

Why GAO Did This Study

The Sixth Amendment to the U.S. Constitution guarantees every person accused of a crime the right to counsel. States and localities generally fund indigent defense services, and the Department of Justice (DOJ) also provides funding that can be used for these services. GAO was asked to review federal support for indigent defendants. This report addresses, for fiscal years 2005 through 2010, the (1) types of support DOJ provided for indigent defense; (2) extent to which eligible DOJ funding was allocated or awarded for indigent defense, the factors affecting these decisions, and DOJ's actions to address them; (3) percentage of DOJ funding allocated for indigent defense and how it was used; (4) extent to which DOJ collects data on indigent defense funding; and (5) extent to which DOJ assesses the impacts of indigent defense grants, indigent defense programs have been evaluated, and DOJ has supported evaluation efforts. GAO surveyed (1) all 4,229 grant recipients about funding allocations and (2) a sample of 253 public defender offices about factors influencing their decisions to apply for funding. Though not all survey results are generalizable, they provide insights. GAO also analyzed grant related documents and interviewed relevant officials.

What GAO Recommends

GAO recommends that DOJ increase grantees' awareness that funding can be allocated for indigent defense and collect data on such funding.

DOJ concurred with the recommendations.

View [GAO-12-569](#). For more information, contact Eileen R. Larence at (202) 512-8777 or larencee@gao.gov.

INDIGENT DEFENSE

DOJ Could Increase Awareness of Eligible Funding and Better Determine the Extent to Which Funds Help Support This Purpose

What GAO Found

The Department of Justice (DOJ) administered 13 grant programs from fiscal years 2005 through 2010 that recipients could use to support indigent defense, 4 of which required recipients to use all or part of the funding for this purpose. DOJ also provides training to indigent defense providers, among other things.

From fiscal years 2005 through 2010, recipients of the 4 grants that required spending for indigent defense allocated or planned to use \$13.3 million out of \$21.2 million in current dollars for indigent defense. However, among the 9 grants that did not require allocations or awards for indigent defense, two-thirds or more of state, local, and tribal respondents to GAO's surveys reported that they did not use funds for this purpose, partly due to competing priorities. DOJ has listed the grants on its website. However, no more than 54 percent of grantees or public defender offices responding to GAO's surveys were aware that such funding could be used to support indigent defense. Taking steps to increase awareness would better position DOJ to help ensure that eligible grantees are aware that they can access federal funding to help address their needs. DOJ officials acknowledged that opportunities exist to enhance grantees' awareness.

When recipients allocated funding for indigent defense, the amount was generally small relative to the total award and most commonly used for personnel and training. For instance, among grant recipients who reported in GAO's surveys that they had allocated funding for indigent defense, allocations as a percentage of total awards ranged from 2 percent to 14 percent.

DOJ generally collects data on funding allocated for indigent defense when the grant program requires such funding or identifies it as a grant priority, but does not do so in two juvenile-focused grants. According to DOJ, it does not collect such data in these two programs because indigent defense is 1 of 17 purposes for which grant funds can be used. GAO has previously reported that agencies should collect data to support decision making, and the Attorney General has committed to focusing on indigent defense issues. Collecting data on the amount of funding from these two grants that is used to support indigent defense would position DOJ to better assess if it is meeting the Attorney General's commitment.

DOJ assesses the impact of indigent defense grant funding and has mechanisms to help indigent defense providers evaluate services. All 9 of the DOJ grant programs that required or prioritized funding to be used for indigent defense included output measures that described the level of grant activity, such as the number of defenders hired, and 7 of the 9 included outcome measures that described the intended results of the funds, such as the percent increase in defendants served. Nine of the 118 public defender offices or agencies that responded to GAO's survey provided GAO with a copy of an evaluation that had been conducted of their office; those that did not most frequently cited lack of personnel (28 of 62) and lack of expertise or the need for technical assistance (26 of 62) as the reasons. DOJ has mechanisms that could address these challenges. For instance, DOJ provides technical assistance through a website.