

# **Public Defense: County Budgets and Possible Funding Options**

**September 18, 2015  
Idaho Association of Counties  
Dan Chadwick**



# Justice Fund Expenses

- **Sheriff**
- **Jail**
- **Juvenile detention**
- **Courthouses**
- **Prosecutor**
- **Public defender**
- **Court-appointed counsel**
- **Court-side of Clerk's office**

Source: Idaho Code 31-4602

# Justice Fund Stats

Question	Answer
<b>How many counties have established a Justice Fund?</b>	<b>32</b>
<b>How many counties are using over 90% of their Justice Fund levy limit? (FY15)</b>	<b>28</b>
<b>How many counties are using over 99% of their Justice Fund levy limit? (FY15)</b>	<b>13</b>

*Note: Idaho has 44 counties.*

# More Justice Fund Stats

For FY15 county justice-related spending, what is...	Answer
<b>The average \$ amount</b>	<b>\$9.2 million</b>
<b>The highest \$ amount</b>	<b>\$89.1 million (Ada)</b>
<b>The lowest \$ amount</b>	<b>\$757.4k (Lincoln)</b>

*Note: Figures are budgeted expenditures. Some expenditures are grant-related.  
Data is based on survey responses from 29 counties.*

# Justice Fund Levy

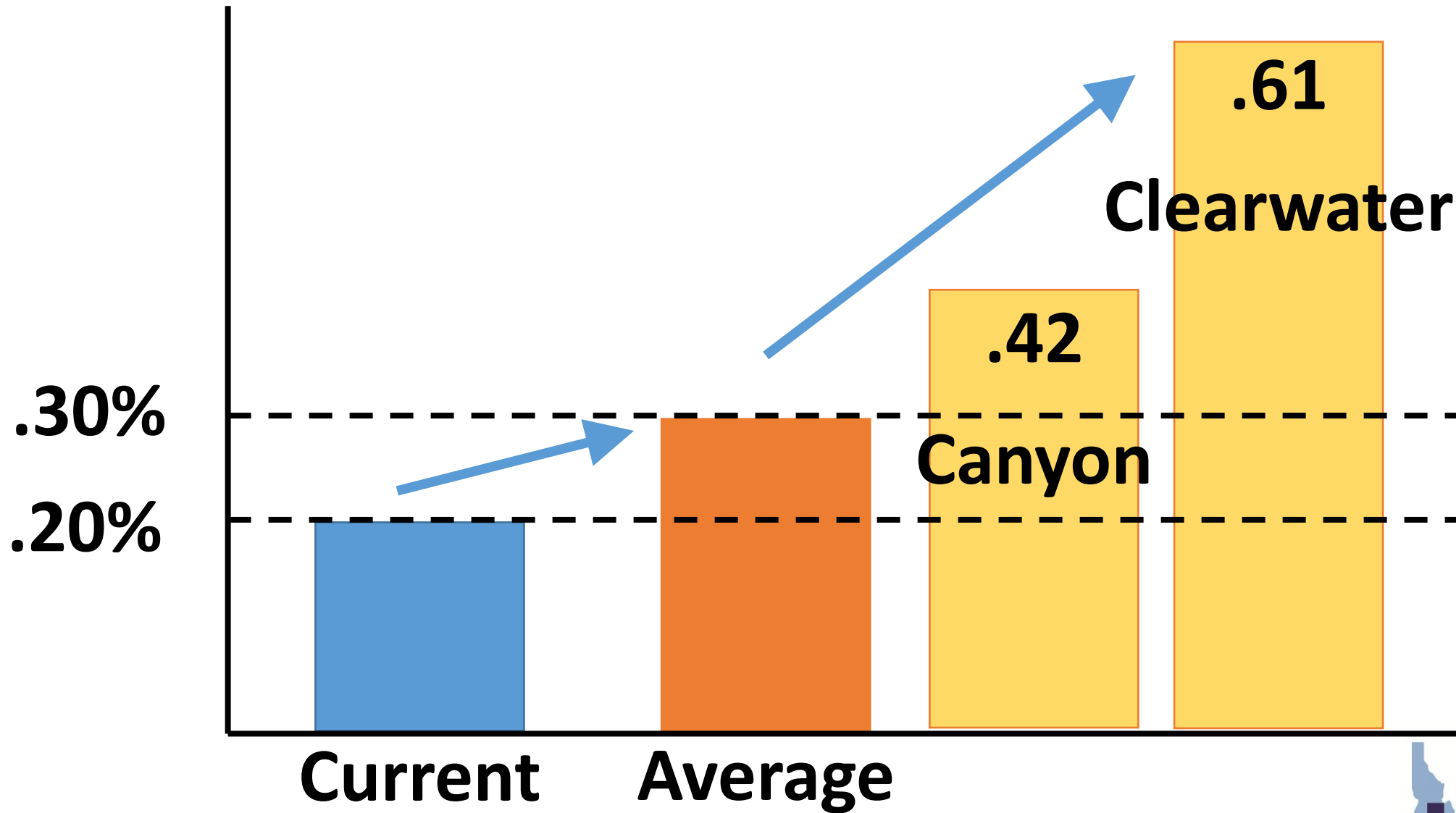
- **Current statutory max = .20%**
- **Problems:**
  - *Current statutory max does not cover justice-related expenses for counties.*
  - *As a result, counties pull from current expense and district court levies to support justice-related expenses.*
- **Thought experiment:**
  - *If the counties actually funded all justice-related expenses from the Justice Fund, what would the levy rate be?*

# “Required” Justice Levy Rate

Question	Answer
<b>FY14 “Required” Justice Levy Rate</b>	<b><u>Average: .31%</u></b> Range: .08% to .52%
<b>FY15 “Required” Justice Levy Rate</b>	<b><u>Average: .32%</u></b> Range: .08% to .61%

*Note: Some included expenditures are grant-related. Data is based on survey responses from 29 counties that provided sufficient data with which to perform calculations, and budget and levy information from the State Tax Commission.*

# Required Justice Levy Rate



# **Counties Without Justice Fund?**

- **For counties with ample property values, Current Expense Fund is sufficient.**
- **For already cash-strapped counties, the 3% budget cap on the growth of county budgets renders a Justice Fund, or a mere increase in levy authority, meaningless.**



# Funding Options

## Option #1: Increase Justice Fund levy limit.

### County responses:

- Further assumption by counties of a state responsibility.
- Levy limit increase is more or less meaningless because of 3% budget cap.

# Funding Options (cont'd)

Option #2: Create a levy specific to public defense.

## County responses:

- Same two concerns as option #1.
- Such a levy wouldn't solve the problem with other increasing justice-related expenses.

# Funding Options (cont'd)

Option #3: Create a statewide or regional public defender office that is funded by the state.

## County responses:

- Proper satisfaction by the state of a state responsibility.

# Funding Options (cont'd)

Option #4: Provide state funding directly to the counties.

## County responses:

- Less desirable than state or regional system, but better than status quo.

# Law Clerk Salary

**Estimated cost of converting law clerks into state employees: \$3,985,235**

**Estimated number of FTEs: 44**