



Monterey County

Item No.10

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 22-068

April 05, 2022

Introduced: 3/4/2022

Current Status: Criminal Justice - Consent

Version: 1

Matter Type: BoS Resolution

Adopt Resolution to:

- a. Ratify the submittal of a grant application by the Monterey County Public Defender to the Board of State and Community Corrections (BSCC) for the Public Defense Pilot Program Grant in the amount of \$525,757 for funding of Resentencing Advocacy and Youthful Offenders project (RAY);
- b. Authorize the Public Defender or Assistant Public Defender to execute the Grant Agreement with BSCC, accepting a Public Defense Pilot Program Grant award for a total grant amount of \$525,757, for deploying and implementing a RAY project for the grant period March 1, 2022 through March 1, 2025; and
- c. Approve the delegation and authority to the Public Defender or Assistant Public Defender to act on the County's behalf to carry out and consummate all transactions contemplated during the grant period; and
- d. Approve an increase in appropriations and estimated revenues of \$525,757 for Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2021-22 Adopted Budget (4/5ths vote required); and
- e. Authorize and direct the Auditor Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2021-22 Adopted Budget, and the County Administrative Office to reflect these approved changes in the FY 2022-23 Recommended Budget on June 2-3, 2022. (4/5ths vote required).

..Report

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt Resolution to:

- a. Ratify the submittal of a grant application by the Monterey County Public Defender to the Board of State and Community Corrections (BSCC) for the Public Defense Pilot Program Grant in the amount of \$525,757 for funding of Resentencing Advocacy and Youthful Offenders project (RAY);
- b. Authorize the Public Defender or Assistant Public Defender to execute the Grant Agreement with BSCC, accepting a Public Defense Pilot Program award for a total grant amount of \$525,757, for developing and implementing a RAY project for the grant period March 1, 2022 through March 1, 2025; and
- c. Approve the delegation and authority to the Public Defender or Assistant Public Defender to act on the County's behalf to carry out and consummate all transactions contemplated during the grant period; and
- d. Approve an increase in appropriations and estimated revenues of \$525,757 for Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2021-22 Adopted Budget (4/5ths vote required);

and

e. Authorize and direct the Auditor Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2021-22 Adopted Budget, and the County Administrative Office to reflect these approved changes in the FY 2022-23 Recommended Budget on June 2-3, 2022. (4/5ths vote required).

SUMMARY:

The Public Defender office has applied for a Public Defense Pilot Program grant through the Board of State and Community Corrections (BSCC) in the amount of \$525,757.56 to be funded for a period commencing on March 1, 2022 through March 1, 2025. The Board of State and Community Corrections requires formal authorization in order to consider the County's submission. Therefore, Board approval of the submission is requested.

DISCUSSION:

The Board of State and Community Corrections (BSCC) is an independent statutory agency that provides leadership and technical assistance to the adult and juvenile criminal justice systems, expertise on Public Safety Realignment issues, a data and information clearinghouse, and provides assistance on a wide range of community corrections issues. The BSCC also administers public safety related to grant funding, including evidence-based practices to fight gangs, and works to address the over representation of youth of color in the juvenile justice system.

The Budget Act of 2021 (Senate Bill 129) appropriated funding for the Public Defense Pilot Program to each county for indigent defense providers, including public defenders, alternate defenders, and other qualifying entities that provide indigent defense in criminal matters for the purposes 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.

Currently, the Public Defender's office is unable to meet the needs resulting from Senate Bill 129 with the existing resources and staff. Attorneys will be consuming cases affected by the above changes in legislation requiring analysis and review in addition to their current caseloads. Supplementary support from legal assistants and experts will also result in a work product increase required by 1473.7 motions made under the Racial Justice Act (RJA), the fact-intensive nature of proceedings under 1437.7, 3051, and 1170.95, will require substantial investigative efforts in matters that are decades old.

Funds awarded under the Public Defense Pilot Program will be utilized to fund the Public Defender's office deployment of an attorney position and Legal Assistant to provide indigent defense services under the Racial Justice Act (California Penal Code section 745) and the Youthful Offender Parole Act (California Penal Code section 3051).

OTHER AGENCY INVOLVEMENT:

The County Administrative Office has reviewed the recommendation.

FINANCING:

The Public Defender's office is asking for support from the Budget Committee to increase appropriations and estimated revenues of \$525,757.56 for the Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2021-22 Adopted Budget. The grant amount of \$525,757.56 is awarded under the Public Defense Pilot Program Grant that requires no financial leveraging through other federal, state, or local funds or other social investments. There will be no impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation meets the Board's strategic initiatives by promoting an organization that practices efficient and effective resource management and by creating a safe environment for communities to thrive and grow while reducing violent crimes.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☒ Administration
☐ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Approved by: Susan E. Chapman, Public Defender, Ext. 5806



Attachments:

Resolution

Public Defense Pilot Program Grant Application