

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2013-14**

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

<u>ACCOUNT CLASSIFICATION</u>	ACTUAL EXPENDITURES <u>2011-12</u>	BOARD APPROVED EXPENDITURES <u>2012-13</u>	DEPARTMENT REQUEST <u>2013-14</u>	CAO RECOMMENDED <u>2013-14</u>
SERVICES & SUPPLIES				
721400 Prof. & Specialized Services-Contracts	2,033,464	2,093,568	2,211,746	2,211,746
721433 Prof. & Specialized Services-Outside Attorneys	267,477	150,000	150,000	150,000
721434 Prof. & Specialized Services-Capital Cases	27,478	50,000	50,000	50,000
TOTAL SERVICES & SUPPLIES	2,328,419	2,293,568	2,411,746	2,411,746
TOTAL - PUBLIC DEFENDER	2,328,419	2,293,568	2,411,746	2,411,746

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. 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>2011-12</u>	<u>Estimated</u> <u>2012-13</u>	<u>Projected</u> <u>2013-14</u>
Dependency Case Reimbursements	\$39,965	\$36,000	\$36,000
AB 109 – Public Defender Revocation	<u>0</u>	<u>0</u>	<u>\$40,000</u>
Total	\$39,965	\$36,000	\$76,000

SERVICES & SUPPLIES

721400 **Professional & Specialized Services - Contracts** (\$2,211,746) is recommended increased \$118,178 based on an increase in the cost of services for the recently adopted contract, including an increase in ancillary services based on actual expenditures in the 2012-13 fiscal year. This amount represents the following expenditures:

- Contract for all Public Defender Services - \$2,166,746
- 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)

721433 Professional & Specialized Services - Outside Attorneys (continued)

Note: During the 2013-14 fiscal year, it is anticipated that two homicide cases requiring a change of venue will create additional expenses for outside attorneys, which is not included in this recommended budget. If the actual expenses for outside attorneys exceed appropriations, County Administration will request a transfer from contingencies.

721434 Professional & Specialized Services - Capital Cases (\$50,000) is recommended unchanged. This amount represents the estimated cost to provide legal defense for "Capital Cases," which may go to trial during the 2013-14 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.