



## U.S. Department of Justice

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Washington, D.C. 20530

March 10, 2023

Dear Colleague:

The U.S. Department of Justice is committed to supporting state and local governments in their efforts to guarantee everyone in the justice system equal access to justice and the full protection of their Sixth Amendment rights, regardless of their economic circumstances or other status.

This year, as we celebrate the 60<sup>th</sup> anniversary of [Gideon v. Wainwright](#), the landmark Supreme Court case that held that the Sixth Amendment's right to a fair trial guarantees all defendants facing imprisonment a right to an attorney free of charge, we recognize that this right is under threat in too many jurisdictions across the country. The COVID-19 pandemic increased the strain on many public defender systems already stretched thin by a lack of adequate resources and staffing and exacerbated existing challenges in hiring, training, and retaining qualified and effective indigent defense representation. For individuals who lack financial resources and face criminal charges, these issues jeopardize the fulfillment of their constitutional rights, and they also pose a threat to the integrity of our criminal justice system.

DOJ is committed to using its available resources and levers to ensuring that the right to an attorney for indigent defendants in criminal proceedings is meaningfully exercised in all jurisdictions. While states bear the primary responsibility for adequately funding their public defense systems and must meet this critical need, federal funding – specifically the [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program](#) administered by the Bureau of Justice Assistance (BJA) at the Office of Justice Programs (OJP) – can be used to support these efforts. The JAG program is the leading source of federal justice funding to state and local jurisdictions and provides states, tribes, and local governments with funding to support a range of program areas, including indigent defense. Some jurisdictions have already utilized JAG funding to provide assistance to their public defense systems, and we encourage others to do the same.

For example, in Tennessee, the State Administering Agency (SAA) has allocated a portion of its JAG funding to support the Public Defender Social Worker (PDSW) program, which enables defense teams in participating offices to hire forensic social workers. These specially trained individuals contribute to the defense teams' holistic, client-centered approach that provide the best possible support for each client. In addition, Washington state is providing support through JAG for public defense in several ways, including funding training, case consultation, and resource assistance in post-conviction cases, as well as representation in drug court programs that reduce recidivism and incarceration. To learn more about how your state is allocating JAG funding, please contact the [State Administering Agency](#).

We would also like to bring your attention to a related research grant solicitation recently released by the National Institute of Justice (NIJ) at OJP in collaboration with the Office for Access to Justice, which may be of interest to your states and stakeholders: [NIJ FY23 Research and Evaluation on the Administration of Justice: Advancing Access to Justice 60 Years after Gideon](#). This solicitation seeks applications for funding rigorous research and evaluation projects examining the impact of court and other criminal justice tools, practices, and policies on public defense or indigent defense services and equitable access to justice.

As March 18 (also known as “Public Defender Day”) approaches and we mark the sixtieth year of the right to appointment of counsel in criminal proceedings, we look forward to working with you to fully realize this right for everyone. Thank you for your continued commitment to ensuring justice for all.

Sincerely,



Amy Solomon  
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Office of Justice Programs



Rachel Rossi  
Director  
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