

**County of Santa Clara**  
**Office of the County Executive**  
70 West Hedding Street, East Wing 11<sup>th</sup> Floor  
San Jose, CA 95110  
(408) 299-5119  
www.sccgov.org



**FOR IMMEDIATE RELEASE**

February 26, 2008

**Contact:** Gwendolyn Mitchell/Marina Hinestrosa  
Office of Public Affairs  
(408) 299-5119

## **County to Bring Indigent Defense System In-house**

*County Executive's Recommendations Seek to Increase Cost Savings and efficiencies,  
Reduce Number of Days Defendants to be Sentenced Remain Incarcerated*

**SAN JOSE, CALIF.**— Today the County of Santa Clara Board of Supervisors unanimously approved a restructuring that will bring the County's Indigent Defense System in-house, eliminating the use of an outside firm to manage any portion of it. Actions include increasing the Public Defender and the Alternate Defender functions as first and second tier defense counsel, respectively, for most County court rooms, when a case involves two or more defendants and due to legal conflict cannot be represented by attorneys of the same office. Supervisors assigned the Office of the County Counsel to manage a panel of contract attorneys as a third tier defense when the Public Defender and the Alternate Defender cannot represent them due to potential legal conflicts.

"The right to an attorney is fundamental in our country," said Supervisor Blanca Alvarado, Chair of the Board's Public Safety and Justice Committee. "Bringing the County's indigent defense system in-house will enable us to achieve efficiencies, while ensuring that the legal needs for those who cannot afford attorneys are met."

Today's actions follow an extensive evaluation of management practices the County could provide for indigent defense and other legal functions performed by the Public Defender and the Alternate Defender's Office. Because the current structure depends upon an outside contract for provisions of both second tier and conflict panel defense, bringing these functions in-house allows the County to benefit from the existing administrative leadership within those departments, while increasing accountability and reducing service costs and equipment.

**-more-**

## County to Bring Indigent Defense System In-house – Page 2

Recommendations approved today are consistent with ongoing County efforts to reduce administrative overhead and improve criminal defense. As a means of reducing costs and increasing program efficiencies, the County Executive recommended that the Office of the County Counsel oversee and administer the provision of the third level services, including contracting private attorneys when needed to represent indigent defendants.

“We have maximized the usefulness of the Alternate Defender Office in both the adult and juvenile systems, to name just one of the benefits of this restructuring,” said Pete Kutras, County Executive. “This is the most logical, efficient and cost-effective way to distribute responsibilities for legal defense for people in the County of Santa Clara who just cannot afford legal defense.”

The new structure will be implemented on July 1, 2008, the beginning of the next fiscal year. The Public Defender, Alternate Defender and County Counsel will develop a transition plan detailing the function transfers, including new staff and contracts with panel providers and the Legal Aid Society.

### **Today’s actions involve:**

- Transferring the first tier of indigent adult defense (felony and misdemeanors) for the Palo Alto Court from the Alternate Defender Office (ADO) to the Public Defender Office (PD)
- Transferring the second tier of indigent adult felony defense for the Palo Alto, Sunnyvale, and South County Courts from the conflict panel contractor (Legal Aid Society, or LAS) to the ADO.
- Transferring the second tier of indigent juvenile defense to the Alternate Defender Office.
- Creation of a new unit within the Office of the County Counsel, and transferring management of the conflict panel for second tier misdemeanors and all other cases for which the Public Defender and the Alternate Defender have declared a conflict; defense of indigent Family Court civil contempt cases; and misdemeanor appeals for indigent appellants.

**-more-**

**Background:**

United States and California law require all California counties to provide criminal defense services to clients who are determined to be indigent. This system was established in 1996 with the creation of the Alternate Defender Office.

In 2006, at the direction of the Board of Supervisors, The County of Santa Clara hired the Harvey M. Rose Accountancy Corporation to conduct performance and management audits in the Public Defender and Alternate Defender Office. Harvey M. Rose Corporation evaluated the job performed by the Public Defender and the Alternate Defender in San Jose Palo Alto, Morgan Hill and the contracting agency Legal Aid Society with juvenile and as a third provider, taking any case the alternate could not take. As a response to their findings, the Board of Supervisors asked the County's Finance and Government Operations Committee to make their own recommendations.

# # #