

# 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 will have a staff of 59 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 \$12.7 million in State tax dollars to fund the actual cost of providing death penalty defense in 2004-05. 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 809 capital-eligible cases and 51 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 61 in 2003. Similarly, the number of intent to seek death penalty notices filed has declined from 13 in 1996 to 6 in 2003.

ALL FUNDS APPROPRIATIONS (dollars)				
Category	Available 2003-04	Appropriations Recommended 2004-05	Change	Reappropriations Recommended 2004-05
State Operations	13,095,000	12,650,000	(445,000)	0
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
Total	13,095,000	12,650,000	(445,000)	0

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

### Full-Time Equivalent Positions (FTE)

Program	2003-04	2004-05	FTE Change
	Estimated FTEs 03/31/04	Estimated FTEs 03/31/05	
Capital Defense			
General Fund	61	59	(2)
Total	61	59	(2)

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

Program	Available	Recommended	Change
	2003-04	2004-05	
Capital Defense			
General Fund	13,095,000	12,650,000	(445,000)
Total	13,095,000	12,650,000	(445,000)

## STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2004-05 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Capital Defense	4,488,000	(391,000)	4,307,000	(391,000)
Total	4,488,000	(391,000)	4,307,000	(391,000)

Program	Temporary Service (Nonannual Salaried)	
	Amount	Change
Capital Defense	181,000	0
Total	181,000	0

## STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2004-05 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Capital Defense	8,162,000	(54,000)	182,000	0
Total	8,162,000	(54,000)	182,000	0

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Capital Defense	306,000	0	1,990,000	(54,000)
Total	306,000	0	1,990,000	(54,000)

Program	Equipment		Maintenance Undistributed	
	Amount	Change	Amount	Change
Capital Defense	155,000	0	5,529,000	0
Total	155,000	0	5,529,000	0