

41. Direct the Board Chair to send a letter to the State legislative delegation in support of funding for indigent defense ()



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:

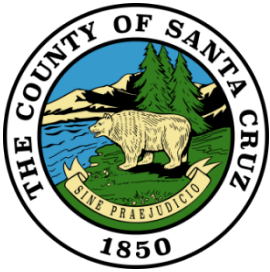
Heather Rogers, Public Defender

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.



County of Santa Cruz

COUNTY BOARD OF SUPERVISORS

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May 5, 2025

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Speaker of the Assembly
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Senator Scott Wiener
Chair, Senate Committee on Budget
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Chair, Assembly Committee on Budget
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Senator Laura Richardson
Chair, Senate Budget Subcommittee No. 5
1021 O Street, Suite 7340
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Assemblymember James Ramos
Chair, Assembly Budget Subcommittee No. 6 on Public Safety
1021 O Suite, Suite 8310
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Re: Funding Request for Holistic Defense Services for Indigent Defense Providers

Dear Senate and Assembly Leaders:

On behalf of the Santa Cruz County Board of Supervisors, I am writing to join with the California Public Defender's Association and Smart Justice California to respectfully request \$120 million over 3 years to support indigent defense providers across California in implementing holistic defense services. This investment would enhance the ability of indigent defense providers to address the complex enmeshed legal, social, and economic issues faced by their clients. This funding is critical in the wake of Proposition 36, in which voters expressed their intent to have individuals in the criminal legal system receive treatment and housing so as to reduce future contacts with the system.

Background

Holistic defense integrates legal advocacy with comprehensive support services to address the underlying causes of criminal legal system involvement, including poverty, homelessness, and untreated behavioral health needs, and to support clients' re-entry needs, including housing and employment, so as to reduce recidivism.

Studies from jurisdictions that have adopted holistic defense models show significant improvements in outcomes for clients and public safety, including:

- Reduced rates of recidivism.¹
- Shortened pretrial detention periods.²
- Enhanced access to housing, employment, and treatment services.³⁴
- Long-term cost savings for the criminal justice system.⁵

Proposed Use of Funds

The requested \$120 million will be allocated to indigent defense providers to:

1. Support the hiring of social workers, mental health professionals, housing specialists, and other front-line staff with experience or training in holistic defense to form holistic defense teams to serve clients;
2. Fund the establishment of pilot programs and the expansion of existing holistic defense initiatives in under-resourced regions and high income-disparity regions;
3. Provide specialized training for defense attorneys and interdisciplinary staff to implement best practices in holistic defense;
4. Support robust data collection and independent evaluation of the impact of holistic defense services on client outcomes and public safety.

We propose that the \$120 million be appropriated in this year's budget and distributed as grants to be used over three years, prioritizing indigent defense offices with high indigent caseloads, limited access to existing holistic services, or high-income disparity regions. Such an investment would represent a critical step toward ensuring equitable access to justice for all Californians, regardless of income and would:

- Improve public safety through reducing recidivism;
- Improve client outcomes;
- Create long-term cost savings by addressing the root causes of criminal legal system involvement;
- Effectuate the voters' intent in Proposition 36 to have people receive treatment, housing, and reduce recidivism.

¹ [RAND study finds that Bronx Defenders' holistic defense saved clients 1.1 million days behind bars](#)

² [The Effects of Holistic Defense on Criminal Justice Outcomes](#)

³ [James M. Anderson, Maya Buenaventura and Paul Heaton, *The effects of holistic defense on criminal justice outcomes*, Vol. 132, No. 3\(Harvard Law Review January 2019\)](#)

⁴ [Public defenders can open the door to health services | Vera Institute](#)

⁵ Fn. 1; 3, 4.

For further details, please contact: Rebecca Marcus, California Public Defenders Association rebecca@gsadvocacygroup.com, or Natasha Minsker, Smart Justice California, natasha.minsker@gmail.com Thank you for your attention to this important matter.

Sincerely,

Felipe Hernandez, Chair