



Legislation Text

File #: 22-0595, **Version:** 1

Public Defender recommending the Board:

- 1) Accept a three year grant award from the Board of State and Community Corrections for grant funds available through the Public Defense Pilot Program in the amount of \$250,991.33 for year one (1);
- 2) Adopt and Authorize the Chair to sign Resolution **055-2022** delegating authority to Teri Monterosso, Chief Public Defender, to execute the grant agreement and to accept funding, contingent upon County Counsel and Risk Management approval; and
- 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.

FUNDING: Public Defense Pilot Program funding, as established by the Budget Act of 2021 (SB 129).

DISCUSSION / BACKGROUND

The State of California's Budget Act of 2021 (SB 129) established the Public Defense Pilot Program and appropriated \$50,000,000 in funding to divide among California counties indigent defense providers. The El Dorado County Chief Public Defender applied for, and has been awarded grant funding in the amount of \$250,991.33 for year 1 of the 3 year grant. The Public Defender's Office has coordinated with the Alternate Public Defender's office, and determined an allocation of funding between the two Offices of approximately: \$222,000 for the Public Defender's Office, \$29,000 for the Alternate Public Defender. The grant covers a three-year funding cycle: March 1, 2022 - March 1, 2025. Funds must be utilized for indigent defense providers including public defenders, alternate defenders, and other qualifying entities that provide indigent defense in criminal matters for the purpose of workload associated with the provisions in paragraph (1) of subdivision (d) of Section 1170 of, and Sections 1170.95, 1473.7, and 3051 of, the Penal Code.

With the funding made available through this grant opportunity, the Public Defender will provide legal assistance and advocacy to two categories of clients: youthful offenders who need support and legal guidance through their parole hearing process (§3051) and clients who are eligible for sentence recall and resentencing pursuant to §1170(d). The grant budget includes the addition of 1.00 FTE Paralegal for the identification of potential clients and support of legal services. If approved, a future recommendation will be presented for the addition of 1.00 FTE Limited Term Paralegal. Clients will be handled by the Public Defender and the Alternate Public Defender offices, in a collaborative effort. These grant funds will not supplant, but enhance existing programs and efforts by the Public Defender's Office.

The project will also fund expert witnesses, private investigators, and mitigation specialists preparing 1170 requests or Franklin Hearings assigned to both the Public Defender and the Alternate Public Defender.

ALTERNATIVES

Should the Board decline to adopt Resolution XXX-2022 and decline to approve the acceptance of the Public Defense Pilot Program 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.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The Office of the Alternate Public Defender collaborated on the grant application and will work in collaboration with the Public Defender's Office should the grant be approved.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no Net County Cost associated with this agenda item. The allocation for El Dorado County under the Public Defense Pilot Program is \$250,991.33 for one year of the three year cycle. If approved, the revenue and appropriations will be included in the FY 2022-23 Recommended Budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on Resolutions XXX-2022.
- 2) Clerk of the Board will return one (1) certified Resolution XXX-2022 to Public Defender.

STRATEGIC PLAN COMPONENT

Public Safety.

CONTACT

Teri Monterosso