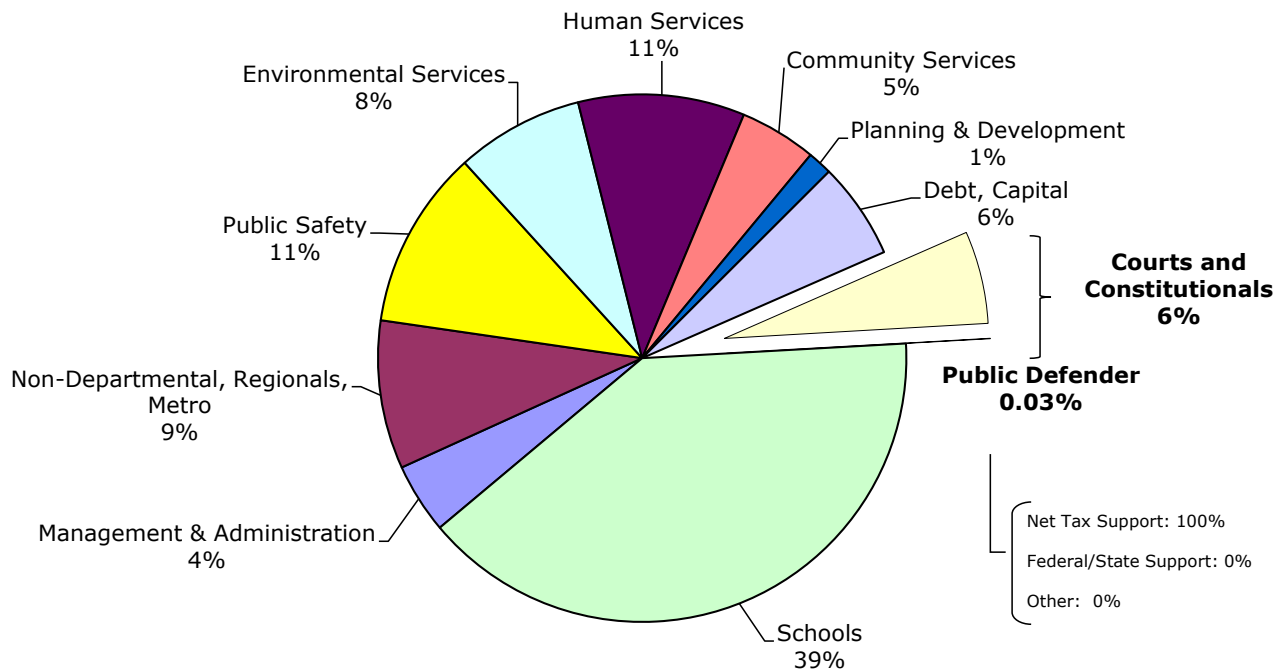


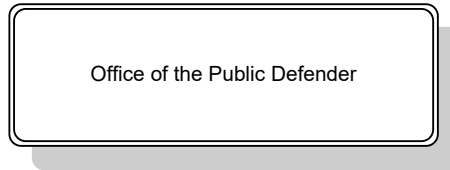
Our Mission: To provide holistic, client-centered representation to indigent persons charged with offenses in Arlington County or the City of Falls Church.

The Office of the Public Defender represents individuals in the General District Court, Juvenile and Domestic Relations District Court, Circuit Court, Court of Appeals, and Supreme Court. It engages in community outreach, criminal justice education, and reentry programming and has spearheaded the initiation and development of problem-solving courts in Arlington County. It also zealously protects the liberty interests of justice-involved clients, while also partnering with community agencies and organizations to reduce recidivism and promote public safety.

FY 2023 Proposed Budget - General Fund Expenditures



LINES OF BUSINESS



Office of the Public Defender

SIGNIFICANT BUDGET CHANGES

The FY 2023 proposed expenditure budget for the Office of the Public Defender is \$386,120, a 15 percent increase from the FY 2022 adopted budget. The FY 2023 proposed budget reflects:

- ↑ Personnel expenses increase reflecting a multi-year initiative to provide competitive pay with other County agencies (\$49,810).

DEPARTMENT FINANCIAL SUMMARY

	FY 2021 Actual	FY 2022 Adopted	FY 2023 Proposed	% Change '22 to '23
Personnel	\$165,804	\$336,310	\$386,120	15%
Non-Personnel	-	-	-	-
Total Expenditures	165,804	336,310	386,120	15%
Total Revenues	-	-	-	-
Net Tax Support	\$165,804	\$336,310	\$386,120	15%
Permanent FTEs	-	-	-	
Temporary FTEs	-	-	-	
Total Authorized FTEs	-	-	-	

PROGRAM MISSION

To protect and defend the rights and dignity of indigent clients through zealous, compassionate, high-quality legal advocacy, and further, to prevent wrongful conviction and facilitate practical cost-saving alternatives to incarceration that reduce recidivism, protect individual liberty, and promote community safety.

- Defend indigent persons accused of crimes in Arlington County, Ronald Reagan Washington National Airport, and the City of Falls Church.
- Provide assistance to clients including reentry planning, case management, referrals to community resources and treatment centers, employment assistance, treatment coordination, health insurance, and sentencing alternatives.
- Independently investigate for evidence of innocence and mitigating circumstances.

PERFORMANCE MEASURES

Critical Measures	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
Number of cases per attorney	208	239	214	180	180	177
Number of seriously mentally ill (SMI) clients identified	409	439	404	431	495	505
Number of SMI incarcerated in the Arlington County Detention Center	1,023	985	898	959	1,100	1,100
Number of Competency/Restoration Hearings	56	58	82	89	80	80

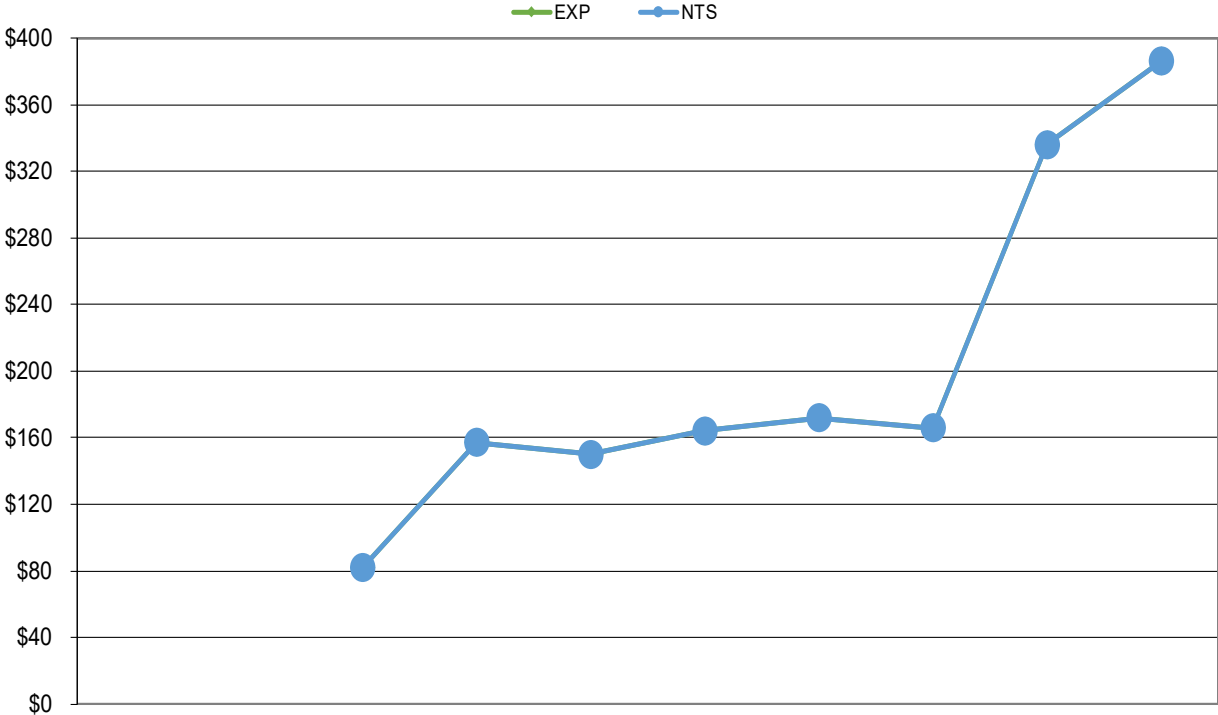
Supporting Measures	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
Number of misdemeanors	1,125	1,335	942	864	1,045	1,100
Number of non-violent felonies	640	884	760	562	600	710
Number of violent felonies	58	39	131	127	160	145
Number of other violations	20	59	92	63	80	80

- As anticipated, FY 2020 and FY 2021 Actual Performance Measures reflect COVID-19 impacts to services over the previous two fiscal years, which have persisted through FY 2022. Previous FY 2022 estimates, included in last year’s performance measures, were based on an expectation that crime and arrest rates would return to pre-pandemic levels by the end of calendar year 2021. Crime rates continue to be skewed by the pandemic, however, with misdemeanors and nonviolent felonies down considerably and violent felonies up slightly. This trend may continue through the end of FY 2022, if not longer.
- The number of cases per attorney decreased in FY 2020 and again in FY 2021 because of fewer criminal cases in Arlington County as a result of both the pandemic and the repeal of several drug and property offenses that were commonly prosecuted in Arlington (marijuana possession, refusal to provide ID to police, interdiction, petit larceny third offense). Future case per attorney estimates are lower than current measures in large part because the Virginia Indigent

Defense Commission funded two new Assistant Public Defender Positions for the Office, bringing the total number of attorneys to fourteen. One of these attorneys began practicing in December 2021 and the other will begin in Spring 2022.

- Contemporary best practices for indigent defense encourage public defender engagement with community advocacy efforts as well as participation initiatives that represent alternatives to the traditional process of arrest, prosecution, and punishment such as diversion programs, specialty dockets (Drug Court, Behavioral Health Docket), and restorative justice. The Arlington Public Defender embraces these expectations and has become a statewide leader on both fronts. However, these additional responsibilities are not reflected in raw caseload figures.
- The Indigent Defense Commission's Case Management System (CMS) does not reliably track probation violation or Driving Under the Influence (DUI) totals. Felony probation violations continue to represent a disproportionately time and resource-intensive aspect of our practice.
- The Office of the Public Defender has experienced a significantly increased workload as a result of the County's implementation of body-worn cameras. The paralegal position funded by the County was filled in December 2021 and is being used to review body-worn camera footage. Given the requirements Arlington courts place on defense counsel to secure treatment alternatives and formulate reentry plans, this position also assists with mitigation investigations and sentencing advocacy.
- In FY 2016, the Office of the Public Defender began tracking clients who were identified as seriously mentally ill (SMI) by pretrial or jail staff. In FY 2017, the number of SMI clients identified decreased due to a change in counting methodology. FY 2018 and FY 2019 actuals increased and FY 2020 actuals increased as a percentage of the Office's overall caseload. FY 2021 actuals exceeded initial estimates, demonstrating the impact of the pandemic on the mental health of Arlington's most vulnerable and that SMI clients continue to represent a disproportionate part of the Office's caseload. This trend is expected to continue into FY 2022 and FY 2023.
- Mental health clients remain a very large part of the office caseload. Although the Public Defender had hoped SMI and competency cases would start to decline in FY 2021 due to specialty courts, diversion initiatives, and police commitments to identifying alternatives to arrest, SMI individuals continue to be arrested and detained at a high rate in Arlington County.

EXPENDITURE, REVENUE, AND NET TAX SUPPORT



	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
\$ in 000s	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Adopted Budget	Proposed Budget
EXP			\$82	\$157	\$150	\$164	\$172	\$166	\$336	\$386
REV			-	-	-	-	-	-	-	-
NTS			\$82	\$157	\$150	\$164	\$172	\$166	\$336	\$386
FTE			-	-	-	-	-	-	-	-

Fiscal Year	Description	FTEs
FY 2016	▪ Added funding for a Public Defender salary supplement, phased in over two years (\$80,000).	
FY 2017	▪ Added funding for year two of the Public Defender phase-in salary supplement, bringing the total supplement to 15 percent (\$86,111).	
FY 2018	▪ Added funding for the supplement increase based on state salary increases (\$5,565) and adjustments for payroll taxes (\$13,734).	
FY 2019	▪ Added funding for the supplement increase based on prior year state salary increases (\$6,009) and adjustments for payroll taxes (\$194).	
FY 2020	▪ Supplement decreased based on prior year state salary levels, staff turnover, and adjustments for payroll taxes (\$10,374).	
FY 2021	▪ No significant changes.	
FY 2022	▪ Added funding for a Paralegal position to support the Body Worn Camera Program (\$80,071) and additional salary support for staff to assist in competitive pay with other County agencies (\$75,000).	