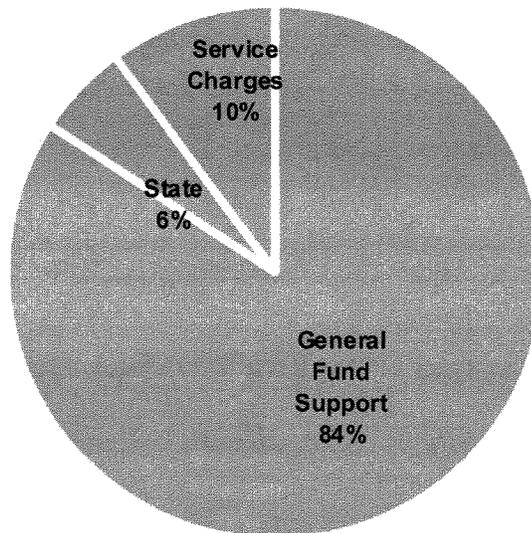


PURPOSE

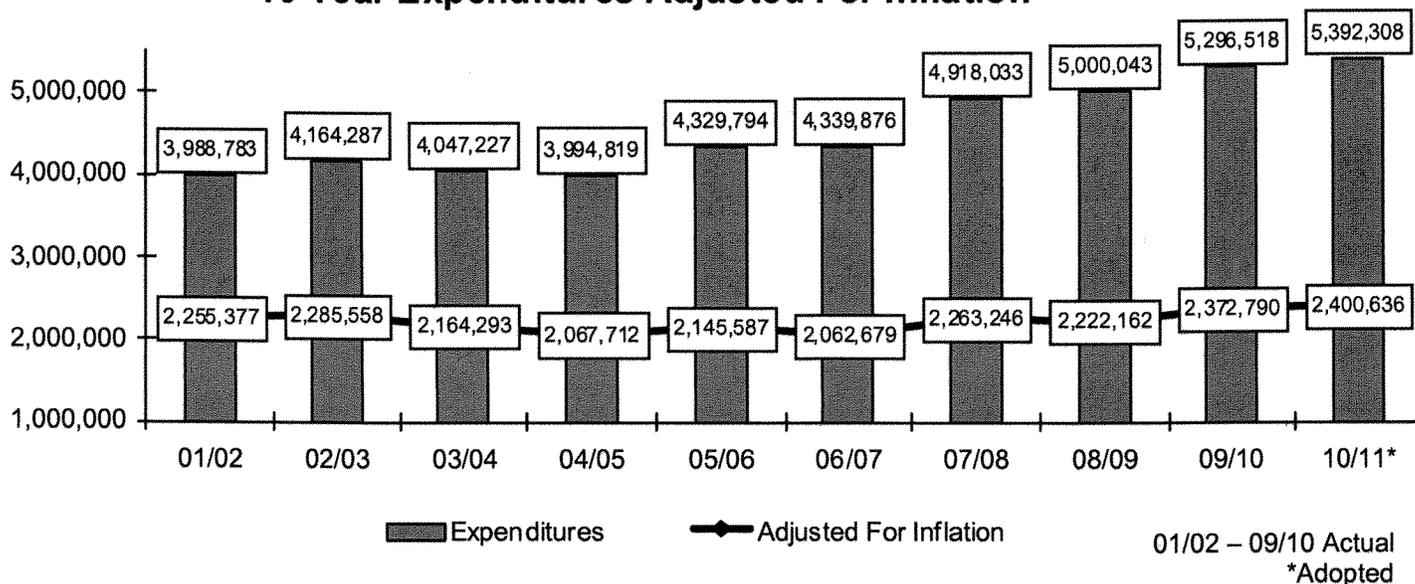
To provide cost effective mandated legal defense services to defendants unable to afford private attorneys.

	2008-09	2009-10	2010-11	2010-11	2010-11
<u>Financial Summary</u>	<u>Actual</u>	<u>Actual</u>	<u>Requested</u>	<u>Recommended</u>	<u>Adopted</u>
Intergovernmental Revenue	\$ 272,079	\$ 333,994	\$ 300,000	\$ 300,000	\$ 300,000
Charges for Current Services	480,438	456,762	557,000	557,000	557,000
**Total Revenue	\$ 752,517	\$ 790,756	\$ 857,000	\$ 857,000	\$ 857,000
Services and Supplies	5,000,043	5,296,518	5,551,124	5,392,308	5,392,308
**Gross Expenditures	\$ 5,000,043	\$ 5,296,518	\$ 5,551,124	\$ 5,392,308	\$ 5,392,308
General Fund Support (G.F.S.)	\$ 4,247,526	\$ 4,505,762	\$ 4,694,124	\$ 4,535,308	\$ 4,535,308

Source of Funds



10 Year Expenditures Adjusted For Inflation



SERVICE PROGRAMS

Primary Public Defender

To contract at a competitive cost for public defender services.

Total Expenditures: \$3,487,633 Total FTE: 0.00

Conflict Public Defender

To contract at a competitive cost for public defender services in the event the Primary Public Defender has a conflict of interest (also referred to as the first level conflict indigent legal defense).

Total Expenditures: \$622,270 Total FTE: 0.00

Conflict-Conflict Public Defender

To contract at a competitive cost for public defender services in the event the Primary Public Defender and Conflict Public Defender have a conflict of interest (also referred to as the second level conflict indigent legal defense).

Total Expenditures: \$333,405 Total FTE: 0.00

Conflict-Conflict-Conflict Public Defense

Court appointed attorneys not on contract with the County who provide legal counsel for indigents who cannot afford their own defense when it is determined (by the Court) that a conflict of interest exists with the County's contracted Primary, Conflict and Secondary Conflict Public Defenders (also referred to as the third level conflict indigent legal defense).

Total Expenditures: \$667,470 Total FTE: 0.00

State Institutional Legal Defense (ASH/CMC)

Provides for Court contracted and appointed attorneys to defend institutionalized indigents in criminal matters which occur at the Atascadero State Hospital and California Men's Colony.

Total Expenditures: \$281,530 Total FTE: 0.00

COUNTY ADMINISTRATOR'S COMMENTS AND RECOMMENDATIONS

This budget funds State and constitutionally required legal defense services for indigents accused of crimes. San Luis Obispo County contracts with private attorneys to provide such "public defender" services. Contracts with three separate legal firms provide primary, conflict and secondary conflict public defender services. In addition, the County contracts with a fourth law firm to provide specialized legal defense services for mentally disordered offenders (MDO) at Atascadero State Hospital. This budget also funds attorneys appointed by the Court to handle cases where all three firms under contract have case-related conflicts. This typically occurs when there are multiple defendants in a case and each of the three contract firms represents one defendant and additional defendants are represented by a Court-appointed attorney.

Overall, the recommended budget reflects a total expense increase of \$346,658 (7%) and a revenue increase of \$234,448 (38%) compared to the FY 2009-10 Adopted Budget. These increases result in an increase in General Fund support of \$112,210 (3%).

The contracts with the law firms will expire at the end of FY 2009-10 and the County is currently undergoing negotiations with the four firms. Three of these four firms have requested an increase in compensation (totaling approximately \$190,000) based on technology needs and/or an increase in workload. A portion of these requested increases (approximately \$169,500) have been built into the recommended budget with the assumption that the firms will agree with the terms of the new contracts and the Board will approve these contracts by the end of June, 2010. Even with the increases built in to the recommended budget, San Luis Obispo County pays the lowest per capita cost for public defender services compared to our other comparison counties.

Payments to these four firms, totaling more than \$4.5 million, represent the bulk of expenditures in this budget and are fixed by contract. Other significant expenditures included in the recommended FY 2010-11 budget include \$320,000 to pay for court-appointed attorneys and approximately \$500,000 for jury and witness expenses (incurred by both contracted as well as court-appointed attorneys).

In order to reduce General Fund support for this budget, expenditures budgeted for jury and witness expenditures have been reduced by almost \$60,000 and for psychological evaluations by approximately \$19,000 compared to the FY 2009-10 Adopted Budget. However it is important to note that the County is obligated to pay these Court-ordered expenses and, should the total exceed recommended budgeted levels by year end, a budget adjustment may be necessary. This will be dependent on the circumstances of cases involving indigent persons heard by the Court in the next fiscal year.

In January 2007 the County initiated a program to collect reimbursement from public defender clients that are determined to be financially able to pay at least a portion of the cost to provide legal representation. Your Board approved a resolution to modify the fee structure in November, 2009, to improve fairness and equity in fees charged for this service. The Probation Department's Comprehensive Collections unit manages this program and has exceeded expectations, particularly associated with collections on adult public defender cases. Revenue from adult clients is recommended to increase by \$193,830 (62%) and revenue from juvenile clients is recommended to increase by \$6,460 (14%) compared to the FY 2009-10 Adopted Budget. These revenue levels are based on actual reimbursements collected to date.

BUDGET AUGMENTATION REQUESTS ADOPTED

Unit Amount	Description	Results
Gross: \$60,090 General Fund Amount: \$60,090	The Primary Public Defender firm has requested funds to purchase hardware and software to digitize 25 years worth of records on past cases. In addition they have requested funds for approximately 4,000 hours in temporary help to scan the many records the firm currently houses in storage facilities.	Digitizing such a large number of records could take a year or longer to complete. Once completed, access to these records will be almost immediate (versus driving to a storage facility to retrieve). The firm expects to save \$2,400 annually in fuel costs required to retrieve and then return paper records held in storage units off site. (Time to retrieve and then return records has not been tracked.) The firm also expects to save up to \$10,000 annually in storage unit rental costs once all historical records have been digitized.

BOARD ADOPTED CHANGES

None

GOALS AND PERFORMANCE MEASURES

Department Goal: To provide cost effective Public Defender services.						
Communitywide Result Link: A well-governed community; A safe community.						
1. Performance Measure: Annual number of cases reversed based on the allegation of inadequate defense.						
05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
0	0	0	0	0	0	0
What: Counties are mandated to provide public defender services for people who are unable to afford a private attorney. The number of cases that are overturned based upon an inadequate defense measures the effectiveness of public defender services in terms of the meeting the constitutional right to an adequate defense.						
Why: Providing an adequate defense is a constitutional right and promotes justice. Cases that are overturned because of an inadequate defense ultimately are more costly to taxpayers.						
How are we doing? We continue to meet our target. Defense services provided by Public Defenders continue to meet legally required standards.						
2. Performance Measure: Per capita costs for public defender services.						
05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
\$17.07	\$17.25	\$18.74	\$18.56	\$18.60	\$20.55	\$19.27
What: This measure shows the per capita gross costs to provide public defender services, based on budgeted amounts.						
Why: We are measuring per capita gross public defender costs in an effort to capture efficiency data.						

How are we doing? The results for FY 2009-10 are based on budgeted amounts rather than actual expenditures, given that counties had not completed the process of closing their books for the fiscal year when our survey was taken. The San Luis Obispo County population estimate used for the calculation is 270,429, the latest estimate published by the US Census Bureau. The adopted target for FY 2009-10 of \$18.60 was based on an adopted budget that was \$512,400 less than the actual total expenditures at year end. The increase was due to an unusually expensive, high profile case that drove expenses higher than budgeted. As a result, the County's actual per capital cost for public defender services was \$20.55. The average of the per capita cost for our six comparable counties (Marin, Monterey, Napa, Santa Barbara, Santa Cruz, and Placer) is \$24.76. San Luis Obispo County per capita cost for Public Defender services is lower than all six comparable counties. Napa County has the highest per capita cost of the six, at \$33.42. The target for FY 2010-11 reflects a Status Quo budget that is approximately 7% more than the FY 2009-10 Adopted Budget.