

424

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
October 5, 2007

SUBJECT: Adoption of Hourly Rates for Court-Appointed Investigators in Indigent Criminal Cases

RECOMMENDED MOTION: That the Board of Supervisors approves the rate structure outlined in Attachment A, for court-appointed investigators, effective January 1, 2008.

BACKGROUND: Penal Code 987 requires counties to pay the costs of legal assistance, including investigative services, in criminal cases involving indigent defendants. Since February of 1993, Court policy has been to pay these investigators \$25 per hour (\$30 per hour in death penalty cases). This pay practice has also been adopted by local conflicts panel attorneys, who pay their investigators the court-approved rate.

Obviously, the cost of living in Riverside County has risen over the past 14+ years. Furthermore, the responsibilities of the Court and County have shifted since the enactment of the Lockyer-Isenberg Act of 1997, which created Trial Court Funding. Payment for court-appointed investigators in indigent criminal cases is a responsibility of counties and paid from the County's General Fund. (continued)

Departmental Concurrence

Inga McElyea, Court Executive Officer

Kathryn Field, Principal Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	Approx. \$105,000	In Current Budget:	no
	Current F.Y. Net County Cost:	Approx. \$105,000	Budget Adjustment:	no
	Annual Net County Cost:	Approx. \$210,000	For Fiscal Year:	FY 2007-08

SOURCE OF FUNDS: Indigent Defense Budget – General Fund	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

APPROVE
BY:
Bill Luna

County Executive Office Signature

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.9

At the request of the County Executive Office, the California State Association of Counties conducted a survey of California counties in June, 2007. It showed that San Bernardino and Riverside pay the lowest hourly rates to court-appointed investigators in non-death-penalty cases. Among the 15 counties (primarily in Northern California) responding, the average hourly rate of pay was \$38. Los Angeles pays \$32 per hour; Orange County pays \$35.

The attached schedule proposes that Riverside pay \$32 per hour in most criminal cases, and \$38 in death-penalty cases. These increases represent a 28% change, and retain the current 20% differential between the two types of case rates. Investigative expenditures to the Indigent Defense budget total about \$750,000 annually; a 28% increase equates to about \$210,000. For half of the current fiscal year (assuming the rate becomes effective on January 1, 2008), the budget impact would be about \$105,000. Any additional funds needed will be requested during a quarterly budget report.

Type of Case	Current Hourly Rate	Proposed Rate	Change	% Change
Non-death penalty	\$25	\$32	\$7	28%
Death penalty	\$30	\$38	\$8	27%

ATTACHMENT A

Rate Structure for Court-Appointed Investigators in Indigent Criminal Cases (effective January 1, 2008)

Attorneys appointed to defend indigent's cases (including juvenile matters) shall request advance approval for investigative funds. Such requests shall be submitted to the trial judge, and provide sufficient detail for a determination of their merits.

The following rates apply to work performed by licensed* investigators on or after January 1, 2008:

\$32/hour – Non-death-penalty cases

\$38/hour – Death-penalty cases

Ordinary overhead, included in the above rates, includes:

- postage
- local telephone calls and faxes
- time to prepare and review billings
- local travel
- meals

Extraordinary expenses, which may be claimed separately, include:

- long distance telephone calls (itemized)
- express delivery (when deemed necessary)
- nonstandard photocopy charges - must include receipts and explanation
- basic office supplies for use by *in propria persona* clients
- travel time, using the most direct or quickest route
- out of town travel (with prior authorization; mileage to be reimbursed at IRS-approved rate)

All billings are to be itemized, to indicate time spent on each task, detailed in tenths of hours. This declaration is to be attached to a triplicate payment voucher form, which must be signed by the appropriate attorney, approved by the Court and signed by a judge before submission to the County for payment.

* Currently holding a private investigator license issued by the State of California, Bureau of Security and Investigative Services.