

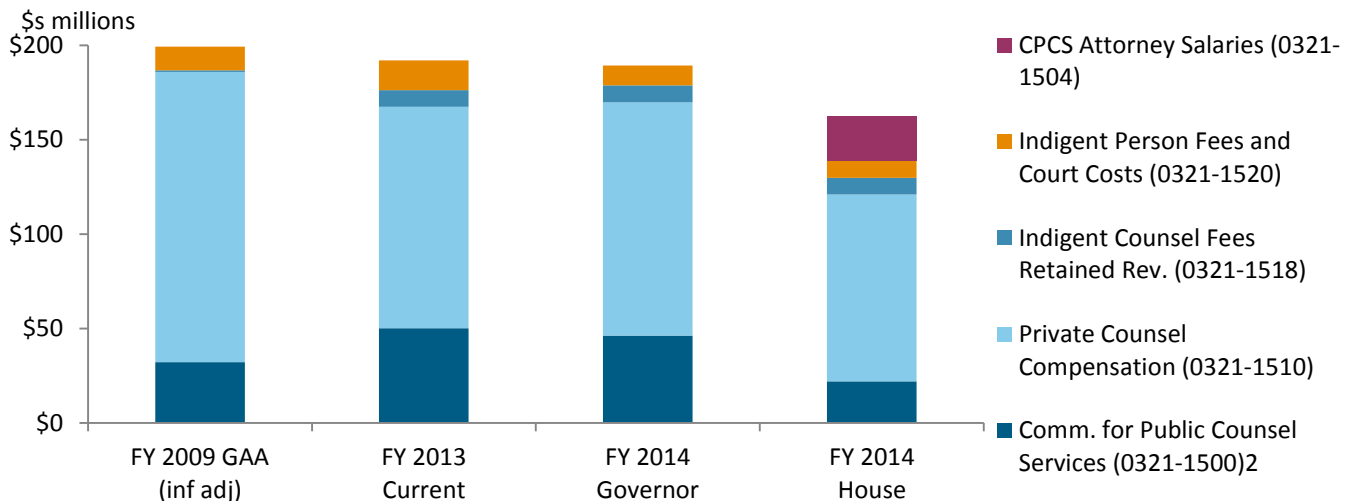
## Law & Public Safety in the House Budget for FY 2014

Law and public safety programs are a core part of what we do together through government; they help us make our communities safer and more secure, enforce contracts and settle property disputes, and protect our many rights and liberties. These programs include the court system and indigent defense, prosecutors, state prisons and county sheriff's departments, probation and parole functions, as well as the state police, military division, fire safety services and other safety inspection services.

Taken as a whole, the House FY 2014 budget leaves funding for Law & Public Safety (L&PS) accounts essentially unchanged from the current FY 2013 level of \$2.45 billion.<sup>1</sup> (When cost-growth due to inflation is taken into account, however, this funding level will represent a modest decrease from FY 13 levels.) The House budget provides \$43.8 million (or 1.8 percent) less than the Governor does in his FY2014 proposal. These overall figures, however, mask more significant differences in the amounts appropriated by the House for different programs within L&PS, as well as more notable differences between the House and the Governor's proposals.

Indigent defense accounts see the largest cuts of all the L&PS programs in the House budget. Relative to current FY 13 funding levels, these accounts together see a loss of \$29.7 million or 15.5 percent (see chart below and table on following page). It is worth noting, however, that in past years these accounts often have received mid-year, supplemental appropriations as it becomes clear that the initial appropriation will not cover the costs of providing constitutionally mandated legal services for indigent persons. Given the depth of the cuts to these line-items in the House budget, it therefore is possible that significant additional funds will be required for these accounts during FY 2014.

### Indigent Defense Funding Has Dropped Significantly Since FY 2009



<sup>1</sup> The FY 2013 figure includes a one-time \$30 million appropriation for the "costs of the investigation and response related to the breach at the drug analysis laboratory at the Hinton State Laboratory Institute." This inflates the FY 13 total relative to the House and Governor's FY 14 proposals. It is possible, however, that supplemental appropriations may be made again in FY 14 for this purpose, and thus FY 14 funding for L&PS will exceed that of FY 13 by a small amount.

Meanwhile, reform efforts begun in FY 12 to shift indigent defense funding toward public defenders and away from private attorneys are continued in both the House and Governor's FY 14 proposals (See a more detailed discussion of these reforms in the Budget Monitor for the FY 13 Budget, Law & Public Safety section: [http://massbudget.org/report\\_window.php?loc=budget\\_monitor\\_gaa\\_fy13.php](http://massbudget.org/report_window.php?loc=budget_monitor_gaa_fy13.php)). The House rejected a proposal contained in the House Ways and Means Budget to create an oversight committee that would administer a pilot project, awarding through competitive contract bidding "25 percent of new district court cases in Middlesex County that are otherwise served by private bar advocates, to qualified attorneys with private or non-profit entities on a capped fee basis."<sup>2</sup> Presumably, the goal was to develop a lower cost model for the portion of indigent defense that is performed by private attorneys rather than by the growing number of public defenders.

Indigent Defense	FY 2009 GAA (inf adj)	FY 2013 Current	FY 2014 Governor	FY 2014 House	FY14 House - FY14 Gov.	FY14 House - FY13 Current
<b>Comm. for Public Counsel Services (0321-1500)</b>	32,100,272	50,129,781	46,305,776	22,014,712	(24,291,064)	(28,115,069)
<b>CPCS Attorney Salaries (0321-1504)</b>				23,436,468	23,436,468	23,436,468
<b>Private Counsel Compensation for Criminal and Civil Cases (0321-1510)</b>	153,787,238	117,256,408	123,532,924	98,906,090	(24,626,834)	(18,350,318)
<b>Indigent Counsel Fees Retained Rev. (0321-1518)</b>	821,831	8,900,000	8,900,000	8,900,000	0	0
<b>Indigent Person Fees and Court Costs (0321-1520)</b>	12,553,752	15,660,033	10,540,369	9,010,351	(1,530,018)	(6,649,682)
<b>TOTAL for Indigent Defense</b>	<b>199,263,094</b>	<b>191,946,222</b>	<b>189,279,069</b>	<b>162,267,621</b>	<b>(27,011,448)</b>	<b>(29,678,601)</b>

Beyond indigent defense, other accounts that see large cuts in the House budget include the Shannon Grant Program, funded at \$4.5 million (with \$2.5 million of that total added during floor debate). This total represents a cut of close to \$1.8 million or almost 30 percent from current FY 2013 funding levels of \$6.3 million. Notably, however, mid-year changes in funding - both increases and cuts - have occurred occasionally in this line item account during the last several fiscal years. Shannon Grants help fund anti-gang and youth violence prevention efforts undertaken by law enforcement, community-based organizations, and government agencies in communities throughout the Commonwealth. The Department of Fire Services Administration, meanwhile, is funded at \$17.4 million (after gaining \$2.3 million during floor debate). This total represents a cut of \$1.1 million or about 6 percent from current FY13 funding levels. The Department of Fire Services Administration coordinates "training, education, prevention, investigation, and emergency response" efforts related to fire safety throughout the Commonwealth.<sup>3</sup>

While the House budget cuts funding for indigent criminal defense, Shannon Grants and other programs, it increases funding for the Massachusetts Legal Assistance Corporation (MLAC). MLAC provides legal assistance (including information, advice and representation) to low-income people with serious, non-criminal legal problems. The House budget provides \$13.0 million, \$2.0 million of which was added to the House Ways and Means proposal during floor debate. This total is up from current FY 13 funding levels of \$12.0 million, but still well below the \$15.5 million provided in the Governor's budget.

In addition to MLAC, other L&PS accounts also see increases. The seven trial courts see a collective increase from current FY 13 funding levels of \$11.3 million (or 7.5 percent). The House budget also

<sup>2</sup> House FY 2014 budget, outside section 81b.

<sup>3</sup> Massachusetts Executive Office of Public Safety and Security: <http://www.mass.gov/eopss/agencies/dfs/dfs-mission.html>

specifically increases the statutorily designated salaries of judges throughout the court system and provides additional funds for the FY14 portion of these pay raises through increases to the relevant line-item accounts. As the Governor's Advisory Board on Compensation reported in 2008, judges in Massachusetts have rarely seen pay increases over the last two decades and their pay levels rank 40<sup>th</sup> among the states when the Commonwealth's high cost-of-living is taken into account.<sup>4</sup> The last pay raise judges received was in 2006, following a five year period without increases.<sup>5</sup> The House budget includes a stepped set of increases that, over the next two years, would bring justices' salaries roughly in line with the Advisory Board's 2008 recommendations. The House proposal results in the following adjustments:<sup>6</sup>

- Trial Court justices' salaries would increase from about \$130,000 to about \$160,000
- Appeals Court justices' salaries would increase from about \$135,000 to about \$165,000
- Supreme Court justices' salaries would increase from about \$146,000 to about \$176,000

Massachusetts General Law currently pegs clerks' salaries at between approximately 60 percent and 80 percent (depending on the type of clerk) of the salary of justices in the courts where the clerks serve.<sup>7</sup> As a result, increasing justices' salaries automatically increases the salaries of clerks as well. The House budget provides the funds necessary to cover the increased costs of both justices' and clerks' salaries for FY 14. When the increases for both justices and clerks are fully phased-in (the final increase will occur on July 1, 2015) the total annual cost of the increases will be an estimated \$22.6 million.

Proposed FY 2014 funding for prisons, probation and parole accounts also see modest increases. The Department of Corrections (DOC) and related accounts see a combined 1.6 percent increase (to \$568.4 million) over current FY13 funding levels. (DOC is responsible for the state's prison system.) By comparison, under the Governor's proposal, the DOC sees \$3.9 million more than under the House plan. As part of an effort to prevent overcrowding and to avoid building costly additional jail and prison capacity, both the House and Governor's budget proposals place specific reporting requirements on the DOC. In collaboration with the Sheriff's Association, the DOC must submit quarterly reports to the Legislature detailing the numbers of prisoners of each kind (pre-trial, sentenced, and federal) in each facility according to the security classification of each prisoner (these classifications determine which prisoners can be housed together). With this information, it then is possible to allocate available jail and prison space throughout the Commonwealth more efficiently.

Probation accounts increase by 1.5 percent (to \$146.8 million) under the House plan and parole accounts by 2.5 percent (to \$18.6 million) relative to FY 13. The Governor, however, provides no direct appropriation to the Department of Probation. Instead, he consolidates funding for probation within the Office of the Chief Justice of Administration (CJAM). Based on administration estimates, the Governor assumes probation funding from the CJAM of \$148.9 million in FY 2014. The Governor would fund parole accounts at \$18.7 million, a figure similar to that of the House.

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<sup>4</sup> Report to the Legislature by the Advisory Board on Compensation, June 2008: <http://www.bostonbar.org/docs/default-document-library/06-20-08-advisory-board-on-compensation-report-to-legislature.pdf>

<sup>5</sup> Ibid, see Table 1

<sup>6</sup> House FY 2014 budget, Consolidated Amendment J, Sections A through V; G.L., Ch. 211, Sect. 22; G.L., Ch. 211A, Sect. 2; G.L., Ch. 211B, Sect. 4

<sup>7</sup> G.L., Ch. 221, Sect. 93 & 94

County sheriff's departments (including related reserve and retained revenue accounts) also collectively see a 4.5 percent (\$23.1 million) increase in the House budget (to \$541.7 million) from current FY 2013 funding levels, \$7.5 million more than provided in the Governor's budget. Various law enforcement accounts – including the State Police Crime Laboratory, the Department of State Police Operations, and funding to train a new class of State Police – also see significant increases, though in most cases not as large as the increases provided by the Governor.

A table of the most notable elements of the House budget – including comparisons to current funding levels and to the Governor's budget recommendations – follows, below:

Program	FY 2013 Current	FY 2014 Governor	FY 2014 House	FY14 House - FY14 Gov.	FY14 House - FY13 Current
<b>Seven Trial Courts</b>	151,555,040	161,227,959	162,860,493	1,632,534	11,305,453
<b>Trial Court Justices' Salaries</b>	47,716,258	49,128,659	50,090,529	961,870	2,374,271
<b>Supreme Judicial Court</b>	7,906,476	8,140,508	8,163,810	23,302	257,334
<b>Appeals Court</b>	11,534,229	11,875,643	12,017,899	142,256	483,670
<b>Dept. of Corrections &amp; Related Accounts</b>	559,650,145	572,251,288	567,033,227	(5,218,061)	7,383,082
<b>Probation Accounts</b>	144,525,708	148,878,783	146,758,105	(2,120,678)	2,232,397
<b>Parole Accounts</b>	18,132,436	18,666,925	18,592,242	(74,684)	459,806
<b>Sheriff's Depts. &amp; Related Accounts</b>	518,633,263	534,185,979	541,729,432	7,543,453	23,096,169
<b>State Police Crime Laboratory</b>	15,111,250	20,755,463	19,749,797	(1,005,666)	4,638,547
<b>Dept. of State Police Operations &amp; Related Accts.</b>	272,780,688	286,972,838	275,122,660	(11,850,178)	2,341,972
<b>New State Police Classes</b>	571,000	3,930,509	3,931,398	889	3,360,398
<b>Gang Prevention Grant Program (Shannon Grants)</b>	6,250,000	6,250,000	2,000,000	(4,250,000)	(4,250,000)
<b>Department of Fire Services Administration</b>	18,513,773	16,686,873	15,145,867	(1,541,006)	(3,367,906)