



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 23-409

Board Meeting Date: 6/13/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Executive
Subject: Agreement for Indigent Legal Representation Services

RECOMMENDATION:

Adopt a resolution authorizing an agreement with the San Mateo County Bar Association (SMCBA) for indigent legal defense and other services provided by the Private Defender Program (PDP) for the term July 1, 2023 through June 30, 2028, in an amount not to exceed \$125,646,269.

BACKGROUND:

In 1963, the United States Supreme Court's decision in *Gideon v. Wainwright* established that any person accused of a crime who is too poor to employ an attorney has a constitutional right to the appointment of free counsel. Since 1968, the County's mandated indigent legal representation services has been provided by the PDP through a contract with the SMCBA.

DISCUSSION:

The current two-year contract with SMCBA expires on June 30, 2023. The contract amounts for FY 2023-24 through FY 2027-28 are as follows:

FY 2023-24	\$23,666,049
FY 2024-25	\$24,376,031
FY 2025-26	\$25,107,311
FY 2026-27	\$25,860,531
FY 2027-28	\$26,636,347

The agreement includes funding for expanding the holistic representation of clients, which aims to assist individuals not only with their criminal case, but also with other circumstances such as mental illness, addiction, and housing insecurity. These supports include a supervising social worker and a panel of social workers, who assist in identifying client needs, finding treatment options, and pursuing available alternative case dispositions, such as mental health diversion.

EQUITY IMPACT:

The County of San Mateo is dedicated to ensuring equitable access to justice. The agreement promotes access to justice through the provision of criminal defense counsel, investigators, and social workers.

FISCAL IMPACT:

This new five-year contract includes payment for services provided during the period of July 1, 2023 through June 30, 2028, for an amount not to exceed \$125,646,269. Funding for FY 2023-24 will be included in the FY 2023-24 Recommended Budget. Funding for future fiscal years will be included in future budgets.