

## Early Representation Program West County Proposal

Submitted to the Community Corrections Partnership by the Office of the Public Defender  
October 19, 2018

### 1. Request

The Office of the Public Defender (CCPD) is requesting funding for 1 FT Special Assignment Attorney and 1 FT Legal Assistant to continue our existing innovative and cost-saving Early Representation program (EarlyRep) in West County. This program began as a partnership with the Richmond Police Department in February 2017 and has been funded by a U.S. Department of Justice grant, which will lapse in March 2019.

### 2. Background and Context

EarlyRep is a pilot program, which due its success has now been expanded to all three regions of the county. Each site partners with law enforcement agencies in the region and employs one attorney and one Legal Assistant. EarlyRep's purpose is to alleviate the burdens felt by all criminal justice partners caused by high failure to appear (FTA) rates in misdemeanor cases, which are often the result of a simple lack of understanding of the court process and timing delays between the incident and arraignment. The program gives individuals access to an attorney from the time of police contact to help them navigate the criminal justice process and ensure that they make their court dates.

Prior to EarlyRep, more than 50% of those with a misdemeanor case in Contra Costa FTA'ed at their court dates. FTAs are costly and burdensome for all criminal justice partners. When an individual misses court, an arrest warrant is issued. As a result, courts expend resources processing warrants, and police agencies expend resources in finding and arresting individuals and booking them into jail, where they may remain for several days before seeing a judge. Many of these cases involve low-level misdemeanor charges that would not normally involve jail time, absent an FTA. The costs of arrest and incarceration also carry a host of collateral consequences that can be devastating to arrestees and their families. Reducing FTAs also helps police agencies by shortening the duration of a criminal case so that officers are less likely to have to testify many years after an incident occurred.

EarlyRep has proven that the FTA problem can be improved substantially by giving individuals who are accused of misdemeanor offenses information about their court dates and access to due process resources. As shown below, the effectiveness of the EarlyRep program is dramatic:

County Region	Law Enforcement Agency	Launch Date	No. of Participants	FTA Rate Reduction
East	Antioch Police & Calif. Hwy. Patrol	July 2016	2,424	57% to 17%
West	Richmond Police & Calif. Hwy. Patrol	Feb. 2017	1,272	52% to 20%
Central	Calif. Hwy. Patrol & others pending	Sept. 2018	TBD	TBD

This program has garnered statewide and national attention, including the award of a Smart Defense grant from the US DOJ. The EarlyRep team has presented about the program at various conferences around the country, including the Right to Counsel Conference at the US DOJ, the American Society of Criminology, and the Judicial Council of California. The program has attracted media attention from the East Bay Times, the American Bar Association Journal, KQED Radio, and others.

### 3. Program Design and Outcomes

The West County EarlyRep Program is a partnership between CCPD and the Richmond Police Department. After police contact for a misdemeanor incident, EarlyRep staff immediately attempt to reach individuals to offer assistance using request for prosecution forms provided by RPD. Officers also distribute an information card with the EarlyRep phone number to each individual following the incident. The court clerks' office and partnerships with community-based organizations provide additional outreach. Utilizing innovative technology by Uprust, individuals can text message the program for help, and multilingual automated reminder texts are sent in advance of their court dates.

The EarlyRep team provides various levels of assistance to participants, including:

- Explaining the criminal justice process and case filing timelines;
- Practicing early intervention by connecting clients with social services and community resources;
- Consulting on the specific offense, potential case resolutions, and probation or diversion terms;
- Negotiating with the District Attorney's Office prior to charges being filed;
- Preparing individuals for their first court appearance; and
- Appearing at arraignment court dates with participants.

In Richmond, the EarlyRep program has been especially successful at resolving cases pre-filing. The EarlyRep attorney meets regularly with the District Attorney's office to discuss individual cases. These "pre-filing" conferences have proven very successful at reducing unnecessary filings in some cases and achieving early resolutions at arraignment in others.

The East and West County EarlyRep programs have dramatically reduced FTA rates since inception. Identifying the trends and causes of FTAs encourages all justice partners to collaborate in identifying more efficient practices that avoid costly FTAs, streamline filing practices, and reduce unnecessary arrests and the resulting costs. The EarlyRep model engages all criminal justice system partners in establishing better practices and benefits all involved stakeholders.

### 4. Budget for FY 19/20

<b>Employee Classification</b>	<b>Salary &amp; Benefits</b>
1 FT Deputy PD, Special Assignment Attorney	\$77,246
1 FT Legal Assistant	\$98,188
Total annual salary cost	<b>\$175,434</b>
*Salaries for April-June 2019	\$43,858

\*This request is for one additional quarter of bridge funding as the US DOJ funding lapses in March of 2019, before the beginning of FY 19-20.