



Kansas Holistic Defenders

Case Studies, Data & Possibilities

Who We Are

Kansas Holistic Defenders is a non-profit.

Our Board is comprised of attorneys, social workers and community leaders working for a better justice system.

Our Mission

To defend Kansans effectively, zealously, and respectfully.

We will use an interdisciplinary, holistic approach to champion our clients' individual goals and address the root causes of their involvement in the legal system.

How can we best provide consistent, high-quality defense for poor and working-class people accused of crimes in Douglas County?

An Important Tool to Reduce the Jail Population

Increase Pretrial Release

Working with community care providers (e.g. HRADAC), family, and agencies to create release plans that can ensure return to court without the need for bond.

Facilitate Stabilization

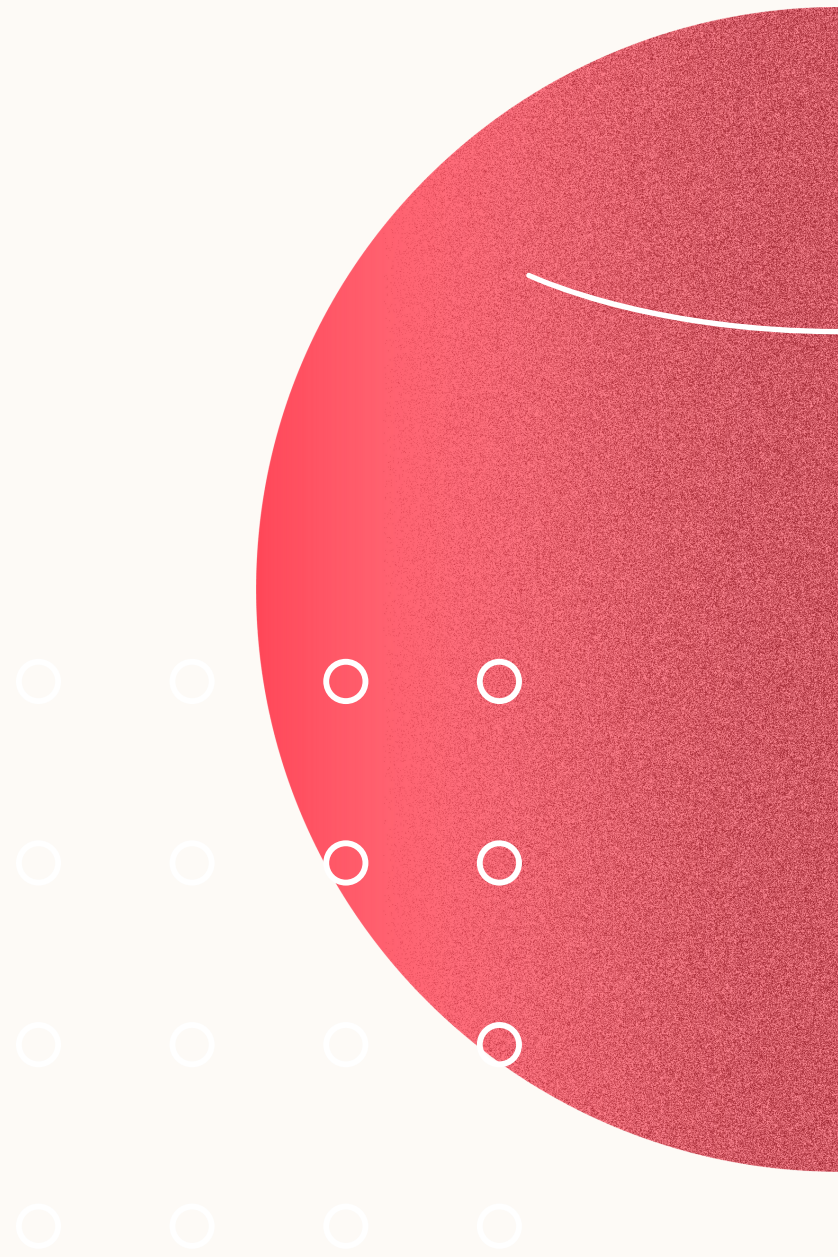
Addressing the collateral consequences that come with arrest to ensure that court involvement doesn't spiral into repeat arrests. Helping find long-term solutions to the root causes, reducing recidivism

Reduce Sentences & Convictions

Using oversight, best practices, and shared resources to ensure robust, zealous defense in every case to achieve the best outcome, reducing the rate and duration of jail sentences.

The Status Quo: Appointed Counsel Only

- Private attorneys
 - Acting as private contractors
 - \$80/hr
 - Cap on compensation, depending on outcome
-
- Not tried (e.g. Plea or dismissal)- \$720
 - Trial - (\$1200)
 - Appealed - (\$1680)
 - Motion for exceptional payment over guidelines amount



Our proposal: Holistic Institutional Public Defense for our county

We'll address what "holistic" and "institutional"
mean one at a time

What is “Holistic Defense?”

Team-Based Defense

Social Worker

Help clients access and maintain enrollment in mental health, drug treatment or other crisis management services. Provide expertise for sentencing advocacy.

Specialist Attorneys

Provide consultation or representation to address the collateral consequences of criminal involvement - immigration, housing, family court, etc.

Investigator

Interviewing witnesses, locating and preserving evidence, and conducting on-scene investigations to help attorneys present an effective case for the client's defense.

Client Advocate

Maintain contact with clients, work with clients to get or maintain public benefits, help clients access support services within the community.

E.G. - Partners for Justice

MODEL:

Partners for Justice

Partners for Justice provides training and support for client advocates at no cost, so long the county funds the advocate's salary. Advocates work one-on-one with their clients to solve problems creatively and flexibly, reaching out to the community and services available to find solutions.

Advocates may:

Help keep families housed.

Save jobs and support people who are trying to overcome past challenges and find work

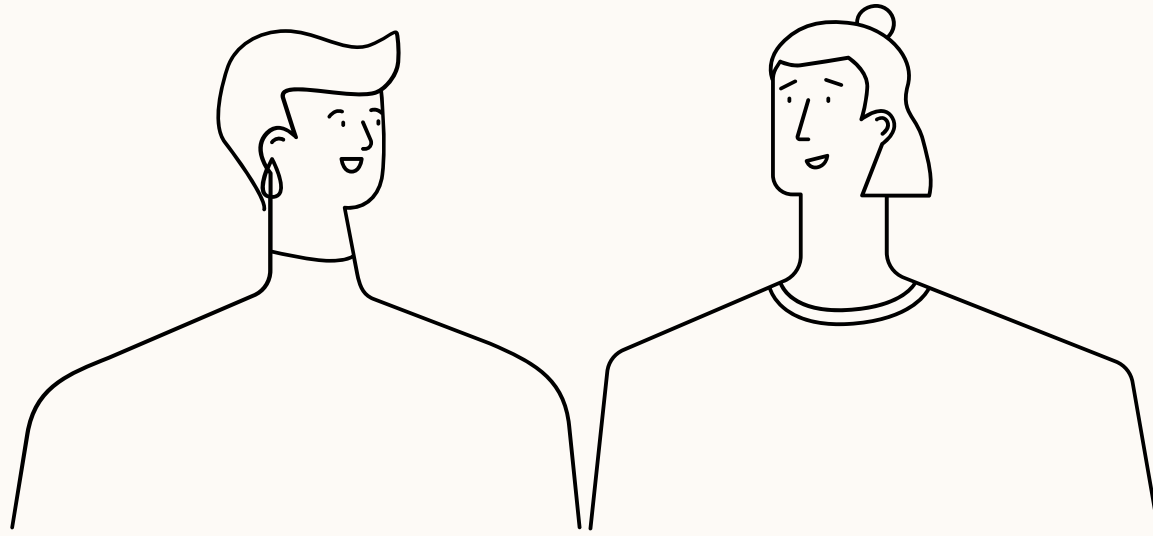
Retrieve vital property from seizure

Get their clients access to essential health care

Build partnerships across the legal system in the jurisdictions where they work

Empower parents to keep children at home

Support students working toward graduation



Community Partnerships

Douglas County has incredible services in the community and the government to provide crisis stability - a holistic defender office can make sure these are utilized as needed. Other offices have shown this model works.

E.g. - Preparing a release plan with services before first appearances or on motions to modify bond.

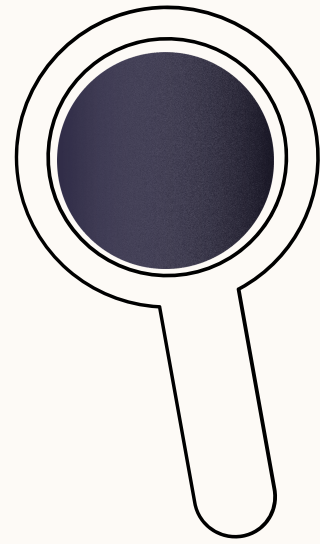
- Coordinating with service providers to prepare for success on probation, diversion or post-release
- Streamlined relationships to respond to immediate client crises

Model non-profit Holistic Offices

Bronx Defenders
BRONX, NY

Still She Rises
TULSA, OK

Restoring Justice
HOUSTON, TX



Measuring Outcomes

Anderson, James; Buenaventura, Maya; and Heaton, Paul, "The Effects of Holistic Defense on Criminal Justice Outcomes" (2019)

Comparing the performance of holistic defense vs. traditional models of indigent defense over a ten-year study period in the Bronx.

- Reduce the likelihood of a custodial sentence by 16% and the expected sentence length by 24%.
- Secure pretrial release more often, enroll clients into supportive programs more often and see lower rates of failure of clients to return to court.
- Reduced custodial punishment sentences by nearly 1.1 million days, saving state and local taxpayers an estimated \$165 million on inmate housing costs

Questions / Discussion



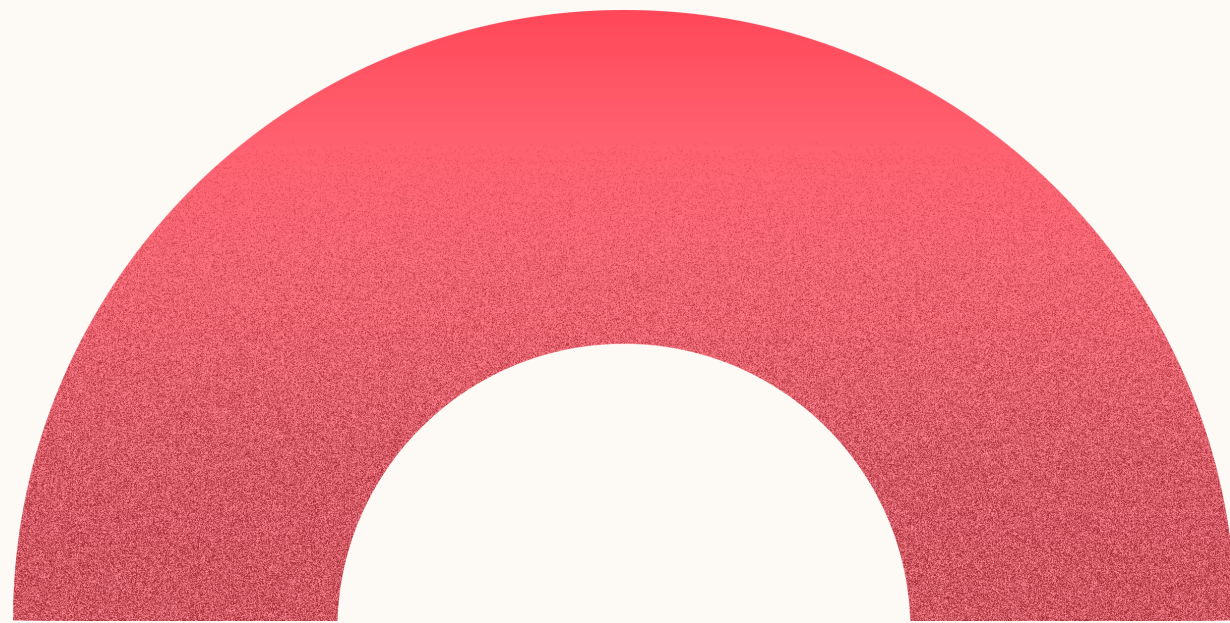
Benefits of an Institutional Defender



Hybrid Systems Work Better

Source: National Association of Criminal Defense
Lawyers Resolution - Oct. 28, 2017

"Whenever the population and caseload needs support it, a public defense delivery system should include full-time institutional defenders as well as meaningful participation of private attorneys."



Ensuring Consistency

In dozens of studies, institutional public defender offices secure better outcomes than systems with only appointed private attorneys, on average.

STUDY 1

Philadelphia

Source: Anderson, James M., Heaton, Paul How Much Difference Does the Lawyer Make? The Effect of Defense Counsel on Murder Case Outcomes. Working Paper. NCJ 242563, Santa Monica, CA: RAND Corporation

Comparing the performance of appointed counsel and public defenders by measuring the outcomes of 3,412 defendants charged with murder between 1994 and 2005.

Compared to
appointed counsel,
institutional public
defenders:

reduced their clients' murder
conviction rate by

19%

reduced overall expected
time served in prison by

24%

lowered the probability that
their clients would receive a
life sentence by

62%

STUDY 2

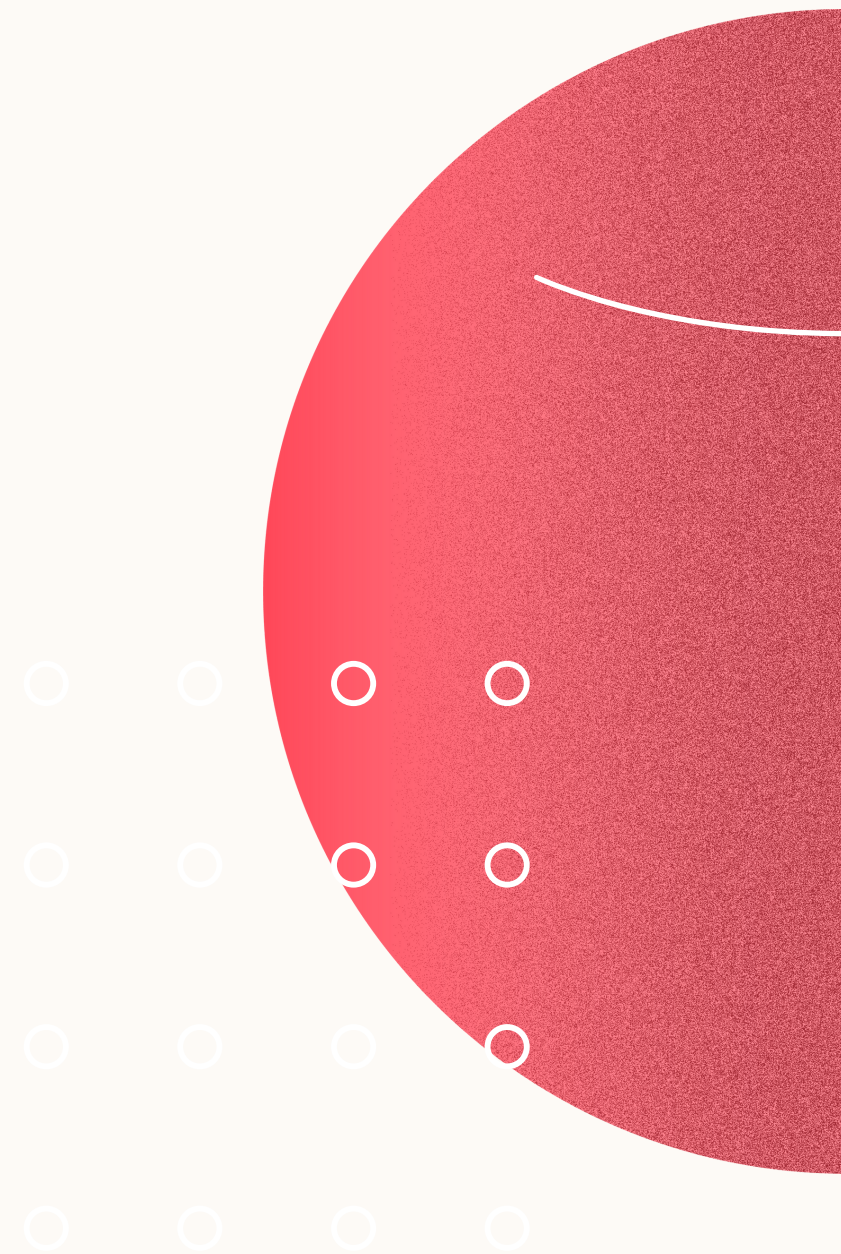
Minnesota

Ostrom, Brian, et al Examining the Effectiveness of Indigent Defense Team Services: A Multisite Evaluation of Holistic Defense in Practice, Project Summary, National Center for State Courts

Comparing the efficiency of case processing of appointed counsel and holistic public defenders by measuring number of continuances

Compared to
appointed counsel,
institutional public
defenders:

**had one fewer
continuance
per case**



**Why do
institutional
defenders
improve
outcomes?**

Teams & Standardization

Training

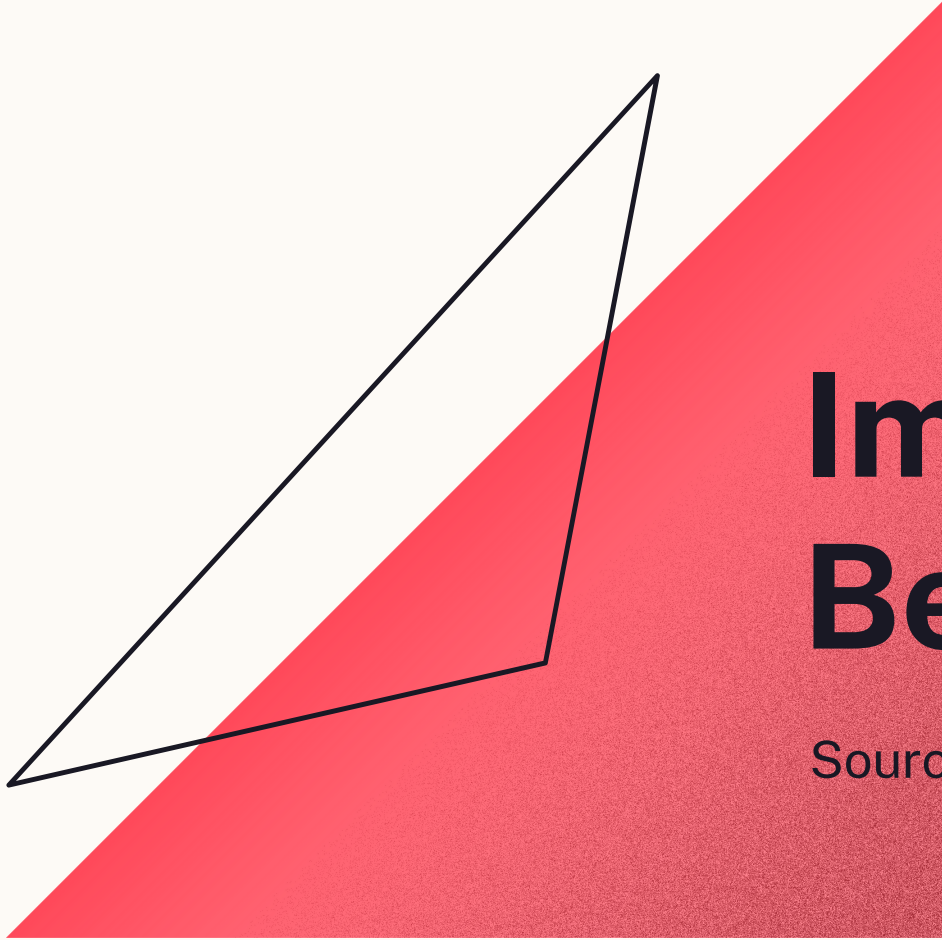
Attorneys at a public defenders office collaborate on cases. This “network effect” of attorneys creates accountability, supervision and oversight that is not always present for appointed attorneys.

Support

An institutional defender can hire full-time staff that many solo-practitioners cannot, such as interpreters, full-time investigators, social workers, and administrative assistants.

Focus

Appointed attorneys have to juggle appointed cases and retained cases. Salaried institutional defenders get promoted based on outcomes

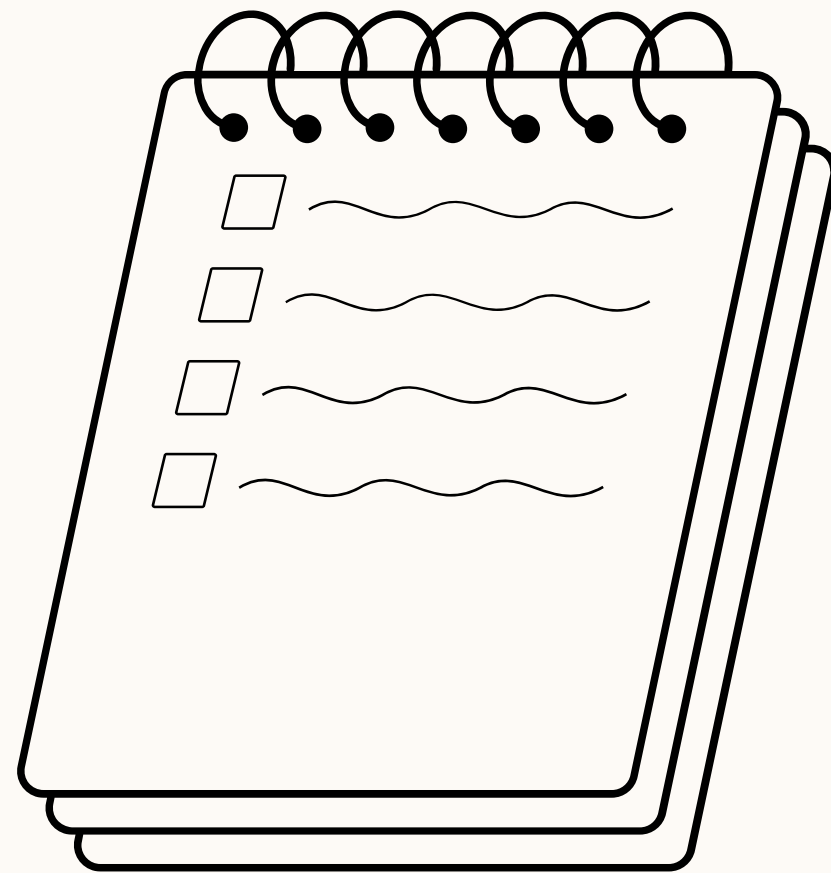


Implementing Best Practices

Source: Texas Indigent Defense commission

Public defender offices across the country have been able to identify and implement practices by coordinating with multiple attorneys and other actors in the legal system. We can do the same.

- Automatic text reminders for clients
- Caseload management
- Collateral Consequence Screening



Support for the Bar

A holistic defender office is not a competitor with private attorneys, but can be a benefit for the whole legal community.

e.g. Kansas Federal Defenders

How can we adopt this model here?

Other counties across the country have contracted with non-profit defender offices to set up holistic offices as a compliment to other systems - supplemented by private donations and grant funding.

E.g.

- Neighborhood Defender Services - Detroit, MI
- The Bronx Defenders - New York, NY
- King County Department of Public Defense (Washington)

Questions / Discussion
