

**The Bronx
Defenders**

**Redefining
public
defense.**

February 4, 2015

VIA ELECTRONIC AND FIRST-CLASS MAIL

Elizabeth Glazer
Director
Mayor's Office of Criminal Justice
One Centre Street, 10th Floor, Rm 1012N
New York, NY 10007
EGlazer@cityhall.nyc.gov

Re: Action Plan in Response to The Bronx Defenders' Involvement in the "Hands Up" Music Video

Dear Ms. Glazer:

On behalf of The Bronx Defenders and its Board of Directors, I am writing in response to your letter of January 29, 2015. Consistent with our discussions with your office and Corporation Counsel, please find below our corrective action plan addressing the Department of Investigation's findings concerning The Bronx Defenders' involvement in the "Hands Up" music video.

The Board deeply regrets the organization's association with the video and takes the DOI's findings very seriously. The Board recognizes that corrective action is needed to maintain the public's confidence in The Bronx Defenders. As set out below, the Board is prepared to take significant steps to discipline those at the organization involved with the video project and to ensure that no similar incident will occur in the future. The Bronx Defenders remains fully dedicated to advancing its core charitable mission: providing holistic, client-centered criminal defense, family defense, civil legal services, social-work support, and advocacy to indigent people of the Bronx.

As the organization has made clear in its public statements, The Bronx Defenders abhors the use of violence against the police. Throughout its 18-year history, The Bronx Defenders has been committed to preserving life, dignity, and respect for all people, regardless of where they live, who they are, or which side of the law they might find themselves on. This is the essence of the organization's work.

Since its founding in 1997, The Bronx Defenders has grown from an 8-person startup in a storefront in the south Bronx to one of the country's premier public-defender organizations. The organization today employs over 250 lawyers and other staff, representing 35,000 clients each year, and reaching hundreds more through outreach programs and legal education. It consistently attracts some of the country's most talented

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lawyers and advocates. Its holistic approach to criminal defense—which combines legal advocacy with a range of other services to address the socio-economic challenges affecting the organization’s clients—has become a model for public defenders across the nation.

In keeping with this holistic approach, the organization has worked to improve the relationship between its community members and the N.Y.P.D. in a variety of ways. For instance, the organization’s “Know Your Rights” trainings emphasize the “3 Rs”—Rights, Responsibilities, and Realities—and share strategies for ensuring that interactions between community members and police officers don’t escalate or become violent. And the organization actively works with the N.Y.P.D. to arrange its clients’ voluntary surrender when appropriate, keeping both its clients and the officers charged with serving and protecting the Bronx out of harm’s way.

In response to the DOI’s findings, the Board will take the following action:

1. Disciplinary Action

- a. Mr. Rao and Mr. Napoli have resigned from their positions at The Bronx Defenders and are no longer employed by the organization. Although they are competent, skilled young attorneys who have served their clients with diligence and care up until this incident, their involvement with, and appearance in, the “Hands Up” video as posted online was inappropriate for lawyers at The Bronx Defenders. While these attorneys’ actions did not, and should not, affect their fitness as members of the legal profession or their ability to competently serve their clients, the Board has concluded that Mr. Rao and Mr. Napoli both failed here to exercise the judgment that The Bronx Defenders expects and demands of all its employees.

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- b. Ms. Steinberg has proven over the last 18 years to be a gifted, passionate, and highly effective leader. She is integral to The Bronx Defenders and its ability to serve its tens of thousands of indigent clients on behalf of the City. The Board is also confident that Ms. Steinberg did not intend to mislead any public official. In her tenure at The Bronx Defenders, her record for integrity has been unimpeachable. Nonetheless, this incident represents a significant instance of mismanagement. Accordingly, the Board is suspending Ms. Steinberg for 60 days without pay. To facilitate the necessary transition, her suspension will be effective as of the close of business on February 27, 2015. When, after her suspension, Ms. Steinberg resumes her responsibilities at the organization, the Board will institute a six-month period during which she will be subject to enhanced supervisory oversight and review. During this period, the Board will provide monthly status updates to the Mayor's Office of Criminal Justice. Any unsatisfactory performance by Ms. Steinberg after her return from suspension will be dealt with decisively by the Board.

2. Reform Measures

- a. The Board recognizes that The Bronx Defenders' policies and procedures require re-evaluation to ensure that this type of incident does not reoccur. Effective immediately, the Board will retain Jason Lilien, former Bureau Chief of the New York State Attorney General's Charities Bureau, to conduct a complete review and advise the Board on policy and governance reforms necessary within The Bronx Defenders to address the DOI's findings. Mr. Lilien will consult with the Mayor's Office of Criminal Justice regarding such review. Within 30 days from the date of this letter, the Board will designate a Board subcommittee charged with reviewing, evaluating, and overseeing the implementation of the policy and governance reforms recommended as a part of this process.
- b. We understand that the Mayor's Office of Contract Services ("MOCS") will conduct a Capacity Building and Oversight review of The Bronx Defenders, as contemplated by the organization's contract with the City. Mr. Lilien will work in cooperation with MOCS as it undertakes its review and the Board will ensure that the organization makes all required changes.

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- c. The Bronx Defenders will appoint a General Counsel or Chief Compliance Officer to ensure the implementation and ongoing compliance with the reforms adopted by the organization. The Bronx Defenders will commence the process of recruiting potential candidates for this position within 30 days from the date of this letter.

3. Training

- a. In consultation with Corporation Counsel, following the implementation of the policy and governance reforms described above, The Bronx Defenders will institute a new training program that will focus on those reforms. In addition, upon Ms. Steinberg's return the organization will commence a training program on the professional responsibility required of attorneys employed by The Bronx Defenders to zealously represent the interests of indigent clients.

The Board believes that these corrective steps will address the concerns voiced by the DOI and the Mayor's Office of Criminal Justice. The Board welcomes the opportunity to speak with you, others on your staff, and Corporation Counsel regarding this action plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Ward".

Earl Ward
Chairman of the Board