

DEPARTMENT OF THE PUBLIC ADVOCATE

SUMMARY BY PROGRAM  
(amounts expressed in thousands)

-----Year Ending June 30, 1986-----					-----Year Ending June 30, 1988-----		
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Avai lable	Expended	1987 Adjusted Approp	Requested	Recom- mended
1,397	---	241	1,638	1,638			
					Management and Administration Management and Administrative Services		
					1,742	2,106	2,106
1,397	---	241	1,638	1,638	1,742	2,106	2,106
					Sub-Total		
1,438	---	-5	1,433	1,420	1,898	1,807	1,807
636	---	12	648	648	703	731	731
700	14	37	751	751	Protection of Citizens' Rights Mental Health Advocacy Public Interest Advocacy Citizens' Complaints and Dispute Settlement		
22,448	572	1,672	24,692	24,626	842	893	893
3,511	27	551	4,089	4,088	Trial Services to Indigents and Special Programs		
901	---	-10	891	891	25,292	27,164	27,103
571	36	19	626	618	4,561	4,307	4,307
					975	915	915
					Appellate Services to Indigents Public Defender Administration Advocacy for the Developmentally Disabled		
					573	610	610
30,205	649	2,276	33,130	33,042	Sub-Total		
					34,844	36,427	36,366
31,602	649	2,517	34,768	34,680	Total Appropriation, Department of the Public Advocate		
					36,586	38,533	38,472

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 1985	Actual FY 1986	Budgeted FY 1987	Budget Estimate FY 1988
<b>AFFIRMATIVE ACTION DATA</b>				
Male Minority .....	71	79	84	92
Male Minority % .....	7.9	8.6	9.0	9.6
Female Minority .....	145	156	158	163
Female Minority % .....	16.2	17.0	17.0	17.0
Total Minority .....	216	235	242	255
Total Minority % .....	24.2	25.6	26.0	26.6

POSITION DATA

Budgeted Positions.....	66	66	66	70
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APPROPRIATION DATA (amounts expressed in thousands)

-----Year Ending June 30, 1986-----					-----Year Ending June 30, 1988-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	PROGRAM CLASSIFICATION	Ref Key	1987 Adjusted Approp	Requested	Recom- mended
1,397	---	241	1,638	1,638	Management and Administrative Services	99	1,742	2,106	2,106
1,397	---	241	1,638	1,638	Total Appropriation		1,742	2,106	2,106
<u>Distribution by Object</u>									
1,065	---	159	1,224	1,224	Personal Services-- Salaries and wages		1,410	1,663	1,663
1,065	---	159	1,224	1,224	Total Personal Services		1,410(a)	1,663	1,663
69	---	12	81	81	Materials and Supplies		70	78	78
105	---	80	185	185	Services Other Than Personal		125	122	122
58	---	-20	38	38	Maintenance and Fixed Charges		35	37	37
<u>Special Purpose--</u>									
46	---	---	46	46	Affirmative action and equal employment opportunity program		48	52	52
54	---	-18	36	36	Microfilming services Federal energy regulatory commission hearings		54	54	54
100	---	-18	82	82	Total Special Purpose		102	206	206
---	---	28	28	28	Additions, Improvements and Equipment		---	---	---
<u>OTHER RELATED APPROPRIATIONS</u>									
---	---	6	6	---	All Other Funds Management and Administrative Services		---	---	---
---	---	6	6	---	Total All Other Funds		---	---	---
1,397	---	247	1,644	1,638	Grand Total		1,742	2,106	2,106

(a) The 1987 appropriation has been adjusted for the allocation of the salary program.

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued  
 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.).

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. Citizens' 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 sentencing proceedings.
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 the 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 1985	Actual FY 1986	Revised FY 1987	Budget Estimate FY 1988
<b>EVALUATION DATA</b>				
<b>Mental Health Advocacy</b>				
Regional Representation (Camden, Essex, Mercer)				
Patients in catchment areas.....	9,500	9,144	11,555	11,555
Dispositions.....	8,199	7,606	9,591	10,365
Percent served.....	86%	83%	83%	83%
Dispositions per staff attorney.....	621/1	691/1	639/1	691/1
Class Action				
Patients.....	25,000	25,000	25,000	25,000
Cases.....	80	139	134	129
Dispositions.....	21	33	35	37
Percent served.....	26%	24%	26%	29%
Dispositions per staff attorney.....	7/1	9.7/1	10/1	10.6/1
<b>Public Interest Advocacy</b>				
Cases July 1.....	343	356	412	472
Added.....	145	167	192	221
Closed.....	132	111	132	132
Cases June 30.....	356	412	472	561
Dispositions per staff attorney.....	16.5/1	13.9/1	16.5/1	16.5/1
<b>Citizens' Complaints and Dispute Settlement</b>				
Cases July 1.....	476	497	598	619
Added.....	18,636	16,502	18,636	18,636
Closed.....	18,615	16,401	18,615	18,615
Cases June 30.....	497	598	619	640
Dispositions per representative.....	1,692/1	1,562/1	1,692/1	1,692/1

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

	Actual FY 1985	Actual FY 1986	Revised FY 1987	Budget Estimate FY 1988
<b>Trial Services to Indigents and Special Programs</b>				
Cases open (July 1).....	48,767	50,619	55,639	59,816
Added.....	45,993	59,881	59,881	59,881
Closed.....	44,141	54,861	55,704	55,704
Private pool.....	5,132	5,604	6,028	6,028
Staff.....	39,009	49,257	49,676	49,676
Open (June 30).....	50,619	55,639	59,816	63,993
Ratio: Staff attorney/staff closed cases.....	1/189.4	1/209.6	1/209.6	1/209.6
Staff attorneys.....	206	235(a)	237(a)	237(a)
Backlog (months).....	13.2	11.1	12.0	12.8
Child abuse				
Cases open (July 1).....	892	2,051	2,891	3,828
Added.....	1,420	1,421	1,518	1,518
Dispositions.....	261	581	581	581
Open (June 30).....	2,051	2,891	3,828	4,765
Institutional Abuse investigations (DYFS).....	96	96	96	96
<b>Parole Revocation</b>				
<b>Cases Opened</b>				
Adult.....	1,428	1,422	1,456	1,456
Juvenile.....	373	324	332	332
Total.....	1,801	1,746	1,788	1,788
<b>Cases Closed</b>				
Adult.....	1,420	1,361	1,459	1,459
Juvenile.....	407	298	320	320
Total.....	1,827	1,659	1,779	1,779
<b>Hearings Held</b>				
Adult.....	996	915	969	969
Juvenile.....	150	113	120	120
Total.....	1,146	1,028	1,089	1,089
<b>Appellate Services to Indigents</b>				
Cases open (July 1).....	2,943	2,544	2,019	1,859
Added.....	1,712	1,810	1,840	1,998
Closed.....	2,111	2,335	2,000	2,000
Private Pool.....	910	990	579	579
Staff.....	1,201	1,345	1,421	1,421
Open (June 30).....	2,544	2,019	1,859	1,857
Ratio: Staff attorney/staff closed cases.....	1/31.6	1/32.8	1/34.7	1/34.7
Staff attorneys.....	38	41	41	41
Backlog (months).....	17.8	13.4	12.1	11.2
Excessive Sentence Program Dispositions.....	679	992	992	992
Briefs filed.....	332	1,154	819	819
Dismissals.....	190	189	189	189
Reversals or modifications.....	101	152	152	152
Percent appeals from adverse trial decisions.....	8.4%	8.4%	8.4%	8.4%
<b>Advocacy for Developmentally Disabled</b>				
Cases Open (July 1).....	636	703	1,015	1,775
Added (b).....	1,350	1,791	2,239	2,239
Closed (b).....	1,283	1,479	1,479	1,479
Cases Open (June 30).....	703	1,015	1,775	2,535

(a) Includes 27 attorneys funded from the Speedy Trial Coordinating Committee for fiscal year 1986 and 1987 and 5 attorneys for fiscal year 1988.

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

**POSITION DATA**

Budgeted Positions.....	764	764	778	805
Mental Health Advocacy.....	41	41	41	49
Public Interest Advocacy.....	18	18	18	18
Citizens' Complaints and Dispute Settlement.....	25	25	25	28
Trial Services to Indigents and Special Programs.....	575	572	579	596
Appellate Services to Indigents.....	76	76	75	78
Public Defender Administration.....	22	25	23	19
Advocacy for the Developmentally Disabled.....	7	7	17	17
Positions Budgeted in Lump Sum Appropriations.....	26	17	31	25
Authorized Positions--Federal.....	10	17	17	17
Total Positions.....	772	758	826	847

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

APPROPRIATION DATA (amounts expressed in thousands)

-----Year Ending June 30, 1986-----					-----Year Ending June 30, 1988-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	PROGRAM CLASSIFICATIONS	Ref Key	1987 Adjusted Approp	Requested	Recom- mended
1,438	---	-5	1,433	1,420	Mental Health Advocacy	01	1,898	1,807	1,807
636	---	12	648	648	Public Interest Advocacy	02	703	731	731
700	14	37	751	751	Citizens' Complaints and Dispute Settlement	03	842	893	893
22,448	572	1,672	24,692	24,626	Trial Services to Indigents and Special Programs	04	25,292	27,164	27,103
3,511	27	551	4,089	4,088	Appellate Services to Indigents	05	4,561	4,307	4,307
901	---	-10	891	891	Public Defender Administration	06	975	915	915
571	36	19	626	618	Advocacy for the Developmentally Disabled	08	573	610	610
30,205	649	2,276	33,130	33,042	Total Appropriation		34,844	36,427	36,366
<u>Distribution by Object</u>									
<u>Personal Services--</u>									
22,493	2	2,038	24,533	24,532	Salaries and wages		26,967	26,498	26,498
---	---	---	---	---	Positions established from lump sum appropriation		384	681	681
22,493	2	2,038	24,533	24,532	Total Personal Services		27,351(a)	27,179	27,179
469	---	39	508	508	Materials and Supplies		462	488	488
6,347	21	944	7,312	7,311	Services Other Than Personal		6,673	7,491	7,491
294	1	-33	262	261	Maintenance and Fixed Charges		253	253	253
<u>Special Purpose--</u>									
---	---	---	---	---	Monmouth/Ocean County office	01	---(b)	---	---
70	---	-70	---	---	Public Dispute Resolution Center	03	---(c)	50	50
94	---	---	94	94	Expansion of child abuse representation	04	---	---	---
---	---	---	---	---	Parole revocation	04	---(d)	---	---
---	---	---	---	---	Juvenile-family crisis	04	---(e)	---	---
---	148 R	-148	---	---	Speedy trial program	04	---	861	800
---	---	---	---	---	Para-legals	05	---(f)	---	---
---	30	---	30	30	Guardianship program	08	---	---	---
150	---	-150	---	---	Advocacy for the developmentally disabled	08	---	---	---
175 S	---	-175	---	---	Guardianship unit	08	---	---	---
80	---	---	80	80	Compensation awards		72	72	72
---	---	13	13	13	Other special purpose		---	---	---
---	14 R	-14	---	---	Control - Dispute Resolution Training	03	---	---	---
---	{ 79 322 R }	-335	66	---	Control - Trial Services	04	---	---	---
---	20	---	---	---	Control - Appellate Services	05	---	---	---
---	7 R	-27	---	---			---	---	---
569	620	-906	283	217	Total Special Purpose		72	983	922
33	5	194	232	213	Additions, Improvements and Equipment		33	33	33
<u>OTHER RELATED APPROPRIATIONS</u>									
<u>Federal Funds</u>									
---	---	---	---	---	Mental Health Advocacy	01	---	255	255
---	1	102	103	103	Trial Services to Indigents and Special Programs	04	---	---	---
---	{ 14 573 R }	-1	586	586	Advocacy for the Developmentally Disabled	08	624	624	624
---	588	101	689	689	Total Federal Funds		624	879	879

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

Orig. & (S)Supple- mental	Year Ending June 30, 1986-----			Total Available	Expended	Ref Key	1987 Adjusted Approp	Year Ending -----June 30, 1988-----	
	Reapp. & (R)Rec	Transfers (E) Emer- gencies						Requested	Recom- mended
	{ 26 213 R }			239	212				
	239			239	212	03	225	224	224
							225	224	224
30,205	1,476	2,377		34,058	33,943		35,693	37,530	37,469

It is recommended that receipts from Rate Counsel services and the unexpended balance as of June 30, 1987 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.

It is further recommended that receipts from clients and the unexpended balance as of June 30, 1987 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 1987 appropriation has been adjusted for the allocation of the salary program.
- (b) Appropriation of \$275,000 has been distributed to applicable operating accounts.
- (c) Appropriation of \$70,000 has been distributed to applicable operating accounts.
- (d) Appropriation of \$51,000 has been distributed to applicable operating accounts.
- (e) Appropriation of \$191,000 has been distributed to applicable operating accounts.
- (f) Appropriation of \$131,000 has been distributed to applicable operating accounts.