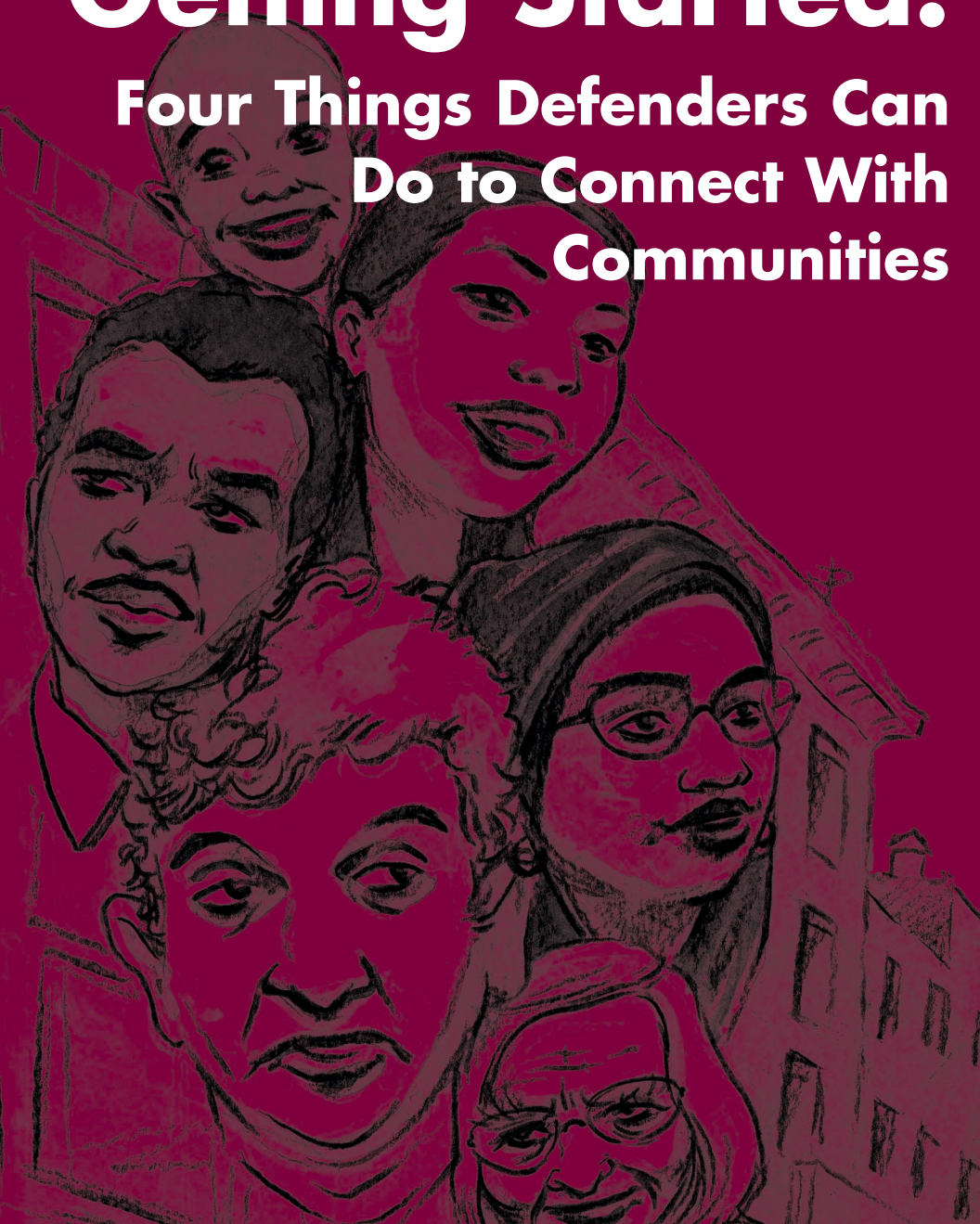


Getting Started:

Four Things Defenders Can Do to Connect With Communities



Raising Voices

A Series by the Brennan Center for Justice

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About the Raising Voices Series

Raising Voices is a series produced by the Criminal Justice Program at the Brennan Center for Justice at NYU School of Law. Our Program's goal is to make the criminal justice system more just, informed, and effective, and to promote sensible approaches to public safety in all communities through policy and legislative advocacy, public education, and litigation. The Raising Voices series elevates the voices and experiences of low-income communities and communities of color, often treated most harshly by criminal justice policies but least likely to have a role in shaping them.

Getting Started: Four Things Defenders Can Do to Connect with Communities describes several initial steps defender agencies have taken to become more community-oriented. They do not require additional staffing or resources, but are effective ways to start building bridges to communities.

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by Kirsten D. Levingston

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For many defenders the idea of becoming more “community-oriented” is a daunting one. Most public defender offices already struggle to manage heavy caseloads, some defenders believe community members and groups will not welcome them as allies, and others question whether they have the right skills for community-oriented work – after all, they were trained as courtroom lawyers, not as social workers or organizers. Some also doubt the efficacy of aligning with client communities, which are generally poor areas perceived as having little political muscle.

However, a growing number of defender agencies are stepping out and expanding the scope of their representation of clients and their contact with communities. Perhaps the very nature of contemporary defense practice dictates the shift. In the past, when felony cases dominated dockets, defenders saw their role as fighting like hell in the courtroom

Defining Community-Oriented Defense

“Community-oriented defense” is a philosophy and practice defenders use to become more effective advocates for their clients. The approach is characterized by:

- Outreach to the people, activists, support groups, and service providers in the clients’ community and the broader justice community; and
- Recognition that these communities possess important assets and allies that defenders can use to better serve clients before, during, and after their involvement in the system

Community-oriented methods help defenders educate the broader community about their role in the system and build a broader base of support for that role. This base of support enables defenders to provide better representation in the courtroom and at the negotiating table; to address a client’s non-criminal needs—like healthcare or treatment for an addiction; and to marshal the political firepower needed for successful policy advocacy and systemic reform.

or at the negotiating table to protect a client's liberty. Now the number of misdemeanor cases has risen, and in some places, has even surpassed the number of felony cases.

Now there are three times more mentally ill people in prison than in mental health hospitals, according to Human Rights Watch, and the percentage of defender clients with mental illness is growing. There are also a slew of stealth post-conviction consequences, documented by, among others, the Center for Law and Social Policy and Community Legal Services, that undermine clients and destroy families: deportation, denial of the vote, termination of parental rights, and exclusion from public housing, to name a few. This new reality and the cascade of consequences flowing from it have prompted some defenders to take a hard look at how they represent their clients, and to consider ways to deepen their advocacy, focusing on life outcomes as well as legal outcomes. More and more defenders view work with community members, community groups, social service providers, legal services lawyers, and clients as essential to effective advocacy.

The Brennan Center for Justice at NYU School of Law has counseled defenders seeking to become more community-oriented. This piece describes four activities that defenders commonly use in their efforts to build stronger ties with client communities: Conducting a workshop, surveying staff, letter writing, and hosting a meeting. These first few steps are cost-effective and straightforward. They do not require additional staff. Although they require time, energy, and planning, building a community-oriented program is not as daunting as some may fear.

For the agencies that have taken these first steps, the expenditure has been well worth it. In some cases, it has even led to additional funding that supports a full-time position devoted to community work. For others, these initial steps have been the jumping off point for a significant community relationship or initiative. For all, they have produced goodwill with community members, and an infusion of ideas and information.

Best of all there are now models for how to do it. The COD frontier is still thick with brush, but there is a core group of defenders out there currently cutting it back, colleagues who can offer advice on how it's done. The Brennan Center for Justice is a resource as well. Currently we work with eight defender agencies across the country that are developing community initiatives. We call this group the "Brennan Center Community Oriented Defender Network," and offer technical assistance, information, and support to help these agencies accomplish their community-oriented goals. At the same time, we are documenting community projects as they unfold, so they may serve as blueprints for others.

Nascent community-oriented defenders take heart. And just do it. The primary ingredients are the will, discipline, and time necessary to build relationships with those who can help you help your clients.

Here are some approaches that have helped defenders create community relationships:

1 Reach out to community members—inform them about their rights.

Defenders know individual rights and criminal justice processes inside and out – both the protections enshrined in case and constitutional law, and whether those protections are applied or not. For people living in heavily policed, prosecuted, and incarcerated communities, securing knowledge of the criminal process is crucial.

When the Bridgeport Office of the Connecticut Public Defender wanted to build a bridge to its community, attorneys there decided to offer workshops in community venues. The first session—about individual rights—was co-sponsored with local religious organizations, but drew disappointing numbers. But the second workshop was in a community center at a local public housing complex, and the response was tremendous. Sixty residents attended to hear a half-dozen Bridgeport staffers speak about what they know: Civil rights, search and seizure, protective orders, police brutality (how to avoid it or how to lodge a complaint if it happens). A social worker discussed the services that the public defender provides. Local businesses donated food, drinks, and door prizes for the event.

Lawyers from the Bridgeport office appeared on a live public radio show just prior to the meeting, fielding questions from callers who wanted to know, for example, how imminent budget cuts would impact the defender office, whether private lawyers provide better representation, and whether the public defender might host a forum geared specifically towards young people.

Now many public defenders are speaking about the criminal justice system and personal rights at forums ranging from school classrooms to church basements. This is community-oriented defense—sharing defender expertise with an audience beyond the individual client. By formalizing this process, and sending a team of defender staff into the community, the Bridgeport Public Defender showed an institutional support and commitment to this approach. Not only did it build bridges with residents, it also connected with local businesses that supported the event. It provided the defenders a chance to answer questions and dispel myths, and, in turn, educated the agency about community needs. The Bridgeport office answered the annoyingly-common “are you a real lawyer” question by visibly demonstrating their expertise—in the community.

2 Identify the community connections inside your agency.

The richest resource in any defender agency is the people who work there. The people who calm distressed parents wondering what will happen at their son’s arraignment, who track down witnesses, and who stand beside clients in courtrooms day in and day out. These individuals are the backbone of every defender organization. They also are a natural link to the broader community. Outside of work, they are neighbors, parents, volunteers, activists, and worshipers in neighborhoods and communities. Their community activities and contacts are important, and can be critical assets for the office. With relative ease, a defender agency can take stock of those contacts through a staff survey—the results of which can help an organization think through how to engage surrounding communities.

The Maricopa County Public Defender’s Office did just that. It circulated a brief staff survey to learn more about the organization’s existing ties to local community groups and issues. In soliciting information about staff members’ lives outside the office, Public Defender Jim Haas explained “[y]our responses will help us identify existing community ties, and . . . build upon them to provide even better services for our clients.” Distributing the survey helped the organization in three ways, according to MCPD’s Special Assistant Public Defender, Jeremy Mussman. First, it encouraged MCPD staff involved in community activities to think about how their private interests and activities relate to the agency’s mission, and vice versa. Second, it revealed that the agency is in close proximity to a range of potential contacts in the community that

MCPD may enlist in the future to better serve clients. Finally, the very act of distributing the survey sent a message to staff that the agency acknowledges and even values their lives outside of the office.

The Brennan Center prepared the instrument MCPD used to survey the staff. It may be accessed—and modified for use—on the Center’s website, www.brennancenter.org. You may wish to survey staff about specific issues, like contacts in the drug treatment or mental health worlds. Or you may use the tool to survey specific staff interests, asking them to describe the types of services or support that they would like to provide clients but currently cannot.

MCPD is also reaching out to others in the community, including the Mexican consulate. MCPD initially approached the consulate to gain a better understanding of deportation’s impact on its clients. From there, the MCPD began exploring additional issues relating to Mexican and Mexican-American clients, gathering information that sensitized staff to cultural and national differences. MCPD is also partnering with local legal services providers to develop a joint project addressing the array of barriers former clients face once they have been through the system. Inside and outside of the agency, the MCPD consistently exhibits its commitment to meeting a broad range of client and community needs.

3 Write a letter to spur community partnerships.

Defenders know that letters can be powerful tools. Not only can they persuade and inform, the mere act of sending one makes a statement. When Rhode Island Public Defender John Hardiman took the helm of his agency after practicing law there for decades, he initiated a letter-writing campaign targeting local community groups. Over the years the demographics of the office's clients underwent a major shift, with the agency representing an increasing number of clients who are Hmong, Cambodian, Laotian and Latino. Hardiman believed his office needed to undergo a change as well. It needed to understand the new populations it was serving, and those populations needed to know more about how the public defender could help.

Shortly after becoming the office's chief public defender, Hardiman developed a list of agencies and organizations serving people of color in the state. He wrote each of them a letter describing the racial injustice he saw in the criminal justice process, explaining his office's role in the process, and extending an invitation to community leaders to come discuss their concerns with him and his staff. Hardiman wrote:

Public defenders recognize all too well that [social] inequality breeds serious criminal justice consequences. There is no doubt, particularly in the area of drug enforcement, that minorities are disproportionately arrested and prosecuted. Poor defendants—innocent or guilty and a disproportionate number of persons of color—are incarcerated because they lack the financial resources for bail. They are forced to stand trial while in custody, further encumbering a defense already handicapped by skin color.

...

The Office of the Public Defender represents the largest percentage of minority defendants within the Rhode Island Criminal Justice System. Our attorneys are dedicated to their clients and struggle for minority rights daily, experiencing a sense of personal loss when beaten down by a system that fosters inequality.

Hardiman knew that his candid assessment of racial bias in the system and description of the personal toll it takes on defenders was risky. But it was also effective. By appealing to the common struggle against racial and ethnic oppression, Hardiman opened up a dialogue with community groups for the first time in his organization's history. Virtually all of the agencies invited to attend the exploratory meeting were there. Informed by those initial conversations, Hardiman developed a road map for Rhode Island's community work.

Since then, Hardiman and his staff have diligently worked to establish and maintain community partnerships, establishing an in-house "Community Partnership Council" comprised of attorneys, social workers, intake personnel and support staff. The council, which meets monthly, has three subcommittees: Community outreach and education, public relations, and holistic services. Rhode Island recently won a grant to fund a community liaison to work full time on the range of community projects. "Getting your foot in the door is critical. Once you do that, the partnerships will come," explains Assistant Public Defender Kelly Monteiro, chair of the Community Partnership Council. For Rhode Island, it all began with a letter.

4 Make your office a community resource.

Knox County, Tennessee, is facing a critical, yet growing problem: Mentally ill people in the community are increasingly being channeled into the criminal justice system instead of being treated for their illness. There are more than twice as many individuals with serious mental illness housed in the county jails of Tennessee than are hospitalized in the state mental health institutes. In Knox County mental illness affects one in five county residents, with a number of the seriously mentally ill going untreated and eventually winding up in county jails.

The Knoxville Public Defender Community Law Office, located in Knox County, is all too familiar with this unsettling trend. In 2003 the organization re-invented itself, opening a new office (aptly enough on Liberty Street) and adopting a new philosophy. “Based on a holistic representative model,” the agency mission states, “the CLO works to reach beyond the traditional professional responsibility of legal counsel for clients.” In keeping with that mission, the Knoxville Public Defender is intent on meeting its clients’ mental health needs, and is working with the mental health community to do it.

The Knoxville Public Defender recently hosted a workshop sponsored by the Mental Health Association of East Tennessee and the Mental Illness Awareness Coalition entitled: “Justice For Parents with Mental Illness and Their Invisible Children.” Over 120 consumers, mental health professionals and criminal justice program professionals met at the defender office, including the Commissioner of the Tennessee Commission on Children and Youth. Linda McLaughlin, the Community Law Office’s Social Services Director, attended the session and reported:

The most impressive and effective presentation was by a consumer with a serious mental health diagnosis and her adult daughter. These brave individuals discussed the fears of the mentally ill and their families in seeking assistance. Professionals in those areas heard about the additional trauma our systems' (mental health & criminal justice) approaches frequently place on children of the mentally ill and how these kids/families develop their own strategies for staying safe (usually from us). I strongly encourage all agencies wanting to develop effective programs and selling those programs to involve consumers. My heart ached for all these families after that last session. And, I left determined to pay attention to my clients and their families when they tell me what they need—it takes a holistic approach.

By opening agency doors to mental health service consumers, service providers, and key decision makers, the Community Law Office accomplished at least three things. First, it demonstrated the agency's serious concern about the mental health issues of those involved in the criminal justice system. Second, it demonstrated an openness to working with service providers and mental health officials. Finally, as McLaughlin reports, hosting the event brought the organization's staff in closer contact with the community, reminding staffers that they must listen to the needs of the consumers of mental health services, the people being served—or disserved—by the system.

Even if a defender agency does not have the space to accommodate a group of 120, it can still invite members of the community into the office for smaller gatherings or meetings, like brown bag lunches. These overtures also show the defender's commitment to working with the broader community and expose staff to client perspectives.

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