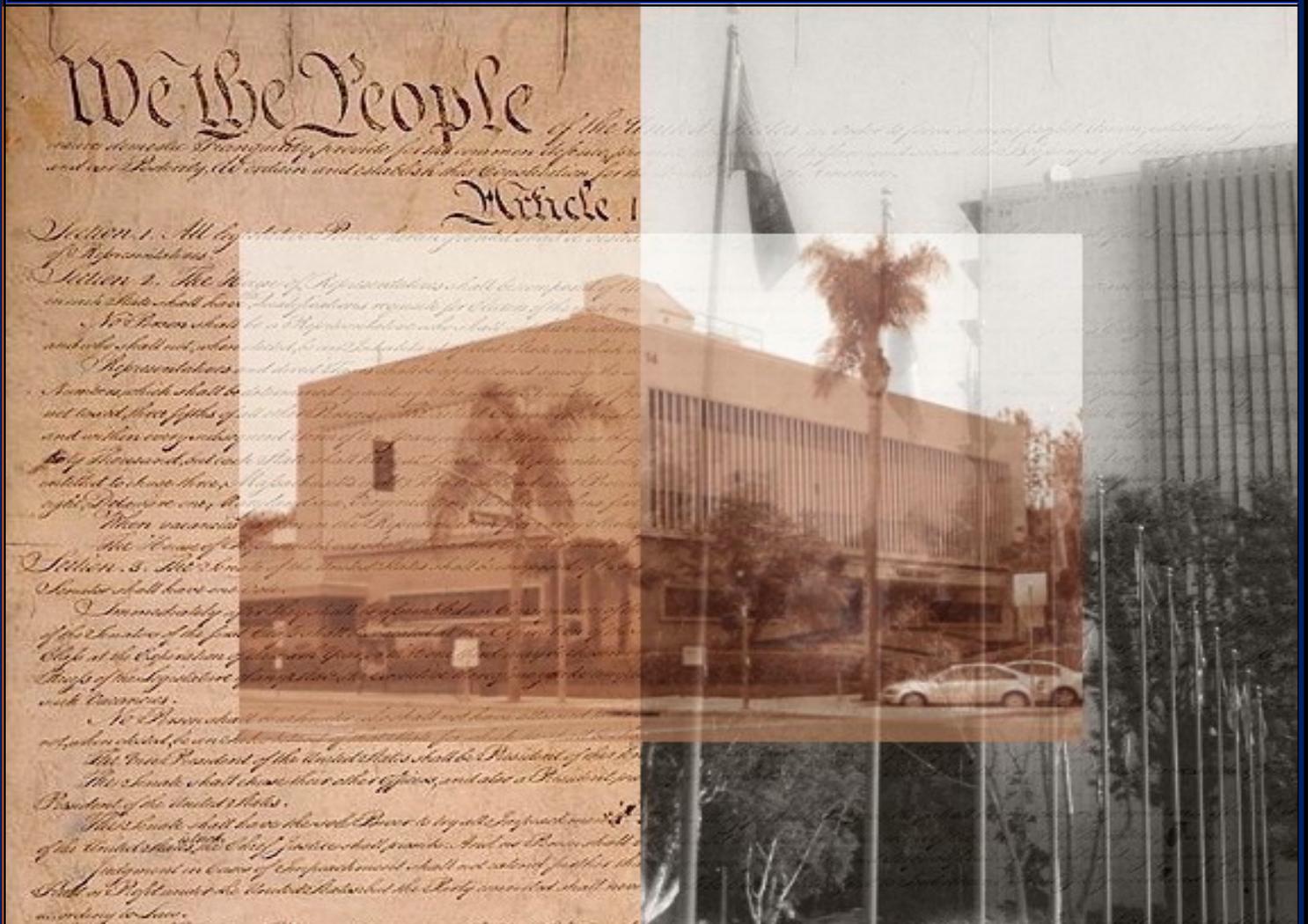


The Price of Freedom is Eternal Vigilance

County of Orange Offices of the Public Defender

2010 BUSINESS PLAN



**PROVIDING HIGH QUALITY COST-EFFECTIVE
LEGAL SERVICES TO THE INDIGENT OF
ORANGE COUNTY**

March 2010

LAW OFFICES

ORANGE COUNTY PUBLIC DEFENDER

DEBORAH A. KWAST
PUBLIC DEFENDER

FRANK OSPINO
SENIOR ASSISTANT PUBLIC DEFENDER



JEAN M. WILKINSON
CHIEF DEPUTY PUBLIC DEFENDER

14 CIVIC CENTER PLAZA
SANTA ANA, CA 92701-4029
(714) 834-2144 FAX: (714) 834-2729
www.pubdef.ocgov.com

To Our Readers:

I am pleased to submit for your review the Offices of the Public Defender's 2010 Business Plan. The Offices of the Public Defender is a law firm dedicated to 'preserving freedom for all' by providing high quality legal representation to indigent clients in criminal cases, children in Juvenile Delinquency cases, parents in Dependency cases, and a variety of persons in Mental Health cases.

This Business Plan is a continued expression of our commitment to share with the County and the community the Department's past accomplishments and future plans. It also provides us with the opportunity to reflect on our vision, mission, objectives and goals; assess progress, review strategic issues impacting the Department, and evaluate the need for changes.

This business plan is an expression of our organizational values—client-centered focus, employee empowerment, continuous improvement, and leadership.

The Business Plan was a team effort and provides us the opportunity to recognize the Department's exceptional group of committed and dedicated staff. Their contributions are greatly appreciated and their continued support and participation will ensure continuing success for the Department. The knowledge and skills exemplified by our employees demonstrate that they are our most valuable resource.

Thank you for taking the time to learn more about the Offices of the Public Defender, its programs, and services by reviewing our Business Plan. For more information about our Department please visit our website at: <http://www.pubdef.ocgov.com>.

Sincerely,

Deborah A. Kwast
Orange County Public Defender



Vision Statement

To serve each client with respect, humanity and zealous advocacy and preserve freedom for all in the community through the vigorous safeguarding of Constitutional rights

“The price of freedom is eternal vigilance” (Thomas Jefferson)

Mission Statement

To provide effective, compassionate and high quality representation to the indigent client, and do so in a cost effective manner

Values

- To ensure high quality legal representation to clients by demanding excellence and demonstrating compassion, loyalty, commitment, integrity and professionalism
 - To provide a work environment that is supportive, fosters individual and professional growth, promotes excellence and accountability, values diversity and innovation, reflects fairness and ethical decision making, and creates an atmosphere of trust, respect, and teamwork

OFFICES OF THE PUBLIC DEFENDER

2010 BUSINESS PLAN

TABLE OF CONTENTS

	<u>PAGE</u>
I. Agency Overview.....	4
II. Operational Plan.....	11
A. Clients and Environment	
B. Challenges and Opportunities	
C. Resources	
D. Action Plan	
E. Strategic Goal, Strategies & Performance Measures	
III. Appendices.....	22
Appendix A- Organizational Chart	
Appendix B- Significant Accomplishments	

OVERVIEW

General Summary

The Offices of the Public Defender is a law firm of highly dedicated and skilled attorneys, investigators, paralegals and support staff who work to protect the Constitutional rights for all citizens while representing individual clients with zealous advocacy, respect for their dignity, and compassion.

The right to counsel in criminal cases arises under the Sixth Amendment to the United States Constitution and similar provisions in the California Constitution. California statutes require the appointment of the Public Defender to represent indigent persons who are entitled to representation.

The Code requires appointment of the Public Defender unless the Public Defender indicates unavailability. On those occasions, the court must appoint other counsel at county expense.

The principal role of the Offices of the Public Defender is to provide each client high quality representation, thereby also protecting constitutional rights and liberties. In advancing the cause of these clients, the dedicated lawyers and support staff are on the front lines protecting the precious rights and privileges of all Orange County residents. Effective law enforcement also includes exonerating those who are not guilty, and respecting and enforcing the constitutional rights of the populace – those who stand accused in court and those who do not.



In addition to defendants in criminal cases, counsel is appointed to represent children in Juvenile Court Delinquency cases, parents in Dependency cases, and a variety of persons in Mental Health cases. The Offices of the Public Defender represented clients in approximately 81,000 cases annually.

Strategic Initiatives and Goals

The County Mission Statement is to work toward “Making Orange County a safe, healthy, and fulfilling place to live, work, and play, today and for generations to come, by providing outstanding, cost effective regional public services.” The County values focus on excellence, leadership, stewardship and innovation.

The Public Defender’s Office works with other County and Community partners to help meet the Department and County Visions and Missions. We reach out to the community in many ways. We support and work on committees to develop programs that work towards reducing recidivism and deal with services to address lifestyle changes within the community we serve. We work with the Courts, District Attorney’s Office, Sheriff, Probation, Health Care and Social Services Agencies, among others, to create and support programs that have been proven to reduce arrest, improve re-integration into the community as contributing members, and enhance community safety. Staff volunteers as speakers at grammar and high schools to enhance students’ civic understanding and at churches and community organizations to address concerns and questions about the Criminal Justice system and the services available to indigent clients. These Department goals and objectives align perfectly with the County’s mission and values created during the Strategic Focus process, which the Public Defender’s Office had the opportunity to participate in.

The Public Defender maintains fiscal integrity as we build for the future of our community. During the bankruptcy, the Public Defender was an innovative leader at addressing the cost of indigent defense services by creating segment offices to handle conflict cases previously represented by private counsel. In the first year of segmentation and at the height of the bankruptcy, the Public Defender was able to save 6 million dollars. Segmentation is now a way of life for the county criminal justice system and the savings continue on an annual basis. In seeking other creative ways to ensure quality service while saving county dollars, the Department has explored and implemented a new attorney “Fellowship” program. This enables young attorneys employed and paid by private firms to spend a year working in the Public Defender’s Office, contributing to the community while developing critical skills.

In 2009-2010 the Department continues to be fiscally responsive to the needs of the County. Under the direction of the County Executive Office, the Department continues to implement a reduction plan to address general fund budget impacts. The

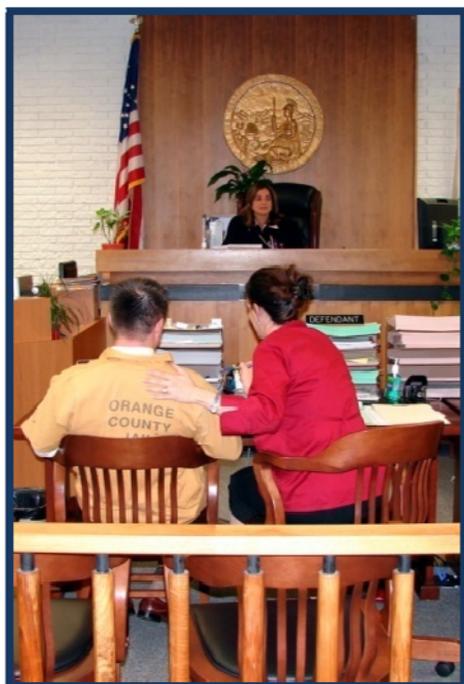


Department has thus far been able to continue to maintain quality services through a variety of strategies: adjusting workloads and assignments, delaying filling management positions to maintain line staffing at necessary levels, and offering an afterhours training program for attorneys to enhance their skills at an accelerated pace.

*Protecting the Constitutional Rights, Privileges and Freedoms of Individuals
by Providing the Highest Quality Legal Advocacy for All Clients in the
Criminal Courts of Orange County*

The Public Defender represents indigent clients in the Criminal Courts of Orange County who have been accused of criminal conduct which could subject them to incarceration. Some charges are felonies and some are misdemeanors. If a person accused of a crime is financially unable to hire a lawyer, the law requires the appointment of counsel. In acting upon the request for counsel, the court secures a financial declaration from the potential client and determines whether he or she is able to employ counsel. If unable to do so, the Public Defender is appointed.

The Offices of the Public Defender are committed to advocacy on behalf of these clients. As mandated by the California State Bar Association *Guidelines on Indigent Defense Service Delivery Systems (2006)*, the Department ensures, monitors and maintains high quality representation for all clients in the criminal courts while maintaining a high level of efficiency.



Agency Overview

The Public Defender staff is energetic, dedicated and steadfast. Preparing a criminal case involves distinct responsibilities mandated by professional ethical guidelines and decisional case law defining standards for competent representation. This includes thorough client interviews, investigation of potential defenses and mitigating factors, filing of appropriate legal motions, an understanding of mental health diagnoses as well as developments in the forensic sciences including the complex area of DNA and statistics. Attorneys must also maintain awareness of changes in sentencing parameters, the impact of these changes on their clients' cases and knowledge of collateral consequences of conviction. Representing a client effectively also requires an ability to understand the client's challenges, perceptions and perspectives and to communicate their position to the

prosecution, Court and jury. Deputy Public Defenders investigate and explore sentencing alternatives that help steer a client towards rehabilitation, improving their lives and those of their community. Our staff undertakes each of these professional expectations conscientiously and ethically, earning the respect of the Courts for the quality of their advocacy.

Many clients in the Criminal Justice system suffer from diagnoses or conditions which, if treated, can effect substantial changes in the clients' life circumstances such as to prevent further criminal conduct and concurrently, transform them into productive members of their community. Special Collaborative Courts have been created to address these specific needs, and over the years have proven to substantially reduce recidivism while supporting the client's transformation to tax paying and law abiding citizen. Drug and DUI Courts, Mental Health Court and Veteran's Court all substantially contribute to an improved County, for the individual client, their families, and their community. The Department participates in these 'Specialty' Courts as part of its core duty to advocate for fair and just sentencing alternatives.

The responsibilities outlined above obligate the deputy public defender to attend regular training sessions to ensure the highest level of current knowledge in the field. Training and technology resources remain integral components in enhancing the Department's ability to deliver quality representation to our clients.

*Protecting the Constitutional Rights, Privileges and Freedoms of Children by
Providing the Highest Quality Legal Advocacy for All Clients in the
Delinquency Courts of Orange County*



Agency Overview

The Public Defender's Office represents children charged with law violations and at risk of becoming wards of the Juvenile Justice system. Delinquency cases are complex and their consequences have significant implications for children and their families. As in the adult Criminal Justice system, the attorneys representing these clients are required to employ high ethical and professional standards to effectively and zealously defend them against the charges, protect their due process rights, and represent their interests.

Given the youth of these clients, the work does create new challenges to successfully navigate the

difficulties and often emotionally charged issues involved in family, school or neighborhood dynamics impacting the clients' behaviors. Our staff provides caring and compassionate support and services for these children as they strive to guide them to a better future.

For children struggling with a drug or alcohol dependency, the Juvenile Drug Court Program provides counseling and life skills support as the child learns to value the importance of sobriety. Children whose life or family issues cause them to suffer repeated absences from school participate in the Truancy Court, designed to address whatever issues led them to repeated school absences. Often a child's truancy is driven by unaddressed learning disabilities, significant social problems in the home, or other unrelated difficulties which if resolved, can steer a child towards successful educational progress.

Additional responsibilities are imposed by California Rules of Court, rule 5.663, which dramatically extended the role of defense counsel beyond the disposition of the case. In contrast, the public defender must now monitor how the child is faring in post adjudication detention and placement, assessing whether they are receiving the services and programs expected and needed to assist them in transitioning to a productive and law abiding life. We must now also engage in resource advocacy such as insuring that educational services necessary for the child's development are being provided. Specialized training in issues pertinent to youth is a necessary component of our successful fulfillment of obligations to represent children in this system, and includes training in areas of child development, education, competency and capacity, substance abuse and mental health.

Advocating the Parental Rights of Clients by Providing the Highest Quality Representation in Dependency Cases

Clients in the Parental Rights Section (Dependency) are parents or occasionally other relatives who have had the Children and Family Services section of the Social Services Agency intervene in the family unit, and who face court action regarding placement of their children. The focus of the case is often a plan for family maintenance or reunification. Questions centered on a family in crisis are the predominant issues faced by the clients, and emotions run high for the people involved in these cases – interested parties and the people working in the justice system.

When a family has problems that result in court scrutiny, the Public Defender is appointed to represent one of the indigent parents to advocate the parent's position while the court is deciding what is in the best interest of the children. This advocacy usually

occurs at a time of a breakdown in the family's relationship and must help the family in a time of emotional upheaval. Public Defender representation usually involves attempts to preserve the family unit and to work toward the healing of the family. This extends beyond advocacy in the courtroom to include assisting the client to secure counseling and program participation necessary to effectively facilitate family reunification.

Maintenance or reunification plans are often detailed and demanding. Significant client contact and intervention by Department staff are needed between court appearances to assist clients in completing the court-ordered case plans. Advocacy in this area often involves helping the client work through root problems that led to the crisis that brought them before the court. For those clients whose issues stem from drug or alcohol addiction, the 12-month Dependency Drug Court program offers an opportunity to overcome chronic substance abuse. In most instances, success in defeating addiction leads to successful reunification of the family.

The Parental Rights Advocacy section operates in such a specialized area of the law that guidelines require certification of attorneys who practice in the Dependency Courts. Training focuses on a variety of issues, from services provided by the Social Services Agency to preparing staff to handle the emotional issues inherent in representing parents facing the potential loss of their children.

Advocating and Protecting the Rights of Individuals by Ensuring that They are Treated Fairly and Equitably in the Mental Health Courts of Orange County

The clients represented by the Mental Health Advocacy section of the Offices of the Public Defender are often the most vulnerable people in society and the most in need of legal representation. The Offices of the Public Defender represent approximately 4,000 people annually, predominantly the elderly and the infirm, for whom guardianship or involuntary hospitalization is being sought. Cases for these clients can arise in either a civil context (such as guardianship petitions) or a criminal context (Sexually Violent Predator Law, incompetence for trial or Not Guilty by Reason of Insanity). Generally, these are non-criminal cases where hospitalized mentally ill, developmentally disabled, or under-functioning persons in need of assistance appear before the courts. Many of the physical or mental disabilities that give rise to these clients' needs for the Public Defender services are with them throughout their lifetimes. Therefore, many of these cases involved clients whose cases can last a lifetime. Adequacy of placement and treatment are often as important as legal issues, requiring advocacy in the courtroom as well as seeking out treatment and placement options within the healthcare network and the courts.

Representation of people who are not always rational or communicative raises unique challenges for advocacy. Medical and psychiatric issues inherent in these cases make use of experts illuminating and necessary. Some clients who wish a self-determinative voice lack the ability to communicate their desires or the rationality to cogently express that voice. Advocating the desires of these clients requires diligent lawyers with the patience, empathy and training to handle clients with challenging medical and psychiatric conditions. Counsel is the advocate for the patient/client, and as such, is mandated to articulate the client's desire and to be the client's voice in the courtroom.



Clients and Environment

Typically clients come to the Public Defender through court appointment after the judge determines the clients are financially unable to hire counsel. Lawyers in the Offices of the Public Defender represent persons who are accused of criminal conduct, children who are charged with offenses in the Juvenile Justice system, persons whose parental rights are at issue, and persons whose mental health has become an issue for the courts.

There are three independent units that make up the Offices of the Public Defender. The Main Office represents a significant number of the indigent clients in the Criminal Justice system whose cases arise in the various court locations throughout the County. Staff is assigned to the court locations in the North Justice Center, West Justice Center, Central Justice Center, Harbor/South Justice Center and the Lamoreaux Justice Center. The Alternate Defender unit represents clients in criminal cases whom the main unit cannot represent due to conflicts of interest (such as multiple defendants charged in the same case). The Associate Defender unit handles a small number of homicide cases that the main unit cannot handle due to a conflict of interest. The separate units save the County 6 million dollars on an annual basis, because the County is able to avoid these cases being assigned to more expensive court appointed private counsel.

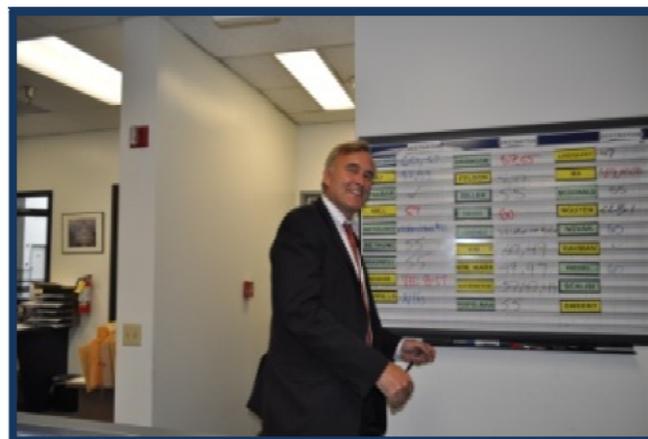
The Public Defender must remain responsive to changes in the law, developments occurring in the Justice system, and budget concerns while continuing to focus on the needs of individual clients. Ethical guidelines set up defined expectations of the work that must be done to provide effective service. It is a dynamic environment, but one that the Department is constantly assessing and addressing.

Additional funding to enhance DNA prosecutions has resulted in DNA evidence being widely expanded from a limited number of complex felonies to a significantly broadened number of cases, including misdemeanors and low-level felonies. This expansion requires augmented training for all attorney staff as well as additional resources to investigate and analyze forensic issues presented by this evidence.

Proposition 69, enacted in 2004, requires certain arrestees to provide DNA samples to law enforcement and as of January 1, 2009, it applies to all felony arrestees. The District Attorney has also implemented a program to collect and maintain samples of a variety of cases that had not previously involved collection of such evidence. The expanded collection of DNA samples and collection of DNA evidence from many more crime scenes will ultimately result in the filing of more complex cases, in addition to the increase in the

number of 'cold cases' filed. Preparing cases with DNA evidence requires more time and expert resources than most non-DNA cases. 'Cold cases' can arise up to 30 years after the incident (typically homicide or rape cases). These cases challenge staff resources and typically involve significant investigative efforts to track down evidence and locate witnesses from long ago, who are more likely to have relocated in the passage of time. The circumstances of the offense must be reconstructed, but additionally, Constitutional speedy trial rights are implicated by extended delay, requiring investigation into the reasons for the delay and analyzing the impact of the delay.

Finally, the District Attorney's collection of an independent DNA sample from an expanded number of clients has introduced new and novel legal issues and challenges that staff must be prepared to address on behalf of individual clients.



An important aspect of providing clients comprehensive services as mandated by law is the collaborative work undertaken with a variety of stakeholders, including agencies within and outside of County government.

In 2008, the Public Defender's Office joined a multi-agency committee spearheaded by the County Chief Executive's Office to study and propose solutions to reduce jail overcrowding. Several solutions were proposed and implemented as a result of this initiative. 'Courtroom in the Jail', now designated as 'CJ1' has placed a fully staffed courtroom inside the Main Jail facility for the County's in-custody arraignments. Phased implementation has begun with most of the Justice Centers now integrated into this court, and the final Justice Center to join before the end of this fiscal year. Staffing adjustments have been made to accommodate this shift of work from the various branch courts to one central location. Unique issues are involved in practicing law inside a jail facility and a significant level of agency understanding, respect and cooperation is called for to ensure that clients' rights are protected. Sheriff staff has worked closely with our staff to accommodate these special demands. Additional challenges involve the movement of files between the various justice centers in a timely manner to meet the tight speedy hearing parameters provided for by law. IT solutions are being explored between the District Attorney's Office and the Offices of the Public Defender to ensure the timely delivery of discovery so that these hearings are meaningful with all issues properly preserved on behalf of the clients.

As the Probation Department has worked to expand its emphasis on Evidence Based Practices, the Public Defender's Office has joined discussions on the development of those programs and approaches that engage court practices. This effort impacts both

adult and juvenile court operations, and requires that Public Defender staff be trained in and understand developing approaches to community probation supervision. Issues involved in risk/needs assessments and provision of services to reduce potential for re-offense require that staff learn about resources available to enhance clients' chances for successful re-entry from incarceration. The various Collaborative Courts, such as Drug Court, DUI Court, WIT ('Whatever It Takes' Court) are an important component of Evidence Based Practices and their success supports Probation's intent to participate in SB 678. This law promises budget support linked to reduction in occurrences of re-offense based on application of Evidence Based Practices.

The Department also participates in the County-Private Re-entry partnership that is OCREP (Orange County Re-Entry Partnership) as well as the new TJC (Transition from Jail to Community) initiative that is being supported by a technical grant from the Urban Institute.

The Department continues to participate in the Steering Committee organized to develop and monitor spending priorities and strategies for Proposition 63 funds to improve services for the mentally ill. Similarly, the Public Defender's Office participates in various inter-disciplinary organizations including the Family Violence Commission, the Community Courts Foundation, the Orange County Mental Health Coalition, Social Services ERDD (Elimination of Racial Discrimination and Disparity), the Orange County Blue Ribbon Commission and the Juvenile Justice Commission, all of which are dedicated to improving services to the public and enhancing public safety.

The Public Defender continues to work closely with the County Executive Office in the areas of Human Resources and Employee Relations, Budget and Financial Resources, and Information Technology. The Department actively participates in the Orange County Leadership Academy, with several staff members being integrally involved in the continuing education efforts of this movement. The Public Defender remains an active participant on the Integrated Law and Justice Committee made up of the various county and city agencies in an effort to reduce duplicative use of data entry resources and improve efficiency in moving information between criminal justice agencies.

Department lawyers and employees are also key stakeholders. Department lawyers participate in various law-related organizations in the community. These include the California State Bar Association, the Coalition of the Bench and Bar of the State of California, the Orange County Bar Association, the California Public Defender's Association, the California Attorneys for Criminal Justice and the Constitutional Rights Foundation, where staff attorneys serve as coaches and judges in the Mock Trial program for high school students. The Department also sends representatives to participate in law school open houses and recruiting forums. Volunteer interns learn about the practice while providing assistance with work being done in the various offices.

This summer the Department was able to participate in the Summer Youth Program and enjoyed the opportunity to provide work experience and support for these youth.

Several have been able to extend their stay and provide valuable support that helps offset the reductions in staff created by attrition and budget constraints.

The Labor-Management Committee (LMC) process is an integral part of the partnership concept and compliments other initiatives aimed at improving departmental performance and work conditions. Beginning in 2002 and continuing to the present, the LMC solicited suggestions from all staff on how to address departmental and county-wide cost savings concerns. Their suggestions, such as creating a toll free number for incarcerated clients, have resulted in real savings for the County. The LMC continues to work with management to implement new ideas. The LMC also promotes a healthy community by providing seminars for staff on health related topics such as heart disease and diabetes.

The Department has an extensive in-house training program, critical to staff development. Staff is encouraged to attend classes that are provided after hours, on weekends and during the lunch hour. This training is provided by experts in the different areas of law and practice, and at no cost to employees (or other attendees). Training is expansive and ranges from the basics for newer attorneys and support staff to very complex areas such as issues involved in capital case work. It covers a wide variety of topics, including changes in statutory and decisional case law, developments in forensics, (including mental health diagnoses and treatment), DNA issues and litigation skills. Specialized areas, such as Juvenile Justice and Dependency issues are also included in the curriculum throughout the year. Many of these trainings, particularly the evening sessions, are open to the private bar to foster partnership and support.

Comprehensive training has also been provided for all clerical personnel as well as training programs developed and implemented for all new Paralegals, Investigative Assistants, and Investigative Trainees. Staff is also encouraged to attend other appropriate training such as that provided by the California Public Defender's Association (CPDA), California Attorneys for Criminal Justice (CACJ) and Defense Investigators Association (DIA). The Department continues to provide training in the prevention of workplace harassment

for new staff, expanding it beyond the required attendance for managers and supervisors only. Department managers and supervisors also availed themselves of a variety of training opportunities in communication and leadership including attendance at the Orange County Leadership Academy.

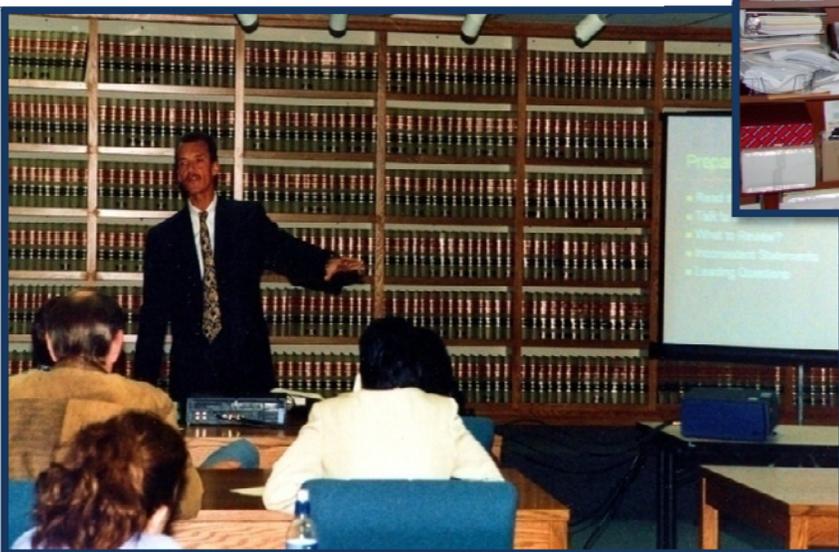
In 2007, the Department partnered with Social Services Agency to institute an innovative program of cross



training between the two departments. The program improved understanding and collaboration between the two agencies, enhancing the services both could provide clients. The program expanded to include the other Justice Partners and now provides monthly trainings during the noon hour. The success of this project has inspired exploration of creating a similar cross training program for the Justice Partners in the Delinquency Courts, and this training is expected to begin during this Business Plan year.

The Department will continue to maintain appropriate technological hardware and software to enable all staff to efficiently and effectively advance the interests of the clients. The Department is upgrading the current Case Management System (CMS) to an integrated web-based system consistent with the recommendations in the 2007 Orange County Grand Jury report on the Offices of the Public Defender.

The Department staff supports and trains for disaster preparedness as a service to protect our community in times of emergencies. Internal safety is a concern but as County employees we recognize the needs of our community in times of crisis. The Department has volunteers ready and available to serve as emergency response providers for the support pools at the Emergency Operations Center and San Onofre. The Department IT staff created the first computer “emergency crash cart.” This tool provides instant internet access for the CEO staff in their community outreach services for the local assistance centers during a disaster.



Challenges and Opportunities

The current economic crisis has provided new challenges while also creating opportunities. The new Courtroom in the Jail is one such project, which is designed to save the County money, and also provides enhanced contact with our clients along with the potential for accelerated access to the arraignment court for those who are newly arrested.

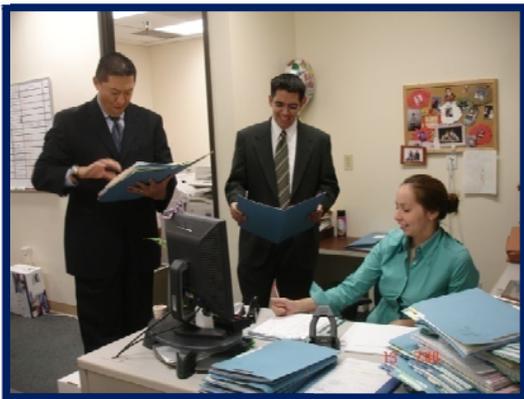
The Department's strength lies in the commitment and energy of its staff, whose dedication is reflected in their contributions to their community beyond the long hours they devote to their clients. Attorneys from the office regularly volunteer to work evenings at the Cold Weather Shelter (at the Armory) throughout the winter to provide homeless individuals access to legal advice. Office wide, staff donate their time, energy and creativity to help make the United Way drive a successful endeavor. Lawyers often volunteer as speakers at grammar and high schools, and at churches and community organizations as well as for partner agencies to assist in training. It is this energy that supports the Department's ability to adjust to the changes and challenges it encounters.

Many important challenges involve issues over which the Department has little or no control. The number of complex cases filed (capital cases, homicides, three strikes cases, cases involving DNA or complex frauds, for example) is determined by events occurring in the community, and by decisions made in other agencies. Developments in the law often increase the workload and duties of defense lawyers. These include developments such as the three-strikes law, legislation to increase punishment for specified criminal conduct, new laws regarding the admissibility of evidence, the Sexually Violent Predator law, enhanced attorney responsibilities in juvenile delinquency cases and newly published cases. Population growth, demographics, economic instability and unemployment rates also impact on case and workloads as do the DA's filing strategies and their new DNA disposition program.

Funding cuts challenge the treatment support for those participating in Proposition 36 substance abuse programs. While State Reimbursement Funding for the Department has been eliminated, the client representation remains a core mandated responsibility. Loss of treatment dollars is an unfortunate development. Every cost-benefit analysis done on drug treatment programs show that for every dollar spent on treatment, several dollars are saved by reducing recidivism and reducing costs of incarceration. Successful participants reintegrate back into the community, are gainfully employed and become tax-paying citizens. Some clients who need more structure to overcome their addictions transfer into the Drug Courts which have a remarkable success rate.

Senate Bill 678's focus on Evidence Based Practices in Probation supervision required the Department to expand and enhance staff familiarity with these studies and practices as well as the issues involved in Risk/Needs Assessments. Comprehensive understanding of sentencing rules and investigation of sentencing alternatives are core components of competent representation (*Guidelines on Indigent Defense Service Delivery Systems (2006)*). While staff who have worked in the Collaborative courts have become knowledgeable in these areas, it is a critical challenge for the coming year to invest time in training all attorneys to ensure appropriate client advisements and representation. Nevertheless, this project, as well as the TJC (Transition from Jail to Community) Re-entry project, provides a tremendous opportunity to improve services and supports for clients while enhancing community safety.

Staff reductions remain an area of concern through the coming year. At the time of writing this document, the Department has managed to absorb the impact without negatively affecting quality of representation due in part to some adjustments in a variety of areas. These include changes the Courts have made in court assignments (such as merging two preliminary courtrooms into one in Central Justice Center and merging the Domestic Violence calendar in Harbor/South Justice Center into a main calendar court) as well as adjustments to DA filing decisions and the DA DNA programs. Another significant reason for the Department's current ability to maintain quality services has been the effort to delay promoting to fill management positions vacated due to retirements. This is a solution which can only be maintained for a finite period of time, but for the moment it is successfully keeping otherwise promotable line staff in the courtrooms handling a full caseload and thereby easing the burden on fellow staff.



Resources



The Public Defender is funded primarily from the County General Fund. The Department also receives revenue from the state for certain mandated services, from grants, and from the collection of fees for Public Defender services as authorized by state statutes.

Although the Offices of the Public Defender are primarily funded from the County General Fund, the Public Defender makes an effort to defray some of the expense of operating the Department. Efforts will continue to be made to reduce net county costs. California law permits the collection of fees from clients who have the ability to pay for Public Defender services. Many clients charged with felony offenses have no ability to pay for services. Most of the felony and misdemeanor clients who have an ability to pay sign a waiver agreement to pay a certain set fee for services, eliminating the need for time-consuming and costly hearings on the issue. The Department continues to receive Trial Court Funding reimbursement from the state and the courts are committed to reimburse the Public Defender as stated in the Memorandum of Understanding (MOU) between the courts and the County. The Public Defender continues to participate in the state mandate reimbursement program. These payments go directly into the County General Fund. The Public Defender participates in two partially funded Juvenile Court Grants: one is for Drug Court and one is for Truancy Court. The Department has identified grant opportunities in collaboration with other County agencies as well as independent grants, and continues to explore all grant opportunities.

The Public Defender works diligently to stay within County budget targets and in light of the fiscal crisis the Department has renewed efforts to reduce costs. Because the services of the Public Defender are mandated, it is essential to continue to provide appropriate funding for these services. The number of cases individual lawyers can handle is finite and the Department cannot incur significant staff reductions without greatly increasing county costs. It became clear at the time of the county bankruptcy in 1994-1995 that the cost of defending cases with court appointed private counsel is significantly higher than the Public Defender. The Department works hard to support and meet county budget goals and will continue to be fiscally responsible while fulfilling ethical and professional mandated guidelines.



ACTION PLAN

GOAL

- To protect the Constitutional rights, privileges of individuals by providing the highest quality legal advocacy for all indigent clients in the courts of Orange County in a cost effective manner.
 - Promote a fair and equitable justice system
 - Maintain fiscal integrity
 - Promote self-sufficiency and healthy lifestyles

STRATEGIES

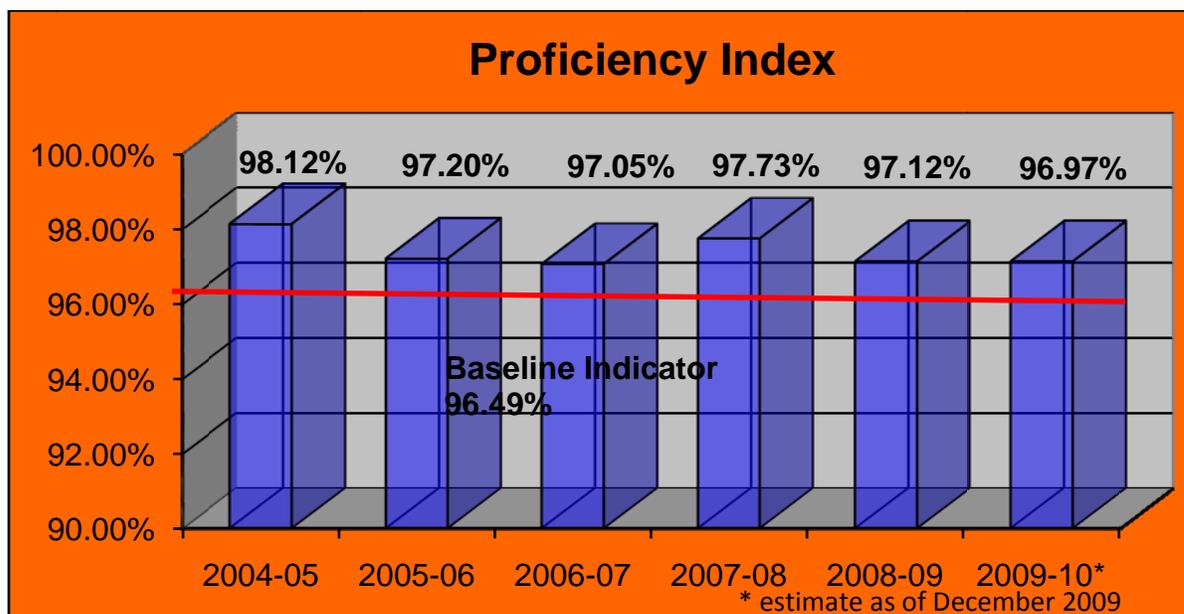
- To ensure and maintain high quality representation for all indigent clients in the courts
 - Treat all clients with dignity and respect
 - Ensure that clients fully understand their rights, the nature of the process and work to develop a bond of trust
 - Prepare cases for trial or court hearings as appropriate
 - Collaborate with other members of the criminal justice community and the community at large to provide constructive input and to be an ethical intermediary in the process
- To ensure that training and technology resources remain integral components in enhancing the Department's ability to deliver quality representation to our clients
 - Continue regular lawyer training programs and other staff development programs that meet the State Bar requirements for continuing education credits
 - Encourage ongoing professional study in the fields of mental illness, child development, risk/needs assessment, DNA and other critical developing fields of practice
 - Actively review new trends in legal management and technology for potential efficiencies of service
 - Continue the integration of the new Case Management System (CMS) with the current system

	Vision	To serve each client with respect, humanity and zealous advocacy and preserve freedom for all in the community through the vigorous safeguarding of Constitutional rights
	Mission	To provide effective, compassionate and high quality representation to the indigent client, and do so in a cost effective manner
	Values	<ul style="list-style-type: none"> <li style="width: 25%;">• Compassion <li style="width: 25%;">• Diversity <li style="width: 25%;">• Excellence <li style="width: 25%;">• Innovation <li style="width: 25%;">• Integrity <li style="width: 25%;">• Loyalty <li style="width: 25%;">• Professionalism <li style="width: 25%;">• Teamwork

KEY PERFORMANCE MEASURES

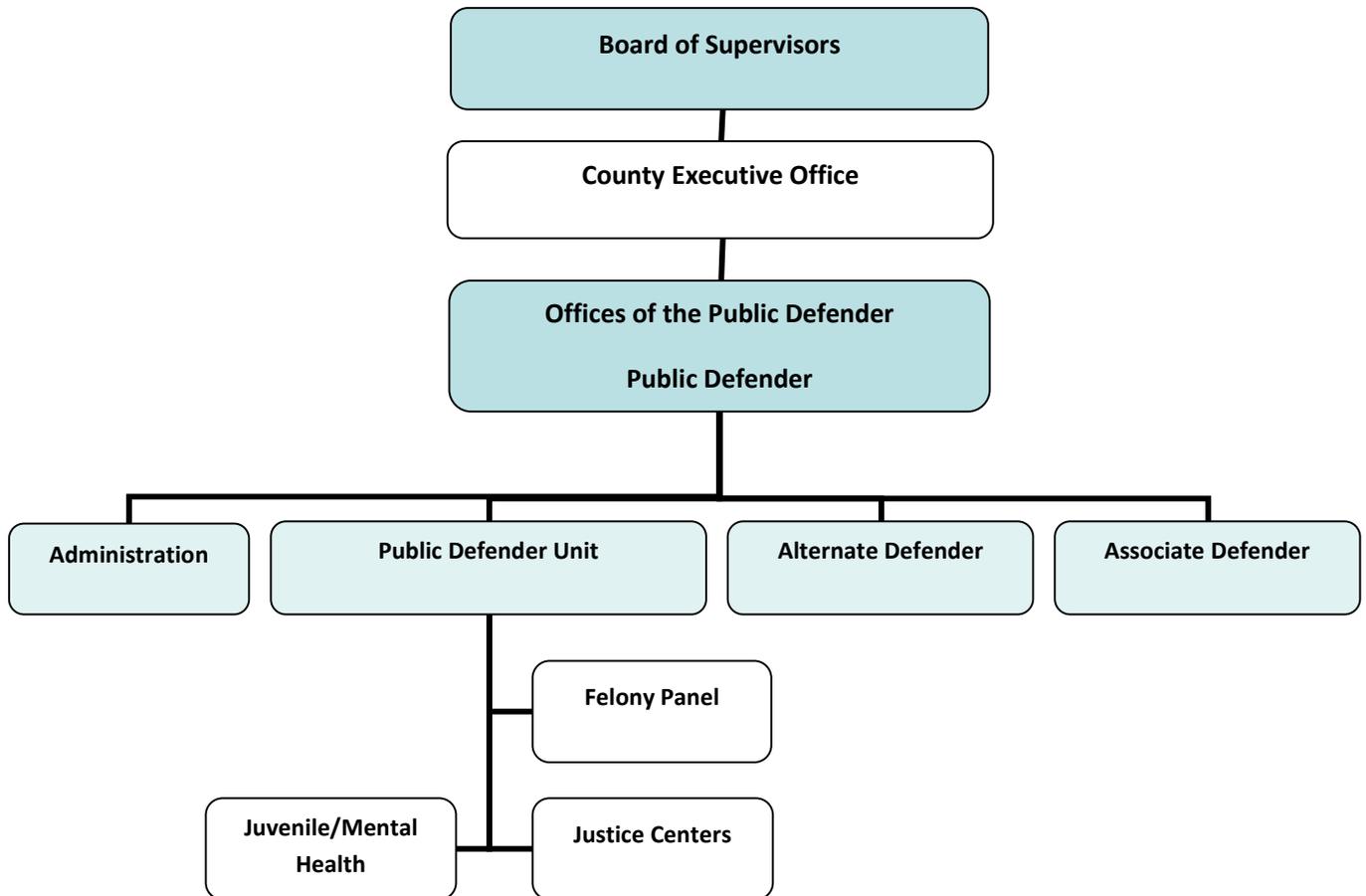
The Department has developed a Proficiency Index as a measurement tool to assist in analyzing overall Department performance. The index measures standard criteria throughout the Department and includes standards and guidelines established under the State Bar Guidelines, the National Legal Aid and Defender Association Recommendations, and the American Bar Association Guidelines. These standards and guidelines include maintaining manageable workloads and providing quality legal services. The Proficiency Index examines tasks performed such as case preparation, investigation, legal research, and looks at the attorney-client relationship, courtroom presentation, and case disposition. It is from the criteria and the guidelines that a departmental rating has been quantified. This is not the only tool for evaluating Public Defender services, however. Meaningful review of much of what is done in the observer can readily recognize an effective and persuasive final argument; it is almost impossible to attach a meaningful number value to it. Measuring the result in the trial itself is of little value because the evidence presented determines the outcome to a greater degree than the quality of argument. The Proficiency Index is a product of quantifiable criteria for documentation of tasks performed. It is not a comprehensive determination of the overall quality of representation provided in the case.

The Proficiency Index measurement is compared to the baseline index developed in fiscal year 2003-2004. The established baseline result is 96.49%.



This internal measurement incorporating the State Bar Guidelines, the National Legal Aid and Defender Association Recommendations, and the American Bar Association Guidelines allows monitoring of the quality of services provided in all cases by the Public Defender. It measures documentation of tasks performed, but it is not a comprehensive determination of the overall quality of the representation provided.

Offices of the Public Defender 2010 Organization Chart



SIGNIFICANT ACCOMPLISHMENTS

1. In late October 2009, a courtroom in the Main Jail facility (CJ1) was opened to arraign in custody inmates. Public Defender staff participated in the planning of the courtroom and is an integral part of its success. The courtroom in the jail provides cost savings to the Sheriff's Department because they do not have to transport the inmates to courtrooms around the County. It also provides the Public Defender staff greater access to their clients.
2. The Department, in collaboration with Orange County Community Services, participated in the Orange County Summer Youth Employment Program. Through the program, several at risk youth worked at our office locations and gained experience with clerical duties and responsibilities in an office setting. The youth also provided much needed help with tasks while the Department was short staffed. The program was such a success that several of the youth have extended their stay with the Department.
3. The Department has continued to expand its collaboration with County Agencies and Private Providers to enhance services to its clients and to the community, through participation in such Committees as ERDD (SSA led Elimination of Racial Discrimination and Disparity Committee), the Blue Ribbon Commission (addressing significant issues in Juvenile Justice), OCREP (Orange County Re-Entry Partnership) and OCCCMHS (Orange County Coalition for Comprehensive Mental Health Services).
4. Over 20 staff attorneys volunteered at the Cold Weather Shelter, providing legal advice and support to homeless individuals during its evening hours.
5. Per a survey conducted by NCSACW (National Center for Substance Abuse and Child Welfare), clients in dependency report that their relationship with their Public Defender is the second most important service in their success in reunification with their families. (Second only to substance abuse treatment.)
6. The Department participated in the annual United Way campaign and held fundraising events at several of the office locations, participated in the United Way Kickoff event, and held an evening fundraiser. Leftover food from the lunchtime events was donated to the homeless in the Civic Center area.

7. The Department's Information Technology (IT) section held their annual vendor fair which was attended by approximately 36 vendors and 350 staff from all County agencies.
8. As an MCLE provider, the Department provided approximately twenty-nine legal training sessions to attorneys and support staff, as well as to members of the private bar, during the evenings and lunch hours throughout the year. Some sessions also included Bench officers and other county agencies.
9. Two managers of the Department's staff attended and completed the Orange County Leadership Academy (OCLA). As servant leaders, three managers of the Department who are alumni of OCLA, teach Leadership Lessons which is offered to all County employees. In addition, two of the Department's OCLA alumni are actively involved in the OCLA Steering Committee which plans conferences and events and communications among OCLA alumni and county managers.
10. Public Defender staff volunteered to present and speak at numerous schools and community events on issues involved in the administration of criminal justice, including 'Stay in School Rally', 3rd Annual Bridge to Independence for Young Adults, NAMI at Trinity Unity Presbyterian Church, Town Hall Meeting on Commitment to Veterans, UCI Career Panel, OC Human Relations Board, Onesimus Prison Ministry, and Santa Ana Community Center. Additionally, attorneys volunteered as coaches and judges in area mock trial competitions, including the Constitutional Rights Foundation and University of California at Irvine.

United Way



Constitutional Rights Foundation



IT Tech Fair

