

We the People
insure domestic Tranquility, provide for the common Defence
and our Posterity, do ordain and establish this Constitution

Section 1. All legislative Powers herein granted shall
be vested in a Congress of Representatives.

Section 2. The House of Representatives shall be composed
of Members chosen every second Year in each State, who shall have
the Qualifications requisite for Electors of the most numerous
Branch in each State. No Person shall be a Representative who shall not have
seven Years Residence in the United States, and who shall not, when elected,
be seven Years an Inhabitant of that State.

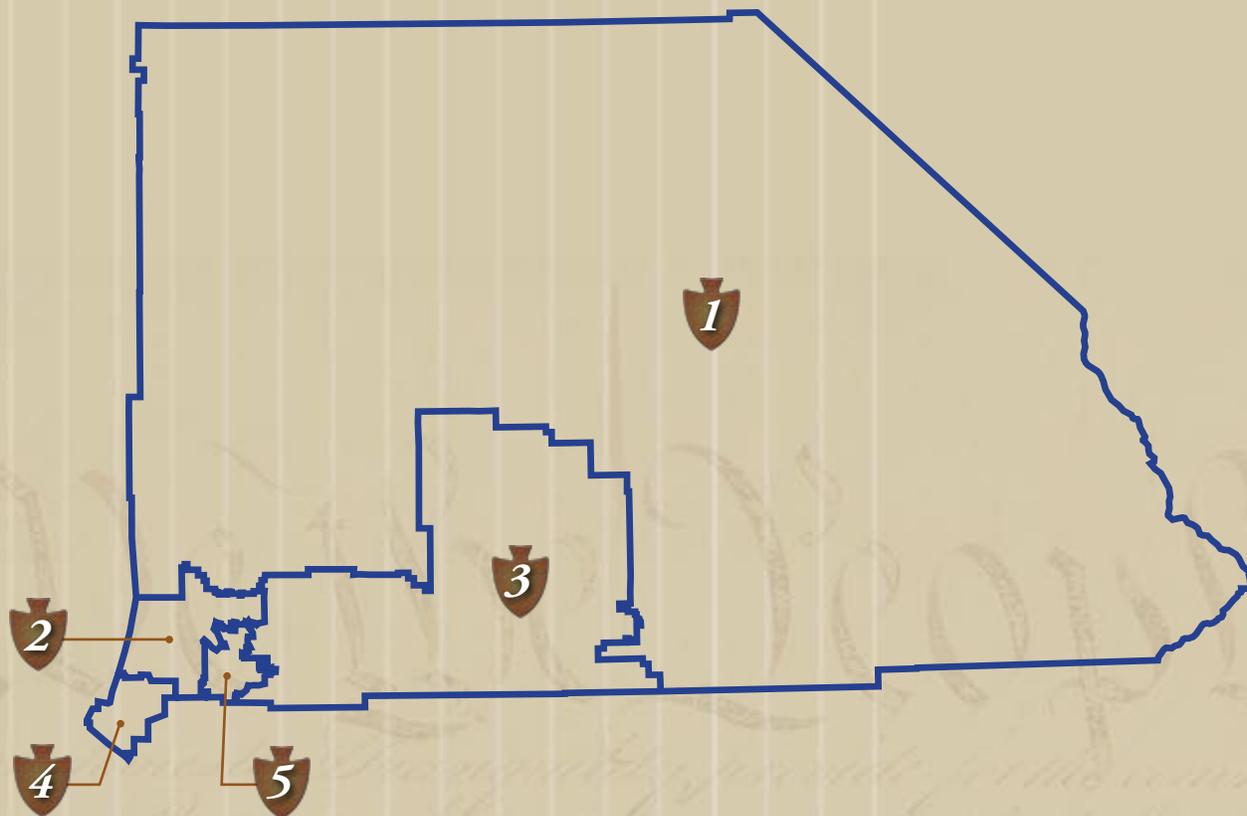
Representatives and direct Taxes shall be apportioned among
the several States which shall be determined by adding to the whole
Number of free Persons, including Indians bound to Service, three
fifths of all other Persons, (Slaves not included) the actual Enumeration
shall be taken within three Years after the first Meeting of the Congress
under this Constitution, and within each subsequent Term of Years which
shall be ascertained by Law. But no Enumeration shall be made in any
State until the next Census be taken.

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San Bernardino County BOARD OF SUPERVISORS



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“The Office of the Public Defender is a vital and integral participant in the overall implementation of San Bernardino County’s criminal justice system. The Court and the Public Defender’s office continue to work, along with the other law and justice partners, in a fashion to provide open and equal access to those who use our system of justice ... I have been able, during the last year, to observe the trial representation provided by Deputy Public Defenders and have found them to be skilled and zealous in their representation of criminal defendants ...”

— Presiding Judge James McGuire, California Superior Court, County of San Bernardino



EXCEEDING EXPECTATIONS

Welcome to the 2008 San Bernardino County Public Defender Report

In the San Bernardino County Public Defender's 2007 Annual Report we declared, "our achievements exceeded anyone's best expectations." Since then, I had the honor of meeting many community members who told me how SBCPD exceeds *their* expectations. They are impressed by the nature of our success, scope of our services, and the level of our expertise. This Report focuses on some of the many ways SBCPD continues to exceed expectations.

Scope of Services

The scope of our representation consistently exceeds expectations. We believe the key to quality representation is client service. Every day, our deputy public defenders meet with and listen to our clients. We answer their questions and work with them to prepare a defense. We analyze the government's evidence and develop a trial strategy. Our Bureau of Investigation interviews witnesses, collects evidence, and follows every reasonable lead to support the client's case. We understand that our remarkable success starts with preparation. So when our lawyers go to court they are always in a position to present our client's case with the highest degree of professionalism.

In addition to our litigation services, we support many other aspects of the justice system. Our Department participates in community outreach activities that address our clients' special needs in treatment courts. (See, "Mental Health Court: Treating the Illness, Curing the Community," page 8.) We help people resolve their minor transgressions so they can work and live a meaningful and productive life. (See, "Our Expungement Program: Getting People a Second Chance," page 16.) Our Juvenile Unit represents our minor clients from the case's inception through the conclusion of the minor's sentence, if any, helping them develop from delinquent youths to responsible citizens. (See, "Caring For Our Youth: Success Through Advocacy," page

7.) We are committed to finding our clients the help they need to get their life on track. (See, "Case Studies Michael Jakaub and Deean Brunnelle," page 15.)

The SBCPD remains committed to educating the public about the law, the justice system, and our role in the community. Throughout the year, our Speakers Bureau presents experienced and knowledgeable speakers who provide vital information to the community on a variety of topics. Again this year, we had the privilege of co-sponsoring Law Day in San Bernardino County. Since 1958 when President Eisenhower proclaimed May 1st as Law Day, this day has been observed throughout the nation as a celebration of the rule of law. In 2008, San Bernardino County Law Day events educated more than 7,500 students at 28 schools countywide.

As public servants we participate as a part of the County's emergency resources. We have improved our ability to serve the county in this capacity with new training programs and equipment. For instance, in 2008 we established our 800 Mhz radio program thereby enhancing our Investigators' safety in the field and improving our ability to effectively support County emergency operations. (See, "Bureau of Investigation," page 10.)

Level of Expertise

Each year, our Training Department produces a program of seminars that brings together recognized criminal justice experts, and offers our attorneys and the local defense Bar all the MCLE credits they will need for each State Bar reporting period. In Fiscal Year 2007-2008, the Public Defender Training Department provided more than 1,809 Mandatory Continuing Legal Education credits to our staff and the local Bar.





“The Public Defender’s Office is an integral and significant part of the justice system. The Probation Department supports the professional and respectful job that they perform.”

— Assistant Chief Probation Officer Michelle Scray, San Bernardino County Probation Department

In June 2008, we co-sponsored the first “bring your own case” comprehensive capital defense seminar in the Inland Empire. Capital defense litigation teams came from all over Southern California to work with nationally recognized experts in this unique, “state of the art” program. This seminar was made possible by a grant from the United States Department of Justice, and we hope we can continue this valuable program for many years to come.

In addition to these initiatives, we continued our New Attorney, Post Bar and Summer Law Clerk Training programs. We offer our new lawyers a training regimen that goes beyond classroom lectures, and includes demonstrations, tours, mentoring and a practical advocacy program. This program gives our lawyers and law clerks the head start they need to become effective advocates.

We train all the members of our staff so they can best perform their respective duties and render excellent customer service. Recently our organizational structure was revised to include a new level of supervision for our Office Assistants, permitting better training, mentoring and supervision for our clerical support staff. We also held our Second Annual Supervisory Training Seminar; a three day lecture series with training that focused on practical answers to the difficult issues our supervisors face every day.

Nature of Our Success

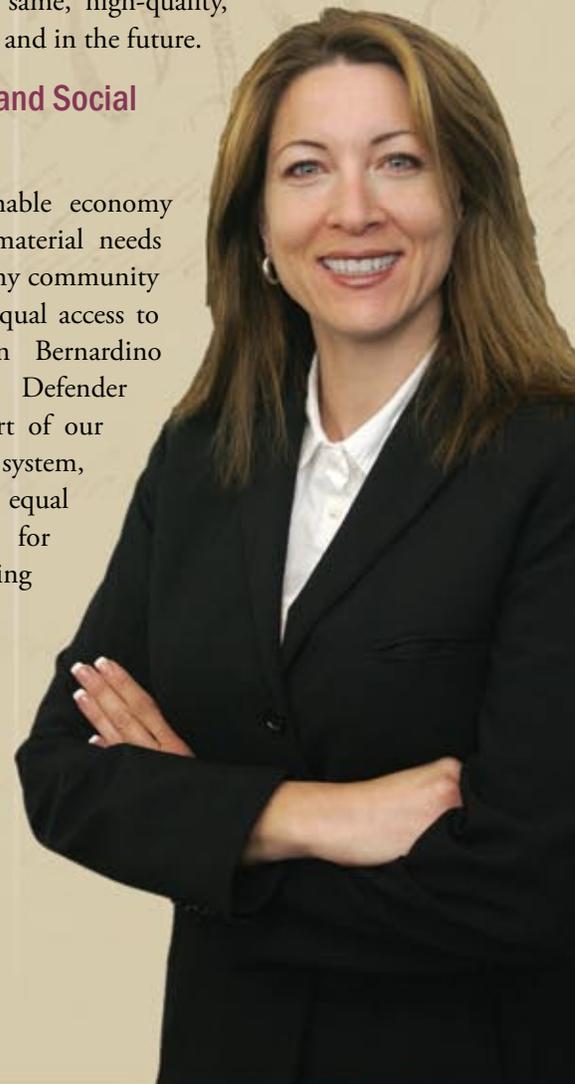
Our passionate advocacy ensures our clients receive the best legal care while our expertise and streamlined processes guarantee the best value to the community for the most comprehensive services available. We are proud of our Department’s extraordinary success in the courtroom. But we are equally proud of what we have done for our clients and the community at large. We never lose focus on our goal to provide the best legal care to our clients. Yet we remain mindful of the fact that we are part of the greater community

and we will continue to work with our criminal justice partners to promote justice in this County.

People often tell me that if the government has brought a case against an individual, then the he or she must be guilty. I am pleased to respond by pointing out the number of times our passionate advocacy saved our client from a wrongful conviction. (See, “Case Studies: The Case of the Magic Bullet,” page 14.) We have been recognized and rewarded for our achievements (See, “Main Unit,” page 5.) We are proud of our success and remain committed to providing the same, high-quality, legal services now and in the future.

Sustainability and Social Justice

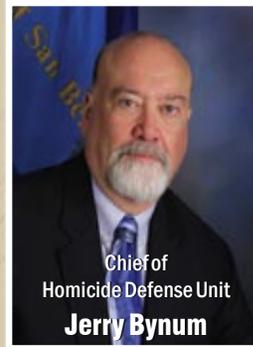
Just as a sustainable economy must meet the material needs of people, a healthy community must guarantee equal access to justice. The San Bernardino County Public Defender is an integral part of our County’s justice system, helping to secure equal access to justice for all, and exceeding expectations.



*San Bernardino
County
Public Defender
Doreen B. Boxer*



SENIOR MANAGEMENT TEAM



THE MAIN UNIT

Advocacy

The Public Defender Main Unit handles the vast majority of cases for the Department and is comprised of the Central, Desert, Human Services (Civil Commitment/Juvenile), and West Valley Divisions. In addition, our Main Unit contains the Public Defender Training Division. Our clients receive passionate and skilled advocacy as they are guided through the complex criminal, civil commitment and juvenile justice systems by our well trained and dedicated Deputy Public Defenders.

In Fiscal Year 2007 – 2008 the Main Unit's 116 trial attorneys handled 54,270 adult and 4,727 juvenile delinquency matters. Our Deputy Public Defenders conducted 165 adult felony, 135 adult misdemeanor and 21 civil commitment jury trials, as well as 93 juvenile jurisdictional and 175 contested hearings; increasing the number of cases taken to trial by 15% from the previous year. Our Writs and Appeals Unit had a busy year litigating 35 appellate court writs, and successfully protecting our clients' confidences against attempted intrusion by the court, prosecution or other agencies.

The Main Unit depends on our well trained and dedicated office assistants, secretaries, paralegals and social service practitioners. Recent changes to our support staff management have helped accommodate the Department's overall growth. Since half of our Office Assistants have less than 3 years service, we are working to improve our training program and have added Supervising Office Assistants to our management staff. These changes have helped ensure our support staff provides professional service.

Our support staff helps care for the Department's clients, families and community partners by providing excellent customer service on a daily basis. Sometimes Office Assistants are able to resolve issues quickly for the client. For example, this year a bilingual Office Assistant was called to assist a non-English speaking individual who came to our reception window because he could not understand why a warrant for his arrest was issued; he had not done anything wrong. Our Office Assistant contacted the

court, county jail, and District Attorney's office to determine the individual's warrant status. After about 3 hours of pursuing this information, our Office Assistant was able to confirm the warrant had been issued for the wrong person, and the client at the reception counter was innocent. Soon thereafter our office made sure the warrant was issued to the correct person, relieving our blameless client.

The San Bernardino County Public Defender continues to set the standard for juvenile representation. In November 2007 along with Pacific Juvenile Defender Center we co-hosted the Department of Juvenile Justice (DJJ) Roundtable conference. The Roundtable conference highlighted significant changes in the juvenile field with the passage of Senate Bill 81 and California Department of Corrections and Rehabilitation Division of Juvenile Justice realignment.

Our Juvenile Unit developed a field placement program for Masters of Social Work externs from Loma Linda University.



OAIII Donna Rienstra (center, with award) with DPD Don Wingfield, APD Lauri Ferguson, CDPD John Zitny and Sec II Kay Skawienski after being presented with the 2008 Award For Excellence by the San Bernardino County Board of Supervisors.



THE MAIN UNIT *(continued)*



San Bernardino County Assistant Chief Probation Officer Michelle Scray (left), and The Honorable Marsha Slough, Presiding Judge of the Juvenile Court, San Bernardino County (middle), presenting the CJJDP Certificate of Recognition to Chief Deputy Public Defender Chris Gardner.

In this field placement program social work externs interview our minor clients, and monitor their progress at juvenile facilities, placement programs, homes, and at DJJ to provide recommendations for appropriate treatment and services. Following this success, and, in conjunction with the Department of Behavioral Health, Loma Linda University, and Cal State San Bernardino, the Public Defender developed a program designed to identify minors with mental health issues and provide appropriate evaluations and referrals for treatment. This program is one avenue for the detection, prevention and early intervention of mental health issues.

The Public Defender provides representation and services for the County's 8 adult and 1 juvenile Drug Courts, as well as our 4 Mental Health Courts and for the Homeless Court programs in Rancho Cucamonga and San Bernardino. We are active in criminal law, civil commitment and juvenile committees and programs including: Prop 36, Inns of Court, Operation Phoenix, Mental Health Consensus, Law Day, Project Comeback, UCR Juvenile Law Institute, Colton At-Risk Teen Program (CART), Transitional Age Youth Center, Safe Surrender, Children's Network and Policy Counsel, Mock Trial,

and the San Bernardino Community Plea Program, and the Mental Health Consensus.

In 2008, several Main Unit personnel received awards for their exceptional efforts:

- Chief Deputy Chris Gardner was recognized with the San Bernardino County Juvenile Justice and Delinquency Prevention Commission's Recognition of Services to Youth for his development, direction and work with a variety of community programs.
- Supervising Deputy Public Defender Michael Camber was recognized for his outstanding work in the Community Plea program at the Inland Empire Concerned African American Churches Martin Luther King Jr. Awards Breakfast.
- Supervising Deputy Public Defender Jennifer Cannady was recognized as the Legal Advocate of the Year at the Children's Network, Shine a Light on Child Abuse Annual Awards Breakfast.
- Office Assistant III Donna Rienstra was presented with the Award for Excellence by the San Bernardino County Board of Supervisors for her work in organizing community outreach events.

Finally, our Training Division continued to produce excellent seminars, tours and trainings available for criminal law and civil commitment law practitioners. This past year the Training Department provided more than 1,809 Mandatory Continuing Legal Education credits to our staff and the local bar.

"The Public Defender recognizes a long-term obligation to each client in delinquency court, and establishes a crucial link to the community awaiting their release. By tracking each case, providing individual support, developing resources, advocating for treatment and training, and helping offenders maintain contact with their families, the Public Defender does the possible —help ensure the successful re-entry of offenders into their communities and thereby decrease crime and victimization."

— Suzanne Neuhaus, Parole Agent II/Victims Services Specialist, California Department of Corrections and Rehabilitation/
Division of Juvenile Justice



Success Through Advocacy

Our office works to protect minors even before they become involved in the juvenile justice system. As a community partner we help develop and participate in prevention programs like Project Comeback and Colton At Risk Teens (CART) that seek to discourage truancy, as well as programs like Safe Surrender that offer alternatives and education to deter dangerous behavior. When a minor is charged with a crime, as with our adult clients, we passionately litigate their cases, employing our skillful legal and investigatory services while engaging the minors' family to ensure the best possible outcome. We zealously represent minors from initial appearances on charges through any sentencing, or "post-dispositional," phase of their cases. This is so regardless of whether he or she is placed at home on probation, sent to a group home, or held in custody at any type of juvenile detention facility.

As a knowledgeable voice for our young clients, we have been able to fill some of the gaps in the juvenile justice system that previously had caused our at-risk youth to fail, sometimes despite their best efforts. Accordingly, our social workers and attorneys meet with clients, families, experts and agencies to identify what services would most benefit them. We then monitor and advocate to ensure those services are provided. Through monitoring and advocacy we ensure our clients are receiving appropriate educational, vocational, health and mental health services to help them become productive adults.

Our unique relationship with the juvenile facilitates a rehabilitative method that differs significantly from the approach traditionally emphasized by the juvenile justice system. In short, our concern goes beyond simply monitoring the minor and preventing him from reoffending. Because the minor and his family know our attorneys and social workers are on their side and are not trying to get them in trouble, they are comfortable to reveal underlying causes of the delinquency that otherwise would remain concealed.

As a result, our program works in a different way than traditional methods and provides a more effective rehabilitative opportunity for the minor.

Among other rehabilitative successes, our team approach has reunited families, located employment opportunities, arranged for mental health and substance abuse treatment or counseling, procured educational assistance, and regained clients' liberty. We have collaborated with other agencies to improve existing programs or create new ones that employ evidence based practices to rehabilitate our clients. Such collaboration has led to additional resources for our clients and to development of prevention programs targeting youth issues such as truancy that touch both clients and at-risk kids prior to any involvement with the juvenile justice system.

This is a significant benefit to our community as some of the worst juvenile crimes in our county were committed by minors who were unsuccessful in their placements when they reoffended, leaving them desperate to avoid detection.



CDPD Chris Gardner with SDPD Jennie Cannady celebrating her being awarded the Children's Network Legal Advocate of 2007.

"The Public Defender's support of our graduate students placed in their externship program is evidenced on many different level including thorough planning, an extensive orientation manual, on-going liaison with our school, and continued dialogue with our Program Director. This program has proven to be an invaluable source for student learning in the areas of forensic social work and the criminal justice field." — Professor Froylana Heredia-Miller, LCSW Program Director, Loma Linda University



Mental Health Court

Civil Commitment Unit

TREATING THE ILLNESS, CURING THE COMMUNITY

In some cases the Public Defender handles clients who may suffer from mental illnesses ranging from disorders that can be managed to those that are somewhat more debilitating. Our specially trained staff help these clients navigate the criminal justice system, often assisting these clients in obtaining treatment for their conditions.

For those whose illness can be managed immediately, one collaborative process supported by the Public Defender is Mental Health Court. This specialty court handles cases for our mentally ill clients, who, due to their illness, create minor problems in the community. In these cases, the typical client is under a doctor's care and tends to benefit from prescriptive medication. Because the client is supported with treatment and encouragement, assisted with obtaining services and training, and is accountable to the court, he is more likely to stay on his medication thereby reducing community disturbances.

There are four adult Mental Health courts in San Bernardino County: in Joshua Tree, Barstow, San Bernardino, and Rancho Cucamonga. Deputy Public Defenders assigned to these specialty courts work closely with the District Attorney, Sheriff, Probation, Department of Behavioral Health, Public Health, Community Treatment Programs, and Judicial Officers. In FY 2007-2008 there were 116 clients enrolled in Mental Health Court, with 29 successfully graduating.

Mental Health Court recognizes that mental illness is treatable, not curable. Clients' behavior greatly improves while participating in this treatment court, thereby reducing the likelihood that the client will re-offend. Clients have become self-sufficient and have obtained employment or education during their Mental Health Court participation.

PROTECTING LIBERTY

Our Civil Commitment Unit (CCU) is charged with protecting the liberty of those of our clients alleged to be mentally disordered offenders (MDOs) or sexually violent predators (SVPs). Our CCU also handles those of our Main Unit clients charged with a crime who are developmentally disabled (DD).

Because they concern a life-long history of the client, these cases always involve expert witnesses and are governed by both civil and criminal law these cases are legally and factually complex. Consequently, the attorneys assigned to these cases must be experienced and well trained. In Fiscal Year 2007-2008, the CCU added 264 new clients to its caseload.

In addition to ensuring our client's rights through trial, it is not uncommon for our CCU to help clients even after their cases are closed from a legal perspective. In one such case this year, a client who had been hospitalized for almost two decades reached out to the CCU when he found himself released from the hospital without money, necessary medical and psychiatric medication, or a place to live. The Public Defender helped the client obtain medication, housing, vocational rehabilitation, and other benefits. Helping this client put himself on a path to independence, and protected both his liberty and the community.



*DPD Pam King,
Lead Attorney Civil
Commitment Unit*



Homicide Defense Unit

STRENGTHENING OUR COMMITMENT

In this second year since we re-designated our Capital Case Unit to the Homicide Defense Unit (HDU) there have been some challenges and changes. The first challenge centered on the separation between the HDU and the Public Defender's Main Unit. After months of litigation, the California Court of Appeal – Fourth Appellate District, Division Two, held conclusively that the two Public Defender Units are separate, thereby overruling the District Attorney's challenge.

Consequently our Homicide Defense Unit has been appointed on more special circumstance homicide cases than ever before. Our case load has more than doubled, accordingly we have increased staffing in every classification. Fortunately we had the physical space for the expansion.

In 2008, the Public Defender teamed up with the National Consortium for Capital Defense Training to provide the first "bring your own case" comprehensive capital defense seminar in the Inland Empire. The seminar offered nationally recognized lecturers, and provided intensive sessions in which the trainers and defense teams worked on the cases the participants brought with them.

Defense teams, including lawyers, investigators, and mitigation specialists, from all over Southern California participated in this seminar at the San Bernardino Hilton June 12-14, 2008.



Public Defender Doreen Boxer welcomes participants in San Bernardino County's first "bring your own case" death penalty training seminar.

All attendees found the individual brainstorming sessions with nationally recognized faculty invaluable.

The HDU also designed our own "in Unit" training program in which we hosted professionally recognized mitigation attorneys from all over Southern California. These experts lectured to our team about the best and most successful mitigation practices. These small sessions have allowed us to interact with experts in a small group, thereby sharpening our skills most effectively.



Deputy Public Defenders perform a wide array of litigation services for clients, including courtroom advocacy.



Bureau of Investigation

FIDELITY, DILIGENCE, INTEGRITY

Integrity

In 2007 the Public Defender Bureau of Investigation completed the structural objectives then identified by restructuring the Bureau, defining our organizational vision and core values, standardizing investigative operations throughout the County, and developing and implementing a robust entry-level training program. Following this success, the Bureau set four new objectives: establish new performance standards and rating processes, evaluate divisional and individual caseload distributions, increase safety for Bureau field personnel, and develop and implement the Intermediate Investigative Training Program.

Establish New Performance Standards and Rating Processes

Following a six month collaborative development period, the Bureau launched a ground-breaking new work performance evaluation (WPE) with updated performance standards for Public Defender Investigators. The new evaluation rates investigator performance against the increased expectations and higher performance standards that have been developed since the 2006 Bureau reorganization. In addition to raising performance standards, the new WPE seeks to standardize the rating criteria and establishes objectivity by employing a mathematically weighted scoring system. The new WPE is comprised of 12 categories with 56 individually weighted performance components. The new standards and rating system were introduced in February of 2008. Since their introduction, public defender offices in two states have expressed interest in adopting our standards and rating system.

Evaluate Divisional and Individual Caseload Distributions

Caseload distribution and management are perennial challenges for a Bureau with primary investigative responsibility for 60,000 criminal and civil commitment cases annually. Achieving maximum efficiency from all personnel, systems, and resources

is critical to our success. In 2008 the investigative management team worked with Bureau staff to identify and address deficiencies related to caseload distributions and data entry.

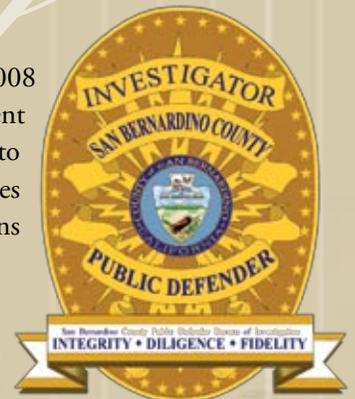
The process, protocols, and accuracy of data entry into the investigative case management system were identified as areas of concern.

Following a period of analysis and discussion the data entry guidelines for each geographic division were standardized and a Bureau-wide training program was put into development for all personnel tasked with processing and assigning investigation requests. The curriculum will endeavor to standardize the criteria for assignment of investigation requests throughout the Bureau and will seek to evaluate the availability of investigators with consideration for their actual workload versus a purely numeric caseload. In order to assist in curriculum / process development, a volunteer committee comprised of management and Bureau staff was appointed to study and make recommendations as to specific standards for case weighting.

In addition, the process of requesting and receiving caseload relief between divisions was standardized to facilitate more immediate and simpler transfer of cases from an overburdened division to one less heavily tasked. A second employee/management committee was appointed to explore the challenges and solutions related to merging CMS data entry so as to allow for seamless interdivisional case assignment.

Increase Safety for Bureau Field Personnel

The majority of a Public Defender Investigator's work is conducted in the field. Common field taskings include:



Public Defender Bureau of Investigation Shield



Diligence

interviews with witnesses, victims, and third-party suspects; crime scene investigation; process service; evidence collection; witness transportation; field observations; and surveillances. The personal safety of each investigator is of critical importance to the Public Defender and the Bureau of Investigation.

In order to mitigate these risks the Public Defender and Bureau management team are committed to providing all field personnel with appropriate training and safety tools. In June of 2008 one third of Bureau field personnel were issued concealable body armor that will protect against firearm and knife attacks. The vests were purchased with partial funding from the United States Department of Justice – Bulletproof Vest Partnership. It is projected that the remaining Bureau field personnel will be equipped with body armor over the next year.

As it is impossible to control many of the environments where investigative activities are conducted, rapid communication and strict accountability are among the most effective tools available to help manage the risks inherent to such fieldwork. Situations arise in the field where immediate assistance and coordination are required. Such situations often involve conducting investigations in high-crime areas, making necessary contact with hostile or gang-affiliated individuals, and coordinating multi-vehicle surveillances, area searches, and witness canvasses. Public Defender Investigators are assigned individually to their cases and do not have the benefit of working with a partner. Aggravating the risk to field investigators is the fact they frequently find themselves in situations where the threat level increases suddenly and unpredictably.

In an effort to address the need for rapid multi-receiver communications and up-to-date field location and status information for all Investigators and Investigative Technicians, field personnel were equipped with Motorola 800 MHz radios in September of 2008 with the launch of the Bureau's two-way radio program. The radios are capable of transmitting and receiving

throughout San Bernardino County and into the bordering areas of adjacent counties. The radios and control base-station were purchased with grant monies from the San Bernardino County Law and Justice Group. The radios, base-station, and frequency are maintained by the County's Information Services Department in cooperation with the San Bernardino County Sheriff's Communications Division.

The addition of two-way radio communications has provided Investigators and Investigative Technicians with the ability to communicate and coordinate instantaneously with all field personnel in the immediate area and throughout the County while simultaneously updating supervision and control as to their current location and status. In addition, field personnel now have the ability to alert all field personnel, Bureau supervision, and control simultaneously about existing or developing problems and the need for emergency assistance.

The addition of two-way radio communications has also served to make Bureau personnel more useful to County emergency planners. Throughout September and October of 2008 Chief Public Defender Investigator Martin Dante met with the



Sheriff's Department and California State Emergency Management Agency personnel to coordinate the use and deployment of Bureau staff to support County emergency operations during a declared local or state emergency. Thirty-five radio dispatched Public Defender units have been organized to relieve County law enforcement and fire personnel from necessary tasks that do not require sworn peace officers or firefighters. With this unprecedented cooperation and coordination, the San Bernardino County Public Defender's investigative assets have been incorporated into the Sheriff's mutual aid and emergency operations plans.

Develop and Begin Implementation of an Intermediate Investigative Training Program

The Bureau's multilevel Investigative Training Program (ITP) was conceived in 2006 and has been in phased development and implementation since. The ITP program is a five level progressive training program that is designed to take entry-level investigators from basic to advanced proficiency in the discipline of defense investigation. After implementing the program's full basic level



CPR training, one of many initiatives that improve our readiness.

(ITP-1) in 2007, the Bureau management team directed their attention to the development and implementation of the intermediate level (ITP-2). The first draft training syllabus for ITP-2 was completed in the last quarter of 2007 and finalized in January of 2008. In December of 2007 and March of 2008 the first two modules of ITP-2 were launched with additional modules awaiting implementation.



As part of the Bureau's multilevel Investigative Training Program, Investigators attend lectures on up to date techniques and procedures.



Facilities:

GROWTH AND PROGRESS

As the County's population grows, law enforcement and the courts continue to expand operations. In turn, the Public Defender has added staffing, resulting in tight work spaces at many of our facilities. The Public Defender presently has offices in 18 locations throughout San Bernardino County.

Since 2006 the Public Defender has obtained new office space and has relocated staff to address our most critical facilities issues. In 2008 we moved our West Valley Division investigators formerly assigned to either our Fontana Courthouse or Rancho Cucamonga Courthouse locations, to an office complex convenient to both of those Courthouses. Similarly, we moved our Central Division investigator staff to a new location to free-up office space in the Central Adult office adjacent to the San Bernardino Courthouse. Moving the investigators from the courthouse offices opened workspace for the attorneys who appear in the courtrooms daily. In December 2008, the Department moved our Central Misdemeanor and Civil Commitment Unit attorneys and clerical into new space on D Street in San Bernardino, thereby affording those staff members a more efficient and healthy workspace.

Our Victorville operations expanded to a second location on Cajon Ave., within walking distance from the courthouse. The Department relocated the Desert's Juvenile Unit, Bureau of Investigation, and one adult felony trial team into approximately 10,000 sq ft on the second floor of a newly constructed building.

This new location provided space for on-site training and interview facilities. The Department purchased appropriate new furniture and equipment, resulting in improved employee productivity and morale.



Bureau of Investigation – West Valley Division

The Public Defender continues to actively address our remaining space needs. The Desert Division will acquire new facilities for Needles by the end of fiscal year 2008/2009 and our Joshua Tree Office is expected to undergo a remodel and expansion project in fiscal year 2009/2010.



Our new location on Cajon Ave. near the Victorville Courthouse.



John Doe, The Case of the Magic Bullet

Our client “John Doe” went to his co-worker “Larry’s” house to collect money owed to him. Instead of being paid the money he was owed, Doe was beaten by Larry and his friends. Later that evening, Doe returned with friends to Larry’s house in a second attempt to collect his money. Larry exited the residence with a roommate and an argument ensued. Larry later claimed that Doe fired a handgun at him several times causing one of the bullets to strike him in the mouth. Law enforcement was called. Police took pictures of Larry’s bloody lip and missing tooth, as well as of several shell casings lying on the grass in the front yard. Police interviewed Larry’s roommate, who also claimed Doe fired a gun during the confrontation.

John Doe was arrested at 3:30 the next morning in his home in front of his sister and her young son. Police searched Doe’s residence for evidence, but didn’t find anything. A Gunshot Residue test was conducted with negative results. No gun or bullets were ever found. Doe spoke with police and explained when he went to Larry’s house, it was his intention to collect his money without being beaten a second time. Doe told officers neither he nor his friends had a gun when they went to Larry’s house. Nevertheless, Doe was booked for four felony charges including attempted murder with a gun. Doe was facing life in prison.

At trial about a year later, under Deputy Public Defender Christina Villalobos’s cross-examination, investigating officers admitted they found no bullet strike marks, impact marks or

slugs where Larry claimed the shooting occurred. Moreover, the condition of the shell casings found in the front yard did not fit Larry’s story. Most important, DPD Villalobos was able to prove that IF Larry had been shot in his mouth as he claimed, Larry would either have a bullet or an exit wound in his mouth, of which he had neither. DPD Villalobos used the prosecution’s evidence to prove Larry’s story could not be true.



*Client
John Doe*

*Deputy Public Defender
Christina Villalobos*

In addition, DPD Villalobos was able to establish that the “victim” Larry is a lifelong methamphetamine user and as a result his teeth were very weak and susceptible to breakage. DPD Villalobos presented a defense expert, an oral surgeon, who testified Larry had no injury that would be consistent with a gunshot wound to the mouth; instead Larry’s cut lip and missing tooth more likely resulted from a punch in the mouth.

Because of DPD Villalobos’s excellent advocacy, the jury found John Doe **Not** Guilty of the charges, saving him from life in prison.



Michael Jakaub, Clean, Healthy and Employed

After years of drug dependence, Michael Jakaub found himself arrested, once again. Mr. Jakaub's attorney, Deputy Public Defender Maggie Eisenberg, took the lead, evaluating the facts and circumstances of the charges. DPD Eisenberg negotiated an agreement with the prosecution whereby Mr. Jakaub would attend a drug program; if successful in the program, his charges would be dismissed.

Now almost two years later, Mr. Jakaub is drug free for the first time since he was a 16 years old. Since he became clean, Mr. Jakaub has been employed at a motorcycle shop, and is now considering buying a house. Since he got clean from drugs he has been 'juicing' -he has a juicer and drinks pure, whole fruit and vegetable juice - and his health is better than it has been in years. He is dating a woman with whom he attends church several times a week. He still attends NA.

Mr. Jakaub is doing extremely well and is happier than he has been in many years, and is thankful for the chance to clean up his life that was, in large part, due to DPD Eisenberg's quick thinking and persistence.



*Michael
Jakaub*



*Deputy Public Defender
Maggie Eisenberg*

Deeann Brunnelle, From Drug Dependence to Caring Mother

Deeann Brunnelle was, by her own admission, a long term drug addict. She had a number of arrests, going back to 1986. Her last arrest was for charges stemming from her possession of drugs.

Supervising Deputy Public Defender Steve Bremser advocated for an alternative to the usual time in jail or prison and got Ms. Brunnelle evaluated and placed in treatment. SDPD Bremser made sure Ms. Brunnelle's treatment was comprehensive and dealt with her long term underlying issues, not merely her use of drugs. Gradually there was improvement.

Within months, Ms. Brunnelle was helping to transport other program participants to meetings and appointments. She attended parenting classes and was reunited with her daughter.

Eventually Ms. Brunnelle became a member of the Morongo Basin Mental Health Advisory Board and in at the completion of her treatment, the charges against Ms. Brunnelle were dismissed.

Since then she has been volunteering with her treatment center. She remains active in her church, as a den mother for her little girl's scout troop, and as a full time college student. In addition, she is slated to speak at a nationwide parenting conference.

Today Ms. Brunnelle is drug free and crime free. Mostly she is proud for finally having a positive, active role in her little girl's life. She is now looking forward to a bright future for herself and her daughter.

*Supervising Deputy
Public Defender
Steve Bremser*



Our Expungement Program

GETTING PEOPLE A SECOND CHANCE

Glen Costa was unemployed. He was a skilled heavy equipment operator and long haul truck driver, but he could not find work. He was struggling to get a decent job because of his prior mistakes. In 1993, he was convicted of two misdemeanors. A job employment service told him of trucking companies that were hiring, but his two misdemeanor convictions were holding him back. He came to the Public Defenders Office and asked for help. Paralegal, Cathy Honselor, went to work. She prepared the necessary paperwork, and walked Mr. Costa through the process. Pursuant to state law, the judge agreed to dismiss the convictions. Mr. Costa now has the career he had long been seeking.

For those who have been convicted and have completed their sentences, the Public Defender's Expungement Program works to clear records that would otherwise prevent them from



Glen Costa



Cathy Honselor

employment, housing and other civil benefits. Expungements are authorized under California law pursuant to Penal Code section 1203.4. During the last year this popular program has helped approximately 390 individuals get their lives back on track by having their old convictions converted to dismissals.

Benefits

Once a conviction is expunged, the client may legally assert that the conviction never took place. However, there are three exceptions where the client must still reveal that he was convicted. These exceptions are if the client is applying for public office, if the client is applying for state or local licensure or if the client will contract with the State Lottery. The main reason people seek to expunge convictions is to obtain employment.

By petitioning for – and obtaining – expungements, the Public Defender serves both our client and the community at large. This is so since everyone benefits when people are gainfully employed. For instance, when a person is employed, he does not need to receive government relief; instead, he pays income tax and sales tax, generating a stronger community financial base.

In addition to obtaining employment, expungements clear the way for people to secure decent housing for their families and to qualify for credit. Clients' sense of self-worth and commitment to responsibility increase through an ability to support themselves, and this translates into responsible conduct for himself and his family. This program improves the lives of people who are living below their potential.

Process

Many expungement clients are referred by the Superior Court or the Probation Department. Public Defender staff members



provide guidance and support to every client. To determine if a client qualifies for expungement, his criminal history and probationary status are evaluated.

If the matter is a prior felony, a petition for expungement is prepared, and then submitted to the Probation Department. Probation investigates the petition and schedules a court date. If the matter is a misdemeanor, the case is filed with the District Attorney and then the Public Defender contacts the Superior Court to set a hearing date.

At the hearing a judge will determine whether the individual qualifies to have the conviction set aside. The determining factor is whether the client has successfully completed probation. This means that all educational and drug and alcohol programs must be completed, all fines and restitution have been paid, and there have been no new criminal cases during the probation period. A Deputy Public Defender will represent the client at the court hearing.

If the judge finds that the client has successfully completed probation, the court will have the finding of guilt set aside and a not guilty will be entered. Then the court will dismiss the case. If the judge initially denies the petition, the paralegal may prepare a motion for the court to reconsider. This will complete the expungement process.

Community Outreach

While most of the clients we serve for expungements are addressed in-house, the Public Defender also attends community events to assist clients at those locations. The Public Defender collaborates with county agencies and community based service organizations so that we can attend events and help those who would like an expungement.

For instance, in March 2008 the Public Defender participated in the Time For Change Health Faire. In a single day, we completed 120 petitions for expungement so that these individuals could

obtain relief. With assistance from the Superior Court, Probation, and the District Attorney, these 120 individuals were given an opportunity to make a positive change in their lives from this one day event.

For both the community and for the person, those who have demonstrated a positive life change should be given a second chance. The expungement process provides such a second chance.



At left, OAIII Donna Rienstra in the foreground and Law Clerk Eric Loftman in the background assisting expungement clients at a community outreach event.

Below, CDPD Phyllis Morris and SDPD John Crouch at an October 2008 Women's Fair educating the public about the many services the Public Defender offers the community.



Financial PERFORMANCE



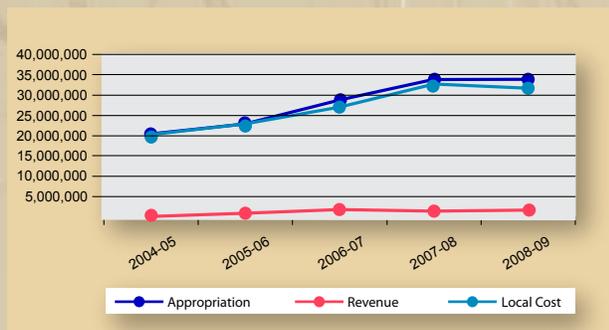
Since the current Public Defender took office in March 2006 staffing has increased by nearly 25%. The department continues to strive for new positions but the slowing economy will likely translate to fewer increases in the near future.

In the two years prior to our current administration, the Department overspent our budget. Since Ms. Boxer took office, our new administration improved fiscal monitoring and controls and the Department has operated below budget and saved the taxpayer considerable money. This year the Department was

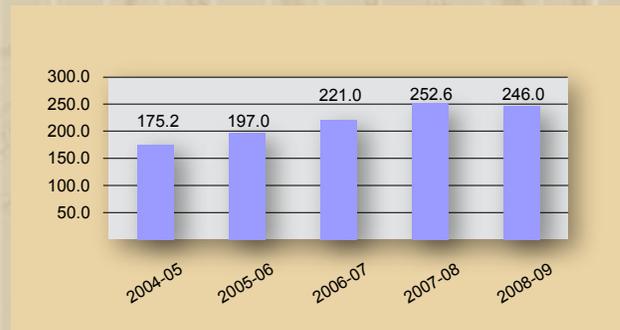
diligent in its duty to remain within the budget approved by the Board of Supervisors (BOS).

Budgets will almost certainly tighten in coming budget years even as case loads are likely to rise. However, the Public Defender remains committed to ensuring the Department does not exceed our budget even while improving the quality of our services. To achieve better service at a lower cost, the Public Defender will continue to focus on efficiency.

5-Year Budget Trend



5-Year Staffing Trend



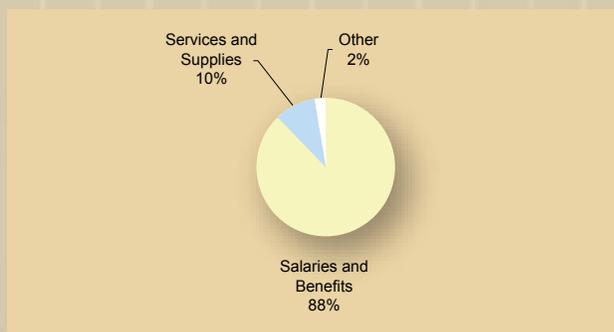
Performance History

	2004-05 Actual	2005-06 Actual	2006-07 Actual	2007-08 Modified Budget	2007-08 Actual	2008-09 Final Budget
Appropriation	21,714,034	24,301,876	28,803,312	34,090,131	32,693,176	33,786,524
Departmental Revenue	621,504	1,163,105	1,638,442	1,666,384	1,444,092	1,702,204
Local Cost	21,092,530	23,138,771	27,164,870	32,423,747	31,249,084	32,084,320
Budgeted Staffing				252.6		246.0





2008-09 Expenditure Authority



2008-09 Financing Sources



Budget Analysis

GROUP: Law and Justice
DEPARTMENT: Public Defender
FUND: General

BUDGET UNIT: AAA PBD
FUNCTION: Public Protection
ACTIVITY: Judicial

	2004-05 Actual	2005-06 Actual	2006-07 Actual	2007-08 Actual	2007-08 Final Budget	2008-09 Final Budget	Change From 2007-08 Final Budget
Appropriation							
Salaries and Benefits	18,498,044	21,879,392	25,190,243	29,004,532	30,390,801	29,612,245	(778,556)
Services and Supplies	2,556,733	1,996,507	2,936,824	2,800,702	2,506,080	2,962,296	456,216
Central Computer	123,443	165,499	192,949	218,229	218,229	248,625	30,396
Travel	-	-	-	-	-	120,114	120,114
Equipment	182,648	68,504	24,364	46,297	-	-	-
Vehicles	175,985	-	175,319	168,677	165,351	-	(165,351)
Transfers	191,159	191,974	203,613	454,739	543,286	843,244	299,958
Total Exp Authority	21,728,012	24,301,876	28,723,312	32,693,176	33,823,747	33,786,524	(37,223)
Reimbursements	(13,978)	-	-	-	-	-	-
Total Appropriation	21,714,034	24,301,876	28,723,312	32,693,176	33,823,747	33,786,524	(37,223)
Operating Transfers Out	-	-	80,000	-	-	-	-
Total Requirements	21,714,034		28,803,312	32,693,176	33,823,747	33,786,524	(37,223)
Departmental Revenue							
State, Fed or Gov't Aid	54,551	213,369	1,018,231	521,293	500,000	608,165	108,165
Current Services	463,903	878,816	602,096	653,685	900,000	698,039	(201,961)
Other Revenue	103,050	70,920	-	2,730	-	-	-
Other Financing Sources	-	-	18,115	-	-	-	-
Total Revenue	621,504	1,163,105	1,638,442	1,177,708	1,400,000	1,306,204	(93,796)
Operating Transfers In	-	-	-	266,384	-	396,000	396,000
Total Financing Sources	621,504	1,163,105	1,638,442	1,444,092	1,400,000	1,702,204	302,204
Local Cost	21,092,530	23,138,771	27,164,870	31,249,084	32,423,747	32,084,320	339,427
Budgeted Staffing					252.6	246.0	(6.6)



LAW CLERK PROGRAM

The Public Defender's Summer and Post Bar Clerkships are nationally recognized programs offered to a select group of law students. These programs are designed to give our Law Clerks the opportunity to obtain "hands on" criminal defense experience in a professional and collegial setting.

The Programs

The Public Defender offers two Law Clerk programs: The Summer Clerkship and the Post-Bar Clerkship. The Summer Clerkship consists of law students who have completed two years of law school. The Summer Clerkship begins in late May with a week of initial training and ends in late July. Throughout the summer the Clerks attend weekly training meetings and complete a trial advocacy program.

The Post-Bar Clerkship program begins in mid August. This program is for individuals who have completed law school, who are certified by the State Bar of California pursuant to California Rules of Court section 9.42, and who have taken the July California Bar Examination. Prior to receiving their assignments, Post Bar Law Clerks begin their apprenticeship by attending the same in-house training alongside newly hired attorneys which combines theoretical, scholastic and litigation experience.

Clerks in both programs are assigned a mentor, and expected to assist with legal research, prepare motions and briefs, and interview clients. Certified Summer and all Post Bar Clerks have the opportunity to litigate motions, preliminary hearings and trials in court under the direct and immediate supervision of an experienced attorney. Law Clerks are required to attend continuing legal education which is offered by the San Bernardino County Public Defender Training department. Such programs are presented as road-shows (lunch time seminars) and evening seminars (which are offered by the office to local bar). This exposure to formal training, mentorship and actual litigation gives our law clerks an edge over other programs that emphasize research only.

Our programs fully integrate law clerks into the Public Defender's Office; our Clerks are part of the defense team.

Recruitment

The office conducts law clerk recruitment at law schools, public service law recruitment fairs and also accepts unsolicited applications. Candidates are offered positions based on their good moral character, scholastic and community achievements and their established desire to help the disadvantaged. The selection process is competitive and only the best applicants are selected.



Mock cross examinations are a highlight of the New Attorney and Law Clerk Training Program.



Endorsements

Here is what a few program participants had to say:

“I thoroughly enjoyed my time in the Public Defender’s law clerk program. I encountered issues that I never would have anticipated but for the law clerk program. I developed friends and contacts, and learned how to work in a team oriented environment. The mock trial portion of my training prepared me to become a trial lawyer. Also, the ability to do actual litigation by conducting preliminary hearings gave me excellent hands-on experience.”

— DPD Amanda King, Tulane University '07

“The San Bernardino County Public Defender Law Clerk program was great. It created a sense of teamwork and a strong bond with my co-workers. The formalized training was thorough and extensive. Working directly with attorneys provided me with a strong foundation which has given me a distinct advantage now that I am an attorney.”

— DPD Joy Hlavenka, Golden Gate University '07

“By mixing lectures on key topics and shadowing experienced attorneys in court, the training program provided the tools and confidence to hit the ground running. It was very rewarding to then use that training as a Law Clerk to represent clients in court.”

— DPD Nazim Sial, UCLA '07



New Deputy Public Defenders and Law Clerks watch during mock trial opening statements.



All new Deputy Public Defenders and Law Clerks participate in the trial advocacy portion of the New Attorney and Law Clerk Training Program.





San Bernardino County Public Defender

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