

CHIEF'S GUIDE TO ADVOCATING FOR & HIRING



SOCIAL SERVICE STAFF

HELLO PUBLIC DEFENDER!

Public Defender offices across the country recognize the importance of holistic, full-team defense. To provide that, you need staff to support clients' social service needs.

If you're anywhere in the process of considering adding this position, advocating for or hiring social service staff, you may be looking for guidance. This manual explains the basics of the position. It also details what you should consider when hiring, how to prepare before your new staff member begins and what their first days should look like in order to ensure their success.

As **bell hooks** 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 staff 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 to get in touch with your colleagues from other counties. We're a community and you are not alone!

Sincerely,

Julie Hyman¹

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

Sara Jacobson

Executive Director,
Public Defender Association of Pennsylvania

¹ This document was created by Julie Hyman; Katie Wagner, Chester County Public Defender Client Assistance Coordinator; Alana Hook, Montgomery County Public Defender Chief of Policy & Social Services; Lauren Stoner, Keystone Mitigation Owner; with support from PDAP Executive Director Sara Jacobson.

EXECUTIVE SUMMARY

Public Defender social service staff are invaluable.

Having them as part of the legal team is best practice in zealous public defense. Most Public Defender clients are system involved because of social service issues related to poverty, mental health issues and substance abuse. In Public Defender offices, social service advocates (SSAs)² assess and coordinate social service resources for clients. They assess clients' mental health. They build and manage relationships with clients and their loved ones to ensure representation is client-centered. They develop sentencing advocacy about clients and their lives. Because they have specialized training and experience, SSAs can complete this work more efficiently and at a lower cost than attorneys can, as their salaries are lower. By addressing non-legal issues, Public Defender offices can serve their clients more effectively and resolve their cases more efficiently while saving the county time and money. Research shows that social service advocates reduce recidivism and jail time which saves money.

- Advocates at the Luzerne county Public Defender have saved the county over \$6 million.³
- In New York City, holistic defense resulted in nearly 1.1 million fewer days of incarceration and saved taxpayers an estimated \$160 million on inmate housing costs alone.⁴
- After the Delaware county Public Defender added investigators and social service advocates to their staff, there was a 19% reduction in the county jail population.⁵
- Over 150 social service referrals were provided to Defender Association of Philadelphia clients in the span of five months. Of these 150, only three clients returned to custody.⁶

There may not be funding in your current budget for these roles. However, there are grants and funds you can look into, strategies you can employ and external organizations you can bring in to implement social services in your office. This manual details these options and the role itself and offers support for interviewing, hiring, onboarding and supervising a social service advocate.

² 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. You can read more about that in the Information on Social Workers" section of this manual. For our purposes, we will refer to these staff at Public Defender offices as Social Service Advocates, or SSAs.

³ From Luzerne County Public Defender Social Work Department Adult Data Report, May 11, 2021.

⁴ James M. Anderson, Maya Buenaventura, Paul Heaton, Holistic Representation, "An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars — Without Harm to Public Safety," RAND Corp. (2019), https://www.rand.org/pubs/research_briefs/RB10050.html

⁵ From <https://why.org/articles/delaware-county-significant-gains-reducing-prison-population/>.

⁶ From <https://thephiladelphiacitizen.org/more-public-defense-spending/>.

TABLE OF CONTENTS

03 Why Hire a Social Service Advocate (SSA)

06 What does a Social Service Advocate Do?

07 Advocating for a New SSA Position

11 Creative Funding and Hiring Ideas

19 Interviewing and Hiring an SSA

28 Preparations for Your New SSA

34 SSA Tasks and Basics

45 Ongoing Support for Your SSA

51 Closing

52 Appendix

WHY HIRE A SOCIAL SERVICE ADVOCATE?



Social service advocates improve case outcomes, meet client needs, save your office money and allow your attorneys to focus their time on zealous legal representation. We all know that many clients are involved in the criminal legal system because of poverty, mental health issues and/or substance abuse. These are social service issues, not legal issues, that are better addressed by a staff member trained to focus on those issues. SSAs can help clients access resources to help address the root causes of their system involvement.

Empirical data demonstrates the impact of SSA positions

The holistic defense approach requires Public Defenders to address their client's case, the social service issues that led them there and collateral consequences of their criminal legal system involvement. A 2019 study of Public Defender clients in the Bronx⁷ found that:

- Over ten years, the holistic defense approach cost \$95 million but resulted in nearly 1.1 million fewer days of incarceration, saving New York taxpayers an estimated \$160 million on inmate housing costs alone.
- Holistic defense reduced incarceration by 16% and sentence length by 24%.
- If all New York City defendants had holistic defense, 3,200 fewer people would be incarcerated each year.
- One outcome of holistic defense was that more people were released before and after trial. Despite this reduced incarceration time, defendants who received holistic representation were studied ten years after their cases ended. They did not commit more crime than those who did not receive holistic representation and who were therefore incarcerated for longer.

A study from the Defender Association of Philadelphia found that between September 2016 and January 2017, over 150 of their clients worked with social service advocates who provided them with same-day referrals to community-based treatment providers. Only three of those clients returned to custody.⁸

⁷ James M. Anderson, Maya Buenaventura, Paul Heaton, Holistic Representation, "An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars — Without Harm to Public Safety," RAND Corp. (2019), https://www.rand.org/pubs/research_briefs/RB10050.html

⁸ From <https://thephiladelphiacitizen.org/more-public-defense-spending/>.

WHY HIRE A SOCIAL SERVICE ADVOCATE?



The Luzerne County Public Defender's office collected data about the impact of their social service staff. The information below is from their report, released May 11, 2021.

- In 2021, the Luzerne County Public Defender found that coordinating community services with inpatient drug and alcohol treatment, housing, and the community saved over \$6 million, with more savings expected.
- Social work intervention helped nearly half of the Public Defender office's clients to remain crime free after receiving services.
- Every time the Social Work department assisted with getting a client released from the Luzerne County Correctional Facility (LCCF) and into treatment, it saved the county approximately \$100 per day, per person.

In the first 10 months that the York County Public Defender employed a Social Service Advocate, 80% of the clients she worked with had one or more social service needs and/or were in need of an urgent resource. The case status for over half of the clients the SSA worked with was deemed successful, meaning they reached a desired outcome as set forth at the beginning of their engagement.

Since Partners for Justice (PFJ) began providing case navigation and wraparound support to clients with the Delaware County Public Defender, diversionary programs in the county have become more successful. Since adding the social service support, one program had an 80 percent of client completion compared to its previous 50 percent. Another program's completion rate went from about 35 percent to 50 percent.⁹

⁹ From <https://thephiladelphiacitizen.org/partnering-for-better-criminal-justice/>.

WHY HIRE A SOCIAL SERVICE ADVOCATE?



What Public Defenders in Pennsylvania have to say about the benefits of SSAs:

“[Our social worker is] worth his weight in gold for our office. Since having him as part of the team I cannot believe we functioned without him. His vast knowledge and experience in the many areas of the system which impact our clients is amazing and enables us to achieve results for clients which would otherwise not have been possible...[Our social worker has been] an amazing addition to the office as he has brought a greater sense of humanity to the forefront of our client centered approach.”

—Chief Paul Levy, Carbon County Public Defender

“The way [advocates] dedicate so much of their time to assisting clients in getting help they need is not only instrumental in breaking the cycle that leads to repeat customers, but it also provides a light in the darkness for attorneys. They give hope and mitigate burnout on those days and weeks when nothing seems to be breaking our way. They do the things we all want to, but have no time to. Sometimes, the look of relief on a client's face at simply the mention of having advocates in office that can help them feel as good as a win.”

—Patrick McCafferty, Delaware County Public Defender

“Since we brought on a Social Service Advocate, our office and our clients have benefitted significantly. First, she has worked to establish a network of contacts of service providers in all different areas that she can refer a client directly to. Secondly, she has taken a significant amount of work time away from the attorneys. Most importantly, she has made significant direct impact on the clients' lives. Directly and indirectly, the addition of an SSA position has been an incredible improvement for both clients and our attorneys.”

—First Assistant Clasina Houtman, York County Public Defender

“[Our advocates have] raised the bar on the quality of representation provided by our office..and helped our legal staff grow and learn to be better more client-centered advocates.”

—Chief Christine Lora, Montgomery County Public Defender

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.

Advocating for a **NEW SSA POSITION**



Hiring Justifications for Advocacy to County Commissioners

Social service positions can make an enormous difference in the daily operations of a Public Defender office and in outcomes for PD clients. Use the data on pages 3 and 4 and the justifications listed below when you advocate for SSA positions with Commissioners and County Executives.

SSAs Save the County Money

- ▶ Social service advocates address systemic issues, helping reduce recidivism and jail time, and saving the county and taxpayers money

For example, if a client is charged with drug possession, the social service advocate can present a diversionary plan to decision makers and secure treatment for the client. With enrollment support, the client may serve less time in the county jail, saving the county money since each day of incarceration for each person is expensive. If incarcerated, the client is more likely to begin using drugs again and end up right back in the same courtroom. Treatment addresses the root of the issue rather than simply punishing addiction. Additionally, as a social service advocate gets to know a client, they can provide mitigation information to attorneys, which provides context as to what led the client to use drugs in the first place. By bringing their background into the courtroom, judges or prosecutors may lower sentences or offer better plea agreements, again saving the county money on incarceration.

Advocating for a NEW SSA POSITION

- ▶ Incarceration is expensive. Putting that money towards an SSA salary is more efficient as it keeps clients out of jail.
- ▶ External, ad hoc mitigation specialists are expensive. A social service advocate who is on staff at the Public Defender's office can do that work, which saves the county money.

SSAs Save Attorneys Time

- ▶ Public Defender clients are, by definition, indigent. They may struggle with issues related to intergenerational poverty.¹⁰ Hiring a staff person with specific training and experience in social services takes the burden of addressing those needs off of attorneys, freeing up their time to spend preparing for legal issues. Additionally, SSAs have the training to complete social service related tasks more quickly.
- ▶ Saving attorney time also saves the county money. SSA salaries cost less than attorney salaries. Hiring a social service advocate means freeing up expensive attorney time. This is a particularly useful argument in counties where attorney staffing levels fall below those set forth in the National Public Defender Workload Study.

¹⁰ To learn more about the realities of living in poverty and the need for the support of social service staff, play a round of the online game Spent [here](#).

Advocating for a NEW SSA POSITION

Why a Social Service Position at the Public Defender and not Another Agency?

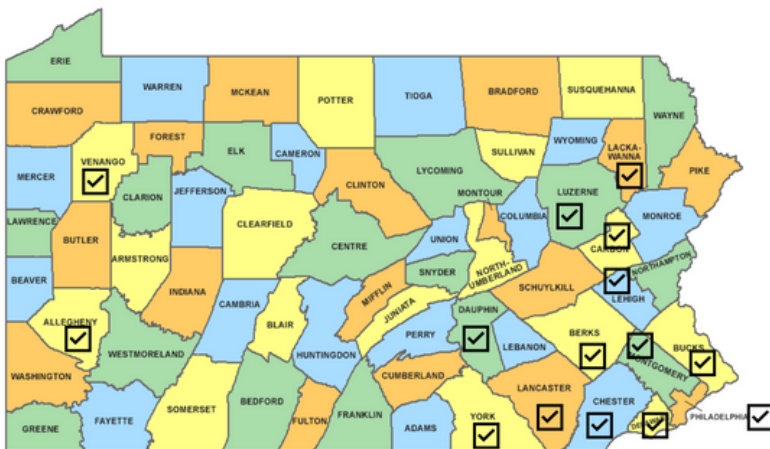
- ▶ Clients who are represented by the Public Defender's office know that the office is there to help them, unlike, for example, probation officers who work for the courts. Clients are more likely to have an antagonistic relationship with probation and parole officers, who are not on the client's side. Because part of a Public Defender's job is to build trust with clients, the Public Defender is best suited to link them to services.

County Comparisons

- ▶ The map and data table below and on the next page outlines which Public Defender offices have at least one social service advocate. It may be compelling for Commissioners to learn that counties in their same county class already fund social service advocates.

PA Public Defender Social Service Staff Map

As of 3/4/24



Advocating for a NEW SSA POSITION

County Comparisons

As of 3/4/24

County Class	County Name	# Social Service Staff
First Class	Philadelphia	69
Second Class	Allegheny	5
2a Class	Bucks	2
	Delaware	7
	Montgomery	5
Third Class	Berks	3
	Chester	1
	Dauphin	2
	Lackawanna	1
	Lancaster	1
	Lehigh	2
	Luzerne	3
	York	1
Sixth Class	Carbon	1
	Venango	1

CREATIVE FUNDING & HIRING IDEAS

Grants and Alternative Funding

Several counties have gotten external grant funding for social service positions. Once these staff are in place and county stakeholders understand the position's value, PDs have convinced the county to continue funding after the grant ended.

DHS Block Grants

Pennsylvania has a Human Services Block Grant Program that allows federal funds to be used generally. Through these grants, counties can choose services to allocate the funds to meet needs specific to their county.¹¹ The program is administered differently in each county. Based on certain criteria, each county's Department of Human Services (DHS) administrator determines how to disperse the money through these block grants. Depending on the priorities of the block grant administrators, the money may be used to connect people to social services. Both Lancaster County and Delaware County have used the DHS Block Grant to fund social service positions in their Public Defender offices.

The Delaware County Public Defender funded new social service advocate positions through a DHS Block Grant. In the county, DHS held public hearings and issued a proposal about what the block grant money would be used for. The county DHS administrator encouraged Chief Chris Welsh to apply for the money and asked him to share a job description for the position. The funding was approved by the state level DHS administrators and the Delaware County Public Defender received the funding.

The Lancaster County Public Defender also funds their social service position through their county's DHS block grant. It has been continuously renewed since the position was created in 2017.

¹¹ From <https://www.dhs.pa.gov/docs/Block-Grants/Pages/default.aspx> and https://www.franklincountypa.gov/index.php?section=Human-services_block-grant.

CREATIVE FUNDING & HIRING IDEAS

PCCD Grants

The Pennsylvania Commission on Crime and Delinquency (PCCD) serves as the justice planning agency for Pennsylvania. PCCD provides grants from “federal and state funds to provide monies to support best practices and innovation.”¹² They publicize grant opportunities designated for different types of programs that may be relevant for Public Defender offices. To receive notice about different grant opportunities offered by PCCD, sign up here: <https://egrants.pccd.pa.gov/public/Subscribe.aspx>.

In 2021, Carbon County Chief Defender Paul Levy applied to PCCD’s Mental Health initiative for Crisis Intervention and Pretrial Services grant and was approved for funding for a two-year Social Work position. There was support amongst Carbon County stakeholders for the role, including from the Chief Probation Officer and county Commissioner. When Chief Levy applied for the grant, he included a support letter from the Chairman of the Carbon County Criminal Justice Advisory Board (CJAB). The request in the grant application was for a part time position. When it was approved, the county agreed to pay the difference so that the Public Defender could hire a Social Worker full time.

Since the establishment of the position, Chief Levy has collected data to prove the position’s worth so county stakeholders understand how much his Social Worker improves outcomes for clients, reduces recidivism and saves the county money. Although Carbon County tracks data for the grant, Chief Levy also hopes to collaborate with a local university to collect additional data. Chief Levy hopes that he can use this data once the grant period is over to advocate for continued funding. Carbon county Commissioners have agreed to support the funding after the grant ends if the program achieves expected outcomes. Chief Levy is determined to prove that it does.

12 From <https://www.pccd.pa.gov/AboutUs/Pages/default.aspx>.

CREATIVE FUNDING & HIRING IDEAS

In addition to the data, Chief Levy is working to get more buy-in from the community and county stakeholders for the work of the social worker and wants them to understand that addressing the social service needs for criminal legal system involved individuals is a sustainable solution.

What Chief Levy hopes to achieve is what happened at the Dauphin County Public Defender with a Juvenile Advocate social service position. The role was initially funded through a PCCD grant, and is now funded completely by the Public Defender budget as approved by the county's Commissioners.

Advocacy Windows

Several counties in Pennsylvania have waited to request funding from their Commissioners for a social service position until there was an advocacy window and they felt they were likely to be granted the funding.

For example, although the York County Public Defender wanted to hire a social worker for several years, they waited to request money from their Commissioners until the time was right, when other county stakeholders were on board and during a budgeting year when they didn't have other major requests. They were able to hire their first social service staff person in March 2023. Leading up to the hire, Public Defender staff would attend prison board meetings and York county Criminal Justice Advisory Board (CJAB) meetings and bring up social service needs that weren't being met in their office's work as frequently as possible. First Assistant Clasinga Houtman noted that county stakeholders, many of whom attended these meetings, had become increasingly aware of using evidence-based practices to address social service issues and have been supportive of Criminal Justice reform efforts that improve system functionality.

CREATIVE FUNDING & HIRING IDEAS

These stakeholders include probation, the district attorney, the county DHS director and the Commissioners. First Assistant Houtman would eventually like to advocate for additional social service positions by capturing data that shows how community outcomes as a whole have improved since their social service advocate was hired, and then presenting them to the York county Commissioners at a strategic time.

In Lancaster County, the Public Defender's office received funding for their social service position as part of the creation of the county's specialty courts. Due to the social service component in these courts, county stakeholders felt the role was a logical addition. Despite this, this staff person is not limited to working with clients in the specialty courts and functions as a social service advocate generally for the office. A DHS Block grant has continuously funded the position since 2017.

Opioid Settlement Funds

In national lawsuit settlements with pharmaceutical companies for their role in fueling the opioid epidemic, Pennsylvania will receive over one billion dollars over 18 years to respond to the epidemic.¹³ Fifteen percent of these funds will go to the state legislature to spend. Seventy percent will go to county governments and will be doled out based on the amount of opioid-related harm. At minimum, one million dollars will go to each of Pennsylvania's 67 counties. The money will be monitored by the Pennsylvania Opioid Misuse and Addiction Abatement Trust and will be used to remediate opioid related harm. Funded services and programs must align with uses as laid out by a document attached to the opioid settlement agreements called Exhibit E.

13 <https://www.spotlightpa.org/news/2023/05/pa-opioid-settlement-money-explained>.

CREATIVE FUNDING & HIRING IDEAS

As we write this, Pennsylvania Public Defenders have not yet used the Opioid Settlement Funds to pay for a social service advocate position. However, PD offices often see clients immediately after they are arrested for using substances. Chiefs could argue that a Public Defender social service advocate would effectively divert opioid users from the criminal legal system into treatment. An SSA could also support programs already in place. One example would be to ensure continuity of care for a jail-based Medication Assisted Treatment program. It may be worthwhile to explore how the funds are being distributed in your county,¹⁴ which you can do through this [tracker](#).

For more information on the Opioid Settlement Funds in Pennsylvania, you can visit:

- [Guide for Community Advocates on the Opioid Settlement in Pennsylvania](#)
- [OpioidSettlementTracker.com](#)
- [Pa. opioid settlement money: What you need to know](#)
- [The Opioid Settlement Funding and What it Means for Rural Pennsylvania Communities](#)

Funding for Different Roles

In several counties, Public Defender offices ask staff hired for other jobs to complete social service related tasks. This is one way to bring in social services and to build support for the positions for future advocacy. However, staff should only do work with appropriate training and experience and should be paid fairly to match their work. Support staff should not be asked to do the work of attorneys, as is prohibited by Pennsylvania law as the [unauthorized practice of law](#).

¹⁴ As of this writing, the [Pennsylvania Opioid Misuse and Addiction Abatement Trust](#) has said that the funds cannot be used to cover any portion of a salary for an Assistant Public Defender. PDAP is in the process of challenging this assertion. Additionally, the wording of the response does not explicitly mention SSAs in PD offices. You can read the full language on the Trust's FAQ page at <https://www.paopioidtrust.org/about-us/faqs>.

CREATIVE FUNDING & HIRING IDEAS

External Organizational Support

Partners for Justice Advocates (PFJ)

Partners for Justice is a non-profit organization that trains and places non-attorney advocates at Public Defender offices to provide case navigation and wraparound support to clients. The organization recruits, selects and trains these advocates, who are recent undergraduates. Each PFJ advocate costs around \$44,000 per year plus their salary though this is a ballpark estimate as the organization tailors the program and costs specifically for each office. If necessary, Partners for Justice will also partner with Public Defenders on funding. They can present data they've collected to decision makers to explain the benefit of their roles. Once hired, the advocates collect data to show how their work and the additional social service support reduces the county jail population.

In August 2022, the Delaware County Public Defender hired five Partner for Justice advocates, and in September 2023, the Philadelphia County Public Defender hired three advocates to work in different departments. Cumberland County will also hire two advocates in July 2024. Delaware County Chief Chris Welsh hopes to use the data they collect to advocate for more SSA positions for the county.

For more information, visit
www.partnersforjustice.org/advocates.

CREATIVE FUNDING & HIRING IDEAS

Social Work Student Interns

Experiential education is an integral part of Social Work programs. Both Bachelors and Masters level Social Workers must complete internships, also known as field placements, for credit in order to graduate. These are usually nine months to a year long. As part of their educational program, the students will discuss the work in their internships in a designated class, and receive supervision about the work they are doing. Although some programs require that a Social Worker supervise each intern, others allow students to complete their field placement at organizations without Social Work supervisors. When this is the case, the school may provide an external Social Work supervisor or run a class for non-social workers supervising Social Work students. If you have a local university with a Social Work program it may be worthwhile to get in touch with that department to see if they'd be interested in placing Social Work students at your office.

For a list of education programs in Pennsylvania that are accredited by the Council on Social Work Education and offer Bachelors of Social Work (BSW), Masters of Social Work (MSW) or Doctor of Social Work (DSW) degrees and may need placements for their students, please visit NASW's list of PA Accredited Schools of Social Work at <https://www.nasw-pa.org/page/234>.

CREATIVE FUNDING & HIRING IDEAS

AmeriCorps VISTA

The National Legal Aid and Defender Association (NLADA) and AmeriCorps VISTA offer the Defending Communities in Service program. Over 12 months of service, VISTA volunteers support Public Defender offices around the country with projects on evidence-based practices, data management and community partnerships. Although VISTA volunteers do not work directly as social service advocates, they can support building out social service infrastructure and data collection that could be used to justify the role. VISTA adapts each position based on the hosting Public Defender office's needs. Several of Pennsylvania's Public Defender offices have had VISTA volunteers through the program, including the Montgomery County Public Defender and the Delaware County Public Defender.

For more information, visit <https://www.nlada.org/AmeriCorps-VISTA> or e-mail VISTA@nlada.org. You can also view the Host Site application at https://docs.google.com/forms/d/e/1FAIpQLScHUFrQcWmOD8spCLnNsi9G5wAMsBHeVmk7RV4A9jAl_pV1_g/viewform.

INTERVIEWING AND HIRING

for a new SSA Position

If your office has never had an SSA position before, a thoughtful hiring process is crucial to ensure success. In this section, you will find a sample job description and points to consider when reviewing resumes and conducting interviews.

Sample Job Description

Position Title: Social Service Advocate

Salary: Starting salaries across the state range from \$18.50 per hour to \$58,000 annually ¹⁵

Position Summary: The County Office of the Public Defender provides legal representation to individuals facing a loss of freedom in the criminal, delinquency and mental health systems in this county. The office employs attorneys and staff to provide zealous advocacy for our clients. Under the general oversight of the Public Defender, First Assistant and relevant unit chief, the Social Service Advocate will work at the direction of the Defender legal team in criminal, delinquency and mental health proceedings to advocate for Defender clients through identifying and addressing their social service needs.

Duties:

1. Provides individualized assessments and referrals for clients to community resources.
2. Identifies resources to address client needs and collaborates with social service and treatment personnel to facilitate client admission and transportation, when necessary.
3. Interviews clients, their loved ones and other possible sources of life history information; requests and gathers records. Develops reports with life history and bio-psycho-social information on clients to submit for sentencing advocacy.

¹⁵ This range represents how different roles are paid differently at PDs offices across the state. If you are looking to hire someone with more experience or a formal Social Work degree, you will likely be unable to do so at the lower end of this range. For more detail about Social Work education, please see the next section.

INTERVIEWING AND HIRING

for a new SSA Position

4. Establishes and develops relationships with community services and potential supports, including, but not limited to, the local mental health authority, law enforcement, community supervision, the housing authority, adult education services, community leaders, and religious communities.
5. Establishes and develops relationships with the clients' support network, including, if appropriate, the client's immediate and extended family as well as friends, mentors and other supporters.
6. Supports clients throughout their case including appearing in court with clients, supporting clients' transition to probation, generally monitoring clients' progress and meeting their needs.

Skills and Qualifications:

- Bachelors degree in Social Work or related field, Masters degree in Social Work or related field preferred.
- Ability to work respectfully, effectively and with integrity with clients and their loved ones, judges, co-workers, witnesses, mental health experts and others.
- Ability to work independently with strong problem-solving and organizational skills.
- Ability to maintain confidentiality regarding client information and records.
- Demonstrated commitment to public service.
- Excellent interpersonal, oral and written communication skills and the ability to engage with and establish rapport with people from a variety of backgrounds.
- Values a diverse, equitable and inclusive environment.
- Ability to travel to court, clients' homes and other community placements as necessary.

INTERVIEWING AND HIRING

for a new SSA Position

Information About Social Workers

Under Pennsylvania state law, a “Social Worker” is a protected term and refers only to individuals who hold a current license (LSW or LCSW) or have completed either their bachelors degree (BSW), master’s degree (MSW) or doctoral degree (DSW or PhD) from a Council on Social Work Education (CSWE) accredited school or program of social work.¹⁶

In Pennsylvania, a person with a License in Social Work (LSW) holds a minimum of a Masters in Social Work (MSW) degree from a Council on Social Work Education (CSWE) accredited school, and passed the Association of Social Work Boards (ASWB) Master’s Examination. To maintain the license, completing certain Continuing Education Units (CEUs) every two years is required. A person with a License of Clinical Social Work (LCSW) has completed the same requirements as those with an LSW. Additionally, they have passed the Association of Social Work Boards Clinical Examination and have completed at least 3,000 hours of supervised clinical experience after their degree in at least two years.

Most programs emphasize that Social Work should be conducted with a client-centered approach. They also teach Ecological Systems Theory, which explains how individuals are affected by the quality and context of their environment. These lenses are relevant to high quality work with clients in the criminal legal system.

Although all students learn basic Social Work principles, many programs will have at least two tracks. The first is for Macro level Social Work, which usually includes advocacy and administration. The second is for Micro level, or Clinical Social Work, which teaches how to work clinically with individuals. The clinical concentration teaches relevant and helpful skills for working with clients involved in the criminal legal system including rapport building, interviewing, interpersonal skills, and a therapeutic approach.

¹⁶ From <https://www.nasw-pa.org/page/86#:~:text=Under%20this%20Pennsylvania%20state%20law,accredited%20school%20or%20program%20of.>

INTERVIEWING AND HIRING

for a new SSA Position

You may encounter applicants who have a social work degree or a non-clinical license who are looking for clinical supervision hours to go towards their clinical license, or LCSW. Supervision hours require meeting with a more experienced Social Worker who maintains their own LCSW to discuss clinical best practices and the work the supervisee is doing. If you do not have anyone employed at your office with an LCSW, your office cannot provide supervision hours toward licensure. However, workplaces will often hire an external supervisor for one to two hours per week for their clinical hours. If you decide to do this, your clients and office will benefit from your SSA discussing their work with a more experienced Social Worker. Depending on who you hire to provide external individual supervision, the cost can range from \$75 to \$200 per hour. External group supervision may also be possible at around \$60 per hour.

To search for external supervision, you can reach out to the National Association for Social Workers Pennsylvania Chapter and the Pennsylvania Society for Clinical Social Work. You can also use Psychology Today's Clinical Supervision search for Pennsylvania. Your Social Worker may also be able to do their own outreach to their network and may want to search relevant groups on social media. If your Social Worker is comfortable with virtual supervision, they can work with an external supervisor anywhere in the state, as long as that person is licensed in Pennsylvania.

You may want to limit hiring to candidates with a formal Social Work background but you don't have to. Alternative education backgrounds you could consider include degrees or experience in Criminal Justice, Psychology or Counseling.

INTERVIEWING AND HIRING

for a new SSA Position

A Note About Mandated Reporting

There can be tension inherent in the ethics and professional obligations of a lawyer, who abides by attorney-client privilege and a state licensed Social Worker, who legally must abide by Pennsylvania's Child Protective Services Law. State licensed Social Workers are mandated reporters if they suspect child abuse by or of anyone they come into contact with. 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 hold that the staff working at a Public Defender's office are mandatory reporters. We encourage you to look at the statute,¹⁷ and create office policy based on your reading of it before your SSA begins. This way, you can make expectations clear around the issue from the outset.

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."¹⁸

Nonetheless, 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.

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

¹⁸ From NAPD Formal Ethics Opinion 14-1 at https://www.defendyourrights.org/wp-content/uploads/NAPD_Formal_Ethics_Opinion_14-1.pdf.

INTERVIEWING AND HIRING

for a new SSA Position

Salary Considerations

When considering how much to request for salary for your SSA, consider the cost of living in your area. Research the payscale for other roles in your county that conduct intensive case management. This could include caseworkers at the county child welfare agency, juvenile or adult jail and in county mental health treatment settings. Using this salary information could be a good basis for negotiation with your county for salary. Your social service staff should be paid fairly comparatively. Their salary should allow them to live in your county without hardship.

The salary for this position and whether it will be full-time or part-time may be out of your control, but if it is low (below \$50,000) many of your applicants may be recent college graduates. This may be their first full time job. This does not mean that they will not be exceptional candidates. It is just something to keep in mind when interviewing and thinking about how much supervision they will need to succeed.

If you see applicants with a great deal of experience but your salary is low, expect them to ask if it is negotiable. If the salary is controlled by your county's salary board and is not negotiable, be sure to make this clear in your job posting. If your county re-assesses salaries every year, you can share this with the applicant but be clear that nothing is guaranteed.

INTERVIEWING AND HIRING

for a new SSA Position

Interviewing

Your SSA applicants need a clear understanding of the client populations they will be working with and different situations they may encounter while working as a Social Service Advocate. The interview phase is a great opportunity to discuss the purpose of public defense, to explain the culture of your office and to ensure that you and your potential staff are on the same page about clients and advocacy. Some questions to ask include:

- What would make you a good advocate for a person who was recently arrested?
- How would you build a trusting relationship with a client?
- Do you foresee any challenges connecting with your clients?
- How do you maintain healthy boundaries with your clients?
- What kinds of things give you the most satisfaction in your work?
- If your client admits they are guilty, would that change the way you advocate for and defend them?
- Are there any criminal charges (i.e. sex offenses against children, murder, rape) that might be difficult for you to work on?
- Given society's distaste for crime and those who commit crimes, why choose this career?
- This is a new position in the office and we'd like you to help us build out the program and position. What skills or experience do you have to successfully complete this task?

INTERVIEWING AND HIRING

for a new SSA Position

- Talk about your experience working with individuals with severe mental illness or other experience that would support your work with this population?
- You may encounter clients who are in an active mental health crisis. What steps should be taken when faced with this scenario?
- De-escalation skills are very important when interacting with our client population. If faced with a difficult client who is escalating behaviorally or emotionally, what steps would you take to de-escalate the situation?
- Do you believe that law enforcement officers are always truthful?
- What is your approach to understanding diverse perspectives?
- Please share an example that demonstrates your respect for people and their differences and how you've worked to understand perspectives of others.
- Where and how have you formed cultural sensitivities? How do you think cultural sensitivity might play a critical role in a position like this?
- Can you provide an example of a time when you had to maintain confidentiality under pressure or in the face of resistance?
- How do you handle sensitive information in the workplace?
- Describe a situation at work when you were faced with a problem you could not solve. What did you do?

INTERVIEWING AND HIRING

for a new SSA Position

You might also consider providing hypothetical situations for your interviews for an SSA. Examples, provided by the Montgomery County Public Defender's office, are below:

Aaron is a 35 year old man who is currently on probation. Aaron received a violation from his probation officer following a recent relapse on opiates. Aaron had disclosed this lapse in his recovery to his probation officer, but due to previous sanctions, Aaron was remanded to the county correctional facility. At the request of counsel, you will go out to meet with Aaron to interview him prior to his hearing.

Questions:

- What is your role in supporting the client?
- What kind of information would you try to get from the client during your interview?
- If mitigation is needed, what diversion options would you suggest for Aaron?
- What information is important to know about recovery, Aaron, etc., that should be included in a mitigation report? How would you get it?
- While visiting Aaron, he tells you he is feeling suicidal. How do you handle this situation? How do you assess the validity of his statements?

Maya is a 12 year old female who has been remanded to the youth center following a fight that took place in her school. Maya has been involved previously with the Office of Children and Youth, and recently returned back to her family of origin. When you meet with Maya, she is quiet and does not share a lot about herself. You remind Maya that court will be in about a week, but she is still evasive during the meeting.

Questions:

- What do you do?
- What information do you need to gather to advocate for Maya with her attorney?
- What kind of records would you request? What kind of information are you looking for in these records?
- Do you go back to meet with Maya? Please explain.
- If while meeting with Maya in the future you determine that abuse has taken place, what is your role in reporting these issues and to whom?

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

Before your SSA begins, it is important to prepare your staff for the new role and create on-boarding materials for the SSA's first weeks. This packet and preparation will be slightly different for every county, but the basics to consider are covered below.

Introduction to SWIM Resources



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



MANUAL FOR NEW SOCIAL SERVICE STAFF

Some resources are password protected and can be accessed using pDaPace332O24.¹⁹

¹⁹ 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 Sara Jacobson at Sara@PAPublicDefenders.com.

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

Office Introductions to Your SSA

Although there is likely a protocol in your office for when new staff begin, if this is the first time you will have an SSA, you should consider a special introduction for your staff to not only the new staff person, but the role. In order to ensure your new SSA's success, it is imperative that your attorneys understand, utilize, support and respect the work that they do.

Communicate to your staff the importance of the role and how it will impact their work, allowing them to better represent clients and meet their needs while also saving them time. Resources about holistic full team defense and its importance are linked below.

- [Bronx Defenders' Center for Holistic Defense](#)
- [Holistic Representation: An Innovative Approach to Defending Poor Clients Can Reduce Incarceration...](#)
- [The Courts See a Crime. These Lawyers See a Whole Life.](#)
- [Fewer Stays, Fewer Days: The Bronx Defenders and How Holistic Defense Reduces Mass Incarceration](#)
- [Criminal Injustice Podcast: #98 Holistic Criminal Defense](#)
- [Brennan Center for Justice: A Holistic Approach to Legal Advocacy](#)

Your staff probably already know about the collateral consequences your clients face due to their involvement in the criminal legal system. Regardless this is an opportunity to talk about having your SSA be the point person for supporting clients' non-case needs. You can mention how 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.

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

You can share the information and resources on supporting clients through the collateral consequences of their system involvement on the PDAP website at <https://www.papublicdefenders.com/copy-of-search-page-2>. The password to access those resources is pDaPace332O24.

You can also share with your staff and SSA that each area has access to civil legal aid lawyers, who work for free on issues including some of the collateral consequences of convictions. It may be helpful to let your SSA know that the Pennsylvania civil legal aid offices for your area can be found here: <https://palegalaid.net/legal-aid-providers-in-pa>

Cultural Humility and Race

You may also want to share with your staff and SSA resources on having cultural humility when working with clients. Equally as important is ensuring they have a background on how race plays a role in the criminal legal system.

As Public Defenders know, having cultural humility is vital to client-centered work. We 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.

For more on the basics of cultural humility, you can click [here](#) and [here](#).

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

As your SSA works in the criminal legal system, it's important for them to be aware of the racial inequities unfortunately present within it. In courtrooms every day, Public Defenders see our country's legacy of oppressing People of Color, a legacy that has its roots in the origins of slavery. History reminds us that even after the Thirteenth Amendment was passed in 1865, slavery was made illegal except as a punishment for crime. Your SSA will see the ways that racism and white supremacy are present in our laws, customs and systems - from impacts on housing and educational opportunities, to the realities of the criminal legal system. Today, Black people and People of Color are disproportionately arrested, convicted of crimes and incarcerated. Below are links to more information about the historical underpinnings of race and the criminal legal system, which might be useful to include as part of the onboarding for your new SSA, so they better understand the ways race impacts the system.

- [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](#)

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

Case and System Overviews

You should provide an overview of the basics of the criminal legal system and how a case travels through it. PDAP has a resource on how cases move through the system and information on other basic skills that may be helpful to your SSA. 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 pDaPace332O24.

Additionally, and if helpful, you can share the chart found on the next page with your SSA. They can also find a more detailed version with explanations of each stage in the appendix.

MAP OF A CRIMINAL LEGAL CASE

Pretrial

Preliminary Arraignment



Preliminary Hearing



Formal Arraignment

Pretrial Motions
Can happen throughout the Pre-Trial stage

Case Resolution

Open or Negotiated Guilty Pleas



Bench or Jury Trials



Post Trial

Sentencing



Post-Sentence Motions and Appeals



Violations of Probation/Parole Hearings

Diversion

Can happen at many points as a case moves through the system

PREPARATIONS FOR YOUR NEW SOCIAL SERVICE ADVOCATE

You should also give your SSA 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. Consider giving your SSA background information on jail personnel, judges, DAs and staff at other county agencies. Make formal introductions where possible.

Choose case files of varied types for the SSA to discuss with attorneys and thoroughly review. This could include cases with different charges i.e. gun cases, sex offense cases, burglary, and cases at different stages procedurally.

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 your SSA 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 they're expected to work on cases in the different systems.

Shadowing Current Staff Attorneys

Prepare a schedule for your SSA to shadow attorneys and other support staff in your office so they can observe how different types of cases are handled. Shadowing should include jail visits and courtroom observation. When the SSA is observing in court for the first time, consider introducing them to the judge and explaining their role in your office.

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

SSA TASKS AND BASICS

Below you will find basic information about having an SSA and some of the tasks you may want your SSA to work on.

SSA Caseloads

In order to ensure your SSA can ethically and effectively work with your clients, the recommended caseload is 30 to 35 clients per caseworker at a time.²⁰ If your SSA takes referrals for one-off case management tasks that are less time intensive, often referred to as one-off referrals, an additional caseload of maximum 20 clients is recommended. You can read more about one-off referrals in the next section. Caseloads should be a constant discussion between your SSA and their supervisor.

Attorney Referral Process

Once the SSA has completed onboarding and begun working, attorneys can start making case referrals for the SSA.

First, you or the SSA will create a referral form (see sample in the appendix). On this form, attorneys should include detailed information about the client and the reason for the referral. It is up to you and your SSA whether the attorneys will e-mail these forms or give them to the SSA in hard copy. Attorneys should include the criminal complaint and relevant case paperwork with their referral form.

20 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 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>

SSA TASKS AND BASICS

A referral might include the items on the list below:

- ✓ 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 with²¹

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

It will be important for the SSA 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. The SSA should log all communication and plans for communication in their case notes.

The earlier a referral is made, the better equipped your SSA 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 witnesses' comfort in sharing sensitive information.

²¹ 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.

SSA TASKS AND BASICS

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

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.

SSA TASKS AND BASICS

Attorney-Client Privilege, Confidentiality and Discovery Materials

SSAs are members of your client's legal team and fall under the same client privilege as an attorney. Therefore, it is appropriate for them to have access to your discovery materials. Confidentiality is important to ensure that clients are comfortable with fully disclosing information to their legal team without fear that it could hurt them or their case. If clients are not comfortable sharing information, the legal advice and representation they receive may not be as accurate or competent.

Reviewing discovery materials will help your SSA 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, it must be reiterated to the SSA that their 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 for your SSA to say that they can relay questions to the attorneys but remind clients that they cannot advise them on their case. It is also always appropriate for your SSA to say that they 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 your SSA wants to be supportive. Your clients will likely also appreciate and respect your SSA's honesty in that case and be able to see the boundaries of your SSA's role in action.

SSA TASKS AND BASICS

Opening an SSA File

An SSA should have their own files for clients, separate from the legal file folder. If the files are physical files, consider using a different color for the SSA file than the legal file to avoid confusion.

If the file is a physical file, the SSA should 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 the SSA by the attorney. The SSA should include a copy of the attorney referral form in their file.

Depending on your office's technology capabilities, you can consider creating your SSA's files electronically. If you decide to keep your case information electronically, use proper file security and file backup procedures.

If your SSA is using paper files, they may still want to create a file on their 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 your SSA to quickly access as needed.

SSA TASKS AND BASICS

Upon receiving the referral form, an SSA should start their 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. Every page of voluminous discovery does not have to be included 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, the SSA should check in with them periodically to find out if they have received anything and determine whether it could be relevant for their 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

SSA TASKS AND BASICS

Case Contact Log Sheet

Once the legal file documents are in the file, the SSA should insert a case contact log sheet. This will be used 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 the SSA writes the date, name of person they spoke with, that person's contact information, and what their relationship is to the client.

Case contact sheets can also be set up electronically. If your office uses a case management software, contact notes are often a feature within the software.

SSA Interview Form

This form will be used during the SSA's first meeting with a client (see appendix for examples) regardless of whether there is a specific mitigation referral. It details all of the categories of information that the SSA will ask about in order 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 the SSA's preference.

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

SSA TASKS AND BASICS

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

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

Social Service Referral Process

Based on the SSA's interviews with a client and case information received, they 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.

The SSA will reach out to appropriate community and government organizations based on needs assessed to connect the client with the appropriate resource and collaborate with appropriate social service and treatment staff to facilitate the client's entry into their services. This could include the local mental health authority, law enforcement, community supervision, the 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.

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








SSA TASKS AND BASICS

The importance of interagency relationships

Connecting clients to resources is an important part of your SSA's 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 your SSA will refer your clients for services will help them find community supports for clients. If staff in your office already have good relationships with these agencies before your SSA begins, an introduction should be made. If there are regular interagency meetings in your county, your SSA should attend.

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

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

SSA TASKS AND BASICS

Record Request and Collection

Requesting records will likely be an important part of your SSA's job. If they are referring a client to services, it could be helpful to know the client's background. With mitigation, requesting, receiving and digesting records helps the legal team tell the client's comprehensive story. If it feels appropriate, your SSA can ask the client to sign a release for their records during their first meeting. 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 pDaPace332O24.

Writing Sentencing Memos

Mitigation reports and sentencing memos are used to contextualize a client's system involvement and bring their strengths, challenges, life experiences and humanity to decision makers. To gather mitigating information, your SSA 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 would be part of a social service referral plan based on the client's needs. A mitigation report will be in narrative form and tell the story of the client's life. PDAP has gathered some mitigation resources which you can share with your SSA. These are under Downloadable Resources (<https://www.papublicdefenders.com/swimresources>) and the password is pDaPace332O24. You can also find tools for mitigation work products in the appendix.

SSA TASKS AND BASICS

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

Building Relationships with Clients and Their Loved Ones

Through your SSA's role as a service connector, mitigator and general support person, they will likely naturally build trusting relationships with clients and their loved ones. This is an important part of their 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. Your SSA's 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 SSA's main focus. This should help your SSA 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.

ONGOING SUPPORT FOR YOUR SSA

Supervision

Supervision and support are crucial to your SSA's success, particularly if they are the only or first SSA at your office. When your SSA completed onboarding, their supervisor should set a consistent time to check in with them. Checking in will help your SSA to feel supported in this new position and will ensure their work aligns with the values and culture of your office. Supervisors should be communicative, approachable and supportive.

Trainings

Look for external trainings and opportunities to connect with networks of individuals in the same roles at other offices. Even if you see trainings that deal with attorney-specific topics, it may still be helpful for your SSA to participate. See the Introduction to SWIM Resources section for what PDAP offers. The organizations below put on trainings or have SSA resources:

- **Public Defender Association of PA (PDAP)**
 - 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 pDaPace332O24.
 - To join the SWIM listserv, e-mail Julie Hyman at Julie@PAPublicDefenders.com.
 - www.papublicdefenders.com/SWIM

ONGOING SUPPORT FOR YOUR SSA

- **Advancing Real Change (ARC)**
 - Organization that specializes in mitigation work, training and resources for capital and non-capital cases.
 - <https://advancechange.org/>
- **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.
 - <https://www.atlanticcenter.org>
- **Hofstra Law School's Mitigation listserv**
 - Hofstra Law School administers six listservs, which share updates and resources for the capital defense community. The one most relevant to an SSA will be the Mitigation listserv. Though the main focus is on capital cases, there are relevant resources shared and questions discussed.
 - The list administrator is Hofstra Law Professor Eric M. Freedman. To join, send him an e-mail at Eric.M.Freedman@hofstra.edu explaining your role and interest in the listserv.
- **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.

ONGOING SUPPORT FOR YOUR SSA

- **National Association For Public Defense (NAPD)**
 - NAPD maintains a listserv for Social Workers and offers trainings and meetups specifically for staff in the SSA role.
 - <https://publicdefenders.us/>
- **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)**
 - NOFSW's virtual trainings include Forensic Social Work, Advanced Forensic Social Work and Mitigation Certificate series.
 - <https://www.nofsw.org/>
- **Pennsylvania Association of Criminal Defense Lawyers (PACDL)**
 - <https://www.pacdl.org/>

ONGOING SUPPORT FOR YOUR SSA

Wellness

As you are aware, being a Public Defender and supporting clients is rewarding, powerful and meaningful. Despite those positives, 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 for 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 and manage your new SSA and other staff, be aware of the issues described below

- **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.

ONGOING SUPPORT FOR YOUR SSA

- **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."²² 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.

²² From <https://www.dav.org/get-help-now/veteran-topics-resources/moral-injury>

ONGOING SUPPORT FOR YOUR SSA

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 anonymously talk about a colleague. 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 that by the time you finish reading this manual, you better understand what social service advocates do, how to use them and how much they will benefit your office. We also hope that you are convinced that your office needs someone in this role and that regardless of where you practice, it is possible to hire one.

Running the Public Defender's office is not an easy job. You support your staff and serve some of the most vulnerable members of our society. Regardless of what led you to open this manual, we commend you. By reading this document, it is clear that you care about what you're doing and that you want to make your office's work even better. Thank you for reading and for all that you do.

A special thank you to all of the Public Defender staff, past and present, who were interviewed for this manual. We so appreciate your time, candor and continued dedication to the improvement of Public Defense.
