

**Summary of Forum Held on June 21, 2002: Bronx and Knoxville Community Defender Agencies Combine Case Representation and Crime Prevention**

**Summary's Highlights**

*Note: Hosted by the University of Pennsylvania's Jerry Lee Center of Criminology, this Forum was the sixth in a series highlighting promising and pioneering state and local efforts to address crime.*

Community defender agencies expand the traditional case-representation role of public defenders to include implementation and pursuit of crime prevention strategies. The goal is not only to provide vigorous representation of clients in court but also to deal with underlying problems that bring clients into the criminal justice system in the first place and thereby prevent reoffending and enhance public safety.

Two such agencies are the Community Law Office in Knoxville, Tennessee, and The Bronx Defenders in New York City. Launched in 2001 and 1997, respectively, the organizations provide effective, free representation for thousands and work with social service, educational, health, and other public assistance agencies to address client needs that, if ignored, may well lead clients back into court in the future.

Forum presenters included moderator Philip Keith, Chief of Police, Knoxville; Mark E. Stephens, Public Defender, Sixth Judicial Circuit, Community Law Office, Knoxville; Linda McLaughlin, Social Services Director, Community Law Office, Knoxville; Robin G. Steinberg, Executive Director, The Bronx Defenders, New York City; and Calvin Cooper, former client of The Bronx Defenders.

Police and community defenders work on the same spectrum—that of public safety, according to moderator and Knoxville Chief of Police Philip Keith, who also serves as a Forum Advisory Board member. Often, however, police focus too narrowly on the tactical and the short-term and not enough on overall strategy, he said. What police should emphasize more, in his opinion, are crime prevention measures directed toward reducing reoffending, as community defenders do. He introduced community defenders from his city and the Bronx, who explained how they broadened the role of public defenders by harnessing community resources to address clients' underlying problems that, if left unattended, could well result in reoffending.

**Community Defenders From the Perspective of Mark E. Stephens, Public Defender, Sixth Judicial District, Community Law Office, Knoxville, Tennessee**

The public defender function in Knoxville expanded its role in 2001 and has operated as the Community Law Office since then. Its staff of 50 (including 25 lawyers) handles about 16,000 cases annually and does so in a manner that goes well beyond the traditional public defender role of case representation. Noting that clients represented under the traditional public defender approach often recidivated—that is, were subsequently rearrested on new charges—the Community Law Office expanded the public defender's role by embarking on a crime prevention strategy designed to help clients address underlying circumstances that brought them to the

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<sup>1</sup> The Forum summarized here was one in a series to afford Capitol Hill and Executive Branch staff, selected representatives from the practitioner and research communities, and key interest-group leadership an opportunity to hear innovative perspectives of state and local frontline criminal justice practitioners and researchers. The Forum was held in Washington, D.C. University of Pennsylvania Senior Fellow Laurie Robinson serves as Executive Director of the Forum on Crime & Justice. William D. Falcon prepared this summary. Comments of Forum participants are paraphrased unless placed between quotation marks.

Office in the first place and would likely contribute to their being charged again.

So the Community Law Office works both within and outside the borders of traditional representation. The traditional task of focusing on a client's charge is supplemented by a more holistic approach that the term "community defender" has come to embrace. The task becomes one of better equipping clients to deal with life by involving social service, education, and other public assistance agencies to address the needs of clients so they will not face criminal accusations in the future.

**Comments of Linda McLaughlin, Social Services Director, Community Law Office, Knoxville, Tennessee**

The Community Law Office, in effect, rejected the idea that it must work and think within traditional boxes. It expanded the notion of what public defenders should do and involved everyone in the Office—lawyers, secretaries, investigators, etc.—in a broader, community defender approach. Among the assistance given to clients by the Office and the involved community agencies are the following:

- Helping to set up treatment and support teams for those with medical and mental health problems.
- Addressing developmental, vocational, and educational difficulties.
- Organizing programs for juveniles.
- Arranging transportation to the Office, court, and other destinations.

Clients are involved in discussions about services they may need and are asked, "What do you want to change?"—in contrast to providers' thinking they know what is best.

**Comments on Community Defenders by Robin G. Steinberg, Executive Director, The Bronx Defenders, New York City**

When The Bronx Defenders opened for business in 1997, it found little outside support among lawyers and the judiciary. The community, however, voiced wholehearted encouragement once it realized that The Bronx Defenders' role would extend considerably beyond that of the typical public defender. The Bronx Defenders' core mission is to provide fair and effective representation. But, given the revolving-door nature of the criminal justice system, working with clients on issues that brought them into the system made sense to many people and elicited strong community support for The Bronx Defenders' crime prevention orientation.

What makes community defenders effective partners in public safety is their ability to put together prevention programs (e.g., providing in-office mentoring of high school debaters), to provide support while clients are involved in the criminal justice system, and to supply aftercare once that involvement ceases. When a group of teenagers was asked how best to describe to judges the connection between The Bronx Defenders' broadened approach to representation (such as conducting an arts and literacy program for third- and fourth-graders) and the criminal justice system, one replied, "You can tell them they can see us either here [at The Bronx Defenders' office] after school or in front of them."

### **Remarks by Calvin Cooper, former client of Bronx Defenders**

Upon learning about the opportunities and benefits offered through The Bronx Defenders, he jumped at them, received continuous support, and focused on becoming a constructive person. Other legal aid groups, in contrast, made him feel like a number, he said. In his opinion, if legal aid groups operated like The Bronx Defenders, they would take a lot of kids off the street.

### **Questions and Answers**

*What can Washington do on behalf of community defender programs?*

Stephens: Washington should recognize community defenders as a true component of the criminal justice system and give defenders an opportunity to participate in planning and policy formation.

Steinberg: All components must be strong and should be viewed as partners. Community defenders should be “at the table.” Washington should see defenders as problem solvers.

Attendee (Donald Santarelli, former Administrator, Law Enforcement Assistance Administration): Congressional earmarking of funds should be resisted. It is not an efficient way to spend federal dollars, does not contribute to statewide and communitywide programs, and does not help local experiments like community defending.

*What is the reaction of prosecutors and local law enforcement to a broader role for public defenders?*

Stephens: Prosecutors are excited about what the Community Law Office is doing and often make referrals to the Office. The police have been supportive of the Office’s various initiatives.

Steinberg: The district attorney is supportive of The Bronx Defenders’ education programs, for example. Also, the two agencies engaged collaboratively in implementing an alternative-to-incarceration program that provided a certain treatment for a class of offenders. The Bronx Defenders’ experience with police is a little more mixed, given the tensions that can arise through vigorous defense of clients in court. But prevention work receives lots of police cooperation.

*What are some of the major hurdles faced by community defenders?*

Stephens: Funding is always a concern. Also, some older lawyers find it difficult to incorporate the community-defender concept into practice.

Steinberg: On the issue of funding, availability of federal support would help. Another major hurdle is overwork. Caseloads are enormous. Staff tries not to get overwhelmed by the broader notion of what the organization ought to be doing. What helps is to have social workers and investigators involved in the process.

*What is the interface or interaction of community defenders with community/problem-solving courts, which also pursue a holistic approach?*

Steinberg: The movement to create more problem-solving courts is good if those courts can get to, and address, the underlying problems facing clients. Particularly good in this regard are drug courts in some places. Problem-solving courts have been ineffective in other arenas. Some of the most effective drug courts have adopted a philosophy of working with clients in positive, realistic, and practical ways. Such courts not only ensure that clients are made aware of

expectations but also reward and applaud client successes. Those courts are very successful and are in line with the community defender approach, which is to provide services. To the extent The Bronx Defenders has had the opportunity and jurisdiction to interact with those courts, the experience has been wonderful. But the majority of clients will not end up in problem-solving courts, and so community defenders are a way to supplement, and work together with, problem-solving courts. To the extent that problem-solving courts have reeducated the judiciary—including training on the nature of clients’ problems, why they arise, and how to deal with them—that has been very effective in helping us bridge the communications gap between the judiciary and community defenders.

Stephens: We ask our clients to tell us what problems they want to address. The community defender approach is not about court-mandated service but about the importance of clients voluntarily facing, and dealing with, issues affecting them.

*What could police chiefs do to further the goals of community defenders?*

Stephens: Community defenders need to be seen by chiefs as a resource to promote public safety. Each needs to be regarded as a resource for the other to improve what they respectively do. This has not yet occurred.

#### **For More Information...**

- For information about the Community Law Office and The Bronx Defenders, please visit their respective Web sites: <http://www.pdknox.org> and <http://www.bronxdefenders.org>.
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