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December 26, 2006

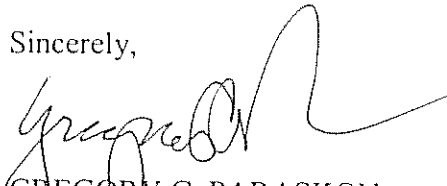
Michael Brown, CEO
County of Santa Barbara
105 East Anapamu Street, Room 406
Santa Barbara, CA 93101

Dear Mr. Brown:

Enclosed please find the 10 year Space Utilization Study you requested for the Public Defender's Santa Barbara Office Space. I want to acknowledge County Architect, Robert Ooley, for his work in preparing this Study. If you have any questions, or would like further information, please contact me at any time.

Thank you for your interest and assistance in this matter.

Sincerely,



GREGORY C. PARASKOU
Acting Public Defender

GCP:nmr

cc: Jim Laponis
Bob Nisbet
Ken Masuda
Richard Morgantini

RECEIVED

DEC 27 2006

COUNTY OF SANTA BARBARA
GENERAL SERVICES DEPARTMENT

Office of the County Architect
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Santa Barbara, CA. 93101

Law Offices of the Public Defender



County of Santa Barbara

Defending the indigent of Santa Barbara County

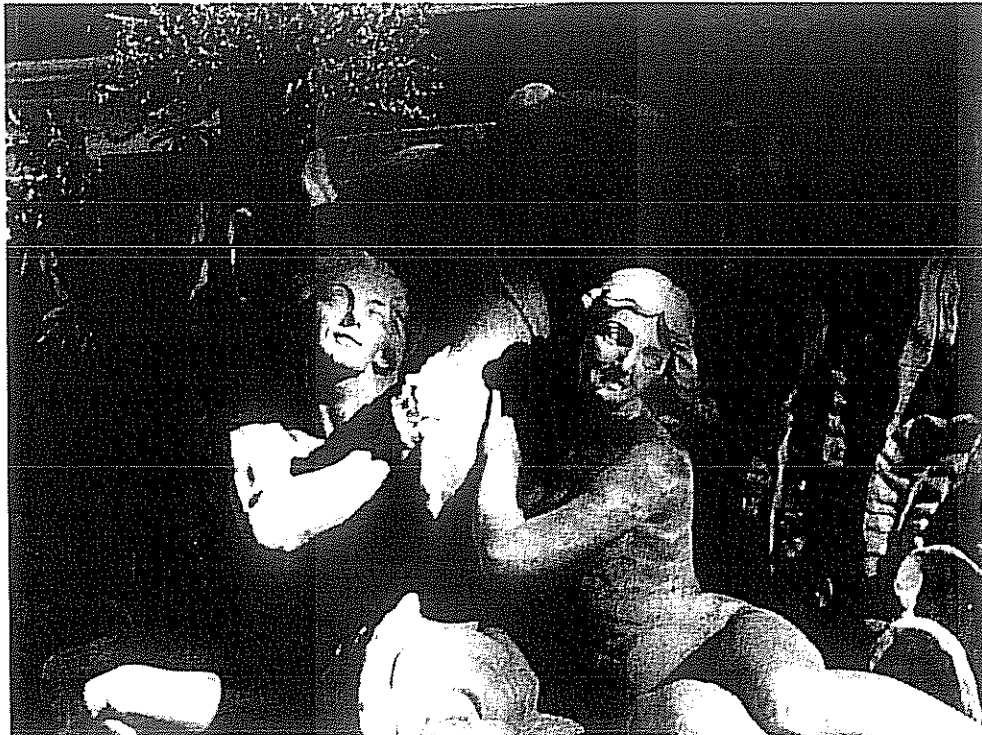
Space Utilization Study

A Ten-Year Study

December 2006

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Executive Summary

The roots of our Nation's public defender programs lie in the fertile soil of the Declaration of Independence, the Constitution, and the Bill of Rights. The office of the Public Defender exists to provide legal services to those persons who qualify for assistance. Lawyers, investigators, and secretaries and other support staff are employed to accomplish this goal.

Although the Public Defender is a law office, our primary duty is to each individual client, not to "defendants" as a perceived class. We are ethically obligated to provide effective and zealous advocacy on behalf of each client. In doing so we must comply with the rules of professional conduct as well as statutory and case law. It is also our responsibility to provide these services in the most economical and effective manner possible.

The Santa Barbara Public Defenders Office was created in 1969 at about the time that many other Public Defender Offices were created nationally. This was in response to the United States Supreme Court decision in *Gideon v. Wainwright* 372 U.S. 335 (1963). In *Gideon* it was held that anyone facing the potential for significant incarceration if convicted of a criminal charge has the right to a free lawyer should they not be able to hire one for themselves. While this idea was not new to California, the publicity of the case created a dramatic increase in the number of defendants asking for lawyers and counties around the state and across the nation rushed to make use of long-standing laws allowing the creation of Public Defender offices.

Santa Barbara County Public Defender is housed in four buildings. The main office is located in Santa Barbara with additional major satellites in Santa Maria and Lompoc. There are also Public Defenders working in two juvenile facilities, one in Santa Maria and one in Goleta.

This Study seeks to provide responses and support material to five research questions.

1. *To what extent has the Public Defender's space been upgraded? Of the four locations, which have received upgrades, remodels, expansions, or improvements?*
2. *What is the general client demographic and how does that demographic drive the departments caseload? How is this different in the two regions, south and north?*
3. *Why expand in South County when the North county population is growing at a faster rate than south?*
4. *What are the office space options to the Public Defender?*
5. *What is the ratio of attorney to support staff?*

Research Questions

1. *To what extent has the Public Defender's space been upgraded? Of the locations, which have received upgrades, remodels, expansions, or improvements?*

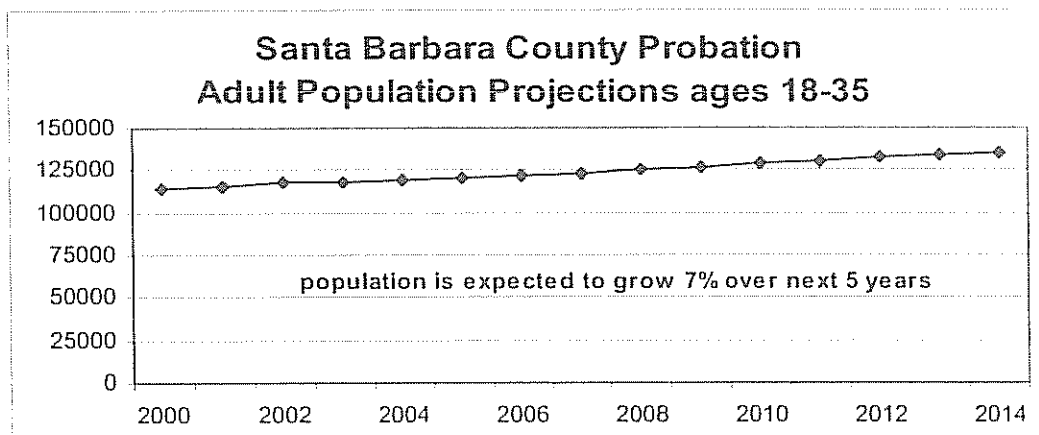
All of the offices in North County have been built or upgraded within the past six years. The main office in Santa Maria was remodeled in Fiscal Year (FY) 03-04, gaining the use of a new wing and

additional eight (8) offices at a cost of approximately \$450,000. At that time, the three Deputy Public Defenders representing juveniles were located in the main building. A new juvenile facility in Santa Maria was finished in FY 04-05. The three Deputy Public Defenders and a Legal Secretary moved into the new facility, freeing up offices in the main office and acquiring four (4) new offices, two (2) new work stations and a small conference room. In FY 99-00 the Lompoc Public Defender office space was remodeled. At that location there are three Deputy Public Defenders and one full-time and one part-time Legal Secretary. The office has five (5) offices, two (2) work stations, a video conferencing station, and conference room. The Public Defender's offices in the Santa Barbara Courthouse have not been remodeled since the move in of 1969. The Santa Barbara Courthouse is a National Historic Landmark which presents certain challenges for remodeling and upgrading projects.

2. What is the general client demographic and how does that demographic drive the departments caseload? How is this different in the two regions, south and north?

South County demographics are dramatically affected by the high price of real estate. According to the 2006 UCSB Economic Forecast, Santa Barbara has always been the home to migrating retirees, however this trend has increased with baby boomers retiring earlier with amassed wealth, driving the price of housing up, and creating demand for unskilled labor. This group is living one or two people to a house replacing families, which is one of the reasons the south has seen slower population growth. The middle class has been priced out of the housing market and are leaving the area. According to the Forecast, South County has experienced a decline in people ages 35-50. South County is increasingly comprised of the older wealthy and low income high density residents. The 2006 UCSB Economic Forecast claims that "Once these people crowd into homes, you get the same outcomes that seem to always result from high density living. Crime rates are the canary in the mine shaft". It goes on to say that the bimodal population in the south of wealthy to low income is likely to result in social problems and rising crime.

According to the Santa Barbara County Probation Department Strategic Plan 2004-09, the population ages 18-35 is expected to grow 7% over the next five years and continue to grow. The report further identifies this group as a crime prone age group.



This population makes up much of the Public Defender's client base. Influencing the growth trends are the numerous colleges and specialty schools in the county, most of which are located in South. The UCSB Economic Forecast states that "students and other young people choose to live here even if under employed (making \$15,000 or less)". Additionally many of these schools continue to increase their programs



and enrollment figures. The University of California at Santa Barbara (UCSB) and Santa Barbara City College anticipate a 10.6% increase in enrollment from 2002 to 2016.

College Enrollment Figures

	Year	UCSB	City College	Total
1	2002	20,037	16,515	36,552
2	2003	20,227	16,844	37,071
3	2004	20,423	17,123	37,546
4	2005	20,371	17,406	37,777
5	2006	20,600	18,195	38,795
6	2007	20,621	18,377	38,998
7	2008	20,641	18,561	39,202
8	2009	20,662	18,746	39,408
9	2010	20,683	18,934	39,616
10	2011	20,703	19,123	39,826
11	2012	20,724	19,314	40,038
12	2013	20,745	19,508	40,252
13	2014	20,765	19,703	40,468
14	2015	20,786	19,900	40,686
15	2016	20,807	20,099	40,906

Table 1: College Enrollment

In addition, the year round mild weather in South County is perfect for an indigent, chronically homeless, or at risk for homelessness population to live comfortably. Santa Barbara County Alcohol, Drug and Mental Health authored an *Overview of the 10-Year Plan to End Chronic Homeless throughout Santa Barbara County* citing that “most of these individuals have serious mental illnesses...many have severe substance addiction issues which can mask symptoms of mental illness further complicating treatment...”. These individuals are highly likely to come in contact with the law and become clients of the Public Defender’s office. According to the *County of Santa Barbara HOME Consortium, 1995 Consolidate Plan*, the number of homeless in Santa Barbara County has been on the rise since the early 1990s with a dramatic increase of 2,000 people identified from 1993 to 1995. According to the *2005 Homeless Population Survey* conducted by the County of Santa Barbara’s Affordable Housing Program, 2005 was a record year with 4,058 people receiving County health and/or social services or services from local non-profits. Of these individuals and families, 71.7% or 2,911 do not have any housing. Again, most of the people suffer from mental illness, many compensate with drugs and alcohol making them likely to be incarcerated. Further impact on current and future caseloads is the rapidly increasing effect of methamphetamine use in Santa Barbara County.

North County demographics are made up of primarily low and middle-income households. Due to the availability of land for development and an increase construction activity, housing prices have been affordable. The construction industry, along with growing retail and service sectors, have produced a strong low and middle-income jobs base. North County is also business friendly and an increasingly more desirable place to locate business due to its affordable housing. The three offices serving the area have a similar client base as the south but are affected by different factors such as rapid population growth, migrant farm workers, the federal prison, and the Chumash Casino Resort.

3. Why expand in South County when the North county population is growing at a faster rate than the south?

While it is expected that North County will grow faster than South County, both populations will grow. The *2000 Space Study* delivered to the Board of Supervisors stated that the current need of the Public Defender in the south was 4,545sf. The staff has been cramped since that time, and in 2005 acquired 2,027sf (GS) from another agency in the Courthouse Annex and anticipate an additional 408sf (HCD) in October, 2006. These areas require remodeling in order to utilize them. The building has enough space to house the Public Defender if remodeled. The Annex has a lot of space currently unusable that if reconfigured, could be made into additional offices.

In addition to the need for space, there are staff safety, security and access issues. Currently client reception is on the third floor of the main courthouse wing. The public is able to enter the building on the first floor of the Annex Wing, with access to all offices and passage ways. Many of the Public Defender clients suffer from mental illness, alcohol and/or drug additions and can be violent. One goal of the remodel is to increase employee safety by moving the reception and lobby functions to the ground floor, thereby allowing the remaining floors to become secure. Secondly, the offices of the Public Defender occupy all four floors of the Annex. At this time, only the first floor is accessible by individuals with disabilities and lacks a conference room or restroom. Passage in and out of the building to most of the building is by a maze of stairs. Each day Attorneys, Legal Secretaries and Investigators load up carts of case files and haul them up and down the stairs. Often they are heavy and difficult to manage. It is not uncommon for staff to have accidents resulting from these transport activities to and from court. The addition of an elevator will increase accessibility and safety.

4. What are the office space options to the Public Defender?

a. *Remain in the existing Space.*

There is a strong nexus to the function of the Public Defender and the Courts. Remaining in the Courthouse Complex is the best solution. In order to increase the effectiveness of the operation, moral of staff, and efficiency of the building, as discussed below, remodeling is the best approach.

b. *Relocation to new Space in another county-owned building.*

Given the nexus of the function of the Public Defender to the Courts, use of another county-owned building would need to be located within close proximity of the court complex. There are seven such buildings—all currently over occupied. A tangent question is whether an occupant of one of these other structures could effective swap space with the Public Defender. While this is technically possible, the practicality of this approach would require the remodeling of both locations. It is highly likely that the same challenges facing the Public Defender in the courthouse now would be the same for another department should a space swap be undertaken.

c. *Constructed or Buy a new building located near the courts.*

This approach is the most expensive of the all possibilities. The cost of land in downtown Santa Barbara can be as high as \$200 a square foot for a vacant parcel. There are few, if any, vacant parcels. The value of a property already containing a structure is approximately \$400 a square foot. Given the fact that the Public Defender requires a floor area of

approximately 16,000 square feet, not counting the area required to house the case load files. This area requires a site of about 36% larger, or 22,000 square feet. A vacant site of 22,000 feet could cost somewhere around 4 million dollars. An existing building of 16,000 square feet would cost about 6 million dollars. Either way, this is a very expensive option.

5. What is the ratio of attorney to support staff?

While a straightforward ratio of lead professional to support professionals is not always an accurate method to predict future office space needs, it is never the less a useful tool to determine in general what future needs may exist. The ratio of Attorney to support professional in the Public Defenders Office currently is as follows: for every attorney there will be a requirement of 1/3 legal secretary and 1/3 investigator. Additionally, support spaces, like: copier room, supply storage of 3.75 sf and record storage increases of 2 sf per new case assigned.

<u>Classification</u>	<u>Percent</u>	<u>Area Standard</u>	<u>Required Area</u>
Attorney	1.00	Station 5: 180 sf	180 sf
Legal Secretary	0.30	Station 2: 75	25 sf
Investigator	0.30	Station 3: 99	33 sf
Support Rooms	0.15	Average: 25	3.75 sf
Record Storage	1.00	2 sf per case file	2 sf
		Total/Attorney	243.75 sf

Table 2: Area Requirements per Attorney

Introduction

In order to address the office space demands of the department, understanding how the office functions will provide the basis for projecting the needs of current staff and the need for future staff. Using the space guidelines from the *2006-2011 Space Utilization Studies* and the department staff count by job classification will generate the required staff space. Based upon the staff area required and using a similar process of calculation, an amount of area can be calculated for the support space needed by those staff. Once the relationship of total staff area is determined, a ratio can help to project future staffing needs. At some point, a “space driver” can be identified. Initially it is believed that this space driver is the attorney staff. That is to say, as the caseload increases, additional attorneys will be required. For a certain amount of attorney staff there is a certain amount of support staff, support space and technical resources required. Identifying that ratio will then allow a “rubber banding” of the space projections for a number of *What-If* scenarios.

Determining the number of attorney staff is an exercise of art, more than science. That is to say that the Public Defenders workload is in reaction to the number of arrests of people unable to afford their own counsel, made by the Sheriff or other law enforcement agencies, the number of cases prosecuted by the

District Attorney, and the number of clients that violate the terms of their probation. What typically drives law enforcement agencies to conduct arrests is the concentration of economically challenged families. The greater the economic challenges, the greater the possibility that an individual in that population group is to commit an offense that results in an arrest and prosecution. Therefore, the department is not in control of the resulting caseload.

Background

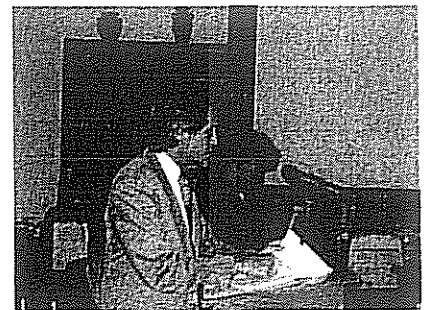
Public Defender (South County) caseloads (see Table 2) have gradually risen over the years. According to the *2006 Santa Barbara Jail Study (page 1, introduction)*, recent influences on defense cases are the strengthening of sentencing laws (including the Three Strikes law), the rising population, the rising number of serious crimes, and the increasing time to process them. An additional influence is the increase in sales and use of methamphetamine drugs. Adult felony and misdemeanor cases are summarized as follows:

SOUTH COUNTY					
Case Type	FY 02-03	FY 03-04	FY 04-05	FY 05-06	EST 06-07
Adult Felony & PV	1,671	1,787	1,955	2,000	2,548
Adult Misdemeanor & PV	7,583	8,854	9,622	8,559	8,440
Juvenile Felony	49	71	55	77	64
Juvenile Misdemeanor	386	456	384	319	256
Juvenile Probation Violation	236	238	188	232	232
Total	9,925	11,406	12,204	11,187	11,540

Table 3: Case Load

Therapy Court Cases, Public Defender

The University of California at Los Angeles conducted an evaluation of the Therapy Courts, in particular Proposition 36 Substance Abuse cases, and found that treatment, law-enforcement and drug-policy experts all agree that nonviolent drug offenders (including some alcohol related cases) are more effectively and less expensively dealt with when they are diverted to treatment rather than incarceration. The therapy courts successfully reduce recidivism, keep families intact, enhance public safety, and improve the lives of the offenders. These programs also provide relief to an overburdened jail system.



Abstinence is monitored by frequent alcohol and/or drug testing. The Public Defender and client go before the Judge on a monthly or more regular basis to monitor and gauge treatment effectiveness. Programs generally last from twelve months to eighteen months which significantly impact the workload as well as the appearances in court. The Public Defenders Office has two Social Service Practitioners on staff (one in Santa Maria and one in Santa Barbara) who assist the mentally ill with getting their medications in jail (reducing the probability of acting out resulting in harming themselves or others), researching treatment

programs and sending program information to in-custody clients, transporting clients to program interviews and placements, and assisting the Attorneys in court. Overall, these programs have been so successful that in Santa Barbara, the courts added an extra court calendar day in FY 05-06 to review the cases which increases the workload of the office. The staff is roughly balanced between North County and South County.

Summary Space Projections

There are currently forty-four employees working in the Santa Barbara office. Of these, seven also have a workstation or office in the Santa Maria facility and work in both locations. No additional investigators, social workers, paralegals, data entry clerks, or secretaries were hired to support them. By the year 2016, we anticipate adding the staff required to adequately support the office of the Public Defender.

PUBLIC DEFENDER STAFF WORK STATIONS, TEN YEAR PLAN

SANTA BARBARA OFFICE

	<u>Current</u>	<u>Future</u>	<u>Total</u>
Public Defender	1	0	1
Executive Secretary	1	0	1
Assistant Public Defender	1	0	1
Chief Investigator	1	0	1
Business Manager	1	0	1
Department Analyst-Program	1	0	1
Accounting Assistant Sr.	1	0	1
Computer Specialist	1	0	1
Attorneys	16	3	19
Paralegal	1	0	1
Investigators	3	1	4
Assistant Investigator	2	0	2
Social Services Practitioner	1	1	2
Social Services Aide	0	1	1
Supervising Legal Secretary	1	0	1
Legal Secretaries	5	2	7
Interpreter	0.75	0.25	1
Reception- Office Asst II	1	0	1
Data Entry Clerk	1	1	2
Student Volunteers	2	2	4
Total Offices and Work Stations:	41.75	11.25	53

Conclusions

While the North County is expected to grow at a faster rate than South County, the case load for the Public Defender is not entirely driven by population. Rather, it is driven in large part by certain population groups, i.e. the poor, the unemployed, the mentally ill, and those in the 18-35 year group, as well as unpredictable developments such as the recent explosion of the methamphetamine use in the County. Additionally, the Public Defender has a minimal amount of control over their caseload. It is directly related to the number of arrests by law enforcement and the number of cases filed by the District Attorneys Office. However, as the economy weakens and unemployment rises, the number of indigent defendants applying for representation increases.

As new cases are added, additional office space is also required. As we saw in Table 1, the ratio of attorney to support requirements results in growth of office space. Without the addition of more floor area to accommodate the office needs, a more efficient floor layout or a newer building is required to meet the need. Given the fact that the Public Defender is almost entirely dependant upon the General Fund, there does not appear be an independent source of revenue to fund a new building for the Public Defender. Remodeling existing space seems to be the only viable alternative. Maximizing the floor area of the existing office wing is therefore a priority, to meet current needs.

In addition to maximizing the current Annex building, it is believed that additional space can be created in the Annex to meet long-term growth needs, even beyond the next ten-years. To that end, the insertion of the 5th floor is an important step to take now. Doing so while the 4th floor is under renovation will be much easier and more cost effective. Once inserted, the new floor need not be finished at this time.