



FW: Response Packets: Our Public Defender System - Anticipating Structural Change

1 message

David Brown <David.Brown@santacruzcounty.us>
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Thu, Sep 27, 2018 at 5:27 PM

From: David Brown
Sent: Thursday, September 27, 2018 8:52 AM
To: 'peggy@scgrandjury.org' <peggy@scgrandjury.org>; Peggy Flynn <foreperson@scgrandjury.org>
Cc: 'John M. Gallagher' <john.gallagher@santacruzcourt.org>
Subject: FW: Response Packets: Our Public Defender System - Anticipating Structural Change

Hi Foreperson Flynn and Judge Gallagher,

Our office received a notice that the response packet for this report has not been received. This morning I became aware that there are two email addresses for Foreperson Flynn. The initial response was sent to peggy@scgrandjury.org. To this email, I am adding foreperson@scgrandjury.org. Hopefully this will close the response loop. Please accept my apologies for the miscommunication.

Thank you,

Dave

David Brown
Senior Administrative Analyst
County Administrative Office
County of Santa Cruz
O: 454-3490
C: 227-1661

From: David Brown
Sent: Wednesday, September 19, 2018 10:15 AM
To: 'peggy@scgrandjury.org' <peggy@scgrandjury.org>
Cc: 'John M. Gallagher' <john.gallagher@santacruzcourt.org>
Subject: Response Packets: Our Public Defender System - Anticipating Structural Change

Hello Grand Jury Foreperson (and Honorable Judge Gallagher),

Please find the response packets for the Grand Jury report "Our Public Defender System: Anticipating Structural Change" attached. Per the Grand Jury's request, a response from the Board of Supervisors and County Administrative Office is attached.

Thank you,

Dave

David Brown

Senior Administrative Analyst

County Administrative Office

County of Santa Cruz

O: 454-3490

C: 227-1661

2 attachments

 **PD BOS Response Packet.pdf**
411K

 **PD CAO Resp. Packet.pdf**
410K



**The 2017–2018 Santa Cruz County Civil Grand Jury
Requests that the
Santa Cruz County Administrative Officer
Respond to the Findings and Recommendations
Specified in the Report Titled
**Our Public Defender System
Anticipating Structural Change**
by September 19, 2018**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. Santa Cruz County has not chosen to quantitatively measure contract public defender performance to ensure adequate representation for defendants who cannot afford an attorney, and therefore has no experience in doing so.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

As stated in the Grand Jury report, the County does collect caseload data for the public defender, which is used to track against State and federal standards. Manageable caseloads are an important indicator in ensuring adequate representation for defendants. In addition, the County measures performance in its Criminal Defense Conflicts Program through the Office of the County Counsel. This report is public and provided in the County's Supplemental Budget.

- F2.** Without measuring the performance of the current contract public defender system, Santa Cruz County will not be able to meaningfully compare the result of transitioning to a different public defender system.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Recommendations

R1. The Board of Supervisors should establish a commission that includes qualified stakeholders to identify performance measures the County should collect with respect to public defender performance. (F1, F2)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The County agrees that performance measures should be established for the public defender, and that those measures should be developed by qualified stakeholders. However, the County disagrees that a commission is necessary to achieve this important goal.

R2. The County should begin to collect performance data on contract public defender performance, ideally within one year, so that the County has a baseline on which to measure future public defender performance. (F2)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The County Administrative Office (CAO) has already met with the main firm serving as the public defender to address this issue. The main firm has a case management system with extensive records and potential performance measures. The CAO is now working with the main firm to establish revised reports that will be provided starting in December 2018. Once these reports are finalized, the CAO will work with the two conflict firms to provide similar information based on their capacity.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**