



# PRIVATE DEFENDER PROGRAM

DATA, METRICS, and PRACTICES

Chief Defender **Lisa Maguire**

# California Legislative Analysts' Office Report 2022

Report identified difficulty with tracking data statewide



Office of the State Public Defender

- Define Metrics
- Require Data Collection

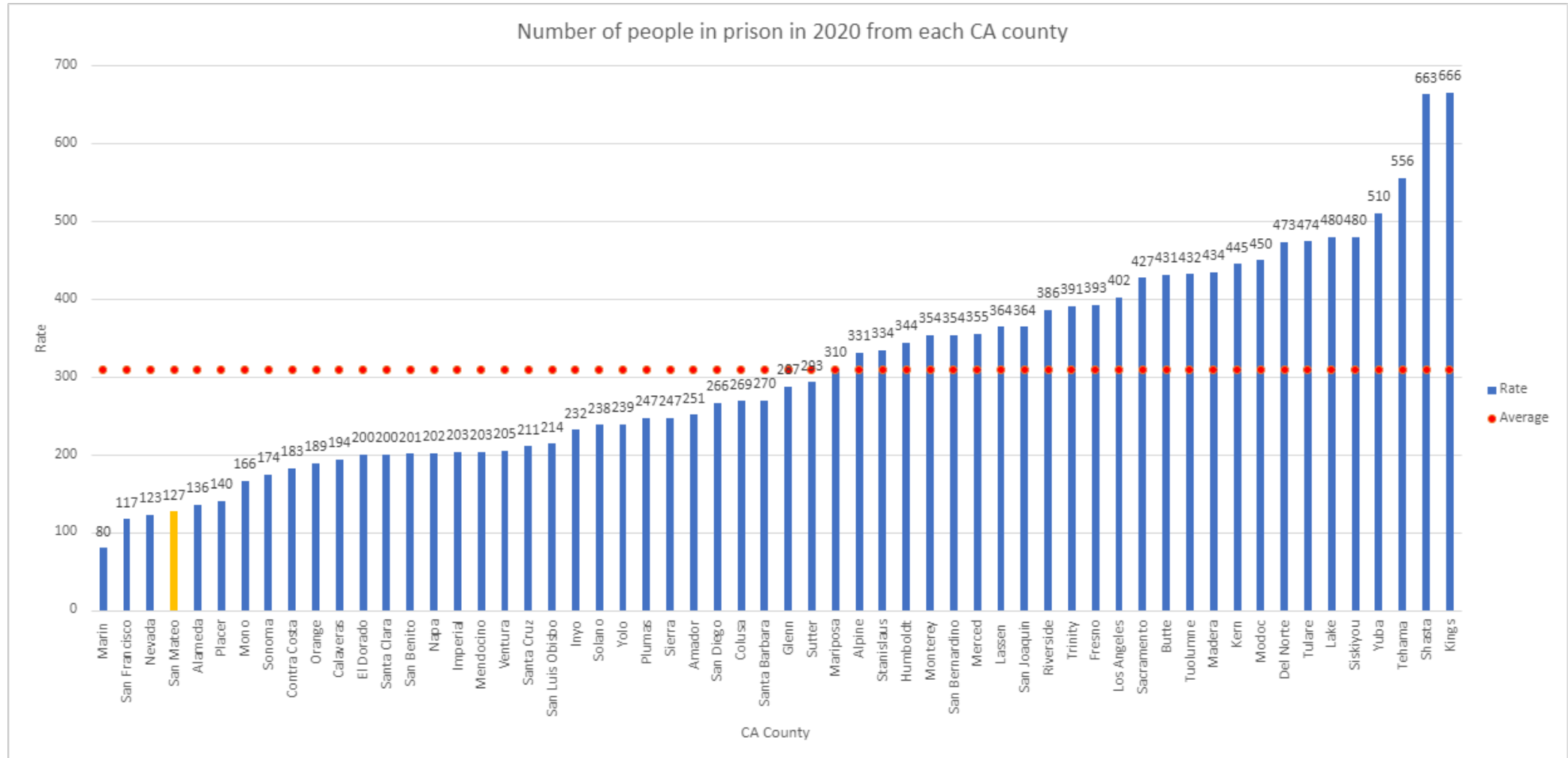
# California Public Defense Systems



**OSPD Report focuses on:**

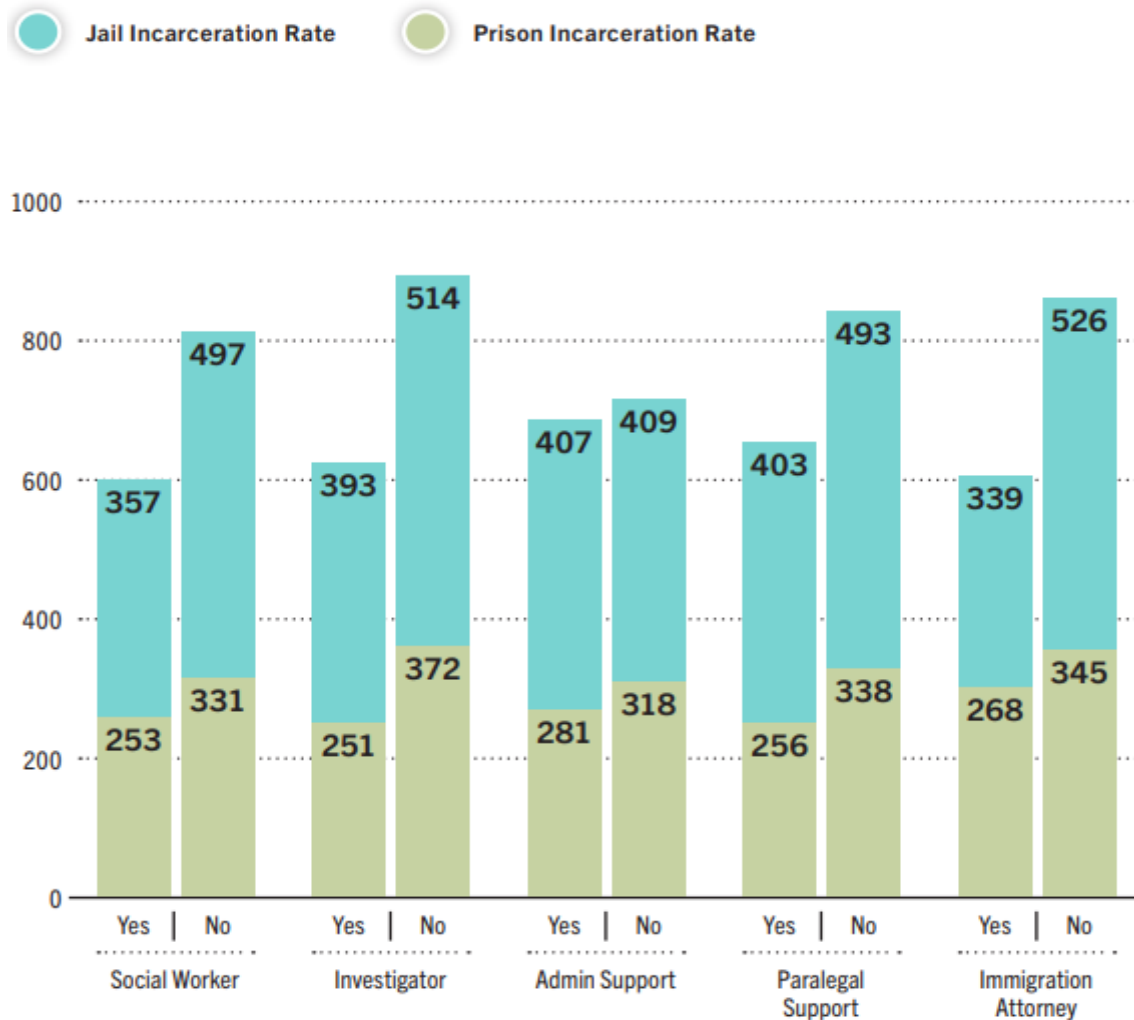
- Incarceration rates**
- Access to support services**

# San Mateo County's Incarceration Rate Is The **Fourth Lowest** in California



# Supports and Incarceration Rates

Average Incarceration Rates Per Capita by Staffed or Contracted Resources





## Comparing the PDP to a CA Public Defender's Office



| 2022-2023           | San Mateo                    | San Joaquin                   |
|---------------------|------------------------------|-------------------------------|
| Population          | 754,250                      | 779,445                       |
| Budget              | \$22,701,463                 | \$23,363,454                  |
| Workload            | 21,587 appointments          | 21,600 appointments           |
| Attorneys           | 103 ( <i>Vertical</i> )      | 39 ( <i>Non-vertical</i> )    |
| Investigators       | 44                           | 13                            |
| Social Workers      | 30                           |                               |
| Admin Staff         | 19                           | 19                            |
| Felony Trials*      | 43                           | 38                            |
| Misdemeanor Trials* | 34                           | 27                            |
| Imprisonment Rate** | 127 (4 <sup>th</sup> Lowest) | 364 (40 <sup>th</sup> Lowest) |

*\*Trial stats according to the Judicial Council's 2024 Statewide statistics report*

*\*\*Number imprisoned per 100,000 (2020)*

# GIDEON AT 60:

*A Snapshot of  
State Public  
Defense Systems  
and Paths to  
Reform*

## MEASURING PROGRESS



Data collection

Access to counsel

Quality of counsel

Outcomes



**NIJ** NATIONAL INSTITUTE OF JUSTICE  
ADVANCING JUSTICE THROUGH SCIENCE



Office for  
Access to Justice  
U.S. Department of Justice

# Data Collection



# Data Collection and Transparency

- Case Management System Transformation
- Data collection practices developed with national experts [NLADA / Deason Center]
- Report commissioned analyzing data collection
- Data analytics team hired



# Case Management System Buildout

Demographic information

Detained/  
released

Arraignment date

Assignment of attorney

Attorney's first visit

Amount of bail

The screenshot displays a user interface for a case management system. The main header shows the case name "Testing Testing" and a "Client Information" tab. The interface is divided into several sections:

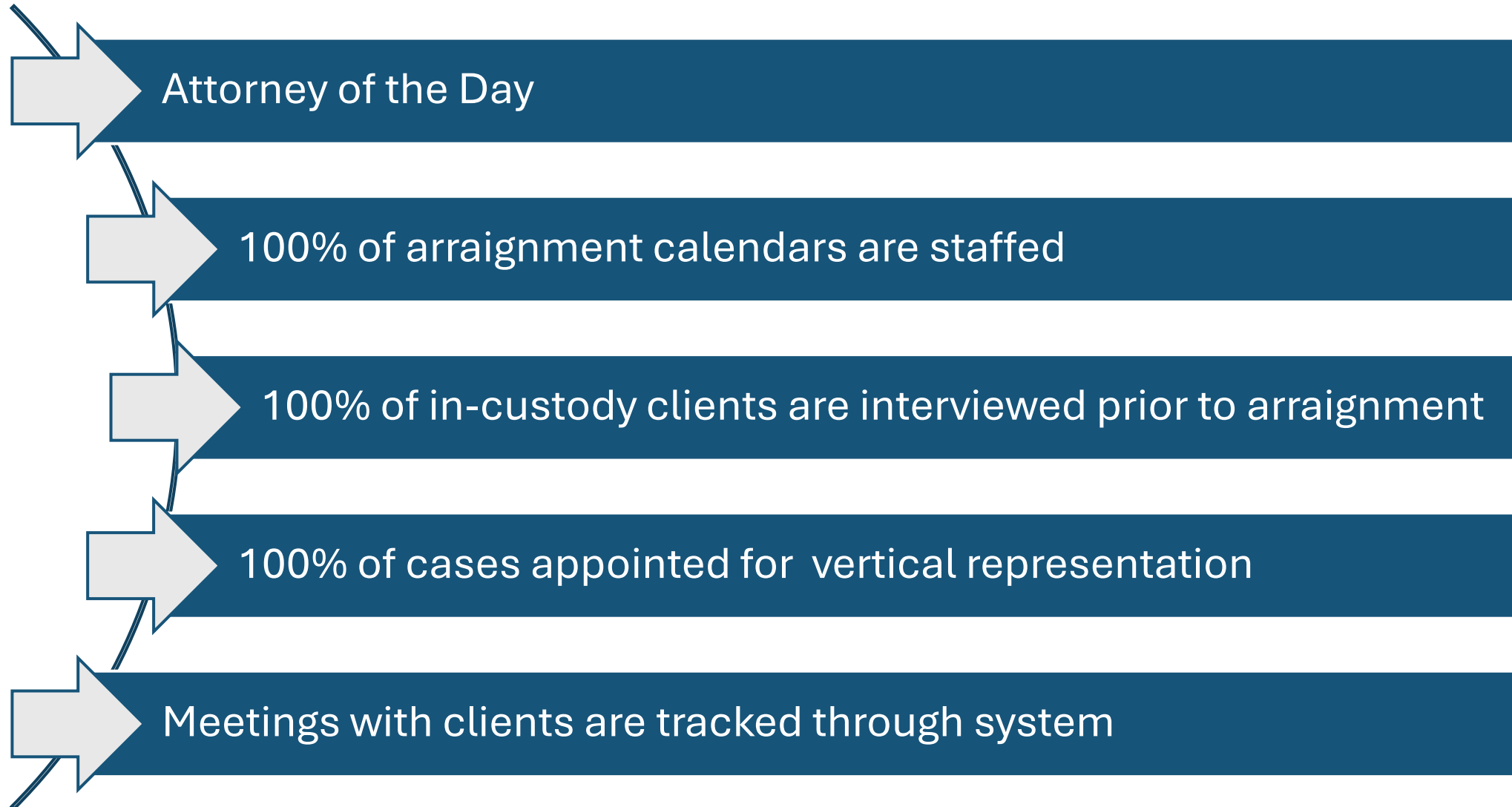
- Client Information:** Includes a profile picture, name information (Last Name: Testing, First Name: Testing), identification (DOB: 07/04/1992, Gender: Male, Race: Other), and address (333 Bradford St. Suite 200, Redwood City CA 94063).
- Case Information:** Includes file type (CM - Criminal - Muni), file sub type (General Misdemeanc), arraignment date (04/01/2024), court (Southern Municipal), time (AM), case number (GM - TESTING), custody (I/C), jail ID (12345), police report # (RC12345), arrest agency (Redwood City Police Dep), booking # (123456), bond descr (Bail Set by Judge), and bond amount (1000.00).
- Case Team:** Includes attorney (testingatty, testingatty), assignment status (Assigned), and assigned date (04/01/2024).
- Case Status:** Includes level (1), status (Open - Active), first visit (04/01/2024), stats (Municipal), and other stats (Arraignment).

Callouts from the top of the slide point to the following fields in the interface:

- "Demographic information" points to the Client Information section.
- "Detained/released" points to the Custody field (I/C).
- "Arraignment date" points to the Arraigned field (04/01/2024).
- "Assignment of attorney" points to the Attorney field (testingatty, testingatty).
- "Attorney's first visit" points to the First Visit field (04/01/2024).
- "Amount of bail" points to the Bond Amount field (1000.00).

Access to counsel 

# Early Access to Confidential Counsel



# ATTORNEY CASELOADS

- Attorneys are classified into practice levels (1-6)
- Cases are assigned by level and workloads
- Caseload reports are issued weekly for review
- Caseloads compared to national guidelines
- Assignments are adjusted accordingly



**Attorney Activity**

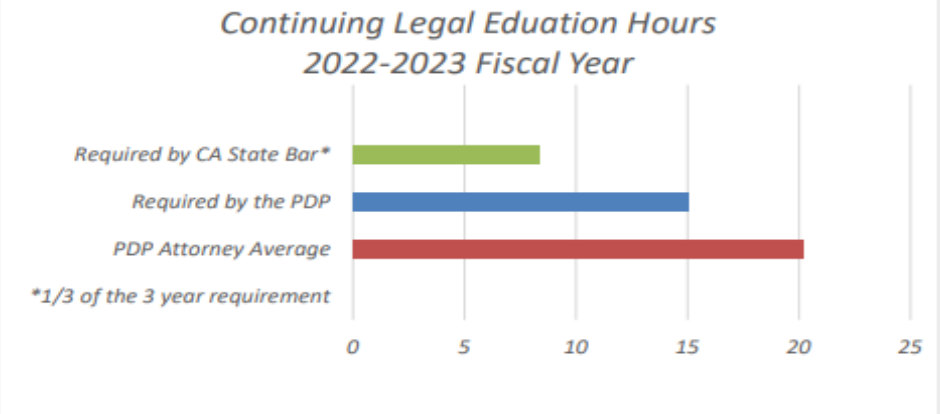
|                       | Level X | 1   | 2  | 3  | 4  | 5 | 6 | Workload |
|-----------------------|---------|-----|----|----|----|---|---|----------|
| Kevin Harvath II      | 0       | 120 | 0  | 0  | 0  | 0 | 0 | 120      |
| Wj. J. J.             | 23      | 32  | 33 | 2  | 0  | 0 | 0 | 127      |
| Smith W. Charles J.   | 0       | 23  | 39 | 6  | 2  | 1 | 0 | 132      |
| William, Anthony J.   | 10      | 82  | 24 | 0  | 0  | 0 | 0 | 140      |
| Conover, Patrick S.   | 0       | 104 | 21 | 2  | 0  | 0 | 0 | 152      |
| Brookberg, Kate B.    | 0       | 148 | 3  | 0  | 0  | 0 | 0 | 154      |
| Kelly George Peter    | 0       | 77  | 31 | 3  | 3  | 0 | 0 | 160      |
| Goodwin, Justin L.    | 0       | 41  | 30 | 7  | 11 | 0 | 0 | 166      |
| George, John          | 16      | 149 | 2  | 0  | 0  | 0 | 0 | 169      |
| Harvey, David T.      | 0       | 152 | 13 | 0  | 0  | 0 | 0 | 178      |
| Wilcox, Megan         | 0       | 81  | 49 | 0  | 0  | 0 | 0 | 179      |
| Ellen, Nicole J.      | 15      | 129 | 16 | 1  | 2  | 0 | 0 | 187      |
| Lovell, James J.      | 1       | 42  | 64 | 5  | 1  | 0 | 0 | 190      |
| Smith, Charles J.     | 0       | 53  | 61 | 4  | 3  | 0 | 0 | 199      |
| William, Carlton B.   | 0       | 199 | 1  | 0  | 0  | 0 | 0 | 201      |
| Agnew, Esther         | 0       | 77  | 38 | 10 | 6  | 0 | 0 | 207      |
| James, Alexander J.   | 0       | 208 | 2  | 0  | 0  | 0 | 0 | 212      |
| Lovell, Paul T.       | 5       | 212 | 0  | 0  | 0  | 0 | 0 | 217      |
| William, Charles Ross | 7       | 147 | 25 | 4  | 1  | 0 | 0 | 220      |
| Green, Ross B.        | 12      | 46  | 53 | 14 | 8  | 1 | 0 | 243      |
| Charles, William      | 30      | 178 | 13 | 5  | 0  | 0 | 0 | 249      |
| William, William      | 30      | 137 | 43 | 0  | 0  | 0 | 0 | 253      |
| James, William T.     | 0       | 257 | 1  | 0  | 0  | 0 | 0 | 259      |
| Allen, James S.       | 51      | 73  | 56 | 9  | 2  | 0 | 0 | 271      |
| Frederick, Michael    | 6       | 62  | 69 | 18 | 5  | 0 | 0 | 280      |

# Quality of Counsel



# Attorney Training and Oversight

- 56% more continuing education than State Bar requires
- 26 MCLE trainings at no cost + \$750 stipend
- 806 management conducted in-court observations
- Stanford's Mills Legal Clinic Trial College partner (new)

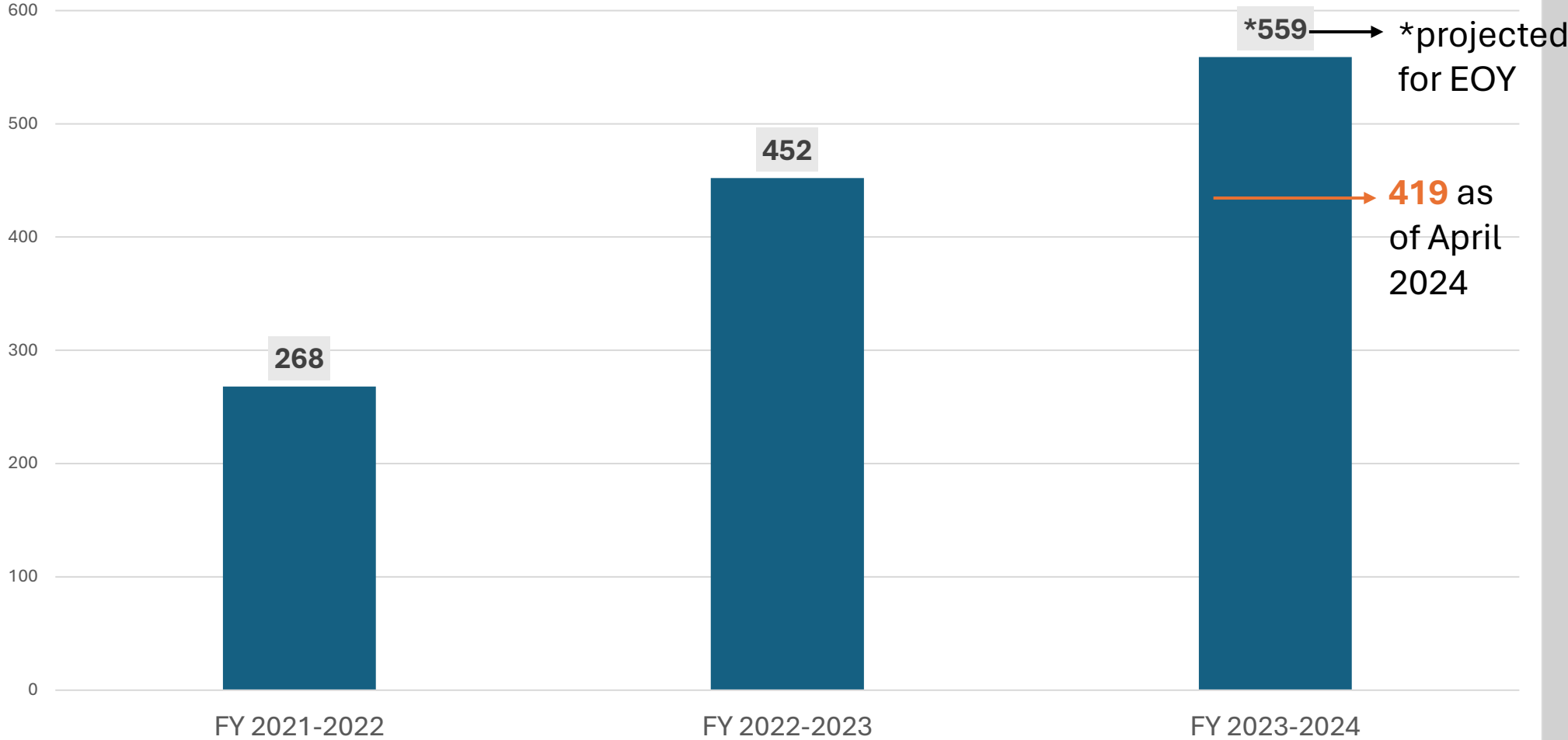


# Quality of Counsel: Use of Support Services

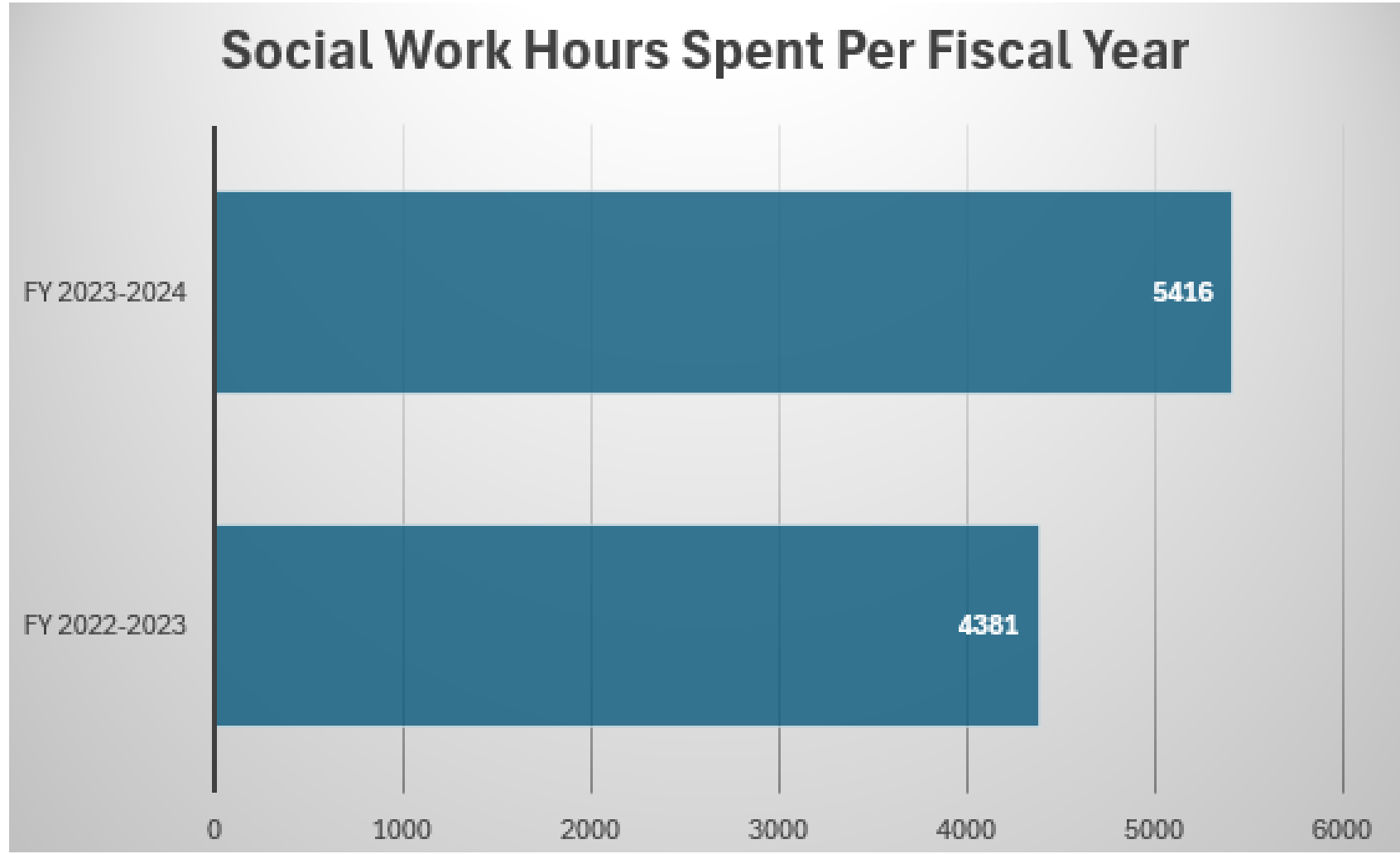




# Social Work Requests 3-Year Comparison

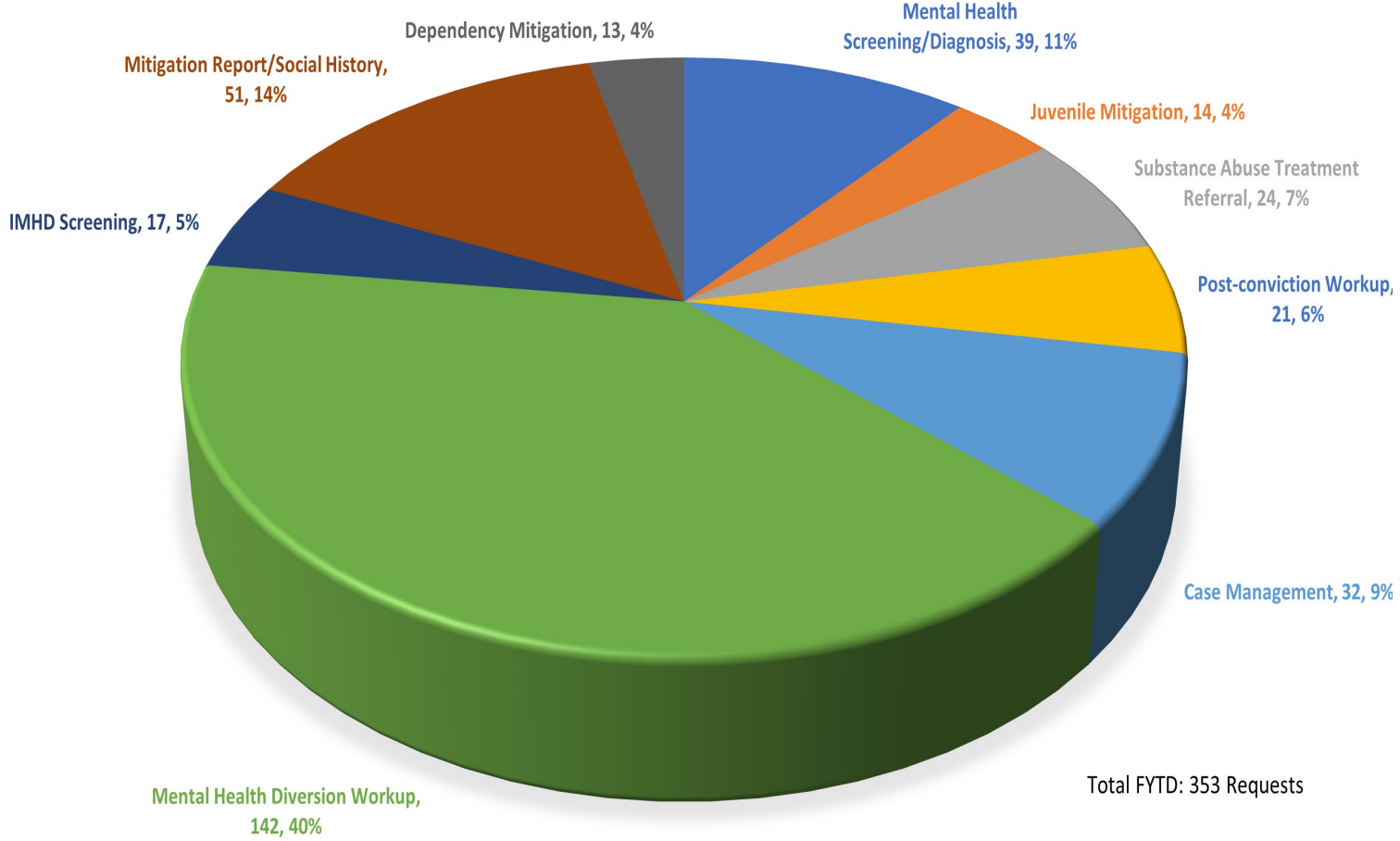


**Continued  
increase in  
investment of  
time and  
resources**



# Social Worker Data

SOCIAL WORK BY CASE TYPE FISCAL YEAR 2023/2024



Social Workers are screening more clients for mental health diversion and more than ever before.

# Investigative Hours

Notable increase in hours spent on investigative work over last 3 years.

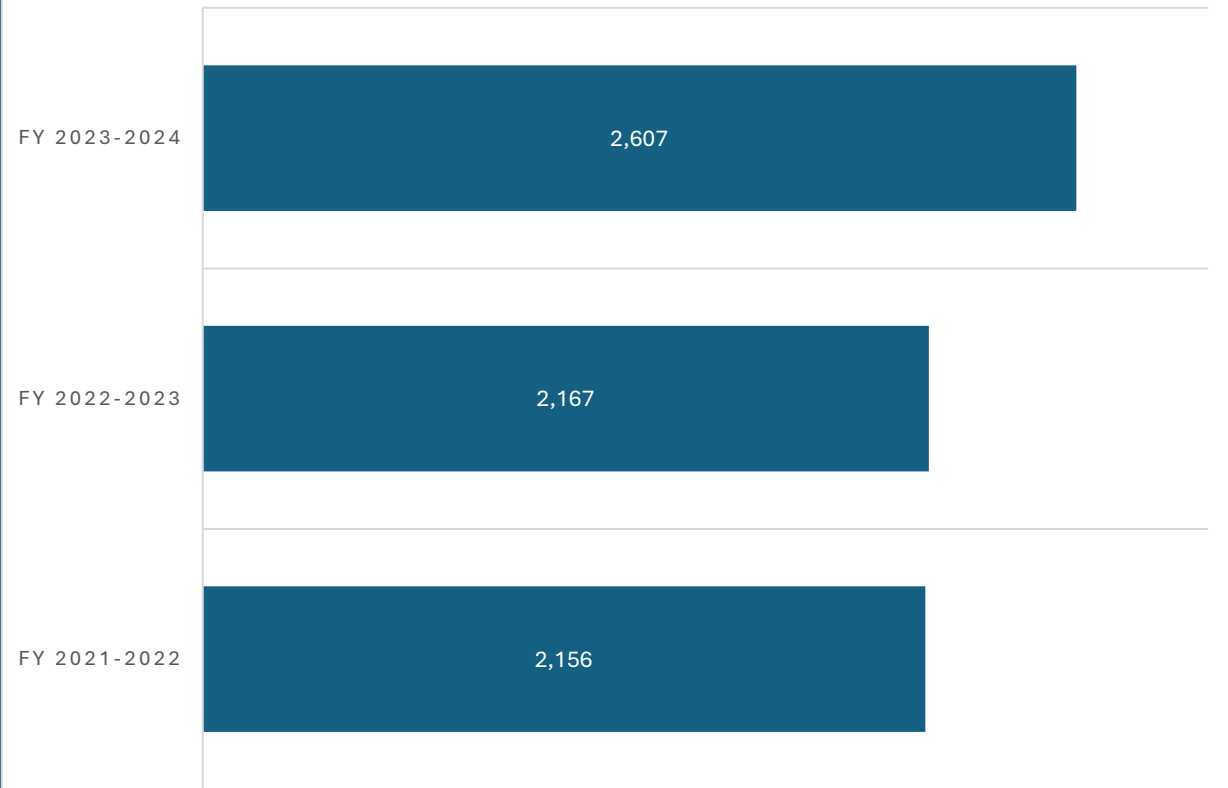
FY 21-22 averaged 2,156 hours per month

FY 22-23 averaged 2,167 hours per month = a .5% increase


FY 23-24 averaging 2,607 hours per month so far = a 20% increase



## NUMBER OF HOURS PER MONTH



## Case Flags

 Immigration

## Case Factors

- Private Investigator Used
- Social Worker Used
- Expert Used
- 2nd Chair
- Law & motion
- Immigration
- Client Advocate Used

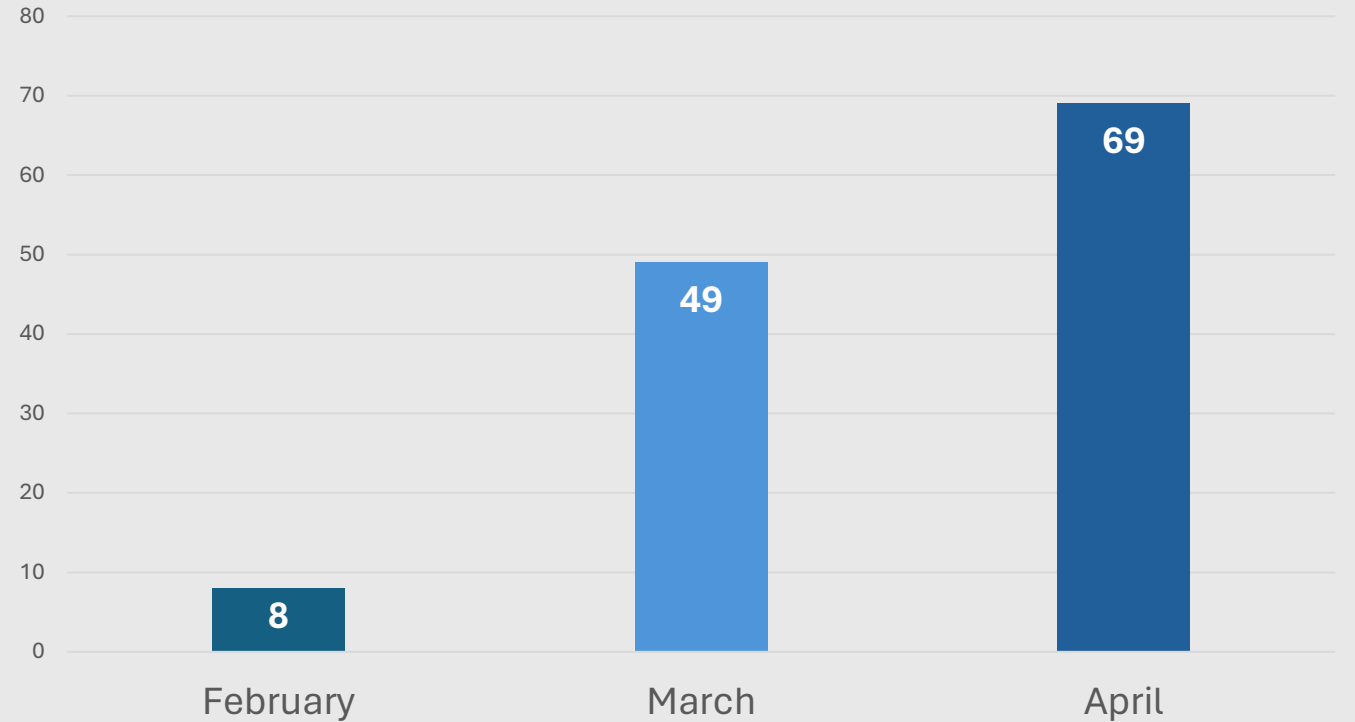
# Immigration Attorney

- Confidential communications to identify non-citizens
- Notification to in-house immigration attorney
- Assigned counsel & immigration attorney coordination



# Padilla/Crim-Immigration Services

Number of consults  
February 2024-April 2024



# Quality of Counsel: Client Feedback



# CLIENT FEEDBACK

## System for tracking client/family calls

Call Information - New

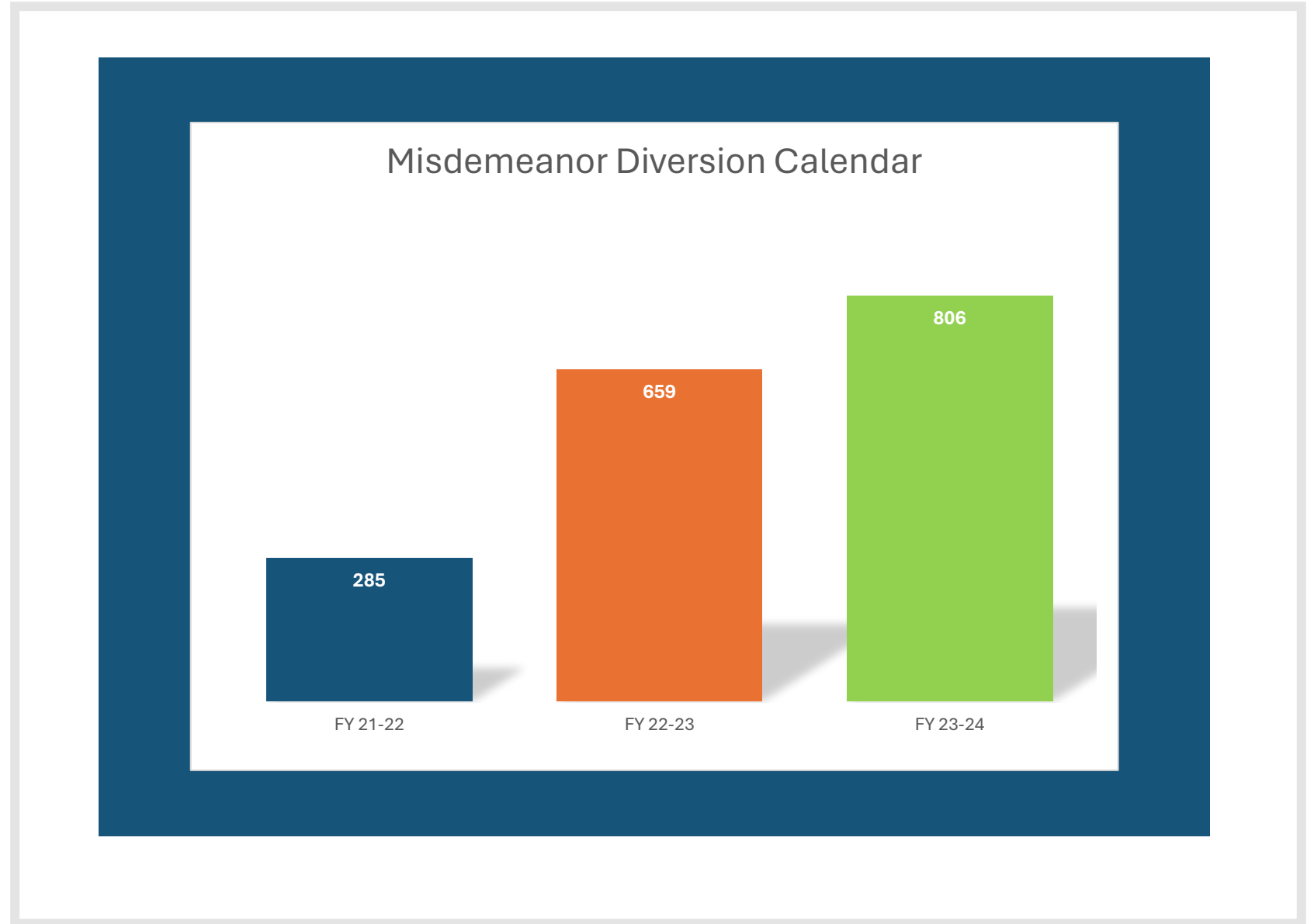
|  |   |
|--|---|
| <b>Case Info</b>   | <b>User Info</b>                                |
| <input type="checkbox"/> N/A   | Created By: <input type="text"/>                |
| <input type="text"/>   | Created Date: <input type="text"/>              |
| Client Name: <input type="text"/>                                    | Modified By: <input type="text"/>               |
| Client DOB: <input type="text"/>                                     | Modify Date: <input type="text"/>               |
| Phone #: <input type="text"/>  |   |
| Email: <input type="text"/>  |   |
| Caller is the Client: <input type="checkbox"/>                       |   |
| <b>Call Info</b>   | <b>Call Info Cont.</b>                          |
| Call Date: <input type="text" value="02/13/2024"/>                   | Walk In: <input type="checkbox"/>               |
| OD User: <input type="text" value="Elworth - Manager, John"/>        | Voicemail: <input type="checkbox"/>             |
| Category: <input type="text"/>                                       | Time Sensitive: <input type="checkbox"/>        |
| Provider/Attorney: <input type="text"/> <input type="checkbox"/> N/A | Mental Health: <input type="checkbox"/>         |
| First Name: <input type="text"/>                                     | Other Concern: <input type="checkbox"/>         |
| Last Name: <input type="text"/>                                      | OD Resolution: <input type="text"/>             |
| Role: <input type="text"/>   | Management Resolution: <input type="text"/>     |
| Caller DOB: <input type="text"/> <input type="checkbox"/> N/A        | Chief Defender Resolution: <input type="text"/> |

- Case Management System was automated for easier data entry
- Attorney of the Day alerts assigned counsel of calls
- Management is notified if client is seeking new counsel
- Management reviews system weekly



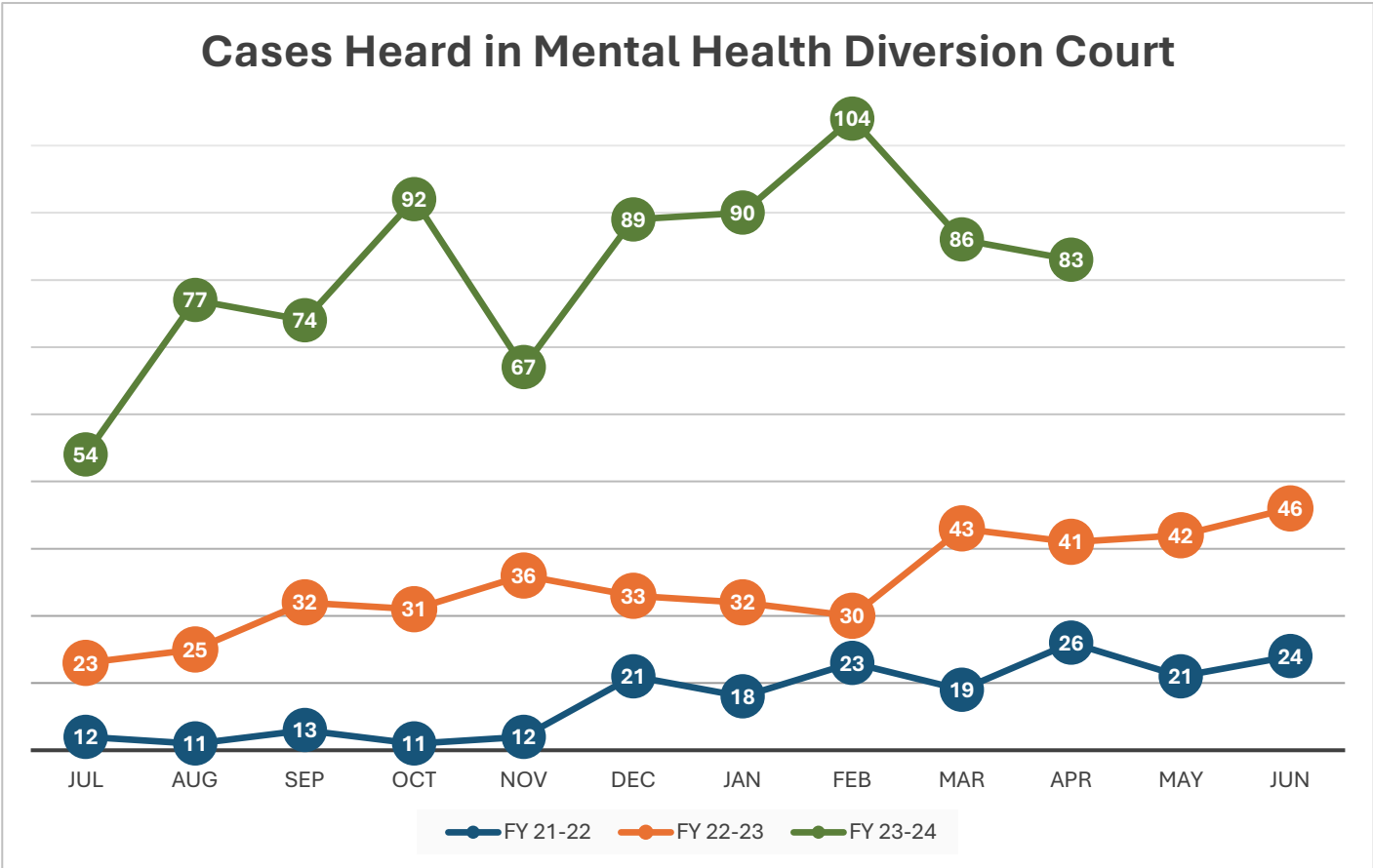
# Outcomes

# Avoiding Criminal Convictions



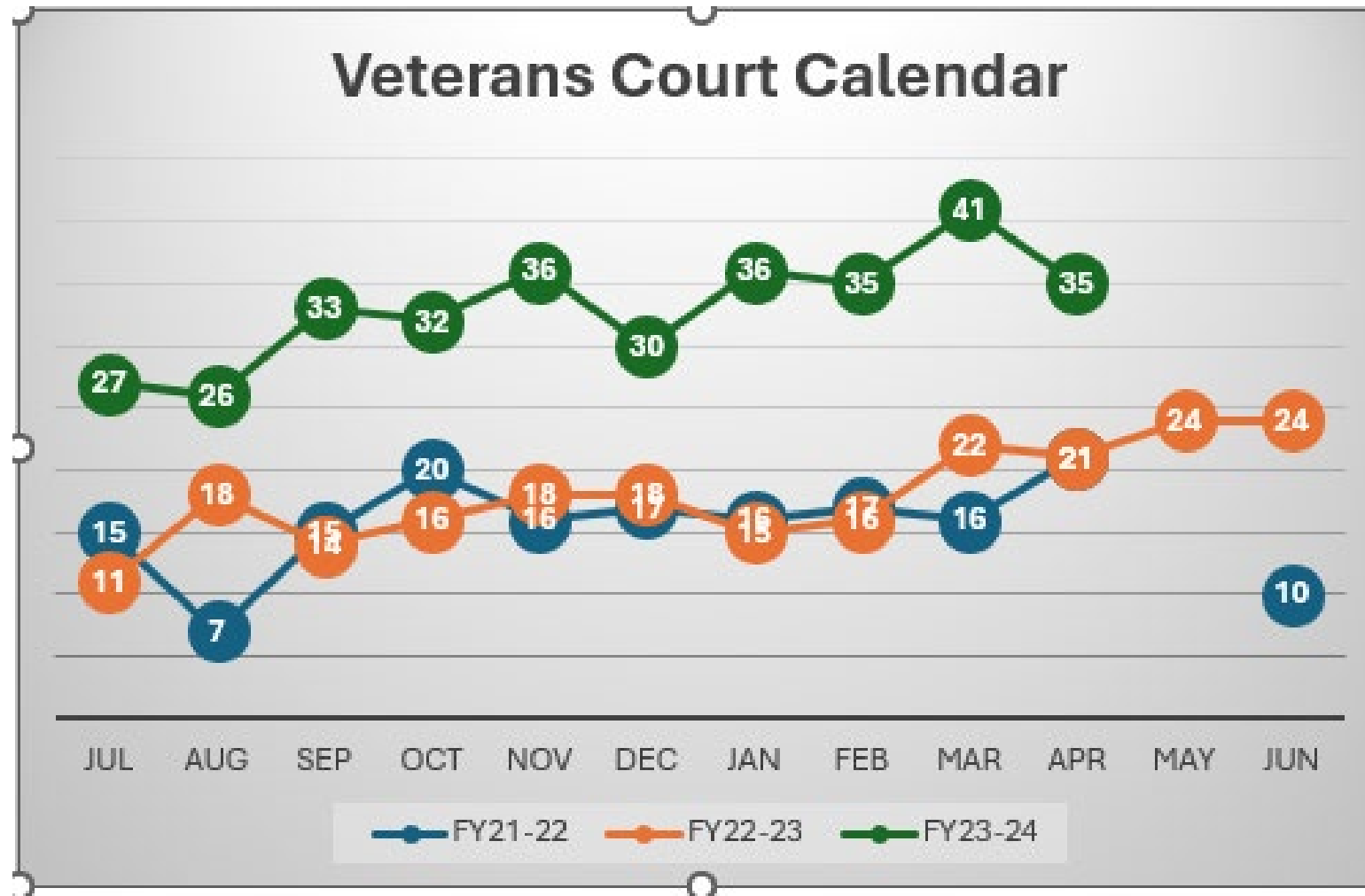
# Mental Health Diversion Program

Fighting for a better path

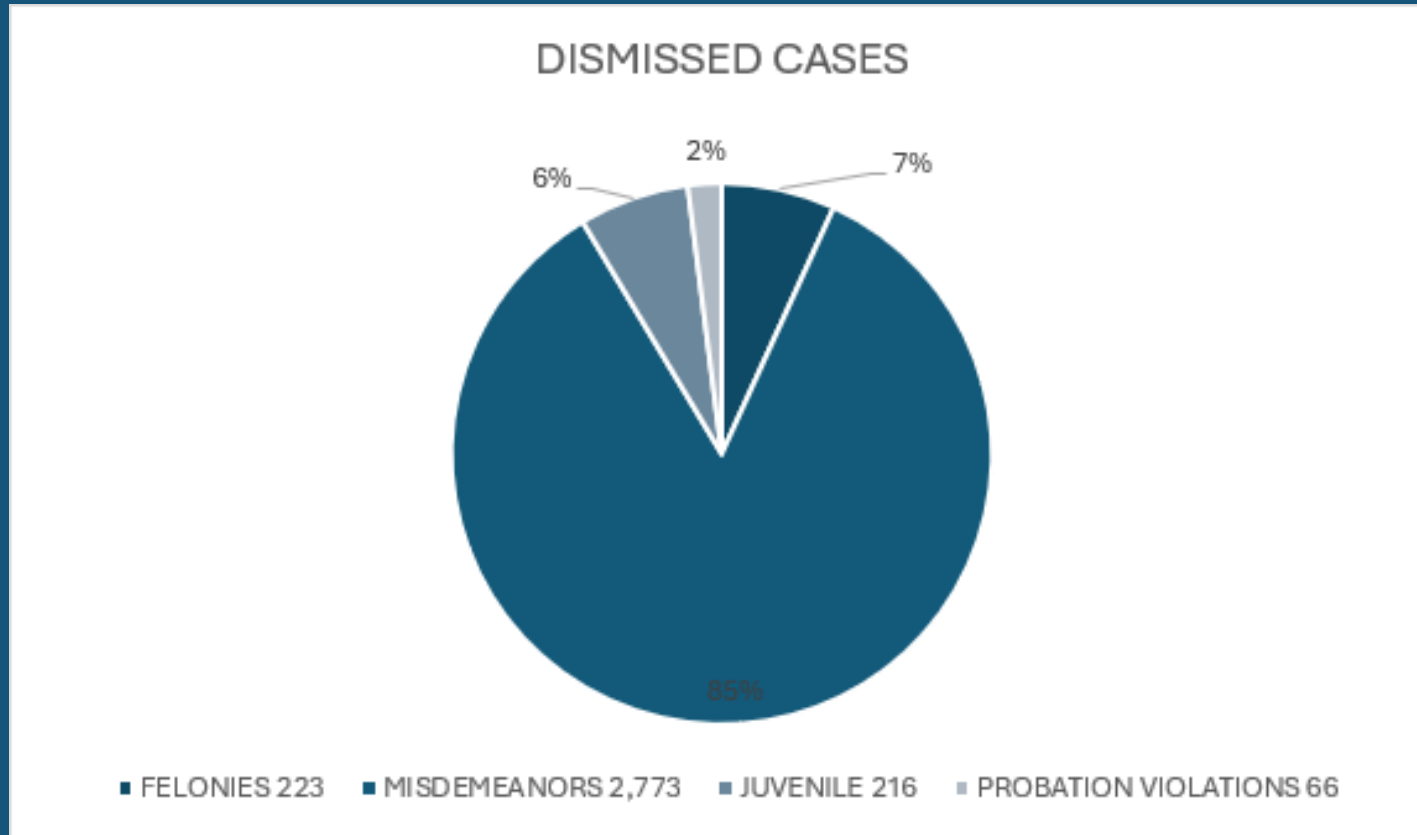


# Veterans Court

Fighting for a better path



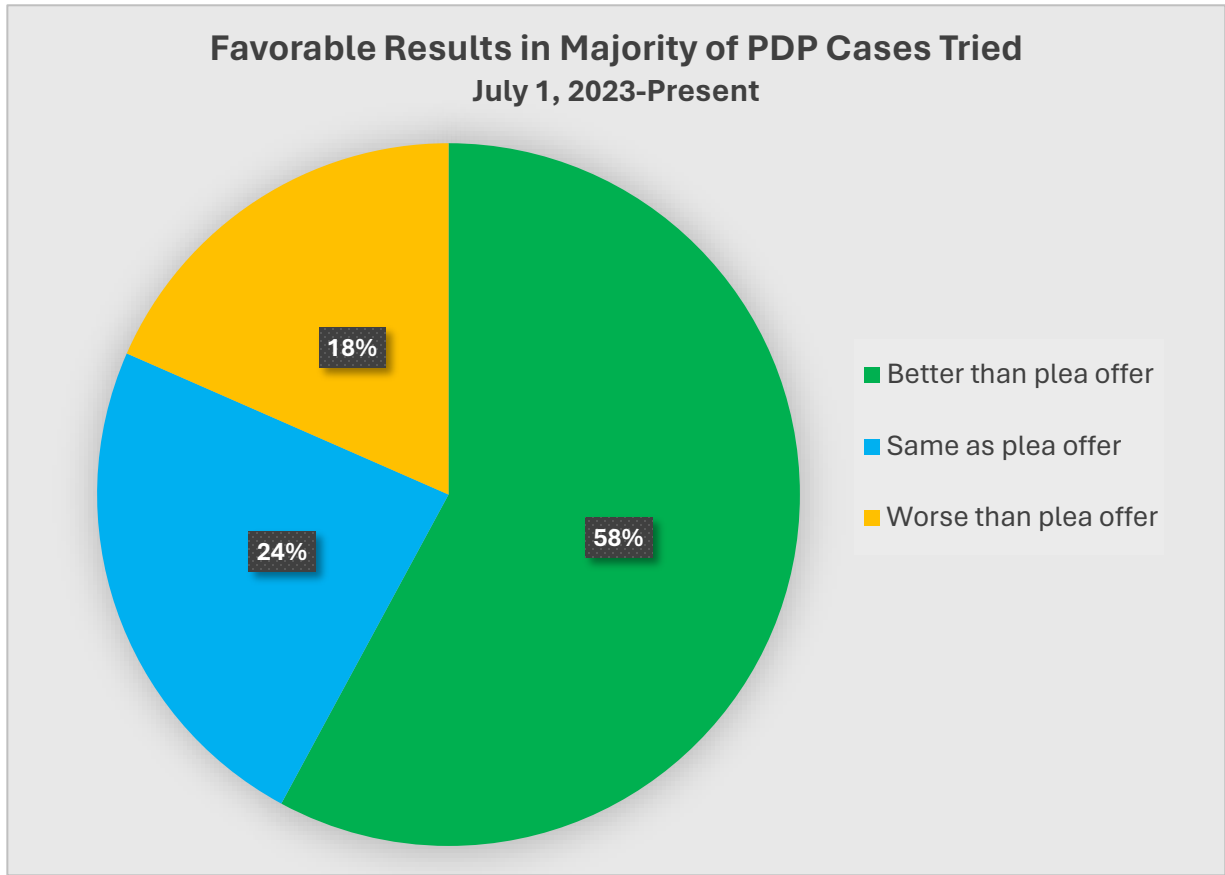
# OVER 20% OF MISDEMEANOR CASES DISMISSED



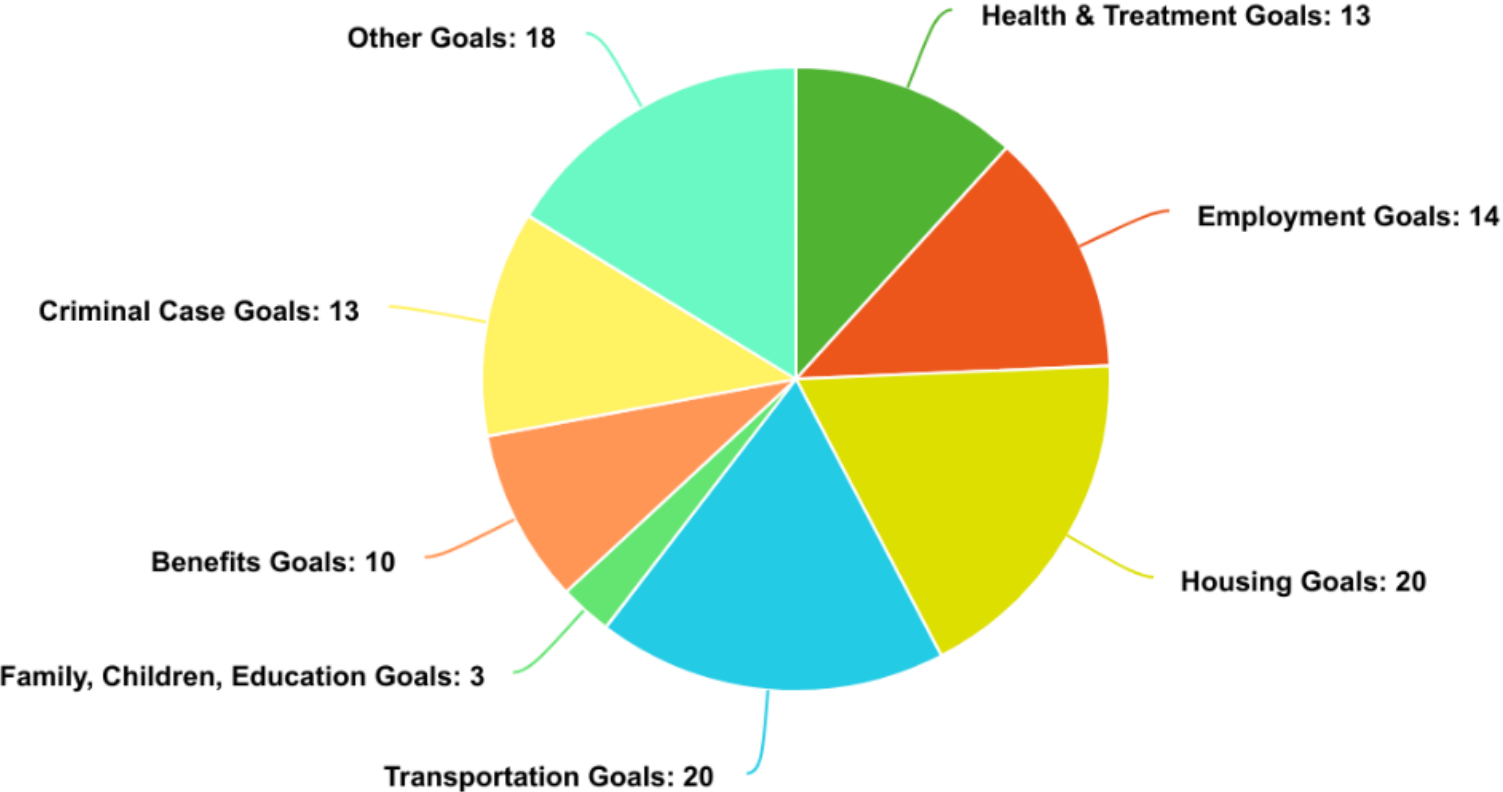


# Trial Results

## Winning in court



# HELPING CLIENTS SET GOALS



# Systemic Litigation

## Leading the State in Challenging Bail



### California Supreme Court:

- what evidence a court can rely upon when setting bail,
- what "affordable" means and when can a judge hold someone without bail on a non-capital case
  - In re Harris, S272632. (A162891; 71 Cal.App.5th 1085; **San Mateo County Superior Court**; 21NF002568A.)
  - In re Kowalczyk, S277910. (A162977; 85 Cal.App.5th 667; **San Mateo County Superior Court**; 21SF003700A.)

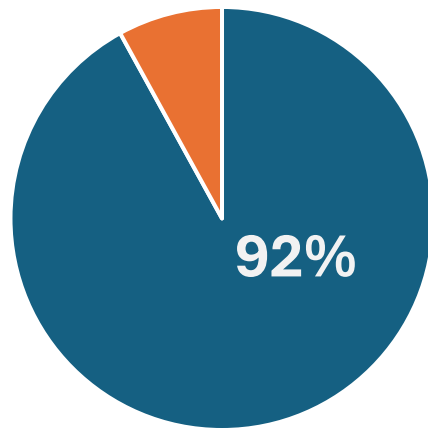


## **Overview of the Holistic Model of Indigent Defense Services:**

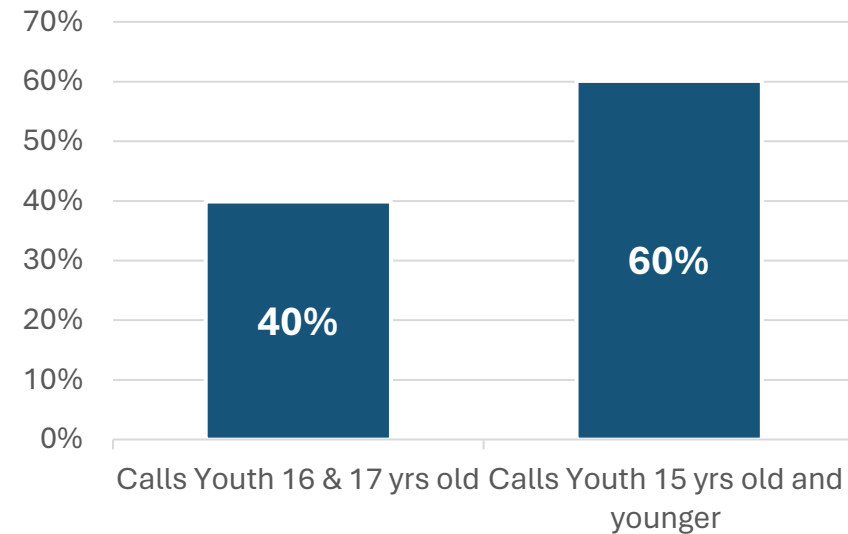
-  Early representation
-  Special Advocate for Youth
-  Social Workers
-  Education Law Advocacy

# Attorney Consultations Prior to Custodial Interrogation July 1, 2023 - January 31, 2024

**92% of Calls from Arresting Agencies Resulted In Miranda Consultation**



**Distribution of Youth Age Groups**



*99% of Youth who had a Miranda consultation  
Invoked their right to remain silent*

# Doing our Part to Disrupt the School to Prison Pipeline Through Early Advocacy

**75%** of cases were interviewed by PDP Special Advocate within **24 hours** of detention



## Advocacy Prior to the Filing of Petition (1/1/24-2/22/24)


Created 21 safety/release plans identified and connected detained youth to 10 community-based organizations (CBOs) provide them with services upon their release from YSC

Coordinated reenrollment plans in schools

Provided educational law advocacy for 6 youth through our collaboration with Youth Education Law Project at Stanford

# NO TRANSFERS OF YOUTH TO CRIMINAL COURT SINCE THE PASSAGE OF PROP 57


Prop 57 was passed on Nov 8, 2016, ending the DA's ability to direct file in criminal court.



Since then, the DA petitioned the court in 8 cases seeking transfer to criminal court.



In the 6 cases that were adjudicated cases, 100% of the petitions to transfer were denied.



2 cases are currently pending.



# Thank you