

# 2021300000—Court Assigned Counsel

## Law & Justice

Monica Nino, County Administrator

General Fund	2017-2018 Actual	2018-2019 Adjusted	2019-2020 Requested	2019-2020 Recommended	Increase/ (Decrease)
<b>Expenditures</b>					
Services & Supplies	\$5,109,894	\$5,268,600	\$5,546,714	\$5,546,714	\$278,114
Centrally-Budgeted Expenses	65	434	14,216	14,216	13,782
Total Appropriations	\$5,109,959	\$5,269,034	\$5,560,930	\$5,560,930	\$291,896
<b>Earned Revenues By Source</b>					
	\$0	\$0	\$0	\$0	\$0
Net County Cost	\$5,109,959	\$5,269,034	\$5,560,930	\$5,560,930	\$291,896

### Purpose

The Court Assigned Counsel budget provides funds for indigent defense in cases where the Public Defender has declared a conflict-of-interest or is otherwise unavailable. Funding is provided for defense attorneys, investigators, witnesses, interpreters, and other costs related to cases appointed by the Superior Court. The County contracts with the San Joaquin County Bar Association (SJCBA), formerly under the program name of Lawyer Referral Service, to administer the various legal services.

### Major Budget Changes

#### Services & Supplies

- \$127,890 Increase in SJCBA attorney costs based on contract rates.
- \$100,000 Increase in SJCBA costs related to Senate Bill (SB) 1437.
- \$25,000 Increase in non-SJCBA attorney costs.
- \$18,000 Increase in administration costs based on contract rates.
- \$15,224 Increase in investigator costs based on contract rates.
- \$10,000 Increase in witness fees.
- (\$15,000) Decrease in professional services costs.

### Centrally-Budgeted Expenses

- \$14,216 Cost Allocation Plan adjustment.

### Program Discussion

The 2019-2020 recommended Court Assigned Counsel budget totals \$5,560,930, which is an increase of \$291,896 from the 2018-2019 adjusted budget. This change reflects increases in attorney costs, investigator services, administration fee, witness costs, non-SJCBA attorney costs, and Cost Allocation Plan adjustments, partially offset by decrease in professional services costs.

On June 12, 2018, the Board of Supervisors approved a three-year agreement through June 30, 2021 with SJCBA (A-18-171). The agreement includes 2019-2020 cost increases of 6% for administration, 3% for attorney fees, and 4% for investigator fees.

In order to provide a greater level of County oversight and analysis, the new agreement requires SJCBA to track two additional data points: 1) whether the case was referred to SJCBA because it presents a conflict of interest for the Public Defender, or if it was referred because of workload issues at the Public Defender's Office. Tracking of this data point will provide the County Administrator with the detail necessary to better allocate resources; and 2) the type of case (juvenile, felony, misdemeanor, special circumstances, etc.) in order to allow the County Administrator to determine the appropriate hourly rate charged by SJCBA attorneys and investigators. SJCBA began providing these new data points when the agreement became effective on July 1, 2018.

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### SB 1437

SB 1437 “Accomplice Liability for Felony Murder” became effective January 1, 2019. The new legislation allows certain defendants (accomplices) who have been convicted under the theories of felony-murder, or natural and probable consequences, to petition the sentencing court to vacate their murder conviction.

According to information received from the California Department of Corrections and Rehabilitation, currently there are 432 incarcerated individuals serving time for sentences originating from San Joaquin County for first or second-

degree murder convictions, and 78 on lifetime parole for first or second-degree murder convictions. The full impacts on the Court Assigned Counsel budget are unknown at this time. As of March 31, 2019, three cases have been referred to SJCBA.

For 2019-2020, SJCBA estimates receipt of 20 SB 1437 referrals. The budget has been augmented by \$100,000 in order to address the additional workload. Impacts of SB 1437 will be reviewed at midyear and recommendation for further budget augmentation may be made at that time. SJCBA concurs with this budget recommendation.

### Workload Data

	-----Actual-----			Est./Act. 2018-2019	Projected 2019-2020
	2015-2016	2016-2017	2017-2018		
<i>Civil/Other</i>	22	12	13	20	20
<i>Class I Felony</i>	106	103	160	162	160
<i>Class II Felony</i>	574	501	419	438	450
<i>Domestic Violence</i>	1	5	5	8	5
<i>Felony (Murder)</i>	10	14	20	15	12
<i>Juvenile Delinquency</i>	310	369	381	336	375
<i>Minor Felony</i>	578	508	504	580	600
<i>Misdemeanor</i>	1,685	1,586	1,019	800	825
<i>Misdemeanor Appeals</i>	38	12	16	20	15
<i>Pro Per</i>	2	6	8	10	8
<i>Proposition 47</i>	402	0	0	0	1
<i>Senate Bill 1437</i>	N/A	N/A	N/A	8	20
<i>Sexually Violent Predator</i>	1	0	2	1	1
<i>Special Circumstances (Murder)</i>	12	10	12	14	12
<i>Youth Authority Placement</i>	1	3	3	1	5
<i>Total New Cases Assigned</i>	3,742	3,129	2,562	2,413	2,509