

Santa Clara Public Defender Pre- Arrest Representation & Review Team Pilot



1. **Study title:** Santa Clara Public Defender Pre-Arrest Representation & Review Team (PARR) Pilot
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4. **Partner agencies:** Santa Clara Public Defender (contact: Carson White and Carlie Ware)
5. **Geographic location of study:** Santa Clara County
6. **Keyword(s):** criminal justice, public defender, pre-trial release, early representation
7. **Overview / abstract:** CPL will evaluate the impact of the Santa Clara County Public Defender's Office's Pre-Arrest Representation & Review Team (PARR) during the pilot implementation on pre-trial detention, release at arraignment, and case outcomes. The pilot will use a random process to assign legal staff to clients who are booked on felony charges and not released by a night judge within 24 hours of booking.
8. **Projected timeline:**
 - a. PARR pilot period (1/2020-3/2020)
 - b. Analysis and reporting (9/2020-6/2021)
9. **Other funding:** To be determined
10. **Institutional Review Board (IRB):** The UC Berkeley Committee for Protection of Human Subjects approved this project, effective December 19, 2019.
11. **Hypotheses/research questions:** The main hypothesis is that defendants served by the PARR legal staff will be more likely to be released at arraignment and will spend less time detained during the pretrial period (resulting in fewer jail bed days). Secondary hypotheses are that defendants served by the PARR legal staff will have more favorable case outcomes (lower filing rate, lower conviction rate, charge reductions, shorter sentences when sentenced).
12. **Outcomes:**
 - a. Primary outcomes
 - The number of days detained pre-arrest and pre-disposition
 - Release at arraignment

- Charges filed (whether any charges are filed, number of charges filed, severity)
- Case dispositions (dismissals, charges being reduced)
- b. Secondary outcomes
 - Motions to revoke probation
 - Conviction
 - Terms of sentences/sentence length when sentenced
 - Average bail amount when money bail is set

13. Data Sources:

- a. Data on felony bookings, arraignments, and dispositions will be drawn from Santa Clara County's Case Management System (known as "CJIC").
- b. Data on the PARR intervention will be provided by the Public Defender's office.
- c. Criminal history and release recommendations will come from the Office of Pretrial Services' reports.

14. Intervention/policy: The Santa Clara Pre-Arrestment Representation & Review Team (PARR) is modeled after the San Francisco Public Defender's Office's Pretrial Release Unit. The unit aims to reduce the disparities in access to early counsel between indigent and non-indigent defendants by providing representation to felony defendants who are in custody post-booking and pre-arrestment - something that is common among private attorneys, but rare for those represented by public counsel and currently non-existent for indigent defendants in Santa Clara County.

PARR operated as a pilot in the first 3 months of 2020, serving approximately 100 individuals in that time. Under the intervention, the PARR unit operated on a different day each week, serving individuals booked into Santa Clara Jail during a specific time window. During the treatment period, a PARR team member interviewed selected individuals after booking and before arrestment. The PARR legal team began working on the individual's case immediately and what that work entailed varied depending upon the needs of the individual and nature of their case. The PARR team appeared at arrestment with some defendants and the team's work continued after arrestment as needed.

15. Methodological considerations The PARR unit did not have sufficient resources to serve all individuals in custody pre-arrestment on felony charges in Santa Clara County. They therefore operated on a different day each week, intending to provide service to all eligible individuals booked in a specific period each week (see Table 1 for treatment schedule). Eligible individuals booked on a non-treatment day make up the control group – if eligible for public defender services, their first interaction with the office is at arrestment.

Table 1 PARR Treatment Schedule

Week start	PARR treatment week	Arraignment Day	Booking day	Booking time of day	Booking week relative to arraignment week
1/5/2020	3	Monday	Thursday	12:01am-5:00pm	Booked in previous week
1/12/2020	4	Tuesday	Thursday Friday	5:01pm-11:59pm 12:01am-5:00pm	Booked in previous week
1/19/2020	5	Thursday	Monday Tuesday	5:01pm-11:59pm 12:01am-5:00pm	Booked and arraigned same week
1/26/2020	6	Friday	Tuesday Wednesday	5:01pm-11:59pm 12:01am-11:59pm	Booked and arraigned same week
2/2/2020	1	Wednesday	Friday Saturday	5:00pm-11:59pm 12:01am-11:59pm	Booked in previous week
2/9/2020	2	Wednesday	Sunday Monday	12:01am-11:59pm 12:01am-5:00pm	Booked and arraigned same week
2/16/2020	3	Monday	Thursday	12:01am-5:00pm	Booked in previous week
2/23/2020	4	Tuesday	Thursday Friday	5:01pm-11:59pm 12:01am-5:00pm	Booked in previous week
3/1/2020	5	Thursday	Monday Tuesday	5:01pm-11:59pm 12:01am-5:00pm	Booked and arraigned same week
3/8/2020	6	Friday	Tuesday Wednesday	5:01pm-11:59pm 12:01am-11:59pm	Booked and arraigned same week

Detailed data source description: Data required for the study include information on all felony bookings and arraignments in Santa Clara County. This includes booking dates and charges, release dates, filing decisions (including arraignment date, charges filed), case dispositions and sentences, bail amount, jail intake and release dates, and pre-trial services received. Additional information including defendant demographic characteristics (such as sex, race, ethnicity, age) and Pretrial Services release recommendations will also be necessary.

The primary source of this data will be Santa Clara County's Cases Management System ("CJIC") for all data on bookings and case details. Supplementary data will be drawn

from the Office of Pretrial Services' reports, and data on the PARR intervention will be provided by the Public Defender's Office.

- 16. Sample size and statistical power:** We estimate that approximately 2,200 individuals were arrested in Santa Clara County during the PARR pilot period. Based on PARR's weekly rotating schedule, we estimate services were offered to 17% of individuals in custody post booking and pre-arraignment and that services were provided to approximately 1/3 of the individuals to whom they were offered. Based on these sample calculations, we expect an intent-to-treat (ITT) minimum detectable effect (MDE) on the main outcomes of interest of 5-7 percentage points (95% confidence; 80% power).

Table 2 Minimum Detectable Effects

Outcome	Population mean	MDE
Release at arraignment (1)	0.14	0.050
Release pre-disposition (2)	0.30	0.066
Acquittal/dismissal rate (3)	0.11	0.046
Felony conviction rate (3)	0.54	0.072
<p>Notes: The minimum detectable effect (MDE) formula for the ITT estimates is as follows</p> $factor \times design \times \sigma \sqrt{\left(\frac{1-R^2}{r}\right) \left(\frac{1}{N_T} + \frac{1}{N_C}\right)}$ <p>where σ is the standard deviation of the outcome measure, r is the administrative records response rate, R^2 is the explanatory power of regression variables, and N_T and N_C are sample sizes for the treatment and control/comparison groups, respectively. Because outcomes are based on administrative records data, we set $r=1$. The proportion of variance explained by the regression model is set to 0.2. The MDE calculations assume a two-tailed test with 80 percent power and a 5 percent significance level, so factor = 2.80 in the MDE formula. Based on a study of the Pretrial Release Unit in San Francisco conducted by the California Policy Lab, the calculations assume an arraignment release rate of 14% and based on a report by the Public Policy Institute of California, the calculations assume a 30% release rate prior to disposition. Based on reports from the Judicial Council of California, the calculations assume an acquittal or dismissal rate of 11% and a felony conviction rate of 54%. MDEs are calculated for a 80/20 assignment rate to treatment and control groups.</p> <p>(1) Yarmosky, Alena (2018). The Impact of Early Representation: An Analysis Of The San Francisco Public Defender's Pre-Trial Release Unit (p. 26). California Policy Lab.</p> <p>(2) Tafoya, S., Bird, M., Nguyen, V., & Grattet, R. (2017). Pretrial Release in California. Retrieved from Public Policy Institute of California website: https://www.ppic.org/publication/pretrial-release-in-california/</p> <p>(3) Judicial Council of California. (n.d.). 2018 Court Statistics Report-Statewide Caseload Trends 2007-2008 Through 2016-2017 (pp. 134-140). Retrieved from https://www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf</p>		

17. Statistical methods

- Primary analyses will be Intention-to-Treat with no controls.
- We will test balance of the treatment and control groups on key covariates (demographics, charges and other case details, criminal history, and process indicators such as day of the week initially booked on). If necessary, we will include covariates to control for any differences between the groups.