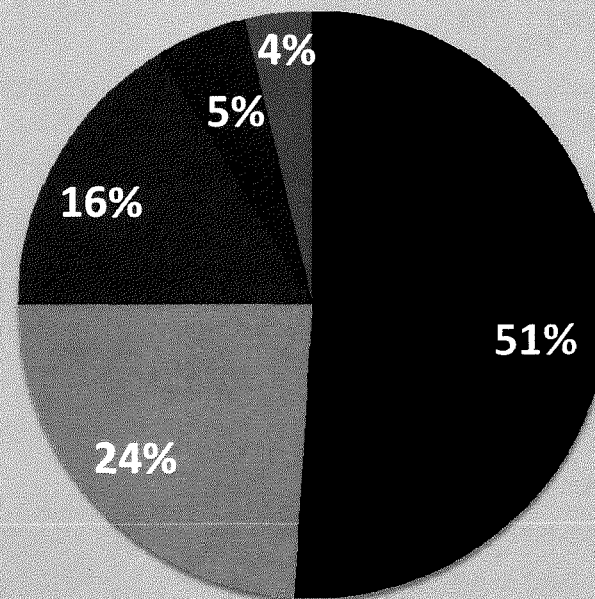


File # 150610  
Received in Committee  
4/17/15  
J.

# 23,000 Clients Served



- African American
- White
- Latino
- Asian
- Other



- 10% Non-English Speaking
- 5% Undocumented
- 15% Severely Mentally Ill
- Most Below Poverty Level



**Public Defender Budget and FTE Summary  
(FY2014 - FY2016)**

	<b>Budget</b>	<b>FTE</b>
<b>FY2013-14</b>	\$28,490,511	156.50
<b>FY2014-15</b>	\$30,433,821	157.47
<b>FY2015-16</b>	\$31,560,807	160.65



# Cases and Workload



## Felony Cases

- Total: 8,696
- Average Annual Caseload: 203
- ABA NAC Standard: > 150
- Average Work Week: 69.4 Hours

## Misdemeanor Cases

- Total: 4,999
- Average Annual Caseload: 417
- ABA NAC Standard: > 400
- Average Work Week: 74.6 Hours

# Cases and Workload

## Juvenile Cases

- Total: 1,010
- Average Caseload: 202
- ABA NAC Standard: > 200
- Average Work Week: 62.5 Hours

## Mental Health Cases

- Total: 3,370
- Average Caseload: 1,123
- ABA NAC Standard: N/A
- Average Work Week: 63.2 Hours



# Expanded Duties



- **Prop 47 – Estimated 25,000 Cases**
- **Review of Cases Involving Police Misconduct  
Estimated 6,000 Cases**
- **Review of DNA Cases – Estimated 2,000 cases**
- **Transitional Aged Youth Court (Grant funded)**
- **Veteran's Court**
- **Laura's Law – Assisted Outpatient Treatment  
Court**

# Areas of Disagreement

- **Attrition due to delays in hiring**
  - Budget Analyst questions whether department will hire three attorneys by July 1, 2015.
  - **We have interviewed attorneys and anticipate hiring attorneys no later than June 25, 2015 to start on July 1, 2015.**
  - Budget analyst recommends delaying hiring of Laura's Law attorney until January 1, 2016. **This will delay implementation, scheduled for October 1, 2015.**
  - Budget Analyst recommends delaying in hiring of IT employee who will work on surveillance video retrieval. **This position is needed immediately.**



# Areas of Disagreement

- **Position Change-outs**

- 0931 Chief of Staff – Manager
- 8177 to 8182 head attorney to address employees working out of step and need for Manager/Supervisory positions

	<b>MANAGING ATTORNEYS</b>	<b>%</b>	<b>NON-LAWYER MANAGERIAL POSITIONS</b>	<b>%</b>
<b>CITY ATTORNEY</b>	<b>38</b>	<b>30%</b>	<b>7</b>	<b>5%</b>
<b>DISTRICT ATTORNEY</b>	<b>21</b>	<b>19%</b>	<b>10</b>	<b>8%</b>
<b>PUBLIC DEFENDER</b>	<b>11</b>	<b>14%</b>	<b>2</b>	<b>3%</b>





**PUBLIC DEFENDER'S RESPONSE TO  
RECOMMENDATIONS OF THE BUDGET ANALYST  
AND RESPONSE TO THE BUDGET COMMITTEE  
2015-2016**

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**DEPARTMENT:**                      **PDR – Public Defender**

**ITEM 1- DEPARTMENT'S REQUEST:**

**The Department respectfully requests that the Board of Supervisors reject the Budget Analyst's recommendation increase department's attrition savings and mandatory fringe benefits by an additional \$277,352. The Department's attrition savings and mandatory fringe benefits associated with attrition have been budgeted at \$1,014,224 that is a reasonable target that department will reach.**

As a general rule, our department's attrition savings is not as great as other departments, such as MUNI, which experience work related injuries and have larger number of worker's compensation claims. Deputy public defenders, as professionals, do not typically take unpaid leaves other than maternity / paternity / family leaves, and their heavy caseloads make it very difficult to take time away from work. Also, unlike the police and sheriff, we do not pay our attorney staff overtime, although they typically work 55-60 hours per week. Nor do we provide compensation time to attorneys for overtime, because this would create staffing problems.

The budget analyst recommends increasing department's attrition and fringe benefits by \$277,352, "to account for a more realistic hiring date" for three existing 8177 Attorney positions to be hired on July 1, 2015, and two new positions – a 1023 IS Administrator III and an 8177 Attorney position to implement Laura's Law – that will be filled in October. Ms. McDonald suggests that the department cannot hire the three attorney positions by July 1, 2015. This is not true. We have candidates in mind that we want to offer these positions to and are simply awaiting the budget process to reach a conclusion, so there will be no delay in the hiring process. As for the two new positions, the Department must hire the attorney and IS administrator, since the programs that both of these positions relate to --- Laura's Law and the city surveillance cameras/SFPD body cameras --- will be needed by October 1, 2015.

- **Laura's Law Implementation**  
Currently, the Public Defender provides representation to clients in the mental health system, including individuals who are the subject of involuntary commitment proceedings or have been found not guilty by reason of insanity.

In July 2014, the Board of Supervisors passed "Laura's Law," which established an Assisted Outpatient Treatment (AOT) court to hear cases of individuals who are the subject of an AOT petition that requires that they submit to treatment. The measure was signed by the Mayor and takes effect on July 1, 2015. Under the ordinance, the Public Defender's office is required to provide representation to all individuals subject to this new law. Pursuant to the AOT statute, a court may order a person who is the subject of the petition to obtain assisted outpatient treatment if the court finds, by clear and convincing evidence, that the facts stated

in the petition are true and meet the requisite criteria. Attached please find the Laura's Law Workflow Chart AOT Process.

The office needs to assemble a legal team to represent these individuals, who are not currently clients of the office. To ensure adequate legal representation, we need an attorney, a paralegal, a mental health investigator and a legal process clerk. We also need expert witness funding to evaluate the individuals in preparation for contested hearings.

- Assistance in City's Video Surveillance Cameras/ SFPD Body Cameras  
Video retrieval is becoming an increasingly common task in our cases. The numbers of video cameras in public spaces is multiplying. In addition, the police retrieve only narrow slices of video and often miss relevant cameras in their canvass. The IS Administrator's duties would be to serve institutional subpoenas and retrieve video. These tasks must be prioritized as the video surveillance footage is only available for a limited time before the system records over it, sometimes in 3 days. Also, the time lapse from an incident to appointment of counsel requires us to expedite these tasks to same-day. Due to the time-sensitivity of these duties, other cases must be pushed back in order to accommodate them.

The new IS Administrator will be dedicated exclusively to these tasks. They are very time-consuming and technologically complicated. We serve countless subpoenas to retail stores and government institutions, which include all San Francisco hospitals, SF Emergency Management Department, SF Police Department, SF Fire Department, SF Sheriff's Department, California Highway Patrol, Department of Public Health, SF Unified School District, Jail Medical, Jail Psychiatric, Medical Examiner, City Attorney's Office, Auto Return and Police Legal.

As we discussed with Ms. McDonald, department will start the recruitment process in August and have ample time to hire these employees on time. Thus, there will be no resulting attrition savings and this item should be removed from the recommendations.

**ITEM 2- DEPARTMENT'S REQUEST: Approve three position substitutions that the Mayor's Office and the Department of Human Resources have approved in the budget.**

**SUMMARY OF THE DEPARTMENT'S SUBSTITUTIONS:**

The Budget Analyst recommends downgrade of one proposed position substitution and disapproval of two proposed position substitutions from the Public Defender's budget:

Class	Title	Salary and Fringe Benefits
0931	Manager III	192,318
0923	Manager II	(178,382)
8182	Head Attorney	527,205
8177	Attorney	(493,301)
	Total	47,840

The Public Defender is requesting these position substitutions be approved by the Budget Analyst. As a cost saving measure, the Public Defender has reduced its temporary salary budget by \$35,958 with associated savings of fringe benefits to fully fund these three substitutions. It is worthy to mention, the Public Defender has also proposed to downgrade an Executive Assistant position (job code 1512) to a Legal Assistant position (job code 8173) resulting a saving of \$13,717 in salary and fringe benefits cost.

**Item 2A: The Public Defender has requested the substitution of one 0922 Manager I position to one 0931 Manager III. The Department of Human Resources has reviewed the responsibility of the current employee, Angela Auyong, and has determined that her position should be classified to a Manager III (job code 0931) to comply with her current responsibilities and job duties. The current incumbent is working out of classification and is performing duties beyond the job requirement of an 0922. Comparing to both the City Attorney and District Attorney, our department has fewer managerial positions. See attached job classification approval letter from the Department of Human Resources, detailed job responsibilities of the position and comparison of managerial positions between City Attorney, District Attorney and the Public Defender.**

Department's Request: The Budget Analyst recommended to substitute one 0922 Manager I to one 0923 Manager II. Because Ms. Auyong's current responsibilities are in line with the job duties under the 0931 Manager III position, the Public Defender respectfully requests that the Board of Supervisors approve department's original request of substitution of one 0922 Manager I position to one 0931 Manager III.

Summary of Responsibility of Ms. Auyong:

Ms. Auyong was hired to serves as the confidential assistant to the Public Defender; oversees the daily needs of the office, identifies and addresses work flow problems and inefficiencies; manages accounting and payroll department. Since a few years ago, she was given addition job responsibilities to develop, implement and monitor the department's annual budget. She also serves as a backup for the accountant and HR manager when they are out of the office. Last year, she was asked to supervise the administrative unit including a communication assistant, a court alternative specialist, a Legal Assistant and the entire IT unit. With all these additional duties she has performed, department is required to adjust her job classification to 0931 Manager III.

**Item 2B: Substitution of two 8177 Attorney positions to two 8182 Head Attorneys. There are two attorneys who are currently working out of step and the department have requested that two 8177 positions be converted into 8182 head attorney positions. Comparing to both the City Attorney and District Attorney, our department has fewer head attorney positions. See attached comparison.**

Department's Request: Upgrade two Attorney positions 8177 to two Head Attorney 8182, to reflect the additional responsibilities performed by these employees.

**Job Responsibility of Attorney (8177):**

Under varying levels of supervision, the incumbents of this class perform professional level attorney work in connection with the defense of criminal cases. Incumbents are assigned to various levels at the department head's discretion according to the organization staffing, workload and difficulty of assignments and cases. This class is distinguished from 8182 Head Attorney in that the positions in 8182 Head Attorney perform the most difficult and responsible professional legal and managerial work.



**Job Responsibility of Head Attorney (8182):**

Under general administrative direction, performs the most difficult and responsible professional legal work in the Public Defender's Office in connection with the defense of involved and important criminal cases; assigns, supervises and reviews the work of subordinate attorneys. Requires major responsibility for: interpreting, carrying out and assisting in the development of methods and procedures relative to the legal processes of the office in which assigned; making regular responsible contacts with other legal personnel, court officials, law enforcement agencies and outside organizations relative to assigned legal matters; preparing and reviewing extremely complex and important legal instruments and documents in connection with assigned cases.

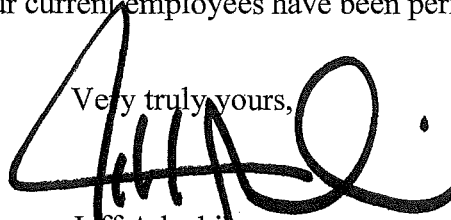
Both employees were originally hired to provide legal representation to indigent clients as a Trial Attorney, job code 8177. In the past couple of years, their job duties were expanded due to their professional knowledge and excellent work experiences. They were given additional responsibilities to manage line attorneys (job code 8177) who work in specialty courts such as clean slate program, Proposition 47 Court, Veteran's Court and Behavioral Health Court; and to handle more serious and homicide cases.

With the additional duties assigned to these employees, the department is required to adjust their job classification to 8182 Head Attorney.

**CONCLUSION**

In conclusion, the Department respectfully requests that the Board of Supervisors reject the Budget Analyst's recommendation of increasing department's attrition savings, eliminating and downgrading the position substitutions. These upgrades are necessary, given the responsibilities that our current employees have been performing.

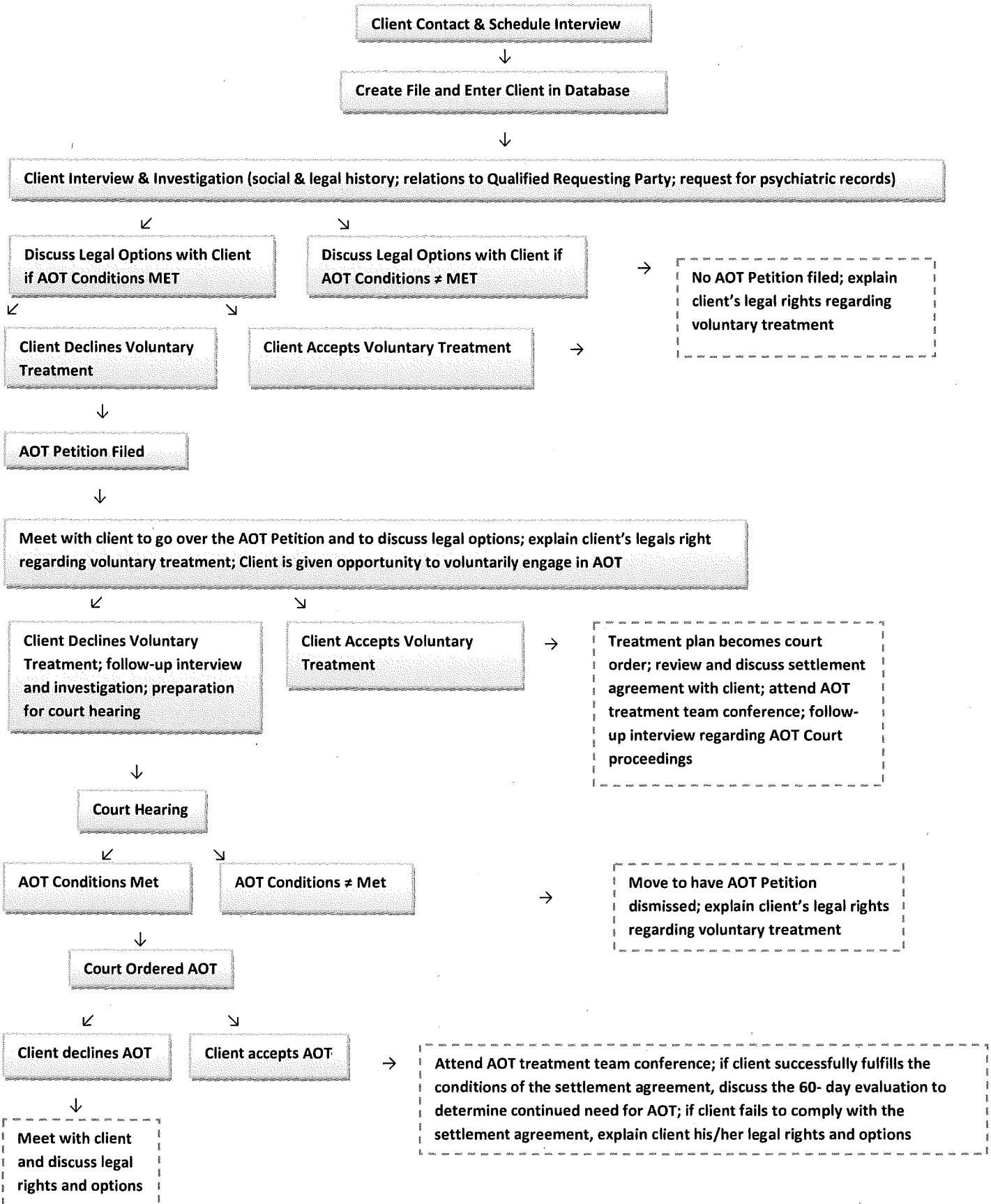
Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeff Adachi', written over the typed name below.

Jeff Adachi  
Public Defender

# Public Defender's Workflow Chart for Assisted Outpatient Treatment (AOT) Process

\* Welf. & Inst. Code §§5345-5349.5





ASO PRELIMINARY APPROVAL FORM

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

Instructions: Complete this form for classification approval for new or substituted position(s) in required job codes (Note: list of job codes requiring authorization is located on the DHR Preliminary Approval Memo). Complete one form for each position funded by a different index code. You may use a single form when requesting more than one position as long as they are in the same job code and budgeted from the same index code.

Date of Request: 03/04/2015 Department HR Contact: Arlene Laxamana
Department Code: PDR Email: arlene.laxamana@sfgov.org Phone#: 4157343321

SECTION I: NEW POSITIONS

Department Index Code: (Please refer to Mayor's Budget Instructions Form)
Job Code: Select One FTE Count:

If position is an MCCP class, please attach the following:

Org Chart (Attached)

POSITION(S) DESCRIPTION: (Provide a concise statement of the focus of the position, including an explanation of whether the responsibilities are existing, new or reallocated from another position.)

Empty box for position description

New Position Classification Authorization Approval Code: (DHR ONLY)

SECTION II: NEW SUBSTITUTED POSITION(S)

Department Index Code: 055002 (Please refer to Mayor's Budget Instructions Form)
Budgeted Job Class Code: 0922 Requested Job Class Code: 0931 FTE Count: 1

If position is an MCCP class, please attach the following:

Org Chart (Attached)

SUBSTITUTED POSITION(S) DESCRIPTION: (Provide a concise statement of the focus of the proposed substituted position, including an explanation of whether the responsibilities are existing, new or reallocated from another position.)

Under the direction of the Appointing Officer, Public Defender, the Administrative and Finance Manager manages and directs the Departments Administration and Finance units. This position develops, implements and monitors the Departments \$ 31 million budget, including of \$725 K in grant funding . The incumbent will also serve as a key member of the executive team in developing and implementing organizational policy change, process improvement initiatives and benchmarking/best practices analysis and implementation; acts as liaison between senior staff, other departments, the public, and department personnel for the Director; performs technical administrative duties and a variety of complex budgetary, contracts, financial/fiscal, and legislative analysis.
Department submitted additional information/documentation via attachment

Substituted Position Classification Authorization Approval Code: PDR-0931-001 (DHR ONLY)

SECTION III: DHR AUTHORIZATION

Jason Yamamoto 04/14/2015
DHR Authorized Name Date



I am submitting this form electronically. I am certifying that I have read, understand, and agree to the terms and conditions outlined in this form.

Submit

**PROPOSED 0931 POSITION: 0931 ADMINISTRATIVE, IT, AND FINANCE PROGRAMS MANAGER**

**Salary Range: \$106,756 - \$136,266**

Under the direction of the Public Defender, the Administrative, IT and Finance Manager functions as the Chief of Staff Operations. This position directs and manages the Office of the Public Defender's Administration, Communication, IT, and Finance programs. This position is responsible for the development, implementation and monitoring of the Department's \$ 32 million budget. Included in this budget are a total of five grants. The incumbent also serves as a key member of the executive team in developing and implementing organizational policy change, coordinate and implement program planning; process improvement initiatives and benchmarking/best practices analysis and implementation; defines resource allocation and identification of future resources needs; acts as liaison between senior staff, other departments, the public, and department personnel for the Director; performs technical administrative, policy and communication duties and a variety of complex budgetary, contracts, financial/fiscal, and legislative analysis.

**ADDITIONAL STAFF JOB DESCRIPTIONS (8446; 1458 and IT unit)**

**Communications program: 8446 COURT ALTERNATIVE SPECIALIST I:**

This position serves as the Court Policy and Communications Specialist for the Public Defender's Office. The incumbent is responsible for administering a public information program for the Public Defender's Office to provide coverage of the department's activities, programs and initiatives; preparing administrative and research studies on criminal justice issues as a basis for formulation of public information policy and makes recommendations thereon; attends meetings and conferences; and assists in the design and production of publicity for departmental activities.

This position is responsible for carrying out, interpreting and coordinating existing policy, methods and procedures relating to publicizing of the department's activities and in assisting in originating and developing them; making regular contacts with the general public, outside organizations and representatives for the purpose of furnishing or obtaining information or explaining policy and procedures relative to activities for public use and accumulating, assembling and preparing criminal justice data or information for important reports.

Essential functions of this position include: drafting press releases, press alerts, opinion articles, letters to the editor and public service announcements; coordinating press conferences, personal appearances for the Public Defender and other staff; responding to requests from the public for information about the Public Defender's Office; assisting in developing a comprehensive policy platform that outlines the Public Defender's positions on selected criminal justice issues; developing a communications strategy that promotes the office's identified policy goals; maintaining and updating media and legislative contact lists for San Francisco, Bay Area and California outlets and districts; identifying, building and maintaining relationships with media/legislative contacts; identifying, building and maintaining relationships with community-based, religious and university organizations, and committees with parallel policy concerns; creating content for the Public Defender's website and intranet; updating and

maintaining website and intranet and preparing the Office's annual report and other informational handouts as needed.

**ADMINISTRATIVE Program: 1458 Legal Secretary**

Under supervision of the Administrative and Finance Manager, the legal secretary provides legal secretarial and clerical services of a difficult, responsible and confidential nature for the Public Defender's Office. The Public Defenders' Office has a total of 90 Attorneys for the Misdemeanor and Felony units; the Clean Slate and Re-entry units; Mental Health unit; Research unit and the Juvenile unit. This position supports all the Head Attorneys for each unit and is responsible for all legal administrative support required for all Trial Attorneys.

Essential functions may include: typing, editing and proofreading a wide variety of legal documents in proper format which may include pleadings and briefs (including preparation of Table of Authorities and Table of Contents), correspondence, subpoenas, contracts, jury instructions, complaints, resolutions and ordinances utilizing multiple word processing systems and case management systems/software in order to prepare a variety of legal documents; abstracting information from various sources to put general information into proper legal form; transcribing legal dictation from notes, minutes, interviews and telephone messages to prepare legal documents and correspondence; opening, maintaining, monitoring, organizing and closing legal case files and maintaining correspondence and record files; maintaining attorney appointment and court calendars, keeping abreast of important court dates, local court rules and procedures regarding filing legal documents with courts as mandated, including e-filing, and serving legal documents as required by court rules; scheduling depositions, court reporters, and witnesses; and assuring legal complaints are responded to in a timely manner; providing information when possible by personally assisting callers, and exercising considerable judgment and discretion in dealing with confidential matters; and prioritizing duties and deadlines to accommodate work schedules of a large number of attorneys. Performs other related duties and responsibilities as required, including working closely with legal assistants, investigators, information technology staff and accounting staff to complete tasks assigned by attorneys.

**IT Unit:**

**1043 IS Engineer-Senior (2 positions)**

**1094 IT Operations Support Admin IV**

**8452 Court Alternative Specialist II**

**9916 Public Service Trainee**

**8452:**



Interviews, assesses and evaluates the needs of individuals referred by the courts to an alternative sentencing program units in specialty, mental health, re-entry courts; Acts as liaison to the courts relative to court alternative program activities; prepares and presents reports to the courts on court assignees; Develops and maintains working relationships with a variety of public and private service agencies; disseminates program information to these agencies and the public; Develops selection criteria and assists in the investigation, orientation and selection of community agencies for use as placement sites for program assignees; Serves as a user to impart knowledge in order to assist in the analysis of user needs and documentation requirements for Attorneys, paralegals, court specialists, investigators, social workers, and Legal Clerks electronic forms and court documents; research and evaluate software needed for cases as assigned; Assist in conducting systems analysis and programming activities for moderately complex systems; document new and modified systems and programs; Participates in the development of new applications needed by Attorneys; may assist in testing software as a user to ensure compatibility; may assist in the design of new and/or revised systems and programs, and in the coordination of integration into existing systems and procedures unique to the public defender programs; May assist in testing necessary to debug new and revised Public Defender programs such as Gideon and CMS; Prepare procedures documentation; generate reports and statistics; design tables; prepare flow charts and other graphic presentations; Coordinate with users such as Court Alternative Specialists; Paralegals; and Legal Process Clerks to implement solutions to problems from a user standpoint; Participate in computer users meetings or meetings of related committees.

9916

PST program support to the IT unit.

Training objectives and goals:

- Develop soft and hard skills needed to successfully transition to unsubsidized employment.
- Provide basic IT helpdesk support for staff at assigned host site
- Incorporate standards and guidelines to develop good work habits
- Attend all instructional or other training programs for skill building
- Demonstrate responsibility for following instructions, learning and adapting to existing policies and procedures.

Duties:

Providing help desk support to staff with computer software and hardware; installing operating systems and software on computers; converting video and audio data files to standard formats; supporting attorneys technical computer needs in court; assisting investigators with extraction and conversion of video evidence recordings.

**Comparison of Non-Lawyer Managerial Classification and FTE Count  
Between City Attorney, District Attorney and Public Defender in FY 2014-15**

**City Attorney (5% Non-Lawyer Managerial Positions)**

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
0931	Manager III	4
0932	Manager IV	2
0941	Manager VI	1

**District Attorney (8% Non-Lawyer Managerial Positions)**

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
0922	Manager I	1
0923	Manager II	2
0931	Manager III	2
0932	Manager IV	2
0933	Manager V	1
0943	Manager VIII	2

**Public Defender (3% Non-Lawyer Managerial Positions)**

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
0922	Manager I	1
0931	Manager III	1

## Comparison of Attorney Classification and FTE Count

Between City Attorney, District Attorney and Public Defender in FY 2014-15

### City Attorney (30% Managing Attorneys):

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
8177	Trial Atty	128
8181	Assistant Chief Atty I	18
8182	Head Atty	14
8183	Assistant Chief Atty II	4
8193	Chief Atty	2

### District Attorney (19% Managing Attorneys):

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
8177	Trial Atty	113
8181	Assistant Chief Atty I	5
8182	Head Atty	14
8183	Assistant Chief Atty II	2

### Public Defender (14% Managing Attorneys):

<u>Job Code</u>	<u>Title</u>	<u>Full Time Equivalent</u>
8177	Trial Atty	80
8182	Head Atty	10
8193	Chief Atty	1