



MEMORANDUM

Date: April 24, 2014

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

From: C.H. Huckelberry
County Administrator

Re: **Increased Funding for Indigent Defense Services**

Below is a four-year history of the Indigent Defense Services budget in the aggregate, which is appropriated for all Indigent Defense services, including the Public Defender, Legal Defender, Office of Children's Counsel, Mental Health Defender, and the Office of Court Appointed Counsel, which includes contract attorney expenditures. This history also includes the number of felony cases filed in Superior Court and the number of dependency cases in Juvenile Court. Total actual expenditures by fiscal year for Indigent Defense are shown.

Pima County Indigent Defense System Four-year History of Expenditures.

Fiscal Year	Budget	Actual	Amount Over Budget
2009/10	\$25,760,833	\$26,933,890	\$1,173,057
2010/11	25,385,005	26,682,364	1,297,359
2011/12	25,680,526	27,979,067	2,298,541
2012/13	26,221,129	28,075,954	1,854,825
Cumulative Amount Over Budget			\$6,623,782

- *Annual felony case filings increased by 1,338 (29 percent) over the period, from 4,651 to 5,989.*
- *Annual dependency filings increased by 434 cases (43 percent) over the period, from 1,011 to 1,445.*

As can be seen, there has been a consistent budgetary exceedance each year that is backfilled with the fiscal year end fund balance. As I have informed the Board previously, the year end fund balance has been shrinking as a cushion against the Great Recession each year for the last two to three years. It is at a point now where funding appropriations need to be made, and it is the primary reason I am recommending nearly \$2 million be added to the Indigent Defense Services budget for Fiscal Year (FY) 2014/15. This will require a 2.48-cent increase in the primary property tax rate.

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These costs will be incurred by the County whether funded or not, as the courts will not delay criminal trials to match the availability of limited defense counsel. In addition, right to counsel is a Constitutional right; and when there is an indigence determination, the County pays all costs for the indigent defendant.

It is important to note that certain, unique cases are extremely costly in terms of defense. A recent, high-profile murder case cost the Legal Defender \$1.5 million in defense costs. This was for a single case. Undoubtedly, providing contracted attorneys for this defendant would have cost more. However, because of the time-consuming nature of the case, other criminal cases that could have been handled by the Legal Defender had to be diverted to contract attorneys.

It is for the above reasons I will be recommending an increase in the County appropriation for Indigent Defense Services of \$2 million in the FY 2014/15 budget.

CHH/anc

c: Martin Willett, Chief Deputy County Administrator
Ellen Wheeler, Assistant County Administrator
Tom Burke, Director, Finance and Risk Management
Robert Johnson, Budget Manager, Finance and Risk Management