

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.7
(ID # 24073)

MEETING DATE:
Tuesday, February 27, 2024

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Ratify and Approve the Emergency Purchase Justification for Supplemental Legal Defense Services for SB483 resentencing cases with Paul Grech Jr. dba Criminal Defense Lawyers and Blumenthal & Moore, A Professional Law Corporation, through December 31, 2023 for the total aggregate amount of \$1,440,000 paid out of FY22/23 Indigent Defense funds; All Districts. [Total Cost \$1,440,000 Aggregate; 100% Indigent Defense]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve the Emergency Purchase Justification for Supplemental Legal Defense Services for SB483 resentencing cases with Paul Grech Jr. dba Criminal Defense Lawyers and Blumenthal & Moore, A Professional Law Corporation, through December 31, 2023 for the total aggregate amount of \$1,440,000 paid out of FY 22/23 Indigent Defense funds; and Authorize the Purchasing Agent to issue Purchase Orders for invoices received for services rendered.

ACTION:Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: February 27, 2024
xc: E. O.

Kimberly A. Rector
Clerk of the Board
By: Naomy Li
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$1,440,000	\$0	\$1,440,000	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: 100% Indigent Defense Budget			Budget Adjustment: No	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The request before the Board is for the ratification and approval of the Emergency Purchase Justification for Supplemental Legal Defense Services including public defenders and paralegal staff with Paul Grech Jr. dba Criminal Defense Lawyers and Blumenthal & Moore, A Professional Law Corporation.

In October 2021 the passage of State Bill 483 (SB483) created the need to review cases with sentence enhancements that were imposed prior to January 1, 2020, to be reviewed and, if necessary, brought before the courts for resentencing. The review of these cases was required to be completed by December 31, 2023. This created high caseload volume which was a direct result of the resentencing requirements that were effectuated by SB483. The passage of this bill has codified changes to Penal Code sections 1172.5 and 1172.7.

In compliance with the requirements set forth in SB483, the County was mandated to adjudicate upwards to 750 criminal cases listed by the California Department of Corrections and Rehabilitation (CDCR) for resentencing. To meet the December 31, 2023, resentencing deadline, an immediate increase in staffing was necessary to accommodate this additional caseload. Due to the time constraints and the challenges with hiring the staff needed to manage these cases, the County issued an Emergency Purchase Justification for Supplemental Legal Defense Services with Criminal Defense Lawyers and Blumenthal & Moore.

Impact on Residents and Businesses

There is no negative impact on residents and businesses. The County would have risked non-compliance with the state of California and other impacted agencies such as the California Department of Corrections and Rehabilitation (CDCR) and the County court system, which could have resulted in a multitude of litigation challenges and severe disruption of current legal defense services. Immediate action was required to mitigate financial damages as a result of non-compliance. Additionally, any delay in this process could have caused indirect harm to the affected incarcerated individuals and impacted victims and families. It was imperative that these caseloads be processed in a timely manner to receive full due process. Supplemental legal defense services allowed for legal services to resume normal criminal proceedings while a dedicated unit addressed the resentencing efforts required to be completed by the end of calendar year 2023.

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Additional Fiscal Information

The original estimate of outsourced cases that needed to be resentenced was between 285 and 300 cases. The actual case count was 288. The cost of \$5,000 per case was negotiated with the vendors which led to an actual total cost of \$1,440,000.

Contract History and Price Reasonableness

The County provides legal defense services through two qualified vendors, Criminal Defense Lawyers and Blumenthal & Moore. Both vendors have been past successful awardees through the competitive bid process. Leveraging their expertise and familiarity with County process and governance was critical in our ability to achieve full completion of resentencing by December 31, 2023. A rate of \$5,000 per case was negotiated with the vendors.

ATTACHMENTS:

Attachment 1: Emergency Justification Form #23-155



Meghan Hahn, Director of Procurement 1/29/2024



Rebecca S Cortez, Principal Management Analyst 2/14/2024



Michelle Paradise, ACEO 2/21/2024

EMERGENCY JUSTIFICATION

This questionnaire has been designed to assist County of Riverside staff in providing information necessary in the processing of emergency requests for the purchase of goods, services, or equipment. Please complete and forward to Central Purchasing.

If more space is needed, please attach additional page(s).

Emergency procurement shall be defined as a sudden and/or unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public services. (Please attach itemized quote or invoice if available).

Agency/Department: **EXECUTIVE OFFICE**

Total Dollar Amount: \$1,500,000 Aggregate for both providers
(Virginia Blumenthal) and Criminal Defense Lawyers)

Vendor Name(s): Criminal Defense Lawyers **and** Virginia Blumenthal (VMB Attorneys)

Vendor #: 35999, 61160

Date of Incident: March 20, 2023

Location of Incident: County of Riverside, incarcerated persons eligible for resentencing pursuant to SB483

1. State the goods, services, or equipment which will mitigate the emergency situation:

Supplemental legal defense services, including public defenders and paralegal staff.

2. State the reason for the emergency purchase by explaining what the emergency is and/or what caused the emergency situation:

The County is in receipt of an extreme caseload volume, directly resulting from the resentencing requirements, effectuated by Senate Bill (SB433). The passage of this bill has codified changes to Penal Code sections 1172.5 and 1172.7.

In compliance with the requirements set forth in Senate Bill (SB433), the County is mandated to adjudicate upwards to 750 criminal cases for resentencing. To meet the December 31, 2023 resentencing deadline, immediate upstaffing is required to accommodate this additional caseload.

EMERGENCY JUSTIFICATION

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3. State the financial or operational damage/risk that will occur if needs are not satisfied immediately:

The County would risk non-compliance with the state of California and other impacted agencies such as the California Department of Corrections and Rehabilitation (CDCR) and the County court system, which could result in a multitude of litigation challenges and severe disruption of current legal defense services. Immediate action is required to mitigate financial damages as a result of non-compliance. Additionally, any delay in this process could cause indirect harm to the affected incarcerated individuals and impacted victims and families. It is imperative that these caseloads be processed in a timely manner to receive full due process.

Supplemental legal defense services will allow for legal services to resume on normal criminal proceedings while a dedicated unit addresses the resentencing efforts required to be completed by the end of this calendar year.

4. State why the needs were not or could not be anticipated, so that the goods/services could have been purchased following standard procedures:

The county has been challenged with a backlog of cases resulting from the Covid-19 pandemic shutdown and post pandemic operations which saw court re-opened for in-person proceedings and a triple backlog for current attorneys. As the county works to address the current and severe backlog, the January 2022 passage of SB483 created an additional requirement on a very constrained legal defense services system. In order for the County to administer the 750 cases listed by the CDCR department and continue its standard of care and due diligence, a provide solution with Criminal Defense Lawyers (CDL) and Virginia Blumenthal (VMB Attorneys) is necessary.

5. State the reason and process used for selecting the vendor (Attach all quotes/proposals received, if applicable):

The County provides legal defense services through two qualified vendors, CDL and VMB Attorneys. Both vendors have been past successful awardees through the competitive bid process. Leveraging their expertise and familiarity with County process and governance is critical in our ability to achieve full

EMERGENCY JUSTIFICATION

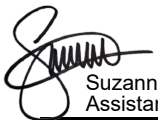
This questionnaire has been designed to assist County of Riverside staff in providing information necessary in the processing of emergency requests for the purchase of goods, services, or equipment. Please complete and forward to Central Purchasing.

If more space is needed, please attach additional page(s).

completion of resentencing by 12/31/2023. Vendors have both confirmed capacity to immediately engage in this project and support the efforts.

Purchasing Department Comments:

The dollar authority of this Emergency Procurement exceeds the Purchasing Agents authority. The Department must prepare a Form-11 to the Board to ratify the emergency purchase as soon as practical.



Suzanna Hinckley,
Assistant Director

03/21/2023

23-155

Purchasing Agent

Date

SSJ Approval #

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If more space is needed, please attach additional page(s).

ATTACHMENT A

LIST OF CENTRAL PURCHASING STAFF WHO CAN VERBALLY APPROVE EMERGENCY PURCHASES

Please attempt to contact via the chain of command below:

Contact	Title	Email	Telephone
Sarah Franco	Director, Purchasing & Fleet Services	sfranco@rivco.org	Office: (951) 955-493
Suzanna Hinckley	Asst. Director, Purchasing & Fleet Services	shinckley@rivco.org	Office: (951) 955-4935 Cell: (951) 204-2695