

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 serving the public in a respectful and professional manner.

Program Summaries

Public Defender - Operations

Positions: Total FTE's: 19.0

Extra Help: \$84,000

Total Appropriations: \$2,764,215

Total Revenue: \$235,615

Net County Cost: \$2,528,600

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

Total Appropriations: \$190,000

Total Revenue: \$0

Net County Cost: \$190,000

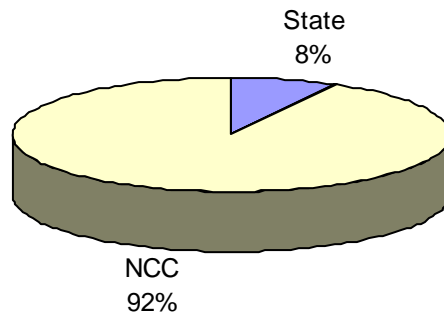
Public Defender – Trials is a specific index code to monitor expenses related to cases which may involve extraordinary expenses. The Public Defender's Office is currently handling three murder cases and three attempted murder cases. The prosecution is seeking the death penalty in one of the murder cases. The Public Defender's office is also assigned as counsel to one suspect in the highly publicized Garrido case.

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Source of Funds

State Intergovernmental (\$228,115): Includes revenue from Proposition 172 – Public Safety Sales Tax.

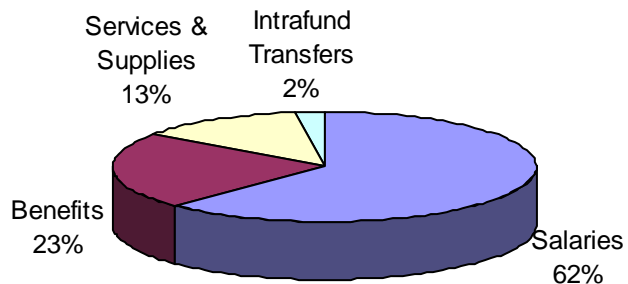
Charges for Service (\$7,500): Charges for service are comprised of charges for Public Defender Services.



Use of Funds

Salaries & Benefits (\$2,514,046): Primarily comprised of salaries (\$1,733,317), retirement (\$335,628) and health insurance (\$149,928).

Services & Supplies (\$376,301): Primarily comprised of building rents & leases (\$63,352), professional services (\$50,000), criminal investigation (\$60,000), psychiatric medical (\$80,000), law books, (\$13,000), utilities (\$12,000).

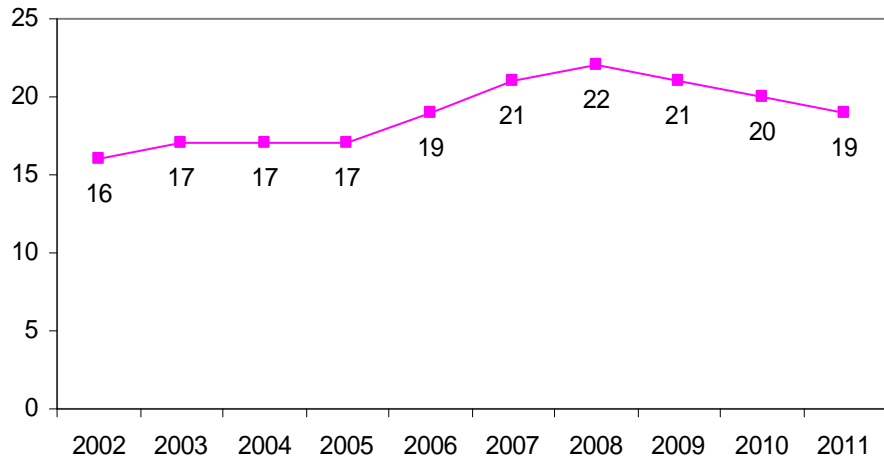


Intrafund Transfers (\$63,868): Primarily comprised of charges from other departments for services such as network support (\$34,893), mainframe support (\$7,334), and telephone (\$15,000).

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Staffing Trend

Staffing for the Public Defender over the past ten years has gone from 16.0 in FY 2001-02 to 19 in FY 2010-11 based on the approved budget. As defined by the organizational chart, the proposed staff allocation for FY 2010-11 includes 13.5 FTE on the West Slope and 6 FTE at South Lake Tahoe.



Chief Administrative

Office Comments

The Recommended Budget for the Public Defender's department incorporates staffing and operating changes made during FY 2009-10 required to meet budget reductions. It also achieves the Departments FY 2010-11 target while sustaining operational funding levels and maintaining a defense budget as requested by the Department.

Revenue for the Public Defender has been reduced overall by \$19,171. This reduction is attributed to an on-going decline in Public Safety Sales Tax (Proposition 172) revenue. This reduction is directly attributed to the declining economy which directly affects sales tax.

Revenue for Public Defender services to their clients has shown slight growth from the previous year. During FY 2009-10 the County conducted a review of both conflict panel and Public Defender services revenue generation associated with determining a clients "ability to pay" for court appointed counsel. In early FY2 009-10 the county Department of Child Support Services, Revenue Recovery division conducted a pilot program in conjunction with the Courts and the Public Defender's office. The pilot was done in one Court in South Lake Tahoe and reviewed the process of determining a client's ability to pay. After several months it was determined that there was a correct process in place and that the Judges were ordering clients to pay for court appointed services in any instance where the person had the ability to pay. As a result, for the period July 1, 2009 to May 2010, the Courts have ordered in excess of \$100,000 in fees for court appointed counsel. Most of those fees are in the \$50 - \$100 range; however, in a number of instances fees exceeded the basic range.

As a result of the Courts ordering fees, we have started to see a slight increase in revenue collections. In this budget, the revenue for Court appointed service is approximately \$7,000. This is an increase of about \$3,500 from the previous year. While the dollar amount is not currently significant, it is important to the process in that once the fees are ordered, the County stands a much greater chance of recouping costs for services where in the past the revenue did not exist. It should also be noted that State legislation now requires that charges ordered by the Judge are collected by the Courts and there is an order of collection which the County has no

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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 pay their fees directly to the County. 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 three murder cases, one of which involves the death penalty. In addition, there are three attempted murder cases that the Department is working. 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. The death penalty case is currently scheduled for trial in the summer of 2010. It is uncertain at this time how long that trial will last once it starts or what total expenses will be.

Staffing continues to be of concern to the Public Defender's office. The total allocation for FY 2010-11 is 19.0 FTE, a decrease of 0.5 FTE from FY 2009-10. During the past year staffing in the Department was reduced including the elimination of a 1.0 FTE Sr. Legal Secretary which became vacant at the beginning of FY 2009-10 and the elimination of the Clerical Operations Manager position due to an early retirement incentive offered and accepted. In addition, the Sr. Investigator position was eliminated after that person retired. At mid-year 2009-10 the Department head indicated that clerical staffing was too low. To correct this issue, the FY 2010-11 budget provides for both Legal Office Assistant I/II's to be allocated at 1.0 FTE each utilizing 0.5 FTE from the Sr. Legal Secretary elimination. These positions were reduced to meet budget cuts in FY 2008; however, the Department has since determined that additional clerical support is needed to keep up with case loads and timely filings with the Courts.

Investigation, and a minimal amount of attorney work, is currently being handled on a part time basis with the use of extra help. The majority of the clerical work for the Department, which primarily includes bill paying and administration of contracts, is currently being done by staff in the Chief Administrative Office at no cost to the Public Defender's office. Payroll continues to be administered within the Department.

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Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 23 PUBLIC DEFENDER

		MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
TYPE: R REVENUE						
SUBOBJ	SUBOBJ TITLE					
0860	ST: PUBLIC SAFETY SALES TAX	228,115	247,727	228,115	228,115	-19,612
CLASS: 05	REV: STATE INTERGOVERNMENTAL	228,115	247,727	228,115	228,115	-19,612
1381	PUBLIC DEFENDER: INDIGENTS	5,000	7,059	7,000	7,500	441
CLASS: 13	REV: CHARGE FOR SERVICES	5,000	7,059	7,000	7,500	441
TYPE: R SUBTOTAL		233,115	254,786	235,115	235,615	-19,171

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		MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
TYPE: E EXPENDITURE						
SUBOBJ	SUBOBJ TITLE					
3000	PERMANENT EMPLOYEES / ELECTED	1,811,000	1,832,541	1,733,317	1,733,317	-99,225
3001	TEMPORARY EMPLOYEES	29,500	0	84,000	84,000	84,000
3004	OTHER COMPENSATION	33,000	22,904	155,000	15,000	-7,904
3005	TAHOE DIFFERENTIAL	11,000	13,200	12,000	12,000	-1,200
3006	BILINGUAL PAY	2,600	2,600	3,120	3,120	520
3020	RETIREMENT EMPLOYER SHARE	326,000	381,376	335,628	335,628	-45,748
3022	MEDI CARE EMPLOYER SHARE	24,000	26,121	22,802	22,802	-3,319
3040	HEALTH INSURANCE EMPLOYER SHARE	125,000	130,793	143,736	149,928	19,135
3041	UNEMPLOYMENT INSURANCE EMPLOYER	11,500	14,711	14,490	14,490	-222
3042	LONG TERM DISABILITY EMPLOYER SHARE	7,061	7,061	6,240	6,240	-822
3043	DEFERRED COMPENSATION EMPLOYER	18,891	18,891	33,753	33,753	14,862
3046	RETIREE HEALTH: DEFINED CONTRIBUTIONS	16,507	16,507	16,507	19,529	3,022
3060	WORKERS' COMPENSATION EMPLOYER	6,072	6,072	6,072	6,239	167
3080	FLEXIBLE BENEFITS	90,000	90,000	78,000	78,000	-12,000
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,512,131	2,562,778	2,644,665	2,514,045	-48,732
4020	CLOTHING & PERSONAL SUPPLIES	0	0	50	50	50
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	2,340	4,380	4,380	2,040
4100	INSURANCE: PREMIUM	12,777	12,777	12,777	9,842	-2,935
4120	JURY & WITNESS EXPENSE	1,000	4,500	4,500	4,500	0
4123	JURY EXP: MEALS	100	500	500	500	0
4124	WITNESS FEE	100	650	650	650	0
4141	MAINT: OFFICE EQUIPMENT	150	150	500	500	350
4220	MEMBERSHIPS	6,800	6,800	6,800	6,800	0
4260	OFFICE EXPENSE	6,500	6,500	13,500	10,000	3,500
4261	POSTAGE	1,000	1,000	850	850	-150
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	6,000	6,000	10,000	10,000	4,000
4264	BOOKS / MANUALS	100	100	100	100	0
4265	LAW BOOKS	13,500	13,500	13,000	13,000	-500
4266	PRINTING / DUPLICATING SERVICES	1,000	1,187	1,500	1,500	313
4300	PROFESSIONAL & SPECIALIZED SERVICES	95,000	98,683	50,000	50,000	-48,683
4317	CRIMINAL INVESTIGATION	60,000	74,000	60,000	60,000	-14,000
4318	INTERPRETER	500	250	2,000	2,000	1,750
4320	VERBATIM: TRANSCRIPTION	4,000	4,000	4,000	4,000	0
4321	MISCELLANEOUS TRIAL	4,500	4,500	1,000	1,000	-3,500
4323	PSYCHIATRIC MEDICAL SERVICES	65,000	79,000	80,000	80,000	1,000
4324	MEDICAL, DENTAL, LAB & AMBULANCE SRV	5,000	5,000	8,000	8,000	3,000
4334	FIRE PREVENTION & INSPECTION	50	100	100	100	0
4400	PUBLICATION & LEGAL NOTICES	50	50	50	50	0
4420	RENT & LEASE: EQUIPMENT	6,800	5,629	5,629	5,629	0

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Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 23 PUBLIC DEFENDER

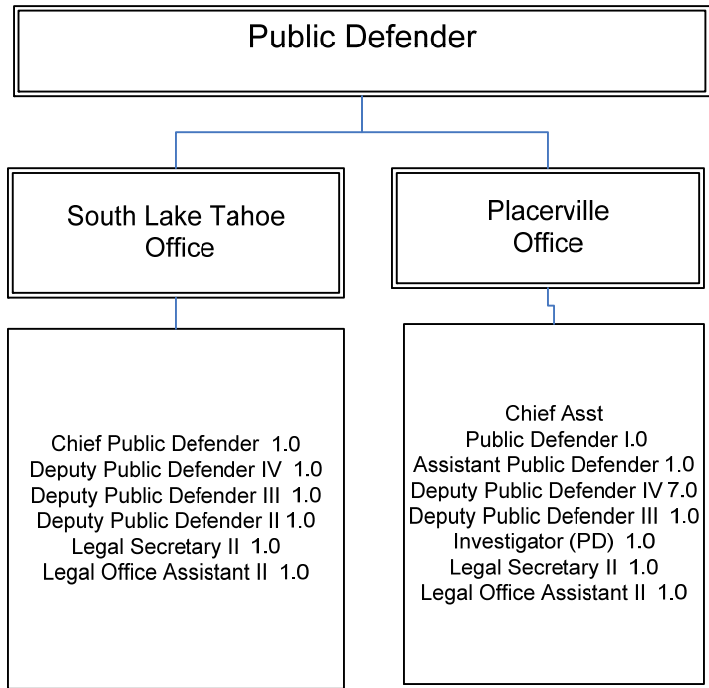
		MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
TYPE: E EXPENDITURE						
SUBOBJ	SUBOBJ TITLE					
4421	RENT & LEASE: SECURITY SYSTEM	63,352	63,352	0	0	-63,352
4440	RENT & LEASE: BUILDING & IMPROVEMENTS	0	0	63,352	63,352	63,352
4503	STAFF DEVELOPMENT	5,000	7,500	15,000	10,000	2,500
4506	FILM DEVELOPMENT & PHOTOGRAPHY	100	0	150	150	150
4529	SOFTWARE LICENSE	3,442	3,442	3,442	3,248	-194
4600	TRANSPORTATION & TRAVEL	2,000	2,000	5,000	5,000	3,000
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	6,700	6,700	7,500	7,500	800
4606	FUEL PURCHASES	0	900	0	0	-900
4620	UTILITIES	12,000	9,000	12,000	12,000	3,000
CLASS: 40	SERVICE & SUPPLIES	386,461	421,710	387,930	376,301	-45,409
7200	INTRAFUND TRANSFERS: ONLY GENERAL	25	25	25	25	0
7210	INTRAFND: COLLECTIONS	250	250	250	250	0
7220	INTRAFND: TELEPHONE EQUIPMENT &	15,000	15,000	15,000	15,000	0
7223	INTRAFND: MAIL SERVICE	870	870	1,061	1,061	191
7224	INTRAFND: STORES SUPPORT	1,122	1,122	1,555	1,555	433
7226	INTRAFND: LEASE ADMINISTRATION FEE	1,824	1,824	0	0	-1,824
7227	INTRAFND: MAINFRAME SUPPORT	6,963	6,963	7,334	7,334	371
7228	INTRAFND: INTERNET CONNECT CHARGE	750	750	750	750	0
7229	INTRAFND: PC SUPPORT	1,500	0	3,000	3,000	3,000
7234	INTRAFND: NETWORK SUPPORT	32,539	32,539	34,893	34,893	2,354
CLASS: 72	INTRAFUND TRANSFERS	60,843	59,343	63,868	63,868	4,525
TYPE: E SUBTOTAL		2,959,435	3,043,831	3,096,463	2,954,214	-89,616
FUND TYPE: 10	SUBTOTAL	2,726,320	2,789,045	2,861,348	2,718,599	-70,445
DEPARTMENT: 23	SUBTOTAL	2,726,320	2,789,045	2,861,348	2,718,599	-70,445

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Personnel Allocations

Fiscal Year 2010-11 BOS Approved Personnel Allocation	2009-10 Adjusted Allocation	2010-11 Dept Request	2010-11 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
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	1.50	2.00	2.00	0.50
Legal Secretarial Services Supervisor	0.00	0.00	0.00	0.00
Legal Secretary I/II	2.00	2.00	2.00	0.00
Sr Legal Secretary	1.00	0.00	0.00	-1.00
Department Total	19.50	19.00	19.00	-0.50

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Positions: 19.0

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Ten Year History

	01/02 Actual	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual
State	232,345	240,158	257,812	301,812	320,676
Charges for Service	30,309	34,648	30,392	31,907	18,388
Total Revenue	262,654	274,806	288,204	333,719	339,064
Salaries	1,064,692	1,138,536	1,091,529	1,171,001	1,427,284
Benefits	209,910	249,059	318,428	413,795	555,108
Services & Supplies	180,997	262,361	152,733	207,948	282,025
Other Charges	130	150	250	175	259
Fixed Assets	-	1,873	-	-	14,728
Intrafund Transfers	24,935	26,617	33,240	33,533	44,479
Total Appropriations	1,480,664	1,678,596	1,596,180	1,826,452	2,323,883
NCC	1,218,010	1,403,790	1,307,976	1,492,733	1,984,819
FTE's	16	17	17	17	19

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Ten Year History

	06/07 Actual	07/08 Actual	08/09 Actual	09/10 Projected	10/11 Budget
State	300,732	292,454	252,837	228,115	228,115
Charges for Service	15,317	10,665	7,199	6,008	7,500
Total Revenue	316,049	303,119	260,036	234,123	235,615
Salaries	1,707,223	1,912,422	2,012,197	1,803,700	1,847,437
Benefits	623,368	695,895	724,703	666,549	666,609
Services & Supplies	218,454	293,900	277,877	220,000	376,301
Other Charges	900	-	-	-	-
Fixed Assets	6,900	-	-	-	-
Intrafund Transfers	47,421	51,469	53,222	59,343	63,868
Total Appropriations	2,604,266	2,953,686	3,067,999	2,749,592	2,954,215
NCC	2,288,217	2,650,567	2,807,963	2,515,469	2,718,600
FTE's	21	22	21	20	19

10 Year Variance		
	\$ Change	% Change
State	(4,230)	-2%
Charges for Service	(22,809)	-75%
Total Revenue	(27,039)	-10%
Salaries	782,745	74%
Benefits	456,699	218%
Services & Supplies	195,304	108%
Other Charges	(130)	-100%
Fixed Assets	-	0%
Intrafund Transfers	38,933	156%
Total Appropriations	1,473,551	100%
NCC	1,500,590	123%
FTE's	3	19%

Notes