



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** Public Defenders Office

**Subject:** Letter Supporting State Funding for Holistic Defense

**Meeting Date:** May 20, 2025

**Formal Title:** Direct the Board Chair to send a letter to the State legislative delegation in support of funding for indigent defense

### **Recommended Actions**

Direct the Board Chair to send a letter to the State legislative delegation in support of funding for indigent defense, which would help support the additional workload resulting from the passage of Proposition 36.

### **Executive Summary**

On July 1, 2022, the Santa Cruz County Office of the Public Defender (PDO) officially launched under a community-based whole-person defense model, providing the constitutionally mandated legal representation to people accused of crimes who cannot afford a private attorney. The holistic defense model incorporates legal representation with other services to meet the enmeshed legal, social and economic needs of our clients and reduce criminal system involvement and recidivism. In November 2024, voters passed Proposition 36, leading to more felony filings, increased incarceration, and decreased resources for supportive services, such as treatment programs for people suffering from mental health and substance use disorders. This change in State law leads to an increase in indigent defense providers' workload. The attached letter requests the State provide funding to indigent defense statewide in the amount of \$120 million over three years to support the increased need for these services.

### **Discussion**

Santa Cruz County has made significant strides toward a criminal legal system that treats individuals as whole people and not merely as cases to be processed. Through the implementation of holistic defense, the PDO has worked to address the root causes of system involvement, such as poverty, mental illness, substance use, and housing instability.

The passage of Proposition 36, however, has introduced a new set of challenges. It turns some misdemeanors into felonies, and as a result increases penalties for retail theft and drug possession. Proposition 36 requires early incarceration for shoplifters and makes offenses that previously resulted in probation eligible for State prison.

While the measure also mandates treatment as an alternative to prison, it does not provide resources to expand treatment option for our community. Implementation of Proposition 36 has led to increased pretrial incarceration, more felony prosecutions, and harsher penalties due to poverty, mental health issues, substance use disorders, and homelessness. Instead of expanding access to treatment and services, Proposition 36 has strained already limited local systems and diverted resources away from the very supports it purportedly aimed to prioritize. There are four residential treatment centers in Santa Cruz County, only one of which treats monolingual Spanish speakers.

In Santa Cruz County, clients typically wait for about a month in jail before being

considered eligible for release in a residential program, then several more weeks for placement. Proposition 36 took effect on December 18, 2024. In the first month after Proposition 36 was enacted, PDO reviewed the cases with Proposition 36 charges and noticed that over 10% of new felony cases would have been classified as misdemeanors prior to Proposition 36. Multiple clients who would not have faced incarceration under prior laws remained in jail, unable to afford the cash bail attached to felony charges.

The attached letter requests the state allocate \$120 million over the next three years to support indigent defense providers statewide. This investment is critical to sustaining and expanding holistic defense efforts that provide not only legal representation but also the social supports needed to stabilize lives and reduce future system involvement.

**Financial Impact**

The recommended action may lead to additional state funding for indigent client defense in the next three fiscal years.

**Strategic Initiatives**

Equity Framework - Plans, Policies & Budgets

Operational Plan - Comprehensive Health & Safety

**Submitted By:**

Heather Rogers, Public Defender

**Recommended By:**

Carlos J. Palacios, County Executive Officer

**Artificial Intelligence Acknowledgment:**

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