



PRESIDENT'S PAGE

MICHAEL L. BARONI

Helping People Turn Over a "New Leaf"

Millions of criminal acts are committed every year in the United States. There are no "magic" solutions to preventing it, but a program in Orange County aims to help prevent repeat offenses.

Offering People an Alternative

So, what can we do here in Orange County to combat crime besides "lock 'em up and throw away the key"? "Rehabilitation" is rarely successful in prison. Prisons are riddled with deeply complex challenges and gang-affiliated cultures that reinforce criminal choices. Thus, how do we help people to "turn a new leaf"? Perhaps we start by *handing* them a "new leaf."

Turning over a "new leaf" means getting a "fresh start." The New Leaf program, led by the Offices of the Orange County Public Defender (OCPD), offers a vanguard approach by helping people chart productive lives, despite their criminal convictions.

Tracy LeSage's Leadership at the Public Defender's Office

New Leaf is led by Tracy LeSage, a seventeen-year OCPD veteran who currently serves as one of three Senior Assistant Public Defenders. LeSage (a former OCBA Board member) is perfectly situated to lead New Leaf's efforts; she oversees collaborative, juvenile, mental health, veterans, homeless, and drug courts for OCPD, previously worked the felony panel, and litigated the highly-publicized Daniel Wozniak double-murder case. Thus, she is intimately familiar with the facets of a criminal mind.

"I'm more of a listener than a talker," says LeSage, which has helped her to gain client trust—and valuable insights into criminality. "Most people just want to feel that somebody cares."

LeSage explains that being a Public Defender goes well beyond negotiating the best possible outcome for the client:

It's about helping people to salvage their lives. A lot of the people we're helping suffer from drug or alcohol addiction, mental health issues, veterans with PTSD, and homelessness. If we fail to address these issues, there is no doubt that many of these people will continue to spiral downward, and be repeat offenders.

LeSage (whose name means "the wise one" in Old French) gently tells me, "Our ultimate goal is to make communities safer. We want people to become productive, law-abiding citizens. If people come into the criminal justice system once, and never return, that's a benefit to all of us."

The New Leaf Premise

New Leaf works by assisting those defendants who have been given probation (mostly though a plea bargain). The setting aside of a criminal conviction provides a powerful incentive for "staying straight and clean" and ultimately a "clean slate." In fact, the possibility of an eventual, criminal-record expungement has "become a very powerful tool for us

in dissuading future criminality," says LeSage.

LeSage explains that criminal convictions block people from employment:

Even a petty theft as an eighteen-year-old can wreck a person's future. And things go downhill from there. Feeling unemployable, people descend into hopelessness. They get depressed. Abuse alcohol and drugs. Lose their housing, vehicle, insurance. Marriages fall apart. So expungement allows people to keep their lives intact. Consequently, New Leaf has greatly helped to reduce recidivism.

New Leaf is not a "soft-on-crime" program. It is typically limited to those with "one, bad hit on their record." They must be eligible and meet the criteria set forth in Penal Code section 1203.4 in order to petition for relief. Accordingly, New Leaf virtually never expunges the records of persons who were convicted of serious felonies such as violent crimes, sex crimes, or crimes against children. New Leaf participants must have fulfilled the terms and conditions of their probation—checking in, "staying clean," leading productive lives by working and/or going to school, committing no new law violations, etc. Probation is typically for three years.

Benefits of New Leaf's Potential to Expunge Records

The OCPD and District Attorney's offices work together in negotiating plea bargains, for those defendants who seem deserving of a "second chance" (probation, not prison).

Once the probationary term expires, an expungement petition must be filed with the court. This entire process is regulated by the "Expungement Statute" (section 1203.4 of the Penal Code). The defendant/petitioner must provide a large packet of information, including any school records, proof of work and work history, recommendation letters, and the like. Once the petition is filed, notice will be given to the District Attorney's Office, which has an opportunity to object. If the matter is set for a hearing, the petitioner attends the court hearing. If the petition is granted, the criminal conviction is officially dismissed.

Past criminal convictions are a barrier to obtaining employment. New Leaf helps people get jobs and removes the stigmatization of these past convictions. In other words, it gives people a new lease on life so they don't end up back in our overburdened and

under-budgeted justice system.

Tracy LeSage is a true hero to each of the New Leaf beneficiaries, to our courts, and to society at large, for helping to prevent future criminality (although she is quick to credit OCPD's paralegal, Raquel Lopez, who handles and coordinates all of the New Leaf intakes and processing, Public Defender Sharon Petrosino, and all of the other staff members and attorneys who support the New Leaf program, as the "true heroes").

I leave you with New Leaf quotes from those who have been helped by this program:

"Because of you I finally got my dream job. I can't thank you enough !!!!!!"

"I have received a job offer from a large and reputable company. This program has given me the ability to lead a successful life. I am forever grateful . . ."

"I feel like this huge dark cloud has finally been lifted for my daughter and [me]. I will always remember the moment that has forever changed my life."



Tracy LeSage, OCPD



Michael L. Baroni is the 2017 OCBA President. He can be reached at united@ocbar.org.