



SB 485 (Reyes): Public Defender Job Security and Integrity Act

SUMMARY

This bill would ensure autonomy for appointed Chief Public Defenders by better defining the conditions under which they can be removed for their position.

BACKGROUND

Public defenders play a crucial role in ensuring a fair and equitable justice system. They uphold the constitutional principle that all are presumed innocent until proven guilty by guaranteeing that everyone, regardless of financial status, has access to competent legal counsel and a fair trial.

Currently, county boards of supervisors have the authority to appoint or elect public defenders. All counties, with the exception of San Francisco, have opted for appointed public defenders.

This structure, however, can place public defenders in a difficult position. The appointed power dynamic may, in cases where there is conflict with the appointing entity, make them reluctant to uphold their legal responsibilities due to concerns about job security and potential retaliation.

In 2020, Montgomery County terminated Chief Public Defender Dean Beer and Deputy Chief Keisha Hudson after their office submitted an amicus brief supporting a lawsuit that challenged bail-setting practices in Pennsylvania. The brief highlighted

significant concerns, such as the lack of defense counsel at bail hearings and the fact that police, rather than the district attorney's office, typically recommended bail amounts.

Despite concerns being voiced by nearly 30 members of the public defender's office, the board retaliated by firing Beer and Hudson. This incident is just one example of how public defenders are often punished for advocating for justice and defending the rights of individuals.

To ensure a fair and just legal system, public defenders must be able to carry out their duties without fear of retaliation or political pressure. Granting them greater independence would safeguard their ability to serve with integrity and continue advocating for those who need it most.

THIS BILL

SB 485 seeks to eliminate the "at-will" employee status of appointed Chief Public Defenders, so that they can only be removed by the board of supervisors with a 3/5 vote for reasons such as neglect of duty, malfeasance, misconduct, or other justifiable causes.

This reform would shield public defenders from undue political influence, enabling them to carry out their crucial work with the independence and integrity needed to serve the public effectively.

SUPPORT

California Public Defenders Association
(SPONSOR)

Smart Justice California, a Project of Tides
Advocacy (Support)

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