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ABSTRACT

The Causal Impact of Counsel at First Appearance: Evidence from Two Randomized Control Trials[1]

This paper examines the impact of defense counsel at first appearance (CAFA) on criminal justice outcomes using randomized control trials in two Texas counties. The study evaluates the influence of CAFA on bond amounts, pretrial release, conditions, and post-magistration outcomes such as recidivism and failure to appear. Results show that while CAFA reduces bond amounts and influences bond types in one jurisdiction, its effects on pretrial release and recidivism are limited. These findings highlight jurisdictional differences and suggest that CAFA's impact may be more modest than previous studies indicate, underscoring the need for further research in this area.

JEL Classification: C93, J08, K4, K14

Keywords: first appearance, RCT, bail, pretrial release

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The Sixth Amendment to the United States Constitution guarantees a person facing sufficiently serious criminal charges right to defense counsel (a lawyer), at government expense if required, unless the defendant waives that right.[2] Although the guarantee initially applied only in federal courts, the 1963 case *Gideon v. Wainwright* extended the right to prosecutions in state courts.[3] Once the Sixth Amendment right to counsel attaches, the arrestee has a right to counsel, not at all stages of the prosecution, but only at all "critical stages."[4] The Supreme Court has not clarified whether certain stages of criminal proceedings are "critical,"[5] and because states and municipalities vary in the way they process prosecutions from arrest to trial, questions remain regarding the stages of a court process to which the right to counsel applies.

Those advocating for expansion of state-funded criminal defense counsel argue, in part,[6] that the first time an arrested individual appears before a judicial officer, the "first appearance hearing," is a critical stage. But as yet, no definitive nationwide judicial decision addresses this contention. As of 2009, only fourteen states guarantee legal representation at first appearance (Worden et al 2009).

In general, a first appearance hearing occurs after the police arrest and book, or cite and release, an individual, and after a prosecutor files charges.[7] In many, but not all jurisdictions, this brief[8] hearing is the first time that a judicial officer conducts an individualized inquiry into whether the arrested individual must remain incarcerated until case disposition (known as remand to custody), or if not, the conditions the arrested individual must meet to achieve predisposition release.[9] A judge's initial release determination typically involves some consideration of risk of failure to appear or new criminal activity during the predisposition period, as well as local resources such as

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[2] U.S. Const. amend. VI https://constitution.congress.gov/constitution/amendment-6/

[3] Overview of When the Right to Counsel Applies https://constitution.congress.gov/browse/essay/amdt6-6-3-1/ALDE_00013437/ ; *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).

[4] *Rothgery v. Gillespie County*, 554 U.S. 191, 212 (2008)

[5] See the Legal Information Institute overview for more information about the debate on when does the right to counsel attach: https://www.law.cornell.edu/wex/right_to_counsel

[6] National Legal Aid & Defender Association, Policy Brief: Access to Counsel at First Appearance, A Key Component of Pretrial Justice (2020), available at Access to Counsel at First Appearance Policy Brief | National Legal Aid & Defender Association (nlada.org) (last visited March 10, 2024).

[7] First appearance occurs after a person has been detained, without unnecessary delay and often no later than 48 hours from arrest (https://www.justice.gov/usao/justice-101/initial-hearing) .

[8] First appearance hearings focusing solely on predisposition release and accompanying conditions typically last two to five minutes. See, *United States v. Mendoza-Cecelia*, 963 F.2d 1467, 1473-74 (11th Cir. 1992) (characterizing the first appearance as largely administrative and not a trial on the merits); *Rojas v. City of New Brunswick*, No. 04-3195, 2008 WL 2355535, 17 (D.N.J. June 4, 2008) (citing *Fann*, 571 A.2d at 1023) (noting that many bail arrangements are made over the phone and that involving defense counsel or unrepresented defendants would result in unnecessary delay contrary to the interests of defendant themselves). But see, *Caliste v. Cantrell*, 329 F.Supp.3d 296, 314 (E.D. La. 2018) (citing the complexity of first appearance hearings involving bail).

[9] Reaves, Brian. 2013. "Felony Defendants in Large Urban Counties" Bureau of Justice Statistics http://www.bjs.gov/content/pub/pdf/fdluc09.pdf).

jail space and monitoring capacity (Gerstein 2012). Pretrial detention accounts for the majority (almost 70%) of incarceration in city and county jails.[10] Each day in the United States there are about 450,000 individuals detained pretrial (Gupta et al 2016, Leslie and Pope 2017). The population incarcerated pretrial grew by 433% between 1970 and 2015 (Digard and Swavola 2019), costing local governments about $13.6 billion nationwide.[11]

Depending on state law, at this initial stage, the judge also decides on the following outcomes: whether there is probable cause for the arrest, and, if so, whether bail or some type of release condition is appropriate and the details of those release mechanisms. If the magistrate judge determines probable cause did not exist at the time of arrest, the prosecution ends, and the defendant is free to leave.[12]

Bail can work in two ways. The judge might require as a condition of pretrial release that the defendant (or, in most states, a surety/bail bondsman)[13] deposit funds or property with the court, which funds might be forfeited if the defendant fails to appear or violates some other condition of release. Alternatively, the judge may release the defendant on their "own recognizance" or "personal recognizance," which means that the defendant need not deposit funds as a release condition.[14] As other scholars have noted, bail ties pretrial release to income and wealth (Ouss and Stevenson 2019). The judge may also determine release conditions in addition to or in lieu of bail. These conditions can vary but can include movement restrictions (curfew, geo-fence, communication, etc.), check-ins with the pretrial office (the court office charged with monitoring defendant released pretrial), drug-testing, prohibitions on alcohol consumption or use of illegal drug, or prohibitions on possession of firearms. Release conditions can also include medical requirements such as a mental health evaluation if the judge suspects the accused suffers from any mental health illness or intellectual disability. Typically, at this stage, the court asks defendants to

[10]Sawyer, Wendy and Wagner, Peter. 2023. "Mass Incarceration: The Whole Pie 2023" https://www.prisonpolicy.org/reports/pie2023.html#slideshows/slideshow1/2 (accessed March 12, 2024).

[11] Pretrial Detention. 2024. Prison Policy Initiative https://www.prisonpolicy.org/research/pretrial_detention/ (accessed March 12, 2024)

[12] The prosecutor may still pursue charges based on existing or additional evidence.

[13] Bail is the sum of money a person must pay to be released from jail. In contrast, a bond is obtained from a bonds company, serving as a pledge to cover the bail amount set by the court. The bonds company typically pays the full bail amount and charges the defendant a fee, usually around 10%, for this service. For simplicity, we use 'bail' and 'bond' interchangeably throughout the paper.

[14] The judge may purport to include in an own-recognizance release determination the requirement that a defendant pay a bail amount if they miss a court date or otherwise violate a condition of release, a kind of retroactive bail that amounts to a fine. Such a requirement is not always enforced even if imposed.

fill out a financial disclosure form, and if the form and other information indicates that the defendant cannot afford a lawyer, the court appoints one.

Bail amounts vary across the country, with a nationwide median estimate around $10,000 for felonies and $5,000 for misdemeanors.[15] The bail system is said to create a two-tiered system of justice, one for those who can afford bail and secure release and another for those who are unable to pay and remain incarcerated.[16] In fact, many defendants cannot afford bail as low as $500 (New York Times 2018). Because wealth and race are correlated, those without the means to pay are more likely to be people of color (Ouss and Stevenson 2019), with recent figures suggesting that 43% of the pretrial population is Black (Prison Policy Initiative 2019).

The academic literature, almost all of which consists of observational studies (often with clever designs), suggests that pretrial detention increases conviction and recidivism rates (Gupta et al 2016, Leslie and Pope 2017, Didwania 2020), number of guilty pleas, length of jail sentences (Heaton et al 2017, Dobbie et al 2018), and worsens employment outcomes (Dobbie et al 2018). Advocates theorize that providing counsel at first appearance (CAFA) may avoid these negative consequences, positing various mechanisms. A primary theory is that providing counsel makes release more likely. Under this hypothesis, defendants spending hours or even days in jail are ill-equipped to advocate for themselves, contextualize their alleged actions, and inform the judicial officer of circumstances that may favor release (e.g., lack of a prior record, current employment, community ties). Counsel can explain the setting and the consequences of misbehavior to the arrested individual, potentially resulting in reduced failure to appear and avoiding new criminal activity.[17]

Despite these decades-long developments, research into the effect of CAFA in jurisdictions in which the first appearance hearing focuses on predisposition release and conditions is scarce and

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[15] Wykstra, Stephanie. 2018. "Bail reform, which could save millions of unconvicted people from jail, explained" https://www.vox.com/future-perfect/2018/10/17/17955306/bail-reform-criminal-justice-inequality (accessed March 18, 2023)

[16] Manzano, Nicole. 2023. "The High Price of Cash Bail" American Bar Association https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-issues-in-criminal-justice/the-high-price-of-cash-bail/#:~:text=This%20two%2Dtiered%20system%20not,Black%20people%2C%20than%20white%20people (accessed March 18, 2024)

[17] Alissa Pollitz Worden, Kirstin Morgan, Reveka Shteynberg, & Andrew Davies. 2018. Guaranteeing Representation at First Court Appearances may be Better for Defendants, and Cheaper for Local Governments, American Politics and Policy Blog https://blogs.lse.ac.uk/usappblog/2018/08/28/guaranteeing-representation-at-first-court-appearances-may-be-better-for-defendants-and-cheaper-for-local-governments (accessed August 28, 2018).

limited. To our knowledge, two randomized control trials (RCTs) (Fazio et al 1984 and Colbert et al 2001), two quasi-experimental studies (Anwar et al 2023 and Lacoe et al 2023), and two observational studies (Worden et al 2016 and Worden et al 2018) examine the effect of CAFA on defendant outcomes, with some studies finding that CAFA improves outcomes and others finding no or an undesired effect. Fazio et al (1984) finds that CAFA increased pretrial release. Colbert et al (2001) also finds that represented defendants were two and half times more likely to be released on a non-financial bail than unrepresented defendants. The attorneys lowered the average bail by about $600, reducing it to $2,400 from $3,000. Anwar et al (2023) creates a treatment contrast by taking advantage of the lack of attorney resources at a municipal court resulting in some defendants not receiving representation to which they may otherwise be entitled. The findings suggest that CAFA lowers the use of financial bail and reduces periods of short-term pretrial detention but also increases in recidivism within 6 months of the bail hearing. Anwar et al (2023) finds no impact on rates of failure to appear nor on findings of insufficient probable cause. Lacoe et al (2023) concludes that low-income individuals were 28 percentage points more likely to be released pretrial after meeting with court appointed counsel and 36 percentage points more likely to have their case dismissed. Worden et al (2018) uses descriptive data from three counties in New York and concludes that CAFA lowers bail amount but does not affect pretrial release rates.

The scarcity of credible research in this consequential area motivates our field RCT. The two existing RCT studies (Fazio et al 1984 and Colbert et al 2001) are more than 20 years old, during which time there have been significant developments in the criminal justice system. Both limited eligibility to indigent defendants, with Colbert et al (2001) only including non-violent defendants. Both field operations deviated from their experimental designs. Anwar et al (2023) did not randomize but rather exploited shifts the public defender could not cover to create a comparison group. Finally, Lacoe et al (2023) was not an RCT, either, and both the eligibility criteria (low-income defendants with an eligible felony offense or misdemeanor domestic violence charges) and the study period (the first three months of 2020) suggest caution.

In this paper, we report the results of an RCT encompassing all first appearance hearings (referred to locally as “magistrations”) in two counties in Texas. The research question is whether CAFA, regardless of defendants’ indigency and charges, alters criminal justice outcomes, including bond type and amount, pretrial release, case outcomes, failure to appear, and recidivism.

Our study does not impose eligibility criteria, hence every arrestee magistrated during the study period is part of the study population.

Part I of this article discusses the first appearance process in Texas and introduces both counties. Part II describes the study procedures. Part III provides our findings. Part IV concludes-

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I. Background and Process

First appearance in Texas, also known as the "first hearing." a "15.17 hearing." or "magistration." occurs after arrest, "without unnecessary delay but no later than 48 hours from arrest."[18] At the hearing, a magistrate judge performs several functions including assessing whether probable cause exists (for warrantless arrests), setting bail type and amount, setting release conditions, ordering mental health evaluation, assessing the need for emergency protection, and inquiring into whether the defendant can afford an attorney or whether they require appointed counsel (although staff often perform this latter, almost pro forma, function). At the time of the study, magistrate judges had no access to criminal history at hearings. Instead, they relied primarily on probable cause affidavits and the information on the warrant in the case of a warrant arrest.[19]

Texas comprises 254 counties, nearly 100 more than Georgia, the state with the next most. Counties primarily govern criminal justice in Texas, with minimal oversight from the state. Consequently, magistration differs throughout the state, influenced by factors such as the structure of administration (centralized or decentralized), the mode of proceedings (in-person or virtual), and the frequency of sessions. On the latter point, some counties conduct magistration as frequently as eight times per 24 hours 365 days per year, while others do so once per business day. At the time of the study, only four counties (Harris, Bexar, Fort Bend, and Galveston) in Texas provided CAFA.

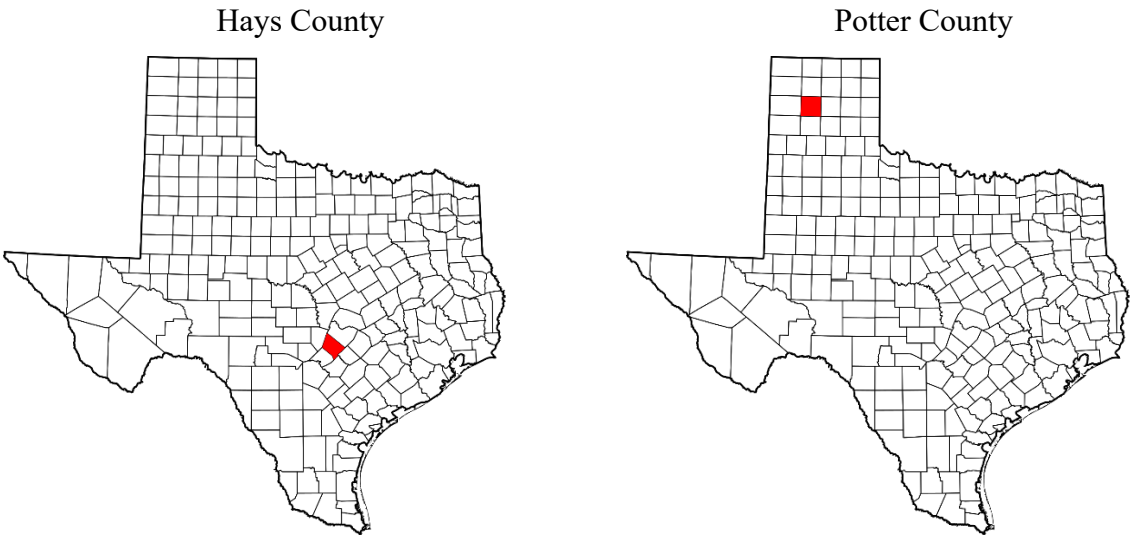
Hays and Potter Counties are our two field partners. The study period was July 2020 to July 2021 for Hays and September 2020 to September 2021 for Potter. Hays County is in central Texas between Austin and San Antonio (Figure 1). The population during the study period was about

[18] Texas Code of Criminal Procedure, Title 1, Art. 15.17.https://statutes.capitol.texas.gov/Docs/CR/htm/CR.15.htm

[19] Our data collection period ended before the passing of Senate Bill 6. Senate Bill 6, also known as the Damon Allen Act, was signed into law on September 13, 2021, significantly changing the process for setting bail by providing magistrate judges better information about a defendant.

250,000. Hays is one of Texas' fastest growing counties, increasing in population by 61.6% from 2010. Potter County is in the Northwest part of the state. The population around the study period was about 120,000 and it has slowly declined in the last decade (down almost 4% from 2010).[20]

Figure 1: Field Partners

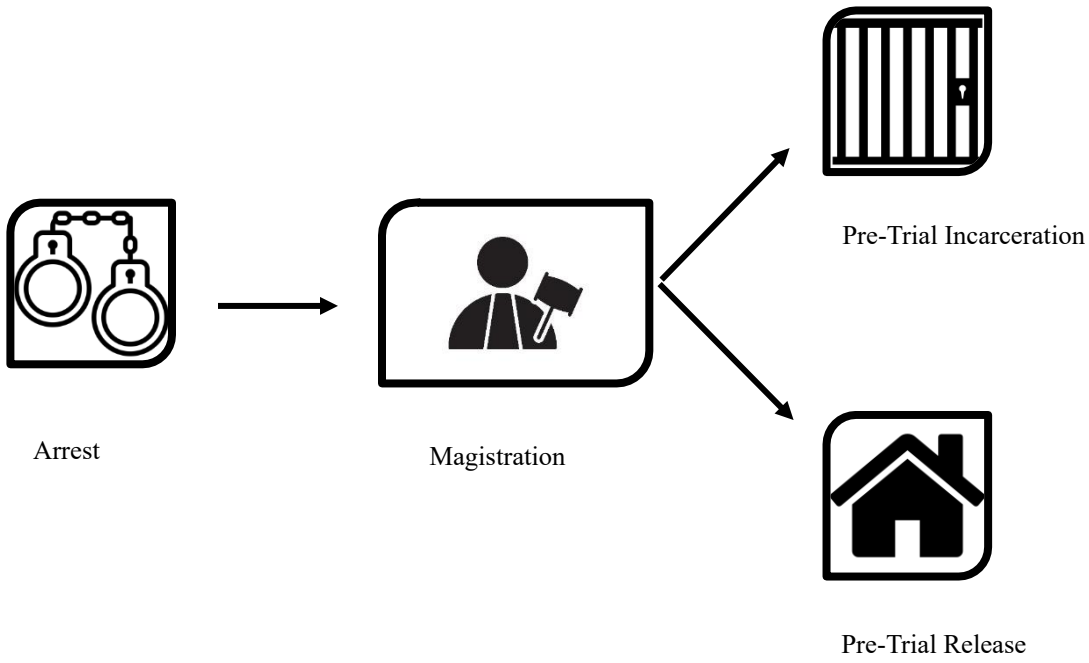


Both counties' magistration hearings were centralized and occurred once a day (typically in the morning) every day including weekends and holidays. Neither county had a public defender office, relying instead on a system of appointed counsel.[21] The pre-study magistration process in both counties is summarized below (Figure 2). In both counties, jail staff prepare a list of defendants (referred to as a docket) to be magistrated. The list typically includes everyone arrested from the afternoon of the previous day to early morning on the day of the hearing. Jail staff share probable cause and warrant documents with the magistrate judge who begins the hearing after review.

[20] For more details see https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/texas/county/potter-county/?endDate=2021-01-01&startDate=2010-01-01

[21] After the study, both counties received funding for a public defender office. Hays County is also working on a 24/7 magistration hearing.

Figure 2: Hays and Potter Counties Magistration Process (Pre-Study)



During the magistration hearing, there is minimal interaction between the magistrate judge and the defendants. Typically, the magistrate judge informs defendants of their rights, including the right to hire an attorney or request an appointment of counsel and to remain silent, and any conditions-associated release. At the conclusion of the hearing, if the bail is set, defendants can post bail and get released. If they are not able to post bail, they remain incarcerated until, at least, their next hearing, and possibly until their trial and conclusion of their case, a scenario commonly referred to as pre-trial incarceration.

II. Study Design and Data

This study takes advantage of the magistration process occurring once a day in both counties to randomize days on which defense counsel is present at magistration. The research team created a randomization schedule for a full year plus a few pilot days. In Hays County, the RCT study started on July 6, 2020, and ended on July 11, 2021. In Potter County, the RCT study started on September 16, 2020, and ended on September 21, 2021. The randomization schedule is balanced for day of the week and month to account for seasonality in criminal activity and maintaining a

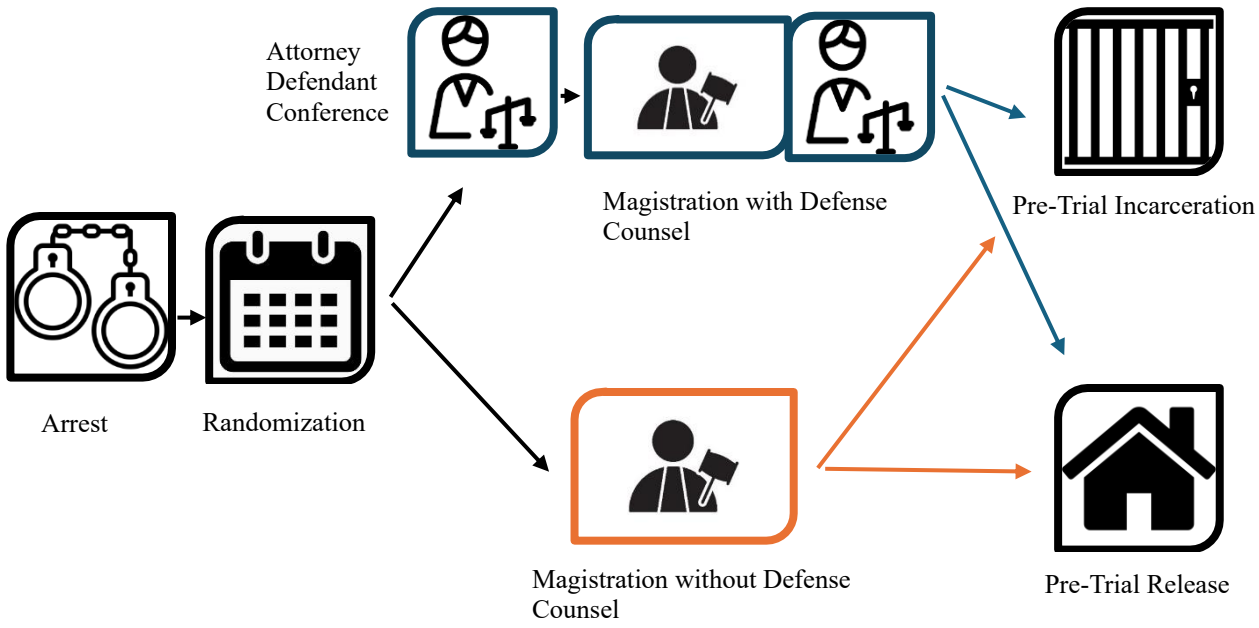
50% randomization rate. The schedule was set up at the day level allowing for attorneys to be present at magistration on the treatment days for the full duration of all hearings (See Table 1 for an example of a hypothetical month).

Table 1: Hypothetical Randomization Schedule for a Month

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Treatment hence consists of a defendant meeting with a defense counsel before magistration (for about 10 minutes), and of the attorney advocating on their behalf in front of the magistrate judge. We refer to the treatment days as “CAFA” days, and the alternative as “No CAFA” or “business as usual” because in the latter set the magistration hearings follow the pre-study process shown in Figure 2. Figure 3 summarizes the process during the RCT.

Figure 3: Hays and Potter Counties Magistration Process (During the Study)



To minimize disruptions and delays to the hearings, two attorneys split the docket each CAFA day, meeting with defendants before the start of the magistration hearings. Defendant-attorney meetings and hearings occurred virtually in both counties.

The research team worked with the local bar association and county stakeholders (including judges and commissioners) to reach private attorneys in the area who serve the county as part of the court-appointed counsel system. Recruited attorneys represent defendants only at magistration with no opportunity to take the criminal case beyond the magistration hearing (meaning there was no vertical representation) unless the client hired them. The number of attorneys involved in each county started at 20 but fell to about 10 by the end of the study.[22] The National Association of Criminal Defense Lawyers (NACDL), along with public defenders from Harris (Houston) and Bexar (San Antonio) Counties who have served in this role for years, trained study lawyers. The first task for the attorney was to get verbal consent from the defendant for representation and then inquire about whether the defendant already had retained or was appointed an attorney on any pending charges. If so, the study defense counsel attempted to reach the attorney of record to inform them that study defense counsel represented their client solely for the purposes of

[22] This is due to several reasons including changes in attorney schedules, not signing up for treatment days, and personal circumstance.

magistration. The study defense counsel then asked a standard set of questions used to inquire about their client's current and historical employment, marital status, and family situation (see Table A1 in the appendix). Attorneys also answered any of the defendant's questions, which were frequently focused on the process. The average attorney-defendant conference time was similar across both counties and remained stable throughout the duration of the studies, with an average of 8.6 minutes in Hays County and 9.5 minutes in Potter County. Approximately 8% of Hays defendants and 10% of Potter defendants refused study counsel.[23]

Randomization resulted in 183 CAFA days and 188 No CAFA days in Hays County, and 184 CAFA days and 187 No CAFA days in Potter County (Table 2).

Table 2: Treatment and Control Days

	Hays County	Potter County
CAFA Days	183 (49.3%)	184 (49.6%)
No CAFA Days	188 (50.7%)	188 (50.4%)
Total	371	371

Hays and Potter Counties largely followed the randomization schedule. In Hays County, there were three days when attorneys were scheduled to be present but did not attend, and one control day when attorneys were mistakenly present due to a communication error. In Potter County, attorneys were absent on nine scheduled days.

After dropping out-of-county charges, the study population comprised 5,246 individual defendants' magistrations in Hays County and 2,988 in Potter County. In Hays County, 2,577 magistrations occurred on CAFA days while 2,669 occurred on business-as-usual days. Similarly, in Potter County, 1,479 magistrations occurred on CAFA days and 1,509 occurred on No CAFA days.

Tables 3a and Table 3b assess covariate balance in the two Counties. Covariates consist of charges and defendant demographics. The study population appears balanced in each county. The only statistically significant difference in means is felony count in Potter County, and even for this covariate, the difference is small.

[23] Refusal estimates should be interpreted with caution as attorney reporting was not consistent.

Table 3a: Covariate Balance between No CAFA and CAFA Groups – Hays County

	No CAFA Mean	CAFA Mean	P-Value	No CAFA *n*	CAFA *n*
Age	31.2	31.5	0.350	2669	2577
Male	77.3%	76.2%	0.346	2659	2561
White	85.9%	86.6%	0.458	2643	2544
Hispanic	50.1%	51.6%	0.295	2659	2559
Highest Charge (Felony)	49.9%	49.5%	0.756	2669	2577
Charge Count	1.7	1.7	0.655	2669	2577
Misdemeanor Count	0.9	0.9	0.751	2669	2577
Felony Count	0.8	0.8	0.482	2669	2577
Already In Custody	4.8%	5.7%	0.141	2669	2577
All New Charges	86.4%	85.9%	0.610	2669	2577

Table 3b: Covariate Balance between No CAFA and CAFA Groups – Potter County

	No CAFA Mean	CAFA Mean	P-Value	No CAFA *n*	CAFA *n*
Age	35.1	34.4	0.158	1509	1479
Male	78.7%	78.4%	0.878	1509	1479
White	80.2%	80.2%	0.998	1509	1479
Hispanic	38.0%	38.8%	0.638	1509	1479
Highest Charge (Felony)	55.1%	58.3%	0.083	1509	1479
Charge Count	1.3	1.4	0.126	1509	1479
Misdemeanor Count	0.6	0.6	0.106	1509	1479
Felony Count	0.7	0.8	0.005	1509	1479
Already In Custody	5.6%	5.9%	0.711	1509	1479

We also checked balance visually using defendant arrest address in Hays (Figure 4) and defendant residential address in Potter (Figures 5a and 5b). Figure 4 reveals no visual difference in arrest addresses of defendants by CAFA condition in Hays County, with arrests in both groups concentrating around Interstate-35. Similarly, Figures 5a and 5b show no visual difference between home addresses of defendants by CAFA condition in Potter County, with defendant home addresses concentrating within the State Loop 335 (mainly in the North-West quadrant within the loop).

Figure 4: Arrest Addresses by Group – Hays County

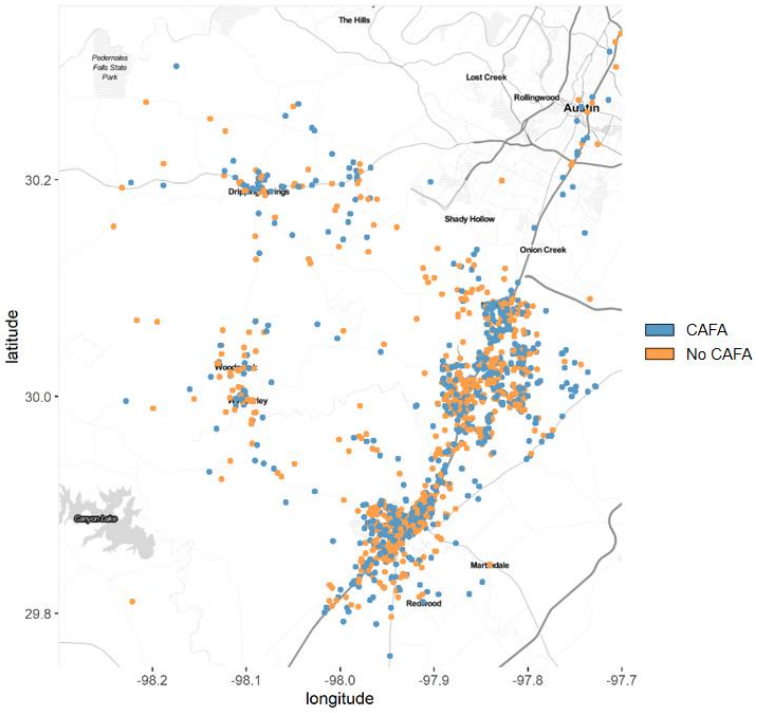


Figure 5a: Home Addresses Potter County by Group (Zoomed out)

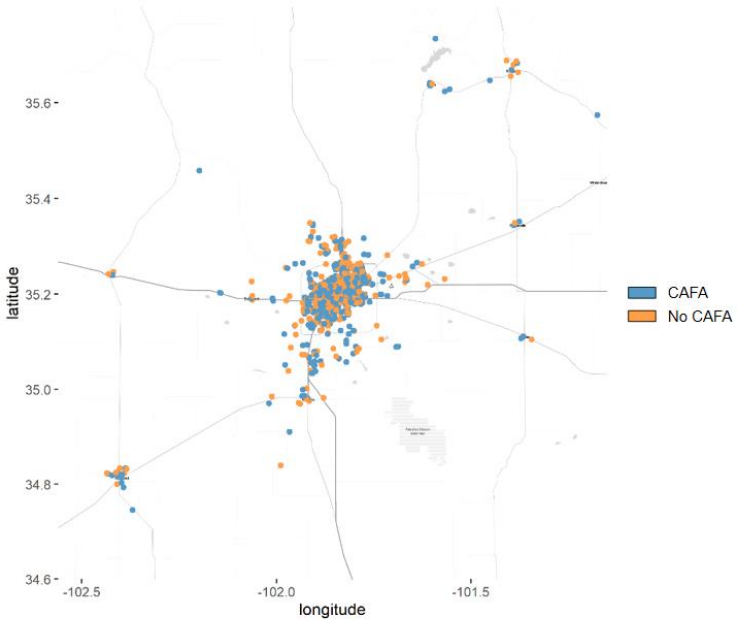
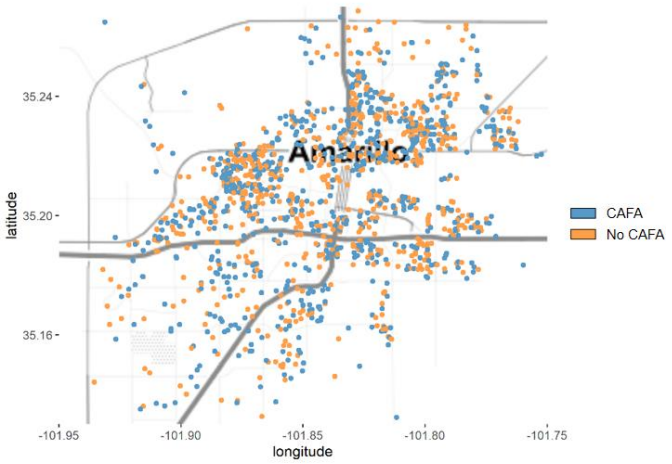


Figure 5b*: Home Address Potter County by Group (Zoomed in)*



III. Empirical Strategy

Our analysis considers primary and secondary outcomes. Primary outcomes include bond amount, bond type, court-appointed counsel request, and whether the magistrate judge ordered a mental health or intellectual disability evaluation (in Texas also known as §16.22 evaluation). Secondary outcomes include days to release[24] and recidivism.[25] Additionally, in Hays County, secondary outcomes include failure to appear,[26] time to disposition, and type of disposition.

We begin our analyses with simple comparisons of rates or means across CAFA condition, a comparison that relies on only the random assignment mechanism but does not account for the fact that magistrations were clustered by day (For ease of reference, these tables can be found in Appendix B, Tables B1-B13). We then incorporate clustering and acquire additional precision with an off-the shelf model, namely, a simple ordinary least squares (OLS) specification. The impact of counsel at first appearance on the different outcomes listed above can be seen as the intent to treat effects following the equation

$$Y_i = \beta_0 + \beta_1 T_i + \beta_2 X_i + \beta_3 Z + u_i$$

[24] Days to release refer to days incarcerated from magistration until release.
[25] 'Recidivism' refers to the total number of times an individual was booked after the magistration date.
[26] Failure to Appear is a binary variable that takes the value of one if the defendant failed to appear at a hearing for at least one of the cases after their magistration date.

where Y_i is one of the outcomes listed above for individual i, T_i is a dummy variable that is 1 if the individual was magistrated on a day with defense counsel being present and 0 otherwise, X_i is a vector of demographic characteristics, and Z is a vector of judge characteristics. We include all covariates listed in Tables 3a and 3b along with judge fixed effects. The coefficient of interest is β_1. All multilinear regression results are summarized in tables in the appendix (Appendix C). Standard errors are clustered by day.

A. Primary Outcomes

We first focus on outcomes that are immediately determined at magistration – bond amount, bond type, whether defendant requests court-appointed counsel, and whether the court orders a §16.22 evaluation. In the figures below, the CAFA averages represent the adjusted coefficients from the OLS regressions, while the No CAFA averages represent mean values. This visual representation facilitates a more straightforward comparison across treatment conditions.

Figures 6a (Hays) and 6b (Potter) display the average bond amount by treatment condition, with bond amount discretized into less than $500, less than $1,000, less than $2,000, less than $5,000, and less than $10,000. In these figures, each ascending category includes observations in the prior categories.[27] The findings reveal modest differences.

We start with Figure 6a (Hays). 41.3% of CAFA day magistrations resulted in a bond amount less than $1,000 as compared to 37.4% for No CAFA days ($p < .01$), The pattern of lower bond amounts on CAFA days continues up to the $10,000 threshold.

In Potter County (Figure 6b), the CAFA Day group has a higher proportion of defendants with a monetary bond below $500 (18.3% versus 14.6%, a 24.8 percentage change, $p< .05$). Similar patterns emerge for higher monetary bond thresholds, such as $1,000, $2,000, $5,000, and $10,000. In each case, defendants on CAFA days exhibit a higher likelihood of having a monetary bond below the specified threshold compared to defendants on No CAFA days. The percentage changes range from 13.5% to 32.5%, all of which are statistically significant at the 1% level.

An alternative way of examining the data provides more detail. Tables 4a (Hays) and 4b (Potter) provide compositional comparisons for bail amounts in the following categories: $0; $1-500; $501-1000; $1001-2000; $2001-5000; $5001-10,000; and above $10,000. The tables demonstrate that, in both counties, the fraction of magistrations in the CAFA condition is equal to or higher than that in the No CAFA condition for all amount categories below $2001. In addition, a simple two-way comparison in each county for bail amounts below $2001 versus $2001 or above is highly statistically significant, $p < .007$ (Hays) and $p < .001$

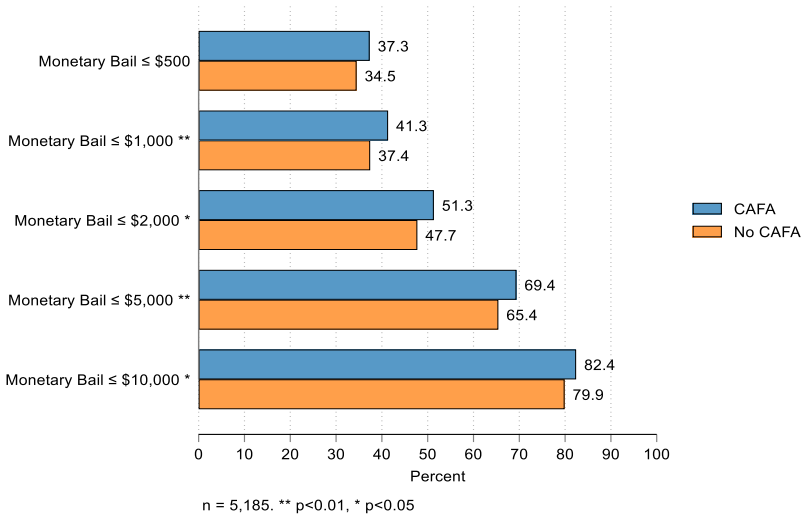
[27] The categories follow Anwar et al. (2023).

(Potter). To be clear, we prespecified neither these categories nor the $2001 cutpoint. We selected the categories for convenience and the $2001 cutpoint after examining the data. The point is to describe the overall trend of low bail amounts.

Tables 4a and 4b also demonstrate that the effect sizes are modest. In most categories, the effect sizes represent a couple of percentage points. Focusing on the data-snooped $2001 cutpoint comparison, Hays experienced about a four-percentage point increase in the fraction of participants assigned bail at $2000 or below, and Potter approximately a seven-percentage point increase.

Overall, then, these findings suggest that defendants magistrated on days with defense counsel are more likely to receive lower monetary bond amounts across various thresholds compared to defendants magistrated on days without defense counsel. The tables highlight the importance of considering the role of defense counsel at magistration in shaping monetary bond decisions in the criminal justice system. As we discuss below, however, lower monetary bond amounts do not necessarily translate into more pre-trial release. The modest size of the reductions in bail amounts likely explains the lack of an effect on pre-trial release.

Figure 6a: Bond Amount by Comparison Group – Hays County[28]



[28] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. Personal recognizance bond amounts are set to zero. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are clustered at the magistration date level.

Figure 6b: Bond Amount by Comparison Group– Potter County[29]

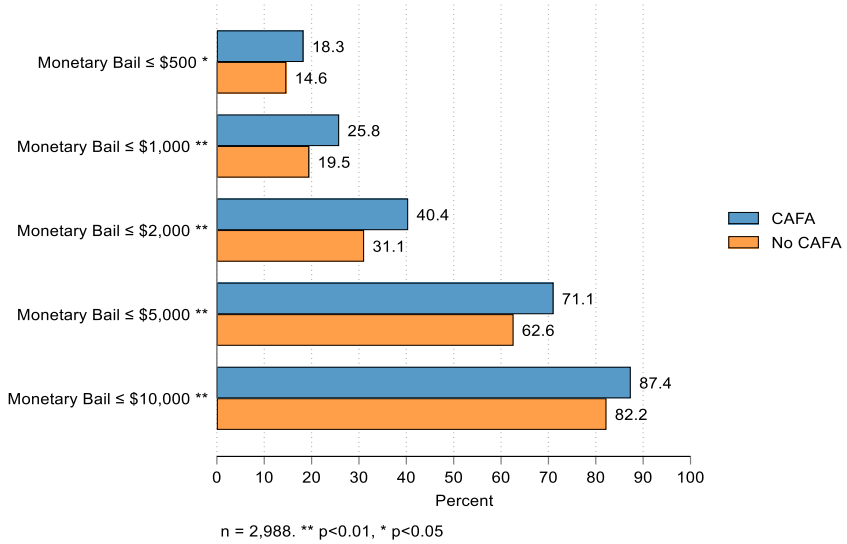


Table 4a: Compositional Comparison of Bail Amount Categories, Hays

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
$0 (only PR bonds)	0.336	0.349	2669	2577	0.315
$1- $500	0.009	0.015	2669	2577	0.038
$501-$1,000	0.030	0.042	2669	2577	0.020
$1,001-$2,000	0.103	0.109	2669	2577	0.452
$2,001-$5,000	0.177	0.182	2669	2577	0.627
$5,001-$10,000	0.145	0.128	2669	2577	0.074
Greater than $10,000	0.201	0.175	2669	2577	0.017

Pearson chi2(6) = 18.2477 p-value = 0.006

Table 4b: Compositional Comparison of Bail Amount Categories, Potter

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
$0 (only PR bonds)	0.130	0.156	1509	1479	0.045
$1- $500	0.017	0.017	1509	1479	0.943
$501-$1,000	0.048	0.072	1509	1479	0.007
$1,001-$2,000	0.116	0.139	1509	1479	0.063
$2,001-$5,000	0.315	0.304	1509	1479	0.484
$5,001-$10,000	0.196	0.168	1509	1479	0.044

[29] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Personal recognizance bond amounts are set to zero. Standard errors are clustered at the magistration date level.

Greater than $10,000	0.178	0.146	1509	1479	0.019

Pearson chi2(6) = 21.4770 p-value = 0.002

Next, we focus on bond type and bond conditions. Figures 7a (Hays) and Figure 7b (Potter) show the bond condition results. Figure 7a demonstrates that Hays County CAFA magistrations are more likely to result in imposition of bond conditions. 51.7% of CAFA day magistrations resulted in at least one bond condition, as compared to 35.8% of business-as-usual magistrations, an increase of 44.4% (p-value < 0.000). CAFA day magistrations also exhibited a significantly higher likelihood of receiving stricter conditions,[30] with 25.2% compared to the No CAFA group's 14.6%, representing a 72.5% increase (p-value < 0.000).

The Hays comparisons above are consistent with a trade-off in magistrate decisions. Under this theory, Hays magistrates exchanged lower bond amounts for more and stricter conditions. According to our only available measure of pretrial release, however, the exchange had no effect. There were no statistically significant differences between the CAFA and No CAFA group in the likelihood of receiving at least one personal recognizance (PR) bond or all PR bonds.[31]

The pattern in Potter County was the opposite of that in Hays, As Figure 7b demonstrates, there was no statistically significant difference in likelihood that a magistration resulted in more or stricter conditions. But 18.4% of CAFA day magistrations resulted in at least one PR bond, compared to 13.6% of No CAFA day magistrations, representing a statistically significant percent change of 35.8% (p-value = 0.002). Similarly, in the CAFA day group, 16.5% of magistrations resulted in all PR bonds, as compared to 13.0% of business-as-usual magistrations. This difference translates to a statistically significant percentage change of 27.4% (p-value = 0.014).

[30] We define stricter bond conditions as those prohibiting movement or communication. These bond conditions include restrictions from locations/people, direct/indirect communication with others, protective orders, GPS monitoring, and home confinement.

[31] The data available did not allow us to calculate our preferred measure of pretrial release, which is the number of days the defendant spent incarcerated pretrial, either as a raw count or as a fraction of the total number of pretrial days. The presence of defense counsel in Hays did significantly increase the likelihood of a single offense receiving a PR bond, suggesting that defense counsel's influence might possibly be more pronounced at the individual offense level. While we do not show the results here, defense counsel increases the likelihood of receiving a PR bond on a single offense by 19%.

Figure 7a: Bond Type and Conditions by Comparison Group – Hays County[32]

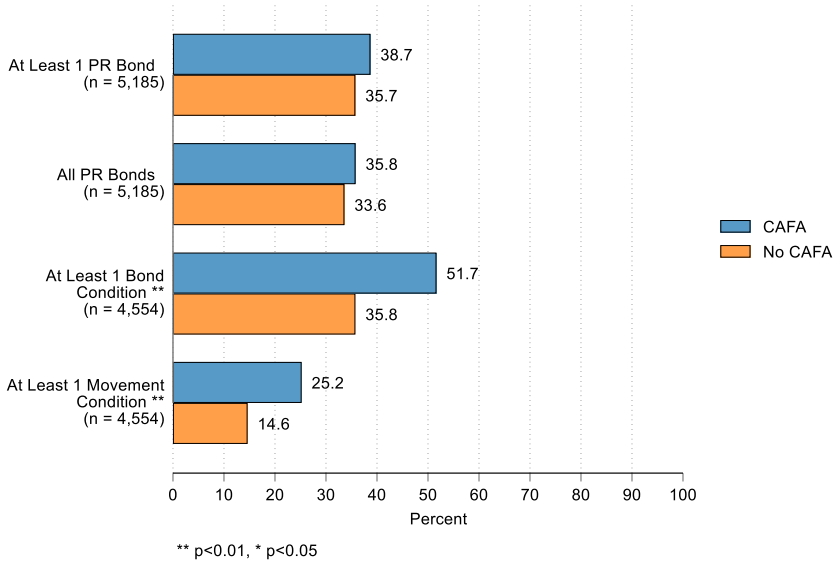
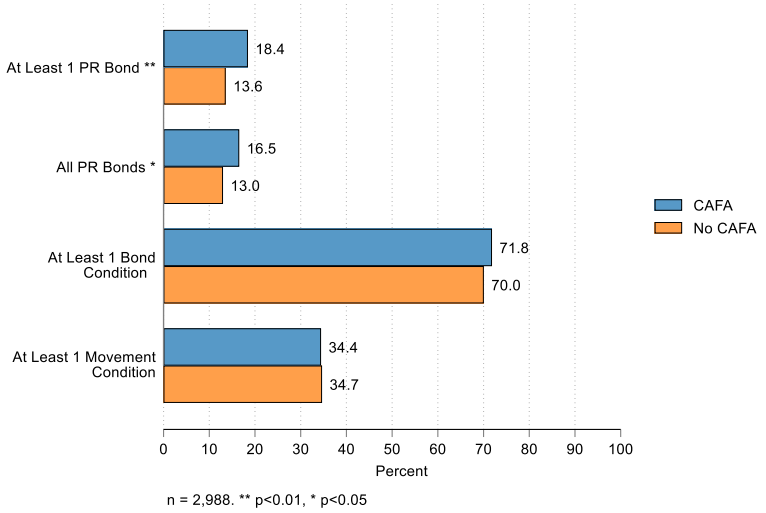


Figure 7b: Bond Type and Conditions by Comparison Group – Potter County[33]



[32] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. Movement condition = 1 if the individual had one or more movement restricting bond conditions. Bond conditions were not reported for individuals with incomplete or missing magistration documents. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

[33] Results here are at the individual magistration level and treatment-control comparisons are OLS regression-adjusted. Movement condition = 1 if the individual had one or more movement restricting bond conditions. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

We investigate two additional primary outcomes: court-appointed attorney requests and §16.22 evaluation orders.[34] We analyze these outcomes because they may affect pre-trial proceedings and effect long-term outcomes. Figure 8a illustrates results for Hays County and Figure 8b for Potter County.

Figure 8a demonstrates that 64.0% of CAFA day defendants requested court-appointed attorneys, as compared to 52.7% of business-as-usual day defendants, a statistically significant increase of 21.4%. In contrast, there was no difference by treatment condition on the likelihood of §16.22 evaluation orders at magistration.

Figure 8b demonstrates a smaller, but still statistically significant, defense counsel request rate in Potter County: 84.2% of CAFA day defendants requested court-appointed counsel, compared to 80.3% of No CAFA day defendants, magistrated on control days, a statistically significant increase of 4.8% ($p < .05$). The results show a similar pattern for §16.22 evaluation orders. 15.6% of CAFA day magistrations featured an order for a §16.22 evaluation, as compared to 11.9% on No CAFA days, a statistically significant increase of 30.6% ($p < .05$). The significant results of court-appointed counsel requests in Hays and Potter Counties suggest that the presence of defense counsel at magistration plays a role in facilitating and advocating for the request of counsel for defendants who may require legal representation but lack the financial means to hire an attorney.

[34] While our study identifies that the presence of defense counsel at magistration increases the likelihood that defendants *request* court-appointed counsel, available data did not allow us to study whether the court in fact appointed counsel.

Figure 8a: Attorney Request and §16.22 Evaluation by Comparison Group – Hays County[35]

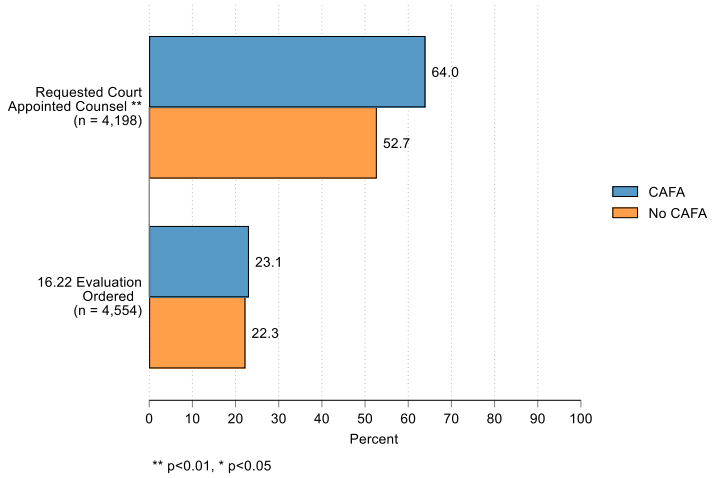
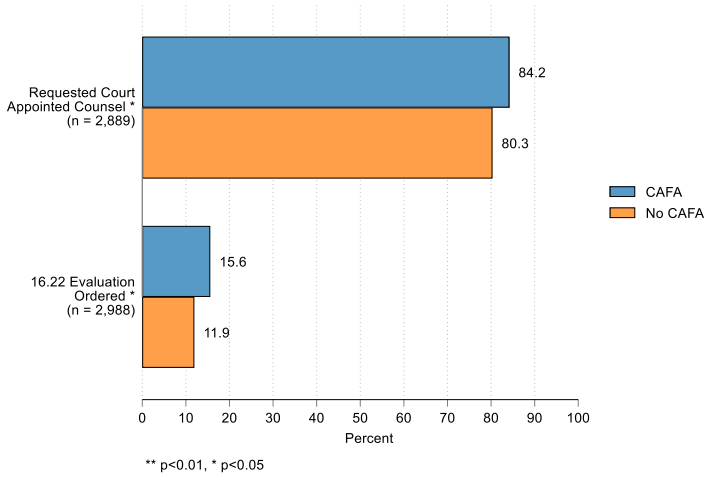


Figure 8b*: Attorney Request and §16.22 Evaluation by Comparison Group – Potter County*[36]



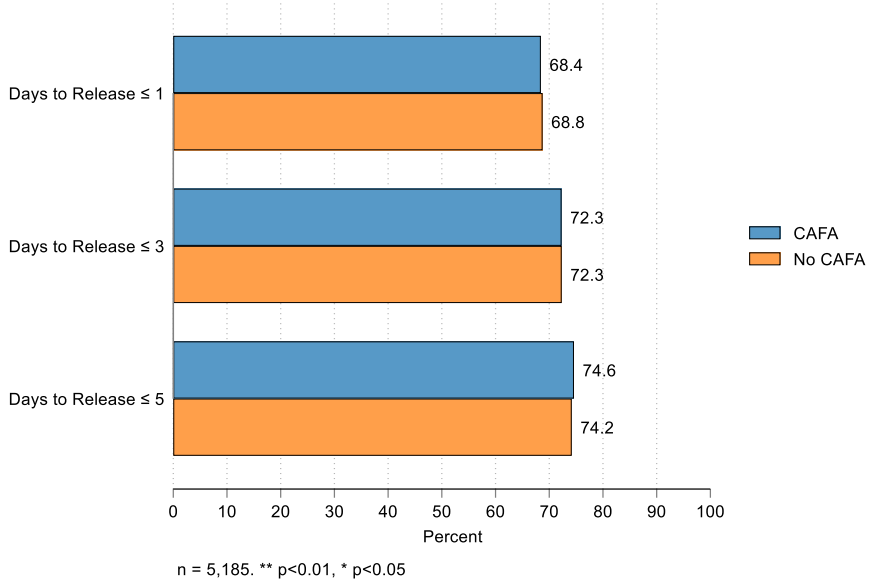
[35] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. Court appointed counsel requests and §16.22 evaluation orders were not reported for individuals with incomplete or missing magistration documents. The magistration documents for 356 individuals did not indicate a request for court-appointed counsel. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are clustered at the magistration date level.

[36] Results here are at the individual magistration level and treatment-control comparisons are OLS regression-adjusted. The magistration documents for 99 individuals did not indicate a request for court-appointed counsel. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

B. Secondary Outcomes

We turn to our secondary outcomes, which concern events that develop after magistration. In both counties, we investigate days to release, recidivism, failure to appear, and time to disposition. In Hays County we also explore disposition type. Figures 9a (Hays) and 9b (Potter) examine the likelihood of defendants being released from jail within specific timeframes. These timeframes include less than or equal to one day, less than or equal to three days, and less than or equal to five days.[37] In Hays County, there were no statistically significant differences by CAFA condition, with rates of release showing only negligible differences. In Potter, in contrast, CAFA day defendants experienced faster releases from jail as compared to No CAFA day defendants. Specifically, the CAFA group exhibited a higher percentage of defendants released within each specified time frame, ranging from a 9.2% increase for release within five days to an 11.1% increase for release within three days. These differences are all statistically significant at the 1% level.

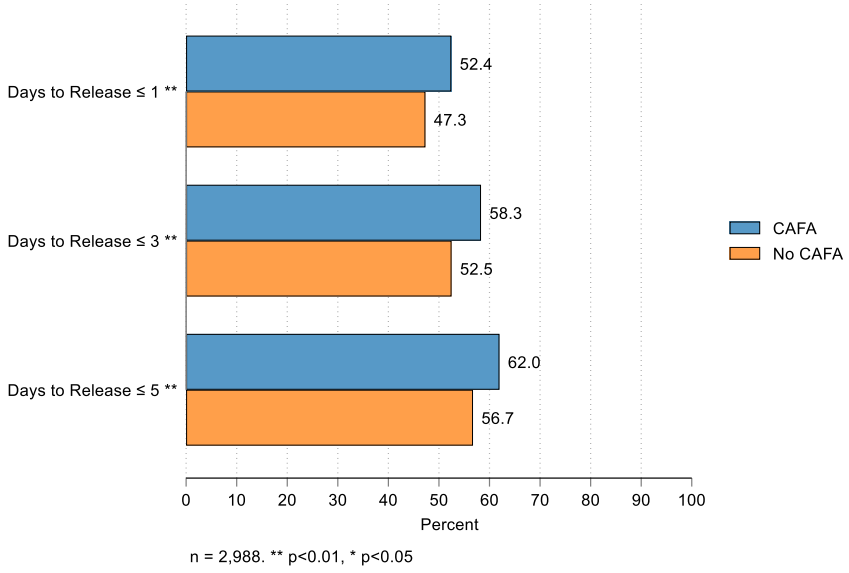
Figure 9a: Days to Release by Comparison Group – Hays County[38]



[37] Each category includes observations in the prior categories.

[38] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are clustered at the magistration date level.

Figure 9b: Days to Release by Comparison Group – Potter County[39]



Next, we examine the influence of defense counsel presence at magistration on rearrest rates. Figures 10a (Hays) and 10b (Potter) compare rearrest rates across treatment conditions. There were no statistically significant differences, and rates across the groups were nearly identical. We hypothesize that the most likely way that CAFA could affect recidivism is through a combination of increased release coupled with interventions that address the causes of criminality. It would appear that any effects on release, present only in one county, were too modest in size to cascade to a recidivism effect, and our study did not marry CAFA with interventions designed to address criminality risk factors.

[39] Results here are at the individual magistration level. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

Figure 10a: Rearrests by Comparison Group – Hays County[40]

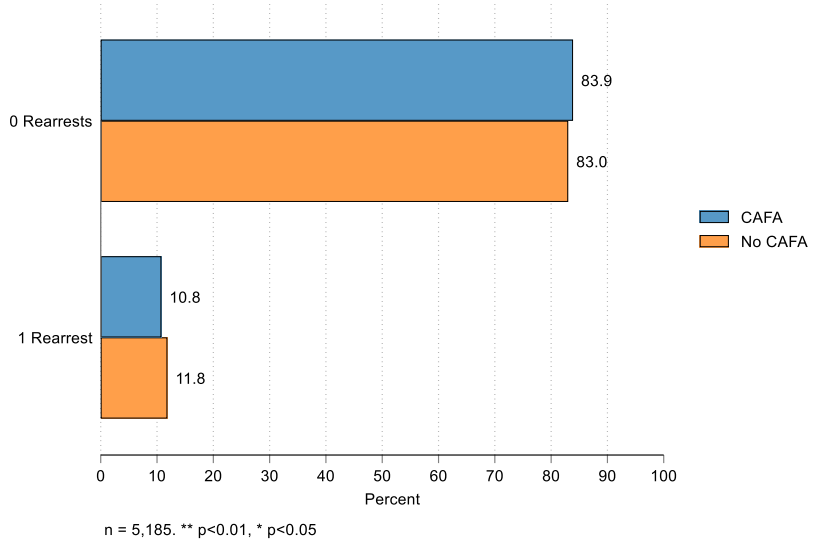
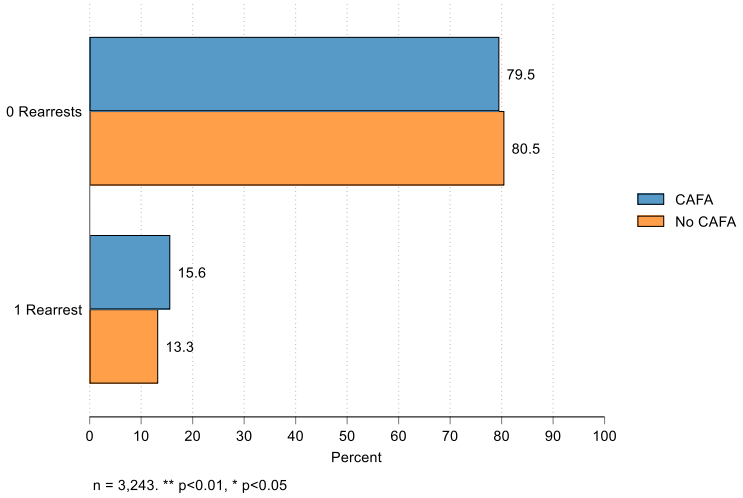


Figure 10b: Rearrests by Comparison Group – Potter County[41]

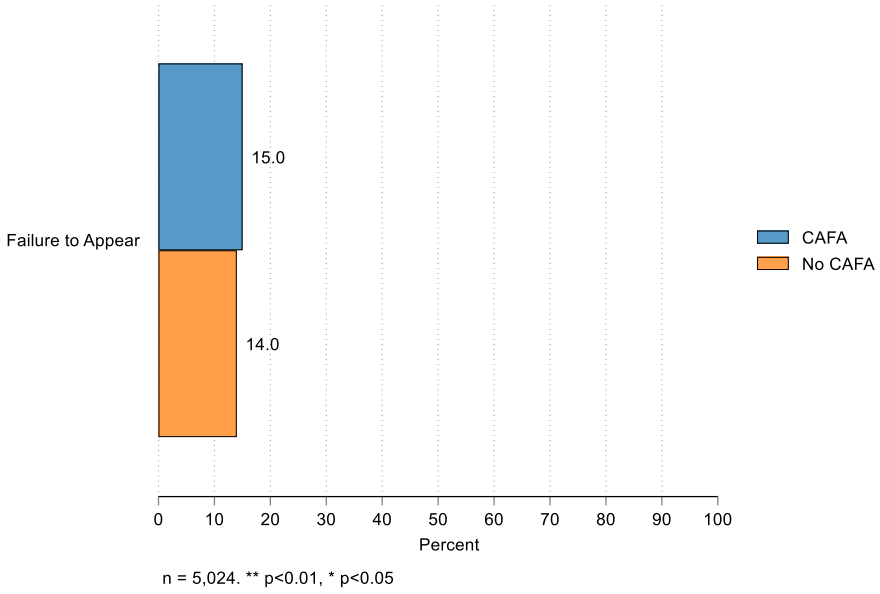


[40] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. The number of rearrests corresponds to the total number of times an individual was booked after the magistration date within the study period. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are clustered at the magistration date level.

[41] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. The number of rearrests corresponds to the total number of times an individual was booked after the magistration date. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

We also examine CAFA's influence on failure to appear and time to disposition in both counties, and disposition type in Hays County. Each time a defendant fails to appear at a subsequent court date, the case is rescheduled, affecting the time to disposition. We hypothesize that CAFA helps defendants understand when and where to appear next, the importance of appearing, and, as noted in prior findings, how to request court-appointed counsel. Figure 11 examines failure to appear by treatment condition in Hays County. The difference in failure to appear rates is minimal, with approximately 15% of defendants on CAFA days and 14% on No CAFA days failing to appear, and the one percentage point disparity is not statistically significant. We conclude that stronger, or different, medicine is needed to address failure to appear.

Figure 11: Failure to Appear by Comparison Group – Hays County[42]



The analysis in Figure 12 and Figure 13 examines the distribution of different disposition types and time to disposition, respectively, by treatment condition in Hays County. We observe only slight differences, no more than 1.5 percentage points, and nothing statistically significant. Again, it would appear that more, or strong, medicine is required to shift disposition types and times.

[42] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. Failure to appear is a binary variable that takes the value of one if the defendant failed to appear at a hearing for at least one of the cases after their magistration date. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

Figure 12: Charge Disposition by Comparison Group – Hays County[43]

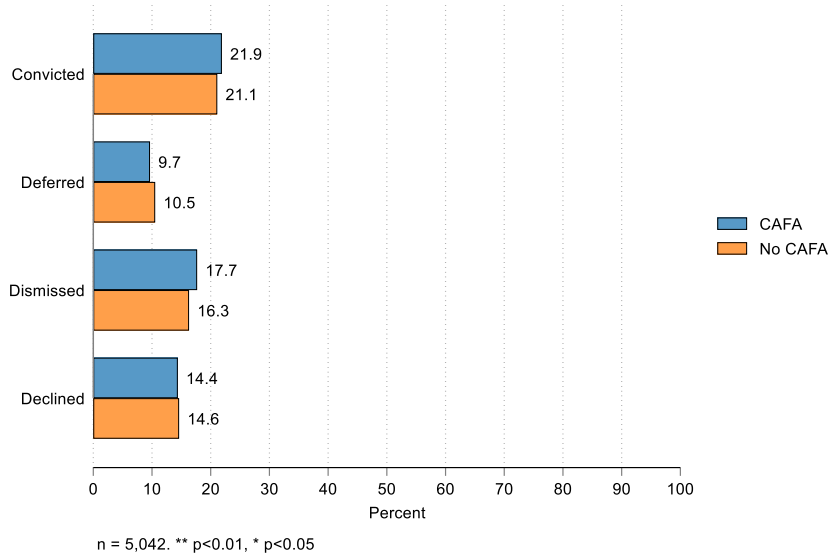
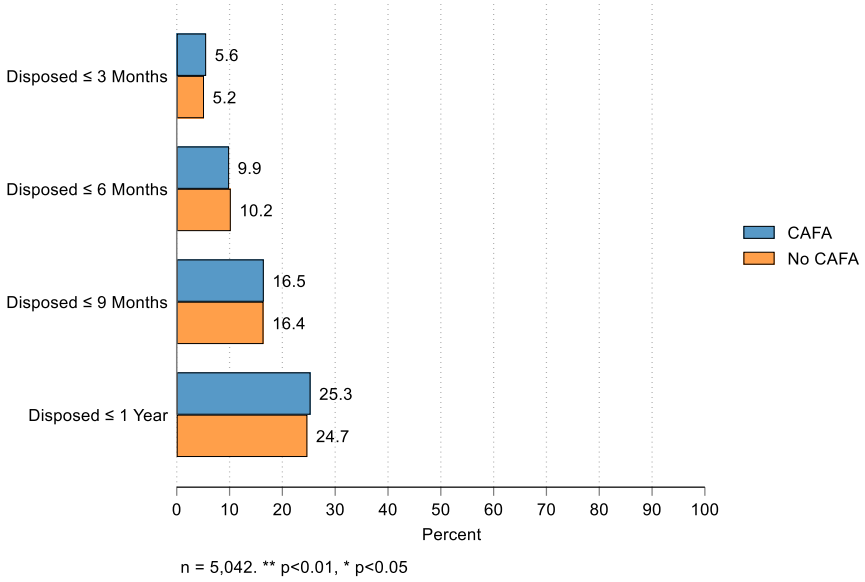


Figure 13: Time to First Disposition by Comparison Group – Hays County[44]



[43] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. For each magistration date, a disposition type variable is assigned a value of one if at least one of the defendant's charges on that date received that disposition type. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

[44] Results here are at the level of individual defendants' magistrations and treatment-control comparisons are OLS regression-adjusted. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are clustered at the magistration date level.

IV. Conclusion

In this paper, we provide empirical evidence on the causal impact of defense counsel on defendant outcomes at the first appearance, also known in Texas as magistration. We randomly assign days in which defense counsel is present at magistration in two different Texas counties. Attorneys were trained to advocate in matters related to bond outcomes and release conditions.

Our findings show that the defense counsel's impact on defendant outcomes is mixed. In both jurisdictions, defense counsel lowers the bond amount a defendant must pay to be released, but defense counsel only affects the type of the bond in one county (changing it from financial to non-financial). Attorneys do not make own (or personal) recognizance release more likely, and are successful in affecting the days to release in only one jurisdiction, with those effects on the mild side. Meanwhile, bond conditions increased in both number and severity in one jurisdiction but not in the other. Across both jurisdictions, there is no impact on recidivism, failure to appear (only measured in one jurisdiction), and disposition outcomes for defendants.

Overall, we conclude that attorneys had an impact on bond amounts, but depending on the jurisdiction may or may not impact bond type and release conditions and outcomes for defendants. These findings provide evidence that the impact of CAFA is (i) more limited than suggested in previous studies with less credible designs, and (ii) contingent on jurisdictional factors that are as yet poorly understood. We see our study as a step toward a better understanding of the role defense counsel plays at magistration, but given the contrary results we observe, more research is needed.

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Appendix - A

Table A1: Attorney Defendant Conference Questions

Financial ability	**Family**
1. Are you currently employed? 2. Where? How long? 3. When did you last work? 4. Any cash/savings on hand? 5. Bond amount can be raised by family/friends?	1. Do you have a family? 2. Are you married? 3. Do you have children? 4. Do you have any dependents? 5. How often do you see your family?
Housing	**Health**
1. Where are you from? 2. How long have you been in this area? 3. Do you have a place to stay?	1. Any health conditions to report? 2. Any prescriptions medicine?
Criminal history	**Other**
1. Any probation/parole? 2. Any other arrests/convictions? 3. Will you confirm to bond conditions?	1. Highest level of education? 2. Veteran status? 3. Any memberships in organizations?

Appendix – B: Simple Comparison of Means

Table B1: Bond Amount Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Less than $500	0.345	0.364	2669	2577	0.144
Less than $1,000	0.374	0.406	2669	2577	0.020
Less than $2,000	0.477	0.515	2669	2577	0.006
Less than $5,000	0.654	0.697	2669	2577	0.001
Less than $10,000	0.799	0.825	2669	2577	0.017

Table B2: Bond Type and Conditions Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
At Least 1 PR Bond	0.357	0.383	2669	2577	0.052
All PR Bonds	0.336	0.349	2669	2577	0.315
Received Bond Conditions	0.358	0.503	2332	2277	0.000
Movement Condition	0.146	0.244	2332	2277	0.000

Table B3: Attorney Request and §16.22 Evaluation Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Requested Court Appointed Attorney	0.527	0.635	2171	2078	0.000
16.22 Evaluation Ordered	0.223	0.221	2332	2277	0.921

Table B4: Days to Release Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Days to Release ≤ 1	0.688	0.677	2669	2577	0.420
Days to Release ≤ 3	0.723	0.716	2669	2577	0.563
Days to Release ≤ 5	0.742	0.740	2669	2577	0.904

Table B5: Rearrests Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
0 Rearrests	0.830	0.841	2669	2577	0.318
1 Rearrest	0.118	0.107	2669	2577	0.196

Table B6: Failure to Appear Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Failure to Appear	0.140	0.150	2587	2487	0.309

Table B7: Charge Disposition Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Convicted	0.211	0.216	2600	2492	0.655
Deferred	0.105	0.097	2600	2492	0.328

Dismissed	0.163	0.177	2600	2492	0.187
Declined	0.146	0.143	2600	2492	0.738

Table B8: Time to First Disposition Mean Comparison– Hays County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Disposed ≤ 3 Months	0.052	0.056	2600	2492	0.463
Disposed ≤ 6 Months	0.102	0.101	2600	2492	0.852
Disposed ≤ 9 Months	0.164	0.167	2600	2492	0.795
Disposed ≤ 1 Year	0.247	0.255	2600	2492	0.537

Table B9: Bond Amount Mean Comparison– Potter County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Less than $500	0.146	0.172	1509	1479	0.053
Less than $1,000	0.195	0.244	1509	1479	0.001
Less than $2,000	0.311	0.383	1509	1479	0.000
Less than $5,000	0.626	0.686	1509	1479	0.001
Less than $10,000	0.822	0.854	1509	1479	0.019

Table B10: Bond Type and Conditions Mean Comparison– Potter County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
At Least 1 PR Bond	0.136	0.174	1509	1479	0.004
All PR Bonds	0.130	0.156	1509	1479	0.045
Received Bond Conditions	0.700	0.721	1509	1479	0.206
Movement Condition	0.347	0.352	1509	1479	0.774

Table B11: Attorney Request and §16.22 Evaluation Mean Comparison– Potter County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Requested Court Appointed Attorney	0.803	0.845	1462	1427	0.003
16.22 Evaluation Ordered	0.119	0.159	1509	1479	0.002

Table B12: Days to Release Mean Comparison– Potter County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
Days to Release ≤ 1	0.473	0.514	1509	1479	0.026
Days to Release ≤ 3	0.525	0.572	1509	1479	0.010
Days to Release ≤ 5	0.567	0.608	1509	1479	0.024

Table B13: Rearrests Mean Comparison– Potter County

	Control Mean	Treatment Mean	Control n	Treatment n	p-value
0 Rearrests	0.805	0.802	1648	1629	0.801
1 Rearrest	0.133	0.152	1648	1629	0.113

Appendix – C

Probit Marginal Effects Regressions (Primary Outcomes)

Monetary Bail Amount Probit Marginal Effects

	(1) Less than $500	(2) Less than $1,000	(3) Less than $2,000	(4) Less than $5,000	(5) Less than $10,000
CAFA	0.03	0.05**	0.05**	0.05**	0.02*
	(0.017)	(0.017)	(0.019)	(0.017)	(0.009)
Observations	5,185	5,185	5,185	5,185	5,185
Controls	Yes	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. Personal recognizance bond amounts are set to zero. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Bond Type and Conditions Probit Marginal Effects

	(1) At Least 1 PR Bond	(2) All PR Bonds	(3) Received Bond Conditions	(4) Movement Condition
CAFA	0.03	0.02	0.18**	0.10**
	(0.017)	(0.017)	(0.019)	(0.013)
Observations	5,185	5,185	4,554	4,554
Controls	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. Movement condition = 1 if the individual had one or more movement restricting bond conditions. Bond conditions were not reported for individuals with incomplete or missing magistration documents. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Attorney Request and §16.22 Evaluation Probit Marginal Effects

	(1) Requested Court-Appointed Counsel	(2) §16.22 Evaluation Ordered
CAFA	0.12**	0.01
	(0.019)	(0.014)
Observations	4,198	4,554
Controls	Yes	Yes
Judge FE	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. Court appointed counsel requests and §16.22 evaluation orders were not reported for individuals with incomplete or missing magistration documents. The magistration documents for 356 individuals did not indicate a request for court-appointed counsel. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Probit Marginal Effects Regressions (Secondary Outcomes)

Days to Release Probit Marginal Effects

	(1) Days to Release ≤ 1	(2) Days to Release ≤ 3	(3) Days to Release ≤ 5
CAFA	-0.01	-0.00	0.00
	(0.015)	(0.015)	(0.014)
Observations	5,185	5,185	5,185
Controls	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Rearrests Probit Marginal Effects

	(1) 0 Rearrests	(2) 1 Rearrest	(3) Rearrests ≤ 1
CAFA	0.01	-0.01	-0.00
	(0.013)	(0.010)	(0.007)
Observations	5,185	5,185	5,185
Controls	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. The number of rearrests corresponds to the total number of times an individual was booked subsequent to the magistration date. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time

of magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Failure to Appear Probit Marginal Effects

	(1) Failure to Appear Type 1	(2) Failure to Appear Type 2
CAFA	0.01	0.01
	(0.010)	(0.009)
Observations	5,024	5,024
Controls	Yes	Yes
Judge FE	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. Failure to Appear Type 1 is a binary variable that takes the value of one if the defendant failed to appear at a hearing for at least one of the cases after their magistration date. Failure to Appear Type 2 is also a binary variable that takes the value of one if the defendant failed to appear at a hearing, except in cases where the defendant was magistrated again at a later date and their failure to appear occurred before that magistration. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Charge Disposition Probit Marginal Effects

	(1) Convicted	(2) Deferred	(3) Dismissed	(4) Declined
CAFA	0.01	-0.01	0.01	-0.00
	(0.012)	(0.008)	(0.011)	(0.011)
Observations	5,042	5,042	5,042	5,042
Controls	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. For each magistration date, a disposition type variable is assigned a value of one if at least one of the defendant's charges on that date received that disposition type. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Time to First Disposition Probit Marginal Effects

	(1) ≤ 3 Months	(2) ≤ 6 Months	(3) ≤ 9 Months	(4) ≤ 1 Year
Treatment	0.00	-0.00	0.00	0.01
	(0.006)	(0.008)	(0.011)	(0.013)
Observations	5,042	5,042	5,042	5,042
Controls	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, if the defendant had no prior arrests for any of the offenses at the time of magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.0

Probit Marginal Effects Regression Models for Potter County

Monetary Bail Amount Probit Marginal Effects

	(1) Less than $500	(2) Less than $1,000	(3) Less than $2,000	(4) Less than $5,000	(5) Less than $10,000
CAFA	0.03**	0.07**	0.13**	0.12**	0.04**
	(0.012)	(0.016)	(0.023)	(0.022)	(0.009)
Observations	2,988	2,988	2,988	2,988	2,988
Controls	Yes	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes	Yes

Notes: Results here are at the level of individual defendants' magistrations. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Personal recognizance bond amounts are set to zero. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Bond Type and Conditions Probit Marginal Effects

	(1) At Least 1 PR Bond	(2) All PR Bonds	(3) Received Bond Conditions	(4) Movement Condition
CAFA	0.05**	0.03**	0.02	-0.00
	(0.013)	(0.011)	(0.027)	(0.022)
Observations	2,988	2,988	2,889	2,988
Controls	Yes	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes	Yes

Notes: Results here are at the individual magistration level. Movement condition = 1 if the individual had one or more movement restricting bond conditions. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Attorney Request and §16.22 Evaluation Probit Marginal Effects

	(1) Requested Court-Appointed Counsel	(2) §16.22 Evaluation Ordered
CAFA	0.04*	0.04*
	(0.017)	(0.015)
Observations	2,889	2,988
Controls	Yes	Yes
Judge FE	Yes	Yes

Notes: Results here are at the individual magistration level. The magistration documents for 99 individuals did not

indicate a request for court-appointed counsel. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Days to Release Probit Marginal Effects

	(1) Days to Release ≤ 1	(2) Days to Release ≤ 3	(3) Days to Release ≤ 5
CAFA	0.06**	0.07**	0.06**
	(0.022)	(0.021)	(0.020)
Observations	2,988	2,988	2,988
Controls	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes

Notes: Results here are at the individual magistration level. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.

Rearrests Probit Marginal Effects

	(1) 0 Rearrests	(2) 1 Rearrest	(3) Rearrests ≤ 1
CAFA	-0.01	0.02	0.01
	(0.017)	(0.014)	(0.008)
Observations	3,243	3,243	3,243
Controls	Yes	Yes	Yes
Judge FE	Yes	Yes	Yes

Notes: The number of rearrests corresponds to the total number of times an individual was booked subsequent to the magistration date. The control variables consist of age, gender, race, ethnicity, offense severity (felony or misdemeanor), number of felonies, number of misdemeanors, custody status at magistration, and judge fixed effects. Standard errors are shown in parentheses and are clustered at the magistration date level. ** p<0.01, * p<0.05.