



SOLANO
COUNTY

PUBLIC DEFENDER AND ALTERNATE PUBLIC
DEFENDER

2014 Annual Report | Lesli M. Caldwell, Public Defender

Public Defender and Alternate Public Defender

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Mission Statement

“The mission of the Solano County Public Defender is to defend the poor, the friendless, the abused, the down-trodden and the mentally ill with compassion, respect, creativity and determination. In doing this, we guard the rights of all people by defending the Constitution.”

Our Goals:

1. Treat each client with dignity
2. Fight for a fair legal system
3. Tenaciously litigate for our clients
4. Provide client-centered representation
5. Proactively seek new knowledge
6. Collaborate as a team
7. Strive for continued excellence

Core Values:

Culture of Excellence:

- We are hardworking, dedicated and committed
- We are a team for our clients
- We celebrate and promote diversity
- We pursue learning and innovation
- We are loyal advocates
- We strive for excellence

Tenacious Advocacy:

- The Constitution is not a technicality
- We are passionate and fearless in the face of power
- We are not afraid of a challenge
- We are innovative, dynamic and creative in our legal strategies
- We fight against an unfair system

Client-Centered Representation:

- We strive to achieve our clients' objectives
- We listen to and we are responsive to our clients
- We respect and advocate for the dignity of each individual
- Our clients are not just a number
- We believe in our clients and we help them succeed

Letter from the Public Defender

On November 4, 2014 California voters passed Proposition 47. This proposition is expected to reduce prison incarceration and provide a billion dollars over the next five years from state corrections to K-12 school programs and mental health and drug treatment.

Proposition 47 reduces many nonserious, nonviolent offenses that under previous law were treated as felonies or “wobblers” (which can be treated as felonies or misdemeanors, according to the prosecutors’ inclinations) and reclassifies them as strictly misdemeanors. This includes theft under \$950, receiving stolen property, check forgery and drug possession for personal use. Offenders convicted of one of these misdemeanors would be subject to sentences of up to one year in county jail. This does not apply to all offenders guilty of the newly reclassified misdemeanors. Under the law, those that have committed prior serious or violent crimes are not eligible for the reduced penalties for misdemeanors.



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As for those that have only non-serious crimes on their records, Proposition 47 allows them the opportunity to make a fresh start in their lives without the stigma of a felony on their records. As it was prior to Proposition 47, the “F” for felony is a scarlet letter for ex-offenders, making it difficult for them to not only obtain gainful employment, but also housing and even student loans to further their education.

The transformation of those guilty of petty crimes into productive members of society will be aided by yet another provision of Proposition 47 – mental health and substance abuse treatment that will be paid for by the hundreds of millions of dollars a year in net savings the measure will yield to both the state and ultimately, we expect, the county criminal justice system.

While the offices of the Public Defender and Alternate Public Defender work through thousands of cases of our Solano clients eligible for resentencing under the new law we are also looking for all ways that we can work with our criminal justice partners to see to

it that our clients receive the treatment and education they need to re-enter society as productive members of their communities.

Sincerely,

Lesli M. Caldwell
Public Defender

PROGRAMS

Each Office, The Public Defender and The Alternate Public Defender, has two physical offices, one each in Vallejo and Fairfield. In each Office there is a Felony Unit and Misdemeanor Unit. In the Fairfield Offices there are also Juvenile Units that handle both Delinquency and Dependency cases.



Public Defender

Cases opened: 12,607

Cases closed: 12,393

Homicides pending: 12 (2 Capital Murders)

Jury Trials Completed: 104

Dismissals: 22% at Trial Management Conference

Alternate Public Defender

Cases opened: 3,085

Cases closed: 3,012

Homicides pending: 7

Jury Trials Completed: 30

Dismissals: 22% at trial management conference



Therapeutic Courts

Lawyers in the Offices, with the assistance of Clerical, Paralegals, Investigators and Law Clerks represent clients in Drug Court, Proposition 36 Court, Dependency Drug Court and Veterans Court. We are working with the criminal justice partners to set up a Domestic Violence Court and a Pre-Trial Release Program.

History of the Public Defender



In 1893, the idea of the Public Defender's office was presented by Clara Shortridge Foltz, the first female attorney in California. This, then radical, idea was presented at the 1893 World's Fair in Chicago.

In 1914, Los Angeles County opened the nation's first Public Defender's Office and in 1921, the lawmakers of California extended the public defender system (the right to appointed counsel) to all state courts.

On November 4, 1968 Solano County opened the doors of the Office of the Public Defender.

Five lawyers, two investigators and three secretaries closed 966 cases in the first six months of operation. In 1989 the Office of the Alternate Public Defender was established and the two offices were consolidated under the administration of the Public Defender in 2000. The office of the Alternate Public Defender is now called the Alternate Public Defender's Office.



At this time the Offices have a dedicated, combined staff of 51 defense attorneys, 9.5 investigators, 2 18.5 Clerical, 3 part time Social Workers and 2 part time Paralegals.

TRAINING and STAFF DEVELOPMENT

In House Training Program

The Offices provide monthly training on a variety of current and on-going issues for the attorney staff, and are members of the California State Bar Association certified Mandatory Continued Legal Education, MCLE providers.



New Lawyers Training

In August 2014, the Office held an annual ‘New Lawyers Training’ over a four day period to train entering and relatively new attorneys and in-coming Interns and Externs for work in the Misdemeanor Unit.

Internship Program

The Offices have internship programs for Interns, externs and Post Bar lawyers. The Program allows the law students and persons who have taken the Bar Examination and are awaiting results to work with the lawyers on all phases of litigation. This allows for practical training for the Intern/Externs and assists the lawyers in their very heavy caseloads. Further, the Offices have an on-going internship program for Investigators that accepts students from Solano Community College in the Criminal Justice Program to have hands on experience in the work of an investigator. These students work closely with seasoned Public Defender and Alternate Public Defender Investigators. Also, the Offices have an on-going internship program for Paralegal students in conjunction with California State University East Bay. Students in a Paralegal program work with attorneys on a variety of litigation preparation, gaining experience in a law office.

Outside Training

For further training the attorneys in the Offices attend a myriad of conferences and programs provided by the California Public Defenders Association, California Attorneys for Criminal Justice, National Association of Criminal Defense Attorneys and the National Legal Aid and Defense Attorneys Association.

COMMUNITY AND SPECIAL PROJECTS

Members of the Office of the Public Defender and the Office of the Alternate Public Defender have been working with the Department of Health and Social Services presenting on the rules of clearing one's record of convictions in order to secure housing and employment.

Lawyers in the offices participate in the annual Operation Stand Down, providing legal services for Veterans. The Offices also are involved with the Driving Under the Influence in the Schools program, in which we represent actual defendants in trials in front of high school students.



Staffs in both offices are working with high school mock trial teams and speak regularly at schools regarding alcohol, drug use, our career paths and the Constitution. We work at food banks in our neighborhoods, our places of worship, Little League and children's organizations throughout the Bay Area. Many members of both offices regularly support local charities in 5k to marathon races. Further, we are deeply involved in our children's schools.

This year our office took the lead in coordinating the Solano County United Way Campaign and was very active in the drive for the Solano Contra Costa Food Bank. We also worked with the Riley 100 Foundation and Fighting Back Partnership giving gifts for foster children at the Holiday time. We had a Solano County Public Defender/Alternate Public Defender "Warm Coat Drive" for Community Action North Bay. We donated school supplies and backpacks to the 3rd Annual Backpackdrive50 which supports "Project WHAT!" a nonprofit that raises awareness about the impact of parental incarceration on children.





Many members of both offices are deeply involved with and serve on the local Boards of the Solano County Bar Association, La Raza Lawyers Association, Black Lawyers Association, Asian Pacific American Bar Association, Filipino Bar Association of Northern California and the Solano County Reentry Council. The Public Defender and all Chief Deputies are active in national organizations; the National Association of Criminal Defense Attorneys, The National Legal Aid and Defense Association, the American Council of Chief Defenders and the Standing Committee on Legal Aid and Indigent Defendants of the American Bar Association.

Members of both offices are also involved in, and serve on, the Boards of Governors of the California Public Defenders Association, the California Attorneys for Criminal Justice, and on Committees, regarding the defense of indigents, of the National Legal Aid and Defenders Association, the National Association of Criminal Defense Lawyers and the American Bar Association.



DEPARTMENTAL PERFORMANCE GAUGED BY POSITIVE CASE OUTCOMES FOR CLIENTS



A person accused of a crime should have representation by an attorney. The attorney reviews the prosecution’s case with a professional eye to determine the strength and weakness of the case and advises the client about how to proceed.

The lawyer, in reviewing the case, identifies any legal or factual impediments in the prosecution’s case. The attorney conducts an investigation, with the help of an investigator, reviews mental health, collateral consequences and scientific issues, negotiates a disposition, and uses courtroom forensic skills that weaken or diminish significantly the peril faced by the client.

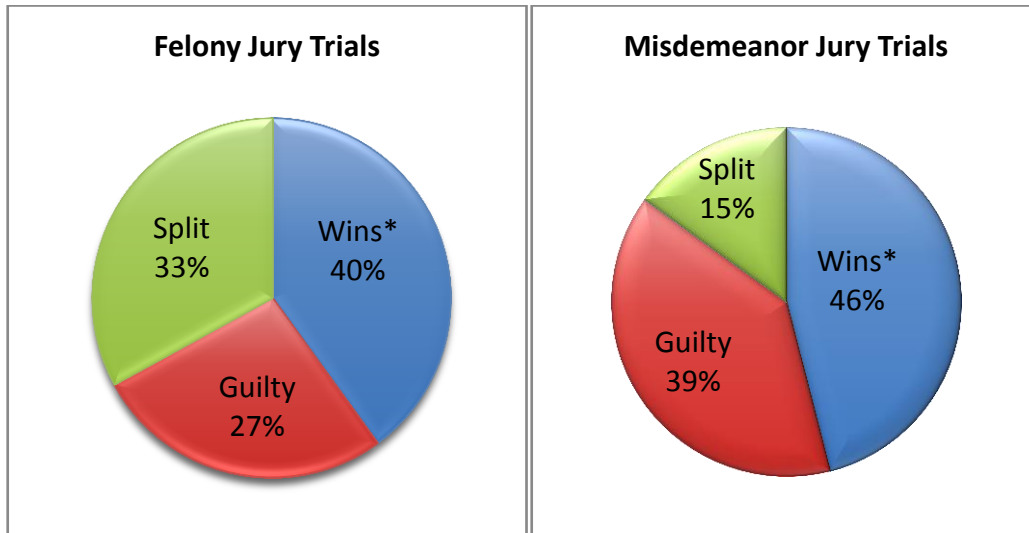


Having skilled counsel for the accused invariably leaves the client better off than a client who represents him/herself. Indeed, it was this very obvious fact that caused the United States Supreme Court to mandate the appointment of and payment for counsel for indigents in local trial courts over 50 years ago in *Gideon v. Wainwright*.



Public Defender
Protecting the Public
By Defending the
Constitution

In an effort to provide the general public with specific and quantifiable case outcome information, we have analyzed the degree to which clients of the Department were positively benefited by not suffering a conviction for a crime charged. Our focus is on the rate of non-conviction for the clients of the Public Defender and the Alternate Public Defender.



*Wins are defined as complete acquittals or hung juries.

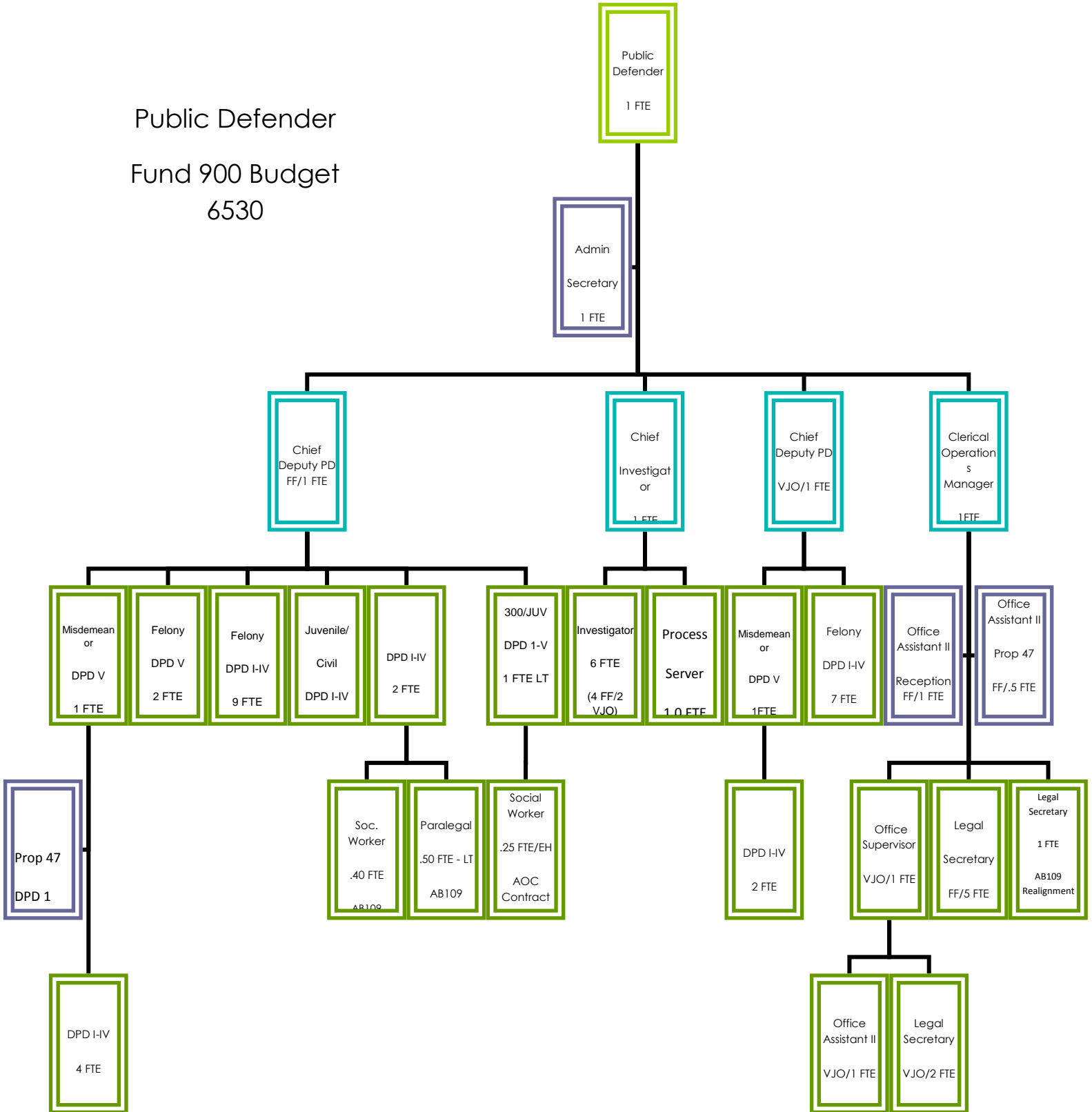
* Split is defined as partial acquittal partial conviction.

We define a non-conviction or positive outcome as a situation where one or more of the charges brought by the prosecution was either dismissed by the Court (at the request of the prosecution or on the Court’s own motion or legal finding) or found through court action to have not been proven (in a trial or preliminary examination). The data for this analysis was drawn from monthly statistics reports from the misdemeanor units, monthly activity reports from the felony and juvenile units and trial reports completed by all lawyers. A positive outcome rate or a non-conviction rate of approximately 95% across the units; misdemeanors, felonies and juvenile delinquency cases, was found for the year of 2014.

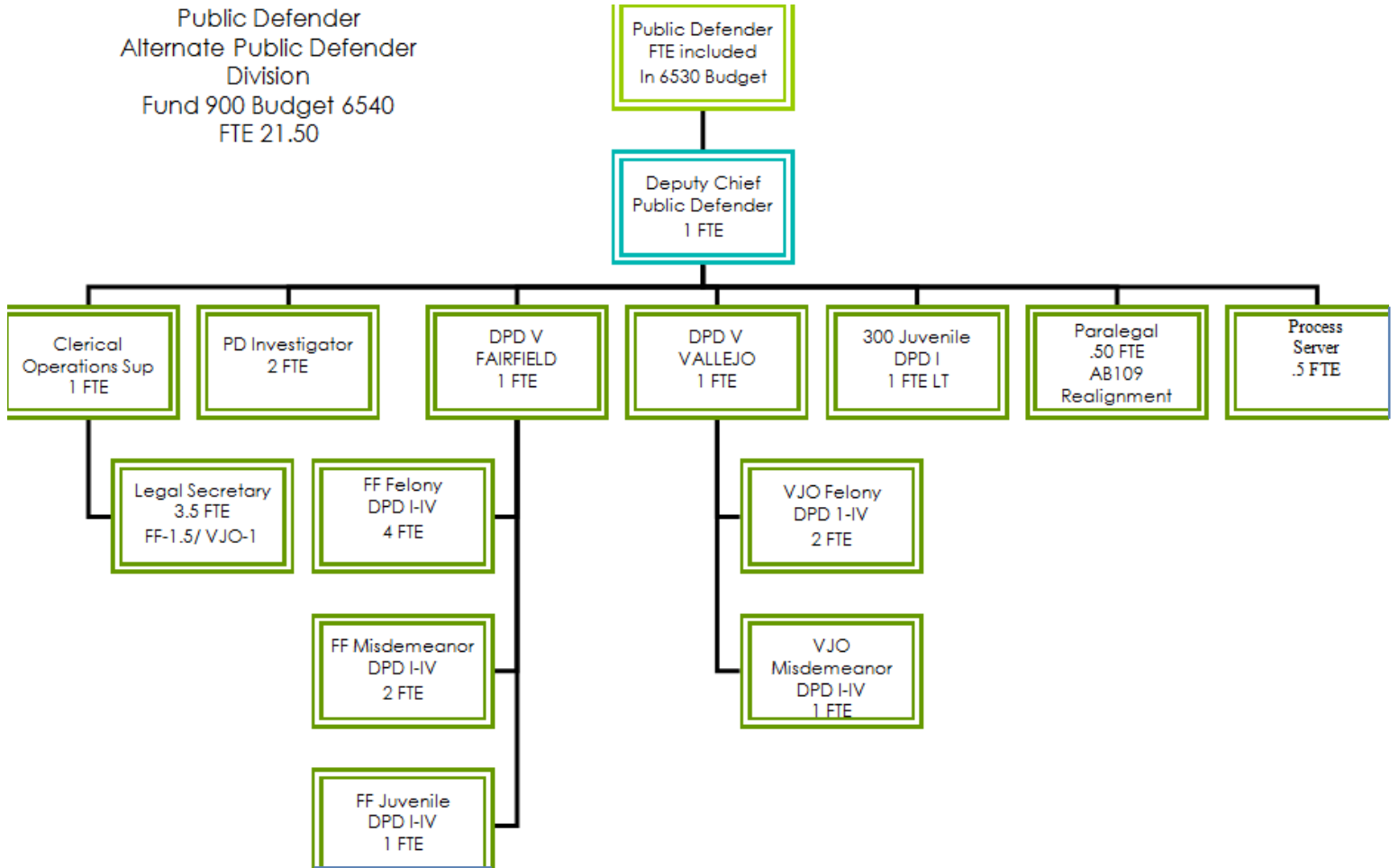
For 46 years, since the appointment of the first Public Defender of Solano County, Paul Ligda, the Department has provided representation to indigent persons in hundreds of thousands of cases in the County’s courts. The mandate and responsibility is still carried out by the talented and committed staffs of the Department who work hard to fulfill the County’s constitutional commitment to excellent representation in a fiscally responsible manner.

ORGANIZATIONAL CHARTS

Public Defender
Fund 900 Budget
6530



Public Defender
 Alternate Public Defender
 Division
 Fund 900 Budget 6540
 FTE 21.50



BUDGET ILLUSTRATIONS

Public Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND EXPENDITURE OBJECT	2012-13 ACTUAL	2013-14 ACTUAL	2014-15 RECOMMENDED	2014-15 ADOPTED
REVENUES				
Intergovernmental Rev State	\$ 415,350	\$ 592,281	\$ 725,604	\$ 725,604
Charges For Services	245,761	259,009	149,895	149,895
General Fund Contribution	8,967,522	9,033,071	9,572,912	9,589,155
TOTAL REVENUES	\$ 9,628,633	\$ 9,884,361	\$ 10,448,411	\$ 10,464,654
EXPENDITURES/APPROPRIATIONS				
Salaries and Employee Benefits	\$ 7,768,724	\$ 8,050,991	\$ 8,528,058	\$ 8,528,058
Services and Supplies	1,066,499	999,378	1,100,459	1,100,459
Other Charges	474,606	506,698	477,914	477,914
Other Financing Uses	318,753	324,942	341,980	341,980
Intra-Fund Transfers	50	2,352	0	16,243
TOTAL EXPENDITURES/APPROPRIATIONS	\$ 9,628,633	\$ 9,884,361	\$ 10,448,411	\$ 10,464,654
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0

Alternate Public Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND EXPENDITURE OBJECT	2012-13 ACTUAL	2013-14 ACTUAL	2014-15 RECOMMENDED	2014-15 ADOPTED
REVENUES				
Intergovernmental Rev State	\$ 28,210	\$ 12,929	\$ 40,715	\$ 40,715
Charges For Services	177,186	194,746	93,417	93,417
General Fund Contribution	2,733,143	2,957,253	3,206,833	3,212,727
TOTAL REVENUES	\$ 2,938,539	\$ 3,164,928	\$ 3,340,965	\$ 3,346,859
EXPENDITURES/APPROPRIATIONS				
Salaries and Employee Benefits	\$ 2,394,519	\$ 2,574,984	\$ 2,725,259	\$ 2,725,259
Services and Supplies	265,858	271,119	322,607	322,607
Other Charges	183,514	213,846	183,950	183,950
Other Financing Uses	94,648	104,180	109,149	109,149
Intra-Fund Transfers	0	799	0	5,894
TOTAL EXPENDITURES/APPROPRIATIONS	\$ 2,938,539	\$ 3,164,928	\$ 3,340,965	\$ 3,346,859
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0

A LOOK TO THE FUTURE

*“Fairness is what
justice really is.”*

*~ Potter Stewart,
Supreme Court Justice
(1915 – 1985)*

In 2015, the Offices of the Public Defender and the Alternate Public Defender continue to look forward to being on the forefront of engaging the community in the issues of the positive reintroduction of former offenders back into society. We will also continue our volunteer works of caring, learning and compassion. We continue to work to integrate technology into our daily work, streamlining data collection with a new case management system and striving toward a paperless office in the next few years. We will collaborate with other County Departments and the Courts in this endeavor. We will continue to advance the professional development of the staff with training

and experience to ensure excellence in the representation of all of the children, women and men that we serve. We will be striving to enhance our positive outcome rate for our clients, the citizens of Solano County.



2014 Public Defender and Alternate Public Defender Staff