



# Public Defense Pilot Program

## Application Packet

**Release Date: October 4, 2021**

**Proposals Due: January 14, 2022**

**Grant Period: March 1, 2022 to March 1, 2025**



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# **Public Defense Pilot Program**

## **PROPOSAL PACKAGE COVER SHEET**

**Submitted by:**

Yolo County

**Date Submitted:**

January 12, 2022

## Proposal Checklist

A completed proposal package for the Public Defense Pilot Program includes the following:

Required Items:		✓
1	Cover Sheet (previous page) <ul style="list-style-type: none"> <li>• Insert Applicant Name and Date of Submission</li> </ul>	X
2	Proposal Checklist (current page) <ul style="list-style-type: none"> <li>• Signed by the authorized signatory with a digital signature <b>OR</b> a wet signature in blue ink.</li> </ul>	
3	Applicant Information Form <ul style="list-style-type: none"> <li>• Signed by the authorized signatory with a digital signature <b>OR</b> a wet signature in blue ink.</li> </ul>	
4	Proposal Narrative <ul style="list-style-type: none"> <li>• 3 pages or less</li> </ul>	X
5	Proposal Budget <ul style="list-style-type: none"> <li>• Complete BSCC Budget template</li> </ul>	X
6	Project Work Plan	X
Optional:		
	Governing Board Resolution <i>Note: The Governing Board Resolution is due prior to contract execution but is not required at the time of proposal submission.</i>	

**I have reviewed this checklist, placed a check mark next to each item, and verified that all required items are included in this proposal packet.**

X




\_\_\_\_\_  
 Applicant Authorized Signature (see Applicant Information Form, Part L, next page)

## Applicant Information Form: Instructions

- A. **Applicant:** Complete the required information for the local government submitting the form ( i.e., <NAME> County).
- B. **Tax Identification Number:** Provide the tax identification number of the Applicant.
- C. **Project Title:** Provide the title of the project.
- D. **Project Summary:** Provide a summary (100-150 words) of the proposal. Note: this information will be posted to the BSCC's website for informational purposes.
- E. **Grant Funds Requested:** Reference the Proposal Instructions Packet for funding by County (see Appendix C or Pages 3-4).
- F. **Penal Code Section:** Identify the specific section(s) of the Penal Code the proposal will address. 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.
- G. **Project Director:** Provide the name, title and contact information for the individual responsible for oversight and management of the project. This person must be an employee of the Grantee.
- H. **Financial Officer:** Provide the name, title and contact information for the individual responsible for fiscal oversight and management of the project. Typically, this is the individual that will certify and submit invoices. This person must be an employee of the Grantee.
- I. **Day-to-Day Project Contact:** Provide the name, title and contact information for the individual who serves as the primary contact person for the grant. Typically, this individual has day-to-day oversight for the project.
- J. **Day-to-Day Fiscal Contact:** Provide the name, title and contact information for the individual who serves as the primary contact person for fiscal matters related to the grant. This may be the individual who prepares the invoices for approval by the Financial Officer.
- K. **Authorized Signature:** Complete the required information for the person authorized to sign for the Applicant. This individual must read the assurances under this section, then sign and date in the appropriate fields.

NAME OF APPLICANT Yolo County		TAX IDENTIFICATION #: 94-6000548	
STREET ADDRESS		CITY	STATE ZIP CODE
<b>Applicant Information Form</b>			
<b>C. PROJECT TITLE:</b>		Indigent Post-Conviction Relief Project	
<b>D. PROJECT SUMMARY (100-150 words):</b>			
<p>Yolo County will augment staffing at the Yolo County Public Defender's Office (YCPD) by adding a <b>part-time attorney</b>, a <b>full-time legal process clerk</b> and <b>contracted mitigation specialists</b> to clear the backlog of clients in need of Youth Offender Parole (YOP) reports, identify and prepare cases for potential re-sentencing under Penal Code section 1170(d), conduct community outreach to identify individuals eligible for Penal Code section 1473.7 relief, and support the work already in progress to implement Penal Code section 1170.95. The County will also augment support services available to the conflict panel attorneys through <b>contracted mitigation specialists</b> to prepare YOP reports and prepare 1170(d) candidates for resentencing. Limited funds will be used to <b>offset ancillary costs</b>, to include the purchase of equipment, obtaining records, and travel. Lastly, funds will be set aside to <b>provide support to persons who are transitioning</b> from incarceration to the community.</p>			
<b>E. GRANT FUNDS REQUESTED:</b>		<b>F. Penal Code(s) Addressed:</b>	
\$ 289,129.27		Penal Code sections 1170(d)(1), 1170.95, 3051, 1473.7	
<b>G. PROJECT DIRECTOR:</b>			
NAME Tracie Olson		TITLE Public Defender	TELEPHONE NUMBER 530-666-8167
STREET ADDRESS 814 North Street		FAX NUMBER 530-666-8405	
CITY Woodland	STATE CA	ZIP CODE 95695	EMAIL ADDRESS Tracie.Olson@yolocounty.org
<b>H. FINANCIAL OFFICER:</b>			
NAME Melissa Patterson		TITLE Chief Budget Official	TELEPHONE NUMBER 530-666-8190 x 9213
STREET ADDRESS 625 Court Street, Room 103		FAX NUMBER 530-666-8215	
CITY Woodland	STATE CA	ZIP CODE 95695	EMAIL ADDRESS Melissa.Patterson@yolocounty.org
PAYMENT MAILING ADDRESS (if different)		CITY	STATE ZIP CODE
<b>I. DAY-TO-DAY PROGRAM CONTACT:</b>			
NAME Tracie Olson		TITLE Public Defender	TELEPHONE NUMBER 530-666-8167
STREET ADDRESS 814 North Street		FAX NUMBER 530-666-8405	
CITY Woodland	STATE CA	ZIP CODE 95695	EMAIL ADDRESS Tracie.Olson@yolocounty.org

J. DAY-TO-DAY <u>FISCAL</u> CONTACT:			
NAME	TITLE	TELEPHONE NUMBER	
Melissa Patterson	Chief Budget Official	530-666-8190 x 9213	
STREET ADDRESS		FAX NUMBER	
625 Court Street, Room 103		530-666-8215	
CITY	STATE	ZIP CODE	EMAIL ADDRESS
Woodland	CA	95695	Melissa.Patterson@yolocounty.org

K. AUTHORIZED SIGNATURE			
By signing this application, I hereby certify that I am vested by the Applicant with the authority to enter into contract with the BSCC, and that the grantee and any subcontractors will abide by the laws, policies and procedures governing this funding.			
NAME OF AUTHORIZED OFFICER	TITLE	TELEPHONE NUMBER	EMAIL ADDRESS
Chad Rinde	Interim CAO	530-666-8150	Chad.Rinde@yolocounty.org
STREET ADDRESS	CITY	STATE	ZIP CODE
625 Court Street	Woodland	CA	95695
EMAIL ADDRESS			
APPLICANT'S SIGNATURE (Signed by the authorized signatory with a digital signature OR a wet signature in blue ink.)			DATE
X 			1-12-22

\*Authorized Signature: Must be a representative with the authority to sign documents and obligate the applicant\*

**CONFIDENTIALITY NOTICE**

All documents submitted as a part of the Public Defense Pilot Program are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC, as a state agency, may have to disclose these documents to the public. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, §§ 6250 et seq.)

## Proposal Narrative

The Proposal Narrative section may not exceed **three (3) numbered** pages and must be submitted in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spaced.

### **Yolo County Indigent Defense Delivery Structure**

The Yolo County Public Defender's Office (YCPD) provides primary services to indigent defendants. The YCPD practices a holistic model of indigent defense, which is client-centered and seeks to address the circumstances that drive poor people into the criminal justice system as well as the consequences of that involvement by offering comprehensive legal representation, social work support, and advocacy. In addition to trial teams, and relevant to this grant, the YCPD has a Record Mitigation Clinic, a mitigation and post-conviction unit, and an immigration attorney.

When the YCPD must declare a conflict of interest, a pool of criminal defense attorneys (the "conflict panel") provides representation through contracts with the county. The conflict panel is comprised of five attorneys who handle both adult and juvenile matters. Their ancillary support consists primarily of contracted investigators.

Grant funds will be allocated to both the YCPD and the conflict panel as follows:

### **YCPD - PC 3051 Youth Offender Parole (YOP)**

In 2018, CDCR distributed to each county a list of individuals it had identified as serving state prison commitments who were eligible for youth offender parole (YOP) hearings before the Board of Parole Hearings (BPH). As of July 2018, the list contained 79 such persons from Yolo County. The YCPD is the entity tasked with preparing YOP reports for each eligible person on the list, regardless as to who the attorney may have been at the trial level (e.g., public defender, conflict attorney, or private attorney), unless a current conflict of interest exists or a private attorney has been retained. The latter two scenarios have proven to be rare.

From this July 2018 list of 79 individuals, one person has died and twelve have been ordered released from prison. Of the twelve ordered released, the YCPD worked extensively on all twelve cases, submitting YOP reports to the BPH for six, successfully advocating for prosecutor-initiated 1170(d) release for four, and assisting two other individuals to obtain release due to medical issues. The YCPD has completed YOP reports for another twelve individuals who have parole hearings pending. This leaves fifty-four people who are in need of services related to their YOP hearings.

The YCPD has made some progress on twenty of these cases, but the rest have been wait-listed since 2018. One reason for the wait list is that new clients with new cases become eligible for YOP hearings on an on-going basis. A tension exists between how to use existing resources – whether to prepare the case of a former client who is already in prison with a scheduled YOP hearing date, or to prepare the case of an existing client who, upon sentencing, will become eligible for a future YOP hearing. Typically, resources have been allocated to those with YOP hearings scheduled closest in time, which means that although we are clearing YOP clients from the July 2018 list, new names are eligible to be added.

The YCPD will use this grant to fund one-half of an attorney position to complete YOP reports that are currently in various stages of progress and to advocate for 1170(d) relief, when appropriate, for these same individuals. (See below for more information.) Further, this grant will be used to contract with experienced mitigation specialists to prepare additional YOP reports, to include the clients who have been wait-listed. If during the preparation of these YOP reports, an individual appears to be a candidate for 1170(d) relief, the contracted mitigation specialists will refer the case to the grant attorney for further advocacy. Finally, a legal process clerk will be hired to gather and organize records and provide other basic support as needed. (The legal process clerk mentioned in the grant categories below refer to the same, single position.)

The YCPD estimates that all outstanding YOP reports will be completed by the end of the third year of this grant.

### **YCPD - PC 1170(d) Resentencing**

According to CDCR, as of November 30, 2021, 512 unique individuals were serving Yolo County prison commitments. The Yolo County District Attorney's Office has shown a willingness to initiate modification of unnecessarily long or punitive sentences. In fact, Yolo County is one of nine counties across the state of California selected to participate in the California Resentencing Pilot Program, which provides limited funding to district attorney and public defender offices to begin reviewing cases for possible resentencing. The YCPD used California Resentencing Pilot Program grant funds to hire an attorney on a half time basis to work on 1170(d) cases. The YCPD has found that the information that builds a compelling YOP report is also useful in persuading the district attorney's office to pursue 1170(d) resentencing. This grant will

fund the other one-half of the attorney funded by the California Resentencing Pilot Program (the same one-half attorney mentioned above in the YOP narrative.) The newly hired legal process clerk will assist with management of files and records.

#### **YCPD - PC 1473.7 Immigration Vacatur**

The YCPD employs an immigration trained attorney to advise and defend against the immigration consequences of criminal convictions, in accord with Penal Code §§ 1016.2, 1016.3 and *Padilla v. Kentucky*, 559 U.S. 336 (2010). When a screening of current clients' histories for past problematic convictions reveals a conviction eligible for vacatur pursuant to Penal Code section 1473.7, the immigration attorney works directly with the district attorney's office in tandem with the criminal attorney to provide relief to the client. Cases may also be identified when persons affirmatively reach out to the YCPD's Records Mitigation Clinic seeking expungements or similar relief.

The immigration attorney does not have the capacity to proactively attempt to identify a broader array of clients with convictions eligible for vacatur. A Spanish speaking legal process clerk will be hired to support the immigration attorney by organizing files, helping with intake activities, and interpreting. The immigration attorney will use her freed-up time to reach out to the immigration bar and the community to attempt to identify more persons eligible for 1473.7 relief, and then pursue that relief.

#### **YCPD - 1170.95 Felony Murder**

When Penal Code section 1170.95 became effective on January 1, 2019, the YCPD assigned an attorney to review the cases of incarcerated persons and to litigate the cases of those eligible for relief. The recent passage of SB 775 has expanded the category of cases that need to be reviewed and litigated. The newly hired legal process clerk will assist the attorney by providing operational support, reducing the attorney's workload so the attorney can perform the work associated with SB 775.

#### **Conflict Panel - PC 3051 Youth Offender Parole (YOP) & PC 1170(d) Resentencing**

The conflict panel attorneys will use grant funds to contract with mitigation specialists to prepare YOP reports and to create mitigation statements and re-entry plans for 1170(d) candidates. Currently, the conflict panel attorneys have two clients in need of YOP reports and three clients who are candidates for 1170(d) resentencing.

## Proposal Budget

Applicants must provide a 12-month budget covering **March 1, 2022 to March 1, 2023**. To access the Public Defense Pilot Program Budget Microsoft Excel Template, click [here](#).

See budget worksheet.

## Project Work Plan

This Project Work Plan identifies measurable goals and objectives, activities and services, the responsible parties and a timeline. Completed plans should (1) identify the project's **top goals and objectives** (minimum of two); (2) identify how the top goals will be achieved in terms of the activities, responsible staff/partners, and start and end dates; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. Please provide a project workplan in the below fields.

<b>(1) Goal:</b>			
Objectives (A., B., etc.)	A. Increase # of individuals who are eligible for Youth Offender Parole hearings who have a report prepared. B. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Complete Youth Offender Parole reports for individuals eligible for hearings. 2. 3.	Contract Mitigation Specialists Deputy Public Defender	April 2022 March 2022	March 2023 March 2023

<b>(2) Goal:</b>			
Objectives (A., B., etc.)	A. Increase # of individuals who receive sentence modifications per PC 1170(d). B.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date

1. Identify eligible individuals. 2. Prepare mitigation summaries. 3. Represent clients in court. 4.	Deputy Public Defender Legal Process Clerk	March 2022 June 2022	March 2023 March 2023
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<b>(3) Goal:</b>			
Objectives (A., B., etc.)	A. Reduce workload of immigration attorney. B. Increase # of individuals who receive PC 1473.7 assistance. C.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Assist with daily operational duties. 2. Conduct targeted outreach to identify convictions eligible for vacatur. 2. Assist immigration attorney to pursue relief. 3.	Legal Process Clerk	June 2022	March 2023

<b>(4) Goal:</b>			
Objectives (A., B., etc.)	A. Reduce workload of Penal Code section 1170.95 attorney B. Increase # of case files screened for relief. C. Increase # of petitions filed.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Assist with daily operational duties 2. 3.	Legal Process Clerk	June 2022	March 2023