



State Government Indigent Defense Expenditures, FY 2008–2012 – Updated

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In 2012, state governments spent \$2.3 billion nationally on indigent defense. From 2008 to 2012, state government indigent defense expenditures ranged from \$2.2 billion to \$2.4 billion (**figure 1**).

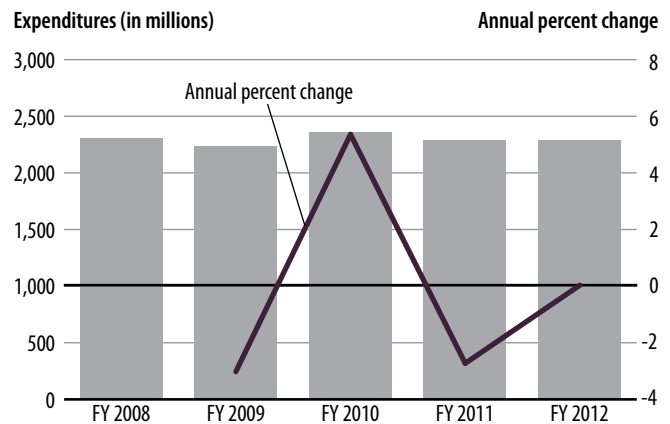
This report is based solely on state expenditure data, which may not be inclusive of county or jurisdictional appropriations for indigent defense. Indigent defense delivery systems in the United States vary widely and are complicated as a whole. The report provides an initial snapshot based on publicly available information and additional data provided by several states. The information in this report is not intended to provide legal advice. BJS is currently conducting a comprehensive survey of indigent defense delivery systems, the results of which will be released at a future date.

The majority of state government indigent defense expenditures were for services directly provided by the state (92% each year from 2008 to 2012) (**table 1**). The remainder of state government indigent defense expenditures were intergovernmental transfers to local governments to fund local indigent defense services. While direct expenditures held steady, intergovernmental transfers declined from \$195 million to \$180 million between 2011 and 2012 (down 7.6%). From 2011 to 2012, state government indigent defense expenditures remained stable at \$2.3 billion.

HIGHLIGHTS

- In 2012, state governments spent \$2.3 billion nationally on indigent defense.
- State government indigent defense expenditures showed an average annual decrease of 0.2% from 2008 to 2012.
- From 2011 to 2012, state government indigent defense expenditures remained stable at \$2.3 billion.
- As a share of total judicial-legal expenditures by state governments, spending on indigent defense held steady between 9.5% and 10.0% from 2008 to 2012.

FIGURE 1
State government indigent defense expenditures, FY 2008–2012 (2012 dollars)



Note: Expenditures for fiscal years preceding 2012 were inflation-adjusted to 2012 dollars. See *Methodology*.

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

TABLE 1
State government indigent defense expenditures, FY 2008–2012 (2012 dollars)

Fiscal year	Total (in millions)	Direct Expenditures		Intergovernmental Expenditures	
		(in millions)	Percent	(in millions)	Percent
2008*	\$2,310	\$2,109	91.3%	\$200	8.7%
2009	2,237	2,055	91.8	182	8.2
2010*	2,359	2,169	92.0	190	8.0
2011	2,293	2,098	91.5	195	8.5
2012	2,293	2,113	92.2	180	7.8
Average annual percent change, FY 2008–2012	-0.2%	0.0%		-2.7%	
Percent change, FY 2008–2012	-0.7%	0.2%		-10.2%	
Percent change, FY 2011–2012	-0.01%	0.7%		-7.6%	

Note: Expenditures for fiscal years preceding 2012 were inflation-adjusted to 2012 dollars. See *Methodology*.

*Data for direct and intergovernmental expenditures were imputed for Georgia. See *Methodology*.

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

From 2008 to 2012, state government spending on all judicial-legal services ranged from \$22.8 to \$23.6 billion (table 2). As a share of total judicial-legal expenditures by state governments, spending on indigent defense held steady between 9.5% and 10.0% during this period.

The data used in this report are from a larger study funded by the Bureau of Justice Statistics (BJS) and produced by the Census Bureau. The study, *Indigent Defense Services in the United States, FY 2008–2012* (NCJ 246683, BJS web, July 2014), contains information on—

- state legislation related to the provision of indigent defense
- the availability, quality, and sources of data for state government indigent defense expenditures for each state and the District of Columbia
- total, direct, and intergovernmental indigent defense expenditures by state
- limited information on indigent defense expenditures by some local governments.

For this report, financial data for fiscal years 2008 to 2012 were inflation-adjusted to 2012 constant dollars (see *Methodology*). For the Census Bureau’s Indigent Defense Services (IDS) study, expenditure data are in nominal dollars.

The Sixth and Fourteenth Amendments to the U.S. Constitution guarantee that people accused of crimes who cannot afford an attorney have the right to appointed counsel. In response to the U.S. Supreme Court mandate for appointed counsel, states enacted various methods to provide indigent defense services. Indigent defense funding, service delivery, and administration differ by state. Depending on the state, indigent defense expenditures are funded by the state or local governments, or a combination of both. Pennsylvania is the only state that does not provide any state-based funding for indigent defense, leaving all financial responsibility to the counties. States also have varying methods of service delivery for indigent defense, using different combinations of public defender offices, assigned counsel systems, or contract systems with private attorneys. In addition, the source of administration at the state or local levels for indigent defense services varies across states, including sources of governance, policy determinations, and operations.

Some state-administered systems are not funded completely by the state. Some county-administered systems are funded entirely by the state government. Caution must be taken when comparing states on the total state government indigent defense expenditures presented in the Census Bureau’s IDS study, as the information may not encompass all resources spent on indigent defense. In addition, as this report focuses only on state government indigent defense expenditures, these data cannot be used to compare spending on indigent defense and prosecution.

TABLE 2
State government judicial-legal expenditures, FY 2008–2012 (2012 dollars)

Fiscal year	Total (in millions)	Direct		Intergovernmental	
		Expenditures (in millions)	Percent	Expenditures (in millions)	Percent
2008	\$22,963	\$21,888	95.3%	\$1,076	4.7%
2009	23,599	22,427	95.0	1,172	5.0
2010	23,514	21,946	93.3	1,568	6.7
2011	22,957	21,376	93.1	1,581	6.9
2012	22,842	21,328	93.4	1,514	6.6
Average annual percent change, FY 2008–2012	-0.1%	-0.6%		8.5%	
Percent change, FY 2008–2012	-0.5%	-2.6%		40.8%	
Percent change, FY 2011–2012	-0.5%	-0.2%		-4.3%	

Note: Expenditures for fiscal years preceding 2012 were inflation-adjusted to 2012 dollars. See *Methodology*.

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.

Comparing total indigent defense expenditures and spending by public defender offices

Fiscal year 2008 data from the Census Bureau's Indigent Defense Services (IDS) study were compared to calendar year 2007 data from the Bureau of Justice Statistics' (BJS) Census of Public Defender Offices (CPDO), which collected office-level data from approximately 950 publicly funded public defender offices located in 49 states and the District of Columbia.¹ The universe included all public defender offices principally funded by state or local governments that provided general criminal defense services, conflict services, or capital case representation.

The CPDO collected operational expenditure data for the government-funded public defender offices, which represented one component of total indigent defense system. In comparison, the IDS study by the Census Bureau consisted of all spending on indigent defense, including contract attorneys, assigned counsel, and public defender office expenditures.

¹In 2007, Maine did not have a publicly funded public defender office.

The CPDO and IDS studies differed in other ways. The CPDO only contained operational expenditures, while the IDS study also included capital outlay, generally a small percentage of spending on indigent defense. The CPDO reported on calendar year 2007, while the Census Bureau's IDS study collected data for fiscal year 2008, which included some of calendar year 2007.²

Among the 22 states classified as state-administered in the CPDO, state government expenditures for calendar year 2007 for (14) states were within 10% of expenditures from the Census FY 2008 data.³ Of the remaining seven states, four states contained 17% to 50% more expenditures than in the Census Bureau's IDS study, and three states had 50% more expenditures in the IDS study than the CPDO (table 3).

²The degree to which CY 2007 expenditures was included in a state's FY 2008 expenditures depended on the start of a state's fiscal year, which varies by state.

³In the upcoming BJS 2013 National Survey of Indigent Defense, 29 states are classified as state-administered.

TABLE 3

Comparison of Indigent Defense Expenditures in BJS's Census of Public Defender Offices, CY 2007, and Census Bureau's Indigent Defense Services Study, FY 2008 (2012 dollars)

State	BJS's Census of Public Defender Offices, CY 2007	Census Bureau's Indigent Defense Services Study, FY 2008	Expenditure difference (in thousands)	Percent difference
	Expenditures (in thousands)	Expenditures (in thousands)		
Alaska	\$19,388	\$33,750	\$14,362	74.1%
Arkansas	22,556	30,777	8,220	36.4
Colorado	42,626	86,628	44,002	103.2
Connecticut	53,558	51,461	-2,097	-3.9
Delaware	15,430	16,001	571	3.7
Hawaii	9,564	10,420	856	9.0
Iowa	54,608	56,132	1,523	2.8
Kentucky	36,583	42,922	6,339	17.3
Maryland	87,222	95,445	8,223	9.4
Massachusetts	138,847	218,775	79,929	57.6
Minnesota	69,536	72,135	2,599	3.7
Missouri	38,411	36,941	-1,470	-3.8
Montana	20,995	21,105	110	0.5
New Hampshire	14,254	17,754	3,500	24.6
New Jersey	111,392	118,465	7,072	6.3
New Mexico	41,725	44,213	2,488	6.0
North Dakota	1,913	4,988	3,076	160.8
Rhode Island	9,881	13,569	3,688	37.3
Vermont	7,695	11,217	3,522	45.8
Virginia	42,047	43,884	1,837	4.4
Wisconsin	90,876	89,783	-1,093	-1.2
Wyoming	8,568	8,026	-542	-6.3

Note: Expenditures for fiscal years preceding 2012 were inflation-adjusted to 2012 dollars. See *Methodology*.

Sources: Bureau of Justice Statistics, Census of Public Defender Offices, CY 2007; and U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008.

Methodology

The data used for this report and in the Census Bureau study were extracted from the U.S. Census Bureau's Annual Survey of State Government Finances for fiscal years 2008 through 2012. This report includes state government indigent defense expenditures and total judicial-legal expenditures compiled by U.S. Census Bureau representatives. Data were collected from government audits, budgets, and other financial reports. Differences in functional responsibilities from state to state may prohibit the comparability of expenditure data across all jurisdictions, and caution should be exercised when comparing government expenditures. For more detailed information on the functional responsibilities by state, see the previously referenced Census Bureau study, *Indigent Defense Services in the United States, FY 2008–2012*, (NCJ 246683, BJS web, July 2014).

Adjusting for Inflation

Government expenditures for fiscal years preceding 2012 were inflation adjusted to 2012 dollars, as is standard for state government spending. Annual chain-type price indices for gross domestic product were employed as divisors, and unadjusted expenditures were employed as dividends to produce inflation adjusted expenditures in 2012 dollars.

The U.S. Department of Commerce, Bureau of Economic Analysis, developed the price indices used in all inflation adjustments, as published through their interactive data tool (http://www.bea.gov/iTable/index_nipa.cfm). (See Table 1.1.4, Price Indexes for Gross Domestic Product, March 27, 2014.)

Imputation

For 2008 and 2010, expenditure data for Georgia were only available for total indigent defense expenditures. Totals for direct and intergovernmental expenditures for Georgia for those 2 years were imputed by taking the average share for each category for 2009, 2011, and 2012, and applying it to 2008 and 2010.

Expenditures for California were compiled using the State of California Governor's Budget. However, only partial indigent defense expenditure information was available; therefore, California's expenditures are likely an underestimate. Census Bureau data from Florida could not be fully validated. These states' data were used to impute national totals. For FY 2009, Tennessee State Budget Publications were used to provide data for imputation to national totals.

Terms and definitions

Expenditures—external cash payments made from any source of funds, including any payments financed from borrowing, fund balances, intergovernmental revenue, and other current revenue.

Intergovernmental transfers—the sum of payments made from one government entity to another, including grants-in-aid, shared revenues, payments in lieu of taxes, and amounts for services performed by one government for another on a reimbursable or cost-sharing basis (e.g., payments by one government to another for boarding prisoners). Excludes amounts paid to other governments for purchase of commodities, property, or utility services.

Direct expenditures—all expenditures except those classified as intergovernmental. Includes direct current expenditures (e.g., salaries, wages, fees, and commissions and purchases of supplies, materials, and contractual services) and capital outlays (e.g., construction and purchase of equipment, land, and existing structures). Note that capital outlays are included for the year in which the direct expenditure was made, regardless of how the funds were raised (e.g., bond issue) or when they were paid back.

Indigent defense services—the provision of legal services to individuals accused of crimes who cannot afford an attorney.

APPENDIX TABLE 1

State government indigent defense expenditures, by state, FY 2008–2012 (2012 dollars)

	Total state government indigent defense expenditures (in thousands)					Average annual	Percent change,	Percent change,
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	percent change, FY 2008–2012	FY 2008–2012	Percent change, FY 2011–2012
Alabama	72,540	73,973	66,590	66,221	59,707	-4.9%	-17.7%	-9.8%
Alaska	33,750	35,682	36,794	37,957	40,036	4.3	18.6	5.5
Arizona	2,796	2,627	2,287	2,189	1,378	-17.7	-50.7	-37.0
Arkansas	30,777	24,046	31,146	34,816	37,600	5.0	22.2	8.0
California	--	--	--	--	--	--	--	--
Colorado ^a	86,628	99,127	98,036	92,324	100,714	3.8	16.3	9.1
Connecticut	51,461	52,087	50,453	51,269	64,002	5.5	24.4	24.8
Delaware	16,001	15,622	14,804	15,251	18,792	4.0	17.4	23.2
Florida	--	--	--	--	--	--	--	--
Georgia ^b	76,075	66,457	69,524	68,706	69,539	-2.2	-8.6	1.2
Hawaii ^c	10,420	10,708	9,491	8,869	9,275	-2.9	-11.0	4.6
Idaho	2,197	2,238	2,018	2,018	1,990	-2.5	-9.4	-1.4
Illinois	26,151	26,984	24,527	23,313	20,266	-6.4	-22.5	-13.1
Indiana ^c	23,318	24,504	24,920	24,352	24,906	1.6	6.8	2.3
Iowa	56,132	59,397	58,436	55,492	55,726	-0.2	-0.7	0.4
Kansas	25,084	25,252	24,845	23,117	22,714	-2.5	-9.4	-1.7
Kentucky	42,922	41,466	46,061	44,995	43,586	0.4	1.5	-3.1
Louisiana ^d	30,360	29,923	71,479	71,349	67,964	:	:	-4.7
Maine ^c	14,946	14,104	13,141	13,483	14,448	-0.8	-3.3	7.2
Maryland	95,445	97,423	89,869	87,268	87,952	-2.0	-7.9	0.8
Massachusetts ^c	218,775	206,999	208,858	200,136	191,228	-3.4	-12.6	-4.5
Michigan	14,585	14,549	13,415	12,950	12,866	-3.1	-11.8	-0.7
Minnesota ^c	72,135	72,771	69,241	68,218	64,509	-2.8	-10.6	-5.4
Mississippi	3,009	3,329	3,416	3,638	4,307	9.0	43.2	18.4
Missouri ^c	36,941	38,239	37,541	36,713	35,739	-0.8	-3.3	-2.7
Montana	21,105	21,982	21,259	21,742	23,335	2.5	10.6	7.3
Nebraska	3,573	3,727	3,902	3,662	3,533	-0.3	-1.1	-3.5
Nevada	2,063	2,314	2,376	2,686	3,234	11.2	56.7	20.4
New Hampshire ^e	17,754	19,252	19,316	19,255	18,038	:	:	-6.3
New Jersey ^c	118,465	124,142	118,796	117,501	117,628	-0.2	-0.7	0.1
New Mexico	44,213	45,882	42,889	41,160	38,519	-3.4	-12.9	-6.4
New York ^{c,f}	93,851	85,827	93,075	96,888	109,256	3.8	16.4	12.8
North Carolina	124,308	136,244	137,343	138,097	125,603	0.3	1.0	-9.0
North Dakota	4,988	5,523	5,711	5,919	6,140	5.2	23.1	3.7
Ohio	92,164	69,831	71,128	75,399	70,413	-6.7	-23.6	-6.6
Oklahoma	18,589	19,333	17,965	17,105	16,581	-2.9	-10.8	-3.1
Oregon	114,154	107,994	123,410	110,371	112,269	-0.4	-1.7	1.7
Pennsylvania	0	0	0	0	0	0.0	0.0	0.0
Rhode Island	13,569	13,543	13,245	13,645	13,805	0.4	1.7	1.2
South Carolina	25,444	29,842	25,822	22,058	21,938	-3.7	-13.8	-0.5
South Dakota ^g	823	806	728	656	624	-6.9	-24.2	-4.9
Tennessee	66,548	/	72,864	72,262	74,032	2.7	11.2	2.4
Texas	20,609	28,863	31,754	36,095	26,981	6.7	30.9	-25.3
Utah ^h	7	103	118	171	108	66.7	1,340.9	-36.7
Vermont	11,217	11,762	11,772	11,832	12,103	1.9	7.9	2.3
Virginia	43,884	45,138	42,494	42,101	43,257	-0.4	-1.4	2.7
Washington	28,926	28,811	27,613	26,721	25,564	-3.1	-11.6	-4.3
West Virginia	40,193	41,363	53,858	46,547	42,681	1.5	6.2	-8.3
Wisconsin	89,783	82,995	90,938	78,586	90,592	0.2	-0.9	15.3
Wyoming	8,026	10,451	10,345	9,591	10,258	6.1	27.8	7.0

Note: Expenditures for fiscal years preceding 2012 were inflation-adjusted to 2012 dollars. See *Methodology*.

/ Not reported.

: Not calculated due to changes in data reporting methods across years.

-- Data are unreliable. For details, see *Indigent Defense Services in the United States, FY 2008–2012* (NCJ 246683, BJS web, July 2014).

^aData from FY 2008 to 2012 include criminal, juvenile delinquency, and child welfare indigent representation.

^bData from FY 2008 and 2010 are actual amounts from Georgia Budgetary Compliance Reports.

^cRetirement and other benefits are not included or only partially included.

^dData from FY 2010 to 2012 are the sum of Census Bureau query and judicial district expenditures from the Louisiana Public Defender Board's Annual Reports. Data from FY 2008 and 2009 are missing amounts transferred to district courts.

^eData from FY 2008 are actual amounts from New Hampshire's Operating Budget.

^fData from FY 2009 to 2011 are the sum of the Census Bureau query and nonpersonal service/indirect costs from New York's Enacted Budget.

^gData from FY 2008 to 2012 are actual amounts from the South Dakota State Treasurer's Fiscal Report.

^hData from FY 2008 to 2012 are actual amounts from Utah's Comprehensive Annual Financial Report.

Source: U.S. Census Bureau, Annual Survey of State Government Finances, FY 2008–2012.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. William J. Sabol is acting director.

This report was written by Erinn Herberman and Tracey Kyckelhahn. E. Ann Carson verified the report.

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