



Problem: Inadequate Implementation of Criminal Justice Reforms

In the last 10 years, California has enacted a number of criminal justice reforms in an effort to reverse some of the harsh effects of mass incarceration and to begin the process of decriminalizing mental illness. These reforms include, but are not limited to, the following:

- Reducing some felonies to misdemeanors (Proposition 47)
- Felony Murder Law resentencing (SB 1437, Skinner)
- Resentencing of some cannabis offenders (AB 1793, Bonta)
- Additional experts in juvenile competency hearings (AB 1214, Stone)
- Post-conviction relief (AB 2867, Gonzalez)
- Allowing the court to recall and resentence an inmate (AB 2942, Ting)
- Mental health diversion (SB 215, Beall)

The goal of these and related reforms was to reduce the number of people in state prisons and state mental hospitals and to help them become productive community members. Millions of dollars in savings were to be realized by reducing the prison population. However, the implementation of these reforms has been hampered in many counties by a lack of funding.ⁱ

Background: Public Defender Offices Make Criminal Justice Reforms Work

Besides representing indigent defendants during criminal trials, as required by the Constitution, Public Defenders play a central role in implementing the aforementioned criminal justice reforms. They prepare and submit resentencing petitions, coordinate and facilitate expert witness testimony, investigate and document their clients' psychosocial histories, litigate complex evidentiary hearings, and write and file countless legal briefs necessary for their clients to pursue the relief they are entitled to under the new laws passed by California voters and the Legislature.

Using social workers who are employed by Public Defenders has proven to be a cost-effective way to perform some of the work necessary on these cases, including: the preparation of a psychosocial history in juvenile sentencing and mental health diversion cases in particular. Additionally, licensed social workers are often able to work in conjunction with supervised social worker interns, thus multiplying the personnel available to do the work.

However, due to a lack of funding, California public defender offices are currently struggling to implement these recent reforms without jeopardizing their existing responsibilities. In some counties, faced with the obligations to existing or former clients, public defender offices have

had to turn away new clients. While a few offices have cobbled together grants and local funding, most offices have no new funding to perform all the additional work required to implement these reforms or to hire additional social workers.

Proposed Budget Solution: Increased Local PD Support

The California Public Defenders Association, ACLU, National Association of Social Workers (CA chapter), and NextGen respectfully request consideration of \$80 million in General Fund support comprised of two parts: \$30 million annually for 3 years and \$50 million in on-going annual funding in addition to the \$10 million already allocated in the Governor's 2020-21 Budget.

- The \$30 million for 3 years would fund the hiring of lawyers and social workers for resentencing hearings in cases that fall under Proposition 47 and other resentencing issues, felony murder cases, the remaining Proposition 36 cases and in the juvenile lifer cases (Franklin hearings).
- The ongoing \$50 million would fund hiring lawyers and social workers for mental health diversion, veterans' court diversion, compiling psychosocial history report for juvenile lifers, petitions to seal juvenile and adult records, and ensuring that offices are equipped to assist their clients in preventing deportation.

The impact of this allocation will result in reduced case backlogs, increased numbers of eligible individuals obtaining relief, fewer unjust deportations and decreased prison populations of the affected groups.

¹ Moran, Greg, San Diego Union Tribune 11-24-19, "Some criminal justice reform measures taking hold slowly as judges and prosecutors oppose them." <https://www.sandiegouniontribune.com/news/courts/story/2019-11-24/some-criminal-justice-reform-measures-taking-hold-slowly-as-judges-and-prosecutors-oppose-them>