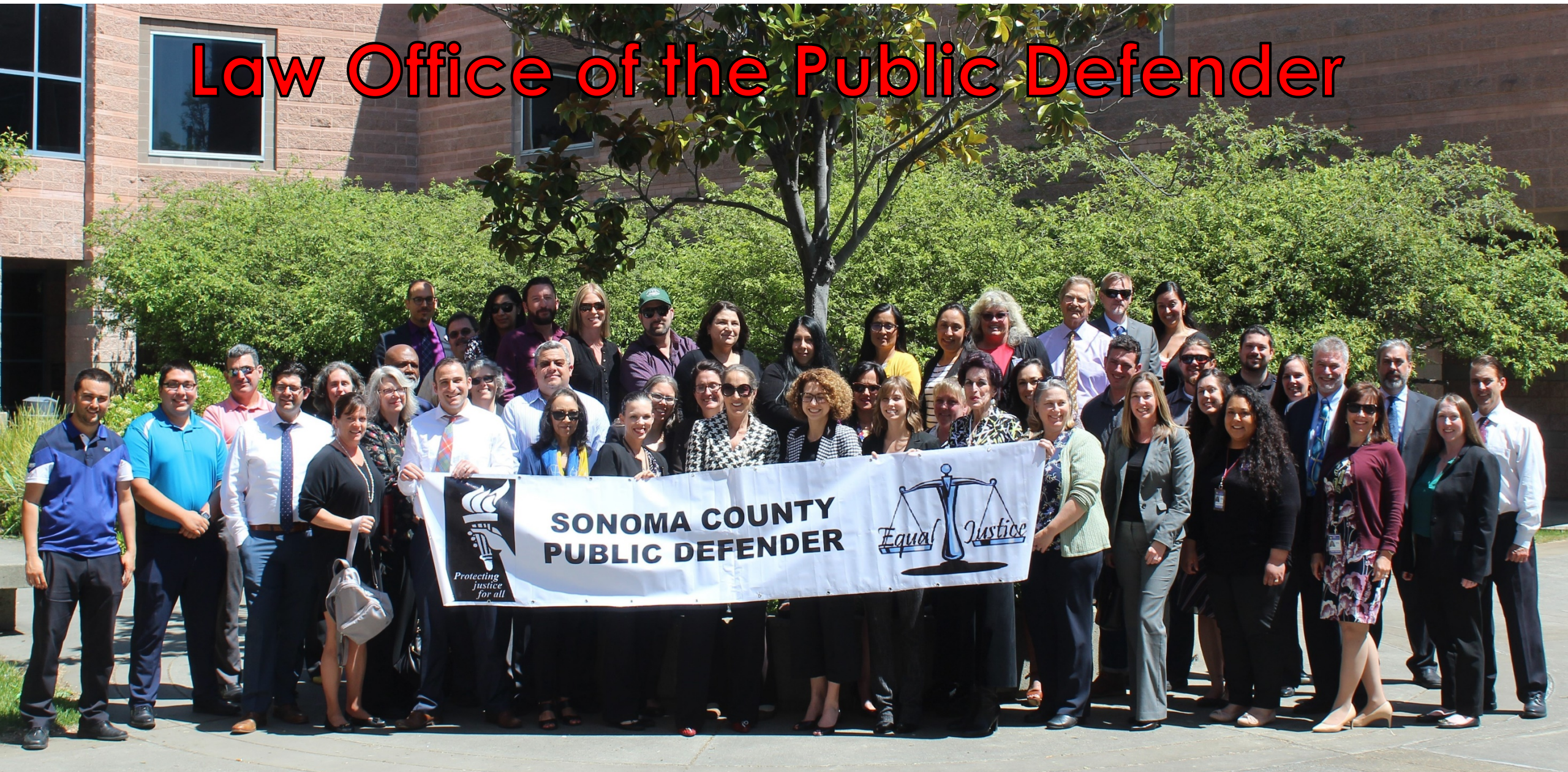
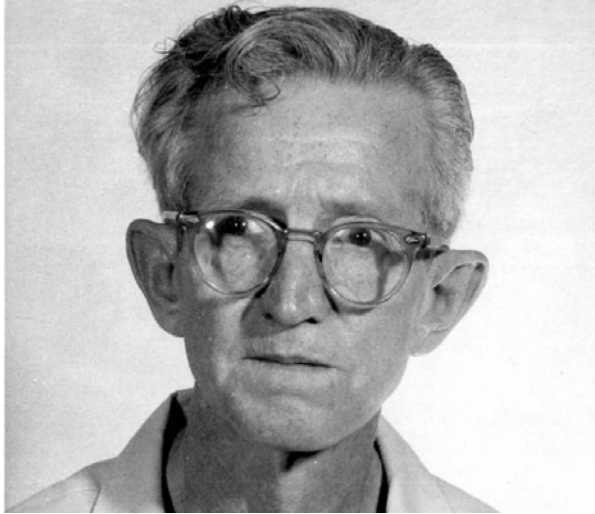


# Law Office of the Public Defender





# Law Office of the Public Defender – History of Defense



## US Supreme Court Case Gideon v. Wainwright (1963)

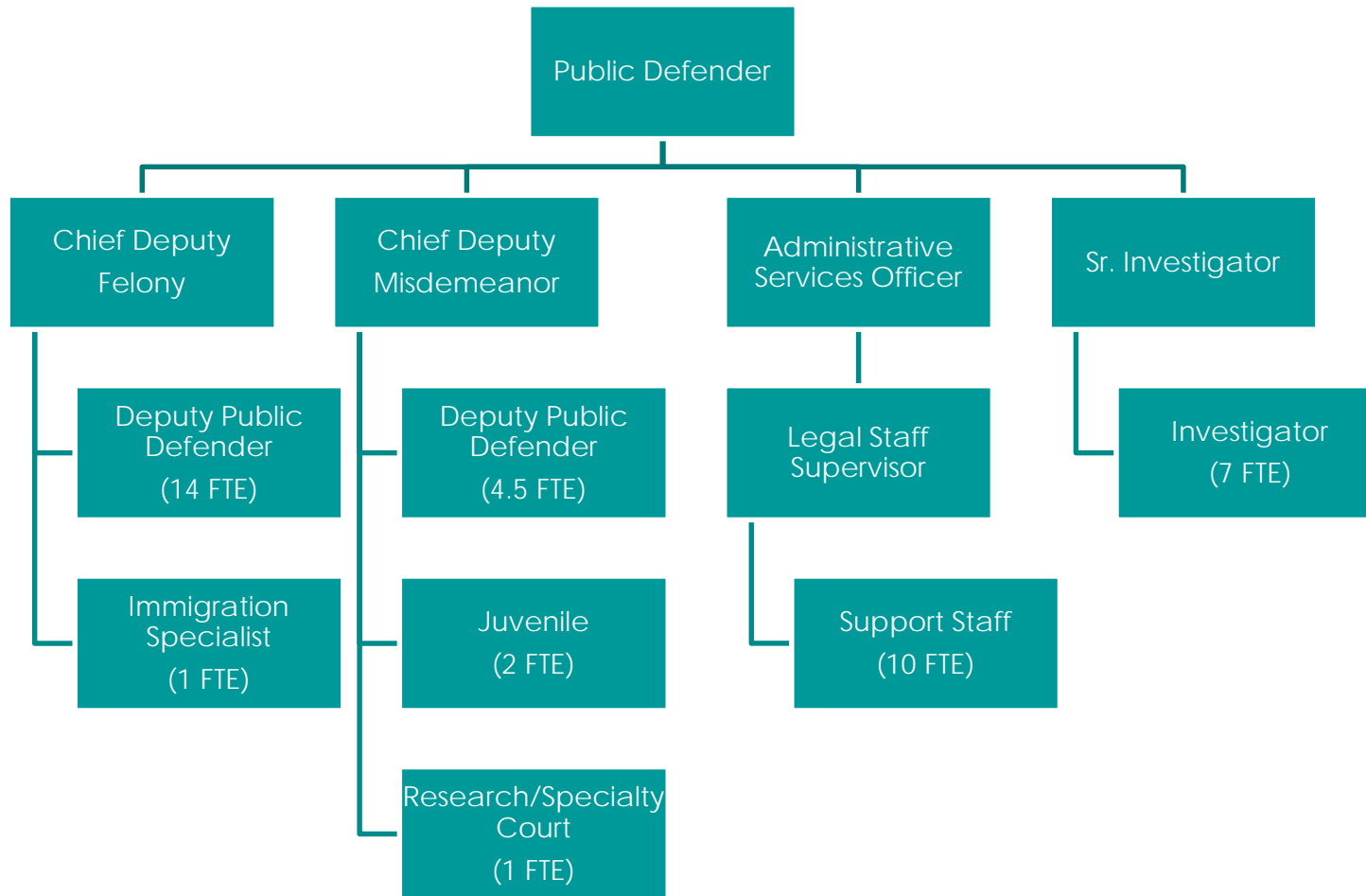
U.S. Supreme Court ruled (9-0) that states are required to provide legal counsel to all indigent defendants accused of a crime.

*A public defender is an attorney appointed to represent individuals who cannot afford to hire their own.*

- *Government Code Section 27706*
- *Criminal defense is mandated by the 6<sup>th</sup> Amendment of the United States Constitution.*



# Department Overview



## TOTAL BUDGET

FY 2018-19 ADOPTED:	\$11,441,160
FY 2018-19 REVISED:	\$12,382,435
FY 2019-20 PRELIM:	\$11,206,064
NET CHANGE :	\$(235,096)

## POSITION ALLOCATIONS

FY 2018-19 ADOPTED:	51
FY 2018-19 REVISED:	51
FY 2019-20 <b>PRELIMINARY</b> :	45.5
NET CHANGE ( <b>PRELIM - ADO</b> ):	5.5



# Public Defender By the Numbers: FY 2018-19

## Annual Court Appearances

35,000	Felony Court
54,000	Misdemeanor Court
5,500	Juvenile Court
6,000	Domestic Violence Court
13,000	DUI/DRUG Court
165	Veteran Court
1,250	FACT (Mental Health Court)
950	Conservatorship
360	Contempt (child support)

## Felony

2,600

New Cases\*

## Misdemeanor

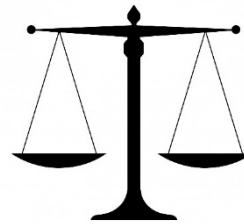
9-11,000

New Cases\*

## Other (quasi-civil, post conviction relief)

1,800

New Cases\*



\*Includes all arraignments, newly assigned Violations of Probations and cases transferred from other counsel



## Key Operational Challenges

1. Technical advances and changes such as the implementation of the Superior Court's case management system.
2. Workload increases/Staff Shortage: New legislation and mandates in the area of criminal justice defense has changed more in the last 3 years than ever in the history of justice criminal in California.
3. Proposed budget decreases with rising cost of salary and benefits.
4. Attrition, training and loss of institutional knowledge.



## Key Operational Challenges - Continued

5. Case expenses increasing year over year.
6. Shift to Holistic Representation Model of defense no longer merely preferred, but a mandated practice model.
7. Keeping court rooms staffed daily with limited staff and increased paid time-off allowance.



## Key Operational Opportunities

1. Collaboration with the Justice Partners (DA, Sheriff-Probation) to better serve the needs of the community.
2. Collaboration with Social Justice Partners (Health, Human, Child Support, CDC, County Counsel) to better serve the needs of the community.
3. Collaboration with Community Based Organizations.
4. Technical advances and changes such as the implementation of the Superior Court's case management system.



# Our Goals Are Mandated by Federal and State Law:

## *Government Code Section 27706*

- Managing multiple new legislative changes in California
  - SB1437 – possible resentencing of 137 inmates dating back to 1965 in Sonoma County.
  - AB1810/SB215 - Mental Health Diversion.
  - Proposition 64 – this ongoing effort continues to challenge this office with approximately 2300 cases remaining.
  - Proposition 47 – Retroactive Application of Reducing Felonies to Misdemeanors.
  - SB260/261 – Youthful Offender Parole (*Franklin/Perez Hearings*).
  - Proposition 63 – Gun Control Initiative.
  - SB 54 – California Values Act re: Immigration.
  - SB57 – Public Safety and Rehabilitation Act.





# Department Reduction Impacts

- Net Target: \$10,649,182
- Our budget is composed of 95% General Fund monies.
- Increased Salary and Benefits combined with a net cost target reduction of 2.2% together resulted in a \$1,054,432 reduction in staff to meet our net cost target.
- Proposed reductions include:
  - ATTORNEYS – 5.5 FTE
  - Law Clerk Program (extra-help)
  - All additional extra-help



# Supplemental Information to Department Overview

## Funding Table

	General Fund	General Fund FTE
FY 2019-20 Status Quo	\$11,703,614	51.0
FY 2019-20 GFC (net cost)	\$10,649,182	45.5
FY 2019-20 Gap	\$1,054,432	5.5



# ATTORNEY ADD-BACK – Impact of Reductions

**Government Code Section 27706 – The Public Defender shall perform the following duties...**

- The Department maintains that any reduction of any staff will significantly impede our ability to effectively represent clients.
- For the purpose of providing options to the Board add-backs are requested in increments of 2 attorneys each. For each two attorneys reduced, a misdemeanor courtroom would not be staffed. Furthermore delays in proceedings could be inevitable resulting in higher incarceration rates and increased cost to the Sheriff's Detention Unit.
- The Department would be forced to refuse appointments in 6 treatment courts, child support contempt hearings, and all conservatorship proceedings at a substantial increased cost to the County for private contracts.



# LAW CLERK and EXTRA-HELP PROGRAM BUDGET

- The Law Clerk Program is essential to the performance of the Department. Law Clerks perform research, draft and often argue motions, and organize and prepare documents and data for trial. This essential and mandated work relieves attorney staff at a much reduced cost. Law Clerks are responsible for research, investigation and drafting post conviction relief for expungements and pardons of criminal records.
- Additional extra-help funding is used to back-fill employees on leave as well as reduce back-log of clerical work caused by the Superior Court management system, new laws requiring the filing of mandated Petitions, mitigation work, and post conviction relief.
- Post Conviction Relief Services will be reduced.





We CANNOT  
Do more with less





**We are barely  
hanging on NOW!**

