

# **CAPITAL DEFENDER OFFICE**

## **MISSION**

The Capital Defender Office, which has been in operation since 1995 is authorized to defend any indigent person charged with a capital crime. With the restoration of the death penalty, persons convicted of first-degree murder may be sentenced to death by lethal injection, life imprisonment without parole, or 20 to 25 years in prison. To be sentenced to death, a person must be found guilty of first-degree murder, which includes the killing of a police officer, killing for hire, or certain other heinous murders.

The Capital Defender Office ensures that offenders who face the death penalty receive the full legal protection to which they are entitled under law. The Office is required to provide legal, investigative and expert services to indigent defendants charged with crimes eligible for the death penalty. Since not all defendants in capital cases will be represented by the Office, the law also requires the Office to set minimum standards for lawyers appointed to defend such cases, provide training and assistance to these attorneys and provide judges with lists of qualified lawyers.

## **ORGANIZATION AND STAFFING**

A three-member Board oversees the work of the Office. The Board members are appointed, one each by the Temporary President of the Senate, the Speaker of the Assembly and the Chief Judge of the Court of Appeals. The Office has a staff of 61 located in a central office in New York City and regional offices in Albany and Rochester.

## **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

The Executive Budget recommendation provides a total of nearly \$13.1 million in State tax dollars to fund the actual cost of providing death penalty defense in 2003-04. These funds will support the Agency's staff attorneys, investigators and experts as well as legal aid societies and private attorneys appointed to represent indigent defendants in capital cases.

## **PROGRAM HIGHLIGHTS**

Since 1995, there have been a total of 730 capital-eligible cases and 44 notices of intent to seek the death penalty filed by the State's district attorneys. Due in part to progress made in reducing violent crime, the number of capital-eligible cases has declined from 138 in 1996 to 70 in 2002. Similarly, the number of intent to seek death penalty notices filed has declined from 13 in 1996 to only one in 2002.

### **ALL FUNDS APPROPRIATIONS (dollars)**

<b>Category</b>	<b>Available 2002-03</b>	<b>Appropriations Recommended 2003-04</b>	<b>Change</b>	<b>Reappropriations Recommended 2003-04</b>
State Operations	13,897,000	13,095,000	(802,000)	0
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
Total	13,897,000	13,095,000	(802,000)	0

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**ALL FUND TYPES  
PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM  
FILLED ANNUAL SALARIED POSITIONS**

Full-Time Equivalent Positions (FTE)

<b>Program</b>	<b>2002-03 Estimated FTEs 03/31/03</b>	<b>2003-04 Estimated FTEs 03/31/04</b>	<b>FTE Change</b>
Capital Defense			
General Fund	65	61	(4)
Total	<u>65</u>	<u>61</u>	<u>(4)</u>

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS  
(dollars)**

<b>Fund Type</b>	<b>Available 2002-03</b>	<b>Recommended 2003-04</b>	<b>Change</b>
General Fund	13,897,000	13,095,000	(802,000)
Total	<u>13,897,000</u>	<u>13,095,000</u>	<u>(802,000)</u>

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS  
(dollars)**

<b>Program</b>	<b>Available 2002-03</b>	<b>Recommended 2003-04</b>	<b>Change</b>
Capital Defense			
General Fund	13,897,000	13,095,000	(802,000)
Total	<u>13,897,000</u>	<u>13,095,000</u>	<u>(802,000)</u>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
2003-04 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Personal Service Regular (Annual Salaried)</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Capital Defense	4,879,000	(116,000)	4,698,000	(147,000)
Total	<u>4,879,000</u>	<u>(116,000)</u>	<u>4,698,000</u>	<u>(147,000)</u>

<b>Program</b>	<b>Temporary Service (Nonannual Salaried)</b>	
	<b>Amount</b>	<b>Change</b>
Capital Defense	181,000	31,000
Total	<u>181,000</u>	<u>31,000</u>

# CAPITAL DEFENDER

STATE OPERATIONS - GENERAL FUND  
 SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED  
 APPROPRIATIONS AND CHANGES  
 2003-04 RECOMMENDED  
 (dollars)

<b>Program</b>	<b>Total</b>		<b>Supplies and Materials</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Capital Defense	8,216,000	(686,000)	182,000	0
Total	<u>8,216,000</u>	<u>(686,000)</u>	<u>182,000</u>	<u>0</u>

  

<b>Program</b>	<b>Travel</b>		<b>Contractual Services</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Capital Defense	306,000	0	2,044,000	(86,000)
Total	<u>306,000</u>	<u>0</u>	<u>2,044,000</u>	<u>(86,000)</u>

  

<b>Program</b>	<b>Equipment</b>		<b>Maintenance Undistributed</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Capital Defense	155,000	0	5,529,000	(600,000)
Total	<u>155,000</u>	<u>0</u>	<u>5,529,000</u>	<u>(600,000)</u>