

# NEVADA COUNTY PUBLIC DEFENDER

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## NEVADA COUNTY BOARD OF SUPERVISORS

### Board Agenda Memo

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**MEETING DATE:** April 13, 2021

**TO:** Board of Supervisors

**FROM:** **Keri Klein, Public Defender**

**SUBJECT:** Resolution approving participation in the Indigent Defense Grant Program, the receipt of \$323,400 in grant funds and authorizing the Director of Health and Human Services to sign the Grant Agreement and authorizing and directing the Auditor-Controller to amend the Public Defender's Budget for Fiscal Year 2020/21 (4/5 vote required).

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**RECOMMENDATION:** Adopt the attached Resolution.

**FUNDING:** The term of funding is March 31, 2021-June 30, 2023. The Public Defender's Office would receive \$323,400 in grant funding through the State of California in order to institute the Improving Indigent Defense Program as set forth in the grant application and discussed within this memorandum. A budget amendment is included and requires a 4/5 vote by the Board members. There are no county general fund dollars required in the Agreement.

**BACKGROUND:**

Indigent defense services were mandated in California beginning in 1921. However, that mandate was not accompanied by any state funding nor any direction from the state in how to implement these services. Instead, counties were left to figure it out on their own. That has led to different models of providing indigent defense services as well as the historical underfunding of indigent defense around the state. On average, a Public Defender's Office in California receives approximately \$0.50 for every dollar a District Attorney's office receives. Some justification for the disparity in funding can be credited to the fact that prosecutors review more criminal cases than Public Defenders are appointed on as prosecutors must review reports that do not result in criminal charges being filed and they prosecute 100% of the criminal cases while, on average, Public

Defenders represent 80% of defendants charged with committing crimes. However, that fails to acknowledge that Public Defender Offices are also appointed on a variety of cases that do not involve the District Attorney's Office. In addition, District Attorney's offices are eligible for and receive grants from a variety of sources for the prosecution of crimes. However, those sorts of grants have not been available for the defense of people charged with crimes.

In recent years, more focus and pressure has been placed on the state to help counties improve the quality of indigent defense services. Finally, in January of 2021, for the first time ever, the State of California issued a grant RFP to Public Defender offices in 19 small to medium sized counties. The grant proposals were to focus on the improvement of indigent defense services in those counties. The grant amounts were decided based upon a collaborative effort that looked at the disparities between the Public Defender's Office and the District Attorney's Office in the 19 counties. Our office was asked to submit a grant proposal in the amount of \$323,400.

Our grant proposal focuses on four areas:

- 1) Representation
- 2) Training
- 3) Technology
- 4) Case management

Our proposal included a paid law clerk program to begin a pilot early representation program, assist in our COVID related backlog of cases, and assist in motions research and writing. In addition, we have previously sent attorneys to the Gideon's Promise training program in Atlanta, Georgia. Gideon's Promise is a program designed to assist lawyers in focusing on a client centered approach to public defense. It has been cost prohibitive to send more attorneys to this program. We proposed using grant funds to do so as well as to utilize other client centered public defense training programs. Further, we proposed using the grant funding to pay for two specific technology based improvements: 1) an interface between our office and the court's new case management system in order to facilitate electronic filing and create efficiencies in calendaring; and 2) an Evidence.com subscription so that we can reduce time spent downloading videos and audios. Last, we proposed the use of some funds for client case management.

On February 25, 2021, we were notified that our proposal was recommended for funding.

**Item initiated by and Approved by:** Keri Klein, Public Defender