

MEETING DATE: July 15, 2021 **AGENDA ITEM:** D

TO: BSCC Chair and Members

FROM: Ricardo Goodridge, Deputy Director, ricardo.goodridge@bscc.ca.gov

SUBJECT: Public Defense Pilot Program Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the Public Defense Pilot Program. If the proposed list of recommendations is approved, California counties will be eligible to receive \$49,500,000 for indigent defense services in Fiscal Year (FY) 2021-22. This recommendation and schedule have been prepared in consultation with the Office of the State Public Defender.

Background

Amendments to the Budget Act of 2021 (Senate Bill 129)¹ allocates \$50,000,000 to the BSCC to administer a new Public Defense Pilot Program (Attachment D-1). From the \$50,000,000 allocation, \$49,500,000 shall be provided to counties for indigent defense based on each county's share of the total adult population in the state. Eligible recipients of the funds include 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." The BSCC also was provided \$500,000 to cover administrative costs and to contract with a university or research institution to complete an independent evaluation of the pilot program.

The BSCC calculated the amount of funding each county is eligible to receive by dividing the \$49.5 million by the county's share of the total adult population using the 2021 projected population figures from the Department of Finance (Attachment D-2). The amount of funding for which counties are eligible ranged from \$1,527.64 to \$12,720,245.54.

¹ As of the date of the posting of this report, Senate Bill 129 was approved by the Legislature and awaiting further action by the Governor.

In addition to the FY 2021-22 allocation, the BSCC anticipates similar appropriations in FY 2022-23 and 2023-24². A display of the three-year projected allocation is provided below:

Fiscal Year (FY)	Appropriation	Administration/Evaluation	Total
FY 2021-22	\$49,500,000	\$500,000	\$50,000,000
FY 2022-23	\$49,500,000	\$500,000	\$50,000,000
FY 2023-24	\$49,500,000	\$500,000	\$50,000,000
Total	\$148,500,000	\$1,500,000	\$150,000,000

Subject to funding availability, counties will receive appropriations over three years.

Recommendation/Action Needed

In consultation with the California State Public Defender's Office, staff recommends that the Board take the following actions:

1. Approve the Public Defense Pilot Program Funding Recommendations.
2. Direct staff to continue to work with the Office of the State Public Defender to identify the appropriate county entities that provide the eligible indigent defense services authorized by the Public Defense Pilot Program.
3. Authorize staff to contract for an independent evaluation of the Public Defense Pilot Program.

Attachments

D-1: [Senate Bill 129](#) (Pending Governor's Signature)

D-2: Public Defense Pilot Program - Funding Allocation by County

² The table assumes that funding will be appropriated in the FY 2022-23 and 2023-24 State Budget Acts.