

Memorandum of Understanding for the Early Representation Project

PARTIES

This Memorandum of Understanding (MOU) is entered into by and between the Yolo County Public Defender's Office, the Yolo County District Attorney's Office, the Woodland Police Department, the West Sacramento Police Department, the Davis Police Department, the Winters Police Department, and the Yolo County Sheriff's Office (collectively referred to hereinafter as the "parties").

AGREEMENT

1. Yolo County Public Defender Office's Early Representation Project

The Public Defender's Office, with financial support from the University of California Office of the President, has created the Early Representation Project.

2. Historic Protocol for Individuals Cited for Misdemeanors and High Failure to Appear Rate

Historically, an indigent person who is cited by a law enforcement officer for a misdemeanor offense generally does not have access to legal representation until the first court appearance, many months after the arrest.

Failures to appear in court occur at a high rate for the first court appearances, often due to fear or misunderstanding of the consequences of legal proceedings, failure to arrange transportation or child care, and language and literacy issues.

In 2018, the District Attorney's Office identified over 12,000 events when a defendant failed to attend court.

3. Ramifications of Failures to Appear

Failures to appear result in arrest warrants which are costly to the system. Law enforcement agencies must arrest those with warrants and transport the individuals to jail; the jail must keep the individuals or process them out with a new court date; many times the individuals again fail to appear in court; and this cycle may repeat multiple times.

Failures to appear in court also can be devastating for the individuals who are arrested on warrants who may lose housing, employment, or child custody.

4. Goals of the Early Representation Project

Through the Early Representation Project, the Public Defender's Office will contact misdemeanor clients in advance of their first court date with the goals of reducing failures to appear in court, referring eligible individuals to existing diversion programs like Neighborhood Court and Steps to Success, and in exceptional circumstances commencing legal representation.

5. Communication Between Law Enforcement and the Early Representation Project

The Woodland, West Sacramento, Davis, and Winters Police Departments, and the Yolo County Sheriff's Office, will, as soon as reasonably feasible and ideally within 48 hours, provide the Early Representation Project with the contact information of each individual cited or arrested for a misdemeanor offense.

For those misdemeanants taken to the jail and later released, the Early Representation Project will send a list of names and other relevant information (e.g., DOB, booking date) to the Sheriff's Office's jail personnel. The Sheriff's Office will provide the next court dates to the Early Representation Project as soon as reasonably feasible and ideally within 48 hours.

The District Attorney's Office will notify the Early Representation Project when a misdemeanant is known to have been admitted into a diversion program. This will allow the Early Representation Project to remove the individual from the Uprust court reminder system.

6. Responsibilities of the Early Representation Project

Upon receipt of contact information, the Early Representation Project will register individuals in Uprust, the Public Defender Office's electronic court reminder system, which will send text reminders about future court dates. This service is free to the individuals enrolled.

The Early Representation Project will also attempt contact by phone/mail in advance of the text messages to explain the text reminder system and answer questions about the court process.

When appropriate, the Early Representation Project will refer candidates to existing diversion programs, to include Neighborhood Court and Steps to Success. The Early Representation Project will support connection between the individuals referred and the diversion programs on an as needed basis.

In exceptional circumstances, the Early Representation Project may provide legal advice to individuals who so request as necessary to support the goals of the program and/or to preserve legal defenses.

7. Communication

The Early Representation Project shares the goal of diversion programs to engage individuals in support services that address their behavioral and social support needs at the earliest possible stage after citation or arrest. The Early Representation Project is not designed nor intended to interfere with the normal outreach conducted by the District Attorney's Office or other diversion program personnel. The District Attorney's Office does not use information obtained in the assessment and participatory phases of diversion against defendants in future prosecutions, and the Early Representation Project supports, encourages, and consents to contact between the District Attorney's Office and other diversion personnel and post-citation or arrest individuals when such contact is for the purpose of engaging the individual in a diversion program. Should the Early Representation Project be aware of an exception to this general rule, it will contact the District Attorney's Office to notify it of the establishment of an attorney-client relationship that precludes contact.

Further, there may be occasions when a law enforcement agency seeks to conduct post-citation or arrest investigation on the subject matter of the citation or arrest, and may seek to re-contact an individual for this purpose. The Early Representation Project will notify the relevant law enforcement agencies when contact is precluded based upon an attorney-client relationship.

Likewise, the Early Representation Project will answer an inquiry from any party about whether an attorney-client relationship has been established that would preclude contact.

8. Shared Data

The Public Defender's Office and the District Attorney's Office will collaborate to identify baseline data of failure to appear rates and events.

Data related to failure to appear events logged by Uptrust will be shared with the parties upon request and at least annually.

9. Effective Date; Termination or Withdrawal

This MOU will take effect upon the date of each of the signatures below and will remain in effect until December 31, 2020. Should any law enforcement agency decline to participate, this MOU will remain in full force and effect as to the remaining signatory agencies.

This agreement may be extended, each for a one-year extension, and each upon the written agreement of the relevant parties. Absent further written agreement by the parties, this agreement will naturally terminate at the end of the calendar year 2020.

Any party may withdraw from this agreement upon written notification to the other parties.

Date: 11/26/2019



Signature of Tracie Olson
Yolo County Public Defender

Date: _____

Signature of Jeff Reisig
Yolo County District Attorney

Date: _____

Signature of Chief Derrek Kaff
Woodland Police Department

Date: _____

Signature of Interim Chief Rob Strange
West Sacramento Police Department

Date: 12-9-19



Signature of Chief Darren Pytel
Davis Police Department

Date: _____

Signature of
Winters Police Department

Date: _____

Signature of
Yolo County Sheriff's Office