

APPENDIX TO HOLISTIC DEFENSE 1-PAGER

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1. MASS CRIMINALIZATION AND THE CYCLING PROBLEM LOCALLY

A recent Allegheny County Department of Human Services (DHS) study revealed some staggering numbers. Over just a two-year period, there were **65,659** unique criminal case filings. There were **30,132** unique jail bookings. **6%** of people charged accounted for **21%** of all criminal filings (**13,875** to be precise) – evincing the ‘cycling problem,’ where the criminal legal system (CLS) cycles people through without effectively addressing the root causes of why the person entered the CLS in the first place (such as untreated mental health issues, drug addiction, housing or job insecurity, etc.).¹ Notably, only a small percentage of criminal filings involve alleged violent offenses.²

According to a separate study, **every year in the City of Pittsburgh, more than 20% of Black men ages 19-29 are arrested.**³

¹ See Frequent utilizers of services in Allegheny County: criminal justice system involvement (August 2022).

² See Pittsburgh Bureau of Police 2019 Crime Analysis (authored by Dr. Heath Johnson).

³ See Black-white disparities in arrests in the City of Pittsburgh (February 23, 2021) (authored by Ralph Bangs, PhD).

On an average day, the Allegheny County adult probation department **supervises over 19,000 people.**⁴

2. POVERTY AND UNMET NEEDS DRIVE PEOPLE INTO THE CRIMINAL LEGAL SYSTEM

Poverty, substance use, and untreated mental health issues are primary drivers of crime. Nationally, over 80% of people charged with crimes cannot afford to hire their own attorney.⁵ 85% of the prison population has an active substance use disorder or are incarcerated for a crime involving drugs or drug use.⁶ 44% of jail inmates report having a mental health disorder (which shows that many inmates have substance use and co-occurring mental health disorders).⁷

3. THE COLLATERAL CONSEQUENCES OF ARREST, PROSECUTION, AND CONVICTION

The direct consequences of a conviction can include prison, probation, and fines. While these consequences can have a profound impact on their own, it is the indirect consequences of convictions – referred to as ‘collateral consequences’ – that may impose the greatest harm on a convicted person (harm that extends to the person’s family and broader community). Those collateral consequences include:

- loss of a job
- loss of housing
- loss of a driver’s license
- deportation
- social stigma

In fact, U.S. researchers have identified **more than 40,000 distinct collateral consequences** that impose often permanent barriers to employment, housing, government benefits, professional licenses, and more.⁸

4. RACIAL INEQUITIES LOCALLY

- White people are 41% less likely to be sentenced to jail (on the same charge) than Black people⁹

⁴ See The Fifth Judicial District of Pennsylvania (Allegheny County) 2019/2020/2021 triennial report.

⁵ See Bureau of Justice Statistics special report: defense counsel in criminal cases (November 2000).

⁶ See National Institute on Drug Abuse: drug facts – criminal justice (June 2020).

⁷ Bureau of Justice Statistics special report: indicators of mental health problems reported by prisoners and jail inmates, 2011-2012 (June 2017).

⁸ See National inventory of collateral consequences of conviction.

- Within the City of Pittsburgh, Black girls are 13x more likely than white girls to be arrested¹⁰
- Black people account for 85% of marijuana arrests in the City of Pittsburgh – despite making up just 23% of the overall population and similar usage rates to white people
- While Black people make up 13% of the overall County population, 66% of the jail population is Black¹¹

5. CLS SYSTEM COSTS LOCALLY

The jail’s budget for 2023 is \$**103,593,632**.¹² According to a DHS study on criminal justice system unit costs, the **average cost per arrest was \$10,173**, while the **average daily cost ‘per jail bed’ is \$106.94**.¹³

6. HOLISTIC DEFENSE LOCALLY

Currently, there is no comprehensive, holistic defense law firm in Pittsburgh. The Allegheny County Office of the Public Defender (PD) has made some efforts to partially integrate the holistic defense model. That effort is made challenging by the PD’s large case volumes and other systemic hurdles. As far as we are aware, the other local entities that provide indigent defense services – namely, the Office of Conflict Counsel and the court-managed appointed counsel system, which collectively serve thousands of indigent defendants every year – have made no effort to implement a holistic defense model.

7. PROOF THAT HOLISTIC DEFENSE WORKS

A. Holistic defense reduces incarceration

The most rigorous study to date evaluating the impact of holistic defense focused on Bronx, NY.¹⁴ The study compared case outcomes for indigent clients represented by a firm employing the holistic defense model vs. clients

⁹ See University of Pittsburgh Institute of Politics criminal justice progress panel (fall 2019 report).

¹⁰ See Institutionalized inequity: pathways to juvenile justice for Black girls in Pittsburgh and Allegheny County (2020 report commissioned by Gwen’s Girls).

¹¹ See Population of the Allegheny County Jail: interactive dashboard.

¹² See Allegheny County 2023 operating budget line-item detail.

¹³ See Calculating unit costs in Allegheny County: A resource for justice system decision-making and policy analysis (2021 update).

¹⁴ See The effects of holistic defense on criminal justice outcomes (Harvard Law Review January 2019).

represented by a firm that did not. The study results revealed that the holistic model produces dramatically improved outcomes. Indeed:

- holistic defense reduced the rate of incarceration by 16%
- shortened sentence length by 24%
- cut pre-trial detention by 9%
- helped clients avoid 1.1 million days of incarceration
- *did all these things with no harm to public safety.*

B. Holistic defense saves money

The Bronx study showed that holistic defense saved local taxpayers an estimated \$165 million on inmate housing costs alone.

C. Holistic defense improves public safety (by reducing recidivism)

Holistic defense addresses clients' extra-legal needs and increases access to wrap-around services (such as addiction and mental health treatment or housing and job training assistance). This creates opportunity and stability for clients and their families. That, in turn, should reduce crime. While more research is needed on the link between holistic defense and recidivism rates (which generally refer to the likelihood that a person will be re-arrested), there is promising evidence that it does.¹⁵

D. Holistic defense restores trust in the legal system

There is deep distrust in the criminal legal system – particularly in our most marginalized communities, which are disproportionately impacted (and harmed) by that system. Promising research shows that, when lawyers implement the holistic defense model, this can provide a meaningful opportunity to restore the community's trust. That is, holistic defense not only improves legal and nonlegal outcomes, but the more client-centered approach increases a sense of procedural justice, promotes client empowerment, and increases client satisfaction.¹⁶

¹⁵ See Impact of social work practice in public defense (Journal of Social Service Research 2018).

¹⁶ See Client perspectives of holistic defense: strengthening procedural justice through enhanced trust (Justice System Journal April 2022).