

REPORT HIGHLIGHTS

A Report on Pennsylvania

Released: 11/10/21

Indigent Criminal Defense Services Funding and Caseloads

House Resolution 2019-619 (HR 2019-619) directed the Legislative Budget and Finance Committee (LBFC) to conduct a study and issue a report analyzing the funding and caseloads related to indigent criminal defense services in the Commonwealth of Pennsylvania during CYs 2018, 2019, and 2020. Indigent criminal defense services are primarily a county-based responsibility, consequently, the focus of the report was on information and data collection from county offices and where applicable, state judicial management authorities along with relevant state commissions and associations. Highlights of our report include the following:

- **The U.S. Supreme Court ruled in *Gideon v. Wainwright* that the Sixth Amendment of the U.S. Constitution mandates governments, both federal and state, to provide free counsel for indigent criminal defendants in felony cases.** Subsequently, the Court extended the free counsel requirement to misdemeanor prosecutions, juvenile proceedings, and to all critical proceedings after a person's arrest. Pennsylvania Supreme Court cases indicate the Pennsylvania Constitution aligns with U.S. Constitution in terms of an indigent criminal defendant's right to counsel.
- **Historically, Pennsylvania indigent criminal defense services and funding are provided for at the county level.** Indigent criminal defense services continue to be funded at the county level, although one-time state funding (PA Budget FY 2019-20) of \$500,000 was provided for Pennsylvania Commission on Crime and Delinquency capital case indigent defense program grants.
- **Pennsylvania is one of two states that generally provide no state funding for the administration of indigent criminal defense services.** No explicit direction is provided on how states are to execute or fund constitutionally mandated indigent criminal defense services. States fall into one of three funding classifications: state-funded services (27 states), mixed state and local funded-services (14 states), and minimal or no state-funded services (9 states).
- **Crime rates and indigent criminal defense expenditures differ among the counties.** In 2020 Philadelphia County spent the highest amount - \$48.5 M (4,000 crimes per 100,000 people) and Cameron County spent the least amount - \$35,599 (1,600 crimes per 100,000 people).
- **Per capita and per case disposed expenditures varied among the counties with per capita expenditures averaging \$7.63 and per case disposed expenditures averaging \$1,216.54.** In 2019 Philadelphia County had the highest spending per capital - \$30.20 (pop. 1.6 M) and Mifflin County had the lowest spending per capita - \$3.20 (pop. 46,000). In 2020 Philadelphia spent, on average, the most per case disposed - \$3,799.04 and Mifflin County spent, on average, the least at \$283,84.
- **On average, 54 percent of all adult criminal cases statewide had representation provided by a public defender (CYs 2018 – 2020).** 2018: 55.2 percent (120,673 cases), 2019: 55.3 percent (114,711), and 2020: 51.8 percent (78,459). In 2020 the individual county percentages ranged from 86.5 to 30.6 percent.
- **Juvenile delinquency cases statewide involving a public defender (based on AOPC data) were: 11,790 (2018), 11,865 (2019), and 9,569 (2020).** All juveniles are presumed indigent under Pennsylvania statute.
- **We developed and sent a survey to collect public defenders' offices data (e.g., caseloads, salaries, number of attorneys, etc.), which received responses from 36 counties that indicated a lack of complete and uniform data.**
 - Although some public defender offices have caseload management systems, many offices were unable to answer our questions regarding caseload data, often telling us this data is unknown/untracked by their offices, or it was available through county court administration.
 - Respondents indicated 29 chief public defenders were full-time, one chief was contracted full-time, and six chiefs were part-time (two of which are contracted).
 - Responses reflected the lack of a uniform process for determining who is indigent and qualifies for a public defender.

For a full copy of the report, email us at lbfcinfo@palbfc.us or download a copy at <http://lbfc.legis.state.pa.us/>.