



Contra Costa Public Defender - Reentry Programs & Pretrial Services

ELLEN MCDONNELL, PUBLIC DEFENDER REENTRY COORDINATOR
BROOKE HARRIS, JUVENILE POST-DISPOSITION REENTRY ATTORNEY
OFFICE OF THE PUBLIC DEFENDER

Contra Costa Public Defender Reentry Programs

- ▶ Pretrial Services Program (multi-agency collaboration)
- ▶ Arraignment Court Early Resolution (ACER)
- ▶ Social Work Unit
- ▶ Early Representation Program
- ▶ Project Clean Slate
- ▶ Juvenile Reentry

The Need for a Pretrial Services Program

- ▶ California has higher than average Bail Bonds and higher than average Pretrial Incarceration rates
- ▶ Issues with money bail:
 - ▶ NOT evidence-based: bail determinations are often not based on empirical evidence, but on gut feelings
 - ▶ Does NOT improve public safety – the ability to get released on bail is a matter of wealth, not of risk
 - ▶ Unfairly punishes the indigent and in turn disproportionately impacts communities of color and immigrant communities
- ▶ Pretrial risk assessments help judges make release decisions that are more informed and less arbitrary

Contra Costa's Pretrial Services (PTS) Program

- ▶ Collaboration of the County's Probation Department, DA, CCSO, PD, and Superior Court
- ▶ Started in March 2014 & paid for with AB109 funds
- ▶ Built on evidence-based practices and uses a "risk assessment tool" to provide an objective assessment of risk
- ▶ The Virginia Pretrial Risk Assessment Instrument ("VPRAI") measures:
 - ▶ Risk of failure to appear in court if released from custody
 - ▶ Risk of committing a new crime while the case is pending

Who is eligible for Pretrial Services?

- ▶ The program is available in the Richmond & Martinez courts (not in Pittsburgh)
- ▶ The program targets felony offenses – generally those charged with misdemeanors are not included in the program
- ▶ Some felony charges are NOT eligible:
 - ▶ Domestic Violence
 - ▶ Most serious or violent felonies under the 3 strikes law
 - ▶ Charges that carry life sentences
 - ▶ Specific sex-related charges
 - ▶ DUIs

Pretrial Services Program: The Process

- ▶ The PD Legal Assistants interview people who are on the day's arraignment calendar who opt-in to the program
- ▶ The Legal Assistants electronically transmit the interview results to Probation
- ▶ Probation cross checks the interview, conducts a risk assessment and produces a report and recommendation to the Court
- ▶ The Court reviews the recommendations that same day, holds a hearing with the judge, arraignment attorneys and the defendant present
- ▶ The Court decides on release during the court hearing

Pretrial Services Program: The Risk Assessment

- ▶ The Modified VPRAI assesses the risk of failed pretrial release and considers:
 - ▶ Personal history:
 - ▶ Previous convictions (number and types)
 - ▶ History of substance use disorder
 - ▶ Previous failures to appear (FTAs)
 - ▶ Pending Allegations:
 - ▶ Current charges
 - ▶ Other unresolved or pending cases
 - ▶ Connections to community
 - ▶ Employment/school status
 - ▶ Housing status
 - ▶ Dependent family members

Pretrial Services Program: Release Recommendations

- ▶ For those granted PTS release, supervision is based on a risk rating:
 - ▶ Score of 0-1 (Low Risk)
 - ▶ Release on OR
 - ▶ Score of 2 (Below Average)
 - ▶ Release on OR with appropriate conditions & phone meetings with DPO
 - ▶ Score of 3 (Average)
 - ▶ Supervised OR with conditions & monthly in-person meetings with DPO
 - ▶ Score of 4-5 (Above Average)
 - ▶ Supervised OR with conditions & in person meetings 2x a months with DPO & home visits
 - ▶ Score of 6-9 (High)
 - ▶ GPS through the CCSO

Contra Costa's Pretrial Services Program – An Ongoing Partnership

- ▶ The workgroup with partners from multiple agencies meets monthly to identify issues, refine protocols, and consider possible expansion
- ▶ Initial training provided to DAs, PDs, POs and judges and annual training provided at statewide California Association of Pretrial Services conf.
- ▶ The program's data is being tracked through the databases of the various partners
- ▶ CCC contracting with the National Center on Crime and Delinquency to validate the tool and methods for the County's population
- ▶ Will begin contracting with Uptrust to provide text reminder notifications in all PTS cases for court dates and transportation to court in certain PTS cases

Contra Costa's PTS Program: the Outcomes

- ▶ The number of Pretrial or Pre-sentence individuals in the county jail has been reduced from 80% to 65% (since March of 2014)
- ▶ We have had over 2145 cases assessed and 715 individuals released under PTS supervision (since March of 2014)
- ▶ The statistics so far are encouraging
 - ▶ We have an 80% appearance in court rate
 - ▶ 93% of the clients are free of new arrests
 - ▶ Of those who have been re-arrested, no violent offenses

ACER: Arraignment Court Early Representation Program

- ▶ ACER attorneys and legal assistants represent clients at the first appearance in the two main arraignment courts
- ▶ Attorneys argue for early release on Own Recognizance (“OR”) or PTS Release or Bail Reduction and conduct early work on cases such as:
 - ▶ Work on finding residential treatment bed or out of custody placement
 - ▶ Contact family members or employers to obtain job letters or other documentation to facilitate release
- ▶ Attorneys resolve cases, where appropriate, through plea agreements with the ACER District Attorneys

Public Defender Social Work Unit

- ▶ Forensic Social Work Team includes:
 - ▶ AB109 funded Social Work Supervisor (Angelene Musawwir, LCSW)
 - ▶ Graduate level social work internship program
 - ▶ Intern placements from: UC Berkeley, CSU East Bay, SF State University, and Sacramento State
 - ▶ Client services Liaison (Lori Beath)

Public Defender Social Work Unit

- ▶ Works within the reentry community throughout the county to provide linkages to providers within the county and neighboring communities
- ▶ Pre-release planning, post-release planning and coordination of services
- ▶ Provides direct client services, such as:
 - ▶ Social history assessment/mitigation evidence - holistic perspective of life history and its impacts (biopsychosocial used for plea negotiations and at sentencing)
 - ▶ Alternative Case Plans (for use at sentencing)
 - ▶ Support for the attorneys in the Mental Health Unit

Client Services Specialist

- ▶ Performs drug and alcohol assessments pre-release and locates treatment services in the community for in custody and out of custody PD clients
- ▶ Supports court programs such as ISP, FADS and transports clients directly from County Jail to treatment facilities
- ▶ Provides quarterly case managements to minor clients who are in out of home placements throughout the state
- ▶ Works closely with the SWS and interns
- ▶ (Not AB109 funded)

Early Representation Program

- ▶ New AB109 Funded Pilot Program
- ▶ Begins July 1, 2016
- ▶ Partnership with Antioch Police Department
- ▶ Designed to lower the costly Failure to Appear (“FTA”) rate
- ▶ Provides early representation services to those who receive misdemeanor citations from the Antioch Police Department
- ▶ PD attorney and PD legal assistant will work with these individuals to lower the **57% failure to appear rate** in misdemeanor cite-released cases filed by the Antioch Police Department in 2015

The Need for Early Representation Services

- ▶ An indigent person who is cited for a misdemeanor generally does not have access to legal representation until the first court appearance (and often many months after arrest)
- ▶ Failures to Appear in court (“FTAs”) occur at a high rate for the first court appearances and these happen for many reasons:
 - ▶ Fear of consequences of legal proceedings
 - ▶ Unable to arrange transportation to court
 - ▶ Competing obligations with childcare, care of another family member, work, school
 - ▶ Language and literacy issues
- ▶ FTAs generally result in bench warrants which are costly for the system and can be devastating for the individuals who are then arrested and may lose housing, employment, custody, etc.

How will the Early Representation Program work?

- ▶ This partnership will enable two-way information at the time of citation:
 - ▶ APD officers provide arrestees with Program contact information
 - ▶ APD officers obtain contact information from the arrestee
 - ▶ PD will be given a copy of each citation issued by APD
 - ▶ PD will communicate with clients after arrest to explain the process
 - ▶ PD assists with court appearance plan and follows up with reminders
 - ▶ PD employs Uprust court reminder technology to communicate via texts
 - ▶ PD helps to link client to social services and other reentry services throughout the County

Project Clean Slate

- ▶ Change Your Record, Change Your Life
 - ▶ Our goal is to help people rebuild their lives after incarceration and involvement with the CJ system
 - ▶ We are committed to helping individuals gain stability by removing the barriers imposed by a prior conviction
- ▶ We are currently in the process of expanding our Clean Slate unit by adding an additional AB109 funded Legal Assistant who will focus on Prop 47 work
- ▶ We are also grateful to The California Endowment and The San Francisco Foundation for providing support to help us staff our Prop 47 project

Types of Record Clearance Relief

- ▶ There are many types of record clearance relief, the most common are:
 - ▶ Expungement “set aside and dismissal” of a felony or misdemeanor
 - ▶ Prop 47 reduction to a misdemeanor **
 - ▶ Reduction to a misdemeanor via Penal Code section 17(b)
 - ▶ Certificates of Rehabilitation (for those who served State Prison time)
 - ▶ Juvenile Sealing Petitions

Clean Slate Project Community Work

- ▶ Frequent Clean Slate and Prop 47 Community Events
- ▶ Partnership with the Reentry Success Center and presence at the Center to serve members of the Center directly
- ▶ Partnerships with government organizations and CBOs who conduct direct intake on their clients and forward the information
- ▶ Easy 1 page Clean Slate intake form can be submitted through our website
- ▶ Clean Slate hotline (925)335-8150 and email cleanslate@pd.cccounty.us

Why is there
urgency to file
Prop 47 Petitions
as soon as
possible?

BECAUSE PROP
47 RETROACTIVE
RELIEF EXPIRES
ON NOV 4, 2017

Juvenile Reentry Services

- ▶ Public Defender Juvenile Unit
 - ▶ Mission: to provide holistic, client-centered advocacy to youth from initial arraignment to sealing of juvenile record
- ▶ In Juvenile cases, unlike in adult cases, the **client file remains open** through entire probationary period and attorneys are required to remain the attorney until wardship is terminated in order to:
 - Help avoid probation violations
 - Help child navigate through probation
 - Help locate resources

Juvenile Post-Disposition & Reentry Programs

- ▶ Post Disposition and Reentry Program
 - ▶ Address the needs of youth who are placed out of the home during their delinquency cases as they progress through their programs and reenter the community
- ▶ Post Disposition Attorneys
 - ▶ Two post-disposition attorneys provide representation to youth in out-of-home placement settings: ranch, group home placement, juvenile hall program and the Department of Juvenile Justice.
 - ▶ The attorneys are assisted by youth advocates and a client services specialist in visiting the clients on a regular basis and ensuring that their needs are met during their placement.

Juvenile Reentry (cont'd)

- ▶ Youth Justice Initiative
 - ▶ Pilot program funded by the JAG Byrne Grant program
 - ▶ Select youth exiting the ranch, Youth Offender Treatment Program (“YOTP”) and Girls in Motion (“GIM”) will be assisted by the Public Defender’s Office, Probation Department and a community-based organization.
 - ▶ YJI’s program is designed to facilitate collaboration between the different stakeholders in providing services for the youth.



Questions?