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The Science of Serving the Whole Client

Atlanta Public Defender to Measure Holistic Defense in Municipal Court

The Safety and Justice Challenge is a national initiative, backed by a \$100 million investment by the John D. and Catherine T. MacArthur Foundation, to reduce over-incarceration by changing the way America thinks about and uses jails. Earlier this year, the MacArthur Foundation announced that 20 new jurisdictions would join the Challenge. Each will design and test innovative local justice reforms to safely drive down jail usage and reduce racial and ethnic disparities in their local justice systems.

Cornerstone spoke to Rosalie Joy, Chief of the Atlanta Office of the Public Defender, about the reform she is leading: implementing a case management system to measure holistic, municipal defense practice.

The City of Atlanta is one of 20 jurisdictions to join the Safety and Justice Challenge Network this year through the Challenge’s Innovation Fund. What innovative approaches are you taking to rethinking the way Atlanta uses its jails?



Rosalie Joy: Atlanta, like so many other local jails across the nation, is populated with people who have not been convicted of a crime, but are too poor to post bail. These jails are also populated with people who have been convicted of minor charges; unlawful conduct that in many respects is a direct consequence of poverty and weaknesses in our nation’s strategies for providing education, health care and opportunity in our local communities.

The criminal justice community in Atlanta, however, has embraced the need to change course. It started, from our perspective, with a communications strategy that promoted mutual respect for all stakeholders, including the police, jail leadership, prosecutors and judges. Leading change through programmatic success stories has cultivated not only buy-in, but also generated motivations to model holistic strategies. Judges routinely consider alternative sentencing and rely on public defenders to chart interventions. Prosecutors are developing pretrial intervention programs that avoid convictions. Jail leadership has developed programs of their own; including mental health care and job training that provides certification in marketable skills. Large investments in police training include implicit bias and crisis intervention. Special operations

units include the implementation of a police led pre-arrest diversion program that is slated to begin this summer. Galvanizing the community of police, jail officials, judicial and prosecutorial agencies is a critical benchmark to achieving a reduction in the use of jail, and in Atlanta, a promising effort to embrace the needs of our community and reduce incarcerations.

Our Innovation Fund grant is the next step forward. The Public Defender's new case management system will allow us to track the progress of our clients linked to social services and help us make evidence-based arguments for productive alternatives to jail.

What are the challenges to providing holistic defense representation in municipal courts?

RJ: Municipal and other lower court systems that adjudicate misdemeanors and city ordinance violations are shouldering the highest volume of criminal cases of any other court in the nation. When the Supreme Court expanded the 6th Amendment right to counsel in *Argersinger v. Hamlin* the justices opined that there would not be enough lawyers in the country to take on the workload of clients facing charges in these courts. Defenders are challenged every day with standing-room-only city courtrooms and judges who have to make way too many important decisions within the span of a single docket. The pressure to represent the client without causing delays in the courtroom is daunting even with the most basic advocacy. Add in holistic defense, and it may be said that the equation gets more complicated because it takes more time. But in fact, it's just good lawyering as attorneys take time to know their clients, to advocate for release from jail, defend against charges, find alternatives to incarceration, and mitigate sentencing and collateral consequences.

Holistic defense is critical to lower court systems. The intersection between public health, disparate treatment, and public safety collides inside these courtrooms. A client's best chance for an outcome that doesn't drive them right back into the criminal justice system is a zealous advocate who humanizes their story. Holistic representation prevents assembly-line justice and outcomes that are failures. The reality of how issues like homelessness, mental illness, drug addiction, unemployment, discrimination and poverty drive clients into the system and punish them for these conditions is illuminated by the holistic defender. The defender is the voice in the room that reminds these busy court systems that defendants are people who are deserving of health, housing, food and opportunity. Many of our clients grew up without these basic needs and now stand before the court looking for justice themselves.

Why are data and analytics important to holistic defense practice?

RJ: Let's face it. The government obligation to provide counsel free of charge doesn't come with an ATM card for defender organizations. Funding is typically very tight and funders typically scrutinize what they have to give and why they have to give it. Engaging in a holistic defense practice is a new concept in many jurisdictions where funders may question why social workers and client advocates are necessary to the organization. After all, from their vantage point, what do they have to do with the right to counsel? The answer, of course, is



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found in the data and analytics that empirically establish the proof of how essential holistic defense is to improving public safety, reducing public safety costs and preventing recidivism.

A holistic defense practice that dedicates resources to understanding client needs far beyond the criminal charge and the courtroom must also be able to demonstrate the value of these services to the community and the funders who make next year's decisions.

What kinds of information are you hoping to track and report using your case management system?

RJ: I have a client whose life story is unique, but at the same time, represents the thousands of people that my office represents every year. Anyone who works as a defense attorney recognizes the common threads that bind the brotherhood together. The childhood memories of hunger, struggling parents, mean streets, discrimination and inopportunity are common themes that weave through the experience of clients caught in the prison pipeline.

What happens when your holistic defense strategies lift someone up out of poverty and away from the trauma of hopelessness? What's the magic bullet? Is it the amount of time defense counsel or their social worker spent supporting the client and working with them as they charted a new course? Is it the social services you linked your client to; or could it be the supportive housing

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environment that your client resides in after 25 years of living in a tent? Is there a correlation between these services and your client's reduced encounters with police? And how does the cost of policing and punishment compare to the cost of interventions? This kind of data that is so critical to developing effective strategies that accomplish three key things: The first is improvements in the quality of life for the client and the communities where they live. The second is improvements to public safety, police and prosecutor awareness, and their responses to the community. The third is sustaining stakeholder and funder support for alternatives to incarceration through empirical evidence of what works and what does not.

The Office of the Public Defender is representing Atlanta in the Safety and Justice Challenge Network. What does defender leadership bring to criminal justice reform initiatives like the Challenge?

RJ: In my experience, defenders have struggled to be included in policy conversations and the development of strategic plans to address the crisis that our country faces regarding the overuse of jails and the recidivism that ineffective methods of accountability in our justice system have cultivated. It is exciting that our advocacy has gained momentum and that executive leadership, legislators, prosecutors, police and judges are engaged with defender leaders who bring voice and valuable insights to the conversation. Defender leadership includes the voice of the client – the very people that have lived the criminal justice experience – the only people that can teach all of us about the realities of what some of our current systems are accomplishing by adhering to old standards and philosophies about what defines justice and what improves public safety.

Reform initiatives like the Challenge provide defender leadership critical opportunities to contribute to the development of strategies that can forever change the landscape of criminal justice and the American response to legitimate public safety concerns. It's not an us-versus-them contest anymore, and it shouldn't be adversarial when interests on both sides of the table are equipped with evidence-based technologies and social science that points us all in the same direction. ■

Rosalie Joy is a member of the Community-Oriented Defender Network; the NLADA Defender Council; and the Executive Committee of the American Council of Chief Defenders (ACCD). She is chair of the NLADA Municipal Defense Network. She will deliver a presentation at the 2017 ACCD Conference on the topic of incorporating new ideas and interdisciplinary teams into traditional defense practice in June.



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