

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2017-18**

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

<u>ACCOUNT CLASSIFICATION</u>	ACTUAL EXPENDITURES 2015-16	BOARD APPROVED EXPENDITURES 2016-17	DEPARTMENT REQUEST 2017-18	CAO RECOMMENDED 2017-18
SERVICES & SUPPLIES				
721400 Prof. & Specialized Services-Contracts	2,336,018	2,693,027	2,998,608	2,998,608
721433 Prof. & Specialized Services-Outside Attorneys	518,497	150,000	150,000	150,000
721434 Prof. & Specialized Services-Capital Cases	0	100,000	100,000	100,000
TOTAL SERVICES & SUPPLIES	2,854,515	2,943,027	3,248,608	3,248,608
TOTAL - PUBLIC DEFENDER	2,854,515	2,943,027	3,248,608	3,248,608

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 will end June 30, 2017 and a new four-year agreement will be presented for approval prior to the end of the current fiscal year.

REVENUES

	<u>Actual</u> <u>2015-16</u>	<u>Estimated</u> <u>2016-17</u>	<u>Projected</u> <u>2017-18</u>
Dependency Case Reimbursements	\$78,624	\$293,833	\$293,833*
Miscellaneous Reimbursement – Legal Fees	15,271	26,953	10,000
AB 109 – Public Defender Revocation	<u>0</u>	<u>40,000</u>	<u>40,000</u>
Total	\$93,895	\$360,786	\$343,833

*This amount is subject to final State budget adoption and is used to offset the Dependency Court attorney costs in the public defender contract.

SERVICES & SUPPLIES

721400 **Professional & Specialized Services - Contracts** (\$2,998,608) is recommended increased \$305,581 based on the anticipated first year cost of a four year funding agreement. This includes specific funding for juvenile dependency cases, which are offset by State revenues received from the Courts:

Total Contract for Public Defender Services	\$2,998,608
Juvenile Dependency Component	\$293,833*

*This amount is included in the projected cost for Public Defender Services

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 2015-16 and 2016-17 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 2017-18 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.