



## Advancing the Case for Early Access to Counsel in Police Precincts

Access to a free independent defense lawyer while in police custody – upon arrest and, at the latest, before and during interrogation – can have a transformative impact on the criminal legal process. Experience from international jurisdictions, where access to counsel in custody is routine, suggests that individuals who are provided legal defense at the time of arrest may experience less coercive questioning, reductions in charges and use of pre-trial detention, and better case outcomes; and, that police behavior and conditions of custody may improve.

Criminal justice actors and systems across the U.S. are beginning to acknowledge the impact that providing legal counsel at arrest may have on criminal justice outcomes. Notably, in January 2021, California passed Senate Bill 203 (SB 203), which expanded the requirement that youth be advised by an attorney before they decide whether to waive their right to silence, and to a lawyer from under the age of 15 to under the age of 18.

### Project Goals

Fair Trials, NORC at the University of Chicago, and the Urban Institute are partnering on a three-year project to study the implementation of SB 203 and provide technical assistance on best practices to support the provision of early access to legal counsel. The project team will also convene a national learning community to facilitate the application and study of arrest and stationhouse counsel in sites beyond California.

1. An **implementation study** will assess how SB 203 is being implemented across California, barriers and challenges to its implementation, perceived benefits, and best practices. The study will also gather information on the number and characteristics of juveniles affected and data collection practices which could support a Phase 2 outcome evaluation.
2. **Technical assistance** will be provided to stakeholders in California to support and share best practices for implementing early access to legal counsel practices and policy at the legislative and administrative levels. A data collection toolkit will also be developed to help public defenders identify and track impact of early access practices.
3. A **nation-wide learning community** will be developed and convened to support the application and study of access to counsel at arrest and in police custody in sites beyond California. The learning community will include public defenders, law enforcement, prosecutors, academics, and community organizations. Approximately four convenings will occur over the project to facilitate the sharing of information, data, policies and best practices, and to disseminate the findings of the implementation study conducted in California.

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