



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Defender
Department No.: 023
For Agenda Of: September 22, 2020
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Mona Miyasato, County Executive Officer
Tracy M. Macuga, Public Defender X83494

Contact Info: Deepak Budwani, Chief Financial & Administrative Officer
X83589

SUBJECT: KPMG Operational and Performance Review – Public Defender Department

County Counsel Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive report by KPMG on an Operational and Performance Review of the Public Defender Department and department's implementation timeframe;
- b) Provide direction, as appropriate; and
- c) Find that the proposed actions do not constitute a "Project" within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378(b)(2), as it consists of general policy and procedure making.

Summary Text:

The review of the Public Defender Department is the fifth review conducted by KPMG of a County Department. The purpose of the review is to identify areas where improvement in service, delivery, efficiency, and effectiveness is possible: KPMG's report "Improving Performance to Better Service our County Residents: County-wide Operational Performance Review – Public Defender". In addition, the Department's response and implementation timeline is also attached.

Public Defender Department

The Public Defender Department has 67 Full Time Equivalent (FTE) positions, with the following primary areas of focus: Administration, Adult, and Juvenile. The Department's operating budget is \$13.6 Million, which is 1.19% of the total County operating expenditure budget.

The Santa Barbara County Public Defender's Office fulfills the County's obligation to provide excellent representation to residents who cannot afford an attorney. The United States and California Constitution guarantee that every person accused of a crime has access to an effective and competent defense attorney. Since 1969, the Public Defender's Office has continued to deliver highly skilled representation to the indigent population in Santa Barbara County. The department's major responsibilities are to:

1. Defend adults charged with crimes triable in the Superior Court.
2. Defend juveniles who appear in juvenile Delinquency Court.
3. Defend persons charged with Contempt of Court
4. Protect individuals who can no longer care for themselves for reasons such as physical or developmental disability, mental illness, Alzheimer's, or dementia
5. Appear in court on behalf of persons held in mental health facilities

Every day, the Public Defender's Office appears in 25 different courtrooms in our Santa Barbara, Santa Maria, and Lompoc Superior Courts.

Overview of KPMG Recommendations:

The Board approved the contract with KPMG for nine departments ("year one" or first phase) which was amended on October 1, 2019. The contract cost is \$1,235,000 for reviews of nine departments. Currently completed reviews include County Executive Office, General Services, Human Resources, Planning and Development, and Public Defender. The review of Public Health is near completion. The next three departments – Sheriff, District Attorney, and Probation – are all underway. The County contracted with KPMG in May 2019, following a competitive process, to conduct these operational and performance reviews as part of Renew '22. The Board of Supervisors funded these reviews in order to provide a high-level assessment of departments, identify strengths and opportunities, benchmark financial and operational areas with similar jurisdictions.

Since November 2016, there have been significant changes for the Public Defender's Office with its practice and operating model. The Department has aligned to the Renew '22 transformation implemented by the CEO's Office. A few of the efforts are highlighted below:

1. eDefender enterprise case management system functionality overhaul already underway.
2. Staff that dedication to the mission and vision of the Office.
3. Incorporating best practices for indigent defense and maximizing the use of grant funding and private partnerships.
4. Building the foundation to allow for a time tracking study.

In brief summary, the report identifies eight recommendations:

#	Department Recommendations
1.0	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing
2.0	Realign responsibilities and tasks to the appropriate staff level to increase operational efficiency
3.1	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets
3.2	Enhance implementation planning and outcome measurement to assess the impact of new initiatives
4.0	Develop a strategic roadmap to prioritize implementation of technology upgrades
5.0	Enhance the functionality of eDefender to facilitate data tracking and information sharing
6.0	Strengthen data quality and management to enable data-driven decision-making
7.0	Enhance Holistic Defense, Pre-Arrest, and Specialty Court units to improve impacts on recidivism

In general, the Department agrees with these recommendations and some are already underway; with the remaining to be implemented based on the implementation plan. Certain areas may require additional resources, budget or interagency cooperation, will be reviewed and presented in the future.

The Public Defender plays an important role in the broader criminal justice system. There are challenges the Department faces that will require interagency cooperation. Integration in relationship to the broader County public safety strategy will be needed when looking to implement. The four main challenges are:

#	Interagency Observations
1.0	Improve efficiency of attorneys access to incarcerated individuals (in person and by phone) to more effectively utilize attorney time
2.0	Improve access to technology at peer agency facilities to allow for digitization and streamlining of key activities (e.g., access to laptops in jail or Wi-Fi in courts to
3.0	Analyze the impact of non-continuous trials to potential negative externalities for defendants, jurors, attorneys, and County finances
4.0	Identify solutions to last minute docket delivery to improve the quality of representation

Background:

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Performance Measure:

Performance measures will be developed in conjunction with the report recommendations and included in the budget to track progress and cost/benefit of the operational and performance reviews.

Performance Measure:

The KPMG contract has been budgeted in the current year budget. Most recommendations provided by KPMG do not involve additional resources or budget; and if implemented will likely result in efficiencies of cost, time savings or improved outcomes. Some areas of improvement, however may involve additional resources, which will be evaluated through the annual budget process. For most of those, KPMG suggests further evaluation and tracking before recommending additional staff or resources.

Attachments:

1. Presentation
2. KPMG Report: Improving Performance to Better Serve Our County Residents: Department Review of Public Defender
3. Public Defender Response and Implementation Timeframe

Authored by:

D. Budwani