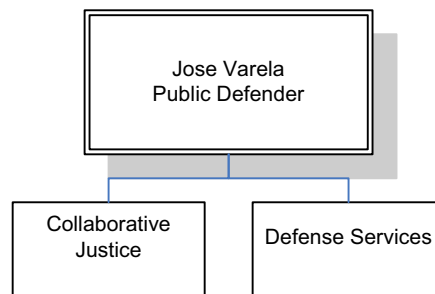


# Public Defender

Jose Varela, 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 2008-09 Actual	FY 2009-10 Proposed	FY 2009-10 Approved	FY 2010-11 Recommended	FY 2010-11 Change
<b>Expenditures</b>					
Salaries & Benefits	\$6,665,290	\$6,651,803	\$6,581,129	\$6,939,963	\$358,834
Service and Supplies	188,327	188,345	188,345	185,845	(2,500)
Other Charges	1,000	1,000	1,000	1,000	-
Interdepartmental Charges	179,264	151,918	151,918	184,099	32,181
<b>Total Expenditures</b>	<b>\$7,033,881</b>	<b>\$6,993,066</b>	<b>\$6,922,392</b>	<b>\$7,310,907</b>	<b>\$388,515</b>
<b>Revenues</b>					
Intergovernmental Revenues	\$1,355,557	\$1,379,651	\$1,379,651	\$1,238,764	(\$140,887)
Charges for Current Services	219,984	281,837	281,837	281,837	-
Miscellaneous Revenues		1,200	1,200	1,200	-
<b>Total Revenues</b>	<b>\$1,575,542</b>	<b>\$1,662,688</b>	<b>\$1,662,688</b>	<b>\$1,521,801</b>	<b>(\$140,887)</b>
<b>Net County Cost (NCC)</b>	<b>\$5,458,340</b>	<b>\$5,330,378</b>	<b>\$5,259,704</b>	<b>\$5,789,106</b>	<b>\$529,402</b>
<b>Allocated Positions (FTE)</b>	<b>44.75</b>	<b>44.25</b>	<b>44.50</b>	<b>43.75</b>	<b>(0.75)</b>

## 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'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.

The Public Defender includes the following programs:

- Collaborative Justice
- Defense Services

## Accomplishments FY 2009-10

- Effectively downsized to meet new budget realities
- Worked with criminal justice and judicial partners to create efficiencies and improve service to clients, including revisions to scheduling and early plea program
- Continued to promote therapeutic courts and began reentry initiatives such as the Phoenix Program in Marin City

## Goals and Initiatives FY 2010-11

### GOAL I

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

#### FY 2010-11 Initiatives

- Strengthen existing training program to allow for more in-house training to save budget resources
- Reorganize office work flow and staff assignments; use technology to enhance communication and effective case management like the General Information for Defense Evaluation and Organization Network (GIDEON)

# Public Defender

## PUBLIC SAFETY

- Train staff to maximize revenue generation

### GOAL II

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

#### FY 2010-11 Initiatives

- Work with therapeutic courts to integrate SharePoint
- Work with Steering Committee to maximize therapeutic court participation and possibly expand eligibility
- Encourage a resurgence of therapeutic recognition by more actively participating in graduation and other program outreach

### GOAL III

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

#### FY 2010-11 Initiatives

- Hold quarterly ethics trainings
- Work with supervisors and lead attorneys to conduct ethics reviews with attorneys and investigators they supervise
- Increase Peer Review Committee meetings to continually review office standards

### GOAL IV

**Promote effective communication, beneficial work-life balance, and diversity appreciation**

#### FY 2010-11 Initiatives

- Hold six work-life balance activities in the fiscal year
- Continue to support community outreach efforts within the county
- Maintain high customer service satisfaction levels through electronic surveys of judges and others

### GOAL V

**Promote sustainability through environmentally healthy and energy-conserving practices**

#### FY 2010-11 Initiatives

- Promote scanning and electronic data gathering through the General Information for Defense Evaluation and Organization Network (GIDEON) case management system
- Avoid overuse of supplies like paper and copier ink
- Maintain office recycling efforts and other "green" activities

## Description and Impacts of Budget Reductions

FTE Reduced	Change in Expenditure	Change in Revenue	Change in Net County Costs
(0.75)	(\$110,099)	-	(\$110,099)

• **Description:** Delete 0.75 FTE vacant Deputy Public Defender positions; Reduce miscellaneous services budget by \$2,500

• **Programmatic Impacts of Proposed Changes:** FTE reductions are presently vacant positions, and should therefore have minimal impact to the department. Nominal reduction in miscellaneous services budget can be absorbed without any programmatic impacts.

## Key Challenges and Outstanding Issues

- On-going budgetary reductions continue to create staffing shortages
- Maintaining professionally acceptable service levels and continuing to support all therapeutic courts as the department loses staff through budgetary reductions
- Obtaining and maintaining sufficient bilingual staff, particularly in investigation

## Overview of Programs

### FY 2010-11 Estimated Cost of Program Services

PUBLIC DEFENDER PROGRAM SUMMARY				
General Fund Program Services	FTE	Total Expenditures	Total Revenues	Net County Cost
Collaborative Justice	0.75	\$148,448	-	\$148,448
Defense Services	43.00	\$7,162,459	(\$1,521,801)	\$5,640,658
<b>Total</b>	<b>43.75</b>	<b>\$7,310,907</b>	<b>(\$1,521,801)</b>	<b>\$5,789,106</b>
% of Budget			21%	79%

## Collaborative Justice Program Description and Responsibilities

Collaborative Justice	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2010-11 General Fund Program Budget	0.75	\$148,448	-	\$148,448

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. The department also added a Family Violence Court this past year. 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.

## Performance Measures

### Defence Services

**Objective: Achieve at least a 90 percent rate of expungements granted by the courts for qualified clients compared with potential expungements**

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
<b>Workload Measures</b>				
Number of requests for record expungement	272	n/a	120	120
Number of expungement requests prepared and presented in court for qualified clients	350	n/a	100	100
<b>Efficiency Measures</b>				
Number of staff hours per expungement	5	5	5	5
<b>Effectiveness Measures</b>				
Percent of expungements granted by court for qualified clients compared with potential expungements	89%	90%	90%	90%
Number of expungements granted for eligible clients	184	n/a	90	90

For more information about Collaborative Justice, please reference the following program descriptions:

- 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 2010-11 Initiatives

- Work with courts and criminal justice/behavioral health partners to maintain and strengthen collaborative courts

## Defense Services Program Description and Responsibilities

Defense Services	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2010-11 General Fund Program Budget	43.00	\$7,162,459	(\$1,521,801)	\$5,640,658

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.

# Public Defender

## PUBLIC SAFETY

### Story Behind Performance:

Due to budget reductions, the department is no longer doing outreach for expungements. However, the department believes that initial outreach succeeded in increasing awareness among the population and anticipates that even without outreach the numbers would level off because of a reduction in the number of those in need who were unaware of or had procrastinated about these services. The department will continue to provide this service and advise clients to re-initiate contact 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 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
<b>Workload Measures</b>				
Number of requests for public defender assistance at arraignments	3,000	3,009	3,000	4,000
<b>Efficiency Measures</b>				
Number of cases settled through negotiation at arraignment	25	6	300	300
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	1,500	1,500
<b>Effectiveness Measures</b>				
Number of clients whose bail was reduced through public defender advocacy	100	54	30	100
Number of clients released from custody on own recognizance through public defender advocacy	500	320	400	350

### Story Behind Performance:

A Deputy Public Defender has been appearing with in-custody defendants at arraignment; however, relatively few settlements have been accomplished for a variety of reasons. Now the office, after a successful pilot program, is making a Deputy Public Defender available at out-of-custody arraignments for possible dispositions the same day. This has been possible because the District Attorney has provided plea offers on many cases. It is hoped that eventually there will be three to five pleas per day and that most misdemeanor cases will require no more than three court appearances to disposition.

# Public Defender

