



# Indigent Defense

## Fiscal 2022 Preliminary Budget Fact Sheet

**\$312.2M**

FY22 Prelim. Budget

**(\$993)K**

Less than  
FY21 Adopted

**\$116.3M**

Legal Aid Society

**\$58.1M**

Alternative  
Providers

**\$49.3M**

18-B Assigned  
Counsel Program

**\$23.4M**

Family Court  
Representation

**\$13M**

Appellate Providers

### New in the Preliminary Budget

- ❖ **Indigent Defense Settlement and Court Grants +\$91.4M in FY21.** This supports the Hurrell-Harring settlement (HHS) and Office of Court Administration (OCA) grants that improve the delivery of public defense services in four key areas across the State. In NYC, this funding supports areas two and three.
  - ✓ 1) Counsel at Arraignment
  - ✓ 2) Caseload Relief (supported by OCA funding)
  - ✓ 3) Improve the Quality of Services (supported by HHS funding)
  - 4) Standardized Eligibility for Representation
- ❖ **Expedited 730 Exams +\$588K in FY21.** 730 exams may be ordered to determine whether an individual is fit to proceed to trial on the basis of behavioral health issues, or be diverted to the Department of Health and Mental Hygiene for community-based services in lieu of trial and detention.
- ❖ **Immigration Defense. +\$827 in FY21, \$551 in FY22, and \$276K in FY23.** Funding supports immigration defense specifically for the criminal trial providers for indigent defense.

### Issues and Concerns: Salary Parity for Public Defenders



- The Fiscal 2020 Budget added \$3.7 million for salary increases for attorneys
- A total of 399 ADAs attorneys impacted
- Only attorneys working on MOCJ's baselined contracts with 1-5 years of experience were impacted

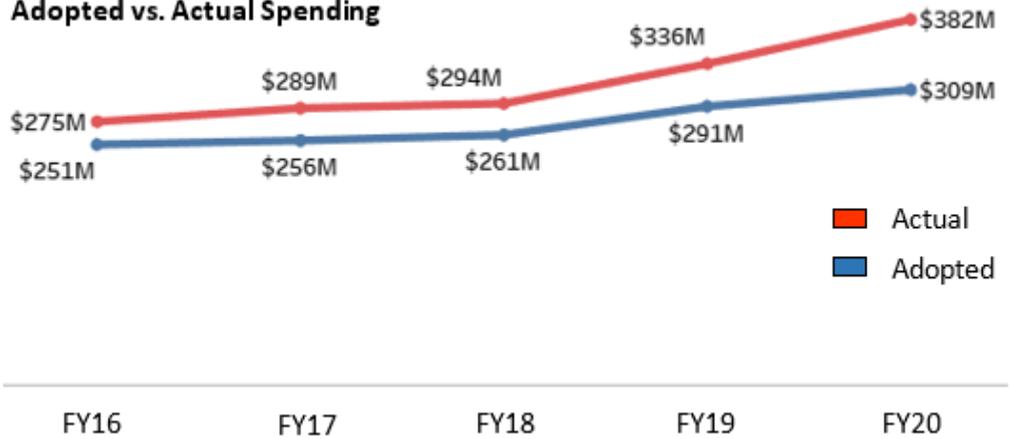


Although the funding was recognized in the indigent defense budget over a year ago, as of March 2021, the providers' contracts have yet to be amended by the Mayor's Office of Criminal Justice, and the Administration has not fulfilled its commitment to the deal.

## Actual Spending Exceeds Budgeted Amount

- On average, actual spending for all indigent defense is \$42 million over what is budgeted
- One-shot funding is added almost every year for Article 10 and 18-b contacts

Adopted vs. Actual Spending



## Caseload Data is Steadily Decreasing

Indigent Defense Providers Case Intake 2015-2019



- The chart to the left shows that the providers' intake has been steadily declining over the last five years.
- This decrease is, at least in-part, due to changes in criminal justice practices in New York State and New York City and reforms that aim to reduce incarceration and divert people from detention.

## \$1.7 Million in Council Funding for Providers in FY21

Family Advocacy and Guardianship Support

\$744K

Prisoners' Rights Project

\$850K