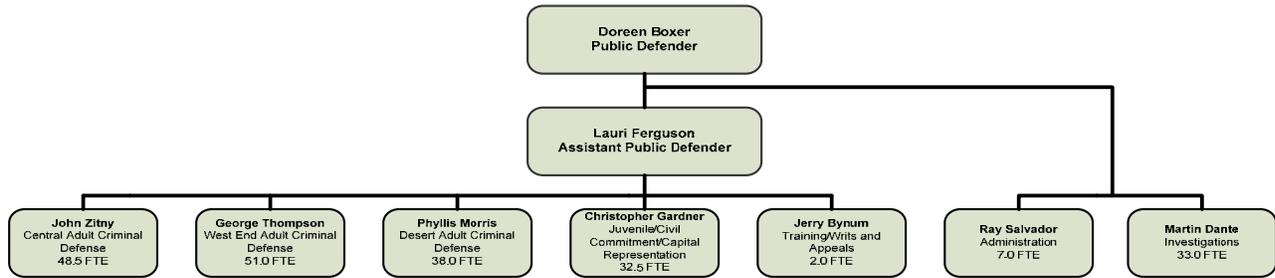


PUBLIC DEFENDER Doreen Boxer

I. MISSION STATEMENT

The Public Defender protects the constitutional rights of indigent defendants by providing skilled legal counsel and passionate advocacy at all critical phases of state level criminal and civil commitment litigation.

II. ORGANIZATIONAL CHART



III. DESCRIPTION OF MAJOR SERVICES

The Public Defender represents indigent clients in misdemeanor, felony, juvenile delinquency, and mental health civil commitment cases. The Public Defender’s Office plays a key role in the timely administration of justice by providing constitutionally mandated legal services to indigent clients at critical stages of the proceedings. Services provided by the Public Defender include investigating the underlying facts and circumstances of each case, performing legal research, writing briefs and writs, counseling clients regarding their legal rights and applicable procedures, negotiating with prosecuting authorities, filing and litigating pre-trial motions, and conducting bench and jury trials.

IV. 2005-06 ACCOMPLISHMENTS

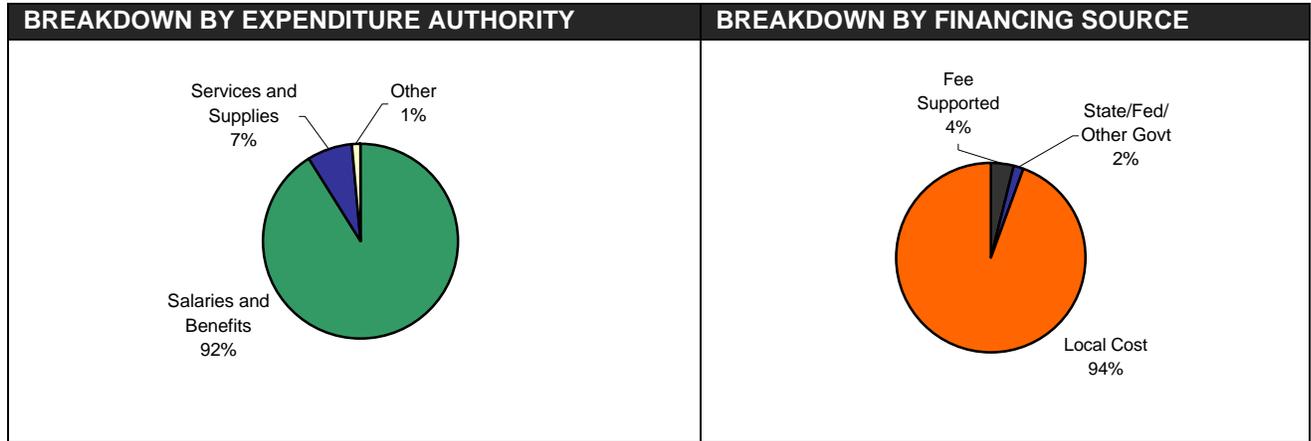
- Launched “Public Defender Intranet” with employee resources including databases and links to county agencies and legal services.
- Created two-volume “San Bernardino County New Deputy Public Defender Training Manual.”
- Developed four and five week “San Bernardino County New Deputy Public Defender” training programs.
- Conducted monthly lunchtime training program providing specialized training at all office locations.
- Created monthly evening seminar program, open to the private defense bar, with locally, regionally, and nationally recognized speakers.
- Hired and trained the first Social Service Practitioner to address the complicated and specialized mental health and emotional needs of the department’s minor clients.
- Established social work field placement for Loma Linda University master of social work students.
- Represented Division of Juvenile Justice wards at hearings in compliance with California Rule of Court 1479 and SB 459.
- Provided lecturers for former inmate community reentry and parole orientation programs at all county locations.

V. 2006-07 SUMMARY OF BUDGET UNITS

	2006-07			
	Appropriation	Revenue	Local Cost	Staffing
General Fund:				
Indigent Representation	28,862,282	1,600,000	27,262,282	221.0
TOTAL	28,862,282	1,600,000	27,262,282	221.0



VI. 2006-07 BUDGET



VII. GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

GOAL 1: REDUCE BACKLOG OF OLD CASES.

Objective A: Increase early resolution of cases thus minimizing custody time (and attendant costs to the client and county).

Objective B: Decrease active caseloads (by 10% or more) so lawyers can concentrate on the more difficult cases, thus improving the caliber of representation, while at the same time increasing customer service.

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
1A. Percentage reduction of "old cases" - defined as more than 180 days in felonies. (948 cases in 2005-06)	N/A	10%	11%	19%
2A. Percentage reduction of "old cases" - defined as more than 120 days in misdemeanors. (2,816 cases in 2005-06)	N/A	10%	12%	19%

Status

Between 2004-05 and 2005-06, the average length of time between appointment and resolution was reduced by 11% in felonies and 12% in misdemeanors. Active caseloads have not decreased despite the department's efforts, as case filings have outpaced staff increases.

The 2007-08 objectives seek to assist the department in achieving the goal of reducing the number of felonies that reach 180 days before disposition and the number of misdemeanors that reach 120 days before disposition by increasing departmental staff. Objective 2, related to the department's second Policy Item is "obtain personnel to ensure fair caseloads." Subsequently, the department is requesting additional staff that includes: Supervising Public Defenders, Deputy Public Defenders, Investigators, and a Supervising Investigator. These additional staff members will help the department process cases more efficiently; relieve the burden of excessive caseloads on line attorneys; and will assist the department in achieving its goal of reducing the number of "old" felony and misdemeanor cases. When attorneys have fewer cases to handle, they can process the cases they are assigned more efficiently because they can conduct investigations, visit clients, litigate motions, and proceed to trial earlier.



GOAL 2: INCREASE TRAINING IN ALL CLASSIFICATIONS AND INSTITUTE A NEW MENTORING PROGRAM TO "TRAIN OUR SUCCESSORS".
--

Objective A: Utilize Memorandum Of Understanding (MOU) training funds to their practical limits.

Objective B: Expand in-house training hours.

Objective C: Actively train people deemed likely to be future supervisors by one on one and formalized supervisory training programs.

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
2A. Percentage increase of MOU training funds expended each fiscal year. (\$13,048 funds in 2005-06)	N/A	15%	15%	16%
2B. Percentage increase of in-house training hours provided each fiscal year. (1,840 hours in 2005-06)	NEW	NEW	1%	2%
2C. Percentage increase of formalized supervisory training program hours. (12 hours in 2005-06)	N/A	200%	217%	250%

Status

In April 2006, the department established the San Bernardino County Public Defender Training Unit. Since this unit began, the department has held: monthly evening training seminars, monthly lunchtime training sessions, a detailed three day supervisor training, and three 3 to 5 week-long New Deputy Public Defender training classes that combine a mentoring program and in-class, hands on training for newly hired attorneys.

All staff members are encouraged to attend training and use of MOU funds is supported. To this end, the Public Defender Newsletter advertises training opportunities monthly and the Training Unit reminds staff of training opportunities with weekly, sometimes daily, emails.

Newly promoted or hired supervisors attended a three-day in-house supervisor training seminar, and attendance at various PERC supervision classes is encouraged. In addition, potential supervisor candidates attend management-training seminars given by outside organizations.

Proposed objectives, related to Policy Items 1, 2, and 3, for 2007-08 will assist the department achieve this goal by: improving the reliability of the information provided in training; enhancing staff efficiency thereby facilitating more training opportunities; and by solving space issues that prevent training sessions from occurring at branch offices. In addition, 2007-08 Policy Item 1 seeks to hire Supervising Office Assistants to train clerical staff. At present, attorneys supervise the department's clerical staff and there is no formalized training program.

GOAL 3: REDUCE NUMBER OF DECLARED CONFLICTS.

Objective A: Reduce number of conflicts declared by the department after appointment.

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
3A. Percentage reduction in conflicts declared by the department after appointment. (1,205 conflicts in 2005-06)	N/A	5%	26%	26%

Status

The department anticipates achieving this 2006-07 goal. The department declared 1,205 conflicts after appointment in 2005-06 and anticipates decreasing that amount by 26% in 2006-07. The department is projecting an additional 26% decrease in declared conflicts in 2007-08.



GOAL 4: REDUCE NUMBER OF CASES FROM WHICH THIS OFFICE IS RELIEVED.

Objective A: Reduce number of Marsden motions granted.

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
4A. Percentage reduction of Marsden motions granted. (54 granted in 2005-06)	N/A	20%	28%	39%

Status

Where a court finds a criminal defendant's case may be prejudiced, if the current appointed defense counsel remains on the case, the defense counsel must be removed from representing that defendant. The removal of the defense counsel is achieved through a Marsden motion. Historically, the department has been removed from representing a significant number of indigent defendants. The department has taken action to determine the cause of the large number of granted Marsden motions and is working toward addressing the source of the problems.

It is expected that the department will surpass the goal of 20% fewer granted Marsden motions in 2006-07, and will see additional reductions in 2007-08. Policy Item 2 for 2007-08 will help achieve this decrease because Marsden motions typically occur with clients who are frustrated by delays in the processing of their case. Delays in processing cases are often caused by overburdened attorneys. Hiring additional personnel will alleviate case processing delays and prevent Marsden motions. Similarly, approval of Policy Item 1 will result in increasingly reliable data and effective case management that will enable more efficient case processing, reducing client frustration and the associated likelihood of Marsden motions.

GOAL 5: PROVIDE CONSTITUTIONALLY MANDATED REPRESENTATION AT ALL CRITICAL PHASES OF CRIMINAL LITIGATION.
--

Objective A: Staff Video Arraignments.

Objective B: Staff In Court Arraignments.

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
5A. Number of video arraignments.	N/A	4,000	800	10,000
5B. Percentage increase in staffing in-court arraignments. (200 arraignments in 2006-07)	NEW	NEW	NEW	1,200%

Status

A criminal defendant has a constitutional right to be represented at all critical phases of litigation. One critical phase of litigation never before staffed by the department is arraignments. Beyond guaranteeing basic rights, staffing arraignments will enable the department to process cases more efficiently and reduce case backlogs and Marsden motions.

In 2006-07 the department received \$428,215 in ongoing funding to increase staff by 2.0 Deputy Public Defenders and 1.0 Office Assistant to begin a pilot program to staff a select few video arraignments. By June 2007, the department expects to staff all video arraignments as well as a portion of in-court live arraignments countywide. Increasing staff, as detailed in Policy Item 2, will enable the department to expand the pilot program countywide. Estimated numbers shown above for 2006-07, do not represent an entire year of staffing arraignments, therefore percentages shown for 2007-08, are tentative.



VIII. 2006-07 APPROVED ADDITIONAL GENERAL FUND FINANCING (POLICY ITEMS)

Policy Item 1: The department received \$46,084 in ongoing funding to increase office support staff for the Barstow office by 1.0 position.

Policy Item 2: The department received \$230,252 in ongoing funding to create a Writs and Appeals/ Training Unit staffed by 2.0 positions.

Policy Item 3: The department received \$404,715 in ongoing funding to begin staffing Video Arraignments with 3.0 positions.

Policy Item 4: The department received \$350,026 in ongoing funding to increase Central Division Attorneys by 2.0 positions.

Policy Item 5: The department received \$350,026 in ongoing funding to increase Juvenile Division Attorneys by 2.0 positions.

Policy Item 6: The department received \$83,402 in ongoing funding to convert two extra help positions to regular positions.

Policy Item 7: The department received \$187,854 in ongoing funding to increase staff by 1.0 Supervising Attorney.

Policy Item 8: The department received \$335,313 in ongoing funding to increase investigative staff by 3.0 positions.

MEASUREMENT		2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
P1.	Percentage reduction of cases the Barstow office is relieved of after appointment. (46 cases in 2005-06)	N/A	10%	100%	100%
P2a., P4.-P7a., P8.	Percentage reduction of cases the department is relieved of after appointment. (6,847 cases in 2005-06)	N/A	15%	12%	10%
P2b., P7b.	Percentage increase of training hours in all classifications. (1,840 hours in 2005-06)	N/A	1%	1%	2%
P3a.	Average caseload per attorney.	437	415	554	609
P3b.	Number of video arraignments.	N/A	4,000	800	10,000

Status

The Policy Items granted in the 2006-07 Budget have helped to achieve the stated targeted Performance Measures.

Measurement P1. sought to reduce the percentage of cases from which the Barstow office was relieved of after appointment. Most often, the department was relieved of a case due to poor customer service caused by insufficient office staffing. In 2005-06 the Barstow office was relieved of 46 cases. With the additional staff members granted in the 2006-07 Budget, in the first four months of 2006-07, the department reduced that number to zero. It is anticipated the Barstow office will continue to perform at or near this level for 2007-08.

Policy Item Measurements P2a., P4.-P7a., and P8., which sought to reduce the percentage of cases from which the department is relieved of after appointment either countywide or in specified divisions, have been achieved or exceeded. In the first four months of 2006-07, the department reduced the countywide percentage of cases from which the office was relieved of from 15% in 2005-06 to an expected 12% in 2006-07. Similarly, the percentage of cases the department is relieved of after appointment is anticipated to drop from 15% in 2005-06 to less than 10% in specified divisions.



The department achieved the targeted Performance Measurements for P2b. and P7b. by using additional staff granted in 2006-07 Policy Items to create a Training Unit that routinely conducts training for all staff members. Examples of the staff training include: New Deputy Public Defender training; Supervisory training; and monthly lunchtime and evening training sessions/seminars. In addition to handouts at lectures and programs, the Training Unit issues written educational materials on a weekly basis to keep attorney staff updated on new laws affecting the department's clients.

Performance Measures P3a. and P3b. have not been achieved to date. Measurement P3a. is not anticipated to be achieved in 2006-07 and is estimated to worsen in 2007-08. Although the department received increases in staffing in 2006-07, the increased number of countywide case filings as well as the department's decrease in declared conflicts has succeeded in increasing attorney caseload rather than lessening it.

The department's arraignment staffing plan, Measurement P3b., was not achieved for the fiscal year as it required complex and time consuming negotiations with other criminal justice agencies. In addition, recruiting and training staff was a lengthy process. However, while the proposal contained in the 2006-07 budget anticipated a pilot arraignment project to staff a select few video arraignments, the department's negotiations proved more successful than anticipated and resulted in agreements that will permit the department to staff all video arraignments as well as a great deal of in-court arraignments by the end of the fiscal year. Percentages in 2007-08 show a significant increase since the program will be fully operational for the entire fiscal year.

IX. 2007-08 REQUESTS FOR ADDITIONAL GENERAL FUND FINANCING (POLICY ITEMS)

2007-08 OBJECTIVES FOR POLICY ITEMS	2007-08 POLICY ITEMS
<p>1. Increase reliability of departmental data, reduce time consumption by automating activities and improve workflow.</p>	<p>A. Design, purchase, and implement a comprehensive case management system.</p> <p>Includes case management system, 1.0 Systems Analyst, and 1.0 Systems Technician.</p> <p>Additional Funding Requested: \$453,255 Total funding (one time funding - \$267,340, ongoing funding - \$255,915).</p> <p>B. Hire or promote 5.0 Supervising Office Assistants to provide clerical supervision, implement standardized procedures and train Office Assistants throughout the department.</p> <p>Additional Funding Requested: \$363,510 Total funding (one time funding - \$43,350, ongoing funding - \$320,160).</p>



<p>2. Reduce average caseload per attorney and increase staff for arraignment staffing.</p>	<p>A. Hire additional staff to reduce attorney workloads, increase arraignment staffing and ensure that the department retains trained and experienced personnel. Requested staff includes: 18.0 Deputy Public Defenders, 2.0 Supervising Deputy Public Defenders, 6.0 Investigators, and 1.0 Supervising Investigator, and 8.0 Office Assistant IIs.</p> <p>Additional Funding Requested: \$5,340,197 Total funding (one time funding - \$560,690, ongoing funding - \$4,779,507).</p>
<p>2007-08 OBJECTIVES FOR POLICY ITEMS</p>	<p>2007-08 POLICY ITEMS</p>
<p>3. Address facilities issues by obtaining additional office space in Victorville and Fontana.</p>	<p>A. Obtain additional office space in Victorville and Fontana.</p> <p>Additional Funding Requested: \$599,400 Total funding (one time funding – \$300,000, ongoing funding - \$299,400).</p>

MEASUREMENT	2005-06 (Actual)	2006-07 (Projected)	2006-07 (Estimated)	2007-08 (Projected)
P1. Design, purchase, and implement comprehensive case management system and train staff on system operations.	NEW	NEW	5%	75%
P2. Average caseload per attorney.	437	415	554	524
P3. Obtain additional office space in Victorville and Central areas.	9,300	9,300	9,300	14,250

Status

For 2007-08, the department chose the objectives for requested Policy Items because together they constitute the most essential basis on which to achieve the department’s mission: To protect the constitutional rights of indigent defendants by providing skilled legal counsel and passionate advocacy at all critical phases of state level criminal and civil commitment litigation.

In the immediate future, the department faces many important challenges from issues that are determined by community events or by decisions made in other agencies. Examples of these challenges include: additional criminal courtrooms in the county; the number of complex cases filed; legislation to increase punishment for criminal behavior; new laws regarding the admissibility of evidence; the Sexually Violent Predator law; and Proposition 83 (Jessica’s Law).

Population growth is also an ongoing challenge since increases in populace represent increases in the demand for county services. Further, the physical size of the county presents logistical problems in investigating crimes, interviewing clients, and transporting witnesses and evidence to court. The department will continue to monitor staffing and space requirements to maintain high quality services during this growth period.



Objective one, related to Policy Item 1, incorporates two of the department's urgent needs. The first request is a new case management system that will provide accurate data for county and staff planning as well as assist staff to process their workload by automating a large number of staff functions including case creation, communications between staff, motion writing, and case organization. The new case management system will incorporate updated technology-enabling bar code usage and multi-department coordination to reduce necessary keystrokes and enhance staff efficiency. Such a system is expected to cost approximately \$250,000 to implement (including design, implementation, and training) and approximately \$70,000 annually thereafter for upkeep and licensing. Additional ongoing costs include staff to manage the system. Although the department will request funding of the case management system through the Business Improvement Plan process, it has been included as a Policy Item as an alternative funding source.

The second request of Policy Item 1 is the addition of 5.0 Supervising Office Assistants, which would provide clerical supervision, implement standardized procedures, and train Office Assistants as necessary. The department is confident that with standardized procedures in place statistical reliability will greatly increase leading to higher efficiency within the department's divisions.

Objective two, related to Policy Item 2, includes additional staff, which will permit the department to address understaffing and excessive workloads, as well as increase arraignment staffing. Extreme caseloads cause high employee turnover, which ultimately leads to increased recruitment and training costs. In 2005-06 the department handled approximately 75% of the felony and misdemeanor cases handled by the District Attorney without an equivalent amount of trial attorneys. To promote balance in the county's criminal justice system, the department is requesting 18.0 additional Deputy Public Defenders, 2.0 Supervising Public Defenders, 6.0 Investigators, 1.0 Supervising Investigators, and 8.0 Office Assistant II's for a total cost of \$5,340,197 (\$4,779,507 ongoing). The department suggests phasing in the additional staff throughout 2007-08, which will lower the first year costs and allow time for recruiting and training staff in segments.

Objective three, related to Policy Item 3, addresses ongoing facilities issues. One of the most critical facilities needs is in the Victorville Division. The Victorville office presently has approximately 5,300 square feet of space, and strains to house the 26 full time employees stationed there. Additionally, projections for the Victorville area indicate the caseload will grow at nearly 10% annually, which will require additional staff. Consequently, any office space should anticipate staff expansion. To accommodate 30 full time employees, approximately 8,250 square feet of office space will be required. It is estimated that local office space, if leased, will cost approximately \$14,450 per month or \$173,400 per year. In addition, the department would need approximately \$150,000 to remodel any leased space.

The Fontana office presently has less than 4,000 square feet of space for 23 staff members. The department anticipates this critical space need worsening since this office is situated in one of the quickest growing areas of San Bernardino County and staff expansion is likely. At present there is no known available county-owned office space, although portable space may be added to the location. If the department must lease space, the expected annual lease for the necessary 6,000 square feet would be \$126,000. In addition, the department would need approximately \$150,000 to remodel any leased space.

X. 2007-08 PROPOSED FEE ADJUSTMENTS

The department is requesting deletion of fees due to the passage of AB 3000 which imposed priorities for the distribution of funds collected. Prior to AB 3000, the Board of Supervisors (Board) could determine the order or priority in which disbursements are made from funds collected for fees. AB 3000 required the Board to mandate the following order of priority for disbursement of fines and fee revenue: (a) restitution to the victim; (b) the 10% state surcharge; (c) fines, penalty assessments, and restitution fines, in an amount for each that is proportional to the total amount levied for all of those items; and (d) other reimbursable costs. Since Public Defender fees falls into category (d), fees are no longer collected by the department. Currently fees are ordered by the Court based on the client's ability to pay and collected by Central Collections.

If there are questions about this business plan, please contact Doreen Boxer at (909) 383-2400.