

Louisiana Public Defender Board
Impact of Proposed FY17 Budget Reductions

The proposed 61.9% reduction to LPDB's budget will have a catastrophic effect on the criminal justice system, greatly impact public safety across the state, and place the state at risk of federal intervention. Public Defenders represent more than 85% of defendants on all levels of criminal prosecutions. Without constitutionally mandated representation, courts will grind to a halt. Local communities will be faced with the financial burden of housing defendants in local jails until an attorney can ethically handle the case and judges will be forced to halt prosecutions or release potentially dangerous defendants back into the community, risking public safety. The table below shows proposed funding reductions for each of LPDB's core activities based on the Executive Budget Recommendation.

Agency Activity	EOB FY 15-16	Exec Budget Recommended FY16-17	Dollar Change	Percent Change
District Assistance Fund	\$15,856,082	\$5,516,750	(\$10,339,332)	(65%)
Trial Level Capital Programs	\$5,643,278	\$1,938,013	(\$3,705,265)	(65%)
Post-Trial Level Capital Programs	\$4,354,602	\$1,561,203	(\$2,793,399)	(65%)
Non-Capital Programs	\$2,814,864	\$991,500	(\$1,823,345)	(65%)
Indigent Parent Representation	\$979,680	\$362,966	(\$616,714)	(63%)
Angola 5 Appeals*	\$521,326	\$0	(\$250,000)	(100%)
Sex Offender Assessment Panels	\$250,000	\$0	(\$250,000)	(100%)
DNA Testing	\$28,500	\$10,554	(\$17,946)	(63%)
Grants	\$143,359	\$135,000	(\$8,359)	(6%)
LPDB Office Administration	\$3,084,991	\$2,322,838	(\$762,153)	(25%)
Total Expenditures	\$33,676,682	\$12,838,824	\$20,837,858	(61.9%)
T.O.	16	16	0	0

*Note: The annual appropriation for Angola 5 is \$250,000; the EOB includes carryforward amounts from the previous year.

Impact on District Public Defenders Offices

LPDB will be forced to implement a statewide services restriction plan to reduce expenditures and ensure ethical representation of the remaining clients

- 33 of the state's 42 districts will have insufficient revenues to provide client representation prior to July 1, 2017.
- 27 districts will no longer be able to pay attorney salaries or contracts at some point during the fiscal year and will be reduced to no more than a single defender.
- 11 of those 27 districts will close their doors prior to October 1, 2016, due to insufficient revenues to even pay overhead expenses.

Statewide Restriction of Services Plan

- Public Defenders Offices will only handle adult felony cases if the client is incarcerated, within ethical caseload limitations.
- Exceptions based on February 2016 projections:
 - 2nd Judicial District (Bienville, Claiborne, Jackson);



- 17th Judicial District (LaFourche);
- 21st (Livingston, St. Helena);
- 24th Judicial District (Jefferson);
- 29th (St. Charles);
- 36th Judicial District (Beauregard);
- 38th Judicial District (Cameron);
- 40th Judicial District (St. John the Baptist); and
- 42nd Judicial District (DeSoto)
- Public Defenders Offices may apply to receive a waiver authorizing the district to continue representation of specific case types when non-statutorily mandated funding has been allocated to the district and/or to cease representation of specific case types in advance of the state designated timeline.

Implementation of Restrictions

- Beginning February 15th, the Louisiana Public Defender Board will cease handling new Sex Offender Assessment Panel (SOAP) matters.
- Beginning March 15th, Public Defenders Offices will cease handling new
 - Capital cases;
 - Miller v. Alabama cases;
 - Matters involving defendants who are alleged to have committed a new offense while serving a hard labor sentence;
 - Child in Need of Care matters (unless the district has not exhausted statutory dedication)
 - Appeals;
 - Non-support matters; and
 - Curatorships.
- Beginning July 1st, Public Defenders Offices will cease handling new
 - Misdemeanor cases;
 - Juvenile delinquency and FINS matters; and
 - Adult felony cases if the defendant is not incarcerated.

Impact on Capital Trial Level Defense Representation

Representation of defendants charged with a capital crime will be significantly reduced

- District Public Defenders Offices will no longer have the capacity to provide capital representation, shifting these cases to the program offices.
- Each program office will be reduced to one core team
 - Collectively the contract capital trial program offices will have the capacity to handle twelve cases at any given time.
 - As capital cases can last years, it is unclear how many of the twelve cases will be new indictments.

Impact on Appellate Representation

Appellate Representation will be significantly reduced

- District Public Defenders Offices will no longer have the capacity to provide appellate representation, shifting these cases to the appellate programs.
 - Louisiana Appellate Project will have the capacity to handle 125 appeals at any given time.



- Capital Appeals Project (CAP) will have the capacity to handle 3-5 cases appeals at any given time.
- As appeals can last years, it is unclear how many of the cases will be new.

Impact on Juvenile Defense

The proposed cuts will effectively eliminate representation in new juvenile cases across the state, a violation of the 6th and 14th Amendments of the Constitution.

Impact on Child in Need of Care

The proposed cuts will effectively eliminate representation of new CINC cases by Public Defenders Offices across the state. Without parent representation, more children will be placed in the custody of the Department of Children & Family Services and subsequently in foster care. Foster care placements can be extremely traumatizing to children, increases state expenses, and jeopardizes federal matching dollars.

Implications of Restrictions

- 33 district offices will reduce service delivery to representation of adult clients who are incarcerated on felony charges prior to July 1, 2016.
- 27 district offices will reduce staffing such that the district defender will be the lone public defender in the district during FY17.
- 11 of those 27 district offices will close their doors prior to October 1, 2016.
- As the criminal justice system grinds to a halt, widespread litigation is expected.
- Restricted capital representation will likely lead to *State v. Citizen* Litigation and protracted delay.
- Representation on the appellate level will be restricted
 - The Constitution and Louisiana law require this representation;
 - Delays in and/or denial of the right of appeal will likely lead to systemic funding litigation.
- These reductions will effectively end representation of juveniles in delinquency matters across the state which will almost certainly lead to litigation and intervention by the Department of Justice.
- These reductions will effectively end parent representation in Child in Need of Care (CINC) matters across the state which will increase state expenses and jeopardize federal matching funds.

