

MEETING DATE: November 16, 2023 **AGENDA ITEM:** C

TO: BSCC Chair and Members

FROM: Dameion Renault, Field Representative, dameion.renault@bscc.ca.gov

SUBJECT: Public Defense Pilot Program, Cohort III Request for Applications:
Requesting Approval

Summary

This agenda item requests Board approval to release the Request for Applications (RFA) (Attachment C-1) for the third and final year of the Public Defense Pilot Program (PDPP).

Background

The Budget Act of 2021 (Senate Bill 129, Chapter 69, Statutes of 2021) established the Public Defense Pilot Program (PDPP). Program funds must be utilized for indigent defense providers, including public defenders, alternate defenders, and other qualifying entities that provide indigent defense in criminal matters for the purposes of workload associated with the provisions in paragraph (1) of subdivision (d) of Section 1170 of, and Sections 1170.95, 1473.7, and 3051 of, the Penal Code.

The Budget Act of 2021 appropriated \$50 million for the PDPP of which \$49.5 million was available for California counties and \$500,000 for administrative costs and an independent evaluation. The Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) appropriated a second \$50 million, of which \$49.4 million was available for California counties and \$600,000 for administrative costs and an independent evaluation. In the final appropriation of PDPP funds, the Budget Act of 2023 (Senate Bill 104, Chapter 189, Statutes of 2023) (Attachment C-2) appropriated \$40 million for the PDPP, of which \$39.4 million is available for California counties and \$600,000 for BSCC administrative costs and an independent evaluation. The grant period for the Cohort III PDPP is March 1, 2024 to March 1, 2025.

All California counties are eligible to participate in the PDPP. Only one (1) application may be submitted on behalf of a county. A list of the funding amounts available to eligible counties is included in Attachment C-3. Applications must be submitted by the Board of Supervisors (BOS) or the County Administrative Officer (CAO). The BOS or CAO may also delegate the County Public Defender's Office or an Alternate Defender's Office as the applicant entity.

Senate Bill 104 provides that: "If any funds remain unallocated after the distribution process described in this provision is completed, the Board of State and Community Corrections shall reallocate and distribute, on a one-time basis, the remaining funds to the participating counties proportionally based on the county's share of the adult population."

If funds remain unallocated after all applications have been submitted and the funding distribution calculated, BSCC will contact each applicant to see if they are interested in

receiving additional funding. Once all applicants have been contacted, BSCC will calculate the distribution of the unallocated funds among interested applicants. Applicants that accept the additional funds will be required to submit a revised project budget.

Note: Senate Bill 104 (Attachment C-2) specifies that the “pilot shall end” on January 1, 2025. However, the Legislature also extended the expenditure deadline for the funds until December 31, 2026. As such, there may be an opportunity for one-time, no-cost extensions, to be revisited by staff in the future, if counties are unable to spend down funds during the pilot period.

Recommendation/Action Needed

Staff recommends that the Board:

- Approve the release of the Cohort III RFA for the Public Defense Pilot Program (PDPP).
- Authorize staff to redistribute any unallocated funds among interested applicants, using a formula based on county population.

Attachments

C-1: PDPP Cohort III RFA

C-2: Senate Bill 104 (2023)

C-3: PDPP Grant Allocation List