

NEVADA COUNTY PUBLIC DEFENDER

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: January 9, 2018
TO: Board of Supervisors
FROM: **Keri Klein, Public Defender**
SUBJECT: Resolution to adopt a revised fee schedule for the Public Defender's Office to remove fees pertaining to juvenile indigent defense.

RECOMMENDATION: Adopt resolution revising the Public Defender Office fee schedule.

FUNDING: Fees collected impact the General Fund and the removal of fees imposed on juvenile cases will reduce Public Defender revenue by approximately \$2,500 annually.

BACKGROUND: In 2011, a flat fee system was adopted for Public Defender services pursuant to Penal Code Sections 987.5, 987.8 and 1463.007 as well as Welfare and Institutions Code Sections 659, 903.1, 903.15, 903.45. Subsequently, a revised fee schedule was adopted by Resolution in 2017 that also included fees for services provided to juveniles.

SB190 was passed by the Legislature and signed by the Governor and is effective on January 1, 2018. SB190 deals with the long standing issue regarding fines, fees and costs that are imposed on the families of juveniles who find themselves enmeshed in the criminal justice system. These sorts of monetary sanctions have been shown to undermine the rehabilitative and public safety purposes of the juvenile system and have a correlation to increased youth recidivism. Any financial impact is offset by the benefits that are created for the families of Nevada County.

In order to comply with the amended law, the fee schedule pertaining specifically to juvenile indigent defense must be revised to delete the section entitled, "Juvenile Flat Rate." Currently, the court imposes a \$25 registration fee for the appointment of counsel in a juvenile matter. At the conclusion of the case, the court can impose an additional \$375. Both amounts are subject to an analysis of whether the client or his/her parents have the ability to pay. Generally, the

\$25 registration fee is imposed but the additional amount is only rarely imposed. Our current estimate for the 2017-2018 fiscal year juvenile case load is approximately 60 cases. The total annual impact on the Public Defender budget is estimated to be approximately \$2,500.

Due to the increased use of informal supervision techniques by the Nevada County Probation Department, fewer youths and their families find themselves in court on criminal petitions. Instead, the Probation Department is utilizing evidence based practices to obtain positive results and deal quickly with issues that arise in a youth's life that might lead to aberrant behavior. Thus, over the last 5 years, this office has seen a significant drop in the number of juvenile cases and a corresponding drop in the imposition of Indigent Defense Fees.

Attached to this memo as Exhibit A is the updated fee schedule which will replace the existing Public Defender Fee Schedule.

Item Initiated and Approved by: Keri Klein, Public Defender

Submittal Date:

Revision Date: