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PERSPECTIVE

Collaboration is essential in these times

By G. Christopher Gardner

Public defender offices are proud of the essential role we play in the justice system. We are grateful for the daily opportunities to learn from our clients and to be the only people in the justice system dedicated to their service. We fear for our clients being locked up and the impact it will have on them and their families. This was true of our jobs *before* the pandemic and civil unrest of these past months, and it is even more so now. Being a public defender has never been more difficult or important, and there has never been a greater opportunity to work with our justice partners to improve the system.

The pandemic raises the stakes in serious and conflicting ways. Having our clients locked up during a pandemic, for any amount of time, greatly increases the chance they could become sick and die alone in custody. At the same time, we must protect ourselves and our families. Protecting our clients and staff from exposing one another to a virus is not something we are used to dealing with. Spending time with our clients, engaging in private conversations about their cases and lives, is the best part of the job. It is how we get to know them, and just as importantly, how they get to know and trust us. Finding new methods to develop this important relationship, in and out of the courtroom, while maintaining proper social distancing has been the most pressing challenge facing public defenders during this time. None of us wants to get to the point where we no longer believe we can effectively represent our clients and still protect our staff.

In San Bernardino County, the collaborative nature of the law and justice partners has resulted in cre-

ative solutions which, so far, have enabled us to do both. Each justice partner understands that despite having different missions, nothing can be achieved if the criminal courts cease to function. The conversations have not always been smooth, but the strong interconnectedness of the group has enabled us to keep working toward solutions. Fostering these relationships has been critical to our office being able to serve our clients and keep them and our staff as safe as possible.

For example, when the courts first closed, most of our staff could telecommute because we maintain electronic files. Our justice community created a virtual court at the jail during the first two weeks of the pandemic. Nearly four months later, each judicial division is equipped with felony video courts housed at two separate jails. Our deputies appear remotely on 75-100 in-custody cases each week.

When the Judicial Council enacted the zero bail schedule, we met with our justice partners to discuss implementation. We entered into stipulations to reduce the bail of 206 clients. Before their bail was reduced, our deputies visited each client to answer their questions. If they had housing or other issues, our social workers visited them and arranged for necessary services. An additional 99 clients had contested bail hearings via video. We successfully obtained zero bail in over 50% of these cases. When the emergency bail schedule ended, we met again with the justice partners and the courts adopted a similar bail schedule moving forward.

Due to the reduction in court services, some members of our defense team experienced a decreased workload. As a result, we were able to collaborate with the San Bernardino

County Public Health Department by providing them with over 50 investigators, social workers and administrative assistants to conduct trace contact investigations. To date, we have completed over 5,000 investigations. At the same time, we have generated goodwill with an important county partner who can help our clients in the future. Additionally, our social workers have collaborated with community based organizations and our probation department to provide meals for our juvenile clients, and to help our unemployed clients enroll in job training programs.

When the courts reopened, we faced a backlog of nearly 4,000 misdemeanor cases at just one courthouse. Roughly 350 cases a day were calendared during a three week period. With our justice partners, we created outdoor courts and an outdoor arraignment calendar to achieve physical distancing and to minimize the amount of people inside the courthouse.

As emotionally exhausting as life was during the first three months of the COVID-19 crisis, the reaction to George Floyd's murder galvanized society in a way rarely seen before. People are understandably hurt and angry, and our office is no exception.

Many of us participated in local rallies, and we were honored to join fellow public defenders across the country on June 8 to march for Black Lives Matter to Public Defenders. While it occurred to me that our office's strong stance could endanger our relationships with law enforcement, it was essential that we stand with our clients and the community we serve, regardless of the consequences.

The support we received was overwhelming. The Board of Supervisors and the CEO's office

were encouraging and the Sheriff's Department provided security at events. We also had other county departments, including some law enforcement asking to march with us. Our county appeared unified in a way I have never felt before.

The momentum continued when the district attorney and I spoke at an open Board of Supervisors meeting in support of a resolution declaring racism a public health crisis in San Bernardino County. The board passed, and adopted it unanimously on June 23. It was a formal acknowledgement that racism is real and hurts our county residents. I have never been more proud of working for San Bernardino County than I was in that moment.

Now the hard work really begins, the work that could lead to change. The resolution directs county leaders and others to work *together* to identify and seek solutions to racism and for ways to improve the lives of those victimized by it. As challenging as it will be, I am confident we are up to the task. Our county has learned that collaboration leads to solutions. It is not a sign of weakness — it is a sign of strong leaders who prioritize getting things done for their constituents. ■

G. Christopher Gardner is the public defender of San Bernardino County.

