



**CONTRA COSTA COUNTY
PUBLIC DEFENDER**

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Public Defender

MEMORANDUM

DATE: OCTOBER 7, 2024

TO: PUBLIC PROTECTION COMMITTEE
SUPERVISOR JOHN GIOIA, CHAIR
SUPERVISOR FEDERAL D. GLOVER, VICE CHAIR

FROM: ELLEN MCDONNELL, PUBLIC DEFENDER

SUBJECT: HOLISTIC INTERVENTION PARTNERSHIP (HIP) PROGRAMMATIC UPDATE

Introduction

The purpose of this memorandum is to update the Public Protection Committee regarding the Office of the Public Defender's innovative Holistic Intervention Partnership (HIP) programming for misdemeanor and low-level felony cases in Contra Costa County. Year after year, the vast majority of criminal cases prosecuted in Contra Costa County are misdemeanors and the volume of these cases heavily impacts the criminal legal system. Most individuals facing misdemeanors in Contra Costa are represented by the Public Defender's Office, and much of this population experiences acute housing, behavioral health, and other reentry service needs.

The Public Defender's Office is committed to the practice of "holistic defense," which combines vigorous legal advocacy inside of the courtroom with intensive client-centered supportive services to address the root causes of an individual's system involvement. In the past few years, the Public Defender's Office has launched several innovative programs designed to meet the acute needs of misdemeanor clients.

Early Representation Program

In 2016, the Public Defender launched the Early Representation Program (EarlyRep) to provide legal representation to individuals immediately following their law enforcement contact for misdemeanors. The EarlyRep program has expanded countywide and now serves approximately 5,000 individuals each year. Expanding early access to legal representation has proven to be incredibly successful in lowering the Failure to Appear (FTA) rate¹ and reducing bench warrants for missed court dates,

¹ Since 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 27% and 18% respectively in 2023.

which saves the county approximately \$1,057 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 (CPDA) and has served as a model for similar programs across the country.

HIP "1.0": 2020-23

In May 2020, at the height of the COVID pandemic, the Public Defender launched Contra Costa County's Holistic Intervention Partnership (HIP), a public-private partnership led by the Public Defender's Office that 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 and looking beyond one's criminal defense needs.

HIP provides substantial holistic support, including housing funding and reentry resources, for those who have had recent police contact for misdemeanor or low-level felony offenses. HIP's 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 objectives are to reduce the financial and human resource burdens of misdemeanor cases on the criminal system; 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 was initially funded through a State of California Edward Byrne Memorial Justice Assistance Grant (JAG) for \$3.1MM over three years. In 2023, the Public Defender's Office was awarded an additional State BSCC Prop 47 grant to sustain and grow HIP. This "HIP 2.0" program is receiving \$6 million over three years to serve 900 total individuals, tripling the capacity of HIP 1.0. HIP 2.0 has an increased focus on housing and recidivism reduction for individuals arrested for low-level offenses, and the majority of 2.0 funds support housing. HIP clients may be eligible for short-term, emergency stabilization housing and long-term housing support with employment training.

HIP 1.0 proved successful in stabilizing our clients who had the greatest needs, while dramatically reducing recidivism for those clients. Though designed to serve just 100 clients for each of the three years, HIP 1.0 finished with an enrollment of 503 total clients. 155 HIP clients with housing instability were given short-term or permanent housing solutions, and remarkably, 73.1% exited HIP to a permanent housing destination. For those seeking civil legal aid, Rubicon completed 156 legal goals for 85 different clients. Of those goals, 127 were successfully achieved (81.4%). The most common legal goals were restraining order hearings (35.3%) and driver license revocation hearings (31.4%).

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), adjusted for inflation by Bureau of Labor Statistics.

HIP clients were also far less likely to reenter our criminal legal system in the years following their program involvement. Specifically, felony arrests were 181% more likely for non-HIP public defender clients with comparable demographics and criminal backgrounds. New felony charges were two and a half times more likely to occur for the comparison group (236%), and criminal convictions altogether were 238% more likely to occur to the comparison group.

Finally, HIP clients were far less likely to fail to appear (FTA) in court. Just 15.1% of HIP clients failed to appear in court, while the comparison group had an FTA rate of 45%.

HIP “2.0”: 2023-26

In the first year of HIP 2.0, the program has continued to exceed expectations and resulted in continued successes for participants. Of the 238 clients enrolled in year one, only 16% were rearrested. Just six clients were convicted of a new charge, and only one individual received a jail sentence. Through September 2024, the HIP program accepted and served 445 total clients.

HIP serves as a highly effective tool to safely divert clients with mental illness and substance use disorders 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; and the Antioch, Martinez, and Richmond Police Departments. HIP’s community-based partners include Rubicon Programs, the Reentry Success Center in Richmond, and housing provider Hope Solutions. Additionally, researchers from California State University Long Beach, who are the grant’s evaluators, are collaborating with the HIP partners.

HIP is guided by a diverse Local Advisory Committee, which includes representatives from county agencies, courts, local organizations and service providers, and individuals with lived experience in the criminal legal system.

Conclusion

HIP’s capacity to meaningfully improve personal circumstances and judicial outcomes is clear. Our innovative HIP and EarlyRep programs have expanded access to counsel, reduced incarceration rates related to missing court, and addressed the unmet housing and mental health of hundreds of indigent community members countywide. This holistic model is seen as a best practice among indigent defense providers and reflects a collaborative design that allows county- and community-based partners to work together to address unmet needs. It is clear that HIP is a model that strongly supports community safety in Contra Costa for vulnerable community members, most of whom are black and brown, and should be sustained locally over the long term.