

Executive Summary

Scope and methodology

The County of Santa Barbara (the County) contracted with KPMG in May 2019 to conduct an operational and performance review of all County departments. The Public Defender’s Office (the Office) review commenced in February 2020. The purpose of this review is to provide a high-level assessment of the Office, identify strengths and opportunities, and benchmark financial and operational areas with similar jurisdictions with the focus to improve the overall operational efficiency, effectiveness, and service delivery provided by the Office.

Over a 12-week period, the KPMG team conducted the following activities:

- **More than 20 interviews** with Office leadership and staff to understand the organizational structure, roles and responsibilities, operations, and processes of the Office.
- **Analysis of available data, reports, and policy documents** to understand the demands upon, and the operations of, the Office.
- A **benchmarking and leading practice review** comparing the County with eight recommended benchmark counties: Marin, Monterey, Placer, San Luis Obispo, Santa Cruz, Solano, Sonoma, and Tulare. Additional counties were selected for benchmarking analysis based on feedback from leadership and available online information.



This report outlines the findings of the operations and performance review and details recommendations for office-wide management and for each of the three budget programs: Administration, Adult Legal Services, and Juvenile Legal Services.

This analysis does not assess the direct impacts of COVID-19 on the Public Defender’s Office due to timing of the project; however, the recommendations in this report have the potential to mitigate some negative impacts of the pandemic—including challenges associated with the transition to a virtual working environment—by enhancing the use of technology and strengthening the ability of Office management to track and manage staff workload and performance. While many of the recommendations made within the report will mitigate the negative impacts of the COVID-19 pandemic there will be an increased workload on the Office’s IT team in the short to medium term to implement the recommendations. A strong IT infrastructure is required to ensure sustainable implementation of these recommendations and for the benefits to be successfully realized. The Office is working to establish new working practices in light of the COVID-19 pandemic and capitalize on the use of technology for increased efficiency.

Executive summary

Office orientation

Mission statement: The Office’s mission is to zealously protect the rights, liberties, and dignity of all persons in Santa Barbara County and to maintain the integrity and fairness of the American Justice System by providing the finest client-centered legal representation through compassionate, holistic, and innovative advocacy with care and respect for clients.

Responsibilities:

- 1 Defend adults charged with crimes triable in the Superior Court

- 2 Defend persons charged with Contempt of Court

- 3 Protect individuals who can no longer care for themselves for reasons such as physical or developmental disability, mental illness, Alzheimer’s, or dementia

- 4 Appear in court on behalf of persons held in mental health facilities.

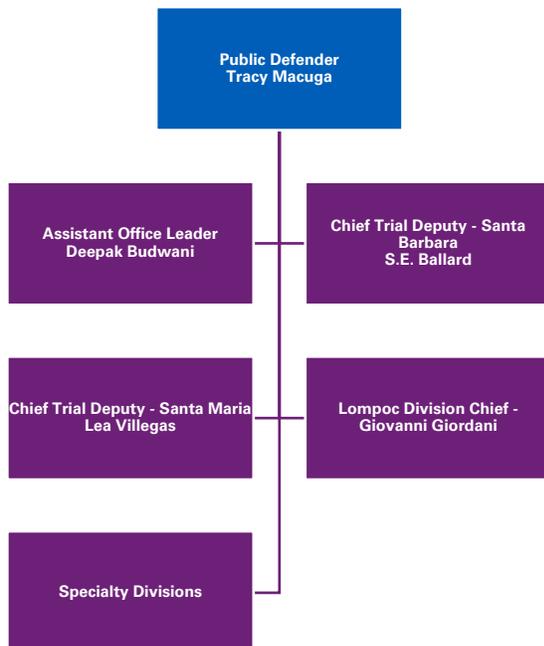
Recommended budget (2019/20):

\$13.6M	\$0	67
Operating Expenses	Capital Expenses	Full-time Equivalents (FTE)

County benchmarks:

		Santa Barbara County	Average
Budgets in \$'000			
FY19	Public Defender FTE	67	62
	Percent of Enterprise	1.58%	1.66%
	Public Defender Budget	\$ 13,557	\$ 12,946
	Percent of Enterprise	1.19%	1.15%

Organizational Structure:



Executive summary

Commendations

The Public Defender's Office has made significant changes to their operating model and practices since November 2016. The Office has developed new policies and procedures for almost all positions, maximized the use of grant funding and public private partnerships, and implemented a number of process improvements to enhance the efficiency and effectiveness of their operations in line with the goals of Renew '22.

eDefender Rebuild



The Office has done a commendable job of recognizing the potential for eDefender as an enterprise case management system and the critical important of an upgrade to this system. Work to update the system's functionality is already underway.

Staff Dedication



The staff of the Public Defender's Office has a clear dedication to the mission and vision of the Office, as well as to the clients they represent. This was observed across the Office, at all staff levels and functions.

Innovative Initiatives



The Office should be commended for identifying leading policies from around the nation and incorporating them into its service offerings for clients. For example, efforts to expand the use of social workers, case managers, and holistic defense represent proactive efforts to outcomes for the client and public.



Time Tracking

While this report details opportunities for improvements to existing time tracking practices, Office leadership has already indicated an eagerness to commission a time tracking study to better understand case complexity, workload, and performance. This report supports continued progress towards the implementation of such a study.

Executive summary

Renew '22 mapping

The recommendations made within the Public Defender’s operational and performance review have been aligned to the Renew '22 Transformation Behaviors to help ensure that the recommendations are driving towards the Renew '22 strategic vision, as seen in Figure 1 below.

		Transformation Behaviors				
		Alignment with Vision	Data Driven Decision Making	Strategic Thinking	Risk Taking	Collaborative Problem Solving
Department Recommendations	1	Implement data-driven workload tracking processes to guide decision-making regarding case assignment and staffing				
	2	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	Develop a strategic roadmap to prioritize implementation of technology upgrades				
	5	Enhance the functionality of eDefender to facilitate data tracking and information sharing				
	6	Strengthen data quality and management to enable data-driven decision-making				
	7	Enhance Holistic Defense, Pre-Arrest, and Specialty Court units to improve impacts on recidivism				

Figure 1 – Source: KPMG LLP

Executive summary

Office recommendations

Office recommendations relate to the systems and processes needed for the Office as a whole to manage its operations and activities to achieve the County's goals. The recommendations outlined below focus on providing strategic alignment and direction across all Public Defender staff, offices, and functions.

#	Office 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-Arrestment, and Specialty Court units to improve impacts on recidivism

This report details recommendations and opportunities within the purview of the Public Defender's Office. However, the Office is also affected by challenges that cannot be resolved without interagency cooperation. These interagency challenges will continue to be evaluated throughout the remainder of the Public Safety departmental performance and operational reviews and will be outlined in further detail once all reviews have been completed. The table below provides a high-level summary of interagency challenges that arose during the review of the Office of the Public Defender.

Interagency Observations

Improve efficiency of attorney access to incarcerated individuals (in person and by phone) to more effectively utilize attorney time:

Office attorneys report delays in scheduling "contact" (i.e., in-person) visits with incarcerated defendants, as well as Skype sessions with their clients at the jail. While Office's current data collection processes do not permit a detailed analysis of lost time related to jail calls and visits, attorneys attest that delays related to client access can consume up to half a day of staff time and interfere with their ability to provide an effective defense. It is recommended that the Office and Sheriff's Office develop agreed-upon processes to enable efficient virtual and in-person client visits. While this issue pre-dates the COVID-19 pandemic, the use of available rooms to facilitate remote hearings has further exacerbated the issue and served to further reducing attorney access.

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 enable digital notetaking in eDefender)

Office attorneys report challenges in technology access that create operational inefficiencies in their work when visiting other county agencies and workplaces. For example, not all courtrooms provide reliable access to Wi-Fi, which poses barriers to accessing eDefender while in court and prevents attorneys from directly entering case notes into the system. As a result, attorneys may have to retype their notes into the system once court is completed, leading to redundant work. Additionally, attorneys are not permitted to bring their laptops into the jail. Instead, Office attorneys are directed to use loaner laptops provided by the Sheriff’s Office, which can limit their access to materials such as case histories while meeting with clients and result in additional administrative work, as attorneys copy materials across devices. The County has an incentive to resolve these technology issues, which cause inefficiencies that consume attorney time that could otherwise be dedicated to representing clients or other high-priority matters.

Analyze the impact of non-continuous trials to potential negative externalities for defendants, jurors, attorneys, and County finances

Trials in Santa Barbara courts are not always scheduled continuously, meaning they may not occur on back-to-back days. Office staff report that these non-continuous trials pose three primary negative impacts:

- They pose obstacles for lawyers, regardless of whether they work for the Public Defender’s Office or the District Attorney. When jurors return from days-long breaks in court proceedings, they may not clearly remember previous sessions, posing challenges to attorneys who are attempting to lead jurors to a particular conclusion based on evidence.
- Non-continuous scheduling can increase trial length, and as a result, the length of pretrial detention. Defendants who are held in jail while awaiting trial end up incarcerated for longer periods than they would if their trials were held continuously. This negatively impacts defendants, who may lose their jobs, housing, or even custody of their children while incarcerated. In doing so, it creates short-term costs for the County in the form of additional jail bed days and long-term costs in the form of potential increased reliance on County services.
- Jurors who are balancing work, childcare, or eldercare commitments may be less able to participate in trials that span multiple weeks. As a result, non-continuous trials may reduce the juror pool and limit the diversity of people who serve on juries.

It is recommended that the County further analyze the negative impacts of non-continuous trials, document the additional costs arising from this process or negative externalities, and initiate conversations with the Courts to resolve these challenges.

Identify solutions to last minute docket delivery to improve the quality of representation

When a docket is scheduled that includes clients of the Public Defender’s Office, the Office typically does not receive the list of that docket until the date of the scheduled court appearance. This short notice reduces the amount of time attorneys have to prepare for cases, and at times results in attorneys meeting their clients for the first time in the courtroom. In interviews, Office staff asserted that this lack of advanced notice stems from the non-interoperability of the Court and Office systems, as well as a lack of coordination between the individual courts.

Executive summary

Current and recommended operating model

Figure 2 below summarizes the Public Defender’s current-state operating model across six design layers, as well as the target state that can be achieved by implementing the recommendations in the following sections. Each operating model layer describes a continuum of maturity that articulates how the Public Defender’s Office can be designed to deliver services optimally. These layers were also used to structure the observations, analysis, and recommendations of the review of the Office. Detailed descriptions of the six design layers can be found in Appendix D.

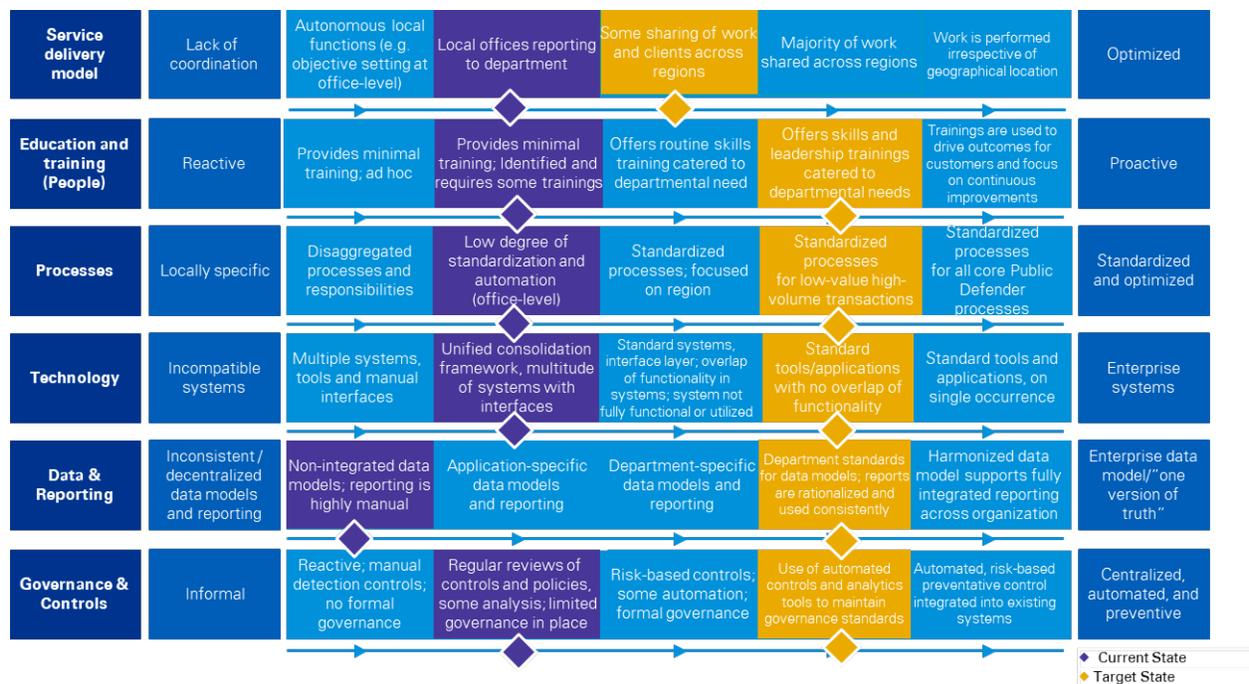


Figure 2 – Source: KPMG LLP