



Integrating Social Services into Municipal Public Defense

Public defenders and assigned counsel attorneys are well aware of the poverty-related obstacles that many of their clients face – housing, employment, mental illness, substance abuse, transportation, child care, and many others. Attorneys have limited time, resources, and expertise to help clients address these problems, even when doing so could improve case disposition outcomes.

In recent years an increasing number of cities have expanded their public defense teams to include social services. Social service specialists¹ are employed or contracted to work collaboratively with the public defense attorneys to best represent clients and address their needs. The roles and duties of social service specialists vary from jurisdiction to jurisdiction, and there is no definitive model for integrating social services into public defense representation. However, factors impacting the design often include attorney goals, access to and availability of resources, court and jail procedures, and volume of cases.

The Washington State Office of Public Defense conducted interviews with public defense teams to better understand social service specialists' roles, and how to effectively structure a social services component. **Their tips and recommendations have been consolidated into this document to help cities that are considering expanding their public defense plans to include social services.**

Example Duties of Public Defense Social Service Specialists

Social service specialists on municipal public defense teams often provide the following duties:

- Create release plans for in-custody defendants
- Proactively connect with clients on both in- and out-of custody court calendars
- Help clients re-engage with treatment if they were unsuccessful
- De-escalate defendants in crisis in court
- Connect clients with Trueblood and other mental health resources
- Develop release of information forms for the different referred programs
- Find in-patient treatment bed dates
- Identify and investigate community social services such as housing, employment, benefits, treatment, etc.
- Be a liaison between the attorney and defendants' case managers
- At the request and direction of public defense counsel, occasionally provide information to the court regarding clients' release plans, treatment, or other social services
- Be a member of the public defense team and maintain client confidentiality pursuant to Rules 1.6 and 5.3 of the Washington State Court Rules of Professional Conduct

¹ While the title "social worker" has commonly been used for this function, the term "social service specialist" is used throughout this document because RCW 18.320.010 limits the identification of "social workers" exclusively to those who are licensed or have a formal social work degrees.

How Do Social Service Specialists Improve Client Representation?

Attorneys frequently say that prior to working with social service specialists they were skeptical about the collaboration, because it is inconsistent with *traditional* criminal defense representation. However, they all agree that integrating social services into public defense teams has improved outcomes for clients.

- *I definitely feel like I have a better understanding of what my client is going through and my clients are getting to services faster and with more success. The social worker also keeps me up to date on how services are progressing and gives me ideas regarding addressing issues I might not have otherwise noticed.*
- *It's been easier to put together a solid release plan.*
- *Some clients are eager to get into treatment for drug issues. Inpatient beds are now much more accessible, and that allows me greater negotiating power with prosecutors.*
- *My trial strategies have not changed much, but my pretrial strategies have been aided. The information that I am sometimes provided by the social worker allows me to make a more relevant and persuasive argument to the prosecutor for a therapeutic outcome as opposed to a punitive one.*
- *My clients relate to me differently. Once they've engaged with the public defense social worker, they trust me more and see that I care. It improves our communication and trust.*

Recommended Steps for Integrating Social Services into Public Defense

1. **Identify the need** – Conduct a needs assessment to better understand what social, behavioral, and environmental challenges are most frequently present among public defense clients. Identification of these issues will help to tailor a job description and identify qualifying candidates.
2. **Plan for how the social service specialist will fit in with your public defense structure** – Public defense comes in different shapes and sizes. Strategize on where/when/how the social services specialist will work to ensure easy access and communication with the clients and attorneys. For example, in most cities the social service specialist attends busy court calendars. In some cities their workstation is in the office of the primary public defense contract firm. Also begin discussing and planning information-sharing approaches (electronic forms or paperwork) between the social service specialist and attorneys to keep communication timely and efficient, client confidentiality issues under Rules of Professional Responsibility 1.6 and 5.6, and other possible legal requirements such as liability insurance.

Practitioner's Tip: "Look at the type of crimes most commonly charged in court. Make sure the person you hire is a good fit for the types of issues that are often underlying those cases. For example, we have a lot of thefts, and almost all of them are associated with a drug problem."

3. **Develop an RFQ or job announcement customized for your jurisdiction’s needs and structure.** Carefully construct an announcement which includes descriptions of the duties, responsibilities, work environment, and typical clients. Include the public defense attorneys in this process. Capturing these details will help everyone develop a shared vision of the social service specialist’s role in public defense.

4. **Advertise, recruit, and select your social service specialist.** Social services in the public defense context is demanding work: the clients are high-needs, the legal consequences are high-stakes, and the attorneys often require a fast turn-around. In jurisdictions with public defense social service specialists everyone agrees on one fundamental requirement – the person must be a good fit. Advertise and recruit inside and outside of the typical public defense or criminal justice communities. Look for candidates who are experienced with high-needs clients experiencing mental illness and substance use disorders, and willing to work in a fast-paced environment. Include the public defense team in the interviewing and selection process.

5. **Provide an orientation and personal introductions to the local criminal justice system and members.** Many people with social work backgrounds have little or no experience working inside the criminal justice system, and like anyone else, will need some introduction to the language, culture, and concepts. Identify who the point-person(s) will be to help with an initial orientation, and be an on-going resource as the social service specialist encounters new legal procedures, language, and requirements. Considering providing the social service specialist JABS access to give them access to information about clients’ cases and court history.

***Practitioner’s Tip:** “Someone from the public defense team needs to take the social worker under their wing – help explain the legal procedure and terminology, the players in court, courtroom protocol, jail protocol, etc. Most social workers haven’t worked in the criminal court context, so it’s important to have someone explain things.”*

6. **Get started.** Integrating social services into public defense will require an adjustment period. For the social service specialist this might be their first time working in the criminal court environment and collaborating with attorneys. For the attorneys, this will likely be their first time integrating social services into representation and entrusting their clients to an outside professional. The collaborative partnership may have some starts & stops in the beginning as each side figures out how they can best work as a team.

***Practitioner’s Tip:** “The social worker should jump in and start working with clients rather than waiting for the ‘perfect case.’ That way the social worker can be quickly integrated into the defense team, working together to come up with solutions.”*

7. **Check-In.** In the early months and on an ongoing basis, it is important for the public defense team to check-in and assess how things are going. Meet and discuss topics such as:

- Is communication working well?
- Are the appropriate clients being referred for services?

- Is the social service specialist being over/under utilized? Are they being used for tasks that best meet their knowledge, skills, and ability?
- New/changing community resources
- Ideas for better connecting clients to needed services

Recommended Skills, Knowledge & Abilities

Choosing the right person for the social services position is a critical step for success. Understanding the needs of the clients and the environment in which they will work should be the guiding principles in identifying the best candidates. Attorneys and social service specialists on municipal public defense teams have recommended the following skills, knowledge and abilities:

- Comfort and ease working with people in crisis, battling addiction, and experiencing mental illness
- Experience working with communities of color, people from different cultures, and people who have limited English proficiency
- Commitment to diversity, including sensitivity to the needs of clients and staff from diverse cultural and economic backgrounds
- Knowledge of community-based behavioral health care and case management services
- Familiarity with the structures of public benefit and welfare systems such as subsidized housing, food, financial assistance, and veterans programs
- Experience with and knowledge of local resources – willingness to visit sites and make connections
- Good organizational and time-management skills and problem-solving abilities
- Ability to work independently without supervision in an environment that often requires multitasking and unanticipated activities requiring fast turnaround
- Ability to adapt to organizational cultures such as courtrooms and jails
- Good interpersonal and communication skills, and experience with motivational interviewing techniques
- Punctual, regular, and reliable attendance
- Ability to look beyond the charged offenses in a police report, and recognize patterns of behavior indicative of areas in need of help

Are Social Worker Degrees Mandatory?

“Social Services staff with undergraduate backgrounds from varying degrees and concentrations – Psychology to Criminal Justice as quick examples, can be ideal candidates if your primary focus is re-entry planning and connection to services. Significant resources and training is required to execute more advanced functions such as mitigation, social investigations, individual treatment recommendation and narrative report writing. In such a deployment, hiring a Social Worker with a post graduate degree to supervise and provide those resources and training is recommended.”

-Nicole Buck, LMSW

Blending Practices: Social Work in the Public Defender Office, A Quick Reference Guide; NLADA Conference, December 2017