

PUBLIC DEFENDER

Mission

The primary mission of the Public Defender's office is to provide legal representation for indigents who are charged with criminal offenses. The Public Defender's office is committed to representing our clients with compassion, and the highest level of legal professionalism.

Program Summaries

Public Defender - Operations

Positions: Total FTE's: 21.0

Extra Help: \$25,000

Overtime: \$0

Total Appropriations: \$2,877,245

Total Revenue: \$254,786

Net County Cost: \$2,622,459

Furlough Value: \$72,324

The Public Defender's Office provides legal representation to adults and juveniles charged with criminal offenses. The Department also represents those who require conservatorship due to grave disability. It is estimated that the Public Defender is appointed in 80%-90% of all criminal matters prosecuted in El Dorado County. All attorneys maintain a full caseload, e.g. 450 cases per attorney.

Revenue: The primary revenue source for the Public Defender is Proposition 172 – Public Safety Sales Tax. Proposition 172 is on-going, but has declined due to economic downturn. Revenue from Charges for Services of Public Defender fees has also declined over the last few years. The Judges in the Courts order reimbursement for Public Defender services based on ability to pay. However, State legislation has slowed the receipt of such reimbursement in recent years due to the order of collection required by the legislation with restitution being first and County fees falling towards the bottom of the list. The Public Defender is working with the Judges, the Administrative Office of the Courts, and Revenue and Recovery to maximize this revenue to the Public Defender's office.

Public Defender - Trials

Positions: Total FTE's: 0

Extra Help: \$0

Overtime: \$0

Total Appropriations: \$90,000

Total Revenue: \$0

Net County Cost: \$90,000

Furlough Value: \$0

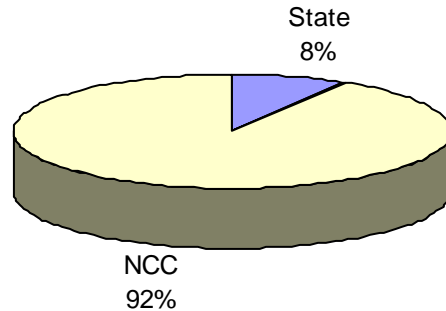
Public Defender – Trials is a specific index code to monitor expenses related to the unusual number of murder trials now being handled by the Public Defender's office. The Public Defender's office is currently handling six murder cases. In two of those cases, the District Attorney is seeking the death penalty. Murder cases are generally very expensive, often requiring significant expenditures for investigation and expert witnesses. The cost of defending murders in which the death penalty is sought is exponentially higher.

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Source of Funds

State Intergovernmental (\$247,727): Includes revenue from Proposition 172 – Public Safety Sales Tax.

Charges for Service (\$7,059): Charges for service are comprised of charges for Public Defender Services.

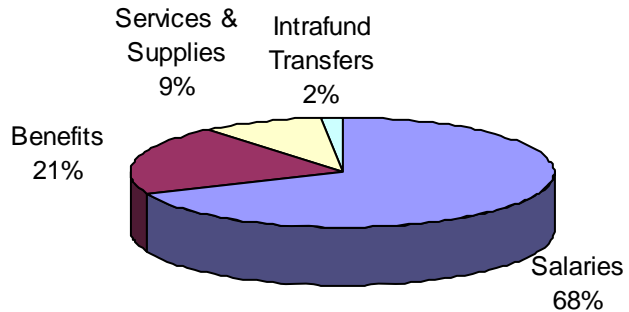


Use of Funds

Salaries & Benefits (\$2,644,443): Primarily comprised of salaries (\$1,889,207), retirement (\$381,376) and health insurance (\$130,793).

Services & Supplies (\$272,458): Primarily comprised of building rents & leases (\$83,000), professional services (\$40,000), criminal investigation (\$30,000), psychiatric medical (\$20,000), law books, (\$13,500), utilities (\$9,000).

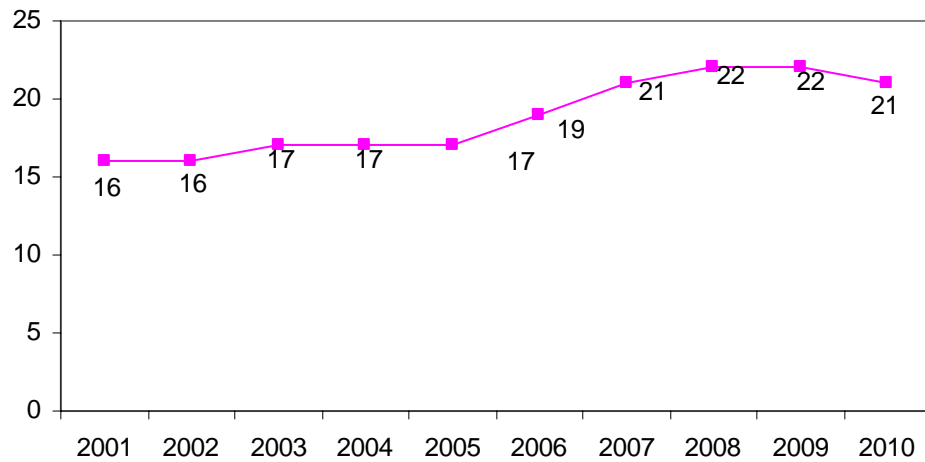
Intrafund Transfers (\$50,343): Primarily comprised of charges from other departments for services such as network support (\$32,539), mainframe support (\$6,963), and telephone (\$6,000).



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Staffing Trend

Staffing for the Public Defender over the past ten years has gone from 16.0 in FY2000-01 to 22.0 in FY2008-09 based on the approved budget. The proposed staff allocation for FY2009-10 is 21.0 which is an



increase of 5.0 from FY2000-01 and a decrease of 1.0 from FY2008-09 due to the elimination of a clerical position in November 2008.

As defined by the organizational chart, the proposed staff allocation for FY2009-10 includes 14.5 FTE on the West Slope and 6.5 FTE at South Lake Tahoe.

Chief Administrative Office Comments

The Proposed Budget for the Public Defender's department reflects staffing changes made during FY2008-09 and maintains all other on-going adjustments identified at mid-year 2008-09.

The Public Defender budget has been significantly impacted by reductions in Proposition 172 (1/2 cent Public Safety Sales Tax) revenue due to the declining economy which directly affects sales tax. The estimated reduction for FY 2009-10 is \$77,123 from the FY2008-09 adopted budget. In addition, revenue for Public Defender services to their clients has declined. The Public Defender continues to work with the Courts to ensure that fees for services are being ordered by the Judges whenever a client has the ability to pay. However, State legislation now requires that all charges be collected by the Courts and there is an order of collection which the County has no control over. Under this order of collection, when money is received by the Courts it is applied first to areas such as restitution and applied to County fees last. Clients can no longer go directly to the Public Defender's office to pay their fee. Because County fees are the last to be collected, it can take months or longer before the County will benefit from the revenue.

The Public Defender's office is currently working on six murder cases, two of which involve the death penalty. All murder cases require more staff time and resources, however, death penalty cases are significantly more staff resource intensive and expensive, often requiring significant expenditures for investigation and expert witnesses. One of the two death penalty cases is currently scheduled for trial in September 2009. It is uncertain at this time how long that trial will last once it starts. The second death penalty case is also a cold case involving triple homicide.

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It is not currently scheduled for trial, however, it is anticipated that there will be significant expense associated with this case due to the cold case nature, the number of years since the events occurred and the fact that three homicides are involved. The Public Defender's budget currently includes \$90,000 for use in the defense of both of these cases, however, it is not yet known if that will be sufficient funding to cover court ordered costs. In addition, the remaining four murder trials will likely require additional expenses that have not yet been identified.

Staffing continues to be of concern to the Public Defender's office. In FY 2007-08, due to economic downturn in the County, the Public Defender eliminated a clerical position to meet their reduction target. At mid-year, the Department implemented a mandatory five day furlough in order to meet targets established at that time. Looking towards FY 2009-10 the Public Defender has expressed concern, but will make every effort to work within the constraints of the County's current economic condition.

Another element of County services that affect the Public Defender is situations where a conflict exists and the Public Defender is unable to represent a defendant. In those situations, the case is referred to the Conflict Panel which is budgeted in Department 20 – Court MOE. A discussion regarding the Conflict Panel can be found in the Department 20 Chief Administrative Office Comments.

PUBLIC DEFENDER

Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 23 PUBLIC DEFENDER

		MID-YEAR	CURRENT YR	DEPARTMENT	CAO	
		PROJECTION	APPROVED	REQUEST	RECOMMENDED	DIFFERENCE
			BUDGET		BUDGET	
TYPE: R REVENUE						
SUBOBJ	SUBOBJ TITLE					
0860	ST: PUBLIC SAFETY SALES TAX	276,200	324,850	276,200	247,727	-77,123
CLASS: 05	REV: STATE INTERGOVERNMENTAL	276,200	324,850	276,200	247,727	-77,123
1381	PUBLIC DEFENDER: INDIGENTS	2,058	25,000	5,000	7,059	-17,941
1800	INTERFND REV: SERVICE BETWEEN FUND	2,059	0	2,059	0	0
CLASS: 13	REV: CHARGE FOR SERVICES	4,117	25,000	7,059	7,059	-17,941
TYPE: R SUBTOTAL		280,317	349,850	283,259	254,786	-95,064

TYPE: E EXPENDITURE						
SUBOBJ	SUBOBJ TITLE					
3000	PERMANENT EMPLOYEES / ELECTED	1,910,661	1,959,234	1,961,531	1,889,207	-70,027
3001	TEMPORARY EMPLOYEES	29,000	39,000	29,000	25,000	-14,000
3004	OTHER COMPENSATION	70,000	70,000	42,000	22,904	-47,096
3005	TAHOE DIFFERENTIAL	16,800	16,800	13,200	13,200	-3,600
3006	BILINGUAL PAY	4,500	6,240	2,600	2,600	-3,640
3020	RETIREMENT EMPLOYER SHARE	387,941	387,941	381,376	381,376	-6,565
3022	MEDI CARE EMPLOYER SHARE	24,595	24,595	26,121	26,121	1,527
3040	HEALTH INSURANCE EMPLOYER SHARE	194,071	146,986	130,793	130,793	-16,193
3041	UNEMPLOYMENT INSURANCE EMPLOYER	7,415	7,415	14,711	14,711	7,296
3042	LONG TERM DISABILITY EMPLOYER SHARE	7,111	7,111	7,061	7,061	-50
3043	DEFERRED COMPENSATION EMPLOYER	20,000	20,000	18,891	18,891	-1,109
3046	RETIREE HEALTH: DEFINED CONTRIBUTIONS	63,853	63,853	16,507	16,507	-47,346
3060	WORKERS' COMPENSATION EMPLOYER	6,073	6,073	6,073	6,072	-1
3080	FLEXIBLE BENEFITS	0	48,000	90,000	90,000	42,000
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,742,019	2,803,247	2,739,865	2,644,444	-158,803
4020	CLOTHING & PERSONAL SUPPLIES	24	0	0	0	0
4040	TELEPHONE COMPANY VENDOR PAYMENTS	100	100	100	100	0
4041	COUNTY PASS THRU TELEPHONE CHARGES	1,500	1,500	1,500	1,500	0
4086	JANITORIAL / CUSTODIAL SERVICES	2,340	4,000	2,340	2,340	-1,660
4100	INSURANCE: PREMIUM	9,074	9,074	9,074	12,777	3,703
4120	JURY & WITNESS EXPENSE	500	2,000	4,500	4,500	2,500
4123	JURY EXP: MEALS	500	1,000	500	500	-500
4124	WITNESS FEE	150	300	650	650	350
4140	MAINT: EQUIPMENT	0	250	0	0	-250
4141	MAINT: OFFICE EQUIPMENT	150	500	150	150	-350
4144	MAINT: COMPUTER	0	750	0	0	-750
4182	MAINT: RENTAL PROPERTY	0	500	0	0	-500
4220	MEMBERSHIPS	6,780	6,780	6,800	6,800	20
4260	OFFICE EXPENSE	6,500	6,500	6,500	6,500	0
4261	POSTAGE	1,000	1,000	1,000	1,000	0
4262	SOFTWARE	0	1,434	0	0	-1,434
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	6,000	6,000	6,000	6,000	0
4264	BOOKS / MANUALS	100	100	100	100	0
4265	LAW BOOKS	13,500	13,500	13,500	13,500	0
4266	PRINTING / DUPLICATING SERVICES	1,187	650	1,187	1,187	537
4300	PROFESSIONAL & SPECIALIZED SERVICES	25,000	30,000	40,000	40,000	10,000
4317	CRIMINAL INVESTIGATION	25,000	30,000	30,000	30,000	0
4318	INTERPRETER	250	1,000	250	250	-750
4320	VERBATIM: TRANSCRIPTION	1,000	1,000	4,000	4,000	3,000
4323	PSYCHIATRIC MEDICAL SERVICES	17,000	25,000	20,000	20,000	-5,000
4324	MEDICAL,DENTAL,LAB & AMBULANCE SRV	3,663	2,500	2,500	2,500	0

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Financial Information by Fund Type

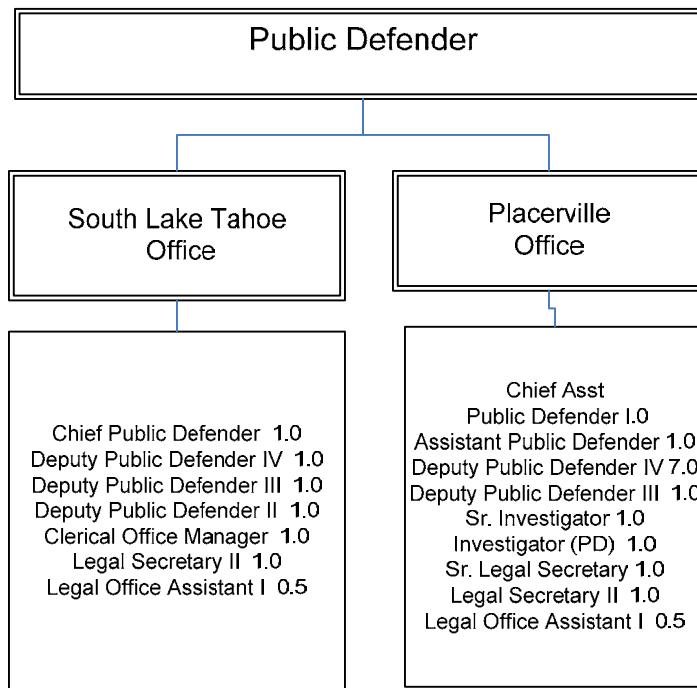
FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 23 PUBLIC DEFENDER

		CURRENT YR		CAO		
		MID-YEAR	APPROVED	DEPARTMENT	RECOMMENDED	
		PROJECTION	BUDGET	REQUEST	BUDGET	
					DIFFERENCE	
4334	FIRE PREVENTION & INSPECTION	100	150	100	100	-50
4400	PUBLICATION & LEGAL NOTICES	50	150	50	50	-100
4420	RENT & LEASE: EQUIPMENT	5,412	5,412	5,412	5,412	0
4421	RENT & LEASE: SECURITY SYSTEM	0	0	83,000	83,000	83,000
4440	RENT & LEASE: BUILDING & IMPROVEMENTS	80,500	80,500	0	0	-80,500
4460	EQUIP: SMALL TOOLS & INSTRUMENTS	21	0	0	0	0
4461	EQUIP: MINOR	0	750	0	0	-750
4462	EQUIP: COMPUTER	0	250	0	0	-250
4463	EQUIP: TELEPHONE & RADIO	0	100	0	0	-100
4503	STAFF DEVELOPMENT	5,000	5,000	7,500	7,500	2,500
4529	SOFTWARE LICENSE	3,442	3,800	3,442	3,442	-358
4600	TRANSPORTATION & TRAVEL	2,000	2,000	2,000	2,000	0
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	6,700	6,700	6,700	6,700	0
4605	RENT & LEASE: VEHICLE	0	750	0	0	-750
4606	FUEL PURCHASES	900	900	900	900	0
4620	UTILITIES	9,000	9,000	9,000	9,000	0
CLASS: 40	SERVICE & SUPPLIES	234,443	260,900	268,755	272,458	11,558
5300	INTERFND: SERVICE BETWEEN FUND TYPES	0	400	0	0	-400
CLASS: 50	OTHER CHARGES	0	400	0	0	-400
6042	FIXED ASSET: COMPUTER SYSTEM EQUIP	0	2,700	0	0	-2,700
CLASS: 60	FIXED ASSETS	0	2,700	0	0	-2,700
7200	INTRAFUND TRANSFERS: ONLY GENERAL	25	0	25	25	25
7210	INTRAFND: COLLECTIONS	250	500	250	250	-250
7220	INTRAFND: TELEPHONE EQUIPMENT &	6,000	6,000	6,000	6,000	0
7223	INTRAFND: MAIL SERVICE	1,205	1,205	1,205	870	-335
7224	INTRAFND: STORES SUPPORT	1,173	1,173	1,173	1,122	-51
7225	INTRAFND: CENTRAL DUPLICATING	0	150	0	0	-150
7226	INTRAFND: LEASE ADMINISTRATION FEE	1,824	1,824	1,824	1,824	0
7227	INTRAFND: MAINFRAME SUPPORT	5,894	5,894	5,894	6,963	1,069
7228	INTRAFND: INTERNET CONNECT CHARGE	0	0	750	750	750
7229	INTRAFND: PC SUPPORT	750	750	0	0	-750
7232	INTRAFND: MAINT BLDG & IMPROVMENTS	0	100	0	0	-100
7234	INTRAFND: NETWORK SUPPORT	28,652	28,652	28,652	32,539	3,887
CLASS: 72	INTRAFUND TRANSFERS	45,773	46,248	45,773	50,343	4,095
TYPE: E SUBTOTAL		3,022,235	3,113,495	3,054,393	2,967,245	-146,250
FUND TYPE: 10	SUBTOTAL	2,741,918	2,763,645	2,771,134	2,712,459	-51,186
DEPARTMENT: 23	SUBTOTAL	2,741,918	2,763,645	2,771,134	2,712,459	-51,186

PUBLIC DEFENDER

Personnel Allocations

Fiscal Year 2009-10 BOS Approved Personnel Allocation	2008-09 Adjusted Allocation	2009-10 Dept Request	2009-10 CAO Recm'd	Diff from Adjusted
Public Defender	1.00	1.00	1.00	0.00
Assistant Public Defender	1.00	1.00	1.00	0.00
Chief Assistant Public Defender	1.00	1.00	1.00	0.00
Clerical Operations Manager	0.00	0.00	0.00	0.00
Deputy Public Defender II-IV	11.00	11.00	11.00	0.00
Investigator (Public Defender)	1.00	1.00	1.00	0.00
Legal Office Assistant I/II	1.00	1.00	1.00	0.00
Legal Secretarial Services Supervisor	1.00	1.00	1.00	0.00
Legal Secretary I/II	2.00	2.00	2.00	0.00
Sr. Investigator (Public Defender)	1.00	1.00	1.00	0.00
Sr. Legal Secretary	1.00	1.00	1.00	0.00
Department Total	21.00	21.00	21.00	0.00



Positions: 21.0

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Ten Year History

	00/01	01/02	02/03	03/04	04/05
	Actual	Actual	Actual	Actual	Actual
Salaries	1,000,371	1,064,692	1,138,536	1,091,529	1,171,001
Benefits	180,806	209,910	249,059	318,428	413,795
Services & Supplies	104,847	180,997	262,361	152,733	207,948
Other Charges	230	130	150	250	175
Fixed Assets	2,630	-	1,873	-	-
Intrafund Transfers	25,855	24,935	26,617	33,240	33,533
Total Appropriations	1,314,739	1,480,664	1,678,596	1,596,180	1,826,452
State	226,110	232,345	240,158	257,812	301,812
Charges for Service	18,878	30,309	34,648	30,392	31,907
Total Revenue	244,988	262,654	274,806	288,204	333,719
NCC	1,069,751	1,218,010	1,403,790	1,307,976	1,492,733
FTE's	16	16	17	17	17

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	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Projected	09/10 Budget
Salaries	1,427,284	1,707,223	1,912,422	1,973,731	2,032,531
Benefits	555,108	623,368	695,895	768,289	611,913
Services & Supplies	282,025	218,454	293,900	234,443	272,458
Other Charges	259	900	-	-	-
Fixed Assets	14,728	6,900	-	-	-
Intrafund Transfers	44,479	47,421	51,469	45,773	50,343
Total Appropriations	2,323,883	2,604,266	2,953,686	3,022,236	2,967,245
State	320,676	300,732	292,454	276,200	247,727
Charges for Service	18,388	15,317	10,665	4,117	7,059
Total Revenue	339,064	316,049	303,119	280,317	254,786
NCC	1,984,819	2,288,217	2,650,567	2,741,919	2,712,459
FTE's	19	21	22	22	21

10 Year Variance		
	\$ Change	% Change
Salaries	1,032,160	103%
Benefits	431,107	238%
Services & Supplies	167,611	160%
Other Charges	(230)	-100%
Fixed Assets	(2,630)	-100%
Intrafund Transfers	24,488	95%
Total Appropriations	1,652,506	126%
State	21,617	10%
Charges for Service	(11,819)	-63%
Total Revenue	9,798	4%
NCC	1,642,708	154%
FTE's	5	31%

Notes

<p>Notes</p>
