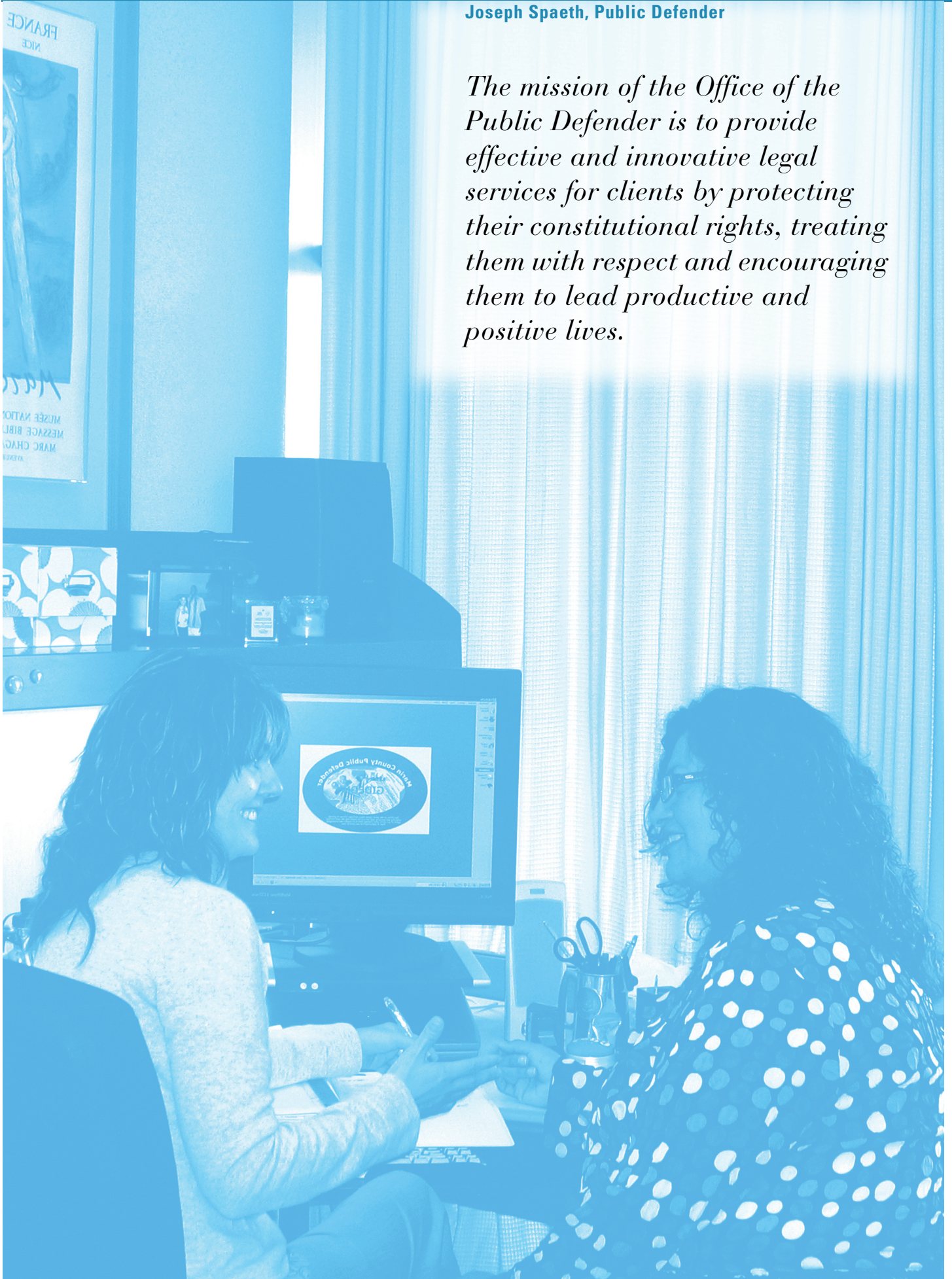


Public Defender

Joseph Spaeth, Public Defender

The mission of the Office of the Public Defender is to provide effective and innovative legal services for clients by protecting their constitutional rights, treating them with respect and encouraging them to lead productive and positive lives.



DEPARTMENT SUMMARY

General Fund	FY 2007-08 Actual	FY 2008-09 Proposed	FY 2008-09 Approved	FY 2009-10 Recommended	FY 2009-10 Change
Expenditures					
Salaries & Benefits	\$6,657,399	\$6,936,202	\$6,936,202	\$6,651,803	(\$284,399)
Service and Supplies	203,195	188,345	188,345	188,345	-
Other Charges	979	1,000	1,000	1,000	-
Interdepartmental Charges	177,334	178,174	178,174	151,918	(26,256)
Total Expenditures	\$7,038,907	\$7,303,721	\$7,303,721	\$6,993,066	(\$310,655)
Revenues					
Intergovernmental Revenues	\$1,625,209	\$1,516,075	\$1,516,075	\$1,379,651	(\$136,424)
Charges for Current Services	113,687	281,837	281,837	281,837	-
Miscellaneous Revenues	-	1,200	1,200	1,200	-
Total Revenues	\$1,738,896	\$1,799,112	\$1,799,112	\$1,662,688	(\$136,424)
Net County Cost (NCC)	\$5,300,011	\$5,504,609	\$5,504,609	\$5,330,378	(\$174,231)
Allocated Positions (FTE)	44.61	44.11	44.75	44.25	(0.50)

Department Overview

The Public Defender's Office is the County law office that provides legal representation for indigent persons charged with felony, misdemeanor, juvenile and family support crimes. As well as for indigent people against whom County Counsel seeks mental or disability commitments, probate code conservatorship actions and dependency declarations. The office is committed to ensuring representation that meets the constitutional, statutory and decisional requirements of law that guarantee every indigent person effective assistance of counsel before the courts.

The Public Defender includes the following programs:

- Collaborative Justice
- Defense Services

The Public Defender's Office represents eligible clients in the criminal, probate, civil and juvenile courts. This representation includes eligible persons who wish to have their records sealed through the office's Restoration of Rights program.

Accomplishments FY 2008-09

- Successful implementation of the GIDEON case management system
- Excellent results for Public Defender clients in court
- Began representation of in-custody clients at arraignment following successful pilot
- Concluded successful year of office "Green Team" that introduced many ecologically important procedures in the office

Goals and Initiatives FY 2009-10

GOAL I

Promote legal excellence through knowledge, hard work and commitment to purpose

FY 2009-10 Initiatives

- Continue to work with District Attorney and courts to facilitate early settlement of appropriate cases at both in-custody and out-of-custody arraignments

Public Defender

PUBLIC SAFETY

- Provide essential training to staff with increased in-house training sessions and encourage attendance at valuable California Public Defender's Association (CPDA) training seminars
- Continue enhancing the operational benefits of the GIDEON case management program and increase staff familiarity and efficiency using the program
- Work with courts and other criminal justice departments to create efficiencies through use of wireless technology

GOAL II

Advocate for the most therapeutic and restorative outcomes to help clients achieve a more promising future

FY 2009-10 Initiatives

- Work to improve and expand the Adult Drug Court as an adjunct to statutory drug diversion and Proposition 36 programs that will provide a continuum of treatment availability
- Continue to support, expand and improve Juvenile Drug Court, STAR Court and Family Violence Court
- Encourage efforts to reach out to Marin communities to establish restorative programs with community volunteers to reduce court and probation cases

GOAL III

Adhere to the highest ethical and personal standards in representing clients and working with colleagues

FY 2009-10 Initiatives

- Conduct in-house ethics training and promote high ethical standards and job performance through management coaching
- Conduct annual performance evaluations of all staff to promote cordial, cooperative and helpful attitudes as well as excellent job performance
- Conduct annual internet satisfaction survey to assess perceptions of the courts and other departments of our performance

GOAL IV

Promote effective communication, beneficial work/life balance and diversity appreciation

FY 2009-10 Initiatives

- Continue successful Work/Life Balance Committee which offers informational presentations on various subjects that further an active and healthy lifestyle that balances work with life away from work

- Continue use of participatory management approaches, such as the 360-degree evaluation and annual meetings between the department head and each staff member
- Encourage community activity by sending Public Defender staff to schools and other community forums over the coming year.
- Expand diversity training within the department's in-house training schedule

GOAL V

Promote sustainability through environmentally healthy and energy-conserving practices

FY 2009-10 Initiatives

- Continue to monitor green practices within the office and volunteer to pilot County efforts to become more sustainable

Description and Impacts of Budget Reductions

FTE Reduced	Change in Expenditure	Change in Revenue	Change in Net County Costs	% NCC Change
(0.50)	(\$70,674)	-	(\$70,674)	-1.3%

- **Description:** Reduce 0.5 FTE vacant Deputy Public Defender II position.
- **Programmatic Impacts of Proposed Changes:** Decreasing attorney staffing will result in increased workload for remaining attorneys, and potential decrease in the number of cases that can be supported.

Key Challenges and Outstanding Issues

- Budget reduction requirements will challenge the office's ability to continue efficiencies in the management of office processes and court coverage; however, there will be no reduction in the quality of representation provided to clients
- The Public Defender will continue to work with criminal justice partners to dispose of appropriate cases as early as possible and avoid unnecessary continuances
- For the criminal justice system to best serve the public and increase safety it is important to continue its problem solving courts and to look for new ways to provide therapeutic and restorative approaches with community participation

- The reorganization of the office will present a challenge but employees are embracing the opportunity to provide the services in a more flexible and efficient manner

Overview of Programs

FY 2009-10 Estimated Cost of Program Services

PUBLIC DEFENDER PROGRAM SUMMARY				
General Fund Program Services	FTE	Total Expenditures	Total Revenues	Net County Cost
Collaborative Justice	4.00	\$176,959	-	\$176,959
Defense Services	40.25	\$6,816,107	(\$1,662,688)	\$5,153,419
Total	44.25	\$6,993,066	(\$1,662,688)	\$5,330,378
% of Budget			24%	76%

Collaborative Justice

Program Description and Responsibilities

Collaborative Justice	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	4.00	\$176,959	-	\$176,959

In collaboration with the Marin County Superior Court, District Attorney, Probation and Health and Human Services departments, the Public Defender has implemented collaborative justice court models including: the Adult Drug Court, Juvenile Drug Court, the Support and Treatment After Release (STAR) Mentally Ill Offender Court and Treatment Program and a Proposition 36 Court. This past year a Family Violence Court was added. These collaborative problem-solving courts help to coordinate and promote the rehabilitation and treatment of offenders by focusing on health and social issues that are often the underlying causes of crime.

Offenders must meet acceptance guidelines to participate in each court and enrollment is limited. Participants must follow a treatment program, submit to intense court monitoring and meet certain goals and standards to graduate from the court. Participating departments meet weekly with the presiding judge to discuss the progress of participants prior to holding weekly sessions where participants check in with the judge and may face penalties for variance from the program's requirements.

- Health and Human Services: Support and Treatment After Release (STAR) Program, Proposition 36 Court

- Public Safety: Adult Drug Court, Juvenile Drug Court, Family Violence Courts

FY 2009-10 Initiatives

- Promote improvement and expansion of Adult Drug Court as an adjunct to statutory drug diversion and Proposition 36 programs that will provide a continuum of treatment availability
- Seek to expand all problem-solving courts as resources permit
- Encourage efforts to reach out to Marin communities to establish restorative programs with community volunteers to reduce court and probation cases

Defense Services

Program Description and Responsibilities

Defense Services	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	40.25	\$6,816,107	(\$1,662,688)	\$5,153,419

Defense Services is the primary program within the Public Defender's Office and is responsible for providing legal services that meet constitutional mandates for representation of indigent persons charged with felony, misdemeanor, juvenile and family support crimes. The program also provides representation of indigent people against whom County Counsel seeks mental or disability commitments, probate code conservatorship actions and dependency court actions.

FY 2009-10 Initiatives

- Expand in-custody and out-of-custody arraignment representation to provide early settlement in appropriate cases
- Enhance the representation of vulnerable client populations through therapeutic and restorative approaches and with appropriate social work interventions
- Continue refinement of General Information for Defence Evaluation and Organization Network (GIDEON) case management system to improve efficiency and move to paperless records-keeping in the future
- Implement reorganization plan to provide more flexible and efficient client service in times of less resources
- Provide essential training to staff with increased in-house training sessions

Performance Measures

Public Defender Customer Service

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Percent of survey respondents who "strongly agreed" or "agreed" that representation by the Office of the Public Defender was satisfactory	n/a	82%	75%	80%
Percent of survey respondents who "strongly agreed" or "agreed" that staff of the Office of the Public Defender was cordial and respectful at all times	n/a	82%	75%	80%

Department Comments:

Surveys are given to the judiciary and other criminal justice agencies with which the department works.

Objective: Achieve at least a 90% rate of expungements granted by the Courts for qualified clients compared with potential expungements

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Number of clients contacted regarding available services	n/a	600	740	0
Number of requests for record expungement	174	272	370	120
Number of expungement requests prepared and presented in court for qualified clients	161	350	318	100
Efficiency Measures				
Number of staff hours per expungement	5	5	5	5
Effectiveness Measures				
Percent of expungements granted by court for qualified clients compared with potential expungements	88%	89%	90%	90%
Number of expungements granted for eligible clients	142	184	285	90

Department Comments:

Due to budget reductions, the Public Defender will no longer do outreach for expungements. However, the department's initial outreach succeeded in increasing awareness among the population. Even with outreach, the numbers would eventually level off because a great majority of those in need of this service would not be granted expungements by the court. The Public Defender will continue to provide this service and advise clients post disposition to contact staff at the conclusion of their probation.

Objective: Increase the number of defendants seen prior to arraignment and assist clients who wish to enter pleas at the time of arraignment to do so advisedly to reduce unnecessary subsequent court appearances

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Number of requests for public defender assistance at arraignments	n/a	3,000	3,000	4,000
Efficiency Measures				
Number of cases settled through negotiation at arraignment	n/a	25	40	500
Number of continuances avoided (based on the estimate that there are usually at least 3 additional court appearances calendared when a case is continued at arraignment)	n/a	n/a	n/a	1,500
Effectiveness Measures				
Number of clients whose bail was reduced through public defender advocacy	n/a	100	120	120
Number of clients released from custody on own recognizance through public defender advocacy	n/a	500	600	500

Department Comments:

A Deputy Public Defender has been appearing with in-custody defendants at arraignment this past fiscal year; however, relatively few settlements have been accomplished for a variety of reasons. The office has recently begun a pilot program of making a deputy public defender available at out-of-custody arraignments for possible same day dispositions. This has been possible because the District Attorney has provided plea offers on many cases. The Public Defender hopes to increase the number of daily pleas to 3-5 per day. It is anticipated that the number of requests for arraignment representation will increase as more people become aware of the program.