



Indigent defense costly for Walker, counties statewide

June 26, 2007 12:44 am

Jay Ermis
Managing Editor

Indigent defense is one of many unfunded mandates placed on the shoulders of counties statewide.

The mandate turns out to be one of the costliest for counties because more people taken to county jails qualify for indigent defense.

Counties, including Walker, have to budget funds for indigent defense each fiscal year, but too often they find the original budget being exceeded and they are forced to dip into contingency funds.

During her report for the month ending May 31, county auditor Patricia Allen told Commissioners Court on Monday morning that indigent defense costs have exceeded the budgeted funds.

As of May 31, Allen said attorneys' fees totaled \$352,785, surpassing budgeted funds of \$210,283.

In fiscal year 2006, the county spent \$370,446 on attorneys' fees for indigent defense.

This covers County Court at Law, 12th Judicial District-Child Protective Service, 12th Judicial District, 278th Judicial District-Child Protective Service and 278th Judicial District.

For five categories — attorneys, court reporters, jurors, security and other professional — the county budgeted \$348,553.

With fiscal year 2007 ending Sept. 31, the county has spent \$466,984 in those categories.

In fiscal year 2006, indigent defense cost the county taxpayers \$543,573.

At the beginning of the year, we budget contingency," Allen said. "We are getting very low on contingency and that's probably something that needs to be addressed in the next budget."

Allen said anyone seeking indigent defense has to provide evidence to the court and then the individual is declared indigent by the court, becoming eligible for the service.

"It is a statewide problem and one of many unfunded mandates counties deal with," she said.

County Judge Danny Pierce said anyone arrested and charged with a Class A or B misdemeanor and is booked into the county jail and cannot afford to hire an attorney, can seek a court-appointed attorney.

Pierce said the state reimburses the county 10 percent of the annual total, but the reimbursement percentage has not increased as the number of people seeking help increases.

“We’re funding 90 percent of the indigent people,” he said. “A lot of these people we pick up on these charges, most don’t even have a job. A lot of them are in because of drug-related charges and they are making their living selling drugs or stealing to support a habit.

“A lot of it is drug-related. It’s a burden on the county. It’s very expensive.”

Pierce said county taxpayers pay for indigent funding because the county is mandated by the state to provide representation in court.

“This is something that is so unnecessary, in my opinion,” Pierce said. “I think it is unnecessary from the point of view of people who work hard and obey the law and pay for the defense of people who do not work hard and do not obey the law.

“I don’t see anyway out of the situation.”

In other action Monday, the court:

- Approved sending two students through EMT-Intermediate course from budgeted funds.
- Approved memorandum of attorney service agreement.
- Approved transfer of funds from unused salary to money manager position in the amount of \$1,000.
- Approved renewal of professional auditing services with Kenneth C. Davis for the period of July 1, 2007, through June 30, 2008, in the amount of \$20,000.
- Tabled policy for the voluntary dedication of right of way for existing county maintained roads.
- Denied amending plat for lots 37 and 38 of the Pine Ridge Subdivision Section 2.
- Passed on continued exemption for Johnny Ray Gilliam Tract in the B.B. Goodrich Survey.
- Approved requesting unclaimed capital credits from the Texas Comptroller.
- Approved change order to Shirley and Sons Construction Co. for work on Walker Loop.
- Approved contract for services agreement with Stan Klawinsky, Roy Lee Walker, Ba-Corp. Wastewater Services, Jimmy’s Truck Service and Roy Daniel Tractor and Equipment.
- Approved right of way for Wire Road, owner Barbara Lee Greer.
- Approved general certificate of local government for Southeast Texas Housing Finance Corp.
- Approved variance to insurance/liability policy for Bobby Hoke for stump grinding.
- Approved changing an Operator 3 position to an Operator 5 position.

http://www.itemonline.com/local/local_story_177004409.html?keyword=topstory