

# Public Defender FY2022 Update

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**Our Crucial Role in Making One Fairfax a Reality**

# Overview – Who are we?

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- Established in 1987
- We defend indigent people charged with jail-eligible criminal offenses committed in Fairfax County
- We protect the constitutional rights of our clients
- One of the only institutions that regularly reviews the work of the police
- We build and support court and community programs
- We are the best criminal defense law firm in Fairfax County

# Current Attorney Staffing

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- 1 Chief
- 1 Deputy
- 4 Senior Assistants
- 8 Assistant (II)
- 7 Assistant (I)

3 New Attorneys approved for late 2021

# Current Non-Attorney Staffing

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- 3 Investigators
- 2 Mitigation Specialists
- 1 Paralegal
- 1 Office Manager
- 6 Administrative Staff

# Workload

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Our 21 Attorneys handle around 7,000 cases per year

- Traffic/Criminal Misdemeanor Cases (46% of cases)
- All Classes of Felonies (41% of cases)
- Juvenile Cases
- Appeals (our cases and direct appointments)
- Next-Day bail hearings in over 90% of our cases
- Probation Violations (misdemeanors and felonies)

Specialty Dockets

Court Committees

# Cost Savings

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## The Public Defender's Office Saves **You** Money

- Reducing costly pretrial detention
- Acquittals and sentencing advocacy reduce post-trial detention
- Economic opportunity/employability for those who avoid conviction or avoid getting a felony record
- Connecting residents with services is cost-effective and reduces recidivism
- Specialty Dockets save money
- Retaining our attorneys and staff is cheaper than hiring new people

# Racial Justice – The Problem

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## Criminal Legal System Disproportionately Ensnarers Black and Brown Residents and Communities

- 44% of our clients are Black (~9% of Fairfax population)
- Over 40% of those jailed in Fairfax are Black
- 50% of Virginians in jail/prison are Black (20% of Virginia population)

## Mass Incarceration's Ongoing Economic and Social Impact

## Poor Communities and Communities of Color Are Overpoliced

## Black and Brown Voices and Experiences Ignored by Police/Courts

# Racial Justice – We Are Part of the Solution

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We fight systemic racism every day

- Constitutional motions to challenge racial profiling/pretext stops
- Advocacy to avoid needless pretrial incarceration
- Fighting systemic bias in plea negotiations and sentencing

We help Latino clients avoid immigration consequences

We build bridges and restore trust, consistent with One Fairfax's mission

- Client-centered advocacy
- Making the system work for people of color
- Letting Black and Brown voices be heard

# Benefits to the System

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## Our Efforts Improve Fairfax's Criminal Legal System

- Provide input and improve court policies
- Reduce recidivism by assisting with re-entry and connection with county resources
- Play an essential role in specialty dockets
- Provide a legal safety net
- Assist with reform efforts
- Work with the defense bar to maintain high standards of practice

# Increasing Funding Needs

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BODY CAMS – 65,000 hours of new footage per year.

- Ethically required to review it, and often to review it 2-3 times
- Cannot delegate review of evidence to non-attorneys
- Body cams just one example of increased data/information in every case

## Specialty Dockets

- Extremely time-intensive
- Expected to expand significantly

Imbalance creates systemic inequalities (workload, recruiting)

# 2022 Budget Request

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Requesting \$820,831 in salary supplements

- Increase of \$350,719 from current amounts
- Includes supplements for 3 new positions and our support staff
- Represents pay equity with the Commonwealth's Attorney

County's proposed 15% supplement for new staff raises concerns

- Creates unequal pay structure within our office
- Inequitable in comparison to other stakeholders
- Fails to acknowledge our role