



MICHIGAN INDIGENT
DEFENSE COMMISSION



Social Worker Sentencing Project (SWSP)

In a series of decisions in the 1960s and 1970s, the United States Supreme Court held that all criminal defendants have the right to counsel regardless of their ability to pay. Yet several decades later, the systems through which poor people accused of crimes are provided legal representation are woefully underfunded and inadequate. Insufficient resources shape many aspects of representation including sentencing advocacy by counsel in trial court. Typical problems include the lack of mitigation evidence; the failure to prepare for a defendant's allocution to the court; and the failure to recommend a plan for community corrections rather than prison in appropriate cases. Many public defender offices have responded to these concerns through the involvement of social workers as an integral part of promoting sentences that offer community alternatives to incarceration. Despite the increasingly common reliance on social workers in criminal defense, there has been very little rigorous research on the implementation and effectiveness of social worker interventions at sentencing, as well as on protocols to guide implementation and training. Moreover, extant studies have focused mostly on social worker assignment in public defender offices, despite the pervasive use of other types of indigent defense models, such as assigned counsel systems.

With funding and support from the U.S Department of Justice, the Michigan Indigent Defense Commission (MIDC) has partnered with the Urban Institute to examine the impact of social worker involvement in the public defense representation of adults facing criminal charges. The goal of the SWSP is to reduce incarceration rates by lowering prison sentences for specified felony defendants in favor of appropriate community alternatives, and decrease recidivism through the increased use of treatment and educational programs. To do so, the MIDC and the Urban Institute will engage in the following three steps:

- 1) Embed social workers to act as client advocates in two diverse Michigan indigent defense systems—a non-profit public defender office in Kent County (Grand Rapids) and a private assigned counsel system in Genesee County (Flint);
- 2) Assess SWSP implementation and effectiveness through intensive process and impact evaluation activities guided by an action research framework; and
- 3) Develop a program manual to increase practitioners' knowledge of social workers as a resource for indigent defense, and to guide replication and enhance sustainability.

The project will run from 2017 through 2019. The MIDC and the Urban Institute will collaborate with national experts with many decades of experience practicing, implementing, and measuring the effects of social work in indigent defense to guide program design, implementation, and evaluation. As the first effort to bring social workers to trial-level criminal indigent defense in Michigan, the project aims to develop solutions that help improve the provision of indigent defense across the state and more broadly.

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