

FY2017 Anticipated Budget Request for LOPD

Despite the significant budget increase appropriated for FY2016 LOPD remains substantially underfunded for providing statewide effective assistance of counsel.

- The FY2016 LOPD budget remains \$20,260,500 lower than that of the District Attorneys and the Administrative Office of the District Attorneys.
- This budget gap does not include the Attorney General's prosecutorial and appellate activities, the investigatory assistance provided by law enforcement, and the county's payment of rent for District Attorneys, all of which are additional costs that LOPD must bear.
- This lack of funding results in statewide systemic ineffective assistance of counsel where many defendants receive a "meet and plea" defense.
- The most recent "cost per day" figure for the Department of Corrections is \$102.61, or \$37,452.65 per year. Ineffective assistance of counsel that results in inappropriately long sentences costs society far too much.

To end systemic ineffective assistance of counsel, the Public Defender Commission will submit a FY2017 budget request consisting of the following:

- an additional 148 support staff
- an additional 31 attorneys statewide (30 fewer than the NM Sentencing Commission's recommendation)
- the cost of this LOPD expansion is approximately \$12.4 million
- an additional \$18.6 million to pay hourly rates of \$85 per hour to LOPD's contract counsel statewide
- this amount is \$15.7 million less than the FY2016 requested amount due to actuals data collected from the 953 hourly rate cases in the five crisis counties (Eddy, Lea, Lincoln, Luna, and Roosevelt)
- in the alternative, the Legislature could appropriate funding for opening LOPD offices in the 20 counties without offices plus alternate public defender offices to handle conflict cases