

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2015-16**

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

<u>ACCOUNT CLASSIFICATION</u>	<u>ACTUAL EXPENDITURES 2013-14</u>	<u>BOARD APPROVED EXPENDITURES 2014-15</u>	<u>DEPARTMENT REQUEST 2015-16</u>	<u>CAO RECOMMENDED 2015-16</u>
SERVICES & SUPPLIES				
721400 Prof. & Specialized Services-Contracts	2,246,747	2,298,416	2,366,019	2,366,019
721433 Prof. & Specialized Services-Outside Attorneys	729,389	150,000	150,000	150,000
721434 Prof. & Specialized Services-Capital Cases	77,962	100,000	100,000	100,000
TOTAL SERVICES & SUPPLIES	3,054,098	2,548,416	2,616,019	2,616,019
TOTAL - PUBLIC DEFENDER	3,054,098	2,548,416	2,616,019	2,616,019

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 Board of Supervisors entered into a new four-year agreement with a local law firm, effective July 1, 2013.

REVENUES

	<u>Actual</u> <u>2013-14</u>	<u>Estimated</u> <u>2014-15</u>	<u>Projected</u> <u>2015-16</u>
Dependency Case Reimbursements	\$68,141	\$ 60,000	\$ 60,000
AB 109 – Public Defender Revocation	<u>0</u>	<u>40,000</u>	<u>40,000</u>
Total	\$68,141	\$100,000	\$100,000

SERVICES & SUPPLIES

721400 **Professional & Specialized Services - Contracts** (\$2,366,019) is recommended increased \$67,603 based on contract provisions. This amount represents the following expenditures:

- Contract for all Public Defender Services - \$2,321,019
- Expert Witness Fees and Ancillary Costs - \$ 45,000

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.

SERVICES & SUPPLIES (continued)

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 2013-14 and 2014-15 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 2015-16 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.

Note: There are currently two multi-defendant special circumstance cases pending trial – one case has four defendants, of which three have a public defense attorney; and the other case has three defendants, of which two have a public defense attorney. Both cases are set as Category 3 cases where the flat fee is \$70,000 per defendant in each case plus investigation and ancillary costs. In addition, there is one single-defendant, Category 3 special circumstance case assigned to Ciummo & Associates, for which costs associated to this case are paid in addition to the contractual payments at a rate which is 20 percent less than fees listed above. Payments are made to the attorneys based on established milestones; a portion of the milestone payments were made in the 2014-15 fiscal year, and the remaining payments are anticipated to be made in the 2015-16 fiscal year. If actual expenses for these cases exceed appropriations in the 2015-16 fiscal year, County Administration will request a transfer from contingencies.