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Indigent Defense Services in the United States, FY 2008–2012 – Updated

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Background

Indigent defense delivery systems in the United States vary widely and are complicated as a whole. This report provides an initial snapshot based on publicly available information and additional data provided by several states. The information in this report is not intended to provide legal advice. BJS is currently conducting a comprehensive survey of indigent defense delivery systems, the results of which will be released at a future date.

The Sixth Amendment to the U.S. Constitution states that all persons accused of a crime have the right to counsel in their defense. Explicitly, the Sixth Amendment states that—

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.¹

Over the legal history of the United States, the Supreme Court has ruled that the Sixth Amendment requires the levels of government to provide counsel to persons accused of crime who cannot afford to hire a lawyer. The right of appointing counsel applies to the federal government from the Sixth Amendment and to the state governments under the due process clause of the Fourteenth Amendment. To comply with the U.S. Supreme Court's directives, state governments have established a range of indigent defense services.

Indigent defense methods of administration and operation vary by state. Some states administer all programs at the state level (i.e., state run), some administer all programs at the county level, and some have a hybrid delivery system in place. The operation and funding of indigent defense programs also varies by state. In some states, all funding

is provided by the state (i.e., state funded), while in other states, funding is a shared responsibility among state and local governments. The Commonwealth of Pennsylvania is the only state that leaves the entire responsibility for funding indigent defense to the local governments, in particular, to counties.

This report describes the indigent defense system for each state and the District of Columbia, including information on administration, methods of operation, and funding. It provides both direct and intergovernmental indigent defense expenditures of state governments for fiscal years 2008 through 2012, and it presents local government expenditures aggregated at the state level. The report uses administrative data from the U.S. Census Bureau's Government Finance Survey and available data from state government budget and appropriation documents.

State government data used in this report along with total state government judicial-legal expenditures are also presented in the BJS report, *State Government Expenditures, FY 2008–2012* (NCJ 246684, BJS web, July 2014).

Methodology

Legal research

The information presented in each state's section was collected by searching for the authorizing statutes in each state and basic research on the programs' websites. The information gathered includes each state's indigent defense program information, responsibility at each government level for both the administration and funding, and the board composition.

Obtaining expenditure data

State government expenditures were obtained from a database query of the data from the U.S. Census Bureau's Annual Survey of State Government Finances. A significant portion of the expenditure data for this survey was collected from administrative records provided by each

¹U.S. Const. amend. XI.





state government. A query of the database on keywords of descriptions provided the initial collection of expenditures. On the rare instance when detail was unavailable, an external source was consulted to obtain actual data. (See appendix table 1 for state government indigent defense expenditures by state for fiscal years 2008 through 2012.)

Depending on the state's organization, expenditures for retirement and other benefits for employees may not be included. (See appendix table 2 for a summary of which state expenditures include retirement benefits.) This is largely due to the state having a centralized agency that reports retirement benefits for the entire state government. Because it is a central agency, the detail provided does not separate each payment by government agency, leaving these expenditures unavailable.

To obtain local government expenditures, a query similar to that of state expenditures was run from the Annual Survey of Local Government Finances when available. Some states have worked with the Census Bureau to establish central collection agreements in the form of administrative record data for each local government. In other cases, larger local governments provided the Census Bureau with administrative records similar to the state government records. In these cases, the Census Bureau was able to query the database on keywords of descriptions. In instances in which only specific local governments were responsible for indigent defense expenditures, an external source was used.

Comparing Census Bureau data to an external source

To determine the accuracy of data presented from the Annual Survey of State Government Finances, the Census Bureau compared these data to information provided by external sources, including state budgets, state comprehensive annual financial reports, agency reports, and appropriation bills. This enabled the Census Bureau to compare actual reported expenditures from a state source and expenditures queried in the Census Bureau database.

Appendix table 2 provides a summary of each external source, whether the external amounts were appropriated or actual amounts, and the percentage difference between Census Bureau data and external amounts. The year used for comparison was fiscal year 2011. The tables provided in the report also show external amounts for each fiscal year from 2008 through 2012. Appendix A provides a brief summary of the causes for disparity between external amounts and Census Bureau data.

Alabama

Office of Indigent Defense Services (est. 1975) *Code of Alabama § 12-19-252; 15-12-1*

Alabama's Office of Indigent Defense Services provides a state-run indigent defense system. It is located within the state's Department of Finance and is administered by a director. The Office of Indigent Defense Services provides services to

defendants in criminal or juvenile proceedings in the trial and appellate courts of the state, including parents of children during termination of parental rights hearings.

Alabama imposes a Fair Trial Tax to fund the expenses of providing indigent defense in the state. If the proceeds from the tax fail to cover the cost of services, the legislature may annually appropriate the necessary amount from the state treasury's General Fund. Some counties are authorized to impose a court cost for defender services. In these counties, the county funds defender services from the revenues of the court cost, and the state pays a reasonable share of the cost of maintaining such an office, as determined by the director.

Local administration

Code of Alabama § 15-12-1

In each judicial circuit in the state, a voluntary indigent defense advisory board is comprised of five members, including the presiding circuit judge, the president of the local circuit bar association, and three attorneys appointed by the bar commissioner(s) for that circuit. Each board is responsible for determining the permitted method or methods of indigent defense services in the circuit. The methods include one or a combination of the following: use of appointed counsel, use of contract counsel, and use of public defenders. In circuits where a public defender office is established, the director appoints a public defender for said circuit. The public defender may hire a deputy director and staff. A public defender may represent defendants in municipal court at the request and consent of a municipal governing body. The municipality reimburses the office for these services. The director approves the operating expenses, salaries, benefits, and overall budget of each office in advance.

TABLE 1

Alabama state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Alabama*
2008	\$67,749	\$47,000
2009	66,895	41,000
2010	63,702	40,371
2011	65,197	40,190
2012	59,707	40,255

*Amounts are appropriations.

Sources: State of Alabama, Executive Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Alaska

Public Defender Agency (est. 1969) *Alaska Stat. § 18.85.010 through 18.85.080*

The Public Defender Agency, located in the state's Department of Administration, serves the needs of indigent defendants in the State of Alaska. A public defender appointed by the governor, subject to confirmation by the legislature,



administers the agency. The public defender may appoint individuals and delegate responsibilities to carry out the functions of the agency. The public defender may use appropriations to contract private attorneys to provide services to indigent defendants. Currently, 13 offices are located throughout the state to help provide these services.

The court may determine indigence for an individual who is charged with a serious crime; is entitled to representation under the Supreme Court Delinquency or Child in Need of Aid Rules; is isolated, quarantined, or required to be tested under order for disease control and threats to public health; or against whom commitment proceedings for mental illness have been initiated. The Public Defender Agency is comprised of four divisions to provide various services:

- The Criminal Division provides representation to individuals charged with felony and misdemeanor offenses, from arraignment through trial and sentencing, including felony and misdemeanor petitions to revoke probation.
- The Civil Division is responsible for Child in Need of Aid cases, and represents minors in juvenile delinquency cases and individuals subject to civil commitment proceedings.
- The Appellate Division handles appeals statewide for criminal cases, Child in Need of Aid cases, and juvenile delinquency cases. It also handles post-conviction relief applications and parole hearings.
- The Administrative Section provides statewide administrative services and support to the agency's 13 offices.

Alaska Office of Public Advocacy (est. 1984) **Alaska Stat. § 44.21.400 through 44.21.470**

The Office of Public Advocacy, located in the state's Department of Administration, oversees indigent defense in cases where the Public Defender Agency has a conflict. Although the office also serves several other functions, including public guardianship and civil prosecution of persons accused of defrauding indigent senior citizens, approximately 65% of the office's budget is dedicated to indigent defense.

TABLE 2
Alaska state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Alaska*
2008	\$31,521	\$31,948
2009	33,232	33,830
2010	35,198	35,960
2011	37,370	38,445
2012	40,036	40,856

*Amounts are actual expenditures.

Sources: Governor's Operating Budget, Department of Administration Public Defender Agency Component Budget Summary; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Arizona

Public Defender Training Fund **Ariz. Rev. Stat. Ann. § 12-117**

The Arizona Supreme Court administers the Public Defender Training Fund to provide monies for public defender training. Funds are distributed to county public defender offices in proportion to the number of felony cases assigned to that office in the previous fiscal year.

State Aid to Indigent Defense Fund (est. 1999) **Ariz. Rev. Stat. Ann. § 11-588**

County funds and court-ordered administrative assessments and reimbursements are appropriated to finance indigent defense services. A county may be reimbursed for expenses incurred to provide public defender services to municipal courts or agencies not under the jurisdiction of the county. The State Aid to Indigent Defense Fund, administered by the Arizona Criminal Justice Commission, provides state aid to the county public defender, legal defender, and contract indigent defense counsel for the processing of criminal cases. The fund consists of monies collected by the Arizona Supreme Court and Arizona Court of Appeals to pay for filing fees, surcharges on certain fees, and penalties for criminal and some civil offenses.

State Capital Postconviction Public Defender Office

The State Capital Postconviction Public Defender Office in Arizona was abolished in 2012. The office was responsible for providing representation to indigent persons convicted of the death penalty in post-conviction relief proceedings in the state court. The state capital post-conviction public defender was appointed by the governor.

TABLE 3
Arizona state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Arizona*
2008	\$2,611	\$1,927
2009	2,447	1,745
2010	2,188	1,902
2011	2,155	2,099
2012	1,378	1,408

*Amounts are actual expenditures. Amounts for the Public Defender Training Fund were not available for fiscal years 2008–2009.

Sources: State of Arizona Executive Budget, State Agency Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Local administration

The board of supervisors in a county may establish an office of the public defender and appoint said public defender. A public defender may appoint deputies, with the consent of the board of supervisors and other personnel. The public defender is responsible for submitting an annual report to the board of supervisors on its activities. Services may be provided for defendants facing offenses triable in the state superior court or justice courts at all stages of proceedings, extradition hearings, mental disorder hearings, involuntary commitment hearings, juvenile delinquency and incorrigibility proceedings, appeals to the higher courts, all juvenile proceedings other than delinquency and incorrigibility proceedings, and all mental health hearings regarding release recommendations held before the psychiatric security review board. Services may be provided by court-appointed counsel or public defenders in counties that have established such an office.

The City of Phoenix and Maricopa County provided data to the Census Bureau.

TABLE 4
Arizona local government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	Maricopa County	City of Phoenix
2008	\$81,138	\$4,484
2009	83,827	4,527
2010	82,603	4,350
2011	83,525	4,475
2012	86,522	...

...Not available.

Source: Maricopa County and the City of Phoenix Budget Publications, FY 2008–2012.

Arkansas

Arkansas Public Defender Commission (est. 1997) *Ark. Code Ann. § 16-87-201 through 16-87-218*

While counties in Arkansas have responsibility for some indigent defense expenses in the state, the Arkansas Public Defender Commission is primarily responsible for these services. The commission has the power to—

- establish policies and standards for the public defender systems throughout the state, including standards for determining who qualifies as an indigent person
- establish policies and standards for the organization and operation of public defenders' offices throughout the state, including funding, compensation, staffing, and standards of experience for attorneys assigned to particular cases
- allocate personnel for each public defender's office throughout the state, and approve the reassignment of cases from one public defender to another public defender in an adjacent area for the purpose of avoiding conflicts or adjusting caseloads

- maintain for each judicial district a current list of private attorneys who are willing to accept court appointments and who meet any other qualifications established by the commission
- maintain a separate list of private attorneys who are willing to accept court appointments in capital cases and who meet any other qualifications established by the commission.

The Trial Public Defender Office, under the Public Defender Commission, supervises the Arkansas trial public defender system's development and operation of rules, regulations, and standards for governing that have been adopted by the commission. The commission's Capital, Conflicts, and Appellate Division provides legal services to indigent defendants in capital and appellate cases, and cases in which local public defenders have a legal or ethical conflict. County or regional public defender offices are located in each of the state's 23 judicial districts. Some districts have more than one office. Additionally, the commission has established conflict offices around the state.

The commission has seven members appointed by the governor. At least four members of the commission must be attorneys who are licensed to practice law in the State of Arkansas and experienced in the defense of persons accused of crimes. At least one member of the commission must be a county judge, and at least one member must be a trial judge who hears criminal cases. No more than two members of the commission are residents of the same congressional district, and no two members of the commission are residents of the same county. The state assumes most of the obligation for funding indigent defense throughout the state, except for small county contributions toward running the county offices.

TABLE 5
Arkansas state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Arkansas*
2008	\$28,744	\$19,124
2009	22,395	19,841
2010	29,795	20,934
2011	34,277	21,496
2012	37,600	23,372

Note: Due to lack of details in the state budgets, data only reflect expenses of the Arkansas Public Defender Commission and do not include other court expenses (e.g., conflict cases).

*Amounts are actual expenditures.

Sources: Arkansas State Budget Publications, FY 2008–2012; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

California

Office of the State Public Defender (est. 1796) *Cal. Gov. Code § 15400*

California has a state public defender, who is appointed by the governor and subject to confirmation by the state senate. The state public defender may employ deputies and other personnel and may establish and operate offices to provide



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indigent defense services. The state public defender may contract with county public defenders, private attorneys, and nonprofit corporations to provide services. The primary focus of the state public defender is post-conviction appellate representation in death penalty cases. The state public defender is funded from the state's General Fund.

Habeas Corpus Resource Center (est. 1998)
Cal. Gov. Code § 68650

The State of California's Habeas Corpus Resource Center, located in the judicial branch of the state government, provides attorneys to indigent persons convicted and sentenced to death in state and federal court post-conviction actions. The center is governed by a board of directors and an executive director, who is selected by the board of directors and confirmed by the state senate. The California Supreme Court appoints attorneys of the center, which reports annually to the state legislature, governor, and state supreme court.

California Appellate Project (est. 1983)

The California Appellate Project provides representation to indigent persons in death penalty appeals and other criminal appeals before the California Supreme Court. In addition, the project provides representation to indigent persons in criminal, juvenile delinquency, and juvenile dependency cases pending before the Second Appellate District of the California Court of Appeal. The project is a nonprofit corporation established in 1983 by the State Bar of California, and the project's board of directors is comprised of former officials of the State Bar. The project is funded primarily by a contract with the Judicial Council of California.

Local administration
Cal. Gov. Code § 22770

Indigent defense services in California are provided primarily at the county level, which may provide services through contract counsel, assigned counsel, or a public defender office. The board(s) of supervisors of one or more counties may establish an office of the public defender for the county or counties. When an office is established, it is determined whether the public defender is to be appointed or elected. Public defenders are appointed by and serve at the will of the county board(s) of supervisors.

The boards of supervisors of two or more counties may authorize the respective public defenders to enter into reciprocal or mutual assistance agreements. Agreements allow counties to temporarily loan deputy public defenders to the county participating in the agreement to provide indigent defense services. The county receiving the loaned deputy public defender reimburses the county that provides services. A board of supervisors may also authorize the reciprocal or mutual assistance agreements with the state public defender. The county or counties is responsible for office expenses. A public defender will annually submit a report to the board(s) of supervisors on its activities and finances. Indigent defense services may be provided at all stages of legal proceedings to a

defendant charged with any contempt or offense triable in the superior court, or in any civil litigation in which a defendant is being persecuted or unjustly harassed.

California is the only state for which the Census Bureau did not receive an electronic source. As a result, the expenditures for this state were compiled using the State of California Governor's Budget. Amounts reported are actual expenditures.

TABLE 6

California state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)*
2008	\$24,131
2009	24,613
2010	23,338
2011	23,459
2012	22,672

*Amounts are actual expenditures.

Source: State of California Governor's Budget, FY 2008–2012.

Colorado

Office of the State Public Defender (est. 1969)
Colo. Rev. Stat. § 21-1-101 through 21-1-106

Four agencies are responsible for some portion of indigent defense for the state: the Office of Dispute Resolution, the Office of the Child's Representative, the Office of the State Public Defender, and the Office of the Alternate Defense Counsel. Indigent defense is completely state funded in Colorado and is administered by a judicial agency called the Office of the State Public Defender or the Office of the Alternate Defense Counsel, which provides representation in criminal and juvenile delinquency cases. The OSPD system is comprised of a statewide administrative office, 21 regional trial offices, and a centralized appellate office that handles felony appeals from every jurisdiction in the state.

The Colorado Supreme Court appoints the five-member public defender commission, with no more than three members from the same political party. Three members of the commission must be attorneys licensed to practice law in Colorado, and two members must be citizens of Colorado and not licensed to practice law in Colorado. A member of the commission may not be a judge, prosecutor, public defender, or employee of a law enforcement agency.

Office of the Alternate Defense Counsel (est. 1997)
Colo. Rev. Stat. § 21-2-101 through 21-2-107

Colorado's Office of the Alternate Defense Counsel provides legal representation in circumstances in which the state public defender has a conflict of interest with regard to providing legal representation. The Colorado Supreme Court appoints the nine members to the commission. No more than five members of the commission may be from the same political party. Six members of the commission must be attorneys licensed to practice law in Colorado who have experience in



the practice of criminal defense. Three members of the commission must be citizens of Colorado who are not licensed to practice law in Colorado. In addition, each congressional district in the state must have one member on the commission. A member of the commission may not be a judge, prosecutor, public defender, or employee of a law enforcement agency.

TABLE 7
Colorado state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Colorado*
2008	\$80,906	\$80,859
2009	92,322	92,164
2010	93,784	93,961
2011	90,896	96,050
2012	100,714	103,706

*Amounts are actual expenditures.

Sources: Colorado State Judicial Department Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Connecticut

Public Defender Services Commission (est. 1974) *Conn. Gen. Stat. § 51-289 through 51-300*

The Public Defender Services Commission in Connecticut is responsible for policymaking, appointments of all personnel, and compensation matters. The commission is located within the judicial department for fiscal and budgetary purposes only, and consists of seven members: two members are judges of the Connecticut Superior Court, appointed by the chief justice; one member is appointed by the state's speaker of the house of representatives, the president pro tempore of the state senate, the minority leader of the state's house of representatives, and the minority leader of the state senate; and one member is appointed by the governor.

The commission is responsible for the rules and operation of the state's Division of Public Defender Services and may establish such divisions, facilities, and offices as needed. It

TABLE 8
Connecticut state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Connecticut*
2008	\$48,062	\$47,624
2009	48,511	48,512
2010	48,265	48,403
2011	50,476	50,484
2012	64,002	64,006

*Amounts are actual expenditures.

Sources: Annual Report of the State Comptroller - Budgetary Basis, FY 2008; Annual Reports of the Chief Public Defender, FY 2009–2012; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

appoints a public defender for each judicial district and a public defender to handle appellate matters and provide legal support services in the Connecticut Superior Court. The commission assumed responsibilities on July 1, 2011, from the Commission on Child Protection and the chief child protection attorney. The Office of the Chief Public Defender is responsible for administering the public defender system statewide and providing specialized legal representation. The commission appoints the chief public defender. Individual public defender offices are located in the 13 judicial districts, 20 geographical areas, and 12 juvenile venues of the Connecticut Superior Court that provide legal services throughout the state.

Indigent defense services may be provided to defendants who are formally charged with a crime that is punishable by imprisonment or for representation and ad-litem services to indigent children and parents in child welfare, family, and child support matters by order of the Connecticut Superior Court.

Delaware

Office of the Public Defender (est. 1953) *Del. Code Ann. Title 29 § 4601 through 4607*

Indigent defense in Delaware is completely state funded and is administered by the Office of the Public Defender, a state agency. The state public defender represents all indigent defendants in trial and appellate cases, is appointed by the governor, and must be a qualified attorney licensed to practice law in Delaware. The public defender may appoint as many assistant attorneys, clerks, investigators, stenographers, and other employees as deemed necessary to carry out the responsibilities of the office. An assistant attorney must be a qualified attorney licensed to practice in Delaware. The office has one central administrative office and two regional offices. Most conflict cases are handled by a pool of private attorneys who are contracted by the state. The few conflict cases that are not handled by contract counsel are appointed to private attorneys. The Delaware Administrative Office of the Courts paid the attorneys and tracked the data on conflict counsel until 2011, when those functions were assumed by the Office of the Public Defender.

TABLE 9
Delaware state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Delaware*
2008	\$14,944	\$14,659
2009	14,550	15,151
2010	14,162	14,579
2011	15,015	14,538
2012	18,792	15,819

*Amounts are appropriations.

Sources: Delaware Senate Appropriations Bill; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



District of Columbia

Public Defender Service (est. 1960)

Pub. L. No. 91-358, Title III, 301 (1970); D.C. Code § 2-1601, et seq., 2001 ed.

In the District of Columbia, indigent defense services are provided by the Public Defender Service (PDS), an independent legal organization that is governed by an 11-member board of trustees. PDS is a federal program; the service is federally funded, and funds are held in the U.S. Treasury. PDS attorneys generally represent indigent individuals in criminal appeals, in parole revocation hearings, in D.C. Superior Court Drug Intervention Program sanction hearings, facing involuntary commitment in the mental health system, who are children with special education needs that face delinquency charges, and certain civil proceedings. PDS is comprised of seven divisions: Trial Division, Appellate Division, Special Litigation Division, Parole Division, Mental Health Division, Civil Legal Services Division, and Community Defender Division.

Private attorneys funded through the Criminal Justice Act provide representation for indigent individuals not represented by PDS. Both PDS and private attorneys providing representation are appointed by the District of Columbia courts. Services may be provided to indigent individuals who face a loss of liberty. Typically, the PDS handles criminal cases, while private attorneys provide representation to individuals facing less serious misdemeanor and regulatory offenses.

Florida

Florida Public Defender Association (FPDA) (est. 1972) *Not statutorily established*

Indigent defense in Florida is completely state funded and is administered through a system of elected public defenders. A public defender is assigned to each of the 20 judicial circuits. Each public defender must have been a member of the Florida Bar for at least 5 years and must have been elected at a general election.

Public defenders provide representation at the trial level, while appellate representation is handled by five regional offices. Conflict cases are appointed to qualified private attorneys. Florida has created circuit indigent defense services committees, funded by the state, to oversee conflict attorneys in all criminal cases. In addition, three Capital Collateral Regional Counsel offices provide representation to indigent capital prisoners in state and federal post-conviction proceedings. A board of directors governs FPDA. The board is comprised of the 20 elected public defenders in Florida, plus two representatives of the assistant public defender staff and one representative apiece from public defender investigative and administrative staff.

The U.S. Census Bureau has been unable to obtain the level of detail required to measure actual expenses for Florida. See appendix A for more information.

TABLE 10

Florida state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Florida*
2008	\$239,255	\$367,235
2009	221,414	371,609
2010	218,951	342,090
2011	210,888	344,459
2012	214,526	345,833

*Amounts are appropriations.

Sources: Florida State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Georgia

Georgia Public Defender Standards Council (est. 2003) *O.C.G.A. § 17-12-1*

The Georgia Public Defender Standards Council is an independent agency within the executive branch of the state government that is responsible for overseeing indigent defense in the state. The council consists of nine appointed members. Circuit court defender offices and other attorneys representing indigent persons, with support services provided by the council, provide indigent defense services in the state. The Georgia Capital Defender Division is located within the council to provide representation to indigent persons charged with capital felony cases with the possibility of a death sentence in trial court and appeals to the Supreme Court of Georgia.

The council acts as the fiscal officer for all circuit public defender offices and is responsible for maintaining records of all monies received from each governing authority. The director, with input from the council, establishes procedures for providing representation to indigent defendants in case of conflict with a circuit public defender office, which may include appointing counsel on a case-by-case basis or using a different circuit public defender office. The council submits an annual report to the state general assembly, governor, and state supreme court. The council is also responsible for submitting a budget estimate to the director of the Office of Planning and Budget.

Counties may opt out of this system and operate an alternate delivery system.

Local administration *O.C.G.A. § 17-12-20*

A circuit public defender supervisory panel is located in each judicial circuit in the Georgia. The panel consists of three members: one member appointed by the chief judge of the Superior Court of the Circuit, the governor, and the chairperson of the governing authority or sole commissioner



in which the judicial circuit convenes. The circuit public defender supervisory panel and the director of the Georgia Public Defender Standards Council appoint the circuit public defender for each circuit.

The circuit public defender determines indigence, supervises assistant public defenders and staff, administers daily operations of the office, and maintains records for the office. Each circuit public defender office has a juvenile division. The circuit public defender provides representation to indigent defendants for any case in the superior court or juvenile case with the possibility of imprisonment or probation, a suspended sentence of imprisonment that may be adjudged, or any direct appeal of the proceedings previously mentioned. Any city or county may contract with an office to provide representation for indigent persons accused of violating a city or county ordinance. The state general assembly funds circuit public defenders through the General Appropriations Act. Counties and cities may supplement additional funds for public defenders. The governing bodies of counties in a judicial circuit provide funding to cover public defender office costs.

TABLE 11**Georgia state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Georgia*
2008	\$46,191	\$71,050
2009	61,895	62,381
2010	39,556	66,509
2011	67,643	67,652
2012	69,539	69,535

*Amounts are actual expenditures.

Sources: Georgia Budgetary Compliance Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Hawaii**Office of the Public Defender (est. 1970)**
Haw. Rev. Stat. Ch. 802

Since 1970, Hawaii's Office of the Public Defender has provided indigent defense services. For administrative purposes, the office is located within the state's Department of Budget and Finance. It is administered by a defender council of five members who are appointed by the governor, one member from each of Hawaii's counties. The council appoints a state public defender.

Public defense services may be provided to an individual arrested for, charged with, or convicted of an offense punishable by confinement in jail or prison, individuals involved in family court matters, and individuals subject to confinement and involuntary medical treatment for mental health reasons.

TABLE 12**Hawaii state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Hawaii*
2008	\$9,732	\$9,262
2009	9,973	9,339
2010	9,079	...
2011	8,732	...
2012	9,275	9,793

... Not available.

*Amounts are appropriations.

Sources: Executive Biennium Budgets, Operating and Capital Budget - Department of Budget and Finance, FY 2007–2009 and FY 2011–2013; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Idaho**Office of the State Appellate Public Defender (est. 1998)**
Idaho Code § 19-867

The Office of the State Appellate Public Defender, located in the state's Department of Self-Governing Agencies, provides counsel to indigent defendants who have been convicted of a felony in district court and to petitioners in state felony post-conviction and habeas corpus cases. In capital cases, when a defendant has been sentenced to death, the office provides court representation for post-conviction proceedings and representation on appeal from both the denial of a post-conviction petition and the direct appeal from the judgment of conviction.

The office is administered by the state appellate public defender, who is appointed by the governor with the advice and consent of the state senate. The state pays the expenses of the office. The state appellate public defender may employ personnel and deputy state appellate public defenders to provide services. The state appellate public defender may also contract with private attorneys on a case-by-case basis. The office annually reports its activities to the state board of examiners, the supreme court, the legislature, and any of the participating counties that were provided services in a given year.

Local administration**Idaho Code § 19-851**

Counties in Idaho are responsible for most indigent defense services in the state. Indigent defense services are provided at all stages of legal proceedings to a defendant who is formally charged or being detained under the conviction of a serious crime. Services may also be provided to any person being detained or confined and subject to hospitalization for mental illness or the inability to stand trial or make informed decisions. To provide indigent defense services, the board of county commissioners in each county establishes an office of the public defender or juvenile defender and makes an arrangement with the courts in the county to assign counsel, or some combination of these methods.



One or more counties may choose to establish a joint office of the public defender. The board of county commissioners appoints the public defender or juvenile public defender. The county pays the fees of counsel assigned by the courts or appropriates funds for the office of the public defender. Assigned counsel and public defenders are required to submit an annual report to the county commissioners and, if appropriate, the administrative district judges on their activities and expenses.

Counties may elect, on resolution of the county's board of commissioners, to participate in a Capital Crimes Defense Fund, which is used to cover costs of criminal cases when the death penalty is a possibility. The fund is comprised of contributions from participating counties and any court fees or other funds designated or appropriated by the state legislature. The fund is operated under a joint powers agreement by participating counties. A board of representatives operates and administers the fund. The creating agreement determines how representatives are selected. A representative appointed by the governor may be added to the board if the fund receives appropriations from the legislature. An additional representative may be appointed by the Idaho Supreme Court if the fund is designated court fees. Only counties that participate in this fund are permitted to use services of the Office of the State Appellate Public Defender.

TABLE 13
Idaho state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Idaho*
2008	\$2,052	\$2,073
2009	2,084	2,020
2010	1,930	1,913
2011	1,987	1,990
2012	1,990	1,994

*Amounts are actual expenditures.

Sources: Idaho Legislative Fiscal Report; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Illinois

Office of the State Appellate Defender (est. 1972) 725 Ill. Comp. Stat. 105/1 through 105/11

The State Appellate Defender Office, a judicial department of the state, represents indigent defendants on appeal when appointed by the Illinois Supreme Court, appellate court, or circuit court. The appellate office has district-level offices in each of the five appellate districts of the state, with a deputy defender who serves as the administrator of the district office for each judicial district. The office also maintains a panel of private attorneys available to serve as counsel on a case-by-case basis, hires investigators to provide investigative services to appointed counsel and county public defenders, provides training to county public defenders, and provides county

public defenders with the assistance of expert witnesses and investigators from funds appropriated to the state appellate defender by the general assembly.

The State Appellate Defender Commission, which advises the office, consists of nine members: a chairman appointed by the governor, one member appointed by the Illinois Supreme Court, one member appointed by each of the five appellate courts, one member appointed by the state supreme court from a panel of three persons nominated by the Illinois State Bar Association, and one member appointed by the governor from a panel of three persons nominated by the Illinois Public Defender Association. Because each county administers programs independently, no central agency or organization at the state level provides county expenditure in a central location.

Local administration

County public defenders provide for almost all indigent defense services in the State of Illinois. Each county in the state with 35,000 or more inhabitants has a public defender office. In counties with smaller populations, the county board may choose either to create a public defender office or use an alternate system of providing indigent defense services. When two or more adjoining counties are located within the same judicial circuit, the two counties may create a shared public defender office. The chief public defender is selected by the president of the county board of supervisors in Cook County and by the presiding circuit court judge in all other counties. In addition, the state funds two-thirds of the chief defender's salary.

TABLE 14
Illinois state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Illinois*
2008	\$24,424	\$24,424
2009	25,132	25,137
2010	23,463	23,441
2011	22,952	22,949
2012	20,266	20,268

*Amounts are actual expenditures.

Sources: Illinois State Budget Publications, FY 2008–2012; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Indiana

Office of the State Public Defender Burns Ind. Code Ann. § 33-40-1-1

The Office of the State Public Defender in Indiana provides the state public defender, who is appointed by and serves at the pleasure of the Indiana Supreme Court. The operating expenses of the office are approved by the Indiana Supreme Court and annually appropriated by the state.



State Public Defender Council *Burns Ind. Code Ann. § 33-40-4-1*

Indiana also has a judicial branch agency called the State Public Defender Council, which helps to coordinate and assist attorneys who provide indigent defense services in the state. The council's membership includes all public defenders, contractual pauper counsel, and other regularly court-appointed attorneys in the state. The council is directed by 11 members, including ten elected by the membership, plus the state public defender.

Public Defender Commission *Burns Ind. Code Ann. § 33-40-5-1; 33-40-6-1*

The Indiana Public Defender Commission consists of 11 members, including three appointed by the state governor, three appointed by the chief justice of the Indiana Supreme Court, one appointed by the Board of Trustees of the Indiana Criminal Justice Institute, two members of the state's house of representatives appointed by the speaker of the house, and two members of the state senate appointed by the president pro tempore of the senate. The commission helps to make recommendations on standards of indigent defense services in the state, particularly for capital cases. The commission is also responsible for authorizing reimbursements to counties from the Public Defense Fund.

Local administration *Burns Ind. Code Ann. § 33-40-2-1; 33-40-7-1; 33-40-8-1*

A county executive may establish a county public defender board by ordinance.² A board consists of three members: two are appointed by county judges who exercise felony or juvenile jurisdiction, and one is appointed by the county executive. The board also prepares a plan on how to provide indigent defense services through one or more of the following methods: establishing a county public defender's office, contracting with one or more attorneys or private organizations, using an assigned counsel system of panel attorneys on a case-by-case basis, and establishing a public defender's office for the criminal division for the superior court in counties with a population of more than 400,000 but less than 700,000. If a county public defender office is established, the board must recommend an annual operating budget to the county fiscal body, appoint a county public defender, and submit annual reports on the office's activities to the county executive, fiscal body, and judges.

²The county executive of certain counties is based primarily on population, including Allen, Marion, St. Joseph, and Vanderburg Counties, which are not allowed to form county public defender boards under state statute. However, these counties may establish a county public defender office or agency under special county ordinance.

The public defender is responsible for maintaining the office and hiring staff, with the approval of the county executive and fiscal body, and may contract with attorneys to provide indigent defense services. Additionally, any judge who has criminal jurisdiction may request services from the state public defender in appeals of criminal cases. If the state public defender chooses to accept the case or appoints one of the state public defender's deputies, the county in which the case originated pays the office for services rendered.

All counties may submit requests for reimbursement from the state's Public Defense Fund for 50% of a county's expenditures for indigent defendants facing the death penalty, and eligible counties may seek reimbursements for 40% of county expenditures for noncapital crimes, not including misdemeanors. However, this has not always occurred in practice. A county is considered eligible for reimbursement of expenditures for noncapital crimes after passing an ordinance to create a public defender board and adopting a comprehensive plan in line with the standards of the Indiana Public Defender Commission. The fund is administered by the Division of State Court Administration of the Indiana Supreme Court.

A supplemental public defender fund is established in each county unless a county has a population of more than 400,000 but less than 700,000, in which case a fund must be established in each city that provides funding for a public defender to represent indigent defendants in city court. The fund consists of certain fees, including pretrial services fees and appropriations from the county.

Services may be provided to any defendant confined in a penal facility in the state or committed to the Indiana Department of Corrections due to a criminal conviction or delinquency adjudication in a post-conviction proceeding.

Of Indiana's 92 counties, 62 are currently in the Public Defense Fund reimbursement program. However, 8 of the 62 counties in the program are not requesting or are not eligible for reimbursements.

TABLE 15
Indiana state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Indiana*
2008	\$21,778	\$21,960
2009	22,822	23,267
2010	23,839	23,928
2011	23,975	24,009
2012	24,906	24,917

*Amounts are actual expenditures.

State of Indiana, Annual Report – Indiana Public Defender Commission, FY 2008–2012; State of Indiana, As-Passed Budget, Expenditure Summary – All Funds by Agency, FY 2007–2011; State of Indiana, As-Submitted Budget, Expenditure Summary – All Funds by Agency, FY 2011–2013; State of Indiana, As-Passed Budget, HEA 1001 – The Budget Bill, FY2011–FY2013; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Census data were also available for Indianapolis.

TABLE 16
Indiana local government indigent defense expenditures, FY 2008–2012

Fiscal year	City of Indianapolis total expenditures (in thousands)
2008	\$16,300
2009	18,526
2010	17,222
2011	16,379

Source: U.S. Census Bureau, Annual Survey of State and Local Government Finances, FY 2008–2012.

Iowa

Office of the State Public Defender (est. 1981) *Iowa Code § 13B.1 through 13B.11*

Iowa's Office of the State Public Defender is located within the state's Department of Inspections and Appeals. The state public defender administers the office and is appointed by and serves at the pleasure of the governor, with confirmation by the state senate.

The state public defender coordinates indigent defense services for individuals under arrest or charged with a crime and in juvenile proceedings at the trial and appellate levels throughout the state. The state public defender has currently established 18 local public defender offices and appellate defender offices to provide services. The state public defender also contracts with private counsel and nonprofit organizations to provide court-appointed representation in some cases. The Indigent Defense Fund pays for services, and the fund is administered by the state public defender. In addition, the state public defender bills each county for reimbursement of a portion of the juvenile court expenses incurred on an annual basis.

The state public defender may also supervise legal services provided to inmates in adult correctional institutions in civil cases involving prison litigation, which are funded by an appropriation to the Iowa Department of Corrections.

TABLE 17
Iowa state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Iowa*
2008	\$52,424	\$54,968
2009	55,319	57,467
2010	55,901	56,510
2011	54,634	57,747
2012	55,726	58,071

*Amounts are actual expenditures.

Sources: Iowa Detailed Budget Book - Agency Operating Budgets; Iowa Budget Book Report; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Kansas

State Board of Indigents' Defense Services (est. 1981) *Kan. Stat. Ann. § 22-4501*

Kansas' State Board of Indigents' Defense Services is located within the executive branch of the state government. Members of the board are appointed by the governor and subject to confirmation by the state senate, and the board appoints a state director of indigents' defense services to serve as chief executive officer. The board helps to provide, coordinate, supervise, and adopt rules and regulations regarding indigent defense in the state. The board establishes in each county (or combination of counties) a system of appointed counsel, contractual arrangements for contract counsel, public defender offices, or any combination of methods for the delivery of services for indigent defendants accused of a felony. In addition, the board may enter into contracts with cities or counties to provide, at the expense of a city or county, for the defense of misdemeanors or other defense services. Courts may appoint an attorney other than a public defender, assistant public defender, or contract counsel to provide services to an indigent defendant. The board is also responsible for appointing public defenders and staff in counties with a public defender office. The system providing legal defense services for indigent persons, which is in existence and effect in each county and judicial district, is subject to change by the State Board of Indigents' Defense Services. The board prepares and submits a budget and annual report to the governor and state legislature.

Indigent defense services may be provided to a person charged by the state in a complaint, information, or indictment with any felony at every stage of proceedings, for extradition proceedings, or for a habeas corpus proceedings. In addition, services may be provided to an individual who is subject to order or commitment due to mental illness. An indigent defendant convicted of a felony, capital crime, or on filing a motion for writ of habeas corpus or motion attacking sentence may receive services in appellate court through the Appellate Defender Office in the State Board of Indigents' Defense Services. Any nonprofit may provide legal services to indigent



inmates of Kansas correctional institutions. In such cases, the nonprofit is allowed to request reimbursement for the operating budget from the State Board of Indigents' Services.

Counties in Kansas are responsible for indigent defense for misdemeanor and juvenile delinquency matters.

TABLE 18
Kansas state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Kansas*
2008	\$23,427	\$23,412
2009	23,518	23,535
2010	23,767	23,821
2011	22,759	23,226
2012	22,714	22,744

*Amounts are actual expenditures.

Sources: The Governor's Budget Report; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Kentucky

Department of Public Advocacy (est. 1972)

Ky. Rev. Stat. Ann. § 31.010 through 31.250

The Kentucky Department of Public Advocacy (DPA) administers the statewide public advocacy system delivery of indigent defense services in the state's 120 counties. The Public Advocacy Commission has nine members, plus deans of Kentucky's law schools: two members are appointed by the governor; one member is appointed by the governor and must be a child advocate or a person with substantial experience in the representation of children; two members are appointed by the Kentucky Supreme Court; three members are licensed to practice law in Kentucky, have substantial experience in the representation of persons accused of crime, and are appointed by the governor from a list of three persons submitted to the governor for each individual vacancy by the board of governors of the Kentucky Bar Association; and one member is appointed by the governor from a list of three persons submitted to him or her by the joint advisory boards of the Protection and Advocacy Division of the DPA. The dean of each of the law schools in Kentucky or a designee also serves as ex officio members.

TABLE 19
Kentucky state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Kentucky*
2008	\$40,087	\$40,171
2009	38,619	37,826
2010	44,063	44,072
2011	44,299	44,305
2012	43,586	44,082

*Amounts are appropriations.

Sources: Kentucky State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

By statute, the state is responsible for funding indigent defense in Kentucky. Several counties have elected to use its own plan for delivery of services, in which case the county contributes local funds to augment the state appropriation. The DPA currently operates public defender programs in every county, with some offices covering multiple counties. Kentucky law also requires each county to appropriate 12.5 cents per-capita of the county population to a fund established to cover court orders entered against counties, such as expert witness fees and other comparable expenses associated with providing indigent defense services.

Local expenditures for public defender programs in Kentucky show the county expenditures provided through the state's Finance and Administration Department expenses.

TABLE 20
Kentucky local government indigent defense expenditures, FY 2008–2012

Fiscal year	Total county expenditures (in thousands)
2008	\$1,885
2009	1,751
2010	2,076
2011	2,240
2012	2,311

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Louisiana

Louisiana Public Defender Board (est. 2007)

La. Rev. Stat. Ann. § 15:146

The Louisiana Public Defender Board provides supervision, administration, and delivery of a statewide public defender system, which must deliver uniform public defender services in all courts in this state. The board creates mandatory standards and guidelines, which require that public defender services be provided in a way that is fair and consistent throughout the state. Other responsibilities include—

- developing mandatory qualification standards for public defenders that ensure public defender services are provided by competent counsel
- establishing methods of monitoring and evaluating service performance and compliance with standards and guidelines
- enacting policies to ensure that detailed revenue, expenditure, and workload data is collected, recorded, and used for the improvement of the system
- providing minimum compensation standards for attorneys and all non-attorney support staff employed to support the delivery of public defense services
- establishing processes and procedures to ensure that information technology is available, accessible, and consistently used to improve the system's programs and accountability.

A majority of the 42 judicial districts in Louisiana contracted 501(c)3 organizations for services, while some districts have full-time public defender programs. Contract attorneys also represent indigent defendants in delinquency, capital, and appellate cases where conflict cases arise. All district indigent defender boards have contracted with the Louisiana Appellate Project to supplement its staff with these services. The district public defender for these services is of no cost; it is a form of supplemental assistance.

The board consists of 15 members: two members are appointed by the governor; two members are appointed by the chief justice of the Supreme Court of Louisiana; one member must be a juvenile justice advocate; one member must be a retired judge with criminal law experience; one member each is appointed by the president of the state senate and the speaker of the house of representatives; one member is appointed by the governor and is an active or retired employee or has an academic association representing Louisiana State University Paul M. Hebert Law Center, Loyola University School of Law, the Southern University Law Center, Southern University Law Center, or Tulane University School of Law; two members are appointed by the president of the Louisiana State Bar Association; one member is appointed by the president of the Louisiana Chapter of the Louis A. Martinet Society; one member is appointed by the chairman of the Louisiana State Law Institute's Children Code Committee; and one member is appointed by the executive director of the Louisiana Interchurch Conference.

Indigent defense in Louisiana is largely funded by a combination of court fines and fees, including a specific indigent defender fund consisting of a \$45 fee assessed on certain defendants.

TABLE 21
Louisiana state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Louisiana*
2008	\$28,355	\$28,101
2009	27,869	29,493
2010	28,074	28,076
2011	33,055	33,057
2012	32,969	32,971

*Amounts are appropriations for FY 2008–2009 and actual expenditures for FY 2010–2012.

Sources: Louisiana State Budget Publications; Louisiana Public Defender Board Annual Reports, FY 2010–2012; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Maine

Maine Commission on Indigent Legal Services (est. 2009) 4 M.R.S. § 1801 through 1806

The Maine Commission on Indigent Legal Services was established by the state legislature and began providing statewide, state-funded defense services to indigent criminal defendants, juvenile defendants, and children and parents in

protective cases on July 1, 2010. Prior to the establishment of the commission, funds were administered through the Administrative Office of the Courts. The commission consists of five members appointed by the governor, with confirmation by the legislature.

Indigent defense services are provided by both assigned and contract counsel. The commission must submit a biennial budget request for approval to the Department of Administrative and Financial Services, Bureau of the Budget.

TABLE 22
Maine state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Maine*
2008	\$13,959	\$13,697
2009	13,136	9,653
2010	12,571	9,857
2011	13,274	10,995
2012	14,448	12,610

*Amounts are actual expenditures.

Sources: Maine Judicial Branch – Annual Reports, FY 2008–2010; Maine Comprehensive Annual Financial Report, FY 2011–2012; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Maryland

Office of the Public Defender (est. 1971) Md. Criminal Procedure Code Ann. § 16-101 to 16-403

In Maryland, the Office of the Public Defender represents indigent individuals. The office is a state agency and is completely state funded. A Board of Trustees, named by the governor, appoints the public defender and provides advice to the public defender in applicable matters. The public defender appoints the district defenders for each of Maryland's 12 judicial districts and seven specialized divisions. Maryland's public defender program maintains trial divisions in all circuit, district, and juvenile courts throughout the state. In addition, public defenders in Maryland provide representation in district courts, juvenile courts, circuit courts, judicial bail reviews and related collateral hearings, and Children in Need of Assistance and termination of parental rights cases. Court-appointed counsel handles conflict of interest cases.

TABLE 23
Maryland state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Maryland*
2008	\$89,141	\$89,152
2009	90,735	91,104
2010	85,971	86,119
2011	85,918	85,817
2012	87,952	87,758

*Amounts are actual expenditures.

Sources: Maryland State Judicial and Legal Review Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Massachusetts

Committee for Public Counsel Services (est. 1983) *Mass. Ann. Laws ch. 211D 1 through 16*

The Committee for Public Services oversees and coordinates indigent defense services for criminal and civil cases and administrative proceedings in which there is a right to counsel. The committee consists of 15 members: two members are appointed by the governor, two members are appointed by the president of the state senate, two members are appointed by the speaker of the house of representatives, and nine members are appointed by the justices of the state supreme judicial court.

The committee uses salaried public counsel, bar advocate, and other assigned counsel programs, and uses private attorneys serving on a per case basis to provide indigent defense services. To supervise the various attorneys and divisions, the committee appoints one member as chief counsel and two members as deputy chief counsel. The salaried public counsels are part of the Public Defender Division. The Private Counsel Division is responsible for the supervision and maintenance of appointed counsel. It also includes a children and family law program, youth advocacy programs, and a mental health unit. The chief counsel determines which defendants are represented by the Private Counsel Division.

TABLE 24
Massachusetts state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Massachusetts*
2008	\$204,325	\$204,625
2009	192,789	193,104
2010	199,799	199,590
2011	197,040	197,368
2012	191,228	191,754

*Amounts are actual expenditures.

Sources: Committee for Public Counsel Services, Historical Spending; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Michigan

State Appellate Defender Office (est. 1978) *Mich. Comp. Laws § 780.711 through 780.719*

The Appellate Defender Commission is a seven-member commission appointed by the governor: two members are recommended by the Michigan Supreme Court; one member is recommended by the court of appeals; one member is recommended by the Michigan Judges Association; two members are recommended by the State Bar of Michigan; and one member is a non-attorney selected from the general public by the governor. Sitting judges, prosecutors, and law enforcement officers may not be appointed to the board.

The commission provides oversight of two divisions. The first division, the State Appellate Defender Office, is state funded, staffed by a full-time state appellate defender, and mandated to handle 25% of the state's indigent appellate cases. The second division, the Michigan Appellate Assigned Counsel System, is responsible for ensuring the other 75% of indigent appellants receive competent representation through a statewide, privately assigned counsel system. Administrative costs for the Appellate Assigned Counsel System are paid by the state, while the counties are responsible for the costs of counsel.

In 2013, by Public Act 93, Michigan created the Michigan indigent defense commission to propose minimum standards for the local delivery of indigent criminal defense services, providing effective assistance of counsel to adults throughout Michigan.

Local administration

At the trial level, Michigan indigent defense operates on a county basis, with each of the 83 counties selecting its preferred system. Each of the counties has sole responsibility for the funding of trial-level indigent defense.

TABLE 25
Michigan state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Michigan*
2008	\$13,622	\$14,907
2009	13,550	14,922
2010	12,833	14,959
2011	12,750	15,022
2012	12,866	...

...Not available due to changes in the presentation of judicial expense figures.

*Recommended appropriation amounts.

Sources: Michigan State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Minnesota

State Board of Public Defense (est. 1986) *Minn. Stat. § 611.14 through 611.273*

The State Board of Public Defense in Minnesota consists of seven members: four members are attorneys appointed by the Minnesota Supreme Court, and three are members of the public who are appointed by the governor. The board also appoints a chief public defender in each of the state's ten judicial districts and a chief appellate public defender. The board distributes funding from the legislature to the district and appellate offices. Although the State Board of Public Defense is part of the judicial branch of government, it is not under the judicial branch's administrative control.



A district public defender office is located in each of the state's ten judicial districts. District public defenders represent individuals in trial and juvenile court. An appellate and a state public defender office is also located in the state. The state public defender supervises the operation, activities, policies, and procedures of the statewide public defender system.

The Appellate Defender Office provides constitutionally mandated services to indigent Minnesotans who appeal their criminal cases to the Minnesota Court of Appeals and state supreme court, those who pursue post-conviction proceedings similar to community notification hearings and prison disciplinary proceedings in the district courts throughout the state, and defendants in supervised release or parole revocation proceedings. Most conflict of interest cases are handled by part-time public defenders who are employed by the State Board of Public Defense, but who maintain private offices.

Local administration

In the 1990s, Minnesota assumed the cost of the public defender system from the counties, with the exception of Hennepin County. (In the Fourth Judicial District, costs are shared between Minnesota and Hennepin County.) Table 27 provides additional public defender expenditure information for Hennepin County from 2008 through 2012.

TABLE 26

Minnesota state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Minnesota*
2008	\$67,370	\$60,708
2009	67,775	62,403
2010	66,238	65,936
2011	67,163	68,394
2012	64,509	66,392

*Amounts are appropriations.

Sources: Minnesota State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

TABLE 27

Minnesota local government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	Hennepin County*
2008	\$14,688	\$15,284
2009	14,598	16,133
2010	15,545	16,157
2011	15,714	15,210
2012	14,457	14,843

*Amounts are actual expenditures.

Sources: Hennepin County Budget Publications; and U.S. Census Bureau, Annual Survey of State and Local Government Finances, FY 2008–2012.

Mississippi

Office of State Public Defender (est. 2011)

Miss. Code Ann. § 99-18-1; 99-15-15; 99-40-1; 25-32-71

The Office of State Public Defender in Mississippi became active on July 1, 2011. The governor, with the advice and consent of the state senate, appoints a state defender to maintain the office. The state defender is responsible for hiring personnel for the office and the administration, budget, and finances of the office and its divisions. The office is comprised of three divisions:

- The Capital Defense Counsel Division provides representation to indigent individuals under indictment for death penalty-eligible offenses, ancillary matters related directly to death-eligible offenses, and other activities expressly authorized by statute. The division is administered by a director, also referred to as the capital defender, who is appointed by the state defender.
- The Division of Indigent Appeals handles all felony indigent criminal appeals, not including individuals convicted of capital offenses.
- The Division of Public Defender Training provides training to all of Mississippi's public defenders at the state, county, and municipal levels.

The office is funded by the Capital Defense Counsel Fund, the Indigent Appeals Fund, and the Public Defenders Education Fund. If needed, the state defender may employ private counsel for defendants facing capital charges through appropriations in the Capital Defense Counsel Fund.

Office of Post-Conviction Counsel (est. 2000)

Miss. Code Ann. § 99-39-101

The Office of Post-Conviction Counsel in Mississippi is supervised by a director who is appointed by the governor, with the advice and consent of the state senate. The office provides representation to indigent persons on appeal who have been convicted and are under a sentence of death. A Capital Post-Conviction Counsel Fund within the state treasury provides funding for the office. The fund consists of monies appropriated by the state legislature, federal government, and fees collected for certain violations, misdemeanors, and felonies.

**Local administration****Miss. Code Ann. § 25-32-1**

A court or judge may appoint counsel to any person charged with a felony, misdemeanor that is punishable with 90 or more days of confinement, or any act of delinquency.

The board of supervisors of any county or the boards of supervisors of two or more counties in the same circuit court may establish an office of public defender. The circuit judge, or the senior circuit judge if there is more than one circuit judge, appoints the public defender when an office is established. The county or counties are responsible for providing office space, personnel, and funding for such an office and its operating expenses. The funds must be paid on allowance by the board of supervisors by order of the board. The office will serve as an alternative to court-appointed counsel and must provide legal defense to any person arrested and charged with a felony, misdemeanor, or act of delinquency. The public defender also represents persons in need of mental treatment. Services are provided at every critical stage in the legal proceedings, including appellate appearances. An office may be terminated at the discretion of the creating board(s) of supervisors.

TABLE 28**Mississippi state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Mississippi*
2008	\$2,810	\$3,010
2009	3,100	3,252
2010	3,268	3,544
2011	3,582	4,473
2012	4,307	4,652

*Amounts are appropriations.

Sources: State of Mississippi Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Missouri**Public Defender Commission****Mo. Rev. Stat. § 600.011 through 600.101**

Missouri has a statewide centrally administered public defender system to provide legal representation to indigent defendants at levels of the state trial court, appellate court, Missouri Supreme Court, and U.S. Supreme Court, and at all stages of legal proceedings. Services may be provided to individuals detained or charged for a felony, individuals detained or charged with a misdemeanor that would likely result in confinement in a county jail on conviction, individuals charged with violating probation and need protection of due process rights, individuals taken into custody as a sexually violent predator, cases that require appointed counsel under the state or federal Constitution, and defendants charged with a crime that may result in the loss or deprivation of liberty.

Missouri's Public Defender Commission is responsible for the administration and the rules and regulations of the state system. The commission is comprised of seven members, four of whom shall be lawyers, appointed by the governor, with the advice and consent of the state senate. The state system has three legal service divisions:

- The Trial Division has 33 offices throughout the state and provides services to indigent defendants through its offices.
- The Capital Division represents indigent defendants charged with capital crimes.
- The Appellate/Post-Conviction Division is comprised of three offices that provide appellate representation in the Missouri Court of Appeal and the Supreme Court of Missouri. These offices also provide post-conviction representation in every jurisdiction throughout the state.

The Office of State Public Defender is an independent department of the judicial branch of the state government. The commission appoints a director to maintain the office. The director may establish divisions, facilities, and offices as needed, with approval from the commission. The commission is responsible for establishing regional offices and selecting public defenders to maintain such offices. Public defenders are allowed to employ assistant public defenders, deputy public defenders, and other staff. In addition to public defenders, the state public defender system includes contract and assigned counsel on a case-by-case basis.

The city or county (or counties if a district covers more than one county) is responsible for paying office space costs and utility service use for regional offices. The state is responsible for all other expenses of these offices. The director, with the assistance and approval of the commission, annually submits a budget to the governor and general assembly for approval.

TABLE 29**Missouri state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Missouri*
2008	\$34,501	\$34,597
2009	35,614	35,715
2010	35,913	35,548
2011	36,145	36,233
2012	35,739	35,847

*Amounts are actual expenditures.

Sources: Executive Budget - State Public Defenders Financial Summaries; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Montana

Office of the State Public Defender (est. 2006)

Mont. Code Ann. § 47-1-101 through 47-1-216

Montana has a statewide public defender system to provide counsel to indigent persons accused of a criminal crime and other individuals in civil cases who are entitled by law. The system is supervised by a Public Defender Commission and is administered by the Office of the State Defender. The commission is responsible for dividing the state into no more than 11 public defender regions and determines how services are administered in each region. The commission may establish a regional office, contract counsel services, or determine another option to deliver indigent defense services in each region.

The commission also appoints a chief public defender and a chief appellate defender, both of whom serve at the pleasure of the commission. Both the chief public defender and the chief appellate defender may hire and supervise personnel for their respective offices. The chief public defender office hires and assigns a deputy public defender to supervise each region with an office. The regional office, or the Office of the Appellate Defender in regions with no regional office, are responsible for assigning counsel on court order.

TABLE 30

Montana state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Montana*
2008	\$19,711	\$18,936
2009	20,473	19,624
2010	20,337	19,416
2011	21,406	20,269
2012	23,335	21,870

*Amounts are actual expenditures.

Sources: Montana Public Defender Commission, Report to the Governor, Legislature, and Supreme Court; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Nebraska

Commission on Public Advocacy (est. 1995)

R.R.S. Neb. § 29-3901 through 29-3933; R.R.S. Neb. § 23-3401 through 23-3408

The State of Nebraska's Commission on Public Advocacy assists counties with indigent defense representation. The commission consists of nine members appointed by the governor, and may provide legal services and adopt guidelines and standards on indigent defense, including how to distribution funds appropriated by the state legislature to reimburse counties for defense services. The reimbursement funds are appropriated to the commission on Public Advocacy Operations Cash Fund.

The commission consists of five divisions:

- The Capital Litigation Division assists in the defense of capital cases.
- The Appellate Division handles appeals to the court of appeals and Nebraska Supreme Court.
- The Violent Crime and Drug Defense Division assists in the defense of certain violent and drug-related crimes.
- The DNA Testing Division assists in the representation of persons who file a motion under the DNA Testing Act.
- The Major Case Resource Center assists public defenders, contract attorneys, and court-appointed attorneys with the defense of indigent individuals charged with felony offenses.

Local administration

R.R.S. Neb. § 23-3401 through 23-3408

An office of judicial district public defender may be established by the district judge(s) in any judicial district with a need and certification by the governor. The judicial district public defender is initially appointed by the judicial court judge(s), and later elected. Funds for judicial district public defenders are appropriated from the Office of the Governor.

An Office of Public Defender is established in all counties with more than 100,000 in population, or in any other county on approval of the county board.³ Typically, the public defender is initially appointed and subsequently elected. However, in counties with a population under 35,000 residents with an Office of Public Defender, the public defender may be appointed by the county board. Subject to the approval and consent of the county board, a public defender may appoint assistant public defenders. Counties provide resources for their indigent defense systems. However, counties may request reimbursements for a portion of their expenditures. The county clerk in qualifying counties may request from the State Commission on Public Advocacy reimbursements for 25% the total amount for a county's actual expenditures for indigent defense services in felony cases from funds appropriated by the state legislature.

³As of the 2010 Decennial Census, Douglas, Lancaster, and Sarpy Counties were the only counties in Nebraska to exceed 100,000 residents.

TABLE 31

Nebraska state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Nebraska*
2008	\$3,337	\$3,337
2009	3,471	3,473
2010	3,733	3,736
2011	3,605	3,608
2012	3,533	3,535

*Amounts are actual expenditures.

Sources: State of Nebraska Budget in Brief; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



In counties without an Office of Public Defender or Office of Judicial District Public Defender, the court appoints counsel to indigent individuals.

Indigent defense services may be provided to individuals facing a felony charge, including hearings on charges of violation of felony probation at all critical stages of legal proceedings. Defense services may also be provided to indigent individuals facing a petition filed with a mental health board. Representation may also be provided to individuals charged with misdemeanor offenses punishable by imprisonment, if allowed by the court. The court determines indigence.

Nevada

Office of the State Public Defender (est. 1971) *Nev. Rev. Stat. Ann. § 180.010 through 180.110*

Nevada's Office of the State Public Defender, located within the state's Department of Health and Human Services, provides indigent defense services in counties with populations fewer than 100,000 or counties that do not have a county public defender office. Currently, the office serves only Carson City and White Pine County. The governor appoints the state public defender, who establishes branch offices and hires deputy public defenders to supervise these offices. The state provides representation at all stages of legal proceedings, including revocation of probation and parole, appeals, and post-conviction proceedings. The state public defender may contract with attorneys and with county public defenders to provide services. The state may charge and collect amounts from counties, as authorized by the state legislature for services. The state public defender reports annually to the governor and participating counties.

Local administration *Nev. Rev. Stat. Ann. § 260.010 through 260.080*

The boards of county commissioners in Clark and Washoe Counties must create an Office of the Public Defender by ordinance. Counties that have fewer than 100,000 in population may choose to establish an Office of the Public Defender. Additionally, multiple counties may choose to establish a joint office. Offices are run by a county public defender, who serves at the pleasure of the county board(s) of commissioners. An office provides services to defendants who have been placed under arrest and charged with a public offense. Counties provide representation at all stages of legal proceedings, including revocation of probation and parole, appeals, and post-conviction proceedings. The county public defender may, with approval by the county board of commissions, appoint deputy public defenders and staff. A county office may also contract for services of the state public defender. The magistrate or district court may also appoint an attorney outside of the public defender for representation to be paid by county funds, if deemed necessary by the court. A county public defender reports annually to the board of county commissioners.

TABLE 32
Nevada state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Nevada*
2008	\$1,927	\$2,352
2009	2,155	2,665
2010	2,273	2,866
2011	2,644	2,845
2012	3,234	3,241

*Amounts for fiscal years 2008, 2010, and 2012 are actual expenditures. Amounts for fiscal years 2009 and 2011 are adjusted appropriations.

Sources: State of Nevada, Executive Biennial Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

New Hampshire

New Hampshire Public Defender (est. 1972) *N.H. Rev. Stat. Ann. § 604-B:1 to B:8*

In New Hampshire, a state public defender is completely state funded and provides primary representation in trial and appellate cases. The public defender program has nine regional offices, one administrative office, an appellate office, and a special defender office. An all-volunteer board of directors oversees the Public Defender Program. The board's membership elects six directors, and the New Hampshire Bar Association's Board of Governors appoints three directors. The public defender handles juvenile delinquency cases in local, district, and family courts, and adult clients in misdemeanor, felony, homicide, and capital cases in the district and superior courts, plus appellate advocacy in the state supreme court.

Judicial Council (est. 1945) *N.H. Rev. Stat. Ann. § 494:1 to 494:7*

For conflict of interest cases, the 24-member New Hampshire Judicial Council administers assigned counsel and contract defender programs. The Judicial Council contracts with an organization or group of lawyers approved by the board of governors of the New Hampshire Bar Association to operate a public defender program.

TABLE 33
New Hampshire state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of New Hampshire*
2008	...	\$16,581
2009	\$17,930	17,930
2010	18,478	18,258
2011	18,957	18,957
2012	18,038	18,038

...Not available due to lack of detail in the data.

*Amounts are actual expenditures.

Sources: New Hampshire State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



New Jersey

Office of the Public Defender (est. 1967) *N.J. Stat. § 2A:158A-1 through 2A:158A-25*

The State of New Jersey's Office of the Public Defender is located in the executive branch of the state government and allocated within the Department of the Treasury. Indigent defense services are provided to defendants in criminal cases who are formally charged with an indictable offense in all stages of the proceedings, juvenile delinquents, juveniles in need of supervision, representation of children in family matter issues, and individuals involuntary committed to state psychiatric facilities. The office is comprised of the following divisions and provides the following services:

- The Division of Administrative Services handles the business and financial matters of the office.
- The Appellate Section provides representation in appeals filed by adults and juveniles in lower court rulings in the state.
- The Office of Law Guardian provides representation and services to children in family court matters involving allegations of abuse and neglect, or in cases involving the termination of parental rights.
- The Office of Juvenile Services provides services to juvenile defendants in the state.
- The Office of Parental Representation provides representation to parents involved in cases of alleged neglect or abuse of a child filed by the New Jersey Division of Youth and Family Services in family court.
- The Special Hearings Unit provides mandated representation in Megan's Law tier classification hearings for sex offenders.
- The State's Intensive Supervision Programs through the Administrative Office of the Courts provides representation at hearings designed to direct offenders from prison into community-based correctional programs.
- The Division of Mental Health Advocacy provides representation for hearings at federal, state, county, general, and private psychiatric hospitals.
- The Office of Dispute Settlement provides mediation and arbitration services in the public interest.

The office is administered by the public defender, who is appointed by the governor with the advice and consent of the senate. The public defender may appoint deputy public defenders and assistant deputy public defenders as needed. To help provide indigent defense services, one regional office is currently located in each of the 21 counties in the state. Each regional office is headed by a deputy public defender, who supervises caseloads, maintains private attorney pools, and supervises reports to the Office of the Public Defender.

Assistant deputy public defenders, those who try the cases, are assigned to each region based on the caseload in that county. The public defender must also maintain one or more trial pools of lawyers for services on a case-by-case basis. The case workload is divided among professional staff and the trial pool(s). If the caseload for staff and trial pool lawyers is full, the public defender may contract with private and public organizations to provide services. The public defender is also responsible for providing case statistics and financial records in an annual report to the state legislature, governor, and New Jersey Supreme Court.

TABLE 34
New Jersey state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of New Jersey*
2008	\$110,640	\$110,521
2009	115,620	115,622
2010	113,643	119,949
2011	115,683	119,379
2012	117,628	121,862

*Amounts are actual expenditures.

Sources: State of New Jersey Budget, Department and Branch Recommendations-Department of the Treasury; The Governor's Budget, Detailed Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

New Mexico

State Public Defender (est. 1973) *N.M. Stat. Ann. § 31-15-1 through 31-15-12*

New Mexico's Public Defender Department is centralized, state funded, and administers indigent defense services in the state. The New Mexico Public Defender Commission appoints the chief public defender in the state. The public defender commission consists of 11 members. Members include one member appointed by the governor, three members appointed by the chief justice of the New Mexico Supreme Court, three members appointed by the dean of the University of New Mexico School of Law, one member appointed by the speaker of the house of representatives, one member appointed by the majority floor leaders of each chamber, and one member appointed by the president pro tempore of the state senate.

TABLE 35
New Mexico state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of New Mexico*
2008	\$41,293	\$41,374
2009	42,732	42,558
2010	41,029	40,950
2011	40,523	39,945
2012	38,519	38,406

*Amounts are actual expenditures.

Sources: New Mexico Public Defender Department Financial Statements; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



At the trial level, the department provides representation to adults and juveniles through its seven district offices and four satellites offices. The defender system also has centralized offices for administration, appellate, mental health, capital crimes, and post-conviction cases. The Contract Counsel Legal Services, which has one centralized office in the state, is funded by New Mexico as a public defender system. These private attorneys handle all aspects of criminal defense cases, including misdemeanor, juvenile, felony, murder, capital offenses, and appeals.

New York

Capital Defender Office (est. 1995) *N.Y. Jud. Ct. Acts § 35b*

The Capital Defender Office (CDO) was established in 1995 under New York State's death penalty statute to provide representation, support, and assistance at all stages of capital litigation. The office was subsequently abolished in 2009 in the wake of New York's abolition of the death penalty in 2004.

Indigent Legal Services Fund (est. 2003) *N.Y. State Fin. Law § 98b*

New York's criminal indigent defense system is primarily funded by its 62 counties, which, by statute, may use a public defender program, conflict defender office, private legal aid society, or coordinated assigned counsel system to provide indigent defense services. Although the counties are primarily responsible for funding indigent defense services, the New York legislature created the Indigent Legal Services Fund (ILSF) to provide funding to counties and provide full funding for representation of children in dependency and delinquency cases. Funding for representation of adults in dependency cases is still the responsibility of the counties in the state. The ILSF helps pay for indigent defense expenditures in family court and helps the counties pay for all other indigent defense costs. State funding may not be used by counties or cities to replace local funding that would use funding for the indigent defense programs, but must be used to supplement local funds.

Office of Indigent Legal Services (est. 2010) *N.Y. Exec. Law § 832*

The Office of Indigent Legal Services was created to monitor, study, and make efforts to improve the quality of indigent defense services provided by the counties. The office replaced the state comptroller as the agency responsible for the state's distributions to the county from the ILSF.

The office is governed by a nine-member board appointed by the governor, with set requirements for each appointee (e.g., recommendations, judicial experience, and held positions). Board members cannot be active prosecutors, law enforcement officials, or anyone employed by or providing services to them.

Mental Hygiene Legal Services (est. 1985) *N.Y. Men. Hyg. Law § 47*

Mental Hygiene Legal Services provides representation to indigent persons convicted of sex offenses and who are facing civil commitment proceedings. The U.S. Census Bureau was unable to obtain expenditures for the activities of this service. Therefore, they are excluded from this report.

TABLE 36
New York state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of New York*
2008	\$87,652	\$92,800
2009	79,935	101,560
2010	89,038	101,445
2011	95,389	90,793
2012	109,256	62,701

*Amounts are actual expenditures.

Sources: New York State Budget Publications and New York State Office of Indigent Legal Services, FY 2008–2012.

North Carolina

Office of Indigent Defense Services (est. 2000) *N.C. Gen. Stat. § 7A-450 through 7A-499*

North Carolina's Office of Indigent Defense Services is located within the state's judicial department. The office created the Commission on Indigent Defense, which consists of 13 members: one member is appointed by the chief justice of the North Carolina Supreme Court, one member is appointed by the governor, one member is appointed the general assembly on recommendation of the president pro tempore of the state senate, one member is appointed by the general assembly on the recommendation of the speaker of the house of representatives, one member is appointed by the North Carolina Public Defenders Association, two members are appointed by the North Carolina State Bar, one member is appointed by the North Carolina Academy of Trial Lawyers, one member is appointed by the North Carolina Association of Black Lawyers, one member is appointed by the North Carolina Association of Women Lawyers, and three members are appointed by the commission. The commission helps to develop the standards for indigent defense services and operating standards for regional and district public defender offices and appellate defender offices.

The state is divided into judicial districts, and the commission determines the methods for delivering services to indigent persons. Services may be provided by a system of appointed counsel, contract counsel, part-time public defenders, public defender offices, appellate defender services, and any other methods, including contracted counsel, or a combination of these methods. The commission consults with each district bar and judges to determine methods for a given district. In the 16 judicial districts where a public defender office has been established by the legislature, the commission appoints a public defender to run the day-to-day operations of the office. Public defenders are required to periodically report activities to the office. The state appropriates funds for these offices.

The commission is also responsible for appointing the director of the indigent defense services, who administers the office. Additionally, the director is responsible for preparing and submitting a budget to the commission and the general assembly. The budget of the office is part of the judicial department's budget. The director is also responsible for administering the statewide sentencing services program, which provides the judicial system with information to assist in imposing sentences, helps provide increased opportunities for certain felons to make restitutions through financial reimbursement or community services, and helps make the best and most effective use of resources. The director may award grants and adopt regulations for implementing, monitoring, and operating local sentencing services programs and administering funds appropriated by the general assembly. For the purposes of this report, the Sentencing Services Programs and funding is not included in data because it is not limited to convicted indigent individuals.

The commission also appoints an appellate defender, a capital defender, and a juvenile defender. The appellate defender is responsible for providing representation to indigent persons following conviction in trial courts. The capital defender represents indigent persons who are charged with potentially capital offenses. The appellate defender, capital defender, and juvenile defender manage offices within the Office of Indigent Defense Services and may use contracted counsel to provide services.

Indigent defense services may be provided to a defendant in any case where imprisonment or a fine of \$500 or more is likely to be adjudged; any case appealing a conviction of a felony, fine of \$500 or more, or imprisonment; a hearing on a petition on the writ of habeas corpus; a hearing for revocation of probation; a hearing on extradition to another state; a proceeding for involuntary commitment to a facility for mental illness or substance abuse; any case involving an execution charge of civil arrest and bail proceeding; a hearing that may result in commitment to an institution or transfer to the superior court for trial on a felony charge for juveniles; a hearing for revocation of parole; a proceeding for the provision of protective services; cases involving a juvenile alleged to be abused, dependent, or neglected; a proceeding to find a person incompetent; a proceeding to terminate parental rights, where

a guardian ad-litem is appointed; an action to terminate an indigent person's parental rights; a proceeding involving consent for an abortion on an unemancipated minor; a proceeding involving limitation on freedom of movement or access; a proceeding involving placement into satellite monitoring; or outpatient involuntary commitment proceedings.

TABLE 37
North Carolina state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of North Carolina*
2008	\$116,097	\$114,782
2009	126,891	120,560
2010	131,386	130,894
2011	135,961	135,792
2012	125,603	124,645

*Amounts are actual expenditures.

Sources: Report on the Commission on Indigent Defense Services; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

North Dakota

North Dakota Commission on Legal Counsel for Indigents (est. 2005)

N.D. Cent. Code § 54-61-01 through 54-61-04

In 2005, North Dakota ratified legislation to reform the state's indigent defense system. The new system features a seven-member Commission on Legal Counsel for Indigents, which is responsible for overseeing the complex process of delivering state-funded legal counsel services for indigents. Members of the commission include two members appointed by the governor, one of whom must be appointed from a county with a population of not more than 10,000 residents; two members of the legislative assembly, one from each house, appointed by the chairman of the legislative management; two members appointed by the chief justice of the North Dakota Supreme Court, one of whom must be appointed from a county with a population of not more than 10,000 residents; and one member appointed by the board of governors of the State Bar Association of North Dakota.

TABLE 38
North Dakota state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of North Dakota*
2008	\$4,659	\$4,116
2009	5,144	3,699
2010	5,463	4,306
2011	5,827	5,123
2012	6,140	5,634

*Amounts are actual expenditures.

Sources: North Dakota Comprehensive Annual Financial Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



The North Dakota Commission on Legal Counsel maintains six full-time public defender offices. In each office, a supervising attorney takes criminal and juvenile assignments from the court staff. Those cases are assigned first to the public defenders, and then to conflict counsel, who are area attorneys that have contracted with the agency to provide case-by-case service, or by attorneys who have contracted for monthly conflict services. Private contractors provide indigent defense services in areas where there is no public defender or in conflict cases.

Ohio

Office of the State Public Defender (est. 1976) *ORC Ann. § 120.01 through 120.08*

The Ohio Public Defender Commission is responsible for supervising and establishing standards of indigent defense services in the state. The commission appoints a state public defender to serve at its pleasure. The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation to indigent defendants throughout the state. Additionally, the state public defender maintains financial records, appoints assistant public defenders, and supervises local defenders. The state public defender uses funds from the Civil Case Filing Fee Fund in the state treasury to appoint assistant public defenders, and for personnel, equipment, and facilities for the Office of the State Public Defender. The commission is responsible for submitting an annual report on the operations of the State Public Defender's Office, the county-appointed counsel systems, and the county and joint county public defender offices.

Local administration *ORC Ann. § 120.13 through 120.41*

The county commissioners may establish a county public defender commission. The commission, consisting of five members appointed by the board of county commissioners and the judge or presiding judge of the court of common pleas of a county, appoints the county public defender. Representation may be provided to indigent adults or juveniles charged with an offense or act that violates state statute and which there is a penalty or possible adjudication that includes potential loss of liberty, and in post-conviction proceedings. A court may choose to appoint counsel other than the county public defender. The office of county public defender recommends an annual operating budget, which requires approval from the county commissioners. The county public defender may contract with the state public defender or one or more nonprofit organizations to provide indigent defense services. Additionally, a county public defender may contract with any municipal corporation within the county served by the county public defender to provide legal representation to indigent persons charged with violating an ordinance of the municipal corporation, at the cost of said municipal corporation. Counties may request that the state public defender reimburse

50% of a county public defender's office operating expenses. A county public defender reports to both the county commissioners and the Ohio Public Defender Commission.

The boards of county commissioners in two or more adjoining or neighboring counties may form a joint county public defender commission. The establishing agreement determines the allocation of expenses to be paid by each participating county. Joint county public defender commissions operate under similar laws as a single county public defender commission.

The board of county commissioners of any county may adopt a resolution to pay counsel who are either personally selected by an indigent defendant or appointed by the court, as opposed to using a county public defender or joint county public defender. The county auditor is responsible for reporting expenses to the board of county commissioners and the state public defender. A county may request reimbursements for defense services from the state public defender.

A County Representation Fund in the state treasury consists of monies from counties for any legal services provided by the state public defender, when designated by the court or requested by a county or joint county public defender.

The total amount of money paid to all counties in any fiscal year for reimbursement of a percentage of the counties' cost of operating county public defender offices, joint county public defender offices, and county-appointed counsel systems cannot exceed the amount appropriated by the state general assembly. If the amount appropriated by the general assembly is insufficient to cover 50% of total operating costs, the percentage will be reduced proportionately so that each county is reimbursed an equal percentage of its indigent defense system costs. Funds appropriated by the general assembly for this purpose are placed in the Indigent Defense Support Fund in the state treasury.

TABLE 39
**Ohio state government indigent defense expenditures,
FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Ohio*
2008	\$86,076	\$77,203
2009	65,037	65,192
2010	68,043	68,203
2011	74,233	74,324
2012	70,413	70,565

*Amounts are actual expenditures.

Sources: State of Ohio, Executive Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Census Bureau data available were available for Cuyahoga County.

TABLE 40
Ohio local government indigent defense expenditures, FY 2008–2012

Fiscal year	Cuyahoga County total expenditures (in thousands)
2008	\$8,079
2009	8,079
2010	20,130
2011	8,639

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Oklahoma

Oklahoma Indigent Defense System (est. 1991) *Okla. Stat. Title 22 § 1355 through 1370.1*

The Oklahoma Indigent Defense System has a five-member board of directors appointed by the governor, with the advice and consent of the state senate. At least three members must be attorneys licensed to practice law in the State of Oklahoma that have experience through the practice of law in the defense of persons accused of crimes. No congressional district are represented by more than one member on the board.

The system provides trial, capital, appellate, and post-conviction defense services to indigent defendants, both adult and juvenile, in 75 counties throughout the state. For conflict of interest cases or staff overload, cases that would go to the system are contracted to private attorneys who represent defendants at rates established by the system.

Local administration

Individuals charged in Oklahoma and Tulsa Counties are not represented by the system, but rather by separate full-time, county-run public defender offices. Oklahoma and Tulsa counties are entirely responsible for funding indigent defense within their counties.

TABLE 41
Oklahoma state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Oklahoma*
2008	\$17,361	\$15,722
2009	18,006	15,578
2010	17,186	14,437
2011	16,840	14,443
2012	16,581	14,544

*Amounts are actual expenditures.

Sources: Oklahoma Comprehensive Annual Financial Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

TABLE 42
Oklahoma local government indigent defense expenditures, FY 2008–2012

Fiscal year	Oklahoma County and Tulsa County total expenditures (in thousands)
2008	\$85,000
2009	81,000
2010	90,000
2011	87,000

*Amounts are actual expenditures.

Sources: Oklahoma County, Comprehensive Annual Financial Reports; and Tulsa County, Comprehensive Annual Financial Reports, FY 2008–2012.

Oregon

Public Defense Services Commission (est. 2001) *Or. Rev. Stat. § 151.211 through 151.225*

Indigent defense services in Oregon are entirely state funded and state administered. Oregon's Public Defense Services Commission (PDSC) established an Office of Public Defense Services (OPDS), which has two main divisions: the Contract and Business Services (CBS) and the appellate division. The commission consists of seven members appointed by order of the chief justice. In addition to the seven appointed members, the chief justice serves as a nonvoting, ex officio member, and appoints at least two persons who are not bar members, at least one person who is a bar member and who is engaged in criminal defense representation, and at least one person who is a former Oregon state prosecutor. A member may not serve concurrently as a judge, a prosecuting attorney, or an employee of a law enforcement agency. A person who is primarily engaged in providing public defense services also may not serve as a member of the commission.

TABLE 43
Oregon state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Oregon*
2008	\$106,614	...
2009	100,580	\$212,471
2010	118,057	...
2011	108,664	223,519
2012	112,269	...

...Not available.

*Amounts are actual expenditures aggregated over 2 years. Data from 2008 are included in 2009 data, and data from 2010 are included in 2011 data.

Sources: Oregon State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Oregon's statewide indigent defense program is responsible for numerous types of cases, including termination of parental rights, dependency (adults and juveniles), civil commitment, Psychiatric Security Review Board, child support contempt, felonies, misdemeanors, juvenile delinquency, appeals, and habeas corpus petitions. As of July 2003, the commission assumed all duties and services of the Indigent Defense Services Division (IDSD) of the State Court Administrator's Office. These services include administration of county contracts for all indigent defense representation (trial and appellate, except those cases that the state appellate office handles) in Oregon's state courts.

Pennsylvania

The Public Defender Act of 1968 (P.L. 1144, No. 358, Section 1) provides for the establishment of a public defender in each of the counties in the State of Pennsylvania. The public defender is appointed by the Board of County Commissioners in each county and represents qualified individuals in juvenile delinquency proceedings, adult criminal trials, appellate proceedings, post-conviction appeals, and probation and parole proceedings. The State of Pennsylvania does not provide any funding of the public defenders, leaving financial responsibility to each of the counties. An effort by the Task Force and Advisory Commission on Services to Indigent Criminal Defendants has been undertaken to create a statewide commission to assist with indigent defense programs in the state, but no legislation has been enacted. A centralized external location to collect county expenditures does not exist.

Rhode Island

Office of the Public Defender (est. 1941) *R.I. Gen. Laws § 12-15-1 through 12-15-11*

Rhode Island has a statewide, state-funded public defender system. The Office of the Public Defender has four main divisions:

- Appellate
- Family Court
- Parental Rights
- Criminal Trial.

The Office of the Public Defender provides direct representation to indigents charged with misdemeanors and felonies in all district and superior courts. The public defender also represents juvenile delinquents and the parent or guardian in abuse and neglect cases. Court-appointed attorneys represent defendants in conflict of interest cases. The

Office of the Public Defender maintains six offices throughout the state. The Rhode Island Public Defender also maintains a Community Partnership Council, an in-house committee comprised of Public Defender employees, including attorneys, social workers, intake personnel, and support staff.

TABLE 44
Rhode Island state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Rhode Island*
2008	\$12,673	\$12,672
2009	12,613	12,617
2010	12,671	12,674
2011	13,434	13,439
2012	13,805	13,809

*Amounts are actual expenditures.

Sources: Rhode Island State Judicial Department and Office of Public Defender Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

South Carolina

South Carolina Commission on Indigent Defense (est. 1993)

S.C. Code Ann. § 17-3-5 through 17-3-380

South Carolina's Commission on Indigent Defense supervises the Office of Indigent Defense, including all its divisions. The commission consists of 13 members, including nine appointed by the governor, two appointed by the chief justice of the South Carolina Supreme Court, and the chairmen of the senate and house judiciary committees. The commission is responsible for establishing divisions within the office to administer services and programs, and is funded by appropriations from the State General Appropriations Act. The office is also responsible for distributing all funds appropriated by the general assembly for indigent defense services. The executive director of the office is responsible for annually submitting a budget to the commission, which also includes a Division of Appellate Defense that represents defendants in criminal appeals of the South Carolina Supreme Court and Court of Appeals.

Local administration

S.C. Code Ann. § 17-3-510 through 17-3-600

Each judicial circuit in the State of South Carolina has a circuit public defender selection panel responsible for selecting a circuit public defender. A circuit public defender is responsible for supervising assistant public defenders, maintaining financial and case records, establishing a juvenile offender division, and submitting a proposed budget to the Commission on Indigent Defense. The circuit public defender hires assistant public defenders and other personnel, who are considered employees of the administering county. The employees of the circuit public defender are paid by the administering county.



The circuit public defender may also contract with attorneys to provide indigent defense services. Counties receive state appropriations and reimbursements that cover part of the costs of indigent defense services, with remaining costs appropriated from county funds.

TABLE 45
South Carolina state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of South Carolina*
2008	\$23,763	\$23,765
2009	27,793	27,799
2010	24,702	24,706
2011	21,717	21,722
2012	21,938	24,010

*Amounts are actual appropriations from prior years.

Sources: State of South Carolina Governor's Executive Budget – Detail Base Budget; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

South Dakota

In South Dakota, each county organizes and funds its own indigent defense delivery system. While the majority of counties use contract or assigned counsel systems, some counties use public defender offices instead. Counties in South Dakota may opt to participate in a catastrophic indigent defense fund. The County Commissioners' Association administers the fund, and the fund acts as insurance against small counties' extraordinary costs for complex cases, such as death penalty cases, that may occur in their jurisdictions. The State of South Dakota provides very little funding to the counties for public defender programs. A centralized external location to collect county expenditures does not exist.

TABLE 46
South Dakota state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of South Dakota*
2008	...	\$769
2009	...	751
2010	...	696
2011	...	646
2012	...	624

...Not available.

*Amounts are actual expenditures.

Sources: South Dakota Office of the State Treasurer Annual Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Tennessee

District Public Defenders Conference (est. 1989)
Tenn. Code Ann. § 8-14-201 through 8-14-501

In Tennessee, the statewide system of public defenders is called the District Public Defenders Conference. Each of the 31 district public defenders in Tennessee are elected. Tennessee is one of two states (Florida being the other) that has elected public defenders in nearly every judicial district. The District Public Defenders Conference has the responsibility of dispersing funds and making policy decisions concerning the program on a statewide basis.

Office of the Post-Conviction Defender and Post-Conviction Defender Commission (est. 1995)
Tenn. Code Ann. §§ 40-30-101 to 40-30-313

The Office of the Post-Conviction Defender (OPCD) provides legal representation to indigent individuals who have been sentenced to death by Tennessee state courts. Through post-conviction litigation, OPCD fully investigates each case and the legal process that resulted in the original capital conviction and sentence. OPCD also assists other capital defense attorneys in the state through noncase-specific advice and training programs. A nine-member Oversight Commission, appointed by the governor, the lieutenant governor, and the speaker of the house, is responsible for choosing the director and assists the office in each year's budgetary process. Two counties, Shelby and Davidson Counties, must also provide a portion of the funding for indigent defense because each county is running its own public defender system. Shelby and Davidson Counties receive additional funding from the state (which is included in the state total in table 47).

TABLE 47
Tennessee state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Tennessee*
2008	\$62,152	\$59,652
2009	...	67,123
2010	69,704	67,792
2011	71,144	69,193
2012	74,032	72,013

...Not available. The State of Tennessee was unable to report for FY 2009. For more information, see appendix A.

*Amounts are actual expenditures.

Sources: Tennessee State Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

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TABLE 48
Tennessee local government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)*
2008	\$13,636
2009	13,209
2010	13,699
2011	14,100
2012	14,596

*Amounts are actual expenditures.

Sources: Davidson County Comprehensive Annual Financial Report; Shelby County Comprehensive Annual Financial Report, FY 2008–2012.

Texas

Texas Indigent Defense Commission

Texas Code Crim. Proc. 1.051; Texas Gov't Code 79.001 through 79.039

The Texas Indigent Defense Commission was established in 2011 and replaced the Texas Task Force on Indigent Defense. The commission is administratively attached to the Office of Court Administration of the Texas Judicial System, and is governed by a board consisting of eight ex officio members and five appointed members, including the chief justice of the Texas Supreme Court, the presiding judge of the court of criminal appeals, one member of the state senate who is designated by the lieutenant governor, one member of the house of representatives as appointed by the speaker of the house, a court of appeals justice designated by the governor and one of the county court or statutory county court judges, one other member of the state senate appointed by the lieutenant governor, the chair of the House Criminal Jurisprudence Committee, and five additional members appointed by the governor with the advice and consent of the state senate. The commission was created to help interactions between state and local government for indigent defense services in the state. The state provides some funding for indigent defense services. In exchange, the local judiciaries report plans and financial data to the commission, which are in turn viewable to the public in a centralized location.

Office of Capital Writs (est. 2010)

Texas Gov't Code. 78.001

The state also has an Office of Capital Writs, established in 2010, to provide representation to individuals convicted of capital crimes in state post-conviction habeas corpus and related proceedings. The office is governed by the Capital Writs Committee, which is comprised of five members appointed by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas. The office receives funds for personnel costs and expenses from the General Appropriations Act and the Fair Defense Account. The Texas Indigent Defense Commission may also use funds from the Fair Defense Account to fund grants to counties to provide indigent defense services.

Office of State Counsel for Offenders

Texas Health & Safety Code 841.005

The Office of State Counsel for Offenders represents indigent defenders who are incarcerated in the Texas Department of Criminal Justice with counsel. The office consists of five legal sections:

- Trial
- Immigration
- General Legal
- Civil Commitment
- Appellate.

Local administration

Texas Code Crim. Proc. 26.044; 26.047 through 26.056

The Texas Fair Defense Act (FDA) was passed by the Texas Legislature in 2001, which required all criminal courts to adopt formal practices for providing indigent defense services in the state. The act helped provide uniformity and statewide procedures. Counties are allowed to determine a plan individually or among two or more counties for the method of providing indigent defense services, including a managed assigned counsel program, contract counsel, a public defender program, or some combination of these methods. The commissioners court of any county, on written approval of a judge of a county court, statutory county court, or district court trying certain cases, may create a department of the county or designate a nonprofit corporation to serve as a public defender's office. The commissioners' courts of two or more counties may enter into a written agreement to jointly create or designate and jointly fund a regional public defender's office. The commissioners' court(s) appropriate funds for such an office.

Services may be provided to defendants in criminal matters or in any adversary, judicial proceeding that may result in punishment by confinement, juvenile offenses, or if the court determines representation is required in the interest of justice. Services may also be provided in certain appellate and post-conviction habeas corpus matters. The state provides some appropriations for indigent defense services, but the majority of funds are provided locally.

TABLE 49
Texas state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Texas*
2008	\$19,248	\$22,299
2009	26,882	29,835
2010	30,377	29,373
2011	35,537	35,616
2012	26,981	29,548

*Amounts are actual expenditures.

Sources: Texas Task Force on Indigent Defense Annual and Expenditure Report; Texas Indigent Defense Commission Annual and Expenditure Report; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



Census Bureau data was available for three counties: Bexar, Dallas, and Harris Counties. Census data for Harris County was only available for FY 2011 and appear to be for a public defender pilot program.

TABLE 50**Texas local government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)*
2008	\$7,436
2009	8,939
2010	8,793
2011	9,208

*Census data for Bexar, Dallas, and Harris Counties. Census data for Harris County were only available for FY 2011 and appear to be for a public defender pilot program.

Source: U.S. Census Bureau, Annual Survey of State and Local Government Finances, FY 2008–2012.

Utah**Local administration****Utah Code Ann. § 77-32-101**

Traditionally, indigent defense programs have received no funding from the state. However, funding has changed slightly in recent years. Counties in Utah depend on numerous models of indigent defense delivery systems. Some counties have public defender offices, while other counties in the state contract with individual attorneys or use assigned counsel to provide indigent representation similar to other states that provide county-run indigent defense services.

Post Conviction Indigent Defense Fund**Utah Code Ann. § 77-32-701**

The only funding for indigent defense services from the State of Utah comes from the Post Conviction Indigent Defense Fund, which provides funding for persons convicted of a capital crime and sentenced to death to challenge the conviction and have counsel appointed. If a defendant requests counsel and is determined by the court to be indigent, costs of counsel and other reasonable litigation expenses incurred in providing the representation are paid from the state fund.

TABLE 51**Utah state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Utah*
2008	...	\$7
2009	...	96
2010	...	113
2011	...	168
2012	...	108

...Not available.

*Amounts are actual expenditures.

Sources: Utah Comprehensive Annual Financial Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Vermont**Office of the Defender General (est. 1972)****13 V.S.A. § 5201 through 5277**

The state's general assembly funds the Office of the Defender General to provide indigent defense services statewide. An appointed defender general administers the office and may establish a public defender office to determine how indigent defense services may be provided. Indigent defense services may be provided in a number of ways, including personally by the appointed defender general, employed public defenders, or contracted attorneys.

Clerical and office staff of the Office of the Defender General and in all local offices are considered state employees and are therefore paid by the state. The office's budget must be adopted by the general assembly. On rare occasions, the governor and the state treasurer may approve additional funds from the contingent fund after a budget has been adopted.

The defender general is required to submit an annual report to the state's house and senate judiciary committees on activities, including the number of individuals represented, crimes involved, outcome, and the expenditures of the office required to fulfill its obligations.

TABLE 52**Vermont state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Vermont*
2008	\$10,476	\$10,526
2009	10,955	10,990
2010	11,261	11,299
2011	11,649	11,704
2012	12,103	12,136

*Amounts are actual expenditures.

Sources: Vermont Final Comprehensive Annual Financial Report; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Virginia**Virginia Indigent Defense Commission (est. 2004)****Va. Code Ann. § 19.2-163.01**

The Virginia Indigent Defense Commission is responsible for overseeing indigent defense services in the Commonwealth. The commission consists of 14 members: the chairmen of the state's house and senate committees for courts of justice, the chairman of the Virginia State Crime Commission, the executive secretary of the Virginia Supreme Court, two attorneys officially designated by the Virginia State Bar, two members appointed by the governor, three members appointed by the speaker of the house of delegates, and three members appointed by the Senate Committee on Rules. Indigent defense services may be provided to an individual charged with a criminal offense punishable by death or confinement in a state correctional facility or jail.



The commission is responsible for maintaining public defender and regional capital defender offices that are established by the state general assembly. The commission is also responsible for hiring an executive director, who in turn may, with the commission's approval, appoint public or capital defenders to established offices. The executive director is responsible for fixing compensation for public defenders and other personnel in each public defender office, subject to approval of the commission. The commission must approve requests for appropriations, and receives and expends money appropriated by the general assembly. The governing body of any city or county may supplement compensation of the public defender above the amount fixed by the executive director. The commission also maintains a list of attorneys who may serve as court-appointed counsel for indigent defendants, in addition to public defenders.

The Virginia Indigent Defense Commission does not directly pay assigned council vouchers. These vouchers are paid directly by the Virginia State Supreme Court. As of this writing, the U.S. Census Bureau was unable to obtain exact figures from the state for these vouchers.

TABLE 53
Virginia state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Virginia*
2008	\$40,985	\$39,658
2009	42,039	43,300
2010	40,651	43,300
2011	41,450	42,634
2012	43,257	42,619

*Amounts are appropriations.

Sources: The Executive Budget Document - Indigent Defense Commission; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Washington

Office of Public Defense (est. 1996)

Wash. Rev. Code § 2.70.005 through 2.70.900

In Washington, public defense is provided by the Office of Public Defense (OPD) as an agency of the judicial branch, permanently authorized by the state legislature in 1996. OPD administers state funds appropriated for trial court criminal indigent defense, appellate indigent defense, representation of indigent parents qualified for appointed counsel in dependency and termination cases, extraordinary criminal justice cost petitions, compilation of copies of DNA test requests by persons convicted of felonies, and representation of indigent respondents qualified for appointed counsel in sexually violent predator civil commitment cases.

Local administration

At the trial court level in the State of Washington, public defense is provided within local county and city systems. The counties and cities in Washington provide the majority of the funding of public defender programs, while the state provides a small amount of funding on these programs.

TABLE 54
Washington state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Washington*
2008	\$27,015	\$27,330
2009	26,833	27,292
2010	26,415	25,385
2011	26,308	24,592
2012	25,564	25,025

*Amounts are appropriations.

Sources: Washington State Judicial Department Budget Publications; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Local expenditures for public defender programs in the State of Washington were provided for King County through the data queries for the Annual Survey of Local Government Finances.

TABLE 55
Washington local government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	King County*
2008	\$39,112	\$40,591
2009	42,593	37,473
2010	39,000	38,446
2011	41,966	38,004
2012	...	40,526

...Not available.

*Amounts are actual expenditures.

Sources: King County, Comprehensive Annual Financial Reports; and U.S. Census Bureau, Annual Survey of State and Local Government Finances, FY 2008–2012.

West Virginia

Public Defender Services (est. 1989)

W. Va. Code § 29-21-1 through 29-21-21

West Virginia Public Defender Services (PDS) administers, coordinates, and evaluates local indigent defense programs in the state's 31 judicial districts. The PDS provides indigent defense in two ways: public defender corporations and private appointed counsel. Public defender corporations are in charge of indigent defense programs in their individual judicial districts. Each office has almost complete local administrative control over its jurisdiction, but remains completely state funded. The PDS pays for all private counsel salaries and their expenses. However, local judges maintain almost complete control over this aspect of the indigent defense system by the appointing counsel.



Indigent Defense Commission *W. Va. Code § 29-21-3b*

In 2008, the Indigent Defense Commission was established, with a board of directors consisting of one former or retired circuit judge; three lawyers, one from each congressional district, who have significant experience in the defense of criminal cases or have demonstrated a strong commitment to quality representation of indigent defendants; one current chief public defender; and one non-attorney with a demonstrated commitment to providing legal services to the indigent; one person who is a member of an organization that advocates on behalf of people with mental illness and developmental disabilities; and one attorney with significant experience in the defense of juvenile delinquency and abuse and neglect cases. With the new Indigent Defense Commission, additional oversight of the highly localized indigent defense system in West Virginia is provided. The commission is in charge of creating new public defender offices and integrating or dissolving existing public defender corporations.

TABLE 56
West Virginia state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of West Virginia*
2008	\$37,538	\$36,433
2009	38,523	38,594
2010	51,522	50,960
2011	45,827	38,539
2012	42,681	42,768

*Amounts are actual expenditures.

Sources: West Virginia Public Defender Services Annual Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Wisconsin

Office of the State Public Defender (est. 1977) *Wis. Stat. § 977.01 through 977.09*

In Wisconsin, the state public defender system has regional offices that provide trial and appellate representation through the Office of the State Public Defender (SPD). The Public Defender Board, which consists of nine members selected by the governor and confirmed by the state senate, appoints the state public defender to supervise the operation, activities, policies, and procedures of the SPD.

The SPD is organized into four divisions:

- The Trial Division provides legal representation to eligible persons charged with adult crimes or juvenile offenses punishable by imprisonment; facing involuntary commitment; involved in certain family disputes, such as termination of parental rights; or subject to a revocation hearing in which incarceration is sought.

- The Appellate Division provides assistance to indigents involved in appeals, including post-conviction and post-commitment proceedings.
- The Administrative Division is responsible for providing staff support services in areas, such as human resources, payroll, budget preparation and analysis, accounting and purchasing, and collections and verification.
- The Assigned Counsel Division oversees certification, appointment, and payment of private attorneys who represent SPD clients.

Three offices are also located in the state: legal counsel, training and development, and information technology. Thirty-eight field offices, 36 of which are trial-level offices, provide representation in every county in Wisconsin. The majority of the funding of public defender programs is paid for by the State of Wisconsin, while counties in the state provide a small amount of funding on these programs.

TABLE 57
Wisconsin state government indigent defense expenditures, FY 2008–2012

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Wisconsin*
2008	\$83,853	\$81,645
2009	77,297	81,159
2010	86,994	80,740
2011	77,370	80,599
2012	90,592	81,691

*Amounts are appropriations. Appropriations for 2010 and 2011 included one-time funding of approximately \$4.5 million for the provision of civil indigent defense.

Sources: Wisconsin State Appropriation Bills; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Wyoming

Office of the State Public Defender (est. 1977) *Wyo. Stat. Ann. § 7-6-101 through 7-6-114*

Wyoming's Office of the State Public Defender provides assistance counsel to indigent adult criminal and juvenile delinquency trial and appellate cases in circuit, district, and juvenile courts. The public defender ensures the protection of due process rights for clients at all stages of a criminal proceeding by informing, advising, advocating, and negotiating on behalf of the client. In all stages of a criminal case, the public defender provides representation for clients, including attempts to resolve cases through fair plea negotiations. Fifteen offices are located throughout the state, including one main office and 14 field offices handling indigent defense cases in one or more counties. The Office of the State Public Defender acts as a separate operating agency under the executive branch of the state government. The State of Wyoming is responsible for 85% of the total cost of the state public defender program, and the counties contribute the remaining 15% of the total cost.

**TABLE 58****Wyoming state government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total expenditures (in thousands)	
	U.S. Census Bureau	State of Wyoming*
2008	\$7,496	\$7,608
2009	9,734	9,826
2010	9,896	9,932
2011	9,443	9,372
2012	10,258	11,476

*Amounts are 85% of the actual expenditures.

Sources: Wyoming Office of State Public Defender Annual Reports; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

TABLE 59**Wyoming local government indigent defense expenditures, FY 2008–2012**

Fiscal year	Total county expenditures (in thousands)	
	U.S. Census Bureau	State of Wyoming*
2008	\$1,323	\$1,342
2009	1,718	1,734
2010	1,746	1,753
2011	1,666	1,654
2012	1,810	2,025

*Amounts are 15% of the actual expenditures.

Sources: Wyoming Office of State Public Defender Annual Reports; and U.S. Census Bureau, Annual Survey of State and Local Government Finances, FY 2008–2012.



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APPENDIX TABLE 1

State government indigent defense expenditures, by state, FY 2008–2012

State	2008			2009			2010			2011			2012		
	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)
Alabama	\$67,749	\$0	\$67,749	\$66,895	\$0	\$66,895	\$63,702	\$0	\$63,702	\$65,197	\$0	\$65,197	\$59,707	\$59,707	\$0
Alaska	31,521	0	31,421	33,232	0	33,232	35,198	0	35,198	37,370	0	37,370	40,036	40,036	0
Arizona	2,611	1,836	775	2,447	1,640	807	2,188	1,322	866	2,155	1,427	728	1,378	742	636
Arkansas	28,744	0	28,744	22,395	0	22,395	29,795	0	29,795	34,277	0	34,277	37,600	37,600	0
California ^a	24,131	0	24,131	24,613	0	24,613	23,338	0	23,338	23,459	0	23,459	22,672	22,672	0
Colorado	80,906	0	80,906	92,322	0	92,322	93,784	0	93,784	90,896	0	90,896	100,714	100,714	0
Connecticut	48,062	0	48,062	48,511	0	48,511	48,265	0	48,265	50,476	0	50,476	64,002	64,002	0
Delaware	14,944	0	14,944	14,550	0	14,550	14,162	0	14,162	15,015	0	15,015	18,792	18,792	0
Florida ^d	239,255	0	239,255	221,414	0	221,414	218,951	0	218,951	210,888	0	210,888	214,526	214,526	0
Georgia ^b	71,050	~	~	61,895	2,564	59,331	66,509	~	~	67,643	2,263	65,380	69,539	67,489	2,050
Hawaii	9,732	0	9,732	9,973	0	9,973	9,079	0	9,079	8,732	0	8,732	9,275	9,275	0
Idaho	2,052	0	2,052	2,084	0	2,084	1,930	0	1,930	1,987	0	1,987	1,990	1,990	0
Illinois	24,424	0	24,424	25,132	0	25,132	23,463	0	23,463	22,952	0	22,952	20,266	20,266	0
Indiana	21,778	14,342	7,436	22,822	15,074	7,748	23,839	16,030	7,809	23,975	16,236	7,739	24,906	7,924	16,982
Iowa	52,424	0	52,424	55,319	0	55,319	55,901	0	55,901	54,634	0	54,634	55,726	55,726	0
Kansas	23,427	0	23,427	23,518	0	23,518	23,767	0	23,767	22,759	0	22,759	22,714	22,714	0
Kentucky	40,087	0	40,087	38,619	0	38,619	44,063	0	44,063	44,299	0	44,299	43,586	43,586	0
Louisiana ^h	28,355	0	28,355	27,869	0	27,869	68,379	0	68,379	70,245	0	70,245	67,964	67,964	0
Maine	13,959	0	13,959	13,136	0	13,136	12,571	0	12,571	13,274	0	13,274	14,448	14,448	0
Maryland	89,141	0	89,141	90,735	0	90,735	85,971	0	85,971	85,918	0	85,918	87,952	87,952	0
Massachusetts	204,325	0	204,325	192,789	0	192,789	199,799	0	199,799	197,040	0	197,040	191,228	191,228	0
Michigan	13,622	0	13,622	13,550	0	13,550	12,833	0	12,833	12,750	0	12,750	12,866	12,866	0
Minnesota	67,370	11,587	55,783	67,775	12,877	54,898	66,238	12,117	54,121	67,163	12,953	54,210	64,509	52,833	11,676
Mississippi	2,810	0	2,810	3,100	0	3,100	3,268	0	3,268	3,582	0	3,582	4,307	4,307	0
Missouri	34,501	0	34,501	35,614	0	35,614	35,913	0	35,913	36,145	0	36,145	35,739	35,739	0
Montana	19,711	0	19,711	20,473	0	20,473	20,337	0	20,337	21,406	0	21,406	23,335	23,335	0
Nebraska	3,337	0	3,337	3,471	0	3,471	3,733	0	3,733	3,605	0	3,605	3,533	3,533	0
Nevada	1,927	0	1,927	2,155	0	2,155	2,273	0	2,273	2,644	0	2,644	3,234	3,234	0
New Hampshire ^c	16,581	0	16,581	17,930	0	17,930	18,478	0	18,478	18,957	0	18,957	18,038	18,038	0
New Jersey	110,640	0	110,640	115,620	0	115,620	113,643	0	113,643	115,683	0	115,683	117,628	117,628	0
New Mexico	41,293	0	41,293	42,732	0	42,732	41,029	0	41,029	40,523	0	40,523	38,519	38,519	0
New York ^f	87,652	11,174	76,478	79,935	9,846	70,089	89,038	18,827	70,211	95,389	25,178	70,211	109,256	38,829	70,427
North Carolina	116,097	0	116,097	126,891	0	126,891	131,386	0	131,386	135,961	0	135,961	125,603	125,603	0
North Dakota	4,659	0	4,659	5,144	0	5,144	5,463	0	5,463	5,827	0	5,827	6,140	6,140	0
Ohio	86,076	44,839	41,237	65,037	29,357	35,680	68,043	35,979	32,064	74,233	41,801	32,432	70,413	30,846	39,567
Oklahoma	17,361	0	17,361	18,006	0	18,006	17,186	310	16,876	16,840	0	16,840	16,581	16,581	0
Oregon	106,614	0	106,614	100,580	0	100,580	118,057	0	118,057	108,664	0	108,664	112,269	112,269	0

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Revised 11/21/2014

APPENDIX TABLE 1 (continued)**State government indigent defense expenditures, by state, FY 2008–2012**

State	2008			2009			2010			2011			2012		
	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)	Total (thousands)	Direct expenditures (thousands)	Intergovern- mental expenditures (thousands)
Pennsylvania	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Rhode Island	12,673	0	12,673	12,613	0	12,613	12,671	0	12,671	13,434	0	13,434	13,805	13,805	0
South Carolina	23,763	11,590	12,173	27,793	11,687	16,106	24,702	9,429	15,273	21,717	8,718	12,999	21,938	\$13,173	8,765
South Dakota ^d	769	769	0	751	751	0	696	696	0	646	646	0	624	0	624
Tennessee ^g	62,152	4,694	57,458	~	~	~	69,704	4,566	65,138	71,144	4,521	66,623	74,032	69,450	4,582
Texas	19,248	18,533	715	26,882	25,786	1,096	30,377	28,491	1,886	35,537	32,723	2,814	26,981	2,536	24,445
Utah ^e	7	7	0	96	96	0	113	113	0	168	168	0	108	0	108
Vermont	10,476	0	10,476	10,955	0	10,955	11,261	0	11,261	11,649	0	11,649	12,103	12,103	0
Virginia ^j	40,985	0	40,985	42,039	0	42,039	40,651	0	40,651	41,450	0	41,450	43,257	43,257	0
Washington	27,015	0	27,015	26,833	0	26,833	26,415	0	26,415	26,308	0	26,308	25,564	25,564	0
West Virginia	37,538	0	37,538	38,523	0	38,523	51,522	0	51,522	45,827	0	45,827	42,681	42,681	0
Wisconsin	83,853	83,853	0	77,297	77,297	0	86,994	86,994	0	77,370	77,370	0	90,592	90,592	0
Wyoming	7,496	0	7,496	9,734	0	9,734	9,896	0	9,896	9,443	0	9,443	10,258	10,258	0

~ Not applicable.

^aData are actual amounts from the California Governor's Budget.^bData for 2008 and 2010 are actual amounts from the Budgetary Compliance Report.^cData for 2008 are actual amounts from the Operating Budget.^dData are actual amounts from the State Treasurer's Fiscal Report.^eData are actual amounts from the Comprehensive Annual Financial Report.^fData were provided by the New York Office of Indigent Legal Services.^gTennessee was unable to report for FY 2009. For more information, see Appendix B.^hData for 2010–2012 are the sum of the Census Bureau query and the judicial districts expenditures from the Louisiana Public Defender Board's Annual Report.ⁱA portion of the data for the state of Florida was unavailable.^jVirginia expenditures exclude assigned counsel vouchers paid by the state supreme court.

Source: U.S. Census Bureau, Annual Survey of Government Finances, FY 2008–2012.



APPENDIX TABLE 2

Source of state government indigent defense expenditures, by state, FY 2008–2012

State	External source	Appropriated/ Actual	Benefits included	Percent difference, FY 2011	Notes
Alabama	Executive Budget	Appropriated	Yes	62.22%	External source excludes expenditures from the Fair Trial Tax Fund. For the other two areas, the differences were 0.90% and 0.00%.
Alaska	Governor's Operating Budget	Actual	Yes	0.60	
Arizona	Governor's Budget - Agency Detail	Actual	Yes	2.67	
Arkansas	State Budget	Actual	Yes	1.01	Three agencies' differences: 0%, 2.5%, and -9.6%. Only compares expenditures for the Public Defender Commission.
California	Governor's Budget	Actual	Yes	~	This is what Census Bureau uses for survey data; however, the data for the Appellate Projects cannot be pulled from the Judicial Council's expenditures.
Colorado	Staff Budget Briefing for the Judicial Branch	Actual	Yes	0.10	The Office of Dispute Resolution was not available for external comparison.
Connecticut	Agency Annual Reports	Actual	Yes	0.02	
Delaware	State Senate Appropriation Bill	Appropriated	Yes	3.28	
Florida	State Budget	Appropriated	Yes	38.78	The two sources need to be reconciled.
Georgia	Budgetary Compliance Report	Actual	Yes	0.01	
Hawaii	Executive Biennium Budget	Appropriated	No	5.29	External source was unavailable for FY11; the comparison was done with FY12 information.
Idaho	Legislative Fiscal Report	Actual	Yes	0.15	
Illinois	State Budget	Actual	Yes	0.01	
Indiana	Budget Expenditure Summary and the Commission's Annual Report	Actual	No	0.14	Difference for the Council was 1.66%; for the Office, 1.04%; for the Commission, -0.07%.
Iowa	Agency Operating Budget	Actual	Yes	5.39	
Kansas	Governor's Budget Report	Actual	Yes	2.01	
Kentucky	State Budget	Appropriated	Yes	0.01	Comparison only for board expenditures, not for judicial districts.
Louisiana	State Budget (FY08–09); Agency Report (FY10–FY12)	Appropriated (FY08–09); Actual (FY10–12)	Yes	0.01	
Maine	Annual Report (FY08–10); Comprehensive Annual Financial Report (FY11–12)	Actual	Partial	0.02	
Maryland	Judicial and Legal Review Budget	Actual	Yes	0.12	External amounts were the governor's recommended appropriations.
Massachusetts	Budget Summaries	Actual	No	0.17	
Michigan	State Executive Summary	Appropriated	Yes	15.17	
Minnesota	Agency Profile in State Budget	Appropriated	No	1.80	Central administrative expenditures were excluded from the external source.
Mississippi	State Budget	Appropriated	Yes	19.92	
Missouri	Office Financial Summary	Actual	No	0.24	
Montana	Report to Governor, Legislature, and Supreme Court	Actual	Yes	5.61	Odd years were presented as an adjusted appropriation amount.
Nebraska	Executive Budget in Brief	Actual	Yes	0.08	
Nevada	Executive Biennial Budget	Actual (FY 08, 10, 12); Appropriated (FY 09, 11)	Yes	7.07	
New Hampshire	Governor's Operating Budget	Actual	~	0.00	Services were contracted out.
New Jersey	State Budget	Actual	No	3.10	
New Mexico	Public Defender Department Financial Statement	Actual	Yes	1.45	
New York	Enacted Budget	Actual	No	27.54	Nonpersonal service/indirect costs were unavailable through Ebasic. External data were used. Amounts for local assistance and personal assistance match exactly.
North Carolina	Report of the Commission on Indigent Defense Services	Actual	Yes	0.12	
North Dakota	Comprehensive Annual Financial Report	Actual	Yes	6.91	Comparison excludes the Office of Management and Budget. External detail was unavailable for the office.
Ohio	Executive Budget	Actual	Yes	0.12	
Oklahoma	Budgetary Reporting/ Comprehensive Annual Financial Report	Actual	Yes	16.60	

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**APPENDIX TABLE 2 (continued)****Source of state government indigent defense expenditures, by state, FY 2008–2012**

State	External source	Appropriated/ Actual	Benefits included	Percent difference, FY 2011	Notes
Oregon	Governor's Budget	Actual	Yes	1.43%	Based on a two-year aggregate because of budget reporting. FY10 and FY11 data were used.
Pennsylvania	~	~	~	~	Data unavailable at the state level because the state provides zero assistance to local governments.
Rhode Island	State Judicial Department and Office of Public Defender Budgets	Actual	Yes	0.04	
South Carolina	Detail Base Budget	Appropriated	Yes	0.02	Amounts were actual amounts appropriated to the agency in prior fiscal years, not amounts expended.
South Dakota	State Treasurer's Fiscal Report	Actual	~	~	Expenditure data unavailable. External source was used.
Tennessee	State Budget	Actual	Yes	2.82	
Texas	Indigent Defense Commission's Annual and Expenditure Report	Actual	Yes	0.22	
Utah	Comprehensive Annual Financial Report	Actual	~	~	Expenditure data unavailable. External source was used.
Vermont	Comprehensive Annual Financial Report	Actual	Yes	0.47	
Virginia	Executive Budget	Appropriated	Yes	2.78	
Washington	State Judicial Department Budget	Appropriated	Yes	6.98	
West Virginia	Department Annual Report	Actual	Yes	18.91	Annual report doesn't show expenditures from the Public Defender Lottery Fund.
Wisconsin	State Appropriations Bill	Appropriated	Yes	0.50	One agency was 0.5%; the other matched.
Wyoming	Comprehensive Annual Financial Report	Actual	Yes	0.77	

~ Not applicable.

Sources: State government budget and appropriation documents, FY 2008–2012.



Appendix A: Comparing Census Bureau data to external sources

To ensure the accuracy of data presented from the Annual State Government Finance Survey, the Census Bureau compared these data to information provided by external sources, including state budgets, comprehensive annual financial reports, agency reports, and appropriation bills. Amounts reported by the Census Bureau were compared to actual amounts, when available. Appropriated amounts were consulted when actual amounts were unavailable.

Fiscal year 2011 was analyzed to determine the cause of expenditure differences between external reports and Census Bureau data, if any. Using 2011 data provided an opportunity for any revisions to be incorporated in Census Bureau data. In addition, 2011 provides a more recent view of what can be anticipated in terms of organization and accounting structure in the future, rather than previous years.

Based on FY 2011, the following results were found:⁴

- 23 states had a percentage difference of 1.0% or less.⁵
- 10 states had a percentage difference between 1.0% and 5.0%.
- 6 states had a percentage difference between 5.0% and 10.0%.
- 4 states had a percentage difference between 10.0% and 20.0%.
- 3 states had a percentage difference greater than 20.0%.
- 4 states and the District of Columbia were not applicable to the external source comparison.⁶

Detailed explanations for each state are included in this appendix. Three common reasons were determined to be the cause of expenditure differences between Census Bureau data and external sources:

- comparing actual amounts to appropriated amounts
- excluding employer contributions to pension systems at the agency level
- storing data for the Annual Survey of State Government Finances in thousands of dollars.

⁴For the State of Hawaii, data from FY 2012 were used for external comparison because FY 2011 external data were unavailable.

⁵To find the difference, the Census Bureau's amount was subtracted from the external source. The percentage difference is the absolute value of the difference as a percentage of the external source.

⁶Excludes California, Pennsylvania, South Dakota, and Utah. For more information, see explanations for each state in this appendix. Also excludes the District of Columbia because its indigent defense services are federally funded.

Comparing actual expenditures to appropriated amounts in an external source can lead to a larger difference, though this was not always the case. Agencies may not always expend everything that is appropriated in the fiscal year, or additional carryover from a prior fiscal year could be used for expenditures. For the majority of comparisons, the external amount tended to be greater than the Census Bureau amount. Cases in which the opposite result occurred are noted.

Certain states have central agencies that expend the state's employer contributions into its pension systems. In these situations, the detail explaining to which functional agency those employer contributions were assigned is nonexistent. As a result, seven states that expend employer contributions into pension systems are excluded in Census Bureau expenditure amounts.

Census Bureau data for state government finances are stored in the database in thousands of dollars. Due to rounding procedures set up in the processing system, some amounts may be rounded up, rounded down, or lost (e.g., if the amount of the expenditure line item is less than \$500). Depending on the amount of expenditure line items in the database for the agency providing indigent defense services, this rounding effect can have a minimal impact or a large impact (e.g., a state agency that has over 500 lines of expenditures). A future solution would be to pull the data from the raw data files provided by the state governments. However, a small number of states provide data in thousands of dollars.

The following sections of this appendix provide a state-by-state discussion of the differences between Census Bureau data and the external sources used for comparison. See appendix table 2 for a summary of the external sources used, appropriated versus actual external amounts, whether benefits were included in the data, and the FY 2011 percentage differences. In certain instances, state data in other fiscal years exhibited a large difference between Census Bureau data and the external sources. Those notable disparities are discussed below, if applicable.

Alabama

Census Bureau data included retirement benefits. The external source was the state's executive budget document, which provided appropriated amounts. The external source total was only the sum of the Fair Trial Tax Transfer and indigent defense activity within the Alabama Department of Finance, and did not clearly exhibit the expenditures for the money spent within the Fair Trial Tax Fund.



Appendix A: Comparing Census Bureau data to external sources (continued)

The total difference between the two sources was \$25 million, or 62.22%. However, the majority of the difference could be contributed to the missing expenditures of the Fair Trial Tax Fund. The difference for the indigent defense activity within the state's Department of Finance was \$1,000, or 0.9%. The amounts for the Fair Trial Tax Transfer were equal.

The budget was organized by fund, not necessarily the activity in question. Given the areas available for comparison, the amounts pulled from Census Bureau data are accurate.

Alaska

Census Bureau data for Public Defender Agency expenditures included retirement benefits. The external source was the Governor's Operating Budget, which provided actual expenditures from prior fiscal years. The difference between the two sources was \$138,000, or 0.60%. This difference could be largely attributed to rounding effects, given that 94 expenditure lines were included in fiscal year 2011 data.

Arizona

While the majority of spending for indigent defense is in the counties, three state programs spend money on indigent defense: the State Aid to Indigent Defense Fund, the State Capital Postconviction Public Defender Office, and the County Public Defender Training Fund. Retirement benefits were included in Census Bureau data, but it was a small amount because the majority of expenditures at the state level were intergovernmental aid. Actual amounts were available in the Governor's Budget - Agency Detail Book. Separate amounts for each state program were provided.

The total difference between Census Bureau data and the external source was \$56,000, or 2.67%. The State Aid to Indigent Defense Fund was equal in both sources. The largest difference came from the County Public Defender Training Fund, which was a 9.60% difference. The cause of the difference between the two sources was due to rounding.

Arkansas

The majority of expenditures were from the state's Public Defender Commission; however, in conflict cases, the expenditures came from the Arkansas Supreme Court, Arkansas Administrative Office of the Courts, and Arkansas Court of Appeals. Retirement benefits were included in Census Bureau data at the agency level. The external source was the State Budget, which provided actual expenditures at the agency level. As a result, expenditures from the state supreme court, administrative office of the courts, and the court of appeals could be extracted from the external source.

Comparing expenditures from only the Public Defender Commission, the difference between Census Bureau data and the external source was \$217,000, or 1.01%. This difference is related to rounding issues and possible accounting adjustments that were consciously excluded from the database query.

California

California is the only state for which the Census Bureau does not receive an electronic source. As a result, expenditures for this state were compiled using the State of California Governor's Budget, which would have been the external source used for comparison. Because this external source was consulted for data, no differences exist between the two data sources.

Expenditures for the California Appellate Project were not available in the Governor's Budget. This program was primarily funded by contract through the Judicial Council of California. While expenditures for the council were available in the budget document, the expenditures were broken out by fund detail and not the program. Because of the lack of program detail, the contract expenditures for the California Appellate Project were unavailable.

Colorado

Four agencies are responsible for some portion of indigent defense for the state: the Office of Dispute Resolution, the Office of the State Public Defender, the Office of the Alternate Defense Counsel, and the Office of the Child's Representative. Census Bureau data for each agency included retirement benefits. The external source was the Staff Budget Briefing for the Judicial Branch and included actual amounts for the State Public Defender Office, Alternate Defense Counsel Office, and Child's Representative Office. The external source excluded amounts for the Office of Dispute Resolution. Census Bureau data for the Office of Dispute Resolution was \$218,000 out of the \$90.9 million expenditure total.

Comparing the expenditures from the available agencies, the difference between the two sources was \$96,000, or 0.10%. For the State Public Defender Office, the difference was 0.50%. For the Alternate Defense Counsel Office, the difference was 0.01%. For the Child's Representative Office, the difference was 0.06%.

Connecticut

Data for the Public Defender Services Commission were available in Census Bureau data, with pension payments included. The external source was the Annual Report of the Chief Public Defender, which provided actual expenditures for the commission.

The difference between the two sources of data was \$8,000, or 0.02%. The difference is attributed to rounding issues.



Appendix A: Comparing Census Bureau data to external sources (continued)

Delaware

Indigent defense in the state is funded and run by the state's Office of the Public Defender. Census Bureau data included pension payments for the office. The external source was an appropriation bill passed by the state senate that breaks out specific appropriations for the office.

Even with this appropriated amount, the expenditures of the two sources were close. The difference was \$477,000, or 3.28%. The raw data file was analyzed to determine whether rounding was an issue. When the original difference between the two sources was analyzed, Census Bureau data was \$478,000 greater than the appropriated amount. When the raw data file was analyzed in whole dollar amounts, the Census Bureau data was \$74,000 less than the appropriated amount. This is a 0.51% difference.

Florida

A majority of the expenditures in Census Bureau data were found in the Justice Administrative Commission. Benefit payments were included in the database query, which yielded over 1,000 lines of expenditures for indigent defense. The external source was the enacted budget for each fiscal year. For fiscal year 2011, this was the Laws of Florida, Chapter 2010-152.

Appropriations in the budget provided more detailed information. Some items in the budget were rolled up into something excluded in the Census detail. The difference between the two sources was \$133.6 million, or 38.78% (the appropriations were greater). The difference could be a result of other items excluded in the query (e.g., transfers and refunds), rounding issues, and comparing actual expenditures to appropriated amounts.

More reconciliation work needs to be done for Florida. The Census Bureau will continue to look into the discrepancies once this report is submitted.

Georgia

The Georgia Public Defender Standards Council oversees indigent defense in the state. The agency was available in the Census Bureau data and included retirement benefits at the function level. The external source was the Budgetary Compliance Report, which provided actual amounts for each fiscal year. The difference between the two sources was \$9,000, or 0.01%.

Census Bureau data for 2008 and 2010 were abnormally lower than the external source and the remainder of the data series. Analysis of the raw data file revealed that the file received from the state did not provide reliable amounts for certain expenditure lines. This data agreement with the state has

since been renegotiated, and the data abnormalities have been fixed. Given that the external source and the reliable years of data were so close, the final data table included external data for total expenditures in fiscal years 2008 and 2010. The external source did not separate intergovernmental and direct expenditures, so those data were not available for 2008 and 2010.

Hawaii

Hawaii's Office of the Public Defender data were available in the Census Bureau data. However, retirement benefit payments for the state were in a central location for the entire Department of Budget and Finance, so these payments were excluded in indigent defense expenditures. The external source was the Executive Biennium Budget, which provided appropriated amounts for both current and historical years.

A recent website redesign has left the 2009 to 2011 biennium budget unavailable, even in archived web pages. This means for fiscal years 2010 and 2011, no external source was available for comparison. In this state, fiscal year 2012 was used for comparison. The difference between the two sources in 2012 was \$518,000, or 5.29%. The combination of comparing actual amounts to appropriated amounts, and excluding retirement benefits could have contributed to the difference.

Idaho

While indigent defense services are mainly provided by the county, the state has an Office of the Appellate Public Defender. This agency's expenditures were available in the Census Bureau data and provided retirement benefits at the function level. The external source was the Legislative Fiscal Report for the agency, which showed actual amounts for prior fiscal years.

The difference between the two sources was \$3,000, or 0.15%. This difference could be attributed to rounding, as the raw data file was delivered in whole dollars.

Illinois

At the trial level, indigent defense is mainly county run and funded, but the Office of the State Appellate Defender within the state government represents indigent defendants on appeal. Census Bureau data for the office included retirement benefit contributions. The external source was the state budget, which showed actual amounts for each year. The difference between the two sources was \$3,000, or 0.01%.



Appendix A: Comparing Census Bureau data to external sources (continued)

Indiana

Indigent defense services are provided, in part, from the state government through three agencies: the Office of the State Public Defender, the State Public Defender Council, and the Public Defender Commission. All agency data were available through the Census Bureau data, but retirement contributions were provided by a central agency for the state and were not included in the final data.

Two different external sources were used for comparison: the As-Passed Budget Expenditure Summary, which contained actual expenditure amounts for the Office of the State Public Defender and the State Public Defender Council; and the Annual Report of the Indiana Public Defender Commission, which provided actual expenditure amounts for the Public Defender Commission.⁷

The total difference between the two sources was \$34,000, or 0.14%. For the Public Defender Council, the difference was 1.66%; for the Office of the State Public Defender, the difference was 1.04%; and for the Public Defender Commission, the difference was 0.07%.

Iowa

Data for the Office of the State Public Defender were available in the Census Bureau data and included retirement benefits. The external source was the Agency Operating Budget, which provided actual expenditure amounts for prior years.

The difference between the two sources was \$3.1 million, or 5.39%. The external amount included expenditure line items for reversions and depreciation, which were excluded in Census Bureau data as they were not actual cash transactions expended in the fiscal year. Removing these two items from the external source amount would bring the difference to about \$1 million.

Kansas

Indigent defense in felony cases is handled by the State Board of Indigents' Defense Services. Census Bureau data provided all of the agency detail, including employer pension contributions. The external data source was the Governor's Budget Report, which provided actual amounts for prior fiscal years.

The difference between the sources was \$467,000, or 2.01%, and could be attributed to the system rounding from actuals provided in the raw data file. The agency had almost 180 expenditure lines.

⁷The external data for FY 2008 was displayed in the external report for the commission as FY 2006–2007. Because the data in the 2008 report do not match the 2007 report, this is assumed to be a typo within the report and was taken as the 2008 data.

Kentucky

The Department of Public Advocacy is primarily state funded, but some funds come from county governments. Census Bureau data included both state and county expenditures and employer pension contributions. The external source was the state budget, which provided appropriated amounts. The difference between the two sources was \$6,000, or 0.01%.

Louisiana

Louisiana's indigent defense services are administered by the Louisiana Public Defender Board, which oversees and funds all 42 judicial districts in the state. Census Bureau data pulled from the database query provided only expenditures (including retirement benefits) from the board and not those of the 42 judicial districts, as the state considers them to be local governments.⁸ The board's website provided the current year's annual report, which contained actual expenditures for the board and 42 judicial districts. This report was only available for fiscal years 2010 through 2012. The external source for fiscal years 2008 and 2009 was the state budget, which provided appropriated amounts.

The difference between Census Bureau data and the board's expenditures in the annual report was \$2,000, or 0.01%, which could be attributed to rounding.

Because the initial database query excluded expenditures from the judicial districts, amounts from the annual report for district spending were included for the state expenditures in the data table for fiscal years 2010 through 2012. This was also the method for capturing these expenditures in the Census Bureau's survey.

Maine

The Maine Commission on Indigent Legal Services began operations in fiscal year 2011. Prior to that, the Judicial Department administered the funds for indigent defense services. Census Bureau data contained both the data for the commission and the services provided by the Judicial Department of the state. Pension contributions were included for the commission. However, pension contributions for the Judicial Department were provided as one sum for the department, so contributions for only those employees providing the indigent defense services were unavailable.

⁸According to Census Bureau classification, the judicial districts in Louisiana are classified as dependent agencies of the state.



Appendix A: Comparing Census Bureau data to external sources (continued)

For fiscal years 2008 through 2010, the Maine Judicial Branch provided its indigent defense expenditures in its annual report. After the creation of the commission, that expenditure detail was no longer provided in the Judicial Department. The commission's actual expenditures were provided in the state's Comprehensive Annual Financial Report for fiscal years 2011 through 2012. These expenditures were used for comparison. The difference between the two sources for the commission's expenditures was \$2,000, or 0.02%.

Maryland

The Office of the Public Defender provides indigent defense services in the state. The agency's expenditures were available with pension contributions in the Census Bureau data. The external source was the Judicial and Legal Review Budget, which provided actual amounts. The difference between the two sources was \$101,000, or 0.12%, and could be attributed to rounding issues, as the query pulled about 150 expenditure line items.

Massachusetts

Expenditures for the Committee for Public Counsel were available in the Census Bureau data, but benefit payments at the agency level were not provided. Two centralized agencies paid health and life insurance benefits and retirement allowances for state employees. The external source was the Governor's Budget, which provided actual amounts for prior years. The difference between the two sources was \$328,000, or 0.17%.

Michigan

While indigent defense services are mainly county run and funded, the state operates an Appellate Defender Commission. The commission's expenditures were available with pension contributions in the Census Bureau data. The external source was the State Executive Summary, which provided recommended appropriations for each fiscal year. External appropriations for fiscal year 2012 were unavailable due to changes in the presentation of the budget, in which all appropriations were grouped into "Judicial Operations."

The difference between the two sources was \$2.3 million, or 15.17%. The comparison was made based on recommended appropriated amounts, not actual appropriations or actual expenditures. Also, the appropriation line item in the budget was "Indigent Defense & Judicial Agencies." Given this, the budget line may have included additional expenditures that should not have been included. However, without any additional information, this remain unknown. After a thorough review, it was determined that Census Bureau data were not missing anything, but it was difficult to compare line item expenditures to a singular line in an appropriations budget.

Minnesota

The State Board of Public Defense expenditures were available in the Census Bureau data. However, employer contribution toward pension benefits were shown under a central agency and were not available at an agency level. The external source was the Agency Profile in the State Budget.

The difference between the two sources was 1.2 million, or 1.8%. This could be a result of the mission pension expenditures.

Mississippi

While the majority of indigent defense expenditures in the state are with county governments, three state agencies provide indigent defense services: the Post-Conviction Counsel, the Capital Defense Counsel, and the Office of Indigent Appeals. Expenditures for all three agencies, including retirement benefits, were found in Census Bureau data. The external source for the three state agencies was the State Budget, which provided appropriated amounts.

The difference between the two sources was \$891,000, or 19.92%. After a thorough review, it was determined that the Census Bureau data were not missing any expenditures. The difference could be a result of comparing actual expenditures provided by the state to appropriated amounts in a budget.

Missouri

The state has a Public Defender Commission that provides a statewide, centrally administered public defender system. Census Bureau data provided expenditures for the commission. However, employer pension contributions came from a centralized agency. The external source was the Office Financial Summary, which showed actual expenditures.

The difference between the two sources was \$88,000, or 0.24%, and could be the result of rounding issues and the exclusion of retirement benefits.

Montana

Census Bureau data provided the expenditures of the Office of the State Public Defender. The line items showed expenditures for the centralized administration of the agency and each regional office's expenditures, including retirement benefits. The external source was the state's Public Defender Commission's Report to the Governor, Legislature, and Supreme Court, which showed actual expenditures for each of the 11 regions in the state.

The difference between the two sources was \$1.1 million (Census Bureau data were greater), or 5.61%. The difference could be attributed to the external source not showing the centralized expenditures and only showing those of the regional offices.



Appendix A: Comparing Census Bureau data to external sources (continued)

Nebraska

Expenditures for the Commission on Public Advocacy were included, with retirement benefits, in the Census Bureau data. The external source was the state's Executive Budget in Brief, which provided actual amounts for each year.

The difference between the two sources was \$3,000, or 0.08%, which could be more than likely attributed to rounding differences, as 31 expenditure line items were included.

Nevada

While the counties run and fund the majority of indigent defense services in the state, the State Public Defender expends some money. These expenditures, including retirement benefits, were included in Census Bureau data. The external source was the Executive Biennial Budget. Because the budget is released every 2 years, only 3 years out of the 6 produced an actual amount for comparison (the even numbered years). The odd numbered years were presented as an adjusted appropriation amount.

Given that fiscal year 2011 was the year of this analysis, the external amount was a suggested appropriation amount, which could attribute to the difference. The difference between the two sources was \$201,000, or 7.07%.

New Hampshire

New Hampshire's State Public Defender contracts out all of its indigent defense services. Census Bureau data were found in one expenditure line item. No benefits were included, as they were considered to be contracted services (i.e., no state employees receive pension benefits). The external source was the Governor's Operating Budget, which provided actual expenditure amounts for prior years. The amounts of the two sources were equal for each fiscal year from 2009 through 2012.

Due to a lack of detail in Census Bureau data, State Public Defender data for fiscal year 2008 were unavailable. Given that other fiscal years were exact matches to each other, the data in the final table for fiscal year 2008 came from the amounts shown in the Operating Budget.

New Jersey

Indigent defense is state run and funded, and it is administered through an office within the Treasury Department. Census Bureau data provided expenditures for the office, but excluded retirement expenditures, as this was done through a centralized agency for the state. The external source was the State Budget, which provided actual amounts for prior fiscal years.

The difference between the two sources was \$3.7 million, or 3.10%, and could be due to missing pension contributions and rounding issues, as over 100 lines of expenditures for the state are included.

New Mexico

The State Public Defender is a centralized and state funded agency that administers indigent defense. Census Bureau data provided the agency's expenditures, including pension contributions. The external source was the Public Defender Department Financial Statement, which provides actual expenditure amounts. The difference between the two sources was \$578,000, or 1.45%.

New York

While indigent defense services in the state are provided by the county, the state government provides a large amount of local assistance. Since 2011, the Office of Indigent Legal Services has been in charge of the disbursements from the Indigent Legal Services Fund. Prior to this, management of the fund was done by the Office of the Comptroller.

North Carolina

Expenditures for the Office of Indigent Defense Services were available in Census Bureau data, including pension contributions. The external source was the Report of the Commission on Indigent Defense Services, which provided actual expenditure amounts.

The difference between the two sources was \$169,000, or 0.12%, which could be a result of rounding, as 140 expenditure line items were included in the database query.

North Dakota

According to Census Bureau data, three funds within the Commission on Legal Counsel for Indigents have expenditures for indigent defense services: the Indigent Persons Attorney, Public Defense Services, and Indigent Defense Services. The external source was the state's Comprehensive Annual Financial Report, which provided actual expenditures for the commission.

The difference between the two sources was \$704,000, or 13.74% (Census Bureau data were greater). The external source only includes amounts within the commission's expenditures. It excludes money from the Indigent Defense Services Fund that is expended within the Office of Management and Budget. (Detail in the CAFR does not provide that information.)

For fiscal year 2011, the amount expended within the Office of Management and Budget was \$350,000. Additionally, 289 expenditure line items are included in the database query, which could contribute to the difference. The difference between the two sources, excluding the expenditures from the Office of Management and Budget, was \$354,000, or 6.91%.

**Appendix A: Comparing Census Bureau data to external sources (continued)****Ohio**

While the county governments have input over how its indigent defense systems are run, the counties report to the Ohio Public Defender Commission, which provides shared revenue and has some direct expenditures. Census Bureau data contained expenditures for the commission, including pension contributions. The external source was the state's Executive Budget, which showed actual expenditure amounts for each fiscal year. For fiscal year 2011, the difference between the two sources was \$91,000, or 0.12%.

A larger than normal disparity occurred in the amounts for fiscal year 2008. After analysis of the data, it was determined that certain items should have been excluded, and the state shared revenue portion of local aid was about \$7 million greater than what was reported as the actual amount in the budget. The total difference for 2008 was \$8.9 million, or 11.5%.

It should be noted that the differences between the external source the Census Bureau data were less than \$1 million for each of the following years. Additionally, fiscal year 2008 was the first year that the state began providing administrative records for the finance survey. Since then, the state has changed its accounting program (e.g., code structure and level of detail).

Oklahoma

Excluding Tulsa and Oklahoma Counties, expenditures for the Oklahoma Indigent Defense System are state run and funded, and were included in Census Bureau data with their pension contributions. The external amounts were actual expenditures from the Budgetary Reporting Section of the state's Comprehensive Annual Financial Report.

The difference between the two sources was \$2.4 million, or 16.6%. (Census Bureau data were greater.) After a thorough review, it was determined that all of the expenditure lines should be included.

Oregon

Census Bureau data provided all of the data for the Public Defense Services Commission, which is state run and funded. The external source was the Governor's Budget, which showed actual amounts at a 2-year aggregate.

To make a consistent comparison, a 2-year analysis was done for fiscal years 2010 and 2011. The difference between the two sources for the 2-year total was \$3.2 million, or 1.43%. Because over 140 expenditure lines were included in 2011, the difference may be a result of rounding.

Pennsylvania

Data were unavailable at the state level because the state provides zero assistance to local governments for indigent defense services.

Rhode Island

The Office of the Public Defender provides statewide indigent defense services, and conflict cases are run within the Judicial Department of the state. Expenditures for both agencies were included with pension contributions in the Census Bureau data. The external sources were the budgets for the Public Defender and the Judicial Department, which provide actual expenditure amounts. The difference between the two sources was \$5,000, or 0.04%.

South Carolina

Expenditures for the Commission on Indigent Defense were included with pension contributions in Census Bureau data. The external source was the Governor's Executive Budget - Detail Base Budget, which provides actual appropriations from previous years, not actual expenditures from the commission. The difference between the two sources was \$5,000, or 0.02%.

South Dakota

Each county in the state organizes and funds its indigent defense services, with little funding from the state government. No detail is available within Census Bureau data to pull expenditures for the state in a query. Data in the final table were from the state treasurer's Fiscal Report, which provides actual expenditure amounts for local assistance.



Appendix A: Comparing Census Bureau data to external sources (continued)

Tennessee

Indigent defense services in the state are primarily run by the state government, except for two counties that run their services independently. (Shelby and Davidson Counties receive some local assistance from the state.) The expenditures of the Indigent Defendants Counsel, District Public Defenders Conference, and the Office of the Post-Conviction Defender were provided in Census Bureau data, including pension contributions. The external amounts were actual expenditures from the state's budget.

The difference between the two sources was almost \$2 million, or 2.82%. A majority of the difference came from the expenditures for each district. The budget excluded lines for "Conference Wide Pool" or "Capital Case Training," which were included in the Census Bureau data amount.

The state of Tennessee was unable to report for fiscal year 2009. As such, data for the major component of the state were imputed using recently reported historical data from the prior year's annual survey, the trend of historical data, or the current year's budget information. These imputations were done at the item code level. As a result, detailed information into the programs and departments were unavailable for that year.

Texas

Census Bureau data provided expenditures for the Texas Indigent Defense Commission. These data also include retirement contributions. The external source was the Texas Indigent Defense Commission's Annual Expenditure Report, which provides actual, detailed expenditure amounts for each fiscal year. The difference between the two sources was \$79,000, or 0.22%. This could be attributed to rounding effects, as over 40 expenditure lines were included in the database query.

Utah

Indigent defense services in the state are provided by county governments. The only money provided by the state is in the Post-Conviction Indigent Defense Fund. These expenditures were clearly stated in the state's Comprehensive Annual Financial Report, but the detail was unavailable in the Census Bureau's database query. Data from the external source were provided as the state expenditures in the final data table.

Vermont

The Office of the Defender General provides the indigent defense services statewide. Census Bureau data were provided, including pension contributions. The external source used for comparison was the state's Comprehensive Annual Financial Report. The difference between the two sources was \$55,000, or 0.47%.

Virginia

The Virginia Indigent Defense Commission provides services throughout the state. Census Bureau data contained all of the expenditures for the commission, including pension contributions. The external source was the state's Executive Budget, which provided appropriated amounts for each year.

The difference between the two sources was \$1.8 million, or 2.78%. The difference could be attributed to comparing an actual amount to an appropriated amount and rounding from the raw data file. Over 90 expenditure lines were included for the Commission.

Washington

While mainly county funded, the state government runs an Office of Public Defense. Expenditure amounts for the office with pension contributions were included in Census Bureau data. The external amounts were from the Judicial Section of the state's budget. Although Washington creates a biennial budget, appropriated amounts for each specific fiscal year are located within the source.

The difference between the two sources was \$1.7 million, or 6.98%. This may be a result of comparing with appropriated amounts and rounding effects, though only 32 lines were included in the database query.

West Virginia

County run but state funded, expenditure amounts for indigent defense services in the state were available in Census Bureau data, including pension contributions. Census Bureau data included expenditures from the general fund and the Public Defender Lottery Fund. The external source was the Department Annual Report that provides actual expenditure amounts.

The difference between the two sources was \$7.3 million, or 18.91%. The Annual Report excludes expenditures from the Public Defender Lottery Fund, which was the majority of the difference between the two sources.

**Appendix A: Comparing Census Bureau data to external sources (continued)****Wisconsin**

Two agencies in the state government provide indigent defense services: the Office of the State Public Defender and Indigent Defense Legal Services. Census Bureau data provided expenditure amounts for the two agencies, including benefit contributions. The external source, the state budget, is issued through an omnibus spending act (for fiscal year 2011, it was 2009 Act 28). The external source only shows appropriated amounts for each agency.

For the Office of the State Public Defender, the difference between the two sources was \$395,000, or 0.5%, and could be attributed to rounding, as 202 expenditure line items were included in Census Bureau data. For the Indigent Defense Legal Services, the two amounts were equal.

Wyoming

All of the expenditures for the Office of the State Public Defender were included in Census Bureau data, including pension contributions. The external source was the state's Comprehensive Annual Financial Report (CAFR), which provided one total line for the agency's actual expenditures.

The difference between the two sources was \$83,000, or 0.8%. After review of the raw data file, the difference could not be contributed to a rounding issue. However, without knowing what is included in the CAFR's expenditure line (e.g., this line may include items such as depreciation, which were excluded in Census Bureau data), the difference may be due to expenditure inclusion.

A legislatively defined 85%/15% split exists between the state and counties to fund the state's agency, although it is administered by the state. Given this, 85% of the expenditures reported in Census Bureau data were assigned to the state in the data table, and the remaining 15% were be assigned to the county aggregate.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. William J. Sabol is acting director.

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