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PUBLIC DEFENDER

BACKGROUND

The United States Constitution guarantees its citizens the right to a speedy trial. The Sixth Amendment states “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

Clara Shortridge Folz, who was California’s first female attorney, proposed the establishment of a Public Defender’s office to balance the Office of the Public Prosecutor at the 1893 Chicago’s World Fair. The nation’s first public defender agency was founded in Los Angeles in 1913.

REASON FOR INVESTIGATION

The Tulare County Grand Jury is the “watchdog” of all public offices within the County. The 2013-2014 Tulare County Grand Jury chose to investigate the workings of the Office of Public Defender. This particular County department had not been examined by the Grand Jury prior to this report.

PROCEDURES FOLLOWED:

1. Interviewed relevant personnel
2. Reviewed relevant documents

FACTS:

1. As of 2013, the Tulare County Public Defender Office had approximately forty-five attorneys and nine investigators.
2. The American Bar Association recommends no more than an annual caseload of 400 misdemeanor and 150 felony cases for each public defender attorney.
3. The Tulare County Public Defender’s Office had 16,800 new cases in 2013.
4. In 2013, there were approximately 37,270 clients, 59,364 cases and 98,132 hearings in the Tulare County Public Defender’s Office.
5. The Public Defender is appointed by the Tulare County Board of Supervisors.
6. Attorneys for the Tulare County Public Defender’s Office represent adults accused of misdemeanor and felony crimes, juveniles in delinquency cases, mentally disabled individuals facing involuntary mental health commitments and defendants facing incarceration for contempt for court cases.
7. The Tulare County Public Defender’s Office is considered an integral part of the Justice system for Tulare County.

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8. Caseloads are set by the United States Department of Justice on Standards for Indigent Defense Systems as 150 Felony and 400 Misdemeanor cases per Public Defender.
9. Each attorney has a caseload of approximately 600 Misdemeanor cases and 175 Felony cases.
10. The Tulare County Public Defender's Office had approximately thirty active murder cases in 2013.
11. Requirements to become a public defender vary from state to state and county to county. The Public Defender is required to have a law degree and license from state of residence, several years of trial experience and professional supervisory experience. Other requirements include the ability to read, understand and write reports, present information and answer questions posed by judges, other attorneys, county officials and the general public, some mathematical skills, and considerable reasoning ability.
12. The Tulare County Public Defender earns between \$128,232 and \$192,348 annually. These earnings are consistent with the salary of the Tulare County District Attorney.
13. The Assistant Public Defender earns between \$99,735 and \$149,604 annually.
14. At the time of the writing of this report all Tulare County Deputy Public Defenders had reached their maximum pay scale level. Some Deputy Public Defenders have not received a pay increase since 2006.
15. The Tulare County Public Defender's Office had a budget of \$8.5 million in 2013.
16. In order to qualify for the services of a public defender, a person must be considered "indigent," (unable to afford an attorney). A defendant must request that the court appoint a public defender and provide details about his/her financial situation.

FINDINGS:

1. The Tulare County Public Defender's Office exceeds the standards set by the United States Department of Justice on Standards for both Felony and Misdemeanor caseloads per attorney.
2. The current pay scale has not been increased for several years.

RECOMMENDATIONS:

1. Despite the additional burden of 200 Misdemeanor cases, there is no evidence that the Public Defender may not adequately represent their clients; however, the Tulare County Grand Jury recommends that staff be hired to accommodate the additional case loads.
2. The Tulare County Grand Jury recommends that the current pay scale be increased.

RESPONSES REQUIRED:

1. Tulare County Public Defender's Office
2. Tulare County Board of Supervisors

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