

THE
PUBLIC
DEFENDER
SERVICE

for the District of Columbia



CHAMPIONS OF LIBERTY

Everyone
Deserves
Someone in
their Corner





Mission & Purpose

It is the mission of the Public Defender Service for the District of Columbia (PDS) to provide and promote quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia, thereby protecting society's interest in the fair administration of justice.

“Strongest public defense system in the country, maybe the world.”

By Norman Lefstein, Professor of Law and Dean Emeritus at the Indiana University Robert H. McKinney School of Law and former PDS Director

PDS is a federally funded, independent organization governed by an eleven-member Board of Trustees. Originally operating as the Legal Aid Agency from 1960 to 1970, PDS was created in 1970 by a federal statute enacted to comply with a constitutional mandate to provide defense counsel for people who cannot afford an attorney.

A major portion of the work we do consists of representing individuals in the District of Columbia's local criminal justice system who are charged with committing serious criminal acts and who are eligible for court-appointed counsel. In the District of Columbia, public defense services are primarily provided by PDS, the “**institutional defender**,” and by a panel of private attorneys, known as Criminal Justice Act (CJA) attorneys, who are screened for membership on the panel and paid on a case-by-

case basis by the District of Columbia courts. Because of its resources, well-regarded training program, and overall skill level, PDS generally handles the more serious criminal cases, and the CJA attorneys generally handle the less serious criminal cases.

PDS attorneys represent indigent clients in the majority of the most serious adult felony cases filed in the District of Columbia Superior Court every year, clients pursuing or defending against criminal appeals, nearly all individuals facing parole revocation under the District of Columbia Code, and all defendants in the District of Columbia Superior Court requiring representation at Drug Court sanctions hearings. PDS also provides legal representation to people facing involuntary civil commitment in the mental health system, as well as to many of the indigent children in the most serious delinquency cases, including those who have special education needs due to learning disabilities.

In addition, PDS addresses the legal issues and barriers related to the successful community reentry of our clients. PDS also provides technical assistance to the local criminal justice system, training for CJA and pro bono attorneys, and additional legal services to indigent clients in accordance with PDS's enabling statute (Pub. L. No. 91-358, Title III, § 301 (1970); *see also* D.C. Code §§ 2-1601 – 1608 (2001).)

PDS provides its exceptional legal service through seven legal divisions: Trial, Appellate, Mental Health, Special Litigation, Parole, Civil Legal Services, and Community Defender. The successful work of these legal divisions is supported by the Investigations Division, the Office of Rehabilitation and Development, the Defender Services Office, and administrative support.

4

Why PDS is a Model Program

For more than 50 years, PDS has **led the nation in providing exceptional advocacy and quality legal representation to indigent adults and children**. Judges and prosecutors alike, as well as public defender agencies and criminal justice bars across the country, acknowledge and respect the outstanding work of PDS's attorneys. PDS is **recognized as one of the few defender organizations in the world to meet the standards outlined in the American Bar Association's *Ten Principles of a Public Defense Delivery System***.

5

“PDS was set up as a model public defender organization....We give people a fighting chance, just as rich people have....**We are helping people at a very crucial time in their lives.** We are dealing with people facing scornful, judgmental attitudes.”

By Avis E. Buchanan during an interview with the Washington Council of Lawyers upon receiving their 2014 Presidents' Award for Public Service



Key Highlights in our Proud History as a Model Institutional Defender Organization:

- Launching **the first systemic effort** in the nation to help public defenders develop **rehabilitative services for their clients**. The project incorporates the specialized skills of forensic social workers to investigate and write presentencing reports and refer clients to social and health services.
- Implementing a renowned **intensive training program** to prepare lawyers for the courtroom and the responsibilities of a public defender.
- Creating the first public defender program to provide **legal services to D.C. prisoners** that address criminal law-related problems, institutional administrative matters, and civil matters by referral to organizations. The program later expanded to serve as the PDS liaison to individuals convicted of D.C. Code offenses and held in correctional facilities throughout the country, and to provide information to assist these individuals and monitor their conditions of incarceration.
- Establishing an **office in a prison for juveniles** that represents children at institutional disciplinary hearings at the District's youth detention centers—one of the first public defender programs in a juvenile penal institution.
- Creating the successful **Community Defender Division** to provide information, referrals, and quality legal services for committed youth and adults who are in the post-adjudication stage of a criminal case in the District of Columbia's justice system.
- Developing forensic expertise and establishing the **PDS Forensic Practice Group (FPG)**, a dedicated group of PDS lawyers who learn and train on matters of forensic science in the courtroom. The FPG was implemented to address the increasing number of cases involving forensic science in the District of Columbia and across the nation, and the need for court-appointed defense attorneys to become skilled in using this science in the courtroom—a daunting challenge given the degree of technical difficulty inherent in scientific matters.
- Implementing a **Duty Day Program**, a program to respond to **telephone and walk-in requests for assistance** by the public and criminal justice practitioners regarding legal matters, to include social services, parole, and mental health matters, thereby involving the staff and expertise of its legal and legal support services divisions.
- Creating a **state-of-the-art case tracking software**, Atticus, to provide comprehensive case management functionality, allowing case-related information on each client to be shared across the organization.

- **Securing exonerations and proving the innocence** of PDS clients for offenses they did not commit, ultimately triggering a broad, ongoing **federal review of convictions based on hair and fiber evidence.**

Awards & Acknowledgements

1965

Awarded the **Oliver Wendell Holmes Award** by the American Civil Liberties Union of the National Capital Area, for providing quality legal representation to poor people in the District of Columbia.

1974

Designated an **exemplary project** and model by the Law Enforcement Assistance Administration of the U.S. Department of Justice.

2002

Recognized by the National Association of Sentencing Advocates for **outstanding efforts to improve advocacy nationwide.**

2003

Awarded the **Servant of Justice Award** by the Legal Aid Society of the District of Columbia for faithful dedication and remarkable achievement in ensuring all citizens have equal and meaningful access to justice in the District of Columbia.

2008

Recognized as a “beacon of hope” in the National Legal Aid and Defender Association’s report, “**PDS: A Model of Client-Centered Representation.**”

2010

Awarded the 14th **Annual Frederick Douglass Award** by the Southern Center for Human Rights for fifty years of service and demonstration.

2011

Honored by the Foundation for Criminal Justice with the **Guardian of Liberty Award.**

Acknowledged by Former U.S. Attorney General Eric H. Holder, Jr. as “**the best public defender’s office in the country**” during his forum at Harvard School of Public Health, “Defending Childhood and Youth: An Approach to Ending the Cycle of Violence.”

The Public Defender Service for the District of Columbia





Legal Services

PDS and private attorneys appointed by the District of Columbia courts pursuant to the Criminal Justice Act (CJA) provide constitutionally mandated legal representation to indigent people facing a loss of liberty in the District of Columbia. PDS handles a majority of the most difficult, complicated criminal cases, while CJA attorneys handle the majority of the less serious felony, misdemeanor, and regulatory offenses.

PDS is a model program applying a holistic approach to representation and using both general litigation skills and specialty practices to provide complete, quality representation in its complex cases. On a day-to-day basis, PDS attorneys provide advice and training to each other, and they often form small teams to handle particularly complex cases.

11

Trial Division

Staff attorneys in the Trial Division zealously represent adults in criminal proceedings in the District of Columbia Superior Court (Superior Court) and children in delinquency matters. Attorneys are assigned to specific levels of cases based on experience and performance. As a result of intensive supervision and ongoing training, attorneys generally progress over the course of several years from litigating juvenile delinquency matters to litigating the most serious adult offenses.

The most seasoned attorneys in the Trial Division handle complex and resource-intensive adult cases. Senior PDS attorneys routinely handle cases involving DNA evidence, expert testimony, multiple-count indictments, and novel or complex legal matters. This group of highly trained litigators provides representation in the majority of the most serious adult felony cases filed in the Superior Court each year.

Less senior Trial Division staff attorneys handle the most difficult or resource-intensive delinquency cases (i.e., those with serious charges or

children with serious mental illnesses or learning disabilities), and handle some general felony cases and a limited number of misdemeanor cases. Trial Division staff attorneys also provide representation in a wide range of other legal matters through PDS's Duty Day Program and the Superior Court's Drug Court Program.

Appellate Division

The attorneys in the Appellate Division are primarily responsible for handling the appellate litigation generated in PDS cases, providing legal advice to CJA attorneys in appellate matters, and responding to requests from the D.C. Court of Appeals (Court of Appeals) for briefs in non-PDS cases involving novel or complex legal issues. Another important function of the Appellate Division is to provide a wide range of technical assistance and training to other PDS divisions. The Appellate Division attorneys' knowledge and experience allow them to assist in complex cases without having to perform long hours of original research each time difficult legal issues arise.

Special Litigation Division

The Special Litigation Division (SLD) handles a wide variety of litigation that seeks to vindicate the constitutional and statutory rights of PDS clients and to challenge pervasive unfair criminal justice practices. SLD attorneys practice across division lines, whether civil or criminal, juvenile or adult, or pretrial or post-conviction. They collaborate with their PDS colleagues and with members of the broader legal community with whom they can make common cause. SLD attorneys practice before local and federal trial and appellate courts in the District of Columbia and as amicus in the United States Supreme Court. Among their achievements has been the end of the indiscriminate shackling of juveniles in court; the reform of civil forfeiture practice; the successful challenge to the treatment of clients under sex offender supervision; and the exonerations of four men who together spent a century in prison for convictions based in part on the invalid testimony of FBI hair analysts.

Parole Division

The Parole Division strives to provide quality legal representation and advocacy to citizens in the District of Columbia who are facing a loss of liberty through revocation of their parole or supervised release for alleged violations of their conditions of release. Each year, the division's lawyers represent hundreds of individuals at administrative hearings before the U.S. Parole Commission (Parole Commission). In some select cases, the division also files direct administrative appeals on behalf of our clients to the Parole Commission Appeals Unit.





The division's goal is to secure guaranteed constitutional, statutory, and regulatory protections in every case and to minimize the impact of potentially harsh punitive sanctions. The lawyers also advocate for the Parole Commission to expand the use of alternative sanctions other than incarceration, such as mental health, substance abuse treatment, and related diversion programs. Parole attorneys also draft and propose statutory changes and amendments to the federal regulations that govern the revocation process. Moreover, the division provides advocacy on behalf of persons on supervision with the Court Services and Offender Supervision Agency in D.C. and federal probation offices supervising returning citizens in other jurisdictions.

The Parole Division also supports and trains other divisions within PDS on parole and supervised release matters, provides trainings to the local defense bar and pro bono attorneys, and gives advice and assistance to the public and attorneys through our Duty Day program.

The division's lawyers also train and supervise law students in criminal justice clinics at local area law schools, as well as train and supervise summer law clerks from law schools across the country who are accepted into the summer program through an application process. The division is highly selective of its law clerks who have the unique opportunity to provide direct representation under the close supervision of a division attorney. Law clerks also have the exciting opportunity to develop litigation skills, including cross-examinations of adverse witnesses, direct examinations of voluntary witnesses, and presenting closing arguments on behalf of clients.

Mental Health Division

Attorneys in the Mental Health Division (MHD) handle involuntary civil commitment cases that arise in D.C. Superior Court. PDS is initially appointed when a person is detained in a mental hospital upon allegations that the person is a danger to self or others as a result of mental illness.

MHD lawyers also represent persons in post-commitment proceedings, including commitment reviews and outpatient revocation hearings, involuntary commitment proceedings of persons found incompetent to stand trial because of mental illness or mental retardation, and in matters relating to persons found not guilty by reason of insanity in D.C. Superior Court or United States District Court for the District of Columbia. The lawyers in this division also provide information to the Council of the District of Columbia on proposed mental health and mental retardation legislation, conduct

training sessions on the rights of mentally ill persons involved in civil commitment actions, and provide legal assistance to CJA lawyers appointed by the court to handle involuntary civil commitment cases.

Civil Legal Services Division

The Civil Legal Services Division (CLS) provides services to address issues facing children in the delinquency system that often hinder their successful reintegration into the community. CLS has a team of special education attorneys expert in advocacy under the federal Individuals with Disabilities Education Improvement Act (IDEIA), which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to learning disabilities or other physical or intellectual challenges. In addition, CLS includes attorneys who address other rehabilitative needs of these children and the needs of adult clients by providing representation in civil matters arising out of their criminal charges — civil matters such as those related to housing, child support, and other family court matters. CLS also provides expert consultation for attorneys with clients in the criminal justice system who face immigration consequences as a result of their contact with the criminal justice system.

16

Community Defender Division

When our clients' lives intersect with the criminal and juvenile justice system, they face challenging obstacles. The Community Defender Division (CDD) works to help our clients in the District—both adults and children—face their legal difficulties that stem from prior arrests, convictions, and incarceration.

Our **newly-structured programs** provide comprehensive legal services to clients who are impacted by their criminal or juvenile records. Our doors are open to anyone who is struggling to make sense of the challenges of D.C.'s complex legal systems. We encourage individuals to visit our office in order to meet with our staff and learn more about the resources we can provide.

In our **Prisoner & Reentry Legal Services Program**, clients may seek representation for a range of issues including criminal records, employment, background checks, child support, parole, and prisoners' rights. In our **Juvenile Services Program**, children may seek assistance regarding issues including their rights after they are committed, their rights while they are detained, and their rights while placed out of their homes.





Legal Support Services

Various professionals within PDS provide a complement of legal support services; they work closely with attorneys on individual cases or provide technical assistance throughout the organization.

Investigations Division

The mission of the Investigation Division is to stay ahead of the rapidly evolving investigative landscape in order to zealously serve PDS's clients. Our investigators passionately and diligently investigate cases and assist all divisions of PDS. Their investigators not only go through rigorous training, but also provide specialized training to other court-appointed investigators and attorneys. PDS investigators are well versed in the art of interviews and statements, mixed media, and forensics. Our investigators use their skills in-house and in the field to leave no stone unturned in PDS's clients' cases. Working on all aspects of a case, from the arraignment to the trial, our investigators are an invaluable component of the defense team.

The Investigations Division also provides initial and ongoing training to court-certified CJA investigators. The Criminal Law Internship Program offers a hands-on investigator internship opportunity for college students.

Office of Rehabilitation and Development

ORD is composed of forensic social workers and forensic professional counselors who are sentencing specialists. The staff work with PDS and CJA clients who present a broad range of emotional, social, psychiatric, and substance abuse-related problems. The staff provide psychosocial assessments, individualized treatment plans, and sentencing recommendations on behalf of these clients to the Superior Court. Because ORD staff are well versed in all of the D.C. area rehabilitative programs (for example, drug treatment, job training, education programs, and parenting classes), they are frequently asked to provide consultation for judges,

CJA lawyers, and others in the criminal justice system. ORD produces annually a comprehensive *Directory of Resources for Adults: Community and Confinement Access Guide* and, biennially, a *Directory of Youth Resources: Community and Confinement Access Guide* that list a wide range of services available to adults and children in the criminal and juvenile justice systems. Many organizations and government officials' offices request and receive copies of these directories for use with their clients and constituents.

Defender Services Office

By statute, PDS is required to provide technical assistance to the Superior Court in administering the Criminal Justice Act. The Defender Services Office (DSO) executes this function by determining the eligibility for court-appointed counsel of almost every arrested child and adult and by coordinating the availability of CJA attorneys, law school students, pro bono attorneys, and PDS attorneys six days a week (Monday through Saturday), including holidays. The eligibility determination process entails conducting financial interviews and asset checks on a daily basis, servicing a daily call-in line for appointments, and finding appropriate counsel when an insufficient number of attorneys call in to receive cases.

20

Because the court appoints defense counsel prior to an arrestee's initial court appearance, the work of DSO is vital to the overall functioning of the Superior Court's criminal charging process. In addition, the office provides assistance to lawyers and the public by notifying attorneys of their clients' re-arrest and parole matters; providing logistical information to adult defendants, juvenile respondents, and their families; and responding to general inquiries about court operations.

Administrative Support

PDS has a number of divisions that provide technical assistance to PDS staff. Though small, these divisions support the overall effective functioning of PDS using both internal expertise and outside contracts for short-term selective expertise. These divisions include Budget and Finance, Human Resources, Information Technology, and Administrative Services. In concert with individual attorneys and the PDS executive staff, these divisions provide such services as: procurement of expert services for individual cases, financial accountability, strategies for developing PDS's human capital and wellness, recruitment, development of an electronic case management system, maintenance of PDS's IT infrastructure, and copying and supply services.





Do You Need Legal Assistance?

Do you need legal assistance? We offer the PDS Duty Day Program. This **telephone and walk-in service** can help you with the following legal and collateral matters:

- Filing a motion to seal an arrest record
- Responding to an outstanding arrest warrant
- Providing representation in grand jury matters
- Assisting persons preparing for reentry into their community
- Assisting persons preparing for confinement
- Responding to questions about involuntary and civil commitment
- Recommending mental health and immigration services in D.C.
- Recommending free and low cost social programs and services

At times, Duty Day matters can result in trials and complex appellate litigation. When we cannot provide assistance, outside service referrals will be recommended. This program also assists D.C. Bar members with legal and social service questions to support their clients.

PDS Duty Day Walk-In/Call-In Locations and Hours of Operation

Public Defender Service for the District of Columbia (PDS)

633 Indiana Avenue, N.W.
2nd Floor Reception Area
Washington, D.C. 20004
Tel: (202) 628-1200
Hours of Operation: Monday through Friday from 9:00 a.m. to 5:30 p.m. (excluding federal and District holidays).

PDS's Community Defender Division (CDD)

680 Rhode Island Avenue, N.E.
Suite H-5
Washington, D.C. 20002
Tel: (202) 824-2801
Walk-in Hours: Friday from 9:00 a.m. to 5:00 p.m. (excluding federal and District holidays), or call for an appointment.

For more information about PDS, visit www.pdsdc.org.



Public Defender Service for the District of Columbia

633 Indiana Avenue, N.W., Washington, D.C. 20004

Toll-free: (800) 341-2582 | Phone: (202) 628-1200

TTY: (202) 824-2531 | Fax: (202) 824-2784

www.pdsdc.org