



Legislation Text

File #: 21-0166, **Version:** 1

Public Defender recommending the Board:

- 1) Ratify the Public Defender's signature on a grant agreement with the Board of State and Community Corrections for grant funds available through the Indigent Defense Grant Program in the amount of \$347,900;
- 2) Adopt and authorize the Chair to sign Resolution **018-2021** delegating authority to Teri Monterosso, Chief Public Defender, to execute the grant agreement and to accept funding, if awarded, contingent upon County Counsel and Risk Management approval;
- 3) Authorize the Public Defender to execute and administer any agreement or subsequent administrative documents relating to said award, including required fiscal and programmatic reports, contingent upon approval by County Counsel and Risk Management; and
- 4) Adopt and authorize Chair to sign Resolution **019-2021**, revising the Fiscal Year 2020-21 Authorized Personnel Allocation Resolution 106-2020 for the Public Defender, adding 1.0 Full Time Equivalent Limited-Term Deputy Public Defender I/II and adding 1.0 Full Time Equivalent Limited-Term Program Assistant, both positions dedicated to the case management needs supported by the Indigent Defense Grant Program.

FUNDING: Indigent Defense Grant Program funding, as established by the Budget Act of 2020 (SB 74).

DISCUSSION / BACKGROUND

The State of California's Budget Act of 2020 (SB 74) established the Indigent Defense Grant Program and appropriated \$10,000,000 in funding to divide among rural county public defender offices. The El Dorado County Public Defender has an opportunity to receive up to \$347,900 in non-competitive grant funds under this Program. The grant covers a two-year funding cycle: February 15, 2021- June 30 2023. Funds must be used to address the staffing, training, case management needs or other attorney support of Public Defender offices.

With the funding made available through this grant opportunity, the Public Defender proposes to add a 1.0 Limited Term Deputy Public Defender I/II and a 1.0 Limited Term Program Assistant to work collaboratively in the arraignment court to provide early identification and assessment of out-of-custody clients, to evaluate and determine if a client is eligible for any new criminal justice relief, and to identify other vulnerable clients who could benefit from the services provided by County partners. In the 50+-year history of the Public Defender's Office, there have never been enough staff for that task in the courtroom.

This proposal will utilize the two-year funding cycle to maximize the positive impact on the clients and the community, and to provide richer data than a one-year proposal would accomplish. We estimate that a Limited Term Deputy Public Defender I/II and a Limited Term Program Assistant would cost \$468,460 for this two-year project. While the grant will not fully fund the two year program expense, the Public Defender is proposing to offset the expense with the use of AB109 PD sub account funds.

The Limited Term Deputy Public Defender I/II, to be assisted by the Limited Term Program Assistant,

will interview clients scheduled for out-of-custody arraignment, obtain consent to gather any necessary records or information necessary for a full evaluation, advocate to the bench officer for early diversion into the appropriate court, and even help the clients find the appropriate resources to successfully complete their diversion program.

The Limited Term Deputy Public Defender I/II and the Limited Term Program Assistant can also identify those clients who may be served by the new HHSA programs funded by the Mental Health Services Act (MHSA) funds that specifically assist those persons who are mentally ill and cross over into the criminal justice arena. The Public Defender plans to work with HHSA staff to help with early identification and intervention, so that the programs can assist mutual clients in avoiding harsh consequences or imprisonment.

For those clients identified as having a need for post-conviction relief, the Limited Term Deputy Public Defender I/II and the Limited Term Program Assistant would schedule interviews during which the basis for relief could be established and then the appropriate petitions filed.

With the early identification of qualified persons, the Public Defender's Office can improve services to the clients and to the entire justice system by prompt advocacy in the arraignment court. Instead of waiting for multiple pretrial appearances, clients can have a first assessment at arraignment. Since most of the out-of-custody arraignments are misdemeanors, early assessment for misdemeanor diversion or mental health diversion is critical to preserve housing, educational rights, and employability.

The Board is asked to ratify the Public Defender's signature on the grant agreement because the deadline for submittal was April 2, 2021, but the resolutions and agreement had not been fully approved in time for the March 23, 2021 meeting.

ALTERNATIVES

Should the Board decline to adopt Resolutions 018-2021 and 019-2021 and decline to approve the acceptance of the Indigent Defense Grant funds, the County would be ineligible to participate in the Program and, as a result, not be awarded the funding identified for El Dorado County. The Public Defender would then not be able to effectively staff the out-of-custody arraignment calendar to interview people being arraigned in order to evaluate whether those people are eligible for diversion programs.

PRIOR BOARD ACTION

Item #20-0765, June 23, 2020 - FY 2020-21 Authorized Personnel Allocation Resolution 106-2020

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no Net County Cost associated with this agenda item. The addition of a 1.0 Limited Term Deputy Public Defender I/II and 1.0 Limited Term Program Assistant, is estimated to cost approximately \$468,460 for the two-year funding cycle of the grant. The allocation for El Dorado

County under the Indigent Defense Grant Program is \$347,900 for the two-year cycle. While the grant will not fully fund the two year program expense, the Public Defender is proposing to offset the expense with the use of AB109 (Prison Realignment) Public Defender sub account funds which will be included in the FY 21/22 budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on Resolutions XXX-2021 and XXX-2021.
- 2) Clerk of the Board will return one (1) certified Resolution XXX-2021 to Public Defender.
- 3) Clerk of the Board will provide a fully executed copy of Resolution XXX-2021 to Michael Reddin in Human Resources, with a copy to Public Defender.

STRATEGIC PLAN COMPONENT

Public Safety.

CONTACT

Teri Monterosso