



May 4, 2020

Mendocino County Board of Supervisors  
Sent by Email

Dear Mendocino County Supervisors,

We are writing to express our concern regarding the proposal to consolidate the Public Defender, Alternate Defender and Conflict Defender offices in the FY 2020-21 Budget Workshop Presentation in Item 5d of the Board of Supervisors' Agenda. There is no explanation or detail regarding this item or what the consolidation would entail, but it projects a \$500,000 annual savings. Without details, the public does not have an opportunity to review the recommendation and the Board can't determine if the change is in the best interest of the County.

The Alternate Defender Office (ADO) represents defendants when the Public Defender Office (PDO) declares a conflict of interest. A conflict of interest exists when multiple defendants participate in a single crime and are charged as co-defendants. Only one person in the group of co-defendants should be assigned an attorney from the PDO. The PDO and the ADO are located in separate buildings to avoid any appearance of conflict of interest. Even having support staff work on related cases for both the PDO and ADO can create the appearance of a conflict. When the PDO and ADO both declare a conflict of interest, a conflict attorney is appointed by the court from the Conflicts Attorney List and is paid from the general fund.

Back in 2011, the Grand Jury studied the PDO and ADO. They recommended that the Mendocino County Board of Supervisors maintain the Office of the Public Defender and the Office of the Alternate Defender in separate buildings. The Grand Jury also recommended in cases with multiple defendants having the District Attorney charge defendants separately to save the County money; as fewer defendants will need the private "conflict" attorneys. The biggest cost burden identified in the budget report is from private attorneys being assigned from the Conflicts Attorney List. Following this second recommendation more closely may reduce the need and expense of private attorneys from the Conflicts list.

We recognize that the County is facing uncertain financial challenges because of the unprecedented COVID-19 emergency. The Board will need to make hard decisions about how to balance the County budget going forward. But in these deliberations, we need to make sure that a defendant's right to effective counsel without possible conflicts of interest are maintained.

Sincerely,

Troyle Tognoli, Julie Beardsley, Nick Wharff and Brian Klovski  
Mendocino County Chapter Executive Board, SEIU Local 1021