FY 2018-19 MOE BUDGET
April 10, 2018
Presented By: Brendon D. Woods, Public Defender
MISSION

To zealously protect and defend the rights of our clients through compassionate and inspired legal representation of the highest quality, in pursuit of a fair and unbiased system of justice for all.
The Public Defender is the primary defense attorney for indigent individuals accused of crimes or otherwise facing potential incarceration or loss of liberty.

For these individuals, legal representation at public expense is mandated by the:

- US Constitution
- CA Constitution
- County Charter

If the Public Defender has a legal or ethical conflict of interest, the case is referred to the Court Appointed Attorneys Program (CAAP), which operates pursuant to a contract administered by the County Administrator, under the Indigent Defense budget.
MAJOR SERVICE AREAS

The Public Defender provides defense services for the following:

1. DEATH PENALTY CASES
   Clients whose charges expose them to a possible punishment of death

2. FELONIES
   Clients accused of felony crimes

3. MISDEMEANORS
   Clients accused of misdemeanor crimes

4. MINORS
   Minors prosecuted in juvenile delinquency court and in adult court

5. APPEALS
   In Appellate Division of Alameda County Superior Court, California Court of Appeals and California Supreme Court

6. PRCS VIOLATIONS/
   PAROLE REVOCATION HEARINGS
   Post Release Community Supervision

7. CLEAN SLATE
   Improves employment and housing opportunities

8. PROP 47
   Reduces certain felonies to misdemeanors

acgov.org/defender
## 2018-19 FINANCIAL SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>2017-18 Approved Budget</th>
<th>2018-19 MOE Budget</th>
<th>Change from 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td>$40,168,909</td>
<td>$41,296,020</td>
<td>$1,127,111</td>
</tr>
<tr>
<td>Revenues</td>
<td>$1,844,654</td>
<td>$1,706,568</td>
<td>- $138,086</td>
</tr>
<tr>
<td>Net County Cost</td>
<td>$38,324,255</td>
<td>$39,589,452</td>
<td>$1,265,197</td>
</tr>
<tr>
<td>FTE – Mgmt.</td>
<td>129.99</td>
<td>130.99</td>
<td>1.00</td>
</tr>
<tr>
<td>FTE – Non-Mgmt.</td>
<td>42.74</td>
<td>42.74</td>
<td>0.00</td>
</tr>
<tr>
<td>Total FTE</td>
<td>172.73</td>
<td>173.73</td>
<td>1.00</td>
</tr>
</tbody>
</table>

acgov.org/defender
MAJOR COMPONENTS OF NET COUNTY COST (NCC) CHANGE

<table>
<thead>
<tr>
<th>Component</th>
<th>NCC Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary &amp; Employee Benefits</td>
<td>$592,812</td>
</tr>
<tr>
<td>ISF Adjustments</td>
<td>$133,670</td>
</tr>
<tr>
<td>DS&amp;S Increase</td>
<td>$650,629</td>
</tr>
<tr>
<td>Revenue Decrease</td>
<td>$138,086</td>
</tr>
<tr>
<td>Intra-Fund Transfer Increase</td>
<td>-$250,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,265,197</td>
</tr>
</tbody>
</table>

acgov.org/defender
APPROPRIATIONS BY MAJOR OBJECT

87%  $35.9M
SALARY & EMPLOYEE BENEFITS

$41.3M Net Appropriation

4%  $1.8M
DISCRETIONARY SERVICES & SUPPLIES

11%  $4.6M
NON-DISCRETIONARY SERVICES & SUPPLIES

- $1M Intra-Fund Transfer
REVENUES BY SOURCE

21.5%
$368K
STATE AID

78.5%
$1.3M
FUND DEVELOPMENT,
CHARGES FOR SERVICES
AND OTHER

TOTAL REVENUE: $1.7M
# Indigent Defense – Combined

Public Defender and Contracted Indigent Defense Services (CAAP)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Defender</td>
<td>$40,168,909</td>
<td>$38,324,255</td>
<td>$41,296,020</td>
<td>$39,589,452</td>
<td>$1,265,197</td>
</tr>
<tr>
<td>CAAP</td>
<td>$6,510,982</td>
<td>$6,125,982</td>
<td>$7,505,095</td>
<td>$7,120,095</td>
<td>$994,113</td>
</tr>
<tr>
<td>Total</td>
<td>$46,679,891</td>
<td>$44,450,237</td>
<td>$48,801,115</td>
<td>$46,709,547</td>
<td>$2,259,310</td>
</tr>
</tbody>
</table>
# CASE LOAD & TYPE

<table>
<thead>
<tr>
<th></th>
<th>2016-17 Actuals</th>
<th>2017-18 Projected</th>
<th>2018-19 Projected</th>
<th>2018-19 Projected % of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Files Opened</td>
<td>36,291</td>
<td>34,056</td>
<td>37,000</td>
<td></td>
</tr>
<tr>
<td>Felony</td>
<td>9,138</td>
<td>8,517</td>
<td>9,100</td>
<td>24.6%</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>18,566</td>
<td>18,015</td>
<td>19,800</td>
<td>53.5%</td>
</tr>
<tr>
<td>Juvenile</td>
<td>1,401</td>
<td>1,250</td>
<td>1,300</td>
<td>3.5%</td>
</tr>
<tr>
<td>Civil/Commitment</td>
<td>1,179</td>
<td>1,299</td>
<td>1,200</td>
<td>3.2%</td>
</tr>
<tr>
<td>Clean Slate</td>
<td>3,085</td>
<td>2,574</td>
<td>2,800</td>
<td>7.6%</td>
</tr>
<tr>
<td>Parole/PRCS</td>
<td>1,027</td>
<td>1,113</td>
<td>1,200</td>
<td>3.2%</td>
</tr>
<tr>
<td>*Conflicts Declared</td>
<td>3,298</td>
<td>3,167</td>
<td>3,330</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

*Also included in caseloads above

acgov.org/defender
WORKLOAD

- Accepted 38 new murder cases, including 4 special circumstances
- Represent 75 people charged with murder
- 226 cases per felony attorney per year
- 439 cases per misdemeanor attorney per year
-Investigators completed 4,027 requests
- Investigators served 2,641 subpoenas
DIGITAL MEDIA

Challenges

Felony lawyers average 112 hours
digital discovery to review at any given time

Homicide Team averages 259 hours
digital discovery to review at any given time

dig.gov.org/defender
HUMAN IMPACTS

- Wrongful convictions
- Increased time in custody
- Increased pretrial population
- Reduced access to Clean Slate and Prop 47 remedies
- Reduced access to rehabilitation services
- Increased deportations
- Unnecessary separation of families
- Reduced ability to hire & retain quality staff
GOALS

01 Implement Vertical Representation
02 Universal Arraignment Representation
03 Improve Juvenile Representation
04 Community Awareness/Outreach
05 Seamless Access to Providers to Address Collateral Consequences
06 Staff Training
07 Client-Centered Intake Process
08 New Website
09 Expand Clean Slate
10 Employ Paralegals
ACCOMPLISHMENTS
FUND DEVELOPMENT

$899,676 Secured

Firedoll Foundation Year 3
Superior Court of California, Alameda County
San Francisco Foundation
Rosenberg Foundation Year 2
Liman Fellowship Yale University
Partners for Justice
ACILEP Centro Legal De La Raza

$25,000
$49,676
$50,000
$55,000
$115,000
$200,000
$405,000

acgov.org/defender
HOLISTIC DEFENSE

In the Courtroom

Social Workers

Immigration Representation

In the Community

Clean Slate

Civil Legal Aid
IN THE COURTROOM

Collaborative Courts

- Homeless and Caring Court
- Parole Reentry Court
- Juvenile Girls Court
- Mentor Diversion
- Drug Court
- Behavioral Health Court
Reduced number of cases referred to Court Appointed Council for Indigent Defense (conflicts) from 6,406 to 3,167 between 2010 and 2018.

A conflict exists when we represent a co-defendant or witness on a case, preventing us from being able to accept a new client on the related case.
JUVENILE REPRESENTATION

Bay Area Juvenile Defenders Gathering

24-Hour Juvenile Miranda Hotline

Social Worker

Collaboration with East Bay Community Law Center on Juvenile Educational Advocacy

acgov.org/defender
ARRAIGNMENT

REPRESENTATION

Funded by $400,000 two-year Smart Defense grant from U.S. Department of Justice
SOCIAL WORKER PROGRAM

- Served over 756 clients to date
- Courts accepted 84% of treatment plans in lieu of incarceration
- 84% of clients who received treatment did not recidivate
- Presented at National Association for Public Defense Investigator & Social Worker/Sentencing Advocates Conference
SOCIAL WORKER PROGRAM

- Co-Founded Northern California Social Workers for Public Defense
- Training Public Defender’s Offices locally & nationally on implementation of Social Workers
IMMIGRATION REPRESENTATION

First Public Defender’s Office in California to implement Immigration Representation unit within office

Covers 3 major areas:

1. Padilla Consultations
2. Removal Defense
3. Education/Advocacy/Training
IMMIGRATION REPRESENTATION UNIT

- Provided immigration advice in over 1,000 criminal proceedings
- Additional cases taken on since expanding in May 2017: 97
- Success rate in motions/requests for relief: 75%
- Cases currently pending: 84
IN THE LEGAL COMMUNITY

Guest Lecturers & Professors

Conducted 22 Trainings in 2017

- Stanford Law School
- UC Hastings Law School
- USF Law School
- UC Davis Law School
- UC Berkeley Law School
- Santa Clara Law School
- National Legal Aid And Defenders Association
- California Public Defenders Association
IN THE COMMUNITY
V.O.I.C.E.
Voter Outreach Increases Community Empowerment

Registered 208 clients in Santa Rita Jail to vote

CPDA Program of the Year
L.Y.R.I.C. Learn Your Rights In California
Educated 4,000 Students
IN THE COMMUNITY

- Donated coats to St. Vincent De Paul
- Served holiday pizza dinner to 76 youth in custody at Juvenile Hall and Camp Sweeney.
- Donated over 300 books to clients at Santa Rita Jail

acgov.org/defender
PROP 47

1,374 Cases
1,111 Petitions Granted
81% Success Rate

PROP 64

366 Cases
326 Petitions Granted
89% Success Rate
CLEAN SLATE

Assists clients in obtaining or improving employment opportunities & access to housing and other services

- 6,356 cases handled since inception
- 5,824 motions granted since inception
  - 1,606 motions filed in 2017
  - 1,549 motions granted in 2017

94% SUCCESS RATE in 2017
CIVIL LEGAL AID

acgov.org:defender
5 Advocates for 2 years, trained by the Bronx Defenders;
Providing service in the following categories:

- **Health & Benefits**: Assist with medical benefits, food stamps & other programs
- **Employment**: Work with employers to prevent termination
- **Property**: Prevent property forfeiture & assist with retrieving property after arrest
- **Housing**: Negotiate with landlords to avoid evictions
- **Family**: Support interaction with child support services
- **Immigration**: Assist with gathering documents to prevent deportation & detention

acgov.org/defender
NEW RESPONSIBILITIES

SB 395 – Juvenile Miranda

In re Humphrey – Bail Motions

Youthful Offender Parole Hearings
5 YEARS

- Block Party
- Website
- LYRIC
- Fund Development
- Clean Slate
- Social Workers
- National Recognition
- Vertical Representation
- Immigration Representation
- Arraignment Representation
- New Logo

acgov.org/defender
THANK YOU