

Good morning, Chairman Elias, members of the board, Mr. Huckleberry. My name is Dean Brault. I am the new Director of Public Defense Services. I've been in this position for two months now. Before this job, I was the Pima County Legal Defender for over 2 years. I read somewhere that I'm supposed to talk about the PDS budget and things that impact it, so that's what I will actually do.

With the PDS budget, I've got good news and bad news. The bad news is that the PDS budget is going up. The good news is that it is increasing by only \$45,395 or 0.14%. That increase was caused by adjustments made by other departments and are out of PDS's control. The Internal Service Fund for Information Technology accounted for all of the additions to our budget but this was offset slightly by adjustments regarding benefits and motor pool. Everything else regarding PDS's budget is good news.

Public Defense Service's budget is essentially unchanged from last year. You may have noticed a decrease of over two million dollars in PDS's budget. This is due to the proposed move of the Public Fiduciary to Public Health and Welfare, which I will address later when talking about the Public Fiduciary. This abnormality aside, the PDS budget and has been relatively stable over the last few years. PDS is projected to come in under budget yet again this year.

This is especially good news given that felony cases have been steadily increasing. I checked the court records and in 2017, there were over 5,800 cases filed. I've never seen a CR number in the 58 hundreds in my career until last December. Over the last 6 years, felony cases have trended upward at a rate of 3.4%. 2016 was a remarkable year that saw a 12.4% increase from the prior year. Over the last 6 years, the County Attorney indicts about 170 additional cases every year. Those statistics only address the number of criminal cases. Cases often have multiple co-defendants. We count cases by the number of people represented.

Over the last 3 years, 11 quarters to be precise, total arrests have trended from just over 2,000 per quarter to just under 3,000 per quarter. The number of people getting indicted during this period trended from about 1,500 to just over 2,000 per quarter. That is another 2,000 people per year that are getting indicted. At the average cost per case for the last seven years of court appointed counsel, that's an additional 5 million dollars. Using the average PD and LD cost per case that's an additional 3 million dollars. Despite this recent trend in case counts, PDS has kept expenses stable.

Arrests and indictments are not under our control. Those are controlled by law enforcement and the County Attorneys Office. The County Attorney's dismissal rate has trended slightly higher, but remains relatively stable at about 37%.

Except in the rare case where a private attorney is retained very quickly, everyone is appointed an attorney from somewhere in PDS soon after their arrest. We provide attorneys to insure that everyone has access to counsel as is mandated by our Constitutions. Attorneys from the Public Defender, Legal Defender, and Legal Advocate represent clients at initial appearances to advocate for the least restrictive, and consequently least expensive, conditions of release. Within 48 hours, an attorney will visit with clients who are held in the jail. From start to finish in every case, PDS attorneys fight to defend their clients.

Despite the rising number of criminal cases, Public Defense Services has been able to handle more cases with the same amount of money. We are not doing this by cutting corners. Pima County provides the quality representation to which every client is entitled. PDS has been capable of staying under budget, despite the increasing number of criminal cases, by finding efficiencies.

The biggest driver of cost savings is bringing attorneys in-house. The creation of the Office of Children's Counsel, the Dependency unit at the Public Defender's Office, the Legal Advocate's Office, and the Dependency unit of the Legal Defender's Office have all helped shift the assignment away from the Office of Court Appointed Counsel to in-house lawyers, who have been proven to be more cost effective. Quality supervisors are attracting quality attorneys to work in-house, who are getting excellent guidance and oversight, which leads to high quality representation.

This year the Office of Court Appointed Counsel for Fiscal Year 18/19 is being budgeted for 1.2 million dollars less. That is a 14% decrease. While we cannot terribly accurately predict the future, and OCAC has to absorb any overflow of cases, the increased capacity created by the Legal Advocate will result in cost savings. If case counts level off, those savings will come out of the OCAC budget. My department will continue to strive to keep the number of OCAC cases as small as possible.

The PD, LD, and LA has consistently taken as many cases as they can while still maintaining quality representation. When the number of cases exceeds the ability to provide quality representation, withdrawals are mandatory. All 3 offices take as many cases as possible and work very well together to distribute the cases they cannot take. All three offices are also good at assessing the complexity of each case and when possible, retaining the cases that are likely to require more resources, while diverting the less expensive cases to contract attorneys.

I'm going to talk briefly about each of my departments. Given that I was the Pima County Legal Defender until recently, the LD will always be number one, at least with me. Several factors within the LDO have impacted our budget.

First, Lori Lefferts initiated a dependency unit that I helped develop. This was modeled on the successes of OCC and PD dependency unit that brought attorneys in-house to handle dependencies. As of now, 4 of the 5 attorney positions have been filled with high quality lawyers. The LD dependency unit is small, but there will be room for expansion following

construction of a new building that is a separate part of the budget for capital improvements. The LD dependency unit was funded by transferring funds from the OCAC budget to the LDO. This is another example of our mission to efficiently provide high quality representation.

When I was the Legal Defender, we went paperless. Not only did this save money and help the environment, but it also resulted in an increase in efficiency for both staff and attorneys. Being paperless increased organization, decreased processing time, and allowed better communication between attorneys and support staff. In some cases consenting clients receive all their information via email. We are always looking for more efficient processes. We are looking to expand disclosure to jail tablets in future. Unlike the County Attorney's Office, all PDS departments use a computerized case management system that not only maintains basic case information, but also electronically stores all records, calendars all events, tracks the payment of expenses, and generates reports.

While I was the Legal Defender I transitioned away from using legal secretaries. Instead of being assigned both a legal secretary and a paralegal, each attorney got only a paralegal that handled everything for a smaller number of attorneys. This change resulted in less duplication of effort and eliminated all conflicts regarding the division of labor. This efficiency resulted in a 25% reduction in support staff at the LDO when LDO went from 8 to 6 by attrition. Increased efficiency has also resulted in increasing level of service. Paralegals have more time to help investigate matters, do research, and dive deeper into the analysis of disclosure and not just process it.

One example came with one of my last cases I handled as the Legal Defender. That case had over 1,200 recorded jail phone calls, most of them from the defendant to the alleged victim who continued to take the calls and talk about the case. This provided volumes of exculpatory material. Staff at the LDO were able to listen to this material and compile summaries that were largely responsible for the favorable disposition of the case. All of this was done without neglecting the needs of other clients and without overtime.

Next, is the Public Defender. The Public Defender's Office lost many resources with the creation of the Legal Advocate's Office given that all 5 of the attorneys and 3 of 4 the staff members came from the PD. Although it took time to find quality replacements, the PD returned to being fully staffed. The Public Defender's Office is following the Legal Defender in transitioning to using paralegals for all staff needs. They also made the transition to being paperless August of 2017.

The PD dependency and delinquency units are now under common supervision. They too are limited by the size of their building, but will be able to expand as well when the new building is constructed in a few years.

One thing that is not impacting the PD's budget is their Free Legal Clinic. It will aid clients in matters like restoring their civil rights, setting aside the judgment of guilt, and other post-conviction matters. They will also provide referrals to other legal services. It will be held once a week and staffed with an attorney from the PD, LD or LA. It will use existing space and staff at no additional expense to the county.

The newly created Legal Advocate's Office is helping divert cases that go to contract attorneys. Its 5 attorneys are focusing on retaining more serious cases, which tend to be more expensive. The Legal Advocate will be trading places with the Office of Court Appointed Counsel in order to more efficiently use space and to accommodate the future creation of a misdemeanor unit at the Legal Advocate. That unit will handle cases out of the Justice Court. How the misdemeanor unit will evolve depends on how efforts to consolidate Tucson City Court with Justice Court develop.

The Legal Advocate tested a new process involving the county's print shop to automate some routine correspondence. After some kinks were identified and worked out, the project spread to the Legal Defender's Office. This pilot project will soon expand to the Public Defender as well. This new procedure automatically generates routine correspondence and sends it to the print shop where it is automatically printed, packaged and mailed. We plan on gradually expanding the use of this procedure to include virtually all correspondence, which is a large part of support staff's duties.

While criminal justice accounts for the vast majority of PDS's budget, there are three smaller departments that are also responsible for protecting clients. PDS includes the Office of Children's counsel, the Public Fiduciary, and the Office of the Mental Health Defender.

The Office of Children's counsel exists to represent children in dependency cases. In every dependency case, the government, through the Attorney General's Office, attempts to take the parent's rights to their children. Everyone involved in the process, including the children, is entitled to an attorney. Most children are represented by the OCC.

The Office of Children's Counsel will be making the transition to being paperless soon. As part of that process I intend to encourage the Attorney General's Office to start electronically disclosing all material, including Department of Child Safety materials, which would create efficiencies for all of the involved parties.

Shortly before I became the Director at Public Defense Services, Mr. Huckelberry directed that the Public Fiduciary's Office immediately be transferred to Public Health and Welfare. After meeting with Dr. Garcia and discussing all the issues with the Public Fiduciary's Office, we recommended to Mr. Huckelberry that this move be delayed for 6 months pending assessment of how well PDS was addressing their needs and issues. Mr. Huckleberry agreed. We anticipate that the Public Fiduciary will remain with PDS and therefore are requesting that their budget be moved back under PDS in the adopted budget. Some of the reasons for PDS keeping the Public Fiduciary's Office included the fact that Public Health and Welfare did not

have staff dedicated to providing administrative support to the Public Fiduciary and would need to hire additional staff. PDS has experience providing administrative support and already does so with existing staff.

This year PDS will do Business Process Mapping with the Public Fiduciary. This was successfully used by staff that became part of PDS to find efficiencies within the PD and LD. One of those strategies led to adopting a paperless system. Doing this analysis will help us better understand the day to day functions of the office and to identify and implement efficiencies.

In the meantime, I am working with the Public Fiduciary on several projects. The first is to educate me, which is no small task. I'm being regularly briefed on how guardianships, conservatorships, and public burials and cremations work, what the challenges are for each, and what the limits are of each of these programs.

I am also working with the Public Fiduciary to investigate potential solutions for high utilizers of the jail while working with other partners in the criminal justice system. We are also working with hospitals to improve the process regarding obtaining long-term care for potential wards.

The Mental Health Defender represents people who are involved with the involuntary civil commitment procedures under Title 36. They also defend individuals in Title 14 proceedings when guardianship is contested.

Because it is a very small department, and the workflow can be erratic, the Mental Health Defender volunteers to serve as guardians ad litem for the juvenile court when case counts are low.

There are many unknown factors that could impact PDS's budget. Crime rates may vary. Law enforcement policies and priorities can change, for the better or for the worse. Given recent plans to start deflecting some drug users to treatment instead of funneling them into the criminal justice system, I'm cautiously optimistic that things will get better. When prosecutors decide to make a homicide cases go capital it require an immense amount of resources. Current expenses on capital cases that are pending prove that such cases are exceptionally expensive. Cases involving juvenile sentences of life without parole or its equivalent that are being litigated because of a Supreme Court case are another cost driver.

As a Public Defender, I know that we have to take the good with the bad. As the Director of Public Defense Services, I will be ready to make sure that everyone that needs a lawyer gets one. Our services are constitutionally required and we will be ready to provide them. I just hope, as always, that we are needed less rather than more. Regardless, I am confident that we will be able to efficiently provide our services and I will continue to search for improvements. Thank you.

Do you have any questions?