

Public Defender

FY 2011-12 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. ACCOMPLISHMENTS FOR FY 2010-11

- Created a management structure that fully utilizes management staff to assist in day-to-day court coverage
- Created and maintained an officer-of-the-day system to handle daily client and as well as internal and external customer inquiries
- Fully utilized the volunteer attorney and certified law clerk programs in conjunction with the County's Civic Center Volunteers program to help maintain service levels
- Expanded training opportunities and reduced training costs by doing more in-house trainings and participating in San Diego County Public Defender's web-based training program
- Supported the therapeutic court system by working with Department of Alcohol and Drug Program (ADP) staff to achieve multi-year federal funding for the Adult and Juvenile Drug Courts
- Supported community outreach programs such as the Phoenix Program in Marin City and the Marin County Department of Education's School-to-Career partnership
- Joined with the Marin County Superior Court and the District Attorney's Office to provide staffing and voluntary client participation in Drinking Under Influence (DUI) Trials at various schools

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IV. GOALS AND KEY INITIATIVES FOR FY 2011-12

Countywide Goals				
I. Healthy Communities	II. Safe Communities	III. Sustainable Communities	IV. Environmental Preservation	V. Community Participation
VI. Excellent Customer Service	VII. Employer of Choice	VIII. Effective Communication	IX. Managing for Results	X. Financial Responsibility

GOAL I

Promote legal excellence through innovative staff development, effective use of resources, and a collaborative and responsive management approach

FY 2011-12 Key Initiatives

Initiatives	Countywide Goals
1. Conduct 12 in-house trainings and four ethics trainings	VII. Employer of Choice
2. Work with schools and community groups to help students and citizens understand and appreciate fundamental constitutional rights through an understanding of the role of the Public Defender in the legal system	V. Community Participation
3. Promote the "Prevent Defense" advocacy program to encourage youth to join programs that will assist them in making safe and sustainable life choices	V. Community Participation
4. Collaborate with County Administrator's Office and department managers to further refine workload indicators	IX. Managing for Results

GOAL II

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

FY 2011-12 Key Initiatives

Initiatives	Countywide Goals
1. Track the number and outcome of clients who are referred for substance abuse, mental health treatment and family	I. Healthy Communities

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FY 2011-12 Key Initiatives

violence court	
2. Assess factors that lead to treatment disengagement by conducting follow-up interviews with clients who drop out of treatment courts	II. Safe Communities
3. Assess factors that lead to treatment successes by conducting follow-up interviews with clients who succeed in treatment courts	IX. Managing for Results

GOAL III

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

FY 2011-12 Key Initiatives

Initiatives	Countywide Goals
1. Conduct at least four in-house legal ethics trainings	IX. Managing for Results
2. Create a more formalized review of ethical issues that arise in the office	IX. Managing for Results
3. Conduct trainings on substance abuse and elimination of bias in the courts	VII. Employer of Choice

GOAL IV

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

FY 2011-12 Key Initiatives

Initiatives	Countywide Goals
1. Conduct Drinking Under Influence (DUI) Trials in high schools that are part of Marin County Superior Court's community outreach effort	V. Community Participation
2. Conduct employee appreciation events throughout the year to help boost morale and show genuine	VII. Employer of Choice

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FY 2011-12 Key Initiatives

appreciation for the work done by all staff members

3. Work with the diverse communities in Marin County to help create and enhance community appreciation for diversity

V. Community Participation

GOAL V

Promote sustainability through environmentally healthy and energy-conserving practices

FY 2011-12 Key Initiatives

Initiatives	Countywide Goals
1. Encourage staff through email and bulletin board announcements that promote environmentally sound practices such as recycling and minimizing paper usage	III. Sustainable Communities
2. Encourage staff to recycle and avoid wasteful use of paper resources	III. Sustainable Communities
3. Promote the use of ride-sharing and public transportation	III. Sustainable Communities

V. KEY CHALLENGES AND OUTSTANDING ISSUES

- Ensuring professionally competent service levels despite staffing reductions
- Working with internal and external customers to create realistic and sustainable workplace expectations
- Ensuring attorney, investigator, and support staff will obtain sufficient workplace legal experiences to handle high profile and complex litigation as experienced staff retire

VI. OVERVIEW OF PROGRAMS

1. COLLABORATIVE JUSTICE

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

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(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

2. DEFENSE SERVICES

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: 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 Actual	FY 2010-11 Target	FY 2011-12 Target
Workload Measures					
➔ Number of requests for public defender assistance at arraignments	3,000	3,009	3,029	4,000	4,000
Efficiency Measures					
Number of cases settled through negotiation at arraignment	25	6	29	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	n/a	1,500	1,500
Effectiveness Measures					

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MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Target	FY 2011-12 Target
Number of clients whose bail was reduced through public defender advocacy	100	54	19	100	100
Number of clients released from custody on own recognizance through public defender advocacy	500	320	354	350	350

Objective: See incarcerated juveniles prior to their first court appearance and any subsequent court appearance

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Target	FY 2011-12 Target
Effectiveness Measures					
➔ Percentage of incarcerated juvenile clients seen prior to first court appearance	n/a	n/a	n/a	90%	90%
➔ Percentage of incarcerated juvenile clients seen prior to any subsequent court appearance	n/a	n/a	n/a	90%	90%

➔ Indicates Key Measure

Story Behind Performance:

Due to on-going budget challenges, the courts are unable to staff juvenile court in-custody proceedings except for a few hours on several days of the week. The juvenile court is calling for more up front preparation by defense attorneys to ensure that court proceedings run as smoothly as possible. The Probation Department is also looking to reduce court wait time to better serve minors and allow reduced staff to meet their Juvenile Hall housing obligations.

The Public Defender has historically not spoken to incarcerated juvenile offenders until official paperwork had been filed and presented to the Public Defender. In conjunction with the Superior Court, District Attorney, and Probation stakeholders, Public Defender staff will now visit and consult with clients prior to such documents being filed to enhance efficiencies in court appearances by minor client.

Objective: Encouraging all public defender clients to address substance abuse, mental health and criminal history issues, allowing for a greater chance to avoid future criminal court liability

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Target	FY 2011-12 Target
Workload Measures					
➔ Number of staff trainings to educate staff on how to best work with and motivate clients with substance abuse, mental health and criminal history issues	n/a	n/a	n/a	4	4

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MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Target	FY 2011-12 Target
➔ Number of individuals counseled by staff to address substance abuse, mental health and criminal history issues	n/a	n/a	n/a	800	800

➔ Indicates Key Measure

Story Behind Performance:

It is important to measure the volume of individualized counseling sessions with clients to determine what number of clients are not being served by the current therapeutic court system. The number will be important in discussions with the courts, the District Attorney, and Probation to address these potentially unserved clients and how they can best be served.

Many clients who enter the criminal justice system do not adequately address substance abuse, mental health, or criminal history issues that only mire them further into the criminal justice system. The goal is to further promote our therapeutic court efforts by now seeking to counsel as many people as possible who might not receive or seek out such treatment because they are not referred to the limited therapeutic court slots available.

Objective: Have 100 percent Officer of the Day coverage during the fiscal year

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Target	FY 2011-12 Target
Efficiency Measures					
➔ Percent of Officer of the Day calls returned the same day as received	n/a	n/a	n/a	n/a	75%
➔ Number of clients spoken to by the Officer of the Day on any given day	n/a	n/a	n/a	7.5	7.5

➔ Indicates Key Measure

Story Behind Performance:

This measure is important to formalize the Officer of the Day procedure and to encourage the importance of this work duty through statistical validation.

For many years, client calls were handled by individual attorneys or specific staff without a formalized system. The department instituted an Officer-of-the-Day system, which is common in other offices, into daily work flows. This system has proven to be a valuable tool to address community questions and to assist support staff and otherwise busy staff in handling issues of importance to clients.