

Department Budget Submission Checklist

To be completed by: All departments.

Instructions: Submit this completed cover sheet with your budget submission and ensure all applicable forms below are included with your submission.

Department Name: Public Defender

- ☒ **Summary of Major Changes:** Completed "Form 1A: Summary of Major Changes" explaining major changes submitted in department's budget proposal.
 - ☐ **Proposed GF cost neutral proposal**
 - ☒ **Department Budget Summary:** Completed "Form 1B: Department Budget Summary" Submission includes copy of report 15.50.012.
 - ☒ **Budget Equity:** Completed "Form 1C: Budget Equity"
- ☒ **Revenue Report:** Completed "Form 2A: Revenue Report."
- ☐ **Fees & Fines:** Completed "Form 2B: Fees & Fines."
- ☐ **Cost Recovery:** Completed "Form 2C: Cost Recovery."
- ☒ **Expenditure Changes:** Completed "Form 3A: Expenditure Changes."
- ☐ **Deappropriations from prior years' budget:** Indicate if these are included in your submitted budget, and please explain in the expenditure changes form 3A
- ☒ **Position Changes:** Completed "Form 3B: Position Changes."
- ☐ **Equipment & Fleet Requests:** New General Fund Equipment (Form 4A) and Fleet Requests (Forms 4B.1 and 4B.2) to be made in BFM.
- ☐ **Minimum Compensation Ordinance:** The effects of the MCO in contracting have been considered as
- ☐ **Proposition J Description, Summary, City Cost, Contract Cost:** Required for all existing or new Prop Js
- ☐ **Interdepartmental Services Balancing:** Included Excel download of Department - IDS Form Balancing I
- ☒ **Organizational Charts:** Submission contains updated position-level organizational charts for your department, with indication if the position is filled (F) or vacant (V). Organizational charts also reflect
- ☐ **New Legislation:**
 - ☐ Included draft legislation that department would like to submit with the budget; or,
 - ☐ Draft legislation in progress at this time. A description of the proposed changes is included in the "Summary of Major Changes" table. A draft will be provided to the Mayor's Office by
- ☐ **Other Requests:** Submitted requests for the following item (through a separate form), if applicable:
 - ☐ COIT, Capital

For Chief Financial Officer/Budget Manager:

I have reviewed the attached budget submission and affirm that all applicable forms checked off above are either included in this submission or have been submitted through the proper online forums.

Full Name: Angela Auyong

Signature: 

Public Defender	
Major Changes	Department Response to Major Changes
1. SUMMARY. What major changes is the department proposing? Include a description of changes intended to improve core service delivery. Clearly describe each change and the department's proposal to fund each change without increased General Fund support (i.e. reprioritization of existing funds, grants, or other new revenues). Include detail related to position changes in the Expenditure Changes section below.	Please see details in Public Defender's Budget and Strategic Plan.
2. TARGET. How did the department meet its General Fund cost neutral target?	Please see details in Public Defender's Budget and Strategic Plan.
3. EXPENDITURE CHANGES. What major spending changes is the department proposing? Please provide information especially for any grant changes, major contract changes, personnel changes, or other changes that affect core services and functions. Highlight any changes related to major changes/initiatives as noted in the Summary section and provide details in Form 3A.	Please see details in Public Defender's Budget and Strategic Plan.
4. REVENUE. What revenue changes did the department submit? Please differentiate between General Fund and non-General Fund. This should match an Audit Trail, as shown in Form 2A Revenue Report, as well as, the Expenditure Report in Form 3A.	The revenue for Federal Byrne Justice Assistance Grant was increased \$14,582 by the grantor. Department also received additional funding of \$120,000 from Kelson Foundation to support the Clean Slate Program.
5. LEGISLATION. Is the department seeking to submit any legislation with the budget? Does the department's budget assume any revenues/expenditures that require a legislative change?	N/A
6. PROP J. Identify existing Prop J Analyses that will continue, and if the department's budget proposes any NEW contracting out of work previously done by City workers.	N/A
7. TRANSFER OF FUNCTION. Is the department requesting any Transfer of Functions of positions between departments? If so, please explain.	N/A
8. INTERIM EXCEPTIONS. Is the department requesting any interim exceptions (new positions that are 1.0 FTE rather than 0.79 in BY and .78 in BY +1)? If so, for what reason are the request being made?	N/A
9. BUDGET EQUITY. How has the department advanced racial equity through its services to the community? Please provide a high level summary in this form and all details in Form 1D.	Please see details in Public Defender's Budget and Strategic Plan.

BUDGET FORM 1B: Department Budget Summary
FY 2022-23 and FY 2023-24

PDR Public Defender

Authorized Positions	2021-2022 Original Budget	2022-2023 Proposed Budget	Changes from 2021-2022	2023-2024 Proposed Budget	Changes from 2022-2023
Total Authorized	200.63	203.57	2.94	203.53	(0.04)
Non-Operating Positions (CAP/Oth	(6.05)	(6.25)	(0.20)	(6.25)	0.00
Net Operating Positions	194.58	197.32	2.74	197.28	(0.04)
Sources					
Charges for Services	7,844	0	(7,844)	0	0
Expenditure Recovery	92,000	92,000	0	92,000	0
Intergovernmental: Federal	43,122	57,704	14,582	57,704	0
Intergovernmental: State	417,000	592,000	175,000	613,000	21,000
Other Revenues	0	120,000	120,000	0	(120,000)
General Funds	44,732,485	45,474,054	741,569	45,658,661	184,607
Sources Total	45292551	46335758	1,043,207	46,421,365	85,607
Uses - Operating Expenditures					
Salaries	30,203,646	31,559,986	1,356,340	32,434,099	874,113
Mandatory Fringe Benefits	11,511,213	11,118,682	(392,531)	10,330,176	(788,506)
Non-Personnel Services	1,220,792	1,184,672	(36,120)	1,184,672	0
Materials & Supplies	131,809	131,809	0	131,809	0
Services Of Other Depts	2,225,091	2,340,609	115,518	2,340,609	0
Uses Total	45,292,551	46,335,758	1,043,207	46,421,365	85,607
Uses - By Division Description					
PDR Public Defender	45,292,551	46,335,758	1,043,207	46,421,365	85,607
Uses by Division Total	45,292,551	46,335,758	1,043,207	46,421,365	85,607

BUDGET FORM 1C: BUDGET EQUITY
FY 2022-23 and FY 2023-24

1. What is the department's approach to advancing racial equity in the services provided to the residents of San Francisco? Please see details in Public Defender's Budget and Strategic Plan attached.

2. What are the department's top racial equity priorities for the upcoming budget cycle? Are there any existing programs that the department is proposing to modify or recommending new initiatives in order to fulfill racial equity priorities? Please see details in Public Defender's Budget and Strategic Plan attached.

BUDGET FORM 2A: Revenue Report

DEPARTMENT: Public Defender

Please identify proposed revenue changes from the FY 2022-23 and FY 2023-24 Base Budget at the account level.

Budget System Report 15.30.005 filtered on Regular Revenues														Total BY Revenue Variance: 134,582.00			Total BY+1 Revenue Variance: 14,582.00		
GFS Type		Dept Grp	Fund	Project-Activity	Project Title	Authority	Account - Title		FY 2022-23			FY 2023-24			FORMULA	FILL IN			
							Start Dept Amt	End Dept Amt	Var Dept Amt	Start BY+1 Dept Amt	End BY+1 Dept Amt	Var BY+1 Dept Amt	Change submitted?	Revenue Description & Explanation of Change					
NGFS	PDR	232082	13550	10037203-0005	CH FY22-23 Federal JAG Grant	10001	444931 - Fed Grants Pass-Thru State-Oh	43,122	57,704	14,582	43,122	0	43,122	YES	Increase grant revenue at project level for FY 22-23 for Federal JAG program				
NGFS	PDR	232082	13550	10038274-0005	CH FY23-24 Federal JAG Grant	10001	444931 - Fed Grants Pass-Thru State-Oh	0	0	0	0	57,704	57,704	YES	Add grant revenue at project level for FY 23-24 for Federal JAG program				
NGFS	PDR	232082	13730	10038697-0002	PDR Clean State Program FY22	10001	478201 - Private Grants	0	120,000	120,000	0	0	0	YES	Add grant revenue at project level for FY 22-23 for Clean State Program				

DEPARTMENT: PUBLIC BENEFIT
Please identify proposed expenditure changes from the FY 2022-23 and FY 2023-24 Base Budget at the account level.

DEPARTMENT: PUBLIC BENEFIT
Please identify proposed expenditure changes from the FY 2022-23 and FY 2023-24 Base Budget at the account level.

Budget System Report 15-30-005 filtered on Gross Expenditures															Total BY+1 Expenditure Variances:		FY 2022-23		Total BY+1 Expenditure Variances:		FY 2023-24		FORMULA		TILL IN	
Please identify proposed expenditure changes from the FY 2022-23 and FY 2023-24 base budget at the account level.															Total BY Expenditure Variances:		FY 2022-23		Total BY+1 Expenditure Variances:		FY 2023-24		FORMULA		TILL IN	
GFS Type	Dept	Gp	Fund	Project-Activity	Project Title	Authority	Account - Title	Start Dept Amt	End Dept Amt	Var Dept Amt	Start BY+1 Dept Amt	End BY+1 Dept Amt	Var BY+1 Dept Amt	FORMULA		TILL IN										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	501010 - Perm Salaries-Misc-R	30,127,837	30,331,326	203,429	31,001,407	31,286,716	285,329	YES Salary increase associated with position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	513010 - Retire City Misc	9,009,487	9,043,409	33,912	9,994,758	4,028,918	34,158	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	514010 - Social Security (OAS)	1,287,141	1,296,754	9,613	1,331,851	1,247,602	15,781	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001853-0001	PO CRIMINAL DEFENSE - GF	10000	514020 - Social Sec-Medicare	446,016	442,868	2,850	452,034	458,460	3,948	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	515010 - Health Service-City M	749,519	749,841	7,122	794,487	806,174	8,707	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	515020 - Retiree Health-Match	188,054	189,314	1,260	193,422	195,065	1,644	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	515030 - Retiree Health-Match	118,418	118,193	775	118,797	119,006	1,009	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	515710 - Dependent Coverage	2,214,206	2,221,110	16,904	2,347,028	2,370,096	22,038	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001859-0001	PO CRIMINAL DEFENSE - GF	10000	510010 - Dental Coverage	182,203	183,764	1,561	200,221	202,312	2,091	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	517010 - Unemployment Insur	30,320	30,523	203	31,312	31,477	255	YES fringe benefits increase related to position changes		YES										
GFS	POR	22002	10000	10001849-0001	PO CRIMINAL DEFENSE - GF	10000	519100 - Long Term Disability	10,527	10,537	810	108,370	107,839	1,056	YES fringe benefits increase related to position changes		YES										
NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	2	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	0	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	0	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	0	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
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NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	0	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
NGFS	POR	22002	13550	10002016-0002	CH F115-16 Federal JAG Grant	10001	519010 - Fringe Adjustments-B	0	0	0	0	0	0	YES Cont adjustments related to grant positions		YES										
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NGFS	POR	22002	13550	10002016-0002																						

BUDGET FORM 3B: Position Changes

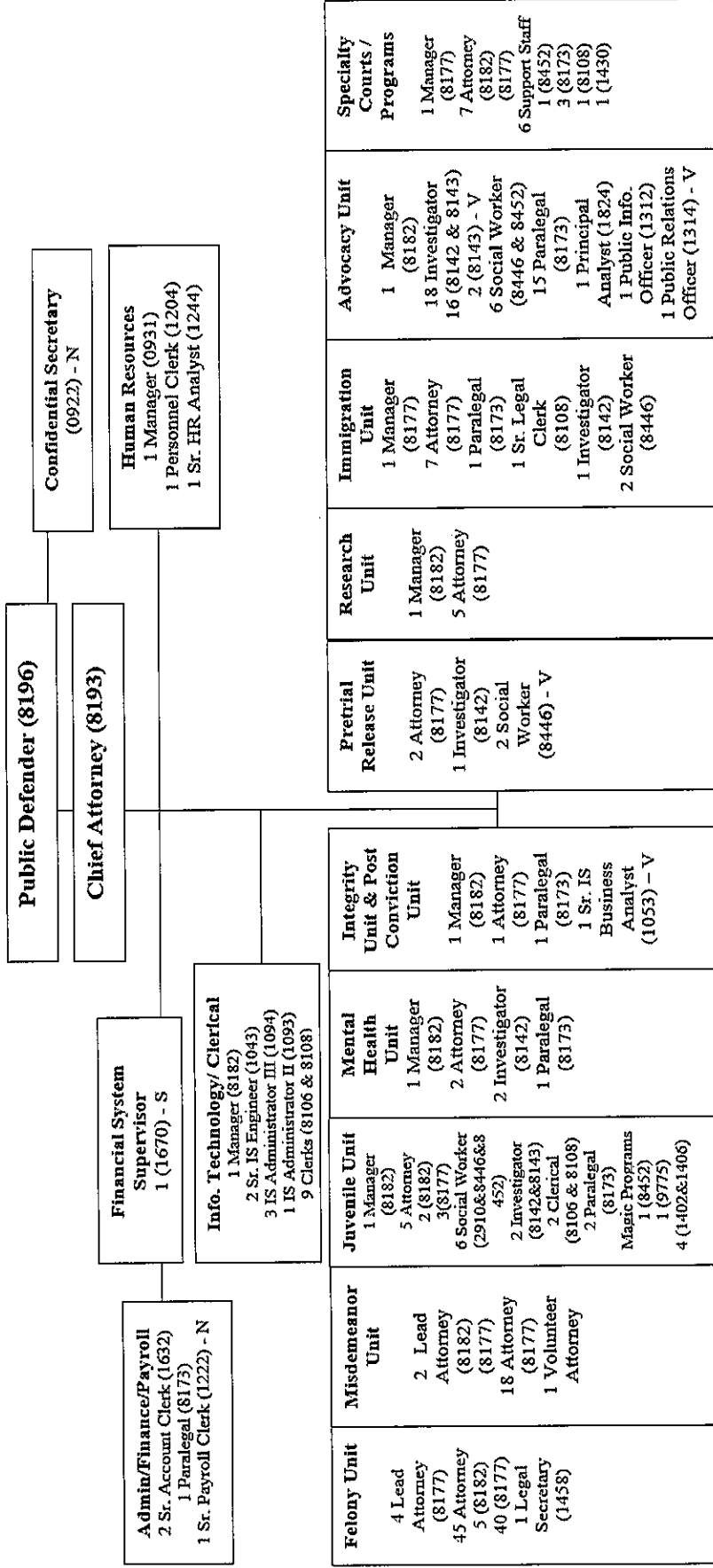
DEPARTMENT: Public Defender

Please identify proposed position changes from the FY 2022-23 and FY 2023-24 Base Budget at the account level (reflecting both salary and discretionary special class changes).

Total BY FTE Variance: 4.21 BY Amount Variance: 421,952.00 BY+1 FTE Variance: 4.11 +1 Amount Variance: 372,296.00																				
Budget System Report 15.30.004 Filtered on Gross Expenditures										FY 2022-23				FY 2023-24						
GFS Type	Dept Grp	Project-Activity	Project Title	Authority	Account Title	Class	Job Class Title	Start Dept FTE	End Dept FTE	Var Dept FTE	Start Dept Amt	End Dept Amt	Var Dept Amt	Start BY+1 Dept FTE	End BY+1 Dept Amt	Var BY+1 Dept Amt	FTE Changes Submitted?	Formula	Fill In	
GFS	PDR	10000	10001889-0001		Perm Salaries-Misc-Rd 0922_C	Manager I		0.00	0.79	0.79	0	120,690	120,690	0.00	1.00	0	157,402	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Perm Salaries-Misc-Rd 0931_C	Manager III		2.00	1.21	(0.79)	355,716	216,019	(139,697)	2.00	364,382	182,191	(182,191)	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Perm Salaries-Misc-Rd 1222_C	Senior Payroll And Pers		0.00	0.79	0.79	0	77,426	77,426	0.00	1.00	0	100,978	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Perm Salaries-Misc-Rd 1670_C	Financial Systems Supd		0.00	0.79	0.79	0	145,010	145,010	0.00	1.00	0	189,120	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Retire City Misc	Manager I		0.00	0.00	0.00	0	20,283	20,283	0.00	0.00	0	20,371	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Retire City Misc	Manager III		0.00	0.00	0.00	59,760	36,303	(23,477)	0.00	47,159	23,579	(23,579)	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Retire City Misc	Senior Payroll And Pers		0.00	0.00	0.00	0	13,396	13,396	0.00	0.00	0	13,556	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Retire City Misc	Public Relations Officer		0.00	0.00	0.00	23,271	22,621	(650)	0.00	16,511	17,845	(666)	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Retire City Misc	Financial Systems Supd		0.00	0.00	0.00	0	24,370	24,370	0.00	0.00	0	24,476	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Security (QASD) 0922_C	Manager I		0.00	0.00	0.00	0	7,483	7,483	0.00	0.00	0	9,520	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Security (QASD) 0931_C	Manager III		0.00	0.00	0.00	18,496	9,635	(8,861)	0.00	19,040	9,520	(9,520)	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Security (QASD) 1222_C	Senior Payroll And Pers		0.00	0.00	0.00	0	4,800	4,800	0.00	0.00	0	6,261	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Security (QASD) 1670_C	Financial Systems Supd		0.00	0.00	0.00	0	8,991	8,991	0.00	0.00	0	9,520	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Sec-MedicareH 0922_C	Manager I		0.00	0.00	0.00	0	1,750	1,750	0.00	0.00	0	2,282	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Sec-MedicareH 0931_C	Manager III		0.00	0.00	0.00	5,159	3,132	(2,026)	0.00	5,284	2,642	(2,642)	YES	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Sec-MedicareH 1222_C	Senior Payroll And Pers		0.00	0.00	0.00	0	1,123	1,123	0.00	0.00	0	1,464	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Social Sec-MedicareH 1670_C	Financial Systems Supd		0.00	0.00	0.00	0	2,103	2,103	0.00	0.00	0	2,742	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Health Service-City Ma 0922_C	Manager I		0.00	0.00	0.00	0	3,188	3,188	0.00	0.00	0	4,345	NO	Adjustment related to add a Confidential Secretary Position	
GFS	PDR	10000	10001889-0001		Health Service-City Ma 0931_C	Manager III		0.00	0.00	0.00	8,198	5,010	(3,188)	0.00	8,690	4,345	(4,345)	YES	Adjustment related to add a Confidential Secretary Position	

BUDGET FORM: Organizational Chart
FY/2022-23 and FY/2023-24

OFFICE OF THE PUBLIC DEFENDER – CITY AND COUNTY OF SAN FRANCISCO



Office of the Public Defender Budget and Strategic Plan FY 2022 - 2024

1. Introduction

In 1963, in the seminal case of *Gideon v. Wainwright*, the United States Supreme Court ruled that the state was required to provide every poor person accused of a crime with an attorney. The Court recognized that a layperson cannot navigate the legal system's labyrinth of laws and procedures, holding that "the guiding hand of counsel" is fundamental and essential for an accused person to receive a fair trial and due process under the Sixth Amendment to the United States Constitution.

However, the right to counsel – *Gideon's* promise – is only meaningful if attorneys appointed to represent the poor have the resources, training, and skills to mount vigorous and thorough defenses. This includes conducting full and independent investigations, researching, writing and filing all possible motions, consulting and retaining experts, and aggressively litigating at all stages of criminal proceedings. Nearly 60 years after *Gideon*, well-funded and skilled defenders remain just as vitally important as cities across the United States, including San Francisco, confront myriad challenges: staggering racial disparities in the criminal legal system, deepening poverty within families broken apart by incarceration, and burgeoning numbers of individuals who tragically cycle in and out of jail because the root causes of their carceral system-involvement – mental illness, substance use, housing instability, unemployment, and trauma – are too often ignored or left unaddressed as resources are again and again disproportionately steered to policing, prosecution, and punishment.

The San Francisco Public Defender's Office works to tackle these sobering challenges every day by providing zealous, compassionate, and client-centered legal representation to indigent adults and youth charged with crimes, who are disproportionately Black, Indigenous, and People of Color (BIPOC). In addition to fiercely defending individual clients and meeting its constitutional mandate, the Office is uniquely positioned to partner with the communities it serves to advocate for systemic changes that benefit the City's most disenfranchised and disempowered, and to champion racial justice on a structural level. What started as an office of only one attorney one hundred years ago now proudly employs 109 dedicated and passionate attorneys and 101 integral non-attorney staff members, and provides legal representation and services to over 20,000 people per year. The Office has been recognized state and nationwide as a model of public defense, winning awards from the American Bar Association, the National Association of Criminal Defense Lawyers, the National Legal Aid and Defenders Association, the Mayor's Fiscal Advisory Committee, and the California Public Defenders Association.

In this budget narrative, the Public Defender (1) provides a brief overview of the Office and its work, (2) highlights some of its most significant achievements in the last year, (3) notes the Office's current budget and expenditures, and (4) outlines the specific budget requests that support its goals **for transformative public defense that are integral to community health and safety and racial justice**. Our vision seeks to fully capitalize on the Public Defender's commitment and proximity to its clients to address the underlying reasons that lead to carceral system-involvement with the ardent goal of reducing recidivism and promoting community

health, wellness, and safety. It is focused on fighting for racial justice on behalf of individual clients and confronting the racial inequities that plague every aspect of San Francisco's criminal legal system.

This budget narrative also urgently and determinedly calls for parity. Even though every person accused of a crime is presumed innocent, the criminal legal system ostensibly presumes guilt, as reflected by its current and historic funding. The Public Defender's budget is a little more than *one-half* of the District Attorney's Office (despite the fact that the Public Defender represents 70% of individuals charged by the District Attorney); the Public Defender's budget is approximately *two times less* than the Adult and Juvenile Probation Departments, *six times less* than the Sheriff's Department, and *fifteen times less* than the Police Department.

For poor people accused of crimes and caught up in the criminal legal system, public defenders are the last line of defense, yet the Public Defender has been severely underfunded compared to other agencies in the criminal legal system. The Public Defender therefore seeks a strong commitment towards justice, equity, and healing for the disenfranchised communities it serves. This includes the resources to build an infrastructure that fully supports transformative defense, and the ability to recruit, train, and retain a team of diverse, committed attorneys and leaders who serve as critical checks on the power of the police and prosecution, and effectively battle the injustices of the criminal courts and other punitive systems.

2. Overview of the Office's Work

The Public Defender is committed to fiercely defending its indigent clients at the highest level at all stages of criminal case proceedings.

The Office's **Pre-Trial Release Unit** meets with clients within hours of them being booked into the San Francisco County Jail, starts investigating the facts and circumstances of their arrest, builds a robust case for release at arraignment, and works to connect clients to community-based services.

The **Misdemeanor, Felony and Research Units**, and **Advocacy Teams** comprised of attorneys, investigators, paralegals, and social workers represent the accused in preliminary hearing and trial courts and in probation revocation and post-release community supervision hearings, aggressively defending clients in cases ranging from petty theft to homicide with special circumstances. The **Alternative Court** teams advocate for clients to participate in Mental Health Diversion, Behavioral Health Court, the Community Justice Center, Drug Court, Young Adult Court, and Veterans' Court. Formerly the Juvenile Unit, the **Youth Defender Unit** fights on behalf of San Francisco's youth, disrupting the school-to-prison pipeline by supporting the legal and collateral needs of youth in the Juvenile Court and providing them with intensive reentry planning and case management services. The **Immigration Unit** provides legal representation to indigent immigrants – many of whom are detained – facing deportation in the federal immigration courts, and works closely with our felony and misdemeanor teams to avert the collateral consequences that can stem from criminal convictions. The **Post-Conviction Unit** – the "Freedom Project" – seeks the release or resentencing for those who have been punished under laws that disproportionately sentence poor people and people of color to longer terms in state prison.

The Public Defender's tenacious legal advocacy in the courtroom is coupled with the understanding that, for most of its indigent clients, their criminal case is not the only issue they face. Through various units, programs, and initiatives, the Office aims to address the root causes of system-involvement, to reduce recidivism, and to thereby promote community health, wellness, and public safety.

The **Clean Slate Unit** expunges and clears clients' criminal records, removing barriers to employment, housing, and education. The **Reentry Unit** works with clients charged with the most serious charges, and endeavors to connect them to services, including mental health and/or substance use treatment, housing, employment, education, and other support in the community. In collaboration with City agencies and community-based organizations, the Office's **MAGIC (Mobilization for Adolescent Growth in our Communities)** programs provide educational, recreational, and health support, resources, and opportunities to thousands of youth and families in the Bayview and Fillmore/Western Addition. Finally, the **Young Defenders** program – a partnership between the San Francisco Human Rights Commission, Teachers for Social Justice, and Opportunities for All – offers paid internship opportunities to local high school students so they can learn about the criminal legal system through the lens of public defense, reflecting the Office's investment in youth, community education and empowerment.

The Public Defender's steadfast commitment to its clients, proximity to the challenges they face inside and outside the courtroom, and intricate knowledge of all aspects of the criminal legal system enables it to not only identify problems, but to advocate for long-term systemic solutions.

Through the work of the **Integrity Unit**, the Office aims to hold government agencies and actors in the criminal legal system – the police, the sheriff, the prosecution, probation, parole, and the judiciary – accountable to the communities they serve. The unit tracks and analyzes data, files misconduct complaints, and supports and empowers the Office's trial work. This unit created the award-winning *CopMonitor SF*, a living database that holds public records about police, sheriff, and other government actors that are of interest to the public, including victims' families, activists, civil rights advocates, criminal defense attorneys, public officials, and journalists.

The Office's **Policy Team** presses for changes in local and state laws that negatively impact the Office's clients and their communities, and strategically advocates for substantive, measurable improvements in legislative, court, police, and corrections policies to benefit them. The Public Defender's advocacy and policy arm continues to raise awareness through public outreach, media, and community-building with the goal of transforming the criminal legal system so it lives up to its promises of fairness, equity, and justice. During the pandemic, this team has worked tirelessly to reduce the county jail and state prison populations.

3. Recent Achievements

Some of the Public Defender's most significant recent achievements, *all of which advance racial equity*, include:

- **Ending unaffordable cash bail for individuals incarcerated pretrial** by litigating and winning the historic *In re Humphrey* in the California Supreme Court. This

groundbreaking decision is a pivotal step toward expanding racial justice and ending mass incarceration statewide, as California has the second highest pretrial detention rate in the country.

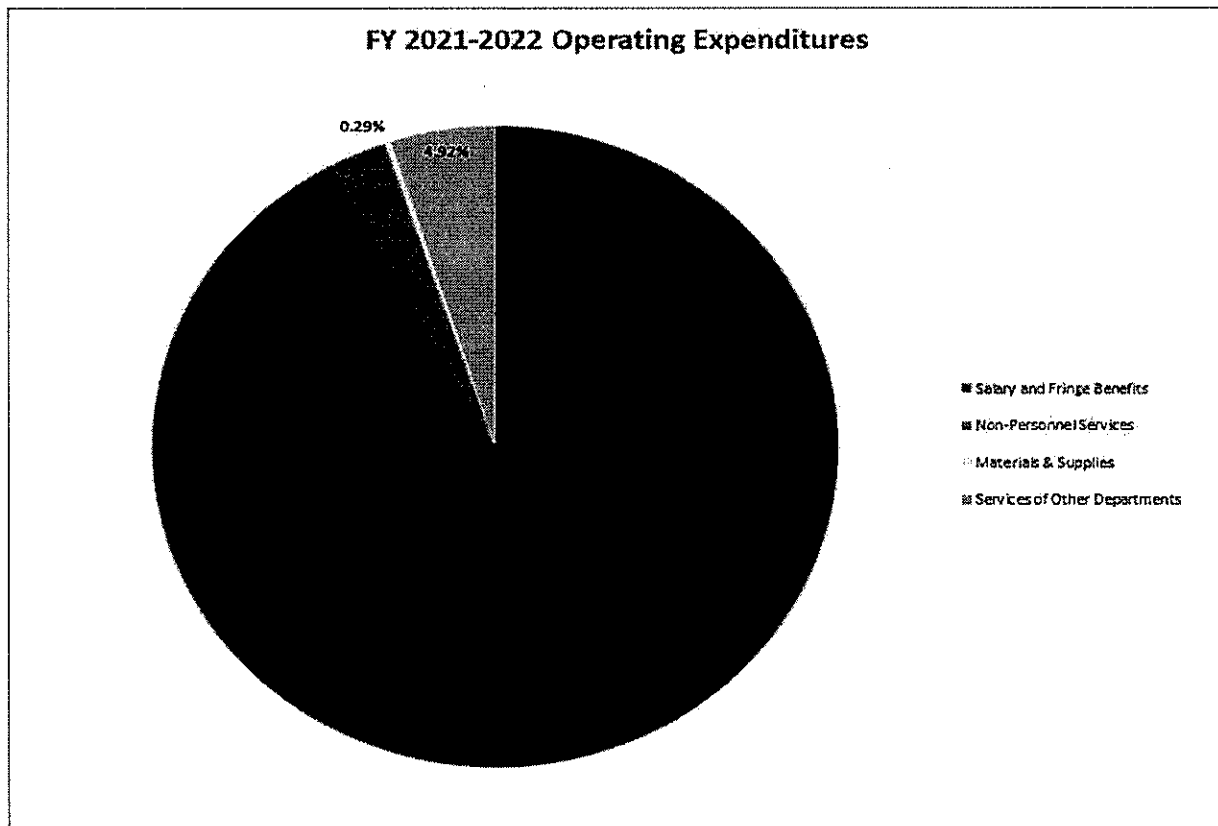
- **Litigating on behalf of individual clients under challenging circumstances as many courtroom doors remain closed.** This includes conducting 25 felony jury trials to verdict, winning full acquittals in approximately 25% and partial acquittals in approximately 40% of these cases. Many of these trial victories led to the release of clients who had been incarcerated for months past their legal deadline for trial. In addition, the Office tried 20 misdemeanor jury trials to verdict, and fought to secure dismissals in over 80% of misdemeanor cases.
- **Advocating vigorously on behalf of almost 500 accused individuals – including over 200 who are in custody and enduring solitary-like conditions while incarcerated – whose trial deadlines have passed** because of the closed courtrooms mentioned above during the pandemic. These efforts include filing hundreds of bail and speedy trial motions on behalf of individual clients, and Public Defender Mano Raju and four taxpayer plaintiffs suing the San Francisco Superior Court, asserting that clients' state and federal constitutional rights have been violated.
- **Conceiving of, and working closely with the Treasurer's Office to implement, AB 1452 – the "Be the Jury" program, aimed at eliminating financial hardships so low-income jurors are able to serve on juries.** Studies have consistently shown that economically and racially diverse juries have wider-ranging and more accurate deliberation discussions and make better decisions, improving the legitimacy of the criminal legal system. This one-of-a-kind initiative becomes effective on March 7, 2022.
- **Obtaining unanimous approval from the San Francisco Board of Supervisors and launching the Adachi Project, a unique media and storytelling initiative with the goal of humanizing the Public Defender's clients and changing stereotypes about them and their communities, while honoring the trailblazing legacy of former Public Defender and filmmaker Jeff Adachi.** The project released three powerful documentary films: *From Inside*, which sheds light on the psychological impact of being incarcerated during the COVID-19 pandemic; *Forty-Four Years Later*, which documents the emotional release of Paul Redd who the Office's Post-Conviction Unit helped free after he served 44 years in state prison, many in solitary confinement; and *One-Eleven Taylor*, which chronicles a parolee's harrowing experience at a halfway house in the Tenderloin and the facility's negligence during the pandemic.
- **Litigating with the Marin County Public Defender's Office and a team of private attorneys on behalf of 300 individuals incarcerated in San Quentin state prison** against the California Department of Corrections and Rehabilitation leading to a finding that prison officials acted with deliberate indifference and inflicted cruel and unusual punishment during a massive COVID-19 outbreak in the summer of 2020.
- **Helping win a groundbreaking settlement that requires immigration authorities to preserve COVID-19 safety measures that allow for social distancing and vaccination mandates for staff and individuals who are detained in ICE custody, and limiting the re-detention of immigrants who have been released during the pandemic.**

- **Assisting to secure the denial of the City Attorney's motion for a preliminary civil injunction that excluded Public Defender clients – mostly all poor immigrants – from 50-square blocks in the Tenderloin.** The San Francisco Superior Court concluded the City Attorney's motion was unconstitutionally overbroad, as it targeted people's mere presence in the neighborhood instead of alleged unlawful conduct.

4. Budget Overview

More than 92% of the Public Defender's total general fund operating budget pays the salaries and fringe benefits of attorneys and non-attorney staff members, *all* of whom work on behalf of the most vulnerable and marginalized individuals and communities in San Francisco.

Other expenses include 2.7% for non-personal services such as consulting with and retaining expert witnesses, training, and legal research; 0.3% for office supplies and materials; and 5% for inter-department services, including the Public Defender's building lease, IT services, telecommunications, workers' compensation, and mail services.



As noted above, despite the fact that the Public Defender represents 70% of individuals charged by the District Attorney with adult and juvenile offenses, **the Public Defender's budget is a little more than *one-half* of the District Attorney's Office.** The Public Defender is also underfunded compared to the other actors in the criminal legal system – its budget is

approximately *two times less* than the Adult and Juvenile Probation Departments, *six times less* than the Sheriff's Department, and *fifteen times less* than the Police Department. ***In sum, the Public Defender's budget is just 4% of the combined budgets of the Police, Sheriff, District Attorney, and Probation.***

In order to offer San Francisco's most marginalized communities the best possible legal representation and service delivery, the Public Defender urges a move beyond purely "sustaining" its current budget, which has historically been woefully underfunded, particularly in relation to other criminal justice agencies as described above, and instead calls for an investment in an Office which promotes equality, equity, and healing for the vulnerable individuals and communities it serves.

5. Looking Forward: Achieving Community Health and Racial Justice Through a Vision of *Transformative Defense*

The Public Defender's budget requests to support transformative public defense are outlined below, divided into four parts: (a) the "End the Cycle" and Clean Slate initiatives aimed at promoting community health and public safety, and ending recidivism, (b) the Racial Justice Initiative designed to create opportunities for BIPOC clients and their communities, (c) the Leadership and Retention Initiative geared to actualize a diverse 21st Century Public Defender's Office, and (d) urgent infrastructure needs critical to supporting transformative public defense.

A. Starting the New "End the Cycle" Initiative and Growing the Clean Slate Unit to Address Root Causes, Prevent Recidivism, and Nurture Individual and Community Success

i. The "End the Cycle" Initiative

"End the Cycle" is a new initiative, which builds off the innovative work the Public Defender's Office has been doing for many years, with regards to social worker support for its clients. It calls for 8 social workers (4 Court Alternative Specialists (8446), 4 Criminal Justice Specialists (8452), one Manager (0942), and one Principal Administrative Analyst II (1825) **to strategically work with clients charged with lower-level felonies and misdemeanors (which includes car break-ins, theft, burglaries, drug-related charges) to prevent the downward spiral so many indigent individuals and families face once they become ensnared in the criminal legal system, and to enhance community safety.** We know that individuals who stay housed, employed, and connected to social services in the community are far less likely to offend or reoffend.

The 2009 study, *SF Public Defender Reentry Unit Social Work Services Program Evaluation*¹ prepared by the LFA Group, revealed that having a San Francisco Public Defender Reentry Unit social worker makes a huge difference in peoples' lives¹:

¹ <http://sfpublicdefender.org/wp-content/uploads/sites/2/2009/05/reentry-unit-program-evaluation.pdf>

- Reentry Unit clients are less likely to be sentenced to prison. Of those Reentry Unit clients facing a prison sentence, 83% received an alternate sentence, allowing them to avoid prison.
- Reentry Unit clients experience reduced sentence lengths. Reentry Unit clients who did not receive less severe sentence placements did receive sentences that represented shorter time spent in prison or jail than they likely could have faced.
- The impact of Reentry Social Worker support is evident even beyond sentencing. A majority (59%) of Reentry Unit clients sentenced to jail were awarded early release from San Francisco County Jail.
- Reentry Unit client legal outcomes result in cost savings for the criminal legal system, as the combination of alternative sentences and shortened sentences culminate in a significant amount of prison and jail days avoided.
- Nearly all Reentry Unit clients experience some form of victory through their participation in social work services. Of the clients with some type of victory during their engagement with Reentry Unit social work services, almost all (98%) saw improvement in their legal cases over the likely sentence they would have faced without Reentry Unit social work services.

The Public Defender's indigent clients – the majority of whom are Black (51%) or people of color (76%), and who are often homelessness (40% of the jail population), and/or addressing substance use and/or mental illness (over 75% of people in jail have serious mental illness and/or a history of substance use) – are often already in crisis at the point when they are arrested or charged. Frequently, their legal case is only one of a myriad of challenges they face. In fact, they are often arrested *because* they are suffering from poverty, mental illness, and substance use, and they need immediate assistance in connecting with services in the community to initiate or maintain treatment for these issues, especially when the charges they face are lower-level felonies or misdemeanors that will *not* result in long-term incarceration, regardless of the outcome of the case.

These are the clients, who too often, fall through the cracks. Once their legal case is complete, they are released, or do time and then get released; in either case, they often do not get the services they need to address the underlying root causes of why they are living in constant crisis, cycling in and out of the criminal legal system.

These individuals require the support of someone who cares about them, who they trust, and who understands the legal, health, and social changes they face. They also require and deserve prompt referrals for short and long-term housing, and educational, vocational, and employment opportunities. They need assistance for their children who may be impacted by their incarceration. A holistic, trauma-informed programmatic response and identifying individually-tailored alternatives to incarceration are critical – especially so as the pandemic continues – to ensuring that these clients have the resources and information they need to return to court (if charged), obtain critical services, and, most significantly, stay out of the criminal legal system.

What exists now?

The Public Defender currently has a Reentry Unit made up of 3 Court Alternative Specialists (8446) and 3 Criminal Justice Specialists (8452) who only have the capacity to work with clients facing the most serious charges – often only charges that could lead to years or life in prison.

They assess client needs and provide referrals to supportive programs pretrial or post-incarceration, such as counseling, substance use treatment, mental health treatment, employment and vocational training, education, shelter, and support for families. They advocate in court for clients, either in person or through written letters including detailed and thorough psycho-social history evaluations that find mitigating themes in the client's life history. They review clients' school, employment, mental health, and medical records, meet extensively with clients, and interview family members to uncover compile comprehensive mitigation that attorneys use on behalf of clients in plea negotiations with the District Attorney and at sentencing to improve legal outcomes.

How is "End the Cycle" different than what currently exists?

"End the Cycle" is a new initiative aimed at supporting the outcomes of clients who do *not* currently receive social work services – clients charged with lower-level felonies and misdemeanors who cycle in and out of the criminal legal system.

This team of 8 social workers – 4 Court Alternative Specialists (8446) and 4 Criminal Justice Specialists (8452), together with a Social Work Manager (0942) and a Principal Administrative Analyst II (1825) will ensure that the Office implements and evaluates this program in order to positively impact community health, wellness, and public safety.

Why is this initiative so critical now?

First, this program centers both individual success and community safety by building on existing relationships of trust. San Francisco is at a crossroads. Two years after the death of George Floyd and the Black Lives Matter protests that rocked the entire world, San Franciscans still care about racial justice, and yet they also feel less safe on the streets, and have been calling for more solutions to low-level crimes such as burglaries, theft and car break-ins. The City of San Francisco has been working on alternatives to police intervention to address public health issues such as homelessness, substance use, and mental illness, but we have not yet seen meaningful, effective interventions. This is that program. One that is an alternative to traditional punishment-based polices such as increasing law enforcement numbers, and that builds on the trusted, confidential relationship between clients and the San Francisco Public Defender's Office.

Bryan Stevenson, the founder and director of the Equal Justice Initiative and author of the award-winning *Just Mercy*, persuasively asserts that "proximity" to those who are suffering in the criminal legal system is necessary for justice. While aspirations for "21st century policing" that claims to eliminate bias, "progressive prosecution," and reform-minded judges may have good intentions, these ideas and actors cannot change the system if they do not know anything about or have connections to the human beings their policies, decisions, and actions impact. Public defenders have the unique vantage point – the proximity – to the accused, their families, and their communities that others in the system simply do not to fight for dignity, justice, and long-term solutions for them. Moreover, they have trust. People know that they can speak with their attorney and/or their Public Defender social worker with the knowledge that the information they give will not be shared with any other carceral state actors because it has the protection of the attorney-client privilege.

Second, due to limited resources, the Public Defender's Reentry Unit currently only has the capacity to advocate on behalf of clients facing the most significant criminal

charges. In 2021, the Reentry Unit handled 278 requests for social services from attorneys, juggling an average of nearly 50 active cases at the same time.² Given the caseload and the workload associated with advocating on behalf of each individual client, Public Defender social workers are only able to provide services to clients charged with serious felonies – typically only “strikes” and cases in which clients are facing many years in state prison and/or a life sentence. Moreover, at the current staffing level, social workers require 6-8 weeks to be able to competently complete social history evaluations, often delaying lawyers’ ability to effectively negotiate on behalf of clients. Consequently, while every client deserves and would benefit from social services, the Reentry Unit simply does not have the capacity or the people-power to advocate on behalf of clients charged with lower-level felonies or misdemeanors. Yet these are the individuals who often cycle in and out of jail because underlying causes of contact with the carceral state – poverty, trauma, homelessness, food scarcity, mental illness, and/or substance use – go unaddressed.

Third, this is a prudent long-term investment that will mean savings for the City in the long-term. As the 2009 Study of the Public Defender’s Reentry Unit demonstrated, clients who receive the assistance of Public Defender social workers spend fewer days in custodial punishment. They also have an advocate who is committed to and invested in their long-term success. Simply put, it is much more costly to incarcerate a person for a year rather than providing them with safe, supportive housing and linking them with treatment for chronic mental illness and/or substance use.

Fourth, two recent, important changes in the law require expanding the Public Defender’s role in providing social-work services:

As mentioned above, in 2021, the Public Defender’s Office won a historic victory on behalf of its client Kenneth Humphrey in the California Supreme Court. ***In re Humphrey ended unaffordable cash bail for individuals incarcerated pretrial, holding that “no person should lose the right to liberty simply because that person can’t afford to post bail.”*** The Supreme Court found that only in “unusual circumstances” where, by clear and convincing evidence, a trial court finds the offense is “sufficiently weighty” should a pretrial defendant be detained without bail. Courts cannot detain the accused, who are presumed innocent, without bail unless they find *no other options* to ensure return to court or prevent danger to public. It concluded that, in many cases, conditions of release can alleviate any public safety concerns. Other conditions of release, including “regular check-ins with a pretrial case manager, community housing or shelter, and drug and alcohol treatment — can in many cases protect public and victim safety as well as assure the arrestee’s appearance at trial.”

This groundbreaking decision applies to every individual charged with a crime in San Francisco. It is incumbent on the Public Defender’s Office to identify the services that exist for clients in the community. The Public Defender therefore needs this team so the Office can meet with every client, assess their needs, and identify less restrictive options to ensure their follow up appearance in court and to guarantee the public’s safety. The nonpartisan California Policy Lab researched how the *Humphrey* decision has been implemented in San Francisco.³ It noted that the groundbreaking decision “requires jurisdictions to invest front-end

² In 2020, the Reentry Unit assessed and assisted 380 clients. The 2021 number is lower because of two social workers moved out of state, and there was a lag in filing the vacant civil service positions.

³ <https://www.capolicylab.org/wp-content/uploads/2021/05/Bail-Reform-in-San-Francisco-Pretrial-Release-and-Intensive-Supervision-Increased-after-Humphrey.pdf>

resources to accurately assess the risk and needs of the person and better inform the court's decision-making.”³ The Public Defender therefore urges the City to invest front-end resources to push for alternatives to incarceration as required by the California Supreme Court.

Furthermore, on October 8, 2021, Governor Gavin Newsom signed Senate Bill 81 into law. This new law sets forth clear guidelines for issuing sentence enhancements to ensure that these enhancements are enforced only when truly necessary, and not for nonviolent crimes. Before this new law became effective, many in the legal community agreed that overused and unfairly distributed sentence enhancements were a significant problem within the criminal legal system. While judges had the power by law to dismiss sentence enhancements, they rarely did so. Data shows that 80% of incarcerated persons are serving a prison term extended by sentence enhancements. These enhancements drastically lengthen sentences, adding years and even decades, contributing significantly to mass incarceration – with BIPOC individuals and communities disproportionately impacted by significantly longer sentences.

Under the new law, courts are *required* to “consider and afford great weight” to evidence offered by the defense to prove that any of several mitigating factors are present, including whether a sentence enhancement would have an unfair racial impact on the accused and whether the conviction was related to the defendant’s mental health issues or childhood trauma.

It is therefore now the Public Defender’s responsibility to utilize this new law to benefit every client accused of a crime with a sentence enhancement in San Francisco, and the Office need a team of social workers and mitigation specialists who possess the clinical and information-gathering skills and training necessary to elicit sensitive, sometimes embarrassing evidence of childhood trauma (e.g., family sexual or child abuse) that the accused may have never disclosed. These professionals have the ability to review school, mental health, and employment records to get a full understanding of a client’s mental health history, and the clinical skills to recognize such mitigating information as congenital, mental and/or neurological conditions. They would provide critical support to lawyers to present such mitigation evidence as required by SB 81.

How will the Office ensure effective implementation and evaluation of this new initiative?

In order to oversee the training and supervision of these social workers, and to plan, monitor, and assess the impact of their work with the Office’s clients, the Public Defender seeks funding for a **Manager of Mitigation and Reentry (0942)**. Currently, the Office utilizes attorneys – who do not have education or expertise in social work – to manage its social workers. If the City wisely invests in a full-fledged Mitigation and Reentry Unit for the reasons articulated above, the Public Defender will be able to hire a highly-skilled, well-trained manager who possesses the clinical and managerial skills and training necessary to effectively manage this important work, and ensure it makes a significant impact on helping San Francisco’s most vulnerable individuals.

Moreover, the office seeks to hire a **Principal Administrative Analyst II (1825)** whose duties would include overseeing an evaluation of the “End the Cycle” initiative, examining its financial implications (including potential cost-savings to the City long-term), and conducting a cross-unit analysis of how social workers contribute to client well-being. This person would also oversee

the writing of grants in order to provide clients more tangible resources, including nights in a hotel, post-incarceration, when no other housing or shelter is available.

Thus, this person will ensure that (1) the "End the Cycle" Initiative is evaluated, potentially through grant funding or a partnership with UC Berkeley Goldman School, in order to see if this level of social worker is sufficient to support to address the needs of all clients, or if further resources are necessary to ensure universal access to social worker support, (2) that findings and learnings from this program and other community-health oriented programs of the Public Defender are documented, shared, and learned from, and that (3) necessary grants are obtained related to the expansion of services in the Public Defender's Office related to community health, and immediate emergency needs of clients. This analyst will keep abreast of policies and practices city and statewide that impact Public Defender clients' access to services.

ii. Building on the Success of the Clean Slate Program to Remove Barriers and Ensure Long-Term Success

The Public Defender is seeking the addition of one full-time permanent Attorney (8177), one Legal Assistant (8173), and one Legal Process Clerk (8106) to sustain the success of the Clean Slate Unit, and ensure that public defender clients are given the tools they need to be able to end their entanglement with the criminal legal system and be successful in their lives.

The Clean Slate program is part of the Public Defender Office's Collaborative and Specialty Court Unit. The program was founded by the late Jeff Adachi in 1999 and it paved the way for other agencies and Public Defender Offices to develop similar programming to help people clear client records so people could get connected to jobs, housing and education. In the last fiscal year of 2020-2021, the San Francisco Public Defender's Clean Slate program provided consultation and served 6,535 clients. The program filed 1,546 motions in court on behalf of clients. The 2020-2021 fiscal year data is based on the following staffing: one attorney (who committed half time to Clean Slate work, the remaining to trial work and other Collaborative Court programming), two paralegals (who were dedicated half time to supporting other Collaborative Court programs), one full-time legal clerk, and one clerk who dedicated half-time to Clean Slate, and the other half to Pretrial-Release Unit (PRU). Based on this staffing, the total unit budget was \$441,918.

In June 2021, the Public Defender applied for, and was awarded, a *one-year grant* from the Crankstart and Kelson Foundations in the amount of \$285,000 which allowed the Office to hire a full-time attorney and a full-time paralegal, both exclusively dedicated to Clean Slate responsibilities. The current fiscal year Clean Slate projections include processing 6,336 motions (528 per month), an increase of 112% from the prior fiscal year, and 2,292 filed motions (191 per month), an increase of 132%. Further, the added staffing has allowed the office to provide relief during the pandemic when it was most needed.

Since August 2021, Clean Slate has provided 30 clients workshops and 22 presentation/trainings to community partners. Through this outreach, the program has served 718 clients and processed 196 applications. The addition of these grant position has also led to the program establishing formal partnerships with the following community organizations: Latino Task Force, Young Community Developers (YCD): D-10 Essential Services Hub, YCD: Community Economic Mobility Vehicle Program (CEMVe), Arriba Juntos, Hospitality House, A. Philip Randolph Institute-SF Chapter, SFPD Cares, Larkin Street Youth Services, Family

Compass- Workforce Development and Resources, Mo'Magic, CA Employment Development Department Youth Employment Program, Five Keys, HSA-Workforce Development, Compass Family Services-Family Shelter, SFSU-Project Rebound and Project Homeless Connect.

The grant opportunity *doubled* the productivity of the Clean Slate program, and the impending loss of these positions will certainly rollback client services and curtail the successful outreach the program has worked hard to develop under the challenges of the pandemic.

The addition of a full-time permanent Attorney (8177), Legal Assistant (8173), and Legal Process Clerk (8106) will allow the Clean Slate program to sustain its current success and also expand outreach to address the unmet needs of approximately 7,000 prospective Clean Slate clients with criminal arrest records at any given time, removing barriers to employment, housing, and education and keeping clients out of the criminal legal system.

B. Initiatives for Racial Justice: Creating Opportunities for BIPOC Clients and Communities

Despite comprising less than 5% of the San Francisco's population, Black people make up 35% of the City's homeless. Nearly 20% of Black children live in poverty, and Black households in San Francisco earn just 28% of what white households earn, according to City data. Staggering racial inequities also continue to permeate all aspects of San Francisco's criminal legal system. According to 2021 data from the San Francisco Police Department, officers continue to disproportionately stop, search, arrest, and use force against Black, Indigenous, and People of Color (BIPOC).⁴ Black individuals comprise almost half of the San Francisco's jail population and are the group incarcerated in the County Jail for the longest duration. According to the MacArthur Foundation's Safety and Justice Challenge, the per capita incarceration rate of Black people is *17 times* that of white people.

The results are as obvious as they are predictable: over 75% of the Public Defender's clients are BIPOC, and over 50% are Black. As the City and State study and consider reparations for historic wrongs against the Black community, there are concrete, impactful steps the City should undertake *now* to combat the structural racism and bias in our legal system.

A modest increase in the number of public defenders aggressively advocating and litigating in the courtroom and funding for the Public Defender to grow and nurture its Black leaders are measurable – and powerful – front-end investments for justice for the Black community. The impact: (1) the Public Defender's disproportionately Black clients will receive a higher level of service with fewer delays, (2) the Office can breathe life into new laws specifically aimed at targeting racial discrimination in the criminal legal system, and (3) the Office can work as a team

⁴ <https://www.sanfranciscopolice.org/sites/default/files/2021-07/SFPD-QTR1QADR2021Report-20210711.pdf> (the Police Department's data shows that African Americans are searched and have forced used against them *more than twice* as often as whites per capita); <https://www.sanfranciscopolice.org/sites/default/files/2021-09/SFPDQADR-Qtr2-2021-20210929.pdf> (the Department itself calls the disparity among African Americans in stops, searches, and uses of force "pervasive").

to achieve its collective vision of justice by creating a culture that prioritizes and embraces diversity, inclusivity, and anti-racism in its values, trainings, and actions.

i. Funding More Attorneys Creates More Opportunities for Justice

The Public Defender requests funding for 4 experienced trial attorneys (8177 at Step 4) and 4 entry level trial attorneys (8177). These positions are critical to the Public Defender's fight for racial equity and justice.

With four additional seasoned attorneys (8177 at step 4) with the skills and experience to take on the Office's most serious cases and 4 new trial attorney positions in its Misdemeanor Unit, each client will receive more attention, time, and care. Having a lawyer who has the time to build strong bonds with clients and their families, to research, write, and file all available legal motions, and to investigate every possible angle on the client's behalf are the difference between a BIPOC person being convicted or not, being sentenced to state prison or county jail, being eligible to participate in an alternative court or not, the list goes on. **Put simply, additional attorneys enable the Public Defender to create more opportunities for justice for BIPOC clients and improve outcomes for all clients.**

The Equal Defense Act, authored by now-Vice President Kamala Harris, recognizes the tragedy of public defender caseloads being too high to allow for ethical representation. For generations, public defender caseload numbers have been based on an out-of-date standard formulated in 1973 that had no evidence-based component. If a pilot or a surgeon were forced to triage in a way that did not allow for competent practice, there would be a national outrage. However, because Black and Brown people and their families are predominantly the victims of high public defender caseloads, this ongoing tragedy has become normalized. It is time for this City – one committed to equity – to lead the way and take big strides to finally embrace for ethically-competent, high-level representation.

Client A should not have to be locked up for several months past when their attorney could be ready for trial because that attorney is tied up in trial for Client B. Members of the Black community in San Francisco should not be complaining about the detrimental impact of guilty plea deals that their community members accept because they could not wait for their attorneys to be freed up from the obligations of their other felony clients as they currently do. No client should receive an unjust result because their deputy public defender could not do the adequate preparation because they were busy litigating motions and covering calendars on other cases in the days leading up to their trial.

By adding attorneys to the Public Defender's front lines – so that more senior misdemeanor attorneys can advance to assist with lower-level felonies, and experienced felony attorneys can concentrate on the most complex cases – San Francisco can begin to right these historic and tragic wrongs.

Furthermore, the pandemic has exposed and compounded the racism and inequality in the criminal legal system. During the last two years, the San Francisco Superior Court's decision to close many criminal courtrooms and allocate others to civil cases (only 11% or less of the Court's courtroom space was devoted to criminal trials in the last six months of 2021) has caused a humanitarian crisis. At the end of December 2021, 475 people – largely Black, Latinx, and indigent – were past their statutory legal deadline for trial. Over 200 are in jail, and many

are locked in their cells for 23 hours a day without access to sunlight, and have been unable to see their loved ones, exacting an irreversible toll on them and their families, whether that is the loss of a job, housing, or family stability.

Trials that were slated to start in spring and early summer 2021 are starting now, in February 2022. Trials that are slated to start now are expected to start by the end of summer 2022. The impacts cannot be overestimated. They make it more likely individuals are going to agree to plea deals to secure their release from jail – and for those who are out of custody, to avoid repeatedly having to miss work or school to come back to court – despite having strong defenses.

While there are few courtrooms open for jury trials, the police continue to arrest, the prosecution continues to charge, and the courts continue to arraign new individuals each day. As a result, the Public Defender caseloads have grown. Misdemeanor caseloads have increased by approximately 25%. Felony caseloads have grown as well with the most impactful increases occurring in the number of homicide, serious sex, and other “special set” cases, which require extensive preparation and exponentially increase attorney workloads because of their complexity and the stakes. Homicide cases, in particular, are the most labor-intensive cases the Office handles, and even small increases in the number of them can significantly increase attorney workloads. Based on a growth project from the last 3-5 years, the Office anticipates the number of homicides and other serious cases will increase in the next fiscal year. Significantly, the number of homicides the Public Defender takes on has increased approximately 10% annually.

These increases can not only lead to attorneys being unable to give every client the individual attention they deserve, but they can also mean clients are waiting – sometimes for months – for their attorneys to have the time to prepare their cases for trial. Moreover, growing caseloads and clients waiting for their defenders to have the time to prepare their cases for trial contribute to occupational stress, what a 2021 study aptly labeled the “stress of injustice.”⁵

Furthermore, the pandemic has created new pressures, as attorneys face unprecedented challenges in establishing meaningful relationships with incarcerated clients. Developing a positive and trusting relationship with clients is a core requirement of all Public Defender attorneys. It is the foundation upon which client-centered representation rests. As with all relationships, it takes time to develop trust. Prior to the pandemic, visiting an incarcerated person simply required a trip to the County Jail, where attorneys could and would spend several hours with new clients. COVID-19 has made it significantly more challenging to develop bonds with clients, so they are willing to share the intimate details of what led to their arrest and their lives – both of which are absolutely critical to outcomes at trial or sentencing. Moreover, pre-pandemic, the Jail rarely placed any limit on how long an attorney-client meeting could last. Multiple hour meetings were common. Currently, Public Defender attorneys are only able to sign up for 30-minute zoom meetings, often over the course of multiple days; because of this, attorneys are spending more time meeting and building connections with clients, only compounding the challenges of representing multiple clients at a high level.

⁵ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3765714

Eight new attorney positions will enable the Public Defender to devote more resources to each individual client, improving outcomes for BIPOC clients and promoting healing and equity for their communities.

ii. Breathing Life into New Laws Aimed at Combatting Racial Discrimination

The Public Defender's Office requests two attorneys (8177), an investigator (8142), and a paralegal (8173) to fortify its work in advocating for racial justice, specifically to identify, investigate, and litigate claims under a new law, the California Racial Justice Act, and to effectively utilize new laws that expand public access to law enforcement personnel records that most often impact the Office's BIPOC clients.

These requests are specifically tied to the Office's commitment to racial equity.

Implementing the California Racial Justice Act

The public outcry and mass mobilizations after Minneapolis police murdered George Floyd less than two years ago, and the state violence inflicted on countless other unarmed Black people, have only heightened the Public Defender's resolve and urgency to uncover and fight against racial injustice in every aspect of the criminal legal system. Assembly Bill 2542, which took effect on January 1, 2021, is groundbreaking legislation that provides public defenders and criminal defense attorneys statewide with important legal tools to effectively do so.

Known as the "California Racial Justice Act" (RJA), the law allows the defense to challenge criminal charges, sentencing, or convictions in which judgment has not been entered by demonstrating that racial discrimination or bias, direct or implicit, played a role in their prosecution. Prior to the RJA going into effect, the U.S. Supreme Court established legal precedent that required the defense to prove intentional discrimination when challenging racial bias. Without direct proof of deliberate or targeted conduct, this was a nearly impossible standard to meet. Under the RJA, the defense must show one of the following:

1. A judge, attorney, law enforcement officer, expert witness, or juror exhibited racial bias or animus towards the defendant; or
2. Use of discriminatory language during case proceedings, regardless of whether or not it was purposeful or aimed at the defendant; or
3. Race was a factor in the exercise of peremptory challenges; or
4. People of a particular race are disproportionately charged with more serious offenses or enhancements than other races; or
5. People of one race receive disproportionately longer or more severe sentences; or
6. Longer sentences are more frequently imposed on defendants in cases where the victim is of a particular race.

In order to utilize this new law to challenge racial discrimination in the courts, the defense is required to do an extensive amount of work. It must file a written motion and an evidentiary hearing must be set. At that hearing, the court considers evidence presented by both parties, including but not limited to statistical evidence, aggregate data, body worn camera footage, court transcripts, 911 calls, expert testimony, and the sworn testimony of witnesses. To prove racial discrimination will require thorough preparation, analysis, and attention to detail.

A critical feature of the RJA is that it recognizes the difficulty of proving discrimination or bias without access to the data necessary to support the claim. The RJA legislation provides a mechanism for the defense to gain access to the needed information. The defense may seek disclosure from *any* source – the local district attorney’s office, law enforcement agencies, the county probation department, the Department of Justice, the California Department of Corrections and Rehabilitation, and other agencies that may possess such information.

In order to assess and litigate RJA claims, the Public Defender first must gather information relevant to a “prima facie” or preliminary showing of bias, including fully investigating claims made by clients. This entails learning what occurred from the client’s perspective, locating and interviewing witnesses, and securing video surveillance footage, which is increasingly ubiquitous and requires urgent attention and action to ensure it is preserved before being recorded over. Next, a motion is filed to obtain information relevant to the specific case. Another motion is then filed to set an evidentiary hearing. Finally, a successful RJA claim requires expert testimony to explain the statistical significance of the collected data and the effect that explicit and implicit bias has on the legal proceedings.

Assessing and litigating individual RJA claims is specialized, data driven, and time consuming. The Public Defender does not currently have the resources to meet this heavy burden and provide the quality of representation its BIPOC clients require and deserve. The Public Defender thus seeks two dedicated attorneys (8177), one investigator (8142), and one paralegal (8173) to join its Integrity Unit specifically to competently identify, investigate and litigate RJA claims.

This team will also be important resources for all attorneys within the local defense community regarding the scope and operation of the RJA.

Implementing SB 16 and SB 1421 to Increase Police Transparency

Furthermore, this team would be responsible for utilizing two new state laws that have expanded public access to law enforcement personnel records on behalf of the Public Defender’s clients. Since the San Francisco Police Department admittedly stops, searches, and uses force against BIPOC individuals at disproportionate rates, it is critical that the Public Defender request, obtain, review, and catalogue records that reveal law enforcement misconduct in order for its trial attorneys to be able to use them on behalf of clients in the courtroom. Most substantially, SB 16, now in effect, makes four additional categories of records public. This has *doubled* the number of categories of police records SB 1421 made public in 2019 and will double the work the Public Defender’s Integrity Unit must perform on those records. The Integrity Unit is already responsible for requesting, processing, sorting, and analyzing all public records for police records the Public Defender’s Office requests. In January 2022, the unit identified nearly 3000 possible SB 16 cases – cases that are probative of officer truthfulness and resulting in a sustained finding of misconduct. Similarly, SB 2 decertifies officers for misconduct and makes those records public, again increasing the burden on the Public Defender’s existing staff.

Racially disparate impact in the administration of criminal justice is a longstanding pernicious and pervasive problem. A dedicated team of attorneys, an investigator, and a paralegal to support them who will work to intelligently and robustly implement these important new pieces of legislation is needed so the Public Defender can adequately represent its BIPOC clients, and, in the process, help correct and recalibrate criminal justice as it is practiced in San Francisco.

iii. Creating a Diverse, Inclusive, and Anti-Racist Workplace

In addition to fighting vigorously on behalf of its individual clients and for criminal legal system reform, the Public Defender's Office remains fully committed to working as a team to achieve its collective vision of justice. This includes looking inward, examining and addressing unconscious bias within its ranks, and creating a culture that prioritizes and embraces diversity, inclusivity, and anti-racism in its values, trainings, and actions. As part of these efforts, the Public Defender is committed to growing and strengthening the professional opportunities of its Black staff so the Office better reflects the individuals and communities it serves.

Building upon the implementation of the Public Defender's Racial Equity Plan, which it submitted to the Office of Racial Equity in 2020, the Public Defender seeks to: (1) Recruit and improve career pathways for Black staff, (2) Develop inter-office trainings that center on the Black experience, and (3) Compensate Black cultural experts as trial expert witnesses.

The Office has started this important work already, hiring four Black attorneys and one Black staff member in 2021.

Career pathways for Black staff

Currently, the Public Defender has 210 employees. Less than 15% are Black despite the fact that, as mentioned above, the Office's clients are approximately 50% Black. To address this disparity, the Public Defender has made efforts to improve relationships with Historically Black Colleges and Universities (HBCUs) and law schools that have sizable Black student populations. To continue these efforts, the Office seeks to conduct outreach aimed at educating students about the criminal legal system and the important work of public defenders, and to develop career paths for not only law students but also high-school and college students. To that end, the Public Defender proposes two programs:

1. ***Breaking the School-to-Prison Pipeline - From the Front Lines - Public Defender CourtWatch Program:*** Designed specifically for high school, college and law students, this program aims to mentor the next generation of Black students by connecting Black Public Defender staff with Black students and student organizations. Serving as mentors, Black staff would introduce students to different staff/roles in the Office; cohorts would also observe court (remotely and in person), write articles, research topics related to criminal injustice and reform. The program would prioritize students from San Francisco but expand outreach throughout Bay Area, statewide as well as across the nation. Funding would be utilized to provide stipends/scholarships for students to participate.
2. ***Litigation Warriors:*** Using the Public Defender's current Volunteer Attorney Program (VAP) as a springboard, this program aims to provide paid legal fellowships specifically for Black law students. Many talented Black law students are interested in public defense work but are unable to afford volunteering in the Office. Moreover, law schools have Black students who aspire to be public defenders, but lack the funding to support them with paid fellowship opportunities. This program will sponsor 6 Black fellows for 3-6 months, including mentoring by the Office's Black attorneys.

Interoffice Trainings that Center on the Black Experience

These trainings will form the basis for ongoing efforts to alert and inform all employees of the Public Defender's standards, values, and policies surrounding equal employment opportunity, equity, inclusion, fairness, belonging, and diversity. Trainings will inform and educate Public Defender employees about the damage caused by micro-aggressions, interpersonal racism, and institutional racism. To this end, the Public Defender seeks funding to retain Black facilitators and experts focusing on:

1. **Implicit Racial Bias Training:** Examining and eliminating implicit racial bias, power and privilege within the Public Defender staff, creating and maintaining an anti-racist approach to all aspects of our work.
2. **The Black Experience:** A monthly speaker series with those who have lived experience within the criminal legal system to reflect and engage staff on topics such their challenges pre-and-post incarceration, reentry supports, family impact, and successes. Assisting to better inform our defense work and advocacy.

Black Litigation Cultural Experts

Both the prosecution and defense retain experts at trial to assist the jury in their decision-making. Expert are considered to possess specialized knowledge and experience, and often play an important role in clarifying and illuminating complex issues that arise in criminal trials. Public Defenders have periodically called cultural and community experts – knowledgeable about the people, associations, and neighborhood cliques in certain communities – who have persuasively and successfully refuted the police and prosecution's theory that groups of individuals are in a gang, leading to acquittals for Public Defender clients. The Public Defender seeks funding to increase the number of these experts and to be able to compensate them.

c. Leadership and Retention for a 21st Century Public Defender's Office

The Public Defender requests funding to enable it to recruit, hire and retain exceptional leaders and managers to implement the Office's mission, vision, and values and oversee the Office's critical work of representing the accused in felony and misdemeanor cases and advocating for structural change. These efforts are not only part of the Public Defender's efforts to address the disparity among the City's public law offices, but they are also grounded in ensuring the Public Defender can provide its individual clients with the best possible representation and continue its bold, innovative work toward transforming a system that has done much damage to communities in our carceral state. Finally, these requests are intimately tied to the Public Defender's work for racial equity – both in terms of representing its clients who are disproportionately BIPOC and recruiting and retaining BIPOC leaders.

The Public Defender seeks to (1) hire 1 Assistant Chief Attorney (8181), (2) up-class 2 Head Attorney (8182) positions to Assistant Chief Attorneys (8181), (3) hire 1 Chief of Staff (0943), and (4) up-class 3 Trial Attorney (8177) positions to Head Attorneys (8182).

The Public Defender's Office has 4 attorney classifications: Deputy Public Defenders (8177), Head Attorney (8182), Chief Attorney (8193), and the elected Public Defender (8196) which

represent a total of 109 attorneys. Currently, seventeen (including the elected Public Defender) or 15.6% of all attorneys in the Public Defender's Office are management level attorneys. Of the 17 management level positions, 15 are in the Head Attorney position (8182). This management position is responsible for defending the most involved, complex, and important cases in Superior Court. Attorneys in this position are also charged with mentoring, supervising, and reviewing the work of teams of attorneys, investigators, paralegals, and social workers. The Public Defender has *no* Assistant Chief Attorney positions.

In contrast, the City Attorney's Office has 6 attorney classifications: Attorney (8177), Head Attorney (8182), Assistant Chief I (8181), Assistant Chief II (8183), Chief Attorney (8193), and City Attorney (8197). The City Attorney's Office has 183 attorneys. Forty (40) or 21.9% of all attorneys in the City Attorney's Office are management level attorneys. The City Attorney's Office has 21 Assistant Chief Attorney positions and 16 Head Attorney positions.

The District Attorney's Office has 5 attorney classifications: Attorney (8177), Head Attorney (8182), Assistant Chief Attorney I (8181), Assistant Chief Attorney II (8183), and District Attorney (8198). The District Attorney's Office has 147 attorneys. Twenty-four (24) or 16.3% of all attorneys in the District Attorney's Office are management level attorneys. The District Attorney's Office has 8 Assistant Chief Attorney positions and 15 Head Attorney positions.

The ratio of management level attorneys in the City's 3 public law offices is thus skewed in favor of the City Attorney and the District Attorney Offices, and *against* the Public Defender's Office. The disparity in the total number of management level attorney positions (15.6% management attorneys in the Public Defender's Office vs. 21.9% in the City Attorney's and 16.3% in the District Attorney's) inhibits the Public Defender's ability to recruit and retain the most experienced leaders and attorneys, increase the number of promotional opportunities to BIPOC attorneys, and mentor, coach, and sponsor Public Defender attorneys into leadership roles. Additional up-classed Head Attorney positions enable the Public Defender to do so.

Moreover, in 2021, the Public Defender's Office initiated the first stage of a several-month long strategic planning process, which included formulating its mission, vision, values, and theory of change, evaluating its internal operations, and charting a path for a 21- century shared leadership model in order to represent its clients at the highest level. The process led to the formation of three distinct divisions in the Office: (1) the *Defend* division, which includes the Office's core work in representing individual clients in adult, juvenile, immigration, post-conviction, and mental health cases, (2) the *Confront* Division, which includes the Office's policy, systems change, police and other government actor accountability work, and (3) the *Operations* division, which ensures that the Office functions efficiently and effectively, and in a manner that is connected across the Office's 17 units.

While the Office's staff has doubled in the last 20 years, its executive leadership has remained static. The elected Public Defender (8196) and the Chief Attorney (8193) have remained responsible for every aspect of the Office's internal and external operations. The elected Public Defender and Chief Attorney have represented – and currently continue to represent – individual clients in homicide cases. Of the Office's 15 other attorney managers, 12 carry cases in which clients face life in prison if convicted. This is simply not sustainable. Therefore, the Public Defender seeks to grow its executive leadership team – for parity with the City's other public law offices and to implement its vision of shared and sustainable leadership – by adding three Assistant Chief Attorneys to lead its three divisions (one new position and two positions up-classed from Head Attorney).

In addition, the Public Defender seeks to add a Chief of Staff (0943) to provide vital support and strategic advice to the Public Defender and Chief Attorney in order to execute the Office's mission and vision, and uphold its values across all 17 Units, including implementation of the Office's Racial Equity Plan. Given the many day-to-day duties, projects, and initiatives within the Office, the work can seem disjointed. The Chief of Staff will elevate collaboration across all divisions and units to improve teamwork and office efficiency, providing an organizational and communication framework. The Chief of Staff will work collectively with Office leadership to identify challenges, track and implement strategic goals and initiatives, and carry out a variety of leadership and administrative duties related to capacity building, accountability, conflict resolution and community engagement.

D. Urgent Infrastructure Needs Critical to Supporting Transformative Public Defense

As described herein, the Public Defender has been severely underfunded compared to other agencies within the criminal legal system. Despite representing 70% of adults and juveniles accused by the District Attorney, the Public Defender's budget is approximately 55% that of the District Attorney. Moreover, unlike the District Attorney, the Public Defender does not have access to other government resources such as police investigation, forensic labs, or employees who testify as expert witnesses, and must expend resources out of its budget for them.

In order to fulfill its constitutional mandate and participate as equals in the adversarial U.S. criminal legal system, the Public Defender must have an infrastructure which ensures timely access to resourced, skilled, and zealous advocates. Put simply, nothing less should be acceptable as each client's liberty – and the resulting impact on their families and communities – are literally on the line with each case the Public Defender's team takes on. As described above, high-level representation includes having attorneys who have the time and resources to be well-prepared every time they enter the courtroom, who maintain caseloads and workloads that allow each client to receive detailed, thorough, and individual attention, and who have the ability, training and experience to match the complexity of the cases they are responsible for. Moreover, providing zealous representation requires having the institutional support – legal assistants, clerical, administrative, and IT staff, and robust training and expert budgets to be able to defend clients at the highest level.

Non-attorney staff are the engine of the Public Defender's Office and ensure that the City does not pay attorneys to perform work that can – and should – be done by those in other job classifications. Every moment an attorney spends at a copy machine, tracking down a custodian of records to secure medical records, assembling exhibits, or scanning documents is a moment that attorney is not thinking through and working on a client's theory of defense. The Public Defender's Office depends on the sophisticated specialization of duties and responsibilities to ensure that its clients receive the very best legal representation.

As outlined below, the Public Defender requests (1) 6 Legal Assistants (8173), (2) 3 Legal Process Clerks (8106) and 2 Senior Legal Process Clerks (8108), (3) 1 Sr. IS Engineer (1043), 1 Sr. Payroll Personnel Clerk, and (4) 1 Manager/Public Defender Confidential Secretary (0922). It also seeks funding for office space, and increased budgets for databases for its Immigration and Research Units.

i. Request for Legal Assistants

The formation of a Paralegal Unit was recommended by the Office of the Controller in 2003. The Controller's study found that it was inefficient to have attorneys performing work that lower paid but highly trained paralegals could perform. The Controller studied other jurisdictions, which used paralegals to perform document requests, prepare legal motions, copying, client interaction and trial preparation. Industry best practices confirm the value of paralegals and suggest that the ideal attorney-paralegal ratio is 4:1 (or 3:1 according to some studies).

The Public Defender currently employs 24 paralegals. Paralegals provide attorneys with critical litigation support, including drafting motions, follow-up on client meetings, creating trial binders and exhibits, creating PowerPoint presentations, and taking notes during trial. Since 2016-2017, the Office has added three additional paralegals while adding 13 attorneys. Although this has reduced the disparity of attorneys to paralegals (from 93:21 to 106:24), the ratio remains above the industry standard and one the Office has established as a baseline to protect its clients' constitutional rights.

Currently, Felony Unit paralegals are assigned a minimum of 4 attorneys. Some of our paralegals simultaneously juggle working with up to 8 attorneys handling felony cases, including complex and high-stakes cases in which clients are charged with "strikes," sex offenses, or homicides with voluminous discovery. Meanwhile, because of the Superior Court's decision to close many criminal courtrooms during the pandemic and allocate others to civil cases (only 11% or less of the Court's courtroom space to criminal trials in the last 6 months of 2021), the backlog of cases the Public Defender handles has grown exponentially. The number of people whose trial deadlines have passed continues to grow. **By the end of December 2021, there were 475 people past their statutory legal deadline for trial, leading to increasing caseloads for misdemeanor and felony defense teams, including paralegals who are steered more work as cases are unable to be litigated in court.**

In addition to growing caseloads, *workloads* – particularly for paralegals on the felony trial teams – have expanded in recent years primarily because of an increase in body-worn camera (BWC) footage and other related technologies. In 2016 and 2017 combined, the Public Defender's Office received just over 7.75TB of BWC videos. *In 2021 alone, the Office received nearly double that.* Paralegals watch the bulk of the BWC videos to highlight items for attorneys, to look for exculpatory and mitigating evidence, to make exhibits for court hearings and jury trials, and/or to assist in transcriptions, which court rules require before presenting sound recordings in court. The increase in BWC videos and the proliferation of surveillance video throughout San Francisco makes reviewing videos and assisting in transcription a time-consuming aspect of a paralegal's job that leaves them little time for other more substantive tasks. Increasingly, more of their time is spent editing video in preparation for hearings or trials. The passage of laws such as that SB 1421 and SB 16, which make certain police officer records accessible under the California Public Records Act, place additional burdens on the quantity of material attorneys require paralegal assistance in reviewing as part of each case. The additional time has strained the caseloads of the paralegals, particularly those assigned to trial teams.

Furthermore, the more than 15 misdemeanor attorneys who routinely handle approximately 150 cases each at any given time rely on just one 0.50 FTE paralegal position. The Misdemeanor Unit recently had to rely on the assistance of a volunteer paralegal. Currently, misdemeanor attorneys copy and file their own motions, print their own discovery, create their own trial

binders, and follow-up on their own records requests – all tasks that could be performed by at least two paralegals, which would allow the attorneys to focus on the legal needs of the client.

Moreover, the experience in our Research Unit is instructive of the clear need for additional paralegals. Currently, the Research Unit is staffed by one 0.50 FTE paralegal who also supports attorneys in the Felony Unit, who have trial litigation assignments that understandably often require immediate attention. As a result, research attorneys end up doing their own cite checking, tabling, and electronically bookmarking and prepare and electronically filing their own writs. This takes away from time they can consult with attorneys on their cases and conduct substantive legal research. Additionally, the Office has a backlog of motions to upload to its intranet —some still have “Jeff Adachi” on the caption, for example. Funding for additional paralegals would increase the value and output of the work the Office’s Research Unit does by allowing attorneys to perform higher level work.

Significantly, the pay scale of an attorney in the 8177 job classification is currently \$131,794 to \$230,880, while the pay scale for a paralegal is \$86,112 to \$112,684, so there is a related and significant cost-savings to investing in additional paralegals. Moreover, from a parity perspective, the District Attorney has 34 paralegal positions, compared to the Public Defender’s 24 positions.

Finally, surviving on the current attorney-paralegal ratio prevents the Office from creating much needed – and long overdue – paralegal Lead position, who could be dedicated to training and skills development. Currently, an attorney (8177) performs the functions of a Lead paralegal, assigning work to paralegals, balancing schedules, vacations and workloads, training and onboarding new employees, mediating workplace conflicts, drafting and implementing best practices.

ii. Request for Legal Process Clerks

The 3 Legal Process Clerks (8106) and the 2 Senior Legal Process Clerks (8108) in this request support community facing needs coming from the public and digitization and clerical support needs for clients.

Every day, members of the Public Defender’s Clerical Unit field phone calls for information from a countless number of incarcerated individuals – whether they are Public Defender clients or not – concerned family members, and private or conflict counsel seeking information about case status, next court dates, and delays in releases. Court closures and COVID security measures at the courthouse at 850 Bryant Street mean clients and the public rely even more on the Public Defender reception clerks to provide support for access and information. This applies not just to Public Defender clients, but to the community since the Public Defender is the only source of criminal court information available to the public, private defense attorneys and all individuals accused in San Francisco – regardless of whether they are in or out of custody and whether they are represented by the Public Defender or a private attorney.

The Public Defender also requests additional clerical support to address the increased need for scanning paper files for the defense team and data tracking of cases.

Remote work and the continued reliance on paper by the criminal legal system increases the need for clerks to digitize the work. From legal filings to the handling of electronic video evidence, more clerical time is necessary to scan, store, and make formerly paper products digitally available to the legal defense team. Handling over 10,000 files in 2021, the seven legal process clerks who

currently form the Public Defender's Clerical Unit have always been understaffed. The situation has been exacerbated by work that has increased by roughly 50% due to new work-from-home rules that will not only impact the Office this year but for years to come.

The ability to identify and remedy systemic inequality depends on the analysis of aggregate data and not just the example of individual cases. The data processing work from the clerical positions will enable the Public Defender's Office to ongoingly examine the disparity in outcomes based on race and socio-economic status for Public Defender clients. These positions will focus on processing electronic data for every individual case so that the information can be analyzed and solutions determined at the systems level.

iii. Request for IT Expertise – Sr. IS Engineer

Every aspect of the defense team's work - from preliminary hearing and trial transcripts to police reports - has driven towards greater digitization and remote access. While it benefits collaboration and greater efficiency at how the Public Defender provides its service in defense of clients, digitization and remote work requires more IT operations support at the networking and systems information level.

The amount of work in this area has increased because whereas before, a Systems Engineer would be limited to networks, computer administration, security, folder sharing permissions, scanning and information systems internal to a physical office, now the work must be managed for both systems internal and at home or at other locations where the Public Defender provides its services.

A Sr. Information Systems Engineer (1043) is required to provide the infrastructure support in all the areas where the Public Defender has expanded its services to address the needs exacerbated by COVID and underlying systematic inequality. From Zoom client interviews to online Clean Slate applications, these initiatives all depend on systems and network engineering to execute.

iv. Requests for Confidential Assistant to Public Defender, Financial System Supervisor, and Sr. Payroll Personnel Clerk

For the past 19 years, one Manager has served as the Public Defender's Executive Assistant, Budget and Finance Manager and Payroll Supervisor. She has worn many hats, assisted the Office in growing from 112 employees to 210 today, and as outlined below, has carried an increasingly unsustainable workload:

- Providing the highest level of administrative support to the Public Defender and Chief Attorney including disseminating and coordinating and tracking the implementation of the Public Defender's directives and policies;
- Serving as a key member of the executive team in developing and implementing organizational policy changes, process improvement initiatives, and benchmarking/best practices analysis and implementation;
- Acting as liaison between senior staff, the public, and Department personnel for the Public Defender and Chief Attorney;

- Reviewing and analyzing information submitted to the Public Defender and Chief Attorney for adequacy and sufficiency, and providing summary of content / intent of reports to facilitate and conserve their time;
- Coordinating with administrative officials, representatives of outside organizations and groups, employees, and the general public in furnishing and exchanging information, and explaining policies, procedures and regulations related to the Department's business;
- Coordinating with City offices on the preparation of resolutions, ordinances and related documents;
- Providing administrative support to the Public Defender and Chief Attorney including taking of notes on confidential matters; preparing and maintaining the Public Defender's appointment schedules calendar; coordinating and functioning as a liaison for all Departmental conferences and the Public Defender and Chief Attorney's meetings, including those of a highly-sensitive and confidential nature;
- Developing, monitoring and coordinating the Public Defender's budget;
- Developing Departmental accounting, fiscal policy, and systems guidelines; and ensuring that financial management information systems are compatible with accounting guidelines;
- Providing technical and financial advice to the Public Defender, Chief Attorney, and the Office's management team;
- Providing day-to-day financial oversight for the Office, including approving payments, interacting with service providers, overseeing and being responsible for the work of the Office's financial staff (two Sr. Account Clerks);
- Developing and submitting quarterly claims reports to State and Federal central agencies in order to maintain funding subventions, auditing and accounting in F&P;
- Serving as the payroll supervisor to review, edit and approve all payroll entries made by the Sr. Account Clerks.

This Manager will be retiring in March 2022. Given the scope and breadth of her responsibilities, it is necessary to divide her duties into three positions: (1) Confidential Assistant (0922), (2) Financial System Supervisor (1670), and (3) Sr. Payroll Personnel Clerk (1222).

The Public Defender does not have any Payroll personnel. The Office's two Sr. Accountant Clerks have been working out of class to perform payroll duties along with this Manager's help. Therefore, as part of its request for infrastructure support and to account for the Office's growth in the last 20 years, the Public Defender is seeking to add two positions (Confidential Assistant and Sr. Payroll Personnel Clerk) and convert this Manager's current position to a Financial System Supervisor position:

Add one Confidential Assistant / Secretary (0922)

- Acts as liaison between senior staff, the public, and Department personnel for the Public Defender and Chief Attorney;
- Reviews and analyzes information submitted to the Public Defender and Chief Attorney for adequacy and sufficiency, and provides summary of content / intent of reports to facilitate and conserve their time;
- Coordinates with administrative officials, representatives of outside organizations and groups, employees, and the general public in furnishing and exchanging information, and explaining policies, procedures and regulations related to the Office's business;

- Provides administrative support to the Public Defender and Chief Attorney including taking of notes on confidential matters; preparing and maintaining the Public Defender's appointment schedules calendar; coordinates and functions as a liaison for all Departmental conferences and the Public Defender and Chief Attorney's meetings, including those of a highly sensitive and confidential nature.

Add one Sr. Payroll Personnel Clerk (1222):

- Calculates, records and audits payroll and timekeeping information into systems; documents, and ensures the accuracy of employee hours, leave credits, pay rate changes, and other related payroll and personnel documents. Analyzes and interprets economic provisions of collective bargaining agreements;
- Generates, interprets, and maintains variety of computer output reports in order to respond to employees' payroll and personnel problems and discrepancies;
- Responds to employee and Departmental complaints/inquiries, in person, in writing or by telephone to resolve payroll and personnel transaction issues;
- Prepares forms, correspondence, inter-departmental memos, inputs documents, problem reports concerning payroll and personnel transactions, employment and credit references and verifications;
- Receives, distributes and files payroll and personnel related reports; maintains detailed files and recordkeeping systems to assure accurate and complete documentation of payroll/personnel transactions in original copy.

Substitute one Manager III (0931) with Finance System Supervisor (1670):

- Plans, assigns, trains, supervises and reviews the work of Sr. Account Clerks engaged in the reconciliation, monitoring, and analysis of financial systems records and accounts; and instructs subordinates in the more difficult and complex work involving fiscal policy, procedures, and analysis;
- Develops departmental accounting, fiscal policy, and systems guidelines; and ensures that financial management information systems are compatible with accounting guidelines;
- Directs the development of training programs for staff and departments in areas such as accounting and systems procedures; and serves as a liaison and resource person to staff, departmental users, and management regarding fiscal issues such as reporting requirements, new and existing accounting policies and procedures, and computer system enhancements;
- Coordinates the annual year-end closing process and audits of accounting records, and establishes the new fiscal year operational requirements for compliance.
- Provides day-to-day financial oversight to department, including approving payments to interacting with service providers, oversees the work of the Office's financial staff (two Sr. Account Clerks).

v. Request for Funds to Cover Rent Increases

BMAGIC Program

Bayview Mobilization for Adolescent Growth in our Communities (BMAGIC) was founded in 2004 by the San Francisco Public Defender's Office, community leaders, faith-based

organizations, community-based organizations, and educators. This is a unique program of the Public Defender's Office tasked with a mission to facilitate, coordinate and network community resources and opportunities that support service providers and community members in Bayview Hunters Point [BVHP]. In doing so, the vision is to create and maintain a deeper unified roadmap to social change that addresses the educational, economic, health and juvenile justice disparities of disadvantaged and marginalized children, youth and their families in Bayview Hunters Point (BVHP).

In a neighborhood which witnesses disproportionately high rates of violence compared to other San Francisco neighborhoods, BMAGIC's role as a community convener has been vital to aligning BVHP stakeholders to reduce acts of violence amongst the community's youth. Annually, BMAGIC's programs and flagship events serve well over 3,000 youth and their families. Children, youth and their families gain increased access to critical services, academic tools, cultural and employment opportunities. BMAGIC's collaborative activities have grown to serve over 90 community based organizations (CBOs) combined with City Departments, providing them with technical and programmatic guidance and support.

For 15 years, BMAGIC was housed with the Public Defender's main office at 555 7th Street. A modest increase in the Office's budget enabled BMAGIC to relocate to 1275 Fairfax Avenue in the Bayview – and maintain an important presence in the community it serves – in January of 2019. The space is currently shared by BMAGIC, Tandem Partners in Early Learning, and Operation Genesis; co-creating a community space serving children and young people 0-24. Currently, the annual lease is being split and covered by the Public Defender's Office and BMAGIC's reserve funding under its fiscal agent Urban Services YMCA. In this current pandemic environment with so many critical needs, it has become more difficult to raise funds to cover overhead costs. BMAGIC would like to continue to allocate its limited funding to program cost for activities and community building events that directly serve children, youth and their families rather than using it on office space.

Therefore the Public Defender is seeking funding to cover the entirety of BMAGIC's lease moving forward – which amounts to an increase from current BMAGIC rent of \$15,000 to \$30,000 annually.

BMAGIC's services are developed, implemented, and maintained by a three person staff of 1 full time Director, 1 full time Program Coordinator and 1 full time Community Outreach & Program Assistant, all of which are full time City employees. BMAGIC does its most impactful work situated in the community that it serves, similar to its sister program Mo' Magic which serves the Western Addition housed within the Ella Hill Hutch Community Center. The relocation continues to solidify BMAGIC's role as a community anchor within the Bayview.

Additional Spaces for General Office

The Public Defender's Main Office has been housed at 555 7th Street since 1987. The Office has grown considerably in the last 35 years – adding 100 employees in the last 20 years alone. Office space is at a premium; almost all attorneys and non-attorney staff in the Office share offices, some three to an office. The Public Defender requires additional office space for its staff.

Office space will be available in 1275 Fairfax Avenue, the same building as the BMAGIC program described above, in November 2022. The Public Defender expects the rent for this

office space, which can house 15-20 staff members, will be approximately \$2,500 per month (\$30,000 annually).

vi. Request for Immigration Unit Database

The Public Defender's Immigration Unit represents non-citizens and longtime community members that are locked in ICE detention facilities facing deportation but who cannot afford a lawyer. The Unit was formed in response to the Trump Administration's threats of mass deportation, designed to resolve the systemic injustice that detained immigrants are not afforded the right to appointed counsel. The Unit now needs to modernize its database and information systems.

Deputy public defenders trained in immigration law represent clients in federal immigration court. Studies have shown that detained immigrants with attorneys are six times more likely to win their cases than those without legal representation.

This high-volume unit is among the largest deportation defense staffs in California. Managing high levels of data, and accessing technology to make its work more efficient, is at a premium. The Unit's removal cases often last for more than a year, involving multiple court hearings, multiple applications for relief, multiple bond requests, and sometimes multiple appeals. The Immigration team has a professional and ethical obligation to effectively keep track of its cases, including client contact information, deadlines, and status updates. As a cutting-edge program doing high volume deportation defense services, it also needs to effectively report its work, which will help in evaluating the Unit.

Currently, the Unit's database capacity is limited and outdated. It uses an Access Database designed by an Office investigator in his free time. While it does maintain information, it is not easy to navigate, is not cloud-accessible, and its reporting features are negligible, and it does not have automatic reminders. As the Public Defender's Office has worked remotely, the database is in danger of becoming obsolete.

There are several companies and non-profits that specialize in creating databases for legal service providers designed to meet the needs of an immigration legal office. The vast majority of providers utilize these outside services, such as the Florence Immigration Project, Public Counsel, and Heartland Alliance. A small team from the San Francisco Public Defender Immigration and IT Units met with representatives from LawLogix and Legal Server. The team was most impressed with Legal Server. Their database offers case management, calendaring, reporting, and most importantly, form-filling. Much of immigration law is based on filling out application forms. Legal Server is able to pre-populate current immigration forms (i.e., Form I-90, replacement of green card), without needing to fill out a new form each time. This function will save significant amounts of time and help the Public Defender's Immigration Unit represent more people, while facilitating its ability to more speedily process work permit applications, FOIA requests, and other items that are time consuming when filling out a new form repeatedly.

The cost for this project is estimated at \$10,000 / year. There will be a one-time on-boarding fee (which includes migrating data from the Office's existing database to the new one) estimated at approximately \$25,000. The Public Defender's budget request for this software is reasonable and worth the investment, greatly benefiting the Office's immigrant clients.

vii. Request for Subscription-Based Databases and Services

The Public Defender requests funding to maintain its current subscription-based databases and to add a new service which will save considerable attorney and paralegal time.

The Office currently maintains the minimum number of subscriptions needed to provide its clients with ethically competent representation. Required for any public law office to provide competent representation to its clients, these subscriptions enable authorized attorneys and staff to conduct legal and investigative research, review and modify jury instructions, and stay abreast of changes in the law. The cost of these subscriptions (for example, Westlaw, CLEAR, Forecite, Crime-IQ, the Continuing Education of the Bar (CEB)) have increased in recent years, while the Public Defender's budget has remained the same.

Furthermore, the Office seeks to add *Typelaw*, which will save considerable attorney and paralegal time. In recent years, the Public Defender's Research Unit has scaled up its writ practice on behalf of its clients. Currently, attorneys spend 3-4 hours per writ doing tasks such as assembling, bookmarking, Bates-stamping, and tabling exhibits. For the 57 writs the Public Defender's Research Unit filed over the course of the last year, 855 hours of attorney time was spent on these tasks. *Typelaw's* service includes creating cover pages, bookmarks, and tables of authority, and inserting links to legal authorities in a manner required by the specific trial court or division of the Court of Appeal legal briefs are filed in.

The cost of this service is approximately \$20,000/year. Investing in *Typelaw* will not only saves attorney time but it will also enable the Public Defender's Research Unit to provide higher level representation to the Office's indigent clients by substantially increasing the attorney queries it responds to, trainings it presents, and the number of writs and motions it files.

6. Conclusion

The San Francisco Public Defender's Office is deeply committed to fulfilling *Gideon's* promise by fiercely defending its individual clients in San Francisco's courtrooms day in and day out at the highest level, and fighting for criminal legal system reform to decrease mass incarceration and positively impact the City's most disfranchised individuals, families, and communities.

The Public Defender urges the City to move beyond purely "sustaining" the current budget of the Office, which has historically been woefully underfunded, particularly in relation to other criminal justice agencies. Instead the Public Defender seeks a deep commitment towards equality, equity, and healing for the vulnerable communities it serves by investing in the above budget requests: (a) the "End the Cycle" and Clean Slate initiatives aimed at promoting community health and public safety, and ending recidivism, (b) the Racial Justice Initiative designed to create opportunities for BIPOC clients and their communities, (c) the Leadership and Retention Initiative geared to actualize a diverse 21st Century Public Defender's Office, and (d) critical and urgent infrastructure needs, supporting transformative public defense.

FY2022-FY2024 PDR Budget Enhancement Cost Proposal

Starting the New "End the Cycle" Initiative and Growing the Clean Slate Unit to Address Root Causes, Prevent Recidivism, and Nurture Individual and Community Success

	FY 2022-2023					FY 2023-2024				
	Job Code	FTE	Salary	Fringes	Total Costs	FTE	Salary	Fringes	Total Costs	
4 Criminal Justice Specialist	8452	3.16	\$ 322,779	\$ 126,938	\$ 449,717	4	\$ 444,452	\$ 160,135	\$ 604,587	
4 Court Alternative Specialist	8446	3.16	\$ 236,761	\$ 104,193	\$ 340,954	4	\$ 326,162	\$ 133,453	\$ 459,615	
1 Manager - Reentry Migration	0942	0.79	\$ 146,035	\$ 49,182	\$ 195,218	1	\$ 201,147	\$ 58,694	\$ 259,841	
1 Principal Administrative Analyst	1825	0.79	\$ 131,508	\$ 46,072	\$ 177,580	1	\$ 176,824	\$ 53,949	\$ 230,773	
1 Clean Slate Attorney	8177	0.79	\$ 112,888	\$ 36,391	\$ 149,278	1	\$ 151,730	\$ 41,984	\$ 193,714	
1 Clean Slate Legal Process Clerk	8106	0.79	\$ 49,435	\$ 23,473	\$ 72,908	1	\$ 68,103	\$ 30,337	\$ 98,440	
1 Clean Slate Legal Assistant	8173	0.79	\$ 70,239	\$ 28,463	\$ 98,703	1	\$ 96,702	\$ 36,051	\$ 132,753	
					\$ 1,484,358				\$ 1,979,724	

Initiatives for Racial Justice: Creating Opportunities for BIPOC Clients and Communities

a. Personnel Cost

a. Personnel Cost									

b. Non-Personnel Cost

	FY 2022-2023				FY 2023-2024			
				Total Costs				Total Costs
Scholarships for Court Watch Program Participants				\$ 20,000				\$ 20,000
African American / Black Students Fellowship Program				\$ 180,000				\$ 180,000
Trainings that Center on the African American / Black Experience				\$ 70,000				\$ 70,000
African American / Black Litigation Cultural Experts				\$ 40,000				\$ 40,000
				\$ 310,000				\$ 310,000

Leadership and Retention for a 21st Century Public Defender's Office

	FY 2022-2023					FY 2023-2024				
	Job Code	FTE	Salary	Fringes	Total Costs	FTE	Salary	Fringes	Total Costs	
1 Assistant Chief Attorney I	8181	0.79	\$ 212,436	\$ 65,459	\$ 277,896	1	\$ 278,673	\$ 73,368	\$ 352,041	
Substituting 2 Head Attorneys with Assistant Chief Attorney I	8181	1.58	\$ 20,274	\$ 6,247	\$ 26,522	2	\$ 26,596	\$ 7,002	\$ 33,598	
Substituting 3 Trial Attorneys with Head Attorneys	8182	2.37	\$ 41,927	\$ 13,153	\$ 55,080	3	\$ 55,000	\$ 14,769	\$ 69,769	
1 Chief of Staff	0943	0.79	\$ 165,228	\$ 52,899	\$ 218,127	1	\$ 227,583	\$ 62,792	\$ 290,375	
					\$ 577,624				\$ 745,783	

Urgent Infrastructure Needs Critical to Supporting Transformative Public Defense

a. Personnel Cost

a. Personnel Cost	FY 2022-2023					FY 2023-2024				
	Job Code	FTE	Salary	Fringes	Total Costs	FTE	Salary	Fringes	Total Costs	
6 Legal Assistant	8173	4.74	\$ 421,436	\$ 170,780	\$ 592,217	6	\$ 580,214	\$ 216,305	\$ 796,519	

FY2022-FY2024 PDR Budget Enhancement Cost Proposal

3 Legal Process Clerk	8106	2.37	\$ 148,304	\$ 70,420	\$ 218,725	3	\$ 204,310	\$ 91,010	\$ 295,320
2 Sr. Legal Process Clerk	8108	1.58	\$ 108,455	\$ 49,477	\$ 157,933	2	\$ 149,282	\$ 63,594	\$ 212,876
1 Sr. IS Engineer	1043	0.79	\$ 108,137	\$ 38,340	\$ 146,477	1	\$ 145,387	\$ 45,342	\$ 190,729
Substituting 1 Manager III with Financial System Supervisor	1670	0.79	\$ 5,313	\$ (2,559)	\$ 2,753	1	\$ 6,929	\$ (4,293)	\$ 2,636
1 Sr. Payroll Personnel Clerk	1222	0.79	\$ 63,835	\$ 27,276	\$ 91,111	1	\$ 87,911	\$ 34,797	\$ 122,708
1 Manager / Public Defender Confidential Secretary	0922	0.79	\$ 94,713	\$ 37,852	\$ 132,565	1	\$ 129,680	\$ 47,443.73	\$ 177,123
					\$ 1,341,781			\$ 1,797,912	

b. Non-Personnel Cost

Office Expansion / Rent Increase
 Immigration Unit Database
 Subscriptions

FY 2022-2023

Total Costs	\$ 45,000
	\$ 35,000
	\$ 45,000
	\$ 125,000

FY 2023-2024

Total Costs	\$ 45,000
	\$ 10,000
	\$ 45,000
	\$ 100,000

Total Budget Enhancement Cost

FY2022-2023

\$ 5,605,533

FY2023-2024

\$ 7,274,590