

Office of the Public Defender

COUNTY MANAGER'S
PROPOSED FY 2022 BUDGET

County Board Work Session

Thursday, March 18, 2021,
3:00 p.m.



Our Mission: To protect and defend the rights and dignity of our clients through zealous, compassionate, high-quality legal advocacy

THE LEGAL SYSTEM CAN FORCE OPEN DOORS AND SOMETIMES EVEN KNOCK DOWN WALLS. BUT IT CANNOT BUILD BRIDGES. THAT JOB BELONGS TO YOU AND ME. JUSTICE THURGOOD MARSHALL

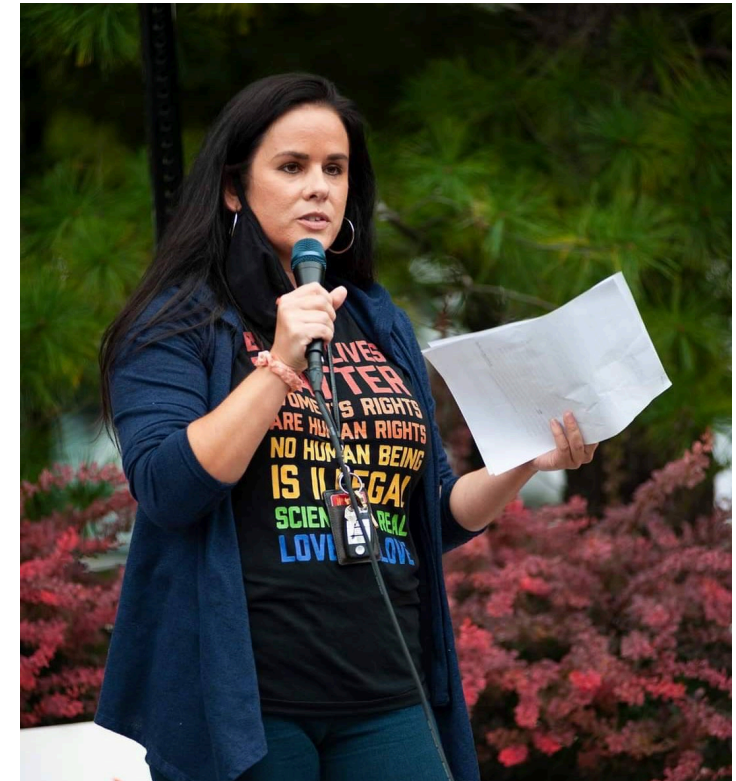


Department Overview

- The Arlington Public Defender has developed a reputation as a model of zealous, client-centered indigent defense practice.
- The office is a statewide leader in holistic defense, institutional advocacy, and community engagement.



ALLISON CARPENTER/POLICE PRACTICES WORK



- The office has been an essential partner in the County's efforts to build a more contemporary, evidence-informed, humane, racially-just and equitable criminal legal system.

FY 2022 Budget Highlights

- **Caseload/staffing levels**: Change to GDC case assignments led to fiscal savings & improved outcomes; more cases has meant more staff, diversity & opportunities for innovation.
- **Pretrial reform & pretrial detention**: Office advocacy led to decreased use of cash bail, consistent next-day judicial bond review, greater reliance on Bond Diversion program, and significant overall reduction in pretrial detention.
- **The Public Defender makes diversion work**: From Drug Court to sequential intercepts, county-funded diversion requires expertise & buy-in from the public defender to operate effectively.
- **Community engagement**: Public defenders play a critical role in County efforts to address racial disparities in the justice system, improve policing, implement restorative practices, and reduce reliance on different forms on incarceration to resolve community problems.
- **Diversity/staff retention**: Additional state-funded staff positions and the County's financial support have allowed the office to hire three BIPOC attorneys this fiscal year and retain several other experienced staff members.

Public Defender in the COVID-19 Pandemic

- Unlike some jurisdictions, Arlington’s criminal courts have been open for business, almost at pre-pandemic levels, since June of 2020.
- As a result, the Arlington Public Defender has represented nearly 2,000 disproportionately high-risk individuals in court proceedings since the beginning of the pandemic, with limited ability to observe public health protocols.
- In the Spring of 2020, the Public Defender partnered with the Lawyers’ Committee for Civil Rights Under Law to file the first COVID-related joint clemency petition for a class of Arlington detainees, and a related motion for reconsideration, in light of the risks of COVID-19 in the correctional setting.
- The pandemic has significantly impacted the Office’s ability to represent clients. In-office client visits & contact visitation at the jail have been prohibited since March 2020. Thorough fact investigation has been nearly impossible. Some detained clients have been waiting 18 months or longer to exercise their right to trial.

Public Defender in the COVID-19 Pandemic

- From March – June 2020, the Indigent Defense Comm’ worked remotely, except one admin & any attorneys who had court hearings.
- Since June, the Office has maintained an increased physical presence, due to the courts resuming a more regular hearing schedule.
- Short-term adjustments were made to reduce the risk of infection to staff/clients
- Long-term adjustments include enhanced capability for remote work and use of cloud storage/virtual case files.

April 28, 2020

Governor Ralph Northam
Kelly Thomasson, Secretary of the Commonwealth
Pardons, Office of the Secretary of the Commonwealth
Post Office Box 2454
Richmond, Virginia 23218-2454

Re: **Request for a Conditional Pardon for Arlington County Detention Facility Low-Level Offenders**

Dear Governor Northam and Secretary of the Commonwealth:

The below-listed petitioners are writing to request for clemency for their convictions and sentences imposed by the Arlington County Circuit Court, in light of the grave danger posed by COVID-19 in the correctional setting. The purpose of this petition is to provide a list of individuals who fit the criteria recently established by the Governor for discretionary release by the Department of Corrections, but who may not be granted timely release due to their being in the custody of the local Sheriff. We have aimed to apply those criteria at the local level, in consultation with the Commonwealth’s Attorney, in order to assist the Governor in channeling his discretion and guiding the exercise of his clemency powers. The individuals included in this petition are incarcerated for misdemeanors, non-violent felonies or probation violations, and most have 18 months or less remaining on their sentences. Specifically, the petitioners ask the Governor to grant them conditional pardons, commuting their sentences such that the unserved portion is suspended and replaced by immediate release followed by 14-day home quarantine. Their names and Arlington County Circuit Court case numbers on which we are seeking relief are as follows:



2019 office “field trip” to the African American History Museum

- Racial justice is inseparable from and often synonymous with our mission.
- In addition to fighting zealously for each client, we embrace a duty to share our unique expertise & front-lines experience to improve institutions & advance the goals of racial justice/equity in the community.
- We are committed to a diverse workplace, understanding that Black voices have long been suppressed in the justice system; our advocacy can only be at its strongest when it gives voice to the perspectives, passion, and lived-experience of those from affected communities.

FY 2022 Budget Summary

	FY 2021 Adopted	FY 2022 Proposed	Change	% Change
Expenses	\$181,239	\$336,310	+\$155,071	85.6%
Revenue	-	-	-	-
Funded FTEs	-	-	-	-

- Increases reflect the addition of funding for a Paralegal position to support the Body Worn Camera Program (\$80,071) and additional salary support for staff to assist in competitive pay with other County agencies (\$75,000).

Key Budget Considerations

- Salary supplements allow the office to attract/retain diverse, talented, and experienced staff, leveling the playing field between the government and those disproportionately affected by the legal system, and between disadvantaged defendants and those of greater means.
- Additional support staff enables greater innovation, superior mitigation practice, and collaboration with DHS/Sheriff/prosecutors on diversion, restorative justice & other initiatives, ultimately lowering social costs and reducing fiscal impact of arrest, prosecution and incarceration.
- With the County's support, the Public Defender can continue to help Arlington make extraordinary strides toward developing a truly contemporary, humane, evidence-informed and equitable legal system.

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