

### Supplemental Package Requests

Department **2600000 - INDIGENT DEFENSE**  
 Package **B - COMPLIANCE WITH SPANGENBERG RECOMMENDATIONS** Priority **2**  
 Program **PUBLIC DEFENDER** One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	781,310	1,076,458	1,076,458	1,076,458	1,076,458
Supplies & Services	144,441	52,392	52,392	52,392	52,392
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>925,751</b>	<b>1,128,850</b>	<b>1,128,850</b>	<b>1,128,850</b>	<b>1,128,850</b>
Total Revenues	0	0	0	0	0
Fund Balance Support	0	0	0	0	0
<b>General Fund Support</b>	<b>925,751</b>	<b>1,128,850</b>	<b>1,128,850</b>	<b>1,128,850</b>	<b>1,128,850</b>

**Description**

The Public Defender's Office faced serious space constraints in the past which prevented expansion of the office as indicated by population growth and increased case filings. As a result, the County experienced increasing reliance on contract attorneys to represent individuals facing felony charges. The space issue has been resolved because the building formerly occupied by Walgreen's recently became available.

Through economies of scale, increased efficiency and attorneys and staff with high levels of experience, the Public Defender's Office can provide better service to its clients for a lower cost to the County when compared to contract attorneys as a whole.

Using the Spangenberg Report's case-weighting methodology for probation violations, the full-year felony attorneys closed an average of 102.5 felonies each during FY 03/04. At these levels, the 10 attorneys in this package would be able to close 1,025 additional cases. The Office of Court Appointed Counsel reported that the average cost per felony case was \$1,564. If the 1,025 cases in question were assigned to contract attorneys, the total cost would be \$1,603,100. The annualized cost of this package is \$1,128,850, a savings of approximately \$474,250.

It is important to note that these estimates were based on FY 03/04 numbers and caseloads. The Public Defender is implementing the recommendations contained in the Spangenberg Report such as increased supervision and staff evaluation, obtaining quantitative, reliable workload measurements, improved procedures and training. It is probable that these advances will result in even greater productivity and cost savings.

**Personal Services**

This package requests the following 17 positions:  
 10 Attorneys  
 2 Legal Office Support Specialists (legal secretaries)  
 3 Legal Assistants  
 2 Criminal Investigative Specialists

This request anticipates funding for the last nine months of FY 2005/2006. Accordingly, the positions are currently requested at 1,520 hours, with the expectation that they will be annualized in the following year. The annualization is reflected in the financial forecast.

**Supplies & Services**

One-time startup expenses are budgeted at \$103,934. They include office furnishings such as desks, chairs, phones, bookcases, file storage and equipment such as computers, printers, software and a copier.

Ongoing costs such as office supplies, professional services, expert witnesses, phone lines and long distance, maintenance and bar dues are budgeted at \$40,507 for the initial nine months and \$52,392 per year thereafter.

Adjustments for one-time expenses and annualized full year expenditures are reflected in the financial forecast.

**Capital Request**

None requested.

**Revenues**

None.

**Impact if not Funded**

Given the average cost of contract felony cases in FY 03/04 and the current productivity level of the Public Defender attorneys, we estimate that contract attorney expenditures will be reduced by \$1,603,100 by approving this request. The cost of the request, \$1,128,850, is \$474,250 less than paying contract attorneys to handle the cases. The actual savings would be realized after one full year of operations.

If the request is not funded, the County will continue to rely heavily on contract attorneys to represent defendants facing felony charges.

**Source of Mandate**

The 6th and 14th Amendments of the U.S. Constitution and Article 2, Section 24 of the Arizona Constitution, which require the appointment of counsel capable of rendering effective representation in criminal cases.

**Goals & Objectives**

- Provide the highest quality legal representation by recruiting and retaining the most qualified and productive employees by furnishing a competitive pay plan, rewarding work environment, and comprehensive training opportunities
- Maintain annual attorney retention rate of 90% or better
- Develop the most efficient and cost effective means for delivering legal services without compromising the quality of representation and reduce contract attorney expenditures.
- Provide at least 4 hours of relevant training for 35% of support staff every year

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<u>Performance Measure</u>	<u>FY2004/05 Estimated</u>	<u>FY2005/06 Planned</u>	<u>FY2006/07 Planned</u>
Attorney retention rate	n/a	90%	90%

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**Supplemental Package Recommended As Requested.**

### Supplemental Package Requests

Department 2600000 - INDIGENT DEFENSE  
 Package C - PD ORGANIZATON AND MANAGEMENT  
 Program PUBLIC DEFENDER  
 Priority 3  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	242,369	242,369	242,369	242,369	242,369
Supplies & Services	31,821	6,391	6,391	6,391	6,391
Capital	13,035	0	0	0	0
<b>Total Expenditures</b>	<b>287,225</b>	<b>248,760</b>	<b>248,760</b>	<b>248,760</b>	<b>248,760</b>
Total Revenues	0	0	0	0	0
Fund Balance Support	0	0	0	0	0
<b>General Fund Support</b>	<b>287,225</b>	<b>248,760</b>	<b>248,760</b>	<b>248,760</b>	<b>248,760</b>

**Description**

The Spangenberg Group prepared a review of the delivery of indigent defense services. The overarching criticism of the Public Defender's Office was a lack of proper organization and consistent administration. This request is based on the recommendations of The Spangenberg Group report to address those areas. Four additional positions are required to correct staffing deficiencies to ensure proper management of resources and provide representation at the mandated level. These positions are needed immediately, therefore, full year funding is requested.

**Personal Services**

This package contains a request for four additional positions:

- \* One Legal Administrator to coordinate and integrate the legal support services and all administrative services such as accounting, budget preparation, grants monitoring, human resources, payroll, purchasing and information technology.
- \* One Law Clerk - it is more efficient and cost-effective to have a staff position to research case law than to pay attorneys to do this work. The much smaller Legal Defender's Office has one FTE in this classification. Their experience has shown the value of this position.
- \* One Mitigation Specialist is required to properly prepare for effective representation in the sentencing phase of capital cases.
- \* One OSL III is needed to handle the additional clerical tasks, reception duties and phone calls required by the upcoming move into the old Walgreen's building.

**Supplies & Services**

The supplies and services requested in this package are comprised of one-time start up expenses and on-going expenses.

The on-going expenses are for items such as routine office supplies, telephone lines and R&M costs. These costs are estimated to be \$6,391 per year.

The one-time start up expenses include items such as office furniture, computers, software, printers, telephones and a fax machine to be used in the old Walgreen's building. These one-time expenses are estimated to be \$38,465. They are not included in the financial forecast.

**Capital Request**

This request includes one medium duty copier such as a Copystar Ri-6330. A copier will be required by the staff who will be relocated to the old Walgreen's building. It would be impractical to expect small copy jobs to be taken to copiers in other buildings. This copier will be equipped with a digital scanning system allowing the department to scan the files and store them digitally. Estimated one-time cost is \$13,035. This one-time nature of the expense is reflected in the financial forecast.

**Revenues**

None.

**Impact if not Funded**

This package would not result in direct savings in the contract attorney area. We believe approval would make the Public Defender's Office run more efficiently and could result in the ability to represent additional cases. The direct savings would apply to the Public Defender's Office.

If not approved, the Office would have to hire outside mitigation specialists, whose rates vary from \$45 - \$75 per hour, to work on capital homicide cases. The amount of savings is dependent upon the number of capital cases the office accepts. This request is based more on the requirement to properly manage the office and provide better representation to the clients than on cost savings. It is more cost effective to hire a Law Clerk to do legal research for the attorneys. At an average hourly rate of \$30.00 for attorneys versus \$20.00 for a Law Clerk, annual savings would be \$20,800. (30 - 20 = 10 X 2,080 hours = \$20,800)

**Source of Mandate**

The 6th and 14th Amendments of the U.S. Constitution and Article 2, Section 24 of the Arizona Constitution, which require the appointment of counsel capable of rendering effective representation in criminal cases.

**Goals & Objectives**

- Provide the highest quality legal representation by recruiting and retaining the most qualified and productive employees by furnishing a competitive pay plan, rewarding work environment, and comprehensive training opportunities.
- Develop the most efficient and cost effective means for delivering legal services without compromising the quality of representation
- Provide at least 4 hours of relevant training for 35% of support staff every year

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<b>Performance Measure</b>	<b>FY2004/05 Estimated</b>	<b>FY2005/06 Planned</b>	<b>FY2006/07 Planned</b>
4 hours of staff training	n/a	35%	35%

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**Supplemental Package Recommended As Requested.**