

2015

# Public Defender and Alternate Public Defender

2015 ANNUAL REPORT  
LESLI M. CALDWELL, PUBLIC DEFENDER

SOLANO COUNTY



# **Public Defender and Alternate Public Defender**

2015 Annual Report

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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*

Although the American tradition of providing a zealous defense, even for unpopular defendants, goes back to John Adams, it was not until March 18, 1963, that the U.S. Supreme Court declared that Clarence Earl Gideon had not received a fair trial because he was too poor to afford counsel. *Gideon v. Wainwright*, 372 U.S. 335 The ruling was momentous because it guaranteed the right to counsel to every person, regardless of economic or social status. Writing for a unanimous court, Justice Hugo Black declared, “In our adversary system of criminal justice, a person [hauled] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to be an obvious truth . . . lawyers in criminal court are necessities, not luxuries”



**Lesli M. Caldwell, Public Defender**

This is important because, popular culture aside, the majority of people in need of public defenders are not drug lords, murderers, or even dangerous. Rather, most indigent who are accused are homeless, have problems with substance use, are veterans with PTSD, or are struggling with mental illness. They are young people caught up in delinquency procedures because they have been underserved foster children or neglected by their school systems. They are often your friends, family, and neighbors charged with relatively minor, non-violent offenses, and are at little or no risk of chronic court involvement. However, without an effective attorney those involved in the court process – regardless of the severity of the alleged crime – are at great risk of losing housing, being excluded from school, losing their driver’s license, paying substantial fees and fines (possibly being sent to jail for failure to pay those fines), being deported, being involuntarily confined to a mental health facility, or losing their children. This system continues the cycle of poverty that in particular affects communities of color. The modern public defender not only protects the legal rights of the accused, she or he also helps clients become productive citizens by getting them into school, setting them up in drug treatment, arranging for parenting classes or anger management, helping veterans get housing and medical care, and so much more.

I have the privilege to serve as Chief Defender, the Public Defender of Solano County. Every day I am reminded of how lucky I am to be able to work with the dedicated

lawyers, social workers, paralegals, investigators and clerical staff that make up the Public Defender and Alternate Public Defender Offices. Our lawyers dedicate themselves to advising and advocating on behalf of each and every client they are assigned. In reality, they are fighting for the right of all of us to live in a society in which everyone is treated fairly regardless of our wealth, race or social standing, regardless of our age or mental status and regardless of what bad acts we have been accused of committing. Fairness is the most fundamental value underlying a democratic society and a healthy public defender system is a critical component of a fair and effective court system. I thank the Board of Supervisors of Solano County for ensuring that we have a healthy and strong Public Defender's Office and Alternate Public Defender's Office.

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: 11,285

Cases closed: 12,203

Homicides pending: 14 (2 Capital Murders)

Jury Trials Completed: 102

### *Alternate Public Defender*

Cases opened: 2,815

Cases closed: 3,033

Homicides pending: 7

Jury Trials Completed: 33

Total Dismissals:

38% of misdemeanors at trial management conference

22% of felonies 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 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 53 defense attorneys, 9.5 investigators, 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, the Office held an annual 'New Lawyers Training' over a four day period to train entering and relatively new attorneys and incoming Interns and Externs for work in the Misdemeanor Unit.



### **Felony Lawyers Training**

In May 2015, we held a week long training for lawyers entering into a felony caseload.

### **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.

We had a Solano County Public Defender/Alternate Public Defender school supply drive for the Middletown Unified School District, located in the Valley fire area. The Valley fire occurred in Lake County, California in September 2015. Our offices collected dozens of school supplies to aid in the fire relief efforts.





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.

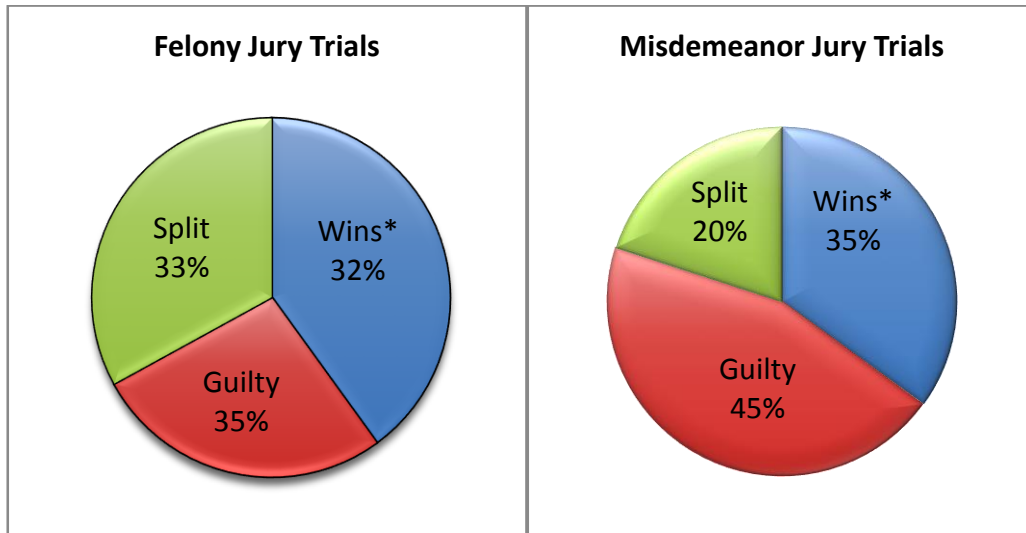
Having skilled counsel for the accused invariably leaves the client better off than a client who represents him/herself. Indeed, it was this very obvious fact that caused the United States Supreme Court to mandate the appointment of and payment for counsel for indigents in local trial courts over 50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

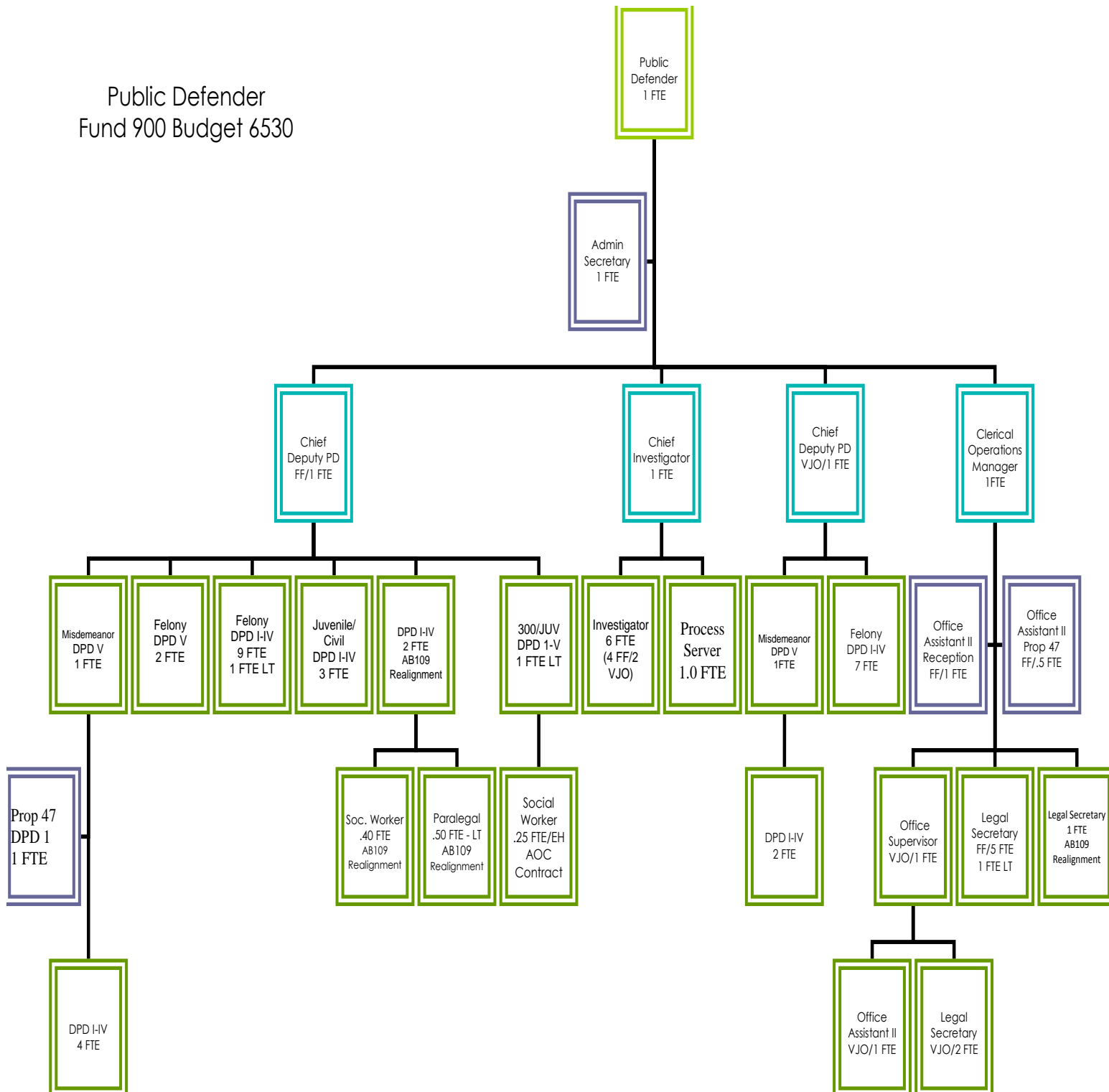
\* Split is defined as partial acquittal partial conviction.

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 96% across the units; misdemeanors, felonies and juvenile delinquency cases, was found for the year of 2015. We have a 65% positive outcome of all felony jury trials and 55% of all misdemeanor jury trials.

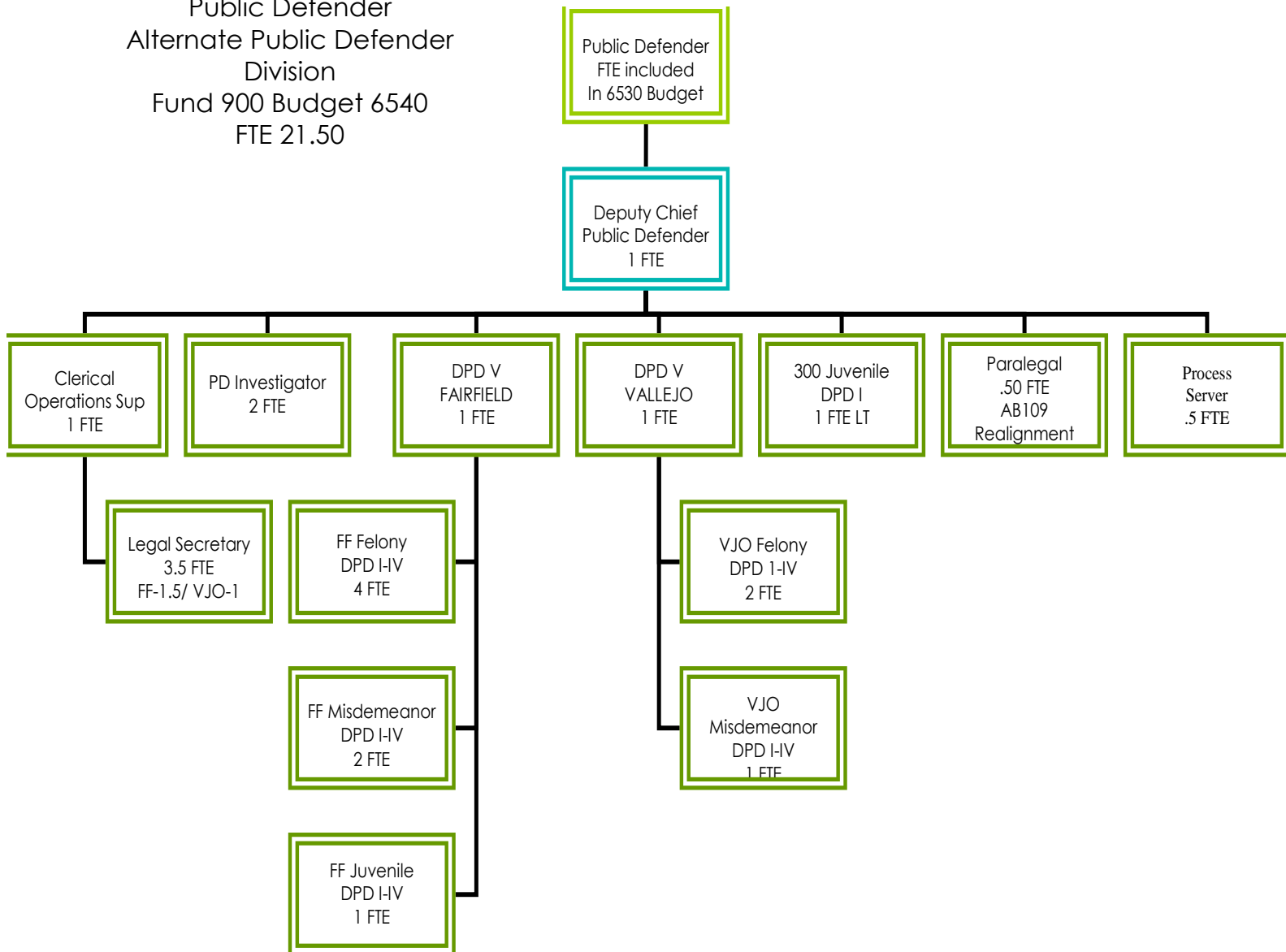
For 37 years, since the appointment of the first Public Defender of Solano County, Paul Ligda, the Department has provided representation to indigent persons in hundreds of thousands of cases in the County’s courts. The mandate and responsibility is still carried out by the talented and committed staffs 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	2013-14 ACTUAL	2014-15 ACTUAL	2015-16 RECOMMENDED	2015-16 ADOPTED
<b>REVENUES</b>				
INTERGOVERNMENTAL REV STATE	\$ 592,281	\$ 701,882	\$ 776,528	\$ 776,528
CHARGES FOR SERVICES	259,009	234,044	127,968	127,968
GENERAL FUND CONTRIBUTION	9,033,071	9,569,918	10,546,826	10,560,501
<b>TOTAL REVENUES</b>	<b>\$ 9,884,361</b>	<b>\$ 10,505,844</b>	<b>\$ 11,451,322</b>	<b>\$ 11,464,997</b>
<b>EXPENDITURES/APPROPRIATIONS</b>				
SALARIES AND EMPLOYEE BENEFITS	\$ 8,050,991	\$ 8,609,370	\$ 9,260,491	\$ 9,260,491
SERVICES AND SUPPLIES	999,378	938,925	1,100,584	1,114,259
OTHER CHARGES	506,698	509,030	528,416	528,416
F/A - INTANGIBLES	0	0	199,000	199,000
OTHER FINANCING USES	324,942	343,329	343,078	343,078
INTRA-FUND TRANSFERS	2,352	16,343	19,753	19,753
<b>TOTAL EXPENDITURES/APPROPRIATIONS</b>	<b>\$ 9,884,361</b>	<b>\$ 10,416,996</b>	<b>\$ 11,451,322</b>	<b>\$ 11,464,997</b>
<b>NET COUNTY COST</b>	<b>\$ 0</b>	<b>\$ (88,848)</b>	<b>\$ 0</b>	<b>\$ 0</b>

### Alternate Public Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND EXPENDITURE OBJECT	2013-14 ACTUAL	2014-15 ACTUAL	2015-16 RECOMMENDED	2015-16 ADOPTED
<b>REVENUES</b>				
INTERGOVERNMENTAL REV STATE	\$ 12,929	\$ 34,910	\$ 36,121	\$ 36,121
CHARGES FOR SERVICES	194,745	178,089	90,313	90,313
GENERAL FUND CONTRIBUTION	2,957,253	3,153,495	3,614,311	3,621,036
<b>TOTAL REVENUES</b>	<b>\$ 3,164,927</b>	<b>\$ 3,366,494</b>	<b>\$ 3,740,745</b>	<b>\$ 3,747,470</b>
<b>EXPENDITURES/APPROPRIATIONS</b>				
SALARIES AND EMPLOYEE BENEFITS	\$ 2,574,983	\$ 2,787,148	\$ 3,053,769	\$ 3,053,769
SERVICES AND SUPPLIES	271,119	283,625	321,061	327,786
OTHER CHARGES	213,846	182,737	180,745	180,745
F/A - INTANGIBLES	0	0	66,000	66,000
OTHER FINANCING USES	104,180	107,089	112,002	112,002
INTRA-FUND TRANSFERS	799	5,895	7,168	7,168
<b>TOTAL EXPENDITURES/APPROPRIATIONS</b>	<b>\$ 3,164,927</b>	<b>\$ 3,366,494</b>	<b>\$ 3,740,745</b>	<b>\$ 3,747,470</b>
<b>NET COUNTY COST</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>



***“There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”***

***~ Hugo Black  
Supreme Court Justice  
(1886 – 1971)***

## A LOOK TO THE FUTURE

In 2016, 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, as well as the reduction of felonies to misdemeanors per Proposition 47. 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.



**2015 Public Defender and Alternate Public Defender Staff**