



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 9/16/2025

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Public Defender
Staff Name and Phone Number: Brian Morris, 565-3876
Vote Requirement: 4/5th
Supervisory District(s): All

Title:

Addition of 1.0 Full-Time Equivalent (FTE) Time-Limited Public Defender IV - Project Position Allocation for a Mental Health Diversion Attorney

Recommended Action:

- A) Adopt a Budget Resolution to accept \$304,175 in funding from the Department of Health Services and adjust the Public Defender's revenue and expenditures by the same amount (4/5th vote requirement).
- B) Adopt a Resolution amending the Public Defender's Office Department Allocation list effective September 16, 2025.

Executive Summary:

The Department of Health Services (DHS) has received funding from the California Department of State Hospitals to support local Mental Health Diversion efforts for felony defendants found Incompetent to Stand Trial (IST). Through a multi-agency Memorandum of Understanding (MOU), the Public Defender's Office will assign a Deputy Public Defender III-Project attorney to provide specialized legal representation for eligible clients who are eligible to be diverted from the justice system into community-based treatment. The position will be allocated at the Deputy Public Defender IV -Project level; however, in accordance with the MOU, the Public Defender's Office will hire no higher than a Deputy Public Defender III.

Discussion:

The State of California has identified diversion as a critical strategy to reduce the population of felony defendants awaiting placement at state hospitals after being found incompetent to stand trial. Through the Department of State Hospitals, funding has been made available to local jurisdictions to implement Mental Health Diversion (MHD) programs aimed at providing community-based treatment for individuals who meet statutory criteria under Penal Code §1001.36. Mental Health Diversion is available to individuals whose criminal conduct is linked to a diagnosed mental health condition, where treatment is likely to address the underlying issues, and who are not considered a significant public safety risk. This approach supports individual recovery while reducing recidivism, improving public safety, and lowering the overall costs to the justice system and community.

In Sonoma County, the Department of Health Services has executed a multi-agency MOU to expand their existing program in collaboration with key justice partners, including the Public Defender's Office. This partnership is memorialized in a Memorandum of Understanding between the Department of Health Services and the Justice Partners, which is also before your Board today, September 16, 2025, for approval. This

program uses a multidisciplinary approach to divert appropriate felony IST defendants into intensive outpatient mental health services. A central component of the success of this program is the designation of trained legal professionals who understand the complexities of competency law, diversion eligibility, and the unique treatment needs of this population.

The Public Defender's Office has committed to assigning a Deputy Public Defender III - Project through June 30, 2029 to provide vertical representation for clients identified as eligible for diversion. The position will be allocated at the Deputy Public Defender IV-Project level; however, in accordance with the MOU, the Public Defender's Office will hire no higher than a Deputy Public Defender III. This includes representation at key hearings related to competency determination, restoration, involuntary medication, and diversion motions. The attorney will work closely with clients, mental health providers, and other justice partners to ensure that services are coordinated, and court processes are streamlined. This role also includes participation in the holistic defense team for clients in CARE, FACT, LPS, and MHD Courts.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar:

Goal:

Objective:

Racial Equity:**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY25-26 Adopted	FY26-27 Projected	FY27-28 Projected
Budgeted Expenses		304,175	304,175
Additional Appropriation Requested	304,175		
Total Expenditures	304,175	304,175	304,175
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	304,175	304,175	304,175
Use of Fund Balance			
General Fund Contingencies			
Total Sources	304,175	304,175	304,175

Narrative Explanation of Fiscal Impacts:

Funding for the 1.0 FTE Deputy Public Defender Project position will be reimbursed by DHS using Department of State Hospitals grant funds. The total funding available to justice partners over the term of the MOU is not to exceed \$5,000,000 across five fiscal years (FY 24-25 through FY 28-29). The Public Defender's portion will be administered through quarterly cost-applied transfers submitted to DHS. No general fund contribution is required, and no new general fund appropriations are requested with these actions.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
Deputy Public Defender IV - Project	\$15,898.64 - \$19,324.99	1.0	0.0

Narrative Explanation of Staffing Impacts (If Required):

With the funding approved under this MOU the department will recruit a 1.0 FTE Deputy Public Defender III - Project position to represent the identified cases. The position will be allocated at the Deputy Public Defender IV-Project level; however, in accordance with the MOU, the Public Defender's Office will hire no higher than a Deputy Public Defender III.

Attachments:

- Budget Resolution
- Position Resolution
- Memorandum of Understanding

Related Items "On File" with the Clerk of the Board: