

Research on the Implementation of Holistic Defense Models & Embedding Social Workers in Public Defender Offices

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This paper reviews the research on the implementation of holistic defense models and the use of social workers in public defender offices. It identifies five relevant studies but focuses on three—Hisle, Shdaimah, and Finegar (2012), Matei, Hussemann, and Siegel (2020), and Buchanan and Nooe (2017)—that directly address implementation issues. The remaining two studies, by Harris (2020) and DeHart et al. (2017), were empirical evaluations that reported data-related challenges. Those studies are described at the end of this paper because planning for key data is part of a strong implementation plan. For a summary of the research on the effectiveness of holistic defense models and the use of social workers in public defender offices, see the paper [here](#).

Implementation Evaluations

Three studies directly address the implementation of holistic defense models and embedding social workers in public defender offices. These studies typically rely on staff and client interviews to characterize implementation.

Montgomery County & Park Heights Neighborhood, Maryland

In 2006, the Maryland Office of the Public Defender established the Neighborhood Defenders Program (NDP), servicing Montgomery County and Baltimore's Park Heights neighborhood. Interdisciplinary teams of attorneys, social workers, legal assistants, law clerks, support staff, and student interns work collaboratively to address clients' legal and extra-legal needs (Hisle, Shdaimah, and Finegar 2012).

In early 2009, the NDP worked with partners to evaluate the program. Using focus groups, interviews, and client observations, they presented findings related to five areas of implementation: mission and goals, community involvement, the referral process, staffing, and professional relationships. The study authors also offered recommendations based on their findings.

Regarding mission and goals, there was confusion about the program's specific goals and how they could be achieved. Staff attributed this to leadership's failure to clearly define and communicate long-term goals.

Regarding community involvement, staff and leadership noted that community outreach and relationship-building was needed to promote client trust and information sharing. However, staff were not required to do outreach and time and large caseloads limited their ability to do outreach.

The evaluation found that the referral process was inconsistent. For example, clients learned about program services at different points during representation. Also, public defenders had wide latitude in when to refer clients and limited training on how to identify social problems, exacerbating the inconsistency of the referral process. For example, because of limited resources, one public defender described prioritizing referrals based on the defender's perceptions regarding the severity of clients' problems.

As to staffing, the integrated, interdisciplinary teams helped clients feel understood and supported. Staff likewise reported that the interdisciplinary teams helped ensure they felt supported when working on cases. However, integration was a challenge. For example, social workers noted that public defenders did not always understand how to use social workers' expertise. Also, some public defenders had negative views of social workers, and this became a barrier to developing trust among program staff.

Finally, due in part to unclear program goals, public defenders and social workers felt they had different and sometimes conflicting roles. While defenders focused on clients' criminal cases, social workers focused on providing clients with social services and addressing their extra-legal needs. Additionally, defenders could reject or accept social workers' recommendations, and when presenting those recommendations to clients could frame them to push a response that aligned with how the defender wanted the case to progress.

The authors offered recommendations to address implementation challenges and improve program effectiveness. Primary recommendations include:

1. Conduct ongoing strategic planning to clarify program priorities, promote consistent practices, and assist with future evaluation efforts.
2. Improve communication between attorneys, social workers, and program staff, and ensure that all team members are trained to understand holistic representation and each other's roles and expertise.
3. Define the social workers' roles and identify ways to increase their use by public defenders.
4. Maintain formal and informal relationships with community organizations and criminal justice programs to learn about best practices.
5. Employ broad methods to inform clients about program services. For example, consistently use referral forms at intake to ensure that clients know about the program.
6. Prioritize outreach to educate community members about the program and its services.

7. Maintain funding for social workers to ensure service continuity and add other staff, such as immigration and bilingual attorneys, to better assist with clients' extra-legal needs and the collateral consequences of justice involvement.
8. Track measurable outcomes and continue to conduct program evaluation, incorporating client and staff views when identifying outcomes and conducting the evaluation.

Knox County, Tennessee

In 2003, the Knox County Public Defender's Community Law Office (CLO) opened a social services department and transitioned to a holistic defense model. For two years, social workers and attorneys worked in parallel, in different departments and rarely collaborating. In 2005, the office integrated the two teams and emphasized communication between team members. A briefing paper discusses the benefits and challenges of the two models, and broader challenges for holistic defense models (Buchanan and Nooe 2017).

The authors describe the parallel approach as involving only rare coordination between attorneys and social workers and thus separate management of clients' legal and extra-legal needs. This led to staff conflicts and tension when legal and extra-legal (e.g., psychological or social) needs were not in alignment. Also, social worker roles and guidelines were unclear, exacerbating tension over how best to address client needs.

Given the challenges of this parallel model, in 2005 CLO integrated team members, emphasizing communication, training social worker staff on the justice system, and providing legal staff with more information about the services social worker staff could provide. This led to reduced attorney workloads, improved use of staff expertise, and improved client satisfaction. Social workers' efforts were viewed as complementary to attorneys in that they improved relationships with clients and helped support and advocate for their needs.

Genesee County, Michigan

Between September 2018 and January 2020, the Michigan Indigent Defense Commission piloted the Social Worker Defender Program (SWDP), which embedded a social worker in Genesee County's assigned counsel system. Genesee County assigns counsel from a list of private attorneys. Program goals included sentence mitigation for low-level felony offenses, advocacy for justice-involved individuals, collaboration between community workers and the justice system, and referrals for social services. As a part of the evaluation, researchers reviewed clients' case files and conducted monthly interviews with the social worker, pre- and post-implementation interviews with five attorneys, and post-implementation interviews with two judges and ten clients. The evaluation identified implementation challenges related to confidentiality standards, determination of eligibility, and embedding a social worker in an assigned counsel system (as opposed to a public defender office) (Matei, Hussemann, and Siegel 2020).

Under Michigan law, social workers are mandatory reporters, required to disclose certain information to authorities. Conversely, attorneys may not share communications from their

clients without consent. Both social workers and attorneys face professional and personal penalties for failing to fulfill these responsibilities. The authors recommended that future programs understand and communicate the statutory requirements regarding confidentiality standards before implementation to ensure staff buy-in. They also recommended extending attorney-client privilege to social workers when working as a part of a defense team.

Attorneys also experienced challenges in identifying and recommending eligible clients. A target group for the program were so-called straddle-cell cases, in which judges often had leeway to impose alternative sanctions to prison sentences (e.g., substance use treatment, community service, etc.). Attorneys were required to make this determination quickly. Because of the speed of the determination, attorneys often lacked key information (e.g., the client's criminal history), and reported that consequently on some occasions they missed referrals for straddle-cell clients.

The authors noted that the assigned counsel system posed unique challenges for the program. Assigned counsel attorneys do not work in a single office, making program communications more challenging. Lack of a common office also made coordination between the social worker and the approximately eighty available attorneys difficult. Also, because assigned counsel work independently and lack a single leader or supervisor, standards of practice and culture could not be established and achieving buy-in was a challenge.

Data Considerations for Program Evaluation

The remaining two studies evaluated holistic defense and embedded social worker models. Although focused on program outcomes, each study reported data challenges that impacted evaluation efforts. Because data issues can be addressed during implementation, we include these studies in this briefing.

Southeastern State

The first of these studies sought to evaluate the implementation of a holistic defense program in a single judicial circuit in a southeastern state in 2014 (DeHart et al. 2017). The authors initially aimed to compare outcomes across judicial circuits, but noted that data quality varied across jurisdictions, preventing the use of a control group. Also, the study was conducted during the year after implementation, and programs may need time to become established and effective, suggesting that longer follow-up periods are needed. Finally, because the programs may have non-justice outcomes, rich and diverse datasets are needed to evaluate program impact on clients' extra-legal needs and the collateral consequences of justice system involvement. These observations suggest that data access and quality are important considerations as jurisdictions implement new programs.

Santa Barbara, California

This study evaluated a pilot holistic defense model implemented in Santa Barbara, California in 2017 (Harris 2020) and also experienced data-related challenges. First, administrative data was unavailable. Also, a change in the consent process was required for clients who did not receive holistic defense services. Together, these changes delayed the evaluation, resulting in a shorter follow-up period (six months as opposed to twelve). Based upon their experiences, the author offered suggestions to improve future evaluations, two of which potentially could be addressed at implementation. First, they recommended enhancing justice system data collection to include initial charges (not just disposition and sentence) and more detail about case outcomes. For example, they noted that when a client pleaded guilty to be released from pretrial detention, the court data might only note the guilty plea and not the motivating reason (release from pretrial detention). Second, collecting data on both legal and extra-legal (e.g., social service utilization) outcomes over time is challenging, but can be improved when multiple sources are used (e.g., public defenders, social workers, clients, and social service providers) across different stages of their interactions. For example, the author suggested researchers might collect data from social service providers during referral, enrollment, and subsequent interactions.

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