

**OFFICE OF THE PUBLIC DEFENDER
2009 BUDGET REDUCTIONS**

Assigned Target: \$4,657,534

Permanent Ongoing Reductions/Revenue		
Proposal Name	\$	FTE
Felony Caseload Reduction (Reduction)	\$ 1,231,262	
Misdemeanor Caseload Projection (Reduction)	\$ 322,421	
PAO Filing & Disposition Standards Impact (Reduction)	\$ 3,851,754	
Recoupment PD Atty Fee Felony (Revenue)	\$ 137,095	
Recoupment PD Atty Fee Misdemeanors (Revenue)	\$ 89,739	
Racial Disparity Project (Reduction)	\$ 45,000	
OPD Interviewer Staffing Reduction (Reduction)	\$ 69,643	(1.00)
Model Updates - All Casetypes (Reduction)	\$ 1,706,200	
TOTAL IMPACT	\$ 7,453,114	(1.00)

Life Boat Reductions		
Proposal Name	\$	FTE
General Fund Transfer for Becca	\$ 90,000	
TOTAL IMPACT	\$ 90,000	

Note: Because both expenditure reductions and revenue enhancements are counted toward target reductions, both are shown as positive numbers in this table to illustrate the net impact of all budget changes. Full Time Equivalent (FTE) reductions are shown as negative and additions are shown as positive numbers.

Permanent Ongoing Reductions/Revenues

Felony Caseload Reduction. Regular felony filings are expected to decrease by eight percent in 2009 independent of reductions related to the Prosecuting Attorney’s Office (PAO) changes in filing standards. This proposal supports a reduction in felony case public defense services. The increment also includes technical adjustments to the model. This reduction is offset by an increase in the projected complex felony caseload of \$1.3 million, which is not reflected in the table above.

Misdemeanor Caseload. Misdemeanor case filings are expected to decrease by eight percent in 2009 from 2008 levels. This request supports a reduction in misdemeanor public defense services. The increment also includes technical adjustments to the model.

PAO Filing and Disposition Standard Impact. Beginning October 6, 2008, the PAO instituted revised Filing and Disposition Standards (FADS) that increase the threshold for certain drug and property felonies. This will reduce the number of felons needing indigent defense services by approximately 3,050 in 2009. Of this total, 1,250 will be referred to city municipal courts and 1,800 will be filed as expedited or gross misdemeanor cases in King County District Court. OPD will provide defense services for the cases filed in District Court on a calendar basis rather than a credit basis. The net reduction to OPD’s budget resulting from the revised FADS is \$3.8 million,

taking into account both the reduction in felony cases, the increase in misdemeanor cases, and gross misdemeanor calendar savings.

Recoupment Public Defense Attorney Fee – Felony (Revenue). This proposal will increase OPD's recoupment of revenue by restructuring the screening process to include felony defendants who are released from custody prior to case resolution. In-custody defendants are automatically assigned attorneys and are not currently screened upon their release.

Recoupment Public Defense Attorney Fee – Misdemeanors (Revenue). This revenue increase is the result of the re-instatement of the \$25 fee for screening misdemeanants in District Court. The court requested that OPD stop charging the fee in the 1990s, but has indicated that it no longer objects to OPD charging the fee.

Racial Disparity Project. This proposal eliminates funding for the Racial Disparity Project, a discretionary program provided through a contract.

OPD Interviewer Staffing Reduction. Due to a reduced workload resulting from the PAO's filing standards change, this proposal eliminates one of the 11.75 screener positions responsible for interviewing defendants. Screeners determine defendants' eligibility for public defense services and the degree to which a defendant can pay for a portion of his or her defense. Screeners also review for potential conflicts of interest and assign defendants to one of four defender agencies.

Model Updates – All Casetypes. These changes are comprised of technical adjustments to the model used to determine how much the four non-profit defender agencies are paid, including an overhead rate change, formula corrections, removal of training for paralegals, rent, a reduction of the clerical staff ratio and re-setting attorney seniority levels to be in parity with the PAO. The changes affect all case types: dependency, contempt of court, Drug Diversion Court, Mental Health court, regular felony and misdemeanor.

Lifeboat

The following agency programs have been placed in the lifeboat. Funding for these programs expires on June 30, 2009 unless King County secures sufficient flexibility and revenue tools from the state legislature to sustain them.

General Fund Transfer for Becca. State funding for Becca programs is insufficient to meet the full costs of these programs in King County. In 2009, a \$180,000 shortfall is anticipated for Becca defense. The 2009 Executive Proposed Budget includes \$90,000 in lifeboat funding to cover the shortfall for the first six months of the year. If the State Legislature fails to provide King County with options to address the structural imbalance in the General Fund, funding will not be available to defend all Becca cases in the last half of 2009. The budget associated with the Becca lifeboat appears in the Grants GF Transfers.