

Commission

The Rising Cost of Indigent Defense in Arizona High Level Overview/Fact Sheet

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the criminal justice system in Arizona



Report Purpose:

The purpose of this study was to ascertain the financial costs associated with indigent defense in Arizona.

Methodology:

The initial data for this report was obtained from county budgets reviewed from July 1, 1998 through June 30, 2002 for the Public Defender's Office, the Legal Defender's Office and the Contract Attorney's Office — when appropriate. Each office was asked to provide the actual amount spent by their office to deliver indigent defense services. The survey also requested that each of these agencies review the budget data for accuracy and completeness. Additionally, the survey requested feedback regarding events that have significantly impacted their budgets and/or their ability to provide and maintain services.

Results:

All 15 counties responded to the survey, although in some instances complete data for some years were not available. Several agencies experienced difficulties in breaking out data between the Public Defender's and Legal Defender's Office.

All respondents were requested to report actual amounts spent in providing indigent defense services as opposed to approved budgets. The request to focus on actual vs. approved was made because there may be a remarkable difference between the budgeted amount and the actual amount spent.

Maricopa County

Year	Adopted	Actual Expenses	Approved vs. Actual Difference
1998	\$27,003,696	\$29,027,351	(\$2,023,655)
1999	\$30,484,755	\$29,142,609	\$1,342,146
2000	\$38,436,245	\$37,538,632	\$897,613
2001	\$40,314,730	\$40,650,038	(\$335,308)
2002	\$41,089,646	\$43,947,968	(\$2,858,322)

Pima County

1998	\$11,485,967	\$12,897,192	(\$1,411,225)
1999	\$12,809,593	\$15,542,359	(\$2,732,766)
2000	\$13,575,028	\$15,495,791	(\$1,920,763)
2001	\$13,793,697	\$15,893,154	(\$2,099,457)
2002	\$14,363,577	\$18,231,615	(\$3,868,038)

The indigent defense in Maricopa County consists of the Public Defender, Legal Defense, Contract Counsel and Legal Advocate. Over this period, expenditures were greater than budgeted funding in FY1998, FY2001 and FY2002.

For each of the past five years, actual expenditures have been greater than the adopted budget in Pima County. In FY2002 there was a 21 percent difference between the actual and budgeted dollars in the amount of \$3.8 million.

Arizona Criminal Justice Commission
1110 West Washington, Suite 230
Phoenix, Arizona 85007
Toll Free 877.668.2252
(P) 602.364.1146
(F) 602.364.1175

May 2003

Review full report at: www.acjc.state.az.us

The total state expenditure for Indigent Defense rose from \$55,353,470 in FY1998 to \$80,343,726 in FY2002, reflecting a 45.1 percent increase over the five year period and 9.4 percent increase over the past year. In the previous study conducted in 1994, there was an increase of 50 percent over the five year time span from FY1989 to FY1993.

County	Defense Type	1998	1999	2000	2001	2002
Apache	Public Defender	290,000	290,000	314,000	314,000	314,000
Cochise	Public Defender	691,464	718,467	700,528	778,080	843,408
	Legal Defender	458,774	469,240	506,188	529,177	598,194
	Indigent Defense	537,429	565,039	567,531	639,281	752,522
Coconino	Public Defender	1,192,823	1,355,120	1,397,226	1,442,287	1,516,056
	Legal Defender	***504,001	461,949	572,685	590,211	620,361
Gila	Public Defender	717,392	788,584	932,000	936,043	979,507
Graham	Public Defender	230,000	300,000	300,000	350,000	350,000
Greenlee	Public Defender	*83,555	83,555	79,412	107,906	140,386
La Paz	Public Defender	235,396	289,751	317,859	342,443	336,349
	Court Appointed	**	**	66,750	81,400	61,500
Maricopa	Indigent Defense	29,027,351	29,142,609	37,538,632	40,650,038	43,947,968
Mohave	Public Defender	1,123,215	1,227,087	1,238,504	1,336,280	1,440,266
	Legal Defender	486,703	537,007	555,441	516,982	502,894
Navajo	Public Defender	506,020	548,115	549,340	578,655	639,670
	Legal Defender	226,345	248,470	262,825	244,870	263,835
Pima	Indigent Defense	12,897,192	15,542,359	15,495,791	15,893,154	18,231,615
Pinal	Public Defender	816,764	974,396	1,067,982	1,121,433	1,192,151
	Other	1,530,200	1,802,619	1,845,543	2,225,300	2,425,908
Santa Cruz	Public Defender	250,275	263,910	321,039	300,113	314,421
Yavapai	Public Defender	1,676,686	1,859,927	1,874,450	2,035,163	2,280,000
Yuma	Public Defender	1,053,016	859,671	847,652	948,941	1,144,615
	Legal Defender	818,869	753,939	482,874	490,590	586,990
	Contract	**	**	607,500	959,501	861,110
State	Total	\$55,353,470	\$59,081,814	\$68,441,752	\$73,411,848	\$80,343,726

* Estimate taken from FY1999 as data not available for this period.
** Program or agency did not begin until year 2000.
***Estimate for 1998 costs for appointed attorneys prior to start of Legal Defender's Office.

In Arizona, indigent defense is funded predominantly at the county level and in 2002 \$80,343,726 was expended on indigent defense in Arizona. In that same year, State Aid for Indigent Defense Funding contributed \$615,900 in appropriated funds and \$631,282 in fine revenue for a total of \$1,247,182. Proponents of state funded indigent defense systems point out that in states such as Arizona, that rely heavily on county funding, the heaviest stress is placed on rural counties, which do not have the tax base to generate sufficient revenues to cover the costs of indigent defense.

Commentaries/Survey Quotes:

"Cases are filed as felonies, which are subsequently pled as misdemeanors. Therefore, increased funds are required for the payment of a felony attorney at felony prices for cases, which could have been filed at the Justice Court level."

"Increased caseloads are due to: 1) changes in laws and public policy towards mandatory and lengthier sentences; and 2) loss of residential, behavioral health treatment centers."

"The new Ring legislation will leave many small counties with additional financial burdens."

"The fiscal and practical impact of legislation on all sides of the criminal justice system needs to be emphasized when considering adoption or support of new legislation."

"Increasing caseloads necessitated increases in employees and equipment. Additionally, recent technological advances were needed to keep pace with the demands of our judicial system. Those advances resulted in large expenditures for upgrades to antiquated equipment."