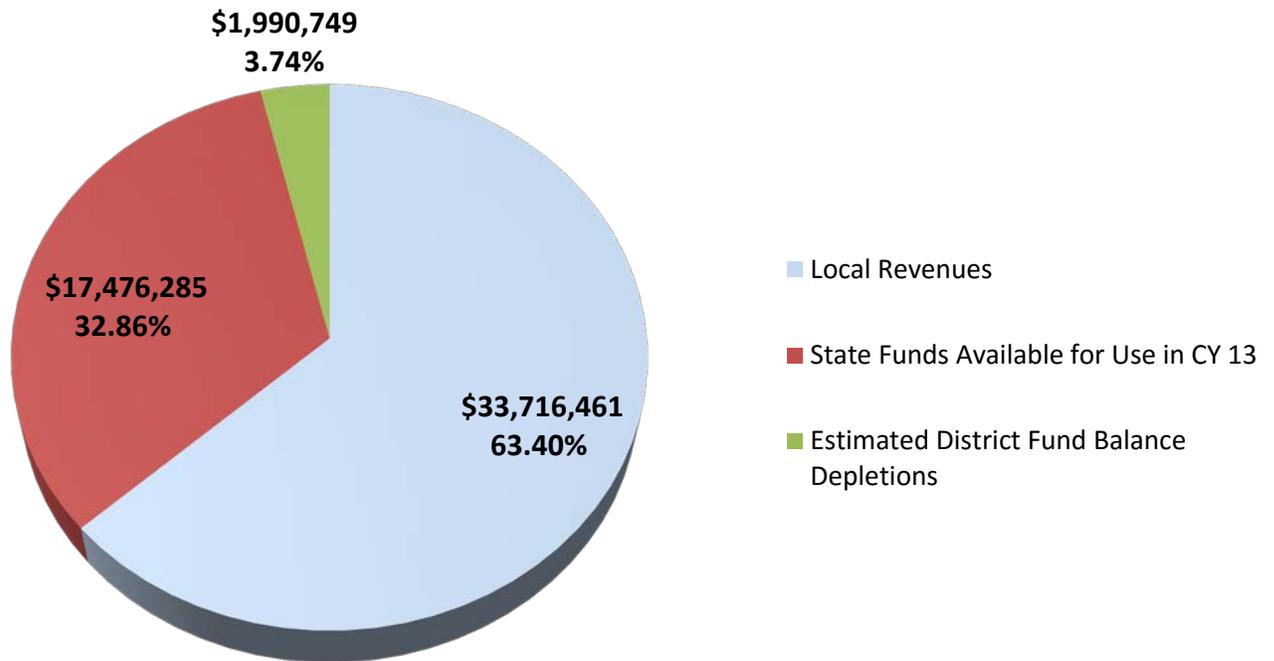


Chart 2. This second pie chart graphically depicts (in dollars and in percentages) the sources of all local districts' funds that were used to pay expenditures incurred during CY 2013, reflecting revenues received from the state and revenues received from local sources and the local districts' use of positive fund balances to cover annual expenditures. The data in this chart is identical to the data in the first pie chart except that they include fund balance depletions which are estimated by calculating each individual district's combined state and local income and subtracting the districts expenditures leaving a deficit known to be covered by local fund balances because the each district's account balanced out at year's end (See CY 2013 Revenues and Expenditures Table above, 2nd column from right "Estimated CY13 Fund Balance Depletion").

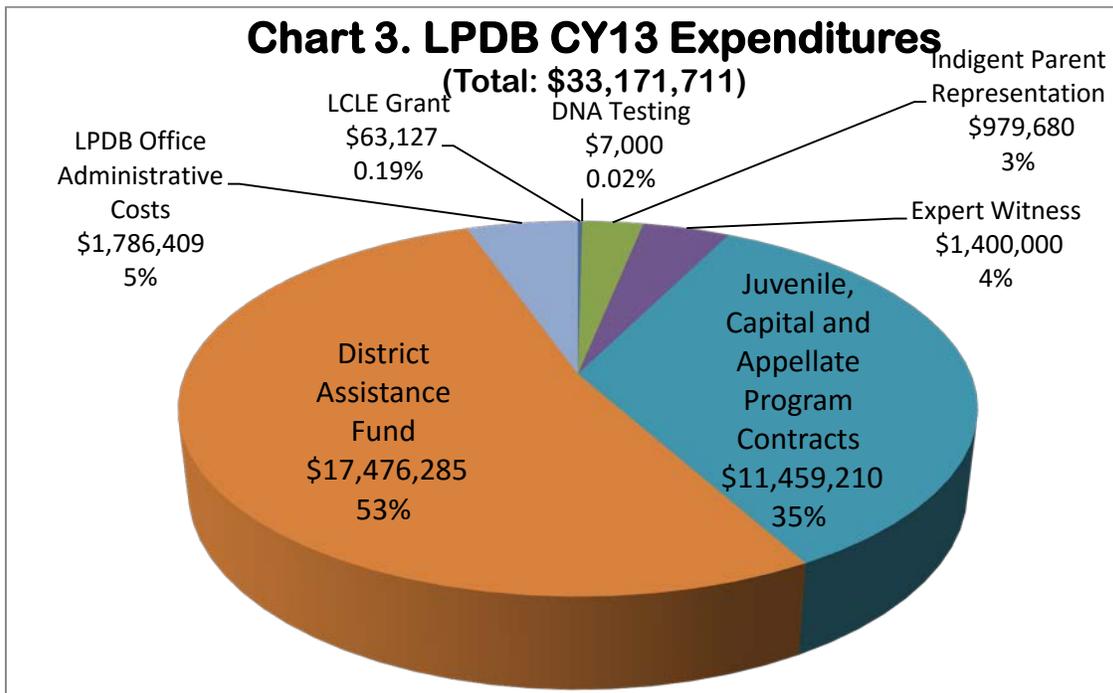


Chart 3. This pie chart graphically (depicts in dollars and percentages) the amounts of LPDB expenditures on major line items in the budget including the Louisiana Public Defender Fund broken out into district and program office assistance. The data are garnered from ISIS reports and LPDB voucher disbursements. The program offices provide legal representation in post-conviction, appellate, and capital cases throughout the state and juvenile representation in limited jurisdictions. The district offices provide legal representation in all criminal matters in which a defendant could face imprisonment and for parents in child-in-need-of-care (CINC) cases throughout the state. If able, district offices provide legal representation in capital cases. Both program and district offices provide on-going monthly reports to LPDB to monitor their cases regarding activities, outcomes, status and expenditures for case tracking, monitoring and oversight purposes. Still, as noted in the Louisiana Legislative Auditor’s Report (referred to herein as “the LLA Report”) 69% of the district offices operated at a deficit. These funding shortages have required the LPDB to channel resources to the districts to save them from financial failure and to avoid restriction of services in those districts. This channeling of funding has affected the ability of the LPDB to adequately monitor the capital defense services.

Despite financial and staffing challenges, the LPDB has put into place a number of policies to increase and improve its ability to conduct such monitoring. Capital Trial Performance Standards have been drafted. The Board will also have in place timesheets for District Office capital defenders so that it can better monitor time and funds spent on capital defense by the district offices. The LPDB has already established new standards and policies regarding the request, approval, and payment of expert funds to ensure State funds are protected, while providing the necessary tools to capital defense attorneys to satisfy the requirements of adequate defense on behalf of indigent clients. All districts submit monthly Capital Case Trial Reports to provide the LPDB a snap-shot of each open capital case, and a Capital Case Review Form at the close of each case. All 42 districts have been provided with an updated District Capital Representation Plan with instructions to update their respective plan in a uniform manner. We have used the LLA Report as a roadmap to improve the operation of the Board and indigent capital defense throughout the State.

Chart 4. 2012 District Criminal Justice Agency Expenditures

(Source: Louisiana Campaign for Equal Justice)

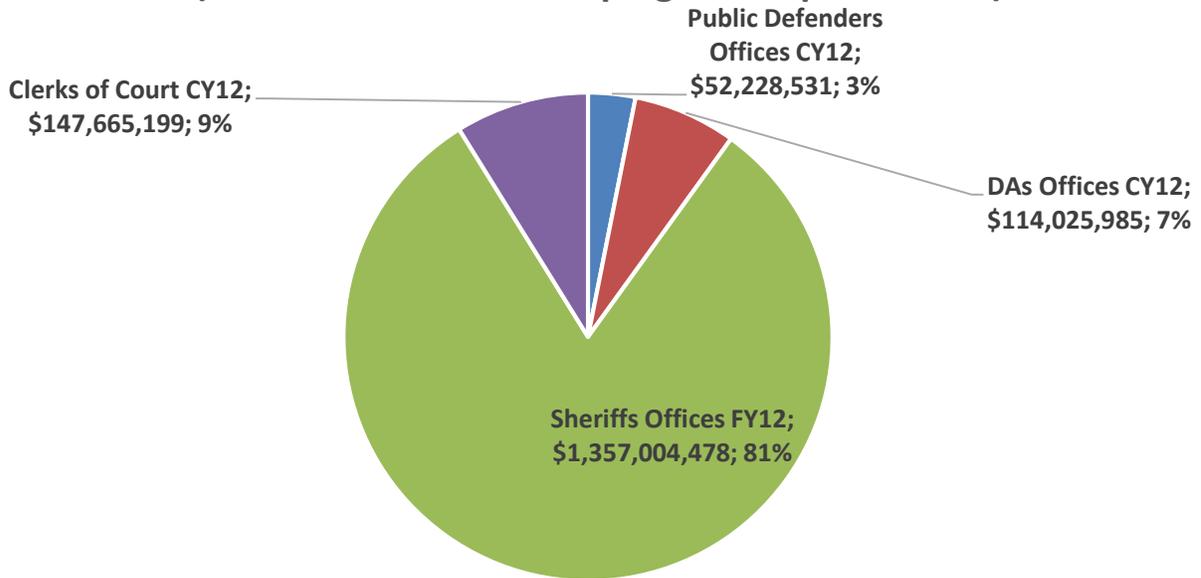
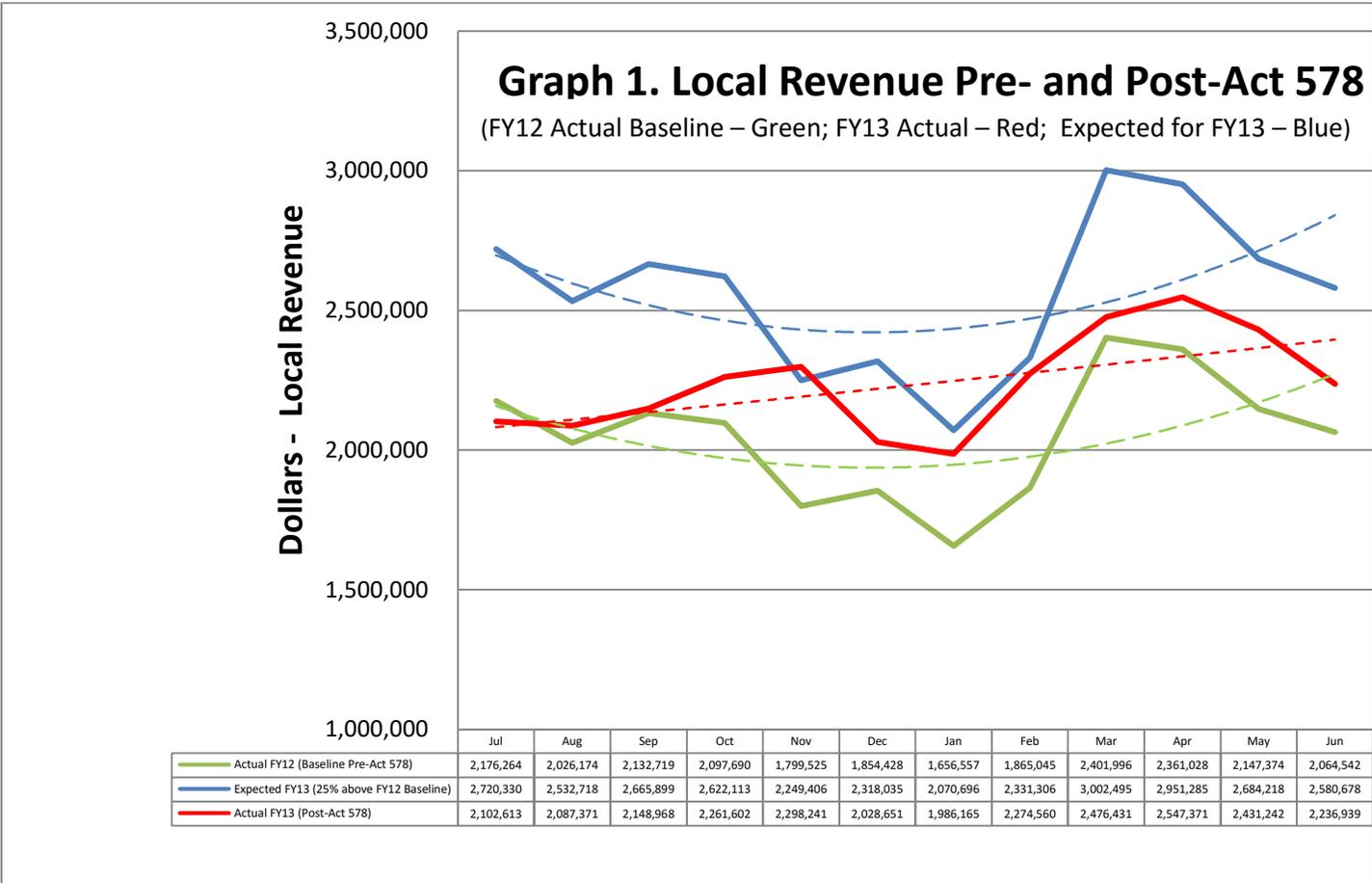


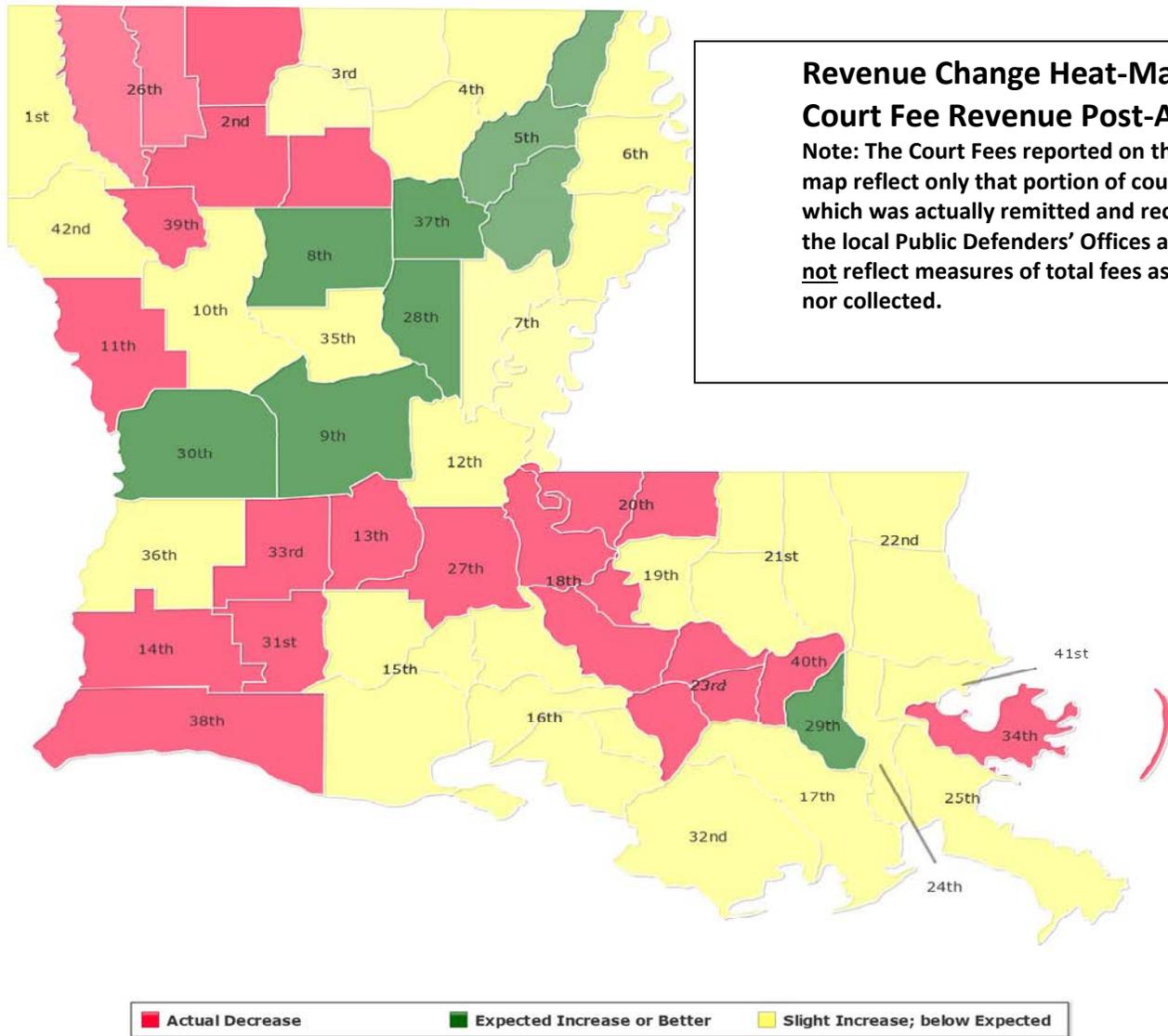
Chart 4. This fourth and final pie chart depicts district-level agency expenditures among the various criminal justice agencies for 2012. The data are from the Louisiana Campaign for Equal Justice, which garnered data from internet published, contracted auditors' financial reports and budgets provided by the various agencies. Please note that DA- Clerk of Court- and Public Defender data are provided for Calendar Year 2012 while for Sheriffs data are provided for the Fiscal Year 2012 as these are the time periods reported upon by those agencies. While comparing the Sheriffs' FY data to other agencies' CY data is not ideal, Fiscal Years and Calendar Years overlap and so do not differ greatly except during times of exceptional change (e.g., the fiscal versus calendar year 2005 in regard to Hurricanes Katrina and Rita). Even if the Sheriffs' CY data *were* determinable at the time of this report, the sheer magnitude of Sheriffs' total would not change the proportions of the distribution of spending among the other agencies to any significant extent. This chart is included to help the reader contextualize the disparities among the *district-level spending* on criminal justice. Local courts and local police departments are not included.



Line Graph 1. The Local Revenue Pre- and Post-Act 578 line graph depicts the court cost revenue changes collectively statewide before and after July 2012 when Act 578 instituted a roughly 25% increase in court costs for public defender offices. The graph marks changes in court costs from FY12 (the green line, as a baseline before Act 578) to the most recent fiscal year ACTUAL remittances, FY13 depicted in the red line (immediately after the law went into effect). From the \$10 increase (\$35 to \$45 in all but certain smaller Mayors’ Courts) we would expect more than a 25% increase. This is clearly not the case, as depicted by the blue line, which uses FY12 baseline figures and adds the expected 25% increase which was anticipated for FY13. The dotted lines are trend lines, showing general tendencies in the data by averaging out monthly variations. They suggest we would expect an average of about \$500,000 per month increase statewide (compare blue to green trend lines). They also suggest the average increase in actual remittances is only \$191,401,000 per month (compare green to red trend lines). The increasing slope in Actual Post-Act 578 revenues (the red trend line) suggests the possibility of a learning curve effect on the part of the remitting agencies with lagging remittances nearer to the enactment date of the law (July, 2012).

Court Fee Remittance Revenue Change FY12-FY13

Source(s): LPDB District Monthly
Financial Reports



Revenue Change Heat-Map 1. The heat map of individual districts demonstrates the changes in court cost remittances in each district from the FY12 (before inception of Act 578) in contrast to the most current fiscal year (FY13). The data are reported as percentage change from the FY12 baseline figures. Because many districts receive remittances in non-itemized lump sums, the exact portions of these lump sums which are comprised by court fees cannot be determined. Giving the benefit of the doubt to the remitting agencies, all lump sums were assumed to be entirely comprised of the expected court fees (while in actuality, some or all of these lump sums could be forfeitures, bond licensing fees or other sources of revenue). Even granting the remitting agencies that generous assumption, in many districts these remittances are still far below the expected increase. (Note that this assumption may inflate court fee remittances, making the shortage appear less problematic than it is). Several other districts experienced a very helpful increase, although the average change is less than 11%, (mean 7.7%, median 10.6%), not the expected increase of about 25% above the FY12 baseline. Many districts experienced rather minimal and below expected changes and several actually experienced a decrease. Because LPDB district offices are-- by statute-- passive recipients of court cost remittances from other criminal justice agencies, the reasons for the variance and shortages cannot be determined by this office.

Notes to the
Louisiana Public Defender Board's CY 2013 Annual
Financial Report to the JLCB Prepared in accordance
with La. R.S. 15:147(B)(11)

1. The Louisiana Public Defender Board's CY 2013 Means of Financing and Expenditures

The Louisiana Public Defender Board (the "Board" or the "LPDB"), like all Louisiana state agencies, operates on a fiscal-year (FY) basis that begins on July 1st of one year and ends on June 30th of the following year. Notwithstanding the foregoing, La. R.S. 15:147(B)(11) requires the Board to:

Prepare and submit to the Joint Legislative Committee on the Budget on or before March first of each year an annual financial report which outlines the expenditures of local, state, and federal funds for the previous **calendar year** for review by the Joint Legislative Committee on the Budget. (Emphasis added.)

In order to prepare a calendar year (CY) 2013 annual financial report, the Board used data from two fiscal years, namely, FY 2012-13 and FY 2013-14. Specifically, the Board used monthly revenues ("means of financing") and expenditures from the last half of FY 2012-13 (January 1 through June 30, 2013) and the first half of FY 2013-14 (July 1 through December 31, 2013) to compile the figures for CY 2013.

Although factually correct, the Board's CY 2013 Means of Financing and Expenditures report has the potential to be misinterpreted by readers, as the Board does not expend one-twelfth of its appropriation monthly. To illustrate, from January 1 through June 30, 2013, the Board expended 49.653% (i.e., \$16,561,479 of \$33,171,711) of its means of financing for FY 2012-13; from July 1 through December 31, 2013, the Board expended 50.296% (i.e., \$16,776,157 of \$33,612,948) of its FY 2013-14 funds.

2. Local Districts CY 2013 Revenues and Expenditures Table

Like the Board, local districts operate on a fiscal-year (FY) basis that begins on July 1st of one year and ends on June 30th of the following year. The information contained within the Local Districts CY 2013 Revenues and Expenditures Table report summarizes information taken by Board staff from each district's monthly self-reports and includes revenues received from the state; revenues received from local sources; combined revenues; percentage of revenues funded by the state; and total expenditures incurred for CY 2013.