The Impact of Pre‐Arraignment Legal Representation on Pretrial Release and Criminal Case Outcomes in Santa Clara County, California

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Partner organization(s): Santa Clara County Public Defender's Office

Defendants with low income often experience worse legal outcomes than those who can afford private counsel, including higher rates of pretrial detention and conviction. In partnership with the County of Santa Clara, researchers evaluated the Pre-Arraignment Representation and Review (PARR) model's impact on pretrial release and case outcomes. The results show that early access to public defenders increased the likelihood and speed of pretrial release. The program also improved case outcomes, decreasing the likelihood of conviction and increasing case dismissals.

Policy issue

There are over 400,000 people in jails across the United States who are still awaiting trial.[1] These individuals have not yet been convicted of the crime for which they are detained and are still presumably innocent. Even without a guilty verdict, being held in pretrial detention can have substantial legal and economic consequences, including loss of employment, increased likelihood of conviction, and longer-term involvement with the criminal legal system.

Individuals with low income are disproportionately affected by pretrial detention in the United States. Many cannot afford to post bail or hire private defense attorneys who can advocate on their behalf, leading to meaningful differences in pretrial experiences. Most low-income defendants rely on public defenders for legal representation. Unlike individuals with private counsel, those assigned a public defender often meet their attorney for the first time at arraignment and have only a few minutes to discuss their case before appearing in court, while the attorneys represent ten to twenty people at a single arraignment session.

Prior research has examined the quality of public defense and the impact of access to counsel at bail hearings, but less is known about whether earlier or more substantive engagement with public defenders can improve outcomes. Can shifting the timing and content of a public defender's intervention increase pretrial release rates and improve case outcomes?

Context of the evaluation

Santa Clara County's Pre-Arraignment Representation and Review (PARR) model provides early legal assistance to eligible individuals with low incomes who are arrested for certain felony or misdemeanor domestic violence offenses and who qualify for public defender representation. PARR attorneys meet with clients and interview them to gather information on their case prior to arraignment. PARR attorneys then provide individualized services to strengthen the defendant's case and minimize the harms of pretrial detention. These services could range from picking up a child from school to connecting clients to mental health services.

Between January 2 and March 11, 2020, the Public Defender's Office lacked the staff capacity to serve all individuals in custody on felony charges in Santa Clara County. In collaboration with the researchers, the county piloted this approach by only offering the program on one day. This day rotated from week to week on a predetermined schedule.

During this study period, Santa Clara County had a predominantly male pretrial population (88 percent), with more than half identifying as Hispanic (52 percent). Felony charges accounted for over 80 percent of pretrial bookings, and 42 percent of those cases involved violent felonies or assault.

Defendant consulting with legal counsel in the United States

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Details of the intervention

Researchers conducted a quasi-experimental pilot evaluation to test the impact of pre-arraignment legal representation through the PARR model in Santa Clara County, California.

The PARR pilot's rotating schedule meant that whether someone was offered services largely depended on the day they were booked into jail, rather than their individual characteristics or the type of charge they faced. This quasi-random approach allowed

researchers to compare similar individuals who did and did not receive early legal representation and isolate the effect of the program itself.

During the pilot period, Santa Clara County booked a total of 4,223 cases. Individuals were deemed eligible to receive PARR services if they faced an eligible charge (felony offences or misdemeanor domestic violence offences) and remained in custody awaiting arraignment. Of the 4,223 cases, 600 met the eligibility criteria, and 101 of those were booked on PARR designated days. However, due to limited staff, only forty of these actually received PARR services.

Researchers then compared case outcomes for both individuals who were booked on PARR days and those who actually received services, to eligible individuals booked on non-designated days.

Results and policy lessons

Findings suggest that the PARR model improved both pretrial release and case outcomes for eligible defendants.

Pretrial release and detention:

Access to pre-arraignment representation increased both the likelihood and speed of release from custody. Individuals booked on PARR designated days were 7.8–8.9 percentage points more likely to be released and were also released 12.4–12.6 days earlier than those booked on non-PARR days. Taken together, this is roughly 23 percent less time in jail for individuals booked on PARR days. Individuals who actually received PARR services were up to 28 percentage points more likely to secure pretrial release from a baseline of 74 percent (a 37 percent increase) and spent 78.6 percent less time in detention from a baseline of 28.6 days compared to similar individuals who did not receive early representation. These findings suggest that earlier legal advocacy can meaningfully reduce exposure to pretrial detention.

Case outcomes:

Early access to counsel also led to more favorable case resolutions. Individuals who received PARR services (not just those booked on PARR designated days) were 27 percentage points less likely to be convicted from a baseline of 36 percent (a 75 percent decrease) and 36 percentage points more likely to have their cases dismissed from a baseline of 27 percent (a 132 percent increase). These results indicate that shifting the timing of legal representation can have downstream effects on how cases are resolved.

Researchers suggest that these improvements may have been driven by changes in defendant behavior and case strategy. Individuals who received PARR services were 23 percentage points less likely to plead guilty from a baseline of 32 percent (a 72 percent decrease), which may reflect reduced pressure to accept plea deals due to earlier release from detention. Early engagement with counsel may also have allowed attorneys to gather time-sensitive information, advocate more effectively, and connect clients to supportive services, all of which could contribute to improved outcomes.

These findings suggest that the timing of legal representation may be a critical lever in the criminal legal system. By providing access to counsel earlier in the process, programs like PARR can reduce pretrial detention and improve case outcomes, particularly for individuals with low income who rely on public defense attorneys. While the study focused on a non-randomized pilot program with a relatively small sample, the magnitude of the effects highlights the potential for early representation to improve equity and efficiency in the system.

Use of results

Santa Clara County's Public Defender's Office used the pilot findings to advocate for continued funding. In 2024, additional funding allowed the office to expand the PARR team, enabling the unit to serve clients six days per week.

In addition, nearby counties have implemented similar programs, including Santa Cruz, San Mateo, and Alameda. The Public Defender's Office has hosted several groups of public defender staff from other counties and states to showcase the approach of the PARR unit. The office trained staff from more than ten public defender offices, including a two-day visit from the Los Angeles Public Defender's Office.

At the state level, the Committee on Revision of the Penal Code cited the Santa Clara program in a recommendation to require early representation in all counties. Santa Clara County has also engaged the Office of the State Public Defender about the model. These developments suggest growing interest in the PARR approach and its potential for implementation in other jurisdictions.

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1. Sawyer, W., Nam-Sonenstein, B., & Wagner, P. (2026, March 11). "Mass incarceration: The whole pie 2026". *Prison Policy Initiative.* https://www.prisonpolicy.org/reports/pie2026.html