

February 3, 2009

Ben Rosenfield, City Controller
Controller's Office
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Inquiry into the Office of the Public Defender Budget

Controller Rosenfield:

The Office of the Public Defender provides constitutionally mandated representation to adult indigent clients and juvenile clients in San Francisco. This request concerns the constitutionally mandated functions of the Office, the non-criminal social services provided by the Public Defender, and the use of private counsel in defense of indigent and juvenile clients.

In order to gain a better understanding of the Office of the Public Defender, the services provided, the efficacy of these services, and the costs associated with them, please prepare an analysis of the Public Defender's budget to address the following questions:

- What percentage of the Public Defender's budget is used in defense of indigent and juvenile clients versus social work and other non-criminal defense functions? Please provide an itemized list of non-criminal defense costs.
- How does the Office of the Public Defender determine and verify who is indigent? What criteria are used to determine indigence? What are the procedures for ensuring that individuals meet these criteria?
- What procedures does the Public Defender use to refer a case to Indigent Defense? Do these cases represent true conflict of interest? How frequently does the Public Defender refer cases to Indigent Defense based on staffing availability instead of a true conflict of interest?
- What is the average cost per case of private counsel appointed by the "conflicts counsel" versus counsel provided by the Public Defender? What is the average length of incarceration for clients represented by the "conflicts counsel" versus the Public Defender?
- What is the average per case cost of defending indigent clients in peer counties (Alameda, Santa Clara, San Mateo, and Los Angeles)?
- What is caseload comparison between misdemeanor and felony filings handled by the Office of the Public Defender over a ten-year period? What were the dispositions of these cases?

- What percentage of misdemeanor cases handled by the Public Defender are taken to jury trials? How does this compare to the defense of indigent clients facing misdemeanor charges in the peer counties (Alameda, Santa Clara, San Mateo, and Los Angeles)? What were the dispositions of these cases in San Francisco and peer counties?
- How does the Public Defender define "caseload"? How many cases are active, requiring staff time? What is a reasonable standard?
- How do the Superior Court/Public Defender ensure that all fees are collected? Could the Superior Court/Public Defender recover more costs through better collection of fees?
- What performance measures are used to evaluate the efficacy of social work and non-criminal defense functions performed by the Office of the Public Defender?
- Have social services and reentry work provided by the Office of the Public Defender been shown to reduce recidivism?

Thank you for your consideration of this request.

SEAN ELSBERND
Supervisor, District 7

SRE/av

cc: David Chiu, President, Board of Supervisors
John Avalos, Chairman, Budget and Finance Committee
Ross Mirkarimi, Vice Chair, Budget and Finance Committee
Carmen Chu, Budget and Finance Committee
David Campos, Temporary Member, Budget and Finance Committee
Bevan Dufty, Temporary Member, Budget and Finance Committee
Kevin Ryan, Deputy Chief of Staff and Director, Mayor's Office of Criminal Justice
Nani Coloretti, Director, Mayor's Budget Office
Harvey Rose, Budget Analyst, Board of Supervisors