

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
January 30, 2007
3:30 p.m.

To: Board of Supervisors

From: Conflict Criminal Defenders

Subject: Authorization To Transfer From Contingencies To Conflict Criminal Defenders
And Increase Spending Authority For Legal (AAR 27-039)

Contact: Fern Laethem, Administrator of Conflict Criminal Defenders, 874-6898

Overview

Conflict Criminal Defender's brought before the Board a request to increase the rates paid to Sacramento County Bar Association (SCBA) Indigent Defense Panel attorneys and investigators. The increase approved effective November 1, 2006 has resulted in an increase in the number of attorney applications to and membership on the Indigent Defense Panel. The department is requesting additional spending authority for Fiscal Year 2006-07 in the amount of 1,546,410 for the increased cost of mandated legal services.

Recommendations

Approve Appropriation Adjustment Request 27-039

Measures/Evaluation

N/A

Fiscal Impact

In November the projected rate increase impact was \$1,736,562; however, due to various cost savings within the department the impact is now projected to be \$1,546,410, a decrease of \$190,152.

BACKGROUND

On November 7, 2006, Conflict Criminal Defenders brought before the board a request to increase the rates paid to Indigent Defense Panel Attorneys and Investigators who provide County mandated defense to those with insufficient means to retain counsel for cases in which the Public Defender cannot provide representation due to workload or a conflict of interest. The rate increase was approved effective November 1, 2006 and has resulted in an increase in the number of attorney applications to and membership on the Indigent Defense Panel. The board letter also required the department to report back at the midyear budget with the projected fiscal impact for Fiscal Year 2006-07.

DISCUSSION

The rate increase was approved on November 7, 2006. Since that date the Indigent Defense Panel has received 15 new applications. Of those applicants received, seven have been accepted by the Indigent Defense Panel for membership and eight applications are pending. Six of the

applicants applied for level 1 (misdemeanor) membership, three applied for level 2 (basic felony) membership, four applied for level 3 (serious felony) membership and one applied for level 4 (murder, kidnapping and life without possibility of parole) cases. The department has been informed that additional attorneys plan to submit applications to the Indigent Defense Panel over the next few weeks. The majority have indicated that the raise in hourly rates was a critical factor in their decision to apply for membership on the panel. Additionally, panel attorneys who in the past have concentrated on taking Federal cases, and declined Conflict Criminal Defenders cases (CCD), are now showing a willingness to take CCD cases.

MEASURES/EVALUATION

N/A

FINANCIAL ANALYSIS

In November the projected rate increase impact was \$1,736,562; however, due to various cost savings within the department the impact is now projected to be \$1,546,410, a decrease of \$190,152. Therefore, the department is requesting an Appropriations Adjustment Request from General Fund contingencies in the amount of \$1,546,410 to fund the projected budget deficit.

Respectfully submitted,

APPROVED:
TERRY SCHUTTEN
County Executive

FERN LAETHEM, Director
Conflict Criminal Defender

By: _____
PENELOPE CLARKE, Administrator
Countywide Services Agency

Attachments:
Appropriations Adjustment Request 27-039