

DEPARTMENT OF THE PUBLIC ADVOCATE

SUMMARY BY PROGRAM
(amounts expressed in thousands)

-----Year Ending June 30, 1985-----						-----Year Ending June 30, 1987-----		
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended		1986 Adjusted Approp	Requested	Recom- mended
1,496	45	-143	1,398	1,395	Management and Administration Management and Administrative Services	1,492	1,618	1,618
<u>1,496</u>	<u>45</u>	<u>-143</u>	<u>1,398</u>	<u>1,395</u>	<u>Sub-Total</u>	<u>1,492</u>	<u>1,618</u>	<u>1,618</u>
1,445	---	-15	1,430	1,430	Protection of Citizens' Rights Mental Health Advocacy	1,546	1,785	1,785
489	---	148	637	637	Public Interest Advocacy	684	653	653
688	12	45	745	744	Citizens' Complaints and Dispute Settlement	750	785	785
20,740	737	1,746	23,223	23,140	Trial Services to Indigents and Special Programs	23,969	23,675	23,675
3,478	32	619	4,129	4,108	Appellate Services to Indigents	3,690	4,362	4,362
900	---	-13	887	886	Public Defender Administration	976	901	901
269	---	47	316	271	Advocacy for the Developmentally Disabled	593	527	527
<u>28,009</u>	<u>781</u>	<u>2,577</u>	<u>31,367</u>	<u>31,216</u>	<u>Sub-Total</u>	<u>32,208</u>	<u>32,688</u>	<u>32,688</u>
<u>29,505</u>	<u>826</u>	<u>2,434</u>	<u>32,765</u>	<u>32,611</u>	Total Appropriation, Department of the Public Advocate	<u>33,700</u>	<u>34,306</u>	<u>34,306</u>

70. DEPARTMENT OF THE PUBLIC ADVOCATE
 70. GOVERNMENT DIRECTION, MANAGEMENT AND CONTROL
 76. MANAGEMENT AND ADMINISTRATION

OBJECTIVES

1. To provide clear policy guidance and execution for the programs of the Public Advocate.
2. To provide support for the service delivery mechanism.

Program Classification

99. Management and Administrative Services--Develops the policies of the Department. Budgetary policy direction is provided to allocate resources among the priorities. Administrative support is also provided in the areas of personnel, accounting, budgeting, purchasing, lien collection, a central research unit and library, central motor pool control and statistical evaluation capacity for the Department of the Public Advocate and the Office of the Public Defender. The Department operates under C52:27E-1 et seq.

	Actual FY 1984	Actual FY 1985	Budgeted FY 1986	Budget Estimate FY 1987
AFFIRMATIVE ACTION DATA				
Male Minority	65	71	72	84
Male Minority %	7.6	7.9	8.0	9.0
Female Minority	135	145	154	158
Female Minority %	15.9	16.2	17.0	17.0
Total Minority	200	216	226	242
Total Minority %	23.5	24.2	25.0	26.0
POSITION DATA				
Budgeted Positions	72	66	66	66

APPROPRIATION DATA (amounts expressed in thousands)

-----Year Ending June 30, 1985-----					-----Year Ending June 30, 1987-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Avai lable	Expended	PROGRAM CLASSIFICATION	Ref Key	1986 Adjusted Approp	Requested	Recom- mended
1,496	45	-143	1,398	1,395	Management and Administrative Services	99	1,492	1,618	1,618
1,496	45	-143	1,398	1,395	Total Appropriation		1,492	1,618	1,618
<u>Distribution by Object</u>									
1,167	---	-97	1,070	1,069	Personal Services-- Salaries and wages		1,160	1,286	1,286
1,167	---	-97	1,070	1,069	Total Personal Services		1,160(a)	1,286	1,286
64	---	12	76	76	Materials and Supplies		69	70	70
113	---	14	127	126	Services Other Than Personal		105	125	125
63	---	-19	44	43	Maintenance and Fixed Charges		58	35	35
39	---	4	43	43	Special Purpose-- Affirmative action and equal employment opportunity program		46	48	48
50	---	-12	38	38	Microfilming services		54	54	54
---	45	-45	---	---	Data processing initiatives		---	---	---
89	45	-53	81	81	Total Special Purpose		100	102	102

(a) The 1986 appropriation has been adjusted for the allocation of the salary program.

80. SPECIAL GOVERNMENT SERVICES
 82. PROTECTION OF CITIZENS' RIGHTS

OBJECTIVES

1. To provide representation for the citizens of New Jersey in their dealings with departments and agencies of State government, other governmental agencies and regulated industries.
2. To provide for the realization of the constitutional guarantees of counsel in criminal cases for indigent defendants (C2A:158A-1 et seq.).

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued
 80. SPECIAL GOVERNMENT SERVICES
 82. PROTECTION OF CITIZENS' RIGHTS

Program Classifications

01. Mental Health Advocacy--Provides representation for indigent individuals who are involuntarily committed to mental hospitals beyond an initial 20-day period. In addition, a class action unit litigates broad issues applicable to large segments of the mentally ill, such as the right to treatment, disposition of properties, availability of alternative placement and the statutory provisions for the placement of individuals in the confinement of a mental institution.
02. Public Interest Advocacy--Serves as an extension of the broad-based ombudsman concept. The public interest is defined as an interest or right arising from the Constitution, decisions of the court, common law, or other laws of the United States or of this State. The Public Advocate has sole discretion to represent, or refrain from representing, the public interest in any proceeding. Prior to making his determination, cases must be investigated to determine where or how citizens' rights are being affected and the participation of the Public Advocate will help to resolve and protect the public interest.
03. Citizen Complaints and Dispute Settlement--Receives complaints from citizens relating to the administrative action or inaction of State government agencies and forwards these complaints to those agencies for resolution. Should a citizen find the response of a State agency unsatisfactory, the Division is empowered to investigate and to request that the respective State agency to modify its action. Recommends alterations in State statute or regulation where, after investigation, it has determined that administrative action or inaction based on the particular statute or regulation is unreasonable, unfair, oppressive or discriminatory or performed in an inefficient manner. The Dispute Resolution Center provides mediation, conciliation and other third party services in public interest disputes.
04. Trial Services to Indigents and Special Programs--Represents those indigent defendants who have been charged with indictable offenses and those indigent juveniles whose cases have been assigned to the formal calendar. The activity of the attorneys, investigative and clerical staff begins with this assignment. The court assignment is received and reviewed for indigency. The case is opened, interviews scheduled and investigation initiated. The assigned attorney prepares the case, enters into the necessary negotiations, trial and sentences.
05. Appellate Services to Indigents--Provides that every adult and juvenile found guilty after trial is permitted a direct appeal from that conviction or adjudication. Most of the referrals to the Appellate section come from trial regions. In addition, direct applications are received for services at the appellate level. The Appellate section files notices of appeal within a court-mandated time period, orders transcripts and assigns an attorney who then reviews the transcript, interviews defendants, files motions and does the research necessary to identify the problems raised in the transcript. Representation is provided in both State and federal courts.
06. Public Defender Administration--Provides the centralized supervision and policy planning for the Office of the Public Defender.
08. Advocacy for Developmentally Disabled--Originally functioning within the Division of Mental Health Advocacy, this program was elevated to divisional status in 1982 (N.J.S.A.52:27E-44.1). This program was established to protect and advocate the rights of the developmentally disabled and citizens with other severe disabilities in the areas of guardianship, habilitation, medical treatment, education, employment, protection from harm, transportation and other civil rights. It provides legal services, and responds to complaints from individuals and their families as well as community groups; it also provides training for handicapped people and their families to assist them to advocate for themselves.

	Actual FY 1984	Actual FY 1985	Budgeted FY 1986	Budget Estimate FY 1987
EVALUATION DATA				
Mental Health Advocacy				
Regional Representation (Camden, Essex, Mercer)				
Patients in catchment areas.....	9,608	9,500	9,500	11,555
Dispositions.....	7,201	8,199	8,200	10,100
Percent served.....	75%	86%	86%	87%
Dispositions per staff attorney.....	655/1	621/1	621/1	621/1
Class Action				
Patients.....	25,000	25,000	25,000	25,000
Cases.....	80	80	80	80
Dispositions.....	21	21	21	21
Percent served.....	26%	26%	26%	26%
Dispositions per staff attorney.....	7/1	7/1	7/1	7/1
Public Interest Advocacy				
Cases July 1.....	266	343	356	381
Added.....	134	145	157	170
Closed.....	57	132	132	132
Cases June 30.....	343	356	381	419
Dispositions per staff attorney.....	13.4/1	16.5/1	16.5/1	16.5/1
Citizens' Complaints and Dispute Settlement				
Cases July 1.....	477	476	497	518
Added.....	19,751	18,636	18,636	18,636
Closed.....	19,752	18,615	18,615	18,615
Cases June 30.....	476	497	518	539
Dispositions per representative.....	1,975/1	1,692/1	1,692/1	1,692/1
Trial Services to Indigents and Special Programs				
Cases open (July 1).....	47,754	48,767	50,619	54,291
Added.....	45,109	45,993	47,813	48,751
Closed.....	44,096	44,141	44,141	44,398
Private pool.....	5,109	5,132	5,132	5,132
Staff.....	38,987	39,009	39,009	39,266
Open (June 30).....	48,767	50,619	54,291	58,644

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued
 80. SPECIAL GOVERNMENT SERVICES
 82. PROTECTION OF CITIZENS' RIGHTS

	Actual FY 1984	Actual FY 1985	Budgeted FY 1986	Budget Estimate FY 1987
Ratio: Staff attorney/staff closed cases.....	1/205	1/190	1/190	1/190
Staff attorneys.....	186	205	205	207
Backlog (months).....	13.0	13.2	14.8	14.4
Child abuse				
Cases open (July 1).....	455	892	2,051	3,053
Added.....	776	1,420	1,518	1,518
Dispositions.....	339	261	516	528
Open (June 30).....	892	2,051	3,053	4,043
Institutional Abuse investigations (DYFS).....	73	96	96	96
Parole Revocation				
Hearings assigned				
Adult.....	564	720	720	720
Juvenile.....	887	1,081	1,081	1,921
Total.....	1,451	1,801	1,801	2,641
Dispositions				
Adult.....	611	840	840	840
Juvenile.....	637	987	987	1,197
Total.....	1,248	1,827	1,827	2,037
Appellate Services to Indigents				
Cases open (July 1).....	2,598	2,943	2,544	2,119
Added.....	1,878	1,712	1,712	1,712
Closed.....	1,536	2,111	2,137	2,031
Private Pool.....	485	910	875	643
Staff.....	1,051	1,201	1,262	1,388
Open (June 30).....	2,943	2,544	2,119	1,800
Ratio: Staff attorney/staff closed cases.....	1/35.0	1/31.6	1/33.2	1/33.2
Staff attorneys.....	30	38	38	38
Backlog (months).....	18.8	17.8	14.9	12.6
Excessive Sentence Program Dispositions.....	192	679	740	814
Briefs filed.....	613	332	332	395
Dismissals.....	246	190	190	179
Reversals or modifications.....	56	101	107	118
Percent appeals from adverse trial decision.....	8.8%	8.4%	8.5%	8.5%
Advocacy for Developmentally Disabled				
Cases Open (July 1).....	331	636	703	1,108
Added.....	1,236	1,350(a)	1,688(a)	2,110(a)
Closed.....	931	1,283(a)	1,283(a)	1,283(a)
Cases Open (June 30).....	636	703	1,108	1,935

(a) Does not include Guardianship caseload estimated at 1,500 case assignments and 1,500 case dispositions per year.

POSITION DATA

	676	764	764	778
Budgeted Positions.....	676	764	764	778
Mental Health Advocacy.....	42	41	41	41
Public Interest Advocacy.....	16	18	18	18
Citizens' Complaints and Dispute Settlement.....	26	25	25	25
Trial Services to Indigents and Special Programs.....	504	575	572	579
Appellate Services to Indigents.....	59	76	76	75
Public Defender Administration.....	22	22	25	23
Advocacy for the Developmentally Disabled.....	7	7	7	17
Positions Budgeted in Lump Sum Appropriations.....	89	---	17	31
Authorized Positions--Federal.....	8	8	16	16
Total Positions.....	773	772	797	825

APPROPRIATION DATA (amounts expressed in thousands)

Orig. & (S) Supplemental	Year Ending June 30, 1985				PROGRAM CLASSIFICATIONS	Ref Key	Year Ending June 30, 1987		
	Reapp. & (R) Rec	Transfers (E) Emergencies	Total Available	Expended			1986 Adjusted Approp	Requested	Recommended
1,445	---	-15	1,430	1,430	Mental Health Advocacy	01	1,546	1,785	1,785
489	---	148	637	637	Public Interest Advocacy	02	684	653	653
688	12	45	745	744	Citizens' Complaints and Dispute Settlement	03	750	785	785
20,740	737	1,746	23,223	23,140	Trial Services to Indigents and Special Programs	04	23,969	23,675	23,675
3,478	32	619	4,129	4,108	Appellate Services to Indigents	05	3,690	4,362	4,362

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued
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Year Ending June 30, 1985					Year Ending June 30, 1987				
Orig. & (S) Supplemental	Reapp. & (R) Rec	Transfers (E) Emergencies	Total Available	Expended	PROGRAM CLASSIFICATIONS	Ref Key	1986 Adjusted Approp	Requested	Recommended
900	---	-13	887	886	Public Defender Administration	06	976	901	901
269	---	47	316	271	Advocacy for the Developmentally Disabled	08	593	527	527
28,009	781	2,577	31,367	31,216	Total Appropriation		32,208	32,688	32,688
<u>Distribution by Object</u>									
<u>Personal Services--</u>									
19,242	---	3,234	22,476	22,476	Salaries and wages		24,496	24,151	24,151
---	---	---	---	---	Positions established from lump sum appropriation		384	384	384
19,242	---	3,234	22,476	22,476	Total Personal Services		24,880(a)	24,535	24,535
427	---	139	566	559	Materials and Supplies		469	462	462
5,231	---	2,515	7,746	7,739	Services Other Than Personal		6,382	6,615	6,615
321	---	-52	269	267	Maintenance and Fixed Charges		294	253	253
<u>Special Purpose--</u>									
---	---	---	---	---	Monmouth/Ocean County office - Mental Health Advocacy	01	---	275	275
70	---	-70	---	---	Public Dispute Resolution Center	03	70	70	70
---	---	---	---	---	Expansion of child abuse representation	04	---(b)	---	---
2,245	---	-2,245	---	---	Death penalty public defender-trial	04	---	---	---
---	205	-205	---	---	Data processing initiatives	04	---	---	---
---	---	---	---	---	Parole revocation	04	---	51	51
---	---	---	---	---	Juvenile-family crisis	04	---	191	191
374	---	-374	---	---	Death penalty public defender - appellate	05	---	---	---
---	---	---	---	---	Para-legals	05	---	131	131
---	---	---	---	---	Advocacy for the developmentally disabled	08	---(c)	---	---
35 S	---	---	35	5	Guardianship unit	08	5(d)	---	---
31	---	41	72	72	Compensation awards		80	72	72
---	12 R	-12	---	---	Control -Citizens' Complaints and Dispute Settlement	03	---	---	---
---	{ 210 312 R }	-444	78	---	Control - Trial Services	04	---	---	---
---	{ 5 27 R }	-12	20	---	Control - Appellate Services	05	---	---	---
2,755	771	-3,321	205	77	Total Special Purpose		150	790	790
33	10	62	105	98	Additions, Improvements and Equipment		33	33	33
<u>OTHER RELATED APPROPRIATIONS</u>									
<u>Federal Funds</u>									
---	{ 5 379 R }	28	412	411	Advocacy for the Developmentally Disabled	08	889	624	624
---	384	28	412	411	Total Federal Funds		889	624	624
<u>All Other Funds</u>									
---	{ 29 114 R }	1	144	121	Citizens' Complaints and Dispute Settlement	03	139	225	225
---	143	1	144	121	Total All Other Funds		139	225	225
28,009	1,308	2,606	31,923	31,748	Grand Total		33,236	33,537	33,537

It is recommended that receipts from Rate Counsel services and the unexpended balance as of June 30, 1986 of such receipts, be appropriated for the purpose of defraying the cost of operation of the Rate Counsel program classification and an amount not to exceed 20% of departmental administrative costs.

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued
80. SPECIAL GOVERNMENT SERVICES
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It is further recommended that receipts from clients and the unexpended balance as of June 30, 1986 of such receipts, be appropriated.

It is further recommended that sums provided for legal and investigative services be available for payment of obligations applicable to prior fiscal years.

- (a) The 1986 appropriation has been adjusted for the allocation of the salary program.
- (b) Appropriation of \$94,000 has been distributed to applicable operating accounts.
- (c) Appropriation of \$150,000 has been distributed to applicable operating accounts.
- (d) Supplemental appropriation of \$175,000 has been distributed to applicable operating accounts.