



FY 2009-10 Proposed Budget
Workshop
June 11, 2009

Law & Justice
Functional Group



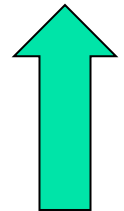
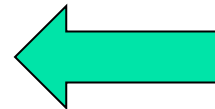
Law & Justice Departments

- Grand Jury
- Superior Court (MOE)
- District Attorney
- Public Defender
- Sheriff
- Probation

Source of Funds

	2010 Revenue	Prior Year Revenue	Variance
Grand Jury	-	-	-
Courts	1,520,150	1,520,150	-
District Attorney	2,390,608	2,619,509	(228,901)
Public Defender	254,786	280,317	(25,531)
Sheriff	12,725,404	13,524,619	(799,215)
Probation	2,943,820	3,362,579	(418,759)
Subtotal	19,834,768	21,307,174	(1,472,406)

Taxes	161,864
Licenses, Permits	95,200
Fines, Forfeitures	385,600
Use of Money	4,200
State	10,226,798
Federal	758,073
Other Governmental	753,401
Charges for Service	4,738,457
Misc.	41,350
Other Financing Sources	2,669,825
Total Revenue	19,834,768





Source of Funds

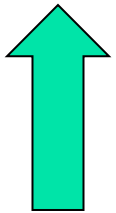
- Proposition 172 – Public Safety Sales Tax
 - Fiscal Year – September – August

00/01 Actual	01/02 Actual	02/03 Actual	03/04 Actual	04/05 Actual
6,930,691	6,670,265	7,338,935	8,035,285	8,791,820
05/06 Actual	06/07 Actual	07/08 Actual	08/09 YTD- May 09	09/10 Estimated
9,644,481	9,847,848	9,523,916	6,359,470	7,599,005



Use of Funds

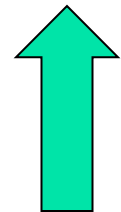
	2010	Prior Year	Variance
	Appropriations	Appropriations	
Grand Jury	98,747	98,511	236
Courts	2,464,283	2,475,283	(11,000)
District Attorney	8,070,244	7,962,443	107,801
Public Defender	2,967,245	2,986,305	(19,060)
Sheriff	55,166,489	57,422,724	(2,256,235)
Probation	12,892,513	13,413,496	(520,983)
Subtotal	81,659,521	84,358,762	(2,699,241)
Salaries	45,749,052		
Benefits	19,526,622		
Services & Supplies	13,496,334		
Other Charges	164,195		
Court Maintenance of Effort	1,201,283		
Fixed Assets	385,790		
Operating Transfers	-		
Intrafund Transfers	1,136,245		
Total Appropriations	81,659,521		



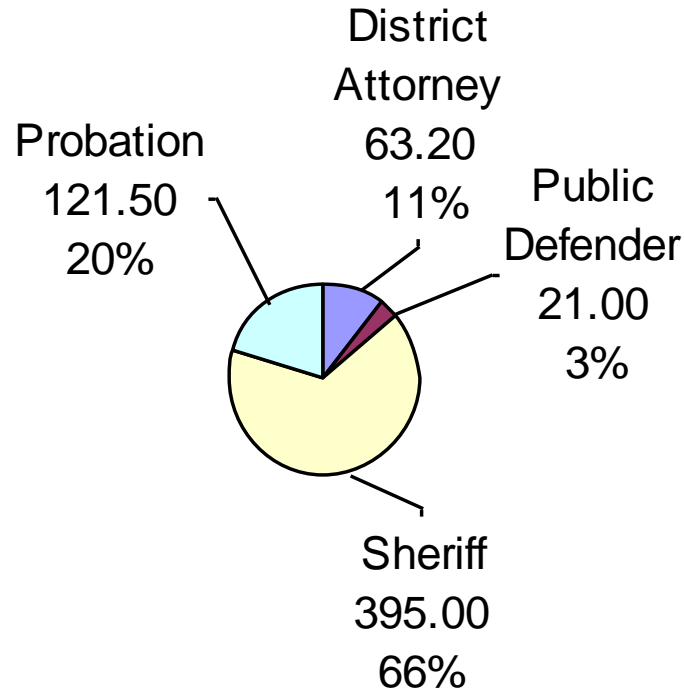


Law & Justice Net County Cost

	2010 NCC	Prior Year NCC	Variance
Grand Jury	98,747	98,511	236
Courts	944,133	955,133	(11,000)
District Attorney	5,679,636	5,342,934	336,702
Public Defender	2,712,459	2,705,988	6,471
Sheriff	42,441,085	43,898,105	(1,457,020)
Probation	9,948,693	10,050,917	(102,224)
Subtotal	61,824,753	63,051,588	(1,226,835)



Law & Justice Staffing





Law & Justice Staffing

- Overall Salary & Benefit decrease
 - 7% Stipend reflected in Benefits, not Salary
- Overall Position Decrease

	08/09 Projected	09/10 Budget	Difference
Salaries	43,952,206	45,749,052	1,796,846
Benefits	24,070,517	19,526,622	(4,543,895)
	68,022,723	65,275,674	(2,747,049)
FTE's	629	602	-27



Law & Justice Staffing

- Factors Affecting Salaries & Benefits:
 - Reduction of 27 positions (10 Yr History)
 - Reduction of 7% Stipend (\$1.2M)
 - Reduction in Sheriff's Overtime
 - Salary Increases due to Measure 504
 - PERS Retirement Costs
 - Retiree Health & Health Insurance Costs



Law & Justice Staffing

- Charter Section 504 History
 - Deputy Sheriff & Sergeant on-going
 - Clerical opted out by side letter
 - CHP, Amador County & City of SLT

Benchmark Classification	2004	2005	2006	2007	2008	2009
Deputy Sheriff II	3.72%	7.65%	7.46%	0.99%	4.02%	7.79%
Sergeant	4.57%	3.62%	4.32%	7.78%	3.90%	7.70%
Sheriff's Technician II	3.26%	2.86%	5.60%	0.00%	0.00%	2.49%



Law & Justice Staffing

	Barg Unit	District Attorney	Public Defender	Sheriff	Probation	SummaryT otal	%
Clerical	GE	21.20	6.00	57.00	18.00		
Clerical	PL	2.00	0.00	7.00	3.00		
Clerical	SU	1.00	0.00	3.00	3.00		
Clerical	CO	2.00	0.00	0.00	1.00		
Total Clerical		26.20	6.00	67.00	25.00	124.20	0.21
Corrections	PR	0.00	0.00	0.00	88.50		
Corrections	CR	0.00	0.00	100.00	0.00		
Total Corrections		0.00	0.00	100.00	88.50	188.50	0.31
Management	UD	0.00	1.00	1.00	1.00		
Management	UM	1.00	2.00	1.00	1.00		
Management	CA	20.00	11.00	0.00	0.00		
Management	EL	1.00	0.00	1.00	0.00		
Management	MA	2.00	1.00	8.00	2.00		
Total Management		24.00	15.00	11.00	4.00	54.00	0.09
Sworn Deputies/Investigators	SA	12.00	0.00	148.00	0.00		
Sworn Mgmt	SM	1.00	0.00	13.00	4.00		
Sworn Sergeants	SR	0.00	0.00	25.00	0.00		
Total Sworn		13.00	0.00	186.00	4.00	203.00	0.34
Trades/Crafts	TC	0.00	0.00	31.00	0.00		
Total Trades/Crafts		0.00	0.00	31.00	0.00	31.00	0.05
Total L & J Staffing		63.20	21.00	395.00	121.50	600.70	1.00
West Slope		48.20	15.00	317.00	70.50	450.70	0.75
South Lake Tahoe		15.00	6.00	78.00	51.00	150.00	0.25
		63.20	21.00	395.00	121.50	600.70	1.00



Law & Justice Staffing

- PERS History
 - Miscellaneous = 2% at 55
 - Delayed 7% Pick up
 - Safety = 3% at 50
 - DSA 9% Pick-up
 - PR 7% Pick-up (employee pays 2%)

		2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Miscellaneous	Actuary	2.570	10.071	13.415	12.653	12.200	13.050	12.907
	Employee Pick-up	7.000	7.000	7.000	7.000	7.000	7.000	7.000
Total Misc.		9.570	17.071	20.415	19.653	19.200	20.050	19.907
Safety	Actuary	15.823	28.965	27.453	23.988	23.700	24.249	23.942
	DSA Emp Pick-up	9.000	9.000	9.000	9.000	9.000	9.000	9.000
Total Safety		24.823	37.965	36.453	32.988	32.700	33.249	32.942



Law & Justice

- Issues
 - Casino Impact
 - Indigent Defense
 - Murder Trials



Casino Impact

- Red Hawk Casino Opened December 18, 2008
- 6 months in Operation



Casino Impact

- Recommendations from FY 2009-10 Budget Hearings – September 2008
 - Direct Law & Justice Departments to keep statistics on Casino related activity
 - Board will determine use of General Discretionary Casino Revenue
 - Begin discussions in preparation for FY 2009-10 budget
 - Staff Law & Justice Departments based on statistics



Casino Impact

- What constitutes a Casino Related event?
 - Any incident or crime that may not have occurred in El Dorado County if the Casino was not here.
 - Some cases are clear, others are not.
 - Cases carefully reviewed



Casino Impact - Statistics

- Approximate # of Cases
 - District Attorney 58 (CHP, EDSO, Other)
 - Thru March 2009
 - Public Defender 7
 - Probation Adult 2, Juvenile 1
 - Sheriff
 - Calls for Service 465
 - Jail Bed Days 414 @\$115/day
 - Bookings (EDSO & CHP) 55 @ \$85/ booking



Casino Impact – Revenue

- \$500K built into the Sheriff's budget
 - FY 2009-10 NCC of \$85,033 (Page 200)
 - 6.0 FTE Deputy Sheriff's
- \$2.5 M in discretionary revenue in Dept 15 in the FY2009-10 Budget
 - \$1.8M in Contingency-Budget Message Page vii
- No offset in any other Law & Justice departments
 - District Attorney policy issue – Page 176



Casino Impact

- Other Considerations:
 - Other Jurisdictions report that it can take 18 months or longer to realize actual impacts.
 - Slow Economy having impact on visitors to Casino
 - District Attorney reports increase in DUI Arrests
 - How many due to increase CHP Patrol on Hwy 50?
 - How many may be due to Casino?



Casino Impact

- Next Steps
 - Law & Justice Departments continue to:
 - Track statistics
 - Monitor expenses



Casino Impact

- Questions?



Indigent Defense

- Issues:
 - Conflict Panel – Control Costs
 - Ability to Pay - Increase Revenue

Conflict Panel

- Balance between Public Defender and Conflict Panel budgets
- If Public Defender is unable to manage the case load, the cost transfers to the Conflict Panel budget





Conflict Panel

- 10 Contract Attorney's \$794,000
 - \$6,612 monthly
 - Contracts renewed July 1, 2008 – June 30, 2011
 - No increase in compensation for 3 year term
 - Fiscal Out Clause – 60 days notice
 - Handle routine cases conflicted out (90%)
 - Judge declares conflict – Multiple defendants
 - Public Defender Conflicts



Conflict Panel

- Other Expenses -

- Professional Services - \$275,000
- Appointed Counsel - \$ 20,000
- Criminal Investigation - \$ 50,000
- Psychiatric Medical - \$ 50,000
 - Total \$395,000

- Judge appoints outside Counsel if necessary
- Judge reviews all ancillary costs
 - Examples: Investigators, Mitigation Experts, Forensic experts
- Judge modifies as appropriate for case
- Judge orders payment



Conflict Panel

- Professional Services
 - Residual Conflict
 - Cases where conflict exists with PD & all Panel Attorney's
 - Special Circumstances (Death Penalty)
 - Requires minimum of 2 Attorney's with special training (Karis, Zanon, Nissensohn)
 - Extraordinary Cases
 - Cases designated by Court as so unusual that extra compensation is required (Thompson)
 - Unusually Lengthy (longer than 3 weeks)
 - Additional compensation at \$70/hr
 - Holdover Cases
 - Example: Cases that are still being tried by an attorney no longer on the panel. Paid at \$70/hr



Conflict Panel

- Factors Affecting Public Defender Budget
 - FY 2008-09 Reduced by 1.0 FTE
 - Clerical staff to avoid elimination of attorney staff needed to manage caseload
 - Furloughs to meet required reduction targets
 - 5 days in FY2008-09
 - 10 days in FY2009-10
 - Murder Trail Workload & Defense Budget
 - 2 Death Penalty Cases
 - Contingency Transfer for defense expenses in FY2008-09
 - Minimal defense expense funding in FY2009-10



Conflict Panel

■ Case Load Review

	Total PVL Cases	Total SLT Cases	Total Conflict Panel	PVL PUBLIC DEFENDER	SLT PUBLIC DEFENDER	Total Public Defender
FELONY						
2007	159	82	241	529	312	841
2008	173	55	228	449	312	761
MISD.						
2007	258	75	333	1787	1426	3213
2008	150	72	222	2003	1567	3570
VOP						
2007	138	0	138	1132	222	1354
2008	91	0	91	827	138	965
602 JUVENILE						
2007	53	55	108	183	185	368
2008	44	39	83	524	154	678
CONFLICTS						
2007	19	2	21	138	233	371
2008	10	0	10	127	133	260



Conflict Panel

- Conflict Panel
 - 10 Attorney's @ \$794,000
 - 2007 cases = 841 \$944 per case
 - 2008 cases = 634 \$1,252 per case
- Public Defender
 - 14 Attorney's @ \$2,399,348
 - 2007 cases = 6147 \$390 per case
 - 2008 cases = 6234 \$385 per case

Note: Based on straight number of cases – no adjustment for differences in time spent depending on type of case (felony vs misd.)

Note: Public Defender figure is salary only; fully loaded figure for Fy2009-10 is \$482 per case assuming same caseload.



Conflict Panel

- Conflict Panel Recommendations:
 - Short Term
 - Reduce Panel Compensation 10%
 - From \$794,000 to \$714,600 Savings of \$71,46
 - Reduction of approx \$7,900 annually per attorney
 - Reduce Number of Panel Attorney's
 - One in Placerville, One in South Lake Tahoe or Other Combination
 - Placerville from 7 to 6, SLT from 3 to 2
 - Savings of approximately \$140K
 - Long Term Options – Other County Models Include:
 - Contract Out - RFP
 - See what options may be available to control costs
 - Evaluate possibility of contracting out services at a lower cost
 - Alternate Defender Office



Conflict Panel

- Next Steps
 - Discussions with Judges
 - Ultimate decision on compensation for Indigent Defense is up to Courts
 - Letters to Conflict Attorney's
 - Continue to June 17 or 18 for Attorney Comment
 - Note: Prefer June 18 Time Certain due to Dependency Court on June 17
 - Evaluate RFP Process
 - Evaluate Alternate Defense Office



Conflict Panel

- Questions?



Ability to Pay

- Looking at ways to determine if a defendant has the ability to pay
 - Generate Revenue for both Public Defender & Conflict Panel
 - Could reduce cases to Public Defender
 - Could reduce cases to Conflict Panel



Ability to Pay

- What has happened so far?
 - Meeting with Judges
 - Concur that a process is necessary
 - Revenue Recovery to start pilot program in South Lake Tahoe Courts



Ability to Pay

- Next Steps
 - Evaluate current process and make corrections
 - Evaluate methodology to determine ability to pay
 - Standard methodology for Judges to order fees
 - Set Appropriate Fees
 - Resolution to Board



Ability to Pay

- Questions?



Murder Trials

- High number of Murder Trials pending or in process
- 2 Death Penalty
 - One trial set for September
 - One “cold case” triple homicide – no trial date set
- Minimal funding in Public Defender budget
- Unknown cost to Indigent Defense – Dept 20
- Unknown cost to District Attorney budget



Law & Justice

- Questions?