



**June 8, 2020**

**Honorable Gavin Newsom, Governor  
State of California  
State Capitol  
Sacramento, California 95814 (Attention: Legislative Unit)**

**RE: FUNDING FOR OFFICE OF STATE PUBLIC DEFENDER**

**Dear Governor Newsom:**

We respectfully urge you to restore the previously allocated funds for the Office of the State Public Defender for local indigent defense assistance. Equally important is that there be additional funding for direct public defender services. This funding is needed to reduce the prison population and to prevent the further spread of COVID-19. Public Defenders are an essential component of achieving the laudatory proposal to close two state prisons by 2023.

The January budget proposal included \$10 million in one-time funding to supplement local funding for indigent defense and \$4 million General Fund in 2020-21 and \$3.5 million annually thereafter to expand the Office of the State Public Defender's mission to include improving the quality of indigent defense services provided by counties. The May revise withdraws the \$10 million for local indigent defense and absent additional federal funds, the May revise proposes a trigger reduction of the augmentation to the budget of the Office of the State Public Defender to \$1.9 million ongoing. Both the Senate and Assembly Budget Committees, recognizing how vital and underfunded indigent defense is in California, restored the proposed spending for local public defender offices and the Office of the State Public Defender. We urge you to restore funding to the level proposed in the January budget as this money is crucial to provide basic indigent defense.

Jails, prisons and immigration detention facilities have become epicenters of the COVID-19 disease outbreak, endangering people who are incarcerated, staff members, and their families and threatening to overstrain nearby hospital systems.<sup>1</sup> As of May 21, there have been nearly 1000 confirmed cases of COVID-19 amongst the incarcerated population in California prisons.<sup>2</sup> Currently there are 1,181 confirmed cases among immigration detainees nationwide, half of all people in immigration custody who have been tested.<sup>3</sup>

In the last 3 years, California has enacted a number of criminal justice reforms in an effort to reverse some of the harsh effects of mass incarceration, including felony murder law

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<sup>1</sup> <https://www.vox.com/2020/4/22/21228146/coronavirus-pandemic-jails-prisons-epicenters> accessed May 3, 2020.

<sup>2</sup> <https://www.cdcr.ca.gov/covid19/population-status-tracking/> accessed May 21, 2020.

<sup>3</sup> <https://www.ice.gov/coronavirus> accessed May 21, 2020.

resentencing (SB 1437, Skinner), post-conviction relief from defective convictions for non-citizen immigrants (AB 2867, Gonzalez), and allowing the court to recall a sentence that no longer serves the interest of justice (AB 2942, Ting) among other reforms.

Public Defenders play a central role in implementing these criminal justice reforms – and in assuring that the prison population isn't unnecessarily increased by men and women who should not be there. Due to a lack of funding, California public defender offices are struggling to implement these reforms without jeopardizing their existing responsibilities. While a few offices have cobbled together grants and local funding, most offices have insufficient funding to implement these reforms. Implementing these reforms would save money and lives in the midst of the COVID-19 pandemic.

We respectfully request consideration of \$27,750,000 in General Fund to fund the implementation of criminal justice reforms by local public defenders and social workers, in addition to restoration of the funding for indigent defense and the Office of the State Budget Defender proposed in the January budget.

California Public Defenders Association

ACLU California

National Association of Social Workers (CA chapter)

Immigrant Legal Resource Center

NextGen

San Francisco Public Defender

**cc: Kelli Evans, Daniel Seeman  
Attachment**