

**Public Defender's Office
FY 2010-11 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'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

III. FY 2009-10 ACCOMPLISHMENTS

- 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

IV. GOALS AND KEY INITIATIVES FOR FY 2010-11

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

Our core responsibility: effective job performance to maximize client benefit and meet legal and ethical standards. This goal aligns with the community goal of safe communities in promoting social justice and the organizational goal of excellent customer service in being knowledgeable and accountable. 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 2010-11 Key Initiatives

1. Strengthen existing training program to allow for more in-house training to save budget resources
2. 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)
3. Train staff to maximize revenue generation

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

This goal aligns with the community goal of safe communities in promoting a fair justice system through restorative and therapeutic programs. Therapeutic and restorative programs have proven to reduce recidivist behavior which promotes public safety and contributes to a healthier and sustainable future envisioned in Goal III of the Strategic Plan.

FY 2010-11 Key Initiatives

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

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

This goal aligns with the community goal of safe communities by promoting social justice and the organizational goal of excellent customer service in being accountable, respectful and nondiscriminatory. Ethics training is also required by the State Bar, but more importantly, unassailable ethical standards are essential to the department's legal practice, critical to effective representation of clients, crucial to the office's reputation and important for successful court interaction.

FY 2010-11 Key Initiatives

1. Hold quarterly ethics trainings

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FY 2010-11 Key Initiatives

2. Work with supervisors and lead attorneys to conduct ethics review with attorneys and investigators they supervise
3. Increase Peer Review Committee meetings to continually review office standards

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

This goal aligns with the organizational goal to be the employer of choice through work-life balance and retention efforts as well as to achieve effective communication. Departmental management continues to use 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 content, which is in line with being the employer of choice. Management also strives for continuous improvement, achievement of which requires employee input and commitment. Community outreach is important for the office to stay in touch with community issues that may provide remedial influence on clients and aid in the re-entry of clients back into a safer environment.

FY 2010-11 Key Initiatives

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

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

This goal aligns with the community goal to support sustainability through efficient resource use and energy preservation as well as environmental preservation through environmental stewardship and enhancement. To this end, the department "green team" has successfully changed office culture through increased awareness and changed policies. While the team no longer meets regularly, the department will continue to monitor the maintenance of environmentally sustainable practices. Though no longer able to provide it weekly, when possible, managers will forward the "green tips" emails to persons and departments who have expressed a desire to receive it.

FY 2010-11 Key Initiatives

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FY 2010-11 Key Initiatives

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

V. KEY CHALLENGES AND 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

VI. PROGRAM OVERVIEW

PROGRAM 1: COLLABORATIVE JUSTICE

PROGRAM DESCRIPTION AND RESPONSIBILITIES

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.

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 PROGRAM INITIATIVES

- **INSTRUCTIONS:** Please add up to 5 (five) key program initiatives below for FY 2010-11.

FY 2010-11 Program Initiatives

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FY 2010-11 Program Initiatives

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

PROGRAM 2: DEFENSE SERVICES

PROGRAM DESCRIPTION AND RESPONSIBILITIES

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.

VII. PERFORMANCE MEASURES

DEFENSE SERVICES

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

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
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
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	89%	90%	90%	90%
Number of expungements granted for eligible clients	184	n/a	90	90

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

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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 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Number of requests for public defender assistance at arraignments	3,000	3,009	3,000	4,000
Efficiency Measures				
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
Effectiveness Measures				
Number of clients whose bail was reduced through public defender advocacy	100	54	30	100
Number of clients released from custody on own recognisance 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.