

Alternate Public Defender  
RECOMMENDED BUDGET • FY 2021 – 22

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MISSION

The purpose of the Office of the Alternate Public Defender is to provide legal representation to indigent persons charged with crimes and whom the Public Defender’s Office is unable to represent due to a conflict of interest or unavailability, in court proceedings in the Superior Court.

DEPARTMENT BUDGET SUMMARY

**DEPT : 20    Alternate Public Defender**

Description	Prior Year Actual	Current Year Adopted	CAO Recommended	Difference from Adopted
Fines & Penalties	408,219	344,542	0	(344,542)
Service Charges	716,372	682,172	0	(682,172)
Miscellaneous Rev	4,088	2,739	0	(2,739)
<b>Total Revenue</b>	<b>1,128,680</b>	<b>1,029,453</b>	<b>0</b>	<b>(1,029,453)</b>
Salaries & Benefits	0	0	871,353	871,353
Services & Supplies	1,173,648	2,132,340	1,975,171	(157,169)
Other Charges	1,144,043	1,099,000	0	(1,099,000)
Other Fin Uses	0	0	83,000	83,000
Intrafund Transfers	23,059	25,659	56,912	31,253
<b>Total Appropriations</b>	<b>2,340,750</b>	<b>3,256,999</b>	<b>2,986,436</b>	<b>(270,563)</b>
<b>FUND 1000 GENERAL FUND TOTAL</b>	<b>1,212,070</b>	<b>2,227,546</b>	<b>2,986,436</b>	<b>758,890</b>

MAJOR BUDGET CHANGES

Revenues

*Fines and Penalties*

(\$344,542)    Decrease due to the move of Superior Court Maintenance of Effort (MOE) function from this budget unit to Department 15 – General Fund General Revenues and Other Operations.

*Service Charges*

(\$682,172)    Decrease due to the move of Superior Court Maintenance of Effort (MOE) function from this budget unit to Department 15 – General Fund General Revenues and Other Operations.

*Miscellaneous Revenue*

(\$2,739)    Decrease due to the move of Superior Court Maintenance of Effort (MOE) function from this budget unit to Department 15 – General Fund General Revenues and Other Operations.

# Alternate Public Defender

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## Appropriations

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### *Salaries and Benefits*

\$871,353 Increase due to the establishment of the Office of the Alternate Public Defender as a County department with permanent employees serving the West Slope.

### *Services and Supplies*

(\$157,169) Decrease due to the discontinuation of the countywide contract for indigent defense services (\$753,384), offset by the addition of contracts with two attorneys to serve the Tahoe Basin (\$188,000), an increase in legal services related to the murder trial of a Sheriff's Deputy in 2019 (\$197,583), an increase in General Liability Insurance Premium as departmental charges are resuming following a rate holiday in FY 2020-21 (\$56,354), and increases in operation expense for establishing and running the office (\$154,278)

### *Other Charges*

(\$1,099,000) Decrease due to the move of Superior Court Maintenance of Effort (MOE) function from this budget unit to Department 15 – General Fund General Revenues and Other Operations.

### *Other Financing Uses*

\$83,000 Operating Transfers to the ACO Fund for office space improvements (\$50,000) and to Fleet Services for a vehicle (\$33,000).

### *Intrafund Transfers*

\$31,253 Increase for charges from the CAO – Central Services Division for fiscal, administrative, stores, and mail support.

## PROGRAM SUMMARY

### *Alternate Public Defender*

The Office of the Alternate Public Defender serves as indigent conflict counsel for those cases where either the Judge or the County Public Defender has determined a conflict exists. Conflicts can exist for a number of different reasons. Examples include a case where the Public Defender may already be defending a client on a different case or where a client is linked to circumstances in a different client's case. The Alternate Public Defender may also be assigned by the Judges to cases where there are multiple defendants or where special circumstances exist such as the death penalty which requires, by law, a minimum of two attorneys, one of which would come from the Alternate Public Defender's Office.

The Office was created in March, 2022; prior to that, all services were provided through contracts. The Office will serve the West Slope with County employees. For the first two years, the Office will provide services in the Tahoe Basin through contracts with two attorneys that are currently providing these services for the County in the Basin.

# Alternate Public Defender

## RECOMMENDED BUDGET • FY 2021-22

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### RECOMMENDED BUDGET

This Budget is recommended at \$2,986,436. As this is a newly created County department, there is no prior year budget data to directly compare; however, in addition to the appropriations for the Office of the Alternate Public Defender, this budget unit includes appropriations for cases that can't be handled by either the Public Defender or the Alternate Public Defender. The appropriations for the Alternate Public Defender's West Slope office and the two attorney contracts are \$1,310,211. The remainder of the appropriations (\$1,676,225) is primarily for costs related to representation of one of the defendants in the murder of a Sheriff's Deputy, and for costs related to closing out cases previously handled under the countywide contract for indigent defense services, which will expire September 30, 2021.

### Sources & Uses of Funds

Indigent Defense is a mandated service, funded entirely from discretionary General Fund revenue.