



**Office of the State
Public Defender**

SACRAMENTO
770L Street, Suite 1000
Sacramento, CA 95814
(916) 322-2676
(916) 327-0459 (fax)

OAKLAND
1111 Broadway, 10th Floor
Oakland, CA 94607
(510) 267-3300
(510) 452-8712 (fax)

December 21, 2023

Attn: Karina Alvarez
Santa Clara County Office of the Public Defender
120 W. Mission St.
San Jose, CA 95110

Dear Karina:

Congratulations! The Santa Clara County Office of the Public Defender has been awarded \$375,000 for the 2023/2024 Racial Justice Act for All Implementation Grant for the grant period of February 15, 2024 to February 15, 2026. The Office of the State Public Defender (OSPD)'s offer of this grant is subject to your agreement to the following:

1. Use the funds only as specified in your submitted proposal.
2. Submit expenditure reports biannually that document what the funding was spent on. The final expenditure report shall identify whether there was any funding not utilized. Any funding that is not utilized during the grant period will be remitted to OSPD.
3. Maintain all supporting documentation (including, but not limited to: executed contracts, invoices, receipts, and accounting records) for a minimum of three (3) fiscal years after the end of the grant period to document and account for all funding received.
4. Allow OSPD, their designee, or any legally authorized state audit official access to review or audit all applicable records to verify expenditures and activities.
5. Provide required written acknowledgment to OSPD at OSPD.grant@ospd.ca.gov of receipt of funds within 15-days of receipt of funds.
6. Sub-granting is prohibited unless there is express written consent by the OSPD and documentation to substantiate such sub-granting requirements.
7. OSPD reserves the right to terminate the grant agreement and require that all funds be returned for the failure to provide progress reports and expenditure summaries when requested.
8. Commit to return or repay any portion of the funds not used for the specified purposes outlined in the grant proposal within 15-days after submittal of your final progress report with expenditure statement. Remit payment to:
Office of the State Public Defender

Attention: Fiscal and Business Services, 770 L Street, Suite 1000, Sacramento, CA 95814

9. Refrain from using funds for any purpose prohibited by law.
10. Cooperate with any efforts of OSPD, or their designee, to publicize the funding award.
11. Comply with all reasonable requests for information about program activities and/or expenditures.
12. Comply with mandatory submission of scheduled progress reports and a final assessment(s) to OSPD. Grantee agrees and does hereby grant to and vest in OSPD the right to use information from the grant project for reporting, evaluation, and publicity purposes.
13. Where relevant, remain in good standing regarding any required charitable or nongovernmental organizational registrations required by the Department of Justice, the California Secretary of State, and/or the IRS, as applicable.
14. Report to OSPD at OSPD.grant@ospd.ca.gov within 5 business days on any status changes within the organization's grant administrative contacts for this grant opportunity.
15. **Reports and Expenditure Summaries:** Grantee shall submit Reports and Expenditure Summaries electronically by the dates listed in the table below. OSPD provide Grantee with Progress Report, Final Report, and Expenditure tracking templates.
16. **Disbursements:** The award amount will be processed for payment once this signed letter is received and fully executed by OSPD. Your signed letter accepting all the terms shall serve as the invoice for the award amount. OSPD will disburse the entire Grant award amount to Grantee.

***Note that disbursements can take several weeks to be processed after receipt of appropriate documents.**

<u>Timeline</u>	<u>Estimated Completion Dates</u>
Grant Period Begins	February 15, 2024
Progress Report and Expenditure Summary #1	August 18, 2024
Progress Report and Expenditure Summary #2	December 21, 2024
Progress Report and Expenditure Summary #3	August 18, 2025
Grant Service Period Ends	February 15, 2026
Final Reporting	May 1, 2026

If your organization agrees to these terms, please have an authorized representative sign, and return one copy of this letter via email to:

OSPD.grant@ospd.ca.gov.

Sincerely,

Galit Lipa
Executive Director, Indigent Defense Improvement Division
Office of the State Public Defender

I certify that the organization named above accepts the terms outlined in this letter and I am authorized to legally bind the organization to these requirements:

Molly O'neal

Legal Applicant Printed Name

Public Defender

Title

1/6/2024

Date

DocuSigned by:
Molly O'Neal
474C87C7B921457...

Signature

Galit Lipa

OSPD Printed Name

State Public Defender

Title

1/17/24

Date

Galit Lipa Digitally signed by Galit Lipa
Date: 2024.01.17 14:44:32
-08'00'

Signature



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Public Defender**

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December 21, 2023

Attn: Karina Alvarez
Santa Clara County Office of the Public Defender
120 W. Mission St.
San Jose, CA 95110

Re: 2023-2024 Racial Justice for All Implementation Grant

ACKNOWLEDGEMENT OF WORK COMMENCEMENT AUTHORIZATION DISCLAIMER

The attached Award Letter shall be of no force or effect until it is signed by the Office of the State Public Defender (OSPD). The signing of this Award Letter by your organization does not authorize the commencement of work.

By signing this letter, your organization acknowledges and agrees not to begin work until all approvals have been obtained, the Award Letter has been fully executed, the Grantee has been given written authorization to begin work, and the grant period has commenced. Should any work begin before all approvals are obtained or authorization is given, any grant activities will be considered voluntary and will not be attributable to grant funds.

DocuSigned by:

474C87C7B921457...

Authorized Signature

1/6/2024

Date

Molly O'Neal, Public Defender

Printed Name and Title of Person Signing

State of California – Office of the State Public Defender

Racial Justice Act Grant Application (Aug. 2023)



Section I – Project Profile

1. Applicant Contact Information

Santa Clara County Office of the Public Defender		94-6000533	
Name of Applicant <Organization> 120 W. Mission St.		Tax Identification Number CA 95110	
Street Address	City San Jose	State CA	Zip Code 95110
Mailing Address (if different) Karina Alvarez	City 408-299-7813	State karina.alvarez@pdo.sccgov.org	Zip Code 95110
Name of the Person Completing the Application	Phone Number	Email Address	

2. Project Information

Project Title RJA for All	Grant Funds Requested <i>See Budget Worksheet</i> \$375,000.
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Project Summary (100-150 words)

The Santa Clara County Public Defender's Office (SCCPDO), as the largest of the County's three indigent defense offices – Public Defender's Office (PDO), Alternate Defender (ADO), and Independent Defense Counsel Office (IDO) – is seeking grant funds, \$375,000, to provide legal services for indigent clients who may have retroactive RJA claims in cases to be handled by the County's three indigent defense offices. Each office will manage the intake, review, analysis, data tracking, and training to indigent defense attorneys handling claims under the Act, as well as represent clients in such cases, and refer cases to ADO and IDO as needed.

3. Project Director

Deedrea Edgar		Post Conviction Unit Supervisor	
Name (408) 299-7826		Title deedrea.edgar@pdo.sccgov.org	
Phone Number		Email Address	
120 W. Mission St.	San Jose	CA	95110
Street Address	City	State	Zip Code

4. Financial Officer

Hong Cao		Department Fiscal Officer	
Name 408-299-7777		Title hong.cao01@pdo.sccgov.org	
Phone Number		Email Address	

Payment Mailing Address (if different)	City	State	Zip Code
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5. Day-to-Day Program Contact (if different than project director)

Name Same as above.		Title	
Phone Number		Email Address	
Street Address	City	State	Zip Code

6. Day-to-Day Fiscal Contact

Li-Zone Wang		Sr. Accountant	
Name		Title	
408-299-7177		Li-Zone.Wang@pdo.sccgov.org	
Phone Number		Email Address	
120 W. Mission St.	San Jose	CA	95110
Street Address	City	State	Zip Code

7. County Served**Northern California**

- ☐ Alpine
☐ Amador
☐ Butte
☐ Calaveras
☐ Colusa
☐ Del Norte
☐ El Dorado
☐ Glenn
☐ Humboldt
☐ Lake
☐ Lassen
☐ Mendocino
☐ Modoc
☐ Nevada
☐ Placer
☐ Plumas
☐ Shasta Sierra
☐ Siskiyou
☐ Tehama
☐ Trinity
☐

Central Valley

- ☐ Fresno
☐ Kern
☐ Kings
☐ Madera
☐ Mariposa
☐ Merced
☐ Mono
☐ Sacramento
☐ San Joaquin
☐ Stanislaus
☐ Sutter
☐ Tulare
☐ Tuolumne
☐ Yolo
☐ Yuba

Central Coast

- ☐ Monterey
☐ San Benito
☐ San Luis Obispo
☐ Santa Barbara
☐ Santa Cruz
☐ Ventura

Bay Area

- ☐ Alameda
☐ Contra Costa
☐ Marin
☐ Napa
☐ San Francisco
☐ San Mateo
☒ Santa Clara
☐ Solano
☐ Sonoma

Los Angeles

- ☐ Los Angeles

Southern California

- ☐ Orange Inyo
☐ Riverside
☐ San Bernardino
☐ Imperial
☐ San Diego
☐

List all the applicant's office locations in California, beginning with the applicant's headquarters. Attach a separate sheet if more space is needed:

Office Location(s) City/County	Name	Provides Legal Services (Y/N)
San Jose	Santa Clara County Office of the Public Defender and Alternate Defender, San Jose	Y
Palo Alto	Santa Clara County Office of the Public Dender, Palo Alto	Y
Morgan Hill	Santa Clara County Office of the Public Dender, Morgan Hill	Y
San Jose	Santa Clara County Independent Defense Council Office San Jose	Y

Section II – Organization Information

1. Describe your organization. (250 words max)

The County of Santa Clara is the sixth largest County in California, and home to the third largest city, the City of San Jose. With a population of approximately two million, and one of the most diverse in the state, we must provide culturally competent and responsive services through all aspects of our legal system. This includes post-conviction relief for our local population of people currently incarcerated in CDCR who are disproportionately persons of color, and from lower income communities. It is the goal of our three indigent defense offices to provide the best defense possible to all clients, whether charged with misdemeanors or more serious crimes. To do so, we have three indigent defense offices, the largest of which, the Public Defender's Office, was founded in 1965, and accepts all clients who need representation and cannot afford a lawyer. When the PDO has a conflict of interest, a client is represented either by ADO or IDO. The SCCPDO has a team of 150 lawyers, 30 investigators, 30 paralegals, and 30 clerical staff who tailor our services to clients' needs. SCCPDO is dedicated to a holistic defense model with consideration for a client's individual needs. SCCPDO staff prepare cases for jury trial, take social histories, do community outreach, link clients with services, and explain how the system works.

2. Describe your organization's current experience working with incarcerated individuals. (500 words max)

The SCCPDO Post Conviction Unit represents Santa Clara County CDCR incarcerated people in all criminal recall, resentencing, youthful offender parole and statutory reform litigation. Santa Clara County has over 3,100 people incarcerated in state prisons. Post-conviction cases are received by court appointments, CDCR requests, client requests, and by a comprehensive case review process. SCCPDO is the principal receiving agency for all post-conviction cases in the County and analyzes all requests received within the County to determine and refer cases, as necessary, to ADO or IDO for representation. Additionally, SCCPDO receives referrals from other agencies, community organizations, and counties that advocate for post-conviction relief for incarcerated people in Santa Clara County. The SCCPDO Post Conviction Unit provides outreach to potentially eligible incarcerated people through in-person, written, and phone communications throughout our state. They also provide legal seminars, mentorship, and consultation to other practitioners in the state to develop post-conviction services. In addition to litigation services, SCCPDO is responsible for the development and execution of intentional and functional re-entry plans to ensure client transitions into the community.

3. Describe your organization's current experience with litigating the Racial Justice Act and/or litigating habeas corpus claims. (500 words max)

Each defender agency in the County has experience with RJA Litigation. The Board of Supervisors approved the creation of the SCCPDO Racial Justice Attorney position in July 2022. Since then, the dedicated RJA attorney reviews cases for potential claims, analyzes data, drafts, and argues motions, provides consultations for attorneys on an ongoing basis, and conducts periodic trainings internally and externally. PDO experience in using the RJA in litigation has included using the RJA as leverage in plea negotiations, building data claims, and litigating bias claims. To date, SCCPDO has had approximately 65 referrals for RJA review and many of those cases have benefited from an RJA analysis. SCCPDO has noted that the even raising the RJA issues they observe with the prosecution and/or court has resulted in positive outcomes for their clients. They have observed dismissals, reductions in charge, and reductions in jail time.

Shortly after the creation of the position, SCCPDO began making requests under the California Public Records Request Act (CPRA) to various agencies. In these requests, they often partner with a local law firm, the University of San Francisco's Racial Justice Clinic, the community organization Debug, and professors at Santa Clara University of Law. Recently, in a burden of proof in a 745(d) motion SCCPDO had been litigating the for month, they were notified that the court is inclined to issue an OSC and rule in their favor. While the SCCDAO has agreed to send all the data requested, SCCPDO has continued to seek data through other agencies including law enforcement agencies, the ACLU, CDCR, and CA-DOJ.

SCCPDO has litigated four prima facie hearings for bias claims and out of those four, two evidentiary hearings have been granted and scheduled later this month. They also have five more prima facie hearings scheduled in December and January. The SCCPDO RJA Attorney has cultivated relationships with professionals in various disciplines ranging from data engineering, linguist, psychologists, community organizers, sociologists, and law professors. Through these relationships, they have sharpened their understanding of what constitutes bias in the academic sense but also in the community sense. The declarations drafted by these experts have tremendously assisted litigation as they are designed to explain the specific bias in each case but also educate the bench on these important and often sensitive concepts.

Furthermore, SCCPDO built a data tool to assist lawyers in visualizing data and determining whether a disparity might be at play. This data tool contains data received via the CPRA and is available to all lawyers. In addition, IDO, the county's conflict's program, has highly qualified research attorneys with expertise in habeas litigation.

The SCCPDO has created a robust infrastructure for the analysis and litigation of Racial Justice Act work. Through numerous trainings and monthly meetings, each lawyer in the office is prepared to issue spot Racial Justice issues and can competently act.

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4. Please describe the team that will be working to support or utilize grant resources, even if they are not grant funded. (250 words max)

The SCCPDO Post-Conviction and Research units are comprised of senior attorneys, forensic social workers, defense investigators, paralegals, legal clerks, and student interns who review and prepare post-conviction cases for recall, resentencing, and youthful offender parole. These units also review cases for Racial Justice Act (Act) Claims and provide litigation support to trial attorneys and post-conviction attorneys who have cases under review for all types of relief that a client may be eligible for. The supervising attorneys for these units will be responsible for receiving, analyzing, litigating, and assigning cases to attorneys to investigate claims for relief under the Act. The office will provide training to the attorneys and staff on how

to review cases for relief under the Act, prepare cases for litigation and support the needs of the clients upon re-entry when relief is granted. Supervising attorneys will ensure accurate data tracking of cases and case outcomes, advocate and obtain necessary resources to ensure clients are receiving competent and quality legal services while providing meaningful supervision and collaboration with the attorneys. Paralegals will manage intake and case management, legal clerks will track and monitor data, lead attorneys will manage case reviews and substantive law changes, investigators and forensic social workers will provide the necessary mitigation and re-entry needs of our clients. The robust post-conviction student internship program will also learn and assist, and community partnerships include but are not limited to Debug of Silicon Valley, Anti-Recidivism Collation, GEO Re-Entry Services, and Veteran Services Offices.

Section III – Project Information**1. Describe the grant project being proposed (1000 words max)**

The Santa Clara County Indigent Defense Offices believe that the Racial Justice Act is one of the most important laws to have passed in recent times. To properly effectuate the spirit of the Racial Justice Act, we must work hard to provide excellent representation to all clients that seek retroactive relief.

On behalf of the three Santa Clara County Indigent Defense Office, the SCCPDO is seeking grant funds to support a portion of the costs for two senior attorney positions that will serve as lead attorneys for indigent clients who may have retroactive RJA claims in cases that will be handled by the Public Defender, Alternate Defender, or Independent Defender agencies in Santa Clara County. The PDO and ADO lead attorneys will manage the intake, review, analysis, data tracking, and training to indigent defense attorneys handling claims under the Act, as well as represent clients in such cases. Contracted service providers available through the IDO panel will represent clients in RJA cases.

Currently, all defender agencies represent clients in recall and resentencing cases. The Public Defender's Office receives or identifies cases that may be eligible for post-conviction relief, gathers necessary initial case documents, communicates with potential clients, analyzes potential cases for eligibility and attorney assignments or refers cases to the appropriate alternate defender agency for representation and manages case data. Grant funded lead attorneys will review cases for claims under the Act, assign eligible cases to an attorney in our defender agencies, and have each defender agency track cases and case outcomes. All Santa Clara County Indigent Defense Offices will continue to promote all our outreach efforts of receiving requests for relief from clients, families, agencies, internal case reviews, and community advocates. They will continue to work collaboratively to develop priority criteria to identify a case summary and intake inventory of potential case claims targeting cases that appear to have potential for early release or a reasonable settlement to expedite favorable case outcomes. SCCPDO recently developed an early review process that we are hopeful will simplify and expedite cases to good settlement outcomes avoiding unnecessary delays to case resolution. It is a program goal to prepare and advance cases with potential claims under the Act to submit through our newly formed early review process and work collaboratively with the District Attorney's Office and the Court to resolve cases favorably and swiftly when able.

2. Describe any anticipated obstacles and what plans you have in place to manage them (250 words max)

The main obstacle that we have identified is unknown caseload numbers. Santa Clara County currently has 3,000 clients in CDCR, disproportionately people of color. The volume and timing of requests that we will have to manage is unknown. We are in communication with groups that are providing RJA information to those in custody, however this communication is happening at different intervals. Logistical challenges of managing retroactive cases are also unpredictable.

Our plan to manage these obstacles is to stay malleable and have multiple lawyers ready to share in the workload should the numbers become very high. The SCCPDO RJA Attorney is ready to train other attorneys with all County indigent defense office lawyers in how to effectively triage cases and will be working closely with the Retroactive RJA lawyer.

Section IV – Project Budget*Note: Project Budget Period is 24 Months*

Budget Line-Item	Total
1. Salaries and Benefits	\$279,798.00
2. Services and Supplies	\$0
3. Professional Services or Public Agency Subcontracts	\$87,360.00
4. Equipment/Fixed Assets	\$0
5. Other (Travel, Training, etc.)	\$7,842.00
6. Indirect Costs	\$0
Total	\$375,000.00

1a. Salaries and Benefits

Staff Title/Role (Please specify staff role in the project)	Salary (Show as either % FTE or hourly rate) +Benefits	Total
Attorney IV - Public Defender	Annual Cost of \$349, 748 (Salary + Benefits) x .25 FTE x 2 Years	\$174,874.00
Attorney IV – Alternate Defender	Annual Cost of \$349, 748 (Salary + Benefits) x .10 FTE x 2 Years	\$104,924.00
Total Salaries and Benefits		\$279,798.00

1b. Salaries and Benefit Narrative

PDO/ADO are seeking funds to support a percentage of the FTE for one senior attorney for each team. The lead attorneys will manage the intake, review, analysis, data tracking, and training to indigent defense attorneys handling claims under the Act, as well as represent clients in such cases. Currently, all defender agencies represent clients in recall and resentencing cases.

2a. Services and Supplies

Description of Services or Supplies	Calculation for Expenditure	Total
		\$0
Total Services and Supplies		\$0

2b. Services and Supplies Narrative

None. The cost of services and supplies will be absorbed by the indigent defense offices.

3a. Professional Services

Description of Professional Service(s)	Calculation for Expenditure	Total
IDO contracted panel attorneys and their support service vendors	\$140 per/hr. x 6 hours per week x 52 weeks per year x 2 years	\$87,360.00
Total Professional Services		\$87,360.00

3b. Professional Services Narrative

None for PDO/ADO. All contractors, consultants, or experts would be absorbed by the defender agency offices as the lead attorney positions are the most significant to be funded by the grant. For IDO, considering how unpredictable the workload will be for all defense agencies and to ensure funds are flexibly available as needed for case screening and/or direct client representation, the IDO seeks funds to compensate panel attorneys and/or support services vendors (such as paralegals, experts, investigators etc.) for record collection, case review, and direct representation in retroactive RJA cases.

4a. Equipment/Fixed Assets

Description of Equipment/Fixed Assets	Calculation for Expense	Total: \$0
Total Equipment/Fixed Assets		\$0

4b. Equipment/Fixed Assets Narrative

None. All equipment would be absorbed by the indigent defender offices as the lead attorney positions and contracted defense services are the most significant to be funded by the grant.

5a. Other (Travel, Training, etc.)

Description	Calculation for Expense	Total
Training and travel costs for necessary and relevant RJA training for the lead attorneys and contracted services providers.	\$1307.00 per year x 3 indigent defense offices x 2 years	\$7842.00
Total Other		\$7842.00

5b. Other (Travel, Training, etc.) Narrative

Santa Clara County indigent defense offices request minimal funds for each office, PDO, ADO and IDO, to cover the costs of necessary and anticipated training and travel for the lead attorney positions, and contracted service providers.

6a. Indirect Costs

Indirect costs may be charged to grant funds at no more than 10% of the project amount

If agency seeks indirect costs, select percentage amount up to 10%	Percentage	Total Indirect Costs
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Section IV – Project Assurances

By submitting this application, the applicant agrees that if it is awarded a grant by the Office of the State Public Defender, the applicant will abide by the following:

- It will use any funds it receives from a 2023 RJA Implementation grant only for the purposes stated in its application. Should the OSPD determine in its sole discretion that the applicant is unlikely to use all funds received for these purposes within the grant period, the applicant will return funds to the OSPD, as directed by OSPD.
- It will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
- It will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
- It will comply with fiscal management and control procedures adopted by OSPD.
- It understands that any proposal submitted for a 2023 RJA Implementation grant, and all documents submitted pursuant to issuance of 2023 RJA Implementation grant, are public documents, and may be disclosed to any person.
- It agrees it will file regular program and financial reports, as may be required by the OSPD, and cooperate with other data collection requests by the OSPD for this grant.
- The OSPD is permitted, in its sole discretion, to adjust Applicant's award at any time to reflect the actual amount of funding available for the 2023 RJA Implementation grant. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to OSPD for this purpose.

Authorized Signature

By signing this application, I hereby certify that:

- ☒ I understand and agree with the terms and conditions above.
- ☒ All information provided is true and accurate.
- ☒ I am vested by the Applicant Organization with the authority to enter into contract with the OSPD, and that the grantee and any subcontractors will abide by the laws, policies and procedures governing this funding.

James R. Williams

County Executive, County of Santa Clara

Name

Title

(408) 299 – 5102

james.williams@ceo.sccgov.org

Telephone Number

Email Address

70 West Hedding, East Wing, 11th Floor
San Jose, CA 95110

Street Address

City

State

Zip Code

APPLICANT'S SIGNATURE (Signed by the authorized signatory with a digital signature OR a wet signature in blue ink.)

DATE

DocuSigned by:

James R. Williams

11/30/2023

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Office of the State Public Defender

Racial Justice For All Implementation Funding

24-month grant funding for legal services

Background of funding

In 2021, a new California law called the “Racial Justice Act” (RJA) went into effect. The law is codified at Penal Code 745(a) and 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.” Notably, the RJA does not apply to cases in which sentencing occurred prior to January 1, 2021.

By September 2022, this limitation was addressed. The RJA was amended in 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 for violations of the RJA. The amendments are to be implemented in phases between January 1, 2023 and January 1, 2026, as codified in PC 745(j).

The 2023-2024 Budget Act (SB 102) allocated local assistance funds to the Office of the State Public Defender to aid in the implementation of the Racial Justice for All Act. Funds may be “used for attorney’s fees and salaries, experts, investigators, paralegals, or other ancillary needs” for representation in non-capital cases under 1473(f).¹

California Penal Code 1473(f) is a mechanism for applying the Racial Justice Act retroactively and states, in part “Notwithstanding any other law, a writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745, if that section applies based on the date of judgment as provided in subdivision (k) of Section 745.”

The Office of the State Public Defender is allocating \$1,950,000 of the budget item to a grant program to provide local assistance for the implementation of the Racial Justice for All Act. Any funded activity must be pursuant to Penal Code 1473(f) and in compliance with the language provided in SB 102.² The allocated funding will cover a 24-month service period.

¹ The specific budget language is: Funds “shall be used to provide representation in non-capital cases, regarding potential or actual claims pursuant to subdivision (f) of Section 1473 of the Penal Code. Funds may be used for attorney’s fees and salaries, experts, investigators, paralegals, or other ancillary needs. These funds shall supplement and shall not supplant existing funding. The funds in this item shall be available for encumbrance or expenditure until June 30, 2026.”

² Note that SB 102 does not include work under 1473.7 as allowable activities for this budget item.

Eligibility to Apply

Applicants are restricted to:

- **Nonprofits:** Nonprofits must be located in the State of California and have been determined by the IRS to have 501(c)(3) status. In addition, any entity applying as a nonprofit must have provided legal services to incarcerated individuals in California for at least three years.
- **Public Defender Offices:** Applications must be submitted either by the Board of Supervisors or the Chief County Administrative Officer, unless the Board of Supervisors or County Administrative Officer delegates the Public Defender's Office as the applicant entity.
- **Law school clinics/centers:** Law schools must be in California and have the capacity to represent incarcerated individuals.

Grant Parameters

- **Funding limit:** Proposal amounts are capped at a maximum of \$375,000. Indirect costs shall not exceed 10% of the overall budget proposal request.
- **Grant Period:** Grantee must be prepared to commence work by January 1, 2024 and utilize all funds in accordance with the grant agreement within the 24 month grant period.³
- **Usage Constraints:** Awarded funds are strictly for work authorized by SB 102.⁴ Note that this funding only permits work on RJA claims brought through writs of habeas corpus using Penal Code 1473(f) as the vehicle.
 - Funding may cover research and writing staff to develop claims across multiple cases, staff time to conduct intake and identify claims, attorney or other staff time for representing clients in RJA claims through habeas proceedings, data collection directly associated with RJA representation, expert needs, software and equipment required for RJA claims, trainings in areas related to 1473(f), and other similar or related work.
 - Funding cannot be used for client needs such as gift cards, food, or other direct-to-client funding. Grantees must track spending to demonstrate it meets the allowable purpose.

³ Dates in this RFA are good faith estimates but the parties will be bound by the dates in the grant agreements.

⁴ "... representation in non-capital cases, regarding potential or actual claims pursuant to subdivision (f) of Section 1473 of the Penal Code. Funds may be used for attorney's fees and salaries, experts, investigators, paralegals, or other ancillary needs."

- **Data Reporting:** Grantees are required to collect data about grant funded activity and to report this data to OSPD biannually. In addition, grantees must participate in biannual virtual meetings with OSPD and other grantees.
- **Collaborative Proposals:** OSPD will consider proposals involving multiple entities working collaboratively, but one entity must be designated to serve as the applicant.
- **Single Proposal:** Eligible applicants may not submit more than one funding proposal for consideration.

Do Not Supplant:

Supplanting is the intentional reduction in the amount of federal, state, or local funds appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Supplanting is strictly prohibited under this grant. The Racial Justice for All Implementation Funding shall be used to support new program activities, or to augment or expand existing program activities, but shall not be used to replace existing funds. It is the responsibility of the grantee to ensure that supplanting does not occur. Grantees are required to maintain clear and detailed financial records to demonstrate that grant funds are used only for allowable costs and activities.

Scoring Criteria

A successful proposal will persuasively describe the applicant's ability to perform the proposed work. This includes, among other factors:

- **Organizational Strength**
 - Proficiency with undertaking habeas work generally and/or claims under Penal Code 1473(f).
 - Experience in litigating Racial Justice Act claims.
 - Significant experience in working with incarcerated clients.
 - Cultural competence to work with diverse client base.
 - Administrative capacity to track and report grant-related requirements.
- **Project Parameters**
 - Methodologies for identifying clients and for screening and evaluating claims.
 - Start up time for project implementation.
 - Processes to ensure project staff will be trained on RJA and stay informed about changes in law.
- **Clear Budget**
 - Explanation how funding will be used over a two-year period and its intended impact on RJA litigation.

Additional consideration will be given to applicants with an actionable plan to:

- Serve areas that are considered attorney deserts or otherwise have low rate of attorneys able to file RJA habeas claims as compared to other counties.
- Create sustained benefits to RJA litigation practices in their office beyond grant period.
- Develop strategies to identify and litigate high-impact claims.

It must be clear how all grant-funded activities will comply with the implementation requirements of Penal Code 1473(f) and the Budget Act of 2023.

Decision-making Rights

The OSPD retains exclusive authority to select the qualified entities who will receive Racial Justice for All Implementation Funding. The OSPD reserves the right to reject any and all applications and/or cancel this RFA. The OSPD reserves the right to consider regional and programmatic needs, and to solicit additional applicants when necessary.

Reporting Requirements

Grantees will be required to report on grant work and financials. Data collection metrics have not yet been established, but efforts will be made to develop metrics that are not overly burdensome yet demonstrate adherence to the funding purpose and impact of funding. Likely areas of data collection will include:

- Biannual spending reports comparing expenditures to the approved budget.
- Quantitative and qualitative data about client representation, case processes, and outcomes.
- Participation in virtual meetings as a cohort twice a year.

Questions

To ensure fairness and transparency, any inquiries concerning the grant application or grant process will only be answered in writing. Questions may be submitted between October 2 and November 27, 2023, at 5pm ET. Written responses will be sent to the requestor and both the question and response will be posted on a biweekly basis at <https://www.ospd.ca.gov/idid/>. Please direct all written inquiries to OSPD.Grant@ospd.ca.gov

Timeline

- RFA published: October 2, 2023
- Proposals due: November 30, 2023, at 5pm Pacific Time.
- Grantees Selected: December 18, 2023
- Contracts Signed: Between January 16 - February 16, 2024⁵
- Services Term Begins: February 20, 2024
- Service Term Ends (services end): February 20, 2026
- Grant Close out (grant reporting complete): April 1, 2026

Application

To be considered for funding, applicants must comply with the requirements described in this RFA. For questions, please contact OSPD.Grant@ospd.ca.gov

- 1) Applications are available at <https://www.ospd.ca.gov/idid/>
- 2) To apply, complete the application and submit all applicable attachments **no later than 5:00 p.m. PST on November 30, 2023** to the email OSPD.Grant@ospd.ca.gov with the subject line: "RJA For All Grant". Incomplete or late applications may not be accepted.
 - Nonprofits must include proof of their 501(c)(3) status and certify that they have provided legal services to incarcerated people in California for at least three years.
 - Public Defender Office applications must be submitted by the Board of Supervisors or the Chief County Administrative Officer or have a letter delegating the Public Defender's Office as the applicant entity.
- 3) Applications must be submitted in PDF formatted documents using the provided application form. All documents must be submitted as individual PDFs and appropriately titled accordingly to the content of the document.

⁵ This time frame may be adjusted based on OSPD and grantee needs.