



Office of the Public Defender
City and County of San Francisco

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San Francisco Public Defender's Office – Fact Sheet 2009

Constitutionally mandated services. The Sixth Amendment to the U.S. Constitution and the California Constitution guarantee that a poor person accused of a crime has the right to a competent and effective attorney. The Public Defender is responsible for providing legal representation to over 28,000 people each year who are charged with crimes in San Francisco.

Public defenders protect constitutional rights. The Bill of Rights, incorporated into the U.S. Constitution in 1789, grants specific constitutional rights to all U.S. residents. These rights include the Fourth Amendment guarantee against illegal searches and seizures and the Sixth Amendment right to a jury trial. Public defenders ensure that these rights are respected and that every accused person receives a fair trial.

Effective legal representation. People who are represented by public defenders are entitled to competent and effective representation. This means that every case must be independently investigated, all necessary witnesses must be located and interviewed, all legal motions must be filed and settlement negotiations must be fully explored. If the client elects to contest the charges, the public defender must represent the client throughout the trial. Incompetent representation of a client violates the attorney's duty of professional responsibility and subjects the county to civil liability.

Most cost-efficient means. The Public Defender's Office is the most efficient way to provide legal representation to 28,000 each year. The office's 93 attorneys and 70 support staff – comprised of investigators, paralegals and clerical workers – specialize in criminal law, share resources and are held to professional standards of accountability. Public defenders earn less than private attorneys and are not paid by the hour. Most public defenders work between 50 and 70 hours per week and, unlike police or firefighters, do not receive overtime.

Consequences of \$1.9 million budget cut. A \$1.9 million cut to the office's \$23 million budget would require the Public Defender's Office to lay off 12-15 attorneys and outsource as many as 6,000 cases.

Increased demand. Due to the poor economy, there is a great demand for public defender services because fewer are able to afford the cost of hiring a private lawyer.

Budgetary cuts threaten quality of representation. Due to an increase in felony and serious cases, the Public Defender's Office staff already works beyond capacity. A loss of 12-15 attorney positions due to budget cuts would make it impossible to provide competent representation to the public. The office does not control the number of cases that are assigned to it, so the only alternative is to refer cases to private lawyers. The Public Defender's Office has already cut five positions from its budget and its attorneys already handle high caseloads. Felony attorneys handle between 60 and 70 cases at a time, including an average of two murder cases each. Misdemeanor attorneys handle between 130 and 140 cases at a time. This is two to three times the number of cases a private attorney would handle.

Save tax dollars. An adequately funded public defender office saves taxpayer money by ensuring that costly trial delays and increased incarceration costs that occur when public defenders are overworked are avoided.

People of color more likely to rely on public defense. According to the National Council on Crime and Delinquency, African Americans are 4.7 times as likely to have a public defender, and Hispanics are 2.1 times as likely to have a public defender, as compared to their Caucasian counterparts. Thus, people of color will be disproportionately affected by budget cuts to the Public Defender's Office.

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