



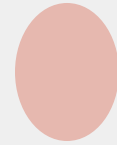
INTRODUCTION TO HOLISTIC DEFENSE

Wes Caines

Caitlin Becker

The Bronx Defenders

Agenda



Introductions + Goal Setting



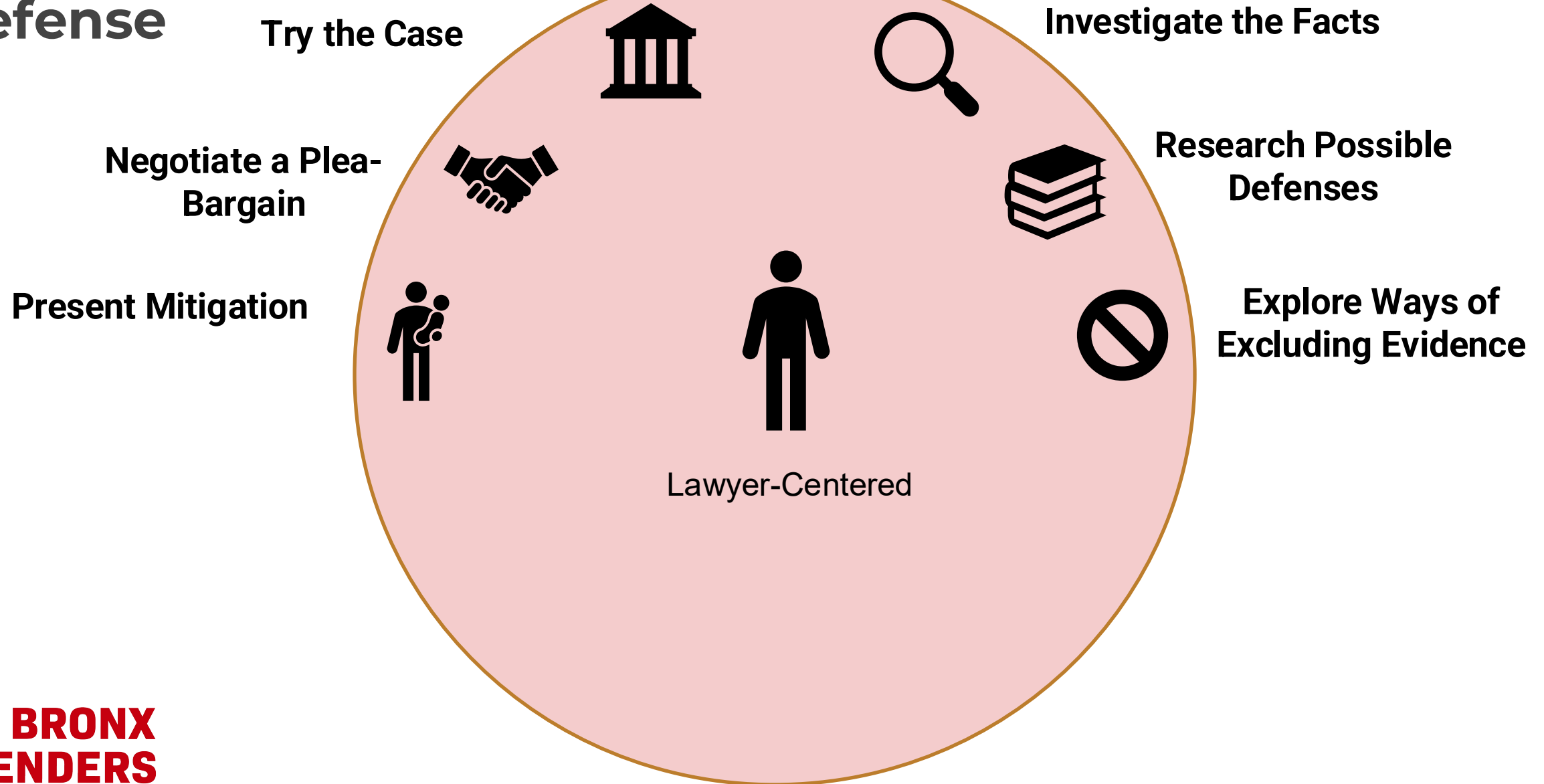
Introduction to Holistic Defense at BxD



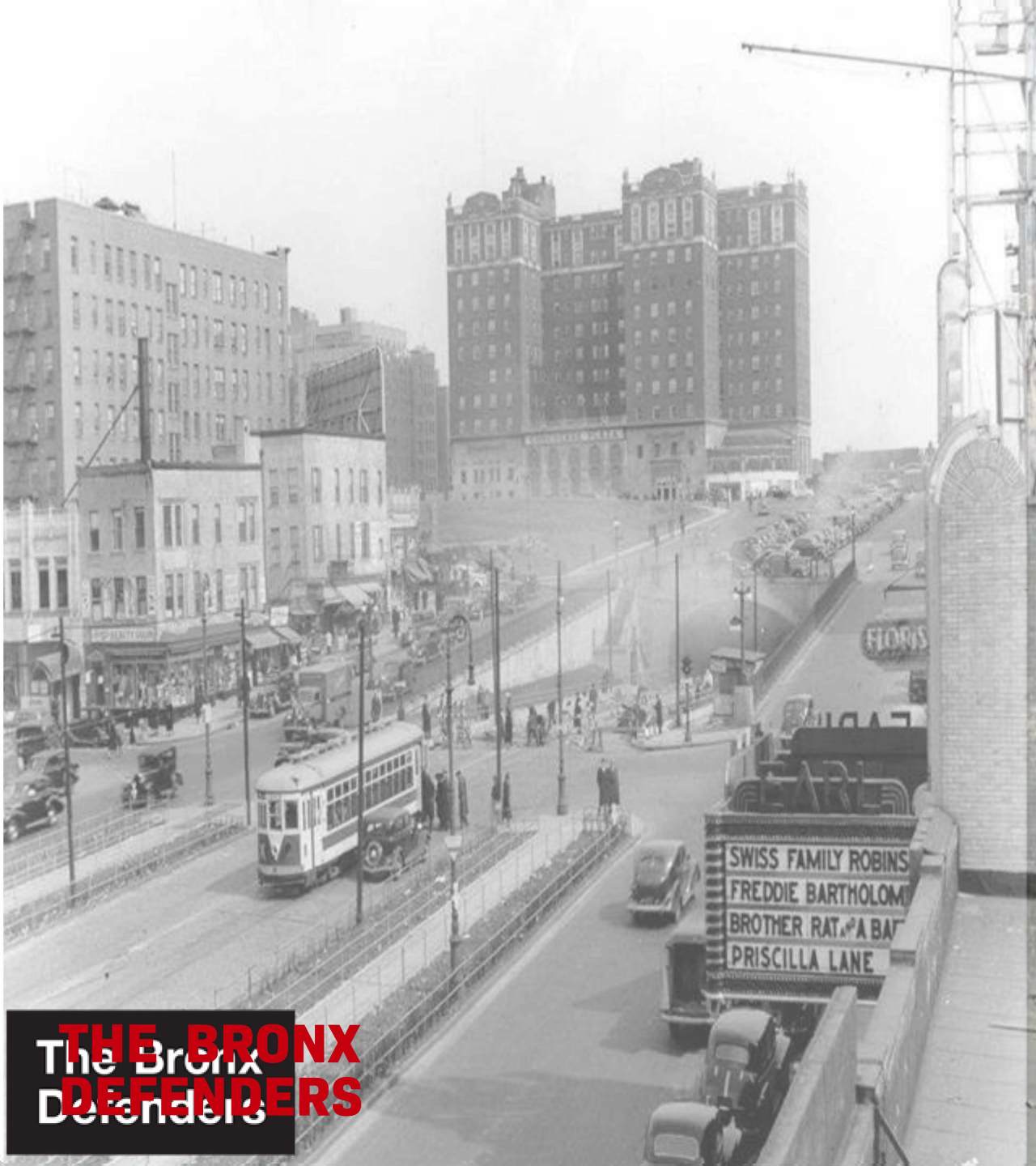
Q+A

Holistic Defense: What is it?

Traditional Defense



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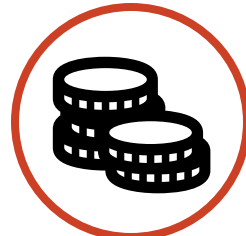
Systemic drivers of criminal system involvement



**Unmet
mental health
needs**



**Unmet
substance
use needs**



Poverty



**Over
policing**



**Housing
Instability**

Perpetual punishment of criminal system involvement



**Family
Separation**



Deportation



**Un and Under
Employment**

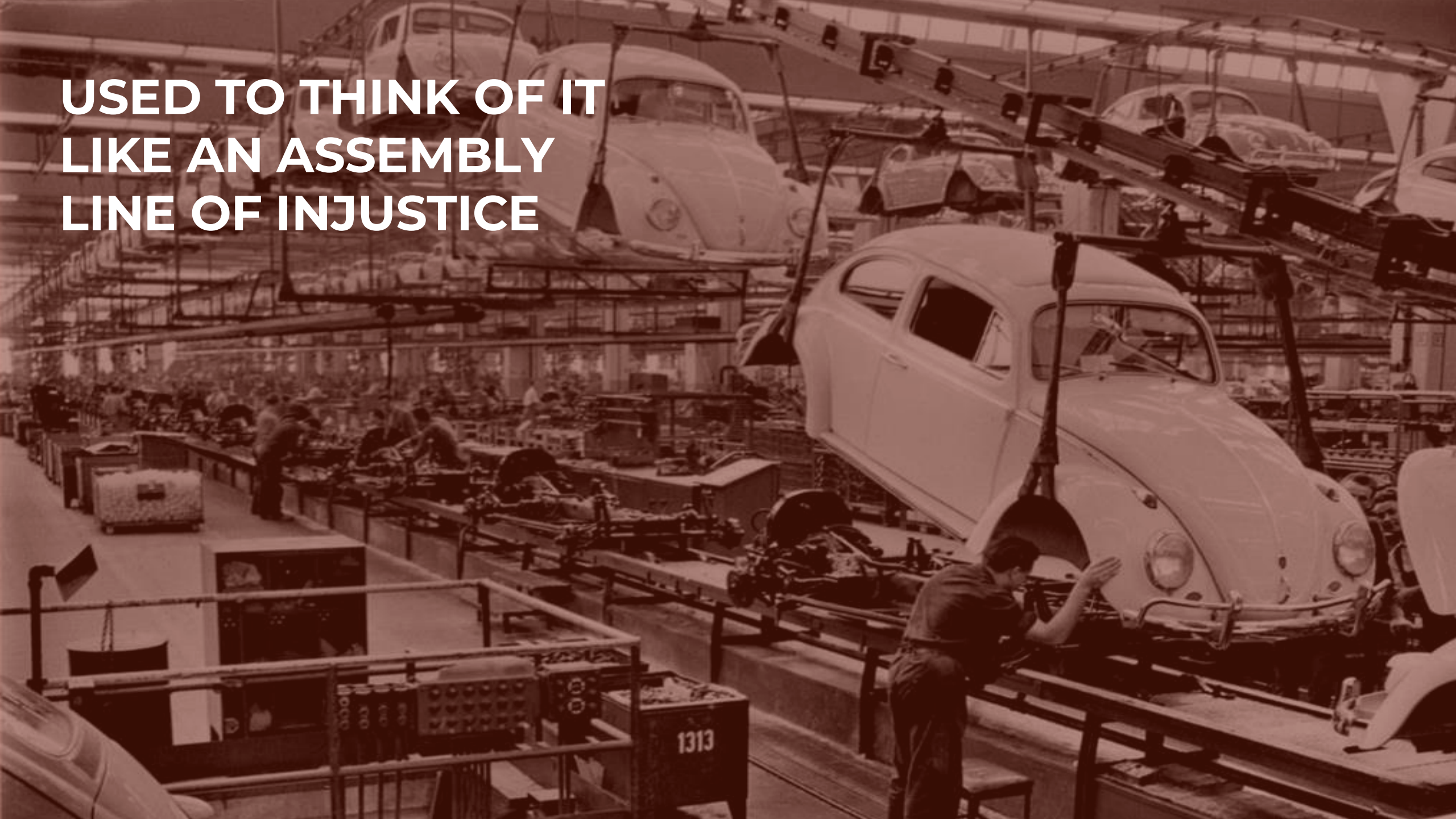


**Loss of
Benefits and
Financial aid**



**Eviction and
Housing
Instability**

**USED TO THINK OF IT
LIKE AN ASSEMBLY
LINE OF INJUSTICE**



Holistic Defense: The Model



**REALIZED IT IS
MORE OFTEN LIKE
A TANGLED WEB
OF OPPRESSION**

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Holistic Defense

Try the Case



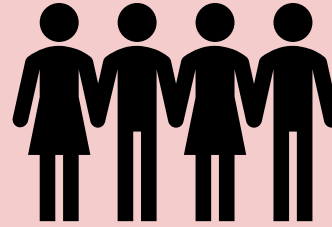
Investigate the Facts

Negotiate a Plea-Bargain



Research Possible Defenses

Present Mitigation

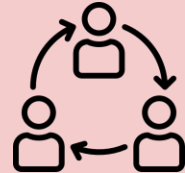


Team-Based



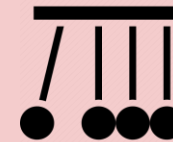
Explore Ways of Excluding Evidence

Collaborate with Client and Other Team Members



Ask about Non-Legal Needs

Connect Client to Legal and Social Service Supports



Identify Non-Criminal Legal Issues

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Learn about Client Community



Four Pillars of Holistic Defense

Advocates with an interdisciplinary skill set

Seamless access to services that meet clients' legal and social support needs

Dynamic, interdisciplinary communication

A robust understanding of, and connection to, the community served



Four Pillars of Holistic Defense

Advocates with an interdisciplinary skill set

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Interdisciplinary Skill Set

● Identify common legal and non-legal issues impacting the client community

● Attend trainings about those issues

● Develop relationships with different types of lawyers, advocates, and experts

● Shadow practitioners, observe other courts, co-counsel cases, go on site visits

● Stay informed

Example: Interdisciplinary Training

CLE | Mental Health and the Criminal Justice System: Working with Defendants with Mental Health Issues

Follow

Friday, January 12, 2018 | 8:30 to 11 a.m. | CNY Philanthropy Center, 2nd Floor Ballroom, 431 E. Fayette Street, Syracuse, NY 13202 | CREDIT: 2.5 MCLE (1.5 Ethics, 1.0 Skills) COST: \$50 Member, \$75 Non-Member, \$25 Paralegal, FREE to the following: Agency/Lifetime/Student | Financial waiver information is available [here](#) | Under NYS rules this CLE has been APPROVED for Experienced and Newly Admitted Attorneys

This CLE will help judges and attorneys recognize signs and symptoms of mental illness in defendants so that appropriate responses can be initiated, both within the criminal justice system (e.g., 730 exams) and to outside community service agencies.



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CRIMINAL IMMIGRATION CLE The Consequences of Criminal Pleas and Family Court Findings on Noncitizens

WHEN

May 27, 2016
1:00 pm – 3:00 pm

WHERE

Bar Association of
Erie County

438 Main Street, Sixth Floor, Buffalo, NY 14202

SPEAKERS • **Sophie I. Feal** • Immigration Program Director at the Erie County Bar Association Volunteer Lawyers Project, Inc. • **Wedade Abdallah** • Immigration Attorney at The Legal Aid Society of Rochester, New York

FOR ALL PUBLIC
DEFENDERS AND
ASSIGNED COUNSEL
PANEL ATTORNEYS
IN ERIE COUNTY

CLE CREDIT

2 CLE CREDITS PROVIDED

COST

FREE OF CHARGE

SPONSOR

THE WESTERN NEW YORK
IMMIGRATION ASSISTANCE
CENTER, a joint project of
the ECBA Volunteer
Lawyers Project, Inc. and
The Legal Aid Society of
Rochester, New York.

Funded by the NYS Office
of Indigent Legal Services
to improve the quality of
mandated representation.



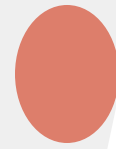


Four Pillars of Holistic Defense

Seamless access to services that meet clients' legal and social support needs

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Seamless Access to Services



Research social and legal service providers and/or consider creating in-house roles



Create database of service providers and what types of issues they handle



Develop a referral system for internal and/or external services



Gather information from clients to help identify social and legal service needs



Connect clients to resources in ways that minimize duplication of effort and information

Example: Intake Checklist

PRIVILEGED AND CONFIDENTIAL

CLIENT _____
DATE _____
DKT # 2013BX _____
ATTY _____

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Redefining public defense.

THE ARRAIGNMENT CHECKLIST

IMMIGRATION

Country of Birth _____

If not U.S. born:

Naturalized Citizen

Non-Citizen

▪ Status: LPR - since: _____

Entered without inspection - year: _____

Visa overstay - since: _____

Other: _____

EMPLOYMENT Employment license; Job at risk

HOUSING Search warrant case; Lives in or applying for NYCHA or Section 8 housing

FAMILY DEFENSE Client's child named in complaint or present at arrest and don't know where child is; Other ACS involvement (investigation; abuse or neglect case)

POLICE MISCONDUCT NYPD or DOC injured or attempted to injure client

MILITARY/VETERAN Currently in military; Served in military; Actively pursuing military career

MENTAL HEALTH Presents as mentally unstable; Has mental health diagnosis and is not receiving medication/treatment

STUDENT LOANS Currently receives student loans for college and is charged with a drug offense

DRIVER'S LICENSE Has a driver's license and is charged with a drug offense or DUI

CHILDREN SUBJECT TO ORDER OF PROTECTION Client's child named in the TOP; Family court order needed to see child

PAROLE OR PROBATION Currently on parole or probation

OPEN CASE Currently has another open criminal, family, or civil case pending

Type of Case: _____ NCD: _____ Part: _____ Atty: _____

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Four Pillars of Holistic Defense

Dynamic, interdisciplinary communication

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**Dynamic,
Interdisciplinary
Communication**



Respect the skill set of others



Communicate early and often



Balance sharing and receiving information



Accept and learn to navigate conflict



Center the client

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Example:
Working
Together



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Four Pillars of Holistic Defense

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A robust understanding of, and
connection to, the community served

Understanding of and Connection to the Community Served



Engage clients and their families



Recruit staff with lived experience and from the community



Offer Know Your Rights (KYR) trainings



Participate in community service projects



Attend community events



Build partnerships with community organizations

Example: Engaging with the Community



LEGAL EMERGENCY HOTLINE

To facilitate access to attorneys during emergencies, The Bronx Defenders launched a 24-hour hotline. If you or your family member is arrested, wanted by the police, or contacted by ACS, reach out to our hotline anytime of the day at

(347) 778-1266

We will call the precinct to get information, stay in contact with family and friends, and answer questions about the process.

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Defenders



COVID-19 & YOUR LEGAL RIGHTS THURSDAY, MAY 28, 6PM ET ON IG LIVE



LENORA EASTER
TEAM LEADER

JEAN PADILLA
PARENT ADVOCATE

BRITTANY MCCOY
POLICY ASSOCIATE

BxD will be going LIVE to answer and discuss pressing concerns around your rights during this pandemic. Tune-in to ask questions and participate.

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Holistic Defense: Social Work

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Social Worker: Why?

- Have unique knowledge and expertise that is critical for holistic defense
- Possess a different skill set from lawyers that is critical to the work of holistic representation
- Add value to all stages of a case
- Strengthen representation whether the client wants to negotiate a plea or go to trial
- Offer a powerful complement to the role of the holistic lawyer

Social Worker: Role

- Help build trust and rapport with client
- Provide insight, knowledge and expertise
- Help advocate for release and secure alternative to detention
- Assist in gathering information for trial
- Develop written mitigation
- Make referrals to community-based services
- Advocate with service providers, adversaries, judges, & jails
- Support clients in navigating case and systems especially clients with unique needs

**Social
Worker:
Benefits**

- Improved client relationships
- Increased information sharing
- Better case outcomes
- Shared responsibility
- Enhances client well-being
- Reduces lawyer stress

Social Worker: Best Practices

- Identify where social work support is most needed (Pillar 1: Interdisciplinary skill set)
- Cross train (Pillar 1: Interdisciplinary skill set)
- Make early referrals (Pillar 2: seamless access to services)
- Initial meeting to develop strategy (Pillar 3: ongoing, dynamic communication)
- Regular case conferences (Pillar 3)
- System for ongoing communication (Pillar 3)
- Regular feedback about collaboration (Pillar 3)

Holistic Defense: Impact

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Impact:

Case Outcomes and Savings



REDUCED THE CHANCES OF INCARCERATION or other form of mandatory custody by 16%



CUT EXPECTED SENTENCE LENGTH by nearly a quarter

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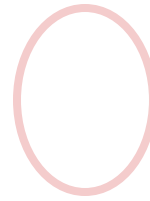
1.1
MILLION

FEWER DAYS PEOPLE WERE INCARCERATED or held in some other form of mandatory custody

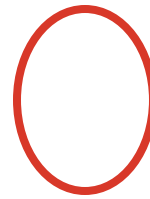
WHICH SAVED TAXPAYERS, based on housing costs alone, an estimated

\$165
MILLION

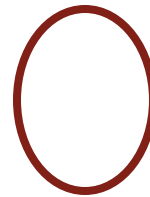
Impact:
Client Satisfaction



88% felt connected to their legal team



94% agree that their legal team helped them to understand their legal case



91% agree their legal team fought for what they wanted

Holistic Defense: Across the Country

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Adoption of the Model:

Since 2010, The Center for Holistic Defense has trained more than

- 200 offices
- 150 jurisdictions
- 41 state/territories
- 12 countries

Questions

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