



**PERFORMANCE REPORT
OFFICE OF THE PUBLIC DEFENDER**

I. DEPARTMENT MISSION

The Office of the Public Defender provides zealous and client-centered legal representation to indigent persons accused of crimes, facing deportation, and/or involved in mental health or other conservatorship matters in Contra Costa County, while advocating for systemic improvements on behalf of Contra Costa's most vulnerable residents. Over 16,945 people were represented by the department last year in criminal, juvenile, and immigration court, as well as on various types of mental health and record clearance matters.

II. MAJOR PROGRAM DESCRIPTIONS

1. Adult criminal - felonies
2. Adult criminal - misdemeanors
3. Death penalty cases
4. Felony supervision violations
5. State parole violations
6. Misdemeanor probation violations
7. Juvenile delinquency (misdemeanor and felony)
8. Juvenile cases for which the DA seeks transfer to adult court
9. Juveniles in post-disposition placement facilities
10. Youthful Offender Parole Hearings (YOPH)
11. Sexually violent predator petitions
12. Civil commitments due to insanity (NGI)
13. Civil commitment - conservatorships (EPS)
14. Civil commitment - Incompetent to Stand Trial (1ST)
15. Assisted Outpatient Treatment (AOT)
16. Habeas corpus petitions for life inmates denied parole
17. Representation for inmates seeking DNA testing
18. Clean slate relief (felony and misdemeanor)
19. Specialty courts
20. Petitions for Involuntary Medication
21. Post-Conviction Unit

III. DEPARTMENT ACCOMPLISHMENTS

The Public Defender's Office experienced several notable accomplishments in 2022:

- Our Holistic Intervention Program (HIP) continued its overwhelming success in reaching and serving hundreds of public defender clients. This program's success resulted in the department receiving a new \$6 million grant from the Board of State and Community Corrections to continue and expand HIP to serve hundreds of additional clients, with a particular focus on securing housing for those at risk of or suffering from homelessness. The HIP team continues to coordinate with other service providers to provide clients with a support network as well as develop holistic plans to help our clients get back on the right track.
- 2022 marked the end of Proposition 47 record clearance relief for community members who sought to have their drug and theft felonies reduced to misdemeanors. Our Clean Slate unit mobilized to file close to 5000 Proposition 47 petitions this year prior to the December 2022 sunset of this post-conviction relief.
- One of our Alternate Defender Office (ADO) attorneys won a motion for a new trial in a post-conviction homicide based on the prosecutor's violation of the California Racial Justice Act. The ruling was, in part, based on the prosecutor's use of rap lyrics to prove gang affiliation and culpability. This landmark decision was the first its kind in California, and received national attention, including a feature in the New York Times.

A. FELONY AND MISDEMEANOR UNITS

The felony unit provides legal representation to individuals charged with felony offenses, including those charged with serious and violent offenses such as robbery, burglary, murder, manslaughter, sexual assault/molest, fraud, aggravated assault, and narcotic offenses. The misdemeanor unit provides legal representation to those charged with misdemeanor offenses, such as theft, vandalism, domestic violence, driving under the influence, weapons, narcotic offenses, and assault and battery.

Our felony and misdemeanor unit attorneys have continued to provide excellent vertical representation to clients across the county. In 2022, we represented individuals in a higher number of both felony and misdemeanor cases than we did in 2021 due to the department accepting representation in all felony and misdemeanor cases referred to the office (other than those with an ethical conflict). This was also the first year since the beginning of the pandemic where we were able to handle cases without substantial pandemic-related court delays impacting our clients' speedy trial rights and where we saw the COVID-related Court backlogs finally begin to decrease.

B. YOUTH DEFENDER UNIT

The Youth Defender Unit is comprised of attorneys and other specialists dedicated to vigorously representing youth in court as well as to providing holistic representation that serves the collateral needs of youth impacted by the justice system. The unit provides support to youth at all stages of a juvenile case, with specialized attorney and social worker experts assisting youth with post-disposition advocacy, education advocacy, sealing of records, mental health and competency, and reentry success.

The collaborative Youth Early Intervention Partnership (YEIP), launched in late 2021 with the support of the Juvenile Justice Coordinating Council, provides early advocacy and service connection to at-need youth before they are formally charged with a crime. Our team is also closely engaged with criminal system and community partners to optimize services for "realigned" youth adjudicated for serious offenses, who formerly would have been committed to the soon-to-close state Division of Juvenile

Justice, and who now are served within our local community. In 2022, our YEIP team worked with over 50 youth, advocating for them in a multi-dimensional space including in the areas of education, public benefits, mental health, and child welfare.

C. MENTAL HEALTH UNIT

Our Mental Health Unit consists of specialized attorneys, a legal assistant, and social worker who are dedicated to the advocacy of individuals with mental health and developmental disabilities. To improve outcomes for our vulnerable mental health clients, the Mental Health Unit works towards treatment-based alternatives to incarceration. In 2022, our Mental Health Unit received 558 referrals and represented clients in a range of mental health proceedings, including: incompetency to stand trial (IST), conservatorship (LPS, Murphy, 6500), Offenders with Mental Disorders (OMD), Not Guilty by Reason of Insanity (1026), Assisted Outpatient Treatment Program (AOT or Laura's Law), Behavioral Health Court (BHC), Regional Center Diversion and Mental Health Diversion.

D. CLIENT SERVICES AND SOCIAL WORK UNIT

The Client Services unit is a team of forensic social workers dedicated to connecting our clients to community-based resources and alternatives to incarceration. This team reduces recidivism for the department's clients by linking them to in-patient and out-patient substance use disorder treatment programs, housing services, and vital mental health services. In 2022, the unit worked extensively with 100s of Public Defender clients connecting them with services, assessing their needs, and transporting them to residential treatment programs and other community-based resources.

E. EARLY REPRESENTATION UNIT

Our Department's Early Representation Program (EarlyRep) unit works in partnership with law enforcement and the courts to increase appearance rates in low-level cases, reduce failures to appear (FTAs) in arraignment court, and prevent unnecessary bench warrants throughout the county. Our EarlyRep staff provide legal assistance, information, connection with resources to individuals from the moment they are cited or arrested, and before charges are officially filed. EarlyRep attorneys also negotiate with district attorneys and reach early resolutions for our EarlyRep clients. The Early Representation Program has significantly decreased unnecessary bench warrants along with the resulting incarceration for our misdemeanor clients countywide.

F. HOLISTIC INTERVENTION PROGRAM

The Holistic Intervention Program (HIP) works with the most vulnerable subset of EarlyRep clients to help them receive and navigate social services that are tailored to their specific needs. HIP staff focus on providing clients with access to housing, mental health treatment, substance abuse disorder treatment, employment assistance, civil legal aid, and other tools to address the root causes of their criminal system involvement.

G. STAND TOGETHER CONTRA COSTA

Stand Together Contra Costa (STCC) is a collaborative legal services and public education partnership between the Office of the Public Defender and local community-based organizations. STCC provides indigent Contra Costa immigrants with no cost legal representation in immigration court. In 2022, STCC also provided legal representation to 148 clients in removal proceedings and over 901 legal

consultations for immigrant families in Contra Costa. STCC had an 88% success rate in immigration court representation in 2022.

H. CLEAN SLATE UNIT

Our Clean Slate unit provides post-conviction relief for indigent clients to assist them in overcoming barriers to employment, housing, education, and public benefits created by criminal convictions. In addition to robust community outreach and education efforts, the Clean Slate unit has expanded its post-conviction relief to add newly enacted legal remedies for our clients. In 2022, we continued our robust community outreach and education, and we filed over 6000 clean slate petitions, nearly 5000 of which were granted.

I. POST-CONVICTION UNIT

The Department’s Post-Conviction Unit (PCU) handles cases for individuals who suffered unjust convictions and resentencing for those serving disproportionately long prison sentences in California prisons. The unit focuses on advocacy in the following areas: legally defective convictions related to one’s immigration status, youth offender parole, aider and abettor resentencing, and sentencing recalls pursuant to Penal Code section 1170.03. Much of this unit’s work is funded by two Board of State and Community Corrections grants resentencing relief grants. The PCU represents hundreds of clients largely in state prison custody seeking resentencing relief and has secured the release of numerous individuals who are rejoined their families and successfully reentered their communities with ongoing support from the unit and partner community-based organizations.

IV. PERFORMANCE INDICATORS

<i>Type of Case</i>	<i>Cases Referred in Calendar Year 2022</i>
Felonies	2985 ¹
Misdemeanors	4231
Juvenile	408
Mental Health/Conservatorship	558
Revocations	1696
Post-Conviction	406
Clean Slate	6320 ²
Immigration	148
Other	193
Total cases referred	16,945

¹ In 2022, no felony or misdemeanor cases were referred out to the Criminal Conflicts Panel for representation due to excessive caseloads in the Public Defender’s Office.

² This Clean Slate Unit case referral number includes nearly 5000 Proposition 47 petitions filed in 2022 prior to the sunset of this record clearance relief.