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Contra Costa County Office of the Public Defender
Expanded Public Defense Grant Application
Section II – Project Information

2. Project Information (150 words, excluding footnotes)

A holistic legal advocacy program providing early intervention and support for people charged with or at risk for being charged with Proposition 36 felonies, the Prop 36 Holistic Defense Initiative (P36-HDI) will improve case outcomes, reduce systemic burdens, and mitigate racial disparities for Contra Costa Public Defender clients who have been arrested on Prop 36-eligible offenses and are charged with, or are at risk of being charged with, Prop 36 felonies. P36-HDI will serve at least 312 clients during the funded period at a cost of $2,721 each.

By providing multidisciplinary, pre-filing support to increase client stability, utilization of public healthcare, and access to public benefits, P36-HDI will reduce the rate of future felony filings and convictions, as compared to similarly situated people. It will be available to clients of CCPD and to people transferred to the Alternate Defender Office or Conflicts Program, who have limited access to holistic representation.

3. Need (500 words, excluding footnotes)

When approved in 2014, the intent of Prop 47 was clear: to advance safety by reserving prison for people convicted of serious and violent crimes and redirecting savings to address nonviolent, relatively low-level crime through local strategies focused on community-based prevention, support, and treatment.

In response, CCPD quickly established its Misdemeanor Early Representation program (EarlyRep). Launched in 2015 to extend immediate legal representation to indigent people cite-released for misdemeanors, EarlyRep uses affirmative outreach and representation to improve client stability, reduce jail days, and improve systemic efficiencies. In just its first few years, EarlyRep reduced bench warrants by 50% and Failures to Appear in court (FTA) by nearly 75%.[1] In 2019, the California State Public Defender's Association named it the Defender Program of the Year.[2] Initially funded by a federal grant and subsequently by County funding, today EarlyRep serves an estimated 5,000 people annually.

But a decade after Prop 47, California voters passed Proposition 36 (the Homelessness, Drug Addiction, and Theft Reduction Act), giving rise to two new felonies: HS§11395 "Treatment-Mandated Felony" (drug possession with two related prior convictions); and PC§666.1 (petty theft with two related prior convictions). Both require Courts to make a judicial review before releasing people from custody; for HS§11395, Courts must order a behavioral health evaluation, appoint a caseworker to assess eligibility for Medi-Cal/Medicare, and develop a plan for mandated treatment before sentencing to jail/prison unless the court determines the person is not eligible or suitable, though it provided no funding for this purpose.[3]

The opportunity to charge former misdemeanors as felonies has been put to rapid use in Contra Costa, where 225 clients were so charged from Jan. to mid-October 2025,[4] an annualized rate of about 257 people, adding 11% to the 2,379 felonies filed in the County in

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FY2025,[5] while jail bookings climbed by 10% YTD over the prior period.[6]

To better understand the dynamics of Prop 36, in May 2025 CCPD partnered with local data scientists, who found that people repeatedly booked on misdemeanors – like those subject to Prop 36 – were twice as likely as the overall jailed population to have had contact with County psych emergency, mental health, alcohol and other drugs, and homelessness services; twice as likely to be known by at least two systems; and were associated with the highest rates of repeated bookings, jail bed days, and recidivism. Researchers also found that while 45% of eligible people were enrolled in ECM, fewer than 2% of the population P36-HDI is intended to serve were enrolled. [7,8,9] This under-enrollment is not due to lack of effort on the County's part; rather, "hard to find/engage/retain" is a common description of this population, who need patient, consistent, and individualized outreach and engagement to reduce their wariness and functional barriers. These are the people P36-HDI will serve.

In doing so, P36-HDI will also redress racial disproportionalities: While 9.3% of County residents and 29% of all CCPD clients are Black,[10] 49% of people charged with Prop 36 felonies in Contra Costa to date are Black.[11]

4. Description (1412 words, excluding footnotes)

Summary

P36-HDI will use immediate post-arrest identification, affirmative outreach, and comprehensive screening to proactively identify and serve clients charged with or at high risk of being charged with Prop 36 felonies. Services will be made available to clients represented by CCPD, as well as those whose cases are transferred to the Alternate Defender Office or the Conflicts Program (ADO/Conflicts).

The project's principal intention is to enable early identification of people facing potential Prop 36 felonies, but the project will also strive to reduce felony convictions for people charged under Prop 36. For people with immigration-related risks associated with criminal convictions, P36-HDI will leverage Stand Together Contra Costa, a deportation defense public/private partnership embedded with CCPD.

By respecting the intentions of Prop 47, providing a structure to respond to Prop 36 mandates, leveraging CalAIM's Enhanced Care Management (ECM), and enhancing access to public benefits, P36-HDI will improve individual outcomes and public safety while reducing recidivism, racial and economic disparities, and systemic burdens.

Rationale

Unlike many entities (both public and nonprofit), public defenders are positionally situated to help clients connect with unfamiliar resources: they work with people with the lowest incomes, the most complex conditions, and the highest barriers, during the most stressful times in their lives. And because legal cases take a long time to resolve and clients perceive public defenders as trusted allies, their interactions are neither fleeting, wary, nor transactional. In a state that is working to increase health access for all, particularly for those with compounding challenges like justice-involved people, and in the aftermath of

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Prop 36, CCPD is ideally suited to serve as an effective partner within the public health and benefits ecosystem.

To that end, in early 2025 CCPD assembled a group of community representatives, public agency leaders (including health, housing, and human services), population researchers, and data analysts to identify opportunities to leverage and enhance existing services to meet the challenges posed by Prop 36. The group quickly came to recognize the untapped potential of CalAIM, California's comprehensive effort to transform the Medi-Cal delivery system to improve health outcomes and reduce healthcare costs across the state by addressing social determinants of health. CalAIM offers a robust array of direct resources for housing (transition navigation, security deposits, and tenancy support), post-hospitalization respite care, support for daily needs (personal care and medically tailored meals), medical and mental health care, and other supports, including for pregnant/post-partem women. To serve the highest-need subpopulations, CalAIM offers Enhanced Care Management (ECM), contracting with local agencies to provide multidisciplinary medical, behavioral, and social services for people with complex health and social needs.[12]

Having examined local data, the P36-HDI design team identified five strategies:

1. Maximize the value of EarlyRep's established practices to identify and reach recently arrested clients at high risk of being charged with (or already charged with) Prop 36 felonies.
2. Foundationally stabilize such clients by improving their utilization of available resources for healthcare (CalAIM) and reliable legal income (SSI/SSDI).
3. Serve people who do not meet the insurance criteria for ECM but are eligible for CalAIM's Community Supports resources.
4. Establish a mechanism to provide social work services to Prop 36 clients referred to ADO/Conflicts.
5. Mitigate common civil legal barriers that can inhibit stabilization and self-sufficiency and develop mechanism to appeal the denial of public benefits.

P36-HDI represents an under-tapped but extremely valuable opportunity to increase use of CalAIM services, connect vulnerable people with robust healthcare, and address the root causes driving their involvement in the criminal legal and emergency systems.

Implementation

The project's implementation strategy involves five elements:

1. Improve EarlyRep's intake processes to flag and triage clients at identifiable risk of, or charged with, Prop 36 felonies. This will be managed by CCPD's current Legal Assistant/Intake Manager, provided in-kind:
    a. Screen for Prop 36-eligible charges to identify clients who have been recently arrested for a potential Prop 36-eligible charge and who have two prior theft or drug-related convictions; these will become P36-HDI clients.

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   b. Screen for elevated needs related to least two of five foundational domains: mental health, substance use, health concerns, unstable income, and/or without housing; and identify/connect people who are eligible for Mental Health Diversion with the Mental Health Diversion team.
   c. Screen for enrollment in CalAIM to identify eligible, non-enrolled clients.
   d. Screen for eligibility for SSI/SSDI; determine application status (not submitted, submitted/pending, submitted/denied, denied/eligible for appeal)
2. Deploy two full-time CSS with lived experience to connect clients to essential public services that are hard for such clients to navigate. They will address two foundational needs that are typically unmet for this population: access to CalAIM's healthcare and associated resources; and access to SSI/SSDI legal income for those who qualify; for those who don't, CSS will connect clients with local training and employment resources. Supervised by a Forensic Supervisor, CSS will carry estimated caseloads of 30:1, averaging five months/client.
3. To mitigate civil legal barriers (driver license suspensions, court fees, state identification), contract with a community resource to retain a half-time attorney to provide civil legal services and make managed referrals to pro bono public benefits and eviction-prevention nonprofit organizations, as needed.
4. Because CCPD is prohibited from managing cases transferred to ADO/Conflicts, contract with a community resource to annually provide 264 hours of social work services for ADO/Conflicts clients, who lack in-house social workers.
5. Coordinating with Intake and CSS, CCPD's attorneys will provide affirmative representation to reduce the likelihood that charges will be filed as felonies, if at all, and to file Mental Health Diversion petitions for eligible clients.

Methods

Recognizing the extralegal needs often rooted in the social circumstances of poverty, marginalization, and disparate access, P36-HDI deploys a collaborative, multi-disciplinary approach.[13] Capitalizing on the upstream advantages offered by EarlyRep, it prioritizes the power of personal relationships to establish trust and engagement among clients who typically carry high burdens of trauma, behavioral health challenges, and fragmented social connections; deploys evidence-based practices such as motivational interviewing and client-driven planning; and builds intentional partnerships to leverage high-value resources such as CalAIM and public benefits, thus improving client stability long-term.

While maximizing Misdemeanor EarlyRep's established capacities, P36-HDI will evolve the model to focus on reducing felony Prop 36 filings and increasing participation in Mental Health Diversion. EarlyRep's screeners will daily review all intakes to flag recently arrested people at risk of being charged under Prop 36; following established practices, they will conduct individualized outreach to engage clients with CCPD. P36-HDI's two social workers (Client Services Specialists/CSS) will carry caseloads focused on enrolling clients in CalAIM and public benefits and facilitating access to vocational training, education,

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therapy, and other community services; and contracted community organizations will provide civil legal services to mitigate common barriers, make facilitated referrals to appeal denials of public benefits, and provide as-needed (contracted) social workers for ADO/Conflicts clients.

Staffing

- In-Kind:
    - .1 FTE: Assistant Public Defender as Project Manager, supervising case coordination, contracted organizations, and legal representation.
    - .2 FTE Intake Manager: Manage intake, assessment, triage, assignment into P36-HDI, client progress tracking, and coordination with CSS.
    - .1 FTE each: Deputy Public Defender, Forensic Social Work Supervisor, Data Analyst.
- Grant-funded:
    - 2.0 FTE Client Services Specialists: Carry P36-HDI client caseloads, conduct needs assessments, coordinate services, provide pre-release contact and initial planning and post-release transportation for clients taken into custody on arrest, and develop and implement primary stabilization plans, including serving as chief liaison to County CalAIM, public benefits agencies, and CCPD's Mental Health Diversion unit. Master's degree in social work, psychology, or a related field plus at least one year's relevant experience.
    - .5 FTE Civil Legal attorney (contracted): Address common barriers such as traffic infractions, eviction filings, court fees; make and supervise referrals to community-based organizations that specialize in appealing benefits denials.
    - $58,080 to contract with community resource to provide social work services to ADO/Conflicts clients, estimated as 22 hours per client for 12 clients annually.

Timeline

Because CCPD's EarlyRep processes are well established and CCPD has substantial experience and relationships with nonprofit partners, CCPD expects to begin serving P36-HDI clients by February 1, and no later than March 1, 2026. Upon notice of award, CCPD will begin the necessary administrative and operational processes:

- Develop intake screens and operational procedures to identify Prop 36 clients, develop triage and service protocols, recruit and train CSS staff.
- Develop evaluation plan, enhance data systems to enable flagging and tracking Prop 36 cases, develop procedures for data entry, collection, review, and analysis.
- Undertake bidding and contracting to retain nonprofit civil legal services and ADO/Conflicts social workers.

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5. Capacity and Sustainability (500 words, excluding footnotes)

Capacity

With a budget of $58MM and 202 FTE employees, CCPD operates multiple units: Felony, Misdemeanor, Youth Defender, Mental Health, Immigration, and Research & Strategic Litigation. Client Services Unit employs forensic social workers, while Innovative Programs houses Clean Slate, Misdemeanor EarlyRep, and Arraignment Court Early Representation. CCPD is supported by staff in administration, finance, data management, and clerical operations. DefenderByKarpel is CCPD's primary case management system, allowing upstream connection with the prosecutor, Court, and Evidence.com, and downstream connection with ADO/Conflicts. CCPD tracks more than 150 data points – not just client conditions, needs, demographics, and elements of the legal case, but also considerations such as race/ethnicity/gender of assigned prosecutors, defense attorneys, arresting officers, and judges.

Start-Up

Given CCPD's relevant experience, the risk of delays is minimal. Upon notice of award, CCPD will identify eligible, known candidates who can be rapidly deployed as CSS, who will be trained and supervised by CCPD's experienced Forensic Social Work Supervisor; will undertake procurement processes to contract for a civil legal attorney and social workers to serve ADO/Conflicts clients; will collaborate with CPE to design the evaluation plan and data strategies; and will add necessary screens for the intake processes.

Sustainability

P36-HDI is intended to provide early and consistent intervention for justice-involved people whose disproportionate rates of criminal involvement stem from unmet behavioral health needs and other social determinants of health, resulting in high utilization of public health emergency systems, high rates of crime related to theft and/or drugs, and underutilization of CalAIM and SSI/SSDI.

As with EarlyRep – which began as a grant-funded project and shifted to County funding – CCPD expects that P36-HDI data will readily demonstrate clear benefits to public safety, equity, and systemic efficiencies. For example: In a study of local jail bookings from 2018-2024, population researchers found that one cluster – representing only 1% of all people booked into jail but 5% of all bookings, with an 87% recidivism rate – cost an average of $84,591 per year in County emergency and detention services. For a second cluster, who represented 21% of all bookings, 68% were identified as having a substance use disorder, but fewer than 1% had received withdrawal and detox services, substance use counseling, or inpatient services, and they are low utilizers of the County's emergency services.[14] Thus, while this cluster generates low emergency health costs, they are disconnected from resources to address their underlying needs; the price of these disconnections is paid in the realm public safety and order, and in the expensive and counter-productive cycling through the criminal legal system and the jails.

As with EarlyRep – which began as a grant-funded project and thereafter shifted to County

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funding, having proved its value – CCPD will position P36-HDI as a demonstration project that reduces systemic inefficiencies and costs, leverages available public funding, increases public safety, improves outcomes for a population of focus, and increases racial equity. These goals speak to the express interests of Contra Costa County residents, representatives of racial justice and mental health advocacy communities, justice-system agencies, and Board of Supervisors.

6. Data Collection (460 words, excluding footnotes)

In partnership with the County's researchers and the Center for Policing Equity (CPE), CCPD will use P36-HDI as a demonstration project to study the arrests, prosecutions, convictions, service utilization, and jail bookings of the people served by P36-HDI, to make the case for a clear return on investment for local public funding, just as it did with EarlyRep and Stand Together Contra Costa.

For the past several years, CCPD has partnered with CPE to reimagine public safety and improve outcomes for CCPD clients and their families by identifying data-informed ways to advocate – in the courtroom and with various officials – for improved outcomes and more robust, holistic services for CCPD clients. As CPE reports, "Public defenders like CCPD have been leading the charge, doing the time-consuming and grueling work of combing through [system] records, seeking to zealously defend their clients. After the passage of the Racial Justice Act, CCPD requested CPE's assistance in using newly available prosecutorial data to demonstrate systemic racial bias."[15] In the upcoming phase of this project (beginning early 2026), CPE is tasked with developing a data collection plan to enable future analysis of the unintended harm being caused by Prop 36 in Contra Costa County, while also training CCPD staff in best practices related to data entry, quality assurance, and data use.

P36-HDI provides an ideal framework to explore the intersection of racial justice, Prop 36, and public defense as a primary vector for advancing public health and equity for public defender clients, and as a cost-effective intervention to advance public safety and order. The program's operating hypothesis is that holistic representation that uses dedicated Client Services Specialists to leverage available but under-utilized state and federal resources to meet clients' underlying needs for robust healthcare and reliable legal income will improve case outcomes, reduce systemic burdens, and mitigate racial disparities for high-impact clients as reflected by four key metrics:

1. Rates of Prop 36 filings for P36-HDI clients at risk of being charged will be at least 25% below those of the comparison group.
2. Rates of Prop 36 convictions for P36-HDI clients charged will be at least 25% below those of the comparison group.
3. Of clients eligible for but not enrolled in CalAIM at intake, 75% will complete enrollment.
4. Of clients who are eligible for SSI/SSDI but not receiving benefits at intake, increase number receiving SSI/SSDI by at least 50%.

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Upon notice of grant award, CCPD will work with CPE to develop a program evaluation plan to track P36-HDI's efficacy towards these goals. At a minimum, such a plan will prescribe how data will be collected, managed and stored and will include capacities to assess equity in data, such as disaggregating results by race/ethnicity, gender, language, or other factors relevant to the P36-HDI population.

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[1] Justice Management Institute, "Reducing Failure to Appear at Criminal Court Arraignment: Evaluation of Contra Costa County, CA 'Innovative Solutions in Public Defense" – the Early Representation Project," September 2019.
[2] https://www.nlada.org/sites/default/files/nlada-contracosta.pdf
[3] CA Health & Safety Code §11395, https://law.justia.com/codes/california/code-hsc/division-10/chapter-6/article-8/section-11395/
[4] Contra Costa County Public Defender's Office, internal data, multiple direct communications, 10/20/25-10/25/25.
[5] Contra Costa County Fiscal Year 2025-2026 Recommended Budget, Public Defender's Office, p. 330, https://contra-costa.legistar.com/View.ashx?M=F&ID=14215472&GUID=9350509C-1DC7-4BE7-973E-FC4AC1EEA788.
[6] Contra Costa County Office of the Sheriff, "Quarterly Sheriff's Oversight Report, July-September 2025," slide 2.
[7] CalAIM's Enhanced Care Management (ECM) is a Medi-Cal benefit designed to provide coordinated, community-based care to high-need Medi-Cal members with complex health and social needs. It aims to improve health outcomes and reduce healthcare costs by addressing social determinants of health and offering person-centered care management. ECM is a key component of the broader CalAIM, which focuses on transforming the state's Medi-Cal delivery system.
[8] "Medi-Cal Transformation: Enhanced Care Management," California Department of Health Care Services, accessed at https://www.dhcs.ca.gov/CalAIM/Documents/CalAIM-ECM-a11y.pdf
[9] Daniel Brown, data scientist at Contra Costa Health Services, multiple direct communications, June 2025
[10] Contra Costa County FY2025-2026 Adopted Budget, p. 327.
[11] Office of the Contra Costa County Public Defender, internal data, multiple direct communications, 10/20/25-10/25/25.
[12] "Medi-Cal Transformation: Enhanced Care Management," California Department of Health Care Services, accessed at https://www.dhcs.ca.gov/CalAIM/Documents/CalAIM-ECM-a11y.pdf
[13] Lepage, Cory R., "Measuring Effectiveness of Holistic Defense: Social Service Provision and Justice System Outcomes," Criminology, Criminal Justice, Law & Society, Vol. 24, Issue 1 (2023).
[14] Contra Costa Health, "Familiar Faces: Project Update," DRAFT dated October 9, 2025
[15] Center for Policing Equity, Improving Outcomes for Contra Costa Public Defender Clients," March 10, 2025, https://policingequity.org/innovation-in-public-safety-how-cpe-and-the-contra-costa-public-defenders-office-are-leveraging-court-data-for-change/