

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 5/14/02  
**Department Name:** Public Defender  
**Department No.:** 023  
**Agenda Date:** 5/28/02  
**Placement:** Administrative  
**Estimate Time:** 5  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors  
**FROM:** James S. Egar  
Public Defender  
**STAFF** Carol Wilson  
**CONTACT:** 3487  
**SUBJECT:** Transfer of Funds

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**Recommendation(s):**

That the Board of Supervisors: Approve the transfer of funds in the amount of \$100,000.00 from General Fund Contingency to line item 7650 Special Department Expense for preparation of cases in which the death penalty is a sentencing option.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 1 An Efficient Government Able to Respond Effectively to the Needs of the Community.

**Executive Summary and Discussion:**

Section 987.9 of the California Penal Code states "...the indigent defendant, through the defendant's counsel, may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense. ... a judge of the court . . . shall rule on the reasonableness of the request and shall disburse an appropriate amount of money to the defendant's attorney. . . . In making the ruling, the court shall be guided by the need to provide a complete and full defense for the defendant."

The cost of preparing a client's defense in a case that carries the death penalty as a sentencing alternative is not regularly included in the Public Defender's budget as it is unknown when or if a potential capital case will be filed. Instead, adequate and appropriate funding resources need to be transferred to the Public Defender's office pursuant to Court Order for purposes such as penalty phase investigation, forensic testing and analysis, Keenan counsel, psychological and psychiatric evaluation and testimony, demographic jury challenges (if indicated), social histories for the particular client and a myriad of other ancillary services necessary for the competent defense of capital defendants.

Currently, the Public Defender is simultaneously representing an unprecedented number of capital cases in both the Santa Barbara and Santa Maria courts.

**Mandates and Service Levels:**

Transfer of these funds will allow the Public Defender to continue to meet its mandate to provide defense services to indigent adults accused of crimes.

**Fiscal and Facilities Impacts:**

Funds (\$100,000.00) will be transferred from the County's General Fund Contingency. There are no facilities impacts.

**Special Instructions:**

Please return a copy of the order to Carol Wilson, Business Manager.

**Concurrence:**

Auditor-Controller

Attachments: Budget Revision