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# MEMORANDUM

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Date: September 19, 2017

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Consolidated Indigent Defense Agencies**

Two fiscal years ago, I created the Public Defense Services Department (PDS), which unified under one management direction all of Pima County's Indigent and Defense agencies and closely related agencies such as the Public Fiduciary. The purpose of this consolidation was to improve defense outcomes and reduce costs.

The attached September 12, 2017 memorandum from the PDS Director outlines costs savings and, more importantly, quality representation for the clients requiring these services. In my opinion, the creation of a unified management direction of overall Indigent Defense agencies has been successful.

CHH/anc

Attachment

c: Ellen Wheeler, Assistant County Administrator  
Lori Lefferts, Director, Public Defense Services



PUBLIC DEFENSE SERVICES

# MEMORANDUM

To: C.H. Huckelberry  
County Administrator

Date: 9/12/2017

From: Lori J. Lefferts  
PDS Director

## Re: Public Defense Services Year-End Report

Public Defense Services expenditures dropped significantly for the second straight year. For the first time ever, the cost of indigent defense in Pima County fell below the amount budgeted. Total expenditures in FY16/17 fell below budget by \$1,480,004, or 4.52% of the budgeted \$32,678,444.

Since the creation of the Department of Public Defense Services - a consolidation of Pima County's indigent defense agencies - a strategy has been employed to prioritize the use of in-house attorneys. The advantages of in-house counsel are many, not the least of which is the cost savings derived by using salaried attorneys to deliver legal services. To make full use of the in-house advantages, PDS has added attorneys to the staffed offices in the areas of felony trials and dependencies. The increased capacity of these case types has allowed the County to substantially reduce its reliance on higher-priced contract attorneys. As a result, contract attorney expenses have plummeted by \$2,382,047 in the last two years.

The overall downward trend in PDS expenditures is shown in the chart below. The hiring of additional attorneys in the Public Defender's Office and Office of Children's Counsel resulted in expenditure increases, however, the amounts are far outweighed by the savings experienced in contract attorney spending.

### PDS Department Expenditures, Three-Year Report

	FY14/15	FY15/16*	FY16/17*
Public Defender	\$12,560,665	\$11,524,241	\$12,059,323
Legal Defender	\$4,009,312	\$3,714,845	\$3,795,425
Contract Attorney	\$10,284,194	\$9,670,494	\$7,902,147
OCAC Administration	\$728,419	\$498,186	\$515,851
Off. of Children's Counsel	\$1,574,266	\$1,688,107	\$1,799,024
Mental Health Defender	\$478,858	\$487,422	\$502,192
Public Fiduciary	\$2,337,679	\$2,426,091	\$2,214,251
PDS Administration	\$0	\$766,345	\$951,798
<b>Total Expenditures</b>	<b>\$31,973,392</b>	<b>\$30,775,731</b>	<b>\$29,740,012</b>

\*The amounts reported for FY15/16 and FY16/17 do not include Internal Service Funds (ISF) charges, in order to make a meaningful comparison to FY14/15, for which the ISF did not exist.

Other factors contributing to the reduction in overall costs have been the consolidation of administrative expenses, the sharing of resources across agencies, increased efficiencies in case processing, and appropriate scrutiny of expenditures. These measures have resulting in a reduced per-case cost in every case type (as shown below), which has helped to mitigate the increased costs resulting from the growth in many case-type filings. Most costly was the 16% increase in felony appointments in FY16/17.

### PDS Expenditures per Appointment by Case Type

**Felonies**

Fiscal Year	Felonies	Probation	Total*	Expenditures**	Cost/case
FY1415	8022	2564	8535	\$16,078,155	\$1,884
FY1516	8611	1682	8947	\$14,533,463	\$1,624
FY1617	9992	2078	10408	\$15,508,251	\$1,490

\* Total is All Felonies plus 1/5 of PD/LD/OCAC Probation Revocations, excludes Death Penalties

\*\* Expenditures do not include Death Penalty Expenditures

**Appeals**

Fiscal Year	Appeals	Rule 32s	Total*	Expenditures**	Cost/case
FY1415	162	434	249	\$2,667,323	\$10,721
FY1516	135	323	200	\$2,442,814	\$12,239
FY1617	129	328	195	\$2,095,362	\$10,768

\* Total is All Appeals plus 1/5 rule 32s for case weighting, excluding Death Penalties

\*\* Expenditures do not include Death Penalty Expenditures

**Misdemeanors**

Fiscal Year	Cases	Expenditures	Cost/Case
FY1415	3067	\$1,165,168	\$380
FY1516	1966	\$1,107,256	\$563
FY1617	2858	\$977,249	\$342

**Dependencies**

Fiscal Year	Cases	Expenditures	Cost/Case
FY1415	4328	\$6,486,062	\$1,499
FY1516	4762	\$6,700,484	\$1,407
FY1617	4405	\$6,063,385	\$1,376

**Juvenile Delinquencies**

Fiscal Year	Cases	Expenditures	Cost/Case
FY1415	1080	\$1,837,642	\$1,702
FY1516	1144	\$1,572,099	\$1,374
FY1617	1347	\$1,377,799	\$1,023

**Mental Health**

Fiscal Year	Cases	Expenditures	Cost/Case
FY1415	1979	\$478,858	\$242
FY1516	1907	\$501,022	\$263
FY1617	2146	\$520,666	\$243

**Death Penalties (Only includes OCAC Death Penalty Costs)**

Fiscal Year	Felonies	Appeals	Rule 32s	Total	Expenditures	Cost/Case
FY1415	5	2	5	12	\$953,463	\$79,455
FY1516	6	1	7	14	\$1,504,505	\$107,465
FY1617	3	2	7	12	\$983,389	\$81,949

For FY17/18, plans are in place to continue to grow the staffed offices within PDS. This month, the Legal Advocate's Office was created to handle conflict felony cases that would otherwise be assigned to contract attorneys. The Legal Advocate currently employs five attorneys and four staff, and can expand as needed. Projections suggest the Legal Advocate's Office will result in a net savings of \$500,000 in FY17/18. In early 2018, the Legal Defender's Office will launch a new Dependency unit, which will grow to five attorneys and three staff members. This group will be modeled after the Dependency Unit recently created in the Public Defender's Office which has been a great success, representing 693 parents in FY16/17, at a savings of \$543,000 to the County.

While a concerted effort has been made to reduce unnecessary spending, and create cost-efficiencies within the department, the primary mission of Public Defense Services is to provide quality representation to our clients. To that end, the directors of each agency within PDS recently met to discuss a robust expansion of our in-house training program to enhance and accelerate the professional development of both attorneys and staff. The training program will complement the existing model of supervision employed in each agency that serves to provide mentoring and oversight of the work performed. Great pride is taken by all in the high level of service afforded our clients. The quality of the work will remain our first priority, even as we seek to exercise fiscal responsibility.

c: Ellen Wheeler, Assistant County Administrator