FY 2019-20 MOE BUDGET

April 9, 2019

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.
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, and provides Prop 47 and Prop 64 relief

8. IMMIGRATION
   Padilla consults and removal defense
## 2019-20 FINANCIAL SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>2018-19</th>
<th>2019-20</th>
<th>Amount</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approved Budget</strong></td>
<td>$44,884,580</td>
<td>$42,935,131</td>
<td>($1,949,449)</td>
<td>-4%</td>
</tr>
<tr>
<td><strong>MOE Budget</strong></td>
<td>($1,906,568)</td>
<td>($2,106,568)</td>
<td>($200,000)</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Net County Cost</strong></td>
<td>$42,978,012</td>
<td>$40,828,563</td>
<td>($2,149,449)</td>
<td>-5%</td>
</tr>
<tr>
<td>FTE – Mgmt.</td>
<td>130.99</td>
<td>133.99</td>
<td>3.00</td>
<td>2%</td>
</tr>
<tr>
<td>FTE – Non-Mgmt.</td>
<td>42.74</td>
<td>47.29</td>
<td>4.55</td>
<td>11%</td>
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<tr>
<td><strong>Total FTE</strong></td>
<td>173.73</td>
<td>181.28</td>
<td>7.55</td>
<td>4%</td>
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**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>($857,353)</td>
</tr>
<tr>
<td>ISF Adjustments</td>
<td>$53,654</td>
</tr>
<tr>
<td>DS&amp;S Decrease</td>
<td>($949,231)</td>
</tr>
<tr>
<td>Revenue Increase</td>
<td>($200,000)</td>
</tr>
<tr>
<td>Intra-Fund Transfer Increase</td>
<td>($196,519)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>($2,149,449)</strong></td>
</tr>
</tbody>
</table>
APPROPRIATIONS BY MAJOR OBJECT

- $38.5M SALARY & EMPLOYEE BENEFITS (90%)
- $1.0M DISCRETIONARY SERVICES & SUPPLIES (2%)
- $4.6M NON-DISCRETIONARY SERVICES & SUPPLIES (11%)

Net Appropriation: $42.9M

- $1.2M Intra-Fund Transfer (3%)
REVENUES BY SOURCE

17%
$368K
STATE AID

83%
$1.7M
FUND DEVELOPMENT AND OTHER

TOTAL REVENUE: $2.1M
## INDIGENT DEFENSE – COMBINED

Public Defender and Contracted Indigent Defense Services (CAAP)

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Public Defender</td>
<td>$44,884,580</td>
<td>$42,978,012</td>
<td>$42,935,131</td>
<td>$40,828,563 ($2,149,449)</td>
<td>-5.0%</td>
<td>-5.0%</td>
<td></td>
</tr>
<tr>
<td>CAAP</td>
<td>$7,380,095</td>
<td>$6,995,095</td>
<td>$8,051,934</td>
<td>$7,694,934</td>
<td>$699,839</td>
<td>10.0%</td>
<td></td>
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<tr>
<td>Total</td>
<td>$52,264,675</td>
<td>$49,973,107</td>
<td>$50,987,065</td>
<td>$48,523,497 ($1,449,610)</td>
<td>-2.9%</td>
<td>-2.9%</td>
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</tbody>
</table>
## CASE LOAD & TYPE

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Total Files Opened</td>
<td>34,662</td>
<td>32,249</td>
<td>35,800</td>
<td></td>
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<tr>
<td>Felony</td>
<td>8,536</td>
<td>8,163</td>
<td>8,200</td>
<td>22.9%</td>
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<tr>
<td>Misdemeanor</td>
<td>18,277</td>
<td>17,153</td>
<td>18,000</td>
<td>50.3%</td>
</tr>
<tr>
<td>Juvenile</td>
<td>1,374</td>
<td>1,278</td>
<td>1,200</td>
<td>3.4%</td>
</tr>
<tr>
<td>Civil/Commitment</td>
<td>1,293</td>
<td>1,148</td>
<td>1,100</td>
<td>3.1%</td>
</tr>
<tr>
<td>Clean Slate</td>
<td>2,699</td>
<td>2,379</td>
<td>2,500</td>
<td>7.0%</td>
</tr>
<tr>
<td>Parole/PRCS</td>
<td>1,093</td>
<td>1,025</td>
<td>1,000</td>
<td>2.8%</td>
</tr>
<tr>
<td>*Conflicts Declared</td>
<td>3,144</td>
<td>2,598</td>
<td>2,600</td>
<td>7.3%</td>
</tr>
</tbody>
</table>

*Also included in caseloads above*
Accepted 45 new murder cases, including 4 special circumstances.

Represent 75 people charged with murder.

197 cases per felony attorney per year.

19 Investigators completed 3,429 requests.

464 cases per misdemeanor attorney per year.

Investigators served 2,717 subpoenas.
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
Shared Visions

VISION 2026

10X Goals

- County-wide arraignment representation
- Expand vertical representation
- Expand holistic defense services
- Educational advocacy and representation of juveniles at expulsion hearings
- Maximize opportunities for Proposition 47 and 64 relief
- Establish participatory defense model to improve case outcomes
- Increase use of restorative justice and diversion programs
<table>
<thead>
<tr>
<th></th>
<th>2007-11</th>
<th>2012-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants secured</td>
<td>$0</td>
<td>$2.6M</td>
</tr>
</tbody>
</table>

Secured $862K in FY18-19
HOLISTIC DEFENSE

Civil Attorney
Legal Advocate
Clean Slate Attorney
Social Worker
Family Defense Attorney
Immigration Attorney
Parent Advocate
Investigator
Policy and Community Organizer
Criminal Defense Attorney

Client
IN THE COURTROOM

Collaborative Courts

- Juvenile Girls Court
- Parole Reentry Court
- Homeless and Caring Court
- Transitional Aged Youth
- Justice Restoration Project
- Mentor Diversion
- Drug Court
- Behavioral Health Court
- Early Intervention Court
JUVENILE REPRESENTATION

150 attorney from 16 counties

Co-hosted by PJDC and EBCLC

Topics:
- Child & family reentry plans
- New juvenile competency laws
- Expulsion & IEP advocacy
- Challenging conditions of confinement
- Accessing AB12 benefits to prevent homelessness

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JUVENILE REPRESENTATION

• 221 Juvenile Miranda calls
• Presented at statewide conference about Juvenile Miranda Law
• Revamped juvenile competency protocol
• Advocacy with EBCLC ➔ decline in GPS use
• Collaboration with Probation, DA and Court ➔ 78% drop in out of home placements
• Educational advocacy with EBCLC for 53 youth
• Social worker in Juvenile office
ARRAIGNMENT REPRESENTATION
SOCIAL WORKER PROGRAM

- Served over 1,155 clients to date
- Courts accepted 85% of treatment plans in lieu of incarceration
- 88% of clients who received treatment did not recidivate
SOCIAL WORKER CLIENT SUCCESSES
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 1,135 criminal proceedings
- Additional cases taken on since expanding the unit: 121
- Success rate in motions/requests for relief: 75%
- Cases currently pending: 107
IN THE COMMUNITY
OAKLAND COMMUNITY FESTIVAL
VOICE
(Voter Outreach Increases Community Empowerment)

Registered 633 clients in Santa Rita Jail to vote
L.Y.R.I.C. Learn Your Rights In California

Educated over 4,000 Students
CLEAN SLATE

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

- 9,210 cases handled since inception
- 8,570 motions granted since inception
  - 2,854 motions filed in 2018
  - 2,746 motions granted in 2018

96% SUCCESS RATE in 2018
PROPOSITIONS 47 & 64 SUCCESS RATES

PROP 47
Reduced penalties for some crimes
1,002 cases
770 petitions granted
77%

PROP 64
Marijuana Legalization
207 cases
201 petitions granted
97%
PARTNERSHIPS

Clean Slate services to students at local colleges, funded by SFF

Joint Clean Slate Clinic with EBCLC

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CLEAN SLATE
NATIONAL MODEL FOR COLLABORATION & ADVOCACY

- Record Cleaning Remedies (e.g. dismissals, early termination of probation)
- Collaboration with Immigration Unit re: post conviction relief
- Consults with attorneys representing clients in pending cases re: potential collateral consequences

- Employment Advocacy
- Background Check Corrections
- Occupational Licensing Advocacy (e.g. guard cards) & Representation

- Statewide Legislative Efforts
- County Reentry Policy
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](http://acgov.org/defender)
PARTNERS FOR JUSTICE ACCOMPLISHMENTS

Assisted 375 clients to date

- 25 clients avoided jail time
- 5 clients admitted into residential treatment
- 11 clients into outpatient treatment programs
- 7 clients enrolled in employment & training programs
- 8 clients enrolled in Cal Fresh
- 5 clients enrolled in Medical
- 7 clients enrolled in SSI/other county benefits

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NEW RESPONSIBILITIES

SB 1421 – Police Records
SB 395 – Juvenile Miranda
Youthful Offender Parole Hearings
SB 1437 – Felony Murder Rule Change
AB 2942/AB 1812 – Felony Resentencing