



**CONTRA COSTA COUNTY
PUBLIC DEFENDER**

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Public Defender

MEMORANDUM

DATE: JUNE 27, 2022

TO: PUBLIC PROTECTION COMMITTEE
SUPERVISOR FEDERAL D. GLOVER, CHAIR
SUPERVISOR CANDACE ANDERSEN, VICE CHAIR

FROM: ELLEN MCDONNELL, PUBLIC DEFENDER

SUBJECT: HOLISTIC INTERVENTION PARTNERSHIP (HIP) PROGRAMMATIC
UPDATE

The purpose of this memorandum is to update the Public Protection Committee regarding the Office of the Public Defender's innovative programming for misdemeanor cases in Contra Costa County. Year after year, the vast majority of criminal cases prosecuted locally in Contra Costa County are misdemeanors and the volume of these cases heavily impacts the criminal legal system. The great majority of individuals facing misdemeanors in Contra Costa are represented by the Public Defender's Office, and much of this population experiences acute needs related to housing, behavioral health, and other reentry services.

The Public Defender's Office is committed to the practice of "holistic defense," which combines vigorous legal advocacy inside of the courtroom with the provision of intensive client-centered supportive services to address the root causes of an individual's system involvement. In recent years, the Public Defender's Office has launched several innovative programs designed to meet the acute needs of misdemeanor clients. In 2016, the Public Defender launched the Early Representation Program (EarlyRep) to help provide legal representation from the moment of law enforcement contact in misdemeanor cases. The EarlyRep program has expanded countywide over the last few years, and now serves approximately 10,000 individuals each year. Expanding early access to legal representation has proved to be incredibly successful in lowering the Failure to Appear (FTA) rate¹ and reducing bench warrants for missed court dates, saving the county

¹ After the launch of the Early Representation Program, the FTA rate at arraignment in misdemeanor cases decreased from 57% in East County (2015) and 39% in West County (2016) to as low as 18% countywide (2020).

\$847 per FTA avoided,² as well as providing assistance related to the critical needs of those served by the Public Defender's Office. The Early Representation Program was awarded the "Defender Program of the Year" by the California Public Defender Association (2019).

In May 2020, at the height of the COVID pandemic, we launched Contra Costa County's Holistic Intervention Partnership (HIP), a public-private partnership led by the Public Defender's Office, which seeks to identify and address the underlying needs of indigent individuals immediately after arrest. HIP builds on the Early Representation Program by focusing on a smaller subset of high-needs clients.

HIP provides substantial holistic support, including funding for housing and reentry resources, for those who have had recent police contact for misdemeanor offenses. The goal is to utilize a holistic philosophy to seamlessly provide valuable services, leverage existing local services, and reduce future criminal legal system involvement. HIP's goals are to reduce the financial and human resource burdens of misdemeanor cases on law enforcement, the criminal legal system, and the community; to reduce recidivism among program participants; and to establish early coordination, collaboration, and linkages across system partners to better serve those most involved in the criminal legal system.

HIP is funded through March of 2023 by an Edward Byrne Memorial Justice Assistance Grant (JAG) totaling \$3.1MM over 3.5 years, and HIP knits together a tightly integrated, multidisciplinary team of public agencies and community-based organizations. Contra Costa is one of only two public defender offices in the state to receive JAG funding. In less than two years since its start, and despite the concurrent emergence of the Covid-19 pandemic, HIP has served 334 unduplicated clients (134% of the project's total, three-year goal), who engage with HIP for an average of 145 days. HIP dedicates 25% of the grant's funding to housing and, nearly 110 participants have either received permanent housing or been diverted from homelessness using HIP funding. HIP serves as a highly effective tool to safely divert clients with mental illness who are facing misdemeanors out of our local jails and connect them with local resources.

In providing HIP services, the Public Defender's Office partners with Contra Costa County Health, Housing and Homeless Services; Behavioral Health Services; Employment and Human Services; California Highway Patrol; and the Antioch, Martinez, and Richmond Police Departments. HIP's community-based partners include Rubicon Programs, the Reentry Success Center in Richmond, and Uptrust, a technology company that enabled text communication services for individuals navigating the criminal legal system. Additionally, researchers from

² *Reducing Failure to Appear at Criminal Court Arraignment: Evaluation of Contra Costa County, California "Innovative Solutions in Public Defense" - the Early Representation Program*, The Justice Management Institute (Sept. 2019).

California State University Long Beach are collaborating with the HIP partners as the grant's evaluators. HIP is guided by a diverse Steering Committee, which includes representatives from county agencies, local organizations and service providers, and individuals with lived experience in the criminal legal system.

HIP's capacity to meaningfully shift not just personal circumstance but judicial outcomes is clear: to date, the court FTA rate for HIP clients is only 12.33% and an initial process evaluation of HIP affirmed the value of this approach, which has enhanced interagency capacity and leveraged existing resources to improve outcomes for its clients. In May 2022, Contra Costa County submitted a proposal to the BSCC for a \$6 million Proposition 47 grant award over three years, with the Public Defender's Office and Health, Housing and Homeless Services applying as co-lead agencies. This new proposal aims to grow access to HIP services, with a focus on housing and recidivism reduction for individuals arrested for low-level offenses. If awarded, Contra Costa proposes to serve 900 people over three years, triple the current HIP designed capacity. This new proposal would augment housing resources for HIP participants to meet the need shown by the current HIP program. The BSCC will be announcing awards in July of 2022. Our innovative HIP and EarlyRep programs have expanded access to counsel, reduced incarceration due solely to missed court dates, and addressed the unmet housing, mental health, and other reentry needs of many indigent community members countywide. This holistic model is seen as a best practice among indigent defense providers and reflects a collaborative model that allows county- and community-based partners to work together to address unmet needs.
