

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/breaking-point/public-defenders-can-open-the-door-to-health-services>

Public Facing Advocacy Writing

The data clearly show that people with mental health issues are overrepresented in our criminal justice system. Men and women in jail have [rates of serious mental illness](#) three and six times higher, respectively, than men and women in the community. Furthermore, about half of all people incarcerated in our nations jails or prisons meet criteria for [substance dependence](#) and many have multiple [social service needs](#), such as unstable housing and lack of health insurance. These unmet needs contribute to people cycling between the community and correctional facilities repeatedly, with adverse consequences for not just their own lives, but also the well-being of their families and communities.

People charged with a crime who are too poor to afford a private attorney are assigned public defenders as legal representation. This provides an important opportunity, as public defenders can provide far more than just legal services to clients who have behavioral health and substance use needs. They are uniquely positioned to advocate for the health and social services that can steer their clients out of the justice system and reduce their likelihood of returning in the future. This practice is known as holistic defense, an umbrella term that encompasses a set of practices that address the clients immediate legal and non-legal needs.

For several decades, our public health system has championed a no wrong door approach to addressing complex health and social needs. Under this approach, individuals in need of health or human services are referred to the appropriate service provider no matter where they access the system. Not all defenders or criminal justice stakeholders [agree](#) that it is practical for public defenders to serve as one of these doors, but holistic defenses value to clients in need is too great to ignore.

One place where its value can be found is at the [Neighborhood Defender Services of Harlem](#). This organization is staffed by a team of professionals including lawyers, investigators, paralegals, and social workers that provides legal support, refers clients to behavioral health services, helps clients apply for benefits, and provides mental health and substance use counseling. Furthermore, the team focuses not just on resolving its clients immediate legal needs, but also on providing legal services to address the collateral consequences a criminal conviction can have on the foundational elements to successful reentry, such as eligibility for public housing benefits or school loans.

Neighborhood Defender Services sees its clients as more than just case files. As more public defenders do the same, many of our most vulnerable fellow New Yorkers will receive the opportunity to escape the cycles of poverty, violence, and incarceration that have defined our justice system for far too long.

Vera is pleased to complement the WNYC broadcast, *Breaking Point: New Yorks Mental Health Crisis*, with [a blog series](#) that features the voices of experts from a range of fields as they examine how the nexus of poverty, mental health, and the criminal justice system affects nearly every aspect of New York City life.

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