

Board directs staff to form public defender position

May 29, 2023



The Board of Supervisors appears poised to open an office for a fully staffed public defender. Supervisors directed administration to develop an office of the county public defender, establishing a classification for the county public defender as part of the recommended 2023/24 budget using a managed assigned counsel (MAC) structure.

The board also directed county counsel to prepare an ordinance to amend the county code, to account for developing the office for county public defender and appointing a county public defender, as requested by the county administrative officer. The motion was made by Supervisor Valerie Starkey and seconded by Supervisor Chris Howard.

The motion passed on a 4-1 vote. Supervisor Dean Wilson dissented.

The genesis of discussion for a fully-staffed Del Norte office of public defender comes from a not so rosy report from the state office of the public defender which cited the high incarceration rate of indigent Del Norte clients needing legal defense. The report was conducted last October and made public to supervisors March 14. The state recommended supervisors adopt its own public defender's office.

Wilson disputed the state analysis of Del Norte indigent legal defense services and cited his opposition on purely financial grounds. The 5th District supervisor pointed out current costs spread over four assigned public defenders needed to be bolstered with an additional counsel. Wilson supported appointing a fifth public defender, a contract for investigative services and a centralized case management system, with a total projected cost of approximately \$833,000. Wilson foresees dark economic times on the horizon and expressed his concern this was not the time to increase the budget during this precarious local economy.

Public defender Elly Hoopes emphasized the need to make more resources available to public defenders and the centralized coordination of public defense services. The three other contracted public defenders concurred. The quad of defenders expressed support for enhancement of related services including investigators and social workers.

Supervisor Joey Borges expressed concern over the costs needed to open an office for public defender but after meeting with the contracted defense attorneys, supported the need to consider other options.

Two other options for an ordinance were presented to supervisors:

- Managed assigned counsel (MAC) would include an assigned public defender appointed by the board, one legal secretary, four additional public defenders, a centralized case management system and a contract for investigative services available to the public defenders. The projected cost for the MAC option was just shy of \$1,068,000.
- An enhanced MAC structure recommended by the state would include the appointed chief public defender, an assistant public defender, a behavioral health program coordinator, a legal secretary, three public defender attorney contracts, a centralized case management system, and a contract for investigative services projected to cost approximately \$1,231,000, annually.

All costs would come from the County discretionary general fund.

The MAC options could make the newly-created office eligible through several indigent defense program grant opportunities.

Any grant funding assistance would mandate the maintenance of an official public defender office.

Staff will prepare the three options over the next few weeks for board consideration.