



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Defender  
**Department No.:** 023  
**For Agenda Of:** 08/22/2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5

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**TO:** Board of Supervisors  
**FROM:** Department Tracy M. Macuga, Public Defender 805-568-3494  
Director(s) *TM* *M* *MA*  
Contact Info: Deepak Budwani, Chief Financial & Administrative Officer  
805-568-3589  
**SUBJECT: Allocation of Additional Legal Office Professional Supervisory Positions to the Public Defender, funded by Proposition 172 Funding**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence: Human Resources, CEO Budget**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- A. Adopt a Resolution (Attachment A) amending the Salary Resolution to allocate two (2) additional full-time (2.0 FTE) position to the Office of the Public Defender, effective August 21, 2023; and
- B. Approve Budget Revision Request No. 0009250 (Attachment B) to increase appropriations of \$270,100 in General County Programs General Fund for Intrafund Expenditure Transfers funded by release of Unassigned Fund Balance, and increase appropriations of \$270,000 in the Public Defender General Fund for Salary & Benefits (\$260,100) and Services and Supplies (\$10,000), funded by Intergovernmental Revenue – State Proposition 172 funds; and

- C. Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA guidelines.

**Summary Text:**

During the FY23-24 June Budget Hearings your Board approved a set-aside of \$271,100 to fund support staff supervisor positions within the Public Defender's office (PD). The BOS requested the County Executive Office (CEO) to meet with the PD to determine the best use of the funds to create a support staff supervisory structure that would allow the PD to meet their needs. In September 2023, KPMG performed an operational review of the PD and recommended that certain management tasks be delegated in order to provide better efficiency in the Department's organizational structure. As a result, the above actions are being requested to establish two FTE support staff supervisor positions through the attached salary resolution amendment and Budget Revision Request.

To comply with the State Bar California Rules of Professional Conduct and implement the KPMG recommendations the PD's organizational infrastructure needs to be strengthened. Two FTE support staff supervisory positions are needed to handle certain duties and responsibilities in regards to supervising support staff. The two additional positions will assist the workload to be distributed based on best practices while providing support for the daily needs of support staff. This will allow an opportunity to create a pipeline of support, growth and development for the PD's Legal Office Professionals, who are critical to the Department's success.

**Background:**

The PD must have the resources and staffing levels to meet the requirements of providing effective representation. The National Association of Public Defense (NAPD) [Policy on Active Supervision of the Representation of Clients](#), the State Bar of [California Rule of Professional Conduct 5.1 thru 5.7](#) and the [American Bar Association Model Rule 5.1](#) outline the PD's ethical and constitutional obligations regarding supervisors. All of the standards support having adequate support to provide legal representation. Proactive supervision is essential in public defense systems.

Without adequate support to assist OPD staff members, there will be significant delays in PD's client cases, and inaccuracy of client and case information will negatively impacting client representation and the needs of the community. The impact to the PD also has a domino effect for other County stakeholders by hampering efforts to safely reduce the jail population, and creating costly inefficiencies in the criminal legal system. The Legal Office Professional (LOP) job classification is the main group of employees who enter data into PD systems. Lack of proper training and/or support of LOPs will lead to data entry errors which in turn impacts the ability to produce the timely and accurate data reporting capacity. All of these are Board priorities that could be negatively impacted due to a lack of supervisory staffing at the PD.

Creating these two FTE support staff supervisory positions will allow for active supervision to help support staff to ensure clients receive quality representation. Supervisors will work with support staff to set expectations, conduct performance coaching (that is, the mutual process of

creating performance criteria, making implicit expectations explicit, providing ongoing feedback, and conducting regular performance reviews), observe employee performance, conduct file reviews, delegate staff reporting, and conduct staff meetings.

By delegating certain supervisory duties and responsibilities to these two positions, PD can take the first step towards a structured and tiered approach in providing adequate supervision for support staff. The Program/Business Leader-General (LOP Support Manager) will report to the Chief Financial and Administrative Officer (CFAO) and will have six direct reports as well as indirectly overseeing 29 LOPs at varying levels. One of the primary roles of this position will be to balance the work flow and workload throughout the PD, while ensuring consistency of processes and practices across the Department. These duties will include drafting standard operating procedures (SOPs) as necessary and, in conjunction with the CFAO, creating policies as required to ensure the PD is providing required services for our clients. With this position and other mid-level managers, the PD will be able to better prepare a generation of County leaders.

The LOP Expert will be a full-time supervisory position that will handle specific complex or high-profile cases. Having a supervisor available daily to answer questions is critical to the Department's success and is consistent with the structure of the other legal departments. This position will have ten direct reports comprised mainly of LOP Senior positions.

**Performance Measures:**

Ongoing Proposition 172 funding was set aside by the BOS during FY 2023-24 budget development so that the CEO could evaluate other priority funding needs and partner with PD to determine the best support staff supervisory structure. These efforts resulted in this recommendation for release of funding for these two positions. PD developed performance metrics for the two staff positions as identified below and will work to build in the data to have it available to track, effective January 1, 2024.

<b>(1) Goal:</b>	Complete Department Support Staff Employee Performance Reviews (EPRs) by the due date.
Objectives	<i>A.</i> Annual EPRs completed for all support staff by due date. <i>B.</i> For newly hired LOP employees, quarterly EPR check-ins to be completed by due date.

<b>(2) Goal:</b>	Create LOP Standard Operating Procedures (SOP) manual
Objectives	<i>A.</i> SOPs that cover opening/closing all case types. <i>B.</i> SOPs that cover updating all case types. <i>C.</i> SOPs that cover all discovery processing instructions.

	<p><i>D.</i> SOPs that covers instruction on processing documents received physically and electronically and how to process and digitize to electronic record management system.</p> <p><i>E.</i> Overall 60+ SOPs to be created.</p>
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<b>(3) Goal:</b>	Increase knowledge, development, skillset and performance of LOPs
Objectives	<p><i>A.</i> Time spent training support staff to be tracked.</p> <p><i>B.</i> Time spent by supervisors attending trainings to be tracked.</p> <p><i>C.</i> Time spent meeting with support staff to be tracked.</p> <p><i>D.</i> Trainings attended by support staff to be tracked.</p> <p><i>E.</i> Annual support staff survey focused on staff knowledge and needs conducted.</p>

<b>(4) Goal:</b>	Improve client services by reducing data entry errors in content management system.
Objectives	<p><i>A.</i> Improve accuracy of client demographic information in eDefender with a goal of at least 90% accuracy.</p> <p><i>B.</i> Improve accuracy of case dispositions in eDefender with a goal of at least 90% accuracy of case closures within 30 days from last hearing.</p> <p><i>C.</i> Improve accuracy of case assignments in eDefender with a goal of at least 95% accuracy.</p> <p><i>D.</i> Improve accuracy of custody, client contact information, and judge assignments in eDefender with a goal of at least 95% accuracy.</p> <p><i>E.</i> Case assignments sent to supervisors for conflict check analysis within 48 hours of receiving the task, with an accuracy of at least 95%.</p> <p><i>F.</i> Parties added from discovery for all initial and supplemental requests, with an accuracy of at least 95%.</p>

<b>(5) Goal:</b>	Create workload dashboard that tracks LOP metrics.
Objectives	<p><i>A.</i> Tasks tracked by attorney requesting, broken down by location and type of request.</p> <p><i>B.</i> Tasks tracked by LOP completing tasks, broken down by type of request.</p> <p><i>C.</i> Client and cases tracked by LOP function group (i.e. trial LOP, arraignment LOP, specialty court LOP).</p> <p><i>D.</i> Time tracked by bilingual Spanish speaking support staff interpreting and translating documents.</p>

**Fiscal and Facilities Impacts:**

Budgeted: No; recommend approval of BJE 0009250 attached.

**Fiscal Analysis:**

	<b>FY 2023-24</b>
	<b><u>Ongoing</u></b>
<b>Costs by Object Level</b>	
Salaries & Benefits	\$260,100
Services & Supplies	\$10,000
Total Estimated Cost	\$270,100

The Public Defender is requesting to add two Legal Office Professional supervisors: one (1.0) FTE Program/Business Leader-General (Legal Support Manager) and one (1.0 FTE) Legal Office Professional Expert (LOP Supervisor), at a total cost of approximately \$310,000. Most of the funding for the positions will come from the \$270,100 set-aside, with the balance of the \$39,900 funded through ongoing salary savings. We will conduct a Departmental promotional recruitment and will fill the resulting vacancies at the base step of the positions creating the salary savings achieved through this reorganization.

**Staffing Impacts:**

**Legal Positions:**  
Add 2 new

**FTEs:**  
Add 2.0

Two new legal positions will be established as a result of this Board action: one (1) 1.0 FTE Program/Business Leader-General and one (1) 1.0 FTE Legal Office Professional Expert.

**Special Instructions:**

Please return one (1) Minute Order to Deepak Budwani at [dbudwani@countyofsb.org](mailto:dbudwani@countyofsb.org).

Please also email one (1) copy of the minute order and one (1) copy of the fully executed Salary Resolution to Tracy Rogers, Workforce Planning Analyst, Human Resources Department at [trogers@countyofsb.org](mailto:trogers@countyofsb.org).

**Attachments:**

Attachment A: Salary Resolution

Attachment B: Budget Revision Request No. 0009250

**Authored By:**

D. Budwani, Chief Financial and Administrative Officer, Public Defender’s Office