

**First Defense Legal Aid**  
Concept Paper for the Illinois Juvenile Justice Commission  
February 2, 2009

**INTRODUCTION**

First Defense Legal Aid (FDLA) was founded thirteen years ago to fill a critical gap in legal representation: the representation of individuals in the custody of the Chicago Police Department. Per Illinois law, indigent people are not entitled to a Public Defender until appointed one by a judge at their first court appearance. Consequently, arrestees and detainees who do not otherwise have access to legal counsel are forced to remain in custody of the police for as much as 48 hours without contact with an attorney for advice on their legal rights.

The mission of FDLA is to combat, to the largest degree possible, the inequities in the criminal justice system by providing legal representation to the indigent accused, promoting the humane treatment of people in custody of the Chicago Police, curbing police abuse and misconduct, and educating people on their constitutional rights in regards to their interactions with the police. The systemic and social change that FDLA promotes is guided by the fundamental principle of equal justice. To the best of our knowledge, FDLA is the only nonprofit in the country that provides this type of legal representation.

FDLA provides its services 24 hours a day, seven days a week at police stations citywide. The organization operates a 24-hour hotline that is answered by the Executive Director, or Pronto, its answering service after hours, and when the Executive Director is not available. If answered by Pronto, calls requiring immediate attention are forwarded to the Executive Director or the on-call volunteer attorney. If necessary, the FDLA attorney visits the client at the police station to provide counsel and address any other necessary matters. In addition, FDLA conducts Street Law educational programs to advise individuals of their constitutional rights regarding detention, arrest and searches of their person or belongings.

To further its mission, FDLA seeks out underserved populations to advise them of their constitutional rights by working with organizations that already have a connection with targeted communities such as church groups, schools, and community organizations. FDLA partners with numerous other organizations such as the Southwest Youth Collaborative, Family Focus of North Lawndale, the Westside Health Authority, and the Goodwill Foundation among others.

FDLA is managed by its Executive Director John Hayes. John volunteered for FDLA for a year before he began working for the organization in August 2007. In addition, the organization has an active and engaged ten-member diverse

board of directors that meets monthly and also benefits from an advisory board of lawyers who are experts in the fields of criminal justice and civil rights. The effectiveness of FDLA lies in its dedicated pool of volunteer lawyers, now numbering close to 100. FDLA actively recruits and conducts monthly trainings for new volunteer lawyers.

## **PURPOSE OF PROJECT**

The purpose of FDLA's proposal to the Illinois Juvenile Justice Commission (IJJC) is for FDLA to partner with IJJC on addressing the issue of disproportionate minority youth in the juvenile justice system. By providing legal representation to youth in custody of the Chicago police, FDLA will seek to reduce the number of youth, particularly minority youth, that end up proceeding into the juvenile justice system.

Currently, juveniles represent 30% of FDLA's clients. With a grant from IJJC, FDLA will hire an attorney to focus exclusively on reaching out to youth in the police district designated in the grant award. The new attorney will develop and implement a marketing strategy to access as many youth as possible in the targeted area to educate them on their rights and responsibilities and distribute FDLA's contact information in the event they are taken into Chicago police custody.

## **PROJECT DESCRIPTION**

### **Goals/Objectives**

FDLA has identified three main goals for this project that are supported by measurable objectives. The project goals and objectives are described below:

- 1. *Implement a marketing strategy to relay information about FDLA to as many youth as possible within the targeted area.*** To achieve this goal, FDLA will identify all of the youth services organizations, evening reporting centers, schools, churches, and other institutions that have contact with area youth and with the parents or guardians of youth. Once identified, FDLA will contact the organizations to schedule Street Law presentations, distribute marketing materials such as posters and handouts and arrange "train-the-trainer" programs for organizations interested in partnering with FDLA in our outreach efforts. The specific objectives to achieve this goal are:
  - Identify all youth-oriented organizations and institutions in the targeted area
  - Contact each organization identified to distribute marketing materials and schedule the educational programs described below.

**2. To reduce the number of youth taken into custody of the Chicago police.**

FDLA has one main objective to achieve this goal: EDUCATION. By educating youth as to both their rights, and their responsibilities, when interacting with the police, FDLA will seek to reduce the number of youth that are taken into police custody which will support FDLA and IJJC's mutual goal of reducing the number of youth that end up in the juvenile justice system. At a Street Law presentation, youth learn what information they have to give the police, what they should not do while in the presence of police, what their rights are regarding searches of their person or belongings, and other important information. While StreetLaw presentations can be conducted by FDLA staff and volunteers, the number of presentations conducted, and the number of youth reached, can be increased exponentially by training the staff of community youth organizations to incorporate StreetLaw presentations into their programs. Therefore, the specific objectives to achieve this goal are:

- Increase the number of youth that attend StreetLaw presentations in the targeted area.
- Partner with interested organizations to multiply our outreach efforts through their participation as StreetLaw educators.

**3. To reduce the number of youth, particularly minority youth, in the juvenile justice system.**

To reduce the number of youth in the juvenile justice system, FDLA believes it is critical for youth to have legal representation at the police station. The reason for this is to ensure that the youth's constitutional rights are preserved, primarily the right to remain silent, to have an advocate who can attest to their treatment while in police custody and to gather information that may help their case should their detention lead to a charge. FDLA will seek to achieve this goal through the following objectives:

- Providing legal representation to a benchmark number of youth, to be determined later, based on the targeted area.
- Relaying information obtained at the police station to the public defender or other counsel should the youth's detention at the station lead to a charge
- Referring youth to social service agencies, as needed, to provide them with additional types of support to help limit their interactions with the police.

**Timeline & Methodology**

FDLA will need 2 months to begin working on the goals of this project. This lead-time period will be used to hire a qualified staff attorney, identify necessary support staff, and identify and purchase a database to track and monitor information on the youth served with the project funds. The methodology for this project is based on FDLA's existing model that has been successful in representing the indigent accused for the past thirteen years. As described

above, this project will be focused on three main goals: outreach, education, and legal representation. The methodology for each component of this model is described below:

### Outreach

FDLA has a lot of experience conducting outreach campaigns across the city. For this particular project, FDLA will focus on the designated project area and seek to reach youth, and those who work with youth, in as many ways as possible. This will be achieved through the distribution of posters and other informational materials, StreetLaw presentations, and partnering with youth organizations. In addition, FDLA will continue the practice of disseminating information and business cards via mail and at community events, in an effort to continue to raise awareness and increase the use of its free legal services.

### Education

Throughout the grant period, FDLA will conduct StreetLaw presentations by the staff attorney, volunteers, and youth leaders, to educate youth on their rights and responsibilities in dealing with the Chicago police. The StreetLaw educational programs provide critical information needed by youth prior to encountering the police in a manner that can be easily retained. The presentations are interactive, include the discussion of important handouts, and leave plenty of time for questions and answers. By providing this information before youth encounter police, FDLA can help reduce the occurrence of arrest or wrongful detention.

### Legal Representation

Through FDLA's toll-free number, 1-800-LAW-REP4, youth arrestees, or detainees will obtain free legal assistance 24 hours a day, seven days a week. To provide this representation, FDLA's volunteer attorneys commit to covering one 12-hour on-call shift per month on an evening, overnight, weekend, or holiday. FDLA's answering service answers and screens incoming telephone calls and contacts the on-call attorney if caller's situation requires immediate legal attention. The non-priority messages are emailed to the FDLA office. During weekday business hours, the FDLA staff and office volunteers respond to telephone calls directly, gather information from volunteer attorneys, and follow-up on pending cases. FDLA's efforts and research will focus on a singular Chicago Police District as determined by FDLA and the IJJC.

At the police station, the FDLA attorney will meet with the youth, obtain important information regarding their arrest or detainment and ensure that the youth's Fifth Amendment rights to remain silent and to counsel are protected. The attorney will also document any allegations of police brutality, advocate for access to medical care, maintain communication with the youth and his or her family, and ensure that the youth's basic rights are respected. Finally, the attorney will capture valuable early information regarding the alleged offense, such as an alibi, the names of exculpatory witnesses, and information about potential defenses for

later use by the public defender or private attorney should the youth be charged with a crime.

### **Benefits/Anticipated Outcomes**

The main benefit of this project is that by having one FDLA staff attorney focused on one particular geographic area and population, FDLA will be able to streamline its efforts to more effectively reach the targeted audience. In addition, FDLA will be able to strengthen its connections with youth organizations and institutions in the designated area to improve partnership opportunities in serving youth. Finally, FDLA will collect data on all of the youth it encounters through the project, including important demographic information that can later be used for policy and programming decisions.

For the \$100,000 grant amount, FDLA will achieve the goals and objectives outlined above. Anticipated outcomes include educating youth as a means of reducing their contact with the police and the preservation of youths' rights during their detention by the Chicago police.

### **Support Needed and Costs**

To achieve the proposed project, as described above, FDLA is seeking a grant from IJJC in the amount of \$100,000. For this grant amount, FDLA will hire the staff necessary to carryout the project, purchase a database to compile and track information on the clients served as part of the project, and create marketing materials. Please see attached budget for a more detailed breakdown of the proposed costs for this project.

### **Contact Information**

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