



Avis E. Buchanan
Director

Kimberly A. Clark
Chief, Mental Health Division

Dear Prospective Intern:

The following describes the Mental Health Division of the Public Defender Service for D.C. and its student investigator program.

The Mental Health Division of the Public Defender Service for D.C. (PDS) is a District of Columbia government legal agency which represents persons undergoing involuntary civil and criminal commitment to mental institutions in the District. The Mental Health Division employs eight attorneys, a social worker, two investigators, and an office manager. The Division also utilizes a team of 6-8 undergraduate, graduate, and law school student investigators each semester, including summer.

This office takes a very strong advocacy approach in defending the legal rights of its clients. The attorneys are appointed by the Court to represent indigent clients who are the subjects of involuntary civil commitment under the "Hospitalization of the Mentally Ill Act", also known as the "Ervin Act" (21 D.C. Code §501 et seq.). We also represent indigent clients who are the subjects of court-ordered commitments stemming from criminal proceedings (24 D.C. Code § 501). The attorneys appear before judges of the District of Columbia Superior Court and the United States District Court in a variety of proceedings. These include probable cause hearings, disposition hearings, 301 release hearings, judge/jury trials and appeals. They also practice before the Mental Health Commission, an administrative body of the D.C. Superior Court which conducts hearings and makes recommendations to the Court concerning commitment.

St. Elizabeths Hospital, the District's public mental health facility, is comprised of facilities for persons receiving treatment under civil statutes and maximum security facility for persons who have been court-committed under criminal statutes. Patients are admitted to the psychiatric unit of area hospitals for acute care, and transferred to St. Elizabeths in cases where long term care is recommended. Under D.C. civil statute, persons may receive treatment on a voluntary or involuntary basis. Persons may only be admitted on an involuntary basis for inpatient treatment by an authorized agent if that agent believes the person is mentally ill and, as a result of mental illness, dangerous to themselves or others. All patients admitted against their will are appointed an attorney. The attorney's function is to represent these persons in various court and administrative hearings in an attempt to achieve the legal status desired by the client.

In addition to patients undergoing civil commitment, PDS/Mental Health Division represents clients in forensic cases. Forensic patients include pre-trial defendants sent to St Elizabeths by the Court for psychiatric

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screening to determine if they are competent to stand trial, convicted prisoners who become mentally ill while incarcerated, and persons found not guilty by reason of insanity who are court-committed until they regain their sanity. Insanity acquittees are entitled to release hearings every six months.

Intern investigators assist the attorneys in preparing cases for court and administrative hearings. Once PDS/MHD has been assigned to represent a civil commitment client, the investigator accompanies the attorney to make the first contact with the client, and interns conduct follow-up visits independently. Investigators conduct the initial background interview with the client and obtain information regarding the circumstances surrounding their detention. Background information is also obtained by the investigator at this time. Interviews with clients take place on the locked wards of the institution. This interviewing process can be difficult. Many clients are highly suspicious. Others are actively hallucinating and delusional. Some are so heavily medicated they cannot respond to questions, while others are unable to communicate because of a severe mental or physical disability.

Once the client has been interviewed, the investigator is responsible for further investigation in the event of a hearing. This includes interviewing treating psychiatrists and other hospital staff, law enforcement officers, family members, witnesses and any other persons relative to the case. This often includes negotiating with psychiatrists and family members for the client's release. In the course of their work, investigators will have to deal with persons who are hostile toward the Public Defender Service. The Service's efforts may be viewed as disruptive to the Hospital's attempts to "help" alleged mentally ill individuals. These aspects of the investigator position add to the challenge of being an advocate.

Interns must submit all information obtained in interviews to the attorneys in written reports through our electronic tracking system. These reports will, in turn, be used by the attorneys in constructing a defense for the client. Investigators are also responsible for obtaining medical and legal documents and abstracting from them any pertinent information. They will meet with the attorneys on a daily basis to discuss the legal theories involved, possible testimony from witnesses and other legal questions. During the course of the internship, investigators will, on occasion, serve court subpoenas. Finally, they will observe and assist attorneys at numerous court and administrative hearings. Occasionally, students will testify at these hearings.

This office also employs a social worker. The social worker is responsible for assisting the attorneys in developing for clients alternatives to involuntary hospitalization. (They are case management social workers -- we do not provide therapy or counseling.) This includes aiding in areas such as housing, finances, community treatments, medical care and employment. These goals are accomplished through interviewing clients, family and hospital staff; contacting community agencies; making appropriate referrals; and testifying on the client's behalf. Interns are needed to assist the social worker in all phases of these services.

The Mental Health Division has a comprehensive training program for new student investigators and social work interns. Interns receive a training packet which contains an investigator manual, sample copies of the legal and medical documents used by the Court and St. Elizabeths, sample interview

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reports and general information about the mental health field. A copy of the "Ervin Act" statute is also included. As the Investigations Coordinator, I instruct new students during the training period; however, all members of the Mental Health Division staff take part in the training. Once familiar with the mechanics of our work, new students work closely with trained investigators in observing interviews. New interns usually work with training investigators for 2-3 weeks before undertaking investigations alone.

Once trained, investigators are usually assigned to work with one attorney in the summer, or during the school semesters work as a "pool" of investigative support. From case to case, the investigator reports to his/her attorney and is their full-time assistant on that case. The attorneys and social worker rely heavily on the work of the investigator and review all completed work on a daily basis. As the Investigations Coordinator, I continue to supervise all investigators throughout the duration of their internship. I also work as liaison between PDS and the students' academic institutions.

Investigators must be available to work a minimum of 3 consecutive days per week during the summer, and at least 2-3 days per week during the school year. However, it is more beneficial to the Division, client and student to work as much as possible. A forty-hour week is ideal (but not required). School semester internships are the duration of one academic term or more. We usually request interns commit to working 12 weeks during the summer. Internships commence at the beginning of each academic term (semester or quarter); however, continuous recruitment exists as we are always in need of a strong student investigative network. There is a deadline of March 1st for receipt of summer internship applications.

No previous mental health or investigative experience is required; our office provides any necessary training. Students must have good writing skills and be able to communicate well orally. They must also be able to abstract pertinent information from medical and legal documents. Good organizational skills are imperative, and the ability to work with minimum immediate supervision is a plus.

Without intern support, we would be unable to maintain our current quality of representation. Unfortunately, due to the lack of funds in the Public Defender Service, we are unable to compensate our student investigators' efforts. Instead, all students are eligible for academic credit from their university or law school. If students will require other part-time employment to support them, we can accommodate schedules to allow for interns to seek outside employment. The incomparable experience provided by the Mental Health Division of the Public Defender Service is the compensation we offer.

All interested applicants must submit a resume, cover letter, and letters from or the names and phone numbers of at least two references: one from a recent employer and one from a professor at the student's present academic institution. Please indicate in the letter whether you are interested in working with an attorney or with the social worker. (Unfortunately, students must choose to work with one or the other, as the internship does not lend itself to doing both during the same semester.) Applicants should also submit a writing sample: a sample of three to four pages in length is sufficient. Once an application is received, I will contact the applicant. A personal interview is required for those applicants

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residing in the D.C. area. Telephone interviews will be arranged for out-of-state applicants.

I am happy to answer any further questions and/or provide more information. Please feel free to contact me on (202) 824-2860. Thank you for your time and consideration.

Respectfully,

Carolyn Slenska
Investigations Coordinator
Public Defender Service
Mental Health Division
633 Indiana Avenue, NW
Washington, DC 20004
cslenska@pdsdc.org