

SCALES OF JUSTICE OUT OF BALANCE?

HUMBOLDT COUNTY PUBLIC DEFENDER'S OFFICE

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SUMMARY

“A society should be judged not by how it treats its outstanding citizens but by how it treats its criminals.”

Fyodor Dostoyevsky

“The mission of the Public Defender is to provide aggressive, competent, ethical representation to indigent persons facing deprivation of liberty or other civil rights in a cost-effective way.”

Humboldt County Public Defender's Office website¹

Public Defenders protect justice for all by defending the rights and liberty of people who cannot afford an attorney, as guaranteed by the sixth Amendment of the Constitution. The Humboldt County Public Defender's Office (PD), plays a crucial role in the County legal system while facing significant challenges including insufficient funding and staffing, high caseloads, lack of parity with the District Attorney's Office (DA), and an old, poorly maintained office. Staff experience burnout, secondary traumatic stress, and even physical attacks, with limited resources provided to address these issues. Despite these challenges, the Public Defender's Office successfully and competently represents their clients, with few client complaints.

The Humboldt County Public Defender's Office and the Conflict Counsel's Office (CC), collectively, are appointed to represent indigent clients in approximately 82%² of the criminal cases filed by the District Attorney. In addition, the PD handles other judicially appointed cases including appeals, writs, family law contempt, probate and court-ordered mental illness commitment cases. The DA receives far more funding than the PD, even though the total number of cases they each handle is not that dissimilar. The Humboldt County District Attorney's Office's budget for 2024-2025 is 36-41% more than the Public Defender's Office budget.³ PD attorney salaries are significantly lower than in other California counties. PD support staff and investigators' wages are significantly lower than their counterparts in the Humboldt County DA's office.

Public Defender attorneys are sometimes viewed negatively by the public. Massive caseloads, perceived inexperience, and pressure to make a plea deal are all reasons cited for this perception. Plea bargaining is a common practice throughout the judicial system and can be beneficial to a defendant, leading to a lesser charge, a shorter sentence, or probation. In the Humboldt County Public Defender's Office, all but two of the ten Deputy Public Defenders have the highest level of experience. The majority of experienced attorneys in the office have dedicated their lives and entire professional legal career to defending indigent members of our community.

Many defendants report having had horrible childhoods, becoming hooked on drugs, feeling lost, and giving up hope. Many have mental health issues and express that they do want to change and improve their lives. Addiction, homelessness, lack of financial resources, services, employment, or lack of family, friends' or community support, are among the many barriers to making these changes. In an effort to support defendants in breaking this cycle, Humboldt County should take pro-active steps to permanently fund a social worker position in both the Public Defender and Conflict Counsel's offices. The social workers support defendants in locating programs, resources, housing, meeting court obligations and other basic needs. This gives them the opportunity to move into a more secure, healthy and, hopefully, crime-free lifestyle.

Each attorney in the Public Defender and Conflict Counsel's Office is doing the job of at least 2.5 attorneys based on caseload recommendations from the Office of the State Public Defender. This is without taking into account the complexity of the cases, and does not allow for even a single hour of sick leave, vacation, training or administrative tasks.

Even though staff at the Public Defender's Office often work with limited funding, staff, and time, the Public Defender's Office continues to excel in their mission and work diligently to defend the people they represent.

GLOSSARY

ADA	Americans with Disabilities Act
DA	Humboldt County District Attorney's Office
CC	Humboldt County Conflict Counsel's Office
PD	Humboldt County Public Defender's Office

BACKGROUND

The District Attorney is an elected official. The DA receives crime reports from Humboldt County law enforcement. DA staff evaluate the report and determine if there is sufficient evidence to support the filing of criminal charges. If the DA determines there is sufficient evidence, a criminal complaint alleging one or more charges may be filed.

Once a complaint is filed, it goes into the court system. The person accused of committing crime(s) is called the defendant. The defendant is served with the criminal complaint and usually must come to court to have the judge formally announce the charges and to tell the court if they deny the charges (pleading "not guilty"), or admit the charges (pleading "guilty").

The judge will ask the defendant if they can afford a lawyer. If they say they cannot, and they meet the financial eligibility requirements to have an attorney appointed at the county's expense, the court will appoint the Humboldt County Public Defender's Office to represent them in the criminal case. Because employing a private attorney is so costly, more than just indigent people qualify for Public Defender services; in fact, the PD represents approximately 80% of the county residents charged with committing a crime.⁴

Attorneys generally cannot represent a client if they have a conflict. An example of a conflict might be if they already represent a witness or the alleged victim in another case or represent someone with an opposing interest. The PD has an obligation to inform the court if it determines it has a conflict with a new appointment. In that case, the PD will ask to be relieved and the court will then appoint Conflict Counsel. Conflict Counsel's Office is a subdivision of the Public Defender's Office, but has its own separate office, separate staff and manages its cases independent of the PD. It is a County office, just as the PD is. Together, the two offices represent the primary indigent public defense services provided by the County.

In the court proceedings, the DA will represent the interests of the people of Humboldt County in the fair and just enforcement of criminal laws in the County. The PD or CC is entrusted to provide a full and fair defense so that justice will be served and only the guilty are convicted.

In addition to felony, misdemeanor, misdemeanor appeals, and juvenile cases, the PD's office also does writs, petitions for sentence modifications, expungements, probate, family law contempt cases, Riese Hearings (to determine mental capacity to consent or refuse medical treatment), and conservatorships.

METHODOLOGY

The Grand Jury conducted extensive interviews of county employees engaged directly in the Humboldt County criminal court system. The Grand Jury conducted a site visit of the Public Defender, Conflict Counsel, and the District Attorney's offices, and we observed criminal court proceedings. The Grand Jury reviewed relevant laws, and court minutes. We conducted research on comparative wages, budgets, staffing, caseloads, and other studies. We reviewed Board of Supervisor records, Judicial Council resources, and Office of the State Public Defender resources.

DISCUSSION

Good Staff Need Support

Workplace circumstances contribute to how effective employees will be at their job - whatever the job is. Employees need:

- a decent, clean, healthy, safe, and adequate workplace;
- adequate compensation;
- resources necessary to do their job well;
- respect and acknowledgment;
- guidance and clear policies and procedures;
- tasks that are a match for their level of skills, expertise and competency;

- to be free of oppressive workloads;
- access to training and advancement;
- a congenial, supportive culture; and
- to be protected from on-the-job harm, injury, tension, stress and burnout, and have access to resources to support them should they experience any of these issues.

The Office

“Just this morning, I saw two mice sitting in the hallway acting like they belonged there. They paid no notice to me.”

“The building needs to be condemned.”

Comments regarding the PD office from PD staff during the Grand Jury investigation.

The Public Defender’s Office is a two-story building owned by the County that was built in the early 1980’s.⁵ Humboldt County considered demolition of the structure and rebuilding a new office in several scenarios in its 2019 “Notice of Intent to Adopt a Mitigated Negative Declaration” as part of an agreement between the County and the Judicial Council of California.⁶

The County’s plan was to create a comprehensive campus for multiple county services by acquiring properties adjacent to the Public Defender’s Office. This plan would meet the County’s Americans with Disabilities Act (ADA) objectives by increasing accessibility to the PD and other offices (the second floor of the PD’s building is accessible only by a flight of stairs). In late 2019, the Board of Supervisors deferred approval of purchasing some of the adjoining parcels being considered.⁷ The County is still considering the comprehensive campus plan which could determine the fate of the current PD’s building. In FY 2021-22, the PD’s budget included budget adjustments for relocating the office to a new fully ADA compliant location. The FY 2022-2023 PD budget reported that the relocation had been delayed. It was not mentioned in the 2023-24 or the 2024-25 budgets.

The County had anticipated moving many of its departments into the new comprehensive campus, including the PD. According to the Mitigative Negative Declaration provided by the Department of Public Works, many of these department’s facilities are not ADA compliant. The facilities are “outdated and have mechanical, physical, accessibility and security deficiencies that are expensive and/or infeasible to correct.”⁸ This may explain why the county appears to be reluctant to make major improvements to the building.

Until very recently, every time it rained, the roof leaked into the upstairs men’s restroom, down through the floor, and into the downstairs men’s room. Evidence of leaks was observed by the Grand Jury during its site visit. The roof was repaired after a complaint was filed with the California Division of Occupational Safety and Health. Additionally, there have been rodent and roach infestations, according to staff. These and other conditions in the building present health and safety risks to both staff and the public.

The first floor of the office houses the reception area, an interview room to meet with clients, secretarial staff area, the Public Defender's Office, and attorney's offices. There are no protective barriers at the reception area counters in the Public Defender's Office, and only a short, swinging door prevents the public from entering into the private office area. Staff expressed safety concerns with this potential easy access by the mentally ill and potentially volatile clients that they see every day. This deficiency could be remedied by 1) installing impenetrable barriers at all reception area counters and 2) installing a locking door in place of the swinging door. The door should be unlockable with a key fob from the reception side, so that attorneys returning from court with armfuls of files do not have to fumble with a key.

Attorneys, the Office Manager, and the investigators occupy the second floor. There is a small conference room which had no apparent technology such as a large screen, conferencing devices, or even a whiteboard. The furniture appeared to be old and mismatched. The Grand Jury observed a sign in the conference room that had political content in violation of the Humboldt County Policy regarding display of political statements.

In contrast, the DA's office on the fourth floor of the courthouse is an excellent example of a workplace that is supportive of the staff and mission. The office is a modern facility with ample space, brand new flooring, and fresh paint. There is a large formal, impressive, well-appointed conference room with big screen technology. There is an additional informal conference area for investigators. The DA is in the process of adding a Smart Board to their conference room. Support staff work in expansive, daylight-filled, areas that are well organized with modern cubicles and filing cabinets that match. The DA's Office was moved from the basement of the courthouse into the completely remodeled fourth floor over 20 years ago. This is a model for the County to aspire to for the Public Defender's Office.

The County has significantly improved conditions last year for the Conflict Counsel's Office, which was previously located in a non-ADA compliant Victorian building. In November 2024, the CC moved into a new, completely remodeled and updated office that is just one block from the courthouse. Their new office has adequate space, a large attractive conference room, completely remodeled accessible bathrooms, and newer looking furniture throughout. From the moment one enters, it feels like a professional law office. The Grand Jury commends the County for investing in Conflict Counsel by providing a workplace in which the staff can feel valued, respected, safe and free to focus on performing to their best ability.

Even though there is a long-range County plan to build a comprehensive campus to consolidate the PD and many other County departments, this plan is not guaranteed and there is no prospective date for starting the project. In the meantime, the PD is in an inadequately maintained, infested, sometimes leaking, dilapidated building. The PD's staff need a workplace that is professional, safe, structurally sound, clean, and well-maintained, a workplace in which they can be free to focus on representing their clients and doing their best while feeling valued and respected.

Budget And Staffing - Uncertainty and Inadequacy

In Humboldt County, the Public Defender is appointed by the Board of Supervisors and is a county employee, as are all the employees of the Public Defender's Office. It has 21 staff members:

- 1 Public Defender
- 1 Assistant Public Defender
- 1 Business Manager
- 5 Deputy felony attorneys
- 2 Deputy misdemeanor attorneys
- 1 Deputy attorney who handles all of the following cases:
 - Juvenile, probate (conservatorship), family law contempt, Lanterman-Petris-Short Act (court action to involuntarily commit an individual due to mental illness) cases, and Riese Hearings (to determine mental capacity to consent or refuse medical treatment)
- 3 Investigators
- 1 Social Worker III
- 1 Administrative Analyst
- 4 Legal Secretaries
- 1 Legal Office Assistant

The PD handles 67%⁹ of the cases assigned by the court to represent indigent persons in Humboldt County. All attorneys in the office are highly skilled and experienced, with the exception of one newly hired, entry level attorney.

The Conflict Counsel's Office has 10 staff members:

- 1 Supervising attorney
- 4 Deputy attorneys who do both felony and misdemeanor cases
- 2 Investigators
- 1 Social worker III
- 2 Legal secretaries

The CC provides legal defense for the remaining 33%¹⁰ of court-appointed indigent cases. Their office handles felonies, misdemeanors and juvenile cases. The office is managed by the Supervising Attorney. Four attorneys in the CC are Attorney IVs, the highest level of experience, skill and pay.

Attorneys

Attorneys are classified based on their level of expertise and experience from Level I- IV. Level I Attorneys handle only misdemeanor cases. Level II Attorneys handle mostly misdemeanors and lower grade felonies. Level III Attorneys handle felonies and can work without assistance.

Level IV Attorneys handle the most difficult and challenging felony cases, including homicides and sexual assault cases.

Recruitment and retention of staff can be very challenging. Humboldt County Deputy Public Defenders earn far less than Deputy Public Defenders in other counties. Refer to Appendix A for a Deputy Public Defender salary comparison for 19 California counties. We looked at county-employed Deputy Public Defender wages in three rural counties (Nevada, Mendocino and Napa) that are similar to Humboldt in terms of population size. The entry level wages for Deputy Public Defenders in these counties are 25- 43% higher than here. Humboldt County Deputy Public Defenders earn \$64,140 per year at entry level, and up to \$134,856 for the most experienced attorneys that have the longest employment time with the County. To put this into perspective, a chain fast food restaurant food service employee (with no college education or student loan debt) earns \$20 per hour, while an entry level Humboldt County Deputy Public Defender (with an average of \$150,000 in student loan debt) earns \$30.84 per hour. This is stiff competition for attracting attorneys.

The Humboldt County Public Defender and the Humboldt County District Attorney, along with attorneys from each of their respective offices, recently appeared before the Board of Supervisors and pleaded for higher wages for attorneys in the offices. Both offices are in an “absolute crisis,” they reported, due to the low wages paid to attorneys in Humboldt County compared to other counties, making recruitment and retention very difficult. Combined, the two offices are down 28% in staffing due to unfilled positions.¹¹ Their presentation to the Board of Supervisors was independent of the Grand Jury’s investigation.

Housing costs and availability play a crucial role in recruiting and retaining professionals. Home costs in Humboldt County are higher than the national median home cost,¹² the average household income here is 63% of the California average,¹³ and housing is scarce.¹⁴ The lack of long-term housing options can deter potential employees from relocating to, or staying in, Humboldt County.

Most attorneys are burdened with a heavy debt from the cost of their education. Law school debt alone, including undergraduate school, can be \$150,000 or more.¹⁵ Attorneys must be able to earn enough to pay for not only housing and living expenses, but also their monthly debt payments. Attorneys just starting their career in law are often competing for very moderately priced housing.

Attorneys who are newly admitted to practicing law recognize the tremendous value of having the opportunity to quickly gain extensive trial experience when they work in a Public Defender’s Office; that experience is not easily obtained in private practice. This serves to attract entry-level attorneys. However, after one or two years, these attorneys often move to higher paying positions out of the county or in private practice, resulting in significant turn-over at the lower-level attorney positions. Fortunately in Humboldt County, Deputy Public Defenders who are highly experienced tend to stay with the office long term, as do office staff members.

Attorneys in both the PD and CC provide indigent criminal defense services in all types of cases, from infractions to murder. They are effective, skilled, and sufficiently qualified for all types and levels of cases they are assigned. They know what they are doing.

Investigators

Investigators frequently experience a higher workload and face greater obstacles than anticipated. Their work demands can be taxing. Investigators review all police reports and evidence, obtain records, identify, locate and interview witnesses and alleged victims, communicate with experts, get quotes, serve subpoenas, maintain the court clothing wardrobe, fit and supply in-custody clients with court clothes for trial, review all electronic evidence, prepare trial exhibits, and do anything else the attorneys request to prepare for trial. Most cases require internet research; social media sites in particular often have investigative value.

Investigators also review 911 transcripts and dispatch logs, view bodycam and surveillance video footage, and review cell phone extraction records (which can be as long as 3,000 pages). All of these can take many hours to review and analyze. They also check for prior arrests records, and confer with both the defendant and staff attorney assigned to the case.

The PD's Office receives what is referred to as "discovery" from the District Attorney's office for every case. Initially, discovery includes the law enforcement report, defendant's criminal history, and 911 logs. Bodycam footage, videotape evidence, phone extraction evidence and other evidence, if it exists, can take one to six months to receive. Waiting many months for discovery can take a huge toll on a defendant, who may be incarcerated the entire time. It can also lead to gross injustices.

Tools available to PD investigators are limited. They have a subscription software program that can be used to attempt to locate alleged victims and witnesses, but its use is limited because it only contains information compiled by Credit Bureaus. Consequently, it is not particularly useful for locating individuals with low incomes. Investigators do not have any video cameras or dashcams. If the investigators need a video record of a path of travel, they have to prop up their cell phones to try to video the route while driving, which is very challenging, unreliable, unsafe, and potentially ineffective. Video cameras and dashcams are both highly useful tools for investigators. One video camera and a portable dash cam could be shared amongst all investigators in an office.

PD investigators are overwhelmed according to staff. Until recently they worked (without pay) on evenings and weekends in addition to their usual work hours. The advent of digital evidence is relatively new, vastly increasing the investigative hours needed on each case. Investigative staffing at both the PD and CC has not kept pace with these changes and added burden.

PD staff reported that their investigators receive very little training, lack oversight, supervision and direction, and rarely receive feedback. Communication between attorneys and investigators could be improved. The investigators' ability to follow through on an investigation often depends on their ability to get answers to follow up questions from the attorney handling the case.

Support Staff

The PD Business Manager serves both the PD and the CC's offices, preparing and managing budgets, managing grants, managing contracts, preparing reports, preparing agenda items for the Board of Supervisors, and managing support staff in the PD's office. The Business Manager must maintain a "firewall" and avoid involvement with any case files in order to serve both the PD and CC's offices.

Legal Secretaries in both offices are responsible for all usual clerical and reception duties as well as scheduling and canceling appointments. They interface with clients who often have mental health issues, requiring significant hands-on management. They arrange court schedules, print daily court calendars, pull case files for court each day, and sort and refile them. They draft the majority of documents and routine motions, and open new files. They manage accounts payable, prepare travel requests, and do payroll. They print minutes for every case for every day in court, process discovery, and redact information from client's copies of reports that cannot legally be shared with them.

Social Workers

Social Workers are essential in both offices. Their goal is to assist clients in designing a plan that will support a lifestyle free of future law enforcement involvement. They assist clients in finding housing, rehabilitation and recovery programs, applying for benefits such as Social Security, making appointments, and obtaining bus passes to get to and from court and appointments. The PD and CC each have only one Social Worker to perform these functions for all their clients. The Social Worker positions were originally financed by the Indigent Defense Fund Grant, however, that funding lasted only 12-18 months. When it ended, both offices had to cut funding from other areas in order to keep their social workers. They are continuing to try to find funds to keep these positions.

Caseloads

Public Defenders throughout the country have struggled with crushing caseloads for over five decades, and Humboldt County is no exception. The Public Defender and Conflict Counsel's caseloads are dangerously high, far exceeding recommended caseload levels. This puts justice, equity, fairness, adequacy of representation, freedom and even lives, at risk in addition to causing serious occupational stress to staff.

William S. Sessions, former FBI Director and a United States Federal District Judge, wrote in his foreword to Securing Reasonable Caseloads, Ethics and Law in Public Defense, authored by Dean Norman Lefsteint:

“For nearly half a century, almost every state has persistently underfunded public defenders and private lawyers who represent the indigent in criminal and juvenile cases... The challenges are immense and the cause is unpopular.”

The 2023 National Public Defense Workload Study, also known as the RAND study,¹⁶ recommended evidence-based guidelines for public defender caseloads, replacing a 50-year-old standard. Later in 2023, the Office of The California State Public Defender, Indigent Defense Improvement Division, published “The National Public Defense Workload Study: A Practical

Guide to Mapping Common California Offenses.” This study adapts the findings and recommendations of the RAND study to California-specific laws and conditions.¹⁷ The study determined how many hours were reasonably needed to adequately prepare and defend specific types of cases. Once the number of hours per type of case was determined, that could be extrapolated out to calculate the maximum number of those types of cases per year, on average, an attorney could competently handle.

Working 40 hours per week, an attorney would have a maximum of 2,080 work hours available annually to work on cases, excluding training, administration, vacation, or sick time. The evidence-based, weighted, average hours needed for each type of case and the total number of those type cases per year that could be handled by one attorney, according to these studies, are:

- Felony – High Severity (Life Without Parole)
286 hours per case = approximately 7 cases/year
- Felony – High Severity (Murder)
248 hours per case = approximately 8 cases/year
- Felony – Mid Severity
57 hours per case = approximately 36 cases/year
- Felony-Low Severity
35 hours per case = approximately 59 cases/year
- Misdemeanor – Low Severity
13.8 hours per case = approximately 150 cases/year¹⁸

In 2024, the PD and the CC combined were appointed on 1,331 new felony and 3,113 misdemeanor cases. The two offices combined have 14 attorneys that carry felony and/or misdemeanor caseloads. (Not counted in this total is the 15th attorney who handles all juvenile, writ, family law contempt, infractions, probate, Care Court, mental health cases and Riese hearings in the PD.) Dividing the felony and misdemeanor cases by 14 attorneys equals, on average, 95 felony and 222 misdemeanors per attorney annually. In addition, the CC received 23 juvenile case appointments in 2024. This also does not take into account carry-over cases from the previous year that are still open and active.

Even at the very lowest level of severity of felony cases, the PD and CC attorneys are each averaging nearly double the recommended felony caseload and carrying one-half of a misdemeanor caseload. In essence, each attorney is doing the job of at least 2.5 attorneys without taking a single hour for sick leave, vacation, training or meetings. It would be the job of more than 2.5 attorneys if you take into account the mid-high severity felonies.

The number of criminal cases filed has decreased over the past five years due to decriminalization and other law changes that reduce penalties and made some felonies misdemeanors. However, it is anticipated that criminal case filings will increase with the passage of Proposition 36 in 2024, which increased penalties for certain drug and theft offenses.

Highlighting public and legislative concern over persistent and excessively high Public Defender caseloads, AB 625 was enacted in 2021. AB 625 required that Public Defender workloads be studied by the Office of the State Public Defender, with a report including findings and recommendations to be provided to the Legislature. The 2022-23 California budget provided \$1 million for this purpose. This report is currently expected to be released in “early 2025.”¹⁹

In 2006, the American Bar Association Standing Committee on Ethics and Professional Responsibility addressed the issue of excessive caseloads in Public Defender Offices in its Formal Opinion 06-441.²⁰ Key points of the opinion are:

- All lawyers must provide competent and diligent defense when representing indigent defendants, as required by the Rules of Professional Conduct.²¹
- A lawyer’s primary ethical duty is owed to existing clients.
- If, due to an excessive caseload, an attorney cannot provide competent and diligent representation to existing clients, appointment on new cases cannot be accepted.
- If an attorney cannot provide competent and diligent representation to existing clients and the court will not resolve the problem, then the attorney must ask to be relieved in a sufficient number of cases to reduce the caseload to a manageable amount that allows for competent and diligent representation in all court-appointed indigent defense cases.

Public Defenders across the nation are struggling with these very issues. Some are taking a stand by educating the public and legislators about the high toll taken on justice and staff when caseloads are enormous. Some are advocating for regulations or laws limiting caseloads. And some are just saying NO to more cases.

The San Francisco Public Defender recently announced that the attorneys are saddled with such high caseloads the office will stop accepting appointments on new cases “one to two days a week.” “If we keep on taking cases, we’re not going to be able to provide the representation that our clients deserve, and it’s going to have a negative impact on the just outcome in the case” San Francisco Public Defender Mano Raju stated.²²

In its 2024-2025 proposed budget, the Public Defender requested additional funding in the amount of \$54,162 which was adopted for the CC “for maintenance of the current level of indigent defense services provided to county residents. **Further reductions in allocated staff would render the office incapable of accepting additional court-appointed cases until the offices' caseload is brought down to a suitable ratio aligning with professional requirements, ethical standards and staff capacity.**” (Emphasis added).²³

Under-Staffed

The number of cases the PD receives should determine the number of attorneys, investigators and support staff in the office. The State of Indiana conducted a study in 1995 and arrived at the

following ratios as reasonable and necessary for adequate criminal indigent defense by a Public Defender's Office when carrying a reasonable number of cases: ²⁴

- Paralegal:
 - Felony - 1 paralegal for every 4 attorneys
 - Misdemeanor - 1 paralegal for every 5 attorneys
- Investigator
 - Felony - 1 investigator for every 4 attorneys
 - Misdemeanor - 1 investigator for every 6 attorneys
- Secretary
 - Felony - 1 secretary for every 4 attorneys
 - Misdemeanor - 1 secretary for every 6 attorneys

These ratios from 1995 do not take into account tremendous increases in digital and video evidence that have taken place over the past 30 years. Based on recent public defense caseload studies, attorneys in the PD are each carrying the caseload equivalent of 2.5 attorneys. This means the PD staffing should be increased to a minimum of 25 attorneys, 6 secretaries, 6 paralegals and 6 investigators. To get to this staffing level, the PD would need to add the following additional staff:

- 15 Attorneys
- 5 Legal Secretaries/Analysts/Paralegals
- 3 Investigators

Conflict Counsel's office is also understaffed and would require the following staff to meet recommended staffing levels for the number of cases the office is assigned:

- 7 Attorneys
- 4 Legal Secretary/Analyst/Paralegal
- 1 Investigator

Staffing at both the PD and CC has not kept pace with changes in discovery. Every case now has electronic discovery which must be logged in, downloaded, filed, reviewed and analyzed. These tasks take an extraordinary amount of time. Legal secretaries in both offices do not have the time to gain additional skills or engage in career enhancing projects.

Due to budget cuts, the PD has lost two positions since FY 2023-2024: one attorney and one support staff position. CC lost one support staff position. When staff leave, both offices struggle to fill vacant positions because it takes too long, sometimes many months, for applicants to go through the County hiring process. Applicants are often no longer interested or available by the time Humboldt County Human Resources has completed processing their applications.

Under-Funded

The PD and CC need increased funding to support the additional staff positions that are required to meet current California Office of the State Public Defender recommended criminal indigent

defense staffing levels. Support staff are underpaid; they are paid significantly less than their counterparts at the DA. Attorneys are underpaid compared to their counterparts in other California Counties. Budget increases are needed to address these inequities. Management in both the PD and Conflict CC are very concerned that their overworked and underpaid staff will leave for better conditions and pay.

The PD office is in need of funding for additional investigative tools, and funding for both basic and modern technology for meetings and conferences.

Grants/Other Funding Sources

The PD has received grants and supplemental funding from the following sources over the past several years:

- The Public Safety Realignment Plan. This is a grant available only to the DA's office. The DA applied for and received the grant, which included a mandatory provision to give part of the funding to the PD.
- 2020 Grant received by the Department of Health & Human Services. This grant provided funding for a Social Worker for one year at the PD's Office.
- The Indigent Defense Grant Program, managed by the Board of State and Community Corrections (BSCC). The PD received this grant in 2024 in the amount of \$240,000. A balance of \$47,575 remains for use in FY 2024-2025. This grant is restricted to assisting prison inmates who were sentenced in Humboldt County who may be eligible for resentencing as a result of changes in sentencing laws.
- Law Enforcement Assisted Diversion Resentencing Grant. This grant just ended. It paid for a temporary private investigator and one extra help law clerk and part of a misdemeanor attorney's salary.
- Measure Z funding. This paid for a misdemeanor attorney. The office has applied again for this grant to fund another misdemeanor attorney position and an investigator position.

FY 2024-2025 Grant funding is:

GRANT	AMOUNT	DESCRIPTION
State Aid Public Safety Service	\$600,000	Proposition 172, (1993) half-cent sales tax to fund local public safety. The County allocates 5% to the PD
State 2011 Realignment Revocation	\$165,000	Another portion of sales tax & vehicle license fees allocated for public safety when CA transferred responsibility for certain public Safety, health and other programs from the state to counties. This tax specifically allocates a portion to the DA and the PD
State Criminal Admin Backfill	\$35,599	Revenue provided from the State to compensate for criminal admin fees that can no longer be charged for indigent defense
Community Corrections	\$141,500	Funding received from the Humboldt County Community Corrections that pays for the PD Social Worker. PD must request this funding each fiscal year
BSCC Resentencing Grant	\$60,025	State Grant
TOTAL	\$1,002,124	

The PD is planning on applying for another BSCC Grant by June 23, 2025. This grant would be for a four-year period to fund diversion programs, mental health services, and substance abuse disorder treatment. The amount of the grant could be between \$1.5 and \$2 million. It will require the PD to sub-contract with Community Based Organizations to extend its social services.²⁵

There may be additional funding opportunities for which the Public Defender can apply. One extreme, creative example was how the New Orleans Public Defender dealt with substantial budget cuts: they resorted to crowdfunding. The \$100,000 they raised allowed them to keep several staff members that would otherwise have been laid off.²⁶

Training

Attorneys are required to obtain annual Mandatory Continuing Legal Education. Courses to meet this requirement are available online to the PD and CC attorney staff; some training is available in person. Examples include in-person training seminars on trial techniques and law, an annual Homicide Seminar, and an annual General Felony Seminar. The PD and CC budgets provide funding for attorneys to attend these training programs, although that funding has recently been reduced. Professionals knowledgeable in a particular area relevant to the staff are sometimes brought in to make presentations.

There is little training for newly hired attorneys. It's a learn-as-you-go approach. All training occurs at the same time that attorneys are carrying an excessive number of cases, making it

difficult to learn the basics. New attorneys may be offered the opportunity to sit through multiple trials with another Deputy Public Defender, allowing them to gain an understanding of the court trial processes and procedures. Local judges have been instrumental and very helpful in orienting new Deputy Public Defenders.

There is a degree of informal mentoring amongst the attorneys. When they can, the more experienced attorneys offer their assistance, assessment, or advice to the less experienced attorneys. Experienced attorneys will consult with colleagues over strategies.

Investigators also receive little or no training. PD Investigators attend the California Criminal Defense Training which is presented annually for three to four days, but only one investigator can attend per year. There is no specialized training made available to investigators for conducting investigation in complex cases such as sexual assault or homicide.

Inexperienced investigators may not have the expertise to know how to proceed with an investigation, or what questions to ask of a witness or alleged victim. Providing more explicit directions and guidance to investigators by the attorney can take time away from case preparation.

Management

Both the Public Defender and the Supervising Attorney of the Conflict Counsel's Office carry full caseloads themselves. Presumably, they take on the most demanding cases. Managing the offices becomes more challenging when much of their time is devoted to meeting the demands of their own caseloads.

Oversight, training, guidance, supervision, and management all suffer to some degree as a result. Neither the PD or CC have a Policies and Procedures Manual. A written P&P Manual would provide consistency and guidance for attorneys, investigators and support staff and would serve as a reference when management is not available to direct or guide.

Regular performance reviews can be instructional for staff, informing them if they are meeting expectations and standards, and these evaluations can provide important and valuable feedback. Staff Performance Reviews also provide confirmation, commendation and documentation in support of promotion, non-promotion or termination recommendations. The Grand Jury learned that performance reviews at the PD for most staff are spotty or nearly non-existent.

The Public Defender, who is appointed by the Board of Supervisors, also lacks any form of performance review. The success and effectiveness of the Public Defender is not formally assessed by the Board of Supervisors, and thus, not conveyed back to the Public Defender.

An uncertain budget can make it challenging to manage staff. It can cause reluctance to enforce policies, and to maintain discipline. If staff quit or are terminated, the County may not allow the position to be refilled. It can take many months to replace staff due to the time-consuming process Humboldt County Human Resources puts applicants through. If an attorney leaves, all attorneys must share that caseload until the position is refilled.

Investigators receive very little input, guidance, feedback, supervision or management, staff stated. There is a lack of adequate communication between investigators, attorneys and management. Each investigator works independently.

PD staff told us that the Public Defender is very approachable, when he has the time, and that there is respect between the attorneys and management.

Case Management

All PD felony cases have both paper and digital files. Misdemeanor files are all digital. Both the PD and CC are in the process of implementing a software program that will simplify and streamline case management, record-keeping, and communications between all staff working on a file. Multiple staff members can work on the same file simultaneously in this system. Currently, only a few Deputy Public Defenders are using it, and none of the attorneys in the CC are using it. Support staff believe that integrating the use of this system throughout the offices could improve overall function, efficiency, effectiveness and time management.

The PD is in the process of requesting permission from the State to integrate the PD case management software with the Humboldt County Superior Court's software system. Integration would automatically populate all of the basic court information such as the defendant's name, charges, and court minutes into the PD's files. This would save a great deal of effort and staff time.

Culture And Morale

Staff take pride in their work and are dedicated to providing the best possible defense to indigent members of the community. In spite of the limited resources, staff tend to stay at the PD because of their commitment to its mission. They do it because they love it. Everyone celebrates when an attorney wins a trial, regardless of whether they are in the PD or CC. The CC is a small, close-knit office. Staff in both offices often volunteer to help each other and share the load.

Support staff in the PD have a good "team" relationship. Staff report that they support each other. More experienced attorneys informally mentor less experienced attorneys; attorneys consult with each other and "bounce things off" each other.

Staff morale is boosted when clients are satisfied with the services the office provides, and when staff attitudes are positive, congenial, and supportive. Morale is negatively affected by several factors, foremost of which is, what staff describe as feeling like they have "second class" status among County departments. They especially feel 'second' to the DA in terms of budget, staffing, resources and facilities. Crushing caseloads, and the significantly lower pay for investigators and support staff (compared to other county employees doing the same work) all support this perception.

Morale is affected by the condition of the office: leaking bathroom ceilings, the 20-year-old carpet, bouts of roach and rodent infestations, and the overall poor maintenance of an aging building. Other morale dampeners include the lack of opportunity for advancement, the feeling that you are leaving your team in a bind when taking vacation or even a break, the lack of

resources, and the slim chance of ever getting either more staff or better wages. This all leads to a sense of having “no light at the end of the tunnel.”

Burnout, Hazards, Attacks

“The combination of working with needy, frequently traumatized clients in a highly adversarial atmosphere for an underfunded office have the potential to expose public defenders to high levels of occupational stress and secondary traumatic stress. These stressors can lead to serious physical and mental maladies, as well as inhibit an attorney’s ability to think clearly, modulate their emotions, and provide effective representation.”²⁷

Stressors unique to public defense attorneys “include frequent conflict with prosecuting attorneys and judges; high caseloads; numerous jury trials; dissatisfied, cynical, and untrusting clients; lack of support from the public; and vicarious trauma.”²⁸ This can cause occupational stress and secondary traumatic stress. Secondary Traumatic Stress is “the natural consequent behaviors and emotions resulting from knowing about a traumatizing event experienced by a significant other—the stress resulting from helping or wanting to help a traumatized or suffering person.”²⁹ Public defense attorneys with Secondary Traumatic Stress may suffer symptoms resembling Post Traumatic Stress Disorder.³⁰ Researchers found that attorneys had much higher levels of Secondary Traumatic Stress than mental health professionals and social workers, and were on a par with mental health professionals who worked with victims of child abuse.

Stress is commonly considered an occupational hazard in the practice of law; the levels of stress are very high.³¹ In a study conducted on public defender stress, 50% of the attorneys had secondary traumatic stress levels of high - severe.³² In this same study, researchers found that “over half of respondents suffered severe stress from the size of their caseload, the emotional toll of the job, or the lack of resources available to perform their duties.”

During interviews, the Grand Jury learned that burnout and secondary traumatic stress is extreme. Stressors specifically noted by staff include extreme caseloads and lack of adequate staffing and resources. There have been rare attacks on staff. One attorney has been punched on two occasions, one was spit on, and one support staff person has been attacked in the office. Staff have been threatened by clients. The lack of physical barriers to provide protection from volatile and violent clients adds to staff stress.

It could be beneficial to allow Emotional Support dogs in the Public Defender and Conflict Counsel’s staff work areas. Emotional Support Animals can:

- aid in reducing stress, Post Traumatic Stress Disorder, and Secondary Traumatic Stress symptoms. Studies have shown that interacting with an animal lowers cortisol (stress hormone) levels and blood pressure and increases oxytocin and serotonin, neurotransmitters tied to well-being.
- create a calming environment, especially after intense interactions.
- provide grounding and emotional regulation during or after triggering events.
- offer nonjudgmental companionship and emotional anchoring during emotional overload or compassion fatigue.

- reduce anxiety and depression symptoms.³³

One interviewee expressed that the shortage of judges in Humboldt County was the greatest contributor to stress and cause of burnout. The judge shortage causes attorneys to spend valuable hours every day just sitting and waiting in court for their cases to be called—time that could be better spent working on cases in the office. A 2022 California State needs assessment study and report to the Legislature identified that a total of 9.3 judgeships are needed in Humboldt County to handle the court caseload.³⁴ Currently, there are eight judgeships authorized, but only six judgeships are filled.³⁵ This confirms the observation that Humboldt County is seriously short of judges; the current count is over one-third short of the nine needed.

The PD has lost experienced and effective attorneys to alcoholism and burnout. One former Deputy Public Defender reported it took two years after leaving the office to recover from the stress and trauma and reach the point of being able to work again.

Supervisory staff check in with staff regularly and encourage staff to seek mental health services if needed. There is a California Bar Association Hotline available for attorneys experiencing stress, addiction or mental health crisis. The California State Bar Association also offers attorneys two to three remote counseling sessions free of charge. County-provided medical coverage offers services for alcohol and drug abuse treatment. These are far too few resources to address burnout, trauma and stress. The level of resources is inadequate to protect staff and their health and safety, and to ensure that these experienced attorneys, who represent a valuable resource to the County, are able to continue to provide competent and effective legal representation for years to come.

Outcomes

“The Public Defender’s Offices have built an exceptional team of trial attorneys and support staff who have compiled a remarkable record, consistently reaching successful outcomes in the majority of their cases.”

2023-2024 Humboldt County Budget, page C33

Staff at both offices say they do the most with what they have. Few client complaints have been received and only one time in three years has an attorney been relieved by the court due to allegations of inadequacy of counsel.

A Fair Fight

Budgets

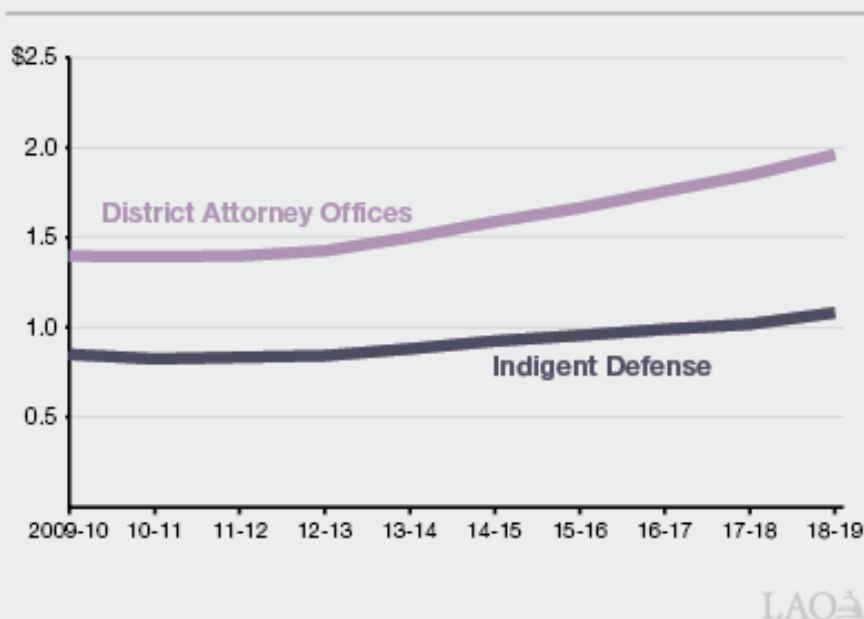
The American judicial system is adversarial. Those better equipped who have access to more resources, money and people, generally have a significant advantage over lesser endowed adversaries. In the California Legislative Analyst’s report, “Assessing the Provision of Criminal Indigent Defense” the following findings regarding indigent defense services in California were made:

“In 2018-19, spending on indigent defense across the state [California] was about 55 percent of the amount spent statewide on district attorney offices. In other words, spending on district attorney offices was 82 percent higher than on indigent defense.”³⁶

In the American Bar Association’s Ten Principles of a Public Defense Delivery System, one of the key principles is that:

“There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system. There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense.”³⁷

Total Spending on District Attorney Offices and Indigent Defense (In Billions)



This chart shows the ratio of District Attorney Office funding versus Indigent Defense funding for the 32 California counties that reported data for both public defender and district attorney offices. Data compiled by the California Legislative Analyst’s Office.³⁸

The PD’s 2024-2025 Budget is \$6,108,361.39 which includes the budget for the CC. The DA’s Budget is \$10,441,048, which includes the budgets for the Victim/Witness Assistance Office and the DA’s partial support of the Child Abuse Services Team.⁴⁰ Thus, the DA Office’s budget is 41% higher than the PD Office’s budget.

Both the Victim/Witness and Child Abuse Services teams provide some services for the DA that correspond to services the PD provides to its clients. Both the DA and the PD need to provide

support, information, orientation, scheduling, and guidance through the court system to their clients, clients' families and witnesses. This is done for the DA, for the most part, by the Victim/Witness Assistance Program. The PD has to do this itself. Both the Child Abuse Services Team and the PD interview victims in criminal child abuse cases filed by the DA.

For ease of comparison, even though both Victim/Witness and Child Abuse Services Team do provide services to the DA that the PD must provide for itself, deducting the budgets for the Victim/Witness Assistance office and the partial support of the Child Abuse Services Team, reduces the DA's budget to \$9,625,157, which is still \$3,516,796 (36%) more than what is in the PD's budget.

Both the DA and the PD have duties other than their shared caseloads. Both the DA and the PD are involved in about 82% of the criminal cases. The PD is also appointed in cases in which the DA is not involved, including Riese hearings (mental incapacity to consent to medication), Lanterman-Petris-Short Act (court action to involuntarily commit an individual due to mental illness), and probate cases. In 2024, these resulted in an additional 132 cases for the PD. The DA's additional duties include receiving law enforcement reports that must be reviewed to determine if they will be 1) filed as complaints and what the charges will be 2) returned to law enforcement with a request for additional investigation or 3) rejected for filing as a criminal complaint. If filing as a criminal complaint, the complaint must be prepared and filed.

The DA has additional advantages and resources that are not available to the PD. Much of what the DA needs to prosecute a case is given to them by law enforcement, including the law enforcement report, witnesses', victims' and defendants' statements and contact information, electronic and physical evidence, and medical and laboratory reports. The PD must put together the defense by itself. The PD conducts its own investigations, and must identify, find and interview all defense witnesses. They must also track down contact information for any juvenile witnesses, as well as for any victims or witnesses whose names or contact information was not provided by the DA.

Law Enforcement can co-lead along with DA investigators in officer-involved shooting cases and assist in complex serious cases. The PD must rely on its own staff of investigators for all of its investigative needs. The DA can have law enforcement serve subpoenas, while the PD must use its own investigators to serve subpoenas.

Deputy Public Defenders must meet with, interview, educate and advise clients. Most of their clients are under stress, frequently have mental illness, addiction, homelessness, or financial resource issues. Along with the staff social worker, attorneys also provide stabilization services as part of a holistic approach to minimize recidivism.

There are very few grants available to Public Defender's Offices, whereas the DA has access to a substantial number of grants that increase their budget.

All things considered, it seems difficult to justify the vast difference in funding between the PD and the DA. Is this what the Sixth Amendment contemplated? Is it a fair fight?

Staffing

The PD and CC collectively have 31 full-time employees, no part-time employees and no extra help employees. In contrast, the DA has 50 full-time staff, and with part-time and extra help staff, have a total of 60 employees, nearly double that of the PD's office. DA extra help employees are temporary or part-time county employees, often retirees with significant experience and expertise in their field. (Appendix B)

Compensation for attorneys in the PD, CC, and DA are equitable as they are all members of the same bargaining unit. Although the DA has 12 full-time and four extra help part-time attorneys, it is budgeted for 18 full-time attorney positions. The PD and CC combined have 15 budgeted attorney positions, all of which are filled.

However, for other positions, there are compensation and staffing inequities between these two adversarial offices. The DA has 11 full-time investigators and three extra help investigators. All of its investigators are at step 5 of the County pay scale. The Chief Investigator's annual salary is \$121,451 and its Senior Investigator is paid \$106,142 per year. The rest of the DA's investigators are paid \$91,395 per year. (Appendix B)

The DA has over twice as many investigators than the PD's Office. The PD and CC combined have a total of five investigators (three at the PD and two CC). All are at step 5 of the County pay scale (the same pay scale step as all of the DA investigators), yet the DA investigators are paid over \$15,000 - \$45,000 more per year. The only classification difference is whether they are designated PD or DA investigator. At an annual salary of \$76,003, PD investigators are the lowest paid investigators in the county. The DA investigator division has a hierarchy and management structure; the PD has none.

DA investigators are Peace Officer Standards and Training (POST) graduates and sworn officers. Their POST training and qualifications give them a significant advantage in investigations. PD investigators do not always have enough time to complete a thorough investigation due to there being an insufficient number of investigators. DA investigators can rely on the law enforcement investigation reports; the PD has no outside resources and must conduct or hire the entire defense investigation.

The DA investigators have many more resources, including sophisticated software that allows them to extract information from cellular phones, acquire forensic images from computers, and analyze mobile device and computer data in order to identify users' actions. The PD does not have access to any of this software.

The DA has one Business Manager, 25 full-time and five part-time clerical support staff. The PD and the CC share one Business Manager. The PD and CC together have just seven additional full-time and no part-time clerical staff. This is less than one-third the clerical staff support of the DA.

Both the DA and the PD clerical staff were previously classified as legal secretaries or legal office assistants. Several years ago, the DA requested that their legal secretary staff be reclassified as analysts, which is a higher paid classification. The Board of Supervisors approved

this reclassification, resulting in significant pay increases. Subsequent similar reclassification requests by both the PD and the CC were denied two years in a row.

Except for one position classified as a legal office assistant, all DA clerical support staff are designated as analysts. No PD staff are designated as analysts. A DA Administrative Analyst I (step 4) earns \$58,617 per year, while a PD Legal Secretary I (step 4) earns \$41,312 per year. A DA Administrative Analysts II (step 5) earns \$68,083 per year, whereas a Legal Secretary II (step 5), at the PD earns only \$50,731 per year. The re-designation to analyst from legal secretary has increased the DA's clerical staff's wages by nearly 25% - 30%. (Appendix B)

In the PD 2024-2025 budget, this inequity was addressed in a goal: “[to i]ncrease employee retention by seeking additional resources to address the inequity in pay of support staff compared to other county departments with duties that are equitable, appropriate and align with the value of the work performed.”⁴¹

PD and CC support staff arguably have a much more taxing job than their counterparts in the DA. They constantly interface with stressed, anxious, and sometimes mentally ill and volatile clients; they get yelled at all the time by clients, and some have been physically attacked. Yet they still do the same work that is done by the DA's support staff, while being paid at least 25% less. It is no wonder they feel like “second class” County employees.

CONCLUSION

These defenders of justice are disadvantaged, deluged and devalued. They all work stressful jobs, in a demoralizing, decrepit environment, with too few staff, not enough money, little opportunity for advancement, and no hope of relief.

Is there equity in our local judicial system? There is not. The one and only advantage the Public Defender's Office has is its quality, highly skilled, and dedicated staff. Pitted against a Goliath, these Davids are winning battles.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: The Public Defender's Office consistently achieved successful outcomes in the majority of their cases in 2024, in spite of overwhelming caseloads and lack of resources. This reflects admirably on the office and builds a positive community perception of the Public Defender's Office.

F2: The Public Defender's Office staff is dedicated and committed to its mission which has inspired them to go above and beyond and, in the face of adverse circumstances, allow them to complete their mission.

F3: The Public Defender's Office has received few complaints from clients and only one time in

the past three years has an attorney been removed from a case due to inadequate assistance of counsel establishing that they are competently and effectively serving their clients.

F4: The building in which the Public Defender's Office is housed is in poor condition and not well maintained. This presents health and safety risks, projects an unprofessional appearance, and negatively impacts staff morale. **(R1)**

F5: The Public Defender's office does not provide adequate security, creating an unsafe work environment. **(R2, R3)**

F6: There is a sign with political content in the Public Defender's Conference Room. This is a violation of the Humboldt County Policy. **(R4)**

F7: Low, non-competitive wages adversely affect recruitment and retention of attorneys in both the Public Defender's Office and the Conflict Counsel's Office. **(R5)**

F8: District Attorney's Office support staff and investigators are paid far more than their counterparts at the Public Defender's Office and Conflict Counsel's Office. This lack of parity in pay disadvantages the Public Defender's Office in recruiting and retaining staff, and adversely affects staff morale. **(R6, R7)**

F9: District Attorney's Office support staff and investigators are paid far more than their counterparts at the Public Defender's Office and Conflict Counsel's Office. This gives an unfair advantage to the District Attorney's Office in terms of the resources available to attorneys and staff to do their job. **(R6, R7)**

F10: Investigators in both the Public Defender's and Conflict Counsel's offices do not have a video camera or dashcams to document their work. This reduces effective surveillance, is insufficient and unsafe. **(R8, R9)**

F11: There is little to no training for newly hired attorneys and investigators in the Public Defender's Office. This is an ineffective way to familiarize them with office, investigative and court procedures and practices. **(R10)**

F12: There is little supervision, oversight or management of investigators and their cases in the Public Defender's Office. This causes inefficiencies and morale issues. **(R11)**

F13: There is no permanent Social Worker position funded at either the Public Defender's Office or Conflict Counsel's Office. Funding is being diverted from other office budgets to temporarily fund these positions. This reduces the ability of both offices to meet all of their financial needs. **(R12, R13)**

F14: The Humboldt County Human Resources hiring application, review and selection process can take many months, which leads some applicants giving up and looking elsewhere. This negatively impacts the Public Defender's ability to fill positions, to be a competitive employer, and it burdens staff with more work covering cases until vacant positions can be filled. **(R14)**

F15: There is no Policy and Procedures Manual for either the Public Defender's Office or the Conflict Counsel's Office. This impedes guidance to staff and continuity of services. **(R15)**

F16: Staff Performance Reviews for the Public Defender's Office attorneys, investigators and some support staff are not conducted with any regularity. This deprives staff of feedback, guidance, confirmation, commendation, and it denies them the documentation necessary to support recommendations for promotion, non-promotion or termination. **(R16)**

F17: Caseloads in both the Public Defender's Office and Conflict Counsel's Office are dangerously high, exceeding recommended levels. This overburdens staff, causes occupational stress and increases the chances that the offices will lose valuable, experienced staff to burnout and addiction. **(R5, R6, R7, R17, R18, R19, R20)**

F18: Caseloads in both the Public Defender's Office and Conflict Counsel's Office are dangerously high, exceeding recommended levels. This puts justice, fairness, adequacy of representation and freedom at risk. **(R5, R6, R7, R19, R20)**

F19: There is not enough Public Defender's Office staff to effectively defend clients. This increases caseload ratios and contributes to staff burnout and lower retention rates. **(R5, R6, R7, R19)**

F20: There is not enough Conflict Counsel's Office staff to effectively defend clients. This increases caseloads and adds to staff burnout. **(R5, R6, R7, R20)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: The Board of Supervisors schedule the relocation of the Public Defender's Office and approve funding for the relocation to a suitable office which is ADA-compliant. This is to be approved no later than June 30, 2026. **(F4)**

R2: The Board of Supervisors direct the Department of Public Works to effect the installation of impenetrable barriers at all reception area counters in the Public Defender's Office by October 1, 2025. **(F5)**

R3: The Board of Supervisors direct Public Works to effect the installation of a locking door between the public reception area and private area of the Public Defender's Office by October 1, 2025. **(F5)**

R4: The Board of Supervisors direct the Public Defender to remove the sign in the Public Defender's Conference Room that has political content be permanently removed by no later than October 1, 2025. **(F6)**

R5: The Board of Supervisors approve and fund a graduated pay scale increase over a six-year period for Public Defender and Conflict Counsel's Offices' attorney staff. Raise the pay scale, at

a minimum, for Attorney I (step 1) to \$5,575 per month and proportionally for all other grades and steps. This is to be implemented no later than July 1, 2026. Thereafter, by no later than July 1, 2031, raise the pay scale, at a minimum, for Attorney I (step 1) to \$6,500 per month and proportionally for all other grades. **(F7, F17, F18, F19, F20)**

R6: The Board of Supervisors approve and budget funds to reclassify the Public Defender and Conflict Counsel's Offices' Legal Secretaries to Administrative Analysts to be comparable to the District Attorney's Office where they are classified as Analysts, effective no later than July 1, 2026. **(F8, F9, F17, F18, F19, F20)**

R7: The Board of Supervisors approve and budget funds to set the pay scale of the Public Defender and Conflict Counsel's Offices' investigators to be in parity with that of investigators employed by the District Attorney no later than July 1, 2026. **(F8, F9, F17, F18, F19, F20)**

R8: The Board of Supervisors direct the Public Defender to purchase one video camera and portable dashcam for use by investigators by October 1, 2025. **(F10)**

R9: The Board of Supervisors direct the Public Defender to purchase one video camera and portable dashcam for use by Conflict Counsel's Office investigators by October 1, 2025. **(F10)**

R10: The Public Defender write and implement a training policy and materials for newly hired attorneys and investigators by January 1, 2026. **(F11)**

R11: The Board of Supervisors direct the Public Defender to create and implement a plan to coordinate management of investigations, and to provide supervision and oversight to investigators by December 1, 2025. **(F12)**

R12: The Board of Supervisors authorizes funding to support the addition of a permanent, full-time Social Worker position at the Public Defender's Office effective July 1, 2026. **(F13)**

R13: The Board of Supervisors authorizes funding to support the addition of a permanent, full-time Social Worker position at the Conflict Counsel's Office effective July 1, 2026. **(F13)**

R14: The Board of Supervisors direct Humboldt County Human Resources to establish a policy that applicant processing for non-management positions will be completed within six weeks. This is to be implemented by January 1, 2026. **(F14)**

R15: The Board of Supervisors direct the Public Defender to create and implement a comprehensive Policy and Procedures Manual for use by the Public Defender and Conflict Counsel's Office by May 1, 2026. **(F15)**

R16: The Board of Supervisors direct the Public Defender to create, implement and maintain a periodic Performance Review plan for all staff by December 1, 2025. **(F16)**

R17: The Board of Supervisors approve a policy permitting Emotional Support dogs in the Public Defender and Conflict Counsel's Offices until the County makes proactive counseling to

prevent burnout and other stress relief available. This is to be completed by October 31, 2025. (F17)

R18: The Board of Supervisors direct the Public Defender write and implement policies on the introduction of Emotional Support dogs until the County makes proactive counseling to prevent burnout and other stress relief available. This is to be completed by October 31, 2025. (F17)

R19: The Board of Supervisors approve and allocate funding effective July 1, 2026, for the following additional full-time permanent positions at the Public Defender's Office, and direct Human Resources to begin recruitment by July 1, 2026, to fill these positions:

- 3 Attorneys (to achieve parity with the District Attorney's Office)
- 5 Full-Time Analysts
- 1 Part-Time Analyst
- 3 Investigators (F17, F18, F19)

R20: The Board of Supervisors approve and allocate funding, effective July 1, 2026, for the following additional full-time permanent positions at the Conflict Counsel's Office, and direct the Human Resources Department to begin recruitment by July 1, 2026, to fill these positions:

- 4 Analysts
- 1 Investigator (F17, F18, F20)

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time

frame shall not exceed six months from the date of the publication of the Grand Jury report; or

- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE – WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

Invited Responses

The Humboldt County Civil Grand Jury also invites the following entities or individuals to respond.

The Humboldt County Public Defender
(All findings, all recommendations)

The Humboldt County Human Resources Department
(F14) and (R14)

The Humboldt County Department of Public Works
(F5) and (R2, R3)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
PO Box 657; Eureka, CA 95502 A

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

Deputy Public Defender Salary Comparison by California County

	Monthly Salary *							
	Attorney I		Attorney II		Attorney III		Attorney IV	
County	Min	Max	Min	Max	Min	Max	Min	Max
Humboldt **	\$5,345	\$6,859	\$6,365	\$8,167	\$7,429	\$9,533	\$8,759	\$11,238
Siskiyou	\$5,895	\$7,528	\$6,844	\$8,740	\$7,946	\$10,147	\$9,225	\$11,782
Merced	\$6,027	\$7,330	\$7,439	\$9,041	\$8,998	\$10,946	\$10,577	\$12,873
Tulare	\$6,438	\$7,846	\$7,254	\$8,840	\$8,544	\$10,413	\$9,960	\$12,140
Kern	\$6,623	\$7,914	\$7,615	\$9,100	\$8,800	\$10,516	\$10,905	\$13,031
Los Angeles	\$6,592	\$8,884	\$6,592	\$8,884	\$10,500	\$14,500	\$12,644	\$22,810
Tuolumne	\$6,759	\$8,216	\$7,506	\$9,123	\$9,137	\$11,106	\$10,574	\$12,853
Yolo	\$6,876	\$8,355	\$8,453	\$10,275	\$10,407	\$12,652	\$12,220	\$14,854
Mendocino	\$7,088	\$8,616	\$8,027	\$9,759	\$9,369	\$11,390	\$11,050	\$13,430
Monterey	\$7,178	\$9,739	\$8,588	\$11,664	\$10,537	\$14,324	\$13,155	\$17,909
Stanislaus	\$7,713	\$9,375	\$8,484	\$10,307	\$9,332	\$11,344	\$10,265	\$12,478
Shasta	\$7,224	\$9,220	\$8,161	\$10,417	\$9,541	\$12,177	-	-
Solano	\$8,165	\$9,924	\$11,050	\$13,432	\$12,708	\$16,968	\$14,617	\$17,767
Nevada	\$8,432	\$10,293	\$9,316	\$11,373	\$10,397	\$12,692	-	-
Santa Cruz	\$8,524	\$10,372	\$9,376	\$11,412	\$10,312	\$12,562	\$11,344	\$13,822
Napa	\$9,334	\$11,175	\$11,315	\$13,577	\$13,515	\$16,238	\$15,406	\$18,538
Marin	\$9,421	\$10,435	\$11,112	\$13,516	\$13,958		\$16,572	\$18,365
Sacramento	-	\$10,945	-	\$12,591	\$11,397	\$13,854	\$12,566	\$16,038
Sonoma	\$10,507	\$12,771	\$11,484	\$13,959	-	-	-	-

25 of California's 58 counties do not have a Public Defender's Office, instead contracting with private attorneys for indigent defense services. Mostly small rural counties, they are: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Inyo, Kings, Lake, Lassen, Madera, Mariposa, Modoc, Mono, Placer, Plumas, San Benito, San Luis Obispo, San Mateo, Sierra, Sutter, Tehama, Trinity, Yuba.

* Salaries for Humboldt and most counties in this table are for 2025; some are for 2024.

Note that, even though some data are a year older, ALL counties have salaries higher than Humboldt.

** Humboldt County Compensation Schedule: [2025-02-02 Compensation Schedule.xlsx](#)

California's 58 Public Defense Systems:

<https://www.ospd.ca.gov/wp-content/uploads/2024/05/Californias-58-Public-Defense-Systems-Accessible.pdf?utm>

APPENDIX B

Humboldt County Public Defender, Conflict Counsel and District Attorney's Offices Staffing

District Attorney's Office			Public Defender's Office			Conflict Counsel's Office		
Position Title	# Positions	Annual Salary	Position Title	# Positions	Annual Salary	Position Title	# Positions	Annual Salary
District Attorney	1	\$200,582	Public Defender	1	\$199,265	Supervising Attorney	1	\$149,739
			Asst PD	1	\$149,739			
Senior Deputy DA	2	\$125,107						
Deputy DA IV	4	\$124,493	Deputy PD IV	5	\$134,867	Deputy PD IV	4	\$134,867
Deputy DA IV	1	\$112,666	Deputy PD IV	1	\$121,032			
Deputy DA IV	1	\$107,194						
Deputy DA IV	1	\$97,018						
			Deputy PD III	1	\$108,826			
Deputy DA III	1	\$86,496						
Deputy DA III	1	\$82,291						
			Deputy PD 1	1	\$64,187			
Retired Annuitant/Extra Help/PT/ Deputy DA IV	4							
Total FT Attorneys	12							
Total FT Attorneys + Extra Help Attorneys	16		Total Attorneys	10		Total Attorneys	5	
Investigators			Investigators			Investigators		
Chief Investigator	1	\$121,451						
Senior Investigator	1	\$106,142						
Full-Time Investigator	9	\$91,395	Investigators	3	\$76,003	Investigators	2	\$76,003
Investigator/Retired/Annuitant/Extra Helo	3							
Total FT Investigators	11		Total Investigators	3		Total Investigators	2	
Total FT + PT Investigators	14							
Social Workers								
Social workers available through the Child Abuse Services Team, VAW and Victim/Witness programs			Social Worker III		\$77,522	Social Worker III	1	\$77,522
Total: Support Programs			Total Social Workers	1		Total Social Workers	1	
Administration			Administration			Administration		
Criminal Division								
Legal Office Business Manager	1	\$98,010	Business Manager	1	\$98,010	Same manager as PD		
Legal Office Asst I (PT)								
Legal office Asst II (PT)			Legal Office Asst II	1	\$46,384			

District Attorney's Office			Public Defender's Office			Conflict Counsel's Office		
Positions	# Positions	Annual Salary	Positions	# Positions	Annual Salary	Positions	# Positions	Annual Salary
Legal office Asst I (FT)	1	\$40,723						
Administrative Analysts								
Dept Info System Analyst	1	\$53,587						
Admin Service Officer	1	\$67,737						
Admin Analyst I (FT) Total	12							
Step 0	1	\$48,019						
Step 1	3	\$50,476						
Step 2	0							
Step 3	3	\$55,776						
Step 4	1	\$58,617						
Step 5	4	\$61,612						
Admin I (PT)	2							
Admin Analyst II Total	10							
Step 0	1	\$53,049						
Step 1	2	\$55,776						
Step 2	3	\$58,616						
Step 3	0							
Step 4	2	\$64,761						
Step 5	2	\$68,083						
Ad Analyst II with investigators								
Admin Analyst II/ Summer								
Total Admin FT	26		Total Admin	2		Total Admin	0	
Total Admin PT	5							
Total Admin FT + PT	31							
maybe included in above #								
Victim Witness Program								
Administrative Analyst	8							
Legal Secretary			Legal Secretary			Legal Secretary		
			Sup Legal Secretary (step 4)	1	\$68,099			
			Sr Legal Secretary (step 5)	1	\$56,056	Senior Legal Secretary (step 5)	1	\$56,056
			Legal Secretary II (step 5)	2	\$50,731	Legal Secretary I (step 4)	1	\$41,312
Total	0		Total	4		Total	2	
Additional Staff								
DA VW Program Coordinator	1							
Total	1		Total	0		Total	0	
TOTAL STAFF	50		TOTAL STAFF	21		TOTAL STAFF	10	
DA Full-Time + Part-Time STAFF TOTAL	60		PD + CC Staff Total	31				

Notes

- ¹ Humboldt County Public Defender website:
<https://humboldtgov.org/1345/Public-Defender>
- ² Humboldt County Public Defender 2024-25 Budget, see page C-35:
<https://humboldtgov.org/DocumentCenter/View/128637/Section-C---Law-and-Justice?bidId=>
- ³ Humboldt County 2024-25 Budget, see pages C-17, C-35:
<https://humboldtgov.org/DocumentCenter/View/128637/Section-C---Law-and-Justice?bidId=>
- ⁴ Humboldt County Public Defender 2024-25 Budget, see page C-46:
<https://humboldtgov.org/DocumentCenter/View/128637/Section-C---Law-and-Justice?bidId=>
- ⁵ Notice of Intent to Adopt a Negative Mitigated Declaration, see page 9:
<https://humboldtgov.org/DocumentCenter/View/79868/4th-St-CEQA-IS-MND-10-11-2019---text-only?bidId=>
- ⁶ Ibid.
- ⁷ Humboldt County Board of Supervisors Meeting Minutes 12/10/2019:
<https://humboldt.legistar.com/LegislationDetail.aspx?FullText=1&GUID=ADC56BA5-2468-40EF-9FE9-492B5998D76B&ID=4272705&Options=&Search=&utm>
- ⁸ Notice of Intent to Adopt a Negative Mitigated Declaration, see pages 3 and 5:
<https://humboldtgov.org/DocumentCenter/View/79868/4th-St-CEQA-IS-MND-10-11-2019---text-only?bidId=>
- ⁹ Humboldt County Public Defender 2024-25 Budget, see page C-52:
<https://humboldtgov.org/DocumentCenter/View/133994/-Adopted-Budget-Book-FY-2024-25>
- ¹⁰ Humboldt County Public Defender 2024-25 Budget, see page C-55:
<https://humboldtgov.org/DocumentCenter/View/133994/-Adopted-Budget-Book-FY-2024-25>
- ¹¹ Times-Standard Article on Public Defender addressing Board of Supervisors:
<https://www.times-standard.com/2025/05/13/absolute-crisis-humboldt-county-justice-offices-report-high-vacancy-rates/?share=bthmocsjdvvure2hehii>
- ¹² Median Humboldt County home costs:
<https://www.bestplaces.net/housing/country/california/humboldt>

- ¹³ California household income:
<https://www.census.gov/quickfacts/fact/table/humboldtcountycalifornia/RHI525223>
<https://www.neilsberg.com/insights/california-median-household-income/>
- ¹⁴ Housing is scarce:
<https://www.harealtors.com/market-statistics/>
<https://chpc.net/resources/humboldt-county-housing-need-report-2025/>
<https://data.uticaod.com/real-estate-market-report/hotness/humboldt-county/county-06023/>
- ¹⁵ Attorney student loan debt:
https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2024-student-loan-survey.pdf
- ¹⁶ RAND Study:
https://www.rand.org/pubs/research_reports/RRA2559-1.html
- ¹⁷ Office of The California State Public Defender “The National Public Defense Workload Study: A Practical Guide to Mapping Common California Offenses”:
<https://www.ospd.ca.gov/wp-content/uploads/2024/05/Understanding-the-NPDWS-California-Guide-Final.pdf>
- ¹⁸ Average hours per case: Ibid.
- ¹⁹ California study of Public Defender workloads:
<https://www.ospd.ca.gov/what-we-do/indigent-defense-improvement-division/idid-data-and-research/?utm>
- ²⁰ American Bar Association attorney ethics opinion:
https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/06-441.pdf
- ²¹ Rules of Professional Conduct:
https://www.calbar.ca.gov/Portals/0/documents/rules/Rule_1.3-Exec_Summary-Redline.pdf
- ²² San Francisco Public Defender announcement:
https://www.washingtonexaminer.com/news/3414042/san-francisco-public-defender-says-caseload-is-too-heavy-will-scale-back-service/?utm_source=DTR
- ²³ Humboldt County Public Defender 2024-25 Budget, see page C-55:
<https://humboldt.gov/DocumentCenter/View/128637/Section-C---Law-and-Justice?bidId=>

- ²⁴ Indiana Caseload Study: American Bar Association and Indiana Public Defender Commission. Standards for Indigent Defense Services in Non-Capital Cases: With Commentary. January 1995.
- ²⁵ BSCC Grant:
<https://www.bscc.ca.gov/current-funding-opportunities/>
- ²⁶ Public Defender crowdfunds for office:
<https://stateline.org/2017/11/21/public-defenders-fight-back-against-budget-cuts-growing-caseloads/>
- ²⁷ Public Defender occupational stress:
<https://jcjl.pubpub.org/pub/v4-i1-dotson-brody-lu-public-defender-stress/release/2?utm>
- ²⁸ Public defender stressors:
<https://jcjl.pubpub.org/pub/v4-i1-dotson-brody-lu-public-defender-stress/release/2?utm>
- ²⁹ Secondary Traumatic Stress: Ibid.
- ³⁰ Attorney Secondary Traumatic Stress symptoms like Post Traumatic Stress: Ibid.
- ³¹ Stress occupational hazard for attorneys: Ibid.
- ³² Public Defender stress: Ibid.
- ³³ Benefit of Emotional Support Animals: Chumley, P. R. (2012).
"Emotional support animals: The therapy behind the companionship." *Social Work Today*, 12(2), 24. Quinn, A., et al. (2019).
"Secondary traumatic stress and the health of attorneys who work with trauma-exposed clients."
— *Journal of Traumatology*, 25(1), 20–27.
- ³⁴ Humboldt County Judge Shortage:
https://courts.ca.gov/sites/default/files/courts/default/2024-12/report-to-the-legislature_2022-update-of-the-judicial-needs-assessment.pdf
- ³⁵ Humboldt County judges:
<https://courts.ca.gov/courts/superior-courts/judges-roster>
- ³⁶ California Legislative Analyst's Report:
<https://www.lao.ca.gov/Publications/Report/4623>

- ³⁷ Ten Principles of a Public Defense Delivery System:
<https://cjastudy.fd.org/sites/default/files/public-resources/articles-and-publications/aba-ten-principles-public-defense-delivery-system.pdf?>
- ³⁸ District Attorney v. Indigent Defense Spending:
<https://www.lao.ca.gov/Publications/Report/4623>
- ³⁹ Humboldt County 2024-25 Budget, see page C-47:
<https://humboldt.gov.org/DocumentCenter/View/133994/-Adopted-Budget-Book-FY-2024-25>
- ⁴⁰ Ibid, see page C-13
- ⁴¹ Humboldt County Public Defender 2024-25 Budget, see page C-53:
<https://humboldt.gov.org/DocumentCenter/View/133994/-Adopted-Budget-Book-FY-2024-25>