



IDC

Indigent Defense Coordinator

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MEMORANDUM

To: Board of Supervisors

Cc: Michael Ortega, County Administrator
James Vlahovich, Deputy County Administrator

From: Amy Hunley, Indigent Defense Coordinator

Date: March 29, 2013

Re: IDC Request for General Fund Contingency Transfer

IDC is requesting contingency funds in the amount of \$280,000 for its projected FY12/13 budget shortfall. IDC anticipates a total shortfall of \$346,779; however, the Public Defender's office has approximately \$68,000 in vacancy savings to help offset that deficit. Although the Legal Defender's office has \$12,254 in vacancy savings, those funds will be used for other Legal Defender expenses and will not be available to transfer to IDC. Attachment A contains FY12/13 projections for the IDC, PD and LD budgets, and Attachment B contains IDC's FY12/13 budget projection. Revenue figures in Attachment A are provided for informational purposes only as those monies are deposited to the General Fund and are not available for use by the departments.

IDC's budget shortfall is attributable to expenses incurred for three capital cases assigned to private contract attorneys. Two of the cases have been completed; the one remaining case is scheduled for trial in August 2013.

Attachments

INDIGENT DEFENSE BUDGET

FY12/13 BUDGET PROJECTED THROUGH JUNE 2013								
<i>Description</i>	<i>Amended Budget</i>	<i>Actual Expenses through 3/30/13</i>	<i>Projected Expenses through 6/30/13</i>	<i>Budget Less Projected Expenses</i>	<i>FY11/12 Adopted Budget</i>	<i>FY11/12 Total Expenses</i>	<i>FY10/11 Adopted Budget</i>	<i>FY10/11 Total Expenses</i>
Indigent Defense Coordinator	\$1,002,709	\$895,922	\$1,349,488	-\$346,779	\$994,761	\$1,393,745	\$986,055	\$1,184,537
Public Defender	\$1,418,864	\$945,641	\$1,345,301	\$73,563	\$1,400,726	\$1,380,753	\$1,402,500	\$1,356,904
Legal Defender	\$887,348	\$674,970	\$887,348	\$0	\$874,406	\$858,438	\$876,602	\$862,532
TOTALS	\$3,308,921	\$2,516,533	\$3,582,137	-\$273,216	\$3,269,893	\$3,632,936	\$3,265,157	\$3,403,973
TOTAL FY11/12 & FY10/11 INDIGENT DEFENSE BUDGET LESS EXPENSES					-\$363,043		-\$138,816	

FY12/13 SALARY/VACANCY SAVINGS (Included in IDC/PD/LD Budget Projections)		
	Salary Savings	Vacancy Savings
Indigent Defense Coordinator	\$ -	\$ -
Public Defender	\$ 3,921	\$ 68,360
Legal Defender	\$ -	\$ 12,254
TOTALS	\$ 3,921	\$ 80,614

FY12/13 REVENUE (General Fund Deposits not Included in IDC/PD/LD Budgets)	
PROJECTED Attorneys' Fees Collected by Courts <i>Actual July 2012-February 2013 Amount: \$41,046 (PD Revenue)</i>	\$78,000
PROJECTED Salary Reimbursement from FTG Grant funds <i>PD Paralegal Amount: \$24,730 (PD Revenue) LD Investigator Amount: \$32,883 (Paid directly from Grant)</i>	\$57,613
TOTAL PROJECTED REVENUE	\$135,613

Outstanding Reimbursement <u>State v. Sharp</u> Capital Rule 32 Case	\$333,449										
<p>Pursuant to A.R.S. § 13-4041(I), the State pays the County 50% of the expenses incurred in capital Rule 32 post-conviction relief proceedings. The State typically reimburses counties for these expenses until the annual funding is depleted and carries forward any additional amount due until funds are available.</p> <p>This case is no longer pending. Rule 32 PCR proceedings concluded in June 2012, and the defendant was sentenced in September 2012.</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; font-size: small;">FY11/12</td> <td style="text-align: right; font-size: small;">\$95,613</td> </tr> <tr> <td style="font-size: small;">FY10/11</td> <td style="text-align: right; font-size: small;">\$96,475</td> </tr> <tr> <td style="font-size: small;">FY09/10</td> <td style="text-align: right; font-size: small;">\$45,446</td> </tr> <tr> <td style="font-size: small;">FY08/09</td> <td style="text-align: right; font-size: small;">\$8,055</td> </tr> <tr> <td style="font-size: small;">FY07/08</td> <td style="text-align: right; font-size: small;">\$87,860</td> </tr> </table>	FY11/12	\$95,613	FY10/11	\$96,475	FY09/10	\$45,446	FY08/09	\$8,055	FY07/08	\$87,860
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FY12/13 BUDGET INDIGENT DEFENSE COORDINATOR

Description	Amended Budget	Actual Expenses 3/30/13	Projected Expenses through 6/30/13	Amended Budget Less Projected Expenses	FY11/12		FY10/11	
					Budget	Expenses	Budget	Expenses
Administrative Expenses (including Salaries/Benefits)	\$ 122,638	\$ 80,851	\$116,788	\$5,850	\$ 114,690	\$ 101,659	\$105,984	\$106,228
Psychological Evaluations	\$ 4,071	\$ 4,425	\$6,700	-\$2,629	\$ 4,071	\$ 14,121	\$4,071	\$3,500
Rule 11 Costs	\$ 14,000	\$ 19,130	\$35,000	-\$21,000	\$ 14,000	\$ 40,735	\$14,000	\$28,475
Court Investigation	\$ 5,000	\$ 14,499	\$23,000	-\$18,000	\$ 5,000	\$ 52,772	\$5,000	\$14,182
Witness Fees & Charges	\$ 10,000	\$ 65,767	\$98,000	-\$88,000	\$ 10,000	\$ 68,184	\$10,000	\$5,998
Juvenile Indigent Defense*	\$ 228,500	\$ 238,791	\$360,000	-\$131,500	\$228,500	\$ 300,430	\$228,500	\$295,230
Adult Indigent Defense*	\$ 618,500	\$ 489,060	\$710,000	-\$91,500	\$618,500	\$ 815,844	\$618,500	\$730,925
TOTAL	\$1,002,709	\$ 912,522	\$1,349,488	-\$346,779	\$994,761	\$1,393,745	\$986,055	\$1,184,537
TOTAL IDC BUDGET SHORTFALL				-\$346,779	-\$398,984		-\$198,482	
Transfers from PD/LD and Contingency Funds (FY12/13 Projected: \$68,360 PD) (FY11/12: \$500,000 contingency funds) (FY10/11: \$150,000 contingency funds, \$29,600 PD, \$13,230 LD)					\$500,000		\$192,830	

*Actual expenses do not include attorneys' fees & costs for March

Adult Indigent Defense/Court Investigator Fees/Witness Fees These expenses include over \$200,000 incurred in capital cases assigned to IDC contract attorneys. Two of the cases have been resolved; the one remaining case is scheduled for trial in August 2013.

Psychological Evaluations These expenses include \$1,925 for Rule 26.5 evaluations. Rule 26.5 evaluations are court-ordered evaluations of defendants conducted after conviction but before sentencing. Prior to FY10/11, these evaluations were paid by Court Administration.

Court Investigation/Witness Fees In addition to investigator and expert expenses for capital and non-capital murder cases, IDC has paid \$7,340 in court-ordered expenses requested by privately retained attorneys. A.R.S. 13-4013(B) allows a defendant to request court-appointed experts and investigators upon a showing that the defendant is financially unable to pay for those services.

Juvenile Indigent Defense This budget consists mainly of attorneys' fees and costs for dependency cases, which typically remain open and active for several years before they are resolved. On July 1, 2012, IDC implemented flat fee contracts for these cases. The attorney is paid \$1,200 at the time of assignment; for each additional year of the case the attorney is paid \$500 on the anniversary of the assignment. In addition to the flat fees paid for cases assigned after 7/1/12, FY12/13 expenses include pre-contract cases paid at \$50/hour plus costs.