

HOW TO START

→ A PUBLIC DEFENDER SOCIAL SERVICE PROGRAM

A manual for first time social service advocates



HELLO NEW SOCIAL SERVICE ADVOCATE!¹

Congratulations on your new role at the Public Defender's Office! Although you may be the only social service staff in your office, you are in good company. There is a whole community at other Public Defender offices across the state made up of people who care about this work, public defense and their clients. This manual is the result of collaboration from multiple social service advocates in Pennsylvania's Public Defender offices. It will provide you the basics of what you need to know to do the job.

As **bell hooks**¹ said, "One of the most vital ways we sustain ourselves is by building communities of resistance, places where we know we are not alone." Public Defenders and Social Service Advocates provide this every day for our clients. When you need more support (and you likely will!), don't hesitate to reach out to the Public Defender Association of Pennsylvania or get in touch with your colleagues from other counties. This is just the beginning. We're a community and you are not alone!

Sincerely,

PDAP SWIM²

Social Workers and social service staff, Investigators, Mitigators

Julie Hyman

Manager of SWIM Advocacy and Engagement,
Public Defender Association of Pennsylvania

¹ A note about titles. Social service job titles can vary. Across Pennsylvania, they include Social Worker, Client Services Coordinator, Social Services Advocate, and Client Assistance Coordinator. Staff in these positions may or may not have a formal social work degree, but will likely not have the title of "Social Worker" unless they have a Masters of Social Work. For our purposes, we will refer to these staff at Public Defender offices as Social Service Advocates, or SSAs.

² This document was created by Julie Hyman; Katie Wagner, Chester County Public Defender Client Assistance Coordinator; Montgomery County Public Defender Chief of Policy & Social Services Alana Hook; Carbon County Public Defender Social Worker Jared Soto; York County Public Defender Social Service Advocate Sarah Weir and Keystone Mitigation Owner Lauren Stoner; with support from PDAP Executive Director Sara Jacobson.





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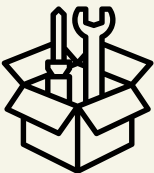
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What does

A SOCIAL SERVICE ADVOCATE DO?



AN SSA'S TYPICAL TASKS MAY INCLUDE:

✓ ASSESSMENT, REFERRAL TO AND COORDINATION FOR SOCIAL SERVICE RESOURCES.

This may include but isn't limited to programs and services related to mental health, substance use, housing, transportation, employment and education. SSAs often build collaborative relationships with contacts in social service programs. They also assist the client in all logistics of enrollment in services and with system navigation generally, and may monitor service delivery after referrals have been made and enrollment has been completed.

✓ RELATIONSHIP BUILDING AND MANAGEMENT WITH CLIENTS AND THEIR SUPPORT NETWORKS.

Through listening to clients and supporting them and their support network through system involvement, SSAs can generate trust and facilitate communication with clients in ways that attorneys may not always have the capacity or training to do. When clients have good relationships with their legal teams, they may be more open about their needs, more likely to trust legal advice, provide better information for sentencing advocacy and ultimately be better served by the Public Defender that's representing them.

✓ MITIGATION REPORTS AND SENTENCING ADVOCACY.

Based on information that the SSA gathers from records, research and interviews, they can develop and write life histories, mitigation reports, sentencing memos or bio-psycho-social reports to be submitted to the court or prosecutor for pre-sentencing advocacy, sentencing hearings, VOP or bail modification hearings.

✓ ASSESS THE CLIENT'S MENTAL HEALTH.

SSAs may have the training and experience to provide initial insight to the legal team about a client's mental health. SSAs may also be able to support the team's identification of mental health experts, work closely with experts to provide information and interpret evaluation findings.

Things to KNOW



The Ethics of Mandated Reporters vs. Attorney-Client Privilege

There can be inherent tension in the ethics and professional obligations of a lawyer, who abides by attorney-client privilege and a state licensed Social Worker, who must abide by Pennsylvania's Child Protective Services Law and are mandated reporters.³ If a state licensed Social Worker suspects child abuse by or of anyone they are working with, they legally must report it to Pennsylvania's Department of Human Services (DHS). Those who do not have a social work license are not specifically enumerated under the statute. As of the drafting of this manual, there are no Pennsylvania cases that say that the staff working at a Public Defender's office would be mandatory reporters or comment on the issue. We encourage you to look at the statute, and if you have questions, talk about office policy with your supervisor. It's best to discuss this with your supervisor up front before any issues arise through client disclosure of information.

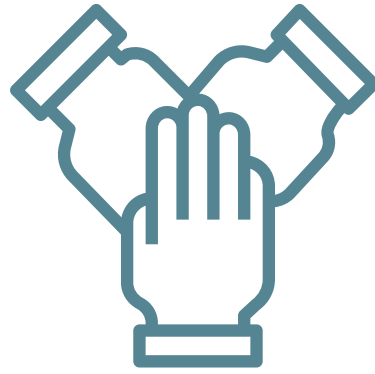
Public Defender offices deal with this in different ways. In one perspective, as an employee of the office, the Social Worker is expected to abide by lawyers' ethical rules. The National Association for Public Defense (NAPD) wrote a formal ethics opinion about this issue. They concluded that, "Social workers and other healthcare professionals may not report child or elder abuse without the express contemporaneous permission of the lawyer for whom they are doing their work."⁴

Despite this, there is no legal protection in Pennsylvania against penalty for a state licensed Social Worker who fails to report child abuse. Any individual who maintains a Social Work license through the state has a legal obligation to report abuse and may face legal consequences if they do not comply with this mandate.

³ 23 Pa.C.S. Chapter 63 § 6311. <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.063..HTM>.

⁴ From NAPD Formal Ethics Opinion 14-1 at https://www.defendyouthrights.org/wp-content/uploads/NAPD_Formal_Ethics_Opinion_14-1.pdf.

Things to KNOW



Holistic Defense

Holistic Defense, a client-centered model, is the best practice in Public Defense. In this horizontal team model, social service advocates are critical members of the defense team. This approach goes beyond a single attorney solely representing clients in court. Public Defenders better serve their clients when they address clients' social service needs and address collateral consequences of their system involvement. The resources listed will provide you more information about Holistic Defense.

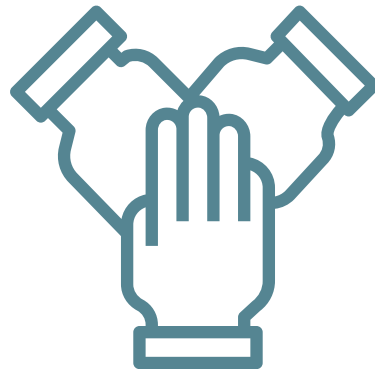
- **Bronx Defenders' Center for Holistic Defense**
- **Holistic Representation: An Innovative Approach to Defending Poor Clients...**
- **The Courts See a Crime. These Lawyers See a Whole Life.**
- **Fewer Stays, Fewer Days: The Bronx Defenders and Holistic Defense...**
- **Criminal Injustice Podcast: #98 Holistic Criminal Defense**
- **Brennan Center for Justice: A Holistic Approach to Legal Advocacy**

Client-Centered Representation

Client-centered representation is the best practice in public defense and in Social Work. In client-centered representation, attorneys and social service staff recognize that their clients are the experts of their own lives and treat them with dignity and respect. This means that the client is an active partner in case strategy and their goals are centered when advising on and working together towards case outcomes. Those who practice client-centered representation avoid imparting their own judgment and approach clients with empathy.

Click **here** for a short video and to learn more about client-centered lawyering.

Things to KNOW



Cultural Humility

Having cultural humility is vital to client-centered work. Public Defenders should acknowledge that no one can possibly learn, or be competent, in all aspects of any culture, and that even within the same culture, people can have different experiences. Public Defenders should be self-reflective about their own biases when working with clients, particularly when a client's background is different from their own. Acknowledging how complex, dynamic, intersectional and individual personal identity can be and approaching clients' experiences with curiosity are important to cultural humility.

To learn more about cultural humility, please click [here](#) and [here](#).

➤ **Vera Institute: An Unjust Burden**

➤ **Slavery to Mass Incarceration: Equal Justice Initiative Video**

➤ **Philly DAO: Racial Injustice Report**

➤ **The Nation: The New Jim Crow**

➤ **Video: Housing Segregation in Everything**

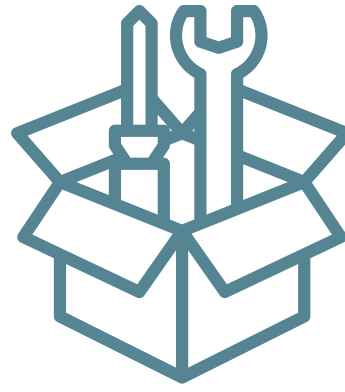
➤ **Implicit Bias Test**

➤ **Explaining White Privilege to a Broke White Person**

Race in the Criminal Legal System

Since its founding, our country has had a legacy of oppressing people of color. Prosecution and policing, integral parts of today's criminal legal system, were founded in part to enforce the practice of slavery. Even after the Thirteenth Amendment was passed in 1865, slavery was made illegal except as a punishment for crime. We still see the terrible legacy of slavery today. Racism and white supremacy are present in our laws, customs and systems from housing to education to voting rights, to the criminal legal system. Today, Black people and people of color are disproportionately arrested, convicted of crimes and incarcerated. As you work in this system, it's important to educate yourself. We encourage you to click through the links listed above.

Things to KNOW



SWIM Resources

PDAP offers resources to SWIM staff at Public Defender offices across the state. SWIM stands for Social Workers and social service staff, Investigators and Mitigators. In beginning this job, you have become a part of this community. Our resources can all be found on the **PDAP website** at **www.papublicdefenders.com** and include:



SWIM SPECIFIC LISTSERV

For SWIM staff to collaborate, brainstorm and connect.

E-mail Julie@PAPublicDefenders.com to request to be added



SOCIAL SERVICE REFERRAL RESOURCE BANK



INVESTIGATIVE RESOURCES



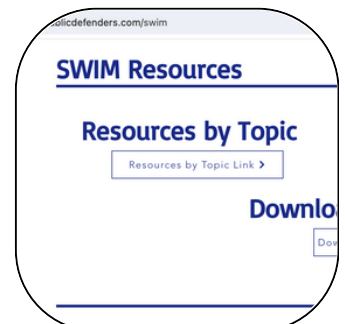
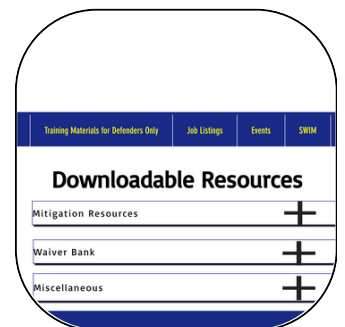
MITIGATION RESOURCES



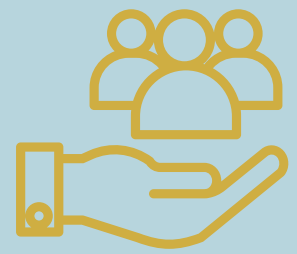
WAIVER BANK FOR PENNSYLVANIA INSTITUTIONS



RECOMMENDED EXPERTS LIST



SUPPORT FROM YOUR OFFICE

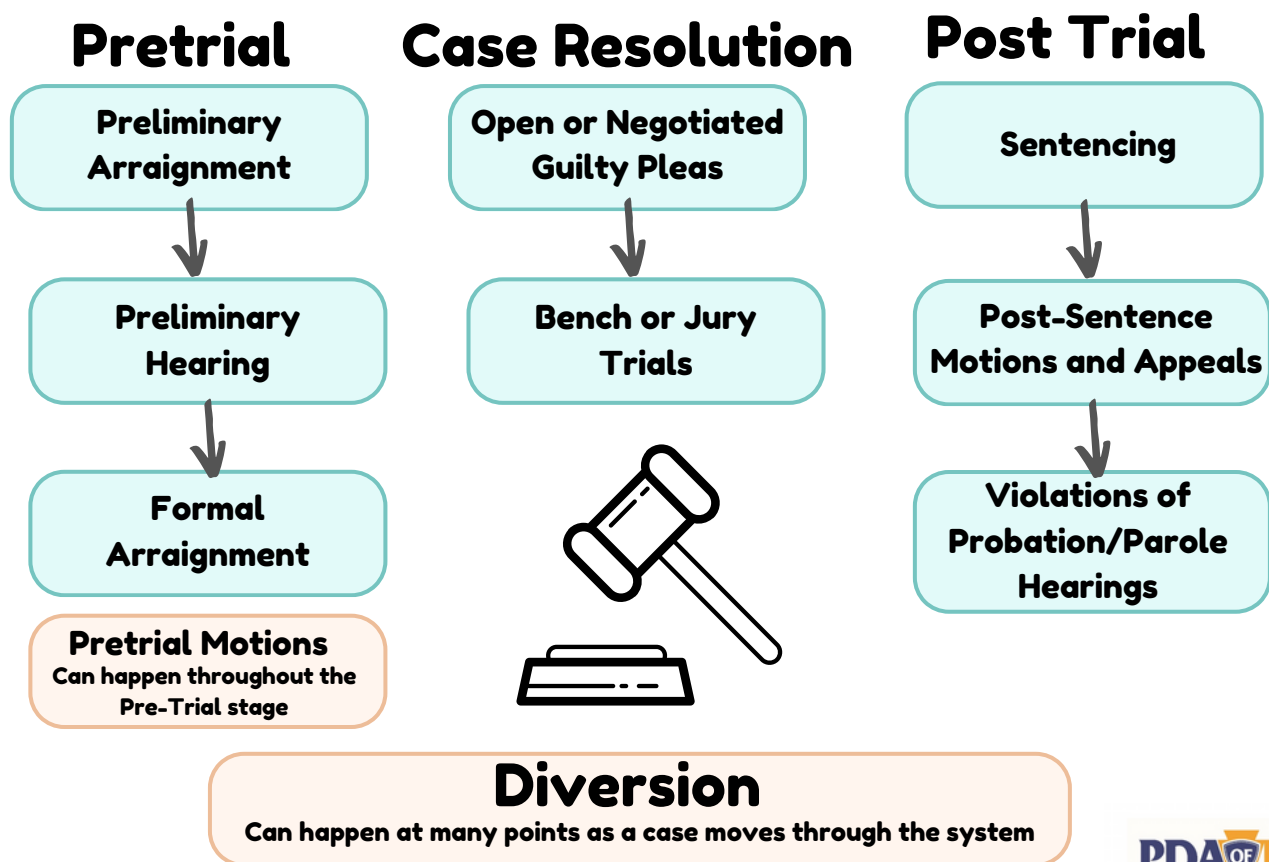


Case and System Overviews

It will be helpful for you to have an overview of the basics of the criminal legal system and how a case travels through it. PDAP has resources on how cases move through the system and information on other basic skills that may be helpful to you as you learn background about the system and your new role. These resources are available on our website at <https://www.papublicdefenders.com/tutorials-on-basic-skills>. The password for accessing the protected part of the website is pDaPace332024.⁵

See the diagram below for an abbreviated version of the general steps of a case. You can find a version with further explanation and definitions in the appendix.

MAP OF A CRIMINAL LEGAL CASE



⁵ We include the password for the protected part of PDAP's website as of this writing. The password may have changed since your reading of this manual. For the new password, please e-mail PDAP Executive Director Sara Jacobson at Sara@PAPublicDefenders.com.

SUPPORT FROM YOUR OFFICE & BEYOND



Case and System Overviews

You will also want to ask your supervisors for an overview of the processes specific to your county. This could include information about county specialty courts, client intake for your office, relevant meetings, county agencies and important stakeholders specific to your county. Stakeholders may include jail personnel, judges, DA's and staff at other county agencies. If possible, ask for formal introductions.

You should request to thoroughly review each type of case file with your office's attorneys so you understand how different types of cases are handled in your new office. This should include cases with different charges i.e. gun cases, sex offense cases, burglary, and cases at different stages procedurally.

A Note About Different Systems

SSAs in Pennsylvania work in the adult criminal legal system, the juvenile delinquency system and the juvenile dependency system. There also may be system crossover when clients are involved in multiple systems. The roles may differ in each system but many of the necessary skills are the same. For example, SSAs working in all systems will need to build relationships with their clients and will likely do assessments, referrals and coordination for social service resources. It's likely that you will be hired to work in one of these systems specifically but keep in mind that navigating each system can be vastly different. System and case specific training is necessary if you're expected to work on cases in the different systems.

SUPPORT FROM YOUR OFFICE & BEYOND



Shadowing Current Staff Attorneys

It is a good idea to shadow attorneys and other support staff in your office to observe how different types of cases are handled. Shadowing should include jail visits and courtroom observation. When you are observing in court for the first time, consider asking whether an introduction to the judge is appropriate so you can explain your new role in your office.

If your office has attorneys that specialize in certain cases, set up times to shadow each. This could include observing mental health competency cases, cases in treatment courts and juvenile cases.

Supervision

Supervision and support are crucial to your success in this role, particularly if you are the only or first SSA at your office. You can request weekly meetings with your supervisor, especially when you first begin. If that frequency is not possible, request to meet consistently and as often as their capacity allows. It may also be helpful for you to set up consistent meetings with other colleagues who can answer your questions and guide your work.

If you are the only person with a social service background in your office, you may want to ask for external supervision from someone who has skills and experience in working in the criminal legal system. This will ensure crucial support from a clinical and social service perspective in a way that attorneys in your office cannot provide. You can explain the importance to your supervisors and ask if your office will cover this cost.

SUPPORT FROM YOUR OFFICE & BEYOND

Trainings and Resources

Public Defender Association of Pennsylvania



www.PApublicdefenders.com/SWIM

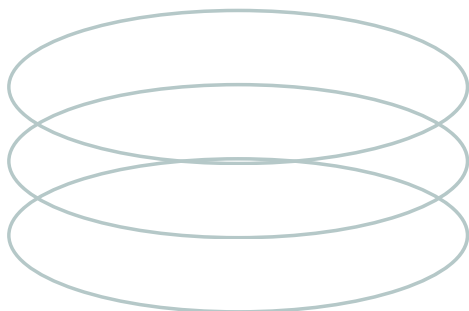
Offers trainings, virtual spaces for collaboration and resource sharing, and a listserv for the SWIM community (Social Workers, Investigators and Mitigators) to connect across the state. There is also a social service referral, investigative and mitigation resource bank on the PDAP website in addition to a waiver bank and an expert list. Some resources are password protected and can be accessed using pDaPace332024.

Advancing Real Change (ARC)



<https://advancechange.org>

Organization that specializes in mitigation work, training and resources for capital and non-capital cases.



Look for external trainings and opportunities to connect with networks of individuals. Even if you see trainings that deal with attorney-specific topics, it may still be helpful for you to participate.

See the SWIM Resources section for what PDAP offers. The organizations on the next pages put on trainings or have SSA resources.

Atlantic Center for Capital Representation (ACCR)



ACCR is PA's resource for capital defense. They provide direct representation, impact litigation, training, and assistance for legal teams on capital cases in Pennsylvania.

PDAP and ACCR maintain a joint capital case defense listserv. To join it contact PDAP Executive Director, Sara Jacobson, at Sara@PApublicDefenders.com.

Hofstra Law School Mitigation listserv



Hofstra Law School administers six listservs, which share resources for the capital defense community. The one most relevant to an SSA is the Mitigation listserv. Though the main focus is on capital cases, there are resources shared and questions discussed that may be useful for non-capital cases.

To join, send Professor Eric M. Freedman an e-mail at Eric.M.Freedman@hofstra.edu explaining your role and why you are interested in the listserv.

SUPPORT FROM YOUR OFFICE & BEYOND

Trainings and Resources

Juvenile Defense Specific Organizations



The Gault Center
<https://www.defendyouthrights.org>



Juvenile Law Center
<https://jlc.org>



Juvenile Defenders Association of
Pennsylvania
<https://www.jdap.info>



Youth Sentencing and Reentry
Project (YSRP)
<https://ysrp.org>

YSRP works on Direct File Juvenile
cases primarily in Philadelphia and
the surrounding counties.

National Association For Public Defense (NAPD)



<https://publicdefenders.us>

NAPD maintains a listserv for Social
Workers and offers trainings and
meetups specifically for staff in the SSA
role.

National Association of Criminal Defense Lawyers (NACDL)



<https://www.nacdl.org>

National Legal Aid and Defender Association (NLADA)



<https://www.nlada.org>

Black Public Defender Association
(a section of NLADA)
<https://blackdefender.org>

National Organization of Forensic Social Work (NOFSW)



<https://www.nofsw.org>

NOFSW's virtual trainings include Forensic
Social Work, Advanced Forensic Social
Work and Mitigation.

Pennsylvania Association of Criminal Defense Lawyers (PACDL)



<https://www.pacdl.org>



The Basics OF YOUR ROLE

● SSA Caseloads

To ensure you can ethically and effectively work with your clients, the recommended caseload is 30 to 35 clients per caseworker at a time.⁶ If you take referrals for one-off case management tasks that are less time intensive, sometimes referred to as triage referrals or one-off referrals, an additional caseload of maximum 20 clients is recommended. You can read more about one-off referrals in the next section. Discuss your caseload frequently with your supervisor.



● Attorney referral process

Once you complete onboarding and begin working, attorneys can start making case referrals to you. First, you and/or your supervisor should create a referral form (see a sample in the appendix). On this form, attorneys should include detailed information about the client and the reason for the referral. Referrals can come either by e-mail or via a hard copy. Attorneys should include the criminal complaint and relevant case paperwork with their referral form. A referral might include:



- ✓ What the case is about
- ✓ Location/contact information of the client
- ✓ Timeline of deadlines and expectations
- ✓ What the attorney is looking for regarding outcomes (i.e. time served, release to inpatient, term of years instead of life)
- ✓ Contact information for individuals who the SSA can interview for collateral information
- ✓ Any criminal arrest history or other background
- ✓ How the client presents or who they prefer to work with⁷

⁶ This recommendation is based on informally surveying current SSAs in Pennsylvania and on guidelines in the Pennsylvania Code, Chapter 5221, about Mental Health Intensive Case Management caseloads. This guideline comes from Pennsylvania's Office of Mental Health and Substance Abuse Services (OMHSAS). The Pennsylvania Code reads, "The number of cases in a caseload shall be based on the intensity of the need for service but may not exceed 30." From <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/chapter5221/chap5221toc.html&d>

⁷ We acknowledge that offices may not always be able to meet clients' preferences on who they would like to work with. However, it is important to note and discuss, both within teams and with clients.

The Basics OF YOUR ROLE

● Attorney referral process

Once the referral process is in place, your supervisor should go over it with all attorneys and encourage them to use it. Referrals should not be made for clerical or legal tasks outside of your role (i.e. filing motions, printing, doing legal research, etc.).

It will be important to agree on communication expectations with each attorney at the beginning of each case. For example, this could be in the form of scheduling regular meetings or in agreeing on updates via email. You should log all communication and plans for communication in your case notes.

The earlier a referral is made, the better equipped you will be to work on the case. Explain this to the attorneys in your office. An earlier referral may be especially helpful when you are tasked with mitigation work, as rapport building with witnesses takes time and may be vital to their comfort in sharing sensitive information.

We recommend you create a tracking system for case referrals. Discuss your current caseload at every meeting with your supervisor. If possible, have each referral reviewed and approved by a supervisory senior attorney before it gets to you. Caseload limits should be set and followed.

"The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned."
--Bryan Stevenson--

**PUBLIC DEFENDER OFFICE
SOCIAL SERVICE ADVOCATE REFERRAL FORM**

Referral Date: _____
Referring Attorney: _____

Client's name: _____ D.O.B.: _____
Docket Number/OTN: _____ Present Location: _____
Residence/Address: _____ Telephone: _____
Next Court Date/Room: _____ Type of Hearing: _____

Please check all that apply to client:

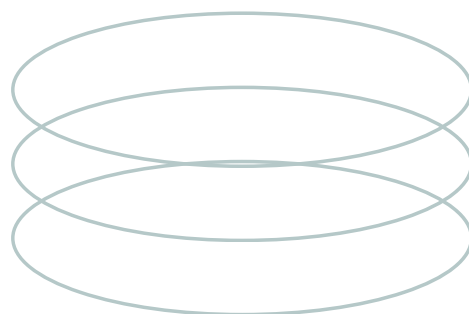
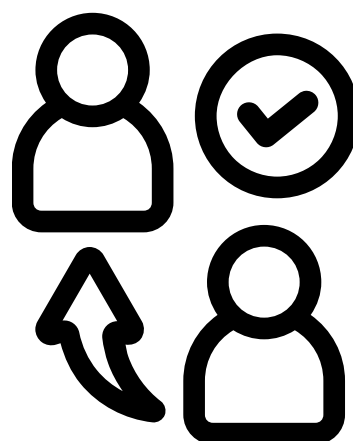
<input type="checkbox"/> Mental Health	<input type="checkbox"/> Financial Assistance
<input type="checkbox"/> Drug or Alcohol Abuse	<input type="checkbox"/> Competency concerns
<input type="checkbox"/> Housing Assistance	<input type="checkbox"/> Status of outpatient services receiving(ed)
<input type="checkbox"/> Health Insurance Assistance	<input type="checkbox"/> Other _____

Purpose of the referral:

☐ Home Plan ☐ Treatment/Services ☐ Sentencing/Mitigation

Explanation/Details of Referral: (please be as specific and detailed as possible, the more information provided, the better!)

Approved by: _____ Date: _____



The Basics

OF YOUR ROLE

● Attorney referral process



Types of Referrals

Treatment Referrals involve helping clients enroll in programs and services related to benefits, mental health, substance use, housing, transportation, employment and education. Aside from supporting all logistics of enrollment, support may include general system navigation and monitoring service delivery after referrals have been made and enrollment has been completed.

One-Off Referrals are a type of Treatment referral and involve simple, one-off tasks, including helping a client schedule a mental health evaluation, obtain medical assistance, apply for public housing, and other basic resource referrals. These are tasks that will not require long-term follow up and are generally less time consuming than intensive case management. After completing the request, you can close this case and update the referring attorney that you completed what was requested.

Mitigation referrals should be done for cases where formal reports or informal mitigation are needed. Mitigation referrals should be submitted as far in advance as possible. Short lead times are not best practice for strong mitigation work and you will likely not have time to provide adequate work product. Mitigation can be used at sentencing, during plea negotiations, for motions to reduce bail, and at violation of probation/parole hearings.

The Basics OF YOUR ROLE

Opening an SSA File

You should have your own files for each client, separate from the legal file folder. If the files are physical files, consider using a different color for your file than the legal file to avoid confusion. With a physical file, write the client's name and date of birth on the tab of the file, as well as the date the file was opened. This can be the date on the referral form or the date the form was provided to you by the attorney. You should include a copy of the attorney referral form in your file.

Depending on your office's technology capabilities, consider creating an electronic file. If you decide to keep your case information electronically, use proper file security and file backup procedures. Even if you decide to use paper files, you may still want to create a file on your computer for each client's case. Creating individual files electronically helps to keep together scanned copies of documents, including important emails about cases, voluminous records, and copies of client evaluations. This will make it easy to attach these documents to an email and keeps everything organized for you to quickly access as needed.

Attorney-Client privilege and Confidentiality

As a member of your clients' legal team, you fall under the same attorney-client privilege as an attorney. Therefore, it is appropriate for you to have access to discovery materials. Confidentiality means that any information your client shares with you or their attorneys cannot be divulged to a third party without the client's consent. As a member of the legal team, this applies to you. It's important to maintain your clients' confidentiality. Be careful with conversations about your work with people outside of your office and never reveal any identifying information about who you are working with.

A Note About Discovery Materials

Reviewing discovery materials will help you familiarize yourself with the case, the allegations against the client, and to follow along and offer support as the case continues through the court process. With that being said, your role is never to give legal advice to the client after reviewing these materials or to act in the attorney role in any capacity. If a client asks for legal advice, it is always appropriate to say that you can relay questions to the attorneys but remind clients that you cannot advise them on their case. It is also always appropriate to say you really do not know what the outcome of a client's case may be. This is a much better route than being overly positive because you want to be supportive. Your client will likely also appreciate and respect your honesty and be able to see the boundaries of your role in action.

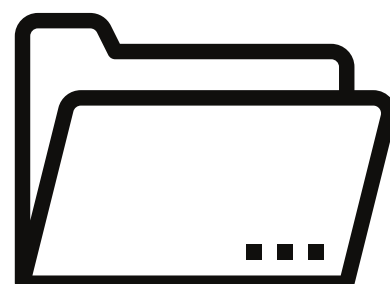
The Basics OF YOUR ROLE

● Opening an SSA File

When you receive the referral form, you should start your file by gathering the following information:

Legal File Information

- ✱ A copy of the criminal complaint/affidavit.
- ✱ Copies of any intake paperwork done by the office, particularly any intake interview form or client interview.
 - If the client submitted financial documents to qualify for a Public Defender, these documents may be helpful depending on the type of case, especially if they include any financial documents related to SSI/SSDI benefits.
- ✱ Any life history records that the attorney may already have. This may include mental health or substance abuse treatment records or school records.
- ✱ Any contact information for collateral supports such as family members, friends, employers, etc.
- ✱ Discovery materials if necessary. You don't need to include every page if there is voluminous discovery but substantial information including toxicology reports or supplemental interviews may be relevant. If the attorney does not have discovery at the time of the referral, you should check in with them periodically to find out if they have received anything and determine whether it could be relevant for your work.
- ✱ Any additional supplemental documentation the attorney may have. This could include:
 - Notes of testimony from the preliminary hearing
 - Character letters from family/friends
 - Employment documentation
 - Attorney work-product memos or notes



The Basics OF YOUR ROLE

● Opening an SSA File

Case Contact Log Sheet

Once you have the legal file documents, you should insert a case contact log sheet. Use this to document every contact made with anyone involved with the case. This case contact sheet could be set up like the one provided in the appendix, or it can just be a lined document where you write the date, name of person you spoke with, that person’s contact information, and what their relationship is to the client. You can also set up case contact sheets electronically. If your office uses a case management software, contact notes are often a feature within the software.

Case Contact Log

CLIENT NAME _____

Date	Contact Person	Telephone #	Relationship to Client

Notes:

Date	Contact Person	Telephone #	Agency or Relationship

Notes:



The Basics OF YOUR ROLE

● Opening an SSA File

SSA Interview Form

Use this form during your first meeting with a client (see appendix for an example) regardless of whether there is a specific mitigation referral. It details all of the categories of information that you will ask about to get to know the client and gather mitigating information. The form can serve as a conversational guide or be filled in while interviewing depending on your preference.

In addition to gathering the basic information on the form, ask follow up questions. This initial meeting is an opportunity for you to build rapport with your client. You will get better information from a conversation than an interrogation. You may also want to ask the client if they are comfortable with note-taking during the conversation.

If there isn't time for a longer, more formal interview with the client, use the form as a reference for questions to ask that are directly relevant to your main tasks in the case. For example, if the request was for you to connect a client with mental health services, then you would use the mental health section of the form. In that case, you would focus on getting a treatment history for the client in order to assess and direct service referrals.

As the case moves forward, you should add documentation to your physical and, if relevant, electronic file. Files will look different for each individual case and client.

SOCIAL SERVICE ADVOCATE INTERVIEW FORM

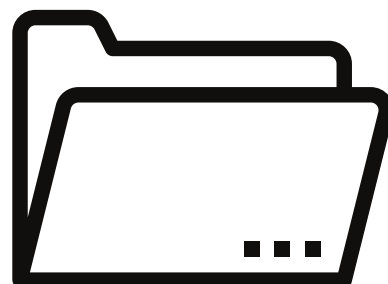
Name: _____ Age: _____ D.O.B: _____ Gender Identity: _____
 Address: _____

Contact Information: _____

LOCATION:
 Home: _____ County/State Prison _____ Shelter: _____ Transient/Homeless: _____

FAMILY/SUPPORT SYSTEM:
 Does the client have a support system: Yes _____ No _____ Limited/Minimal _____
 Name(s) and relationship(s) to client: _____
 Contact information: _____

EDUCATION:
 Did client graduate from high school: Yes _____ No _____
 Highest grade completed: _____
 Higher education (name of school and type of degree earned/pursued): _____
 Vocational/Tech training/certificates: _____



The Basics OF YOUR ROLE

● Social Service Referral Process

Based on your interviews with a client and case information received, you will assess and identify what services or programs would best meet the client's needs. Connections to community resources could be important for the client's case, to mitigate sentencing and to address issues that led to criminal legal system involvement. It could also be important to supporting and meeting a client's needs, regardless of their case.

You will reach out to appropriate community and government organizations based on needs assessed to connect the client with the resource and collaborate with social service and treatment staff to facilitate the client's entry into their services. This could include the local mental health authority, housing authority, adult education services, substance use treatment services, mental health treatment services and religious communities. Communicating updates to the client and attorney throughout this process is important.

Putting it Into Practice

Jean was arrested and charged with stealing bread from a convenience store. He is represented by the county Public Defender. When the office's social service advocate meets with Jean initially, he tells the advocate that he became homeless about a year earlier when his mental health deteriorated and he stopped paying his rent. He tells her that he steals food sometimes since he doesn't have a lot of money to pay for it.

Next steps to consider:

- Referrals to food pantries and soup kitchens.
- Referral to county mental health agency for an intake assessment and/or a referral to mental health treatment to address acute conditions.
- Referral to supportive housing if available and/or adding Jean to a waitlist if that is the best option.

For social service resources throughout the state, anyone in your office can use PDAP's Resource Bank. Find it on our website at
<https://www.papublicdefenders.com/swimresources>.

The Basics OF YOUR ROLE

● Social Service Referral Process

Collateral Consequences

Collateral Consequences are outcomes that happen to people convicted of crimes other than having a criminal record and the sentence that they serve. This could include losing access to public housing and other public benefits, immigration consequences and ineligibility for certain jobs. Sometimes, the collateral consequences are more important to clients than the criminal case, and sometimes attorneys can negotiate a plea to particular charges to avoid certain collateral consequences. As the SSA, it will be your responsibility to support Public Defender clients' non-case needs, and you may need to assess and make referrals for collateral consequences.

Information and resources on supporting clients through the collateral consequences of their system involvement can be found on the PDAP website at <https://www.papublicdefenders.com/copy-of-search-page-2>. The password to access those resources is **pDaPace332024**.

Each area has access to civil legal aid lawyers, who work for free on issues including some of the collateral consequences of convictions. Find the Pennsylvania civil legal aid offices for your area here: <https://palegalaid.net/legal-aid-providers-in-pa>.



The Basics OF YOUR ROLE

● Social Service Referral Process

The Importance of Interagency Relationships

Connecting clients to resources is an important part of your role. This will support legal advocacy for your clients and better meet their needs. Building and maintaining good working relationships with staff at county and community agencies where you will refer your clients for services will help you secure community supports for clients. If staff in your office already have good relationships with these agencies before you begin, an introduction should be made. It will be helpful to create a resource binder or digital folders as you get to know the organizations in your community. These should include their program information, referral form, referral eligibility and contact information. Cold call these organizations, introduce yourself, ask about referrals and explain your role. Set up a time to meet in person, shadow their staff and learn what they do. If there are regular interagency meetings in your county, always attend. Build those relationships so you understand the who and what of where you're sending your clients.

Additionally, many of your clients will have involvement across county departments. Familiarize yourself with the different county departments and organizations and establish contacts within those systems to collaborate effectively in your advocacy for the client. We recommend that you map out which agencies are responsible for which services, and create a list with contact information to reference.

“ I remember talking to [a more experienced social service advocate] when I first started and she basically told me, ‘just insert yourself.’ I went out and asked could I be part of this meeting? I just started going back to the holding cells and following my attorneys into chambers. It is the complete opposite of my personality but [she] was right and it worked. Now the judges are like ‘where is Sarah?’

-Sarah Weir, York County Social Service Advocate

”

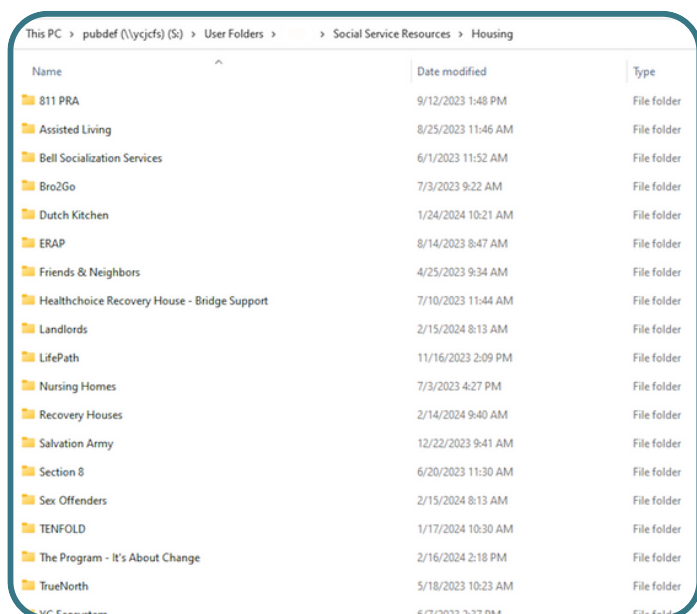
The Basics OF YOUR ROLE

● Social Service Referral Process

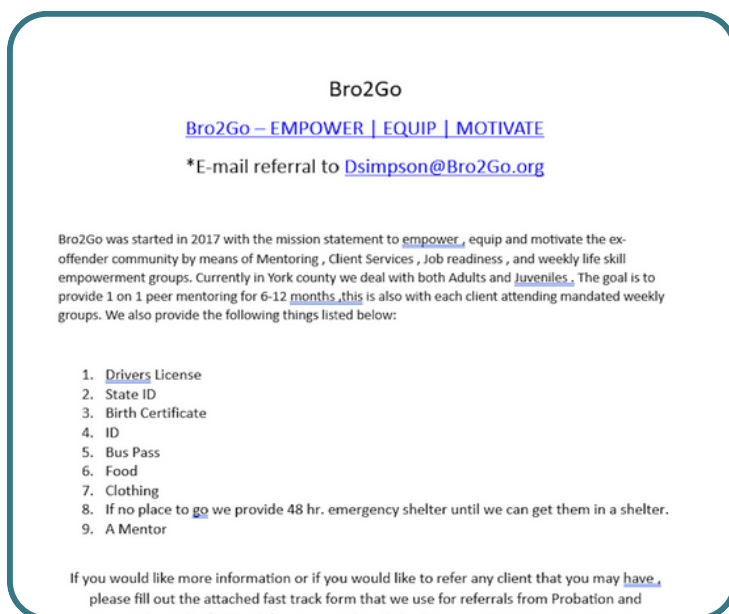
The Importance of Interagency Relationships

The names and structure of these agencies will be different in each county but examples include:

- County Department of Intellectual and Developmental Disabilities (IDD) and/or Mental Health
- Adult Probation/Juvenile Probation
- County Housing Department
- Community-based service providers for mental health/substance abuse/housing/IDD
- County Housing Department
- County Department of Drug and Alcohol Services
- County Jail



Name	Date modified	Type
811 PRA	9/12/2023 1:48 PM	File folder
Assisted Living	8/25/2023 11:46 AM	File folder
Bell Socialization Services	6/1/2023 11:52 AM	File folder
Bro2Go	7/3/2023 9:22 AM	File folder
Dutch Kitchen	1/24/2024 10:21 AM	File folder
ERAP	8/14/2023 8:47 AM	File folder
Friends & Neighbors	4/25/2023 9:34 AM	File folder
Healthchoice Recovery House - Bridge Support	7/10/2023 11:44 AM	File folder
Landlords	2/15/2024 8:13 AM	File folder
LifePath	11/16/2023 2:09 PM	File folder
Nursing Homes	7/3/2023 4:27 PM	File folder
Recovery Houses	2/14/2024 9:40 AM	File folder
Salvation Army	12/22/2023 9:41 AM	File folder
Section 8	6/20/2023 11:30 AM	File folder
Sex Offenders	2/15/2024 8:13 AM	File folder
TENFOLD	1/17/2024 10:30 AM	File folder
The Program - It's About Change	2/16/2024 2:18 PM	File folder
TrueNorth	5/18/2023 10:23 AM	File folder



Bro2Go
Bro2Go – EMPOWER | EQUIP | MOTIVATE
*E-mail referral to Dsimpson@Bro2Go.org

Bro2Go was started in 2017 with the mission statement to empower, equip and motivate the ex-offender community by means of Mentoring, Client Services, Job readiness, and weekly life skill empowerment groups. Currently in York county we deal with both Adults and Juveniles. The goal is to provide 1 on 1 peer mentoring for 6-12 months, this is also with each client attending mandated weekly groups. We also provide the following things listed below:

1. Drivers License
2. State ID
3. Birth Certificate
4. ID
5. Bus Pass
6. Food
7. Clothing
8. If no place to go we provide 48 hr. emergency shelter until we can get them in a shelter.
9. A Mentor

If you would like more information or if you would like to refer any client that you may have, please fill out the attached fast track form that we use for referrals from Probation and

An example of digital community resource folders and an informational form for a referral organization. This is on the office drive so that attorneys and other staff can access the information if the social service advocate is not available.

The Basics OF YOUR ROLE

● Social Service Referral Process

Pennsylvania Service Referral Resources

Obtaining Identification



STATE ID CARDS

Free ID for Homeless Individuals



BIRTH CERTIFICATES



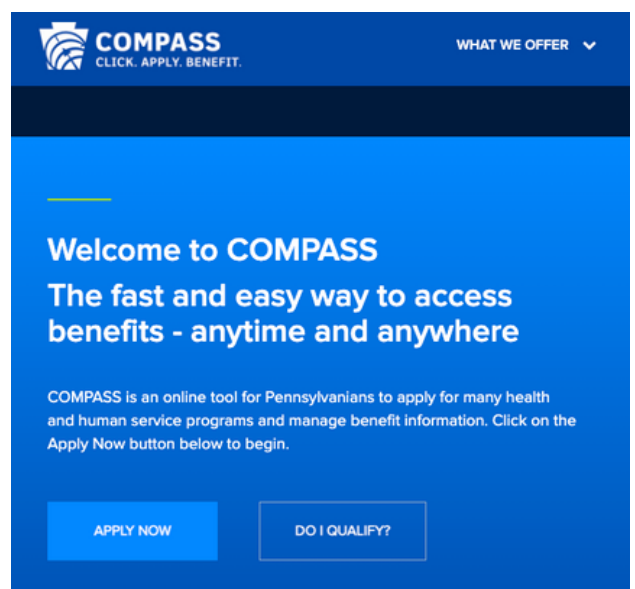
SOCIAL SECURITY CARDS

Support Service Waivers

Support service waivers can provide a variety of supports to elderly clients and those with an intellectual disability, autism, a developmental disability, a physical disability or those who are living with HIV/AIDS. For more information on waivers and how to apply for them, click **here**.

Benefits

In Pennsylvania, you can help your client apply for Medical Assistance (Medicaid or Medicare), **CHIP**, Cash Assistance, Child Care Works Program, **SNAP**, **LIHEAP**, School Meals and Long Term Living Services through **COMPASS**.



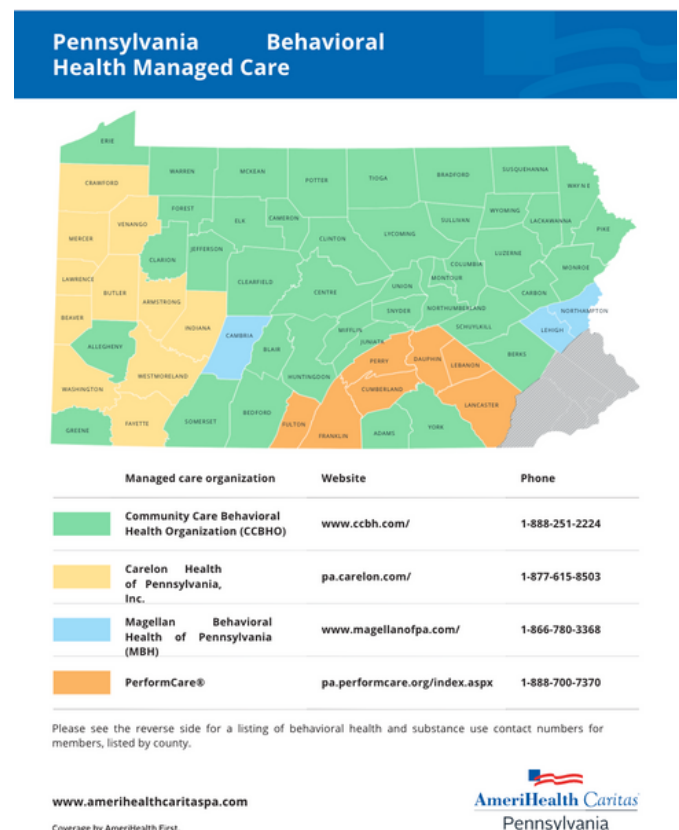
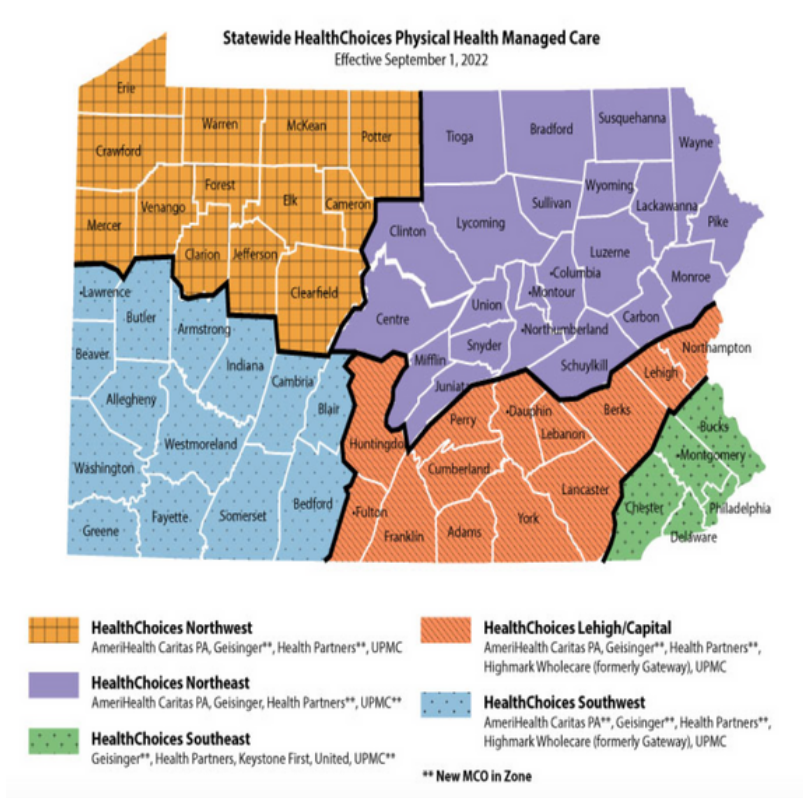
The Basics OF YOUR ROLE

Social Service Referral Process

Pennsylvania Service Referral Resources

Behavioral and Physical Healthcare

Many of your clients will have or be eligible for Medical Assistance (the umbrella term for Medicaid or Medicare) as their health insurance. You can help them apply for Medical Assistance and other benefits through **COMPASS**. Some of your clients may also have private insurance. Once you determine your client's insurance provider, it will be easier to refer them to covered services. You will also want to confirm whether the court system has contracts with certain providers used to complete court ordered evaluations. In Pennsylvania, individuals with Medical Assistance receive physical and behavioral healthcare through HealthChoices, a managed care organization. Different organizations provide healthcare depending on a person's county of residence, as laid out on the maps below.



The Basics OF YOUR ROLE

● Record Request and Collection

Requesting records is an important part of your job. When you refer a client for services, it is helpful to know the client's background. With mitigation, requesting, receiving and digesting records helps you tell the client's comprehensive story. If it feels appropriate, ask your client to sign a general release for their records during your first meeting. You can also ask them where they received services in the past (school, medical, mental health, etc.) so that you can prepare any necessary institution specific releases for your second visit. There are sample general record release forms available in the appendix. For institutions that require their own releases, we maintain a waiver bank on the SWIM portion of the PDAP website. Find them under Downloadable Resources at **<https://www.papublicdefenders.com/swimresources>**. The password is pDaPace332024.

Record Collection and Mitigation

Reviewing records thoroughly is an important part of mitigation. Documents to look for are specific to each case and may include:

- Mental health, substance abuse or medical evaluations
- Discharge summaries from medical or treatment providers
- Treatment notes and treatment plans
- Special education records and learning support documentation including Individualized Education Plans (IEPs)

Please see the appendix for a more comprehensive sample list of suggested records to gather.

When reviewing and digesting records, other witnesses and providers will likely be referenced. You should note and follow up with these as they may have helpful information for your client's case. Additionally, it's important to communicate anything significant in the records to your team, even if there is something negative that won't end up in your mitigation report. It's better that your attorneys are informed of bad facts so the team can discuss how to approach them.



The Basics OF YOUR ROLE

● Writing sentencing memos and mitigation reports

Mitigation reports and sentencing memos are used to contextualize your client's system involvement and bring their strengths, challenges, life experiences and humanity to decision makers. It is not an excuse for their crime, but an explanation about the experiences they've had that led to their system involvement.

Mitigation can be used throughout the life of a case. Pre-trial, mitigation can be used for negotiation. The prosecutor can use the information to justify dismissing a case or agreeing to a lesser sentence. At trial, mitigation can be presented to jurors or a judge to support a not guilty verdict. At sentencing after a guilty plea or conviction, mitigation can reduce sentence length.

To gather mitigating information, you will interview the client and their loved ones, collect records, conduct background research and gather documentation of community support. This documentation may include jail program completion certificates, support letters from loved ones and proof of admission into community programs, which could be part of a social service referral plan based on their needs. A mitigation report will be in narrative form and tell the story of the client's life. You can use creative headings, include pictures, maps, statistics and direct quotes from your interviews. PDAP has gathered some mitigation resources which you can use including some templates and tools in the appendix. Other resources can be found under Downloadable Resources on our website at **www.papublicdefenders.com/swimresources**.



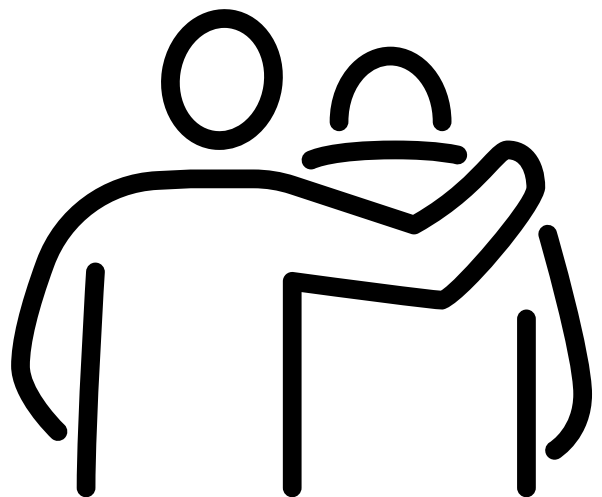
The Basics OF YOUR ROLE

● Writing sentencing memos and mitigation reports

Thorough, compelling mitigation requires time, so be sure to communicate to your attorneys that mitigation referrals should be submitted as soon as possible. Ideally you should have at least several months of lead time to ensure you can put together a helpful work product. If an attorney thinks that a case is heading towards a plea, they should submit a referral to you as soon as they become aware of this.

Rapport building with your client and their loved ones is important to developing strong mitigation. When you first meet with your client, you should explain how mitigation can support their case and ensure they understand why sharing information with you will be helpful for them. You should always be mindful of what a client might think and feel when you ask them for sensitive information about themselves and their life and check in with them as you collect their life history information. They might be wary of you interviewing their loved ones, fearful that you could disrupt their relationships or concerned that someone might relay negative information about them. With time and relationship building, your client will hopefully feel more comfortable sharing sensitive information with you.

Be mindful that mitigation interviews with your client may be difficult for them as they discuss sensitive and difficult life events. Acknowledge this and check in on your client's well being throughout your interviews. Try to end your visits discussing a more lighthearted topic and never leave abruptly or unexpectedly after discussing difficult experiences.



The Basics OF YOUR ROLE

● Writing sentencing memos and mitigation reports

Examples of Supportive Documents

- Character reference letters from client's past and present i.e. from employers, spouse, parents, neighbors, children, teachers, etc. (see support letter guidelines in the appendix)
- Education documentation including diplomas, awards and certificates for programs completed during incarceration.
- Community service documentation
- Photographs of client throughout their lives
- Employment documentation
- Contact information for those who might speak on the client's behalf in court.

Examples of Mitigation Information

- Education history
- Family history/dynamics
- Support system
- Mental and physical health history
- Employment history
- Community connections
- Adult/juvenile criminal history
- Contact information for loved ones
- Child Welfare System history
- Military history

Putting it Into Practice

Jeannine is a client of the county Public Defender. She is being charged with illegal gun possession and was referred to the office's SSA for a mitigation report. During her initial interview with the office's SSA, she says that her mother is the most important person in her life, that she was previously involved in the juvenile justice system and that she feels things really started changing for her in 10th grade when her father was murdered in their neighborhood.

Next steps to consider:

Talking to Jeannine about individuals who may be able to provide more information about different aspects of her life.

Record requests for any and all of Jeannine's juvenile involvement. Based on what is known so far, this could include all records related to her juvenile case, court records, probation records and records from the juvenile placement where she spent time.

Outreach to Jeannine's mother to explain the SSA role, establish a relationship with Jeannine's most important support person and begin to gather mitigating information about her life.

Record requests to Jeannine's schools, especially her high school. In addition to the basics like attendance records, grades and transcripts, specifically requesting school social work, medical and IEP records from the school may be useful.

The Basics OF YOUR ROLE

● Building relationships with clients and their loved ones

Through your role as a service connector, mitigator and general support person throughout their case, you will likely naturally build trusting relationships with your clients and their loved ones. This is an important part of your work and your entire office's success. Support can include visiting clients just to spend time with them, keeping their loved ones informed of legal processes and supporting clients and their loved ones during court. Taking on these supportive roles and your training and perspective will encourage relationship and rapport building. While relationship building is of course important for attorneys, too, your client's well-being, and not necessarily their legal case, can be your main focus. This should help you earn a client's trust. When people feel more trusting, they're more open and honest. This leads to better collaboration with clients about their needs and allows the whole defense team to do a better job with zealous advocacy.

Putting it Into Practice

A referral is made to the SSA at the Public Defender's office for David, a client who is charged with drug possession with the intent to deliver. The attorney who made the referral told the SSA about how difficult David is to talk to. He barely talks and when he does, he yells angrily at the attorney about how unfair it is that he is in the county jail.

Next steps to consider:

Plans to see David as frequently as possible to find out more about him, what is important to him and what he's interested in.

An initial meeting with David that explains the SSA role and is also focused on what his experience has been like since he was arrested, how he's doing in jail and what the day to day is like for him there.

If there is a trusted jail caseworker (and this may not be available in many counties!), outreach to this person to see what is going on with this client.

WELLNESS

Being a Public Defender and supporting clients is rewarding, powerful and meaningful. Despite those benefits, however, it can be really difficult too. We work in a system that prioritizes the disposition of cases above the wellbeing of the people who participate in it. In working with clients, we are exposed directly to the trauma and struggles in their lives as well as those that come from their interaction with the unjust and cruel system itself. While our job involves caring and advocating for our clients, there is no way to do that well unless we prioritize care and advocacy for ourselves.

As you do this work, you may want to be aware that the issues described below could emerge in yourself and your colleagues.

- ▶▶ **Secondary (Vicarious) Trauma** comes from exposure to someone else's trauma. Some signs and symptoms include intrusive thoughts and images, nightmares, not sleeping, emotional distress, and hyper-vigilance. These symptoms last beyond a few days after the trauma exposure.
- ▶▶ **Compassion Fatigue** comes from specifically working alongside trauma or with people who are traumatized over time. The classic symptom is a decline in the ability to feel sympathy and empathy, and then act from a place of compassion. People can tend to become more detached, more task-focused and less emotion focused.
- ▶▶ **Burnout** is similar to compassion fatigue, but it is not directly related to exposure to trauma or traumatized individuals. Burnout comes from chronic stress that eventually leads to physiological and neurological shifts that affect emotional and physical well-being and someone's motivation to do their job.
- ▶▶ **Moral Injury** is "when one feels they have violated their conscience or moral compass when they take part in, witness or fail to prevent an act that disobeys their own moral values or personal principles."⁸ While this can result from what one sees happening in courtrooms, prisons, and in the criminal legal system day-to-day, people can also feel betrayed by peers or those in leadership in these circumstances. Guilt, shame, disgust, and anger are classic emotional responses to moral injury.



⁸ From <https://www.dav.org/get-help-now/veteran-topics-resources/moral-injury>

WELLNESS

Wellness and self care look different for everyone but possible supports to consider include:

Having a support network where you can talk about the difficulties of the job and how you're handling it. This could include counseling or therapy and/or non-judgmental loved ones and colleagues.

Taking care of your physical body by eating well and exercising regularly.

Utilizing the paid time off that your office provides.

Maintaining boundaries around your work with colleagues and clients.

Communicating openly about your needs and how you're managing your work with colleagues and supervisors.

Taking advantage of community support outside your office, including participating in PDAP offerings. This could include posting work questions on PDAP's SWIM listserv for Social Workers and social service staff, Investigators and Mitigators and participating in PDAP's trainings and meetups.

For behavioral and mental health crisis services, anyone can **call or text 988**. This service provides free and confidential support for folks in distress or in need of prevention and crisis resources for themselves or loved ones.

If you think attorneys in your office need support, **Lawyers Concerned for Lawyers PA** provides free, confidential support services. Lawyers can reach out for help for themselves, and they also offer a service to **talk to them about a colleague, anonymously**. Their hotline number is: 1-888-999-1941

Other statewide support services include:

PA Support & Referral Helpline:

1-855-284-2494 (TTY: 724-631-5600)

Crisis Text Line: Text PA to 741741

Veteran Crisis Line: Dial 988 then Press 1

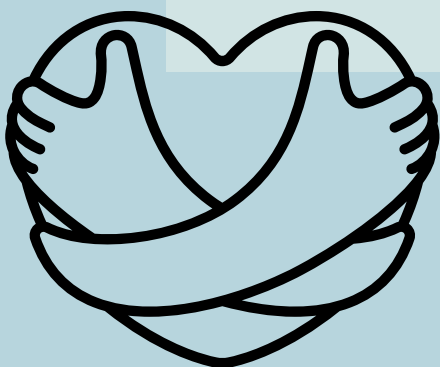
Disaster Distress Helpline: 1-800-985-5990

The Trevor Project Lifeline (LGBTQ): 1-866-488-7386

Text "Start" to 678-678

Trans Helpline: 877-565-8860

For more information on these supports, visit **DHS' Mental Health in PA** page.



CLOSING

WE HOPE THIS MANUAL PROVIDES SUPPORT AS YOU BEGIN YOUR ROLE AS A PUBLIC DEFENDER SOCIAL SERVICE ADVOCATE.



You have chosen to work to help the most vulnerable members of our society, those who have been cast out and deemed by many as unworthy of respect and dignity. Sometimes you'll be helping people in the most difficult moments of their lives. That really matters. The criminal legal system targets specific people, chews them up and then spits them out. You are choosing to be there to catch them, or at least soften the blow of their landing.

THAT IS NOBLE AND IMPORTANT.

There will be days that are upsetting and difficult. You'll witness unthinkably unjust outcomes and you'll get angry. You'll feel hopeless. You'll wonder if there's more you could have done. Despite those days, there will be others where you'll win. That might not always mean watching your client leave prison immediately but it is important in this work to redefine your success. Maybe it will mean that because of your work, your client will be home with their loved ones for the holidays. It may mean that because of your work, your client enters treatment and begins a lifelong recovery journey. It could mean that the way you remember your client's siblings' names makes them feel seen in a way that they have never before in their entire lives.

WE SEE YOU, SOCIAL SERVICE ADVOCATE.

Making a difference to even just one person matters, and you are choosing to do that every day. We commend you for taking on this difficult but meaningful work, and we are here to support you.

