

# Indigent Defense Public Defender, Legal Advocate, and Indigent Defense Office (IDC)

Budget Work Session FY26

# Public Defender's Office

- **Attorneys:**
  - 1 Public Defender (Director)
  - 5 Criminal Felony Attorneys
    - 2 Part-Time
  - 1 Mental Health Attorney
  - 4 Dependency/Misd/Del Attorneys
    - 3 Part-Time
  
- **Support Staff:**
  - 1 Legal Secretary Supervisor
  - 6 Legal Secretaries
  - 1 Defense Investigator



# Office of the Legal Advocate

- **Attorneys:**
  - 1 Legal Advocate (Director)
  - 5 Criminal Felony Attorneys
    - 2 Vacant Positions
  - 1 Misdemeanor/Del Attorney
  - 2 Dependency Attorneys
    - 1 Part-Time
  
- **Support Staff:**
  - 1 Legal Secretary Supervisor
  - 5 Legal Secretaries
  - 1 Defense Investigator



# IDC



## Support Staff:

- 1 Indigent Defense Coordinator
- 1 Administrative Services Manager
- 1 Indigent Defense Support Specialist



## Overseen by BOS County Administration



## Contract Attorneys:

- 4 Dependency
- 2 Felony
- 1 ERC Contracted Law Firm – Katsarelis Law Firm
- 2 Misdemeanor
- 1 PTR Attorney
- 5 Adult Indigent Defense (Rule 32s and Appeals)



# Challenges Facing Indigent Defense

- **Funding Shortages:**
  - Many jurisdictions struggle to adequately fund indigent defense, leading to understaffed and inadequate resources.
- **High Caseloads:**
  - Public Defenders and assigned counsel often face extremely high caseloads, making it difficult to provide adequate representation.
- **Lack of Resources:**
  - Indigent defense attorneys often lack the resources necessary to conduct thorough investigations and prepare cases effectively, particularly if a case goes to trial. A significant concern is the lack of funding for expert witnesses and services.
- **Lack of Training and Experience:**
  - Some attorneys assigned to indigent defense cases may lack specialized training and experience in criminal defense.
- **Lack of Recruitment of Attorneys:**
  - Indigent defense offices struggle to recruit attorneys due to higher pay rates offered by neighboring counties, such as Pima and Maricopa.

# Funding Requests for FY26

## Public Defender



Judicial Related Expenses \$27,125 Increase



Professional Services \$15,000 Start-up Costs

Training \$5,000 Increase

## Legal Advocate



Judicial Related Expenses \$7,125 Increase



Training \$3,000 Increase



# Increasing Judicial Related Expenses

## Critical Funding for Expert Witnesses

- Ensures the ability to hire expert witnesses, a crucial element for case preparation.

## Supports Essential Evaluations

- Provides necessary funding for evaluations in criminal cases, ensuring thorough assessments.

## Guaranteeing Effective Representation

- Adequate resources will empower attorneys to provide high-quality legal defense for indigent defendants, ensuring fairness in the justice system.



# Increasing Training Funds

- **Critical Funding for Training**
  - Ensures quality training for attorneys and staff to maintain high standards, high expertise and good quality service to clients. Training funds are essential to newly licensed attorneys, who require more extensive training in their first years of practice. Training funds are also essential to ensure that staff is familiar with the demands of current technology.
- **Supports Required CLE Requirements**
  - Increasing training funds will continue to support attorneys to meet their requirement on Continuing Legal Education requirements each year.
- **Guaranteeing Effective Representation**
  - Adequate training funds will empower not just attorneys but also support staff to provide high-quality legal defense for indigent defendants.



# Professional Services Funding

- **Critical Funding for Professional Services**
  - Currently no funds are allocated for Professional Services. Professional Services are needed to provide contract investigation and review in specialized areas.
- **Supports Investigation Resources for Serious Felony Cases**
  - Given the nature and volume of the cases taken by the offices, the offices receive thousands of pages of disclosure which must be reviewed but may not warrant the expense of an expert witness. Types of disclosure include:
    - *Cellebrite Forensic Disclosures (Includes digital evidence from electronic devices which includes thousands of documents like pictures, text messages, etc.)*
    - *Bank and Accounting Records*
    - *Medical Records*
- **Guaranteeing Effective Representation**
  - Adequate resources for professional services will allow attorneys and staff to focus on other critical aspects of criminal defense cases, ultimately ensuring a more effective and timely defense process.

# COCHISE COUNTY

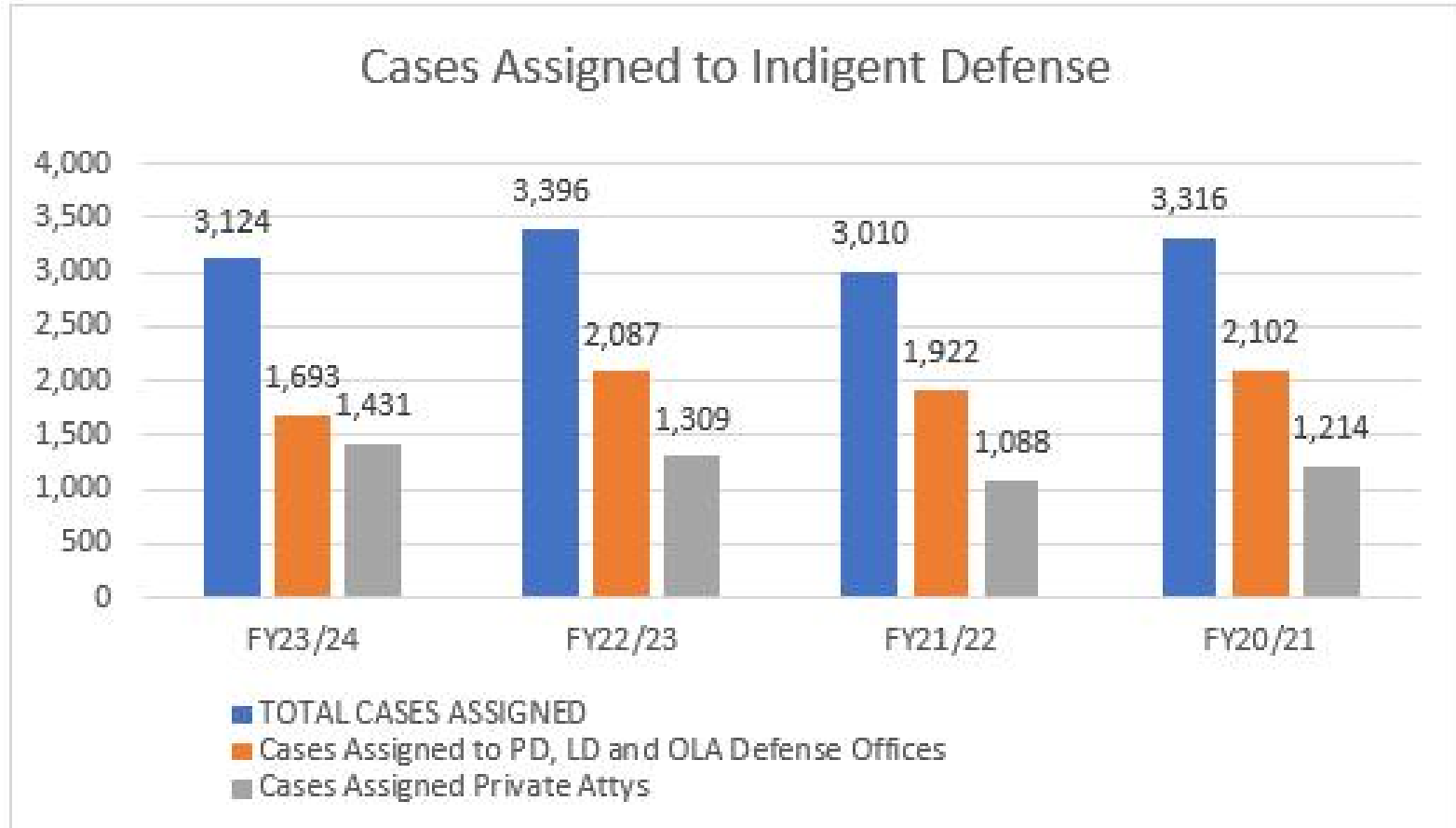
## Murder/Manslaughter Cases Assigned to Public Defender, Legal Defender, and Legal Advocate Between July 1, 2019 to June 30, 2024

FY	Public Defender	Legal Defender	Legal Advocate	Total Per FY
2019/2020	2	1	0	3
2020/2021	5	2	1	8
2021/2022	3	3	4	10
2022/2023	7	2	11	20
2023/2024	3	0	4	7
<b>TOTAL</b>	<b>20</b>	<b>8</b>	<b>20</b>	<b>48</b>

- This represents just a small fraction of the cases managed by the indigent defense offices, many of which will require the expertise of specialized witnesses to ensure a fair trial.



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