

NEVADA COUNTY PUBLIC DEFENDER

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: February 28, 2023

TO: Board of Supervisors

FROM: Keri Klein, Public Defender

SUBJECT: Resolution proclaiming March 18, 2023 as Public Defense Day in Nevada County.

RECOMMENDATION: Approve the attached Resolution.

FUNDING: None

BACKGROUND: On March 18, 2023, people across the United States will join together to recognize the challenging work that Public Defenders do within the criminal legal system. National Public Defense Day, marked annually on March 18, denotes the anniversary of the 1963 U.S. Supreme Court decision called *Gideon v. Wainwright*. Clarence Gideon, a Florida drifter who represented himself because he couldn't afford a lawyer, was convicted on a felony breaking-and-entering charge and had a subsequent petition denied by the Florida Supreme Court. After considering Gideon's hand-written petition, the U.S. Supreme Court agreed that the state had to provide defense counsel for an indigent client as assured by the Sixth Amendment. Gideon was retried with a public defender and acquitted. This year, we celebrate and acknowledge the 60th Anniversary of this seminal US Supreme Court decision.

The Gideon anniversary reminds all residents that if American society is to remain a democracy, everyone should participate in protecting justice, no matter who they are, where they came from and whether they can afford it or not.

Public Defenders are the embodiment of the 6th Amendment to the United States Constitution. Every day they toil in the criminal courts to assure that their clients' rights are protected as well as to assure that the humanity of someone brought into the criminal system is recognized. They represent individuals who are often forgotten or underserved throughout systems in our communities.

Across the nation, Public Defenders represent approximately 80% of the people who find

themselves charged with crimes. That means that the vast majority of people brought to court on criminal charges are indigent.

In 2022, the Nevada County Public Defender's Office was appointed on 1,773 criminal cases. Each felony attorney represented clients in approximately 163 cases per year, carrying open caseloads of approximately 98 cases at one time. Each misdemeanor attorney represented clients in approximately 400 cases per year, carrying open caseloads of approximately 168 cases at one time. However, we do not do this challenging work with just the 9 full time and 1 part time attorneys. In addition, the office has a Legal Office Assistant, two Senior Legal Secretaries and one Law Office Supervisor.

Over time, the work of Public Defenders has changed. Technology, science and statistics have all fundamentally changed the job. We are dealing with body worn camera evidence, DNA, firearms evidence, and other areas of forensic science that have made workloads skyrocket. In addition, studies have recognized that getting people out of the criminal legal system needs more than just an attorney who is well versed in criminal law. It also requires a client-centered, holistic approach where all of the client's challenges can be addressed. Those may include, but are not limited to, housing, mental health treatment, family law assistance, substance use disorder treatment, as well as helping clients access resources to meet their basic needs.

Because of the breadth of the challenges clients face to getting out of the criminal legal system, the Nevada County Public Defender's Office recognizes the work of those who assist us. Those include Behavioral Health. Behavioral Health has embedded a personal services coordinator in the Public Defender's office to help our clients access basic necessities as well as treatment and housing. The Nevada County Law Library has been an excellent resource for clients seeking resources to access the family law system. The Housing Department has been busy making no and low-income housing available within our community which has assisted clients who have long had unstable housing. Social Services has made access to the social safety net easy for clients upon their release from jail. In addition, we recognize the help that our local organizations like Hospitality House, Spirit Peer Empowerment Center, Common Goals and Granite Wellness play in helping us help our clients.

Being a Public Defender is a constant challenge. On March 18, 2023, we recognize the hard work that everyone who works in the field of indigent defense performs every day.

Therefore, we request the Board of Supervisors adopts the attached Resolution proclaiming March 18, 2023 as Public Defense Day in Nevada County

Item initiated by and Approved by: Keri Klein, Public Defender