

San Bernardino County

PUBLIC DEFENDER

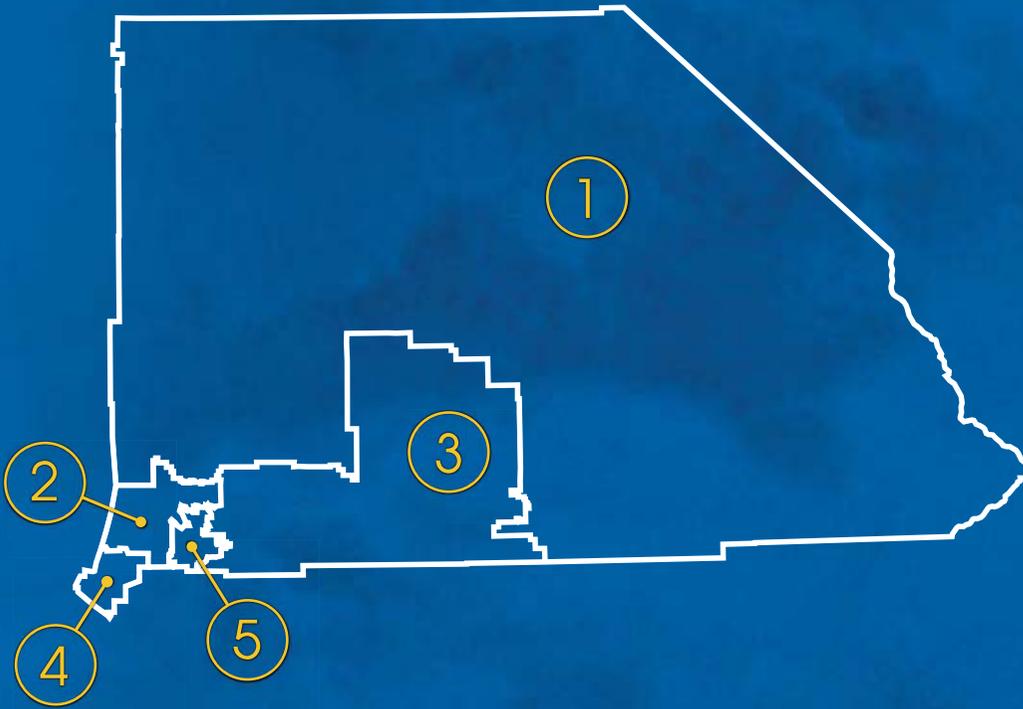
Annual Report '07



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San Bernardino County Board Of Supervisors



Brad Mitzelfelt

1st
DISTRICT



Paul Biane
Chairman

2nd
DISTRICT



Dennis Hansberger

3rd
DISTRICT



Gary Ovitt
Vice-Chairman

4th
DISTRICT



Josie Gonzales

5th
DISTRICT

"...It was important to seek change in the Office of the Public Defender... while the staff always did their very best at representing the clients needing service, the reputation and impressions of the office were often less than positive. Comments from the legal community always focused on selection of a leader to take the office in a new direction and to champion the role of the Public Defender.

"...In Doreen Boxer we found a leader, unafraid to take on critical issues and willing to stand up and confront problems, while at the same time standing up for her staff.

"...This has been an exciting year for the Public Defender... I am most proud of the growth and improvements.

...We are on the right course."



Mark Uffer
Chief Administrative Officer

Welcome...

Founded in 1960, the San Bernardino County Public Defender protects the interests of criminal and civil commitment defendants by providing skilled legal counsel and passionate advocacy.

In March 2006, I was appointed the San Bernardino County Public Defender. My administration focuses on team building, operational efficiency and upgrading equipment and facilities.

Building a strong team requires support and training. In the past two years our staff has grown to 266 employees, with roughly 140 attorneys. Each of our new employees receives comprehensive training in their duties to ensure the highest quality services for all of our clients. In addition to improving case resolution, our training methods have helped us develop a more efficient departmental structure, cutting indigent defense costs to the county by hundreds of thousands of dollars.

Our New Deputy Public Defender Training Program puts our young lawyers in a position to evaluate cases more quickly, reliably and effectively. Our training has reduced the potential for wrongful convictions and addressed chronic systemic delay.

In February 2007, we began staffing attorneys in both video and in-court arraignment proceedings. This allows our lawyers to meet our clients between 6 and 10 days earlier. This service protects our clients and makes the county's criminal justice system more efficient.

In fiscal year 2006-2007, the Public Defender restructured our investigation division. This restructuring freed staff from duplicative and often confusing processes, and facilitated professional investigative work. For further information on this restructuring, refer to Bureau of Investigation on page 10.

We enhanced our office by updating our equipment. This year we upgraded our computer hardware and software; streamlining simple tasks, and enhancing our ability to serve our clients. We also reduced staff workload by adjusting internal purchasing policies.

Our department is handling more cases than before, and resolving them more efficiently. For instance, compared with the previous year, in Fiscal Year 06-07 the office handled 18% more misdemeanor cases and resolved them 31% more quickly. Meanwhile, we nearly doubled the number of misdemeanor jury trials.

Our department celebrates good results. We take pride in the impressive results we have achieved so far. Through their skill and dedication, Public Defender team members have saved innocent people from being unfairly punished. See examples of this in Case Studies on page 13.

In Fiscal Year 07-08 we are looking forward to moving our Administration, Central Misdemeanor, Victorville Juvenile, Victorville Adult, and Bureau of Investigation-West Valley Divisions to new facilities. We anticipate expanding our fledgling Writs and Appeals Unit, restructuring our clerical functions with newly created Office Assistant Supervisors and expanding our arraignment interviewer personnel.

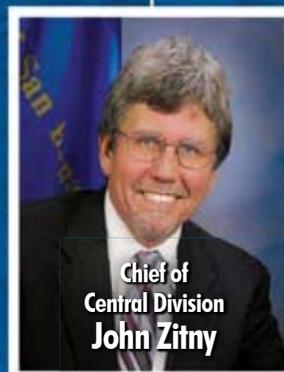
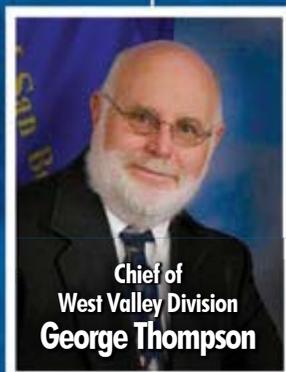
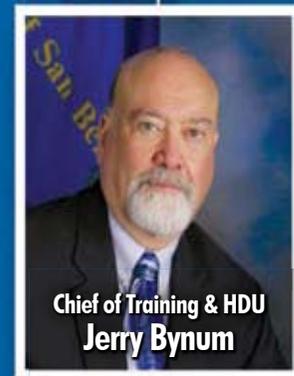
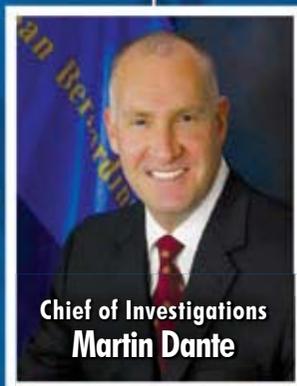
Since I became the San Bernardino County Public Defender in March 2006, my mission has been building a strong defender office. Our achievements exceed anyone's best expectations. I am looking forward to our department's growth in the future.

Doreen B. Boxer

San Bernardino County
Public Defender



Senior Management Team



The Main Unit



Headed by Assistant Public Defender Lauri Ferguson, the Public Defender Main Unit handles the vast majority of cases for the department. The Main Unit is comprised of the Human Services/Juvenile, Central and West Valley Divisions.

The Public Defender Main Unit participates in treatment courts in adult and juvenile courts. To that end we work with the Superior Court, Department of Behavioral Health, Inland Regional Center, Probation Department, District Attorney, Sheriff, local law enforcement, and community based treatment providers to blend treatment with the criminal justice system. These programs are designed to reduce recidivism, protect the community, and provide clients with skilled legal counsel offering opportunities for a clean, productive and healthy lifestyle.

Our Main Unit attorneys provide legal representation for all 9 adult drug courts, 4 adult mental health courts, the Victorville juvenile drug court, the Rancho Cucamonga Court for Individualized Treatment of Adolescents, and the San Bernardino juvenile Mental Health Court, and 3 adult domestic violence courts. In addition to the more traditional treatment courts, we have partnered with the Superior Court, District Attorney, Probation, and local community and faith based organizations to provide services in the Rancho Cucamonga and San Bernardino Homeless Courts and the San Bernardino Community Plea Program.

Our Main Unit juvenile branch works closely with the Superior Court, the District Attorney, and Probation to provide better treatment and services for minors in juvenile hall pending placement in probation group homes and reentry for minors committed to the Division of Juvenile Justice.

Pursuant to recent legislation and rules of Court, San Bernardino was one of the first counties to provide a dedicated attorney to minors committed to DJJ.

This attorney ensures that all minors committed to DJJ receive the education, treatment, vocational, medical, and psychiatric services ordered by the Court, and necessary to ensure the minor's success upon their return to the community.

Our participation with the Mental Health Consensus, (a group which includes the Sheriff, District Attorney, Arrowhead Regional Medical Center, Court, Department of Behavioral Health, Public Health, National Alliance for Mentally Ill (NAMI), Inland Regional Center, Inland Parole, local law enforcement, Probation, and community partners) has allowed us to conduct the Third Annual Clothing Drive for May's Mental Health Awareness Month. This year we received clothing donations that generated 250 Goodwill clothing vouchers (10.00 each) to provide our clients when they are released from hospitals, clinics, local detention facilities, and when they need assistance to be successful on probation. February was the kickoff for our new arraignment program. In addition to in-court arraignments, and in cooperation with the Sheriff and Court, the Main Unit began staffing the video arraignments at West Valley Detention Center and by March was staffing the video arraignments at Adelanto facility. This program was possible due to the assistance of the Board of Supervisors which provided funding for additional staff.

This past year, the Main Unit had approximately 103 trial level Deputy Public Defenders who were responsible for 51,963 adult and 5,000 juvenile criminal matters. The Main Unit conducted 143 adult felony and 108 adult misdemeanor jury trials, as well as 86 juvenile jurisdictional hearings and 150 Contested Dispositional hearings.

In the upcoming year the Main Unit is looking forward to moving to new facilities in Victorville, Joshua Tree, and in San Bernardino, which will provide some relief for the staff in these overcrowded offices. In addition, the Main Unit is anxious to absorb the new staff members granted in the county's 2007-2008 budget, and to launch the updated equipment and software recently purchased by the department.

The Juvenile Division



In fiscal year 2006-2007 the Public Defender Juvenile Division represented more than 5,000 minors in delinquency proceedings. The Public Defender is also a major contributor to the development of new and innovative rehabilitative programs within the juvenile justice system including drug and mental health treatment courts throughout the county.

The San Bernardino County Public Defender Juvenile Division is at the forefront of statewide development and implementation of California Rules of Court Rule 5-663 which addresses post-dispositional representation of minors. Our program assists minors during their rehabilitative process making it more likely these young people will not re-enter the criminal justice system. We currently have 2 full time attorneys and a licensed social worker serving approximately 140 clients housed in placements throughout the state and at least 2 placements outside California, and 70 clients housed at the California Division of Juvenile Justice (DJJ).

The Public Defender also participates in many community outreach programs. For example, the Public Defender is an active member in the San Bernardino County Children's Network Policy Council, the Gangs and Drugs Task Force, the Law Enforcement and Education Partnership, as well as the Probation Department's John Doe II compliance committee.

The Public Defender co-sponsored Law Day 2007 in the County of San Bernardino and Chief Deputy Chris Gardner was the primary organizer for the very successful event. The Public Defender provided speakers for presentations to area youth at approximately 27 high schools located throughout our county. The Board of Supervisors recognized our efforts in educating our youth with a Board Resolution.

"There is never a day that goes by where I am not amazed at the ability of the deputy public defenders in our county to professionally handle such a tremendous workload with the care, precision and wisdom required of them."

Judge William Jefferson Powell IV

The Public Defender Training Department was launched in May 2006 with the goal of providing training to help all personnel sharpen expertise to enhance performance and job satisfaction. Our Training Department is quickly becoming a leader in providing comprehensive programs to help our staff members become and remain skilled professionals.

In Fiscal Year 2006-2007 the Training Department produced 609 hours of attorney, supervisor, investigator and clerical training. In other words, the department delivered performance enhancing training for the equivalent of 4 hours of every working day in the fiscal year.

An accredited Continuing Legal Education (CLE) provider, our Training Department designs programs that offer ongoing specialized legal instruction and trial advocacy. The Training Department brings together in-house and community legal experts and professionals to train our lawyers.

In fiscal year 2006-2007 the Training Department programs resulted in more than 2,752 hours of Certified Mandatory Continuing Legal Education for our attorneys. In addition, we provide financial assistance for legal training from outside providers.



In addition, the Training Department oversees a formal attorney mentoring program. The Training Department assigns a knowledgeable mentor to assist with training for new Law Clerks, Deputy Public Defenders, and for Deputies beginning a new practice area within the department.

Civil Commitment Unit

The San Bernardino Public Defender's Civil Commitment Unit (CCU) handles cases involving defendants alleged to be mentally disordered offenders (MDOs), developmentally disabled (DD) and sexually violent predators (SVPs).

Governed by civil and criminal law and procedure, these cases are legally and factually complex, generally involve numerous incidents and always include multiple expert witnesses. Consequently, the attorneys assigned to these cases must be experienced and well trained.

MDO cases involve clients who present a danger to others, due to a diagnosed mental disorder that is not in remission. These cases are prosecuted by the government to commit the MDO defendant to a state hospital. MDO cases do not end with a verdict since the defendant has an annual right to a jury trial to determine whether continued MDO confinement is warranted. In Fiscal Year 2006-2007, CCU added 102 MDO clients to its caseload.

One MDO case resolved in fiscal year 2006-2007, was that of Dinora M., whose journey is a triumph over the ravages of homelessness, drug addiction, and mental illness. As a young adult Dinora found herself debilitated by schizophrenia and began to self-medicate with illegal drugs. Her condition was exacerbated when her fiancé was murdered in a drive-by shooting.

Paranoid from her intoxication, Dinora earned her first strike conviction when she broke into a home desperate to hide from unknown assailants. She suffered a second strike when, tormented by the sensation of leeches invading her body, she attacked her boyfriend's new girlfriend believing that the woman had beaten Dinora's five-year old son.

Deputy Public Defender Lyly Brantley represented Dinora in court, where she successfully challenged a second involuntary commitment to Patton State Hospital, and convinced the jury that Dinora was not dangerous to others. Today Dinora is free in the community, a single mother reunited with her son. She is living in a board and care, faithfully taking her medication, and reporting to outpatient care to maintain her mental health.

In Fiscal Year 2006-2007, California voters passed Proposition 83, also known as "Jessica's Law," which both increased penalties for those convicted of many types of sexual assault, and expanded the breadth of the State's Sexually Violent Predator Law. The State Budget anticipates a ten-fold growth in SVP cases. At present the department assigns two Deputy Public Defenders to handle all department SVP cases, but this is expected to change with the increase in SVP cases.



Lyly Brantley
San Bernardino County
Deputy Public Defender

"The San Bernardino County Public Defender's Office ensures fairness and balance in our county's justice system by providing its clients with skilled legal representation throughout the judicial process."

Paul Biane,
Chairman Board of Supervisors

Homicide Defense Unit

The Homicide Defense Unit handles only special circumstance homicide cases. By virtue of the special circumstance filing, each case filed carries with it a potential sentence of either life in prison without the possibility of parole, or death.

In 1990, the department formed the Capital Case Unit to handle death penalty cases countywide. Since then the Unit operated as a segmented group within the greater Public Defender system enabling it to handle more capital cases than it would if it was not separate from the Main Unit. Often during a case's litigation the possibility of a death sentence is declined by the prosecution, and the case would be referred to the Main Unit for litigation. Because changing counsel most often harms our clients and is costly in both time and money, in Fiscal Year 2006-2007 the Unit was re-designated "Homicide Defense Unit" and began to additionally handle former death penalty cases that the prosecution elected to carry a maximum sentence of life without the possibility of parole.

Chief Deputy Jerry Bynum leads the Homicide Defense Unit. This year the Unit lost its Team Leader Joe Canty, who passed away after a long and distinguished career. Joe's patient and knowledgeable guidance inspired the group since its formation. In June David Gunn accepted the Lead Attorney position and added his exceptional capital case experience to the Unit.

California death penalty trials are broken into two components: guilt trial and penalty trial. At the guilt trial, a jury is asked to decide whether the defendant is guilty of the crimes charged. If the defendant is found guilty, at the penalty trial, a jury is asked to decide whether the defendant should be sentenced to death. Consistent with California law, the Public Defender assigns two highly skilled Deputy Public Defenders and professional investigators to each death penalty case.

The complex nature of the charges and sentencing proceedings in the Unit's cases results in lengthy litigation. For instance, in Fiscal Year 2006-2007 the Unit tried the case of People v. Wayne Allen Ford, the first case filed under California Penal Code § 790(B) permitting charges stemming from conduct in other counties to be filed in one county alone. Mr. Ford was charged with four murders from four different counties. His case involved tens of thousands of documents, hundreds of witnesses and dozens of expert witnesses. Mr. Ford's trial lasted for 8 months.

In Fiscal Year 2007-2008, the Unit is looking forward to additional staff members to accommodate an increase in caseload

Bureau of Investigation

The Bureau now has a 3 week initial investigative training program (ITP-1) which includes class and field work. Intermediate training program ITP-2 will be launched in Fiscal Year 2007-2008, and more advanced training programs are planned over the next 2 years.

Chief Dante conducted a Bureau-wide caseload and distribution audits and reallocated resources to address the results of those audits. The Bureau's average caseload was up 27% in the last quarter of calendar year 2006 and another 25% in the first quarter of calendar year 2007. The Bureau appears to be on track for similar gains in the foreseeable future. In the 2007-2008 Budget, the Board of Supervisors granted additional staff to address the Bureau's workload increases.

The Bureau has embraced the notion that Public Defender Investigators must on occasion work after hours, on weekends, and even on holidays. The Duty Supervisor Program was instituted to accommodate this requirement and to ensure that the Bureau is appropriately responsive to the needs of the department. This program guarantees that a Supervising Investigator is available by telephone or e-mail 24 hours a day, 365 days a year.

In February 2007, with 3 Interviewers the Bureau launched its new jail interview program in conjunction with the Public Defender's arraignment initiative. This program is expected to expand to 6 Interviewers in Fiscal Year 2007-2008.

In keeping with our commitment to ensure that Bureau practices meet or surpass the highest law enforcement industry standards, we have begun the process of establishing policies and protocols for the proper collection, handling, and storage of physical evidence collected. For instance, the Public Defender has set aside physical space and considerable resources to complete state of the art digitally recorded (audio and video) interview rooms for the Central, Desert and West Valley Divisions. Similarly, the Public Defender has addressed Investigator safety and accountability concerns through grant requests for body armor and 800MHz two-way radio communications.

The past year has been a period of dynamic progress for the Public Defender Bureau of Investigation. Shortly after taking office in March of 2006 the Public Defender set herself to the task of reorganizing the Investigations Division. Previously in the attorney chain of command, the new Bureau has been separated and is now managed by the Chief Public Defender Investigator. This change elevated the investigation divisions' leadership from the sub-division-level to the department-level and ensured that Public Defender investigative staff would answer to professional investigators.

The Public Defender's Bureau of Investigation is in the process of being developed, mindful of the well-proven law enforcement model. The structure of the Bureau is designed to ensure that a Public Defender Investigator is neutral, objective, thorough, aggressive, and honorable. Focused on increasing our investigators' professionalism, accountability, and training standards, the Bureau has adopted integrity, diligence and fidelity as core values.

In November 2006 the Bureau was assembled to recommit to their profession, their department, and the Bureau at a special swearing-in ceremony presided over by Superior Court Presiding Judge Larry Allen. At the ceremony Chief Martin Dante publicly defined the Bureau's core values and asked his investigators to renew the oath they had sworn when they first started their career with the San Bernardino County Public Defender.

Thereafter, the Bureau redesigned every aspect of the former Investigations Division. The job descriptions of each job classification in the Bureau were changed to more accurately reflect the mission of the Bureau. The minimum acceptable levels of training and experience were increased. The testing and interview process was enhanced and now include demanding written and oral examinations.



Law Clerk Program

This year the Board of Supervisors granted Law Clerk positions to the Public Defender and we launched both our Summer and Post Bar Clerkships. Howard University law student Nichole Mounsey illustrated her experience as one of our first class of Summer Law Clerks:

This summer the Law Offices of the San Bernardino County Public Defender employed approximately seven law students to serve as Law Clerks.

As a clerk, I conducted legal research, wrote legal memoranda, and drafted pretrial motions, and interviewed public defender clients at the West Valley Detention Center. As a Certified Law Student, I engaged in the Practical Training of Law Students program and represented public defender clients in court. Under supervision, I presented oral arguments to protect public defender clients' Fourth and Sixth Amendment rights under the United States Constitution.

The internship also included a trial advocacy program. Through participation in the mock trial proceedings, the law clerks were able to experience voir dire, opening statements, cross examination of an officer, and closing arguments. Each of these encounters contributed to the growth and development of the individual law clerks as well as promoting effective legal research and analysis.

My experience with the Law Offices of the San Bernardino County Public Defender's Office was challenging, intellectually rewarding, and indispensable.



(from L to R)

Baron Geluz, Stacey Wolcott, Julie Ettari, Nichole Mounsey, Carrie Gabriel, Kimberly Prendergast, B. Parker Shea.

Video Court Arraignment Program

This year the Board of Supervisors granted 3 new positions to support a pilot video arraignment court program. In February 2007 the Public Defender launched our arraignment program. Prior to this program our department did not staff arraignments leaving our clients without active legal representation until many days later.

Our arraignment program enables our clients to meet with Public Defender attorneys and staff up to 10 days earlier. This more responsive representation facilitates earlier disposition of criminal cases, collection of important evidence and a better working relationship between client and attorney.

This program has been a great success. Between this program's establishment and the end of the fiscal year, the Public Defender handled 2,780 video court arraignments



(from L to R)

Deputy Public Defender Tom Ricker, Chief Deputy John Zitny, Chief of Investigation Martin Dante, Supervising Deputy Public Defender Michael Camber, Supervising Investigator Randy Bliss, Interviewer Mark Rohn, Assistant Public Defender Lauri Ferguson.

5-YEAR BUDGET TREND



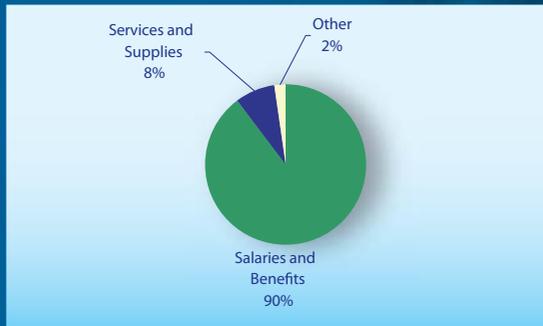
5-YEAR STAFFING TREND



PERFORMANCE HISTORY

	2003-04 Actual	2004-05 Actual	2005-06 Actual	2006-07 Modified Budget	2006-07 Actual
Appropriation	19,351,644	21,714,034	24,301,876	29,670,722	28,803,312
Departmental Revenue	280,609	621,504	1,163,105	1,638,440	1,638,442
Local Cost	19,071,035	21,092,530	23,138,771	28,032,282	27,164,870
Budgeted Staffing				221.0	

2007-08 EXPENDITURE AUTHORITY



2007-08 FINANCING SOURCES



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

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

	2003-04 Actual	2004-05 Actual	2005-06 Actual	2006-07 Actual	2006-07 Final Budget	2007-08 Final Budget	Change From 2006-07 Final Budget
Appropriation							
Salaries and Benefits	17,234,438	18,498,044	21,879,392	25,190,243	26,295,852	30,390,801	4,094,949
Services and Supplies	1,808,384	2,556,733	1,996,507	2,936,824	1,959,560	2,506,080	546,520
Central Computer	97,768	123,443	165,499	192,949	192,949	218,229	25,280
Equipment	-	182,648	68,504	24,364	-	-	-
Vehicles	-	175,985	-	175,319	202,303	165,351	(36,952)
Transfers	211,054	191,159	191,974	203,613	211,618	543,286	331,668
Total Exp Authority	19,351,644	21,728,012	24,301,876	28,723,312	28,862,282	33,823,747	4,961,465
Reimbursements	-	(13,978)	-	-	-	-	-
Total Appropriation	19,351,644	21,714,034	24,301,876	28,723,312	28,862,282	33,823,747	4,961,465
Operating Transfers Out	-	-	-	80,000	-	-	-
Total Requirements	19,351,644	21,714,034	24,301,876	28,803,312	28,862,282	33,823,747	4,961,465
Departmental Revenue							
State, Fed or Gov't Aid	24,731	54,551	213,369	1,018,231	500,000	500,000	-
Current Services	255,878	463,903	878,816	602,096	1,100,000	900,000	(200,000)
Other Revenue	-	103,050	70,920	-	-	-	-
Other Financing Sources	-	-	-	18,115	-	-	-
Total Revenue	280,609	621,504	1,163,105	1,638,442	1,600,000	1,400,000	(200,000)
Local Cost	19,071,035	21,092,530	23,138,771	27,164,870	27,262,282	32,423,747	5,161,465
Budgeted Staffing					221.0	252.6	31.6

Case Study: Micah Wright

Just having been honorably discharged from the Marines, Micah Wright saw a bright future ahead of him. On one of his last days on the Marine base, Mr. Wright was pulled over for a routine traffic stop. During the traffic stop, officers found a knife. Officers took the knife, but hearing nothing further about it, Mr. Wright moved home to Alabama to become a postal worker.

During his USPS background check, a warrant for Mr. Wright's arrest appeared on his record. He, his pregnant wife, and his mother dropped everything and return to California to handle the warrant.

The Public Defender was appointed to represent Mr. Wright. Upon investigation, the defense team found the purported weapon was not an illegal item. In fact, the same knife is sold from well stocked shelves of camping stores.

The defense team convinced the prosecution to dismiss the charges against Mr. Wright. Mr. Wright now looks forward to a long career in public service.



Case Study: People v. Doe

In December 2005, Miss Jones' body was discovered in the motel room Jones had occupied for two months. The decedent was found lying on the bed, having sustained a two-inch cut on the left side of her neck.

Law enforcement investigators examined a recording from a surveillance camera provided to them by the motel's staff. The recording showed a man named Smith entering and exiting Jones' room several times. The recording also showed that a well-known local character Mr. Doe was the last person to enter and leave Jones' room before her body was discovered.

Suspicion quickly focused on Doe. Law enforcement investigators spoke with Doe's girlfriend who told them Doe had confessed to her he committed the Jones murder. Armed with this information, police arrested Doe and the prosecution charged him with murder; Doe faced a sentence of life imprisonment. The Superior Court appointed the San Bernardino County Public Defender to represent Doe.



Laura Seasholtz
San Bernardino County
PD Investigator

George Wright
San Bernardino County
Deputy Public Defender

The Public Defender's defense team pursued all legal and investigatory avenues. DPD George Wright and PD Investigator Laura Seasholtz dug up three additional motel surveillance recordings exonerating Doe and establishing Smith's guilt. Doe's girlfriend admitted to Seasholtz that Doe's "confession" was only to finding Jones dead, not to having murdered her.

The justice system worked and after hundreds of hours of legal and investigatory preparation, charges against Doe were dismissed. Smith was then charged with the Jones murder.

The story is true; the names have been changed to protect the innocent.

"Law Day" 2007

"Celebrate Your Freedom, Liberty Under Law: Empowering Youth, Ensuring Democracy"

In 1958 President Eisenhower proclaimed May 1 as Law Day and "urge[d] the legal profession, the press, and the radio, television and motion picture industries to promote and to participate in the observance of that date."

This year the Public Defender co-sponsored Law Day for the County of San Bernardino with the County Bar Association. On April 17, 2007, the San Bernardino County Board of Supervisors unanimously Resolved that May 1 is Law Day in the County. 2007's Law Day theme is "Celebrate Your Freedom, Liberty Under Law: Empowering Youth, Ensuring Democracy".

In total, there were 37 presenters who spoke at 27 schools throughout the county, and gave a total of 111 presentations to thousands of students. Of the 37 presenters, 33 were from the Public Defender's Office.

Numerous educators, students and Bar Association administrators complimented SBCPD's inspirational presentations. Many of our new fans spoke about the high quality of SBCPD staff presentations and our patience in answering student questions.



Supervisors Gary Ovitt, Josie Gonzales and Brad Mitzelfelt presenting the April 17 Resolution to the Public Defender and Bar Association representatives.



COUNTY OF SAN BERNARDINO



1853





SAN BERNARDINO COUNTY PUBLIC DEFENDER
303 West 3rd Street, San Bernardino, California 92415
909.382.7639 • www.sbcpd.com

2007