



COUNTY *of* VENTURA

PUBLIC DEFENDER

CLAUDIA Y. BAUTISTA
Public Defender

Paul Drevenstedt
Assistant Public Defender
Tim Quinn
Chief Deputy Public Defender
Andre Nintcheff
Chief Deputy Public Defender
Michael Rodriguez
Chief Deputy Public Defender
Larry Carlton
Chief Investigator
Aurora Lazaro
Administrative Services Director

February 27, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Ratification of Submission of the Public Defender's Office's Grant Application to, and Acceptance of Grant Award in the Amount of \$375,000 from the Office of the State Public Defender for the Racial Justice Act Grant Program; Ratification of the Racial Justice Act Grant Program Agreement (Agreement) between the Office of the State Public Defender and the Public Defender's Office; Approval of, and Authorization for the Public Defender or Her Designee to Sign Limited Amendments to the Agreement, subject to review and approval by County Counsel; Adoption of a Resolution Establishing One Fixed-Term Position, Effective March 3, 2024, through February 15, 2026. Authorize the Auditor-Controller to Process the Necessary Accounting Adjustments. (Recommendation No. 5 Requires 4/5ths Vote);

Recommendations:

It is respectfully recommended that your Board:

1. Ratify the submission of the Public Defender's Office's attached Racial Justice Act grant application (Exhibit 1) to, and acceptance of the grant award in the amount of \$375,000 from the Office of the State Public Defender for the Racial Justice for All Grant Program.
2. Ratify the Racial Justice Act Grant Program agreement (Agreement) between the Office of the State Public Defender and the Public Defender's Office (Exhibit 2).
3. Approve and authorize the Public Defender or her designee to sign limited amendments to the Agreement provided that any amendments are consistent with

the original purpose of the Agreement and do not result in additional costs to the County, subject to review and approval by County Counsel.

4. Adoption of a resolution establishing the one (1) fixed-term position for the Public Defender's Office, effective March 3, 2024, through February 15, 2026:

Job Code	Classification Title	Unit	FTE	Range (Biweekly)	Annual Salary
00219	Attorney III	2202	1.0	\$5,894.152000 – \$7,164.741280 (S)	\$153,247.95 – \$186,283.27

5. Authorize the Auditor-Controller to process the necessary accounting adjustments for the following appropriations and revenue (4/5ths vote required).

INCREASE 2200-2202 Intergovernmental Revenue	\$375,000
INCREASE 2200-2202 Salaries and Benefits	\$216,060
INCREASE 2200-2202 Services and Supplies	\$158,940

Fiscal/Mandates Impact:

Mandatory: No
Source of Funding: Board of State and Community Corrections
Funding match required: None
Impact on Other Departments: No Additional Impact

Summary of Revenue and Total Costs:	<u>FY 2023-24</u>	<u>FY 2024-25*</u>
Revenue:	\$375,000	\$0
Costs:		
Direct:	\$375,000	\$0
Indirect:	Minimal	Minimal
Total Costs:	\$375,000	\$0
Net County Cost:	\$ 0	\$0

*Any unused funds from FY 2023-24 will be re-budgeted in FY 2024-25.

Current FY Budget Projection:

Current FY 2023-24 Budget Projection for PDO/2200 Unit 2202

	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$20,172,821	\$20,545,820	\$20,671,473	(\$125,653)

Revenue	\$5,756,981	\$5,756,981	\$5,71,805	(\$46,176)
Net Cost	\$14,415,840	\$14,788,839	\$14,960,668	(\$171,829)

Reason for Ratification:

Due to the short time between the Public Defender's Office (PDO) receiving notification of the grant opportunity and the deadline for submission of the grant application, we were unable to make a formal request to the Board to authorize the application. PDO did, however, notify the CEO prior to submitting the grant application.

Strategic Plan:

This item promotes the County's Strategic Plan priority of fiscal responsibility by using outside grant funding to pay for the costs of non-capital habeas corpus litigation under Penal Code section 1473(f).

Discussion:

In January of 2021, the Racial Justice Act (RJA) went into effect. The law states, "the state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin." However, the RJA does not apply to cases in which sentencing occurred prior to January 1, 2021. In September 2022, this limitation was addressed. The RJA was amended in Assembly Bill (AB) 256, known as the Racial Justice for All Act. AB 256 permits individuals who were sentenced for criminal convictions or juvenile adjudications prior to January 1, 2021, to seek relief from violations of the RJA.

The California State Budget Act of 2023-2024 (Senate Bill 102) allocated funds to the Office of the State Public Defender to establish a competitive grant program to aid in the implementation of Racial Justice for All Act. The Racial Justice for All Act Implementation grant will provide funding for non-capital habeas corpus litigation under Penal Code section 1473(f). This penal code section authorizes a writ of habeas corpus in cases where the RJA was violated in the process of obtaining the conviction.

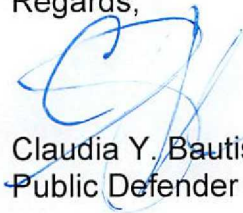
PDO submitted the Racial Justice Act Implementation grant application on November 29, 2023, and received confirmation of the grant award on December 18, 2023. The Racial Justice for All grant is a two-year program from February 15, 2024, to February 15, 2026. Ventura County's award is \$375,000. We propose to use grant funds to devote one (1) fixed-term attorney to perform post-conviction work. The exact start date is pending the outcome of a recruitment, but salary costs will not exceed award amount.

Pursuant to Ventura County Personnel Rules and Regulations section 903 and 2701, which require the number of county positions to be established by resolution, your Board is requested to adopt the proposed resolution establishing the fixed-term position for the Public Defender's Office, effective March 3, 2024, ending February 15, 2026.

For the reasons outlined in this letter, it is also recommended that your Board ratify the submission of the PDO's attached grant application to, and acceptance of the grant award in the amount of \$375,000 from the Office of the State Public Defender; ratify the Racial Justice for All Act Implementation Grant agreement between The Office of the State Public Defender and the Ventura County Public Defender's Office; approve and authorize the Public Defender or designee to sign any amendments or extensions thereto, subject to review and approval by County Counsel; and authorize the Auditor-Controller to process the necessary accounting adjustments.

The County Executive Office, County Counsel, and the Auditor-Controller's Office have reviewed this item. If you have any questions regarding this item, please contact Assistant Public Defender Paul Drevenstedt at (805) 654-2408.

Regards,



Claudia Y. Bautista
Public Defender

Attachments:

Resolution

Exhibit 1 - Grant Application

Exhibit 2 - Grant Agreement between Board of State and Community Corrections and the Ventura County Public Defender's Office