



Research Report

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ROSEMARY LI

An Evaluation of California's Indigent Defense Grant Program

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About This Report

This report presents findings from a statewide evaluation of the Indigent Defense Grant Program, which provided supplemental funding to public defenders' offices in small to medium-sized (in terms of population) counties in California beginning in 2021. The goal of this grant program was to address intercounty variation and shortcomings in indigent defense resources. This report details the ways that grantees used program funds; what the funds enabled offices to accomplish during the grant period; and lessons learned from this program, which, to our knowledge, appears to have facilitated the first significant and widespread distribution of state funds to county-based public defense providers in California's trial courts. This report will be of interest to the state of California, to counties within the state that are responsible for providing counsel to financially eligible individuals, and to other states that are seeking to improve indigent defense services through the provision of state funds in support of local public defense operations. The research presented in this report was sponsored by the California Board of State and Community Corrections.

Justice Policy Program

RAND Social and Economic Well-Being is a division of the RAND Corporation that seeks to actively improve the health and social and economic well-being of populations and communities throughout the world. This research was conducted in the Justice Policy Program within RAND Social and Economic Well-Being. The program focuses on such topics as access to justice, policing, corrections, drug policy, and court system reform, as well as other policy concerns pertaining to public safety and criminal and civil justice. For more information, email justicepolicy@rand.org.

Acknowledgments

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Thank you to our peer reviewers, Melissa Labriola and Cynthia Lee, for their careful review and feedback on this document. We value their suggestions and hope that we have responded appropriately. Any errors in methodology, data collection, or conclusions are, of course, solely the authors' responsibility.

Summary

The Indigent Defense Grant Program

In 2020, California took steps to address intercounty variation and shortcomings in indigent defense resources through the Indigent Defense Grant Program (IDGP), which provides \$9.8 million to support the indigent defense systems in small to medium-sized (in terms of population) counties. An adequate understanding of the implementation and outcomes of the projects initiated by grantees is critical to identifying ways to improve the effectiveness of indigent defense across the state and achieve the underlying goals of the IDGP. The California Board of State and Community Corrections (BSCC) selected RAND to conduct a statewide evaluation of the IDGP to build this understanding.

Approach

We conducted a process and outcome evaluation of the IDGP. Grantees submitted biannual progress reports providing narrative and quantitative data on five categories of IDGP-funded expenditures: hiring attorneys and other staff; training attorneys and other staff; case management system purchases, updates, and improvements; supply purchases or office improvements; and client-focused or case support services. Through these progress reports, grantees also reported on two categories of outcomes resulting from IDGP-funded activities: the number of new cases assigned to IDGP-funded staff members during the reporting period and the provision of (1) supportive services to clients or (2) referrals to external programs, such as those related to community-based treatment, or diversion alternatives (defined by the number of new clients who, as a result of grant funding, were newly assigned to a service provider or newly received a service or other assistance). The reports also provided an opportunity for grantees to discuss progress toward the goals established in their funding applications as well as describe challenges encountered in meeting those goals.

In addition, we conducted initial interviews with grantees early in the grant program period (October and November 2021) and exit interviews at the end of the statewide evaluation (October and November 2023) to learn more about how grant funds were used, grantee accomplishments, and barriers and facilitators to implementation.

Key Findings

- The most common IDGP-funded hires were attorneys, law clerks or law students, and administrative assistants. IDGP-funded personnel performed a variety of tasks, includ-

ing taking on misdemeanor caseloads to reduce burden on attorneys already on staff and working toward diversion and postconviction relief for clients.

- Funds were also used to support training that otherwise would have been unavailable, especially for attorneys and investigators. Trainings covered a variety of topics, including capital sentencing, defending clients with mental health concerns, and forensic science.
- Offices used funds for a variety of client-focused and case support services, such as expert witnesses, immigration support, interpreters, and providing basic necessities to clients (e.g., hygiene kits).
- Grantees reported that they were able to make progress toward the goals established in their grant applications. Common goals included increasing knowledge and skills of staff in their offices; improving attorney and staff workloads; and providing services related to behavioral health and other well-being.
- Grantees experienced some challenges in accomplishing their IDGP-funded goals, including hiring and retention difficulties, delays outside the control of the offices, and data and technology limitations. They also described barriers to using their grant funds in anticipated ways, such as the costs and burdens of grant administration.
- Grantees identified the features of the grant program that maximized its impact on their work, including flexibility in how they used the funds, and they suggested opportunities for improvement, such as increasing the minimum funding allocation.

Recommendations

Using our evaluation, we identified nine recommendations for future grant programs aimed at public defenders' offices in small to medium-sized counties:

- **Continue to allow flexibility in the use of funds for general office improvement.** One of the reasons that these funds were so impactful is that grantees were able to decide what the highest priority needs in their offices were and then use the funds to fill those needs. Grantees compared the IDGP with other programs that have a narrower focus (e.g., the Public Defense Pilot Program) and indicated that it was much easier to use IDGP funds in the most effective way because there was no requirement that funds be spent on a specific activity or type of case.
- **Collect detailed information about office workloads and consider targeted distributions of funding where caseloads are excessive.** Small to medium-sized county public defense providers differ in the degree to which their caseloads require additional staff (particularly attorneys) to be brought on board to give appropriate time and attention to each client. In addition to grants for general office improvements—which should continue to address ongoing needs across all small to medium-sized counties—more-tailored, needs-based funding related solely to workload is required as well. Initial steps were recently taken by the Office of the State Public Defender to collect some impor-

tant information from county-based providers, but not at a granular level that would allow an assessment of whether workloads for individual staff members or the office as a whole have exceeded generally accepted recommendations for public defense delivery systems. Targeted workload-focused grants are clearly needed but should only be considered after such information is gathered and assessed.

- **Set a minimum funding level for grant allocations.** When the IDGP design was finalized, no office would receive less than \$274,400 in funds. Grantees contrasted this with other funding programs, which can be directly tied to population and therefore might result in small counties receiving a very limited amount of funds. Because this grant program ensured a minimum threshold of funding for all offices, it was easier for grantees to invest in something meaningful, such as costly trainings or hiring for a new role. At the same time, hiring personnel can be costly, and some offices did not receive enough funds to hire a new full-time position despite the minimum funding level. For future general office improvement grant programs similar to the IDGP, it could be of great value if the minimum threshold were set to a level at which even the smallest office could use the funds to hire at least one new attorney or other staff member for the entire grant period if it chose to do so.
- **Extend the grant time frame to account for approval processes at the state and local level and other delays.** Receiving grant funding from such a program as the IDGP is not as simple as a public defender's office depositing a check in its account. Rather, it takes time for grant agreements to be fully executed and for county boards of supervisors to accept those funds for use. As a result, some offices were delayed in starting their IDGP-funded work, which meant that they ran the risk of not using all the funds by the end of the grant period. Fortunately, grantees have received an extension from the state that provides them with an extra year to use the grant funds. For future grant programs, building in a longer time frame for use of funds could be valuable and might prevent grantees from being affected by these types of bureaucratic delays. Implementation of this recommendation would likely rely on inclusion of the necessary language within the authorizing legislation.
- **Provide a means for extending the authorized spending period for personnel under appropriate circumstances.** One problem we heard about repeatedly related to difficulties in attracting qualified candidates for IDGP-funded positions. Recruitment campaigns can take many months, and the time spent seeking applications takes away from the time that a IDGP-funded position can be staffed given the current preset duration of authorized spending. Current grant financing and administration rules notwithstanding, perhaps a mechanism might be established where a no-cost extension for personnel-related spending could be granted when the public defense provider has experienced significant delays in identifying applicants with the requisite skills and experience.
- **Revisit requirements related to local evaluation.** Local evaluations are a common feature of many BSCC grant programs and serve the purpose of documenting whether the activities that grantees used funds for were associated with the expected outcomes.

However, this requirement was a significant obstacle at the beginning of the grant program as grantees attempted to write Local Evaluation Plans, identify implementation and outcome measures, and develop data collection tools—typically without any experience related to evaluation. There might be ways to require local evaluation that do not burden offices, such as by creating a required carve-out of funds to support external evaluation, that could be worth considering for future grant programs.

- **Provide support for grant administration.** Most offices did not have a track record of grant funding when they applied to the IDGP. Grantees described the value of support from BSCC, including responsiveness from the BSCC team and their willingness to help grantees navigate such processes as project and budget modifications. Grantees noted that additional resources, such as templates and example applications, would be valuable for future grant programs, and that these resources could be valuable at the application stage as well as through the course of the grant period.
- **Consider expanding eligibility for the grant program to privately operated public defense providers.** The IDGP was originally focused on counties with established public defenders' offices. Though this decision was made in part to facilitate the administration and evaluation components of the grant program, the benefits of the IDGP were significant enough that it would be worthwhile to consider expanding future grant programs to small to medium-sized counties with other delivery models, such as contract defender programs and assigned counsel panels, as their primary means of providing appointed counsel. Providing a grant in this way might require more administrative burden and coordination between county staff and contracted defenders or assigned counsel but ultimately could provide the opportunity for improved indigent defense services to clients in a larger number of counties.
- **Continue to limit state grants for general office improvement to small to medium-sized counties for the near future.** Concerns over shortcomings in providing reasonably effective representations are not limited to what the IDGP defined as small to medium-sized counties. But small to medium-sized counties in California face particularly difficult challenges that are likely to continue without targeted state aid. To the extent that state financial support to county-based public defense ramps up slowly over the years, it makes more sense to keep the funding focus on these most vulnerable communities as they move toward parity with the large metropolitan counties in terms of per capita defense resources or some other meaningful metric.

Contents

About This Report	iii
Summary	v
Tables	xi
CHAPTER 1	
Introduction to the Indigent Defense Grant Program and Evaluation	1
The Promise of the Sixth Amendment.....	1
Definitions.....	4
Background for the IDGP.....	5
Time Frame and Offices Covered by the Evaluation.....	12
Overview of This Report.....	12
CHAPTER 2	
Evaluation Methods	15
Review of Applications and Grantee Progress Reports.....	15
Grantee Interviews.....	18
CHAPTER 3	
How Did Offices Use the Grant Funds?	21
Personnel.....	21
Training.....	25
Case Management Systems.....	28
Office Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements.....	29
Client-Focused or Case Support Services.....	31
CHAPTER 4	
What Did Grant Funds Enable Offices to Accomplish?	35
Quantitative Outcomes.....	35
Progress Toward Grantee Goals.....	38
Challenges to Accomplishing Office-Specific Goals.....	41
Accomplishments Resulting from the IDGP.....	43
CHAPTER 5	
What Lessons Were Learned About Implementing This Type of Grant Program?	45
Barriers to Implementing the Grant Program.....	45
Overall Facilitators to Implementation of the Grant Program Funds.....	47
Experience with Grant Partners.....	48
Opportunities for Improvement.....	48

CHAPTER 6

Conclusion 51

 Impacts of the Grant Funds 51

 Limitations of the Evaluation 53

 Recommendations for Future Grant Programs 54

 Moving Forward 58

Abbreviations 59

References 61

Tables

1.1.	Final IDGP Funding Allocations.....	10
2.1.	Categories of Grantee Goals and Examples.....	19
3.1.	Staffing in Grantee Offices Prior to Program Start.....	22
3.2.	IDGP-Funded Hiring During Evaluation Period.....	23
3.3.	Non-IDGP-Funded Hiring During Evaluation Period.....	24
3.4.	Trainings for Office Personnel During the Baseline Period.....	26
3.5.	IDGP-Funded Trainings for Office Personnel During Evaluation Period.....	26
3.6.	Non-IDGP-Funded Trainings for Office Personnel During Evaluation Period.....	27
3.7.	Expenditures for Case Management Systems During the Baseline Period.....	28
3.8.	Offices Reporting IDGP-Funded and Non-IDGP-Funded Case Management System Expenditures During Evaluation Period.....	29
3.9.	Offices Reporting Expenditures for Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements During Baseline Period.....	30
3.10.	Offices Reporting Expenditures for Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements During Evaluation Period.....	30
3.11.	Expenditures for Client-Focused and Case-Support Services During the Baseline Period.....	32
3.12.	Offices Reporting Expenditures for Client-Focused and Case-Support Services During Evaluation Period.....	32
4.1.	New Cases Assigned to IDGP-Funded Personnel During Project Period.....	36
4.2.	Referrals to and Provision of Client-Focused Services Resulting from IDGP-Funded Personnel or Resources.....	37

Introduction to the Indigent Defense Grant Program and Evaluation

The Promise of the Sixth Amendment

The Miranda warnings have become an indelible component of the United States' shared national culture, leading one observer to suggest that they are as familiar to Americans raised on TV crime dramas and police procedurals as the Pledge of Allegiance.¹ Of particular note are 19 words within the warnings that succinctly summarize one fundamental constitutional right as well as six decades of landmark jurisprudence developed by the nation's highest courts: "You have the right to an attorney. If you cannot afford an attorney, one will be provided for you."²

Despite the straightforward simplicity of these two short sentences, the devil is in the details. The provision of counsel at low or no cost to all of those who find themselves the subject of a custodial interrogation, in police custody, or the target of a criminal prosecution and who are without the financial means to hire an attorney if desired (such legal services are interchangeably referred to as *indigent defense* and *public defense*) is a very costly undertaking for local governments facing competing demands on the public treasury. When government budgets are debated and negotiated, particularly when revenue streams are modest, adequate funding for public defense needs might not always be perceived as an especially compelling or politically popular priority. When funding shortfalls occur, despite continuing or even increasing demand for public defense services, they can lead to problems that prevent the attorneys (commonly referred to as *defenders*) who have been appointed to represent financially eligible clients from rendering "reasonably effective assistance" under "prevailing

¹ See Ronald Steiner, Rebecca Bauer, and Rohit Talwar, "The Rise and Fall of the Miranda Warnings in Popular Culture," *Cleveland State Law Review*, Vol. 59, No. 2, 2011.

² To be precise, it was the Supreme Court's 1963 decision in *Gideon v. Wainwright* (372 U.S. 335, 1963) that held that the Sixth Amendment guaranteed defendants facing imprisonment in state court prosecutions a right to an attorney at public expense if necessary. The Court's ruling three years later in *Miranda v. Arizona* (384 U.S. 436, 1966) addressed the information that must be communicated to those in custody prior to interrogation, and the right to counsel was included in those warnings. *Miranda* did not require any particular wording, although the version described here is a commonly used one (see, e.g., "What Are Your Miranda Rights?" MirandaWarning.org, webpage, undated).

professional norms” as required by the U.S. Supreme Court.³ In such instances, the Sixth Amendment’s guarantee of the right to an attorney as described in the Miranda warnings becomes a hollow promise.

Perhaps the most commonly reported consequence of imbalances between public defense provider resources and the legal services these entities must provide are when the workloads of individual defenders have reached unreasonably high levels. In one notable example, attorneys assigned to a misdemeanor caseload in an office providing public defense in California were reported to have been appointed to an average of 1,375 cases per year.⁴ Assuming that 40 hours each week of a 52-week year were devoted to nothing but client representation, this caseload would allow an attorney to spend an average of only about 90 minutes on each client’s case. In that same office, attorneys assigned to a felony caseload were reported to have been appointed to an annual average of more than 418 felonies, effectively allowing for only about 5 hours, on average, to defend clients facing decades in prison. Under such circumstances, assistance of counsel might consist of little more than meeting the client, reading the police reports, and immediately entering a guilty plea.

Funding and resource concerns can go beyond not having enough attorneys available to adequately handle incoming cases involving those who are eligible for appointed counsel. If a defender lacks sufficient access to investigators and forensics expertise because funds for those services are unavailable, if a defender has been unable to advance their professional skills and keep pace with new developments in the law because the office cannot afford to cover the costs of training, if support staff are not available to permit a defender to solely focus on the client’s legal needs rather than time-consuming paperwork, if salaries offered to attorney hires are so low that the candidate pool primarily consists of those with little or no experience in criminal defense, or if the office lacks a modern case management system (CMS) to monitor workflow and develop metrics for quality assurance, a client might not receive the reasonably effective assistance required of every public defense provider in the nation.⁵

The provision of adequate funding for necessary staffing, investigative and forensic services, training, case management, client needs, and attorney support can be especially difficult in a system in which the costs of public defense are borne almost entirely at the local level. Compared with state governments that have the advantages of economies of scale and greater flexibility in locating and shifting funds as needed, county and municipality operations are more sensitive to year-to-year variations in tax revenues, competing demands on those rev-

³ *Strickland v. Washington*, 466 U.S. 668, 687–88, 1984.

⁴ See Verified petition for writ of mandate and complaint for declaratory and injunctive relief under Cal. Const. Art. I § 15, U.S. Const. Amds. 6 and 14, and Cal. Penal Code §§ 987, 1382, and 859B, *Phillips v. State of California*, Case 15 CE CG 02201, Fresno Co. Super. Ct., filed July 14, 2015, p. 2 (hereinafter Fresno complaint).

⁵ A CMS is a computer application that tracks information about the cases and clients represented by a law office. Typically, a CMS is an office’s primary platform for such needs as calendaring, document management, time tracking, contact management, conflict checks, case progress monitoring, storing case-related notes and investigatory materials, and regulatory reporting.

venues for other governmental responsibilities, changes in the annual volume of arrests and prosecutions resulting from evolving law enforcement initiatives, legislatively mandated expansions in the duties of defenders, and issues with offering compensation at levels that would attract and retain qualified personnel.

Such difficulties related to providing an environment where reasonably effective assistance is possible are magnified when intercounty differences come into play. Though relatively larger counties with relatively larger public defense resources have various options available when addressing unexpected demand, smaller counties can be easily overwhelmed by just a handful of unusually complex cases, with lengthy trials essentially removing appointed counsel from participating in any other work-related activities. In a county where the number of attorneys accepting appointments can be counted in single digits, a monthlong trial for just one defender can have adverse ripple effects for other criminal cases in the same locality needing appearances, motions, or investigations. In addition, the magnitude of counties' public defense responsibilities might be unrelated to the size of their tax bases, which means that some locations with modest revenues might need to spend a greater proportion of their budgets on public defense than more-affluent counties would, while, at the same time, they have to address expanded needs for the provision of critical social services. Economic downturns might have negative consequences for a state as a whole, but some counties will undoubtedly be affected more than others, which can put additional pressure on public defense allocations. And rural, remote, or less favorably located counties might face additional challenges in attracting and retaining experienced defenders.

All of these factors can contribute to geographic disparities in the quality of defense services as well as to chronic underfunding. The potential for such problems to exist in California is of particular concern to policymakers and public interest advocates because a county-based system of funding and oversight is a distinguishing feature of public defense in the state.⁶ In 2020, California took steps to address such issues through the establishment of the Indigent Defense Grant Program (IDGP), which provides \$9.8 million to support the public defense systems of small to medium-sized counties. To our knowledge, this appears to be the first significant and widespread allocation of state funds to county-based public defense providers practicing in California's trial courts.⁷ Given the unique nature of this program, an adequate understanding of the implementation and outcomes of the projects initiated by

⁶ A 2017 overview of the delivery of public defense services in the United States by the Sixth Amendment Center identified California as one of only six states that, in regard to trial-court level indigent defense, lacked any state oversight, required local governments to administer the provision of indigent defense, and contributed minimal or no funding at all for such services. David Carroll, *Right to Counsel Services in the 50 States*, Sixth Amendment Center, March 2017.

⁷ The state has long played an important role in public defense, such as providing representation (either directly or by compensating private attorneys) in some postconviction death penalty proceedings; in direct appeals for criminal, delinquency, dependency, and mental health matters in California appellate courts; and for prisoners in parole hearings. But the IDGP would be the first distribution of state aid for defense services primarily related to felony and misdemeanor prosecutions made to multiple public defenders' offices.

the recipients of IDGP grants is critical to identifying ways to improve the effectiveness of public defense across the state and achieve the underlying goals of the IDGP. To achieve this understanding, the California Board of State and Community Corrections (BSCC) selected RAND to evaluate the impact of the IDGP grants on public defense in the counties receiving these funds.

Definitions

We use the term *client* to describe an individual who has counsel appointed on their behalf regarding a matter in the trial-level courts of California as mandated by the U.S. Constitution, the California Constitution, statutes, regulations, or court rules and policies. Although the overwhelming majority of such clients are being represented in conjunction with misdemeanor or felony prosecutions and, therefore, the discussion in this report has a near-exclusive focus on criminal defense activities, it should be noted that some individuals subject to proceedings in California dependency, juvenile, or mental health courts might also be eligible for appointed counsel from the county-based providers of public defense services receiving IDGP funding.⁸ *Public defense* as used in this report includes only the no-cost or low-cost provision of counsel by the government to parties involved in matters proceeding in California's trial-level courts, and therefore does not include appointments related to cases before the state's appellate courts, administrative agencies, or civil courts or related to federal criminal charges.

Public defense provider describes any law firm, nonprofit organization, government agency, or solo practitioner with an agreement or arrangement with a county or a court to directly provide public defense services or to administer the provision of such services by others. Such providers operate within public defense programs, the mechanisms by which defenders are selected and compensated. Examples include assigned counsel programs (in which defenders are appointed as needed from a panel or roster of qualified attorneys and are paid by the hour, by each case, or by each event in a case as required by local rules), contract defender programs (where private law firms or individual attorneys contract with a county or court to provide public defense representations; this agreement might require the provider to accept all necessary appointments over a period of time, accept only up to a specific number, or accept up to a specific percentage of all appointments), and public defenders' offices (governmental agencies employing salaried attorneys). Note that we reserve the term *public defender* to refer specifically to attorneys who are associated with county public defenders' offices either as employees or as appointed as described by California Government Code §§ 27700–27712.⁹ The most cur-

⁸ Our preference in this report is to use the term *public defense* rather than *indigent defense* because a person's eligibility for appointed counsel does not necessarily require one to be in a state of poverty and, in some situations, may not be related to financial status at all.

⁹ From a client's perspective, all appointed counsel are public defenders no matter where the attorney is employed or the manner in which compensation for the representation is provided. Additionally, in some

rent information available reports that 33 of the 58 California counties have a public defender's office as their primary provider of public defense services, 21 counties use contract defender programs for that purpose, and four counties primarily rely on assigned counsel programs.¹⁰

Counties often use more than one public defense program to meet their needs for appointed counsel. One reason for multiple programs is the potential for conflicts of interest, particularly where more than one defendant charged in conjunction with the same alleged crime requires appointed representation. (The same attorney or law firm cannot ethically represent multiple defendants in the same case because doing so might pit the interests of one client against the other.) In a county where a public defender's office is the primary provider, an assigned counsel program might be established as well to provide a source for qualified criminal defense attorneys who could represent the second and any additional defendants in a case in which the public defender's office has already been appointed. Alternatively, a parallel but completely separate public defender's office could be set up to take on conflicted clients; these offices are often referred to as the *alternate defender's office* or the *associate defender's office*.

Background for the IDGP

Litigation and Legislation

Though concerns about the state of public defense services in California have existed for many decades,¹¹ in the late 2000s, the situation in Fresno County began to receive particular attention from the press and public interest groups. Budget cuts to the county's public defender's office that began in 2007 were accelerated by plummeting tax revenues resulting from the economic downturn commonly referred to as the Great Recession.¹² As a result, the number of budgeted attorneys declined from 83 in 2007 to 59 in 2010, resulting in the office's decision to decline some new appointments.¹³ Staff levels continued to drop until the office had just 49 budgeted attorney positions by 2012.

The situation resulted in the filing of a complaint in July 2015 by the American Civil Liberties Union. The plaintiffs alleged that the State of California and Fresno County had "abdicated their constitutional and statutory responsibility to enforce and protect" the "right to appointed

California counties where a private attorney has an exclusive contract to provide public defense services, that attorney is traditionally referred to as the county's *public defender*.

¹⁰ Office of the State Public Defender (OSPD), *A Snapshot of Indigent Defense in California*, November 2023, Table 1.

¹¹ See, e.g., Laurence A. Benner, "The California Public Defender: Its Origins, Evolution and Decline," *California Legal History*, Vol. 5, 2010.

¹² Dan Waterhouse, "Don't Privatize the Public Defender's Office," Community Alliance, updated August 6, 2021.

¹³ Fresno complaint, pp. 11–12.

counsel and adequate legal representation” by “failing to provide indigent defendants with meaningful and effective assistance of counsel.”¹⁴ The suit further alleged that California had “delegated its constitutional duty to run indigent defense systems to individual counties” but had provided “no oversight to ensure that the county-operated systems meet the constitutional and statutory standards for adequate representation” and that “the cost for counsel and necessary ancillary defense service has, and continues to be, borne almost entirely by the counties.”¹⁵ Although the county’s “Board of Supervisors determines staffing for the Public Defender’s Office and how much money the Office can spend in the fiscal year,”¹⁶ California was said to have an “unusual” policy of placing “strict limits on the ability of cities and counties to raise revenue through property and other taxes.”¹⁷ The plaintiffs argued that the lack of oversight of local public defense activities and the lack of state financial support resulted in a situation in which “indigent defense services vary widely across the state, and some counties with the highest percentages of indigent defendants—such as Fresno County—also have the lowest levels of per capita funding because of an impoverished tax base.”¹⁸

After years of litigation, the case moved into the discovery phase, but, in early 2020, the parties announced that they had reached a settlement and thereby avoided trial.¹⁹ The settlement agreement with the State of California, executed on January 7, stated that

The State shall expand the mission of the Office of the State Public Defender (“OSPD”) such that OSPD shall, in addition to such other duties as may be consistent with state law, be authorized to provide support for California counties’ provision of trial-level indigent criminal defense in non-capital cases.

The support authorized in accordance with Paragraph 1 may include, but need not be limited to, the provision of training to attorneys providing trial-level indigent criminal defense services on behalf of California counties; the provision of technical assistance to attorneys providing trial-level indigent criminal defense services on behalf of California counties; and efforts to identify further steps that could be taken to improve California counties’ provision of trial-level indigent criminal defense.²⁰

¹⁴ Fresno complaint, p. 1.

¹⁵ Fresno complaint, p. 6; California Commission on the Fair Administration of Justice, *Final Report*, June 30, 2008.

¹⁶ Fresno complaint, p. 10.

¹⁷ Fresno complaint, p. 6.

¹⁸ Fresno complaint, pp. 6–7.

¹⁹ American Civil Liberties Union, “ACLU Settlement Agreement Secures Governor’s Commitment to \$14 Million in Added Support for Public Defense Systems Throughout California and Agency Expansion,” press release, January 10, 2020.

²⁰ Settlement Agreement, *Carolyn Phillips et al. vs. State of California, et al.*, Fresno County Superior Court, Case No. 15CECG02201, January 7, 2020, p. 2.

Though the specifics of such support were not identified in the agreement, nor was there a requirement that any state financial assistance to counties be included as part of the support, other language in the agreement required a “good-faith effort” by the state to include the two commitments described above in a pending budget proposal to be advanced by the Governor’s Office and to seek the enactment of legislation during the then-current session that “substantially conforms to the commitments made in Paragraphs 1–2.”²¹

Almost simultaneous with the signing of the settlement agreement, the Governor’s Office released its 2020–2021 budget summary. The document described proposed changes to the role of OSPD as well as a new “one-time” grant program intended to “supplement local funding for indigent criminal defense”:

IMPROVING INDIGENT DEFENSE

Currently, the Office of the State Public Defender’s mission is focused on assisting individuals sentenced to death with post-conviction appeals. The Budget includes \$4 million General Fund in 2020–21 and \$3.5 million annually thereafter to expand the Office’s mission to include improving the quality of indigent defense services provided by counties. Specifically, these resources are intended to provide training and technical assistance for attorneys providing indigent defense, with the goal of promoting more effective representation statewide. While there is funding in the Budget, statutory changes are needed to expand the Office’s mission to allow for these activities.

In addition, the Budget includes \$10 million one-time General Fund for the Board of State and Community Corrections to administer a pilot program, in consultation with the Office of the State Public Defender, to supplement local funding for indigent criminal defense. This funding will also support the completion of an evaluation to determine the effectiveness of the grants in improving indigent defense services.²²

Later that same year, the policy directives related to the grant program directives were included in Senate Bill 74 (the 2020 California State Budget Act), which was passed by the legislature and thereafter signed by the governor on June 29, 2020:

5227-109-0001—For local assistance, Board of State and Community Corrections
10,000,000

Schedule:

(1) 4945-Corrections Planning and Grant Programs 10,000,00

Provisions:

The funds appropriated in this item are available to support grants to eligible county public defenders’ offices for indigent defense services. Of this amount, up to \$200,000

²¹ Settlement Agreement, 2020, p. 2.

²² Gavin Newsom, *California State Budget 2020-21*, 2020, pp. 88–89.

shall be available to Board of State and Community Corrections to contract for an evaluation of the grant program. The Controller shall allocate the remaining balance to counties according to a schedule provided by the Board of State and Community Corrections, in consultation with the Department of Finance and the Office of the State Public Defender. County public defenders' offices shall report on the use of this funding for indigent defense in a manner determined by the Board of State and Community Corrections.²³

The detailed budget for OSPD included the \$4 million allocation for indigent defense activities described in the Governor's Office proposal, and, in August 2020, Senate Bill 118 was enacted to amend Government Code § 15420 so that OSPD's primary responsibilities would now include the provision of "assistance and training to public defender offices . . . and to engage in related efforts for the purpose of improving the quality of indigent defense."²⁴ Prior to the amendment, OSPD's focus was on providing postconviction appellate representations in death penalty cases.

Funding Allocations and Permitted Purposes

The precise nature of the new grant program was essentially left up to the discretion of three government entities: BSCC, OSPD, and the California Department of Finance. It is our understanding that, because of its new role as the state's primary vehicle for assistance to local public defense providers, OSPD was presumed to be taking the lead on questions related to the amounts each county might receive and the purposes for which those funds could be used. (Input from the Department of Finance would primarily involve ensuring that proposed allocations and uses of grant money would be in accordance with state statutes and regulations, and BSCC would be focused on issues related to grant administration.)²⁵

The plan envisioned by OSPD leadership with significant contributions from stakeholders was to limit fund distribution to what were described as small to medium-sized counties, defined as those with fewer than 600,000 residents.²⁶ The idea behind the narrowing of the program's potential set of recipients was to maximize the impact of the grants by distributing the funds to where they would constitute a relatively larger proportion of provider budgets. Only counties with established public defenders' offices would be eligible, a reflection of OSPD's assumption that the administration and evaluation components of the proposed program—a novel undertaking for public defense providers with zero experience in grant funding—necessitated that that a local partner associated with the county be responsible for

²³ California Senate Bill 74, June 29, 2020, pp. 481–482.

²⁴ California Senate Bill 118, August 6, 2020, Section 5, 15402.

²⁵ The description of the development of the grant program's focus and its funding allocation strategy presented in this section is based on conversations with Mary K. McComb, State Public Defender, OSPD, December 1–11, 2023.

²⁶ The next most populous county in California with a public defender's office had a reported resident population of more than 750,000.

receiving and managing the funds and reporting how they were used. Counties with conflict counsel programs that included a formal alternate public defender's office would have separate allocations for the public defender's office and the alternate public defender's office, with the sum of the two grants being somewhat larger than if only a single public defender's office was the recipient in that county.

Grants could support new program activities or expand ongoing efforts as long as already provided federal, state, or local funds were not supplanted. Originally, the plan was to have the funds go directly to providers rather than to a county's general fund (presumably to help ensure that the grants would be available to serve their intended purposes), but it was later determined that each county would need to be the formal recipient, although the funds would come with the proviso that they be used only to support grant-related purposes.

A critically important feature of the program was that grant recipients would be the primary decisionmakers for both the length of time the funds would be used (one-, two-, or three-year plans were possible) and their specific purposes. Any restrictions on usage were intended to constitute minimal constraints on provider discretion. One reason for allowing such latitude in grant utilization was the assumption that those who were affected by resource constraints on a daily basis would be in the best position to know what types of expenditures were needed to be of greatest benefit to their offices and their clients. Another reason for eschewing a rigid grant program in which only specified activities or services could be funded (such as moving to a holistic defense philosophy, ensuring that an attorney be present at every arraignment, or embedding an immigration attorney in the office) is that little information about the characteristics and operations of county-based public defense providers across the state had been systematically collected at the time the grant program was being designed. Letting each local provider design its own implementation plan and then evaluate the outcomes was also seen as one way for OSPD to learn more about what was needed to improve the quality of trial-level public defense in California.

Each county received a baseline allocation of between \$250,000 and \$800,000, a value that was also related to population size. In some instances, a needs-based supplemental allocation was included, the purpose of which was to provide funding sufficient to staff the public defenders' offices in each county with at least 40 percent of the staffing level of the county prosecutor. (The ratios were based on all full-time-equivalent staff in the two institutions, not just attorneys.) This needs-based allocation was adjusted somewhat to account for reported shortcomings in the data source from which staff counts for defenders' and prosecutors' offices were obtained. Altogether, a public defender's office (jointly with an alternate public defender's office if one existed in the same county) could receive between \$280,000 and \$1,150,000 from the new program. These initial calculations did not take into account a legislatively required carve-out from the \$10 million allocation intended for a mandated grant program evaluation; once those adjustments were made, the sums reported in Table 1.1 were available to the 19 counties (constituting 22 public defense providers) if they chose to participate in the program. The purposes for which the grants would be used continued to have few

TABLE 1.1
Final IDGP Funding Allocations

County	Funding	Population
El Dorado	\$347,900	192,646
Humboldt	\$416,500 (\$323,400 to PDO, \$93,100 to ADO)	135,010
Imperial	\$347,900	178,713
Lassen	\$274,400	29,904
Marin	\$347,900	256,018
Mendocino	\$416,500 (\$323,400 to PDO, \$93,100 to ADO)	89,783
Merced	\$984,900	290,014
Monterey	\$637,000	432,858
Napa	\$323,400	134,300
Nevada	\$323,400	102,293
Santa Barbara	\$637,000	443,837
Shasta	\$347,900	180,930
Siskiyou	\$274,400	43,660
Solano	\$852,600 (\$637,000 to PDO, \$215,600 to ADO)	448,747
Sonoma	\$882,000	482,650
Stanislaus	\$1,127,000	551,275
Tulare	\$637,000	477,544
Tuolumne	\$274,400	54,531
Yolo	\$347,900	222,115

SOURCES: Features information from BSCC, undated, p. 3; U.S. Census Bureau, "QuickFacts: Population Estimates, July 1, 2022, (V2022)," dataset, undated.

NOTE: ADO = alternate public defender's office; PDO = public defender's office.

constraints, as long as they were "utilized to address the staffing, training, case management needs, or other attorney support of Public Defender Offices."²⁷

²⁷ BSCC, *Indigent Defense Grant Program Application Package*, undated, p. 3.

Application and Initial Phase of Grant Program

County applications for grant funding were due by February 5, 2021 (the application package itself was released about two weeks prior), and would be submitted to BSCC for review. A one-page description of the applicant's proposed plans was required, and applicants were also asked to include a work plan for executing the *project*, a term that encompassed all activity a grantee might perform in receiving and utilizing IDGP funds. The work plan would describe the project's top goals and objectives and identify how they would be achieved. The grant program officially began on February 15, 2021.

Grantee Requirements

Once the agreements were fully finalized, requirements for grantees included regular submission of invoices and other financial reports to BSCC that were accompanied by supporting documentation for all claimed project costs. BSCC continued to play an administrative role in grant oversight for these elements throughout the grant program, including collecting invoices and reviewing budget modifications. In addition, similar to many BSCC grant programs, a Local Evaluation Plan (that described how the public defense provider would self-monitor and self-evaluate the project throughout the grant period) would need to be transmitted to BSCC within six months of the grant agreement start date. The Local Evaluation Plan would also explain how project results would yield benefits for the provider's mission, as documented in a logic model. In addition to this conceptual framework explaining the link between grant funds and project outcomes, the Local Evaluation Plans were intended to document specific implementation and outcome measures, as well as detailed plans for the data sources to be used and frequency of data collection. Once the grant term had ended, grantees would need to submit a Local Evaluation Report to BSCC. The Local Evaluation Report was intended to document the degree to which each grantee's project-specific goals and objectives had been achieved.

In addition to the local evaluation efforts, grantees were also required to submit detailed progress reports at six-month intervals for the purpose of external monitoring and oversight. The development and design of the progress reports would be the responsibility of an external research entity conducting the statewide evaluation of the grant program as required by the 2020 California State Budget Act.²⁸ RAND was selected to perform this evaluation.

Grant Program Extension

At the outset of the IDGP, grantees were informed that all project-related expenditures (which would not include costs related to reporting, invoicing, and other grant administration needs) would need to be completed by June 30, 2023, with a final progress report due on August 15 and the submission of the Local Evaluation Report required by the end of 2023. The maximum effective grant period would have been 29 months rather than the three-year timetable.

²⁸ California Senate Bill 74, 2020.

However, during the grant period, it became clear that many offices were going to experience difficulties spending their full grant allocation before the end of the grant period,²⁹ and a 12-month extension was approved.³⁰

Time Frame and Offices Covered by the Evaluation

In the text and tables that follow, we use the phrase *program start* to refer to the earlier of either (1) the date an office received grant funds and could immediately begin making grant-related expenditures or (2) the date an office initiated the activities that were intended to be part of its grant project and presumed that such activities would be reimbursed when grant funds were eventually received. Under the terms of the grant agreement, this date could be no earlier than February 15, 2021, although, in actuality, program start as defined here might not have occurred until months later, after applications were processed, agreements were executed, the board of supervisors' resolutions were obtained, funds were disbursed to the counties, and the offices finally received authorization from the county to spend grant dollars. Therefore, program start dates are likely to differ for every office that received grant funds.³¹ Relatedly, we use the phrase *evaluation period* to refer to the time between the offices' program start dates and November 30, 2023, which was the last day the offices were required to collect data on their grant-related activities for the purposes of this evaluation. It is important to note that offices are permitted to spend grant funds through June 30, 2024, and therefore our evaluation does not describe events or results related to the IDGP that would have been undertaken or developed during the seven months following the end of the local data collection. It is equally important to note that at least some of the activities, procedures, and initiatives begun as a result of IDGP grant funding are likely to continue beyond June 30, 2024, albeit without any continued state financial support.

Overview of This Report

In this report, we begin by describing the methods used for this evaluation in Chapter 2. In Chapter 3, we provide details about the types of activities for which offices used grant funds (e.g., hiring personnel, providing training, making purchases to support the office infrastructure). Chapter 4 describes the progress that grantees made toward the goals they established at the beginning of the grant period, as well as the challenges that they faced in

²⁹ Dameion Renault, "Indigent Defense Grant Program, Twelve-Month No-Cost Extensions: Requesting Approval," Board Meeting Agenda Item D, Board of State and Community Corrections, February 9, 2023.

³⁰ Renault, 2023; BSCC, "Minutes, Board of State and Community Corrections Meeting, Thursday February 9, 2023 – 10:00 A.M., Board Meeting," February 9, 2023.

³¹ Note that this is not unique to this BSCC grant program.

pursuing those goals. Chapter 5 discusses lessons that were learned about implementing this type of grant program, including the barriers and facilitators to using the grant funds, as well as grantee perceptions of ways to improve the grant program. Finally, Chapter 6 summarizes our findings and presents recommendations for maximizing the impact of future grant programs similar to the IDGP.

Evaluation Methods

In this chapter, we present an overview of the methods used for this evaluation. These include the process of designing the evaluation, the data sources used, and our approach to the analysis of the data.

Review of Applications and Grantee Progress Reports

Progress Reports

To shape our evaluation, we began by reviewing the funding applications submitted by grantees to learn more about the ways the offices planned to use the funds and what goals they hoped to achieve. Using this review, we identified five categories of proposed IDGP-funded activities: hiring attorneys and other staff; training attorneys and other staff; CMS purchases, updates, and improvements; supply purchases or office improvements; and client-focused or case support services. We also aimed to identify common outcomes that the offices were hoping to accomplish, given their IDGP-funded activities. At the same time, we provided technical assistance to grantees in the development of their logic models for their local evaluation, which also helped us understand the planned activities and outcomes in more depth. Taken together, this information shaped our approach to designing progress report forms for the offices to use.

All offices began their evaluation responsibilities by completing a baseline report, a RAND-designed report capturing personnel moves, trainings, expenditures, and other activities during the 12 months leading up to the grant period (the baseline period). The information in the baseline report would serve as background information on all grantees, allowing us to understand how common it was for these offices to spend funds on the five previously described categories before receiving their grant funds. We asked all offices to submit the same baseline report, which covered all five IDGP-funded activity categories, even if they were only planning to spend funds in a subset of those categories. Doing so allowed us to have a consistent baseline across offices.

We then designed grantee progress reports that would be collected twice a year. The progress reports had *quantitative* and *narrative* components and were developed in a modular manner to reflect the five key categories of IDGP-funded activities and minimize reporting burdens on the grantees. For example, if an application indicated that an office was intend-

ing to use funds only on hiring and CMS upgrades, it was asked to report only on those two categories of IDGP-funded activities in its progress reports. The quantitative component, which was a reporting form presented in a Microsoft Excel spreadsheet that the offices would use to enter requested information, captured the numerical aspect of IDGP-funded activity during the progress reporting period—for example, the count of people hired, the count of people participating in training, or whether CMS-related purchases had been made. Grantees also reported on comparable activities funded through non-IDGP sources (such as out of the office's general funds or from other grants) as a point of comparison. Grantees developed data collection methods to differentiate between the two sources of funds. The quantitative progress report also captured two categories of outcomes resulting from IDGP-funded activities: (1) cases assigned to IDGP-funded staff members during the reporting period and (2) the provision of supportive services to clients or referrals to external programs, such as those related to community-based treatment or diversion alternatives (defined by the number of new clients who, as a result of grant funding, were newly assigned to a service provider or newly received a service or other assistance).

The narrative component (a Microsoft Word form with editable free-form text fields) was designed to collect qualitative information about IDGP-funded activities to complement the quantitative progress reports—for example, what activities were the new hires tasked with? What types of trainings were attended? What did the CMS upgrades enable the office to do? All grantees were also asked to report on progress toward the goals that they established in their IDGP-funded application, challenges they encountered, and any accomplishments during the reporting period that were made possible through grant funds.

When designing the data collection instruments for the evaluation, we had to account for certain limitations to data availability. First, as noted, we aimed to collect baseline data reflecting the 12-month period leading up to the grant program. In early discussions with grantees, we learned that they could attempt to submit data on such activities as hiring or training. Although they did not always have systems in place to track these data, they felt that it would be possible to provide reliable estimates by drawing from such sources as personnel records or reviewing invoices. However, it is likely that some of the activity reported in the baseline period was recreated based on memory, such as hours of staff training. Therefore, the data in the baseline report were considered to be estimates, designed to give a big-picture idea of the activity leading up to the grant program.

Second, grantees would not be able to submit baseline data on the small number of quantitative outcomes that we identified. During our project design period, grantees shared that they either had not been collecting information on case assignments or referrals to supportive services or diversion prior to the IDGP, or, if they had, it was not done in a way that would align with program evaluation reporting requirements. Although our preference would have been for all grantees to track baseline data for the quantitative outcomes for an extended period prior to their receipt of funding, it would have been very time-consuming for grantees to attempt to tabulate these data, particularly given the size of the grant and the need to begin implementing processes to track data for the local evaluation and statewide evaluation.

In addition to the progress report templates, we developed a detailed data dictionary defining the terminology used to ensure consistency in the data that were reported. A training was provided to all grantees, which was recorded and made available online. Leading up to each progress report submission deadline, our team hosted virtual office hours as an opportunity for grantees to ask any questions about data submission. After reports were submitted, we carefully reviewed each progress report for completeness and to ensure that the data appeared to be reliable and reported as expected. Grantees submitted revised progress reports in response to feedback from our team, if needed.

We originally planned for four progress reports during the course of the grant, which collectively covered the time from the beginning of the IDGP-funded project in each office to June 30, 2023.¹ However, as described previously, grantees were provided an extension for their use of funds, meaning that the grant end date shifted from June 30, 2023, to June 30, 2024. The timeline for the statewide evaluation was not extended, however, because there was no additional funding available. Although we were able to add one final progress reporting period to our evaluation, this report captures only IDGP-funded activity occurring through November 30, 2023. Therefore, it is important to note that this report does not capture IDGP-funded activity for the last seven months of the program.

Although all eligible counties applied for IDGP grants and subsequently received funding from BSCC, personnel and structural changes at the Lassen County Public Defender's Office appear to have prevented any expenditures of grant funds prior to when the office was dissolved at the end of 2021 in favor of a contract counsel arrangement for local public defense services. As a result, our evaluation covers only the IDGP program as it was implemented for the benefit of the 21 offices in 18 counties that both received and spent some or all of the awarded grants. There was also one office that was unable to submit the last three progress reports because of significant personnel shortages, and another office that was unable to submit the last two progress reports. This should be kept in mind when interpreting the data in the tables that follow.

Analysis

To analyze the quantitative progress report data, we processed the spreadsheets using a statistical software suite to yield summary information about staff levels, training, expenditures, and services. Of note, some offices needed time to put tracking systems in place to complete

¹ The earliest start date for IDGP-funded work was February 15, 2021. However, not all offices had a fully executed agreement by that date, and some offices experienced additional delays in receiving the funds (e.g., because they needed the approval of their county board of supervisors before they could use the funds). BSCC also allowed these offices to retrospectively invoice for any costs incurred between February 15, 2021, and the date that the office officially received funds. Together, these circumstances created some variability with respect to the start date of the grant, and we asked each office to identify the date their IDGP-funded work began using the following definition: "the date your agency received the grant funds or the date you began work toward your project—whichever date is earlier."

the progress reports and therefore sometimes provided estimates instead of precise numbers (e.g., “about 100 cases” or “at least 50 clients”). In other situations, an office might have been unable to provide a requested count at all. For this reason, and because we were unable to track the final seven months of the grant program, the quantitative estimates in this report should be considered a lower-bound of IDGP-funded activity throughout the entire evaluation period.

To analyze the narrative progress report data, we used Dedoose, a qualitative and mixed methods analysis software. For the section focused on IDGP-funded activities, we began by developing parent codes for each component of the narrative progress report (e.g., “hiring staff activities,” “training staff outcomes,” “case management system outcomes”). We then used an inductive, open-coding process to identify themes that emerged from grantee responses. Once all responses had been open-coded, we reviewed the new child codes to identify common themes across reporting periods and grantees.

For the section focused on progress toward goals, we used a somewhat different approach. Because goals established by the grantees tended to be very specific to each office, we began by developing broader categories. To do so, two members of the research team separately reviewed all of the goals and sorted them into categories; these were then reviewed and discussed until consensus was reached. Using this process, we identified goal categories as summarized in Table 2.1.

Each of these categories was then used as a parent code for purposes of coding those sections of the progress reports. For example, we had codes related to any progress made toward those goals (e.g., “Progress toward training-related goals,” “Progress toward productivity-related goals.”) Therefore, any information provided about a goal categorized as a “training-related goal” was coded using the “progress toward training-related goals” parent code. Within these parent codes, we then used an inductive, open-coding approach. Once all responses had been open-coded, we reviewed the new child codes to identify common themes across reporting periods and grantees.

Grantee Interviews

To complement the progress reports, we conducted voluntary interviews with grantees in October and November 2021 and again in October and November 2023. Our initial interviews were designed to learn more about the IDGP-funded work that offices had proposed, understand how the first few months of the grant had gone, and identify any barriers or facilitators to beginning work toward their project. All offices were invited to participate in these interviews, and, in total, we conducted 15 interviews.

The second round of voluntary interviews was designed to be exit interviews exploring interviewee perceptions of the grant, what grantees were able to accomplish, barriers and facilitators to implementation, and recommendations for improving on such grant programs as this. This interview included specific probes to explore the interactions between grantees

TABLE 2.1
Categories of Grantee Goals and Examples

Goal Category	Type of Goal	Example of Goals Set by Counties
Technology- and office environment-related goals	Technology- or data-related	<ul style="list-style-type: none"> • Purchase new devices for support staff and holistic defense staff for a fully paperless transition • Improve outdated technology to allow attorneys to be paperless while in court or teleworking
	Office environment-related	<ul style="list-style-type: none"> • Increase office space to better serve clients
Personnel-focused goals	Training-related	<ul style="list-style-type: none"> • Increase attorney trial readiness • Increase staff knowledge • Ensure that staff has access to trainings
	Workload-related	<ul style="list-style-type: none"> • Decrease staff workloads • Improve client-staff ratio
	Goals related to expanding support in the office	<ul style="list-style-type: none"> • Increase support staff for attorneys
	Productivity-related	<ul style="list-style-type: none"> • Improve attorney and staff productivity • Make attorney case management more efficient
	Retention-related	<ul style="list-style-type: none"> • Address staffing issues by improving attorney retention
	Other personnel-related	<ul style="list-style-type: none"> • Increase office diversity
Client-focused goals	General client service-related	<ul style="list-style-type: none"> • Improve services to clients • Enhanced defense services to clients
	Goals related to client mental health, substance use, or well-being	<ul style="list-style-type: none"> • Reduce the number of mentally ill clients in jail or sent to the Department of State Hospitals as incompetent to stand trial • Achieve earlier diversion for clients
	Failure to appear-related	<ul style="list-style-type: none"> • Reduce client failures to appear
	Postconviction services	<ul style="list-style-type: none"> • Create a postconviction/re-entry unit • Implement Clean Slate program to assist clients seeking expungements, reductions in charges, and reductions in fines and fees
	Other client outcome-related	<ul style="list-style-type: none"> • Improve the quality of life of public defenders' clients • Reduce recidivism among public defenders' clients

and other relevant partners in the work (i.e., BSCC, OSPD, RAND). All offices were invited to participate, and seven offices did.

To analyze the interview data, we developed a Microsoft Excel abstraction form to capture responses in six main categories: timing of grant implementation, interactions with BSCC and other partners, implementation challenges, implementation facilitators, grant-related

accomplishments, and recommendations for future grant programs. Responses in these categories were summarized descriptively with the goal of identifying things that went well in the use of the grant funds, barriers that were encountered, and ways to optimize the impact of such grant programs as the IDGP.

How Did Offices Use the Grant Funds?

In this section, we describe the ways that offices used their grant funds, focusing on the five categories of IDGP-funded activities described previously: hiring attorneys and other staff; training attorneys and other staff; CMS purchases, updates, and improvements; supply purchases or office improvements; and client-focused or case support services. Within each section, we begin by presenting information from the baseline progress reports, which help to provide context for the activity that took place during the grant program. The baseline tables cover all offices participating in the IDGP.

We then present a series of tables based on the quantitative progress reports submitted by grantees that include activity funded through the grant program and through other sources during the grant period. For each section, these tables focus on the offices that planned IDGP-funded activity within a given category (e.g., if an office did not plan to use funds on training, it was not required to report on trainings funded through the grant or other sources, and therefore those data are not included in the tables within that section).¹ We then present descriptive information from the narrative progress reports to provide more detail about the IDGP-funded activities and the outcomes of those activities.

Personnel

At the time the grant program began, offices participating in the IDGP employed an average of about 20 attorneys, eight administrative assistants, and four in-house investigators (Table 3.1). That said, we do know that the actual counts of staff in different personnel categories varied greatly across the set of offices in the small to medium-sized counties participating in the IDGP. Pre-grant program attorney counts in each grantee office, for example, ranged from three to 47 permanent full-time, permanent part-time, temporary full-time, and temporary part-time employees. The first data column in the table refers to the count of offices reporting any staff in the relevant personnel category just prior to program start.

¹ Because of the difference in samples for the baseline tables compared with the tables focused on the grant period, we suggest that the baseline tables be used more as a descriptive data point to demonstrate what was happening in these small to medium-sized counties before the grant program. For those readers more interested in comparing IDGP-funded data to non-IDGP-funded data, the best point of reference is the non-IDGP-funded activity occurring during the grant period.

TABLE 3.1
Staffing in Grantee Offices Prior to Program Start

Personnel Category	Number of Offices	Full-Time Staff (Permanent)	Part-Time Staff (Permanent)	Full-Time Staff (Temporary)	Part-Time Staff (Temporary)	Total
Attorneys	21	405	0	15	7	427
Social workers or clinicians	9	14	0	5	0	19
Paralegals	7	12	1	0	0	13
Law clerks or law students	7	0	0	3	17	20
Investigators	19	77	1	2	0	80
Interpreters	2	1	0	0	1	2
Data analysts	1	2	0	0	0	2
IT technical positions	3	4	0	1	0	5
Administrative assistants	21	152	3	9	0	164
Other staff	10	20	6	0	0	26
Total	21	687	11	35	25	758

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

In terms of raw numerical increases, the IDGP did not have a major impact on the hiring of full-time permanent staff (Table 3.2). There were 43 hires onboarded during the evaluation period through the use of grant funds; in comparison, 334 full-time permanent positions were filled using funding streams outside the grant program during the same span of time (Table 3.3). For such reasons (described elsewhere in this report) as the uncertainty of continued funding to support permanent hires and county-specific personnel policies, grant funds were primarily used to bring on temporary staff (compared with permanent positions, more than twice as many temporary employees were brought onboard with grant funds). In total, 27 attorneys in ten offices were hired as a result of grant funding, which constituted 12 percent of the number of the new attorneys joining the offices by the use of non-IDGP funding sources (Table 3.3). It is important to note when interpreting these data that these numbers represent *individuals* rather than *positions* within each office. For example, if an attorney was hired into a position in an office, then left that job, and a second attorney was hired to fill the vacancy, this would be counted as two hires during the grant period. We did not have data on turnover during the grant period and therefore cannot account for it when presenting these numbers.

Despite the relatively modest increases in staff size noted in Table 3.2, grant funding for hiring purposes did have a major impact on office operations. In their biannual progress

TABLE 3.2
IDGP-Funded Hiring During Evaluation Period

Personnel Category	Number of Offices	Full-Time Staff (Permanent)	Part-Time Staff (Permanent)	Full-Time Staff (Temporary)	Part-Time Staff (Temporary)	Total
Attorneys	10	16	0	8	3	27
Social workers or clinicians	6	8	0	4	1	13
Paralegals	4	1	0	3	0	4
Administrative assistants	7	12	0	3	8	23
Investigators	3	2	2	3	3	10
Interpreters	1	0	0	0	7	7
Law clerks or law students	6	1	0	19	27	47
Data analysts	3	1	0	2	0	3
IT technical positions	1	0	0	1	0	1
Other staff	4	2	0	8	3	13
Total	20	43	2	51	52	148

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

reports, grantees described the activities of the staff hired using grant funds and how they were used to address specific needs that had gone unfulfilled in the past. For example, some new IDGP-funded staff were used to support diversion and postconviction relief efforts, an area that sometimes is given a low priority in smaller offices. One office explained that IDGP-funded staff reviewed and processed postconviction relief cases, collected case documents, researched legal issues, provided client outreach, obtained release of requested records, prepared petitions, and appeared in court to argue in support of petitions for relief. Another office created a diversion team to “interview clients and prospective clients at arraignment; evaluate complaints; evaluate persons for diversion of all types”; attend court; analyze reports; enter data into the CMS; prepare applications for diversion programs; and conduct jail visits. Social workers were also brought on board to assist with similar services, such as “help[ing] clients with social services such as substance abuse treatment, housing, mental health treatment referrals, release plans, and completing social history reports to assist attorneys in obtaining diversion.” Some offices noted that hiring additional staff helped them improve diversion and postconviction relief efforts on behalf of their clients. For example, one office hired a liaison for interfacing with the California Department of Motor Vehicles (DMV) and indicated that, as a result, “Our clients facing driving offenses have seen an increase in grants of diversion or reduced sentences.”

TABLE 3.3
Non-IDGP-Funded Hiring During Evaluation Period

Personnel Category	Number of Offices	Full-Time Staff (Permanent)	Part-Time Staff (Permanent)	Full-Time Staff (Temporary)	Part-Time Staff (Temporary)	Total
Attorneys	18	184	0	43	3	230
Social workers or clinicians	8	17	0	3	0	20
Paralegals	7	11	2	2	0	15
Administrative assistants	17	62	0	15	7	84
Investigators	12	26	0	2	4	32
Interpreters	1	0	0	0	3	3
Law clerks or law students	7	1	0	37	38	76
Data analysts	0	0	0	0	0	0
IT technical positions	2	5	0	2	0	7
Other staff	11	28	0	5	0	33
Total	19	334	2	109	55	500

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

In addition to formally pursuing diversion and postconviction relief, some newly hired staff were providing or connecting clients to services; for example, one office mentioned that staff helped clients obtain “mental health/substance abuse treatment, temporary shelter, MediCal, Social Security,” employment, transportation to medical appointments, and California identification. Another grantee hired a DMV liaison to assist clients in correcting licensing issues and obtaining driver’s licenses.

Offices that hired investigative staff were able to use the investigators to interview witnesses, go on scene to take photographs, write social history reports, and conduct other investigative activities. One county hired a Spanish-speaking misdemeanor investigator, expanding the office’s ability to both serve clients and interview witnesses for whom Spanish is their primary language.

Many grantees hired support staff to assist with administrative duties and to improve case management. These tasks included scheduling appointments, scanning old files into a cloud-based CMS, conducting legal research, preparing discovery, preparing legal pleadings and motions for counsel, and assisting with trial backup.

To the extent that IDGP funds were able to support attorney salaries and benefits, the work they performed was almost exclusively for the purpose of representing clients in misdemeanor prosecutions. Some of these attorneys were able to get limited experience in felony

defense as a result of the funding, which could help build an office's capabilities to address future caseloads.

Grantees discussed the outcomes their offices experienced as a result of hiring additional attorneys and other staff in their offices. The majority of grantees cited that reduced workloads, improved productivity, and improved client services were the main outcomes. Offices often reported that reduced workloads and improved productivity went together; for example, one office said, "The scanning done by the grant-funded Administrative Assistant has reduced the workload of the legal secretaries and improved their efficiency by allowing immediate access to electronic files." Some offices noted that reducing their workload resulted in more time to focus on other responsibilities to improve client services. For example, one office said, "Our legal assistant was able to free up our immigration attorney and postconviction attorney, who had previously been back-up help in misdemeanor courts. The postconviction attorney had more time to establish our sex-offender registry services." Another office noted that the "Legal Assistant is handling all day-to-day case management which has allowed the Office Manager to focus on other tasks such as producing a policy manual and . . . research[ing] and implement[ing] a new case management system."

Furthermore, one office mentioned that hiring new staff helped it improve overall office diversity: "We have increased the diversity of permanent staff by hiring grant funded post-bars when positions became available." (Post-bars are law students who are awaiting bar results and have been certified to provide legal services.)

Training

In the year before the grant program, 17 of the 21 offices reported providing trainings for members of their staff. The aggregate number of personnel trained, number of training sessions, and hours of training provided across these offices are presented in Table 3.4. Most training in this baseline period was provided to attorneys, followed by investigators and administrative staff.

During the grant period, 11 offices used grant funds for training purposes. As in the baseline period, attorneys, administrative staff, and investigators received the most training, although the focus was largely on attorneys (Table 3.5). In total, grantees reported about 6,000 hours of training funded through the grant program (aggregated across offices and staff members). By comparison, these offices received nearly 10,000 hours of training funded through other sources during the grant period (Table 3.6). However, the types of staff members receiving training did vary by funding source; although attorneys were the primary recipients of IDGP-funded and non-IDGP-funded training, the IDGP funded more hours of investigator training, and non-grant funds covered more training for social workers and clinicians and administrative assistants.

TABLE 3.4
Trainings for Office Personnel During the Baseline Period

Personnel Category	Number of Offices	Staff Attending Trainings	Training Sessions Attended	Hours of Training Received
Attorneys	16	203	643	727.0
Social workers or clinicians	7	16	64	75.0
Paralegals	3	3	9	7.0
Law clerks or law students	2	5	9	8.0
Investigators	11	40	41	183.5
Interpreters	1	10	10	10.0
Data analysts	0	0	0	0.0
IT technical positions	1	6	52	64.0
Administrative assistants	8	48	136	263.5
Other staff	5	5	10	51.5
Total	17	336	974	1,389.5

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

TABLE 3.5
IDGP-Funded Trainings for Office Personnel During Evaluation Period

Personnel Category	Number of Offices	Staff Attending Trainings	Training Sessions Attended	Hours of Training Received
Attorneys	11	299	850	3,544.0
Social workers or clinicians	3	14	12	130.0
Paralegals	2	11	9	145.0
Administrative assistants	6	104	173	424.0
Investigators	8	66	233	1,390.0
Interpreters	0	0	0	0.0
Law clerks or law students	2	9	93	152.0
Data analysts	1	1	10	16.0
IT technical positions	1	1	10	10.0
Other staff	5	14	72	219.0
Total	11	519	1,462	6,030.0

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

TABLE 3.6
Non-IDGP-Funded Trainings for Office Personnel During Evaluation Period

Personnel Category	Number of Offices	Staff Attending Trainings	Training Sessions Attended	Hours of Training Received
Attorneys	11	475	1,353	5,235.0
Social workers or clinicians	7	49	287	855.0
Paralegals	3	6	30	77.0
Administrative assistants	7	108	678	1,229.0
Investigators	6	68	222	1,284.0
Interpreters	1	9	18	36.0
Law clerks or law students	2	18	52	120.0
Data analysts	1	2	18	141.0
IT technical positions	2	16	83	295.0
Other staff	6	26	223	696.0
Total	11	777	2,964	9,968.0

NOTE: Values shown may represent an undercount because some offices were unable to provide information for every entry in this table. For Number of Offices, categories are not mutually exclusive and do not sum to total.

IDGP-funded trainings were reported to include the following subjects:

- misdemeanor practice, covering such topics as new laws affecting misdemeanor defense and work related to misdemeanor writs and appeals
- felony practice, such as at the annual Yosemite Felony Defense Practice Seminar presented by the California Public Defenders Association
- trial skills
- capital sentencing, including the Capital Case Defense Seminar hosted by the California Attorneys for Criminal Justice and the California Public Defenders Association
- topics related to youth defense and juvenile dependency
- specific case types, including driving under the influence (DUI), sexual offenses, and homicides
- clients with mental health concerns
- postconviction relief
- forensic science, including use at trial
- investigation, such as trainings offered through the California Defense Investigators Association.

The most common training-related outcomes described by grantees were improvements in knowledge, confidence, and skills. Some offices noted that they had seen these improve-

ments translate to changes in behaviors as well; for example, a representative from one office noted, “I have seen attorneys change their prior practice and explore different options when evaluating their cases,” and another noted that they had observed improvements in interviewing skills and courtroom techniques. Another office noted that CMS-focused training helped attorneys use additional features within the application, which in turn allowed them to increase the number of cases they took to trial. Trainings have also helped with staff credentialing; one office noted that its investigator received a private investigator license as a result of the IDGP-funded training.

There were a small number of additional benefits that were described by grantees. Two offices described the ways that trainings allowed them to adjust their staffing patterns. For example, an office that funded postconviction relief–related trainings noted that the additional knowledge increased staff efficiency when working on those cases. Finally, one grantee noted that grant funds were able to support participation in the American Council of Chief Defenders’ annual conference, at which the Chief Public Defender for the grantee county was able to discuss potential CMSs with other offices, enabling them to pose more-pointed follow-up questions to the vendors of the systems they were considering.

Case Management Systems

In the 12 months prior to the grant period, 13 of the 21 offices described purchases, updates, improvements, or other activities related to a CMS, as summarized in Table 3.7. CMS training was commonly reported. In addition to the specific categories described in the table, ten grantees reported having other CMS-related expenses in the 12 months before the grant period—primarily annual licensing, maintenance, and cloud storage fees.

During the evaluation period, five offices used grant funds for CMS-related purposes, particularly for training and system upgrades (Table 3.8). Miscellaneous purposes not described by the table categories included expenditures related to developing an interface between the

TABLE 3.7
Expenditures for Case Management Systems
During the Baseline Period

Types of Expenditures	Offices Reporting Expenditures
New CMSs purchased	2
Upgrades to existing CMSs implemented	4
CMS-related training provided	9
Other CMS-related expenses	10

NOTE: Thirteen offices made one or more of the expenditures described in this table.

TABLE 3.8

Offices Reporting IDGP-Funded and Non-IDGP-Funded Case Management System Expenditures During Evaluation Period

Types of Expenditures	Offices Reporting IDGP-Funded Expenditures	Offices Reporting Non-IDGP-Funded Expenditures
New CMSs purchased	1	0
Upgrades to existing CMSs implemented	3	4
CMS-related training provided	4	3
Other CMS-related expenses	3	3

NOTE: Five offices made one or more of the expenditures described in this table using IDGP funds, and five offices made one or more of the expenditures described in this table using non-IDGP funds.

CMSs maintained by the public defender’s office and the Superior Court and to data storage fees. During the same period, five offices used non-grant funds for CMS-related purposes.

The most common outcome reported by grantees to have resulted from their IDGP-funded CMS activities was improved efficiency. For example, one grantee noted that new software allowed the office to automate the process of moving electronic files, saving “hundreds of hours of staff time that would have been needed otherwise.” In addition to improvements in efficiency, there was one office that noted that upgrades in its CMS resulted in fewer missed court dates and reduced the number of warrants issued to clients.

Office Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements

During the baseline period, 17 of the 21 offices spent funds on purposes related to office resources or facilities that did not involve activities, products, or services relevant to a CMS. Such efforts could have involved installing, expanding, or upgrading wireless networks and other internet services; making physical changes or improvements to office space (such as building interview rooms); purchasing software, access to external computing resources, or computing supports (e.g., registration for the evidence.com law enforcement discovery exchange platform, cloud storage, licenses); purchasing cell phones, laptops, or other computing or communication devices for staff use; purchasing communication devices, computing equipment, or mobile computing devices for use by clients (e.g., to enable them to attend virtual appointments while in jail); purchasing, upgrading, or improving technological equipment (other than that described elsewhere); or any other purchase or expenditure for supplies, equipment, or facilities. The most-common expenses during the baseline period were for staff communication or computing devices, followed by software or computing supports (Table 3.9).

During the grant period, nine offices spent grant funds for these types of expenditures, usually for staff computing or communication devices as well as for software and computing supports (Table 3.10). Grantees reported that specific purchases within the computing or

TABLE 3.9
Offices Reporting Expenditures for Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements During Baseline Period

Types of Expenditures	Offices Reporting Expenditures
Installed, expanded, or upgraded wireless or other internet services	4
Made physical changes or improvements to office space	6
Purchased additional software or computing supports (e.g., evidence.com, cloud storage, licenses)	8
Purchased cell phones, laptops, or other computing devices for staff use	12
Purchased communication devices, computing equipment, tablets, or other mobile computing devices for use by clients (e.g., to enable them to attend virtual appointments while in jail)	6
Purchased or upgraded/improved technological equipment, other than CMS or otherwise described above	6
Other supply purchases	3

NOTE: Seventeen offices made one or more of the expenditures described in this table.

TABLE 3.10
Offices Reporting Expenditures for Infrastructure, Supplies, Equipment, Computing, Communication, or Improvements During Evaluation Period

Types of Expenditures	Offices Reporting IDGP-Funded Expenditures	Offices Reporting Non-IDGP-Funded Expenditures
Installed, expanded, or upgraded wireless or other internet services	1	4
Made physical changes or improvements to office space	2	6
Purchased additional software or computing supports (e.g., evidence.com, cloud storage, licenses)	7	5
Purchased cell phones, laptops, or other computing devices for staff use	1	4
Purchased communication devices, computing equipment, tablets, or other mobile computing devices for use by clients (e.g., to enable them to attend virtual appointments while in jail)	8	8
Purchased or upgraded/improved technological equipment, other than CMS or otherwise described above	3	5
Other supply purchases	2	7

NOTE: Nine offices made one or more of the expenditures described in this table using IDGP funds, and nine offices made one or more of the expenditures described in this table using non-IDGP funds.

communication category included laptops and docking stations, printers, cell phones, and Blu-ray players. Within the software and computing supports category, purchases included Adobe and Microsoft licenses; evidence.com licenses; and subscriptions to JusticeText, the CrimeFinder app, and Westlaw ProFlex. Other purchases made with grant funds included furniture for a new staff lounge; jail tablets to communicate with incarcerated clients; video-conference equipment; and general office supplies. In addition, nine offices spent non-grant funds on office supplies or improvements. These expenditures were for categories similar to IDGP-funded ones—for example, laptops, docking stations, webcams, and flash drives; software, including office productivity software, forensic software, and Thrive SBC (a local community resource app); tablets for communicating with incarcerated clients; and office infrastructure, such as desks, cubicles, carpet, and furniture.

Grantees that purchased supplies or completed office improvements reported a variety of outcomes. Most grantees felt that they improved their office efficiency after purchasing software upgrades. For example, one grantee noted that processing of discovery through evidence.com saved time that might be spent manually scanning and uploading materials. Other offices improved efficiency after purchasing new technological devices. One office, for example, used funds to provide a computer workstation to a new IDGP-funded attorney, allowing the defender to integrate with the office more easily. A few offices purchased devices specifically to allow attorneys to conduct virtual meetings with clients and colleagues; for example, one office noted that they provided tablets to detained clients for remote meetings, which improved efficiency and resulted in better-informed clients.

Client-Focused or Case Support Services

During the baseline period, all 21 offices reported retaining, obtaining, providing, or paying for client-focused or case-support services. Such activities could involve retaining or obtaining services involving expert witnesses, immigration support, external investigation, or interpreters. They could also involve covering, compensating, or reimbursing conflict counsel fees or expenses. Client-focused or case-support services would also include providing or paying for direct client needs, such as transportation passes or food arising from court appearances, and external social services, such as mental health treatment, substance use treatment, or temporary housing. The grantees describing their baseline activities reported that the most common categories were expert witness services, interpreter services, and immigration support (Table 3.11). Many grantees were not tracking data related to the number of cases served through each type of service prior to the start of grant funding, but, according to the data submitted, at least 1,396 clients received immigration support and 579 received expert witness services during the baseline period. In addition, some counties also reported using funds for psychiatric evaluations, an internal immigration-trained attorney, and internal investigators.

During the project period, six offices used grant funds or resources on client-focused or case support services (Table 3.12). One use with a large impact in terms of clients served was

TABLE 3.11
Expenditures for Client-Focused and Case-Support Services During the Baseline Period

Types of Expenditures	Offices Reporting Expenditures	Clients or Cases
Expert witness services	21	579
Immigration support services	12	1,396
External investigation assistance	8	31
Interpreter services	16	397
Conflict counsel fees or expenses	2	0
Direct client needs	6	104
Clients' participation in external social services	1	0
Other client or case support services	3	530

NOTE: Twenty-one offices made one or more of the expenditures described in this table. Values shown in the columns for clients or cases may represent an undercount because some offices were unable to provide information for every entry.

TABLE 3.12
Offices Reporting Expenditures for Client-Focused and Case-Support Services During Evaluation Period

Types of Expenditures	IDGP Funded		Non-IDGP Funded	
	Offices Reporting Expenditures	Clients or Cases	Offices Reporting Expenditures	Clients or Cases
Expert witness services	1	7	8	335
Immigration support services	2	35	6	863
External investigation assistance	0	0	5	2
Interpreter services	1	369	7	116
Conflict counsel fees or expenses	0	0	2	4
Direct client needs	2	403	4	54
Clients' participation in external social services	1	1	1	5
Other client or case support services	3	275	2	175

NOTE: Six offices made one or more of the expenditures described in this table using IDGP funds, and nine offices made one or more of the expenditures described in this table using non-IDGP funds. Values shown in the columns for clients or cases may represent an undercount because some offices were unable to provide information for every entry.

in an office that used funds for interpreter services, serving at least 369 clients. Two offices focused on immigration support, with at least 35 clients being assisted in this way. There were some services that were less commonly offered by offices but appeared to have a high impact; for example, one office reported funding a DMV liaison position to assist clients with obtaining their licenses, serving at least 257 clients. Other uses of funds included purchasing court clothing for clients and providing hygiene kits, first aid materials, and backpacks.

Nine offices used non-grant funds on case-support and client-focused services during the grant period, especially expert witness services, interpreter services, and immigration support services. In addition to the categories listed in Table 3.12, other case-support services funded through non-grant sources included hygiene items, transportation, and court clothing.

Grantees reported a variety of outcomes resulting from IDGP-funded client-focused or case support services. For example, one office contracted with the Immigration Legal Resource Center to provide more client-focused support. They noted that, as a result, attorneys had received assistance trying to mitigate immigration consequences for their clients. Another office hired a bilingual DMV liaison, reporting that this new staff member was able to improve client knowledge and diversion outcomes, particularly for monolingual Spanish-speaking clients. One office mentioned that establishing a “client necessities closet” overseen by a case manager improved court appearances; the program provided, for example, gas cards, bus passes, food, clothing, backpacks, grocery cards, and housing assistance to clients.

What Did Grant Funds Enable Offices to Accomplish?

In addition to tracking the ways that grant funds were spent, we were interested in understanding what types of outcomes the funding enabled offices to achieve. In this chapter, we present findings related to a small number of quantitative outcomes, which were selected because they reflected some of the more common goals across offices. We also present findings related to office-reported progress toward the goals established in their applications. Information presented is based on the grantee progress reports. As would be expected, there were challenges encountered along the way, and we summarize the most-common ones based on the narrative progress reports. Finally, we describe the bigger picture of what was accomplished as identified by the grantees through their progress reports and exit interviews.

Quantitative Outcomes

In this section, we present findings related to two important categories of outcomes that were measured using the quantitative progress reports: clients served by IDGP-funded staff and referrals to and provision of supportive services.

Clients Served by IDGP-Funded Staff

As described previously, one common goal set by grantees related to reductions in the workload of personnel in their offices, as well as improvements in office efficiency. There are methods that can be used to directly measure staff workload, such as requesting data on individual caseloads or estimated time spent on each case. However, it would have been difficult to obtain these types of data from grantees, given the limited ability of some offices to track those metrics using the CMSs already in place or to engage in new data collections given the turnover occurring during the course of the project. At the time this report was written, no updated source exists for detailed caseload or workload data linked to individual staff members in

individual county-based public defense providers in California.¹ Therefore, we instead developed a simpler metric to assess the workload that staff members who were hired using grant funds were taking on: the number of cases newly assigned to those individuals during the grant period.

When requesting these outcome data from grantees, we focused on a more limited category of personnel than reported earlier in this report. In particular, we asked grantees to report on categories of personnel that were (a) more commonly IDGP-funded across offices, and (b) more likely to be interacting with their own cases in a way that could be easily tracked. For example, it would be unrealistic to ask IDGP-funded administrative assistants to track the number of cases they worked on, as they might be helping with multiple attorneys and in a variety of ways across cases, some substantive but others more clerical in nature and therefore more difficult to track (e.g., digitizing boxes of files).

In Table 4.1, we present the number of new cases assigned to IDGP-funded personnel during the grant period. About 6,400 cases went to attorneys who were brought into offices as a result of the IDGP or were assigned to positions covered in whole or in part by grant funds, about 6,000 were assigned to IDGP-funded investigators, and about 5,000 were assigned to IDGP-funded paralegals. The impact here would have been significant in the offices that hired the additional help provided by the grant program. That said, recall that in Table 3.2 only ten offices reported that they hired IDGP-funded attorneys, three hired IDGP-funded investigators, and four hired IDGP-funded paralegals. Presumably, the volume of case assignments redirected to IDGP-funded staff would have been markedly greater had sufficient funding and county personnel policies facilitated additional IDGP hiring in more offices.

TABLE 4.1
New Cases Assigned to IDGP-Funded Personnel
During Project Period

Personnel Category	Offices Reporting Any Assignments	Case Assignments
Attorneys	9	6,408
Paralegals	6	4,958
Investigators	5	5,955
Interpreters	1	336
Law clerks or students	5	916

NOTE: Values shown may represent an undercount as some offices were unable to provide information for every entry in this table.

¹ See, e.g., OSPD, 2023, p. 2 (describing the “information vacuum” in this area), and Gabriel Petek, *Assessing the Provision of Criminal Indigent Defense*, Legislative Analyst’s Office, September 2022, pp. 8–9 (describing the need for information to assess public defense service levels).

Referrals to and Provision of Supportive Services

Many grantees set goals related to case support and client-focused services with the goal of supporting diversion, immigration issues, postconviction relief, or other social service needs. Therefore, we also asked offices to report on the number of clients who were assisted with these types of services using IDGP-funded personnel or resources.

Table 4.2 presents the number of clients served across the service categories. Fifteen offices used IDGP-funded staff or resources in some way as part of efforts to assess clients' eligibility for diversion or make referral to such programs, with 1,944 clients referred to diversion and 2,056 to community-based treatment services. Moreover, many clients were accepted to diversion programs (1,676). Other services that might be considered potential components of what is commonly referred to as a holistic approach to public defense (such as inclusion of social workers or clinicians on the defense team; referrals to community-based treatment; addressing collateral immigration issues; and helping a client to obtain social services, benefits, or credentials) were also delivered as a result of grant funds. A sizable count of clients also received some postconviction relief assistance through IDGP funding. This is interesting because a separate OSPD/BSCC grant program focusing solely on postconviction relief was rolled out in the second year of the IDGP, and all offices described in this evaluation would have been eligible for those grants. However, the grantees might not have known that a separate grant would be available the next year or may have chosen not to apply for it, and the extent to which an office used both funding streams for similar postconviction relief efforts is not known at this time.

TABLE 4.2
Referrals to and Provision of Client-Focused Services Resulting from IDGP-Funded Personnel or Resources

Activities or Events	Offices Reporting Any Referrals or Service Provisions	Clients
Assigned to social worker or clinician	12	1,860
Assessed for diversion eligibility	15	2,792
Referred to diversion program	15	1,944
Accepted by diversion program	13	1,676
Referred to community-based treatment services	13	2,056
Assisted with immigration issues	8	374
Provided with assistance for obtaining benefits, driver's license reinstatement, or other needs	11	2,298
Assessed for postconviction relief needs	10	2,217
Postconviction relief petitions filed	9	1,176
Postconviction relief petition succeeded	9	964

NOTE: Values shown may represent an undercount as some offices were unable to provide information for every entry in this table.

Progress Toward Grantee Goals

In addition to tracking quantitative outcomes resulting from this grant program, we were also interested in whether grantees made progress toward the goals they established when they applied for funds. In this section, we summarize grantee-reported progress toward the goals established in the IDGP applications, based on narrative progress reports.

Technology- and Office Environment–Related Goals

Enhancing Office Technology and Data

Four offices set goals related to improving their technology or internal data. Offices reported that it often took some time to achieve these goals. For example, in the early periods of the grant program, many offices laid the groundwork for these goals by meeting with software and hardware vendors, designing new CMSs, and beginning the purchasing process, which took a while in some offices. By the end of the evaluation period, many offices had successfully purchased new technology or implemented new software. However, there were instances in which offices were not able to pursue these goals; for example, one office had planned to buy tablets for court use but learned that the supplier was unable to fulfill its needs.

Enhancing the Office Environment

One office set a goal of increasing its office space at two county locations. The office was able to accomplish this goal during the first reporting period, including designing a plan to repurpose conference rooms into offices and then completing the construction process.

Personnel-Focused Goals

Training-Related Goals

Ten offices had goals related to attorney and staff training, such as providing resources to train staff or increasing the knowledge and skills of personnel. Grantees described the trainings, conferences, or other training-related materials that their offices had invested in. For example, about half of the offices provided information on the conferences that their staff were able to attend, including both California-focused and national events. Offices emphasized that, as a result of grant funding, staff had access to training that they typically would not be able to attend, and some were able to use the trainings to fulfill continuing legal education requirements or obtain other certifications.

Improving Workloads

Nine offices set goals related to workload, such as reducing the workload of attorneys or other staff or improving client-to-staff ratio. Many offices described hiring IDGP-funded staff as their early steps toward achieving these goals; for example, they hired a client advocate to reduce the workload of mitigation specialists, hired a legal assistant to help write briefs and motions, hired a new deputy public defender to handle misdemeanor cases (which allowed

attorneys already on staff to focus on felony caseloads), or hired a program assistant to take on tasks that used to be handled by an attorney (thus allowing the attorney to focus more on their core duties). One county noted that the purchase of new software had decreased staff workload related to reviewing body-worn camera evidence.

Improving Office Productivity

A related set of goals, set by five offices, focused on improvements in office productivity. As was true for goals focused on improving workload, several offices addressed productivity-related goals through hiring new staff. One office discussed the impact that hiring Spanish-speaking staff contributed to improvements in office productivity, as having dedicated staff meant that Spanish speakers who held other jobs in the office did not have to step away from their own work to interpret for client meetings or phone calls. Another office began contracting with the Immigrant Legal Resource Center for difficult immigration situations, allowing attorneys to obtain advice from experts in immigration law rather than spending time conducting that research themselves. Counties also reported that investments in technology helped them make progress toward their productivity goals. For example, new software helped some offices streamline the discovery process. Another office focused on digitizing old files, which helped speed up the process of checking for conflicts and assigning new cases.

Retention

Two offices aimed to improve retention in their office using grant funds. One office reported progress toward this goal by noting the lack of turnover during the grant period. Another office described its efforts to clear a file room by digitizing files, allowing the space to be used as a multipurpose staff area. This was part of a larger strategy to improve staff satisfaction.

Other Personnel-Related Goals

Two offices set goals related to hiring additional support staff. One office was able to hire support staff early in the grant period, but the other office experienced more challenges; for example, it was able to hire people into temporary support staff roles, but those individuals quickly left their temporary positions and transitioned to other full-time county positions during the grant period.

Another office set a goal related to increasing the diversity of office staff. The office was able to accomplish this goal in multiple ways, including providing stipends for law students and post-bars who met financial requirements and who might otherwise have been unable to take a summer internship with the office. This attracted a more diverse set of interns, two of whom were hired into full-time positions by the office after passing the State Bar.

Client-Focused Goals

Improving Client Services

Nine offices set goals related to improving client services more generally. There were several ways that these providers approached these goals. Three offices described the addition of

office staff as a way to improve services to their clients—for example, hiring administrative help to improve response times and outreach to clients or increasing the availability of support for client interviews and witness interviews. Two offices focused on improving services to Spanish-speaking clients, such as utilization of a court-certified Spanish interpreter for client meetings, the addition of a Spanish-speaking DMV liaison, hiring a Spanish-speaking investigator, and getting materials translated into Spanish. Others worked to connect clients with other supportive services, such as temporary housing or necessities. Other offices described the way that investments in new technology improved the quality of client services. For example, one office invested in software to process police video data (e.g., body-worn camera footage), and another described leveraging its CMS to better track trends in its local criminal justice system.

Client Services Related to Diversion, Behavioral Health, and Well-Being

Seven offices set goals related to providing services to clients to support diversion, including mental health diversion, as well as other supports related to mental health, substance use issues, or well-being. Some of these offices addressed this goal by focusing on diversion. One office was able to begin its diversion-focused work early in the grant period, although the other offices spent the early grant periods hiring new positions to support these services. Offices had varied levels of success in achieving their goals related to diversion; one county was able to quickly scale up the number of clients referred to diversion, with many of those clients being successfully accepted to diversion. Other offices encountered obstacles, such as opposition to diversion motions by the district attorney's office or difficulties keeping their new positions filled.

Offices also worked to support client well-being in other ways. For example, some offices hired staff members to provide support to clients with mental health needs, such as making referrals to community-based treatment services or connecting clients with other supportive services (e.g., transportation, housing).

Reducing Failures to Appear

Two offices set goals related to reducing failures to appear. Both planned to leverage their CMS capabilities to send reminders to clients. One of the offices was able to successfully implement an auto-text system, which sends text messages to clients to remind them of upcoming court dates. The second office was in the process of designing its internal processes to perform a similar function as part of its transition to a new CMS.

Providing Postconviction Relief Services

Six offices set goals related to planning postconviction relief services to clients. Some offices hired people into new roles to support these services, such as an attorney to staff a new postconviction unit, a law clerk to assist with postconviction relief motions, or a data analyst to develop a tool to identify potential clients. Offices described IDGP-funded efforts to identify clients who might be eligible for postconviction relief; these efforts included such activities as reviewing client cases, developing procedures to handle postconviction inquiries from in-

custody individuals, and developing other client-facing resources (e.g., mobile applications, an interactive learning lobby). However, there was also a county that reported being unable to make any progress toward this goal during the grant period.

Challenges to Accomplishing Office-Specific Goals

Although offices made substantial progress during the grant period in many areas, there were some obstacles encountered along the way, which grantees described in their narrative progress reports.

Hiring and Retention Challenges

Some of the most common obstacles that offices experienced related to difficulty filling their IDGP-funded positions or retaining staff. One office was in the position of hiring IDGP-funded roles while also hiring for other vacancies and opted to focus on filling the permanent positions. Other offices described a lack of applications for the positions they were offering, with some noting that they were not receiving applications from qualified candidates and others noting that they were receiving very few applications at all. Some offices noted that their county characteristics contributed to the hiring difficulties—for example, being in a rural location or paying less than nearby counties. Others said that it was especially challenging to fill a IDGP-funded role because of the temporary or part-time nature of the position. These challenges affected all personnel classifications, including attorneys, investigators, case managers, social workers, and interns.

Retention was another issue with IDGP-funded positions. Some turnover was because of such factors as illness or retirement on the part of the person who had been hired. However, some offices noted that people they hired into part-time or temporary positions were leaving for full-time and/or permanent positions elsewhere .

Training-Related Challenges

There were a few types of training-related challenges described by grantees. Some offices had to deal with trainings that were canceled because of the coronavirus disease 2019 (COVID-19) pandemic or a lack of course availability. Others said that staff schedules were an obstacle to attending trainings or that it was difficult to coordinate multiple staff members attending the same training. Some offices also noted that the lack of training was affecting their ability to pursue other types of goals—for example, staff would be unprepared to use a new CMS because they were unable to obtain sufficient training in the system.

Delays Outside the Control of the Grantee Offices

Some grantees noted that delays in processes external to their offices impeded progress toward their goals. For example, some offices cited delays in receiving the grant funds, which could have been caused by many factors, such as waiting on funds from BSCC, contracting delays with BSCC or other entities, or delays in obtaining approval from the local board of supervisors. Others reported that countywide efforts to upgrade data systems, software, or websites affected their ability to spend grant funds on those types of activities. Another office, which planned to use funds to support postconviction relief services, described delays in receiving records from the California Department of Corrections and Rehabilitation to support resentencing petitions.

Some offices also cited COVID-19 as a source of delays for their IDGP-funded work. For example, ordering supplies and coordination with vendors was sometimes slowed. One office was waiting to launch its renovated learning lobby until a COVID-19 surge subsided because it was limiting the number of clients who were physically present in the office lobby at that time. Delays related to COVID-19 were most commonly reported in Periods 1 and 2 of the grant (through mid-2022) and then appeared to be less of an obstacle later in the grant program.

Data and Technology Limitations

In addition to the delays that were referenced previously, several offices described data- and technology-related issues that affected progress toward their goals. Some described challenges related to their CMSs—for example, difficulty integrating a CMS with other software or systems, issues encountered while updating case management software, or lacking the ability to track desired outcomes (e.g., progress in diversion) using a current CMS. Other challenges included a lack of in-house information technology assistance; technology failures, such as the failure of a device that was used to stream a “know your rights” video; and challenges related to external data access (e.g., Superior Court data).

Constraints Related to the Office Environment

A small number of offices cited issues related to office environments. For example, one grantee reported being unable to hire a IDGP-funded attorney because of a lack of office space. One described difficulty finding space to create new attorney offices, while another grantee described concerns related to the timeline and quality of the office's efforts to renovate its physical facilities.

Obstacles to Diversion and Other Social Services

Some offices specifically discussed challenges related to diversion or provision of other social services to their clients. Some of these were described previously, such as opposition to diversion motions from the district attorney and the bench; others included the lack of court mon-

itoring, case management, and treatment services in the community, and limitations on the availability of diversion for clients with certain types of charges (e.g., DUIs). Some offices also noted that, despite their desire to have more clients diverted, they did not have enough resources to handle the associated administrative burden. For example, one office described the challenge of “integrating a social services program into a busy and underfunded indigent defense office,” highlighting the lack of administrative support for its embedded social worker. Another office noted that it had more diversion clients than a single IDGP-funded social worker could serve.

Accomplishments Resulting from the IDGP

Finally, through both the narrative progress reports and our exit interviews, we asked grantees to share their IDGP-funded accomplishments. Some of the information shared overlapped with themes that have been described earlier in this report, such as the specific ways that grant funds were used (e.g., people who were hired) or progress on the goals that their office set. However, some grantees also shared higher-level ways that these grant funds had made a difference for their office. Some of these accomplishments focused on client services. For example, as mentioned previously, one office used grant funds for a variety of services to support monolingual Spanish speakers, such as interpreters, a DMV liaison, and a Spanish-speaking investigator. This office noted that, together, these services had increased service equity to monolingual Spanish-speaking clients:

By far, the most significant and meaningful accomplishment this reporting period continues to be our office’s continued dedication to, and execution of, service equity for monolingual Spanish-speaking clients. That our growing number of Spanish-speaking clients have word-for-word professional translations enabling these clients to have meaningful and accurate conversations with staff, understand their discovery, and relay their wishes to staff means that this office is delivering zealous client-centered advocacy to arguably our most vulnerable clients.

Another office, which used grant funds to expand diversion services, emphasized the long-term benefits that these services will have for clients:

It continues to be very rewarding to see clients complete diversion and position themselves for sealing their records. The grant has been in place long enough to see diversion completions and, now [that] there is a viable sealing process, to see the successful sealings of records. The Program Assistant has been a phenomenal support for the mentally ill, in particular, bringing much-needed support to that underserved population.

Some offices described the ways that staff members had benefited from the grant funds. For example:

One of our goals is to improve attorney retention. During the reporting period, a senior attorney left our office for another county. A few months later, she contacted our office and asked to return . . . because she appreciated the supportive culture of our office. She specifically mentioned appreciating several grant-funded supports.

Some offices were able to demonstrate the ongoing value of IDGP-funded personnel activities to their county, resulting in the county committing to continued funding. For example, one office noted:

The logic model we used to track the work of the . . . client advocates under this grant was used in our advocacy to gain county funding for a new Behavioral Health Case Manager (BHCM). The BHCM is a permanent, full-time position. Thanks to the grant-funded advocates, the office has already gained the trust of county partners in established duties and the BHCM will be able to leverage that trust and relationships to continue the good work on behalf of clients.

And finally, one grantee summarized the impact of the funds as “transformational funding for our project.”

What Lessons Were Learned About Implementing This Type of Grant Program?

The previous two chapters focused specifically on the ways that grant funds were used and what offices were able to accomplish. In addition, although Chapter 4 discussed some of the challenges that grantees faced while pursuing their specific goals, as part of our evaluation, we were interested in the factors that limited or facilitated the overall implementation of the IDGP itself, particularly information that might help OSPD or BSCC improve future grant programs directed to public defense providers (e.g., themes related to grant administration or funding amounts). In this section, we describe barriers and facilitators to implementation and lessons learned from this grant program, based on the interviews conducted with grantees.

Barriers to Implementing the Grant Program

According to our initial and exit interviews, there were three main barriers that grantees faced when planning for and implementing their IDGP-funded activities.

County Policies

Some interviewees noted that county policies or the need for approval from the local board of supervisors introduced some barriers to implementing this grant program. For example, one office that was attempting to contract with an outside agency had to wait until it had board approval to do so. An office also noted that there has been red tape in obtaining board approval of the extension for the funds. Other offices said that their counties imposed restrictions on the hiring of limited-term staff, which affected their plans for using the grant funds. For example, an interviewee from one office indicated that full-time staff members who receive benefits cannot be hired into limited-term positions; they can be hired only if there is a way to extend the position and benefits into a permanent position. Therefore, before this office could apply for the grant, it had to negotiate with the county as to what types of positions, and how many positions, the county would be willing to support as permanent roles after the grant period ended. The office did not get approval for all the positions originally requested and therefore had to make adjustments to its plan for the application.

Administrative Burden

Interviewees reported that grant-related administrative requirements sometimes presented a challenge. In part, this reflects the fact that grantees were small offices that often had limited or no experience with grant funding, meaning that there was a learning curve involved in figuring out what grant administration requires. In addition, grantees noted that they did not have dedicated infrastructure or staff members who could be responsible for grant administration. Although some offices had administrative staff who were able to fill this role, the Chief Public Defenders were also often involved in grant administration to some degree. In either situation, the administrative tasks associated with the grant were often being given to people who already had full plates.

Evaluation-Related Requirements

Grantees were required to participate in two evaluation-related activities. The first was the statewide evaluation conducted by RAND, which required submission of the baseline and biannual progress reports. The goal of this evaluation was to understand the impact of the IDGP as a whole. The second was a self-administered local evaluation, which required that a Local Evaluation Plan be submitted early in the grant period and a Local Evaluation Report be completed at the end of the grant period. The purpose of the local evaluation was to provide an assessment, at the local level, as to whether the IDGP-funded activities resulted in the expected outcomes (e.g., Did increasing training opportunities for attorneys result in improvements in attorney knowledge? Did hiring staff to create a postconviction unit result in an increased number of clients obtaining postconviction relief?) Especially early in the grant period, offices expressed concerns about the burden of collecting data for purposes of both evaluations. Because many offices had a common set of activities (e.g., hiring, purchasing CMSs), the data that were collected for the statewide evaluation likely ended up being very similar to data that the offices needed to collect for their local evaluation, although outcome measures likely vary more between the two types of evaluation. Interviewees who participated in the exit interviews noted that, after the initial period of getting familiar with the reporting requirements, the completion of biannual progress reports for the statewide evaluation had not been as burdensome as expected.

Regarding the local evaluation, some interviewees noted that their offices were not equipped to develop a Local Evaluation Plan and were able to do so only after receiving technical assistance from RAND, communicating with other public defenders' offices, and/or relying on external colleagues who had evaluation expertise. Interviewees generally noted that collection of local evaluation data had required minimal effort by the time of the exit interviews. However, it is also important to note that grantees had not yet started working on their final Local Evaluation Reports when those interviews were conducted, so it is difficult to know how much of a challenge that process will pose.

Overall Facilitators to Implementation of the Grant Program Funds

In our interviews, we also learned about the factors that facilitated the use of grant funds for grantees.

Flexibility in Use of Grant Funds

Grantees highlighted the flexibility of this grant program as one of the key reasons why the IDGP turned out to be easier for their offices to implement than first thought. Multiple grantees contrasted the IDGP with the new Public Defense Pilot Program, which provides funding specifically for the workload associated with specific penal code sections allowing various types of postconviction relief.¹ Some offices said that they do not have enough of those relief cases to justify applying for the funds, despite their offices having larger resource needs. By comparison, the flexibility associated with the IDGP meant that it was easier for offices to take advantage of the funds for whatever was most in need of addressing. Grantees described how valuable it was to be able to take stock of their needs and then use the funds to address specific areas. When describing the level of flexibility available in this grant program, one grantee said, “These are, like, once-in-a-lifetime funds, you know. A grant like this doesn’t come around very often. And, I mean, trust me, we look all the time and there probably will never be another grant like this.”

Leveraging Connections for Grant-Related Activities

As described previously, many offices that were using grant funds to hire staff encountered challenges filling those roles. However, some offices said that they had less trouble filling open positions because they were able to leverage connections. For example, some offices already had a relationship with a part-time administrative staff member who could be moved into a IDGP-funded position, or a retired attorney who could more easily be hired into a part-time or limited-term position.

Collaborations with Other Public Defenders’ Offices

Some interviewees noted that they had been in communication with other public defense providers around the state from an early point in the grant program, and an informal group was formed to serve as a forum to share information about grant requirements and strategies for addressing any related issues.

¹ For information on this new grant program, see BSCC, “Public Defense Pilot Program,” webpage, undated.

Experience with Grant Partners

IDGP grantees had multiple partner organizations to interface with during the course of the grant program, including BSCC (which administered the funds and provided fiscal oversight), OSPD (with a role that was initially conceptualized as receiving progress report data before submission to RAND and providing general guidance to grantees), and RAND (which collected biannual progress reports and provided technical assistance for progress reports as well as for the Local Evaluation Plan). Our interviews provided some insight into grantee experiences working with each of these organizations. Regarding BSCC, offices largely had a positive experience. They noted that the BSCC grant staff were available to address questions or help grantees navigate the process of modifying the budget or scope of work. Some grantees said that it sometimes took a while to get a response from BSCC staff members, but once they did hear back, the staff members were helpful and easy to work with. Grantees also appreciated that when they experienced obstacles, BSCC was willing to work with them to figure out a solution. As one grantee said,

The BSCC folks have been great. You know . . . they want to figure out how to make this happen as opposed to throwing up a bunch of roadblocks or, you know, getting bureaucratic on all of us. And they want us to do it right. But they're absolutely willing to show us how to go about doing it and to help any way they can.

Grantees also shared that participation in the statewide evaluation has not been overly burdensome and that the technical assistance provided by RAND has been helpful when completing the biannual progress reports. At the same time, some grantees also highlighted the fact that navigating grants and the associated reporting requirements (e.g., invoicing, progress reports) has been a challenge. They suggested that it would be helpful for BSCC and RAND to provide more templates and examples and use plainer language when discussing grant-related requirements.

The role of OSPD shifted somewhat during the course of the evaluation. OSPD had a key role in developing the scope of the IDGP, and as mentioned above, was initially envisioned to have a role in collection of progress reports. However, early in the statewide evaluation, it was determined that reports would be sent directly to RAND. Therefore, grantees had somewhat minimal contact with OSPD in the day-to-day execution of their grant. However, one grantee highlighted how OSPD helped BSCC understand the types of work that public defenders' offices do, which helped when seeking grant modifications.

Opportunities for Improvement

Grantees also shared ideas for improving such grant programs as the IDGP. These included the following:

Simplify the application process and evaluation requirements. As noted, many grantees had little to no experience with grant applications, participating in an evaluation, or conducting self-evaluations. Grantees suggested that a clearly written guidebook be provided to describe each step of the process and asked for more real-world examples of how to complete forms and respond to other project requirements.

Reconsider the allocation of funds. One benefit of the IDGP is that it had a minimum level of funding that offices could receive rather than funds being directly correlated with population size. This is in contrast to other grant programs, such as the Public Defense Pilot Grant, where allocations to county-based public defense providers would range from less than \$2,000 for the smallest county to nearly \$14 million for the largest. However, there were suggestions that there be a higher baseline level of funding, which would allow offices even more flexibility in their use of funds. For example, a higher baseline level of funding would allow even the smallest office to consider hiring someone with the funds, whereas some offices felt that was not possible with the amount they received under the IDGP. Some offices also suggested a reconsideration of the formula used to determine funding levels, advocating that a larger share of funds be provided to the smaller counties. As one interviewee said,

You have to understand that the way this was designed was by population; that's how you got your share of money. It should have been flipped on its head. Generally speaking, the smaller counties proportionally have the lowest level of funding compared to [the district attorney's] office. We do 90 percent of the felonies and 75 percent of the misdemeanors with 50 percent of the funding.

Extend the length of the grant period. Many of the grantees took advantage of the extension provided by the state, often because they experienced roadblocks during the grant period that affected their ability to spend the funds on the original timeline (e.g., hiring took longer than expected; turnover in hired positions created a gap in spending; lengthy county approval processes meant that office improvements were delayed). This suggests the value of a longer grant period. In addition, some grantees said that having a longer grant period would have made it easier to fill IDGP-funded positions, as people were less likely to be interested in a limited-term position that lasted only two years with no certainty that a permanent position would be available at the end of the grant.²

² Note that the length of the grant program was determined by the legislation.

Conclusion

This report presented findings from the statewide evaluation of the IDGP. The purpose of this evaluation was twofold: first, to understand how grantees were using the grant funds and what they were able to accomplish; and, second, to understand the broader lessons learned related to direct state financial assistance offered to county-based public defense providers. In this chapter, we summarize findings and present our recommendations for future grant programs to support county-based public defense providers in California, particularly those in small to medium-sized counties.

Impacts of the Grant Funds

In some ways, it is difficult to objectively assess the impact of these grant funds given the observational nature of this evaluation. At the same time, through the narrative progress reports and exit interviews, grantees were able to highlight what they perceived to be the impact of the grant program, with the quantitative data providing a sense of how many offices experienced these benefits.

As described in this report, offices used grant funds for a variety of purposes, from hiring to training to client support services to investments in technology and office infrastructure. According to what we learned during our evaluation, it appears that the funds were particularly effective when used to hire and train personnel. This is not to say that investments in the office infrastructure were unimportant—in fact, grantees reported that purchasing new technology helped to make their work more efficient and had benefits for staff workload and retention. However, many offices were able to use other sources of funding to purchase hardware and software, and some grantee efforts to use grant funds for these purchases were hampered by delays. In comparison, grantees who used these funds for hiring and training often said that those activities would not have been possible without the grant funds—that is, other funds were not available to invest in these activity areas. Though we do not have comparison data for the IDGP-funded outcomes (e.g., total cases assigned to non-IDGP-funded staff or supportive services provided without grant funds), the quantitative data do provide some insight into the work of these IDGP-funded staff—for example, 6,400 clients were newly assigned to IDGP-funded attorneys across the nine offices that hired attorneys; more than 2,700 were assessed for diversion eligibility; and more than 2,200 were helped with

such things as obtaining benefits or getting their driver's license reinstated. According to the qualitative data, these are clients who might have gone unserved without the grant funds or would have been added to the caseloads of possibly already heavily committed attorneys and other staff.

Many offices also used grant funds for case support or other client-focused services, such as interpreters or expert witnesses. According to the progress report data, offices also spent other funds on these services during the grant period. However, it appeared that offices were able to use the grant funds to fill holes in their support services—such as hiring a DMV liaison or providing immigration support in a more efficient manner by contracting with an organization that specializes in immigration law.

In addition, according to grantee progress reports and exit interviews, grantees were able to make substantial progress toward many of their goals. For example, one common personnel-focused goal pertained to training attorneys and other staff in the grantees' offices. Not only were grantees able to provide access to trainings that would not otherwise have been in the budget, but grantees indicated that these trainings were beneficial for growing staff knowledge and skills. Attorneys and investigators especially seemed to benefit from IDGP-funded training. Similarly, many offices aimed to reduce attorney workloads, and successfully accomplished this when they hired new attorneys and support staff.

Grantees also set goals related to expanding services to particular subpopulations of clients—for example, monolingual Spanish speakers or individuals with mental health needs—and expanding access to diversion and postconviction relief services. In these cases, grantees often used the funds for multiple different elements that, together, improved their client services—for example, using funds to hire a new attorney and/or social worker, provide training related to diversion or postconviction relief, and expand their ability to make referrals to community-based treatment services.

Though there were notable IDGP-funded accomplishments, grantees did encounter challenges when working toward their goals. Difficulty hiring and retaining staff was one of the most common challenges: Even when grant funds were earmarked for hiring, grantees could have trouble filling those roles. In part, this was because of a lack of qualified candidates and limited interest in temporary or part-time positions. There were other factors, largely outside the control of grantees, that also affected use of the grant funds. For example, some offices were delayed in spending funds, sometimes because funds were not received right away, but other times because of such factors as COVID-19. And even when a grantee made measurable progress toward a goal, such as diverting more clients, they sometimes ran into such obstacles as a lack of community treatment options or opposition from other legal stakeholders.

Despite these challenges, grantees emphasized how impactful the IDGP funds had been to their offices, enabling them to accomplish goals that were not within reach before.

Limitations of the Evaluation

When interpreting the findings from this statewide evaluation, it is important to keep certain limitations in mind.

- First, we collected baseline data on all five categories of IDGP-funded activities from *all* grantees. By comparison, we collected activity during the grant period only from offices that planned to spend grant funds on a given category. This means that the baseline tables should largely be used to provide context for the pre-grant activity and office characteristics across counties rather than as a formal point of comparison for the IDGP-funded activity.
- Second, offices received an extension on grant funds through June 30, 2024; however, because our evaluation did not receive a similar extension, we were able to capture IDGP-funded activity only through November 30, 2023. Therefore, it is important to keep in mind that IDGP-funded (and non-IDGP-funded) expenditures continued across the five categories of activities, and the data presented in this report are likely an underestimate of those activities. Indeed, our sense from an informal review of the quantitative report data we received is that, in the shortened final reporting period (covering July through November 2023), IDGP-funded activity levels had increased from what was observed in the immediately preceding periods, suggesting that the providers were continuing to ramp up work as a result of the program.
- Third, although we worked closely with grantees on their submission of evaluation data, there were some offices that experienced significant obstacles that impeded their ability to provide reports across the grant period (e.g., Imperial County, which was experiencing significant staffing shortages at the time this report was written).
- Fourth, we had a somewhat limited sample size for the exit interviews, and it might be that offices that were willing to participate in interviews had more-positive perceptions of the grant program. However, our collection of biannual progress report data on accomplishments and challenges from all grantees helps to mitigate this issue.
- Fifth, we were unable to explore longer-term outcomes of this grant program, such as improvements in the quality of representation provided by these offices. Though we did gain some insight into this question with the narrative progress reports and our exit interviews, it was beyond the scope of the evaluation to measure the quality of defense in a more rigorous way. That said, many offices are tracking these types of intermediate and long-term outcomes as part of their local evaluations, although those have not yet been completed.
- Sixth, it was outside the scope of this evaluation to analyze data on the actual expenditure of funds by grantees within each of the categories captured on our progress report templates. However, this means that we cannot provide a more detailed accounting of the way that a certain dollar amount spent in a category translated to activities or outcomes.

- Finally, our outcome evaluation focused largely on narrative information reported by grantees. In part, this was because grantees varied so widely with respect to their goals for the grant program and the anticipated short-term and intermediate outcomes—it would have been challenging to identify a parsimonious set of outcome measures that would apply across offices. That said, when counties complete their local evaluations, they will include more detail about local outcomes, including quantitative measures, that could be used in combination with this report to further understand the impact of this grant program.

Recommendations for Future Grant Programs

Using the results of our evaluation, we identified the following recommendations for future grant programs focused on public defenders' offices—and particularly to those in small to medium-sized counties. It is important to note that the target of these recommendations vary. For example, some might fall under the purview of an administrative agency, such as BSCC or OSPD, but many of these recommendations would require some legislative authorization to be possible.

Continue to allow flexibility in the use of funds for grants for general office improvement. One of the reasons that these funds were so impactful is that grantees were able to decide what the highest-priority needs in their offices were and then use the funds to fill those needs. Grantees compared the IDGP with other programs that have narrower focuses (e.g., the Public Defense Pilot Program) and indicated that it was much easier to use IDGP funds in the most effective way because there was no requirement that funds be spent on a specific activity or type of case.

Collect detailed information about office workloads and consider targeted distributions when excessive. One exception to our recommendation that IDGP grants generally defer to local decisionmakers about the purposes for which the supplemental funding would be used involves issues related to excessive workloads. Small to medium-sized county public defense providers differ in the degree to which their caseloads require additional staff (particularly attorneys) to be brought on board to give appropriate time and attention to each client. In addition to grants for general office improvements—which should continue to address ongoing needs across all small to medium-sized counties—more-tailored, needs-based funding related solely to workload are required as well. The problem with such an initiative at the present time is that little is known by the state about staff levels in county-based public defense providers, the number of cases such staff are responsible for, and the nature of those cases. Initial steps were recently taken by OSPD to collect some important information from county-based providers, but not at a granular level that would allow an assessment of whether workloads for individual staff members or the office as a whole have exceeded generally accepted recommendations for public defense delivery systems. Targeted workload-

focused grants are clearly needed, but they should be considered only after such information is gathered and assessed.

Set a minimum funding level for grant allocations. When the IDGP design was finalized, no office would receive less than \$274,400 in funds. Grantees contrasted this with other funding programs, which can be directly tied to population and therefore might result in small counties receiving a very limited amount of funds. Because this grant program ensured a minimum threshold of funding for all offices, it was easier for grantees to invest in something meaningful, such as costly trainings or hiring for a new role. At the same time, hiring personnel can be costly, and some offices did not receive enough funds to hire a new full-time position despite the minimum funding level. For future general office improvement grant programs similar to the IDGP, it could be of great value if the minimum threshold were set to a level at which even the smallest office could use the funds to hire at least one new attorney or other staff member for the entire grant period if it chose to do so. This could be especially beneficial in enhancing the quality of public defense representation because hiring was one of the top reported uses of funds, demonstrating the need for additional personnel within these offices, and was a key way that grantees made progress toward their goals.

Extend the grant time frame to account for approval processes at the state and local level and other delays. Receiving grant funding from such a program as the IDGP is not as simple as a public defender's office depositing a check in its account. Rather, it takes time for grant agreements to be fully executed and for county boards of supervisors to accept those funds for use. As a result, some offices were delayed in starting their IDGP-funded work, which meant that they ran the risk of not using all the funds by the end of the grant period. Fortunately, grantees have received an extension from the state that provides them with an extra year to use the grant funds. For future grant programs, building in a longer time frame for use of funds could be valuable and might prevent grantees from being affected by these types of bureaucratic delays. Having a longer grant period would also benefit offices that had a difficult time hiring for their new roles or experienced turnover in their IDGP-funded roles, as it would provide them more time to fill those positions.

Provide a means for extending the authorized spending period for personnel under appropriate circumstances. One problem we heard repeatedly related to difficulties in attracting qualified candidates for IDGP-funded positions. Recruitment campaigns can take many months, and the time spent seeking applications takes away from the time that a IDGP-funded position can be staffed given the current preset duration of authorized spending. The challenges that a program might face in finding someone to fill a position that might require relocation but will last only three years could become even more insurmountable as the grantee gets further into the grant period of performance and the term for the position gets shorter. Current grant financing and administration rules notwithstanding, perhaps a mechanism might be established where a no-cost extension for personnel-related spending could be granted when the public defense provider has experienced significant delays in identifying applicants with the requisite skills and experience. Other IDGP-funded activity could be ceased at the original grant end point, but expenditures for the now-filled position would

continue for a full three years. Though many government agencies might face recruitment challenges, the situation with public defense, particularly when filling attorney positions, might require a more flexible approach to grant length.

Revisit requirements related to local evaluation. For the IDGP, grantees were required to conduct their own local evaluation to demonstrate how funds were used and what outcomes were accomplished. Local evaluations are a common feature of many BSCC grant programs and serve the purpose of documenting whether the activities that grantees used funds for were associated with the expected outcomes. This is distinct from the goal of the statewide evaluation conducted by RAND, which focused on the impact of the IDGP as a whole (rather than specific locally implemented activities). However, this requirement was a significant obstacle at the beginning of the grant program, as grantees attempted to write Local Evaluation Plans, identify implementation and outcome measures, and develop data collection tools—typically without any experience related to evaluation—while simultaneously trying to navigate the unknown waters of grant administration. Grantees were provided some resources, such as templates, examples, and technical assistance for developing their Local Evaluation Plans. However, the process was still burdensome, and it is not clear that requiring this local evaluation helped offices focus their planning or improve on their data collection. Though some grantees reported that the actual collection of evaluation data had not been time consuming at the time of the exit interviews, they also had not been through the process of analyzing those data or synthesizing findings for the Local Evaluation Report.

There are ways to require local evaluation that do not burden offices; for example, many BSCC grant programs require a local evaluation, but they accomplish this by requiring grantees to carve out a percentage of funds (e.g., 5 percent) to support an external evaluation; this is done most often for larger grants. It is unlikely that an office could retain a consultant or evaluator if future grants are similar in magnitude to the IDGP. For a somewhat small-scale grant program such as this, one option could be to waive requirements to participate in a local evaluation. A statewide evaluation could still be used to provide overall insights into the impact of a grant program, even if a more granular view of local outcomes was not available. For grants above a certain threshold (e.g., \$1,000,000), BSCC could implement a similar carve-out as is used for other grant programs, such as requiring at least 5 percent be spent for local evaluation. But because grantees have not yet submitted their Local Evaluation Report, it is possible that additional lessons will emerge from that process that might affect this recommendation (e.g., revealing that a local evaluation is more or less feasible than expected based on the input provided at the time this report was written).

Provide support for grant administration. Most offices did not have a track record of grant funding when they applied to the IDGP. Therefore, there was a steep learning curve related to grant administration, and grantees had to determine who would be responsible for those activities in their office. Grantees described the value of support from BSCC, including responsiveness from the BSCC team and their willingness to help grantees navigate such processes as project and budget modifications. Grantees noted that additional resources (such as templates and example applications) would be valuable for future grant programs and that

these resources could be valuable at the application stage as well as through the course of the grant period. It might also be helpful to provide more education or technical assistance to potential grantees at the application stage—for example, more information could be provided about the administrative burden associated with grants, ensuring that offices carved out funds to support those activities.

Consider expanding eligibility for the grant program to privately operated public defense providers. As previously described, the IDGP was originally focused on counties with established public defenders' offices. Although this decision was made in part to facilitate the administration and evaluation components of the grant program, the benefits of the IDGP were significant enough that it would be worthwhile to consider expanding future grant programs to small to medium-sized counties with other delivery models, such as contract defender programs and assigned counsel panels, as their primary means of providing appointed counsel. Though some might argue that private defenders should not have the same latitude as county public defenders' offices to spend funds on certain categories of activities (such as improving office infrastructure), expenditures on training or case support services could be effective ways to improve the quality of indigent defense provided by those offices. Alternatively, the county could still be specified as the recipient of the funds, with those funds then spent on a resource that could be used by contracted defenders or assigned counsel on an as-needed basis, such as IDGP-funded investigators or social workers. These types of awards have been possible under newer grant mechanisms, such as the Public Defense Pilot Program. Providing a grant in this way might require more administrative burden and coordination between county staff and contracted defenders or assigned counsel but ultimately could provide the opportunity for improved indigent defense services to clients in a larger number of counties.

Continue to limit state grants for general office improvement to small to medium-sized counties for the near future. Concerns over shortcomings in providing reasonably effective representations are not limited to what the IDGP defined as small to medium-sized counties. The county with the troubled local public defense system where litigation over defense quality eventually led to the establishment of the IDGP did not qualify for funding under the new program because its population exceeded the threshold requirement. Moreover, some of the largest public defenders' offices in the state are not strangers to allegations that their staffs are facing excessive workloads. But small to medium-sized counties in California face particularly difficult challenges that are likely to continue without targeted state aid. To the extent that state financial support to county-based public defense ramps up slowly over the years that follow, it makes more sense to keep the funding focus on these most vulnerable communities until they move toward parity with the large metropolitan counties in terms of per capita defense resources or some other meaningful metric. If state grants to larger counties during this period are needed, they could be limited to supporting very specific purposes, as was done with grants from the Public Defense Pilot Program. Relatively unrestricted grants that can be used for any purpose that local actors believe are most important to their mission, as was true with the IDGP, should be offered only to small to medium-sized counties.

Moving Forward

For many offices, the IDGP was the first time they had received nearly unrestricted grant funding that was designed specifically for public defenders' offices in small to medium-sized counties. Participation in this grant program helped offices to achieve goals related to improving the quality of public defense services provided to clients, as well as supporting attorneys and other staff in their work. In our interviews, we repeatedly heard defenders refer to the supplemental funding stream as transformative, as a game changer, and as much-needed relief. But it would be a serious mistake to believe that the IDGP fixed the resource problems that have plagued public defense in many of the small to medium-sized counties of this state for years. Hiring of permanent, full-time employees was relatively uncommon; most temporary employees that were brought into the offices will be leaving by the end of June 2024 if they have not departed already; and, eventually, training frequency, client support initiatives, technology upgrades, and other important activities related to representation quality that received a very welcome shot in the arm from the IDGP will drift back down to preprogram levels. If that is allowed to happen, it would also be a serious mistake.

A far better plan would be to build on what the IDGP delivered in terms of better-resourced public defense providers in these small to medium-sized counties and use what was accomplished as the important first step toward a day when the extent to which a defendant receives a reasonably effective representation pursuant to prevailing professional norms as required by the Supreme Court is not simply a function of where the prosecution is taking place. The establishment of a sustainable, ongoing grant program could help offices continue to attain goals that would be outside the reach of their typical operating budgets and to ultimately fulfill their mission of providing zealous advocacy on behalf of the clients they have been appointed to serve.

Abbreviations

BSCC	Board of State and Community Corrections
CMS	case management system
COVID-19	coronavirus disease 2019
DMV	Department of Motor Vehicles
DUI	driving under the influence
IDGP	Indigent Defense Grant Program
OSPD	Office of the State Public Defender

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