

SOCIAL WORKER DEFENDER PROJECT

PROGRAM MANUAL

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MICHIGAN INDIGENT
DEFENSE COMMISSION



PROGRAM MANUAL

Katie Kramer The Bridging Group Consultant for MIDC
Jessica Flintoft Criminal Justice Reform Consultant for MIDC
Quayeria Rushing New Paths
Jonah Siegel Michigan Indigent Defense Commission
Jeanette Husseman Urban Institute

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PROJECT STAFF

Michigan Indigent Defense Commission

Jonah Siegel, PhD, MSW
Research Director

Jessica Flintoft, MPP
Criminal Justice Reform Consultant

Katie Kramer, DSW, MSW, MPH
Consultant
The Bridging Group

New Paths

Nicole Droomer, LMSW
Supervisor

Quayeria Rushing, LLMSW
SWDP Social Worker

Urban Institute

Jeannette Hussemann, PhD
Principal Research Associate

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ADVISORY COMMITTEE MEMBERS*

**POSITIONS HELD AT THE START OF THE GRANT*

Betsy Biben

*Chief, Office of Rehabilitation & Development
Public Defender Service, DC*

Rick Jones

*Executive Director
Neighborhood Defender Service*

Carl Macpherson

*Chief Public Defender
Berrien County, MI*

Nicole George

*Social Work Consultant;
Former Social Worker at
State Appellate Defender Office*

Robert Walker

*Assistant Professor
University of Kentucky
Center on Drug & Alcohol Research*

Robbin Pott

*Lawyer and Researcher
University of Michigan Law School
Child Advocacy Law Clinic, and
Executive Director
Detroit Center for Family Advocacy*

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HOW TO USE THIS MANUAL

Organization of the Manual

This manual is intended to assist other jurisdictions in implementing the Social Worker Defender Project (SWDP) by walking readers through each stage of the process. It is divided into sections that include: 1) project overview and background information; 2) a step-by-step facilitators guide for implementing the program; and 3) appendices that provide key project implementation tools.

Project Overview Section:

Provides background information on the need for a SWDP within the context of public defense, a brief description of the evidence-based practice of holistic defense, and basic overview information about the SWDP model including a flow of client services from beginning to end of the project.

Program and Training Protocols:

Provides a step-by-step walk through of the nine steps involved in implementing the SWDP including a description of each step's main objective, list of materials needed, essential tasks to complete, outline of core delivery principles, and helpful facilitator tips.

Appendices:

Provides a set of practical and key project implementation tools including project intake forms, the comprehensive SWDP psychosocial assessment tool, sample sentence mitigation reports, and other project resources and supporting materials.

Target Audience for the Manual

The main audiences for this manual are program managers, attorneys, and social workers who wish to implement the SWDP in full, or stakeholders interested in adapting components of the SWDP.

Note about Adaptation and Terminology

The information found in this manual is based on the policies and practices used in the original study site. Some of the information presented may vary by state or local jurisdiction. This is especially true as it relates to the policies and practices of both courts and correctional facilities. Sites adopting the SWDP should make modifications to fit local policies and practices without compromising the program's core elements. Additionally, the terms used in this manual are typical of the terms used at the original study site. Other regions may use different terms and those should be replaced to reflect local terminology.

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Social Worker Defender Project (SWDP) Overview

History of the Social Worker Defender Project's Development

Public Defense

In the United States, all people facing criminal charges are entitled to the representation of an attorney. If a person who has been accused is unable to afford the services of a private attorney, a publicly appointed attorney shall be provided for them at the state's expense. The foundation of public defense in the United States arises from the rights guaranteed by the constitution and a series of rulings by the Supreme Court. The Sixth Amendment guarantees all persons charged in criminal court the right to be represented by legal counsel during court proceedings. In 1963, the Supreme Court unanimously ruled in *Gideon v. Wainwright* that under the Sixth Amendment, states are required to provide counsel in criminal cases for all indigent individuals facing criminal charges.¹ Public defense attorneys are attorneys who have been assigned to defend individuals charged with crimes who cannot otherwise afford representation.

Although both the United States Constitution and prior Supreme Court decisions guarantee the right to counsel, neither of these prerequisites speak to the standards or quality of the public defense services that must be provided. In 2002, the American Bar Association (ABA) released Ten Principles of a Public Defense Delivery System, which was created as a practical guide for parties who are involved in the public defense representation.² The principles outlined in the guide speak to the quality of public defense, stating that it must be “effective, efficient, high quality, ethical, and conflict free.” Together, the Sixth Amendment, the *Gideon v. Wainwright* ruling, and the Ten Principles of a Public Defense Delivery System provide the framework to ensure a competent public defense system.

Despite the constitutional requirement of effective assistance of counsel, many public defense systems across the country still struggle to provide effective representation to clients. Insufficient funding and a lack of oversight arguably create the biggest barriers to success. In a 2013 speech given by former Attorney General Eric Holder, he commented on the state of the American public defense system stating that, “Despite the undeniable

progress our nation has witnessed over the last half century- America's indigent defense systems continue to exist in a state of crisis.”³ With an estimated 60 to 90 percent of all people charged in criminal court unable to afford counsel, innovative solutions that address the disjointed and inadequate nature of public defense systems are essential.⁴

Status of Public Defense in Michigan

Like many other states around the country, Michigan's public defense system existed in a state of crisis for many years. A 2008 report by the National Legal Aid and Defenders Association (NLADA) argued that Michigan “fails to provide competent representation to those who cannot afford counsel in its criminal courts.”⁵ In July of 2013, after an advisory commission recommended improvements to the state's legal system, Public Act 93 was created to form the Michigan Indigent Defense Commission (MIDC).⁶ The purpose of the MIDC is to develop and oversee the implementation, enforcement, and modification of minimum standards to ensure that public defense services providing effective assistance of counsel are delivered to all indigent adults in the state. The MIDC works to ensure the state's public defense system is fair, cost-effective, and constitutional while simultaneously protecting public safety and accountability. Part of the MIDC's mission is to help local systems cultivate innovative approaches to defense representation in an effort to improve outcomes for clients, family members, and communities.

Since the creation of the MIDC, public defense across the state has shifted dramatically. The MIDC has promulgated and implemented four standards aimed at improving defense practices. Standards include the provision of counsel at first appearance and all critical stages, required ongoing CLE training for all attorneys taking public defense cases, an immediate interview with clients following appointment, and a more transparent and accessible process to request experts and investigators. Historically, local systems in Michigan have been entirely responsible for the cost of public defense, leading to substantial underfunding. To enable local systems to successfully implement the standards, the state is now responsible for assisting with the costs, and in recent years, has more than tripled the amount of money available for public defense. In the first two years of funding, the state provided \$86.7 million and \$117.4 million, respectively, to local systems. Approximately 85% of this funding goes towards direct services for clients. As

part of coming into compliance with the current standards as well as future standards, many systems around the state have transitioned from assigned counsel or contract systems to either public defender offices or managed assigned counsel systems. In the first two years, the MIDC helped oversee the creation of 20 new public defender offices and over 40 managed assigned counsel systems.⁷

Holistic Defense

As part of its mandate to encourage best practices, the MIDC spearheaded the implementation and evaluation of a holistic model of public defense in Michigan with the development of the Social Worker Defender Project (SWDP). Holistic defense teams are increasingly utilized around the country to reduce reliance on incarceration while centering the needs of individuals impacted by the criminal legal system.

Holistic defense uses interdisciplinary teams composed of attorneys, social workers, investigators, and other mitigation specialists to provide clients with proactive legal advocacy, case management, and sentence mitigation. Whereas traditional defense seeks to remove the immediate threat associated with legal jeopardy, holistic defense seeks to also safeguard the client's best interests by supporting them in addressing areas of concern in their lives that may be contributing to their interactions with the criminal legal system. For example, a holistic approach might support a client in obtaining stable housing or addressing mental or physical health struggles. Through its client-centered and individualized approach, advocates of holistic defense argue that unlike traditional models of criminal defense, holistic defense recognizes clients as whole persons and affords them more dignity and respect.⁸ Holistic defense encompasses a wide range of services and practices, and so there is no single model; the actual implementation of this approach varies widely from jurisdiction to jurisdiction. In the pilot testing of SWDP, the defense team consisted of the attorney and a single social worker; in future iterations, this model could be expanded - as resources allow - to include additional members such as case workers or attorneys with expertise in other relevant areas of the law.

Early research demonstrates the significant positive outcomes that holistic defense can have for individuals facing criminal charges. One large-scale ten-year study compared a well-established holistic defense model (the Bronx Defenders) to a traditional defender (the Legal Aid Society) by analyzing administrative data of over 500,000 cases related. Results from the study demonstrated that while holistic representation did not significantly impact conviction rates, it reduced the likelihood of a custodial sentence by 16% and expected sentence length by 24%. Over the full course of the study, representation by the Bronx Defenders holistic defense model resulted in nearly 1.1 million fewer days in custody for its clients compared to the traditional model of defense.⁹

What is the Social Worker Defender Project?

In 2016, the MIDC, in partnership with the Urban Institute, was awarded a Bureau of Justice Assistance (BJA) grant entitled *Encouraging Innovation: Field Initiated Program* to develop, implement, and measure the impact of social worker involvement in public defense representation for adults facing criminal charges. The model developed through these efforts was the Social Worker Defender Project (SWDP).

The goal of the SWDP is to reduce incarceration rates by lowering or eliminating jail and prison sentences for participants in favor of appropriate community alternatives, and decrease recidivism through the increased use of treatment and educational programs. In reaching these goals, the SWDP seeks to:

- Decrease reliance on incarceration;
- Increase advocacy for clients; and
- Increase collaboration between criminal justice stakeholders and social service providers.

Who developed the SWDP?

The SWDP was developed by an interdisciplinary team of researchers, social workers, and attorneys. The SWDP development team was also supported by the expertise of a

social worker services. For those implementing the SWDP outside of Michigan, identify the specific subset of clients to be targeted in the development of the program.

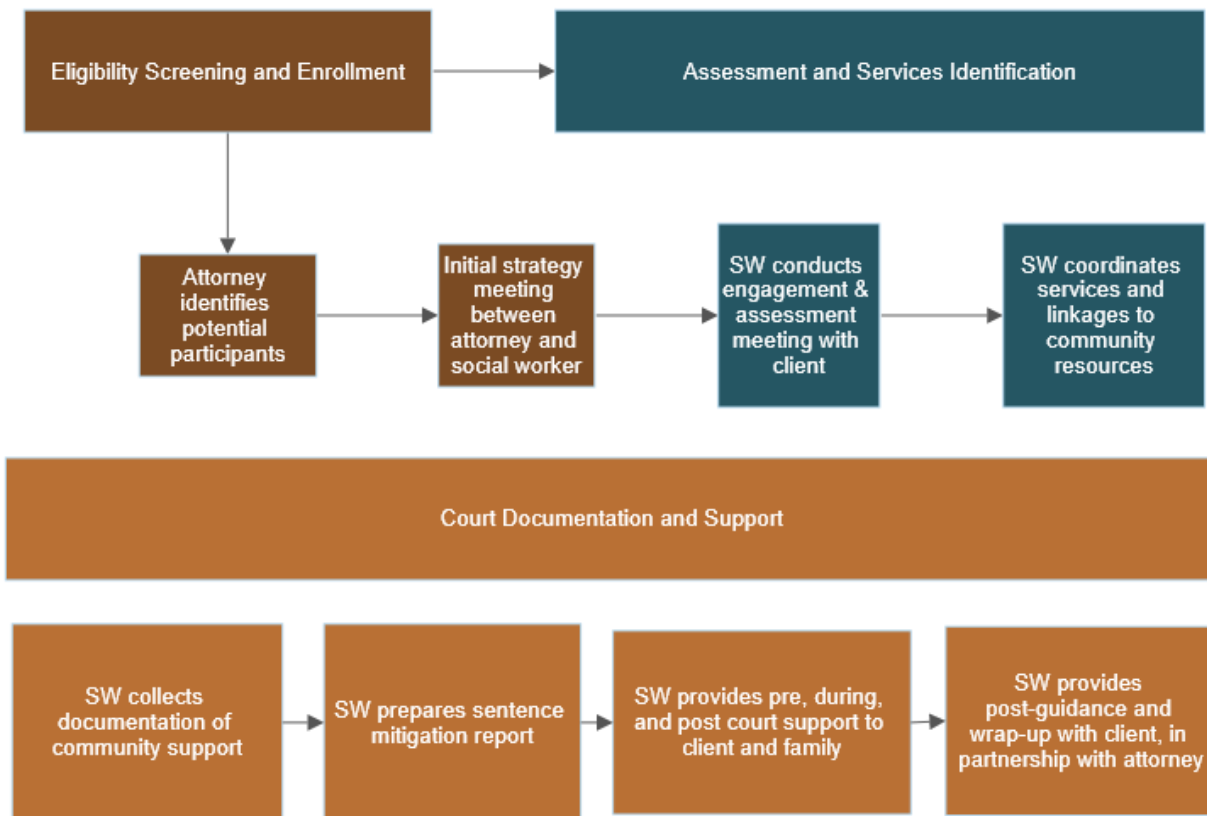
Who delivers the SWDP?

The SWDP is delivered by social workers who, as members of the client's defense team, act as advocates for clients and help to develop sentencing plans that are presented to the court in favor of obtaining a community alternative to incarceration as opposed to a jail or prison sentence. Social workers also provide information and referrals to community resources. Social workers selected for the SWDP should hold a master's degree in social work or like profession and ideally have a background or training in clinical skills. *Please see Appendix A for a sample SWDP social worker job description.*

How Does the SWDP Program Work?

Social workers are referred cases after the initial attorney case assignment and before the probable cause hearing, when the defense attorneys have information to determine program eligibility. Please see Appendix B for a sample referral sheet. The timing of referral may differ by jurisdiction depending on when sufficient information is available to identify eligible clients and determine client need. Once social workers are assigned a case, they complete intake and facilitate a psychosocial assessment with the client. The results from this assessment help determine the client's needs and goals. The SWDP social worker then coordinates services in the community that address the client's needs, gathers documentation of support for the client, and creates a sentence mitigation report for the client's defense attorney to present to the court. Figure 1 presents the SWDP Services Flowchart. These steps are reviewed in more detail later in this manual.

Figure 1: SWDP Services Flowchart



What happens after the SWDP?

The focus of the SWDP is on pre-sentence assessment, linkage to resources and support, and the development of a client-centered sentence mitigation report. Typically, the goal is to promote community alternatives to incarceration, although the social worker will help advocate for whatever plan the client thinks is best. The SWDP is not intended to provide longer-term case management or support program for clients post-sentence, although other programs practicing holistic defense may engage in such services. Upon completion of the program, the client will ideally be given a sentence that avoids incarceration and provides connections to longer-term systems of care in the community. These systems of support, care and treatment, in turn, provide ongoing, post-sentence support that are often responsive to client needs that can otherwise contribute to contact with the criminal legal system.

Challenges, Adaptations, and Recommendations

As part of the SWDP pilot, the MIDC implementation team participated in a project debrief to discuss and reflect on all aspects of the project including model design, implementation activities and services provided, relationships developed, challenges, areas for improvements, and model adaptations. The following is a brief summary of the challenges, lessons learned, adaptations, and recommendations identified from this assessment.

Theme 1: Participant Eligibility and Referral Criteria

Determining appropriate eligibility criteria for participating clients is key to the success of the SWDP. Because the main goal for the project is sentence mitigation, it is important to consider key components of a potential client's legal history when determining eligibility. Considerations may include if a potential client has concurrent cases in the current jurisdiction or pending cases in other jurisdictions. Another consideration, depending on your jurisdiction's approach to implementing the SWDP, is seriousness of charges and whether there are mandated sentencing guidelines that would dictate case outcome regardless of recommendations for sentence mitigation and alternatives to incarceration. Once eligibility criteria have been determined, it is critical to develop referral protocols based on when attorneys will have sufficient information to determine whether a referral is appropriate.

RECOMMENDATIONS

When developing client eligibility criteria, consider important legal risk factors such as severity of charges or other pending cases that may impede the value of risk mitigation recommendations.

Determine when an attorney would have the earliest access to this information to make appropriate referrals to social workers as early as possible within the timeline of a client's case.

Consider adding a quality assurance process that would allow social workers to screen potential referrals for factors such as current social worker workload or pending cases and make their own determination of referral acceptance.

Theme 2: Implementing SWDP within an Assigned Counsel System

The SWDP pilot was implemented in Genesee County, MI, which operates within an assigned counsel system, meaning that representation is provided by private attorneys who are appointed and compensated by the court to represent indigent clients. With little guidance nationally on how to implement a social worker program in an assigned counsel system, this pilot project was a critical opportunity to test whether this implementation could be done successfully. Overall, the project team and local stakeholders were pleased with the ability of the social worker to connect and work in partnership with attorneys to represent clients.

However, there were clear challenges present. Historically, social workers have been hired to work in systems that provide defense representation through public defender offices staffed by salaried attorneys. In these models, attorneys generally report to a centralized leadership who provides and mandates certain types of training, reporting, and practices. In an assigned counsel system, attorneys operate far more independently from one another. There is typically little to no formal, centralized leadership among attorneys, no standardization of norms around defense representation, and few mechanisms available to enforce standardization. From a

logistical standpoint, attorneys are also located in their own offices, which means that the social workers are not sharing physical space with the attorneys, making communication more difficult. These differences made the implementation of SWDP more challenging, but also presented opportunities for innovation. Given the disparate nature of representation among attorneys in assigned counsel systems, the SWDP provided a

RECOMMENDATIONS

Consider adding collaboration with SWDP as a requirement for attorneys to become eligible for the assigned counsel list; if this is not possible, select specific attorneys who will complete training and then be eligible to work with the social worker.

Be prepared to train not only on the specifics of the program, such as sentence mitigation, but also on fundamental skills like client-centered representation.

Train attorneys and social workers together, and bring everyone together on a regular basis to build a shared community, assess successes and challenges, and make revisions to the program model based on feedback.

means of standardization and consistency across the attorneys in the pilot, allowing them to create a shared language and tools for advocacy.

Theme 3: Competing Professional Standards Regarding Confidentiality

Holistic models of defense bring together professionals from diverse industries, each with their own standards of professional ethics. When bringing together social workers and attorneys, a conflict can arise in the differing professional ethics related to client confidentiality. Broadly speaking, while social workers in some states are mandatory reporters, attorneys are bound by strict client confidentiality. Navigating this potential conflict became an integral part of designing and implementing the SWDP.

In Michigan, like many other states, social workers are considered mandatory reporters under the law, meaning that they must disclose to authorities whenever they learn of child abuse, abuse of vulnerable adults, or an imminent harm to a recognizable third party.¹² Additionally, licensed social workers are held to professional ethical standards that require a primary duty to a client's "well-being" and "to the larger society [so that] specific legal obligations may on limited occasions supersede the loyalty owed clients."¹³ In addition to the loss of a license, a social worker who fails to report abuse can be held

civily liable for damages, charged with a misdemeanor punishable by imprisonment up to 93 days, and charged up to \$500, although it is unclear how often this occurs in practice.¹⁴ Attorneys, on the other hand, are expressly prohibited from disclosing client communication unless there is client consent.¹⁵

RECOMMENDATIONS

Identify any relevant local or state statutes regarding confidentiality, client-attorney privilege, and mandated reporting within the jurisdiction operating the SWDP. These statutes may differentiate between social workers who are working as employees and social workers who are working as consultants. Understanding this difference will likely inform the design of your model.

Compile and assess national resources that discuss these issues.

Continued...

RECOMMENDATIONS, continued...

If there is uncertainty in the law, form an advisory group to help analyze and make determinations about the most appropriate way to simultaneously protect clients, attorneys, and social workers.

Secure buy-in from project attorneys and social workers before implementing services and ensure that clients are fully informed about the model that your project will follow.

If necessary, consider legislative amendments that extend the protection of attorney-client privilege to social workers who are working as part of a defense team.

Utilize the following as a framework for mutual respect and cooperation. Social workers are important professional partners on the client's defense team and provide information and insight critical to the development of case strategy and advocacy. However, social workers must take direction from individual attorneys related to legal matters and case strategy. Systems should be put in place to support ongoing communication and collaboration among all team members.

The attorney-client privilege and the underlying duty of confidentiality is often described as the most fundamental duty that attorneys owe their clients. More than simple protection of the client relationship, the U.S. Supreme Court called it necessary “to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice...recogniz[ing] that sound legal advice or advocacy serves public ends.”¹⁶ Like social workers, attorneys are also vulnerable to professional censure, loss of license and civil damages if these confidences and professional rules are breached without client consent.

In some states, social workers and other healthcare professionals working under the direction of lawyers as part of a legal defense team are legally exempt from

mandatory reporting requirements. In Nevada, for example, social workers are bound by mandatory reporting requirements unless they learned of the offense “through a communication or proceeding that is protected by a privilege set forth in [the Nevada evidence code],” in which case the requirement to report does not apply.¹⁷ In the District of Columbia, social service workers are required to report suspicions of child abuse unless they are employed by a lawyer providing criminal representation.¹⁸ If the SWDP is being implemented in a state that does not provide clear guidance, attorneys and social workers can look to advisory opinions such as the one written by the National Association for

Public Defense (NAPD) in 2014. The NAPD's Ethics Counselors argue that even when social workers are not explicitly protected in statute, a "lawyer's obligation of confidentiality takes precedence over any obligation of disclosure that is imposed upon social workers or other healthcare professionals when they are working for the lawyer on a matter."¹⁹ Attorneys and social workers involved in the program should make sure that they have a clear understanding of the laws in their state and are on the same page about how to handle confidentiality conflicts between professions. A 2016 report by the National Legal Aid and Defender Association, *The Interdisciplinary Defense Team and Confidentiality: What Defenders Need to Know*, provides a good starting point to understanding confidentiality issues and how they manifest in your state.²⁰

Theme 4: Establishing Client Trust and Project Buy-In

One of the most important goals for the social worker is to develop as much trust and client buy-in to the project as possible. Clients may have previous experiences with the legal system that have resulted in lack of trust or confidence in positive outcomes. Thus, they may be less forthcoming with personal information or may not give completely accurate information. Some of these same issues can apply to family members as well, who may be reluctant to provide critical background information on the client or the situation. Clients may also be experiencing mental illness or substance use issues that further affect their relationship to their legal team. In partnership with attorneys and other members of the defense team, social workers must prioritize developing trust with clients

RECOMMENDATIONS

During client enrollment, take the time to thoroughly explain the program. As part of this explanation, be clear about the role of social worker and how they are an integral part of the defense team.

Acknowledge the personal nature of the questions and offer examples of how information presented in the sentence mitigation report can help shape court case outcomes.

Explain to clients that they will have a chance to work with the social worker to ensure that the information presented in the mitigation package is an accurate reflection of their experience.

When reaching out to family and other social support members, provide a thorough introduction and program overview, and explain why the social worker will be asking for personal information about their loved one.

and other relevant parties. Social workers often have a relatively short amount of time to engage with the client and their family, and in this time, are often gathering information that is deeply personal and sometimes traumatic. Providing clear and accessible information about the project and the social worker's role in the project can help build trust with clients, deepening the client's relationship to the social worker as well as to their attorney.

Theme 5: Connections to Community Services

Helping clients make connections to community services as indicated by the results of the SWDP psychosocial assessment is essential to a client's success. For clients who are in the community throughout their case, helping them to connect to services provides not only needed support but also demonstrates to a judge that a client is able to remain engaged in their community, utilize available services, and successfully address challenges that underlie their contact with the criminal legal system. For clients who are incarcerated pretrial, creating a sentencing plan that identifies potential community services and referrals provides clients with valuable information and offers judges sentencing options other than incarceration. Social workers should develop a broad portfolio of community resources to best serve clients and act as a resource for judges

who are interested in developing a sentence alternative to incarceration.

RECOMMENDATIONS

Social workers participating as part of a defense team should attend community provider meetings, reentry roundtables, and other public meetings to promote the SWDP program and make connections with community service providers.

Having a broad portfolio will allow social workers to best serve their clients by ensuring that referrals match appropriate, available, and accessible services in the community, consistent with the attorney's legal strategy in each case.

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- ¹ *Gideon v. Wainwright*, 372 US 335 (1963).
- ² American Bar Association (2002). *Ten Principles of a Public Defense Delivery System*. Washington, D.C.
- ³ U.S. Department of Justice (2013). *Attorney General Eric Holder Speaks at the Justice Department's 50th Anniversary Celebration of the U.S. Supreme Court Decision in Gideon v. Wainwright*. Washington, D.C.
- ⁴ Beeman, M., (2012). *Using Data to Sustain and Improve Public Defense Programs*. Westminster, CO: The Justice Management Institute.
- ⁵ National Legal Aid & Defender Association, (June 2008). *Evaluation of Trial Level Indigent Defense Systems in Michigan: A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis*.
- ⁶ MI Act 93 (2013): <https://michiganidc.gov/wp-content/uploads/2019/05/mcl-act-93-of-2013-as-amended-2019.pdf>.
- ⁷ 2019 Impact Report: Indigent Defense Transformation Begins Statewide. <https://michiganidc.gov/wp-content/uploads/2020/06/2019-Annual-Impact-Report.pdf>.
- ⁸ Lee, C. G., Ostrom, B. J., & Kleiman, M. (2014). The measure of good lawyering: Evaluating holistic defense in practice. *Alb. L. Rev.*, 78, 1215.
- ⁹ Anderson, J. M., Buenaventura, M., & Heaton, P. (2018). The effects of holistic defense on criminal justice outcomes. *Harv. L. Rev.*, 132, 819.
- ¹⁰ U.S. Census. 2018. <https://data.census.gov/cedsci/all?q=genesee%20county%20mi>.
- ¹¹ *People v. Lockridge*, 498 Mich 358 (2016).
- ¹² MICH. COMP. LAWS § 722.623 (2017) (mandating social workers report child abuse or neglect if they have reasonable cause to suspect harm); MICH. COMP. LAWS § 400.11a (2017) (mandating social workers report abuse towards vulnerable adults); MICH. COMP. LAWS § 330.1946 (2017) (mandating social workers report of a threat of physical violence against a reasonably identifiable third person).
- ¹³ National Association of Social Workers Code of Ethics 1.01
- ¹⁴ MICH. COMP. LAWS §722.633 (2017); MICH. COMP. LAWS § 400.11e (2017); *see* NAT'L ASSOC. OF SOCIAL WORKERS, NASW PROCEDURES FOR PROFESSIONAL REVIEW (2015).
- ¹⁵ MICH. RULES OF PROF'L CONDUCT r 1.6.
- ¹⁶ *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981).
- ¹⁷ Nevada Revised Statutes §202.888.
- ¹⁸ D.C. Code §4-1321.02.
- ¹⁹ National Association of Public Defense (2014). NAPD Formal Ethics Opinion 14-1.
- ²⁰ A 2016 report released by the National Legal Aid and Defender Association (NLADA) discusses confidentiality within interdisciplinary holistic defense teams and what issues can be expected when working with this type of defense team structure. The report also included an accompanying chart that outlines the mandatory reporting laws for all 50 states (National Legal; Aid and Defender Association (2016). *The Interdisciplinary Defense Team and Confidentiality: What Defenders Need to Know*). In addition, a 2008

report released by the National Association of Social Workers discusses current collaboration models, reporting obligations, models of interdisciplinary representation, and attorney and ethics opinions (National Association of Social Workers (2008). *Legal and Ethical Issues in Social Worker-Lawyer Collaborations*).

SWDP Step-by-Step Program & Training Protocols



Step 1: Determination of Eligibility and Referral to Social Worker

1



Objective

Attorney to confirm client eligibility, advise client of program, and share any client information available with Social Worker.



Materials

SWDP referral sheet (Appendix B)



Essential tasks

- Attorney confirms client eligibility.
- Attorney meets with client to advise them about program.
- Attorney refers client to social worker.
- Attorney shares any existing client information with social worker.



Core delivery principles

The Defender Program/Office of the Defender will continue to assign cases to its attorneys as usual. When one of the attorneys receives a new case, they will determine if it is eligible for the SWDP. If eligible, the attorney will refer the case to the Social Worker and share existing client information with the Social Worker for their mitigation file.



Tips

Attorney to determine if a client is eligible for the SWDP. All clients should be referred to the Social Worker within 2 business days of the Probable Cause Conference (PCC). This terminology and timeline may vary in jurisdictions outside of Michigan. Earlier is preferable.

Step 2: Initial Strategy Check-in Between Social Worker and Attorney

2



Objective

Attorney and social worker to review any client information available, share additional relevant information, discuss case timeline, and develop preliminary strategy to best mitigate case outcome.



Materials

Client face sheet/intake form (see Appendix C)
Social worker's client file
Social worker's client tracking spreadsheet



Essential tasks

- Attorney and social worker discuss known background information about case including case timeline and upcoming hearing dates.
- Attorney and social worker discuss initial strategy to mitigate case outcome.
- Social worker opens client file including completion of client face sheet/intake form.
- Social worker gathers file copied from attorney's case file of existing information, e.g., appointment paperwork, pre-bond assessment, or similar.
- Social worker enters client into client tracking spreadsheet.



Core delivery principles

The initial planning meeting is an opportunity for the social worker and the attorney to briefly meet about the SWDP client, share pertinent information and begin discussion about mitigation strategy.



Tips

Consider implementing a standing weekly "SWDP check-in meeting" with attorneys to conduct pre-planning for all newly referred clients and updates on current clients. Use that time each week as needed to ensure that all client timelines are managed.

Step 3: Engagement and Assessment Meeting with Client

3



Objective

Social worker to introduce self and the SWDP program to the client, enroll client into the SWDP program, and complete a psychosocial assessment with the client to gather information about the client's basic demographic information, living situation, relationship and family dynamics, legal status, education history, employment history, physical health, mental health, substance use history, and goals. The social worker should also complete permission to obtain information forms with the client in order to gather relevant documentation such as school, medical and work records.



Materials

Client face sheet/intake form (for review)
Program overview sheet (see Appendix D)
Permission to share information (see Appendix E)
SWDP psychosocial assessment (see Appendix F)
Social worker and attorney business cards



Essential tasks

- Social worker introduces self to client.
- Social worker completes program engagement:
 - Review program overview sheet with client.
 - Confirm that client knows the social worker is part of the defense team, and works in consultation and with the guidance of the attorney.
 - Discuss any relevant mandatory reporting requirements with client.
 - Address client questions/concerns.
- Complete permission to share information form.
 - All other contacts are identified through assessment.
- Complete SWDP psychosocial assessment with client.



Core delivery principles

The SWDP Engagement and Assessment Meeting sets the stage for the intervention and is the social worker's first opportunity to begin developing a rapport with the client. The SWDP Psychosocial Assessment is the mechanism by which the social worker begins to gather key information to inform their recommendations in the Sentence Mitigation Report. The assessment questions are designed to gather important information about the client's life, experiences, and history.



Tips

This first meeting should be held within three court days following referral and should be completed face to face with the client. If the meeting is in the jail, the meeting should still occur in-person, where possible, and not via videoconference. In person meetings are an important opportunity to build rapport with the client and enable the social worker to obtain original signatures on important documents including the permission to share information form(s).

During this meeting, the social worker should explain that they will be asking a lot of personal questions and that detailed information will allow the social worker to most effectively consult with the client's attorney to determine the recommendations to be included in the report. The social worker should offer examples of how such detailed information can be useful in court and explain that they are happy to discuss the results of the assessment with clients, if desired. These assurances help the client to better understand the reasoning behind the assessment and report and empower the client in the process.

The purpose of the psychosocial assessment is to help develop a profile of each client that will allow the social worker to understand and summarize a client's primary target needs, areas of concern, and goals. As the assessment is being completed, keep this profile in mind.

As the document that serves as the primary point of reference throughout the duration of a case, the psychosocial assessment should be inclusive and thorough.

Depending on a client's court hearing dates and accessibility of the client, the assessment may need to be completed in just one client meeting or may be completed over a series of client meetings.

Step 4: Coordinate Services and Linkages to Community Resources

4



Objective

Social worker to identify and connect clients with appropriate services that simultaneously address clients' needs and demonstrate to the court the value of community-based supervision rather than custodial-based sentences. Selected services should be based on the needs identified in the SWDP Psychosocial Assessment and include documentation as is available of client's acceptance, enrollment, participation and/or completion in services, treatment, or other programming.



Materials

Community Resource Lists & Directories



Essential tasks

- Make connections to community resources on behalf of client and with client's agreement:
 - Confirm availability of services for clients who are in the community
 - Gather documentation of conditional program acceptance
 - Confirm reentry planning or other services for clients who are in jail



Core delivery principles

Service coordination is important for addressing the client's needs and decreasing the likelihood that the client will have contact with the criminal legal system in the future. Documentation of service coordination into community services – such as a conditional acceptance letter from a substance use treatment program – is key to providing additional legitimacy of the Sentence Mitigation Report to the court. Service coordination also helps clients become familiar with the resources available in their community thus empowering them to be more proactive in addressing their own treatment and programming needs in the future.



Tips

Coordination may include scheduling a mental health assessment, linking clients with employment or vocational services, or confirming conditional acceptance upon release into community substance use treatment or other community services.

Clients living in the community may benefit from engaging in services, employment, or treatment as quickly as possible to demonstrate to the court their commitment to following the recommendations within the Sentence Mitigation Report.

Clients being held in-custody may be able to participate in jail-based programming or treatment services and, when possible, should begin in-custody services immediately while the social worker works to identify services and programming for clients in the community.

All professional letters and documentation should include dates and locations of classes, treatment, case management, or other services in which the client is engaged.

Any description of programming the client will receive in the future provides additional evidence that the client intends to continue seeking services and support.

A plan to meet immediate basic needs upon release can also help demonstrate that the client has a serious and realistic plan for community success, if released immediately.

Step 5: Gather Information and Documentation of Client Community Support

5



Objective

Social worker to identify and gather information from family members, friends, employers, and other resources in the community who can address the client's character or demonstrate support for the client's success in the community.



Materials

Family and Support System Questionnaire (see Appendix G)
Letter of Support Tip Sheet (see Appendix H)
Permission to Share Information



Essential tasks

- Based on results of psychosocial assessment, identify family and community contacts (family, school, work, etc.).
- Interview client community support system members.
- Gather documentation of support (letters, certificates, etc.).



Core delivery principles

Letters of support and other relevant documentation serve as evidence to the court of a client's accomplishments and support systems in the community. Written forms of support allow attorneys to make the strongest possible arguments to the court. Although the SWDP did not utilize video forms of support, other social worker programs around the country have relied on this method to offer an increased level of personalization.



Tips

In many cases, social workers are on a very tight timeline, so it may not be possible to gather all of the desired documentation. Clients who are out of custody may be able to collect some of these documents directly.

Social workers should prioritize documentation that most directly demonstrates support that can help clients avoid further contact with the criminal legal system and are tied into the most pressing needs and goals documented in the Social Worker Sentence Mitigation Report.

Documentation might include a certificate of completion from an anger management class, an attendance sheet from a church-based support group, a description from an employer of a client's work responsibilities and performance, or a letter from a family member offering personal insight, support, and verification of housing.

For family members and other members of the client's support system who would like to write a letter of support, it may be helpful to provide them with tips, such as the ones suggested in Appendix H.

Step 6: Create Social Worker Sentence Mitigation Report

6



Objective

Social worker to present a detailed analysis of the information and documents that have been collected on behalf of the client. The Sentence Mitigation Report discusses any past and present circumstances that may account for why the client has come in contact with the criminal justice system and discusses how the client's actions and behaviors will differ in the future. The plan presents options for community-based sentencing that allow the court to consider how the client's needs are better served in the community than in jail or prison. The final plan is prepared for the defense attorney who will decide how to present the materials to the court.



Materials

Sentence Mitigation Report (see Appendices I, J and K)
Client psychosocial assessment
Proof of conditional acceptance letters
Letters of support
Progress reports
Discharge summaries
Other records



Essential tasks

- Complete draft of Sentence Mitigation Report that includes:
 - Letters of Support
 - Documentation of Linkages to Community Services
- Send Sentence Mitigation Report to attorney for review and finalization.
- Review plan with client to ensure client is comfortable with the plan and that the plan is reflective of client's expectations. Remember, with the exception of legal strategy, the client is the decision maker in their case.
- Attorney will determine whether and in what form the Report will be given to the court.



Core delivery principles

The Sentence Mitigation Report is the social worker's primary work product for every client. Each plan should be uniquely tailored to the client's individual needs and look and feel different to those reading it. Plans should be detailed yet succinct and include personal information about the client as well as information on best practices for addressing the client's specific needs. Every portion should be meaningful and be aimed toward either helping improve the client's sentencing outcome or conveying some other form of meaningful information. The recommendations of the Report should be consistent with the legal strategy developed by the attorney.



Tips

Be sure to include as many direct quotes from the client as possible. Using their words helps to personalize their report and humanize them.

When possible, include pictures and anecdotal stories from people close to the client and quotes pulled from reports written about the client (ex. grade school progress reports, discharge summaries from programs, letters of recommendation, etc.). These images and quotes also help to humanize the client and make their report look and feel unique. These materials can be turned into a video account, for judges who are willing to view stories in this format.

Step 7: Prepare Clients for Court

7



Objective

Social worker to help prepare clients and family members for court appearances.



Materials

Tip Sheet for Court Appearances (Appendix L)



Essential tasks

- Help prepare clients for court hearings.
 - Provide an overview of what to expect
 - If client will testify, provide support for preparation of statement as necessary
 - Review Tip Sheet for Court Appearances with the client
- If family members will also be attending court, provide and review the Tip Sheet for Court Appearances.
- For clients in the community, conduct routine check-in calls with clients to continue to motivate them to engage in services and to remind them of court appearances.



Core delivery principles

Clients may be required or allowed to give formal statements addressing victims or the court during hearing and trials. It is important that the client be prepared to effectively communicate in a sincere and compelling manner, and the social worker can assist with this preparation in consultation with the client's attorney. Social workers can also help prepare the client's family members and friends for court appearances. Anyone coming to support the client in court should have a basic understanding of court proceedings, the rules of the court, and courtroom etiquette before appearing in court.



Tips

Preparing clients and their families for court can make a critical difference in the sentencing outcomes of clients and should not be underestimated. Court preparation involves a wide range of issues.

If clients will be addressing the court in any capacity, they will ideally have the opportunity to prepare and practice what they plan to say. The social worker can provide logistical and emotional support in preparing the clients during this process. Clients need to be able to speak confidently and sincerely about their role in the charged offense and must be prepared to tell the court what they plan to do differently going forward. Preparation does not involve dictating the client's story but rather helping the client find the words and deliver them as directly and genuinely as possible. Depending on the case, clients may be asked to address judges, juries, or even victims. Each of these scenarios can be extremely daunting and may provoke strong emotion. Social workers should offer assistance and support as needed, before the court appearance, potentially during the appearance, and in a debrief session after the appearance when possible.

Clients should be appropriately dressed and groomed for all court appearances. If they do not have appropriate clothing or the means to get appropriate clothing, local clothing closets, community organizations, or religious organizations will often provide reasonably priced or free clothing, and the social worker should help with these resources. In-custody clients may be able schedule a haircut and shave or trim and style at the jail barber. For clients in the community who cannot afford these services, local cosmetology schools will often provide them at reduced costs. These preparations seem small but it is essential that clients present themselves as capable and well-intentioned.

Finally, clients often attend court with family members, friends, and other support people, and the courtroom behavior and presentation of these support people can also impact case outcomes. When possible and helpful, social workers should provide for family members and other client support system members with basic information and an understanding of court proceeding and etiquette, such as where the hearing will be held, what time, what not to bring (such as cell phones and electronics), arriving on time, dressing appropriately, and only speaking when directly addressed by the court. If any support people will be addressing the court, the social worker may play a role in helping the defense attorney prepare them for their presentation.

Step 8: Support During Court Appearance(s)

8



Objective

Social worker to provide assistance to the attorney and client during court appearances and document key decisions and instructions provided by the court. The attorney should take the lead on communications with the client about all legal issues and the social worker will provide key support during and after the proceeding.



Materials

Court Outcomes Form (Appendix M)
Social Worker Business Cards



Essential tasks

- If time allows, check in with client before court to assess emotional well-being.
- Provide support for client in court during hearing as necessary.
- Document legal outcomes.
- After the hearing, the attorney will review the next steps and probation requirements with the client. Often, in the days and weeks following the hearing, it can be helpful for the social worker to help ensure that the client understands and is following the conditions of probation and the next steps set up in the plan.
- Provide client with contact information for the social worker if this has not already been relayed.



Core delivery principles

Court appearances can be overwhelming for clients and sometimes are completed very quickly. Although the attorney is primarily responsible for relaying key outcomes and instructions to the client, the social worker should be aware of all key outcomes to relay to family members or other relevant parties, and be prepared to offer support to the client in the aftermath of the hearing.



Tips

Make note of all key court decisions and client instructions on the Post-Court Outcomes Form and confirm with the attorney that these are correct at some point after the hearing.

The social worker may join the attorney as a support in meeting with the client after the hearing or may follow up with the client at a later date.

Step 9: Wrap-Up Meeting with Client

9



Objective

Social worker to help follow-up and wrap-up key tasks with clients and help prepare them for their next steps.



Materials

Court Outcomes Form (Appendix M)



Essential tasks

- Conduct wrap-up with client based on case disposition.
- Hold a brief follow-up meeting with client in person or by phone within one week of case disposition.
 - Review and confirm critical next steps for client
 - Provide any final follow-up, confirmation, referrals or appointments for community services
- Complete closure activities with client.
 - Acknowledge case outcomes
 - Recognize and encourage ongoing success
 - Validate fears, reservations, or client concerns



Core delivery principles

SWDP social workers do not engage in case management or long-term support and their interaction with clients will wrap-up after the court's ruling on their case. It is still important to have a follow-up meeting with the client after the disposition to confirm court instructions and linkages to community services if the client is released or help to prepare the client if they have been sentenced. As a client's social worker, it is also important to conduct closure activities to acknowledge outcomes, encourage ongoing success, and validate any fears, reservations, or concerns clients may have.



Tips

Final wrap-up and closure with clients is an important component of any social worker/client relationship.

- It is important that a wrap-up meeting be conducted as soon as possible and no later than one week after case disposition;
- If clients have legal questions, these should be addressed or referred to the case attorney;
- The content of wrap-up will vary depending on the results of the court's decision and the location of the client (community vs. custody):

If the client is **in the community**, meet with the client to:

- Confirm post court checklist
- Confirm linkage into community services and treatment
- Provide additional community resources as needed
- Conduct closure

If the client is **in jail awaiting release**, meet with the client to:

- Confirm post court appearance checklist and relevant details from the Sentence Mitigation Report including connections to community treatment as was instructed
- Confirm release date, if known
- Discuss need for any immediate support for release
- Make plans for a brief post-release check-in

If the client is **in jail serving sentence/awaiting prison transfer**, meet with client to:

- Discuss sentence outcome
- Validate and discuss fears, reservations, or concerns
- Conduct closure

Appendices: Program Materials and Tools

- A. Sample SWDP Social Worker Job Description**
- B. SWDP Referral Sheet**
- C. Client File Face Sheet**
- D. SWDP Program Overview**
- E. Permission to Share Information**
- F. SWDP Psychosocial Assessment**
- G. Family and Social Support Questionnaire**
- H. Letter of Support Tip Sheet**
- I. Sample Social Worker Sentence Mitigation Report Template**
- J. Sample #1 Social Worker Sentence Mitigation Report**
- K. Sample #2 Social Worker Sentence Mitigation Report**
- L. Tip Sheet for Court Appearances**
- M. Court Outcomes Form**

A word version of these documents is available [here](#).

Appendix A: Sample SWDP Social Worker Job Description

PROJECT SOCIAL WORKER

Social Worker Defender Project

GENERAL STATEMENT OF DUTIES:

The project social worker will be responsible for managing all of the day to day activities of the Social Worker Defender Project (SWDP). Responsibilities include working with attorneys and their clients to develop individualized alternative sentencing plans that show how clients' needs are better served in the community than in jail or prison. These plans will be developed by assessing client needs, identifying local resources for rehabilitation, treatment and recovery, and making appropriate referrals to those community resources. Social workers will also be responsible for entering data in the management information system and completing all other documentation practices as needed.

STATEMENT OF TASKS:

Under direction of the attorneys, and as an important part of the defense team, the social workers will complete the following tasks:

1. Facilitate comprehensive psychosocial assessments in the community and local jails to determine clients' basic demographic information, living situation, relationship and family dynamics, legal status, education history, employment history, physical health, mental health, substance use history, and self-identified goals and needs.
2. Identify and conduct interviews with family, friends, employers, and other support system members in the community who can aid in clients' success.
3. Based on a clinical review of assessment outcomes and interviews with family and other support systems, develop individualized alternative sentencing plans that, in consultation with the case attorney and client, recommend and advocate for community-based sentences and alternative community treatment as indicated.
4. As needed, coordinate and initiate facilitated referrals to community treatment and other services for clients prior to sentencing to ensure rapid engagement in services.
5. Maintain ongoing pre-trial client updates on progress through communication and collected documentation from community service providers and by conducting routine check-ins with clients.
6. Prepare clients and their families for court appearances by providing an overview of court policies and discussions on what to expect. Provide additional post court debriefings to reinforce next steps and ensure continuity of care into longer term systems of community treatment and services.
7. Accompany clients to court and participate in hearings as requested by the defense attorney. Provide additional information and support, as required.
8. Provide management and oversight of all program related tasks including administration of program policies and protocols, representing program at government and community stakeholder meetings, and maintaining all necessary paperwork to document program efforts and outcomes.
9. Foster communication and connections with a wide array of community service providers while sustaining a comprehensive community referral network.
10. Provide supervision to additional SWDP social workers, staff, and interns.

11. Perform all of these tasks in collaboration with attorneys, courts, judges, community corrections, parole/probation, and other relevant stakeholders.
12. Perform other duties as assigned.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Master's degree in social work;
- Extensive knowledge of criminal legal system;
- Demonstrated clinical assessment and counseling skills with populations involved in the criminal legal system;
- Ideally, at least 1 year of experience in sentence mitigation work;
- Able to work independently as well as part of an interdisciplinary team;
- Good communication skills with multiple stakeholder groups including clients, family members, attorneys, judges, and other social service providers;
- Excellent writing skills and ability to complete detailed documentation and reporting requirements;
- Able to multi-task and prioritize duties as guided by client needs and court calendar;
- Has strong ties to the community served;
- Good knowledge of current social, economic and health problems;
- Good knowledge of the philosophy and provisions underlying social service legislation of the State of Michigan;
- Knowledge of data collection and automated information systems.

STRONGLY PREFER:

- Licensed clinical social worker

Appendix B: SWDP Referral Sheet

Program Referral¹

Social Worker Defender Project (SWDP)

Directions for Referring Attorneys:

- Please determine if your client wishes to have the assistance of a social worker on their case and give or email this completed form to the Social Worker within 2 business days of the Probable Cause Conference (PCC). We expect that you will use all of the information available to you after the PCC to screen clients for program eligibility criteria.
- Once the referral has been submitted, the Social Worker will reach out to you to plan a strategy check-in as soon as possible.

Program Eligibility Checklist (All must be <i>CORRECT</i> for participant to be eligible for project)			
Adult (18 years or older)	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
Accused of a charge that could result in either prison or jail sentence	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
Not on parole	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
Does not have a concurrent case that is restricted to prison sentencing guidelines only	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
Not currently serving a sentence	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
Does not have a pending case in another jurisdiction	<input type="checkbox"/> Correct	<input type="checkbox"/> Incorrect	<input type="checkbox"/> Don't know
If any items are checked incorrect, please explain:			

Client Information	
Client Name:	Date of Birth:
Attorney Name:	Date of PCC:
Sentencing Guidelines:	
Current status: (circle one) In Custody In the Community	

¹ The details of this referral sheet may look different depending on the eligibility criteria that are identified for participants in the planning stage of the project.

Appendix C: Client File Face Sheet

Client File Face Sheet

Social Worker Defender Project (SWDP)

Client Information			
Client Name:		Date of Referral:	
Attorney Name:			
Client Contact Information:			
Current status: (circle one) In Custody In the Community Released			

Client Social Support Contacts		
Name:	Relationship to Client:	Phone #:
Name:	Relationship to Client:	Phone #:
Name:	Relationship to Client:	Phone #:
Name:	Relationship to Client:	Phone #:

Court Dates			
Date:	Time:	Courtroom:	Type of Hearing :
Date:	Time:	Courtroom:	Type of Hearing :
Date:	Time:	Courtroom:	Type of Hearing :
Date:	Time:	Courtroom:	Type of Hearing :
Date:	Time:	Courtroom:	Type of Hearing :

Appendix D: SWDP Program Fact Sheet

Social Worker Defender Project Fact Sheet

[Insert your agency logo
since this is a public-facing
document]

What Is This Project About?

The **Social Worker Defender Project (SWDP)** involves a social worker who will work with public defense attorneys to provide additional support and advocacy for people who are facing criminal charges. Social Workers will collect information from clients to assist public defense attorneys in advocating for individualized community-based sentences instead of jail or prison sentences.

Who Can Participate in this Program?

Any adult who has been accused of a crime which could result in either a prison sentence or a jail sentence. [Replace this with other eligibility criteria, if different.]

What is Involved If I Am in the Program?

If you agree to participate, you will be assigned a social worker who will work with you and your public defender to make recommendations to the court.

1) Meeting(s) with Social Worker:

You will be asked to meet with the social worker and complete a life assessment to help the social worker provide more life context to the public defender when developing recommendations for the court.

2) Family & Social Support Contacts:

You will be asked by the social worker to provide the names of family or other social support members and their contact information so that the social worker can work with them to develop letters of support for your case.

How is My Information Protected?

Confidentiality: Your identity and any information that you provide to the social worker or the public defender will NOT be shared with anyone outside of the legal team.

Is There a Cost to Participate?

No, the program is free.

What If I Don't Want to Participate?

The decision to participate in the program is entirely up to you. You have the right to refuse or to stop working with the social worker at any time.

If you decide not to participate in this program or to stop participating at any time, you will continue to receive the same public defender services that you would normally.

This information sheet is yours to keep. If you choose not to keep this information sheet, please return it to the social worker.

Who do I Ask for Questions?

If you have questions about the program, ask your social worker who can answer your questions regarding this study or this program.

Do You Wish to Participate?

If you would like to participate, please discuss the next steps with the social worker.

Appendix E: Permission to Share Information

Permission to Share Information Social Worker Defender Project (SWDP)

Participant Name: _____

Date of Birth: _____

This will authorize: *[Insert Your Agency Name]*
[Insert Your Agency Address]

To release or receive the requested information to/from: _____
(Name of Agency)

Address of Agency: _____

Please **check all** information you authorize for full disclosure/release:

- ☐ Criminal Justice involvement
- ☐ Employment history
- ☐ Financial history
- ☐ HIV or other health status
- ☐ Housing needs
- ☐ Medical history
- ☐ Medications (current & past)
- ☐ Mental health treatment/services/needs
- ☐ Education history
- ☐ Substance use treatment/services/needs
- ☐ Other information (please specify): _____

Please **check any** items you wish to exclude from this disclosure/release:

- ☐ Criminal Justice involvement
- ☐ Employment history
- ☐ Financial history
- ☐ HIV or other health status
- ☐ Housing needs
- ☐ Medical history
- ☐ Medications (current & past)
- ☐ Mental health treatment/services/needs
- ☐ Education history
- ☐ Substance use treatment/services/needs
- ☐ Other information (please specify): _____

Such information will only be used for program purposes related to developing the client's social worker plan and connecting to additional services. This information is confidential and will not be released by *[insert agency name]* without the client's signed permission. The client

may cancel this authorization at any time by submitting a written request to *[insert agency name]*.

I understand I have the right to receive a copy of this authorization.

Print Client Name: _____

Client Signature: _____ Date: _____

Appendix F: SWDP Psychosocial Assessment

Psychosocial Assessment

Social Worker Defender Project (SWDP)

I. Personal Information					
Client's Name/Preferred Name		Date	Court#	Location	Attorney
Date of Birth	Age	Gender and Preferred Pronoun		Sexual Orientation	Ethnicity/Race
Current Address			Most Recent Living Situation	Primary Language (Interpreter Needed?)	
Phone Number			Alternate Phone Number		
Emergency Contact Name		Relationship	Telephone #	OK to Contact?	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Presenting Problem/Services Requested					

II. Relevant Incarceration Information
Summary of Incarceration and Current/Past Programming (Including Juvenile, County Jail, and Prison)
Current Parole or Probation Status, and Officer Contact Information

III. Education History		
Last Grade Completed	GED (Date)	Special Education (If yes, what type)
Do you need help with reading and/or writing? (If yes, describe needs)		

IV. Employment History & Financial Information						
Income Assistance:						
<input type="checkbox"/> TANF	<input type="checkbox"/> SSDI	<input type="checkbox"/> SSA	<input type="checkbox"/> SSI	<input type="checkbox"/> Food Stamps	<input type="checkbox"/> VA	OTHER:
Describe employment history, if any, including dates and length of employment						
Vocational Skills/Training						
Military Service						
Service Type including if Overseas	Dates	Branch	Last Rank	Type of Discharge		

V. Family History		
Family of Origin (including parents, siblings, significant events/relationships, involvement with foster care system and group homes, and how long involved):		
Current Support Systems	Prior Living Situations (foster care, group home)	Marital Status/Name & Contact Partner

DEPENDENTS (children, elderly parents, adult children with disabilities)		
Name	Age	Who is taking care of this child or dependent? Briefly describe your involvement with your children or other dependents prior to incarceration. Do you have any concerns (i.e., child custody, family court, CPS case, contact visits, resources for child/family)?

VI. Substance Use					
Substance, in Order of Choice (Include Alcohol)	Age Began	Duration	Value/Quantity	Route of Administration	When Last Used

Drug Treatment Programs Name & Location	Dates	Length of Stay	Graduated (Y/N)	Type of Treatment

Notes on Past Treatment (including what worked and what didn't work)	
Opiate Replacement Therapy, Current and/or Past	Any significant periods of sobriety out of custody? If yes, details
Family History of Substance Abuse	

Have you ever felt you should cut down on your drinking or drug use?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Have people annoyed you by criticizing your drinking or drug use?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Have you ever felt bad or guilty about your drinking or drug use?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Have you ever had a drink or used drugs first thing in the morning to steady your nerves or get rid of a hangover?	<input type="checkbox"/> No <input type="checkbox"/> Yes
What challenges, if any, have you encountered as a result of your drug/alcohol use (including legal, medical, family, work, school, etc.)?	

VII. Medical History			
Chronic Medical Problems and Current Symptoms		Medications and/or Other Medical Treatment	Hospitalizations
Have you been tested for HIV? <input type="checkbox"/> No <input type="checkbox"/> Yes		Have you been tested for TB? <input type="checkbox"/> No <input type="checkbox"/> Yes	
When	Result	When	Result
Medical Insurance		Regular Primary Care and/or Mental Health Provider	

VIII. Basic Needs Assessment					
From time to time, people may have trouble taking care of their basic needs. In the past six months prior to when you were last incarcerated, how often have you had trouble...					
	Never	Rarely	Sometimes	Usually	Don't know
a. Finding a place to sleep	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Getting enough to eat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Having enough clothing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Finding a place to wash	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Finding a place to use the bathroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. Trauma History

Have you experienced any trauma during your childhood and adolescence? Describe, including sexual abuse, physical violence (experienced and witnessed), community violence, etc.

Have you experienced any trauma as an adult? Describe, including sexual or physical abuse, domestic violence, chronic homelessness, etc.

If yes, have you received any trauma specific therapy or counseling? When and where?

ACEs Questionnaire

(4 or more 'yes' answers indicate childhood trauma or stress leading to higher risk of health issues as an adult)

1. Did a parent or other adult in the household **often**...
Swear at you, insult you, put you down, or humiliate you? **OR**
Act in a way that made you afraid that you might be physically hurt?
☐ Yes ☐ No If yes, enter 1 _____
2. Did a parent or other adult in the household **often**
Push, grab, slap, or throw something at you? **OR**
Ever hit you so hard that you had marks or were injured?
☐ Yes ☐ No If yes, enter 1 _____
3. Did an adult or person at least 5 years older than you **ever**...
Touch or fondle you or have you touch their body in a sexual way? **OR**
Try to or actually have oral, anal, or vaginal sex with you?
☐ Yes ☐ No If yes, enter 1 _____
4. Did you **often** feel that...
No one in your family loved you or thought you were important or special? **OR**
Your family didn't look out for each other, feel close, or support each other?
☐ Yes ☐ No If yes, enter 1 _____
5. Did you **often** feel that...
You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? **OR**
Your parents were too drunk or high to take care of you or take you to the doctor?

<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____
6. Were your parents ever separated or divorced?
7. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____
8. Was your parent: Often pushed, grabbed, slapped, or had something thrown at him/her/them? OR Sometimes or often kicked, bitten, hit with a fist, or hit with something hard? OR Ever repeatedly hit or threatened with a gun or knife? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____
9. Did you live with anyone who was a problem drinker, alcoholic, or used street drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____
10. Was a household member depressed, mentally ill or attempt suicide? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____
11. Did a household member go to prison? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter 1 ____

X. History of Self-Harm		
Have you ever attempted suicide or engaged in self-harm?		
Describe	Date	Medical Attention Received
Are you currently having thoughts of hurting or killing yourself? <input type="checkbox"/> NO <input type="checkbox"/> YES		
If Yes, Describe		
If Yes, Assess for INTENT, PLAN, MEANS, PREPARATION:		
Suicidal Ideation <input type="checkbox"/> NO <input type="checkbox"/> YES Suicidal Intent <input type="checkbox"/> NO <input type="checkbox"/> YES Suicidal Plan <input type="checkbox"/> NO <input type="checkbox"/> YES If yes, s/he made preparations <input type="checkbox"/> NO <input type="checkbox"/> YES Is client immediately suicidal <input type="checkbox"/> NO <input type="checkbox"/> YES		
If client expresses suicidal ideation, describe what factors may precipitate attempt and what precautions are being taken:		

XI. Violence Assessment
Have you ever been convicted of a crime involving violence? If yes, describe
Have you had any physical altercations this past year? If yes, how many?

XII. Client Strengths & Goals
What are your strengths/good qualities/the things you like best about yourself?
Do you consider yourself a religious/spiritual person? Describe.
What are your goals for the future?

XIII. Current Mental Status		
Appearance <input type="checkbox"/> Actual Age <input type="checkbox"/> Older <input type="checkbox"/> Younger <input type="checkbox"/> Disheveled <input type="checkbox"/> Well-Groomed <input type="checkbox"/> Other:	Attention <input type="checkbox"/> Adequate Attention Span <input type="checkbox"/> Distracted <input type="checkbox"/> Confused <input type="checkbox"/> Hyper vigilant <input type="checkbox"/> Self-Absorbed <input type="checkbox"/> Paranoid	Attitude <input type="checkbox"/> Accessible <input type="checkbox"/> Cooperative <input type="checkbox"/> Good Eye Contact <input type="checkbox"/> Uncooperative <input type="checkbox"/> Guarded <input type="checkbox"/> Suspicious
Behavior & Movement <input type="checkbox"/> Agitated <input type="checkbox"/> Rigid/Tense <input type="checkbox"/> Decreased Movement <input type="checkbox"/> Atypical/Peculiar Movements <input type="checkbox"/> Relaxed <input type="checkbox"/> Good Posture <input type="checkbox"/> Uses Cane <input type="checkbox"/> Uses Wheelchair	Insight <input type="checkbox"/> Unable to acknowledge symptoms/problematic behaviors <input type="checkbox"/> Accepts Responsibility <input type="checkbox"/> Acknowledges Problems	Judgment <input type="checkbox"/> Unable to anticipate consequence of behavior <input type="checkbox"/> Impaired ability to make reasonable decisions <input type="checkbox"/> Good Judgment
Memory & Cognition <input type="checkbox"/> No apparent impairment <input type="checkbox"/> Immediate recall impaired <input type="checkbox"/> Recent memory impaired <input type="checkbox"/> Remote memory impaired	Motivation <input type="checkbox"/> Pre-contemplative <input type="checkbox"/> Some Ambivalence <input type="checkbox"/> Motivated <input type="checkbox"/> Highly Motivated	Mood & Affect <input type="checkbox"/> Anxious <input type="checkbox"/> Depressed <input type="checkbox"/> Euphoric <input type="checkbox"/> Irritable <input type="checkbox"/> Angry <input type="checkbox"/> Labile <input type="checkbox"/> Restricted <input type="checkbox"/> Blunted

<input type="checkbox"/> Difficulty understanding		<input type="checkbox"/> Flat <input type="checkbox"/> Appropriate Affect
Perception & Orientation <input type="checkbox"/> Auditory Hallucinations <input type="checkbox"/> Visual Hallucinations <input type="checkbox"/> Fully Oriented Disoriented to: <input type="checkbox"/> Time <input type="checkbox"/> Place <input type="checkbox"/> Person <input type="checkbox"/> Other:	Speech & Language <input type="checkbox"/> Slow <input type="checkbox"/> Rapid <input type="checkbox"/> Loud <input type="checkbox"/> Quiet <input type="checkbox"/> Slurred or Stammered <input type="checkbox"/> Normal <input type="checkbox"/> Tangential Primary Language: <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other: <input type="checkbox"/> Interpreter Needed	Other Strengths <input type="checkbox"/> Family/Social Support <input type="checkbox"/> Hopeful/Optimistic <input type="checkbox"/> Resourceful <input type="checkbox"/> Goal-Oriented <input type="checkbox"/> Spiritual/Religious <input type="checkbox"/> Employment history/job skills <input type="checkbox"/> Other:
Additional Information:		

XIV. Clinical Impression & Recommendations
Clinical Formulation
Recommendations

Social Worker Name and Date(s) Completed

Appendix G: Family and Social Support Questionnaire

Family and Social Support Questionnaire

Social Worker Defender Project (SWDP)

**To be completed with the help of both the client and family members/supports*

I. Overall/General
1. What would you say is the client's greatest challenge?
2. Difficulties faced in client's lifetime? Any health problems, major injuries, mental health issues or trauma?
3. What positive qualities does the client have? What positive activities has client been involved with/things client has done to better themselves?
4. What support do you think the client needs in order to succeed in the future?
II. Childhood
1. What was the client like as a child? What was the client's life like while growing up?
2. When and where was client born?
3. Birth circumstances: complications with pregnancy, mother's health/habits, prenatal care, complications during labor and delivery?
4. Parents' marital status at the time of birth, where living, where working, ages?
5. Health during childhood, injuries, hospitalizations (which hospitals), illnesses, chronic conditions, regular medical care/checkups, head injuries, exposure to toxins, mental health?
6. Experiences of trauma, violence, head injury?
III. Family Questions
1. Information on parents: where were they from, what was their relationship like, other relationships/partners during client's childhood, education level, work history, received food stamps or AFDC, parental mental health or substance abuse issues, where are parents now/what do they do?
2. Siblings, ages, where are they now and what do they do, relationship growing up and currently?

3. Other important adults, extended family, neighborhood, church?
4. Abuse, physical, emotional, sexual, experience of mental illness or substance use within family, domestic violence, family incarcerated, significant events, deaths, hospitalizations of family, experience of racism, discrimination, poverty?
IV. Housing, School, Work, Juvenile Justice Involvement
1. Where and in what type of housing did client grow up, neighborhoods, socioeconomic status, gangs, safety?
2. Education, what schools attended, safety, socioeconomic status, relationships with teachers and other students, special education, IEP, saw a counselor/social worker/ psychologist, academic performance, favorite/least favorite subjects, feelings about school?
3. Peer interactions, friendships, quality of friendships, fights, gang involvement in childhood?
4. Juvenile Justice Involvement, when, circumstances, where incarcerated, how long, safety, experiences?
5. Activities enjoyed growing up, weekend and afterschool care, leisure, church, other community-involvement?
6. Work history, vocational training, activities during periods of joblessness?
7. Housing history, when moved out of parental home, returns to parental home, frequency of moves, periods of homelessness?
8. Criminal justice system involvement, what impact did incarceration have on your life, what impact on your family?
V. Client as an Adult
1. Adult relationships, significant romantic relationships, marriages, children?
2. Adult substance abuse issues, onset of use, frequency of use, impact/effects of use, client motivation and attempts to quit, outpatient or residential treatment episodes?
3. Adult mental health, symptoms, diagnoses, hospitalizations, medication, treatment?

4. Adult health problems, injuries, serious illnesses, chronic illnesses, hospitalization or other treatment accessed?
5. Any other past programming, anger management, therapy, treatment, agencies and providers accessed?
VI. Other Questions for Client
1. Insight: What do you think got you involved in criminal activity in the first place? Why do you think the current situation occurred? What would you do differently in the future to prevent it from happening again?
2. Hobbies, interests, spirituality, involvement in community, family?
3. What are your strengths?
4. What do you think you need/want help with in order to succeed in the future?

Appendix H: Family and Social Support Letter of Support Tip Sheet

Letter of Support Tip Sheet Social Worker Defender Project (SWDP)

I. What to Include	
Item	Examples/Details
Your name	
Your relationship with the person	Mother, brother, friend, teacher, boss, coach etc.
How long you have known the person	1 year, 2 months, etc.
Your knowledge about the person's character	Are they reliable, honest, hard-working, dedicated, etc.
Positive attributes or things about the person.	Some sample questions you might consider answering are: <ul style="list-style-type: none">- What are three positive words or positive qualities you would use to describe this person?- What kind of father/mother, son/daughter, brother/sister, neighbor, etc. are they?- What positive activities has this person been involved with such as involvement in their child(s) school, recreational sports teams or their child(s) sport teams, church or other religious organizations, other community involvement?- What kinds of things have they done to better themselves?
If you have a professional relationship with the person (such as being their teacher, boss, co-worker, etc.), consider adding positive observations of their actions and behaviors in professional environments	For example: <ul style="list-style-type: none">- When she/he works/worked for me, they are always on time, are willing to do any tasks I assigned them, always bring a positive attitude to work...- When XX was in my class, they got along well with other students, were a dedicated student, worked out problems with school work or with peer relationships in a positive manner...
II. Helpful Things to Remember	
<ul style="list-style-type: none">• The letter should be addressed to the presiding officer of the court.	
<ul style="list-style-type: none">• Get the <i>correct spelling of the presiding officer's name</i> from the social worker or attorney assigned to the person's class.	
<ul style="list-style-type: none">• Whatever is said must be true. Consider that anything you put in the letter could be questioned in a court of law.	
<ul style="list-style-type: none">• Try to keep your letter to 1 page and no more than 2 pages.	
<ul style="list-style-type: none">• Make sure your letter includes the date and your signature.	

Appendix I: Sample Sentence Mitigation Report Template

Sample Sentence Mitigation Report Template Social Worker Defender Project (SWDP)

Date
SOCIAL WORKER NAME, Degree
Title
Affiliation

Re: DEFENDANT NAME (Court Number: NUMBER)

Assessment Procedures

- 1) Brief description of social worker credentials and assessment procedures.
 - a) Identification of professional affiliation, public defender's office, etc.
 - b) Formal social work training and education
 - c) Brief description of relevant professional experience
 - d) Registration or licensing with professional affiliations
 - e) Dates of interviews with client

I. SOCIAL HISTORY

Background, Criminal History, and Demographics

- 1) Client Name
- 2) Address
 - a) Current residence (or residence they will return to if currently incarcerated)
 - b) How long they've been living there
 - c) Who they live with (e.g., they live at this address with 4 other people: spouse, 2 children, and mother, etc.)
- 3) Identifying information
 - a) Age
 - b) Gender
 - c) Race/ethnicity
 - d) Relationship status
 - e) Parental status/children
 - f) Current employment status
- 4) A BRIEF criminal background history
 - a) Current arrest charge
 - b) Previous arrest history and outcome

Upbringing and Family History

- 1) Client's family of origin
 - a) Parents
 - b) Siblings
- 2) Upbringing

- a) Who they grew up with, who raised them
 - i) If their parents didn't raise them, why?
 - ii) What siblings lived with them?
 - iii) How was their life as a child?
 - iv) Involvement with child protective services/foster care, in any
 - v) *Insert quotes from parents and siblings about how they were as kids*
 - vi) *If able to obtain pictures of them as a kid or family, add here too*
- 3) History of trauma or abuse
- 4) Current family life
 - a) Spouse/partner
 - b) Children (names and ages)
 - i) Custody or visitation
 - ii) How much time do they spend with their kids
 - iii) What do they do for their kids that no one else does
 - (a) Take them to school
 - (b) Cook them dinner
 - (c) Read them a bedtime story
 - (d) Pick them up
 - (e) Coach their little league teams
 - (2) Relationship with their children... any fun/sweet stories they have or quotes from their children or co-parent
 - iv) Children's other parent(s)
 - (1) What is their relationship with their children's other parent(s)
 - (2) Child support obligations

Mental Health

- 1) Diagnosis
 - a) What are their current mental health diagnosis (if any)
 - b) Who diagnosed them?
 - c) When?
 - d) Under what circumstances
 - e) Did their caregivers know about their mental health issues, if diagnosed as children?
 - i) Get quotes from family, friends, relatives, teachers, who can speak to their mental illness and how that affected their behavior...quotes like "we always knew he was special," "he's always been different," "he's always been a little off"
 - f) Medications prescribed
 - g) Hospitalizations
 - h) Therapy or treatments

Substance Use

- 1) History
 - a) What substances

- b) Age at onset
- c) Quantity
- d) Frequency/circumstances surrounding use
 - i) Why did they start using?
 - (a) What were they trying to escape from?
 - (b) Were they partying?
 - (c) Did they start using after a traumatic experience?
 - ii) Who did they start using with?
 - iii) How did the substance change them? (insert quotes from people who knew them before and how their behavior changed after)
- 2) Current use
- 3) Previous experience with treatment and sobriety
 - a) What worked? What didn't work? Why didn't it work?
 - b) What will be different this time?
 - c) Any significant periods of sobriety out of custody?
- 4) Family history of substance use?
 - a) Parents, siblings, previous or current partners?

Education and Employment History

- 1) Highest level of education achieved to date
 - a) Type of student, grades earned in school
 - b) Learning disabilities, formally or informally identified?
 - c) Behavior in school (use quotes from progress reports and parents or siblings and cousins who went to school with them)
 - d) What they wanted to be when they grew up?
- 2) Recent (last 5-10 years)
 - a) Professional Training
 - b) Vocational Training
 - c) Certifications or Degrees
- 3) Current employment status
 - a) Currently have a job? If so, where?
 - b) How long have they held their current job?
 - c) Will their employer rehire them?
- 4) Previous employment
 - a) Previous jobs
 - b) How long is the longest they have held a job?
 - c) Why have previous jobs not worked out?
 - d) Lack of any "legal" employment history?
- 5) Veteran Status
 - a) Service type/Branch
 - b) Dates of service
 - c) Last rank, type of discharge

Goals and Needs

- a) What do they hope to get out of this case?
- b) Where do they see themselves?
- c) What do they want for their family?
- d) What is their dream life/job/scenario?

Summary of issues and life experiences that lead to their interaction with law enforcement

- a) Sum up everything you talked about before but only the important parts...the trauma, abuse, substance use, education, learning disabilities, troubles on jobs...ANYTHING that could have contributed

II. SENTENCE MITIGATION PLAN

Description and Recommendations of Alternative Sentence

- a) How would this plan meet their needs better?
- b) How will this plan be different?
- c) Who is going to help them?
- d) Why are they different this time around?
- e) What are potential obstacles and what are their plans for overcoming these obstacles?

Conclusion

- 1) Summary of their issues
- 2) Summary of the alternative sentencing suggestions
- 3) And why the alternative is better than what is being proposed by the prosecutor/presentence investigation team/etc

Appendix J: Sample # 1 Sentence Mitigation Report

Date
XXXX, LLMSW
Social Worker
Genesee County Social Worker Defender Program

Re: ** ** ** *

Assessment Procedures

I work as a social worker for the Social Worker Defender Project. In this role, I was asked to meet with ** to prepare a Sentence Mitigation Report. I bring to this position formal training from XXXX Master's in Social Work program as well as XX years of experience providing direct services to diverse populations in the community. I am licensed through the State of Michigan. Interviews with ** were conducted on 10/8/18, 10/15/18, 10/17/18, and 11/13/18.

I. SOCIAL HISTORY

Background, Criminal History, and Demographics

**, age 40, is an African American male charged with Resisting and Obstructing. ** is scheduled to be sentenced on XX/XX/18 in front of Judge XX. ** is currently lives at XXX Flint, Michigan with his 11 year-old daughter, his long-term girlfriend of three years, and her son, whom ** has raised since infancy. ** has three prior convictions of attempted prison escape, unlawfully driving away an automobile (UDAA), and receiving and concealing stolen property over \$100. ** previously went to prison for these convictions and has paid his debt to society. He was released from prison over 10 years ago and has not had any major run-ins with the law since that time until this current case. ** was employed at XXX in XX, Michigan at the time of his arrest. His friends and family describe him as hard-working and dependable. He would ride his bike to the bus station, catch the 4:45am bus, and clock-in to work at 6:15am.

Upbringing and Family

** has lived in Michigan since his birth in 1978. He grew up in a single-parent home with his mother and 10 siblings. He is the oldest of his mother's 11 children. He grew up in a neighborhood that exposed him to crime and violence. In an interview with his mother, XXX, she shared that even as a child, he was always helpful and responsible. She said ** was always tending to the needs of his siblings to the best of his ability. When asked for an example of this she spoke about him giving her the money he made from a paper route to help alleviate the financial burden of taking care of a large family. In his early teenage years, ** and his siblings were removed from his mother's care. During this separation, the siblings were split between two foster care homes. Soon after being returned to his mother, ** began acting out, which resulted in **'s placement in multiple in juvenile detention centers. ** had a fragmented relationship with his father growing up, due in part to his father's struggles with alcoholism and substance use. They became closer after his father's release from prison in 1991 until his father's death in 2016.

** is a father of eight and grandfather of one. His children range in ages from 23 years old to 4 years old. In speaking with multiple family members and friends, there was a consensus of ** being a “wonderful” father. Though he does not live in the same home as all of his children, he has maintained a relationship with each of them and their respective mothers. When ** was employed, he contributed financially for his children by paying child support. The mother of his oldest child, XXX, says that ** is a good father to all of his children and if he is in a relationship, he treats his partner’s child(ren) as his own as well. Though they are not in a romantic relationship anymore, ** and XXX, along with the other mothers of his children, have maintained good co-parenting relationships.

** has a close relationship with his siblings. His younger sister, XXX, calls ** her “confidant” and says she missed talking to him during his incarceration. She says that ** is “dependable” and a major help to her as a single mother of her young daughter.

** has experienced some losses that have greatly affected him. In 1996, his good friend that was as close as a brother was tragically murdered. This happened again to another close friend in 2006. In 2016, his father died of cancer. Earlier this year, his maternal aunt, who helped raise him and his siblings, died of a stroke. ** has never received grief counseling to help him deal with these multiple losses. He says when he thinks about these deaths and circumstances surrounding them, he gets depressed. As a way to cope with the pain and hurt, he states that he will drink alcohol on the anniversary of their deaths. ** feels unresolved grief is a major contributor to his drinking.

Mental Health

** was diagnosed with a bipolar disorder and depression in 2004 while in prison. He received treatment for these diagnoses for approximately 8 months by a mental health professional. He again engaged in treatment for his mental illness in 2011 at XXX. He has never been in a psychiatric emergency room or had to be hospitalized for psychiatric reasons nor reports any perceptual disturbances. When asked about family history of mental illness, ** is only aware of his father having diagnoses of bipolar disorder and schizophrenia.

Substance Use

Since his release from jail on XX/XX/18, ** reports that he has not used any alcohol or drugs. ** began drinking alcohol at 14 years old and smoking marijuana at 16 years old. He states that he used to smoke marijuana daily as a coping mechanism to keep him level and calm. He would primarily only drink on the weekends because he did not want it to interfere with his work performance. There is a family history of substance abuse with both of **’s parents. ** has seen how his years of substance use has caused discord with his family, been a factor in his involvement with the legal system, caused him to act out of character to the point of blacking out and not remembering previous days’ happenings, and has a high probability to put future employment and his ability to provide for his family in jeopardy.

Education and Employment History

** attended Flint schools where he was in special education classes. He dropped out in 11th grade but received his GED in 2001. He has certificates in (1) Custodial Maintenance and (2) Gas and Architectural Welding, as well as courses in architectural drafting. Up until his last arrest, ** was employed by XXX, a factory in XX, Michigan, where he worked as a general laborer. He has also worked at XX and XX, both local factories. He has experience in roofing and food service.

Goals and Needs

Needs

- Substance Use Disorder Treatment
- Grief Counseling
- Life Skills Counseling
- Educational Counseling

Goals

** identified 4 major life goals for himself during my time working with him:

1. Maintain long-standing sobriety;
2. Start school to study culinary arts or auto mechanics;
3. Purchase a home for his family in a better neighborhood;
4. Make a difference in his community.

He wants to use his life experiences and lessons learned to deter others from making some of the same mistakes. He wants to be an example to his children and others of someone that was able to turn their life around despite a turbulent past.

** is hopeful that his Judge will allow him to have a community-based sentence as he has not had major legal involvement in a substantial amount of time and has had success with this writer's recommendations since his release from jail on XX/XX/18. Since his release, ** has been interviewing with potential employers to secure steady income so he can resume contributing to the care of his family and work towards his goal of home ownership. He wants to continue being an active part of his children's lives and serve as dependable support.

Client's Support System

** has identified his girlfriend, sister, and mother as his primary support systems. His girlfriend is willing to assist with transportation to and from work as needed. His mother and sister have committed to providing ** with any type of support that he will need as he makes the necessary changes to be productive and meet his goals. They are prepared to encourage him to attend all recommended meetings, support groups, and participate in healthy activities to appropriately cope, relieve stress and increase his quality of life.

II. SENTENCE MITIGATION PLAN

Substance Abuse Treatment

** has been using substances since his early teens and has made attempts to quit in the past but has not been able to maintain long-lasting sobriety. He now sees that the path he was on was disastrous for himself and those around him. He is ready to do the work to remain sober. **To address his first need, this social worker recommends that ** engage in substance use disorder treatment at New Paths.** Since his release from jail, ** has completed the intake process for outpatient services, been assigned a therapist, and attended multiple treatment group sessions. Participation in outpatient services will allow ** to continue to receive substance use disorder treatment, access therapy, and maintain employment in order to fulfill his household obligations as a main financial contributor. The treatment plan that he and his New Path's therapist created addresses his **substance use, positive coping strategies, gainful employment, educational advancement, and housing needs.** **'s therapist will also assist him in resolving any underlying issues such as **anger** and **grief** that have contributed to his excessive drinking.

Life Skills Counseling and Vocational Training

XXX, the mother of **'s oldest child, has known him since he was a teenager and stated, when asked about **'s challenges, that *"he is always doing for others and not taking proper care of himself."* She felt that ** needed to focus on his own well-being and stop prioritizing friends and other able-bodied adults above his own wellness. She felt a change in who ** socializes with could be beneficial in his fulfillment of his identified goals. This point was echoed by his long-term girlfriend, XXX, and his mother, who both felt the company ** kept fueled his counter-productive decisions and resulted in him being engaged in compromising situations.

In addition to substance use disorder treatment at New Paths, **this social worker's recommendation is that ** engage with M.A.D.E Institute.** The MADE Institute is a 501c3 organization that specializes in the assisting individuals with criminal backgrounds who desire to make changes in their lives. The mission statement of MADE Institute is, "to provide comprehensive programming for at-risk-youth and returning citizens in the areas of workforce development, social advocacy, training and research, and violence prevention."

In the **Becoming MADE Life Skills Training** program at the MADE Institute, participants receive one-to-one mentoring and participate in a life skills training group that uses a 10-phase curriculum aimed at helping the members to identify, understand, and develop strategies to cope with a range of challenges. Since his release, ** has completed the MADE Institute intake process and begun the Life Skills Training. ** is benefitting from this program by connecting with people who are staying productive and goal oriented despite experiencing similar struggles. The program creates a sense of community for the participants to draw upon for strength and foster hope for a better future despite their past criminal involvement.

Through participation in this program, ** has designed a detailed plan that identifies his life goals with specific objectives and action steps to follow. He has also created a recidivism prevention plan, which is a concise history of why he became involved in the criminal justice system and identifies barriers that may have influenced his behaviors. The plan also includes identified social support systems that are available to ** to assist him in his endeavors. ** has a working plan to overcome recidivism and achieve his personal goals.

The MADE Institute has also partnered with Detroit Training Center to offer a Vocational Skills Training Program. This program is 6 weeks long. At the end of this training program, ** will have hands-on training, critical skills, and certifications in building trades. This program will aide in ** becoming financially stable to become a homeowner in a safer neighborhood.

The MADE Institute, with the assistance of the Ruth Mott Foundation, has opened a transitional house through a contract with the Offender Success Program. To meet the needs of the community, The MADE Institute is in the process of developing the MADE Campus around their current transitional house. The plan is to renovate two more houses to serve as transitional homes and transform currently vacant lots into community gardens and parks.

In a report from the MADE Program Manager, **** is said to be totally engaged in programming and compliant with all requirements and recommendations.** Completion of tasks has given ** insight on his personal situation and inspired him to make necessary adjustments to address barriers and achieve success. The Program Manager is confident that if ** continues in the program and utilizes the support available to him, he will have the tools needed to complete his goals and reduce his likelihood of recidivism.

Educational Counseling

Though ** has received his GED certificate, he wishes to further his education by studying culinary arts or auto mechanics. Once ** 1) completes his substance use disorder treatment, 2) finishes one or both of the MADE Institute programs, and 3) stabilizes himself back in employment, **he plans to make arrangements to begin college.** He feels attending Mott Community College would be the best option for him. He has acquired information on his programs of interest and each of their requirements. His treatment plan with his New Paths' therapist includes ** researching the programs in greater depth when he is ready to enroll. He has also been given the contact information for the Mott Workforce Development/Workforce Education Center. They are able to assist ** in strengthening and increasing his literacy and academic skills to the post-secondary education entry level.

Conclusion

** has a long history of substance use and traumatic stress, which are contributing factors to his past substance use and latest interaction with law enforcement. Since his release from jail on XXX, 2018, he has ceased use of all substances, engaged in services, and not had any other criminal justice involvement.

** is a father of eight and very involved in all of their lives. He has a strong work history since his release from prison in 2016, which has allowed him to be a financial contributor to their care.

** has had a life of hard breaks and unfortunate events, which has made him stronger as a result. He has proven throughout his life that he has the drive and resiliency to work hard to overcome adversity. ** is a devoted father, brother, and friend. He acknowledges that his actions were unacceptable and self-destructive. He is committed to bettering himself for personal fulfillment and to provide a better life for his family. ** has been proactive in correcting his wrongs since his release from jail. He has been compliant with programming at both New Paths and M.A.D.E Institute and has learned many new positive skills. His new learning and commitment to be a better version of himself has led ** to be confident that he is able to maintain his sobriety and be a productive member in his community.

If you have any further questions regarding my work with **, please do not hesitate to contact me at (XXX) XXX-XXXX or email at XXX@XXX.

Sincerely,

XXX, LLMSW
SWDP

Appendix K: Sample # 2 Sentence Mitigation Report

Date
XXXX, LLMSW
Social Worker
Genesee County Social Worker Defender Program

Re: ** ** **,

Assessment Procedures

I work as a social worker for the Social Worker Defender Project. In this role, I was asked to meet with ** to prepare a Sentence Mitigation Report. I bring to this position formal training from XXXX Master's in Social Work program as well as XX years of experience providing direct services to diverse populations in the community. I am licensed through the State of Michigan. Interviews with *** were conducted on 11/15/18 and 1/10/19.

I. SOCIAL HISTORY

Background, Criminal History, and Demographics

***, age 36, is a white male charged with Fleeing and Alluding 3rd, Receiving and Concealing Stolen Motor Vehicle and Assaulting, Resisting and Obstructing. *** is currently housed at the Genesee County Jail in Flint, Michigan. *** has had previous criminal justice involvement and was last released from prison in 2015. He was put on parole and successfully completed his term of community supervision on XX/XX/16. ***'s former parole officer passed away since *** was on his caseload. When this writer spoke to the parole supervisor, they looked up ***'s case and indicated there were no reports of violations or positive drug screenings in his file. The documentation also specified that *** reported to his parole officer regularly as scheduled and while on Parole, completed a Cognitive Restructuring program to increase his life skills..

Upbringing and Family

*** was born in Flint, Michigan. His mother struggled with substance abuse, so *** and his 2 siblings were raised by his maternal grandparents. As a youth, he became affiliated with other troubled youth and got into legal trouble. He spent time at XX Children's Center and another youth detention facilitate where he often ran away. At age 9, *** was sent out of state to a facility in PA. He was there until he was 16 years old when his mother was granted custody. *** shared that when he moved back to Michigan to live with his mother; his home life was filled with turmoil because his mother continued to abuse alcohol and street drugs. He again became affiliated with individuals that were bad influences.

*** said growing up he had a good relationship with his siblings, but in adulthood, the relationships have dissolved. He reports having no current support systems and expressed feeling like the "black sheep" of the family. *** reports no relationship with his father. He knows his father, like his mother, struggled with substance abuse, went to

prison, and eventually died in 1997 of cirrhosis of the liver. His mother died in 2013. *** has never been married and has no children.

Mental Health

*** has never had any mental health diagnoses. He has never been in a psychiatric emergency room or been hospitalized for psychiatric reasons. He did not report any family history of mental illness and denies ever having perceptual disturbances.

Substance Use

*** has no substance abuse history. The only family history of substance abuse he is aware of is his parents, who both abused alcohol and street drugs.

Education and Employment History

The last grade that *** completed was 9th grade. He reports being in special education during his schooling. He does not have a GED but has begun GED preparation courses while being housed in Genesee County Jail. He denies having any difficulty with reading or writing. He has work experience in landscaping, auto salvage, drain service, and cross country truck driving. His last place of employment was XXX in XX, MI.

Goals and Needs

Needs

- * Stable and Structured Housing
- * Trauma Therapy
- * Educational Counseling
- * Life Skills

Goals

When asked about goals for the future, *** expressed wanting to have his own trucking and hauling business. *** is hopeful that his Judge will allow him to have a community-based sentence. *** recognizes that he needs to start making better choices, think through his actions, and not be impulsive. He believes complying with recommendations in this report will equip him with the necessary skills and supports he needs to make his dream of entrepreneurship a reality. *** is prepared to face the consequences of his actions and believes that this experience will only make him stronger.

Client's Support System

*** said that he does not have any current positive support systems and understands how the lack of this support has played a part in his past behaviors and actions. He is open to affiliating himself with positive institutions that can assist him with turning his life around. *** said that he functions best with accountability and structure.

II. SENTENCE MITIGATION PLAN

Structured and Stable Housing

*** was in institutions and separated from his nuclear family for most of his childhood and early adulthood. The instability made him vulnerable to getting involved in criminal and deviant behavior. When he has had accountability, clear and defined expectations

and structure, he has excelled, evidenced by his successful completion of parole. To address his need for structured and stable housing, this social worker recommends that *** be referred to The Salvation Army Adult Rehabilitation Center. This writer can assist *** with completing all of the admission requirements.

This program has a **work therapy** component that requires all participants to work a 40 hour week that, “provides an opportunity for each man to rebuild lost self-esteem, develop his work skills, learn the importance of work, develop a work record and/or learn a new trade at the center.” Once *** is close to completing the program, he will receive assistance with creating a resume and job placement. Salvation Army has after-care support in place for those who have completed the program. This program is in place to maintain the support system established at the facility and assist past participants with any unforeseen barriers encountered after they are living independently. While engaged in programming, *** will **stay onsite and there is no charge to him for his housing.**

While there, *** can participate in a **GED Preparation** program and have access to a counselor that he sees regularly. The counseling program is aimed at addressing social issues that may have been a barrier to participants in the past. The Salvation Army Center “affords the beneficiaries the opportunity to gain insight into their problems, while acquiring self-respect, and to develop moral and spiritual principles of conduct that will enable them to gain purpose and meaning in their lives.” In his individualized plan with his counselor, *** can address any **trauma** that has occurred in his life, such as having a family history of substance abuse, being separated from his family at an early age, and any acts of aggression, violence or violation that he witnessed while being housed at various institutions.

The Salvation Army works on a level system. The type of required group sessions *** will attend will address **life skills**, such as anger management, conflict resolution, stress management, and effective coping strategies. His ability to work as a team, be accountable to authority, abide by rules and regulations and self-control will also be enhanced during his experience in a work therapy setting.

*** will be given an allowance that is increased weekly. His clothing and supervised social encounters are provided by the program. Salvation Army will write monthly progress notes to any supervising entity if needed. The Salvation Army is a long-term program that allows the participants to fully work out any issues within themselves that is preventing them from operating at their highest potential and being a contributing member to society.

Life Skills

*** will have his weekends to participate in other programs that can help him achieve his goal of being a business owner. To add to his newfound support system at Salvation Army and to address the need for appropriate life skills, this writer recommends *** participating in the MADE Institute.

The MADE Institute is a 501c3 organization that specializes in the assisting individuals with criminal backgrounds who desire to make changes in their lives. The mission statement of MADE Institute is, “to provide comprehensive programming for at-risk-

youth and returning citizens in the areas of workforce development, social advocacy, training and research, and violence prevention.”

The MADE Institute has multiple programs available to their participants. One is **Becoming MADE Life Skills Training**. In this program, participants receive one-to one mentoring and participate in a life skills training group that uses a 10-phase curriculum aimed at helping the members to identify, understand, and develop strategies to cope with a range of challenges. *** could benefit from this program by seeing others that are experiencing the same type of struggles, yet still staying productive and goal oriented. The program creates a sense of community for the participants to draw upon for strength and foster hope for a better future, despite past, criminal involvement.

During this program, ***, along with the other participants, will design a detailed plan that prioritizes their life goals, with specific objectives and action steps to follow. They also create a recidivism prevention plan which is a concise history of why he became involved in the criminal justice system and identifies barriers that may have influenced his behaviors. The plan also includes identified social support systems that are available to ** to assist him in his endeavors. Once completed, ** will have a working plan to overcome recidivism risk and achieve his personal goals.

Conclusion

*** has a history of traumatic stress, which has played a part in his current law enforcement involvement. His participation in the recommended programming and treatment will build a solid foundation of skills and supports that will equip and prepare *** to not commit law infractions in the future.

*** has endured hardships and overcome many obstacles in his life. He recognizes that his actions were self-destructive and is adamant that he can turn his life around. He has pledged his compliance and full participation to the above recommendations. He is open to the help and new found knowledge that will be provided. He is confident that he can return to society and be a productive member of his community.

If you have any further questions regarding this social worker’s work with **, please do not hesitate to contact me at (XXX) XXX-XXXX or email at XXX@XXX.

Sincerely,

XXX, LLMSW
SWDP

Appendix L: Tip Sheet for Court Appearances

Tip Sheet for Court Appearances Social Worker Defender Project (SWDP)

Date of Court Hearing: _____
Court Name: _____
Court Location: _____

Timeliness
Be on time! Plan to arrive at least 10 minutes before your court appearance time. Consider how much time it will take you to travel to the court, park, if you drove a car, and go through court security. Be sure to have your identification with you. Court rules may prohibit you from bringing a phone into the court house.
What to Wear
Clothing should be clean and neat. If you need assistance with clothing, please let the social worker or your attorney know.
Avoid wearing tank tops, shorts, short skirts and clothing with words or images that may be considered negatively by the court.
Don't wear a hat unless it is for religious reasons.
Consider who is coming with you and encourage them to also be conscious of what they are wearing.
Free or cheap professional clothing can be found at:
Free or cheap haircuts can be found at:
What to Bring
Important phone numbers of people who you are expecting to be in court or who you may want your attorney to call if you are remanded to jail.
A list of current medications and dosages.
What NOT to Bring
Chewing gum, cigarettes and e-cigarettes, food, beverages or newspapers are NOT allowed .
Cell phones are not allowed in many courtrooms. If you are permitted to bring your cell phone, turn it off before you enter the courtroom.
Please note, you may not bring any type of weapon, including pepper spray, into most courts. Children are allowed in most courtrooms, but only if they are quiet and supervised. If you cannot safely leave your children when you come to court, please bring someone with you who can take the child out if they become upset or loud.
What to Expect During Sentencing Hearings
Your attorney may give you a chance to review court-related documents such as the Pre-Sentence Investigation (PSI) before you enter the court.
You should go into the courtroom and wait for your case to be called.

When it is your turn, you and your attorney will move to a designated space in front of the judge such as a table or podium.
Your attorney and the prosecuting attorney will identify themselves to the judge.
The judge will give each attorney a chance to note any content and/or grammatical changes in the PSI and to challenging any sentencing guidelines , which are the scoring factors that determine the range of sentence.
Each attorney will have a chance for allocution, which are their final words to explain why they think the judge should give a certain sentence. Do not react to the prosecutor's allocution; remain attentive and as calm as possible.
You may be given a chance to say any final words to the judge before they render a sentence.
After the judge gives their sentence, the appeal process will be explained and you will be asked to sign a paper proving that this procedure was explained to you and you understand everything.
You will be given a copy of the judgment .
If you are given a sentence of probation , you will likely be instructed to go straight to Adult Probation to set up an appointment with your assigned probation officer.
If you are given a sentence of jail or prison time , you may be remanded, meaning you will be detained in the courtroom or you will be given a day and time to report to the jail.
What to Consider when Preparing Your Oral Statement
Your statement can be written out and read when it is your time to speak to the judge before sentencing.
Convey remorse in your statement and take responsibility for your part.
Detail what you have learned from the experience.
Explain any actions you've taken to better yourself during this time such as obtaining employment, registering for school, completing intake for substance use disorder or mental health treatment, securing stable housing, etc.
If you have taken no actions or you are in custody at the time of sentencing, lay out a plan you intend to enact .

Appendix M: Court Outcomes Form

Court Event Outcomes Social Worker Defense Project (SWDP)

I. General Court Information
Client Name:
Date of Hearing:
Judge Name:
Attorney Name:
Purpose of Hearing:
II. Court Outcomes
Charges:
Exposure/Sentence:
Guidelines:
Judge:
Probation:
Prosecutor:
Pretrial Detention:
Client Expectations:
III. Next Hearing
Date:
Purpose: