

# **Public Defender FY 2012-13 Performance Plan**

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## **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

## **III. PROGRAM DESCRIPTION AND RESPONSIBILITIES**

### **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 (STAR), Mentally Ill Offender Court and Treatment Program. These collaborative, problem-solving courts coordinate the treatment and rehabilitation of offenders by focusing on the health and social issues that are often the underlying causes of criminal conduct.

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

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### DEFENSE SERVICES

Defense Services is the primary program within the Public Defender's Office and its focus is to provide competent legal services to indigent clients facing felony, misdemeanor, juvenile, family support, probate or conservatorship court actions.

### IV. ACCOMPLISHMENTS FOR FY 2011-12

- Continued to provide competent and innovative services with smaller staff and achieved well respected litigation outcomes for clients
- Enhanced managerial preparedness by having all managers complete the Human Resources Management Academy
- Continuing excellence in handling personnel matters, including achieving an almost 100% completion of evaluations for each employee each year
- Reached out to schools and communities of Marin County through participation in the mock trial program as coaches and judges, the driving while under the influence (DUI) Trials in the Schools, the School-to-Career Partnership, and the Marin City Phoenix Project
- Worked with criminal justice partners to address Assembly Bill 109 implementation and therapeutic court funding issues
- Actively participated in the Department of Human Resources Thrive and Wellness programs and continued to promote healthy and sustainable awareness through departmental work/life balance initiatives

### V. GOALS AND KEY INITIATIVES FOR FY 2012-13

#### GOAL I

**Work with County staff to create a flatter, responsive, and collaborative organization**

<b>Countywide Goal</b>	IX. Managing for Results
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<b>FY 2012-13 Key Initiatives</b>
1. Collaborate with the department of Human Resources on organizational restructuring focusing on the delegating of responsibility and authority to lower levels of the organization
2. Measure and report on collaborative efforts undertaken by department and department personnel
3. Management and supervisory education plan

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**GOAL II**

**Promote legal excellence through professional development, effective use of resources and incorporation of technological innovation**

<b>Countywide Goal</b>	VI. Excellent Customer Service
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**FY 2012-13 Key Initiatives**

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| 1. Internal training program                     |
| 2. Lexis Nexis technology enhancement initiative |
| 3. Professional ethics lecture series            |

**GOAL III**

**Utilize holistic, therapeutic, and restorative justice solutions in the handling of all cases**

<b>Countywide Goal</b>	II. Safe Communities
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**FY 2012-13 Key Initiatives**

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| 1. Holistic, Therapeutic, and Restorative Justice Speaker Trainings   |
| 2. County Partnerships in holistic, therapeutic, and restorative justice solutions                          |
| 3. Create Measurements to capture effectiveness of holistic, therapeutic, and restorative justice solutions |

**GOAL IV**

**Promote staff improvement and professional enhancement through career development, technology training, appreciation of diversity, and appropriate work life balance**

<b>Countywide Goal</b>	VII. Employer of Choice
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**FY 2012-13 Key Initiatives**

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| 1. Career and upper mobility initiative in collaboration with the Department of Human Resources |
| 2. Plan diversity events  |
| 3. Coordinate employee appreciation events  |
| 4. Work life balance speaker series and events  |

**GOAL V**

**Support countywide sustainability and healthy alternatives initiatives as a way of promoting a healthy work environment**

<b>Countywide Goal</b>	III. Sustainable Communities
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**FY 2012-13 Key Initiatives**

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|---|
| 1. Public Defender Sustainability Education Program                                     |
| 2. Department of Human Resources and County Departments Thrive and Wellness Initiatives |

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## VI. KEY CHALLENGES AND OUTSTANDING ISSUES

- Meeting the needs of external customers and court coverage demands with reduced staff
- Ability to maintain effectiveness of all therapeutic courts
- Revenue limitations due to state budget and economy
- Demands of integrating AB 109 anticipated caseload over the next five year

## VII. PERFORMANCE MEASURES

### DEFENSE SERVICES

<b>Department Goal</b>	Goal II: Promote legal excellence through professional development, effective use of resources and incorporation of technological innovation
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**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 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
<b>Workload Measures</b>					
➔ Number of requests for public defender assistance at arraignments	3,009	3,029	3,091	4,000	4,000
<b>Efficiency Measures</b>					
Number of cases settled through negotiation at arraignment	6	29	191	300	300
Number of continuances avoided*	n/a	n/a	n/a	1,500	1,500
<b>Effectiveness Measures</b>					
Number of clients whose bail was reduced through public defender advocacy	54	19	121	100	100
Number of clients released from custody on own recognizance through public defender advocacy	320	354	231	350	350

➔ Indicates a Key Measure

\*The number of continuance avoided is based on the assumption that there are usually at least three additional court appearances calendared when a case is continued at arraignment

**Story Behind Performance:** We have shown that the County can support an effective arraignment court and provide legal representation at the first court appearance for all in custody clients. This has led to better resolutions with regards to bail and also with regards to

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release on own recognizance. We have also shown that we can settle a high number of cases at arraignment.

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<b>Department Goal</b>	Goal II: Promote legal excellence through professional development, effective use of resources and incorporation of technological innovation
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**Objective: See incarcerated juveniles prior to their first court appearance and any subsequent court appearance**

MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
<b>Effectiveness Measures</b>					
➔ Percentage of incarcerated juvenile clients seen prior to first court appearance	n/a	n/a	90%	90%	100%
➔ Percentage of incarcerated juvenile clients seen prior to any subsequent court appearance	n/a	n/a	90%	90%	100%

➔ Indicates a Key Measure

**Story Behind Performance:** The goal of this measure is to enhance our coverage of cases in the juvenile court. To date we are providing more focused coverage in the juvenile court, notwithstanding that we have reduced the number of attorneys working that court. We will continue to keep this measure so that expectation of this service level is fully implemented into our handling of juvenile cases.

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<b>Department Goal</b>	Goal III: Utilize holistic, therapeutic, and restorative justice solutions in the handling of all cases
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**Objective: Encourage 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 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
<b>Workload Measures</b>					

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MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
➔ 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	4	4	4
➔ Number of individuals counseled by staff to address substance abuse, mental health and criminal history issues	n/a	n/a	800	800	800

➔ Indicates a Key Measure

**Story Behind Performance:** Budget cuts and the lack of participation in Penal Code section 1210 court and the difficulty in maintaining appropriate numbers in both the juvenile and adult courts make this measure difficult to maintain. The public defender also lost its social worker two years ago and without such support we have been unable to have in-office support for such efforts.

<b>Department Goal</b>	Goal II: Promote legal excellence through professional development, effective use of resources, and incorporation of technological innovation
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### Objective: Have 100 percent Officer of the Day coverage

MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
<b>Efficiency Measures</b>					
➔ Percent of Officer of the Day calls returned the same day as received	n/a	n/a	n/a	75%	100%
➔ Number of clients spoken to by the Officer of the Day on any given day	n/a	n/a	7.5	7.5	7.5

➔ Indicates a Key Measure

**Story Behind Performance:** The Officer of the Day system has now been fully incorporated into the work flow and we are reaching 100% efficiency with this program. This program also led to the creation of a driving while under the influence (DUI) informational video that is now posted on our website to help answer many questions that we received from telephone inquiries.

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**Department Goal**

Goal III: Utilize holistic, therapeutic, and restorative justice solutions in the handling of all cases

**Objective: Effectively collaborate with criminal justice partners to enhance the utilization of jail alternatives such as out of jail sentencing options, electronic monitoring, and holistic, therapeutic, and restorative justice solutions**

MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2011-12 Target
<b>Workload Measures</b>					
Number of cases where out-of-jail solutions are possible	n/a	n/a	n/a	50%	50%
<b>Efficiency Measures</b>					
Number of cases where pre-trial or post-trial resolution involved non jail alternative	n/a	n/a	n/a	500	600
<b>Effectiveness Measures</b>					
Number of cases where a holistic, therapeutic, or restorative justice solution is reached	n/a	n/a	n/a	500	600

➔ Indicates a Key Measure

**Story Behind Performance:** The focus of this measure is to highlight the importance of non jail alternative as a cost saving and more effective way to handle the majority of cases handled in the Marin County Superior Court. We need to measure this effort to encourage attorney advocacy for such solutions and also to collaborate with other criminal justice partners to promote such non jail custody solutions.