

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION'S
APPROPRIATIONS COMMITTEE
HELD ON THE 17TH DAY OF OCTOBER, 2022

The Caddo Parish Appropriations Committee met in legal session on the above date, at 3:00 p.m., in the 1ST Floor Conference Room, with Mr. Johnson, Chairman, presiding, and the following members in attendance: Commissioners Atkins, Burrell, Chavez, Epperson, Hopkins, Johnson, and Lazarus (7). ABSENT: Gage-Watts (1).

The invocation and Pledge of Allegiance was given during the last committee meeting, so the Chair decided to forgo it.

CITIZENS COMMENTS

The Clerk advised the Committee that an electronic comment has been submitted and the publisher is not present in the meeting. The Clerk informed the Committee that the comment will be sent to all the Committee members electronically.

NEW BUSINESS

- *Discuss Public Defender Office Funding*

Mr. Johnson opened the floor to the Chief District Public Defender, Michelle M. AndrePont, to discuss their funding request. Mrs. AndrePont commented that Sherriff Prator discussed concerns of overcrowding at the Caddo Correctional Center (CCC) in a recent meeting. She explained that the CCC was built to house 1,070 inmates and there are approximately 1,500 inmates in there now. Mrs. AndrePont said that judges at the meeting expressed a lack of public defenders. Mrs. AndrePont commented that her budget does not allow her to hire the number of attorneys she truly needs. She explained that a needs-based budget for her office would be over \$6 million, however their current budget is about \$3.6 million. Mrs. AndrePont had requested funding from the Caddo Parish Commission to supply new attorneys at a raised salary. She explained that last year she increased starting salaries from \$45,000 to \$50,000 for attorneys with seven years of higher education and passed the bar exam. Mrs. AndrePont was able to hire a few people in New Orleans, who are being sworn in today and another attorney who is starting today. Mrs. AndrePont said that jury trials are not going to help with overcrowding, because the Public Defender's Office could not try 500 people getting out of jail. Mrs. AndrePont explained that her office could relieve a lot of stress on the CCC through bond reduction motions, pleas and negotiations with the VA. Mrs. AndrePont proposed the Parish Commission to fund five additional attorneys for the Public Defender's Office. Mrs. AndrePont explained that her previous request for 10 attorneys cost \$500,000, but in good faith she reduced her request for the Parish Commission to see progress a year from now. Mrs. AndrePont said that at \$50,000 per full-time employee, the Public Defender's Office budget would cover the attorneys. She explained that she would report to the Parish Commission quarterly. Mrs. AndrePont reminded the Committee that another difficulty is finding people who want to be in Shreveport for \$50,000 and work almost 200 cases. She also reminded the Committee that she expressed that difficulty to the Commission previously. Mrs. AndrePont said that the Commission asked her to think specifically about what she would do with the money and Mrs. AndrePont said that she would hire five attorneys at \$50,000 to try to reduce the population at the CCC for one year. Mrs. AndrePont explained that the funding supports only one-year salary for the attorneys and the Public Defender's Office will not have the funding to go further than that. She said that she will show the Commission what she has done with the money and make another ask in a year.

Mr. Epperson wanted to know the State's responsibility to fund the Public Defender's Office. Mrs. AndrePont responded that the State Legislature appropriates money to the Louisiana Public Defender Board and 65% of the funding the Louisiana Public Defender Board receives is dispersed to the district offices. Mrs. AndrePont explained that the Caddo Parish Public Defender's Office is a first judicial district and is one of the 42 districts that receive the District Assistance Fund (DAF) from the State Public Defender Board. Mrs. AndrePont further explained that the funding is about 49% of her office's overall budget. Mr. Epperson wanted to know the dollar amount the Caddo Parish Public Defender's Office receives from the Louisiana Public Defender Board. Mrs. AndrePont responded \$1,779,938.53 plus the West Law Subscriptions that the Public Defender's Office pays through the State office. She said the total is about \$1,785,000. Mr. Epperson wanted to know the size of Caddo Parish compared to another judicial district in Louisiana. Mrs. AndrePont responded that depending on the year, Caddo Parish case load is from 5th to 7th in size and their size is based on the raw case data that the Public Defender Board collects. Mr. Epperson commented that crime is on the rise everywhere. Mr. Epperson asked Mrs. AndrePont whether any other district defenders were experiencing the same situation as Caddo Parish. Mrs. AndrePont responded that there is a shortage of funding for public defenders across the state. She explained that the other half of the Public Defenders Office's funding comes from conviction user fees which is \$45 from every court cost that gets paid and \$2 from every bond that is posted. Mrs. AndrePont said that when a new person files to become a bondsperson, the Public Defender's Office receives a fee from that application. Mrs. AndrePont pointed out that the Caddo Parish Public Defenders Office's collection of conviction and user fees is ranked 37 out of 42 districts in the state. She explained that the Public Defender's Office collects about 41% of conviction user fees that they can collect. Mr. Epperson mentioned Mrs. AndrePont's statement about salary and geographic location for the shortage of attorneys. Mr. Epperson wanted to know if New Orleans' ugly reputation is the reason Shreveport has a shortage of attorneys. Mr. Epperson also wanted to know the salary of attorneys in New Orleans Parish. Mrs. AndrePont

responded that she did not know the salary of New Orleans attorney salaries. Mr. Epperson commented that there is a significant difference in the cost of living for New Orleans and Shreveport. Mrs. AndrePont responded that Baton Rouge's starting salary is \$45,000. Mr. Epperson mentioned that Baton Rouge is the second largest city in the State of Louisiana. Mr. Epperson asked Mrs. AndrePont if she has directly requested funding from the State Legislature. Mr. Epperson also wanted to know the State Legislature's response to her request. Mrs. AndrePont responded that she appeared before the Legislature last year to advocate for funding on behalf of the entire public defense system in the state. She said that the Legislature's response was a slight increase to the state office for a Lake Charles, Beauregard and other areas that had hurricane issues. Mr. Epperson wanted to know if Monroe and Ouachita were recipients of the increased funding. Mrs. AndrePont responded that Monroe and Ouachita are within tier three. She did not have tier funding information at the time. She mentioned that the Caddo Parish Public Defender's Office is in the second highest tier behind New Orleans, Baton Rouge, and Lafayette. Mr. Epperson wanted to know if Mrs. AndrePont requested any funding from Shreveport. Mrs. AndrePont responded that the City of Shreveport passed an ordinance to provide \$85,000 in 2022 to the Public Defender's Office. She said that Councilman Nicholson is going to make an additional proposal for ongoing funding. Mr. Epperson mentioned that the State Legislature had a significant surplus this year. He said that everybody is discussing crime and their solutions. Mr. Epperson said that the Public Defender's Office could be significant to helping the Parish lower the overcrowding.

Mr. Burrell wanted to know if the funding by district is equitable or is the funding adjusted based on workload. Mrs. AndrePont said that the District Assistance Funding Disbursement Mechanism (DAFDM) developed by the State Public Defender Board is a tiered funding mechanism based off the most recent five years of expenditures and the funding mechanism is used to disperse funds to all 42 districts. Mrs. AndrePont expressed that the amount of money someone receives based on their previous expenditures is a horrible way to disperse funds. Mrs. AndrePont said that funding should be based on the need. Mrs. AndrePont said that she is steadily advocating with the State Public Defender to change that. Mrs. AndrePont recalled her predecessor, Pam Smart, was unable to hire attorneys to work in Shreveport for \$45,000 per year and the vacancies were left open for years at a time. Mrs. AndrePont explained that because the Public Defender's Office was unable to spend funds provided by the State Public Defender Board, their office's spending budget was lowered. Mrs. AndrePont said that she has not made much progress to change the horrible funding mechanism. She said that there are other, smaller districts that do not have an issue with the funding mechanism. Mr. Burrell wanted to know if the funding mechanism is a state statute or a policy issue for the State Public Defender Board. Mrs. AndrePont responded that the state statute provides that 65% of the funding that the Public Defender Board receives must go to the districts. Mrs. AndrePont said that the state statute does not specify to the State Public Defender Board how the district should receive the money or how the calculations are made. Mr. Burrell commented that statutes can change and suggested Mrs. AndrePont to get a sponsor of support from all the districts. Mr. Burrell also suggested to include the funding mechanism issue as a priority to the Caddo Parish lobbyists. Mrs. AndrePont commented that she is working with seven to nine other District Defenders to draft their legislative push. Mr. Burrell wanted to know what kind of impact does Mrs. AndrePont anticipate with five hired attorneys. Mrs. AndrePont responded that the five attorneys would review files and file motions for bond reductions. Mrs. AndrePont said that she receives a list from the CCC weekly regarding inmates with bonds at \$20,000 or less. She explained that those on the list are ripe for file reduction motions. Mrs. AndrePont said some of those people could get released either on lesser bonds or 'on your own recognizance'. Mrs. AndrePont further explained that having five additional attorneys see clients at the jail and work out plea agreements is how the Public Defender's Office is going to reduce the 500 overcrowding. Mr. Burrell wanted to know if there is any historical data on the number per capita on the number of attorneys for an idea of how her goal is going to proceed. Mrs. AndrePont responded that she does not have historical numbers but will provide the monthly number of cases the Public Defender's Office opens and closes.

The Chair reminded the Committee that they are under time restraint and there are other Commissioners who wish to speak.

Mr. Atkins wanted to know if the Public Defender's Office could request the Legislature to move to tier one. Mrs. AndrePont responded that she can move to tier one, but for the Public Defender's Office to achieve tier one status, the Public Defender's Office had to increase their office's spending average. Mr. Atkins commented that the Public Defender's Office is spending enough to be in tier one, but the Office isn't spending enough because the budget does not allow it. Mr. Atkins asked Mrs. AndrePont to approach the Caddo Parish State Representatives and have them advocate on the Public Defender's Office to move to tier one. Mrs. AndrePont responded that she has sent letters asking for additional funding. Mr. Atkins advised Mrs. AndrePont not to get into the current funding mechanism issue, and strongly encouraged Mrs. AndrePont to ask the Caddo Parish State Representatives to move the Caddo Parish Public Defenders Office up to tier one.

Mr. Atkins asked for an update and refresher on the discussion with Justice Crichton. Mrs. Bryant responded that Justice Crichton met with judges, the district attorney and a representative from the Public Defender's Office and suggested the Public Defender's Office hire contract attorneys. She explained that the meeting attendees are hoping to ask the Caddo Parish Commission to help fund those contract attorneys at a reduced rate. Mrs. Bryant said that if the Public Defender's Office receives additional funding to increase their expenses, then their state allocation could go up. Mrs. Bryant commented that the Commission could look at a combination of funding between hiring attorneys and contract attorneys. Mrs. Bryant explained that a contract could be stopped, but a hired attorney would be difficult for the Parish to fund on a continual basis at the level the Public Defender's Office needs. Mr. Atkins wanted to know if the Parish has funding available to provide one annual stipend. Mrs. Bryant responded that the Parish would like to be in the \$200,000 range for everything including contract attorneys and additional attorneys. Mrs.

Bryant thinks the Parish could do it.

Mr. Hopkins wanted to know why the Public Defender's Office only collects 41% of the court costs. Mrs. AndrePont responded that the reason is partly due to unemployment in the last two years, but the main issue people are simply unable to pay. Mrs. AndrePont explained that Caddo Parish always had a very low percentage for collecting cuffs. She further explained that Lafayette, New Orleans and Baton Rouge collect a greater percentage than Caddo Parish. Mrs. AndrePont said that she is working with judges to order people to come in and pay their \$40 application fee, and she is working with her office to increase collections. Mrs. AndrePont said that the projected percent for collections was 25%, yet the Public Defender's Office has collected 41.78% of application fees in the first three months of this year.

It was **moved by Mr. Chavez**, seconded by Mr. Burrell, *to draft a resolution of support to move the Caddo Parish Public Defender's Office to tier one.*

Mr. Chavez requested the resolution be sent to the Legislature. Mr. Chavez commented that the Legislature may think that if the Caddo Parish helped fund the Public Defender's Office then the Caddo Parish could continue to fund it. Mr. Chavez suggested adding this issue to the 2023 legislative priorities of the Parish lobbyists. Mr. Burrell advised Mrs. AndrePont to write her own legislation and that whatever language she needs in there be given to the whoever will write the legislation.

At this time, Mr. Chavez's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Burrell, Chavez, Epperson, Hopkins, Johnson, and Lazarus (7). NAYS: None (0). ABSENT: Gage-Watts (1). ABSTAIN: None (0).

It was **moved by Mr. Epperson**, *to postpone the Public Defender's Office's request and the remainder of the agenda to a later date.*

Motion died due to the lack of a second.

It was **moved by Mr. Atkins**, seconded by Mr. Chavez, *to recommend to the full body a one-time appropriation of \$200,000 for the Caddo Parish Public Defender's Office for contract attorneys in 2023.*

Mr. Atkins commented that there is a real need. Mr. Atkins supports appropriating funds to work on reducing the overhead at the CCC while the Parish works with the legislature. Mr. Johnson pointed out that the Appropriations Committee budget was \$600,000 and the Committee has already allocated \$522,000. Mrs. Barnett confirmed that the funds for Mr. Atkins request would come from the General Fund.

The Clerk asked for clarification of the motion. Mrs. Bryant responded that if the motion passes, the \$200,000 appropriation would be included in the 2023 budget. Mrs. Bryant said that the Commissioners will vote on the 2023 budget in December. Mr. Epperson commented that he is not in support, because the Parish has other burdens. Mr. Atkins clarified that his motion was for contract attorneys.

At this time, Mr. Atkins' motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Burrell, Chavez, Hopkins, and Lazarus (5). NAYS: Epperson and Johnson (2). ABSENT: Gage-Watts (1). ABSTAIN: None (0).

It was **moved by Mr. Epperson**, seconded by Mr. Chavez, *to postpone the remainder of the agenda items to a later date.* Mr. Epperson's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Burrell, Chavez, Epperson, Hopkins, Johnson, and Lazarus (7). NAYS: None (0). ABSENT: Gage-Watts (1). ABSTAIN: None (0).

At this time, there was no further discussion to come before the Committee, so the meeting adjourned at 3:30 p.m.



Linda J. Montgomery
Administrative Specialist I