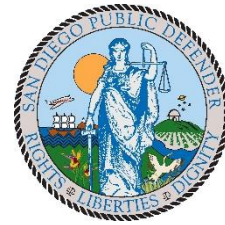




SMART JUSTICE CALIFORNIA

ACLU CALIFORNIA ACTION



SAN FRANCISCO PUBLIC DEFENDER

Greater than one.



RURAL COUNTY REPRESENTATIVES OF CALIFORNIA

nextgen california



BEND THE ARC jewish action california

The Honorable James Ramos
Chairman, Assembly Budget Subcommittee #6
1021 O St., Room 8310
Sacramento, CA 95814

Re: RETAIN FUNDING FOR PUBLIC DEFENSE PILOT PROGRAM

Dear Chairman Ramos:

We write to respectfully urge the Legislature to retain the \$40 million enacted in last year’s budget for the third and final year of funding for the Public Defense Pilot Program.

Since 2021-22, the state has dedicated between \$40 and \$50 million per year in funding for the Public Defense Pilot Program to support resentencing workloads in public defense offices following recently enacted changes to the law. This moderate, short-term investment has already yielded between \$94 million and \$781 million in cost-savings, with potential for significant additional savings.¹

While we recognize that challenging decisions must be made in the wake of a serious budget deficit, we respectfully urge Assembly Budget Subcommittee #6 to support retaining the third and final year of funding to the Public Defense Pilot Program.

¹ Estimated incarceration costs saved range from \$94 million to over \$781 million based on the LAO’s estimated marginal cost savings of \$15,000 per released person per year, and the actual annual per capita incarceration costs of \$124,708 for 2022-23 as reported in the Governor’s Proposed Budget. (Gabriel Petek, *The 2024-25 Budget: California Department of Corrections and Rehabilitation* 9 (February 2024), <https://lao.ca.gov/reports/2024/4852/CDCR-022224.pdf>; Gavin Newsom, *2024-25 Governor’s Budget: Corrections and Rehabilitation CR-5* (January 2024), <https://ebudget.ca.gov/2024-25/pdf/GovernorsBudget/5210/5225.pdf>.)

The significant return on the state's investment in the Public Defense Pilot Program will continue in the final year if funding is maintained. Year one and two data from 13 of the 34 grant-funded public defense programs has already yielded approximately \$94 million to over \$781 million in cost savings based on data from only two of the four areas covered by the pilot program.²

These 13 programs from two of the four areas covered by the pilot program have helped 529 people obtain release or reduced sentences, saving a total of 6,267 years of incarceration time.³ People of color made up 85% of the people resentenced. Without this continued funding, we fear the promises of these reforms – both in terms of the human impact and financial savings – will not be fully realized.

While states are responsible for funding the constitutional right to counsel in criminal cases, California has delegated the majority of that responsibility to the counties, who, as you know, are also struggling in this economy to maintain core government functions. Notably, the Public Defense Pilot Program is currently the only major statewide funding specifically allocated to counties for the provision of indigent defense; all other funding for indigent defense comes from the counties, or, to a small degree, outside grants. The final \$40 million installment for the Public Defense Pilot Program is a modest amount to ensure that the reforms prioritized and passed by the Legislature can continue to be meaningfully implemented as the Legislature intended.

In addition to valuable savings, this funding has resulted in critical public safety improvements at the local level. Investing in robust public defense programs helps keep our communities safe and healthy. The Public Defense Pilot Program funds have permitted indigent defense providers to hire social workers and expand their holistic defense teams, creating a continuum of care for indigent clients with psychiatric and substance use disorders, reducing the risk that these individuals will become homeless. The funds have allowed indigent defense teams to facilitate safe and successful reentry plans for individuals returning to the community after incarceration, and has also allowed indigent defense providers to reinvest in families, communities of black, indigenous and people of color, as well as immigrants, and individuals earning low incomes. Additionally, the funding has saved many California residents from deportation due to invalid convictions. This is particularly significant in a state with 11 million foreign born residents, where losing a breadwinner due to deportation often leads to impoverishment for the remainder of the family and significant state medical and assistance costs. Ultimately, cutting the third year

² Actual savings are much higher since this data only covers individuals resentenced under Penal Code section 1172.6 (felony murder) and 1172.1 (discretionary resentencing). It does not cover Youthful Offender Parole or Penal Code section 1473.7 petitions (challenging invalid convictions based on immigration consequences). Additionally, this data does not include the savings from the Los Angeles County Bar Association Independent Defender Program or the San Francisco Bar Association

³ According to data received from 13 of the 34 public defense programs spanning March 1, 2022 – December 31, 2023. The years-saved calculation is based on the first eligible parole date and does not account for milestone or other credits. Only approximately 44% of people eligible are paroled at the first parole hearing. The years saved calculation was also based on the life expectancy provided by the U.S. Social Security Actuarial Life Table. [Actuarial Life Table \(ssa.gov\)](https://ssa.gov) The 13 public defender grantees reflected in this data are from the counties of Alameda, Contra Costa (including Alternate PD Office), Los Angeles (including Alternate PD Office), Orange (including Alternate PD Office and Associate Office), Sacramento, San Bernardino, Santa Clara, Santa Cruz, Sonoma, and Yolo.

of funding will end these public safety gains, as indigent defense providers will not have the resources to provide these critical services.

The state has already seen a significant return on its investment. We respectfully urge your support to retain the third year of funding to a program that has a demonstrated record of success.

We thank you for your time and consideration. Please contact Nick Brokaw at 916.448.1222 or nbrokaw@sacramentoadvocates.com or Mica Doctoroff at (916) 824-3264 or mdoctoroff@aclunc.org if we can provide additional information or you have any questions.

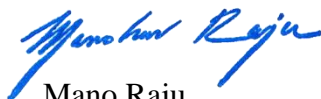
Sincerely,



Carmen-Nicole Cox
Director of Government Affairs, ACLU
California Action



Athene Speiser, President
California Public Defenders Association



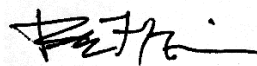
Mano Raju
San Francisco Public Defender



Anne Irwin, Founder and Executive Director
Smart Justice California



Paul A. Rodriguez
Public Defender
County of San Diego, Office of the Public
Defender



Ryan Morimune, Legislative Advocate
California Association of Counties



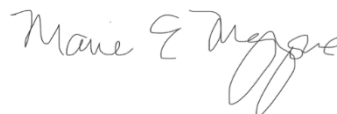
Sarah Dukett, Policy Advocate
Rural County Representatives of California



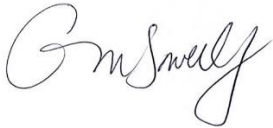
Elizabeth Espinosa, Legislative Advocate
Urban Counties of California



Kathy Brady, Director
Immigrant Legal Resource Center



Marie Mazzone, DDS
Core Volunteer, Restorative Justice
Committee
Bend the Arc: Jewish Action, California

A handwritten signature in black ink, appearing to read "Arnold Sowell, Jr." in a cursive style.

Arnold Sowell, Jr., Executive Director
NextGen California

cc. Members, Assembly Budget Subcommittee #6
Jennifer Kim, Consultant, Assembly Budget Subcommittee #6