

Pre-Trial Release Unit Crankstart Funding Plan Narrative

The San Francisco Public Defender's Office is steadfastly committed to our mission of fiercely defending our indigent clients at the highest level, confronting state-sponsored violence, and advocating for community power. To that end, the Office provides zealous, compassionate, and family-centered legal representation to indigent adults and youth charged with crimes, who are disproportionately Black, Indigenous, and People of Color (BIPOC). In addition to defending individual clients and meeting our constitutional mandate, the Office continues to be uniquely positioned to partner with the communities we serve to advocate for systemic changes that benefit the City's most disenfranchised and disempowered while removing barriers and connecting our clients to critical life-affirming resources and opportunities to end the cycle of criminalization.

Connecting Indigent Community Members to Services and Providing Guidance on Navigating the Criminal Legal System (\$150,000 FY24-25)

Indigent people who have been arrested and booked into jail are often in crisis. They need immediate assistance in connecting to services in the community to initiate or maintain substance use or mental health treatment. Public Defender clients need prompt referrals for short and long-term housing and educational, vocational, and employment opportunities. The indigent clients served through the Pretrial Release Unit (PRU) also need assistance for their children who may be impacted by parents who are incarcerated. A holistic, trauma-informed programmatic response is critical to ensuring that they are released with the information and resources they need to return to court (if charged), obtain critical services, and/or stay out of the justice system. **The San Francisco Public Defender's Office has been awarded \$150,000 in unrestricted funding by the Crankstart Foundation to currently spend within this fiscal year 2024-2025. The San Francisco Public Defender's Office would like to allocate this funding to support and transition one existing .5FTE PRU attorney position to 1.0 FTE.**

The pre-arraignment period – after a person is booked into jail, but before they are charged in court – is critical in the criminal legal process for a host of reasons. The District Attorney's Office decides whether and what charges to file. Bail is set. Learning what led to the client's arrest from their perspective, and following up by locating and interviewing key witnesses and securing surveillance video – increasingly ubiquitous in criminal cases – requires urgent attention and action. Having a legal advocate and access to immediate investigation can mean the difference between being charged or not, facing felony or misdemeanor charges, and locating or losing exculpatory evidence.

Individuals with money to hire private counsel immediately upon (and sometimes even

before) being booked into jail are more likely to be released at or before arraignment, and they can await the District Attorney's charging decision from the comfort of their homes and communities. In contrast, people who are indigent are typically not assigned a public defender until arraignment, days after being booked. The collateral consequences are as obvious as they are predictable: being held in jail can cause a person to lose their housing and/or their job, and consequently their financial stability, access to mental health and/or substance use treatment, or worst of all, custody of a child.

Pre-arraignment representation increases the likelihood of release at arraignment by providing attorneys the time needed to compile a robust case for release, which includes contacting family and community members and keeping them informed of case developments, verifying housing, employment, and community ties, and even ensuring clients have uninterrupted access to their medications. Such information is extremely helpful to judges when they make their assessment of whether to release a person into the community at arraignment.

Beyond avoiding the harmful collateral consequences mentioned above, the downstream impacts of pretrial detention cannot be overestimated. Individuals who are incarcerated pre-trial plead guilty at higher rates, are more likely to be convicted, face longer sentences, and are more likely to recidivate than similarly situated individuals who litigate their cases out of custody.

Pre-arraignment representation is one important tool to minimize these inequities. In keeping with our mission to ensure access to justice for all, beginning in October 2017, the Public Defender's Office piloted the Pretrial Release Unit – consisting of two attorneys and one investigator – to enhance access to pre-arraignment legal representation for indigent arrestees. A 2018 study by the University of California, Berkeley's Goldman School of Public Policy revealed the PRU's profound human – and cost-savings – impact.² Arrestees seen by a member of the PRU were twice as likely – from 14% to 28% – to be released at arraignment. The PRU's efforts to advocate for the dismissal of parole holds resulted in the reduction of pretrial incarceration by 44%, or an average of 9.5 days, among eligible parolees who were held in custody for alleged violation of their parole orders. As a result, the PRU was projected to save approximately 11,200 jail bed-days per year at an annual cost of approximately \$1,926,400. The study also found that pre-arraignment representation may have positive long-term impacts on criminal case outcomes and help to maintain stability during incarceration.

The SF Public Defender's Office seeks to continue to provide and expand crucial PRU

services to indigent community members through using Crankstart funding to support one of our existing PRU attorneys.