



COUNTY OF LOS ANGELES
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MARY C. WICKHAM
County Counsel

March 22, 2018

TO: SUPERVISOR SHEILA KUEHL, Chair
SUPERVISOR HILDA L. SOLIS
SUPERVISOR MARK RIDLEY-THOMAS
SUPERVISOR JANICE HAHN
SUPERVISOR KATHRYN BARGER

FROM: MARY C. WICKHAM *Mary C. Wickham*
County Counsel

RE: **Report Back on Your Board's March 2017 Bail Reform Motion**

Purpose of Memorandum

On March 8, 2017, your Board directed our office, in collaboration with various stakeholders and consultants, to, among other things, analyze the County's current practices for incarceration, bail, and the existing pretrial release system, research best practices to create and use an evidence-based risk assessment tool, and make recommendations for a robust pretrial services program, with the goal of ensuring fairness in our pretrial release system while also protecting public safety.¹

This report summarizes the existing legal framework surrounding bail (including pending State legislation), the County's current bail process and potential alternatives, and other jurisdictions' pretrial release practices. This memorandum also summarizes our work to date with consultants and stakeholders, and sets forth what our next steps will be.

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¹ A copy of the Bail Reform Motion ("Motion"), dated March 8, 2017 is enclosed for your reference as Attachment 1.

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Factual and Legal Framework

A. The Constitutional Right to Bail

Generally speaking, in California, a person arrested and charged with a criminal offense has a constitutional right to be released on bail. This right to bail does not extend to capital offenses or offenses involving violence, sexual assault, or threats of great bodily injury if the court makes certain findings about the strength of the evidence and the threat to public safety if the individual is released. Cal. Const. art. I, § 12; Cal. Penal Code § 1270.5. The Constitution precludes the imposition of excessive bail. Cal. Const. art. I, §§ 12, 28(f)(3).

B. Bail Schedule

Under the Penal Code, every county superior court must create and adopt, on a yearly basis, bail schedules for all felonies and misdemeanors subject to bail. Cal. Penal Code §§ 1269b(c), (e).² These schedules set the presumptive amount of bail that a person can post in order to be released from custody if he or she has been arrested without a warrant and has not yet appeared before a judicial officer.³

C. Current Methods of Posting Bail

Under the current statutory framework, a person can post bail by one of four methods. First, a person may pay a fee (typically 10% of the bail amount) to a private bail agent, who then files a written promise with the court that the person will appear or the bail agent will pay the full amount to the court. Cal. Penal Code §§ 1278, 1279. Second, a person may deposit the full bail amount directly with the court. Cal. Penal Code § 1295. Third, a person may deposit U.S. or California bonds that have the face value of the full bail amount with the court. Cal. Penal Code § 1298. Fourth, a person may provide the court as security any equity in real property that he or she owns that is equal to twice the bail amount. *Id.*

² The Los Angeles County Superior Court's combined bail schedules for felonies and misdemeanors are over 120 pages long and can be found online at <http://www.lacourt.org/division/criminal/CR0033.aspx>.

³ Under Cal. Penal Code §§ 827.1 and 853.6, an arresting officer can also cite and release an individual arrested for certain misdemeanors (*e.g.*, those that do not involve domestic violence, stalking, violence, firearms, resisting arrest, violations of protective orders). For these misdemeanors, the individual does not have to post bail, but simply has to sign a notice to appear in court.

D. How and When Bail is Set

1. Arrest and Booking

Generally, when a police officer (whether from the Sheriff's Department or any of the other 50 law enforcement agencies in the County) arrests someone and takes that person into custody, the officer will use the bail schedule to set the amount of bail the person must post to be released from custody before appearing in court. In lieu of paying this bail amount, the detainee can elect to participate in the Bail Deviation Program ("BD Program"), which, as described below, can result in the detainee's bail amount being reduced or the detainee's release on his or her own recognizance ("OR") without having to pay bail.⁴ Cal. Penal Code § 1269c.

Bail Deviation Program

The BD Program is a free service operated by the Probation Department's Pretrial Services Division ("Pretrial Services") that is available to any adult detained in Los Angeles County for whom bail is set. During the initial booking process, every adult detainee is provided a written summary of the BD Program and a telephone number to call to contact Pretrial Services. If the detainee calls this number and requests bail deviation, Pretrial Services will determine whether he or she is eligible for assessment. Pretrial Services also has staff assigned to four of the busiest booking locations in the County for the purpose of identifying detainees who might be eligible for bail deviation.

Upon a detainee's request, Pretrial Services will first determine whether the detainee is eligible for the BD Program (*e.g.*, detainee not charged with a serious or violent felony, or does not have a hold).⁵ If eligible, Pretrial Services will then assess the detainee's suitability for bail deviation. Pretrial Services will interview the detainee; check his or her criminal history; try to verify information provided by the detainee related to employment, residence, and financial support; and contact the arresting agency for additional relevant information. Based on this information, Pretrial Services will classify the detainee as either "Low-Medium Risk" or "High Risk." For detainees classified as Low-Medium Risk, Pretrial Services conveys the bail deviation request and related information telephonically to the on-duty judicial officer, who makes the

⁴ Individuals arrested for, or charged with, an offense other than a capital offense may be released on OR in the court's discretion, subject to the same factors that must be considered in setting bail (which are discussed below). Cal. Const. art. I, §§ 12, 28; Cal. Penal Code § 1270(a).

⁵ Generally, persons are not eligible for bail deviation if they are charged with a serious or violent felony or have a "hold" (*e.g.*, outstanding warrant, parole violation). A complete list of offenses that disqualifies a detainee from seeking bail deviation before appearing before a judge can be found in the Los Angeles County Superior Court's Felony Bail Schedule.

bail deviation decision. Pretrial Services does not forward to the judicial officer bail deviation requests of detainees who it classifies as "High-Risk."

Based on the information provided by Pretrial Services, the judicial officer can reduce the detainee's bail amount, release the detainee on OR or deny the request for a bail reduction.⁶

2. Arraignment

Individuals who remain in custody after arrest (*e.g.*, because they did not post bail) must be taken to court within 48 hours (excluding Sundays and holidays) for arraignment. At arraignment, the detainee has another opportunity to have his or her bail amount reduced or be released on OR. The California Constitution requires that judges give primary consideration to public safety and the safety of the victim when making bail decisions. Cal. Const. art. I, §§ 12, 28. Judges must also consider the seriousness of the charge⁷, the person's prior criminal record, and the probability the person will show up to court. *Id.*; Cal. Penal Code §§ 1270, 1270.1, 1275, 1318.

Judges must release misdemeanor detainees on OR unless the judge finds that their release will compromise public safety or not ensure their future court appearances. *Id.* § 1270(a). If granted OR release, detainees must sign a release agreement in which they promise to, among other things, show up for future court appearances and obey all reasonable conditions imposed by the judge. *Id.* § 1318.

Own Recognizance Program

On the day of arraignment, felony detainees can participate in the Own Recognizance Program ("OR Program"), another free service provided by Pretrial Services. In the OR Program, Pretrial Services employees who work at the courthouses identify detainees who may be eligible for OR release. Defense attorneys, judges, prosecutors, and family members may also refer felony detainees to the OR Program for assessment.

Pretrial Services uses another risk assessment tool to evaluate eligible detainee's suitability for OR release. The evaluation process includes interviewing the detainee; reviewing his or her criminal history; verifying

⁶ The judicial officer also can increase the bail amount if the arresting agency requests a higher bail amount under the BD Program.

⁷ When evaluating the seriousness of the charge, judges must consider the victim's injuries, threats to the victim or witnesses, whether the detainee used a firearm or other deadly weapon in the commission of the charged crime, and whether the detainee used or possessed controlled substances. Cal. Penal Code § 1275(a)(2).

information provided by the detainee regarding employment, residence, and financial support; and contacting the arresting agency for additional relevant information. Pretrial Services then provides the verified information in a written report to the court, which includes a recommendation on OR release. This written report, along with the arguments of the prosecutors and defense attorneys, assist the judge in making the final decision whether to release the detainee on OR.

E. Other Alternatives to Bail: Supervised Release & Electronic Monitoring

In addition to requiring detainees to show up for future court appearances, to not leave the state without prior court approval, and to waive extradition if they fail to appear in court and are apprehended outside the state, judges can impose "reasonable conditions" on a detainee's pretrial release. Cal. Penal Code §§ 1270(a), 1318(a)(2).

F. Alternatives to Bail Bondsmen

Your Board requested an analysis of potential alternatives to the use of bail bondsmen, including the use of a refundable 10 percent deposit with the court.⁸ California law does not allow detainees to post 10 percent of the full bail amount with the court. Rather, current law only allows an individual to deposit the full bail amount with the court. Cal. Penal Code § 1295(a). As discussed below, the California Money Bail Reform Act would authorize the posting of a 10 percent deposit directly with the court and the use of unsecured appearance bonds.

G. Pending Legislation

Your Board's goal to create a robust pretrial services program can be accomplished within the current legislative framework and our reform efforts are independent of any proposed legislation. However, if signed into law, the California Money Bail Reform Act⁹ could greatly change the pretrial release landscape for the County and the County's justice partners. Among other things, it would eliminate the bail schedules and require judges to make individual bail determinations based on the detainee's ability to pay and in the least restrictive manner necessary to ensure future court appearance. In addition, the legislation would allow detainees to post an unsecured appearance bond (*i.e.*, a promise to pay the full bail amount if they fail to appear in court) in lieu of bail.

⁸ Motion, Paragraph 4.

⁹ California Senate Bill 10, by Senator Robert Hertzberg and California Assembly Bill 42, by Assembly Member Robert Bonta.

The legislation also would require each county to establish a pretrial services agency responsible for (1) gathering information about newly arrested persons, (2) conducting pretrial assessments using a validated risk assessment tool immediately upon booking, (3) submitting reports with individually-tailored recommendations to the court regarding release options and conditions, and (4) providing pretrial services and supervision to persons on pretrial release, including reminders to appear in court for scheduled hearings and referrals to necessary community resources.

Under the proposed legislation, judges would still consider the factors set forth in the California Constitution when making pretrial release decisions (public safety, the safety of the victim and his or her family, the seriousness of the charged offense, the detainee's prior criminal record, and the probability of court appearance). But the legislation also would require judges to consider the presumption of innocence and to impose only the least restrictive conditions necessary to guarantee public safety and future court appearance.

Best Practices and Next Steps: Development of a Robust Pretrial Services Division

In an effort to review and determine the best practices for establishing and implementing a robust Pretrial Services Division as contemplated in your Board's Motion,¹⁰ we have participated in numerous seminars and investigative trips to other jurisdictions and continue to research what other jurisdictions are doing to advance bail and pretrial reform. Additionally, we have sought the services of consultants and organizations in the field of pretrial services to assist us in recommending how to reform and improve our pretrial release programs.

A. Review of Other Jurisdictions and Best Practices

In addition to researching and consulting with experts in pretrial justice reform, we have attended seminars put on by the California Pretrial Association and the MacArthur Foundation, and have visited several jurisdictions that have implemented successful bail reform and pretrial release programs.

The common element to every jurisdiction we have reviewed is the use of a validated pretrial risk assessment tool to assess every eligible detainee. A validated pretrial risk assessment tool provides an objective analysis of whether an arrested person would pose a danger to the public if released before trial and whether he or she is likely to appear in court. Using a validated pretrial risk assessment tool also reduces bias and subjectivity in pretrial release decisions and

¹⁰ Motion, Paragraph 3

helps identify which conditions, if any, should be required for those who are released.

The judges in many of the jurisdictions we visited expressed the value they place on pretrial reports, which provide detailed background information about detainees, such as employment history, residential stability, previous failures to appear, criminal history, and community ties. Additionally, we observed that judges are more inclined to order the pretrial release of a detainee when a structured supervised release program exists. The supervised release programs in these jurisdictions had varying levels of supervision (*e.g.*, *low, medium, high*) and monitored a variety of pretrial release conditions, including court appearance reminders, electronic monitoring (GPS monitoring units), face-to-face meetings, random curfew checks, and drug rehabilitation treatment.

B. Consultants

In our efforts to assess the current best practices regarding risk assessment tools and a robust pretrial services program, we have consulted with a number of entities and individuals with pretrial expertise, including: Harvard Law School's Criminal Justice Policy Program ("CJPP"); Center for Court Innovation ("CCI"); Resource Development Associates ("RDA"); John D. and Catherine T. MacArthur Foundation ("MacArthur Foundation"); Pretrial Justice Institute ("PJI"); and Dr. Susan Turner of the University of California at Irvine.

Harvard Law School's CJPP is providing policy-level guidance and research on the topics outlined in your Board's motion. To date, CJPP has assisted in researching the pretrial policies and practices of some of the key jurisdictions on the front lines of pretrial justice reform, including New Jersey, Kentucky, Illinois, Colorado, and Oregon. Based on information from the County's stakeholders, CJPP will continue its research and begin interviewing jail administrators, local policymakers, judges, court personnel, and pretrial services staff from different jurisdictions who have experience selecting and adapting risk assessment and pretrial services tools. CJPP will report back on the varied approaches to efficient information-collection, different methods used for court appearance reminders, and relevant staffing and supervision considerations.

Continuing Efforts and Next Steps

With the assistance of the consultants and stakeholders, the next phase of work will focus on how to implement a more robust pretrial services program. Our efforts will include the continued gathering of information and data, identification of the best assessment tools for the County's unique structure and population, staff and funding recommendations for a pilot pretrial release supervision program, and recommendations on needed infrastructure for a county-

wide pretrial services program. We will also explore the feasibility and cost of developing an electronic monitoring pretrial release program under a 2011 California law for detainees being held in lieu of bail.¹¹

The anticipated preliminary timeline for our continued efforts on bail reform is as follows:

A. Phase I – Pretrial Assessment Tool Development (February - June 2018)

1. Form Steering Committee and hold kickoff meeting;
2. Identify potential pretrial assessment tools and means of using and validating those tools;
3. Identify resource and training requirements;
4. Meet with Steering Committee regarding the selection, implementation and validation of pretrial assessment tool; and
5. Update to your Board regarding pretrial assessment tool and pretrial services options.

B. Phase II – Pilot Program Design and Implementation (June - December 2018)

1. Develop preliminary pilot program for a limited population at a specific site;
2. Identify target populations and necessary data systems, map workflow, and determine necessary staffing/infrastructure to implement pretrial assessment tool and supervision;
3. Establish data-collection protocols to allow for ongoing evaluation of the pilot program;
4. Develop and implement training for administering the pretrial assessment tool;

¹¹ Cal. Penal Code § 1203.018

5. Preliminary implementation of the pretrial assessment tool and pretrial supervision program for pilot population;
6. Meet monthly with Steering Committee to discuss progress of the pilot program and discuss any recommended modifications before recommendations for system-wide reforms; and
7. Update to your Board regarding system-wide reforms.

If you have questions concerning this matter, please contact me, Senior Assistant County Counsel Roger H. Granbo at (213) 974-1609, Senior Assistant County Counsel Rodrigo A. Castro-Silva at (213) 974-1804, or Senior Deputy County Counsels Catherine M. Mathers at (213) 893-7227 or Timothy J. Kral at (213) 974-3489.

MCW:CMM:atk

Attachment

c: Honorable Jackie Lacey
District Attorney

Honorable Jim McDonnell
Sheriff

Sachi A. Hamai
Chief Executive Officer

Celia Zavala
Acting Executive Officer
Board of Supervisors

Janice Y. Fukai
Alternate Public Defender

Terri McDonald
Chief Probation Officer

Nicole Davis Tinkham
Interim Public Defender

Attachment 1

Board Motion, March 8, 2017

BAIL REFORM

There is growing acknowledgement, based on a combination of financial, social equity and justice considerations that the current bail system in Los Angeles County (“County”) is greatly in need of reform. Currently, the County’s primary method for determining whether or not someone can be released before trial is through the setting of money bail. The theory behind requiring bail is to minimize the intrusion on the liberty of a person accused of a crime, while at the same time creating a strong incentive for defendants to keep their court date. These days, however, getting out on bail correlates much more to a person’s ability to pay, than to any likelihood of appearing in court or relative risk to the safety of the public. Many people remain in jail awaiting trial simply because they cannot afford bail, often losing their jobs, their housing, and, in some instances, even their families—despite a Court’s determination that they are eligible for bail and, therefore, pose only a minimal threat to public safety. The bail bonds industry can provide important services, such as helping defendants navigate the complicated steps of posting real property as bond through assessment and deeding property to the

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county, transactions that many defense attorneys are not set up to handle. Money bail, however, contributes to overcrowding in our jails, has a disproportionate impact on ethnic minority and other poor communities, and, perhaps most importantly, has not been shown to improve criminal justice outcomes.

The Justice Policy Institute, a Washington D.C.-based think-tank, has described the present bail bonding system as “a system that exploits low income communities; is ineffective at safely managing pretrial populations; distorts judicial decision-making.” *Justice Policy Institute*, “For Better or For Profit: How the Bail Bonding Industry Stands in the Way of Fair and Effective Pretrial Justice”, p.11 (September 2012).

The County operates the largest and most costly local jail system in the United States, with an average daily population (as of February 2017) of 17,362 individuals and an annual Sheriff Custody budget in excess of \$800 million. The Sheriff, who operates the County jail system, estimates that 48% of individuals in the County jails are being held while they await trial, many times due to their inability to pay bail. This imposes a significant financial burden on Los Angeles taxpayers, with little proven public safety benefit. On a national level, according to the Pretrial Justice Institute, the majority of local jail spending is related to the incarceration of lower-risk defendants, who could otherwise be released using non-financial bail considerations.

This issue is replicated on the national level, with more than 450,000 people being detained in local, state and federal jails across the U.S. while they await trial, for the same reasons and reflecting the same policy issues as in Los Angeles County. The cost of this level of pretrial incarceration is estimated at up to \$14 billion per year. The

collateral costs of this bail system can reach as high as \$140 billion per year, including loss of employment and other opportunities. Adopting alternatives to pretrial incarceration could yield \$78 billion in annual savings and benefits nationally. *Pretrial Justice Institute*, "Pretrial Justice: How Much Does it Cost?" p.5 (January 2017).

In 1963, the County started a Release on Own Recognizance ("O.R.") Project through the Los Angeles Superior Court, which is now a component of the Pretrial Services Division. In 1993, the Pretrial Services Division was transferred from the Superior Court to the Probation Department. The Pretrial Services Division currently oversees the Bail Deviation Program, the O.R. Program, and the Electronic Monitoring Program, among others. The County, however, does not employ low-cost technology-based compliance methodology, like automated calls or SMS text message reminders, which, in other jurisdictions, have been shown to increase court appearances. The current cost of Los Angeles County pretrial services ranges from 0 to \$25.80 per person per day, compared to the \$177 per day to house someone in jail. The County could save tens of millions of dollars a year and reduce jail overcrowding simply by better utilizing and enhancing its current pretrial release programs. Statistics show that the County has a very low rate of pretrial release, which has a significant impact on overcrowding and spending in our jails. In 2015-16, only 565, or 44%, of the 1,294 people recommended for release on the O.R. program were actually released by the Courts. The County's Pretrial Services Division assesses approximately 24% of people booked into jail each year, leaving Judges with insufficient evidence to determine whether an individual is an appropriate candidate for reduced bail or O.R. release.

In 2011, The Vera Institute of Justice concluded that in LA 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. 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." *Vera Institute of Justice*, Los Angeles County Jail Overcrowding Reduction Project Final Report, Center on Sentencing and Corrections (September 2011). These findings have not changed over the last six years. Without a strong risk assessment tool and pretrial services program, and/or other means to provide better information to the courts, the County cannot move forward in making our bail system more equitable.

Other states provide examples of ways in which bail systems can be reformed. Kentucky, Oregon, Wisconsin and Illinois have all banned for-profit bail bonds businesses. The Kentucky legislature created a Pretrial Services Agency to conduct risk assessments that look at the likelihood of both pretrial criminal involvement and court appearance, and to make bail and/or pretrial release recommendations to the court. Of those released while awaiting trial under the provisions of the Kentucky Pretrial Services Agency in 2012, 90% made their court appearances, and 92% avoided new arrests in the time before trial. Oregon, Wisconsin, and Illinois have also replaced their commercial bail bonds industry by allowing defendants to deposit 10% of their bail amounts with the court, and have their money returned if they make the scheduled appearances.

Washington D.C. uses a risk-based assessment that makes an individualized determination of a defendant's risk to public safety, the likelihood of returning to court, and is not conditioned on, either directly or indirectly, a defendant's ability to pay. Washington D.C. has further instituted an automated telephone call reminder system for court appearances. Since moving to this new system, 80% of defendants are now released without bail. Of those, 88% are making all scheduled court appearances and avoiding new arrests, and 99% are avoiding new arrests for violent crimes.

In 2014, New Jersey voters supported an amendment to the state's constitution to essentially eliminate cash bail. New Jersey's changes parallel the systems instituted in Washington D.C. and federally. While bail is still an option in New Jersey, judges are now provided better tools and information to make decisions regarding release, including a risk assessment which is provided within 48 hours. These reformed bail systems, each tailored to the needs of the community served, are effective in protecting the public while also upholding the rights of defendants before trial, regardless of their ability to pay bail.

Most recently, Santa Clara County introduced a bail reform effort in response to a recommendation from a bail release working group set up by the Santa Clara County Board of Supervisors. The working group included stakeholders from law enforcement, the jails, the courts, non-profit organizations, legal and civil rights activists, and attorneys. The working group's final report found that more people could be released without impacting public safety if they were appropriately screened by their Pretrial Services Division. Additionally, Santa Clara developed its own validated risk-assessment tool for pretrial release investigations which provides judges with more

substantive, standardized and reliable information on which to base their pretrial release decisions. From inception, in June 2016, Santa Clara County has saved \$33 million by releasing 1,400 pretrial defendants. Pretrial release costs Santa Clara \$15-\$25 per day as compared to \$204 per day for incarceration. Since initiating these bail reform efforts, Santa Clara has maintained a 95% court appearance rate and a 99% public safety rate of those defendants released from custody while awaiting trial. Santa Clara County demonstrates how a well-funded pretrial program and a validated assessment tool are critical to effectuate successful and sustained bail reform efforts.

At a time when there is a national and statewide interest in bail reform, it is incumbent upon the County to evaluate our current bail system. In doing so, we must hear from those most knowledgeable about and most impacted by the present system, including incarcerated and formerly incarcerated individuals, families of the incarcerated, victims of crime, the bail bonds industry, the Probation Department, defense bar, the District Attorney, other law enforcement agencies, and the Judiciary. As other counties and states have proven, it is possible to have an alternative to money bail that still ensures a high rate of court appearance and that protects the safety of the public. Because every region is different, we must examine the detail of the County's current system and develop our own approach to ensuring safe pretrial release while creating a pretrial release system that is responsive to the needs of the criminal justice system, fair to individuals accused of crimes, and one that mitigates the racial and economic disparities of our current bail system.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Office of the County Counsel to:

1. Lead an effort to review, research, and analyze the County's current policies and practices for incarceration, bail, screening and supervision of criminal defendants and the existing pretrial release system. Consult with all stakeholders, including but not limited to: the Chief Executive Officer, the Auditor-Controller, the District Attorney, the Public Defender, the Alternate Public Defender, Los Angeles County Bar Association Attorneys, Criminal Court Bar Association, Superior Court Judges, the Probation Department, the Sheriff, formerly incarcerated individuals and their families, community advocates, legal and civil rights organizations, and representatives of the bail bond industry.
2. Hire a consultant(s) to assess the best practices for establishing, implementing, utilizing, and validating evidence-based risk assessment tools used across the nation, and provide a description of a tool(s) that the County could utilize that provides an accurate prediction of appearance in court and protects public safety without interviewing inmates. The assessment should include, at a minimum, predictive accuracy and acquisition and licensing costs:
 - a. Evaluate static and non-static factors considered in the tool;
 - b. Evaluate the transparency of the various tools, and whether they are nonproprietary or proprietary;
 - c. Evaluate best practices for validating risk assessment tools;
 - d. Evaluate the process for educating and training all pretrial employees, including but not limited to prosecutors, public defenders,

alternate public defenders, private attorneys and Judges regarding use of any tool(s) reviewed; and

- e. Evaluate appropriate methodology to ensure that no disparate impact exists that could undermine predictive value, based on race, gender, national origin, immigration status, or sexual orientation.
3. Review and determine the best practices for establishing, implementing, and running a robust Pretrial Services Division that includes, but is not limited to:
 - a. Best methods for collecting information and data;
 - b. Best methods to establish court appearance reminders such as automated calls, SMS text messages, electronic monitoring, and other forms of supervision;
 - c. Recommendation on reallocating existing staff and funding, or adding staff and funding; and
 - d. Recommendation on the most effective place to house an enhanced Los Angeles County Pretrial Services Division.
 4. In partnership with the Chief Executive Officer, report back in the 120 day report on the potential for alternatives to the use of bail bondsmen; for example where defendants post a refundable 10% deposit with the Court.
 5. Explore whether the County can reorient their approach to bail in accordance with the California Constitution Article I, section 12 and the Federal Courts Title 18 section 3142 wherein a Judicial officer adopts a

personal recognizance release as the presumption in criminal matters involving misdemeanors and non-violent felonies subject to certain exceptions where there is a showing of aggravating circumstances that would endanger the safety of any other person or the community.

6. Submit the results of this review in a report back to the Board in 120 days with recommendations for best practices to improve and create a more equitable and just pretrial release system that ensures efficiency and fairness.

S: SG/Bail Reform

AGN. NO. _____

MOTION BY SUPERVISOR KATHRYN BARGER

March 8, 2017

Amendment to Item 11:

I, THEREFORE, MOVE that the Board of Supervisors direct County Counsel to include, in the list of stakeholders, those organizations that provide services to victims as well as victims and their families.

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