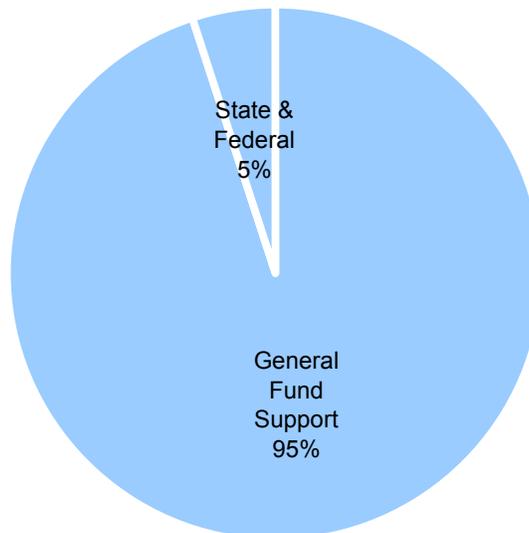


PURPOSE

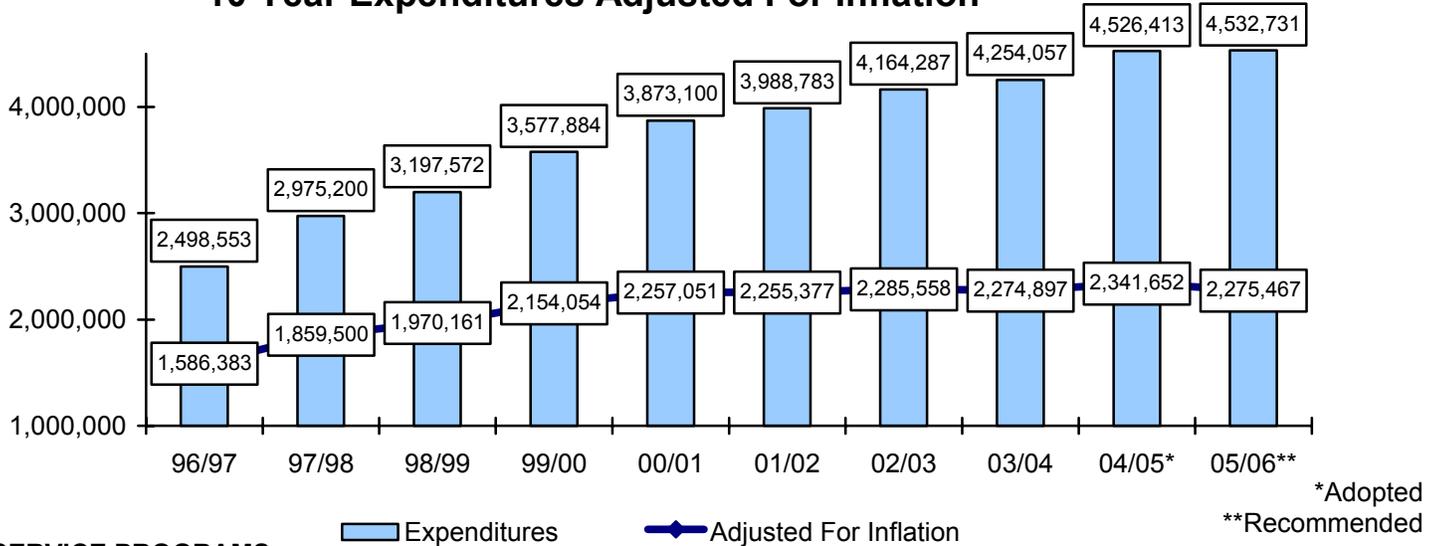
To provide cost effective legal defense services to defendants unable to afford private attorneys.

| | 2003-04 | 2004-05 | 2005-06 | 2005-06 | 2005-06 |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <u>Financial Summary</u> | <u>Actual</u> | <u>Actual</u> | <u>Requested</u> | <u>Recommended</u> | <u>Adopted</u> |
| Revenues | \$ 240,682 | \$ 310,673 | \$ 252,000 | \$ 234,300 | \$ 234,300 |
| Services and Supplies | 4,047,227 | 3,994,819 | 4,701,031 | 4,532,731 | 4,532,731 |
| **Gross Expenditures | \$ 4,047,227 | \$ 3,994,819 | \$ 4,701,031 | \$ 4,532,731 | \$ 4,532,731 |
| General Fund Support (G.F.S.) | <u>\$ 3,806,545</u> | <u>\$ 3,684,146</u> | <u>\$ 4,449,031</u> | <u>\$ 4,298,431</u> | <u>\$ 4,298,431</u> |

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: \$2,860,153 Total FTE: 0.0

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 (first level conflict indigent legal defense) .
 Total Expenditures: \$557,526 Total FTE: 0.0

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: \$276,497 Total FTE: 0.0

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: \$589,255 Total FTE: 0.0

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: \$249,300 Total FTE: 0.0

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 provides this service, commonly known as Public Defender Services, through a series of contracts with private legal firms.

Three contracts with separate legal firms provide for primary, conflict, and secondary conflict public defender services. In addition, a separate contract provides specialized legal defense services for mentally disordered offenders (MDO) that are at Atascadero State Hospital. In addition to funding the contracts, this budget funds attorneys appointed by the Superior Court when it is determined that all three firms under contract have conflicts. This third level conflict defense service

commonly occurs in multiple defendant cases where there are more than three defendants. In addition to attorney services, the budget funds expert witness and investigative expenses associated with legal defense.

Overall, the recommended FY 05-06 budget provides current service levels at about the same General Fund expense as FY 04-05. The recommended budget shows a slight increase of \$6,300 (2%) in revenues, largely attributed to increasing state reimbursement for MDO cases originating from Atascadero State Hospital. The revenue increase is offset by a similar increase in expense associated with the growing number of MDO cases. Scheduled increases in contract costs are largely offset by reductions in expert witness costs. The reduction in expert witness costs are the result of a California State Attorney General Opinion that correctly shifted about \$100,000 of expense for some court ordered expert witnesses and psychological examinations back to the Superior Court.

Although expenses in this budget are only increasing by about \$6,300, several developing issues could cause expenses to rise above recommended budget levels. The local Superior Court is considering increasing the current hourly rate for court appointed, third level conflict attorney services. This could significantly affect expenses in this budget. Additionally, the state is considering a legislation to redirect the expert witness expense that was shifted to the court back to counties. Lastly, several high profile criminal cases could result in considerable additional expense if the Court approves additional counsel or investigative services in these cases. The recommended budget does not provide funding for the potential expenses that might arise from the above issues. If any of the above occurs, it is expected that supplemental funding would need to be appropriated for this budget.

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. | | | | | | |
| 00-01 Actual Results | 01-02 Actual Results | 02-03 Actual Results | 03-04 Actual Results | 04-05 Adopted | 04-05 Actual Results | 05-06 Target |
| New Measure | 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 are meeting our target. Defense services provided by Public Defenders continue to meet legally required standards. | | | | | | |
| 2. Performance Measure: Per capita costs for public defender services. | | | | | | |
| 00-01 Actual Results | 01-02 Actual Results | 02-03 Actual Results | 03-04 Actual Results | 04-05 Adopted | 04-05 Actual Results | 05-06 Target |
| New Measure | \$14.92 | \$16.46 | \$16.41 | \$17.07 | \$14.93 | \$17.85 |
| What: This measure shows the per capita gross costs to provide public defender services. | | | | | | |
| Why: We are measuring per capita gross public defender costs in an effort to capture efficiency data. | | | | | | |
| How are we doing? We met and improved upon our target. Expenditures were reduced due to several factors. Lower than anticipated use of fourth level Court appointed conflict attorneys contributed to reduced expense and greater offset of expense by revenue sources. A California Attorney General opinion also shifted some special witness expense from the Public Defender Budget to the Court further reducing budgeted expenditures for FY 04-05. It should also be noted that expenses some cases begun at the end of FY 04-05 that involved Court appointed attorneys would be paid in FY 05-06 when the case concludes. It is estimated that approximately \$75,000 of FY 04-05 expenses may be carried forward into the FY 05-06. Including this amount in FY 04-05 expenses would result in a FY 04-05 Actual Result figure of \$15.24, which is still below the original target. | | | | | | |