

# Agency 94 - Commission On Public Advocacy

## Statutory Authority:

The Commission on Public Advocacy was created by the County Revenue Assistance Act, LB 646, of the 1995 Session of the Legislature. Duties were expanded by the Legislature in 1997 and 2001. All commission duties are outlined in Neb. Rev. Stat. sections 29-3919 to 3933, sections 29-4116 to 4125 and sections 25-3001 to 3004 of the Revised Statutes of Nebraska.

## Vision Statement:

The vision of the Commission on Public Advocacy is to continue providing quality legal representation for indigents which allows property tax relief for counties. It further envisions reimbursing qualifying Nebraska counties for adherence to adopted indigent defense standards if funding is restored. Through its operating fund, it shall continue to represent qualifying indigent prisoners attempting to establish innocence through DNA testing and shall continue to administer the Legal Aid and Services Fund to help provide civil legal services to indigent citizens of this state.

## Mission Statement:

The mission of the agency is to assist Nebraska counties in providing indigent defense services mandated by state and federal constitutions and state laws establishing crimes and penalties. Its mission also includes reimbursing qualifying counties for adherence to indigent defense standards and to represent qualifying indigent prisoners under the DNA Testing Act, both efforts which have been affected by funding cuts. The agency is also assisting indigent citizens who are in need of civil legal services and cannot afford to hire an attorney. Our principles include a continued commitment to quality legal representation for persons accused of crimes who cannot afford to hire an attorney, urging the recognition of the need for indigent defense standards, recognizing the benefits of new DNA technology and assisting the civil legal system to aid indigent Nebraska citizens.

## Goals:

Our goals include: Continuation of provision of quality legal representation for persons accused of certain crimes who cannot afford to hire an attorney, to continue to reduce the costs of such defense for counties, to continue to provide assistance, through the resource center, to public defenders and court appointed counsel, to reimburse qualifying counties for adherence to public defender standards if funding is restored, to represent indigent prisoners in the use of DNA testing and to pay for such testing from the operating fund, and to continue to assist civil legal service providers with funding to help indigent citizens with direct civil legal services.

## Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recorm FY06	Request FY07	Recorm FY07
General Fund	0	0	975,000	0	975,000	0
Cash Fund	2,532,094	2,803,530	2,882,549	2,898,764	2,882,549	2,919,577
Federal Fund	115,013	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Agency</b>	<b>2,647,107</b>	<b>2,803,530</b>	<b>3,857,549</b>	<b>2,898,764</b>	<b>3,857,549</b>	<b>2,919,577</b>

## Agency 94 - Commission On Public Advocacy Program 425 - Operations

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### Program Objectives:

- 1) To provide effective direct legal representation for indigents who are accused of murder and other violent crimes in an effort to create and maintain balance in the criminal justice system.
- 2) To provide counties with property tax relief in Nebraska by providing indigent defense services which are mandated by state and federal constitutions and state laws establishing crimes and penalties in the form of state assistance at no charge to the counties.
- 3) To help train and assist public defenders and court-appointed attorneys in felony cases and to provide them with resource assistance.

### Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recom FY06	Request FY07	Recom FY07
General Fund	0	0	0	0	0	0
Cash Fund	712,132	903,530	907,549	923,764	907,549	944,577
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>712,132</b>	<b>903,530</b>	<b>907,549</b>	<b>923,764</b>	<b>907,549</b>	<b>944,577</b>

### Performance Measures:

This agency measures performance by tracking appointments to represent indigent defendants, completion of cases, resource assistance provided, savings to counties and assurance of competent and fair representation of defendants in criminal cases.

## Agency 94 - Commission On Public Advocacy Program 426 - Legal Services Aid

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### Program Objectives:

- 1) To create eligibility criteria, definitions, guidelines and policies to develop the application process for providers of civil legal services to indigent persons to apply for operating funds generated by docket fees established by LB 729.
- 2) To continue to distribute such collected fees to qualifying civil indigent legal service providers for continued operation of such legal services and/or creation of new legal services for the indigent.
- 3) To supervise the providers to ensure they are following the guidelines and policies and that the money is being used as intended.

### Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recom FY06	Request FY07	Recom FY07
General Fund	0	0	0	0	0	0
Cash Fund	1,772,588	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>1,772,588</b>	<b>1,900,000</b>	<b>1,900,000</b>	<b>1,900,000</b>	<b>1,900,000</b>	<b>1,900,000</b>

### Performance Measures:

This agency measures performance by funds actually provided to qualifying indigent civil legal service providers using establishing eligibility criteria and the application process.

## Agency 94 - Commission On Public Advocacy Program 427 - Criminal Defense Aid

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### Program Objectives:

- 1) To create guidelines and draft standards for county indigent defense systems.
- 2) To inform counties of the existence of the standards and the process for compliance to qualify for reimbursement.
- 3) To reimburse qualifying counties for indigent defense services expenses.

### Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recom FY06	Request FY07	Recom FY07
General Fund	0	0	975,000	0	975,000	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	0	0	975,000	0	975,000	0

### Performance Measures:

This agency would have measured performance by number of qualifying counties choosing to participate in the reimbursement program and reimbursements provided. Cuts in funding have ceased such activities for the time being.

## Agency 94 - Commission On Public Advocacy Program 455 - Dna Testing

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### Program Objectives:

- 1) To accept appointments to represent qualifying indigent prisoners in the use of improving DNA technology to reexamine evidence which may/may not establish innocence.
  
- 2) To pay for DNA testing to reexamine evidence which may/may not establish innocence of indigent prisoners.

### Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recom FY06	Request FY07	Recom FY07
General Fund	0	0	0	0	0	0
Cash Fund	12,196	0	75,000	75,000	75,000	75,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	12,196	0	75,000	75,000	75,000	75,000

### Performance Measures:

This agency measures performance of this program by number of cases appointed to for representation.

## Agency 94 - Commission On Public Advocacy Program 575 - Byrne Grants

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### Program Objectives:

Program 575 represents the federal Byrne grants received by the Commission on Public Advocacy.

### Financial Data:

	Actual FY04	Approp FY05	Request FY06	Recom FY06	Request FY07	Recom FY07
General Fund	0	0	0	0	0	0
Cash Fund	35,178	0	0	0	0	0
Federal Fund	115,013	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	150,191	0	0	0	0	0

### Performance Measures:

This agency measures performance by tracking appointments to represent indigent defendants, completion of cases, savings to counties and assurance of competent and fair representation of defendants in criminal cases.