



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Public Defender's Office

Subject: Accept Grant Award from Board of State and Community Corrections for Public Defense Pilot Program

Meeting Date: January 14, 2025

Formal Title: Authorize year three of a grant agreement with the California Board of State and Community Corrections for an allocation of \$316,640 to conduct the Public Defense Pilot Program, approve addition of 1.0 full-time equivalent limited-term Administrative Aide position for grant administration and reporting, and take related actions

Recommended Actions

1. Authorize the Public Defender to continue year three of a grant agreement with the Board of State and Community Corrections (BSCC) to provide indigent defense services for post-conviction relief related to Penal Code sections 1172.1, 1172.6, 1172.7, and 1172.75, and authorize the Public Defender to execute the agreement on behalf of the County;
2. Adopt resolution accepting unanticipated revenue in the amount of \$316,640 in Fiscal Year 2024-25; and
3. Approve the addition of 1.0 full-time equivalent (FTE) limited-term Administrative Aide position for grant administration and reporting, as well as other administrative duties, through June 30, 2025.

Executive Summary

The Public Defender's Office (PDO) recommends the Santa Cruz County Board of Supervisors (Board) authorize PDO to continue the third and final year of the Public Defense Pilot Program, adopt a resolution accepting a grant allocation in the amount of \$316,640 for Fiscal Year (FY) 2024-25, and approve the addition of 1.0 FTE limited-term Administrative Aide position for indigent defense services for post-conviction relief related to Penal Code sections 1172.1, 1172.6, 1172.7, and 1172.75 (originally referenced as 1170(d)(1), 1170.95, 1473.7, and 3051), which together provide for vacating convictions, recalling sentences, and considering parole in certain cases.

Discussion

The Budget Act of 2021 (Senate Bill 129) established the Public Defense Pilot Program (PDPP) to fund indigent services for post-conviction relief (PCR) for certain Penal Code sections. The related sections are as follows:

- Originally 1170(d)(1), now 1172.1 (recalling and reducing sentences upon recommendation of California Department of Corrections and Rehabilitation (CDCR) or District Attorney's Office (DAO)),
- Originally 1179.95, now 1172.6 (vacating and resentencing for convictions for felony murder or murder under a natural and probable consequences theory),
- Originally 1473.7, now 1172.7 (vacating conviction with underlying prejudicial error related to immigration consequences or new evidence of actual innocence),

and

- Originally 3051, now 1172.75 (requiring creation of meaningful record in support of youthful offender parole hearing)

On January 11, 2022, the Board approved a request by the Public Defender to submit a grant application in the amount of \$354,416 to the Board of State and Community Corrections (BSCC) to participate in the pilot program. On March 22, 2022, the Board adopted Resolution 94-2022 to accept the first-year award and authorized PDO to enter into a grant agreement. On December 13, 2022, the Board adopted Resolution 310-2022 to accept the next two years of the awarded grant and authorized PDO to enter into a grant agreement.

On January 9, 2024, the Board authorized PDO to continue the third and final year of the Public Defense Pilot Program (PDPP). Santa Cruz County was originally allocated a maximum of \$284,321 for a period between March 1, 2024, to March 1, 2025. Shortly thereafter, the initial drafts of the State budget did not fund the PDPP. The PDO's adopted budget did not include any PDPP revenue. In July 2024, BSCC notified PDO that they would receive \$32,319 more than the January 2024 allocation for a total award of \$316,640 for a period between October 30, 2024, to December 31, 2026. The revenue allows PDO to continue to provide the indigent accused of crimes in Santa Cruz County with comprehensive representation using model practices. Pursuant to the Budget Act, the BSCC determines county funding allocations based on total adult population.

During the first and second years of this program period, PDO represented 22 post-conviction cases and reviewed an additional 122 petitions.

Increased administrative tasks, including administering the PDPP grant, supporting Proposition 47 CAFES grant administration, and pursuing additional external funding, has created the need for additional administrative staff to execute PDO's administrative operations efficiently. PDO is requesting the addition of 1.0 FTE limited-term Administrative Aide position, funded by a portion of grant funding and salary savings through June 30, 2025. The Administrative Aide will be responsible for assisting with invoicing, record-keeping, and data gathering tasks, which are critical to the efficient management of PDPP reporting requirements and ongoing projects. This position will also support seeking reimbursement through Senate Bill 90, a previously unexplored source of potential state reimbursement for unfunded services mandated by the state.

The BSCC requires that a resolution be obtained from the awarded jurisdiction's governing body authorizing the Public Defender to sign the grant agreement as awarded by the state and accept the award of associated funds as a condition of releasing committed funds to each awarded California county. The Board adopted the required resolution for all three years of grant funding. This item recommends that the Board authorize the Public Defender to continue year three of the grant agreement for the Public Defense Pilot Program.

Financial Impact

The resolution accepts unanticipated revenue in the amount of \$316,640 into PDO's Budget in FY 2024-25 under account 592100/40894. The 1.0 FTE limited-term Administrative Aide position will be partially funded by grant funding and salary savings

realized in FY 2024-25. No new County General Funds are needed or requested.

Strategic Initiatives

Equity Framework - Community Voices & Partnership
Operational Plan - Comprehensive Health & Safety

Submitted By:

Heather Rogers

Recommended By:

Carlos J. Palacios, County Administrative Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.