

RESOLUTION OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS
MICHIGAN CHAPTER

In support of

THE ESTABLISHMENT OF A STATE FUNDED PUBLIC DEFENSE DELIVERY
SYSTEM IN MICHIGAN THAT COMPLIES WITH THE ELEVEN PRINCIPLES
OF A PUBLIC DEFENSE DELIVERY SYSTEM

WHEREAS, the United States Supreme Court's 1963 decision in *Gideon v Wainwright* imposed on the states the responsibility for providing counsel to indigent persons in any case that may result in a loss of liberty;

WHEREAS, the State of Michigan has abdicated this responsibility by placing the burden of providing counsel on its counties, providing virtually no state funding, or fiscal or administrative oversight.

WHEREAS, leaving counties responsible for the funding and administration of their public defense delivery systems places an undue hardship on many counties and results in an uneven quality of justice statewide;

WHEREAS, the State of Michigan's failure to provide fair and equal justice results in inadequate representation, wrongful convictions, improper sentencing, jeopardized public safety, and mismanagement of taxpayer dollars;

WHEREAS, the *Eleven Principles of a Public Defense Delivery System* (attached) were adopted by the Michigan Public Defense Taskforce in 2002, and by the State Bar of Michigan's Representative Assembly in 2002, and serve as the fundamental standards for a public defense delivery system to provide effective, efficient, quality, and ethical representation to those in criminal proceedings who cannot afford to hire an attorney;

WHEREAS, Michigan's trial-level public defense delivery system currently fails to meet the Eleven Principles;

WHEREAS, the National Association of Social Workers – Michigan Chapter represents Social Workers throughout the State and embraces the NASW Code of Ethics position that social workers should promote social, economic, political, and cultural values and institutions that are compatible with the realization of social justice;

WHEREAS, the Eleventh Principle of the Public Defense Delivery System calls for a public defense system and public defender offices or assigned defense attorneys to be involved in the design, implementation, and review of local programs suited to both repairing the harm and restoring the defendant to a productive, crime-free life in society; to be involved in discussions of proposals to change or authorize diversion programs or court recognized treatment programs,

and to develop client-specific treatment plans and recommendations and include them in the Pre-Sentence Investigation;

WHEREAS, NASW-MI Chapter Social Worker Members can provide valuable services to policy makers and to defender offices or assigned defense attorneys by being involved in the design, implementation and review of local programs and by being involved in discussions of proposals and design and delivery of services for diversion programs, treatment programs and client-specific treatment plans and recommendations for Pre-Sentence reports;

WHEREAS, Michigan's broken public defense delivery system must be reformed so that it provides fair and equal justice to everyone, maximizes public safety, and uses taxpayer dollars efficiently;

BE IT RESOLVED that the National Association of Social Workers – Michigan Chapter supports the establishment of a state-funded public defense delivery system in Michigan that complies with the Eleven Principles of a Public Defense Delivery System; and

BE IT FURTHER RESOLVED that the National Association of Social Workers – Michigan Chapter calls upon the Michigan Public Defense Task Force and other advocates involved in efforts to reform Michigan's Public Defense Delivery System to include Social Workers in the design, implementation and provision of services for Public Defense Systems and include Social Workers in the design, implementation, and service provision for local programs including diversion and treatment programs as alternatives to incarceration.