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[CLICK HERE FOR THE CHIEF EXECUTIVE OFFICER'S DRAFT SCOPE DATED MAY 16, 2016](#)

[CLICK HERE FOR THE CHIEF EXECUTIVE OFFICER'S REPORT DATED JUNE 22, 2016](#)



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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SACHI A. HAMAI
Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

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Second District

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Third District

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MICHAEL D. ANTONOVICH
Fifth District

May 16, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

DRAFT SCOPE OF WORK FOR THE JUVENILE INDIGENT DEFENSE CONSULTANT (ITEM NO. 11, AGENDA OF APRIL 5, 2016)

On April 5, 2016, the Board approved a motion directing the Chief Executive Officer (CEO) to retain an independent consultant with expertise in Juvenile Indigent Defense systems and program evaluation to analyze the current structure and provide recommendations and/or solutions to improve the Juvenile Indigent Defense System in the County of Los Angeles. The consultant is to work in collaboration with the CEO and County Counsel.

Attached for your review is the draft scope of work completed with the assistance of County Counsel and representatives from the Board Offices.

Should you or your staff have any questions, please contact Sheila Williams, Public Safety, at (213) 974-1155.

SAH:JJ:SK
SW:cc

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller

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STATEMENT OF WORK

LOS ANGELES COUNTY JUVENILE INDIGENT DEFENSE SYSTEM CONSULTING SERVICES

I. BACKGROUND

On April 5, 2016, the Los Angeles County (County) Board of Supervisors (Board) approved a motion directing the Chief Executive Officer to retain an independent Consultant with expertise in juvenile indigent defense systems and program evaluations to analyze the current structure and provide recommendations and/or solutions to improve the juvenile indigent defense system in the County. The Consultant is to work in collaboration with the Chief Executive Office (CEO) and the Office of the County Counsel (County Counsel).

Pursuant to California Government Code Section 27706 and Section 23 of its Charter, the County is required to provide public defender services, and does so through both the Office of Public Defender (PD) and the Office of Alternate Public Defender (APD). From time to time, both the PD and APD are unable to represent accused persons who are otherwise eligible for such representation due to a conflict of interest or other lawful unavailability. Counties and courts are encouraged by California Penal Code Section 987.2 and otherwise to establish cost efficient plans for the appointment of legal representation in such cases.

Currently, the Los Angeles County Bar Association (LACBA) administers the Indigent Criminal Defense Appointments (ICDA) Program for the legal representation of adult indigent criminal defendants in the County when the PD or APD declares a conflict of interest or are otherwise unavailable. Contract panel attorneys located at each juvenile courthouse in the County provide the legal representation of juvenile indigent criminal defendants in the County when the PD or APD declares a conflict of interest or are otherwise unavailable.

II. OBJECTIVES

The Consultant shall review the final report and written analysis prepared by the Warren Institute on Law and Social Policy at UC Berkeley School of Law on the County's juvenile indigent defense system and, after further analysis based on the directives of the motion and this scope of work, make recommendations around various solutions to improve the system to ensure that indigent youth are provided adequate legal representation. The Consultant's final analysis and recommendations shall include restructuring the juvenile indigent defense system and a determination as to the best model for providing legal representation to indigent juveniles; the associated costs of each model; and how the recommended model impacts the delivery of and access to quality legal representation. The analysis should highlight any promising, holistic approaches and innovative practices within other jurisdictions (within the state or beyond) and offer recommendations to improve areas where challenges are identified.

III. SCOPE OF WORK

The Consultant shall work independently; though will collaborate with CEO and County Counsel to review the final report and written analysis prepared by the Warren Institute on Law and Social Policy at UC Berkeley School of Law on the County's juvenile indigent defense system and analyze and make recommendations to improve the system. Such recommendations shall be transmitted to the Board by County Counsel under the attorney-client privilege.

The consultant shall evaluate and prepare a report with recommendations that are inclusive, thorough, and comprehensive in the evaluation of the County's juvenile indigent defense system, including a review of a range of ideas, not limited to the options listed in the Board's motion.

The Consultant shall perform the following:

A. Administration and Oversight of the Juvenile Panel Attorney Contracts

- Analyze and make recommendations as to the terms and conditions of future contracts with juvenile indigent defense panel attorneys in areas that include, but are not limited to, elimination of the flat fee rate for juvenile delinquency cases (looking at options like an hourly rate model or other compensation models for juvenile indigent defense panel attorneys, including the administration costs to utilize the LACBA ICDA Program), meaningful access to appropriate experts, and increased focus on broad, continuing, and accessible education and training on juvenile law, including post-disposition advocacy.
- Evaluate and prepare a report with recommendations as to the feasibility, including the benefits and disadvantages, of the LACBA ICDA Program providing administration and oversight of juvenile indigent defense panel attorneys when the PD and APD declare a conflict of interest or are otherwise unavailable.

B. Options for Restructuring

1. Merger of the Alternate Public Defender and Public Defender's Offices

- Evaluate and prepare a report with recommendations analyzing the feasibility, including the benefits and disadvantages, of merging the APD and the PD into a new Consolidated Indigent Defense Public Defender's Office with the former APD's structure designated as the conflicts division of this newly consolidated Office (similar to the model utilized by San Diego County).
- Prepare a report, in conjunction with the CEO, analyzing the budgetary impacts of consolidating APD and PD organizational structure including cost savings and/or cost avoidance in areas that include, but are not limited to, administration, staffing, training, information technology, and a single, unified comprehensive case management system. The report shall also include an evaluation of all current case management projects by either the PD or APD that are in the development stages.

2. Expanding the Alternate Public Defender's Office Representation of Juvenile Delinquency Cases

- Evaluate and prepare a report with recommendations analyzing the feasibility, including the benefits and disadvantages, and/or cost savings/cost avoidance of maintaining the status quo of separate PD and APD offices and increasing the staff of the current APD to include the representation of juvenile delinquency cases in which there is a declared conflict of interest by the PD.

3. Any other best practice models for restructuring

- In an effort to be thorough, inclusive and comprehensive, if applicable, include an analysis and recommendations on any other best practice solutions in restructuring and improving juvenile indigent defense in Los Angeles County, including their feasibility, potential benefits and cost savings / cost avoidance.

C. Final Analysis and Recommendation of a Juvenile Indigent Defense Model

- Provide a finalized written analysis of the County's juvenile indigent defense system that includes recommendations to the Board **within 90 days** of the execution of this agreement on the most appropriate juvenile indigent defense model for the County, as well as the impact on juvenile clients and existing staff. This will also include standards of operation for ongoing evaluation and quality assurance, as described in part one of section D below.
- The final report shall also include an analysis of each model considered as to whether it can realistically provide a holistic, client-centered advocacy approach in juvenile delinquency cases. Holistic representation is defined as, but not limited to, addressing the current needs of a client, be it educational, mentally, physically, etc. After, or in the course of primarily addressing the constitutional rights and zealously representing a youth in their defense, an attorney under California Rule of Court 5.663 must advocate for a child's care, treatment and guidance within the four corners of delinquency court.

D. Program Evaluation and Protocols for Quality Assurance

- Develop standards of operation for ongoing evaluation and protocols for quality assurance that ensure holistic legal representation resulting in improved client outcomes across indigent defense model(s) that will be ultimately adopted by the Board, including but not limited to the following:
 - a. Outcomes for youth and adults;
 - b. Quality and scope of holistic legal representation using best practice standards to address areas such as mental illness, substance abuse, homelessness, special education and juvenile post-disposition/adult re-entry advocacy; and
 - c. Analysis of whether adequate resources are committed and utilized by attorneys across indigent defense model(s) to meet these best practice standards.
- No later than one year from the date the Board adopts a juvenile indigent defense model(s), the Consultant shall, in conjunction with the CEO and County Counsel, provide a written indigent defense program evaluation report. This evaluation plan will outline the program goals and objectives as well as criteria and standards against which the County will determine the program's success, accomplishments, and/or limitations or failures. The program evaluation will assess the program's design, activities, outcomes, and effectiveness; whether the stated goals and objectives are being achieved; and examine unintended consequences if any, both positive and negative.

IV. FIELDWORK DELIVERABLES

- a. The Consultant shall schedule an Entrance Conference with the CEO and County Counsel Project Managers (or designees) within 48 hours of the execution of this agreement.
- b. The Consultant shall submit a work plan/schedule to the CEO and County Counsel Project Managers within three business days of the execution of this agreement. The work plan/schedule shall include a timeline that corresponds with the deadlines of this agreement. In addition, the work plan/schedule shall include interviews with the appropriate County stakeholders, such as PD, APD, the Board Offices, etc.
- c. The Consultant shall provide bi-weekly status updates to the CEO and County Counsel Project Managers.
- d. The Consultant shall attend and present status updates at Public Safety Cluster Agenda Review meetings. (Date(s) to be determined).
- e. The CEO and County Counsel shall monitor the status update to ensure successful completion of the services required under this agreement within the work plan/schedule. Each bi-weekly status update provided by the Consultant shall include the following information:
 1. List of accomplishments during the reporting period.
 2. Summary of project status as of reporting date.
 3. Tasks and other work to be completed during the next reporting period.
 4. Description of any issues to be resolved.
- f. The Consultant shall immediately notify the CEO and County Counsel Project Managers of any difficulties encountered that could jeopardize the completion of the services required under the agreement or milestones or deliverables within the agreed upon work plan/schedule.

V. REPORT DELIVERABLES

- a. The Consultant has been retained by County Counsel in anticipation of litigation and in an effort to assess the legal risks associated with the County's juvenile indigent defense system. As such, all reports, including the Consultant's written findings and recommendations, shall be made and directed to County Counsel and shall be privileged attorney work product.
- b. The Consultant shall provide ### copies of the draft report to the County Counsel no later than (DATE).
- c. The Consultant shall provide ### copies of the final report to the County Counsel no later than (DATE). In addition, one electronic copy of the draft report shall be submitted in a Microsoft Word file with no security provisions(via email) to the County Project Manager by the "DRAFT REPORT DUE DATE" shown on the first page of this document.

- d. The Consultant's reports must be submitted in a single-sided format, single-spaced with each page numbered. The cover letter must be on the firm's letterhead, addressed to the County Counsel and signed and dated by the Consultant's Project Administrator with his/her title clearly identified. All reports shall indicate the date the review was completed and included a table of contents.



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June 22, 2016

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From: Sachi A. Hamai
Chief Executive Officer

REPORT BACK ON INCREASE IN JUVENILE EXPENDITURES IN THE PUBLIC DEFENDER'S OFFICE FROM FISCAL YEARS 2013-14 TO 2014-15 (ITEM NO.11, AGENDA OF APRIL 5, 2016)

On April 5, 2016, the Board directed the Chief Executive Officer (CEO) to report back with an explanation as to why the Public Defender's (Department) juvenile costs increased from \$15,800,000 to \$16,800,000 in fiscal year (FY) 2014-15.

Pursuant to California Government Code Section 27706, the County of Los Angeles is required to provide competent legal defense services for eligible indigent minors in juvenile delinquency proceedings in the Los Angeles Superior Courts. Although there has been a decrease in juvenile defense caseload over the past few years, the overall costs related to Juvenile defense have increased as a result of Cost-of-Living Adjustment (COLA) increases that became effective October 1, 2013, and an increase in resources needed to properly represent juvenile clients. Between FY 2013-14 and FY 2014-15, cost increases associated with juvenile defense are directly related to Board-approved COLA as well as an increase in the number of staff assigned to the Department's Juvenile Division.

The Public Defender's level of juvenile practice has continued to increase due to the ongoing involvement with juvenile clients post-disposition. Defense attorney's roles have expanded; and juvenile attorneys are required to serve their client not only during all phases of the delinquency process, but including representation of the juvenile once his/her case has concluded. Defense attorneys are now expected to provide post-disposition representation which ensures the youth receives services ordered by the court, such as educational, medical and psychological; representation at post-disposition meetings; assisting with the sealing or expunging of records; and appealing of cases.

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Each Supervisor
June 22, 2016
Page 2

To help attorneys provide the expanded representation required for juveniles, additional departmental resources are required. Please refer to Attachment I (excerpt from the March 2016 Warren Institute on Law and Social Policy, UC Berkeley School of Law, Report to the Los Angeles County CEO and Auditor-Controller on Juvenile Indigent Defense) for a summary of Juvenile Division Resources utilized by the Department in response to their expanded role as of March 2016.

Juvenile client needs have also increased to the point where the Public Defender has retained a consultant to evaluate the efficacy of the services provided to those with the most intensive psycho-social and educational needs. The goal is to connect the juvenile clients with much needed services to improve their outcomes in areas such as emotional and behavioral health, family functioning, education and delinquency.

In addition, attorneys assigned to the Public Defender's Juvenile Division are thoroughly and continuously working on litigating cases where juveniles are facing life sentences, partly due to the passage of Senate Bill 9 which became effective January 2013. To that end, juvenile attorneys are trained to utilize services such as social workers, educational attorneys, and other experts. It is anticipated that resource assessments will continue to rise, consistent with a recognition, confirmed by statutory and case law, that juveniles should receive the necessary care, treatment, and guidance when becoming involved in the criminal justice system.

Costs related to the Public Defender's juvenile clients may continue to rise as a result of ongoing COLAs and the many resources needed to properly represent this population.

Should you or your staff have any questions, please contact Sheila Williams, Public Safety at (213) 974-1155 or swilliams@ceo.lacounty.gov.

SAH:JJ:SK
SW:VC:cg

Attachment

c: Executive Office, Board of Supervisors
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Public Defender

Part III: Public Defender and Panel Resources

Other than investigators, public defenders and panel attorneys have equal access to court-paid 730 experts/resources, including social workers.

Public Defender Resources

The Juvenile Division of the Office of the Public Defender has 49 deputy public defenders positions spread amongst the nine branch courthouses, a supervising attorney called a Deputy in Charge (DIC) in each branch, and two Head Deputies who oversee all juvenile public defenders in the County. To help its attorneys provide the expanded representation required for juveniles, the Office of the Public Defender has on-staff social workers, resources attorneys, investigators, appellate attorneys, an immigration attorney, and administrative support and paralegals (see Figure 9). These resources are available to all deputy public defenders and DICs. In addition to the trial attorneys and DICs working in the branch courthouses, the Office also has specially assigned staff including one attorney and one paralegal in the DJJ unit in Inglewood, an attorney and social worker in the juvenile mental health court in Eastlake, an attorney in the STAR court in Compton, and three attorneys and a social worker in the SB9 and SB260 units. The roles and responsibilities of the various types of staff members are summarized below.

Figure 9. Summary of Juvenile Division Resources, as of March 2015

- Attorneys: 49
- Social Workers: 13 in courts, 2 supervising
- Resource Attorneys: 7
- Deputies in Charge: 9 at the 9 courthouses plus 1 who is the Collaborative Justice DIC
- Head Deputies: 2
- Appellate Attorneys: 2
- Appellate Immigration Attorney: 1
- Investigators: Roster of public defender investigators, 9 investigators in charge
- Administrative Support: 16 administrative support, 4 paralegals, 1 supervising paralegal
- WIC 730 Evaluators
- WIC 317(e) Education Attorneys
- DJJ Unit: 1 attorney, 1 paralegal
- SB 9 and SB 260 Units: 3 attorneys, 1 social worker