
PRACTICE GUIDE

Counsel at First Appearance

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About APPR

Advancing Pretrial Policy and Research seeks to achieve fair, just, and equitable pretrial practices that positively impact people, systems, and the community. APPR's mission is to support and engage pretrial professionals and community members in the meaningful delivery of data-informed pretrial justice. APPR is managed by the Center of Effective Public Policy and supported by Arnold Ventures.



Center for Effective Public Policy

The **Center for Effective Public Policy** (cepp.com) leads APPR's technical assistance, training, resource development, and website management (advancingpretrial.org).



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Introduction

The first time a person appears before a judicial officer in a criminal case is a critical moment. It is typically called a first appearance or initial appearance,¹ and it may also be combined with arraignment. During this appearance, the judicial officer determines whether the person will be released out of custody to return to court on their own (often referred to as “released on recognizance” or ROR), released with nonmonetary conditions (such as in-person reporting, electronic monitoring, or house arrest, though sometimes with associated fees), or released with financial conditions (e.g., monetary or surety bond). In some jurisdictions, such as the District of Columbia, Illinois, New Jersey, and New Mexico, judicial officers may also decide to hold a person for a separate detention hearing.²

Yet across the country, the first appearance is often treated as perfunctory and lasts only a minute or two. This hearing affects people’s rights—including their right to liberty—and so it must be meaningful. Several elements are needed to ensure that people’s rights are protected, including timeliness, presumption of release, transparency, advisement of rights, individualization, least-restrictive conditions, and the focus of this guide: meaningful legal representation.

Research has shown the benefits of early access to counsel, specifically counsel at first appearance (sometimes referred to by the acronym CAFA). It provides the opportunity for people who are accused to understand their rights more fully, to be apprised of the investigative and criminal adjudicative processes, and to discuss the possible outcomes of their decisions with a lawyer. Access to counsel affects pretrial release decisions, protects constitutional rights, reduces incarceration before trial, and helps ensure that any conditions of release are, in accordance with the law, the least restrictive necessary. When counsel is provided effectively for first appearance hearings, they are able to do the following, among other things:

- prepare for the first appearance by gathering and organizing information pertinent to arguing for their client’s pretrial liberty,
- identify any substance use or mental health concerns or other needs that require intervention or connection to service providers, and
- support clear communication between the client, the court, and the prosecuting attorney’s office about their client’s rights and case processes.

Defense representation gives decision makers access to the critical information they need to determine whether someone is legally eligible for pretrial detention and, for those released, what, if any, conditions are needed to ensure court appearance and promote community safety and well-being.

Counsel at First Appearance Improves Procedural Fairness

Research indicates that access to counsel at or before first appearance increases procedural fairness—the perception that the system is legitimate and fair. This can make people feel more engaged in their own defense and more willing to accept and comply with court decisions.³

About This Guide

This practice guide focuses on the impact of counsel at first appearance for people detained or facing detention before trial. It is organized into four sections:

1. a summary of the research on the harms of pretrial detention,
2. best practices for counsel at first appearance (which covers the recommendations made by leading organizations and experts in the field),
3. considerations when implementing those practices, and
4. research on the benefits of CAFA.

Information on other equally important features of a meaningful first appearance can be found in resources available on Advancing Pretrial Policy and Research's (APPR) [website](#), including our two-page [guide to meaningful first appearance hearings](#) and our [Roadmap for Pretrial Advancement](#).

The Harms of Pretrial Detention: A Summary of the Research

Pretrial detention of people facing criminal charges—people who are legally considered innocent—has far-reaching consequences. Unnecessary pretrial detention affects individuals, families, and communities; increases recidivism; and exacerbates racial and socioeconomic disparities. These consequences underscore the importance of detaining people carefully and intentionally—only when they are eligible for detention under state law, and only when it is necessary to protect public safety or prevent flight.

As a result of myriad social and criminal legal system factors, including disproportionate policing, people of color have historically been overrepresented in jails and prisons, bearing the brunt of the negative impacts of pretrial detention.⁴ Pretrial detention is often the result of people being unable to meet the financial conditions of their release, especially if living in poverty, and has economic impacts such as job loss, which decreases a person's "working-age lifespan income" by an average of about \$29,000,⁵ and which costs local governments nationwide nearly \$14 billion.⁶ With greater rates of poverty concentrated in communities of color, Black, Indigenous, and people of color not only remain behind bars but they and their communities may also suffer economically after the conclusion of their case.

Pretrial detention harms individuals and communities:

- *It puts people who are being held at risk of harm.*
- *It disproportionately impacts communities of color and people experiencing poverty.*
- *It negatively affects children.*
- *It increases recidivism and worsens other case outcomes.*

Jails can also be overcrowded, dangerous places that leave its inhabitants victim to physical and sexual assault, emotional harm, the exacerbation of preexisting mental illness,⁷ and increased risk of suicide compared to the overall U.S. population.⁸ Further, having a caretaker in jail causes emotional strain on the children of people detained pretrial, expanding the harms of pretrial detention beyond the people behind bars to their families.⁹ Unfortunately, the negative impacts of pretrial detention are seen during the pretrial phase¹⁰ and extend to the ultimate disposition of a case¹¹ and beyond, influencing the likelihood of a person being rearrested in the future.¹²

Research has shown that having effective representation at first appearance can help prevent these sorts of harms from occurring.¹³

Best Practices for Counsel at First Appearance

Experts in the field have identified best practices for counsel at first appearance. These practices derive from the same legal principles and research that have grounded general best practices for indigent defense services and helped shape pretrial reform efforts broadly. They provide guidance for jurisdictions aiming to ensure that everyone facing criminal charges is effectively represented at the earliest stages of their case.

Best Practices

Timing: Counsel should be assigned to each person's case prior to first appearance, which should occur within 24 hours of arrest.

Attorney–Client Communication: Clients and their attorneys should have the time and space to openly communicate about the case prior to first appearance.

Information Sharing: Counsel should have early access to police reports and other relevant documents so they can prepare effectively.

Adversarial Arguments: First appearances should be conducted in ways that allow both prosecution and defense to make legal arguments.

Format: Ideally, first appearances should be conducted in person.

Timing: Appoint Defense Counsel Before Initial Appearance

Assigning counsel early allows attorneys time to adequately prepare for the first appearance.¹⁴ Experts at Southern Methodist University’s Deason Center recommend that initial appearances happen as soon as possible after arrest—and within 24 hours.¹⁵ Early appointment of counsel, in conjunction with prompt initial appearances, ensures that people facing pretrial detention have the greatest chance of providing a judicial officer the evidence and information that tend to influence a release decision, such as facts related to the charges and arguments regarding a person’s likelihood of appearing in court and remaining arrest-free.

The method of appointing counsel before a first appearance may take many forms. For example, in San Francisco, people experiencing poverty who are arrested and accused of a crime are connected with an attorney prior to arraignment via a specialized unit of dedicated lawyers in the public defender’s office, allowing counsel to gather information about clients and their cases before the appearance.¹⁶ Typically, only those who can afford to hire a private attorney immediately after booking are represented at this stage.

More commonly, counsel is not appointed until the day of the hearing. In such situations, using the other best practices detailed below is of utmost importance.

Attorney–Client Communication: Ensure That Attorneys Have Private Access to Their Clients Before First Appearance

When attorneys have private access to their clients prior to first appearance, they may maximize the quality of their communication and focus the interaction on the following areas:

- informing their clients of their rights and the upcoming legal process;
- reviewing the allegations;
- hearing their clients’ side of the story;
- gathering information about their clients’ ability to pay money bond, if it is set; and
- gathering information helpful to arguing for their clients’ release.

Creating this dialogue and access improves the quality of representation and builds the foundation for a meaningful first appearance. Counsel can also advise people not to make a plea at first appearance or discuss details of their case in court—neither of which is likely to serve their clients’ interests in the long run.

Identifying dedicated space for these meetings—whether in the jail or in the courthouse—is often a straightforward first step toward facilitating this sort of communication between attorneys and their clients.

Discoverable Information:¹⁷ Give Defense Attorneys Access to Case Documents Before the Initial Appearance

Experts highlight that, in preparation for initial appearances, defense counsels' access to their clients' police reports may help "identify prosecution witnesses, theories of the case, deficiencies in probable cause, and other factors that can influence release decisions."¹⁸ Police reports may also lead to insights about procedural shortcomings or reveal information likely to result in a case's dismissal.¹⁹ These details are critical for making arguments during first appearances and subsequent hearings.

Adversarial Arguments: Hear Arguments from Both Sides

Judicial officers should hear arguments from the prosecution and defense to make the most informed decisions about release status and potential release conditions.²⁰ During first appearance hearings, defense counsel often have limited opportunity to speak, undermining one of an attorney's essential functions: to advocate on behalf of their client. Allowing time for both prosecutors and defense attorneys to make appropriate arguments at hearings paints a fuller picture for judicial officers.

In many jurisdictions, informed defense counsel provides the court's only opportunity to learn additional information about a person's ability to remain at liberty while their case is pending. Even in jurisdictions where a pretrial services agency generates a report for first appearance, an attorney is needed to offer additional information about their client, put the facts of the case in context, and make arguments to protect the person's interests. Information that attorneys provide the court may include:

- evidence that their client is not a threat to public safety;
- prosocial factors such as their client's employment and family and community support, demonstrating that the person will return to court without supervision; and
- the client's ability or inability to pay any financial release conditions imposed.

Without this information, the accused person may be subject to pretrial detention or unnecessary supervision.

Format: Conduct First Appearances in Person, Whenever Possible, to Increase Fairness

Research on the potential benefits and drawbacks of conducting court hearings virtually for people who are detained is nascent. Some studies have shown that virtual court appearances can help alleviate challenges related to transportation or scheduling concerns for courts and for people accused of crime. And, virtual court appearances may be essential in certain jurisdictions or circumstances—particularly in rural districts or counties with dispersed populations or limited resources. But, virtual hearings have been shown to exacerbate communication and comprehension difficulties for clients, attorneys, and judicial officers, resulting in less equitable outcomes.²¹

A study published in 2010 compared felony pretrial release decisions over an eight-year period before and after implementation of video and found that the switch from in-person to video led to an average increase of 51 percent in overall financial bond amounts.²² A study of immigration courts between 1991 and 2012 found that people whose cases were litigated using video technology were less likely to ask for counsel and seek other forms of relief than those whose cases were heard in person, resulting in higher rates of deportation.²³

If first appearance hearings must be conducted virtually, courts should be vigilant and adhere to guidelines and best practices produced by numerous system and community stakeholders.²⁴

Virtual Court Hearings May Exacerbate Barriers and Negative Outcomes

Court appearances conducted by video have been shown to heighten communication and comprehension difficulties, reduce meaningful interaction between people and their defense counsel, and result in higher bond amounts, leading to increased detention.

Key Considerations for Implementing Best Practices

The practices described above will not succeed without sufficient stakeholder engagement, cooperation, and, of course, funding. Adequate human and financial resources are necessary to operationalize the best practices outlined above, and cooperation from the range of stakeholders involved in criminal court practice is essential to implementing them.

Key Considerations

Resources: Staffing, transportation, and physical space may need to be improved or developed to allow for counsel at first appearance for all cases.

Stakeholder Collaboration: Buy-in and support from all agencies and relevant communities is important for mapping the first appearance process and creating policies and practices that help ensure that counsel is present, informed, and effective.

Cross-Agency Document Access: Systems and protocols must be implemented to ensure that defense counsel is aware of and has access to all information that law enforcement agencies and the courts collect about each case.

Resources

Resources are necessary to ensure that indigent defense systems have enough attorneys to cover initial appearances during regular and nontraditional business hours. In rural areas, jurisdictions will need to consider where and when initial appearances will take place, as well as the other logistical needs for these hearings. For example, if initial appearances happen at a particular county courthouse, those who work in the jurisdiction must consider how people who have been arrested can travel—and afford the cost of traveling—from a precinct or sheriff’s office to the designated location. Courthouses may need to hire more administrative, security, and clerical staff to guarantee that the process runs smoothly and safely. In addition, courts may need to consider infrastructure changes if their space does not afford attorneys the necessary privacy to meet with their clients before hearings. Without resources, it may be difficult to develop the systems, create or outfit the spaces, and/or supply the staff necessary to provide meaningful counsel at first appearance. But, in considering the resources necessary for this effort, stakeholders should bear in mind that providing counsel at first appearance may *save* money in other ways, such as by reducing pretrial incarceration and shortening the average time to case resolution.

Stakeholder Collaboration

Ensuring counsel at first appearance requires the participation of many criminal legal system stakeholders. This means that stakeholder cooperation and buy-in are critical. Representatives from across the system, including the judiciary, defense bar, prosecuting attorney’s office, sheriff’s office, detention centers, and court administration, along with impacted people in the jurisdiction, should work together to plan and engage in a strategic case-process analysis. The aim is to better understand the current process, how it will need to change in order to provide meaningful representation at first appearance, and the roles each agency will play in it.²⁵

Cross-Agency Document Access

Sharing discoverable information with all stakeholders involved in the initial appearance requires money and cooperation. To distribute case documents in the early stages of a case, jurisdictions need to consider the technology available to law enforcement offices and courthouses, and what upgrades may be needed to share information across agencies. Understanding what information is collected, when it is collected, how it is collected, and where it is stored, and being clear about the need for all stakeholders to have access to that information, creates an opportunity for the jurisdiction to develop systems and protocols that support document access for implementing counsel at first appearance.

The Case for Counsel at First Appearance: What Can We Learn from Research?

Although the effects of counsel at first appearance have not been as well researched as other pretrial topics, several rigorous studies since the 1980s can better inform the practice. To measure the impact of having counsel on outcomes of interest (such as conditions of release, amounts of financial conditions, and pretrial detention rates), researchers have typically compared cases in which an attorney was present at first appearance to cases in which an attorney was appointed later. The types of research designs that have been used include quasi-experimental designs to study shifts pre- and post-policy change and randomized control trials.

Although each study discussed below has limitations, as all studies do, the convergence of findings across different research methods and jurisdictions supports the claim that providing defense representation earlier in the process yields better outcomes. However, as noted earlier, counsel at first appearance is but one factor that can make these hearings meaningful. Readers are encouraged to interpret these findings as part of the bigger picture. In other words, researchers can isolate and measure the impact of counsel at first appearance, but those results may be influenced by the policy and practice context of each jurisdiction or “laboratory” in which a study is conducted.

Meaningful representation at first appearance:

- *decreases the likelihood of pretrial detention,*
- *decreases the use of financial conditions of release,*
- *provides decision makers with access to critical information, and*
- *creates an avenue for supportive services.*

Randomized Control Trials

Randomized control trials, or RCTs, are the “gold standard” in research design. In RCTs, researchers create two separate, randomly assigned groups from the eligible population: one that receives the intervention (counsel at first appearance in the studies discussed below) and a control group that does not. This allows researchers to rule out alternative explanations for any measurable impacts.

Key Research Finding #1: Counsel at First Appearance Can Facilitate Higher Rates of Pretrial Release and Minimize the Use of Financial Conditions

Researchers have tested the impact of counsel at first appearance on several outcomes related to pretrial release decisions. Although the magnitude of the findings varies across and within studies, the presence of counsel is associated with a decrease in the imposition of financial conditions of release and a reduction in the rate of pretrial detention.²⁶ The following are summaries of specific studies and their findings.

- **People spent fewer days in pretrial detention when counsel was appointed within 24 hours of arrest.** A multisite study (Palm Beach County, Florida; Passaic County, New Jersey; and Shelby County, Tennessee) published in 1984 randomly assigned approximately 5,000 felony cases: people had a public defender appointed either within 24 hours of arrest or later in their case. Across all sites, those who acquired an attorney earlier spent, on average, 3 to 5 days in pretrial detention compared to 6 to 13 days for those who had an attorney appointed later. In two of the three sites, people with an attorney at first appearance also had higher rates of release on recognizance (ranging from 51 percent to 57 percent) than those without representation (ranging from 40 percent to 44 percent). Cases with early counsel were also more likely to have their charges downgraded.²⁷
- **People were more likely to be released without financial conditions when they were represented at a first appearance hearing.** In 1998, the Lawyers at Bail (LAB) project in Baltimore selected a pool of 300 people charged with nonviolent offenses and randomly assigned approximately half of them to receive representation at the first court appearance of record—a bail review hearing held 24 hours after arrest. Those who received counsel were 2.5 times more likely to be released without conditions compared to people who were unrepresented. If financial release conditions were set, people who had counsel paid less: their monetary bond was reduced by five times the amount of those in the comparison group.²⁸
- **More people were released without financial conditions in two of three participating New York counties, and lower bond amounts were set in all participating counties following implementation of counsel at first appearance.** Researchers constructed a sample of over 4,000 misdemeanor cases in 2013 and 2014 to understand how the release outcomes in three rural counties in New York State changed after the implementation of CAFA programs. During the program, two of the three counties saw 9 percent to 10 percent more people released

without conditions, whereas the third county saw a slight increase in the use of financial release conditions. All three counties saw lower bond amounts set (less than \$500), which translated to people spending fewer days in pretrial detention.²⁹

This study dealt with data challenges, making it difficult to conduct more rigorous statistical analyses. Researchers also noted that other policies or changes in personnel could have impacted arraignment decisions.

- **The effects of counsel at first appearance are not uniform, but in a sample of felony cases in two New York State counties with a CAFA program, the amounts of people’s financial release conditions were lower and they spent fewer days in pretrial detention.** In a follow-up to the rural New York state study, researchers selected a sample of 600 felony cases drawn from two of the three counties during the same period. One county saw about 6 percent more people released on recognizance during the program period relative to the pre-program period, while the other county saw a slight uptick (approximately 1 percent) in those who received financial conditions of release. Both counties had lower amounts set as financial release conditions, and people spent fewer days in pretrial detention during the program.

Collectively, both New York studies (this one published in 2020) illustrate that the effects of CAFA are not uniform across courts operating under the same statewide policies. The authors note that this is a function of pretrial decisions being heavily influenced by “local legal cultures” that can impact stakeholder buy-in for change.³⁰ Like the previously mentioned New York study, this study dealt with data challenges, making it difficult to conduct more rigorous analyses and to draw strong conclusions.

- **Attorney presence at first appearance hearings increased the use of nonfinancial conditions and showed short-term decreases of periods of pretrial detention.** A field experiment involving more than 4,000 bail hearings in Pittsburgh in 2019 and 2020 demonstrated that the presence of a public defender increased the use of nonfinancial conditions of release (either release on recognizance or nonmonetary release) by 22 percent relative to people who were not represented by counsel.³¹ This was particularly pronounced for those who would have been subject to lower bond amounts (\$10,000 or less). Further analysis revealed that the presence of a public defender increased judges’ concurrence with the recommendations of a pretrial assessment instrument by approximately 9 percent as compared to those without counsel, reducing the likelihood that financial conditions of release would be imposed. People who were appointed a public defender had shorter periods of pretrial detention relative to the comparison group, but the effect dissipated at the two-week mark.

The effects of CAFA on pretrial detention rates were most prominent for those charged with nonviolent offenses.³² However, cases with an attorney present at the bail hearing were more likely to be rearrested for low-grade theft offenses within 180 days of the hearing. The authors note that the effect is unlikely to be driven by changes in incapacitation.

Can the Presence of Counsel at First Appearance Impact Later-Stage Outcomes?

Short Answer: Yes

Here's Why: Several of these studies examined outcomes beyond rates of pretrial detention and conditions of release. Researchers explored quantitative outcomes as well as the experiences of criminal legal system stakeholders and impacted people. A handful of studies find that CAFA can influence case processing and the experiences of attorneys and their clients.

- **Case Processing:** Findings from the 1984 multisite study illustrated that people who were assigned a public defender at first appearance had earlier case resolutions relative to those who received an attorney later. One consideration in launching CAFA programs is that reallocating resources for use earlier in cases may impact the quality of representation at later stages. The authors note, however, that the CAFA program did not produce a noticeable reduction in the quality of services provided by each public defender's office: two offices did not observe any change in the number of cases proceeding to trial and one office observed an increase in trials.³³
- **Attorney/Client Relationships:** Public defenders in two of the three sites in the 1984 study expressed that the CAFA program improved their ability to build rapport and assert "client control." Clients who had counsel at their first appearance expressed that they were more satisfied with the attorney for the life of their case relative to people in the comparison group.³⁴
- **Procedural Fairness:** Interviews with people who received representation through Baltimore's LAB project reported greater satisfaction with the bail hearing process, felt the decision making was thoughtful, and expressed willingness to comply with their conditions of release.³⁵

Key Research Finding #2: Non-Lawyer Advocates Can Enhance Information Gathering and Defendant Engagement

In 2017, Philadelphia launched a pilot program in which non-lawyer "bail advocates" interviewed people after their arrest to improve the collection of key information public defenders could use to advocate for pretrial release at the bail hearing.³⁶ This was meant to bridge the gap created when people appeared remotely via video in the jail while attorneys were in a courtroom. Researchers used nearly 100,000 criminal cases from before and during implementation of the pilot to determine the impact early information gathering can have on key outcomes. Although the bail advocates did not significantly affect bail hearing outcomes or pretrial detention rates, they reduced the likelihood of violations of release conditions by 64 percent and future arrest by 26 percent. Stakeholders expressed that the advocates improved magistrates' calculations of risk through more detailed information and defendants' experience of procedural justice which could have facilitated better compliance with release conditions.

Key Research Finding #3: Access to Counsel *Prior* to First Appearance Shows Promise

Select jurisdictions have made efforts to provide access to counsel *prior* to the first appearance to maximize information gathering. One such example is the Pre-Trial Release Unit (PRU) in the San Francisco Public Defender’s Office. The attorneys and investigator in the unit work with select indigent clients to gather and coordinate information during the time between booking and arraignment. To study the impact of PRU, researchers used administrative data to create a similar comparison group and compared them to PRU cases. People in the PRU group were twice as likely to be released at arraignment relative to the comparison group.³⁷ Interviews conducted with public defenders, staff, and former clients also highlighted that the information collected by PRU improved the quality of decision making earlier in the process, thus minimizing the collateral consequences associated with pretrial detention.³⁸

In Santa Clara County, California (which includes the city of San Jose), the pretrial services departments provide eligible low-income individuals with legal representation between their jail booking and arraignment through the Pre-Arrest Representation and Review (PARR) program. PARR attorneys conduct in-person interviews for people held in jails where they collect information on the case, community ties, employment, housing, and so forth. Subsequently, they use this information to advocate for release prior to or at arraignment, begin investigations, communicate with the prosecutor’s office, and connect individuals to community resources. PARR attorneys continue to work with the client following arraignment as needed. Researchers found that PARR increased the rate of release from custody by 25 percentage points and increased the likelihood of case dismissal by 36 percentage points.³⁹

Conclusion

Providing meaningful representation at first appearance reduces pretrial detention, decreases the use of financial conditions of release, promotes fairness in case dispositions, and may offer people the opportunity to access supportive services. The tenets of the practice discussed above—early appointment of counsel, attorney access to case information and documents, prompt and private communication between attorney and client, and the opportunity for counsel to provide information and make arguments—address many shortcomings present in many current pretrial hearings. Counsel at first appearance creates a foundation of equity and fairness at the outset of the adjudication process that may ripple throughout the entire criminal legal system.

Notes

- 1 First appearance is also called initial appearance, advisement, arraignment, bond hearing, or something else, depending on the jurisdiction. See APPR's two-page [guide to meaningful first appearance hearings](#).
- 2 Detention hearings take place only when a person is eligible to be detained under state law *and* only when a prosecutor requests, and the court orders, such a hearing. Otherwise, the person is released at first appearance. Holding a separate detention hearing is a best practice because it guarantees that people are deprived of their liberty only after a meaningful, fair process, and only when it is absolutely necessary to protect the community and prevent flight. See APPR's two-page [guide to pretrial detention hearings](#).
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- 5 Dobbie, W., & Yang, C. S. (2022). *The economic costs of pretrial detention*. CATO Institute. [cato.org/sites/cato.org/files/2022-01/RB283.pdf](https://www.cato.org/sites/cato.org/files/2022-01/RB283.pdf)
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- 12 DeMichele, M., Silver, I. A., Labrecque, R. M., Tueller, S., & Lattimore, P. K. (2023). *The benefits of early release from pretrial detention*. Advancing Pretrial Policy and Research. <https://tinyurl.com/32a2sart>
- 13 This is merely a summary of what the current body of research shows about the primary detriments associated with pretrial detention. For more detailed information, please read APPR's full [pretrial research summary](#).
- 14 Mrozinski, M., & Buetow, C. (2020). *Access to counsel at first appearance: A key component of pretrial justice*. National Legal Aid and Defender Association. [nlada.org/node/34531](https://www.nlada.org/node/34531)
- 15 Metzger et al., 2021
- 16 Yarmosky, A. (2018). *The impact of early representation: An analysis of the San Francisco Public Defender's Pre-Trial Release Unit*. California Policy Lab. <https://www.capolicylab.org/wp-content/uploads/2018/06/Policy-Brief-Early-Representation-Alena-Yarmosky.pdf>
- 17 “Discoverable” information or documents must be made available by one side in a legal case to the other side. Some information may not be discoverable, either because it is not relevant to the case or is classified. In a criminal proceeding, discoverable information may include evidence from the crime scene, such as photographs, police reports, booking reports, preliminary medical reports, and transcriptions of statements made by witnesses, law enforcement, or the defendant.
- 18 Mrozinski & Buetow, 2020, p. 27
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- 20 Metzger et al., 2021
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- 25 APPR's Roadmap for Pretrial Advancement includes "Convene an Inclusive Policy Team" as one key component. Learn more at <https://advancingpretrial.org/improving-pretrial-justice/implement-pretrial-improvements/convene-an-inclusive-policy-team/>.
- 26 In interpreting research results, it is helpful to note whether a finding is statistically significant (reflecting the likelihood that it does not occur from random chance) and the nature of the difference observed (e.g., whether there was an increase or a decrease, or how large the difference was between groups). In applied research, many factors can influence statistical significance, such as sample size and the composition of the data. For the purposes of this guide, a descriptive approach is taken to illustrate how counsel at first appearance may influence specific outcomes. For more discussion on the studies' significance testing and data limitations, please see the original source materials.
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