



Legislation Text

File #: 2021-0270, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Public Defender and Human Services

Staff Name and Phone Number: Kathleen Pozzi 565-2791, Angela Struckmann 565-6990

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Board of State and Community Corrections Grant

Recommended Action:

- A) Adopt a resolution accepting the terms and conditions of grant funding from the Board of State and Community Corrections (BSCC) and delegating authority to the Public Defender to execute the grant agreement for the Indigent Defense Program in the amount of \$882,320.
- B) Adopt a position resolution to add 1.0 time-limited FTE Social Service Worker III in Human Services and 1.0 time-limited FTE Deputy Public Defender IV in the Public Defender's Office to support the Indigent Defense Program.
- C) Adopt a budget resolution to add revenue and expenditure appropriations totaling \$44,143 in the Human Services Department and the Public Defender's Office budgets to cover anticipated FY 20-21 costs associated with the grant program. (4/5th Vote Required)

Executive Summary:

The Sonoma County Law Office of the Public Defender has been awarded a non-competitive grant in the amount of \$882,320 by the Board of State and Community Corrections (BSCC). The grant period goes from February 15, 2021 to June 30, 2023.

In order to provide more robust assistance to clients and to combat the existing high caseload levels, the Public Defender's Office and the Human Services Department are requesting the addition of two time-limited positions funded by the BSCC grant. The first position is a 1.0 FTE Social Service Worker III in the Human Services Department and the second is a 1.0 FTE Deputy Public Defender IV in the Public Defender's Office. Both positions are time-limited and will end on May 31, 2023.

Discussion:

As the result of an ACLU lawsuit against Fresno County, and as part of the 2020 Budget Act, the State Legislature allocated \$9.8 million to the Office of the State Public Defender to address the needs of 19 counties that had a population of less than 550,000 residents. A committee comprised of various Public Defender offices and the State Office of the Public Defender arrived at a distribution formula for the funds to be disbursed in the form of a grant from the Board of State and Community Corrections. Sonoma County was allocated \$882,320, based on local needs.

The mission of the Office of the Public Defender is to ensure justice, fairness and dignity for all clients, and has

the constitutional and statutory responsibility to protect and defend clients charged with criminal offenses. The Department represents clients in more than 85% of all filed criminal, civil contempt and conservatorship cases in Sonoma County. In the past three fiscal years, cases have exceeded 20,000 newly filed cases and violations of probation, Post Release Community Supervision, parole and mandatory supervision per year. Of those, up to 17,000 are misdemeanor charges or violations. The Department currently has 8 misdemeanor attorneys and 1 additional attorney assigned to domestic violence court. Case averages exceed 300 per each attorney at any given time. The high caseload in misdemeanor court makes it difficult to promote the most positive litigation and sentencing outcomes possible, and to provide the services necessary to truly impact and improve the lives of those served by the Public Defender's Office.

An unprecedented amount of California legislation changes in the past five years, including immigration law changes, have placed additional mandates on criminal defense and made it even more difficult for attorneys to effectively assess and provide for the complex needs of their clients. Increasing numbers of individuals with mental illness and physical health limitations have made inpatient and outpatient placements more challenging and time consuming. It has often been posited that the jail system has become our largest mental health provider, with more than 42% of the average daily population of 675 inmates having mental health issues and needing support beyond what the attorneys can offer them.

In order to better serve the clients in the Public Defender's Office, the following positions are being requested:

Social Service Worker III (Human Services)

The Social Service Worker III position will be added to the Human Service Department's allocation list. Although the Social Service Worker III will be a Human Services employee, the position will provide dedicated support to the Public Defender and be physically imbedded in that office. A Social Service Worker III position is needed in order to meet the growing demand to assess clients' increasingly complex needs, to work with the growing number of seniors served by the Office, and to coordinate services with attorneys and provide information to the courts and probation. This position will be responsible for assisting clients with services as an alternative to incarceration, developing factors in mitigation to reduce incarceration exposure, helping build family connections and other natural supports, and working with local criminal and social justice partners to assist clients in transitional housing, mental health, drug and alcohol services, and other social services options. The quest to holistically improve the quality of life for those Served by the Public Defender will work toward the ultimate goal toward reducing recidivism. Social workers can also greatly reduce attorney time and costs by handling critical social service functions that would otherwise consume an inordinate number of attorneys' working hours.

Public Defender IV (Public Defender)

The Deputy Public Defender will be responsible for post-conviction relief that may otherwise be potentially postponed or delayed due to the current heavy caseloads. New litigation and laws over the past five years mandating post-conviction relief by Public Defenders have increased caseloads significantly. Due to budgetary restraints, the office has previously been unable to secure any additional positions to cover this extra casework. Although this position is allocated at the Deputy Public Defender IV level, the Public Defender's Office anticipates filling this position at the Deputy Public Defender I level.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses		437,310	400,868
Additional Appropriation Requested	44,143		
Total Expenditures	44,143	437,310	400,868
Funding Sources			
General Fund/WA GF			
State/Federal	44,143	437,310	400,868
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	44,143	437,310	400,868

Narrative Explanation of Fiscal Impacts:

Estimated costs for FY 2020-2021 assume 1.0 FTE Social Service Worker III and 1.0 FTE Deputy Public Defender positions are filled for one month starting June 1, 2021, factoring in recruitment lead times. The FY 2020-2021 estimate also includes one-time costs for job recruitment advertising and computer equipment, per the grant budget. FY 2021-2022 estimates assume full annual costs for both positions for 12 months, including recurring costs for information technology support and overhead costs for HSD. Cost estimates for FY 2022-2023 assume both positions are filled for 11 months (through May 31, 2023), as well as information technology support and overhead. The BSCC grant will fully reimburse the County's operational costs and does not require a local match.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
Social Service Worker III	\$5,308.24 - \$6,452.68	1.0	0
Deputy Public Defender IV	\$12,244.44 - \$14,884.64	1.0	0

Narrative Explanation of Staffing Impacts (If Required):

The Social Worker position will have no impact on the current workload in Human Services.

Although the Deputy Public Defender position is allocated at the IV level, the Public Defender's Office anticipates filling this position at the I level. The addition of the Deputy Public Defender will decrease the current workload of the misdemeanor attorneys.

Attachments:

Attachment 1 - Grant Funding Terms and Conditions Resolution

Attachment 2 - Position Resolution

Attachment 3 - Budget Resolution

Attachment 4 - BSCC Grant Agreement

Related Items “On File” with the Clerk of the Board:

None