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## Measuring Effectiveness of Holistic Defense: Social Service Provision and Justice System Outcomes

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### ABSTRACT AND ARTICLE INFORMATION

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A holistic public defense model is more comprehensive than a traditional model of public defense representation. Holistic defense seeks to address extralegal needs that are a nexus to the criminal charge rather than focusing solely on addressing the current criminal charge of the individual. This model is a collaborative approach that has traditionally included social workers and civil legal workers in a team approach with a criminal lawyer. Prior research on holistic defense has demonstrated efficacy in addressing individuals' social and legal needs thus reducing recidivism and justice system costs. In this research, I describe and evaluate a pilot project of a holistic defense model employed in Southwest Alaska and outline similar models in use in other jurisdictions in the United States. This evaluation supports previous research that indicates the importance of addressing defendants' extralegal needs in reducing recidivism and costs while improving individual case outcomes. I discuss the policy implications of this research and provide recommendations to enhance future evaluations of a holistic defense model.

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Holistic defense is a type of public defense service provision that focuses on the legal and extralegal needs of individuals in the community who have been charged with a crime and are legally eligible for public defense representation. This model of public defense is not novel; its beginnings were in the early 20th century when there was collaboration, engagement, and advocacy between social workers and public defense attorneys for those in the community (Bost, 1932; Bradway, 1929; Collins, 1932; Pound, 1927; Woods, 1905). Although, there has been a revival of this collaborative approach between social workers and public defenders in the last few decades. The recent popularity of a holistic approach to collaboration and advocacy for disadvantaged members of the community once again recognizes the benefits of including the social worker with public defense in identifying social needs of disadvantaged community members who encounter the criminal justice system (Clarke, 2001; Deck, 2016; Steinberg & Feige, 2002).

## Literature Review

### Traditional Public Defense

One of the most substantial differences between this holistic model and traditional public defense is the emphasis of each respective model. With traditional defense, specifically public defense, the focus is case-centered engaging only a criminal defense attorney in providing a defense for the current criminal violation in the defense strategy (Harris, 2020; Lee et al., 2015). The traditional public defender is tasked with providing the defendant with legal representation for the specific charge(s) in that specific case without a focus on peripheral factors that may have led to the defendant being charged with a criminal violation. One of the deficiencies with the traditional defense model, with a case-centered focus, is the result of revolving door justice for some defendants. The defendants cycle through this revolving door of justice, in which they are arrested, charged with a crime, released back to the streets through a plea bargain, and then arrested and charged with another similar crime, and the cycle repeats. The traditional model of defense does not address those peripheral factors, or extralegal needs, that led to the defendant's entry into the criminal justice system.

### Extralegal Needs

It is important to recognize the extralegal needs that defendants may have and how they can contribute to the revolving door of justice that many defendants experience. It is often the case for public defender clients that their current involvement with the

justice system stems from their larger unmet extralegal needs. More specifically, the unmet extralegal needs have resulted in their current involvement, and as such, providing traditional case centered public defense, narrowly focusing on the current involvement, fails to address the underlying causes and thus does little to deter future justice involvement. Gone unaddressed, these unmet extralegal needs can provide some explanations of why marginalized community members repeatedly encounter the criminal justice system resulting in "revolving door justice" (Lipsky, 2010; Steinberg & Feige, 2002). Many offenders charged with a low-level misdemeanor crime often plead guilty via plea bargaining, thus serving long periods of perpetual incarceration thirty days at a time (Pratt, 2017).

Also, traditional public defenders are short term, zealous advocates whose aim is to quickly resolve the case in the advantage for their client, while holistic defense models are long term, and holistic defenders' larger focus is on meeting the extralegal needs a client may have that has resulted in contact with the court system (Harris, 2020). Holistic defense uses a client-centered orientation that draws on the history of the community defense movement, which arose during the middle of the last century, and includes a community component in providing public defense. Through "holistic advocacy," there is a mindfulness that those charged with a crime may have extraneous social needs that can be attributed to the criminal behavior. Addressing those needs necessitates a broader scope, inclusive with a focus from a social worker, than the traditional public defense services alone can provide (Galowitz, 1999).

### Holistic Defense Model

One of the goals of the holistic advocacy and defense movement is to stop the recirculation of "revolving door justice" by identifying and addressing the extralegal needs of clients' continuing justice involvement (Harris, 2020; Steinberg & Feige, 2002). A holistic model of defense, rather, can change the client's life course trajectory by addressing the extralegal needs that create instability in people's lives often rooted in the social circumstances of poverty and neighborhood disadvantage (Harris, 2020). These needs include untreated conditions of both mental and physical health (Duncan & Kawachi, 2018), unemployment (W. J. Wilson, 1987), substance abuse (Boardman et al., 2001; Karriker-Jaffe, 2011), residential insecurity (Shaw & McKay, 1942), and a lack of social supports (Turney & Harknett, 2010).

One way the holistic defense model tackles these unmet extralegal needs is through community engagement. This community centered component acknowledges that the clients' problems may be a

symptom of the community conditions in which they live and uses community based problem-solving resources to meet the clients' needs. Thus, there is the recognition that part of the holistic defense model includes community centered social service needs that are outside the scope of the traditional public defense model. Additionally, knowledge of these community-based resources may be beyond the purview of an individual public defender, thus requiring the involvement of the social services' expertise as part of the holistic defense model. As such, the community-based component of the holistic defense model requires proficiency that is a multidisciplinary understanding of community-based resources in its practice (Clarke, 2001; Craige & Saur, 1981; Galowitz, 1999; Steinberg, 2013).

The characteristics of a holistic defense model are client-centered, team-based, multidisciplinary, and community oriented (Harris, 2020) and are likely to vary in degree, depth, and use as a function of the specific client needs and the resources in the community. Although there is likely to be variation in the models of holistic defense, the core objectives remain the same including improved criminal case outcomes, quality of life stabilization, and reduced recidivism (Anderson et al., 2019; Buchanan & Orme, 2019; Harris, 2020; R. J. Wilson, 2000; Wald, 1972).

The holistic defense model draws on the theory of therapeutic jurisprudence. Pieces of this holistic model of therapeutic jurisprudence have been incorporated with problem solving courts (e.g., drug courts, mental health courts, community courts). Therapeutic jurisprudence is "the study of the role of the law as a therapeutic agent" (Winick, 1997, p. 185). It recognized that the law itself can be viewed as, and work as, either a therapeutic or anti-therapeutic agent through its application by actors in a legal setting. Using legal rules and proceedings, court actors (i.e., lawyers and judges) by proxy effect consequences, therapeutic or not, on criminal defendants with whom they interact (Wexler, 1993; Winick, 1997). One goal of therapeutic jurisprudence is to examine these consequences to determine if the therapeutic consequences can be increased and the anti-therapeutic consequences decreased while complying with the constitutional safeguards of due process (Winick, 1997). The principles of therapeutic jurisprudence have moved beyond their beginnings with mental health participants to social settings with psychological components such as crime victimization (Wiebe, 1996) and civil legal advocacy in judicial settings including but not limited to criminal law, family law, consumer law in the legal profession (Erez et al., 2011; Winick, 1997).

## Therapeutic Courts

The therapeutic court movement started with the advent of the drug courts in the late 1980's and evolved with the mental health court models that exist in many jurisdictions across the country. One focus of the therapeutic court model is the extralegal needs of offenders. The therapeutic court models are client rather than case specific (Goldkamp, 1999; Turner et al., 2001) with a goal of addressing quality of life measures for court participants and addressing the clients' extralegal needs in addition to adjudicating the specific case before the court (Longshore et al., 2001). Specifically, many mental health court models use a team approach often including the prosecution, defense, judge, and social case workers to identify the mental health needs of the client and to meet those needs using community resources (Denckla & Berman, 2001; Goldkamp & Irons-Guynn, 2000; Poythress et al., 2002). Evaluations of effectiveness of these therapeutic court models use varying definitions of success. Success can be defined to include quality of life measures, such as a mental health diagnosis and medication for such diagnosis, that are in addition to the traditional recidivism measures of success. Evaluations that include identification and service provision of these extralegal needs find that these models are effective in reducing recidivism through addressing unmet client needs that was not possible in a traditional court setting (Goldkamp & Irons-Guynn, 2000).

Comparably, as was seen with other holistic/therapeutic models, such as drug courts and mental health courts, as more evaluations of the models are completed, the characteristics of each holistic defense model can be associated to see how well they achieved the objectives of the model and specific program. Evaluations of the therapeutic court models include identification of and provision of services as a goal and objective of the program model and are successful when the model adheres to this pillar as a component of the court model. As compared to the therapeutic model counterparts, there has not presently been the volume of holistic defense model evaluations by which to ascertain if they have achieved their objectives.

## Bronx Public Defense Model

The movement towards designing and implementing models of holistic defense uses a multidisciplinary collaborative approach to identify clients' extralegal needs and to provide the client with social services to meet those needs. The Bronx Public Defense model is one of the original models in this movement (Anderson et al., 2019; Harris, 2020).

Though recognized as an effective model of public defense (Steinberg, 2013), more needs to be known about other repetitive models to determine which is most effective in achieving the goals of holistic defense. The Bronx Defenders is a collaborative approach in service provision using a team of criminal defense, civil, immigration and family attorneys along with non-lawyer advocates for clients charged with a crime (Anderson et al., 2019; The Bronx Defenders, 2015). This model has four pillars that are essential in providing services to clients: seamless access to services that meet clients' legal and social support, dynamic interdisciplinary communication, advocates with an interdisciplinary skillset, and a robust understanding of, and connection to, the community served (The Bronx Defenders, 2015; Steinberg, 2013). Although these four pillars are the foundation of the program, the model is dynamic in that it is client driven in the services provided. Each client has unique unmet needs and requires an individualized approach to the collaborative service delivery and the leveraging of local resources. An evaluation of this model compared clients in the Bronx Defenders and clients receiving services from Legal Aid in the Bronx, New York. The Bronx Defenders model is a holistic model while the Legal Aid model follows a more traditional model of public defense (Anderson et al., 2019). The evaluation results found that clients in the Bronx Defenders model were less likely to be incarcerated, and if incarcerated, received a shorter sentence, thus improving sentencing outcomes and reducing incarceration among its clients (Anderson et al., 2019). A key variable missing in the comparison of the two groups on measures of recidivism was the identification of unmet extralegal needs of those in the Bronx Defenders model including the services provided to meet those unmet needs. Since the Bronx Defenders model, by its nature, was more holistic than the traditional Legal Aid model, those clients in the Bronx Defenders model would presumably be more connected with community social services than their counterparts in the Legal Aid model.

### *Santa Barbara Model of Holistic Defense*

A more recent model of holistic defense that focused more on service provision for its clients was recently implemented and evaluated in Santa Barbara, California. As with the Bronx Defenders model, the model in Santa Barbara used a collaborative multidisciplinary approach to meet the need of clients charged with a crime. The approach towards service provision was unique depending on each individual client. Each client worked with an attorney and social worker and was "responsible for identifying and working toward their desired case and life stabilization

outcomes" (Harris, 2020, p. 805). Some of the unmet extralegal needs of clients in holistic defense models focus on variables such as employment, housing, mental health, and substance abuse and address those needs with resources in the community that can be cognitive, emotional, physical, and symbolic (Link & Phelan, 1995; Massey & Brodmann, 2014). Santa Barbara's model was unique in that the research team, and thus the evaluation, recognized the long-term patterns of success that are ignored when simply using reduced recidivism as a definition of success. Participants in the Santa Barbara holistic defense model had increased levels of charges dismissed and pled guilty fewer times than their counterparts in the control group of the evaluation (Harris, 2020). Meeting the clients' extralegal needs was of more importance considering the overall long term damage a short-term incarceration can have for an individual, including "reduced social support, decreased employment opportunities, lower wages, housing insecurity, civic disenfranchisement, and poor mental and physical health" (Harris, 2020, p. 821). The effects of this short-term incarceration on the individual can also have a devastating negative impact on the individual's family and into the community, affecting children's school performance and health, the quality of relationships, and political representation in the community (Comfort, 2016; Harris, 2020; Kirk & Wakefield, 2018; Pinard & Thompson, 2005; Turney & Conner, 2019). Intervening with a holistic model of defense can address the clients' extralegal needs that may have been a pretext to the justice system involvement and have a greater impact on the lives of the individual and community by reducing the chance of short-term incarceration.

### *Further Models of Evaluating Holistic Defense*

In addition to the Bronx Public Defender model, a review of additional evaluations of holistic public defense models yields some noteworthy ways in which this model can be assessed. These include examining the social workers' and social services perspective (Buchanan & Nooe, 2017) and client perceptions of these models (Davidson et al., 2022; Phillippi et al., 2022).

An outline of models of holistic defense from a social work practice perspective finds a common component that includes a holistic client-centered and community-oriented approach. One model examined to gain perspective on the holistic defense practice was the Knox County Public Defender's Community Law Office (CLO). A key component of the holistic approach includes public defenders collaborating with social service providers in addressing psychosocial and legal needs of defendants (Buchanan & Nooe,

2017). The authors conclude that while it is hard to estimate the number of jurisdictions that have adopted the holistic public defense model, preliminary findings suggest that “public defenders are increasingly adopting the holistic defense model and acknowledging that social workers are essential members of the defense team” (Buchanan & Nooe, 2017, p. 338).

Another important perspective in the discussion on the efficacy of the holistic public defense model is that of the perception of the model by the clients it serves. While some evidence indicates that holistic defense improves the outcomes of clients, there is little research focusing on the client perspectives within the holistic defense model (Davidson et al., 2022). Public defenders can build trust with those offenders to whom they provide legal representation by focusing on client perspectives, including degrees of client satisfaction. A relationship of trust between the public defender and the client is an important byproduct of the holistic defense model and often is not present in a model of traditional public defense representation. Through interviews with offenders within both traditional and holistic public defense models, the research indicates that the “holistic defense model provides tangible ways to build trust with clients, bolster perceptions of procedural justice, enhance legal and extra-legal client outcomes, and increase client satisfaction” (Davidson et al., 2022, p. 128). The authors conclude that holistic defense is an enhanced model with a prominent focus on the whole client and long-term outcomes including quality of life than is the traditional case-centered model of traditional defense representation. Additionally, other researchers looked at perceptions of youths and parents or guardians in a juvenile holistic public defense model. Surveys of the youth and parents or guardians were conducted measuring satisfaction with the holistic defense model inclusive of life outcome metrics. The findings indicated that “holistic defense was perceived positively as measured by high client satisfaction” (Phillippi et al., 2022, p. 145).

## Current Model

### Background

The Bethel Holistic Defense Project, modeled after the Bronx Public Defender Program, began as an endeavor to discover any existing unmet social needs of defendants facing a criminal charge and an attempt to address those needs. The impetus began when representatives from Alaska Legal Services Corporation (ALSC), the State Public Defender Agency (PDA), and the Alaska Mental

Health Trust Authority (AKMHTA) learned about the positive outcomes of the Bronx Defenders and the Center for Holistic Defense. The Bronx model of holistic defense, which encompasses some of the client centered principles and the approach of the mental health court design, seemed like a more viable approach in recognizing the unmet legal and extralegal needs of defendants and in taking steps to address those needs. It should be noted, though, that holistic defense models differ from the mental health court principles in that the services offered and provided are not court mandated or coercive. As such, in a holistic defense model, service provision is done without court oversight. This client-centered approach utilized by mental health court designs is part of a larger evolution of collaborative specialized court designs that started with the creation of the country’s first drug court design in Dade County, Florida, in the 1980s (Goldkamp, 1999; Longshore et al., 2001).

A project team was formed to design and implement a pilot holistic defense program for the Bethel, AK, region. The team included a university researcher, representatives from Alaska Legal Services Corporation (including a civil legal attorney in Bethel), State of Alaska Public Defender Agency (including the public defender in Bethel), and the Alaska Mental Health Trust Authority (including a social worker in Bethel). In discussing a holistic public defense pilot project, the team drew on the research of successful specialized court models (Goldkamp & Irons-Guynn, 2000; Steinberg & Feige, 2002; Turner et al., 2001) and holistic defense models around the country. The dimensions of these models included an approach focused on the client centered legal and extralegal needs of the defendant that were provided by a social service worker without court oversight. Often it is the unmet extralegal needs, such as a lack of access to substance abuse and mental health treatment, housing, or employment, that is the impetus to contact with the criminal justice system. Within the Southwest Alaska region, it was unlikely that a new mental health court could be established or sustained due to the small population and vast geographic size, so in conjunction with PDA, ALSC, and a Social Services Specialist (SSS), the AKMHTA agreed to fund a pilot project in the Bethel area that adapted the Bronx Defenders holistic public defense model to the needs of the Bethel region.

Bethel, Alaska, is comprised of a remote village in Western Alaska that covers approximately 41,000 square miles, which roughly equals the size of the state of Ohio. It is part of the larger Yukon-Kuskokwim Region that has 56 villages and is a rural area of Alaska that is only accessible by plane or boat as there is not a road system into or out of the region. This makes the population density of the region very

small at 4/10 of one person per square mile (AlaskaWeb, 2015). Eighty-four percent of the residents are Alaska Natives, about one-quarter (23.5%) of the persons are in poverty, and almost one-fifth (16.8%) of persons under 65 do not have health insurance (U.S. Census Bureau, 2021).

Great care had to be taken in adapting the Bronx Model to fit within the socio-geographic parameters in the Bethel region. This population was much more rural in demographics than the population in the Bronx, NY, which necessitated the need for careful model adaptation. There were also different cultural considerations of the Alaska Native population than their Bronx, NY, counterparts, including socio-economic and mental health considerations; many of the potential residents who would be potential participants for the pilot project in the region would be beneficiaries of the Alaska Mental Health Trust, meaning that likely many would have unmet mental health needs and could potentially qualify for Social Security services because of their mental health status. Additionally, residents in Alaska, and in the Bethel region specifically, tend to have higher rates of substance use and abuse than populations in many other states, so it was likely that there would be unmet needs with substance abuse treatment that this program could help coordinate.

The team recognized the need to include goals specifically tied to other justice system outcomes beyond simply a goal of reducing recidivism. Keeping with the holistic aspects of the program design, the evaluation included identification of and meeting extralegal needs as measures of success in defining efficacy of the project. The team examined quality of life goals, including identifying the unmet social needs of the clients in the project that may have had an impact on people being charged with a crime. Tied to reduced recidivism were measures of justice system costs, more specifically, cost savings, that could demonstrate success with the pilot project for future funding and program development. Cost savings included reduced number of days in jail, as well as reduced amount of time spent by criminal justice professionals in processing a case (Lepage & May, 2017).

After a year of consultation, the research team determined the responsibilities and capabilities of each of the stakeholders in the project design. Eligibility criteria and screening mechanisms were established for potential program participants. A process was established to allow the different agencies to communicate and coordinate with each other while maintaining confidentiality of potential participants, to identify unmet extralegal needs, and to determine which agencies could potentially meet those needs.

## Evaluating the Current Model

### Design and Implementation

This pilot project was unique from other evaluations of a holistic defense model in that it used true randomization in its methodology. The state public defender recognized the methodological rigor of using randomization in experimental design and was supportive of this methodology for the pilot project. Ethical considerations with using this method of randomization were discussed along with the pragmatic considerations of this application in the rural context of Bethel, AK. One concern brought forth was about collection of demographic data within such a rural population and the implications that could have on community members who could be identified in any way in any future research reports from this pilot project. Other considerations included justifications for withholding social services from those in the control group while still providing the legally mandated criminal defense representation. Additionally, the researcher shared with the team the importance of holding true to randomization for research fidelity and outlined how any tampering could lead to bias and threaten the internal validity of the research design. Compromises on the design of the pilot project were made during these discussions. Consent forms and inter-agency confidentiality data sharing agreements were drafted by the university researcher and other team members. Further design modifications were made as the university researcher completed the full Institutional Review Board (IRB) approval process, resulting in the following eligibility criteria and program processes.

To be eligible for the pilot project, an individual would have a social service or civil legal need that may have led to a current criminal charge and be eligible for a public defender for criminal representation. The needs identified were housing, health care, education, family, employment, financial, or Indian law issues. If the individual was deemed eligible for the program, the public defense attorney would ask the individual if they would like to participate in the program and the research study evaluating the program. If the referred individual agreed to participate, the public defender obtained a signed consent form from the individual to participate in the pilot project. Once consent was gained, a unique project specific case number was assigned for the individual's case (e.g., 16001, 16002, 16003, etc.) without any identifying information for inclusion into the pilot project. The public defender would report the case number to the researcher for randomization and would forward the consent form to the researcher. The researcher would then notify the public defender

whether the referral number had been assigned to the control or experimental group for the pilot project.

Both the experimental and control groups received state mandated public defense representation from the State Public Defender Agency (PDA), yet only the program participants' broader social service, civil, and extralegal service provision needs were coordinated and jointly served by ALSC and the State Public Defender Agency (PDA) with a civil attorney and social worker. Those assigned to the control group did not receive civil legal or social services, only state mandated criminal defense representation. During the screening process, the PDA and ALSC collected participant data on the identified needs and the type of and number of additional civil legal services provided by the ALSC and social services provided by the social service specialist. Specifically, they collected the number of referrals made, to which agency, and the types of civil legal representation services provided. Only aggregate data, with no identifying information, was forwarded to the researcher for analysis.

### Data

Data on program participants were collected from March 2017 to April 2018. There were 81 cases included in the evaluation of the pilot project. Of those, 33 were in the control group, and 48 were in the experimental group. The measures used for data collection were similar to those in the Bronx Public Defender model to ensure validity and reliability. As with the Bronx study, the measures in this study were not solely recidivism data but included quality of life measures such as extralegal service identification and provision. Due to the rural nature of the population in the study and the potential for identification of individuals in the program, demographic data were not collected on participants to ensure that no information that could ever be used to identify a subject was included in presentations, reports, or papers. Variables collected included the reason for referral to the pilot project and the case type. For those in the experimental group, data were collected on the services that were provided during the evaluation period including both social services and civil legal services. Additionally, for both groups, data were collected on justice system outcomes including days spent in jail, the number of public defender appointments before and after referral to the program, and length of time to close individual criminal cases. Recidivism data were collected on any new charges being filed after referral to the program, although it should be noted that the time period of data collection was brief with 13 months.

## Results

### Referral Reason

The reasons for the referral to the holistic defense project were varied and are outlined by all referrals, as well as those in the experimental and those in the control groups. Some participants had more than one referral reason, resulting in a higher number of referral reasons than total participants.

For all referrals, the most common reasons (95%) for referral were family law and probate (25%), general civil legal needs (22%), disability benefits (21%), housing (15%), and public benefits (12%). For those assigned to the control group, the most common reasons (97%) for referral were general civil legal needs (30%), disability benefits (22%), family law and probate (22%), public benefits (16%), and housing (8%). For those in the experimental group, the most common reasons (93%) for referral were family law and probate (26%), disability benefits (25%), general civil legal needs (18%), housing (14%), and public benefits (10%). This demonstrates that for all referrals, including those in the control and experimental groups, the vast majority of participants had potentially unmet civil legal needs and social service needs that were potentially a cause for involvement in the criminal justice system. For those referred to the pilot project, it is important to identify the beneficiary type of the referral. For the participants in the experimental group, the next step was to identify and provide for the civil legal and social service needs during the evaluation.

**Table 1: Referral Reason**

Reason for Referral-All	<i>f</i>	Percent
Family Law and Probate	27	24.8
General Civil	24	22.0
Disability Benefits	23	21.1
Housing	16	14.7
Public Benefits	13	11.9
Special Education Issue	5	4.6
Reason for Referral-Control	<i>f</i>	Percent
General Civil	11	29.7
Disability Benefits	8	21.6
Family Law and Probate	8	21.6
Public Benefits	6	16.2
Housing	3	8.1
Special Education Issue	1	2.7
Reason for Referral-Experimental	<i>f</i>	Percent
Family Law and Probate	19	26.4
Disability Benefits	18	25.0
General Civil	13	18.1
Housing	10	13.9
Public Benefits	7	9.7
Special Education Issue	4	5.6

**Case Type and Beneficiary**

The case type of those referred to the program were, by design, beneficiaries of the Alaska Mental Health Trust Authority who were not also participating in a therapeutic court in the region. All trust beneficiaries were residents with one or more of the following conditions: mental illness, developmental disability, chronic alcohol or drug addiction, Alzheimer’s disease and related dementia, or traumatic brain injury. The Alaska Mental Health Trust Authority works on behalf on beneficiaries in coordinating services for these conditions but does not provide individual services.

**Table 2: Beneficiary Case Type**

<b>Beneficiary Type-All</b>	<i>f</i>	Percent
Chronic Inebriant	57	47.9
Mental Health	42	35.3
Developmental Disability	19	16.0
Traumatic Brain Injury	1	0.8

  

<b>Beneficiary Type-Control</b>	<i>f</i>	Percent
Chronic Inebriant	22	52.4
Mental Health	14	33.3
Developmental Disability	6	14.3

  

<b>Beneficiary Type-Experimental</b>	<i>f</i>	Percent
Chronic Inebriant	35	45.5
Mental Health	28	36.4
Developmental Disability	13	16.9
Traumatic Brain Injury	1	1.3

For all referrals, those in the control group and those in the experimental group, the top four beneficiary types were chronic inebriants (48%), those with mental health issues (35%), those with a developmental disability (16%), or those with a traumatic brain injury (less than 1%). The proportion of case types of all referrals was similar to the proportion of case types for those in the experimental and control groups. In the control group, the most common case types in descending order were chronic inebriants (52%), those with a mental health disorder (33%), and those with a developmental disability (14%). In the experimental group, the most common case types in descending order were chronic inebriants (46%), those with a mental health disorder (36%), those with a developmental disability (17%), and those with a traumatic brain injury (1%).

**Services Provided**

There were services provided to meet the extralegal needs of those in the experimental group. The participants in both the experimental and control group received state mandated public defense services related to their criminal case. For those in the experimental group, service provision included

services from a social services specialist (similar to a social worker) and civil legal services from the civil legal attorney. Many of the participants in the experimental group had more than one social or civil legal need, and as such, the number of services provided was much larger than the number of participants in the experimental group.

**Table 3: Services Provided**

<b>Services Provided</b>	<i>f</i>	Percent
Case Management	25	12.0
Assistance with Assessment	23	11.1
Referral to Other Services	23	11.1
Social History	23	11.1
Benefits Assistance	20	9.6
Child Support Application	14	6.7
Escort	12	5.8
Document Procurement	11	5.3
Divorce/Custody	8	3.8
Housing Identification	8	3.8

There were a total of 208 individual services provided, either social or civil legal, with the vast majority (80%) falling into 10 categories: ongoing case management (12%), assistance with mental health assessment (11%), referral to other services (11%), completion of a social history to identify needs and services (11%), benefit assistance (10%), assistance with a child support application (7%), provision of an escort for treatment purposes (6%), assistance with procuring vital documents (ID, birth certificate, etc.; 5%), assistance with divorce or custody proceedings (4%), and identification of housing needs (4%).

**Holistic Defense Project and Social Service Effects**

There were two types of measured effects documented in the data for participants in the experimental group: the Holistic Defense Project (HDP) effects from the services provided by the civil legal attorney and the Social Services (SS) effects from the services provided by the social service specialist. As was the case with service provision, many of the participants had more than one measured effect because of receiving both social and civil legal services.

In terms of the HDP effects, 11 individual categories accounted for the majority (75%) of all measured effects. The most frequent included Medicaid being acquired (19%), food stamps being acquired (15%), debt reduction (6%), SSI application being filed (4%), and a filing of a domestic violence protection order (4%).

**Tables 4: Holistic Defense Project Outcomes**

Holistic Defense Project Outcomes	f	Percent
Medicaid Acquired	17	18.7
Food Stamp Acquired	13	14.3
Debt Reduction	5	5.5
SSI Application Filed	4	4.4
Domestic Violence Protection Order	4	4.4
Paternity	3	3.3
PFD Appeal	3	3.3
Developmental Disability Services	2	2.2
SSI Funded	2	2.2
Child Support Gain	2	2.2
Property Recovered	2	2.2
Name Change	2	2.2
Child Support Reduction	2	2.2
TANF	2	2.2
Employment	2	2.2
General Relief	1	1.1
APA Acquired	1	1.1
Custody Acquired	1	1.1
Grievance Resolved	1	1.1

For the SS measured effects, five categories constituted nearly 80% of all measured effects. The most frequent were a need was identified (21%), resources were identified (21%), participant entered treatment (14%), public benefits were acquired (13%), or the criminal case was dismissed by the court (10%).

**Table 5: Social Services Outcomes**

Social Service Outcomes	f	Percent
Needs Identified	24	20.7
Resources Identified	24	20.7
Entered Treatment	16	13.8
Public Benefits Acquired	15	12.9
Case Dismissed	12	10.3

### Justice System Outcomes

There were some noteworthy findings when comparing those participants in the control and experimental groups on justice system outcome variables. These variables include average numbers of days spent in jail after referral to the program, number of Public Defender appointments before and after referral to the program, and the number of new criminal charges and any resulting convictions.

Many participants in the pilot project did not have to spend any days in jail during the data collection period: 78% in the control and 64% for the experimental group. After being referred to the program, there was a small but statistically insignificant difference on the number of jail days between the two groups, suggesting that the program had no or very little overall effect on number of jail days. Those who did serve jail time in the experimental group spent 20 days in jail compared to 22 days in jail for those in the control group.

Those in the experimental group had fewer average number of referral appointments to the public defender office (six appointments before referral to the program compared to less than one after referral) compared to those in the control group (more than 5 appointments before referral to the program compared to almost two after referral). However, when comparing the number of criminal charges after referral to the program, those in the experimental group had a slightly higher average number of charges (.4) compared to those in the control group (0). Of those individuals charged with a crime after referral to the program, there were not any convictions for any participants in either the experimental or control group. On average, those in the experimental group had their cases closed in slightly less time (2.25 months) compared to those in the control group (2.75 months). Analysis of the control and experimental group means of all justice system outcome variables revealed no statistically significant differences between the two groups.

**Table 6: Justice System Outcomes**

Justice System Outcomes	Control (Mean)	Experimental (Mean)
Post days in jail	22.40	20.77
New Charges	0.00	0.46
Prior PD appointments	5.54	6.30
Post PD appointments	1.70	0.41
How long to close a case (in months)	2.75	2.25

### Discussion

#### Outcomes Versus Recidivism Measures

In determining effectiveness and success with the current study, one could wonder why there appears to be improvement on the outcome measures but little or no improvement with the recidivism measures. Many, if not all, of the participants in this study had mental health and/or substance abuse issues associated with their contact with the criminal justice system. Desistance is a process that takes a longer time to unfold, and the timeline is inconsistent. It is consistent to expect levels of recidivism as people work to stabilize their lives (Giordano et al., 2002; Harris & Harding, 2019; Paternoster & Bushway, 2009). The Bethel Holistic Defense Project was a limited pilot project with a small window of time for data collection. It is not surprising to see small or null differences between the control and experimental groups in the study in terms of days in jail or other traditional measures of recidivism associated with justice system outcomes. Future programs and

evaluations would do well to include long-term follow up with the participants for a fuller picture of justice system recidivism measures (Anderson et al., 2019).

A larger question associated with the results of this pilot project is that if there was not a recidivism reduction, what is the importance of the intervention? One answer lies in the promise and potential of holistic defense in reducing further likelihood of incarceration for people who have a long history of involvement with the criminal justice system (Harris, 2020). As California and other states, are moving away from a cash system of bail commonly used for pretrial release, states rely more heavily on risk assessment instruments and measures in lieu of the cash bail option. As such, prior convictions decrease the likelihood of pretrial release when assessment instruments are used. Holistic defense can then reduce the chance of being detained on subsequent charges by reducing the chances of a current conviction or the reduction of the level of conviction from a felony to a misdemeanor (Harris, 2020). This is an important point in that incarceration associated with pretrial detention leads to poorer outcomes (Dobbie et al., 2018; Heaton et al., 2017). The use of a holistic defense model then has the potential to interrupt the consequences of revolving door justice for people with prior justice system contacts.

Another answer is the larger goal of service provision for this population of offenders. With this population, it is likely that extralegal factors accounted for the initial contact with the criminal justice system. In this study, close to half of the participants' social service extralegal needs were identified, and they were connected with the appropriate resources. Participants were provided with their housing needs, participants entered substance abuse treatment, participants acquired needed public benefits to which they were entitled, and some participants had their criminal cases dismissed outright. If these social extralegal factors can be met, the value is demonstrated by both potentially eradicating any future involvement with the criminal justice system as well as improving the quality of life for these individuals.

### **Limitations**

While this study adds to the knowledge of the efficacy of the holistic model of public defense and is unique in its true randomization methodology, it is not without limitations. First, the sample size of the current study is small with 81 cases in the pilot project. Of those 81 cases, 33 cases were in the control group, and 48 cases were in the experimental group. With such a small sample size, the ability to conduct a more sophisticated statistical analysis was unattainable. During the planning and design stage of the pilot project, it was estimated that there would be between

200 and 300 eligible case referrals; this approximation was based on numbers of cases in prior years that would have been eligible for the pilot project eligibility requirements. Additionally, with a larger sample size, we would have been able to ascertain if there were similar effect sizes in the population of this project as were seen in the other models, particularly the Bronx and Santa Barbara models. Secondly, in relation to the small sample size, the results from this pilot project are not generalizable. While the lack of generalizability serves as a limitation of the study, the current study was designed as a pilot project of a holistic defense model meant to inform future research projects with lessons learned from the pilot project. The pilot project was meant to test viability of using a true randomization methodology within a rural demographic population. Additionally, as is often the case with program design and implementation, the research team anticipated that there would be growing pains and challenges moving from the design to the implementation phase of the pilot project.

A third limitation of the study is the lack of qualitative data for analysis. Qualitative data, specifically interviews with program participants, would have been very valuable to assess the program's impact. During the design phase of the pilot project, the team intended to complete interviews with participants after program completion. The researcher modeled interview questions based on the interviews that were conducted in the Bronx public defender project described earlier. These interview questions from the Bronx model served as a reference point and were reconstructed to account for both the rural setting and the cultural contexts of the population in this pilot project. However, during the implementation of the pilot project, the limited time resources of the team, 13 months for data collection, did not allow for the interviews to be completed. The lack of qualitative data as a limitation in this study, though, does provide a useful suggestion in moving forward with future research: a strong recommendation that future evaluations of a holistic defense model recognize the importance of and include qualitative data collection methods and analysis.

Lastly, partially related to the small sample size and the lack of qualitative data with this project, the hypothesis of reduced recidivism cannot be supported. One of the theoretical foundations of the holistic public defense model, and that of therapeutic jurisprudence on which it is based, is that addressing the extralegal needs that offenders experience in entry to the criminal justice system should result in reduced recidivism among that population. Although there is other research that does support that theory, and it could be that the theory is substantiated, the data in this pilot project cannot ascertain if that is the case.

## Conclusion

### Furthering Holistic Defense Evaluations

There is a need for additional evaluations of the holistic defense models as more jurisdictions explore their potential in making implementation decisions. This study was a short-term project and was a pilot study; thus, the length of time, the scope of the pilot project and the program evaluation that followed was limited. The strength of this pilot project and evaluation was the methodology in the design; it is rare for social research to employ a true randomization of participants into a control and experimental group. Randomized control trials were a recommendation of other holistic defense evaluations (Harris, 2020). This pilot project demonstrated that the use of randomization is feasible with appropriate support from the stakeholders involved in such a project. The concept of holistic defense is a long-term intervention that is multi-disciplinary and is client centered (Harris, 2020), and thus, it requires a team of researchers and practitioners working in concert to define and evaluate effectiveness of such a complex approach. While this study's results support existing evidence of holistic defense's potential in recidivism reduction and improved case outcomes, future evaluations should comprehensively include long term quality of life measures traditionally associated with desistance and life stabilization (Harris, 2018; Lee et al., 2015), particularly, better definitions and methods of evaluation and success. Recidivism is an incredibly complex concept and can have different definitions dependent on the population under study, particularly for those with extralegal unmet social needs that may be the nexus for criminal justice contact. If an individual does not have stable housing, does a bout of homelessness or sleeping outside count as recidivism (Mitchell, 1997)? If a person is suffering from the disease of addiction, does a relapse constitute recidivism when a relapse is part of the recovery process? The research team, with multi-disciplinary members, will do well to consider and clearly outline these measures with future work.

### Policy Implications

There is a large cost to the justice system with processing offenders with revolving-door justice. Holistic defense models can potentially decrease these justice system costs by addressing the social extralegal needs for this population of offenders. Identifying these social needs and providing resources works to improve case outcomes and can have significant economic and social benefits. One caveat with this potential, though, is that the cost savings associated with holistic defense likely will not be realized in the

short term. Stabilizing lives and improving case outcomes is a long-term approach that can take months or years to develop and measure. Cost savings that can be quantified in the short term include time spent adjudicating a case. Justice system officials' (e.g., attorneys, judges, court clerks, bailiffs, etc.) time spent on each case is a variable that can be quantified and associated with a dollar value to measure cost savings. In this study, cases of the participants in the experimental groups were adjudicated and closed in a shorter amount of time than their counterparts in the control group (2.25 months versus 2.75 months respectively). While this time difference may appear insignificant, the cost savings could potentially increase exponentially when compared with the number of individuals that could be served by a holistic defense representation. A small reduction of time spent on each respective case quickly adds up to a large savings to the justice system (Lepage & May, 2017).

Lastly, this holistic model of defense appears to be able to be replicated in various geographic jurisdictions and with various types of populations. It is this geographical context that is important in understanding the potential of this model. There is a different context depending on the jurisdiction; some use full public defender offices while others use private attorneys to provide indigent defense. Additionally, the different geographies will have differing levels of services available (Hipp et al., 2010). These are some key contextual differences between jurisdictions that have implemented and evaluated the holistic defense model, such as Bronx, NY, Santa Barbara, CA, and Bethel, AK. While the Bronx, NY, holistic defense program was the model that others were guided by, the components of the Bronx model have been adapted for the more semi-urban Santa Barbara area and for the rural geography of Bethel that is only accessible by boat or plane. The different geographical contexts also speaks to the adaptability of the holistic defense model to the cultural lifestyles and histories of the populations within the different jurisdictions. Residents in the Bronx are likely very different on social, economic, and cultural dimension than residents in either Santa Barbara or Bethel, yet it has been revealed that the holistic defense model can be adapted for each jurisdiction, demonstrating the viability of adapting the model to many more jurisdictions across the country irrespective geographic or social contexts.

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