

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2016-17**

Department: **PUBLIC DEFENDER
(03600)**
Function: **Public Protection**
Activity: **Judicial**
Fund: **General**

<u>ACCOUNT CLASSIFICATION</u>	ACTUAL EXPENDITURES 2014-15	BOARD APPROVED EXPENDITURES 2015-16	DEPARTMENT REQUEST 2016-17	CAO RECOMMENDED 2016-17
SERVICES & SUPPLIES				
721400 Prof. & Specialized Services-Contracts	2,338,416	2,366,019	2,693,027	2,693,027
721433 Prof. & Specialized Services-Outside Attorneys	308,221	150,000	150,000	150,000
721434 Prof. & Specialized Services-Capital Cases	129,672	100,000	100,000	100,000
TOTAL SERVICES & SUPPLIES	2,776,309	2,616,019	2,943,027	2,943,027
TOTAL - PUBLIC DEFENDER	2,776,309	2,616,019	2,943,027	2,943,027

PUBLIC DEFENDER

COMMENTS

This Office provides legal defense to indigent defendants in criminal cases. Until 1971, this service was provided solely by private attorneys appointed by the Courts. In 1972, the County established a Public Defender’s Office that was operated and staffed by County employees. On September 1, 1977, the Board of Supervisors entered into a contract with a local attorney to perform all the services of this office, which eventually resulted in contracting for three levels of Public Defender services to provide for “Conflict of Interest” cases and circumstances where there are multiple defendants. On May 10, 1994, the County approved a proposal for Public Defender services by a local law firm, which provided and coordinated, through sub-contracts, all levels of indigent defense in criminal cases. Since May 2002, the Board of Supervisors has extended the contract for these services for multiple four-year periods, as well as various amendments to address additional attorneys, contract rate adjustments, and payment of ancillary services. The most recent extension ended June 30, 2013, and on June 18, 2013, the County entered into a new four-year agreement with a local law firm, effective July 1, 2013 through June 30, 2017.

REVENUES

	<u>Actual</u> <u>2014-15</u>	<u>Estimated</u> <u>2015-16</u>	<u>Projected</u> <u>2016-17</u>
Dependency Case Reimbursements	\$70,769	\$65,000	\$329,378*
Miscellaneous Reimbursement – Legal Fees	22,461	9,000	0
AB 109 – Public Defender Revocation	<u>0</u>	<u>40,000</u>	<u>40,000</u>
Total	\$93,230	\$114,000	\$369,378

*This amount represents is subject to final State budget adoption and is used to offset the associated increase in the public defender contract as noted below.

SERVICES & SUPPLIES

721400 **Professional & Specialized Services - Contracts** (\$2,693,027) is recommended increased \$327,008 based on contract provisions. This amount represents the following expenditures, including a provision for specific funding for juvenile dependency cases as approved in a contract amendment on June 21, 2016:

Contract for Public Defender Services	\$2,390,649
Amendment for Juvenile Dependency Cases	257,378*
Expert Witness Fees and Ancillary Costs	45,000

*This amount represents an allocation of \$329,378 less \$72,000 for reimbursement to the County, and is subject to final State budget adoption.

SERVICES & SUPPLIES (continued)

721433 **Professional & Specialized Services - Outside Attorneys** (\$150,000) is recommended unchanged. This amount represents the cost to retain attorneys for Public Defender cases when conflict of interest or multiple defendant cases occur with the contract attorneys.

721434 **Professional & Specialized Services - Capital Cases** (\$100,000) is recommended unchanged, based on the number of special circumstance cases assigned to outside public defense attorneys during the 2014-15 and 2015-16 fiscal years; these cases are currently pending trial. This amount represents the estimated cost to provide legal defense for "Special Circumstance Cases," previously referred to as "Capital Cases," which are anticipated to go to trial during the 2016-17 fiscal year. When outside attorneys are assigned by Superior Court as a Public Defender, services for these cases are provided through a flat-fee, per case basis with three classifications varying in degree and complexity; investigation and ancillary costs are in addition to the fees listed below:

Category 1 - \$35,000 for a relatively non-complex case with one defendant and one victim.

Category 2 - \$55,000 for a more difficult case with multiple victims or defendants, special circumstances, or complex factual or legal issues.

Category 3 - \$70,000 for the most complex case with multiple victims/defendants, high publicity/notoriety, or very complex factual or legal issues.