

## Reduction Impact Detail

**Department Name:** Public Defender's Office

**Budget Unit:** 6910000

### Total Departmental Budget Impact

	Base	Unfunded	Funded Base	Percentage
Appropriations	30,542,918	350,000	30,192,918	10%
Reimbursements (-)			0	
Net Appropriations	30,542,918	350,000	30,192,918	10%
Revenues:				
Federal			0	
State	665,000		665,000	
Realignment	484,460		484,460	
Prop 172			0	
Fees	250,000		250,000	
Other			0	
Total Revenues	1,399,460	0	1,399,460	
Carryover	0		0	
Net Cost	29,143,458	350,000	28,793,458	10%
Fulltime Equivalent Positions	146.0	2.0	144.0	13%

**Categorical Reduction:** \$ \_\_\_\_\_

**Non-categorical Reduction:** \$ 350,000

### Staffing Reduction Summary

Class Code	Classification Name	Vacant	Filled
27614	Attorney Lvl 1 - 4 Criminal	2.0	
	<b>Fulltime Equivalent Positions</b>	<b>2.0</b>	<b>0.0</b>

**Please note:** this is an excel format. You will need to click inside the box above to enter information; once complete you will need to click outside the excel form to exit back to Word.

**The following pages are for departments with more than one departmental program. Please complete pages only for those programs with reductions. Add additional pages if needed. Delete unused pages prior to submittal.**

**1. Program Title: Indigent Defense**

**Program Description:** The Office of the Public Defender’s sole program is to *provide effective assistance of counsel* to any individual financially unable to employ private counsel in adult criminal, juvenile delinquency, mental conservatorship, and appropriate family law, and probate cases.

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**Program Impact:**

The reduction in the FY 2014 – 2015 Budget will result in the Public Defender declaring overloads/unavailability in approximately 400 misdemeanor cases set for jury trials in the coming fiscal year approximately 33 per month. This reduction in staffing will simply shift the burden and cost of handling this caseload/workload to CCD. CCD is not set up to handle this volume of trials as effectively and efficiently as is the Public Defender’s Office. The outsourcing of this work will result in litigation by the Sacramento County Attorney’s Association claiming a violation of section 71J.

The loss of two unfilled Attorney Positions when coupled with the continued loss of four Attorneys who are out due to Medical Leave (3) and Personal Leave (1) have left us very short handed to provide effective assistance of counsel as legally mandated. Declarations of overload/unavailability will continue to occur. For the short term, our Supervising Attorneys continue to carry a caseload and workload and our two Chief Assistant Attorneys have been and continue to work on the line. The management duties of the Supervising Attorneys and the Chief Assistants continue to take a back seat in the operation/management of our law firm. We cannot continue in this fashion and provide effective assistance of counsel without declaring overloads/unavailability. Another three Attorneys will soon be taking Personal Leave or Medical Leave which will pretty much take us through the balance of FY2013-2014 without a full staff of attorneys.

We will continue our efforts to minimize the number of cases in which we declare an overload/unavailability. We continually make organizational and operational changes to meet our mandate of providing effective and efficient assistance of counsel. However, we have little to no room to absorb additional work or emergencies. Our caseload and workload has increased due to new laws, Court decisions and changes in the policies and practices of criminal justice partners. It is important to appreciate that our operation, caseload and workload is totally reactive to:

- (1) New laws that create new crimes and/or punishments. For example:
  - a. Realignment (AB 109) -- limits certain offenses to incarceration in the County Jail, Post Release Community Supervision, and Parolee Hearings to be heard in County Courts. Along with our criminal justice partners, we are developing and implementing the policies and procedures for this new and complex felony sentencing law.
- (2) Court (Federal and State) decisions that change the law. For example:
  - a. Juvenile Court - Mitigation/Resentencing Hearings for five Juveniles serving/facing long term incarceration, including life terms.
  - b. Jessica's Law Sex Offender Residency Restrictions – assisting 500 plus parolees a year to get residency restrictions (punishment resulting from criminal conviction) lifted via a pro per writ of habeas corpus. They are currently required to not reside within 2000 feet of a school or park. The current restriction makes most of these people homeless.
  - c. Contested hearings are now being litigated for resentencings on Three Strikers, pursuant to Proposition 36.
- (3) Changes/additions in the Rules of Court.
- (4) Changes in the policies and practices of the Court, District Attorney's Office, law enforcement and Probation. For example:
  - a. Specialty/Collaborative Courts continue to expand. A new reentry court began this fiscal year. It was featured in the Sacramento Bee on Sunday, February 9, 2014, as part of realignment, instead of incarceration in the county jail. Reentry clients are provided with intensive probation

supervision and services in the community with regular court appearances on Friday afternoons in Department 1. Also planned for start-up at the beginning of the next fiscal year is Sacramento's first Veterans Treatment Court. This will be another collaborative court focusing on the unique problems/difficulties facing returning combat veterans who end up in the criminal justice system. These collaborative court projects currently take up a significant amount of the Chief Assistant Public Defender's time.

- b. Our Office has been involved in protracted litigation with the California Department of State Hospital and Napa State Hospital regarding their refusal to transport felony incompetent to stand trial defendants to the state hospital in a timely manner. This litigation is taking place both in the trial court and the Third District Court of Appeal. Judge Steve White issued an order in 2006 mandating timely transport to the state hospital. The Public Defender's office continues to enforce compliance with Judge White's order.
  - c. Countless meetings with the Courts, District Attorney, Conflict Criminal Defenders, Probation, and other Criminal Justice Partners to streamline processes and procedures to meet demands of new laws and processes.
- (5) Miscellaneous
- a. Rancho Cordova has created a new caseload and workload for us by entering into an MOU with the Sacramento City Attorney's office to prosecute violations (misdemeanors and infractions) of Rancho Cordova's City Ordinance.
  - b. Numerous requests for closed files that must be ordered and redacted for appeals and writs by inmates or private counsel based upon new law or facts.
  - c. We are the Clearing House for All Indigent Criminal Law Clients with questions involving a previous criminal case, regardless of whether we originally represented the client, and its bearing for: a Modification/Writ/Appeal, Expungement, Certificate of Rehabilitation, Pardon, Warrants, Family Law Issues, Restraining Orders, Employment, Right to Vote and/or Travel.

NOTE: It is very difficult for our office to streamline itself more when the Administrative Office of the Courts reports that we are closing 97% of our felony cases within 30 days of filing of a complaint.