



Contra
Costa
County

To: Board of Supervisors

From: Ellen McDonnell, Interim Public Defender

Date: January 11, 2022

Subject: CA BSCC Public Defense Pilot Program Grant

RECOMMENDATION(S):

Adopt Resolution No. 2022/13 authorizing the Public Defender, or designee, to apply for and accept the Public Defense Pilot Program grant up to \$1,468,664 annually, from the California Board of State and Corrections to provide post conviction relief services for the period March 1, 2022 through March 1, 2025.

FISCAL IMPACT:

If awarded, the funds will increase Public Defender revenue up to \$1,468,664 annually for 3 years. (100% State, no County match)

BACKGROUND:

The Public Defender's Office represents indigent individuals charged with crimes in local criminal courts. Over the last several years, various legal reforms have been enacted for the purpose of rectifying inequitable sentences, and promoting just outcomes in the criminal justice system. The Budget Act of 2021 (Senate Bill 129) established the Public Defense Pilot Program, and funds were allotted to support indigent defense providers. The statutory provisions included in this pilot program include various laws providing for post-conviction relief as follows:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/11/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 11, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Joanne Sanchez
925-335-8065

cc:

BACKGROUND: (CONT'D)

- 1) Penal Code section 1170(d)(1) allows for resentencing based on recommendations from CDCR as well as allowing for prosecutor-initiated review and recommendations for resentencings for those serving inequitable state prison sentences.
- 2) Penal Code section 1170.95 reformed the Felony Murder rule and requires resentencing in certain cases for individuals previously convicted under the Felony Murder rule.
- 3) Penal Code section 1473.7 allows for post-conviction relief in cases where individuals were not accurately advised of their immigration consequences at the time of their plea.
- 4) Penal Code section 3051 provides for Youthful Offender Parole Hearings for those serving sentences for crimes that they committed as a juvenile. This requires the submission of Youthful Offender mitigation packets for those previously convicted as well as for future cases.

The Public Defender's Office will utilize funds awarded to increase access to post-conviction relief under the four statutory provisions listed above. Without this grant funding, our current staffing levels are not sufficient to meet the needs of those eligible for the types of post-conviction relief provided for in the enumerated statutes above. There are a large volume of requests in each of these statutory areas, and grant funding is necessary to create teams of attorneys, legal assistants, clerical staff, and a social worker to support this work.

CONSEQUENCE OF NEGATIVE ACTION:

If unapproved, Contra Costa will be not be able to apply for and accept this significant grant funding opportunity. Additionally, the Office of the Public Defender will not have adequate resources to address the large volume of requests to represent individuals eligible for relief under the Public Defense Pilot Program.

ATTACHMENTS

Resolution 2022/13