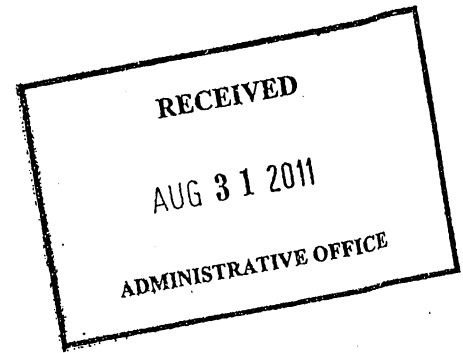


MEMORANDUM

August 30, 2011



To: Board of Supervisors

Fm: Public Defender Oversight Committee

By: Cameron Reeves, Chair

A handwritten signature in black ink, appearing to be "CR" or similar initials, written over the printed name "Cameron Reeves, Chair".

RE: Response to 2010-11 Grand Jury Report on Public Defender Oversight Committee

Our committee briefly discussed the referenced report at its regular July 28, 2011 meeting and requested me to provide a response to the report to your Board to assist you in your official response to the Grand Jury. I will first respond to the facts then the findings and recommendations which would be the primary focus of your response, then summarize the conclusions and opinions of our committee as contained in our proposed minutes of our July 28 meeting and lastly a few of my observations about the report.

Before responding to the facts, corrections to be noted in the Procedure section of the report are: the 2010-11 Government Services Committee of the Grand Jury **did not** attend one of our meetings and interview committee members and never spoke to or interviewed myself or the PD contractor for its report.

Discussion and Facts in report

Lead paragraph – inaccurate statement of those present at our April 2011 meeting (there were **three** volunteer citizens/members of our committee and two grand jury members).

1. The third bullet is false. There was a phone system problem reported to our Committee by Mr. Carter at our July 8, 2010 meeting and I immediately worked with Jim Bauman, then Jail Commander and Mr. Carter working with Jail staff and the problem was corrected (see my memo to your Board of January 20, 2011). This 2010-11 grand jury committee never discussed this subject with either Mr. Carter or myself.

As to a phone number for our committee, I find that the phone book has no phone listing for any advisory committee of your board. The grand jury has been repeatedly advised that our committee can be contacted through your administrative office and it has done so repeatedly.

2. No comment.
3. As stated above, the Grand Jury never spoke to me this 2010-11 year, thus the source of its "was informed" is unknown.
4. No comment other than this statement attempts to minimize the valuable service of the committee member referenced.
5. No comment other than evaluation of in-court performance is best done by the PD contractor and the judge presiding.
6. **Totally and absolutely false.** Over its five plus years of existence, our Committee has received a number of complaints from various sources and looked into them to our satisfaction (see our meeting minutes on file).
7. This statement is characteristic of the entire report in its apparent attempts to malign the work of our committee. It lists the dates of our 4 quarterly meetings in 2010 and labels them "sporadic". We have met quarterly without fail since our existence as specified in our bylaws and unless there were conflicts, we have always met on the last Thursday of the month in each quarter at the same hour.
8. False. Our minutes are of good quality and our Committee agrees.
9. No comment other than our committee is satisfied with the posting location.
10. No comment.
11. **Totally false.** The Administrative Office does not and cannot legally delegate its responsibilities for PD contract compliance to our committee and our committee does not "oversee" the PD program (see: Webster's – oversee means authority to direct and control and our committee can do neither as we only review and recommend as necessary per our charter – your Board resolution establishing our committee).

Findings in report

- F1. False. See above facts.

- F2. False. See above facts. This was never discussed with myself and in total reflects the comments above in that it characteristically attempts to minimize/malign the work of our committee. See my annual reports to your Board on our method of evaluating the program – i.e. I interview (not just “talk”) with the **presiding judge** (not “a judge”), I interview the jail commander, the XO of the Superior Court is an ex-officio member of our committee and provides input, etc.
- F3. No comment other than the label of our review as “circular review” speaks for itself.
- F4. **Absolutely false.** See above facts and comments and our annual reports and meeting minutes.
- F5. False. See above facts and comments.

Recommendations in report

- R1. The avenue exists – administrative office which transmits any request or complaint to the committee through myself and open/public meetings noticed pursuant to the Brown Act.
- R2. Has been done for five plus years without fail.
- R3. Our committee opines that minutes are of good quality and all meetings meet all Brown Act requirements.
- R4. No comment.

Comments/opinions of Committee on report

To summarize our minutes on this subject, the committee unanimously questioned the overall tone of the report, the erroneous facts in the report and the obvious attempt to minimize what our committee does and accomplishes. The committee emphasized concerns about the level of unprofessionalism displayed in the report (the pictorial symbol and lead in words at the beginning), that the report was a waste of time and that it was important to make the presiding judge over the Grand Jury aware of the unprofessionalism and errors in the report.

Final comments/observations on report

During my years as your County Counsel, I was invited for 20 consecutive years to be a speaker and trainer at state-wide Grand Jury seminars around the state and advised local grand juries in San Diego and Lake as well as reviewing their reports for 30 years and I have never seen a more bizarre and unprofessional grand jury report as the subject one being discussed here. Accordingly, I must question the process of review and approval of this report as on its face, it violates several tenets of Grand Jury law (i.e., reliance on the work of the previous grand jury rather than its own, an apparent "fishing expedition" which was disapproved by the courts decades ago and an apparent "axe to grind" of unknown origins which is a conflict of interest to engage in). It seems to me that there was woefully inadequate leadership and supervision as well as training to allow such a report to be published.

In summary, I trust the above responses of our committee assist your Board in developing your official responses to this report. The report is only a minor distraction to the work of our committee as its contents speak for itself. The interesting aspect of this whole matter is that the report has little if anything negative to say about the public defender program itself which should be the concern of the grand jury; thus, one can conclude that the Grand Jury agrees with our committee's repeated assessments that the program is providing exemplary public defender services for Lake County and we appreciate the Board's continued support in this regard. If you have questions of our committee on the contents of this memorandum, the work of the committee or any other matter, please do not hesitate to let us know.

cc: Kelly Cox, CAO
Jennifer Hammond, Sr. Analyst
Stephen Carter, Esq. – LLDS
Committee Members