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Fact Sheet:

Smart Defense Initiative Expands Evidence-Based Approaches to Public Defense

The U.S. Department of Justice, Bureau of Justice Assistance's (BJA) "[Smart Suite](#)" of programs brings science into criminal justice systems to identify what is working in the field to make communities safer, improve performance, and contain costs. While other criminal justice sectors have made tremendous advances in using research to target limited resources, there are almost no data about what works in public defense. This means that states spend over [\\$1 billion](#) on public defense each year without reliable information about what makes defenders effective.



To spur study in this area, in 2015, BJA added the Smart Defense Initiative to the Smart Suite portfolio, funding five sites that are improving their indigent defense systems and measuring the impact of their work on the performance of their justice systems. **The National Legal Aid & Defender Association (NLADA), the national training and technical assistance provider for Smart Defense, is pleased to announce that BJA is expanding the [Smart Defense Initiative](#) to fund a portfolio of innovative, evidence-based approaches to strengthening public defense:**

Partnering with Police and Community in Contra Costa County

Contra Costa County, California, is the sixth site added to the Smart Defense Initiative, and its project focuses on reforming its misdemeanor pretrial justice system. In Richmond, CA, as in many cities around the country, low-income people who are cited for misdemeanors and released generally do not begin receiving legal advice until their first court appearance, when counsel is made available to those who qualify. Many individuals who are cited and released do not understand that these citations require them to return to court and, as a result, as many as one third fail to appear, and are consequently arrested and jailed. This period of incarceration taxes these individuals, their communities, and the criminal justice process disproportionately to the seriousness of the original alleged offense.

The Contra Costa County Office of the Public Defender is partnering with the local Richmond Police Department and the West County Reentry Resource Center to establish the West County Misdemeanor Early Representation Project. People who are cited and released will now receive printed information about the immediate availability of legal representation from public defenders operating out of the West County Reentry Resource Center, where defendants can also receive social services (like mental health and drug abuse counseling) that can help them better navigate the criminal justice system. In addition, defendants will receive automated appointment reminders, which have been demonstrated in other jurisdictions to reduce failures to appear by up to 60%. The research partner, the Justice Management Institute, is evaluating the impact that this project has on the financial and human costs of the criminal justice system.

Modeling Defender-Researcher Collaboration

NLADA and its training and technical assistance partner, the National Criminal Justice Association (NCJA), consult with all of the [Smart Defense sites](#) on indigent defense systems evaluation, researcher-practitioner collaboration, problem solving, and program advocacy. NLADA and NCJA are consulting with the newest Smart Defense site, Contra Costa County, and integrating its project with the five original sites: Alameda County, CA; Kentucky; New York City; Texas; and Wisconsin. In addition, NLADA

“The results of BJA’s first Smart Defense class will be on the forefront of models to improve public defense delivery systems nationwide.”

Denise O’Donnell, former BJA Director

is expanding its technical assistance role beyond the six Smart Defense sites to offer its expertise to innovators in the field of indigent defense in additional jurisdictions upon request.

The Smart Defense Initiative supports evidence-based interventions that benefit not just the local sites where they originate, but also jurisdictions around the county seeking models for adaptation and replication. So while NLADA advises the sites on state and local implementation of their

projects, it assists them in designing model policies and producing research that will have a national impact. In the next phase of the Initiative, as the first class of Smart Defense graduates, NLADA will share their findings with the field and explore possibilities for growth and replication. NLADA will also report its own recommendations for making the most of defender-researcher partnerships.

Connecting Defenders to Neighborhood Revitalization Projects

BJA’s [Byrne Criminal Justice Innovation \(BCJI\) Program](#) focuses resources on neighborhoods with high incidence of violent crime, and empowers community leaders to develop data-driven strategies for preventing and reducing crime. Their cross-sector teams include law enforcement, urban planners, researchers, and others, but typically have not maximized the resources of local public defenders who have developed related [community-oriented](#) approaches to creating more responsive justice systems. NLADA is collaborating with the Local Initiatives Support Corporation (LISC), the national technical assistance provider for BCJI, to coordinate the efforts of BCJI grantees and defenders.

Strengthening Private Assigned Counsel

The overwhelming majority of criminal defense representation is provided by publicly-financed attorneys, and most of this representation is provided not by full-time public defenders, but by private attorneys who are assigned or contracted to take cases. Unlike full-time defenders and prosecutors, private assigned counsel typically lack formal structures for training and oversight that would ensure the quality of their work. Counties in Texas that have developed attorney mentorship programs have found them to be a resourceful strategy for preparing private attorneys for criminal defense practice. NLADA is collaborating with Texas defenders, trainers, and researchers, to adapt, implement, and evaluate a [model mentoring curriculum](#) in three new sites.

“Research-informed practices will lead to innovations that improve the criminal defense system for everyone.”

Jo-Ann Wallace, NLADA President & CEO

Leveraging Federal Resources for Defenders

Although defenders and researchers are eligible for a number of new federal funding opportunities, most defenders do not take full advantage of them. For example, even though indigent defense is a priority area for BJA’s [Edward Byrne Memorial Justice Assistance Grant \(Byrne JAG\) Program](#), public defense still receives only a [fraction](#) of overall Byrne JAG funding: in 2014, about \$4 million out of \$376 million. To help address this knowledge and funding gap, NLADA is bringing on board a [federal resources](#) specialist who will develop tools and provide one-on-one technical assistance to defenders seeking and applying for federal grant programs.

Building Cross-Sector Criminal Justice Coalitions

The [Right to Counsel Campaign](#), funded by BJA and guided by the Justice Programs Office at American University, engages a consortium of diverse criminal justice stakeholders and policymakers to champion effective public defense as a critical component of fair and functional criminal justice systems. NLADA continues to provide strategic input into the Campaign, and will convene representatives of the National Association of Counties (NACo) and the National Association for Court Management (NACM) to explore how public defense impacts their work.

Founded in 1911, NLADA is America's oldest and largest non-profit association devoted to ensuring excellence in the delivery of legal services to those who cannot afford counsel. For over 100 years, NLADA has pioneered access to justice at the national, state and local level.



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