COUNTY OF ALAMEDA
PUBLIC DEFENDER’S OFFICE

FY 2017-18 MOE Budget April 2017

Presented by: Brendon 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:

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 DEATH PENALTY CASES</strong></td>
<td>Defendants whose charges expose them to a possible punishment of death</td>
</tr>
<tr>
<td><strong>2 FELONIES</strong></td>
<td>Defendants accused of felony crimes</td>
</tr>
<tr>
<td><strong>3 MISDEMEANORS</strong></td>
<td>Defendants accused of misdemeanor crimes</td>
</tr>
<tr>
<td><strong>4 MINORS</strong></td>
<td>Minors prosecuted in juvenile delinquency court and in adult court</td>
</tr>
<tr>
<td><strong>5 APPEALS</strong></td>
<td>In Appellate Division of Alameda County Superior Court, California Court of Appeal and California Supreme Court</td>
</tr>
<tr>
<td><strong>6 PRCS VIOLATIONS/ PAROLE REVOCATION HEARINGS</strong></td>
<td>Post Release Community Supervision</td>
</tr>
<tr>
<td><strong>7 CLEAN SLATE</strong></td>
<td>Improve employment and housing opportunities</td>
</tr>
<tr>
<td><strong>8 PROP 47</strong></td>
<td>Reduces certain felonies to misdemeanors</td>
</tr>
</tbody>
</table>
## 2017-18 FINANCIAL SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>2016-17 Approved Budget</th>
<th>2017-18 MOE Budget</th>
<th>Change from 2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td>$39,101,585</td>
<td>$39,655,823</td>
<td>$554,238 1.42%</td>
</tr>
<tr>
<td>Revenues</td>
<td>$1,426,568</td>
<td>$1,201,568</td>
<td>- $225,000 - 15.77%</td>
</tr>
<tr>
<td>Net County Cost</td>
<td>$37,675,017</td>
<td>$38,454,255</td>
<td>$779,238 2.07%</td>
</tr>
<tr>
<td>FTE – Mgmt.</td>
<td>127.83</td>
<td>128.16</td>
<td>0.33 0.26%</td>
</tr>
<tr>
<td>FTE – Non-Mgmt.</td>
<td>41.74</td>
<td>42.74</td>
<td>1.00 2.10%</td>
</tr>
<tr>
<td>Total FTE</td>
<td>169.57</td>
<td>170.90</td>
<td>1.33 0.78%</td>
</tr>
</tbody>
</table>
### 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>$497,201</td>
</tr>
<tr>
<td>ISF Adjustments</td>
<td>$31,584</td>
</tr>
<tr>
<td>DS&amp;S Increase</td>
<td>$20,353</td>
</tr>
<tr>
<td>Revenue Decrease</td>
<td>$225,000</td>
</tr>
<tr>
<td>Intra-Fund Transfer Decrease</td>
<td>$5,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$779,238</strong></td>
</tr>
</tbody>
</table>
APPROPRIATIONS BY MAJOR OBJECT

- 87% $35M Salary & Employee Benefits
- 11% $4.5M Non-Discretionary Services & Supplies
- 2% $984K Discretionary Services & Supplies
- Net Appropriation $39M
- - $800K Intra-Fund Transfer
DISCRETIONARY SERVICES & SUPPLIES

2% of Appropriations

- Office Supplies
- Travel
- Record Retention
- Professional/ Specialized Services
- Machine Rentals/ Maintenance
- Bar Dues
- Transportation
- Transcripts
- Reference Materials
- Training

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REVENUES BY SOURCE

31%  
$368K
STATE AID

69%  
$834K
FUND DEVELOPMENT,
CHARGES FOR SERVICES
AND OTHER

TOTAL REVENUE: $1.2M
<table>
<thead>
<tr>
<th></th>
<th>2016-17 Approved Appropriations</th>
<th>2016-17 Approved Net County Cost</th>
<th>2017-18 MOE Appropriations</th>
<th>2017-18 MOE Net County Cost</th>
<th>Net County Cost Change from 2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Defender</td>
<td>$39,101,585</td>
<td>$37,675,017</td>
<td>$39,655,823</td>
<td>$38,454,255</td>
<td>$779,238</td>
</tr>
<tr>
<td>CAAP</td>
<td>$6,813,132</td>
<td>$6,428,132</td>
<td>$6,812,545</td>
<td>$6,427,545</td>
<td>- $587</td>
</tr>
<tr>
<td>Total</td>
<td>$45,914,717</td>
<td>$44,103,149</td>
<td>$46,468,368</td>
<td>$44,881,800</td>
<td>$778,651</td>
</tr>
</tbody>
</table>

Public Defender and Contracted Indigent Defense Services (CAAP)
## CASE LOAD & TYPE

<table>
<thead>
<tr>
<th></th>
<th>2015-16 Actuals</th>
<th>2016-17 Projected</th>
<th>2017-18 Projected</th>
<th>2017-18 Projected % of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Files Opened</td>
<td>39,378</td>
<td>33,582</td>
<td>38,100</td>
<td></td>
</tr>
<tr>
<td>Felony</td>
<td>10,155</td>
<td>9,332</td>
<td>10,150</td>
<td>26.6%</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>22,988</td>
<td>17,984</td>
<td>21,550</td>
<td>56.6%</td>
</tr>
<tr>
<td>Juvenile</td>
<td>1,619</td>
<td>1,385</td>
<td>1,300</td>
<td>3.4%</td>
</tr>
<tr>
<td>Civil/Commitment</td>
<td>1,227</td>
<td>1,239</td>
<td>1,200</td>
<td>3.1%</td>
</tr>
<tr>
<td>Clean Slate</td>
<td>2,184</td>
<td>2,691</td>
<td>2,800</td>
<td>7.3%</td>
</tr>
<tr>
<td>Parole/PRCS</td>
<td>1,205</td>
<td>953</td>
<td>1,100</td>
<td>2.9%</td>
</tr>
<tr>
<td>*Conflicts Declared</td>
<td>4,042</td>
<td>3,078</td>
<td>3,429</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

*Also included in caseloads above*
Accepted 31 new homicide cases

Represent 69 people charged with homicide

230 cases per felony attorney per year

18 Investigators completed 3,895 requests

452 cases per misdemeanor attorney per year

Investigators served 2,418 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
GOALS

01 VERTICAL
Implement vertical representation

02 ARRAIGNMENT
Provide universal representation at arraignment

03 JUVENILE
Representation at expulsion hearings; educational advocacy; employ social workers to address special issues & connect youth to vital services

04 PROP 47 & PROP 64
Maximize opportunities for relief

05 COMMUNITY AWARENESS/OUTREACH

06 SEAMLESS ACCESS TO QUALITY SERVICE PROVIDERS

07 STAFF TRAINING
Accomplishments
FUND DEVELOPMENT

$124,676 Secured

- Van Löben Sels/RembeRock Foundation: $10,000
- Firedoll Foundation: $20,000
- Superior Court of California, Alameda County: $39,676
- Rosenberg Foundation Year 2: $55,000

*Secured in 16-17 for payment in 17-18
### FUND DEVELOPMENT

<table>
<thead>
<tr>
<th></th>
<th>2007-11</th>
<th>2012-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants applied for</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>Grants awarded</td>
<td>0</td>
<td>10</td>
</tr>
</tbody>
</table>

*Reviewed 86 funding opportunities between 2012-16

Awarded $961,676 to date
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
VETERANS TREATMENT COURT

In the Courtroom

Currently serving

71 veterans

For veterans suffering from service-related issues

- Drug Treatment
- Mental Health Counseling
- Job Training
- Education
Advocating for needy and homeless veterans

- Criminal/traffic cases
- Warrants
- Fines
VERTICAL REPRESENTATION
Reduced the number of cases referred to Court Appointed Council for Indigent Defense (conflicts) from 6,406 to 3,429 between 2010 and 2017.

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

Infomercials with El Reportero & Telemundo about our services

Revised ankle monitoring policy in collaboration with Probation Department and the Courts

Sealed records of approximately 200 juvenile clients after passage of Welfare & Institutions Code Section 786
ARRAIGNMENT

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

☑ Served over 630 clients to date
☑ Courts accepted 82% of treatment plans in lieu of incarceration
☑ 85% of clients who received treatment did not recidivate
IMMIGRATION REPRESENTATION

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

Provided immigration advice in over 1,000 criminal proceedings

Assisted undocumented youth in applying for Special Immigrant Juvenile Status based on abuse, neglect or abandonment by parents, and DACA

Provided immigration representation to 32 clients – 12 were juveniles

Advised Alameda County Sheriff’s Office regarding TRUST Act compliance
IN THE LEGAL COMMUNITY

Guest Lecturers & Professors

- 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 LEGAL COMMUNITY

Guest Lecturers & Professors

CPDA Trial Skills

CPDA/CACJ Capital Defense Seminar

Harvard Wasserstein Fellowship

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IN THE COMMUNITY
OAKLAND COMMUNITY FESTIVAL

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V.O.I.C.E.
Voter Outreach Increases Community Empowerment
Registered 174 clients
in Santa Rita Jail to vote
L.Y.R.I.C.
Learn Your Rights In California

• CHBA Honorable Judge Benjamin Travis Community Service Award

• Summer Interns
IN THE COMMUNITY

- Donated coats to St. Vincent De Paul
- Served holiday pizza dinner to youth in custody at Juvenile Hall
- Donated books to clients at Santa Rita Jail
PROP 47

3,156 Petitions Granted

81% Success Rate

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CLEAN SLATE

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

- 4,750 cases handled since inception
- 4,275 motions granted since inception
  - 1,652 current open cases
  - 1,758 motions filed in 2016

94% SUCCESS RATE
CIVIL LEGAL AID

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CHALLENGES
Software blamed in wrongful arrests

By Rachel Swan

A 24-year-old Fremont man was bewildered when four police officers came to his front door on a Saturday morning in September, saying they had a warrant for his arrest.

The man, a teacher’s assistant and college student who lives with his parents, was taken to jail in gym shorts, and spent a day behind bars. He was released after his father posted bail of $1,500.

He found out later that he was arrested on an invalid warrant — and should never have spent time in jail. The problem, officials say, lies in the county’s new digital case management system. The warrant had been issued in July for failure to appear in court to dismiss a previous drug possession case.

Dramatic increase in workload

Filed over 2,000 motions

Filed writ challenging Odyssey in Court of Appeals
### Alameda
- Alameda Police Department
- Albany Police Department
- Berkeley Police Department
- Dublin Police Department
- Emeryville Police Department
- Hayward Police Department
- Fremont Police Department
- Livermore Police Department
- Newark Police Department
- Oakland Police Department
- Piedmont Police Department
- Pleasanton Police Department
- San Leandro Police Department
- Union City Police Department
- Alameda County Sheriff's Office
- Bart Police Department
- California Highway Patrol
- East Bay Regional Park District Police Department
- Oakland Housing Authority
- University of California Police Department

### Contra Costa
- Contra Costa County Sheriff's Office
- Antioch Police Department
- Brentwood Police Department
- Clayton Police Department
- Concord Police Department
- Danville Police Department
- El Cerrito Police Department
- Hercules Police Department
- Kensington Police Department
- Martinez Police Department
- Moraga Police Department
- Pinole Police Department
- Pittsburg Police Department
- Pleasant Hill Police Department
- Richmond Police Department
- San Pablo Police Department
- San Ramon Police Department
- Walnut Creek Police Department

### San Francisco
- San Francisco Police Department
- San Francisco Sheriff's Department
- San Francisco Park Patrol
FACILITIES

Challenges

On average, 547 clients visit Oakland Branch Office each month.
NEW RESPONSIBILITIES

Prop 64
Prop 57
Youthful Offender Parole Hearings
EQUAL ACCESS TO JUSTICE