

**Public Defender's Office
FY 2009-10 Performance Plan**

I. MISSION STATEMENT

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.

II. 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.

III. FY 2008-09 ACCOMPLISHMENTS

- Successful implementation of the GIDEON case management system
- Excellent results for our 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 our office

IV. GOALS AND KEY INITIATIVES FOR FY 2009-10

Goal 1: Promote legal excellence through knowledge, hard work and commitment to purpose

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

Excellent service is required in Goals I & III of the Strategic Plan; defense attorneys are also obligated by the U.S. Constitution, California Constitution, California statutes and case law to provide competent representation of clients.

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FY 2009-10 Key Initiatives

1. Continue to work with District Attorney and courts to facilitate early settlement of appropriate cases at both in-custody and out-of-custody arraignments
2. Provide essential training to staff with increased in-house training sessions and encourage attendance at valuable California Public Defender's Association (CPDA) training seminars
3. Continue enhancing the operational benefits of the GIDEON case management program and increase staff familiarity and efficiency using the program
4. Work with courts and other criminal justice departments to create efficiencies through use of wireless technology

Goal 2: Advocate for the most therapeutic and restorative outcomes to help clients achieve a more promising future

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

In addition to the alignment with Goals I & III of the Strategic Plan, therapeutic and restorative programs have proven to reduce recidivist behavior which promotes public safety and contributes to a more healthy and sustainable future envisioned in Goal III of the Strategic Plan.

FY 2009-10 Key Initiatives

1. 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
2. Continue to support, expand and improve Juvenile Drug Court, STAR Court and Family Violence Court
3. Encourage efforts to reach out to Marin communities to establish restorative programs with community volunteers to reduce court and probation cases

Goal 3: Adhere to the highest ethical and personal standards in representing clients and working with colleagues

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

Ethics training is required by the State Bar, but more importantly, unassailable ethical standards are essential to our legal practice—critical to effective representation of our clients, crucial to our office reputation and important for successful court interaction. In addition, we strive to provide the best possible service to clients and, when consistent with our obligation to clients, collaboration and good collegiality with our working partners.

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FY 2009-10 Key Initiatives

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

Goal 4: Promote effective communication, beneficial work/life balance, and diversity appreciation

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

Management uses a transparent and participatory leadership approach to promote new ideas and increased employee satisfaction. The office belief is that employees who have a well balanced life will be more effective and contented in line with Goal V of the Strategic Plan. Management also strives for continuous improvement, achievement of which requires employee input and commitment.

FY 2009-10 Key Initiatives

1. 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
2. Continue use of participatory management approaches, such as the 360-degree evaluation and annual meetings between the department head and each staff member
3. Encourage community activity by sending Public Defender staff to schools and other community forums over the coming year
4. Expand diversity training within our in-house training schedule

Goal 5: Promote sustainability through environmentally healthy and energy-conserving practices

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

Our "Green Team" has successfully changed the culture in our office through increased awareness and changed policies. Though the Team has done almost all that can be done within the office, it will remain attuned to County initiatives that require departmental involvement and will continue to email the weekly "Green Tips" to persons and departments who have expressed a desire to receive it.

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FY 2009-10 Key Initiatives

1. Continue to monitor green practices within our office and volunteer to pilot County efforts to become more sustainable

V. KEY CHALLENGES AND 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 we provide to our clients
- The Public Defender will continue to work with our 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 just such a challenge, but employees are embracing the opportunity to provide our services in a more flexible and efficient manner

VI. PERFORMANCE MEASURES

PUBLIC DEFENDER

Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 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 we work.

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

Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
Workload Measures				

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Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
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, we will no longer do outreach for expungements. However, we believe that our initial outreach succeeded in increasing awareness among the population and we anticipate that even with outreach the numbers would level off because we reduced a great majority of those in need who were unaware of or had procrastinated about these services by our outreach efforts. We will continue to provide this service and advise clients post disposition to contact us 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 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 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

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Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
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 recognisance 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 dispositions that day. This has been possible because the District Attorney has provided plea offers on many cases. It is hoped that eventually there will be 3-5 pleas per day. It is anticipated that the number of requests for arraignment representation will increase as more people become aware of the program.