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VERA INSTITUTE OF JUSTICE

CENTER ON SENTENCING AND CORRECTIONS

Los Angeles County Jail Overcrowding Reduction Project

Final Report: Revised

Vera Institute of Justice

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Executive Summary

Los Angeles County (County) operates the world's largest jail system. The County's criminal justice system is extraordinarily complex, involving 88 municipalities, 47 law enforcement agencies, more than 30 criminal courthouses, and eight jail facilities.

In the last several years, the legal and operational challenges of the overcrowded County jails have taxed the system and raised concerns within County government about the most effective use of its resources to enhance public safety. In March 2009, in response to these challenges, the Los Angeles County Chief Executive Office (CEO) contracted with the Vera Institute of Justice (Vera) to assist the County by analyzing the factors influencing the size and characteristics of the Los Angeles County jail inmate population. Since then, Vera has worked in collaboration with the Countywide Criminal Justice Coordination Committee (CCJCC), a multi-agency committee created by the Board of Supervisors, to review policies and procedures, convene focus groups and meetings, and collect and analyze administrative data from numerous agencies across the County criminal justice system. In addition, Vera staff conducted extensive interviews and site visits in other jurisdictions in California and elsewhere, and reviewed the legal and research literature on many topics germane to this effort. In this report, Vera describes the breadth and challenges of conducting this study, its major findings, and suggestions for change that follow.

At the time this project was initiated, the County's chief concern was the persistent, seemingly intractable overcrowding in the jails. The Sheriff's Department (LASD) had taken many steps to manage the problem, but overcrowding was (and remains) a countywide issue that does not belong exclusively to the Sheriff. This was, in part, the reason for the project: to learn the sources of the population pressures and the steps that other parts of the system might take to assist in reducing them.

In mid-2011, the nature and scope of the problems facing the L.A. County criminal justice system and its jails have grown in ways few could have foreseen two years ago: First, County revenues in Los Angeles—as in most counties in the country—have shrunk dramatically. Although the jail population has dropped to approximately 15,000, attributable largely to early release policies that the Sheriff implemented because of budget reductions, the ability of the County government to invest in new efforts to combat jail crowding is now limited. Second, and perhaps more alarming, the State of California has passed legislation to move some of what are now state-prison-bound offenders to local jails and some parolees to County supervision. With these recent developments, jail overcrowding in Los Angeles has become a looming crisis with dramatic implications for the safety of its residents.

Vera presents to the CEO and the CCJCC the findings of its study at this critical juncture. This information provides the County with a good basis for tackling some of its existing problems and preparing for the challenges ahead.

While the County has already made serious efforts to streamline its processes (for example, using electronic subpoenas, video arraignments, and an early disposition program) and create programs responsive to problematic subpopulations (such as day reporting for probationers at risk of violation and the Women's Reentry Court), these new challenges call for a more far-

reaching effort that fully engages all parts of the system. In summary, Vera offers the following observations:

1. The County's jails are a resource: limited, useful, and expensive. While the CCJCC's Jail Overcrowding Subcommittee is charged with finding ways to reduce the population, there seems to be no overall agreement on the priorities for the use of the jail. Law enforcement wants a place to bring those who might be a danger to themselves or others; the Court wants to ensure that defendants are secure and can readily be brought to court when needed; prosecutors want to make sure defendants will not flee or intimidate witnesses; and probation officers want a place to put non-compliant probationers. While these are legitimate interests, they are not of equal merit in the use of a limited resource.

    - *Los Angeles County must find a way to create consensus among stakeholders on the most critical uses of the jail and find alternatives for the others.*

2. It is no one entity's fault that the jail is too crowded. The agencies that use it are independent, many led by elected officials, and each one is trying to fulfill its own mandate. Sometimes the interests and priorities of the agencies and their mandates seem to be competing, and often contradicting.

    - *The County must encourage and reward the efforts of the criminal justice system stakeholders to work cooperatively around the issue of jail use.*

Vera's analysis has identified many points at which changes, big and small, could produce a measureable impact on the daily population of the jail. The analysis affirms that there is no one part of the system that owns the problem or the solution. Every agency—from law enforcement through the Probation Department—is touched by these findings and recommendations. The primary goals of the recommendations are:

1. To enable more defendants to be assessed and released at the earliest possible point with the support and supervision they may need to remain safely in the community and return to court as directed.
2. To keep people who come into contact with law enforcement because of mental illness, intoxication, or homelessness from becoming unnecessarily enmeshed in the criminal justice system.
3. To understand and improve the current system of probation supervision, violation, and revocation.
4. To improve the flow of communication and documents between agencies to expedite the processing of people and cases.
5. To highlight the need for everyone involved in the movement of cases to work for a just disposition at the earliest point.
6. To improve the efforts of every agency to maintain a data-keeping system that enhances both administrative efficiency and system-wide policymaking.
7. To improve the fair and efficient administration of justice at all points of the system—which can, in turn, reduce jail crowding.

All of these recommendations have been developed with the underlying goal of enhancing public safety and the effective use of criminal justice resources.

While Vera's findings and recommendations are extensive, they are not exhaustive. Vera focused its examination, for the most part, on the policies and procedures affecting the interactions between agencies. Vera did not examine in detail the internal operations of agencies whose practices affect the jail: local policing agencies, the supervision side of the Probation Department, or the day-to-day routine operations of the court, prosecutors, or defense attorneys. These might all be usefully examined but fell outside of Vera's core charge.

All of the recommendations in this report are feasible with the commitment and support of the County and the agencies' leadership. Some require new resources, others do not. They all, however, require:

- *A sense of urgency to prepare for the new challenges that lie immediately ahead;*
- *An understanding that the problems identified are collective and can only be solved collectively; and*
- *A commitment on the part of all stakeholders to work together to solve problems and to stand together in educating the County's residents and taxpayers about the problems and their solutions.*

Many of Vera's recommendations build upon existing effective policies and processes in Los Angeles County, while others suggest the implementation of new policies and procedures. The suggested changes would not only address jail overcrowding, but would ultimately reduce the resources currently expended by all criminal justice agencies. Many of the recommendations would also improve the fairness and strengthen the credibility of the local criminal justice system. To assist the CCJCC in its next steps, Vera analyzed and ranked the implementation feasibility of each recommendation.

The report contains many recommendations. However, the most important one is this: To reduce the jail population and achieve system-wide savings, every criminal justice agency leader must commit to reducing unnecessary detention and incarceration in the interests of justice and the efficient use of taxpayer resources. With that commitment, and the assessments and recommendations in this report, Los Angeles County can move toward a more efficient and effective criminal justice system. Los Angeles is the largest County in the United States and its criminal justice system is by far the largest and most complex local system. It can and should also be the best.

This report presents Vera's major findings and recommendations in the following areas: pretrial services and bail, case processing, mental health, probation violations, non-felony bookings, and administrative data. These findings and recommendations are summarized below, followed by a feasibility analysis of the recommendations and a map of Los Angeles County's criminal justice system.

Chapter One: Study Plan and Methodological Approach

The County realizes that an effective solution to jail crowding will not be a single program or policy change but a number of changes to policies, practices, and perhaps legislation—that, taken together, can have a significant and long-lasting effect on the population. Such changes will be successful only if driven by data about the sources of jail overcrowding in Los Angeles County and rooted in research and evidence of their effectiveness. To that end, Vera conducted a data collection and analysis effort to link administrative records across agencies that has never before been attempted at this scale, as well as a qualitative analysis to identify the relevant policies, procedures, and practices that affect the size of the jail population.

Vera has explored a range of factors that may be influencing jail admissions and lengths of stay and identified those having the greatest impact on the size of the jail population, and those that are most feasible to change.

The study focused on three main subject areas related to the flow of people into and out of the Los Angeles County jail:

1. Characteristics, offense types, and lengths of stay of people admitted into and released from the Los Angeles County jail;
2. Case processing and jail use of those held in the custody of the Los Angeles Sheriff's Department; and
3. Operational and system inefficiencies that affect admissions and lengths of stay in the County jail.

Vera used a triangular and iterative research approach employing quantitative and qualitative analyses that included: a review of criminal justice agencies' operational policies and procedures, interviews and focus groups with key stakeholders, a survey of police chiefs in L.A. County, and a quantitative analysis of administrative data. These research activities and the data collected are described in detail in Chapter One.

Chapter Two: Pretrial Program and Bail

The decision to hold or release a defendant pending trial has serious consequences for the defendant, the community, and the integrity of the criminal justice system. Many jurisdictions have sought the right balance between detention and release—in terms of fairness, use of resources, community safety, and assuring the defendant's appearance for court processing— by implementing a pretrial services program that uses a risk assessment instrument and appropriate supervision and services during release.

Pretrial Findings

1. *Very low rates of pretrial release.*

   L.A. County has a very low rate of pretrial release, and this has a significant impact on the jail population. Vera researchers found that 51 percent of all people booked in 2007 and

2008—200,000 people—were held in custody through disposition. Almost half (49 percent—391,073) were released at some point before disposition, including those released without charge, those cited and released after identification was established, those released by the Sheriff for low bail amounts, and those who posted bail or bond.

2. *Lack of agreement in L.A. County about the purpose of pretrial review and release.*

   One explanation for this low rate is the lack of agreement among the agencies of the criminal justice system about the purpose of pretrial review, release, and services. After meeting with bench officers, pretrial investigators, probation agency leaders, defense attorneys, prosecutors, and judicial assistants, Vera researchers observed that there is little shared understanding of the mission of pretrial services or why the pretrial services division of the Probation Department (PSD) exists. In addition, some of those interviewed acknowledged that defendants in custody have a greater incentive to plead than those on pretrial release, and that this pressure may serve the purpose of settling cases more quickly (Vera's data analysis, presented in Chapter Three, supports this observation.) Many judicial officers and attorneys also discount PSD findings, believing that the screenings are insufficient. These factors may account for the low concurrence rate (recently as low as 46 percent) between PSD recommendations and bench officer decisions on own recognizance release (OR) and bail deviation (BD).

   Judicial officers receive no statistical information on the outcome of their release decisions, in terms of failure-to-appear (FTA) and re-arrest rates by type of release (bail / bond, OR, BD, court-ordered electronic monitoring or other supervision). Some believe that the County's defendants are, in general, too risky to be released OR and that high bail amounts are needed to assure appearance in court. Without data on previous releases, this hypothesis can stand uncontested.

3. *Limited proactive review of defendants for pretrial release.*

   - **Fewer than 10 percent of all bookings were reviewed by PSD**.

     Vera found that the PSD reviewed fewer than ten percent of all individuals booked into custody in 2007 and 2008, including bookings cited and released from local police lock-ups or against whom no charges were filed. Most bookings, however, faced arraignment. In Los Angeles, judicial officers do not see either an investigation or a recommendation for a full 90 percent of bookings.

   - **There is no clear system for case selection for PSD review.**

     In place of broad proactive screening in the County, PSD programs rely on applications initiated by an arrestee already in custody or by the Court. The limited proactive screening is done by PSD pretrial investigators and investigator aides reviewing cases they deem appropriate. These investigators and aides have a quota to complete each day, and to meet it, they obtain a list from court and police lock-ups of new felony arrestees, choose the cases they think they should investigate—based solely on the charges, and sometimes on the ease of investigation—even if they know certain individuals are

ineligible for release. This practice may vary from location to location, but where it does occur, it wastes valuable Probation Department resources, puts cases before bench officers that stand no chance of release, and thus distorts the view those officers have of the universe of pretrial detainees by eliminating better-risk candidates.

- **PSD recommends very few cases for release and only a very small percentage of bookings are actually released through PSD programs**.

  Less than one percent of all booked individuals in the study period were released through the bail deviation (BD) and own recognizance (OR) programs.

  BD Program: PSD reported a favorable recommendation rate of approximately 20 percent and judicial concurrence rate of about 45 percent. Of the 15,598 applications for bail reduction in 2007, seven percent were granted a reduction in their bail amount and 13 percent were released on OR by the bail commissioner. Almost half of BD applicants saw no change in their set bail amount, and the remaining 32 percent of applicants were found ineligible for BD.

  OR Program: Of the 41,173 applicants to the OR program over the two-year period, 4,642 applicants (11 percent) were recommended by PSD investigators as suitable for OR release. However, under half (46 percent) of those recommended for release by PSD were granted a release on OR by a judicial officer. In 2007, just 917 arrestees were released on OR through PSD by a bench officer. In 2008, 1,201 arrestees were released on OR through PSD.

  The majority of applicants to the OR program received unfavorable recommendations from PSD investigators, with the most common reason listed in the ORMS database being "found unsuitable" with no further explanation. In fact, 50 percent of all recommendations given in OR applications were "found unsuitable." One-quarter of applications were found ineligible for OR release in 2007 and one-third (34 percent) were ineligible in 2008.

- **Pretrial investigations are too time-consuming.**

  PSD conducts extensive investigations into each applicant to the BD and OR programs, checking up to 14 different databases for information on outstanding warrants, pending cases, and criminal history, among other things. PSD presents the findings telephonically to a bail commissioner for BD investigations and presents written reports with formal recommendations to the Court for OR releases. Each report takes approximately four hours to complete. OR reports are not delivered electronically, but must be printed, signed, and hand-delivered.

- **The PSD risk assessment instrument has never been validated in Los Angeles County.**

  The assessment instrument used by the PSD is decades old and has never been validated for the local population. As a result, it is uncertain whether the instrument accurately predicts the risk of FTA or committing a new offense. The CCJCC's Jail Overcrowding

Subcommittee has convened a pretrial working group to begin the process of developing a new assessment tool that will provide more accurate information to bench officers to guide release decisions.

4. *Cite and release hampered by insufficient identification.*

   By law, police officers have the authority to issue citations in the field, in lieu of arrest and booking, that order those charged to appear in court at a later date. This authority, however, is not utilized as often as it might be.

   Patrol officers from many different County jurisdictions told Vera investigators that the main reason they do not cite and release appropriate candidates is the individual's lack of positive identification[1]—an exception to the California Penal Code's presumption of cite and release for misdemeanors under section 853.6.

   While it is impossible to determine the exact number of bookings conducted solely because of inadequate identification, it is clear that considerable County resources could be saved if more positive identification could be done in the field. Almost 28 percent of arrestees booked into custody are held for at least one full calendar day before they are released from detention and these defendants used 247,614 bed-days over two years.

5. *Significant bookings for public intoxication in police lock-ups and/or County jail.*

   During the study period, there were 11,775 bookings for people arrested under P.C. 849(b)(2) for public intoxication. These people are typically released after a number of hours, but consume valuable booking resources, either in police lock-ups or County jail.

Pretrial Recommendations

As Vera's findings indicate, PSD operates with several major disadvantages: It lacks the confidence of the bench and attorneys, and its screening, release, and services do not have the resources they need to help the County avoid unnecessary pretrial detention. While both issues are important, it is critical that the confidence issue be addressed first.

1. *Create a multi-agency pretrial services committee to serve as a liaison between the Probation Department's Pretrial Services Division and the other agencies of the system.*

   The CCJCC Jail Overcrowding Subcommittee has convened a multi-agency pretrial committee to help coordinate a new pilot pretrial program. The committee, however, should also directly address the lack of communication and trust between PSD and other agencies of the system by:

[1] Different police departments across the County have varying policies regarding the misdemeanor release presumption. Certain agencies reported that they book every arrest, including low-level misdemeanors, while others book only those misdemeanors that fall into the Penal Code 853.6 exceptions (danger to self or others; medical care required; VC 40302 and 40303; outstanding arrest warrant; unsatisfactory identification; prosecution of offense would be jeopardized by release; reasonable likelihood offense would continue; demand appearance or refuse to sign notice to appear; reason to believe person would not appear).

- organizing cross-agency meetings and trainings, particularly for bench officers relying on PSD assessments and recommendations;
- developing policy regarding the goals of pretrial practices;
- securing support and commitment for those goals and policy; and
- building accountability on the part of all agencies for their achievement.

Even before these ambitious purposes are realized, however, the committee, through its meetings and discussion, could build the understanding and trust of other agencies in PSD's investigations, recommendations, and practices, while offering to PSD the specific concerns and goals of other agencies for PSD's attention.

2. *Implement the pilot pretrial program already in development.*

The CCJCC Jail Overcrowding Subcommittee convened a pretrial working group to identify improvements in the Los Angeles pretrial release process. Using data and research provided by Vera, the working group designed a pilot program to revamp the review and release process of the PSD to assure a more equitable system that also safeguards public safety. Vera recommends that Los Angeles County continue to develop and implement the following parts of the pilot pretrial program to improve the process of pretrial evaluation and decision making:

a. Develop and validate a new risk and needs assessment instrument with the active engagement and oversight of the multi-agency Pretrial Services Committee, comprised of representatives of all key stakeholders.
b. Create a system of graduated supervision options based on the new risk and needs assessment using evidence-based practices and focusing resources on medium- and high-risk defendants.
c. Create a reminder system of phone calls, mail, email and/or texts for court appearances for all released defendants.
d. Develop an evaluation system for the new pretrial risk assessment and supervision program to measure failures to appear and new arrests.
e. Provide failure to appear and re-arrest rates to judicial officers on their own cases and on County releases overall, by type of release.

3. *Expand and improve proactive screening for pretrial release by starting with certain categories of cases and tracking recommendations and results.*

a. Expand the number of defendants reviewed for pretrial release by placing PSD staff in the jails or police lock-ups with the most traffic; reviewing misdemeanants; and conducting a study of what it would take to review all eligible defendants for pretrial release.
b. Create and maintain a database at the PSD with the results of all investigations by individual defendant.

4. *Increase law enforcement capacity for field identification: Expand County's BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.*

   The LASD has spearheaded an effort to implement mobile identification technology throughout the County, but it should be expanded to every patrol car in every department. Los Angeles County is using BlueCheck, a device that captures fingerprint data and transfers the images wirelessly to secure websites.

   To date, LASD has distributed approximately 2,400 BlueCheck Mobile Identification Devices to law enforcement agencies throughout the County and the LAPD currently has 800 BlueCheck devices, with about half in use in the field.[2]

   This recommendation would reduce the number of arrestees held in police lock-ups and/or in the County jail.

5. *Create triage centers for patrol officers to bring people whose main reason for contact with law enforcement is being drunk, disorderly, or demonstrating signs of mental illness to allow evaluation, time to sober up or detox, or contact family without an immediate, and possibly unnecessary, booking into the jail.*

   Triage centers provide a space where people can get sober or detox, be evaluated, and contact family members, which may eliminate the need for a booking into the jail in many cases. Triage centers may not only reduce jail bed-days, but also reduce officer time because the person can be dropped at the center with minimal time spent on paperwork and none on processing. Such centers are safer, as staff are trained to respond to the kinds of medical needs that may emerge, and police officers are free to get back to the streets quickly. Vera staff were told that this type of facility was previously used around the County but is no longer available. (*See Mental Health Recommendations for description of triage centers for people with mental illness.)*

   This recommendation would reduce the number of arrestees held in police lock-ups and/or in the County jail.

6. *Create pretrial release review committee to regularly review certain in-custody cases for release.*

   Establish a multi-agency jail population committee to review cases in which the defendant has been detained for some time (e.g., > seven days) on a lower-level charge and make release recommendations to the Court, if appropriate. This committee could partner with specific bench officers who would receive, review, and act on the committee's recommendations.

[2] Elias Tirado, telephone conversation, Los Angles, February 15, 2011.

7. *Speed up prosecutorial review of arrests by enhancing technology and communications process.*

   The data show that individuals against whom no case or complaint was filed spent, on average, over 2.8 days in physical custody before release. This accounts for nine percent of all bookings, or more than 37,000 cases, over two years, and it amounts to an average of almost 52,000 bed-days each year as a result of cases that were never filed or prosecuted. The ability of law enforcement and prosecutors to review cases and make charging decisions even one day sooner would have a significant impact on the custodial population.

   Improved communication between prosecutors and law enforcement translates into fewer jail beds occupied by people who will not be charged. Some prosecutors' offices have assigned screening attorneys to work at or make regularly scheduled visits to police headquarters so they can immediately advise police officers of their charging decisions. Agencies could also transmit all police reports to prosecutors electronically and establish a system for video calls or other communication to decrease driving time around the County.

Bail Findings

1. *Detention based on ability to pay.*

   In L.A. County, most detention decisions are not based on an informed assessment of whether an individual poses a danger to society or is likely to return to court. Instead, the decision is based on whether the arrestee has enough money to meet bail. In 2007 and 2008, only *three percent* of defendants made bail, while bond accounted for *18 percent and 17 percent* of releases. Judicial officers reported that they tend to default to the bail schedule because they are not provided with sufficient facts about a defendant to make an informed decision. Given that only 10 percent of all bookings are reviewed and investigated by PSD, this observation is not surprising.

2. *The jail will not accept misdemeanor defendants with low bail amounts.*

   As a means of controlling the size of the jail population, the Sheriff will not accept misdemeanor defendants if bail is set below a certain (changing) threshold (for example, a 2009 LASD policy indicates that the Inmate Reception Center would not accept inmates carrying a maximum aggregate bail of $25,000 or below for misdemeanor cases, with a number of exceptions including probation and immigration holds. [3]) Vera was told by a number of interviewees that the LASD's bail policy is random and results in courtroom decisions that set bail above the LASD cut-off point to ensure detention. The LASD bail acceptance policy is based on population pressures in the jail and is unrelated to the risk an individual poses for FTA and re-arrest.

[3] L. Baca, *IRC Policies on Bail Acceptance and Misdemeanor Arrests*, Sheriff's Department Broadcast to all Los Angeles County Law Enforcement Agencies, Sept. 7, 2009.

3. *Bail/bond data and history are not maintained in electronic databases.*

   The bail/bond field in the Court's and Sheriff's databases, TCIS and AJIS respectively, is overwritten when it is revised and zeroed out when a defendant is released. Court minutes may contain bail/bond history and the Sheriff may maintain paper records, but neither is searchable for large numbers of cases. This prevents any large-scale historical or current analysis into the use of bail and bond for pretrial release. The only available information on financial release is whether a defendant was released on bail or bond; but there is no data on amount, changes, or correlation to FTA and re-arrest.

Bail Recommendations

A range of national criminal justice agencies agree that pretrial release should be based on risk rather than on a suspect's financial means, including the Association of Prosecuting Attorneys, the National District Attorney's Association, and the American Bar Association. If financial conditions are imposed, they should be set at the lowest level necessary to ensure the defendant's appearance and with regard to his financial ability.

The pretrial pilot under development by the pretrial working group would permit the Court to make pretrial decisions based on risk. In the meanwhile, however, there are improvements that could be made to the existing system of bail, including immediate changes to the collection and analysis of data regarding the use and impact of bail amounts in the County.

Vera recommends the following:

1. *Track and maintain data on bail and bond to determine impact on length of stay.*

   The current system, in which the bail field is overwritten in the Court and Sheriff's databases at the time it is revised or a defendant is released, does not permit any analysis of bail and its impact on custody. To make any substantial, data-driven policy changes in this area, the County must begin to track bail data by charge and amount category (e.g., $5,000-$10,000 / $10,000-$15,000, etc.). These data would allow the County to analyze how many defendants were detained or released within each bail category and how long they were held after bail was set.

2. *Eliminate Inmate Reception Center acceptance policies based on bail.*

   Given the crowding and budget constraints under which the jails are operating, it is understandable that the Sheriff has resorted to refusing certain categories of bail amounts for detention. However, this is not the best option for deciding who should or should not be eligible for incarceration. Jail should be reserved for those posing a high risk of failing to appear or re-offending.[4] The Sheriff should collaborate with PSD to assess individuals based on their real risk of FTA and re-arrest, rather than relying solely on bail information.

[4] Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, *Pretrial Releases of Felony Defendants in State Courts,* Special Report, November 2007; and John Goldkamp, et al., *Personal Liberty and Community Safety: Pretrial Release in the Criminal Court,* New York: Plenum Publishing, 1995.

3. *Revise Los Angeles County Bail Schedule.*

   The Los Angeles County Bail Schedule sets the bail amount based on the current criminal charge and is determined by a judicial committee that reviews it each year. However, that committee works in isolation from other agencies and without any data on the impact of the schedule on detention, or its effectiveness in assuring appearance by defendants in court or in protecting public safety. L.A. County should create a multi-agency working group to study and review the bail schedule on an annual basis in collaboration with the judicial committee. While this new working group may still lack data—at least for an initial period—the benefit of the experience of representatives from multiple agencies, including police departments and the Sheriff's Department, is more likely to provide a more effective schedule.

   Vera's analysis shows that many jail bed and transportation dollars are consumed by pretrial detention of large numbers of non-felony defendants. In 2008, a sample of non-felonies spent an average of 7.7 days in LASD custody pre-disposition.[1] The large number of non-felony defendants passing through LASD custody means that many jail-bed days are consumed by this pretrial population; Vera estimates that by making *even small* changes to the length of time these defendants spend in custody, more than 250,000 jail bed-days could be saved every year, equivalent to approximately 700 beds.

4. *Track and provide FTA and re-arrest rates to judicial officers and prosecuting agencies.*

   To make appropriate release decisions, judicial officers need more information about defendants' individual risk factors for FTA and re-arrest. Bench officers suggest—and Vera agrees—that bench officers would benefit from reviewing long-term FTA and re-arrest rates for the court as a whole and for their own specific decisions to better understand the impact of those decisions.

5. *Review use of commercial bail.*

   Los Angeles County should follow the lead of many other jurisdictions and limit the use of commercial bail. Bail bondsmen ultimately make many pretrial release decisions by deciding which defendants are acceptable risks based primarily on the defendant's ability to pay.[5] Only the United States and the Philippines allow the use of private bail bondsmen.[6] Since 1968, the American Bar Association has argued that commercial bail should be abolished because bondsmen end up making release decisions instead of the Court, bondsmen have no obligation to try to prevent criminal behavior of released defendants, and bond discriminates against low-income defendants who may not be able to afford the fees or possess sufficient collateral to post bond.[7]

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[1] This number includes non-felony defendants who were in custody <u>or</u> released at the time of disposition.
[5] J. Goldkamp, "Illegal Globally, Bail for Profit Remains in the U.S.," *The New York Times*, January 29, 2008.
[6] S. Weinstein, et al., 2011.
[7] ABA Standard 10-1.4(f) commentary, pp. 44-47.

6. *Create multi-agency committee to review bail for defendants charged with low-level offenses after set time in custody.*

   Vera's analysis shows that defendants charged with non-felonies who are in custody at the time of disposition spend an average of 8.23 days in custody pre-disposition. While there may be extenuating circumstances to explain the long detention for certain cases, many of these defendants are likely held because they cannot make bail or bond, or because they have a no-bail hold.

   In jurisdictions facing overcrowded jails, it is common practice for a multi-agency committee to review groups of cases that have been detained for set lengths of time. In L.A. County, a committee comprised of representatives from the Court, Probation PSD, LASD, defense and prosecution should convene and decide the category of cases that need reviewing. Meeting regularly, the committee should request an automated printout from the Sheriff and review it with an eye toward adjusting bail or recommending release.

Chapter Three: Case Processing

Given the numbers of defendants who are held until disposition, the speed at which their cases make it through the system has a big impact on the jail population. Therefore, case processing was a major focus of Vera's investigations.

Case Processing Findings

1. *Speed of case processing.*

   Vera calculated case processing times for a sample of 54,072 defendants who were in custody at the time of their first arraignment, for cases filed in 2008. The full analysis is presented in Chapter 3, Part I. Vera found that in-custody felony defendants spent, on average, 53.03 days in jail by the time the case resolved. Non-felony in-custody defendants spent an average of 8.23 days in jail. For the released population, arrest to disposition for felonies averaged 190.8 days, while non-felony cases resolved within an average of 128.1 days.

2. *Causes of case processing delays.*

   a. **Cases are not consolidated across the County.**

      Vera was told that case consolidation is complicated by many factors—probation violations stemming from new charges, judicial officers choosing to maintain jurisdiction over certain cases, the split jurisdiction between district and city attorney offices over felonies and misdemeanors in many parts of the County, and the fact that court staff and prosecutors do not systematically check County databases for a defendant's outstanding cases or charges.

b. Continuances.

Court events are routinely continued for many reasons, including defense strategy, witness availability, inmate transfers, readiness, and schedule conflicts of the parties. The most often cited reason for a continuance was to obtain discovery. Many participants reported to Vera researchers that prosecutors and law enforcement are slow to provide all relevant discoveries when requested, even for routine information like police reports and that bench officers are reluctant to sanction the prosecution for this type of delay. Penal Code Section 1050 and local court rules indicate that continuances may be granted *only* for good cause and expressly state that the convenience of the parties or stipulation of the parties does not constitute good cause.

c. Delays for required probation reports.

Many proceedings cannot continue without probation reports, including preliminary hearings and probation violation hearings. By law, the Court must order a report providing background information and a sentencing recommendation for a felony conviction whenever the defendant is eligible for a probation sentence.[8] Certain reports are delivered promptly, such as reports for the Early Disposition Program, but Vera was told that other reports are frequently delayed and may take up to three weeks. However, the Probation Department told Vera that over 95 percent of reports are submitted on time.

d. Problems with inmate court appearances.

Court lock-up staff, bailiffs, and all courtroom parties reported that delays often occur because inmates are not in court when they are supposed to be there. Conversely, inmates are brought to court by mistake when they are not needed or are brought just to meet with their attorneys. Many of these problems may be due to miscommunication between the LASD and Court because the agencies rely on paper orders. Additional issues with inmate appearances include medical miss-outs, when inmates are too ill to travel to court; inmate refusals to go to court which require a court order for removal; and special handles, who are inmates needing separation from other inmates and therefore take up a lot of space in the lock-up and transport vehicles. Some of these issues may be partially addressed by the County's video arraignment project, which allows arraignment to occur outside of the courtroom.

e. Settlement negotiations occur late in the process.

The vast majority of criminal cases are settled by plea negotiations. Vera's analysis found that only 13 percent of felony and non-felony cases in the sample actually had a trial event. However, settlements tend to take place toward the very end of the process rather than at the beginning. Vera researchers were told many times that the defense and prosecution do not negotiate seriously until the court deadlines are about

[8] Penal Code § 1203.

to expire. Whether because of high caseloads, legal strategy, lack of incentive, or in some cases, necessary investigation, these delays create long stays in custody for a large number of defendants.

f. No reminders for court appearances.

Out-of-custody defendants receive no reminders for court appearances except for the small number released by PSD. Experience in other jurisdictions suggests that courts can lower their FTA rates and expedite court processes by doing so.

g. Inconsistent Early Disposition Program (EDP) implementation across the County.

Courthouses around the County implement the EDP for fast-track felony resolutions differently. Vera researchers were told that the programs are largely dependent on the personalities of the people in the courtroom at each location, and that they reach vastly different outcomes on similar cases. An inconsistent program engenders inefficiency because personnel cannot be transferred easily, defendants do not know what to expect, and it is difficult to replicate or expand the program to additional locations or types of cases.

h. Exchange of information between the Court and jail.

TCIS does not communicate with AJIS. Orders regarding court appearances or releases are produced on paper and transmitted via fax or hand delivery to the LASD whose staff has to input clerks' paperwork into AJIS manually. Vera was told that sometimes release orders are lost or never received. Even though judicial assistants have access to AJIS to check bail status, in other cases, or holds, they do not routinely do so.

i. Misdemeanor cases handled by newer attorneys, different approaches of district and city attorneys.

Misdemeanor courtrooms tend to be training grounds for public defenders and district attorneys, which may slow down processing as the parties learn how to handle cases. Additionally, because city attorneys only handle misdemeanors, it was suggested to Vera that they are less willing to drop charges or negotiate down, even in cases where administrative hearings may be more efficient and appropriate.

j. Custody for traffic cases.

From observations of Traffic Court, discussions with many system actors, and data analysis, it became clear that many people spend time in jail for traffic-related charges that may include infractions, municipal code violations, and misdemeanors. The most common types of offenses for which individuals were arrested and booked in 2008 were traffic and vehicular offense charges, which made up 26 percent (161,315 charges) of all arrest charges. After drunk driving (25 percent), the most

frequent charges involved driving without a proper license (21 percent). The average length of stay for all traffic bookings in 2008 was eight days.

Vera staff observed arraignments for people who spent one or two nights in jail for FTA on charges of not paying a $1.50 metro fare. Vera was told that some judicial officers routinely set bail at $50,000 for one FTA, and jail sentences for FTA for jay walking and failure to pay traffic fines.

k. Judicial officers and parties circumvent Los Angeles County Sheriff's Department's early release policies.

The Sheriff's early release policy related to jail overcrowding results in men and women serving as little as 20 percent of their sentences (with certain exceptions). As a result, bench officers and attorneys often delay sentencing to ensure that inmates actually serve the amount of incarcerated time to which the parties have agreed. The percentage of time served before early release changes frequently, based on jail population figures.

Another consequence of the early release policy is that it skews the incentives for defendants to participate in alternative programs, such as drug court, work release, or other community-based programs because the programs require lengthier commitments and have more exposure to the possibility of violations than the actual number of days defendants would serve in custody.

Case Processing Recommendations

1. *Adopt a formal case packaging policy.*

   Jurisdictions such as Orange County have successfully implemented case packaging policies that consolidate all of a defendant's cases in one courtroom. Such a policy manages a person through the system rather than a case. This requires updated, consolidated databases that permit easy searches for the defendant and access to the necessary files, from traffic tickets to felonies. Case packaging creates efficiencies in the use of court, prosecution, and defense resources and reduces inmate transportation and courthouse detention overcrowding. Case packaging would also increase accountability for new law violations. Coordination of criminal sentencing would help the parties determine appropriate sentences and give the jail more accurate information about an inmate's expected length of stay. Because a sizable number of cases are resolved at arraignment, case packaging should also result in significant savings to taxpayers and a more efficiently run court.

2. *Extend court hours for arraignments to reduce delays.*

   Many jurisdictions conduct arraignments 24 hours per day to prevent case backlog and reduce custody time, but other, intermediate options could also be of assistance. Establishing a felony arraignment court at the Bauchet Courthouse or inside Men's Central Jail may expedite arraignments, especially those that may result in pretrial release.

3. *Expand the existing felony EDP and consider a similar program for misdemeanors.*

   The CCJCC Jail Overcrowding Subcommittee has a working EDP committee that includes the Court, District Attorney, Public Defender, and Alternate Public Defender. This group should continue to meet with agency leaders and also EDP staff from every location to improve consistency and create consensus for expansion.

   Even though many misdemeanors are resolved at arraignment, a large number of misdemeanor defendants remain in custody through disposition. An EDP program for misdemeanors might clear out many of these defendants and save days waiting for court events. An analysis of the misdemeanor cases likely to remain in custody might suggest guidelines for the cases to be prioritized by an EDP program for misdemeanants.

4. *Create an online system for scheduling appearances beyond Traffic Court.*

   A pre-calendaring system could require people to schedule walk-in appearances for criminal court either online or over the phone. This would give the parties time for preparation and would reduce waiting time for defendants.

5. *Institute an automated reminder system of phone calls, mail, email and/or texts for court appearances for all released defendants.*

   This can take many forms: automated phone calls, text messages, mail, or email—depending on the defendant's needs. Agencies having contact with the defendant can reinforce these reminders. This sends the message that the system is serious about enforcing its orders and maintaining its schedule.

6. *Increase enforcement of the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.*

   The Court, prosecution, and defense must be held to the rules surrounding continuances to avoid the lengthy delays occurring in so many cases. In Vera's sample, many cases contained numerous dates for each court event, which indicates that the events were likely continued many times.

7. *Increase enforcement of the rules about the timely sharing of discovery with sanctions and find other ways to send the message that proceedings should continue as planned except in truly necessary situations.*

   It may be necessary for the supervising judge to monitor the number of continuances granted in each courthouse. The Court should be actively involved in encouraging settlement negotiations starting with the first appearance, not just on the day before trial. Reducing continuances will encourage the parties to begin serious settlement negotiations much earlier in the court process.

8. *Connect the Court and jail databases to track and share custody status.*

   The Court and jail should track length of stay by bail/bond amount and arrest charge, and share this information with judicial officers. Judicial officers and assistants should be able to easily and quickly view a defendant's length of stay at any given time, and send appearance, release, and custody orders to the jail electronically. Similarly, jail staff should be able to indicate medical conditions, movement, and other situations in the database that impact court attendance. Prosecutors and public or alternate public defenders would also benefit from real-time information about the custody status and movement of their clients.

9. *Create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.*

   Jail time, costing $95 to $140 a day, is not a cost-effective sanction for these minor offenses. Traffic Court offers community service, work programs, and counseling in lieu of fines, but those programs are run by private providers who charge money for participation and completion. The LASD, Probation Department, or city attorney offices should consider running their own community service and other programs for traffic-related offenses and ensure that there are reasonable options for low-income people.

10. *Adopt a differentiated case management system that has worked well in other jurisdictions and in L.A. County's Civil Court, in addressing case processing delays and inefficiencies.*

    Differentiated case management (DCM) programs reduce case processing times and expedite disposition by tracking and processing cases according to type. The Bureau of Justice Assistance and the National Center for State Courts have assessed DCM programs and found that DCM:

    - contributes to a more efficient use of existing resources;
    - reduces disposition times;
    - improves the quality of case processing;
    - reduces the number of jail days for defendants in pretrial custody;
    - reduces the number of bench warrants;
    - saves prisoner transport;
    - decreases litigation costs that result from unnecessary continuances and events that impede case disposition; and
    - enhances the Court's public image.[9]

    DCM is discussed further in Chapter 3, Attachment B, Evidence-Based and Promising Practices to Reduce Case Processing Times.

[9] U.S. Department of Justice, *Differentiated Case Management*, (Washington, DC: Bureau of Justice Assistance. 1995). ; C. Cooper, M. Solomon, and H. Bakke, *Differentiated Case Management: Implementation Manual* (Washington, DC: National Criminal Justice Reference Services, 1993), 5.

Chapter Four: Mental Health

Because the L.A. County jail is often referred to as the nation's "largest mental health hospital," Vera paid particular attention to learning more about this population's presence in the jails.

Mental Health Findings

1. *Parole violations and narcotics possession were the most common booking offenses for Department of Mental Health (DMH) service users[10] in custody.*

   Custody data from 2008 reveal that DMH service users faced more serious charges at the time of arrest than the general custodial population.[11] Among DMH service users, 73.6 percent of bookings included at least one felony charge, compared with only 40.6 percent of the rest of the custodial population.

   The specific charges illuminate the issues people with mental health needs face: Drug offenses accounted for the largest proportion of all charges (26.6 percent), followed by administrative and status offenses (P.C. § 3056), and violation of parole. Possession of a controlled substance and violations of Health & Safety Code § 11350(a) were the two most common charges, possibly indicating the need for self-medication and the difficulty this group has with reintegrating into the community and accessing needed services. Comparatively, among the general LASD custody population, traffic offenses accounted for the largest proportion of all charges (27.75 percent), followed by drug, administrative, and property offenses.

2. *Length of stay in custody (LOS)[12] was longer for DMH service users.[13]*

   DMH service users were held an average of two days in custody while the majority of the 2008 bookings into LASD custody were released the same day. Once in custody, the average LOS for DMH service users was over twice that of the general custodial population's: 42.76 days versus 18.14 days. While this difference in LOS may reflect differences in the seriousness of the charges between the groups (DMH service users have more felony charges than the general bookings), the average LOS for DMH service users was much longer than for the general custodial population, even when no felony charges were present: 25 days and 7.5 days respectively. For bookings including at least one felony charge, DMH service users

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[10] DMH provided data to Vera on inmates classified by DMH as having some type of DMH "event," which may include a referral for DMH consultation, evaluation, or services. These inmates are hereinafter referred to as "DMH Service Users." This method may not provide an accurate number of inmates with mental health conditions in the jail since it relies entirely on DMH classification.

[11] Analysis is conducted at the level of booking number, not individual person, so it should be kept in mind that an individual booked more than once during the year will be counted more than once in the following demographics.

[12] "Length of stay" throughout the report refers to physical custody, excluding time spent in community-based alternatives to custody.

[13] The difference in LOS between DMH service users and the general population may be explained, in part, by delays caused by competency proceedings, including psychological evaluations and competency treatment.

spent, on average, a greater number of days in custody than the general population: 49 days versus 33.8 days.

3. *Custodial placement is common during mental health proceedings, even for low-level offenses.*

   Anecdotal evidence suggests that the vast majority of misdemeanor and felony defendants in competency proceedings are in custody, even for low-level offenses.[14] In addition, defendants receiving competency treatment are in custody much longer than if they were convicted of the charged offenses. Typically, a defendant remains in jail during the initial competency hearing. If found incompetent, the defendant must undergo competency treatment in the jail or state hospital.

4. *The lack of community treatment facilities translates into more defendants in custody.*

   In-custody misdemeanants who require competency treatment are placed in the jail's P.C. § 1370.01 program, rather than in any community facility. These defendants, many of whom were booked for quality of life crimes, such as trespassing and sleeping on the sidewalk, may be held in custody for one year or the maximum possible sentence while treatment is provided—whichever is shorter. The judicial officer receives monthly progress reports on these defendants. If treatment providers report that it is unlikely the person will become competent, the Court may release them or refer them for alternative commitment procedures (e.g., civil commitment).

5. *There are insufficient beds for felony competency treatment.*

   Currently, the only placement option for in-custody defendants charged with felonies is a state hospital. Los Angeles County is allotted a certain number of beds in two state hospitals: Metropolitan for non-violent, non-sex offenders; and Patton, for everyone else. Metropolitan is about 16 miles from downtown Los Angeles; Patton is nearly 70 miles away.

   During the study period, wait times for the state hospitals varied, but remained long in part because the California Department of Corrections and Rehabilitation requires a substantial number of beds for state prisoners. This has resulted in overcrowding at the hospitals and long delays in admission. For Patton, delays ranged from 45 days to six months and for Metropolitan from 35 days to six weeks. While awaiting transfer to a state hospital, defendants remain in jail where treatment is limited to medications. Based on interviews with judicial officers, it appears that bench officers have the option of enforcing their orders to the

[14] Because Vera did not have access to MHC data (stored in a separate system from TCIS), and transfers to MHC are processed using paper records, Vera was unable to ascertain with any confidence the start or termination dates of competency proceedings for the study sample. Out of Vera's matched sample of 54,072 cases connecting custodial status with Court events, only 69 cases list "mental competency hearing" in the Court schedule for PIMS. Keeping in mind that PIMS only contains information on District Attorney cases in L.A. County (all felonies but misdemeanors only in certain jurisdictions), either this event code is poorly used or the majority of competency hearings occur in MHC because a relatively small number of cases progress beyond preliminary hearing.

state hospitals by citing a legal deadline for transfer, under *In re Mille,* which places those defendants at the top of the waiting list. [15]

6. *Competency proceedings and court processes cause significant delays in case processing.*

   Proceedings to determine competency inherently cause delays in case processing: They usually involve additional hearings, expert medical evaluation and reports, and time for treatment. Once the competency question is raised, all proceedings are suspended while the defendant is evaluated and possibly treated.

   The division of responsibilities between Mental Health Court (MHC) and the general criminal courts may exacerbate delays caused by competency proceedings. MHC deals with competency issues for all *misdemeanors*, but only felonies in the *pre-preliminary hearing stage*. Because MHC deals exclusively with competency and related proceedings, bench officers and staff are trained in mental health proceedings, and doctors are available to evaluate defendants in the courthouse. The general criminal courts, however, have none of these assets; the absence of such expertise may cause further delays.

   Another delay occurs when cases are transferred to MHC. Vera researchers were told it takes two weeks for a case to be transferred from criminal court to MHC, but it takes only 24 hours for the MHC to transfer a case back to criminal court.[16] The reason for the delay appears to be the physical transfer of the paperwork; MHC does not use TCIS, the main Superior Court database, but an older, separate database called the Integrated Case Management System (ICMS). ICMS does not communicate with TCIS.

Mental Health Recommendations

1. *Divert people who come to the attention of law enforcement for disorderly conduct or other signs of mental illness.*

   a. **Create triage centers for patrol officers to bring people with mental health conditions.**

      Triage centers would alleviate substantial pressure on the front end of the criminal justice system by reducing jail bed-days, eliminating costly booking procedures, and reducing officer time off patrol. Because the person can simply be dropped off with minimal time spent on paperwork and processing, officers may respond more readily to the kinds of nuisance cases that are troubling to residents and business owners. Triage centers would also free up space in police lock-ups and divert people away from costly and time consuming court proceedings while providing a safe place in which they might be evaluated and referred for services and treatment. Vera was told that this type of facility existed in the past, but it is no longer available.

[15] *In re Mille,* (2010) 182 Cal.App.4th 635.

[16] If a case is transferred back to criminal Court, Vera was told that MHC judicial officers order an appearance for the very next Court date, but Vera was not able to confirm that the case actually shows up on calendar and is heard that next day in criminal Court.

b. Increase number of local crisis intervention teams (such as PMRT, SMART, PET) to respond to calls regarding people with mental illness.

Crisis intervention teams exist throughout Los Angeles County but local law enforcement told Vera that there is a large volume of calls, making it difficult for the teams to respond to all mental health-related calls. Patrol officers around the County reported that they call the special units only in highly unusual circumstances to avoid long waits for a team to arrive.

2. *Enhance Mental Health Court's data sharing capabilities.*

Utilize TCIS in Mental Health Court and share case files and records electronically with all appropriate parties.

Sharing information will facilitate communication and expedite case transfer with the rest of the Superior Court. Pertinent documents, such as mental health evaluations, could be scanned and transmitted electronically to all appropriate parties. These technological improvements would reduce delays in transferring cases to and from MHC, as well as avoid delays at appearances caused by incomplete files.

3. *Expand local placements for defendants with mental health conditions.*

a. Utilize community-based companies for placement services.

Los Angeles County and the Sheriff's Department should work with DMH to create a continuum of care, including residential services, to maximize the flow of people from institutions into the community. Alternative secure treatment centers for felony competency cases should be created or expanded closer to Los Angeles but outside of the jail. Community facilities would also reduce the significant jail time spent waiting for state hospital beds and would reduce transportation costs.

b. In cooperation with County and state DMH, create or increase secure community placements for low-level, non violent defendants and people found incompetent to stand trial.

Community placements providing high-intensity treatment, staffing, and security for low-level, non-violent defendants would be significantly less expensive and more effective than jail beds. Orange and San Francisco Counties place low-level defendants in community settings. Orange County is starting a pilot project to place misdemeanor defendants who are found incompetent directly into the community through DMH Full Service Partnerships, rather than in jail.

c. Expand deployment of staff from DMH and/or community based organizations in courthouses to screen defendants and place in treatment.

The immediate capacity to evaluate defendants with mental illness and place them in appropriate community-based treatment facilities, with judicial approval, may

encourage timely dispositions of cases where the primary need is treatment or supportive services.

d. Expand the use of the California DMH forensic conditional release program (Conrep).

Conrep contracts with community programs to provide treatment, evaluation, and case management services for judicially committed patients and mentally disordered defendants. Certain criminal offenses preclude admission to this program, but Conrep should work with the jail to identify and evaluate appropriate candidates. This may be an avenue for the creation of secure community facilities for misdemeanor or felony incompetents.

e. Investigate the use of L.A. County Gateways Mental Health Center for those coming out of jail.

L.A. County Gateways, an independent contractor with ties to L.A. DMH, operates several secure facilities and provides intensive care for individuals transitioning out of institutions. It costs approximately $150,000 per year to treat a mentally ill patient in the state hospital, $35,000 per year in the jail, and $24,000 to treat them at Gateways Mental Health Center. Gateways provides the necessary residential and wraparound services for clients with serious or chronic mental illness, including constant supervision; intensive case management; substance abuse, mental health, and medical treatment; and assistance establishing or reinstating federal and state benefits.

4. *Expand the mission of Los Angeles Mental Health Court to provide the intensive wraparound services mentally ill defendants need to get out and stay out of the criminal justice system, using models like Orange County.*

A more comprehensive mental health court, much like Los Angeles's Drug Court and its Co-Occurring Disorders Court, would provide defendants with mental illness with more of the supervision and referrals to resources they need to stay out of the criminal justice system. For example, Vera researchers visited Orange County's Mental Health Court which provides 23 ancillary on-site services. Effective case management for people with mental illness should reduce probation violations and recidivism.

5. *Speed up post-competency proceedings and releases.*

a. Identify eligible defendants for conservatorship and initiate proceedings early in the court process.

The Court and any appropriate agencies should be notified immediately when treatment providers determine a defendant will not regain competency and/or may be eligible for civil commitment or conservatorship proceedings. Further, when MHC orders a release, the jail transfers the defendant back to criminal court to confirm the release. Vera researchers were told that local court policy requires the transfer in case of pending court dates. The County should review this local policy.

b. Reinstate public benefits before release to create placement options for those reentering the community from jail.

Defendants who are placed in jail lose or have their public benefits suspended. Well before release, these defendants should be helped with the reinstatement process. This would reduce the return rate for people with mental health conditions who frequently violate probation quickly after release because they cannot continue medication or treatment and lack basic services like housing.

Chapters Five and Six: Probation Violations and Non-Felony Bookings

Chapters Five and Six discuss probation violations and non-felony bookings. Vera encountered difficulty analyzing these populations in the jail because of limitations in the County's data systems. Vera was able to analyze non-felony bookings in a limited manner and presents those findings in this report. There was insufficient reliable data on probation violators to conduct a full-scale analysis. Vera therefore recommends that the County focus efforts on improving its data systems in order to properly analyze these populations. Vera also recommends conducting a paper case file review of probationers to analyze the violation process and length of stay,[17] and creating a pilot program that responds to the findings of the file review.

Chapter Seven: Improvements to Data Systems

Vera encountered a number of challenges in data collection and analysis in Los Angeles County and presents the following recommendation to help the County improve its criminal justice information systems to facilitate policy analysis: Improve the County's capacity to analyze routinely the flow of individuals and cases through the criminal justice system. This important but simple recommendation is likely to require a major overhaul in the way the Court, Sheriff's Department, and many other agencies collect data. Specific attention should be paid to the recording and tracking of case disposition dates and custody status. This would allow the County to distinguish between individuals who are held pre-disposition from those serving their sentence.

Recommendations to Address Data Limitations

1. *Improve the ability to connect AJIS and TCIS: Use CII numbers in LASD database (AJIS) and the court database (TCIS) and include booking numbers, booking dates and arrest dates in TCIS.*
2. *Improve the data collected by the Court: Track the date of court events, bail/bond amounts, and whether individuals were detained due to lack of ability to pay.*
3. *Improve the data collected by LASD: Distinguish between individuals who are held pre-disposition from those serving their sentence.*
4. *Improve the data collected on probation violators in the AJIS and TCIS databases. (See Probation Violation Findings and Recommendations in Chapter 5 for more detail.)*

[17] See Ch. 5, Attachment A, for Vera's Draft Probation Violation Data Collection Instrument.

Implementation and Feasibility Analysis Summary

Key:
○= do not agree, ⦿= somewhat agree, ●= highly agree

Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Pretrial Recommendations						
Create a multi-agency Pretrial Services Committee to serve as a liaison between the Pretrial Services Division and the other agencies of the system.	●	⦿	●	●	●	⦿
Develop and validate a new risks and needs assessment instrument with the active engagement and oversight of the multi-agency Pretrial Services Committee, comprised of representatives of all key stakeholders.	○	●	●	●	●	●
Create a system of graduated supervision based on the new risk and needs assessment using evidence-based practices nad focusing resources on medium and high risk defendants.	○	●	●	●	●	●

Implementation and Feasibility Analysis Summary

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	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Create a reminder system of phone calls, mail, email and/or texts for court appearances for all released defendants.	⦿	●	⦿	●	●	●
Develop an evaluation system for the new pretrial risk assessment and supervision program to measure failures to appear and new arrests.	○	●	●	●	●	●
Provide failure to appear and re-arrest rates to judicial officers on their own cases and on County releases overall, by type of release.	⦿	⦿	●	⦿	●	⦿
Expand the number of defendants reviewed for pretrial release by placing Pretrial Services staff in the jails or police lock-ups with the most traffic; reviewing misdemeanants; and conducting a study of what it would take to review all eligible defendants for pretrial release.	○	●	○	●	●	●

Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Create and maintain a database at PSD database with the results of all investigations by individual defendant.	⦿	●	●	⦿	●	○
Increase law enforcement capacity for field identification: expand County's BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.	⦿	●	●	●	●	●
Create triage centers for patrol officers to bring people whose main offense is being drunk, disorderly, or demonstrating signs of mental illness to allow evaluation, time to sober up or detox, have family contacted, etc. without an immediate, and possibly unnecessary, booking into the jail.	○	●	○	●	●	○
Create pretrial release review committee to regularly review certain in-custody cases for release.	●	⦿	⦿	●	●	●

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Speed up prosecutorial review of arrests by enhancing technology and communications process.	⦿	●	●	●	●	●
Track and maintain data on bail and bond to determine impact on length of stay.	⦿	⦿	⦿	⦿	●	○
Eliminate Inmate Reception Center acceptance policies based on bail.	●	⦿	⦿	○	●	○
Revise Los Angeles County Bail Schedule. Track and provide FTA and re-arrest rates to judicial officers and prosecuting agencies.	⦿	○	○	●	●	●
Limit use of commercial bail.	●	⦿	⦿	⦿	●	○
Create multi-agency committee to review bail for low-level offenses after set time in custody.	●	⦿	○	●	●	●

Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Case Processing Recommendations						
The Court and its officers should commit themselves to reducing unnecessary detention and incarceration in the interests of justice and the efficient use of taxpayer resources.	●	⦿	●	●	●	●
The Court should adopt a formal case packaging policy.	○	⦿	⦿	●	●	⦿
The Court should extend court hours for arraignments to reduce delays.	○	⦿	○	●	●	●
The Court should expand the existing felony Early Disposition Program and consider a similar program for misdemeanors.	⦿	⦿	⦿	●	●	●
The Court should create an online system for scheduling appearances beyond traffic court.	⦿	⦿	⦿	⦿	●	●

Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
All parties should be held to the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.	●	⦿	●	●	●	●
The Court and jail databases must communicate to track and share custody status.	⦿	●	●	⦿	●	⦿
The County should create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.	⦿	●	●	●	●	●
The Court should consider adopting a Differentiated Case Management system that has worked well in other jurisdictions and L.A. County's Civil Court in addressing case processing delays and inefficiencies.	○	●	⦿	●	●	○

Implementation and Feasibility Analysis Summary

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Mental Health Recommendations						
Increase the number of Crisis Intervention Teams (CIT) to respond to calls regarding people with mental illness.	○	●	●	●	●	●
Mental Health Court should adopt TCIS and share case files and records electronically with all appropriate parties.	●	●	●	●	●	●
Expand deployment of staff from DMH and/or community based organizations in courthouses to screen defendants and place in treatment.	○	●	●	●	●	●
Create or increase secure community placements for low-level, non-violent defendants and people found incompetent to stand trial.	⦿	⦿	⦿	●	●	●

Implementation and Feasibility Analysis Summary

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○= do not agree, ⦿= somewhat agree, ●= highly agree

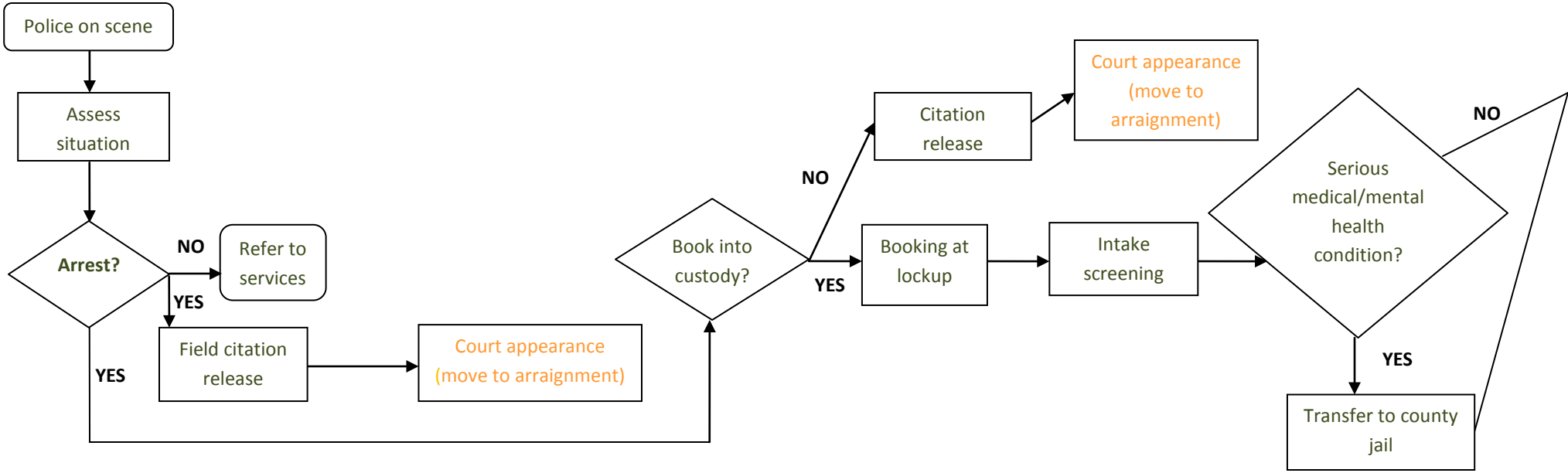
Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Expand the use of the California DMH forensic conditional release program ("Conrep").	●	⦿	●	●	●	○
Investigate the use of L.A. County Gateways Mental Health Center for those coming out of jail.	⦿	⦿	●	●	●	⦿
Los Angeles Mental Health Court should expand its mission to provide the intensive wraparound services that post-disposition offenders with mental illness need to stay out of the criminal justice system.	○	⦿	○	●	●	⦿
Identify eligible defendants for conservatorship and initiate proceedings early in the court process.	●	●	●	⦿	●	●
Reinstate public benefits before release to create placement options for those reentering the community from jail.	●	●	●	●	●	●

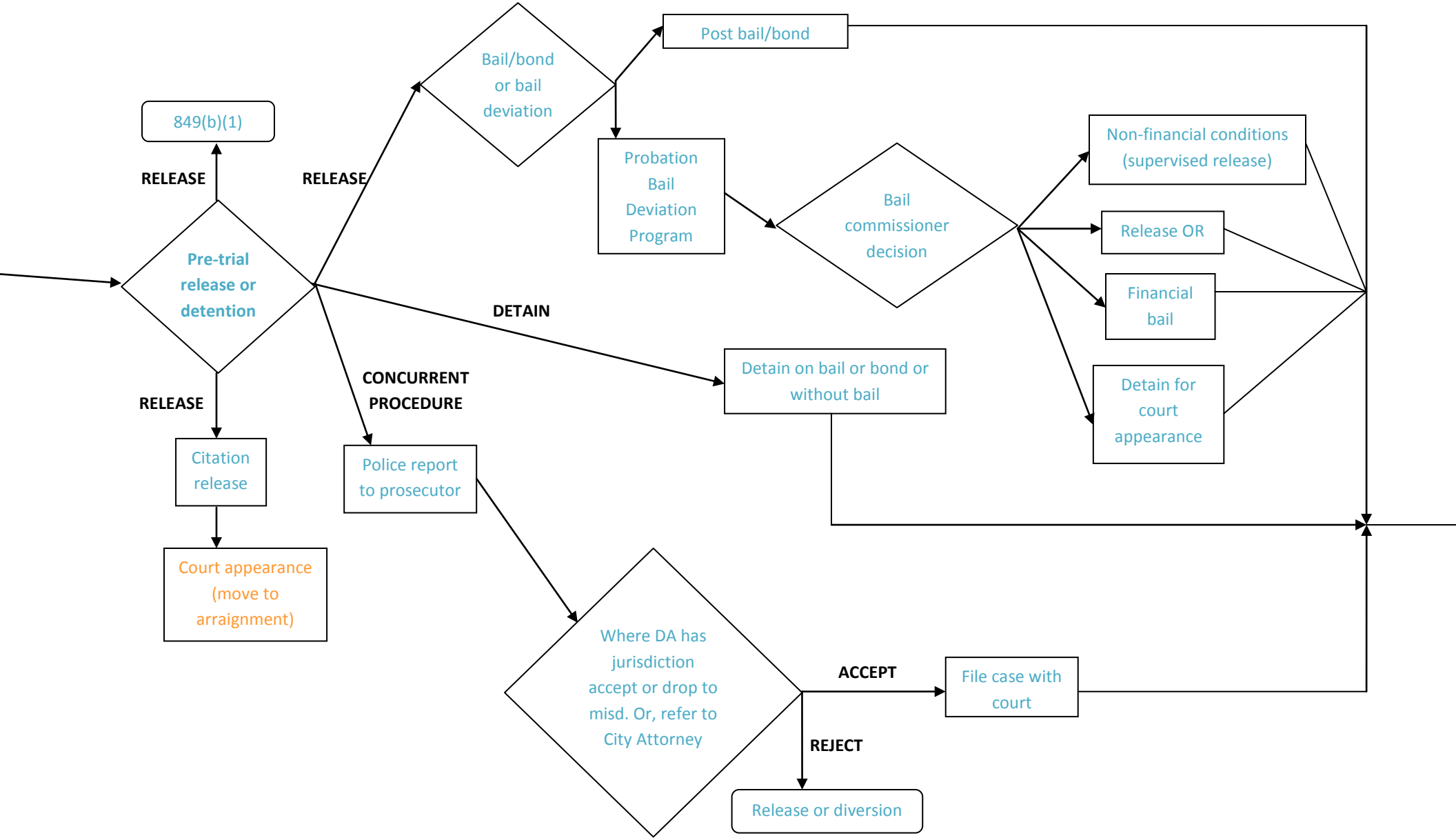
Implementation and Feasibility Analysis Summary

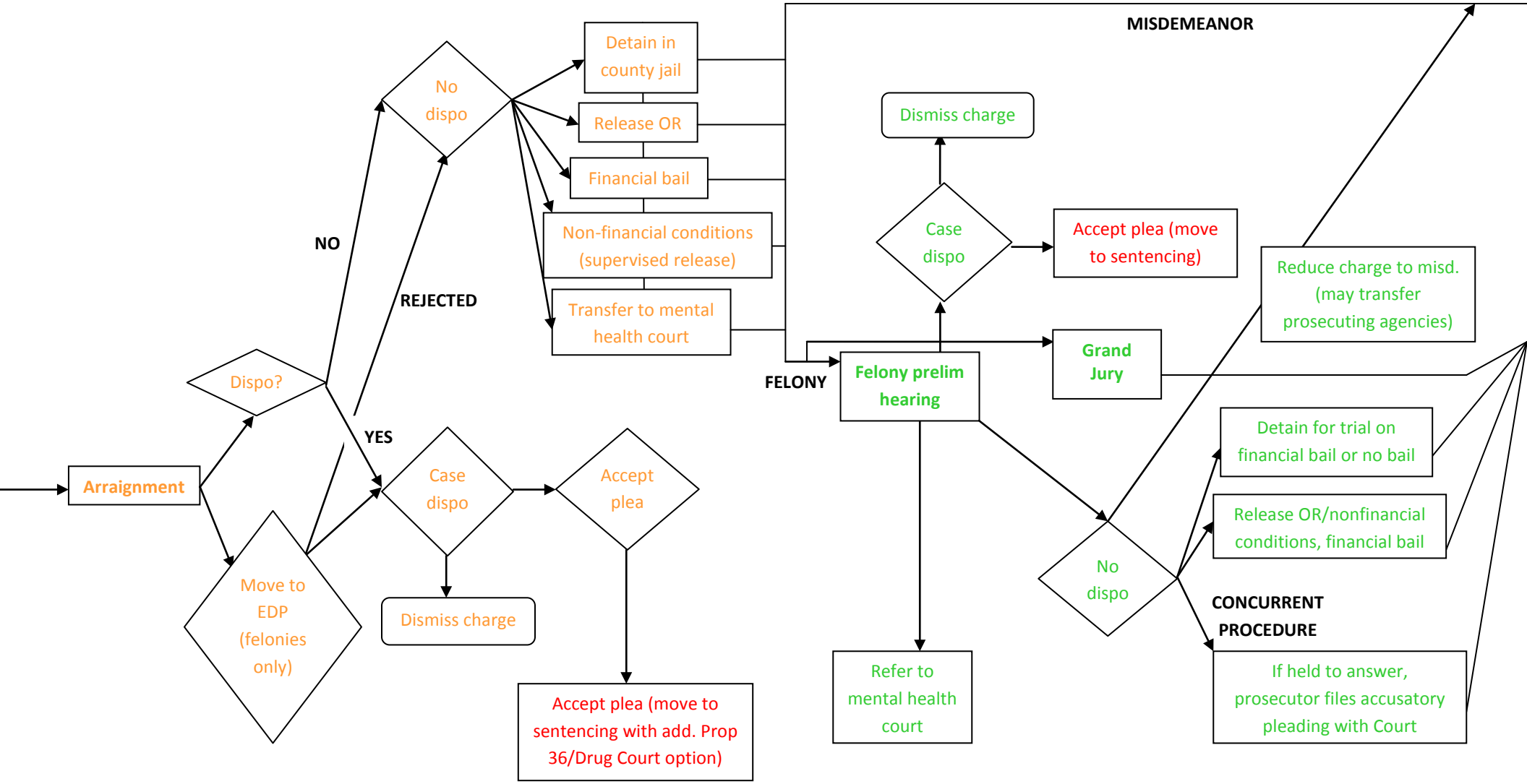
Key:
○= do not agree, ⦿= somewhat agree, ●= highly agree

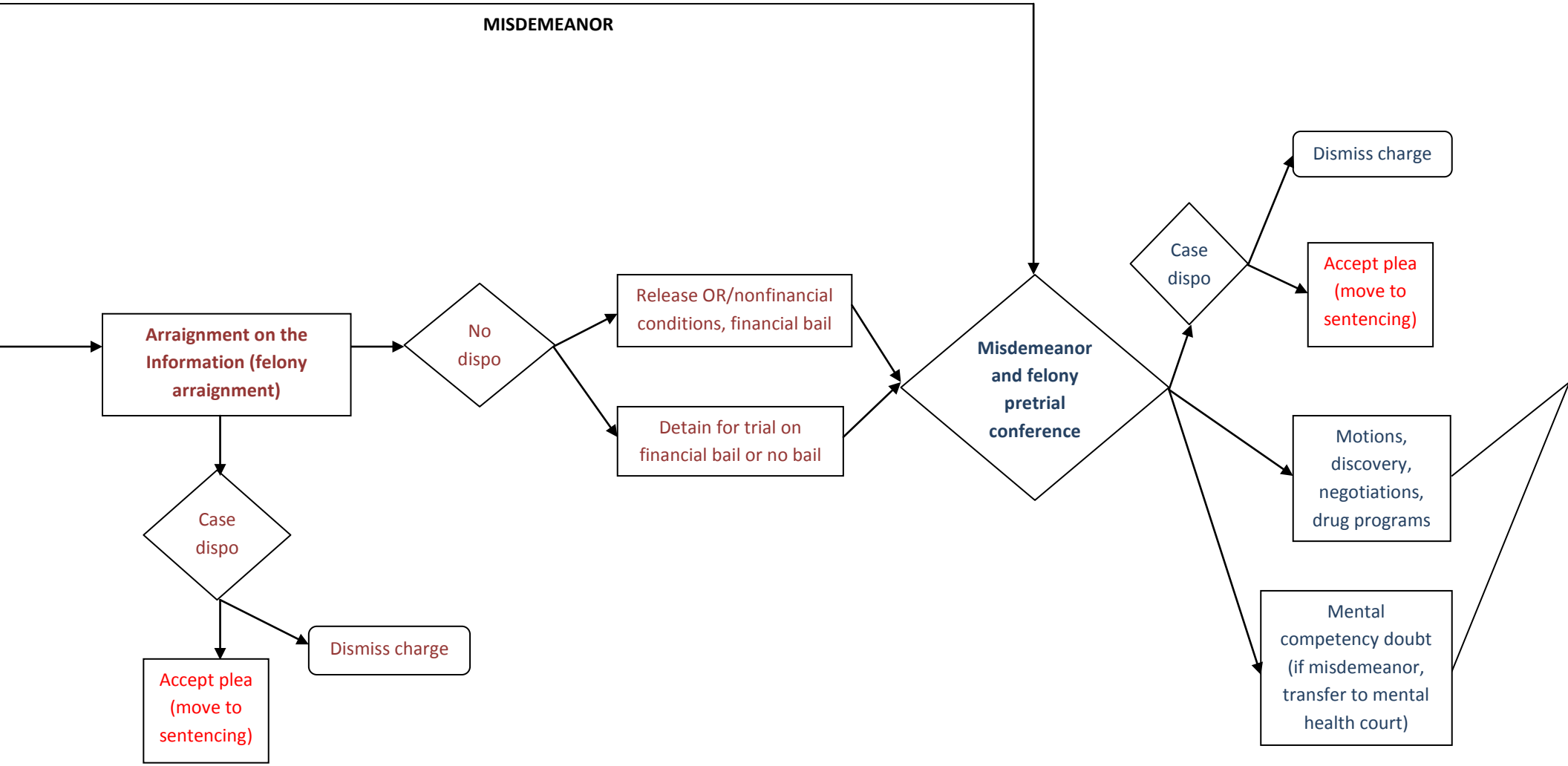
Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Level of Political Support*	*Supported by Current Policy/Legislation*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Probation Violations Recommendations						
Conduct paper case file review of probationers to analyze violation process and length of stay.	●	●	●	●	●	○
Create a pilot program that responds to the findings of the file review.	○	⦿	⦿	⦿	●	⦿
Data Recommendations						
Improve data collection and tracking of probation violation charges and filings.	⦿	●	●	⦿	●	⦿
Improve L.A. County's capacity to analyze routinely the flow of individuals and cases through the criminal justice system.	○	●	●	●	●	⦿

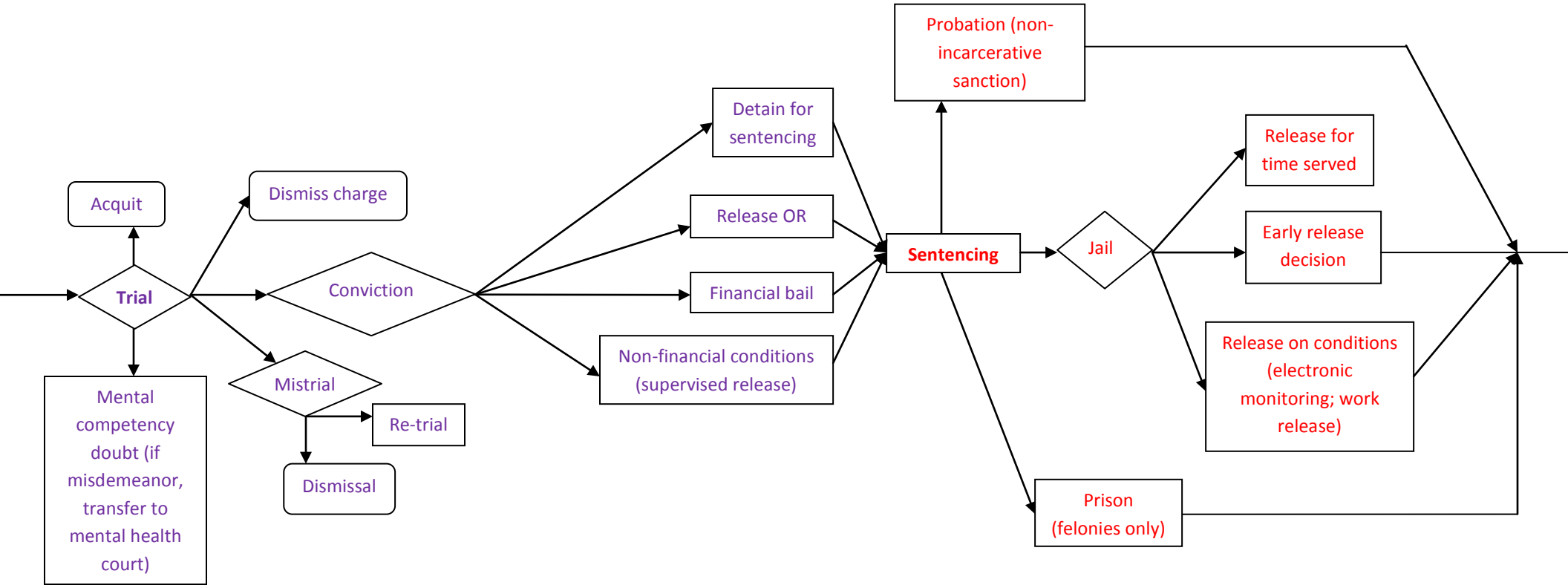
LOS ANGELES COUNTY CRIMINAL JUSTICE SYSTEM MAP

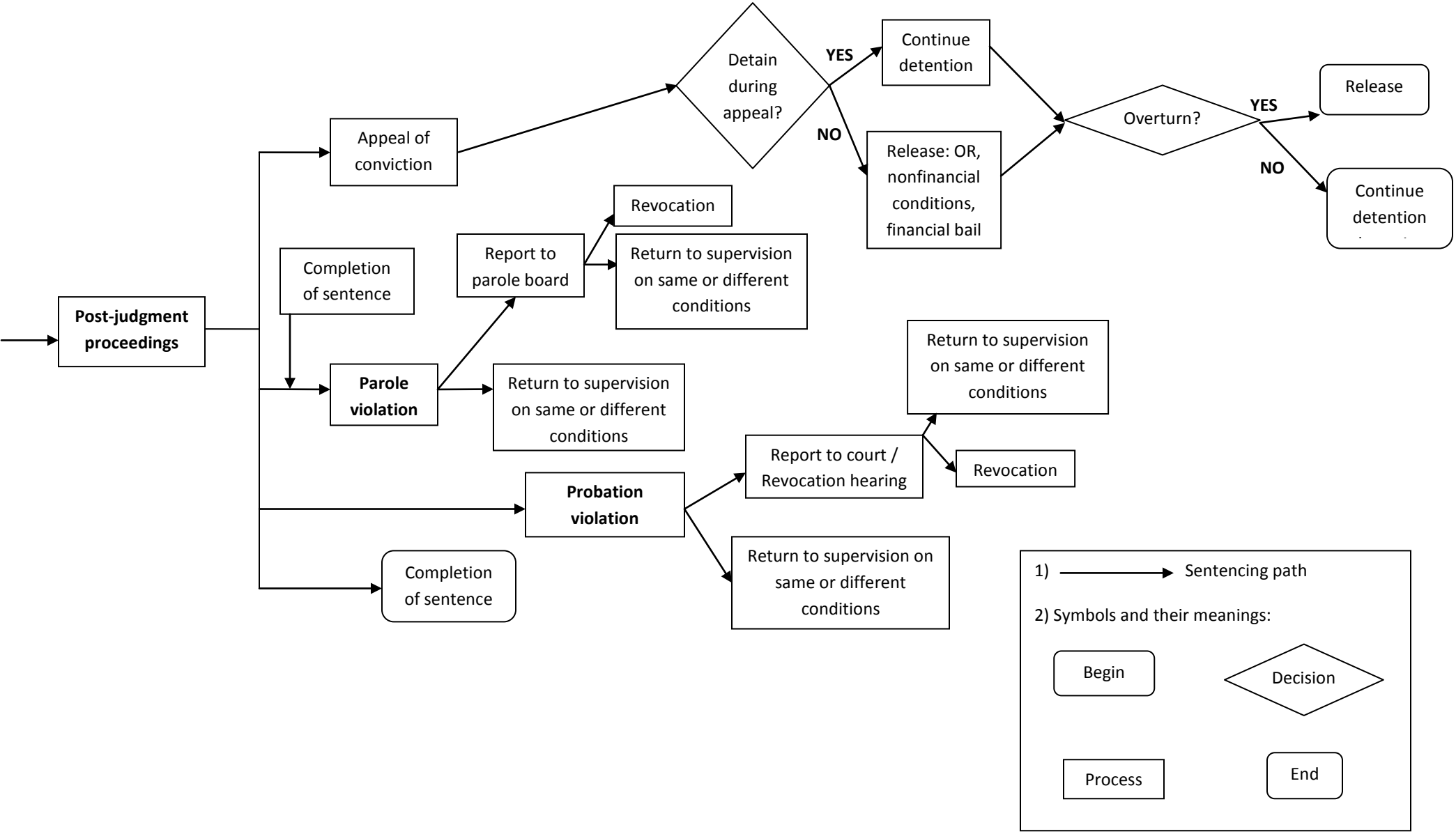



849(b)(1)
RELEASE
RELEASE
Pre-trial release or detention
Bail/bond or bail deviation
Post bail/bond
Probation Bail Deviation Program
Bail commissioner decision
Non-financial conditions (supervised release)
Release OR
Financial bail
Detain for court appearance
DETAIN
Detain on bail or bond or without bail
RELEASE
Citation release
Court appearance (move to arraignment)
CONCURRENT PROCEDURE
Police report to prosecutor
Where DA has jurisdiction accept or drop to misd. Or, refer to City Attorney
ACCEPT
File case with court
REJECT
Release or diversion


MISDEMEANOR
Arraignment
Dispo?
NO
REJECTED
YES
No dispo
Detain in county jail
Release OR
Financial bail
Non-financial conditions (supervised release)
Transfer to mental health court
Move to EDP (felonies only)
Case dispo
Dismiss charge
Accept plea
Accept plea (move to sentencing with add. Prop 36/Drug Court option)
FELONY
Felony prelim hearing
Refer to mental health court
Case dispo
Dismiss charge
Accept plea (move to sentencing)
Grand Jury
Reduce charge to misd. (may transfer prosecuting agencies)
No dispo
Detain for trial on financial bail or no bail
Release OR/nonfinancial conditions, financial bail
CONCURRENT PROCEDURE
If held to answer, prosecutor files accusatory pleading with Court


MISDEMEANOR
Arraignment on the Information (felony arraignment)
No dispo
Release OR/nonfinancial conditions, financial bail
Detain for trial on financial bail or no bail
Misdemeanor and felony pretrial conference
Case dispo
Dismiss charge
Accept plea (move to sentencing)
Motions, discovery, negotiations, drug programs
Mental competency doubt (if misdemeanor, transfer to mental health court)
Case dispo
Dismiss charge
Accept plea (move to sentencing)


Acquit
Trial
Mental competency doubt (if misdemeanor, transfer to mental health court)
Dismiss charge
Conviction
Mistrial
Re-trial
Dismissal
Detain for sentencing
Release OR
Financial bail
Non-financial conditions (supervised release)
Sentencing
Probation (non-incarcerative sanction)
Jail
Release for time served
Early release decision
Release on conditions (electronic monitoring; work release)
Prison (felonies only)


Post-judgment proceedings
Appeal of conviction
Detain during appeal?
YES
NO
Continue detention
Release: OR, nonfinancial conditions, financial bail
Overturn?
YES
NO
Release
Continue detention
Completion of sentence
Parole violation
Report to parole board
Revocation
Return to supervision on same or different conditions
Return to supervision on same or different conditions
Probation violation
Report to court / Revocation hearing
Return to supervision on same or different conditions
Revocation
Return to supervision on same or different conditions
Completion of sentence
1)
Sentencing path
2) Symbols and their meanings:
Begin
Decision
Process
End

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Chapter 1

Introduction

Introduction

Study Plan

Jail overcrowding in Los Angeles County affects both public safety and County resources and has led to protracted federal litigation and a federally imposed population cap. For law enforcement purposes, the County's size and scope are daunting. Los Angeles County has a population of 10.4 million spread over more than 4,000 square miles. It encompasses 88 incorporated cities and 47 law enforcement agencies. During the study period, approximately 400,000 jail bookings a year took place and up to 20,000 individuals were held in jail on any given day.

Responding to growing concerns over the jail population size, the Los Angeles County Chief Executive Office (CEO) and the Countywide Criminal Justice Coordination Committee (CCJCC) initiated the Los Angeles County Jail Overcrowding Reduction Project. Recognizing that long-term change must begin with a thorough understanding of the criminal justice system, the CEO and CCJCC invited the Vera Institute of Justice to conduct a comprehensive examination of the jail population and a systemwide look at the policies, procedures, and practices that influence the size and composition of this population. The two-year contract extended from March 2009 through April 2011.

The size of a jail population a function of the number of admissions and each individual's length of stay—variables determined by multiple interactions and decisions made by actors throughout the criminal justice system, including police, judicial officers, pretrial services workers, probation officers, prosecutors, defense attorneys, and law enforcement personnel. As County officials realized, an effective solution to jail crowding will not be a single program or policy change but a number of changes to policies, practices, and perhaps legislation—that, taken together, can have a significant and long-lasting effect on the population. Such changes can be effective only if they are based on data about the drivers of jail overcrowding in Los Angeles County and stem from evidence-based practices. To that end, Vera conducted data collection and analysis to link administrative records across agencies, an effort that has never been attempted at this scale, as well as a qualitative analysis to identify the relevant policies, procedures, and practices that contribute to the size of the jail population.

Vera explored a range of factors that may be influencing jail admissions and lengths of stay, and identified those with the greatest impact on the size of the jail population and those that can most feasibly be changed.

Methodological Approach and Data Collection Process

The study focused on three main subject areas affecting the flow of individuals into and out of the Los Angeles County jail:

1. Characteristics, offense types, and lengths of stay of people admitted into and released from the Los Angeles County jail;
2. Case processing and jail usage of those held in the custody of the Los Angeles Sheriff's Department; and
3. Operational and system inefficiencies that impact admissions and lengths of stay in the County jail.

Vera used a triangular and iterative research approach employing quantitative and qualitative analyses that included: a review of criminal justice agencies' operational policies and procedures, interviews and focus groups with key stakeholders, a survey of police chiefs in L.A. County, and a quantitative analysis of administrative data. These research activities and the data collected are described briefly below. Table 1 summarizes the administrative data obtained and data collected for this study.

Policy and Procedure Review

Vera conducted an in-depth, systematic analysis of the written policies and procedures of agencies throughout the criminal justice system that affect who goes to jail and how long they stay. In order to identify and collect the relevant policy documents, Vera staff conducted information-gathering meetings with senior officials at the criminal justice agencies. The policy review focused on the policies and procedures with the greatest potential to impact the flow of individuals into and out of the jail. The review started with the Sheriff's Department and the jail before expanding to other agencies that affect the flow of individuals into and out of the jail. For example, Vera sought information from law enforcement agencies regarding the policies that guide booking versus citation decisions, types of release from lock-up, and the movement of arrested people from police departments to the jail.

The policy analysis also identified areas of responsibility in criminal justice proceedings where agencies' responsibilities overlap, and focused on constraints that might lead to system inefficiencies. The policy review was iterative: it allowed Vera to identify issues to explore further in interviews/focus groups and in data analysis. Likewise, issues identified in interviews/focus groups and in data analysis guided further analysis of current policies.

Interviews/Focus Groups with Stakeholders

From September 2009 through March 2011, Vera staff conducted confidential one-on-one interviews and focus groups with more than 100 individuals. In-depth interviews were conducted with senior managers and administrators from criminal justice agencies across the County. Focus groups were conducted with groups of front-line staff.

The objective of the interviews and focus groups was to gain insight from the agencies—particularly from line staff—about the day-to-day operations of the criminal justice system. Interviews and focus groups emphasized how policies and procedures are carried out in practice, whether and to what extent these deviate from formal policies, and where key decisions are made that may impact the flow of individuals into and out of the jail. Vera staff also asked participants about their perceptions of system inefficiencies within their own agencies and from their interactions with other agencies. The earlier policy review helped shape many of the questions. Similarly, information from interviews and focus groups allowed Vera to identify policy areas that required further exploration in both the review of policies and the analysis of administrative data.

Police Survey

Vera researchers designed and disseminated a survey to every police chief in Los Angeles County. The Los Angeles County Police Chiefs Association disseminated the survey by e-mail. Out of 46 surveys disseminated, Vera received 30 completed surveys. The survey questions focused on the number of arrests made, the use of field citations, and releases from police stations. The results provided a better understanding of arrest and booking distribution throughout the County and highlighted differences in practice among police departments. This survey complemented the data analysis effort by providing a more nuanced view of the day-to-day practice of police departments and their interactions with the County jail. It helped Vera researchers target their efforts toward the departments sending the greatest number of arrestees to the County jail and court system.

Analysis of Administrative Data

Vera requested and received individual- and case-level administrative data from numerous criminal justice agencies across the County for the 2007 and 2008 calendar years. The bulk of the analysis presented in this report is based on three main databases.

First, to examine the flow of admissions and releases into the jail and the characteristics of inmates and offenses, Vera relied primarily on the Automated Justice Information System (AJIS) of the Sheriff's Department and the Information System Advisory Board's (ISAB) Consolidated Criminal History Reporting System (CCHRS). A more detailed discussion of the methodology used for this analysis can be found in Appendix C: *Los Angeles County Inmate Profile.* Second, to examine court case processing, Vera relied primarily on the District Attorney's data system, the Prosecutor's Information Management System (PIMS). Chapter 3 of this report discusses the methodology specific to the analysis of court case processing (see Part I, "Quantitative Findings"). Finally, researchers used additional data systems, including data from the Los Angeles County Probation Department and Department of Mental Health, to examine pretrial release programs and referrals to mental health services in the jail. The data's limitations for analysis purposes are discussed in more detail in Chapter 7, "Administrative Data Challenges and Recommendations."

Table 1. Data Collection

Agency	Informational Meetings	Interviews and Focus Groups	Administrative Data Received
Information Systems Advisory Body (ISAB)	Numerous meetings and consultation with ISAB personnel	Interviews with ISAB personnel about data	Data from Consolidated Criminal History Reporting System (CCHRS)
Los Angeles County Sheriff's Department	Meetings with assistant sheriffs, chiefs, and other LASD personnel	Court lock-up deputies and custody assistants (6) Patrol deputies from diverse geographic assignments (6) Transportation deputies and custody assistants (6) Jail deputies/custody assistants from IRC, Twin Towers, and Men's Central Jail (15)	Data from Automated Justice Information System (AJIS) and Jail Health Information System (JHIS)
District Attorney	Meetings with management staff and numerous discussions with data personnel	Deputy District Attorneys: calendar deputies and other senior attorneys from Central and area offices (12) Interviews with senior staff	Prosecutor's Information Management System (PIMS)
Public Defender and Alternate Public Defender	Meetings with senior management staff and consultations with data personnel	Deputy Public Defenders: experienced felony trial attorneys from Central and area offices (5) Deputy Public Defenders: New misdemeanor arraignment and trial attorneys (5) Interviews with senior staff	Defense Management System (DMS)
Municipal police departments	Los Angeles Police Dept. Long Beach Police Dept. West Covina Police Dept. Santa Monica Police Dept. Pomona Police Dept. Glendale Police Dept. Pasadena Police Dept.	LAPD patrol officers stationed downtown (6) LAPD Jail officers and custody assistants from LAPD downtown jail (4) Interviews with operations senior management and several police chiefs	
Los Angeles Superior Court	Meetings and consultation with judicial officers	Judicial Officers: judges and commissioners from Central and other County courthouses (10) Judicial Assistants: Assistants from Central and other County courthouses (8) Interviews with numerous judges.	Data from Trial Court Information System (TCIS)
Los Angeles County Probation Department	Probation Department Pretrial Services and Adult Field Services Divisions	Probation Pretrial Services Division: Investigator Aides from Own Recognizance (OR), DNA, Bail Deviation, Drug Court, and Early Disposition Program (EDP) units, from wide range of offices (6) Probation Pretrial Services Division: Senior Investigators from OR, Bail Deviation, EDP, Electronic Monitoring, Research & Development (8) Interviews with senior staff	Data from ORMS mainframe (pretrial); Probation-Pretrial Plus; and Adult Probation System (APS)
L.A. County Department of Mental Health (DMH)	Meetings with senior DMH management		Medical Information System (MIS)
Los Angeles City Attorney	Meetings and consultation with City Attorney staff	Group interview with senior City Attorney staff	Criminal Cases Management System (CCMS)
Long Beach City Prosecutor		Interview with Long Beach City Prosecutor	Long Beach Prosecutor's database

Chapter 2

Pretrial Program and Bail

Pretrial Findings and Recommendations

Pretrial detention has a significant impact on jail populations and public resources. In 2006, an average of 39 percent of defendants charged with a felony in the 75 largest urban communities in the United States were held in jail while they awaited disposition.[1] Comparatively, Los Angeles detains a significantly higher percentage than the national average: in 2006, the County detained 69 percent of felony defendants pretrial.[2] Los Angeles also detains a large percentage of non-felony defendants pretrial.

The Los Angeles County Probation Department has limited resources and the justice system has not developed the means to screen all defendants. The department screens a very small percentage of defendants for possible release and has no pretrial supervision available. This leaves only two options for judicial officers—detain in custody or release on bail or bond into the community. The result is very low rates of pretrial release in Los Angeles County.

The decision to hold or release a defendant pending trial has serious consequences for the defendant, the community, and the integrity of the criminal justice system. Many jurisdictions have sought the right balance between detention and release—in terms of fairness, use of resources, community safety, and appearance for court processing— by implementing a pretrial services program that uses a risk assessment instrument and appropriate supervision and services during release. An effective pretrial program can reduce unnecessary pretrial detention, help ensure that defendants appear in court, and maintain public safety.

Summary of Pretrial Findings and Recommendations

Pretrial Findings:

1. Very low rates of pretrial release
2. Lack of agreement in L.A. County about purpose of pretrial review and release
3. Limited proactive review of defendants for pretrial release
4. Cite and release hampered by insufficient identification
5. Significant bookings for public intoxication in police lock-ups and/or County jail.

Pretrial Recommendations:

1. Create a multi-agency pretrial services committee to serve as a liaison between the Probation Department's Pretrial Services Division (PSD) and the system's other agencies.
2. Implement the pilot pretrial program already in development.
    a. Develop and validate a new risk and needs assessment instrument with the active engagement and oversight of the multi-agency pretrial services committee, comprised of representatives of all key stakeholders.

[1] T.H. Cohen & T. Kyckelhahn, *Felony Defendants in Large Urban Counties, 2006* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2010). See Attachment A to this chapter.
[2] *Ibid.*

    b. Create a system of graduated supervision options based on the new risk and needs assessment using evidence-based practices and focusing resources on medium- and high-risk defendants.
    c. Create a reminder system of phone calls, mail, e-mail and/or texts for court appearances for all released defendants.
    d. Develop an evaluation system for the new pretrial risk assessment and supervision program to measure failures to appear (FTA) and new arrests.
    e. Provide failure to appear and re-arrest rates to judicial officers on their own cases and on County releases overall, by type of release.
3. Expand and improve proactive screening for pretrial release by starting with certain categories of cases and tracking recommendations and results.
    a. Expand the number of defendants reviewed for pretrial release by placing PSD staff in the jails or police lock-ups with the most traffic; reviewing misdemeanants; and conducting a study of what it would take to review all eligible defendants for pretrial release.
    b. Create and maintain a database at PSD with the results of all investigations by individual defendant.
4. Increase law enforcement capacity for field identification: expand County's BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.
5. Create triage centers for patrol officers to bring people whose main reason for contact with law enforcement is being drunk, disorderly, or demonstrating signs of mental illness to allow evaluation, time to sober up or detox, or contact family without an immediate, and possibly unnecessary, booking into the jail.
6. Create pretrial release review committee to regularly review certain in-custody cases for release.
7. Speed up prosecutorial review of arrests by enhancing technology and communications process.

Summary of Bail Findings and Recommendations

Bail Findings:

1. Detention based on ability to pay.
2. The jail will not accept misdemeanor defendants with low bail amounts.
3. Bail/bond data and history are not maintained in electronic databases.

Bail Recommendations:

Review and revise bail policies. Vera recommends that Los Angeles County improve bail data collection policies, reconsider its bail schedule, and create an expedited bail review process.

1. Track and maintain data on bail and bond to determine the impact on length of stay.
2. Eliminate Inmate Reception Center acceptance policies based on bail.
3. Revise the Los Angeles County Bail Schedule.

4. Track and provide failure to appear and re-arrest rates to judicial officers and prosecuting agencies.
5. Review the use of commercial bail.
6. Create a multi-agency committee to review bail for defendants charged with low-level offenses after a set time in custody.

Pretrial Practices in Los Angeles

Vera recommends that Los Angeles County revamp its process for pretrial screening, release, and supervision, to enhance public safety and to utilize jail resources most effectively. The first step is to implement the pretrial pilot program already in development.

The process by which those arrested are screened and released or held is governed by the policies and practices of several parts of the criminal justice system. Law enforcement agencies decide whether to arrest, then whether to cite and release or book into custody; if arrestees are booked, bench officers determine pretrial detention or release. The Pretrial Services Division (PSD) of the Los Angeles County Probation Department is responsible for providing the Court with investigative reports and recommendations designed to aid in detention and release decisions.

Pretrial services programs can take a number of forms. Most commonly, the programs offer investigative services, providing the Court with information essential to a release determination: that is, an assessment of a defendant's likelihood to appear at court or reoffend if released. Many programs also provide the Court with alternatives to bail that do not penalize defendants for their lack of financial resources—by offering monitoring to ensure defendants' appearance at court, for example. Some offer another function as the "court of last resort" for those who remain in custody because they cannot make bail: program staff review cases, devise supervision options to help ensure their safe release and appearance at court, and refer them for court action.

The PSD proactively investigates potential candidates for release, but does so in only limited categories of cases. In addition, detained defendants can apply for release under PSD's two main pretrial release programs: the Bail Deviation (BD) and Own Recognizance (OR) programs. Bail Deviation involves requests for a reduction or increase in the bail amount set at the time of booking according to the County's bail schedule. Requests to decrease bail are initiated by the arrestee; law enforcement and prosecutors may request bail increases. These requests are investigated by PSD staff and decided by bail commissioners, who also have the option of releasing BD applicants on OR. The OR Program accepts only those detained on a felony charge and has three sources of applications: those initiated by PSD, court-ordered OR investigations, and investigations initiated on behalf of an arrestee by a third party, such as an arrestee's lawyer, family, or friend. PSD determines eligibility criteria for both programs. Vera's analysis examined applicants to the BD and OR programs using data from the Probation Department's ORMS database.

In addition to PSD, several agencies may release arrestees pending trial for many reasons. Vera examined this much broader population of arrestees released pretrial using information from two databases: the Automated Justice Information System (AJIS) from the Los Angeles County Sheriff's Department (LASD) and the Consolidated Criminal History Reporting System

(CCHRS) from the Information Systems Advisory Body. The study population includes all individuals arrested between January 1, 2007 and December 31, 2008.

Major Findings on Los Angeles County Pretrial Program

1. *Very low rates of pretrial release.*

   L.A. County has a very low rate of pretrial release and this has a significant impact on the jail population. Vera researchers found that 51 percent of all bookings in 2007 and 2008—200,000 people—were held in custody through disposition. Almost half (391,073, or 49 percent) were released at some point before disposition, including those released without charge, those cited and released after identification was established, those released by the Sheriff for low bail amounts, and those who posted bail or bond. Although it has not been possible to determine reliably the exact number of defendants detained in custody throughout the pretrial period from the data obtained from LASD and other agencies, Vera was able to determine exact figures for a small sample of inmates, as described in Chapter 6. This figure, however, is at least 51 percent.

   The majority of arrestees released before disposition were released pretrial as follows:

   Table 2. Type of Pretrial Release, 2007 and 2008

Type of Release	2007	2008
Citation	45%	47%
Own recognizance	22%	21%
Bond	18%	17%
No filing	9%	9%
Bail	3%	3%

   Because the PSD has no supervised release program, no one was released on formal supervision.

2. *Lack of agreement in L.A. County about purpose of pretrial review and release.*

   One explanation for the low rate of pretrial release is the lack of agreement among the agencies of the criminal justice system about the purpose of pretrial review, release, and services. After meeting with bench officers, pretrial investigators, probation agency leaders, defense attorneys, prosecutors, and judicial assistants, Vera researchers observed that the agencies involved do not consistently understand the mission of pretrial services or why the pretrial division exists. In addition, some of those interviewed acknowledged that defendants in custody have a greater incentive to plead than those who are released pretrial, and that this pressure may serve the purpose of settling cases more quickly. (Vera's data analysis supports this observation; see Chapter 3.) This may account for the low concurrence rate (recently as low as 46 percent) between PSD recommendations and bench officer decisions about OR release and bail deviation.

Many judicial officers and attorneys also discount PSD's findings and recommendations. They believe that PSD's screening is insufficient, possibly because they receive inadequate information about how PSD conducts its investigations.

Judicial officers receive no statistical information about the outcome of their release decisions, in terms of FTA and re-arrest rates by type of release (bail/bond, OR, BD, court-ordered electronic monitoring, or other supervision). Some believe that the County's defendants are, in general, too risky to be released OR and that high bail amounts are needed to assure appearance in court. Without data on previous releases, this hypothesis is perpetuated without being proved or disproved.

3. *Limited proactive review of defendants for pretrial release.*

- **Fewer than 10 percent of all bookings were reviewed by PSD.**

  Vera found that the PSD reviewed less than 10 percent of all bookings into custody in 2007 and 2008, including those cited and released from local police lock-ups or against whom no charges were filed. Most individuals booked, however, faced arraignment. It is common in jurisdictions with a pretrial services agency for most if not all individuals to be screened, usually at the time of booking, for their risk of FTA or to reoffend if released. The review is submitted to a judge or commissioner, usually with a recommendation for action, such as OR release, supervised release, release with conditions, or a recommended bail amount. In Los Angeles, judicial officers do not see an investigation or a recommendation for a full 90 percent of bookings. In addition, because information exists for only a very limited number of detainees, there is very little data on the entire detainee population from which to draw conclusions as to who might be successfully released.

- **There is no clear system for case selection for PSD review.**

  In place of broad proactive screening in the County, PSD programs rely on applications initiated by an arrestee already in custody or by the Court. The limited proactive screening conducted is done by PSD pretrial investigators and investigator aides who review cases they deem appropriate. These investigators and aides have a quota to meet each day. To do so, they obtain a list from court lock-ups and police lock-ups of new felony arrestees and choose the cases they think they should investigate—based solely on the charges and sometimes on the ease of investigation—even if they know certain individuals are ineligible for release. This practice may vary from location to location, but where it does occur, it wastes valuable Probation Department resources, puts before bench officers cases that stand no chance of release, and further distorts the view those officers have of the universe of pretrial detainees.

- **The Pretrial Services Division recommends few cases for release, and only a very small percentage of individuals booked are actually released through PSD programs.**

  Less than one percent of all booked individuals during the study period were released through the Bail Deviation and Own Recognizance programs.

Bail Deviation Program: The Pretrial Services Division reported a favorable recommendation rate of approximately 20 percent and judicial concurrence rate of about 45 percent. Of the 15,598 applications for bail reduction in 2007, seven percent were granted a reduction in their bail amount and 13 percent were released on OR by a bail commissioner. Almost half of BD applicants saw no change in their set bail amount, and the remaining 32 percent of applicants were found ineligible for BD. The PSD determines BD eligibility and governs who may apply for a decrease in bail. Vera was told that those ineligible for the BD program were most often applicants with an open felony charge while on probation or parole. Other applicants disqualified include those booked exclusively on a warrant, a federal charge, or a probation or parole violation. More than 95 percent of applications for an increase in the bail amount were granted by bail commissioners in 2007, while only three percent were denied and one percent of applications were listed as not qualified.

Own Recognizance Program: Of the 41,173 applicants to the OR program over the two-year study period, 4,642 applicants (11 percent) were recommended by PSD investigators as suitable for OR release. However, fewer than half (46 percent) of those PSD recommended for release were granted a release on OR by a judicial officer. In 2007, just 917 arrestees were released on OR through PSD by a bench officer. In 2008, 1,201 arrestees were released on OR through PSD.

The majority of applicants to the OR program received unfavorable recommendations from PSD investigators. Of those unfavorable recommendations, the most common reason listed in the ORMS database was “found unsuitable,” with no further explanation. In fact, a full 50 percent of all recommendations given in OR applications were “found unsuitable.” One-quarter of applications were found ineligible for OR release in 2007 and one-third (34 percent) were deemed ineligible in 2008.

Figure 1. Recommendations and Release Outcomes of Bail Decrease Applicants, 2007 and 2008

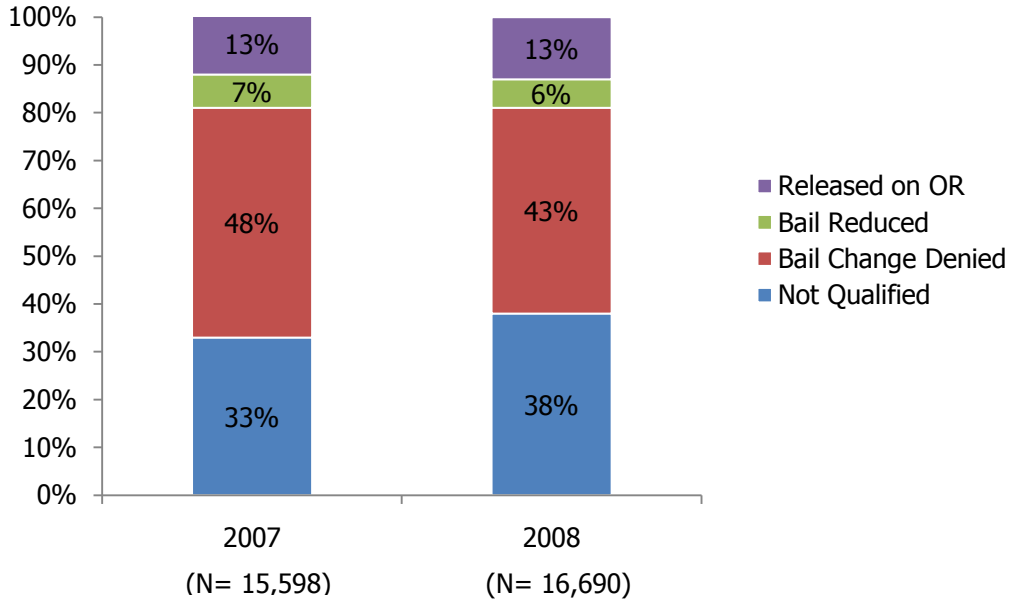
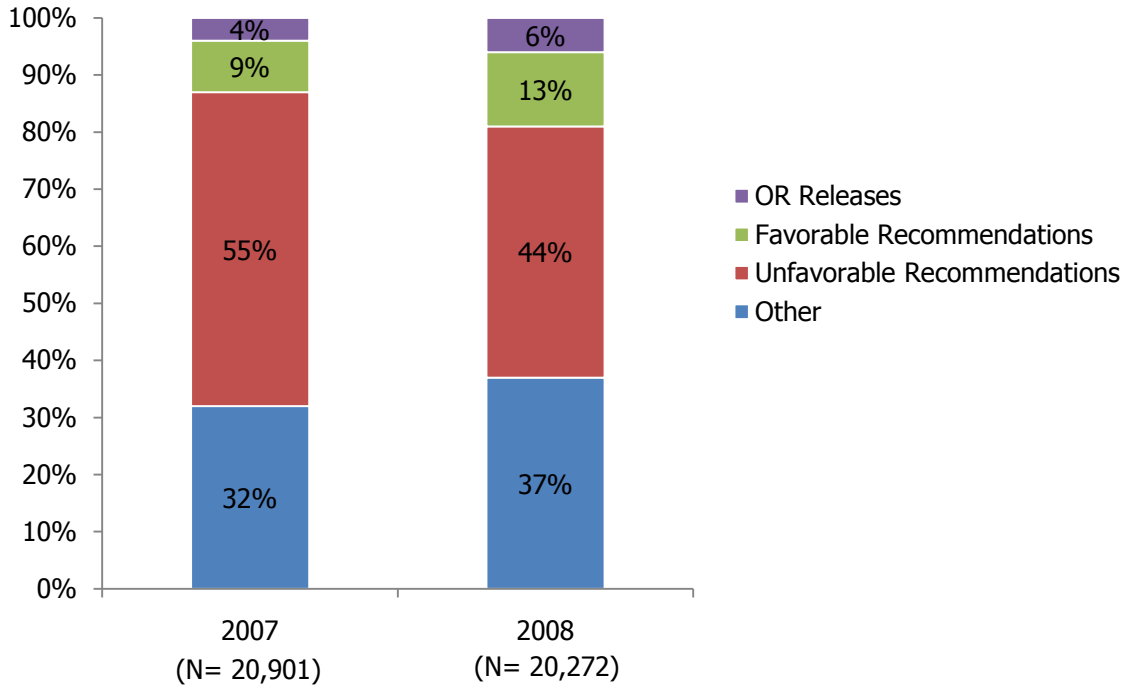


Figure 2. Recommendations and Outcomes of Applicants to the Own Recognizance program, 2007 and 2008



- **Pretrial investigations are too time-consuming.**

  It appears that the majority of cases PSD reviewed come from an application initiated by an arrestee already in custody—or by the Court. The division conducts extensive investigations about each applicant to the BD and OR programs, checking up to 14 different databases for information on outstanding warrants, pending cases, and criminal history, among other things. Division staff present the findings by telephone to a bail commissioner for BD investigations and presents written reports with formal recommendations to the Court for OR releases. Each report takes approximately four hours to complete. Reports for OR are not delivered electronically, but must be printed, signed, and hand-delivered.

- **The PSD risk assessment instrument has never been validated in Los Angeles County.**

  The assessment instrument the PSD uses is decades old and has never been validated for the local population. As a result, it is unclear whether the instrument accurately predicts the risk of FTA or committing a new offense. The CCJCC's Jail Overcrowding Subcommittee has convened a pretrial working group to begin the process of developing a new assessment tool. The new tool will provide more accurate information to bench officers to guide release decisions.

- **For the screening process, PSD relies primarily on inmate applications.**

  Except for the OR reports ordered by the Court or requested by a third party, most BD and OR reports are initiated by inmates. An inmate learns about the BD program from one sign posted in each lock-up facility and must gain access to a telephone in the lock-up to apply. The amount of time an inmate may use the phone is limited, and a BD phone interview takes about 15 to 20 minutes to complete. Staff of the BD program answer the phone from 6:30 a.m. to 1:30 a.m. (19 hours per day), seven days a week. Given these limitations, it is hardly surprising that PSD reported that the BD program is underutilized by inmates.

The following two findings have a greater initial impact on police lock-ups than on the County jail, but they both implicate County resources and may lead to more transfers to the County jail.

4. "Cite and release" practices are hampered by insufficient identification.

By law, police officers have the authority to issue citations in the field, in lieu of arrest and booking, that order individuals charged to appear in court at a later date. This authority, however, is not utilized as often as it might be.

Patrol officers from many County jurisdictions told Vera investigators that the main reason they do not cite and release appropriate candidates is an individual's lack of positive

identification[3]—an exception to the Penal Code's presumption of cite and release for misdemeanors under section 853.6.

Although it is impossible to determine the exact number of bookings conducted solely because of inadequate identification, Vera's analysis shows that 62 percent of those booked but later released on citation are released within one day. It is reasonable to assume that a large number of those individuals are released after positive identification is made at the jail or station house. Although not all of those days are spent in County jail facilities (some were spent in police lock-ups), it is nonetheless clear that considerable County resources could be saved if more positive identification could be done in the field. In addition, almost 28 percent of arrestees booked into custody are held for at least one full calendar day before they are released from detention and these defendants used 247,614 bed-days over two years.

5. *The County books a significant number of people for public intoxication in police lock-ups or County jail.*

   During the study period, there were 11,775 bookings for people arrested under P.C. 849(b)(2) for public intoxication. After these arrests, people are typically released within a number of hours, but consume valuable booking resources, either in police lock-ups or County jail.

Recommendations to Improve Pretrial Practice in L.A. County

As Vera's findings indicate, PSD operates with several major disadvantages. It lacks the confidence of the bench and attorneys, and its screening, release, and services do not have the resources they need to help the County avoid unnecessary pretrial detention. Although both issues are important, it is critical that Los Angeles County address the confidence issue first.

1. *Create a multi-agency pretrial services committee to serve as a liaison between PSD and the system's other agencies.*

   The CCJCC Jail Overcrowding Subcommittee has convened a multi-agency pretrial committee to help coordinate a new pilot pretrial program. The committee, however, should also directly address the lack of communication and trust between PSD and other agencies by:

   - organizing cross-agency meetings and trainings, particularly for bench officers relying on PSD assessments and recommendations;
   - developing policy regarding the goals of pretrial practices;
   - securing support and commitment for those goals and policy; and
   - building accountability on the part of all agencies for their achievement.

[3] Police departments in Los Angeles County have varying policies regarding the misdemeanor release presumption. Certain agencies reported that they book every arrest, including low-level misdemeanors, although others book only those misdemeanors that fall under the Penal Code 853.6 exceptions (danger to self or others; medical care required; VC 40302 and 40303; outstanding arrest warrant; unsatisfactory identification; prosecution of offense would be jeopardized by release; reasonable likelihood offense would continue; demand appearance or refuse to sign notice to appear; reason to believe person would not appear).

Even before these ambitious purposes are realized, however, the committee could help build other agencies' understanding and trust in PSD's investigations, recommendations, and practices, while conveying to PSD the specific concerns and goals of other agencies.

2. *Implement the pilot pretrial program already in development.*

The CCJCC Jail Overcrowding Subcommittee convened a pretrial working group to identify improvements in the Los Angeles pretrial release process. Using data and research Vera provided, the working group designed a pilot program to revamp PSD's review and release process, to assure a more equitable system that also safeguards public safety. A key part of the process will be expanding the number of defendants reviewed for possible release. Vera recommends that Los Angeles County continue to develop and implement the following to improve the process of pretrial evaluation and decision making:

a. **Develop and validate a new risk and needs assessment instrument with the active engagement and oversight of the multi-agency Pretrial Services Committee.**

A new risk and needs assessment tool, validated for the Los Angeles County population, would provide much more accurate information to judicial officers about the risk of FTA and re-arrest for defendants. However, judicial officers, prosecutors, and law enforcement must be part of overseeing this process to have confidence in its effectiveness.

A new pretrial assessment has potential applications beyond pretrial services. For example, the Sheriff's Department could use the instrument to help determine jail acceptance policies instead of its current policy of using bail amounts. Bail is not related to an individual's risk of failure to appear or re-arrest. The use of a risk assessment instrument to guide release decisions would also increase public confidence in the system's ability to keep communities safer.

b. **Create a system of graduated supervision options based on the new risk and needs assessment, using evidence-based practices and focusing resources on medium- and high-risk defendants.**

An effective pretrial release program provides a continuum of supervision options for defendants at all risk levels—simple reminders of court dates for the lowest risk, phone or office contact for medium risk, and options for higher risk defendants that are tailored to the individual's needs and release conditions.

c. **Create reminder system of phone calls, mail, e-mail and/or text messages about court appearances for all released defendants.**

Any agency having contact with defendants should be proactive in reminding them about their obligations for court appearances. They can use a variety of communication tools—automated phone calls, text messages, mail, and/or e-mail.

d. Develop an evaluation system for the new pretrial risk assessment and supervision program, to measure failures to appear and new arrests.

An evaluation serves two purposes: it measures the new program for efficacy, as evidence-based practices demand, and it provides hard data to bench officers and all system stakeholders, including the pretrial services committee--data that will build confidence in the new program. Vera designed a pretrial evaluation model to compare FTA and re-arrest rates of individuals released on OR pretrial under the current system with similar individuals released OR through the pilot program.[4] An additional outcome measure would be concurrence rates between PSD release recommendations and the release decision of judicial officers.

e. Provide failure to appear and re-arrest rates to judicial officers for their cases and County releases overall, by type of release.

Judicial officers expressed interest to Vera in following the outcomes of their own release decisions and decisions made by others throughout the County. It would be most helpful to begin immediately to track and provide FTA and re-arrest rates by the type of release—whether bail (and how much), bond, OR, or BD, and whether the individual was released through the Pretrial Services Division.

3. *Expand and improve proactive screening for pretrial release by starting with certain categories of cases and tracking recommendations and results.*

a. Expand the number of defendants reviewed for pretrial release by placing PSD staff in those jails or police lock-ups with the most traffic; reviewing misdemeanants; and conducting a study to assess what it would take to review all eligible defendants for pretrial release.

The national standards for pretrial service programs call for reviewing all defendants for possible release. Although that may be a long-term goal for Los Angeles, PSD could expand its reach in other ways, particularly toward populations more likely to be released—such as placing staff in busy jails or misdemeanor arraignment courts—to screen arrestees as soon as possible. This type of proactive screening would also eliminate the need for watch commanders to comment on bail deviation applications, since sufficient information to make a release decision would already be available.

b. Create and maintain a database at PSD with the results, by individual defendant, of all investigations.

Investigations and recommendations about individual defendants are not currently maintained in a database. Each time a defendant applies for a program or requests a bail review, the PSD initiates a new investigation, which requires checking up to 14 different databases and may take up to four hours. The results of these investigations should be maintained in a database that could potentially link certain fields to AJIS and other

[4] This evaluation is not intended to validate a new risk assessment instrument.

systems to reduce the workload of other agencies and form the basis for more complete case records for individuals in the County's criminal justice system.

The following two recommendations would reduce the number of arrestees held in police lock-ups and/or in the County jail.

4. *Increase law enforcement capacity for field identification. Expand the County's BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.*

   The LASD has spearheaded an effort to implement mobile identification technology throughout the County, but it should be expanded to every patrol car in every department. Los Angeles County is using BlueCheck, a device that captures fingerprint data and transfers the images wirelessly to secure websites.

   To date, LASD has distributed approximately 2,400 BlueCheck mobile identification devices to law enforcement agencies throughout the County and the LAPD currently has 800 BlueCheck devices, with about half in use in the field.[5] The LASD stated that since 2006, approximately 250,000 searches have been made across the County and 99,000 instances wherein identification was made.[6]

   Many other jurisdictions use this technology. In 2009, Oakland County piloted a program using these devices and reported positive results.[7] In Maryland, the Anne Arundel County Sheriff's Office has BlueCheck portable scanners, as does the Annapolis Police Department.

5. *Create triage centers for patrol officers to bring people whose reason for contact with law enforcement is being drunk, disorderly, or demonstrating signs of mental illness, to allow for such steps as evaluation, time to sober up or detox, and contacting family—without an immediate and possibly unnecessary booking into the jail.*

   Triage centers provide a space where people can get sober or detox, be evaluated, and contact family members, steps that in many cases may eliminate the need for a booking into the jail. Triage centers may not only reduce jail bed-days, but also reduce officer time because the person can be dropped at the center with minimal time spent on paperwork and none on processing. Making use of such centers is safer than relying on jail, because staff are trained to respond to the kinds of medical needs that may emerge and police officers can get back to the streets quickly. Vera was told that this type of facility was previously used in parts of Los Angeles County but is no longer available. (See Mental Health Recommendations for description of triage centers for people with mental illness.)

   Reno, Nevada: In Reno, a mobile unit drives around the city picking up intoxicated individuals who have been detained by patrol officers and transports them to a detox facility. This allows the patrol officers to quickly get back on the street.

[5] Elias Tirado, telephone conversation, Los Angeles, February 15, 2011.
[6] Lieutenant Bennett W. Seno, personal e-mail, Los Angeles, February 16, 2011.
[7] C. Kavanaugh, "Device Lets Police Check Fingerprints from the Road," *The Daily Tribune*, October 26, 2010.

Portland, Oregon: Hooper Sobering Station is housed inside a complex that offers many treatment options. Police and a roving response team transport individuals to the center. The detention is not considered an arrest, but individuals must remain at the center until released.[8]

6. *Create a pretrial release review committee to regularly review certain in-custody cases for release.*

   Establish a multi-agency jail population committee to review cases in which the defendant has been detained for some time (for example, more than seven days) on a lower-level charge and make release recommendations to the Court, when appropriate. This committee could partner with bench officers who would receive, review, and act on the committee's recommendations.

7. *Speed up prosecutorial review of arrests by enhancing technology and the communications process.*

   The data shows that on average, individuals who had no case or complaint filed against them spent more than 2.8 days in physical custody before release. This accounts for 9 percent of all bookings, or more than 37,000 cases during the two-year study—adding up to an average of almost 52,000 bed-days each year as a result of cases that were never filed or prosecuted. The ability of law enforcement and prosecutors to review cases and make charging decisions even one day sooner would have a significant impact on the custodial population.

   Improved communication between prosecutors and law enforcement translates into less jail space occupied by people who will not be charged. Some prosecutors' offices have assigned screening attorneys to work at or make regularly scheduled visits to police headquarters so they can immediately inform officers of their charging decisions. Agencies could also transmit all police reports to prosecutors electronically and establish a system for video calls or other communication to decrease driving time.

   California counties: The Ventura County District Attorney's Office places a prosecutor at the Simi Valley and Moorpark police departments to review search warrants, expedite case review for filing consideration, and work with officers directly on legal issues.[9] In the city of Visalia, the Tulare County District Attorney's Office has prosecutors provide on-site assistance to the police department to review and process routine misdemeanor cases and increase turnaround time.[10] A significant benefit is that police officers are not required to transport case referrals and other paperwork to the district attorney's office for many cases, saving them a 25-mile round trip to the prosecutor's office.[11]

[8] Central City Concern, "Hooper Detoxification Center," http://www.centralcityconcern.org/hooper_center.htm.
[9] "In Brief," *Ventura County Star*, October 2, 2010.
[10] Contract and Partnership Agreement Between: City of Visalia and Tulare County District Attorney's Office for District Attorney Staff Assigned to Visalia Police Department, Fiscal Year July 1, 2010 to June 30, 2011 report.
[11] District Attorney, County of Tulare Agenda Item, October 28, 2008.

Colorado: In Fort Collins, the screening prosecutor is scheduled to meet with a police officer every 30 minutes. In other counties, prosecutors are regularly scheduled to visit police stations and review reports.[12]

Bail Findings and Recommendations

Major Findings on Los Angeles County's Use of Financial Pretrial Release

1. *Detention is based on the ability to pay.*

   In L.A. County, most detention decisions are not based on an informed assessment of whether an individual poses a danger to society or is likely to return to court. Instead, the decision is based on whether the arrestee has enough money to meet bail. In 2007 and 2008, only *three percent* of defendants made bail, while bond accounted for *18 percent and 17 percent* of releases. Judicial officers reported that they tend to default to the bail schedule because they are not provided with sufficient facts about a defendant to make an informed decision.

2. *The jail will not accept misdemeanor defendants with low bail amounts.*

   As a means of controlling the size of the jail population, the Sheriff will not accept misdemeanor defendants if bail is set below a certain (changing) threshold. (For example, a 2009 LASD policy indicates that the Inmate Reception Center would not accept inmates carrying a maximum aggregate bail of $25,000 or below for misdemeanor cases, with a number of exceptions including probation and immigration holds.)[13] A number of interviewees told Vera that the LASD's bail policy is random and results in courtroom decisions that set bail above the LASD cutoff point to ensure detention. The LASD bail acceptance policy is unrelated to the risk an individual poses for FTA and re-arrest.

3. *Bail/bond data and history are not maintained in electronic databases.*

   In the Court's and Sheriff's databases, TCIS and AJIS, respectively, the bail/bond field is overwritten when it is revised and "zeroed out" when a defendant is released. Court minutes may contain bail and bond history and the Sheriff's Department may maintain paper records, but neither is searchable for large numbers of cases. This prevents any large-scale historical or current analysis into the use of bail and bond for pretrial release. The only available information about financial release is whether a defendant was released on bail or bond; there is no data on amount, changes, or correlation to FTA and re-arrest.

[12] J. Jacoby, P. Gilchrist III, E. Ratledge. *Prosecutor's Guide to Police-Prosecutor Relations* (Maryland: Jefferson Institute for Justice Studies, 1999).
[13] L. Baca, *IRC Policies on Bail Acceptance and Misdemeanor Arrests*, Sheriff's Department Broadcast to all Los Angeles County Law Enforcement Agencies, September 7, 2009.

Despite the bail/bond data limitations, Vera developed bail-related recommendations based on general data showing the total number of bail or bond releases and on information provided in the policy and procedure review, interviews, and focus groups.

Bail Recommendations

A range of national criminal justice agencies agree that pretrial release should be based on risk rather than a suspect's financial means; these groups include the Association of Prosecuting Attorneys, the National District Attorneys Association, the American Bar Association, the National Association of Counties, and the National Association of Pretrial Services Agencies.[14] If financial conditions are imposed, they should be set at the lowest level necessary to ensure the defendant's appearance and with regard to his or her financial ability. Indeed, federal bail law prohibits the imposition of money bail defendants cannot afford and which results in pretrial detention. The federal court is required to release the defendant on his own recognizance or on an unsecured appearance bond, unless more restrictive conditions are deemed necessary.[15]

The pilot under development by the pretrial working group would permit the Court in the County to make pretrial decisions based on risk. In the meantime, however, improvements could be made to the existing system of bail, including immediate changes to the collection and analysis of data regarding the use and impact of bail amounts in the County.

Vera recommends that Los Angeles County improve bail data collection policies, reconsider the bail schedule, and create an expedited bail review process.

1. *Track and maintain data on bail and bond to determine the impact on length of stay.*

   The current data system—in which the bail/bond field is overwritten by the Court's and the Sheriff's data at the time it is revised or a defendant is released—does not permit any analysis of bail and its impact on custody. To make any substantial, data-driven policy changes in this area, the County must begin to track bail data by charge and amount category (for example, $5,000-$10,000 vs. $10,000-$15,000). This data would allow the County to analyze how many defendants were detained or released within each bail category and how long they were held after bail was set. The County could then identify those categories of charges and bail amounts to target as part of additional crowding-reduction strategies as well as the impact that bail reductions might have on jail bed-days.

2. *Eliminate Inmate Reception Center acceptance policies based on bail.*

   Given the crowding and budget constraints under which the jails are operating, it is understandable that the Sheriff has resorted to refusing certain categories of bail amounts for detention. However, this is not the best option for deciding who should or should not be eligible for incarceration. Jail should be reserved for those posing a high risk of failing to

[14] S. Weinstein, et al., International Association of Chiefs of Police, *Law Enforcement's Leadership Role in the Pretrial Release and Detention Process*, February 2011.
[15] Jamie Fellner, "Bail Shouldn't Mean Jail for Poor Nonfelony Defendants," *New York Law Journal*, February 9, 2011.

appear or re-offending.[16] The Sheriff should collaborate with PSD to assess individuals based on their real risk of FTA and re-arrest, rather than relying solely on bail information.

3. *Revise the Los Angeles County Bail Schedule.*

The Los Angeles County Bail Schedule sets bail amounts based on criminal charges and is determined by a judicial committee that reviews it every year. However, that committee works in isolation from other agencies and without any data on the impact the schedule has on detention or its effectiveness in assuring appearance by defendants in court or protecting public safety. L.A. County should create a multi-agency working group to study and review the bail schedule on an annual basis and in collaboration with the judicial committee. Although the new working group may still lack data—at least for an initial period—the experience of representatives from multiple agencies, including police departments and the Sheriff's Department, is likely to contribute to a more effective bail schedule.

Vera's analysis shows that Los Angeles County consumes many jail bed and transportation dollars by detaining large numbers of non-felony defendants pretrial. In 2008, a sample of non-felony defendants spent an average of 7.7 days in LASD custody pre-disposition.[17] The large number of non-felony defendants passing through LASD custody means that this pretrial population consumes many jail bed-days; Vera estimates that by making even small changes to the length of time such defendants spend in custody, more than 250,000 jail bed-days could be saved every year, equivalent to approximately 700 beds.

The purpose of pretrial detention is to help ensure that defendants show up in court and do not re-offend while they await trial. Many misdemeanants who are detained will not be convicted, and even for those convicted, the days spent in pretrial detention are often disproportionate to the sentences eventually received. This detention is not an effective use of resources, as the vast majority of non-felony defendants would most likely show up for trial if released and provided appropriate supervision. For example, in New York City, 84 percent of non-felony defendants who are released pretrial show up for court proceedings; only 6 percent miss a Court appearance and do not return voluntarily within 30 days.[18]

4. *Track and provide failure to appear (FTA) and re-arrest rates to judicial officers and prosecuting agencies.*

To make appropriate release decisions, judicial officers need more information about defendants' individual risk factors for failure to appear and re-arrest. Bench officers suggest—and Vera agrees—that they would benefit from reviewing long-term FTA and re-arrest rates for the Court as a whole and for their own decisions, to better understand the impact of those decisions.

[16] Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, *Pretrial Releases of Felony Defendants in State Courts*, Special Report, November 2007; and John Goldkamp, et al., *Personal Liberty and Community Safety: Pretrial Release in the Criminal Court*, (New York: Plenum Publishing, 1995).
[17] This number includes non-felony defendants who were in custody or released at the time of disposition.
[18] J. Fellner, 2011.

5. *Review the use of commercial bail.*

   Los Angeles County should follow the lead of many other jurisdictions and limit the use of commercial bail. Bail bondsmen ultimately make many pretrial release decisions by deciding which defendants are acceptable risks based primarily on the defendant's ability to pay.[19] The United States and the Philippines are the only countries that allow the use of private bail bondsmen.[20] Since 1968, the American Bar Association has argued that commercial bail should be abolished because bondsmen end up making release decisions instead of the Court; bondsmen have no obligation to try to prevent criminal behavior of released defendants; and bond discriminates against low-income defendants who may not be able to afford the fees or possess sufficient collateral to post bond.[21]

6. *Create a multi-agency committee to review bail for defendants charged with low-level offenses after a set time in custody.*

   Vera's analysis shows that defendants charged with non-felonies who are in custody at the time of disposition spend an average of 8.2 days in custody pre-disposition. Although extenuating circumstances may explain the long detention for certain cases, many of these defendants are likely held because they cannot make bail or bond, or because they have a no-bail hold.

   In jurisdictions facing overcrowded jails, it is common practice for a multi-agency committee to regularly review groups of cases that have been detained for set lengths of time. In L.A. County, a committee comprising representatives from the Court, Probation Pretrial Services Division, LASD, defense and prosecution should convene and decide categories of cases need reviewing. Meeting regularly, the committee should request an automated printout from the Sheriff and review it with an eye toward adjusting bail or recommending release.

[19] J. Goldkamp, "Illegal Globally, Bail for Profit Remains in the U.S.," *The New York Times*, January 29, 2008.
[20] S. Weinstein,et al., 2011.
[21] ABA Standard 10-1.4(f) commentary, pp.44-47.

Attachment A

Evidence-Based Practice in Pretrial Screening and Supervision

Evidence-Based Practices in Pretrial Screening and Supervision

Research on pretrial practices focuses on (1) how to identify those who can be safely released pretrial, and (2) the supervision practices that are most likely to assure appearance in court and reduce the likelihood of new offenses by the released defendant. The most widely recommended and implemented practices include:

1. Utilize an objective, research-based risk assessment instrument to assist judicial officers in making release decisions;
2. Use the risk assessment instrument's results to set meaningful supervision conditions;
3. Gather information for risk assessments through defendant interviews but verify that information with other sources;
4. Vary the level of pretrial supervision and programming according to the specific risk of defendants, using intensive supervision only with the highest risk defendants;
5. Establish specialized programs for defendants with special needs;
6. Develop a formal system of reminders for all defendants to help ensure appearance at scheduled court dates; and
7. Create meaningful consequences for violation of pretrial release conditions.

1. Use a risk assessment tool to assist in the release decision

The use of a risk assessment instrument that measures the defendant's likelihood of appearing in court and his or her danger to the community if released can help judicial officers decide which defendants can be safely released pending trial. The use of such instruments is strongly recommended by the American Bar Association and the standards of the National Association of Pretrial Services Agencies. A 2009 federal study of pretrial detainees also recommended their use by federal pretrial services agencies. The instrument must be validated, however, for the jurisdiction where it is to be used to ensure it accurately predicts pretrial risk in that community.[1]

Pretrial risk assessment instruments have been in use in the United States since 1961, and many states and hundreds of counties have adopted them in the 50 years since, including: Maricopa County (Phoenix), Arizona; Harris County (Houston), Texas; New York City, New York; Hennepin County, Minnesota; and the state of Virginia.[2] Other examples include:

- *Kentucky*: Kentucky's statewide pretrial services agency uses a point-scoring system to make recommendations to the court. The system accounts for the defendant's pending charges, prior record, family and community ties, and employment or education status. The state reviews the risk assessment tool every two years, receiving input from judges and jail officials, and examining its accuracy on a sample of pretrial defendants who were released.[3]

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[1] *Ibid.*
[2] See Attachment C for risk assessment instruments from Harris County, Hennepin County, Philadelphia, and Virginia.
[3] B. Mahoney, et al., *Pretrial Services Programs: Responsibilities and Potential* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2001).

- *Lake County, Illinois*: The Lake County Pretrial Services Program began with a subjective risk assessment tool but found this resulted in inconsistent and disparate recommendations, and, therefore, inequities in the release process. In 2006, the agency implemented an objective risk assessment tool which standardized the release decision-making process, resulted in more release recommendations, and produced fewer releases based on financial bond.[4] After implementation of the new assessment, pretrial failure rates improved despite decreased supervision for lower-risk offenders and an expanded definition of pretrial failure to include violations that did not result in revocation.[5]

- *Philadelphia, Pennsylvania*: Philadelphia developed a matrix in response to concerns about inconsistencies among judicial officers in release decisions. It categorizes defendants based on the seriousness of their crime and the risk that they will flee or be rearrested.[6] There are 40 categories into which a defendant may fall, each with a suggested option or range of options, including release on recognizance for low-risk defendants and money bail for high-risk defendants. Over time, the matrix has been adapted as supervision options have increased; failure to appear and re-arrest rates has fallen significantly despite the fact that its release rates are higher than other urban jurisdictions.[7]

2. Use risk assessments to set meaningful conditions of release

In addition to or instead of direct supervision by pretrial service agencies, judicial and probation officers can place a variety of conditions on individuals while on release. Using the risk assessment results to inform the setting of conditions can help judicial and probation officers to choose an appropriate level of conditions and not over-condition low-risk offenders or under-condition higher risk offenders. Pretrial services deals with defendants, not convicted offenders, so judicial officers should seek the least restrictive conditions necessary to protect public safety or reduce risk of flight.

There are a variety of conditions categories, including:

1. status quo conditions, which require the defendant to maintain certain stabilizing elements of his or her life such as employment or residence;
2. restrictive conditions, which restrict movement or contact with particular people;
3. contact conditions, which require the defendant to report to the agency by phone or email on a regular schedule; and
4. problem-oriented conditions, which require the defendant to enroll in particular social services programming, such as substance abuse treatment.[8]

Information from an assessment tool is used to identify the defendant's needs that are most predictive of the risk of FTA and re-arrest. Important factors that predict whether defendants are

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[4] K. Cooprider, "Pretrial Risk Assessment and Case Classification," *Federal Probation* 73, no. 1 (2009): 12-15.
[5] *Ibid.*
[6] See Attachment C for matrix (B. Mahoney, et al., 2001.)
[7] B. Mahoney, et al., 2001.
[8] Pretrial Services Resource Center, *Supervised Release Primer* (Washington, D.C.: Pretrial Resource Center, 1999).

more likely to show up in court include: (1) residence stability; (2) employment stability or full time activities (such as full time education); and (3) community ties.[9] Research also suggests that it is possible that FTA could be predicted if drugs tests were used that were able to distinguish among low, moderate, and high drug usage.[10] Conditions should be tailored to address these factors, depending on how the defendant scores on the assessment tool.

3. Gather information for risk assessments through defendant interviews and verification

In order to answer many of the questions in the risk assessment tool, information must be gathered about the individual. The defendant is the best source for this information, and standardized, timely interviews should be conducted with each individual under the court's jurisdiction.[11] Pretrial service agencies must make assurances and take precautions when collecting information from defendants to protect their rights, particularly the right against self-incrimination.[12] Agencies should advise the defendant of his or her rights and encourage the individual to sign a copy of a rights advisement to make sure they understand.[13] National standards and some state laws provide for confidentiality of agency files to ensure the defendant is protected.[14]

Because risk assessments often rely on self-reporting, it is critical for agencies to verify the information they receive from defendants. The FBI's National Criminal Information Center or the National Law Enforcement Telecommunications System may help verify criminal records. Agencies may also have to reach out to the defendant's family members or the defendant's employer as well as consult county court records or credit bureaus for verification of some information. However, in considering who to contact, agencies should consider how damaging it may be to the defendant if the verification source learns of the defendant's arrest. Agencies should use the least intrusive measures possible to verify information.

- *District of Columbia*: Officers with the Pretrial Services Agency in the District of Columbia are trained to inform defendants of the way the information they receive during the interview will be used.[15] Specifically, they inform the defendant that a judicial officer will use the information solely for the pretrial release decision, not in the criminal trial to prove the defendant is guilty. The interviewers are also trained to avoid discussing current charges during the interview, to resist developing any kind of relationship with

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[9] M. Katzive, *New Areas for Bail Reform: A Report on the Manhattan Bail Reevaluation Project*, (Vera Institute of Justice, 1968); Pretrial Justice Institute. 2010. "Pretrial Services Program Implementation: A Starter Kit." Washington, D.C., http://pretrial.org/Reports/PJI%20Reports/PJI%20Pretrial%20Services%20Program%20Implementation%20A%20Starter%20Kit.pdf.

[10] W. Rhodes, R. Hyatt, & P. Scheiman, "Predicting pretrial misconduct with drug tests of arrestees: evidence from eight settings," *Journal of Quantitative Criminology* 12, no. 3 (1996): 315-348.

[11] See Attachment C for sample interview form (B. Mahoney, et al., 2001).

[12] B. Mahoney, et al., 2001; National Association of Pretrial Services Agencies, 2004, Standard 3.8.

[13] See Attachment C for sample advisement from the Southern District of New York Pretrial Services Agency (B. Mahoney, et al., 2001).

[14] National Association of Pretrial Services Agencies, 2004, Standard 3.8; 18 U.S.C. 3153(c); D.C. Code Ann. Section 23-1303(d).

[15] B. Mahoney, et al., 2001.

the defendant that goes beyond the purpose of the interview, and to disclose any prior relationship the interviewer has with the defendant.

4. Focus supervised release programs on defendants with the highest risk

Research on pretrial populations demonstrates a clear connection between the level of supervision and the likelihood of pretrial success. As discussed in the risk assessment section of this memo, studies suggest that supervision that is not commensurate with the defendant's level of risk can result in worse outcomes.[16] Researchers have concluded that focusing resources on higher-risk defendants increases pretrial success while an overuse on low-risk individuals produces failure.

An effective pretrial release program provides a continuum of options for defendants at all risk levels and supervision that is tailored directly to the individual's needs and release conditions. Low risk defendants may need nothing more than reminders of court appearance dates, while medium level individuals may require periodic phone or office check-ins. In some jurisdictions, higher-risk defendants are managed in the community through the use of intensive supervision programs that require frequent reporting with agency staff, regular drug tests, or participation in substance abuse treatment.[17] The highest-risk defendants can be supervised under even more stringent supervision, such as day reporting centers that require daily check-ins and substantive programming.

Other supervision techniques for high-risk defendants include: community observation (periodic surveillance of a defendant to ensure compliance with conditions of release); referrals to other government or community agencies to help secure treatment or social services; employment or education requirements; and restrictions on association or contact with particular individuals or groups of individuals.[18] These types of intensive supervision for the highest-risk defendants can reduce the likelihood of pretrial failure by serving as an early warning system of inability to comply and providing additional services that directly address the individual's risk factors.[19]

- *Southern District of Iowa*: A study in the federal Southern District of Iowa examined what happened when the courts increased the pretrial release rate by 15 percent and focused efforts on those defendants who posed the greatest risk.[20] The increase resulted in the release of 110 defendants who would not have qualified for release prior to the study. The study found that all three measures of pretrial failure—failure to appear, new criminal activity, and technical violations—showed improvement. Overall, pretrial success rates increased nearly seven percent.

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[16] M. VanNostrand, & K. Rose, *Pretrial Risk Assessment in the Federal Court* (Washington, D.C.: U.S. Department of Justice, Office of the Federal Detention Trustee, 2009).
[17] Pretrial Services Resource Center, 1999.
[18] Office of Probation and Pretrial Services, The Supervision of Federal Defendants (Washington, D.C.: United States Courts, Office of Probation and Pretrial Services, 2007).
[19] *Ibid.*
[20] M. VanNostrand, *Alternatives to Pretrial Detention: Southern District of Iowa* (St. Petersburg, FL: Luminosity, Inc. 2010).

- *Lake County, Illinois*: The Pretrial Services Program in Lake County, Illinois, adopted a new risk assessment tool in 2006 and changed its practices based on observations that some defendants need more supervision in order to succeed on pretrial release. Previously, the agency supervised defendants uniformly, regardless of risk level. The agency changed its supervision practices by developing three levels of supervision based on risk. The results were that aggregate failures for those on pretrial supervision actually decreased.[21] Researchers concluded that using differential levels of supervision based on risk, under the least restrictive conditions, was a more effective investment of resources and time.[22]

- *Broward County, Florida*: The Pretrial Services Division in the Broward County Sheriff's Office utilizes a continuum of options for defendants under supervised release.[23] The least restrictive option, the Standard Supervision Program, supervises defendants with telephone check-ins, home or office visits, and court reminder letters. Some defendants may also be required to undergo drug or alcohol testing or participate in counseling sessions. The Intermediate Supervision Program monitors defendants through more frequent contacts and requires that all defendants are employed full-time. The most restrictive supervision is under the Electronic Monitoring / House Arrest Program. In this program, defendants are placed on curfew and their movements are monitored by pretrial officers.

- *District of Columbia*: The District of Columbia developed the High-Intensity Supervision Program (HISP) to address the needs of the highest risk defendants in the district.[24] The HISP targets individuals charged with felonies or violent misdemeanors who have a high risk assessment score or have failed other supervised release programs. The HISP consists of two phases, the Community Phase and the Home Confinement Phase. The Community Phase is the less restrictive phase, requiring in-person contact with a pretrial services officer, weekly drug testing, electronic monitoring and daily curfews. If a defendant violates the conditions of this phase, he or she risks being placed in the Home Confinement Phase, in which defendants are placed on electronically monitored home confinement for 21 days. They are only allowed to leave the residence for approved education or employment obligations, or to report to the pretrial services agency in person. A violation of this phase results in a court hearing.

5. Establish personalized programs for individuals with special needs

Defendants with specialized problems like drug or alcohol abuse, mental illness, or disabilities can also benefit from pretrial release, especially when conditions and programs are developed to

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[21] K. Cooprider, "Pretrial Risk Assessment and Case Classification," *Federal Probation* 73, no. 1 (2009): 12-15.
[22] *Ibid.*
[23] Broward County Sheriff's Office, Pre-Trial Services Division, http://sheriff.org/about_bso/dodcc/court/pretrail.cfm.
[24] S.W. Shaffer, *Guide to the District of Columbia Pretrial Services Agency's Programs and Services* (Washington, D.C.: District of Columbia Pretrial Services Agency, 2006); S.W. Shaffer, Pretrial Supervision: The D.C. Pretrial Services Agency's High Intensity Supervision Program, Presentation for the NIJ Pretrial Research Meeting, Charlotte, NC, 2007, http://www.ojp.usdoj.gov/nij/topics/courts/pretrial/research-meeting/shaffer.pdf.

address their specific needs.[25] Although it is sometimes difficult to identify these defendants, agencies can build screening tools into their interviewing procedures and risk assessments to ensure that special needs are identified earlier in the pretrial process.[26]

Many jurisdictions address special needs in their pretrial release programs. Treatment and testing for drug abuse is a common condition for release. Some agencies have developed in-house treatment programs to provide direct services. Halfway houses in particular provide structure and shelter for individuals who are either homeless or have no community ties. These facilities may also offer treatment programs or job placement services to residents. Agencies may also condition release on mental health treatment, behavior modification programming, or employment training or placement services.

- *Milwaukee, Wisconsin*: The pretrial services providers in Milwaukee, Wisconsin conduct intensive supervision and treatment programs for repeat Driving While Intoxicated (DWI) offenders. The intensive supervision program, piloted in 1993, provides outpatient therapy and self-help groups as a condition of release. Participants undergo random drug and alcohol testing, maintain in-person and telephone contacts with staff, and attend victim-impact panels. An evaluation of the program shows that 83 percent of defendants discharged from the program successfully accessed treatment and 73 percent were compliant with pretrial supervision conditions.[27]

- *District of Columbia*: The Specialized Supervision (Mental Health) Unit of the Washington, D.C. Pretrial Services Agency targets pretrial defendants who suffer from mild mental disabilities to severe, persistent and chronic mental illnesses. The program provides case management, referrals to mental health service providers, vocational rehabilitation and employment services, and offers a limited number of housing placements.[28]

6. Develop system of reminders for defendants to help ensure appearance at scheduled court dates

The FTA risk is one of the biggest factors a judicial officer takes into consideration when making decisions about pretrial release. Creating a system for reminding defendants about their obligations to appear and the dates at which they are due in court is the fundamental task of a pretrial services agency. Reiterating those reminders during any check-in or contact sends the message that the system is serious about enforcing its orders and maintaining its schedule.[29]

- *San Mateo County, California*: Practitioners in San Mateo County's Pretrial Services Program observed that there were many reasons that defendants failed to appear,

[25] B. Mahoney, et al., 2001.
[26] *Ibid; see also* Appendix C for sample special needs referral form from Harris County, TX.
[27] Wisconsin Department of Transportation, *Wisconsin's Pretrial Intoxicated Driver Intervention Grant Program Annual Report* (Madison, WI: Wisconsin Department of Transportation, Division of State Patrol, Bureau of Transportation Safety, 2009).
[28] S.W. Shaffer, 2006.
[29] B. Mahoney, et al., 2001.

including not knowing who to contact to find out where to appear, not understanding the seriousness of the charges, and believing they had a valid excuse to miss an appearance because of employment or child care obligations. An evaluation indicated that many FTAs could be averted by simply reminding defendants of their upcoming court appointments. The County established the Own Recognizance Program, a court notification system that contacts all defendants by phone or mail before every scheduled court appearance.[30] The program resulted in a significant reduction in failure to appear rates as well as reduced rates of subsequent incarceration on bench warrants.

7. Create meaningful consequences for violation of pretrial release conditions

It is inevitable that some defendants will violate their release conditions. However, not every violation has serious implications for pretrial failure. For example, if a defendant misses a telephone check-in, he or she is not necessarily posing a risk of flight or to public safety. Developing appropriate responses to violations is necessary to maintain the integrity of the pretrial services agency and reduce the risk of pretrial failure. It requires finding the appropriate balance between reporting every small violation to the court and failing to take appropriate action when noncompliance may have serious consequences.[31]

The NAPSA standards suggest using discretion before contacting the court by taking into consideration "the seriousness of the violation, whether it appears to have been willful, and the extent to which the defendant's actions resulted in impairing the effective administration of court operations or caused an increased risk to public safety."[32] However, many courts will prefer to determine themselves the appropriate level of response and the procedures for reporting certain violations.[33]

- *Maricopa County, Arizona*: The pretrial services agency in Maricopa County, Arizona, uses a three-step process for individuals who violate pretrial release conditions. For the first violation, the agency gives the defendant a verbal warning with a reminder of possible termination from the program (a possible return to detention or money bail) for continued noncompliance. The second time, the defendant receives a sanction, such as increased contact with the agency and a switch from telephone to in-person check-ins, accompanied by a reminder that termination from the program is possible. For a third violation, the defendant is removed from the program and the agency recommends revocation of release to the court.

Conclusion

The research demonstrates that in order to make an accurate determination regarding pretrial release, defendants must be assessed using a valid risk instrument to analyze the likelihood they will appear in court and whether they pose a danger to the community. If released, defendants should be monitored with the appropriate level of supervision—higher risk and needs defendants

[30] *Ibid.*
[31] Pretrial Services Resource Center, 1999.
[32] National Association of Pretrial Services Agencies, 2004, Standard 4.3(a).
[33] B. Mahoney, et al., 2001.

benefit from structured programming and services, while low-risk defendants benefit from less oversight. An effective pretrial release program provides a wide range of services and supervision to reduce unnecessary pretrial detention, ensure that defendants appear in court, and maintain public safety.

Attachment B

Pretrial Detention Statistics

Bureau of Justice Statistics
Filename: fdluc06at19.csv
Appendix table 19. Felony defendants released before or detained until case disposition, by SCPS jurisdiction, 2006
Report title: Felony Defendants in Large Urban Counties, 2006, NCJ 228944
Data source: 2006 State Court Processing Statistics Program
Refer questions to: askbjs@usdoj.gov 202-307-0765
Authors: Thomas H. Cohen and Tracey Kyckelhahn
Date of version: 05/26/2010

Appendix table 19. Felony defendants released before or detained until case disposition, by SCPS jurisdiction, 2006

	Percent of felony defendants—																
					With financial release						With nonfinancial release			**Detained until case disposition**			
County (State)	Total		Total financial		Surety bond	Deposit bond	Full cash bond	Property bond	Total non-financial		Recognizance	Conditional	Unsecured bond	**Total**		**Held on bai**	**Denied bail**
Maricopa (AZ)	60	%	13	%	10	0	3	--	46	%	31	15	0	**40**	**%**	**21**	**19**
Pima (AZ)	61	%	7	%	3	0	4	--	53	%	38	15	0	**39**	**%**	**37**	**2**
Los Angeles (CA)	31	%	19	%	19	0	0	0	11	%	11	0	0	**69**	**%**	**68**	**1**
Orange (CA)	32	%	20	%	19	0	1	0	11	%	11	0	0	**68**	**%**	**67**	**1**
San Bernardino (CA)	52	%	18	%	18	0	0	0	34	%	16	18	0	**48**	**%**	**46**	**2**
Ventura (CA)	41	%	31	%	30	0	1	0	10	%	10	0	0	**59**	**%**	**59**	**0**
Hartford (CT)	71	%	37	%	37	0	0	0	34	%	17	0	17	**29**	**%**	**27**	**2**
Broward (FL)	76	%	64	%	52	0	13	0	12	%	6	6	0	**24**	**%**	**22**	**2**
Miami-Dade (FL)	65	%	36	%	36	0	0	0	29	%	9	20	0	**35**	**%**	**25**	**10**
Hillsborough (FL)	67	%	56	%	53	0	3	0	11	%	11	--	0	**33**	**%**	**27**	**5**
Orange (FL)	59	%	53	%	49	0	4	0	5	%	4	2	0	**41**	**%**	**35**	**6**
Honolulu (HI)	64	%	39	%	35	0	4	0	25	%	2	23	0	**36**	**%**	**34**	**2**
Cook (IL)	52	%	26	%	0	26	--	0	26	%	--	5	21	**48**	**%**	**47**	**1**
Marion (IN)	69	%	20	%	18	--	2	--	48	%	44	4	0	**31**	**%**	**27**	**4**
Baltimore County (MD)	72	%	46	%	44	0	1	1	26	%	25	0	1	**28**	**%**	**23**	**6**
Montgomery (MD)	69	%	39	%	11	13	2	14	29	%	10	16	3	**31**	**%**	**28**	**3**
Prince George (MD)	70	%	43	%	28	2	1	12	26	%	22	4	--	**30**	**%**	**25**	**5**
Oakland (MI)	62	%	30	%	10	15	5	0	32	%	1	4	27	**38**	**%**	**34**	**3**
Wayne (MI)	67	%	37	%	8	27	2	0	30	%	0	17	13	**33**	**%**	**30**	**4**
Saint Louis (MO)	73	%	55	%	11	41	1	2	19	%	19	0	0	**27**	**%**	**24**	**3**
Essex (NJ)	53	%	26	%	6	18	2	0	28	%	28	0	0	**47**	**%**	**45**	**1**
Middlesex (NJ)	61	%	27	%	18	4	5	0	33	%	33	0	0	**39**	**%**	**38**	**1**
Bronx (NY)	79	%	12	%	...	...	...	...	68	%	66	1	0	**21**	**%**	**16**	**4**
Kings (NY)	83	%	23	%	...	...	...	...	60	%	35	25	0	**17**	**%**	**14**	**2**
Nassau (NY)	66	%	33	%	8	0	25	0	33	%	17	16	0	**34**	**%**	**34**	**1**
New York (NY)	72	%	18	%	...	...	...	...	54	%	47	6	0	**28**	**%**	**23**	**5**
Suffolk (NY)	69	%	31	%	6	0	25	0	38	%	38	0	0	**31**	**%**	**30**	**2**
Wake (NC)	60	%	48	%	47	0	1	1	11	%	1	10	--	**40**	**%**	**36**	**5**
Cuyahoga (OH)	66	%	50	%	38	9	4	--	16	%	15	2	0	**34**	**%**	**32**	**2**
Franklin (OH)	70	%	41	%	32	6	2	0	29	%	6	10	12	**30**	**%**	**30**	**1**
Hamilton (OH)	56	%	37	%	2	32	2	1	18	%	18	0	1	**44**	**%**	**44**	**0**
Shelby (TN)	53	%	41	%	41	0	0	0	13	%	5	8	0	**47**	**%**	**47**	**0**
Dallas (TX)	45	%	31	%	30	0	1	0	14	%	12	1	1	**55**	**%**	**51**	**4**
El Paso (TX)	63	%	52	%	52	0	--	0	11	%	0	11	0	**37**	**%**	**9**	**27**
Harris (TX)	37	%	36	%	35	0	1	0	--		0	--	0	**63**	**%**	**52**	**11**
Tarrant (TX)	60	%	57	%	56	0	2	0	3	%	0	3	0	**40**	**%**	**39**	**1**
Salt Lake (UT)	67	%	24	%	23	0	1	0	43	%	13	30	0	**33**	**%**	**20**	**13**
King (WA)	55	%	17	%	9	5	3	0	38	%	30	8	0	**45**	**%**	**39**	**7**
Milwaukee (WI)	58	%	32	%	0	0	32	0	26	%	20	6	0	**42**	**%**	**26**	**16**

Note. In the following jurisdictions, a percentage of defendants were released as part of an emergency measure to relieve jail overcrowding: Marion (IN), 1%; Oakland (MI), 1%; and Hamilton (OH), 1%.
Detail may not sum to total because of rounding.
-- Less than 0.5%.
. . . Data on specific type of release was not reported by these jurisdictions.

Attachment C

Pretrial Sample Documents

Philadelphia Pretrial Release Guidelines Matrix and Release Order, With Standard Conditions

Figure 1: Judicial Form

Date _____ Log # _____ Name of Defendant (Last, First, M.I.) _____ Police Photo # _____ Prepared by: _____

Key
HD = high dropout rate
V = high diversion rate

PRETRIAL RELEASE GUIDELINES

Philadelphia Municipal Court and Court of Common Pleas

☐ Bench warrant only
☐ New charges only
☐ BW and new charges
☐ If open case, conditions: _____

Charge Seriousness Level

RISK (Lower → Higher)	1 (Least Serious)	2	3	4	5	6	7	8	9	10 (Most Serious)	HOMICIDE
1	ROR/ Standard Conditions V 1	ROR/ Standard Conditions V 5	ROR/ Standard Conditions V 9	ROR/ Standard Conditions V 13	ROR/ Standard Conditions 17 HD	ROR/ Standard Conditions 21	ROR/ Standard Conditions 25	$ 1,000 - $ 3,000 29 HD	$ 1,500 - $ 4,500 33	$ 2,000 - $ 8,000 37 HD	Held Without Bail
2	ROR/ Standard Conditions V 2	ROR/ Standard Conditions 6 HD	ROR/ Standard Conditions 10 HD	ROR/ Standard Conditions 14 HD	ROR/ Standard Conditions 18	Release on Special Conditions Type I 22	Release on Special Conditions Type I 26 HD	$ 2,000 - $ 4,500 30 HD	$ 2,500 - $ 5,500 34	$ 2,500 - $ 8,000 38	Held Without Bail
3	ROR/ Standard Conditions 3	Release on Special Conditions Type I 7	Release on Special Conditions Type I 11 HD	Release on Special Conditions Type I 15	Release on Special Conditions Type II 19	Release on Special Conditions Type II 23	Release on Special Conditions Type II 27	$ 2,500 - $ 5,000 31	$ 3,000 - $ 6,500 35	$ 4,500 - $15,000 39	Held Without Bail
4	Release on Special Conditions Type I 4	Release on Special Conditions Type I 8	Release on Special Conditions Type I 12	Release on Special Conditions Type II 16	Release on Special Conditions Type II 20	Release on Special Conditions Type II 24	$ 2,500 - $ 4,500 28	$ 3,000 - $ 5,000 32	$ 3,000 - $ 8,000 36 HD	$ 6,000 - $ 50,000 40 HD	Held Without Bail

UNUSUAL CIRCUMSTANCES (If Appropriate)	SPECIAL CONDITIONS OF PRETRIAL RELEASE		PTS USE ONLY
_____	Type I	Type II	

ELIGIBLE FOR: ☐ Early Disposition ☐ Special Drug Program ☐ RIP _____ ☐ Other _____

STANDARD CONDITIONS OF PRETRIAL RELEASE

The defendant shall conform to the following conditions of his/her release pending adjudication of criminal charges:

- The defendant shall attend all court proceedings as required when scheduled.
- The defendant shall submit to all orders and processes of the issuing authority or Court.
- The defendant shall provide Pretrial Services with the address at which he/she is residing and with a working telephone number at which he/she may be reached reliably.
- The defendant shall notify Pretrial Services of any change in address or telephone within 24 hours of the change.
- The defendant shall not engage in, cause, or encourage threats, intimidation or retaliation against complainants or witnesses.
- The defendant shall not possess any weapons.
- The defendant shall obey such other conditions as imposed by the Court or Pretrial Services Agency.

☐ Other *(specify)*: _____

DECISION INFORMATION

COMMISSIONER'S DECISION	GUIDELINES FOLLOWED:
☐ ROR/Standard Conditions ☐ Release on Special Conditions ☐ Type I _____ ☐ Type II _____ ☐ Ten Percent Financial Bail *(specify full amount)*: _____	☐ YES ☐ NO; ☐ Less Restrictive ☐ More Restrictive If no, provide reasons: _____

COMMISSIONER'S SIGNATURE	REVIEW REQUESTED BY:	APPEALS JUDGE'S DECISION:
_____ *(Date)*	☐ DA ☐ PD	_____ *(Signature)* _____ *(Decision)*

Philadelphia Pretrial Services Worksheet for Risk Classification

Figure 2: Pretrial Services Worksheet

PRETRIAL SERVICES WORKSHEET

Part I Classification of Criminal Charges

[Note: Refer to Pretrial Release Guidelines Charge Seriousness Classification]

(PTS Staff name) _____

☐ Bench warrant only
☐ New charges only
☐ BW and new charges
☐ If open case, conditions:

Date _____ *Log #* _____ *Name of Defendant (Last, First, M.I.)* _____ *Police Photo #* _____

New Charges [List 10 most serious]

BIFF #	Offense Name	Misd./Fel. Grade	Seriousness Level	Charge Type

Total number of MC cases _____ Total number of charges _____

Bench Warrants [List 10 most serious]

BIFF #	Offense Name	Misd./Fel. Grade	Seriousness Level	Charge Type

Total number of MC bench warrant cases _____ Total number of CP bench warrant cases _____

MOST SERIOUS CHARGE LEVEL: L-1 L-2 L-3 L-4 L-5 L-6 L-7 L-8 L-9 L-10 [ENTER ON GUIDELINES MATRIX]

Part II Classifying Defendants According to Risk of Misconduct (Flight or Rearrest)

SELECT CHARGE TYPE (CIRCLE)

TYPE 1 [GO TO SECTION A] TYPE 2 [GO TO SECTION B] TYPE 3 [GO TO SECTION C]

For the selected charge type, check the appropriate responses below and continue or stop, as indicated.

SECTION A: CHARGE TYPE 1 DEFENDANTS

1. Does the defendant have any prior willfull FTAs?
   - ☐ Yes GO TO QUESTION 2
   - ☐ No GO TO QUESTION 3
2. If 'yes' to Question 1, is defendant now arrested on any new charge(s)?
   - ☐ Yes ⇒ **Risk Group = 4** STOP
   - ☐ No ⇒ **Risk Group = 3** STOP
3. If 'no' to Question 1, is defendant currently living with spouse and/or child?
   - ☐ Yes ⇒ **Risk Group = 2** STOP
   - ☐ No GO TO NEXT QUESTION
4. Did defendant complete high school/GED?
   - ☐ Yes ⇒ **Risk Group = 2** STOP
   - ☐ No GO TO NEXT QUESTION
5. Does defendant have telephone at residence?
   - ☐ Yes ⇒ **Risk Group = 3** STOP
   - ☐ No ⇒ **Risk Group = 4** STOP

SECTION B: CHARGE TYPE 2 DEFENDANTS

1. Was defendant arrested for both new charges and bench warrants?
   - ☐ Yes ⇒ **Risk Group = 4** STOP
   - ☐ No GO TO NEXT QUESTION
2. Does defendant have recent (past 3 years) prior arrests?
   - ☐ Yes ⇒ **Risk Group = 3** STOP
   - ☐ No GO TO NEXT QUESTION
3. Does defendant have telephone at residence?
   - ☐ Yes ⇒ **Risk Group = 2** STOP
   - ☐ No GO TO NEXT QUESTION
4. Is defendant now under arrest on a bench warrant or bench warrants only?
   - ☐ Yes ⇒ **Risk Group = 2** STOP
   - ☐ No ⇒ **Risk Group = 4** STOP

SECTION C: CHARGE TYPE 3 DEFENDANTS

1. Is defendant now charged with any serious crimes against the person?
   - ☐ Yes ⇒ **Risk Group = 1** STOP
   - ☐ No GO TO NEXT QUESTION
2. Does the defendant have any prior willfull FTAs?
   - ☐ Yes ⇒ **Risk Group = 3** STOP
   - ☐ No GO TO NEXT QUESTION
3. Is the defendant currently living with spouse and/or child?
   - ☐ Yes ⇒ **Risk Group = 1** STOP
   - ☐ No ⇒ **Risk Group = 2** STOP

Fourth Judicial District of Minnesota
Hennepin County

2007 Pretrial Scale

TYPE	NEW WEIGHT	ITEM
Charged Current Offense Information	**+12**	**All felony offenses on the Judicial Review list ***
	+6	**Felonies not on the Judicial Review list and gross misdemeanor or misdemeanor *person* offenses**
	+3	**Gross misdemeanor DWI**
Personal Information On Defendant	**+3**	**Employed less than 20 hours per week, not a full time student, not receiving public assistance/other (if yes)**
	+1	**Homeless or 3 or more addresses during the past 12 months or moved around between friends and shelters ** (if yes)**
	+2	**Current Problematic Chemical Use: The defendant either admits to current substance abuse issues or is engaging in a pattern of problematic chemical use that represents an increased risk of pretrial failure (if yes)**
Prior History **Prior Conviction Information and Prior Warrants for failure to appear or conditional release violations**	**+9 for each**	**Prior felony level *person* convictions**
	+6 for each	**Prior non-felony level *person* convictions**
	+2 for each	**Prior other felony convictions**
	+1 for each	**Other non-felony level convictions (EXCLUDE traffic offenses that do not involve alcohol/drugs)**
	+6 if 1-2 Warrants	**Prior warrants for failure to appear or conditional release violations within last three years**
	+9 if 3 or more Warrants	

* Cases with these charge offenses must be reviewed by a judge and cannot be released by Pretrial regardless of total score on this scale.
**The Hennepin Risk and Needs Triage tools defines this indicator as 'Count as homeless if the individual tended not to have a steady address or moved around between friends, family and/or shelters – do not include address changes due to incarceration, residential placement, hospitalization, job relocation or military service'.

Interpreter Needed_____

Language_____

HENNEPIN COUNTY PRE-TRIAL EVALUATION

Screen Date:	Div.	SILS Tracking #	Case #	SID/FBI #

Name (Last) (First) (Middle)	D.O.B.	Age	Sex	Race

Street Address (Verified? Y or N) Apt# City State Zip

Telephone #	Most Recent Prior Address

Social Security #	Aliases:	Birth Place:	Marital Status S M D Sep W	# Kids:	# Dep:

Arrest Type:	Arrest Location:	Bail/Bond Amount:	Main Charge: F GM M Other Charges:	Points Assigned

Income Sources/School Status	
Current Problematic Chemical Use	
Homeless or 3 or More Address Changes in Past Year	
Criminal History Points	
Failure to Appear or Conditional Release Violation Warrant Points	

Holds/Type:	Complaint/Police Report:	Scale Score →	
Collateral Source/Phone #:	Collateral Comments:	Pretrial Score Lower = 0-8 points Moderate = 9-17 points Higher = 18 or more points	
Victim Name: Address/Phone #:	Victim Comments:		

Current Probation/Parole: County: P.O. Name/Phone #:	Pending Cases:

Probation Officer Comments/Observations (include mental health concerns and other relevant information used to assess the defendant):

Systems Checked CIS GLWS JMS BCA MNCIS DL S3	P.O.

PD Eligible: Yes No

Harris County Risk Assessment Tool

Interview# _____

Defendant's Name: _____ Def SPN:_____

Court: _____ Charge:_____ Bond Amount:_____

Court: _____ Charge:_____ Bond Amount:_____

Assessed By (SPN & Initials): _____ Assessed Date/Time: _____

I. Risk Assessment – Circle All that Are True

Criminal Risk Items	Pts		Background Risk Items	Pts
1. The current charge is for burglary, robbery, weapons, other property crime (except theft or fraud), or man/del CS	**1**		10. Defendant is male	**1**
2. Def is on probation	**1**		11. Def does not have a high school diploma, or, earned a GED	**1**
3. Def is on parole	**1**		12. Def does not have a phone in residence	**1**
4. Def has only one prior misd. conviction OR	**1**		13. Def lives with someone other than spouse, children, or self	**1**
5. Def has two or more prior misd. convictions	**2**		14. Def does not own an automobile	**1**
6. Def has only one prior felony conviction OR	**1**		15. Def is not employed or attending school full time, and is not retired, disabled, or a homemaker	**1**
7. Def has two or more prior felony convictions	**2**		16. Def is under 21 years old and has a prior juvenile adjudication	**2**
8. Def has one or more verified FTA's	**1**		17. Def is under age 30 (skip if 16 used)	**1**
9. Def has a hold	**1**		**Risk Score (add items 1-17)**	

Low = 3 points or less Low Moderate = 4-5 points Moderate = 6-8 points High = 9+ points

II. If risk level needs to change, indicate override reason(s)

Mitigating Risk Factors	Aggravating Risk Factors
☐ Stable employment	☐ Gang member
☐ Satisfactory family controls and support	☐ Criminal record more serious than the risk score reflects
☐ Previous success on pretrial release	☐ Active hold
☐ Age	☐ Significant, untreated mental health problem
☐ Medical impairment/disabled	☐ On probation, parole, or bond at time of current arrest
☐ Age of prior convictions and arrests	☐ Unverifiable information

III. Final Risk Level

☐ **Low** ☐ **Low Moderate** ☐ **Moderate** ☐ **High** ☐ **Refused Interview**

C.1 Defendant Interview Form

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: TEST SPN: 00482505

CHARGE INFORMATION 997

CHARGE AND BOND

COURT AND CASE NO.

/ / /

ADDITIONAL CHARGES: FELONY ___ MISDEMEANOR ___ CLASS C ___
HOLDS ___ HARRIS CO. WARRANTS ___ FUGITIVE ___

CRIMINAL HISTORY SUMMARY
FELONY CONVICTIONS ___ MISDEMEANOR CONVICTIONS ___
PRESENTLY ON PROBATION ___ PRESENTLY ON PAROLE ___ PREVIOUSLY FTA ___

DEFENDANT REPORTED CONVICTIONS / OPEN CASES

ARREST DT	LOCATION	CHARGE	NAME USED	DISPOSITION
1.				
2.				
3.				
4.				

PERSON IDENTIFICATION INFORMATION

TRUE NAME ___ ADDITIONAL SPN ___ POSSIBLE SPN ___

AKA / OTHER NAMES ___

AGE ___ SEX F RACE W MARTIAL STATUS ___ DOB 010101 DOB2 ___

CITIZENSHIP ___ POB ___ HGT ___ WGT ___ EYE ___ HAIR ___
SCARS / MARKS / TATOOS ___ DEFENDANT SPEAKS ___

SSN ___ DL NO. ___ DL STATE ___ SON ___
FBI ___ SID ___ HPD ___ INS NO. ___

RESIDENCE INFORMATION 997

CURRENT ADDRESS ___ APT NO. ___ CITY ___ STATE ___

ZIP ___ COUNTY ___ APT NAME ___ HOME PHONE ___ RETURN ___

LENGTH HERE ___/___ LIVES WITH ___ RELATION ___ WK PHONE ___
CHILDREN ___/___ AGE RANGE FROM ___/___ TO ___/___

ALTERNATE ADDRESS ___ APT NO. ___ CITY ___ STATE ___

ZIP ___ HOME PHONE ___ LIVES WITH ___
RELATIONSHIP ___ WORK PHONE ___ CAN CONTACT ___

PREVIOUS ADDRESS ___ APT NO. ___ CITY ___ STATE ___

ZIP ___ HOME PHONE ___ LIVED WITH ___ RELATION ___

STILL THERE ___ CAN CONTACT ___ LENGTH HERE ___/___

OCCUPATIONAL INFORMATION 997

EMP ___ UNEMP ___/___ SCH ___ TRN ___ DISABILITY ___ OTHER ___

CURRENT EMPLOYER / SCHOOL ___ POSITION / GRADE ___ DEPT ___ SHIFT ___
ADDRESS ___ CITY ___ STATE ___ ZIP ___

WORK PHONE ___ CONTACT AT WORK ___ CAN CONTACT ___ LENGTH EMP ___/___

INCOME ___/___ SOURCE OF INCOME IF NOT EMP ___ DEPENDANTS ___

SECOND JOB/SCHOOL ___ ADDRESS ___
PREVIOUS EMPLOYER ___ POSITION ___ LENGTH EMP ___/___ INCOME ___/___

PREV EMP ADDRESS ___ CITY ___ STATE ___ ZIP ___ WORK PHONE ___

VETERAN ___ BRANCH OF SERVICE ___ H.S. GRADUATE ___ OBTAINED GED ___ GRADE COMPLETED ___
HEALTH PROBLEM ___ TYPE OF HEALTH PROBLEM ___ ALCOHOL PROBLEM ___ DRUG PROBLEM ___

C.1 Defendant Interview Form, continued

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: TEST SPN: 00482505

FINANCIAL INFORMATION 997

SPOUSES EMPLOYER _____ ADDRESS _____ CITY _____ STATE ___ ZIP ___

SPOUSES INCOME _____ CASH ON HAND _____ OTHER PROP OWNED _____

BANK NAME _____ AMT CHECKING _____ AMT SAVINGS _____
RESIDENCE STATUS ___ NAME ON LEASE _____

OTHER INCOME SOURCE _____ INCOME _____ SOURCE _____ INCOME _____
SOURCE _____ INCOME _____ SOURCE _____ INCOME _____

MOTOR VEHICLE 1 ___ MAKE/MODEL _____ VALUE _____ OWES _____
MOTOR VEHICLE 2 ___ MAKE/MODEL _____ VALUE _____ OWES _____

MONTHLY EXPENSES MORT/RENT ___ UTIL ___ FOOD ___ MEDICAL ___
CHILD CARE ___ INS ___ AUTO ___ CREDITORS ___
COURT ORDERED ___ OTHER ___

REFERENCES 997

CONTACTED ANYONE SINCE ARREST ___ WHO _____ PHONE NUMBER _____
ATTORNEY'S NAME _____ ATTORNEY'S PHONE NUMBER _____

NEXT OF KIN _____ RELATION ___ KNOWN DEF ___ ADDRESS _____
HOME PH _____ WK PH _____ CONTACT ___ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS _____

REFERENCE _____ RELATION ___ KNOWN DEF ___ ADDRESS _____
HOME PH _____ WK PH _____ CONTACT ___ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS _____

REFERENCE _____ RELATION ___ KNOWN DEF ___ ADDRESS _____

HOME PH _____ WK PH _____ CONTACT ___ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS __1__2__3__4__5__ COMMENTS _____ 997

COMMENTS 997

BAIL CLASSIFICATION SCALE

VARIABLE	SCORING	POINTS
1. AUTO	Add 1 point if the defendant has an automobile	(+) __
2. TELEPHONE	Add 1 point if the defendant has a phone in his / her residence	(+) __
3. FULL TIME EMPLOYMENT OR SCHOOL, OR HOMEMAKER	Add 1 point if defendant is either employed or attending school full time, or if defendant is a full time homemaker	(+) __
4. NUCLEAR FAMILY	Add 1 point if defendant lives alone or with his / her spouse and or children	(+) __
5. UNDER 21 YEARS OLD	Subtract 1 point if the defendant is under 21 years old	(-) __
6. PRIOR FAILURES TO APPEAR	Subtract 1 point if defendant has one or more verified fta's	(-) __
7. PRIOR MISDEMEANORS	Subtract 1 point if defendant has 2 or more prior misdemeanor convictions	(-) __
8. PRIOR FELONIES	Subtract 2 points if the defendant has 2 or more prior felony convictions	(-) __
TOTAL	RANGE +4 TO -5	00

INTERVIEW PARTICULARS 997

INTERVIEWER 01010101 TST SHIFT 1 DATE/TIME 010195/0101 LOCATION SEJ DATE OF ARREST _____
JIMS CHECKS _____ TCIC HIST ___ TCIC WANTS ___ NCIC HIST ___ NCIC WANTS ___
HPD RAP ___ SO ID ___ CRISS CROSS ___ OTHER ___

JUDICIAL DECISION

DENIED _____ APPROVED _____

DATE _____ DATE _____

C.2 Special Needs Referral Form

Harris County Special Needs Referral

Client's Name:_____ **S.S.#:**_____

SPN #:_____ Phone: _____

Address: _____

D.O.B. _____ SEX: M F SID NO._____ Offense: M F B

Disabled? _____ Disability Type: _____ Lang:_____

Physical Health Problem? _____ Problem Type: _____ PH Code: _____

Mental Impairment? _____ Impairment Type: _____ MI Code: _____

On Maintenance Medication? _____ Names(s) of Medication: _____ Med Type: _____

MHMRA Client Now? ____ MHMRA Past? _____ MH Hospitalizations? _____ Last year hospitalized: _____

Defendant wants substance abuse treatment? _____ Substance Abuse type: _____(Drug, Alcohol, Both)

Personal Contact/Guardian: _____ Phone: _____ Rel to Def: _____

Is Client receiving any of these services at the time of the interview:

Outpatient Substance Abuse Treatment? ___ Outpatient Psychiatric Treatment at MHMR? ___

Outpatient Psychiatric Treatment/Other? ___ Inpatient Psychiatric Treatment? ___

SSI ___ Food Stamps ___ AFDC ___ Medicare ___ Medicaid ___ VA Benefits ___

Social Security ___ TRC ___ Public Housing ___ Halfway House ___

Circle Applicable Observations (from the TCJS Jail Screening Instrument)

1. Does the individual talk or act in a strange manner?
2. Does the individual seem unusually confused or preoccupied?
3. Does the individual talk very rapidly or seem to be in an unusually good mood?
4. Does the individual claim to be someone else like a famous person or fictional figure?
5. Does the individual's vocabulary (in his/her native tongue) seem limited?
6. Does the individual have difficulty coming up with words to express him/herself?
7. Does the individual seem extremely sad, apathetic, helpless, or hopeless?

Comments/Other Observations:

_____

_____

ACTION REQUESTED	ARREST/COURT ACTIVITY
MI/MR Confirmation _____	PTSA Interview Date/Location _____
Assessment _____	PCH Date and Time _____
MI Conditional Release Options _____	Referral Date/time _____
MI Confirmation Only; Def Released _____	PCH Outcome _____
SN Conditional Release Options _____	Assigned Court Setting _____
SN Notification Only; Def Released _____	Assigned Court/Cause _____
Additional Infor (Ref Before) _____	Other _____
Other _____	Other _____

New York Pretrial Advisement

United States District Court
Southern District of New York

PRETRIAL SERVICES AGENCY

Notice to Persons Accused of Federal Crime

I,_____,
Print Name (First, Middle, Last)

understand that I am being requested to give information about myself to a U.S. Pretrial Services Officer.

I also understand the following:

I will not be questioned about the alleged offense(s) and I should avoid discussing the charges at this time.

I may speak to an attorney before answering any questions. If I am unable to afford the services of an attorney, I understand that I may request that the court appoint one on my behalf at no expense to me.

Information which I provide will be used by the court to determine whether I will be released or detained pending trial and under what conditions. The information contained in the pretrial services report will be made available in court to my attorney and the prosecuting attorney.

I understand that information which I provide may not be used against me on the issue of guilt or sentence in any judicial proceeding, except with respect to prosecution for perjury or false statements allegedly made in the course of obtaining my release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial release is granted.

I have read the above form, or had it read to me, and I understand my rights.

_____DATE

_____
DEFENDANT'S SIGNATURE

_____AM
PM

_____
PRETRIAL SERVICES OFFICER

NOTES:_____

Kentucky Pretrial Services Risk Assessment

1. Local Address for Twelve Months *Verified Y (0) N (1)
   - Defined as 100 miles from arrest jurisdiction

2. Sufficient Support *Verified Y (0) N (1)
   - Full time job
   - Enrolled in school Full Time
   - Participating in a Full Time training program
   - Receiving Welfare, Disability, SSI, Social Security or Pension

3. Someone at arraignment or surety? Y (0) N (1)

4. Is the Charge a Class A, B or C Felony? Y (1) N (0)

5. Are there any pending cases? Y (5) N (0)

6. Active warrants or prior FTAs Y (5) N (0)

7. Prior Misdemeanor or Felony Convictions Y (2) N (0)

8. Prior Violent Crime Convictions Y (2) N (0)

9. History of drug/alcohol abuse Y (2) N (0)
   (Defined as 3 or more convictions within past 5 Years)

Risk Categories:

0 to 5 (Low)	**Recommend for ROR**
6 to 11 (Moderate)	**Recommend for ROR with Supervision (NFC)**
12 to 20 (High)	**No Recommendation until further assessment**

Instrument Completion Date _____

First Name _____ Last Name _____ Race _____

SSN _____ Sex _____ DOB _____

Arrest Date _____ Court Date _____

Charge(s) _____

Bond Type _____ Bond Amount _____

Risk Factors

1. Charge Type	Felony or Misdemeanor
2. Pending Charge(s)	Yes or No
3. Outstanding Warrant(s)	Yes or No
4. Criminal History	Yes or No
5. Two or More Failure to Appear Convictions	Yes or No
6. Two or More Violent Convictions	Yes or No
7. Length at Current Residence	Less than 1 Year or 1 Year or More
8. Employed/ Primary Child Caregiver	Yes or No
9. History of Drug Abuse	Yes or No

Risk Level

1	2	3	4	5
LOW		AVERAGE		HIGH

Risk Factor(s) _____

_____

_____

Comments/Recommendations _____

_____

_____

SAMPLE

Chapter 3

Case Processing

Case Processing Findings and Recommendations

Major Case Processing Findings

1. *Speed of case processing.*
    a. The majority of defendants (approximately 70 percent) were still in custody at the time of their disposition.
    b. Defendants who were detained in custody were convicted at higher rates than those granted pretrial release.
    c. The majority of defendants (approximately 80 percent) submitted pleas without reaching trial.
    d. Defendants detained in custody were more likely to plead than those who were granted pretrial release.
    e. The average time between arrest and case disposition was lower for defendants held in custody than those who were released.
    f. Making even small changes to case processing speeds would save a substantial number of jail bed-days.

2. *Causes of case processing delays.*
    a. Cases are not consolidated across the County
    b. Continuances
    c. Delays for required probation reports
    d. Problems with inmate court appearances
    e. Settlement negotiations occur late in the process
    f. No reminders for court appearances
    g. Inconsistent Early Disposition Program (EDP) implementation across the County
    h. Exchange of information between Court and jail
    i. Misdemeanor cases handled by newer attorneys, different approaches of district and city attorneys
    j. Public Defender policy barring attorneys from appearing for their clients on misdemeanor proceedings
    k. Custody for traffic cases
    l. Judicial officers and parties circumvent Los Angeles County Sheriff's Department's early release policies

Case Processing Recommendations

1. Adopt a formal case packaging policy.
2. Extend court hours for arraignments to reduce delays.
3. Expand the existing felony Early Disposition Program and consider a similar program for misdemeanors.
4. Create an online system for scheduling appearances beyond Traffic Court.
5. Institute an automated reminder system of phone calls, mail, e-mail and/or texts for court appearances for all released defendants.
6. Increase enforcement of the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.

7. Increase enforcement of the rules about the timely sharing of discovery with sanctions and find other ways to send the message that the proceedings should continue as planned except in truly necessary situations.
8. Connect the Court and jail databases to track and share custody status.
9. Create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.
10. Adopt a Differentiated Case Management system that has worked well in other jurisdictions and in L.A. County's Civil Court in addressing case processing delays and inefficiencies.

Case Processing

Given the numbers of defendants who are held until disposition, the speed at which their cases make it through the system has a big impact on the jail population. Therefore, case processing was a major focus of Vera's investigations.

Los Angeles County processes close to 2.5 million criminal cases per year in more than 30 courthouses scattered throughout 4,000 square miles. The court process involves every part of the criminal justice system—the Court, prosecutors, defense attorneys, law enforcement, the jail, probation, parole, DMH, and the state correctional system. Because processing cases relies on the interactions of so many different agencies and deals with such large numbers of defendants and cases, small inefficiencies are magnified exponentially. Seemingly minor changes in one part of case processing could result in significant efficiency gains and reduced custody time.

Approximately 69 percent of felony defendants are in custody throughout the case process, in addition to a large number of non-felony defendants. In Vera's case processing sample, on average, in-custody felony defendants spent 53.03 days in jail by the time the case resolved. [22] Non-felony in-custody defendants spent an average of 8.23 days in jail. After interviews and focus groups with judicial officers, judicial assistants, district attorneys, public defenders, alternate public defenders, city attorneys, bailiffs, court administrators, and probation staff, coupled with Vera's data analysis of case processing times, it is clear that there are many areas to explore to reduce processing time and the related jail bed-days.

Vera's case processing analysis demonstrates that, although in-custody defendants tend to resolve cases faster, their numbers are so large that they use an inordinate amount of jail beds, paid for with taxpayer money. Each day, a jail bed costs approximately $95 for a man and $145 for a woman. Vera determined that, for a small sample of felony cases, if the time between arraignment and preliminary hearing were reduced by just <u>one</u> day, the County could save 22,039 jail-bed days in one year. Given the current fiscal situation in the County and state, every criminal justice agency has an interest in reducing unnecessary detention time. The County must approach these findings and recommendations regarding case processing with that assumption in mind. Reducing unnecessary detention and court processing times makes the justice system more fair and accountable; resolving cases more quickly benefits taxpayers, victims, defendants, and all of the agencies involved in the criminal justice system.

[22] Pre-disposition LOS for felony and non-felony defendants in custody at time of disposition, in PIMS which could be matched to AJIS.

Part I: Quantitative Findings

In order to better understand the factors driving incarceration rates in Los Angeles County Sheriff's Department (LASD) facilities, Vera examined the speed with which cases were processed in Los Angeles County for defendants arraigned in custody. This chapter presents findings from an analysis of a non-random sample of cases from the District Attorney's Office in 2008. Vera's analysis provides not only an overview of time from initial arrest to final disposition for a variety of cases, but also illuminates, step-by-step, the speed at which cases moved through each stage of case processing.

Part One is organized into two main sections. Section I details the methodology used for this analysis. Section II presents the major findings on case processing speed in three subsections, (i) time from arrest to final disposition for the entire sample; (ii) defendants pleading without trial and disposition types for cases by charge level and custodial status at disposition; and (iii) a detailed analysis of time between and duration of each case processing milestone.

Summary of Quantitative Findings

Vera calculated case processing times for 54,072 defendants who were in custody at the time of their first arraignment. The sample was taken from cases filed in L.A. County in 2008. Cases were tracked so that comparisons could be made between defendants who were held in custody until disposition and those who were released between arraignment and disposition. The analysis showed that:

- The majority of defendants (approximately 70 percent) were still in custody at the time of their disposition.
- Defendants who were detained in custody were convicted at higher rates than those granted pretrial release.
- The majority of defendants (approximately 80 percent) submitted pleas without reaching trial.
- Defendants detained in custody were more likely to plead than those who were granted pretrial release.
- The average time between arrest and case disposition was lower for defendants held in custody than those who were released.
- Making even small changes to case processing speeds would save a substantial number of jail bed-days.

Vera calculated the time taken for cases to move between court events. These times were compared with three statutory time frames—legal requirements governing the speed with which cases move between (i) arraignment and preliminary hearing, (ii) preliminary hearing and felony arraignment, and (iii) arraignment and trial. The California Penal Code and Rules of Court set forth timelines for the major case processing events. These time frames are provided in parentheses in Figures 3 and 4. All are provided in calendar days with the exception of the first (arraignment to preliminary hearing) which is instead set in Court days. Many of these times may be waived by defendants. The percentage of cases meeting these requirements is presented in the following two charts.

Figure 3. Percentage of Felony Defendants Achieving Statutory Time-Frames

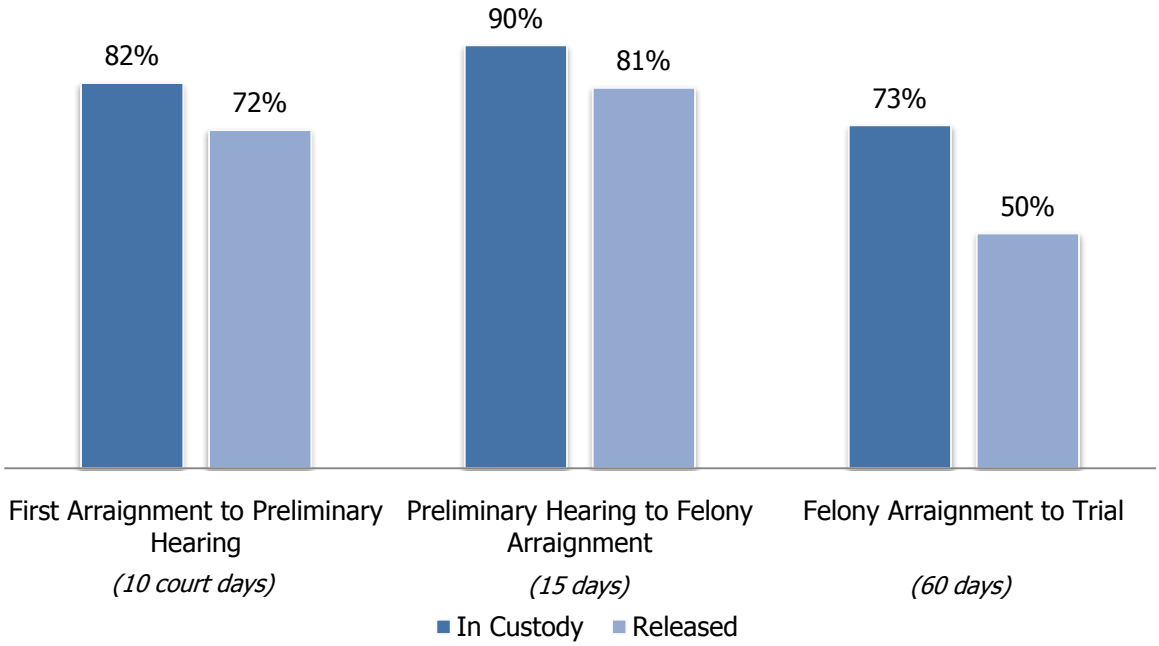
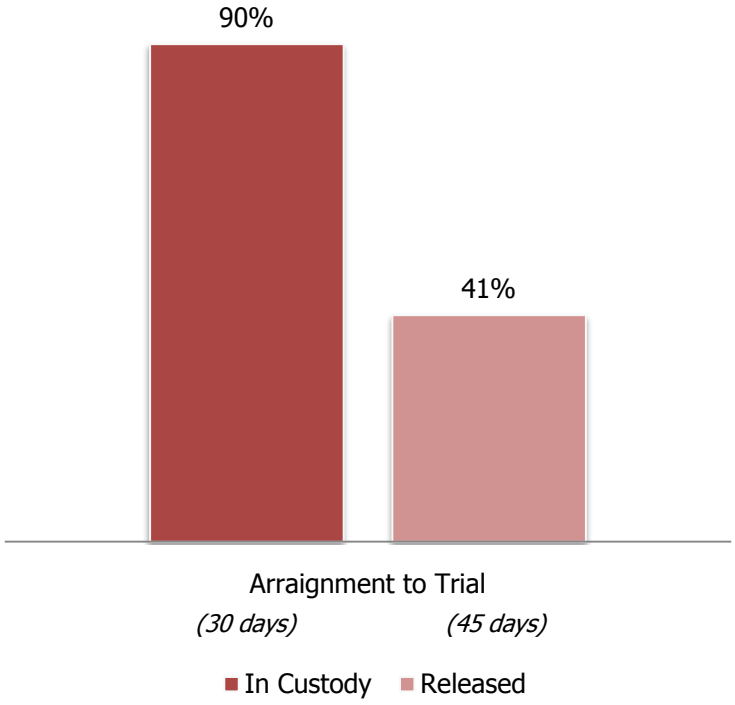


Figure 4. Percentage of Non- Felony Defendants Achieving Statutory Time-Frames



Methodology

This section provides a detailed examination of the speed with which criminal cases flowed through the Los Angeles County Superior Court, from initial arrest to final disposition and sentencing. Two components make up this analysis: (i) overall time from initial arrest to final disposition and (ii) time between universal case processing milestones, or proceedings that all cases must have, and the duration of each milestone phase.

1. *Data source and sample selection criteria.*

   Vera obtained datasets containing court case information from numerous agencies, including the Public Defender's Office, Information Systems Advisory Board, the District Attorney's Office, and the Superior Court. In order to conduct an analysis of case flow on the court event level, Vera required detailed court event scheduling information for each case. Each dataset records court processing information with varying levels of detail. Upon review of all the datasets, Vera decided to utilize court event information held in the District Attorney's database, PIMS, as the basis of the analysis. Of the datasets Vera obtained for this project, PIMS appears to hold the most data for each case and is the most detailed in its coding of court events.[23] PIMS stores detailed court proceeding information for each court case that the DA handles, from initial arraignment, to every motion, hearing, or any other matter brought before the Court. These data are transferred from the Superior Court's database system, Trial Court Information System (TCIS), and translated into PIMS.

   It was necessary to review both court case information (from PIMS) and custody information from the Los Angeles County Sheriff's Department in order to examine the use of jail resources during the processing of a court case. Using booking numbers recorded in PIMS for each defendant, Vera connected court case processing information to custodial information held in the Sheriff's database, AJIS. Sixty-one percent of cases in PIMS that were filed in 2008 contained booking numbers. Of these, 91 percent were matched to booking numbers in AJIS.

   Routine data entry practices in the DA's Office raised questions for Vera researchers about whether the booking numbers listed in PIMS are associated with the relevant court cases. If a defendant's personal information is already held in PIMS from previous cases, this information, *including previous booking numbers*, can be transferred to the new case. When linking PIMS to AJIS, this would make some defendants appear to have been released before their case was filed and processed, whereas in fact they had been returned to custody. Therefore, Vera could only be confident in the validity of case-to-booking matches that showed defendants to be in custody at the time of case processing. The validity of other case-to-booking matches could not be guaranteed. The analysis in this section is, therefore, based

[23] Both DMS and PIMS receive Court *event* data for each case from the same source—the Superior Court's database, TCIS. However, when transferring data across databases, each system translates codes that identify proceeding types in different ways. DMS translates 313 TCIS proceeding codes to 53 distinct codes and PIMS translates 233 TCIS proceeding codes to 206 distinct codes. CCHRS also receives court case information from TCIS, but the data obtained by Vera did not contain court event information for each case. Vera also obtained a limited dataset from TCIS directly, but did not request case event information.

on a subsample of matched cases using information only from defendants who were shown to be in custody at the time of arraignment.

The final sample for analysis consists of 54,072 defendant cases—37,181 felony and 16,891 non-felony cases. This represents 59 percent of felony cases filed in 2008 and 12 percent of non-felony cases (see Table 3).[24]

Table 3. Final Sample for Case Processing Analysis

Case Type	Cases in PIMS Filed in 2008	Cases Matched from PIMS to AJIS	Cases in Final Sample	Percent of all PIMS Cases in 2008
Felony	63,027	49,549	37,181	59.0%
Non-Felony	138,542	62,652	16,891	12.2%
Total	**201,569**	**112,201**	**54,072**	**26.8%**

Owing to the inability to connect nearly 40 percent of court cases to booking information, our final study sample is non-random, based only on those cases with valid booking information. The sample under-represents the actual number of defendants in custody at any point during the case processing. Further, PIMS contains only cases that are filed by the District Attorney, which handles all felony-level cases in Los Angeles County and non-felony level cases for 77 of the 88 municipalities in L.A. County. Non-felony level cases from 11 cities, which include the Cities of Los Angeles and Long Beach, are not included in the sample. Vera found no evidence to suggest that these cases are significantly different from others.

2. *Unit of analysis and case processing milestones.*

PIMS stores information about its caseload at a variety of levels in multiple tables that connect to one another through a series of internal and external unique identifiers. Data are stored at three levels: court case, defendant, and charge count. A single defendant may have more than one court case, and one court case may contain more than one charge count. Each count within a single case may be pled to or disposed of differently, resulting in different pleas and dispositions (such as conviction, acquittal, or dismissal) within a single case. However, court proceedings are conducted at the court case level regardless of how many counts there are within the case. In order to examine how each *court case* proceeds through the court system using PIMS, Vera consolidated all charge, plea and disposition information to the case level. In cases with multiple defendants, the analysis considered each defendant separately.

While all members of the final study sample were in custody at arraignment, defendants may be released from custody at any point during the processing of a case. The analysis is therefore conducted for two groups—those in custody and those released at each milestone.[25]

[24] The majority (91.47 percent) of defendants in our final sample were transferred to LASD custody on or before their first arraignment date. Just 8 percent of our sample was released without reaching LASD custody.
[25] When reporting time between milestones—e.g., from milestone A to milestone B—a defendant was considered to be in custody if he or she was in custody at the first proceeding of milestone B (even if the defendant was released

The analysis also disaggregated cases by charge level; cases with at least one felony charge are distinguished from non-felony cases.

Using court event data in PIMS, Vera identified six universal "milestones" of case processing—proceedings that most court cases must have in order to proceed to trial. The milestones are: (1) first arraignment, (2) felony preliminary hearing, (3) felony arraignment, (4) pretrial conference, (5) trial, and (6) sentencing. These six events were chosen because, with the exception of preliminary hearings and felony arraignment (which apply only to felony cases), all cases must, in theory, pass through each event to reach a trial.[26] Further, these event types were the most well-represented and appeared the most reliable in the PIMS dataset.

Case processing milestones are not always singular, discrete events. Each of the six case processing milestones may have a single proceeding or multiple proceedings across a period of time. Proceedings at each milestone may be started, then delayed for a period, or scheduled in advance but never reached due to a plea agreement. Because each "milestone" may actually consist of or occur over multiple events across a period of time, and there is no reliable way to distinguish whether the proceeding was actually completed on the recorded date or not, Vera defines each milestone not as a solitary event but as a "phase" during the processing of the case. Each milestone is demarcated by its first and last recorded event for each case.

Vera's analysis of case processing speed includes two measurements: time from each case processing milestone to the next, and the duration of each milestone phase. Vera defines time between milestone phases as the number of calendar days between the last recorded event in the first milestone and the first recorded event in the subsequent milestone.

Quantitative Findings

This section presents main findings from the analysis of case processing in three subsections: (i) time from arrest to final disposition for the entire sample; (ii) defendants pleading without trial and disposition types for cases by charge level and custodial status at disposition; and (iii) a detailed analysis of time between and duration of each case processing milestone.

1. *Arrest to disposition.*[27]

Of Vera's sample of 54,072 cases from the District Attorney's database, 96.5 percent of defendants are listed as having received a disposition (52,184).[28] Of cases that received a

on that same day). When reporting durations of milestone phases, i.e., time between the first and last proceedings for each milestone, a defendant was counted as custodial if he or she was in custody at both the first and last proceedings. A defendant was recorded as released if he or she was not in custody on the date of the last proceeding.

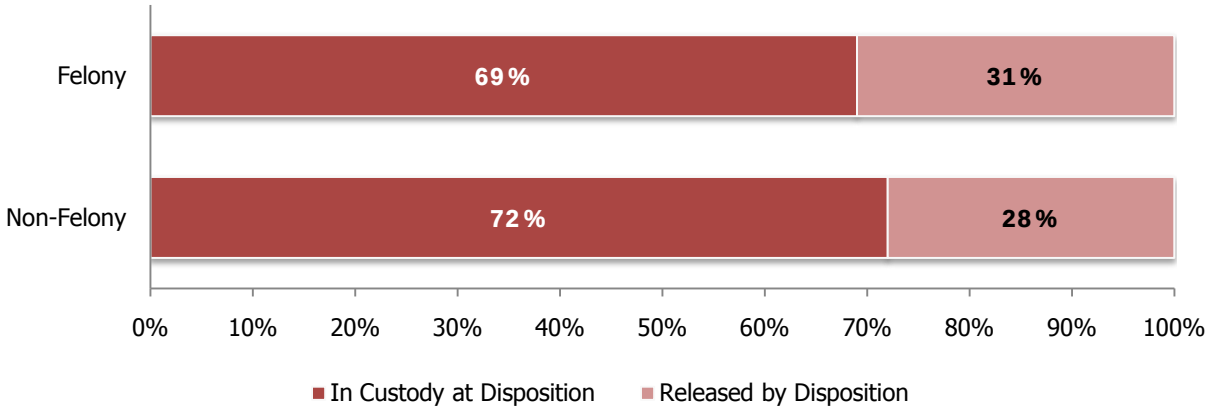
[26] A small number of felony cases bypass the preliminary hearing when prosecutors seek a grand jury indictment instead. Only one case in Vera's sample went to grand jury and so this has not been considered in the analysis.

[27] Figures presented here are based on calculation of calendar days between initial arrest and the final disposition date listed in PIMS.

[28] This excludes 598 cases with invalid first disposition dates. The remaining cases appear to not have been disposed of at the time of data collection.

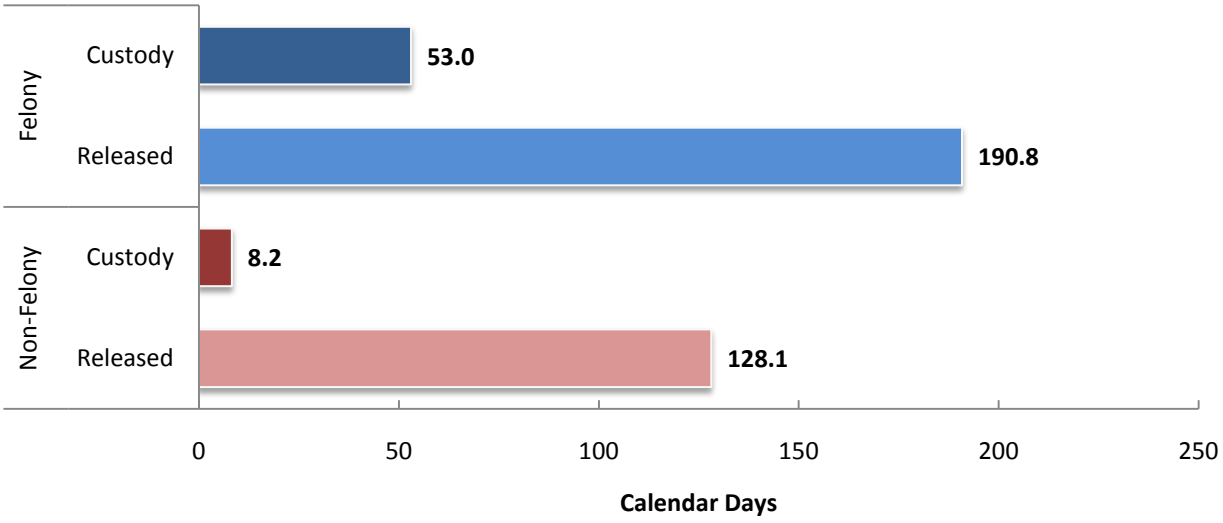
disposition, 69.7 percent of defendants (or, 36,373 defendants) were still in LASD custody at the time of their final disposition and 30.3 percent were released between arraignment and disposition. Figure 5 displays the custodial status of defendants at final disposition by case level for the study sample.

Figure 5. Custodial Status at Disposition by Case Level, Full Sample



The average time between arrest and disposition for defendants in custody was 53 days for felony cases and 8.2 days for non-felonies (see Figure 6). These figures were higher for defendants released from LASD custody before their final disposition (190.8 days and 128.1 days, respectively).

Figure 6. Average Days from Arrest to Disposition by Charge Level and Custodial Status at Disposition



The distribution of case processing times varied widely, however, between those in custody and those released. For felony defendants in custody, half of all cases were disposed within 29 days, though the top ten percent of cases took more than 131 days from arrest to final disposition. For felony defendants released from custody, 50 percent of cases were disposed

within 166 days, with ten percent of defendants taking more than 289 days to be disposed. For non-felony defendants held in custody, half of the sample was disposed within three days. Ten percent of non-felony cases where the defendant was in custody took more than 21 days to be disposed. Half of non-felony defendants released from custody took more than 91 days for their cases to be disposed, with the top ten percent taking more than 290 days.

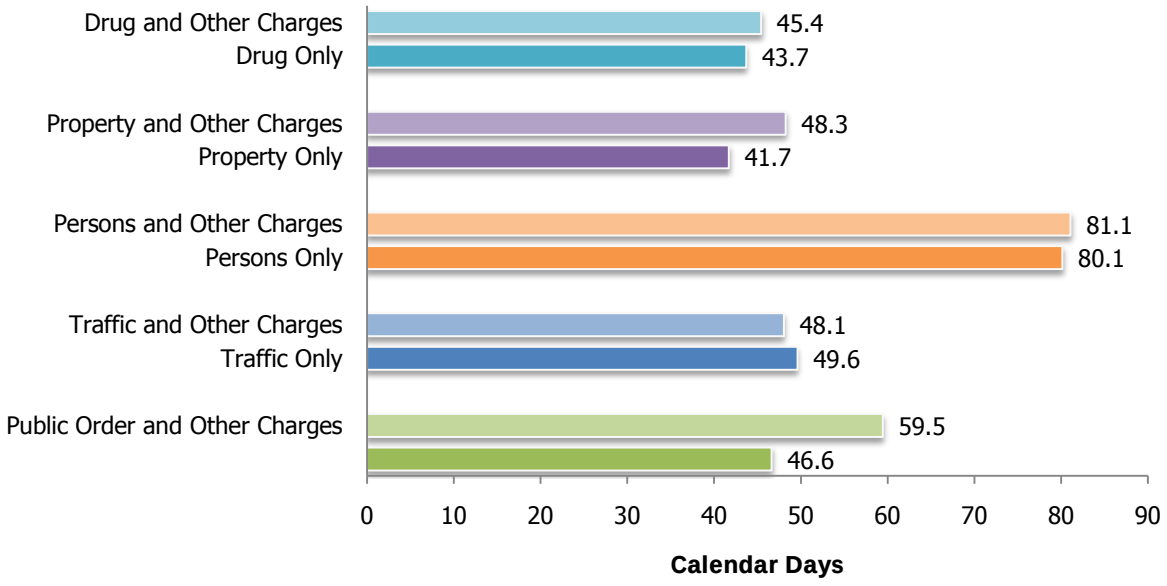
Offense Type

Vera further examined arrest to disposition by offense type. Vera researchers coded all charges associated with each case in the sample into nine broad categories of offense (e.g. drug, property, person, weapons).[29] A single court case may have multiple charge types, however, the top charge at filing is not distinguished in the DA's database. In order to define different groups of cases according to the type of charge, cases in the sample were grouped into two categories: (i) cases with a single charge type only or (ii) cases with multiple charge types present. For example, a case with four counts of drug offenses would be flagged as a "drug only" case, as all counts were drug-related. A case with one drug offense and one property offense would be flagged both as "drug and other charges" *and* "property and other charges." Certain charge categories, such as "status-type" or "administrative" were not well-represented in the sample and were excluded from reporting.

Figure 7 below compares the average days from arrest to disposition for felony cases *in custody* at the time of disposition across different offense types. These offense types, including drug, property, traffic, and public order cases, took between 41.7 and 59.5 days from arrest to final disposition.

[29] Appendix C, *Inmate Profile Report,* contains a chart of each charge category and examples of charges that fall into each type.

Figure 7. Average Days from Arrest to Final Disposition for Felony Cases in Custody at Disposition

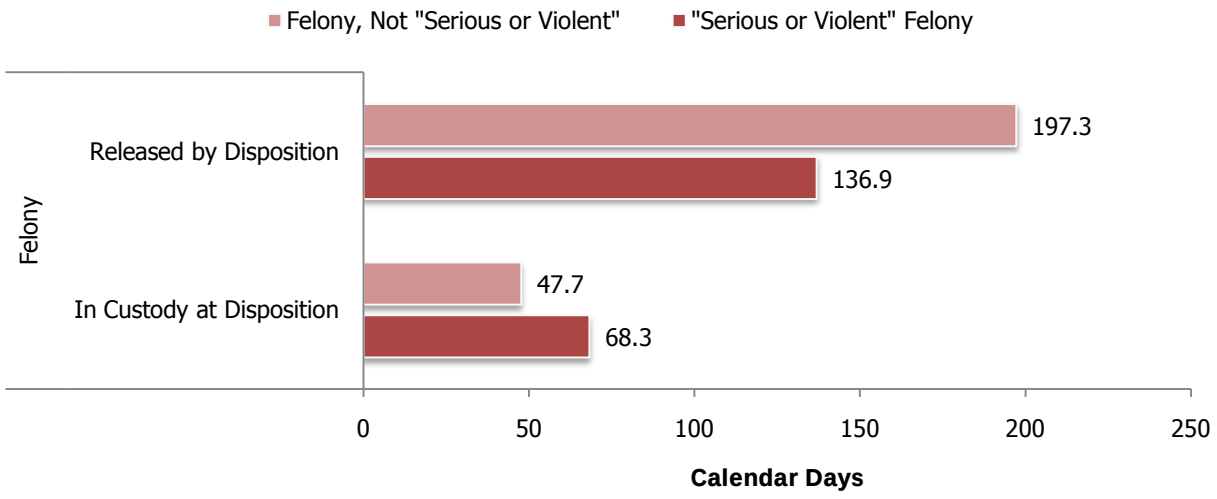


Certain violent felonies, such as murder, rape or arson, are classified as "serious and violent" felonies and subject to sentencing enhancements such as three strikes. Of all felony cases in our sample, just 15 percent included "serious and violent" charges.[30] The majority of defendants in these cases remained in custody through disposition (85 percent). Case disposition for those in custody took, on average, 68.3 days from arrest. Those released prior to disposition took an average of 136.9 days from arrest to disposition.

Cases with felony charges that do not fall under the "serious and violent" designation averaged 47.7 days from arrest to disposition in custody and 197.3 days for those disposed out of custody. Figure 8 displays average time in days from arrest to disposition for felony cases with charges categorized as "serious and violent" compared with felony cases without such charges present.[31]

[30] The majority of serious and violent charges are person charges, though not all person charges are categorized as serious and violent. First degree burglary, PC 459 and PC 460(A), are categorized as "serious and violent" felonies, but are not categorized as offenses against persons in our coding scheme. They are considered property offenses.
[31] See www.lasuperiorCourt.org/bail/pdf/felony.pdf.

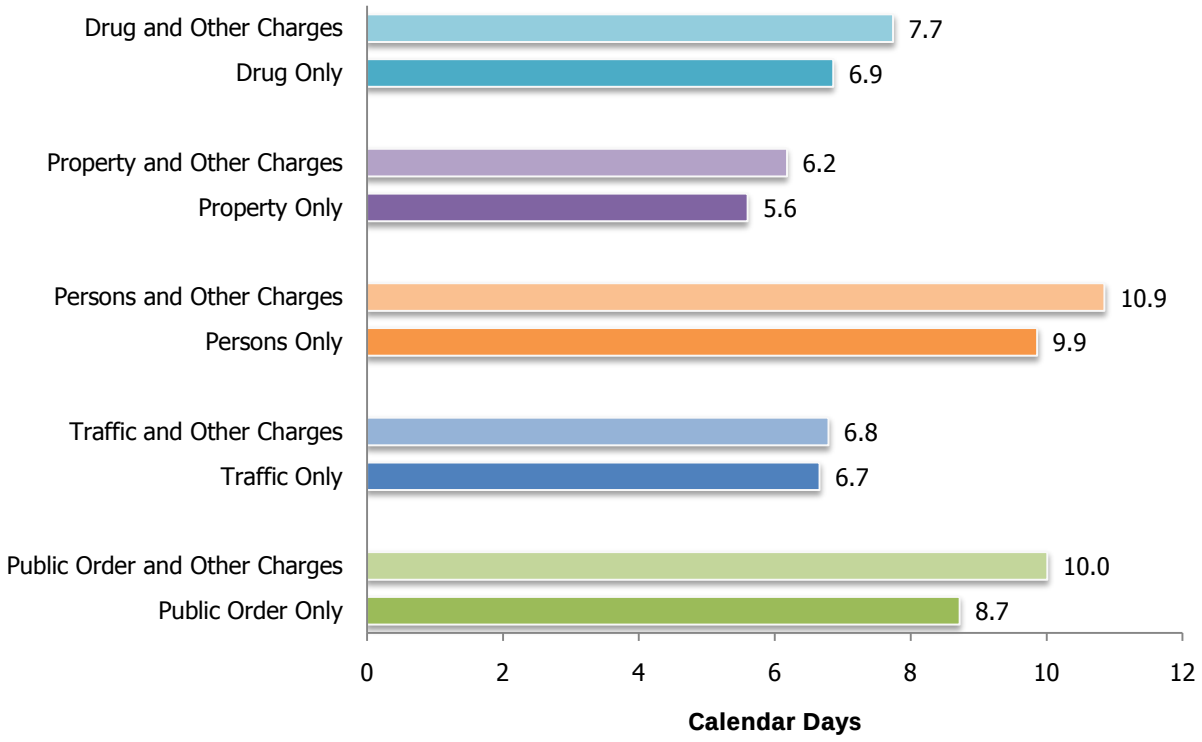
Figure 8. Average Days from Arrest to Disposition,
Serious and Violent Felony Cases vs. Other Felony Cases



There is wide variance in these cases: ten percent of custodial cases with “serious and violent” felony charges took more than 190 days to reach disposition, and the top ten percent of released “serious and violent” felony cases took more than 309 days to be disposed.

Non-felony custodial cases took substantially less time than felony cases to be disposed. On average, most non-felony cases in custody took between five and 10 days from arrest to final disposition. Similar to felony-level cases, non-felony persons and public order cases took longer, on average, to be disposed than other case types. Figure 9 displays the average time from initial arrest to final disposition by offense type for non-felony defendants held in custody through disposition.

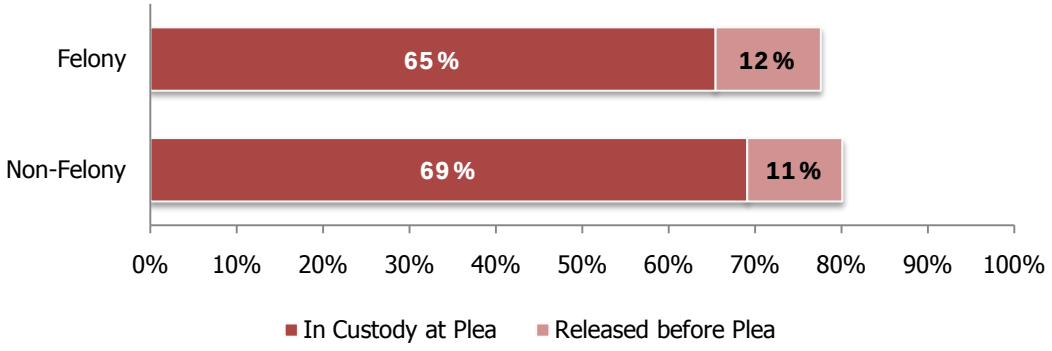
Figure 9. Average Days from Arrest to Final Disposition for Non-Felony Cases in Custody at Disposition



2. *Pleas and dispositions.*

Over three-quarters (78.4 percent) of defendants in Vera's sample submitted a plea agreement without proceeding to trial. Nearly 78 percent of felony defendants and 80 percent of non-felony defendants pled without trial. Of those who pled without trial, 84 percent of felony defendants and 86 percent of non-felony defendants were in custody at the time of the plea agreement. Figure 10 below displays the number of defendants to plead without going to trial by case level and custodial status at the time of the plea.

Figure 10. Pleas before Trial by Case Level and Custodial Status at Time of Plea



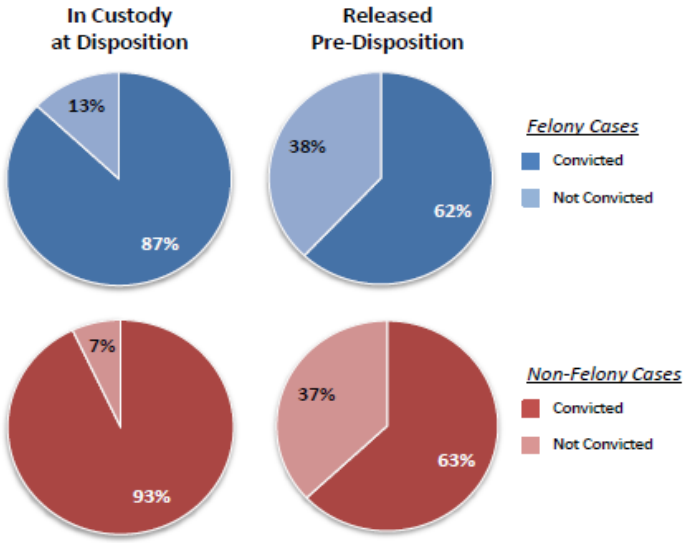
Over 80 percent of defendants in the sample were convicted: 79 percent of felony defendants and 84 percent of non-felony defendants received convictions at disposition. Roughly nine percent of felony and non-felony defendants were dismissed on all counts and less than one percent were acquitted of all charges. As Table 4 below shows, however, there was some disparity in disposition type between cases where defendants were held in custody and released pre-disposition.

Table 4. Disposition Type by Charge Level and Custodial Status

	In Custody				Released Before Disposition			
	Felony		Non-Felony		Felony		Non-Felony	
Disposition Type	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Convicted	21,867	87.4%	10,893	92.8%	7,525	61.9%	3,260	63.2%
Acquitted	78	0.3%	24	0.2%	46	0.4%	60	1.2%
Dismissed on All Counts	1,612	6.4%	583	5.0%	1,635	13.5%	1,008	19.5%
Conditional Diversion	871	3.5%	227	1.9%	1,756	14.4%	343	6.7%
Early Disposition Program	13	0.1%	0	0.0%	1	0.0%	0	0.0%
Case Processing Stopped	51	0.2%	7	0.1%	23	0.2%	4	0.1%
Ongoing (includes Partial Dismissal)	535	2.1%	0	0.0%	1,168	9.6%	482	9.3%
Total	**25,027**	**100.0%**	**11,734**	**100.0%**	**12,154**	**100.0%**	**5,157**	**100.0%**

Defendants in custody received convictions at a higher rate than those released from custody. In 87 and 93 percent of custodial felony and non-felony cases, respectively, defendants were convicted on some or all of their charges. For those released, just 62 and 63 percent of felony and non-felony defendants were convicted (see Figure 11). Those released at the time of disposition received more diversions and dismissals than those in custody.

Figure 11. Conviction Rate by Case Level and Custodial Status at Disposition



3. *Time between case processing milestones.*

Our analysis of case processing speed begins at first arraignment. All cases, both felony and non-felony, must be arraigned within 48 hours after arrest. At arraignment, defendants have the opportunity to enter a plea of guilty or not guilty to the charges.

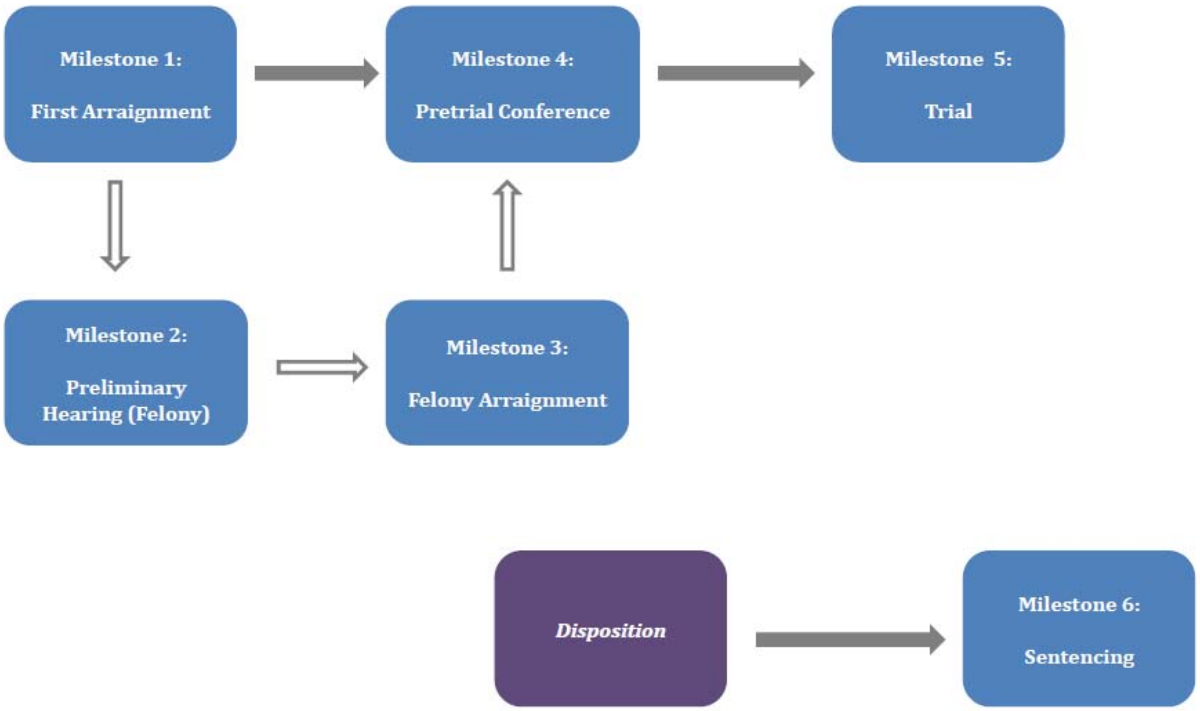
Non-felony cases may proceed to pretrial conference after initial arraignment. During the pretrial conference, the prosecution and the defense may negotiate a plea agreement or set a trial date. Should the case not be disposed of during the pretrial conference, it then proceeds to trial.

After initial arraignment, felony cases proceed to a preliminary hearing, at which time the prosecutor must establish probable cause to charge a felony offense.[32] If the defendant is held to answer to that charge, they are re-arraigned at felony arraignment and given an opportunity to submit a plea. Felony cases then proceed to pretrial conference and to trial if a settlement is not negotiated in the meantime.

Figure 12 below illustrates the major case processing milestone events analyzed in this study and the way cases, both felony and non-felony, flow through each stage. Filled arrows → indicate the route by which all cases, in theory, are to progress. The hollow arrows ⇒ indicate a route through the case-processing system that applies only to felony cases.

[32] Some felony cases are sent to grand jury after initial arraignment. Just one case in the study sample went to grand jury.

Figure 12. Major Case Processing Milestones



These milestones represent a simplified view of how cases flow through the criminal court process. Numerous other hearings that affect the course of a case happen during and between these major milestones. However, our analysis centered on the proceedings through which every court case, should it proceed to trial without disposition, must pass.[33]

This section presents Vera's findings on the speed at which cases were processed through each milestone shown above. Results are presented by milestone, charge level (felony or non-felony) and custodial status. Average times between and during each milestone are reported. Median time and distributions are reported where they differed considerably from the average. Attachment A contains two flow charts showing the mean times between and during each case processing milestone phase, as well as the percentage of cases in our sample to reach each milestone. The California Penal Code and Rules of Court set forth timelines for the major case processing events. Many of these times may be waived by defendant. Where applicable, case processing speeds are compared to these statutory time frames.

Milestone 1: First Arraignment

The final sample for this analysis included all cases in 2008 where defendants were identified as having been arraigned in custody within five days or less after arrest. Of cases in our final

[33] Certain proceedings may be waived by the defendant.

sample, four percent were arraigned within one day of arrest; 56.4 percent were arraigned within two days or less; 70.4 percent were arraigned within three days or less; and 95.6 percent were arraigned within four days or less. Over two-thirds of cases in the final sample were felony cases (37,181 cases) and just one third were non-felony (16,891 cases).

Of the 54,072 defendants in custody at the time of first arraignment, 13,284 (24.6 percent) entered their final plea on the same day. Just 12 percent of felony cases entered a final plea at arraignment, while over half (52 percent) of non-felony cases pled at their first arraignment.

Nearly one-fifth of our sample (10,651 defendants) received a final disposition at first arraignment; the majority of these dispositions (91 percent) were convictions. A small percentage of felony cases (6.8 percent) received a final disposition at first arraignment, while nearly half (48.2 percent) of non-felony cases were disposed of at the same time.

Milestone 2: Preliminary Hearing

After initial arraignment, all cases with felony charges should proceed to a preliminary hearing.[34] Of our original sample of 54,072 cases, 68.8 percent were felony cases (37,181 cases). Of felony defendants, 71.1 percent had preliminary hearing events. The majority of these, 83.4 percent, were in custody at the time of the first of these events.

Thirty-four percent of defendants with preliminary hearings submitted a final plea at one of their preliminary hearing events. The vast majority of these were in custody at the time (83 percent). Just over one-third (34.7 percent) of all defendants with preliminary hearings received a final disposition at any of those events.

Reported below are two measurements: (i) time between initial arraignment and first preliminary hearing and (ii) the duration of the preliminary hearing phase of case processing.

<u>Days from First Arraignment to Preliminary Hearing</u>

The average time between first arraignment and preliminary hearing was 13.6 days for those in custody at both points. For those defendants released prior to their first preliminary hearing, the average time in days from arraignment to the preliminary hearing was 21.6 days. Less than one percent (89 defendants) experienced over 100 days between the two court events, and 82 percent of defendants in custody had their first preliminary hearing event within 14 calendar days of their first arraignment. Ninety-four percent reached preliminary hearing in fewer than 24 days.

The statutory time frame for processing cases from arraignment to preliminary hearing is 10 *court* days.[35] As the analysis captured time between milestones in calendar days, including weekends and holidays, Vera considered the time frame to be met if a case passed from initial arraignment to preliminary hearing within 14 calendar days (10 court days and four

[34] As stated, felony cases may miss the preliminary hearing stage if they are instead sent to a grand jury. Only one case in Vera's sample had any such Court event listed and so this route has not been considered in the analysis.
[35] Court days are days in which the Court is open—weekdays, excluding Court holidays.

weekend days). Over 82 percent of defendants held in custody at both points reached their first scheduled preliminary hearing within 10 court days, while 72 percent of those who had been released prior to preliminary hearing reached this timeframe.

Duration of Preliminary Hearing Phase

The majority of defendants with preliminary hearing events (80 percent) were in custody throughout their preliminary hearing "phase".[36]

For the 21,150 defendants in custody at both their first and last scheduled preliminary hearing events, the average time between these two points was 10.5 days. However, just over half of these defendants (11,268, or 53.3 percent) had preliminary hearing events held on only one day, suggesting that a small proportion of cases with long durations between their first and last preliminary hearing event are skewing the mean upward. Nearly two-thirds of defendants in custody had completed their preliminary hearing phase within nine days.

Of those released prior to their last preliminary hearing, the mean duration was 28.3 days. However, half of these cases had completed this phase within six days, and just under two-thirds (61 percent) of those released by the final preliminary hearing had completed this phase in nine days.

Milestone 3: Felony Arraignment

If defendants are held to answer at the preliminary hearing, they proceed to a felony arraignment. In Vera's sample, 30.6 percent of felony defendants (11,359 defendants) had felony arraignment hearings following a preliminary hearing. The majority of these defendants (82 percent) were still in custody at both points. The average time between a defendant's last preliminary hearing event and felony arraignment was 14 days for those in custody at arraignment and just under 18 days for those released by arraignment.

The statutory time frame for processing cases from preliminary hearing to felony arraignment is 15 calendar days. Of those held in custody, 90 percent had a felony arraignment within 15 days of their final preliminary hearing. Of those released prior to their felony arraignment, 81 percent reached the 15-day timeframe.

Milestone 4: Pretrial Conference

Pretrial conferences are used for many purposes, such as reviewing evidence, handling various motions, or discussing possible plea agreement and settlement of a case. Of Vera's sample, 14 percent (or 7,658 defendants) had at least one pretrial conference event. Over three-quarters (76.7 percent) of these defendants were still in custody at the time of their first pretrial conference event.

Of the 7,568 cases to have a pretrial conference in our sample, over one-third (36.4 percent) entered final pleas at one of these hearings. The majority to enter a plea were in custody at

[36] That is, the time between the first and last scheduled preliminary hearing events.

the time (80.4 percent). One-third of defendants to reach the pretrial conference phase received final dispositions at a pretrial conference event. Over 80 percent of these defendants were in custody at the time and nearly all (95 percent) were convicted. This proportion was lower among defendants who had been released (83.1 percent).

Reported below are three measurements: (i) time between initial arraignment and pretrial conference; (ii) time between felony arraignments and pretrial conference; and finally, (iii) the time between first and last scheduled pretrial conference events.

Days from First Arraignment to Pretrial Conference[37]

The average number of calendar days between first arraignment and pretrial conference was 69.7 days for defendants in custody facing felony charges, and 10.2 days for those in non-felony cases. Among defendants released prior to their first pretrial conference event, these averages were 111.7 days and 63.5 days, respectively, while median figures were lower at 87 and 37 days for felony and non-felony defendants. Median figures lower than the mean suggest that a small number of cases with larger lengths of time between first arraignment and first pretrial conference are skewing the mean upward. Of those released prior to pretrial conference, nearly 11 percent of felony defendants took more than 200 days between first arraignment and pretrial conference, and over one-fifth of non-felony defendants took more than 100 days.[38]

Days from Felony Arraignment to Pretrial Conference

Just over 12 percent of the study sample had a felony arraignment and a pretrial conference (6,834 defendants). Over three-quarters of these defendants were in custody at both points, and they waited an average of just under one month (29.2 days) between felony arraignment and pretrial conference. For those defendants released prior to their first pretrial conference, it took an average of 37.1 days from felony arraignment to pretrial conference.

Duration of Pretrial Conference Phase

The average time between first and last scheduled pretrial conference events was just over two weeks (15.2 days) for custodial felony defendants, and 2.4 days for non-felony custodial defendants. For the majority of custodial cases (60 percent felony, 86.5 percent non-felony), however, the pretrial conference phase lasted no more than one day.

Average times between first and last scheduled pretrial conference events were higher amongst defendants who had been released from custody, at 45 and 37 days for felony and non-felony defendants, respectively. This may indicate that when a pretrial conference event was postponed, rescheduling of pretrial conference events took considerably longer for cases

[37] Before reaching pretrial conference, felony cases first undergo a preliminary hearing and a felony arraignment. Calculations of time between initial arraignment and pretrial conference include time to preliminary hearing and felony arraignment. Exact figures may differ, however, as not every felony case in our sample to have a pretrial conference had a preliminary hearing or felony arraignment. Non-Felony cases proceed from initial arraignment to pretrial conference without intervening milestone events.

[38] Very few non-felony cases in the study sample had pretrial conferences recorded in PIMS (n=384).

in which the defendants were in the community than for those held in custody. Median durations were substantially lower, at seven days for felony defendants and one day for non-felony defendants. Again, these median figures indicate that a smaller number of high values are skewing the mean upwards.

Milestone 5: Trial

Of the 54,072 defendants in our sample, 7,008 (13 percent) had at least one trial date.[39] Nearly two-thirds of defendants (64 percent) who were in custody at arraignment were still in custody at the time of their first trial event. Of felony cases that made it to trial, 77 percent were in custody at their first trial date and 23 percent had been released. By contrast, the majority of non-felony cases that went to trial had been released prior to their first trial date (66 percent).

Approximately 68 percent of defendants whose cases reached trial (7,008 cases) entered pleas at one of their trial dates. This represents nearly three-quarters of felony defendants and 54 percent of non-felony cases. Of those in custody at trial, 76 percent of felony defendants and 64 percent of non-felony defendants submitted final pleas at trial. Those who reached trial but were not in custody pled at lower rates: just 63 percent of felony defendants and 49 percent of non-felony defendants.

Reported below are three measurements: (i) average times between initial arraignment and first trial event; (ii) time between last pretrial conference and first trial date; and finally, (iii) the duration of the trial phase of case processing.

<u>Days from Arraignment to Trial</u>

For those defendants facing felony charges who were still in custody at the start of their trial, the average time between first arraignment and trial was 104 days. For those facing non-felony charges the time was much lower, at 27.9 days. For felony and non-felony defendants who were released before trial, the average time periods between arraignment and trial were 146.7 and 75.8 days, respectively.

By law, non-felony cases must proceed from first arraignment to trial within 30 days if the defendant is in custody and 45 days if the defendant has been released. Of the study sample, 90 percent of non-felony defendants in custody reached trial within 30 days. However, only 41 percent of non-felony defendants who had been released reached trial within the 45-day timeframe.

The statutory timeframe for the processing of felony cases is 60 days from arraignment on the information (the felony arraignment) to trial; the average time taken to move between these major court events was 63 days for custodial felony cases in Vera's sample. However, 90 percent of these cases made it to trial within the 60-day timeframe. Of those who had been released, cases took an average of 83 days between felony arraignment and first trial date. Just half of these cases reached trial within 60 days of their felony arraignment.

[39] These calculations exclude 594 cases where the first trial event was scheduled to follow the final disposition date and 5 cases where arrest date was listed as later than the trial start date

Days from Pretrial Conference to Trial

The average length of time between pretrial conference and trial was 24.2 calendar days for custodial felony defendants and 16.1 for incarcerated non-felony defendants. For those who were released prior to their first trial date, the average time between these two points was 33.9 days for felony defendants and 33.5 days for non-felony defendants.

Trial Duration[40]

Trials lasted an average of 32.1 days for custodial felonies, although nearly one quarter (24.7 percent) of these cases held trial for only one day. The average was lower for non-felony defendant cases, at 8.8 days. Median figures for trial duration were much different, however, at 13 and 2 days for custodial felony and non-felony defendants, respectively. Again this suggests that a small proportion of higher values are skewing the mean upwards.

Trial durations were higher amongst defendants who had been released from custody before trial, with average durations of 79 and 48 days for felony and non-felony defendants, respectively. Median durations were 44 and 15 days for felony and non-felony defendants. As with custodial cases, a number of high values are raising the mean value.

Milestone 6: Sentencing

If a defendant is found guilty of any charges, he or she is then sentenced—Vera's last case processing milestone.[41] Of the original sample of 54,072 cases, 74 percent (26,633 felony and 13,450 non-felony cases) were sentenced on or after final disposition.
The majority of sentenced defendants (82.5 percent, or 33,057 defendants) were in custody at the time of sentencing. The average time between final disposition and first sentence was 4 days for felony custodial defendants and just 0.3 days for non-felony custodial defendants. The mean figure overstates the time between disposition and sentencing: 92 percent of felony custodial defendants and 99 percent of non-felony custodial defendants were sentenced on the day of disposition. For those defendants no longer in custody at sentencing, time from final disposition to first sentencing took an average of 18 days for felony defendants and 4 days for non-felony defendants. Again, the mean is slightly skewed: 80 percent of felony defendants and 96 percent of non-felony were sentenced on the day of disposition.

The next section, Case Processing Qualitative Findings and Recommendations, describes the major qualitative findings from the policy/procedure review and the interviews/focus groups. The section builds on the data analysis and qualitative review to offer suggestions for improving case processing in Los Angeles County and reducing detention time.

[40] In order to exclude trial dates calendared in advance but never actually occurring, final disposition dates were used as a proxy for the final trial date for those cases that reached trial.
[41] Nearly 88 percent of our sample (or 47,711 cases) have sentencing dates in PIMS. Of these, 7,628 first sentencing dates come before the final disposition date for the case and were excluded from further analysis.

Part II: Qualitative Findings and Recommendations

Major Qualitative Case Processing Findings

1. *General findings regarding case processing times.*

Vera calculated case processing times for a sample of 54,072 cases for which researchers could confidently connect court case information held in the District Attorney's data system (PIMS) with defendant custody information held by the Sheriff Department's AJIS database. This includes 48.2 percent of all cases listed in PIMS with 2008 arrest dates that could be matched to AJIS, and 97.1 percent of cases where the defendant was arraigned in custody. Vera determined the proportion of defendants remaining in custody or being released by major case processing milestones (first arraignment, preliminary hearing, felony arraignment, pretrial conference, and trial, and then from disposition to sentencing). Vera also analyzed the times between the various court events for both released and detained defendants. Certain results are highlighted below.

Table 5. Average Time in Days from Arrest to Disposition by Case Level and Custodial Status

Custody Status at Disposition	Felony	Non- Felony
Custodial	53.03	8.23
Non-Custodial	190.83	128.13

Researchers concluded that the longest delays occurred for all cases around the first pretrial conference, acknowledging that each case may have numerous pretrial conferences. For felonies, the longest delays were between felony arraignment and the first pretrial conference, and for non-felonies, between first arraignment and pretrial conference.

In-custody cases were disposed of faster than out-of-custody cases. However, certain in-custody cases take a very long time. In Vera's study sample, a full quarter of all felony in-custody cases took over 80 days to reach a disposition, using 835,464 bed-days, while 803 cases took over 200 days to reach a disposition, using 203,393 bed-days per year. These numbers amount to significant expenditures for jail and Court resources. The 17 percent of felony in-custody defendants who took over 100 days to reach disposition accounted for more than half (51 percent) of all bed-days used by this group.

Vera's study concluded that case processing delays are caused by a number of factors, including the failure to consolidate cases across the County, a lenient policy towards continuances, delays in settlement negotiations, and inefficient resolution of traffic cases. These factors, and others, are summarized below.

2. *Causes of case processing delays.*

- **Cases are not consolidated across the County.**

  In cases involving probation violations arising from a new charge, Vera was told that Court policy requires that the cases be consolidated and that the violation be heard by the same court as the new charge. (Violations not arising from a new charge are sent back to the original sentencing court.) However, it appears that this consolidation often does not occur because some judicial officers refuse to give up jurisdiction in a case. When that happens, the defendant must appear in one courthouse for the new offense and in another courthouse for the violation. Defendants are represented by different public defenders in each courthouse, many of whom do not communicate and share files. Additionally, defendants must encounter judicial officers and courtroom staff not familiar with their specific circumstances.

  The issue of jurisdiction between district and city attorney offices was identified by some interviewees and focus groups as another complicating factor in case consolidation. In most parts of the County, the Los Angeles District Attorney prosecutes only felonies and city attorneys prosecute misdemeanors and infractions. If a new case is a misdemeanor but the probation violation is from a felony case, it was suggested that city attorney offices may be reluctant to allow the two cases to be heard together because of the likelihood of the misdemeanor being dismissed and only the felony violation being filed.

  Further, at the start of a new case, prosecutors and Court staff do not always check all of the pertinent databases to determine whether defendants have any outstanding cases or charges that could be disposed of in the current courtroom, such as traffic infractions. This results in expensive transportation costs for the Sheriff for in-custody defendants and a barrier for out-of-custody defendants who may have to travel great distances across the County to resolve pending cases. If transportation is a problem for out-of-custody defendants, they may also ignore one or more of the cases and end up with FTA charges on the record.

- **Continuances.**

  Court events are routinely continued for many reasons, including defense strategy, witness availability, inmate transfers, readiness, and schedule conflicts of the parties. The most often cited reason for a continuance was to obtain discovery. Many participants reported to Vera researchers that prosecutors and law enforcement are slow to provide all relevant discovery when requested, even for routine information like police reports, and that bench officers are reluctant to sanction the prosecution for this type of delay. Penal Code section 1050 and Court rules indicate that continuances may be granted *only* for good cause and expressly states that the convenience of the parties or stipulation of the parties does not constitute good cause.

- **Delays for required probation reports.**

  Many proceedings cannot continue without probation reports, including preliminary hearings and probation violation hearings. By law, the Court must order a report providing background information and a sentencing recommendation for a felony conviction whenever the defendant is eligible for a probation sentence.[42] Certain reports are delivered promptly, such as reports for the Early Disposition Program, but Vera was told that other reports are frequently delayed and may take up to three weeks. However, the Probation Department told Vera that over 95 percent of reports are submitted on time.

- **Problems with inmate court appearances.**

  Court lock-up staff, bailiffs, and all courtroom parties reported that delays often occur because inmates are not in court when they are supposed to be there. Conversely, inmates are brought to court by mistake when they are not needed or are brought just to meet with their attorneys. Many of these problems may be due to miscommunication between the LASD and the Court because the agencies rely on paper orders. Additional issues with inmate appearances include medical "miss outs," when inmates are too ill to travel to court; inmate refusals to go to court which require a court order for removal; and "special handles," who are inmates needing separation from other inmates and therefore take up a lot of space in the lock-up and transport vehicle. The County has initiated a video arraignment project, which allows arraignments to occur outside of the courtroom that may resolve some of these issues.

  Courts generally hear out-of-custody cases first; as a result, the Court may not get to all in-custody cases on the calendar. When that happens, inmates have to return for an appearance the following day. Hearing in-custody cases last results in a large number of release orders at the end of the day. The court lock-up deputies need clearance from the Inmate Reception Center, which has to check databases for warrants and holds, to release defendants directly from court. This process can delay the release until the following day. The common police department practice of bringing low bail defendants to court in custody, knowing they will be released, also adds to the end-of-day release rush from the courthouse. Local police departments could cite those defendants out directly from their own lock-ups.

- **Settlement negotiations occur late in the process.**

  The vast majority of criminal cases are settled by plea negotiations. Vera's analysis found that only 13 percent of felony and non-felony cases in the sample actually had a trial event. However, settlements tend to take place toward the very end of the process rather than at the beginning. Vera researchers were told many times that the defense and prosecution do not negotiate seriously until the court deadlines are about to expire. Whether because of high caseloads, legal strategy, lack of incentive, or in some cases, necessary investigation, these delays create long stays in custody for a large number of defendants.

[42] P.C. § 1203.

- **No reminders for court appearances.**

  Out-of-custody defendants receive no reminders for court appearances except for the small number released by PSD. Experience in other jurisdictions suggests that courts can lower their FTA rates and expedite court processes by implementing a reminder system.

- **Inconsistent Early Disposition Program (EDP) implementation across the County.**

  Courthouses around the County implement the Early Disposition Program for fast-track felony resolutions differently. Vera researchers were told that the programs are largely dependent on the personalities of the people in the courtroom at each location, and that they reach vastly different outcomes on similar cases. An inconsistent program jeopardizes the equitable treatment of defendants and engenders inefficiency because personnel cannot be transferred easily, defendants do not know what to expect, and it is difficult to replicate or expand the program to additional locations or types of cases.

- **Exchange of information between Court and jail.**

  TCIS does not communicate with AJIS. Orders regarding court appearances or releases are produced on paper and transmitted via fax or hand delivery to LASD whose staff has to input clerks' paperwork into AJIS manually. Vera was told that sometimes release orders are lost or never received. Even though judicial assistants have access to AJIS to check bail status, other cases, or holds, they do not routinely do so.

- **Misdemeanor cases handled by newer attorneys, different approaches of district and city attorneys.**

  Misdemeanor courtrooms tend to be training grounds for public defenders and district attorneys, which may slow down processing as the parties learn how to handle cases. Additionally, because city attorneys only handle misdemeanors, it was suggested to Vera that they are less willing to drop charges or negotiate down, even in cases where administrative hearings may be more efficient and appropriate.

- **Custody for traffic cases.**

  From observations of Traffic Court, discussions with many system actors, and data analysis, Vera researchers have concluded that many people spend time in jail for traffic-related charges (which may include infractions, municipal code violations, and misdemeanors). The most common types of offenses for which individuals were arrested and booked in 2008 were traffic and vehicular offense charges, which made up 26 percent (161,315 charges) of all arrest charges. After drunk driving (25 percent), the most frequent charges involved driving without a proper license (21 percent). The average length of stay for all traffic bookings in 2008 was eight days.

  Vera staff observed arraignments for people who spent one or two nights in jail for failure to appear on charges of not paying a $1.50 metro fare. Vera was told that some

judicial officers routinely set bail at $50,000 for one FTA, and issue jail sentences for FTA for jay walking and failure to pay traffic fines. The traffic fines seem to be too expensive for many people to afford. The DMV revokes an individual's license for failure to pay fines, and then that person can be arrested for driving on a suspended license. Vera was told that in most courthouses driving without a license is reduced to an infraction, but in some places it remains a misdemeanor leading to probation which in turn can lead to custody time if the individual commits a violation.

Traffic defendants are typically offered community service, classes, or payment of fines, but most programs are run by private, for-profit companies and require fees for completion. In many jurisdictions, the probation or sheriff's department runs these types of programs. Defendants in custody for not paying tickets are apparently often sentenced to time served, without paying any of the fines. Several judicial officers questioned the expense of housing and transporting defendants for FTA or traffic tickets who are not contesting the charges and have no means to pay the fines.

- **Judicial officers and parties circumvent LASD early release policies.**

  The Sheriff's early release policy related to jail overcrowding results in men and women serving as little as twenty percent of their sentences (with certain exceptions). As a result, bench officers and attorneys may delay sentencing to ensure that inmates actually serve the amount of incarcerated time to which the parties have agreed. The percentage of time served before early release changes frequently, based on jail population figures.

  Another consequence of the early release policy is that it skews the incentives for defendants to participate in alternative programs, such as drug court, work release, or other community-based programs because the programs require lengthier commitments and have more exposure to the possibility of violations than the actual number of days defendants would serve in custody.

Case Processing Recommendations

1. *Adopt a formal case packaging policy.*

   Jurisdictions like Orange County have successfully implemented case packaging policies that consolidate all of a defendant's cases in one courtroom. Such a policy manages a person through the system rather than a case. This requires updated consolidated databases that permit easy searches for the defendant and access to the necessary files, from traffic tickets to felonies. Case packaging creates efficiencies in the use of court, prosecution, and defense resources and reduces inmate transportation and courthouse detention overcrowding. Case packaging would also increase accountability for new law violations. Coordination of criminal sentencing would help the parties determine appropriate sentences and give the jail more accurate information about an inmate's expected length of stay. Since a sizable number of cases are resolved at arraignment, case packaging should also result in significant savings to taxpayers and a more efficiently run court.

2. *Extend court hours for arraignments to reduce delays.*

   Many jurisdictions conduct arraignments 24 hours per day to prevent case backlog and reduce custody time, but other, intermediate options could also be of assistance. Placing a felony arraignment court at the Bauchet Courthouse or inside Men's Central Jail may expedite cases, especially those that may result in pretrial release.

3. *Expand the existing felony Early Disposition Program and consider a similar program for misdemeanors.*

   The CCJCC Jail Overcrowding Subcommittee has a working EDP committee that includes the Court, District Attorney, Public Defender, and Alternate Public Defender. This group should continue to meet with agency leaders and EDP staff from every location to improve consistency and create consensus for expansion.

   Even though many misdemeanors are resolved at arraignment, a large number of misdemeanor defendants remain in custody through disposition. An EDP program for misdemeanors might clear out many of these defendants and save days waiting for court events. An analysis of the misdemeanor cases likely to remain in custody might suggest guidelines for the cases to be prioritized by an EDP program for misdemeanants.

4. *Create an online system for scheduling appearances beyond Traffic Court.*

   A pre-calendaring system could require people to schedule walk-in appearances for criminal court either online or over the phone. This would give the parties time for preparation and would reduce waiting time for defendants.

5. *Institute an automated reminder system of phone calls, mail, e-mail and/or texts for court appearances for all released defendants.*

   This can take many forms: automated phone calls, text messages, mail, or e-mail—depending on the defendant's needs. Agencies having contact with the defendant can reinforce these reminders. This sends the message that the system is serious about enforcing its orders and maintaining its schedule.

6. *Increase enforcement of the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.*

   The Court, prosecution, and defense must be held to the rules surrounding continuances to avoid the lengthy delays occurring in so many cases. In Vera's sample, many cases contained numerous dates for each court event, which indicates that the events were likely continued many times.

7. *Increase enforcement of the rules about the timely sharing of discovery with sanctions and find other ways to send the message that proceedings should continue as planned except in truly necessary situations.*

It may be necessary for the supervising judge to monitor the number of continuances granted in each courthouse. The Court should be actively involved in encouraging settlement negotiations starting with the first appearance, not just on the day before trial. Reducing continuances will encourage the parties to begin serious settlement negotiations much earlier in the court process.

8. *Connect the Court and jail databases to track and share custody status.*

   The Court and jail should track length of stay by bail/bond amount and arrest charge, and share this information with judicial officers. Judicial officers and assistants should be able to easily and quickly view a defendant's length of stay at any given time, and send appearance, release, and custody orders to the jail electronically. Similarly, jail staff should be able to indicate medical conditions, movement, and other situations in the database that impact court attendance. Prosecutors and public or alternate public defenders would also benefit from real-time information about the custody status and movement of their clients.

9. *Create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.*

   Jail time, costing $95 to $140 a day, is not a cost-effective sanction for these minor offenses. Traffic Court offers community service, work programs, and counseling in lieu of fines, but those programs are run by private providers who charge money for participation and completion. The LASD, Probation Department, or city attorney offices should consider running their own community service and other programs for traffic-related offenses and ensure that there are reasonable options for low-income people.[43]

10. *Adopt a differentiated case management system that has worked well in other jurisdictions and in L.A. County's Civil Court in addressing case processing delays and inefficiencies.*

    Differentiated case management (DCM) programs reduce case processing times and expedite disposition by tracking and processing cases according to type. The Bureau of Justice Assistance and the National Center for State Courts have assessed DCM programs and found that DCM:

    - Contributes to a more efficient use of existing resources;
    - Reduces disposition times;
    - Improves the quality of case processing;
    - Reduces the number of jail days for defendants in pretrial custody;
    - Reduces the number of bench warrants;
    - Saves prisoner transport;
    - Decreases litigation costs that result from unnecessary continuances and events that impede case disposition; and

[43] One example of this is the Long Beach Community Service Worker's Program.

- Enhances the court's public image.[44]

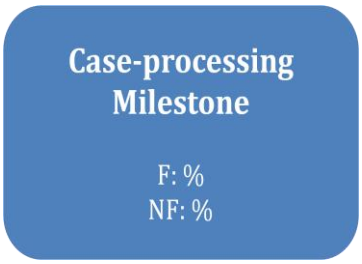
DCM is discussed further in Attachment B to this chapter, Evidence-Based and Promising Practices to Reduce Case Processing Times.

[44] U.S. Department of Justice, *Differentiated Case Management*, (Washington, DC: Bureau of Justice Assistance. 1995). ; C. Cooper, M. Solomon, and H. Bakke, *Differentiated Case Management: Implementation Manual* (Washington, DC: National Criminal Justice Reference Services, 1993), 5.

Attachment A

Case Processing Flow Charts

Case-Processing Flow Charts: Key



Blue boxes represent significant milestones in case-processing.

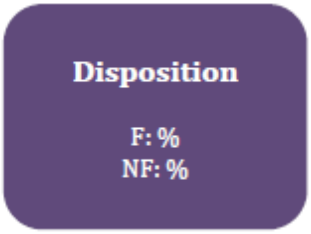
Within this box, for both felony (F) and non-felony defendants (NF), is a percentage figure. This shows, of all defendants that made it to this milestone, the percentage of these who were still in custody (chart one) or had been released (chart 2) by that time.

Figures presented along arrows show the mean number of calendar days from the last court-event of the preceding milestone to the first court-event of the following milestone. The hollow arrows indicate a route through the case-processing system that applies only to felony cases.

Mean calendar days written **in blue refer to felony cases**, and those ***in red italics refer to non-felony***.

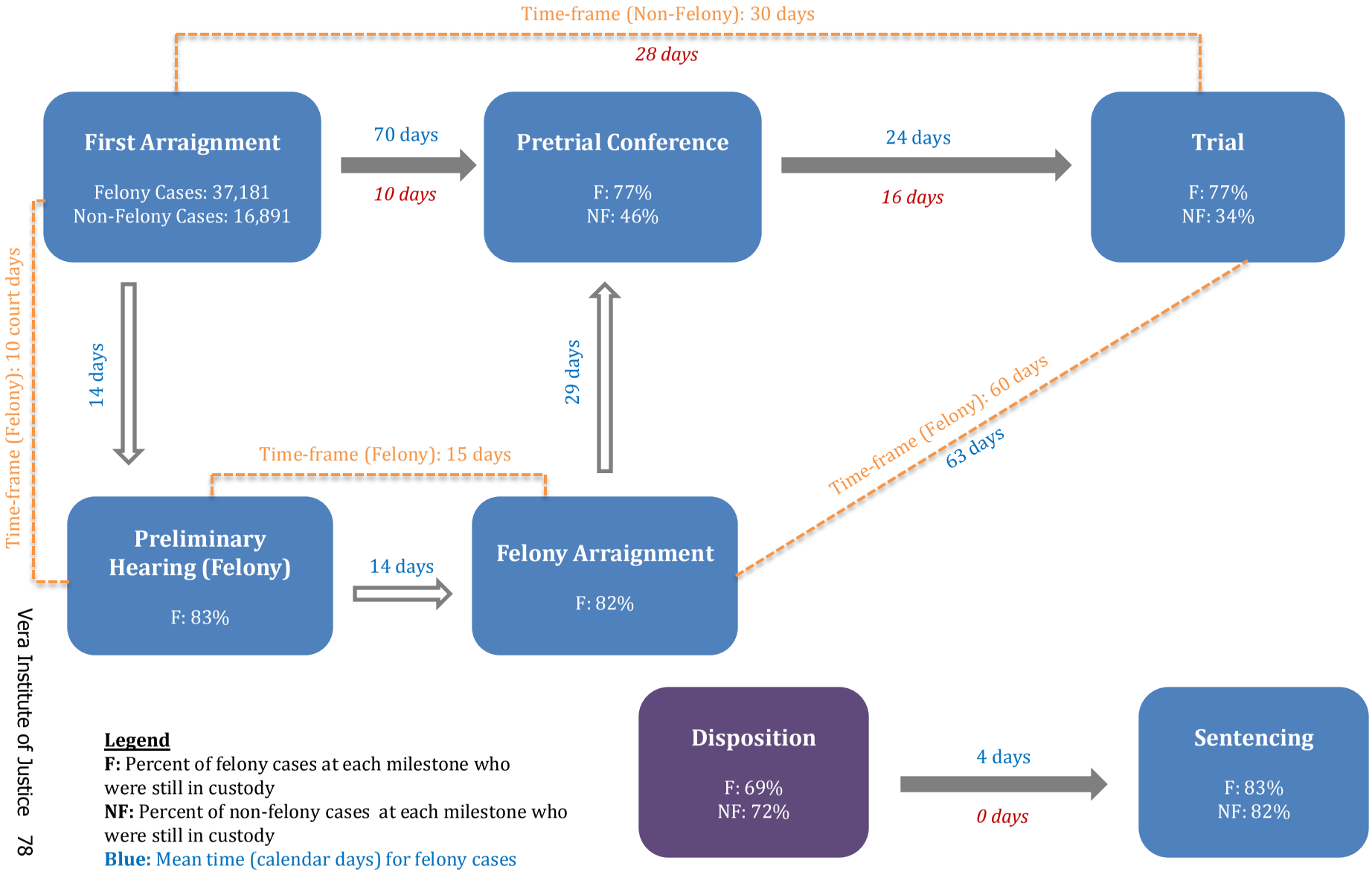
Dispositions are presented separately from the main flow-chart:

The percentages refer to *all cases* at the time of disposition, regardless of how far through the processing system their case had progressed. Percentages are again given for both felony and non-felony defendants separately.



Figures along dotted lines show the statutory requirement for case processing times between two milestones. All statutory time frames are in calendar days, with the exception of the legal timeline between first arraignment and preliminary hearing. This is given in court days.

Case Flow 1:
Average Case Processing Times, Custodial Population



Legend

F: Percent of felony cases at each milestone who were still in custody

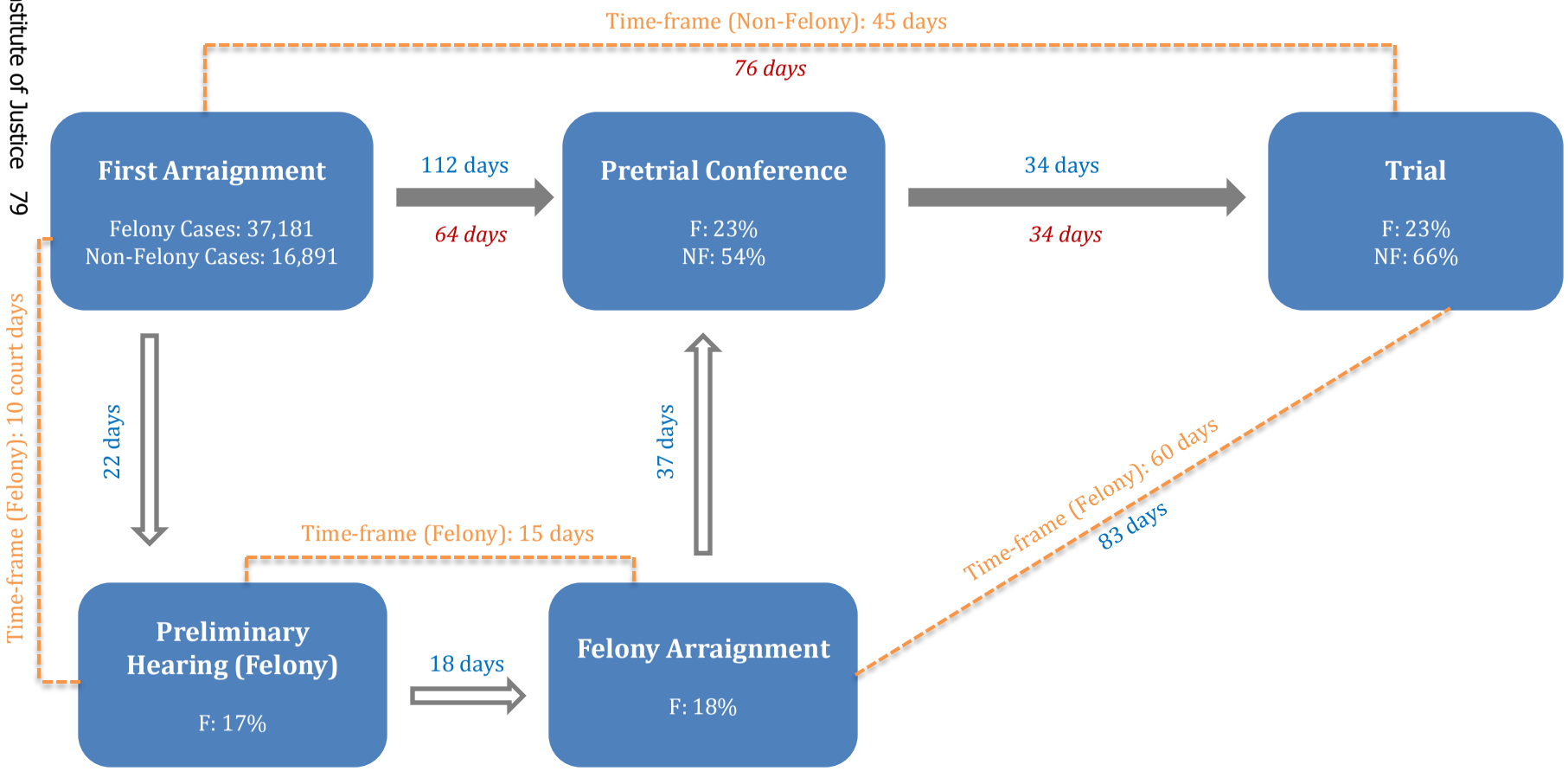
NF: Percent of non-felony cases at each milestone who were still in custody

Blue: Mean time (calendar days) for felony cases

Red: *Mean time (calendar days) for non-felony cases*

Indicates legal timeline for case processing

Case Flow 2:
Average Case Processing Times, Released Population



Legend

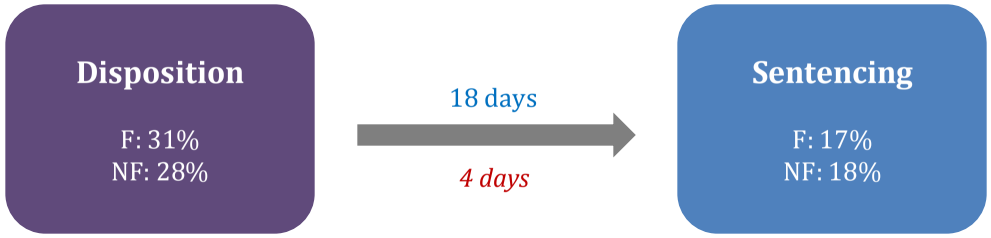
F: Percent of felony cases at each milestone who had been released before reaching this point

NF: Percent of non-felony cases at each milestone who had been released before reaching this point

Blue: Mean time (calendar days) for felony cases

Red: *Mean time (calendar days) for non-felony cases*

Indicates legal timeline for case processing



Note: In certain cases, wide variation in the distribution of case processing times for those released from custody has skewed averages upward. Please refer to the full report for more detailed information.

Attachment B

Potential Bed-day Savings with Expedited Case Processing

Potential Bed-day Savings with Expedited Case Processing

Linking court case information with defendant custodial information allowed Vera to calculate the jail-bed resources used by defendants awaiting trial or disposition. In this section, Vera presents the potential bed-day savings resulting from reducing case processing times for (i) felony and (ii) non-felony cases. One 'bed-day' is used when one inmate spends a period of 24 hours in custody.

1. Felony Cases

The case processing analysis demonstrates that many defendants in custody reached important milestones within the statutory time frames. However, at each point, a substantial number of cases took longer than these legal standards -- even when average case processing time for a point fell below the relevant benchmarked period. Even though defendants may waive time for strategic reasons, there are many other causes for case delays: for example, the writing of probation reports, transportation of inmates, discovery issues, or delays in information sharing between the court and jails. Streamlining any of these processes, even by one day, can save jail bed-days.

Expediting the processing times of the cases that are breaching the legal timelines will yield bed-day savings. However, far more substantial savings can be realized by working to improve processing speeds for all cases.

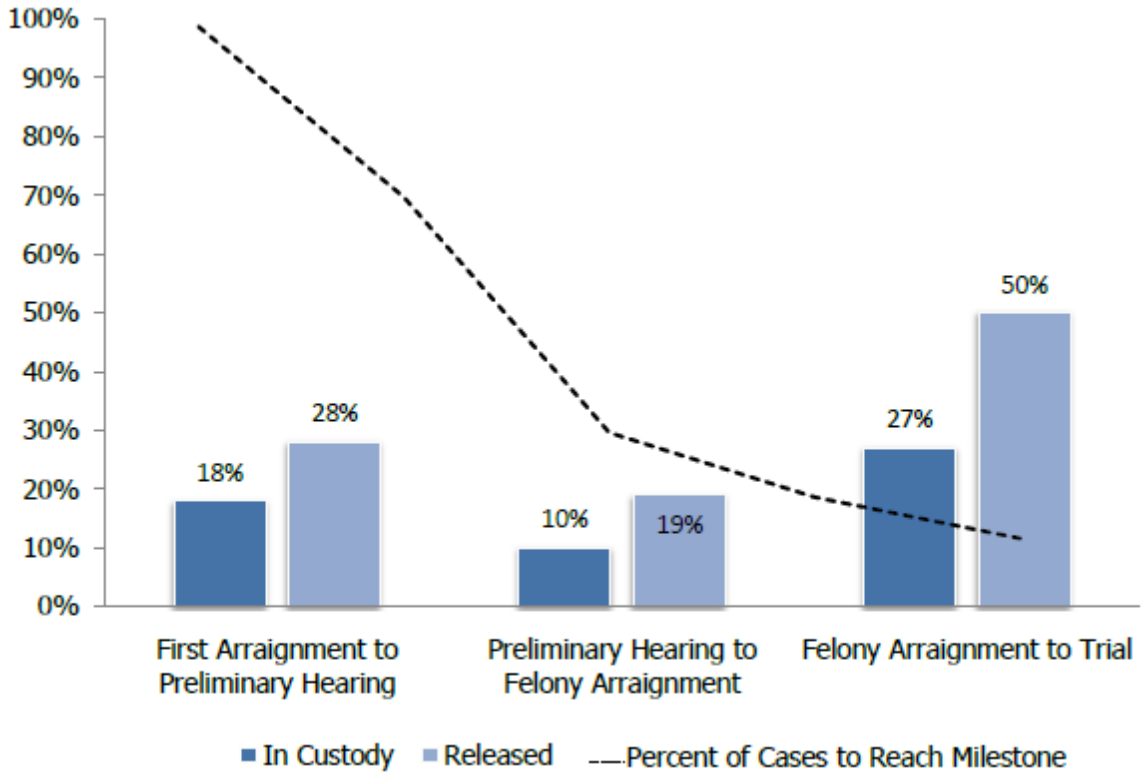
The greatest jail-bed reduction can be achieved at the earliest stages of the process when even small time reductions can have a big impact because of the volume of cases.

For example:

- The average time between first arraignment and preliminary hearing is **14 days** for felony cases.
- Reducing this average **by one day** would save **22,039** bed-days for the study sample.
- The average time between pretrial conference and trial is **24 days** for felony cases.
- Reducing this average **by one day** would save **2,448** bed-days for the study sample.

Figure 1 below shows that while the highest percentage of cases 'breaching' the statutory time frames is found between felony arraignment and trial, the volume of cases to progress this far is relatively low. Making changes to these cases will not necessarily have the greatest impact on bed-day usage.

Figure 1: Percentage of Felony Defendants Breaching Statutory Time Frames



Vera presents two scenarios for estimating potential bed-day savings. The first scenario shows the potential savings if the majority of cases that breach the statutory time frames were processed within the timelines. It can be assumed that a portion of outliers, for various reasons, have special requirements that prevent their being expedited significantly; the top five percent of cases are therefore assumed to fall outside the statutory time frames; instead, Vera calculates the additional savings from reducing these processing times by 25 percent.

In the second scenario, Vera calculates the savings if the average processing times were reduced across a range of cases, including those that were processed within the statutory requirements.[1] The analysis shows that, although a large number of cases are breaching the statutory time frames, expediting these cases alone will not save a substantial number of bed-days. Improving the average processing times for all cases, irrespective of the statutory requirements, would produce the greatest returns.

Scenario 1: Processing 95 percent of felony cases within the statutory time frames

Bringing 95 percent of cases within the statutory time frames (and expediting the remaining five percent of cases) would (for Vera's study sample) save:

- **24,173 bed-days** per year as cases move between arraignment and preliminary hearing.
- **4,987 bed-days** per year as cases move between preliminary hearing and felony arraignment.

[1] Some cases are already moving between milestones within the same day – the time frame for these cases is not expected to change.

- **41,022 bed-days** between felony arraignment and pretrial conference.[2]
- **21,994 bed-days** between pretrial conference and trial.[3]

Moving 95 percent of cases within the statutory time frames would therefore save a total of **92,176 bed-days**, which means approximately **253 physical beds**.

Scenario 2: Improving felony case processing for all cases

The second approach to improving case processing times does not restrict consideration to only those cases taking longer than the statutory requirements. Vera calculated the bed-days that would be saved if the *average* case processing times were reduced. In practice, these savings would not be made in a uniform fashion across the spectrum of cases—those taking the longest to move between milestones would be expedited by the greatest amount, and those moving relatively quickly between points would only require a small adjustment, if any.

Reducing average case processing times by **five calendar days** would save:

- **110,195 bed-days** between arraignment and preliminary hearing.
- **46,520 bed-days** between preliminary hearing and felony arraignment.

Average case processing times between the later milestones were substantially longer. Reducing these by **ten calendar days** would save:

- **52,740 bed-days** between felony arraignment and pretrial conference.
- **24,480 bed-days** between pretrial conference and trial.

If the average case processing times between milestones were reduced by these amounts, **233,935 bed-days** would be saved, which translates to approximately **641 physical beds**.

As these calculations are based on a relatively small subsample of the total felony pretrial custodial population, the actual savings may be substantially higher. Furthermore, the expansion of pretrial release has not been factored into these calculations, but is expected to significantly increase the cumulative effect of these bed-day savings.

2. Non-Felony Cases

Only a very small proportion of non-felony cases in Vera's case flow subsample experienced any court events other than arraignment, disposition and sentencing. Utilizing the statutory time frames to guide calculations of bed-day savings is therefore of limited use. For this reason, Vera calculated potential bed-day savings for non-felony cases in relation to their *pre-disposition lengths of stay* in LASD custody. These reductions could therefore be achieved by decreasing either the time taken to reach disposition or by releasing defendants from LASD custody at an earlier point. A further challenge faced by Vera was

[2] There is no statutory time frame governing the speed with which cases should move between felony arraignment and pretrial conference. The average time taken to move between these points in 2008 was 29 days. Vera calculated the bed-days that would be saved if 95 percent of cases moved between these points within three weeks (21 calendar days).

[3] There is no statutory time frame governing the speed with which cases should move between pretrial conference and trial. The average time taken to move between these points in 2008 was 24 days. Vera calculated the bed-days that would be saved if 95 percent of cases moved between these points within two weeks (14 calendar days).

that, unlike felony cases, only a small proportion of non-felony cases could be accurately linked to defendant custody information held in the LASD data-system, AJIS. Potential bed-day savings are therefore calculated *per 1,000 cases*; this figure can then be extrapolated to the total non-felony population.

Vera calculated potential bed-day savings on a sliding scale, so that greater reductions are calculated for those defendants spending the longest amount of time in custody pre-disposition. Table 1 below shows the number of bed-days that would be saved by reducing pre-disposition lengths of stay.

Table 1. Potential Bed-Day Savings for Non-Felony Cases, Pre-Disposition

Days in LASD Custody Pre-Disposition	Percent	Reduction in Days	Bed-days Savings Per 1,000 Bookings
0	9.4%	0	0.0
1 to 3	44.4%	1	443.8
4 to 7	24.1%	2	481.4
8 to 14	7.0%	3	208.7
15 to 30	10.2%	5	509.3
31 to 60	3.7%	7	256.9
61 to 90	0.6%	10	63.7
91 or more	0.7%	14	94.9
Total	**100.0%**		**2058.8**

Making these reductions would save 2,059 bed-days for every 1,000 cases.

Extrapolating this finding to the total non-felony population is not straightforward. As explained in section 4 (detailing the challenges faced during the analysis of L.A. County administrative data), it has not been possible to determine the exact proportion of pre-disposition bookings from post-disposition bookings. However, based on CCHRS data, about 250,000 non-felony cases were filed in 2008. Assuming that defendants in 50 percent of these cases were arraigned in custody (regardless of whether they were granted pretrial release), these findings can be applied to about 125,000 cases per year. This is likely to be a conservative estimation, but would still result in a saving of **257,350 bed-days**, or **705 physical beds.**

Adding these savings to the potential reductions calculated for felony cases would produce a saving of **1,346 beds.**

Attachment C

Evidence-based and promising practices to reduce case processing times

Evidence-Based and Promising Practices to Reduce Case Processing Times

Given the large number of system actors, agencies, and unrelated factors that affect the movement of cases through to completion, most courts struggle with case processing delays and the resulting court inefficiency.[1] Courts have implemented a number of practices that impact case processing times and reduce court expenditures, jail bed-days, and transportation costs. These measures have benefitted everyone involved in the criminal court process.

1. CASE PACKAGING

In a case packaging system, all of a defendant's cases assigned to different courts are calendared in a single court to be handled at one time. Orange County, California instituted case packaging in 2007 in response to jail overcrowding, costly inmate transportation, and significant case processing delays.[2] The program was implemented in five phases:

1. Traffic cases with felony matters.
2. All open and active misdemeanors and traffic cases. Bundled misdemeanors include open and un-adjudicated misdemeanors, active misdemeanor probation cases, misdemeanor terminal disposition cases,[3] and infraction cases with outstanding counts, fines or conditions.
3. Misdemeanor cases with felony probation violations.
4. All open misdemeanors and traffic cases as well as felony probation violation cases with new open felony arraignment case.
5. All collaborative court programs.[4]

Case packaging has resulted in many positive outcomes in Orange County, including:

- A reduction in the transportation of inmates to multiple court locations.
- The alleviation of overcrowding in court lock-ups.
- An earlier disposition of the case (increasingly at arraignment) because the same judicial officer and staff members handle all of the defendant's cases.
- A more effective use of court and justice partner resources.
- An overall reduction in appearances and caseloads.
- An increased compliance with appearances, orders, and coordinated sentences.

2. TRAFFIC COURT

California, like all other states, has a large number of criminal traffic cases. Between 2008 and 2009, California filed a total of 7, 212,124 traffic misdemeanor and infraction cases,[5] including

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[1] D. Steelman, J. Goerdt, J. McMillan, *NCSC Effective Case Management: The Heart of Caseflow Management in the New Millennium* (Virginia: The National Center for State Courts, 2000), 79.

[2] Superior Court of California, County of Orange, *Packaging of Cases* (California: Superior Court of California, 2008).

[3] Ibid. Terminal Disposition is a sentence that does not include probation and will close once the terms of the sentence are satisfied.

[4] Ibid. Collaborative Court programs are specialized court programs that combine monitored rehabilitation services with strict oversight and accountability (e.g., Drug Court, Mental Health Court, DUI Court, etc.). At the time of the report, phase five was scheduled for implementation in 2009.

2,173,797 filed from Los Angeles County. In L.A. County, only 2,052,003 of these cases were disposed.[6] The high number of traffic cases filed in relation to the number of cases disposed suggests that there may be a backlog of cases and a significant number of dismissals.[7] Because traffic cases are by far the largest percentage of cases that involve personal interaction with the court, management is critical to overall effective case flow management.[8] Consequently, many courts are attempting to find ways to better manage the high volume of traffic cases and to keep people out of custody for low-level traffic offenses.[9]

Effective practices with traffic cases focus on:

1. Avoiding multiple appearances for defendants in a single traffic case.[10]
2. Scheduling pretrial appearances for the purpose of resolving cases, rather than relying on the scheduled trial date.
3. Having a firm trial date and strict continuance policy, in order to lead to earlier and more pleas and greatly reduce the number of cases that must be set for trial.[11]

- *Austin, Texas:* As a response to significant traffic trial court backlogs in the early 1990s, the Austin, Texas Municipal Court created a program for early disposition, limited continuances, and smaller trial calendars with firm trial dates.[12] In this "docket call program," the court schedules all not-guilty pleas for a pretrial docket call. This docket call is the motorist's only opportunity to plea bargain, to enroll in driving safety school (discretionary with the court), or to request deferred prosecution. As a result of the program, the trial backlog was reduced to almost one-twelfth of its original size, dismissals because of police officer failures to appear fell, and trial continuances dropped dramatically.[13]

Alternatives to incarceration for traffic offenses:

- *Florida Alternative Programs:* In 2008, the Florida Legislative Group of Policy and Analysis recommended legislation eliminating prison terms for low-level offenders convicted of a third offense and three alternatives to incarceration for traffic offenses,

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[5] Judicial Council of California Administrative Office of the Courts, *2010 Court Statistics report, Statewide Caseload Trends: 1999 through 2000 and 2008 (*California: Judicial Council of California/ Administrative Office of the Courts, 2010), 123,125, www.courtinfo.ca.gov/reference/3_stats.htm.
[6] Ibid.
[7] Steelman, Goerdt and McMillan, 2000, p. 79.
[8] Steelman, Goerdt and McMillan, 2000, p. 39.
[9] The American Bar Association (ABA) as well a joint effort from the Conference of State Court Administrators (COSCA) and the National Association for Court management (NACM) have traffic case management standards. *See* ABA, *Standards For Traffic Justice* and *Functional Requirement Standards for Traffic Case Management Systems* (Conference of State Court Administrators, National Association for Court management, and National Center for State Courts, 2005), *www.ncsconline.org/d.../standards/.../TrafficStandards-Approved2005.pdf.*
[10] Steelman, Goerdt and McMillan, 2000, p. 40, citing ABA, *Standards for Traffic Justice*, Section 3.1.
[11] Steelman, Goerdt and McMillan, 2000, p. 40-41.
[12] Austin initiated the program in 1992. *See* Steelman, Goerdt and McMillan, p. 40, *citing* R. Zimmerman, "The Magic Bullet: Case Management in a Limited Jurisdiction Court," *Court Manager* 9, no. 3 (summer 1994): 29.
[13] Steelman, Goerdt and McMillan, 2000, p. 40.

particularly for driving with a suspended license: day work camp programs, which cost less than $1 per day; electronic monitoring, which costs about $10 per day; and vehicle impoundment. [14]

- *Kings County, Washington Relicensing Program:* Several times a month, the District Court holds a relicensing program for individuals facing criminal charges of driving with a suspended license in the third degree or driving with no valid operator's license.[15] Individuals enrolled in the program choose from a variety of payment options including monthly payments, community service, Community Work Program (work crew), or seek to have their payment covered by a community-based organization. If an individual enrolls and completes the payment, the prosecutor will not file the original charge.

- *The District of Columbia's Misdemeanor and Traffic Community Court (DCMTCC):* The D.C. Traffic Court employs alternatives to incarceration for criminal traffic offenses:[16]
  - The Traffic Alcohol Program supervises court-ordered supervised probation cases resulting from alcohol-related traffic offenses. The program assesses offender risk and needs, ensures treatment, and provides close supervision and support referrals to treatment programs.[17]
  - Community Service Diversion is designed for defendants who have committed "quality of life" and minor criminal traffic offenses.[18] Defendants can perform community service, and in exchange for their successful completion, the Attorney General's office will close the case.
  - Restitution or Remedying allows the defendant to "remedy" his or her case in regulatory-related offenses by obtaining the required license and paying restitution in applicable cases.[19] Upon proof to the Court that the defendant possesses a valid license and/or has paid restitution, the case is dismissed.

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[14] Day Work Camp Programs require the offender to report daily to corrections officials and complete jobs in the community. Vehicle impoundment and vehicle immobilization can be very expensive and may penalize other household members who rely on the car. The Florida Legislature Office of Program Policy Analysis & Government Accountability, "Several Alternatives Could Be Used to Reduce Increasing Imprisonment of Persons Driving with Suspended Licenses", Report No. 08-12 (March 2008), http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0812rpt.pdf.

[15] District Court Services, "Relicensing Program" http://www.kingcounty.gov/courts/DistrictCourt/CitationsOrTickets/RelicensingProgram.aspx.

[16] D.C. Misdemeanor and Traffic Community Court Policies and Procedures Work Group, *Program Manual of Policies and Procedures* (Washington DC: DC Misdemeanor and Traffic Community Court, 2007), p.8, 14-16.

[17] The primary goal of the Traffic Alcohol Program is to assess offender risk and needs, ensure treatment of offenders, provide close supervision and support referrals to treatment programs. *See* D.C. Misdemeanor and Traffic Community Court Policies and Procedures Work Group, 2007, p.8.

[18] Some common offenses include Possession of an Open Container of Alcohol, Drinking in Public, Misrepresentation of Age to Enter an Alcohol Beverage Control Establishment, Panhandling, Counterfeit Tags, Unregistered Vehicle, Vending without a License, Indecent Sexual Proposal, Indecent Exposure, Urinating in Public (UIP), Speed over 30, and Metro Misconduct. *See* D.C. Misdemeanor and Traffic Community Court Policies and Procedures Work Group, 2007, p.14.

[19] The eligible charges include Operating after Suspension, Operating after Revocation, Driving Without a Permit, Operating a Business Without a License, Vending Without a License, and other regulatory licensing offenses. *See* D.C. Misdemeanor and Traffic Community Court Policies and Procedures Work Group, 2007, p.15.

- Post and Forfeit: To move low-level offenses through the system more efficiently, Washington D.C. criminal justice agencies developed a list of low-level offenses for which the defendant may post and forfeit collateral and the prosecutor will not continue to prosecute the case. By paying a certain amount (from $25 to $100 for criminal traffic charges and from $25 to $1,000 for misdemeanor charges), the defendant does not have to appear in court. This is not considered an admission of guilt. The charge is then dismissed without a conviction.[20]
- Social Service Referrals are another diversion option offered. If a defendant is found to be eligible for a social service referral, and is able to provide proof of his/her participation, the case will not be prosecuted.

3. DIFFERENTIATED CASE MANAGEMENT

Differentiated Case Management (DCM) programs reduce case processing times and expedite disposition by tracking and processing cases according to type.[21] Counties in Washington, Michigan, and Pennsylvania are examples of jurisdictions that have successfully incorporated DCM into their criminal court systems.[22] Los Angeles County Superior Court also uses DCM in its civil division.[23] In Washington, the Pierce County Superior Court DCM program has reduced the average disposition times for criminal cases from 210 days to 90 days. In Michigan, the Berrien County Circuit Court DCM program has helped maintain expeditious case processing from arrest to disposition despite a 40 percent increase in filings in the late 1980s and early 1990s.

All DCM systems have three basic elements:[24]

1. *A tracking system***.** Courts differentiate cases according to complexity, priority, and other local court criteria and assign them to a specific track.[25] There are no standard track criteria;

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[20] Ibid.
[21] Cooper, Solomon, and Bakke, 1993.
[22] Steelman, Goerdt and McMillan, 2000, p.35. The description of the Tacoma program here is based on that by Beverly Bright in "Beyond Delay Reduction: Using Differentiated Case Management," *Court Manager* 8, no. 1 (winter 1993):24 at 25-27, as well as the article by J. Kelley Arnold, "Transferring Criminal Case Management Functions from the Prosecutor to the Court," *Judges' Journal* 33, no. 1 (winter 1994): 5. For St. Joseph, it is based on Caroline Cooper, Maureen Solomon, and Holly Bakke, *Bureau of Justice Assistance Differentiated Case Management Implementation Manual* (Washington, D.C.: American University, 1993), Appendix B, and Ronald Taylor's program description, "A Three-Track Criminal Program," *Judges' Journal* 33, no. 1 (winter 1994): 36. The information on Philadelphia is derived from David Lawrence's program description in "Beyond Delay Reduction: Using Differentiated Case Management," *Court Manager* 8, no.3 (summer 1993) at 25-27, and on the article by Legrome Davis, "Developing Felony Tracks," *Judges' Journal* 33, no. 1 (winter 1994): 9.
[23] *See* Los Angeles Superior Court Local Rules of Court, Rule 7.6.
[24] U.S. Department of Justice, Bureau of Justice Assistance Fact sheet, *Differentiated Case Management*, (Nov. 1995); Caroline Cooper, M. Solomon, and H. Bakke, *Differentiated Case Management: Implementation Manual*, (D.C.: Department of Justice, Bureau of Justice Assistance, 1993).
[25] *See* Steelman, Goerdt and McMillan, 2000, p.35. For example, New Jersey's Berrein County's Criminal Court assigns its cases different levels of priority and complexity. The Berrein County Court considers charged offenses such as Criminal Sexual Assault Against a Child, Delivery or Possession of Dangerous Drug with Intent to Deliver, Life Maximum Assault Offenses, and Habitual Offenders as high priority; Habitual Offenders, Offense Committed on Felony Probation, Assault and Drug Charges Other than Those for High Priority, and Multiple Charges Pending as medium priority; and Defendant on Bond and all other crimes as low priority. The county also assigns its cases

however, they tend to use the following analysis: the types of cases that can reasonably be expected to be disposed of earlier than later; the degree of court supervision this type of case requires; and whether these cases present any type of special management issues. Each track is assigned a disposition timeframe that reflects the case processing characteristics and requirements for that specific caseload.

2. *The reorganization of court events and resources.* For many courts this may mean:

   - Collaborating with counsel to set deadlines (which reduces requests for continuances) and enforcing those deadlines so that compliance is more likely;
   - Reorganizing court resource delegation (delegating appropriate cases away from judicial officers to court staff); and
   - Eliminating or adding new court events or techniques, e.g., creating a scheduling hierarchy so that more complex cases, like those where a party faces imminent harm or a witness has a certain age or physical condition, receive scheduling priority.

3. *Increased court monitoring and justice system collaboration.* Courts must monitor the DCM program to ensure that cases are assigned to appropriate tracks, feasible disposition time frames are assigned, and schedules are met. Courts can accomplish this by highlighting the benefits of the program to criminal justice system actors and enforcing sanctions.

The Bureau of Justice Assistance and the National Center for State Courts have assessed DCM programs and found that DCM:[26]

- Contributes to a more efficient use of existing resources;
- Reduces disposition times;
- Improves the quality of case processing;
- Reduces the number of jail days for defendants in pretrial custody;
- Reduces the number of bench warrants;
- Saves prisoner transport;
- Decreases litigation costs that result from unnecessary continuances and events that impede case disposition; and
- Enhances the court's public image.

These benefits offer incentives to agencies to screen cases effectively and assign them to appropriate tracks, meet deadlines, and support court events that promote early disposition. Another incentive comes from agency collaboration: Agencies that play a part in the DCM

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different levels of complexity. For example, the court assigns Psychiatric Defense/Issue of Competency to Stand Trial, Multiple Motions Involving Complex Legal Issues, Extraordinary Number of Witnesses to Be Called, and Defendant under Interstate Complaint or in Prison as high complexity cases. Multiple Motions (3 or more), Expert Witnesses (other than drug analyst) Necessary, Out-of-State Witnesses, Motion(s) Requiring Evidence Hearing of 1/2 Day or Longer, as medium complexity; and Police Witness Only, Simple Motions (2 or fewer), Motions Requiring Evidence Hearing Less than ½ Day, Less than Five (Six) Witnesses (Total Prosecution and Defense) as low complexity.

[26] U.S. Department of Justice, Bureau of Justice Assistance Fact sheet, *Differentiated Case Management*, (Nov. 1995); Cooper, Solomon, and Bakke, 1993, p. 5.

design are more likely to adhere to the program and are less likely to ask for costly continuances. Sanctions also provide motivation. Courts should be firm with deadline dates and only grant continuances in exigent circumstances, track continuances and other delays, and, most importantly, impose consequences for non-compliance.

4. Conclusion

Evidenced-based and promising practices such as case packaging, early disposition programs and alternatives to incarceration in traffic court, and differentiated case management have successfully assisted courts in reducing case processing delays. In turn, this can reduce jail populations and criminal justice system costs. As with all evidenced-based and promising practices, implementation varies according to local practices and procedures. Improvements may involve dramatic system overhauls, simple policy changes, or technology additions. Whether large or small, introducing any of these evidenced-based or promising practices requires careful planning, justice system agency compliance, and effective judicial leadership.

Attachment D

Case Processing Times for CA Counties

Case Processing Standards

Los Angeles County files, by a wide margin, the most cases of any jurisdiction in California. During 2008-2009, Los Angeles County filed a total of 2,474,044 criminal cases and disposed of 2,289,600.[1] The vast majority of those cases were filed as non-felonies.

Out of the 2,413,767 non-felonies filed, L.A. County processed:

- 68 percent in less than 30 days;
- 83 percent in less than 90 days; and
- 88 percent in less than 120 days.

Out of 60,277 felonies filed, L.A. County processed:

- 57 percent in less than 30 days;
- 67 percent in less than 45 days; and
- 79 percent in less than 90 days.

The County's processing speed is on par with California's state average, but it falls below the state and national standards. The California Rules of Court Standards of Judicial Administration and the American Bar Association (ABA) advise that all felonies should be processed within one year. The ABA also provides shorter-term benchmarks:

- 98 percent in less than 180 days, and
- 100 percent in less than 12 months.[2]

For misdemeanors, the ABA advises that:

- 90 percent should be processed in less than 30 days, and
- 100 percent in less than 90 days.[3]

Similarly, the 2011 California Rules of Court standards advise that:

- 90 percent be processed within 30 days;
- 98 percent within 90 days; and
- 100 percent within 120 days.[4]

[1] Judicial Council of California / Administrative Office of the Courts, *2010 Court Statistics Report, Statewide Caseload Trends: 1999 through 2000 and 2008 (*Judicial Council of California / Administrative Office of the Courts, San Francisco, California 2010), pp. 111 and 113, http://www.courtinfo.ca.gov/reference/documents/csr2010.pdf.
[2] National Center for State Courts (NCSC), "Trial Court Performance Standards Measurement Systems," http://www.ncsconline.org/D_Research/tcps/Measures/me_2.1.1.htm.
[3] Ibid.
[4] Judicial Council of California / Administrative Office of the Courts, *2011 California Rules of Court, Standard 2.2 Trial Court Case Disposition Goals,* subsection j-k, http://www.courtinfo.ca.gov/rules/index.cfm?title=standards&linkid=standard2_2.

Case Processing Standards and Los Angeles County

PROCESSING TIMES FROM ARRAIGNMENT TO DISPOSITION	Misdemeanor	Felony
Los Angeles County Case Processing Times (2008-2009)[i]	Out of 2,413,767 non-felonies: 68% within 30 days 83% within 90 days 88% within 120 days	Out of 60,277 felonies: 57% within 30 days 67% within 45 days 79% within 90 days
Conference of State Court Administrators and the Conference of Chief Justices Case Processing Time Standards[ii]	90 days	180 days
The American Bar Association Case Processing Time Standards (1984) [iii]	90% in 30 days 100% in 90 days	90% in 120 days 98% in 180 days 100% in 12 months
California Case Processing Time Standards (as of 2004)[iv]	90% within 30 days 98% within 90 days 100% within 120 days	100% within 365 days

[i] Judicial Council of California / Administrative Office of the Courts, *2010 Court Statistics report, Statewide Caseload Trends: 1999 through 2000 and 2008 (*Judicial Council of California / Administrative Office of the Courts, San Francisco, California 2010), p. 127.
[ii] National Center for State Courts (NCSC), "Trial Court Performance Standards Measurement Systems," http://www.ncsconline.org/D_Research/tcps/Measures/me_2.1.1.htm.
[iii] Ibid.
[iv] National Center for State Courts (NCSC) "Case Processing Time Standards for California." http://www.ncsconline.org/cpts/cptsState.asp.

Attachment E

Orange County Felony Time to Disposition

Superior Court of California- County of Orange
Felony Time to Disposition: FY08-09

Felony: Age to Disposition: FY 2008-09
Days from Arraignment on Complaint to Sentence (*)
Table 1: Cases with Information Filed

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY08-09 TOTAL	% of cases within time frame	Cumulative % of cases within time frame
0-30 Days	9	7	5	5	3	3	6	9	7	5	7	1	67	2.6%	2.6%
31-60 Days	12	13	9	7	6	8	15	9	14	2	6	8	109	4.2%	6.8%
61-120 Days	33	41	33	37	31	31	30	31	32	19	12	24	354	13.7%	20.6%
121-180 Days	35	28	38	32	31	31	29	21	44	19	18	25	351	13.6%	34.2%
181-365 Days	47	67	59	68	64	76	84	85	70	56	73	56	805	31.3%	65.5%
366+ Days	64	50	73	86	64	73	80	70	83	60	82	104	889	34.5%	100.0%
TOTAL	200	206	217	235	199	222	244	225	250	161	198	218	2575	100%	

(*) Aging begins as of the first *scheduled* arraignment, regardless of whether a plea was actually taken.

Felony: Age to Disposition: FY 2008-09
Days from Arraignment on Complaint to Sentence
Table 2 : Cases without Information Filed

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY08-09 TOTAL	% of cases within time frame	Cumulative % of cases within time frame
0-30 Days	534	466	494	537	413	545	529	460	620	685	590	639	6512	47.4%	47.4%
31-60 Days	149	136	151	134	114	172	178	132	148	186	153	190	1843	13.4%	60.8%
61-120 Days	164	167	173	167	117	179	232	147	188	208	143	186	2071	15.1%	75.9%
121-180 Days	83	77	66	83	64	69	112	95	96	89	67	78	979	7.1%	83.0%
181-365 Days	94	90	99	103	65	84	132	103	126	117	77	107	1197	8.7%	91.8%
366+ Days	93	99	107	96	68	82	91	98	97	118	87	97	1133	8.2%	100.0%
TOTAL	1117	1035	1090	1120	841	1131	1274	1035	1275	1403	1117	1297	13735	100%	

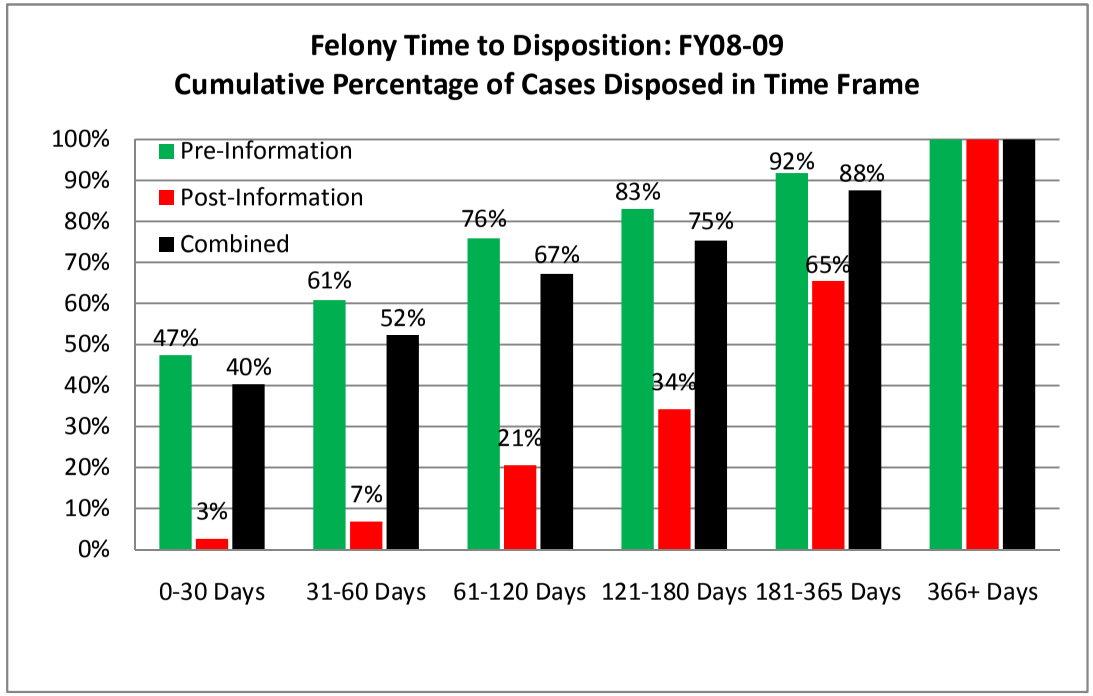
(*) Aging begins as of the first *scheduled* arraignment, regardless of whether a plea was actually taken.

Superior Court of California- County of Orange
Felony Time to Disposition: FY08-09

Felony: Age to Disposition: FY 2008-09
Days from Arraignment on Complaint to Sentence
Table 3: Combined Pre-Preliminary Pleas and Post-Information Dispositions

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY08-09 TOTAL	% of cases within time frame	Cumulative % of cases within time frame
0-30 Days	543	473	499	542	416	548	535	469	627	690	597	640	6579	40.3%	40.3%
31-60 Days	161	149	160	141	120	180	193	141	162	188	159	198	1952	12.0%	52.3%
61-120 Days	197	208	206	204	148	210	262	178	220	227	155	210	2425	14.9%	67.2%
121-180 Days	118	105	104	115	95	100	141	116	140	108	85	103	1330	8.2%	75.3%
181-365 Days	141	157	158	171	129	160	216	188	196	173	150	163	2002	12.3%	87.6%
366+ Days	157	149	180	182	132	155	171	168	180	178	169	201	2022	12.4%	100.0%
TOTAL	1317	1241	1307	1355	1040	1353	1518	1260	1525	1564	1315	1515	16310	100%	

(*) Aging begins as of the first *scheduled* arraignment, regardless of whether a plea was actually taken.



Chapter 4

Mental Health

Mental Health Findings and Recommendations

Because the L.A. County jail is often referred to as the nation's "largest mental health hospital," Vera paid particular attention to learning more about this population's presence in the jails.

Summary of Findings and Recommendations

Mental Health Findings:

1. Parole violations and narcotics possession were the most common booking offenses for Department among Mental Health (DMH) service users in custody.[45]
2. Length of stay in custody (LOS) was longer for DMH service users than for the general jail population.[46]
3. Custodial placement is common during mental health proceedings, even for low-level offenses.
4. The lack of community treatment facilities translates into more defendants in custody.
5. There are insufficient beds for felony competency treatment.
6. Competency proceedings and court processes cause significant delays in case processing.

Mental Health Recommendations:

1. Divert people who come to the attention of law enforcement for disorderly conduct or other signs of mental illness.
    a. Create triage centers for patrol officers to bring people with mental health conditions.
    b. Increase number of local crisis intervention teams (such as PMRT, SMART, PET) to respond to calls regarding people with mental illness.
2. Enhance Mental Health Court's data sharing capabilities.
    a. Utilize TCIS in Mental Health Court and share case files and records electronically with all appropriate parties.
3. Expand local placements for defendants with mental health conditions.
    a. Utilize community-based companies for placement services.
    b. In cooperation with County and State DMH, create or increase secure community placements for low-level, non violent defendants and people found incompetent to stand trial.
4. Expand the mission of Los Angeles Mental Health Court to provide the intensive wraparound services mentally ill defendants need to get out and stay out of the criminal justice system, using models like the one in Orange County.

[45] DMH provided data to Vera on inmates classified by DMH as having some type of DMH "event," which may include a referral for DMH consultation, evaluation or services. These inmates are referred to as "DMH service users." This method may not provide an accurate number of inmates with mental health conditions in the jail.
[46] "Length of stay" throughout the report refers to physical custody, excluding time spent in community-based alternatives to custody. The difference in LOS between DMH service users and the general population may be explained, in part, by delays caused by competency proceedings, including psychological evaluations and competency treatment.

5. Speed up post-competency proceedings and releases.
    a. Identify eligible defendants for conservatorship and initiate proceedings early in the court process.
    b. Reinstate public benefits before release to create placement options for those reentering the community from jail.

County officials have long been concerned about the large numbers of people with mental illness in the Los Angeles County jail system. County leaders therefore, asked Vera to take a close look at the inmate population with mental health needs.

The issue of mental illness in the criminal justice system is a concern for many jurisdictions. According to the Bureau of Justice Statistics, over half of all jail inmates display symptoms of mental health problems.[47] Studies also show that 70 percent of local jail populations and 53 percent of state prison populations meet established criteria for substance dependence or abuse.[48] As the number of beds in residential psychiatric facilities has dwindled and more individuals with serious mental illness are living in the community, jails and prisons have become the largest providers of residential psychiatric services for poor Americans.[49] A recent study found that there are three times as many persons with serious mental illness in jails and prisons than in hospitals.[50]

People with mental illness are often in jail as a result of charges related to homelessness, such as panhandling and public urination. After release, they face significant challenges in reintegrating into the community and have high rates of recidivism.[51] Frequent cycling between the community and jail creates further hazards for these individuals who often have co-occurring substance use needs and require ongoing care and/or uninterrupted access to medication. All of these vulnerabilities lead to crimes that might have been prevented and tax-payer dollars wasted on jail time.

[47] D. James and L. Glaze, *Mental Health Problems of Prison and Jail Inmates*, http://bjs.ojp.usdoj.gov/content/pub/pdf/mhppji.pdf; H.J. Steadman, *Practice Advice on Jail Diversion: Ten Years of Learnings on Jail Diversion* (New York: CMHS National GAINS Center, 2006).
[48] C. Mumola and J. Karberg, *Drug Use and Dependence, State and Federal Prisoners, 2004* (Washington, DC: Bureau of Justice Statistics, 2006), http://bjs.ojp.usdoj.gov/content/pub/pdf/dudsfp04.pdf; J. Karberg and D. James, *Substance Dependence, Abuse, and Treatment of Jail Inmates, 2002*, (Washington, DC: Bureau of Justice Statistics, 2005), http://bjs.ojp.usdoj.gov/content/pub/pdf/sdatji02.pdf; and James and Glaze, 2006.
[49] H. Barr, *Prisons and Jails: Hospitals of Last Resort: The Need for Diversion and Discharge Planning for Incarcerated People with Mental Illness in New York* (New York: Correctional Association of New York and the Urban Justice Center, 1999).
[50] E. Torrey, A. Kennard, D. Eslinger, R. Lamb and J. Pavle, *More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of the States* (Virginia: Treatment Advocacy Center and the National Sheriff's Association, 2010), http://www.treatmentadvocacycenter.org/storage/tac/documents/final_jails_v_hospitals_study.pdf.
[51] James and Glaze, 2006. J. Baillargeon, I. Binswanger, J. Penn, B. Williams, and O. Murray, "Psychiatric Disorders and Repeat Incarcerations: The Revolving Prison Door," *American Journal of Psychiatry*, 166(1) (2009): 103-109.; C. Visher, N. LaVigne, and J. Travis, *Returning Home: Understanding the Challenges of Prisoner Reentry Maryland Pilot Study, Findings from Baltimore* (Washington, DC: Urban Institute, Justice Policy Center, 2004).

Vera's interviews and focus groups with judicial officers, agency staff and experts in the forensic mental health field, as well as Vera's data analysis, suggest that Los Angeles County's criminal justice agencies face many challenges responding to people with mental illness:

- Calls involving the mentally ill are time consuming and take law enforcement officers away from patrol duty.
- Police lock-ups and jails face costly challenges in providing care for these individuals in custody, as they may require suicide watch, specialized housing, additional medical attention, and transfer to medical facilities.
- The delays inherent in competency proceedings and the severe shortage of secure facilities for evaluation and treatment mean that courts are often backlogged dealing with mental health cases. Bench officers, prosecution, defense, and courtroom staff must learn specific and complicated rules for these cases, which may take many months or even years to resolve.

Vera's findings and recommendations address many of these issues.

Major Findings on Mental Health Issues Relating to Jail Crowding[52]

L.A. County's Department of Mental Health (DMH) provides mental health services to jail inmates. Because of privacy concerns and the "contact narrative" form that DMH staff use to record their work in the jail, Vera's research was limited to describing those inmates who were classified by DMH as having some type of DMH "event," which might be a referral for DMH evaluation, consultation, or services. These inmates are hereinafter referred to as "DMH service users."

1. *Demographic characteristics of DMH service users.*

   Compared to the general population, DMH service users:

   - were more likely to be female (22.7 percent of DMH service users versus 17.3 percent of the general population);
   - were more likely to be Black (47 percent of DMH service users versus a quarter of the general population);[53]
   - were less likely to be Hispanic;
   - were older (the most common age, 44 years, is double that of the general population).

[52] The mental health data findings are based on the following groups of booking numbers. *DMH Services Users* represent the 41,392 distinct bookings found in both the DMH 2008 dataset and the LASD 2008 Custody list (those cases in AJIS who have a transfer to LASD Custody date *and* a 2008 booking date). *LASD General Population* refers to the remaining 224,841 bookings into LASD custody, excluding those associated with DMH service use.
[53] The same disparity is found, though with slightly adjusted figures, if counting distinct individuals, not bookings.

2. *Parole violations and narcotics possession were the most common booking offenses for DMH service users in custody.*

   Custody data from 2008 reveal that DMH service users faced more serious charges at the time of arrest than the general custodial population.[54] Among DMH service users, 73.6 percent of bookings included at least one felony charge, compared with only 40.6 percent of the rest of the custodial population.

   The specific charges illuminate the issues people with mental health needs face: Drug offenses accounted for the largest proportion of all charges (26.6%), followed by administrative and status offenses (P.C. § 3056), and violation of parole. Possession of a controlled substance and violations of Health & Safety Code section 11350(a) were the two most common charges, possibly indicating the need for self-medication and the difficulty this group has with reintegrating into the community and accessing needed services. Comparatively, among the general LASD custody population, traffic offenses accounted for the largest proportion of all charges (27.75%), followed by drug, administrative, and property offenses.

3. *Length of stay in custody (LOS) was longer for DMH service users.*[55]

   DMH service users were held an average of two days in custody while the majority of the 2008 bookings into LASD custody were released the same day. Once in custody, the average LOS for DMH service users was over twice that of the general custodial population's: 42.8 days versus 18.1 days. While this difference in LOS may reflect differences in the seriousness of the charges between the groups (DMH service users have more felony charges than the general bookings), the average LOS for DMH service users was much longer than for the general custodial population, even when no felony charges were present: 25 days and 7.5 days respectively. For bookings including at least one felony charge, DMH service users spent, on average, a greater number of days in custody than the general population: 49 days versus 33.8 days.

Table 6. DMH Bookings by Charge Level and Length of Stay

Non-Felony Bookings **Length of Stay in Days**	**LASD General Population**	**DMH Service Users**
Mean	7.46	25
Median	1	10
Mode	0	2
Standard Deviation	21.97	38.64

[54] Analysis is conducted at the level of booking number, not individual person, so it should be kept in mind that an individual booked more than once during the year will be counted more than once in the following demographics.
[55] Data here refer to length of *physical* stay in LASD custody, from arrest to release, excluding time spent in non-LASD facilities prior to transfer. Length of stay (LOS) is calculated per booking and is measured in days.

Felony Bookings Length of Stay in Days	LASD General Population	DMH Service Users
Mean	33.79	49.12
Median	11	28
Mode	1	2
Standard Deviation	51.15	57.85

4. *Custodial placement is common during mental health proceedings, even for low-level offenses.*

   Anecdotal evidence suggests that the vast majority of misdemeanor and felony defendants in competency proceedings are in custody, even for low-level offenses.[56] In addition, defendants receiving competency treatment are in custody much longer than if they were convicted of the charged offenses. Typically, a defendant remains in jail during the initial competency hearing. If found incompetent, the defendant must undergo competency treatment in the jail or state hospital.

5. *The lack of community treatment facilities translates into more defendants in custody.*

   In-custody misdemeanants who require competency treatment are placed in the jail's P.C. section 1370.01 program, rather than in any community facility. These defendants, many of whom were booked for quality of life crimes, such as trespassing and sleeping on the sidewalk, may be held in custody for one year or the maximum possible sentence while treatment is provided—whichever is shorter. The judicial officer receives monthly progress reports on these defendants. If treatment providers report that it is unlikely the person will become competent, the Court may release them or refer them for alternative commitment procedures (e.g., civil commitment).

6. *There are insufficient beds for felony competency treatment.*

   Currently, the only placement option for in-custody defendants charged with felonies is a state hospital. Los Angeles County is allotted a certain number of beds in two state hospitals: Metropolitan for non-violent, non-sex offenders; and Patton, for everyone else. Metropolitan is about 16 miles from downtown Los Angeles; Patton is nearly 70 miles away.

[56] As Vera did not have access to MHC data (stored in a separate system from TCIS), and as transfers to MHC are processed using paper records, not electronic, Vera was unable to ascertain with any confidence the start or termination dates of competency proceedings for the study sample. Out of Vera's matched sample of 54,072 cases connecting custodial status with Court events, only 69 cases list "mental competency hearing" in the Court schedule for PIMS. Keeping in mind that PIMS only contains information on District Attorney cases in L.A. County (all felonies but misdemeanors only in certain jurisdictions), either this event code is poorly used or the majority of competency hearings occur in MHC because a relatively small number of cases progress beyond preliminary hearing.

During the study period, wait times for the state hospitals varied, but remained long in part because the California Department of Corrections and Rehabilitation requires a substantial number of beds for state prisoners. This has resulted in overcrowding at the hospitals and long delays in admission. For Patton, delays ranged from 45 days to six months and for Metropolitan from 35 days to six weeks. While awaiting transfer to a state hospital, defendants remain in jail where treatment is limited to medications. Based on interviews with judicial officers, it appears that bench officers have the option of enforcing their orders to the state hospitals by citing a legal deadline for transfer, under *In re Mille*, which places those defendants at the top of the waiting list.[57]

7. *Competency proceedings and court processes cause significant delays in case processing.*

Proceedings to determine competency inherently cause delays in case processing: They usually involve additional hearings, expert medical evaluation and reports, and time for treatment. Once the competency question is raised, all proceedings are suspended while the defendant is evaluated and possibly treated.

The division of responsibilities between Mental Health Court (MHC) and the general criminal courts may exacerbate delays caused by competency proceedings. MHC deals with competency issues for all *misdemeanors*, but only felonies who are in the *pre-preliminary hearing stage*. If a doubt about competency arises for a felony defendant at any point after the preliminary hearing, the competency hearing and all related proceedings remain in the general criminal court. Because MHC deals exclusively with competency and related proceedings, bench officers and staff are trained in mental health proceedings, and doctors are available to evaluate defendants in the courthouse. The general criminal courts, however, have none of these assets; the absence of such expertise may cause further delays.

Another delay occurs when cases are transferred to Mental Health Court. Vera researchers were told it takes two weeks for a case to be transferred from criminal court to MHC, but it takes only 24 hours for the MHC to transfer a case back to criminal court.[58] The reason for the delay appears to be the physical transfer of the paperwork; MHC does not use TCIS, the main Superior Court database, but an older, separate database called the Integrated Case Management System (ICMS). ICMS does not communicate with TCIS.

When a judicial officer refers a case to MHC, the court clerk must fax a certification to MHC (which alerts the court that a case is on its way) and then print and send a packet of information about that defendant and case (minute order, complaint, arrest report, criminal history, probation information if available) to MHC by County messenger or the Sheriff's Transportation System.

If MHC transfers the case back to criminal court, the MHC clerk must enter the minute order and then print and fax it to the criminal courtroom. MHC lawyers are supposed to receive

[57] *In re Mille*, (2010) 182 Cal.App.4th 635.
[58] If a case is transferred back to criminal Court, Vera was told that MHC judicial officers order an appearance for the very next Court date, but Vera was not able to confirm that the case actually shows up on calendar and is heard that next day in criminal Court.

copies of the paperwork from their counterparts in criminal court, but that rarely seems to happen and they instead rely on the paperwork received by the court. If a defendant arrives in the MHC without complete paperwork, MHC must contact the criminal court to obtain it by fax, which may further delay the proceedings.

Recommendations to Decrease Length of Stay and Case Processing Times for Inmates with Mental Health Conditions

The County's Department of Mental Health commits substantial resources to provide evaluations and treatment services to the people with mental illnesses who are in jail. Vera suggests that the County take stock of these resources and consider whether the County, public safety, and those with a mental illness might all be better served by redeploying the resources outside of the jail. A prevalence of community-based options for assessment and treatment might be a more cost-effective and efficient response to the clear safety problems—to themselves and others—that people with mental illness can pose.

What follows are some specific short and long term recommendations.

1. *Divert people who come to the attention of law enforcement for disorderly conduct or other signs of mental illness.*

   a. **Create triage centers for patrol officers to bring people with mental health conditions.**

      Triage centers would alleviate substantial pressure on the front end of the criminal justice system by reducing jail bed-days, eliminating costly booking procedures, and reducing officer time off patrol. Because the person can simply be dropped off with minimal time spent on paperwork and processing, officers may respond more readily to the kinds of nuisance cases that are troubling to residents and business owners. Triage centers would also free up space in police lock-ups and divert people away from costly and time consuming court proceedings while providing a safe place in which they might be evaluated and referred for services and treatment. Vera was told that this type of facility existed in the past, but it is no longer available.

   b. **Increase the number of local crisis intervention teams (such as PMRT, SMART, PET) to respond to calls regarding people with mental illness.**

      Crisis intervention teams exist throughout Los Angeles County but local law enforcement told Vera that there is a large volume of calls, making it difficult for the teams to respond to all mental health-related calls.. Patrol officers around the County reported that they call the special units only in highly unusual circumstances to avoid long waits for a team to arrive.

2. *Enhance Mental Health Court's data sharing capabilities.*

   a. **Utilize TCIS in Mental Health Court and share case files and records electronically with all appropriate parties.**

Sharing information will facilitate communication and expedite case transfer with the rest of the Superior Court. Pertinent documents, such as mental health evaluations, could be scanned and transmitted electronically to all appropriate parties. These technological improvements would reduce delays in transferring cases to and from MHC, as well as avoid delays at appearances caused by incomplete files.

3. *Expand local placements for defendants with mental health conditions.*

a. Utilize community-based companies for placement services.

The Los Angeles County Court and Sheriff's Department should work with DMH to create a continuum of care, including residential services, to maximize the flow of people from institutions into the community. Alternative secure treatment centers for felony competency cases should be created or expanded closer to Los Angeles but outside of the jail. Community facilities would also reduce the significant jail time spent waiting for state hospital beds and would reduce transportation costs.

b. In cooperation with County and State DMH, create or increase secure community placements for low-level, non-violent defendants and people found incompetent to stand trial.

Community placements that provide high-intensity treatment, staffing, and security for low-level, non-violent defendants would be significantly cheaper and more effective than jail beds. Orange and San Francisco Counties place low-level defendants in community settings. Orange County is starting a pilot project to place misdemeanor defendants who are found incompetent directly into the community through DMH Full Service Partnerships, rather than jail.

c. Expand deployment of staff from DMH and/or community based organizations in courthouses to screen defendants and place in treatment.

The immediate capacity to evaluate defendants with mental illness and place them in appropriate community-based treatment facilities, with judicial approval, may encourage timely dispositions of cases where the primary need is treatment or supportive services.

d. Expand the use of the California DMH forensic conditional release program ("Conrep").

Conrep contracts with community programs to provide treatment, evaluation, and case management services for judicially committed patients and mentally disordered defendants. Certain criminal offenses preclude admission to this program, but Conrep should work with the jail to identify and evaluate appropriate candidates. This may be an avenue for the creation of secure community facilities for misdemeanor or felony incompetents.

e. **Investigate the use of L.A. County Gateways Mental Health Center for those coming out of jail.**

L.A. County Gateways, an independent contractor with ties to L.A. DMH, operates several secure facilities and provides intensive care for individuals transitioning out of institutions. It costs approximately $150,000 per year to treat a mentally ill patient in the state hospital, $35,000 per year to treat a mentally ill patient in the jail, and only $24,000 to treat them at Gateways Mental Health Center. Gateways provides the necessary residential and wraparound services for clients with serious or chronic mental illness, including constant supervision; intensive case management; substance abuse, mental health, and medical treatment; and assistance establishing or reinstating federal and state benefits.

4. *Expand the mission of Los Angeles Mental Health Court to provide the intensive wraparound services that defendants with mental illness need to get out and stay out of the criminal justice system, using models like the one in Orange County.*

A more comprehensive Mental Health Court, much like Los Angeles's Drug Court and its Co-Occurring Disorders Court, would provide more of the supervision and referrals to resources that defendants with mental illness need to stay out of the criminal justice system. For example, Vera researchers visited Orange County's Mental Health Court which provides 23 ancillary on-site services. Effective case management for people with mental illness should reduce probation violations and recidivism.

5. *Speed up post-competency proceedings and releases.*

a. **Identify eligible defendants for conservatorship and initiate proceedings early in the court process.**

The Court and any appropriate agencies should be notified immediately when treatment providers determine a defendant will not regain competency and/or may be eligible for civil commitment or conservatorship proceedings. Further, when MHC orders a release, the jail transfers the defendant back to criminal court to confirm the release. Vera researchers were told that local Court policy requires the transfer in case of pending court dates. The County should review this local policy.

b. **Reinstate public benefits before release to create placement options for those reentering the community from jail.**

Defendants who are placed in jail lose or have their public benefits suspended. Well before release, these defendants should be helped with the reinstatement process. This would reduce the return rate for people with mental health conditions who frequently violate probation quickly after release because they cannot continue medication or treatment and lack basic services like housing.

Attachment A

Crisis Intervention Teams: An evidence-based practice to reduce arrest of people with serious mental health issues

Crisis Intervention Teams: An Evidence-Based Practice to Reduce Arrest of People with Serious Mental Health Issues

Research shows that trained CIT significantly reduce arrests of people with serious mental health issues.[1] Moreover, those diverted through CIT are more likely to receive treatment than individuals not diverted.[2] When used in conjunction with triage centers, the areas where CIT was utilized experienced a decrease in jail-based health care liability issues. Although there are many similarities in the general program format, there are some noticeable differences in how CIT teams are implemented regionally. Organizations such as the National Alliance on Mental Illness (NAMI) help facilitate the expansion of the CIT model, offering technical assistance and training opportunities (costs average about $250/per officer for training, although this can vary by location).[3] Funding for the program is generally drawn from a variety of sources, including private (e.g., Jessie B. Cox Trust), federal (e.g., SAMSHA, Edward Byrne Grant), and state (e.g., state-based departments of criminal justice services and/or behavioral health).

- *Seattle, Washington.* Seattle blended funds from different community agencies to create response units and triage centers. The Crisis Triage Unit (CTU) was provided by the local hospital, Harborview Medical Center. County mental health and substance abuse systems contributed funds for staffing; the City of Seattle Human Services Department funded emergency respite beds; and the developmental disabilities system provided part-time support staff. The total costs totaled approximately $2.4 million, with each single source responsible for no more than $800,000.

- *Lee County, Florida.* A triage center was created in 2008 and is used in conjunction with the area Crisis Intervention Team (CIT). The center deals primarily with individuals experiencing a behavioral health crisis who are homeless, indigent, living with mental illness, and/or intoxicated. The center offers nursing and psycho-social assessments, with an average length of stay of 12 days. The initiative saved a significant amount of officer time in the field as well as cut down on inappropriate utilization of other city resources, such as hospitals and jails.[4]

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[1] H. Steadman, M. Deane, R. Borum, and J. Morrissey, "Comparing outcomes of major models of police responses to mental health emergencies," *Psychiatric Services*, 51 (2001): 645-649.
[2] TAPA Center for Jail Diversion, *What can we say about the effectiveness of jail diversion programs for persons with co-occurring disorders?* (The National GAINS Center, 2004), http://gainscenter.samhsa.gov/pdfs/jail_diversion/WhatCanWeSay.pdf.
[3] National Alliance on Mental Health, "CIT Toolkit: The Cost of CIT" (Virginia: National Alliance on Mental Illness), http://www.nami.org/Template.cfm?Section=CIT&Template=/ContentManagement/ContentDisplay.cfm&ContentID=61252.
[4] A. Arnall, Lee County Triage Center and Low Demand Shelter (PowerPoint Presentation), Lee County Human Services.

Chapter 5

Probation Violations

Probation Violations Findings and Recommendations

Data Challenges

Vera's initial analysis of data from AJIS indicated that probation violators tend to have long stays in custody. (Preliminary figures found that 43 percent of probation violators stayed in custody for more than 30 days.) Upon further analysis and discussions with the Probation Department, the Court, and others, Vera researchers recognized that the ability of the County's data systems to provide a full picture of violators, the reasons for violation, and their actual lengths of stay (LOS) in custody is extremely limited.

The problem with L.A. County's data on violators is not uncommon: the complexity of the criminal justice system is often not fully captured by its databases, making it difficult to produce a detailed description of actual events from the data alone. Data systems are typically designed to facilitate day-to-day operations, not to answer specific research questions. Vera researchers found this to be particularly true when they sought to identify and describe LASD inmates who were in custody for probation violations.

Initially, Vera counted bookings for probation violations using records of arrest charges held in AJIS, including all bookings for violations only. Concern was expressed by the CCJCC Jail Overcrowding Probation Violation Workgroup that this underestimated the numbers of violators in custody.[59] Vera explored other databases to see if probation violations could be identified by using charges filed as opposed to arrest charges.

This approach proved to be highly problematic, especially regarding "in lieu of" filings. According to senior staff from Probation and other agencies, the data challenges for these types of cases include:

- If a probationer is arrested for a new offense, these charges may later be dropped and replaced with charges of probation violation. This process is not reflected in the arrest charges listed in AJIS.
- Probation violations may be recorded: (i) using the *original* case number (that is, the case for which the offender was originally sentenced to probation); or (ii) using a *new* case number; or (iii) using *both* case numbers and then consolidating under one number at a later point. When original case numbers are used, the booking information associated with this case may refer to the arrest made for the original offense (which resulted in a sentence to probation) or to the arrest made for the suspected violation.

As a result of these data challenges, it was not possible to consistently and accurately determine the custodial status of probation violators. Without reliable data on violators, it is difficult for Vera to make informed recommendations regarding supervision or probation processes. Vera conducted several meetings with Probation managers to do limited qualitative analysis on this

[59] Utilizing data in AJIS in this way indicated that probation violators accounted for 1.14% bookings made into LASD custody in 2008.

topic, but as a result of these limitations, Vera's recommendations are aimed at accumulating better data about probation violators.

Probation Violations Recommendations

1. *Conduct a paper case file review of probationers to analyze the violation process.*

   A case file review of probation violators would yield the County valuable and reliable data. Vera has developed a research instrument for this purpose that can be used to capture the relevant information from the paper files, including the length of the probation term, the type of violation, previous violations, and revocation information. Researchers could then match individual cases to other databases to determine length of stay and court processing time. Based on this information, researchers could analyze and draw conclusions about which cases are revoked and/or spend time in custody and why.

   Before using the instrument, feedback must be obtained from managers and field level probation staff to ensure the information that the instrument captures is relevant. Additionally, the instrument must be tested on a small number of files to make sure that the information it seeks is available and time efficient.

2. *Create a pilot program that responds to the findings of the file review.*

   Based on Vera's experience, the information collected in a file review will likely reveal changes that are needed in one or more areas, including:

   - Supervision practices;
   - Officer training on effective supervision techniques;
   - Responses to probationer behavior before a revocation is required; and
   - Programming options that give officers more tools to respond to behavior.

   Pilot programs can be developed and other steps taken to respond to the findings. There is ample literature available on these and other relevant topics from the National Institute of Corrections and other organizations.

Attachment A

Draft Probation Violation Data Collection Instrument

Probation Violation- Data Collection Instrument
Draft 11/15/2010

1. **System ID** [These will allow Vera to match data collected to available databases]

   1.1. CII/SID Number _____

   1.2. MAIN Number _____

   1.3. XNumber _____

2. **Probation information** [Please refer to most recent probation case, if more than one]

   2.1. Length of probation sentence (months) _____

   2.2. Probation start date (mm\dd\yy) _____

   2.3. Date probation supposed to end (mm\dd\yy) _____

3. **Probation revocation hearing** [Please refer to case identified in #2]

   3.1. Court case number for probation revocation _____

   3.2. Date of probation revocation (date of revocation hearing) _____

   3.3. Reason for probation violation (narrative) _____

   3.4. Outcome of revocation hearing (narrative) _____

   _____

   _____

   3.5. What were the PO recommendations on report leading to revocation? (narrative)

   _____

   _____

   3.6. Type of violation? [1]

   3.6.1.1. Technical? Y / N / UTD If yes, was arrested? Y / N / UTD

   3.6.1.2. If yes, booking number _____ arrest date _____

   3.6.1.3. New charges? Y / N / UTD If yes, was arrested? Y / N / UTD

   3.6.1.4. If yes, booking number _____ arrest date _____

[1] UTD = Unable to determine

3.6.1.5. Was convicted on new charges? _____

4. Previous incidents of probation violation that did <u>NOT</u> result in revocation [refer to #2]

4.1. Number of incidents of probation violation _____

For each incident (please fill page 3 for additional incidents)

4.2. Date of probation violation in file _____

4.3. Type of violation - technical / new charges / UTD

4.4. Reason for probation violation (short narrative) _____

_____

4.5. Was arrested Yes / No / UTD If yes, booking number _____ arrest date _____

4.6. Sanction(s) imposed _____

4.7. Sanction(s) imposed by PO / Court / UTD

4.8. PO recommendations (short narrative) _____

_____

5. Information about case for which sentenced to probation

5.1.1. Was arrested Yes / No / UTD

5.1.2. If arrested - Booking number _____ Arrest date _____

5.2. Court case number _____

5.3. Case charges and degree

____ Drug	_____ degree
____ Persons	_____ degree
____ Property	_____ degree
____ Weapons	_____ degree
____ Traffic/Vehicular	_____ degree
____ Public Order/Quality of Life/Administrative	_____ degree
____ Status (gang, immigration)	_____ degree
____ Other	_____ degree
____ UTD	_____ degree

5.4. Highest charge: Felony / Misdemeanor / Other / UTD

Attachment B

Vera Offender Assessments Memo

To: **CCJCC Pretrial and Probation Work Groups**

From: **Vera Institute of Justice, Center on Sentencing and Corrections**

Re: **National Information on Offender Assessments**

Date: **September 21, 2010**

This memorandum provides an overview of current assessment instruments used in the adult criminal justice system. It also presents the results of a national survey conducted by the Vera Institute of Justice of the use of assessment instruments by community supervision agencies and releasing authorities. The goal of the survey was to identify the most commonly used assessment tools and to identify trends in how agencies are using the information collected by the tools.

I. National Survey Results: Key Findings

Overall, over 60 community supervision agencies in 41 states reported using an actuarial assessment tool, suggesting that an overwhelming majority of corrections agencies nationwide routinely utilize assessment tools to some degree.[1] The key findings from the survey include:

- *Assessment is new.* Many jurisdictions are relatively new to assessment: seventy percent of respondents implemented their assessment tools since 2000, with one third of those having implemented since 2005. Less than 20 percent reported the use of assessment tools in the 1990s or earlier.
- *State-specific or state-modified tools are most common.* Of the 41 states that responded to this survey, twenty reported using a state-specific tool.[2]
- *LSI-R is the most commonly used generic tool.* Of the remaining 20 states, 16 of them reported using the LSI-R. Other commonly used tools are the COMPAS (three states) and the LS/CMI (three states).
- *Risk and need are routinely assessed.* A significant majority (82 percent) of respondents reported assessing *both* risk and need, while just 18 percent reported that they assess only risk. Releasing authorities reported assessing only risk at a greater rate than supervision agencies. All respondents who use COMPAS report assessing both risk and need. Most – but not all – of those using LSI-R also assess both factors.
- *Paroling authorities generally assess risk only.* Despite being responsible for setting parole/post-release supervision conditions, nearly 40 percent of the releasing authorities assess only risk and not needs.
- *Assessment at pre-sentence stage.* Nearly all probation agencies report that they conduct their assessments in the pre-sentence phase.

[1] Responses were received from 72 agencies (probation, parole, and releasing authorities) across 41 different states.
[2] Some of these state-specific tools were modified versions of the LSI-R, LS/CMI or Wisconsin Model.

- *Assessment used to guide supervision levels.* The most common use of the assessment is to guide supervision levels. Assessment results are also used to develop case plans, set case loads and guide revocation decisions.
- *Sharing results is common.* Nearly all probation agencies share the results with the sentencing judge, and one jurisdiction even shares the results with the judge, district attorney and defense attorney. Many respondents reported sharing the results with treatment providers.
- *Storage of results is nearly all electronic.* While most reported storing the results of the assessments in an electronic database, only some are web-based (nearly all COMPAS users and some LSI-R users).

II. Commonly Used Assessment Instruments

Drawing upon findings from the national survey as well as literature on offender assessments, this section presents a more detailed description of the tools most commonly used by states: the LSI-R, COMPAS and LS/CMI.[3] A chart comparing these tools is included in Appendix A. Included in Appendix B is a review of assessment tools compiled by the Illinois Collaborative on Reentry's Alternatives to Incarceration Workgroup, which includes a description of the LSI-R, COMPAS and several specialized tools.

Level of Service Inventory-Revised (LSI-R)

General Information. As indicated in our survey, the LSI-R is the most commonly used and researched generic assessment tool throughout the country. The LSI-R was developed by Canadian researchers Don Andrews and James Bonta, both of whom are widely recognized for their research on the risk, need and responsivity principles.[4] The tool is a robust predictor of recidivism across a range of correctional settings – corrections, probation and parole – and claims validity across age, gender, race and economic backgrounds. It assists correctional professionals in making decisions concerning the necessary levels of supervision and can also aid in decisions concerning sentencing, program or institutional classification, release from institutional custody, bail and security level classifications, and assesses treatment progress.

Domains. The LSI-R assesses a range of risk and criminogenic needs factors through semi-structured interviews with offenders and other sources of data collection, including a self-report survey. The tool consists of a 54-item scale comprised of the following ten subscales: prior criminal history, education/employment, financial situation, family/marital relationships, accommodation, use of leisure time, companions, alcohol/drug use, emotional/mental health, and attitudes/orientation (see Appendix A for more details).

The LSI-R also has a screening instrument called the LSI-R:SV (Screening Version), which is used when resource and time constraints prohibit the full assessment from being administered. The LSI-R:SV consists of eight of the 54 items contained in the complete instrument and covers four risk factors: criminal history, criminal attitudes, criminal associates and antisocial

[3] The COMPAS and LS/CMI instruments are considered "fourth-generation instruments," while the LSI-R is considered a "third-generation instrument."
[4] Multi-Health Systems (MHS), Inc. is the proprietor of the LSI-R.

personality patterns. The screening tool is a brief and inexpensive way to establish whether the full LSI-R should be administered, and it is not intended as a stand-alone assessment instrument.

Criticism. Although the LSI-R is a strong general predictor of recidivism across different backgrounds and settings, it has been criticized as not being a valid predictor for women. Critics assert that the tool was validated on an all-male sample and does *not* include certain items that may be significant to female risk; for example, whether the offender has children or has a criminal spouse.[5] However, more recent research suggests that the tool is a valid predictor of risk for both males and females.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

General Information. The COMPAS assessment instrument was developed by Northpointe Institute for Public Management, Inc., a research and consulting firm based out of Michigan. COMPAS is a statistically based risk and needs assessment designed to assess risk and criminogenic needs factors in adult and youth correctional populations. While other risk assessment instruments provide a single risk score, the COMPAS provides separate risk estimates for violence, recidivism, failure to appear, and community failure. The COMPAS also provides a "criminogenic and needs profile" for the offender, which provides information about the offender with respect to criminal history, needs assessment, criminal attitudes, social environment, and social support.

Domains. The COMPAS assessment includes a number of strength and protective factors, including job and educational skills, history of successful employment, adequate finances, safe housing, family bonds, social and emotional support, and noncriminal parents and friends. In some states where COMPAS is used (e.g., Michigan), the assessment summary form includes a section for the practitioner to list an individual's strengths.

Criticism. Although research suggests that the instrument is gender-responsive for both men and women, the tool has demonstrated mixed results regarding ethnicity. A 2008 research study found weak results for predicting arrest outcomes for African-American men.[6] The results indicated a tendency to either over- or under-classify study participants depending on race and ethnicity. However, the study has several limitations, including a short outcome period (12 months post-release) and a relatively small sample size. More recently, a study found that the COMPAS recidivism models performed equally well for African-American and White men at predicting arrest outcomes.[7]

Level of Service/Case Management Inventory (LS/CMI)

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[5] Holtfreter, K. & Cupp, R. (2007). Gender and Risk Assessment. *Journal of Contemporary Criminal Justice*, Vol. 23, No. 4, 363-382.
[6] Fass, T., Heilbrun, K., DeMatteo, D., & Fretz, F. (2008). The LSI-R and the COMPAS: Validation Data on Two Risk-Needs Tools. *Criminal Justice and Behavior*, 38, 1095-1108.
[7] Brennen, T., Dieterich, W. & Ehret. (2009). Evaluating the Predictive Validity of the COMPAS Risk and Needs Assessment System. *Criminal Justice and Behavior*, Vol. 36, No. 1, 21-40

General information. The LS/CMI system is a comprehensive assessment instrument that assesses risk and criminogenic needs. Similar to COMPAS, it serves as a fully functional case management tool. The LS/CMI was developed by the same researchers who developed the LSI-R and it is owned by the same company (Multi-Health Systems). It was created to reflect the expanding knowledge base about offender risk assessment that has emerged since the development of the LSI-R.

Domains. The instrument was updated to assist correctional professionals with the expanded duties required of them, namely the focus on behavior change through programmatic interventions and referrals. The revision includes refining and combining the 54 LSI-R items into 43 items. In addition, assessors can indicate areas of offender strength, serving as protective factors.

As indicated in Table 1, the LS/CMI is comprised of eleven sections. Section 1 produces the total risk/need score based on the 43-item assessment. Sections 2, 3 and 4 assess mitigating or aggravating factors that can affect risk and need levels indicated in the first section. Section 6 documents a professional or administrative override. The remaining sections deal exclusively with case management considerations, including assessing responsivity concerns.

Table 1: LSC/MI Section Functions

Section	Content
1. General Risk/Need Factor	Total Risk/Need Score
2. Specific Risk/Need Factors	Personal problems with criminogenic potential (e.g., racist behavior), history perpetration
3. Prison Experience/Institutional Factors	Crucial institutional considerations including history of incarceration and barriers to release
4. Other Client Issues	Supplementary psychological and physical health, financial, accommodation, and victimization items
5. Special Responsivity Considerations	Dominant responsivity considerations from clinical research and correctional opinion
6. Risk/Need Summary and Override	Summarizes risk/need scores and allows for overriding score-based risk/need level
7. Risk/Need Profile	Graphically summarizes the Section 1 subcomponent and risk/need level scores
8. Program/Placement Decision	Record of major classification decisions (e.g., program placement
9. Case Management Plan	Lists criminogenic needs, non –criminogenic needs, and special responsivity considerations
10. Progress Record	Log of activities designed to measure change resulting from case management strategies
11. Discharge Summary	Summarizes information useful if the offender returns to custody or community supervision

Research and validation. Extensive scientific validation has been conducted on the LS/CMI's predictive validity. A review of the literature suggests the LS/CMI as a valid and reliable assessment tool across a range of offenders. Furthermore, a 2004 meta-analysis of the LS/CMI

concluded that the instrument is as predictive and reliable with females as it is with males.[8] The researchers also determined the instrument to be effective across a range of settings including, probation, probation, and prison/jail.[9]

III. Other Assessment Tools

Ohio Risk Assessment System (ORAS)

General information. In collaboration with the Ohio Department of Rehabilitation and Corrections, researchers at the University of Cincinnati (led by Dr. Ed Latessa) developed the Ohio Risk Assessment System (ORAS), which assesses individuals at several points in the criminal justice system. Ohio developed ORAS with two specific goals in mind: first, to promote consistent and objective assessment of risk throughout the criminal justice system; and second, to improve communication and avoid duplication of information from one system point to the next.

Tools and domains. Five assessment instruments were created: Pretrial Assessment Tool, Community Supervision Screening Tool, Community Supervision Tool, Prison Intake Tool, and Reentry Tool.

- The *Pretrial Assessment Tool* is designed to predict risk of failure to appear at a future court date and risk of arrest. It consists of seven items from four domains: criminal history, employment, substance abuse, and residential stability.
- The *Community Supervision Screening Tool* identifies moderate- to high-risk offenders in need of the complete assessment instrument. It is a four item instrument designed to quickly identify low risk cases that do not need the full assessment.
- The *Community Supervision Tool* assists in the designation of supervision levels and guides case management for offenders in the community. It consists of 35 items from seven domains: criminal history, education, employment and finances, family and social support, neighborhood problems, substance abuse, antisocial associations, and antisocial attitudes and behavioral problems.
- The *Prison Intake Tool* prioritizes prison treatment based on the likelihood of reoffending. It consists of 31 items from five domains: criminal history, education, employment, and finances, family and social support, substance abuse, and criminal lifestyle.
- The *Reentry Tool* predicts the likelihood of recidivism and was designed to be administered within six months of release. It consists of 20 items from three domains: criminal history, social bonds, and antisocial attitudes.

Research and validation. The five tools were validated on the Ohio population. The results of the validation study indicate that the ORAS instruments performed as well, if not better, than both

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[8] Williams, K., Andrews, D., Bonta, J. , Wormith, J., Guzzo, L. and Brews, A., 2009-03-04 "The Level of Service/Case Management Inventory (LS/CMI): Reliability and Validity in Female Offenders" *Paper presented at the annual meeting of the American Psychology - Law Society, TBA, San Antonio, TX* <Not Available>. 2010-03-11 from http://www.allacademic.com/meta/p295679_index.html

[9] Ibid.

the LSI-R and the Wisconsin Risk/Need instrument. The tools are in the public domain and are available in non-automated paper-only format from the University of Cincinnati.

Arizona Suite of Tools: OST, MOST and FROST

General information. In 2004, the Arizona Administrative Office of the Courts sought to standardize assessment procedures across its 15 state probation offices and implement a uniform screening instrument. The tools used by Arizona include the Modified Offender Screening Tool (MOST), the Offender Screening Tool (OST), and the Field Reassessment Offender Screening Tool (FROST). The MOST is a pre-screening tool to filter out low risk offenders. The OST is a comprehensive assessment and case planning tool, which is conducted on all medium or high risk placements as identified by the MOST screening tool. The FROST is used for reassessment.

Domains. These tools were developed by the Maricopa County Adult Probation Department, which decided to create its own tool after reviewing the performance of existing offender risk and needs assessment tools. The OST collects information in 10 categories that are supported by the research as predictors of an offender's criminal behavior: physical health/medical, vocation/financial, education, family and social relationships, residence and neighborhood, alcohol, drug abuse, mental health, attitude, and criminal behavior. The items on the OST include both static and dynamic criminogenic risk factors.

Assessments are used by the probation departments to determine appropriate supervision levels, guide development of case management strategies, and provide a mechanism to measure offender progress. The MOST and OST are used by all probation departments in Arizona and by local probation offices (handling misdemeanors) in Virginia.

Conclusion

Almost every state uses an assessment tool at one or more points in the criminal justice system to assist in the better management of offenders in institutions and in the community. This memo describes the tools most commonly used across the country and broadly outlines their general use and function in the criminal justice system. It also provides an overview of the risk, need and protective factors and predictive validity of each tool. As described above, one of the most significant challenges corrections agencies have faced is sharing critical information collected from the assessment from one agency to the next. To address this issue, a growing number of states are developing statewide and standardized assessment *systems* that allow information to more readily flow from one system point to the next.

Chapter 6

Non-Felony Bookings

Profile of Non-Felony Inmates: Findings

In 2008, 405,190 people were booked into the Los Angeles County system.[60] Of these, 266,233 were booked into the custody of the Sheriff. Just over half of these bookings (144,487 bookings) were for non-felony charges—approximately 89 percent for misdemeanors and 11 percent for lesser charges. These 144,487 non-felony bookings are the focus of the analysis in this section.[61]

Major Findings

1. *Most non-felony bookings were for new charges and almost seven percent of all new non-felony bookings were solely for failures to appear in court.*

   Over 85 percent of non-felony bookings were for new charges. Only about two percent of the arrest charges were for violation of probation or parole supervision. However, as discussed in Chapter Five, Probation Violation Findings and Recommendations, this may be a substantial underestimation of probation violation bookings.

Table 7. Admission Type, Non-Felony Bookings, 2008

Type of Charge at Admission	Number	Percent
New Charge at Arrest	123,270	85.3%
Failure-to-Appear (FTA)	9,476	6.6%
New Charge and FTA	7,858	5.4%
Parole/Probation Violation Only	2,673	1.8%
Parole/Probation Violation and Other Charge(s)*	1,210	0.8%
Total Bookings	**144,487**	**100.0%**

**Includes new charges and failures-to-appear.*

2. *The vast majority of bookings were for a single charge.*

   In 2008, the 144,487 bookings into LASD custody generated 201,188 misdemeanor or lesser charges. About 78 percent of the bookings were for a single non-felony charge at arrest. Approximately 13 percent of the bookings were for two non-felony charges.

3. *Traffic charges were the most common charges at booking for all non-felony bookings.*

   Traffic and vehicular charges comprised 42 percent of all charges at arrest in 2008. Administrative charges, including municipal, court and regulatory offenses, accounted for 19 percent of charges at arrest, followed by public order and quality of life offenses (10 percent). These three charge types accounted for over 70 percent of all non-felony charges at arrest. Drug charges comprised just fewer than ten percent of all charges at arrest.

[60] See Appendix C: *Los Angeles County Jail Inmate Profile,* for a discussion of the study population and data sources used for this analysis.
[61] These include 8,621 bookings which were eventually transferred to Mira Loma.

Table 8. Type of Charge at Arrest, Non-Felony Bookings, 2008

Crime Type	Number of Charges	Percent
Traffic/Vehicular	84,531	42.0%
Administrative	38,847	19.3%
Public Order/Quality of Life	20,229	10.1%
Drug	19,008	9.5%
Status-Type	13,838	6.9%
Person	9,866	4.9%
Property	8,515	4.2%
Other/DNA	3,015	1.5%
Weapons	1,261	0.6%
Missing	2,078	1.0%
Total	**201,188**	**100.0%**

4. *The most common non-felony arrest charge was driving with a suspended or revoked license.*

   Driving on a suspended or revoked license (14601.1(a)VC) accounted for about 11 percent of all non-felony charges at arrest. Drunk driving (V.C. § 23152(a)) and driving without a license (V.C. § 12500(a)) were the second and third most common misdemeanor charges at arrest. Traffic/vehicular charges were five of the ten most common charges at arrest. The top ten charges listed in Table 9 below accounted for nearly 60 percent of all non-felony charges at arrest.

Table 9. Top 10 Most Common Non-Felony Charges at Arrest, 2008

Rank	Statute	Description	Level	Number	Percent
1	14601.1(a)VC	Driving with License Suspended/Revoked	M	22,921	11.4%
2	23152(a)VC	Drunk Driving with Alcohol/Drugs	M	19,708	9.8%
3	12500(a)VC	Unlicensed Driver	M	16,246	8.1%
4	853.7PC	FTA After Written Promise	M	15,779	7.8%
5	40508(a)VC	FTA/Traffic Warrant	M	10,159	5.1%
6	23152(b)VC	Drunk Driving .10 Or Above	M	10,060	5.0%
7	8 1251US	Deportation Proceedings	N	8,667	4.3%
8	11357(b)HS	Possess 28.5 Grams Or Less Of Marijuana	M	5,762	2.9%
9	11550(a)HS	Under Influence Controlled Substance	M	5,435	2.7%
10	647(f)PC	Drunk, Drugs With Alcohol	M	4,546	2.3%
			Subtotal Top 10	**119,283**	**59.3%**
			Total	**201,188**	**100.0%**

5. *The majority of non-felony bookings were not identified as gang-involved.*

   Gang members are identified by LASD upon booking for the purpose of ensuring the security of inmates housed in their facilities. The data indicates whether a particular inmate is identified as a member of a gang, but does not specify the gang. Only one-third (31 percent) of non-felony bookings were flagged as gang-involved.

6. *Only one percent of all non-felony bookings were classified as high security.*

   Inmates who are booked into the jail system at the Inmate Reception Center (IRC) are interviewed by the LASD Classification Unit to assign security scores using the NorthPointe classification system.[62] About 22 percent of the non-felony bookings were classified as minimum security. Just under one-fifth were classified as medium security. This includes two groups: those who may be defiant of jail rules and/or are considered to be an escape risk and those who have been convicted but not yet sentenced (security level five). Defendants in this second group are reclassified after sentencing. Only about one percent of the bookings were classified as maximum security. This group includes people who have committed violent crimes or those who are subject to a hold or pending court actions for a violent crime. The remaining non-felony bookings were released before transfer to IRC and had no security classification level assignment (about 60 percent).

7. *Non-felony bookings spend an average of 8.8 days in LASD custody and nearly 35 percent of non-felony bookings are released on the same day they are booked.*

   Vera examined the length of time spent in the Sheriff's custody for those booked on misdemeanor or lesser charges in 2008, excluding any time spent in local police lock-ups prior to transfer to the Sheriff's custody and participation in Community Based Alternatives to Custody Programs (CBAC). To calculate length of stay in LASD custody, Vera examined time in days from booking into the Sheriff's custody to release using housing location and booking information in AJIS. These figures do not differentiate between time spent in custody prior to disposition and sentenced time.

   Of the 144,487 non-felony bookings into LASD custody, just over one fifth (22 percent) were released after one day in custody; nine percent were released after two days; and 5 percent after three days (see Table 10).

[62] After initial assignments of classification scores by NorthPointe, inmates undergo regular review and re-classification. For inmates with security scores of eight and nine, classifications are reviewed every 45 days, while inmates with scores from one to seven are reviewed every 90 days. During this review, an inmate's classification score may go down or go up. Inmate security scores are then retained in the AJIS, reflecting the initial scores and any increase or decrease from the initial classification scores.

Table 10. Total Length of Stay in LASD Custody, Non-Felony Bookings, 2008

Days in Custody	Number	Percent
0	50,325	34.8%
1	32,426	22.4%
2	12,314	8.5%
3	7,736	5.4%
4 to 7	13,296	9.2%
8 to 14	8,045	5.6%
15 to 30	8,611	6.0%
31 to 60	6,530	4.5%
60 or more	5,204	3.6%
Total Bookings	**144,487**	**100.0%**

Estimating Pre- and Post-Disposition Time in Custody

Estimating the length of time spent in custody pre- and post-disposition (pretrial and sentenced time) requires at least three pieces of information: booking date, date of disposition and release date. Vera found that booking and release dates tend to be accurately and consistently captured in AJIS. However, although AJIS includes several court case variables, these are either not routinely used (e.g., 'date of conviction' is not used by LASD staff) or are unreliable for the requirements of this specific analysis.[63] As such, Vera was unable to distinguish pretrial from sentenced custody-time using data in AJIS alone. It was therefore necessary to link booking information from AJIS with court case information held in other data systems.

Vera used data obtained from the District Attorney's data system, the Prosecutor Information Management System (PIMS), to examine case processing and estimate time spent in custody pre- and post-disposition.[64] The following findings are based on a sample of non-felony cases in PIMS that could be reliably linked to bookings in AJIS (16,891 non-felony cases). Only 12 percent of non-felony cases filed in PIMS in 2008 could be matched in this way.[65] Furthermore, PIMS only contains cases filed by the District Attorney's Office, which only handles non-felony level cases for 77 of the 88 municipalities in L.A. County and does not include non-felony cases from the two largest cities, Los Angeles and Long Beach. Defendants who were released before their transfer to LASD custody (1,978 bookings) and cases where final disposition preceded transfer to LASD (10 bookings) were also excluded from this analysis. All cases in this sample (14,903 bookings) were in custody at the time of initial arraignment, perhaps increasing the

[63] For example, AJIS includes a variable for 'date of sentencing,' but the information captured by this variable was found to be only partially related to sentencing date. Consultation with staff at the LASD Inmate Reception Center revealed that information entered into the 'date of sentence' variable captures any date related to the adjudication of a charge, whether that relates to sentencing or release orders.
[64] See Chapter 3: Case Processing Quantitative Findings, for an explanation of this choice of data set.
[65] See Chapter 7: Administrative Data Challenges and Limitations, for a more detailed discussion of the sample and its limitations.

likelihood of detention throughout the processing of the case and conviction at disposition. Thus, the figures below may over-estimate time spent in custody for non-felony defendants.[66]

1. *Non-felony defendants in Vera's sample spent an average of 7.7 days in LASD custody prior to disposition.*

   The median number of days in custody for this group was 3. Table 11 below displays the distribution of time spent in custody prior to disposition. Just under one-tenth of the sample was released from LASD custody on the day of their disposition. Nearly half (44 percent) spent between one and three days in custody and one quarter (24 percent) spent between four and seven days in custody pre-disposition. Notably, 17 percent of non-felony defendants spent between one and four weeks in custody pre-disposition.

Table 11. Time Spent in Custody Pre-Disposition, Sample of Non-Felony Bookings, 2008

Days in Custody	Number	Percent
0	1,404	9.4%
1 to 3	6,614	44.4%
4 to 7	3,587	24.1%
8 to 14	1,037	7.0%
15 to 30	1,518	10.2%
31 to 60	547	3.7%
61 to 90	95	0.6%
91 or more	101	0.7%
Total	**14,903**	**100.0%**

In order to estimate the number of non-felony defendants who received custodial sentences, Vera examined the proportion of non-felony defendants in its sample who spent time in custody after final disposition of their court case. Post-disposition time was chosen as a proxy for sentenced time, owing to the inability to reliably identify sentenced time in AJIS or in PIMS for defendants in the aggregate, and because many defendants did not have formal sentencing hearings, instead receiving a sentence at the time of final disposition. Post-disposition time may include both custodial time given at sentencing *and* time spent between disposition and sentencing.

Further, if a defendant was released prior to disposition but later convicted and sentenced to serve time in custody, Vera does not have a record of their post-disposition custody. The following findings represent time spent in custody after disposition only for those defendants who remained *in custody* at the time of disposition. These figures do not reflect jail time given at sentencing.

[66] See Chapter 7: Administrative Data Challenges and Limitations.

2. *Almost half of all non-felony bookings in Vera's sample spent at least one day in custody post-disposition.*

   Of the original sample of 16,891 non-felony defendants, 7,310 (43 percent) spent at least one day in custody after the final disposition of their case, with an average of 22.7 days in custody after final disposition and a median of 6 days. About one quarter were released the day after disposition. Over half (56 percent) spent between one and seven days in custody post-disposition, while 21 percent spent between 8 and 30 days in custody. Just less than one quarter (23 percent) of the sample spent more than 30 days in custody after disposition.

Conclusion and Observations

The analysis suggests that non-felonies use a significant number of jail beds in LASD custody. Although on average this population is detained for a relatively short period of time, the sheer volume of non-felony bookings suggest that even small reductions in length of stay could create substantial savings.

Vera's analysis is imperfect for the reasons described. However, as noted, even with this small and non-random sample, non-felonies use a lot of jail bed space in both pre-and post-disposition categories. The pilot pretrial program now being planned should almost certainly prioritize non-felony cases in custody pretrial for review for release.

Without a more careful review and analysis of information about sentenced non-felonies than Vera was able to do, probably only possible through an examination of paper files, it is difficult to comment on non-felonies sentenced to custody. From this limited analysis, they seem to occupy a large number of jail bed-days. Seeking more information about these cases would permit the Jail Overcrowding Subcommittee of the CCJCC to create and pilot some alternative sanctions for the Court. Given that traffic and vehicular arrest charges account for almost half of all non-felony arrest charges in 2008, the County may want to focus its efforts on diverting this population away from jail bookings at the front end of the system.

Chapter 7

Administrative Data Challenges and Recommendations

Administrative Data: Challenges and Recommendations

The goal of this chapter is to help the County improve its criminal justice information systems. Although it may be too resource-intensive to overhaul all of the information systems immediately, with even a few minor improvements, the County would be well-positioned to conduct regular and accurate analyses of all criminal justice processes.

Vera's analysis of administrative data had two overarching objectives: (i) to describe the Los Angeles County Sheriff's Department's (LASD) inmate population, and (ii) to analyze court case processing speeds for defendants in and out of custody. Based on the data received, Vera was limited in its ability to answer parts of these main research questions. This chapter outlines the major challenges Vera faced in conducting the analyses. The detailed list of data challenges is intended to demonstrate the type of database modifications that Los Angeles County agencies need to make to conduct similar types of analysis but at an improved quality in the future. The chapter also presents recommendations for changes in data collection and retention that would improve the County's ability to analyze routinely the flow of individuals and cases through the criminal justice system and to use the analysis to formulate policies.

The data limitations and recommendations are based on the data Vera received from the County's criminal justice agencies. Vera did not analyze directly the data systems that produced the data. Therefore, the challenges described below may have simple explanations and simpler solutions. It should also be noted that most of these systems were designed for internal agency management, not for the type of analysis Vera undertook. Better data systems, however, would allow the County's elected officials, policymakers, and agency leaders to get the information they need to make criminal justice policy decisions.

Challenges Faced in Describing the LASD Inmate Population

Vera was limited in its ability to provide detailed characteristics of subpopulations within the LASD jail population, such as probation violators, individuals with mental illness, or individuals who cannot afford their bail or bond payments. These subpopulations could have a substantial impact on the population size of the County jail system.

1. *Analyzing the impact of probation violators on the jail population.*

   Vera was limited in its ability to identify the proportion of LASD inmates being held in custody for violations of their probation sentence. Initially, Vera counted bookings made for probation violations using records of arrest charges held in the LASD data system, the Sheriff's Automated Justice Information System (AJIS)—including all bookings for violations only.[67] Concern was expressed by the CCJCC Jail Overcrowding Probation Violation Workgroup that this underestimated the numbers of violators in custody.[68] Vera explored other databases to see if probation violations could be determined by using charge

[67] See also Chapter5 on Probation Violations.
[68] Utilizing data in AJIS in this way indicated that probation violators accounted for 1.14% of the bookings made into LASD custody in 2008.

variables. This approach also proved to be highly problematic. Consultation with Probation Adult Field Services Managers revealed that if a probationer is arrested for a new offense, these charges may later be dropped and replaced with charges of probation violation (an "in lieu of" filing). This is not reflected in the records of arrest charges listed in AJIS. Furthermore, probation violations may be recorded using the *original* case number (the case for which the offender was originally sentenced to probation), using a new case number or using both and then consolidating them at a later point. When original case numbers are used, the booking information associated with the case may refer to the arrest made for the original offense that resulted in a probation sentence or to the arrest made for the suspected violation. Consistently and accurately determining the custodial status of probation violators has therefore not been possible.

2. *Analyzing the use of pretrial release on bail or bond.*

   Some of the data captured in AJIS is updated and overwritten as new information is received. Vera had planned to analyze pretrial release based on bail or bond. However, Vera researchers discovered that when an inmate posts bail, the bail amounts which are captured in AJIS are overwritten as "zero." This meant that data were not available for those who had managed to post bail. Both bail and bond variables are also included in the Information System Advisory Board's (ISAB) Consolidated Criminal History Reporting System (CCHRS), but bail information was only available for about three percent of the bookings listed in AJIS as having been released on bail and 19 percent of those released on bond.

3. *Identifying the prevalence of mental illness in LASD custody.*

   As with bail amounts, other data in AJIS are regularly overwritten when an inmate's status changes. This was found to be true for 'special handling codes'—codes assigned at booking by the LASD to designate how inmates should be treated, housed and transported, and used as a means of ensuring the safety of both inmates and LASD personnel. When an inmate needs to be housed separately from the general population due to mental illness, he or she is coded as "M" using these special handling codes. Once Department of Mental Health (DMH) staff determines that symptoms have subsided, the inmate may be housed with the general population regardless of whether they receive medication, and the code in AJIS is overwritten. Thus, the special handling codes reflect only the number of inmates classified by DMH as presenting symptoms of mental illness and who need to be housed separately *at the time of data collection*.

   To calculate the proportion of LASD inmates who had mental health needs within a given time period, it was necessary to combine information from AJIS with the DMH's database. This process is time-consuming and cannot be easily or frequently repeated. Issues of confidentiality and DMH data storage procedures further limit the routine use of the data. For the purpose of this study, DMH was able to provide booking numbers of inmates who had been referred to DMH services and the dates on which these individuals had contact with DMH staff. From the data, however, Vera was unable to determine whether the inmates were diagnosed with mental illnesses, targeted for ongoing or follow-up services or found not to warrant further assessment or treatment.

4. *Distinguishing pre- and post-disposition time in LASD custody.*

   Vera was limited in its ability to analyze the differences in jail bed usage of individuals held in custody waiting for their case disposition (pre-disposition) from those who were held in jail to serve their sentence (post-disposition). Determining the pre- and post-disposition time in LASD custody requires reliable data on at least three pieces of information: booking date, date of disposition, and release date.

   Vera found that booking and release dates tend to be accurately and consistently captured in AJIS. However, although AJIS includes several court case variables, these are either not routinely used (e.g., 'date of conviction' is not used by LASD staff) or are unreliable. For example, AJIS includes a variable for 'date of sentencing,' but the information captured by this variable was found to be only partially related to sentencing date. About 60 percent of LASD bookings in 2008 had a sentencing date listed in AJIS. The majority of inmates were released from custody on or after this sentencing date; however, 14 percent of this group was listed as *pretrial* releases. Staff at the LASD Inmate Reception Center disclosed that information entered into the 'date of sentence' variable captures any date related to the adjudication of a charge, whether that relates to sentencing or release orders.

   Vera faced additional data challenges throughout the project that were possible to resolve but were both time and labor intensive. Some of these challenges include:

5. *Differentiating between legal and physical custody.*

   Data in both AJIS and CCHRS did not differentiate between individuals held in *legal custody* (e.g., those under the authority of LASD, but serving time in one of the Sheriff's Community Based Alternatives to Custody programs) and those held in the *physical custody* of the Sheriff (i.e., an inmate in a County jail facility). Inmate movement and transfer data were used by Vera to determine whether an inmate spent any time in a CBAC program. If an inmate was transferred to a CBAC program, the time spent in the program was excluded from Vera's calculations of *custodial* lengths of stay.

6. *Distinguishing between jurisdictions.*

   AIJS includes housing facility codes in which individuals were held while in custody. In order to distinguish between arrests and bookings into local police lock-ups from arrests and bookings into LASD custody, housing facility codes had to be sorted by agency and grouped into smaller, analyzable data units.

7. *Crime type.*

   AJIS includes over 7,000 different charges. In order to usefully describe the crime types at arrest, the arrest charges had to be sorted and grouped into broader crime categories. Vera grouped arrest charges into nine mutually exclusive crime categories: drug, property, person, weapon, traffic/vehicular, public order and quality of life, administrative, status-type and other offenses.

For more detail on these and other data issues see Appendix C: *Los Angeles County Inmate Profile Report.*

Challenges Faced in Analyzing Court Case Processing

In order to conduct an analysis of case flow at the court event level, Vera required detailed court event scheduling information for each case. The lack of court-case-related information in AJIS required Vera to match individual level data from AJIS (e.g., booking dates and custody information) with case level data from the court. Vera received four main databases with court information: Consolidated Criminal History Reporting System (CCHRS); the Trial Courts Information System (TCIS) from the Superior Court; the Public Defender's Defense Management System (DMS); and the District Attorney's data system, the Prosecutor's Information Management System (PIMS). Upon review of these datasets, Vera decided that the court event information held in the District Attorney's database, PIMS, appeared to hold the most data for each case and is the most detailed in its coding of court events of the datasets Vera obtained.[69] PIMS stores detailed court proceeding information for each court case that the DA handles, from initial arraignment to any motion, hearing, or other matter brought before the Court. These data are transferred from the Superior Court's database system (TCIS) and translated into PIMS. Court case numbers and booking numbers are both found in PIMS. Vera attempted to match the booking numbers in PIMS with those held in AJIS, in order to connect court cases with custodial information.

While PIMS provided Vera with the best case level information to conduct a case-flow analysis, there are a number of limitations to the data which must be considered:

1. *Limited coverage of PIMS.*

   PIMS contains only cases that are filed by the District Attorney, which handles all felony-level cases in Los Angeles County and non-felony level cases for 77 of the 88 municipalities in L.A. County. Non-felony level cases from 11 cities, which include the largest cities of Los Angeles and Long Beach, are not included in PIMS. Therefore, Vera was unable to determine the total number of non-felony cases which were held pre-deposition in LASD custody.

2. *Data reliability.*

   As previously mentioned, information on court case events are transferred from the TCIS database to PIMS. This information includes the date, time, location, and type of court proceedings for each case. However, TCIS event codes are entered by court clerks based on their *expectation* of what will happen at the next proceeding, rather than accounting for the proceeding that actually took place. Therefore, it is possible that the TCIS event codes may not accurately reflect what happened at the proceeding. In some cases, trial events were

[69] DMS, PIMS and CCHRS receive court event data for each case from the same source—the Superior Court's database, TCIS. Vera also obtained a limited dataset from TCIS directly. The TCIS data received did not include detailed case event information.

scheduled to occur *after* the case had received its final disposition. Vera's researchers assumed these to have been events that were scheduled pre-disposition but never deleted from the system when the case was resolved.

3. *Transfer of data between data systems.*

In addition, some of the event codes used in PIMS are different from the codes used in TCIS. During the translation process from TCIS to PIMs some information may be lost. For example, some of the TCIS codes are translated to a 'miscellaneous' code in PIMS that is used as a 'catch-all' for various proceeding types. Other databases translate the codes in different ways; whereas PIMS translates 233 TCIS proceeding codes to 206 distinct codes, DMS translates the same number of event codes to 60 distinct codes. The differences in the level of aggregation of data across agency databases limited Vera's ability to supplement the case processing study sample using PIMS with data on cases from other datasets.

As stated, in order to differentiate the case processing speeds of defendants held in custody or released, it was necessary to connect PIMS with LASD data held in AJIS in order to determine defendants' custodial status at each point of case processing. A number of challenges were faced in matching these two systems:

4. *Data formats.*

When Vera receives administrative data from multiple agencies containing information on the same population, Vera routinely undertakes a process to validate the data—that is, to ensure that the data are reliable and accurate. This process includes identifying inconsistencies and missing values in the data, excluding duplicate records, and standardizing data formats. In the process of matching different agency databases using unique identifiers (e.g., booking number, court case number or CII numbers), Vera discovered that different data formats or 'fillers' in variables prevented matching.[70] Many statistical language programs are very sensitive and cannot recognize the same information as being identical when there is slight variation. For example, Vera converted '00111' to '111' to link different databases using unique identifiers, as the statistical program employed by Vera is unable to read '00111' to be the same as '111.' This applies to several databases containing booking numbers, court case numbers, CII/SID numbers, and Main numbers.

5. *Missing data.*

Many records in AJIS and PIMS were missing key pieces of data, such as a court case number or booking number, which hinders the ability to match booking data to court case information. Attempts to improve the match-rate by drawing booking information from CCHRS were of limited success; booking numbers found in the table containing court case information in CCHRS were not consistently found in AJIS. There are several possible reasons why some bookings or court cases were not matched or found in any of the databases. First, defendants may have been booked but released before obtaining court case

[70] Fillers are characters or numbers used to fill the space in a variable. For instance, a booking number of '111' in database A can be stored as '00111' in database B.

numbers. LASD staff are primarily concerned with bookings and releases from their custody, not the progress of court cases, and so have little reason to go back to the record of the released inmate after a court case number is assigned and update case information. Second, defendants may *never* have been booked into custody, but court cases were filed. Third, a percentage of these unmatched records may be due to human error when entering booking or court case numbers into the databases. Finally, booking and case information may have existed, but was not available to staff at the time of data entry.

Table 12 below shows the matching rates between PIMS and AJIS. Overall the sample of matched cases includes about 80 percent of all 2008 felony cases and about half of the 2008 non-felony cases prosecuted by the L.A. County District Attorney Office.

Table 12. Match rates between PIMS and AJIS, 2008

	Cases in PIMS Filed in 2008	Cases Matched from PIMS to AJIS	Percent of PIMS cases Matched to AJIS
Felony	63,027	49,549	78.6%
Non-Felony	138,542	62,652	45.2%
Total	**201,569**	**112,201**	**55.7%**

6. *Erroneous matches.*

Many of the matches made between PIMS and AJIS were not always correct. For example, it initially appeared that in some cases, defendants were spending well over 100 days in custody *pre*-arraignment without any other cases being processed during that time. Further investigation revealed inaccuracies with the booking numbers held in PIMS. Staff at the District Attorney's Office advised that defendant and booking information is entered manually into PIMS from paperwork or transmitted electronically by LASD and transferred into PIMS directly. However, if a defendant's personal information is already in PIMS from a previous case, this information—including previous booking numbers–can be transferred to the new case. This means that booking numbers in PIMS may be connected to cases that are unrelated to the current arrest and that more recent bookings are not recorded. By attaching an historic booking number to a new case, it may appear that a defendant was arrested and released before the case was filed. The defendant may in fact have been in custody, but without the more recent booking number, this would not be apparent. It is not obvious that an error has occurred as charges are frequently filed after a defendant has been released from custody.

The data available in PIMS and AJIS, therefore, do not allow researchers to distinguish between correct and incorrect pairs of booking and case numbers. To increase the validity of matches, Vera researchers based the case processing analysis on cases for defendants who were recorded as being in custody at the time of case-processing. Although this criteria increased the likelihood that the pairs of booking numbers and case numbers were correct, it under-represents the actual number of defendants in custody at any point during their case-processing. Vera is unable to ascertain the extent to which this has occurred, but found no

evidence to suggest that these cases are different from those of other types of defendants who were excluded from the sample. Table 13 below shows the final sample for Vera's case flow analysis. The sample includes about 60 percent of all 2008 felony cases and about 12 percent of all 2008 non-felony cases prosecuted by the L.A. County District Attorney's Office.

Table 13. Percent of PIMS cases in Vera's case-flow study sample

	Cases in PIMS Filed in 2008	Cases Matched from PIMS to AJIS	Cases in Final Sample	Percent of all PIMS Cases in 2008
Felony	63,027	49,549	37,181	59.0%
Non-Felony	138,542	62,652	16,891	12.2%
Total	**201,569**	**112,201**	**54,072**	**26.8%**

Recommendations to Address Data Limitations

The following recommendations focus on the need to improve the ability of L.A. County and its criminal justice agencies to routinely analyze their data and assess their performance. The data limitations described above suggest the need to improve data collection procedures and data reliability. The greatest return would be gained by investing in the improvements of two key databases—AJIS and TCIS. Vera also recommends further review of the cost effectiveness of replacing or improving the CCHRS database.

Upgrading the structure, maintenance and use of AJIS and TCIS could provide seamless individual and case-level information about jail usage, custody, and court case processing on all individuals held in the custody of LASD and on the processing of all L.A. County court cases. These important but simple recommendations are likely to require a major overhaul in the way the Court, Sheriff's Department, and many other agencies collect data. Specific attention should be paid to the recording and tracking of case disposition dates and custody status. This would allow the County to distinguish between individuals who are held pre-disposition from those serving their sentence.

Improvements in AJIS and TCIS should be focused on the following issues:

1. *Improve the ability to connect AJIS and TCIS: Use CII numbers in LASD database (AJIS) and the Court database (TCIS) and include booking numbers, booking dates and arrest dates in TCIS.*

   At the minimum, this requires mandatory use of CII numbers in both AJIS and TCIS and including booking numbers, booking dates, and arrest dates in TCIS in data formats compatible with AJIS, assuming these are related to the case.

2. *Improve the data collected by the Court: Track the actual date of court events, bail/bond amounts and whether individuals were detained due to lack of ability to pay.*

3. *Improve the data collected by LASD: Distinguish between individuals who are held pre-disposition from those serving their sentence.*

   AJIS should include a way to distinguish between individuals who are held pre-disposition from those held post-disposition. For example, LASD could use booking numbers that would start with "A" for pre-deposition cases and booking numbers that would start with "B" for those serving post-disposition sentences. For individuals held continuously by LASD, LASD could provide new booking numbers for inmates when they start serving their sentences. New booking numbers should never overwrite original pre-disposition booking numbers. The Sheriff and Court would have to create an electronic communication process to update pre- and post-disposition status, based on court events, in real time.

4. *Improve the data collected on probation violators in the AJIS and TCIS databases.*

   This should include tracking the type of violation (technical or new arrest) in booking and case data, maintaining a record of booking charges of violations even when the filed charges change, and deciding on a consistent and track-able use of new case numbers for violators while creating a different type of link to the original case leading to supervision (See Probation Violation Findings and Recommendations in Chapter 5 for more detail).

Appendix A

Map of L.A. County jails and Criminal Courts

Los Angeles County Jails and Criminal Court Locations, with Total Cases Processed

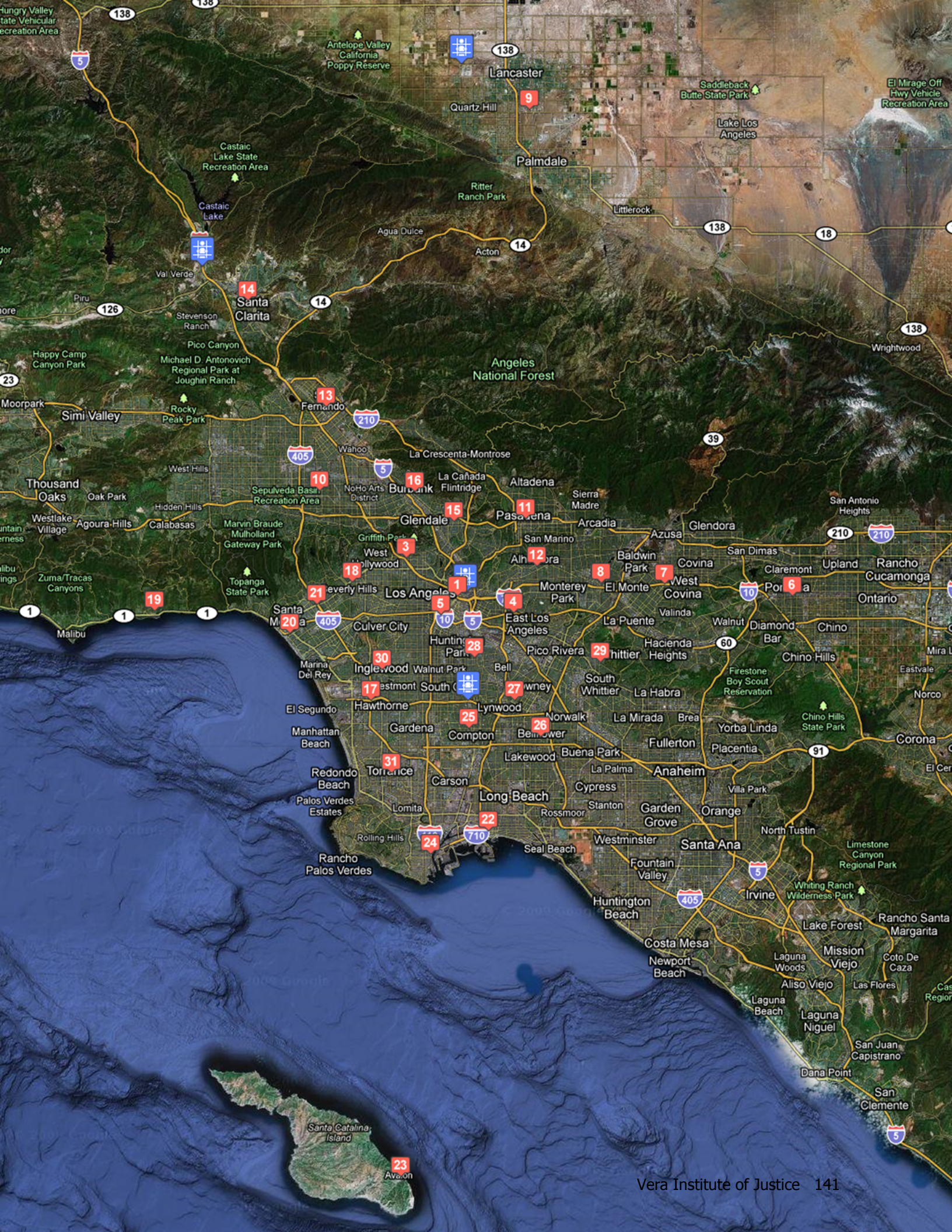
Inmate Reception Center,
Twin Towers Correctional, and
Los Angeles County Men's Central Jail

Century Regional Detention Center

Mira Loma Detention Center

North County Correctional Facility and
Pitchess Detention Center: North and East Facilities

1. Clara Shortridge Foltz Criminal Justice Center
Total Criminal Cases Processed
(including Central Arraignment Courthouse): 48,079
2. Central Arraignment Courthouse
3. Hollywood Branch Courthouse
10,542
4. East Los Angeles Courthouse
92,070
5. Metropolitan Courthouse
568,226
6. Pomona Courthouse
75,360
7. West Covina Courthouse
117,204
8. El Monte Courthouse
51,147
9. Antelope Valley Courthouse
91,677
10. Van Nuys Courthouse West:
152,176
11. Pasadena Courthouse
75,429
12. Alhambra Courthouse
50,045
13. San Fernando Courthouse
83,733
14. Santa Clarita Courthouse
74,129
15. Glendale Courthouse
49,758
16. Burbank Courthouse
22,965
17. Airport Courthouse
21,678
18. Beverly Hills Courthouse
50,685
19. Malibu Courthouse
31,166
20. Santa Monica Courthouse
64,305
21. West Los Angeles Courthouse
116,547
22. Long Beach Courthouse
120,785
23. Catalina Courthouse
482
24. San Pedro Courthouse
36,994
25. Compton Courthouse
111,351
26. Bellflower Courthouse
42,856
27. Downey Courthouse
44,595
28. Huntington Park Courthouse
39,770
29. Whittier Courthouse
48,280
30. Inglewood Courthouse
55,382
31. Torrance Courthouse
84,619


Lancaster
Quartz Hill
Palmdale
Littlerock
Acton
Agua Dulce
Santa Clarita
Castaic Lake
Castaic Lake State Recreation Area
Antelope Valley California Poppy Reserve
Saddleback Butte State Park
Lake Los Angeles
El Mirage Off Hwy Vehicle Recreation Area
Ritter Ranch Park
Angeles National Forest
Wrightwood
Simi Valley
Moorpark
Thousand Oaks
Oak Park
Westlake Village
Agoura Hills
Calabasas
Malibu
Fernando
Burbank
Glendale
Pasadena
Altadena
La Crescenta-Montrose
La Cañada Flintridge
Sierra Madre
Arcadia
Azusa
Glendora
San Antonio Heights
Upland
Rancho Cucamonga
Ontario
Claremont
San Dimas
Covina
West Covina
Baldwin Park
El Monte
Monterey Park
San Marino
West Hollywood
Los Angeles
Beverly Hills
Santa Monica
Culver City
East Los Angeles
La Puente
Walnut
Diamond Bar
Chino
Chino Hills
Hacienda Heights
Whittier
Pico Rivera
Bell
Huntington Park
Inglewood
Walnut Park
Marina Del Rey
Hawthorne
Lynwood
South Whittier
La Habra
La Mirada
Norwalk
Brea
Yorba Linda
Fullerton
Placentia
Corona
Norco
Eastvale
Chino Hills State Park
Firestone Boy Scout Reservation
El Segundo
Manhattan Beach
Gardena
Compton
Bellflower
Buena Park
Lakewood
Redondo Beach
Torrance
Carson
Long Beach
La Palma
Anaheim
Cypress
Villa Park
Palos Verdes Estates
Lomita
Rossmoor
Stanton
Garden Grove
Orange
North Tustin
Rolling Hills
Seal Beach
Westminster
Santa Ana
Rancho Palos Verdes
Fountain Valley
Irvine
Limestone Canyon Regional Park
Whiting Ranch Wilderness Park
Huntington Beach
Lake Forest
Rancho Santa Margarita
Costa Mesa
Mission Viejo
Coto De Caza
Newport Beach
Laguna Woods
Aliso Viejo
Las Flores
Laguna Beach
Laguna Niguel
San Juan Capistrano
Dana Point
San Clemente
Santa Catalina Island
Avalon
Happy Camp Canyon Park
Michael D. Antonovich Regional Park at Joughin Ranch
Rocky Peak Park
Stevenson Ranch
Pico Canyon
Sepulveda Basin Recreation Area
Marvin Braude Mulholland Gateway Park
Zuma/Tracas Canyons
Topanga State Park
Griffith Park
NoHo Arts District
Hungry Valley State Vehicular Recreation Area
Piru
Val Verde
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Appendix B

Feasibility Charts for Each Recommendation

Recommendation: ***Create a multi-agency Pretrial Services Committee to serve as a liaison between the Probation Department's Pretrial Services Division and the other agencies of the system.***	
Ease of Implementation	
Part of existing effort?	Yes. The CCJCC Jail Overcrowding Subcommittee has formed a multi-agency Pretrial Working Group.
One-time action or ongoing?	The Committee should be ongoing in order to: build relationships among agencies; provide ongoing feedback to PSD; organize cross-agency meetings and trainings; develop policies; and hold each agency accountable for their initiatives.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No. The Committee would merely require one representative with decision-making authority from each agency.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. With minimal expenditure, a coordinated approach to pretrial release could have a tremendous impact on jail population reduction.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The Committee could help boost the judicial concurrence rate with PSD release recommendations and strengthen inter-agency collaboration immediately.

Recommendation: ***Develop and validate a new risk and needs assessment instrument with the active engagement and oversight of the multi-agency Pretrial Services Committee, comprised of representatives of all key stakeholders.***	
Ease of Implementation	
Existing examples or require brand new prototype?	A number of research-based pretrial risk and needs assessments are available that can be modified and validated for the Los Angeles County
Part of existing effort already?	Yes. The CCJCC Jail Overcrowding Subcommittee has formed a Pretrial Working Group and is working with Vera and other organizations to develop a new assessment instrument.
One-time action or ongoing?	Once developed and validated, a risk and needs assessment tool would need to be re-validated after 12-24 months.
What financial resources are necessary?	A one-time expenditure of funds (approximately $50,000) is required to develop and validate an instrument. Training and re-validation would require additional expenditure.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Pretrial Services Division personnel, who already conduct a risk assessment tool, and any other agencies considering its use, would need to be trained in the use of the new instrument.
Requires legislative or administrative policy changes?	No. It only requires replacing the risk assessment used by Probation's Pretrial Services Division.
Will strategy encounter policymaker or general public resistance?	No, it only updates the current system.
Requires process changes involving multiple systems?	No.
Does County have IT capacity to implement?	County would need to expand its capacity to track and maintain risk assessment scores, release recommendations, judicial actions, and outcomes.
Magnitude of Impact	
Results in what kind of reduction in population?	A new validated risk and needs assessment tool would identify defendants who are low-risk candidates for release. This could result in a significant reduction in the pretrial population.
Reduction lasting or temporary?	Lasting, especially if data shows that FTA and re-arrest rates are low even with increased pretrial releases.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. The pretrial jail population could be significantly reduced.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	A risk assessment tool could be developed and piloted within 12 months. The impact would be immediate, but expansion across the County would be more long-term.

Recommendation: ***Create a system of graduated supervision based on the new risk and needs assessment using evidence-based practices and focusing resources on medium and high risk defendants.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Evidence-based graduated supervision programs are utilized in many jurisdictions with positive outcomes.
Part of existing effort?	Yes. The CCJCC Pretrial Working Group is developing a pilot pretrial program that includes a supervision component.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Resources are required to develop and operate appropriate supervision programs. Certain existing programs in Probation's Adult Field Services Division may be adapted for the pretrial population.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Yes. PSD staff will need to be trained or hired to perform supervision services. However, Probation Adult Field Services staff already trained in supervision practices could be transferred to the new pretrial program. PSD may also still have staff trained in the original (1990s) supervision program.
Requires legislative or administrative policy changes?	Yes. A new supervision program would require administrative policy changes.
Will strategy encounter policymaker or general public resistance?	No. Supervising pretrial defendants appropriately in the community is more likely to engender a positive response from policymakers and the public.
Requires process changes involving multiple systems?	Yes. The Court and justice partners would have to embrace the supervision program as a viable release option and agree to release certain defendants on appropriate levels of supervision, based on the risk and needs assessment.
Magnitude of Impact	
Results in what kind of reduction in population?	A supervision program is an alternative to pretrial incarceration, and the Court may release more defendants with the knowledge that they will be monitored and supervised in the community.
Reduction lasting or temporary?	Lasting, especially if FTA and arrest rates are low among those released to supervision.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. A significant reduction in the jail's pretrial population and reduction in pretrial FTAs and new arrests would justify the costs of supervision.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	A supervision program could be developed as part of a pilot pretrial program within 12-24 months.

Recommendation: ***Create a reminder system of phone calls, mail, email and/or texts for court appearances for all released defendants.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Examples exist in both L.A. and other counties.
Part of existing effort?	Yes. PSD has a reminder system in place for all defendants released via PSD.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	It will require the cost of software to create and send automated reminders. Similar software may already be used by PSD.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Results in what kind of reduction in population?	An automated reminder system may decrease the FTA rate, resulting in fewer defendants going to jail due to an FTA. The Court may also release more defendants if the FTA rate improves.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years*?	Immediate after system is in place.

Recommendation: ***Provide failure to appear and re-arrest rates to judicial officers on their own cases and on County releases overall, by type of release.***	
Ease of Implementation	
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Increasing the Court's data tracking capacity and providing automated information to judicial officers would required limited expenditures.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. Future decisions will be improved if judicial officers have better information about the results of their own release decisions and those of the Court overall.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Short term. Providing FTA and re-arrest information to judicial officers would impact their future release decisions. If the results are positive, judicial officers may feel more comfortable releasing defendants.

Recommendation: ***Develop an evaluation system for the new pretrial risk assessment and supervision program to measure failures to appear and new arrests.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Evaluation systems of this type are common across the country.
Part of existing effort?	Yes. As part of the Pretrial Working Group, Vera and PSD have developed an evaluation instrument for a pilot program.
One-time action or ongoing?	Ongoing. FTA and new arrest rates should be tracked and provided to all justice partners on an ongoing basis.
What financial resources are necessary?	Staff time to implement evaluation and report findings.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Does County have IT capacity to implement?	PSD tracks FTAs and re-arrests for PSD releases, but will have to expand capacity to track all defendant outcomes in the pilot program.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. A positive evaluation will strengthen the pilot programs.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The evaluation can be conducted and the results analyzed within 12-24 months of the pilot program being implemented.

Recommendation: ***Expand and improve proactive screening for pretrial release by starting with certain categories of cases and tracking recommendations and results.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Examples exist around the country. The most successful pretrial programs screen all booked defendants and track recommendations and releases.
Part of existing effort?	Yes. The CCJCC Pretrial Working Group is discussing the expansion of pretrial screening as part of the pilot program.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	PSD could utilize existing staff more efficiently to screen more defendants per day. However, additional staff would be needed to screen *all* defendants.
Changes required to jail's physical plant?	Space would be needed at the jails and/or courts if PSD investigators were placed there to conduct screening.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Additional staff would be needed to screen *all* defendants.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	Yes. Requires full cooperation by all justice partners to expand screening and evaluate results.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Results in what kind of reduction in population?	Could result in a significant reduction of the pretrial population.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. With limited investment, a significant reduction in the pretrial population can be achieved.
Time to Impact	
Short term – 12-24 months? ***Long term – 2-5 years?***	Short-term if staff resources permit.

Recommendation: ***Increase law enforcement capacity for field identification: Expand County's BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Technology already exists and is being used in L.A. County.
Part of existing effort?	Yes. LASD is spearheading the effort to increase the number of devices in all patrol cars.
One-time action or ongoing?	One-time action to provide technology in every car; ongoing training and maintenance efforts.
What financial resources are necessary?	Cost of devices, software, and training, plus maintenance.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Does County have IT capacity to implement?	Yes. 2,400 devices are already distributed across the County.
Magnitude of Impact	
Results in what kind of reduction in population?	Immediate identification would significantly reduce the number of bookings due solely to inadequate identification.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The technology can be installed and used immediately.

Recommendation: ***Create triage centers for patrol officers to bring people whose main offense is being drunk, disorderly, or demonstrating signs of mental illness to allow evaluation, time to sober up or detox, have family contacted, etc. without an immediate, and possibly unnecessary, booking into the jail.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Triage centers are used throughout the country and previously existed in Los Angeles County.
Part of existing effort?	No.
One-time action or ongoing?	One-time action to create the triage centers; ongoing to operate.
What financial resources are necessary?	Justice partners could work with DMH and local hospitals to share the costs of establishing triage centers across the County.
Changes required to jail's physical plant?	Triage centers could free up the space required for sobering cells in the jails and police lock-ups.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Law enforcement officers would need to be trained on identifying appropriate candidates for triage centers in lieu of jail booking. Trained Crisis Intervention Teams, some of which already exist in L.A. County, could provide assistance with arrestees with mental illness.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	Yes, if DMH and local hospitals staff or assist with the triage centers.
Magnitude of Impact	
Results in what kind of reduction in population?	Diverting people arrested solely for intoxication or mental illness would have a significant reduction in jail and police lock-up populations. Reductions in booking processing would save officer time and system resources.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Triage centers could be funded, developed, and launched within 12-24 months.

Recommendation: ***Speed up prosecutorial review of arrests by enhancing technology and communications process.***	
Ease of Implementation	
Existing examples or require brand new prototype?	In some jurisdictions, prosecutors who make charging decisions sit in police stations or make regularly scheduled visits. Electronic police reports and video conferencing could also speed up prosecutorial review.
Part of existing effort?	Yes. The County should expand electronic filing of police reports to all departments and all prosecuting agencies.
One-time action or ongoing?	One-time action to institute electronic filing.
What financial resources are necessary?	Financial resources may be required to expand or develop technology capabilities and training for prosecutors and law enforcement.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	Yes, requires changes to process by which law enforcement presents cases to prosecutors.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Results in what kind of reduction in population?	Faster review of cases and filing decisions could eliminate or reduce jail/police lock-up time for cases that never get filed.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Short term impact.

Recommendation: ***Review and revise bail policies. Vera recommends that the County improve bail data collection policies, reconsider the bail schedule, and create an expedited bail review process.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Examples exist of bail data collection policies, bail revision processes, and bail review systems.
Part of existing effort?	A judicial committee reviews the bail schedule each year, but a new effort must be initiated to review the additional issues.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Financial resources may be required to improve current data systems to track bail data by charge, release, and outcome.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	Yes. Administrative policy changes must be made to eliminate jail acceptance policies based on bail amounts and to amend the bail schedule.
Will strategy encounter policymaker or general public resistance?	Recommendations around bail amounts may encounter resistance from policymakers as well as bail bondsmen.
Requires process changes involving multiple systems?	Yes.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Results in what kind of reduction in population?	Changes to the bail schedule and other bail-related policy changes may result in significant reductions in the pretrial population.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Some of these policy changes can be implemented immediately, and others may take up to 12 months to develop and implement.

Recommendation: ***Create pretrial release review committee to regularly review certain in-custody cases for release.***	
Ease of Implementation	
Part of existing effort?	No, but the Pretrial Working Group could help establish this committee.
One-time action or ongoing?	Ongoing. The new committee would review on a regular, ongoing basis, low-level cases detained for some time and make release recommendations to the Court.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No. The new committee would only require representatives with pretrial experience from each relevant agency.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. With no additional expenditure, and a regular review of in-custody defendants with low-level charges, the jail's pretrial population could be reduced.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The new committee could be convened and start reviewing pretrial releases immediately.

Recommendation: ***Adopt a formal case packaging policy.***	
Ease of Implementation	
Existing examples or require brand new prototype?	A case packaging system has been instituted in many counties, including Orange County.
Part of existing effort?	Yes, the Court currently has a policy to package probation violations with new charges. This would expand that policy.
What financial resources are necessary?	Data systems would have to be updated to allow for a system-wide defendant search, from traffic charges to felonies.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Judicial officers and their assistants would require training in accessing the necessary files and implementing the policy across the County.
Requires legislative or administrative policy changes?	Requires changes in Court policy.
Will strategy encounter policymaker or general public resistance?	The strategy is dependent on Court approval and the full cooperation of all judicial officers.
Requires process changes involving multiple systems?	No.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Results in what kind of reduction in population?	Case packaging would reduce inmate transportation and courthouse detention overcrowding, which may ultimately reduce the jail population.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	A case packaging system could be fully implemented within two years.

Recommendation: ***Extend court hours for arraignments to reduce delays.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Many courts utilize 24-hour, weekend, or occasional arraignment courts to prevent case backlogs.
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Costs would include salaries of courtroom staff, security, and general building costs to open a facility beyond regular business hours.
Changes required to jail's physical plant?	Opening an arraignment court inside Men's Central Jail would require facility space. Adding a felony arraignment court to the Bauchet Street courthouse would not impact the jail's physical plant.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	The jail may have to provide additional transportation for inmates if arraignment hours are extended, and personnel for courtroom and courthouse detention facilities.
Magnitude of Impact	
Results in what kind of reduction in population?	Extending arraignment hours would increase pretrial releases, as many cases are resolved and defendants released at arraignment. It may also increase releases for arrestees against which the prosecution decides not to file charges.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	A cost-benefit analysis would have to be conducted to determine the cost of extended arraignment hours compared to jail bed-days.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Arraignment court hours can be extended immediately and the impact would be immediate.

Recommendation: ***Expand the existing felony Early Disposition Program and consider a similar program for misdemeanors.***	
Ease of Implementation	
Existing examples or require brand new prototype?	The Court runs an Early Disposition Program for felonies and this would require an expansion of that program.
Part of existing effort?	Yes, the CCJCC EDP Work Group is already considering the expansion of the program.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Funding may be necessary to hire additional Pretrial Services Division investigators to prepare the necessary reports.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Expanded EDP programs would require the redirection and training of existing Court, prosecution, and defense personnel.
Requires legislative or administrative policy changes?	The expansion or development of a new program would require an administrative policy change.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	The existing EDP process would have to be adapted to in-custody misdemeanors by including the city attorneys and other key agencies.
Magnitude of Impact	
Results in what kind of reduction in population?	Earlier case disposition reduces the pretrial custodial population.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. Faster case resolution improves efficiency and reduces costs for every justice system agency.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The program could be modified and implemented within 12 months.

Recommendation: ***Create an online system for scheduling appearances beyond traffic court; connect the Court and jail databases to track and share custody status to remove reliance on paper orders; utilize TCIS in Mental Health Court.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Examples exist for online scheduling of criminal appearances and better data sharing.
Part of existing effort?	No.
One-time action or ongoing?	One-time expenditure to create scheduling system and improve database sharing.
What financial resources are necessary?	Expanded IT capacity may require financial resources.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	The Court, prosecution, and defense may need training in using the jail's database to obtain relevant information. Mental Health Court staff may need training on TCIS. Otherwise LASD data should be updated automatically to reflect Court orders.
Will strategy encounter policymaker or general public resistance?	No.
Does County have IT capacity to implement?	The County and Court should work together to update the necessary technology.
Magnitude of Impact	
Results in what kind of reduction in population?	Cases may be processed quicker and releases increased if the Court and the parties schedule walk-in appearances and plan for the case. If the jail received Court orders electronically, releases and appearances would be faster and more accurate.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	If funding is available and prioritized for IT improvements, online scheduling and improved Court-jail data should occur within 12-24 months.

Recommendation: ***Create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.***	
Ease of Implementation	
Existing examples or require brand new prototype?	The Court already utilizes a number of alternative sanctions for traffic offenses.
Part of existing effort?	Yes, the Court should expand its use of current alternatives and develop additional alternatives.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Current alternative programs should be evaluated for efficacy and affordability. Government agencies should consider running the programs themselves instead of using private providers.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No. The Court already uses alternatives.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	The use of alternatives may significantly reduce the number of defendants held for minor offenses.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	The Court could expand its use of existing alternatives immediately. The development of new alternatives can be created within 12-24 months.

Recommendation: ***Adopt a Differentiated Case Management system that has worked well in other jurisdictions and in L.A. County's Civil Court in addressing case processing delays and inefficiencies.***	
Ease of Implementation	
Existing examples or require brand new prototype?	The L.A. County Civil Court uses DCM. Examples of differentiated case management systems also exist from criminal courts across the country.
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	This strategy requires information systems and Court staff time. The cost depends on the adequacy of existing systems that could be modified to support DCM.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Court administrators may be able to reorganize existing staff and redefine staff functions to support the implementation of Differentiated Case Management. Training would be required.
Requires legislative or administrative policy changes?	Requires changes to Court policies regarding case assignments and management.
Will strategy encounter policymaker or general public resistance?	Perhaps. Securing the commitment of the key justice partners, the leadership of a key judge, and the involvement of an experienced administrator would likely overcome any political resistance.
Requires process changes involving multiple systems?	The Court, prosecution, and defense may have to change their assignment systems if DCM changes the locations of certain types of cases.
Does County have IT capacity to implement?	An information system that supports the operation, monitoring, and evaluation of the DCM system is required.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. Increasing the speed of case resolutions shortens pretrial detention and saves resources for all criminal justice agencies.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Development and implementation may take 2-5 years.

Recommendation: ***Increase enforcement of the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.***	
Ease of Implementation	
Existing examples or require brand new prototype?	State law and local Court policy require adherence to the Penal Code rules regarding continuance. Certain courtrooms enforce strict continuance policies.
Part of existing effort?	Yes.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	None.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	There could be some resistance from the Court, prosecution, and defense because the new policy requires them to adjust their professional practices.
Requires process changes involving multiple systems?	Yes, process changes would be required in courtrooms where continuances are not strictly enforced.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. Increasing the speed of case resolutions shortens pretrial detention and saves resources for all criminal justice agencies.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Internal policies enforcing the Penal Code can be implemented immediately.

Recommendation: ***Expand local placements for defendants with mental health conditions.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Existing examples.
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	The County must work with its justice partners and local and state Departments of Mental Health to identify funds expand capacity in the community to assess and treat defendants with mental illness or competency needs.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	There may be some general public resistance to community placements for defendants with serious mental health conditions, but the case should be made that secure community facilities are cheaper, safer, and more effective for this population than the jail.
Magnitude of Impact	
Results in what kind of reduction in population?	Placing inmates with mental health conditions who are charged with misdemeanors in community facilities would eliminate the need for the jail's 1370.01 unit. Reducing wait-times for felony competency treatment would decrease expensive jail bed-days for inmates requiring medication and other treatment. Community facilities would also decrease transportation costs to the state hospitals in Norwalk and San Bernardino County.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. While it requires additional funds to expand capacity, the reduction in population could be significant.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	It may take up to two years to coordinate funding, planning, and support for the expansion of community facilities.

Recommendation: ***Expand the mission of Mental Health Court to provide the intensive wraparound services mentally ill defendants need to get out and stay out of the criminal justice system.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Existing examples. Courts in Orange and San Francisco Counties provide comprehensive post-disposition mental health court programs.
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Resources would be required to train court personnel and space would be needed at the courthouse for the wrap-around services. The expansion of Mental Health Court to serve all competency defendants would also require additional financial resources.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	MHC personnel will need training in collaborative court programs. Additional personnel may have to be added if the court's mission was expanded.
Requires legislative or administrative policy changes?	Expanding the eligibility requirements of and services provided by the MHC would require policy changes by the Court, jail, prosecution, defense, and Probation Department.
Will strategy encounter policymaker or general public resistance?	Unlikely to face policymaker or public resistance.
Requires process changes involving multiple systems?	Yes. All relevant agencies would have to agree on the appropriate cases and services available for MHC defendants.
Magnitude of Impact	
Results in what kind of reduction in population?	Comprehensive mental health services are likely to reduce probation violations and rates of recidivism among offenders with mental health illnesses.
Reduction lasting or temporary?	Lasting.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Minimal additional resources may have a significant impact on the size of the jail population as well as public safety.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. It may take up to two years to develop the additional services to be provided by the MHC.

Recommendation: ***Speed up post-competency proceedings and releases.***	
Ease of Implementation	
Existing examples or require brand new prototype?	The process already exists.
What financial resources are necessary?	Additional jail and/or community personnel may be required to coordinate public benefits reinstatement for inmates before release, but such services could be provided by existing staff.
Changes required to jail's physical plant?	Space may be required, possibly within the Community Transition Unit, for staff to coordinate public benefits applications well before release.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No. This strategy merely involves commencing existing procedures earlier in the process.
Magnitude of Impact	
Results in what kind of reduction in population?	Jail bed-days may be reduced for those inmates with mental illness who stay in custody waiting for conservatorship proceedings and/or appropriate community placements. Reinstating public benefits before release to ensure a continuum of care may also reduce the rate of recidivism and probation violations.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Adjustments to current procedures may be implemented immediately.

Recommendation: ***Improve L.A. County's capacity to analyze routinely the flow of individuals and cases through the criminal justice system.***	
Ease of Implementation	
Existing examples or require brand new prototype?	Existing databases can be modified to serve this function.
Part of existing effort?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	This strategy requires upgrades to current information systems.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Staff would require training to capture the necessary information; appropriate staff would require training to analyze the information.
Requires legislative or administrative policy changes?	Requires changes to agency policies regarding data entry.
Will strategy encounter policymaker or general public resistance?	Unlikely.
Requires process changes involving multiple systems?	The Court, prosecution, defense, and probation may have to change their data entry systems.
Does County have IT capacity to implement?	Yes.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. The ability for the County to analyze key aspects of the criminal justice system regularly is critical for efficient management.
Time to Impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Development and implementation may take 2-5 years.

Appendix C

Inmate Profile Report

VERA
INSTITUTE OF JUSTICE

LOS ANGELES COUNTY JAIL INMATE PROFILE: DEMOGRAPHICS, ARREST CHARGES, AND LENGTH OF STAY

Submitted to the Chief Executive Office of
Los Angeles County

Prepared by

Vera Institute of Justice
May 2010

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1 INTRODUCTION

The Vera Institute of Justice presents this report to the Los Angeles Countywide Criminal Justice Coordination Committee (CCJCC) as part of the Los Angeles Jail Overcrowding Reduction Project. The report examines the characteristics of the people booked into the County jail system, the offenses for which they were booked, and types and trends of admission and release. The goal of the report is to provide a broad understanding of who enters the jail system and why, and how long they stay.[1]

We hope that the findings in this report will be useful in several ways. First, the report provides detailed portraits of the people admitted to and released from the County jail system. Second, we hope the report will be useful in focusing attention on particular sub-groups of the jail population that have a disproportionate impact on the size of the jail population and lengths of stay. Third, the information in this report will draw attention to areas that merit further analysis. Throughout the report, we attempted to highlight interesting findings which we will explore in more detail with our partners. We hope that this analysis will provide information on the size and composition of the jail population that can be used to plan initiatives to reduce the population and as a baseline to evaluate and measure improvement and progress.

Organization of the Report

Section 1 provides a brief introduction and a summary of major findings from our quantitative analysis of administrative data from agencies across Los Angeles County.

Section 2 begins with a detailed description of the data and methodology used in our analyses. It also outlines the specific challenges we faced in conducting the research.

Section 3 presents detailed findings from our analysis of bookings in Los Angeles County in 2008 in four substantive areas: (a) inmate demographics, including gender, racial and ethnic composition and age of those booked into the County jail system; (b) arrest charge characteristics, by level of charge and detailed categories (c) admission and release trends and types, and (d) length of stay by charge type and level at arrest.

Section 4 identifies next steps in the project and discusses some of the technical challenges that remain, Vera's efforts to date in tackling these challenges, and plans to address these issues in the future.

[1] The report addresses the first question proposed in our Data Collection and Systems Analysis Plan, submitted to and approved by the CCJCC in June 2009.

1.1 Summary of Findings

Preliminary findings from this analysis are listed below and will be discussed in greater detail later in the report. All results presented in this report are focused on the 2008 calendar year.

1.1.1 Inmate Characteristics

- The booked population was overwhelmingly male (81%).
- Hispanics were the most common racial/ethnic group booked in 2008 (50%), followed by Blacks (26%) and Whites (19%).
- The mean age of defendants at booking was 33 years; the median age was 30 years.
- Almost one third (30%) of bookings were of defendants between ages 18 and 24.
- Over one tenth (12%) of defendants booked in 2008 were identified as gang members.
- Just three percent of inmates were classified as "maximum security" and were housed in one man cells.
- Two percent of inmates were placed in administrative segregation as separate groups and less than one percent was classified as high security risks.

1.1.2 Bookings and Releases from Custody

- There were a total of 405,190 bookings in Los Angeles County during 2008.
- Forty-three percent of all bookings were booked by the Los Angeles Sheriff's Department (LASD) and 57% were booked by non-LASD agencies.
- Arrests for a new offense were the most common type of admission to custody (over 83%), followed by admissions on failure-to-appear charges (4%).
- Release on citation was the most common reason for release (24%), followed by releases to the custody of another authority (18%) and releases on own recognizance (11%).
- Of defendants released pending a trial date, almost half were released on citation (48%), followed by releases on own recognizance (22%), and bond releases (18%).
- Just three percent of all defendants released pretrial were released on bail.

1.1.3 Arrest Charge Characteristics

- 405,190 bookings generated 623,534 charges at arrest in 2008.
- Over two thirds (69%) of bookings had only one charge at arrest and nearly one fifth (18%) had two charges at arrest. Just two percent of bookings were admitted to custody with five or more charges at arrest.
- Over 40% of bookings had at least one felony charge; 53% of bookings were for misdemeanor-level offenses only.
- Traffic and vehicle offenses were the most common type of charge at arrest (26%), followed by drug offenses (19%) and administrative offenses (14%). Weapons offenses were the least common charge at arrest (2%).
- Felony-level charges were most common within the most serious offense categories (for offenses against persons, 63% were felony-level charges; for property crimes, 68% were felonies)

- The top five most common drug charges were for possession and being under the influence of substance offenses, accounting for nearly two thirds (72%) of all drug offenses.

1.1.4 Length of Stay in Custody

- Of 405,190 bookings, one quarter was released on the same day as the booking; three-quarters spent at least one night in custody including local police lock-ups and LASD facilities.
- Over half (53%) of all bookings were remanded to the custody of the LASD for at least one night.
- Nearly 40% of people booked in or transferred to LASD custody on misdemeanor charges were released on the day of booking, while less than five percent of those booked on felonies were released.
- The average length of stay in custody for arrests on new offenses was 12 nights (median length of stay for this group was zero nights). Over half of those arrested and booked on a new offense were released on the same day.
- Defendants booked on probation or parole violations spent significantly longer time in custody (18 and 29 nights on average, respectively) than those booked on new arrests.
- Parolees arrested on a new offense spent the longest time in custody (average of 57 nights; median of 40 nights).

2 DATA, METHODS, AND CHALLENGES

This section describes the data and methodology used in our analyses. It also discusses some of the data challenges we faced and addressed with the assistance of many of our L.A. partners, including the CCJCC. Other significant challenges remain and are discussed in Section 4 of this report.

2.1 Administrative Data

The L.A. County jail population is affected by decisions made by both county and non-county agencies. Administrative data collected by a particular agency often reflect data elements needed for agency staff for case management or other activities and are not always collected for research purposes. Since each agency has a different function in the criminal justice system, many of these databases reflect different facets of a complex criminal justice system. Therefore, to look at the factors influencing the jail population throughout the system, it is necessary to combine data from different agencies. After a series of meetings and calls with our partners, we requested data from eight different databases, maintained by six agencies. Table 1 summarizes the main data elements contained in these databases.

Most of these databases are complex relational databases and there is very little uniformity in their structure or management systems. However, many of them contain fingerprint-based individual identifiers[2] as well as booking numbers and court case numbers. We anticipated being able to link the different databases together using at least one of these common identifiers, but to ensure that we would be able to match a sufficient number of cases to conduct our analyses, we requested two years of booking-related data using arrest dates from January 1, 2007 to December 31, 2008. However, because of the large size of the jail system and the number of cases we were able to match, one year of data is large enough to produce generalizable results. We also conducted descriptive analysis on both years, and found little difference between the years. The results presented in this report are focused primarily on the 2008 calendar year.

[2] There are two fingerprint based identifiers: Main number and SID/CII numbers. Main numbers are issued by the County and SID/CII numbers are issued by the State.

Table 1. Administrative databases obtained and restored at Vera's SQL Server

Agency	Database	Main Data Elements
Information Systems Advisory Body (ISAB)	Consolidated Criminal History Reporting System (CCHRS)	Booking number, court case number, CII/SID number, main number, and subject ID Arrest date, booking date, release date from custody Arrestee demographics Offense charge code Criminal history including conviction status, number of strikes, and warrant information Bail amount set
Los Angeles Sheriff's Department (LASD)	Automated Jail Information System (AJIS)	Booking number, court case number, CII/SID number, and main number Arrest offense code Time need to serve at the *booking* level Inmate housing location Release reason and release date from custody Information on inmate hold and transfer
District Attorney's Office	Prosecutor's Information Management System (PIMS)	Booking number, court case number, and CII/SID number Court related activities for all felony and the majority of misdemeanor cases: case status, sentencing, and case processing information Bench warrant information (i.e. failure-to-appear)
Probation Department	Probation-Pretrial+	Assessment on programs such as Drug Treatment, Proposition 36, Drug Court, Early Disposition, and Electronic Monitoring Program Recommendation made (granted/ denied)
Probation Department	ORMS Mainframe (Pretrial)	Bail Deviation Program (increase/ decrease) Own Recognizance Program (court-ordered/ must work/ normal) Failure-To-Appear (FTA) information for those in pretrial release programs only
Probation Department	Adult Probation System (APS)	Dates on probation violation, hearings and revocation
Los Angeles Office of the City Attorney	Criminal Cases Management System (CCMS)	Court related activities for misdemeanants Arrest and bench warrant information Case status, sentencing, and case processing
Long Beach City Prosecutor		Case status at the time of data collection (September 30, 2009)

* The characters in *italics* indicate possible challenges and issues in data collection and/or analysis.

2.2 Methodology

Once we received the databases, Vera's project team began restoring and importing them into our SQL server, and conducting data validation. We also performed some initial descriptive analyses and discussed challenges and obstacles with our partners and members of the CCJCC. In early 2010, Vera made additional data requests to three more agencies in the hope of acquiring additional information to enable

us to fully answer our research questions. First, Vera requested the Trial Courts Information System (TCIS) data from the Superior Court to enhance the matching rates between the booking and court case information. Second, Vera requested additional mental and medical health related information from two agencies after realizing that this information is not adequately captured in AJIS.[3] Vera hopes to receive these additional databases by the end of May 2010. Table 2 lists the additional databases requested.

Table 2. Additional databases requested

Agency	Database(s)	Main Data Elements
Superior Court of Los Angeles County	TCIS (Trial Courts Information System)	Basic court case information of all booked individuals matched by one or more identifiers including Court case number Booking number SID number, last name, given name, and date of birth
Department of Mental Health (DMH)	Jail Health Information System (JHIS)	Booking number of inmates served by the DMH staff
Sheriff's Department	Medical Information System (MIS)	Booking number of inmates identified as having medical conditions

For the analyses on which this report is based, we utilized four major databases: (i) the Automated Jail Information System (AJIS) obtained from the Los Angeles Sheriff's Department; (ii) the Consolidated Criminal History Reporting System (CCHRS) obtained from the Information Systems Advisory Body (ISAB); and (iii) the Pretrial Plus and (iv) Pretrial databases obtained from the Probation Department.

Using these sources, we conducted a detailed examination of the County jail system, looking at demographic characteristics of defendants, gang affiliation and other subpopulations, offense characteristics, including arresting charges by charge level and category; monthly and daily admission and release trends; admission and release types; and finally, lengths of stay in custody.

2.2.1 Study Population

The various databases we obtained for the current project were created using 'booking incident' as the basis. This means that only arrested people booked into the AJIS system were included in our data analysis. This also means that people arrested but released without being booked (i.e., given a warning or citation on the street) are generally not included in the databases. In some cases, these individuals may be later booked into the AJIS system on that same incident without committing new offenses if, for example, the defendant fails to make a court appearance (failure-to-appear) and is later arrested,[4] or if the defendant is convicted and sentenced to jail.

It is possible that these individuals can be found in the Prosecutor's Information Management System (PIMS) or TCIS if they were formally charged and court cases were brought against them. However,

[3] We discuss these two issues in more detail in our 'Current Challenges" section.
[4] An individual released pretrial may be arrested more than once if he or she fails to make court appearances multiple times.

since their first arrest was not entered into the booking system, this presents difficulties when linking the booking to the court case or connecting later bookings to the original incident. This leads to some discrepancies between the major databases when we try to connect related bookings and court cases together, discussed in detail in Section 4 of this report.

Information on citations or warnings is likely recorded and held by each law enforcement agency, either in paper or electronic format. However, because there are 47 individual law enforcement agencies in the County, requesting and consolidating this information would be a resource intensive task. Given that the focus of the current project is on overcrowding in the County jail system, Vera and the CCJCC concluded that the AJIS and CCHRS databases provide sufficient information on the most relevant population for the current project – those who consumed County resources by being booked or detained in custody.

2.2.1.1 A Note on Citations

Our decision to focus primarily on those booked into the County jail system, while reasonable under the circumstances, leaves out an important segment of the population—those who were cited out on the street or issued citations instead of being formally booked. If Vera was able to obtain data on this population group, we would have been able to compare those who are booked with those who are not on characteristics such as arrest offense charges, failure-to-appear rates, court case filing status (D.A. reject, dismissed or formal charge), adjudication results, and sentencing information, among other things. If these two groups did not differ significantly on any of these factors (i.e., failure to appear rates for the same types of offenses), there may have been opportunities to explore the expanded use of citations instead of bookings. By the same token, if the comparison of these two groups showed that booked individuals with minor charges ended up without formal charges regardless of their booking status, it would have suggested that citations are as effective as the formal booking process.

The expanded use of citations on the street would decrease the numbers of people entering the criminal justice system at the front end of the process, particularly because those individuals would have consumed the least amount of County resources. Given that the County jail system suffers from overcrowding and some patrol cars are equipped with the capacity to book individuals on the street (via Blue Check or other technologies), an analysis of individuals receiving citations would have provided invaluable information in devising unified policies regarding the use of citation for certain offenses.

We know that law enforcement officers have discretion in certain situations to issue a citation instead of taking an individual into custody. These decisions have a clear and significant impact on the size of the jail population. In effort to learn more about these local policing practices, Vera conducted a written survey to all departments through the Los Angeles County Police Chiefs Association, and organized meetings with a number of law enforcement agencies to discuss their practices. In those situations where the Penal Code allows officer discretion, certain agencies indicated that they discourage the use of citations, while others use them more readily. Although requested, most agencies did not provide written policies governing their practices. The few that did, including the LASD, mirror the Penal Code provision requiring citations for misdemeanors with a list of exclusions. We will continue to seek confirmation of these policies and hope that our partners will provide the requested information in the near future.

2.2.1.2 Defining the Final Study Population

In the County, CCHRS behaves as a data repository, or broker, collecting and maintaining data from several agencies across the County. As such, 100 percent of bookings in the Sheriff's AJIS database should theoretically be found in CCHRS, and vice versa. For this study, the data contained in CCHRS was used as a tool to validate the data in AJIS and to eliminate invalid booking incidents from the analysis. These linkages underpin the data analysis and help shape the project.

After matching the AJIS and CCHRS databases, just 7,704 bookings in AJIS could not be located in CCHRS, and 2,347 records in CCHRS were not matched to records in AJIS over the two year period.[5] We decided to use bookings found in both AJIS and CCHRS because we hypothesized that the AJIS bookings not found in CCHRS have very little chance of being linked with other databases. While this method of validation (excluding bookings not found in both databases) poses a risk of excluding valid booking incidents from analysis, we decided to take a prudent approach and exclude *possibly invalid* information. The final study population, as defined by bookings found in both AJIS and CCHRS is 802,231 over the entire two-year study period, with 405,190 bookings in 2008 and 397,041 bookings in 2007. Table 3 shows the matching rate between AJIS and CCHRS to be over 99 percent.

Table 3. Number of Bookings Found in AJIS and CCHRS

Description	2008	2007	Total
Bookings in AJIS	411,057	398,878	809,935
Bookings in CCHRS	405,458	399,120	804,578
AJIS booking not found in CCHRS	5,867	1,837	7,704
CCHRS bookings not found in AJIS	268	2,079	2,347
Final Study Population: Bookings found both in AJIS and CCHRS	**405,190**	**397,041**	**802,231**

2.2.2 Unit of Analysis

The majority of the databases Vera obtained for this project are relational databases. That is, each database that Vera received consists of 20 to 30 tables created based on a relationship schema; one table may contain all booking-related information while another table may contain all charge information. Often these relational databases have 'one-to-many' or 'many-to-many' relationships. For example, one booking record may generate multiple charge records, leading to a one-to-many relationship. Many types of information are suited for relational databases such as criminal history, arrest charge information, number of court cases, or court event proceeding information.

Our project utilizes three units of analysis: booking incident, arrest charge code (or court cases), and the individual arrestee.[6] These units reflect different aspects of information on which each criminal justice

[5] We used 2008 data exclusively for this report, however, we plan to include 2007 data when we examine case flow in our next reports.

[6] The "unit of analysis" refers to the level at which analyses are performed and presented. For instance, if an analysis examines an individual's criminal history, then the unit of analysis is the individual (arrestee). If we examine how many bookings were generated by race or ethnic minority, then the unit of analysis is the booking (a social artifact). In our future report on case flow, we will use the court case as the unit of analysis.

system stakeholder may need to focus. For instance, a person may be arrested and charged with two offenses. This arrest would result in one booking incident but two charges. Another person might be arrested, booked and charged on two different occasions during the study period. This would result in two booking incidents, and possibly two separate jail stays and/or two separate court cases that could be filed against this person concurrently or consecutively. This relational schema forms the structure of relational databases.

If analysis on demographic characteristics is performed at the booking level, this person will be counted twice, whereas if we use the individual as the unit of analysis, he or she will be counted only once. For this report, we rely upon two units of analysis: bookings and arrest charges. As the amount of resources expended on a booking are largely the same regardless of how many times a particular individual is booked into the jail, we chose to use the booking incident as our unit of analysis in order to examine arrestee characteristics, admission types, release types, and arrest charges. Our choice of unit of analysis also reflects the need to use different units of analysis to make feasible and meaningful recommendations to be implemented at either the booking or charging stage.

At the same time, Vera understands there is a group of individuals who disproportionately consume County resources due to their criminal lifestyle or individual characteristics such as being homeless or mentally ill. Examining this segment of the population will reveal the causes of their frequent encounters with law enforcement and whether a new approach should be considered to address their special needs in a cheaper and more effective manner. For example, people with mental illness or who are homeless may be frequently arrested and booked with quality of life offenses.[7] The arresting officers may believe that these individuals do not belong in jail because they need specialized services but will arrest them if there is no community alternative. Our future individual-level analysis will help determine the proportion of repeat offenders to be used in devising initiatives to better serve this group.

2.3 Data Challenges Addressed

2.3.1 Data Validation and Data Clean-up

When Vera receives administrative data from multiple agencies containing information on the same population, Vera routinely undertakes a process to "validate" the data – that is, to ensure that the data are reliable and accurate.[8] This process includes identifying inconsistencies and missing values in the data, excluding duplicate records, and standardizing data formats. Data validation is a labor-intensive, but critical, first step in any analysis of data--it helps us to understand what conclusions can and cannot be drawn from the data and minimizes time spent analyzing unreliable data.

Vera began the process of cleaning and validating the data using two major databases, AJIS and CCHRS, and is continuing this process with the PIMS, CCMS, APS, Pretrial Plus and Pretrial databases. Vera

[7] The Center on Crime, Communities and Culture, "Mental Illness in U.S. Jails: Diverting the Nonviolent, Low-Level Offender," Research Brief, Occasional Paper Series 1 (New York: The Center on Crime, Communities and Culture, November 1996).
[8] Validation is done by conducting simple descriptive analyses followed by more extensive analyses.

began cleaning the data by conducting descriptive analyses on the AJIS database and found several inconsistencies. For example, Vera found inconsistent arrest dates on bookings matched between the AJIS and CCHRS databases (N=100); arrest dates in AJIS dating back to the 1960s; dates of release from custody preceding dates of arrest (N=6); and duplicate booking numbers in AJIS (N=3).

Matching the CCHRS and AJIS databases together, we excluded duplicate records and updated incorrect information. For example, some bookings had a release date (e.g., 01/31/2008) that preceded the arrest date (e.g., 02/01/2008). In such cases, we examined the arrest and release dates in both databases and overwrote the seemingly incorrect information.

2.3.2 Linking Databases from Several Agencies using Identifiers

In the process of matching different agency databases using unique identifiers (booking number, court case number, and CII numbers), we discovered that different data formats or fillers in variables prevented matching.[9] Many statistical language programs are very sensitive and cannot recognize the same information as being identical when there is slight variation. For example, we converted '00111' to '111' to link different databases using unique identifiers, as the statistical program employed by Vera is unable to read '00111' to be the same as '111.' This applies to several databases containing booking numbers, court case numbers, CII/SID numbers, and Main numbers. This process of converting data formats or deleting fillers will continue as we link the remaining databases using unique identifiers.

2.3.3 Coding Look-up Tables

2.3.3.1 Arresting Agency, Booking Agency, LASD Facility

A considerable amount of descriptive analysis requires data to be categorized using a logical, or meaningful, grouping. For instance, we often want to know how many bookings occurred at LASD facilities or at Los Angeles Police Department facilities. We also want to differentiate bookings occurring at the IRC as opposed to the bookings occurring at LASD substations. For this reason, the codes used in data entry are often as detailed as possible to allow the assignment of a unique code to each entity. To aggregate the data using a logical grouping, it is often necessary to categorize detailed information into several groups. The Vera project team coded various look-up tables and variables in AJIS, including arresting agencies, booking agencies, agencies requesting holds on inmates, and custodial housing locations, including facility, module and cell codes.

2.3.3.2 Grouping Admission and Release Types

To examine the number of arrestees charged with probation or parole violations, the Vera Project team coded bookings into four large categories using arrest charge codes: (i) those arrested with new offenses only; (ii) those arrested with charges related to failure-to-appear, (iii) probation violations, and (iv) parole violations. Many bookings had multiple charges, and some of them were arrested with more than one type of offense (i.e. new offense plus parole violation).

[9] Fillers are characters or numbers used to fill the space in a variable. For instance, a booking number of '111' in database A can be stored as '00111' in database B.

In addition to grouping arrest charges into admission types, we grouped release types into four large categories for analysis, including (i) pretrial releases, (ii) time served including end of sentence releases and releases under the Sheriff's early release policy, (iii) releases to the custody of other agencies (CDCR, other State, or Federal), and (iv) releases from custody when no formal case or complaint was filed, among others.

2.3.3.3 Arrest Charge Codes in AJIS

Vera examined arrest charge codes in AJIS to obtain descriptions of the charges at arrest. After matching the arrest charge codes to the look-up table to obtain charge descriptions, we examined unmatched arrest charge codes.[10] We corrected obvious data entry errors to increase match rates between offense charge codes and descriptions.[11] Since offense codes can be similar except for the subsection, we did not edit the arrest charge codes. The Vera Project team's data clean-up process increased the matching rates considerably, and less than one percent of arrest charge codes are unmatched at this time.

Vera then coded over 7,000 AJIS arrest charge codes to group them by nine broad categories of criminal offenses—(i) drug; (ii) property; (iii) person; (iv) weapon; (v) traffic/vehicular; (vi) public order and quality of life; (vii) administrative; (viii) status type offenses and violations; and (ix) other. Detailed explanations of these categories can be found in Appendix B. Each of these broad categories may be disaggregated to allow for more detailed analysis.

2.3.4 Defining Types of Custody and Lengths of Stay

Of primary interest and importance to this project is the length of stay in custody for arrestees booked into the County jail system. Initial examinations of lengths of stay revealed that many bookings with relatively minor arrest charges appeared to have lengthy stays in custody (of greater than 365 days). After reaching out to staff at ISAB and the LASD, Vera discovered that neither AJIS nor CCHRS differentiated legal custody from physical custody. For instance, an arrestee or offender may be under the *legal* authority of the Sheriff, but may serve his or her time in the community in a program known as the Community Based Alternatives to Custody (CBAC) program.

In order to examine the causes of lengthy custodial terms for those with minor charges and to accurately examine lengths of stay in physical custody, Vera used the housing location table in AJIS and calculated the number of days spent in physical custody. This analysis required several steps: first, we re-coded detailed AJIS housing location information to differentiate those who were physically detained from those who were in the community; second, we examined the number of nights spent in CBAC by using CBAC

[10] Tables containing codes and code labels are called "look-up" or "reference" tables. For example, an arrest charge (i.e., PC 1000 A) code is contained in the arrest table in AJIS, and the arrest charge code is explained in the offense code look-up table.

[11] For instance, an offense code "PC1000(A)" in the look-up table can be entered in several ways with extra spaces in between ("PC 1000(A)", "PC1000 (A)" or "PC1000 A", etc.). The Vera Project team removed extra spaces from the databases to match the arrest charges.

enrollment and termination dates;[12] and third, we excluded the number of CBAC program enrollment days to calculate lengths of physical custody.

Ultimately, Vera calculated the length of stay in custody in four ways, grouped by legal or physical custody. Length of stay in *legal* custody was calculated by examining the time between the date of arrest and the date of release. The length of stay in *physical custody* was calculated by examining (i) the length of stay in local police lock-ups prior to transfer to the physical custody of the LASD, and (ii) the length of stay in the physical custody of the LASD (i.e., at LASD facilities, including local stations and County jails) excluding CBAC enrollment periods. By making this distinction we will be able to accurately calculate and reflect the number of nights spent in the County jail as opposed to other locations, such as police lock-ups.

2.3.4.1 A Brief Note on the CBAC Program

The Community Based Alternatives to Custody (CBAC) Program, operated by the Probation and Sheriff's Departments, allows eligible jail inmates to be released from custody and return to the community under some form of supervision. These programs include the Home Confinement Program, the Electronic Monitoring Program, the Inmate Work Release Program, Amer-I-Can, the Work Furlough / Scapular House Program (wherein eligible inmates reside in a secure community facility while they continue their employment), and the Weekender Program. The court may order pretrial or post-sentence release with electronic monitoring. Otherwise, the Sheriff administers involuntary electronic monitoring and the Probation Department oversees voluntary electronic monitoring for sentenced offenders.

Vera examined participation in the CBAC program using housing location information in AJIS. The following individuals were not considered CBAC participants: (i) the CBAC enrollment dates and the release date were the same; and (ii) the CBAC enrollment date and CBAC termination dates were the same. In 2008, 6,135 convicted offenders were placed in the CBAC program, and of those, 1,301 individuals did not spend any time in LASD facilities.

[12] There were four participants during the study period (2007 and 2008) who participated in CBAC twice. Their CBAC enrollment days were combined. If inmates were released while enrolled in CBAC, we used the release date as the CBAC termination date to calculate the number of nights spent in the CBAC program.

3 ANALYSIS OF COUNTY JAIL INMATE CHARACTERISTICS

3.1 Inmate Characteristics

This section of the report examines the characteristics of people booked into the Los Angeles County jail system. Because one focus of this report is to provide data that might impact costs and resource allocation, the analyses in this section are based on bookings (all of which require a certain expenditure of resources) rather than on individuals. This means that an individual may appear in the data multiple times if he or she was arrested and booked into the jail system on more than one occasion during the study period. As previously mentioned, Vera is aware that certain individuals may have multiple or frequent encounters with law enforcement due to their lifestyle or specific characteristics. We plan to examine the repeat offender population in our upcoming reports.

The total number of bookings into the jail in 2008 was 405,190. We begin by looking at the demographic characteristics of the booked population and then examine two sub-populations that may require the use of additional resources—people with a gang affiliation and those classified as high security. Both of these groups require segregated housing and/or special handling.[13]

3.1.1 Demographics

In 2008, 405,190 people were booked into the L.A. County jail system. The booked population was overwhelmingly male: nearly 81 percent of bookings were for males (326, 634) and 19 percent were for females (78,553).

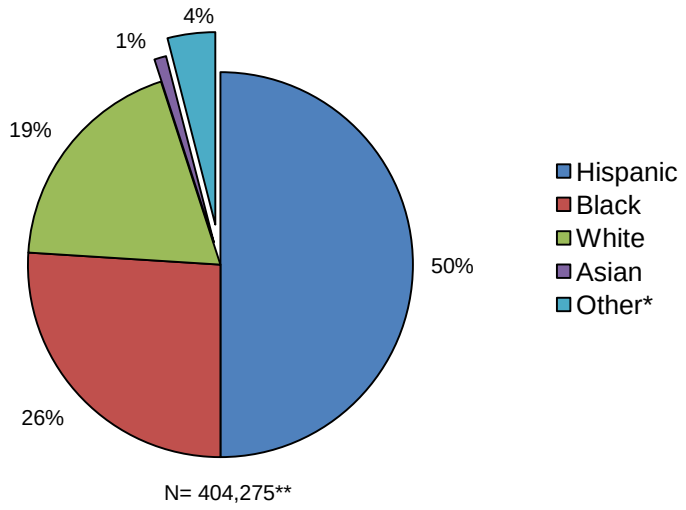
We examined the County's racial makeup to compare with inmates' racial composition. Los Angeles County has a large and diverse population. According to 2006-2008 Census estimates, Hispanics are the largest ethnic group in the County, accounting for an estimated 47 percent of the population, followed by non-Hispanic Whites, at nearly one third (29 percent) of the population, and Asians, comprising 13 percent of the County's population. Non-Hispanic Blacks account for just nine percent of the County's population.[14]

The racial composition of the individuals booked into the County's criminal justice system differs somewhat from that of the broader County. Similar to the demographic makeup of the County, Hispanics made up just over half of those booked into the County jail system in 2008 (50 percent).[15] Unlike the County, however, Blacks were the second-largest racial group booked into jail in 2008, accounting for 26 percent of bookings, followed by Whites, comprising 19 percent of the booked population. Figure 1 displays the racial and ethnic composition of the booked population. People identified as Asian or Pacific

[13] Another group that requires additional resources are those arrestees with mental illnesses. Discussed in more detail in Section VI, this subpopulation has proven difficult to estimate and examine and we have not yet been able to accurately identify this population.
[14] U.S. Census Bureau, 2006-2008 American Community Survey
[15] In CCHRS and AJIS, the group "Hispanic" is treated as a singular racial category and does not differentiate between White and Black Hispanics.

Islander made up less than one percent of those booked, despite being the County's third largest racial group. Those identified as 'Other' accounted for nearly four percent.[16]

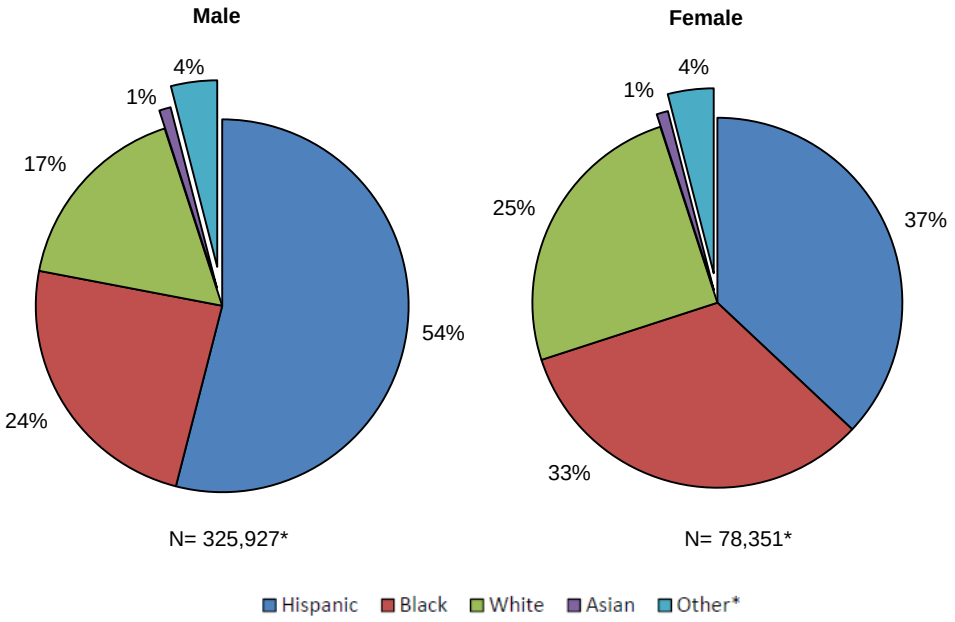
Figure 1. Racial and Ethnic Breakdown of 2008 Bookings



***Missing (N=915)*

As Figure 2 shows, the racial and ethnic composition of females in the jail was different than that of males with the female population including fewer Hispanics than the male population (37 percent compared with 54 percent). Higher proportions of both Blacks (33 percent compared with 24 percent) and whites (25 percent compared with 17 percent) were found among the female population.

Figure 2. Gender Composition of Booked Population by Race*

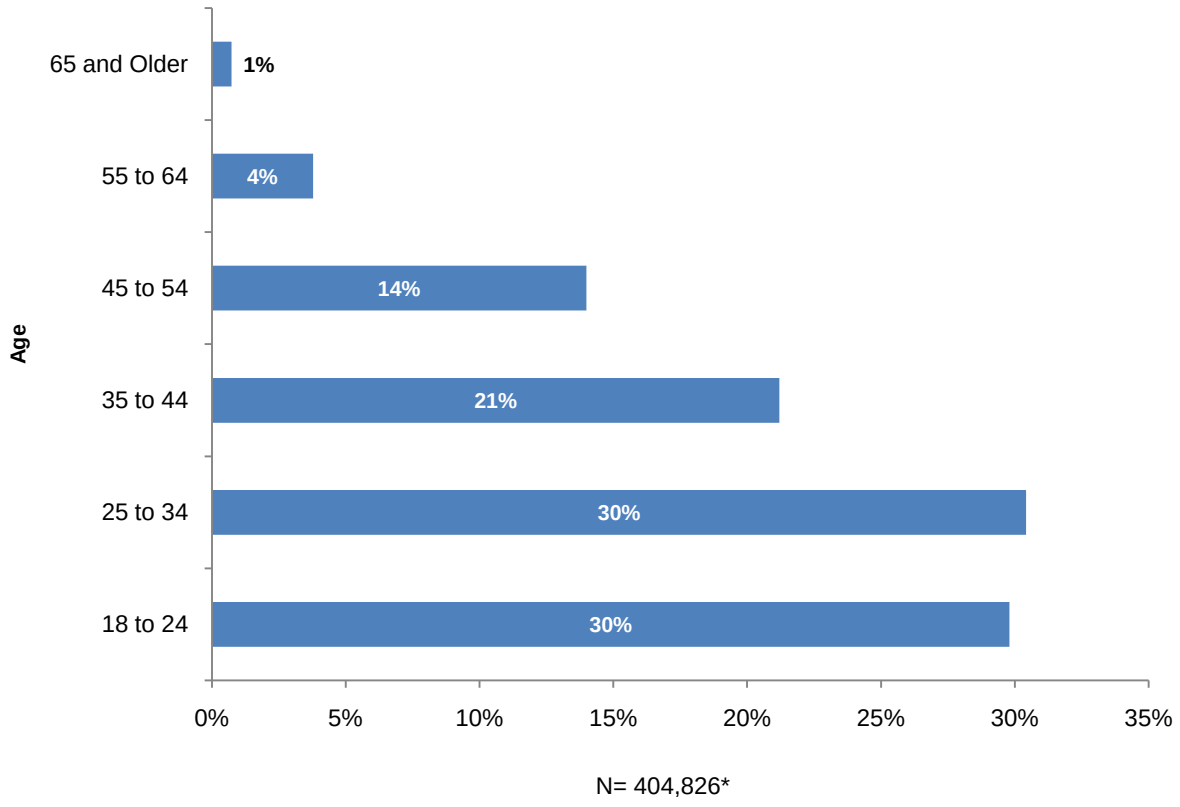


**Missing (N=707 for male offenders, N=202 for female offenders)*

[16]The other category includes American Indians and those whose race or ethnicity was unknown.

In terms of age, over 60 percent of people booked into the L.A. County jail system in 2008 were between the ages of 18 and 34 while people over age 55 accounted for just five percent of bookings.[17] The mean age at booking was 33 years, while the median age was 30. Figure 3 shows a more detailed breakdown of the age of the booked population.

Figure 3. Breakdown of the 2008 Jail Admissions by Age



**Missing (N=364)*

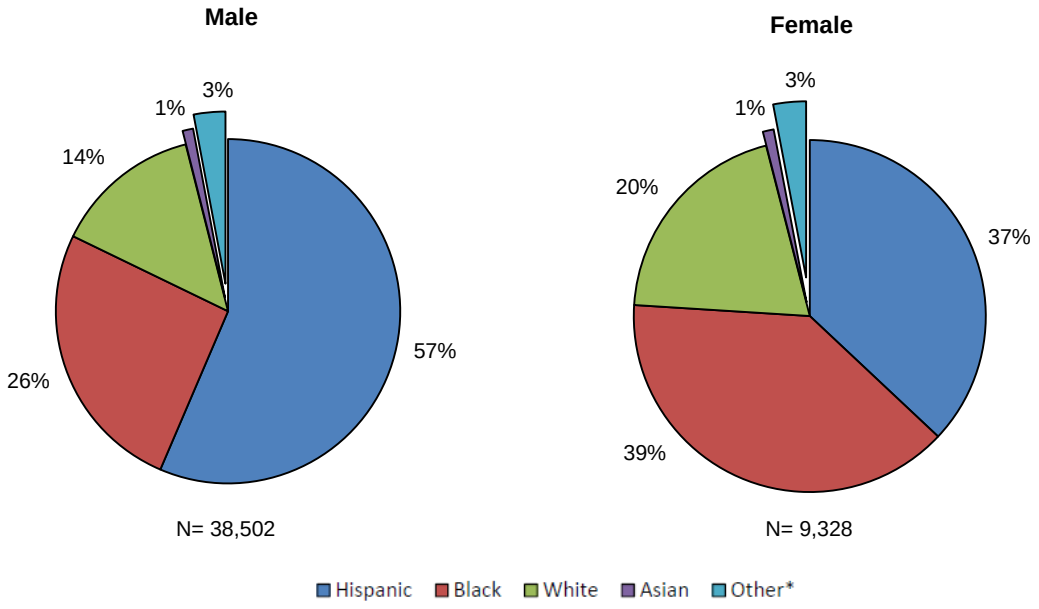
3.1.2 Gang Information

Gangs and gang-related crime continues to have a serious impact on the Los Angles criminal justice system. To prevent disputes among inmates while in custody, the LASD classifies inmates based on their gang affiliation and uses this information to house them separately. The data we obtained show whether an inmate was classified as a gang member but not the names of specific gangs.[18] Using this information, we analyzed the prevalence of gang members in custody and found that in 2008, nearly 12 percent of all people booked into the County jail system were flagged as being a member of or associated with a gang. As Figure 4 shows, the gender and racial breakdown of people with a gang affiliation is for the most part

[17] Data provided to Vera by ISAB and the LASD is on the adult population only. However, a small number of bookings in AJIS (n=351) were of arrestees under the age of 18. These were coded as missing data, and were excluded from the examination of ages of arrestees.
[18] Being flagged for gang membership does not necessarily correspond to the commission of a gang related crime.

similar to the overall booked population. One exception is the slightly higher proportion of black females with a gang affiliation than in the overall jail population (39 percent compared with 33 percent).

Figure 4. Gang Affiliation by Race and Gender



3.1.3 Security Classifications in LASD Facilities

Inmates who are booked into the jail system at the IRC are generally interviewed by the LASD Classification Unit to assign classification scores using the NorthPointe classification system. The NorthPointe (Compass) produces a scale of 1 to 9 to classify inmates, grouping them into minimum security (1 to 4), medium security (5 to 7) and maximum security (8 and 9).[19] After initial assignments of classification scores by NorthPointe, regular reviews of classification of score are scheduled to reflect any changes in the security risks; every 45 days for inmates with security scores of eight and nine, and 90 days for inmates with scores from one to seven. In this review, an inmate's classification score may go down or go up. Inmate security scores are then retained in the AJIS, reflecting the initial scores and any increase or decrease from the initial classification scores.

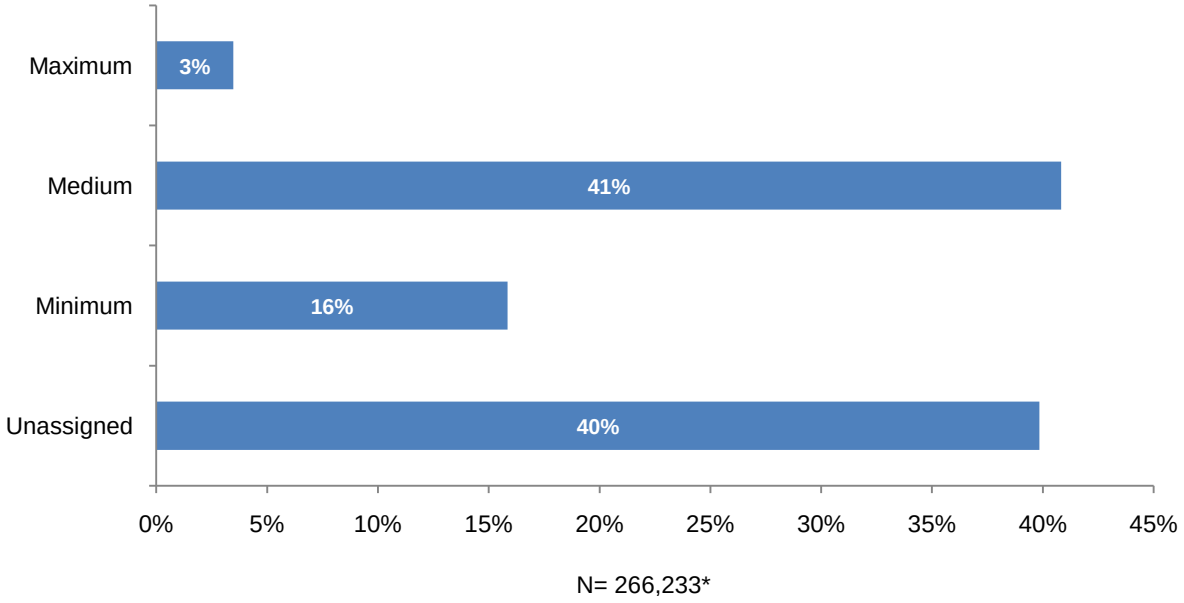
We excluded the nearly one third of all bookings that were *never* transferred to the custody of the Sheriff, therefore, never classified by the LASD Classification Unit. Thus, this section will examine only the 266,233 out of 405,190 (66 percent) people who were in the custody of the LASD. Of bookings into LASD custody, 106,069 (40 percent) were not assigned a security classification, probably because they never underwent the classification interview at the IRC. This could be for a variety of reasons including release before being interviewed, either through bail or by the court.

[19] Source: LASD, *"Policies and Procedures, Inmate Classification."*

Of the 266,233 bookings in LASD custody, 42,191 (16 percent) bookings were classified as minimum security. This includes people sentenced for misdemeanors or non-violent felonies who are not being held for any other agency. Most people are classified as medium security (180,699 or 41 percent). This includes two groups: those who may be defiant of jail rules and / or are considered to be an escape risk, including certain defendants with felonies, and those who have been convicted but not yet sentenced (security level 5). Defendants in this second group are reclassified after sentencing. Of these 180,699 medium security inmates, 16,220 (16 percent) were classified as pre-sentence medium security inmates.

Finally, 9,274 (3 percent) bookings were classified as maximum security. This group includes people who have committed violent felonies or those who are subject to a hold or pending court actions for a violent felony.

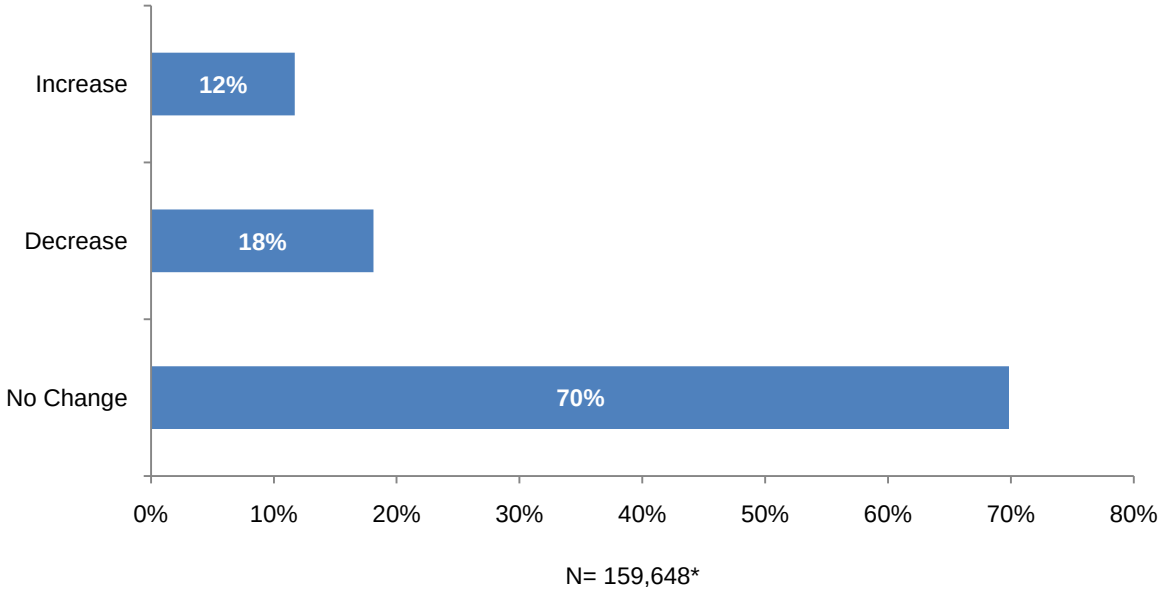
Figure 5. Security Classifications for Bookings in LASD custody



**This figure excludes 138,957 bookings that were never booked in or transferred to the custody of the LASD.*

Security classifications may be changed either because of a change in status of the case (for example a change from pre-sentence to sentenced) or because of incidents that occur while the person is in custody. However, as Figure 6 shows, in 2008, the majority of those booked into LASD custody (70 percent) did not see a change in security classification while in custody. Of those who did see a change, most saw a decrease in their security classification, reflecting a change in either charges for which an inmate is being held or sentencing status, while 12 percent of those booked saw an increase in their classification, probably due to an incident in custody.

Figure 6. Change in Security Classifications for Bookings in LASD Custody



**Note: This excludes 106,069 inmates who never received a security classification and 516 bookings with multiple security classification changes.*

The LASD Classification Unit also assigns certain people "keep-away" codes from 2 to 5, which are designed to assure their safety while in custody. These codes signal how inmates should be handled and where they should be housed. For example, inmates with keep-away code "2" may be transported and housed together, but should be segregated from inmates with different keep-away codes (e.g. "4"). This population (inmates with keep-away codes from 2 to 5) may include co-offenders to prevent from communicating with each other or inmates in disputes to prevent further escalation. For example, if there are two co-defendants (inmates One and Two), inmate One may be assigned keep away code "2" while inmate Two may be assigned keep away code "4". In another case, if inmates A and B were in fight, then inmate A may receive a keep away code "2" whereas inmate B may receive keep away code "3". Presumably, inmates One and A have no problem being kept together whereas inmate A and B should not be kept or transported together in the same group.

In addition, those who are vulnerable to victimization due to their (alleged) offense or characteristics are housed separated from the general population as a group and coded as "6," administrative segregation. This group may include groups of those accused of child sex crimes, gay, lesbian or transgendered inmates, or former gang members. These individuals are housed as groups separated from the general population to prevent victimization while in custody.

Certain people are classified as "K10" and housed in one-person cells. They include: i) inmates with threats against them; ii) notable or famous people who may need protection; and iii) those who are classified as dangerous based on previous violent incidents in or out of custody. When a request is made to classify an inmate as "K10", a jail liaison officer will evaluate the request by investing the claim which may include making inquires to previous custody agencies, etc. Because segregation in one man cells is not only resource intensive but also may have a detrimental impact on inmates' well-being, segregation should be used prudently and scarcely. Inmates housed in a one man cell may pose significant risks to

public safety if they are released directly into the community without proper process or supervision, given the harmful psychological effects of solitary confinement.[20] Further, if these inmates were transferred to other custody agencies, they may be put on segregation automatically, limiting their chances of participating in rehabilitative programs or services while in custody.

As Table 4 shows, in 2008, 9,166 people (3 percent) were assigned keep-away codes while in custody. Most of these (5,804 people) were placed in administrative segregation while the second largest group (1,776) included people classified as "K10" or a high jail security risk.

Table 4. Inmate Keep-away Codes for those in LASD Custody

Code	Description	Number	Percent
Unassigned		257,067	96.6%
1	Law Enforcement/Family Members	150	0.1%
2-5	Codes 2 through 5 are assigned as follows: Inmates with identical keep-away numbers may be housed and transported together; inmates assigned different numbers (e.g. 2 and 4) must be housed and transported separately.	1,436	0.6%
6	Administrative Segregation as Groups (i.e., pedophiles, LGBTQ*, or former gang members)	5,804	2.2%
10	High Jail Security Risk Housed in One Man Cell	1,776	0.7%
	Total	**266,233**	**100.0%**

**Note: LGBTQ refers to lesbian, gay, bisexual, transgender and queer individuals.*

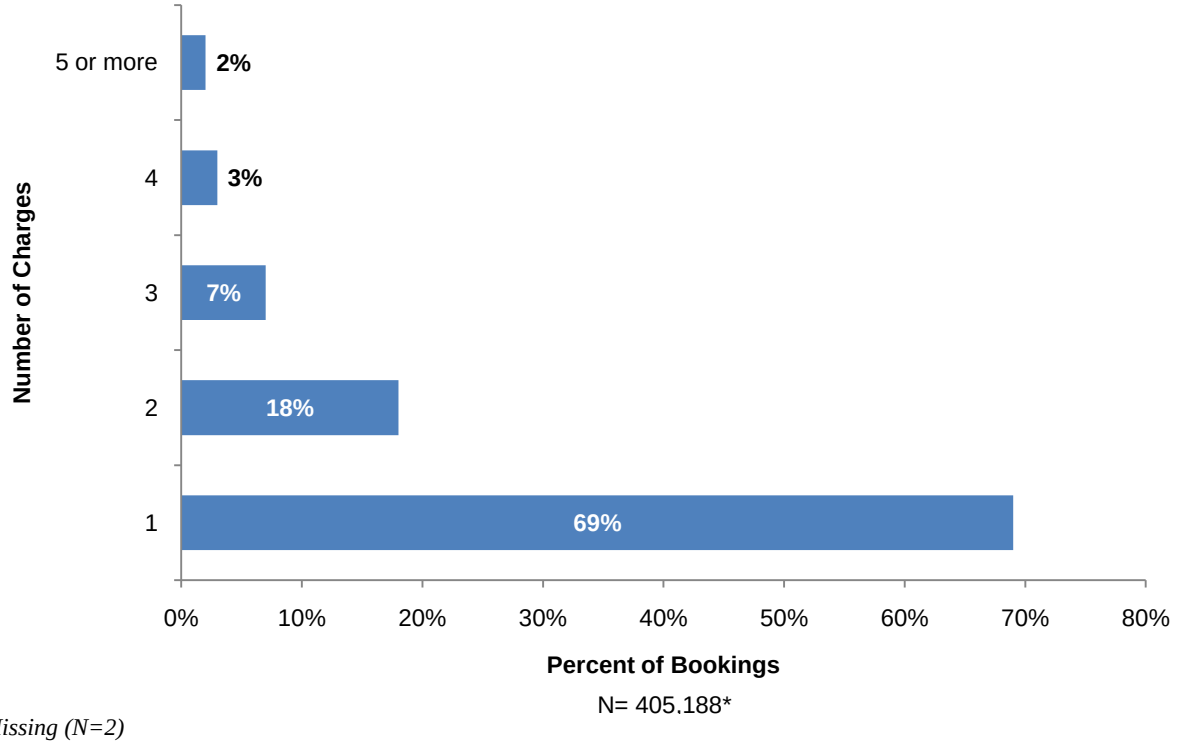
[20] For a review of the effects of administrative segregation on offenders, see Craig Haney, "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement," *Crime and Delinquency* (2003) 49.

3.2 Arrest Charge Characteristics

3.2.1 Offense Charges and Levels

In this section, we examine the arrest charges for which people were booked. In 2008, there were 623,534 charges associated with the 405,190 bookings. Figure 7 presents a breakdown of the 2008 bookings by number of charges. As shown, the majority of bookings had only one arrest charge (69 percent). Just two percent of bookings were admitted with five or more charges at arrest.

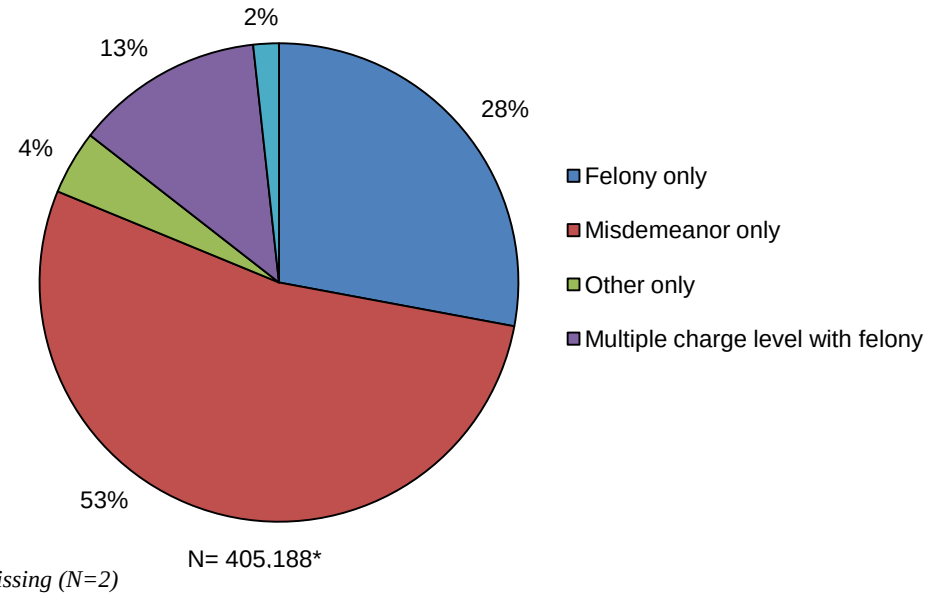
Figure 7. Breakdown of Bookings by Number of Charges



**Missing (N=2)*

In terms of offense classification, as shown in Figure 8, the majority of bookings (53 percent) were for misdemeanor charges only. Over 40 percent of bookings had at least one felony level arrest charge and four percent of bookings were for lower level charges, including infractions.

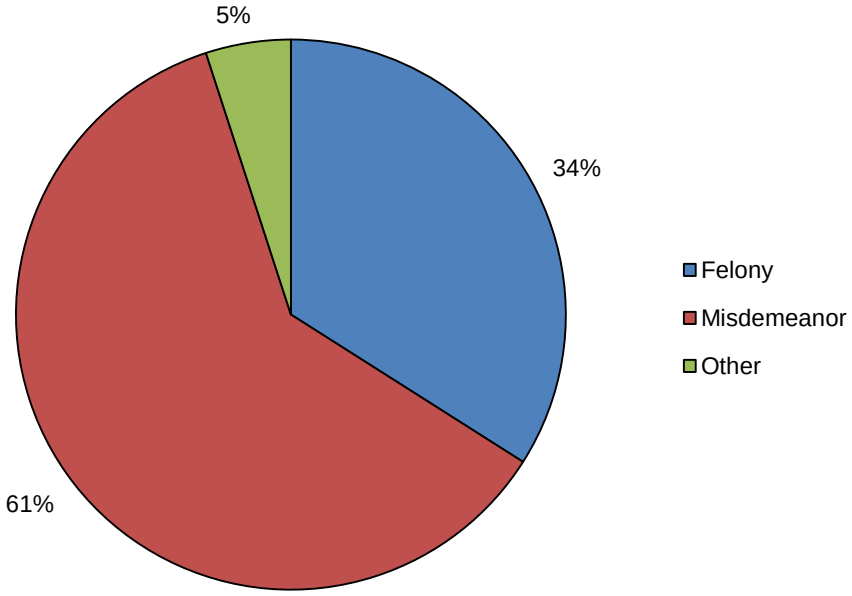
Figure 8. Number of Charges at Booking by Arrest Charge Level



** Missing (N=2)*

For the remainder of this section, our unit of analysis is the charge at arrest. We examined *all* charges at arrest for several reasons. First, it is conceptually difficult to agree on what the most serious offense should be (i.e., weapons offense and drug trafficking offense). Even if we can agree conceptually on what constitutes the most serious offense, we will have to manually code the most serious offense charge or write a complicated and lengthy query to code them. Second, we have no information on whether or which charge was dismissed by Court or rejected by prosecuting agencies at this point. Third, it is difficult to know which arrest charge led to confinement (if bail is set for all charges) regardless of conviction status. For example, one person may be charged with murder and burglary. While murder is undoubtedly a more serious offense than burglary, it is possible that this person may be convicted of burglary but not murder. In this case, we cannot go back and imply after-the-fact that it was burglary not murder which led to the confinement of the individual, impacting length of stay. Figure 9 shows the breakdown of charges at booking by offense level. Nearly two-thirds of all charges were misdemeanor offenses (379,214). Thirty-four percent were felony-level offenses (208,385), and just five percent (35,931) were other, including infractions.

Figure 9. Number of Booking Charges by Arrest Charge Level



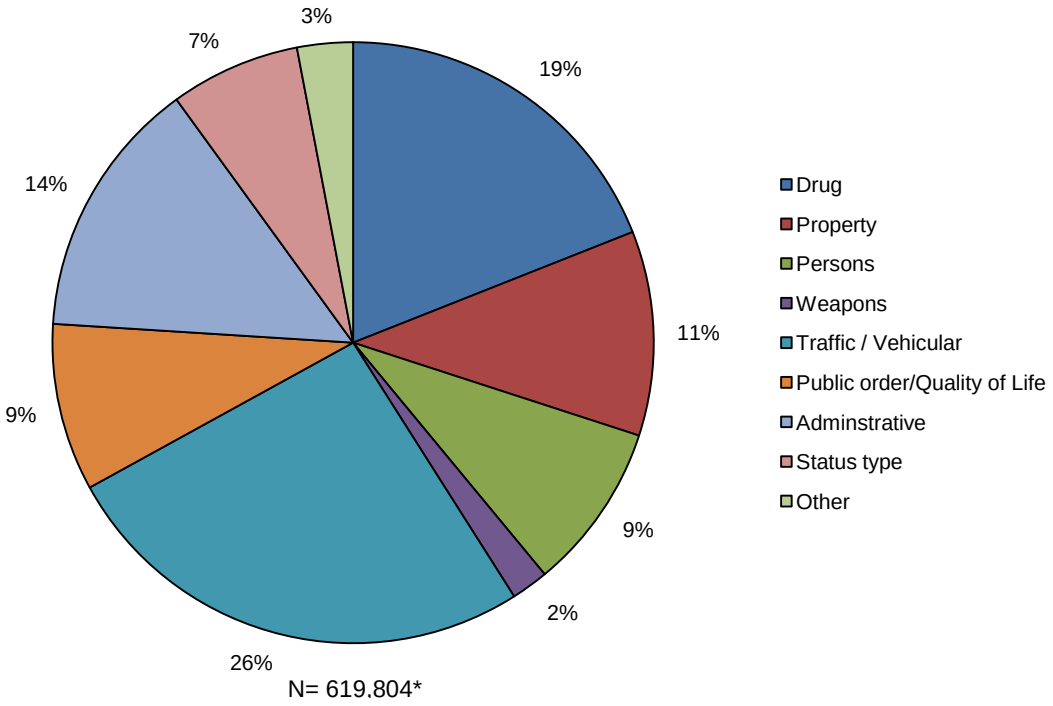
**Missing (N= 4)*

N= 623,530*

In addition to offense classification, we also examined the types of offense charged, divided into nine group types. Figure 10 shows the distribution of charges by offense type. Over a quarter of booking charges were for traffic and vehicular offenses, followed by drug offenses (19 percent). Administrative offenses, which include municipal codes, were the third most common charge type (14 percent). These four offense categories made up over 70 percent of booking charges.

As mentioned in the Method section, we were unable to obtain the number of citations issued. For example, many of those stopped for traffic or vehicular offenses may have been issued citations instead of being booked formally. The same may be true for those arrested for quality of life offenses. However, because we lack information on these individuals, as those who are not formally booked are not included in AJIS and CCHRS, we cannot obtain breakdowns by booking status and compare charge codes or failure to appear rates.

Figure 10. Charges at Arrest by Offense Category

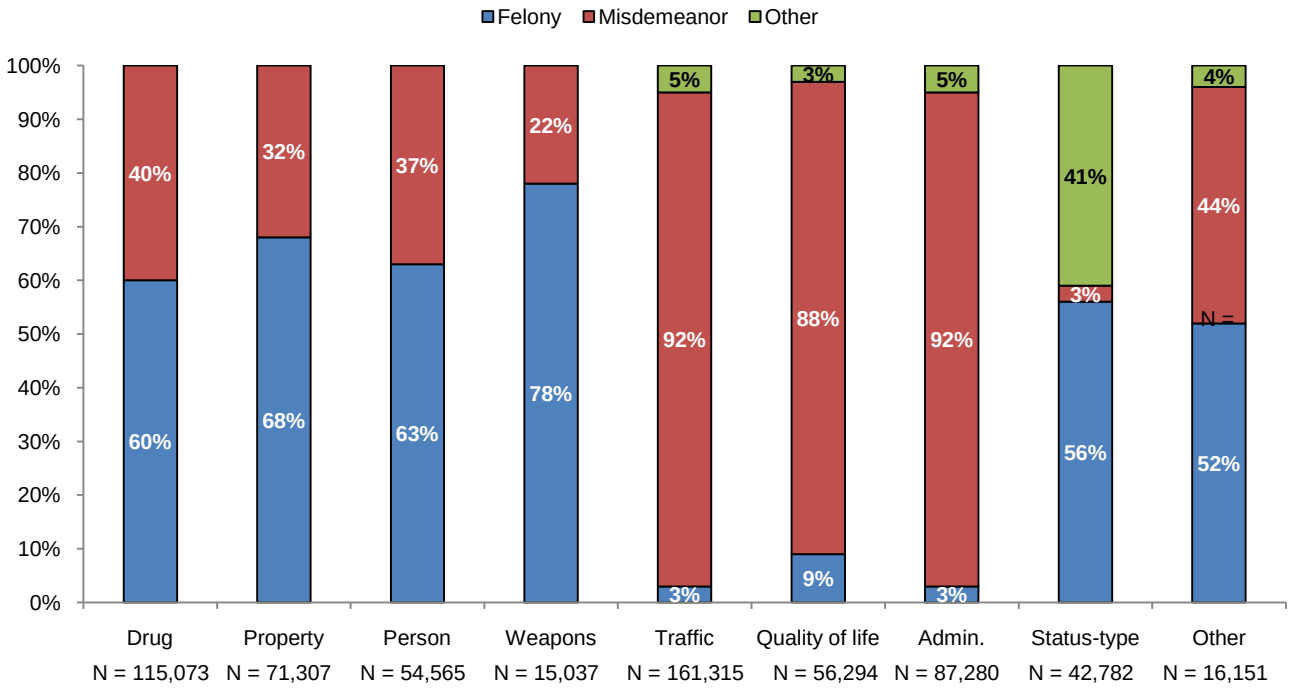


**Missing (N= 3,730)*

Because offense charges diverge significantly in severity and require different responses from the criminal justice system, we further disaggregated the offense types by offense level (see Figure 11). Misdemeanors made up approximately 90 percent of traffic, quality of life, and administrative charges, while a majority of the remaining offense types were felony charges including 60 percent of drug offenses, 68 percent of property offenses, and 63 percent of person offenses. While weapons offenses comprise just two percent of all charges, most of those were at the felony level (78 percent).[21]

[21] There were very few infraction level charges for drug, property, and person offenses, so they are not represented in this graph (less than 0.1 percent.).

Figure 11. Level of Charges at Arrest by Offense Category



3.2.2 Top Ten Most Frequent Charges at Arrest

The top felony arrest charge was possession of a controlled substance; the second most common arrest charge was felony violation of parole (11 percent). The top ten offenses included three possession-related arrest charges accounting for almost a quarter of all felony arrest charges. These top ten felony arrest charges made up 57% of total felony arrest charges.

Table 5. Top Ten Felony Charges at Arrest

Charge	Description	Number	Percent
11350(A)HS	Possession Narcotic Controlled Substance	27,351	13%
3056PC	Violation Of Parole: Felony	22,145	11%
11377(A)HS	Possession Controlled Substance	17,834	9%
459PC	Burglary	13,500	6%
273.5(A)PC	Corporal Injury On Spouse/Cohabitant/Etc	12,097	6%
245(A)(1)PC	Assault with a Deadly Weapon, Not Firearm, with Force Likely to Produce Great Bodily Injury	6,724	3%
487(A)PC	Grand Theft Money/Property > $400	5,339	3%
496(A)PC	Receiving Known Stolen Property, > $400	5,306	3%
211PC	Robbery	5,059	2%
11359HS	Possession Marijuana For Sale	4,631	2%
	Subtotal of Top Ten Felony Charges	**119,986**	**57%**
	Total Felony Charges	**208,962**	**100%**

We also examined the top ten misdemeanor arrest charges at booking. The top misdemeanor arrest charge was drunk driving, accounting for 11 percent of all misdemeanor arrest charges. The second most common arrest charge was failure to appear after a written promise to appear (10 percent). The law states that a person may be charged with a misdemeanor for failing to appear for a scheduled court date regardless of the underlying offense. This group of arrestees are likely composed of two groups; i) those who were cited out by law enforcement officers on the street without being booked into custody and failed to appear in court, and ii) those who were released from custody pending trial but failed to make a scheduled court date. Due to the date limitation, we have no way of finding out what the underlying offense was, or which group contributes more to this second most common offense charge.

The third most common misdemeanor charge was driving without a proper license (9 percent), followed by driving without a license. Five of the top ten arrest charges were traffic-related arrest charges, accounting for a total of 38 percent of all misdemeanor charges.

Table 6. Top Ten Misdemeanor Charges at Arrest

Charge	Description	Number	Percent
23152(A)VC	Drunk Driving with Alcohol/Drugs	43,719	11%
853.7PC	FTA After Written Promise	36,420	10%
14601.1AVC	Drive W/License Suspend/Revoked	35,345	9%
12500(A)VC	Unlicensed Driver	28,008	7%
40508(A)VC	FTA/Traffic Warrant	22,624	6%
23152(B)VC	Drunk Driving .10 Or Above	18,828	5%
11357(B)HS	Possess 28.5 Grams Or Less Of Marijuana	12,587	3%
11364HS	Possession of Controlled Substance Paraphernalia	11,760	3%
647(F)PC	Drunk, Drugs With Alcohol	11,601	3%
11550(A)HS	Under Influence of a Controlled Substance	10,466	3%
	Subtotal of Top Ten Misdemeanor Charges	**231,358**	**61%**
	Total Misdemeanor Charges	**381,885**	**100%**

3.2.3 Arrest Charges by Category

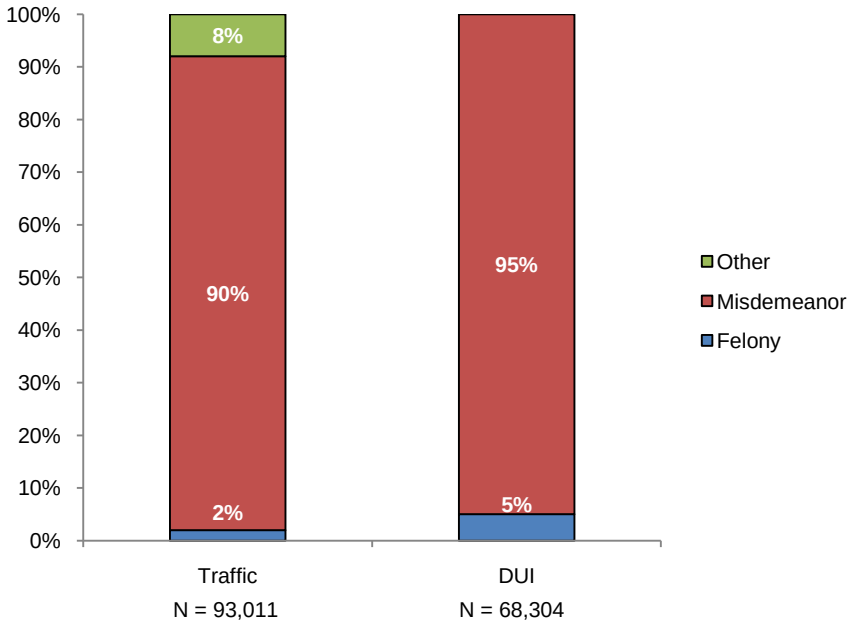
In the next section we look further at the nine offense categories and the different types and levels of offenses in each category. In addition we list the most frequent charges in each category. This section is organized by examining each category of offense in order of their frequency in L.A. County (see Section V).

3.2.3.1 Traffic and Vehicular Offenses

The most common types of offenses for which individuals were arrested and booked in 2008 were traffic and vehicular offense charges, which made up 26 percent (161,315 charges) of all arrest charges. This category includes driving under the influence (DUI) charges and other violations of the Vehicle Code; DUI charges comprised 42 percent of all charges in this category. Table 7 shows the top five traffic

offenses: the most frequent individual charge in this category was drunk driving (25 percent) followed by driving without a proper license (21 percent).

Figure 12. Levels of Charge at Arrest: Traffic Offenses by Subcategory



The top five offenses accounted for 77 percent of vehicle and traffic related arrest charges. The majority of these charges was for misdemeanor-level offenses (see Figure 12), including driving without a license (16 percent) and driving with a license suspended or revoked (24 percent).

Table 7. Top Five Traffic/Vehicular Offenses at Arrest

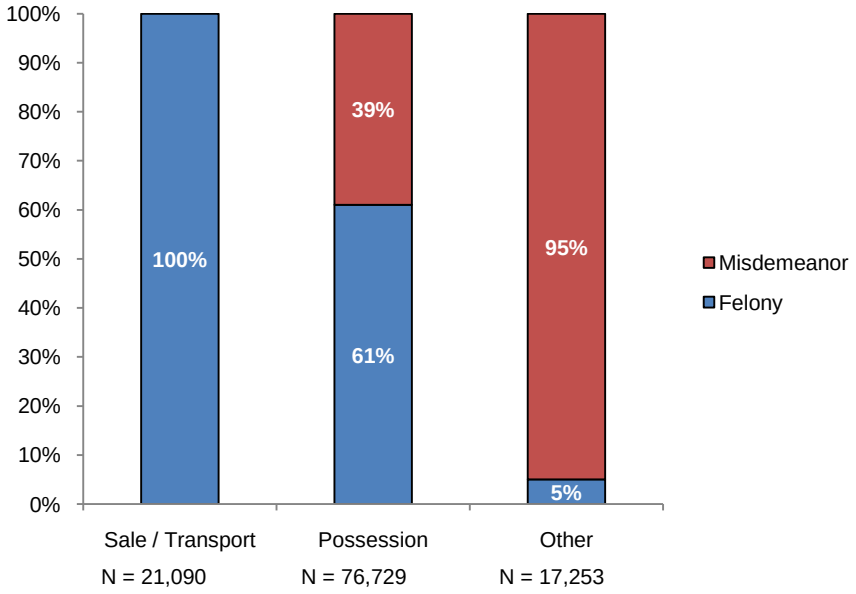
Charge Code	Description	Number	Percent
23152(A)VC	Drunk Driving, Alcohol/Drugs	40,693	25%
14601.1AVC	Drive w/License Suspended or Revoked	33,122	21%
12500(A)VC	Unlicensed Driver	26,309	16%
23152(B)VC	Drunk Driving .10 Or Above	18,291	11%
14601.2AVC	Drive w/License Suspended /Revoked for Drugs/Alcohol	5,381	3%
	Subtotal Of Top Five Arrest Charges	**123,796**	**77%**
	Total	**161,315**	**100%**

3.2.3.2 Drug Offenses

Drug offenses made up almost 20 percent (115,073 charges) of total arrest charges, making such charges the second most common type of charge at arrest. The majority of drug charges were for possession (67 percent) rather than distribution or trafficking offenses (18 percent). The remaining 15 percent of drug

offenses were for other types of drug offenses, including the possession of drug paraphernalia and prescription drug offenses. Almost all charges for the distribution or trafficking of drugs were felony-level charges (21,045 out of 21,090 charges), while 61 percent of possession charges were felony-level. The majority of other drug charges were misdemeanor level charges (95 percent). Figure 13 shows these three subcategories of drug offenses (i.e., distribution or trafficking, possession, and other) charges by charge level.

Figure 13. Levels of Charge at Arrest: Drug Offenses by Subcategory



**Missing (N=1)*

Table 8 shows the top five drug offenses at arrest. Importantly, not a single one of the five most common drug offenses for which individuals were booked were distribution or trafficking offenses; rather, four charges for possession and one charge for intoxication made up nearly three-quarters of all drug offenses at arrest.

Table 8. Top Five Drug Offenses at Arrest

Code	Arrest charge description	Number	Percent
11350(A)HS	Possession Narcotic Controlled Substance	27,359	24%
11377(A)HS	Possession Controlled Substance	21,087	18%
11357(B)HS	Possess 28.5 Grams Or Less Of Marijuana	12,592	11%
11364HS	Possession Controlled Substance Paraphernalia	11,791	10%
11550(A)HS	Under Influence Controlled Substance	10,471	9%
	Subtotal Of Top Five Arrest Charges	**83,300**	**72%**
	Total	**115,073**	**100%**

3.2.3.3 Administrative Offenses

Administrative offenses were the third most common type of charge at arrest in 2008, accounting for 14 percent (87,280) of all arrest charges. Such charges include court offenses such as contempt, non-payment of child support, or failure to appear, municipal code offenses, and regulatory offenses. Court offenses, including failures to appear, accounted for 78 percent of charges while violations of municipal codes accounted for 17 percent of administrative offenses. The remaining five percent of charges include regulatory offenses, such as gambling or fish and game violations.

Table 9 lists the top five administrative offenses, which account for three-quarters of all charges in this category. The most common administrative offense was failure to appear after a written promise, often used for those who are released on a citation to appear in court following an arrest,[22] followed by failure to appear after a traffic warrant. Approximately five percent of administrative arrest charges were for violations of the City of Los Angeles Municipal Code.

Notably, just two charges—853.7PC, which is a failure to appear after a written promise and 40508(A) VC, a failure to appear on a traffic warrant—accounted for almost 99 percent of all failure to appear offenses.

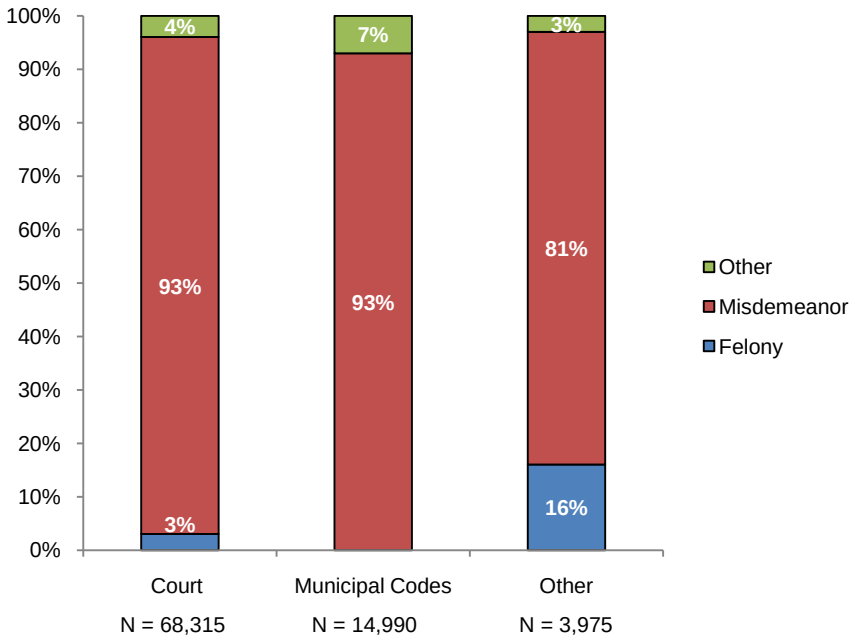
Table 9. Top Five Administrative Offenses at Arrest

Charge Code	Description	Number	Percent
853.7PC	FTA After Written Promise	34,459	39%
40508(A)VC	FTA/Traffic Warrant	20,799	24%
LAMC	Los Angeles Municipal Code	4,613	5%
CO RET	Court Ordered Returnee	2,649	3%
166(A)(4)PC	Contempt Of Court - Disobey Court Order	2,553	3%
	Subtotal Of Top Five Arrest Charges	**65,073**	**75%**
	Total	**87,280**	**100%**

The majority of administrative offenses were misdemeanor-level charges or infractions. Figure 14 displays the charge levels of each subcategory of administrative offenses (i.e., court offenses, municipal code violations, and other administrative offenses).

[22] When a defendant fails to make a court appearance, the judicial officer then issues a bench warrant for his or her arrest. The defendant may be charged with a misdemeanor for failing to appear for a scheduled court date regardless of the underlying offense.

Figure 14. Levels of Charge at Arrest: Administrative Offenses by Subcategory



3.2.3.4 Property Offenses

The fourth most common category of charges at arrest was property charges, accounting for 12 percent of the total booking charges. Almost 70 percent of these charges were for felony-level offenses. Table 10 shows the top five property charges, which together accounted for more than half of the total property offenses. The most frequent property offense was burglary (20 percent), followed by petty theft (11 percent).

Table 10. Top Five Property Offenses at Arrest

Code	Arrest charge description	Number	Percent
459PC	Burglary	14,396	20%
484(A)PC	Petty Theft	8,072	11%
487(A)PC	Grand Theft Money/Property > $400	6,108	9%
496(A)PC	Receiving Known Stolen Property, > $400	5,306	7%
10851(A)VC	Take Vehicle without Owner's Consent	5,231	7%
	Subtotal Of Top Five Arrest Charges	**39,113**	**55%**
	Total	**71,307**	**100%**

3.2.3.5 Public Order and Quality of Life Offenses

In 2008, approximately nine percent of arrest charges were public order and quality of life offenses. Three quarters of these charges were for quality of life offenses, such as public intoxication, vandalism, and willful interference. Thirteen percent were for public disorder offenses, such as resisting arrest or

disorderly conduct, and 10 percent were for public sex offenses, such as prostitution. Figure 15 below displays the charge levels for subcategories of public order and quality of life offenses. As the chart shows, the majority of such charges were misdemeanors (85 percent of public disorder charges and 86 percent of quality of life offenses), while public sex offenses, namely prostitution, were felony level charges. The most frequent public order or quality of life charges were for public intoxication, followed by prostitution, obstruction of a peace officer and vandalism, as shown in Table 11.

Figure 15. Levels of Charge at Arrest: Public Order Offenses by Subcategory

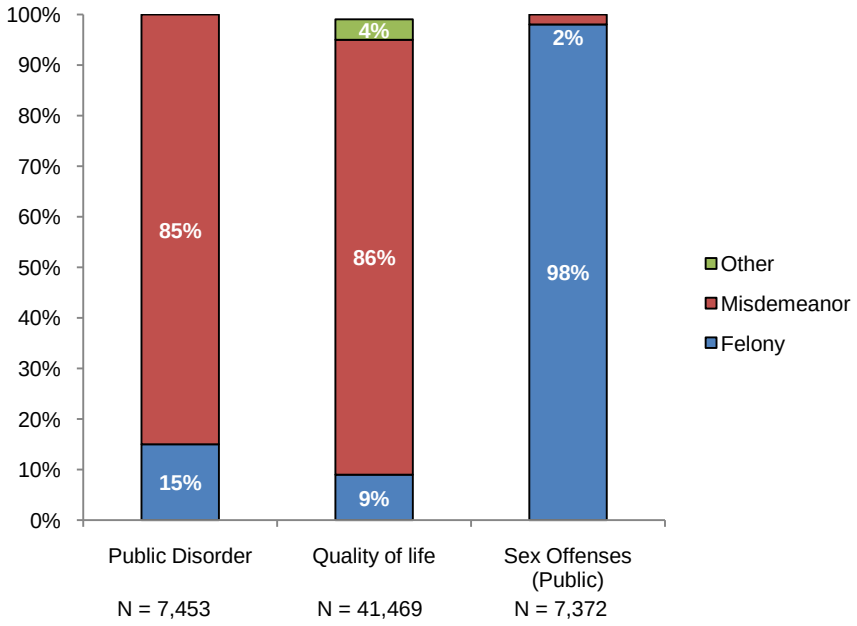


Table 11. Top Five Public Order/Quality of life Offenses at Arrest

Charge Code	Description	Number	Percent
647(F)PC	Drunk, Drugs With Alcohol	11,601	21%
647(F)PCALC	Drunk, Alcohol	6,577	12%
647(B)PC	Prostitution	5,599	10%
148(A)(1)PC	Obstruction of Public Officer	5,041	9%
594(A)PC	Vandalism	3,187	6%
	Subtotal Of Top Five Arrest Charges	**32,005**	**57%**
	Total	**56,294**	**100%**

3.2.3.6 Offenses Against Persons

Almost ten percent of the arrest charges (54,565 charges) were for offenses against persons, of which approximately half were between intimate partners. Offenses Against Persons include murder, robbery, assault, domestic violence and rape, among others. Half of such charges were classified as felony level offenses. Figure 16 displays the level of charges for subcategories of offenses against persons: sexual offenses, domestic violence (DV), and other (including robbery, assault, and murder).

Figure 16. Levels of Charge at Arrest: Offenses Against Persons by Subcategory

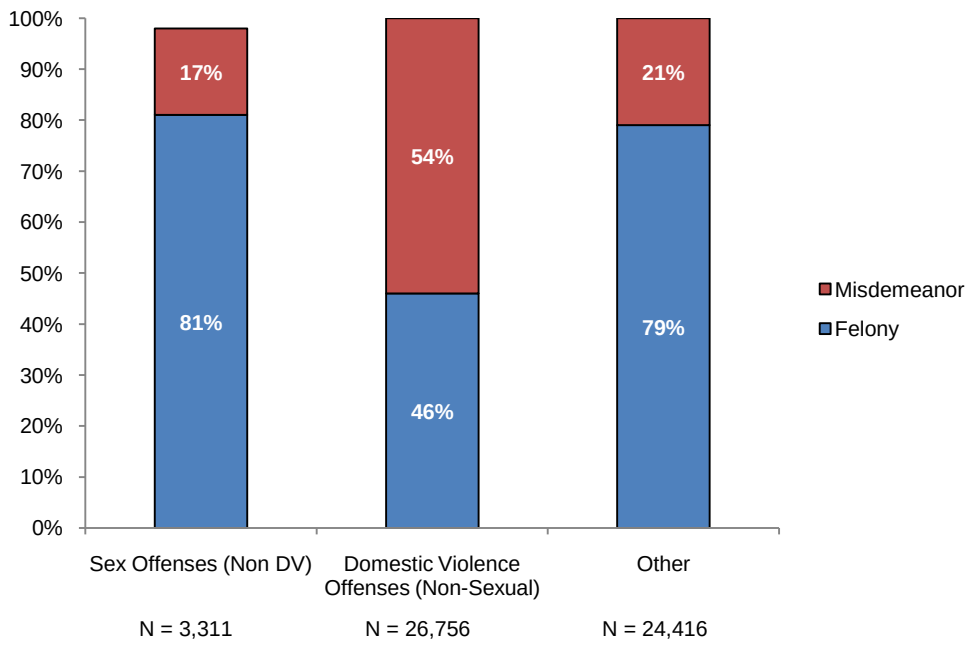


Table 12 shows the top five most common charges for offenses against persons, which together account for over 70 percent of such offenses. The two most common, corporal injury and battery, were perpetrated by intimate partners, and accounted for nearly half of all offenses against persons.

Table 12. Top Five Charges for Offenses Against Persons

Charge Code	Description	Number	Percent
273.5(A)PC	Corporal Injury On Spouse/Cohabitant/Etc	15,662	29%
243(E)(1)PC	Battery Ex-Spouse/Fiancée/Person w/Dating Relationship	7,924	15%
245(A)(1)PC	ADW, not Firearm, with GBI	7,066	13%
211PC	Robbery	5,211	10%
242PC	Battery on Non-cohabitating Former Spouse	3,432	6%
	Subtotal Of Top Five Arrest Charges	**39,295**	**72%**
	Total	**54,565**	**100%**

3.2.3.7 Status Offenses

In 2008, about seven percent of booking charges were based on the arrestees' legal status. Most of these charges relate to probation or parole violations (69 percent) and a further 21 percent relate to immigration status. Of the remaining charges, three percent were classified as charges against the juvenile population[23] and an additional three percent were gang-related. Figure 17 displays the level of charges for subcategories of status offenses: juvenile offenses, gang, immigration/ citizenship, parole violation, and probation violation.

Figure 17. Levels of Charge at Arrest: Status Offenses by Subcategory

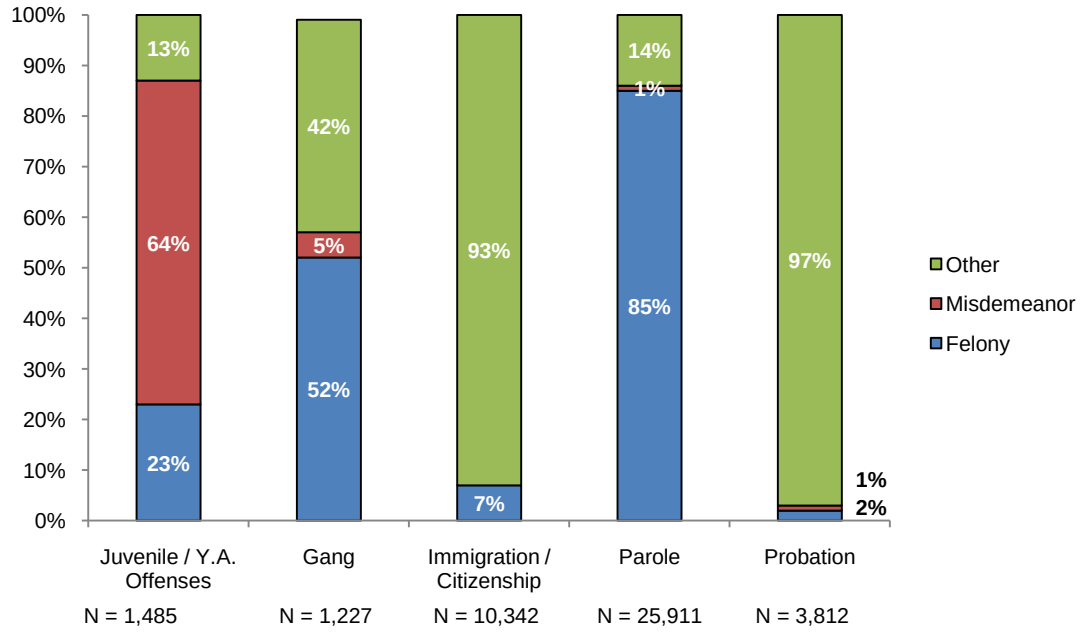


Table 13 shows the top five status type offenses, which account for 89 percent of all charges in this category. Four of the top five offenses relate to probation or parole violations. The top five offenses by subcategory are presented in Appendix Table B.

Table 13. Top Five Status Offenses at Arrest

Charge Code	Description	Number	Percent
3056PC	Violation Of Parole: Felony	22,145	52%
8 1251US	Deportation Proceedings	8,798	21%
3056PC	Violation Of Parole	3,503	8%
1203.2PC	Probation Violation	2,671	6%
1203.2(A)PC	Re-arrest/Revoke Probation/Etc	1,057	2%
	Subtotal Of Top Five Arrest Charges	**38,174**	**89%**
	Total	**42,782**	**100%**

[23] Vera requested the exclusion of the juvenile population from data collection, and our agency partners did so using the age of the arrestees, defining "adult" to be equal to or over the age of 18 at the time of bookings. However, taking a prudent approach, bookings without date of birth information were included in the data collection.

3.2.3.8 Other Offenses

Other offenses, including a variety of crimes such as failure to register as a sex offender, conspiracy to commit a crime, solicitation, bribery and accessory charges, were the second least common category of offenses at arrest. More than half of such offenses were felonies. Table 14 shows the top five offenses in this category. The most frequent offense in the "Other Offense" category was criminal threat (32 percent), followed by providing false identification to a peace officer (16 percent).

Table 14. Top Five Other Offenses at Arrest

Charge Code	Description	Number	Percent
422PC	Criminal Threats	5,243	32%
148.9(A)PC	False Identification to Peace Officer	2,621	16%
273.6(A)PC	Disobey Domestic Relations Court Order	1,569	10%
182(A)(1)PC	Conspiracy to Commit Any Crime	1,398	9%
148.9PC	False Identification to Peace Officer	776	5%
	Subtotal Of Top Five Arrest Charges	**11,607**	**72%**
	Total	**16,151**	**100%**

3.2.3.9 Weapons Offenses

Weapons offenses accounted for just two percent of all charges at arrest in 2008, and were the least common category of charge at arrest. More than three-quarters of such offenses were felonies (78 percent). As Table 15 shows, the most common weapons charges were manufacturing or possession of weapons illegally (14 percent), followed by possession of weapons by prohibited individuals (11 percent). The top five weapons offenses accounted for 41 percent of this category.

Table 15. Top Five Weapons Offenses at Arrest

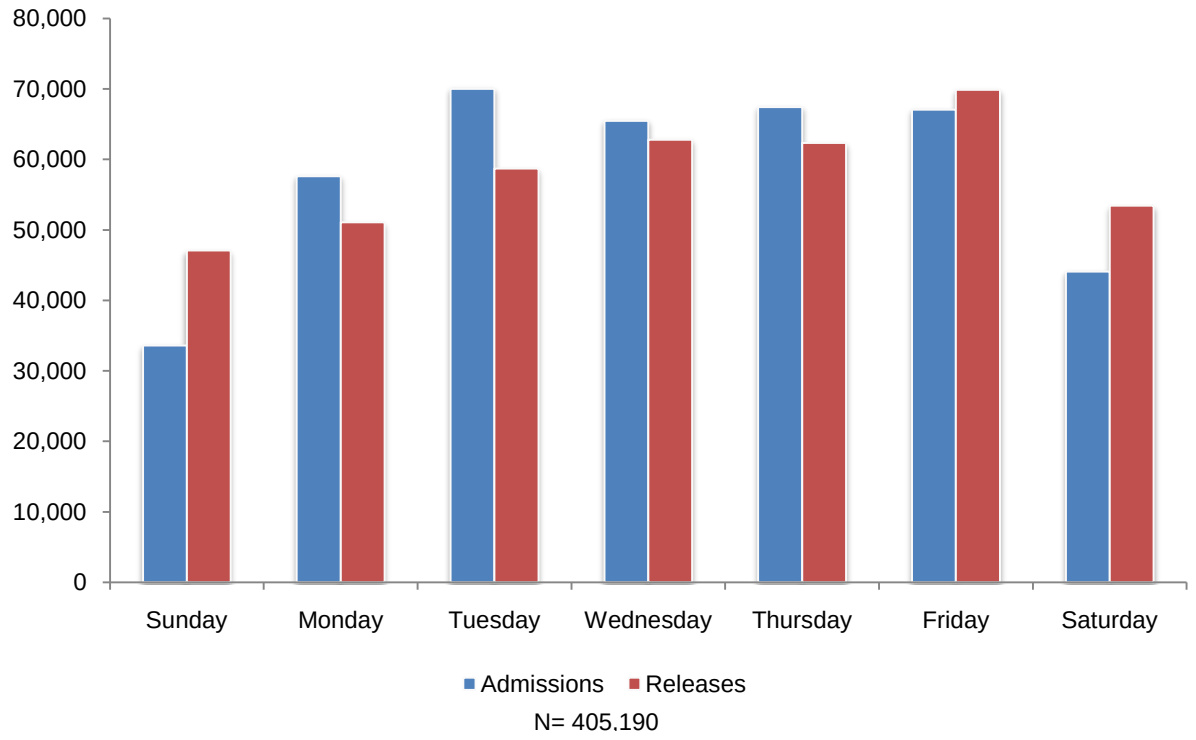
Charge Code	Description	Number	Percent
12020(A)1PC	Mfg/Sell/ Possession Dangerous Weapon/Etc	2,078	14%
12021(A)1PC	Possession Firearm By Convicted Felon/Addict/Etc	1,659	11%
12031(A)1PC	Carrying a Loaded Firearm	1,027	7%
12020(A)4PC	Carrying a Concealed Dirk Or Dagger	779	5%
12031A2FPC	Carrying a Loaded Firearm	694	5%
	Subtotal Of Top Five Arrest Charges	**6,237**	**41%**
	Total	**15,037**	**100%**

3.3 Admission and Release Trends and Types

In order to understand the volume of admissions and releases across the County, we examined weekly and monthly trends in bookings and releases of those who were booked in 2008 using AJIS.

The busiest day for bookings into the system was Friday (17 percent of total bookings) followed by Wednesday and Thursday (15 percent for each).[24] Sunday (12 percent) and Saturday (13 percent) showed the fewest numbers of bookings. Releases from the jail system followed a somewhat similar pattern, with the highest volume of releases occurring Tuesdays through Fridays and the lowest volume of releases occurring on Sundays (8 percent).[25] Figure 18 shows the weekly patterns of admission and releases.

Figure 18. Weekly Patterns of Admission and Release to County Jail System



While it is useful to examine the total number of bookings and releases that occurred in the County as a whole, we also wanted to examine the proportion of booked individuals who spent any time in the County jail system. There are eight facilities operated by the LASD to house inmates:[26]

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[24] In 2008, there were 366 days, and one more Tuesday and Wednesday. We used the number of weekdays to calculate the average number of admissions. We did not calculate average releases by weekday because we followed up the release date until June 30, 2009.

[25] This figure excludes bookings with arrest dates prior to January 1st, 2007 but may have been released in the following years, during the study period. We discuss in more detailed the impact of the stock population on release patterns and the number of jail bed days in Section B.

[26] The LASD also operates an eighth facility, Mira Loma Detention Center, for the Bureau of Immigrations and Customs Enforcement (ICE), which houses detainees undergoing deportation proceedings. In this report, the

i. Men's Central Jail (CJ)
ii. Twin Towers Correctional Facility (TTCF)
iii. Century Regional detention facility (CRDF)
iv. North County Correctional Facility (NCCF)
v. Pitchess Detention Center South Facility (Pitchess South)
vi. Pitchess Detention Center North Facility (Pitchess North)
vii. Pitchess Detention Center East Facility (Pitchess East)
viii. Mira Loma Detention Center

Those who spent time in these County jail facilities, whom we will refer to as inmates, comprise two separate groups: (i) those arrested by the Sheriff, and (ii) those arrested by other agencies and transferred to the Sherriff's custody. In order to calculate the number of bookings that spent any amount of time in the custody of the LASD including Mira Loma, Vera utilized housing location information stored in AJIS.[27] Forty three percent of all bookings in 2008 were booked by LASD, 29 percent of which were released on the day of their arrest. For those arrested by other law enforcement agencies, 22 percent of bookings were released on the day of arrest (see Table 16). A little over half (52 percent) of these bookings were transferred to the custody of the LASD and spent at least one night in detention.

Table 16. Detention in Custody by Booking Agency

Booking Location	Number	Percent
LASD	**172,546**	**43%**
Released on Day of Booking	*50,110*	*29%*
Detained in Custody	*122,436*	*71%*
Other Agency	**232,644**	**57%**
Released on Day of Booking	*52,200*	*22%*
Detained in Custody	*180,444*	*78%*
Total Bookings	**405,190**	**100%**

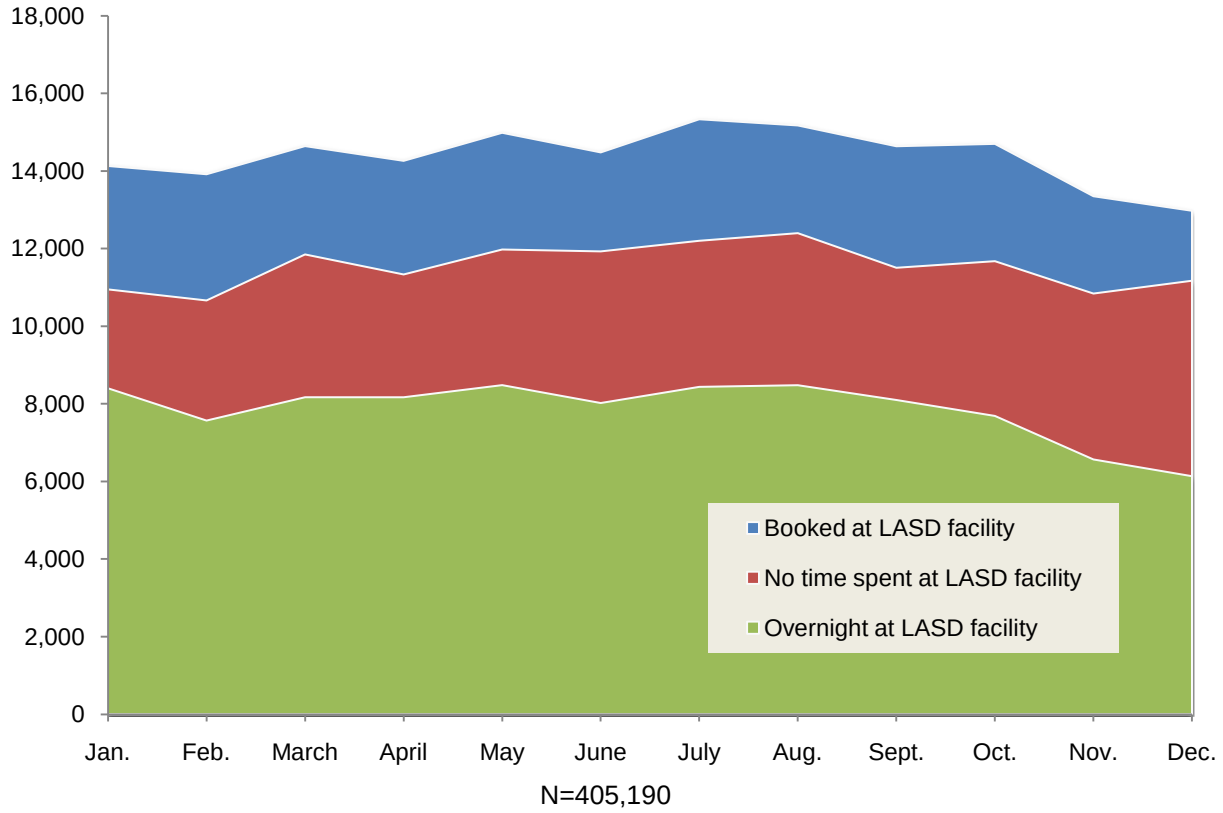
Figure 19 shows the total number of bookings, the number of those that spent time in the County jail system, and the number of inmates transferred from other agencies. On average, 66 percent of booked individuals spent some time in the custody of the LASD in 2008.[28] Of those, about 38 percent were transferred from other agencies.

individuals detained in Mira Loma are included in LASD figures although we plan to examine them separately in our upcoming reports.

[27] There are 29 bookings by LASD without housing location information, and they were not released on their arrest day. These bookings may represent individuals booked toward the end of day (around midnight) but released shortly thereafter.

[28] LASD custody includes all eight LASD jails, as well as Sheriff's stations that may be located separately from the County jails. For further discussion of how custody in LASD was calculated, refer to Section D. Length of Stay in Custody.

Figure 19. Monthly Admission and Release Trends



3.3.1 Booking Data

A wide array of law enforcement agencies operate in Los Angeles County. In addition to the Los Angeles Sheriff's Department (LASD), 46 different law enforcement agencies operate in the County's 88 cities and additional unincorporated areas. State and Federal agencies, such as the California Highway Patrol and U.S. Immigrations and Customs Enforcement (ICE), also operate within the County. This section examines the 2008 bookings by arresting agency.

3.3.1.1 Bookings by Agency

As Table 17 shows, in 2008, the Los Angeles County Sheriff's Department (LASD) was responsible for 136,927 bookings, which accounts for nearly 32 percent of all bookings. The Los Angeles Police Department (LAPD) carried out nearly one quarter of all bookings (97,956). Cumulatively, the other 47 municipal police departments accounted for 27 percent of 2008 bookings, with the Long Beach Police Department accounting for nearly one-fifth (17 percent) of these. Nearly four percent of bookings occurred at the Los Angeles Superior Court (16,033).

State agencies, including both law enforcement and non-law enforcement bodies, accounted for nearly seven percent of all bookings in 2008 (27,296), more than half of which were carried out by the California Highway Patrol. Federal agencies were responsible for two percent of bookings (8,764), almost all of

which were made by two agencies: the Bureau of Immigration and Customs Enforcement (ICE) and the Bureau of Customs and Border Protection (CBP). Appendix A displays the number and percent of arrests made by individual law enforcement agencies in the 2008 calendar year.

Table 17. Number of Bookings by Arresting Agency

Arresting Agency	Number	Percent
Los Angeles Sheriff's Department	136,927	33.8%
Other Municipal Police Departments (in LA County)	108,686	26.8%
Los Angeles Police Department	97,956	24.2%
State Agencies	27,296	6.7%
Superior Court	16,033	4.0%
Federal	8,764	2.2%
LA County Other Agencies	6,896	1.7%
LA County: Other Law Enforcement	2,379	0.6%
Other Counties	239	0.1%
Other	14	0.0%
Total	**405,190**	**100.0%**

3.3.1.2 Booking Locations

In addition to examining which agencies made arrests in L.A. County, Vera examined agencies where bookings occurred in order to examine where booking resources were spent. Table 18 shows this breakdown. Like the arrest data, the largest proportion of defendants arrested in the County was also booked at LASD stations. In 2008, nearly 43 percent (172,546) of all arrestees were booked into the system at LASD locations around the County. Of those booked into LASD locations, 12 percent were booked at the LASD's Inmate Reception Center (IRC) in the City of Los Angeles while nearly ten percent were booked at the Lancaster LASD station and nine percent were booked at the Century LASD station.

The second most common location for booking defendants was at LAPD stations, accounting for 27 percent of bookings in 2008, or 110,329 total bookings. Other municipal police departments accounted for 27 percent of bookings. Again, similarly to the arrest location data, the Long Beach Police Department booked the largest proportion of these defendants—17 percent.

State and Federal agencies making arrests in Los Angeles County booked arrestees at a number of locations. Nearly all (98 percent) arrests made by Federal agencies were booked at the Mira Loma Detention Center. Eighty-two percent of State agency arrestees were booked at LASD locations, followed by 16 percent at LAPD stations.

Table 18. Number of Bookings by Location

Location of Booking	Number	Percent
Los Angeles Sheriff's Department	172,546	42.6%
Los Angeles Police Department	110,329	27.2%
Other Municipal Police Departments	108,525	26.8%
Superior Court	12,965	3.2%
LA County: Other Law Enforcement	460	0.1%
LA County Other Agencies	336	0.1%
Federal	21	0.0%
Other	8	0.0%
Total	**405,190**	**100.0%**

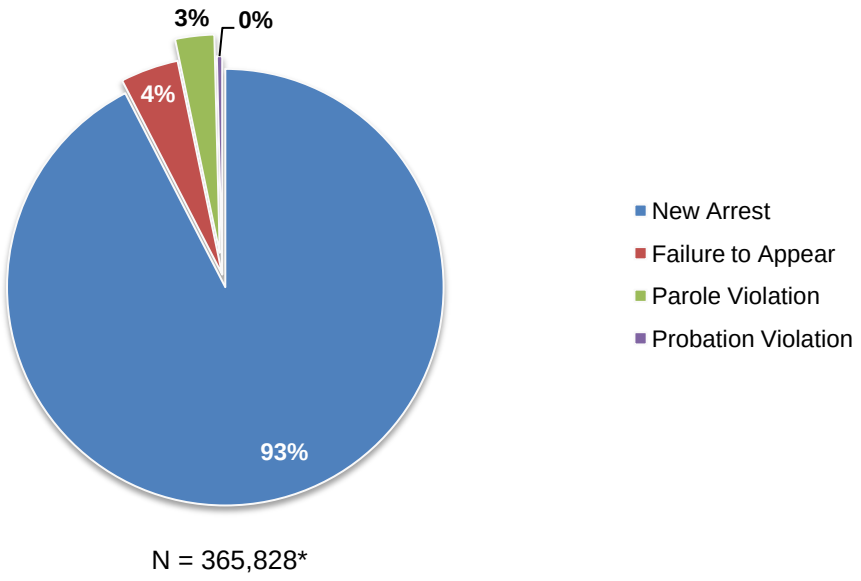
3.3.2 Admission Types

The probability of being released pretrial may be drastically different depending on whether the arrest occurred due to a new offense or violation of imposed conditions, and bears close examination. To examine the number of arrestees charged with probation or parole violations, the Vera Project team coded bookings into four large categories using arrest charge codes: (i) those arrested with new offenses only; (ii) those arrested with charges related to failure-to-appear, (iii) probation violations, and (iv) parole violations.

The total number of charges is different from the total number of bookings since one booking may generate multiple charges. For example, a person may be charged with a new offense in addition to a violation of a probation or parole condition. Most admissions were for new offense(s) (338,095 or 84 percent of all bookings). Failures-to-appear comprised four percent of total bookings (15,730 bookings) and the remainder of bookings was for parole (10,569; 3 percent) or probation (1,443; 0.4 percent) violations. Of the 405,190 bookings in 2008, just 39,360 (10 percent) had multiple admission types. Figure 20 shows the admission types of remaining bookings, which were for bookings on one admission type only.[29]

[29] Two bookings were missing charge information.

Figure 20. Categories of Admission for Bookings with One Admission Type Only



3.3.3 Release Types

Next, Vera examined the different methods of release. Ninety-six percent of those booked in 2008 were also released in 2008. The remaining four percent were booked in 2008, but released in 2009.[30] Table 19 shows the top ten most common reasons for release from custody. The most common reason for release was citation (24 percent of releases), followed by a release to the custody of another agency (15 percent), and release on own recognizance (11 percent). Percentage releases, or those released after serving a required percentage of their sentenced jail time, were the fourth most common reason for release (10%).[31]

[30] As our study period is defined by a date of arrest between January 1st, 2007 and December 31st, 2008, those arrested near the end of the study period may actually be released in the following year. As such, we tracked the date of release from custody until June 30th, 2009, in order to account for those year-end arrests.
[31] At the time of data collection, male offenders were required to serve a minimum of 80 percent of their sentenced jail time and female offenders were required to serve 20 percent.

Table 19. Top Ten Reasons for Release

Release Reason	Number	Percent
Citation	97,989	24%
Custody Release	71,422	18%
Own Recognizance	44,132	11%
Percent Release	39,173	10%
Bond	35,982	9%
Release to Probation Authority	27,799	7%
Court Ordered Release	17,276	4%
Time Served	13,129	3%
Release on Insufficient Grounds to File Complaint	10,977	3%
No Case Filed by District Attorney	7833	2%
Subtotal (top ten release reasons)	**357,879**	**88%**
Total bookings in 2008	**405,190**	**100%**

We also looked in more detail at two broader categories of release: pre-trial releases—those released prior to trial, and custody releases—those to the custody of other agencies. Together these two release types comprise 68 percent of all releases.

3.3.3.1 Pretrial Releases

A significant factor influencing the size of the jail population is the number of defendants held in custody while awaiting trial. Vera's first report to the CCJCC, *A Report on Pretrial Practices in Los Angeles County*, examined in detail the practices and profiles of people screened and released through the Pretrial Services Division (PSD) of the Probation Department, as well as those released pending trial without screening from PSD in 2007 and 2008. We found that nearly half of all people booked in 2008 were released pending trial or without formal charges. Table 20 displays the percentages of those released pending trial by type of release, including releases on citation, bond, bail, own recognizance (OR), and because no formal case charges were filed.

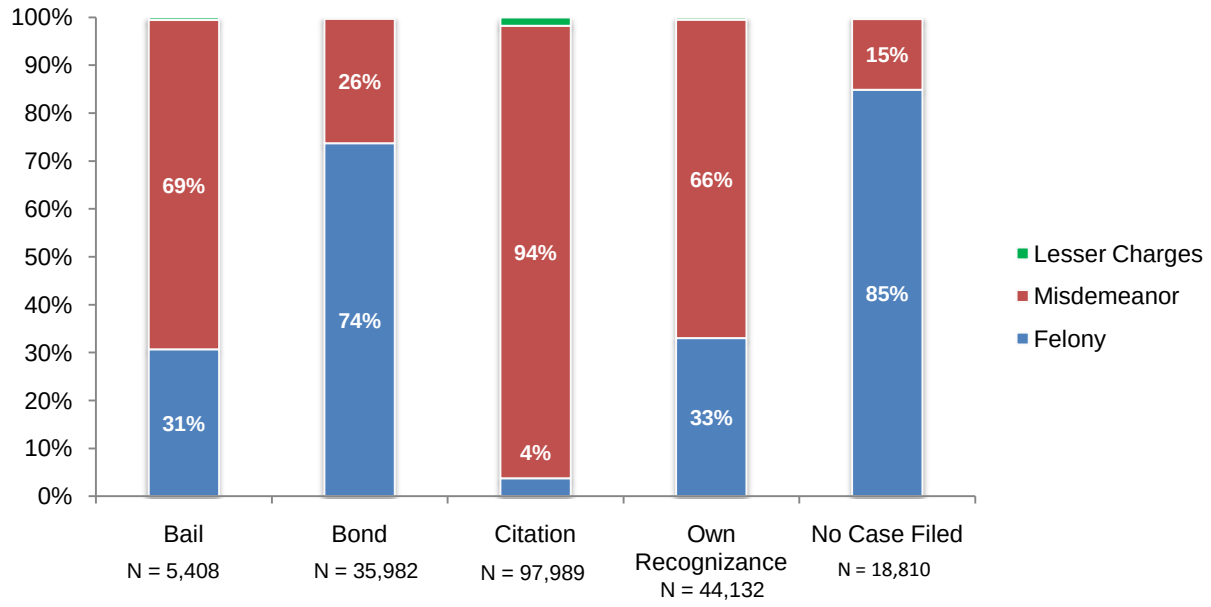
Table 20. Pretrial Releases by Type

Release Reason	Number	Percent
Citation	97,989	48%
Own Recognizance	44,132	22%
Bond	35,982	18%
Release on Insufficient Grounds to File Complaint	10,977	5%
No Case Filed by District Attorney	7,833	4%
Bail	5,408	3%
Total	**202,321**	**100%**

As expected, the most common type of release for those released pending trial were releases on citation (48 percent). Releases to the community on own recognizance was the second most common type (22 percent), followed by releases on bond (18 percent). Nearly 10 percent of this group was released because no charges were filed by the District Attorney. Finally, the small proportion of those released on bail, (three percent) compared with nearly one-fifth being released on bond, signals that the bail amount set may be unaffordable to much of the population being booked into the jail system.

Among those released prior to trial, there is considerable variation in the seriousness of arrest charges. For example, the vast majority of those released on citation were charged with misdemeanor offenses (94 percent), while nearly three-quarters (74 percent) of those released on bond were charged with felonies. Figure 21 displays arrest charge levels by the type of release pending trial.

Figure 21. Charge Level at Arrest by Pretrial Release Mechanisms



3.3.4 Holds Placed by Outside Agencies

If a defendant in the custody of the LASD is wanted by an outside agency for outstanding criminal actions or to carry out a sentence, that agency may submit a request to the LASD to detain the individual until the time when they can be transferred to the custody of the requesting agency.

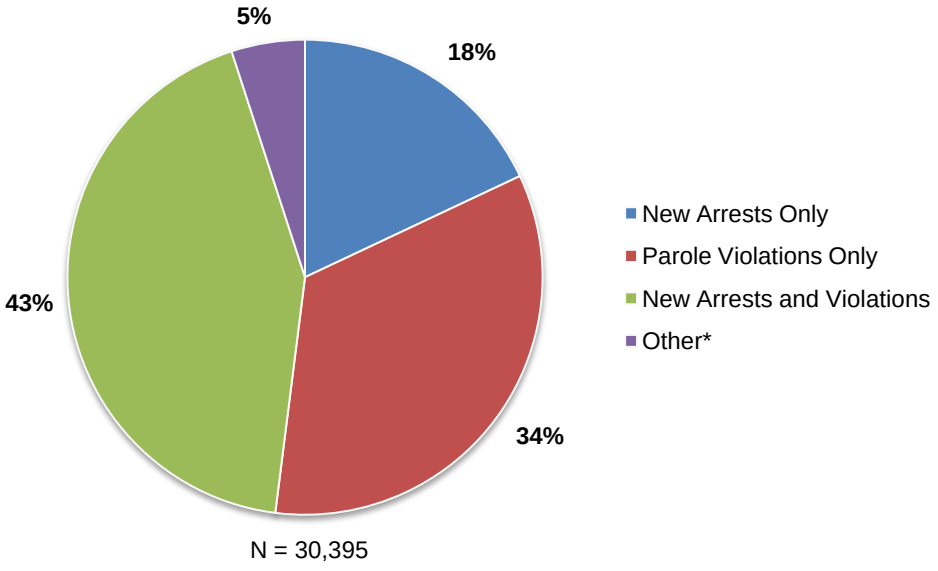
Vera examined the number and type of hold requests placed on offenders in custody in 2008. In all, 52,925 hold requests were placed, meaning that holds were placed on nearly 13 percent of all bookings. Table 21 breaks down these holds by requesting agency and shows that 57 percent came from the California Department of Corrections and Rehabilitation (CDCR) and other California State prison facilities.

Table 21. Hold Requests by Agency

Requesting Agency	Number	Percent
State Prison Facilities	30395	57.4%
US Customs and Immigration	11918	22.5%
Other County Sheriff's Departments (in State)	8880	16.8%
Other States	531	1.0%
Other Municipal Police Departments (in State)	350	0.7%
Other Federal Agencies	251	0.5%
Youth Facilities (in State)	214	0.4%
LA County Agencies	130	0.2%
Hospital/Psychiatric Facilities	121	0.2%
Other State Agencies	73	0.1%
Community Corrections Facilities	61	0.1%
Other Municipal Police Departments (out-of-State)	1	0.0%
Total	**52925**	**100.0%**

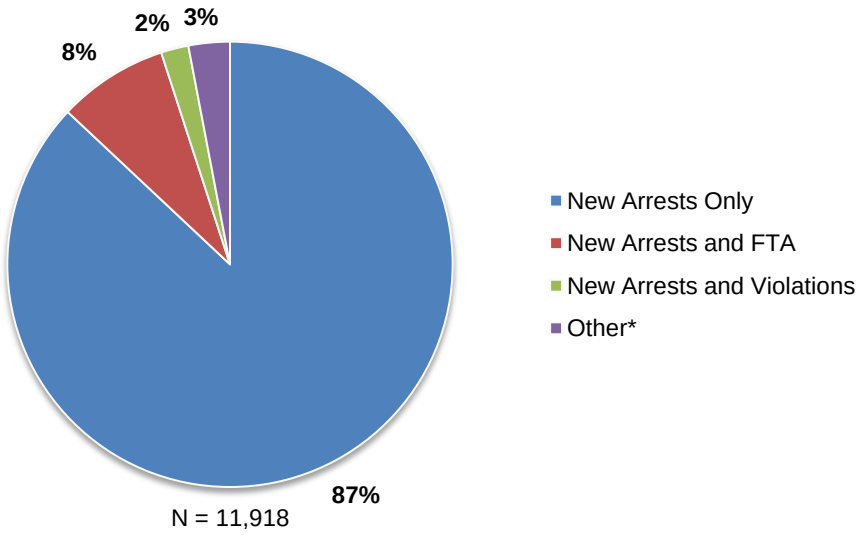
Over 81 percent of bookings with holds from California State prison facilities were arrested on parole violation charges (see Figure 22). Nearly 23 percent of all hold requests came from the Federal Bureau of Immigration and Customs Enforcement (ICE) and, of those bookings with ICE holds, almost 87 percent were arrested and booked on new charges (see Figure 23).

Figure 22. Admission Types for Bookings with California State Prison Holds



**Other includes bookings with multiple admission types, such as FTA, Parole or Probation Violations, and new arrests.*

Figure 23. Admission Types for Bookings with ICE Holds



**Other includes bookings on Parole or Probation Violations, as well as booking with multiple admission types.*

3.4 Length of Stay in Custody

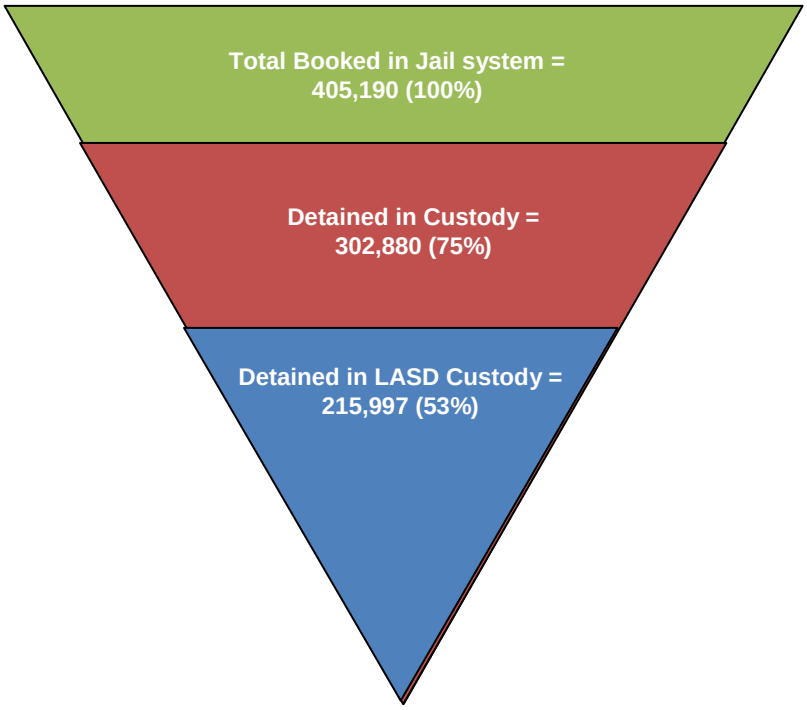
One of the focuses of this project is the length of stay in custody for booked individuals. In this report, we took a preliminary look at this topic / subject, and will pursue it further in an upcoming report.

As discussed in the Methods section, we calculated four different measures for length of stay. For this preliminary examination of length of stay, we examine the *physical* length of stay for those who spent time *only in the custody of LASD.* As noted in Section I, Vera recoded housing locations in the AJIS database to distinguish between legal and physical custody status. When calculating length of stay of those in custody, we focused on whether booked individuals spent any time in the custody of the LASD, at either the eight jail facilities or in Sheriff's substations. While we understand that the LASD stations are not permanent housing locations, we chose to include them in our analysis because LASD resources are presumed to be spent on housing inmates (even for short amounts of time) therein. Our upcoming report on case flow and detailed lengths of stay, we plan to further disaggregate this population by (i) those who spent time in non-permanent housing only (or temporary housing) such as LASD stations or IRC booking areas (those without permanent housing assignments); (ii) those who spent time in one of any 7 facilities; and (iii) those who spent time in the Mira Loma Detention Center. [32] As our focus is on resources expended by the County, we exclude time spent in the custody of other agencies prior to transfer to the custody of the LASD. This means that the time that the defendants may have spent in local police lock-ups are not presented here. Future reports will examine both legal and physical custody in greater detail. Legal lengths of stay are probably longer than physical lengths of stay for those who were booked by agencies other than LASD or who were enrolled in CBAC program.

Figure 24 shows that, of those booked in 2008, roughly one quarter were released on the day of arrest, leaving three quarters of them in custody for at least one night. Of those who were held overnight regardless of where they were booked into custody, 71 percent were eventually housed in the LASD locations (53 percent of all bookings in 2008).

[32] It is possible that an inmate may spend time in multiple LASD locations. Owing to this, we also plan to examine the Mira Loma population in greater detail, as many such detainees serve an imposed sentence before their transfer to Mira Loma for deportation hearings.

Figure 24. Bookings by Custody Status

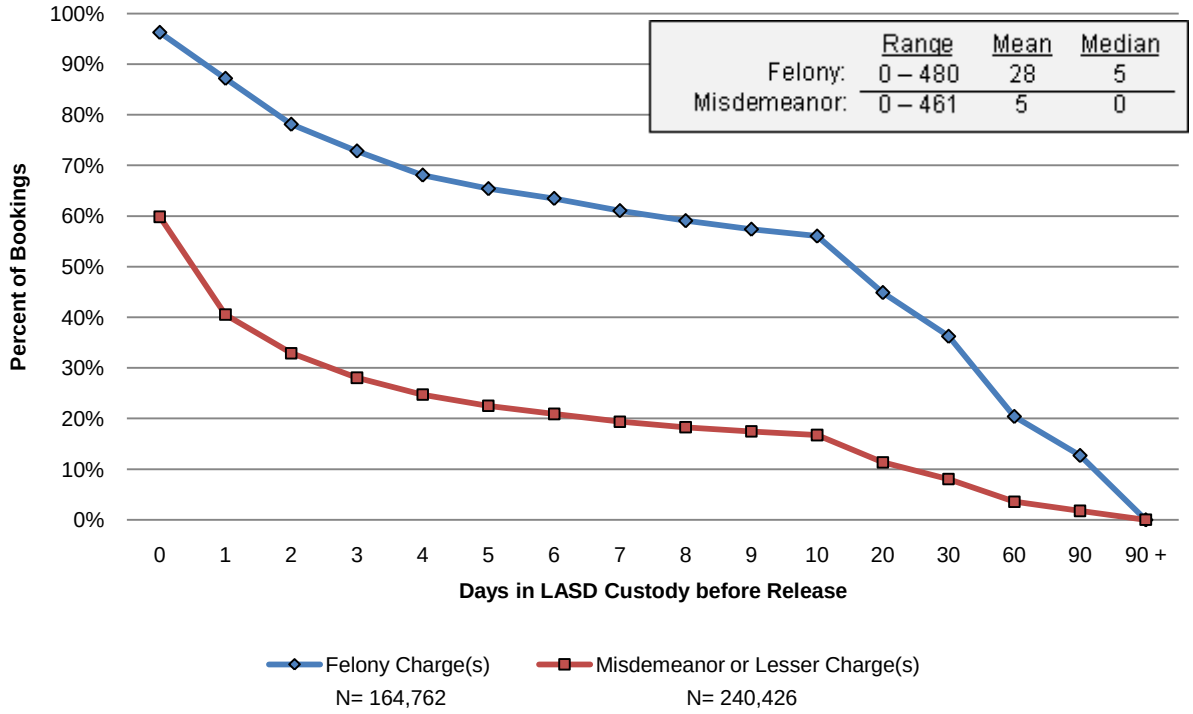


3.4.1 Length of Stay in LASD Custody by Offense Level

We examined the relationship between offense level and category and length of stay. Because a person may be charged with multiple offenses, at either the felony or misdemeanor level, we separated bookings by the presence or absence of felony charges at arrest. Of those who were booked in or transferred to LASD custody (266,233),[33] 46 percent had at least one felony level charge. Less than five percent of those charged with felonies were released on the day of their arrest. Of those with misdemeanor or lesser charges at arrest, nearly 40 percent were released on the day of arrest. Figure 25 below displays the percentage of inmates detained in custody by day of release, by offense level.

[33] This figure includes those who were booked at the LASD stations and County jails but may have been released on the day of their arrest.

Figure 25. Nights spent in LASD Custody by Charge Level



Of those who were not booked or transferred to the custody of the LASD, 94 percent were released on the day of their arrest and did not spend any nights in custody. An additional four percent of these arrestees were released after spending one night in custody.

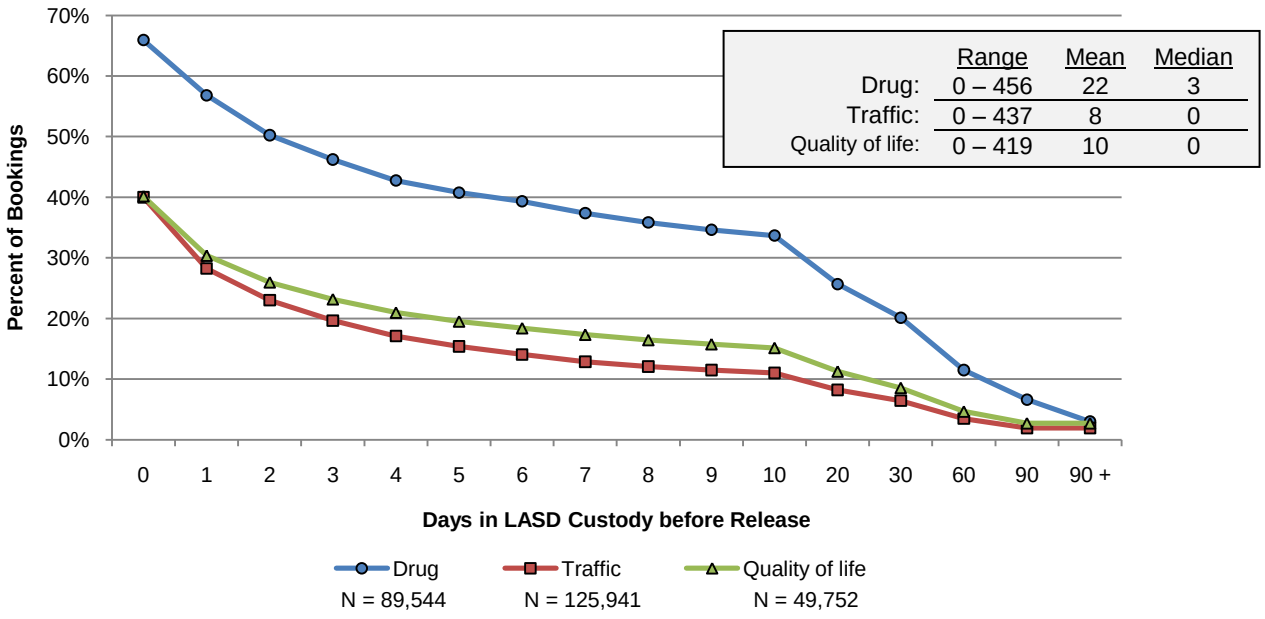
3.4.2 Length of Stay in LASD Custody by Offense Category

We further examined how length of stay in custody varied by the category of offense. The nine offense categories discussed above—drug, property, persons, weapon, traffic/vehicular, public order and quality of life, administrative, status type offenses and violations, and other offenses—were further consolidated into three separate groups for comparison purposes. Group 1 consists of drug, traffic and public order and quality of life offenses.[34] Such offenses are heavily influenced by law enforcement policy or practice. Group 2 consists of offenses against persons, property and weapons offenses. The frequency of such offenses is not generally influenced by the level of law enforcement. Finally, Group 3 consists of administrative offenses, status-type violations (e.g., immigration or parole violations), and all other offenses.

[34] Offenses in Group 1 are offenses commonly referred to as *mala prohibita* offenses – actions or conduct that constitute unlawful acts by virtue of statute or law. Those in Group 2 are referred to as *mala in se* – conduct, such as murder or rape, considered to be inherently wrong in nature, outside of regulatory mechanisms.

Figure 26 below displays the days spent in Custody before release for Group 1, drug, traffic and public order or quality of life offenses. As the chart shows, roughly two thirds (60 percent) of bookings on either traffic or public order offenses are released on the day of booking or transfer into LASD custody. By contrast, just thirty-five percent of those arrested for drug offenses are released on the day of booking or transfer into LASD custody. In fact, nearly 40 percent of those arrested on drug offenses spent seven nights in LASD custody and one third remained in detention for at least ten nights.

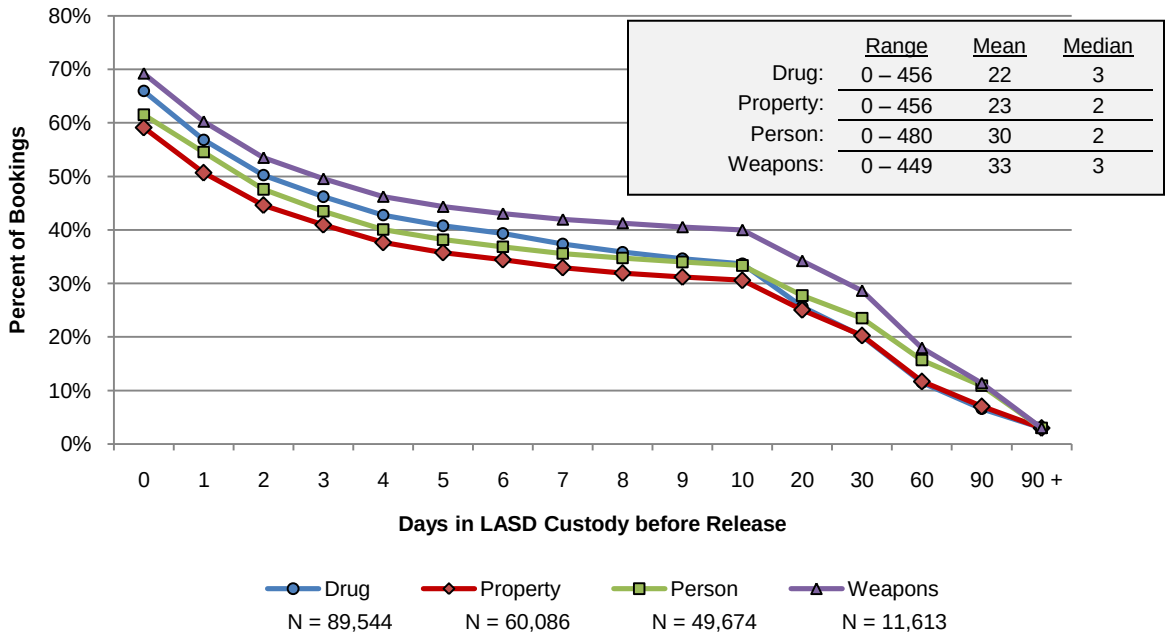
Figure 26. Days in LASD Custody before Release: Drug, Traffic and Public Order Offenses



A much smaller percentage of the second group of arrestees, charged with property, persons and weapons offenses, were released on the same day as their booking or transfer into LASD custody. Roughly 40 percent of those arrested on property offenses were released without spending a night in custody, 38 percent of bookings for offenses against persons and 31 percent of those charges with weapons offenses were released on the same day. We added a drug offense line as a reference point (see Figure 27). It can be seen from Figure 27 that those charged with weapons offenses spent less time in custody than those charged with drug offenses in general.

After ten nights in custody, 40 percent of those charged on weapons offenses remained in custody, one third of those charged with offenses against persons remained in custody, and just over 30 percent of those detained on property offenses remained in LASD custody.

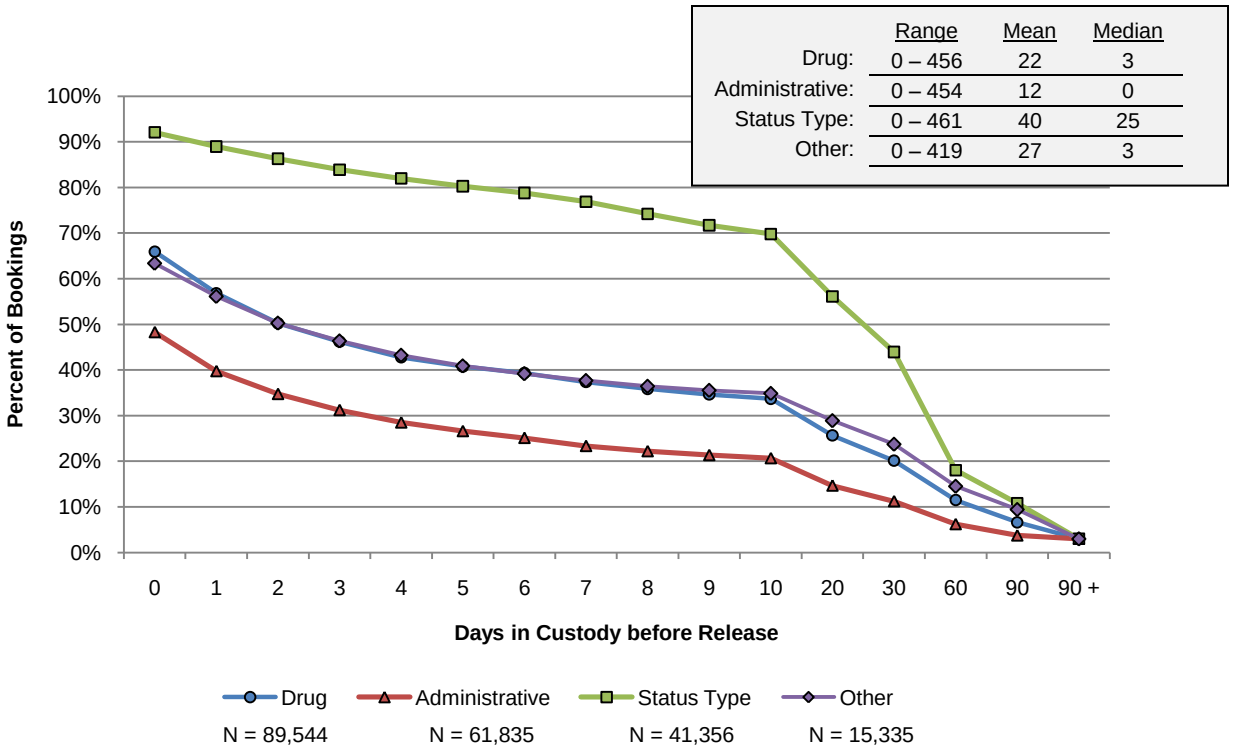
Figure 27. Days in LASD Custody before Release: Property, Persons and Weapons Offenses



Finally, those charged with Group 3 offenses—administrative, status-type and other offenses—varied in the time spent before release from custody. Just eight percent of those arrested on status offenses, including parole and probation violations, were released on the day of their booking or transfer into LASD custody. Comparatively, nearly 52 percent and 37 percent of those arrested on administrative and other offense types, respectively, were released on the same day as their booking or transfer into LASD custody.

A higher proportion of those arrested on status offenses were detained for longer periods than those arrested on administrative or other offenses. Nearly 70 percent of those detained on status offenses remained in LASD custody after ten nights, compared with 35 percent of those charged with other offenses and 21 percent of administrative offenses (see Figure 28).

Figure 28. Days in LASD Custody before Release: Administrative, Status and Other Offenses



3.4.3 Length of Stay by Admission Type

Finally, Vera calculated lengths of stay in LASD facilities by the type of admission to custody. Table 22 below displays the average and median lengths of stay by the most common admission types. Arrests on new offenses only (which do not include parole or probation violations and failure-to-appear charges) were the most common type of admission, at over 83 percent of all bookings. The average length of stay for this group was 12 nights in custody; however, the median length of stay was zero nights in custody. Individuals booked and brought to LASD custody for probation and parole violations spent significantly longer in jail: those booked on parole violations spent an average of 29 nights in jail and those booked on probation violations spent an average of 18 nights in jail. Individuals on parole who were arrested for a new offense spent even longer in jail. Although this group comprised just three percent (13,266 bookings) of all bookings in 2008, they had an average length of stay in LASD custody of 57 days and a median length of 40 days.

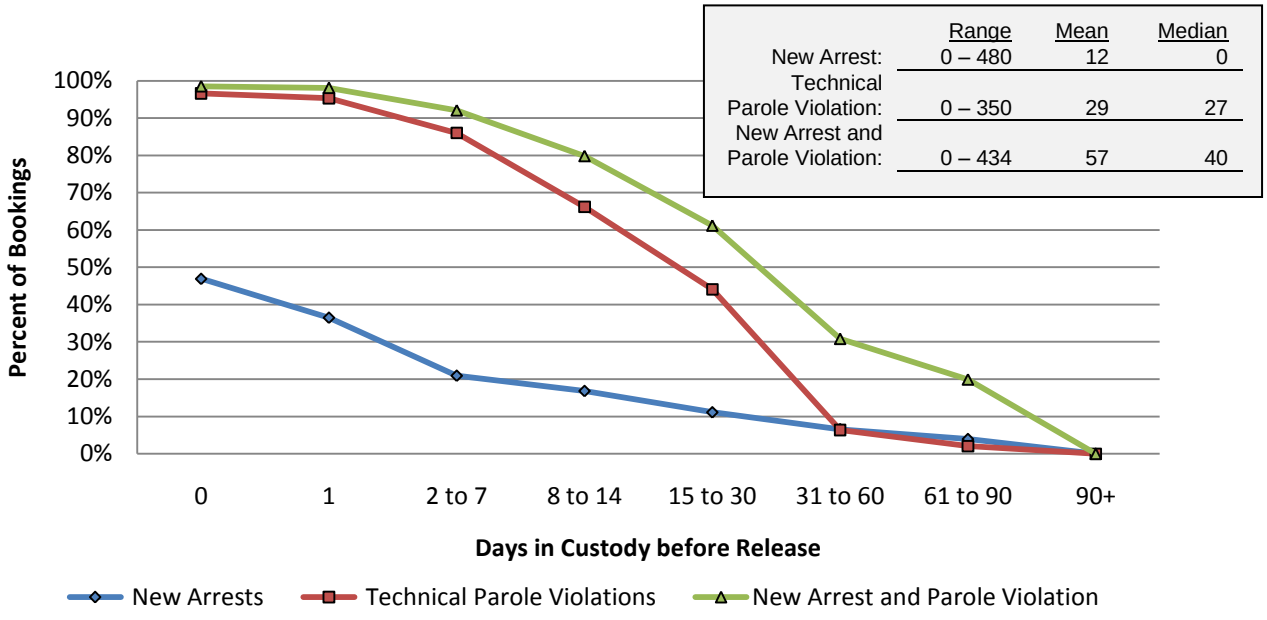
Table 22. Length of Stay in Days for those in LASD Custody only, by Admission Type

Admission Type	Number	Percent	Mean LOS	Median* LOS
New Arrests Only	338,095	83.4%	12	0
New Arrests and Other (includes FTA/Parole and Probation Violations)	38,860	9.6%	33	10
Failure-to-Appear (FTA)	15,730	3.9%	1	0
Parole Violation Only	10,569	2.6%	29	27
Probation Violation Only	1,433	0.4%	18	2
Parole Violation and FTA	448	0.1%	27	23
Probation Violation and FTA	51	0.0%	26	9
Extradition	1	0.0%	167	n/a
Probation Violation, Parole Violation and FTA	1	0.0%	3	n/a
Total	**405,188****	**100.0%**		

** The median is the middle value of an ordered set, where half of all values occur above the median value and the other half fall below the median value.*
*** Note: Two bookings were missing charge information.*

As Figure 28 below illustrates, over half (53 percent) of admissions on new arrests were released on the day of booking or transfer to LASD custody, while just three and two percent of arrests on violations and violations with new offenses were released on the same day. Almost half (44 percent) of those arrested on parole violations alone spent more than 30 nights in jail before release, while nearly two thirds (61 percent) of those arrested on violation and new offense charges spent more than 30 days in jail. Notably, one fifth of admissions on parole violations and new offenses were detained for more than three months in the County jail system.

Figure 29. Days in Custody by Admission Type: New Arrests, Technical Parole Violations, Parole Violation with New Offense



4 SUMMARY, REMAINING CHALLENGES, AND NEXT STEPS

4.1 Summary

Vera's administrative data analysis efforts to date have been focused on profiling inmates to determine their characteristics, offenses, and lengths of stay in custody. This provides general information about all of the individuals booked in Los Angeles County during the calendar year 2008. We examined key characteristics of the population as a whole, including demographics, admissions and releases from custody, arrest charge characteristics, and length of stay indicators.

To summarize, our analysis identified a total of 405, 190 jail bookings in Los Angeles County during 2008. A look at the characteristics of the booked population identified some important findings. Similar to the national trend on jail admissions,[35] 81 percent of the booked population was male. Unlike national trends, we found Hispanics were the most common racial/ethnic group booked in 2008 (50%), most likely reflecting the fact that almost half of the County population was Hispanic. Blacks were overrepresented in jail (26%) compared to the County's Black population of just nine percent. Whites were underrepresented (19%) relative to their County population of 29 percent. Almost one third (30%) of bookings were of defendants between the ages of 18 and 24, with the average age of 33 years. Gang association was prevalent in over one tenth (12%) of defendants booked; however, only three percent of the population was classified as maximum security. Most of the booked population was classified as medium security (41%).

The impact of LASD and LAPD on the number of arrests and bookings were significant. The LASD accounted for 34 percent of all arrests, and the LAPD for 27 percent, dwarfing the impact of other law enforcement agencies on the jail population. The LASD also bears the brunt of the booking resources, processing the largest number of bookings in the County (43 percent of all bookings). These numbers signal the fact that changes in LASD and LAPD policies regarding the use of and discretion around citations and bookings would have the largest impact on the jail population.

Individuals arrested on a new offense were the most common type of admission to custody (over 83%). When examining release trends we found that the most common release reason was for a citation (24%), followed by release to other authority (18%), and release on own recognizance (11%). Pretrial defendants were most often released on citation (48%), followed by release on own recognizance (22%), and then bond (18%). It is important to note that only 3% of defendants released pretrial were released on bail.

Our analysis of offense classification found that the majority of bookings had only one charge at arrest (69%). The majority of bookings were for misdemeanor level offenses only (53%), followed by bookings for at least one felony level charge (40%). The majority of all charges were for misdemeanors (61%), followed by felony offenses (34%). A closer look at the type of the offenses charged indicated that over 70% involved traffic, vehicular, drug and administrative offenses. We further examined the level of offense (misdemeanor vs. felony) and found misdemeanors made up approximately 90% of traffic,

[35] Source: Minton, T. D. & Sabol, W. J. (2009). Jail Inmates at Midyear 2008 – Statistical Tables. Bureau of Justice Statistics. U.S. Department of Justice, Office of Justice Programs.

quality of life, and administrative charges. Not surprisingly, the majority of serious charges were at the felony level and included drug (60%), property (68%), person (63%) and weapons (78%) offenses.

When examining the amount of time spent in custody we found three quarters of inmates spent at least one night in custody. Individuals charged with a misdemeanor offense were often released on the day of the arrest (40%), while less than 5% of felony bookings resulted in same-day release. In addition, probation and parole violators spent significantly longer time in custody than individuals booked on a new arrest. This issue will be addressed further in an upcoming report.

4.2 Remaining Challenges

4.2.1 Consolidating Information to the Individual Level

Vera understands that there are groups of individuals who disproportionately consume County resources due to their criminal lifestyles or individual characteristics, such as homelessness or mental illness. Therefore, much of our data analysis needs to be conducted at the individual level. In order to examine criminal history or repeat offenders, we must consolidate booking and court case level data to the individual level. Consolidating this information requires that unique and valid individual identifiers exist in databases used by agencies across the County. In Los Angeles County, there are two fingerprint-based unique individual identifiers: (i) the SID number (also known as the CII number), issued by the State, and (ii) the Main Number, issued by the County. Many databases in the County contain at least one of these identifiers. The first step in consolidating data to the individual level is to examine how many booking records had either a CII number or Main number entered in the record. While over 90 percent of bookings have an SID or Main number entered, this information is not always accurate. In some instances, the CII number may contain obviously incorrect values such as ‘A’, ‘999999’, or spaces that may appear empty to the naked eye.

By consolidating a discrete set of information housed in different databases at the individual level, Vera will be able to conduct analyses and make recommendations based on individual characteristics. We plan to embark on this process in the coming months.

4.2.2 Criminal History Information at the Individual Level

At the time Vera collected data, the CCHRS contained limited criminal history[36] at the individual level using the ‘subject ID,’ an internal identifier used by CCHRS. The CCHRS criminal history contains information outside of the study period, including prior felony or misdemeanor bookings; prior felony and misdemeanor convictions; past bench warrants, arrest warrants, and infraction warrants; and juvenile counts.

[36] Vera requested data for 2007 and 2008, and the CCHRS data obtained were collected in August 2009. Therefore, the criminal history of individuals includes the 2009 data. Vera does not have booking related information for 2009 since it does not belong to the study period.

While comprehensive, the CCHRS criminal history does not provide information on the arrest or conviction charges, or when prior offenses occurred. Vera plans to use criminal history information in CCHRS in conjunction with other individual level information to analyze repeat offenders and criminal history in more detail.

4.2.3 Addressing Absence of Stock Population in Data Analysis

The jail population is ultimately measured by counting the number of inmates at any given time. In order to calculate the jail population at any given time, we need to have at least three pieces of information: (i) the current population in jail, often called the "stock population;" (ii) the number of admissions; and (iii) the number of releases. As discussed in Section II of this report, Vera obtained data on all individuals booked into the L.A. County jail system in 2007 and 2008, allowing us to measure the number of admissions and releases. However, we do not have information on people booked prior to January 1, 2007 and released during the study period, the stock population. This stock population, who were arrested prior to the beginning of our study period, may be comprised of three groups: (i) people released during the study period; (ii) people released after the study period; and (iii) people detained at the time of data collection. Vera cannot calculate the number of inmates in jail at any given time due to the absence of booking information on the stock population in our data. In this section, we discuss the possible impact of this missing stock population on our results involving release patterns and length of stay.[37]

The AJIS database we obtained shows that there were almost 500,000 bookings in 2008, including juveniles. Presumably due to the large amount of information that gathered in AJIS, all AJIS information is archived three months after an inmate is released. This means that, in order to collect two calendar years worth of booking data, the LASD likely used both AJIS and their database of archived information, the History Automated Justice Information System (HAJIS) which may have complicated the data collection process.

4.2.3.1 Impact of Missing Stock Population on Data Analysis

The results of our data analysis were impacted by the missing information on the stock population in AJIS. The absence of Group 1 (those arrested before the study period then released during the study period) distorts inmate release patterns as they are not included in the data we received. The impact is even more pronounced at the beginning of the study period as our analysis of length of stay in custody found that roughly one quarter of bookings were released on the same day as arrest, indicating that approximately 75 percent of arrestees spent at least one night in custody.[38] Of those who remained in

[37] The AJIS and CCHRS data show that all bookings in 2008 were released by June 30, 2009. However, there are 255 bookings in 2007 with lengths of stay in LASD facilities exceeding 18 months (or 547 days followed up until June 30, 2008), suggesting that there may be bias in either data collection or data validation. There are several possible explanations. First, bookings in 2008 with lengths of stay over 18 months did not meet our data validation criteria and were therefore excluded from our data analysis. Second, they were not included in the data Vera received. Third, no bookings in 2008 stayed over 18 months in LASD custody.

[38] We used the arrest date and release date to calculate the number of nights spent in custody. Therefore, it is possible that someone arrested at 11:50pm but released 15 minutes later will be classified as having spent one night in custody. In our upcoming report examining case flow, we plan to examine the number of hours spent in custody for those with a short custody period (i.e. up to 72 hours).

custody, almost three quarters spent some time in LASD facilities, including local LASD stations and the Mira Loma facility.

When we examined the number of nights spent in custody in more detail, we found that almost 70 percent of those detained individuals were released by the tenth night in custody, and over 90 percent were released within three months. Less than two percent of booked individuals stayed more than 180 days in custody. Therefore, the influence of the missing stock population seems to dissipate drastically over time, decreasing our concerns for bias.

The absence of Groups 2 and 3 will be most pronounced on the calculation of length of stay as these individuals would have spent a minimum of 30 months in custody,[39] but are not included our analysis. We believe that there are very few of such individuals as our analysis revealed that few individuals were detained for more than 365 continuous days.

4.2.3.2 Plans to Estimate the Impact of Missing Stock Population

While AJIS data lacks information on the stock population, CCHRS data does contain information on this group. On January 1, 2007, there were 24,129 bookings in custody with arrest dates earlier than January 1, 2007. Of the 24,129 bookings, only 192 bookings were found in AJIS, which indicates difficulties in collecting data using an archived database. However, it is impossible to examine time spent in *physical* custody using CCHRS because housing-related information is found only in AJIS.

Vera can estimate the impact of the stock population in two key areas: (i) length of stay and (ii) release patterns. First, Vera will examine the total number of nights spent in custody by the stock population using CCHRS, which will provide an estimation of time spent in *legal* custody (time from arrest to release). However, because data on the stock population is not in AJIS, we are unable to measure time spent in the physical custody of the LASD or time spent in the CBAC program (where offenders are under the legal custody of the LASD, but are not physically detained), nor are we able calculate days spent in local lock-ups before transfer to LASD facilities. Using *legal* custody as the unit of measurement may lead to an overestimation of length of stay in custody of this population. Despite this, an estimation of the length of stay in legal will provide information on general release patterns.

Second, we can examine the impact of the stock population in 2007 on the pattern of releases in 2008. Because there is no reason to suspect that individuals arrested in 2007 will have significantly different release patterns from those arrested in 2008, we can extrapolate the pattern of releases in 2008 from the patterns in 2007. As over 99 percent of individuals were released within a year of booking, the impact of the missing stock population will be significantly diminished on our analysis of 2008 data.

4.2.4 Linking Booking and Court Case Related Information

One of the primary goals of this project is to examine case processing time for various groups of defendants and use this information to devise recommendations to decrease the size of the jail population. Using case flow information, Vera also plans to estimate the proportion of the custodial population that is

[39] We were able to follow up the release date of the inmates until June 30, 2009 to calculate length of stays.

detained both pretrial and post-disposition. To do this, it is critical that we link as many bookings to court cases as possible, and offer plausible explanations for the bookings or court cases which cannot be linked back to their corresponding records.

Analyzing case flow is a multi-staged process. First, Vera must match bookings to the related court case(s). Second, once bookings and court cases are matched, Vera will link inmate and offense characteristics to examine the factors influencing case flow and the number of days spent in jail. These factors may include:

- Inmate demographic characteristics;
- Special needs, such as mental illness;
- Offense charge codes and characteristics, including gang affiliations;
- Inmate criminal history;
- Pretrial release status or types of releases;
- Bail amount set; or
- Hold requests from other agencies.

Third, Vera will to categorize the case event codes in PIMS into two groups: (i) universal milestone case proceeding codes and (ii) substantive case event codes. Our coding scheme is discussed in more detail later in this section. Delineated below are Vera's efforts to date in matching bookings and court cases in various databases, current matching rates, and our plans to increase matching rates and understand the reasons for unmatched court cases. Using AJIS, CCHRS, PIMS, and the Los Angeles Office of the City Attorney's Criminal Cases Management System (CCMS), Vera has tried to match as many bookings and court cases as possible. However, the current rates of matching among databases range from 60 to 70 percent. Initially, Vera attributed these low matching rates to the "many-to-many" relationship between bookings and court cases; that is, one booking may generate more than one court case and one court case may have multiple defendants, each with different booking numbers.

4.2.4.1 Steps Taken: Creating a Master Index Table

In order to address the "many-to-many" relationship, we created a master index table with all bookings and court case numbers gathered from various databases. Our intention was to use this table to match bookings and court cases together. After creating a master index table using AJIS, CCHRS, and PIMS, we re-matched court cases and bookings, increasing the matching rates by an additional 10 percent. Table 23 shows the rates of matching between bookings and court cases. Of the total unique court cases found in the CCHRS (625,979 cases), almost 30 percent could not be located in any of the databases. Given that almost 44 percent of matched court cases were found in all three major databases, we concluded that the remaining 30 percent of court cases were not matched due to missing or incorrect information.

Table 23. Matching Rates between Court Cases and Booking Numbers

Description	Number	Percent
Unique Court Case Number In CCHRS	625,979	100.0%
Court Case Not Linked to Booking Number in any Databases	185,757	29.7%
Court Case Number Matched with Booking Number in AJIS	16,590	2.7%
Court Case Number Matched with Internal CCHRS Booking Table	2,445	0.4%
Court Case Number Matched Both with AJIS and CCHRS Booking Tables	77	0.0%
Court Case Number Matched with PIMS Using Booking Number	1,815	0.3%
Court Case Number Matched both with AJIS and PIMS Booking Tables	73,663	11.8%
Court Case Number Matched both with PIMS and CCHRS Booking Tables	153,125	24.5%
Court Case Number Matched with all AJIS, PIMS, CCHRS Booking Tables	192,507	30.8%

4.2.4.2 Possible Reasons for Low Matching Rates between Bookings and Court Cases

Many records in AJIS, CCHRS and PIMS were missing key pieces of data, such as a court case number or booking number, which can hinder the ability to match booking information to court case information. Three examples of missing identifiers were of concern to Vera researchers: (i) many court case numbers were missing in the AJIS; (ii) booking numbers are not consistently found in PIMS, the database used by the District Attorney's office; (iii) bookings numbers found in the table containing court case information in CCHRS are not consistently found in AJIS.

There are several possible reasons why some bookings or court cases were not matched or found in any of the databases. First, those released on citation may have been booked but released before obtaining court case numbers, or they were never booked but court cases were filed. After discussions with our partners in L.A., Vera learned that inmates may be released before obtaining a court case number. In such a case, because the LASD staff are primarily concerned with bookings and releases from their custody and not the progress on court cases, staff have little reason to go back to the record of the released inmate after a court case number is assigned and update case information. Second, a percentage of these unmatched records may be due to human error when entering booking or court case numbers into the databases. Third, information on booking numbers or court cases may not have been available at the time the data was entered into the system. For example, the staff filing cases at the Court or at the various prosecuting agencies may not have current booking numbers (only case numbers) or the staff at the location of booking may not have a court case number at the time of booking. Finally, when the information does become available (i.e., when a defendant is assigned a case number), the information is not updated at the Court or at prosecuting agencies.

Currently, there is no reasonable way to estimate what exactly may be contributing to the low matching rates between court cases and booking numbers. Only by understanding the reasons for unmatched bookings and court cases can we be sure that our analysis does not leave out an important segment of the population that may influence our understanding of the system's operations.

4.2.4.3 Plans to Examine Non-Matched Bookings and Court Cases

In an effort to understand why nearly 30 percent of court cases cannot be linked back to the bookings, Vera will investigate further how the data are entered and managed by each agency. In addition, Vera will

compare key variables in different databases based on the whether or not bookings are linked to court cases using various indicators, including:

- Length of stay in physical custody;
- Existence of fingerprint-based identifiers (SID/CII number or main number);
- Arrest offense charge level;
- Arrest offense charge category: drug, persons, property, etc.;
- Pretrial release status; and
- Demographic characteristics of inmates.

4.2.5 Accessing Case Flow Information

Vera plans to use PIMS and TCIS to examine case processing in detail. Both databases contain specific event codes that indicate the type of proceedings that occur in court. However, two main challenges exist in using the TCIS and PIMS event codes to examine case flow. First, the TCIS event codes are entered by court clerks based on their *expectation* of what will happen at the next proceeding, rather than accounting for what proceeding actually took place. Therefore, it is possible that the TCIS event codes may not accurately reflect the actual nature of the proceeding. Second, when data are transferred from the Court's database (TCIS) to the District Attorney's database (PIMS), the specific codes used in TCIS are translated to a different set of codes used in PIMS. During this translation process, detailed information may be lost. For example, some of the TCIS codes are translated to a 'miscellaneous' code in PIMS that is used as a 'catch-all' for various proceeding types.

4.2.5.1 Steps Taken: Understanding and Coding the PIMS Events Codes

The Vera Project Team consulted with our partners in the D.A.'s office on multiple occasions to understand the PIMS event codes. Based on our conversations, we began coding the PIMS event codes into two large categories: (i) universal events that occur in sequence for *all* cases and (ii) substantive events that occur only in particular cases. Universal milestone event codes include arraignment, preliminary hearing, disposition, plea, and sentencing; substantive event codes include hearings based on characteristics of the defendant, offense charges, compliance status (i.e. failure to appear), and so on.

4.2.5.2 Plans to Code the PIMS and TCIS Data

Since many of the universal milestone events occur in a particular sequence,[40] Vera will first group the PIMS data using the universal codes only. Vera will then use the universal milestone dates to count substantive event proceedings between the court milestone events. Vera will repeat this process using the TCIS data, if possible.[41]

4.2.6 Estimating Inmates with Mental Illness

[40] Our coding and grouping of data will reflect the fact that a defendant may enter into a plea agreement at any time after arraignment but before conviction.

[41] Currently, Vera has no information on the TCIS database structure which will determine the appropriate course of data analysis.

We understand that there is significant interest in examining the impact of defendants with mental illness on the jail population and resources. Those who are diagnosed with mental illness(es) often consume more resources across the criminal justice system than those who are not. For example, defendants with mental illness are often (or need to be) housed in separate facilities or divisions within a facility to allow for closer supervision, evaluation and treatment. Vera has been working on the best approach to estimate and examine this special population. We also plan to analyze inmates with physical health needs.

4.2.6.1 Steps Taken: Special Handling Codes and Inmate Housing Locations

To estimate the size of the population within the jail system with mental illness(es), Vera examined two elements in the AJIS data: (i) special handling codes and (ii) housing assignments.

Special handling codes are assigned at booking by the LASD to designate how inmates should be treated, housed and transported, and are used means of ensuring the safety of both the offenders and LASD personnel. Such codes are not used for medical purposes. Vera identified two codes with which to examine this subpopulation: one that assigned to inmates who are diagnosed with or present symptoms of mental illness and have the potential to be assaultive, and a second code assigned to those who have made suicide attempts or have been deemed to be at risk of attempting suicide. In 2008, 10,781 inmates were classified as having a mental illness using special handling codes, representing just 2.7 percent of people booked into the L.A. County jail system. Another 446 inmates were classified as suicidal. This number differs vastly from anecdotal estimates, ranging from 15 to 40 percent, that the Vera Project Team was given during the course of interviews and communications with staff from the LASD, the Department of Mental Health (DMH), Public Defender's Office, Prosecutor's Office, and judicial officers.

There are several issues in using special handling codes alone to estimate the size of the mentally ill population, however. Because special handling codes are used primarily for the purpose of identifying inmates who require special housing and transportation, they are regularly overwritten when inmates no longer require these conditions. When an inmate needs to be housed separately from the general population due to mental illness, he or she is coded as "M" using these special handling codes. Once DMH staff determines that these symptoms have subsided, the inmate can be housed with the general population regardless of whether they receive medication, and the code in AJIS is overwritten. Thus, the special handling codes reflect only the number of inmates classified by DMH as presenting symptoms of mental illness and who need to be housed separately *at the time of data collection*.

The second element used to estimate this subpopulation, inmate housing assignments, underestimates this population as well. The jail has particular housing locations reserved for people receiving physical or mental health treatment. Vera obtained housing codes for the locations where inmates with mental illness are housed from our contacts and analyzed them to estimate the size of the population with mental illness. However, using locations as a proxy measure of mental illness has the potential to exclude inmates with mental illnesses who are *not* housed in separate locations in the jails (likely because their symptoms are stable under medication or otherwise), as well as to exclude inmates with mental illness who are released from custody before receiving a permanent housing assignment.

While it is probable that the majority of the population with significant mental illness would have spent some time in separate locations, this information is not regularly collected or circulated in the County.

There is a great deal of anecdotal evidence concerning this special population, some of which we presented in our recent *Interim Report on Mental Health Court and Proceedings*. We will continue to try to obtain the data we need to empirically assess the validity of the anecdotal estimates given to the Vera Project Team.

4.2.6.2 Plans to Estimate Inmates with Medical Needs

In order to examine inmates with mental illness and other medical needs, Vera made two additional requests for data:[42]

Medical Information System (MIS) Database (Department of Mental Health)
This database contains detailed mental health information collected by DMH. However, much of the data are entered in a narrative or text format and are not entered in a standardized data format, making it difficult to collect data using conditional queries. The MIS data also maintains records based on booking numbers but not CII numbers (which are unique to the individual, no matter how many times that individual is booked), hampering DMH's ability to count the number of *patients* served as opposed to the number of sessions conducted by DMH staff. To address these challenges, Vera requested that DMH provide: (i) booking numbers of inmates diagnosed with mental illness(es), which Vera will then link to AJIS, CCHRS, PIMS and other databases to examine arrest charges, case processing, and prior criminal history, among other variables; and (ii) samples of weekly and monthly reports that contain aggregate figures of the population with mental illness.

Jail Health Information System (JHIS) Database (LASD)
This database contains limited mental health information in addition to other physical health-related information. The JHIS database is maintained by an outside vendor, Oracle (formerly Sun Microsystems), and not by LASD, presenting additional complications and costs. In order to access JHIS data, staff at LASD must first receive internal approval to collect data, then schedule a data collection period with Oracle, and finally, pay a fee to Oracle to access and collect the data. Additionally, because they do not maintain the database internally, staff at LASD have limited knowledge of the structure and format of JHIS data. This may impede or slow the data collection and validation process.

To minimize the financial and human resources spent on collecting the JHIS data, Vera requested booking numbers of inmates who were diagnosed with (i) a communicable disease; (ii) a chronic illness; (iii) inmates who have other medical impairments, such as a physical disability, or (iv) received medication for a chronic illness. If it is not feasible to collect booking numbers given the limited resources and time, Vera may request monthly aggregate numbers of bookings based on the conditions specified above.

4.2.7 Unifying Offense Codes Used by Different Agencies

The District Attorney's Office, the LASD and ISAB each enter offense codes differently in their respective databases. For example, PC1000A can be stored as 'PC1000(A)' in database A, but '1000(A) PC' in database B, and something different in database C. While records from PIMS may be matched to

[42] This method does not fully address issues related to false positives and negatives; this will likely require detailed qualitative analysis which is beyond the scope of this project.

records in AJIS using identifiers, variation in the use of offense codes makes it difficult to compare charges at arrest (found in AJIS) and charges at filing (found in PIMS), for example, which could be used to examine phenomena such as charge and plea bargaining. Vera is currently able to match only a relatively low rate (80 to 90 percent) of offense codes between the three databases. To increase matching rates, we have been correcting obvious errors in data entry and plan to create a unified offense code table which can be linked to different databases. Due to the sheer number of different offenses and coding formats, we expect this to be a labor intensive process.

C. NEXT STEPS

In the coming months, Vera plans to complete several objectives to move towards our long-term goals of examining case flow and identifying system-wide inefficiencies in the Los Angeles County jail system.

Our first task will include composing a memo describing our experiences using the County's administrative database systems for the purpose of data analysis. The memo will contain a brief database systems assessment and possible recommendations to aid the flow of information and increase the utilization of the rich databases the County agencies currently maintain.

In addition, Vera will work on accessing case flow information to prepare a case processing report. To achieve this goal, we will start coding PIMS's universal court events to obtain arraignment date, trial state date, adjudication date, sentencing date, and plea date.[43] This will calculate both the time elapsed and the number of other proceedings between these universal case processing events.

Vera will also examine whether and how defendant characteristics, offense characteristics, and prior criminal history impacts case flow and length of overnight stays. Based on the PIMS court event codes and our conversations with L.A. partners, Vera will pay particular attention to the factors below when we examine case flow:

- Diversion opportunities;[44]
- Hearing on violation of conditions other than probation or parole;
- Probation violation court cases or hearing;
- Parole violation court cases;[45]
- Drug Court;
- Proposition 36;
- Mental competency hearing;
- Gang crime;
- Early Disposition Program (EDP);[46]

[43]We understand that due to the way the TCIS is coded, there may be more than one arraignment date for a court case. Anticipating multiple occurrences of these key events, Vera may denote start and end dates for universal court events.
[44] Vera is currently inquiring about the types of diversion available in L.A. County.
[45] While parole violators may not go through hearing, the PIMS codes and CCHRS court case type separate parole violation court cases.
[46]Due to lack of information in PIMS and TCIS, we are exploring whether Adult Probation System (APS) data may be used to find out participation status of EDP.

- DNA sample order status; and
- Pretrial release status and mechanism.

Concurrently with the case flow analysis, we plan to conduct descriptive analysis to compare bookings matched with court cases and bookings unmatched to court cases. This will help Vera to understand and formulate probable reasons for why some bookings cannot be matched with court cases. Some of the key comparison variables we anticipate using include:

- Number of jail bed days in physical custody;
- Existence of fingerprint-based identifiers (SID/CII number or main number);
- Arrest offense charge level;
- Arrest offense charge category (e.g. drug, persons, property, etc.);
- Pretrial release status and manner of release; and
- Inmate demographic characteristics.

Using this information, Vera will produce a case flow report discussing what might impact lengths of stay and case processing. In the report, we plan to share conclusions derived using various techniques: quantitative data analysis, interviews and focus groups with agency managers and line staff, examination of written policies and procedures, examination of existing literature in best practices, and conversations with experts in the field.

In addition to case flow, Vera also plans to examine system inefficiencies and segments of the arrestee or inmate population warranting a closer examination based on our analysis and input from the County including the CCJCC.

Lastly, we hope to present our progress to the CCJCC Jail Overcrowding Subcommittee and receive feedback and advice from the Subcommittee and stakeholders. We also plan to conduct interviews with key stakeholders to discuss the project, challenges, and possible recommendations. These upcoming activities will provide invaluable information to guide the development of initiatives and policies to alleviate jail overcrowding. Our work on this project would not have been possible without the demonstrated resolve of Los Angeles County to address jail overcrowding, and our progress in the coming months will be largely dependent on the continued cooperation of the County and our agency partners as we tackle many of the challenges outlined in this report. We look forward to the second year of this project and eagerly anticipate working closely with our partners to facilitate the results and recommendation phase.

5 APPENDICES

5.1 Arrests and Bookings by Agency and Location

Table A-1. Number of Bookings by Detailed Arresting Agency, Los Angeles County

Arresting Agency	Number	Percent
LAPD	97956	24.175%
Other LASD	21127	5.214%
Long Beach Police Department	18099	4.467%
Superior Court	16033	3.957%
LASD – Lancaster	15407	3.802%
California Highway Patrol	15124	3.733%
LASD – Century	12280	3.031%
LASD - Palmdale	10292	2.540%
State Agencies - Other	9899	2.443%
U.S. Immigration Service	8628	2.129%
LASD - Industry	8025	1.981%
LASD - Lakewood/Cerritos	7627	1.882%
LASD - East Los Angeles	7017	1.732%
LASD - Lennox	6705	1.655%
LASD - Compton	6445	1.591%
LASD - Norwalk	6218	1.535%
Glendale Police Department	5687	1.404%
Pasadena Police Department	5617	1.386%
LASD - Temple	5167	1.275%
Citizens Arrest	4738	1.169%
LASD - Carson	4635	1.144%
LASD - Santa Clarita Valley	4504	1.112%
Pomona Police Department	4337	1.070%
LASD - Pico Rivera	4079	1.007%
Santa Monica Police Department	4012	0.990%
LASD - West Hollywood	4011	0.990%
Burbank Police Department	3778	0.932%
Torrance Police Department	3778	0.932%
Whittier Police Department	3763	0.929%
El Monte Police Department	3584	0.885%
Inglewood Police Department	3380	0.834%
Gardena Police Department	3244	0.801%
Hawthorne Police Department	3006	0.742%
West Covina Police Department	2855	0.705%
South Gate Police Department	2644	0.653%
LASD - San Dimas	2562	0.632%

Covina Police Department	2523	0.623%
Downey Police Department	2514	0.620%
LASD - Malibu/Lost Hills	2413	0.596%
Redondo Beach Police Department	2413	0.596%
San Fernando Police Department	2353	0.581%
California Department Of Corrections	2246	0.554%
Huntington Park Police Department	2179	0.538%
LASD - Altadena	2017	0.498%
Glendora Police Department	1997	0.493%
Montebello Police Department	1879	0.464%
LASD - Lomita	1765	0.436%
LASD - Walnut/Diamond Bar	1755	0.433%
Claremont Police Department	1748	0.431%
Baldwin Park Police Department	1744	0.430%
La Verne Police Department	1648	0.407%
Bell Police Department	1637	0.404%
Culver City Police Department	1552	0.383%
Azusa Police Department	1500	0.370%
Monrovia Police Department	1370	0.338%
Alhambra Police Department	1348	0.333%
Bell Gardens Police Department	1319	0.326%
Arcadia Police Department	1315	0.325%
School District/University Police Department	1310	0.323%
La County - Other Non Lea	1189	0.293%
LASD - Marina Del Rey	1130	0.279%
El Segundo Police Department	1078	0.266%
La Co. Other Law Enforcement	1069	0.264%
Manhattan Beach Police Department	1052	0.260%
Supervision Agency - Probation	969	0.239%
Beverly Hills Police Department	968	0.239%
Monterey Park Police Department	952	0.235%
Maywood Police Department	897	0.221%
LASD - Cerritos	818	0.202%
Signal Hill Police Department	793	0.196%
LASD - Crescenta Valley	681	0.168%
Vernon Police Department	672	0.166%
Hermosa Beach Police Department	631	0.156%
Los Angeles Airport Police Department	614	0.152%
San Gabriel Police Department	571	0.141%
Irwindale Police Department	503	0.124%
South Pasadena Police Department	414	0.102%

Palos Verdes Police Department	376	0.093%
LASD - Avalon	247	0.061%
Other Non-La County Agency	224	0.055%
San Marino Police Department	188	0.046%
Sierra Madre Police Department	154	0.038%
Other Federal Agencies	93	0.023%
Federal Law Enforcement Agencies	38	0.009%
California Youth Authority	27	0.007%
Other	16	0.004%
Non-La County Sheriff Departments	9	0.002%
Non-La County Police Departments	5	0.001%
FBI	5	0.001%
Other Non-La County Law Enforcement	1	0.000%
Total	**405190**	**100.000%**

Table A-2. Number of Bookings by Detailed Booking Location, Los Angeles County

Booking Location	Number	Percent
LAPD	110329	27.229%
LASD/IRT	21054	5.196%
Long Beach Police Department	18090	4.465%
LASD - Lancaster	16423	4.053%
LASD - Century	15547	3.837%
Superior Court	12965	3.200%
LASD - Palmdale	10436	2.576%
LASD/CSD	9539	2.354%
LASD - Industry	8825	2.178%
LASD/Mira Loma	8595	2.121%
LASD - East Los Angeles	7849	1.937%
LASD - Lakewood/Cerritos	7531	1.859%
Other LASD	6761	1.669%
LASD - Lennox	6691	1.651%
LASD - Norwalk	6594	1.627%
LASD - Compton	6176	1.524%
Pasadena Police Department	6127	1.512%
LASD - Santa Clarita Valley	6003	1.482%
Glendale Police Department	5750	1.419%
LASD - Temple	5301	1.308%
LASD - Carson	4672	1.153%
LASD - Pico Rivera	4491	1.108%
Pomona Police Department	4329	1.068%

Santa Monica Police Department	4016	0.991%
LASD - West Hollywood	3998	0.987%
Torrance Police Department	3879	0.957%
Burbank Police Department	3774	0.931%
Whittier Police Department	3759	0.928%
El Monte Police Department	3577	0.883%
Inglewood Police Department	3298	0.814%
Gardena Police Department	3239	0.799%
Hawthorne Police Department	2999	0.740%
West Covina Police Department	2868	0.708%
LASD - Crescenta Valley	2832	0.699%
LASD - Lost Hills/Malibu	2786	0.688%
LASD - San Dimas	2681	0.662%
South Gate Police Department	2638	0.651%
Covina Police Department	2508	0.619%
Downey Police Department	2502	0.617%
Glendora Police Department	2498	0.617%
Redondo Beach Police Department	2404	0.593%
San Fernando Police Department	2340	0.578%
LASD - Walnut	2203	0.544%
Huntington Park Police Department	2177	0.537%
Montebello Police Department	1874	0.462%
Alhambra Police Department	1815	0.448%
LASD - Lomita	1786	0.441%
Baldwin Park Police Department	1784	0.440%
Claremont Police Department	1749	0.432%
Bell Police Department	1651	0.407%
Laverne Police Department	1647	0.406%
Culver City Police Department	1547	0.382%
Azusa Police Department	1500	0.370%
Monrovia Police Department	1369	0.338%
Arcadia Police Department	1312	0.324%
Bell Gardens Police Department	1289	0.318%
LASD/CRDF	1276	0.315%
LASD - Marina Del Rey	1269	0.313%
El Segundo Police Department	1072	0.265%
Manhattan Beach Police Department	1052	0.260%
Beverly Hills Police Department	951	0.235%
LASD - Cerritos	949	0.234%
Monterey Park Police Department	948	0.234%
Maywood Police Department	891	0.220%

Signal Hill Police Department	799	0.197%
Vernon Police Department	671	0.166%
Hermosa Beach Police Department	633	0.156%
San Gabriel Police Department	570	0.141%
School District/University Police	460	0.114%
Palos Verdes Police Department	377	0.093%
Supervision Agency - Probation	336	0.083%
LASD - Avalon	244	0.060%
South Pasadena Police Department	95	0.023%
District Attorney	89	0.022%
Sierra Madre Police Department	65	0.016%
LASD/LCMC	28	0.007%
Immigration and Customs Enforcement	21	0.005%
Other Federal	8	0.002%
LASD – Twin Towers Correctional Facility	6	0.001%
Irwindale Police Department	2	0.000%
San Marino Police Department	1	0.000%
Compton Police Department	0	0.000%
Total	**405190**	**100.000%**

5.2 Offense Categories: General and Specific

Vera coded over 7,000 AJIS arrest charge codes to group them by nine general categories of criminal offenses—(i) drug; (ii) property; (iii) person; (iv) weapon; (v) traffic/vehicular; (vi) public order and quality of life; (vii) administrative; (viii) status type offenses and violations; and (ix) other. These nine broad categories were subdivided into specialized subcategories of offense for further analysis. The table below displays each general category, specialized subcategories, and examples of offenses included in each category.

General Category of Offense	**Specialized Category**	**Includes:**
Drug Offenses	Drug Sale / Transport / Manufacturing / Possession for Sale	All sale, transport, manufacturing, distribution, possession for sale etc. of drugs
Drug Offenses	Drug Possession / Use	Possession or use of drugs
Drug Offenses	Other Drug Offenses	Includes paraphernalia, prescription drug offenses
Property Offenses	Property	All property offenses including theft, forgery, fraud, vandalism etc.
Person Offenses	Sex Offenses (Non DV)	Sex offenses against the person – rape, sexual assault, lewd and lascivious acts, statutory rape (oral copulation, sodomy, penetration v. child/dependent adult), annoy/molest children etc.
Person Offenses	Sex Offenses (DV)	Sex offenses against spouse/partner
Person Offenses	Domestic Violence Offenses (Non-Sexual)	Assault etc. against spouse/partner
Person Offenses	Other Person/ Offenses	Murder, manslaughter, assault, robbery etc.
Weapons Offenses	All Weapons Offenses	
Traffic / Vehicular Offenses	Traffic / Vehicular Offenses	
Traffic / Vehicular Offenses	DUI / Traffic-Alcohol Offenses	
Public Order/Quality of Life Offenses	Public Disorder Offenses	Disorderly conduct, Resisting Arrest, Public Disorder, Riot, Disobey order (municipal authority)
Public Order/Quality of Life Offenses	Quality of Life Offenses	Public disruption, loitering, graffiti, willful interference, willful exposure to disease, annoying phone calls, vending by freeway, violate civil rights, shopping carts, trespass,
Public Order/Quality of Life Offenses	Sex Offenses (Public)	Prostitution, indecent exposure etc.
Administrative Offenses	Court Offenses	Contempt, child support payments, witnesses, jurors
Administrative Offenses	Municipal Code Offenses	
Administrative Offenses	Other Administrative / Regulatory Offenses	Business / professional violations, lotteries, bingo, confidentiality breaches, abandon animal,

		breach animal regulations, food regulations, elections law, environment, recycling/waste, hazardous materials, tax/employer-employee regulations, fish and game regulations, licensing, gambling
Status-Type Offenses	Juvenile / Y.A. Offenses (to be excluded)	
Status-Type Offenses	Gang Offenses	
Status-Type Offenses	Immigration/Citizenship Offenses	Use false documentation to conceal true citizenship
Status-Type Offenses	Parole Offenses	
Status-Type Offenses	Probation Offenses	
Status-Type Offenses	Mental Illness Offenses	
Status-Type Offenses	Sex Offenses	Civil commitment
Status-Type Offenses	Other	Drug related
Other Crimes	Sex Offenses (non-violent)	Sex registration, public lewdness, obscene materials, child pornography, bigamy, incest, threats, failure to report crime, solicitation, slander, conspiracy, false reporting
Other Crimes	Domestic Relations Offenses	Includes spousal/family support
Other Crimes	Hate Crimes	
Other Crimes	All Other Crimes	Wear mask for unlawful purpose/conceal identity, allow minor to drive vehicle, accessory, look-out, abandon child, conspiracy, Prison offenses (escape, unauthorized communication, inhumanity to prisoners, etc.), arrest warrants, urge illegal activity, alter phone message, bribery, unlawful subleasing of motor vehicle, wiretapping, treason, escape

Below are tables presenting the top five most common charges at arrest by each specialized offense subcategory, following the specific categories presented above.

Drug Offenses: Distribution and Trafficking

Statute	Description	Number	Percent
11359HS	Possession Marijuana for Sale	4632	22%
11352(A)HS	Transport/Sell/Etc Controlled Substance	4368	21%
11378HS	Possession Controlled Substance for Sale	3078	15%
11351.5HS	Possession or Purchase Cocaine Base for Sale	2610	12%
11351HS	Possession/Purchase Controlled Substance for Sale	1974	9%
	Subtotal	**16662**	**79%**
	Total	**21090**	**100%**

Drug Offenses: Possession

Statute	Description	Number	Percent
11350(A)HS	Possession Narcotic Controlled Substance	27359	36%
11377(A)HS	Possession Controlled Substance	21087	27%
11357(B)HS	Possess 28.5 Grams or Less of Marijuana	12592	16%
11550(A)HS	Under Influence Controlled Sub	10471	14%
11550HS	Use/Under Influence of Controlled Subs	3054	4%
	Subtotal	**74563**	**97%**
	Total	**76729**	**100%**

Drug Offenses: Other

Statute	Description	Number	Percent
11364HS	Possession Controlled Substance Paraphernalia	11791	68%
11364(A)HS	Possession of Device, Instrument, or Paraphernalia	2825	16%
4140BP	Unauthorized Possession Syringe/Needle	727	4%
4060BP	Possession Controlled Substance without Prescription	327	2%
4573PC	Bring/Send Narcotic/Controlled Substance or Alcohol to Jail	267	2%
	Subtotal	**15937**	**92%**
	Total	**17254**	**100%**

Property Offenses

Statute	Description	Number	Percent
459PC	Burglary	14396	20%
484(A)PC	Petty Theft	8072	11%
487(A)PC	Grand Theft Money/Property > $400	6108	9%
496(A)PC	Receiving Known Stolen Property,>$400	5306	7%
10851(A)VC	Take Vehicle without Owner's Consent	5231	7%
	Subtotal	**39113**	**55%**
	Total	**71307**	**100%**

Crimes Against Persons: Sex Offenses (Non Domestic Violence)

Statute	Description	Number	Percent
288(A)PC	Lewd/Lascivious Acts with a Child under 14 years	812	25%
261(A)(2)PC	Rape By Force/Fear	256	8%
261.5(C)PC	Sex With Minor 3+ Yrs Younger	221	7%
243.4(E)1PC	Sex Battery Touch Intimate Part of Another	220	7%
647.6(A)PC	Annoy/Etc Child Under 18	169	5%
	Subtotal	**1678**	**51%**
	Total	**3260**	**100%**

Crimes Against Persons: Sex Offenses (Domestic Violence)

Statute	Description	Number	Percent
262(A)(1)PC	Spousal Rape by Force, Violence or Fear	32	63%
262PC	Spousal Rape	10	20%
A262(A)1PC	Attempt Spousal Rape by Force, Violence or Fear	6	12%
262(A)(2)PC	Spousal Rape by Use Of Drugs/Intoxicants	2	4%
262(A)(4)PC	Spousal Rape by Threat Of Retaliation	1	2%
	Subtotal	**51**	**100%**
	Total	**51**	**100%**

Crimes Against Persons: Domestic Violence Offenses (non-sexual)

Statute	Description	Number	Percent
273.5(A)PC	Corporal Injury On Spouse/Cohabitant/Etc	15352	57%
243(E)(1)PC	Battery Ex-Spouse/Fiancée/Person with Dating Relationship	7771	29%
242PC	Battery On Non-cohabitating Former Spouse	3324	12%
243(E)PC	Battery Ex-Spouse/Fiancée/Person with Dating Relationship	192	1%
273.5(E)PC	Inflict Corporal Injury on Spouse with Prior	61	0%
	Subtotal	**26700**	**100%**
	Total	**26756**	**100%**

Crimes Against Persons: Other Persons Offenses

Statute	Description	Number	Percent
245(A)(1)PC	Assault with a Deadly Weapon, Not Firearm, W/GBI	6724	27%
211PC	Robbery	5059	21%
243(A)PC	Battery On Person	1745	7%
273A(A)PC	Cruelty to Child Likely to Produce Gross Bodily Injury/Death	1113	5%
243(B)PC	Battery On Police/Emergency Personnel	1027	4%
	Subtotal	**15668**	**64%**
	Total	**24498**	**100%**

Weapons Offenses

Statute	Description	Number	Percent
12020(A)1PC	Manufacturing/Sale/Possession Dangerous Weapon/Etc	2078	14%
12021(A)1PC	Possession Firearm by Convicted Felon/Addict/Etc	1659	11%
12031(A)1PC	Carrying Load Firearm Arm	1027	7%
12020(A)4PC	Carry Concealed Dirk or Dagger	779	5%
12031A2FPC	Carrying Loaded Firearm	694	5%
	Subtotal	**6237**	**41%**
	Total	**15037**	**100%**

Traffic or Vehicular Offenses

Statute	Description	Number	Percent
14601.1AVC	Drive W/License Suspended/Revoked for Other Reason	35356	38%
12500(A)VC	Unlicensed Driver	28057	30%
14601.2AVC	Drive W/License Suspended/Revoked for Drugs/Alcohol	5801	6%
23222(B)VC	Possess Of Marijuana While Driving Vehicle	3081	3%
14601(A)VC	Drive W/License Suspended/Revoked for Reckless Driving	2654	3%
	Subtotal	**74949**	**81%**
	Total	**93011**	**100%**

Traffic or Vehicular Offenses: DUI/Alcohol-related

Statute	Description	Number	Percent
23152(A)VC	Drunk Driving Alcohol/Drugs	43720	64%
23152(B)VC	Drunk Driving .10 Or Above	18828	28%
A23152(B)VC	Attempt - Drunk Driving .10 Above	1682	2%
23153(A)VC	DUI Alcohol/Drugs with Injury	1444	2%
23152(A)VC	DUI Alcohol/Drug with Priors	1049	2%
	Subtotal	**66723**	**98%**
	Total	**68304**	**100%**

Public Order and Quality of Life: Public Disorder Offenses

Statute	Description	Number	Percent
148(A)(1)PC	Obstruction/Etc Pub Officer/Etc	5041	68%
69PC	Obstruction/Resisting Executive Officer	1012	14%
415(1)PC	Fight/Challenge In Public Place	531	7%
148(A)PC	Resisting Officer	303	4%
2800.1(A)VC	Evading Arrest	275	4%
	Subtotal	**7162**	**96%**
	Total	**7453**	**100%**

Public Order and Quality of Life: Quality of Life Offenses

Statute	Description	Number	Percent
647(F)PC	Drunk, Drugs With Alcohol	11601	28%
647(F)PCALC	Drunk, Alcohol	6577	16%
594(A)PC	Vandalism	3187	8%
594(B)(1)PC	Vandalism with Loss Valued at equal or greater than $400	2972	7%
653.22(A)PC	Loitering with Intent: Prostitution	2110	5%
	Subtotal	**26447**	**64%**
	Total	**41469**	**100%**

Public Order and Quality of Life: Public Sex Offenses

Statute	Description	Number	Percent
647(B)PC	Prostitution	5599	76%
647(A)PC	Solicit/Engage Lewd Act In Public View	982	13%
314.1PC	Indecent Exposure, Illegal Entry Occupy Dwelling	407	6%
653.23A1PC	Supervisor Of Prostitute	138	2%
266H(A)PC	Pimping	50	1%
	Subtotal	**7176**	**97%**
	Total	**7372**	**100%**

Administrative Offenses: Court Offenses

Statute	Description	Number	Percent
853.7PC	Failure to Appear After Written Promise	36682	54%
40508(A)VC	Failure to Appear/Traffic Warrant	22656	33%
166(A)(4)PC	Contempt Of Court - Disobey Court Order	2805	4%
CO RET	Court Ordered Returnee	2425	4%
1551.1PC	Fugitive From Justice Warrantless Arrest	1019	1%
	Subtotal	**65587**	**96%**
	Total	**68315**	**100%**

Administrative Offenses: Municipal Code Offenses

Statute	Description	Number	Percent
LAMC	Los Angeles Municipal Code	4790	44%
SMMC	Santa Monica Municipal Code	1146	11%
LSMC	Lancaster Municipal Code	574	5%
LACC	Los Angeles County Code	472	4%
PSMC	Pasadena Municipal Code	297	3%
	Subtotal	**7279**	**67%**
	Total	**10833**	**100%**

Administrative Offenses: Other Administrative/Regulatory Offenses

Statute	Description	Number	Percent
1712320LACC	Alcoholic Beverages Prohibited	1578	40%
653W(A)PC	Fail Disclosure Origin Of Recording/1000+Art	457	11%
25658(A)BP	Sale/Etc of Alcoholic Beverage to Minor	231	6%
1712320MAMC	Alcoholic Beverages Prohibited	155	4%
12677HS	Possession of Dangerous Fireworks without a Permit	107	3%
	Subtotal	**2528**	**64%**
	Total	**3975**	**100%**

Status Offenses: Juvenile/ Young Adult Offenses

Statute	Description	Number	Percent
25662(A)BP	Minor In Possession of Alcoholic Beverage	535	36%
594.1(B)PC	Minor Purchase Spray Paint	342	23%
23224(A)VC	Transporting Alcoholic Beverage by Minor	114	8%
23224(B)VC	Minor in Possession of Alcohol Beverage in Vehicle	113	8%
777(A)WI	Juvenile Violation of Probation	113	8%
	Subtotal	**1217**	**82%**
	Total	**1485**	**100%**

Status Offenses: Gang Offenses

Statute	Description	Number	Percent
186.22(A)PC	Participate In Known Street Gang	617	50%
ENROUTE	Overnight Stay; Enroute	513	42%
186.22(D)PC	Promote Criminal Street Gang	76	6%
186.26(B)PC	Adult Threaten Minor To Join Street Gang	8	1%
WITNESS	Witness	7	1%
	Subtotal	**1221**	**100%**
	Total	**1227**	**100%**

Status Offenses: Immigration/Citizenship Offenses

Statute	Description	Number	Percent
8 1251US	Deportation Proceedings	8798	85%
8 1325US	Illegal Entry	658	6%
8 1326US	Re-Entry Deported Alien	580	6%
114PC	Use False Document To Conceal True Citizenship	220	2%
483.5(A)PC	Manufacture/Etc False Identification Document	22	0%
	Subtotal	**10278**	**99%**
	Total	**10342**	**100%**

Status Offenses: Parole Offenses

Statute	Description	Number	Percent
3056PC	Violation Of Parole: Felony	22145	85%
3056PC	Violation Of Parole	3503	14%
3056PC	Violation Parole: Misdemeanor	134	1%
1767.3(A)WI	Parole Violation	122	0%
3056PCPVF	Violation Of Parole: Felony	4	0%
	Subtotal	**25908**	**100%**
	Total	**25911**	**100%**

Status Offenses: Probation Offenses

Statute	Description	Number	Percent
1203.2PC	Probation Violation	2671	70%
1203.2(A)PC	Re-arrest/Revocation of Probation/Etc	1057	28%
12021(D)PC	Own/Possession Firearm In Viol Of Probation Condition	54	1%
1203.3PC	Probation Revocation/Modification/Etc	18	0%
1203.1PC	Re-arrest/Revocation of Probation/Etc	9	0%
	Subtotal	**3809**	**100%**
	Total	**3812**	**100%**

Other Crimes: Sex Offenses (non-violent)

Statute	Description	Number	Percent
290PC	Fail to Register as Sex Offender	340	27%
166(C)(1)PC	Violation of Domestic Violence Protect/Stay Away Order	286	23%
314.1PC	Indecent Exposure, Illegal Entry Occupy Dwelling	103	8%
290(A)1DPC	Failure to Register as Sex Offender	59	5%
290A1APC	Failure to Register as Felony Sex Offender	48	4%
	Subtotal	**836**	**67%**
	Total	**1251**	**100%**

Other Crimes: Domestic Relations Offenses

Statute	Description	Number	Percent
273.6(A)PC	Disobey Domestic Relations Court Order	1569	87%
270PC	Failure To Provide For Minor Child	126	7%
278.5(A)PC	Deprive Custody/Visit in Violation Of Court Order	25	1%
273.6(D)PC	Disobey Domestic Relations Court Order W/Pr	20	1%
273.6(B)PC	Violation of Court Order Previous Domestic Violence Resulting in Injury	20	1%
	Subtotal	**1760**	**97%**
	Total	**1811**	**100%**

Other Crimes: Hate Crimes

Statute	Description	Number	Percent
422.6(A)PC	Violation of Civil Rights by Force/Threat of Force	40	49%
422.7(A)PC	Violation of Civil Rights: Causing Violent Injury/Etc	27	33%
422.7PC	Intimidate/Interfere because Race/Color	9	11%
422.7(B)PC	Violation of Civil Rights: Causing Property Damage	5	6%
	Subtotal	**81**	**100%**
	Total	**81**	**100%**

Other Crimes: All Other Crimes

Statute	Description	Number	Percent
422PC	Criminal Threats	5243	42%
148.9(A)PC	False Identification to Peace Officer	2621	21%
182(A)(1)PC	Conspiracy to Commit Any Crime	1398	11%
148.9PC	False Identification to Peace Officer	776	6%
USC	United States Codes	711	6%
	Subtotal	**10749**	**87%**
	Total	**12341**	**100%**