

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

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Indigent defense services provide legal representation to individuals who cannot afford to hire their own lawyer. These services, used by millions of Americans each year, often are delivered through the use of public defender offices (Bureau of Justice Statistics 2010). However, the structure and delivery of these services varies between offices. For example, some offices use social workers as a part of a holistic defense practice, a client-centered approach that seeks to address clients' legal and extra-legal needs.

As North Carolina expands its public defender offices, North Carolina Indigent Defense Services is interested in exploring the effectiveness of including social workers as part of a more holistic public defender team. To support that work, we reviewed the relevant literature on the effectiveness of the practice. We identified nine research studies, which we summarize here. Seven evaluated holistic defense practices more generally, including the use of social workers on the defense team; two looked solely at the use of social workers in public defender offices.¹ Six of these studies were quantitative and three were qualitative.

Overall, the quantitative studies found mixed evidence of the benefits of holistic defense programs. However, the study by Anderson, Buenaventura, and Heaton (2019)—arguably the strongest due to its research design and large sample size—found that individuals receiving holistic defense services experienced better legal outcomes. In addition, the sole randomized controlled trial² found evidence of improved access to services (e.g., Medicaid) among holistic defense clients. Although the study found no improvements in legal outcomes, this null finding is possibly due to the study's small sample size (Lepage 2023). Of the three qualitative studies, the two that drew on multiple data sources found that clients and their families developed greater trust in the public defender offices (Matei, Hussemann, and Siegel 2020; Hisle, Shdaimah, and Finegar 2012). Two studies also suggested that these benefits can translate into cost savings for communities. Table 1 at the end of this paper summarizes each study's findings.

¹ This paper summarizes only the outcome findings of these nine papers.

² A randomized controlled trial is considered the gold standard of a research design because it is more likely than other designs to show a causal link between using a social worker and outcomes (such as access to services).

Quantitative Evaluations

The six quantitative papers primarily evaluated the effects of holistic defense models and embedded social workers on legal outcomes (e.g., recidivism) by comparing outcomes between clients receiving holistic defense or social worker services and those receiving traditional defense services. One study (Lepage 2023) also assessed differences in extra-legal outcomes (e.g., acquiring social services).

The Bronx, New York

The largest evaluation to date of a holistic defense model took place in the Bronx, where researchers compared legal outcomes between two defense models: the Bronx Defenders, which employs a holistic defense model, and the Legal Aid Society, which employs a more traditional defense model. The analysis used 587,487 case and defendant pairings covering individuals arraigned between the years of 2000-2007 and 2012-2014 (Anderson, Buenaventura, and Heaton 2019).

Because the two organizations were assigned varying shifts as the primary organization to represent indigent defendants, the study team was able to exploit changes in shift assignments to assess the impact of holistic versus traditional representation on legal outcomes. In terms of pre-adjudication outcomes, the authors found that there was no difference in the likelihood of a case being resolved at arraignment. Individuals receiving holistic defense services were 3.2% more likely to be released pretrial on their own recognizance (ROR), 8.6% less likely to be detained pretrial, and had bail that was \$216 lower on average, though the latter finding was not statistically significant. They also found that these individuals were 5.2% more likely to have a bench warrant issued and 12.7% more likely be arrested pretrial, though the authors attributed this to the longer time to case resolution and the greater likelihood of ROR. Cases handled under the holistic model also took 9% longer to resolve.

The study also assessed several case and future arrest outcomes. Researchers found that individuals who received holistic defense were 2.7% more likely to have their charges downgraded, 15.5% less likely to be sentenced to jail, and had sentences that were 9.5 days or 23.5% shorter, on average. There were no differences in the likelihood of convictions or guilty pleas between the two defense models. Using previous estimates of the cost of incarceration, the authors estimated that approximately \$160 million was saved in inmate housing costs during the study period. Finally, the authors found that there was no difference in recidivism between the two models. Given that holistic defense clients are more likely to be released and have shorter sentences, the authors argue this is a positive finding. As one of the largest and most rigorous evaluations of holistic defense, this study offers strong evidence of the potential benefits of holistic defense models.

Unidentified Southeastern State

This study evaluated changes in legal outcomes in a single jurisdiction in a southeastern state that implemented a holistic defense program in 2013 (DeHart et al. 2017). The authors examined two pre-adjudication measures (indictment and held on a bond) and five post-adjudication measures (dismissal, guilty dispositions, alternatives to incarceration, time served, and incarceration). They compared how likely clients in 15,994 cases were to experience these outcomes pre-implementation (August 2010 – October 2013) and post-implementation (November 2013 – August 2014).

The study's findings were mixed and not suggestive of clear benefits. Post-implementation of the holistic defense program, clients were less likely to be indicted and more likely to be held on a bond. These clients were also less likely to have their cases dismissed or to be sentenced to an alternative to prison. Finally, they were more likely to receive a guilty disposition, be incarcerated, and be sentenced to time served. All these findings were statistically significant and are indicative of mixed benefits of a holistic defense model. However, while the authors attempted to control for several demographic variables in their analyses, they were limited to race, gender, age, and state residency. Other factors such as employment and criminal history can affect individuals' criminal justice outcomes and are therefore important to include when evaluating how programs like holistic defense models impact these outcomes. The lack of these factors means that the findings should be interpreted with caution. In addition, because the post-implementation window was relatively short (10 months), prolonged or incomplete implementation of the holistic defense program could have affected the study's findings.

Knox County, Tennessee

In this 2019 evaluation, the authors evaluated the impact of using social workers in the Knox County, Tennessee public defender's office, where public defenders could refer their clients for social worker services. They examined whether individuals who received social work services in fiscal year 2013 (FY13) were less likely to have had any new charges or had fewer new charges in the two years after receiving services relative to individuals who did not receive social work services. 886 legal services clients and 1,039 social work clients were included in the final sample of 1,925 clients (Buchanan and Orme 2019).

The findings indicated that social work clients had fewer total new misdemeanor charges on average but were more likely to experience felony recidivism. In the two years after receiving services, social work clients were 3.4% less likely to have any new misdemeanor charge but also 21.6% more likely to have a new felony charge. Social work clients had fewer total misdemeanor charges on average (.81) than legal services clients, which was driven by fewer Misdemeanor A charges—the most serious misdemeanor offense in Tennessee. There were no differences in the number of total new felony charges.

The findings should be treated with caution as they may be attributable to underlying differences between the social work and legal services clients. The authors used an analytic

method called propensity scoring, which generates a score for all study participants reflecting their likelihood of receiving social work services. The goal is to use client characteristics to emulate a randomized controlled trial, where people who receive social work services have similar characteristics (employment, income, mental health status, etc.) to people in the sample who do not receive social work services. This method is more likely to emulate a randomized controlled trial when the propensity score accounts for as many variables as possible that explain the criminal justice outcome. However, because the study used only five variables to produce its scores—race, sex, marital status, age, and criminal history—several characteristics that likely influence recidivism (e.g., employment and income) were missing from the analysis. Thus, the findings could reflect the influence of differences in unmeasured characteristics, like employment, rather than the influence of having a social worker. In addition, social work clients were specifically referred by public defenders, and there may be unmeasured characteristics related both to the reason for referral and to criminal justice outcomes.

Santa Barbara County, California

In this study, the authors compared legal outcomes between individuals who received holistic defense services and individuals who received traditional defense services in Santa Barbara County, California. A total of 366 individuals were evaluated, of which eighty-two received holistic services and 284 received traditional defense services between February 2017 and February 2018. Outcomes were measured at the time of case disposition and six months after disposition (Harris 2020).

The authors found that individuals receiving holistic defense services were significantly more likely to have charges dismissed. Specifically, 40.5% of their charges were dismissed compared to 25.2% for traditional defense clients. Holistic defense clients were also significantly less likely to plead guilty to their charges: traditional defense clients plead guilty to 60.9% of their charges compared to 42.3% among holistic defense clients. On average, holistic defense clients were sentenced to 67.5 fewer days of incarceration—50% fewer days than traditional defense clients—though this finding was not statistically significant. The authors estimated that these reductions in the length of incarceration saved the County \$250,000, while the program’s annual cost was only \$110,000. Finally, the authors found no statistically significant differences between the holistic and traditional defense services clients in their six-month rates of rearrest or receiving new charges, suggesting that the program improved legal outcomes and produced cost savings without impacting public safety.

Like the evaluation conducted in Knox County, Tennessee, this paper also used a propensity score method. Scores were generated using forty-six client characteristics, including criminal history, education, extra-legal needs (e.g., employment), and charge severity. Propensity score analyses are most valid when individuals in the treatment (holistic defense) and control (traditional defense) groups have similar scores, yet this was not the case. Client scores were substantially different, suggesting that the groups might be too dissimilar to compare. For this

reason, the study's findings should be interpreted with some caution, as they could reflect underlying differences between the holistic and traditional defense clients.

Anoka County, Hennepin County & Ramsey County, Minnesota

In this study, researchers compared outcomes for 8,608 felony cases disposed in three counties in 2016: Anoka County, Hennepin County, and Ramsey County, Minnesota, as noted above. The Hennepin County public defender office employs a holistic defense model with a greater focus on using social workers and addressing extra-legal needs, whereas the public defender offices in the neighboring, comparison counties of Anoka and Ramsey use social workers to address clients' legal needs as part of a traditional defense model (Ostrom and Bowman 2020).

The study's findings were mixed. The average case disposition time was similar in Hennepin County and Ramsey County. There were also no differences in the number of days it took for individuals to be appointed counsel, nor in the number of days between filing and first appearance. The number of hearings and continuances were also similar across all three public defender offices. Although case processing outcomes were similar at each office, clients of the Hennepin County office were significantly less likely to plead guilty (53.5% versus 69.2% and 76.2% at Anoka and Ramsey, respectively). They were also more likely to go to trial, have their case dismissed, or receive a transfer or diversion³. However, there were no differences in the likelihood of incarceration or in length of incarceration between the holistic and traditional defense clients. In sum, the findings of this evaluation varied, as holistic defense clients were less likely to plead guilty and more likely to have their charges dismissed but otherwise did not appear to have improved outcomes relative to traditional defense clients.

Bethel Region, Alaska

The final study used a randomized controlled trial design to evaluate the impact of implementing a holistic defense model in the highly rural Bethel region of Alaska. Public defender clients who had an identified social service or civil legal need were randomized to receive traditional public defender representation or public defender representation plus civil legal and social services assistance. A total of eighty-one individuals, comprised of thirty-three traditional clients and forty-eight holistic clients, received services between March 2017 and April 2018 and were included in the evaluation (Lepage 2023).

The authors found that there were no significant differences between the two groups in the average number of days spent in jail, the likelihood of receiving new charges, or in the average number of new referrals to the public defender office. Nonetheless, clients receiving holistic defense services benefited in many extra-legal ways. The most common outcomes of receiving services were acquiring Medicaid (18.7% of clients) or food stamps (14.3%), followed by

³ The study categorizes transfer and diversion dispositions as "other." The authors do not discuss the findings for this category, and so it is difficult to determine whether the category represents an improved criminal justice outcome relative to the other categories of disposition.

reducing debt (5.5%) and several other less common outcomes, such as recovery of property, employment, acquiring child support, and acquiring a domestic violence protection order. The authors noted that the small sample size may have limited the study's ability to evaluate differences in justice system outcomes, yet these findings suggest there were many tangible extra-legal benefits for holistic defense clients.

Qualitative Evaluations

Three of the nine papers used qualitative methods (e.g., client interviews, focus groups, and case file reviews) to understand the experiences and perceptions of clients and staff involved in holistic defense programs. Qualitative evaluations are valuable for better understanding processes (e.g., how social workers improve legal outcomes), in addition to measures that may be difficult to quantify (e.g., client trust). Qualitative evaluations also may produce findings that then can be used in later studies to either create quantitative measures or construct formal hypotheses to be tested.

Montgomery County & Park Heights Neighborhood Maryland

The first of these studies evaluated the Neighborhood Defenders Program (NDS), established by the Maryland Office of the Public Defender in 2006. NDS provides services to Montgomery County and Park Heights—a neighborhood in Baltimore City. NDS uses interdisciplinary teams of attorneys, social workers, legal assistants, law clerks, support staff, and student interns to address clients' legal and extra-legal needs.

To evaluate NDS, the study team conducted four focus groups, thirteen interviews, and six client observations between January and May in 2009. Although much of the project centered on implementation challenges and facilitators, the authors found that many clients began the program with negative perceptions and a lack of confidence in public defenders. Experiences with the program appeared to improve both client and family perceptions and confidence in the public defender office (Hisle, Shdaimah, and Finegar 2012). Clients often specifically identified the social worker as the “key to the entire team” and the person who most made them feel served and understood.

Genesee County, Michigan

In 2017, the Michigan Indigent Defense Commission pilot tested using a social worker in Genesee County's assigned counsel system, which assigns private attorneys to individuals who cannot afford an attorney. Although not directly comparable to a public defender's office, findings from this study provide insights into the benefits of using social workers in indigent defense service programs more generally.

Between September 2018 and January 2020, the Social Worker Defender Program (SWDP) served seventy-eight clients. The authors conducted case file reviews of sixty-one clients, in addition to interviews with the social worker, clients, judges, and attorneys. Clients and staff

shared the perception that Sentencing Mitigation Plans⁴ developed as part of program participation improved clients' case outcomes (i.e., judges imposed less severe sentences). Attorney interviews also suggested that the presence of social workers improved attorney-client relationships, their ability to advocate for their clients, and clients' understanding of the legal proceedings (Matei, Hussemann, and Siegel 2020). In sum, both clients and staff appeared to benefit from the presence of social workers in Genesee County's assigned counsel system.

Hennepin County & Ramsey County, Minnesota

The final qualitative study explored the experiences of clients of public defender offices in the above-described neighboring counties of Hennepin (which follows a holistic defense model) and Ramsey (traditional public defense) in Minnesota. The study evaluated whether there were differences in client perceptions and experiences of their legal representation.

The study team interviewed a total of thirty-six clients whose cases closed in 2016 about their experiences of the public defender offices (twenty in Hennepin; sixteen in Ramsey). Client distrust was consistent across jurisdictions. The authors also found that clients' perceived quality⁵ of representation was similar between the two offices. In Hennepin, many client needs were not met. Specifically, four of the thirteen clients who identified a social service need indicated it was not addressed. Eight of the thirteen clients who mentioned a collateral consequence (e.g., change in immigration status) indicated the consequence was not addressed. In addition, eight Hennepin clients did not interact with a social worker. Although Ramsey clients were more likely to report that they did not interact with a social worker, the authors suggested that inconsistent application of the holistic defense model may explain why greater differences in client experiences were not observed between the two jurisdictions. However, the study also found that more information about the client was obtained when social workers were part of the defense team, and clients felt they had greater agency and built stronger rapport with their public defender teams (Davidson, Ostrom, and Kleiman 2022). Although this qualitative evaluation found few differences between the holistic and traditional defense models, its findings suggest that consistency of implementation is necessary for program success.

⁴ Sentence Mitigation Plans detail clients' backgrounds and provide recommendations for community-based services in lieu of incarceration.

⁵ The authors defined high-quality representation as occurring when clients felt they understood "their [legal] options, felt listened to, were allowed to share extra-legal information with their teams, and felt that their legal and extra-legal needs were prioritized" (page 134).

Table 1. Summary of Studies of Social Workers in Public Defender Offices & Holistic Defense Models

Authors	Study Site	Study Design	Sample Size	Study Date	Key Findings	Cost Estimates	Study Quality
Anderson, Buenaventura & Heaton	The Bronx, NY	Quantitative	587,487	2019	Relative to traditional defense clients, holistic defense clients: <ul style="list-style-type: none"> • Had cases that took 9%* longer to resolve • Were 3.2%** more likely to be released on their own recognizance • Were 8.6%** less likely to be held pretrial • Had bail that was \$216 lower on average • Were 5.2%* more likely to have a bench warrant issued and 12.7%** more likely to be arrested pretrial • Were 2.7%* more likely to have their charges downgraded, 15.5%** less likely to receive a jail sentence, and had jail sentences that were 9.5 days** (23.5%) shorter on average • Were not more likely to experience recidivism 	\$160,000,000 saved in inmate housing costs	Strong study design that leverages day-to-day variation in the types of defense services clients receive.
DeHart, Lize, Priestler & Bell	Southeastern State	Quantitative	15,994	2017	Relative to traditional defense clients, holistic defense clients were: <ul style="list-style-type: none"> • More likely to be indicted*** • More likely to be held on a bond** • Less likely to have their case dismissed*** • Less likely to be sentenced to an alternative to prison** • More likely to receive a guilty disposition* • More likely to be incarcerated*** • More likely to be sentenced to time served*** 	N/A	Results should be viewed with caution due to lack of relevant control variables (e.g., criminal history) and short follow-up period post-implementation
Buchanan & Orme	Knox County, TN	Quantitative	1,925	2019	In the 2 years after receiving services, clients who receive social worker services: <ul style="list-style-type: none"> • Had .81* fewer new misdemeanor charges on average • Were 3.4%* less likely to have a new misdemeanor charge • Were 21.6%** more likely to have a new felony charge 	N/A	Results should be viewed with some caution due to limited number of variables used to construct propensity scores.
Harris	Santa Barbara County, CA	Quantitative	366	2020	Compared to traditional defense clients, holistic defense clients <ul style="list-style-type: none"> • Had more (40.5% vs. 25.2%)* charges dismissed • Pled guilty to significantly fewer charges (60.9% vs. 42.3%)* • Were sentenced to 67.5 fewer days of incarceration on average • Were not more likely to be rearrested or have new charges in the 6 months after receiving services 	\$250,000 saved in inmate housing costs, compared to a program cost of \$110,000	Results should be viewed with some caution due to poor overlap in propensity scores.
Ostrom & Bowman	Anoka, Hennepin & Ramsey Counties, MN	Quantitative	8,608	2020	Holistic defense clients, relative to traditional defense clients were: <ul style="list-style-type: none"> • Less likely to plead guilty (53.5% vs. 69.2% and 76.2% in the two traditional offices)^a • No more or less likely to be incarcerated and had similar lengths of incarceration 	N/A	Results should be viewed with some caution due to unclear methodology. Comparison jurisdictions also employed social workers, which may bias findings.
Lepage	Bethel Region, AK	Quantitative	81	2023	Holistic defense clients and traditional defense clients had no significant differences in their legal outcomes. Holistic defense clients experienced several extra-legal benefits, including acquiring Medicaid, acquiring food stamps, and reducing their debt, among other outcomes.	N/A	Strong randomized controlled trial design, though limited by small sample size.
Hisle, Brooke, Shdaimah & Finegar	Montgomery County & Park Heights Neighborhood, MD	Qualitative	4 focus groups, 13 interviews, 6 client observations	2012	Holistic defense clients and their families developed greater confidence and trust in the public defender office after receiving holistic defense services	N/A	Strong study design that uses varied qualitative data sources.
Matei, Hussemann & Siegel	Genesee County, MI	Qualitative	61 case file reviews, unspecified number of interviews with staff and clients	2020	Holistic defense clients and staff perceived a range of program benefits: <ul style="list-style-type: none"> • Improved client outcomes (i.e., less severe sentences) • Better attorney-client relations • Improved client understanding of legal proceedings • Greater ability of attorneys to advocate for clients 	N/A	Strong study design that uses varied qualitative data sources.
Davidson, Ostrom & Kleiman	Hennepin & Ramsey Counties, MN	Qualitative	36 client interviews	2022	Holistic defense clients reported that their social service needs and collateral consequences were often unaddressed. No apparent differences in clients' perception of the quality of representation between holistic and traditional defense clients. Greater information sharing between holistic defense clients and legal team. Improved client-attorney relationships and greater sense of agency among holistic defense clients.	N/A	Results should be viewed with some caution, as comparison jurisdiction (Ramsey) also employed social workers.

* Findings statistically significant at the .05 level (95% chance findings are not due to random chance)

** Findings are statistically significant and the .01 level (99% chance findings are not due to random chance)

*** Findings are statistically significant at the .001 level (99.9% chance findings are not due to random chance)

^a Statistically significant but significance level not identified

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