



FY 2020-21 Budget

Budget Workshops

Law Office of the Public Defender

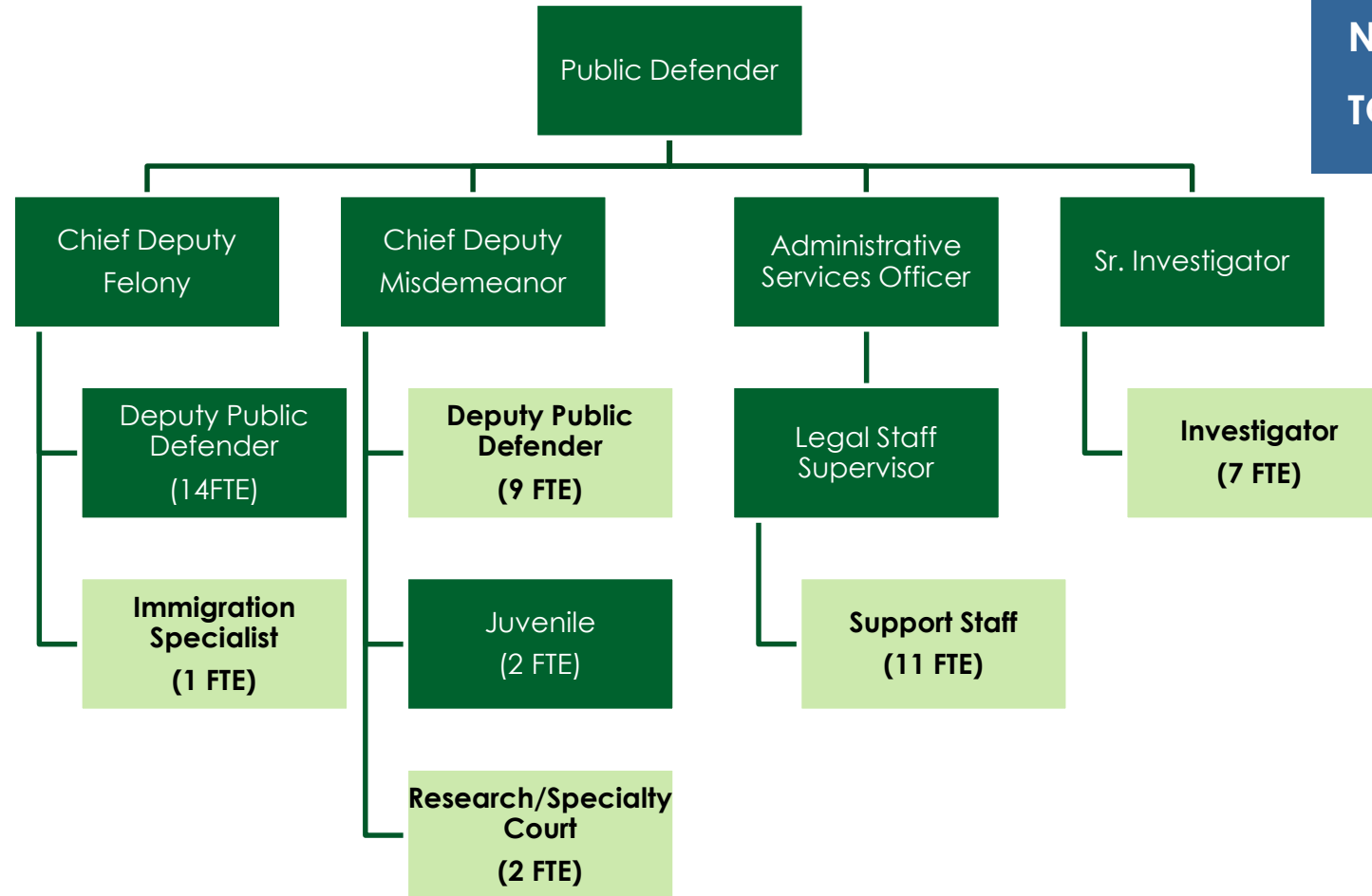
Department Overview

FY 2019-20 ADOPTED: \$12,429,604

FY 2020-21 REC + SUPP: \$12,982,488

NET CHANGE : \$552,884

TOTAL FTE: 52.0



State and Federal Impacts to FY 2020-21 Budget

None to report.



Departmental Funding Sources Impacts

Funding Source	Rcmd. Budget	Adjusted Amt.	% of Source
General Fund Contribution	\$12,149,257	-\$1,214,936	-10%
State, Federal & Other Funds	\$ 180,000	\$0	0%
Fees & Charges for Services	\$ 35,000	\$0	0%
Use of Fund Balance	\$ 43,500	\$0	0%
Other Departmental Revenue	\$ 500	\$0	0%
Internal Reimbursements & Transfers	\$ 574,231	\$0	0%
Total Sources	\$12,982,488	-\$1,214,936	-9%



Department Managed Fund Balances Available for 1X Source Decline Backfill

Fund Description	Total Available	Proposed Amount
None to report.		



Summary of Proposed Adjustments Aligning to Reduced Estimated Sources

Description	Amount	FTE Alloc.	Filled FTE ¹
Law Clerk Program – Extra-Help Reduction	-\$155,250		
Investigator II	-\$123,783	-1.0	1.0
Immigration Specialist – Deputy Public Defender	-\$256,964	-1.0	0.0
Deputy Public Defender(s) – Misdemeanor ²	-\$605,695	-4.0	4.0
Other Operational Expenses	-\$73,244		
Total	-\$1,214,936	-6.0	5.0

Footnotes:

1. Actual Layoffs are in the process of being reviewed.
2. Deputy Public Defender positions include the Immigration Specialist.



Summary of Proposed Adjustments – Addbacks to Fund Current Positions

Description	Amount	FTE Alloc.	Filled FTE*
Deputy Public Defender III	\$256,964	1.0	1.0

**Actual Layoffs are in the process of being reviewed.*



Summary of Impacts of Proposed Adjustments

List of impacted Services

- Treatment Courts
- Civil courts
- Immigration Specialist consultation
- Law Clerk research
- Clerical
- Investigation services – Civil, and Criminal investigation reductions



Criminal defense is mandated by the 6th and 14th Amendments of the United States Constitution.



Summary of Impacts – Courtroom Services Reductions

Criminal Court:

- **Drug Treatment Court** – 24 month program with treatment, testing and consequences designed to reduce criminal recidivism.
- **DUI Court**
- **Domestic Violence**
- **Veteran's Valor Court**
- **Homeless Court** – working to reduce barriers to housing.
- **Mental Health/FACT** – serving 50 clients at a time with mental health diagnosis on probation for criminal charges.

Civil Court:

The Department's Civil Case responsibilities continue to rise with a growing number of elderly and also a growing need for mental health services.

- **Limited Conservatorship** – Developmentally disabled adults in various living situations. Approximately 600 clients.
- **LPS** – 180 clients, institutionalized individuals with serious mental health diagnosis.
- **Probate Conservatorships** -15-20 new cases per year requiring a substantial investigation report and complex annual accounting – 250 clients
- **Child support services** – 100-120 clients



Summary of Impacts – Immigration Specialist

The Department is required to advise clients on the consequences of sentencing/plea agreements on their immigration status. Failure to do so is ineffective assistance of counsel.

- Training reduced – subjecting attorneys to possible adverse legal consequences.
- A professional services agreement for consultation will be required costing the county more than the FTE.
- Immigration consequences research will be re-distributed. In FY18-19, the immigration specialist provided over **400 written case consultations and over 1,500 analysis.**



Summary of Impacts of Proposed Adjustments – cont.

LAW CLERK PROGRAM – Extra-help

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.

- Expungements
- Reduction in sentencing



Summary of Impacts – Investigation Services

- Each investigator's daily caseload is comprised of approximately 25 active cases. An investigator's caseload can include the range for all types of cases assigned to the Public Defender's Office, from civil cases, i.e. conservatorship, to the wide swath of all criminal cases from DUI's to special circumstance homicide cases. 3 investigators are bilingual.
- A reduction in 1 FTE will impact the overall caseload to such a degree that investigations would not be completed in time resulting in cases possibly having to be continued beyond the constitutionally mandated timelines.
- 2,225 case investigations were completed in FY18-19. Note – a single investigation may be applied to multiple cases for per individual.



Summary of Impacts – Operational & Clerical Service Expenses

- Memberships, training and travel expenses will be suspended including employer provided memberships to the Sonoma County Bar Association and California Public Defender's Association.
- Department will reduce case expenses. In part, delays in cases due to a reduction in the workforce will contribute to this reduction but in many instances the Department will reduce investigation requests in cases with lower potential consequences.
- Filing and scanning will be delayed and create a backlog within the office. Incomplete files create an increase risk of liability to the client and the attorney.

