California Public Defense: A Statewide Snapshot

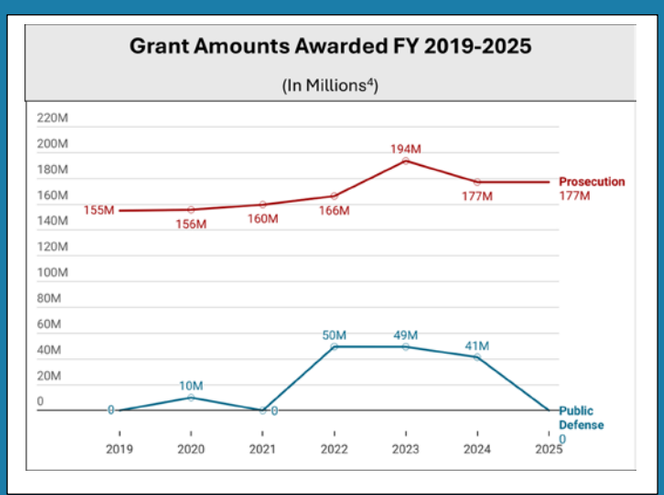
Office of the State Public Defender

58 Counties = 58 Different Systems

- In California, there are no statewide standards for delivering public defense.
- Each county determines its own structure, funding, and oversight.[1]
- Systems vary widely. While some counties provide robust resources and staffing, others do not have investigators, social workers, or support staff.[2]
- 24 counties have no public defender office and instead rely on contract attorneys. Contract systems correlate with longer sentences and worse outcomes than public defender offices.[3]

Counties Without Public Defender Offices

Investment Disparity Between Prosecution and Public Defense



Funding is unequal

Counties spend nearly $1 billion more on prosecution than defense each year.[5]

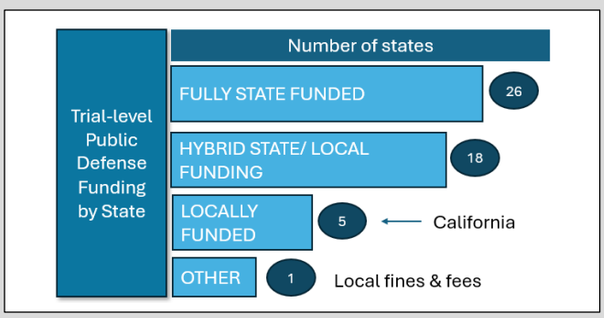
Inequities also exist on the state level. California provides stable, ongoing funding for prosecution that is not available for public defense. From 2019-2025, at least 12 state-administered grant programs were directed exclusively to prosecution offices, providing more than 1 billion dollars to district attorney's offices, with limited comparable funding for public defense.[6]

Prosecution also has access to $115 million in ongoing state supported funding streams that are largely unavailable to defense (e.g. COPS, CalWrap), creating a persistent imbalance across the criminal legal system.[7]

California is an Outlier on Funding and Standards

To ensure the 6th Amendment Right to Counsel is protected, most states provide standards and state funding for trial level public defense:[8]

- 47 states require state oversight of public defense systems.[9]
- 33 states have an independent oversight commission that sets public defense policy.[10]
- 44 states provide total or partial state funding for trial-level public defense.[11]



California does not provide state funding, oversight, or standards.

1. Government Code § 27700 et. seq.
2. Gabriel Petek. 2022. *Assessing the Provisions of Criminal Indigent Defense*. Legislative Analyst's Office.
3. Eve Primus. 2023. *The Problematic Structure of Indigent Defense Delivery*. 122 Mich. L. Rev. 205.
4. Chart does not reflect $14 million grant funding for Expanded Public Defense Services (Holistic Defense) appropriated in the 2025-2026 Budget Act that was not disbursed until 2026.
5. Office of the State Public Defender. 2025. *Unequal Scales: California's Investment Disparity Between Prosecution and Public Defense*.
6. The Legislature provided grant funding in the amount of $2 million and $14 million for Racial Justice Act and Holistic Defense support. Senate Bill 102 (23-24 Budget Act) and Senate Bill 102 (25-26 Budget Act).
7. Office of the State Public Defender. 2025. *Unequal Scales: California's Investment Disparity Between Prosecution and Public Defense*.
8. See generally American Bar Association. 2023. *Ten Principles of a Public Defense Delivery System*.
9. Sixth Amendment Center. Jan. 2026. *Frequently Asked Questions, The Sixth Amendment Right to Counsel*.
10. National Institute of Justice. 2023. *Gideon at 60: A Snapshot of State Public Defense Systems and Paths to System Reform*.
11. Sixth Amendment Center. Jan. 2026. *Frequently Asked Questions, The Sixth Amendment Right to Counsel*. [Noting Arizona, California, Illinois, South Dakota, and Washington as locally funded. However, Illinois and South Dakota recently passed state funding legislation, leaving just three states without state funding.]