

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



ITEM: 3.5
(ID # 22501)

MEETING DATE:
Tuesday, July 11, 2023

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Adoption of Updated Ancillary Defense Service Rates for Court-Appointed Attorneys, Investigators, Experts and Legal Runners for Indigent Defendants. All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve the Service Rate Structure outlined in Attachment A for County-Funded Court-Appointed Attorneys and Ancillary Defense Services for qualified indigent defendants, effective July 1, 2023.

ACTION:

Juan C. Perez, Chief Operating Officer 7/5/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Perez and Gutierrez
Nays: None
Absent: Washington
Date: July 11, 2023
xc: E.O.

Kimberly A. Rector
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$	\$	\$	\$
NET COUNTY COST	\$	\$	\$	\$
SOURCE OF FUNDS:			Budget Adjustment:	No
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Background:

A defendant in a criminal proceeding has constitutionally protected rights to effective assistance of counsel and to prepare their defense, which includes investigative and other ancillary defense services. (Penal Code section 987; *Corenevsky v. Superior Court*, 36 Cal.3d 307, at pp. 319-320 [the constitutional right to investigative and ancillary defense services is a “necessary corollary of the right to effective assistance of counsel”].) Government Code section 29122 and case law makes clear the county must pay those court-ordered expenses.” (*Corenevsky, supra*, 36 Cal.3d at pp. 318-319, 326.)

For those cases where the Public Defender has declared a conflict of interest and the Conflict Panel is unable to represent a defendant, the Court will appoint outside or private defense counsel and authorize ancillary defense services as it relates to the preparation of the case. Penal Code section 987.2 outlines the process by which attorneys’ fees and related ancillary services are authorized by the courts and reimbursed by the county. It specifies that the court, upon determining a defendant is indigent and unable to afford counsel, shall appoint an attorney to represent the defendant.

The court sets the amount of the attorney fees and associated costs in preparation of the case, which is to be paid by the county. Specific associated or ancillary costs, as defined by Penal Code section 987.2 and case law, include:

- Investigators
- Experts (including transcription services)
- Legal Runners (for pro per defendants only)
- Special Expenses as authorized by the Court
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The rates for court-appointed attorneys and ancillary defense services have not been revised since 2007 (October 5, 2007, M.O. 3.9), which has resulted in the reduced availability of services, especially investigators and experts who are unwilling to accept court-appointed work with outdated compensation rates. This has led to delayed case resolutions, rehabilitation services and closure for victims. It is crucial to adjust compensation rates for attorney fees and ancillary defense services.

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History and Price Reasonableness

The rates for court-appointed attorneys and ancillary defense services have not been revised since 2007 (October 5, 2007, M.O. 3.9). According to the Bureau of Labor Statistics Consumer Price Index, the dollar has had an average inflation rate of 2.42% per year between 2007 and today, producing a cumulative price increase of 46.68%.

In efforts to adjust compensation rates and increase the accessibility of appointments and services, the Superior Court met with the Executive Office to review the pay structure of surrounding counties' defense services. It was found that Riverside County's pay structure fell below our neighboring counties. After an extensive analysis and consideration of the current economic conditions, the County and the Superior Court jointly agreed upon the newly proposed rates for court-appointed defense services, effective July 1, 2023. The proposed rate structure is included in Attachment A

Impact on Residents and Businesses

This agreement ensures every indigent person charged with a crime receives effective and prepared assistance of counsel, as guaranteed by the Constitution.

Additional Fiscal Information

In anticipation of these revised rates, the increased costs were included in the FY23/24 budget.

ATTACHMENT A

	2007 – 2023 Rates	Proposed Rate
Court Appointed Attorney	\$65, \$70, or \$75/hour	\$90, \$95, or \$100/hour
Court Appointed Investigator	\$32/hour non-capital case; \$38/hour capital case	\$50/hour non-capital case; \$60/hour capital case
Legal Runner	Minimum Wage	Minimum Wage +15.3% Self Employment Tax
PC 1026/1027 Sanity Evaluation	\$1000 flat rate	\$1000 flat rate
EC 730 Juvenile Custody Evaluation	\$600 flat rate	\$750 flat rate
WIC 370 Juvenile Dependency	\$450 flat rate	\$750 flat rate
EC 1017 Mental Evaluation	\$600 flat rate	\$600 flat rate
PC 2962/2970 MDO Evaluation	\$525 flat rate	\$700 flat rate
Unable to Complete Report (i.e., Defendant refuses to meet)	Full Payment	50% of payment