

1 [Placing Funds for Defense of Special Circumstances Cases on Controller Reserve and
2 Establishing Release Guidelines]

3 **Resolution placing funds intended for defense of special circumstances cases on**
4 **Controller reserve and adopting guidelines for release of such funds.**

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6 WHEREAS, the FY2011-2012 budget included an appropriation for the General City
7 project PGECML "Court-Mandated Legal Services" under the oversight of the Controller for
8 the purpose of making these funds available for the Public Defender and Superior Court as
9 potential supportive services resources for the defense of any cases involving serious charges
10 under Section 987 of the Penal Code that could result in the death penalty or life without
11 possibility of parole; and

12 WHEREAS, It is the intent of the Board of Supervisors that these funds should remain
13 available to defendants subject to special circumstances charges that could result in life
14 without possibility of parole even if prosecution is not pursuing the death penalty; and,

15 WHEREAS, The Board of Supervisors has not provided guidelines regarding the
16 release of these funds from the General City budget; now, therefore be it

17 RESOLVED, That funds in the General City budget Project PGECML "Court-Mandated
18 Legal Services" be moved to a new account titled "Indigent Defense Special Circumstances
19 Reserve" and placed on Controller's Reserve; and, be it

20 FURTHER RESOLVED, That upon presentation by the Public Defender or the Superior
21 Court of documentation showing that an indigent defendant is facing a charge in which special
22 circumstances are alleged that could result in the death penalty or life imprisonment without
23 possibility of parole and a confidential declaration that auxiliary funds are needed to provide
24 "supportive services" under Penal Code 987.8(g)(1) and a budget requirement for such
25 supportive services, the Controller shall release a portion of such appropriation authority from

1 reserve and transfer appropriation authority to the Public Defender or the Superior Court
2 sufficient for the proposed budget, up to the limits of available appropriation authority; and, be
3 it

4 FURTHER RESOLVED, The documentation requirements for release of the reserve
5 may be modified by mutual consent of the Controller, the Public Defender and the Superior
6 Court; and, be it

7 FURTHER RESOLVED, With the cooperation of the Public Defender and Superior
8 Court, the Controller shall conduct an annual reconciliation of outstanding advances paid out
9 of this reserve as of June 30 by July 31 of each year, determining amounts spent by recipients
10 for each account and the unspent balance. Any funds remaining at the conclusion of the
11 proceedings will be returned to the General Fund; and, be it

12 FURTHER RESOLVED, The guidelines for release of this reserve shall remain in effect
13 in future years subject to the availability of appropriation authority for this purpose.

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