

# **CAPITAL DEFENDER OFFICE**

## **MISSION**

The Capital Defender Office, which has been in operation since September 1, 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, and 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 Agency 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 67 located in a central office in New York City and regional offices in Albany and Rochester.

## **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

A total of \$13.9 million in State tax dollars is recommended to fund death penalty defense costs in 2002-03. This 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 674 capital-eligible cases and 43 notices of intent to seek the death penalty filed by the State's district attorneys. The number of capital-eligible cases has declined from 145 in 1995 to 90 in 2001. Similarly, the number of death notices filed has declined from 13 in 1996 to only two in 2001.

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

<b>Category</b>	<b>Available 2001-02</b>	<b>Appropriations Recommended 2002-03</b>	<b>Change</b>	<b>Reappropriations Recommended 2002-03</b>
State Operations	14,647,000	13,897,000	(750,000)	0
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
Total	14,647,000	13,897,000	(750,000)	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>2001-02 Estimated FTEs 03/31/02</b>	<b>2002-03 Estimated FTEs 03/31/03</b>	<b>FTE Change</b>
Capital Defense			
General Fund	71	67	(4)
Total	<u>71</u>	<u>67</u>	<u>(4)</u>

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

<b>Fund Type</b>	<b>Available 2001-02</b>	<b>Recommended 2002-03</b>	<b>Change</b>
General Fund	14,647,000	13,897,000	(750,000)
Total	<u>14,647,000</u>	<u>13,897,000</u>	<u>(750,000)</u>

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

<b>Program</b>	<b>Available 2001-02</b>	<b>Recommended 2002-03</b>	<b>Change</b>
Capital Defense			
General Fund	14,647,000	13,897,000	(750,000)
Total	<u>14,647,000</u>	<u>13,897,000</u>	<u>(750,000)</u>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
2002-03 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	4,995,000	15,000	4,845,000	(46,000)
Total	<u>4,995,000</u>	<u>15,000</u>	<u>4,845,000</u>	<u>(46,000)</u>

<b>Program</b>	<b>Temporary Service (Nonannual Salaried)</b>	
	<b>Amount</b>	<b>Change</b>
Capital Defense	150,000	61,000
Total	<u>150,000</u>	<u>61,000</u>

# CAPITAL DEFENDER

STATE OPERATIONS - GENERAL FUND  
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED  
APPROPRIATIONS AND CHANGES  
2002-03 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	8,902,000	(765,000)	182,000	6,000
Total	8,902,000	(765,000)	182,000	6,000

  

<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	10,000	2,130,000	95,000
Total	306,000	10,000	2,130,000	95,000

  

<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	5,000	6,129,000	(881,000)
Total	155,000	5,000	6,129,000	(881,000)