

NINA MOINI: Hollywood has taught entire generations that if you're arrested in the US, you have the right to an attorney. If you can't afford an attorney, one will be provided for you. But what you may not know is that unless you can pay for a lawyer, you likely won't meet one until your first court appearance. And those early hours are critical to a case, according to a nonprofit Minneapolis law firm called the Legal Rights Center.

It launched a hotline this year to help fill the gap in Hennepin County. The hotline is the first of its kind in the state. Marecca Vertin led this project. And she's on the line. Thanks for being here, Marecca.

MARECCA Thanks for having me.

VERTIN:

NINA MOINI: So I think people don't know the process perhaps unless they've been through it. When do people typically meet with their public defender? And tell us a little bit more about why that is.

MARECCA In Hennepin County, it is not uncommon for an arrested person to be detained for hours and hours and sometimes days and days before ever meeting their public defender or an attorney. One part of why that happens is because public defenders are not formally appointed until the first court appearance. And we have a long gap here in Hennepin County, which is part of our local problem, between the point of arrest and when a person makes that first court appearance.

NINA MOINI: OK, that's good context. Thanks. So you mentioned how important those early hours can be. Or we talked about that a little bit. But could you help us walk through why those early hours are critical? What can lawyer or attorney be doing before even heading to court?

MARECCA Yes, we often say that the hours after a person's arrest are critical in both their life and their case. Sometimes people, of course, aren't even formally charged once they've been arrested. But many people are. And a lawyer can impact in those early hours both what's going on for a human, who's just been taken from the streets, taken from their family.

And we can also play a role in helping them assert their rights that are otherwise, without a lawyer, as we continue to learn as we do this work, really just illusory, despite the Hollywood stories that you nodded to.

NINA MOINI: Yeah. So if you did have a lawyer early on, you could be more likely to say, get released pretrial. Or what are some of the procedural things that people miss out on?

MARECCA Yes. So first, I'll just say, part of what's going on in early detention following an arrest is that one study showed nearly 80% of people are said to waive their rights at some point in the hours following a detention. And we put waive-- you can't see me. But we put waive, as we talk about this work, in quotation marks. And that's because, in many cases, it's simply not a meaningful waiver, even if someone recognizes that that's what they've done.

And so part of what we have is the theoretical right to counsel and to make a meaningful, informed decision about whether you share information at that early stage with law enforcement. But we have only a subset of people who can access that right following an arrest. So a lot of what we do is help get our clients, the people we work with, equally positioned to make well-informed choices about sharing information with law enforcement and about a range of things that impact their future over the coming couple of days, but also throughout the life of their case.

MARECCA
VERTIN: Yeah. Well, thank you for that context. That's really important. So the hotline, let's dive in on that. Who can call the hotline? And what can they expect when they do?

MARECCA
VERTIN: Our hotline is really an innovative piece of our program. But the First Defense program is a system-wide response to this gap in timely access to counsel for people across our community. Anyone in Hennepin County can reach out to us. We connect with an arrested person themselves or loved ones of that person.

So anyone can call. And anyone who has a need, which is most of the people who are being policed and prosecuted, most of the people who are reaching out to us, anyone who has a need, we can send a lawyer. And we will send a lawyer to show up and visit with them in detention.

You asked a bit about what our attorneys are doing. Our Community Defense program here at the Legal Rights Center, which is our criminal defense team, we work with other advocates, including members of the private bar, who are partnering, as we did at our partnering with, as we did at our founding, to dispatch those attorneys and send them to police stations and the local jail across Hennepin County.

We're meeting with people in those early hours, talking with them about what's going on with them, being with them, helping them assert their rights. And we're doing that in part in response to calls to our hotline that anyone in our community can reach us at.

We're then helping provide some early advocacy. Part of the issue with this inequity is that we know some people, just a small set of people, we continue to find are able to really just exempt themselves from what's happening in early detention while a lot of the people we're meeting with may not ever have their case reviewed or even be charged. But they're spending a lot of time, a lot of hours at police stations and jails.

So one problem-- one thing we're trying to learn and we continue to learn more about is how much of our local jail is being filled up by people at these early hours of their case. And it's a question we're trying to answer. Again, many of whom might never have their case reviewed but certainly might not ever meet a lawyer.

NINA MOINI: And your hotline happened to launch January 1. Right? And this was during the surge of federal agents to the state. I know you all only work with state-level charges. But how did that impact the services? And did you see some of those patterns that you were just mentioning about who kind of gets to make better use of the process?

MARECCA
VERTIN: Yeah, absolutely. One thing that's happened launching January 1, and we coordinate with advocates who respond in those situations, and we ourselves are advocates who have also responded to federal raids during Operation Metro Surge. But one thing that's come out of that is just increased partnerships with people who are motivated to respond right now. The Legal Rights Center has been around since 1970. And our focus is on the fact that both in moments of crisis but also day in and day out in Hennepin County, arrests are happening to our residents.

So the past few months, our communities have experienced-- and those experiences have been shared widely across the world at really an accelerated rate and intensity-- what it is to be taken to the street, disappeared, or to have that happen to a friend or neighbor, and also often to have that happen without a lawyer.

And so another thing that's happening is that people looking out for their neighbors are seeing similar arrests happening by the Sheriff, for example, and are finding our hotline as a resource, not that just exists in one particular moment, but a resource that's going to be here day in and day out for people who experience these harms every day.

NINA MOINI: And just lastly, Marecca, sorry if this is obvious. But I don't a lot about the process. How can people connect to the hotline if and when they need this help? Because, I mean, I'm thinking you're handcuffed and then go to jail. At what point do they call somebody? And what if they don't have the number memorized?

MARECCA
VERTIN: Yes, well, I'll just say 612-200-0844. And anyone can call. Part of why we actually run a hotline-- and this is a true hotline. It operates 24/7. You will reach a person. And we will keep a line open for people in the first few hours after their arrest who are local. People can reach us by calling.

And part of why we run a hotline versus an app or some other tool or having a text system is that is one thing that people who are detained have access to. They should have a phone call. And we're going to be a part of making sure that happens.

NINA MOINI: All right, Marecca, thanks so much for sharing about this with us. Take care.

MARECCA
VERTIN: Thank you.

NINA MOINI: Marecca Vertin is the community defense and access to justice attorney for the Legal Rights Center in Minneapolis.