

1/25/2021

Edcgov.us Mail - Taxpayers Association Comments on 1/26 Item 17

Public Comment #17



LATE DISTRIBUTION

DATE 1/25/21

EDC COB <edc.cob@edcgov.us>

BOS BOARD 1/25/21

Taxpayers Association Comments on 1/26 Item 17

1 message

Andy Nevis <andynevis@gmail.com>

Mon, Jan 25, 2021 at 9:25 AM

To: bosone@edcgov.us, bostwo@edcgov.us, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, bosfive@edcgov.us, Edc Cob <edc.cob@edcgov.us>

Cc: Donald Ashton <don.ashton@edcgov.us>, Kris Payne <krispayne999@gmail.com>, Carol Lewis <cjrL4664@gmail.com>

Good morning supervisors,

Please see attached for the Taxpayer Association's comments and considerations on Item 17, the proposed creation of an Alternate Public Defenders Office. I'd also like to thank CAO Ashton for joining us this morning to brief our members on the item and making himself and staff available to answer questions. We hope the questions in the comments will help with the discussion tomorrow.

Let me know if you have any questions. Thanks.

Andy Nevis
President, Taxpayers Association of El Dorado County.



TPA Alternate PD v2.pdf

134K



TAXPAYERS ASSOCIATION OF EL DORADO COUNTY
Post Office Box 13  Placerville, California 95667
Founded in 1958

DATE: January 25, 2021
TO: El Dorado County Board of Supervisors
FROM: Andy Nevis, President, Taxpayers Association of El Dorado County
RE: Comments on Creation of Alternate Public Defender Office (Item 17)

The Taxpayers Association of El Dorado County has concerns about the proposal to create a new Alternate Public Defender office in county government. This proposal would increase the county's long-term liabilities and decrease the Board's ability to lessen general fund impacts if demand for the office's services decreases in the future.

We do understand that the county has a constitutional obligation to provide a quality defense to defendants who cannot afford an attorney. We also understand that the current system may be struggling to meet this obligation and that improvements are needed. However, we believe any shift from a contract model to a new, permanent office should be done with significant caution as it is unlikely to be reversed.

Before settling on an option that will permanently increase the size of county government, we believe the Board should discuss and carefully consider all alternatives. Specifically, we encourage the Board to seek answers to and consider the following questions in your discussion:

- If the county were to seek a new contract to provide alternate defense services and fix the issues that have been identified in the current arrangement, what would the likely cost? How does this compare to the costs of the new office (including long-term obligations)?
- Are there ways a new contract could be structured to provide better accountability for contract or sub-contract attorneys?
- One advantage of using contract attorneys is that they need not be located in El Dorado County, can set their own work schedule, and do not need to make a long-

term commitment. Would these contractors consider permanent employment with the county? By moving to a permanent employee model, does the county lose access to a pool of qualified defense attorneys?

- Instead of creating an entirely new office, could the county create a new division within the existing Public Defenders Office with a strong ethical firewall? How would the costs compare?
- In the event demand for alternate public defender services declines over time, due to criminal justice reform or otherwise, is there an ability to reduce staffing and associated general fund costs?

If after discussion the Board decides to proceed with creating the new office, we would encourage the creation of specific performance standards to ensure that the new model provides the improvements promised. Additionally, the Board should consider authorizing the office for a limited term, so that changes can be more easily made if the office is not meeting its objectives.