

# Study Confirms that Public Defender Reentry Program Saves Money, Lives

May 15th, 2009

SAN FRANCISCO – The first study to assess the impact of the San Francisco Public Defender’s Office reentry social work program found that alternatives to incarceration, reduced sentencing, and avoided jail days obtained as a result of reentry advocacy saved California state prisons over \$5,000,000 and San Francisco County over \$1,000,000.

The Public Defender’s Office reentry unit provides its adult clients with an innovative blend of legal, social, and practical support through three programs: Clean Slate Program, Children of Incarcerated Parents program, and the social work services component.

“Our clients’ legal problems are often the symptoms of larger social issues – drug addiction, mental illness, homelessness, unemployment – that cannot and should not be ignored. By addressing the social service needs of our clients, we obtain the best outcome for our clients, their families and our entire community. This not only saves the city and state millions of dollars, it ultimately saves lives,” Deputy Public Defender and Reentry Unit Manager Simin Shamji said.

Reentry is a cornerstone of the interdisciplinary legal defense team approach employed by the Public Defender Office. Reentry social workers and deputy public defenders provide a vigorous legal defense by addressing underlying and contributing social and behavioral health needs. Reentry social workers have extensive knowledge of San Francisco social services and treatment networks, as well as deep relationships with the social services staff and directors to which they connect their clients. They also provide legal advocacy in the form of offering alternatives to incarceration, based on a clients individual circumstances and demonstrated need.

The study, conducted by LFA Group, evaluated clients’ legal and social outcomes as a result of their engagement with Public Defender’s Office reentry social workers. The evaluation consisted of review of randomly-selected case files whose cases were filed in court between May 1, 2007 and December 31, 2007 and resolved by the fall of 2008. According to the report:

- **Nearly all Reentry clients experience some form of victory through their participation in Social Work Services.** Of the clients with some type of victory during their engagement with Reentry Social Work Services, almost all (98%) saw improvement in their legal cases over the likely sentence they would have faced without Reentry Social Worker services: these defendants had less severe sentences (for example, jail instead of prison; community-based program or probation instead of jail) and in some cases shorter sentences, and experienced other legal victories such as early release from a jail

sentence. They also experienced personal and social successes such as becoming ready to seek drug treatment.

- **Reentry clients are less likely to be sentenced to prison.** Of those Reentry clients facing a prison sentence, 83% received an alternate sentence, allowing them to avoid prison. More than one-quarter (29%) who had been facing a potential jail sentence were given an alternative sentence that allowed them to avoid incarceration altogether.
- **The impact of Reentry Social Worker support is evident even beyond sentencing.** A majority (59%) of Reentry clients sentenced to jail were awarded early release from San Francisco County Jail.
- **Reentry client legal outcomes result in cost savings for the criminal justice system.** Avoided prison days due to alternative and reduced sentencing for the 66 clients sampled resulted in a savings of over \$5,000,000 to California state prisons. Avoided jail days for the sample due to alternative and reduced sentencing and early release resulted in a savings of over \$1,000,000. The net savings for San Francisco County jail after the cost of averted prison sentences served in jail is added to the jail savings is \$110,577.

<http://sfpublicdefender.org/2009/05/15/study-confirms-that-public-defender-reentry-program-saves-money-lives/>

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## Public Defender Social Services Unit

### Kerri Mowbray, Chief Social Worker

The Social Services Unit provides a critical piece to the holistic representation practiced in the Rhode Island Office of the Public Defender. The Social Services Unit –comprised of six staff social workers and two special project social workers –assists Public Defender clients who have mental health, substance abuse and/or medical issues in order to enable effective and comprehensive representation of these individuals in court. Our staff social workers assist the Public Defender’s Office in all counties as part of the team providing direct representation in adult criminal cases; our special projects are sited in Providence Family Court and in the Providence Superior Court technical violation courtroom.

Our social workers assist attorneys in gathering information from and about clients in criminal and juvenile cases, and in facilitating dispositions of cases that serve the client’s interests. This work includes of clinical, mitigation, case management, and outreach components.

- The **clinical work** done by our social workers involves completing clinical assessments using the bio-psychosocial model to find appropriate placements for our clients and divert them from incarceration into alternative treatment and community-based programs.

- The social workers also complete **mitigation** reports on individuals facing life sentences for capital offenses. These mitigations involve a thorough psychological assessment, assessment of client competency and level of functioning, objective evaluation of stress and trauma and assessment of psychological functioning and case histories.
- The **case management** component of our social services involves coordinating program involvement and obtaining non-jail residential placements and out-patient programs in the areas of substance and alcohol abuse and mental health issues.
- Finally, our social workers and social work interns follow up with clients who have been placed in residential services, particularly those placed based on a court order in order to insure successful placement and reaching of client goals. This **outreach** serves both to make sure the client's needs are met and to maintain a relationship with the placement site.

Social work services are provided only for those individuals represented by the Public Defender's Office.

<http://www.ripd.org/representation/organization/socialsvc.htm>

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## Using Social Workers with Public Defenders

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RESTORING HOPE

USING SOCIAL WORKERS WITH PUBLIC DEFENDERS

By Dawn Jenkins, MSW, and Jennifer G. Withrow, MSW

"My client was looking for just one person to believe in him. Even his parents had turned their backs on him. I was that one person." — Jacque Joiner, MSW, Covington Public Defender's Office

"The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty...social workers promote social justice and social change with and on behalf of clients," according to the National Association of Social workers Preamble. Public Defenders are advocates for needy or indigent juveniles and adults who are accused of "serious crimes" or those whose legal action could result in detainment and the loss of liberty. (KRS Chapter 31)

Together, social workers and public defenders are able to successfully:

- Divert persons with significant social and economic barriers to services and treatment so that they can successfully transition into their communities and become productive citizens;
- Provide judges with relevant mitigating information on their clients' health, mental health, and social history, as well as viable alternatives to incarceration;
- Save Kentucky money in incarceration costs by diverting persons with addiction and mental illness to community based treatment; and
- Impact the overall rate of persons likely to re-enter the criminal justice system.

National View on Whole Client Defending “Holistic law is predicated on the belief that nothing happens out of context. Falling ill or becoming involved in a legal matter does not happen in a vacuum. Rather, a process or series of events is required to bring the person to the point where he develops cancer or she finds herself enveloped in a nasty divorce,” according to Bill van Zyverden, Founder, The International Alliance of Holistic Lawyers.

Since the early 1990’s DPA has had as one of its core values and long term goals, holistic client representation. One of DPA’s long term goals is service to The Whole Client. This goal states, “The Department will develop the capacity to represent the whole client, working with their families and developing disciplines such as social workers, alternative sentencing advocates, mental health specialists, drug treatment providers, community defending, specialty courts, and team child.”

The agency began to work to implement this goal using alternative sentencing workers in the 1990s funded initially by a grant from the Sentencing Project. Mitigation specialists, many with social work degrees, were hired to assist in capital cases. Then in 2002, DPA received a federal grant to partner with colleges of social work and place social work interns in trial offices. These experiences helped prepare the agency for the current opportunity to integrate social workers into DPA as part of the defense team.

Using social workers as an integral part of a Public Defender team is not a new concept. Several states are using social workers to great success for individuals and the criminal justice system. The Bronx Public Defenders, Baltimore Public Defenders, Maricopa County Public Defenders, Colorado Public Defenders, and Rhode Island Public Defenders are using a holistic approach to serving individuals with significant economic and social barriers. Social workers have the training and ethical and professional standards that make them appropriate members of a successful defense team. They are trained to assess health and mental health problems, find needed treatment and resources appropriate for each individual, and have the skill and will to assist in a client’s successful transition from jail to their families and communities.

The social service workers in Rhode Island, while affecting thousands of lives, also saved the state \$15 million dollars. Colorado realized a savings of \$4.5 million, in one county alone. Their success includes diverting chronically mentally ill adults from jails to community case management and treatment. Through social worker intervention, jail confinement between arrest and sentencing was shortened, thus saving their state money.

#### Kentucky’s View: The Social Worker Pilot Project

In some regards, the Department Of Public Advocacy is the largest law firm in Kentucky. Unlike other law firms, their clients are needy juveniles and adults who enter the criminal justice system with very complex economic and social ills. By serving only the criminal complaint of individuals, and not addressing the root cause of criminal activity, defenders do a disservice to them and to the criminal justice system. The bottom line, by serving the whole client, defenders can reduce the number of persons re-entering the justice system and save taxpayer’s money.

After receiving necessary legislative funding to create the Social Worker Pilot Project, a core group of committed individuals, including educators from the Kentucky schools of Social Work, advocates, public defenders, and social work professionals designed the Pilot. They created data collection tools to measure successful outcomes including cost savings and program effectiveness.

In September 2006, DPA hired the first staff social worker. Three of the four social workers have master's degrees in social work. Each has bachelor's degrees in social work. DPA conducted office orientations and held a week-long certified training for the new social workers and attorneys. The Pilot began in October 2006 and was completed this month, October 2007. Pilot offices include the Owensboro, Morehead, Covington, and Bowling Green Trial Offices. Combined the Pilot covers 17 counties.

DPA social workers begin working with clients from the time each is appointed by the court, and conclude only after six months following the disposition of that client's case or until the client is stable. DPA's social workers have been 100% successful in finding available beds and outpatient treatment, although it has required going to other states or adjacent counties. DPA social workers are responsible for a variety of services from conducting mental health and substance abuse assessments to locating treatment. "When I call a treatment provider for a client, the facility responds more quickly than if the attorney calls. Facilities want to know we have already made an assessment," says Rachel Pate, BSW, Owensboro, "Building sustainable relationships with service providers is also important." DPA social workers also work with attorneys to create alternative sentencing plans for judicial review, and assist in the client's transition from jail to treatment and from treatment into the community. During the course of the pilot, the typical person assigned a social worker has been someone with a history of alcohol or drug dependency or a person with signs or symptoms of mental health problems.

#### Measuring Success

The Urban Studies Department, University of Louisville is currently analyzing the data collected from the over 321 people served during the one year Pilot. This analysis will be presented in the form of an objective report due on December 1, and presented to the 2008 Kentucky Legislature. Report findings will include an evaluation of the economic and social problems facing DPA clients. The report will present numbers for referrals to treatment and successful completion of treatment. It will present successful alternative sentencing options such as employment and education. DPA implemented the pilot at a time when Kentucky's prison population is over 22,000. Jails are 22% over capacity, and prisons are full. 1000 to 2000 new inmates are being added to the prison population each year, and no new prisons are being built.

The Pilot report will determine the savings to the Commonwealth when using a social worker to divert needy persons to treatment versus incarcerating them in jail, prison or a juvenile treatment facility. Daily incarceration costs add up: \$36 average per day for an adult in a county jail, \$68.00 average per day for prison, and \$200 to \$422 per day for juvenile treatment. The Department of Correction's Budget is higher than it has ever been at \$417 million in 2008. These costs do not include collateral costs of incarceration such as foster care for children, which is \$22 per day for each child, and the Kentucky Transitional Assistance Program, which is \$186 per month for one child. Yet, by diverting just three clients from jail, prison or detention to treatment, the Commonwealth can pay the salary, benefits, and operating expenses for one social worker, \$42,000.

#### Turning Lives Around

What is the value to Kentucky when someone successfully reintegrates into the community, works again, becomes a mother again? DPA clients report that following intervention from their DPA social worker, they were able to regain custody of their children. Others report completing substance abuse treatment and staying clean. Still others have obtained job training, maintained employment, and paid victim restitution and fines. Owensboro Social Worker, Rachel Pate, BSW graduate of Brescia University, helped her 42 year old client turn his life around. He had been arrested 32 times on drug charges,

fleeing and evading, and alcohol charges. His criminal activity began when he was a child. Yet, no one had ever successfully explained chemical dependency and his options for recovery. Rachel gave him the hope he needed through alternatives to incarceration. The client has remained in treatment and recovery. The inpatient treatment program reported he is on the road to recovery.

DPA social workers are providing a missing link between the criminal justice system and the treatment community. DPA social workers are providing a missing link between the criminal justice system and the treatment community. Rachel worked with the River Valley Case Management providers to help change their policy and procedures regarding the incarcerated population. "As part of Rachel's advocacy, River Valley Comprehensive Care Center developed a policy that our case managers would provide services to mentally ill inmates prior to their being released from jail, thereby, assuring that mentally ill clients receive the seamless services," said Karen Thompson, Director of Case Management, River Valley Comp. Care.

DPA social workers work closely with drug court officials. Morehead Social Worker, Sarah Grimes, MSW and graduate of the University of Kentucky, worked with a client facing 1- 5 years in prison. Sarah composed a treatment recommendation plan including a drug court referral. The client was granted a 3 year diversion, contingent on her successful completion of Rowan County Drug Court. Since entering drug court the client has had all negative urine drug screens and met all requirements of drug court. DPA social workers are experts in working with juvenile offenders, who without early intervention, are at risk of becoming adult offenders. "I worked with a 15 year old juvenile who was to be charged as an adult on two charges including burglary 1st and robbery 1st. He was also suspended from school for two years. After her intervention, the client returned all the stolen items and made restitution. He was deeply remorseful for his actions. He came to understand his addiction to marijuana. He entered substance abuse recovery and individual counseling, for family problems. He was admitted back into high school. Today, he plays football for Warren County High School. The judge gave him a second chance and now he has the tools to succeed," described Kita Clement, MSW, a graduate of Western University School of Social Work.

#### DPA's Budget Request

DPA is requesting \$2.3 million in FY09 and \$2.4 million in FY10 to expand this social worker program to every field office and to post-trials. This will be an investment that will pay off in real dollars by reducing incarceration levels. In addition, lives will be repaired and restored and communities will be healed.

Through the combined effort of the Social Worker Pilot Project, DPA is better able to address the complex economic and social needs of our most troubled clients. Our social workers clearly made a difference in the lives of the 361 clients served during the Pilot. DPA's client's success can be counted as a success for the criminal justice system. "Every client whose life is restored today is less likely to re-enter the criminal justice system tomorrow," says Ernie Lewis, "I am hopeful the 2008 Kentucky legislature will find value in the Social Worker Pilot and fully fund social worker in the 26 remaining defender offices in 2009-10.

<http://kentuckydpa.blogspot.com/2007/12/using-social-workers-with-public.html>